

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Elwaine F. Pomeroy at  
Chairperson

10:00 a.m./~~pm~~ on March 15, 1984 in room 514-S of the Capitol.

All members ~~were~~ present ~~except~~ were: Senators Pomeroy, Winter, Burke, Feleciano, Gaar, Gaines, and Werts.

Committee staff present: Mary Torrence, Office of Revisor of Statutes  
Mike Heim, Legislative Research Department  
Jerry Donaldson, Legislative Research Department

Conferees appearing before the committee:

Dr. James McHenry, Alcohol and Drug Abuse Services, SRS  
Mike Flyzik, Alcohol and Drug Abuse Services, SRS  
Representative Richard Harper

House Bill 3026 - Alcoholism and intoxication treatment.

Dr. James McHenry explained this bill is designed to clean up the language in the existing alcohol commitment statutes to make them consistent, when possible, with the mental illness commitment statutes. A copy of his remarks is attached (See Attachment No. 1).

Mike Flyzik explained the proposed changes that are listed on the attached handout (See Attachment No. 2). Committee discussion with him followed.

Following the chairman's explanation of the change the House had made to Senate Bill 232, Senator Feleciano moved to amend this bill to conform to the changes the House made to SB 232; Senator Gaar seconded the motion, and the motion carried. Senator Feleciano moved to report the bill favorably as amended; Senator Gaar seconded the motion, and the motion carried.

House Bill 2694 - Interference with parental custody.

The chairman explained the pending motion that was made in yesterday's committee meeting. Following committee discussion, Senator Winter withdrew his motion to amend the bill by deleting new Section (1) and inserting an amendment to the kidnapping statute. Senator Winter then made a motion to amend the bill by expanding the definition of aggravated interference with parental custody to make it clear this crime that is committed when a child is taken and their whereabouts is unknown. Senator Feleciano seconded the motion, and the motion carried. Senator Werts moved to amend the bill by amending the language in Senate Bill 368 into this bill; Senator Winter seconded the motion, and the motion carried. Senator Winter moved to report the bill favorably as amended; Senator Burke seconded the motion, and the motion carried.

Senate Bill 368 - Crime of interference or aggravated interference with parental custody.

Senator Werts moved to report the bill adversely; Senator Winter seconded the motion, and the motion carried.

House Bill 2843 - Levy of special assessments for sewer improvements in the city of Fort Scott.

Representative Richard Harper explained this is a local bill that was introduced to address the special assessment levy that was levied by the city of Fort Scott, Bourbon County, Kansas. A copy of his testimony with other material is attached (See Attachments No. 3). Following committee discussion with Representative Harper, Senator Burke moved

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,  
room 514-S, Statehouse, at 10:00 a.m./~~p.m.~~ on March 15, 1984

House Bill 2843 continued

to report the bill favorably and be placed on the consent calendar; Senator Feleciano seconded the motion, and the motion carried.

The chairman referred the committee to the letter of response from Ron Todd, the Assistant Insurance Commissioner, with regard to the insurance department rule and regulation. Considerable committee discussion followed. Senator Gaar then moved to request the chairman to write a letter to the Attorney General requesting an opinion with regard to the legality of that rule and regulation; Senator Feleciano seconded the motion, and the motion carried.

Senator Werts moved to approve the minutes of February 29, 1984; Senator Feleciano seconded the motion, and the motion carried.

The meeting adjourned.

3-15-84

GUESTS

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
Michael Flynn	SRS/ADAS Topoka	SRS/ADAS
Jim McHenry	SRS/ADAS	Topoka
Will Whitman	Topoka	Ks. Psy. Assoc.
Jim Chanick	"	KC DAA
Arden Emsley	"	Revisor of Statute
Susan Schaefer	"	Division of Insur.
Debbie Bonney	Topoka	
Richard Wagner	H. Scott	Yeg

*Attach. #1*

To: Senate Committee on Judiciary  
From: James A. McHenry, Jr., Ph.D.  
Commissioner  
SRS/Alcohol and Drug Abuse Services  
Date: March 15, 1984  
Re: House Bill 3026

House Bill 3026 is designed to clean up the language in the existing alcohol commitment statutes, making them consistent, when possible, with the mental illness commitment statutes. This bill, in its original form, contained the same amendments to the law as SRS/ADAS proposed to this Committee a few weeks ago with reference to SB 232.

