

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Representative Bob Frey at
Chairperson

3:30 ~~am~~/p.m. on February 23, 1983 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Mark Burghart, Legislative Research Department
Mike Heim, Legislative Research Department
Nedra Spingler, Secretary
Mary Ann Torrence, Revisor of Statutes Office, was excused.

Conferees appearing before the committee:

Bob Storey, Kansas Game Protectors Association, Topeka
Richard McCullough, President, Kansas Game Protectors Association, Garnett
Adrian Farver, Kansas Sheriffs Association
Bill Hanzlick, Director, Kansas Fish and Game Commission, Pratt
Walter Scott, Associated Credit Bureaus of Kansas
Marjorie Van Buren, Judicial Administrator's Representative

The minutes of the meetings of February 16 and 17, 1983, were approved.

HB 2381 - An act relating to certain alcohol-related crimes.

The Chairman announced the hearing scheduled on the bill for this meeting was cancelled because of a U.S. Supreme Court ruling concerning admissable evidence. The bill will remain in Committee subject to any further developments.

HB 2273 - An act relating to the powers of state game protectors.

Bob Storey, representing the Kansas Game Protectors Association, said this group was made up of 40 game protectors who requested Representative Foster to introduce the bill. He noted game protectors carry weapons and have graduated from the law enforcement training center but do not have law enforcement powers and cannot arrest anyone for crimes which do not fall under the Fish and Game authority. He called attention to comments from Col. Allen Rush, retired Highway Patrol Superintendent endorsing HB 2273 (Attachment No.1).

Richard McCullough, President, Kansas Game Protectors Association, and former game protector, supported the bill, stating crime has moved into the rural areas. Because of training received, he believed game protectors were qualified to enforce all of the state's criminal laws and should be able to do so when witnessing a serious crime although a game protector's main concern would continue to be enforcement of fish and game laws.

In discussion, Mr. Storey said line 83 was present law and should be amended to allow enforcement of criminal laws. In regard to deputy game protectors, he said the game protectors' association does not support deputies having this extra law enforcement power.

Adrian Farver, Kansas Sheriffs Association, stated this group does not object to game protectors having full police power provided they have had full law enforcement training. He believed the bill may allow deputy game protectors to have this power.

Bill Hanzlick, Director, Kansas Fish and Game Commission, stated that agency was not involved in the introduction of HB 2273 and had no knowledge of it until recently. He did not oppose the bill but believed the agency had more pressing legislation to deal with. In past years, his agency has requested this bill but chose not to this year.

HB 2340 - An act concerning garnishment of earnings.

Representative Erne said the reason for the bill was to make it unnecessary for an employer to have to go to court and swear that an employee whose wages were being garnisheed no longer worked for him/her. The bill provides a form that can be signed when the employer is served an order of garnishment.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY,
room 526-S, Statehouse, at 3:30 ~~am~~/p.m. on February 23, 1983.

Walter Scott suggested the bill be amended in lines 93-95 to require the employer to sign and be witnessed by the deputy or process server serving the order rather than by a person authorized to administer oaths.

Marjorie Van Buren, representing the Judicial Administrator, agreed with Mr. Scott's suggestion. She suggested the Administrator could spread the word to use this method which is already being practiced in many areas of the state.

Staff was requested to prepare a balloon amendment to include a form for the employer to sign, but not under oath, indicating the person is no longer employed.

HB 2260 - An act relating to reproduction of certain products.

During discussion, concern was expressed that the bill would cover a lot of different products other than boat hulls, and creating a permanent patent right may be unconstitutional. No action was taken on the bill.

The Chairman adjourned the meeting at 5:00 p.m.

February 22, 1983

Committee on Judiciary

The following comments are addressed to H.B. 2273 relating to powers of state Game Protectors.

It is worthy of comment that Game Protectors are subject to and are given the same training at the Law Enforcement Training Center in Hutchinson, as any other peace officer. Additionally, unless it has changed, they receive in-service training to up grade veteran officers in new laws and other matters incidental to enforcement activity.

Kansas Game Protectors have a reputation for efficiency and dedication to duty. There should be little concern that granting full police powers would result in protectors straying from the duties prescribed for them by law.

These officers have earned the additional authority this bill provides and, if given, I am sure will be treated as a trust as well as a vote of confidence by the Kansas Legislature.

Respectfully,

A handwritten signature in cursive script that reads "Allen C. Rush". The signature is written in dark ink and is positioned above a horizontal line.

Col. Allen C. Rush (Ret.)