

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by REPRESENTATIVE JOE KNOPP at  
Chairperson

3:30 ~~xxx~~ a.m./p.m. on February 7, 1985 in room 526-S of the Capitol.

All members were present except:

Representatives Adam, Buehler and Duncan were excused.

Committee staff present:

- Jerry Donaldson, Legislative Research Department
- Mike Heim, Legislative Research Department
- Mary Ann Torrence, Revisor of Statute's Office
- Becca Conrad, Secretary

Conferees appearing before the committee:

Mr. Barnum, Social Rehabilitation Services

The Chairman suggested that they hear Representative Douville's bill, HB 2083, at a later time since he had been ill.

HB 2056 and HB 2059 - Concerning the Kansas code for care of children; relating to educational decisions with regard to certain children; and relating to mental care and treatment decisions.

Mr. Barnum, SRS, reviewed the language changes made concerning in-patient treatment at psychiatric hospitals. See Attachment No. 1.

Representative Wagon made a motion to adopt the amendments in HB 2059 - instead of (c), it would be (3) and renumber Sec. 3 to Sec. 4. It was seconded by Representative Whiteman and carried.

It was moved by Representative Whiteman and seconded by Representative Vancrum that HB 2059 be amended to include the provisions of HB 2056. The motion carried.

Representative Wagon made a motion, and Representative Whiteman seconded it, that HB 2059 be reported out favorably. The motion carried.

HB 2038 - Concerning farm tenancies; relating to termination of tenancy.

Technical clean-up provided by Representative Heinemann was proposed on this bill. It was moved by Representative Solbach and seconded by Representative Vancrum to pass this out favorably and place it on the Consent Calendar. The motion carried.

HB 2103 - Concerning the uniform commercial code; relating to priority of security interests; limiting liability for dissemination of certain information relating to filings.

The Chairman stated that HB 2039 and HB 2103 are similar bills with the exception that HB 2103 had the clean-up language requested by the Secretary of State's office. HB 2103 was reviewed by the committee.

Representative Walker moved and Representative O'Neal seconded it, that HB 2103 be reported favorably. The motion carried.

HB 2039 - Amending the uniform commercial code; relating to priority of certain security interests.

Representative Shriver made a motion to report HB 2039 adversely. Representative Vancrum seconded it and the motion carried.

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 HOUSE COMMITTEE ON JUDICIARY,  
room 526-S, Statehouse, at 3:30 ~~a.m.~~/p.m. on February 7, 1985.

HB 2043 - Concerning probate proceedings; relating to notice of sale of personal property.

Representative Wunsch made a motion to amend this bill to read "by publication once in the newspaper at least ten days prior to the date of sale". It was seconded by Representative Whiteman and the motion carried.

Representative Walker moved, and it was seconded by Representative Whiteman, that the bill be reported favorably as amended. The motion carried.

The Chairman announced that there will not be a meeting on Monday.

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

0046 records;

0047 (D) immunizations for the child; and

0048 (E) administration of lawfully prescribed drugs to the child.

0049 (4) When the court has granted legal custody of a child in a

0050 dispositional hearing to any agency, association or individual,

0051 the custodian or an agent designated by the custodian shall have

0052 authority to consent to the performance and furnishing of hospi-

0053 tal, medical, surgical or dental treatment or procedures *or mental*

0054 *care or treatment*, including the release and inspection of medi-

0055 cal or hospital records, subject to terms and conditions the court

0056 considers proper.

0057 (5) Any health care provider who in good faith renders hos-

0058 pital, medical, surgical or dental care or treatment to any child

0059 after a consent has been obtained as authorized by this section

0060 shall not be liable in any civil or criminal action for failure to

0061 obtain consent of a parent.

0062 (6) Nothing in this section shall be construed to mean that

0063 any person shall be relieved of legal responsibility to provide

0064 care and support for a child.

0065 (b) *Mental care and treatment*. If it is brought to the court's

0066 attention, while the court is exercising jurisdiction over the

0067 person of a child under this code, that the child may be a

0068 mentally ill person as defined in K.S.A. 59-2902 and amend-

0069 ments thereto, the court may:

0070 (1) Direct or authorize the county or district attorney or the

0071 person supplying the information to file the application provided

0072 for in K.S.A. 59-2913 and amendments thereto and proceed to

0073 hear and determine the issues raised by the application as

0074 provided in the act for obtaining treatment for a mentally ill

0075 person; or

0076 (2) authorize that the child seek voluntary admission to a

0077 treatment facility as provided in K.S.A. 59-2905 and amendments

0078 thereto.

0079 The application to determine whether the child is a mentally

0080 ill person may be filed in the same proceedings as the petition

0081 alleging the child to be a child in need of care, or may be brought

0082 in separate proceedings. In either event the court may enter an

0083 order staying any further proceedings under this code until all

0084 proceedings have been concluded under the act for obtaining

0085 treatment for a mentally ill person.

0086 Sec. 2. K.S.A. 1984 Supp. 38-1513 is hereby repealed.

0087 Sec. 3. This act shall take effect and be in force from and

0088 after its publication in the statute book.

excepting in-patient treatment at a state  
psychiatric hospital,

(c) In the event the child is already in the  
custody of the secretary, the secretary may con-  
sent to the mental care and treatment of the  
child, without court approval, so long as such  
care and treatment is not in-patient treatment  
at a state psychiatric hospital.