

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS

The meeting was called to order by REPRESENTATIVE ROBERT H. MILLER at
Chairperson

1:30 a.m./p.m. on April 2, 1986 in room 526S of the Capitol.

All members were present except:

Representative Long
Representative Grotewiel

Committee staff present:

Lynda Hutfles, Secretary
Mary Torrance, Revisor's Office

Conferees appearing before the committee:

Senator Langworthy
Senator Johnston
John Peterson, Theatre Owners of Kansas

The meeting was called to order by Chairman Miller.

Representative Sallee made a motion, seconded by Representative Sughrue, to approve the minutes of the March 26 meeting. The motion carried.

Representative Ramirez made a motion to adopt as a committee bill a proposal to protect little league coaches and umpires from lawsuits. Representative Sallee seconded the motion; the motion carried.

Representative Barr made a motion, seconded by Representative Goosen, to introduce a proposal, dealing with having a lay person on the Judicial Council to be appointed by the Governor, as a committee bill. The motion carried.

SB600 - Location of trade screenings of motion pictures

Senator Langworthy gave testimony in support of the bill which provides that motion picture trade screenings must be held in at least one of the four most populous counties in the state. Current law requires that such trade screenings be held in at least one of the three largest cities in the state. See attachment A.

John Peterson, Theatre Owners of Kansas, told the committee this was just a minor change and they did not oppose the bill.

Hearings were concluded on SB600.

SB385 - Judge's consent for marriage license under age 16

Senator Johnston explained the bill which requires a judges consent before any person under the age of 16 can be issued a marriage license.

Hearings were concluded on SB385.

Representative Peterson made a motion, seconded by Representative Brady, to report SB385 favorable for passage. The motion carried.

SB600

Representative Ramirez made a motion, seconded by Representative Hensely, to report SB600 favorably. The motion carried.

HB3114 - Tort Claim Act; exceptions from liability

Representative Roe made a motion, seconded by Representative Eckert, to report HB3114 favorable for passage.

Representative Sprague made a conceptual motion, seconded by Representative Aylward to include a minor under the juvenile code community service work program in the bill. 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 Federal & State Affairs
room 526S, Statehouse, at 1:30 a.m./p.m. on April 2, 1986

Representative Sprague made a motion, seconded by Representative Aylward, to report HB3114 favorably as amended. The motion carried.

HB2385 - Establish board of public utilities as independent corporate entity

Representative Peterson made a motion, seconded by Representative Hensley, to report HB2385 adversely. The motion carried.

HB2967 - Public utilities, composition of board of pension trustees

Representative Peterson made a motion, seconded by Representative Hensley, to report HB2967 favorably. The motion carried.

HB3086 - County hospitals; no fund warrants

Representative Roenbaugh made a motion, seconded by Representative Sughrue, to report HB3086 favorable for passage. The motion carried.

HB2961 - Cash deposit appearance bond prohibited

Representative Aylward made a motion, seconded by Representative Sallee, to report HB2961 favorable for passage.

Representative Hensley made a substitute motion, seconded by Representative Gjerstad, to amend to localize to the 3rd, 11th & 20th districts (See attachment B) and restricts to D & E felonies. The motion lost.

Representative Aylward's motion to report favorably was voted on and the motion carried.

SB539 - Real estate brokers' & salesperson's act

Representative Vancrum made a motion, seconded by Representative Peterson, to amend the bill by taking out the laundry list and inserting on line 0422 after "commission" the words "either before or after their completion". The motion carried.

Representative Vancrum made a motion, seconded by Representative Peterson to reinsert the language on line 0716 and 0717 dealing with the offering or giving of prizes. The motion lost.

Representative Sprague questioned Sec. 10 (3c) dealing with the amount of time a complaint of a violation can be commenced.

The meeting was adjourned because the House was going back into session at 2:00.

