

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Lance Kinzer at 3:30 p.m. on February 17, 2011, in Room 346-S of the Capitol.

All members were present.

Committee staff present:

Jill Wolters, Office of the Revisor of Statutes
Matt Sterling, Office of the Revisor of Statutes
Tamera Lawrence, Office of the Revisor of Statutes
Lauren Douglass, Kansas Legislative Research Department
Robert Allison-Gallimore, Kansas Legislative Research Department
Sue VonFeldt, Committee Assistant

Conferees appearing before the Committee:

Landon Fulmer, Policy Director, Office of the Governor
Keith Tatum, Kansas Council on Developmental Disabilities
Kerrie Bacon, on behalf of Martha Gabehart, Kansas Commission on Disability Concerns
Representative Ann Mah, Fifty-Third District, Topeka, Kansas
Anita Hockman, Concerned Citizen, Topeka, Kansas
Lori Hoodenpyle, Attorney, Concerned Citizen
Representative Bruchman, Twentieth District
Joel Oster, Leawood, Kansas, Alliance Defense Fund
Michael Schuttloffel, Kansas Catholic Conference
Tim Madden, Kansas Department of Corrections and Juvenile Justice Authority
Senator Francisco, Second District
Thomas Witt, Kansas Equality Coalition
Holly Weatherford, ACLU of Kansas and Western Missouri

Others attending:

See attached list.

Hearing on on **HB 2219 - Providing child support for an exceptional child through the school year the child turns 23 years of age** was opened.

Representative Ann Mah, Fifty-Third District, Topeka, Kansas, addressed the committee in support of this bill that provides for child support for exceptional children until they are out of high school even if that is beyond the age of 18. Current law allows for child support through age 19, but only with the consent of the absent parent. She also stated a balloon amendment revises the age of eligibility to the semester a student turns 21 from 23, which is the current policy of the Kansas Department of Education. It also allows a judge to consider other avenues of support that might be available, but keeps child support as a backup for the custodial parent. She closed with stating it is difficult at best to get services for Kansans with disabilities and if we can require absentee parents to be more financially responsible, that is good for the children and for our state. ([Attachment 1](#))

Anita Hockman, Concerned Citizen, Topeka, Kansas, testified in support of the bill, and shared her life situation. Her son has autism and is 20 years old and has one more year of school, however, the current law basically says that child support stops at 18 unless the father agrees to extend the child support. She asks the committee to change that to address children of special needs so they will have support until they are finished with high school. ([Attachment 2](#))

Lori Hoodenpyle, Attorney and a concerned citizen spoke as an opponent to the bill and stated the bill does not go far enough and offered an amendment to add “or enrolled in a vocational or special education program.” She also asked for the following language enacted in Colorado, “If the child is mentally or physically disabled, the court may order child support, including payments for medical expenses or insurance or both, to continue beyond the age of eighteen. ([Attachment 3](#))

There were no opponents.

The hearing on **HB 2219** was closed.

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The Hearing on **ERO 35 - Transferring the functions of the Commission on Disability under K.S.A. 74-6701 et seq. from the Department of Commerce to the Office of the Governor** was opened.

Chairman Kinzer explained while the committee is hearing this executive reorganization order (ERO), the committee won't be taking any action of working the bill because pursuant to Article 1, Section 6 of the Kansas Constitution, the ERO will become law on July 1, 2011, unless one house of the legislature passes a resolution disapproving the ERO.

The Revisor Staff provided the committee with a Memorandum explaining the ERO. ([Attachment 4](#))

Landon Fulmer, Policy Director from the Office of the Governor, spoke before the committee in support of the ERO that would move the Kansas Commission on Disability Concerns (KCDC) from the Department of Commerce to the Office of Governor. He explained the policy reason for this move is quite simple, the Governor wants the disability advocacy community to have a direct line to him and a greater opportunity for state government to respond quickly to their inquiries. ([Attachment 5](#))

Keith Tatum, on behalf of the Kansas Council on Developmental Disabilities, addressed the committee in support of the ERO. He stated it will increase the visibility of disability issues within the state and the KCDA seems to make a better fit within the Governor's Office than anywhere else as disability issues are not specific to the Department of Commerce any more than they would be specific to Departments of SRS or Education. Disability affects Kansans at all levels and in every arena, and this move may enable the Kansas Commission on Disability Concerns to advocate more effectively without the concerns or constraints of agency politics. ([Attachment 6](#))

Kerrie Bacon, presenting for Martha Gabehart, Kansas Commission on Disability Concerns, spoke in support of the bill. She stated they advocate for changes to state programs, laws, and regulations that help Kansans with disabilities be active citizens and part of being an active citizen is having a job. KCDC has been working to reduce barriers and improve opportunities for employment, and being in the Governor's office will bring KCDC's work to the highest level of the executive branch. ([Attachment 7](#))

There were no opponents.

The hearing on **ERO 35** was closed.

The Hearing on **HB 2260 - Kansas preservation of religious freedom act** was opened.