I would like to bring to your attention certain changes which the House Committee on Judiciary made in the bill:

P. 8, Line 299 and Changed five days to 48 hours. The Committee felt  
P. 10, Lines 361 & 362. five days was too long and desired to retain 48 hours.

The House Committee of the Whole amended the bill on page 6, lines 213 & 214. This change includes hospitals and mental health centers as facilities where a law enforcement officer can take a proposed patient. This change also makes it clear that the law enforcement officer can take these persons only to programs that have a physician or psychologist.

We believe this bill is necessary to improve the alcohol commitment process. We recommend that the alcohol and drug procedures have the same provisions in order to assist judges and persons who participate in the commitment process.

I am attaching, for your reference, a brief listing of the amendments and comments identifying the rationale for these changes.

I wish to recommend your favorable consideration of this bill and to thank the Committee for the opportunity to appear in support of HB 3026.

1953B

*Attach. 1*

COMMENTARY ON PROPOSED CHANGES IN ALCOHOL COMMITMENT STATUTE  
RE: HB 3026

- P. 2 Lines 69 - 72 To be consistent with MI commitment statutes.
- P. 2 Line 82 &  
Lines 84 - 87 The "Informal patient" does not apply to drug treatment programming.
- P. 3 Lines 89 - 90 Clean up language.
- P. 4 Lines 135 - 137 Psychologists, along with physicians, should have the ability to determine if a person is incapacitated or a danger to self or others because of drug abuse/dependency.
- P. 4 Lines 141 - 148 Clean up language. To be consistent with MI commitment statutes.
- P. 5 Line 158 Clean up language.
- P. 5 Lines 161 - 171 Clean up language.
- P. 5 Lines 175 - 180 Clean up language.
- P.5/6/7Lines 187 - 244 To be consistent with MI commitment statutes. Lines 212 - 214 added to include hospitals and mental health centers.
- P. 7/8 Lines 267 - 276 To be consistent with MI commitment statutes.
- P. 8 Line 277 The word "reputable" was reinstated in Drug Commitment Bill passed by the Senate (SB 232).
- P. 8 Lines 286 - 290 To be consistent with MI commitment statutes.
- P. 8 Line 292 Clean up language/adds psychologist.
- P. 8 Line 293 Clean up. The change to 72 hours gives more time for an examination to be valid and therefore one more day of time to accomplish the examination.
- P. 8 Lines 295 - 300 House reduced 5 day provision to 48 hours.
- P. 9 Line 307 - 311 To be consistent with MI commitment statutes.
- P. 9 Line 325 - 326 To be consistent with MI commitment statutes.
- P. 10 Line 347 - 357 Clean up language and clarity.
- P. 10 Lines 358 - 362 House reinstated 48 hour time limit.
- P. 12 Line 434 House deleted "reputable".
- P. 12 Lines 440 - 452 Clean up language.

