

House Judiciary Committee Meeting
Thursday, March 25, 1965

The House Judiciary Committee met Thursday, March 25, 1965, in Room 523 at 9:30 A.M. with Chairman Jack R. Euler presiding. Thirteen members were present. Members Amrein, Davis, Fatzer, Griffith, Hill, Howard and Turner were absent. Representative Tillotson was excused.

Chairman Euler called the meeting to order.

Fred Gulick, Assistant Revisor of Statutes, was present to explain House Bill No. 703, an act concerning contribution among tortfeasors, release of tortfeasors, procedure enabling recovery of contribution, and making uniform the law with reference thereto. He did not appear either in favor or in opposition of this bill, but merely to explain it. This distributes the burden of responsibility among those jointly liable. He listed the states which enacted the statute as it was in 1939. Most of these states have amended this considerably. It was revised in 1955 and other states then adopted this draft. Wrongful death was added and considered necessary. Mr. Gulick continued by reading a detailed explanation of this act as it appears in the Uniform Laws Annotated Vol. 9.

Charles McAtee then explained Senate Bill No. 187, an act relating to post-conviction procedure in criminal cases; providing a procedure for sentencing, suspension of sentences, probation, fines, and for the modification of sentences; amending existing K.S.A. 62-2239 and repealing said existing section. The law as it reads now is sixty days. He stated that he thinks line 10, page 2, should be changed to one hundred twenty days to conform to the other change.

Mr. McAtee again spoke in favor of 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. He does not think this would be allowed to be abused. He feels this is sound legislation and is needed.

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Mr. Sargent moved that House Bill No. 1005 be taken off the table. Mr. Rogers seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Rogers moved that House Bill No. 1005 be amended on page 1, line 12, by striking the word "imprisonment" after the word "by" and before the word "for" and by inserting in lieu thereof the following: "confinement and hard labor in the penitentiary". Mr. Sargent seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Rogers moved that House Bill No. 1005 be reported favorably for passage as amended. Mr. Roberts seconded. Chairman Euler asked for any questions. There were none. The motion carried unanimously.

Mr. Woodworth presented the subcommittee's proposed amendments to House Bill No. 665, an act providing for the establishment of magistrate courts in certain counties and providing for the abolishment of the existing city courts in such counties; prescribing the powers, duties, authority, jurisdiction and procedure of such courts; providing for proceedings in connection therewith; making certain acts unlawful and prescribing penalties for violations. A copy of these amendments are attached.

Mr. Woodworth moved the committee adopt the subcommittee's proposed amendments to House Bill No. 665. Mr. Foster seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Woodworth moved that House Bill No. 665 be reported favorably for passage as amended. Mr. Foster seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

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Mr. Woodworth suggested that a resolution be introduced directing the Judicial Council to study this matter and come back with recommendations for a uniform system of these courts.

Mr. Gray moved that House Bill No. 1058, an act repealing existing K.S.A. 28-149b, relating to salaries of county assessors in certain counties, be recommended favorably for passage. Mr. Roberts seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

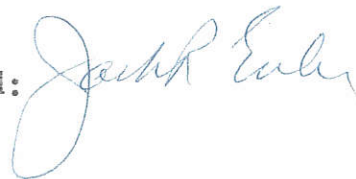
Mr. Gray moved that House Bill No. 795, an act relating to crimes and offenses; declaring certain acts to be larceny and attempt to commit larceny, and providing for penalties in connection therewith, be reconsidered. Mr. Foster seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Gray moved that House Bill No. 1038, an act relating to certain civil actions; providing for notice of the pendency of civil actions which do not involve title to real estate, liens in respect thereto, and the release thereof, be recommended favorably for passage. Mr. Cram seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

The meeting adjourned at 10:00 A.M.

Respectfully submitted,
Jack R. Euler
Chairman

Minutes approved:



MR. SPEAKER:

Your committee on **Judiciary**

Recommends that **House Bill 665**

"AN ACT providing for the establishment of magistrate courts in certain counties and providing for the abolishment of the existing city courts in such counties; prescribing the powers, duties, authority, jurisdiction and procedure of such courts; providing for proceedings in connection therewith; making certain acts unlawful and prescribing penalties for violations."

Be amended:

On page 1, line 3 by striking the words and figures "fifty-five thousand (55,000)" and by inserting in lieu thereof the words and figures "forty thousand (40,000)"; and in line 4 by inserting before the period after the figures "(100,000)" the words and figures "and having an assessed tangible property valuation of more than eighty-five million dollars (\$85,000,000) and less than one hundred eighty-five million dollars (\$185,000,000)";

And that it be amended on page 2, line 6 by striking the words "county commissioners" and by inserting in lieu thereof the word "governor"; also in line 9 by striking the words and figures "fifty-five thousand (55,000)" and by inserting in lieu thereof the words and figures "forty thousand (40,000)"; also in line 10 by inserting before the comma after the figures "(100,000)" the words and figures "and having an assessed tangible property valuation of more than eighty-five million dollars (\$85,000,000) and less than one hundred eighty-five million dollars (\$185,000,000)"; also in line 16 by striking the words "on a nonpartisan ballot"; also in line 25 by striking all after the word "by" and by striking all of line 26 and by inserting in lieu thereof the words "the governor.";

And that it be further amended on pages 2 and 3 by striking all of sections 4, 5, 6 and 7;

And that it be further amended on page 3, line 23 by inserting before the comma after the figures "(\$10,000)" the words "to be fined by the board of county commissioners"; and that it be further

amended on pages 10 and 11 by striking all of section 22, and that it be further amended by renumbering section 8, as amended, as section 4; and that sections 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30 be renumbered as sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25, respectively; and that original section 25 appearing on page 12, now renumbered section 20, be amended in line 10 by striking the words "county commissioners" and inserting in lieu thereof the word "governor";

And that the bill be passed as amended.

Chairman