

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson John Vratil at 9:38 a.m. on January 31, 2001 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Mike Heim, Research  
Gordon Self, Revisor  
Mary Blair, Secretary

Conferees appearing before the committee:

Senator Wagle  
Senator Lyons  
Senator Gilstrap  
Senator Adkins  
Senator Oleen  
Kyle Smith, KBI  
Terry Heidner, Kansas Department of Transportation (KDOT)  
Julie Hein, Hein and Weir, Chartered  
Chief James Batesse, Prairie Band Potawatomi Tribal Police (PBPTP)  
Chief Greg Chuckluck, Kickapoo Tribal Police  
Officer Terry Scott, PBPTP  
Natalie Haag, Chief Counsel, Office of the Governor  
Representative Becky Hutchins  
Sheriff Daina Durham, Jackson County

Others attending: see attached list

The following bills were requested for introduction and approved by Committee:

<u>Senator</u>	<u>Subject</u>	<u>Motion</u>	<u>Second</u>
Sen. Wagle	Allow licensed clinical professional counselors to own a corporation	Sen. Donovan	Sen. Umbarger
Sen. Lyons	Divorce reform legislation where dependent children are involved	Sen. Oleen	Sen. Umbarger
Sen. Gilstrap	U.S. Dept of State-Office of Foreign Missions (F.M.) requests legis. to insure adherence to U.S.traffic laws and regs by F.M. community	Sen. Goodwin	Sen. Donovan
Sen. Adkins	Estate reform bill re: inheritants	Sen. Goodwin	Sen. Gilstrap
	Re: Consumer protection bill; tele-marketers must adhere to national "no call" list	Sen. Schmidt	Sen. Umbarger
Sen. Oleen	Refine the Juvenile Detention Facilities fund	Sen. Goodwin	Sen. Adkins

Conferee Smith requested introduction of a bill which would make a minor clarification in the statute that controls how

methamphetamine labs are cleaned up. He elaborated on the need for this bill. ([attachment 1](#))  
Senator Oleen moved to introduce the bill, Senator O'Connor seconded. Carried.

Conferee Heidner requested introduction of a bill concerning repeat DUI offenders and the associated requirements that utilize ignition interlok. He elaborated on the purpose of the bill. (no attachment) Senator Goodwin moved to introduce the bill, Senator Donovan seconded. Carried.

**SB 74—concerning certain law enforcement officers of the state and certain political subdivisions thereof; concerning Native American Indian tribal law enforcement officers**

Conferee Hein testified in support of **SB 74**, a bill which provides for deputization of tribal law enforcement officers under certain circumstances. She presented a history of the bill, detailed it's purpose, and acknowledged it's benefit for improving the relationship between the Indian Tribes in Kansas and other units of Kansas government. ([attachment 2](#)) During discussion there was agreement to have an amendment drafted to clarify the language in the bill regarding who can request assistance by the tribal police.

Conferee Battese testified in support of **SB 74**. He presented background on his police department including the training his officers must complete before being certified. He discussed the Tribal-State Gaming Compact (particularly Section 15 which addresses the issue of cross-deputization), tribal police cross-deputization on a federal level, and he stated that the PBPTP has 13 full time officers to help state law enforcement. ([attachment 3](#))

Conferee Chuckluck testified in support of **SB 74**. He presented background on the Kickapoo Tribe Police Department including his qualifications as chief of police. He stated he felt the bill was good for law enforcement and would enhance public safety. ([attachment 4](#))

Conferee Scott testified in support of **SB 74**. He presented background on the PBPTP, discussed in detail, the training of it's personnel, and testified regarding several instances where tribal and state police have worked together on several occasions. He stated that this bill would give the tribes the statutory authority to do what is already being done. ([attachment 5](#))

Conferee Haag appeared before Committee to provide some "insight" on several issues surrounding **SB 74**. She identified and detailed three issue to consider: how passing this bill affects other agencies; training; and liability. ([no attachment](#))

Conferee Representative Hutchins testified in opposition to **SB 74**. She discussed why she felt this legislation was unnecessary, reminded Committee that there were on going discussions with the U.S. AG's Office, PBP officials and Jackson County officials that she felt should proceed without state intervention, and expressed concern about liability and the risk this would place on the county, city or state. ([attachment 6](#))

Conferee Durham testified in opposition to **SB 74**. She discussed why she felt this bill infringes on the responsibility of the Sheriff, presents a liability for the people of the county and state while there is immunity from liability for the tribal officer, why the bill may cause conflict with existing statutes and why the bill is unnecessary. She also discussed the monetary effects this bill may pass on to counties with limited resources. ([attachment 7](#))

Written testimony neither supporting nor opposing SB 74 was submitted by the Office of the Attorney General. ([attachment 8](#))

The meeting adjourned at 10:34 a.m. The next meeting is February 1, 2001.