

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:32 A.M. on March 24, 2008, in Room 123-S of the Capitol.

All members were present except:

Barbara Allen- excused
Donald Betts- absent
Greta Goodwin arrived, 9:34 A.M.
David Haley arrived, 10:01 A.M.
Phil Journey arrived, 9:42 A.M.
Julia Lynn- excused
Dwayne Umbarger arrived, 9:46 A.M.

Committee staff present:

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

Conferees appearing before the committee:

Debra Zehr, President, Kansas Association of Homes and Services for the Aging
Ray Vernon, CEO, Wesley Towers, Hutchinson
Gilbert Cruz, Kansas Long Term Care Ombudsman

Others attending:

See attached list.

The Chairman opened the hearing on **SB 671–Mistreatment of dependent adults; increased penalties; definition of fiduciary abuse.**

Debra Zehr testified in support, stating **SB 671** is a first step in preventing the financial exploitation of the elderly (Attachment 1). Ms. Zehr requested the committee refer the topic to an interim legislative study and suggest the formation of a task force to address the concerns

Ray Vernon appeared in support, stating he has seen many frail, elderly Kansans financially exploited and impoverished by their loved ones (Attachment 2). The problem appears to be escalating in recent years leaving victims destitute and increased consequences for offenders should be implemented.

Gilbert Cruz spoke in support, indicating the bill would protect residents from financial abuse and the mental anguish caused by such actions (Attachment 3). Enactment of **SB 671** will help protect the health and property of dependent adults.

Written testimony in support of **SB 671** was submitted by:

Cindy Luxem, Kansas Health Care Association (Attachment 4)
Mitzi McFatrach, Kansas Advocates for Better Care (Attachment 5)
Brian Caswell, President, Wolkar Drug (Attachment 6)

There being no further conferees, the hearing on **SB 671** was closed.

The Chairman called for final action on **SB 591–Allowing offenders who owe fines or restitution to be issued a restricted driver's license if they are in compliance with a payment agreement.** Senator Journey reviewed the bill and indicated amendments are not ready. The Senator requested the Chairman to hold action until a later date. The Chairman stated given the time constraints he could not guarantee there would be time later this week but agreed to try and reschedule the bill.

The Chairman called for final action on **HB 2644–Revises sections of the guardianship and conservator act concerning the procedure for appointing a guardian or conservator.** The Chairman reviewed the bill, there were no amendments proposed.

Senator Bruce moved, Senator Goodwin seconded, to recommend HB 2644 favorably for passage. Motion

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:32 A.M. on March 24, 2008, in Room 123-S of the Capitol.

carried.

The Chairman called for final action on **HB 2700–Community corrections in Johnson County; adult offender program extended to July 1, 2009.** The Chairman reviewed the bill.

Senator Journey moved, Senator Donovan seconded, to extend the sunset date on HB 2700 by striking the year “2009” on page 2, lines 6, 19, and 24 and inserting the year “2010”. Motion carried.

Senator Journey moved, Senator Umbarger seconded, to recommend HB 2700 as amended, favorably for passage. Motion carried.

The Chairman called for final action on **HB 2726–Polygraph examinations prohibited for certain alleged victims.** The Chairman reviewed the bill, there were no proposed amendments.

Senator Bruce moved, Senator Umbarger seconded, to recommend HB 2726 favorably for passage. Motion carried.

The Chairman called for final action on **HB 2707–Theft, intent to deprive, leased or rented motor vehicles.**

Senator Schmidt moved, Senator Donovan seconded, to amend HB 2707 by removing the House floor amendment, Section 1 of the bill. Motion carried.

Senator Schmidt moved, Senator Donovan seconded, to amend HB 2707 by adding the provisions of Sub SB 409 dealing with third time theft offenses. Motion carried.

Chairman Vratil distributed a balloon amendment providing clarifying language to page 2, line 30 of the bill (Attachment 7). Senator Schmidt moved, Senator Donovan seconded, to amend HB 2707 as reflected the balloon amendment. Motion carried.

Senator Donovan moved, Senator Schmidt seconded, to recommend HB 2707 as amended, favorably for passage. Motion carried.

The Chairman called for final action on **Sub HB 2618–Administrative procedure amendments; office of administrative hearings, presiding officers, actions negatively affecting licensure, judicial review.** The Chairman reviewed the bill.

Senator Journey moved, Senator Donovan seconded, to amend Sub HB 2618 by striking the House floor amendment creating New sections 1 and 2 consisting of page 1, lines 1-21 and page 2, line 1-16. Motion carried.

Senator Journey distributed a balloon amendment and reviewed the proposed changes (Attachment 8).

Senator Journey moved, Senator Haley seconded, to amend Sub HB 2618 as reflected in the balloon amendment. Motion failed.

Senator Bruce distributed a balloon amendment and reviewed the proposed changes (Attachment 9).

Senator Bruce moved, Senator Donovan seconded, to amend Sub HB 2618 as reflected in the balloon amendment. Motion carried.

Senator Bruce moved, Senator Journey seconded, to recommend Sub HB 2618 as amended, favorably for passage. Motion carried. Senator Haley voted no and requested his vote be recorded.

The Chairman called for final action on **HB 2642–Commission on judicial performance; access to court records; immunity from liability.** The Chairman reviewed the bill and distributed a proposed balloon amendment from the Kansas Commission on Judicial Performance (Attachment 10).

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:32 A.M. on March 24, 2008, in Room 123-S of the Capitol.

Senator Journey moved, Senator Goodwin seconded, to amend **HB 2742** as reflected the balloon amendment. Motion carried.

Senator Journey moved, Senator Bruce seconded, to recommend **HB 2742** as amended, favorably for passage. Motion carried.

The meeting adjourned at 10:20 A.M. The next scheduled meeting is March 25, 2008.