

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson John Vratil at 9:38 a.m. on March 5, 2001 in Room 123-S of the Capitol.

All members were present except: Senator Adkins (excused)

Committee staff present:

Gordon Self, Revisor
Mike Heim, Research
Mary Blair, Secretary

Conferees appearing before the committee:

Representative Bob Bethell
Lesa Roberts, Health Occupations Credentialing, KDHE
Kerrie Ruhlman, Kansas Adult Care Executives
Doug McNett, Pawnee County Assistant Attorney, Kansas County and District Attorney Association (KCDAA)
Sandy Barnett, Kansas Coalition Against Sexual and Domestic Violence

Others attending: see attached list

Minutes of the March 1st meeting were approved on a motion by Senator Schmidt, seconded by Senator O'Connor. Carried.

HB 2154—concerning providers of care services; employment of persons by such providers

Conferee Representative Bethell testified in support of **HB 2154**, a bill which concerns the employment of persons by adult care homes and home health agencies. He presented background on the bill's predecessor, **2000 HB 2700**, which was vetoed by the governor due to a flaw and discussed amendments to **HB 2154** which correct this. (no attachment - see supplemental note on bill)

Conferee Roberts testified in support of the "intent" of **HB 2154** but stated that not all needed corrections are reflected in the amended bill. She detailed areas of concern and stated that KDHE supports the bill if clarification can be made on the problematic legal issues especially in the area of juvenile adjudications and KDHE's authority to distribute criminal history record information it receives from the KBI to these employers. (attachment 1) Lengthy discussion followed.

Conferee Ruhlman testified in support of **HB 2154** briefly discussing the provisions in the bill which her organization favors. (attachment 2)

Written testimony in support of **HB 2154** was submitted by Debra Zehr, Kansas Association of Homes and Services for the Aging (attachment 3) and Linda Lubensky, Kansas Home Care Association. (attachment 4)

The Chair assigned **SB 2154** to Senator Schmidt's subcommittee.

SB 235—concerning crime and punishment; re: domestic battery

Conferee McNett testified in support of **SB 235**, a bill which would codify domestic battery as its own statute. He discussed the need for this bill stating that it will assist state and local prosecutors in establishing escalating penalties for domestic violence and will simplify federal firearm and military background checks. (attachment 5) The Chair reviewed a bed study report from the Kansas Sentencing Commission (KSC) which indicates that clarifying amendments to the bill would alleviate a fiscal impact on the state. (see KSC fiscal note on **SB 235** at the KSC office) Discussion followed.

Conferee Barnett testified that she saw a need for **SB 235** but had concerns regarding it. She briefly discussed these concerns and stated she would provide written testimony later today or in the morning. She stated she felt there

needed to be a better way to track previous convictions for domestic battery. She discussed the “extreme dynamics” of domestic battery cases as opposed to other battery cases and stated that she feared this bill would complicate the issue of domestic battery. (no attachment)

SB 14—concerning mediation; re: disputes which may be mediated

Senator Oleen reviewed her subcommittee’s study on **SB 14** and detailed it’s recommended amendments to the bill as noted in a balloon amendment distributed to Committee members. (attachment 6) Following discussion Senator Oleen moved to amend **SB 14** and pass it out favorably as amended, Senator Haley seconded. Carried.

The meeting adjourned at 10:31 a.m. The next meeting is March 6, 2001.