

House Judiciary Committee Meeting
Tuesday, March 30, 1965

The House Judiciary Committee met Tuesday, March 30, 1965, in Room 523 at 9:00 A.M. with Chairman Jack R. Euler presiding. Twelve members were present. Members Bell, Cram, Davis, Griffith, Hill, Turner, Van Cleave and Wilcox were absent. Representative Tillotson was excused.

Chairman Euler called the meeting to order.

Mr. Coldsnow suggested that Senate Bill No. 268, an act concerning the establishment of judicial departments within the state for certain courts and providing procedures, powers and duties of certain judicial officers, and repealing existing K.S.A. 20-311a, 20-311b and 20-311c, be amended on page 1, line 12, by striking all after the word "court"; also on page 1, line 13, by inserting after the period after the word "justices" the following: "Compensation of the judicial administrator shall be determined by the justices, but shall not exceed the salary authorized by law for the judge of the district court, including any other compensation which the judicial administrator may be drawing from the State of Kansas." Mr. Gray moved that the committee adopt the amendment to Senate Bill No. 268 as presented by Mr. Coldsnow. Mr. Roberts seconded. Chairman Euler asked for any questions. There were none. The motion carried unanimously.

Mr. Coldsnow suggested that Senate Bill No. 268 be further amended on page 2, line 11, by striking the words "other person" after the word "any" and before the word "qualified" and by inserting in lieu thereof "retired judge of a district court or justice of the supreme court". Mr. Gray moved that the committee adopt the amendment to Senate Bill No. 268 as presented by Mr. Coldsnow. Mr. Amrein seconded. Chairman Euler asked for any questions. There were none. The motion carried unanimously.

Mr. Coldsnow suggested that Senate Bill No. 268 be further amended on page 2, line 12, by striking all after the word "case"; also on page 2, line 12, by placing a period after

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the word "case"; also on page 2, line 24, by striking all after the word "and"; also on page 2, line 25, by striking the word "illness" and the comma after the word "illness" at the beginning of the line; also on page 2, line 26, by inserting after the word "justice" and before the period the following: "for good cause". Mr. Gray moved that the committee adopt the amendment to Senate Bill No. 268 as presented by Mr. Coldsnow. Mr. Amrein seconded. Chairman Euler asked for any questions. There were none. The motion carried unanimously.

Mr. Coldsnow pointed out that lines 28 and 29 on page 3 of Senate Bill No. 268 leave it wide open for them to appoint any number of assistants to the judicial administrator. There was a great deal of discussion in this regard.

Mr. Amrein moved that Senate Bill No. 268 be recommended favorably for passage as amended. Mr. Gray seconded. Chairman Euler asked for any questions. There were none. The motion carried unanimously.

Eugene Hiatt, attorney, again appeared representing the rental people in connection with 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. He again pointed out that there is nothing in the statutes which presently applies to the people in the rental business. Chairman Euler asked if any members of the committee had any questions of Mr. Hiatt. There were none.

Mr. Gray moved that 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, be amended on page 2, line 10, by striking the word and figure "sixty (60)" and inserting in lieu thereof the words and figure "one hundred twenty (120)". Mr. Woodworth seconded.

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Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Woodworth moved that Senate Bill No. 187 be recommended favorably for passage as amended. Mr. Amrein seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Foster moved that Senate Bill No. 293, an act concerning consent for marriage of underage persons, amending existing K.S.A. 23-106, and repealing said existing section, be tabled. Mr. Roberts seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Chairman Euler explained Senate Bill No. 300, an act relating to the powers of judges of the district court; amending existing K.S.A. 20-302 and repealing said existing section. This is a companion bill to Senate Bill No. 268. Mr. Gray moved that Senate Bill No. 300 be reported favorably for passage. Mr. Roberts seconded. Chairman Euler asked for any questions. Mr. Howard asked if this is expanding his actual power that he has now. Mr. Euler said that it isn't. Chairman Euler asked for any further discussion. There was none. The motion carried unanimously.

There was some discussion by the members of the committee in regard to Senate Bill No. 306, an act relating to taxation pertaining to appealing from orders of the board of tax appeals to the district courts and the supreme court; amending existing K.S.A. 74-2426 and repealing said existing section. Mr. Coldsnow explained this bill and pointed out that this is in contradiction to a supreme court decision.

Mr. Coldsnow moved that Senate Bill No. 306 be tabled. Mr. Gray seconded. Chairman Euler asked for any further discussion. There was none. The motion carried unanimously.

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Mr. Howard will check the original bill of Senate Bill No. 341 and report back to the committee.

Chairman Euler appointed a subcommittee existing of members Foster, Woodworth and Roberts to report concerning Senate Bill No. 137.

The meeting adjourned at 9:50 A.M.

Respectfully submitted,
Jack R. Euler
Chairman

Minutes approved:

