

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson John Vratil at 9:34 a.m. on March 19, 2001 in Room 123-S of the Capitol.

All members were present except: Senator O'Connor (excused)

Committee staff present:

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

Conferees appearing before the committee:

Representative Ward Loyd  
Kathy Porter, Office of Judicial Administration (OJA)

Others attending: see attached list

Minutes of the March 15<sup>th</sup> meeting were approved on a motion by Senator Donovan, seconded by Senator Schmidt. Carried.

**HB 2208--re: jurisdiction of district magistrate judges**

Conferee Porter testified, on behalf the president and members of the Kansas District Magistrate Judges Association, in support of **HB 2208**, a bill which would give district magistrate judges authority to preside over cases filed under the limited actions code of civil procedure. She reviewed **2000 House Substitute for SB 504** which increased the limited actions jurisdiction and stated that the jurisdictional limit for the district magistrate judges set out in another statute did not increase accordingly. (attachment 1) She distributed a letter from District Magistrate Judge James Vano who supports **HB 2208**. (attachment 2) Written testimony was submitted by Representative Loyd supporting **HB 2208**. (attachment 3)

**SB 302--juvenile justice code; re: sentencing**

The Chair reviewed **SB 302**, a bill which would modify sentencing alternatives for juvenile offenders. Following discussion Senator Schmidt moved to table the bill, Senator Umbarger seconded. Motion failed on a vote of 2-5. Following further discussion, Senator Donovan moved to pass the bill out favorably, Senator Goodwin seconded. Motion carried 5-2.

**HB 2212--re: records**

Conferee Representative Loyd testified in support of **HB 2212**, a bill which amends the code of civil procedure concerning records to require branch banks and certain other lending institutions to designate an officer or employee as the custodian of records to identify records for evidentiary purposes. He discussed the events which prompted a need for this bill. (attachment 4)

**HB 2083--re: release on appearance bond**

The Chair reviewed **HB 2083**, a bill which would change the criminal procedure law regarding the release of a surety when a person released on appearance bond is subsequently arrested and incarcerated. Following discussion, Senator Pugh moved to amend certain language into the bill, Senator Donovan seconded. Carried. Senator Goodwin moved to pass the bill out favorably as amended, Senator Donovan seconded. Carried.

### **HB 2084—competency to stand trial**

The Chair reviewed **HB 2084**, a bill which amends the criminal procedure code regarding certain persons who are incompetent to stand trial and who are not likely to become competent in the foreseeable future. Following discussion Senator Schmidt moved to adopt the SRS amendments to **HB 2084**, Senator Goodwin seconded. Motion carried with Senators Donovan and Pugh voting no. Senator Goodwin moved to pass the bill out favorably as amended, Senator Schmidt seconded. Motion carried with Senator Pugh voting no.

### **SB 88—concerning access to health care records by patients and others.**

The Chair reviewed **SB 88**, a bill which would allow patients or their representatives and authorized parties to obtain copies of the patient's health care and billing records from the patient's health care provider. The bill also addresses confidentiality. The Chair stated that both the proponents, the Kansas Trial Lawyers and the Kansas Bar Association, and the opponents, the Kansas Medical Society, agree in principle on patients rights to access their medical records and both parties have worked toward resolution of disagreements relating to certain language and provisions in the bill; there is as yet, however, incomplete agreement on such issues as: authorization; fees to be charged for obtaining records; and prevailing party's recovery costs. (see attachments 5-8) Following lengthy discussion Senator Gilstrap recommended an interim study be done on **SB 88**, Senator Umbarger seconded. During further discussion Senator Pugh made a substitute motion to amend proposals by the Kansas Bar Association and the Kansas Trial Lawyers Association into **SB 88**, Senator Adkins seconded. Motion failed. Motion to do an interim study on **SB 88** carried.

### **SB 208—DUI of Inhalants**

Senator Pugh reviewed his subcommittee's hearing on **SB 208**. (attachment 9 - this attachment includes subcommittee action and testimony on **SB 131**, **SB 206** and **SB 215**) Discussion followed. Senator Goodwin moved to amend the bill as recommended by the subcommittee, Senator Donovan seconded. Carried. Senator Donovan moved to pass the bill out favorably as amended, Senator Oleen seconded. Carried.

### **HB 2207—re: abatement of nuisances**

The Chair reviewed **HB 2207**, a bill which expands the list of activities that constitute common nuisances to include felony activity by criminal street gangs.. Following brief discussion Senator Goodwin moved to pass the bill out favorably, Senator Adkins seconded. Carried.

### **HB 2174—concerning district courts; re: clerks**

The Chair reviewed **HB 2174**, a bill which changes the method of appointing district court chief clerks. Senator Donovan moved to pass the bill out favorably, Senator Adkins seconded. Discussion. Kathy Porter explained an amendment from the house which would provide for the chief judge alone appointing the clerk without having to have the approval of the majority of the district judges. There was general consensus to not adopt this amendment. Motion carried.

The meeting adjourned at 10:32 a.m. The next meeting is March 20, 2001.