

Held in Room 519 S, at the Statehouse at 1:15 a.m./p.m., on February 23, 1979.

All members were present except: Senators Steineger, Allegrucci, Berman, Burke, Gaar and Mulich

The next meeting of the Committee will be held at 10:00 a.m./p.m., on February 26, 1979.

~~These minutes of the meeting held on xxxxxxxxxxxxxxxxxxxxxxxxxxxx, 19xx were considered, corrected and approved~~


Chairman

The conferees appearing before the Committee were:

Staff present:

- Art Griggs - Revisor of Statutes
- Jerry Stephens - Legislative Research Department
- Wayne Morris - Legislative Research Department

Senate Bill No. 42 - Criminal code and procedure, changes in involuntary manslaughter, expungements, sentencing when firearm involved.
 Senator Parrish moved to amend the bill to provide that the mandatory sentencing law for crimes committed with a firearm would apply to rape and aggravated sodomy; Senator Hein seconded the motion. Following committee discussion, the motion failed on a vote of three in favor and four opposed. The chairman discussed with the committee a letter received from the Sedgwick County District Attorney regarding information contained in affidavits of probable cause and search warrant information. Following committee discussion, Senator Hess moved to amend the bill as suggested; Senator Hein seconded the motion. Following committee discussion, the motion carried. Senator Werts, having voted on prevailing side, moved to reconsider Senator Parrish's motion regarding crimes committed with the use ^{of} firearms; Senator Parrish seconded the motion, and the motion carried. Having voted to reconsider the motion, further discussion of the motion was had, and the motion then prevailed. Senator Hess moved that the bill be amended by adding the repeal of the statutes relating to the crime of adultery and illegal cohabitation; Senator Pomeroy seconded the motion, and the motion carried, with Senator Hein voting "No". Senator Parrish moved that the bill be further amended to provide that the mandatory sentencing for crimes committed with firearms would not apply to persons under age 18; Senator Simpson seconded the motion, and the motion carried. Senator Hess moved to report the bill favorably as amended; Senator Parrish seconded the motion and the motion carried, with Senator Hein voting "No".

Senate Bill No. 190 - Abrogation of interspousal immunity.
 Following committee discussion, Senator Hein moved to report the bill favorably; Senator Parrish seconded the motion. Following further committee discussion, Senator Hein made a

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

Minutes of the Senate Committee on Judiciary February 23, 19 79.SB 190 continued -

substitute motion to delete all after the word "tort"; Senator Simpson seconded the motion, and the motion carried. Senator Hein moved to report the bill favorably as amended; Senator Parrish seconded the motion, and the motion carried.

Senate Bill No. 146 - Reporting abuse of certain persons. During committee discussion, it was pointed out that House Bill 2167 is a similar bill. The committee also discussed the attached fiscal note. Senator Gaines moved to report the bill adversely; Senator Werts seconded the motion, but the motion failed.

Senate Bill No. 281 - Labor and employment, exceptions to overtime compensation requirements. In response to a request from the committee, Jerry Stephens reported that the bill would be in conformity with the Federal law. Senator Simpson moved to report the bill unfavorably; that motion died for want of a second. Senator Werts moved to report the bill favorably; Senator Gaines seconded the motion. On a vote of three in favor and two opposed, the motion carried.

Senate Bill No. 74 - Garnishment of joint tenancy property. Senator Parrish moved to reinsert the language that the committee had previously deleted; Senator Werts seconded the motion, and the motion carried. Senator Parrish moved to report the bill favorably as amended; Senator Hein seconded the motion, and the motion carried.

Senate Bill No. 295 - Joint custody of children of divorced parents. Senator Hess moved to amend the bill by striking the word "act" and inserting "suit" in line 77; Senator Parrish seconded the motion, and the motion carried. Senator Parrish moved to report the bill favorably as amended; senator Hess seconded the motion. Following committee discussion, Senator Parrish withdrew the motion.

Senate Bill No. 376 - Collection agencies, wage garnishment limitations. Following committee discussion, Senator Hess moved to amend the bill by striking everything through the first comma in line 63 and 64; Senator Gaines seconded the motion, and the motion carried. Senator Hein moved to amend the bill to provide for garnishment of temporary support order; that motion failed for lack of a second. Senator Parrish moved to report the bill favorably as amended; Senator Werts seconded the motion, and the motion carried.

