

Approved: April 1, 2005
Date

MINUTES OF THE SENATE FINANCIAL INSTITUTIONS AND INSURANCE COMMITTEE

The meeting was called to order by Chairman Ruth Teichman at 2:05 P.M. on April 1, 2005 at the rail outside the Senate chamber on the 3rd floor. AT THE RAIL of the Capitol.

All members were present.

Committee staff present:

Melissa Calderwood, Kansas Legislative Research Department
Terri Weber, Kansas Legislative Research Department
Ken Wilke, Office of Revisor of Statutes
Sandy Yingling, Committee Secretary

Conferees appearing before the committee:

Doug Wareham
Ron and Julie Hein

Madam Chair called a meeting at the rail at 2:05 p.m. to discuss **HB 2124**. (Attachment 1)

HB 2124 - Certificates of title, security interest in vehicle registered by Indian tribe

There was brief discussion between the committee members and Doug Wareham.

Ron and Julie Hein stated that they had offered written testimony in support of **HB 2124** to the House Transportation Committee on behalf of the Prairie Band Potawatomi Nation.

Senator Brownlee moved to pass **HB 2124** out favorably; Senator Barnett seconded the motion. The motion carried.

The meeting was adjourned at 2:10 p.m.

H.B. 2124 (Indian Nation Vehicle Titles) Summary & Talking Points

What does H.B. 2124 do?

H.B. 2124 ensures that liens noted on tribal vehicle certificates of titles will be recognized by Kansas law.

Why is H.B. 2124 needed?

H.B. 2124 is needed to protect banks and other lenders in Kansas that finance vehicles that are registered by Indian Nations. Without the language contained in H.B. 2124, Kansas courts might not recognize and uphold the liens (security interest) of banks and other lenders that finance vehicles that are registered by Kansas Indian Tribes.

Are Kansas Indian Tribes issuing vehicle tags and titles?

Kansas currently has one Indian tribe, the Potawatomi Prairie Band Indian Nation, which has enacted its one motor vehicle code and is currently issuing both license tags and certificates of title for vehicles owned by persons living on the Reservation.

Are Kansas Indian Tribes authorized to issue vehicle titles & license tags?

Yes. Last Friday (March 25th), the 10th U.S. Circuit Court of Appeals ruled 3 – 0 that state law enforcement, motor vehicle and revenue authorities in Kansas must recognize the validity of license plates and vehicle titles issued by the Prairie Band Potawatomi Indian Nation.

Who supports H.B. 2124?

Kansas Bankers Association & Kansas Credit Union Association

Did anyone or any organization appear in opposition to H.B. 2124 when hearings were held before the House Transportation Committee?

No

*Attachment 1
4-1-05
FI+I*

between abortion and-abortion activists. Sebelius has argued the measure should apply to all outpatient surgical centers.

That same criticism was alive on Friday.

Sen. Pete Brungardt, R-Salina, said the bill was "transparently political and inherently unfair." He said it should apply to surgical centers across the board.

the meantime, the state needed to enact laws regulating abortion providers, he said.

Supporters of the bill have argued abortion clinics in Kansas have low standards and have led to the injury of some women. Currently, the state can't regulate abortion facilities or procedures.

Abortion providers say the measure simply is an attempt to

be more costly, Barnett said.

"This will come at the expense of more lost lives, more parents with empty bedrooms and hearts broken forever," he said.

All three of Shawnee County's senators — Democrats Anthony Hensley and Laura Kelly and Republican Vicki Schmidt — voted against the bill.

not



ANTHONY S. BUSH/THE CAPITAL-JOURNAL
atches at the Oakland

ard children

Takes a Hand to Put the Trash in the Can." All story ideas (250 words or fewer) can be submitted through April 30.

There is no limit to the number of entries that can be submitted by each child, and there is no cost to enter. The best story idea will win \$500. Three runners-up will win backpacks. There are 300 prizes to be won in a random draw involving all participants. Contest winners will be announced May 31.

Decision: State has no authority over vehicle titles, registrations

By Robert Boczkiewicz
SPECIAL TO THE CAPITAL-JOURNAL

DENVER — An appeals court ruled Friday that Kansas state authorities can't enforce state motor vehicle registration and title laws against members of the Prairie Band Potawatomi Nation.

The 10th U.S. Circuit Court of Appeals ruled 3-0 that state law enforcement, motor vehicle and revenue authorities must recognize the validity of the license plates and titles issued by the tribe.

The 36-page ruling is a blow to state officials.

The appellate judges said about 350 vehicles will be titled by the tribe as the result of Friday's ruling.

The tribe, which has a reservation at Mayetta, sued in 1999 after establishing its own vehicle registration system and state law enforcement officers issued citations for tribal members driving off-reservation without state license plates.

Friday's ruling upholds an August 2003 injunction by U.S. District Judge Julie Robinson in Topeka. It permanently barred enforcement of the state registration and title laws against tribal

members when they drive off of the reservation.

The state appealed.

The appeals court in 2001 had allowed a preliminary injunction to stand. Its judges Friday said the only remaining issue was whether Robinson abused her discretion in 2003 by concluding that the federal law favors the tribe's position.

Federal law preempts state law in the dispute, the appellate judges ruled. Because of that and because the tribe is a sovereign government, the state has no authority over the tribe's vehicle registrations and titles, they concluded.

Kansas already recognized the validity of license tags issued by tribes in other states.

The judges Friday said most of the latest argument of the state revenue director and highway patrol superintendent "rehashes arguments that were presented to and rejected by this court" in 2001.

State authorities said public safety was their sole interest, not revenue. The judges concluded that the public safety argument was "unsupported."

"The state apparently resents that it has lost some amount of control over the tribe — and that it has lost some revenue," the judges wrote.

Federal law recognizes the importance of Indian tribes promoting self-governance, self-sufficiency and economic development.

Tribal license plates are valid, court rules

Wrestling Championships

rch 24, 25 & 26, Landon Arena.