

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

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

3:30 XX a.m./p.m. on April 27, 1984 in room 526-S of the Capitol.

All members were present except:

Representatives Campbell, Duncan, Harper, Ediger, Erne, Justice, and Solbach were excused.

Committee staff present:

Jerry Donaldson, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes' Office
Nedra Spingler, Secretary

Conferees appearing before the committee:

Dr. Robert Harder, Secretary, Department of Social and Rehabilitation Services
Paul Klotz, Association of Community Mental Health Centers of Kansas
Marjorie Van Buren, Office of the Judicial Administrator

The Committee met to consider SB 880 and SB 881.

SB 880 - Relating to competency to stand trial.

Dr. Robert Harder, Secretary of the Department of Social and Rehabilitation Services, explained the need for the bill which addresses competency evaluations of individuals to stand trial being conducted presently at state institutions and at Larned State Hospital in particular. The bill provides that individuals be tested at Larned only if there is no possibility that they can be tested in the community. This would free 17 beds for the mentally ill who are under the Department of Corrections' system. Mental health centers conducting evaluations would be reimbursed with \$60,000 of state funds. All counties are in the catchment areas of mental health centers. Secretary Harder said the estimated cost for local facilities to conduct evaluations is \$500 compared to the average cost of \$5,600 at Larned.

During discussion, Dr. Harder said SRS would not reject recommendations made by local evaluators. Provisions of the bill have not been implemented administratively through the courts because the Judicial Administrator's Office preferred that it be done legislatively. Language in the bill came from that office. Individuals evaluated locally would be committed to state institutions and not to the Secretary of Corrections.

Paul Klotz, Association of Community Mental Health Centers of Kansas, supported the bill.

Marjorie Van Buren, Office of the Judicial Administrator, said that office believes judges need the options provided in the bill.

It was noted the bill needed clarifying as to whom the "director" was since, in some counties, both state and private institutions are available for evaluations, and there could be more than one "director" involved. Representative Patrick moved to change "the" to "a" in line 41, seconded by Representative Vancrum. Motion carried. Representative Patrick moved to recommend SB 880, as amended, favorably, seconded by Representative Buehler. Motion carried.

SB 881 - Governmental ethics and restrictions on compensation in representation cases.

The Chairman noted that some attorneys who were state officers had unknowingly violated present state law by representing individuals, on a contingency basis, before the Board of Tax Appeals. The bill would allow them and other state officers to do so.

Representative Miller moved to strike Section 1 and renumber the sections which would repeal present law rather than amend it, seconded by Representative Buehler. Members objected to making this major change in state policy without a more thorough hearing on the bill or more Committee members being present. Representative Blumenthal made a substitute motion to report the bill favorably, seconded by Representative Cloud. The substitute motion failed to carry. Representative Cloud made a substitute motion to table SB 881, seconded by Representative Douville. The substitute motion failed to carry. The vote on the original motion to amend carried. Representative Buehler moved to report SB 881, as amended, favorably, seconded by Representative Wunsch. Motion carried. Representatives Douville, Blumenthal, and Cloud voted against the motion.

The meeting was adjourned at 4:10 p.m.