

House Judiciary Committee Meeting  
Thursday, April 8, 1965

The House Judiciary Committee met Thursday, April 8, 1965, in Room 523 at 5:45 P.M. with Chairman Jack R. Euler presiding. Nineteen members were present. Members Hill and Van Cleave were absent.

Chairman Euler called the meeting to order.

L. A. Billings, Superintendent of Motor Vehicle Department, was present concerning Senate Bill No. 374, an act relating to certain crimes and offenses arising out of the operation of vehicles upon roads, streets and highways, to provide for a uniform notice to appear to be designed, provided and used, to provide that such uniform notice to appear in certain cases shall constitute a lawful complaint in certain prosecutions; to provide certain procedures in connection therewith and declaring the act to be a part of the uniform act regulating traffic on highways. He explained how the process presently works. He then explained how the process would work under the proposed law. He pointed out that a provision was made to permit the utilization of their supply of present forms by the effective date of January 1, 1966.

Charles Hamm, attorney for the Department of Social Welfare, was present concerning Senate Bill No. 35, an act relating to probate court procedure; providing taxation of court costs and the manner of payment; amending existing K.S.A. 59-2214, and repealing said existing section. He explained that this bill permits the probate court to require cost deposit of \$25 in any instance where it deems it necessary and the Social Welfare thinks this would be a burden on the state. Mr. Hamm spoke briefly giving statistics concerning the number of proceedings which his department initiates each year. Money would have to be appropriated accordingly. The department is not exempt under the code of civil procedure and the attorney general urged him to appear concerning this matter.

Mr. Barnhill moved that a floor amendment be offered to Senate Bill No. 35 excluding the state or any state agency.

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Mr. Tillotson seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Coldsnow reported for the subcommittee in regard to Senate Bill No. 184, an act to amend the code of civil procedure, pertaining to the redemption of real property sold under execution, special execution, or order of sale, prescribing the period of redemption from certain sales of urban real property under foreclosure, amending existing K.S.A. 60-2414 and repealing said existing section. The subcommittee recommended that Senate Bill No. 184 be amended as follows: on page 6, line 31, by striking the word and figure "six (6)" and inserting in lieu thereof the word and figure "twelve (12)"; on page 7, line 12, by striking all after the word "the"; by striking all of lines 13 to 22, inclusive, and inserting in lieu thereof the following: "lien was a purchase money lien as provided in subsection (1) (q) of this section then the period of redemption shall be subject to the provisions and limitations of subsection (1)"; in line 26, by inserting after the comma after the word "mortgagor" the following: "and the subsequent owner, if not a corporation, has failed to assume and to agree to pay any existing mortgage indebtedness by the terms of the instrument conveying title,"; in line 28, by inserting after the word "owner" the following: ", in excess of any mortgage indebtedness,"; in line 29, by inserting after the word "rate" the following: ", but in no event shall said redemption period exceed that as provided in other provisions of this section. If the defendant owner is a corporation the provisions of this proviso shall apply irrespective of whether the instrument conveying title provided that the grantee assume and agree to pay any existing mortgage indebtedness or provided that the conveyance was only subject to any existing mortgage indebtedness".

Chairman Euler asked if the subcommittee is in unanimous agreement in regard to the proposed amendments. Mr. Coldsnow stated that they were.

Mr. Griffith stated that he sees no reason to reduce the eighteen month period of redemption. Mr. Coldsnow gave the statistics concerning the states having shorter or equal redemption periods. There was a great deal of discussion by the members of the committee regarding this bill.

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Mr. Coldsnow moved that Senate Bill No. 184 be amended as per the subcommittee's report. Mr. Amrein seconded. Chairman Euler asked for any discussion. Mr. Griffith moved to amend the proposed amendments by inserting eighteen months in lieu of twelve months. Mr. Howard seconded. Chairman Euler asked for any discussion. There was none. Nine members were in favor of the motion and ten opposed. The motion lost.

Mr. Coldsnow moved that the subcommittee's report on Senate Bill No. 184 be adopted. Mr. Amrein seconded. Chairman Euler asked for any further discussion. There was none. Sixteen members were in favor of the motion and two opposed. The motion carried.

Mr. Woodworth moved that Senate Bill No. 184 be amended by striking all reference to "urban" wherever it appears in the bill. Mr. Howard seconded. Chairman Euler asked for any discussion. There was none. Eight members were in favor of the motion and nine opposed. The motion failed.

