Approved: March 18, 2010
Date

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Tim Owens at 9:35 a.m. on February 9, 2010, in Room 548-S of the Capitol.

All members were present.

Committee staff present:
Doug Taylor, Office of the Revisor of Statutes
Jason Thompson, Office of the Revisor of Statutes
Athena Andaya, Kansas Legislative Research Department
Karen Clowers, Committee Assistant

Conferees appearing before the Committee:
Chief Judge James Fleetwood, 18th Judicial District, Wichita
Judge Meryl Wilson, 21st Judicial District, Manhattan
Alice Adams, Geary County Clerk of the District Court, Junction City
Kim Fowler, Office of Judicial Administration
Joe Molina, Kansas Bar Association
Doug Smith
Harold T. Walker, Chief Counsel, Unified Government of Wyandotte County

Others attending:
See attached list.

The Committee minutes of January 25 & January 26 were distributed for review. Senator Schodorf moved, Senator Lynn seconded, to approve the minutes of January 25 and January 26. Motion carried.

Chairman Owens announced the appointment of a sub-committee to study **SCR 1626 - Constitutional amendment to preserve right to choose health care services and health insurance plan**. Appointed are Senator John Vratil as Chair, Senator Bruce, Senator Kelly, and Senator Lynn.

The hearing on **SB 442 - Court fees, surcharge to fund costs of non-judicial personnel and HB 2476 - Concerning courts and the judicial branch surcharge fund** was opened. Jason Thompson, staff revisor, reviewed the bills outlining the differences between the two.

Judge James Fleetwood testified in support relating the dire conditions the existing hiring freeze has created and the challenge of keeping the courts open. The continued migration of court employees to other employers is creating a devastating effect on the ability of the court to control its dockets and workload. The pressure of carrying the work of two, coupled with the constant fear of furloughs has been detrimental, resulting in the loss of trained and experienced personnel. Sedgwick County courts are operating at minimum staffing levels and there are no unnecessary expenses left to cut. Judge Fleetwood encouraged support of the surcharge to generate the revenue needed to address the Judicial Branch budget shortfall. (Attachment 1)

Judge Meryl Wilson appeared in favor, stating the Office of Judicial Administration has imposed a hiring freeze since December 2008 in an attempt to meet budget reductions. This has produced significant savings however, the freeze has had a dramatic effect upon the judicial districts. The surcharge cannot bridge the gap between the amount appropriated and the amount necessary to operate the Judicial Branch but it will help. Judge Wilson encouraged the passage of **SB 442**. (Attachment 2)

Alice Adams appeared in support, stating either bill provides for uniformity between Chapter 60 and Chapter 61 post-judgment proceedings. The uniformity will result in less confusion on the part of clerks, attorney, and litigants. Both bills add
expungement fees for adult convictions and juvenile adjudications as well as arrest records to make both types uniform. Ms. Adams stressed the extreme distress the clerks are working under due to the current fiscal environment and encouraged enactment of either bill. (Attachment 3)

Minutes of the Senate Judiciary Committee at 9:35 a.m. on February 9, 2010, in Room 548-S of the Capitol.

Kim Fowler spoke in favor, presenting the position of the Kansas Judicial Branch on surcharges. Both bills basically provide for increases while extending the surcharge in FY 2011, which is critical to keeping the courts open. (Attachment 4)

Joe Molina spoke in support, stating access to the courts is critical. **HB 2476** would provide stabilization and create a measure of certainity that court employees and the public could rely upon. (Attachment 5)

Doug Smith provided neutral testimony proposing an amendment that would delete the additional charges on alias matters. An alias is not a new action, it is not a new document or pleading and should not be treated as such. Docket fees need to be kept at an equitable level to encourage use of the court system, which in turn will help protect the courts revenue stream. (Attachment 6)

There being no further conferees, the hearing on **SB 442** and **HB 2476** was closed.

The Chairman opened the hearing on **SB 468 - Amending petition requirements for summoning a grand jury**.

Senator Vratil provided a review of the bill and indicated the proposed legislation is intended to alleviate some of the pressure on an already overloaded court system and recommended support of **SB 468**. (Attachment 7)

Harold Walker testified in support, stating Wyandotte County has experienced several efforts by a disgruntled political candidate to convene a grand jury as a form of harassment and is an abuse of process. Under current law, a grand jury is summoned within 60 days after a petition is presented to the district court with the signatures of 100 electors plus 2.0 percent of the total number of votes cast for the Governor in that county. **SB 468** would change that standard to be the signatures of 100 electors plus 10.0 percent of the active registered voters in the county. The bill details all the procedures that would have to be complied with to petition a grand jury in this manner. The grand jury summoned by petition would not remain in session more than ten days, unless the chief judge extends the session by written order filed with the Clerk of the District Court. (Attachment 8)

Chairman Owens indicated the hearing on **SB 468** will be continued at the next meeting of the Committee.

The next meeting is scheduled for February 10, 2010.

The meeting was adjourned at 10:32 a.m.

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 2-9-2010

NAME	REPRESENTING
Sandra Jaynot	LKM
Melissa Wangemann	KAC
MIKE TAYLOR	UNIFIED GOV
Jerry Gorman	Wy. Co. D.A.
Richard Samaniego	Kennedy & Assoc.
Matt Shatto	City of Lenexa
Andy Huckaba	Lenexa City Council
Joseph Molin	KS BAR ASSN.
Alice Adams	KADCCA
Kim Fowler	Judicial Branch
James Fleetwood	18th Judicial Dist
MERYL WILSON	21st Judicial Dist
Paul WELCOME	Johnson County Appraiser
Kathryn D Myers	JoCo Asst Co Counselor
Rod Broberg	Saline County Appraiser
SEAN MILLER	CAPITOL STRATEGIES
ERIK SARTORIUS	City of Overland Park
Lori Henry	Sandstone Group

SENATE JUDICIARY COMMITTEE

Hon. Tim Owens, Chairman
Hon. Derek Schmidt, Vice Chairman
Hon. David Haley, R.M. Member

February 9, 2010
9:30 a.m.
Room 548-S

Chief Judge James R. Fleetwood
Eighteenth Judicial District
525 N Main
Wichita, Kansas 67203
jfleetwo@dc18.org

TESTIMONY ON BEHALF OF EIGHTEENTH JUDICIAL DISTRICT, SEDGWICK CO. KANSAS REGARDING 2010/2011 JUDICIAL BRANCH SURCHARGE

I am James Fleetwood, Chief Judge of the Eighteenth Judicial District of the State of Kansas covering Sedgwick County, Kansas. I would like to thank this honorable committee for allowing me the opportunity to speak concerning the operating budget for the judiciary this 2010-2011 financial year. I appear at the request of the Office of Judicial Administration and on behalf of my district which is the largest judicial district in the State. The Eighteenth Judicial District is presently operating under an increasingly significant handicap. Due to the hiring freeze and loss of temporary employees our workforce has been reduced by 23 people. The existing permanent hiring freeze has created a savings sufficient to allow the court to keep the doors open. The savings created up to this point by the hiring freeze will continue throughout the coming year. However, it will not be sustainable as a source of greater cost savings into the future.

