

House Judiciary Committee Meeting
Friday, March 19, 1965

The House Judiciary Committee met Friday, March 19, 1965, in Room 523 at 5:00 P.M. with Chairman Jack R. Euler presiding. Sixteen members were present. Members Amrein, Coldsnow, Fatzer, Howard and Woodworth were absent.

Chairman Euler called the meeting to order.

Mr. Griffith moved to amend House Bill No. 1002, an act concerning certain state institutions used for the purpose of confinement and rehabilitation of state prisoners; establishing rates of pay for certain prisoners; prescribing methods of payment to such prisoners; authorizing the director of penal institutions to adopt certain regulations; amending existing K.S.A. 76-24a08 and repealing said existing section and also repealing existing K.S.A. 76-2321 and 76-2426, on page 1, line 19, by striking the word "when" before the word "such" and inserting in lieu thereof the word "where" and also on page 1, line 19, by striking all of line 19 after the word "prisoner" and inserting in lieu thereof the following: "was actually incarcerated during". Mr. Turner seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Griffith moved that House Bill No. 1002 be reported favorably for passage as amended. Mr. Turner seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Barnhill explained House Bill No. 1003, an act concerning crimes and punishments; prescribing certain duties of the sheriff and police departments upon the arrest of certain persons; directing fingerprints and comprehensive data to be forwarded to certain law enforcement agencies upon the arrest for certain violations; authorizing the taking of fingerprints and pictures of all persons arrested; amending existing K.S.A. 21-2501 and repealing said existing section. He read a letter from Logan H. Sanford, Director of Kansas Bureau of Investigation. Mr. Sanford is in complete agreement with this bill. Mr. Griffith moved that House Bill No. 1003 be reported favorably for passage. Mr. Barnhill seconded. Mr. Turner objected. He pointed out that this would include even parking arrests and burning of trash. Mr. Davis said that this is going too far. There was a great deal of discussion by the members of the committee in regard to this being abused or being a help in catching criminals. Mr. Griffith suggested that "other than parking or speeding violations" be added to line 11, page 2, after the word "ordinance" and before the colon. Mr. Turner read the law as it is presently. He pointed out that there is ample authority presently. Chairman Euler asked for any further discussion. There was none. Three were in favor of the motion and nine opposed. The motion failed.

Mr. Turner moved that House Bill No. 1003 be tabled. Mr. Foster seconded. Chairman Euler asked for any further discussion. There was none. Eleven members were in favor of the motion and one opposed. The motion carried.

Mr. Wilcox explained House Bill No. 1004, an act concerning county courts; providing for the appointment of a judge pro tem; authorizing compensation and payment of expenses; and amending existing K.S.A. 20-818, and repealing said existing section. This will fill the void provided by House Bill No. 544. Mr. Griffith moved that House Bill No. 1004 be reported favorably for passage. Mr. Tillotson seconded. Chairman Euler asked for any further discussion. There was none. The motion carried unanimously.

Mr. Foster moved that House Bill No. 1005, an act relating to crimes and punishments; prohibiting the introduction into or removal of certain items from institutions for the correction and rehabilitation of state prisoners; and prescribing a penalty for violation of such prohibition, be tabled and referred to the Judicial Council for further consideration in their study of the criminal code. Mr. Sargent seconded. Chairman Euler asked for any discussion. There was none. Ten members were in favor of the motion and one opposed. The motion carried.

