

House Judiciary Committee Meeting
Wednesday, March 17, 1965

The House Judiciary Committee met Wednesday, March 17, 1965, in Room 523 at 8:45 A.M. with Chairman Jack R. Euler presiding. Seventeen members were present. Members Davis, Fatzer and Hill were absent. Representative Tillotson was excused.

Chairman Euler called the meeting to order.

Mr. Griffith moved that the committee introduce as committee bills, any bills approved by the chairman and that these bills be referred back to the committee for further consideration. Mr. Barnhill seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Woodworth moved that Senate Bill No. 268, an act concerning the establishment of judicial departments within the state for certain courts and providing procedures, powers and duties of certain judicial officers, and repealing existing K.S.A. 20-311a, 20-311b and 20-311c, be reported favorably for passage. Mr. Howard seconded. There was a great deal of discussion in this regard. Mr. Howard made a substitute motion that Senate Bill No. 268 be passed over at this time. Mr. Woodworth seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Woodworth reported for the subcommittee concerning House Bill No. 545, an act concerning operation of motor vehicles; providing certain acts to be unlawful and prescribing penalties therefor; providing when certain motor vehicles shall become contraband and subject to forfeiture; providing how such motor vehicles shall be disposed of; imposing certain obligations on certain owners and lienors of such motor vehicles; amending existing K.S.A. 8-262 and repealing said existing section. It was the unanimous feeling of the subcommittee that this bill could not be used as a vehicle for a bill in regard to city police courts and that House Bill No. 545 be killed entirely. Mr. Woodworth moved that House Bill No. 545

be reported adversely. Mr. Griffith seconded. Mr. Coldsnow made a substitute motion to table House Bill No. 545. Mr. Griffith seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Woodworth then gave the majority report of the subcommittee concerning House Bill No. 665, an act providing for the establishment of magistrate courts in certain counties and providing for the abolishment of the existing city courts in such counties; prescribing the powers, duties, authority, jurisdiction and procedure of such courts; providing for proceedings in connection therewith; making certain acts unlawful and prescribing penalties for violations. It was the majority's recommendation to amend House Bill No. 665 as follows: on page 1, line 3 by striking the words and figures "fifty-five thousand (55,000)" and by inserting in lieu thereof the words and figures "forty thousand (40,000)"; in line 4 by inserting before the period after the figures "(100,000)" the words and figures "and having an assessed tangible property valuation of more than eighty-five million dollars (\$85,000,000) and less than one hundred eighty-five million dollars (\$185,000,000)"; also on page 2, line 9 by striking the words and figures "fifty-five thousand (55,000)" and by inserting in lieu thereof the words and figures "forty thousand (40,000)"; also in line 10 by inserting before the comma after the figures "(100,000)" the words and figures "and having an assessed tangible property valuation of more than eighty-five million dollars (\$85,000,000) and less than one hundred eighty-five million dollars (\$185,000,000)"; also on page 2, line 16, by striking the words "on a nonpartisan ballot"; also on pages 2 and 3 by striking all of sections 4, 5, 6 and 7; also on page 3, line 23, by inserting before the comma after the figures "\$10,000)" the words "to be fixed by the board of county commissioners"; also on pages 10 and 11 by striking all of section 22.

Mr. Griffith then presented the minority subcommittee report. He said he didn't see why the nonpartisan provision should be eliminated. Mr. Turner stated that the least feasible of all these nonpartisan suggestions is simply to

House Judiciary Committee Meeting
Wednesday, March 17, 1965
Page 3

strike the party name from the ballot. If you strike the party's name, you no longer have the party's responsibility. Mr. Howard suggested that they could come under the magistrate court of Johnson County. Mr. Woodworth pointed out that the sponsors wanted the marshall etc. Mr. Coldsnow suggested they could still come under this magistrate court and they would be able to use the court of common pleas.

Mr. Griffith moved that the committee adopt the majority subcommittee report. Mr. Turner seconded. Chairman Euler asked for any discussion. Mr. Coldsnow moved the committee amend the majority subcommittee report on House Bill No. 665 by striking the words "county commissioners" page 2, line 6, and by inserting in lieu thereof the word "governor"; also on page 2, line 25 by striking all after the word "by" and by striking all of line 26 and by inserting in lieu thereof the words "the governor."; also on page 12, line 18, by striking the words "county commissioners" and inserting in lieu thereof the word "governor". Mr. Bell seconded. Chairman Euler asked for any discussion. There was none. Fifteen members were in favor of the motion and two opposed. The motion carried.

Mr. Bell explained House Bill No. 856, an act authorizing and relating to professional corporations and prohibiting certain activities. He suggested that House Bill No. 856 be amended as follows: on page 1, line 14, by inserting a new number (4) as follows: "(4) A chiropractor;" and by renumbering the original numbers "(4) (5) (6) (7) (8) (9)" as "(5) (6) (7) (8) (9) (10)" respectively; also on page 1, line 20, by striking "(10)" at the beginning of the line and inserting in lieu thereof "(c)"; also on page 2, line 1, by striking "(c)" at the beginning of the line and inserting in lieu thereof "(d)"; also on page 1, line 19, by striking the semicolon after the word "veterinarian" and inserting in lieu thereof a period; also on page 4, line 19,

House Judiciary Committee Meeting
Wednesday, March 17, 1965
Page 4

by inserting after the period after the word "void" the following: "Every certificate of stock issued by a professional corporation shall contain substantially the following provision: 'The ownership and transfer of this stock and the rights and obligations of stockholders are subject to the limitations and provisions of The Professional Corporation Law of Kansas.'"; also on page 7, line 19, by striking the comma after the word "shall" and before the word "subject" and inserting in lieu thereof the word "be".

