

House Judiciary Committee Meeting  
Wednesday, March 27, 1963

The House Judiciary Committee met Wednesday, March 27, 1963, in Room 523 at 8:30 A.M. with Chairman Clyde Hill presiding. Seventeen members were present. Members Davis, Tillotson and Williams were absent. Senator Clark Kuppinger, Senator John Murray, Senator Frank Hodge and Representative Ted Lindahl were present to speak concerning Senate Bills.

Chairman Hill called the meeting to order.

Senator Clark Kuppinger explained Senate Bill No. 180, an act relating to social welfare; providing for the appointment of personal representatives for certain recipients of old age assistance, medical assistance for the aged, aid to the blind, aid to dependent children, general assistance, or aid to the permanently and totally disabled; and conferring jurisdiction in relation thereto on probate courts. He stated that this is to take care of those people on welfare who can't handle the money. He said that it is needed particularly where dependent children are concerned. He went on to explain that a personal representative can be appointed. He said that for the first time under federal law this is now possible. The committee suggested the bill be amended to provide the change of personal representative. Senator Kuppinger said that he thinks this would be a good amendment. He stated that this bill will be needed if the Kerr-Mills bill is passed.

Senator John Murray explained Senate Bill No. 250, an act prohibiting certain acts and declaring the same to be misdemeanors; providing penalties; relating to obstructing lakes, streams, water-courses or other bodies of water; directing peace officer enforcement. He stated that this is a general bill. It comes exactly verbatim from the Indiana law, which has been on the books for some time and has worked there.

Senator Murray explained Senate Bill No. 251, an act relating to investment certificates of investment companies; defining certain words and phrases as used in sections 16-601 to 16-629, both sections inclusive, of the General Statutes Supplement of 1961, and repealing sections 16-609 and 16-610 of the General Statutes Supplement of 1961. Senate Bill No. 251 defines terms as used in the Investment Certificate Act by making reference to The Securities Act. This portion of the bill is to further implement the Revisor's suggestions. It also contains two requests of the Consumer Loan Commissioner. 1. It improves the definition of investment certificate to make it more inclusive. Several companies have been able to avoid control by the Commissioner by reason of interpretation of the present definition. 2. It repeals Section 16-610. In the enactment of the Investment Certificate Act three different ways were provided to pay for the expense of administration of the Act. The Commissioner feels there is not the need for all three and that it makes for a cumbersome operation. The repeal of Section 16-610 eliminates one of these. Still remaining is the fee that is charged

for the registration of all securities plus provisions for actual costs of any examination.

Senator Murray explained Senate Bill No. 252, an act relating to the Kansas securities act; prescribing definitions; amending section 17-1252 of the General Statutes Supplement of 1961, and repealing said original section. Sections 16-601 to 629, commonly known as the Investment Certificate Act, was enacted by the 1961 Legislature at the request of the Governor. Since the regulation of investment certificates until that time had been under the Securities Act, the definitions of the Securities Act for the most part were incorporated into the Certificate Act. When it came time to put the Certificate Act into the Statute Book, the Revisor's Office realized that the Certificate Act had no separate definite section. Therefore, Senate Bill No. 252 is brought here at the request of the Revisor's Office to correct this error by repealing the Certificate Act definition contained in the Securities Act.

Mr. Malone explained Senate Bill No. 290, an act concerning law libraries in certain counties; increasing certain fees and court costs in certain cases; amending sections 19-1308, 19-1309, 19-1309b, and 19-1309c of the General Statutes Supplement of 1961, and repealing said original sections.

Mr. Van Cleave moved that Senate Bill No. 290 be reported favorably for passage. Mr. Crossan seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Van Cleave moved that Senate Bill No. 234, an act relating to process in certain actions and proceedings, providing for the service of process against certain non-residents, residents, and their representatives in actions or proceedings growing out of the ownership, operation, or driving of motor vehicles and actions or proceedings arising out of any accident or collision in which a motor vehicle may be involved while the same is being operated in the state of Kansas, amending section 8-402 of the General Statutes Supplement of 1961, and repealing said original section, be reported favorably for passage. Mr. Briggs seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Liebert moved that Senate Bill No. 250 be reported favorably for passage. Mr. Krug seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Chairman Hill explained Senate Bill No. 335, an act relating to intoxicating liquors and beverages, specifying the classes of persons to whom licenses not issued, amending section 41-311 of the General Statutes Supplement of 1961, and repealing said original section. Mr. Edwards moved that Senate Bill No. 335 be reported favorably for passage. Mr. Van Cleave seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Chairman Hill explained that in regard to Senate Bill No. 180, we are stuck with the welfare program and they have to have some tools to work with. Mr. Briggs wanted to know who all of these personal representatives are going to be. There was a great deal of discussion by the members of the committee. Mr. Malone said this would be a bad thing. Mr. Crossan objected strongly to this bill.

