

MINUTES OF THE SENATE COMMITTEE ON JUDICIARYThe meeting was called to order by Elwaine F. Pomeroy at
Chairperson10:00 ~~a.m./p.m.~~ on March 20, 1984 in room 514-S of the Capitol.~~All~~ members ~~were~~ present ~~except~~ were: Senators Pomeroy, Winter, Feleciano, Burke, Gaar, Gaines, Mulich, Steineger and Werts.Committee staff present:
Mary Torrence, Office of Revisor of Statutes
Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department

Conferees appearing before the committee:

Tom Kennedy, Division of Alcohol Beverage Control
Darb Ratner, Kansas Retail Liquor Dealers Association, Inc.
Jim Clark, Kansas County and District Attorneys Association
Mike Boyer, Kansas Bureau of Investigation
Susan Bell, Office of State Treasurer
George Martin, Office of State Treasurer
Philip Skow, Capital Recovery Company
Al Callaway, Capital Recovery CompanySenate Bill 835 - Drivers' license suspension for minor buying or consuming alcoholic liquor.Tom Kennedy testified his department is neither an opponent or a proponent of the bill. A copy of his remarks is attached (See Attachment No. 1). Committee discussion with him followed.Darb Ratner testified, basically the association has a problem in this field, when someone comes into a liquor store looking like they are 30 years old, and their driver's license shows they are under 21, and the liquor store dealer license is revoked. The judge lets the minor get away with a fine and punishes the dealer. He said it would be helpful if the punishment for the minor and the liquor store dealer were more equal. A copy of a statement from Albert D. Lollar, President of the Kansas Liquor Dealers Association, was handed out by Mr. Ratner and is attached (See Attachment No. 2). Committee discussion with Mr. Ratner followed.Senate Bill 843 - Liquor purchase by minors; increased penalties.Tom Kennedy testified this is a good piece of legislation, and it should deter minors asking for, purchasing, or receiving alcoholic liquor. A copy of his statement is attached (See Attachment No. 3). A committee member inquired if he would support an amendment that the retail liquor store dealer's fine match the fine or imprisonment, if the juvenile is convicted? Mr. Kennedy replied, he will support anything the legislature passes or enacts. He has no position.

Darb Ratner testified he favors anything that would help as far as minors is concerned, but he thinks the retail stores are too heavily penalized at the present time; it should be an even penalty. He suggested the committee consider doing away with the ramifications and license and match the penalty.

House Bill 2671 - Crime of contributing to a child's misconduct or deprivation.

Jim Clark appeared on behalf of the Shawnee County District Attorney's office. He reported the juvenile department of the Shawnee County and District Attorney's office had requested this bill. He explained there is a loophole in the law; if you don't lure a child away, you are not guilty of it. Mr. Clark suggested changing the runaway provisions to allow runaways to be picked up.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
 room 514-S, Statehouse, at 10:00 a.m./~~p.m.~~ on March 20, 1984

House Bill 3049 - Access to certain records relating to juvenile offenders.

Mike Boyer testified the department has a problem with the bill. The language in the bill changes from "court order" to "permission of the judge". He stated he didn't see this bill is of any use, because they are still going to ask for some document for their request. He explained if a central repository is developed, the bureau is not set up to do it right now, and this will put a burden on central repository.

Senate Bill 846 - Limitations on agreements for recovery of unclaimed property.

Susan Bell testified the state treasurer requested the introduction of this bill to protect persons with unclaimed property from being charged excessive finders fees. A copy of her testimony is attached (See Attachment No. 4). The chairman inquired, is there any particular problems; what is the basis for the treasurer's request? She replied, the office has been deluged with people coming in requesting the lists that show the larger amounts. A committee member inquired, how many agencies are pursuing these things, and have made contact with the treasurer's office? George Martin was recognized, and he replied, there have been a number of letters, and they have heard from other states. Susan Bell stated they come into our office and ask what records we have available of unclaimed property and mostly the large amounts. Their office gives them a printout and charge them 65¢ a page copy fee. The requests are not for the smaller amounts. The act went into effect July, 1980. A committee member inquired, how heavily is your office seeking the rightful owners? She replied, they are publishing legal notices; they have advertised; put notices at county fairs. They are anxious to return this money to these owners; they do not list amounts; just the names. A committee member inquired how they would feel with setting up some kind of a scale for other situations of lower amounts? She replied, the flat 10% is easier to administer than the sliding scale. They would like to see the 10% stay. Another committee member inquired, where do the small sums end up? She replied, they stay in the state general fund. They are always there for the established heir. There is interest earned in the general fund.

