

Approved March 3, 1987  
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Jeanne Hoferer at  
Chairperson

10:00 a.m./~~pm~~ on March 2, 1987 in room 514-S of the Capitol.

~~All~~ members ~~were~~ present ~~except~~: Senators Hoferer, Burke, Feleciano, Gaines, Langworthy, Parrish, Talkington and Winter.

Committee staff present:

Mike Heim, Legislative Research Department  
Jerry Donaldson, Legislative Research Department  
Gordon Self, Office of Revisor of Statutes

Conferees appearing before the committee:

Senator Michael Johnston  
Marjorie Van Buren, Office of Judicial Administrator  
Charlene Satzler, Department of Health and Environment  
Bud Grant, Kansas Chamber of Commerce and Industry  
Frances Kastner, Kansas Food Dealers Association

Senate Bill 218 - Judge's consent for marriage license under the age of 16 years.

Senator Mike Johnston, sponsor of the bill, explained the way the law is now it takes both parental consent and judge's consent if party or parties is under age of eighteen. This puts a burden on the court. Since age 16 is a cutoff under other areas of the law, under this bill the judge does not have to consent for 16 and 17 year olds to get married, but under age 16, will have to have the consent.

Marjorie Van Buren, Office of Judicial Administrator, testified the Kansas District Judges Association are in support of the bill.

Senate Bill 268 - Establishing an expiration date on marriage licenses.

Charlene Satzler, Department of Health and Environment, appeared on behalf of Dr. Lorne A. Phillips. She testified this bill is basically a cleanup bill. All issues addressed will assist in making the marriage license registration process more efficient and less confusing; therefore, we recommend support. So there will be no additional expenses in implementing the provisions of this, the bill should be made effective January 1, 1989, to coincide with the implementation of the nationwide revision of the marriage license. A copy of her testimony is attached (See Attachment I).

A committee member inquired if there was a bill in the legislature now requiring a test before marriage. She replied, there is a bill in the House. In response to another question she explained after six months and another marriage license is taken out, it costs another \$25.00.

Senate Bill 256 - Civil remedies for theft.

Bud Grant appeared in support of the bill on behalf of the Kansas Retail Council, a major division of the Kansas Chamber of Commerce and Industry. He testified few realize that the crime of shoplifting

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,

room 514-S, Statehouse, at 10:00 a.m. ~~xxx~~ on March 2, 1987.

Senate Bill 256 continued

and employee theft costs retailers nationally a total of \$1.73 billion annually, or two percent of gross sales. This is according to the International Council of Shopping Centers. That is money right off the bottom line and represents one of the factors which contribute to the cost of virtually every product which you and I buy. Almost all states have a statute dealing with shoplifting. He said this legislation passed the Senate two years but it never passed the House. Mr. Grant suggested the language dealing with responsibility of minors that appeared in Senate Bill 44 last session be reinserted in this bill. A copy of his testimony is attached (See Attachment II).

The chairperson requested staff prepare a balloon version of the proposed amendment.

Frances Kastner, Kansas Food Dealers Association, testified over the years the amount of loss suffered by our retailers through shoplifting has increased dramatically. There is no way for the merchant to recover that loss other than adding the value of the property lost into his overall cost. We ask your support of Senate Bill 256. A copy of her testimony is attached (See Attachment III).

The meeting adjourned.

A copy of the guest list is attached (See Attachment IV).



KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

TESTIMONY ON S.B. 268

PRESENTED TO: Senate Committee on Public Health and Welfare on March 2, 1987

BACKGROUND INFORMATION:

S.B. 268 would amend K.S.A. 23-106 to require the date of birth rather than age on the marriage license and to provide for an expiration date of the license when not used within six months of issuance.

This bill would also amend K.S.A. 23-107. Presently the marriage license is a three-part form. A stub portion to be retained by the clerk of the court. A second part containing only statistical information and the license itself. In addition, a duplicate of the license portion is issued to be retained by the bride and groom. This present format requires the recording of the same items of information sometimes several times. It also causes confusion and record maintenance/storage problems.

