

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY.

The meeting was called to order by Vice-Chairperson Ward Loyd at 3:30 p.m. on January 16, 2002 in Room 313-S of the Capitol.

All members were present except:

Representative Karen DiVita-Johnson - Excused
 Representative Tom Klein - Excused
 Representative Michael O'Neal - Excused
 Representative Doug Patterson - Excused

Committee staff present:

Jerry Ann Donaldson, Department of Legislative Research
 Jill Wolters, Department of Revisors Office
 Sherman Parks, Department of Revisors Office

The Committee received an overview of the Reports of the Special Committee on Judiciary from the interim committee. (Copies of Committee Reports to the 2002 Kansas Legislature can be found in the Kansas Legislative Research Department)

Drivers License Privileges for Immigrants - the Committee recommended passage of **Substitute for HB 2135** which would allow a driver's license applicant to present a taxpayer identification number from the Internal Revenue Service when applying for a driver's license. The bill includes a statement on all Kansas Drivers' licenses indicating that such documents do not establish lawful presence in the United States and do not establish eligibility for employment, voter registration or public benefits.

Drug Courts - the Committee endorsed the concept of drug courts as an alternative for incarceration of certain drug offenders and recommended that a bill be introduced, by the standing committee, with recommendations that will be provided by the Kansas Sentencing Commission.

Guardianship System - the Committee concluded that **HB 2469** receive a hearing by the House Judiciary Committee. Various amendments were offered to fine tune the bill.

Kansas Civil Forfeiture Law - the Committee concluded that there was no evidence to suggest that problems exist with the forfeiture laws in Kansas. The laws are working as they were intended. The Committee did not believe that there has been any indication of a need for expansion of forfeiture in recent years.

Privacy of Medical Record, Access To Such Records, Expense of Obtaining Such Records, and Related Issues - the Committee concluded that patients should have a statutory right to access their medical records either in person or by authorized representative. Health care providers have the responsibility to provide that access in a timely manner and at a reasonable costs. Significant federal laws apply to the area of privacy of medical records and sees no reason to intrude into that regulatory field beyond what is necessary to ensure access under Kansas law. The Committee recommended a bill be drafted that would:

- ◆ Define which health care providers must furnish patient records, making clear that health maintenance organizations are exempt
- ◆ Specify what information an authorization document must contain
- ◆ Require medical records to be furnished within 30-days of receipt of a written authorization request
- ◆ Allow providers to collect a service fee not to exceed \$15 and \$0.35 per page copying charge
- ◆ Provide enforcement of the act through the courts with the costs of the action for enforcement charged to the provider and records produced without cost or expense to the requesting party.

Upward Departure of Sentences - the Committee reviewed recent appellate court decisions affecting the Kansas law related to upward departures from sentencing guidelines in prison sentences. They recommended that the 2002 Legislature address the issue of upward departures in the Kansas sentencing law as soon as possible.

Use of Independent Hearing Examiners by Agencies Subject to the Kansas Administrative Procedure Act - The Committee studied the issue and determined that **2001 HB 2488** should be passed by the Legislature.

The committee meeting adjourned. The next meeting is scheduled for January 22, 2002.