

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Lance Kinzer at 3:30 p.m. on February 21, 2011, in Room 346-S of the Capitol.

All members were present.

Committee staff present:

Jill Wolters, Office of the Revisor of Statutes  
Matt Sterling, Office of the Revisor of Statutes  
Tamera Lawrence, Office of the Revisor of Statutes  
Lauren Douglass, Kansas Legislative Research Department  
Robert Allison-Gallimore, Kansas Legislative Research Department  
Sue VonFeldt, Committee Assistant

Conferees appearing before the Committee:

None

Others attending:

See attached list.

**HB 2069 - Enacting the Kansas adverse medical outcome transparency act.**

Jill Wolters provided the committee with an overview of the motions made to the bill, previously made by members of the committee, at the meeting on February 18, 2011.

Representative Patton made a substitute motion to amend Section (4) by striking the words “to an action” and adding a period. Representative Brookens seconded the motion. Representative Pauls recommended striking the word “between” and adding “among”; Chairman Kinzer suggested using “among the participants in the facilitated conference”. This change was accepted with the approval of the first and the second. Motion carried.

Representative Patton made the substitute motion to use “all participants” instead of “all parties”; add that attorneys may attend the facilitated conference, and also add that the conference may not be electronically recorded. Representative Brookens seconded the motion. Motion carried.

Representative Patton made the motion to adopt **Substitute for HB 2069** favorably for passage as amended. Representative Rubin seconded the motion. Motion carried.

**HB 2219 - Providing child support for an exceptional child through the school year the child turns 23 years of age.**

Jill Wolters provided the committee with an overview of the bill.

Representative Colloton made the motion to report **HB 2219** favorably for passage. Representative Smith seconded the motion.

Representative Colloton made the substitute motion to amend with a balloon to recognize several changes from Representative Mah. (Attachment 1) Representative Osterman seconded the motion. Motion carried.

Representative Patton made the substitute motion to amend, page 2, Line 43, by adding the word “substantial” before disabilities and strike everything after age and lines 1, 2 and 3 on page 3, and the same on page 6, starting with line 38. Representative Holmes seconded the motion. Discussion followed. Motion failed.

After further discussion, Chairman Kinzer advised the committee he would strongly consider referring it to the Judicial Council for further study if the bill failed to pass or was tabled.

Representative Ward made the motion to table **HB 2219**. Representative Collins seconded the motion. Motion carried.

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**HB 2101 - Court of appeals judges appointed by the governor, confirmed by the Senate; eliminating the nominating commission for the court of appeals appointment.**

Representative Holmes made the motion to report HB 2101 favorably for passage. Representative Rubin seconded the motion.

Chairman Kinzer made the substitute motion to amend the bill to restore to the bill the existing system of retention election, consistent with current law. Representative Patton seconded the motion. Motion carried.

Representative Brookens made the motion to table HB 2101. Representative Keuthe seconded the motion. Motion failed.

Representative Keuthe made the substitute motion to amend by inserting the following language on page 2, Line 5, “any person appointed shall be a person of recognized integrity, character, ability, experience and judicial temperament, to the end that persons serving as judges of the court of appeals will be the best qualified therefor.” (Attachment 2) Representative Meiers seconded the motion. Motion carried.

Representative Keuthe made the substitute motion to insert the following language on page 1, Line 15, “The governor shall select a person to be appointed and consented to the position on the court of appeals within 60 days from the date the governor was notified pursuant to subsection (b). If the governor fails to make the appointment within such time, the chief justice of the supreme court, with the consent of the senate, shall make the appointment.” (Attachment 3) Representative Colloton seconded the motion. Motion failed.

Representative Brookens made the motion to table HB 2101 to a date certain. Representative Colloton seconded the motion. Motion failed.

Representative Brookens made the substitute motion to amend the bill to change “within 30 days to within 45 days”, on page 1, Lines 23, 25 and 29; and on page 2, line 3. Representative Ward seconded the motion. Representative Holmes suggested changing from “45 days to 60 days”, with the approval of the first and the second. Motion carried.

Representative Ward made the substitute motion to amend the bill by changing from Senate confirmation to House confirmation. Seconded by Representative Pauls. Motion failed.

Representative Patton made the motion to report HB 2101 favorably for passage as amended. Representative Rubin seconded the motion. Motion carried.

**HB 2196 - Amending the rules of evidence regarding expert testimony in sexually violent predator commitment cases.**

Jill Wolters, Senior Staff Revisor, provided the committee with an overview of the bill.

Representative Rubin made the motion to report HB 2196 favorably for passage. Representative Suellentrop seconded the motion. Motion carried.

**HB 2260 - Kansas preservation of religious freedom act.**

Representative Patton made the motion to report HB 2260 favorably for passage. Representative Pauls seconded the motion.

Representative Rubin made the motion to table HB 2260. Representative Colloton seconded the motion. Motion carried.

**HB 2207 - Series limited liabilities companies.**

Representative Bruchman made the motion to report HB 2207 favorably for passage. Representative Osterman seconded the motion.

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After discussion, Representative Kelly made the motion to table **HB 2207**. Representative Osterman seconded the motion. Motion carried.

**HB 2072 - Civil procedure, commercial property liens; state construction registry, notice of commencement and notice of furnishings.**

Representative Smith made the motion to report **HB 2072** favorably for passage. Representative Osterman seconded the motion.

Representative Brookens made the substitute motion to amend the bill with a balloon. (Attachment 4). Representative Kelly seconded the motion. With permission of the second, Representative Brookens asked to remove “comment (19) on the last page of his amendment. Motion fails.

Representative Colloton made a substitute motion to amend the bill by changing the notification of furnishing labor, materials, equipment and supplies from 21 days to 30 days, on page1, line 25; page 2, line 36; page 3, lines 2 and 8. Representative Smith seconded the motion. Motion carried.

Representative Patton made the motion to amend the bill to cover the changes requested by the Secretary of State. (Attachment 5) Representative Pauls seconded the motion. Motion carried.

Representative Suellentrop made the motion to amend the bill to add “*in excess of \$10,000*” on Page 3, line 4; Page 5, Line 3; Page 6, Line 36 and Page 7, line 42. (Attachment 6) Representative Smith seconded the motion. Motion fails.

Representative Brookens made the motion to table **HB 2072**. Representative Bruchman seconded the motion. Motion carried.

The next meeting is scheduled for March 2, 2011.

The meeting was adjourned at 5:35 p.m.