

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Representative Bob Frey at  
Chairperson

3:30 ~~am~~/p.m. on January 12, 1983 in room 526-S of the Capitol.

All members were present except:

Representatives Duncan, Whitaker, and Peterson were excused.

Committee staff present:

Mark Burghart, Legislative Research Department  
Mike Heim, Legislative Research Department  
Mary Ann Torrence, Revisor of Statutes Office  
Nedra Spingler, Secretary

Conferees appearing before the committee: None.

Chairman Frey opened the meeting by welcoming members. Because all members are not lawyers, he said those that were not should make it known if explanations of legal terms were needed. He noted the ranking minority member of the Committee was Representative Mike Peterson. Members of the staff were introduced.

The Chairman brought up for discussion a possible move of the Committee to a different meeting room to accommodate the House Energy Committee, the alternative being the old Supreme Court Room. Opposition was expressed to the move, and the point was made that the Energy Committee would be having a large number of conferees which the Supreme Court Room would accommodate whereas Room 526-S would not. It was the consensus of opinion of members to retain Room 526-S as the Committee room.

A request from the Secretary of SRS for the Committee to introduce two proposed drafts as bills was explained by the Chairman. He said it would not be a Committee policy to introduce bills for individuals or organizations by request, but agencies are different. One SRS proposal (HB 2040) relates to investigative and subpoena powers and is the result of an interim study. Representative Barkis moved, seconded by Representative Solbach, to introduce the proposal as a bill. Motion carried. The second proposal (HB 2039) relates to the administration of accounts of wards who are in the custody of SRS. Staff questioned if this draft would be part of a Judicial Council legislative package the advisory committee on the Juvenile Code will be recommending. Since the Secretary of SRS is anxious to get the legislation introduced, the decision was made to not wait for the Judicial Council. Representative Knopp moved, seconded by Representative Patrick, to introduce the proposal as a bill. Motion carried.

Staff reviewed the proposals studied by the Special Committee on Judiciary during the interim, Proposal No.10, No.11, No.12, No.13, No.14, No.15, No.16, No.34, and No.38. These proposals can be found in the Report on Kansas Legislative Interim Studies to the 1983 Legislature, pages 206-262, 543-551, and 587-591.

Proposal No.10 relates to rape and other sex crimes. The interim committee's concerns are addressed in HB 2008 and HB 2009.

Proposal No.11, defense of property, was prompted by the court case State vs. Johnson. The interim committee concluded that no changes are needed in the mandatory firearms minimum sentence law or in laws regarding the use of force in the defense of persons or property.

Proposal No.12 relates to security interests in grain and livestock. Although the Registers of Deeds Association opposes a central filing system, the interim committee recommended this be done if it is not too costly for the Secretary of State's office. SB 7 is the result of recommendations.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY,

room 526-S, Statehouse, at 3:30 ~~XXX~~/p.m. on January 12, 1983.

Proposal No.13 concerns the revised uniform limited partnership act and its possible adoption in Kansas. The interim committee concluded that there is no compelling need for the adoption of this act in Kansas. Staff noted the Kansas Bar Association supports the concept and may request legislation on the matter.

Proposal No.14, lien priority for adjustable rate mortgages, was the result of legislation requested by the Kansas Savings and Loan League and relates to negative amortization on adjustable rate mortgages. The Kansas Association of Realtors and savings associations support the concept. Banks and financial companies oppose it. The interim committee recommended no action on this proposal.

Proposal No.15, liability for highway design, relates to liability for design defects and the DOT supports the concept. The interim committee recommended no changes in this act because changes in standards should be made through the American Association of State Highway and Transportation Officials who set the standards.

Proposal No.16 regarding statutory regulating agricultural leases was a study to determine if Kansas needed to amend statutes to reflect current practice in the area of agricultural leasing. The interim committee concluded there is no immediate need to implement changes without additional study.

Proposal No.34, guilty but mentally ill verdict, was a study to determine if Kansas should adopt this new verdict. The 1982 legislative committee supported the concept but did not believe Kansas had the necessary facilities and personnel to implement provisions. Although there is concern over apparent abuse of insanity defense in some criminal cases, the interim committee did not believe this has been abused in Kansas and recommended no action be taken because a need for action has not been demonstrated.

Proposal No.38 concerns disaster emergencies and immunity of cities and counties. The interim committee concluded that cities and counties should be entitled to immunity for their activities during their disaster emergencies, and this policy is implemented in SB 14.

The Chairman noted that the bills resulting from interim studies will be referred to and discussed by this Committee.

The Chairman said, at present, he does not plan to separate the Committee into subcommittees to study and hear issues separately. The Committee would meet four days a week, Fridays excluded, for consideration of all items by the full Committee. If Committee work falls behind, subcommittees will be considered.

The meeting was adjourned at 5:00 p.m.