

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:36 A.M. on March 6, 2008, in Room 123-S of the Capitol.

All members were present except:

David Haley arrived, 9:44 A.M.
Greta Goodwin arrived, 9:46 A.M.
Derek Schmidt arrived, 9:40 A.M.

Committee staff present:

Bruce Kinzie, Office of Revisor of Statutes
Athena Andaya, Kansas Legislative Research Department
Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Hon. Sam Bruner, Kansas Judicial Council
Jane Rhys, Kansas Council on Developmental Disabilities
Jean Krahn, Kansas Guardianship Program
Erica Haas, Attorney, Governor's Grant Program
Sandy Barnett, Kansas Coalition Against Sexual and Domestic Violence
Rick Guinn, Deputy Attorney General
Rob Linderer, Midwest Transplant
Mack Smith, Executive Director, Mortuary Arts Board
Representative Annie Tietze
Gerald Goodell, Member, Board of Trustees, Mt. Hope Cemetery, Topeka

Others attending:

See attached list.

The Chairman opened the hearing on **HB 2644—Revises sections of the guardianship and conservator act concerning the procedure for appointing a guardian or conservator.**

Judge Sam Bruner appeared in support, providing a synopsis of the study by the Judicial Council and reviewed recommended changes to legislation passed in 2002 (Attachment 1).

Jane Rhys testified in support, stating **HB 2644** provides a reasonable response to concerns regarding conflict of interest and will enable the court to better perform its oversight function (Attachment 2). Ms. Rhys feels the recommendations are appropriate and encouraged enactment of the bill.

Jean Krahn appeared stating the Kansas Guardianship Program supports the proposed changes in **HB 2644**. Ms. Krahn especially supports the requirement for basic instruction regarding the duties and responsibilities of a guardian or conservator. (Attachment 3).

There being no further conferees, the hearing on **HB 2644** was closed.

The hearing on **HB 2726—Polygraph examinations prohibited for certain alleged victims** was opened.

Erica Haas appeared in support, stating the proposed bill fulfills a federal requirement that will allow Kansas to continue to receive federal funding (Attachment 4).

Sandy Barnett appeared in support of the bill stating polygraphs are not perfect (Attachment 5). Often victims are in emotional crisis and test results are likely to be extremely inaccurate, possibly causing investigators to minimize the incident. The federal government acknowledges the problem with polygraph testing of victims and prohibits the practice for states receiving federal funding.

Rick Guinn appeared in support, stating sexual assault programs rely on federal funding and he would like to see continuation of the funding (Attachment 6). Mr. Guinn indicated there was no opposition regarding the polygraph examinations. The tests are not reliable, often victims will fail due to the emotional trauma and

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prosecutions are rarely based on the results of such tests.

Written testimony in support of **HB 2726** was submitted by:

Ed Klumpp, Kansas Association of Chief's of Police & Kansas Peace Officers (Attachment 7 & 8)

There being no further conferees, the hearing on **HB 2726** was closed.

The Chairman opened the hearing on **HB 2768–Dead human bodies; removal and delivery.**

Rob Linderer testified in support, indicating the bill would allow the Midwest Transplant Network to receive a dead body in a timely manner in order to recover donated tissues from deceased donors (Attachment 9). Currently, this is done in the operating room of the hospital where the death occurred; thereby delaying the recovery process and disrupting the hospital's surgery schedule.

Mack Smith spoke in support of the proposed bill (Attachment 10).

There being no further conferees, the hearing on **HB 2768** was closed.

The Chairman opened the hearing on **HB 2656–Authorizing cemetery corporations to convey real estate not platted into cemetery los free from trust restrictions.**

Representative Annie Tietze appeared in support as sponsor of the bill (Attachment 11). The proposed bill would allow not-for-profit cemetery corporations to sell unplatted burial lots to meet maintenance requirements. Mt. Hope cemetery was founded in 1906 and is located in Topeka. The cemetery has over 160 acres restricted by a Trust Deed for 1,000 years. It is Rep. Tietze's opinion that this would be the only cemetery that would be affected under the bill. (Attachment 12).

Gerald Goodell spoke in support (Attachment 13). He serves as a voluntary board member of Mt. Hope Cemetery. Mr. Goodell feels the bill is in the best interest of the public and will not defeat the purposes of the trust deed.

There being no further conferees, the hearing on **HB 2656** was closed.

The Chairman indicated **HB 2656** was consent calendar material in the House and suggested the committee work the bill immediately.

Senator Goodwin moved, Senator Donovan seconded, to recommend **HB 2656** favorably for passage and place it on the consent calendar. Motion carried.

The meeting adjourned at 10:25 A.M. The next scheduled meeting is March 10, 2008.