

MINUTES OF THE House COMMITTEE ON Judiciary

The meeting was called to order by Representative John M. Solbach at
Chairperson

3:30 ~~xxx~~/p.m. on January 16, 1991 in room 313-S of the Capitol.

All members were present except:

Representative Sebelius who was excused

Committee staff present:

Jerry Donaldson, Legislative Research Department
Jill Wolters, Office of Revisor or Statutes
Gloria Leonhard, Secretary to the Committee

Conferees appearing before the committee:

The Chairman welcomed the committee and explained seating procedures for the committee. The committee members gave self introductions, and the Chairman introduced staff. The Chairman outlined rules and procedures for the committee and noted K.S.A. 46-125, et seq.

The Chairman appointed a sub-committee chaired by Rep. Smith with members Rep. Lawrence and Rep. Rock to review statute setting out appropriate use of and preservation of the OLD SUPREME COURT ROOM.

Research staff distributed "Report on Kansas Legislative Interim Studies to the 1991 Legislature (Attachment #1) (on file with the Legislative Research Department) and gave a briefing on Proposal 16, Juvenile Offenders HB's 2010, 2011, 2012). Staff distributed partial copy of letter, dated 12/17/90, from Department of Administration to Department of Accounts and Reports, setting out transfers from State Gaming Revenues Fund to Correctional Institutions Building Fund and State Economic Development Initiatives Fund-Kansas Economic Development Endowment Account, (Attachment # 2), RE: HB 2011.

Staff noted that if the proposed legislation is enacted, .5 million dollars in a year's time would be transferred to the Correctional Institution Building Fund, and half would go to the Juvenile Detention Facilities Fund.

Staff also distributed a copy of K.S.A. 38-556, (Attachment # 3).

Committee discussion of background and intent of HB 2011 followed.

Revisor's staff reviewed provisions of HB 2011, noting: that $\frac{1}{2}$ of 10% of moneys credited to the State Gaming Revenues Fund shall be credited to the Juvenile Detention Facilities Fund during the fiscal year ending June 30, 1992; and that the Juvenile Detention Facilities Capital Improvement Fund is abolished.

Committee discussion regarding intent for use of funds for operation and construction of facilities followed.

Revisor's staff reviewed provisions of HB 2012. Staff noted the bill adds 11 new members to the Advisory Commission and 14 additional members appointed by the Governor.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Judiciary,
room 313-S, Statehouse, at 3:30 ~~xxx~~ p.m. on January 16, 1991.

It was noted that HB 2010 was referred to the Federal and State Affairs Committee.

Research Staff gave briefing on Proposal No. 15 (HB's 2004, 2005, 2006, 2007, 2008 and 2009) (see pages 113-116 of (Attachment #1)). Staff noted that in HB 2004, page 2 line 22, language might need to be changed from "pounds" to "grams".

The meeting was adjourned at 4:15 P.M. The next meeting of the committee is scheduled for January 17, 1991 at 3:30 p.m. in room 313-S (OLD SUPREME COURT ROOM).



DEPARTMENT OF ADMINISTRATION
DIVISION OF ACCOUNTS AND REPORTS

MIKE HAYDEN
Governor

JAMES R. COBLER
Director of Accounts and Reports

December 17, 1990

900 Jackson, Room 251
Landon State Office Building
Topeka, Kansas 66612-1220
(913) 296-2311

Mr. Martin Eckhardt, Supervisor
Division of Accounts and Reports
Fiscal Services Unit
3rd Floor, Alfred M. Landon
State Office Building
Topeka, Kansas 66612

Dear Mr. Eckhardt:

In accordance with K.S.A. 79-4801, 4803, and 4804, this office has prepared Revenue Transfer number R3000156 dated December 17, 1990, to process the following transfers:

	<u>Account Title</u>	<u>Account Number</u>	<u>PCA Code</u>	<u>Revenue Sub-Obj</u>	<u>Amount Transferred</u>
From:	State Gaming Revenues Fund	173-9011-91-9100	91200	6602	\$2,925,342.93
To:	Correctional Institutions Building Fund	001-8600-91-8600	00000	6601	\$ 292,534.29
	State Economic Development Initiatives Fund- Kansas Economic Development Endowment Account	300-2610-91-2600	01000	6601	\$2,632,808.64

These transfers represent 10% and 90%, respectively, of the balance in the State Gaming Revenues Fund as of December 17, 1990.

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38-516, 740 P.2d
§§ 4, 5; Re-
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et. see 59-2111 et
(33-1581 et seq.)
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(33-1581 et seq.)
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93, 602, 603, 778
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constructive manner, the secretary shall seek to obtain and shall provide the following information to the foster parent as the information becomes available to the secretary:

- (1) Strengths, needs and general behavior of the child;
- (2) circumstances which necessitated placement;
- (3) information about the child's family and the child's relationship to the family which may affect the placement;
- (4) important life experiences and relationships which may affect the child's feelings, behavior, attitudes or adjustment;
- (5) medical history of the child, including third-party coverage which may be available to the child; and
- (6) education history, to include present grade placement, special strengths and weaknesses.

