

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 p.m. on February 23, 2004 in Room 313-S of the Capitol.

All members were present except:

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:

Representative Ed O'Malley

Carmen Alldritt, Director, Kansas Department of Motor Vehicles

The hearing on **HB 2714 - prohibiting the use of social security numbers on driver's licenses, permits or identification cards**, was opened.

Representative Ed O'Malley appeared as the sponsor of the bill. The proposed bill is a step towards helping curb identity theft by phasing out social security numbers on driver's licenses. (Attachment 1)

Carmen Alldritt, Director, Kansas Department of Motor Vehicles, supported the bill because the phase in would not have a fiscal impact on the state. When someone comes into renew their drivers license they would get a new number. (Attachment 2)

HB 2714 - prohibit the use of social security numbers on driver's licenses

Representative Pauls made the motion to report HB 2714 favorably for passage. Representative Owens seconded the motion. The motion carried.

HB 2874 - Interstate Family Support Act

Representative Loyd made the motion to report HB 2874 favorably for passage. Representative Owens seconded the motion. The motion carried.

HB 2697 - Uniform Enforcement of Domestic Violence Act

A balloon was provided to the committee that was the original Uniform Enforcement of Domestic Violence Act. The bill had amendments to it and therefore made **HB 2697** non-uniform. (Attachment 3)

Representative Long-Mast made the motion to adopt the balloon. Representative Patterson seconded the motion. The motion carried.

Representative Pauls made a motion to change in the form, on page 3, by striking judicial district, territory and change 200 to "year". Representative Long-Mast seconded the motion. The motion carried.

Representative Long-Mast made the motion to include the Uniform Law Commission amendments (Attachment 4). Representative Patterson seconded the motion. Committee discussion centered around where the verification procedure would take place and where one files the affidavit. With permission of the second, Representative Long-Mast included in her motion that the bill should reflect that the clerks office will be the registering agency and the sheriffs office will input the information into the criminal database. The motion carried.

Representative Long-Mast made the motion to report **Substitute HB 2697** favorably for passage. Representative Swenson seconded the motion. The motion carried.

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HB 2614 - counties may pay district magistrate judges supplemental salary

Representative Patterson made the motion to report HB 2614 favorably for passage. Representative Owens seconded the motion.

Representative Davis made the substitute motion to have the bill apply to district magistrate judges who are admitted to practice law in Kansas. Representative Klein seconded the motion. The motion carried 9-6.

Representative Loyd made the motion to add in the provisions of HB 2291, and on page 3, line 3 change “may” to “shall”. Representative Davis seconded the motion. The motion carried.

Representative Goering made the motion that by agreement of both parties, district magistrate judges could hear domestic cases, but the rulings could not be appealed to the district court. Representative Jack seconded the motion. The motion failed 7-8.

Representative Loyd made the motion to have line 22 read “mulit-county judicial district magistrate judges”. Representative Pauls seconded the motion. The motion carried.

Representative Patterson made the motion to report HB 2614 favorably for passage, as amended. Representative Owens seconded the motion. Some committee members believed that this would split the state into two districts, the haves and have nots. The legislature should be looking at what is best for the state, not just one district. The motion carried 9-6.

HB 2618 - terms of office of court of appeals judges from four to six

Representative Goering made the motion to incorporate Judge Marquardt’s suggested amendments. (see committee minutes from 2-16-04). Representative Crow seconded the motion. The motion carried.

Representative Goering made the motion to report HB 2618 favorably for passage, as amended. Representative Owens seconded the motion. The motion carried.

HB 2594 - duty of care of a producer of livestock or of meat products

Representative Long-Mast made the motion to adopt the balloon amendment. (Attachment 5). Representative Crow seconded the motion. The motion carried.

Representative Long-Mast made the motion to report Substitute HB 2594 favorably for passage, with revisors clean-up language. Representative Jack seconded the motion. The motion carried.

HB 2764 - class action, appeals from certification of class

Representative Newton made the motion to report HB 2764 favorably for passage. Representative Long-Mast seconded the motion. The motion carried.

HB 2738 - providing authority for self storage operators to collect late fees

Representative Owens made the motion to report HB 2738 favorably for passage. Representative Long-Mast seconded the motion.

Representative Owens made the substitute motion to delete on page 2, line 10-13, “an operator may set...” Representative Newton seconded the motion. The motion carried.

Representative Ward made the motion to change the wording on page 2, line 6 “may impose up to \$20 a month or up to 20%.” Representative Goering seconded the motion. The motion carried. Some members were concerned what a reasonable late fee was and felt that this would be the start of every business asking

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the state to set in statute late fees.

Representative Yoder made the motion to strike in line 8 “a late fee....reasonable”. Representative Crow seconded the motion. The motion failed.

Representative Loyd made the motion to amend on line 8 “when a late fee is due, an amount not to exceed \$20 a month or 20% of the rental amount, whichever is greater.” Representative Owens seconded the motion. The motion carried.

Representative Loyd made the motion to report **HB 2738** favorably for passage, as amended. Representative Owens seconded the motion. The motion carried.

The committee meeting adjourned. The next meeting was scheduled for February 24, 2004.