Philip Skow said he would like to see the sliding scale rather than the 10% that is now in the bill. He then explained his proposed amendments (See Attachment No. 5).

Al Callaway testified the state cannot reasonably be expected to spend more money to make further effort to find these people. This should be left open to private enterprise to help people find their money. They have only dealt with claims that have not fallen under this statute. He stated they are not operating to compete with the state. He is opposed to the 24 month waiting period and suggested the effective date be the last publication in the newspaper.

The hearings on Senate Bill 846, House Bill 3049, House Bill 2671, Senate Bill 843 and Senate Bill 835 were concluded.

Senator Burke moved to approve the minutes of March 1, 1984; Senator Steineger seconded the motion, and the motion carried.

House Bill 2671 - Crime of contributing to a child's misconduct or deprivation.

The chairman reviewed the bill. Senator Burke moved to report the bill favorably; Senator Mulich seconded the motion, and the motion carried.

Senate Bill 835 - Drivers' license suspension for minor buying or consuming alcoholic liquor.

Senator Steineger moved to report the bill adversely; Senator Gaar seconded the motion, and the motion carried.

Senate Bill 843 - Liquor purchase by minors; increased penalties.

Committee discussion was held. No action was taken

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:00 a.m./~~p.m.~~ on March 20, 1984

Senate Bill 846 - Limitations on agreements for recovery of unclaimed property.

Senator Winter made a motion to amend the bill providing a sliding scale; property valued up to \$1,000, 33%; \$1,000 to \$3,000, 25%; \$3,000 to \$5,000, 17%; over \$5,000, 10%; change 24 months to one year in line 24, and add "for violation of entering into a contract"; provide for making cross reference to consumer protection act. Senator Steineger seconded the motion, and the motion carried. Senator Winter moved to report the bill favorably as amended; Senator Mulich seconded the motion, and the motion carried.

The meeting adjourned.

GUESTS

3-20-84

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
Tom McGowan	Lawrence	KANU-stein
al Callaway	Topeka	Capital Recovery Co.
PHILIP SKOW	TOPEKA/CARBONDALE	HEIR TRACER
Richard Hodson	Lawrence, Ks.	ABC
TOM KENNEDY	TOPEKA	ABC
Neal Whitaker	Topeka	KBWA
Susan Bell	-	St. Louis Office
Joe Furgine	Topeka	KASB
Tom Fritzen	Lawrence	Sen Hess
Waldo Boyer	Topeka	KBI
Jim Clark	"	KCPAA
Albert D. Lollar	Topeka	KRLDA
Dan Patner	IKT	KRLDA
George Martin	Topeka	St. James office
Mr. [unclear]	Lawrence	Mr. [unclear]
Ron Miller	Topeka	SRS/ADAS
Jim Funn	Topeka	KLSI

3-20-84
Attach. #1

MEMORANDUM

TO: Honorable Elwaine F. Pomeroy, Chairman
Senate Judiciary Committee

FROM: THOMAS J. KENNEDY, Director, ABC Division

RE: Senate Bill 835

DATE: March 20, 1984

PURPOSE

The purpose of Senate Bill 835 is to increase the penalty for any minor who is convicted on a charge of purchasing, possessing or consuming alcoholic liquor and to assure that the burden of the penalty falls directly upon the minor by amending K.S.A. 41-715 to add new penalty provisions.

PERSPECTIVE

The use and abuse of alcoholic liquor seems to be increasing among minors both nationwide and in Kansas. Alcoholic liquor seems to be on the rise as the intoxicant of choice among young people because it is socially acceptable, inexpensive, easily obtained, and perceived as relatively safe.

