

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman John Edmonds at 1:30 P.M. on February 2, 2006 in Room 313-S of the Capitol.

All members were present except:

- Representative Ray Cox - Excused
- Representative Kenny Wilk - Excused

Committee staff present:

- Athena Andaya, Kansas Legislative Research Department
- Mary Torrence, Revisor of Statutes Office
- Carol Doel, Committee Secretary

Conferees:

- Representative Robert Olson
- Eric Rucker, Office of the Attorney General
- Matt All, Chief Counsel, Governor's Office

Others attending:

- See attached list

Chairman Edmonds opened the floor for bill introductions and recognized Representative Mah who requested a bill that would provide tax credit for college tuition similar to the Federal credit.

With no objections, that was accepted for introduction.

Representative Kinzer requested five bills:

- 1) a bill dealing with proof of citizenship as a requirement to receive public benefits
- 2) a bill dealing with proof of citizenship as a requirement for voter registration
- 3) a bill dealing with end of life decisions for incapacitated persons
- 4) a bill dealing with withholding of food and water from incapacitated persons
- 5) a bill dealing with eminent domain

With no objections, those five bill were accepted for introduction.

Chairman Edmonds requested introduction of a bill requiring regents institutions to provide for a uniform level of tuition for all students.

With no objections, that bill is accepted for introduction.

Attention was directed to additional written testimony regarding **HB 2615** - *relating to colleges and universities; fees and tuition; undocumented non-citizens*, from Sister Jolene Greier of the Dominican Sisters (Attachment 1), and Gary George, Ed.D. Assistant Superintendent of School, Olathe Unified School district 233 (Attachment 2) This bill was previously heard in committee on February 1, 2006.

The Chairman opened the floor for public hearing on **HB 2541** *relating to no marriage license for persons 15 and under; persons 16 to 17 may have license with parent or judicial consent*, recognizing Representative Robert Olson as a proponent of the bill. Representative Olson explained that this bill would raise the minimum marriage age to sixteen with parental consent. He further related that children are our greatest resource and deserve the best care and protection we can provide. It would be unlikely that this would have any fiscal impact on the State. (Attachment 3) Representative Olson also provided the Committee with a copy of the marriage laws of the fifty states, District of Columbia and Puerto Rico. (Attachment 4)

Eric Rucker, Deputy Attorney General addressed the Committee in support of **HB 2541**. Mr. Rucker related that the legislature previously determined that the age at which a person acquires the legal capacity to consent to sexual activity is 16 years. This legislative proposal would mandate that the minimum age that one may become married and the minimum age that one may consent to sexual activity is the same. (Attachment 5)

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on February 2, 2006 in Room 313-S of the Capitol.

Matthew All, Chief Counsel to the Governor, supports **HB 2541** stating that the gap in Kansas law provides a safe haven for grown adults to prey on children. This bill would retain the minimum age of 18 for marriage without parental or court involvement. It would require individuals age 16 or 17, before marrying, to receive the approval of either (a) all living parents or guardians, (b) one parent or guardian and a judge, or (c) just a judge after due investigation, if both parents are dead and there is no legal guardian. This new standard would bring our marriage law into line with our other laws. (Attachment 6)

With no other person wishing to speak in support of **HB 2541** and no opponents to the bill, Chairman Edmonds closed the public hearing on **HB 2541**.

The Chairman directed the Committees' attention to **HB 2595** - *designating the Anthony 9/11 Memorial as the Kansas 9/11 Memorial*.

Representative Myers made a motion to move **HB 2595** out favorable for passage. Representative Brunk seconded the motion. Motion adopted.

Chairman Edmonds asked the Committee to consider **SB 62** - *Enacting the grandparents as foster parents act; prescribing powers, duties and functions for the secretary of social and rehabilitation services*.

Representative Brunk called attention to Representative Huy's balloon to **SB 62**. The Representative explained that in Section 7, page 3, line 29 is being called an accountability piece. This states that:

- (a) The secretary, on or before the first day of the legislative session, shall annually report to the legislature:
- 1) The number of children participating in the program and the breakdown of where these children were placed, with either a grandparent or other close relative;
 - 2) The number of children moved from a foster care placement or other state custody to a grandparent or other close relative;
 - 3) An overview of the moneys spent on the program; and
 - 4) The cost-savings analysis of implementing the program by having the children placed with a grandparent or other close relative instead of being placed in state custody. (Attachment 7)

Representative Brunk made a motion to accept the amended balloon to **SB 62**. Representative Miller seconded the motion.

