

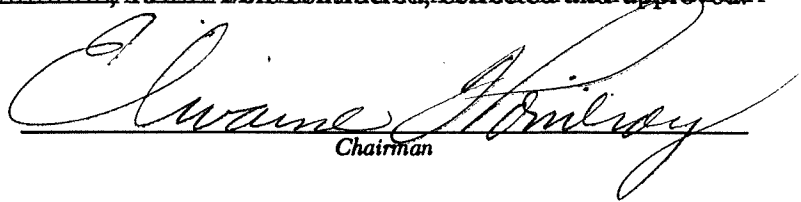
MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

Held in Room 519 S, at the Statehouse at 10:00 a. m./p. m., on February 20, 1979.

All members were present except: Senator Hein

The next meeting of the Committee will be held at 12:00 a. m./p. m., on February 20, 1979.

~~These minutes of the meeting held on XXXXXXXXXXXXXXXXXXXXXXXX 19 XXXX were considered, corrected and approved. XXXXXXXXXXXXXXXXXXXXXXXX~~



Clarence Stolley  
Chairman

The conferees appearing before the Committee were:

- Senator Billy McCray
- Jerry M. Conley - Kansas Fish and Game Commission
- Don Simons - Kansas Department of Transportation
- Senator Bert Chaney
- Jerry Slaughter - Kansas Medical Society
- Dr. James G. Bridgens - Pathologist, Shawnee Mission Hospital
- Dr. L. William Halling - Pathologist, Great Bend, Kansas

Staff present:

- Art Griggs - Revisor of Statutes
- Jerry Stephens - Legislative Research Department
- Wayne Morris - Legislative Research Department

Senate Bill No. 302 - Attorneys practicing in municipal court. One of the authors of the bill, Senator Hess, explained the bill. He also discussed the problem that led to the introduction of the bill. He stated the bill was not drafted as broadly as he would like to see it. Committee discussion with him followed.

Another author of the bill, Senator McCray, testified in support of the bill. He stated that the bill was requested by the Citizens Participation Organization; he said the only person opposed to it is John Dekker, the director of the Wichita law department.

Senate Bill No. 309 - State game protectors, powers of peace officers. A copy of Mr. Tilton's statement concerning the bill was distributed; a copy is attached.

Jerry Conley testified in support of the bill. He stated it would give officers of the Fish and Game Commission the same authority as the peace officers in the state. He said their officers take the same training as any other peace officer does. He said, also, they retrain their officers each year. Committee discussion with him followed. Mr. Griggs explained that one purpose of the bill is to make the federal insurance relating to death of police officers available to Fish and Game officers.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

## CONTINUATION SHEET

Minutes of the Senate Committee on Judiciary February 20, 1979.

Senate Bill No. 272 - Assessment of defense cost against the state in certain action. The author of the bill, Senator Burke, explained the bill. Committee discussion with him followed.

Don Simons testified in opposition to the bill; he said the Kansas Department of Transportation feels that there are a lot of gray areas involved with the bill.

Senate Bill No. 328 - Laboratories; M.D.'s prohibited from owning. The author of the bill, Senator Chaney, testified in support of it, and explained that Indiana has such a law as this. He stated it is designed to eliminate conflict of interest. Committee discussion with him followed.

Jerry Slaughter spoke in opposition to the bill. A copy of the statement from the Kansas Medical Society is attached. Mr. Slaughter introduced Dr. L. William Halling who is a pathologist from Great Bend, and who operates a laboratory. He stated most physicians in Kansas do not attempt to cope with lab tests beyond their ability. He stated this bill would create total disruption in the service. He testified it would have detrimental effects upon medical service. Committee discussion with him followed.

Dr. James Bridgens, a pathologist with the Shawnee Mission Hospital, testified in opposition to the bill. He stated physicians need the services of the laboratories; local laboratories are needed to give immediate service. Committee discussion with him followed.

Senator Gaines moved that the minutes of February 1 and 2 be approved; Senator Mulich seconded the motion, and the motion carried.

The meeting adjourned.

These minutes were read and approved  
by the committee on 4-25-79.

