

House Judiciary Committee Meeting  
Thursday, February 4, 1965

The House Judiciary Committee met in joint session with the Senate Judiciary Committee Thursday, February 4, 1965, in Room 529 at 11:15 A.M. with Chairman Steadman Ball, Senate Judiciary Committee, presiding. Fourteen members of the House Judiciary Committee were present. Members Cram, Davis, Euler, Fatzer, Griffith, Hill and Van Cleave were absent.

Chairman Ball called the meeting to order. It was the unanimous decision of the Senate Judiciary Committee to proceed with the meeting although the House had not yet adjourned its session.

Chairman Ball asked if there were any questions in regard to the changes which have been presented by the Office of Revisor of Statutes to the members of the committees concerning the Uniform Commercial Code. A copy of these changes is attached.

Senator Bennett posed questions in regard to pages 147, 149, 168, 211, 212, 213, 214, 218 and 222 shown on the above stated attached list.

Mr. Carman, Office of Revisor of Statutes, said they would discuss them one by one.

Page 147. Mr. Carman stated this choice was based on the work of the annotator, Dean Howe. The Judicial Council Committee on the Uniform Commercial Code considered whether or not they should be deleted and selected the options and acted on them. Mr. Carman then read comments by the annotators, page 258 of the Uniform Commercial Code: Kansas Annotations.

Senator Bennett asked what is meant by "new consideration." Mr. Carman replied he is not a scholar on the Commercial Code and would not attempt to answer technical questions.

Senator Ball informed the committees that experts explained why these should be done and the committee then selected accordingly.

Senator Liebert explained in detail what he remembered concerning this choice.

Senator Ball explained that the committee adopted the philosophy that creditors and transferors should have the maximum protection. He then gave an example of this. The philosophy has been, more or less, that of protection.

Page 168. Mr. Carman read the comments of the drafting annotators.

Senator Ball explained that the committee thought this was more or less a protective measure and if included, would add an additional burden to the person.

Mr. Carman stated that the annotations gives the reason that it is consistent with present Kansas law. It was the opinion that when they had them, they should take the ones which were consistent with present Kansas law.

Page 211. Mr. Carman explained that no one had any reason to change it from what the Code had except Stan Lynn. Mr. Lynn argued that it was completely out of line with the present world.

Senator Ball explained that this is to protect the borrower or a subsequent lender.

Page 210. Mr. Carman read the comments of Stan Lynn in regard to this change. Mr. Carman has these comments available.

Page 213 to 218. You must look at them both at the same time as they go hand in hand and it is necessary to look at the official text, page 657 and page 672. Mr. Carman read in regard to this. He explained that this was completely contrary to what was selected by the committee in regard to 9-302 of the official text. He then read those omitted.

Senator Ball again repeated that the philosophy was that you should assume that everyone buys on installments and there is no need to file, but the committee was not ready to buy this.

Mr. Carman explained 9-307 of the official text is completely opposite from that deleted in 9-302, so they were deleted.

Page 222. Mr. Carman stated that in regard to this, page 686 of the Code, there were a lot of comments. He then read some of them. The Savings and Loan people wanted the word "knowledge" written before the word "notice", line 29. They wanted simply to maintain their present position in the market. They suggested a change which would have hurt. Professor Oldfather finally suggested the language chosen. No one has been greatly upset up to now and everyone has been informed of this change. Mr. Carman went on to explain that there was quite a little discussion afforded to the committee concerning this.

Senator Ball asked for any other questions. He then explained that because of the size of the bill, Mr. Carman and he decided that it should be carefully proof read. A list of mistakes that were made by the typist, printer or in drafting are attached. Senator Arthur pointed out a printing error on page 148, line 1 of Senate Bill No. 4; "trnsferee" should read "transferee." This error was added to the list attached.

Senator Bowers moved that Senate Bill No. 4 be amended in accordance to the attached lists. Senator Liebert seconded. The motion carried unanimously.

Senator Bennett moved that Senate Bill No. 4 be amended on page 211 in line 23, by changing "one" to "two" and page 212, in line 10 by changing the word and figures "five dollars (\$5)" to "ten dollars (\$10)". There was some discussion by the members of the committees concerning this proposed amendment. Senator Gaar seconded.

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Chairman Ball asked for any further discussion. There was none. Seven members of the Senate Judiciary Committee were in favor of the motion and five members opposed. The motion carried.

Chairman Ball asked if there were any further discussion or questions in regard to the Uniform Commercial Code. There were none.

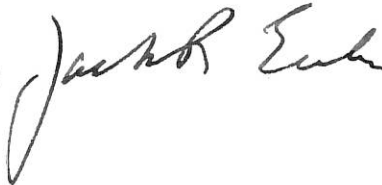
Senator Steineger moved that Senate Bill No. 4 be recommended for passage as amended. Senator Haley seconded. The motion carried unanimously.

Chairman Ball then appointed a subcommittee to consider the problem of relocation when property is taken for governmental use.

There being no further business, the meeting adjourned at 12:15 P.M.

