

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson Michael O'Neal at 3:30 p.m. On February 6, 2001 in Room 313-S of the Capitol.

All members were present except:

Representative Candy Ruff - Excused
Representative Clark Shultz - Excused
Representative Daniel Williams - Excused

Committee staff present:

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

Conferees appearing before the committee:

Pam Moses, Clerk of District Court, Reno County
Kathy Porter, Office of Judicial Administration
Larry Kleeman, Kansas League of Municipalities
Chief Judge Paul Buchanan, 18th Judicial District, Sedgwick County
Lisa Wilson, Clerk of the District Court, Jackson County

Committee minutes from January 24, 25, 29, 30 & 31 were distributed.

Hearings on **HB 2173 - expungement of arrest records**, were opened.

Pam Moses, Clerk of District Court, Reno County, appeared as a proponent of the bill. She stated that the bill provides a means by which persons wishing to expunge arrest record could do so without calling attention to the arrest by filing a petition in district court. She requested an amendment which would add the same language regarding expungement to K.S.A. 22-2410 & 12-4516a. ([Attachment 1](#))

Kathy Porter, Office of Judicial Administration, stated that section one of the bill was inadvertently included in the bill. ([Attachment 2](#))

Larry Kleeman, Kansas League of Municipalities, commented that the proposed bill would cause an impact on the municipal courts and would increase the cost to create a computer filing system and a separate one for the hard copy. ([Attachment 3](#))

Hearings on **HB 2173** were closed.

Hearings on **HB 2174 - appointment of the Chief Clerk & Clerk of District Court by the Chief Judge**, were opened.

Kathy Porter, Office of Judicial Administration, explained that the Chief Judge has a wide range of duties assigned to them and because of this they should be able to safely assume this responsibility. ([Attachment 4](#))

Chief Judge Paul Buchanan, 18th Judicial District, Sedgwick County, commented that requiring a majority of district court judges to agree on a Chief Clerk & Clerk of District Court would be impractical. ([Attachment 5](#))

Hearings on **HB 2174** were closed.

Hearings on **HB 2175 - promoting limited action cases to a Chapter 60 judgement for the purpose of securing a lien**, were opened.

Lisa Wilson, Clerk of the District Court, appeared as a proponent of the bill which proposes clarification of procedures for elevating the status of a limited action judgement to a lien against real estate. ([Attachment 6](#))

Hearings on **HB 2175** were closed.

Hearings on **HB 2208 - district magistrate judges have jurisdiction over limited actions**, were opened.

Representative Ward Loyd appeared as the sponsor of the bill. The 2000 Legislature overhauled the Kansas Code of Civil Procedure for Limited Actions but did not consider or amend the statutes dealing with the authority of judges, and district magistrate judges ability to hear such cases up to \$25,000 amount. (Attachment 7)

Kathy Porter, Office of Judicial Administration, appeared as a proponent of the bill. She requested an amendment clarifying that district magistrate judges do not have jurisdiction over actions other than actions seeking judgement for an unsecured debt not sounding in tort and arising out of a contract for the provisions of goods, services, or money, in which the amount in controversy exceed \$10,000. (Attachment 8)

Hearings on **HB 2208** were closed.

HB 2082 - a provision in certain documents for a nonprobate transfer is nontestamentary

Representative Long made the motion to report HB 2082 favorably and be place on the consent calander. Representative Newton seconded the motion. The motion carried.

Chairman O'Neal appointed the following committee members to subcommittee on **HB 2077 - PFA orders entered into the NCIC file**:

Representative Peggy Long - Chair
Representative Karen DiVita
Representative Andrew Howell
Representative Jan Pauls
Representative Marti Crow

HB 2084 - for the purpose of a criminal proceeding, a mentally ill person subject to involuntary commitment is a mentally ill person who is likely to cause harm to self or others

Representative Pauls made the motion to report HB 2084 favorably for passage. Representative Loyd seconded the motion.

There was a brief discussion about the State not having an appropriate facility for these people. It was noted that when the Legislature passed the Sexual Predator Act there wasn't a facility for them and eventually one was developed. It was the committee belief that if the appropriations are there then SRS would find a facility.

The motion carried. Representative Crow requested she be recorded as voting no.

The committee meeting adjourned at 4:45. The next meeting is scheduled for February 7, 2001.