

House Judiciary Committee Meeting
Thursday, March 28, 1963

The House Judiciary Committee met Thursday, March 28, 1963, in Room 523 at 4:00 P.M. with Chairman Clyde Hill presiding. Fourteen members were present. Members Fatzer, Gardner, Castl, Malone, Van Cleave and Williams were absent. Senator Steadman Ball, Senator Howard Harper, Franklin Corrick and Fred E. Gulick were present to speak concerning Senate Bill No. 366.

Chairman Hill called the meeting to order.

Senator Steadman Ball presented the background concerning Senate Bill No. 366, an act relating to the compiling, annotating, indexing, printing, binding, sale and distribution of the Kansas statutes annotated, the supplementation thereof; and prescribing certain powers and duties in connection therewith, amending sections 77-304 and 77-306 of the General Statutes Supplement of 1961 and section 77-305 of the General Statutes of 1949, and repealing said original sections.

Senator Howard Harper stated that unless the committee thinks they can get the Lawyers Co-operative Publishing Co.'s proposal through the House, they should give serious consideration before changing the bill before the committee for their consideration. He said that the cost of the Lawyers Co-operative Publishing Co.'s proposal will be borne by the lawyers.

Senator Harper and Senator Ball explained why this particular proposal was accepted and how it will work. They also explained why it was not put on a bid basis. The West Publishing Company came up with the most satisfactory offer and is willing to give them what they want.

Franklin Corrick and Fred E. Gulick also presented background concerning Senate Bill No. 366. They presented the members of the committee with pamphlets concerning this which gives prices, suggestions and general information concerning the proposed Kansas statutes annotated. They went through and read and pointed out much of this material. A copy of this pamphlet is attached to these minutes.

Mr. Crossan pointed out that there is also the alternative of having another supplement printed.

The members of the committee asked Mr. Arthur what his opinion is concerning this proposal. He stated that if money was no object, he would like to have the Lawyers Co-operative Publishing Co.'s proposal. He stated that money is an object though and that he goes along with the present proposal in Senate Bill No. 366.

There was a great deal of discussion by the members of the committee concerning this bill. No decision was made at this meeting.

Mr. Skoog moved that 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

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inclusive, of the General Statutes Supplement of 1961; providing for disposition of moneys collected; amending section 16-609 of the General Statutes Supplement of 1961, and repealing said original section, be amended in Section 1, line 15, by striking out the comma and in lines 16 and 17 by striking the following: "without benefit of a broker dealer or agent," and in line 29 by inserting before the period after the word "series" the following: "and which are sold through a broker dealer or agent who are not employees of the issuer" and that the bill be reported favorably for passage as amended. Mr. Liebert seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Skoog moved that 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, be reported favorably for passage. Mr. Liebert seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Griffith moved that Senate Bill No. 375, an act repealing section 21-1101 to 21-1104, both sections inclusive, of the General Statutes of 1949, relating to certain obscene publications and advertisements, be amended in Section 1, line 1, by striking the word "to" and inserting in lieu thereof ", 21-1103 and" and by striking in lines 1 and 2 the following: ", both sections inclusive," and that the title be amended in line 1 by striking the word "to" and inserting in lieu thereof ", 21-1103 and" and by striking in lines 1 and 2 the following: ", both sections 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. Twelve members of the committee were in favor of the motion. Mr. Davis was the only member of the committee opposed to this motion.

The meeting adjourned at 6:15 P.M. The next regular meeting will be held Friday, March 29, 1963, at 8:30 AM in Room 529.

Respectfully submitted,
Clyde Hill, Chairman

Minutes approved:

Part 1

REPORT AND RECOMMENDATIONS
of the
KANSAS REVISOR OF STATUTES
to the
Senate and House Judiciary Committees
of the 1963
Legislature of the State of Kansas



PROPOSED NEW OFFICIAL KANSAS STATUTES ANNOTATED

EXPLANATORY PREFACE

This is Part I of the 1963 Report containing Recommendations of the Kansas revisor of statutes. It relates to plans for a proposed new Annotated Statutes of Kansas in several volumes.*

One purpose of Part I of this report is to set forth the Kansas method of keeping the Kansas Statutes up-to-date and to explain the need for legislation to enable the state's office of revisor of statutes to prepare copy for printing a complete up-to-date Annotated Statutes. The specifications as to format, style, contents, number of volumes and provisions for sale and distribution must be authorized by the legislature. The plans prepared by the revisor of statutes contain several new suggested features for inclusion in the general statutes. They include the revisor's recommendations as to the contents of each volume for the proposed Kansas Statutes Annotated with sample pages to show how they would appear in book form.

The revisor's suggested plans for editing, compiling, annotating, indexing, and printing of the proposed Annotated Statutes were formulated after careful research of similar statutes of other states. They contain the essential features of a modern set of state statutes published in a usable number of volumes. They would contain a new and completely revised general index.

The revisor's recommended plan would enable the state to comply with all constitutional requirements as to printing and would enable Kansas to maintain control over the preparation of copy and format of its Annotated Statutes. Experience of other states indicates that after such control is lost, the volume as well as the prices of the statute books greatly increase.

Under the plan recommended herein, prices of the books would be fixed in the enabling legislation and provision made for recoupment or recovery of costs of compiling, editing, annotating, indexing and printing. "Estimates of total costs" are given near the close of this report and recommendations.

FRANKLIN CORRICK, *Revisor of Statutes.*

Topeka, Kansas, January, 1963.

* Part II of this Report will contain recommendations as to the amendment or repeal of statutes which need clarification or which have become obsolete. Reports containing the revisor's recommendations are sometimes presented to the Judiciary Committees of the Senate and House of Representatives in mimeographed form. However, in the four regular sessions of 1945, 1947, 1949 and 1951, the Revisor's Reports were printed and distributed generally. The 1947 and 1949 Reports dealt with compiling, annotating and indexing of the General Statutes of Kansas.

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I. NEED FOR NEW KANSAS STATUTES, ANNOTATED

Perhaps, the need for new Annotated Kansas Statutes can best be explained by stating there are too many legislative acts and parts of legislative acts in the General Statutes of 1949, Annotated, which have been amended in whole or in part or repealed in whole or in part by subsequent legislative acts.

The many sections in the General Statutes of 1949, Annotated, which have been amended or repealed and replaced by other sections, are printed in a separate volume, as the General Statutes Supplement of 1961, Annotated. The 1961 Supplement contains 1,740 pages, which is one-half the number of pages appearing in the General Statutes of 1949. It is a large book and is becoming too cumbersome for practical use.

The General Statutes of 1949, Annotated, consists of 3,474 pages and appears in one volume along with the General Index. It is much too large and cumbersome for practical everyday use.

The fact that the General Index to the General Statutes of 1949 was printed in the same volume is one of the compelling reasons why new Annotated Kansas Statutes are needed. Many of the references in the General Index to the General Statutes of 1949 are obsolete because they refer to statutes which have been repealed. Statutes enacted after 1949, which are still in effect, appear in the 1961 Supplement and are indexed in that volume.

Consequently, at present, the current statutory law is not completely indexed in any one place. A new revised general index will be written, if a complete compilation and printing of the Annotated Statutes of Kansas in several volumes is authorized.

II. METHODS USED IN OTHER STATES

As to how other states prepare and publish their general statutes, there is reliable information based on accurate research data compiled and published in 1960 by the Council of State Governments * which is the official research agency of all 50 states of the United States.

In its 1960 report, the Council of State Governments states that Kansas is one of 38 states wherein the official general statutes compilation is prepared by a state agency or a special state commission. Of the agencies in these 38 states, 25 are permanent legislative service agencies, three are the secretaries of state, and 10 are special commissions of the state. In only four states (Iowa, Maryland, Montana, and Oklahoma) having official compilations is the preparatory work done by private publishing companies. The report of the Council of State Governments also states that the remaining eight states (California, Delaware, Illinois, Indiana, New York, Ohio, Pennsylvania, and Texas) have no official statutory compilations. In those eight states, unofficial statutory compilations are prepared by private law publishing firms.

As will be explained under the following title "III. Continuous Statutory Revision in Kansas," this state is one of 28 states which uses that method.

* Legal Services for State Legislatures, RM-340, August, 1960, pp. 15-19.

III. CONTINUOUS STATUTORY REVISION IN KANSAS

The revisor of Statutes is required by law to keep the Kansas statutes compiled and revised up-to-date. However, under the Kansas law, before a complete compilation of the general laws shall be undertaken by the revisor of statutes, he must be expressly directed so to do by the legislature (G. S. 1949, 77-303).

After each general revision or compilation the Kansas statutes are kept up-to-date by the revisor of statutes by what is called "continuous statutory revision." The purpose of this work is to avoid the necessity for so-called bulk revision such as Kansas experienced in 1868 and 1923.

The first bulk revision in Kansas was the General Statutes of 1868. The second and last bulk revision was the Revised Statutes of 1923. Bulk revision is the inevitable result in a state which does not keep its statutes in a workable condition and usually occurs in a state which does not have a state agency rendering continuous statutory revision services similar to that employed in Kansas and 27 other states. There now appears to be no demand for or need of bulk revision of the Kansas statutes.

Kansas now has what is known as topical revision rather than bulk revision. Bulk revision is an attempt to revise all the statutes at one time. It is an expensive and not very orderly way of bringing the statutes up-to-date at one time. It has an unsettling effect upon the whole body of statutory law of the state. Topical revision is a much more orderly and effective way of keeping the statutes up-to-date. Recent examples of topical revision in Kansas are: (1) The Probate Code (1939); (2) The Reorganization of State Financial Administration (1953); (3) The Juvenile Code (1957); and (4) The Proposed new Code of Civil Procedure (see Judicial Council Bulletins, Nov. 1961, April 1962 and Nov. 1962).

Topical revision is closely related to legislative bill drafting and continuous statutory revision. In a report now being prepared by the National Legislative Conference composed of legislators and legislative service agencies from all of the 50 states appears the following statement:

"The inextricable relationship between bill drafting and code revision should resolve the selection of the agency responsible for continuous code revision. The code revision agency must know the rules and the form governing the drafting of bills, and the agency drafting bills must have the same knowledge. It follows that both functions could be more efficiently performed if conducted by the same agency. The same practical relationship exists between the agency that conducts the revision and the one that performs the continuous revision service. . . ."

The report goes on to say, in part:

"By 1960, twenty-eight states had adopted continuous revision programs in order to keep their bulk revisions in a workable condition." Kansas is one of the twenty-eight states.

That report pertains to the organization of legislative services and will undoubtedly recommend that each state maintain control over the preparation of copy and format for its general statutes or code of laws.

IV. NEW FORMAT SUGGESTED BY REVISOR OF STATUTES

Anticipating that he may be called upon for plans and cost estimates prior to and during the 1963 Kansas legislature, the revisor of statutes prepared a suggested format and preliminary estimates for compilation and printing a new Kansas Statutes, Annotated, in several volumes. This proposed format shows the suggested make-up of such a compilation, including the volume classification by chapters. This format is displayed herein under title "IX. Table of Volumes, Chapters and Estimated Pages."

Also furnished are sample pages of some of the features which could appear, if the Kansas statutes were published in several volumes. Four sample pages are displayed herein under title "X. Sample Pages of Proposed New Format."

These are some of the results of research conducted by the revisor of statutes since 1959, pursuant to a law (L. 1959, Ch. 363) directing such research. This suggested format is based upon what is considered the best features of a modern set of state statutes published in several volumes.

Under the revisor's suggested plan for compiling the Annotated Statutes of Kansas in several volumes, many features could be included which would greatly improve their usability and readability.

The main reason for the suggested several-volume plan is that the present chapters of the Kansas statutes are easier to arrange into six volumes of nearly equal number of pages.* These would probably average between eight and nine hundred pages per volume, if the larger type portrayed in "X. Sample Pages of Proposed New Format" hereof is used. Volume 7 would contain the Constitutions, Table of Sections and part, if not all, of the General Index. If a new comprehensive General Index takes up too many pages for the first printing, part of it could become Volume VIII as it eventually would become anyway as the amount of statutory law increases over the future years.

V. OUTLINE OF SUGGESTED FEATURES

The following features recommended by the revisor of statutes, some of which are new to Kansas, would meet the essential requirements recommended by a committee of the Executive Council of the Bar Association of the State of Kansas in August, 1962. The revisor's plans are presented to lawyer groups upon their request. On September 15, 1962, the Kansas revisor of statutes delivered a 20-minute talk followed by a question and answer period at a meeting of the South-west Kansas Bar Association, Hutchinson, Kansas.

Among the features suggested for the new Kansas Statutes Annotated are:

1. The use of larger type for both the text of the statutes and the case annotations, notes, etc.

* For examples: All the statutes appearing in the city chapters (12, 13, 14 and 15) will appear in Volume I; all relating to the Probate Code, the Codes relating to Civil and Criminal Procedure will appear in Volume IV; and those relating to State Boards, Commissions, Departments, Officers and Institutions will appear in Volume VI.

2. Where possible and appropriate, references to comparable laws of other states such as certain uniform acts which have been adopted by Kansas.

3. The continuation of captions prefacing the text of the statutes in bold face type. These would show the scope of the various sections.

4. The continuation and enlargement of complete histories and source notes of all sections, and inclusion of a comparative Table of Sections compiled from Session Law citations appearing in such histories and source notes.

5. The continuation of cross references to related or qualifying provisions of the laws of Kansas.

6. The inclusion of appropriate indexes to case annotations immediately preceding such annotations as an aid to quick reference thereto and the numbering of the case annotations for index purposes.

7. The insertion of research and practice aids citing other publications such as digests, encyclopedia, etc.

8. The inclusion of a new detailed and exhaustive General Index to the statutes and constitutions which would provide access thereto in an accurate and reliable manner.

9. Provision for pocket parts in order to keep each volume up-to-date with later statutes and later case annotations and indexes thereto.

10. Provision for saving the type by the state printer for future use in an economical reprinting of a volume as same becomes necessary.

VI. PREPARATION OF CASE ANNOTATIONS

Some states have their case annotations and other research and practice aids written by private publishing companies. When this is done, the full paragraph method of writing case annotations is oftentimes used. By "paragraph method" is meant elaborate and repetitious notes to the decisions of courts which construe or interpret the statutes. The elaborate and repetitious paragraph notes, of course, take up many pages. If the paragraph method is used in Kansas it is estimated that Kansas would have to print its annotated statutes in about twenty volumes of 800 or 900 pages per volume, while if the present short paragraph system were continued, it is estimated that no more than eight volumes would be necessary, even with the use of larger type for both the statutes and annotations and additional research aids included.

It is believed by many Kansas lawyers, that the short paragraph statement, which gives the substance of a particular point of a case boiled down to a single sentence, is the best. The reasons given are: (1) That one would want to look up the case itself and not rely on the statement of the annotator alone; (2) the long paragraph-annotation system takes up too much of the searchers' time. The thing the law searcher desires most is that the annotation or case note direct him to the court cases in the shortest possible time.* This is accomplished by the use of succinct

* The "Foreword" to Hatcher's Revised Kansas Digest written by the Lawyers Cooperative Publishing Company reads: "The original plan of short-paragraph statements—the underlying reason for the success of the digest—has been preserved. Experience confirms our belief that since there are comparatively few local cases on most points of law, a lawyer wishes to read every case in point. The thing he most desires of a local digest, therefore, is that it direct him to the cases in the shortest possible time. This is accomplished in the present digest by the use of succinct and direct statements of the points of law involved in the cases, rather than the conventional digest paragraphs."

and direct statements used in the present Kansas statutes. The annotations appearing in the General Statutes of 1949 and the 1961 Supplement thereto are about as complete and comprehensive as anyone can write them. Over a period of many years all of the Kansas cases, both state and federal, have been carefully read for all decisions construing the constitutions and statutes. The annotations in the Revised Statutes of 1923 were considered excellent. However, the revisor's office rechecked all of the Kansas cases when it prepared the General Statutes of 1935 and wrote many new annotations. These case annotations have been kept up-to-date on a day-by-day basis during the years since 1935.

As indicated in the "Outline of Suggested Features" under title V., paragraph 6 on page 6 above, the use of present case annotations could be greatly facilitated by giving each annotation a number for index purpose, and by the insertion of an index to the annotations immediately preceding them as they appear under each section of the statute. (Examples of this, see "X. Sample Pages of Proposed New Format.") This would apply to sections having several annotations for example, section 52-201.

VII. HISTORIES, NOTES AND OTHER RESEARCH AIDS

The present legislative history of sections of the statutes will be continued as well as the "Source or prior law" notes. Likewise "Notes" and "Cross References" appearing in the current statutes would be continued if still applicable and new ones added when appropriate. "Research and Practice Aids" would cite sections of other publications, namely, local digests and encyclopedias such as Corpus Juris and American Jurisprudence or later editions thereof. See examples cited in title "X. Sample Pages of Proposed New Format."

A comparative Table of Sections compiled from Session Law citations appearing in legislative histories and source notes would be continued and brought up-to-date.

