

House Judiciary Committee Meeting  
Monday, April 5, 1965

The House Judiciary Committee met Monday, April 5, 1965, in Room 523 at 3:00 P.M. with Chairman Jack R. Euler presiding. Nineteen members were present. Members Davis and Hill were absent.

Chairman Euler called the meeting to order.

Mr. Van Cleave moved that Senate Bill No. 137, an act relating to the board of paroles in certain counties and concerning the appointment and compensation of parole officers, amending existing K.S.A. 20-614a, 20-617, 20-2301 and 20-2305, and repealing said existing sections, be amended on page 2, line 30, by striking the word "six" and inserting in lieu thereof the word "nine"; also in said line 30 by striking the figures "\$3,600" and inserting in lieu thereof the figures "\$3,900". Mr. Barnhill seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Foster moved that Senate Bill No. 137 be further amended on page 3, line 1, by striking all after the word "than"; also on page 3, by striking all of line 2 and all of line 3 before the word "In" and inserting in lieu thereof the following: "two hundred fifty thousand (250,000) the bailiff shall receive a salary of five thousand nine hundred dollars (\$5,900) per annum payable in equal monthly installments by the county." Mr. Coldsnow seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Foster moved that Senate Bill No. 137 as amended be recommended favorably for passage. Mr. Amrein seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Foster moved that House Bill No. 1034, an act relating to salaries of the county attorney, deputies, stenographic and clerical hire in certain counties; amending existing K.S.A. 28-604 and repealing said existing section, be amended as per the subcommittee's report, a copy of which is attached. Mr. Coldsnow seconded. Chairman Euler asked for any discussion. There was

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none. The motion carried unanimously.

Mr. Foster moved that House Bill No. 1034 as amended be reported favorably for passage. Mr. Coldsnow seconded. The motion was withdrawn.

Mr. Foster moved that Senate Bill No. 207, an act concerning the court of common pleas in counties having a population of not less than two hundred and twenty thousand (220,000); relating to pleadings to be taken as true, issuance and service of process, issuance of garnishment on judgment, residence qualifications of clerk and marshal, qualifications, oath and compensation of judge pro tem, practice of law by officers of the court, oaths of judges, clerk and marshal, contempt powers, fees and compensation of judges and certain employees of such court, amending existing K.S.A. 20-2003, 20-2005, 20-2006, 20-2011, 20-2012, 20-2013, 20-2014b, 20-2014d, 20-2015 and 20-2018 and repealing said existing sections, and also repealing existing K.S.A. 20-2004 and 20-2014c, be recommended favorably for passage. Mr. Howard seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Wilcox explained the proposed amendments to Senate Bill No. 4, an act providing for the uniform commercial code; relating to certain commercial transactions in or regarding property and contracts and other documents concerning them, including sales, commercial paper, bank deposits and collections, letters of credit bulk transfers, warehouse receipts, bills of lading, other documents of title, investment securities, and secured transactions, including certain sales of accounts, chattel paper, and contract rights; providing for public notice to third parties in certain circumstances; regulating procedure, evidence and damages in certain court actions involving such transactions, contracts or documents; to make uniform the law with respect thereto.

Mr. Wilcox moved that the committee adopt the proposed amendments to Senate Bill No. 4 as presented by him, a copy of which is attached. Mr. Rogers seconded. Chairman Euler asked for any further discussion. There was none. Fifteen members were in favor of the motion and one opposed. The motion carried.

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Mr. Rogers moved that Senate Bill No. 4 as amended be reported favorably for passage. Mr. Cram seconded. Chairman Euler asked for any discussion. There was none. Nine members were in favor of the motion and five opposed. The motion carried.

Mr. Foster moved that House Bill No. 1034 as amended be reported favorably for passage. Mr. Sargent seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Howard moved that Senate Bill No. 5, an act concerning railroad and public utility corporations; prescribing requirements for recording and filing of certain mortgages and security interests; concerning property; imposing certain duties upon registers of deeds and the secretary of state; fixing certain fees; and repealing existing K.S.A. 66-1206, 66-1207, and 66-1208, be recommended favorably for passage. Mr. Foster seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Stevenson, attorney for the Motor Vehicle Department; Col. Rush, highway patrolman and Maj. Marten, highway patrolman, were present concerning Senate Bill No. 57, an act relating to traffic on highways and pertaining to arrests for serious offenses, and providing for making of arrests by peace and police officers and officers and troopers of the state highway patrol; amending existing K.S.A. 8-5,130 and 74-20a03 and repealing said existing sections. Col. Rush explained the present law in this regard. Presently this has to be accomplished in a round about way. Mr. Woodworth read K.S.A. 8-1001 and suggested that they are already covered under this statute. Mr. Barnhill explained the difficulty they have in regard to this in his county. They want authority to arrest on the spot.

Mr. Turner moved that Senate Bill No. 301, an act relating to the allowance, classification and payment of demands against estates; amending existing K.S.A. 59-1301 and repealing said original section, be reported adversely. Mr. Rogers seconded. Mr. Gray made a substitute motion to table Senate Bill No. 301. Mr. Cram seconded. Chairman Euler asked for any discussion.

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There was none. The substitute motion carried unanimously.

Mr. Gray moved that Senate Bill No. 105, an act relating to probate courts and pertaining to the powers and duties of guardians; amending existing K.S.A. 59-1804 and repealing said existing section, be tabled. Mr. Cram seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Coldsnow moved that the meeting be adjourned. The motion was withdrawn.

