

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairman John Vratil at 9:40 a.m. on February 10, 2003 in Room 123-S of the Capitol.

All members were present except: Senator Haley (E)  
Senator Schmidt (E)

Committee staff present: Mike Heim, Kansas Legislative Research Department  
Lisa Montgomery, Office of the Revisor of Statutes  
Dee Woodson, Committee Secretary

Conferees appearing before the committee:

Roger Werholtz, Department of Corrections  
Senator Jay Emler  
Allan Hazlett, Past President of American Academy of Adoption Attorneys  
Candice Shively, Deputy Secretary Integrated Service Delivery, SRS  
Martin Bauer, Adoption Attorney, Wichita (written only)  
Kyle Smith, Kansas Bureau of Investigation  
Gordon Lansford, Kansas Criminal Justice Information System

Others attending: see attached list

**Confirmation Hearing for Secretary of Corrections**

Chairman Vratil opened the confirmation hearing for Roger Werholtz as Secretary of Corrections. Committee members asked questions and made comments on various aspects of the position and department. The Chair announced that final action on the confirmation would be completed at the next meeting, February 11. (Attachment 1)

**SB 56 - Establishing putative father registry and prescribing certain requirements relating to notification of termination of parental rights**

The Chairman reopened the hearing on **SB 56**. Senator Emler testified in support of this proposed bill, and stated that the bottom line is that putative fathers accept responsibility for their part in the act of procreation or forfeit their rights if the child should be put up for adoption. He furnished the Committee with copies of two studies done by individuals from the University of Kansas School of Law. He highly recommended the Committee read the one written by Diana Lee on "Putative Father Registry". (Attachment 2)

Conferee Hazlett testified that the Birth Father Registry is unnecessary, and that any competent adoption practitioner will continue to carefully question the biological mother with respect to who all possible biological fathers might be and notify all of those men, irrespective of whether or not they have registered. He said to do otherwise would place any adoption at risk, and he simply didn't believe this was in the best interests of adoption in general. He made several suggestions for amending the bill, including the repeal of K.S.A. 59-2123 which the Attorney General had determined to be unconstitutional. He offered a revision to K.S.A. 59-2136(h)(4) (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE SENATE JUDICIARY COMMITTEE on February 10, 2003, in Room 123-S of the Capitol.

General questions and discussion followed regarding whether the registry actually provides anything useful except adding another burdensome governmental function, possibly putting the biological fathers on notice that their rights could be forfeited, who actually tracks this function with the government, and whether there was any evidence that having a registry actually helps in the collection of child support.

Conferee Shively testified in support of **SB 56**. She explained that the creation of a putative fathers' registry was intended to assure putative fathers have a means to formally register so they may assert their rights in the event of efforts to terminate parental rights. She said that putative fathers may register with SRS for the purpose of child support collection, but that no fathers have registered so far for this purpose. Ms. Shively referred to the one-time start up costs to develop the registry data base, and that operation of the system would require staff to enter and distribute data pursuant to the bills requirements. (Attachment 4)

Written testimony was submitted by Mr. Martin Bauer, adoption attorney, Wichita. (Attachment 5)

Having no other conferees to appear before the Committee on this proposed bill, the Chair closed the hearing on **SB 56**.

**SB 63 - Changing the law enforcement telecommunications committee to the criminal justice information system committee**

Chairman Vratil opened the hearing on **SB 63**. Conferee Smith testified in support of this bill, and explained that the bill simply streamlines the governance of communications within the criminal justice system by merging the 25 member Kansas Criminal Justice Information System (KCJIS) advisory board and the statutory five member Law Enforcement Telecommunications Committee. Mr. Smith said that the system currently has over 7,000 users and supports approximately 160 state and local criminal justice agencies, and can instantly provide access to data bases maintained by courts, prosecutors, probation officers, and corrections. (Attachment 6)

Conferee Lansford testified in favor of **SB 63**, and explained that the proposed revisions were the culmination of a year-long joint governance initiative of the Kansas Law Enforcement Telecommunications Committee and the Kansas Criminal Justice Coordinating Council (KCJCC). He gave some background information on KCJIS, as well as what is currently being done in today's environment. He explained the proposed changes and the expected results. (Attachment 7)

There being no other conferees to testify on this bill, the Chair closed the hearing on **SB 63**.

**SB 70 - Repeal SRS pass through assistance to family**

Chairman Vratil opened the hearing on **SB 70**. Conferee Shively testified in support of this requested bill by SRS. She explained that the bill repeals the state statute requiring, entirely at state expense, SRS pass through to a family receiving cash assistance benefits (TAF), up to \$40 per month of current support collected by the Child Support Enforcement Program. (Attachment 8)

After brief questions and discussion, the Chairman closed the hearings on **SB 70**.

CONTINUATION SHEET

MINUTES OF THE SENATE JUDICIARY COMMITTEE on February 10, 2003, in Room 123-S of the Capitol.

The meeting adjourned at 10:30 a.m. The next scheduled meeting is February 11, 2003.