

Approved *Ginger Barr*
February 25, 1990 Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Representative Ginger Barr at
Chairperson

1:37 ~~am~~/p.m. on February 12, 1990 in room 526-S of the Capitol.

All members were present except:

Representatives Eckert
Gjerstad
King - Excused
Peterson

Committee staff present

Mary Galligan, Kansas Department of Legislative Research
Lynne Holt, Kansas Department of Legislative Research
Mary Torrence, Revisor of Statutes' Office
Juel Bennewitz, Secretary to the Committee

Conferees appearing before the committee:

Kathryn Dysart, Wichita Public Schools
John Koepke, Kansas Association of School Boards (KASB)
Harriet Lange, Kansas Association of Broadcasters
Mike Merriam, Kansas Press Association (KPA)

SB 96

Representative Jenkins moved to recommend the bill favorable for passage, seconded by Representative Sughrue. The motion was adopted. Representative Jenkins made a motion to amend the previous motion to place the bill on the consent calendar, agreed to by Representative Sughrue. The motion carried.

SB 77

Representative Aylward moved to recommend the bill favorably for passage, seconded by Representative Ensminger. Chairman Barr directed the committee's attention to the minutes of March 23, 1989, recording the hearing of the bill.

Representative Jenkins offered a substitute motion to amend the bill by substituting 25 years wherever 40 years appeared in the bill, (Attachment No. 1), seconded by Representative Ramirez. Representative Jenkins explained that Kansas State Penitentiary (KSP) has become a totally maximum security facility and cited the increase of assaults, disciplinary reports and weapons confiscations, Attachment No. 1A. She stated there has also been an increase in the number of attempted homicides and the inmate population views the 40 year mandatory sentence as one of no hope and therefore feels it "has nothing to lose".

Committee discussion:

1. Representative Blumenthal explained Senator Bond had expressed a desire to not have the bill amended; it is an alternative to the death penalty in response to the public's demand for a strong response for certain heinous crimes; and there are insufficient votes in the Senate to pass the death penalty.
2. Representative Jenkins did not have statistics regarding the number of assaults among death row inmates or the current population of those convicted of first degree murder.
3. The criteria of the bill provides the 40 years mandatory sentence only in cases of heinous crimes and where the jury unanimously decides the criteria are met.

The motion to amend the bill to 25 years passed on a vote of 11-6.

Staff advised that some sections of the bill had been amended last year and would need to be stricken and the original language reinserted.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Federal and State Affairs,

room 526-S, Statehouse, at 1:37 ~~am~~ ^{pm} on February 12, 1990

Representative Jenkins moved to recommend the bill, as amended, favorably for passage, seconded by Representative Aylward. The motion carried on a vote of 11-6. Representative Blumenthal made a motion to table the motion, seconded by Representative Sebelius. The motion failed. Requesting to be recorded as voting no on the motion for passage of the bill were Representatives Sebelius, Roper and Gjerstad.

SB 92

Kathryn Dysart explained the bill provides for the preliminary discussion of sale of school district property in executive session, Attachment No. 2.

Committee discussion:

1. Currently school boards can go into executive session to discuss sale of property but any agreements or substance of offers must be done in public session.
2. Options discussed may include parcels of property to be traded with the city, e.g. or sale to the highest bidder.
3. Ms. Dysart contended the discussion would only apply to preliminary discussions as the board could not take action without the proposed business being published in the agenda and then discussed in public session.

John Koepke spoke in support of the bill stating the only change in executive sessions made is providing for an additional reason for executive session, Attachment No. 3.

Committee discussion:

1. Statutes prevent any record of action taken in executive session. This does not preclude information from "leaking" from these sessions to the public.
2. Law authorizes boards of any public body to include anyone that has an interest in the discussion in the executive session.
3. Any number that constitutes a majority of a quorum meeting together by prior arrangement is a violation of the Kansas Open Meetings Act (KOMA).

Harriet Lange opposed the bill on the basis of sale of property being accomplished through an open bidding process with sale going to the highest bidder, Attachment No. 4.

Committee discussion:

1. Kansas Association of Broadcasters did not oppose acquisition of property being discussed in executive session as it agreed that public discussion could inflate prices and was therefore detrimental to taxpayers.
2. Staff will check the statutes for a requirement that all property sales be by bid. Mr. Koepke explained that action taken by the Legislature in 1989 permits boards to dispose of property in any manner by a majority vote of the board.

Mike Merriam opposed the bill calling it further erosion of the policy that meetings of public boards should not be closed, that it will apply to any public agency subject to KOMA desiring to sell property; and that discussion in executive session may allow for the decision to be made with only the vote needing to be taken in public, Attachment No. 5.

Committee discussion:

1. The amendment would not affect salary negotiations.
2. Mr. Merriam contended competitive bidding is part of the process of determining minimum price and need not be done in executive session.

Attachment No. 6 is a statement from Davis Merritt of the Wichita Eagle in opposition to the bill.

Chairman Barr advised the committee that the agenda for the February 13, 1990, meeting was being revised to include a response from the Executive Director of the Lottery to the performance audit. She requested the committee review the audit. Also scheduled will be the bill requested by Representative Roy on the sunset for the lottery.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Federal and State Affairs,
room 526-S, Statehouse, at 1:37 ~~am~~ p.m. on February 12, 1990.

Attachment No. 7 is a submitted statement from Nola Foulston in support of HB 2690.

Representative Sprague moved to approve the minutes of January 25, 1990, seconded by Representative Jenkins. The motion was adopted.

The meeting adjourned at 2:22 p.m. The next meeting of the committee is scheduled for February 13, 1990, 1:30 p.m. in Room 526-S.