VIII. THE GENERAL INDEX SYSTEM

An entirely new and completely revised General Index for the new Kansas Statutes Annotated will be written. It will be detailed and exhaustive, providing access to the statutes and constitutions in an accurate and reliable manner.

Proper enabling legislation would be necessary in order that the General Index may be prepared by those experienced in this highly specialized type of work. It would be printed by the state of Kansas in compliance with its Constitution (Article 15, Section 4).

The General Index should be printed in a separate volume or volumes in order that it may be kept up-to-date periodically in cumulative form.

IX. TABLE OF VOLUMES, CHAPTERS AND ESTIMATED PAGES

VOLUME I

Vol.	Chap.	Subject	Pages of G. S. 1949	Total pages, G. S. and 1961 Supp.
I	1	Accountants, Certified Public	1.25	3.75
I	2	Agriculture	43.75	57.00
I	3	Aircraft	9.00	12.75
I	4	Apportionment	8.00	8.00
I	5	Arbitration and Award	2.75	1.75
I	6	Architects	9.00	3.50
I	7	Attorneys at Law	6.50	6.00
I	8	Automobiles and Other Vehicles	51.00	76.50
I	9	Banks and Banking	27.50	30.75
I	10	Bonds and Warrants	25.00	26.25
I	11	Census	2.00	2.00
I	12	Cities and Municipalities	79.00	128.50
I	13	Cities of the First Class	148.00	146.25
I	14	Cities of the Second Class	57.00	66.50
I	15	Cities of the Third Class	28.00	31.00
Totals			497.75	600.50

EXPLANATORY NOTES:

- (1) The above 600½-page space requirement for Volume I plan consists of:
Text of statutes (now in 8-point type), 534½ pages.
Notes, Annotations, Etc. (now in 6-point type), 66 pages.
- (2) Estimated increase in pages based on new Format:
Text of statutes, 534½ pages in 10-point type, 34.3%.
Notes, Annotations, Etc., 66 pages in 8-point type, 36.5%.
- (3) Total estimated number of pages for Volume I, 810.*

* Subject to some increases due to 1963 Acts and new research aids.

VOLUME II

Vol.	Chap.	Subject	Pages of G. S. 1949	Total pages, G. S. and 1961 Supp.
II	16	Contracts and Promises	4.00	19.25
II	17	Corporations	129.00	155.00
II	18	Counties	16.00	16.25
II	19	Counties and County Officers	116.00	213.50
II	20	Courts	56.00	70.25
II	21	Crimes and Punishments	81.00	90.75
II	22	Decedent's Estates	24.00	24.75
II	23	Domestic Relations	5.50	8.25
Totals			431.50	598.00

EXPLANATORY NOTES:

- (1) The above 598-page space requirement for Volume II plan consists of:
Text of statutes (now in 8-point type), 514½ pages.
Notes, Annotations, Etc. (now in 6-point type), 83½ pages.
- (2) Estimated increase in pages based on new Format:
Text of statutes, 514½ pages in 10-point type, 34.3%.
Notes, Annotations, Etc., 83½ pages in 8-point type, 36.5%.
- (3) Total estimated number of pages for Volume II, 808.*

* Subject to some increases due to 1963 Acts and new research aids.

VOLUME III

Vol.	Chap.	Subject	Pages of G. S. 1949	Total pages, G. S. and 1961 Supp.
III	24	Drainage and Levees	61.00	69.50
III	25	Elections	48.50	58.50
III	26	Eminent Domain	3.75	6.25
III	26a	Engineers	4.25	4.50
III	27	Federal Jurisdiction	4.00	5.00
III	28	Fees and Salaries	22.75	28.25
III	29	Fences	6.50	6.75
III	30	Ferries .....	.25	.00
III	31	Fire Protection	5.50	5.75
III	32	Forestry, Fish and Game	13.50	17.50
III	33	Frauds, Statute of	6.50	7.00
III	34	Grain and Forage	19.50	23.50
III	35	Holidays .....	.25	.50
III	36	Hotels, Lodging Houses and Restaurants ...	5.50	7.00
III	37	Impeachment	1.00	1.00
III	38	Infants	18.50	23.50
III	39	Insane, Incompetent, Dependent Persons; Social Welfare	21.50	22.75
III	40	Insurance	81.75	105.25
III	41	Intoxicating Liquors and Beverages	26.00	32.50
III	42	Irrigation	30.00	30.75
III	43	Jurors	7.00	8.50
III	44	Labor and Industries	66.50	88.75
III	45	Laws, Journals and Legislative Documents ..	2.00	2.50
III	46	Legislature	8.50	11.00
III	47	Livestock	33.50	38.00
Totals			498.00	604.50

EXPLANATORY NOTES:

- (1) The above 604½-page space requirement for Volume III plan consists of:
Text of statutes (now in 8-point type), 523¼ pages.
Notes, Annotations, Etc. (now in 6-point type), 81¼ pages.
- (2) Estimated increase in pages based on new Format:
Text of statutes, 523¼ pages in 10-point type, 34.3%.
Notes, Annotations, Etc., 81¼ pages in 8-point type, 36.5%.
- (3) Total estimated number of pages for Volume III, 816.*

* Subject to some increases due to 1963 Acts and new research aids.