STRENGTHS:

Changing the age item to date of birth would greatly eliminate the present confusion as to what age is to be recorded--the age at the time of application, at the time the license is issued or at the time of marriage. Birth date is specific and self explanatory.

It would no longer be necessary to retain unused license records indefinitely. Presently there is no expiration date of marriage licenses. Technically once a license is issued it could conceivably be used at anytime during the lifetime of those individuals which means that the court and the state must maintain marriage license records indefinitely even though the license is not returned within a reasonable amount of time.

To eliminate the requirement for a stub portion would save a great deal of duplication as it would allow us flexibility to develop a form containing a duplicate of the license portion for the bride and groom. This change would also allow us to develop and adopt a form more similar to other states during our upcoming revision process. (Vital records are revised nationally every ten years.)

WEAKNESSES:

None apparent to this Department.

*Attach. I  
Senate Judiciary  
3-2-87*

DEPARTMENT'S POSITION:

This bill is basically a clean-up bill. All issues addressed will assist in making the marriage license registration process more efficient and less confusing; therefore, we recommend support.

So there will be no additional expenses in implementing the provisions of this bill, the bill should be made effective January 1, 1989 to coincide with the implementation of the nationwide revision of the Marriage License.

Presented by: Lorne A. Phillips, Ph.D.  
Director, Bureau of  
Community Health

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

M E M O R A N D U M

February 27, 1987

TO: Dr. Lorne A. Phillips, State Registrar  
FROM: Charlene M. Satzler, <sup>CMS</sup> Director, Office of Vital Statistics  
SUBJECT: Justification for Lead Time on Marriage License Legislation

We are requesting that legislation proposed in S.B. 268 become effective January 1, 1989. There are a number of reasons for requesting passage of this legislation this far in advance of the 1989 implementation date.

In order to implement the the nationwide revision on January 1, 1989, the Office of Vital Statistics must develop, adopt, and print our state version of the national model; draft and print corresponding handbooks; disseminate revised certificates/licenses and corresponding forms and handbooks; and train the local registration officials prior to the implementation date. However, before decisions can be made with regard to form design, which is the initial step, the proposed legislation is necessary.

The revision to the marriage license will be coordinated with the Clerks of the District Court Association which will require several meetings. Once the revision content is decided, our data processing personnel must have sufficient time to develop necessary coding guidelines and make any programming changes/revisions necessary to implement the revision.

The National Center for Health Statistics (NCHS) from whom we receive contractual funds must also review and approve the state version of the revised certificate forms prior to printing and implementation. In addition, the formatting and typesetting process is time consuming as these major revisions will require a number of exchanges between the State Printer and the Office of Vital Statistics in order to develop camera-ready copy.

If we waited to introduce the proposed legislation during the 1988 legislative session, we would not have sufficient time to accomplish the tasks laid out above prior to the implementation date.

If there are any questions or I can provide additional information, please let me know.

License No. 150099

*Exhibit 126*

State File Number

*Effectiveness*  
*JAN 1, 1989*

STATE OF KANSAS

THE KANSAS STATE DEPARTMENT OF HEALTH AND ENVIRONMENT

Office of Vital Statistics

D. C. No. \_\_\_\_\_

# Marriage License

In the District Court of \_\_\_\_\_ County, \_\_\_\_\_ 19\_\_\_\_

To Any Person in the State of Kansas Authorized by Law to Perform the Marriage Ceremony, Greetings:

YOU ARE HEREBY AUTHORIZED TO JOIN IN MARRIAGE

\_\_\_\_\_ of \_\_\_\_\_ Age \_\_\_\_\_  
(Name of Groom) (Residence—City & State)

\_\_\_\_\_ Age \_\_\_\_\_  
(Name of Bride) (Residence—City & State)

\_\_\_\_\_ of \_\_\_\_\_  
(Name of parent or guardian consenting)

[SEAL]

**SAMPLE**

and with this license duly endorsed, you will make return to my office at \_\_\_\_\_, Kansas, within ten days after performing the ceremony.

