

Senate Bill 672 - Allowing certain fees and costs to be taxed as court costs in certain civil actions. Following committee discussion, Senator Everett moved to report the bill adversely; Senator Simpson seconded the motion, and the motion carried, with Senator Hein asking to be recorded as voting "No."

Senate Bill 605 - Attorney fees in certain professional liability actions. Following committee discussion, Senator Berman moved to report the bill adversely; Senator Gaines seconded the motion, and the motion carried with Senators Pomeroy and Hein being recorded as voting "No."

Senate Bill 607 - Health care providers, notice of intent in certain professional liability actions. Following committee discussion, Senator Everett moved to amend the bill to require notice to be attached to a petition; Senator Hein seconded the motion, and the motion carried. Following further committee discussion, Senator Gaines moved to delete the third party notice requirement; Senator Steineger seconded the motion, and the motion carried. Senator Everett moved to further amend the bill; Senator Hess seconded the motion, and the motion carried. Senator Gaines moved to report the bill favorably as amended; Senator Hein seconded the motion, and the motion carried on a vote of five to three. Later, during the committee meeting, Senator Hein moved to reconsider the action on this bill; Senator Steineger seconded the motion, and the motion carried. Senator Hein suggested there should be a provision for an alternative defense; following committee discussion, Senator Berman moved to report the bill adversely. Senator Simpson seconded the motion. Senator Hein made a substitute motion to amend the bill concerning an alternative defense; Senator Gaines seconded the motion. Following committee discussion, the substitute motion failed. The original motion to report the bill adversely carried with Senators Hess and Hein and Pomeroy voting "No."

Senate Bill 551 - Annual hearings for persons committed after a finding of not guilty because of insanity. Committee discussion was had concerning this bill. Staff was requested to prepare proposed amendments to the bill and bring them back to the committee.

Senate Bill 780 - Restoring ~~coparental~~ ~~rights~~ ~~after~~ ~~var~~ ~~deprival~~ ~~porate~~ termination thereof pursuant to a divorce or juvenile code action. Following committee discussion, it was agreed to hold this bill until we have hearings on SB 841.

Senate Bill 676 - Prosecutions for aggravated juvenile delinquency to be heard pursuant to juvenile code. Following committee discussion, it was agreed to hold this bill until we have hearings on HB 2709.

Senate Bill 579 - Protection of adults and children from abuse by persons residing with them, tax levy authorization. Senator Parrish explained proposed amendments to the bill which would allow for mill levy authority for counties who want to establish emergency

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Minutes of the Senate Committee on Judiciary February 10, 19 78.

shelter. Following committee discussion, Senator Parrish moved to amend the bill by providing authority for such levy; Senator Simpson seconded the motion, and the motion carried. Following committee discussion, staff was requested to check on the provisions of the old "peace bond" and report back to the committee.

Senate Bill 611 - Probate code, decree of descent ten or more years after decedent's death. Following committee discussion, it was agreed to withhold action to the bill awaiting the Senate Assessment and Taxation Committee action on the inheritance tax bill.

Senate Bill 601 - Unlawful sale of a child. Following committee discussion, Senator Steineger moved to strike lines 21 through 24; Senator Simpson seconded the motion, and the motion carried. Senator Hein moved to report the bill favorably as amended; Senator Hess seconded the motion; but the motion failed.

Senate Bill 639 - Removing certain restrictions on wage garnishment. Following committee discussion, Senator Hein moved to report the bill favorably; Senator Parrish seconded the motion, but the motion failed. Senator Simpson moved to report the bill adversely; Senator Berman seconded the motion, and the motion carried, with Senator Hein being recorded as voting "No."

Senate Bill 736 - Crime of employing illegal aliens. Following committee discussion, Senator Berman moved to report the bill favorably; Senator Parrish seconded the motion, and the motion carried.

Senator Parrish moved to approve the minutes of January 30; Senator Mulich seconded the motion, and the motion carried.

The meeting adjourned.

