

MINUTES OF THE SENATE COMMITTEE ON COMMITTEE

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

10:00 a.m./~~p.m.~~ on January 25, 1984 in room 514-S of the Capitol.

~~All~~ members ~~xxx~~ present ~~xxxxx~~ were: Senators Pomeroy, Winter, Burke, Feleciano, Gaar,  
Gaines, Hein, Mulich, Steineger and Werts.

Committee staff present: Mary Torrence, Revisor of Statutes  
Mike Heim, Legislative Research Department  
Jerry Donaldson, Legislative Research Department

Conferees appearing before the committee:

Phil Magathan, Kansas of Court Services Officers  
Marjorie Van Buren, Office of the Judicial Administrator  
Bill Morrissey, Kansas Department of Human Resources  
John Smith, Kansas Department of Revenue  
Keith Greiner, Emporia, Kansas  
Jon Josserand, Office of Secretary of State

Senate Bill 499 - Court services officers duties.

Phil Magathan testified his association represents professionals throughout the state of Kansas, and explained the duties of the court services officers. They are in support of the bill. It will clear up confusion since the unification of the courts.

Marjorie Van Buren appeared in support of the bill and stated it does clean up the language after court unification, and this clean up of the language would be helpful.

Senate Bill 500 - Notice by restricted mail.

The chairman explained this legislation started from a letter from a Topeka lawyer, Grant Glenn (See Attachment No. 1). He pointed out the definition of restricted mail is on page 235 of the bill.

Bill Morrissey testified he had no objection to changing the language. He has discussed small clean up measures with staff. He explained the requirement shows the certified mail must be delivered to where it is addressed or to addressee only. Their mail goes to law firms; and if it goes to addressee only requirement, it will be cumbersome. He suggested restricting the definition of registered or certified, if those are definable terms. During committee discussion, a committee member suggested sending out a memo to all agencies as to what the impact will be.

John Smith testified the cost to his bureau would be at least one-half million dollars postage per year; would need at least five clerks to handle making out certificate, and would require three hundred thousand more handling of files. They mail out three hundred thousand suspensions each year. He feels this would also severely impact on other departments. Most people they deal with move quite often, and that presents an expense for them. Presently they send mail by certificate of mailing, 20¢ postage, 40¢ proof of mailing, and they are going from 60¢ a letter to two dollars and fifty-five cents. Mr. Smith said it is not a bad idea, but it is expensive for one bureau. A committee member inquired what percentage of notices do you get back? Mr. Smith replied, 25% of their mail comes back. In answer to a question, he stated the license suspension goes into effect the day specified, even if the notice is returned.

continued -

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,  
room 514-S, Statehouse, at 10:00 a.m./~~p.m.~~ on January 25, 1984.

Senate Bill 509 - Wills probated outside state, amendments retroactive.

Keith Greiner testified the bill will pick up a gap that exists in the law now concerning wills. The problem is that there are people who make wills that are valid in other states and move into Kansas, and then they die here. The problem now concerns a person who died prior to July, 1982. The intent of this further amendment is to recognize any will that has been validly made is effective in Kansas whether the person died before or after July 1, 1982. He related three examples as to why this amendment is needed. The reason he is here is because of an adverse impact of the Supreme Court decisions. Considerable committee discussion followed. Another committee member inquired, this won't impact on your case? Mr. Griner replied, I am told it won't. The committee member inquired, is there a statute of limitations on any of these? Mr. Greiner answered, no, it is possible this could come up in the future. A committee member inquired if the amendatory language in the last phrase is redundant? Mr. Greiner replied, no, what was intended there, if the court would find there is any infirmity in this amendment, that this would apply prior to January 1, 1982; the last phrase would salvage the amendment.

Senate Bill 500 - Notice by restricted mail.

The chairman recognized Jon Josserand and inquired if his department had any opinion on the bill yet? Mr. Josserand replied, they are still looking at it. He referred to the domestic mail manual which apparently only applies when the addressee is a natural person. Many notices they send are to corporations and that may conflict.

Senate Bill 499 - Court services officers duties.

Senator Feleciano moved to report the bill favorably; Senator Werts seconded the motion, and the motion carried.

Senate Bill 509 - Wills probated outside state, amendments retroactive.

Senator Gaar moved to report the bill favorably; Senator Winter seconded the motion, and the motion carried.

The meeting adjourned.