The meeting adjourned.

These minutes were read and approved
by the committee on 4-25-79.

The Honorable Elwaine Pomeroy, Chairperson
Committee on Judiciary
Senate Chamber
Third Floor, Statehouse

Dear Senator Pomeroy:

SUBJECT: Fiscal Note for Senate Bill No. 146 by
Senator Meyers

In accordance with K.S.A. 75-3715a, the following fiscal note concerning Senate Bill No. 146 is respectfully submitted to your committee.

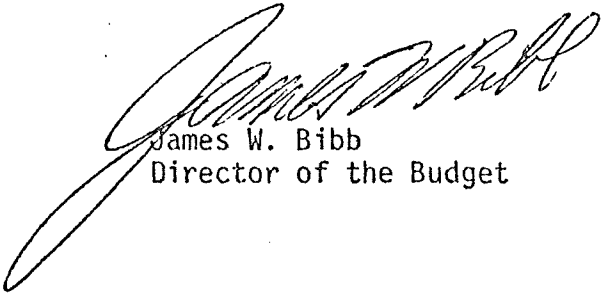
Subject act provides that certain persons shall make a report in accordance with this act when they have reasonable cause to believe that an aged, blind or disabled person is being abused, neglected or exploited. If the person which such report concerns is a resident of an adult care home or a patient in a medical care facility, the report concerning such person would be submitted to the Secretary of Health and Environment or to the local health department having jurisdiction in the area in which the adult care home or medical care facility is located. Any report of alleged abuse of an aged, blind or disabled person, who is not a resident of an adult care home or a patient in a medical care facility, would be made to the Secretary of the Department of Social and Rehabilitation Services.

Subject act further requires that upon receiving such report, the Secretary of Health and Environment or the Secretary of the Department of Social and Rehabilitation Services shall within 48 hours make an initial investigation concerning the report which would include a personal visit with the aged, blind or disabled person and then, within two weeks of receiving the initial report, make a thorough investigation and evaluation to determine the situation relative to the condition of the aged, blind or disabled person and what action and services, if any, are required. Upon completion of such evaluation, either the Secretary of Health and Environment or the Secretary of the Department of Social and Rehabilitation Services shall prepare written findings which shall include a finding of whether or not there has been abuse, neglect or exploitation, together with recommended action and a determination of whether or not protective services are required. If such protective services are required, the case shall be referred to the Secretary of Social and Rehabilitation Services for provision of necessary services. Subsequent to the authorization of such protective services, the Secretary of Social and Rehabilitation Services shall initiate a review of each case within 45 days to determine whether or not continuation of or modification in such services is warranted. Finally, the act requires that the Department of Health and Environment and the Department of Social and Rehabilitation Services each maintain statewide registers of the reports received and the findings, evaluations and actions recommended.

The Department of Social and Rehabilitation Services indicates that it currently provides protective services for adults but that current staffing levels do not permit the timeliness of investigation and reporting that would be required by the act. Therefore, the Department indicates that an additional social worker would be required in each of the seventeen administrative areas of the Department to do the initial evaluations and to make the follow-up reports required by the act. Based upon the salaries for such positions and the required office equipment, the Department indicates that the first year costs of the act would be \$159,028, of which \$39,757 would be State General Fund expenditures and \$119,271 would be federal Title XX expenditures.

The Department of Health and Environment indicates that at least \$160,000 would be required for it to administer the provisions of the act concerning investigation and reporting of alleged abuse in adult care homes. The Department indicates that at least seventeen additional staff members would be required to carry out the social service evaluation required by the act and to maintain the register of such reports. The Department also indicates that since some reports may be first forwarded to the local health departments for the initial contact the act mandates additional costs at the local level associated with such reports. Unless some contractual arrangement with the Department of Social and Rehabilitation Services can be negotiated under federal regulations, the entire cost of additional staff for the Department of Health and Environment would have to be financed with state funds.

On summary, it is estimated that the total cost of the act to the state would be approximately \$320,000 for FY 1980, of which approximately \$119,000 would be federal funds and \$201,000 to be financed with State General Fund moneys. Any expenditures for FY 1980 which would occur as a result of passage of this act would be above the amounts included in the 1980 Governor's Budget Report.



James W. Bibb
Director of the Budget

JWB:DBD:mkr