

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on March 12, 2002 in Room 313-S of the Capitol.

All members were present except:

Representative Tom Klein - Excused
Representative Judy Morrison - Excused
Representative Rick Rehorn - Excused
Representative Candy Ruff - Excused

Committee staff present:

Jerry Ann Donaldson, Department of Legislative Research
Jill Wolters, Department of Revisor of Statutes
Sherman Parks, Department of Revisor of Statutes
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Randy Hearrell, Kansas Judicial Council
Lela Smith, Clerk of the District Court, Brown County
Lisa Wilson, Clerk of the District Court, Jackson County

Hearing on **SB 399 - appointment of an attorney for child in certain child in need of care cases**, was opened.

Randy Hearrell, Kansas Judicial Council, suggested the bill to deal with instances where the guardian ad litem and the child disagree about the child's best interest. In those courts where funding is appropriate the guardians provide appropriate service, whereas other courts that are underfunded the guardian might spend twenty minutes on a case. ([Attachment 1](#))

Hearing on **SB 399** was closed.

Hearing on **SB 400 - nonresident administrators authorized when appointing a resident agent**, was opened.

Randy Hearrell, Kansas Judicial Council, stated that this small change would allow a non-resident seeking to serve as an administrator in the same position as an executor. ([Attachment 2](#))

Hearing on **SB 400** was closed.

Hearing on **SB 444 - form summons in evictions under code of civil procedure for limited actions**, was opened.

Lela Smith, Clerk of the District Court, Brown County, informed the members that the bill is intended to create compliance with summons forms and response timeframes relating to limited civil actions. ([Attachment 3](#))

Hearing on **SB 444** was closed.

Hearing on **SB 445 - filing of judgement liens under code of civil procedure**, was opened.

Lisa Wilson, Clerk of the District Court, Jackson County, commented that similar provisions passed last year but died in conference committee. It simply clarifies the Kansas Code of Civil Procedure regarding judgements obtained under Chapter 61. These judgements would become a lien against real property of the judgement debtor in any county in which real property is owned. ([Attachment 4](#))

CONTINUATION SHEET

MINUTES OF THE HOUSE JUDICIARY COMMITTEE at 3:30 p.m. on March 12, 2002 in Room 313-S of the Capitol.

SB 95 - Enacting the interstate compact for adult offenders supervision

Representative Lloyd made the motion to report SB 95 favorably for passage. Representative DeCastro seconded the motion.

Representative DeCastro made the substitute motion to change the effective date to 2002. Representative Lloyd seconded the motion. The motion carried.

Representative Decastro made the motion to report SB 95 favorably for passage, as amended. Representative Newton seconded the motion. The motion carried.

SB 412 - application fee imposed on defendant entitled to indigent defense services

Representative Long made the motion to report SB 412 favorably for passage. Representative Loyd seconded the motion.

Representative Owens was concerned with having indigents pay \$50 up front. Representative DeCastro commented that there are waivers available for those who really can't pay.

The motion failed 5-9.

SB 444 - form of summons in evictions under code of civil procedure for limited actions

Representative Long made the motion to report SB 444 favorable for passage. Representative Owens seconded the motion. The motion carried.

SB 445 - filing of judgement liens under code of civil procedure

Representative Long made the motion to report SB 445 favorable for passage. Representative Crow seconded the motion.

Representative Patterson made the substitute motion to include the provisions of **HB 2980 - allowing a nonprofit trade association representing its members to be a real party in interest in lawsuits.** Representative Swenson seconded the motion. After committee discussion Representative Patterson withdrew his motion with permission of his second.

Representative Patterson made the motion to amend in the provisions of **Substitute SB 136 - wage garnishment, assignment of account.** Representative DiVita seconded the motion. The motion failed.

The motion to report carried.

HB 2135 - undocumented workers, drivers licenses

Upon committee discussion it was determined that they would like to compromise by having a license be distinctive from a Kansas driver license. It could be the same as those who are under the age of 21, those who receive learners permits or a temporary.

The committee meeting adjourned at 5:00 p.m.