

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson John Barker at 3:30 pm on Thursday, February 04, 2016, 112-N of the Capitol.

All members were present

Committee staff present:

Robert Gallimore, Legislative Research Department
Jason Thompson, Office of Revisor of Statutes
Jenna Seematter, Office of Revisor of Statutes
Lauren Douglass, Legislative Research Department
Connie Bahner, Kansas Legislative Committee Assistant

Conferees appearing before the Committee:

Professor Mike Kautsch, University of Kansas Law School
Doug Anstaett, Kansas Press Association
Eric Smith, League of Kansas Municipalities
Kent Cornish, Kansas Association of Broadcasters
Ed Klumpp, Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association
Dr. Micah Kubic, ACLU Kansas
Eric Williams, Kansas C-POST
Gary Steed, Kansas C-POST

Others in attendance:

[See Attached List](#)

Bill introductions

Chairperson Barker called for bill introductions. Representative Blaine Finch stated that he has three bills to introduce. The first one relates to public benefit corporations. Hearing no objection, the bill was accepted.

Representative Blaine Finch introduced a bill which prevents fee sweeps. The bill was accepted by Chairperson Barker after seeing that there were no objections.

The third bill introduced by Representative Blaine Finch is a companion bill to the fee sweeps bill. It requires that when a person has paid a fee for one purpose and then that fee is swept into the general fund, the State must provide notice to that person that their fee has been turned into a general tax. Hearing no objection, Chairperson Barker accepted the bill.

There were no further bill introductions.

CONTINUATION SHEET

MINUTES of the Committee on Judiciary at 3:30 pm on Thursday, February 04, 2016 in Room 112-N of the Capitol.

Briefing by staff on: SB159 — Enacting the safe families act; power of attorney for care and custody of a child; also requiring a law enforcement officer to take a child into custody when there is a drug crime occurring in the child's residence and such crime threatens the safety of the child.

At Chairperson Barker's request, Jason Thompson, Revisor, provided an overview. Last year **SB159**, which would enact the Safe Families Act, came over from the Senate. It was added onto a bill concerning when law enforcement officers would be required to take a child into custody, which led to a lot of discussion and conference committee reports. It then went to the Judicial Council who provided a report and recommended legislation, the **Proposed House Substitute for SB 159** ([Attachment 1](#)). This would enact the Host Families Act. It still relates to temporary care for children.

Chairperson Barker stated that this bill did not pass the House last year. It was sent to the Judicial Council who drafted this proposed legislation. He wants to replace the original bill with this proposed substitute. There may be some additional amendments. He will allow the Committee to ask Jason questions, but then he will hold the hearings on the other bills scheduled on today's agenda, and if there is any time left the Committee will work this bill.

Questions were asked of the Revisor by Representatives Steve Becker, Dennis Highberger, Janice Pauls, John Carmichael, Jim Ward, John Whitmer, and Leslie Osterman.

The briefing was closed by Chairperson Barker.

Hearing on: SB18 — Substitute for SB 18 by Committee on Corrections and Juvenile Justice - Making certain law enforcement audio and video recordings confidential and exempt from the open records act.

Chairperson Barker opened the hearing on **Sub SB18**. This is another bill that came over from the Senate and then was sent to the Judicial Council, who prepared a report ([Attachment 2](#)).

An overview was given by Jason Thompson, Revisor. He drafted the **Proposed House Substitute for SB18** from the legislation proposed by the Judicial Council in their report ([Attachment 3](#)), and he noted the changes made in it. Questions were asked by Representatives John Whitmer and Jim Ward.

Chairperson Barker called upon Professor Mike Kautsch who testified as a proponent of **Proposed House Substitute for Sub SB 18** ([Attachment 4](#)). Questions were asked by Representative John Carmichael.

Chairperson Barker recognized Kent Cornish of the Kansas Association of Broadcasters as a proponent on the bill ([Attachment 5](#)).

Doug Anstaett testified on behalf of the Kansas Press Association, as a proponent of the proposed substitute ([Attachment 6](#)).

