

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Chairman Michael R. O'Neal at 3:30 p.m. on February 13, 2003 in Room 313-S of the Capitol.

All members were present except:
Representative Paul Davis - Excused

Committee staff present:
Jerry Ann Donaldson, Legislative Research Department
Jill Wolters, Revisor of Statutes
Cindy O'Neal, Committee Secretary

SB 16 - application requirements for drivers licenses and identification cards

Representative Patterson made the motion to report SB 16 favorably for passage. Representative Owens seconded the motion.

Representative Pauls made the motion to strike the senate floor amendments to keep the bill less controversial. Representative Long seconded the motion. Committee discussion followed. **SB 16** still requires proof of legal presence. The bill simply allows the taxpayer ID number to be used if one does not have a social security number. The motion failed.

Representative Crow made the motion to amend the bill on page 2, line 15 & page 5, line 36 by inserting "or taxpayer identification number". Representative Jack seconded the motion. The motion carried.

Representative Patterson made the motion to report SB 16 favorably for passage, as amended. Representative Owens seconded the motion. The motion carried.

HB 2140 - physical fitness centers, consumer protection & HB 2139 - Diet programs, consumer protections

Representative Newton, Chairman of Subcommittee on both bills, reported that in talking with the Consumer Protection Division of the Attorney General's Office reported that the issues in both bills are already covered under the Consumer Protection Code, in section 626 & 627. He recommended that no action be taken on both bills.

HB 2068 - tort claims liability; immunity; fire control and rescue equipment

Representative Long made the motion to amend in emergency medical services so they could be both a donor and donee. Representative Swenson seconded the motion. The motion carried.

Representative Crow made the motion to have Kansas Forrest Service be listed as a donor. Representative Long seconded the motion. The motion carried.

CONTINUATION SHEET

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Representative Patterson made the motion to amend in Kansas Trial Lawyers proposed amendments; reordering of the statute to conform with the Tort Claims Act, striking New Section 3 and place breathing apparatus language in subsection (y) (Attachment 1). Representative Swenson seconded the motion. Committee discussion centered on what other types of equipment might need to be re-certified. With permission of the second Representative Patterson amended his motion to include “any breathing apparatus, mechanical or electrical device which functions to evaluate, monitor, or restore basic life functions only if it is re-certified to the manufactures specifications by a technician certified by the manufacturer”. The motion carried.

Representative Long made the motion to report **HB 2068** favorably for passage, as amended. Representative Jack seconded the motion. The motion carried.

HB 2034 - Kansas Power of Attorney Act

Representative Patterson made the motion to adopt the sub committee report as proposed in the balloon amendment (Attachment 2) and suggestion on the memorandum (Attachment 3) from the Kansas Judicial Council. Representative Williams seconded the motion. The motion carried.

Representative Patterson made the motion to report **HB 2034** favorably for passage, as amendment. Representative Long seconded the motion.

HB 2032 - Proposed amendments to the Kansas Eminent Domain Act

Representative Patterson made the motion to adopt the sub committee report as proposed in the balloon amendment (Attachment 4). Representative Crow seconded the motion. The motion carried.

Representative Crow to strike in New Section 3 “has” and insert “exercises” in the bill. Representative Goering seconded the motion. The motion carried.

Representative Pauls made the motion to site in the statute Sections 301, 302, 303 & 304 of the federal code (Attachment 5). Representative Ward seconded the motion. The motion carried.

Representative Patterson made the motion to report **HB 2032** favorably for passage, as amended. Representative Loyd seconded the motion. The motion carried.

HB 2100 - Home inspections; contractual language limiting liability void

Representative Patterson made the motion to add on line 32 “clause or provision”. Representative Crow seconded the motion. The motion carried.

Representative Loyd made the motion to define the scope of the home inspection as “a residential dwelling or a single system or a component of a residential dwelling or any portion thereof..” and delete “some combination of”. In line 34 after “liability” add “as to any system or component of a residential dwelling covered by such report.” Representative Goering seconded the motion. The motion carried.

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Representative Patterson made the motion to report **HB 2100** favorably for passage, as amended. Representative Crow seconded the motion.

Representative Crow made a substitute motion to delete “the term does not include” in lines 20 & 23. Representative Jack seconded the motion. The motion carried.

Representative Patterson renewed his motion which was seconded by Representative Crow. The motion carried.

The committee meeting adjourned at 6:00 p.m. The next committee meeting was scheduled for February 17, 2003 at 3:30 p.m. in room 313-S.