History: L. 1990, ch. 144, § 1; July 1.

Article 5.—DETENTION AND PARENTAL HOMES OR FARMS

38-555. Public youth residential facilities in Johnson county; staff requirements; budget; tax levy, use of proceeds. In Johnson county the operation of public youth residential facilities shall be under the supervision and control of the district court. The administrative judge of the district court shall determine staff requirements and appoint and supervise staff members of such facilities in accordance with the personnel policies and compensation plan adopted by the board of county commissioners. The board of county commissioners shall set an annual budget of the costs and expenses for the purchase, improvement, operation and maintenance of said facilities and payment of salaries of staff members, and the county commissioners shall levy a tax as in the case of providing for other expenses of the county on the assessed taxable valuation of said county for the purpose and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county.
History: L. 1972, ch. 165, § 2; L. 1973, ch. 185, § 1; L. 1973, ch. 175, § 39; L. 1974, ch. 361, § 51; L. 1975, ch. 162, § 33; L. 1976, ch. 207, § 4; L. 1979, ch. 122, § 4; L. 1979, ch. 123, § 2; L. 1988, ch. 136, § 1; July 1.

38-556. Juvenile detention facilities capital improvements fund, created. There is hereby created in the state treasury the ju-

venile detention facilities capital improvements fund. All moneys credited to such fund under the provisions of this act or any other law shall be expended only for planning, construction, renovation and remodeling of juvenile detention facilities in the manner prescribed by law.
History: L. 1990, ch. 43, § 12; July 1.

Cross References to Related Sections:
Reinstatement fees for failure to comply with traffic citation, see 8-2110.
Juvenile detention facilities fund, see 79-4803.

Article 8.—JUVENILE CODE

38-815.

CASE ANNOTATIONS

11. Void conviction because of defendant's age can still serve as predicate for federal firearms violations. *United States v. Mayfield*, 810 F.2d 943 (1987).

Article 11.—DETERMINATION OF PARENTAGE

38-1110.

CASE ANNOTATIONS

- 1. Cited; trial court correct in refusing blood test order (38-1117, 38-1118) in motion on modifying divorce decree (60-260). In re Marriage of Zodrow, 240 K. 65, 69, 70, 727 P.2d 435 (1986).
- 2. Child has interest in support, inheritance, family bonds and identification to justify determination of parentage under act. In re Marriage of O'Brien, 13 K.A.2d 402, 407, 772 P.2d 278 (1989).
- 3. When parentage determined under act, child support orders also governed by act. *State ex rel. Dix v. Plank*, 14 K.A.2d 12, 14, 780 P.2d 171 (1989).

38-1111.

CASE ANNOTATIONS

- 1. Actions of parents in no way limit or extinguish rights of child. In re Marriage of O'Brien, 13 K.A.2d 402, 409, 772 P.2d 278 (1989).
- 2. Absence of jurisdiction examined where action brought without mother, child and presumed father as parties. *State ex rel. Secretary of SRS v. Stephens*, 13 K.A.2d 715, 782 P.2d 68 (1989).
- 3. Purpose of Kansas parentage act stated and applied. In re Marriage of Ross, 245 K. 591, 595, 783 P.2d 331 (1989).

38-1114.

CASE ANNOTATIONS

- 1. Cited; trial court correct in refusing blood test order (38-1117, 38-1118) in motion on modifying divorce decree (60-260). In re Marriage of Zodrow, 240 K. 65, 69, 70, 727 P.2d 435 (1986).
- 2. Evidence concerning best interests of child as unnecessary in determination of parentage proceeding examined. In re Marriage of O'Brien, 13 K.A.2d 402, 405, 772 P.2d 278 (1989).
- 3. Purpose of Kansas parentage act stated and applied. In re Marriage of Ross, 245 K. 591, 594, 783 P.2d 331 (1989).

38-1115.

Attorney General's Office
Changes in minor's
88-102.

CASE

- 1. Evidence concerning necessary in determining. In re Marriage of 772 P.2d 278 (1989).
- 2. Absence of jurisdiction brought without mother parties. *State ex rel. K.A.2d 715, 782 P.2d*
- 3. Purpose of Kansas In re Marriage of Ross (1989).

38-1116.

CASE

- 1. Court without jurisdiction out mother, child and ex rel. *Secretary of SR 782 P.2d 68 (1989).*

38-1117.

CASE

- 1. Mother necessary on behalf of child; blood no notice given. In r 402, 410, 772 P.2d 27
- 2. Court without jurisdiction out mother, child and ex rel. *Secretary of SR 782 P.2d 68 (1989).*
- 3. Purpose of Kansas In re Marriage of Ross (1989).

38-1118.

CASE

- 1. Mother necessary on behalf of child; blood no notice given. In r 402, 410, 772 P.2d 27
- 2. Considerations re test to determine whether parent examined. In re 600, 783 P.2d 331 (19

38-1121.

Ju-
judgment or order
the existence or non-
child relationship
purposes.

(b) If the judgment is at variance with the court shall order be issued.

(c) Upon adjudication of a minor child provision for support including the necessary incident to the birth order the support

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