Mr. Turner moved that Senate Bill No. 184 be reported adversely. Mr. Griffith seconded. Chairman Euler asked for any discussion. There was none. Seven members were in favor of the motion and nine opposed. The motion lost.

Mr. Tillotson moved that Senate Bill No. 184 as amended be recommended favorably for passage. Mr. Coldsnow seconded. Chairman Euler asked for any discussion. There was none. Nine members were in favor of the motion and seven opposed. The motion carried.

Mr. Cram moved that Senate Bill No. 374 be reconsidered. Mr. Roberts seconded. Mr. Roberts withdrew his second. Mr. Rogers seconded. Chairman Euler asked for any discussion. There was none. Three members were in favor of the motion and fifteen opposed. The motion lost.

Mr. Griffith moved that Senate Bill No. 188, an act providing for supreme court commissioners, prescribing their qualifications, the manner of their appointment and their duties, and

fixing their term and compensation; and repealing existing K.S.A. 20-140 to 20-144, both sections inclusive, be reported favorably for passage. Mr. Rogers seconded. Members Turner and Barnhill requested a secret ballot. Chairman Euler asked for any further discussion. There was none. Nine members were in favor of the motion and eight opposed. The motion carried.

Mr. Wilcox reported for the subcommittee on Senate Bill No. 382, an act relating to the code of civil procedure and pertaining to service by mail or publication; limitation of action; venue of action; liens and priority; and divorce and alimony; amending existing K.S.A. 60-307, 60-502, 60-603, 60-604, 60-605, 60-1101, 60-1610 and 60-1611 and repealing said existing sections. The subcommittee recommends that Senate Bill No. 382 be amended as follows: on page 2, line 16, by inserting after the word "guardians" the word ", conservators"; on page 4, between lines 5 and 6, by inserting a new subsection 4 to read as follows:

"(4) That the case is one of those mentioned in clauses (1) to (4) inclusive, of subsection (a) of this section."; also, on page 4, in line 6, by striking the figure "(4)" and inserting in lieu thereof the figure "(5)"; and in paragraph 4 of the affidavit, by striking all of said paragraph and inserting in lieu thereof a new paragraph 4 to read as follows:

"4. That affiant does not know and with reasonable diligence is unable to ascertain the names or residences of any of those classes of unknown persons who are or may be concerned in the subject of this litigation, as mentioned in K.S.A. 60-307 subsection (a) (5) but that he desires to include all such in his constructive service."; also, in said affidavit, by inserting a new paragraph 6 to read as follows:

"6. That this action is one of those mentioned in K.S.A. 60-307 subsection (a) (1 to 4, inclusive)."; in line 7, by striking the figure "(5)" and inserting in lieu thereof the figure "(6)"; on page 6, by striking all of lines 3 to 31, inclusive; by striking all of page 7; and on page 8, by striking

lines 1 to 19, inclusive; and that original sections 3 to 10 be renumbered as sections 2 to 9, respectively; on page 14, line 1, by striking the figures "60-502"; and in the title, line 4, by striking the figures "60-502,".

Mr. Coldsnow moved that the committee adopt the subcommittee's proposed amendments to Senate Bill No. 382. Mr. Sargent seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Gray moved that Senate Bill No. 382 as amended be reported favorably for passage. Mr. Sargent seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Griffith moved that Section 2 of Senate Bill No. 382 be referred to the Judicial Council for additional study in order that they might come up with something that would be workable. Mr. Sargent seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Howard reported for the subcommittee on Senate Bill No. 31, an act concerning the juvenile code; changing certain jurisdictional age limits and defining certain terms; authorizing certain procedures and designating the place of confinement or imprisonment in certain cases; amending existing K.S.A. 38-802, 38-806, 38-808, 38-815, 38-816, 38-826, and 38-836 and repealing said existing sections. The subcommittee recommended that Senate Bill No. 31 be amended as follows: on page 3 in line 20 after the word "guardian" by inserting ", conservator"; on page 10, by striking all of lines 17 and 18 and inserting in lieu thereof the following: "(5) commit such child, if a boy under the age of sixteen (16), to the state industrial school for boys, or if a boy sixteen (16) years of age or over to either the state industrial school for boys, or the state industrial reformatory: Provided, No boy sixteen (16) years of age or over shall be committed to the state industrial school for boys unless such commitment has received the prior approval of the director of the division of institutional management, and if any boy sixteen (16) years of age or over is committed to the state industrial

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reformatory such commitment shall be subject to the same conditions and rights as would be the case if such commitment were made by a district court; or".