Our expectation is that there will continue to be a migration of court employees to other employers with devastating effects on the ability of the court to do anything of significance to control its dockets and workload. Some reasonable staffing level must be maintained to continue the daily operation of the court.

Continued operation in the current year relies upon a combination of the proposed 5 million dollar supplemental appropriation, the revenue generated by court surcharges, and the savings arising from higher than expected attrition of court personnel. I believe the same budget must be maintained at a minimum through the coming year to maintain a full-time court. During the coming year I expect the court will be able to function on the savings accruing from our present staffing levels if we continue the anticipated funding from surcharges coupled with reasonable funding from the legislature for the 2010/2011 budget year.

Our efforts to date have brought Sedgwick County courts to what I consider the minimum staffing levels to maintain daily services for the attorneys and other citizens making use of the court. There are no unnecessary expenses left. Our present freeze has closed hiring since October of 2008. We have done all that we can think of to overcome the loss of personnel including the use of flex schedules. This allows some of our employees to come to work early and others to leave late creating two hours of uninterrupted work time to get a greater amount of paperwork and filing completed each day. While such steps have helped, there simply are not sufficient staff hours to get all the work done in a timely manner. At present, court files are 3 to 4 months behind in the civil and family law departments. Attorneys will check out court files to prepare for a hearing only to find that the information contained in them is woefully out of date. In

response to this I have been working on a technological fix allowing the attorney access to the digital records for more up to date information. I know that other Judicial Districts are making equal efforts to keep the courts available to the public. I am doing this in response to the call for a more efficient government. However, I believe that we have identified and integrated all the money saving "efficiencies" available. There is no fat left. There are no extras.

The increased attrition, which I believe is due to a general failure in morale, lessened job satisfaction and retirement has allowed the court to operate under a strict budget supplemented by surcharges. However, this increased loss of employees cannot be maintained indefinitely nor, as I just stated is it sufficient to keep the courthouse doors open without a reasonable operating budget funded by the state.

The present pressure arising from one person carrying the work load of two, coupled with the constant fear of furloughs has been detrimental, resulting in the loss of trained and experienced personnel to any other job opportunity that may arise. If we can at least eliminate the anxiety over potential furloughs through a reasonable operating budget from the State and supplemental funding derived from continued surcharges, I am hoping that we can reduce the bleeding of court talent to other employers.

This increasing loss has obvious limitations. Presently the Eighteenth Judicial District has lost more total employees than any other district. This loss has affected timely court operation, scope of service, and post conviction supervision of convicted criminals. Our remaining employees are dedicated to providing quality service to the citizens of Sedgwick County. However, they are facing difficult circumstances. A Court Supervision Officer recently included the following in her letter of resignation:

"I need to finish a task once it is started and do it well. Wish me luck with that because I'll answer four phone calls, answer two emergency emails and see three drop-in clients before I even remember what the task I was trying to finish was. My bottom line right now is quality of life (including the 8 hours I spend here.) It is time to run up the white flag."

Two clerks have shared the following information with me.

Mary (name changed) has asked for help through Lifeline (the state employee assistance program) after feeling overcome with stress. She is the sole caregiver for an aging parent with medical issues. She has reached her "breaking point" from working in an office that is short staffed and caring for her elderly parent.

Amanda (name changed) recently confided that she was very worried about the impending furloughs and worrying about making ends meet. She has stated that she had no choice but to put her house up for sale. Any loss of income through furloughs will mean a missed mortgage payment. She believes that a sale now will forestall a foreclosure later. I would like to tell her that furloughs have been averted. She further notes that as she is a single mother the stress this was causing was making it hard for her to sleep at night.

As you know the judicial budget allocation from the State in any district is nearly 100% personnel. There are no maintenance projects or capital improvement projects that can be deferred from the State judicial budget. For all intents and purposes the district court's sole method of meeting funding shortfalls will be by reducing the cost of staff through furloughs or further staff reduction. While the savings being recognized today due to the hiring freeze will continue through the coming year, further staff reduction is

not sustainable. I believe that we are at the point where we must stop the increasing loss by a hiring delay rather than freeze.

Last year one third of the Eighteenth Judicial District employees worked a second job to make ends meet. I know from increased requests seeking permission for supplemental income that this percentage has increased. Lessening that fear of furlough days would have a significant effect on these families. Further loss of staff will have a significant effect on the quality and timeliness of services provided to the public. I encourage you to provide an operating budget that will protect the court from further degradation of its ability to serve the community by furloughs and unnecessary employee attrition.

In closing, and with the greatest respect for this committee and the challenges you face, I would encourage you to support the surcharge so that the revenue generated can be used to address the Judicial Branch budget shortfall.

Thank you for your consideration.

Hon. James R. Fleetwood
Chief Judge
Eighteenth Judicial District
Sedgwick County, Kansas

SENATE COMMITTEE ON JUDICIARY

Hon. Tim Owens, Chairman
Hon. Derek Schmidt, Vice Chairman
Hon. David Haley, R.M. Member

February 9, 2010
9:30 a.m.
Room 548-S

Judge Meryl D. Wilson
Twenty-first Judicial District
100 Courthouse Plaza
Manhattan, Kansas 66502
mwilson@rileycountyks.gov

TESTIMONY ON BEHALF OF KANSAS DISTRICT JUDGE'S ASSOCIATION IN SUPPORT OF THE JUDICIAL BRANCH SURCHARGE

I wish to thank this honorable committee for extending the opportunity to appear and present testimony in support of the Judicial Branch surcharge. I am Meryl Wilson, past president of the Kansas District Judge's Association and District Judge of the Twenty-First Judicial District, which includes Riley and Clay Counties.

Since December 2008, the Office of Judicial Administration has imposed a hiring freeze in an attempt to meet budget reductions. This attempt has produced significant savings; however, this freeze has had a dramatic effect upon our judicial district and others throughout this state.

