

SENATE JUDICIARY COMMITTEE

March 9, 1970

ROOM 523

The Senate Judiciary Committee met in Room 523 March 9, 1970 at eleven o'clock A.M. with the chairman, Senator Steadman Ball, presiding. All members were present except Senators Gaar and Smith.

Senator Rogers moved that the committee amend House Bill No. 1163 as per copy attached, Senator Arvin seconded and the motion carried. Senator Rogers then moved that the committee report the bill back to the Senate with the recommendation that it be passed as amended. Senator Arvin seconded and the bill was reported out favorably.

Senator Bennett moved that the committee recommend House Bill No. 1712 for passage, Senator Rogers seconded and the motion carried.

Senator Rogers moved that the House Bill numbered 1517 be reported out favorably by the committee, Senator Tillotson seconded and the motion carried.

Senator Arvin moved that House Bill No. 1785 be reported back to the Senate favorably but withdrew his motion.

Senator Herd moved to report House Bill No. 1790 adversely. Senator Bennett, after some discussion, made a substitute motion to amend the bill as per copy attached, Senator Storey seconded and the substitute motion carried. Senator Bennett then moved to report the bill back to the Senate with the recommendation that it be passed as amended and the motion carried.

Senator Bennett moved that House Bill No. 1843 be reported back to the Senate adversely. Senator Tillotson seconded and the motion carried.

Mr. Rochard Foth appeared to explain some amendments to House Bill No. 2016. Senator Rogers moved to authorize the chairman to work on proper amendments and that the bill be recommended for passage as amended, Senator Arvin seconded and Senator Woodard

suggested that the chairman appoint a committee to study House Bill No. 2016 for about a week and a half. The motion by Senator Rogers was put to a vote and passed with all present voting for it except Woodard and Steineger who voted "No."

Senator Rogers presented his prepared amendments to the committee regarding House Bill No. 1965. Senator Storey moved the amendments be adopted, Senator Tillotson seconded and the amendments were adopted. Senator Rogers moved and Senator Storey seconded that the bill be recommended for passage as amended and the motion carried.

Senator Rogers moved that House Bill No. 1831 be recommended for passage, Senator Tillotson seconded and the motion carried.

House Bill No. 1853 was discussed and Senator Pomeroy and Senator Tillotson were appointed to get amendments prepared for the bill.

Senator Pomeroy moved that House Bill No. 1877 be recommended for passage, Senator Rogers seconded and the motion carried.


The committee voted to hold House Bill No. 1887 until the next meeting.

Senator Rogers moved to recommend Senate Bill No. 1960 for passage, Senator Tillotson seconded and the motion carried.

The committee adjourned to meet March 10, 1970 in Room 523.

Martha P. Welch, Recording Sec.

MINUTES APPROVED:


Steadman Ball, Chairman
March 11, 1970

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT :

Your committee on Judiciary

Recommends that House Bill No. 1163 (As amended by House Committee of the Whole

"AN ACT concerning law enforcement in counties having a population of more than twenty thousand (20,000) and not more than twenty-three thousand (23,000) and an assessed tangible valuation of more than seventy million dollars (\$70,000,000) and to counties having a population of more than twenty-five thousand (25,000) and not more than forty thousand (40,000) and an assessed tangible valuation of more than forty-eight million dollars (\$48,000,000) and not more than sixty-five million dollars (\$65,000,000), adopting the provisions of this act; prescribing a procedure for the adoption of, and for the abandonment of operation under, the provisions of this act; establishing a county law enforcement agency, providing for its membership, operation, powers and duties; providing for the appointment of a law enforcement superintendent, law enforcement officers and other personnel and prescribing qualifications, powers, duties, compensation and disability and retirement benefits therefor; providing for the establishment of a civil service or job classification and merit rating system and authorizing the appointment of a commission for the administration thereof; transferring the authority and responsibility for the enforcement of laws of the state and certain ordinances of cities and resolutions of boards of county commissioners to the county law enforcement agency and department and limiting the authority of the sheriff, constables and city marshals or chiefs of police and police officers; and authorizing the issuance of no-fund warrants and the levy of taxes to pay the cost of organizing and operating such agency and department."

