

House Judiciary Committee Meeting  
Thursday, March 21, 1963

The House Judiciary Committee met Thursday, March 21, 1963, in Room 523 at 8:45 A.M. with Chairman Clyde Hill presiding. Sixteen members were present. Members Arthur, Fatzer, Tillotson and Williams were absent. Charles V. Hamm, General Counsel, State Board of Social Welfare, and Marvin E. Larson, State Director of Social Welfare, were present concerning House Bills 346, 347 and 348.

Chairman Hill called the meeting to order.

Mr. Skoog moved that House Bill No. 346, an act relating to state institutions under the jurisdiction of the department of social welfare, amending sections 39-111, 39-110, 75-3307 and 76-2460 of the General Statutes Supplement of 1961 and section 76-1228 of the General Statutes of 1949, and repealing said original sections, and also repealing sections 76-1220, 76-1221, 76-1230, 76-1234 and 76-1235 of the General Statutes of 1949 and section 76-1414 of the General Statutes Supplement of 1961, be amended in Section 2, line 1, by striking out the word "department" and inserting in lieu thereof the word "board". Mr. Krug seconded. Chairman Hill asked if there were any questions. There were none. Motion carried unanimously.

Mr. Crossan moved that House Bill No. 346 be amended in Section 4 by striking out all of lines 26 through 35 inclusive. Mr. Skoog seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Chairman Hill asked if there were any questions on the bill as amended. There were none.

Mr. Liebert moved that House Bill No. 346 be reported favorably for passage as amended. Mr. Euler seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Chairman Hill stated that the subcommittee has considered House Bill No. 347, an act relating to the probate code; and pertaining to mentally ill persons and their hospitalization; amending sections 59-2007, 59-2268, 59-2274, 59-2276, 76-1222 and 76-1223 of the General Statutes of 1949 and sections 59-2003, 59-2260, 59-2261, 59-2264 and 59-2271 of the General Statutes Supplement of 1961, and repealing said original sections and also repealing sections 59-2004, 59-2005, 59-2262, 59-2263, 59-2272, 76-1227 and 76-1233 of the General Statutes of 1949 and sections 59-2001 and 59-2002 of the General Statutes Supplement of 1961, and House Bill No. 348, an act relating to the probate code, defining incompetent persons and providing a procedure for the appointment of guardians; amending sections 59-1801 and 59-2265 of the General Statutes of 1949, and repealing said original sections, a great deal. The subcommittee agreed that House Bill No.

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347 was, with a few minor suggestions, pretty well fixed up. In regard to House Bill No. 348, they are a little uneasy about the dovetailing of this bill with the rest of our probate code in regard to incompetent persons in regard to property and so forth. Mr. Crossan asked the gentlemen appearing, Charles V. Hamm, General Counsel, State Board of Social Welfare, and Marvin E. Larson, State Director of Social Welfare, what research has been done in correlating this with other statutes such as the code of civil procedure. What effect does this have on other statutes outside of itself? Mr. Larson stated that they are not changing any of the definitions and they don't relate to any other section of law.

There was a great deal of discussion by the members of the committee concerning this bill. They pointed out to Mr. Hamm and Mr. Larson the difficulties they are afraid of running into. They want the man to be protected while he is being held instead of being made affirmatively a defendant. They agreed that it is no easy problem to solve. The committee agreed that a complete study should be made.

Mr. Liebert moved that House Bills No. 347 and 348 be tabled. Mr. Smith seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Skoog moved that the committee introduce a committee resolution concerning a judicial counsel study of this matter. Mr. Crossan seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Chairman Hill appointed a subcommittee consisting of Mr. Skoog and Mr. Liebert to draft this resolution.

Mr. Smith moved that Senate Bill No. 343, an act relating to crimes and punishments; concerning unjustified and justifiable abortions; and repealing sections 21-409 and 21-437 of the General Statutes of 1949, and section 21-410 of the General Statutes Supplement of 1961, be reported adversely. Mr. Malone seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Chairman Hill explained Senate Bill No. 171, an act relating to motor vehicles, authorizing certain public agencies to remove, store and sell motor vehicles which are abandoned and left on highways as defined by section 8-1101 of the General Statutes Supplement of 1961, and requiring certain notices to be given of the public sale; and creating liens for the cost of removal and storage of certain abandoned vehicles, amending section 8-1102 of the General Statutes Supplement of 1961, and repealing said original section.

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Mr. Liebert moved that Senate Bill No. 171 be amended in Section 1, line 35, by striking out the word "first" and inserting in lieu thereof the word "second". And that it be further amended in Section 1, line 49, by striking out the word "first" and inserting in lieu thereof the word "second". Mr. Edwards seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Euler moved that Senate Bill No. 171 be reported favorably for passage as amended. Mr. Edwards seconded. Chairman Hill asked for any discussion. There was none. Fourteen members of the committee were in favor of the motion and one opposed. Motion carried.

Mr. Malone moved that Senate Bill No. 198, an act relating to the Kansas probate code, pertaining to hearings for probate of wills, amending section 59-2224 of the General Statutes of 1949, and repealing said original section, be reported favorably for passage. Mr. Van Cleave seconded. Chairman Hill asked if there was any discussion. There was none. Thirteen members of the committee were in favor of the motion and two opposed. Motion carried.

The meeting adjourned at 10:00 A.M. to meet Friday, March 22, 1963, at 8:30 A.M. in Room 523.

Respectfully submitted,  
Clyde Hill, Chairman

Minutes approved: