

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on March 16, 2005 in Room 313-S of the Capitol.

All members were present except:

Jim Ward- excused
Michael Peterson- excused

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Randy Hearrell, Kansas Judicial Council
Melissa Wangemann, Office of Secretary of State

The hearing on **SB 258 - statutory & legal forms to be set forth by the Kansas Judicial Council**, was opened.

Randy Hearrell, Kansas Judicial Council, informed the committee that the Judicial Council publishes many legal forms. They believe it would be wise to take most of the legal forms that appear in 4 & 4A out of the statute books because they are not being kept up to date. The forms will be available online at a later date. He proposed two technical amendments to narrow the bill (Attachment 1).

Melissa Wangemann, Office of Secretary of State, agreed with the recommendation of removing forms because it is easier to update them. She encouraged the Judicial Council to consider suggestions from national groups when revising the forms (Attachment 2).

The hearing on **SB 258** was closed.

The hearing on **SB 121 - charitable organizations & solicitations act; registration statement; audited financial statements**, was opened.

Melissa Wangemann, Office of Secretary of State, stated that the proposed bill updates one statute to alleviate filing audit burdens on small charities that collect less than \$100,000 in annual contributions. They have received complaints from small companies about the cost of audits are often 10% of their annual income (Attachment 3).

The hearing on **SB 121** was closed.

SB 258 - statutory & legal forms to be set forth by the Kansas Judicial Council

Representative Owens made the motion to report SB 258 favorably for passage. Representative Garcia seconded the motion.

Representative Pauls made a substitute motion to amend in the Judicial Council's proposed amendments. Representative Owens seconded the motion. The motion carried.

Representative Pauls made the motion to report SB 258 favorably for passage, as amended. Representative Owens seconded the motion. The motion carried.

SB 121 - charitable organizations & solicitations act; registration statement; audited financial statements

Representative Owens made the motion to report SB 121 favorably for passage. Representative Hutchins seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE House Judiciary Committee at 3:30 P.M. on March 16, 2005 in Room 313-S of the Capitol.

SB 7 - in child custody/residency, relevant factors include whether parent is residing with registered offender or person convicted of child abuse

Representative Jack made the motion to report SB 7 favorably for passage. Representative Kinzer seconded the motion.

Representative Pilcher-Cook made a substitute motion that the spouse must have actual knowledge and a duty to disclose. Representative Jack seconded the motion. Representative Kinzer suggested placing “knowingly” at the start of points 3 & 4 in New Section 1(a). The motion carried.

Representative Jack made the motion to strike subsection (d) to remove the rebuttable presumption, but still allow the court to consider being on the Kansas Offender Registration list as a factor. Representative Owens seconded the motion. Discussion centered on the possibility that it would not address a parent who is a registered sex offender, a registered sex offender who has children of his own and married a person who had children; and that there is no relationship in time as to when the person registered and the time that the court takes up the issue of custody. The motion failed 6-8.

Representative Kinzer made the motion strike on page 5, subsection (b) 1 & 2 and renumber. Representative Kiegerl seconded the motion. The motion carried.

Representative Pauls read the list of those who are required to register with the Kansas Offender Registration. Representative Watkins was not in favor of striking any of the offenses. Representative Pilcher- Cook made the motion to strike those who commit involuntary manslaughter off the list. Representative Kinzer seconded the motion. Representative Newton commented that judges can make the decision as to whether the crime they committed is cause for a person to lose custody. He reminded the committee that the legislature created that list for a reason. With permission of the second, Representative Pilcher-Cook withdrew her motion.

Representative Pauls made the motion to report SB 7 favorably for passage, as amended. Representative Owens seconded the motion.

Representative Loyd stated that he was voting no on the motion to report due to some concerns:

- those who are registered stay on the list for a period of 10 years, what happens after they go off the list
- it overlooks that we mandate those convicted of sexual offenses to receive treatment
- the courts are currently able to make the appropriate decision with regard to custody issues.

Representative Owens withdrew his second. Representative Watkins seconded the motion. Representative Crow stated that the proposed bill really will not change the way judges award custody. The motion carried.

The committee meeting adjourned at 5:00 p.m. The next meeting was scheduled for March 17, 2005 at 3:30 p.m. in room 313-S.