

MINUTES OF THE _____ HOUSE COMMITTEE ON _____ JUDICIARY _____

Held in Room 522, at the Statehouse at 11:00 a. m., on February 3, 19 78.

All members were present except: Representatives Foster, Hayes, Heinemann, Lorentz, Stites and Whitaker, who were excused.

The next meeting of the Committee will be held at _____ a. m./p. m., on February 6, 19 78.

These minutes of the meeting held on _____, 19____ were considered, corrected and approved.



Chairman

The conferees appearing before the Committee were:

The meeting was called to order by the Chairman, who directed attention to HB 2713, a bill resulting from an interim study, which proposes to enact the uniform child custody act. He noted that the committee had recieved a staff review of the bill earlier in the session, but explained it had been brought to his attention that one section had erroneously been omitted when the bill was drafted, namely Section 24 of the uniform bill, dealing with calendar priority. Mr. Jerry Stephens of the Research Department explained he had found nothing in the minutes from the interim committee which indicates it was the intent to exclude this section.

It was moved by Rep. Martin and seconded by Rep. Roth that the section be inserted at the appropriate place, and the subsequent sections numbered accordingly. Motion carried.

Mr. Jerry Stephens discussed the intent of the proposal, and explained that three of the four surrounding states have enacted the uniform act, and it has now been adopted in 17 states. Rep. Matlack inquired if there had been testimony from Sedgwick County, and the Chairman stated there had not been, but that Rep. Foster was a member of the interim committee. Rep. Frey noted there was a lot of printed material and he had been remiss in not studying it more carefully prior to this time. Rep. Gastl inquired how much time had been devoted to the study, and Rep. Roth explained there had been a number of people appear from throughout the state, and there had been considerable interest. He stated the real part of the bill is the matter of jurisdiction, and that considerable discretion is given to the court in this matter, but he considers Section 3 the most important part of the bill.

The Chairman stated that it doesn't really change the standard now used in Kansas insofar as jurisdiction is concerned, and Rep. Gillmore inquired just what it does do. The Chairman explained it more or less codifies the law and sets up the mechanics for interchange between the states. He asked the subcommittee, comprised of Representatives Martin, Frey and Roth to make a report on the bill as soon as possible.

The Chairman called attention to HB2290, explaining it is a carry over bill, and one which had been heard in recent days. He noted that Judge Allen had just ruled in a Shawnee County case, and the bill does make a significant change in regard to the rape statutes.

Rep. Roth stated he feels there is a great difference between the rape of a stranger and people who are well acquainted, and moved that the bill be reported favorably. Motion was seconded by Rep. Heinemann. Rep. Frey observed testimony had indicated that most of the rapes occur in people's homes and therefore, he assumed there was a certain degree of familiarity between the parties. He stated that just because a man has previously had a relationship with a woman, it doesn't give him the right of rape. The Chairman pointed out the policy change appears on page 29, and that several states have developed an approach of rape and aggravated rape, with the latter carrying a more serious penalty. Rep. Frey offered a substitute motion that the bill be amended in line 29 by striking "other than" and reinserting the word "including". Motion was seconded by Rep. Hurley, and upon vote, carried. Rep. Roth stated he had no objection to the amendment and moved that the bill as amended be recommended favorably. Motion was seconded by Rep. Baker, and carried.

The Chairman inquired if Rep. Frey had a strong interest in HB 2114, and Rep. Frey explained he had his own personal convictions, but moved that the bill be reported adversely. Motion was seconded by Rep. Heinemann, and carried. Rep. Frey announced he would be writing a letter to request an interim study on the subject.

The Chairman asked for comments concerning HB 2147, and Rep. Ferguson stated his subcommittee would look at the bill when they consider the expungement bill previously assigned.

Rep. Heinemann stated he believed HB 2679 should be acted upon but that Jim James, the Court Administrator, had some amendments. The Chairman requested that Rep. Heinemann prepare those amendments and report back at the earliest time possible.

The Chairman noted February 6th and 9th were set aside to hear the proponents and opponents to the package of product liability bills, and stated he had asked the proponents to discuss how the concept relates to the cost or availability of insurance. He asked members to read the bills prior to the hearings.

Rep. Heinemann inquired if the committee would have available the information requested by previous legislation, and the Chairman stated it would not be available; that it appeared the requirement asked for information too quickly and SB811 which is on the way to the committee modifies the previous legislation, allowing additional time. He noted this was requested by the industry because they explained they were unable to get the information as to past claims, but they would be able to compile such information from now on, but it had taken them this period of time to start compiling such statistics.

The meeting was adjourned.

JUDICIARY

2-3-78

NAME	ADDRESS	ORGANIZATION
Sabil	Topoka	SRS
Charles Hamm	Topoka - Slide off Hwy	SRS