

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Chairman Michael R. O'Neal at 3:30 p.m. on January 29, 2003 in Room 313-S of the Capitol.

All members were present except:

Representative Peggy Long - Excused
Representative Dale Swenson - Excused

Committee staff present:

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

Conferees appearing before the committee:

Charles Harris, Attorney, Wichita, Kansas
Sandy Barnett, Kansas Coalition Against Sexual & Domestic Violence
Marg Yaroslaski, Dodge City Crisis Center

Additional written testimony was provided by the City of Wichita and Phillip Mellor on **HB 2032 - Kansas Eminent Domain Act** (Attachments 1 & 2).

Chairman O'Neal announced that Representative Crow was replaced by Representative Pauls on the subcommittee for **HB 2032 - Amendments to the Kansas Eminent Domain Act**. He then assigned the following committee members on the subcommittee for **HB 2034 - Kansas Power of Attorney Act**; Representative Patterson, Chair; Jack, Long, Pauls and Klein.

Representative O'Neal received a bill request which would allow the non-partisan selection of judges. Representative Loyd made the motion to have the request introduced as a committee bill. Representative Goering seconded the motion. The motion carried.

Hearing on **HB 2033 - amendments to the Protection from Abuse and Protection from Stalking acts**, were opened.

Charles Harris, Attorney, Wichita, Kansas, grew concerned with the number of petitions that had been filed since the acts took effect on July 1, 2002. He believes that the number of filings dramatically increased were due to the fact that there was no time requirements as to when the "act" must occur. He was also concerned that there was no filing fee which allows individuals to file a petition and then not show up at the hearing or dismiss it. He suggested that the word "annoy" be deleted because it was too vague. The proposed bill would require two acts must occur six months apart but within one year of filing a petition (Attachment 3).

Sandy Barnett, Kansas Coalition Against Sexual & Domestic Violence, did not believe that the changes in the proposed bill would reduce the number of petitions filed. She suggested an amendment which would allow a 12-month period to be tolled in situations where the defendant had been incarcerated or had been living 100 miles away from the petitioner (Attachment 4).

CONTINUATION SHEET

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Marg Yaroslaski, Dodge City Crisis Center, agreed that the term “annoy” needed to be deleted due to the fact that the action is hard to define, therefore, victims rarely use the word “annoy” to describe an event. In 2002 Dodge City had 93 Protection from Abuse petitions filed, seven Protection from Stalking petitions filed of which two were denied (Attachment 5).

Written testimony from Governor Kathleen Sebelius in support of the bill was provided to the committee (Attachment 6).

Hearing on **HB 2033** were closed.

The committee meeting adjourned at 5:00 p.m. The next committee meeting was scheduled for Thursday, February 6, 2002 at 3:30 p.m. in room 313-S.