

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman lance Kinzer at 3:30 p.m. on February 15, 2011, in Room 346-S of the Capitol.

All members were present except:
Representative Colloton

Committee staff present:
Jill Wolters, Office of the Revisor of Statutes
Matt Sterling, Office of the Revisor of Statutes
Tamera Lawrence, Office of the Revisor of Statutes
Lauren Douglass, Kansas Legislative Research Department
Robert Allison-Gallimore, Kansas Legislative Research Department
Sue VonFeldt, Committee Assistant

Conferees appearing before the Committee:
Representative Jim Howell, Eighty-Second District, Derby, Kansas
Amber Versola, Kansas NOW
Ronald W. Nelson, Kansas Bar Association

Others attending:
See attached list.

Chairman Kinzer advised the meeting would end at 4:45 p.m due to a Joint Senate/House Session scheduled for 5:00 p.m. He also announced the hearing scheduled today for **HB 2150** would be heard tomorrow, February 16, and the hearing for **HB 2183** would be rescheduled for Friday, February 18th.

HB 2010 - Offenses and conduct giving rise to forfeiture.

Representative Pauls made the motion to report **HB 2010** favorably for passage. Representative Patton seconded the motion. Motion carried.

HB 2106 - Concerning trespass and liability; exceptions.

Representative Patton made the motion to report **HB 2106** favorably for passage. Representative Brookens seconded the motion.

Representative Patton made the substitute motion to amend the bill to add changes in a balloon provided by the Revisors. (Attachment 1) Representative Brookens seconded the motion. Representative Pauls requested Page 1, Line 18 (2) be changed from "injury" to "physical injury or death". Chairman Kinzer stated with permission of the first and the second, this change will be added to the balloon amendment. Motion carried.

Representative Rubin made a substitute motion to add to the balloon, on page 2, Line 13, "to a trespasser" after the word liable so it would read "shall not be deemed liable to a trespasser for". Representative Brookens seconded the motion. Motion carried.

Representative Meiers made a substitute motion to add to the balloon amendment on Page 2, Line 20 to add "(4)" after the word "or", and also add "(5) livestock and wildlife on the property". Representative Smith seconded the motion. Motion carried.

After further discussion regarding common law, Representative Patton moved to table the bill. Motion carried.

The Hearing on **HB 2254 - Covenant marriages; procedures for divorce and separate maintenance** was opened.

Jill Wolters, Senior Assistant Revisor, provided an overview of the bill to the committee. (Attachment 2)

CONTINUATION SHEET

Minutes of the House Judiciary Committee at 3:30 p.m. on February 15, 2011, in Room 346-S of the Capitol.

Representative Howell, Eighty-Second District, Derby, Kansas, appeared before the committee as a proponent of the bill, stating the institution of marriage in American society is threatened today from many directions and been weakened over the recent decades by the increased divorce rates. This bill addresses this concern by raising the barriers to exit from the marriage and that entering into a covenant marriage rather than a standard marriage would be entirely voluntary. ([Attachment 3](#))

The following proponents provided written testimony:

Kent Holcomb, Pastor of Calvary Baptist Church ([Attachment 4](#))

Mary Farney, Andover, Kansas ([Attachment 5](#))

Amber Versola, on behalf of Kansas NOW, appeared as an opponent and stated that while the intent behind covenant marriage appears noble, the reality of it is that it carries the potential to cause grave danger to women in our state. She concluded she has not been able to find a single piece of evidence that covenant marriage has lowered the divorce rate in any of the three states that have such legislation. ([Attachment 6](#))

Ronald W. Nelson, on behalf of the Kansas Bar Association, spoke before the committee as an opponent. He stated he has practiced family law for over twenty-five years and has also written chapters in the Kansas Bar Association "Practitioner's Guide to Kansas Family Law". He provided several reasons why covenant marriage is not the answer and that prior to the "no fault" divorce, a spouse would just leave the family home without a divorce. He also stated this bill encourages the destructive tendency of the "blame game" where the children end up being the victim of that kind of game. ([Attachment 7](#))

Scott Mann, Family Law Attorney, provided written testimony in opposition of the bill. ([Attachment 8](#))

The next meeting is scheduled for February 16, 2011.

The meeting was adjourned at 4:50 p.m.