APRIL 2, 1986

THANK YOU REPRESENTATIVE MILLER AND MEMBERS OF THE COMMITTEE FOR ALLOWING ME TO COME BEFORE YOU TODAY ON SB 600. I HAVE LEARNED THAT VERY FEW BILL CHANGES ARE SIMPLE OR INNOCUOUS, BUT THIS CHANGE BORDERS ON SUCH A DEFINITION.

THE CHANGE IN THIS BILL IS ON PAGE 2, AMENDING "THE THREE CITIES WITHIN THIS STATE HAVING THE LARGEST POPULATION" TO "THE FOUR MOST POPULOUS COUNTIES IN THIS STATE".

THE SUGGESTION FOR THIS CHANGE CAME FROM A CONSTITUENT WHO IS INVOLVED IN TRADE SCREENING. HE ADVISED ME THAT PRIOR TO THE PASSAGE OF THIS BILL, TRADE SCREENINGS WERE HELD IN SEVERAL THEATERS IN JOHNSON COUNTY. NOW IT CANNOT BE DONE. I CHECKED WITH THE ATTORNEY GENERAL'S OFFICE AND THEY WERE UNWILLING TO DEFINE JOHNSON COUNTY AS A SUBURB OF KANSAS CITY, KANSAS.

THEREFORE, I AM HERE BEFORE YOU TODAY FOR A "SIMPLE" CHANGE. THE CO-SPONSORS ARE THE SAME ONES FROM THE ORIGINAL LEGISLATION IN 1981.

I WILL STAND FOR QUESTIONS.

ATTACHMENT A

H. FLSA
4/2/86

B
ATTACHMENT B
H. F. S. A
2/2/86

0047 abode of the person during the period of release; or

0048 (c) impose any other condition deemed reasonably necessary
0049 to assure appearance as required, including a condition requir-
0050 ing that the person return to custody during specified hours.

0051 (2) The appearance bond shall be executed with sufficient
0052 solvent sureties who are residents of the state of Kansas, unless
0053 the magistrate determines, in the exercise of such magistrate's
0054 discretion, that requiring sureties is not necessary to assure the
0055 appearance of the person at the time ordered.

0056 (3) A deposit of cash in the amount of the bond may be made
0057 in lieu of the execution of the bond by sureties. ~~Such deposit~~
0058 *shall be in the full amount of the bond and in no event shall a*
0059 *deposit of cash in less than the full amount of the bond be*
0060 *permitted. Any person charged with a crime who is released on a*
0061 *cash bond shall be entitled to a refund of all monies paid for the*
0062 *cash bond after the final disposition of the criminal case if the*
0063 *person complies with all requirements for court appearance and*
0064 *other conditions of release imposed by the court. No payment of*
0065 *or retention of an administration fee shall be imposed as a*
0066 *condition of release.*

0067 (4) A person charged with a crime may, in the discretion of
0068 the court, be released upon the person's own recognizance by
0069 guaranteeing payment of the amount of the bond for the per-
0070 son's failure to comply with all requirements for court appear-
0071 ance and other conditions of release imposed by the court. The
0072 release of a person charged with a crime upon the person's own
0073 recognizance shall not require the deposit of any cash by the
0074 person. No payment or retention of an administration fee shall
0075 be a condition of release on recognizance.

0076 (4) (5) In determining which conditions of release will rea-
0077 sonably assure appearance, the magistrate shall, on the basis of
0078 available information, take into account the nature and circum-
0079 stances of the crime charged, the weight of the evidence against
0080 the defendant, *the likelihood of injury to the community or*
0081 *victim of the crime charged, the propensity of the defendant to*
0082 *commit additional crimes while on release, the defendant's*
0083 family ties, employment, financial resources, character and,

as follows: (a) Except as provided by subsection
(3) (b), the

(b) In the 3rd, 11th and 20th judicial districts,
the court by rule may establish a system whereby a
person charged with a misdemeanor or with a class D
or E felony may deposit with the court a percentage
of the full amount of the person's bond, with a
portion of such deposit to be retained by the court
after final disposition of the case.