82 *should be required to serve a mandatory term of imprisonment of* 25
 83 *~~40~~ years. Such notice shall be filed with the court and served on*
 84 *the defendant or the defendant's attorney at the time of arraignment.*
 85 *If such notice is not filed and served as required by this subsection,*
 86 *the county or district attorney may not request such a sentencing*
 87 *proceeding and the defendant, if convicted of premeditated murder,*
 88 *shall be sentenced as otherwise provided by law, and no mandatory*
 89 *term of imprisonment shall be imposed hereunder.*

90 (2) *Except as provided in sections 2 and 3, upon conviction or*
 91 *adjudication of guilt of a defendant of premeditated murder, the*
 92 *court, upon motion of the county or district attorney, shall conduct*
 93 *a separate sentencing proceeding to determine whether the defend-*
 94 *ant shall be required to serve a mandatory term of imprisonment* 25
 95 *of ~~40~~ years. The proceeding shall be conducted by the trial judge*
 96 *before the trial jury as soon as practicable. If any person who served*
 97 *on the trial jury is unable to serve on the jury for the sentencing*
 98 *proceeding, the court shall substitute an alternate juror who has*
 25 99 *been impaneled for the trial jury. If there are insufficient alternate*
 100 *jurors to replace trial jurors who are unable to serve at the sentencing*
 101 *proceeding, the trial judge may summon a special jury of 12 persons*
 102 *which shall determine the question of whether a mandatory term of* 25
 103 *imprisonment of ~~40~~ years shall be imposed. Jury selection proce-*
 104 *dures, qualifications of jurors and grounds for exemption or challenge*
 105 *of prospective jurors in criminal trials shall be applicable to the*
 106 *selection of such special jury. The jury at the sentencing proceeding*
 107 *may be waived in the manner provided by K.S.A. 22-3403 and*
 108 *amendments thereto for waiver of a trial jury. If the jury at the*
 109 *sentencing proceeding has been waived or the trial jury has been*
 110 *waived, the sentencing proceeding shall be conducted by the court.*
 111 (2) (3) *In the sentencing proceeding, evidence may be presented*
 112 *concerning any matter that the court deems relevant to the question*
 113 *of sentence and shall include matters relating to any of the aggra-*
 114 *vating circumstances enumerated in section 4 5 and any mitigating*
 115 *circumstances. Any such evidence which the court deems to have*
 2 116 *probative value may be received regardless of its admissibility under*
 117 *the rules of evidence, provided that the defendant is accorded a fair*
 118 *opportunity to rebut any hearsay statements. Only such evidence of*

119 aggravating circumstances as the state has made known to the de-
 120 fendant prior to the sentencing proceeding shall be admissible, and
 121 no evidence secured in violation of the constitution of the United
 122 States or of the state of Kansas shall be admissible. No testimony
 123 by the defendant at the sentencing proceeding shall be admissible
 124 against the defendant at any subsequent criminal proceeding. At the
 125 conclusion of the evidentiary presentation, the court shall allow the
 126 parties a reasonable period of time in which to present oral argument.

127 ~~(3)~~ (4) At the conclusion of the evidentiary portion of the sent-
 128 encing proceeding, the court shall provide oral and written instruc-
 129 tions to the jury to guide its deliberations.

130 ~~(4)~~ (5) If, by unanimous vote, the jury finds beyond a reasonable
 131 doubt that one or more of the aggravating circumstances enumerated
 132 in section 4 5 exist and, further, that the existence of such aggravating
 133 circumstances is not outweighed by any mitigating circumstances
 134 which are found to exist, the defendant shall be sentenced pursuant
 135 to section 7 8; otherwise, the defendant shall be sentenced as pro-
 136 vided by law. The jury, if its verdict is a unanimous recommendation
 137 of a sentence of a mandatory term of imprisonment of ~~10~~ years, shall
 138 designate in writing, signed by the foreman of the jury, the statutory
 139 aggravating circumstances which it found beyond a reasonable doubt.
 140 If, after a reasonable time for deliberation, the jury is unable to
 141 reach a verdict, the judge shall dismiss the jury and impose a sen-
 142 tence of imprisonment for life with eligibility for parole and shall
 143 commit the defendant to the custody of the secretary of corrections.
 144 In nonjury cases, the court shall follow the requirements of this
 145 subsection in determining the sentence to be imposed.

146 ~~(5)~~ (6) Notwithstanding the verdict of the jury, the trial court
 147 shall review any jury verdict imposing a mandatory term of impris-
 148 onment hereunder to ascertain whether the imposition of such sen-
 149 tence is supported by the evidence. If the court determines that
 150 the imposition of such a sentence is not supported by the evidence,
 151 the court shall modify the sentence to life imprisonment with
 152 eligibility for parole and shall commit the defendant to the
 153 custody of the secretary of corrections and sentence the defendant
 154 as otherwise provided by law, and no mandatory term of impris-
 155 onment shall be imposed hereunder. Whenever the court enters a

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230 the defendant, the name and address of the defendant's attorney and
231 a statement of the offense, the judgment and the punishment pre-
232 scribed. The briefs of the parties shall be filed in accordance with
233 the rules of the supreme court and the review and appeal shall be
234 given priority for hearing over all other types of cases.

235 (2) The supreme court of Kansas shall consider the question of
236 sentence as well as any errors asserted in the review and appeal
237 and shall be authorized to notice unassigned errors appearing of
238 record if the ends of justice would be served thereby.

239 (3) With regard to the sentence, the court shall determine:

240 (a) Whether the mandatory term of imprisonment was imposed
241 under the influence of passion, prejudice or any other arbitrary factor;
242 and

243 (b) whether the evidence supports the findings that an aggra-
244 vating circumstance or circumstances existed and that any mitigating
245 circumstances were insufficient to outweigh the aggravating
246 circumstances.

