

Approved: _____

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 27, 1992 in room _____ 514-S _____ of the Capitol.

All members were present except:
Senator Feleciano who was excused.

Committee staff present:
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 the Subcommittees. Senator Moran reported on bills assigned to the Subcommittee on Criminal Law. (ATTACHMENT 1) Senator Rock reported on bills assigned to the Subcommittee on Civil Procedure. (ATTACHMENT 2)

SB 628 - repealing the certified public accountant's client communication privilege.

Senator Moran moved to adopt the Subcommittee report to amend SB 658 and recommend favorable for passage as amended. Senator Petty seconded the motion. The motion carried.

HB 2646 - cleanup to the perjury statute.

Senator Moran moved to adopt the Subcommittee report to recommend HB 2646 favorable for passage. Senator Bond seconded the motion. The motion carried.

HB 2526 - penalty assessments for violations of wildlife and parks laws or rules and regulations

Senator Moran moved to adopt the Subcommittee report to amend HB 2526 and recommend favorable for passage as amended. Senator Petty seconded the motion. The motion carried.

HB 3012 - collecting blood and saliva samples from juvenile sex offenders.

Senator Moran moved to adopt the Subcommittee report to recommend HB 3012 favorable for passage. Senator Petty seconded the motion. The motion carried.

HB 3146 - enforcement of county codes and resolutions.

Senator Moran moved to adopt the Subcommittee report to recommend HB 3146 favorable for passage. Senator Bond seconded the motion. The motion carried.

HB 2861 - unlawful statehouse parking, penalties.

Senator Moran moved to adopt the Subcommittee recommendation to amend HB 2861 and to report favorable as amended. Senator Rock seconded the motion. The motion carried.

HB 2870 - personal service for execution orders.

Senator Rock reported the Subcommittee discussion of HB 2870 raised questions of ambiguity in the language of the bill and subsequently he offered an alternate to the Subcommittee recommendation. Senator Rock moved to conceptually amend HB 2870 to clarify existing language-- personal service is to be done when the person can be found, if not able to find the person, service will be allowed by publication and other means. Senator Parrish seconded the motion. The motion to amend carried.

Senator Rock moved to further amend HB 2870 by adopting the amendments suggested to the Subcommittee by the Collection Attorneys Association. Senator Parrish seconded the motion. The motion to further amend carried.

Senator Rock moved to recommend HB 2870 favorable as amended. Senator Martin seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:05 a.m. on March 27, 1992.

HB 2756 - disposition of property by will or other lawful disposition.

Senator Rock moved to adopt the Subcommittee report to recommend HB 2756 favorable and to be placed on the Consent Calendar. Senator Martin seconded the motion. The motion carried.

HB 2856 - bonds approved by district court judge not clerks.

Senator Rock moved to adopt the Subcommittee report to amend HB 2856 and to recommend favorable as amended. Senator Bond seconded the motion. The motion carried.

HB 3055 - orders of support payments during protection from abuse proceedings.

Senator Rock moved to adopt the Subcommittee report to recommend HB 3055 favorable and to be placed on the Consent Calendar. Senator Bond seconded the motion. The motion carried.

HB 3056 - child support/maintenance exempt from garnishment.

Senator Rock moved to adopt the Subcommittee report to amend HB 3056 and to recommend favorable for passage as amended. Senator Bond seconded the motion. The motion carried.

HB 2841 - livestock theft; forfeiture proceedings.

Senator Gaines moved to adopt the Subcommittee report to amend HB 2841 and to recommend favorable for passage as amended. Senator Moran seconded the motion. The motion carried.

Senator Parrish reiterated her concerns regarding the institution of forfeiture for selected crimes. She strongly suggested the forfeiture question be requested for an interim study.

HB 2837 - grounds for removal from office of district coroners.

The Committee consensus on HB 2837 agree with the Subcommittee report. Senator Gaines made a motion that no action be taken on HB 2837 and refer the subject of reform in the coroners system to the Kansas Judicial Council for its study and recommendations. Senator Bond seconded the motion. The motion carried.

