

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Vice Chairperson Ward Loyd at 3:30 p.m. On March 7, 2001 in Room 313-S of the Capitol.

All members were present except:

Representative Geraldine Flaharty - Excused

Representative Michael O'Neal - Excused

Representative Doug Patterson - Excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department

Jill Wolters, Revisor of Statutes Office

Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Melissa Wangemann, Legal Counsel, Office of the Secretary of State

Professor Peter Cotorceanue, Kansas Judicial Council, Probate Law Advisory Subcommittee

Christina Ross-Baze, Child Care Licensing, Kansas Department of Health & Environment

Senator Chris Steineger

Ken Davis, Wyandotte County Collation

Trudy Racine, Department of Social & Rehabilitation Services

Becky Woerz, Kansas Association of Child Care & Resources Agency

Shirley Norris, Self, Topeka

SB 175 - consumer protection act; esquestration orders

The Vice Chairman announced that no conferees had signed up to testify and the bill would be rescheduled if time permits.

Hearings on **SB 20 - eliminate bond requirements for professional fund-raiser for charitable organization**, were opened.

Melissa Wangemann, Legal Counsel, Office of the Secretary of State, explained that the bill would repeal a section of the Kansas Charitable Organizations & Solicitations Act to bring Kansas into compliancy with a recent ruling from the Tenth Circuit Court of Appeals. The Senate amended the original bill to raise the civil penalty for violations of the act from \$2,000 to \$5,000. (Attachment 1)

Hearings on **SB 20** were closed.

Hearings on **SB 30 -invalidity of certain provisions of wills, trusts and other instruments when preparer is beneficiary**, were opened.

Professor Peter Cotorceanue, Kansas Judicial Council, Probate Law Advisory Subcommittee, appeared before the committee as proponent of the bill. He commented that the bill addresses a situation where a person who drafts a will and names themselves as beneficiary would have to make sure that all conditions listed are met and that the testator read or knew the contents of the will and had the opportunity for other legal advice. (Attachment 2)

Hearings on **SB 30** were closed.

Hearings on **SB 195 release of information in records of child care facilities**, were opened.

Senator Chris Steineger appeared before the committee to explain the Senate amendment which adds a new definitions of "child" and "child care" so part time child care facilities and activities would not fall under the statute.

Ken Davis, Wyandotte County Collation, explained that Wyandotte County has been in the process of organizing programs which encompass after-school activities, Saturday youth academies, workshops and youth summer program. They have found that all of these types of programs have to be licensed by Kansas Department of Health & Environment (KDHE). This becomes a burdensome process for organizations trying to help out children. The Wyandotte County Collation has tried to work with KDHE in hopes of relaxing the regulations and licensing procedures but have not agreed to any modifications and therefore the amendment was requested in the Senate. He provided a summary of what other states do with regard to licensing part-time activities for children. ([Attachment 3](#))

Christina Ross-Baze, Child Care Licensing, Kansas Department of Health & Environment, supports the original bill but has concerns about new sections 2 & 3 because they would have difficulty implementing them. ([Attachment 4](#))

When asked if KDHE had a proposal Ms. Ross-Baze responded that they would like to continue to define what should and shouldn't be licensed. Members of the committee suggested that if KDHE didn't like the new sections then they should give the committee a proposal.

Trudy Racine, Department of Social & Rehabilitation Services, also supported the original bill but has concerns with new section 2. They believe that the new definition exempts certain programs operated for school-age children from the regulation of KDHE. If the proposed bill is passed they may not be able to provide federal funding for these types of organizations. ([Attachment 5](#))

Becky Woerz, Kansas Association of Child Care & Resources Agency, opposed the bill because it is not in the best interest of children. ([Attachment 6](#))

Shirley Norris, Self, Topeka , stated that without the licensing requirements many children would be put at risk. ([Attachment 7](#))

The Kansas Juvenile Justice Authority & Johnson County Health Department did not appear before the committee but requested that their testimony in opposition of the bill be included in the minutes. ([Attachments 8 & 9](#))

Hearings on **SB 195** were closed.

The committee meeting adjourned at 5:30 p.m. The next meeting is scheduled for March 21, 2001.