

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairman John Vratil at 9:35 a.m. on March 12, 2003, in Room 123-S of the Capitol.

All members were present except: Senator Haley (A)

Committee staff present: Mike Heim, Kansas Legislative Research Department
Lisa Montgomery, Office of the Revisor of Statutes
Dee Woodson, Committee Secretary

Conferees appearing before the committee:

Representative Sue Storm
Representative Brenda Landwehr
Candice Shively, Deputy Secretary, SRS
Roger Werholtz, Secretary of Department of Corrections
Tim Madden, Chief Counsel, Kansas Department of Corrections

Others attending: see attached list

HB 2125 - Child in need of care code, child's current foster parents could not be excluded from certain proceedings, emergency change of placement

Chairman Vratil opened the hearing on **HB 2125**. Representative Sue Storm appeared before the Committee to testify in support of **HB 2125**. She explained how the provisions of the proposed bill came about through meetings between the Joint Committee on Children's Issues and representatives from SRS, judges, guardians ad litem, foster parents, and parents. She outlined the provisions in her written testimony. (Attachment 1)

Committee questions and discussion followed regarding the pilot projects, and explanation of what an "interested party" is in these court cases.

Representative Brenda Landwehr testified in support and explained the three sub-parts, two of which would amend K.S.A. 38-1552 and the other would amend K.S.A. 38-1567. She said that this is similar to legislation passed by the House last year except the difference was that foster parents were asking for interested party status, and the two advocates for parents was not a pilot project. She stated that during discussions with several judges, they explained the negative impact of interested party status, and expressed concerns with parent advocates in the courtroom. She related that the Joint Committee on Children's Issues then suggested a pilot program. Representative Landwehr also explained the third part of the bill was to clarify K.S.A. 38-1567 to insure, that when an emergency exists which requires immediate action to assure the safety and protection of the child, a hearing may be requested within 24-hours, excluding weekends and holidays. (Attachment 2)

Candice Shively, Deputy Secretary of SRS, testified as a neutral conferee on **HB 2125**. She stated that SRS supported the pilot program initiative. She urged some discretion remain with the court to determine when the presence of any person is disruptive or when a witness may need to be sequestered. (Attachment 3)

After brief questions and discussions, and clarifications on the proposed bill by Mack Gleeson, Office of Judicial Administration, the Chair closed the hearing on **HB 2125**.

HB 2088 - Inmate assistance upon release from incarceration; certain inmates required to pay public transportation costs

Chairman Vratil opened the hearing on **HB 2088**. Roger Werholtz, Secretary of Corrections, testified in favor of **HB 2088**, which amends K.S.A. 75-5211 to limit the obligation of the State to pay for the public transportation of offenders released from prison; increase the threshold amount of funds in an offender's trust account relative to the provision of a release gratuity. He added that the bill would condition the State's obligation to pay for required public transportation upon the offender having \$600 or less in his or her inmate trust account. He stated that the bill would also raise the threshold for eligibility for a release

CONTINUATION SHEET

MINUTES OF THE SENATE JUDICIARY COMMITTEE on March 12, 2003 in Room 123-S of the Capitol.

gratuity due to the balance in the inmate's trust account from \$500 to \$600. He explained in his written testimony why the Department of Corrections requested this proposed legislation. He said there would not be a requirement for additional resources. (Attachment 4)

Following Committee questions regarding the cost impact and rational of the \$100 increase, the Chair closed the hearing on **HB 2088**.

HB 2090 - Scope of agency relationship for inmate work crews defined

Chairman Vratil opened the hearing on **HB 2090**. Tim Madden, Chief Counsel, Kansas Department of Corrections (KDOC), testified in support of **HB 2090**. Mr. Madden explained that this bill amends K.S.A. 75-52, 116 to clarify the agency relationship between the Department of Corrections and other governmental or nonprofit organizations that utilize the services of KDOC offenders for public service or charitable objectives. He said the bill specifies that the agency relationship between KDOC and other governmental or nonprofit organizations. He talked about the other provisions of the bill regarding supervision of the work crews, equipment and material required for a project, and liability issues. (Attachment 5)

After brief questions and discussion, the Chair closed the hearing on **HB 2090**.

The minutes for the February 10 meeting were approved on a motion by Senator Donovan, seconded by Senator O'Connor, and the motion carried.

Chairman Vratil announced that the Committee would meet on Friday, March 14, following adjournment of the Senate, to take final action on previously heard bills.

The meeting adjourned at 10:30 a.m. The next scheduled meeting is March 13, 2003.