

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson John Barker at 3:30 pm on Monday, February 01, 2016, 112-N of the Capitol.

All members were present except:

Representative Janice Pauls – Excused
Representative Jim Ward – Excused
Representative James Todd – Excused
Representative Randy Powell – Excused

Committee staff present:

Robert Gallimore, Legislative Research Department
Jason Thompson, Office of Revisor of Statutes
Jenna Seematter, Office of Revisor of Statutes
Lauren Douglass, Legislative Research Department
Connie Bahner, Kansas Legislative Committee Assistant

Conferees appearing before the Committee:

No conferees present

Others in attendance:

[See Attached List](#)

Bill introductions

Chairperson Barker called for bill introductions. There were none.

Chairperson Barker stated that the committee should have received copies of the minutes from the meetings of January 13, 2016, January 14, 2016, January 19, 2016, January 20, 2016, and January 25, 2016.

Representative John Carmichael moved that the minutes of January 13, 2016, January 14, 2016, January 19, 2016, January 20, 2016, and January 25, 2016 be approved, seconded by Representative Stephen Alford. A vote was taken, and the above-mentioned minutes were approved.

Possible action on bills previously heard

Chairperson Barker stated that **SB44** is a shell. Its contents were enacted in **HB2256**, concerning the commercial real estate brokers lien act relating to conditions, notices, and recordings of liens. **HB2256** was passed out by a wide majority in both the House and Senate, but because of other greater needs, the language was stripped out of **HB2256** in conference committee, and other bills were put into it and enacted. The Kansas Association of Realtors has requested that either a new bill be introduced or this

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language be put into a shell. Chairperson Barker feels that putting this language into a shell would be the best course of action.

At the Chairperson's request, **Proposed House Substitute for SB44** was distributed to the committee ([Attachment 1](#)).

Jason Thompson, Revisor, gave an overview of **HB2256**. It passed the House 121-0. The Senate made a one-word change in order to make the bill conferenceable. It passed the Senate 39-0 and went into conference committee. In conference committee its contents were stripped and the House version of **SB206**, which deals with Attorney General powers related to the Kansas Open Meetings Act and the Kansas Open Records Act, as well as some exceptions related to municipal judges, attorneys and special assistant attorneys, was put into **HB2256**. **HB2256** was signed by the Governor so that bill is now gone. The original language of **HB2256** is still available and **SB44** is a shell that can be used.

*Vice-Chairperson Charles Macheers moved that **SB44** be recommended favorably for passage, seconded by Representative John Carmichael.*

Chairperson Barker called for discussion.

*Vice-Chairperson Charles Macheers moved to delete the contents of **SB44** and insert the original language of **HB2256**, making this a **House Substitute for SB44**, seconded by Representative John Carmichael.*

Representative Dennis Highberger stated that he has asked the Revisor's Office to draft a House Resolution that would amend the House Rules prohibiting the practice known as "Gut and Go" so he will be opposing this bill on those grounds.

*Vice-Chairperson Charles Macheers closed on his motion to insert the original language of **HB2256** into **SB44** as a **House Substitute for SB44**. A vote was taken and the motion passed.*

*Vice-Chairperson Charles Macheers moved that the committee recommend favorable passage of **House Substitute for SB44**, seconded by Representative Mark Kahrs. A vote was taken, and **House Substitute for SB44** was favorably passed.*

Chairperson Barker reviewed what was on the committee's agenda for the rest of the week.

There being no further business, the meeting was adjourned at 3:45 p.m.