

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:35 a.m. on Tuesday, March 2, 2004, in Room 123-S of the Capitol.

All members were present except:

Senator David Haley (A)
Senator Edward Pugh - Left at 10:06 a.m.
Senator Greta Goodwin - Arrived at 9:42 a.m.
Senator Lana Oleen - Arrived at 9:43 a.m.
Senator Les Donovan (E)

Committee staff present:

Mike Heim, Kansas Legislative Research Department
Jill Wolters, Office of the Revisor Statutes
Helen Pedigo, Office of the Revisor Statutes
Dee Woodson, Committee Secretary

Conferees appearing before the committee:

Tom Drees, Kansas County & District Attorneys Association
Chief James Hill, Salina Police Department
Greg Schauner, Sedgwick County Sheriff's Department
Kyle Smith, Kansas Bureau of Investigation
Jeff Bottenberg, Legislative Counsel, Kansas Sheriffs' Association
Doug Smith, Kansas Collectors Association and the Kansas Credit Attorneys Association
Jim Clark, Kansas Bar Association

Others attending: See attached list.

Sub HB 2049 - Creating the office of district attorney in judicial districts that vote for approval

Chairman Vratil opened the hearing on **Sub HB 2049**, and announced that there were no proponents appearing to testify in support of the bill. Tom Drees, testified, on behalf of the Kansas County & District Attorneys Association (KCDAA), in opposition to **Sub HB 2049**.

Mr. Drees stated that his Association was in support of creating a state-wide district attorney system, but opposed this particular bill because it does not appropriately address the needs of a state-wide system. He explained the concerns with the proposed legislation as detailed in his written testimony. (Attachment 1) Mr. Drees said that this bill may be a good way to start the dialogue necessary to achieve such a system in Kansas. He added that a study of the Kansas Judicial System including the makeup of the 31 districts, the allocation of District Judges and court service officers within the state; the creation of a district attorney system state-wide that is adequately funded; and a discussion concerning lay magistrate judges should be looked at by the Legislature. He concluded that the KCDAA respectfully requested the Legislature to look at the issues he pointed out in his written testimony as part of a legislative study to improve the Kansas Judicial System and prepare it for the 21st century.

Following considerable Committee discussion and questions, the Chairman closed the hearing on **Sub HB 2049**.

SB 432 - Applicants to be law enforcement officers required to disclose criminal records; KLETC allowed to request any expunged records; KLETC central registry include report on terminated officers

Chairman Vratil opened the hearing on **SB 432**. Chief James Hill, Salina Police Department, testified in support of **SB 432**. He shared several cases of abuse by police officers. He said the examples illustrated the potential and real hazards faced by police administrators when hiring officers who have been employed by other law enforcement agencies, when all past information is not made available. Chief Hill explained that in Kansas, and throughout the nation, it was not uncommon for law enforcement officers accused of misconduct to resign, either before they are formally charged, or at some point in time before the disciplinary process is concluded. He added that if these officers then apply for law enforcement positions with another agency, prior allegations of misconduct may not surface. (Attachment 2)

CONTINUATION SHEET

MINUTES OF THE SENATE JUDICIARY COMMITTEE at 9:35 a.m. on Tuesday, March 2, 2004, in Room 123-S of the Capitol.

Greg Schauner, on behalf of Sheriff Gary Steed, Sedgwick County Sheriff's Department, spoke in favor of **SB 432** as it relates to termination reports. He said there is no mechanism in place to obtain reliable information regarding a person's status at termination, aside from information given voluntarily from the previous employer. (Attachment 3)

Kyle Smith, Kansas Bureau of Investigation and on behalf of the Kansas Law Enforcement Training Commission (KLETC), testified in support of **SB 432**. He stated that the proposed legislation was designed to help ensure the quality and integrity of Kansas law enforcement officers. (Attachment 4)

Following Committee discussion and questions, the Chairman closed the hearing on **SB 432**.

Final Action:

HB 2154 - Construction contracts; indemnification agreements

Chairman Vratil called for discussion and final action on **HB 2154**. He stated that most of the interested parties had agreed on amendatory language which was distributed to Committee members. Chairman Vratil explained the bill, and said it had been worked on since the last legislative session. (Attachment 5)

Senator Umbarger made a motion to adopt the proposed language, seconded by Senator O'Connor, and the motion carried.

Senator Umbarger moved to pass **HB 2154** out favorably as amended, seconded by Senator Goodwin, and the motion carried.

HB 2293 - Sheriff's fee for service of process

Chairman Vratil opened the hearing on **HB 2293**. Jeff Bottenberg, Legislative Counsel for the Kansas Sheriffs' Association (KSA), testified in support of **HB 2293**. He said the bill was introduced by the House Judiciary Committee last year at KSA's request, and gave the bill history. He stated that the KSA, the Kansas Credit Attorneys Association, and the Office of Judicial Administration have worked together to draft a mutually acceptable bill, in the form of a balloon amendment attached to Mr. Bottenberg's written testimony. He outlined the major points of the balloon amendment in his written testimony. (Attachment 6)

Doug Smith, representing the Kansas Collectors Association, Inc. and Kansas Credit Attorneys Association, submitted written testimony in favor of **HB 2293**. (Attachment 7)

Jim Clark, Kansas Bar Association, submitted written testimony in opposition to **HB 2293**. (Attachment 8)

Following brief Committee discussion, the Chairman closed the hearing on **HB 2293**.

Minutes of the January 27 and 28 meetings were presented for approval. Senator O'Connor made a motion to approve the minutes as written, seconded by Senator Umbarger, and the motion carried.

Chairman Vratil adjourned the meeting at 10:30 a.m.

The next scheduled meeting is March 3, 2004.