

Approved: 5-2-97
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Tim Emert at 11:30 a.m. on April 30, 1997 in Room 254-E of the Capitol.

All members were present.

Committee staff present:

Gordon Self, Revisor of Statutes
Mary Blair, Committee Secretary

Conferees appearing before the committee: Albert Ross Murray, Appointment Candidate
Frank Henderson, Ex. Dir. Crime Victims Compensation Board
Fred Boesch, Chief Information Architect, Dept. of Adm.

CONFIRMATION HEARING

Appointment Candidate for Commissioner of Juvenile Justice, Albert Ross Murray, appeared before committee and described his academic, professional and experiential background. He stated his beliefs regarding the treatment of juvenile offenders and stated envisioned goals to promote juvenile justice reform. (attachment 1) Senator Bond moved to recommend favorably to the full senate, the confirmation of Mr. Murray. Following discussion Senator Goodwin seconded. Motion carried.

Substitute for HB 2059 - An act concerning digital signatures

Conferee Boesch defined "digital signature", its functionality, and the need for legitimizing it. (attachment 2) Following lengthy discussion and inquiries, Senator Oleen made a motion to amend those portions of the bill which refer to "party" substituting the term "person" and recommended HB 2059 favorable for passage. Senator Goodwin seconded. Motion carried.

HB 2313 - An act concerning crime victims

The Chair summarized the purpose of the bill which he stated would bring Kansas into compliance with the federal antiterrorism act. He stated that the definition of "criminally injurious conduct" is expanded to include terrorism against a Kansas citizen the effect of which would allow the victim compensation. Conferee Henderson, on inquiry from Senator Pugh regarding "quid pro quo", stated that the passage of this bill is a compliance requirement to receive federal funds in the amount of 4.6 million dollars, 4 million for victims assistance and .6 million for compensation grants. (attachment 3) Discussion followed and included discussion of a House amendment to the bill "which would expand the number of persons to whom the Department of Corrections is required to give notice of public comment sessions concerning an inmate eligible for parole" (see Supplemental Note on HB 2313). Senator Oleen moved to delete the House amendment and recommend HB 2313 favorable for passage as amended, Senator Goodwin seconded. Motion carried with Senator Pugh voting nay.

The Chair adjourned the meeting at 12:35 p.m.

4/30/97
att

APPOINTMENTS QUESTIONNAIRE

Office of Governor Bill Graves

Please complete and return this form to the Governor's Appointments Office. Attach additional sheets if necessary.

Name: ALBERT ROSS MURRAY

Home Address: 109 BELLA COURT

City, State, Zip: Nashville, Tennessee 37207

Business Address: Gordell Hull Bldg 7th Floor 436 6th Ave. North

City, State, Zip: Nashville, Tennessee 37243-1290

Home Phone: 615-865-6054 Business Phone: 615-741-9723

Date of Birth: 01-25-46 Place of Birth: Ripley, Tennessee

Party Affiliation: Democrat KBI Check: NA In Process Complete

Appointed as: Juvenile Justice Commissioner

Appointment Date: 3/7/97 Expiration Date: _____

Term Length: Pleasure of the Governor Statutory Authority: KSA 75-7001

Salary: \$80,000 Predecessor: New Position

Statutory Requirements: None

BACKGROUND

1. List high school, college, or other education institutions attended along with the date attended and degree conferred.

Education Institution	Dates	Degree
<u>Lauderdale Co. High School</u>	<u>1959-1963</u>	<u>Diploma</u>
<u>Tenn. State University</u>	<u>1963-1969</u>	<u>B.S. Degree</u>
<u>Middle Tenn. State University</u>	<u>1970-1973</u>	<u>M.Ed. Degree</u>

2. List memberships in business, trade and professional organizations for the past 10 years.

Organization	Dates
<u>Tenn. Correctional Association</u>	<u>1988 to present</u>
<u>American Correctional Association</u>	<u>1978 to present</u>
<u>Northwest YMCA</u>	<u>1990 to present</u>
<u>NAACP</u>	<u>1993 to present</u>
<u>Southern States Correctional Association</u>	<u>1993 to 1996</u>
<u>Legislative Black Caucus Criminal Justice Panel</u>	<u>1984 to present</u>

Juvenile Judiciary
Attachment 1
4-30-97

3. List any public offices you have been elected or appointed to, along with the dates of service.

	<i>Office Held</i>	<i>Dates</i>
Elected	Tenn. Correctional Assn. Vice President	1991-92
Elected	Tenn. Correctional Assn. President	1992-93
Elected	American Correctional Assn. Delegate Assembly	1996-97

4. List any positions held with a foreign, federal or local government entity along with the dates of service.

<i>Position</i>	<i>Government Entity</i>	<i>Dates</i>
NONE		

5. List any lobbying activities you have been involved in during the past five years. This includes activities as a registered lobbyist activities for which you were compensated.

<i>Group</i>	<i>Compensation (yes/no)</i>	<i>Dates</i>
NONE		

6. List experience or interest which qualify you for the position to which you have been appointed.

27 years experience in juvenile services most of which has been on the managerial level, Masters Degree, and two previous opportunities to be directly involved in bringing up new state agencies for juvenile offenders.

7. Summarize business and professional experience.

Included with information listed above (#6), I have conducted numerous audits of correctional programs nationwide for the purpose of accreditation. I am trained and certified as an auditor for the American Correctional Association.

8. List any service in the United State military. Include dates of service, branch, date and type of discharge.

<i>Branch</i>	<i>Discharge</i>	<i>Dates</i>
<u>NONE other than college R.O.T.C.</u>		
<u> </u>		
<u> </u>		

9. Provide details of any arrest, charge or questioning by a federal, state or other law enforcement authority for violation of any federal, state, county or municipal law, regulation or ordinance (excluding traffic violations for which a fine of !00 or less was imposed).

NONE

10. List and provide details of any interests that may present a conflict of interest for this position.

NONE

I, Albert R. Murray, declare that this questionnaire is true, correct and complete to the best of my knowledge.

Albert R. Murray
Signature

March 4, 1997
Date

Return completed questionnaire to Judy Krueger, Secretary of Appointments, State Capitol, Rm 226-S, Topeka, Kansas 66612.
If you have questions, please call 913/296-4052.



KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

STATEMENT OF SUBSTANTIAL INTERESTS FOR INDIVIDUALS WHOSE

APPOINTMENT TO STATE OFFICE IS SUBJECT TO SENATE CONFIRMATION

INSTRUCTIONS. This statement (pages 1 through 4) must be completed by each person whose appointment to a state position is subject to Senate confirmation (K.S.A. 46-247 and 46-248). Failure to complete and return this statement may result in a fine of \$10 per day for each day it remains unfiled. Also, any individual who intentionally fails to file as required by law, or intentionally files a false statement, is subject to prosecution for a class B misdemeanor.

Please read the "Guide" and "Definition" section provided with this form for additional assistance in completing sections "C" through "G". If you have questions or wish assistance, please contact the Commission office at 109 West 9th, Topeka, KS or call 913-296-4219.

A. IDENTIFICATION:

PLEASE TYPE OR PRINT

MURRAY ALBERT R.

Last Name

First Name

HI

MURRAY CONNIE G.

Spouse's Name

109 BELLA COURT

Number & Street Name; Apartment Number, Rural Route, or P.O. Box Number

NASHVILLE TENNESSEE 37207

City, State, Zip Code

615**865**6054

Home Phone Number

615**741**9723

Business Phone Number

B. APPOINTED POSITION SUBJECT TO SENATE CONFIRMATION:

Juvenile Justice Authority

List Name of Agency, Commission or Board

Commissioner

Position

* The last four digits of your social security number will aid in identifying you from others with the same name on the computer list. This information is optional.

* 4068

C. **OWNERSHIP INTERESTS:** List any corporation, partnership, proprietorship, trust, joint venture and every other business interest, including land used for income in, which either you or your spouse has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5%, whichever is less. If you or your spouse own more than 5% of a business, you must disclose the percentage held. Please insert additional page if necessary to complete this section.
 If you have nothing to report in Section "C", check here .

BUSINESS NAME AND ADDRESS	TYPE OF BUSINESS	DESCRIPTION OF INTERESTS HELD	HELD BY WHOM	PERCENT OF OWNERSHIP INTERESTS
1.			___ ___ You ___ ___ Spouse ___ ___ Jointly	
2.			___ ___ You ___ ___ Spouse ___ ___ Jointly	
3.			___ ___ You ___ ___ Spouse ___ ___ Jointly	
4.			___ ___ You ___ ___ Spouse ___ ___ Jointly	
5.			___ ___ You ___ ___ Spouse ___ ___ Jointly	
6.			___ ___ You ___ ___ Spouse ___ ___ Jointly	
7.			___ ___ You ___ ___ Spouse ___ ___ Jointly	

D. **GIFTS OR HONORARIA:** List any person or business from whom you or your spouse either individually or collectively, have received gifts or honoraria having an aggregate value of \$500 or more in the preceding 12 months.
 If you have nothing to report in Section "D", check here .

NAME OF PERSON OR BUSINESS FROM WHOM GIFT RECEIVED	ADDRESS	RECEIVED BY:
1.		
2.		
3.		

E. RECEIPT OF COMPENSATION: List all places of employment in the last calendar year, and any other businesses from which you or your spouse received \$2,000 or more in compensation (salary, thing of value, or economic benefit conferred on in return for services rendered, or to be rendered), which was reportable as taxable income on your federal income tax returns.

1. YOUR PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR. IF SAME AS SECTION "B", CHECK HERE ____.
 If you have nothing to report in Section "E"1, check here ____.

NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1. Tenn. Dept. of Children Services	Cordell Hull Bldg. Nashville, Tenn. 37243	state Agency for children in state care
2.		

2. SPOUSE'S PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR.
 If you have nothing to report in Section "E"2, check here ____.

NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1. Tenn. Dept. of Environment & Conservation	Life & Casualty Towers Nashville, Tenn. 37243	State Agency
2. Tenn. Board of Pardons	404 Parkway Towers Nashville, Tenn. 37243	State Parole Authority

F. OFFICER OR DIRECTOR OF AN ORGANIZATION OR BUSINESS: List any organization or business in which you or your spouse hold a position of officer, director, associate, partner or proprietor at the time of filing, irrespective of the amount of compensation received for holding such position. Please insert additional page if necessary to complete this section. If you have nothing to report in Section "F", check here ____.

BUSINESS NAME AND ADDRESS	POSITION HELD	HELD BY WHOM
1. Northwest YMCA 3700 Ashland City Hwy. Nashville, TN, 37218	Chairman, Board of Managers	Albert Murray
2. Tenn. State Alumni Association University Booster Club, Nashville, TN 37219	Financial Secretary	Connie Murray
3.		
4.		
5.		

G. **RECEIPT OF FEES AND COMMISSIONS:** List each client or customer who pays fees or commissions to a business or combination of businesses from which fees or commissions you or your spouse received an aggregate of \$2,000 or more in the preceding calendar year. The phrase "client or customer" relates only to businesses or combination of businesses. In the case of a partnership, it is the partner's proportionate share of the business, and hence of the fee, which is significant, without regard to expenses of the partnership. An individual who receives a salary as opposed to portions of fees or commissions is generally not required to report under this provision. Please insert additional page if necessary to complete this section.

If you have nothing to report in Section "G", check here .

	NAME OF CLIENT / CUSTOMER	ADDRESS	RECEIVED BY
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			

H. **DECLARATION:**

I, Albert R. Murray, declare that this statement of substantial interests (including any accompanying pages and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of all of my substantial interests and other matters required by law. I understand that the intentional failure to file this statement as required by law or intentionally filing a false statement is a class B misdemeanor.

March 4, 1997
Date

Albert R. Murray
Signature of Person Making Statement

NUMBER OF ADDITIONAL PAGES _____.

Return your completed statement to the Secretary of State, State House, Topeka, Kansas 66612.



4/30/97 #2
BILL GRAVES
Governor

DAN STANLEY
Secretary of Administration
Room 263-E
State Capitol
Topeka, KS 66612-1572
(913) 296-3011
FAX (913) 296-2702

DEPARTMENT OF ADMINISTRATION

LEGISLATIVE TESTIMONY

Bill Number: HB 2059

Name of person testifying and division: Fred Boesch, Chief Information Architect

Name of Committee: House Judiciary Committee

Chamber: House

Date: February 5, 1997

Time: 3:30 pm

Room Number: 313-S

Explanation/Summary of Testimony: The concept and use of digital signatures
to authenticate electronic transactions and documents.

*Senate Judiciary
attachment 2
4-30-97*

**TESTIMONY BEFORE THE
HOUSE JUDICIARY COMMITTEE
REGARDING HOUSE BILL 2059**

**Presented by Fred Boesch
Chief Information Architect
February 5, 1997**

Good afternoon, Mister Chairman. I appreciate the opportunity to discuss House Bill 2059, concerning digital signatures in Kansas. The concept and use of digital signatures to authenticate electronic transactions and documents are relatively new, and commercial practices are still evolving. However, businesses have been using electronic commerce for a number of years. The scope of electronic commerce is changing from structured business to business agreed upon arrangements for limited transactions to more general use of a broad range of services with other businesses and customers. Thus, we see expanded demands being placed upon technology to enable this expanded use of electronic commerce.