VOLUME IV

Vol.	Chap.	Subject	Pages of G. S. 1949	Total pages, G. S. and 1961 Supp.
IV	48	Militia and Defense	14.50	24.75
IV	49	Mines and Mining	14.00	14.00
IV	50	Monopolies and Unfair Trade	12.50	15.00
IV	51	Motion Pictures	1.50	.25
IV	52	Negotiable Instruments	20.50	21.50
IV	53	Notaries Public and Commissioners	1.50	1.75
IV	54	Oaths and Affirmations .....	.50	.75
IV	55	Oil and Gas	25.00	31.50
IV	56	Partnerships	2.50	2.50
IV	57	Patent Rights and Copyrights	1.50	.75
IV	58	Personal and Real Property	13.50	21.50
IV	59	Probate Code	49.00	60.75
IV	60	Procedure, Civil	224.00	261.00
IV	61	Procedure, Civil, Before Justices	31.00	32.00
IV	62	Procedure, Criminal	67.00	78.75
IV	63	Procedure, Criminal, Before Justices	4.00	4.25
IV	64	Publications, Legal	1.50	1.75
Totals			484.00	572.75

EXPLANATORY NOTES:

- (1) The above 572½-page space requirement for Volume IV plan consists of:
Text of statutes (now in 8-point type), 332¼ pages.
Notes, Annotations, Etc. (now in 6-point type), 240½ pages.
- (2) Estimated increase in pages based on new Format:
Text of statutes, 332¼ pages in 10-point type, 34.3%.
Notes, Annotations, Etc., 240½ pages in 8-point type, 36.5%.
- (3) Total estimated number of pages for Volume IV, 778.*

* Subject to some increases due to 1963 Acts and new research aids.

VOLUME V

Vol.	Chap.	Subject	Pages of G. S. 1949	Total pages, G. S. and 1961 Supp.
V	65	Public Health	83.00	108.75
V	66	Public Utilities	92.00	93.50
V	67	Real Property	30.75	35.50
V	68	Roads and Bridges	74.25	91.50
V	69	Sabbath .....	.50	.50
V	70	Salvage .....	.50	.50
V	71	Sand and Gravel	2.75	2.75
V	72	Schools	122.25	181.25
V	73	Soldiers, Sailors and Patriotic Emblems	24.00	26.50
Totals			430.00	540.75

EXPLANATORY NOTES:

- (1) The above 540½-page space requirement for Volume V plan consists of:
Text of statutes (now in 8-point type), 473¾ pages.
Notes, Annotations, Etc. (now in 6-point type), 67 pages.
- (2) Estimated increase in pages based on new Format:
Text of statutes, 473¾ pages in 10-point type, 34.3%.
Notes, Annotations, Etc., 67 pages in 8-point type, 36.5%.
- (3) Total estimated number of pages for Volume V, 730.*

* Subject to some increases due to 1963 Acts and new research aids.

VOLUME VI

Vol.	Chap.	Subject	Pages of G. S. 1949	Total pages, G. S. and 1961 Supp.
VI	74	State Boards and Commissions	47.50	74.50
VI	75	State Departments and Officers	71.50	97.50
VI	76	State Institutions	66.75	76.25
VI	77	Statutes	10.00	11.50
VI	78	Suretyship	1.50	1.50
VI	79	Taxation	150.00	177.75
VI	80	Townships and Township Officers	42.00	70.00
VI	81	Trademarks	1.50	2.50
VI	82	Warehouses	8.50	8.75
VI	82a	Waters and Watercourses	16.00	26.00
VI	83	Weights and Measures	6.00	7.00
Totals			421.25	553.25

EXPLANATORY NOTES:

- (1) The above 553½-page space requirement for Volume VI plan consists of:
Text of statutes (now in 8-point type), 495 pages.
Notes, Annotations, Etc. (now in 6-point type), 58¾ pages.
- (2) Estimated increase in pages based on new Format:
Text of statutes, 495 pages in 10-point type, 34.3%.
Notes, Annotations, Etc., 58¾ pages in 8-point type, 36.5%.
- (3) Total estimated number of pages for Volume VI, 746.*

* Subject to some increases due to 1963 Acts and new research aids.

VOLUME VII

Vol.	Subject	Pages of G. S. 1949	Total pages, G. S. and 1961 Supp.
VII	The Declaration of Independence	2.00	2.00
VII	Constitution of United States (Annotated)	15.00	18.50
VII	Organic Act (Territory of Kansas)	4.00	4.00
VII	Constitution of the State of Kansas (Annotated),	44.75	52.50
VII	Table of Sections	91.00	94.00
VII	General Index	554.00	750.00
Totals		710.75	921.00

EXPLANATORY NOTES:

- (1) The above 921-page space requirement for Volume VII plan consists of:
Table of Sections, 94.00 pages.
Text of the Constitutions, etc., 26.50 pages.
General index (now in 8-point type), 750.00 pages.
Notes, Annotations, Etc. (now in 6-point type), 44.50 pages.
- (2) Estimated increase in pages based on new Format:
Declaration of Independence and Organic Act, 6.00.
Text of constitutions, 26½ pages in 10-point type, 48.00.
Notes, Annotations, Etc., 44½ pages in 8-point type, 52.00.
Table of Sections in 6-point type as now, 94.00.
General Index in 8-point type as now, 750.00.
- (3) Total estimated number of pages for Volume VII, 950.00.
- (4) The General Index will most likely require more pages than above estimated, and part or all of the other material could be placed in Volume VI, leaving the General Index in one or more volumes, if desired.

