

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 4:00 P.M. on March 19, 2008 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
Jason Thompson, Office of Revisor of Statutes
Cindy O'Neal, Committee Assistant

Conferees appearing before the committee:

Secretary Roger Werholtz, Department of Corrections
Senator Terry Bruce
Senator Pat Apple
Leslea Rockers, Citizen
Carolyn Ward, Kansas Ignition Interlock Association

The hearing on **SB 430 - aggravated criminal threat, penalty**, was opened.

Senator Terry Bruce appeared as the sponsor of the proposed bill. It would make aggravated criminal threat a severity level 5, person felony, no matter what the economic loss would be.

The hearing on **SB 430** was closed.

The hearing on **SB 536 - prohibiting adoption and enforcing residency restrictions on registered offenders**, was opened.

Secretary Roger Werholtz, Department of Corrections, explained that current legislation enacting a moratorium on cities and counties from enforcing residential restrictions for registered offenders is scheduled to sunset. This bill would make the moratorium permanent. (Attachment #1)

The hearing on **SB 536** was closed.

The hearing on **SB 545 - health insurance coverage information for children in divorce action**, was opened.

Senator Pat Apple appeared as a proponent of the bill. He commented that the bill would require that in divorce decrees parents sign releases forms so both parents can communicate with health insurance providers regarding their children. (Attachment #2)

Leslea Rockers, Citizen, is divorced and is the residential parent for their children. Her ex-husband carries the insurance policy on the children. She asked her ex-husband to sign a release of information so she could get health insurance information on her children. He didn't do so and she could get no information. The bill would not tie the hand of parents so can get access to their children insurance company. (Attachment #3)

Written testimony, in support of the bill, was provided by Office of Judicial Administration. (Attachment #4)

The hearing on **SB 545** was closed.

The hearing on **SB 582 - driving under the influence, ignition interlock and impoundment of vehicles**, was opened.

Carolyn Ward, Kansas Ignition Interlock Association, appeared as a proponent of the bill and requested an amendment to the bill that would require a ignition interlock be installed in lieu of a 330 day license restriction. (Attachment # 5)

CONTINUATION SHEET

MINUTES OF THE House Judiciary Committee at 3:30 P.M. on March 19, 2008 in Room 313-S of the Capitol.

The hearing on **SB 582** was closed.

SB 379 - indemnification

The committee discussed the balloon that was provided at the meeting on March 18, 2008. (Attachment #6)

Representative Watkins moved the adoption of the balloon. Representative Yoder seconded the motion. The motion carried.

Representative Watkins provided the committee with a balloon amendment that addresses contracts for the sale of goods or services and any dealer or franchise agreement. He made the motion to adopt the balloon. (Attachment #7) Representative Yoder seconded the motion. Some committee members expressed that the adoption of this balloon would make it very broad and wondered if it would include personal services of an employee. The motion 9-7 carried.

The committee worked on definitions of:

1. “Dealership agreement means a written agreement or definite or indefinite duration between equipment manufacturer and a equipment service provider which provides for the rights and obligations of the parties with respect to the purchase or sale of such equipment or service.”
2. “Franchise agreement means any contract or franchise or any other terminology used to describe the contractual relationship between first or second stage manufactures, distributors and dealers, by which:” Then pick up sections (1) (2) in K.S.A. 8-2401.

Representative Watkins moved the above definitions. Representative Yoder seconded the motion. The motion carried.

Representative Watkins made the motion to strike “good & services” from the bill. Representative Yoder seconded the motion. The motion carried.

Representative Watkins made the motion to adopt a Choice of Law Provision so the laws of the State of Kansas shall apply. Representative Davis seconded the motion. The motion carried.

Representative Watkins made the motion to report **House Substitute for SB 379** favorably for passage. Representative Yoder seconded the motion. The motion carried.

The committee meeting adjourned at 5:45 p.m. The next meeting was scheduled for March 24, 2008.