

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson John Barker at 3:30 pm on Monday, February 15, 2016, 112-N of the Capitol.

All members were present except:

Representative Jan Pauls – Excused

Representative Mark Kahrs – Excused

Committee staff present:

Robert Gallimore, Legislative Research Department

Jason Thompson, Office of Revisor of Statutes

Jenna Seematter, Office of Revisor of Statutes

Lauren Douglass, Legislative Research Department

Connie Bahner, Kansas Legislative Committee Assistant

Conferees appearing before the Committee:

Representative Ramon Gonzalez

Floyd Bledsoe

Tricia Bushnell, Midwest Innocence Project

Jennifer Roth, Kansas Association of Criminal Defense Lawyers

Others in attendance:

[See Attached List](#)

Chairperson Barker noted that the Court Reporters Association will be making a transcript of the meeting today in real time. He introduced and welcomed Cindy Isaacson, Danny Murray from Johnson County, Laurie Berg from Cowley County, Mary Kay Howe from Douglas County, Gene Olson from Shawnee County, and Denise Kruse from Neosho County.

Hearing on: HB2611 — Providing compensation for people wrongfully convicted.

Chairperson Barker opened the hearing on **HB2611**. Jason Thompson, Revisor, gave an overview of the bill. Questions were asked by Chairperson John Barker and Representatives John Carmichael and Blake Carpenter.

Chairperson Barker recognized Representative Ramon Gonzalez as a proponent of **HB2611** ([Attachment 1](#)). Questions were asked by Chairperson John Barker and Representatives Blaine Finch, Craig McPherson, John Carmichael, John Whitmer, and James Todd.

Floyd Bledsoe was recognized by Chairperson Barker to provide neutral testimony ([Attachment 2](#)).

Tricia Bushnell of the Midwest Innocence Project also testified as a neutral to **HB2611** ([Attachment 3](#)). Questions were asked by Representatives John Rubin, John Carmichael, and John Whitmer.

CONTINUATION SHEET

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Chairperson Barker then recognized Jennifer Roth, Kansas Association of Criminal Defense Attorneys, who testified as a neutral on **HB2611** ([Attachment 4](#)). A question was asked by Representative James Todd.

Chairperson Barker closed the hearing on **HB2611**.

Possible action on bills previously heard

SB159 - An act concerning children and families; enacting the host families act; relating to temporary care for children.

Chairperson Barker asked the Committee what their pleasure was on **SB159**.

*Vice-Chairperson Charles Macheers moved to recommend **SB159** favorably for passage, seconded by Representative Erin Davis.*

Vice-Chairperson Charles Macheers moved to substitute the language suggested by the Judicial Council into the bill making it a House Substitute for SB159 ([Attachment 5](#)), seconded by Representative Blaine Finch.

Representative John Carmichael stated he is in favor of replacing the language of **SB159** with the language proposed by the Judicial Council so he urges the Committee to adopt this **House Substitute for SB159**.

*Vice-Chairperson Charles Macheers closed on **House Substitute for SB159**. A vote was taken, and **House Substitute for SB159** was passed.*

*Representative Erin Davis moved to amend **House Substitute for SB159** by making the background checks the same as those required to obtain and maintain a license to operate a family foster home, as proposed by the Judicial Council ([Attachment 6](#)), seconded by Representative Randy Powell, motion carried, and the amendment was adopted.*

*Representative Erin Davis moved to amend **House Substitute for SB159** to affirm the rights of the non-delegating parent ([Attachment 7](#)), seconded by Representative James Todd.*

Discussion regarding the amendment was entered into by Representatives John Rubin, Jim Ward, John Whitmer, Charles Macheers, Blaine Finch, Leslie Osterman, John Carmichael, Kyle Hoffman, Erin Davis, and Chairperson John Barker.

*Representative Davis closed on her motion, a vote was taken, and the amendment to **House Substitute for SB159** was adopted.*

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

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Representative Craig McPherson made a motion for a conceptual amendment to **House Substitute for SB159** by adding the following sentence at the end of Section (d)(1): "A delegation of powers pursuant to this subsection shall not be allowed without the consent of all individuals with legal custody of the child." The motion was seconded by Representative John Rubin.

Representatives John Rubin and John Carmichael stated they are in favor of the conceptual amendment. There was further discussion between Representative Kyle Hoffman and Craig McPherson.

Representative Craig McPherson closed on his motion. A vote was taken, and the conceptual amendment was adopted.

Representative Craig McPherson moved to amend **House Substitute for SB159** to include in Section 3(a) other Kansas charitable organizations working under an agreement with a child placement agency ([Attachment 8](#)), seconded by Representative John Whitmer.

Discussion between Representatives Erin Davis, John Whitmer, John Carmichael, James Todd, Craig McPherson, Blaine Finch, Chairperson John Barker, and Jason Thompson ensued.

Representative Craig McPherson closed on his motion to amend **House Substitute for SB159**. A vote was taken, and the motion failed to pass.

Vice-Chairperson Charles Macheers moved to recommend **House Substitute for SB159** favorably for passage, seconded by Representative Becky Hutchins.

There was further discussion by Representatives Steve Becker and Randy Powell.

Vice-Chairperson Charles Macheers closed on his motion. A vote was taken, and **House Substitute for SB159** passed favorably.

There being no further business, Chairperson Barker adjourned the meeting at 5:00 p.m.