

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson John Barker at 3:30 pm on Wednesday, March 18, 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
Jason Thompson, Office of Revisor of Statutes
Connie Bahner, Kansas Legislative Committee Assistant

Conferees appearing before the Committee:

Derek Schmidt, Attorney General
Honorable Merlin Wheeler, Kansas District Judges Association
Honorable Guy Steier, Kansas District Magistrate Judges Association

Others in attendance:

[See Attached List](#)

Possible action on bills previously heard

SB184 - Concerning the code of civil procedure; relating to judgments; dormancy.

*Representative Blaine Finch moved to reconsider **SB184** since there are other bills that would be suitable to add into **SB184**, seconded by Representative John Whitmer. The Chairperson asked the committee to vote by raising their hand. The motion to reconsider **SB184** was passed.*

Hearing on: SB214 — Creating a civil remedy statute for human trafficking victims; specifying restitution measures for such victims and directing certain restitution to the human trafficking victim assistance fund; changing statutory references to the crimes of human trafficking and commercial sexual exploitation of a child.

Chairperson Barker opened the hearing on **SB214**.

Chairperson Barker recognized Derek Schmidt, Attorney General, as a proponent of **SB214** ([Attachment 1](#)). Questions were asked by Representatives Leslie Osterman, Kyle Hoffman, John Carmichael, and John Rubin. Assistant Attorney General Pat Colloton assisted in responding to the representatives' questions.

Chairperson Barker directed the committee's attention to the written proponent testimony of Phyllis Gilmore, Department of Children and Families ([Attachment 2](#)).

Seeing that there were no opponents or neutrals to **SB214**, Chairperson Barker closed the hearing.

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Chairperson Barker asked if anyone intended to propose any amendments to **SB214**. There were no proposed amendments to the bill. With no objections, the Chair suspended the rule to allow the committee to work **SB214** on the same day it was heard.

*Representative John Rubin moved to report **SB214** favorably for passage, seconded by Vice-Chairperson Charles Macheers.*

There was no discussion.

*Representative John Rubin closed on **SB214**. A vote was taken. **SB214** passed favorably.*

Hearing on: SB59 — Clarifying district magistrate judge jurisdiction.

Chairperson Barker opened the hearing on **SB59**. Katherine Goyette, Office of Revisor of Statutes, gave an overview of the bill.

Chairperson Barker recognized the Honorable Merlin Wheeler as a proponent of **SB59** ([Attachment 3](#)).

The Honorable Guy Steier, Kansas District Magistrate Judges Association, testified as a proponent of **SB59** ([Attachment 4](#)).

Chairperson Barker directed the committee's attention to the written proponent testimony of Helen Pedigo, Kansas Supreme Court ([Attachment 5](#)) and Joe Molina, Kansas Bar Association ([Attachment 6](#)).

Seeing that there were no opponents or neutrals, Chairperson Barker closed the hearing on **SB59**.

Hearing on: SB197 — Applying the open meetings act to the supreme court nominating commission and judicial district nominating commissions; requiring attorneys to document eligibility to vote in the commission selection process and applying the open records act to such information; requiring certain applicant information to be made available to the public when appointing court of appeals judges.

Chairperson Barker opened the hearing on **SB197**. An overview of the bill was given. Chairperson John Barker asked who appeared and testified before the Senate Judiciary Committee. Lauren Douglass, Legislative Research Department, responded to that question..

Chairperson Barker noted that there were no conferees appearing on **SB197**; however, there is written proponent testimony from Doug Anstaett, Kansas Press Association ([Attachment 7](#)) . There is written opponent testimony from Mark Katz, Kansas Association of Defense Counsel ([Attachment 8](#)); the Honorable Karen Arnold-Burger, Kansas Court of Appeals ([Attachment 9](#)); Joe Molina, Kansas Bar Association ([Attachment 10](#)); and Callie Denton, Kansas Association for Justice ([Attachment 11](#)).

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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There is written neutral testimony from Helen Pedigo, Kansas Supreme Court ([Attachment 12](#)).

Questions were asked by Representatives Kyle Hoffman, John Carmichael and Mark Kahrs. Chairperson Barker closed the hearing on **SB197**.

Possible action on bills previously heard

SB183 - An act concerning debtors of the state; relating to debts owed to courts.

Chairperson Barker asked the committee to open their folders on **SB183**. He then asked what their pleasure was relating to this bill.

*Representative James Todd moved to report **SB183** favorably for passage, seconded by Representative Erin Davis.*

Chairperson Barker stated that he has a technical amendment. ([Attachment 13](#)).

*Chairperson Barker moved to amend **SB183** by replacing the words "judicial administration" with the words "judicial administrator", seconded by Representative James Todd. A vote was taken, and the amendment passed.*

Representative James Todd stated that he has an amendment. It is a bill that he introduced in the Transportation Committee that never was passed out ([Attachment 14](#)). It relates to debts owed to the courts for unpaid traffic citations and restricted licenses. It requires the person to enter into a payment plan in order to get a restricted license. Questions were asked by Chairperson Barker relating to this bill.

*Representative James Todd moved to amend **SB183** by adding the contents of **HB2188** into it, seconded by Representative Craig McPherson.*

Katherine Goyette advised the committee that there are some single-subject concerns with that proposed amendment. Chairperson Barker stated a senate bill may become available and could be used as a shell for **HB2188** and avoid those concerns.

*Representative James Todd withdrew his amendment to **SB183**, with the approval of Representative McPherson. The amendment was withdrawn.*

Chairperson Barker announced that the committee is back on **SB183**.

*Representative Jim Ward moved to add the contents of **SB184** into **SB183**, seconded by Representative Blaine Finch. A vote was taken, and the amendment passed.*

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Representative James Todd moved to report **SB183, as amended**, favorably for passage. A vote was taken. **SB183, as amended**, was passed favorably.

SB 184 - An act concerning the code of civil procedure; relating to judgments; dormancy.

Chairperson Barker asked the committee to open their folders on **SB184**.

Representative James Todd moved to report **SB184** favorably for passage, seconded by Representative John Whitmer.

Representative James moved to add the contents of **HB2188** to **SB184**, as a substitute bill, seconded by Representative Craig McPherson.

Representative John Rubin had questions concerning what happened with **HB2188** in the House Transportation Committee where the bill was assigned. It was explained that there was a hearing on the bill, but it was voted down. Representative Rubin has no objection to the contents of **HB2188**, but he is opposed to the motion since it comes from another committee where it was voted down.

Representative John Carmichael had questions regarding the collection of the debts by a third party, as well as the one-year requirement on repayment of the debt.

Representative Mark Kahrs likes the bill, but opposes the measure since it did not originate in this committee.

Representative Kyle Hoffman is in support of the bill.

Representative John Rubin asked if there were any opponents to **HB2188**. Representative Todd said there were no opponents.

Chairperson Barker called for a vote. The motion to amend **SB184** by adding the contents of **HB2188** as a substitute for **SB184** passed favorably.

Representative James Todd moved to pass **House Substitute for SB184**, seconded by Representative Craig McPherson. **House Substitute for SB184** passed out favorably.

Chairperson John Barker stated that the hearing on **SB18** scheduled for March 19, 2015, has been canceled. He does intend to work **SB11** tomorrow.

There being no further business, the meeting was adjourned at 4:47 p.m. The next meeting is scheduled for March 19, 2015.

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