

Approved April 1, 1986

Date

MINUTES OF THE House COMMITTEE ON Judiciary

The meeting was called to order by Chairman Joe Knopp at
Chairperson

12:00 ~~a.m.~~/p.m. on March 10, 1986 in room 313-S of the Capitol.

All members were present except:

Representatives Harper, Luzzati, Shriver and Teagarden were excused

Committee staff present:

Jerry Donaldson, Legislative Research Department
Mary Torrence, Revisor of Statutes Office
Jan Sims, Committee Secretary

Conferees appearing before the committee:

John Wine, Legal Counsel for the Secretary of State

HB 3070 - An act amending the Kansas general corporation code.

John Wine, Legal Counsel for the Secretary of State appeared before the committee in support of this bill. He stated that sections 1, 2 and 3 adopt provisions conforming Kansas' corporation code to Delaware's code and section 4 corrects a previous error.

Rep. Duncan moved to at HB 3070 be reported favorably. Seconded by Rep. Wunsch. Motion carried on a voice vote.

HB 2735 - An act concerning law enforcement officers; relating to psychological testing thereof.

Rep. Sandy Duncan explained the provisions of this bill to the committee stating that the regulations of the law enforcement officers' academy had long contained a regulation requiring psychological evaluation of law enforcement officers and that it had been eliminated by the commissioners. This bill would reinstitute that requirement. He stated that with passage of this bill the officers would be tested twice; once upon hiring by the local agency and again during their training at the academy. The testing at the academy would not be changed by passage of this bill but the first testing would be. He stated that the Kansas Highway Patrol supports this bill and feels that a person who is psychologically unfit to be a law enforcement officer would reflect badly on the profession if allowed to pursue that career. Rep. Cloud moved to report HB 2735 favorable for passage. Seconded by Rep. Walker. Rep. Bideau made a substitute motion to delete the term "successfully" in both places where it appears. Seconded by Rep. Douville. Motion carried on a voice vote. Rep. Bideau made a substitute motion to delete section 2. Seconded by Rep. Vancrum. Motion failed 7 votes to 9. Rep. Cloud's motion carried on a voice vote.

HB 2672 - An act concerning hospitals; relating to liens upon personal injury damages recovered by patients.

Rep. Buehler moved to table HB 2672. Seconded by Rep. Cloud. Motion carried on a voice vote.

HB 2686 - An act relating to the payment of attorney fees.

Rep. Walker moved to report HB 2686 adversely. Seconded by Rep. Roy. Motion carried on a voice vote.

HB 2752 - An act concerning the operation or attempted operation of a motor vehicle; relating to certain tests fro blood alcohol concentration.

Mary Torrence presented a balloon incorporating amendments dealing with the objections the Department of Revenue had to this bill as originally drafted. They separate the provisions of this bill from the implied consent laws. Rep. Buehler moved to adopt the provisions of the balloon. Seconded by Rep. Walker. Motion carried on a voice vote. Rep. Buehler moved to report HB 2752 as amended favorable for passage. Seconded by Rep. Snowbarger.

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 313-S, Statehouse, at 3:30 a~~m~~/p.m. on March 10, 19 86

Motion carried on a voice vote.

HB 2851 - An act concerning domestic relations; relating to division of property in actions for divorce, annulment or separate maintenance.

Rep. Vancrum moved to report HB 2851 favorable for passage. Seconded by Rep. Buehler. Rep. Solbach made a substitute motion to table the bill. Seconded by Rep. Adam. Substitute motion carried 9 votes to 6.

HB 2898 - An act concerning the code for care of children; relating to reintegration of the child into family.

Rep. Solbach moved to table HB 2898. Seconded by Rep. Douville. Motion carried on a voice vote.

HB 2907 - An act concerning crimes and punishments; relating to sentencing and the ordering of restitution.

Rep. Solbach moved to table HB 2907. Seconded by Rep. Walker. Motion carried on a voice vote.

HB 2927 - An act concerning crimes; relating to disposition of certain moneys received as a result of the commission of a crime.

Rep. Buehler moved to report HB 2927 favorable for passage. Seconded by Rep. Wunsch. There was discussion that HB 2986 deals with similar subject matter and would have the same result with no problem of a constitutionality challenge. Motion carried 8 votes to 7.

HB 2962 - An act concerning domestic relations; relating to child custody orders in certain actions.

Rep. Whiteman moved to report HB 2962 favorable for passage. Seconded by Rep. Solbach. Motion carried on a voice vote.

HB 3057 - An act concerning children; relating to certain traffic offenses.

Mary Torrence presented a balloon containing amendments requested by the Division of Vehicles. Rep. Vancrum moved to adopt the amendments contained in the balloon. Seconded by Rep. Snowbarger. Motion carried on a voice vote. Rep. Vancrum moved to report HB 3057 as amended favorable for passage. Seconded by Rep. Wagnon. Motion carried on a voice vote.

HB 3058 - An act concerning traffic citations.

Rep. Walker moved to incorporate the amendments presented in a balloon presented at last week's meeting along with the amendments presented by Col. Cantwell during his testimony on this bill. Seconded by Rep. Douville. Motion carried on a voice vote. Rep. Walker moved to report HB 3058 as amended favorable for passage. Seconded by Rep. Douville. Motion carried on a voice vote.

HB 2991 - An act concerning the Kansas healing arts act; relating to unprofessional conduct of licensees.

Rep. Solbach moved to amend section 12 of the balloon to read "providing or prescribing clearly unnecessary drugs, treatment or services". Seconded by Rep. Wagnon. Rep. Snowbarger made a substitute motion to adopt the entire balloon as proposed. Seconded by Rep. Vancrum. Rep. Roy moved to divide the balloon. The deletion of section 2 failed on a voice vote. The amendment at line 61 carried on a voice vote. Rep. Solbach made a motion to insert "not" after "apply" in line 108. Seconded by Rep. Roy. Motion carried on a voice vote. Rep. Snowbarger moved to table HB 2991. Seconded by Rep. Douville. Motion carried 10 votes to 5.

HB 2924 - An act concerning crimes, punishments and criminal procedure; relating to restitution.

Rep. O'Neal moved to strike section 5. Seconded by Rep. Vancrum. Motion carried on a voice vote. Rep. O'Neal moved to adopt the amendments in the balloon presented. Seconded

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Judiciary

room 313-S, Statehouse, at 12:00 ~~xxx~~ p.m. on March 10, 1986.

by Rep. Wunsch. Motion carried on a voice vote. Rep. O'Neal moved to report HB 2924 as amended favorable for passage. Seconded by Rep. Fuller. Rep. Solbach made a conceptual substitute motion to include "notwithstanding the above provisions, if the parole board has evidence that restitution is appropriate and has evidence as to what that restitution should be at the time of granting parole, the parole board may order restitution in such appropriate amount." The substitute motion failed on a voice vote. Rep. O'Neal's motion carried on a voice vote.

HB 3063 - An act concerning medical assistance; relating to determination of eligibility; concerning recovery of medical assistance paid.

Rep. Waggon moved to recommend this bill for further interim study. Seconded by Rep. Solbach. Motion carried on a voice vote.

HB 2216 - An act concerning civil procedure; relating to depositions.

Rep. O'Neal moved to adopt the amendments in the balloon presented. Seconded by Rep. Buehler. Motion carried on a voice vote. Rep. O'Neal moved to report HB 2216 as amended favorable for passage. Seconded by Rep. Buehler. Motion carried on a voice vote.

The Chairman adjourned the meeting at 1:35 P.M.