As of Monday, January 25, our current district clerk's office staffing consists of 8.5 positions out of an authorized 14.5 FTE positions. That is more than a 41 percent reduction in staff. In addition to the reduction in full-time staffing, all funding for temporary help has been eliminated from the Judicial Branch, which for our district meant the equivalent of another .75 FTE position.

Imagine, for a moment, what effect a forty percent reduction in staff would have upon a school district, a police department, a Dillon's, or a Hy-Vee store. It has been a struggle. To cope with this reduction we have been forced to close the Clerk of the District Court's office to the public. We now open the clerk's office to the public at 9:00 a.m. and close to the public at 4:00 p.m. on Monday, Tuesday, Thursday, and Friday. On Wednesdays we open to the public at 9:00 a.m. and close at noon. While staff of the clerk's office work from 8:00 a.m. to 5:00 p.m., we must close to the public so that the clerks can process the cases that are filed without interruptions from phone calls and counter service. This is the only way our remaining clerks can attempt to deal with all the work they are now being asked to handle. Although most attorneys and the public understand, not a day passes without some very upset citizen who arrives at the courthouse only to find the clerks office closed.

Although the Judicial Branch surcharge alone cannot bridge the gap between the amount appropriated and the amount necessary to operate the Kansas Judicial Branch, it is one measure which will help.

Thank you for this opportunity to present our position.

Respectfully submitted,

Meryl D. Wilson
District Judge, Twenty-first Judicial District

...McNett, President
Barber County
118 E Washington
Medicine Lodge, KS 67104
620-886-5639

Kathleen Collins, Pr...ent-Elect
Wyandotte County
710 N 7th St. Mezzanine
Kansas City, KS 66101
913-573-2946

Senate Judiciary Committee
Tuesday, February 9, 2010

Senate Bill 442

TESTIMONY
Surcharge Uniformity
By Alice Adams, Clerk of the District Court
Geary County District Court
Eighth Judicial District

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear before you today on behalf of the Kansas Association of District Court Clerks and Administrators. My testimony will cover two issues in Senate Bill 442: 1) making the existing surcharge uniform as it applies to Chapter 60 (civil) and Chapter 61 (limited civil) post-judgment proceedings; and 2) making the expungement fees and surcharge for adult convictions and juvenile adjudications as well as arrest records for both types uniform.

At this point, both SB 442 and HB 2476 include provisions we like. Both bills would make the surcharges fees more uniform between K.S.A. Chapter 60 and Chapter 61. The uniformity we desire will result in less confusion on the part of clerks, attorneys, and litigants.

The attached table shows the filings that would be affected. The bill will provide authority to apply the surcharge to Chapter 61 orders or writs of execution. There is statutory authority currently to apply the surcharge to these orders in Chapter 60 cases, but not in Chapter 61 cases. In addition, Chapter 60 writs or orders of sale would be included in the surcharge. Presently per statute, Chapter 61 writs or orders of sale fall under the surcharge, but not Chapter 60 writs or orders of sale. Finally, both Chapter 60 and 61 attachment orders would be included in the surcharge under this bill.

SB 442 would add the surcharge to alias orders (for hearing, sale, attachment, garnishment, and execution), but HB 2476 excludes from the surcharge all alias orders after testimony in the House Judiciary Committee requested that these orders not be included in the surcharge. Uniformity between Chapter 60 and Chapter 61 was the reason for requesting the surcharge on alias order for hearing, and with the deletion of all alias orders, uniformity is no longer an issue. While we would like the ability to assess the surcharge

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Phil Fielder, Past President
Ellis County
...

Senate Judiciary
2-9-10
Attachment 3

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710 N 7th St. Mezzanine
Kansas City, KS 66101
913-573-2946

on all alias orders, it appears more important at this point to concur in the House amendments in order to avoid a conference committee on this issue.

Another issue addressed in both this bill and in HB 2476 is that of expungements. Both bills would add a $100 docket fee for adult conviction and juvenile adjudication expungements, and would provide statutory authority to assess the surcharge on juvenile adjudication expungements. At the present time the $100 docket fee applies only to the expungement of arrest records, and the surcharge applies only to the expungement of adult arrest and conviction records.

The attached table summarizes the uniformity we are seeking. This amendment would also result in additional money for the surcharge. The expungement docket fee provision would result in additional money for all funds that receive a portion of the docket fee, including the State General Fund.

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Hays, Ks 67601
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PROPOSED SURCHARGE LEGISLATION

DOCUMENT TO BE FILED	CHAPTER 60	CHAPTER 61	COMMENTS
Order or Writ of Execution (also referred to as: Special or General Execution; Writ of Assistance)	Yes	~~No~~ Yes	Added language to include K.S.A. 61-3602.
***Alias Order for Hearing**	Yes	~~No~~ Yes	Added language to include alias orders in Ch. 61.
***Writ or Order of Sale**	~~No~~ Yes	Yes	Added language to include K.S.A. 60-2401.
***Alias Writ or Order of Sale**	~~No~~ Yes	~~No~~ Yes	Added language to include alias orders.
***Attachment Order**	~~No~~ Yes	~~No~~ Yes	Added language to include K.S.A. 60-701 and 61-3501.
***Alias Order of Attachment**	~~No~~ Yes	~~No~~ Yes	Added language to include alias orders.
***Alias Order for Garnishment**	~~No~~ Yes	~~No~~ Yes	Added language to include alias orders.
***Alias Order or Writ of Execution**	~~No~~ Yes	~~No~~ Yes	Added language to include alias orders and writs.

* Alias orders are not included in HB 2476.

PROPOSED EXPUNGEMENT LEGISLATION

TYPE OF EXPUNGEMENT	DOCKET FEE	SURCHARGE	COMMENTS
Conviction Expungement (K.S.A. 21-4619)	~~No~~ Yes	Yes	Added language to include $100 docket fee.
Arrest Expungement (K.S.A. 22-2410)	Yes	Yes	No changes recommended.
Juvenile Expungement (K.S.A. 38-2312)	~~No~~ Yes	~~No~~ Yes	Added language to include $100 docket fee and surcharge.

SUPREME COURT OF KANSAS
KANSAS JUDICIAL CENTER
301 SW 10TH
Topeka, Kansas 66612-1507

LAWTON R. NUSS
Justice

Phone: (785) 296-4898
Fax: (785) 296-0534

February 8, 2010

Senator Thomas C. (Tim) Owens
Chairman, Senate Judiciary Committee
State Capitol
Room 559-S
Topeka, KS 66612

Re: Judicial Branch position on surcharge increases

Dear Chairman Owens:

Thank you for the opportunity to present the position of the Kansas Judicial Branch on surcharges. Basically, we prefer to increase the present surcharge of $10 by $5 for a total of $15. It has been suggested that we seek a total of $20. While we would greatly appreciate the extra revenue generated by that suggestion, we remain concerned that the $20 surcharge would decrease, if not eliminate, some Kansans' access to justice.

