

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
8:00 a.m. on March 8, 1991 in room 123-S of the Capitol.

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

Committee staff present:
Mike Heim, Legislative Research Department
Gordon Self, Office of Revisor of Statutes
Judy Crapser, Secretary to the Committee

Conferees appearing before the committee:

Chairman Winter called the meeting to order by asking for reports from Subcommittees.

Senator Rock began the reports for the Subcommittee on Civil Procedure.

- SB 12 - security interests in oil and gas production.
- SB 13 - interest on proceeds from oil and gas production.
- SB 80 - assuming civil jurisdiction of Indians.

Senator Rock reported the Subcommittee was not yet ready to report on SB 12, SB 13 or SB 80.

SB 172 - construction and interpretation of trusts.

Senator Rock reported the Subcommittee had taken no action on SB 172. Senator Bond moved to recommend SB 172 to the Kansas Judicial Council for their review and suggestions. Senator Morris seconded the motion. The motion carried.

SB 295 - lease of space by county commissioners

Senator Rock reported the Subcommittee recommended SB 295 be passed. Senator Rock moved to recommend SB 295 favorable for passage. Senator Bond seconded the motion. The motion carried.

SB 335 - relating to definition of charitable health care provider.

Senator Rock reported the Subcommittee recommended SB 335 be amended to clarify that payments on claims against a provider would be from the tort claims fund. Senator Rock moved to adopt the subcommittee report to amend SB 335 and to add a further conceptual amendment so it is not held against the health care provider if a claim is filed against them, and that SB 335 be recommended favorable as amended. Senator Bond seconded the motion. The motion carried.

- SB 132 - consignment sales and rights of creditors
- SB 361 - stylistic amendments to article 4A of the uniform commercial code regarding funds transfers.
- SB 371 - enacting a new article 3 to the uniform commercial code regarding negotiable instruments.
- SB 336 - enacting the Kansas lease-purchase agreement act.
- SB 337 - enacting article 2A of uniform commercial code relating to leases.

Senator Rock reported the Subcommittee recommended that SB 132, SB 361 and SB 371 be passed as written. He further reported the recommendation of the subcommittee was to adopt technical, stylistic amendments to SB 336 and SB 337.

CONTINUATION SHEET

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room 123-S, Statehouse, at 8:00 a.m. on March 8, 1991.

Senator Rock moved to adopt the subcommittee report to amend SB 336 and SB 337 and that the bills be recommended favorable for passage as amended. Senator Parrish seconded the motion. The motion carried.

Senator Rock moved to recommend SB 132, SB 361 and SB 371 favorable for passage. Senator Parrish seconded the motion. The motion carried.

SB 352 - family and children trust fund review panel created and compensation provided for members thereof.

Senator Rock reported the Subcommittee recommended that SB 352 be passed and suggest it be placed on the Consent Calendar. Senator Rock moved to adopt the Subcommittee report and recommend SB 352 favorable for passage and placed on the Consent Calendar. Senator Parrish seconded the motion. The motion carried.

SB 334 - immunity for multidisciplinary teams assisting determination of child in need of care.

Senator Rock reported the Subcommittee had not reached a decision on a recommendation as yet, they were continuing to discuss the question of "willful". The committee took no action on SB 334.

SB 287 - unlawful acts of individuals infected with human immunodeficiency virus.

Senator Rock reported the Subcommittee recommended SB 287 be passed as written. Senator Morris moved to recommend SB 287 favorable for passage. Senator Martin seconded the motion. The motion carried.

SB 269 - taking into protective custody certain abused, neglected or exploited adults.

Senator Rock reported the Subcommittee recommended SB 269 not be passed. Senator Rock moved to table SB 269. Senator Kerr seconded the motion.

Senator Martin made a substitute motion to table SB 269 until January 15, 1992 and to request an interim study on the topic. Senator Petty seconded the motion. The motion carried.

SB 327 - spousal abuse consideration in determination of child custody in divorce action.

Senator Rock reported the Subcommittee recommended SB 327 be passed as written. Senator Rock moved to amend SB 327 with technical amendments as needed for clarification and to recommend SB 327 be passed as amended. Senator Petty seconded the motion. The motion carried.

SB 328 - proper court security to be provided.

Senator Rock reported the Subcommittee recommended SB 328 be passed as written. Committee discussion followed on who would interpret what constitutes "proper" security. No action was taken on SB 328.

Senator Moran began the reports of the Subcommittee on Criminal Law and Consumer Protection.

SB 354 - nonresident motorist to be taken in front of judge for failure to give bond.

Senator Moran reported the Subcommittee recommended SB 354 be passed as written. Senator Moran moved to recommend SB 354 favorable for passage. Senator Rock seconded the motion. The motion carried.

SB 326 - corrections, fees for substance abuse tests of inmates and parolees.

Senator Moran reported the Subcommittee recommended SB 326 be passed as written. Senator Moran moved to recommend SB 326 favorable for passage. Senator Petty seconded the motion. The motion failed.

CONTINUATION SHEET

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room 123-S, Statehouse, at 8:00 a.m. on March 8, 1991.

SB 330 - community corrections, primary purpose of act, grant determinations and annual plan review.

Senator Moran reported the Subcommittee recommended SB 330 be passed as written. Senator Moran moved to recommend SB 330 favorable for passage. Senator Rock seconded the motion. The motion carried.

SB 357 - community corrections, grant years on state fiscal year basis, county participation options.

Senator Moran reported the Subcommittee recommended amending SB 357 to restore the grant year to a "calendar year" instead of changing to a "state fiscal" year. Senator Moran moved to adopt the Subcommittee report to amend SB 357 and to recommend the bill favorable for passage as amended. Senator Rock seconded the motion. The motion carried.

SB 332 - correctional institutions, disposition of certain abandoned property of inmates.

Senator Moran reported the Subcommittee recommended SB 332 be passed as written. Senator Moran moved to recommend SB 332 favorable for passage. Senator Kerr seconded the motion. The motion carried.

SB 293 - possession of fake out-of-state driver's license or identification is a crime.

Senator Moran reported the Subcommittee recommended SB 293 be passed as written. Senator Moran moved to recommend SB 293 favorable for passage and to be placed on the Consent Calendar. Senator Morris seconded the motion. The motion carried.

SB 303 - violation of city ordinance which is misdemeanor can be basis for adjudication of minor as juvenile offender.

Senator Moran reported the Subcommittee recommended SB 303 be amended to delete "felony." Senator Moran moved to adopt the Subcommittee report to amend and to recommend SB 303 favorable for passage as amended. Senator Kerr seconded the motion. The motion carried.

SB 296 - copy and retention of report by attorney for the state.

Senator Moran reported the Subcommittee recommended SB 296 be passed as written. Senator Moran moved to amend SB 296 to add the counsel for defendant. Senator Martin seconded the motion. The motion carried.

Senator Moran moved to recommend SB 296 favorable as amended. Senator Morris seconded the motion. The motion carried.

SB 299 - traffic citations for purchase or consumption of alcoholic beverage by minor.

Senator Moran reported the Subcommittee recommended SB 299 be amended to include violations to the Child Passenger Safety Act and the Safety Belt Use Act and make effective date that of publication in the Kansas Register. Senator Moran moved to adopt the Subcommittee report to amend and to recommend SB 299 favorable for passage as amended. Senator Morris seconded the motion. The motion carried.

The Subcommittee reports were continued to the 10:05 a.m. meeting on March 8 in Room 514-S.

The meeting was adjourned.

(No guest log was completed at this meeting.)