

House Judiciary Committee Meeting
Friday, March 12, 1965

The House Judiciary Committee met Friday, March 12, 1965, in Room 523 at 9:00 A.M. with Chairman Jack R. Euler presiding. Fifteen members were present. Members Bell, Davis, Howard, Roberts and Van Cleave were absent.

Chairman Euler called the meeting to order.

Mr. Gray moved that House Bill No. 824, an act relating to the distribution of copies of statutes books known as "Kansas Statutes Annotated.", be reported adversely. Mr. Tillotson seconded. There was some discussion by the members of the committee in regard to this. Mr. Tillotson made a substitute motion to table House Bill No. 824. Mr. Gray seconded. Chairman Euler asked for any further discussion. There was none. Five members of the committee were in favor of the motion and seven opposed. The substitute motion failed.

Mr. Griffith moved that House Bill No. 824 be recommended favorably for passage. Mr. Foster seconded. Chairman Euler asked for any further discussion. There was none. Seven members of the committee were in favor of the motion and four opposed. The motion carried.

The committee then took up their consideration of House Bill No. 902, an act relating to the obtaining of "care or treatment" as therein defined for "mentally ill persons" as therein defined, and repealing existing K.S.A. 59-2001 to 59-2008, both inclusive, 59-2271 to 59-2276a, both inclusive, 65-401 to 65-405a both inclusive, 76-1222, 76-1223, 76-1227, 76-1228, 76-1231, 76-1231, 76-1232, 76-1233 and 76-1239. Mr. Euler pointed out that it was suggested that the time for hearing be advanced when both persons are agreeable to it. Mr. Coldsnow pointed out that the doctors could not define "mental illness" and suggested that we use the same definition which presently refers to "insane" and call that "mental illness". He reminded the members of the committee that some doctors believe that everyone is mentally ill to some degree

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and in need of "care or treatment".

Mr. Rogers moved that House Bill No. 902 be recommended favorably for passage. Mr. Tillotson seconded. Mr. Turner stated that this bill is just too broad. Mr. Gray stated that he just couldn't agree with section 30, page 22. Mr. Woodworth pointed out that these are all technical faults which have been pointed out and that they will probably work themselves out. His objection was that the bills can not be understood. He suggested that an official summary of the acts be made. Chairman Euler pointed out that this would probably be a function of the Judicial Council.

Mr. Tillotson pointed out that this is probably as good a bill as you can get.

Speaker Hill then afforded the committee a brief background of House Bills No. 902 and No. 905 and their draftsmen. He pointed out that the nomenclature that is used was the best that could be provided. The complications are in there because they were trying to make a simple way of taking care of emergency cases and so forth. He stated that he feels quite confident that they have done a good job on these bills.

Mr. Tillotson moved that House Bill No. 902 be reported favorably for passage. Mr. Rogers seconded. Chairman Euler asked for any further discussion. There was none. The motion carried unanimously.

Mr. Tillotson stated that House Bill No. 905, an act relating to obtaining a "guardian" or "conservator," as therein defined, or both, for the person or estate of an "incapacitated person" or "minor" as therein defined, and certain adults; and repealing existing K.S.A. 59-1801 to 59-1813, both inclusive and 59-2257 to 59-2270, both inclusive, is a good bill and that this law is needed. Mr. Tillotson moved that House Bill No. 905 be reported favorably for passage. Mr. Cram seconded. Chairman Euler asked

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for any further discussion. There was none. The motion carried unanimously.

Chairman Euler appointed two subcommittees, one consisting of members Foster, Barnhill and Amrein and the other consisting of members Woodworth, Griffith and Coldsnow. These subcommittees will look into the recommendations for repealers presented to the committee by the Revisor of Statutes Office.

Mr. Turner moved for the reconsideration of House Bill No. 824. Mr. Gray seconded. Chairman Euler asked for any discussion. There was none. Seven members of the committee were in favor of the motion and three opposed. The motion carried.

Mr. Griffith moved that House Bill No. 824 be reported favorably for passage. Mr. Foster seconded. Mr. Foster then made a substitute motion for adjournment. Mr. Gray seconded. The motion carried unanimously. The meeting adjourned at 9:20 A.M.

Respectfully submitted,
Jack R. Euler
Chairman

Minutes approved:



FRANKLIN CORRICK, REVISOR
LEGISLATIVE COUNCIL SECRETARY

FRED E. GULICK, ASSISTANT
JOHN C. WEEKS, ASSISTANT
FRED J. CARMAN, ASSOCIATE

STATE OF KANSAS

OFFICE OF

REVISOR OF STATUTES

STATE HOUSE, THIRD FLOOR
TOPEKA, KANSAS 66612

LEGISLATIVE RESEARCH
LEGISLATIVE BILL DRAFTING
SERVICE
INTERSTATE COOPERATION
RULES AND REGULATIONS
FILING OFFICE
STATUTORY REVISION AND
CLARIFICATION

March 10, 1965

TO THE MEMBERS OF THE COMMITTEES ON JUDICIARY
OF THE 1965 LEGISLATURE:

The attached recommendations of this office were prepared pursuant to the provisions of K. S. A. 77-302 which makes it "the duty of the revisor to recommend to the judiciary committees of the house and senate at each regular session of the legislature such bills as will tend to revise and clarify existing laws."