1-25-84

GUESTS

SENATE JUDICIARY COMMITTEE

| NAME                 | ADDRESS                     | ORGANIZATION                |
|----------------------|-----------------------------|-----------------------------|
| Brad Smith           | 720 Wellington              |                             |
| Marc Kim             | 561 Walnut Wheel            |                             |
| Bill Morrissey       | Topeka                      | Ks. Dept of Human Resources |
| Kevin Greiner        | Box 708, Emporia, Ks, 66801 |                             |
| Mr. Nelson           | Lawrence                    | Sen Stearns                 |
| Dabrie Wells         | Div of Budget               |                             |
| Tony Frytzen         | Lawrence                    | Sen Hess                    |
| Phil Macpherson      | Topeka                      | K.A.C.S.D.                  |
| John W Smith         | Topeka                      | Dept of Revenue             |
| James P. Krost       | Topeka                      | SRS / Youth Services        |
| Norma J. Doty        | Old Dist Court - Del. Co.   |                             |
| Maylene J. Van Buren | OJA Topeka                  | OJA                         |
| Barry Massey         | "                           | AP                          |
| Tom R. Cameron       | Wichita                     | Self. Ch. Comm. Corrections |

Attach. #1

COSGROVE, WEBB & OMAN  
LAWYERS

1100 FIRST NATIONAL BANK TOWER  
534 KANSAS AVENUE  
TOPEKA, KANSAS 66603  
(913) 235-9511

JAMES D. WAUGH  
JAMES L. GRIMES, JR.  
DONALD J. HORTTOR  
EDWARD L. BAILEY  
MICHAEL J. GRADY  
CHRISTEL E. MARQUARDT  
ELDON L. FORD  
GRANT M. GLENN

ROBERT L. BAER  
BRUCE J. WONER  
J. CRAIG ANDERSON

M. F. COSGROVE (1961)  
PHILIP E. BUZICK (1970)  
ROBERT L. WEBB (1975)  
WILLIAM B. MCELHENNY (1976)

RALPH W. OMAN  
OF COUNSEL

September 3, 1982

Senator Elwaine Pomeroy  
Chairman of the Judiciary Committee  
Kansas Senate  
1415 Topeka  
Topeka, KS 66612

RE: K.S.A. 58-2510

Dear Senator Pomeroy:

I have a small statutory change for your Committee's consideration as part of some cleanup amendment at some future date. K.S.A. 58-2510, which concerns proper methods of service for notices to quit, specifies that in the event the tenant cannot be served personally, that he may be served by "registered mail." Registered mail is a word of art for the Post Office and differs from certified mail. I believe that there is some statute in the code of civil procedure which defines "restricted mail" to include both registered mail and certified mail. In my effort to serve a missing tenant, my secretary learned that registered mail is designed primarily for the mailing of valuables, and, therefore, the Post Office exerts an approximate \$4 premium per piece of mail mailed in this manner. Whereas, certified mail can be mailed in a restricted manner to "addressee only," etc., and the cost of mailing such a piece is approximately \$2.65. This statute was last amended in 1951, and, undoubtedly, there have been many changes in postage laws during this interim.

I would suggest that K.S.A. 58-2510 is not unique, and perhaps a small study could be made using legal research equipment such as "lexis" to do a word search for "registered mail" and determine whether registered or certified mail is the proper method with the least inconvenience and expense. I would suggest that the statutes be amended to "restricted mail" and let the mailer choose the method of postage that he deems best for the purpose.

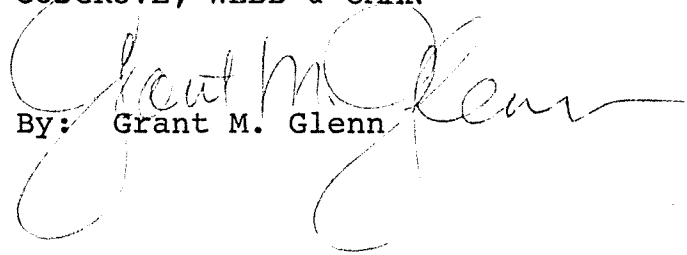
Atch. 1

I certainly have no crusade concerning this issue, but I believe that it is the responsibility of all lawyers to bring to the attention of legislature particular statutes which have become unworkable with the passage of time.

Very truly yours,

COSGROVE, WEBB & OMAN

By: Grant M. Glenn

A handwritten signature in cursive script, appearing to read "Grant M. Glenn", written over the typed name.

GMG:lf