

Approved March 30, 1988  
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Robert Frey at  
Chairperson

10:00 a.m./~~p.m.~~ on March 28, 1988 in room 514-S of the Capitol.

All members ~~were~~ present ~~except~~: Senators Frey, Hoferer, Burke, Feleciano, Gaines, Langworthy, Parrish, Steineger and Yost.

Committee staff present:

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

Conferees appearing before the committee: None

House Bill 2652 - Civil procedure rules dealing with the filing of motions.

House Bill 2754 - Cancellation of bonds by the court.

House Bill 3002 - Clerk of the district court may use a facsimile signature.

Senator Yost, chairperson subcommittee #1, explained the three bills to the committee and presented the recommendation of the subcommittee. Senator Yost then moved House Bill 2652, House Bill 2754 and House Bill 3002 be reported favorably. Senator Gaines seconded the motion. The motion carried.

House Bill 2632 - Exemptions from legal process.

Senator Yost explained the recommendations of the subcommittee. Senator Yost then moved to amend the bill in line 99 by striking the reference to a value limit. Senator Burke seconded the motion. The motion carried. Senator Yost moved to make the technical amendments in line 69 (e) and Line 76 (f). Senator Burke seconded the motion. The motion carried.

Senator Gaines made a conceptual motion to amend the bill to provide the cash surrender value in life insurance policies not be exempt from creditors under any set of circumstances. Senator Hoferer seconded the motion. Committee discussion followed.

Senator Gaines made a substitute motion to amend the bill to provide the cash surrender value will at anytime exceed \$10,000, will be exempt. Senator Hoferer seconded the motion. Considerable committee discussion followed. With three voting in favor of the motion and five opposed, the motion failed.

Senator Yost moved to report the bill favorably as amended. Senator Burke seconded the motion. The motion carried.

House Bill 2851 - Liens for installing and replacing vehicle equipment.

Senator Yost explained the subcommittee's recommendations. Senator Yost then moved to amend the bill in line 24 by adding

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,  
room 514-S, Statehouse, at 10:00 a.m. ~~pm~~ on March 28, 1988

House Bill 2851 continued

"replace, add or install equipment". Senator Burke seconded the motion. The motion carried. Senator Yost moved to amend House Bill 3047 into House Bill 2851 and changing the five year reference to one year. Senator Gaines seconded the motion. The motion carried. Senator Yost moved to report the bill favorably as amended. Senator Gaines seconded the motion. The motion carried.

House Bill 2689 - Pay period changes in garnishment.

Senator Yost explained the technical amendments recommended by the subcommittee. Following further discussion of the bill, Senator Yost moved to adopt the technical amendments. Senator Burke seconded the motion. The motion carried. Senator Yost moved to report the bill favorably as amended. Senator Burke seconded the motion. The motion carried.

House Bill 3001 - State not required to issue bond to get temporary injunction.

Senator Yost explained the recommendations of the subcommittee. is that the judge may waiver the required undertaking. He explained, we are doing away with the requirement for bond. Staff will prepare a brief for the committee showing the commended changes before taking further action on the bill.

The chairman announced there will be a 7:00 A.M. committee meeting in the morning on tort reform

The meeting adjourned.

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

GUEST LIST

COMMITTEE: SENATE JUDICIARY COMMITTEE

DATE: 3-28-88

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
GERHARD METZ	TOPEKA	KCCF
PATRICIA HENSHELL	TOPEKA	OJA/SUPREME CT
BARB REINERT	"	RTPOA
JOE A. MORRIS	"	KLSI
Mike Oxford	LI	KACEH
Jim May	"	Ks Bank Assoc.
Bill Moroney	"	DHR/Workers Comp
JOHN C. BOTTENBERG	TOPEKA	AIR TRAVEL Assoc of Amer
Stanley Basted	Cherryvale	None
Ron Sells	Topeka	KEBA
Bob Whitman	Topeka	RTCA
LARRY MAGILL	"	IIAK