Our preference was included in the draft of Senate Bill 442. While we still prefer that bill over House Bill 2476, the differences are not enough to debate. Both bills basically provide for the $5 increase. Accordingly, the Kansas Judicial Branch respectfully requests that, for the sake of expediency, your committee approve House Bill 2476 which has already passed that chamber.

Our thanks again to you and your committee for your consideration of our views.

Sincerely,

Lawton R. Nuss

LRN/sm

Senate Judiciary
2-9-10
Attachment 4

State of Kansas
Office of Judicial Administration
Kansas Judicial Center
301 SW 10th
Topeka, Kansas 66612-1507
(785) 296-2256

Senate Judiciary Committee

Tuesday, February 9, 2010

Testimony in Support of the Judicial Branch Surcharge

2010 SB 442 and 2010 HB 2476

Kim Fowler

Thank you for the opportunity to testify in support of the Judicial Branch surcharge that is included in SB 442. The surcharge is also the subject of HB 2476, which has passed the House and has been referred to this committee. As the attached letter from Justice Lawton Nuss indicates, for the sake of expediency we request that this committee pass HB 2476 through to the Senate floor with no amendment. That would allow the bill to become effective upon publication in the *Kansas Register* without the need for conference committee action.

The 2009 Legislature considered the current $10 Judicial Branch Surcharge as a way to provide funding for the Judicial Branch budget, which was significantly underfunded. 2009 SB 66 authorized the Supreme Court to impose an additional charge, not to exceed $10, on specified docket and other fees to fund the cost of nonjudicial personnel. 2009 SB 66 also created the Judicial Branch Surcharge Fund, into which the surcharge amounts are deposited.

Both SB 442 and HB 2476 would extend the current surcharge into FY 2011, which is critical. The Governor's budget for FY 2011 assumes that the surcharge will continue.

Both bills are also effective upon publication in the *Kansas Register*. This would allow us to realize a full year of additional revenue in FY 2011, because there is a delay from the bill's effective date until the authorized increase is received by the State Treasurer. Depending upon the bill's effective date, additional revenue would also be generated in FY 2010. The current surcharge is estimated to generate $5 million in revenue in the current year, FY 2010, and $5.5 million in FY 2011. The provisions of SB 442 would generate an estimated total of $8.1 million in FY 2011, while the provisions of HB 2476 would generate an estimated total of $8.0 million in FY 2011.

Both bills would increase from $10 to $15 the surcharge currently charged on most court docket fees. The major difference between the two bills is that SB 442 did not increase the surcharge on Chapter 61 filings and post judgment proceedings. These areas were avoided because increases in those fees traditionally draw opposition from some who file a significant number of debt collection actions. The House version of the surcharge bill increases the surcharge on those filings by $5, the same amount as all other surcharge increases included in the bill.

As noted in the testimony from Alice Adams, both bills would provide uniformity between Chapter 60 and Chapter 61 fees to which the surcharge is added, and would provide uniformity regarding expungements by requiring a $100 docket fee for adult conviction, adult arrest, and juvenile expungement filings. Currently, only adult arrest expungements are charged a $100 docket fee. There is no docket fee for adult conviction expungements or juvenile expungements. The $15 surcharge would be applied to all expungements. The House did not adopt a request to add the surcharge to alias orders in HB 2476, while those remain in SB 442.

I appreciate your consideration of the surcharge issue, and ask you to recommend HB 2476 favorably for passage.

KANSAS BAR ASSOCIATION

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TESTIMONY

TO: **The Honorable Tim Owens, Chair**
And Members of the Senate Judiciary Committee

FROM: **Joseph N. Molina**
On behalf of the Kansas Bar Association

RE: **HB 2476 – Increasing the judicial branch surcharge fund and docket fee.**

DATE: **February 9, 2010**

Good morning Chairman Owens and Members of the Senate Judiciary Committee. I am Joseph N. Molina and I appear on behalf of the Kansas Bar Association in support of HB 2476 which would increase the current judicial branch surcharge by $5 and create a $100 docket fee for all adult and juvenile expungements. These funds would be used to fund the Judicial Branch.

The KBA is acutely aware of the inadequate funding of most governmental agencies and institutions, and it is especially conscious of the lack of funding for the Judicial Branch. Not only is an adequately funded court system more efficacious to lawyers and litigants, it also ensures the right of meaningful access to the courts by all citizens of Kansas. Currently, the Judicial Branch is experiencing a significant budget shortfall that may require furlough of judicial branch employees. These furloughs will undoubtedly affect the practice of law and those that depend upon it. On those days that the courts are closed, the old axiom of getting thru the courthouse doors will be an impossible task.

The KBA recognizes and appreciates the ongoing actions taken by Governor Parkinson and the Legislature in dealing with these financial issues. Equally important are the steps taken by the Judicial Branch to help with the bleak fiscal reality. The Judicial branch has implemented a hiring freeze and instituted other efficiencies throughout the court system. However, additional measures are still needed to stabilize the courts and create a measure of certainty. HB 2476 would provide such certainty and create a level of stability that the general public and court employees could rely upon.

On behalf of the Kansas Bar Association, I thank you for your time this morning and would be available to respond to questions at the appropriate time.

Respectfully

Joseph N. Molina
KBA Director of Government and Legal Affairs

About the Kansas Bar Association:
The Kansas Bar Association (KBA) was founded in 1882 as a voluntary association for dedicated legal professionals and has more than 6,900 members, including lawyers, judges, law students, and paralegals. www.ksbar.org

Senate Judiciary
2-9-10
Attachment 5

KANSAS CREDIT ATTORNEYS ASSOCIATION

REMARKS CONCERNING SENATE BILL NO. 442 AND HOUSE BILL NO. 2476

SENATE JUDICIARY COMMITTEE

February 9, 2010

Chairman Owens and Members of the Senate Judiciary Committee:

Thank you for the opportunity to present remarks regarding Senate Bill No. 442 and House Bill No. 2476 on behalf of the Kansas Credit Attorneys Association. The Kansas Credit Attorneys Association (KCAA) is a statewide organization of attorneys, representing law firms, whose practice includes considerable collection work in Kansas.

The KCAA appears as a neutral party, but with an amendment could be a proponent to Senate Bill No. 442. The bill seeks to further increase the Judicial Branch surcharge on filings.

