

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:30 A.M. on March 6, 2007, in Room 123-S of the Capitol.

All members were present except:

Terry Bruce arrived, 9:33 A.M.
Barbara Allen- excused
Julia Lynn arrived, 9:40 A.M.
Derek Schmidt arrived, 9:34 A.M.
Greta Goodwin arrived, 9:39 A.M.
David Haley arrived, 9:38 A.M.

Committee staff present:

Athena Anadaya, Kansas Legislative Research Department
Bruce Kinzie, Office of Revisor of Statutes
Nobuko Folmsbee, Office of Revisor of Statutes
Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Darrell Holaday, Advanced market Concepts
Willa DeCastro, American Adoption
Austin Vincent, Attorney
Tim Madden, Senior Counsel, Department of Corrections
Representative Shirley Palmer
Rhonda Allen

Others attending:

See attached list.

The Chairman opened the hearing on **SB 351–Office of administrative hearings; exception to use of by the office of state bank commissioner.**

Darrell Holaday appeared in support, providing personal experience of an appeal process with the Kansas Department of Health and Environment (Attachment 1). Mr. Holaday feels the current process provides an unfair advantage to the agency and has the potential for biased or unjust decisions.

Written testimony in support of **SB 351** was submitted by:

J. Thomas Thull, Bank Commissioner, Office of the State Bank Commissioner (Attachment 2)

There being no further conferees, the hearing on **SB 351** was closed.

The hearing on **HB 2186–Restrictions on advertising for adoption and child placement agencies** was opened.

Willa DeCastro testified in support, describing concerns regarding unlicensed “Adoption Facilitators” offering adoption services to pregnant women and prospective adoptive families (Attachment 3). Often these facilitators are from outside of Kansas with no local office and often do not know or follow Kansas law. Frequently, time deficiencies on the facilitators part legally put Kansas attorney’s, judges and agencies in the position of trying to clean up or approve adoptions that are not legal in Kansas. Ms. DeCastro proposed returning the bill to the original proposed language which would require state licensing and the license number displayed in all advertisements.

Austin Vincent spoke in opposition, indicating he was not opposed to the intent of the bill, but was concerned with subsection (a)(3) which would prohibit the free exchange of information among those who most need to communicate in order to accomplish the goal of adoption (Attachment 4).

There being no further conferees, the hearing on **HB 2186** was closed.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:30 A.M. on March 6, 2007, in Room 123-S of the Capitol.

The Chairman opened the hearing on **HB 2190–Granting the secretary of corrections the discretion to dismiss conditional release violations.**

Tim Madden testified in support, reviewing the bill which would vest the Secretary of Corrections with authority analogous to that of a prosecuting attorney in regard to the management of charges and pretrial diversion interventions (Attachment 5). Enactment of the bill would allow opportunities for meaningful intervention placements that might otherwise be lost or delayed.

There being no further conferees, the hearing on **HB 2190** was closed.

The hearing on **HB 2191–Unlawful sexual relations by volunteers in correctional institutions** was opened.

The Chairman indicated the bill has been amended extensively and requested Bruce Kinzie, staff revisor, to provide a brief summary of the bill in its current form.

Representative Shirley Palmer appeared as a proponent, indicating she had proposed the amendment to prevent teachers from entering into a relationship with a student enrolled in school (K-12) regardless of the students age (Attachment 6). Representative Palmer stated that students are within the responsibility and protection of the school until graduation.

Rhonda Allen spoke in favor, presenting her personal experience with a relationship between her daughter and a teacher (Attachment 7).

Tim Madden appeared in support, indicating **HB 2191** was originally proposed by the Department of Corrections out of a concern that unpaid volunteers might not fall within the definition of an “employee” (Attachment 8). The Department of Corrections expresses no opinion regarding the provisions of **HB 2191** relating to leaving the scene of a motor vehicle accident, the mistreatment of a dependent adult, or unlawful sexual relations between a teacher and student.

There being no further conferees, the hearing on **HB 2191** was closed.

The Chairman called for final action on **HB 2010–Uniform anatomical gift act.**

Senator Vratil reviewed the bill and an amendment prepared by staff revisor, Bruce Kinzie. The proposed balloon amendment was distributed reflecting the addition of a non-driver identification card where references to a drivers license are made (Attachment 9).

Senator Journey moved, Senator Lynn seconded, to adopt the proposed balloon amendment. Motion carried.

Senator Goodwin moved, Senator Donovan seconded, to recommend **HB 2010**, as amended, favorably for passage. Motion carried.

The meeting adjourned at 10:23 A.M. The next scheduled meeting is March 7, 2007.