

Approved 6-27-90
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Wint Winter, Jr. at
Chairperson

12:15 ~~xxx~~ p.m. on April 3, 1990 in room 527-S of the Capitol.

All members were present except: Senators Feleciano, Gaines and Martin
who were excused.

Committee staff present:

Gordon Self, Office of Revisor of Statutes
Judy Crapser, Secretary to the Committee

Conferees appearing before the committee:

Sherman A. Parks, Jr., Secretary of State Deputy Assistant
Ed Schaub, KPL Gas Service
Galen Davis, Governor's Special Assistant on Drug Abuse
Edwin Van Petten, Deputy Attorney General
John Koepke, Kansas Association of School Boards
Anya Henry, Lawrence
Molly Winter, Lawrence
Taylor Kultala, Lawrence
Katie Winter, Lawrence
John McQueeney, Lawrence

The Chairman called the meeting to order by opening the hearing for HB 3067.

HB 3067 - concerning corporations; establishing who shall be authorized to sign an annual report; authorizing a telefacsimile communication to become a temporary filing and providing the procedure thereof.

Sherman A. Parks, Jr., Secretary of State Deputy Assistant, Legal Counsel, testified in support of HB 3067. (ATTACHMENT I)

As no other conferees wished to appear, this concluded the hearing for HB 3067.

Senator Moran moved to amend HB 3067 to change the five day limit for submitting original instruments to seven days. Senator Rock seconded the motion. The motion carried.

Senator Moran moved to recommend HB 3067 favorable for passage as amended. Senator Parrish seconded the motion. The motion carried.

The committee turned its attention to HB 3086.

HB 3086 - establishing the overhead power line accident prevention act.

Senator Bond moved to recommend HB 3086 favorable for passage. Senator Rock seconded the motion.

Senator Petty made a substitute motion to adopt the amendment to HB 3086 requiring public notice signs to be posted on all utility property as proposed by Kansas Trial Lawyers Association. Senator Parrish seconded the motion. (ATTACHMENT II)

Ed Schaub, KPL Gas Service, was asked what impact this amendment would have on the industry. He stated it would be economically impossible for the industry to place signs on each object carrying a voltage line. He added they would rather the bill were killed than to adopt this amendment.

The question of the substitute motion to amend was called. The motion failed.

The question reverted back to the original motion to recommend HB 3086 favorable. The motion carried.

The committee turned its attention to HB 3099.

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 SENATE COMMITTEE ON JUDICIARY,

room 527-S, Statehouse, at 12:15 ~~xxx~~ p.m. on April 3, 1990.

HB 3099 - concerning the treatment act for mentally ill persons; relating to notice of application for determination of mental illness.

Senator Petty moved to recommend HB 3099 favorable for passage. Senator Oleen seconded the motion. The motion carried.

The Chairman opened the hearing for HB 2782.

HB 2782 - concerning controlled substances; relating to selling controlled substances near school property.

Galen Davis, Governor's Special Assistant on Drug Abuse, testified in support of HB 2782. (ATTACHMENT III)

When questioned as to why there should be a greater penalty for selling drugs in or around schools, Mr. Davis responded that the state mandates children attend schools. There are rarely situations where a more dense population of small children exists. He added that the historical violence of drug traffickers threatens children in these settings more than in any other setting. When questioned on the 1,000 foot boundary, Mr. Davis responded that his office had researched the question and 1,000 feet is a standard distance.

Edwin Van Petten, Deputy Attorney General, testified in support of HB 2782. (ATTACHMENT IV)

John Koepke, Kansas Association of School Boards, testified in support of HB 2782 on behalf of the Kansas Association of School Boards, Kansas-National Education Association, United School Administrators of Kansas, Schools for Quality Education, Blue Valley USD 229, Wichita USD 259, Topeka USD 501 and Shawnee Mission USD 512. (ATTACHMENT V)

Anya Henry, second grader at St. John Elementary School, Lawrence, testified in support of HB 2782. She stated that a group of people taking drugs will try to encourage others to do the same. She added that younger kids were more threatened.

Molly Winter, second grader at St. John Elementary School, Lawrence, testified in support of HB 2782. She added to Ms. Henry's testimony that it is worse to sell drugs around schools because of so many little kids.

Taylor Kultala, fourth grader at St. John Elementary School, Lawrence, testified in support of HB 2782. She stated that kids need to stay in school and learn and they will not do that if adults are selling them drugs.

Katie Winter, fourth grader at St. John Elementary School, Lawrence, testified in support of HB 2782. She examined the "expanding circle" of drug addiction when kids drop out of school because of drugs, get married, have drug addicted babies, and then turn to selling to support their habits.

John McQueeney, fourth grader at St. John Elementary School, Lawrence, testified in support of HB 2782. He pointed out kids who walk to school are more exposed to those "hanging out" around the school to sell to the kids. He felt that these kids, if not wanting to become involved, sometimes "hide at home" instead of going to school. He also emphasized the "expanding circle" concept.