Current statutes designed to prohibit the selling, buying and consumption of alcoholic liquor by minors do not appear to be very effective. Minors who are arrested for buying or possessing alcoholic liquor seem to be getting off with light penalties, usually fines, that are too often paid by their parents. It seems to be all too easy for any minor who wants it to be able to get hold of alcoholic liquor. Even the most conscientious seller of alcoholic liquor can be deceived by any one of several altered or fake ID's that are all too readily available.

As an alternative approach, the State of New Jersey has recently enacted a law that mandates a one-year suspension for the driver's license of any minor who is convicted on a charge of buying or consuming alcoholic liquor. (See attached newspaper article, Attachment 1). This is seen as a very effective deterrent in that it affects the minors themselves rather than being something that dad or mom can pay and it is a very stiff penalty.

March 20, 1984

COMMENTS AND/OR RECOMMENDATIONS

The Alcoholic Beverage Control Division recognizes, along with everyone else, the seriousness of this problem. The Division is of the opinion that penalties prescribed for specific illegal acts are policy matters that should be determined by the Legislature. The Division is neither a proponent nor an opponent of this proposal.

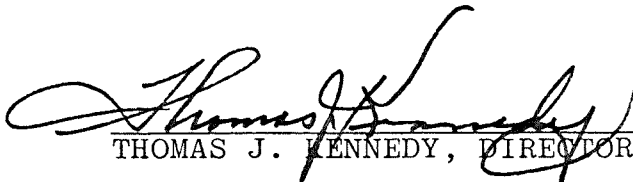
However, there are several considerations that we have noticed that we would like to point out to this committee.

1. Such a proposed penalty is probably legal. A driver's license has generally been viewed as a privilege, not a right. As such, the state has fairly broad discretion to grant it, restrict it or withdraw it.

2. This proposal would be a radical departure from current legislative policy. Under current Kansas law, a driver's license may be suspended for a variety of reasons, (See Attachment 2, reproduced from the Index to the Kansas Statutes Annotated), all of which appear to be directly related to operating a motor vehicle. Suspending a driver's license for being a minor and buying or consuming alcoholic liquor is not directly related to operating a motor vehicle.

3. This proposal would be a drastic, even a radical increase in the penalty for being a minor consuming alcoholic liquor.

4. SB 843, also under consideration, represents another approach to increasing the penalties for minors consuming alcoholic liquor.


THOMAS J. KENNEDY, DIRECTOR

TJK:plk

#1

Jan 13 1984
Bergen CTY. N.J.

Youths buying liquor face loss of licenses

By Peter Yerkes
and Bradshaw Hovey
Staff Writers

New Jersey is ready to punish underage buyers of alcoholic beverages where officials hope it will hurt the most — in the driver's license.

Governor Kean yesterday signed into law a bill mandating a one-year license suspension for anyone under 21 convicted of buying liquor. The measure, sponsored by Assemblyman Joseph D. Patero, D-Middlesex, and merged with an identical measure sponsored by state Sen. C. Louis Bassano, R-Union, took effect immediately.

If the convicted youth is under 17 and too young to have a license, he or she will have to wait an additional year before becoming eligible to apply. A 15-year-old convicted of buying liquor, for example, could not apply for a driver's license until age 18.

The new penalties also apply to underage persons caught drinking at a party, in a park, sitting in a car, or elsewhere, Bassano said.

"The growing incidence of teen-agers' purchasing alcohol illegally must be stopped," Kean said. "For many a loss of driving privileges or a delay in obtaining

a driver's license is a punishment more severe than a fine."

The new penalty is mandatory. Until now, someone convicted of buying liquor could have been fined up to \$100.

But, Bassano said, "no matter what the monetary fine was, Mom and Dad would be paying the fine. In this case, Mom and Dad can't do anything." The penalty of a suspended driver's license was chosen, he said, because it was something "that young people hold most sacred."

"I have a 17-year-old son. I know what my son's license means to him," Bassano said. Given the choices under the new law, he said, he was certain his son would choose to protect his driving privilege.

Kean also said he expects the bill to help police fight drunken driving.

