

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson John Vratil at 9:41a.m. on January 18, 2001 in Room 123-S of the Capitol.

All members were present except: Senator Oleen (excused)  
Senator Schmidt (excused)

Committee staff present:

Gordon Self, Revisor  
Mike Heim, Research  
Mary Blair, Secretary

Conferees appearing before the committee:

Sheila Walker, Kansas Department of Vehicles (KDV)  
Steve Edwards, Deputy Director Court Services, 5<sup>th</sup> Judicial District  
Bob Smith, President/CEO of United Methodist Youthville  
Joyce Allegrucci, Assistant Secretary, Children and Family Policy, SRS  
Susan Bechard, Kansas County and District Attorneys Association (KCDAA)  
Kathy Porter, Office of Judicial Administration (OJA)  
Melissa Wangemann, Office of Secretary of State

Others attending: see attached list

Minutes of the January 17, 2001 meeting were approved on a motion by Senator Donovan, seconded by Senator Umbarger. Carried.

Conferee Walker requested introduction of a “clean-up” bill to correct a discrepancy for drinking drivers under the age of 21. This would clarify the intent of current law and eliminate disparities in sentencing. (attachment 1) Following discussion Senator O’Connor moved to introduce the bill. Senator Donovan seconded. Carried.

**SB 16—concerning CINC; relating to temporary custody hearing**

Conferee Edwards testified as a proponent of **SB 16**, a bill which he stated would reduce the time for temporary custody hearing from 72 hours to 48 hours resulting in more immediate involvement by the SRS, ergo, decreased potential for the child being placed in custody, ergo, decreased cost to the county. The Conferee did recognize this change may result in a disadvantage for SRS. (attachment 2) Discussion followed.

Conferee Smith testified in opposition to **SB 16**, the amendment to change the time for temporary custody hearing from 72 hours to 48 hours. He presented an overview of his organization and elaborated on the organization’s utilization of the current 72 hour time frame and its effectiveness. (attachment 3) Discussion followed.

Conferee Schalansky testified in opposition to **SB 16** stating that the 1999 legislature raised the 48 hour time limit to 72 hours at the request of SRS to allow them more time to establish services so that children in need of care (CINC) could be returned home as soon as possible rather than being placed in temporary foster care. She further discussed the \$5.1 million state funding which was allocated by the 2000 legislature to facilitate this and presented a brief overview of the CINC process and the agencies and groups involved in assisting children in need of care. (attachment 4) Discussion followed.

Conferee Bechard testified in opposition to **SB 16**. She discussed a session 2000 house bill which was passed to comply with ASFA regulations and stated these regulations require “reasonable efforts” and mandate thorough investigation and documentation in CINC cases. She expressed concern that reduced time limits for a temporary custody hearing would result in inadequate investigation and documentation. (attachment 5)

Conferee Porter testified on behalf of District Magistrate Judge Vano of the 10<sup>th</sup> Judicial District who, in a letter to Committee, expressed his concerns about **SB 16** stating that reduced time for CINC hearings will result in reduced time for thorough investigations of verifiable facts needed to render a justifiable court decision. (attachment 6) Discussion followed.

Written testimony in opposition to **SB 16** was submitted by the Children's Alliance of Kansas by Bruce Linhos. (attachment 7)

**SB 20—concerning charitable organizations and solicitations act; regarding bonds**

Conferee Wangemann testified in support of **SB 20** a bill which repeals the bond requirement in the Kansas Charitable Organizations and Solicitations Act and brings Kansas law into compliance with a recent decision of the tenth Circuit Court of Appeals which determined said bond is unconstitutional. (attachment 8) Discussion followed.

Senator Schmidt submitted a memorandum to Committee offering an amendment to **SB 20**. He stated “the amendment would increase maximum civil penalty amounts available in the statute so they mirror penalties available under the Kansas Consumer Protection Act.” On inquiry by the Chair on behalf of Senator Schmidt regarding two proposed amendment provisions, Conferee Wangemann agreed to both. (attachment 9) Discussion followed.

The Chair encouraged Committee to read the printed material handed out regarding the Kansas Payment Center (KPC). A joint house and senate judiciary committee hearing on the KPC is scheduled for Monday, January 22.

The meeting adjourned at 10:26 a.m. The next scheduled meeting is January 22, 2001 at 3:30 p.m. in room 313-S.