

Approved April 28, 1989
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Representative Michael O'Neal at
Chairperson

11:00 a.m. ~~xxx~~ on April 27, 1989, 19.89 in room 313-5 of the Capitol.

All members were present except:

Representatives Crowell, Fuller, Peterson, Sebelius, Snowbarger, and Walker, who were excused.

Committee staff present:

Jill Wolters, Revisor of Statutes Office
Mary Jane Holt, Committee Secretary

Conferees appearing before the committee:

Lou Allen, Assistant Attorney General, Consumer Protection Division

HEARING ON S. B. 342 - Investigatory powers of deputy and assistant attorneys general

Lou Allen testified Attorney General Robert T. Stephan requested S. B. 342 be introduced. She said the bill authorizes deputy and assistant attorneys general to issue subpoenas, take testimony under oath and examine documentary material in investigating and prosecuting the Kansas Charitable Organizations and Solicitations Act and the Kansas Consumer Protection Act. She explained this authority has always been assumed under current law. The Attorney General and his assistants are given the authority in other statutes, see Attachment I.

Representative Shriver moved to report S.B. 342 favorably for passage. Representative Jenkins seconded the motion. The motion passed.

The Committee meeting was adjourned at 11:20 a.m.



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
TELECOPIER: 296-6296

Attorney General Stephan requested introduction of Senate Bill 342. This bill gives deputy and assistant attorneys general the authority to issue subpoenas, take testimony under oath and examine documentary material in investigating and prosecuting the Kansas Charitable Organizations and Solicitations Act and the Kansas Consumer Protection Act.

This authority always has been assumed under current law, but has recently been called into question. Rather than be required to litigate the issue some day, the Attorney General proposed this clarification. Without these changes, the Attorney General arguably would have to be present during the taking of all testimony under subpoena or the reviewing of any documentary material subpoenaed under these two acts.

The authority sought in Senate Bill 342, is specifically given assistant attorneys general in several other statutes. It is arguable that since only the Attorney General is given the authority in the current charities and consumer acts, and the Attorney General and his assistants are given the authority in other statutes, then the Attorney General cannot delegate his investigatory authority under the charities and consumer acts.

House Judiciary
4/27/89
Attachment I