We have recently seen a series of docket fee increases over the last few years and based on discussions with our membership we believe Kansas businesses may have reached the tipping point on docket fees with the last increase in 2009. Therefore, we are pleased that the Court has elected to keep the docket fee surcharge for Chapter 61 matters unchanged in Senate Bill No. 442.

Our members, who perform debt collection services and pursue legal proceedings on behalf individuals and businesses, have seen a marked decrease in court filings across Kansas. Clients are pulling back on the pursuit of legal actions to collect debts owed to them. Especially on smaller claims less than $1,000, where the docket fees on a percentage basis are larger portion of the debt owed. People aren't willing to pay the docket fees, which have doubled in recent years, to go after debts that they may or may not collect on.

Chapter 60 and 61 legal actions make up the largest portion of the case filings each year. Although, the filings appear to have remained steady, it is likely due to current economic conditions and even more so to national lenders/creditors seeking resolution to problem accounts. We believe that this national activity will soon decline, and our local clients will continue to hold back on their filings as a result of increased dockets fees. When these Chapter 61 filings decline the Court's revenue stream is greatly impacted. In addition to the loss of revenue from the initial case filing there are additional court services utilized throughout the legal process that also generate revenue and these "back-end" revenues will also be lost. Therefore, we request that if the Senate works Senate Bill No. 442 you do without changing language in Section 18 and if you choose to pursue House Bill No. 2476 we hope that you insert into House Bill No. 2476 the language from Section 18 of Senate Bill No. 442, which does not increase the surcharge on Chapter 61 matters (K.S.A. 61-4001).

Senate Judiciary
2-9-10
Attachment 6.

However, the most concerning part of Senate Bill No. 442 is contained in Section 9 on Page 19 of the bill. This section applies the Judicial Branch surcharge on alias matters. If a matter makes it to the sheriff on time but the sheriff simply doesn't get it served for whatever reason, an alias is issued and a new charge will be incurred. Similarly, if something gets hung up at the clerk's office and doesn't make it out to service in time, a new charge is incurred. These are issues that are completely out of our members and their clients control but they will be required to pay for the new surcharge. An alias is not a new action, it ties back to the original petition, aid or citation which was simply not served effectively for whatever reason. It is not a new document or pleading and shouldn't be treated as such or charged another fee as if it were a new action. A few years ago when the service of process fees were established in statute, aliases were specifically excluded by the legislature from the fee for similar logic and reason, service is out the requesting parties control once requested.

Like all of us, the sheriff and clerk are having to do more with less, and the surcharge and sheriff's fee is indiscriminate when it comes to the success or effectiveness of the proceeding. The alias allows a continuation of the process, and give our clients what they originally paid for - effective and timely service. We request that this language relating to the imposition of the surcharge to alias matters be deleted from Section 9 of the Senate Bill No. 442, because we believe it will have a dramatic and negative impact on post judgment actions. The House Judiciary Committee adopted this amendment on House Bill No. 2476.

We need to keep dockets fees at an equitable level to encourage use of the court system, when needed, thus protecting the courts revenue stream and also allowing individuals and businesses to reasonably attempt to collect what is owed to them.

Thank you for your time and consideration.

Douglas E. Smith
For the Kansas Credit Attorneys Association

SB 442 Amendments **Kansas Credit Attorneys Association**

Pages 19-22

Sec. 9. K.S.A. 2009 Supp. 28-178 is hereby amended to read as follows: 28-178. (a) In addition to any other fees specifically prescribed by law, on and after ~~July 1, 2009,~~ *the effective date of this act* through June 30, ~~2010~~ *2011*, the supreme court may impose a charge, not to exceed $10 per fee, to fund the costs of non-judicial personnel, on the following:

(1) A person who requests an order or writ of execution ~~*or an alias order or writ of execution,*~~ pursuant to K.S.A. 60-2401 or 61-3602, and amendments thereto.

(2) Persons who request a hearing in aid of execution ~~or an alias order for hearing~~ pursuant to K.S.A. 60-2419, and amendments thereto.

(3) A person requesting an order for garnishment ~~*or an alias order for garnishment,*~~ pursuant to article 7 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, or article 35 of chapter 61 of the Kansas Statutes Annotated, and amendments thereto.

(4) Persons who request a writ or order of sale ~~*or an alias writ or order of sale,*~~ pursuant to K.S.A. 60-2401 or 61-3602, and amendments thereto.

(5) A person who requests a hearing in aid of execution ~~*or an alias order for hearing in aid of execution,*~~ pursuant to K.S.A. 61-3604, and amendments thereto.

(6) A person who requests an attachment ~~*or an alias order of attachment*~~ *against the property of a defendant or any one or more of several defendants, pursuant to K.S.A. 60-701 or 61-3501, and amendments thereto.*

(b) The clerk of the district court shall remit all revenues received from the fees imposed pursuant to subsection (a) to the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the judicial branch surcharge fund.

(c) The fees established in this section shall be the only fee collected or moneys in the nature of a fee collected for such court procedures. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

HB 2476 Amendments **Kansas Credit Attorneys Association**

Pages 30-31

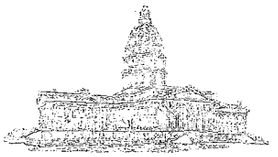
Sec. 18. K.S.A. 2009 Supp. 61-4001 is hereby amended to read as follows: 61-4001. (a) Docket fee. No case shall be filed or docketed pursuant to the code of civil procedure for limited actions without the payment of a docket fee in the amount of $37 on and after July 1, 2009 through June 30, 2013, and $35 on and after July 1, 2013, if the amount in controversy or claimed does not exceed $500; $57 on and after July 1, 2009 through June 30, 2013, and $55 on and after July 1, 2013, if the amount in controversy or claimed exceeds $500 but does not exceed $5,000 $2,500; or $103 on and after July 1, 2009 through June 30, 2013, and $101 on and after July 1, 2013, if the amount in controversy or claimed exceeds $5,000 If judgment is rendered for the plaintiff, the court also may enter judgment for the plaintiff for the amount of the docket fee paid by the plaintiff.

(b) Poverty affidavit; additional court costs; exemptions for the state and municipalities. The provisions of subsections (b), (c) and (d) of K.S.A. 60-2001 and 60-2005, and amendments thereto, shall be applicable to lawsuits brought under the code of civil procedure for limited actions.

(c) Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after ~~July 1, 2009~~ *the effective date of this act* through June 30, ~~2010~~ 2011, the supreme court may impose an additional charge, not to exceed ~~$10~~ ~~*$15*~~ **$10** per docket fee, to fund the costs of non-judicial personnel.