Riley Regan, director of the state Division on Alcoholism, called the bill severe and said he expected it to "change a lot of attitudes very quickly."

At least some of those affected by the new law are sympathetic to overall efforts to curb drunken driving but say it is unfair to suspend a license for alcohol offenses that might not be related to driving.

See LICENSES, Page C-14

Youths could lose licenses

FROM PAGE C-1

"Driver's license?" Joy Bontempo, 20, of Garfield asked incredulously when informed of the new law in an interview at the Bergen Mall in Paramus. "Even if you were [drinking] in a park?"

"I know a couple of people who were killed drunk driving. I can see if we're drinking and driving at the same time." But she said the loss of a license for simply buying or consuming liquor didn't make sense.

Darren Tipton, 14, of Paramus said the new law is unlikely to discourage underage drinking. He also objected to linking the loss of license to an alcohol offense that doesn't involve a car.

"If you get caught drinking on the street, why should you get your license taken away?" Tipton asked.

"Oh, now that's ridiculous," Adrienne Pellegrini, 20, of Staten Island said. "That's parental drama. That's how parents punish children — for things that have nothing to do with it."

Ms. Pellegrini thought for a moment, then added: "But sometimes you just gotta do what works, and I guess a license is pretty important to kids."

Bassano, however, is not concerned that young people might oppose the measure. He said the law was intended as an extension of the 1982 law that raised the drinking age from 19 to 21. Increasing the legal age has already produced a decline in drunken-driving fatalities in the 17-21 age bracket, he said.

"I'd rather have kids mad at me," Bassano said, "than have them not be alive to be mad at me."

Regan of the Division of Alcoholism

and aides to Kean insisted that the measure doesn't infringe on constitutional rights of youths convicted of buying liquor.

"There would be a constitutional problem if there was a legal right inherent in the Constitution to a driver's license," Regan said. But there is no such right, so the bill signed yesterday is constitutional, he argued.

Paul Wolcott, a spokesman for Kean, also argued that a driver's license is a privilege, not a right, and can be suspended by the state if it has a good reason.

Wolcott contended that there is an established link between driving privileges and criminal charges or convictions. He said, for example, that police officers often impound a car if a sizable amount of marijuana is found in the trunk.

He also said that the bill simply added a new deterrent to the state's criminal code, which he likened to a system of deterrents and rewards for certain types of behavior. With young people, he said, one of the strongest deterrents that can be used is suspension of driving privileges.

Clifford W. Snedeker, director of the state Division of Motor Vehicles, said last night that notices of convictions for underage purchases of alcoholic beverages will be sent to his division, which will then suspend licenses. In the case of someone who hasn't yet received a license, a special file will be created in the person's name, and the person will be ineligible for a license until age 18.

Frank Askin, national general counsel for the American Civil Liberties Union, last night said he hadn't had time to con-

sider the new law and declined to comment on its possible constitutional implications.

Kean yesterday also signed a drunken-driving measure that would increase the wholesale liquor tax from 6.5 percent to 7.3 percent.

The change, which requires approval of additional legislation before it can take effect, is expected to raise \$10 million in the current fiscal year. The money is to be used to pay for a network of rehabilitation centers for drunken drivers, for extra police for drunken-driving patrols, and for educational programs.

The increase won't take effect, however, until the legislature passes a bill creating the fund that will be used to administer the new programs. And even if the legislature passes the bill quickly and sends it to Kean, as expected, aides to Kean said they're uncertain if the tax increase will take effect.

The reason is that the bill providing for the tax increase was passed during the 1982-83 legislative session, which officially ended at noon Jan. 10. The bill creating the new fund will have to be approved during the 1984-85 legislative session now underway.

Kean aides say it appears that both measures may have to be approved in the same session of the legislature. If that is the case, the tax increase would have to be introduced and approved again in the legislature.

Little opposition to the tax increase would be expected, but the increase in the wholesale liquor tax could be delayed for weeks or months by the legislative process.