X. SAMPLE PAGES OF PROPOSED NEW FORMAT *

Chapter 52.—NEGOTIABLE INSTRUMENTS

Article

- 52-1. GENERAL PROVISIONS. 52-101 to 52-107.
- 52-2. FORM AND INTERPRETATION. 52-201 to 52-223.
- 52-3. CONSIDERATION. 52-301 to 52-306.
- 52-4. NEGOTIATION. 52-401 to 52-421.
- 52-5. RIGHTS OF HOLDER. 52-501 to 52-509.
- 52-6. LIABILITIES OF PARTIES. 52-601 to 52-611.
- 52-7. PRESENTMENT FOR PAYMENT. 52-701 to 52-719.
- 52-8. NOTICE OF DISHONOR. 52-801 to 52-830.
- 52-9. DISCHARGE. 52-901 to 52-907.
- 52-10. BILLS OF EXCHANGE; FORM OF INTERPRETATION. 52-1001 to 52-1006.
- 52-11. ACCEPTANCE OF BILLS OF EXCHANGE. 52-1101 to 52-1111.
- 52-12. PRESENTMENT OF BILLS OF EXCHANGE FOR ACCEPTANCE. 52-1201 to 52-1209.
- 52-13. PROTEST OF BILLS OF EXCHANGE. 52-1301 to 52-1309.
- 52-14. ACCEPTANCE OF BILLS OF EXCHANGE FOR HONOR. 52-1401 to 52-1410.
- 52-15. PAYMENT OF BILLS OF EXCHANGE FOR HONOR. 52-1501 to 52-1507.
- 52-16. BILLS IN A SET. 52-1601 to 52-1606.
- 52-17. PROMISSORY NOTES AND CHECKS. 52-1701 to 52-1706.
- 52-18. HOW NEGOTIABLE BONDS ARE MADE NONNEGOTIABLE. 52-1801.
- 52-19. HOLIDAYS. 52-1901.

Article 1.—GENERAL PROVISIONS

52-101. Name of chapter. This act shall be known as the negotiable-instruments law. [L. 1905, ch. 310, § 1; June 8; R. S. 1923, § 52-101.]

Note:

Uniform Laws Annotated, see 5 U. L. A. § 190.

CASE ANNOTATIONS

1. Cited in holding alteration without fraudulent intent avoids instrument. *Born v. LaFayette Auto Co.*, 196 Ind. 399, 145 N. E. 833, 838.

52-102. Definition of terms. In this act, unless the context otherwise requires:

- “acceptance” means an acceptance completed by delivery or notification;
- “action” includes counterclaim and setoff;
- “bank” includes any person or association of persons carrying on the business of banking, whether incorporated or not;

“bearer” means the person in possession of a bill or note which is payable to bearer;

“bill” means bill of exchange, and “note” means negotiable promissory note;

“delivery” means transfer of possession, actual or constructive, from one person to another;

“holder” means the payee or endorsee of a bill or note, who is in possession of it, or the bearer thereof;

“endorsement” means an endorsement completed by delivery;

“instrument” means negotiable instrument;

“issue” means the first delivery of the instrument, complete in form, to a person who takes it as a holder;

“person” includes a body of persons, whether incorporated or not;

“value” means valuable consideration;

“written” includes printed, and

“writing” includes print. [L. 1905, ch. 310, § 2; June 8; R. S. 1923, § 52-102.]

* NOTES: (1) These are research-experimental sample study pages prepared by the office of Revisor of Statutes of the state of Kansas and contain the best features of modern annotated state statutes published in more than one volume.

(2) Estimates of cost of this format are shown under title “XI” following these sample pages.

Note:

Uniform Laws Annotated, see 5 U. L. A. § 191.

Cross References to Related Sections:

"In good faith" defined, see §§ 17-4820, 82-158.
 "Value" definitions, see, also, §§ 17-4820, 34-223, 58-801, 82-158.

Research and Practice Aids:

Hatcher's Digest, Bills and Notes, § 2.

INDEX TO CASE ANNOTATIONS

- Endorsement, 7
- Holder, 4, 8
 - Escrow holder not, 5
 - In due course not defined, 1
- Instrument, 2
- Note, 3

CASE ANNOTATIONS

1. Section does not define holder in due course. *Bank v. Bank*, 100 K. 194, 201, 164 P. 137.
2. Word "instrument" has no application to non-negotiable instrument. *Foley v. Hardy*, 122 K. 616, 619, 253 P. 238.
3. Word "note" means negotiable note. *American Nat'l Bank v. Marshall*, 122 K. 793, 795, 253 P. 214.
4. "Bearer" and "holder" defined. *Manhattan Chamber of Commerce v. Gallagher*, 123 K. 155, 157, 254 P. 345.
5. Escrow holder not holder as contemplated by statute. *Campbell v. Wilcoxon*, 134 K. 500, 504, 7 P. 2d 46.
6. Holder of negotiable instrument may sue thereon in own name. *Howell v. Flora*, 155 K. 640, 641, 127 P. 2d 721.
7. Entering part payment on back of note not "endorsement." *In re Estate of Badger*, 156 K. 734, 743, 137 P. 2d 198.
8. Presentation to drawee for payment not negotiation; status of paying drawee. *Kansas Bankers Surety Co. v. Ford County State Bank*, 184 K. 529, 534, 338 P. 2d 309.

52-103. Person primarily liable. The person primarily liable on an instrument is the person who by the terms of the instrument is absolutely required to pay the same. [L. 1905, ch. 310, § 3; June 8; R. S. 1923, § 52-103.]

Note:

Uniform Laws Annotated, see 5 U. L. A. § 192.

INDEX TO CASE ANNOTATIONS

- Extension or renewal, 1, 4, 5
- Generally, 6, 11
- Holder of instrument, 10
- Oral agreements, 3, 8, 9
- Surety, 2, 7

CASE ANNOTATIONS

Stockholder signing note of corporation not released by extension. *Bank v. Livermore*, 90 K. 395, 397, 133 P. 734.

2. Person signing as comaker, although surety, held "primarily liable." *Bank v. Bowdon*, 98 K. 140, 141, 157 P. 429.

3. Oral agreement as to liability cannot be shown. *Bank v. Watson*, 99 K. 686, 163 P. 637.

4. Comaker, although surety, not released by renewal. *Bank v. Cooper*, 99 K. 731, 732, 162 P. 1169.

5. Renewal notes do not pay notes renewed. *Bank v. Cooper*, 99 K. 731, 732, 162 P. 1169.

6. Person signing note as maker is primarily liable thereon. *Bank v. Dickinson*, 102 K. 564, 565, 171 P. 636.

7. Comaker, though in fact surety, is primarily liable. *Trust Co. v. Danforth*, 103 K. 860, 177 P. 357.

8. Contemporaneous oral agreement as to payment held no defense. *Trust Co. v. Danforth*, 103 K. 860, 177 P. 357.

9. Cited in action to hold father on oral promise to pay son's debt. *State Bank v. Murphy*, 115 K. 350, 353, 223 P. 486.