JOHN VRATIL
SENATOR, ELEVENTH DISTRICT
JOHNSON COUNTY
LEGISLATIVE HOTLINE
1-800-432-3924

State of Kansas



Vice President
Kansas Senate

COMMITTEE ASSIGNMENTS
VICE CHAIR: EDUCATION
WAYS AND MEANS
MEMBER: JUDICIARY
ORGANIZATION, CALENDAR AND RULES
INTERSTATE COOPERATION
KANSAS CRIMINAL CODE RECODIFICATION COMMISSION

Testimony Presented to
Senate Judiciary Committee
By Senator John Vratil
February 9, 2010
Concerning Senate Bill 468

Good morning! Thank you for the opportunity to appear before the Senate Ways and Means Committee in support of Senate Bill (SB) 468. The language in SB 468 would make the process of petitioning for a grand jury more stringent. Under current law, a grand jury can be summoned if:

1. an individual obtains a total number of signatures equal to or exceeding 100 plus 2% of the total number of persons voting in the last gubernatorial election in a county; or
2. a majority of district judges in a judicial district deem a grand jury to be in the public interest in a county.

Senate Bill 468 seeks to increase the number of electors' signatures an individual must obtain from the current minimum of 100 plus 2% to 100 plus 10% of the registered voters in a county. Additionally, the legislation would allow the attorney general or a district attorney to call for a grand jury in addition to the majority of district judges in a judicial district.

This proposed legislation would help alleviate some of the pressures placed upon an already overloaded court system. It would support continuing efforts in fiscal responsibility.

I ask that you support SB 468.

John Vratil

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SENATE BILL NO. 468

TESTIMONY OF HAROLD T. WALKER
CHIEF COUNSEL OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
AND THE BOARD OF PUBLIC UTILITIES OF
KANSAS CITY, KANSAS

My comments on Senate Bill No. 468 are offered in favor of the proposed legislation on behalf of the Unified Government and the Board of Public Utilities.

A singular truth about the current grand jury statutes is that a disgruntled political adversary is much better off seeking to have a public official investigated by a grand jury and endure the public suspicion of misconduct than seeking to recall that official under Kansas law. The history of the current law demonstrates that reconsideration of this statute has been long forthcoming Others charged with the responsibility of utilizing this statute in the investigation of alleged criminal behavior will speak to the necessity for change far more eloquently and with the experience provided by convening and utilizing grand juries under existing statues.

Wyandotte County has in recent years experienced three efforts to convene a grand jury. The first was to investigate pornography. Although two indictments resulted for unrelated criminal acts, none were for the focus of the Petition. The second and third Petitions were brought by a self-styled "reformer" and in general were related to purposefully expansive and unspecific allegations of governmental corruption. In the second, two indictments were obtained and the district judge assigned to the matter subsequently dismissed all charges. On the third Petition, a district judge dismissed the

action before the grand jury was actually convened because, the judge concluded, that the Petitioner's Circulator – the person accusing local officials of corruption – had falsified hundreds of signatures on the Petition. In both of the last two instances, senior assigned District Court Judges heard the separate cases.

In support of this testimony, you will find attached to my testimony a copy of the Opinion of the Honorable Senior Judge Barry Bennington. His Opinion details the reasons he decided to dismiss the last Grand Jury Petition. He explains, in detail, how the Circulator had copied hundreds of signatures from an earlier Petition and then verified those photocopies of signatures as authentic. Judge Bennington concluded that there was no question that the Circulator had contrived hundreds of signatures. You will also find documents prepared by the Unified Government which illustrate the cost of drafting court filings, retaining legal counsel and diverting the time of government employees to answer subpoenas to grand jury Petitions and requests for testimony. Finally, you will find a copy of the last submitted Petition which may prove useful in understanding the need for corrective legislation that insures the integrity and legitimacy of the citizen-initiated Grand Jury.

In Wyandotte County, one unsuccessful and disgruntled candidate for political office, a convicted narcotics trafficker, has made his recent mission and purpose in life to summon grand juries. The Petition utilized in the latest effort makes all-inclusive allegations against virtually every public official in Wyandotte County -- whether elected or appointed. He purports to do this in order to rid the county of corruption and greed. On his website and purportedly in his grand jury testimony, he acknowledges he has no

specific facts other than a belief that this has been occurring. In truth, his efforts are nothing more than a way to express disappointment that certain personally lucrative "projects" (in which he hoped to realize financial gain) have not been purchased from him by the Board of Public Utilities. He supports his grand jury Petition with a website in which he libels and slanders everyone repeatedly in full recognition and understanding that as public figures, he does not risk incurring financial liability in a civil suit from these governmental officials.

For Wyandotte County, the current statute, based on the number of votes cast for Governor in the last election, requires only 755 individuals out of a population of 150,000 to sign a Petition sufficient to convene a grand jury. Utilizing the number of people that exercised the franchise at the last gubernatorial election is not a rational standard, reflecting community "will," to invoke the extraordinary remedy of a grand jury. While legislative history on this statute is scant, the reasonable assumption must be made that there was a belief these statutes would be utilized when law enforcement failed or refused to investigate obvious but unprosecuted criminal activity. One can imagine that at the time of original adoption this might have been intended to redress liquor, gambling, prostitution and other forms of often under-enforced criminal behavior. Nowhere is there an indication that this is an alternative to recall or a mechanism to engineer political retribution upon adversaries to ones beliefs or positions.

As you read Judge Bennington's Opinion, it becomes apparent that a more stringent procedural process in which the Petitions are circulated and reviewed is necessary to prevent what occurred in Wyandotte County and to insure integrity in the process. An initial review by the District Attorney as to proper form, a procedure by which a district

court judge may determine if adequate grounds have been alleged to support the circulation of the petition, the petitions numbered and sequenced by the Election Officer and a time-specific period to collect signatures with a specific due date are good measures to bring this about. Under current law, grand jury Petitions can circulate for months or years. In the case of the most recently dismissed grand jury Petition, the portion of the Petition presenting the allegations alone consumed an entire page and was in a font so small that most people could not read the entire document. It far exceeded the limitation supplied by the general Petition statute, which provides that the Petition must be limited to only one (1) question. As presented, the Petition had a small paragraph at the beginning and the actual language contained in the Petition was on a second page which, according to the testimony given before Judge Barrington, was not attached, included or shown to many of the signers of the Petition .