Representative Burroughs questioned the language of *other close relative* in the amendment. He opined that he thought the object of this bill was funding for grandparents.

Representative Huy stated that she was unable to answer this question.

Chairman Edmonds asked if *other close relative* was defined in the bill.

Mary Torrence, Office of the Revisor, said it was not defined in the bill, but it does say that the secretary may include them in the program if they become a legal guardian of the child or obtain legal custody. The bill does not limit who is considered a close relative.

Representative Burroughs made a substitute motion to strike other close relative from the bill until the information regarding that language is gathered.

Feeling that there was more than one issue that needed to be resolved regarding **SB 62** before it could be worked, Chairman Edmonds appointed a subcommittee of Representative Brunk, Representative Judy Morrison, and Representative Miller to examine the bill and report back by the first day of turn around. The Chairman wished the bill examined particularly regarding the language of *other close relatives*.

Representative Merrick related that there was another inconsistency in **SB 62** that needed to be looked at. The bill that he was reading had 100% of poverty and at previous hearings 130% of poverty was discussed.

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on February 2, 2006 in Room 313-S of the Capitol.

Representative Loganbill also questioned the age stated in the bill. She related that she thought the age was 50, but in the balloon it was stated as 60.

Representative Brunk related that the questions regarding age, reporting time, the definition of *other relatives* and the issue of 100% of poverty and 130% of poverty all need to be addressed.

Chairman requested a report from the subcommittee in the form of a balloon to satisfy the Committee members.

Representative Kinzer also asked they the possibility of instructing the sub committee to look into the issue of whether costs paid out could be recovered from the parents.

This will be included in the subcommittee report.

Chairman Edmonds rule that further action on **SB 62** would be deferred until the subcommittee report is completed.

With no further business before the committee at this time, the meeting is adjourned.

Why Kansas Should Keep Our Instate Tuition Policy for Immigrant Students

1. HB2145 is working as designed—we shouldn't fix what's not broken

The goals of HB2145 were to provide educational opportunities to all Kansas high school graduates, to ensure that the best-qualified of our non-citizen students were able to enroll at in-state tuition rates in our colleges and universities, and to continue our progress towards a well-educated, diverse future workforce. The students themselves are the best evidence of our success in reaching these goals. One HB2145 student was awarded national leadership recognition from President Bush shortly before enrolling at Kansas State University. Another received his Lawful Permanent Residency halfway through his first (all 'A') semester. Another was among only 10 students in the U.S. to be recognized as a Hitachi Foundation scholar. All are contributing to our communities, institutions, and our future.

2. HB2145 was carefully deliberated and painstakingly crafted—let's focus on NEW problems, rather than rehash what has already been debated extensively

HB2145 was passed in May 2004, after careful study of federal law and similar in-state tuition laws already on the books in 7 states, five hearings, hours of floor debate, and five floor votes. We need to turn our attention to new challenges facing our state—only by moving forward will we be ready to meet tomorrow's demands.

3. None of the opponents' dire predictions have come to pass—with students learning and the sky not falling, why would we mess with success?

The Federation for American Immigration Reform (FAIR) and other anti-immigrant voices claimed many things during the debate on HB2145, all of which have been refuted by actual experience with the policy.

- **HB2145 violates federal law and will be vulnerable to lawsuits.**

TRUTH: While FAIR did sue, as expected, the suit was completely rejected by federal judge Richard Rogers in July 2005. All of plaintiffs' claims, including that U.S. citizen students are harmed by HB2145, were dismissed.

- **Immigrant students will displace citizens from our colleges and universities and Kansas institutions will be overwhelmed with immigrant applicants.**

TRUTH: Students enrolling under HB2145 make up less than 0.16% of the student body in our post-secondary educational system. There has been no displacement, obviously, as institutions gladly accept new tuition dollars from well-qualified students as a part of their continued growth and development.

FEDERAL AND STATE AFFAIRS

Date 2-2-06

Attachment 1



January 31, 2006

Representative John Edmonds, Chairperson
Federal and State Affairs House Committee
State Capitol, Room 143-N
Topeka, KS 66612

Re: House Bill 2615

Dear Representative Edmonds:

We are writing in regard to HB2615 which would repeal K.S.A. 2005, Supp. 76-731a, the law relating to children of undocumented immigrants being allowed to attend Kansas post secondary educational institutions on a resident tuition basis.

The Olathe School District does not currently have a legislative position on this issue since a bill was already signed into law. However, in 2004 we did have a legislative position that supported children of undocumented immigrants attending state universities on a resident tuition basis. We believe the Legislature made the correct decision in permitting these students to attend our universities and colleges on an in-state tuition basis. Many of these students were brought to this country as infants or young children. They had no choice about being in this country. They and their parents are paying taxes and contributing to our state's economy. Additionally, if this law is repealed, many of the students would not be motivated to take college preparatory curriculum and might be more inclined to drop out since there would be little opportunity of going to college. It would be a tremendous injustice to take this opportunity away from these students.

We are including a copy of our written testimony from 2004 in support of these students. We urge you to leave this law as it is.

Sincerely,

Gary George

Gary George, Ed.D.
Assistant Superintendent of Schools
Quality Management Services

GG:pr

Pc: House Federal and State Affairs Committee
Dr. Patricia All, Superintendent of Schools

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Date 2-2-06
Attachment 2

Robert (Rob) Olson
REPRESENTATIVE, 26TH DISTRICT
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Olathe, Kansas 66062
State Capitol, 182-W
Topeka, Kansas 66612-1504
785-296-7632
email: olson@house.state.ks.us



HOUSE OF
REPRESENTATIVES

Committee Assignments:

Environment
Financial Institutions
Transportation
Utilities

February 2, 2006

The Honorable John Edmonds, Chairperson
House Committee on Federal & State Affairs
State House Room 313-S
Topeka, Kansas 66612

Subject: HB: 2541

I am present to testify to my support of House Bill 2541. This bill will raise the minimum marriage age to sixteen with parental consent. Current State Statute allows for twelve year old females and fourteen year old males to marry with parental consent. Forty States set the age limit at sixteen or higher.

Children are our greatest resource and deserve the best care and protection we can provide. For this reason, we have enacted Statutes that do not allow them to drive vehicles or work in dangerous jobs until they have reached an appropriate age.

This is similarly irresponsible to allow them to marry.

The Division of Budget has stated that it is unlikely that passage of this bill would

FEDERAL AND STATE AFFAIRS

cause any fiscal effect upon the State. Any increased Court activity will most likely be incorporated into the courts regular schedule and not require additional resources. According to the Legislative Research Department, in 2004, seventeen girls aged younger than sixteen were married in Kansas. While it is true that this is a small percentage of our children; it is important to prevent future cases like that faced last spring when an older man moved to Kansas briefly with the sole purpose of marrying his thirteen year old bride.

I urge the committee members to take a stand for Kansas Children and recommend this bill favorable for passage.



Representative Rob Olson
House District 26

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Marriage Laws of the Fifty States, District of Columbia and Puerto Rico

This table links to the marriage laws of the states and attempts to summarize some of their salient points. Those interested in the marriage law of a particular jurisdiction should review its law directly rather than rely on this summary which may not be fully accurate or complete.

Related LII materials include:

- the LII "[Law about ...](#)" marriage page
- the LII pages summarizing [the divorce laws of the states](#) and the [adoption laws of the states](#)
- the [State Statutes by Topic](#) page
- the [LII State Law pages](#)

	Common Law Marriage	Age of consent to marry		Medical exams		Marriage license	
		Age with parental consent	Age without parental consent	Max. period between exam and license	Scope of medical exam	Waiting period before license	Duration of license validity (expiration)
Alabama - Title 30, Chapter 1	Yes	14 a, b	18	-----	-----	-----	30 days
Alaska - Title 25, Chapter 5	No	16 c	18	-----	-----	3 days, d	3 months
Arizona - Chapter 1, Article 1	No	16 c (2)	18	-----	-----	-----	1 year
Arkansas - Title 9, Subtitle 2, § 11	No	Male- 17 c, e Female- 16 c, e	18	-----	-----	f	-----
California - Family Code, §§ 300-500	No	b, g	18	30 days, d, h	-----	-----	90 days
Colorado - §§ 14-2-105 thru 14-2-110	Yes	16 c	18	-----	-----	-----	30 days
Connecticut - Title 46b, § 815e	No	16 c (2)	18	-----	i	4 days, d	65 days
Delaware - Title 13, Chapter 1	No	Male- 18 e Female- 16 e	18	-----	-----	24 hours, i	30 days
Florida - Title 43, Chapter 741	No	16 a, e	18	-----	-----		

FEDERAL AND STATE AFFAIRS

Date 2-2-06
Attachment 4

Georgia- §§ 19-3-1 thru 19-3-68	No <u>gg</u>	<u>16 e, k</u>	<u>18</u>	-----	<u>i</u>	3 days, <u>l</u>	30 days
Hawaii- § 572	No	<u>15 k</u>	<u>18</u>	-----	-----	-----	30 days
Idaho- § 32-301 thru 32-501	No <u>gg</u>	<u>16 c</u>	<u>18</u>	-----	<u>m, n</u>	-----	-----
Illinois- Chapter 750, CS 5, Part II	No	<u>16 o</u>	<u>18</u>	-----	<u>p</u>	1 day	60 days
Indiana- Title 31, Article 11	No <u>gg</u>	<u>17 e</u>	<u>18</u>	-----	<u>q</u>	-----	60 days
Iowa- Chapter 595	Yes	<u>16 k</u>	<u>18</u>	-----	-----	3 days	20 days
Kansas- Chapter 23, Article 1	Yes	Male-14 <u>k</u> Female-12 <u>k</u>	<u>18</u>	-----	-----	3 days, <u>d</u>	6 months
Kentucky- Chapter 402	No	<u>18 k</u>	<u>18</u>	-----	-----	-----	30 days
Louisiana- Title IV, Chapter 1 (Civil Code 86)	No	<u>18 c</u>	<u>18</u>	10 days	-----	-----	-----
Maine- Title 19, Chapter 23	No	<u>16 c</u>	<u>18</u>	-----	-----	3 days, <u>d</u> , <u>f</u>	90 days
Maryland- §§ 2-201 thru 2-503	No	<u>16 e, r</u>	<u>18</u>	-----	-----	48 hours, <u>d</u>	6 months
Massachusetts- Title III, Chapter 207	No	Male-14 <u>k</u> Female-12 <u>k</u>	<u>18</u>	3-60 days, <u>s</u>	-----	3 days, <u>f</u>	60 days
Michigan- Chapter 551	No	<u>16</u>	<u>18</u>	-----	-----	3 days, <u>d</u>	33 days after application
Minnesota- Chapter 517	No	<u>16 k</u>	<u>18</u>	-----	-----	5 days, <u>d</u>	6 months
Mississippi- Title 93, Chapter 1	No	<u>g, k</u>	Male-17 Female-15	30 days <u>t</u>	-----	3 days, <u>d</u>	-----
Missouri- Chapter 451	No	<u>15 u</u>	<u>18</u>	-----	-----	-----	30 days
Montana- Title 40, Chapter 1	Yes	<u>16 k</u>	<u>18</u>	-----	<u>t</u>	-----	180 days
Nebraska- Chapter 42	No	<u>17</u>	<u>19</u>	-----	<u>i</u>	-----	1 year
Nevada- Title 11, Chapter 122	No	<u>16 c</u>	<u>18</u>	-----	-----	-----	1 year
New Hampshire- Title 43, Chapter 457	No	Male- <u>14 v</u> Female- <u>13 v</u>	<u>18</u>	-----	-----	3 days, <u>d</u> , <u>f</u>	90 days
New Jersey- Title 37	No	<u>16 c, e</u>	<u>18</u>	-----	-----	72 hours, <u>d</u>	30 days

7.2

<u>New Mexico</u> - Chapter 40, Article 1	No	16 <u>e, u</u>	18	30 days, <u>t</u>	-----	-----	
<u>New York</u> - Chapter 14, Articles 1 and 2	No	16 <u>v</u>	<u>18</u>	-----	<u>w</u>	24 hours	60 days
<u>North Carolina</u> - Chapter 51	No	16 <u>e</u>	18	-----	-----	-----	-----
<u>North Dakota</u> - Chapter 14-03	No	16	18	-----	-----	-----	60 days
<u>Ohio</u> - Title 31, Chapter 3101	No	Male-18 <u>k</u> Female-16 <u>c, e</u>	18	-----	-----	5 days, <u>d, x</u>	60 days
<u>Oklahoma</u> - 43-3	Yes	16 <u>c, e</u>	18	30 days, <u>t</u> <u>d</u>	<u>y</u>		30 days
<u>Oregon</u> - Title 11-106	No	17 <u>z</u>	18	-----	-----	3 days, <u>d</u>	60 days
<u>Pennsylvania</u> - Title 23, Part 1	Yes	16 <u>u</u>	18	30 days, <u>t</u>		3 days, <u>d</u>	60 days
<u>Rhode Island</u> - Title 15, Chapters 15-1 thru 15-3	Yes	Male-18 <u>u</u> Female-16 <u>u</u>	<u>18</u>	-----	<u>aa</u>	-----	3 months
<u>South Carolina</u> - Title 20, Chapter 1	Yes	Male- 16 <u>e</u> Female-14 <u>e</u>	18	-----	-----	1 day	-----
<u>South Dakota</u> - Title 25, Chapters 1 and 2	No	16 <u>e</u>	18	-----	-----	-----	20 days
<u>Tennessee</u> - Title 36, Chapter 3	No	16 <u>u</u>	18	-----	-----	3 days, <u>d, bb</u>	30 days
<u>Texas</u> - Title 1, Subtitles A and B	Yes	<u>14 k, v</u>	<u>18</u>	-----	-----	<u>cc</u>	30 days
<u>Utah</u> - Title 30, Chapter 1	Yes	14 <u>a</u>	18 <u>dd</u>	-----	-----	-----	30 days
<u>Vermont</u> - Title 15, Chapter 1	No	16 <u>k</u>	18	30 days, <u>t</u> <u>d</u>		1 day, <u>d</u>	-----
<u>Virginia</u> - Title 20, Chapter 2	No	<u>16 a, e</u>	<u>18</u>	-----	<u>ee</u>	-----	60 days
<u>Washington</u> - Title 26, Chapter 4	No	<u>17 u</u>	<u>18</u>	-----	<u>ff</u>	3 days	60 days
<u>West Virginia</u> - Chapter 48, Article 1	No	18 <u>e</u>	18	-----	<u>t</u>	3 days, <u>d</u>	-----
<u>Wisconsin</u> - Chapter 765 thru 767	No	16	18	-----	<u>n</u>	5 days, <u>d</u>	30 days
<u>Wyoming</u> - Title 20, Chapter 1	No	<u>16 u</u>	<u>18</u>	-----	<u>i</u>	-----	-----

District of Columbia-	Yes	16 <u>a</u>	18	30 days <u>t</u>	3 days, <u>d</u>	-----
Division VIII, Title 46, Subtitle 1, Chapter 4						
Puerto Rico	No	Male-18 <u>c</u> , <u>e</u> , <u>u</u> Female-16 <u>c</u> , <u>e</u> , <u>u</u>	Male- 21 Female- 21 <u>e</u>	----- <u>t</u>	-----	-----

---- indicates that the authors of this table were unable to locate any information regarding the topic