During questioning by the committee, some of the children stated they had been approached to try smoking cigarettes.

This concluded the hearing for HB 2782.

Discussion by the committee included the question of defining "school." It was noted that Kansas has yet to clarify a position on "home schools" which makes it difficult to come up with a definition. The question of attendance centers and extra curricular activity facilities was discussed in addition to public and private schools. Also discussed were the differences in schools who choose to be accredited and those that do not.

Senator Rock moved to conceptually amend HB 2782 to include accredited private school facilities. Senator Moran seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 527-S, Statehouse, at 12:15 ~~am~~/p.m. on April 3, 1990.

Discussion followed that emphasized that preschools would be exempt from this bill along with the nonaccredited private schools. It was the consensus of the committee that without a definition of "school" it would not be possible to further address the matter.

Senator Yost moved to recommend HB 2782 favorable for passage as amended. Senator Rock seconded the motion.

Senator Moran made a substitute motion to amend HB 2782 by deleting on page 3, lines 32 and 33, "unless such person is enrolled as a pupil at such school". Senator Yost seconded the motion. The motion carried.

Senator Yost moved to recommend HB 2782 favorable for passage as further amended. Senator Rock seconded the motion. The motion carried.

The meeting was adjourned.

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Sherman Parks, Jr	Topeka	Sec of State
BOB. BARNUM	TOPEKA	SLS NORTH SVC
ED VAN PETTEN	"	A.G.
Barbara Rowe	Papico Ks.	
James West	Topeka	Youth Services
JAMES CHANE	TOPEKA	KCOAA
LINDA FUND	Topeka	Dof.A.
Tim Hoyt	Lawrence	Lawrence Terminal
Galen Davis	Topeka	Governor's Office
Headsy Polmann	Papico Ks.	
Kiela Gidew		
Jim Sun	Topeka	KPOA
Rick Ziegler	Topeka	SRS/MHS
Edna Rowe	Papico	
ED SCHAUB	TOPEKA	KPL GAS SERVICE
Jerry (Comm) C	Law.	KGE
John Koepke	Topeka	KASB

Bill Graves
Secretary of State



2nd Floor, State Capitol
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STATE OF KANSAS

TESTIMONY BEFORE THE SENATE JUDICIARY COMMITTEE SENATE BILL NO. 3067 April 3, 1990

House Bill No. 3067 was requested by our office to update two provisions of the Kansas Corporate Code dealing with signatures on annual reports and "fax" documents. It passed the House 123-0.

Unlike income tax returns, corporate annual reports currently must be signed by either the President, Secretary or Treasurer of a corporation. Delaware amended this requirement to broaden the list of persons permitted to sign and this bill reflects those Delaware amendments. These changes were encouraged by representatives of the Kansas Society of Certified Public Accountants during meetings in our office.

This bill also authorizes the filing of "fax" corporate documents. The filing would require pre-payment of the filing fee and the special "fax" filing fee to pay for the additional service. The effective date of the filing would be the date that the "fax" copy was received as long as the corporation submitted the document with original signatures within five days of the "fax" filing. We believe that this service will assist businesses who are arranging mergers and other transactions where the timing of various filings is crucial.

Because a special fee would be collected for these filings, this bill would have no fiscal impact.

We encourage you to recommend H.B. 3067 favorably for passage.

Sherman A. Parks, Jr.

Legal Counsel - Deputy Assistant Secretary of State

Sherman A. Parks, Jr.

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Attachment I

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AMENDMENT TO HB 3086

Add a new subsection after line 11 on page 4 to read as follows:

"—; (f) any claim for personal injury or death caused by contact with any high voltage overhead line where the pole, transformer, security fence or substation to which said line is attached to which said line is attached fails to include the following durable warning sign, legible at 12 feet: It is unlawful to work within ten feet of this power line. The (name of utility owning the line) will provide guarding or insulation of electric conductors at your request."

offered by:

Kansas Trial Lawyers Association

Senate Judiciary Committee
4-3-90
Attachment II
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STATE OF KANSAS



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Mike Hayden Governor

Testimony Concerning HB 2782
Presented To
the Senate Judiciary Committee
April 3, 1990
by
Galen Davis
Governor's Special Assistant on Drug Abuse

Mr. Chairman, members of the Committee:

I appreciate the opportunity to appear before you today representing Governor Hayden's support for HB 2782.

This bill requests a severe, enhanced penalty for trafficking illicit drugs within 1,000 feet of school property where students receive instruction or participate in extracurricular activities. We all recognize that we must work to protect our impressionable youth from the perils of illicit drug use as well as shield them from the negative influence and violence that so often accompanies drug trafficking. This bill has the potential to provide our state with one more tool to meet this important goal.

As you know, drug traffickers are extremely dangerous, calculating, and unconscionable people. Their sole motivation is profit at any cost. They leave in their wake drug abuse, addiction, overdoses, mayhem, and murder. They are most times armed with a variety of weapons which increasingly include high tech rifles, pistols, and shotguns.

