

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Tim Owens at 9:40 a.m. on March 5, 2009, in Room 545-N of the Capitol.

All members were present.

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes  
Doug Taylor, Office of the Revisor of Statutes  
Athena Andaya, Kansas Legislative Research Department  
Karen Clowers, Committee Assistant

Conferees appearing before the Committee:

Don Jordan, Secretary, SRS  
Judge Kathleen Sloan, 10<sup>th</sup> Judicial District (Johnson)  
Mark Gleeson, Family & Children Program Coordinator, Office of Judicial Administration  
Tom Laing, Interhab Inc.

Others attending:

See attached list.

The Chairman opened the hearing on **SB 92 - Child in need of care; jurisdiction on CINC proceedings** and **SB 94 - Child in need of care; placement of child in custody**.

Don Jordan spoke in support briefing the committee on the bill and recommended balloon amendments to both bills addressing concerns raised by several judges including the requirement for SRS to have a transition plan in place. (Attachments 1 & 2)

Judge Kathleen Sloan testified she is opposed to the bills as introduced but would be supportive if the proposed balloons are adopted. (Attachment 3)

Mark Gleeson presented opposition to the bills as introduced stating there are many potential problems with the bill but supports the proposed amendments. (Attachment 4 & 5)

Tom Laing spoke in opposition stating concerns regarding young people with developmental disabilities and suggested an amendment to provide additional safeguards for their protection (Attachment 6).

The Chairman recommended Mr. Laing work with Secretary Jordan and other interested parties to address his concerns and have recommendations ready for when the committee works the bill.

There being no further conferees, the hearing on **SB 92** and **SB 94** was closed.

Senator Vratil moved, Senator Schodorf seconded, to reconsider **SB 208 - Abolishing the death** penalty for the purpose of sending the bill to the Judicial Council. Senator Schmidt raised a point of order indicating a motion to reconsider must be made by member who voted on the prevailing side. The Chairman ruled the motion was not in order.

Senator Umbarger moved, as a member who voted on the prevailing side, Senator Kelly seconded, to reconsider **SB 208** with the intent to move the bill out of committee for debate on the Senate floor. Motion passed.

Senator Schmidt moved, Senator Bruce seconded, to refer **SB 208** to an interim study and if there is no interim committee refer the bill to the Judicial Council.

Senator Vratil made a substitute motion, seconded by Senator Kelly to recommend **SB 208** as amended, favorably for passage. Motion carried.

The next meeting is scheduled for March 6, 2009. The meeting was adjourned at 10:30 a.m.