



Minutes of the Senate Committee on Judiciary January 31, 19 78

SB 778 continued -

Following committee discussion, Senator Hess moved to amend the bill by striking the reference to criminal prosecutions; Senator Berman seconded the motion, and the motion carried. Senator Berman moved to amend the effective date to the official state paper; Senator Hess seconded the motion, and the motion carried. Senator Hess moved to report the bill favorably as amended; Senator Berman seconded the motion, and the motion carried.

SB 612 - Distribution of court decisions as found in Kansas reports. Mr. Griggs passed out ballooned copies of the bill showing the amendments that had previously been adopted by the committee. The chairman advised the committee that since the date of the hearing, he had received a request from Malcolm Wilson, of the state library, requesting that the bill be amended on page 2, in line 43, by inserting "shall receive such number of copies as are required for depository libraries and its own use." Committee discussion concerning the bill followed. Senator Simpson moved to amend the bill by deleting the provision for clerks of the district court to receive copies of the Kansas reports; Senator Burke seconded the motion, and the motion carried. Senator Allegrucci moved to amend the bill by striking lines 65 through 70; Senator Burke seconded the motion. Senator Parrish made a substitute motion to amend the bill by providing for an annual certification by the retired judges; Senator Steineger the motion, and the substitute motion carried. Senator Steineger moved to report the bill favorably as amended; Senator Mulich seconded the motion, and the motion carried.

Senator Everett explained a request that he had received for a committee bill from Howard Harper; the bill would provide that discovery documents would not have to be filed in the clerk's office. Senator Everett moved to introduce such a bill; Senator Hein seconded the motion, and the motion carried.

Senator Berman requested that the committee introduce a committee bill to create a district attorney in the 7th Judicial District; Senator Hein seconded the motion. Senator Everett indicated that he would like to have the opportunity to check with persons in Riley County to see if the bill should be drafted in such a way as to also create a district attorney in Riley County. The motion carried.

Mr. Griggs distributed a copy of a letter from D. E. Watson, an attorney in Salina, requesting certain legislation. A copy of the letter is attached hereto. Senator Everett moved to introduce a committee bill on the subject; Senator Hess seconded the motion, and the motion carried.

The meeting adjourned.

These minutes were read and approved  
by the committee on 2-14-78.

GUESTS

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
Thomas A. Valentine	714 Cap Fed Bldg	Topeka, Ks Altly
Walter M. Scott	420 W. 33 <sup>rd</sup>	Assoc Credit Burd.
MANFRED WEHRLY	LENEXA, KS	SELF
Dow Cross	LENEXA <u>KA</u>	SELF
Cheryl Flint	Topeka	Student
Cindy Ormsbee	Topeka	Student
Ken [unclear]	Topeka	KBA
Charles W. Hamm	Topeka	SRS
Bill Henry	Topeka	Governor's Office
Matt [unclear]	Topeka	State

**SENATE BILL No. 612**

By Senator Pomeroy

(By Request)

1-12

0015 AN ACT relating to distribution of Kansas reports; amending  
0016 K.S.A. 1977 Supp. 20-208 and 20-209 and repealing the exist-  
0017 ing sections.

0018 *Be it enacted by the Legislature of the State of Kansas:*

0019 Section 1. K.S.A. 1977 Supp. 20-208 is hereby amended to  
0020 read as follows: 20-208. (a) When the reports of the decisions of  
0021 the supreme court or court of appeals are delivered, the state law  
0022 librarian shall use as many thereof as may be necessary to main-  
0023 tain reasonable and equitable exchanges of such reports for law  
0024 books and other legal publications of the other states, territories,  
0025 countries, societies and institutions, for use in the supreme court  
0026 law library. As used herein, "Kansas reports" shall mean the  
0027 reports of the decisions of the supreme court and court of appeals.  
0028 The state law librarian shall distribute copies of the Kansas  
0029 reports without charge, as follows:

0030 (1) The supreme court, the court of appeals and the office of  
0031 the attorney general shall receive the number of copies necessary  
0032 to conduct the official business of such office, as certified to the  
0033 state law librarian by the head or executive officer of the respec-  
0034 tive agencies;

0035 (2) The office of each elected state official, other than those  
0036 specifically provided for herein, shall receive one copy;

0037 (3) The law library of the school of law of the university of  
0038 Kansas shall receive thirty (30) copies to maintain its sets of  
0039 Kansas reports and for exchange purposes, and the law library of  
0040 the school of law of Washburn university of Topeka shall receive  
0041 thirty (30) copies to maintain its sets of Kansas reports and for  
0042 exchange purposes;

and the office of each county or district attorney

0043 (4) The state library and the libraries of Emporia state uni-  
 0044 versity, Fort Hays state university, Pittsburg state university,  
 0045 Kansas state university, and Wichita state university shall receive  
 0046 two (2) copies to maintain its set of Kansas reports;

0047 (5) The United States district court for the district of Kansas  
 0048 shall receive six (6) copies;

0049 (6) The office of each ~~judge of the district court and the office~~  
 0050 ~~of each~~ clerk of the district court shall each receive one copy;

0051 (7) The state penitentiary at Lansing and the state industrial  
 0052 reformatory at Hutchinson shall each receive one copy for the use  
 0053 of inmates at such institutions and one copy for the use of the  
 0054 legal advisor at such institutions;

0055 (8) The library of congress shall receive two (2) copies in  
 0056 order to complete the copyright of said reports;

0057 (9) One copy shall be deposited with the appropriate office of  
 0058 the United States post office in order to obtain a postal permit for  
 0059 mailing such reports;

0060 (10) A personal copy of the reports, which may be suitably  
 0061 bound by the director of printing, shall be presented to each  
 0062 justice of the supreme court, each judge of the court of appeals,  
 0063 ~~each district judge and associate district judge~~, the clerk of the  
 0064 supreme court, the supreme court reporter, and the judicial ad-  
 0065 ministrator of the district courts and any retired supreme court  
 0066 justice, judge of the court of appeals, district judge or associate  
 0067 district judge, if such retired judge or justice files with the clerk of  
 0068 the supreme court a certificate stating that he or she is not  
 0069 engaged in the active practice of law and is willing to accept  
 0070 judicial assignments; and

0071 (11) The legislative coordinating council shall receive the  
 0072 number of copies necessary to conduct the official business of the  
 0073 legislative branch of government, as certified to the state law  
 0074 librarian by the legislative coordinating council.

0075 (b) Except as otherwise specifically provided in paragraph  
 0076 (10) of subsection (a), all copies of the Kansas reports distributed  
 0077 pursuant to subsection (a) or purchased by any governmental  
 0078 agency or subdivision shall become the property of such office,  
 0079 agency or subdivision, which shall be accountable therefor, and

magistrate judge

and the office of each district judge or associate district judge  
 shall each receive two (2) copies

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Salina, Kansas 67401

January 28, 1978

Revisor of Statutes  
Statehouse  
Topeka, Kansas 66612

In Re: Clean-up legislation  
Especially -- K.S.A. 20-108

Dear Sir:

It appears that this section was overlooked when the unification was made effective. It is suggested that this section be amended as follows: Carrying out of ~~supreme court~~ appellate court judgments and decrees by district courts. The ~~supreme--court~~ appellate court may require the district court of the county where an action or proceeding shall have originated to carry the judgment or decree of the ~~supreme-court~~ appellate court into execution, and the same shall be carried into execution by proper proceedings, by such district court, according to the command of the ~~supreme court~~ appellate court made therein;

as were most if not all other applicable statutes amended and corrected; especially K.S.A. 22-3605 and K.S.A. 22-3607 -- as examples.

I have written this suggestion to you because I am assuming you are interested in it and that you would want the correction to be made. It will please me to hear from you.

Very sincerely and respectfully,



D. E. Watson,  
Attorney at Law.

DEW/EW