\_\_\_\_\_  
Name and Title of Court Official

## ENDORSEMENT

Signatures of Witnesses:

\_\_\_\_\_  
\_\_\_\_\_

DATE RECEIVED BY DISTRICT COURT \_\_\_\_\_ 19\_\_\_\_

DATE RECORDED BY DISTRICT COURT \_\_\_\_\_ 19\_\_\_\_

NOTE.—After recording, the judge shall forward this original marriage license to the State Registrar, Topeka, Kansas, not later than the third day of following month.

TO WHOM IT MAY CONCERN:

I hereby certify that I, the undersigned, performed the ceremony joining in marriage the above named couple on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_, Kansas, in \_\_\_\_\_ County. My credentials are recorded in the D. C.'s office of \_\_\_\_\_ Co., Ks.

Signed \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

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License No. 150099

D. C. No. \_\_\_\_\_

County \_\_\_\_\_

Date License Issued \_\_\_\_\_ 19\_\_\_\_

LICENSE ISSUED TO:

Groom

NAME: First Middle Last

RESIDENCE: City State

BIRTHPLACE: State or Country Age

Bride

NAME: First Middle Last

RESIDENCE: City or Town State

BIRTHPLACE: State or Country Age

CEREMONY EXPECTED TO BE PERFORMED BY

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_  
Name and Title of Court Official

27-L

License No. 150099

D. C. No. \_\_\_\_\_

County \_\_\_\_\_ Date Issued \_\_\_\_\_ 19\_\_\_\_

State File Number

[Empty box for State File Number]

PERSONAL DATA FROM MARRIAGE LICENSE APPLICANTS

Groom

NAME: First Middle Last

1. RESIDENCE: State County City, Town or Location

2a. Inside City Limits Specify—Yes or No 2b. Street Address or Rural Route No. 2c.

2d. STATE OF BIRTH: (If not in U.S.A., Name Country) DATE OF BIRTH: (Month, Day, Year) RACE: (Specify—White, Negro, Am. Indian, etc.)

3. Number of This Marriage: (Specify—First, Second, etc.) IF PREVIOUSLY MARRIED Last Marriage Ended by—Death, Divorce or Annulment. (Specify) Date Ended: Month Year EDUCATION: (Specify Highest Grade Completed) Elementary High School College (0, 1, 2, 3, thru 8) (1, 2, 3, or 4) (1, 2, 3, 4, or 5+)

6. FATHER: State of Birth (If not in U.S.A., Name Country)

9a. MOTHER: State of Birth (If not in U.S.A., Name Country)

10a. 10b.

Bride

NAME: First Middle Last MAIDEN NAME (If Different)

11. RESIDENCE: State County City, Town or Location

12a. 12b. 12c. Street Address or Rural Route No.

12d. STATE OF BIRTH: (If not in U.S.A., Name Country) DATE OF BIRTH: (Month, Day, Year) RACE: (Specify—White, Negro, Am. Indian, etc.)

13. Number of This Marriage: (Specify—First, Second, etc.) IF PREVIOUSLY MARRIED Last Marriage Ended by—Death, Divorce or Annulment. (Specify) Date Ended: Month Year EDUCATION: (Specify Highest Grade Completed) Elementary High School College (0, 1, 2, 3, thru 8) (1, 2, 3, or 4) (1, 2, 3, 4, or 5+)

16. FATHER: State of Birth (If not in U.S.A., Name Country)

19a. MOTHER: State of Birth (If not in U.S.A., Name Country)

20a. 20b.

This stub to be detached and sent to the State Registrar, along with the completed marriage license, not later than the third of the following month.

A-I



**U.S. STANDARD  
LICENSE AND CERTIFICATE OF MARRIAGE**

TYPE,  
IN  
PERMANENT  
BLACK INK  
FOR  
INSTRUCTIONS  
SEE  
HANDBOOK

LICENSE NUMBER

STATE FILE NUMBER

**GROOM**

1. GROOM'S NAME (First, Middle, Last)		2. AGE LAST BIRTHDAY	
3a. RESIDENCE—CITY, TOWN, OR LOCATION		3b. COUNTY	
3c. STATE	4. BIRTHPLACE (State or Foreign Country)		5. DATE OF BIRTH (Month, Day, Year)
6a. FATHER'S NAME (First, Middle, Last)	6b. BIRTHPLACE (State or Foreign Country)	7a. MOTHER'S NAME (First, Middle, Maiden Surname)	7b. BIRTHPLACE (State or Foreign Country)

