

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on January 20, 2000 in Room 313-S of the Capitol.

All members were present except:

Representative Geraldine Flaharty - excused
Representative Andrew Howell - excused
Representative Phill Kline - excused
Representative Rick Rehorn - excused
Representative Clark Shultz - excused
Representative Dale Swenson - excused

Committee staff present:

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

Conferees appearing before the committee:

Representative Richard Reinhardt
Donna Sandidge, Oakley Sunglasses Inc.
Paul Davis, Kansas Bar Association
Honorable David Mikesic, 29th Judicial District, President of Kansas District Judges Association
Honorable Michael Freelove, 16th Judicial District, District Magistrate Judge

Hearings on **HB 2596 - creating the crime of counterfeiting; relating to forfeiture**, were opened.

Representative Richard Reinhardt introduced Donna Sandidge, Oakley Sunglasses Inc. Ms Sandidge explained to the committee that Oakley Sunglasses are manufactured and assembled in the United States and sales throughout the world in selected retail stores for \$100 - \$225.

They have a tremendous counterfeit problem, such as receiving an average of 50 counterfeit glasses sent to their warranty department each week. This causes loss of sales and stockholder concerns, not to mention "customers" who believe that they have purchased a pair of Oakley Sunglasses, only to find out that they are counterfeits. Their documentation shows they have a huge financial loss of profits in Kansas. One account has called repeatedly saying that his sales have decreased because of the counterfeiter taking customer sales from his store by selling his "Oakleys" at a discounted rate and portraying them as genuine Oakleys. (Attachment 1)

Hearings were **HB 2569** were closed.

Hearings on **HB 2499 - nonpartisan election of judges**, were opened.

Paul Davis, Kansas Bar Association, urged the committee to keep an open mind when discussing the topic of election & selection of judges. The Bar supports the method of selecting district court judges as a uniform method of non-partisan, merit selection. He provided the committee with a history of judicial selection in Kansas and an article by Jeffrey Jackson, entitled *The Selection of Judges in Kansas: A Comparison of Systems*. (Attachment 2)

Honorable David Mikesic, 29th Judicial District, President of Kansas District Judges Association, appeared as an opponent. He stated that the Association feels that if they have to run for an elected office that they want their party affiliation known. (Attachment 3)

Honorable Michael Freelove, 16th Judicial District, District Magistrate Judge, also opposed the bill. He believes that the non-partisan election of judges would be a process that the public wouldn't understand. (Attachment 4)

The committee meeting adjourned at 4:45 p.m. The next meeting is scheduled for January 24, 2000.