

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson John Barker at 3:30 pm on Thursday, February 12, 2015, 112-N of the Capitol.

All members were present

Committee staff present:

Lauren Douglass, Legislative Research Department
Robert Allison-Gallimore, Legislative Research Department
Katherine Goyette, Office of Revisor of Statutes
Connie Bahner, Kansas Legislative Committee Assistant

Conferees appearing before the Committee:

Professor Ali Khan
Kathy Taylor, Kansas Bankers Association
Representative Jack Thimesch
Chris Mann, Mothers Against Drunk Driving
Ed Klumpp, Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association

Others in attendance:

[See Attached List](#)

Chairperson Barker advised that because they had a number of items to take up, each conferee would be limited to five minutes.

Hearing on: HB2124 — UCC uniform law commission update; exclusion of consumer transactions governed by federal law.

Chairperson Barker opened the hearing on **HB2124**. Katherine Goyette, Office of Revisor of Statutes, gave an overview of the bill.

Chairperson Barker recognized Professor Ali Khan as a proponent of **HB2124** ([Attachment 1](#)). Representative Randy Powell asked questions of Professor Khan.

Chairperson Barker next recognized Kathy Taylor of the Kansas Bankers Association as a proponent of **HB2124** ([Attachment 2](#)) .

Representative John Rubin had questions for Ms. Taylor and Professor Khan.

There were no other proponents and no opponents to **HB2124** so Chairperson Barker closed the hearing.

*Representative John Carmichael moved to suspend the rule and work **HB2124**, seconded by Representative John Whitmer. A vote was taken and the motion was passed by a two-thirds majority.*

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Representative John Carmichael moved to report **HB2124** favorably for passage and for placement on the consent calendar since the bill was of a noncontroversial nature, seconded by Representative Charles Macheers. The motion carried and **HB2124** was favorably passed for placement on the consent calendar.

Hearing on: HB2159 — Expungement of DUI diversions and misdemeanor convictions; removing diversions from habitual violator considerations.

Chairperson Barker opened the hearing on **HB2159**. Katherine Goyette gave an overview of the bill.

Chairperson Barker recognized Representative Jack Thimesch as the first proponent on the bill ([Attachment 3](#)). Representative John Carmichael had questions, which were answered by the Revisor, Katherine Goyette. Representative John Whitmer had questions relating to the fiscal note, which stated that **HB2159** would cause Kansas to be out of compliance with federal law as it reduces the look-back period to three years and would cause a reduction in the state's core highway construction funds. Representative Thimesch asked that Ted Smith, an attorney with the Department of Revenue who assisted in drafting this bill, be allowed to answer that question. Chairperson Barker agreed to let him speak if he would submit written testimony to the committee. No testimony has been provided. Representative Janice Pauls also had questions of the proponent and Ted Smith about the highway funds, but they were not able to provide an answer.

Chairperson Barker noted that there is written proponent testimony from Matthew Ricke, Kingman County Attorney ([Attachment 4](#)).

Chairperson Barker recognized Chris Mann on behalf of Mothers Against Drunk Drivers as an opponent of **HB2159** ([Attachment 5](#)). Representatives Janice Pauls and John Rubin had questions of Mr. Mann.

Ed Klumpp testified as an opponent to **HB2159** on behalf of the Kansas Association of Chiefs of Police; Kansas Sheriffs' Association; and Kansas Peace Officers Association ([Attachment 6](#)). Questions were asked of Mr. Klumpp by Representatives Janice Pauls, Annie Kuether, and Travis Couture-Lovelady.

Chairperson Barker closed the hearing on **HB2159**.

Possible action on bills previously heard

HCR5004 - A proposition to amend Article 3 of the constitution relating to the judiciary

Chairperson Barker asked the committee to open their folders on **HCR5004**. He asked what the committee's pleasure was.

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Representative Mark Kahrs moved to report **HCR5004** favorably for passage, seconded by Representative John Whitmer.

Chairperson Barker was advised by Ms. Goyette that Jason Thompson is the one who has all the information relating to this HCR, and he has been called away.

There being no objection, Chairperson Barker withdrew **HCR5004** from consideration at this time.

HB2002 -- An act concerning crimes and punishment, relating to sexual exploitation of a child

Chairperson Barker asked the committee to open their files on **HB2002**. Katherine Goyette, Office of the Revisor of Statutes, provided an overview of the bill.

Representative Leslie Osterman moved to pass **HB2002** favorably, seconded by Representative Randy Powell.

Representative Blaine Finch stated that he has an amendment ([Attachment 7](#)). It incorporates the requests made by the Attorney General. On page 1, line 6, the intent element is added at the top of the list. It makes one standard of intent for all the crimes. He further explained the other amendments to the bill.

Representative Blaine Finch moved to pass the amendment to **HB2002**, seconded by Representative Mark Kahrs.

Questions were asked by Representatives Dennis Highberger, Charles Macheers, John Rubin, and Craig McPherson.

There being no further discussion, Representative Blaine Finch closed on the amendment to **HB2002**. A vote was taken, and the amendment to **HB2002** passed.

Representative James Todd questioned whether there was a need for the language in lines 10 and 11 on page 1 of "with the intent to promote any performance". Natalie Chalmers of the Attorney General's Office stated that they did initially feel that the language was still needed, but would have no objection if it was removed.

Representative James Todd moved to amend **HB2002** to strike the language "with the intent to promote any performance" after the word "conduct" on page 1, lines 10 and 11, seconded by Representative Leslie Osterman.

Discussion followed by Representatives Craig McPherson, Blaine Finch, John Rubin, and the Revisor,

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

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Katherine Goyette relating to the problems it would cause if that language was stricken.

Representative James Todd withdrew his motion to amend **HB2002**.

Representative Blaine Finch moved to pass **HB2002**, as amended, favorably, seconded by Representative Randy Powell. Representative Finch closed on the bill. A vote was taken and **HB2002**, as amended, passed favorably.

The meeting was adjourned at 4:51 p.m. The next meeting is scheduled for February 16, 2015.