**BRIDE**

8a. BRIDE'S NAME (First, Middle, Last)		8b. MAIDEN SURNAME (If different)		9. AGE LAST BIRTHDAY	
10a. RESIDENCE—CITY, TOWN, OR LOCATION		10b. COUNTY			
10c. STATE	11. BIRTHPLACE (State or Foreign Country)		12. DATE OF BIRTH (Month, Day, Year)		
13a. FATHER'S NAME (First, Middle, Last)	13b. BIRTHPLACE (State or Foreign Country)	14a. MOTHER'S NAME (First, Middle, Maiden Surname)	14b. BIRTHPLACE (State or Foreign Country)		

**SIGNATURES**

**WE HEREBY CERTIFY THAT THE INFORMATION PROVIDED IS CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AND THAT WE ARE FREE TO MARRY UNDER THE LAWS OF THIS STATE.**

15. GROOM'S SIGNATURE	16. BRIDE'S SIGNATURE
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**LICENSE TO MARRY**

This License Authorizes the Marriage in This State of the Parties Named Above By Any Person Duly Authorized to Perform a Marriage Ceremony Under the Laws of the State of _____.		17. EXPIRATION DATE (Month, Day, Year)
18. SUBSCRIBED TO AND SWORN TO BEFORE ME ON: (Month, Day, Year)	19. SIGNATURE OF ISSUING OFFICIAL	20. TITLE OF ISSUING OFFICIAL

**CEREMONY**

21. I CERTIFY THAT THE ABOVE NAMED PERSONS WERE MARRIED ON: (Month, Day, Year)	22a. WHERE MARRIED—CITY, TOWN, OR LOCATION	22b. COUNTY
23a. SIGNATURE OF PERSON PERFORMING CEREMONY	23b. NAME (Type/Print)	23c. TITLE
23d. ADDRESS OF PERSON PERFORMING CEREMONY (Street and Number or Rural Route Number, City or Town, State, Zip Code)		
24a. SIGNATURE OF WITNESS TO CEREMONY	24b. SIGNATURE OF WITNESS TO CEREMONY	

**LOCAL OFFICIAL**

25. SIGNATURE OF LOCAL OFFICIAL MAKING RETURN TO STATE HEALTH DEPARTMENT	26. DATE FILED BY LOCAL OFFICIAL (Month, Day, Year)
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**CONFIDENTIAL INFORMATION. THE INFORMATION BELOW WILL NOT APPEAR ON CERTIFIED COPIES OF THE RECORD.**

**GROOM**

**BRIDE**

27. NUMBER OF THIS MARRIAGE—First, Second, etc. (Specify below)	28. IF PREVIOUSLY MARRIED, LAST MARRIAGE ENDED		29. RACE—American Indian, Black, White, etc. (Specify below)	30. EDUCATION (Specify only highest grade completed)	
	By Death, Divorce, Dissolution, or Annulment (Specify below)	Date (Month, Day, Year)		Elementary/Secondary (0-12)	College (1-4 or 5)
27a.	28a.	28b.	29a.	30a.	
27b.	28c.	28d.	29b.	30b.	

A-I

# LEGISLATIVE TESTIMONY

## Kansas Chamber of Commerce and Industry

500 First National Tower One Townsite Plaza Topeka, KS 66603-3460 (913) 357-6321



A consolidation of the  
Kansas State Chamber  
of Commerce,  
Associated Industries  
of Kansas,  
Kansas Retail Council

SB 256

March 2, 1987

### KANSAS CHAMBER OF COMMERCE AND INDUSTRY

Testimony Before the  
Senate Judiciary Committee

by

Bud Grant  
Vice President

Mr. Chairman, members of the committee. My name is Bud Grant and I am appearing on behalf of the Kansas Retail Council, a major division of the Kansas Chamber of Commerce and Industry. I very much appreciate the opportunity of appearing before the committee today to discuss with you some possible steps which the state of Kansas can take to address the problems associated with shoplifting.

