

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Elwaine F. Pomeroy at
Chairperson

12:00 p.m. ~~am~~ on February 18, 1983 in room 514-S of the Capitol.

~~All~~ members ~~were~~ present ~~except~~ were: Senators Pomeroy, Winter, Feleciano, Gaines, Hein, Mulich, Steineger and Werts.

Committee staff present: Mary Torrence, Revisor of Statutes
Mike Heim, Legislative Research Department
Mark Burghart, Legislative Research Department

Conferees appearing before the committee:

The chairman presented a proposal for a committee bill that was requested by the Title Standards Committee of the Kansas Bar Association to change the time limit on the Marketable Record Title Act from 40 years to 25 years. Following committee discussion, Senator Feleciano moved that the bill be introduced; Senator Hess seconded the motion, and the motion carried.

The chairman presented a proposal for a committee bill requested by Marjorie Van Buren on behalf of the District Judges Association to change the provision whereby a defendant in a misdemeanor case can wait until 24 hours prior to trial to request a jury trial, to require the request must be made within 10 days after the arraignment. Committee discussion followed. No action was taken.

The chairman presented a proposal for a committee bill requested by the Topeka Bar Association to change registered or certified mail to restricted mail. Following committee discussion, Senator Gaines moved to introduce the bill; Senator Hess seconded the motion, and the motion carried.

The chairman presented a proposal for a committee bill requested by the Shawnee County Department of Corrections asking that the personnel of the jails be exempt from the mandatory law enforcement training program. Following the explanation, Senator Hess moved that the bill be introduced; Senator Steineger seconded the motion, and the motion carried.

The chairman presented a proposal for a committee bill requested by a district judge in Shawnee County regarding special process servers. Following the explanation, Senator Gaines moved that the bill be introduced; Senator Hess seconded the motion, and the motion carried.

The chairman presented a proposal for a committee bill concerning the venue and domestic relations statutes to modify the venue statute to what was passed in the divorce law last time. Following the explanation, Senator Hess moved that the bill be introduced; Senator Gaines seconded the motion, and the motion carried.

The chairman presented a proposal for a committee bill to clarify the statute concerning municipal judges performing marriage ceremonies. Committee discussion followed. No action was taken.

The chairman presented a proposal for a committee bill pertaining to the use of eminent domain by school districts. Following the explanation, Senator Steineger moved that the bill be introduced; Senator Mulich seconded the motion, and the motion carried.

Senate Bill 91 - Redemption of real property.

The chairman explained this bill was introduced at the request of the judicial council. Following committee discussion, Senator Werts moved that the bill be reported favorably; Senator Hess seconded the motion, and the motion carried.

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MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 12:00 ~~xxx~~/p.m. on February 18, 1983.

Senate Bill 81 - Uniform Determination of Death Act.

Following a review of the bill by the chairman, Senator Gaines moved to report the bill favorably; Senator Winter seconded the motion, and the motion carried.

Senate Bill 89 - Uniform Law on Notarial Acts.

The chairman explained the bill. Following committee discussion, Senator Gaines moved to report the bill favorably; Senator Werts seconded the motion, and the motion carried.

Senate Bill 7 - Filing of security interests in farm products.

The chairman reviewed the decisions the committee had made on the bill previously. No further action was taken at this time.

Senate Bill 168 - Treble damages for injury caused by driving while impaired by alcohol or drugs.

The chairman reviewed the bill. Senator Gaines moved to report the bill adversely; Senator Feleciano seconded the motion. Following committee discussion, the motion carried. Senators Pomeroy and Hess wished to be recorded as voting "no" on the motion.

Senate Bill 177 - Special education for exceptional children, due process hearings, appointment of hearing officers.

The chairman explained the bill. Following considerable committee discussion, Senator Steineger moved to report the bill favorably; Senator Winter seconded the motion. Following further committee discussion, the motion carried.

Senate Bill 107 - Statement of damages from application of pesticides.

The chairman explained the bill. Senator Hess moved to amend the bill according to the second amendment suggested by Senator Talkington; Senator Winter seconded the motion, and the motion carried. Following committee discussion, Senator Feleciano moved to report the bill favorably as amended; Senator Winter seconded the motion, and the motion carried.

Senate Bill 106 - Revised Uniform Limited Partnership Act.

The chairman asked for the sense of the committee on the bill; whether they favor the concept or not. Following committee discussion, the consensus was that the committee favored action on the bill, which will be taken at a future time.

Senate Bill 113 - Forfeiture of property used for manufacture or to facilitate the sale of controlled substances.

The chairman explained the bill. Following committee discussion, Senator Steineger moved to report the bill adversely; Senator Mulich seconded the motion. Following further committee discussion, Senator Steineger withdrew his motion. The consensus was to take action on the bill later; will wait to see what action is taken on Senate Bill 51 which is in the Senate Public Health and Welfare Committee.

Senate Bill 104 - Destruction of identification symbols on construction equipment.

The chairman asked for the sense of the committee on the bill. The consensus was to pass over the bill.

CONTINUATION SHEET

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Senate Bill 154 - Preparation of jury lists from driver's license records.

The chairman explained the difference in Senate Bills 154, 187 and 310. Following committee discussion, Senator Werts moved to amend Senate Bill 154 to provide, as an additional source for jury lists, the automobile list and the state issued non-driver's identification cards; Senator Winter seconded the motion, and the motion carried. Senator Feleciano moved to amend the bill to provide that the list be provided on an annual basis; Senator Werts seconded the motion, and the motion carried. Senator Werts moved to report the bill favorably as amended; Senator Gaines seconded the motion, and the motion carried.

Senate Bill 187 - Preparation of jury lists from drivers' license records permitted.

Senator Hess moved to report the bill adversely; Senator Werts seconded the motion, and the motion carried.

Senate Bill 141 - Driving under the influence of alcohol or drugs.

The chairman asked for the sense of the committee whether they wish to work the bill. Following committee discussion, the consensus was to hold the bill until next year.

The meeting adjourned.

GUESTS

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
Michael J. Bymington	Topeka	Kans. Assn. for the Blind and Visually Impaired
Joan Strickler	Manhattan	Ks. Advocacy for Deaf & Sers (KADS)
Ron Pavelka	Manhattan	KAPS
Tamara Buckett	Manhattan	KAPS
Ethel May Miller	Topeka	Ks. Assn. for Retarded
Ginger Clusome	Wichita	Ks. Assn. for Retarded Citizens
Robert Harvey	Olathe	Ks Alliance for Sp. Ed.
Pat Lynch	Wichita	U C P R
John Frye	Wichita	Starkey Dev. Center
Larry Hines		Seineger Staff