

Approved February 3, 1986
Date

MINUTES OF THE House COMMITTEE ON Judiciary

The meeting was called to order by Chairman Joe Knopp at
Chairperson

3:30 ~~xxxx~~/p.m. on January 29, 1986 in room 313-S of the Capitol.

All members were present except:
Representative Duncan was excused

Committee staff present:

Mike Heim, Legislative Research Department
Mary Torrence, Revisor of Statutes Office

Jan Sims, Committee Secretary

Conferees appearing before the committee:

Ron Smith, Kansas Bar Association
John McCabe, Legal Counsel, Uniform Law Commissioners
Charles Henson, Kansas Bankers Association
Mike Boyer, Kansas Bureau of Investigation
Marjorie Van Buren, Judicial Administrator's Office

HB2657 - An act relating to investment securities

Ron Smith of the Kansas Bar Association introduced John McCabe, Legal Counsel of the Uniform Law Commissioners who appeared before the Committee in support of HB2657. Mr. McCabe gave a brief history of the establishment of the Uniform Commercial Code and the provisions pertaining to investment securities. He explained that in the 1960's a paper crunch began in the investment securities area which has continued and has led to the need for uncertificated securities. The proposed changes would result in uncertificated transactions being more equal to certificated transactions than they are presently. He said that it is unclear how many companies would switch to uncertificated transactions if HB2657 is passed. The majority of the major trading states (Delaware, California, Texas, New York and soon Illinois) have passed these same changes in the UCC. Mr. McCabe responded to questions by Committee members.

Charles Henson of the Kansas Bankers Association appeared before the Committee in support of HB2657. He said the Bankers Association feels there is a problem in Kansas which needs to be addressed pertaining to uncertificated securities. Kansas municipalities were empowered in the 1983 Legislature to issue their obligation bonds without certificates. The UCC speaks only to paper instruments and the rules do not apply to the authority granted in 1983. It is difficult under present law for banks to take a secured interest in a stock or bond offered for collateral when there is no certificate. Banks pledge bonds as security on municipal obligations and they need this bill to do so with more safety. HB2657 will provide the legal framework for this procedure.

Rep. Fuller moved that HB2657 be reported favorably. Motion seconded by Rep. Solbach. Motion carried.

SBl03 - An act relating to juveniles; concerning certain records relating thereto.

Mike Boyer of the Kansas Bureau of Investigation appeared before the Committee in support of SBl03. He presented the committee with an executive summary of the Attorney General's Task Force Report on Missing and Exploited Children. He stated that this bill is designed to open up the state system to those parties who the bueaue feels have a legitimate right to the data in juvenile files. He stated that lines 61-64 should be stricken because statistical data is now available in the system. He said that the department of social and rehabilitation services was removed from the bill on line 57 by the Senate but should be added back in because SRS does have a need to be included. He said that SRS and law enforcement departments should have access to offender data and should be added at line 104, with the language "by law enforcement agencies of this state, by the department of social and rehabilitation services for juveniles in their custody or control, by the officers of other public institutions to which the individual is committed".

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Judiciary,
room 313-S, Statehouse, at 3:30 ~~a.m.~~/p.m. on January 29, 1986

Rep. Walker moved, seconded by Rep. Fuller, that SB103 be amended by insertion on line 57 of "by the department of social and rehabilitation services", by deletion of lines 61, 62, 63 and 64, and by insertion in line 104 of "by law enforcement agencies of this state, by the department of social and rehabilitation services for juveniles in their custody or control, by the officers of other public institutions to which the individual is committed,". Motion carried. Rep. Luzzati moved that SB103 be reported favorably as amended. Motion seconded by Rep. Fuller. Motion carried.

Marjorie Van Buren of the Judicial Administrator's Office appeared before the Committee requesting three bills. They pertain to forfeiture of bond in fish and game cases due to a change in docket fees; appeals from limited actions; and voluntary acknowledgement of parentage. She explained that the voluntary acknowledgement of parentage bill was needed so that a father who is not listed on the birth certificate but wants to voluntarily acknowledge parentage could go before a judge without a case having to be filed and paying a filing fee to get the certificate changed. This provision was removed with passage of the Uniform Parentage Act. Rep. Solback moved that the three bills be introduced. Motion seconded by Rep. Wunsch. Motion carried.

The Chairman adjourned the meeting at 4:45 P.M.