

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on March 5, 2007 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research
Athena Andaya, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Duston Slinkard, Office of Revisor of Statutes
Cindy O'Neal, Committee Assistant

Conferees appearing before the committee:

Senator Phil Journey
John Peterson, Kansas Land Title Association
Mark Gleeson, Office of Judicial Administration
David Pierce, Professor at Washburn University
Sharolyn Dugger, CASA

The hearing on **SB 41 - negligence; ordinary care required when gun possession at issue in personal injury or wrongful death actions**, was opened

Senator Phil Journey appeared as the sponsor of the proposed bill. He stated that the bill's intent is in response to Kansas Supreme Court Case *Wood v. Groh*, where the court ruled that firearms are inherently dangerous instruments and that the reasonable care required was that of the highest degree of care. The bill would have the burden to be met by ordinary standard of care. ([Attachment 1](#))

The hearing on **SB 41** was closed.

The hearing on **SB 58 - conveying trust property**, was opened.

John Peterson, Kansas Land Title Association, appeared in support of the bill. Current law allows for a property titled in the trust name to be conveyed only in the trust name. The proposed bill would allow property titled in the trust name to be conveyed in the name of the trustee if the name of the trust is clearly specified in the conveyance. ([Attachment 2](#))

Written testimony from the Kansas Bar Association in support of the bill was provided. ([Attachment 3](#))

The hearing on **SB 58** was closed.

The hearing on **SB 118 - children in need of care, CASA reports**, was opened.

Mark Gleeson, Office of Judicial Administration, explained that the bill would allow for a presiding judge for a case under the Code of Care of Children to read reports prepared pursuant to the court's order for evaluation of development or needs of a child. The bill lists what type of reports it may order. It would also require the reports be filed with the court and made available to both counsel for all parties prior to any scheduling hearing. ([Attachment 4](#))

David Pierce, Professor at Washburn University, explained that allowing judges to read and consider CASA's report would not limit the ability of any party to challenge the contents of the report or to cross-examine the authors of the report. ([Attachment 5](#))

Sharolyn Dugger, CASA, appeared as a proponent to the bill. They supported judges having as much relevant information as possible in order to be able to make an objective ruling in complex cases. ([Attachment 6](#))

The hearing on **SB 118** was closed.

SB 52 - regulating traffic; speed limit violations, open records

CONTINUATION SHEET

MINUTES OF THE House Judiciary Committee at 3:30 P.M. on March 5, 1007 in Room 313-S of the Capitol.

Representative Colloton made the motion to report **SB 52** favorably for passage. Representative Whitham seconded the motion.

Representative Watkins provided the committee with a balloon that would state that the “maximum posted speed limit of 30 miles per hour or more but not exceeding 54 miles per hours, by not more than 6 miles per hour in excess of such maximum speed limit.” (Attachment 7). He made the substitute motion to adopt the balloon. Representative Kinzer seconded the motion. The motion carried.

Representative Davis made the motion to report **SB 52** favorably for passage, as amended. Representative Watkins seconded the motion. The motion carried.

SB 54 - criminal procedure; signing of arrest warrants

It was the Senate’s intent that lines 30-32 be stricken, but the amended version of the bill did not reflect that change. Representative Colloton made the motion to strike lines 30-32. Representative Pauls seconded the motion. The motion carried.

Representative Colloton made the motion to report **SB 54** favorably for passage, as amended. Representative Owens seconded the motion. The motion carried.

SB 31 - jurisdiction of municipal courts

Representative Colloton made the motion to report **SB 31** favorably for passage. Representative Ward seconded the motion.

Representative Davis made a substitute motion to add that the prosecutor has to certify that they checked the NCIC. Representative Kuether seconded the motion. The motion carried.

Representative Patton made the motion to include the provisions of **HB 2377** into the bill. Representative Watkins seconded the motion. The committee voiced its concern that these types of cases can currently be handled through CINC and questioned what other types of “crimes” would fall under the bill besides curfews. The motion failed. Chairman O’Neal announced that he would send **HB 2377** to the Kansas Judicial Council for further study.

Representative Pauls made the motion to strike on page 1, lines 40 & 41 and on page 2, lines 3 & 4. Representative Ward seconded the motion. The motion carried.

Representative Ward was concerned as to whether a case that wasn’t filed in district court could then be amended to be brought in municipal court. Chairman O’Neal requested that he get with a revisor to work out language.

The committee meeting adjourned at 5:15 p.m. The next meeting was scheduled for March 6, 2007.

The committee minutes from February 1, 5, 7, 8, 12, & 19 were distributed by e-mail. With the notice that if no changes are requested March 9th they would stand approved.