

## MINUTES OF THE HOUSE ETHICS AND ELECTIONS COMMITTEE.

The meeting was called to order by Chairperson Representative Tony Powell at 3:30 p.m. on February 12, 2001 in Room 521-S of the Capitol.

All members were present except: Rep. Welshimer, Excused

Committee staff present: Theresa Kiernan, Revisor  
Dennis Hodgins, Research  
Shirley Weideman, Secretary

Conferees appearing before the committee:

**HB 2299** Proponents: Harriett Lange, Kansas Association of Broadcasters  
Representative Jo Ann Pottorf

**HB 2334** Proponents: John Todd, John Todd & Associates, Wichita  
William T. Davitt, Wichita  
Steven Rosile, Wichita

Opponents: Sandy Jacquot, League of Kansas Municipalities  
John Pinegar, City of Topeka  
Mike Taylor, City of Wichita  
Paul Davis, Kansas Bar Association  
Via phone: Judge Brad Jantz, Newton

Others attending: See attached list

Chairman Powell opened the hearing on **HB 2299 - Advisory committees; open meetings.**

Representative Pottorf gave testimony in favor of **HB 2299**. She said that the K-12 Education Financing for Results Task Force appointed by Governor Graves had a meeting behind closed doors. She said the state law requiring open meetings of governmental bodies does not apply to task forces that are advisory boards with unpaid volunteers. Rep. Pottorf supports HB 2299, which will open all advisory committee or subcommittee meetings of advisory committees to the public. (attachment #1)

Harriett Lange, Kansas Association of Broadcasters gave testimony in favor of **HB 2299**. She indicated that the KAB favors taking HB 2299 a step further and clarifying "subordinate group" to mean *any* entity which is created by any public body subject to the act and would include all political and taxing subdivision groups as well. (attachment #2)

Chair Powell closed the hearing on **HB 2299**.

Chairman Powell opened the hearing on **HB 2334 - Municipal court judges; election.**

John Todd, Real Estate Broker, Wichita, appeared before the committee in favor of **HB 2334**. He reported on his experiences of visiting the Wichita Municipal Court frequently and visiting with citizens whom he feels have been victimized by the actions of the court. He suggests that, perhaps a study of the Municipal Court System would be in order. (attachment #3) Mr. Todd answered questions asked by committee members.

William Davitt gave testimony in favor of **HB 2334**. He said that he was a victim of the Municipal court in Wichita. First of all, he said he was intimidated by the room in the police station where the court was held. Then Mr. Davitt said the judge threatened him with 5 years in prison if he did not pay a \$2500 fine. He believes that the municipal court in Wichita needs some changes. (attachment #4)

Steven Rosile, a citizen of Wichita give testimony in support of **HB 2334**. He said that he has had problems with the municipal court in Wichita and believes that you should have a right to appeal without having

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to pay the basic cost of \$65.

Judge Mark Jantz of Newton called to give his testimony in opposition to **HB 2334** via speaker phone. He indicated that his opposition is both practical and philosophical. Judge Jantz said that he has been a college professor, a prosecutor and has run for political office as well. He indicated that he has been a municipal court judge for 6 years. Judge Jantz said that it is hard to find people to serve on a part-time basis for municipal judge in small communities and it is not practical for a judge to run for office. In Judge Jantz's view, the public sees issues as "black and white" and you can't say what you believe or what you will do if elected.

Chairman Powell asked about eliminating the residency requirement and putting in a stipulation of elections only for full-time judges and for cities of a certain size. He also asked about solving the problem of judicial independence as many people see the municipal court judge working at the pleasure of the city council. Judge Jantz replied that you may end up substituting one set of problems for another by taking out the residency requirements as that may allow someone without the proper qualifications to run for office. He said that the city manager must be in tune with the public and that he gets very few questions as to why a particular judgement was made. Judge Jantz answered other questions from members of the committee.

Sandy Jaquot, Legal Counsel for the League of Kansas Municipalities, gave testimony in opposition to **HB 2334**. Her concern is that most municipal judges in the small communities of Kansas are in part-time positions. Ms. Joquot said that municipal courts are mostly for local city issues. She also said that since municipal judges would have to campaign like any other candidate for local office and their judicial independence could be greatly undermined. Ms. Jaquot indicated that the residence requirement would be troublesome for the small cities. (attachment #5)

John Pinegar, City of Topeka, gave testimony in opposition to **HB 2334**. He said that the City of Topeka has the same concerns as the League of Kansas Municipalities. Mr. Pinegar also said that the City of Topeka supports local control of and judicial authority of municipal courts and the appointment of municipal judges. (attachment #6)

Also appearing in opposition to **HB 2334** was Mike Taylor of the City of Wichita. He stated that the city council cannot dictate to the municipal court judge the outcome of a particular case. Mr. Taylor also stated that municipal court judges in Wichita are nominated by a nominating commission and appointed by the city council. He indicated that Wichita selects judges based on merit and on the nominee's legal knowledge and abilities and he believes that HB 2334 threatens to politicize municipal court judges and the municipal court system. (attachment #7)

Paul Davis, Kansas Bar Association Legislative Counsel, appeared before the committee in opposition to **HB 2334**. He said that we want our judges to be impartial and unbiased and make decisions that are based on the law and not on considerations that are outside of the law. Mr. Davis was concerned that judges could not foster judicial independence from the election process when they are walking a tightrope between ethical considerations as judges versus being a candidate for political office and having to raise money from the very people who are appearing before them. He indicated that if there is a problem of removing a bad judge who is appointed, which is usually the reason people want to elect municipal court judges, then that issue should be addressed locally with the city commission. Mr. Davis said that if enough people feel strongly about an issue, then the city commissioners will do something about it. (attachment #8)

Chairman Powell called the committee's attention to the written comments from Carol Gonzales, Assistant City Manager of the City of Shawnee and that city's opposition to **HB 2334**. (attachment #9)

The conferees in opposition to HB 2334 answered questions asked by the committee.

The hearing on HB 2334 was closed.

Chairman Powell adjourned the meeting at 5:10 p.m. The next scheduled meeting is Wednesday, February 14 at 3:30 p.m.