

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

Held in Room 519 S, at the Statehouse at 10:00 a. m. ~~xxxx~~, on February 2, 19 79.

All members were present except: Senators Burke, Hess and Mulich

The next meeting of the Committee will be held at 10:00 a. m. ~~xxxx~~, on February 5, 19 79.

~~These minutes of the meeting held on xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx 10 xxx were considered, corrected and approved.~~


Chairman

The conferees appearing before the Committee were:

- Gene Steffes - Olpe, Kansas, Farmer
- Senator John Crofoot

Staff present:

- Art Griggs - Revisor of Statutes
- Jerry Stephens - Legislative Research Department
- Wayne Morris - Legislative Research Department

Senate Bill No. 104 - Structures located on certain land abandoned for railroad purposes. Gene Steffes, from Olpe, Kansas, testified in support of the bill. He stated the bill would not do him any good but it might help someone in the future in a similar situation. He stated that he and his friend had constructed buildings, which they own, on railroad right-of-way, and that the railroad had abandoned the right-of-way. As a result, the owners of the land adjoining the right-of-way had laid claim to ownership of the buildings, upon abandonment of the right-of-way. Committee discussion with him followed.

Senator Crofoot testified in support of the bill. He stated he realized that there might be problems with this bill, but he introduced it in order to call to the attention of the committee the problems involved.

At the request of the chairman, the staff prepared and distributed to the members a memo listing various bills passed by this committee during the 1977 and 1978 sessions, which were passed by the full Senate, but which were defeated in the House.

Senate Bill No. 123 - Exemptions to mortgage registration fee. A copy of the fiscal note received on the bill was distributed. Following committee discussion, Senator Berman moved to report the bill favorably as amended; Senator Parrish seconded the motion, and the motion carried.

continued -

CONTINUATION SHEET

Minutes of the Senate Committee on Judiciary February 2, 19 79.

Senate Bill No. 117 - Garnishment authorized for certain temporary orders of support. Following committee discussion, Senator Steineger moved that the bill be reported adversely. Senator Berman seconded the motion for purposes of discussion. It was suggested that the bill could be amended in line 81 by inserting the words "when such support is past due." Following further committee discussion, Senator Hein made a substitute motion to amend the bill in that manner; Senator Simpson seconded the motion. On a vote of four in favor and five opposed, the substitute motion failed. Following further committee discussion, the original motion carried on a vote of six to three.

Senator Gaar discussed various amendments to the Kansas Securities Act. A copy of a statement discussing the proposals is attached hereto. Senator Gaar moved to introduce such legislation; Senator Hess seconded the motion, and the motion carried.

The meeting adjourned.

These minutes were read and approved
by the committee on 2-20-79.

2-2-79

GUESTS

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
Peter J. Wagner	Olpe Kansas	Elevator operator
Gene Steffer	Olpe Kansas	Farmer
Max Mose	Topeka	CCSO
Raymond S. Poe		Sen. News intern
Walt Scott	Topeka	Credit Bureau
Gdy Lemank	Topeka	KWPC
Adrien Zubrin	Topeka	KWPC



DWIGHT D. KEEN
Securities Commissioner

5291
Office of the Securities Commissioner

Fourth Floor, State Office Bldg.
Ph. 913/296-3307
TOPEKA, KANSAS 66612

M E M O R A N D U M

TO: Members of the Kansas Securities Act Review Committee

FROM: Dwight D. Keen
Securities Commissioner
State of Kansas

DATE: January 4, 1979

RE: Review Committee Issues I through VI

Enclosed please find a "kit" or set of issues for consideration by the Review Committee. The issues or topics to be considered at this time include:

- I. Proposed revision of the securities "agent" definition.
- II. Proposed adoption of a statute of limitations for private civil causes of action (civil liabilities) arising under the Kansas Securities Act.
- III. Proposed repeal of the "exchange listing" exemption [K.S.A. 17-1261(g)] and adoption of the "blue chip" exemption.
- IV. Proposed registration or licensing of "investment advisers."
- V. Proposed revision of the criminal penalties provisions of the Kansas Securities Act.
- VI. Proposed revision of the broker-dealer and investment adviser books and records examination fee.

If adopted, these proposed revisions potentially could improve and update the Securities Act and the quality of securities regulation in Kansas.

For each issue or topic, an attempt has been made to provide background information and propose possible revisions or amendments

to the Securities Act. Whenever feasible, these suggested revisions have been drawn from the model Uniform Securities Act as adopted by the National Conference of Commissioners on Uniform State Laws and the American Bar Association. Currently, those jurisdictions (34) whose "blue sky laws" basically reflect the Uniform Securities Act include:

Alabama	Montana
Alaska	Nebraska
Arkansas	Nevada
Colorado	New Jersey
Delaware	New Mexico
District of Columbia	North Carolina
Hawaii	Oklahoma
Idaho	Oregon
Indiana	Pennsylvania
Iowa	Puerto Rico
Kansas	South Carolina
Kentucky	Utah
Maryland	Virginia
Massachusetts	Washington
Michigan	West Virginia
Minnesota	Wisconsin
Missouri	Wyoming

In addition, parts of the Uniform Act have been adopted in a number of other jurisdictions, ranging from one or more sections in Georgia, Illinois, New York, Rhode Island, Texas, and Vermont to fairly sizeable portions in California, Connecticut, Maine, and North Dakota.