Mr. Howard moved that Senate Bill No. 358, an act relating to the Kansas Statutes Annotated, prescribing certain powers and duties with respect to compiling, annotating, indexing, printing, binding, sale and distribution of the uniform commercial code, be reported favorably for passage. Mr. Woodworth seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Wilcox reported on Senate Bill No. 356, an act concerning crimes and penalties for violation thereof; relating to commercial transactions; and repealing existing K.S.A. 58-103, 58-315b, 58-316, 58-317, 58-318, 58-809, 58-810, and 82-150 to 82-155, both inclusive. He recommended that Senate Bill No. 356 be amended by inserting two new sections to read as follows:

"Section 3. Any secured party named in a security agreement, not being at that time the owner and holder of the debt secured by such security agreement, who shall execute a release or provide a termination statement or statement of release of such security agreement, with the intent to defraud the secured party, shall be deemed guilty of a felony and upon conviction thereof be punished by confinement in the penitentiary for not less than one (1) year nor more than five (5) years.

"Section 4. The offense specified in section 3 of this act may be prosecuted in any county in this state in which the said release or statement of release or termination statement is executed, filed, or delivered to any person with the intent

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that it be filed."

And that sections 3 to 11 be renumbered as sections 5 to 13 respectively.

Mr. Wilcox moved that the committee adopt the proposed amendments to Senate Bill No. 356 as presented by him. Mr. Roberts seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Wilcox moved that the committee recommend Senate Bill No. 356 as amended favorably for passage. Mr. Roberts seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

The meeting adjourned at 4:30 P.M.

Respectfully submitted,  
Jack R. Euler  
Chairman

Minutes approved:





is hereby amended to read as follows: 19-701. A county attorney shall be elected in each county organized for judicial purposes, who shall hold his office for a term of two (2) years, except as herein otherwise provided, who shall, before he enters upon the duties of his office, execute a good and sufficient corporate surety bond to the state of Kansas issued by a company authorized to do business in this state in a sum of not less than two thousand dollars (\$2,000), to be fixed by the board of county commissioners, which bond shall be conditioned for the faithful performance of his duties as such officer, and that he will pay over to the county treasurer, in the manner prescribed by law, all moneys which shall come into his hands by virtue of his office; and he shall deposit such bond in the office of the county clerk: Provided, No person shall be eligible for the nomination or election to the office of county attorney of any county unless such person shall have been regularly admitted to practice law within the state of Kansas, and is at the time of his nomination and election a regularly qualified practicing attorney under said laws. In counties having a population of more than three hundred thousand (300,000) the county attorney shall be elected, commencing with the general election in 1966, and shall hold his office for a term of four (4) years. "

And by renumbering original sections 2 and 3 as sections 3 and 4, respectively;

In line 20, by striking the word "is" and inserting in lieu thereof the following: "and 19-701, as amended by section 3 of House Bill No. 1059 of the 1965 regular session of the legislature, are";

In line 1 of the title by inserting after the word "salaries" the following: ", election, terms, and bonds"; also in line 1 by striking the words "the county attorney" and inserting in lieu thereof the words "county attorneys"; in line 3, by inserting after the figures "28-604" the following: "and 19-701, as amended by section 3 of House Bill No. 1059 of the 1965 regular session of the legislature"; also in line 3 by striking the word "section" and inserting in lieu thereof the word "sections";

And that the bill be passed as amended.

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Chairman.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your committee on            Judiciary

Recommends that            SB 4 (Printed for the House)

"AN ACT providing for the uniform commercial code; relating to certain commercial transactions in or regarding property and contracts and other documents concerning them, including sales, commercial paper, bank deposits and collections, letters of credit, bulk transfers, warehouse receipts, bills of lading, other documents of title, investment securities, and secured transactions, including certain sales of accounts, chattel paper, and contract rights; providing for public notice to third parties in certain circumstances; regulating procedure, evidence and damages in certain court actions involving such transactions, contracts or documents; to make uniform the law with respect thereto; amending existing K. S. A. 8-135, 8-143a, 9-1207, 28-115, 33-103, 34-431, 52-717, 55-214, 58-202, 58-203, 58-204, 58-205, 58-218, 58-220, 58-312, 79-2606 and 82-161 and repealing said existing sections; and also repealing existing K. S. A. 9-1202, 9-1203, 9-1208 to 9-1212, both inclusive, 17-4801 to 17-4822, both inclusive, 52-101 to 52-716, both inclusive, 52-718 to 52-1706, both inclusive, 58-101, 58-102, 58-104, 58-301 to 58-311, both inclusive, 58-313 to 58-315a, both inclusive, 58-322 to 58-324, both inclusive, 58-801 to 58-808, both inclusive, 58-811, 58-812, 60-708, 82-101 to 82-149, both inclusive, and 82-156 to 82-160, both inclusive."

Be amended:

On page 230, in line 19, by inserting after the word "if" the following: "the legal description is";

On page 238, in line 18, by striking the word "thirty" and inserting in lieu thereof the word "fifteen"; also in line 19 by striking the word "thirty" and inserting in lieu thereof the word "fifteen";

On page 248, in line 9, by inserting before the word "security" the words "lien or";

On page 253, in line 26, by inserting before the word "security" the words "lien or";

On page 254, in line 2, by inserting after the word "security" the word "interest"; also in line 4, by inserting before the word "security" the words "lien or";

On page 255, in line 26, by striking the figures "417" and inserting in lieu thereof the figures "419";

And that the bill be passed as amended.

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Chairman.