Digital signatures, a technology to authenticate an electronic document and the identity of the sender, is important to electronic commerce. But let me be clear about one point, I am not advocating that the state take a position on the use of a specific technology or set of products. The marketplace will determine that. What I am advocating is for the state to enable business in Kansas to use this technology to be competitive in world commerce. We can do this by establishing that electronic documents using this technology will be as valid as manually signed documents and will have the force of law in our courts.

I must also add at this point that I believe we in state government have much to gain by employing this technology. Citizens will expect to do business with the state as they do with businesses, meaning that they have the same ease and speed of executing a transaction and where

appropriate, they use the same tools such as smart cards, electronic services, and one stop services. We have many uses to verify authenticity of documents and originators such as electronic filing for courts, electronic submission of contracts, and internal workflow processing of electronic documents with approval signatures. Thus, I have a second motive for advocating establishing the legal basis for electronic documents and advocating recognition of digital signature technology.

As you may recall from the demonstration hosted yesterday by Representative Morrison, it is possible for anyone, right now, to use digital signatures and encryption technology to safeguard their electronic business transactions. However, these transactions are enforceable by law only when both parties have a pre-existing agreement or contract to recognize each other's signatures. In the case of transactions between parties without such trade agreements, as when a new customer purchases an item from an electronic catalog, each party takes a risk in offering or accepting a digital signature. Few states offer the legal framework to enforce such transactions. And in the absence of case law, commercial service providers alone cannot guarantee this enforceability. The primary role of the state, then, is to ensure that a trusted environment exists for digital-signature transactions, an environment which meets certain minimum criteria to satisfy the rules of evidence.

For example, one popular method of electronic authentication is the public/private key pair approach licensed by RSA Data Security, Inc. This appears to be a de facto commercial standard today. Digital signatures have only recently seen widespread use. With this technology, there

must be assurances that:

- The computational process, or algorithm, for matching the public and private keys is secure from tampering;
- A trusted third party, or Certification Authority, must ensure that the public key is authentic (that is, attributable to a known party), accessible (or available for use by anyone), and current (that is, not have expired or been revoked);
- Key pairs must be generated and maintained in a secure fashion, so that a signer's private key will not be accidentally divulged.

I must also point out there are conflicting standards and technologies in play. For example, the RSA standard mentioned above is different from, and not interoperable with, the Digital Signature Standard created by the federal government. Both of these public/private key pair approaches differ from a pen-based technique which records biometric characteristics of a person's written signature.

There are also questions of liability and consumer protection. Where does the liability stemming from fraud or misuse of a digital signature reside -- with the Certification Authority which incorrectly confirmed a signature to be authentic, or with the digital signature customer who selected the vendor? Should there be limits to liability?

States, in establishing their digital signature statutes, have addressed electronic documents and digital signature legislation in different ways. Utah and Washington attempted to ensure the integrity of digital signatures by putting into law some very specific requirements that must be met

for public/private key pair validity. In addition to formally establishing the legality of digital signatures and identifying responsibilities for the Secretary of State in carrying out a licensing program, their statutes place requirements on subscribers to public key Certificates, and spell out extensive requirements for Certification Authorities:

- Rules for conducting business and prohibited activities;
- Minimum qualifications for Certification Authorities and the public-key repositories they manage;
- State-initiated performance audits and license investigations;
- Warranties and obligations of the Certification Authorities; and
- Processes for issuing, suspending, revoking or handling expiration of public key Certificates.

California and Wyoming drafted much simpler statutes. These laws authorize use of digital signatures with any public entity, provided both parties agree; define functional attributes of any digital signature technique, without specifying a particular one (such as public/private key pairs and Certificates); and require the Secretary of State to establish implementing regulations.

Massachusetts, Oklahoma and Georgia are drafting statutes which are between the “regulatory” and “minimalist” extremes. They also avoid formal sanction for one particular technology by listing functional requirements for digital signatures, and provide the force of law to any technique which meets the criteria. However, they provide more detailed guidance to the rules of evidence by elaborating on definitions of “electronic records” and “electronic signing.”

