


MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

Held in Room 519 S, at the Statehouse at 12:00 ~~a.m.~~/p. m., on February 13, 1979.

All members were present except: Senators Steineger, Berman and Burke

The next meeting of the Committee will be held at 10:00 a. m./~~p.m.~~, on February 14, 1979.

~~These minutes of the meeting held on xxxxxxxxxxxxxxxxxxxxxxxx 19xx were considered corrected and approved.~~


Chairman

The conferees appearing before the Committee were:

- Norman Furse - Revisor of Statutes
- Ron Todd - State Department of Insurance

Staff present:

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

Senator Simpson moved that the request presented by the Kansas Judicial Council be introduced as committee bills; Senator Hess seconded the motion, and the motion carried.

Senator Hess moved that the request received from the governor's office for introduction of bills be honored and committee bills be introduced; Senator Mulich seconded the motion, and the motion carried.

Senate Bill No. 316 - Establishing division of risk management. Norm Furse explained the bill section by section. Committee discussion with him followed.

Ron Todd testified with regard to creation of an insurance pool. He gave a brief background of the medical malpractice fund. He stated that the main purpose of the medical malpractice fund was to resolve the availability problem of medical malpractice insurance. So far it has worked pretty well. He said it is important to have mandatory requirement insurance be purchased. He stated that municipalities are not having problems obtaining insurance now, and he would see no reason why creating a pool would reduce the cost for obtaining insurance. He stated that the closed end approach is more compatible to obtaining insurance coverage than is the open end approach. Committee discussion with him followed.

Senator Hess moved that the minutes of January 30 be approved; Senator Gaines seconded the motion, and the motion carried.

The meeting adjourned.

These minutes were read and approved by the committee on 4-25-79.

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.

2-13-79
P.M.

JENKINS, WAY, TURNER & VADER, CHARTERED *Attorneys at Law*

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January 22, 1979

SB 266

Mr. Norman Justice, Chairman
Honorable Representatives from
Wyandotte County

In Re: K. S. A. 12-4207 service of notice to appear
in Municipal Court

Dear Sirs:

K. S. A. 12-4207 states as follows:

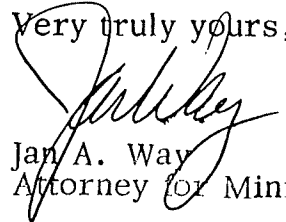
"The notice to appear shall be served on the accused person by delivering a copy to him or her personally, or by leaving it at the dwelling house of the accused person or usual place or abode with some person of suitable age and discretion residing therein, or by mailing it to the last known address of said person. . . . (emphasis supplied)"

There is not a definition in that section for "the last known address of said person". This has little or not effect on traffic type violations, because the person is usually eyeball to eyeball with the complainant and his address is ascertained verbally, or off of his license. However, it is difficult often to find a viable address in other matters under the City code ie. Minimum Structures ordinances. Often, the person living in a residence is not the owner, and the only address that is available for the owner is the one on the tax roll. For this reason, we ask your consideration in having K. S. A. 12-4207 amended to supply a definition for "the last known address of said person".

We request that you consider submitting this to the revisor of statutes for an amendment to define "the last known address", to include or be the address on the county tax records of such property. This definition could be limited to violations related to real estate if necessary.

Thank you for your attention, and if you have any suggestions on this matter, they would be most welcomed.

Very truly yours,



Jan A. Way
Attorney for Minimum Structures, Kansas City, Kansas

JAW:neg

12-4207. Same; service; return. The notice to appear shall be served upon the accused person by delivering a copy to him or her personally, or by leaving it at the dwelling house of the accused person or usual place of abode with some person of suitable age and discretion then residing therein, or by mailing it to the last known address of said person. A notice to appear may be served by any law enforcement officer within the state and, if mailed, shall be mailed by a law enforcement officer of the municipality of its issuance or the clerk of the municipal court. Upon service by mail, the law enforcement officer shall execute a verification to be filed with a copy of the notice to appear. Said verification shall be deemed sufficient if in substantially the following form:

The undersigned hereby certifies that on the _____ day of _____, 19____, a copy of notice to appear was mailed to _____ at _____, _____, _____.

Signature of Law Enforcement Officer
or Clerk of Municipal Court

[L. 1973, ch. 61, § 12-4207; April 1, 1974.]

In cases involving violations of municipal ordinances relating to the health conditions or safety conditions of structures or real property, the notice to appear may be given to the last known address of the owner thereof by mailing the notice to the address of the owner as shown on the tax records relating to such structure or property.

Statute
New Section

~~12 4603. Appeal by indigent.~~ If an indigent person appeals from a decision of the municipal court, the district court shall appoint counsel where appellant has a constitutional right to assigned counsel. The city shall pay the costs of compensation of assigned counsel as fixed by the district court and shall follow the guidelines set out in K.S.A. 22-4501 et seq. for recoupment of costs.