247 (4) The court shall be authorized to enter such orders as are
248 necessary to effect a proper and complete disposition of the review
249 and appeal.

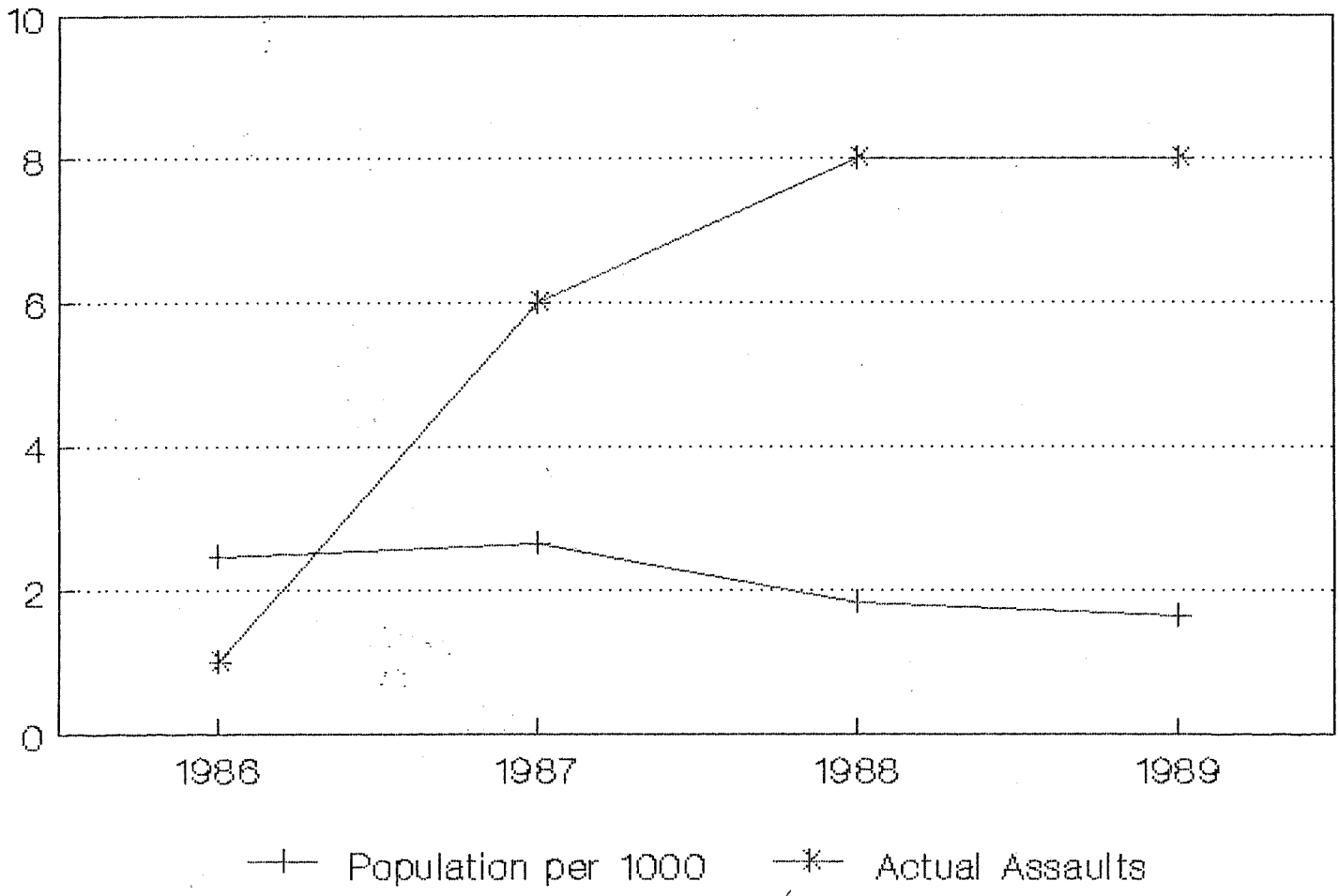
250 New Sec. 7 8. When it is provided by law that a person shall
251 be sentenced pursuant to this section, such person shall be sentenced
252 to imprisonment for life and shall not be eligible for probation or
253 suspension, modification or reduction of sentence. In addition, a
254 person sentenced pursuant to this section shall not be eligible for
255 parole prior to serving ~~40~~ years' imprisonment, and such ~~40~~ years'
256 imprisonment shall not be reduced by the application of good time
257 credits. Upon sentencing a defendant pursuant to this section, the
258 court shall commit the defendant to the custody of the secretary of
259 corrections and the court shall state in the sentencing order of the
260 judgment form or journal entry, whichever is delivered with the
261 defendant to the correctional institution, that the defendant has been
262 sentenced pursuant to section 7 8.

