

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Lance Kinzer at 3:55 p.m. on March 18, 2011, in Room 546-S of the Capitol.

All members were present except:  
Representative Bruchman

Committee staff present:  
Jill Wolters, Office of the Revisor of Statutes  
Matt Sterling, Office of the Revisor of Statutes  
Tamera Lawrence, Office of the Revisor of Statutes  
Lauren Douglass, Kansas Legislative Research Department  
Robert Allison-Gallimore, Kansas Legislative Research Department  
Sue VonFeldt, Committee Assistant

Conferees appearing before the Committee:  
None

Others attending:  
See attached list.

The meeting was delayed and called to order by Chairman Kinzer at 3:55 because of the late adjournment of the House Session. The meeting was held in Room 546-S on account of Appropriations Committee occupying the assigned room of 346-S.

**SB 83 - Employment of retired judges and justices; deleting requirement that: They enter into an agreement within five years of retirement; or if they didn't sign up prior to retirement, they enter an agreement within 30 days prior to their anniversary date of retirement.**

Representative Patton made the motion to report SB 83 favorably for passage. Representative Brookens seconded the motion.

Representative Pauls made a substitute motion to amend back into the bill the requirement that the Chief Justice, or the chief justice's designee, signs the contract with the approval of the majority of justices of the Kansas Supreme Court. Representative Ward seconded the motion. Motion carries.

Representative Patton made the motion to report SB 83 favorably for passage as amended. Representative Rubin seconded the motion. Motion carried.

**SB 24 - Domestic relations; relating to the recodification of certain domestic relations matters.**

Representative Patton made the motion to report SB 24 favorably for passage. Representative Ward seconded the motion. Motion carried.

**SB 38 - Children; permanency and priority of orders.**

Representative Patton made the motion to report SB 38 favorably for passage. Representative Ryckman seconded the motion. Motion carried.

**SB 9 - Amendments to the code of civil procedure.**

Representative Patton made the motion to report SB 9 favorably for passage. Representative Rubin seconded the motion. Motion carried.

Representative Kuether made a substitute motion to amend to include the technical amendment requested by the Judicial Council, adding KSA 60-304, and insert an "and" that was inadvertently left out of the 2010 bill. Representative Pauls seconded the motion. Motion carried.

Representative Patton made the motion to report SB 9 favorably for passage as amended. Representative Rubin seconded the motion. Motion carried.

## CONTINUATION SHEET

Minutes of the House Judiciary Committee at 3:30 p.m. on March 18, 2011 in Room 346-S.

### **SB 12 - Allowing debtors to exempt the right to receive earned income tax credits from bankruptcy proceedings.**

Representative Ward made the motion to report SB 12 favorably for passage. Representative Brookens seconded the motion. Motion carried.

### **SB 93 - Law enforcement; racial profiling and biased policing.**

Representative Patton made the motion to report SB 93 favorably for passage. Representative Brookens seconded the motion.

Representative Smith made a substitute motion to amend page 5, Section 4, to transfer the investigation of complaints from the "office of the attorney general" to "Kansas Commission on Peace Officer Standards and Training" (KS-CPOST). Representative Rubin seconded the motion. Motion carried.

Representative Rubin made a substitute motion to amend by deleting "socio-economic status" on page 1, Lines 27 and 30. Representative Ryckman seconded the motion. Motion carried.

Representative Patton made a substitute motion to amend to provide provisions to exclude officers of school districts. Representative Kelly seconded the motion. Motion carried. Chairman Kinzer gave the staff permission to rephrase to appropriate language.

Representative Pauls made a substitute motion to amend by adding "the sheriff of the" after the word "or" on page 5, line 28; by striking "by the governing body" on page 6, line 11; striking the words "or county may" on page 7, line 16; and by adding "or the sheriff of any county may" after the word "resolution" on page 7, line 17. Represented Ward seconded the motion. Motion carried.