Attached to the discussion of each of the enclosed issues please find a "Comments and Recommendations" sheet. To permit possible legislative consideration of these issues during the 1979 Session, it is requested that each committee member detach and return all "Comments and Recommendations" to this office by January 30, 1979.

MEMORANDUM

January 31, 1979

TO: Senate Committee on Judiciary

FROM: Jerry Stephens, Kansas Legislative Research Department

RE: Senate Committee on Judiciary Bills Not Approved by the House of Representatives

The following bills, referred to Senate Committee on Judiciary during the 1977 and 1978 Sessions of the Legislature, were recommended for passage to the full Senate. They were not, however, approved by the House of Representatives.

- S.B. 71 - (Simpson) Supplementing the code of civil procedure for limited actions; use of interrogatories in certain actions. Reported adversely by House Judiciary.
- S.B. 85 - (Francisco) Juvenile Code; actions against certain traffic offenders. Reported adversely by House Judiciary.
- S.B. 106 - (Simpson) Eminent domain procedure; various amendments relating to files and records; hearings; appeals; fees and court costs. Reported adversely by House Judiciary.
- S.B. 124 - (Allegrucci) Amendment relating to the procedure for changing the name of a person. Died in House Judiciary.
- S.B. 201 - (Judiciary) Establishing an office of public defender in certain judicial districts. Reported adversely by House Judiciary.
- S.B. 347 - (Judiciary) Sentencing of defendants convicted of certain crimes; amendments relating to probation or suspended sentence. Died in House Judiciary.
- S.B. 350 - (Judiciary) Evidence in certain criminal prosecutions; use of photos of property as evidence. Reported adversely by House Judiciary.
- S.B. 351 - (Judiciary) Amendments relating to driving a vehicle while under the influence of intoxicating liquor. Died in House Judiciary.
- S.B. 468 - (Federal and State Affairs) District attorneys; amendments relating to the powers of investigative personnel. Died in House Judiciary.

- S.B. 497 - (Simpson) Civil procedure; relating to admission of facts and genuineness of documents. Rejected by House on Final Action.
- Sub. for (Judiciary) Defining penalties for certain sexual
S.B. 506 offenses. Reported adversely by House Judiciary.
- S.B. 579 - (Berman and Parrish) "Protection from abuse" act. Stricken from House Calendar; rejected by House.
- S.B. 593 - (Rogers) Remedy to landowners for improvements made on property not contracted for or condemned. Died in House Judiciary.
- S.B. 645 - (Chaney) Disclosure of treatment for mental or emotional disorder by persons applying for employment. Died in House Labor and Industry.
- S.B. 689 - (Parrish and Simpson) Supplementing the code of civil procedure for limited actions; use of interrogatories. Reported adversely by House Judiciary.
- S.B. 761 - (Parrish) Juvenile code; prosecution of certain offenses pursuant to the code of criminal procedure. Died in House Judiciary.
- S.B. 780 - (Hein and Parrish) Restoration of parental rights under certain circumstances.
- House Sub. (Judiciary) Grounds for divorce or separate mainten-
for S.B. ance. Died in Conference Committee.
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- S.B. 845 - (Judiciary) Rights of married persons to sue one another. Died on General Orders in House.
- S.B. 860 - (Judiciary) Unlawful possession of firearms. Reported adversely by House Federal and State Affairs.
- S.B. 865 - (Judiciary) Mortgage registration fee exemptions. Reported adversely by House Judiciary.
- S.B. 866 - (Judiciary) Code of civil procedure for limited actions; notice of appeal; extension of time. Reported adversely by House Judiciary.
- S.B. 908 - (Judiciary) District court procedure for changes of judge. Died in House Judiciary.
- S.B. 909 - (Judiciary) Court of Appeals; establishing a central research staff therein. Died in Senate Ways and Means.
- S.B. 932 - (Ways and Means) Concerning limitations relating to garnishment. Reported adversely by House Judiciary.

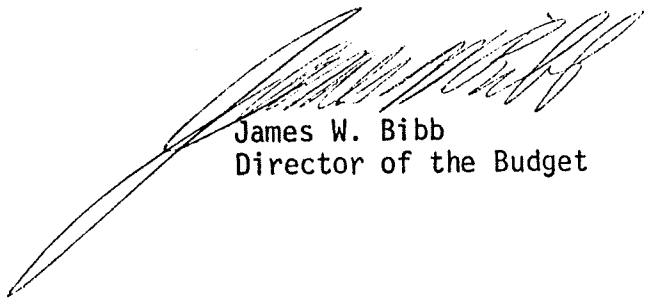
The Honorable Elwaine F. Pomeroy, Chairperson
Committee on the Judiciary
Senate Chamber
Third Floor, Statehouse

Dear Senator Pomeroy:

SUBJECT: Fiscal Note for Senate Bill No. 123 by
Senator Pomeroy

In accordance with K.S.A. 75-3715a, the following fiscal note concerning Senate Bill No. 123 is respectfully submitted to your committee.

Senate Bill No. 123 would provide that no registration fee be collected by the Register of Deeds of a county to record equitable interest affidavits. According to information provided by the Shawnee County Register of Deeds, the estimated loss of revenues to Shawnee County would approximate \$2,700 per annum. The fiscal effect, resulting from the passage of this bill, on other Kansas counties cannot be determined at this time.



James W. Bibb
Director of the Budget

JWB:TRT:mkr