25

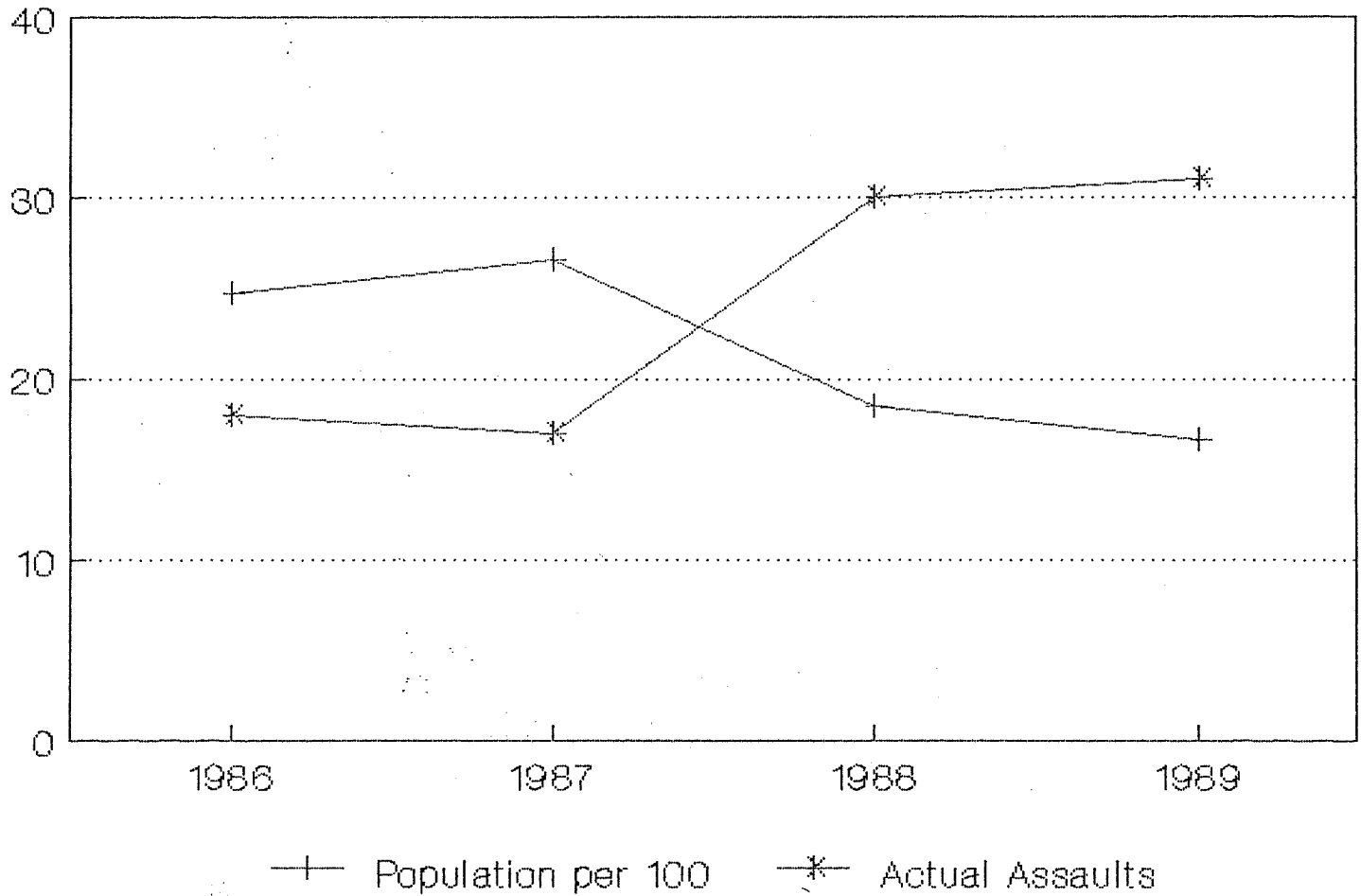
263 New Sec. 8 9. In the event the mandatory term of imprisonment
264 or any provision of this act authorizing such mandatory term is held
265 to be unconstitutional by the supreme court of Kansas or the United
266 States supreme court, the court having jurisdiction over a person

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Assault Rate Inmate on Staff