- (a) Parental consent not required if minor was previously married.
- (b) Other statutory requirements apply.
- (c) Younger parties may marry with parental consent.
- (c) (2) Younger parties may marry with parental and judicial consent.
- (d) Waiting period may be avoided
- (e) Younger parties may obtain license in case of pregnancy or birth of child.
- (f) Parties must file notice of intention to marry with local clerk.
- (g) No age limits
- (h) When unmarried man and unmarried woman, not minors, have been living together as man and wife, they may, without health certificate, be married upon issuance of appropriate authorization.
- (i) Venereal disease and rubella (for female)
- (j) Residents, before expiration of 24 hour waiting period; non-residents, before expiration of 96 hour waiting period.
- (k) Parental consent and/or permission of judge required.
- (l) Unless parties are 18 years of age or more, or female is pregnant, or applicants are the parents of a living child born out of wedlock.
- (m) Rubella for female; there are certain exceptions, and district judge may waive medical examination on proof that emergency exists.
- (n) Applicants must receive information on AIDS and certify having read it.
- (o) Judicial consent may be given when parents refuse to consent.
- (p) Venereal diseases; test for sickle cell anemia given at request of examining physician.
- (q) Any unsterilized female under 50 must submit with application for license a medical report stating whether she had immunological response to rubella, or a written record that the rubella vaccine was administered on or after her first birthday. Judge may by order dispense with these requirements.
- (r) If parties are at least 16 years of age, proof of age and consent of parties in person are required. If a parent is ill an affidavit by the incapacitated parent and a physician's affidavit required.
- (s) Doctor's certificate must be filed 30 days prior to notice of intention.
- (t) Venereal diseases. In WV and OK, Circuit court judge may waive requirement
- (u) Younger parties may obtain license in special circumstances.
- (v) Below age of consent parties need parental consent and permission of judge, no younger than 14 for males and 13 for females.
- (w) Tests for sickle cell may be required.
- (x) Applicants under age 18 must state that they have had marriage counseling.
- (y) If one or both parties are below the age for marriage without parental consent, three day waiting period.
- (z) If a party has no parent residing within state, and one party has residence in state for six months, no permission required.
- (aa) Physical examination and blood test required; offer of HIV counseling required.
- (bb) Unless parties are over 18 years of age.
- (cc) 72 hour waiting period following issuance of license.
- (dd) Authorizes counties to provide for premarital counseling as a requisite to issuance of

4-4

- license to persons under 18 and persons previously divorced.
- (ee) Required offer of HIV test, and/or must be provided with information on AIDS and tests available.
 - (ff) No exam required, but parties must file affidavit of non-affiliation with contagious venereal disease.
 - (gg) No common-law marriage can be entered into, but these states recognize common law marriages that were entered into before these dates: Georgia- entered into prior to January 1, 1997 are recognized, Idaho- entered into prior to January 1, 1997 are recognized, and Indiana- entered into prior to January 1, 1958 are recognized.
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Source: Based in part on a chart in the World Almanac and Book of Facts, World Almanac Books, 1999. Entries have been updated through a review of the statutes and links added to permit direct consultation of the state statutes.

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STATE OF KANSAS
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**Testimony
By Eric Rucker
Deputy Attorney General**

**HB 2541
February 2, 2006**

HB 2541 would restrict the issuance of a marriage license only to those over the age of 16 years of age. Those over the age of 16 years of age but less than 18 years of age desiring to marry must obtain the consent of both parents, the consent of one parent and a district court judge or the legal guardian of the child and a district court judge.

The legislature has previously determined that the age at which a person acquires the legal capacity to consent to sexual activity is 16 years. This legislative proposal would mandate that the minimum age that one may become married and the minimum age that one may consent to sexual activity is the same.

This approach is preferable to our current law.

FEDERAL AND STATE AFFAIRS

Date 2-2-06

Attachment 5



KANSAS

OFFICE OF THE GOVERNOR

KATHLEEN SEBELIUS, GOVERNOR

TESTIMONY ON HOUSE BILL NO. 2541

MATTHEW D. ALL
CHIEF COUNSEL TO THE GOVERNOR

BEFORE THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

Thursday, February 2, 2006

Mr. Chairman and Members of the Committee:

Thank you for allowing me to testify on House Bill 2541. I believe all of us were disturbed to read the news last year about a 22-year-old Nebraska man marrying a 14-year-old girl. And we were dismayed to learn that the marriage took place here in Kansas because our law contains no minimum age for marriage.

This gap in Kansas law is unacceptable, and it must be closed—now. When read together with Kansas law on statutory rape, this gap provides a safe haven for grown adults to prey on children. That violates our most basic values.

I wish I could tell you that the marriage we read about last year was an isolated occurrence. Unfortunately, the data I have reviewed reveals that in Kansas from 1999-2004, there were at least 34 marriages involving children age 14 or younger. That is unacceptable, and it is inconsistent with Kansas values.

House Bill 2541 would retain the minimum age of 18 for marriage without parental or court involvement. But it would set an absolute minimum age for marriage at 16, which is also the minimum age for consent. It would require individuals age 16 or 17, before marrying, to receive the approval of either (a) all living parents or guardians, (b) one parent or guardian and a judge, or (c) just a judge after due investigation, if both parents are dead and there is no legal guardian. This new standard will bring our marriage law into line with our other laws

concerning minors, and will help ensure that 16 or 17-year-olds get married only when it is necessary and appropriate.

The current Kansas law on marriage was written long ago, in a different era. There may have good reason then for it to be written the way it was. But that era is behind us, and it is time for Kansas law to catch up with today's circumstances and values. HB 2451 would do that, and so we urge you to vote for it.

Thank you for your time and attention.

SENATE BILL No. 62

By Senator Vratil

1-20

10 AN ACT enacting the grandparents as foster parents act; prescribing
11 powers, duties and functions for the secretary of social and rehabili-
12 tation services.

13
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. The provisions of sections 1 through 7, and amendments
16 thereto, shall be known and may be cited as the grandparents as foster
17 parents act.

18 Sec. 2. As used in the grandparents as foster parents act:

19 (a) "Program" means the grandparents as foster parents program.

20 (b) "Secretary" means the secretary of the department of social and
21 rehabilitation services.

22 (c) "Department" means the department of social and rehabilitation
23 services.

24 ~~(d) "Maintenance of effort" means state funds appropriated for the~~
25 ~~aid to families with dependent children (AFDC), emergency assistance,~~
26 ~~AFDC-related child care and the JOBS program.~~

27 ~~(e) "TANF" or "Temporary assistance for needy families" means the~~
28 ~~federal block grant moneys available to the state for public assistance~~
29 ~~benefits and programs authorized by the personal responsibility and work~~
30 ~~opportunity reconciliation act of 1996 (as amended).~~

31 Sec. 3. (a) In accordance with the provisions of the grandparents as
32 foster parents act and subject to the provisions of appropriation acts, the
33 secretary shall establish a grandparents as foster parents program within
34 the department of social and rehabilitation services. The program shall
35 be administered in a manner which recognizes that:

36 (1) The relationship between a child and a parent differs from the
37 relationship between a child and a grandparent acting as a foster parent;

38 (2) society and the demands and needs of the members of society
39 change between the time a person raises a child and the time the same
40 person raises a grandchild as a foster child;

41 (3) caring for a grandchild as a foster child often places additional
42 financial, social and psychological strain on grandparents with fixed
43 incomes;

1 (4) different parenting skills are necessary when raising a grandchild
2 as a foster child, and many grandparents do not possess such skills, are
3 not aware of how to obtain such skills and cannot afford access to the
4 services necessary to obtain such skills;

5 (5) grandparents acting as foster parents, like nonrelative foster par-
6 ents, need a support structure, including counseling for both the grand-
7 parent and grandchild, respite care, transportation assistance and child
8 care;

9 (6) the level of care provided by grandparents acting as foster parents
10 does not differ from foster care provided by nonrelatives, but reimburse-
11 ment for such care is substantially less for grandparents; and

12 (7) grandparents are often unaware of medical and other assistance,
13 including cash assistance for which they may be eligible.

14 Sec. 4. (a) If a person meets the financial eligibility requirements
15 developed by the secretary, a grandparent shall be eligible to participate
16 in the program if such grandparent:

17 (1) Is ~~50~~ 60 years of age or older;

18 (2) has the grandchild placed in such grandparent's custody by the
19 state, is the legal guardian of the grandchild or has other legal custody of
20 the grandchild;

21 (3) has an annual household income of less than ~~130%~~ 100% of the
22 federal poverty level; and

23 (4) participates in the training available through the program pursu-
24 ant to section 6, and amendments thereto.

25 (b) A grandparent shall not be eligible to participate in the program
26 if the parent or parents of the child reside with such grandparent.

27 (c) The secretary annually shall review the eligibility of grandparents
28 participating in the program. Grandparents shall be required to meet
29 eligibility requirements each year to continue in the program.

30 Sec. 5. If there are no grandparents of a child who are willing to
31 participate in the program, the secretary may include in the program any
32 other close relative who becomes the legal guardian of the child or obtains
33 legal custody of the child, as granted by a court of competent jurisdiction
34 or through placement by the secretary. In order to participate, such rel-
35 ative must meet the eligibility requirements of subsection (a)(1), (a)(3)
36 and (a)(4) of section 4, and amendments thereto.

