

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Lance Kinzer at 3:30 p.m. on March 7, 2011, in Room 346-S of the Capitol.

All members were present except:
Representative Holmes

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:
Pat Scalia, Executive Director, State Board of Indigent's Defense Services
Martha Gabehart, Executive Director, Kansas Commission on Disability Concerns (KCDC)
Joseph P. Mastrosimone, Chief Legal Counsel, Kansas Human Rights Commission (KHRC)
Bob Mikesic, Independence, Inc., Lawrence, Kansas
Nick Wood, Disability Rights Center of Kansas
Jane Rhys, Kansas Council on Developmental Disabilities
Phillip B. Journey, Haysville, Kansas
Ed Klumpp, Kansas Association of Chiefs of Police, Kansas Sheriffs Association, Kansas Peace Officers Association

Others attending:
See attached list.

The Hearing on: **SB 34 - Driver's licenses; habitual violators; motorized bicycles** was opened.

Tamera Lawrence, Assistant Revisor of Statutes, provided an over view for the committee. ([Attachment 1](#))

Phillip B. Journey, Haysville, Kansas, addressed the committee in support of the bill that would allow those declared to be habitual violators by the Kansas Department of Revenue to obtain, Class C moped-only, licenses. He stated with little or no public transportation in the vast majority of the State of Kansas, those declared to be habitual violators who must go to work, attend school, substance abuse treatment, and complete the tasks of their lives and probation are faced with deciding whether they should violate the law and risk a year in jail or lose their jobs. They must get there somehow and too many citizens faced with this choice make the wrong decision and this bill gives them a real choice. ([Attachment 2](#))

Ed Klumpp, Kansas Association of Chiefs of Police, Kansas Sheriffs Association, Kansas Peace Officers Association, spoke before the committee as an opponent. He provided an explanation of a habitual violator and stated he did not think the citizens of Kansas would want them using the roadways of our state to legally be operating even a motorized bike, when they already have three offenses of vehicular homicide, DUI, driving while suspended, or using a motor vehicle in a felony. He also stated motorized bicycles are capable of speeds up to 30 miles per hour, a speed which could cause serious injury or damage to others, especially pedestrians and children. ([Attachment 3](#))

The hearing on **SB 34** was closed.

The Hearing on **HB 2305 - Board of Indigents; Defense Terms and Qualifications** was opened.

Tamera Lawrence, Assistant Revisor of Statutes, provided an overview for the committee. ([Attachment 4](#))

Pat Scalia, Executive Director, State Board of Indigent's Defense Services, addressed the committee as a proponent of the bill. She explained the current statute requires that there be nine members of the Board; that two members be from the first congressional district and that one be a lawyer; that there be at least one member from each of the other judicial districts; and that there be a member from

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each county having a population in excess of 100,000, who shall be a lawyer, but no more than five such members; and no more than five members shall be lawyers. Historically, the statute has been interpreted as requiring that the subsections are exclusive on one another, but it has been difficult to maintain a full complement of members. Rather than expand the number of Board members as more counties reach the population mark of 100,000, the number could be compressed to seven by allowing for the appointment of one member from each county with a population of over 100,000, who may also represent their Congressional District. The number of attorneys would be four and non-attorneys would be three. She stated this would be a very workable situation as it allows for representation of the most populous counties, which have the highest indigent caseload, while maintaining representation for the First Congressional District. Additionally, it alleviates some of the difficulty in maintaining board members. ([Attachment 5](#))

There were no opponents.

The Hearing on **HB 2305** was closed.

The Hearing on **HB 2335 - Kansas act against discrimination; disability amendments** was opened.

Matt Sterling, Assistant Revisor of Statutes, provided an over view for the committee. ([Attachment 6](#))

Martha Gabehart, Executive Director, Kansas Commission on Disability Concerns (KCDC), addressed the committee in support of the bill. She explained the goal of this legislation is to align the Kansas Act Against Discrimination with the Americans with Disabilities Act (ADA) Amendments Act. This is important because: (1) Employers currently have two different standards to follow, (2) Kansans with disabilities working for employers with 4-24 employees do not have the same protection rights as those working for employer of 25 or more employees, and (3) The contract with the Equal Employment Opportunity Commission (EEOC) is in jeopardy.

She also stated there is a technical correction that needs to be made; on page 3, line 4, there is a reference to K.S.A. 44-1002(j)(3)(a) when in fact there is no "(a)" and it should be stricken from the bill. ([Attachment 7](#))

Joseph P. Mastrosimone, Chief Legal Counsel, Kansas Human Rights Commission (KHRC), spoke before the committee in support of the bill stating the passage of this bill would (1) ensure the continued flow of vital federal money to support the KHRC's operations, (2) eliminate confusion and reduce compliance costs for Kansas businesses, and (3) provide for consistent protection for Kansas employees from unlawful discrimination based on a disability. ([Attachment 8](#))

Bob Mikesic, Independence, Inc., Lawrence, Kansas, appeared in support of the bill stating it gives Kansas a clear, strong state mandate for the elimination of discrimination based on disability, and allows education to prevent discrimination to be even more effective. ([Attachment 9](#))

Nick Wood, Disability Rights Center of Kansas, spoke in support of the bill, stating it will serve to clear up misunderstandings between employers and employees, as well as unnecessary confusion in the courts about how people are covered under the act. ([Attachment 10](#))

Jane Rhys, Kansas Council on Developmental Disabilities (KCDD), addressed the committee in support of the bill. She stated the KCDD is a federally mandated and funded entity under the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000. They accept no state funds, and their role is to study and examine the Kansas system for people who have Developmental Disabilities and to advocate with policymakers for improvements. ([Attachment 11](#))

The following provided written only testimony in support of the bill:

Shannon Jones, Executive Director, SILCK ([Attachment 12](#))

Ann Marie Hughey, Legislative Policy Advocate for SKIL Resource Center, on behalf of the Kansas Association of Centers for Independent Living (KACIL) ([Attachment 13](#))

Kathy Lobb, Self Advocate Coalition of Kansas ([Attachment 14](#))

There were no opponents.

The next meeting is scheduled for March 8, 2011.

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The meeting was adjourned at 4:48 p.m.