Another integrity issue is that the circulating party is free to represent or misrepresent the intent of the Petition. Sadly, the format in the last instance would require a person to spend quite some time reading a difficult document before it was possible to grasp the Petition's real intent and purpose. Before Judge Bennington, one person testified that he was told he was signing a document to prevent the government from cutting walnut trees at Wyandotte County Lake. Others were told that they were signing a Petition seeking lower taxes. Clever one-line ruses were attributed to the self-described "reformer" in personal communications to suggest that some masked ultimate objective would be reached by taking action that bore no actual relationship to the hoped-for consequence. The Grand Jury Statute lacks procedural safeguards to prevent this kind of misconduct and an appropriate regulatory scheme to ensure the integrity of the process is left to the

good intentions, if you will, of the circulating party. In each case where a grand jury has been summoned in recent years, there has a private agenda being advanced by an individual or, at most, a very small portion of the population. Most of you would be very surprised to learn how few citizens in your Senatorial district it would take to summon a grand jury to investigate your personal and political life, which forever creates an aura of suspicion about you. Sadly, the idea that "you have nothing to fear from a grand jury unless you are guilty of something" is a clever adage but simply does not correspond to the reality of the world we live in.

Grand Juries are generally an unbudgeted expense for the County. Grand Juries are expensive when one includes the staff time of the District Attorney and the diversion of limited resources to manage the process. In the case of governmental officials and employees, providing legal counsel in the absence of an indictment, adds substantial costs. At a minimum, the governmental entity must defend itself. In the case of Wyandotte County, we are confronted with what one might term "serial grand juries" with its solitary proponent promising one after another.

Nothing in this proposed legislation removes the right of the public to summon a grand jury where a sufficient and reasonable number of people wish a matter to be investigated and adequate factual support of statutory violations has been judicially determined. Instead, the proposed amendment merely tightens the process to require prompt action and limits the time in which the circulator must act and to protect against groundless witch hunts. Our grand jury statute needs some controls to ensure the integrity of the process and representations made to the public. The proposal will still permit the chief judge of the district court to allow the district attorney to convene a grand jury when

in his or her discretion such a tool is appropriate; and more importantly, it will offer some level of protection to the individual from the arbitrary and capricious grievousness of disappointed political adversaries seeking nothing more than to get even.

EXPENSES RELATED TO EMPANELLING OF GRAND JURY

1. Petition – 2007 – Pornography

a. District Attorney – To be reported by District Attorney		(Not Included)
b. Court (No staffing)		$ 5,674.14
	Subtotal:	**$ 5,674.24**

2. Petition – 2008 – General Government

a. BPU

1. Legal Process – Staff Time		$ 18,982.91
2. Copy & Office Supplies		$ 8,148.75
3. Attorney Expense		$ 308,456.49
	Subtotal:	**$ 335,588.15**

b. Unified Government Staff (Estimate)		$ 6,800.00
c. Court (No staff included)		$ 18,625.75
d. District Attorney		$ 25,425.75
	Subtotal:	**$ 50,851.50**

3. Petition – 2009 – General Government (To date)

a. Attorney fees		$ 111,000.00
b. Staff		$ 2,500.00
c. Court		(Not Included)
d. District Attorney		(Not Included)
	Subtotal:	**$ 113,500.00**
	TOTAL:	**$ 531,039.54**

Petition to the District Court of Wyandotte County.

he[illegible]rsigned qualified electors of the County of Wyandotte and the state of Kansas hereby request the District Court of Wyandotte County, Kansas, ith[illegible]d days after the filing of this petition, cause a grand jury to be summoned in the county to investigate alleged violations of laws pertaining to Judicial, Financial Departments and the politics governing the Unified Government of Kansas City, Kansas, all County and State agencies of and working within CK Wyandotte County, All Education & KCKCC, the Board of Public Utilities (BPU), in violation of State and Federal Laws, pertaining to *CRIMES FFECTING PUBLIC TRUST, TAXATION,APPRAISALS & BONDING and CIVIL & CRIMINAL CONSPIRACY* by all Executives, City Commissioners and l Boards and of Directors. The alleged violations include Kansas Statues Annotated 58-3062 & 21-3901-to 3910 Plus 21-4401 & 4403 Plus 79-5a03-05 79-408 79-505 K.S.A 79-1439 K.S.A 10-301 to 10-306 K.S.A. 61-707 K.S.A.77-605 et. al. City of UG Sec. 2-198 & 202 et. al. Supreme Court Rules of Professional rocedures; Kansas law of Civil Conspiracy; KS Consumer Protection Act. All allegations appear on the reverse side, and are incorporated.

PRINT NAME	*Signature*	ADDRESS	City	ZIP	PHONE
			KCK		
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'arrior's Name

ounty of Wyandotte - State of Kansas SS:

, have signed above as the carrier of this petition and do verify upon oath that each of the signers on this petition is the [illegible] ignature of the person whose name it purports to be and that each signer believes that the statements in the petition are true.

ig[illegible]

on the day of , 2008 in Wyandotte County Kansas did place under oath and that he/she (seal)

Aore that the statement above is true and correct to the best of his/her knowledge and belief.

or more information call (913) 722-9273. To download petition: http://www.tottenpolitics.com - Notary Public

My commission expires / /

Wyandotte County citizens have only the Open Records Act to acquire information about the [illegible]ces above stated. However, the same officials listed above illegally abuse the ORA to ex[illegible]refuse to provide requested information or to charge excessive and illegal amounts to provide legally obtainable information. This, too, is an issue to be investigated by the requested Grand Jury and to demand Transparency of all records of Information.

Executives & County Commissioners are under suspect due to TIF projects and by "NSP" [Neighborhood Stabilization Programs], "ANDA"(Argentine Neighborhood Development Association), "**MAC**" (**Morris** Area Citizens), Backroom Deals & Corp/Wal-Mart Giveaways TIF districts and Star Bond developments are illegally completed due to improper means of Land buying, consolidation and reselling and prohibited acts under the Real Estate Brokers Act Condemnation **Laws K.S.A. 26-401 to 26-501a & K.S.A. 58-3062 Taxations deferred.**

Misappropriation of Public Funds by management and elected boards & politicians Evidenced by the continual receipts for traveling, excessive convention expenses and per diems, access to sporting events, credit card expenses and any or all paid expenses or Gratuities or Kickbacks

The UG, BPU, and KCKCC is in many violations of the "**Unified Government Ordinances**"

