

Held in Room 522, at the Statehouse at 3:30 a. m./p. m., on January 17, 1979.

All members were present except:

The next meeting of the Committee will be held at 3:30 a. m./p. m., on January 22, 1979.IN ROOM # 526These minutes of the meeting held on January 11, 1979 were considered, corrected and approved.JOSEPH J. HOAGLANDChairman

The conferees appearing before the Committee were:

Representative Denny Burgess
Representative Jack Shriver
Representative Leroy Fry
Representative Kent Roth
Bill Farmer, Kansas Bar Association
Max Moses, Kansas County & District Attorneys Assn.

Chairman Hoagland called the meeting to order at 3:30 p.m. The sub-committee assignments were passed out. (Attachment # 1). The Chairman then briefly discussed next week's agenda and his policy on excusing absences.

The Chairman then introduced Rep. Burgess, sponsor of H.B. 2104. Mr. Burgess indicated this bill was to correct the compensation for District Magistrate Judges. This bill will provide the same compensation method of payment that non-judicial people received through legislation passed in 1978. A motion was made by Rep. Heinemann to pass HB 2104 and seconded by Rep. Whitaker. Motion carried.

House Bill 2058 was then explained by the sponsor, Rep. Shriver. After a short discussion, Chairman Hoagland assigned the bill to the Civil Law Sub-Committee for study and recommendation.

Chairman Hoagland then introduced Rep. Leroy Fry, Sponsor of H.B. 2086. After a brief explanation, Rep. Fry introduced two conferees; Bill Farmer and Max Moses.

Mr. Farmer stated his personal (not necessarily the association's) agreement with the small claims concept, but recommended a change from the \$300.00 minimum to a \$500.00 minimum.

Mr. Moses stated his personal (not necessarily the association's) agreement with the small claims concept (See Attachment # 2).

Rep. Brewster then moved the bill be amended from \$1,000.00 to \$500.00 and that the Revisors Office make certain cleanup amendments. The motion was seconded by Rep. Glover. Motion carried. Rep. Brewster then moved the bill be recommended favorably; seconded by Rep. Glover; Motion carried.

Chairman Hoagland then introduced Rep. Roth, sponsor of H.B. 2046. After a brief explanation of the bill, Rep. Roth introduced conferee, Max Moses, representing Kansas County and District Attorneys Association, who stated he favored the bill (See Attachment # 3). It was moved by Rep. Heinemann and seconded by Rep. Glover to recommend the bill favorably. Motion carried.

Chairman Hoagland assigned the following house bills to the Family Law Sub-Committee for review: 2010, 2011, 2012, 2035, 2053, 2059 and 2106.

The meeting adjourned at 4:14 p.m.

JOSEPH J. HOAGLAND
REPRESENTATIVE TWENTY-SECOND DISTRICT
JOHNSON COUNTY
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OVERLAND PARK, KANSAS 66212



TOPEKA

HOUSE OF
REPRESENTATIVES

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WAYS AND MEANS

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Rep. Whitaker

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Rep. Brewster

Rep. Crow

Rep. Matlack

Rep. Ferguson

Rep. Martin

Rep. Roth

Rep. Baker

Rep. Miller

CHAIRMAN Hoagland and VICE-CHAIRMAN Stites are members of each of the Sub-Committees.

Atch. 1

TO: Rep. Joe Hoagland; Chairman House Judiciary Committee
RE: House Bill 2086

I am appearing today as a conferee on House Bill 2086 at the request of Representative LeRoy Fry, Sponsor of the Bill.

I am in favor of the bill which if approved would raise the maximum dollar jurisdiction in small claims courts to \$1000.00.

Today we are faced with inflation hovering around the double digit figure. The cost of many items used in daily life has more than doubled since 1965. The financial transactions individuals become involved in today involve more money than even three years ago due to the effects of inflation.

Courts and attorneys are periodically bombarded with charges of delay in handling cases and the fees charged for legal representation

House Bill 2086 would give litigants an even greater opportunity to have their day in court to settle grievances on a low cost basis.

My research has not indicated an over abundance of problems, such as appeals from Small Claims Actions. During the fiscal year 1978, a total of 140 appeals resulted from small claims cases throughout Kansas out of 10,670 filed.

Thus the small claims procedure affords litigants an economical and efficient method of resolving differences. House Bill 2086 would only help the litigant and the system.

Respectfully submitted,



Max G. Moses

Atch. 2



Kansas County & District Attorneys Association

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TO: Representative Joe Hoagland, Chairman House
Judiciary Committee

RE: House Bill 2046

House Bill 2046 seeks to expand the territorial limit within which a district magistrate judge's search warrants may be executed.

District magistrate judges are designated "Judge of the District Court" by K.S.A. 1978 Supp 20-301 a and as such possess the judicial power and authority within the confines of his or her judicial district or such other district as the judge may be assign.

Under K.S.A. 1978 Supp 20-302 b, the district magistrate judge is given jurisdiction over the trial of misdemeanors and preliminary hearings of felonies.

Further, the district magistrate judge under K.S.A. 1978 22-2301, as a judge of the district court may issue arrest warrants when he is satisfied after an examination of the evidence placed before him that probable cause exists.

Pursuant to K.S.A. 22-2305 that arrest warrant may be executed in any place within the jurisdiction of Kansas.

Safeguards similar to those dealing with issuance of arrest warrants are present in K.S.A. 1978 Supp 22-2502 relating to search warrants.

However, K.S.A. 1978 Supp 22-2503 currently allows for the execution of those search warrants only within the territorial limits of the county in which the judge resides.

Atch. 3

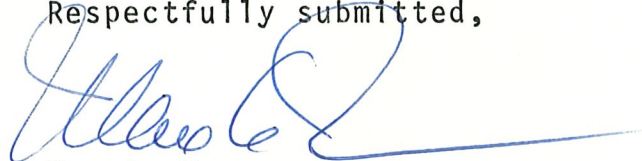
Only seven counties in Kansas constitute a single county judicial district. The remaining ninety-eight counties are combined into twenty-two judicial districts ranging in size from two counties to seven counties.

Because of distribution of caseload, scheduling efficiency, and assignment to other districts, district magistrate judges are required to hold court in counties other than the one in which they reside. In such a situation, the district magistrate judge could not be called upon to issue a search warrant if that search warrant were not to be executed in his or her home county, even if that judge were the only one available for whatever reason.

The current state of the law causes time delays, possible loss of evidence and creates the potential for an illegal search and seizure based upon a search warrant which might be technically deficient.

In order to correct these problems and maintain uniformity within the statewide judicial system, we would urge favorable action on House Bill 2046.

Respectfully submitted,



Max G. Moses
Executive Director