Mr. Coldsnow suggested that Senate Bill No. 31 be amended further on page 11, line 20, by inserting at the beginning of the line before the word "its" the following: "January 1, 1966, and".

Mr. Howard moved that Senate Bill No. 31 be amended as per the subcommittee's report and Mr. Coldsnow's suggestion. Mr. Griffith seconded. Chairman Euler asked for any further discussion. There was none. The motion carried unanimously.

Mr. Gray moved that Senate Bill No. 31 as amended be reported favorably for passage. Mr. Griffith seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Sargent reported for the subcommittee on Senate Bill No. 260, an act relating to zoning of lands located outside cities; and authorizing the adoption of building codes to aid in proper enforcement of such zoning; amending existing K.S.A. 19-2901, 19-2902 and 19-2904, and repealing said existing sections. The subcommittee recommended that Senate Bill No. 260 be reported favorably for passage.

Mr. Sargent moved that Senate Bill No. 260 be recommended favorably for passage. Mr. Griffith seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Howard reported for the subcommittee on Senate Bill No. 109, an act concerning crimes affecting children; prescribing certain penalties; amending existing K.S.A. 38-701, 38-702, 38-704 and 41-715 and repealing said existing sections. The subcommittee recommended that Senate Bill No. 109 be amended as follows: on page 1, line 3, by striking all of said line after the word "pistol" and by striking all of lines 4 to 10, inclusive,

and by inserting in lieu thereof the following: ", revolver, brass knuckles, or other dangerous weapons, to any minor, or to any incapacitated person, shall be deemed guilty of a misdemeanor, and shall upon conviction before any court of competent jurisdiction be fined not less than five (5) nor more than one hundred dollars (\$100)."; also on page 1, line 13, by striking all of the line after the word "pistol" and by striking all of line 14 before the word "brass" and by inserting in lieu thereof the following: ", revolver,"; also in line 14 by striking the following: "slung shot,"; and in line 15 by striking the word "weapon" and inserting in lieu thereof the word "weapons"; also on page 4, line 6, by striking the words "mentally incompetent" and inserting in lieu thereof the words "an incapacitated person".

Mr. Howard moved that Senate Bill No. 109 be amended as per the subcommittee's recommendations. Mr. Barnhill seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Howard moved that Senate Bill No. 109 as amended be recommended favorably for passage. Mr. Barnhill seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Griffith moved that Senate Bill No. 185, an act relating to counties; pertaining to the furnishing of ambulance services and authorizing certain contracts in relation thereto, be amended on page 1, line 1, by inserting after the word "county" where it last occurs the following: "having a population of less than fifty thousand (50,000)". Mr. Foster seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Coldsnow moved that Senate Bill No. 185 be further amended by renumbering Section 2 as Section 3 and inserting a new Section 2 as follows:

"Section 2. If the board of county commissioners shall enter into any contract as provided in Section 1, then the board of

county commissioners shall by resolution establish a minimum set of standards for the operation and equipping of said ambulances and for the qualifications and training of any personnel operating said ambulances within the county. The board of county commissioners shall also have the authority to establish by resolution the minimum charge to be made by any ambulance operator with which it has a contract and to provide for an audit of the books and records of said operator. No operator with which the board of county commissioners has a contract as provided in Section 1 shall use the operation of ambulances as advertising or promotion for any other business venture of the operator."

Mr. Griffith seconded the motion. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Griffith moved that Senate Bill No. 185 as amended be recommended favorably for passage. Mr. Foster seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Griffith moved that Senate Bill No. 57, an act relating to traffic on highways and pertaining to arrests for serious offense, 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, be reported without recommendation. Mr. Griffith seconded. Chairman Euler asked for any discussion. There was none. Seven members were in favor of the motion and four opposed. The motion carried.

Mr. Coldsnow moved that Senate Bill No. 302, an act relating to the code of civil procedure; authorizing the appointment of receivers in certain cases; pertaining to execution of bonds in connection therewith; and requiring certain acts to be performed preceding the appointment of a receiver; amending existing K.S.A. 60-1302, and 60-1304 and repealing said existing sections, be tabled. Mr. Barnhill seconded. Chairman Euler asked for any dis-



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cussion. There was none. The motion carried unanimously.

The meeting adjourned at 7:30 P.M.

Minutes approved:

A handwritten signature in cursive script that reads "Jack R. Euler". The signature is written in dark ink and is positioned to the right of the printed text "Minutes approved:".

Respectfully submitted,  
Jack R. Euler  
Chairman