Respectfully submitted,  
Jack R. Euler

Minutes approved:



NEEDED CORRECTIONS

In Senate Bill No. 4

(Prepared by Office of Revisor of Statutes, February 1, 1965)

- Page 1, lines 20, 21, should delete "66-1206 to 66-1208,  
both inclusive" (NP)
- Page 7, line 16, misspelled "cannot"; (P)
- Page 9, line 7, hyphen is omitted from the term "re-issue"; (P)
- Page 14, line 5, figures "(1)" should be at beginning of  
line 6; (P)
- Page 16, line 11, change colon to semicolon after the word  
"Transferability"; (P)
- Page 21, line 9, word "nonconforming" is misspelled; (P)
- Page 23, line 31, insert "in" after "as"; (P)
- Page 33, line 25, insert "and" after the word "cost"; (P)
- Page 39, line 1, word should be "unit" not "units"; (P)
- Page 66, line 1, insert a comma after the word "receipt"; (P)
- Page 68, line 20, the word is "payments" not "payment"; (NP)
- Page 69, line 12, period should be a comma; (P)
- Page 74, line 21, change "or" to "of"; (P)
- Page 81, line 26, period should be deleted; (P)
- Page 91, line 16, word "of" should be changed to word "or"; (P)
- Page 91, line 30, word "it" should be changed to "its"; (NP)
- Page 95, line 10, word "or" should be changed to word "of"; (P)
- Page 98, line 20, colon should be changed to semicolon; (P)
- Page 101, line 20, word "payment" is misspelled; (P)
- Page 102, line 7 and line 21, word "representment" should  
be printed "Re-Presentment"; (P)
- Page 108, line 29, word "advices" should be "advice"; (P)
- Page 112, lines 29 and 31; also page 113, lines 3, 5, 8, 11,  
13, 17, 19 and 22, period should be changed to semicolon; (NP)
- Page 114, lines 23, 25, 28, and 30; also page 115, line 2,  
period should be changed to semicolon; (NP)
- Page 116, line 15, word "depository" is misspelled; (P)
- Page 118, line 20, word "regulations" should be "regulation"; (P)
- Page 119, line 11, word "or" where it first occurs should  
be "on"; (P)

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NOTE: (P) means printing error.  
(NP) means not printing error.

- Page 123, line 25, word "payer" should be "payor"; (P)
- Page 126, line 29, after the word "payor" insert the word "bank"; (NP)
- Page 129, line 26, the word "items" should be "item"; (P)
- Page 134, line 6, the word "transferrer" should be "transferror"; (P)
- Page 134, line 25, the semicolon should be changed to a dash; (P)
- Page 142, line 2, the period should be deleted; (P)
- Page 147, line 6, the word "obliger" should be "obligor"; (P)
- Page 148, line 1, the word "transferee" should be "transferee"*
- Page 149, line 27, the period should be a semicolon; (NP)
- Page 151, line 27, insert quotation marks after the word "goods"; (P)
- Page 152, line 5, the comma should be a period; (P)
- Page 152, line 8, after the word "article" the following has been omitted: "or two specific Parts thereof,"; (NP)
- Page 152, line 27, the period should be deleted; (P)
- Page 153, line 1, after the word "any" the word "other" should be inserted; (P)
- Page 153, line 16, after the word "statute" the word "requiring" should be inserted; (P)
- Page 156, line 11, the word "storaged" should be "storage"; (P)
- Page 162, line 27, the word "matter" should be "matters"; (P)
- Page 165, line 12, the word "a" should be inserted before the word "negotiable"; (P)
- Page 167, line 11, the word "or" where it last occurs should be "of"; (P)
- Page 176, line 13, the word "insurer" should be "issuer"; (P)
- Page 178, line 24, the word "of" should be "if"; (P)
- Page 185, line 11, the word "wararnts" should be spelled "warrants"; (P)
- Page 193, line 17, the word "is" should be "in"; (P)
- Page 198, line 13, the word "issue" should be "issuer"; (P)
- Page 198, line 22, the word "of" should be "to"; (NP)
- Page 203, line 14, the word "provisions" should be "provision"; (P)
- Page 204, between lines 12 and 13, the following is omitted: "Farm products." Section 355(3)."; (P)
- Page 208, in line 13, the word "statute" should be "statutes"; (NP)
- Page 211, in line 23, change "one" to "two"*
- Page 213, in line 8, a comma should be inserted after the word "assignment"; (P)
- Page 212, in line 10, by changing the word and figures "five dollars (\$5)" to "ten dollars (\$10)".*