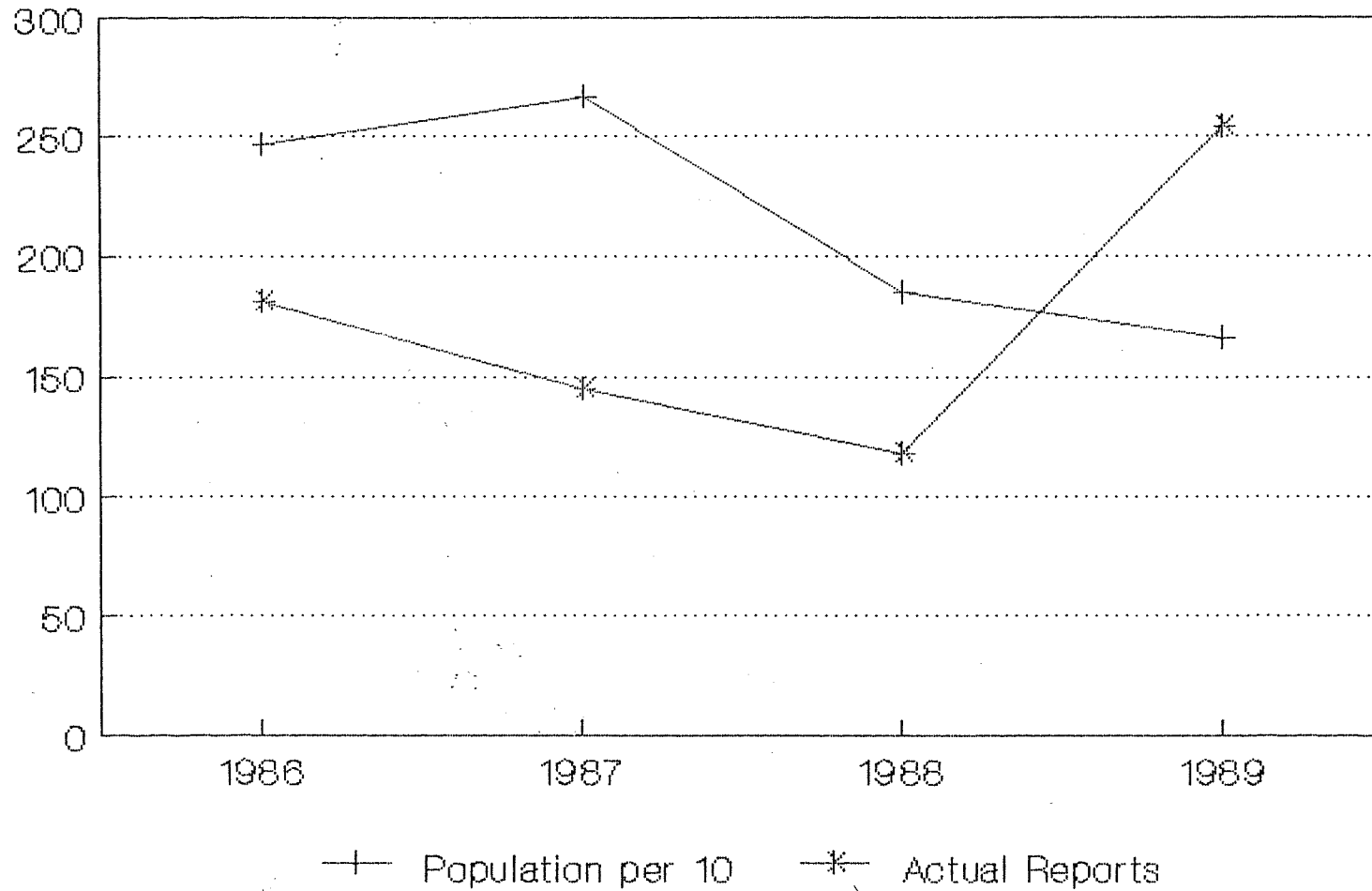


Assault Rate Inmate on Inmate



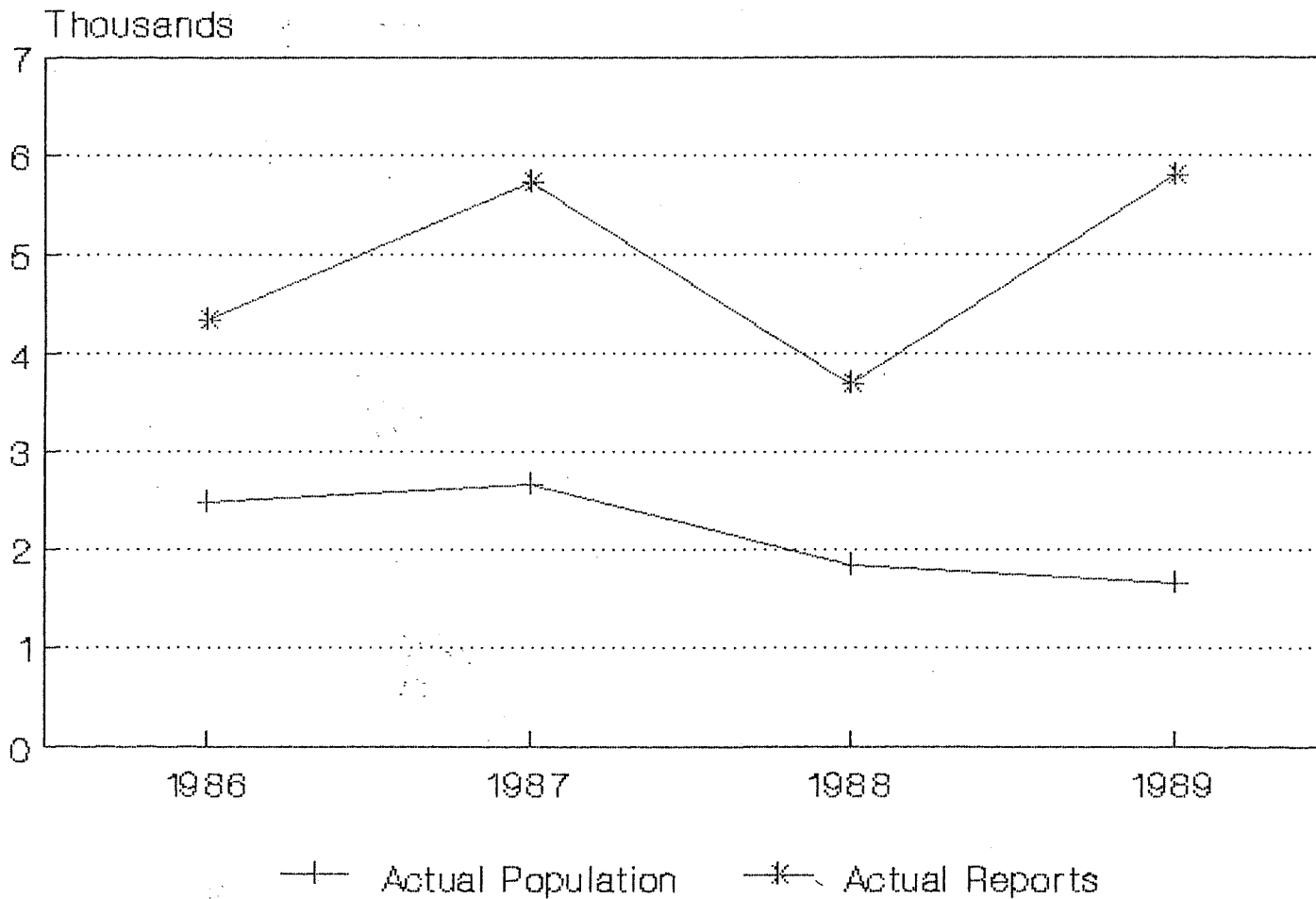
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Disciplinary Reports Assault and/or Battery



