

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson John Barker at 3:30 pm on Wednesday, March 11, 2015, 112-N of the Capitol.

All members were present except:

Representative James Todd – Excused

Committee staff present:

Lauren Douglass, Legislative Research Department

Robert Allison-Gallimore, Legislative Research Department

Katherine Goyette, Office of Revisor of Statutes

Jason Thompson, Office of Revisor of Statutes

Connie Bahner, Kansas Legislative Committee Assistant

Conferees appearing before the Committee:

Mike O'Neal, Kansas Chamber

Kathy Taylor, Kansas Bankers Association

Luke Bell, Kansas Association of Realtors

Loren Snell, Deputy Attorney General

Rachel Monger, Leading Age Kansas

Tim O'Sullivan, Kansas Bar Association

Colonel Kevin Jones

Brian Sloop

Others in attendance:

[See Attached List](#)

Hearing on: SB38 — Substitute for SB 38 by Committee on Judiciary - Bad faith assertions of patent infringement.

Chairperson John Barker opened the hearing on **Substitute for SB38**. Katherine Goyette, Office of Revisor of Statutes, gave an overview of the bill.

Chairperson Barker first recognized Kathy Taylor, Kansas Bankers Association, as a proponent of **Substitute for SB38** ([Attachment 1](#)).

Mike O'Neal of the Kansas Chamber provided proponent testimony on behalf of **Substitute for SB38** ([Attachment 2](#)) ([Attachment 2A](#)).

Luke Bell was recognized as a proponent of **Substitute for SB38** ([Attachment 3](#)).

Questions were directed to the proponent conferees by Representatives Annie Kuether, John Rubin, and Janice Pauls.

Chairperson Barker directed the committee's attention to the written proponent testimony of Adrian Serene, Attorney General's Office ([Attachment 4](#)); Shawn Mitchell, Community Bankers Association

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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([Attachment 5](#)); and Haley DaVee, Kansas Credit Union Association ([Attachment 6](#)).

He noted that there were no opponents or neutrals to **Substitute for SB38**. The hearing was closed.

*Representative John Rubin moved to suspend the rules and work **Substitute for SB38**, seconded by Representative John Carmichael. A two-thirds majority is required. A vote was taken, and the motion passed.*

*Representative John Rubin moved to report **Substitute for SB38** favorably for passage, seconded by Representative Mark Kahrs.*

*Representative John Rubin moved that **Substitute for SB38** be amended by replacing the language of subsection (B)(2), beginning at line 34, page 1 through line 4 on page 2, with the following language: "(2) prior to sending the communication, the person asserting or claiming patent infringement fails to compare to the extent commercially reasonable and identifiable from public information, the scope of the patent to the intended recipient or affiliated person's products, services or technology or performs such comparison but fails to identify in the communication the specific areas in which the intended recipient or affiliated person's products, services or technology are within the scope of the patent." Representative John Rubin further moved to amend **Substitute for SB38** by deleting subsection (5), lines 13 through 16 on page 2, seconded by Representative John Carmichael. A vote was taken, and the amendment to **Substitute for SB38** passed.*

*Representative John Rubin moved that **Substitute to SB38, as amended**, be reported favorably for passage, seconded by Representative Kyle Hoffman. **Substitute to SB38, as amended**, was favorably passed.*

Chairperson Barker asked Representative John Rubin to carry the bill. Chairperson Barker then advised the committee that he had to leave to attend another meeting, and the Vice-Chairman would proceed with the meeting.

Hearing on: SB57 — Kansas power of attorney act.

Vice-Chairperson Charles Macheers opened the hearing on **SB57**. Katherine Goyette, Office of Revisor of Statutes, gave an overview of the bill.

The first proponent to testify was Loren Snell, Deputy Attorney General ([Attachment 7](#)). Questions were asked by Representative John Carmichael relating to all the objections that were raised by the Kansas Bar Association. Mr. Snell went through each objection and responded to each one. Additional questions were asked by Representatives John Rubin and Blaine Finch.

Rachel Monger, on behalf of Leading Age Kansas, testified as a proponent of **SB57** ([Attachment 8](#)).

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Vice-Chairperson Macheers noted that there was written proponent testimony from Christy Molzen, Kansas Judicial Council ([Attachment 9](#)).

Vice-Chairperson Macheers recognized Tim O'Sullivan of the Kansas Bar Association as an opponent of **SB 57** ([Attachment 10](#)).

Vice-Chairperson Macheers closed the hearing on **SB57** after seeing that there were no further conferees.

Hearing on: SB112 — Relating to citations issued by the department of wildlife, parks and tourism.

Vice-Chairperson Charles Macheers opened the hearings on both **SB112** and **SB113** since both bills have similar issues. Katherine Goyette gave an overview of **SB112** and **SB113**.

Vice-Chairperson Macheers recognized Colonel Kevin Jones, Kansas Department of Wildlife, Parks and Tourism, as a proponent of **SB112** ([Attachment 11](#)). Questions were asked by Representative John Rubin.

Brian Sloop provided testimony in opposition to **SB112** ([Attachment 12](#)). A question was directed to Mr. Sloop by Representative Leslie Osterman.

Vice-Chairperson Macheers closed the hearing on **SB112** after seeing there were no further conferees.

Hearing on: SB113 — Relating to licenses, permits, stamps and other issues of the department of wildlife, parks and tourism.

The hearing on **SB113** was opened by Vice-Chairperson Charles Macheers jointly with the hearing on **SB112**.

Colonel Kevin Jones, Kansas Department of Wildlife, Parks and Tourism, provided testimony in support of **SB113** ([Attachment 13](#)). Questions were asked by Representative John Carmichael.

Vice-Chairperson Macheers closed the hearing on **SB113**.

There being no further business, the meeting was adjourned at 5:05 p.m. The next meeting is scheduled for March 12, 2015.