

House Judiciary Committee Meeting
Thursday, March 11, 1965

The House Judiciary Committee met Thursday, March 11, 1965, in Room 523 at 8:45 A.M. with Chairman Jack R. Euler presiding. Seventeen members were present. Members Barnhill, Cram, Davis and Hill were absent.

Chairman Euler called the meeting to order.

Representative Heath presented the committee with a copy of a resolution endorsing legislation which would establish a magistrate court in Saline County, Kansas. He stated that Representative Brown of Reno had agreed to amend House Bill No. 665 to 46,000 which would include Saline County. Chairman Euler appointed a subcommittee consisting of members Woodworth, Turner and Griffith to work on House Bill No. 665.

Chairman Euler appointed a subcommittee consisting of members Foster, Rogers and Roberts to work on House Bill No. 776.

Mr. Rogers moved that House Bill No. 812, an act relating to lotteries; and defining the word "consideration"; amending existing K.S.A. 21-1506 and repealing said existing section, be reported favorably for passage. Mr. Griffith seconded. There was some discussion by the members of the committee in regard to the constitutionality of this bill. Thirteen members of the committee were in favor of the motion and two opposed. The motion carried.

Mr. Gray moved that House Bill No. 842, an act relating to fees of registers of deeds and prescribing certain duties in connection therewith; amending existing K.S.A. 28-115 and repealing said existing section, be reported adversely. Mr. Foster seconded. Chairman Euler asked for any discussion. There was none. Fourteen members of the committee were in favor of the motion and one opposed. The motion carried.

Mr. Howard explained House Bill No. 851, an act relating to estates of certain decedents, supplementing the Kansas probate code, providing for the dispensing with administration in certain cases, and authorizing the probate court to refuse

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letters of administration in such cases. Chairman Euler appointed a subcommittee in regard to House Bill No. 851 consisting of members Gray, Howard and Sargent.

Will J. Miller, Jr., Security Benefit Life Insurance Company, appeared before the committee in regard to House Bill No. 905, an act relating to obtaining a "guardian" or "conservator," as therein defined, or both, for the person or estate of an "incapacitated person" or "minor" as therein defined, and certain adults; and repealing existing K.S.A. 59-1801 to 59-1813, both inclusive, and 59-2257 to 59-2270, both inclusive. He presented the committee with copies of their suggested amendment to House Bill No. 905 which would provide specific authority for a guardian to purchase life insurance, health insurance and annuities. A copy of this proposal is attached.

Representative Strowig appeared before the committee in connection with a problem which his county will have since the jurisdiction of the justices of the peace has been reduced. They will need some other type of court to handle traffic cases. There was a great deal of discussion in regard to this problem, which is a problem in some other counties too. Chairman Euler appointed a subcommittee consisting of members Wilcox, Howard and Turner to work on this.

The committee then considered House Bill No. 572, an act relating to the sale of municipal bonds to the state school fund commission and to other purchasers, amending existing K.S.A. 10-106, and repealing said existing section. Mr. Bell stated that this bill will not help any abuses that you have now. There was some discussion by the committee in this regard. Mr. Griffith explained one method used by one community. Mr. Tillotson then told of an actual case showing an abuse of these bonds. He said that this is not an isolated case. It was agreed by the committee that there should be some way to stop these abuses, but some members thought this would not be the way. Mr. Tillotson moved that

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House Bill No. 572 be amended as follows: on page 1, line 16, by striking the word "once" and by striking all of lines 17, 18, 19, 20 and all of line 21 before the colon, and by inserting in lieu thereof the following: "of such sale one time in some newspaper having general circulation in the county where said bonds are issued, and in the official state paper. Said notice shall be published not less than ten (10) days nor more than thirty (30) days before such sale and shall contain the following information: (a) The date, time and place at which a public auction will be held or at which written sealed bids will be received and considered for the sale of such bonds for cash at not less than par and accrued interest; (b) the date of issue, total par value and denomination of the bonds being sold; (c) the dates and amounts of the maturities of such bond issue; (d) the dates on which interest on such bonds shall become due and payable; (e) the place or places where and the approximate date on which the bonds being sold will be delivered to the purchaser; (f) a statement that a good faith deposit in the form of a certified or cashier's check in the amount of two percent (2%) of the total par value of the bonds being sold shall accompany each bid or in the case of public sale at auction the same shall be furnished by each bidder; (g) a statement disclosing whether or not the purchaser of the bonds will be required to pay for the printing thereof and whether or not and to what extent the purchaser of the bonds will be required to pay the expense of legal services rendered to the municipality in connection with the issuance of the bonds including the fees of recognized bond counsel for an opinion as to legality of issuance; (h) the assessed valuation of the municipality; and (i) the total bonded indebtedness of the municipality as of the date on which the bonds being sold are dated including the bonds submitted for bid"; on page 2, in line 7, by striking the word "Purchasers" and inserting in lieu thereof the following: "If sold at public sale with sealed bids, purchasers"; also in line 12, after the period after the word "bonds" by inserting the following: "Sealed bids shall be opened publicly

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and only at the time and place specified in the notice."; also in line 12, by striking all after the word "specified"; also in line 13, by striking all before the word "sold" and by inserting in lieu thereof the following: "the bonds shall be"; also in line 14, by striking all after the word "bidders" where it last occurs and by inserting in lieu thereof the following: "however,". Mr. Gray seconded. Chairman Euler asked for any further discussion. There was none. Thirteen members were in favor of the motion and three opposed. The motion carried.