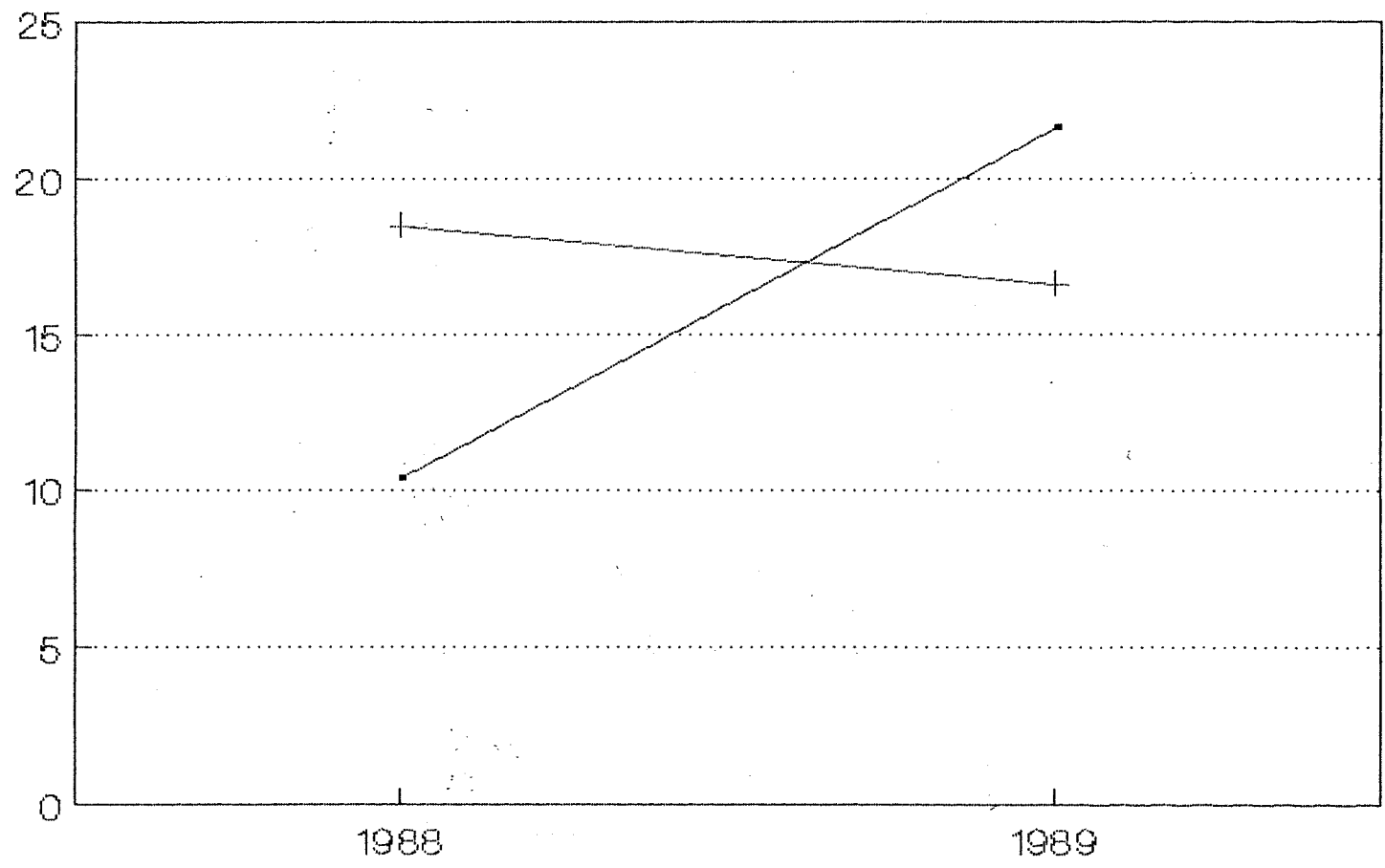
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Disciplinary Reports Total



PSA
1A-4
2-12-90

Weapons Confiscated



—●— Weapons Confiscated —+— Population per 100

Weapons Confiscated per 100 Inmates

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2-12-90

WICHITA PUBLIC SCHOOLS

Unified School District No. 259

ADMINISTRATION CENTER

217 N. WATER

WICHITA, KANSAS 67202

*Kathryn Dysart, Supervisor
Intergovernmental Affairs
316-833-4135*

Testimony before the House Committee on Federal and State Affairs, February 12, 1990

Senate Bill 92 proposes to amend Kansas law relating to the subjects which can be preliminarily discussed in executive session by elected bodies. The proposed change would be very helpful to the Wichita Board of Education. Under current law, board members may have preliminary discussions among themselves and with their agents when they are interested in acquiring a piece of property. The reasons for this are obvious. It would be very difficult for school districts to buy a piece of property at the lowest fair price if they had to announce to the world their initial interest in doing so. Under this law, they can have private talks about their options before they enter into public negotiations.

Senate Bill 92 offers elected officials the same benefits of private preliminary discussion when they are considering selling a piece of property. Perhaps I can explain why this is so important to the Wichita School Board at this time. Districts such as ours have experienced extraordinary changes in demographics in the last couple of decades. Center city areas were once full of families and children. They have now become almost exclusively commercial. The district owns several pieces of property which are quite valuable but no longer useful to us for schools. We would like to sell those properties....and naturally, would like to get the very best price possible for them. Profits received from such sales will help to offset the cost to district taxpayers for providing education to our children. A good deal for the district is a good deal for the citizens whose tax dollars support us.

Any of you who have ever sold a home can imagine what it would be like if you could not discuss with your spouse or agent your asking price, or what your real "bottom line" is, without doing so under the scrutiny of all potential buyers. If you were to say, "I'd really like to get \$80,000, but I'd take \$65,000," and that conversation was reported on the six o'clock news, you wouldn't get very many offers at the higher price.

Those of you in business know how important discretion can be to an important capital transaction. School districts must be run efficiently and by sound business practices. This bill would enable school boards to privately discuss transactions important to the fiscal efficiency of the district. That is good business for districts and for those who support them.

These, of course, would be preliminary discussions only, and all official transaction discussion would still take place in public session. We contend that the public's right-to-know would be in no way be harmed, and elected boards ability to efficiently govern their local units would be enhanced with the passage of this measure.



