

Approved: WREW 7/22/92
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairperson Senator Wint Winter Jr. at 9:30 a.m. on February 28, 1992 in room 531-N of the Capitol.

All members were present except:
Senators Feleciano, Gaines, Morris 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:
Robert Clark, Class LTD, Columbus
Martha Hodgesmith, Kansas Association of Rehabilitation Facilities

Chairman Winter brought the meeting to order. Senator Bond moved to approve the minutes of January 28, January 29, January 31 and February 4 as written. Senator Rock seconded the motion. The motion carried.

Chairman Winter opened the hearings on:
SB 753 - Kansas act against discrimination, statutory conflict resolution.
SB 754 - criminal code, reconciliation of statutory conflict.
SB 755 - uniform commercial code, reconciliation of statutory conflict.

As no opposition arose to the three conflict resolutions, the hearings were concluded.

Senator Bond moved to recommend SB 753, SB 754 and SB 755 favorable for passage and, as they are of a non-controversial nature, that they be placed on the Consent Calendar. Senator Rock seconded the motion. The motion carried.

The Chairman recognized Senator Rock for the purpose of submitting the reports of the Subcommittee on Civil Procedure.

Senator Rock presented an outline of the bills assigned to the Subcommittee on Civil Procedure.
(ATTACHMENT 1)

- SB 359 - repealing Article 6 of the uniform commercial code regarding bulk transfers.
- SB 360 - enacting the uniform fraudulent transfer act.
- SB 615 - tort claims act, definition of community service work.
- SB 622 - UCC, negotiable instruments, lost, destroyed or stolen checks.
- SB 623 - enacting the uniform transfer of litigation act.
- SB 624 - enacting the uniform statutory rule against perpetuities.
- SB 625 - enacting the Uniform Simultaneous Death Act.
- SB 626 - crimes involving piracy of recordings and nondisclosure of source of recordings.
- SB 627 - required vote on merger or consolidation agreements.
- SB 685 - notification of refund provisions required before telemarketing fraud provisions of consumer protection act inapplicable.

Senator Rock moved to adopt the Subcommittee report on SB 359, SB 622, SB 623, SB 624 and SB 625 to recommend favorable for passage with technical amendments as deemed necessary by the Revisor. Senator Bond seconded the motion. The motion carried.

Senator Bond moved to adopt the Subcommittee report to amend SB 627 to make it apply only to insurance associations. Senator Rock seconded the motion. The motion carried.

Senator Bond moved to recommend SB 627 favorable for passage as amended. Senator Rock seconded the motion. The motion carried.

Senator Rock reported there were minor technical difficulties with SB 615 and the Subcommittee was not yet ready to offer a recommendation of whether to provide another category tort exemptions. He requested additional time for the Subcommittee to review the question.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 531-N, Statehouse, at 9:00 a.m. on February 28, 1992.

Senator Kerr moved to adopt the Subcommittee report on SB 626 and recommend the bill favorable for passage. Senator Bond seconded the motion. The motion carried.

Senator Rock concluded the Subcommittee report by stating that the interested parties of SB 685 were consulting to attempt a compromise of language acceptable to all concerned. The Subcommittee will report at another time if and when that compromise is reached and the Subcommittee can accept it.

The Chairman recognized Senator Moran for the purpose of submitting reports of the Subcommittee on Criminal Law.

Senator Moran reported the Subcommittee ready to report on SB 649 and SB 650 but requested additional time for the Subcommittee to attend to the balance of bills assigned to it.

SB 649 - possession or transportation of incendiary or explosive devices to include pipe bombs.
SB 650 - escape from custody includes persons committed to state security hospital.

The Subcommittee recommends amending SB 649 for publication in the Kansas Register and to be passed as amended.

Senator Moran moved to adopt the Subcommittee report to amend SB 649 and recommend it favorable for passage as amended. Senator Rock seconded the motion. The motion carried.

Senator Moran moved to adopt the Subcommittee report to recommend SB 650 favorable for passage. Senator Petty seconded the motion. The motion carried.

The Subcommittee will conclude reporting on the balance of bills assigned at a later date.

Chairman Winter turned the Committee's attention to SB 508.

SB 508 - court costs to support the law enforcement training center.

Senator Kerr offered a balloon amendment to SB 508 incorporating the suggestions he had made at a previous meeting. (ATTACHMENT 2) The amendment would allocate one dollar of the court fee to a fund shared by municipalities doing their own training, limited to those in existence on the date of enactment. After five years, two dollars of the remaining four dollars would go into the juvenile detention facilities operations fund and two dollars would remain with the Law Enforcement Training Center.

Senator Kerr moved to adopt the balloon amendments to SB 508. Senator Petty seconded the motion. The motion carried.