These minutes were read and approved
by the committee on 4-4-78.

GUESTS

SENATE JUDICIARY COMMITTEE

NAME

ADDRESS

ORGANIZATION

Gene Steffes	Olpe	Voter
Peter J. Wagner	Olpe	
Bob Hartsook	Topeka	KTLA
Judy Teusink	Topeka	Ks. Womens Political Caucus
Joan Wagner	Ywca Topeka	→

SUMNER COUNTY DISTRICT COURT
NINETEENTH JUDICIAL DISTRICT

Associate District Judges:
Lloyd K. McDaniel
Thomas H. Graber

Sumner County Courthouse
Wellington, Kansas 67152

February 8, 1978

Senator Elwaine F. Pomeroy
Kansas State Senate
Topeka, Kansas

RE: Suggested revisions and amend-
ments to Senate Bill 553

Dear Senator Pomeroy:

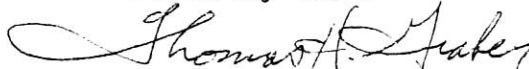
Pursuant to the Judiciary Committee Request, you will find listed below the amendments and changes I discussed in my testimony before the committee. I would call your attention to the fact, that, in addition to the amendments I discussed before the committee, items 9 through 12 are areas I failed to call to the attention of the committee at the hearing. Those items I discussed are presented without explanation; but I took the liberty to give some brief explanation for the requested changes I forgot to bring before the committee.

1. On page 22 beginning on line 0815 the phrase " but who shall become licensed thereunder within 30 days of the Court Order if the child remains in such person's custody " should be deleted.
2. On page 29 in line 1065 the phrase " the parents of " should be stricken and on line 1067, this should be inserted, after the word " truant " the phrase " and or his parents. "
3. On page 18, in line 0652 the phrase " or other person designated by the District Court " between " thereof " and " to ".
4. On page 18, in line 0658 the phrase " or other person designated by him " should be inserted between " Court " and " determine ".
5. On page 18 in line 0659 the phrase " a person designated by him " should be inserted between " judge " and " shall ".
6. On page 10 in line 0347 the phrase " or placed in a place of detention designated by the District Court " should be inserted following " Court " and before " or ".
7. On page 14 in line 0508 the phrase " or that two years have elapsed since final discharge of the person " should be deleted.

8. On page 17 in line 0606 the phrase " or other responsible person designated by the Court " should be inserted between " officer " and "or".
9. On page 8 in line 0273 following committed the following phrase should be added " Provided, however, that in any case involving an alleged truant in which the school that the truant is required to attend is in a school District located in two or more counties venue for the adjudicatory proceedings shall be in any county in which the school district has an attendance center.
10. On page 13 in line 0457 add following the semi-colon " and any person or persons who have suffered personal or property damage or injury as a result of a public offence committed or alleged to have been committed by the child." (This addition is necessary to allow injured parties to learn the identities of those causing their injury. As an example, I would point out that we have a state law which creates a limited liability for a parent of a minor who causes wilful damage; but the law has no meaning if an injured person can't find out from the authorities who caused the injury so that legal action can be taken to recover their damage.)
11. On page 16 in line 0595 the period following "care" should be changed to a semi-colon and the following phrase added " or (4) the child is or will be without the proper or necessary supervision, care, or control pending a hearing on the adjudication of the petition". (This phrase seems necessary to allow protection to juveniles under the new "deprived child" category established on pages 3 and 4 lines 0117 through 0137.
12. On page 10 lines 0362 and 0363 eliminate " but no child under the age of eighteen (18) years of age shall be incarcerated for any such offense". (In the case of some traffic offenders, the only penalty which seems to have meaning is the prospect of or some time in jail. Fines are not adequate nor is the loss of driving privileges. In some instances , it even avoids hardship while teaching a lesson. For example, when the license is needed to maintain employment or transport disabled parents.)

I thank you and your committee for your consideration. If you have any questions, please contact me.

Sincerely Yours



Thomas H. Graber
Associate District Judge