

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on February 12, 2007 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research
Athena Andaya, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Duston Slinkard, Office of Revisor of Statutes
Cindy O'Neal, Committee Assistant

Conferees appearing before the committee:

Representative Anthony Brown
Paul Johnson, Kansas Catholic Conference
April Holman, Kansas Action for Children
Mark Gleeson, Office of Judicial Administration
Scott Nehrbass, Foulston-Siefkin
Joe Zima, Kansas Trial Lawyers Association

The hearing on **HB 2143 - no hunting or fishing license for persons in arrearages for child support, was opened.**

Representative Anthony Brown appeared as the sponsor of the proposed bill. Kansas currently ranks 38th in the collection of child support payments. Kansas collects only 54% of child support payments which are due. The proposed bill would have an arrears list being sent to the Department of Wildlife and Parks and any individuals, not just Title IV-D cases, on that list would not have the ability to receive a license. Wildlife and Parks would send a notice to individuals that their license has been revoked or will not be renewed until their child support is paid. Lifetime permit holders would not be affected by the proposed bill. ([Attachment 1](#))

Paul Johnson, Kansas Catholic Conference, appeared before the committee in support of the proposed bill. He informed the committee that the Kansas Payment Center is changing providers to J.P. Morgan which will utilize direct deposit and develop data for non-IV-D cases. ([Attachment 2](#))

April Holman, Kansas Action for Children, reminded the committee that child support is a very important financial need for many families to receive. ([Attachment 3](#))

Mark Gleeson, Office of Judicial Administration, brought to the committee attention that only 14 of the 31 judicial districts have court trustee programs. Some of these programs have the authority to enforce IV-D orders while others do not. Also, the court trustee programs do not track who is in arrearages and who is current with child support payments. ([Attachment 4](#))

The hearing on **HB 2143** was closed.

The hearing on **HB 2340 - recovery of certain damages in antitrust cases**, was opened.

Scott Nehrbass, Foulston-Siefkin, appeared as a proponent of the bill which would repeal of K.S.A. 50-115. The statute has allowed class action antitrust lawsuits by indirect purchasers seeking to collect windfalls and extort settlements from businesses doing business in Kansas. Without this statute, individuals and businesses who prove they are injured by anti-competitive behavior would be able to determine their damages and then treble them, and collect attorney fees. The ability to collect trebled damages does promote settlements. ([Attachment 5](#))

The Kansas Chamber and Kansas Civil Law Forum provided written testimony in support of the bill. ([Attachment 6](#))

Joe Zima, Kansas Trial Lawyers Association, also is an attorney for Unified School District 501. He spoke

CONTINUATION SHEET

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in opposition to the bill. USD 501 has benefitted from antitrust lawsuits. In 1990's they received lower natural gas prices from settlements in the Wyoming Tight Sands case. They also filed a class action case against Microsoft Corporation resulting in a \$16 million settlement. They have a pending case against major tobacco companies for fixing prices of their products. (Attachment 7)

Written testimony in opposition to the bill was provided by Gary McCallister. (Attachment 8)

The hearing on **HB 2340** was closed.

HB 2006 - crimes against an unborn child

Representative Colloton made the motion to remove HB 2006 off the table. Representative Watkins seconded the motion. The motion carried.

Representative Kinzer made the motion to report HB 2006 favorably for passage, as amended. Representative Hodge seconded the motion.

Representative Wolf made a substitute motion to define an unborn child as being “viable fetus in utero” (Attachment 9). Representative Roth seconded the motion. Committee members expressed concern about who would determine what would be considered a “viable” fetus. The motion failed.

Representative Colloton made the motion to have the definition of unborn child as “a living fetus implanted in the uterine wall.” The motion did not receive a seconded.

Representative Kinzer renewed his motion. The motion carried.

The committee minutes from January 16, 17,18 & 22 were distributed by e-mail. If no changes are requested by February 16, 2007 the minutes will stand approved.

The committee meeting adjourned at 5:30 p.m. The next meeting is scheduled for February 13, 2007.