Committee discussion followed on amounts for reimbursement to municipalities who provide their own law enforcement training programs. The Committee addressed the question of whether vocational programs on law enforcement training should be reimbursed and if so, to what extent.

Senator Kerr moved to amend SB 508 further to standardize costs before development of law enforcement training programs, limit reimbursement funds to programs pre-existing prior to effective date of bill, fund reimbursement of existing programs to 100 percent of actual community costs, require certification of all programs to qualify for reimbursement, require a review of all law enforcement training by the commission to insure there is no unnecessary duplication of training, make certified law enforcement training programs ineligible for categorical state aid, and technical amendments as deemed necessary by the Revisor. Senator Petty seconded the motion to amend. The motion carried.

Senator Kerr moved to recommend SB 508 favorable for passage as amended. Senator Bond seconded the motion. The motion carried. Senator Kerr and others requested an opportunity to review the Committee report before it was submitted and placed on General Orders.

The Committee turned its attention to SB 662.

SB 662 - statute of limitations expanded for civil actions for damages for injury or illness suffered as a result of childhood sexual abuse.

Senator Bond moved to recommend SB 662 favorable for passage with technical amendments as deemed necessary by the Revisor. Senator Moran seconded the motion. The motion carried.

The Committee turned to SB 355.

SB 355 - eliminating spousal defense in certain crimes.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 531-N, Statehouse, at 9:00 a.m. on February 28, 1992.

Senator Bond moved to recommend SB 355 favorable for passage. Senator Petty seconded the motion. The motion carried.

The Committee turned to SB 269, carried over from the 1991 legislative session.

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

Robert Clark, Class LTD, Columbus, reviewed SB 269 and gave an example of the difficulties that exist in protecting special needs adults from abuse. He stated that SRS testified in opposition to the measure in 1991 and although Class LTD had been trying to work out solutions to its opposition, SRS had not responded to its efforts. He expressed support for passage of SB 269 without amendments.

Martha Hodgesmith, Kansas Association of Rehabilitation Facilities, spoke in support of SB 269. She stated provisions are in the statutes for juveniles, and this bill would supply a like provision for adults. She added that the fiscal impact should not be very large as there were only nine instances where the legislation would apply in 1990 and eight in 1991.

Senator Martin moved to amend SB 269 with technical amendments as suggested by the Revisor, and that SB 269 be recommended favorable for passage as amended. Senator Bond seconded the motion. The motion carried.

Chairman Winter turned the Committee's attention to SB 18, SB 19 and SB 20.

SB 18 - sexually violent offenders.

SB 19 - persons likely to commit sexual acts as mentally ill person under treatment act for mentally ill persons.

SB 20 - required supervision and treatment by mental health professional for sex offenders.

Chairman Winter reviewed the information received by the Committee regarding violent sex offenders, both from conferees and reported by the 1991 Senate Judiciary Subcommittee on Violent Sex Offenders. It was noted that liability, resources and assignment of responsibility are problems in implementing the legislation. The balloons of SB 18 and SB 19, suggested by the 1991 Subcommittee, were considered by the Committee.

The balloon of SB 18 would assign incarceration to a predesignated facility with a program for diagnosis and treatment. When those individuals are deemed ready for release, they would do so with the requirement of outpatient counseling for a time determined appropriate by the treatment center.

The balloon of SB 20 would require a minimum number of years for treatment. The sexually violent predator would be placed in a physically separate building, separate from other mental health and SRS patients. It was noted the Young building on the Larned campus would be the best available facility at this time. The program would be operated by the Department of Social and Rehabilitation Services.

Senator Martin moved to amend SB 18 by adopting the balloon offered by the 1991 Subcommittee, provide for a web of immunity for individual professionals and the state with respect to release date of individual, and to conditionally require that when such individuals are placed in SRS custody, a separate facility be used with the intent of isolating the sexually violent predator from other patients and inmates. Senator Kerr seconded the motion. The motion to amend carried.

Senator Kerr moved to recommend SB 18 favorable for passage as amended. Senator Bond seconded the motion. The motion carried.

Senator Kerr moved to amend SB 20 by adopting the balloon amendments, make the sentence not less than three years and up to ten years, require cost of counseling reimbursement by the offender if capable of doing so, and to provide immunity to the professionals and the state for when receiving outside treatment. Senator Rock seconded the motion. The motion carried.

Senator Kerr moved to recommend SB 20 favorable for passage as amended. Senator Rock seconded the motion. The motion carried.

The meeting was adjourned at 11:45 a.m.