- Page 215, in line 18, the word "who" appears as a doublet; (P)
- Page 217, in line 6, the term "non-cash" has been written "noncash"; (P)
- Page 219, in line 19, the semicolon should be changed to a colon; (P)
- Page 223, in line 5, a comma should be inserted at the end of the line; (NP)
- Page 225, in line 24, the figures "363" should be "365"; (P)
- Page 227, in line 4, the word "in" should be inserted after the word "then"; (P)
- Page 228, in the last line of the form the word "assigned" should be "assignee"; (P)
- Page 232, in line 12, the word "of" where it first occurs should be "or" and in line 15 the word "be" should be "by"; (P)
- Page 233, in line 22, the word "as" where it first occurs should be "or"; (P)
- Page 235, in line 18, the word "security" should be "secured"; (P)
- Page 239, in line 14, the word "services" should be "service"; (P)
- Page 240, in line 8, the word "there" should be inserted in line 8 after the word "thereafter"; (P)
- Page 241, in line 31, the word "oldest" should be "eldest"; (P)
- Page 243, in line 8, the word "realer" should be "dealer"; (P)
- Page 243, in line 15, a comma should be inserted after the word "trailer"; (NP)
- Page 249, two lines of the original text in the schedule have been omitted but should have been shown as deleted material; also, a hyphen and a comma are omitted in the third line from the bottom of the schedule; (?)
- Page 256, lines 8 to 10, "58-103, 58-809 and 58-810" should be removed. (NP)

UNIFORM COMMERCIAL CODE (UCC)  
Changes from Official Text; Alternates and Options Selected;  
Required Additions and Fill-ins  
Made in Preparation of Senate Bill No. 4  
(Prepared by Office of Revisor of Statutes, February 1, 1965)

- Page 1, line 1 in the title, changed the words "to be known as" to "providing for";
- Page 1, line 2 in the title, deleted the word "personal" before the word "property";
- Page 1, in the title, deleted "and repealing inconsistent legislation";
- Page 1, in the title, added sections amended and repealed;
- Sections are numbered sequentially, whereas UCC sections are intermittent groups of sequential numbers; also, the UCC section number is added to the caption of each section in parentheses; also internal references to section numbers have been changed to refer to the section number of the bill rather than the UCC section number;
- Page 4, lines 15 and 16, change relates to construction of section captions;
- Page 9, lines 3, 4 and 5, sentence added to 1-201 (31);
- Page 81, lines 11, 12, and 13, "Alternative B" was selected.
- Page 88, lines 11, 12 and 13 have been added, and in connection therewith, the word "and" at the end of line 10 appears in the official text at the end of line 8;
- Page 115, line 6, an optional phrase is included;
- Page 117, lines 15 and 16, optional material is included;
- Page 124, lines 16 through 23, option included;
- Page 140, at the end of line 25, optional clause is omitted;
- Page 142, after line 20, omitted optional subsections (4) and (5);
- Page 147, lines 22 to 30, and page 148, lines 6 through 16, are selections of optional material;
- Page 149, lines 8 and 9 are selection of optional material; also the word "and" on line 7;
- Page 150, lines 1 and 2 are selection of optional material;
- Page 150, lines 17 through 22 are the selection of optional material;
- Page 155, lines 29 and 30 required material has been inserted;
- Page 168, at the end of line 26, optional material has been omitted;
- Page 200, lines 15 through 20 are the selection of optional material;
- Page 201, lines 19 through 27 are the selection of optional material;



- Page 207, line 21, the word "small" was deleted and the word "consumer" inserted therefor;
- Page 208, lines 11 and 12 are the insertion of material required by the official text to be inserted;
- Page 211, in line 23, the word "two" was changed to the word "one";
- Page 212, in line 10, "ten dollars (\$10)" was changed to "five dollars (\$5)";
- Page 213, between lines 23 and 24, three subsections of the official text have been deleted at the direction of the Legislative Council Judiciary Committee. This is perhaps the greatest change, but should be considered in connection with the change on page 218 between lines 20 and 21. Taken together, there may be little change.
- Page 214, lines 5, 6 and 7 are the selection of an alternative (alternative A was selected);
- Page 218 between lines 20 and 21 the official text has two subsections in this section. The second subsection was deleted to accord with the change made on page 213; also, the figure "(1)" in line 15 before the letter "A" was deleted for the same reason;
- On page 222, lines 25 through 30 have been changed at the direction of the Legislative Council Judiciary Committee;
- Page 226, lines 24 through 30, and on page 227, lines 1 through 6, are the selection of alternative material (the second alternative subsection (1) was chosen);
- Page 227, lines 14 through 17 are the selection of an alternative (original subsection (3) has been selected);
- Page 228, line 1, the words "and the name of the record owner thereof" have been inserted;
- Page 228, in the form appearing after line 15, the last line of Item 2 has been added; also the last line of item 3;
- Page 229, lines 3 through 7 have been added at the direction of the Legislative Council Judiciary Committee;
- Page 230, the complete sentence on lines 15 through 20 is material added at the direction of the Legislative Council Judiciary Committee.
- Page 230, in line 22, a blank has been filled with the words "fifty cents (50¢)";
- Page 230, in lines 28 and 29, the words "the filing officer's" have been added;
- Page 231, in lines 3, 6, 16 and 27-28, blanks have been filled in with dollar amounts;
- Page 232, in lines 11 and 24-25, blanks have been filled in with money amounts;
- Page 233, in lines 7, 8 and 11, dollar amounts have been filled in.