

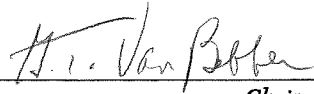
MINUTES OF THE House COMMITTEE ON Federal and State Affairs

Held in Room 510-S, at the Statehouse at 2:45 ~~am~~^{pm} on March 31, 1975.

All members were present ~~except~~

The next meeting of the Committee will be held at 1:30 ~~am~~^{pm} on April 2, 1975.

These minutes of the meeting held on March 26 and 27, 1975 were considered, ~~corrected~~ and approved.



Chairman

The conferees appearing before the Committee were:

The meeting was called to order by the Chairman who stated that this would probably be the last regular meeting of the committee, but that there are a number of matters still to be taken care of and meetings will be called from time to time. He called for discussion and/or action on Senate Bills 43 and 97.

It was moved by J. Slattery and seconded by Mr. Marshall that SB 43 be reported adversely. Mr. Morris stated that he opposed the motion because there is a real problem in the KCCR due perhaps to several things--funding, procedures and staffing, but this bill is an attempt to solve some of their problems and assist in reducing the backlog; that this is the result of many hours of interim study.

Mr. J. Slattery stated that his principal reason for opposing the bill is that the testimony by Professor Ryan had convinced him that the bill is anti-respondent; that a lot of his testimony was never heard last summer; that he agrees with the professor insofar as time limits, statute of limitations and admission of documents; that he thinks the bill needs drastic overhauling. Mr. Sellers stated that he opposed the motion because he served on the interim committee and was convinced that the language on page 10, line 21, contains exactly what the committee had in mind; that the accused person has a right to be told what is going on. Mr. Marshall stated it was unfortunate that the interim committee didn't have the original Supreme Court decision of 1954 pertaining to Section 8. The Chairman stated he had looked at that statute and felt these are two different things although there is some analogy.

A substitute motion was offered by Mr. D. Miller to hold the bill over and ask for a study. Motion was seconded by Mr. J. Slattery. Mr. Morris urged the defeat of the substitute motion; that there was only one reason for the introduction of the bill and that was to help the KCCR get rid of their backlog, and putting the subject back in study will result in still more cases and a bigger backlog. Motion lost 8 to 9. Returning to the original motion to report adversely, upon vote the motion lost. Thereupon, it was moved by Mr. Morris and seconded by Mr. Lindahl that SB 43 be reported favorable for passage. Mr. D. Miller offered a substitute motion to strike all of section 8, which motion was seconded by Mr. Marshall. Mr. Hayes inquired about the language concerning "other similar compensation" and Mr. Slattery

stated that it intends to reduce the amount of damages awarded by the amount received from unemployment compensation or such other moneys. Mr. Morris stated this was to stop the payment of a premium for filing a complaint. Upon vote, the motion carried.

Mr. D. Miller then moved to strike the language in Section 5, pertaining to attorney-client relationship. Motion was seconded by Mr. Marshall. Mr. Anderson made a substitute motion to strike all of Section 5, which motion was seconded by Mr. Gastl. Mr. Anderson explained he felt that Section 5 would tend to discourage people from filing complaints. After continuing discussion, vote was taken on the motion, which carried without dissent.

It was moved by Mr. Slattery and seconded by Mr. Feleciano that on page 10, lines 25 and 26, "14" be deleted and "30" substituted therefor. Mr. Morris made a substitute motion that it be changed to "21". Motion was seconded by Mr. Sellers and carried by a majority vote. It was moved by Mr. Anderson and seconded by Mr. Rodrock that all language referring to "he" and "she" be changed to "person". Motion carried.

It was moved by Mr. Hayes and seconded by Mr. Feleciano that on page 12, line 2, "4" be stricken and "6" inserted. Mr. Morris stated he is opposed to the motion because application files are kept six months and then one day afterward they are destroyed; that this is the reason for that period of time. Motion carried 6 to 4.

It was moved by Mr. Anderson and seconded by Mr. J. Slattery that on page 10, line 5, "7" be stricken and "10" inserted; and also provide that parties be notified by certified mail. Mr. Morris pointed out that the key word in the bill is "business days". Upon vote, motion lost.

It was moved by Mr. Morris and seconded by Mr. T. Slattery that SB 43, as amended, be recommended favorably. Motion carried by a majority vote. Mr. Anderson asked to be recorded as voting "no" and Mr. Marshall asked that it be noted that he abstained.

It was moved by Mr. J. Slattery and seconded by Mr. Rodrock that SB 97 be reported adversely. Mr. Morris made a substitute motion that the bill be held over for an interim study. Motion was seconded by Mr. T. Slattery and carried by a majority vote.

The Chairman distributed material on the KCCR Rules and Regulations and asked members to study them and be prepared to act when the committee had an opportunity to meet.

It was moved by Mr. Anderson and seconded by Mr. Cooper that the minutes of March 26 and 27 be adopted. Motion carried.

The meeting was adjourned.