Be amended:

On page 2, in line 17, preceding the word "having" by inserting "having a population of more than fifteen thousand (15,000) and not more than twenty thousand (20,000) and an assessed tangible valuation of not more than thirty-five million dollars (\$35,000,000), counties";

On page 3, in line 30, preceding the word "having" by inserting "having a population of more than fifteen thousand (15,000) and not more than twenty thousand (20,000) and an assessed tangible valuation of not more than thirty-five million dollars (\$35,000,000), counties";

On page 8, in line 11, after the word "county" by inserting "or city";

On page 10, in line 24, by striking all after the word "shall";
in line 25, by striking all preceding the word "under" and inserting in
lieu thereof "be qualified";

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On page 11, in line 4, after the word "county" by inserting "or city";

In the title, in line 1, preceding the word "having" by inserting "having a population of more than fifteen thousand (15,000) and not more than twenty thousand (20,000) and an assessed tangible valuation of not more than thirty-five million dollars (\$35,000,000), counties";

And the bill be passed as amended.

Chairman

REPORTS OF STANDING COMMITTEES

Mr. President:

Your committee on Judiciary

Recommends that House Bill No. 1790 by Mr. Bell

"An Act relating to the code of civil procedure; concerning divorce, separate maintenance and annulment of marriage; amending K. S. A. 60-1609 and repealing the existing section."

be amended following line 14 by adding a new subsection (d) to read as follows: "(d) Corroborating testimony: If the court so requires a decree of divorce or separate maintenance or annulment shall not be granted upon the uncorroborated testimony of either party or both of them.";

and be passed as amended.

Chairman

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your committee on Judiciary

Recommends that House Bill No. 2016 (As Amended by House Committee
of the Whole)

"An Act relating to crimes and punishments; concerning the Kansas criminal code; amending K. S. A. 1969 Supp. 21-3108, 21-3416, 21-3427, 21-3605, 21-3813, 21-3814, 21-4202, 21-4204, 21-4405, 21-4504, 21-4603, 21-4604 and 21-4614 and repealing the existing sections; also repealing K. S. A. 1969 Supp. 21-3429 and 21-3723."

Be amended:

On page 9, by striking all of lines 3 to 31, inclusive;

On page 10, by striking all of lines 1 to 27, inclusive;

And by renumbering original sections 10 to 16, inclusive, as sections 9 to 15, respectively;

On page 12 following line 6, by inserting two new subsections to read as follows:

"(3) Subsections (1) and (2) of this section shall be applicable only to those convicted criminals initially sentenced after the effective date of this act. In the event that any defendant has been convicted prior to the effective date of this act and sentenced under K. S. A. 21-107a, and thereafter is for any reason returned to the court imposing the initial sentence, he shall be resentenced under the provisions of K. S. A. 21-107a as it existed prior to July 1, 1970.

"(4) In the event that any portion of a sentence imposed under K. S. A. 21-107a, or under subsections (1) and (2) of this section, is determined to be invalid by any court because a prior felony conviction is itself invalid, upon resentencing the court may consider evidence of any other prior felony conviction that could have been utilized under K. S. A. 21-107a, or under subsection (1) and (2) of this section, at the time the original sentence was imposed, whether or not it was introduced at that time, except that if the defendant was originally sentenced as a second offender, he shall not be resentenced as a third offender.";

On page 14, in line 24, by striking all after "to";

On page 15, in line 12, by striking "21-4302,";

In the title, in line 4, by striking "21-4302,";

And the bill be passed as amended.

Chairman.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your committee on Judiciary

Recommends that House Bill No. 1965

"An Act concerning the compensation of bailiffs of the district court in certain counties; amending K. S. A. 1969 Supp. 20-617 and repealing the existing section."

Be amended:

On page 2, following line 5, by inserting a new paragraph to read as follows:

"If a petition in opposition to the increase in salary provided in this act, signed by not less than five percent (5%) of the qualified electors in such county, is filed with the board of county commissioners within forty (40) days after the effective date of this act, such increase in salary shall not be effective unless first approved as a question submitted at the next general election. If a majority of the votes cast and counted on the question submitted at such election are in favor of the proposition, such increase shall become effective.";

And the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Mr. President:

Your committee on Judiciary

Recommends that House Bill No. 1831 by Mr. Mills

"An Act validating the filing of certain foreign wills filed of
record in Kansas prior to July 1, 1939."

Be passed.

Chairman

REPORTS OF STANDING COMMITTEES

Mr. President:

Your committee on Judiciary

Recommends that House Bill No. 1877 by Mr. Nothern

"An Act concerning civil procedure; relating to depositions where
the witness fails to sign the deposition because of illness
or refusal; amending K. S. A. 60-230 and repealing the
existing section."

Be passed.

Chairman

REPORTS OF STANDING COMMITTEES

Mr. President:

Your committee on Judiciary

Recommends that House Bill No. 1960 by Committee on Judiciary

"An Act relating to venue of certain probate proceedings; amending
K. S. A. 1969 Supp. 59-2203, and repealing the existing
section."

Be passed.

Chairman