Mr. Turner moved that House Bill No. 572 be further amended on page 2, line 21, by inserting after the word "to" and before the word "bond" the following: "bonds secured solely and only by revenues and". Mr. Griffith seconded. Chairman Euler asked for any further discussion. There was none. Twelve members of the committee were in favor of the motion and four opposed. The motion carried.

Mr. Turner moved that House Bill No. 572 be further amended on page 2, line 22, by striking the words and figures "fifty thousand dollars (\$50,000)" and inserting in lieu thereof the words and figures "two hundred thousand dollars (\$200,000)". Mr. Rogers seconded. Chairman Euler asked for any discussion. There was none. Six members were in favor of the motion and ten opposed. The motion failed.

Mr. Griffith moved that House Bill No. 572 be further amended on page 2, line 24, by striking all after the period after the word "determine" and by striking all of line 25. Mr. Rogers seconded. Chairman Euler asked for any discussion. There was none. Six members were in favor of the motion and ten opposed. The motion failed.

Mr. Turner moved that House Bill No. 572 be further amended on page 2, line 22, by striking the words and figures "fifty thousand dollars (\$50,000)" and inserting in lieu

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thereof the words and figures "one hundred thousand dollars (\$100,000)". Mr. Rogers seconded. Chairman Euler asked for any discussion. There was none. Seven members were in favor of the motion and nine opposed. The motion failed.

Mr. Bell moved that House Bill No. 572 be further amended on page 2, line 25, by inserting after the word "issue" and before the word "for" the following: "within a twelve (12) month period". Mr. Rogers seconded. Chairman Euler asked for any discussion. There was none. Thirteen members were in favor of the motion and three opposed. The motion carried.

Mr. Tillotson moved that House Bill No. 572 be reported favorably for passage as amended. Mr. Gray seconded. Chairman Euler asked for any further discussion. There was none. Ten members were in favor of the motion and five opposed. The motion carried.

The meeting adjourned at 10:00 A.M.

Respectfully submitted,
Jack R. Euler
Chairman

Minutes approved:



RESOLUTION NO. 2814

A RESOLUTION ENDORSING LEGISLATION WHICH WOULD ESTABLISH A
MAGISTRATE COURT IN SALINE COUNTY, KANSAS.

WHEREAS the City of Salina, Kansas, has heretofore estab-
lished The City Court of Salina, Kansas, which has jurisdiction
over the entire County of Saline, Kansas; and,

WHEREAS proposed legislation is pending before the 1965
Kansas Legislature which would authorize the establishment of a
Magistrate Court in certain counties in the state which now have
city courts; and,

WHEREAS it is deemed that a Magistrate Court as provided
for in House Bill Number 665 would be in the best interests of
the citizens of the City of Salina and Saline County, Kansas.

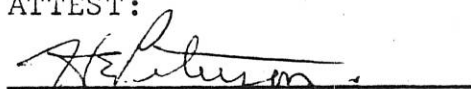
NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF
THE CITY OF SALINA, KANSAS:

Section 1. That the governing body hereby requests that
House Bill Number 665 providing for the establishment of a
Magistrate Court in certain counties of this State be amended so
as to include Salina, County Kansas; and that the 1965 Legislature
of the State of Kansas adopt House Bill Number 665 or other
similar legislation which would enable the establishment of a
Magistrate Court in Saline County, Kansas.


Section 2. That the Mayor, City Manager, and the City
Attorney are hereby authorized and instructed to communicate this
resolution and the intent and purposes expressed herein to the
members of the Kansas Legislature and in any other manner to
encourage the amendment as provided herein and the final adoption
of such legislation.

Adopted this 8th day of March 1965.

ATTEST:



City Clerk



Mayor

Re: House Bill 905

This proposal concerns K.S.A. 59-1804 which sets forth powers and duties of a guardian.

In our present economy there are numerous situations where personal insurance may be beneficial to a ward or his estate, such as:

- (a) Protection of parents
- (b) Protection of dependents
- (c) Protection of self
- (d) Estate Tax needs

At present the Kansas law does not give the guardian authority as to the purchase of such personal insurance. Because of this there is a definite question as to whether a guardian has such powers to purchase personal insurance.

At present at least 25 states grant authority to guardians to invest in life insurance.

It is requested that the committee consider the amending of House Bill 905 to provide specific authority for a guardian to purchase:

Life Insurance
Health Insurance
Annuities

There, of course, is the present safeguard in the statute which states, "A guardian shall be subject to the control and direction of the court at all times and in all things."

Suggested wording:

- (H) In contracts for annuities or for life, health or accident insurance on the person of the ward, or of another in whom the ward has an insurable interest, or a combination of any such contracts, provided such contract be payable to the ward or to his estate, be in the usual form and be issued by an insurance company authorized to do business in the state of Kansas. Any such contract shall reserve the right in the ward to change the beneficiary thereof after termination of his disability or incompetency.

Change present (H) to (I).

Will J. Miller, Jr.
Security Benefit Life Insurance Company
March 11, 1965