

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Lance Kinzer at 3:30 p.m. on March 14, 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.

SB 97 - Concerning courts; relating to court fees and costs; relating to the judicial branch surcharge fund

Matt Sterling, Assistant Staff Revisor, provided an overview for the committee.

Representative Patton made the motion to report SB 97 favorably for passage. Representative Brookens seconded the motion.

Representative Ryckman made the substitute motion to amend the bill to delay the expansion of the Court of Appeals from thirteen to fourteen judges, for a year, until December 31, 2012, by adding a new section 19 on page 36. (Attachment 1) Representative Patton seconded the motion. Motion carried.

Representative Patton made the substitute motion to amend the bill back to the original version that extends the surcharge for one year, from July 1, 2011 through June 30, 2012. Representative Rubin seconded the motion. Motion carried.

Representative Patton made the motion to report SB 97 favorably for passage as amended. Representative Pauls seconded the motion. Motion carried.

HB 2335 - Kansas act against discrimination; disability amendments.

Matt Sterling, Assistant Staff Revisor, provided an overview for the committee.

Representative Patton made the motion to report HB 2335 favorably for passage. Representative Osterman seconded the motion.

Representative Pauls made the substitute motion to amend the bill by striking the following on page 3, lines 34-38, "Furthermore, it is the intent of the legislature that the Kansas act against discrimination is modeled after the Americans with disabilities act and shall be construed as a state law remedy consistent with the provisions of such federal law, except where the state law offers greater protections." Representative Kuether seconded the motion. Motion carried.

Representative Brookens made the substitute motion for a technical amendment to strike (a) on page 3, line 4, so the statute would read "K.S.A. 44-1002(j)(3)". Representative Patton seconded the motion. Motion carried.

Representative Patton made the motion to report HB 2335 favorably for passage as amended. Representative Rubin seconded the motion. Motion carried.

HB 2372 - Requiring verification of employment eligibility and making other amendments

CONTINUATION SHEET

Minutes of the House Judiciary Committee at 3:30 p.m. on March 14, 2011 in Room 346-S.

concerning immigration.

Representative Patton made the motion to report HB 2372 favorably for passage as amended. Representative Rubin seconded the motion.

Chairman Kinzer requested the staff distribute copies of a balloon that contained several amendments. (Attachment 2) Chairman Kinzer reviewed and explained in detail each of the items for the committee.

Chairman Kinzer made the substitute motion to amend the bill with the balloon. Representative Patton seconded the motion.

After further discussion regarding New Section 1, (d), of the balloon on page 1, it was agreed by the first and the second to strike the language “~~Good faith shall not include inadvertent errors committed by subordinate personnel and unknown to the principals of the business entity when made~~”, and insert “A business entity shall not be deemed to have violated the requirements of good faith, based upon inadvertent errors committed by subordinate personnel, and unknown to the principals of the business entity when made.”

Much discussion followed regarding various concerns.

Chairman Kinzer provided a summary of the motion to amend. Motion failed.

Representative Rubin made the substitute motion to amend with a balloon (Attachment 3), and in addition, included several items from the previous failed amendment as follows (Attachment 4):

- New Section 1, all the definitions, including the amended “good faith” language of the failed amendment and anyplace these definitions are used.
- New Section 1(a), line 10, include the “by provision of a signed e-verify program memorandum of understanding” and delete the comma and add the word “or”
- New Section 1(b), use the same as in the failed amendment
- New Section 1(c), do not use the “written statement” in his amendment and instead use the “acts in good faith to obtain” from the failed amendment.
- Include all the technical changes on page 2 of the failed amendment
- Page 2, (d), line 20, include from the failed amendment, “governmental entity: (1) Upon a first violation, for a period of up to three years” and insert a period, and, delete lines 20 through 23.
- Page 2, (2), line 36, include from the failed amendment, “for a period of not less than three years” and insert a period, and delete lines 36 through 39.
- New Section 2, page 3, add all of the changes from the failed amendment
- Page 4, add all of the changes from the failed amendment
- Page 5, include the deletion of (h), (i) and (j), and re-letter subsections accordingly, from the failed amendment, and include all the other insertions from the failed amendment.
- Page 5, New Sec. 3 (a), shows changing the word “person” to “employer” and is now amended to show “business entity” on the Rubin amendment.
- Pages 6, 7, include changes shown on the failed amendment
- On the new Rubin amendment, Page 8, Sec. 9, line 40, add the word “other” to the insertion to read “other than violations of traffic laws or ordinances”

Representative Holmes seconded the motion.

Representative Colloton made the substitute motion to table the bill. Representative Osterman seconded the motion. Motion carried.

The next meeting is scheduled for March 15, 2011.

The meeting was adjourned at 5:04 p.m.