TESTIMONY ON S.B. 92
before the
HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

by

John W. Koepke, Executive Director
Kansas Association of School Boards

February 12, 1990

Mr. Chairman and members of the committee, we appreciate the opportunity to testify today on S.B. 92 on behalf of the Kansas Association of School Boards. KASB supports S.B. 92 as it adds authority for boards of education to discuss the sale of real property in executive session.

Boards of education have statutorily authorized powers to adjourn to executive session. Any reason not listed in the law would be excluded from executive session. KASB believes that the business of schools should be conducted in the open. However, there are times when subjects need to be discussed prior to any action and that discussion should be allowed to take place in a confidential setting. This bill does not change anything other than the reasons listed for executive session.

We thank you for your attention and urge you to pass S.B. 92 favorably.

While on the subject of executive session, KASB would like the committee to consider amending S.B. 92 by adding language that would

permit boards of education to discuss self-evaluation in executive session. A number of boards are now using various models to conduct annual self-evaluation session. A number of boards have indicated that the exercise is not as productive as it could be as members of the board are reluctant to be critical in open session. KASB believes that boards could profit from a better working relationship within the board if self-evaluation could be conducted in executive session. The KASB Delegate Assembly has endorsed a new policy for KASB in seeking legislative authority for executive session on the subject of self-evaluation.

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Kansas Association Of Broadcasters

818 Merchants National Bank, Topeka, Kansas 66612 (913) 235-1307

TESTIMONY
BEFORE THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE
RE: SB 92

By Harriet Lange, Executive Director
Kansas Association of Broadcasters

February 12, 1990

Madam Chairwoman and members of the Committee:

I am Harriet Lange, executive director of the Kansas Association of Broadcasters (KAB). The KAB is a trade association representing 120 radio stations and 21 television stations in Kansas.

We appear before you in opposition to SB 92. We see no compelling reason to allow closed meetings by public bodies to discuss the sale of real property.

There is no need for secret discussions about the sale of property when these sales are accomplished through an open bidding process with the property going to the highest bidder.

In our opinion, the public would not be served by amending the Kansas Open Meetings Law as proposed in SB 92.

Thank you for your consideration.

LAW OFFICES OF
GOODELL, STRATTON, EDMONDS & PALMER

515 SOUTH KANSAS AVENUE

TOPEKA, KANSAS 66603-3999

913-233-0593

TELECOPIER: 913-233-8870

ABA/NET: 2991

GERALD L. GOODELL
WAYNE T. STRATTON
ROBERT E. EDMONDS
ARTHUR E. PALMER
H. PHILIP ELWOOD
HAROLD S. YOUNGENTOB
GERALD J. LETOURNEAU
CHARLES R. HAY
PATRICK M. SALSBUURY
MICHAEL W. MERRIAM
JOHN H. STAUFFER, JR.
MARLA J. LUCKERT
LES E. DIEHL
MARK V. BESHEARS
DAVID E. BRUNS

MARTA FISHER LINENBERGER
JOSEPH E. MCKINNEY
CURTIS J. WAUGH
DANIEL J. GRONNIGER
N. LARRY BORK
JOHN D. ENSLEY

OF COUNSEL
ROBERT A. McCLURE

February 13, 1990

Representative Ginger Barr, Chairman
House Committee on Federal & State Affairs
State Capitol
Topeka, KS 66612

In re: Senate Bill 92
Our file: 27256

Dear Representative Barr:

I am enclosing my testimony on behalf of the Kansas Press Association, presented on February 12, 1990. Please attach this to the minutes.

Very truly yours,



Michael W. Merriam

MWM:ah
Enclosure

HOUSE FEDERAL & STATE AFFAIRS
Attachment No. 5
February 12, 1990

BEFORE THE HOUSE COMMITTEE ON
FEDERAL AND STATE AFFAIRS

Re: Senate Bill 92

Testimony on behalf of the Kansas Press Association

by Michael W. Merriam, Counsel

It would further erode the public policy of Kansas if meetings for the transaction of governmental business are further closed by this law. It would be in contravention of the expressed purpose of the law in K.S.A. 75-4317.

Executive sessions are already being used daily across Kansas to subvert the goals of the Open Meetings Act. Legislative blessing of an additional excuse for secrecy should be closely examined and must be supported by a compelling need.

This bill is designed to reverse Attorney General Opinion 87-91, which held that the law means exactly what it says: an executive session is only appropriate for discussing the acquisition of real property, not the sale. The reason is generally expressed in the law review article from 1981 by Smoot & Clothier. Public knowledge of a governmental land purchase increases prices to the detriment of taxpayers. Most such acquisitions are from private parties who are free to set their price prior to condemnation proceedings, and public knowledge of the amount the government is willing to pay will naturally destroy the useful effect of price negotiation.

On the other hand, there is no valid purpose for secrecy when the government sells land, because such sales require, or should require, appraisals with legally required minimum acceptance prices, and/or competitive bids from purchasers. Negotiated exchanges with other public bodies do not change the situation. The privacy attached to negotiating a price is neither present nor necessary. If the law is recently changed with respect to the sale of land by school boards, an executive session should not be allowed to further exacerbate the situation, and it must be kept in mind that this bill does not apply only to school boards. While other aspects of land purchases and sales exist, they are far less important and would not support any compelling need for secrecy.

The only apparent reason for wanting to discuss a possible sale price in secret is if the governing body is contemplating a need to cut a deal in secret. It must also be kept in mind that discussions held in an executive session are always secret, leaving only the vote to be taken in public, thus eviscerating the public's right to know the decision-making process and the factors which went into the subsequent public vote.