COMMENTARY ON PROPOSED CHANGES IN ALCOHOL COMMITMENT STATUTE  
RE: HB 3026  
Page 2

- P. 13 Lines 465 - 481 To be consistent with MI commitment statutes.
- P. 14 Line 518 & 520 Clean up language.
- P. 15 Lines 530 - 532 Clean up language/adds psychologist.
- P. 15 Lines 558 & 561 Treatment programs generally have a set number of days of program length under 90 days. This reduction will provide better consistency with the treatment system.
- P. 16 Lines 592 - 596 Clean up language.
- P. 17 Lines 630 - 632 Clean up language.
- P. 18 Lines 640 - 642 Clean up and to aid with possible problems with confidentiality.
- P. 18 Lines 655 & 662 Clean up language/adds psychologist.
- P. 18 Line 669 Protect the confidentiality of the proposed patient.
- P. 18 Line 675 Clean up language/adds psychologist.
- P. 19 Lines 702 - 705 Clean up language/adds jury.
- P. 19 Line 712 Provides a more realistic length of treatment time, 60  
P. 20 Line 715 days is about the average length of treatment programs.
- P. 20 Lines 725 & 728 Clean up language/adds psychologist.
- P. 21 Lines 775 & 786 Clean up language.
- P. 22 Lines 814 - 815 See P. 24 below.
- P. 23 Lines 825 & 827 Since drug treatment is not as open ended as MI treatment, a shorter period of time is appropriate.
- P. 23 Lines 852 - 859 Clean up language. Most community based treatment programs do not have a physician as a head of the treatment facility so the decision should be made by a person with clinical skills and authority.
- P. 24 Lines 871, If it can not be determined in the usual manner the  
880 - 885 county of residence of the patient, the secretary can  
& 890 - 893 determine the county of residence or nexus using this information. This is in determining which county will pay the court costs and applies primarily to transient persons.

STATE OF KANSAS

RICHARD L. HARPER  
REPRESENTATIVE, ELEVENTH DISTRICT  
BOURBON, CRAWFORD, AND LINN COUNTIES  
R.F.D. NO. 3  
FORT SCOTT, KANSAS 66701



TOPEKA

HOUSE OF  
REPRESENTATIVES

February 16, 1984

3-15-84  
*Attach. 3*  
COMMITTEE ASSIGNMENTS  
CHAIRMAN: ELECTIONS  
MEMBER: JUDICIARY  
TRANSPORTATION

Mr. Chairman and Members of the Committee

HB 2843 is a local bill that is introduced to address the levy of special assessment levied by the City of Fort Scott, Bourbon County, Kansas.

I will attempt to give you the history of this problem as it has been related to me by a former city commissioner and former members of the Bourbon County Fair Association.

*In 1971* The people along 23rd Street, which is to the South of the Fairgrounds, decided that they wanted to form a sewer district. The Fairboard when asked if they would like to be a part of the new sewer district, declined since the two restrooms on the Fairgrounds, one in the 4-H Building and the one in the grandstand area, were already hooked on the sewer district to the North of the Fairgrounds.

In order to get the trunk line to the 23rd Street district, the Fairboard gave the city an easement to run the trunk line across the East side of the Fairgrounds. The Fairboard understood that if they gave the city the easement, the city would not include the Fairgrounds in the 23rd Street district.

Mr. Albert Price, former Street Commissioner, represented the City of Fort Scott in the negotiations with the Fairboard over the easement and the fact that the Fairgrounds would not be included in the new sewer district. I contacted Mr. Price by telephone on February 15th, and Mr. Price tells me he still remembers the negotiations and he feels that the Fairgrounds should not have been assessed.

The negotiations apparently were not documented or recorded which was a mistake on the Fairboard's part.

*Attch. 3*

# 2

When the sewer construction was completed the first assessment, which did not include the Fairgrounds, was sent to the lot owners, the cost was more than they had anticipated. The lot owners along 23rd Street at this point ask the city to include the Fairgrounds so their individual assessments would be lowered.

A hearing was held at City Hall concerning adding the Fairgrounds to the sewer district. The Fairboard appeared at the hearing. The City Commissioners voted after hearing that the Fairgrounds would be included in the 23rd Street sewer district.

The Fairboard was told privately by some of the Commissioners that the Fairboard could just ignore the assessment. As you know, there are Kansas statutes that prohibit just ignoring assessments and taxes.

The Fairboard has never had the funds to make this annual payment and therefore the total sewer assessment is outstanding. The assessment when spread over 10 years amounted to \$28,292.90. Since none of this has been paid, the interest has added to another \$22,132.28 for a total assessment and interest of \$50,425.18.

