

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARYThe meeting was called to order by Representative Bob Frey at  
Chairperson3:30 ~~xx~~/p.m. on February 2, 1983 in room 526-S of the Capitol.

All members were present except:

Representative Whitaker was 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.

The Chairman presented a proposal that Representative Ruth Luzzati, member of the Governor's Task Force on Domestic Violence, requested the Committee to introduce as a bill. The proposal would amend the Abused Persons Act to include the elderly and unmarried, co-habiting persons. Representative Miller made a motion to introduce the proposal as a bill to be referred back to the Committee. It was seconded by Representative Peterson. Motion carried. (HB2206)

HB 2007 - An act concerning county and district attorneys and county hospitals.

Representative Knopp stated the intent of the county attorney's participation in hospital litigation in the bill was not clear. He moved to amend the bill in lines 34 and 86 to add "when requested by the governing body of the county hospital" which would give that body the right to decide who will represent the hospital. The motion was seconded by Representative Duncan. Motion carried. Representative Harper then moved to report HB 2007, as amended, favorable for passage, seconded by Representative Peterson. Motion carried.

HB 2031 - An act concerning threats to public officers.

Representative Duncan said county clerks, especially in smaller communities, are concerned about being threatened. He moved to include county and city clerks and county and city commissioners in the bill's coverage, seconded by Representative Cloud. Additions to the bill of other public officers were discussed. Representative Patrick made a substitute motion to amend the bill to say a public officer means any elected officer of the state, county, or city and any state, county, or city employee. Representative Justice seconded the substitute motion. A member expressed concern that persons issuing threats may not know those they threaten are public officers. The vote on the substitute motion failed to carry. In discussing the original motion, it was noted that previous hearings on this issue had indicated that the public officer level listed in HB 2031 was adequate. The vote on the original motion failed to carry. Representative Peterson then moved to report HB 2031 favorable for passage, seconded by Representative Erne. Motion carried with 12 in favor. Representative Solbach voted against the motion.

HB 2033 - An act relating to civil procedure and depositions.

Amendments suggested by the Kansas Shorthand Reporters Association and discussed previously were distributed to members. Representative Solbach made a motion to report the bill favorable for passage, seconded by Representative Wunsch. Representative Peterson made a substitute motion to amend the bill to provide that depositions can be taxed as costs in any civil actions. In his opinion, this would address some of the concerns of the court reporters. Representative Miller seconded the substitute motion. In discussion, the point was made that the substitute motion would require the losing attorney to pay the costs of all depositions taken on the case which

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room 526-S, Statehouse, at 3:30 ~~XX~~ a.m./p.m. on February 2, 1983.

was unfair. Representative Peterson said this was not the intent and he amended his substitute motion to provide that depositions can be taxed as costs at the discretion of the court to which his second agreed. It was noted that the amendment would codify what is current practice. The vote was taken on the substitute motion, and it carried. Representative Knopp said the language in line 165 regarding restricted mail was obsolete and moved that it be stricken with depositions to be sent first class mail or hand delivered. Representative Miller seconded the motion, and it carried. Representative Peterson then moved to report HB 2033 as amended favorable for passage, seconded by Representative Wunsch. Motion carried.

HB 2034 - An act concerning application of the Code for the Care of Children to certain children.

Representative Solbach made a motion to report the bill favorable for passage, seconded by Representative Harper. It was pointed out, because of Article 9 and rules and regulations concerning special education, the bill had the potential to affect anyone with learning disabilities and not just the handicapped. It was the consensus of opinion that more information was needed before action is taken on the bill. Representative Solbach withdrew his motion and moved that HB 2034 be tabled. The motion was seconded by Representative Matlack, and it carried.

HB 2039 - An act concerning wards' accounts administered by SRS.

The amendment suggested by SRS at a previous meeting to include the Juvenile Code under provisions of the bill was discussed. Staff said the intent of the amendment could be accomplished by striking the reference to the Kansas Code for the Care of Children in the bill's title. Representative Matlack moved that this be done, seconded by Representative Patrick. Motion carried. Representative Knopp moved that the bill as amended be reported favorable for passage, seconded by Representative Patrick. Motion carried.

HB 2040 - An act concerning SRS and investigative and subpoena powers.

Representative Patrick moved, seconded by Representative Wagnon, to report the bill favorable for passage. Motion carried.

HB 2055 - An act concerning court fees for the Sedgwick County law library.

Representative Peterson moved to report the bill favorable for passage, seconded by Representative Schweiker. In discussion, objection was raised to increasing the library fees 100% in two years' time. It was pointed out that no one from Sedgwick County had objected to the bill, and the Sedgwick County legislative delegation supports the increase. The vote was taken, and the motion carried.

HB 2056 - An act concerning law enforcement training for sheriffs.

Representative Peterson made a motion to report the bill favorable for passage, seconded by Representative Douville. Representative Solbach made a substitute motion to add, in line 42, "with the consent of the Law Enforcement Training Commission", seconded by Representative Erne. In discussion, the point was made that some of the pressure should be removed from the associate director in waiving training and his discretion should not be the only deciding factor. It was noted the membership of the Commission was comprised mostly of law enforcement people. The vote was taken on the substitute motion, and it carried 10 to 8.

Because of the amendment, staff noted the title of the bill needed adjustment, and an amendment was needed in line 43 to add, before "Any", "Unless the requirements are waived". Representative Wunsch moved that this be done, seconded by Representative Peterson. Motion carried. Representative Peterson then moved to report HB 2056 as amended favorable for passage, seconded by Representative Harper. Motion carried.

The Chairman adjourned the meeting at 4:50 p.m.