

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson Jeff King at 10:40am on Wednesday, January 27, 2016, 346-S of the Capitol.

All members were present

Committee staff present:

Robert Gallimore, Legislative Research Department
Jason Thompson, Office of Revisor of Statutes
Natalie Scott, Office of Revisor of Statutes
Lauren Douglass, Legislative Research Department
Natalie Nelson, Legislative Research Department
Suzanne Nelson, Kansas Legislative Committee Assistant

Conferees appearing before the Committee:

Kansas Attorney General Derek Schmidt;

Others in attendance:

[See Attached List](#)

Hearing on: HB2151 — Substitute for HB 2151 by Committee on Judiciary - Grand juries; witnesses to grand jury instructions.

Chair King asked for bill requests or introductions. Brad Burke, Deputy Secretary and Chief Attorney for the Kansas Department of Labor (KDOL) requested a bill regarding K.S.A. 44-1131-1133 which would amend the complaint procedure for the act that prohibits discrimination or retaliation in employment against victims of sexual assault or domestic violence, and will move the procedure from the KDOL to the Kansas Human Rights Commission (KHRC).

There being no questions or objections, the bill was introduced.

Seeing no other questions or requests for bill introductions, Chair King turned the committee's attention to **HB2151** and opened the hearing.

Jason Thompson gave an overview of the bill, which is a carryover from last year. He related that since the House didn't pass the bill until this year, if the committee decides to take it up, it will need some technical corrections changing references of 2014 to 2015. The bill concerns grand juries summoned by petition called a citizens grand jury. The only policy change is that the person petitioning for the grand jury and his or her attorney would be allowed to witness the Judge's instructions to the grand jury regarding its conduct and deliberations before those deliberations begin.

There being no questions for Jason, the Chair called for proponent testimony. There was none.

CONTINUATION SHEET

MINUTES of the Committee on Judiciary at 10:40am on Wednesday, January 27, 2016 in Room 346-S of the Capitol.

Chair King turned the committee's attention to the written-only opponent testimony of Marc Bennett, District Attorney, Eighteenth District, on behalf of the Kansas County and District Attorney Association (KCDA). ([Attachment 1](#))

There being no other oral or written proponent, opponent, or neutral testimony, Chair King closed the hearing on **HB2151**.

The committee stood at ease awaiting the arrival of the Attorney General for his testimony on the next bill.

Hearing on: SB334 — Requiring notice to the attorney general before any Kansas court determines that a statute or constitutional provision is invalid or unconstitutional.

Chair King called the committee back to order and opened the hearing on **SB334**. He called on Jason Thompson for an overview of the bill, which would require the Judicial Branch to ensure the Attorney General is given notice and opportunity to appear prior to a district court declaring that a state statute or constitutional provision is invalid or unconstitutional under Kansas or U.S. constitutions or any other provision of federal law.

Attorney General Derek Schmidt presented testimony supporting **SB334**. He related that this policy is needed because in two recent cases, challenges of unconstitutionality had been made and the Attorney General's office was not informed and did not learn of these matters until after the Judge's determination had been made. General Schmidt emphasized that this bill does not seek to address the outcome of the disputes, but rather the process that allowed the disputes to be decided before the attorney general's office was told the actions were underway. Attorney General Schmidt encouraged the committee to pass **SB334** and stood for questions. ([Attachment 2](#))

Attorney General Schmidt answered a question from Senator Lynn relating to the other states and federal courts having this provision or in some other form.

The Chair, seeing no other questions for the Attorney General, and there being no other oral or written proponent, opponent, or neutral testimony, closed the hearing on **SB334**.

Chair King announced that the committee will be working bills next Tuesday, February 2, 2016, and the Chair hopes to include **SB334** at that time.

The meeting adjourned at 11:00 am. The next meeting will be Thursday, January 28, 2016 at 10:30 am.