

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 p.m. on March 9, 2004 in Room 313-S of the Capitol.

All members were present except:

Representative Dale Swenson- excused

Representative Dan Williams- excused

Committee staff present:

Jill Wolters, Revisor of Statutes

Diana Lee, Revisor of Statutes

Jerry Ann Donaldson, Kansas Legislative Research Department

Cindy O'Neal, Secretary

Conferees appearing before the committee:

Senator Dave Jackson

Frank Henderson, Executive Director, Crime Victims Compensation Board

Jeanette Stauffer, Mother of Shannon Martin

Jim Clark, Kansas Bar Association

Jim Busch, Kansas Bankers Association, Trust Division

**SB 437 - raising small claims limitations to \$5,000 with an increase every three years based on the consumer price index**

Chairman O'Neal provided the committee with a balloon amendment which was the agreed to amendments on **HB 2296** - dram shop (Attachment 1)

Representative Patterson made the motion to strike the provisions in SB 437 and amend in the balloon. Representative Long-Mast seconded the motion. The motion carried.

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Representative Patterson made the motion to report **Substitute SB 437** favorably for passage. Representative Long-Mast seconded the motion. The motion carried.

The hearing on **SB 256 - victim compensation for residents who are victims of crimes committed outside of the United States**, was opened.

Senator Dave Jackson appeared as the sponsor of the proposed bill which corrects inequities that exists in the Victim Compensation Act by allowing Kansas victims of violent crimes while outside of the United States to be included the act. (Attachment 2)

Frank Henderson, Executive Director, Crime Victims Compensation Board, supported the proposed bill and requested an amendment that would add "except that criminally injurious conduct does not include any conduct resulting in injury or death sustained as a member of the U.S. Armed Forces while serving on active duty." He proposed this amendment due to the possibility of a claim being filed in Texas from a member of the Armed Forces who got hurt in the war. The bill is not intended for those hurt in the line of duty. (Attachment 3)

The committee discussed whether or not to make the bill retroactive to pick up the Shannon Martin case since it was not an act of terrorism. Mr. Henderson was not aware of any other deaths that have occurred since May 2001 as an act of violence outside of the United State.

Jeanette Stauffer, mother of Shannon Martin, didn't ask that the bill be made retroactive but felt that had it been in place there would have been more emotional support of her family. She was grateful that they received help from the KBI in solving the murder of her daughter. She did stress that this type of legislation needs to be uniform across the U.S. (Attachment 4)

The hearing on **SB 256** was closed.

CONTINUATION SHEET

MINUTES OF THE HOUSE JUDICIARY COMMITTEE at 3:30 p.m. on March 9, 2004 in Room 313-S of the Capitol.

The hearing on **SB 424 - transfer of property into a trust; affect of insurance coverage, homestead exemption, redemption rights and due on sale clause,** was opened.

Jim Clark, Kansas Bar Association, appeared before the committee as a proponent of the bill and was concerned that insurance companies were not accepting revocable trust. Attorneys often do these types of trust instead of wills. (Attachment 5)

Jim Busch, Kansas Bankers Association, Trust Division, had no objections to the bill as it was originally drafted but was concerned with the Senate amendments which limits its application only to conveyances of real estate by warranty deed into an inter vivos trust if the real estate is a homestead and if the settlor is the beneficiary of the trust. The amendment would put estate plans in jeopardy, along with a tremendous burden on banks and trust companies. (Attachment 6)

The hearing on **SB 424** was closed.

**SB 321 - contempt powers of municipal court judges**

Representative Klein was concerned with municipal court judges having contempt powers and thought that this expanded their jurisdiction too much.

Representative Jack made the motion to report SB 321 favorably for passage. Representative Patterson seconded the motion. The motion carried 6-5.

**SB 354 - municipal court pre-trial authority to detain**

Representative Owens made the motion to report SB 354 favorably for passage. Representative Long-Mast seconded the motion. Committee members expressed their concern with someone being held in jail over the weekend and not being able to see a judge to get bonded out. The motion failed 5-6.

The committee meeting adjourned. The next meeting was scheduled for March 10, 2004.