

MINUTES OF THE SENATE COMMITTEE ON JUDICIARYThe meeting was called to order by Senator Elwaine F. Pomeroy at
Chairperson12:00 ~~am~~ p.m. on March 3, 1983 in room 519-S of the Capitol.~~All~~ members ~~were~~ present ~~except~~ were: Senators Pomeroy, Winter, Feleciano, Hein, Hess,
Mulich and Werts.Committee staff present: Mary Torrence, Revisor of Statutes
Mike Heim, Legislative Research Department

Conferees appearing before the committee:

Wayne Hundley, Office of Attorney General
Jeff Southard, Office of Attorney General
Hank Blase, Sedgwick County District Attorney's OfficeSenate Bill 355 - Unconscionability of limiting warranties under Consumer Protection Act.

Wayne Hundley appeared in support of the bill and explained this was requested by his department. He stated the bill amends the Consumer Protection Act, and it would aid their office in bringing actions. Committee discussion with him followed.

Senate Bill 356 - Application of Consumer Protection Act to securities transactions.

Wayne Hundley appeared in support of the bill. He explained the bill will remove the securities definition of the consumer transactions.

Jeff Southard appeared in support of the bill. He testified his department works well with the securities people. If they have a consumer case, they send it to them. The chairman inquired what the reason was for exclusions of securities in the first place. Mr. Southard answered, because they felt under agencies, they had jurisdiction and no need to put it in there. During discussion, the chairman inquired about the problem of having a potential overlap of jurisdictions. Mr. Southard replied, he doesn't feel that could be a problem. A committee member inquired about striking the whole parenthetical. Mr. Southard answered, they don't have any problem with that; the insurance department takes care of that.

Senate Bill 357 - Right of consumer to cancel health spa or buying club contract.

Wayne Hundley appeared in support of the bill. He explained the purpose of the bill is to provide a buyer three days to cancel a contract. He reported they have received 112 complaints, and they have 76 open files for health spas. He explained people sign a contract just to get away from the high pressure sales pitch. Mr. Hundley stated those who don't complain, don't get taken care of; if they complain, they help them.

Senate Bill 369 - Subpoena of evidence in inquisitions.

Hank Blase appeared in support of the bill. He explained the substantive change in the bill is in line 34. He related a case in Sedgwick County where a woman received a threatening letter, and the interpretation by the court was that they would not be able to obtain fingerprints from an individual who wrote the threatening letter. He stated the purpose of this amendment is to solve the problem now before it comes up again. Committee discussion with him followed.

Mr. Blase then explained to the committee the problem with no penalty provisions for handicapped parking. He said in looking at the statute, it appears there is no penalty, and the law is not enforceable. The chairman requested staff to check on it and report back to the committee.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 519-S, Statehouse, at 12:00 ~~xxx~~/p.m. on March 3, 1983.

Senate Bill 369 - Subpoena of evidence in inquisitions.

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

Senate Bill 357 - Right of consumer to cancel health spa or buying club contract.

The chairman reviewed the bill. Following committee discussion, Senator Feleciano moved to report the bill favorably; Senator Mulich seconded the motion, and the motion carried.

Senate Bill 356 - Application of Consumer Protection Act to securities transactions.

Following committee discussion, Senator Winter moved to report the bill favorably; Senator Werts seconded the motion, and the motion carried.

Senate Bill 355 - Unconscionability of limiting warranties under Consumer Protection Act.

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

Senate Bill 258 - Wrongful life or birth actions prohibited.

The chairman explained the bill. Senator Feleciano made a conceptual motion to amend the bill as provided in the California Act where limited to wrongful life; Senator Winter seconded the motion. Committee discussion followed. A staff member explained the California Act. Following further discussion, the motion carried to amend the bill. Senator Winter moved to report the bill favorably as amended; Senator Hess seconded the motion, and the motion carried.

Senate Bill 28 - Good Samaritan food law.

The chairman reviewed the bill. Following committee discussion, Senator Feleciano moved to report the bill favorably; Senator Werts seconded the motion. Senator Feleciano made a substitute motion to amend the title; Senator Werts seconded the motion, and the motion carried. Senator Feleciano moved to report the bill favorably as amended; Senator Werts seconded the motion, and the motion carried.

Senate Bill 239 - Repealing the prohibition against hypnotic exhibitions.

The chairman reviewed the bill. Senator Mulich moved to report the bill adversely; Senator Feleciano seconded the motion. Following committee discussion, Senator Feleciano withdrew his second; Senator Winter then moved to report the bill favorably; Senator Hess seconded the motion, and the motion carried.

Senate Bill 232 - Treatment act for drug abusers.

The chairman reviewed the bill. Following committee discussion, Senator Feleciano moved to direct the chairman to write a letter to Coordinating Council to request an interim study on the subject. Following further discussion, Senator Feleciano withdrew his motion. The chairman requested staff to check if there has been an interim study on this previously.

The meeting adjourned.

3-3-83
noon

GUESTS

SENATE JUDICIARY COMMITTEE

NAME

ADDRESS

ORGANIZATION

Jeff Southard

Attorney General's Office

Office

Harold Blane

Sidy. Co. D.A's Office

Wayne Hundley

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