

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 p.m. on January 14, 2004 in Room 313-S of the Capitol.

All members were present except:

Representative Peggy Long-Mast- excused

Committee staff present:

Jill Wolters, Revisor of Statutes

Diana Lee, Revisor of Statutes

Jerry Ann Donaldson, Kansas Legislative Research Department

Mike Heim, Kansas Legislative Research Department

Cindy O'Neal, Secretary

Conferees appearing before the committee:

Mark Stafford, Kansas Board of Healing Arts

Randy Hearrell, Kansas Judicial Council

John Federico, Kansas Self Storage Owner's Association

Dina Fisk, Kansas Society of Land Surveyors

Judge Nancy Parish, 3rd Judicial District, Shawnee County

Chairperson O'Neal accepted bill introductions.

Mark Stafford, Kansas Board of Healing Arts, requested a bill which would allow appropriate state agencies to initiate an administrative procedure to appoint a custodian of patient records in those instances where a health care provider leaves practice without arranging for patient records being properly cared for.

Representative Patterson made the motion to have the request introduced as a committee bill. Representative Owens seconded the motion. The motion carried.

Randy Hearrell, Kansas Judicial Council, requested four bills:

1. Amendments to the Uniform Trust Code
2. Technical amendments to the Kansas Power of Attorney Act
3. Changes to three sections of the Probate Code
4. Amendments to K.S.A. 12-405b relating to the time for filing claims against municipalities

Representative Patterson made the motion to have the requests introduced as committee bills. Representative Swenson seconded the motion. The motion carried.

John Federico, Kansas Self Storage Owner's Association, requested a bill which would amend K.S.A. 58-813-58-819 to expedite the process for obtaining a certificate of title for motor vehicles of delinquent occupants, that are sold at a lien sale, change the "notice" requirement of delinquent occupants, clarify language as to what types of "lien sales" are allowable under statute, clarify the term "no commercial value", and allow for a late fee

Representative Patterson made the motion to have the request introduced as committee bill. Representative Crow seconded the motion. The motion carried.

Dina Fisk, Kansas Society of Land Surveyors, requested a bill that was patterned after a Maine Statute and former HB 2539, which deals with the right of entry for professional land surveyor performing surveying services.

Representative Patterson made the motion to have the request introduced as committee bill. Representative Owens seconded the motion. The motion carried.

Judge Nancy Parish, 3rd Judicial District, Shawnee County, provided the committee with an update on the District Court. She informed the committee that while the budget will go directly to the Legislature without cuts from the Governor, the Judiciary is still underfunded. The budget is largely made up of "maintenance"

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which covers current staff and programs mandated by State & Federal branches. The only new positions and/or enhancements requested in the budget are for three District Magistrate judges in the Eighth, Ninth, and 27th Judicial Districts, a new District Court Judge in the seventh district, and twenty non-judicial positions which are support staff and court services officers.

She informed the members that the Child Support guidelines are available on the internet at www.kscourts.org; that there are seven death penalty cases on appeal and they are a tremendous burden on the courts. She suggested that due to the gravity and complexity of the cases it might cause delays in other areas; the usage of Alternative Dispute Resolution is continuing to increase; and that the courts have received a Stop Violence Against Women Grant which will fund providing forms and CD in both English and Spanish. (Attachment 1)

Representative Loyd requested information on the Senior Judge Program with regard to the number of judges that participate, their caseload, what types of cases they handle and how the courts allocate those cases to the Senior Judges.

Chairman O'Neal requested information with regard to how it is determined where the non-judicial personnel are allocated. Kathy Porter, Office of Judicial Administration, responded that they assign personnel the same way they did at Court Unification. The Chairman responded by stating that it was not justifiable that it was still being done that way when Court Unification was done many years ago.

Chairman O'Neal questioned Judge Parish if caseload less traffic would be a true measurement of workload. Judge Parish responded that a weighted system would be the best way to measure because not all courts count cases the same way.

Chairman O'Neal turned the committee's attention to receiving reports of the Special Committee on Judiciary.

Mike Heim, Kansas Legislative Research, touched on the following committee recommendations:

1. Allocation of Judicial Resources - the committee recommended that the Legislature fund the Judiciary adequately and that they must provide more money for the Judicial Branch to meet its constitutional responsibilities. They also recommended a bill be drafted to allow the "one judge per county" requirement to be met by a part-time district magistrate judge or district judge.

2. Judicial Docket Fees - there was a recommendation that a \$5.00 docket fee be added for filing garnishment actions; that sheriffs be allowed to collect and retain at the county level a \$10.00 service of process fee, and that the docket fee increase to fund the Kansas Judicial Council be made permanent.

3. Kansas Surety Recovery Agents Act - the committee recommended a bill be drafted to require bounty hunters or sureties to notify local law enforcement before attempting to apprehend a person who has violated terms of the bail bond and to prevent persons convicted of felonies and certain misdemeanors from acting as a bounty hunter.

4. Kansas Liquor Control Act - recommendations included making the act uniform, allowing local-option Sunday sales of liquor and cereal malt beverages, repealing existing statutes relating to advertising of liquor and the minimum mark-up that are unenforceable, and also allow the purchase of out-of-state wine.

Jerry Ann Donaldson, Kansas Legislative Research, covered the Kansas Uniform Security Act, which the committee recommended passing **HB 2347** with the agreed upon amendments and striking the variable annuity provision. Suggested that the Insurance Commissioner and the Securities Commission cooperate to formulate substantial suitable standards for the purchase of variable annuities and that there be cooperation between the two offices regarding the prosecution of criminal acts.

The committee meeting adjourned at 5:00 p.m. The next meeting is scheduled for Tuesday, January 20, 2004, in room 313-S.