

## MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Vice Chairperson Ward Loyd at 3:30 p.m. On February 28, 2001 in Room 313-S of the Capitol.

All members were present except:

Representative Geraldine Flaharty - Excused  
Representative Kathe Lloyd - Excused  
Representative Mike O'Neal - Excused  
Representative Candy Ruff - Excused  
Representative Dale Swenson - Excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department  
Jill Wolters, Revisor of Statutes Office  
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Chris Ross-Baze, Kansas Department Health & Environment, Child Care Licensing Division  
Laura Howard, Assistant Secretary of Health Care Policy  
Judge Sam Bruner, Kansas Judicial Council, Guardian & Conservator Subcommittee  
Jean Krahn, Executive Director, Kansas Guardianship Program  
Kirk Lowry, Topeka Independent Living Resource Center  
Jim Germer, Kansas Advocacy & Protection Services  
Whitney Damron, Kansas Bar Association  
Dan Lykins, Kansas Trial Lawyers Association  
Keith Landis, Christian Science Committee on Publication for Kansas

Hearings on **SB 66 - confidentiality of records, child in need of care**, were opened.

Chris Ross-Baze, Kansas Department Health & Environment, Child Care Licensing Division, explained that the proposed bill makes technical amendments to correct an error in referring to another statute. (Attachment 1)

Hearings on **SB 66** were closed.

Hearings on **SB 119 - mental health screening & placement**, were opened.

Laura Howard, Assistant Secretary of Health Care Policy, stated that it would be a requirement that community mental health screenings occur before child in need of care, juvenile offender and misdemeanor cases, be admitted to a state psychiatric hospital. The proposed bill would also clarify that neither a mental health professional nor a community mental health center be liable for an admission related decision. (Attachment 2)

John Randolph, Association of Community Mental Health Centers of Kansas, Inc., did not appear before the committee but provided written testimony, in which, he requested an amendment which would clarify the definition of "facility", and if it included mental health centers he requested that they be provided immunity from liability for performing related outpatient evaluation serviced. (Attachment 3)

Hearings on **SB 119** were closed.

Hearings on **SB 2469 - act for obtaining a guardian or a conservator or both**, were opened.

Judge Sam Bruner, Kansas Judicial Council, Guardian & Conservator Subcommittee, appeared as a proponent of the bill which contemplates a recodification of the act for obtaining a guardian or a conservator, or both. He provided the committee with a draft which shows the changes that the proposed bill makes in current law by strike-type and underscoring. At the bottom of each section is an explanation of the reason for the changes. (Attachment 4)

Written testimony was provided by Jane Rhys, Executive Director, Kansas Council on Developmental Disabilities, in support of the bill. ([Attachment 5](#))

Jean Krahn, Executive Director, Kansas Guardianship Program, was concerned with the provisions of the bill which removes SRS as surety on the bond for Kansas Guardianship Program (KGP) by making KGP serve as surety on the bond. The agency stressed that it does not have funds or legal resources to serve as surety. ([Attachment 6](#))

Kirk Lowry, Topeka Independent Living Resource Center, was opposed to using the word “impairment” because not every person who is impaired needs a guardian. He provided the committee with a list of twelve proposed amendments. ([Attachment 7](#))

Jim Germer, Kansas Advocacy & Protection Services, supported the concept of the bill but suggested that the committee consider everyone’s suggestions which would make the bill even better. ([Attachment 8](#))

Whitney Damron, Kansas Bar Association, commented that because of the complexity of the bill, and lack of time for attorneys to evaluate all of its various provisions, it should be sent to an interim committee for further study. ([Attachment 9](#))

Dan Lykins, Kansas Trial Lawyers Association, suggested an amendment which would allow the courts to freeze monies so conservators couldn’t use it and it would save unnecessary expenses and provides children with more money when they reach the age of 18. ([Attachment 10](#))

Keith Landis, Christian Science Committee on Publication for Kansas, requested an amendment that would include treatment by a spiritual means through prayer, in lieu of medical treatment. ([Attachment 11](#))

Hearings on **HB 2469** were closed.

The committee meeting adjourned at 5:45 p.m. The next meeting is scheduled for March 1, 2001.