

## MINUTES OF THE HOUSE JUDICIARY

The meeting was called to order by Chairman Lance Kinzer at 3:30 p.m. on January 14, 2009 in Room 143-N of the Capitol.

All members were present.

Committee staff present:

Sue VonFeldt, Administrative Assistant  
Athena Andaya, Kansas Legislative Research  
Jerry Donaldson, Kansas Legislative Research  
Melissa Doeblin, Kansas Legislative Revisor  
Jill Wolters, Kansas Legislative Revisor  
Matt Sterling, Kansas Legislative Revisor

Conferees appearing before the committee:

Randy Hearrell, Kansas Judicial Council  
Ed Klumpp, Kansas Criminal Code Recodification Commission

Introductions were made by all Committee and Staff members. Chairman Kinzer welcomed all new members and encouraged their participation as first year members.

Chairman Kinzer presented the rules of the committee and rules for Conferees.

Chairman Kinzer proposed the Committee adopt requests for bill introductions without objection unless a specific request for a motion/vote is made.

Representative Watkins requested a bill introduction regarding DUI and Interlock detection.

Randy Hearrell, Kansas Judicial Council, requested three bills be introduced:

1. A bill proposing the Kansas Uniform Health-Care Decisions Act. This bill was drafted by the Council's End of Life Decisions Advisory Committee after lengthy study of, and substantial amendment to, the Uniform-Care Decisions Act.
2. A bill to remove the "sunset" provision from the statutes that establish the Kansas Commission on Judicial Performance and to make appropriate changes to related statutes.
3. A bill to increase the property damage amount in K.S.A. 60-2006(a) from \$7,500 to \$15,000 and to include a provision that adjusts the amount yearly based on the consumer price index or another appropriate index.

Chairman Kinzer accepted the new bills without objection.

Ed Klumpp, Kansas Association of Chiefs of Police & Kansas Peace Officers Association provided a brief history of the Kansas Criminal Code Recodification Commission. He explained three bills that were introduced in the House Corrections and Juvenile Justice Committee, 1) Recodification of criminal drug statutes, 2) Main Proportionality Bill, and, 3) Proportionality bill for Sex Crimes Involving Children as Victims. He also reported that the Commission was on schedule to finish their work by the legislated deadline of January 15, 2010. They will be filing the required annual report to the legislature before the end of this month.

The Kansas Legislative Research Department and the Revisor of Statutes Office provided a review of topics during the 2008 Interim.

Jill Wolters presented the Kansas Open Records Act. Review Open Records Act exemptions under KSA 45-229 and SB 702, enacted in 2008. The Senate bill provided an extension to 14 statutory exceptions to the Open Records Act until July 15, 2009, in order for legislative reviews of each provision to be completed. In recent years, the Legislature undertook a comprehensive review of the Open Records Act in order to determine if any statutory exceptions to the law were unnecessary and could be discontinued. The 2008 SB 702 extended the

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Open Records for another year in order for the Legislature to review these exceptions during the 2008 interim. The Committee recommends a bill be drafted to reflect the extension of the first group of 14 Kansas Open Records Act (KORA) exceptions (i.e., those listed in the 2008 SB 702) for four more years and the extension of the second group of 16 KORA exceptions (i.e., those that will expire in July 2009 pursuant to KSA 45-229 for five years.

Melissa Doeblin spoke regarding Benefits for Law Enforcement Officers Killed or Injured in the Line of Duty. The Committee recognized that there are terrible tragedies that occur while protecting the individuals of the state and that benefits are not adequate, nor are the benefits that are received done so in a timely manner. The Committee recommends that the various law enforcement groups report back as to whether they have found a solution. The Committee believes that these issues generally are local issues, except for the Kansas Highway Patrol. The Committee stated that at this time, the state is reluctant to get into the self-insurance business and are proposing any legislation.

Jerry Donaldson provided the report on Victims of Identity Theft. The Committee expressed disappointment that a specific bill was not assigned to the Committee. AARP provided a newly written bill but others did not have time to comprehend it nor to discuss it with other individuals. However, the Committee believes there will be sufficient momentum from both sides toward agreement on what such a bill should reflect. Both sides are encouraged to continue to meet before the 2009 Session and if no agreement has been met, then the parties can request a bill be introduced at the start of the 2009 Legislative Session.

Jerry Donaldson also gave a report on Foster Care. For out-of-home placements, neither the Department of Social and Rehabilitation Services(SRS) nor the Kansas Department of Health and Environment(KDHE) has any say. It was reported that this is done only in two circumstances: an emergency for protective custody purposes or when ordered by a judge. As a result, no recommendation is needed on this issue.

For compensation services, the matter is determined by contracts between the SRS and agencies. The issue of compensation is not necessarily within the Legislature's scope. Therefore, there is no recommendation on this issue.

The Committee recommended the report reflect that the concerns heard today are real concerns, and acknowledges that they are probably greater problems with the foster care system than what has been heard. The Committee encouraged KDHE, SRS, and contracting agencies to be on the same page. The Committee strongly advised that reimbursements are insufficient in today's society and when new contracts are being discussed, the reimbursement rates need to be increased. Seventy-five percent of child-placing agencies receive an average of \$50 per day per child, with about \$40 going toward the foster care family. The Committee also would like contracting agencies to address how they are going to help out in certain specific instances, such as graduation costs for a foster child.

In conclusion the Committee commended SRS for the rate of transfers of foster children declining below the national average and the Committee encourages SRS to continue making child placement moves decline even more.

The next meeting is scheduled for January 21, 2009.

The meeting was adjourned at 4:20 p.m.