The procedure during the last nine regular sessions of the Kansas legislature has been to divide the study and consideration of the revisor's recommendations, similar to those included in this report, between the House and Senate Committee on Judiciary. Previous reports were handled by the appointment of special committees within the two Judiciary Committees, with instructions to work with the revisor's office as to the preparation of any bills which the committees may deem necessary or advisable for introduction in the legislature.

In case of doubt as to whether or not a statute listed in the report should be repealed or revised, the proper officials in the various localities which may be affected by or interested in the continuation of any statute recommended for repeal or study should be contacted.

It has been the practice to group the sections recommended for repeal by chapter subjects in order to comply with court decisions as to plurality of subjects in legislative bills.

Since the "deadline" for presenting bills by your committee may be next week, any action desired on these recommendations must be taken soon.

Respectfully submitted,


Revisor of Statutes

Franklin Corrick/mt
Enc.

<u>K. S. A. Section</u>	<u>Recommendations</u>	<u>Reasons</u>
21-964 to 21-969	Repeal	Sunday sales act held unconstitutional
25-317	Repeal	Section appears obsolete due to repeal of 25-315, see K. S.A. 25-319 to 25-321
25-1506	Revise	Reference to article 12 of Code of Civil Procedure should be to "Article 9"
34-112	Study	Appears to be superseded by 34-112a. See Revisor's Note in K. S. A.
39-3a21 to 39-3a25	Study	Appears obsolete. See 39-3a23 which requires "all labor must be local labor certified to the contractor by the county poor commissioner or the national re-employment commission"
39-734, 39-735	Repeal	Expired by its own terms. Text omitted from K. S. A.
39-736, 39-737	Repeal	Appears obsolete. Text omitted from K. S. A.
40-105c, 40-105d	Repeal	Act expired by own terms. Text omitted from K. S. A.
40-1502	Study	See Revisor's Note in K. S. A. under section
44-117 to 44-119	Study	Provision requiring employer to give reason for discharge of employee invalid. See Railway Co. v. Brown, 80 K. 312, 316, 317
46-502	Revise	See 77-138 ¶ <u>Second</u> .
48-201	Revise	Proviso reference to "commission of revenue and taxation" probably should be to the "director of revenue"
48-1305	Revise	Last sentence inoperative. See 48-1304

<u>K. S. A. Section</u>	<u>Recommendations</u>	<u>Reasons</u>
49-210	Study	See Note under section in K. S. A.
55-301 et seq.	Study	Act provides for county gas inspectors. Appears obsolete
58-2220	Study	Provisions appear inconsistent with 60-468
59-2213	Study	Reference to "section 605 of the code of civil procedure" should be to "§ (b) of K. S. A. 60-260." 2-year limitation in old code changed to 1 year under new code
65-630a to h	Recommended for repeal by Food and Drug Division of State Board of Health as being obsolete	
66-520 to 66-522	Study	This act appears to be obsolete
66-707	Revise	Reference to "members of the state commission of revenue and taxation" should be deleted.
66-1001 et seq.	Study	Appears obsolete
66-1101 et seq.	Study	Appears obsolete
66-1311	Study	Direct appropriations to Ports of Entry Board have been made recently for its functions. See L. 1963, ch. 17, § 8; also L. 1964, ch. 3, § 7 (Bud. Sess.)
72-3341	Revise	Reference to Article "1" of chapter 26 should be to Article "5."
72-6701 to 72-6733	Repeal	Unified school district act of 1961 held unconstitutional. Text omitted from K. S. A.

<u>K. S. A. Section</u>	<u>Recommendations</u>	<u>Reasons</u>
73-101 to 73-148	Repeal	Compensation for veterans. Executed or obsolete. Text omitted
74-509	Revise	Duties of irrigation commissioner conferred on division of water resources. Board of irrigation abolished
74-511	Repeal	Commission abolished. See 74- 515a
75-617	Revise	"Auditor" should be changed to "controller"
75-1803 to 75-1806	Repeal	Appears obsolete. Text omitted from K. S. A.
75-2003, 75-2004	Repeal	Appears obsolete. Text omitted from K. S. A.
75-2815	Repeal	Section appears to have been rendered obsolete by repeal of 75-2816. Text omitted from K.S. A.
75-3117	Repeal	Inoperative. See later act, K. S. A. 40-110.
75-3119	Repeal	Inoperative. Text omitted from K. S. A.
75-3120a, 75-3120b	Repeal	Inoperative. Text omitted from K. S. A.
76-607	Revision	
76-904, 76-906 to 76-909	Repeal	Obsolete or executed. See Note in K. S. A.
76-2452a,	Repeal	Temporary act. Text omitted from K. S. A.
76-2465	Repeal	Temporary act. Text omitted from K. S. A.

<u>K. S. A. Section</u>	<u>Recommendations</u>	<u>Reasons</u>
77-104	Repeal	Executed. Text omitted from K. S. A.
79-1535	Repeal	Reference to "taxable years" incorrect
79-2109 to 79-2110	One of these sections should be repealed	These two sections have similar provisions
79-3095	Revise	Revenue and administration fee fund abolished by repeal of 74-2430
79-3238	Revise	All but first sentence appears obsolete
79-3408a	Repeal	Obsolete. Text omitted
79-3459	Revise	Adm. fee fund reference obsolete (See first proviso)