Mr. Cram moved that Senate Bill No. 180 be reported favorably for passage. Mr. Euler seconded. Chairman Hill asked for any further discussion. There was none. Fifteen members of the committee were in favor of the motion and one opposed. Motion carried.

Senator Frank Hodge explained Senate Bill No. 33, an act relating to certain infants, pertaining to the support of a child under the age of seventeen by a stepparent, and providing penalties for violations. Mr. Malone said you can't force him to support somebody else's children. He asked if this would be constitutional. Senator Hodge presented the background concerning Senate Bill No. 33. There was some discussion by the members of the committee. Senator Hodge stated that there won't be too many cases filed on this matter. He stated that this revolves entirely around welfare and necessity situations. Mr. Malone asked who makes the determination if they go off welfare. Mr. Liebert asked if the bill would be hurt if "who is or is likely to become a needy child and a recipient of assistance under the social welfare acts of this state" is stricken out. Mr. Skoog said that we may be putting some additional barriers by doing this. Senator Hodge stated that this may be so.

Chairman Hill asked if there were any further questions or discussion concerning Senate Bill No. 33. There were none.

Senator Hodge explained Senate Bill No. 172, an act relating to crimes and punishments, providing penalties and procedures with respect to the issuance of no-fund and insufficient fund checks; amending section 21-554 of the General Statutes of 1949, and section 21-555 of the General Statutes Supplement of 1961, and repealing said original sections, and also repealing section 21-556 of the General Statutes of 1949. He stated that this bill is the result of the recommendation of the legislative council. He said that this bill is endorsed by a number of people. Mr. Fatzer suggested the figure 5 be changed to 3 in Section 3, line 9. The members of the committee agreed that there is nothing wrong with the present law if the county attorneys would enforce the law. Mr. Euler pointed out that this relaxes the present law some. There was a great deal of discussion by the members of the committee concerning this bill and the present law.

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Chairman Hill thanked the gentlemen for appearing. He announced that there would be a meeting Wednesday, March 27, 1963, in Room 523 at 7:00 P.M.

Mr. Krug moved that Senate Bill No. 412, an act relating to counties, providing for the establishment, management and conduct of detention homes or juvenile farms jointly by two or more counties, authorizing elections, contracts, agreements, records, reports, tax levies and bond issues and prescribing certain powers and duties, be reported favorably for passage. Mr. Crossan seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

The meeting adjourned at 10:00 A.M.

Respectfully submitted,  
Clyde Hill, Chairman

Minutes approved:

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The House Judiciary Committee met Wednesday, March 27, 1963, in Room 523 at 7:00 P.M. with Chairman Clyde Hill presiding. Eleven members were present. Members Arthur, Briggs, Fatzer, Gardner, Gastl, Malone, Tillotson, Van Cleave and Williams were absent.

Chairman Hill called the meeting to order.

Mr. Skoog moved that Senate Bill No. 342, an act concerning vital statistics; defining certain terms; conferring and imposing certain requirements as to reports of births, deaths, and divorce and annulment judgments; providing for amendments of birth certificates in certain cases and prescribing the manner of making such amendments; amending sections 65-2401, 65-2407, 65-2409, 65-2412, 65-2413, 65-2416 and 65-2422 of the General Statutes Supplement of 1961, and repealing said original sections, be amended by striking Section 5 and renumbering the remaining Sections 6 to 12, both numbers inclusive, as Sections 5 to 11, both numbers inclusive; and that the bill be reported favorably for passage as amended. Mr. Crossan seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Skoog moved that Senate Bill No. 33, an act relating to certain infants, pertaining to the support of a child under the age of seventeen by a stepparent, and providing penalties for violations, be reported adversely. Mr. Crossan seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Smith moved that Senate Bill No. 158, an act relating to purchase of insurance by state agencies; authorizing the purchase of liability insurance by the state highway commission; prescribing the venue of certain actions brought against the state highway commission; amending section 74-4704 of the General Statutes Supplement of 1961, and repealing said original section, be reported favorably for passage. Mr. Griffith seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Smith moved that Senate Bill No. 172, an act relating to crimes and punishments, providing penalties and procedures with respect to the issuance of no-fund and insufficient fund checks; amending section 21-554 of the General Statutes of 1949, and section 21-555 of the General Statutes Supplement of 1961, and repealing said original sections, and also repealing section 21-556 of the General Statutes of 1949, be reported adversely. Mr. Crossan seconded. Mr. Liebert made a substitute motion to table Senate Bill No. 172. Mr. Krug seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Krug moved that Senate Bill No. 223, an act relating to cities, providing for the vacation of sites or additions, streets or alleys, or for exclusion of land, and prescribing a procedure

therefor; amending section 12-504 of the General Statutes of 1949, and repealing said original section, be reported favorably for passage. Mr. Crossan seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Liebert moved that Senate Bill No. 172 be reported favorably for passage. Mr. Skoog seconded. There was some discussion by the members of the committee. Seven members of the committee were in favor of the motion and two opposed. Motion carried.