The Kansas Chamber of Commerce and Industry (KCCI) is a statewide organization dedicated to the promotion of economic growth and job creation within Kansas, and to the protection and support of the private competitive enterprise system.

KCCI is comprised of more than 3,000 businesses which includes 200 local and regional chambers of commerce and trade organizations which represent over 161,000 business men and women. The organization represents both large and small employers in Kansas, with 55% of KCCI's members having less than 25 employees, and 86% having less than 100 employees. KCCI receives no government funding.

The KCCI Board of Directors establishes policies through the work of hundreds of the organization's members who make up its various committees. These policies are the guiding principles of the organization and translate into views such as those expressed here.

Few realize that the crime of shoplifting and employee theft costs retailers nationally a total of \$1.73 billion annually - or two percent of gross sales. This

*Attach. II.  
Senate Judiciary  
3-2-87*

according to the International Council of Shopping Centers. That's money right off the bottom line and represents one of the factors which contribute to the cost of virtually every product which you and I buy. What it means is that in real terms, if someone steals one coat, the store must sell 23 coats to make up for the loss, and an additional two coats must be sold for the profit lost on the one stolen item.

According to the national coalition to prevent shoplifting, the loss in Kansas in 1980, which are the latest figures which I have seen filed, was \$239 million. This problem of shoplifting is dealt with by statute in most every state. These range from those which provide detailed definitions of the elements of the crime, the activities and rights of the merchant and the peace officer with regard to those suspected of shoplifting, the use of photographic evidence of allegedly stolen items, the punishments imposed on criminal conviction, and the civil liability of the one accused of shoplifting.

The language contained in SB 256, which the committee has under consideration today, was taken basically from the approach now being used in the state of Illinois. It also is very similar to that of Washington and California as well as several other states.

In reviewing the summary of state shoplifting laws as presented by the Association of General Merchandise Chains in its publication of January 1984, I did notice that some laws deal with the crime of retail theft, as opposed to the broad question of theft. It may very well be that if the committee feels that the proposed legislation is too broad in its application, it may want to be more specific in its limitations and provide that it be limited to retail theft.

Kansas retailers very much appreciate the past support of this committee Mr. Chairman, in attempting to formulate solutions to the very expensive problem of retail shoplifting. I respectfully request that the committee give favorable consideration to SB 256 and it recommend its passage to the full Senate.

Thank you very much for the opportunity of appearing before the committee. I would be pleased to attempt to answer any questions the committee might have.



# Kansas Food Dealers' Association, Inc.

2809 WEST 47th STREET SHAWNEE MISSION, KANSAS 66205

PHONE: (913) 384-3838

March 2, 1987

## SENATE JUDICIARY COMMITTEE

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### DIRECTOR OF GOVERNMENTAL AFFAIRS

FRANCES KASTNER

## SUPPORTING SB 256

**EXECUTIVE DIRECTOR**  
JIM SHEEHAN  
Shawnee Mission

I am Frances Kastner, Director of Governmental Affairs for the Kansas Food Dealers Association. Our membership consists of wholesalers, distributors and retailers of food products throughout Kansas.

Over the years the amount of loss suffered by our retailers through shoplifting has increased dramatically. There is no way for the merchant to recover that loss other than adding the value of the property lost into his overall cost.

Therefore, every time a theft occurs and the criminal is not prosecuted and forced to make restitution, you and I as honest citizens are paying for the crime that the criminal committed.

I have appeared before you in years past supporting this type of legislation. I sincerely hope that you again recognize SB 256 as one method of helping the retailers reduce their losses, and in turn reduce their cost of doing business.

We fully support the intent of SB 256 and hope that individuals will also avail themselves of this opportunity to recover on theft of property.

Last year the Kansas Legislature passed a good bill aimed at reducing bad checks with similar recovery provisions, and we appreciate your efforts in that regard. Hopefully SB 256 will send a strong message that criminals in Kansas get more than just a "slap on the wrist" when stealing property.

We ask your support of SB 256, and I appreciate the opportunity to appear before you.

*Attach. III  
Senate Judiciary  
3-2-87*