

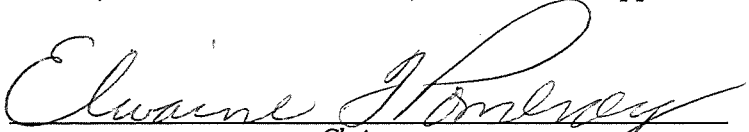
MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

Held in Room 526 S, at the Statehouse at 10:00 a. m./~~p.m.~~, on January 11, 19 79.

All members were present except: Senators Steineger and Parrish

The next meeting of the Committee will be held at 10:00 a. m./~~p.m.~~, on January 15, 19 79.

~~These minutes of the meeting held on xxxxxxxxxxxxxxxxxxxxxxxxx, 19 xx were considered, corrected and approved~~


Chairman

The conferees appearing before the Committee were:

- Senator Robert V. Talkington
- James W. Sloan - Topeka Attorney
- Randy M. Hearrell - Kansas Judicial Council

Staff present:

- Art Griggs - Revisor of Statutes
- Jerry Stephens - Legislative Research Department
- Wayne Morris - Legislative Research Department

SB 2 - Real property, barring rights under certain mortgages and deeds of trust. Senator Talkington appeared to explain his bill. He indicated that this was simply a curative bill similar to other statutes presently in force. The legislature has been passing this type of legislation periodically, and the last few times it has been on a four year basis. Following committee discussion, Senator Hein moved that the bill be reported favorably; Senator Burke seconded the motion, and the motion carried.

SB 4 - Probate code, social security benefits, refusal to grant letters of administration. Senator Hein introduced James Sloan, a practising Topeka attorney, who explained the bill. Mr. Sloan stated that the present 30 day time period allowed for the filing of an affidavit to obtain the reissuance of a social security check is simply not long enough, and should be extended to 180 days. He also explained that the present statute does not allow certain heirs to file petitions for refusal to grant letters, although a creditor can file such a petition. He stated it is not logical to allow a creditor to do that, but deny that right to certain classes of heirs. Committee discussion followed, during which time it was suggested the committee consider raising the \$2,000 limit on refusal of letters to a higher amount, commensurate with inflation. Staff was instructed to look into what matters should be dealt with in the first section, possibly including veterans administration benefits and similar retirement benefits. Staff was also instructed to look up the legislative history of section 2 of the bill to provide the committee with information as to when the \$2,000 figure was first inserted into the law.

continued -

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

Minutes of the Judiciary Committee on January 11, 1979

SB 42 - Criminal code and procedure, changes in involuntary manslaughter, expungements, diversion agreements and lesser included offenses. The chairman explained that this bill had been introduced by him at the request of the Kansas Judicial Council. He introduced Randy Hearrell, who is the Research Director of the Judicial Council, to explain the bill. Following his presentation, committee discussion was had on various provisions of the bill. The staff was instructed to check to see whether there had been a case in which a lesser included offense instruction was not given because of the objection of the defendant, and then later on appeal the case was reversed because that instruction had not been given. Senator Allegrucci moved to amend the bill by striking the \$35.00 docket fee requirement for expungements; Senator Berman seconded the motion, and following committee discussion, the motion carried. Senator Berman moved to strike section 4 of the bill; Senator Simpson seconded the motion, and the motion carried.

The chairman announced the committee agenda and the dates the various proposals presently assigned to the committee will be heard.

The meeting adjourned.

These minutes were read and approved
by the committee on 1-15-79.

GUESTS

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
Marvin C. Umbholtz	Lawrence	KML
Randy M. Hearell	Topeka	Kansas Judicial Council
John Beardsley	Wichita City	Intern Intern
James W. How	Topeka	Lawyer
Jon Kessler	Peabody	Intern
Tim Underwood	Topeka	Ks Assoc Realtors
Bill Ekay	Topeka	Intern
Sen. Robert Feltz		

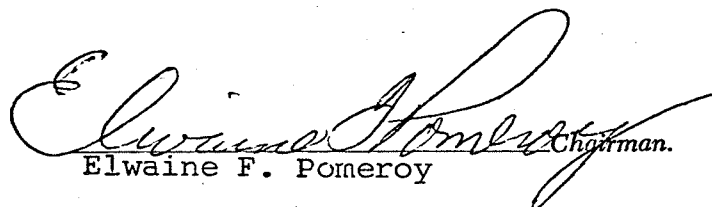
MR. PRESIDENT

Your committee on Judiciary

Recommends that Senate Bill No. 2

"AN ACT relating to real estate; barring rights under certain mortgages and deeds of trust."

Be passed.


Elwaine F. Pomeroy Chairman.