10. Refers to liability to holder of instrument. *Blitz v. Metzger*, 119 K. 760, 766, 241 P. 259.

11. All persons signing as makers are primarily liable. *Swans Savings Bank v. Snyder*, 124 K. 827, 830, 262 P. 547; *Chastain v. Crossfield*, 135 K. 667, 672, 11 P. 2d 1011.

52-104. Reasonable or unreasonable time.

In determining what is a reasonable time or an unreasonable time, regard is to be had to the nature of the instrument, the usage of trade or business (if any) with respect to such instruments, and the facts of the particular case. [L. 1905, ch. 310, § 4; June 8; R. S. 1923, § 52-104.]

Note:

Uniform Laws Annotated, see 5 U. L. A. § 193.

Research and Practice Aids:

- Am. Jur., Bills and Notes, § 659.
- C. J. S., Bills and Notes, § 354, ¶ d.

CASE ANNOTATIONS

1. Check must be presented for payment within reasonable time. *Anderson v. Elem*, 111 K. 713, 208 P. 573.

2. Construed with § 52-702 and demand note held presented within reasonable time. *Daniel v. Baker*, 149 K. 153, 155, 86 P. 2d 499.

52-105. Time, how computed when last day on holiday. Where the day, or the last day, for doing any act herein required or permitted to be done falls on Sunday or on a holiday, the act may be done on the next succeeding secular or business day. [L. 1905, ch. 310, § 5; June 8; R. S. 1923, § 52-105.]

Note:

Uniform Laws Annotated, see 5 U. L. A. § 194.

Cross References to Related Sections:

- Civil code rule for computation of time, see §§ 60-3819, 60-3819a.
Closing by certain financial institutions, see §§ 9-1122, 17-5502a.

Research and Practice Aids:

Am. Jur., Bills and Notes, § 285.

CASE ANNOTATIONS

1. Section applied to payment of premium on insurance policy. *Lightner v. Insurance Co.*, 97 K. 97, 99, 154 P. 227.

2. Cited in excluding Sunday from time for filing claim under workmen's compensation act. *Dobson v. Wilson & Co., Inc.*, 152 K. 820, 825, 107 P. 2d 676.

52-106. [L. 1905, ch. 310, § 6; June 8; R. S. 1923, § 52-106.]

Note:

Uniform Laws Annotated, see 5 U. L. A. § 195.

Revisor's Note:

Section now obsolete and text omitted.

52-107. Cases not provided for in chapter. In any case not provided for in this act the rules of the law merchant shall govern. [L. 1905, ch. 310, § 7; June 8; R. S. 1923, § 52-107.]

Note:

Uniform Laws Annotated, see 5 U. L. A. § 196.

Research and Practice Aids:

Law merchant:
Am. Jur., Bills and Notes, §§ 13, 14, 24.
C. J. S., Bills and Notes, § 2.

CASE ANNOTATIONS

1. Cited in considering liability of party endorsing in blank after maturity. *Amthauer v. Johnson*, 138 K. 729, 730, 27 P. 2d 241.

Article 2.—FORM AND INTERPRETATION

52-201. Form of negotiable instrument. An instrument to be negotiable must conform to the following requirements:

- (1) It must be in writing and signed by the maker or drawer;
- (2) must contain an unconditional promise or order to pay a sum certain of money;
- (3) must be payable on demand, or at a fixed or determinable future time;
- (4) must be payable to order or to bearer; and

(5) where the instrument is addressed to a drawee, he must be named or otherwise indicated therein with reasonable certainty. [L. 1905, ch. 310, § 8; June 8; R. S. 1923, § 52-201.]

Note:

Uniform Laws Annotated, see 5 U. L. A. § 1.

Research and Practice Aids:

- Bills and Notes, Am. Dig. Key No., 144 to 175.
7 Am. Jur., Bills and Notes, §§ 22 to 28, 43.
10 C. J. S., Bills and Notes, §§ 11 to 23, 71, 73.
Validity and effect of note payable to maker without words of negotiability, 42 ALR 1067; 50 ALR 426.
Negotiability as affected by option of maker to pay or of holder to require something in lieu of payment of money, 100 ALR 824.
Negotiability of commercial paper given by purchaser of chattel and secured by conditional sale, retention of title or chattel mortgage, 44 ALR 2d 57.
Negotiability of title-retaining notes, 44 ALR 2d 71.

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Invalid conditions, 6
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 Restriction, 9
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CASE ANNOTATIONS

1. Conditions in note considered and note held nonnegotiable. *Bank v. Heslet*, 84 K. 315, 316, 113 P. 1052.
2. Note which may mature upon contingency is not negotiable. *Bank v. Hoffman*, 85 K. 71, 77, 116 P. 239.
3. Endorsee cannot recover where original consideration was gambling debt; nonnegotiable note. *Hutchins v. Stanley*, 88 K. 739, 129 P. 1180.
4. Unconditional promise is not affected by prior oral agreement. *Van Fossan v. Gibbs*, 91 K. 866, 867, 139 P. 174.
5. Rights of parties to note transferred by assignment. *Nelson v. Southworth*, 93 K. 532, 539, 144 P. 835. Overruled: *Mitchell v. Perkins*, 118 K. 449, 235 P. 1036.
6. Invalid conditions do not affect negotiability. *Bank v. Dickinson*, 102 K. 564, 171 P. 636.
7. Certificate of deposit held to be a negotiable instrument. *Bank v. Dillenbeck*, 111 K. 98, 205 P. 1022.
8. Consent to extension of time without notice renders note nonnegotiable. *Bank v. Engler*, 112 K. 708, 710, 212 P. 656.