Since the commercial vendors now offering digital signature services, including third-party authentication, are all outside of Kansas, it may appear that they are beyond the jurisdiction of Kansas legislative action. However, the important issue to be addressed is whether individuals and businesses can seek protection in Kansas courts for transactions executed using these vendors' products and services. Through reciprocity agreements, this court protection could be extended to any other state with whom Kansas has established mutual recognition of licensure. This protection must rest on legislation which formally provides a legal foundation for digital signatures.

In my view, House Bill 2059 provides this foundation in law. The bill is technology-neutral, so the state will be able to recognize and adapt to new technologies for authentication without changing the law. The bill does not assume responsibility for nor impose solutions on complex issues which are currently being worked out among vendors, standards organizations, state governments and businesses. And the bill recognizes the role to be played by the Secretary of State as a natural adjunct to responsibilities already assigned to that office. It is important that this legislation provide the legal authority the Secretary of State will need to implement regulations. This authority includes the ability to request criminal background checks from law enforcement entities throughout the state; to negotiate and establish reciprocity agreements with other states; and to establish guidelines for digital signature repositories which may be established within Kansas.

In summary, the state of Kansas needs to establish legislation which enables use of digital

signatures. This technology is in direct support of electronic commerce, a capability which will allow Kansas individuals and businesses to participate in the global economy into the next century. I highly encourage the Legislature to take action in this session. Other states are now passing laws and negotiating with vendors. Without enabling legislation in Kansas, we will have no basis on which to enter a dialogue with these states, much less to provide legal protection for Kansas clients of digital signature services. The industry is setting patterns which may last for quite some time. This is the best chance we will have to influence that direction, in concert with other states.

Thank you for the opportunity to bring these matters to your attention.

4-30-97
at
B



CARLA J. STOVALL
ATTORNEY GENERAL

State of Kansas
Office of the Attorney General

CRIME VICTIMS COMPENSATION BOARD
700 S.W. JACKSON, SUITE 400, TOPEKA 66603-3756
PHONE: (913) 296-2359 FAX: (913) 296-0652

GLENDAL. CAFER, CHAIR
DORTHY STUCKY HALLEY,
CARLOS COOPER

Statement of Frank S. Henderson, Jr.
Executive Director, Crime Victims Compensation Board
Before Senate Judiciary Committee
Re: House Bill 2313

April 30, 1997

Chairman Emert and Members of the Committee:

I am Frank Henderson, Jr, Executive Director of The Crime Victims Compensation Board. We are a division of the office of the Attorney General. I thank you for the opportunity to address the committee today and express my support of House Bill 2313.

The Antiterrorism and Effective Death Penalty Act of 1996, signed into law by President Clinton on April 24, contained a number of victim related provisions. Included in these were the availability of VOCA (Victims of Crime Act) compensation grant funds.

This act provides for a new VOCA-eligibility requirement that each state must offer compensation benefits to its own residents who are injured or killed in terrorist attacks outside the borders of the United States. The law gives until April 24, 1997 to come into compliance with the new eligibility conditions for receiving federal VOCA compensation grants.

House Bill 2313 amends K.S.A. 74-7301 (e) to contain in the definition of "criminally injurious conduct", "an act of terrorism" as defined in 18 U.S.C. 2331, committed outside of the United States against a Kansas resident.

This bill also expands the definition of "victim", in K.S.A 74-7301(m), extending eligibility to those persons who suffer personal injury or death as a result of an act of terrorism as defined in 18 U.S.C. 2331, committed outside of the United States.

The Antiterrorism Act authorizes the U.S. Department of Justice, Office For Victims of Crime, to retain up to \$50 million in an emergency reserve fund which may be used for supplemental grants to assist victims of terrorist acts or mass violence outside or within the United States.

The provisions contained in House Bill 2313 satisfy the requirements for compliance with The Antiterrorism and Effective Death Penalty Act. This will allow Kansas to continue to apply for and receive VOCA compensation and assistance grants. We will receive \$4.6 million in VOCA grants this year. Thank you for your consideration in this matter.

Senate Judiciary
Attachment 3
4-30-97

Here's the definition from U.S. Code section 2331:

"(1) the term "international terrorism" means activities that--

(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or any State, or that would be a criminal violation if committed within the jurisdiction of the United States or any State; [note: "State" means a state within the U.S., not a foreign country]

(B) appear to be intended--

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping; and

(C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum;" [end section]