Tamera Lawrence, Assistant Revisor Staff, presented an overview of the bill for the committee. ([Attachment 8](#))

Joel Oster, Leawood, Kansas, is the Senior Litigation Counsel for the Alliance Defense Fund and spoke on their behalf in support of the bill. He stated in light of the ever-increasing threats to religious freedom, and in order to provide Kansas citizens an opportunity to clarify and restore the heightened protection for our "first liberty", the time has now come to amend Kansas law. ([Attachment 9](#))

Michael Schuttloffel, Executive Director, Kansas Catholic Conference addressed the committee in support of the bill stating this legislation is necessary as a bulwark against an alarming development in the interpretation and application of the First Amendment. ([Attachment 10](#))

Judy Smith, State Director, Concerned Women for America of Kansas, provided written testimony in support of the bill. ([Attachment 11](#))

Tim Madden, Kansas Department of Corrections and Juvenile Justice Authority, appeared as a neutral to the bill. He stated the Department of Corrections appreciates the role that religion holds in the life of persons in the department's custody and seeks to accommodate the diverse religious beliefs and practices of inmates, however, they request an amendment to reflect that the standard for judicial review of correctional actions impacting religious practices should be whether the action is reasonable related to a correctional interest. He attached a copy of a balloon to cover their requested amendment to his testimony. ([Attachment 12](#))

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Senator Marci Francisco, Second District, addressed the committee in opposition of the bill. She stated she does not believe that our Kansas Constitution and our Kansas statutes should be used to condone discrimination on the basis of an individual exercising their freedom of religion. ([Attachment 13](#))

Thomas Witt, is the Chair of the Kansas Equality Coalition, which works to eliminate discrimination based on sexual orientation and gender identity, and spoke in opposition of this bill. He stated the bill is targeted towards the non-discrimination ordinances passed by cities and counties within the State of Kansas, and that its purpose is to deny gay, lesbian, and transgendered Kansans their right to petition their government for a redress of grievances, namely, to request the inclusion of “sexual orientation”, and/or, “gender identity” as protected classes in their local ordinances. ([Attachment 14](#))

Holly Weatherford, J.D., Program Director, for the ACLU of Kansas and Western Missouri, testified in opposition to the the bill. She stated the ACLU believes it is important that we are all free to practice our religious beliefs and that laws similar to this bill exist in other states, however, she contends this bill is written in a way that could threaten a host of laws protecting the civil rights, health, safety, and welfare of Kansas and gave several examples. She stated that lessons can be learned from other states that have previously passed state religious freedom laws, faced legal challenges, and succeeded. She also provided a copy of the Texas law and said it was a great example and was a result of cooperative efforts of a diverse coalition drawn together by a shared commitment to protecting religious freedom in the state. ([Attachment 15](#))

Stephanie Mott, Kansas Equality Coalition, provided written testimony in opposition of the bill. ([Attachment 16](#))

The hearing on **HB 2260** was closed.

The Hearing on **HB 2207 - Series limited liabilities companies** was opened.

Representative Bruchman, Twentieth District, addressed the committee as a proponent of the bill and provided a Power Point Presentation to explain how Limited Liability Companies (LLC) have become the most popular form of new business entities in use today because of the corporate-like liability protections combined with the advantages of being treated like a partnership for tax purposes. While the conventional LLC has been incredibly successful, there has been a growing trend among states on the forefront of corporate law to adopt statutes promoting what are known as series LLCs. He then explained, the concept of a series limited liability company (SLLC) is to subdivide an LLC into separate classes (known as “series”), having separate members, managers, interests, and business purposes. He spoke of the benefits and how a SLLC could benefit a Kansas resident in the context of farming, real estate industry, etc. He also stated, the ultimate goal in the adoption of an SLLC statute, is to promote economic growth by providing greater business opportunities, by removing administrative burdens, and promoting cost-saving attributes, including tax and liability advantages, to individuals starting and operating businesses in Kansas. ([Attachment 17](#))

Christopher Sook, President of KBA's Section on Corporation, Business, and Banking Law, provided written testimony in support of the bill. ([Attachment 18](#))

There were no opponents.

The hearing on **HB 2207** was closed.

HRC 5006 - State constitutional amendment concerning appropriations of money and expenditure of funds appropriated by law by the legislative branch.

Jill Wolters, Staff Revisor, provided an overview of the bill for the committee.

Representative Patton made the motion to report HCR 5006 favorably for passage. Representative Holmes seconded the motion.

Chairman Kinzer made the substitute motion striking “April and inserting “November” Representative Brookens seconded the motion. Motion carried.

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Representative Brookens made the substitute motion to amend on page 1, line 15, after “redirect” by inserting “an appropriation”. Chairman Kinzer seconded the motion. Motion carried.

Chairman Kinzer made the substitute motion to amend as follows:

On page 2, in line 3, by striking “and the existing order that directs the”; by striking all in line 4; in line 5, by striking “remain in effect”;

Representative Meier seconded the motion. Motion carried.

Representative Patton made the motion to report HCR 5006 favorably for passage as amended. Representative Osterman seconded the motion. Motion carried.

The next meeting is scheduled for February 18, 2011.

The meeting was adjourned at 6:00 p.m.