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES of the Committee on Judiciary at 3:30 pm on Thursday, February 04, 2016 in Room 112-N of the Capitol.

Eric Smith of the League of Kansas Municipalities testified as a proponent ([Attachment 7](#)).

Ed Klumpp testified as a proponent on behalf of the Kansas Association of Chiefs of Police, the Kansas Sheriffs Association, and the Kansas Peace Officers Association ([Attachment 8](#)).

Chairperson Barker noted that there was written proponent testimony from Dick Carter, of the City of Overland Park, Kansas ([Attachment 9](#)).

There being no further proponents, Chairperson Barker recognized Dr. Micah Kubic, on behalf of the ACLU Kansas, as an opponent to the bill ([Attachment 10](#)).

There being no further conferees, the Chair closed the hearing.

Hearing on: HB2550 — Creating an exemption to the Kansas open records act for the central registry of Kansas police and law enforcement officers.

Chairperson Barker opened the hearing on **HB2550**. Jenna Seematter, Revisor, gave an overview of the bill.

Chairperson Barker recognized Eric Williams as a proponent on behalf of Kansas C-POST ([Attachment 11](#)). Questions and comments were made by Representatives Jim Ward, John Whitmer, and John Rubin.

Chairperson Barker called the Committee's attention to the written proponent testimony of Adam Sayler, Chief of the St. John Police Department ([Attachment 12](#)); Ed Klumpp, for the Kansas Association of Chiefs of Police, the Kansas Sheriffs Association, and the Kansas Peace Officers Association ([Attachment 13](#)); and Kirk Thompson of the Kansas Bureau of Investigation ([Attachment 14](#)).

Richard Gannon then testified in place of Doug Anstaett, Kansas Press Association, as an opponent of **HB2550** ([Attachment 15](#)).

There being no further conferees, Chairperson Barker closed the hearing on **HB2550**.

Hearing on: HB2553 — Increasing municipal court assessments and directing to the commission on peace officers' standards and training.

Chairperson Barker opened the hearing on **HB2553**. Jenna Seematter, Revisor, gave an overview of the bill.

Chairperson Barker recognized Gary Steed, Kansas C-POST, as a proponent to **HB2553** ([Attachment 16](#)). Representative Kyle Hoffman had a question for Mr. Steed.

Ed Klumpp testified as a proponent on behalf of the Kansas Association of Chiefs of Police, the Kansas

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Sheriffs Association, and the Kansas Peace Officers Association ([Attachment 17](#)).

Chairperson Barker directed the Committee's attention to the written proponent testimony of Brad Schoen, Riley County Police Department ([Attachment 18](#)); Adam Sayler, Chief of the St. John Police Department ([Attachment 19](#)); Michael Keller, Chief of the Andover Police Department ([Attachment 20](#)); Lt. Adam Winters of the Kansas Highway Patrol ([Attachment 21](#)); and Kirk Thompson of the Kansas Bureau of Investigation ([Attachment 22](#)).

No opponents appeared to testify on **HB2553**. Chairperson Barker then closed the hearing.

Hearing on: HB2555 — Amending the definition of 'conviction' for applicant qualification under the Kansas law enforcement training act.

Chairperson Barker opened the hearing on **HB2555**. Jenna Seematter, Revisor, provided an overview of the bill.

Chairperson Barker recognized Eric Williams of Kansas C-POST as a proponent of **HB2555** ([Attachment 23](#)).

Chairperson Barker noted that there was written proponent testimony on **HB2555** from Adam Sayler, Chief of the St. John Police Department ([Attachment 24](#)); Ed Klumpp, for the Kansas Association of Chiefs of Police, the Kansas Sheriffs Association, and the Kansas Peace Officers Association ([Attachment 25](#)); and Kirk Thompson on behalf of the Kansas Bureau of Investigation ([Attachment 26](#)).

Chairperson Barker closed the hearing on **HB2555**. He advised the Committee that they will probably see these bills on Tuesday, Wednesday, or Thursday.

There being no further business, the meeting was adjourned at 4:59 p.m.