Mr. Coldsnow moved that the committee adopt the amendments to House Bill No. 856 as presented by Mr. Bell. Mr. Bell seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Coldsnow moved that House Bill No. 856 be reported favorably for passage as amended. Mr. Bell seconded. Chairman Euler asked for any discussion. Mr. Griffith said he is opposed to legislation of this type. Fifteen members of the committee were in favor of the motion and one opposed. The motion carried.

Mr. Coldsnow moved that House Bill No. 912, an act relating to foreign corporations; pertaining to application to engage in business in this state and to service of process; amending existing K.S.A. 17-501 and repealing said existing section, be amended as follows: on page 1, line 10, by inserting a period at the end of the line after the word "incorporated"; also on page 1, by striking all of lines 11 through 18, inclusive; also on page 2, by inserting between lines 11 and 12 the following: "(9) Any express grant of special authority to or any restrictions upon the board of directors to manage the affairs of the corporation.". Mr. Turner seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Coldsnow moved that House Bill No. 912 be amended further as follows: on page 2, line 30, by striking the words "official state paper" and inserting in lieu thereof

House Judiciary Committee Meeting
Wednesday, March 17, 1965
Page 5

"statute book". Mr. Bell seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Coldsnow moved that House Bill No. 912 be reported favorably for passage as amended. Mr. Bell seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Coldsnow moved that the agenda be advanced to Senate Bill No. 4. Mr. Barnhill seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Coldsnow moved that Senate Bill No. 4, an act providing for the uniform commercial code, be reported adversely. Mr. Barnhill seconded. There was some comment in this regard by the chairman. The members called for the question. Fifteen members of the committee were in favor of the motion and members Cram and Gray were opposed. The motion carried.

Mr. Barnhill moved for the reconsideration of Senate Bill No. 4. Mr. Van Cleave seconded. Chairman Euler asked for any discussion. There was none. Mr. Barnhill withdrew his motion.

Mr. Turner moved for the reconsideration of Senate Bill No. 4. Mr. Van Cleave seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Chairman Euler explained and referred to a letter from F. Jackson George, State Director, United States Department of Agriculture, in regard to House Bill No. 918, an act relating to rural water districts in certain counties; incorporation; attachment of additional territory; new boundaries; procedural provisions; amending existing K.S.A. 82a-614,

House Judiciary Committee Meeting
Wednesday, March 17, 1965
Page 6

82a-615, 82a-616, 82a-617, 82a-621, 82a-622, 82a-623 and 82a-624 and repealing said existing sections. The explanation of the purpose of each revision of the Rural Water District Act was read by Barry Bennington. A copy of this letter is attached. Mr. Griffith moved that House Bill No. 918 be reported favorably for passage. Mr. Gray seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

The meeting adjourned at 10:00 A.M.

Respectfully submitted,
Jack R. Euler
Chairman

Minutes approved:



UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

430 New England Building
Topeka, Kansas 66603

See HB 651 Inter

March 8, 1965

Hon. John D. Bower
Representative, Jefferson County
Member, Water Resources Committee
State Capitol
Topeka, Kansas

Dear Mr. Bower:

These proposed revisions of the Rural Water District Act are submitted for your consideration for adoption at this session of the Legislature.

The purpose of each revision is explained as follows:

82a-614. 82a-614 is being revised to pattern this law after the Watershed District Law by specifying the number of all landowners in the district be determined by an enumeration taken from the county real estate tax rolls and minor editorial changes. See draft.

82a-615. 82a-615 is being revised to provide for the notice of hearing to also set the time and place of landowners meeting or meetings to elect a board of directors and to adopt by-laws. This revision also specifies giving notice by mail instead of registered or certified mail to the petitioners along with the published notice to landowners and all concerned. See draft.

82a-616. 82a-616 is revised only to refer to 82a-615 for commissioners determination as to notice, which is changed slightly, rather than to repeat what is said in 82a-615. See draft.

82a-617. 82a-617 revised only to refer to changes made in previous sections of the law. See draft.

82a-621. 82a-621 revised to permit the sale of water to certain groups or corporations and not restricting this to those organized in Kansas. This will permit the sale of water to adjacent groups which may be just across a state line outside of Kansas. There have already been groups just across the state line in Bourbon, Crawford, and Cowley Counties who would like to buy water from a Kansas Rural Water District and which the district can economically serve. See draft.

82a-622. 82-622 revised to provide additional lands may be attached to a district by the same petitioning process as for initial petitioning. This just up dates this section of the Act. See draft.

82a-623. 82a-623 revised to provide for use of regular mail instead of registered or certified mail. See draft.

82a-624. 82a-624 revised to clarify county commissioners description of boundaries of additional lands attached to a district. See draft.

These revisions are improvements to be made resulting from the experience of local organizing committees, local attorneys, FIA personnel and the USDA Regional Attorney.

Your assistance in this matter will be appreciated by rural families needing water and by the attorneys and FIA personnel working with Rural Water Districts.

Yours very truly,



F. Jackson George
State Director