

## MINUTES OF THE SENATE JUDICIARY COMMITTEE

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

All members were present except:

Senator Carolyn McGinn – Excused

Committee staff present:

Robert Gallimore, Legislative Research Department

Jason Thompson, 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:

Brad Burke, Deputy Secretary and Chief Attorney, Kansas Department of Labor (KDOL);

Mary Akerstrom, Board Secretary, Kansas National Organization for Women (NOW);

Ruth Glover, Executive Director, Kansas Human Rights Commission;

Jill Ainsworth, Juris Doctor Candidate, 2016, UMKC School of Law;

Crystalee Protheroe, Private Citizen, Lawrence, KS;

Claire Branstetter, Private Citizen;

Kathy Ray, MSW, Director of Advocacy, Education and Rural Projects, KCSDV);

Others in attendance:

[See Attached List](#)

### **Hearing on: SB378 — Employment discrimination or retaliation protections for victims of domestic violence or sexual assault; complaint procedure; application of Kansas act against discrimination.**

Chair King called the meeting to order and opened the hearing on **SB378**.

Brad Burke testified in favor of the bill. He related that **SB378** amends the definition section of the law to bring it into conformity with similar definitions existing under Kansas law, and it also transfers enforcement authority of the law from the Secretary of Labor to the Kansas Human Rights Commission (KHRC). He explained that KHRC has the authority, expertise, and resources to enforce anti-discrimination measures. ([Attachment 1](#))

Mary Akerstrom gave testimony supporting the bill. She related that the National Coalition Against Domestic Violence (NCADV) estimates that as many as 60% of victims of intimate partner violence lose their jobs for reasons related to the abuse. She further explained that effects of such violence may persist for years and often cause loss of productivity and missed time at work for victims. She strongly

## CONTINUATION SHEET

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

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urged the committee to pass this bill. ([Attachment 2](#))

The proponents answered questions from the members. The Chair then pointed to the written-only testimony from Amanda Voth, Kansas Assistant Solicitor General. ([Attachment 3](#))

Chair King called for opponent testimony. There was none.

Ruth Glover gave neutral testimony regarding the bill. She explained that KHRC is a neutral investigative body that accepts discrimination complaints in employment, housing, and public accommodations. She also offered a fiscal note indicating that KHRC would need additional resources, including a special investigator and other staff, a computer, software, and other items in order to fulfill the additional work expected with this transition of responsibility. She also proposed some amendments, which she emailed to Jason Thompson in the Revisor's Office. ([Attachment 4](#))

The Chair called the committee's attention to the neutral written-only testimony of Joyce Grover, Esq., Executive Director, Kansas Coalition Against Sexual and Domestic Violence (KCSDV). ([Attachment 5](#))

The Chair advised that this bill would be worked some time next week in order to give time for any amendments to be drafted. There being no further questions, and no other oral or written proponent, opponent, or neutral testimony, Chair King closed the hearing on **SB378**.

Chair King turned the committee's attention to **SB393** and opened the hearing.

### **Hearing on: SB393 — Consideration of domestic abuse in determining the issue of custody, residency and parenting time of a child.**

Jason Thompson gave an overview of the bill and stood for questions. There were none.

Jill Ainsworth gave testimony supporting **SB393**. She related that she has personally been involved in litigation under the Kansas Family Law Code for the last seven years. Because of this factor, Ms. Ainsworth began researching child custody and child protective laws. She discovered that all of the states surrounding Kansas have enacted provisions in their family law statutes to provide protections for child and adult victims and to provide treatment requirements for batterers in family law cases that involve domestic violence. ([Attachment 6](#))

Crystalee Protheroe testified in support of the bill. She related her own experience involving the courts, custody, and allegations of child abuse and domestic violence by the father. She strongly urged passage of this bill. ([Attachment 7](#))

Claire Branstetter gave supportive testimony for **SB393**. She raised an important related issue to the abuse factor in custody decisions. She explained that while an agency or organization may not give the

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## CONTINUATION SHEET

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

---

location of a shelter, it is currently not against the law in Kansas for an individual to divulge the location of a domestic violence or human trafficking shelter. ([Attachment 8](#))

Kathy Ray presented proponent testimony. She related KCSDV favors **SB393**, particularly because it clarifies the current vague language whether a court must consider evidence of spousal abuse either emotional or physical. She explained that if a court finds that domestic abuse or violence has occurred, then all of the factors regarding the best interests of the child shall be considered in light of that factor. ([Attachment 9](#))

Chair King called attention to the written-only proponent testimony from Dorthy Stucky Halley, LMSW, Director of Victim Services Division of the Office of the Kansas Attorney General. ([Attachment 10](#))

The Chair called for questions for the proponents.

Senator Pilcher-Cook asked Dorthy Stucky Halley a question related to the success of the Batterer Intervention Program (BIP) mentioned in her written testimony. Ms. Halley described a result of 88% of those completing 6 Kansas BIPs in 2012 have not been charged with another "person" crime since their date of completion; and 90% have not had another protection order filed against them.

There being no further questions, and no other oral or written proponent, opponent, or neutral testimony, Chair King closed the hearing on **SB393**.

### **Possible action on bills previously heard**

Chair turned the committee's attention to action on **SB395**.

Jason Thompson gave a brief refresher on the bill pertaining to the length of the legislative calendar and compensation of legislators. He stood for questions; there were none.

*Senator Pettey moved to amend **SB395** by removing lines 20 through 28, restoring current law regarding compensation; seconded by Senator Haley.*

There was discussion on the motion with regard to perceived undervaluing the importance of the responsibilities of an elected official for the state of Kansas and that legislative pay should be more commensurate with its duties both in Topeka and in one's district. It was mentioned that Kansas ranks 49th (including Puerto Rico and other territories) in compensating its legislators. Some expressed that the duration of the session and a two-year budget cycle were the more important focus for budgeting purposes and consistency. Others expressed the importance of having a clean bill when it reaches the floor.

Senator Knox, with consent from Senator Pettey, recommended a technical revision to the Pettey amendment which deleted all but section 1 of the bill and any language necessary to implement section

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## CONTINUATION SHEET

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

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*The Pettey amendment with the Knox technical revision failed on a tie vote.*

*Senator Lynn moved **SB395** be recommended favorably for passage; seconded by Senator Bruce. The motion passed. Senators Pettey and Haley requested to be recorded as "No" votes.*

The business for the day being completed, the meeting adjourned at 12:00 pm. The next meeting will be Thursday, February 11, 2016.