Governor Hayden requests and supports this legislation to declare to drug pushers that our children are our most precious resource and that we will not tolerate dangerous drug dealing in their presence. By establishing drug-free school zones in our communities, we are acknowledging that our school children are deserving of special protection.

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Our young people are required by state law to be in school nine months out of the year. Approximately 430,000 children attend 2000 Kansas schools every school day. Additionally, even during the times when school is not in session, the school grounds serve as popular places for playing sports and socializing. Surely we owe our children every possible protection from drugs and violence while they learn and play.

This bill is also being proposed as a means to reduce the availability of illegal drugs to youth; to protect children from the many negative influences that accompany drug dealing; and to safeguard children from the increasing violence associated with drug dealing.

Additionally, this bill provides a clear message to drug pushers that we are intolerant of their criminal behavior and that we will absolutely not tolerate them around our children and their schools.

Conclusion:

Governor Hayden supports a comprehensive approach to the many problems of drug abuse and trafficking in Kansas. This comprehensive approach includes drug prevention-education, treatment, enforcement, and legislation. This legislation has the potential to restrict the flow of drugs in and around our schools.

This bill is also supported by Attorney General Stephan, the Kansas Association of School Boards, NEA, the Wichita, Shawnee Mission, Blue Valley, Topeka, and Shawnee County School Districts, the United School Administrators, the KBI, MADD, Kansas Troopers Association, Kansas Regional Prevention Centers, five police departments, two district attorney's, the Mayor of Olathe, and the alcohol and drug counselors, program directors, and ADSAP Associations.

Drug-free school zone laws have been established in 35 states since 1987. Seven other states have legislation pending on this topic. Eight national organizations, including the National Association of School Boards and the National Association of Chiefs of Police, support this type of law.

As elected leaders, you have the opportunity to speak out with a clear unified voice in support of drug-free youth and against drug pushers.

Your support of HB 2782 will be appreciated. Thank you.

4-3-90
III 2/2



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

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ROBERT T. STEPHAN
ATTORNEY GENERAL

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TESTIMONY OF
DEPUTY ATTORNEY GENERAL EDWIN A. VAN PETTEN
ON BEHALF OF ATTORNEY GENERAL ROBERT T. STEPHAN
BEFORE THE SENATE JUDICIARY COMMITTEE
APRIL 3, 1990
RE: HOUSE BILL 2782

Attorney General Stephan welcomes the opportunity to endorse the proposal of Governor Hayden as set forth in House Bill 2782.

We have all heard the horror stories of 8 year old drug addicts, 11 year old drug dealers, and many other assorted tales. This insanity has to stop. Measures such as House Bill 2782, can help decrease the exposure of some children to the world of narcotics. When we realize that individuals first become introduced to illegal substances at an early age, then we know school children are particularly vulnerable to drug dealers.

The purpose of this bill is to send a strong message to drug dealers to stay away from our schools. We must move to protect our centers of education from the parasites among us who traffic in illegal substances.

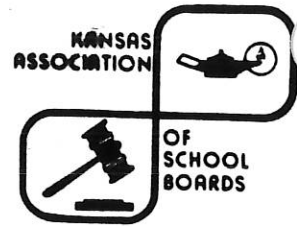
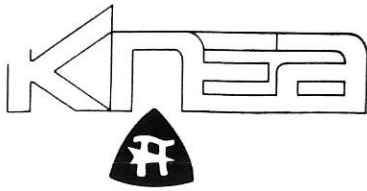
It is obvious that the pressures upon our youth to conform to those around them is greater while they are

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surrounded by their peers. It is, therefore, extremely important that every step be taken to make sure that the influences by which school children are surrounded do not include those in our society who would influence them with narcotics.

I cannot give you statistics of how this bill will decrease drug use, trafficking or addiction. However, I can tell you that it just makes sense to adopt such a measure in the hope that it will protect our school children.

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IV 2/2



Testimony on H.B. 2782

Before the
Senate Judiciary Committee
April 3, 1990

by the
Kansas Association of School Boards
Kansas-National Education Association
United School Administrators of Kansas
Schools for Quality Education
Blue Valley USD 229
Wichita USD 259
Topeka USD 501
Shawnee Mission USD 512

Madam Chairman and members of the Committee, I am John Koepke representing the Kansas Association of School Boards. My testimony today is presented on behalf of all of the education organizations and school districts listed above. We appreciate the opportunity to present the collective view of the education community with regard to H.B. 2782. We endorse wholeheartedly the aims and goals of this piece of legislation.

Kansas school districts have been in the forefront of the drug education component of the fight against drug abuse. Many of our school districts have adopted exemplary programs which have been the focus of national attention. We hope that this piece of legislation will assist in sending the message to drug peddlers that we will not tolerate school zones as a drug marketplace. We share the view that

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our children are our most precious resource and we support this measure as an additional sign of our efforts to protect our children from the ravages of the drug abuse which menaces our society.

Once again, we appreciate the opportunity to express our views in support of this measure and I would be happy to attempt to respond to any questions.

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