

MINUTES OF THE House COMMITTEE ON Judiciary

Held in Room 522, at the Statehouse at 3:30 ~~a.m.~~ p. m., on March 9, 19 78

All members were present except: Representatives Gastl, Baker, Hayes, Hurley and Mills, who were excused.

The next meeting of the Committee will be held at 3:30 ~~a.m.~~ p. m., on March 13, 19 78.

through February 24,

These minutes of the meeting held on February 9/, 1978 were considered, corrected and approved.



Chairman

The conferees appearing before the Committee were:

The meeting was called to order by the Chairman, who explained he would be stepping out of the meeting from time to time, and asked Rep. Martin to serve as Chairman pro-tem in his absence.

The Chairman introduced Mr. Randy Hearrell of the Judicial Council to discuss a packet of bills which had been recommended by the Council. Mr. Hearrell told the Committee SB 559 simply strikes some language in the present statutes, which eliminates ambiguity and clarifies the law. He explained Section 2 comes from the Advisory Committee because there had been some question as to whether there needed to be a statute covering trial de novo in Probate courts.

Mr. Hearrell stated SB 610 also has the approval of the Judicial Council and drafting had the assistance of Jim James, the Supreme Court Administrator. He explained the bill deals with the rotation system in the Court of Appeals.

SB 611 is likewise recommended by the Judicial Council, and the suggestion first came from a Sedgwick County Probate attorney because an opinion by the Attorney General had caused problems, so the amendments shown in Lines 25 and 26 clarify K.S.A. 59-2251. He noted there is another bill which amends the inheritance tax statutes, and this bill would be helpful in regard to that aspect.

Mr. Hearrell explained SB 612 deals with distribution of Kansas Reports, and what had seemed so simple in the beginning, has caused considerable dialogue. He stated the two judges on the Council had indicated it would be better if they had two copies because they do so much work at home. The bill would have authorized a personal copy for each retired Supreme Court Justice and various judges, if they pledged to accept judicial assignments. The bill also provides for a set of Kansas Reports when a new judicial position is created.

Mr. Hearrell stated SB 617 deals with the publication of Judicial Reports, and updates language regarding distribution.

With regard to SB 864, Mr. Hearrell stated it is simply unification clean up.

Rep. Martin observed the bills seem to be technical in nature, and perhaps could be moved out.

It was moved by Rep. Augustine and seconded by Rep. Ferguson that SB 559 be recommended for passage. Motion carried.

It was moved by Rep. Foster and seconded by Rep. Augustine that SB 610 be recommended for passage. Motion carried.

It was moved by Rep. Frey and seconded by Rep. Augustine that SB 611 be recommended favorably. Motion carried.

Mr. Art Griggs noted the Senate had amendments on SB 612, providing Kansas Reports for County and District attorneys. It was moved by Rep. Whitaker and seconded by Rep. Frey that the bill be amended in line 57 by striking "two" and inserting "one" copy. Rep. Hoagland pointed out the two copies would still be owned by the state, and it was simply a matter of convenience. Mr. Griggs stated the only ones which would actually be personal copies would be the ones mentioned in line 67 and explained in subsection (b). Upon vote, motion carried by a majority. Rep. Heinemann suggested the drafter revise the language in this area, and there was no objection..

It was moved by Rep. Ferguson and seconded by Rep. Heinemann that the Senate amendment on lines 40 and 41 be stricken. Motion carried by a majority. It was moved by Rep. Roth and seconded by Rep. Frey that the bill, as amended, be recommended favorably and placed on the consent calendar. Motion carried.

It was moved by Rep. Augustine and seconded by Rep. Ferguson that SB 617 be recommended for passage. Motion carried.

It was moved by Rep. Augustine and seconded by Rep. Frey that SB 864 be recommended favorably and placed on the consent calendar. Motion carried.

The meeting was adjourned.