

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

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

10:00 a.m. ~~pm~~ on February 10, 1983 in room 514-S of the Capitol.

~~All~~ members ~~were~~ present ~~except~~ were: Senators Pomeroy, Winter, Burke, Feleciano, Gaines
Hein, Mulich 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:

Senator Bert Chaney
Jim Clark, Kansas County and District Attorneys Association
Marjorie Van Buren, Office of Judicial Administrator
Colonel David Hornbaker
Kathleen Sebelius, Kansas Trial Lawyers
John Crofoot, Kansas Grain and Feed Dealers Association

Senate Bill 138 - Disposition of fines imposed for driving under influence of
alcohol or drugs.

Senator Chaney, the sponsor of the bill, explained the bill to the committee.
The chairman reported Senate Bill 121 and Senate Bill 151, which deal with this
subject, are scheduled for hearing next Tuesday. Committee discussion followed.

Jim Clark testified his association does support this bill. He said since the
crack down on DUI, some of this burden seems to be falling strictly on the county
general fund; counties have to bear the cost. It is having an impact on large and
small counties. He explained this measure would allow the counties to cover some
of that cost. Since July 1, a lot of the traffic cases haven't really been felt
yet. It is too early to come up with direct figures.

Marjorie Van Buren testified her office supports Mr. Clark's statements. She
said they are just beginning to collect the money from some of these cases.
A committee member inquired if the court were collecting that information.
She replied, not on fines; they can calculate what docket fees will be. The
chairman reported they will get a fiscal note on it. Marjorie Van Buren reported
she does have a copy of what was turned into the budget division. They estimated
those fines to be \$1,200,000; 44,000 cases resulted in someone paying the fine;
two-thirds of this are first-time offenders; the other one-third is at least 500.

Colonel Hornbaker reported there were 5260 DWI cases in the state of Kansas;
their agency filed 3,254; their 62% resulted in fines of \$317,333 collected.

Senator Burke moved to approve the minutes of February 7 and February 8, 1983;
Senator Werts seconded the motion and the motion carried.

Kathleen Sebelius presented a request for introduction of a committee bill that
related to civil procedure. She explained the proposal to the committee. Follow-
ing committee discussion, Senator Gaines moved that the bill be introduced as a
committee bill; Senator Winter seconded the motion, and the motion carried.

The chairman presented three proposals that amend the Kansas Consumer Protection
Act and were requested by the attorney general. The first proposal would provide
a three-day cooling off period for health spa contracts. Senator Feleciano moved
that the bill be introduced; Senator Mulich seconded the motion, and the motion
carried. The chairman explained the second proposal relates to the implied

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARYroom 514-S, Statehouse, at 10:00 a.m./~~xxx~~ on February 10, 1983

warranty under the Kansas Consumer Protection Act. Following committee discussion, Senator Gaines moved that the bill be introduced; Senator Winter seconded the motion, and the motion carried. The chairman explained the third proposal is designed to deal with a gray area where certain activities that some thought were covered in the securities act; it would delete in the exception of the definition of consumer transaction the words "and securities" and "federal". Senator Gaines moved that the bill be introduced; Senator Werts seconded the motion, and the motion carried.

Senate Bill 7 - Filing of security interests in farm products.

The chairman explained the proposed substitute bill embodies the prior decisions made by the committee. A staff member explained the proposed substitute bill to the committee. The chairman then read the two amendments proposed by Jon Josserand (See Attachment #1). The chairman recognized Mr. Josserand for questions by the committee. A committee member inquired why he wants to eliminate sections (3) (a) and (3) (c). Mr. Josserand replied it was to eliminate any implication that his office would provide this information on the telephone. Another committee member inquired if he had any objections from the farm organizations. Mr. Josserand said they support it.