Mr. Krug moved that Senate Bill No. 365, an act concerning the period of redemption of real property and authorizing the court to set the same for a period of not to exceed six months; amending section 60-2414 of senate bill No. 140 of the 1963 regular session of the legislature of the state of Kansas, and repealing said original section, be reported adversely. Mr. Euler seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Crossan moved that Senate Bill No. 372, an act relating to postconviction procedures, and pertaining to the sentences and modification thereof in district courts; amending section 62-2239 of the General Statutes Supplement of 1961, and repealing said original section, be reported favorably for passage. Mr. Davis seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Crossan moved that Senate Bill No. 385, an act providing for assistant county attorneys in certain counties and pertaining to the compensation thereof, amending section 28-159 of the General Statutes Supplement of 1961 and repealing said original section, be amended in Section 1, line 23, by inserting before the period after the word "county" the following: "Provided, That if the salary of the assistant county attorney in any such county shall have been reduced as a result of a change in population of the county, the board of county commissioners of such county is hereby authorized and empowered to reimburse said assistant county attorney for such loss of salary during the period from September 1, 1962, to the effective date of this act"; and that the bill be passed as amended. Mr. Davis seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Smith moved that Senate Bill No. 397, an act relating to sewer service charges by cities and township districts, and pertaining to the ordinances or resolutions and hearings in connection therewith, providing for elections after protest petition; amending section 12-631h of the General Statutes Supplement of 1961, and repealing said original section, be reported favorably for passage. Mr. Edwards seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Smith moved that Senate Bill No. 415, an act relating to occupational diseases under the workmen's compensation act; and pertaining to the time limits for filing claims for compensation for disability or death due to ionizing radiation; and to filing of certain claims; amending sections 44-5a01 and 44-5a17 of the General Statutes Supplement of 1961, and repealing said original sections, be reported favorably for passage. Mr. Griffith seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Smith moved that Senate Bill No. 435, an act relating to certain schools operated for profit, requiring such schools to secure a permit from the state superintendent of public instruction before any representative or agent from any such school canvasses or solicits for the purpose of selling tuition in advance or to contract or secure a note or other written obligation from any person for tuition before the registration of a student in the school register, requiring such school to file and keep current an indemnity bond with the state superintendent of public instruction to indemnify any person who shall suffer loss or damage as a result of fraud of or misrepresentation by any representative or agent of such school; amending section 72-4901 of the General Statutes Supplement of 1961, and repealing said original section, be reported favorably for passage. Mr. Griffith seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Crossan moved that Senate Bill No. 38, an act relating to disposition of interests in trusts; amending section 67-404 of the General Statutes of 1949, and repealing said original section, be reported favorably for passage. Mr. Skoog seconded. Mr. Griffith made a substitute motion to amend Senate Bill No. 38 in Section 1, line 3, by striking ", whether heretofore or". Mr. Krug seconded. There was some discussion by the members of the committee. Three members of the committee were in favor of the motion and six opposed. Motion lost. The committee then voted on the original motion, that Senate Bill No. 38 be reported favorably for passage. Six members of the committee were in favor of the motion and three opposed. Motion carried.

Mr. Smith moved that Senate Bill No. 166, an act relating to individual apartment ownership, to promote and obtain the objectives of condominium ownership, to define terms used in the act, limiting the application of the act, fixing the status of the apartments and the ownership thereof and of the common areas and facilities, providing for compliance with covenants, bylaws and administrative provisions by each apartment owner, prohibiting certain work by apartment owners, providing for liens against apartments and the removal thereof, providing for the distribution of the common profit and expenses, providing for a declaration in regard to the apartment buildings and prescribing the contents thereof, prescribing the form

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of deeds of apartments, requiring certain floor plans and other records to be filed and recorded, providing for the release and satisfaction of certain mortgages, providing for the recording of the declarations and any amendment thereto and certain other records, providing for the removal of the property from the provisions of the act, requiring the bylaws to be annexed to the declaration and describing the contents of the bylaws, requiring certain books and records to be available for examination by the apartment owners, providing for the separate assessment and taxation of each apartment, prescribing the priority of liens, prescribing the joint and severable liability of grantor and grantee of unpaid common expenses, authorizing the insuring of the property, prescribing the rights of the property owners and the disposition of the property upon its destruction or damage, authorizing certain civil actions and providing for the service of process in such cases and making the act and the declaration and bylaws applicable to all apartment owners and tenants of such owners and employees of such owners and tenants and such other persons, be reported favorably for passage. Mr. Griffith seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

The meeting adjourned. The next regular meeting will be announced.

Respectfully submitted,  
Clyde Hill, Chairman

Minutes approved: