

Approved: March 30, 2000

Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Vice Chairperson Tim Carmody at 3:30 p.m. on February 14, 2000 in Room 313-S of the Capitol.

All members were present except:

Representative Phill Kline - Excused
Representative Michael O'Neal - Excused
Representative Tony Powell - Excused

Committee staff present:

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

Conferees appearing before the committee:

Representative Jim Morrison
Kyle Smith, Kansas Bureau of Investigation, Assistant Attorney General
Janet Chubb, Assistant Secretary of State
Debra Luling, Information Network of Kansas
Matthew Goddard, Heartland Community Bankers Association
Rich Hayse, Kansas Bar Association
Jeff Bottenberg, Kansas Sheriffs' Association
Captain Greg Schauner, Sedgwick County Sheriff's Department

Hearing on **HB 2896 - Internet Privacy Protection Act**, was opened.

Representative Jim Morrison explained that the purpose of the bill was to prohibit internet providers from disclosing personally identifying information.

Kyle Smith, Kansas Bureau of Investigation, Assistant Attorney General, appeared before the committee as a proponent to the bill. He was concerned about subparagraph (c) which prohibits disclosure of information not only from marketing, but for other purposes without the knowledge and affirmative consent of that subscriber. The language could be interpreted to interfere with a legitimate criminal investigation. He requested an amendment which would allow law enforcement to request a court order so they can have access to that information. (Attachment 1)

Hearing on **HB 2896** was closed.

Hearing on **HB 2879 - Kansas Electronic Signature Act**, was opened.

Representative Jim Morrison stated that this legislation is technology specific to enable electronic commerce to take place.

Kyle Smith, Kansas Bureau of Investigation, Assistant Attorney General, appeared as proponent to the bill. He suggested two amendments: the first would require that a consumer contract and agreement, that is done in written form, include a separate acknowledgment and agreement if any part thereof would be done by electronic means; second would be a new paragraph (g) to clarify that changes would exclude legal notices where failure to respond could result in loss of service or property. (Attachment 2)

Janet Chubb, Assistant Secretary of State, appeared as a proponent of the bill. She commented that the proposed bill was a minimalistic bill that had sound legal standing. While it is not comprehensive, it provides for electronic signature and can grow as technology does. (Attachment 3)

Debra Luling, Information Network of Kansas, informed the committee of those key representatives who formed the Electronic Commerce Work Group and suggested the bill. (Attachment 4)

CONTINUATION SHEET

Matthew Goddard, Heartland Community Bankers Association, was concerned with Section 4, which recognizes electric signatures the same as written signature. He suggested an amendment which would clarify that it would not be mandatory that a person or entity use or accept a digital signature in lieu of a manual signature. (Attachment 5)

Representatives from the Kansas Insurance Department & Kansas Chamber of Commerce & Industry did not appear before the committee but requested their testimony be included in the minutes. (Attachments 6 & 7)

Hearing on **HB 2879** was closed.

Hearing on **HB 2905 - service of process**, was opened.

Rich Hayse, Kansas Bar Association, appeared before the committee in support of the bill. He explained that process servers have found that when they use certified mail, the person may not be home and a note is left asking the person to pick up his letter at the post office. Several weeks go by when it is finally sent back to the sender. This bill would incorporate provisions of **HB 2805** and allow delivery to include priority mail, commercial courier service, overnight delivery services or another reliable personal deliver service. It would also clarify that first class mail could be used when other methods have failed. (Attachment 8)

Hearing on **HB 2905** was closed.

Hearing on **HB 2805 - service of process**, was opened.

Jeff Bottenberg, Kansas Sheriffs' Association, appeared before the committee and stated that **HB 2905** would be the preferred bill dealing with service of process.

Captain Greg Schauner, Sedgwick County Sheriff's Department, appeared as a proponent of the bill. By using personal services the Sedgwick County Sheriff's Department could save \$130.00. He recommended the committee amend the bill to do away with the default provision, thus saving the counties more money. (Attachment 9)

Hearing on **HB 2805** was closed.

Representative Pauls made the motion to approve the committee minutes from January 27 & 31, February 1, 2, 3, 7, & 8. Representative Crow seconded the motion. The motion carried.

The committee meeting adjourned at 4:30 p.m. The next meeting was scheduled for February 15, 2000.