1

MOTOR VEHICLES—Cont'd**Drivers' licenses—Cont'd****Restricted licenses—Cont'd****Issuance,**

Authorization, 8-241

Court order, 8-254

In lieu of revocation, 8-254

Mechanical device requirements, 8-245

Purpose listed, 8-237, 8-245, 8-254

Reissuance of unrestricted license, 8-254

Violation of restriction, 8-291

Revocation, Suspension or revocation, this subhead**Rules and regulations,**

Drivers' license applications, 8-247

Drivers' license examiners, 74-2015

Qualifications for classes of licenses, 8-234b

Records of moving violations, 8-249

School attendance, 8-237**School bus operation, 8-238****Service of process, 8-404****Signature, 8-243****State highway fund,**

Expenses of administration, 68-416

Deposit of fees, 8-267

State safety fund,

Driver training, 8-272

Fees, 8-267

Students, 8-235c**Surrender of licenses,**

Alcohol related offenses, 8-1567, 41-804, 41-2719

Cancellation for fraud or misinformation, 8-250

Child 14 to 18 years of age, 8-2117

Failure, 8-260

Juveniles, 8-2117

Other jurisdictions, 8-235

Stay of surrender, 8-259

Suspension or revocation, 8-257

Suspension or revocation,

Alcoholic liquor, transportation in open container, 41-804

Cereal malt beverages, 41-2719

Appeal, 8-259

Application for new license, 8-256

Child 14 to 18 years of age, 8-2117

Conviction in another state, 8-252, 8-1212, 8-1219 et seq.

Driver License Compact, 8-1212 et seq.

Driving after suspension or revocation, 8-262

Examinations,

Conviction of driving under influence, 8-241

Incompetent driver, 8-241

Mental or physical disability, 8-247

Seizure disorders, 8-247

Exemption from license, nullified, 8-236

Grounds,

Accident report, failure to file, 8-1610

Alcohol test refused, 8-1001

Alcoholic liquor, transportation in opened container, 41-804

Bond, deposit of license, violation, 8-2107, 12-4301

Cereal malt beverages, transportation in opened container, 41-2719

Conviction in another state, 8-252

Conviction of driving under influence of alcohol or drugs, 8-241, 8-1567

MOTOR VEHICLES—Cont'd**Drivers' licenses—Cont'd****Suspension or revocation—Cont'd****Grounds—Cont'd**

Driving after suspension or revocation, 8-262

Failure to appear for traffic citation, 8-2110

Failure to file accident report, 8-1609

Felony with vehicle, conviction, 8-254

Habitual violators, 8-255, 8-284 et seq.

Incompetent driver, 8-241, 8-255

Leaving scene of accident, 8-254, 8-1602

Military certification, 8-255

Moving violation without license, 8-255

Neglect, after notice, to take examination, 8-241

Not qualified to be licensed, 8-241

Open alcoholic beverage containers, 41-804, 41-2719

Refusal to take examination, 8-241

Restricted license, violation, 8-245

Three moving violations in one year, 8-249, 8-254, 8-255

Three serious offenses in five years, 8-284 et seq.

Vehicular homicide conviction, 8-254

Hearing, 8-245, 8-255, 8-1001

Juvenile offenders, generally, this index

Juveniles, 8-2117

Mandatory revocation, when, 8-254, 8-1567

Mandatory suspension, when, 8-253, 8-1609

Medical advisory board, 8-255b

Municipal courts, 12-4301

Nonresident Violator Compact, 8-1219 et seq.

Nonresidents, 8-251, 8-258

Notice, 8-255, 8-1001

Operation with out-of-state license prohibited, 8-258

Period of suspension or revocation, 8-256, 8-291

Possession after revocation, 8-260

Proceedings, 8-255

Records, 8-249

Restricted license, suspension or revocation, 8-237, 8-2117

Restriction, in lieu of suspension, 8-254, 8-1567, 8-2117, 41-804, 41-2719

Subpoenas, 8-255

Surrender of license, 8-257, 8-260

Witnesses, 8-255

Taxicab drivers, city license, 8-235

Temporary permit, 8-235, 8-239

Trucks, 8-234b

Drivers' training course, application for license without examination, 8-235c

Driving under influence of alcohol or drugs, 8-1567

Blood alcohol test, 8-1001

Diversion, 8-1008, 12-4413 et seq., 22-2909 et seq.

