

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Lance Kinzer at 3:30 p.m. on March 16, 2011, in Room 346-S of the Capitol.

All members were present except:
Representative Suellentrop
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:
Helen Pedigo, Special Counsel to Chief Justice, Supreme Court of Kansas
Mike Watson, Governors Task Force on Racial Profiling (GTFORP)
Ed Klumpp, Kansas Association of Chiefs of Police, Kansas Sheriff's Association, Kansas
Peace Officers Association
Joseph P. Mastrosimone, Legal Counsel, Kansas Human Rights Commission
Senator Haley, District 4, on behalf of Kansas Black Legislature Caucus
Sheila Officer, Racial Profiling Citizens Advisory Board for the City of Wichita

Others attending:
See attached list.

The Hearing on **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** was opened.

Helen Pedigo, Special Counsel to Chief Justice, Supreme Court of Kansas, addressed the committee in support of this bill. She explained the Senior Judge Program was established by the Legislature in 1995 and allows the Supreme Court to enter into contracts with retired judges who agree to perform assigned judicial duties for 40 percent of each year, or 104 days a year. They are compensated at the rate of 25 percent of the current monthly salary of judges serving in the same position held by the retirant at the time of retirement. She stated this program is a cost effective way of providing judges to hear cases when there are conflicts, in the event of illness, or when there are increased filings or complex cases that cannot be handled with existing judicial staffing. This bill would amend the criteria for judges who wish to serve as senior judges but did not enter into a senior judge contract within five years after retirement and within 30 days prior to any anniversary date of retirement. This amendment would provide the Supreme Court greater flexibility in managing the Senior Judge Program. (Attachment 1)

There were no opponents.

The hearing on **SB 83** was closed.

The Hearing on **SB 93 - Law enforcement; racial profiling and biased policing** was opened.

Chairman Kinzer welcomed and introduced Representative Melody McCray Miller, as she replaced Representative Ponca We-Victors on the Committee for the day.

Jill Wolters, Senior Staff Revisor, provided the committee with an overview of the bill. (Attachment 2)

Mike Watson, Governors Task Force on Racial Profiling (GTFORP), addressed the committee as a proponent of the bill. He testified on behalf of himself and Curtis Whitten, who are co-chairs of the Governor's Task Force on Racial Profiling. He also provided each committee member with a copy of the GTFORP final report and recommendations that was submitted December 10, 2010, to the Governor's Office and stated this bill represents the final recommendations of the task force with modifications by

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the Senate Federal and State Affairs Committee and the Senate Committee of the Whole. He stated the Senate left out the state entities and they believe they need to be added back in. He asked for support of this bill as well as appropriate attention to those items in the report the GTFORP was unable to come to consensus on: what agency should conduct investigations at the state level and what entity should be responsible for oversight and accountability. He also stated GTFORP sunsets in 2011, but perhaps some other body is needed to over look this issue. ([Attachment 3](#))

Ed Klumpp spoke in support of the bill on behalf of the Kansas Association of Chiefs of Police, Kansas Sheriff's Association and Kansas Peace Officers Association. He explained their participation in the various meetings and programs for training law enforcement personnel regarding racial profiling and as a result of those efforts, they introduced **HB 2163** and **SB 82**. He stated **SB 93** was drafted representing the recommendations of the Task Force as interpreted by the revisor and the committee chair. He pointed out several issues they would like amended as well as some technical amendments. ([Attachment 4](#))

Sandy Jacquot, League of Kansas Municipalities, provided written only testimony in support of the bill. ([Attachment 5](#))

Joseph P. Mastrosimone, Legal Counsel, Kansas Human Rights Commission, addressed the committee and stated as an unbiased investigative body, the Commission takes a neutral stance on many of the changes included in SB 93, the only exception being the transfer of investigatory authority to the Attorney General. He believed the Senate Committee amended the bill to remove the Kansas Human Rights Commission's jurisdiction to receive and investigate allegations of racial or other biased policing, and transferring that authority to the office of the attorney general was based on the flawed assumption that the Kansas Human Rights Commission was going to be merged with the attorney general's office through either an executive reorganization order or legislation. He stated recent events have proven that outcome is highly unlikely and requested the committee remove the provision of transferring that authority to the office of the Attorney General and further stated such transfer to the Attorney General would create conflict of interest and the appearance of impropriety. ([Attachment 6](#))

Opponents:

Senator Haley, District Four, addressed the committee on behalf of Kansas Black Legislature Caucus, in opposition of the bill. He stated this bill is flawed and needs revision. He stated there were ambiguous definitions, no responsible reviewing authority for complaints, no criminal legal ramifications against the officer and/or the offending department, and is against the abolition of the Governor's Task Force on Racial Profiling. He also presented a copy of a balloon amendment from Representative Gail Finney. ([Attachment 7](#))

Sheila Officer, Racial Profiling Citizens Advisory Board for the City of Wichita, appeared before the committee in opposition of the bill stating without amendments it holds no accountability, enforceability, manageability, or responsibility for our law enforcement communities. She stated data collection is a necessity and that there would be no cost for the data collection. She also provided the names of other states with strong racial profiling statutes with data collection and stated Missouri has the best system. ([Attachment 8](#))

Lalo Munoz, Kansas Democratic Hispanic Caucus, Kansas Democratic Party, provided written only testimony in opposition of the bill. ([Attachment 9](#))

The hearing on **SB 93** was closed.

The next meeting is scheduled for March 17, 2011.

The meeting was adjourned at 5:25 p.m.