9. Printed restriction on note rendered it nonnegotiable. *State Bank v. Blazek*, 115 K. 178, 179, 222 P. 748.

10. Words of negotiation essential to negotiability. *Simpson v. Bone*, 122 K. 195, 199, 251 P. 178.

11. Myself note, set out in opinion held nonnegotiable. *Foley v. Hardy*, 122 K. 616, 253 P. 238.

12. Cited in action to reform nonnegotiable note. *American Nat'l Bank v. Marshall*, 122 K. 793, 794, 253 P. 214.

13. Certificate of deposit payable to order on demand is negotiable. *Casten v. Kreipe*, 125 K. 182, 264 P. 55.

14. Place of payment not essential to negotiability. *First National Bank v. Mense*, 135 K. 143, 148, 10 P. 2d 19.

15. Cited in holding original obligor released by novation. *Bankers Mortgage Co. v. Breyfogle*, 136 K. 362, 364, 15 P. 2d 440.

16. Provision authorizing extension by holder, maturity date uncertain; note nonnegotiable. *Osborn v. Millikan*, 140 K. 592, 593, 38 P. 2d 104.

17. Note for insurance premium containing assignment of losses collected not negotiable. *Citizens State Bank v. Pauly*, 152 K. 152, 155, 102 P. 2d 966; *First Nat'l Bank v. Zollars*, 152 K. 542, 106 P. 2d 657.

18. Mentioned; contract clause "pay as soon as I can" considered. *Brunhoeber v. Brunhoeber*, 180 K. 396, 400, 304 P. 2d 521.

19. Provision accelerating due date at option of holder upon default; note negotiable. *United States v. Nagorney*, 28 F. Supp. 298.

52-202. Certainty as to sum payable. The sum payable is a sum certain within the meaning of this act, although it is to be paid:

- (1) With interest; or
- (2) by stated installments; or
- (3) by stated installments, with a provision that upon default in payment of any installment or of interest the whole shall become due; or

(4) with exchange, whether at a fixed rate or at the current rate; or

(5) with costs of collection or an attorney's fee, in case payment shall not be made at maturity. [L. 1905, ch. 310, § 9; June 8; R. S. 1923, § 52-202.]

Note:

Uniform Laws Annotated, see 5 U. L. A. § 2.

Cross Reference to Related Section:

Stipulation for attorneys' fees void, see § 67-312.

Research and Practice Aids:

Negotiability as affected by provision in relation to interest or discount, 58 ALR 1281.

Negotiability under Uniform Negotiable Instruments Act as affected by provision for attorney's fee, 91 ALR 693.

Validity of provision in note or other evidence of indebtedness for payment, at attorneys' fees, expenses and costs of collection, of specified percentage of note, 17 ALR 2d 288.

CASE ANNOTATIONS

1. Time of payment must be certain and definite. *Bank v. Hoffman*, 85 K. 71, 77, 116 P. 239.

2. Cited in holding note for insurance premium containing assignment of losses collected not negotiable. *Citizens State Bank v. Pauly*, 152 K. 152, 155, 102 P. 2d 966; *First Nat'l Bank v. Zollars*, 152 K. 542, 106 P. 2d 657.

52-203. When promise is unconditional.

An unqualified order or promise to pay is unconditional, within the meaning of this act, though coupled with:

(1) An indication of a particular fund out of which reimbursement is to be made, or a particular account to be debited with the amount; or

(2) a statement of the transaction which gives rise to the instrument; but an order or promise to pay out of a particular fund is not unconditional. [L. 1905, ch. 310, § 10; June 8; R. S. 1923, § 52-203.]

Note:

Uniform Laws Annotated, see 5 U. L. A. § 3.

CASE ANNOTATIONS

1. Negotiability not affected by reference to fund for reimbursement. *Bank v. Lightner*, 74 K. 736, 742, 88 P. 59.

2. Certificate on depositor's guaranty fund not definite promise to pay. *Thompson v. Bone*, 122 K. 195, 199, 251 P. 178.

3. Note for insurance premium containing assignment of losses collected not negotiable. *Citizens State Bank v. Pauly*, 152 K. 152, 156, 102 P. 2d 966; *First Nat'l Bank v. Zollars*, 152 K. 542, 106 P. 2d 657.

4. Worthless check given to bank together with escrow agreement; conviction under § 21-554 upheld. *State v. Brennan*, 178 K. 313, 315, 285 P. 2d 786.

XI. ESTIMATES OF TOTAL COSTS

It is estimated that the total increased cost of the budget of the Kansas revisor of statutes for the general compilation and publication of 10,000 copies of a 7-volume set of the Kansas Statutes Annotated would be \$373,031.

Under the proposed plan, the state of Kansas would have available for distribution 10,000 sets of the annotated statutes. While the legislature may determine that some of these sets are to be distributed free of charge, a major portion of the total costs of republishing the annotated statutes will be reimbursed through their sale. The resulting net cost to the state for republishing the annotated statutes will depend on the number of sets distributed free of charge and the price per set established by the legislature.

If the enabling legislation provides for a more restricted distribution of so-called "free copies," the usual number (10,000) of copies printed could be reduced accordingly.

XII. COMMENTS, SUGGESTIONS AND QUESTIONS

The 1963 Kansas Legislature, now in session, will give consideration to this Report and Recommendations of the revisor of statutes.

Your comments and suggestions, particularly in regard to the proposed new format and new practice aids, annotation and index systems, are urgently requested.

Any such comments, suggestions and questions on any part of this Report and Recommendations should be sent to the revisor of statutes. His name and address are as follows:

FRANKLIN CORRICK, *Revisor of Statutes*
Third Floor, Statehouse
Topeka, Kansas

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