Date Feb 28, 1997

VISITOR SHEET
Senate Judiciary Committee

(Please sign)

Name/Company

Name/Company

Brandon Myers, KS-HRC

Robert L. Clark

Martha Noejesant

Zoe Bestgen

PATRICIA HENSHAW

JIM CLARK

Juliene Maslow

Helen Stephens

CLASS LTD Columbus, KS

KARF Topeka

KARF Topeka

OJA TOPEKA

KCPAA

A.G. Office

KPAA

February 25 - 26, 1992

Sub-Committee Meeting - Civil Procedures

Hearings on:

- SB 359 repealing article 6 of the uniform commercial code regarding bulk transfers. (ULC)
Recommended for passage
- SB 360 enacting the uniform fraudulent transfer act. (ULC)
No action taken
- SB 622 UCC, negotiable instruments, lost, destroyed or stolen checks. (Winter, ULC)
Recommended for passage
- SB 623 enacting the uniform transfer of litigation act. (Winter ULC)
Recommended for passage
- SB 624 enacting the uniform satutory rule against perpetuities. (Winter ULC)
Recommended for passage
- SB 625 enacting the Uniform Simultaneous Death Act. (Winter ULC)
Recommended for passage
- SB 615 tort claims act, definition of community service work. (F&S bill, requested by DOC)
Staff is re-working bill language
- SB 627 required vote on merger or consolidation agreements. (requested by Larry Magill)
Recommended for passage as amended
- SB 685 notification of refund provisions required before telemarketing fraud provisions of consumer protection act inapplicable. (requested by A.G.)
Proponents and opponents will meet and seek to work out acceptable compromise language. Will keep on the table.
- SB 626 crimes involving piracy of recordings and non-disclosure of source of recordings. (D. Kerr)
Recommended for passage.

*Senate Judiciary Committee
February 28
Attachment 1*

Session of 1992

SENATE BILL No. 508

By Committee on Judiciary

1-21

8 AN ACT concerning costs assessed by municipal courts; disposition
9 of such costs to the law enforcement training center fund; amend-
10 ing K.S.A. 12-4112 and repealing the existing section.

11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. K.S.A. 12-4112 is hereby amended to read as follows:
13 12-4112. No person shall be assessed costs for the administration of
14 justice in any municipal court case, except for witness fees and
15 mileage as set forth in K.S.A. 12-4411 and amendments thereto and
16 for the assessment required by K.S.A. 12-4116 *and amendments*
17 *thereto* for the training, testing and continuing judicial education of
18 municipal judges *and for the assessment required by section 2 and*
19 *amendments thereto for the law enforcement training center fund*
20 *established pursuant to K.S.A. 1991 Supp. 74-5619 and amendments*
21 *thereto.*

22
23 New Sec. 2. On and after July 1, 1992, in each case filed in
24 municipal court charging a criminal or public offense or charging an
25 offense defined to be a moving violation by rules and regulations
26 adopted pursuant to K.S.A. 8-249 and amendments thereto, where
27 there is a finding of guilty or a plea of guilty, a plea of no contest,
28 forfeiture of bond or a diversion, a sum in an amount of \$5 shall
29 be assessed ~~for~~ the law enforcement training center fund established
30 pursuant to K.S.A. 1991 Supp. 74-5619 and amendments thereto.
31 The judge or clerk of the municipal court shall remit at least monthly
32 all assessments received pursuant to this section to the state treasurer
33 for deposit in the state treasury to the credit of the law enforcement
34 training center fund. For the purpose of determining the amount to
35 be assessed according to this section, if more than one complaint is
36 filed in the municipal court against one individual arising out of the
37 same incident, all such complaints shall be considered as one case.

38 ~~4~~ Sec. 3. K.S.A. 12-4112 is hereby repealed.

39 ~~5~~ Sec. 4. This act shall take effect and be in force from and after
40 its publication in the statute book.

the local law enforcement training reimbursement fund established pursuant to section 4 and the juvenile detention facilities fund as provided in section 2

and such assessment shall be credited as follows: (a) During the period commencing July 1, 1992, and ending June 30, 1997, \$1 to the local law enforcement training reimbursement fund established pursuant to section 3 and \$4 to

; and (b) on and after July 1, 1997, \$1 to the local law enforcement training reimbursement fund established pursuant to section 3, \$2 to the law enforcement training center fund established pursuant to K.S.A. 1991 Supp. 74-5619 and amendments thereto and \$2 to the juvenile detention facilities fund established pursuant to K.S.A. 79-4803 and amendments thereto

local law enforcement training reimbursement fund, the and the juvenile detention facilities fund as provided in this section

New Sec. 3. There is hereby created in the state treasury the local law enforcement training reimbursement fund. All expenditures from the local law enforcement training fund shall be distributed to municipalities which created local law enforcement training programs prior to January 1, 1992, in accordance with a distribution formula developed by the law enforcement training commission. Such distribution formula shall provide that distribution shall be based on the number of individuals trained and the cost per individual trained of each such municipality. Any such distributions shall be reviewed on a year-to-year basis and adjusted accordingly pursuant to the criteria specified in this section.

*Senate Judiciary Committee
February 28, 1992
Attachment 2*

1/1