

MINUTES OF THE SENATE COMMITTEE ON JUDICIARYThe meeting was called to order by Senator Elwaine F. Pomeroy at  
Chairperson10:00 a.m./~~p.m.~~ on April 5, 1983 in room 514-S of the Capitol.~~All~~ members ~~were~~ present ~~except~~: Senators Pomeroy, Winter, Burke, Feleciano, Gaar, Gaines, Hein, Mulich, Steineger and Werts.Committee staff present: Mary Torrence, Revisor of Statutes  
Mike Heim, Legislative Research Department  
Mark Burghart, Legislative Research Department

## Conferees appearing before the committee:

Jack Brier, Secretary of State  
Chris McKenzie, League of Kansas MunicipalitiesSub. House Bill 2466 - Disorderly election conduct.

Jack Brier appeared in support of the bill. He stated his office is trying to make the public policy for the State of Kansas that any activity at the polls, except for voting, is prohibited. They are concerned, if they allow activities to occur, and if they do occur, that an election will be challenged. He asked the committee's favorable consideration on the bill. Secretary Brier responded to questions from the committee. The chairman asked him to explain the urgency for the bill. Secretary Brier explained he needed the bill for the job of educating the election board officers before the November election. Committee discussion was held regarding starting the laundry list approach. A committee member inquired if this would limit their activity. Secretary Brier answered, in some respects that is a correct analysis, but it is because (g) is general, and it says nothing. The chairman suggested prohibiting any polling in Kansas on election days.

Chris McKenzie appeared in opposition to the bill. He stated the league is concerned with the language "specifically authorized by law" that appears in lines 35 and 36. Mr. McKenzie said they had talked to the secretary of state's office about their concern with the bill. According to the attorney general's office, in the instance of advisory election, the county officer lacks statutory authority. They introduced two bills, Senate Bill 299 and Senate Bill 380, which would have addressed the authority by county election office to administer the elections. There is a good difference of opinion on what the law is. They understand what the secretary of state is wanting to do. The chairman inquired which wording would make the league more comfortable? Mr. McKenzie answered, they prefer the words "specifically authorized by law" be stricken in the bill. The chairman suggested to leave that wording, but add "or exercise of home rule power". Secretary Brier said he was concerned with the legislative process but will agree with the suggestion of the chairman. Following committee discussion, Senator Werts made a motion to amend the bill by adopting the chairman's proposed amendment; Senator Mulich seconded the motion. Senator Winter made a substitute motion to amend the bill by adding the language contained in Senate Bill 299 to provide specific statutory authority for advisory elections; Senator Gaar seconded the motion. Following committee discussion, Senator Winter withdrew his motion. The motion then carried to amend the bill by adding "or exercise of home rule power". Senator Hein moved to amend the bill in Section (e)(1) conceptually regarding solicitation of persons; Senator Winter seconded the motion, and the motion carried. Following committee discussion, Senator Werts moved to report the bill favorably as amended; Senator Gaines seconded the motion, and the motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

room 514-S, Statehouse, at 10:00 a.m./~~pm~~ on April 5, 1983

Senate Bill 426 - Product liability insurance reports by insurers.

The chairman reviewed the bill. Senator Feleciano moved to amend the bill to eliminate the repealers; Senator Gaar seconded the motion, and the motion carried. Committee discussion followed concerning the insurance commissioner's responsibility in collecting desired information. The chairman passed out a copy of a letter from Ron Todd, the Assistant Insurance Commissioner, that reflects on the subject they were discussing (See Attachment #1). Senator Feleciano moved to amend the bill on page 3, line 83, "design" changed to "designated"; insert the definition of policy year; and also eliminate (5); Senator Hein seconded the motion, and the motion carried. Senator Feleciano moved to report the bill favorably as amended; Senator Gaar seconded the motion, and the motion carried.

The meeting adjourned.

4-5-83

GUESTS

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
JAN JOSEFRAND	Topeka	Secy of State
ERIC K. RUCKER	"	"
Chris McKenzie	"	League of Ks. Municip.
DAVID ROSS	MISSION, K.	FARMERS JW. GROUP
LARRY MAGILL	TOPEKA	IIAK
Larry HUMS	TOPEKA	Steineger
<del>Ed</del>	Topeka	Kans. Assoc. of P. & C.
Blanca-Ronard Ocampo	Topeka	Topeka Gov. Planning
M. Hoover	"	Cantel-Vanung
Glen D. Coyne	Topeka	alliance of American Women



STATE OF KANSAS

# KANSAS INSURANCE DEPARTMENT

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FLETCHER BELL  
Commissioner

April 1, 1983

Honorable Elwaine Pomeroy, Chairman  
Senate Judiciary Committee  
Statehouse, Room 143-N  
Topeka, Kansas 66612

Re: Product Liability Insurance

Dear Senator Pomeroy:

Based upon past discussions with your committee, their special "Products Liability Insurance Sub-committee", and others, it is now apparent to us that there is significant disagreement - or, at least, significant doubt concerning the propriety of the following current practices used by insurance companies relative to products liability insurance rating: (1) the use in rating of "countrywide" experience as opposed to "Kansas" experience only, and (2) the use of "refer to company" rates (unfiled) that apply to risks comprising approximately 75% of the Kansas premium volume.

Therefore, the Commissioner has decided the public interest would best be served by holding a fact finding hearing pursuant to K.S.A. 40-281 to attempt to obtain more definitive documentation relative to the two aforementioned subjects and, possibly, others. We anticipate calling this hearing prior to July 1, 1983 so that all interested parties will have sufficient notice to prepare and such hearing will likely be held during the summer or early fall. This type of hearing should provide the Commissioner more documentation and information as to whether or not he should attempt to disapprove the "company rating by unfiled rates" pursuant to Chapter 40, Article 11 and whether or not he should recommend any law changes to the 1984 Legislature concerning the "disallowance" of the use of countrywide experience in product liability insurance rating. At this hearing, the Commissioner will solicit testimony from all interested parties which would, hopefully, include KTLA, Kansas Bar Association, labor, insurers, agents, KACI, etc.

I wish to emphasize that this hearing is limited to fact finding purposes and any action relative to currently approved rating practices would necessitate calling a formal hearing pursuant to K.S.A. Chapter 40, Article 11. In addition, any prohibition of the use of "countrywide" experience could only be done by a change in our rating law. The subjects of this hearing do not have a direct bearing upon your committee's desire to mandate the collection of certain product liability insurance statistics, but such subjects do involve the manner in which statistics should be used in Kansas rate making.

Attch. 1

# INSURANCE DEPARTMENT

TOPEKA

Honorable Elwaine Pomeroy  
April 1, 1983  
Page 2

We feel the information obtained in this hearing would be very beneficial to both the Commissioner and the legislature in future determinations concerning this important and complex matter.

Sincerely,

Fletcher Bell  
Commissioner of Insurance

A handwritten signature in cursive script that reads "Ron Todd".

Ron Todd  
Assistant Commissioner

RT:sc