

House Judiciary Committee Meeting  
Wednesday Morning, March 3, 1965

The House Judiciary Committee met Wednesday Morning, March 3, 1965, in Room 523 at 8:45 A.M. with Chairman Jack Euler presiding. Twelve members were present. Members Amrein, Davis, Fatzer, Foster, Hill, Rogers, Turner and Van Cleave were absent. Representative Tillotson was excused.

Chairman Euler called the meeting to order.

Appearing before the committee in regard to House Bill No. 748, an act relating to crimes and punishments; amending existing K.S.A. 36-206, and repealing said existing section, were: Representative John Conard; Don Compton, Executive Secretary Kansas Motel and Motor Hotel Association, E. L. Franklin, Tops Motel; Robert D. Greene, Ramada Inn, Wichita; Frank Heyford, Manager Holiday Inns, Wichita and Jay L. Sellers, Kansas Restaurant Association. Representative Conard explained House Bill No. 748. He then introduced Mr. Heyford who gave the background concerning this bill. He stated that Oklahoma passed such an act in the 1963 session and they are using this same law. Mr. Gray asked if a \$50 valuation would have any affect on the bill. Mr. Heyford stated that this would help some, but would not completely solve the problem. Mr. Coldsnow asked what the rate of recovery is in the states which have enacted this law. Mr. Heyford replied that there has been a tremendous decrease and the industry in the states which have enacted this law are very enthusiastic with this legislation. Mr. Franklin then spoke representing the small operator. He said that they need something that will help them collect these smaller amounts in these cases which they are plagued with year round. Mr. Gray asked if there is a penalty set out in the law which licenses the hotels, motels, lodging facilities, etc. Mr. Greene said that there is not. Chairman Euler asked for any further questions. There were none.

Mr. Gray moved that House Bill No. 748 be amended on page 1, line 7 by striking the word "twenty" after the word "of" and inserting in lieu thereof the word "fifty" also in

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line 8 by striking the figure "20" after the dollar sign and before the close of the parenthesis and inserting in lieu thereof the figure "50"; also in line 14 by striking the words and figures "twenty dollars (\$20)" after the word "than" and before the word "any" and inserting in lieu thereof the words and figures "fifty dollars (\$50)". Mr. Barnhill seconded the motion. Chairman Euler asked for any discussion. There was none. Ten members of the committee were in favor of the motion and one opposed. The motion carried.

Mr. Coldsnow moved that House Bill No. 748 be recommended favorably for passage. Mr. Cram seconded. Chairman Euler asked for any further discussion. There was none. Four members of the committee were in favor of the motion and five opposed. The motion lost.

Mr. Griffith moved that House Bill No. 748 be adversely reported. Mr. Gray seconded. Chairman Euler asked for any discussion. There was none. Four members of the committee were in favor of the motion and five opposed. The motion lost.

Mr. Howard presented the following amendment to House Bill No. 690, an act relating to the probate code, providing for allowances to the surviving spouse and minor children, amending existing K.S.A. 59-403 and repealing said existing section: on page 1, by deleting all of lines 13, 14 and 15 and inserting in lieu thereof the following: "(2) A reasonable allowance of not less than seven hundred fifty dollars (\$750) nor more than three thousand five hundred dollars (\$3,500) in money or other personal property at its appraised value in full or part payment thereof, with the exact amount of such allowance to be determined and ordered by the court, after taking into account the condition of the estate of the decedent." Mr. Gray moved that the committee adopt the amendment to House Bill No. 690 as presented by Mr. Howard. Mr. Griffith seconded. Chairman Euler asked for any further discussion. There was none. The motion carried unanimously.

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Mr. Griffith moved that House Bill No. 690 be reported favorably for passage as amended. Mr. Gray seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Representative McCall explained House Bill No. 849, an act making it a felony for the failure of a person to appear in court after promising in writing so to do immediately following his arrest for an alleged violation of a Kansas motor vehicle or traffic statute, and prescribing penalties for violations. He related the background of the bill. Mr. Woodworth asked Mr. McCall if the probate judge who suggested this bill is a lawyer. Mr. McCall said that he is not. Mr. Barnhill pointed out that a felony requires imprisonment in the state penitentiary for a period of one year so that the bill as drawn would not accomplish the purpose. There was some discussion by the members of the committee in this regard. Mr. Woodworth moved that House Bill No. 849 be reported adversely. Mr. Roberts seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Cram moved that House Bill No. 593, an act relating to the recordation of deeds and other instruments conveying land, prohibiting the recording of such deeds or instruments unless the county treasurer of the county wherein the land conveyed is situated shall certify that all taxes due on the lands have been paid, be reported adversely. Mr. Gray seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Gray moved that House Bill No. 877, an act relating to certain actions against the state involving real property; amending existing K.S.A. 75-417 and repealing said existing section, be recommended favorably for passage. Mr. Wilcox seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

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Chairman Euler presented the following amendment to House Bill No. 857, an act to amend and supplement the probate code, authorizing an executor or an administrator with the will annexed to sell real property and personal property without an order of the probate court in certain cases, prescribing certain procedures, limitations and requirements for such sales of real estate and defining the title to be conveyed by such sales of real estate, providing for the transferral of certain liens and claims, amending existing K.S.A. 59-1413 and repealing said existing section: on page 1, line 17 by striking the word "and" after the word "decedent" and before the word "of" and inserting in lieu thereof a comma; also on page 1, line 17 by inserting the following: "and of the heirs, devisees and legatees of the decedent;" after the word "decedent" and before the words "and any". Mr. Griffith moved that the committee adopt the amendment to House Bill No. 857 as presented by Mr. Euler. Mr. Sargent seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Griffith moved that House Bill No. 857 be reported favorably for passage as amended. Mr. Gray seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Barnhill explained House Bill No. 756, an act concerning the code of civil procedure, amending existing K.S.A. 60-1605 and repealing said existing section. He stated that the bar association and the district court has asked that this be passed. Mr. Wilcox moved that House Bill No. 756 be reported favorably for passage. Mr. Gray seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Barnhill gave the background to and explained House Bill No. 757, an act relating to crimes and punishments; making it unlawful for any person to take, carry away and use any horse or other domestic animal or any automobile or other vehicle or

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conveyance or other personal property of any kind, with intent to deprive the owner of the temporary use thereof; providing penalties for violations of the act; amending existing K.S.A. 21-544 and repealing said existing section. Mr. Griffith moved that House Bill No. 757 be tabled. Mr. Roberts seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

The meeting adjourned at 10:00 A.M. The committee will meet again at 3:00 P.M. Wednesday afternoon, March 3, 1965 in Room 523 at which time they will resume their consideration of the Act for Obtaining "Care or Treatment" for a "Mentally Ill Person" and the Act for Obtaining a "Guardian" or "Conservator," or Both.

Respectfully submitted,  
Jack R. Euler  
Chairman

Minutes approved:

*Jack R. Euler*

Name	Address	Representing	Hotel
A. M. Compton	5902 Oakwood Wichita	Exec. Sec. Kansas Motel Mgrs.	
<del>W. J. Glass</del>	Topeka	Exec. Sec. Top Motel	
E. L. Franklin	2110 N. Topeka	TOPS MOTEL	
Robert N. Greene	8300 E. Kellogg - Wichita (Kamada Inn)		
Frank Heyford	Mgr. Holiday Inn, Wichita		