GUESTS

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
L Wm Halling MD	Hays	KMS-KSP
James B Bridges	Shawnee Mission	KMS-KSP
Hugh C Moore	Topeka	KMS-KSP-TB Bank
Roman Hizaqynshij	Topeka	
EMM & GULSTER	TOPEKA	KMS
John N. N. N.	Topeka	Topeka Bond Bank
Ann C. C.	Topeka	Shawnee Co. Med Soc
James M. C. C.	Pratt	KS FISH & GAME Comm
Ken L. L.	Pratt	11
Doug Johnson	Topeka	Ks Pharmacists Assoc.
Dr. Connie Finch	Topeka	KDHE
Paula Quinley	Topeka	Ka. Soc. Med. Tech.
Joanne Hill	Topeka	
Billy McCray	Stotsville	
Don Simon	Topeka	KDOT
Bert Cheney	Hutchinson	Senate

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Sheriff of Sherman County  
GOODLAND, KANSAS

**CHARLES LIGHT**  
1st. VICE PRESIDENT  
Sheriff of Miami County  
PAOLA, KANSAS

**CLIFF ATTEBERRY**  
2nd. VICE PRESIDENT  
Sheriff of Pawnee Co.  
LARNED, KANSAS

**ELLIS R. MUSSELWHITE**  
SECRETARY-TREASURER  
Sheriff of McPHERSON, County  
McPHERSON, KANSAS

**ROBERT E. TILTON, ATTORNEY**  
Legislative Counsel  
1324 Topeka Blvd.  
TOPEKA, KANSAS 66612

**ADRAIN M. FARVER**  
Executive Officer  
Three Townsite Plaza - Suite 234  
200 East Sixth St.  
TOPEKA, KANSAS 66603

February 20, 1979

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Senator Don Allegrucci, Member  
Senator Arnold Berman, Member  
Senator Paul Burke, Member  
Senator Norman Gaar, Member  
Senator Frank Gaines, Member  
Senator Ron Hein, Member  
Senator Paul Hess, Member  
Senator William Mulich, Member  
Senator Jim Parrish, Member  
Senator John Simpson, Member  
Senator Merrill Werts, Member  
Senate Judiciary Committee  
State House  
Topeka, Kansas 66612

Dear Senators:

The Kansas Sheriffs Association opposes S.B. 309 giving state game protectors powers of peace officers.

This bill was introduced last year in the House but never got out of the committee.

Sheriffs frequently deputize game protectors in their counties when they feel the protectors are qualified and a need exists.

This bill could result in conflicts between law enforcement agencies and personnel.

Because of a previous commitment, I will not be able to appear before your Committee.

Your consideration of our Association's position will be appreciated.

Respectfully yours,

Robert E. Tilton

**NATIONAL SHERIFFS' ASSOCIATION**  
ELLIS MUSSELWHITE  
State Director

RET:th

THE KANSAS MEDICAL SOCIETY  
1300 TOPEKA AVENUE  
AREA CODE 913 235-2383  
TOPEKA, KANSAS 66612

SB 328

February 20, 1979

TO: Senate Judiciary Committee  
FROM: Kansas Society of Pathologists  
SUBJECT: Senate Bill 328

The Kansas Society of Pathologists, representing more than 75 physicians and surgeons in the field of laboratory medicine in Kansas unequivocally opposes this bill. We feel that the analysis of human tissue and fluids for diagnostic and therapeutic purposes is the practice of medicine and must be performed by or under the supervision of a qualified physician, licensed to practice medicine and surgery. There is nothing inherently immoral or unethical about such a physician owning interest in a laboratory. This proposed legislation is unprecedented as no other state considers physician ownership of a clinical laboratory illegal.

It is common knowledge in medical circles that ready access to high quality pathology services is indispensable to the delivery of quality patient care. We have made great progress in recent years in attracting ever increasing numbers of highly trained pathologists to Kansas, which has and will continue to encourage primary care and other physicians to locate here. This bill will financially ruin some of the best pathologists in the state, or cause at least some Kansas pathologists to relocate to other states, and seriously impede the recruitment of new physicians of all types to Kansas.

Probably the majority of physicians who operate their own clinics in Kansas also perform laboratory tests in their offices. These physicians also provide in their office laboratories fast "in house" services that are of incalculable benefit and convenience to their patients. This bill would effectively outlaw office laboratories and the results would be disastrous.

It is hard for the officers of the Kansas Society of Pathology to even conceive why such a bill would be proposed. It is an example of government overregulation that if enacted would do immeasurable harm to the patients and physicians in Kansas. If some abuse of physician ownership of laboratories in Kansas is alleged, let it be addressed in a straightforward fashion and be reported to the proper legal and/or professional medical societies. We support efforts to eliminate illegal and unethical medical practices. We do vigorously oppose this bill and urge the Kansas Legislature to reject it.

David Jacobs, M.D., Kansas City      President  
K. William Bruner, Jr., M.D., Wichita      President Elect  
Edward Jones, M.D., Great Bend      Vice President  
L. William Halling, M.D., Great Bend      Secretary-Treasurer