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The Kansas Press Association urges the Committee not to redeliberate the policy recognized in 1971 for openness in government. Government is sometimes plodding and inefficient; but the public's knowledge of available alternatives engenders faith in its elected officials. The legislative history shows that these factors were considered and that the Legislature knew the difference between buying and selling real estate when the Open Meetings Law was enacted. The Kansas Press Association strongly opposes any attempt to reverse the progress being made towards open government, and urges the Committee to report SB 92 unfavorably for passage.

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2-12-90

The Wichita Eagle

DAVIS MERRITT, JR., Executive Editor and Senior Vice President

February 12, 1990

Rep. Ginger Barr, Chairman
Senate Federal and State Affairs Committee
Senate Chamber
Topeka, KS

Dear Chairman Barr:

I regret that a previous commitment keeps me from being in Topeka on Monday for the hearing on SB 92, for it concerns me greatly.


While any additional restrictions at all on open meetings would be unfortunate, this particular addition would be, in fact, pernicious.

We editorialized on the subject last year when the bill was before the Senate. Nothing has occurred since then to change that opinion, so I offer this editorial as a statement of strong opposition to the bill.

While the measure arose from a Wichita school board situation, it would, of course, apply to all public bodies in all parts of the state. I urge the committee to recognize the circumstances in which this bill arose and decide that many remedies are available short of allowing the sale of public property in private, without bids or discussion.

Thank you.

Regards,



Davis Merritt, Jr.
Executive Editor

825 E. Douglas
P.O. Box 820
Wichita, Kansas
67201-0820
(316) 268-6555

HOUSE FEDERAL & STATE AFFAIRS
Attachment No. 6
February 12, 1990

Keep school business open

THE Wichita school board wants the Legislature to give it the right to sell public property in secret, without a bid process or any public debate. It's an idea so repugnant, dangerous and unfair that one would think it would be rejected out of hand. It hasn't been. In fact, the amendment to the Open Meetings Act is out of committee and headed for a floor vote in the Senate Monday. It must be rejected.

As with so many reckless changes in the law, this one would carve a huge loophole in order to solve a minor problem of inconvenience, in this case inconvenience for school board members. Here's what, ostensibly, caused the request for the amendment: Someone expressed interest in buying the old administrative building site on South Broadway, which has been declared surplus. However, the potential buyer, apparently for competitive reasons, insisted that a contract be agreed upon before any public word got out. The Wichita school board members did not trust their staff to handle the negotiations but, under existing and well-based law, could not negotiate in private. So the deal didn't work.

The board's response: Change that annoying little law. The result of such a change: Any government body could secretly negotiate the sale of public real estate for as much as 30 percent under the appraised value

^{3/5/89}
without debate, bids or foreknowledge on the part of the true owners, the taxpayers. The potential for sweetheart deals and other shenanigans boggles the mind.

The school board and, apparently, some members of the Legislature are under the impression that the prohibition against the secret sale of public property is mere legislative error. The Open Meetings Act allows governing bodies to discuss the purchase of property in private, a provision rooted in the idea that taxpayers can get a better deal that way. Backers of the amendment to add the sale of property to the list of exemptions from the Open Meetings Act argue that the Legislature simply overlooked the other side of the equation. That's not true. The legislative history is clear: The Legislature thoroughly discussed and wisely rejected the notion of allowing the secret sale of property when the Open Meeting Act was passed.

The local school board has at least two simple solutions to its minor inconvenience. It can empower its staff to negotiate the sale, or the buyer can use a proxy, as is standard in real estate dealings.

Freeing local bodies to cut secret deals to dispose of taxpayers' property creates an irresistible opportunity for, at best, cronyism and, at worst, absolute corruption throughout the state and at every level of government.

Members of the editorial page staff are Assistant Editorial Page Editor David Aubrey, Editorial Writers Denny Clements and Jennifer Comes, Editorial Cartoonist Richard Crowson, and Secretary Debbie Gentry.



FSA

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2-12-90

OFFICE OF THE DISTRICT ATTORNEY

EIGHTEENTH JUDICIAL DISTRICT

SEDGWICK COUNTY COURTHOUSE

535 N. MAIN

WICHITA, KANSAS 67203



NOLA FOULSTON
District Attorney

(316) 268-7281

T E S T I M O N Y

TO: HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

FROM: NOLA FOULSTON, DISTRICT ATTORNEY, SEDGWICK COUNTY

RE: HOUSE BILL NO. 2690 - AN ACT CONCERNING THE CHARITABLE ORGANIZATIONS AND SOLICITATIONS ACT

SUBMITTED: FEBRUARY 7, 1990

I would like to thank the Chair and this Committee for allowing me the opportunity to submit a brief comment on the proposed amendment to the Kansas Charitable Organizations and Solicitations Act.

It is my belief that giving Kansas County and District Attorney's the same powers to enforce the Act as the Attorney General will not only provide more localized protection coverage for consumers, but may also help provide relief to the Attorney General by allowing the various County and District Attorney's to help shoulder the burden of enforcement. The language in House Bill No. 2690 is consistent with the authority given to County and District Attorney's by the Kansas Consumer Protection Act.

The Consumer Fraud and Economic Crime Division of my office receives numerous inquiries concerning charitable organizations. Every attempt is made by my staff to help ensure that consumers receive adequate information about charitable giving upon which to make informed choices. In the past, when it has become evident that an organization was using means of deception in their charitable solicitations, I have brought actions pursuant to the Kansas Consumer Protection Act. I believe the proposed changes found in House Bill No. 2690 will provide my office with a more specific means of enforcing the laws against fraudulent charitable organizations. It is for these reasons that I support House Bill No. 2690 and urge its passage.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nola Foulston".

Nola Foulston
District Attorney

HOUSE FEDERAL & STATE AFFAIRS
Attachment No. 7
February 12, 1990