The Fairboard has met with the Bourbon County Commissioners and the City of Fort Scott Commissioners concerning the problem. Both are sympathetic with the problem, but their hands are tied by our Kansas statutes.

HB 2843 will allow the Fort Scott County Commissioners, City Commissioners and the Fair Association to negotiate the assessment and the accrued interest, and clear the records on this assessment.

Representative Richard L. Harper  
District # 11



# 3

OFFICE OF THE  
BOURBON COUNTY ATTORNEY  
COURTHOUSE  
FORT SCOTT, KANSAS 66701

DANIEL F. MEARA  
COUNTY ATTORNEY

GERALD W. HART  
ASSISTANT COUNTY ATTORNEY

TELEPHONE 316 223-2910

September 30, 1983

The Bourbon County Fair Association  
c/o William Endicott  
Citizens National Bank  
Fort Scott, Ks. 66701

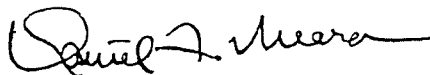
In Re: Tract No. 7977-4

Dear Sirs:

Please be advised that delinquent and unpaid taxes have accumulated against the above described property in the amount of \$ 50,425.18, excluding interest.

As County Attorney of Bourbon County, I have been ordered, by the County Commissioners of Bourbon County, to institute tax foreclosure proceedings against all property in our County upon which there are due and unpaid delinquent taxes. Take notice that unless you pay the delinquent taxes on the above described property, plus accumulated interest, on or before October 14, 1983, it will be included in the tax foreclosure proceeding and you will be assessed a pro rata portion of the cost of the proceeding.

Sincerely yours,



Daniel F. Meara

DFM:emc



PLAINTIFF for its cause of action alleges and states: that on the day of September, 19, the following described real estate situated in the County of Bourbon, in the State of Kansas, to-wit:

DESCRIPTION	(Twp.-City)	Sec. or Lot	Twp. or Blk.	Rge.	No. of Acres	Assessed Value	Sch. Dist. No.	19 Sale No.

was sold as provided by law, for delinquent taxes due thereon for the year A. D., 19, and was bid in by the County of Bourbon at such delinquent tax sale, and the same has remained unredeemed for the period of more than three years after such sale or any extension thereof, as provided in Section 79-2401A of the General Statutes of Kansas, for 1949. That the amount of taxes, charges, and interest and penalties chargeable to said described property, for the following years as follows, viz.:

Year Of Tax	Amount Of Tax	Interest, Charges And Penalties To Date of Sale	Amount Bid In By County	Interest To 19	Total
1971	\$ 2,829.29	\$ 3,394.80	\$	\$ 50	\$ 6,224.59
1972	"	\$ 3,111.90	\$	\$ 50	\$ 5,941.69
1973	"	\$ 2,829.00	\$	\$ 50	\$ 5,658.79
1974	"	\$ 2,546.10	\$	\$ 50	\$ 5,375.89
1975	"	\$ 2,263.20	\$	\$ 50	\$ 5,092.99
1976	"	\$ 1,980.30	\$	\$ 50	\$ 4,810.09
1977	"	\$ 1,697.40	\$	\$ 50	\$ 4,527.19
1978	"	\$ 1,414.50	\$	\$ 50	\$ 4,244.29
1979	"	\$ 1,357.92	\$	\$ 50	\$ 4,187.71
1980	"	\$ 1,527.66	\$	\$ 5.00	\$ 4,361.95
1977	"	\$ 1,018.44	\$	\$ 0.00	\$ 3,857.03
1978	"	\$ 1,509.22	\$	\$ 5.00	\$ 3,343.51

Making the aggregate due on the day of 19, the sum of \$ 57,621.42  
7,196.24  
50,425.18

That there is an additional lien for unpaid 19 taxes in the sum of \$  
That the name of the owner of said property is/are  
Bourbon County Fair Association  
Inc. a corp.  
c/o William S. ...  
Citizens State Bank

And that  
claims some interest therein and thereto, the exact nature and extent of which is unknown to said plaintiff.