Evidence of test, 8-1005, 8-1006

Fees and costs, 8-1008, 8-1567

Ordinances of cities,

Diversion, 8-1009

Limitations, 8-1567

Penalties, 8-1567

Presentence evaluation, 8-1008, 8-1567

Public service, 8-1567

Treatment, 8-1008, 8-1567

Electric vehicles,

Identifying numbers, 8-116

Low power cycle, 8-1439b, 8-1592b

Registration fees, 8-143

MOTOR VEHICLES**Emergency vehicles****Designation****Use of signals****Encumbrance****Enforcement****Engine number****Engine number****Equipment, 8-****Air conditioning****Bells, 8-173****Brakes, 8-173****Chairs for****Control devices****Drawbars, 8-****Fire extinguishers****Glass, safety****Horns, 8-173****Lights, Light****Mirrors, 8-173****Mufflers, 8-****One-way or****Reflectors, 8-****Safety belts****Safety hitch****Seat belts, 8-****Television****Theft alarm****Tires,****Metal, 8-****Solid rubber****Studs, 8-****Tow bar, 8-****Windows, 8-****Windshield****Windshield****One-way****Equipment and****Essential parts****Evidence,****Driving un****Failure to r****Fair Trade****F.O.B., sales****Fair Trade L****Farm trucks, 8-****Farm vehicle****ment, 8-****Fees,****Antique ve****Certificates****Copies of r****Dealers and****Deposit, h****Driver train****Dispositio****Informati****Drivers' lic****Free copy****Inspection****License, 8-****License pla****Quarterly p****payment,****Proportion****Receipts, d****Reciprocal****Records, c**

3-20-84

Attach. # 2

K R L D A
KANSAS RETAIL LIQUOR DEALERS ASSOCIATION INC.

P.O. BOX 4051
TOPEKA, KS. 66604
(913) 272-4810 or 266-3420

ALBERT D. LOLLAR
PRESIDENT

TRACY MOODY, 1st Vice-President
CARL MITCHELL, 2nd Vice-President
WAYNE BENNETT, Secretary-Treasurer

TO: Senate Judiciary Committee

FROM: Kansas Retail Liquor Dealers Association Inc.

RE: Kansas Retail Liquor Dealers Association support for Senate
Bill 835 and Senate Bill 843.

Most retail liquor store owners are very interested in not selling to minors. There are so many sources for minors to secure false ID cards that it places a real hardship on the store owners. We also hope an effort will be made to require a person to surrender their old Kansas drivers license upon issuance of a new license. These expired licenses are easy for a younger brother or a son to use in attempting to purchase liquor.

The Kansas Retail Liquor Dealers Association will continue to support the legal and moderate use of the products we sell.

Albert D. Lollar
President

Attch. # 2

3-20-84
Attach. # 3

MEMORANDUM

TO: Honorable Elwaine F. Pomeroy
Chairman, Senate Judiciary Committee

FROM: THOMAS J. KENNEDY, Director, ABC Division

RE: Senate Bill 843

DATE: March 20, 1984

PURPOSE

Senate Bill 843, if enacted in its present form, is an act concerning alcoholic liquor; unlawful acts in connection with purchases or possession thereof; increasing penalties for commission thereof; amending K.S.A. 41-715 and repealing the existing section.

PERSPECTIVE

K.S.A. 41-715 concerns minors representing that they are of age for the purpose of asking for, purchasing or receiving alcoholic liquor from any person except in cases authorized by law, and the penalties for violations.

This bill changes the penalties for violating the provisions of K.S.A. 41-715. It provides that "any person violating any provisions of this section is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$250 nor more than \$1,000 or by imprisonment for not to exceed 90 days, or both such fine and imprisonment".

Presently, K.S.A. 41-715 states that: "Any person violating any provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than two hundred dollars (\$200) or by imprisonment for not to exceed thirty (30) days, or both such fine and imprisonment in the discretion of the court."

The law also makes it illegal for any person to sell or give liquor to a person who is incapacitated, including physical or mental incapacitation due to the consumption of alcoholic liquor.