37 Sec. 6. By the last quarter of fiscal year 2006 and subject to the pro-
38 visions of appropriation acts, the secretary:

39 (a) Shall reimburse grandparents in the program for the cost of the
40 care of the grandchild in an amount determined by the secretary. The
41 amount of such reimbursement shall not be less than 75% of the amount
42 of the current foster care payment service provider schedule. Grandpar-
43 ents in the program shall continue to receive reimbursement until the

1 child reaches the age of 18 or the age of 21, if such child is in full-time
 2 attendance at a secondary school, postsecondary educational institution
 3 as defined by K.S.A. 74-3201b, and amendments thereto, or an institution
 4 as defined by K.S.A. 74-32,163, and amendments thereto, or is in a state
 5 accredited job training program. Grandparents annually shall submit to
 6 the secretary a sworn statement that the child is living with and receiving
 7 support from the grandparents. A child attending a postsecondary edu-
 8 cational institution or an institution shall be considered as living with the
 9 grandparents. The parent of any child receiving or for which assistance
 10 is received through the program shall remain liable for the support of the
 11 child as required by law;

12 (b) shall establish program requirements including, but not limited
 13 to, participation in foster parent training, parenting skills training, child-
 14 hood immunizations and other health screenings;

15 (c) may provide continuing counseling for the child and grandparent
 16 under the program;

17 (d) may provide ancillary or support services including, but not lim-
 18 ited to, respite care, child care clothing allowances and transportation
 19 assistance. Eligibility for child care services pursuant to the program shall
 20 be based on the same eligibility criteria used for other child care benefits
 21 provided by the department. Direct financial assistance shall not be made
 22 to a participant in the program until after such participant completes the
 23 training required by subsection (b);

24 (e) shall provide a medical card and other medical assistance to each
 25 child under the program; and

26 (f) shall establish criteria for the reduction in cash benefits received
 27 by any grandparent providing care for three or more grandchildren under
 28 the program.

29 Sec. 7. ~~The secretary shall adopt any rules and regulations necessary~~
 30 ~~to implement the provisions of this act.~~

31 Sec. 8. ~~(a) Funding for cash benefits and other assistance provided~~
 32 ~~under this act shall be made from the state maintenance of effort funds.~~

33 ~~(b) Grandparents who either are under 50 years of age, or are 50~~
 34 ~~years of age or older and refuse to participate in the training pursuant to~~
 35 ~~subsection (b) but who meet the requirements of subsections (1), (2) and~~
 36 ~~(3) of section 4, and amendments thereto, may apply to the department~~
 37 ~~for foster care reimbursement and assistance. Such cash and noncash~~
 38 ~~assistance shall be funded through the TANF funds. Any work partici-~~
 39 ~~ipation and time limit requirements pursuant to the personal responsibility~~
 40 ~~and work opportunity reconciliation act of 1996, as amended, shall apply~~
 41 ~~to all such persons.~~

42 ~~(c) The secretary of social and rehabilitation services shall seek~~
 43 ~~a waiver under federal law to allow title IV-E funds from title IV of~~

(a) The secretary, on or before the first day of the legislative session,
 shall annually report to the legislature:

(1) The number of children participating in the program and the
 breakdown of where these children were placed, with either a grandparent or
 other close relative;

(2) the number of children moved from a foster care placement or other
 state custody to a grandparent or other close relative;

(3) an overview of the moneys spent on the program; and

(4) the cost-savings analysis of implementing the program by having the
 children placed with a grandparent or other close relative instead of being
 placed in state custody.

(b)

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1 *the federal social security act, or acts amendatory thereof or sup-*
2 *plemental thereto as in effect on July 1, 2005, to be used to fund*
3 *the grandparents as foster parents program. The secretary shall re-*
4 *port to the president of the senate and the speaker of the house of*
5 *representatives on or before August 1, 2005 on the status of such*
6 *waiver.*

7 (b) The provisions of the grandparents as foster parents act shall not
8 be construed to create an entitlement for participants in the program.

9 Sec. 9. This act shall take effect and be in force from and after its
10 publication in the statute book.