Mr. Tillotson moved that House Bill No. 1006, an act relating to criminal procedure, authorizing the judges to give certain credit on sentences for the time the defendant is in custody pending the disposition of said defendant's case; amending existing K.S.A. 62-1533 and repealing said existing section, be recommended favorably for passage. Mr. Griffith seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Griffith moved that House Bill No. 1007, an act relating to the Kansas civil service act; separating civil service employment into unclassified and classified services; placing physician specialists at the Kansas reception and diagnostic center in the position of unclassified service; prescribing procedure for promotion, reduction and discharge of civil service employees and the method of making certain appointments; exempting certain officials from the provisions of this act; amending existing K.S.A. 75-2935 and repealing said existing section, be recommended favorably for passage. Mr. Tillotson seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Tillotson moved that House Bill No. 1013, an act relating to criminal procedure; making evaluation reports of the reception and diagnostic center confidential; authorizing certain persons to have access to such reports; and prohibiting employees of institutions under the direction of the director of penal institutions from disclosing information in such reports without authorization, be reported favorably for passage. Mr. Van Cleave seconded. There was a great deal of discussion in this regard. Thirteen members were in favor of the motion and one opposed. The motion carried.

Chairman Euler explained House Bill No. 1035, an act providing for the detachment of territory from fire districts organized under K.S.A. 19-3624 to 19-3630, inclusive, and prescribing certain duties in connection therewith. It was suggested that Representative Ross Doyen appear in connection with this bill.

Mr. Griffith moved that House Bill No. 1044, an act concerning elections; prescribing injunction actions shall be in accordance with article nine (9) of the code of civil procedure and amending existing K.S.A. 25-1506 and repealing said existing section, be reported favorably for passage. Mr. Tillotson seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Gray explained House Bill No. 1057, an act relating to the collection and disposition of certain fees, commonly termed court costs, by the judge and ex officio clerk of any county court, amending existing K.S.A. 20-806, and repealing said existing section. This will make these fees about the same as most city courts. Mr. Griffith moved that House Bill No. 1057 be recommended favorably for passage. Mr. Gray seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Griffith moved that House Bill No. 1064, an act concerning the legislature; providing for the printing and disposition of the Kansas Statutes Annotated; authorizing the distribution of two sets thereof to members of each regular session of the legislature with the respective member's name imprinted upon one such set; amending existing K.S.A. 77-138 and repealing said existing section and also repealing existing K.S.A. 46-502, be recommended favorably for passage. Mr. Van Cleave seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

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Mr. Van Cleave presented the following amendments to House Bill No. 716, an act relating to district courts in certain counties; providing for divisions and judges thereof and providing for the payment of additional operating costs in connection therewith; amending existing K.S.A. 20-601 and repealing said existing section: on page 2, line 4, by striking the word and figure "six (6)" and inserting in lieu thereof the word and figure "five (5)"; in line 5, by striking the word and figure "six (6)" and inserting in lieu thereof the word and figure "five (5)"; in line 7, by striking the comma after the word "four" and inserting in lieu thereof the word "and"; also in lines 7 and 8 by striking the words "and division number six"; in line 15 by striking the words and figures "two (2) judges" and inserting in lieu thereof the word "judge"; in line 17 by striking the word "successors" and inserting in lieu thereof the word "successor"; in line 18 by striking the word "judges" and inserting in lieu thereof the word "judge"; and in line 19 by striking the word and figure "six (6)" and inserting in lieu thereof the word and figure "five (5)".

Mr. Van Cleave moved that the committee adopt the amendments to House Bill No. 716 as presented by him. Mr. Griffith seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Van Cleave moved that House Bill No. 716 be recommended favorably for passage as amended. Mr. Griffith seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Turner moved that House Bill No. 749, an act providing for the removal of stone, rock, debris and other obstacles from right-of-way easements acquired for the construction and operation of pipe and transmission lines and for grading the surface thereof; and providing for treble damages and attorney fees to be paid upon violation thereof, be amended on page 1, line 22, by striking the word "threefold" after the word "recover" and before the word "the" and inserting in lieu thereof the following: "a sum equal to ten times". Mr. Griffith seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Foster moved the meeting be adjourned. Mr. Griffith seconded. The motion carried unanimously. The meeting adjourned at 6:15 P.M.

Respectfully submitted,
Jack R. Euler
Chairman

Minutes approved:

