

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Thomas C. (Tim) Owens at 9:30 a.m. on January 21, 2009, in Room 545-N of the Capitol.

All members were present.

Committee staff present:

Karen Clowers, Administrative Assistant
Athena Andaya, Kansas Legislative Research Department
Doug Taylor, Office of the Revisor of Statutes
Jason Thompson, Office of the Revisor of Statutes

Conferees appearing before the committee:

Senator Jim Barnett
Karey Sprowson
Ronald W. Nelson, Kansas Bar Association

Others attending:

See attached list.

Bill Introductions

Tim Madden, Kansas Department of Corrections, requested the introduction of a bill which would authorize the Secretary of Corrections to enter into contracts with private entities for the repair of rental property damaged by tenants who were under the release supervision of the department. The bill was introduced without objection.

Susan Kang, Kansas Department of Health and Environment, requested the introduction of two bills. The first bill pertains to background checks for the Center for Health and Environmental Statistics (CHES). The second bill addresses a conflict in the statutes regarding quarantine and isolation. The bills were introduced without objection.

Chairman Owens opened the hearing on **SB 27 - Presumption of paternity; genetic testing.**

Senator Jim Barnett appeared in support as sponsor of the bill. (Attachment 1).

Karey Sprowson testified in support of **SB 27** relating her personal experience under the current law. Mrs. Sprowson stated her family faced a financial hardship due to the burden of supporting a child her husband did not father. (Attachment 2)

Ronald W. Nelson appeared in opposition, indicating that while the incident described by Mrs. Sprowson is regrettable, the bill would be bad for Kansas. The Kansas Supreme Court decided when faced with an assertion that a child is not the child of a "presumptive father," a trial court must first decide whether it is in the child's best interest to allow genetic testing. The rationale behind this rule is the idea that at some point in time, it is not in the child's best interests to question the parental connection; that at some point, a connection has been established and should not be disturbed. **SB 27** seeks to undo the delicate balance crafted by the Court in *In re Marriage of Ross*. It does not consider the age of the child, the relationship between the child and father, or the effects of the request on the child by allowing a man to renounce his fatherhood merely because of biology. Mr. Nelson stated the bill prohibits the courts from protecting the child. (Attachment 3)

Neutral written testimony was submitted by:

Don Jordan, Secretary, Kansas Department of Social and Rehabilitative Services (Attachment 4)

There being no further conferees, the hearing on **SB 27** was closed.

The hearing on **SB 18 - The crime of deprivation of rights under color of law** was opened.

Senator David Haley spoke in support as sponsor of the bill. Senator Haley stated the bill was designed to root out and properly punish those who harm others under the protection of the law by abusing their authority.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:30 a.m. on January 21, 2009, in Room 545-N of the Capitol.

This bill will provide the general public an increased level of trust that those in authority will not abuse their power. (Attachment 5).

There being no further conferees, the hearing on **SB 18** was closed.

Approval of Minutes

Senator Schodorf moved, Senator Lynn seconded, to approve the Judiciary Committee Minutes of January 13 and January 14. Motion carried.

The next meeting is scheduled for January 21, 2009.

The meeting was adjourned at 10:19 a.m.