

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:36 A.M. on March 13, 2006, in Room 123-S of the Capitol.

All members were present except:

David Haley- excused  
Barbara Allen arrived, 9:36 a.m.  
Kay O'Connor arrived, 9:38 a.m.  
Donald Betts arrived, 9:44 a.m.

Committee staff present:

Mike Heim, Kansas Legislative Research Department  
Helen Pedigo, Office of Revisor of Statutes  
Karen Clowers, Committee Secretary

Conferees appearing before the committee:

Eric K. Rucker, Chief of Staff, Office of the Attorney General  
John G. Carney, Chairman, Kansas LIFE Project  
Rocky Nichols, Executive Director, Disability Rights Center of Kansas  
Jeanne Gawdun, Kansans for Life  
Kevin Seck, Topeka Independent Living Resource Center  
Jean Krahn, Executive Director, Kansas Guardianship Program  
Nancy, former resident of the Kaufman Group Home  
Lynn, former resident of the Kaufman Group Home

Others attending:

See attached list.

The Chairman distributed a draft of the eminent domain bill to which interested parties agreed for the committee to examine before working the bills at the next committee meeting (Attachment 1).

The Chairman called for final action on **HB 2663--Providing for a hardship drivers' license.**

Senator Goodwin moved, Senator Donovan seconded, to recommend HB 2663 favorably for passage. Motion carried.

The Chairman called for final action on **HB 2554--Effective through June 30, 2008, DNA specimens collected if arrested for person felony or drug severity level 1 or 2; after July 1, 2008, DNA collected for all felonies; probable cause for arrest; destroyed if acquitted** was opened. The Chairman reviewed the bill and indicated proposed amendments by Representative Colloton (Attachment 2) and the Kansas Bureau of Investigation (Attachment 3). Senator Journey distributed a proposed amendment and reviewed his proposed changes (Attachment 4).

Following discussion, the Chairman indicated the committee would consider each change in Representative Colloton's balloon individually. The Chairman referred to the proposed change on page 3, lines 27-34. Following discussion, Senator Bruce moved, Senator Umbarger seconded, to amend page 3, by striking lines 27 through 34. Motion carried.

Senator Donovan moved, Senator Umbarger seconded, to amend page 4, line 39-40, as recommended by Representative Colloton's balloon. Motion carried.

Senator Bruce moved, Senator Umbarger seconded, to amend page 5 as represented in Representative Colloton's balloon. Motion carried.

Senator Bruce moved, Senator Schmidt seconded, to amend page 3, line 26, after "investigation" by inserting "database". Motion carried.

Senator Goodwin moved, Senator Schmidt seconded, to amend page 5, line 19 as reflected in the KBI's

CONTINUATION SHEET

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proposed balloon. Motion carried.

Senator Donovan moved, Senator Umbarger seconded, to recommend **HB 2554** as amended favorably for passage. Motion carried.

The hearing on **SB 240--Guardians and conservators; procedures** was opened.

Eric Rucker appeared in support and provided background on the bill (Attachment 5).

John Carney spoke in support and proposed a change in language, reflected in his testimony, which would protect the interests of family caregivers, guardians, and medical professionals (Attachment 6). The Chairman indicated that a report provided by the Kansas Judicial Council on a study regarding **HB 2307** which at the time of the study was identical to **SB 240** had been distributed to the committee (Attachment 7).

Rocky Nichols appeared as a proponent commenting on the National Guardianship Association's 2002 Standards of Practice regarding conflict of interest of an un-related, non-family member guardian/conservator (Attachment 8). Mr. Nichols provided data regarding flaws in Kansas guardianship laws and a case example.

Jeanne Gawdun spoke as a proponent stating current law denies due process to wards with respect to end of life issues (Attachment 9).

Kevin Seck appeared in support of the bill which will hold guardians to the highest standard of accountability (Attachment 10).

Jean Krahn spoke as a proponent regarding consideration of conflict of interest parameters when courts appoint non-family guardians or conservators (Attachment 11).

Lynn, a former resident of the Kaufman group home provided her personal story and requested protection from future abuses (Attachment 12).

Nancy, a former resident of the Kaufman group home provided her personal story and request that no one ever be subject to the abuse she suffered (Attachment 13).

There being no further conferees, the hearing on **SB 240** was closed.

The meeting adjourned at 10:32 a.m. The next scheduled meeting is March 14, 2006.