

House Judiciary Committee Meeting
Tuesday, February 26, 1963

The House Judiciary Committee met Tuesday, February 26, 1963, in Room 523 at 8:40 A.M. with Chairman Clyde Hill presiding. Fifteen members were present. Members Arthur, Davis, Fatzer, Malone and Williams were absent.

Chairman Hill stated that the first thing on the agenda is House Bill No. 129, an act establishing original and exclusive jurisdiction in the supreme court in cases relating to apportionment of the legislature. Mr. Crossan stated that this bill is self explanatory. Mr. Skoog questioned why it is written in this particular direction instead of the other direction. Mr. Crossan stated that this is a polite way of doing it. Chairman Hill asked if there was any further discussion. Mr. Skoog asked if the phrase "or any controversy" is clear. He further stated that he is trying to figure out if the "or any" might break the relationship. Mr. Krug asked if they would be opening the door for something that might cause some trouble. Mr. Smith moved that House Bill No. 129 be reported favorably for passage. Mr. Crossan seconded. Chairman Hill asked if there was any further discussion. There was none. Eight members of the committee were in favor of the motion and two opposed. Motion carried.

Mr. Crossan moved that House Bill No. 206, an act relating to the Kansas probate code, pertaining to proceedings for commitment of insane persons, authorizing the use of the term "mentally ill persons" instead of the term "insane persons", be reported favorably for passage. Mr. Tillotson seconded. Chairman Hill asked for any discussion. He stated that this is just a matter of terminology. There was no further discussion. Motion carried unanimously.

Mr. Skoog moved that House Bill No. 230, an act relating to the police department in certain cities; designating police courts as municipal courts in certain cases, amending section 13-62a of the General Statutes Supplement of 1961, and repealing said original section, be reported favorably for passage. Mr. Smith seconded. Mr. Crossan made a substitute motion that House Bill No. 230 be tabled. Mr. Tillotson seconded. Chairman Hill asked for any discussion. There was none. Two members of the committee were in favor of the motion and four opposed. Motion lost. Mr. Skoog moved that House Bill No. 230 be reported favorably for passage. Mr. Smith seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Tillotson moved that House Bill No. 278, an act to provide for the appointment of conservators to manage and care for property of certain persons; prescribing the powers thereof; and providing for the discharge of such persons; requiring bonds; making certain laws applicable to conservators appointed and requiring a copy of order of appointment to be filed in probate court of each county

House Judiciary Committee Meeting
Tuesday, February 26, 1963
Page two

where real estate of persons under conservatorships, be reported favorably for passage. He stated that this bill is taken principally from the State of Oregon and the District of Columbia. Mr. Crossan seconded. Chairman Hill asked a question concerning section 5. Mr. Liebert asked what is defined as relatives. Mr. Crossan made a substitute motion to amend section 1, lines 5 and 6, by striking "his relatives" and inserting in lieu thereof "any resident of the county where he resides". And to add in section 5, paragraph "(d) For causes by the probate judge." Mr. Tillotson stated that he has no objection to this amendment. Mr. Skoog stated his objections to this. There was a great deal of discussion by the members of the committee. Mr. Crossan withdrew his motion.

Mr. Edwards moved that House Bill No. 278 be amended in section 1 by striking "or the petition of one or more of his relatives," lines 5 and 6. Mr. Smith seconded. Chairman Hill asked for any further discussion. There was a great deal of discussion by the members of the committee concerning this proposed amendment. There were five members of the committee in favor of the motion and six opposed. Motion lost.

Mr. Crossan moved that House Bill No. 278 be amended by adding line 10 to section 5 subsection "(d) For good causes by the probate judge." Mr. Tillotson seconded. Chairman Hill asked for any further discussion. There was none. Motion carried unanimously.

Mr. Liebert moved that line 5 of section 1 be amended as originally proposed by Mr. Crossan. Mr. Liebert withdrew his motion for lack of a second.

Mr. Crossan moved that Chairman Hill appoint a subcommittee to work on House Bill No. 278 and bring in some amendments for the consideration of the members of the committee. Mr. Edwards seconded. There was no discussion concerning this motion. Motion carried unanimously.

Mr. Crossan moved that House Bill No. 323, an act relating to probation and parole, prescribing the definition for the word "institution"; amending section 62-2227 of the General Statutes Supplement of 1961, and repealing said original section, be amended in section 1, line 23, by striking "at Lansing". Mr. Skoog seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Skoog moved that House Bill No. 323 be reported favorably for passage as amended. Mr. Crossan seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Liebert asked what House Bill No. 324, an act relating to crimes and punishment; requiring county attorneys to submit information, approved by sentencing judges, regarding convicted felons concerning the circumstances of the offense and the background of the offender, is going to accomplish. There was a great deal of discussion by the members of the committee concerning this bill. Mr. Hill gave an explanation of the bill. Mr. Crossan moved that House Bill No. 324 be reported favorably for passage. Mr. Van Cleave made a substitute motion that House Bill No. 324 be tabled. Mr. Griffith seconded. There was considerable discussion by the members of the committee. Mr. Van Cleave withdrew his motion. This bill will be passed over at this time for further checking and reconsideration by the members of the committee.

Mr. Van Cleave moved that House Bill No. 325, an act relating to the Kansas bureau of investigation, describing the number of members thereof; amending section 75-711 of the General Statutes Supplement of 1961, and repealing said original section, be reported favorably for passage. Mr. Crossan seconded. Chairman Hill gave the background of this bill. He asked for any further discussion. There was none. Motion carried unanimously.

Chairman Hill appointed a subcommittee consisting of members Liebert, Gardner, Euler and Crossan to work on the proposed search and seizure bill.

Mr. Van Cleave moved the committee introduce a bill relating to the criminal procedure, prescribing a procedure for sentencing of persons convicted of two or more offenses, amending section 62-1512 of the General Statutes of 1949, and repealing said original section and have this bill referred back to the committee. Mr. Skoog seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Van Cleave moved the committee introduce a bill relating to the office of secretary of state; and pertaining to the compensation of assistants, deputies and other employees, amending section 75-3105 of the General Statutes Supplement of 1961, and repealing said original section and have this bill referred back to the committee. Mr. Smith seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Tillotson moved the committee introduce a bill relating to social welfare; providing for the relinquishing of children to the state department of social welfare and the termination of parental rights in such children and have this bill referred back to the committee. Mr. Smith seconded. There was some discussion by the members of the committee. Motion carried unanimously.

House Judiciary Committee Meeting
Tuesday, February 26, 1963
Page four

Chairman Hill announced that there would be a hearing concerning House Bill No. 239 at 9:00 A.M. Friday, March 1, 1963.

The meeting adjourned at 9:50 A.M. to meet in Room 523 at 8:30 A.M. Wednesday, February 27, 1963.

Respectfully submitted,
Clyde Hill, Chairman

CH:rl

Minutes approved.