This is no change from the present law.

COMMENTS AND/OR RECOMMENDATIONS

This is a good piece of legislation and should deter minors asking for, purchasing or receiving alcoholic liquor.

Attch. 3

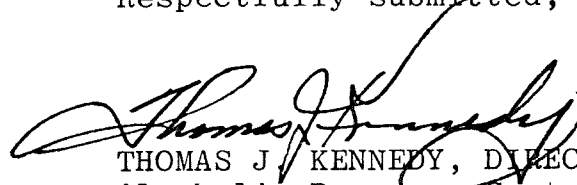
Last year (FY 83) we had 65 retail liquor store licensees cited for sales to minors. Many of the minors were not prosecuted. Those that were and those that were convicted received minimal fines ranging from \$5 to \$50. Under the present law, the judge could fine the minors from zero to \$200. This new law will require that the minimum fine is not less than \$250 or more than \$1000 if the minor is convicted or not to exceed 90 day imprisonment or both.

A concern that has been expressed is that the minor that is convicted will have the misdemeanor entered on his record. This is true either under present law or under the new law. The minor convicted could have the misdemeanor expunged from his record after three (3) years.

The Director of Alcoholic Beverage Control recommends this bill. I further feel that the Kansas Sheriff's Association and the Kansas Police Association, if asked, would recommend passage of this bill. This bill, if enacted, could have a positive effect on the number of minors who are presently purchasing or attempting to purchase alcoholic liquor.

3

Respectfully submitted,



THOMAS J. KENNEDY, DIRECTOR
Alcoholic Beverage Control Division

TJK:plk .

Senate Judiciary Hearing
March 20, 1984

The State Treasurer requested the introduction of SB 846 to protect persons with unclaimed property from being charged excessive finders fees. Property in the custody of the State Treasurer is available to the rightful owner or his heirs in its total amount.

The open records act has made the type of information "heir hunters" are seeking more readily accessible. The language in this amendment was copied from the California Abandon Property Act and is an attempt to limit the amount a legitimate owner would have to pay an heir finder. California language was adopted because the Appellate Court of the State of California upheld the constitutionality of this section in their law that imposes limitations on search agreements and fixes a maximum level of compensation.

Presented by the
Office of the State Treasurer

Attach. # 5

SENATE BILL No. 846

By Committee on Ways and Means

3-13

AMENDMENT

0017 AN ACT concerning the disposition of unclaimed property;
0018 relating to agreements for the recovery of property; amending
0019 K.S.A. 58-3932 and repealing the existing section.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. K.S.A. 58-3932 is hereby amended to read as fol-
0022 lows: 58-3932. All agreements to pay compensation to recover or
0023 assist in the recovery of property reported under K.S.A. 58-3912,
0024 and amendments thereto, **made within 24 months after the date**
0025 **payment or delivery is made** under K.S.A. 58-3914, and amend-
0026 ments thereto, are unenforceable. *Such an agreement made*
0027 *more than 24 months after payment or delivery is required*
0028 *pursuant to K.S.A. 58-3914 and amendments thereto is valid if*
0029 *the fee or compensation agreed upon is **not in excess of 10%** of*
0030 *the recoverable property and the agreement is in writing and*
0031 *signed by the owner after **disclosure in the agreement** of the*
0032 *nature and value of the property and the name and address of*
0033 *the person or entity in possession of the property. Nothing in*
0034 *this section shall be construed to prevent an owner from assert-*
0035 *ing, at any time, that any agreement to locate property is based*
0036 *upon an excessive or unjust consideration.*

0037 Sec. 2. K.S.A. 58-3932 is hereby repealed.

0038 Sec. 3. This act shall take effect and be in force from and
0039 after its publication in the statute book.

made within 2 months after
the last date of publication as required pursuant to
K.S.A. 58-3913, and amendments thereto, are unenforceable.

0029 the fee or compensation agreed upon is in accordance
with the following sliding scale:

\$50,000	up	10%
\$35,000	to \$49,999	15%
\$20,000	to \$34,999	20%
\$1,000	to \$18,999	25%
\$ 0	to \$ 999	30%

Attach. 5