

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 24, 1983 in room 514-S of the Capitol.~~All~~ members ~~were~~ present ~~except~~ were: Senators Pomeroy, Winter, Burke, Feleciano, Gaar, 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:

Marjorie Van Buren, Office of Judicial Administrator
Bill EddsHouse Bill 2302 - Eliminates keeping executor docket and redemption minute book.Marjorie Van Buren explained this bill provides for technical changes which remove statutory references to docket and minute books that are no longer maintained by the district courts. A copy of her explanation is attached (See Attachment #1). She pointed out the same provision also is in Senate Bill 91, and it is on general orders in the House. This House bill will not be needed, if the Senate bill passes the House. She added if it doesn't pass, she would like to see House Bill 2302 pass.House Bill 2475 - Exempt nonprofit corporations' provisions for dissolution.Bill Edds stated he was not appearing on behalf of the Department of Revenue. He explained the idea of the bill came up when contacted by the Internal Revenue Service in Wichita. He explained if this provision is not in the articles, the I.R.S. sends a letter back to request this information. This bill would save them some time. Committee discussion with him followed. Senator Mulich then moved to report the bill favorably; Senator Werts seconded the motion, and the motion carried.House Bill 2301 - Small claims procedure does not include claims for recovery of real estate.A committee member explained the revisor's office had a problem with wording the change in the Small Claims Act that the committee had acted upon, particularly with recovery of real estate, and the \$500 limitation. He feels the bill should be studied further. Senator Winter moved to reconsider the actions of the committee to report the bill favorably as amended; Senator Feleciano seconded the motion, and the motion carried. The bill is back in the committee and will not be acted upon this year.House Bill 2008 - Sex offenses; crimes, punishments and criminal procedure.The chairman reviewed the bill. Senator Gaar moved to amend the bill to remove the spousal exemption; Senator Burke seconded the motion. Committee discussion was held whether to take up the bill at this time when the full committee is not present. Senator Gaar withdrew his motion. Following further discussion, Senator Gaar moved to amend the bill to broaden the language referring to objects, to include fingers, broaden the medical exclusion, cavity searches; Senator Werts seconded the motion, and the motion carried. Senator Gaar moved to amend the bill to remove the spousal exemption; Senator Burke seconded the motion. Following committee discussion, the motion carried. Discussion was held with staff whether that amendment includes eliminating spousal immunity in the sexual battery sections in Sections 15 and 16, lines 283, 284 and 291. Senator Gaar then moved to report the bill favorably as amended; Senator Winter seconded the motion, and the motion carried.

The meeting adjourned.

3-24-83

GUESTS

SENATE JUDICIARY COMMITTEE

NAME

ADDRESS

ORGANIZATION

Larry Humes

Lawrence

Sen. Steiner

Guy Miller

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Bill Edges

TOPEKA

REVENUE

M. Reshears

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Margie VanBuren

Topoka

OJA

John Vine

Topoka

Sec. of State

CRAIG BIRRELL

TOPEKA

CAP CITY HIGH SCHOOL

Rose Rodriguez

Topoka

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Buffy Clapper

Topoka

Cap. City High

Connie Charay

Topoka

CCHS

Terri Pattison

Topoka

Capital City High

Angie Mendes

Topoka

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Jim Morrison

Los Angeles

UCLA

Mary Lee Briscoe

TOPEKA

WRHS #1

3-2487

#1

TESTIMONY BEFORE SENATE JUDICIARY COMMITTEE

HOUSE BILL 2302

Marjorie Van Buren
Office of Judicial Administration
Unified Court System

REFERENCES TO OBSOLETE DOCKET AND MINUTE BOOKS

This bill provides for technical changes which remove statutory references to docket and minute books that are no longer maintained by the district courts. The records required to be kept by the district court were revised in 1977. These clarifications are additional "clean-up" changes which need be made for consistency purposes.

Atch. 1