

Approved April 8, 1988
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Robert Frey at
Chairperson

10:00 a.m./~~pm~~ on March 30, 1988 in room 514-S of the Capitol.

~~All~~ members ~~were~~ present ~~except~~: Senators Frey, Hoferer, Burke, Feleciano, Gaines, Langworthy, Parrish, Steineger, Talkington, Winter and Yost.

Committee staff present:

Gordon Self, Office of Revisor of Statutes
Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department

Conferees appearing before the committee: None

Senate Bill 698 - Uniform premarital agreement act.

Senator Frey explained the bill. Senator Talkington moved to report the bill favorably. Senator Burke seconded the motion. The motion carried.

House Bill 2832 - Authorization for an additional administrative law judge for division of workers' compensation.

Senator Frey explained the bill. Following committee discussion, Senator Hoferer moved to report the bill favorably. Senator Gaines seconded the motion. The motion carried.

House Bill 2881 - Time at which sentence or punishment under a criminal code may be modified.

Senator Frey explained the bill. Senator Talkington moved to report the bill favorably. Senator Burke seconded the motion. The motion carried.

House Bill 2917 - Allowing issuance of citations in DUI cases. Senator Frey explained the bill. Senator Gaines moved to report the bill favorably. Senator Hoferer seconded the motion. The motion carried.

House Bill 2931 - Allowing coroners access to certain information concerning patients in treatment facilities.

House Bill 2968 - Concerning Kansas advocacy and protective services, Inc.

Following an explanation of the proposed amendment, Senator Burke moved to adopt the proposed amendment. Senator Steineger seconded the motion. The motion carried. A copy of the proposed amendment is attached (See Attachment I).

It was brought to the chairman's attention the conflict of House Bill 2931 and House Bill 2968. Senator Steineger moved to reconsider the action on House Bill 2968. Senator Burke seconded the motion. The motion carried. Senator Talkington moved to amend House Bill 2931 into House Bill 2968. Senator Gaines

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room 514-S, Statehouse, at 10:00 a.m. ~~p.m.~~ on March 30, 19 88

House Bill 2931 and House Bill 2968 continued

seconded the motion. The motion carried. Senator Steineger moved to report House bill 2968 favorably as amended. Senator Burke seconded the motion. The motion carried. Senator Steineger moved to report House Bill 2931 adversely. Senator Burke seconded the motion. The motion carried.

House Bill 3003 - Deceptive advertising of consumer products.

Senator Langworthy explained the bill. Committee discussion was held concerning federal pre-emption. Senator Steineger discussed the California case. The chairman reported it was the consensus of the subcommittee that no action be taken on the bill. The full committee took no action on the bill.

Senate Bill 410 - Civil procedure, local human relations commissions, enforcement of orders.

Senator Yost explained the bill further to answer questions the committee had on the bill previously. Senator Yost made a conceptual motion to create a procedure and a right for enforcement of local human relations commissions awards in the area of compensatory and punitive damages. It would make sure to have equity and caps on appeals procedures on both local and state commissions. Senator Gaines seconded the motion. Senator Winter introduced Ray Samuel, Lawrence, who was present to answer any questions concerning the human relations commission. Following discussion and explanation of the motion to amend the bill, the motion carried. Senator Gaines moved to report the bill favorably as amended. Senator Winter seconded the motion. The motion carried.

Senate Bill 626 - Statute of limitations, actions involving health care providers.

Senate Bill 629 - Health care stabilization fund abolished.

Following committee discussion, Senator Gaines recommended Senate Bill 626 and Senate Bill 629 be recommended for interim study.

Senate Bill 685 - Establishing the crime of intentionally and knowingly attempting to inflict or inflicting another individual with AIDS.

Senator Frey explained the bill. Senator Burke moved to report the bill favorably. Senator Steineger seconded the motion. Senator Winter made a substitute motion to table the bill. Senator Parrish seconded the motion. With five voting in favor of the motion and three opposed the motion carried.

House Bill 2240 - Forfeitures; controlled substances, simulated controlled substances and drug paraphernalia.

Following committee discussion, Senator Gaines moved to amend the bill to set up a special law enforcement fund. Senator Steineger seconded the motion. The motion carried. Senator Gaines moved to amend the bill that the provision on seizure

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House Bill 2240 continued

and forfeiture contained within the bill be made applicable only to felony violations. Senator Burke seconded the motion. The motion carried. Senator Gaines moved to amend the bill in Section 1(b)(1) to be changed to read "the seizure is incident to a lawful arrest or a lawful search conducted by a law enforcement officer". Senator Talkington seconded the motion. The motion carried. Senator Burke moved to amend the bill by striking lines 108 and 109, and striking "or intended to be used" in line 111. Senator Langworthy seconded the motion. The motion carried. Senator Gaines moved to amend the bill in New Section 4 by changing the language so that the attorney employed by the law enforcement agency must be approved by the local prosecutor. Senator Burke seconded the motion. The motion carried. Senator Burke moved to amend the bill by the adoption of the word "promptly" to be used throughout the bill. Senator Langworthy seconded the motion. The motion carried. Senator Gaines moved to adopt the proposed substitute bill and report the substitute bill favorably as amended. Senator Langworthy seconded the motion. The motion carried.

The meeting adjourned.

A copy of the guest list is attached (See Attachment II).

0083 (11) any information relevant to the collection of a bill for
 0084 professional services rendered by a treatment facility; or
 0085 (12) any information sought by a coroner serving under the
 0086 laws of Kansas when such information is material to an inves-
 0087 tigation or proceeding conducted by the coroner in the per-
 0088 formance of such coroner's official duties.

Information obtained by a coroner under this provision shall be used for official purposes only and shall not be made public unless admitted as evidence by a court or for purposes of performing the coroner's statutory duties.

0089 (b) The treatment personnel shall not disclose any informa-
 0090 tion subject to subsection (a)(3) unless a judge has entered an
 0091 order finding that the patient has made such patient's condition
 0092 an issue of the patient's claim or defense. The order shall
 0093 indicate the parties to whom otherwise confidential information
 0094 must be disclosed.

0095 Sec. 2. K.S.A. 1987 Supp. 65-5603 is hereby repealed.

0096 Sec. 3. This act shall take effect and be in force from and
 0097 after its publication in the statute book.

Att. I