

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Vice-Chairperson Ward Loyd at 3:30 p.m. on February 5, 2002 in Room 313-S of the Capitol.

All members were present except:

Representative Kathe Lloyd - Excused
Representative Michael O'Neal - Excused
Representative Rick Rehorn - Excused
Representative Candy Ruff - Excused

Committee staff present:

Jerry Ann Donaldson, Department of Legislative Research
Jill Wolters, Department of Revisor of Statutes
Sherman Parks, Department of Revisor of Statutes
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Kyle Smith, Kansas Bureau of Investigation
Judge Sam Bruner, Chairman Guardianship & Conservator Subcommittee, Kansas Judicial Council
Donna Bales, Life Project Foundation
Paul Davis, Kansas Bar Association
Dan Lykins, Attorney, Topeka, Kansas
Kirk Lowry, Topeka Independent Living Resource Center
Jean Krahn, Kansas Guardianship Program

Kyle Smith, Kansas Bureau of Investigation, appeared before the committee with three bill requests: clarify the financial responsibilities of law enforcement agencies when a newly trained officer is hired away from another agency; modify private detective licensing act to make licensing a biannual process; and clean-up legislation in K.S.A. 22-4902(h)(3), change (f) to (h) to incorporate last year's changes, clarify that expunged convictions must be divulged in applications for licensure as a PI, and prohibit expungement of sexual battery and aggravated sexual battery convictions for at least 10 years.

Representative Long made the motion to have the requests introduced as committee bills. Representative Patterson seconded the motion. The motion carried.

Representative Owens requested a bill relating to decay issue of juvenile offenders. Representative Swenson made the motion to have the request introduced as a committee bill. Representative Long seconded the motion. The motion carried.

Representative Dillmore requested three bills: revising the offenders criminal history worksheet; providing court appointed interpreters; and dealing with victim notification of off grid crimes. Representative Long made the motion to have the requests introduced as committee bills. Representative Klein seconded the motion. The motion carried.

Representative DiVita made the motion to clean-up post release supervision for misdemeanors. Representative Klein make the motion to have the request introduced as a committee bill. Representative Patterson seconded the motion. The motion carried.

Hearings on **HB 2469 - The act for obtaining a guardian or a conservator, or both**, were opened.

Judge Sam Bruner, Kansas Judicial Council, Guardian & Conservator Subcommittee, appeared as a proponent of the bill which contemplates a recodification of the act for obtaining a guardian or a conservator, or both. He provided the committee with a draft which shows the changes that were approved at the Judicial Council meeting on January 4, 2002 and commented on those changes. (Attachment 1)

Donna Bales, Life Project Foundation, believes that the suggested amendments by the Judicial Council creates a stronger and safer place for the wards of the state. (Attachment 2)

Written testimony was provided by Jane Rhys, Executive Director, Kansas Council on Developmental

CONTINUATION SHEET

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Disabilities, and the Kansas State Nurses Association, in support of the bill. (Attachments 3 & 4)

Paul Davis, Kansas Bar Association, appeared to express that they still have concerns about the proposed bill and reduced their concerns into amendments. (Attachment 5)

Dan Lykins, Kansas Trial Lawyers Association, suggested an amendment which would allow the courts to freeze monies so conservators couldn't use it and therefore saving unnecessary expenses and providing children with more money when they reach the age of 18. (Attachment 6)

Kirk Lowry, Topeka Independent Living Resource Center, was opposed to using the word "impairment" because not every person who is impaired needs a guardian. He provided the committee with a list of thirteen proposed amendments. (Attachment 7)

Jean Krahn, Executive Director, Kansas Guardianship Program, was concerned with the provisions of the bill which removes SRS as surety on the bond for Kansas Guardianship Program (KGP) by making KGP serves as surety on the bond. The agency stressed that it does not have funds or legal resources to serve as surety. (Attachment 8)

Vice Chairperson Loyd announce that there would be a subcommittee appointed to work the bill and report back to the full committee.

The committee meeting adjourned at 5:10 p.m. The next meeting was scheduled for February 6, 2002.