

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)

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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.

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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.