

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 p.m. on February 2, 2004 in Room 313-S of the Capitol.

All members were present except:

Representative Tom Klein- excused
Representative Tim Owens- excused
Representative Doug Patterson- excused
Representative Dale Swenson- excused
Representative Dan Williams- excused

Committee staff present:

Jill Wolters, Revisor of Statutes
Diana Lee, Revisor of Statutes
Jerry Ann Donaldson, Kansas Legislative Research Department
Cindy O'Neal, Secretary

Conferees appearing before the committee:

Judge Jerry Elliott, Kansas Judicial Council
Kathy Olsen, Kansas Bankers Association
Candy Shively, Deputy Secretary, Social and Rehabilitation Services
Matt Goddard, Heartland Community Bankers Association
Kirk Lowry, Kansas Advocacy & Protective Services

Hearings on **HB 2553 - relating to the time for filing claims against a municipality**, were opened.

Judge Jerry Elliott, Kansas Judicial Council, appeared as a proponent of the proposed bill which clarifies the relationship between the 120 day notice requirement and the two year statute of limitations for torts. If a claim is denied, or deemed denied after 120 days without a response, a claimant then has no less than 90 days in which to file a claim. (Attachment 1)

Written testimony in support of the bill was provided by the Kansas Bar Association. (Attachment 2)

Hearings on **HB 2553** were closed.

Hearings on **HB 2581 - reporting adult abuse to SRS**, were opened.

Kathy Olsen, Kansas Bankers Association, explained that the proposed bill addresses the reporting of adult abuse through bank accounts by:

- allowing SRS the ability to place a 10 day administrative hold on an account of a suspected victim of abuse by giving written notice to the bank
- requiring written notice from SRS that records being requested from the bank are in furtherance of an investigation being conducted before the records can be turned over
- clarifying that protection from liability making does include providing records upon the request of SRS as allowed by the act (Attachment 3)

Candy Shively, Deputy Secretary, Social and Rehabilitation Services, express the importance for SRS & banks to work with law enforcement as it relates to adult abuse. The proposed bill is a good step towards stopping the abuse. She requested two amendments:

- law enforcement agencies should be authorized to place a hold on any account for a period of ten days while they are investigating fiduciary abuse
- law enforcement agencies should be able to obtain financial records relevant to an investigation though a written request (Attachment 4)

Matt Goddard, Heartland Community Bankers Association, had concerns with section 4, where the notice falls upon financial institutions to notify the account holder of the possibility of abuse and with the account being frozen for 10 days. (Attachment 5)

CONTINUATION SHEET

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Written testimony in support of **HB 2581** was provided by the Kansas Department of Aging & Office of Attorney General (Attachment 6 & 7)

Kirk Lowry, Kansas Advocacy & Protective Services, appeared as an opponent to the bill, which he believes has substantial constitutional and civil rights of people with disabilities. Many people with disabilities live on SSI which is currently \$564 a month. A ten day freeze would imposed a hardship on a person. (Attachment 8)

Hearings on **HB 2581** were closed.

Representative Pauls made the motion to approve the committee minutes from January 14, 20 & 21. Representative Crow seconded the motion. The motion carried.

The committee meeting adjourned at 5:15 p.m. The next meeting was scheduled for February 3, 2004.