

House Judiciary Committee Meeting
Thursday, February 7, 1963

The House Judiciary Committee met Thursday, February 7, 1963, in Room 523 at 8:50 A.M. with Chairman Clyde Hill presiding. Fourteen members were present. Members Arthur, Davis, Gardner, Krug, Van Cleave and Williams were absent.

Chairman Hill called the meeting to order.

The first order of business was House Bill No. 122, An Act relating to notaries public, providing for their appointment; and for the exercise of powers and duties conferred thereon; amending sections 53-101 and 53-104 of the General Statutes Supplement of 1961 and section 53-107 of the General Statutes of 1949, and repealing said original sections. Mr. Hill gave a brief explanation of this bill. There was some discussion concerning it by the members of the committee. Mr. Tillotson and Mr. Edwards will check with John Weeks concerning the wording of the bill in order to apply to those who already have their issue.

Mr. Skoog explained briefly House Bill No. 59, An Act concerning the jurisdiction of the court of Topeka, increasing the same to one thousand dollars limits; limiting the practice of law by the judge of such court and establishing the compensation of the judge and clerk of such court; amending section 20-1902 of the General Statutes of 1949 and section 20-1910 of the General Statutes Supplement of 1961, and repealing said original sections. He presented an amendment proposed by the committee which drafted this bill.

House Bill No. 59 be amended by inserting four new sections after the end of section 2, as follows:

"Section 2. Section 20-1921 of the General Statutes of 1949 is hereby amended to read as follows: Section 20-1921. In case of the absence, sickness, disability or the press of other duties in said court of said judge of said court, said judge may appoint a judge pro tem of said court, who shall hold court for him, and hear and determine any matter pending therein to the same extent that such absent or disabled judge might do if personally present, and such judge pro tem shall fill such position until the judge of said court can be personally present; said judge pro tem shall, before entering upon the discharge of his duties, take and subscribe an oath to support the constitution and laws of the United States and of the state of Kansas and to discharge faithfully the duties of said office. The judge pro tem herein provided for shall receive as compensation for services an amount not to exceed twenty-five dollars (\$25) per day as allowed by the judge of such court, and such compensation shall be paid from the county general fund budget account of said court.

"Section 4. Section 20-1905 of the General Statutes of 1949 is hereby amended to read as follows: Section 20-1905. The ~~officers~~ judge of said city court shall ~~consist of a judge, clerk, and marshal, who shall~~ be elected as hereinafter provided, and who at the time of ~~their~~ his election shall be a qualified voters voter of Shawnee county, Kansas, and shall reside therein during ~~their~~ his term of office.

"Section 5. The city court of Topeka shall have a clerk and marshal, who shall be appointed for terms which shall begin and end at the same time as the term of the judge of such court. Such clerk and marshal shall be qualified voters of Shawnee county, Kansas, and shall reside therein during the term of their office. Such clerk and marshal shall be appointed by the judge of the district court of Shawnee county, Kansas (being the third judicial district) sitting en banc with the approval of the judge of such court. Such clerk and marshal shall subscribe the same oath and perform the duties as have been heretofore provided by law for such officers. Such clerk and marshal shall receive such compensation as is provided by law.

"Section 6. The court of Topeka shall have a seal which seal shall remain in the custody of the clerk of said court, and with which all process and his official acts issuing therefrom shall be authenticated; which seal shall be provided by the county commissioners, and shall contain the following words, viz: "Court of Topeka, Shawnee County, Kansas.";

And that original sections 3 and 4 be renumbered sections 7 and 8 respectively;

And that section 3 (to be renumbered 7) be amended by striking the words "section 20-1902" and inserting in lieu thereof the words "sections 20-1902, 20-1905, and 20-1921";

And that the title be amended in the fourth line thereof by inserting after the word "court;" the words "providing for compensation of the judge pro tem of such court; changing the manner of selection of the clerk and marshal of such court; providing for a seal of such court;"; also in the first line thereof by striking the words "section 20-1902" and inserting in lieu thereof the words "sections 20-1902, 20-1905 and 20-1921";

Mr. Skoog moved that House Bill No. 59 be amended as per this report. Mr. Smith seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

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Mr. Skoog moved that House Bill No. 59 be recommended favorably for passage as amended. Mr. Smith seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Chairman Hill asked if there were any questions in regard to House Bill No. 135, An Act concerning attorneys at law, and authorizing law libraries to be established in certain counties and specifying the location of such libraries; requiring cities to house such libraries in certain cases; amending sections 19-1314 and 19-1318 of the General Statutes Supplement of 1961, and repealing said original sections. Mr. Smith asked if there has ever been any particular study or effort to get a general library statute to cover all counties. Several members of the committee pointed out why this is undesirable.

Mr. Smith moved that House Bill No. 135 be amended by striking the word "shall" line 14, section 2 and inserting in lieu thereof the word "may". Mr. Crossan seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Crossan moved that House Bill No. 135 be recommended favorably for passage as amended. Mr. Skoog seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Chairman Hill announced that the members of the committee would receive a list of the changes in Senate Bill No. 140 from the proposed bill. He asked that they study these over the weekend and be prepared to ask any questions next week. He stated that Judge Gard will be available to go over any questions concerning the article on evidence.

Mr. Hill explained briefly House Bill No. 123, An Act relating to certain deeds of validation executed by county clerks and recorded prior to July 1, 1960. Mr. Crossan moved that House Bill No. 123 be recommended favorably for passage. Mr. Euler seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Griffith asked the committee members' opinions concerning the introduction of a committee bill concerning the defenses on nonrecourse paper. Members Griffith, Malone and Skoog will work on this and report to the committee.

The meeting adjourned at 9:45 A.M. to meet in Room 523 at 8:30 A.M. Friday, February 8, 1963.

Respectfully submitted,
Clyde Hill, Chairman

Minutes approved:

Proposed Bill

Senate Bill 140

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5, lines 16+17
41 - line 122 stems added
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53
59
62 lines 12+13 added
62 line 32
64 line after 9
64 " 13+14
68 " 98-9
111 60-404
111 60-405
118 60-423(d) omitted
129 60-445 (a)+(b) "
138 60-460 (a)+(p) of original "
157 60-607 line 5 is to maybe
165 60-710 line 5 "district" added
190+191 60-1205 (3)+(4) omitted
192 1st phrase added.
195 exception omitted
196. immediately to 24 hrs.
198. 60-1505 line 34 (24hrs)
200 60-1603 (b) "stationed at"
201 60-1605 lines 3,4,5 added
201+202 60-1606. lines 6 to 10 transferred
206 60-1701 line 7
209 60-1904 lines 11-12-13
209 60-1905 lines 2-5
211 60-2003 (5) line 12
60-2003 (6) deleted
212 60-2102 lines 7+8
213 60-2102 (4) line 1

189	215	60-2103(d) line 61
190	217	lines 103+104
191		60-2106. Language omitted.
196	223	60-2310 line 2
197	225	60-2310 (d) line 43
203	232	60-2413. limited to content
209	238	60-2415 (b) lines 12 "premises" to "property"