

House Judiciary Committee Meeting
Friday, February 19, 1965

The House Judiciary Committee met Friday, February 19, 1965, in Room 523 at 8:45 A.M. with Chairman Jack R. Euler presiding. Fourteen members were present. Members Amrein, Barnhill, Davis, Fatzer, Griffith, Hill and Van Cleave were absent.

Chairman Euler called the meeting to order.

Representative Wilcox explained a proposed bill amending 75-417 K.S.A. This deals with quiet title actions where the State of Kansas is a party and would make this statute consistent to the new code and require delivery of a copy of the summons to the Attorney General or the Assistant Attorney General. Mr. Wilcox moved that the committee introduce this proposed bill amending 75-417 K.S.A. Mr. Howard seconded. Chairman Euler asked for any discussion. There was none. Motion carried unanimously.

The committee then discussed the Model Conversion Law, a copy of which is attached. Mr. Gray moved that this proposal by Ernest Unruh be delivered to the Judicial Council, which is making a study of the criminal code. Mr. Wilcox seconded. Chairman Euler asked for any further discussion. There was none. Motion carried unanimously.

Mr. Coldsnow then reported on the proposed bills in regard to the Secretary of State's requests concerning the corporation laws. These proposals were presented to the committee at their meeting Tuesday, February 16, 1965. It was agreed by the committee that Mr. Coldsnow should talk further to Mr. Shanahan concerning these matters and that these proposals should be taken up with the draftsmen of the Code when they appear before the Judicial Council next Wednesday.

Chairman Euler appointed a subcommittee consisting of members Gray, Howard and Wilcox to check into the matter of the inadequacy of the present traffic laws.

A subcommittee consisting of members Foster and Roberts will check into the matter of whether inter vivos trusts should be under the supervision of the district court or the probate court.

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Speaker Hill has had some correspondence in reference to the probate code which authorizes sales under a will. A subcommittee consisting of members Coldsnow, Gray, and Rogers will report concerning this matter.

Members Foster, Sargent and Wilcox will report concerning the question of owning a working interest in an oil and gas lease. There is a question as to whether this is a personalty or real estate.

Chairman Euler then reported to the committee concerning Judge Gard's opposition to the appointment of counsel for indigent prisoners.

There will be no meeting Monday, February 22, 1965, but the committee will meet Tuesday, February 23, 1965, at 8:30 A.M. in Room 523. The subcommittees will try to make their reports next week. The committee will also hold hearings in regard to the proposed mental health bill, an Act for Obtaining "Care or Treatment" for a "Mentally Ill Person." At this time, the committee will hear Dr. Haines and at least two others in regard to this mental health bill.

The meeting adjourned at 9:45 A.M.

Respectfully submitted,
Jack R. Euler
Chairman

Minutes approved:



MODEL CONVERSION LAW

Every person who shall feloniously steal, take, carry, lead, or drive away the personal property of another, or who shall fraudulently appropriate property which has been entrusted to him, or who shall knowingly and designedly, by any false or fraudulent representation or pretense, defraud any other person of money, labor or real or personal property, or who causes or procures others to report falsely of his wealth or mercantile character and by thus imposing upon any person, obtains credit and thereby fraudulently gets or obtains possession of money, or property or obtains the labor or service of another, is guilty of theft. In determining the value of the property obtained, for the purpose of this section, the reasonable and fair market value shall be the test, and in determining the value of service received the contract price shall be the test. If there be no contract price, the reasonable and going wage for the service rendered shall govern. For the purpose of this section, any false or fraudulent representation or pretense made shall be treated as continuing, so as to cover any money, property or service received as a result thereof, and the complaint, information or indictment may charge that the crime was committed on any date during the particular period in question. The hiring of any additional employee or employees without advising each of them of every labor claim due and unpaid and every judgment that the employer has been unable to meet shall be prima facie evidence of intent to defraud.

It shall be prima facie evidence of intent to commit theft (larceny) by fraud when one who has leased or rented the personal property of another fails to return the personal property to its owner within 10 days after the lease or rental agreement has expired or who presents identification to the lessor or rentor thereof which is false, fictitious or not current name, address, place of employment or other items of identification.

Nothing herein contained shall relieve the lessor or rentor from making demand for return of property so rented. Notice addressed and mailed to the lessee at the address given at the time of making lease or rental agreement shall constitute proper demand.