The chairman recognized John Crofoot. Mr. Crofoot stated there will be a method worked out for immediate access by computer or by telephone down the road; it is not too important the first or second year but more important in later years for immediate access. Considerable discussion was held regarding providing instantaneous information to the public. Mr. Josserand stated no state has service that includes instantaneous access. He feels with centralized filing, people will be able to get information within a reasonable time frame. Considerable committee discussion followed. John Crofoot suggested the filing be made first at the secretary of state's office and then filed back at the register of deeds. Further committee discussion was held.

Consideration of Senate Bill 7 will be continued at a later date.

The chairman presented a proposal to be introduced as a committee bill that was requested by the State Board of Tax Appeals that would provide that appeals from their decisions would be to the court of appeals. Senator Steineger moved that the bill be introduced as a committee bill; Senator Gaines seconded the motion, and the motion carried.

The chairman presented a request for a committee bill from Judge Coffman that would permit the court to decide whether summons could be issued for a defendant instead of an arrest warrant. Senator Werts moved the the bill be introduced; Senator Winter seconded the motion, and the motion carried.

The meeting adjourned.

GUESTS

SENATE JUDICIARY COMMITTEE

NAME

ADDRESS

ORGANIZATION

NAME	ADDRESS	ORGANIZATION
Joy Josselyn	Topeka	Secretary of State
John Light	Maple	KCFP
Jerry Jones	Staff	Steiniger
Gregg Matton	Law	Steiniger
Steve Rankin	Top	AP
Jim Mufford	Wichita	KCWC
David Gansleben	Topeka	KHP
Mark R. Ayson	Berland Park	Johnson County FCC
Jean O'Brien	Topeka	Register of Deeds
Rubie M. Scott	Olathe	Reg of Deeds
Milda Einstein	Lawrence	---
Lyle Rose	Clorado	---
Sue Neustifter	Lawrence	" " " "
Ausie Parmer	Leavenworth	Reg of Deeds
Majorie Van Buren	Topeka	OSA
Tom Groneman	K. C. K.	Register of Deeds
Jan Holt	Valley Center, Mo	KCUW
Mary Harper	Hgaly	AAM
Randy Tesh	Lopka	Ks. Coop Council
Bryan Krantz	Topeka	ACLU
Emergy J. Rome	Hays	Ellis County Clerk
N Virginia Herzog	Hays	Ellis Co Reg of Deeds
Mike Bellinger	HAYS	ELLIS CO TREASURER
William Schelin	Topeka	KTCB

2-10-83

#1

STATE OF KANSAS



JACK H. BRIER
SECRETARY OF STATE

OFFICE OF SECRETARY OF STATE

CAPITOL—2ND FLOOR
PHONE (913) 296-2236
TOPEKA, KANSAS 66612

February 10, 1983

Honorable Elwaine F. Pomeroy
Senate Chamber
State Capitol
Topeka, Kansas 66612

Dear Senator Pomeroy:

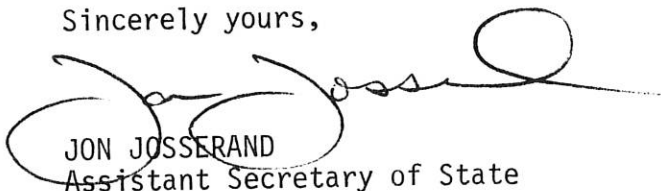
I have reviewed the draft of a proposed substitute for Senate Bill 7. I offer the following amendments which are also supported by the Kansas Grain and Feed Dealers Association, the Kansas Livestock Association and the Kansas Committee for Farm Organizations.

1. Delete section 3(a) and 3(c).
2. Include K.S.A. 84-9-407 pertaining to fees and change the fee from \$3 to \$5 for the first ten information listings provided.

The second amendment would not affect the revenues of the division. It would create a flat fee, instead of a variable fee for 80% of the information searches currently made. It would help to eliminate the paperwork associated with the necessity of continually billing requesting parties for \$1.00 or \$2.00 of additional fees.

Please let me know if you have any questions concerning this matter.

Sincerely yours,



JON JOSSERAND
Assistant Secretary of State

JJ:JG

Atch. 1