

MINUTES OF THE SENATE COMMITTEE ON JUDICIARYThe meeting was called to order by Senator Elwaine F. Pomeroy at
Chairperson10:00 a.m./p.m. on March 2, 1983 in room 514-S of the Capitol.~~All~~ members ~~were~~ present ~~except~~ were: Senators Pomeroy, Winter, Burke, Feleciano, Gaar, Gaines, Hein, Hess, Mulich, Steineger and Werts.Committee staff present: Mary Torrence, Revisor of Statutes
Mike Heim, Legislative Research Department

Conferees appearing before the committee:

Dennis McFall, Kansas Association of School Boards

Senate Bill 322 - Notice of application for review of corporation commission order.

The chairman explained the bill. Committee discussion followed.

Senate Bill 323

Dennis McFall testified there really is a problem with striking Subsection (b). They see deeds that have been granted to school districts 60 or 70 years ago that usually say the school district would have title so long as the property is used for school purposes. He stated there is a question of reversionary interest. There is a question of status of title, since the school wants to sell the property. The question is, if the building is no longer used as a school, whether heirs are entitled to the property. From his point of view, that is a necessary provision, and they have concern for striking it. Committee discussion with him followed. The chairman discussed the reaction to the supreme court decision in regard to a condemnation case. Mr. McFall emphasized they would like to keep the statute as it is, because it is broader. Senator Gaar moved to report the bill adversely; Senator Feleciano seconded the motion, and the motion carried.

Senate Bill 322 - Notice of application for review of corporation commission order.Following committee discussion, Senator Feleciano moved to report the bill favorably; Senator Werts seconded the motion, and the motion carried.Senate Bill 346 - Time period for determining marketable record title of real property.

The chairman explained the bill. Committee discussion followed.

Senate Bill 352 - Procedures for appeals from administrative decisions.The chairman reviewed the bill. Following committee discussion, Senator Hess moved to report the bill favorably; Senator Gaines seconded the motion, and the motion carried.Senate Bill 314 - Seals of courts.Following committee discussion, Senator Hess moved to report the bill favorably; Senator Gaines seconded the motion, and the motion carried.Senate Bill 106 - Revised Uniform Limited Partnership Act.Following an explanation of technical amendments needed to the bill, Senator Hein moved to amend the bill as explained; Senator Gaar seconded the motion, and the motion carried. Following committee discussion, Senator Winter moved to report the bill favorably as amended; Senator Gaines seconded the motion, and the motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:00 a.m./~~PM~~ on March 2, 1983

Senate Bill 127 - Making it a crime to commit a felony with a dangerous instrument or deadly weapon.

The chairman reviewed the bill. Following committee discussion, Senator Hein moved to report the bill favorably. The motion failed for lack of a second.

Senate Bill 246 - Defense of governmental employees in civil rights cases.

The chairman reviewed the bill and read to the committee the attorney general's proposed amendments. Senator Gaar moved to adopt the proposals; Senator Gaines seconded the motion, and the motion carried. Senator Gaar moved conceptionally to amend the bill to include the word "allegedly"; Senator Winter seconded the motion, and the motion carried. Following committee discussion, Senator Gaar moved to amend the bill to provide, if there is a conflict, the state will hire others without conflict to defend; Senator Gaines seconded the motion, and the motion carried. Senator Feleciano moved to report the bill favorably as amended; Senator Gaines seconded the motion, and the motion carried.

Senate Bill 114 - Mandatory imprisonment for sale of controlled substance to persons under 18.

The chairman explained the bill, and committee discussion was held. No action was taken on the bill.

Senate Bill 262 - Allowing attorney fees, in insurance subrogation.

Senator Steineger moved to amend the bill by adopting the amendments proposed by SRS; Senator Winter seconded the motion. Senator Winter withdrew his second. Senator Gaar then moved to amend the bill as requested by SRS; Senator Steineger seconded the motion, and the motion carried. Senator Steineger moved to report the bill favorably as amended; Senator Gaar seconded the motion, and the motion carried.

Senate Bill 66 - Increased penalty for weapons violations where alcohol is sold.
Senate Bill 96 - Increased penalty for weapons violations where alcohol is present.

The chairman explained both bills. Senator Gaines moved conceptionally to amend Senate Bill 96 to make it a class E felony to possess those instruments in any place of business which includes the retail sale of alcohol beverages, and strike the language in line 111; Senator Hess seconded the motion, and the motion carried. Senator Werts moved to amend the bill in line 57 by changing the word "carrying" to "possession," to be restricted to private clubs, and in line 60 to include the language "being sold and consumed"; Senator Gaines seconded the motion, and the motion carried. Senator Gaines moved to report the bill favorably as amended; Senator Werts seconded the motion, and the motion carried.

Senator Feleciano moved to report SB No.66 adversely; Senator Gaar seconded the motion, and the motion carried.

Senate Bill 199 - The automobile lemon law.

The chairman reviewed the bill and the proposed amendments. Senator Gaines moved to amend the bill in line 44 by striking "new" and inserting the words "comparable vehicle under warranty"; Senator Werts seconded the motion. Following committee discussion, the motion carried. Senator Steineger moved to amend the bill in line 51, after the word "consumer" and inserting the words "and any previous consumer"; Senator Gaines seconded the motion, and the motion carried. Senator Gaines moved to amend the bill in line 59 before the word "It", and inserting "If the manufacturer receives actual notice of the nonconformity"; Senator Werts seconded the motion. Considerable committee discussion followed. The motion carried. Senator Feleciano moved to report the bill favorably as amended; Senator Winter seconded the motion, and the motion carried.

The meeting adjourned.

GUESTS

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
Dennis McFall	Topeka	KASB
Larry Humes	Lawrence	Steingers Staff
Brian Ray	Topeka	SRS
Matt Allen	KCC Legal	
Ed Jones	Topeka	Kans Assoc of Att Law. Col.
Tommy [unclear]	Topeka	KAR
Walt [unclear]	Topeka	AS of CB
Jimmy Burger	Wamego	KWF
Debra Johnson	Topeka	Alcohol Safety Acton Prog
[unclear]	"	"