UG, BPU and KCKCC officials, employees and contracting parties have engaged in a common plan or scheme to create false and fraudulent billings, illegal 'obligations' to pay false, inflated and undocumented claims that result in illegal gratuities and kickbacks to private parties; also a common plan or scheme to permit no-bid contracts, bond issues and other public obligations that are excessive, illegal and violation of **K.S.A. 21-3901** and other statutes. Parties participating in this plan or scheme include but are not limited to Rodney Lee Turner, Harold E Walker, Jerome Gorman, Patrick Schierer, Eric Wormer, Dennis Hays, Tom Burke, City (Bud) Roberts, Jerry Jones, Brian Bosle and dozens of other public officers and/or employees and third parties

- Shortly after E.J. Reardon, circulator of the previous Grand Jury Petition, finally filed the petition as required by law [See below], District Attorney Jerome Gorman ordered Reardon to appear in his office in the presence of KBI Agent William Delaney, Assistant DA Kristine Gray and others Gorman was impolite and abusive toward Reardon, aggressively stating, in part "no one told you to file a grand jury petition," and also admitting that he had gotten political favors similar or identical to those received by individuals who would become subjects of Grand Jury Investigation In part favors included free tickets to sports events provided by City, BPU and other public entities
- In illegal conflict with their public employment, officers/employees and family / relatives of UG, BPU and KCKCC have engaged in common plans or schemes with themselves or their fellow public officers/employees to create business operating under fictional or "shell" corporate names for the purpose of becoming parties to illegal pre-conspired contracts with said public entities with the objective of obtaining illegal private profit ; Violating Supreme Court Rules of Professional Procedure, Kansas law of Civil Conspiracy, Kansas Consumer Protection Act,
- Eric Wormer, realtor Diana Bryan-Smith, and possibly other Kansas licensed realtors and third parties, have created and carried out illegal civil conspiracies to obtain illegal profits by making illegal and factually unfounded representations in violation of the Kansas Consumer Protection act and other Kansas laws, creating and using "shell" corporations as a deceptive business practice, creation of false real estate documentation for the purpose of carrying out conspiracies to obtain illegal profits in real estate transactions arising out of eminent domain proceedings undertaken by UG over a period of many years.
- Cronyism and political relationships/obligations superceding judicial duty and legal mandates under law by judge Philip Sieve tainted the previous grand jury. Political conduct by this and other district court judges should be a subject of this Grand Jury Investigation While, required by law, E.J. Reardon attempted to file the petition he was ordered removed from the courthouse by Philip [illegible]ffen Head Judge of the 29th Judicial District using security personnel
- [illegible]s to fund fair market values. Falsifying Reports as appraised values or appraised value [illegible]ing to raise the City loan/borrowing amount by means of exaggerated and inflated property tax values should be investigated and corrected
- Due to unacceptable conditions past, current and other. We the people feel that a change of venue is warranted K.S.A. 61-707 & Judicial Review K.S.A. 77-605

CRIMES AFFECTING TAXATION, APPRAISALS & BONDING et K.S.A. 79-408, 79-411, 79-421 79-501, 79-503a 79-504, 79-505, 79-5a02-03-04 & 79-5a05, 79-1439

RULES FOR VALUING PROPERTY . Fair market value defined, allowable variance, factors to be considered in determining fair market value, generally accepted appraisal procedures to be utilized. **"Fair market value" means the amount in terms of money that a well-informed buyer is justified in paying and a well-informed seller is justified in accepting for property in an open and competitive market.**

K.S.A. 10-306 Chapter 10.--BONDS AND WARRANTS K.S.A. 10-301 to 10-306. Article 3.--LIMITATION OF BONDED INDEBTEDNESS Counties; limitations. (b) Wyandotte county shall not exceed 30% of the assessed value of all tangible taxable property within such county. The UG, BPU & KCKCC are in violation of Star Bond Indebtedness violations due to exaggerated and inflated appraisals and collateral use

CRIMES AFFECTING PUBLIC TRUSTS **Alleged Violation of Kansas Statutes:**

KSA 21-3910. Misuse of public funds. (a) Misuse or Misappropriation of public funds is knowingly using, lending or permitting another to use public money in a manner not authorized by law, by a custodian or other person having control of public money by virtue of such person's official position Eg Mayor Reardon's permission to Rick Worner for General Obligation Debt

KSA 21-4403. Deceptive commercial practice. (a) The act, use or employment by any person of any deception, fraud, false pretense, false promise, or knowing misrepresentation of a material fact, with the intent that others shall rely thereon in connection with the sale of any merchandise, whether or not any person has in fact been misled, deceived or damaged thereby

KSA 21-3902. Official misconduct. (a) **Any of the following acts** committed by a public officer or employee in the officer or employee's public capacity or under color of the officer or employee's office or employment

KSA 21-3903. Compensation for past official acts. (a) Giving or offering to give to any public officer or employee any benefit, reward or compensation

KSA 21-3904. Presenting a false claim. (a) Knowingly and with intent to defraud presenting a claim or demanding which is false in whole or in part, to a public officer

KSA 21-3905. Permitting a false claim. (a) The auditing, allowing, or paying of any such claim as a public officer or public employee.

KSA 21-3901. Bribery. Bribery is Offering, giving or promising to give, reward or consideration directly or indirectly, to any person who is a public officer, candidate for public office or public employee any benefit

KSA 21-4401. Racketeering. (a) Demanding, soliciting or receiving anything of value from the owner, proprietor, or other person having a financial interest in a business, by means of either a threat, express or implied, or a promise, express or implied, that the person so demanding, soliciting or receiving such thing of value (1) (2) (3)

K.S.A. 58-3062, prohibited acts under the Real Estate Brokers Act.

K.S.A. 29-101 to 29-501a Condemnation Laws - Illegal Condemnations

Acts of Civil and/or Criminal Conspiracy by the City, Rick Worner and Partners. Dealing with buying and selling of properties owned privately or by City or by State in a deceptive act or practice as insider trading, exaggeration, falsehood, innuendo, or ambiguity as to material fact and by acting in a willful or fraudulent manner in a partnership to deceive the public Thus violating the Law, KRPC and the Kansas Consumer Protection Act

City of the UG Sec. 2-202. Nepotism – Cronyism (Ord. No. 0-25-98, § 1, 5-21-98)

No person shall be employed by the unified government if that person's spouse, child, sibling, or parent is an employee, the chief executive or a member of the commission or unified Board

City of the UG Sec. 2-198. Gratuities and kickbacks. (a)

Gratuities. In addition to violating any other ordinances or any state or federal criminal statute, it shall be a violation of this division and a breach of ethical standards for any person to offer, give, or agree to give any elected official, official or employee or former elected official, or to solicit,

8-9