

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Senator Vratil at 9:42 a.m. on March 27, 2002 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

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

Conferees appearing before the committee:

Sam Bruner, Chair, Guardianship and Conservator Advisory Committee, Kansas Judicial Council (KJC)  
Donna Bales, President, Kansas Life Project (KLP)  
Vicki Bailey, El Dorado  
Jane Rhys, Kansas Council Development Disabilities (KCDD)  
Paul Davis, Kansas Bar Association (KBA)  
Donald Personett, Wyandotte County Disability Advocacy Group (WCDAG)  
Kirk Lowrey, Topeka Independent Living (TIL)

Others attending: see attached list

The minutes of the March 26<sup>th</sup>, 2002 meeting were approved on a motion by Senator Schmidt, seconded by Senator Donovan. Carried.

Final action:

**HB 2399—offender registration**

Staffperson Self, at the request of the Chair, stated it was not necessary to add a previously proposed amendment to **HB 2399** which would give judges discretion in juvenile sex offender cases since current law already does that. Requested information from the KBI regarding the number of juveniles arrested under statutes covered by the Offender Registration act was distributed to Committee.(attachment 1) Following discussion, Senator Goodwin moved to pass the bill out favorably, Senator Schmidt seconded. Carried.

Hearing on:

**Sub HB 2469—concerning guardians and conservators**

Conferee Bruner testified in support of **Sub HB 2469**, a bill which recodifies the statutes relating to guardianship and conservatorship, repealing 25 sections of current law and adding 33 new sections. The Conferee presented historical background on the bill, defined key terms, and discussed the process and people involved in doing this “general rewrite of existing law.”(see “You are invited to comment on the proposed Guardianship and Conservatorship Act”, The Journal, June/July, 2001, pp.33-38) He referred to comments by the American Bar Association (attachment 2) and explained each of the proposed balloon amendments (attachment 3)

Conferee Bales testified in support of **Sub HB 2469** but opposed the language in section 26 (e)(7)(c) which was added in the substitute bill. She explained why the previous language best serves the interest of the wards of the state of Kansas.(attachment 4)

Conferee Bailey testified in support of **Sub HB 2469** but reiterated Conferee Bale’s testimony opposing the same portion of section 26. She presented personal testimony regarding her 10 year role as a legal guardian to her neighbor who had Down’s Syndrome and is now deceased.(attachment 5)

Conferee Rhys testified in support of **Sub HB 2469**. She briefly discussed the mission of KCDD and discussed the work done by the Kansas Judicial Task Force on Guardianship. She referred to her written testimony which bullet points the good qualities about the bill.(attachment 6)

Conferee Davis testified in support of **Sub HB 2469**. He discussed the KBA’s comprehensive study of the proposed guardianship and conservatorship act and stated that they are supportive of the KJC’s balloon amendments. He discussed two proposed amendments to the bill, the first dealing with the duties of guardians and conservators as stated in New Sections 26 and 29 of the bill and the second dealing with concern about the constitutionality of the extended conservatorship provisions in New Section 32.(attachment 7)

Conferee Personett testified as neutral on **Sub HB 2469**. He testified that he was the father of a son with Down's Syndrome and had concerns for his son's welfare should anything happen to him. He briefly stated that new rules are needed and that this bill "broadens what's needed for getting guardianship."(no attachment)

Conferee Lowry testified as neutral on **Sub HB 2469** but stated he had serious concerns about the bill and briefly discussed a number of proposed changes which would: add pleading requirements in the petition; add additional requirements in examination reports; add language limiting guardianship preference and notice of right to petition for termination, restoration or modification; add language dealing with involuntary commitment to a treatment facility; and expand the availability of restoration to capacity.(attachment 8) He recommended that due to the lateness of the bill it should be passed out and these issues could be dealt with next year.

Written testimony supporting **Sub HB 2469** was submitted by: Alzheimer's Association;(attachment 9) Midwest Bioethics Center;(attachment 10) Kansas State Nurses Association (attachment 11); and Association of Kansas Hospices (who supports the bill but requested certain language be changed "back to the language in HB 2469").(attachment 12)

Following discussion and clarification by Conferee Bruner, Senator Goodwin moved to amend Sub HB 2469 adding all of the amendments in the KJC's balloon, Senator Schmidt seconded. Carried. Senator Goodwin moved to pass the bill out favorably as amended, Senator Schmidt seconded. Senator Pugh discussed why he was voting nay. Carried.

The meeting adjourned at 10:30 a.m. There are no further meetings scheduled at this time although there will be a confirmation hearing on a date to be determined by the Chair.