Representative Rubin made a substitute motion to amend by, 1) deleting (H) lines 2, 3, and 4 on page 5; 2) strike "person" on page 5, line 24 and replace it with "officer"; 3) Page 4, lines 15 and 16, strike "all complaints of racial or other biased-based policing received" and inserting "for the period of July 1 to June 30; 4) Insert "the number of racial or other biased policing complaints received" on page 4, after line 24 and renumbering the following subsections as required. After clarification that the individual complaints would be reported, Representative Ward seconded the motion. Motion carried.

Representative Patton made a substitute motion to strike "or pedestrian" on page 5, lines 7 and 8, page 5, lines 32 and 33, and page 6, line 13. Representative Smith seconded the motion. Motion failed. Representative Patton made a substitute motion to allow the local units of government to decide whether such units collect data on pedestrian stops. Representative Colloton seconded the motion. Motion carried.

Representative Patton made a motion to report SB 93 favorably for passage as amended. Representative Rubin seconded the motion.

Representative Ward made a substitute motion to reinsert the Kansas Human Rights Commission, page 4, Line 5, restoring to current law. Representative Kuether seconded the motion. Motion fails.

Representative Patton made the motion to report SB 93 favorably for passage as amended. Representative Rubin seconded the motion.

Representative Colloton made a substitute motion for complaints to be filed with the Kansas Human Rights Commission, and the KHRC shall review and investigate the complaint. KHRC shall make a final recommendation regarding the complaint and forward such recommendation to KS-CPOST. Representative Ward seconded the motion. Motion carried.

Representative Patton made the motion to report SB 93 favorably for passage as amended. Representative Rubin seconded the motion. Motion carried.

This was the last scheduled meeting for the 2011 session.  
The meeting was adjourned at 4:55 p.m.

# JUDICIARY COMMITTEE GUEST LIST

DATE: 3-18-11

NAME	REPRESENTING
<del>Floralino Comacho</del> <del>Right Angel - Kansas City KS</del>	<del>LULAC - Civil Rights Org,</del> <del>Cross Border Network</del>
LYNDA CALLOW	WESTSIDE CAN Center
John Roper	Unitarian Fellowship of Lawrence
JACOB KIPP	" " " "
Bonnie Uffman	" " " "
Nancy Joru	Health Care Provider
Alejandra Pecina	LULAC
Adriana M. Pecina	LULAC
PAUL DEGENER	SELF
CHUCK HENDERSON	FLINT HILLS T.E.A. PARTY
Theresa Torres	LULAC
Brenda & Bob Bewsee	Taxpayers
Tony & Chris Tauney	FLINT HILLS T.E.A. Party
Leslie Kaufman	Ks Co-op Council
Alli Duran	Ks Lumber Assoc.
John A. Donley	Ks Lusk. Ass'n
Richard V. Fry	TAC-KS Nov. Pat.
Roger Thompson	Self

# JUDICIARY COMMITTEE GUEST LIST

DATE: 3/18/11

NAME	REPRESENTING
Bonnie Kmetz	Wichita 912 Group
DIANA LONG	WICHITA 912 GROUP
Rudy Padilla	A.M. GI Forum
José A. Atanzo	Am. G.S. Forum Korean War Vet
CAROLYN Ruiz	KCK/Advocate
DAVID YOUNG	
Larry Hancock	Wichita 912 Group
Wilmer C. Allen	Westmoreland
Mary Irie	Wichita
Enidyn Keene	"
Sean Weston	Justice Witness Ministries, Kansas - Oklahoma Conf. United Church of Christ
Sayra Gordillo	Cross Border Network
Ashley Deppenbush - Otzay	Student/Farmworker Alliance
Shannon Gorres	Plymouth Church Hispanic Ministries Lawrence KS
Fabian Gayosso	
Tini and Kim Zehr	self
Tiffany Campbell	self
Enny Tarares	Private dual Citizen: US/Mexico
Andres Dominguez	self
Gil Guerra	self

Name

Representing

Sherry Warren  
Esteban Carmona

Unitarian Fellowship of Lawrence  
Self

Uziel Pecina

Valerie Roper

Self

~~Self~~ Unitarian Fellowship  
of Lawrence

Marta Camnera-Santangelo

Unitarian Fellowship of Lawrence

Amber Versola

KS NOW

Isaiah Versola

Laura Canelos

Plymouth Congregational Church