

Approved: June 20, 2012
(Date)

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The Chairman called the meeting to order at 9:35 a.m. on March 2, 2012, in Room 548-S of the Capitol.

All members were present except Senators Bruce and Schodorf, who were excused.

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes
Katherine McBride, Office of the Revisor of Statutes
Lauren Douglass, Kansas Legislative Research Department
Bob Allison-Gallimore, Kansas Legislative Research Department
Theresa Kiernan, Committee Assistant

Conferees Appearing before the Committee:

Representative Rob Bruchman
Martha K. Gabehart, Executive Director, Kansas Commission of Disability Concerns
Nick Wood, Disability Rights Center of Kansas
Professor James M. Concannon, Kansas Judicial Council
Bradley R. Burke, Chief Attorney, Kansas Juvenile Justice Authority

Others in Attendance:

See Attached List

The Chairman opened the hearings on **HB 2207–Relating to series limited liability companies**.

Mr. Thompson reviewed the bill. He stated the bill would allow for the formation of a business entity known as a series limited liability company (series LLC) and sets forth provisions concerning their operation. An operating agreement could establish one or more “series” of members, managers, or LLC interests, with separate rights, powers, or duties with respect to specified property or obligations of the LLC or with respect to profits or losses associated with specified property or obligations. The series could have separate business purposes and investment objectives to the extend provided in the operating agreement, and liability could be limited within each series as long as certain conditions are met.

Representative Rob Bruchman testified in support of **HB 2207**. He stated the bill would authorize the creation of a new business entity which is treated like a corporation for the purposes of protection from liability and treated like a partnership for tax purposes. (Attachment 1).

In response to questions by Senator Vratil, Representative Bruchman stated the bill: Allows different levels of ownership; and that each series member would have to be an LLC.

Senator Lynn stated the bill would provide a valuable tool for family businesses.

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Written testimony in support of **HB 2207** was submitted by Cheryl L. Reinhardt, Dina Fisk, Aaron Jack, Kristin Black, Bob Vancrum, Phillip N. Krause, Christopher Sook, Miranda K. Carmona and Megan E. Bray. (Attachments 2 through 10).

Neutral written testimony was submitted by Kathleen Taylor. (Attachment 11).

The Chairman closed the hearings on **HB 2207**.

The Chairman opened the hearings on **HB 2335–Kansas act against discrimination; disability amendments**.

Mr. Thompson reviewed the bill. He stated the bill would amend the Kansas Act Against Discrimination (KAAD) to harmonize it with the Federal Americans with Disabilities Act (ADA).

Martha K. Gabehart testified in support of **HB 2335**. She stated the bill would eliminate confusion caused by differences between the ADA and KAAD acts due to the varying applicability of the acts to employers depending on the size of the employer. (Attachment 12).

Nick Wood testified in support of **HB 2335**. He stated the bill would clear up confusion caused by differences in the ADA and the KAAD. (Attachment 13).

Written testimony in support of **HB 2335** was submitted by William V. Minner, Jane Rhys, Bob Mikesic and Kerrie Bacon. (Attachments 14 through 17).

The Chairman closed the hearings on **HB 2335**.

The Chairman opened the hearings on **HB 2473–Civil procedure; pleadings and discovery**.

Mr. Thompson reviewed the bill. He stated the bill would amend the Kansas Code of Civil Procedure to conform to recent changes to the federal code.

Professor James M. Concannon testified in support of **HB 2473**. He stated the bill would bring the Kansas Code of Civil Procedure into compliance with Federal Code changes that went into effect in December of 2010. The amendments concern affirmative defenses, protection from discovery of expert witness disclosure drafts and protection from disclosure of communications between a party's attorney and expert witnesses. (Attachment 18).

The Chairman closed the hearings on **HB 2473**.

The Chairman opened the hearings on **HB 2496–Applying the Kansas law enforcement training act to**

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investigators of the juvenile justice authority and department of corrections.

Mr. Thompson reviewed the bill. He stated the bill would allow the Commissioner of JJA to appoint special investigators who could have the power of law enforcement officers.

Bradley R. Burke testified in support of **HB 2496**. He stated the special investigators would have to complete all of the necessary training required by the Kansas Commission on Peace Officers' Standards and Training at the Kansas Law Enforcement Training Center in order to be certified law enforcement officers. (Attachment 19).

In response to questions by Senator Kelly, Mr. Burke stated the special investigators would primarily conduct internal investigations. He also stated allegations of sexual abuse must be reported to the office of the Attorney General for investigation.

The Chairman closed the hearings on **HB 2496**.

The next meeting is scheduled for March 5, 2012.

The meeting was adjourned at 10:30 a.m.