HB 2769 - telefacsimile communications.

Senator Rock moved to recommend HB 2769 favorable for passage. Senator Bond seconded the motion. The motion carried.

The meeting was adjourned at 11:15 a.m.

Subcommittee on Criminal Law

- SB 628 - repealing the certified public accountant's client communication privilege. adopt the balloon compromise of the Securities Commission and CPA's, amend to publication in the Register; recommend favorable as amended.
- HB 2646 - cleanup to the perjury statute.
recommend favorable.
- HB 2526 - penalty assessments for violations of wildlife and parks laws or rules and regulations.
recommend amending to credit monies be deposited to the park fee fund; recommend favorable as amended (bill was double referred).
- HB 3012 - collecting blood and saliva samples from juvenile sex offenders.
recommend favorable.
- HB 3146 - enforcement of county codes and resolutions.
recommend favorable.
- HB 2861 - unlawful statehouse parking, penalties.
recommend amending to remove the House amendment to issue warning tickets;
recommend favorable as amended.
- HB 2841- livestock theft; forfeiture proceedings.
recommend amending to remove forfeiture of real properties, unless purchased with proceeds of illegal activities; amend to allow only on felony convictions; recommend favorable as amended.
- HB 2837 - grounds for removal from office of district coroners.
report without recommendation but with observation that problems exist with the current coroner system. Suggest consideration of topic for an interim study; suggest reform of the Kansas coroners system be referred to the Judicial Council for their study and recommendations.
- HB 3017 - prohibiting discrimination against military personnel.
recommend an alternative, a concurrent resolution discouraging discrimination against military personnel.
- HB 3151 - transportation of alcoholic liquor or cereal malt beverage in open container.
recommend new section 1 favorable and request why remainder of bill is included; amend in paragraph 3 "is in exclusive possession of passenger in the vehicle and has not been in the possession of the driver" to clarify that the driver can not be held guilty by virtue of the passengers' guilt; recommend favorable for passage as amended.

Senate Judiciary Committee
March 27, 1992
Attachment 1

SUBCOMMITTEE ON CIVIL PROCEDURES

HB 2831 - service agents for corporations for service of process.

Recommendation: Recommended to full committee to be placed on consent calendar.

HB 2870 - personal service for execution orders.

Recommendation: Moved out of committee favorably.

HB 2829 - lien filings; indexed by the clerk.

Recommendation: Recommended to full committee to be placed on consent calendar.

HB 2769 - telefacsimile communications.

Recommendation: Hold - Ways & Means is looking at docket fees.

HB 2828 - relating to the supreme court nominating commission and the district court nominating commissions.

Recommendation: Leave bill in tact except: strike language page 2 - lines 17 through 20 - amended.

Needs additional flexibility - less expensive notification.

Farley is checking on sending to Law Firms.

Staff says it can be amended.

Senate Judiciary Committee

March 27, 1992

Attachment 2

1/3

HB 2838 - UCC, consumer leases, delinquency charges.

Recommendation: HB 2838 & HB 2746 - requested that these bills be referred to Commercial and Financial Institutions Committee.

HB 2940 - criminal and civil penalties for equity skimming.

Recommendation: Hold for full committee.

HB 2098 - shortening redemption period under certain situations.

Recommendation: Hold for full committee.

HB 2855 - contempt in child support enforcement proceedings, court may restrict driving privileges.

Recommendation: Reported adversely.

SUBCOMMITTEE ON CIVIL PROCEDURES
MARCH 23, 1992

HB 2756 - disposition of property by will or other lawful disposition. (Jud. Council)

Recommendation:

Recommend to full committee to be placed on consent calendar.

HB 2856 - bonds approved by district court judge not clerks. (OJA)

Recommendation:

Will strike the word "approved" Page 19, Line 31. Move favorably as amended.

HB 3055 - orders of support payments during protection from abuse proceedings. (OJA)

Recommendation:

Recommend to full committee to be placed on consent calendar.

HB 3056 - child support/maintenance exempt from garnishment. (OJA)

Recommendation:

Strike Section F. Move favorably as amended.