

Approved: 14 June 1991
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Senator Wint Winter Jr. at 10:05 a.m. on March 1, 1991 in room 514-S of the Capitol.

All members were present except: Senators Yost, Kerr and Oleen who were excused.

Committee staff present:

Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department
Gordon Self, Office of Revisor of Statutes
Judy Crapser, Secretary to the Committee

Conferees appearing before the committee:

The Chairman called the meeting to order by calling on Senator Rock to present reports of the Subcommittee on Civil Procedure.

SB 171 - crimes and punishment, statutory conflict resolution.

Senator Rock reported the Subcommittee recommended adoption of technical amendments and to recommend favorable for passage as amended.

Senator Bond moved to adopt the Subcommittee report and to recommend SB 171 favorable as amended. Senator Martin seconded the motion. The motion carried.

SB 144 - transfer of offenders to Topeka correctional facility.

Senator Rock reported the Subcommittee had no recommendations.

Senator Martin moved to recommend SB 144 favorable for passage. Senator Gaines seconded the motion. The motion carried.

SB 146 - creating the employed parolees fee fund; funds used to hire people to assist parolees in obtaining and maintaining gainful employment.

Senator Rock reported the Subcommittee recommended an amendment so there is a provision exempting people who would be placed under undo hardship, and that SB 146 be recommended favorable with the amendment.

Senator Rock moved to adopt the Subcommittee report and to recommend SB 146 favorable for passage as amended. Senator Martin seconded the motion. The motion carried.

SB 148 - limiting payment for housing certain state inmates in county jails.

Senator Rock reported the Subcommittee recommended SB 148 be killed.

Senator Rock moved to recommend SB 148 adversely. Senator Bond seconded the motion. The motion carried.

SB 12 - security interests in oil and gas production.

SB 13 - interest on proceeds from oil and gas production.

Senator Rock reported the Subcommittee was holding the bills until additional information was received.

SB 206 - disposition of moneys credited to the juvenile detention facilities fund.

Senator Rock reported the Subcommittee recommended SB 206 favorable for passage.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
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Senator Rock moved to recommend SB 206 favorable for passage. Committee discussion followed regarding a possible conflict with a bill in the Senate Ways and Means Committee, HB 2011. Senator Rock withdrew his motion until resolution of HB 2011 was known.

SB 207 - jurisdiction for child under the code for care of children will continue past 18 years if attending high school.

Senator Rock reported the Subcommittee recommended SB 207 be passed.

Senator Rock moved to adopt the Subcommittee report and report SB 207 favorable for passage. Senator Bond seconded the motion. The motion carried.

SB 226 - court shall order educational assessment for child in need of care and juvenile district.

Senator Rock reported the Subcommittee recommended SB 226 be passed.

Senator Rock moved to adopt the Subcommittee report and report SB 226 favorable for passage. Senator Parrish seconded the motion. The motion carried.

SB 227 - establishing a children's community services planning group in each judicial district.

Senator Rock reported the Subcommittee recommended SB 227 be passed.

Senator Rock moved to adopt the Subcommittee report and report SB 227 favorable for passage. Senator Feleciano seconded the motion. The motion carried.

SB 250 - default procedures under the Kansas administrative procedure act.

Senator Rock reported the Subcommittee recommended SB 250 be passed.

Senator Rock moved to adopt the Subcommittee report and report SB 250 favorable for passage. Senator Parrish seconded the motion. The motion carried.

SB 209 - increasing limits on claims for small claims procedure.

Senator Rock reported the Subcommittee recommended SB 209 be not passed.

Senator Rock moved to adopt the Subcommittee report and report SB 209 adversely. Senator Bond seconded the motion. The motion carried.

SB 172 - construction and interpretation of trusts.

SB 80 - civil jurisdiction on Indian reservations.

Senator Rock reported the Subcommittee had no recommendations to make on SB 172 and SB 80 as they were waiting on additional information. This concluded the Civil Procedure Subcommittee Report.

Chairman Winter recognized Senator Moran to present the reports of the Subcommittee on Criminal Law.

SB 181 - procedure for correcting inaccuracies in consumer credit reports.

Senator Moran reported the Subcommittee recommended technical amendments to SB 181 and that it be passed as amended.

Senator Moran moved to adopt the Subcommittee report and recommend SB 181 favorable for passage as amended. Senator Feleciano seconded the motion. The motion carried.

CONTINUATION SHEET

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SB 246 - increased penalties under Consumer Protection Act; violations against senior citizens and disabled persons.

Senator Moran reported the Subcommittee recommended SB 246 be amended by striking all but Section 3 and that the bill be passed as amended.

Senator Moran moved to adopt the Subcommittee report to amend SB 246 and to recommend SB 246 be recommended favorable for passage as amended. Senator Rock seconded the motion. The motion carried.

SB 247 - prohibits sellers from requiring a consumer to respond to a notice in order to avoid purchasing goods.

Senator Moran reported the Subcommittee recommended SB 247 favorable as written.

Senator Moran moved to recommend SB 247 favorable for passage. Senator Morris seconded the motion. The motion carried.

SB 248 - allowing cancellation of health spa or buying club sales for three days after sale.

Senator Moran reported the Subcommittee recommended SB 248 be killed.

Senator Moran moved to recommend SB 248 adversely. Senator Rock seconded the motion. The motion failed.

A brief Committee discussion followed. Senator Feleciano moved to recommend SB 248 favorable for passage. Senator Martin seconded the motion. The motion carried.

SB 249 - prohibits solicitations disguised as bills or invoices.

Senator Moran reported the Subcommittee recommended SB 249 favorable as written.

Senator Moran moved to recommend SB 249 favorable for passage. Senator Petty seconded the motion. The motion carried.

SB 131 - habitually giving worthless checks.

Senator Moran reported the Subcommittee recommended the Judiciary Committee Chairman contact the Kansas Judicial Council and request their study and recommendations on SB 131.

Senator Moran moved to adopt the Subcommittee report and request the Judicial Council study the topic of SB 131, a copy of the request to Ben Coates of the Kansas Sentencing Commission, and to hold the bill in Committee. Senator Rock seconded the motion. The motion carried.

SB 136 - investigations of violations of odometer fraud statutes.

Senator Moran reported the Subcommittee recommended SB 136 be passed as written.

Senator Moran moved to recommend SB 136 favorable for passage. Senator Feleciano seconded the motion. The motion carried.

SB 137 - penalties for stores who overcharge customers using uniform product codes to price items.

Senator Moran reported the Subcommittee recommended SB 137 not be passed.

Senator Moran moved to recommend SB 137 adversely. Senator Morris seconded the motion. The motion carried.

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SB 134 - prohibiting commercial advertising by recorded message.

Senator Moran reported the Subcommittee recommended amending SB 134 by inserting on line 23 "without use of live operators." He added that the Sedgwick County District Attorney, who had requested the legislation initially, had no objections to the amendment.

Senator Feleciano moved to adopt the Subcommittee report to amend SB 134 and to recommend SB 134 favorable for passage as amended. Senator Moran seconded the motion. The motion carried.

Due to the time, Senator Moran's Subcommittee reports were continued to another day. The meeting was adjourned.

