

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 p.m. on March 8, 2004 in Room 313-S of the Capitol.

All members were present except:

Representative Dean Newton- excused
Representative Tim Owens- 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:

Senator Jay Emler
Judge Pat Caffey, Municipal Court Judge, Manhattan
Tom Bell, Kansas Hospital Association
Ron Hein, HCA

The hearing on **SB 354 - municipal court pre-trial authority to detain**, was opened.

Senator Jay Emler explained that the proposed bill was an attempt to combine 3 statutes. He introduced Judge Pat Caffey, Municipal Court Judge, Manhattan, who spoke in favor of the bill. (Attachment 1) He stated that there are two substantive changes in the bill:

1. Clarifies the procedure for the city attorney to cause a notice to appear to be issued or an arrest warrant if a municipal judge finds probable cause exists
2. Changes the procedure regarding holding a person after arrest and bond settings to 48 hours instead of 18 hours.

The hearing on **SB 354** was closed.

The hearing on **SB 321 - contempt powers of municipal court judges**, was opened.

Judge Pat Caffey, Municipal Court Judge, Manhattan, appeared as a proponent of the bill. He explained the bill expands the powers of municipal court judges to hold a person in contempt and makes clear the defendant can appeal the finding of contempt to the district court. (Attachment 2)

The hearing on **SB 354** was closed.

The hearing on **SB 343 - repeals K.S.A. 2003 Supplemental 65-441a concerning hospital**, was opened.

Tom Bell, Kansas Hospital Association, explained that the bill repeals law enacted in 2003 which required that when there is a proposed change in control of a not-for-profit hospital by sale, merger or any other event that may result in a change or loss of the hospital's federal tax exempt status or forfeiture or amendment of the hospital's articles of incorporation that alters the original purpose of the hospital, a new foundation must be formed and all the assets of the hospital must be transferred to the foundation. The law was deemed unconstitutional by a Johnson County District Court Judge. (Attachment 3)

Ron Hein, HCA, appeared as a proponent of the bill. He reminded members that the 2003 legislation was passed to address one issue, the acquisition of Health Midwest and its system of hospitals in Missouri and Kansas by HCA. The acquisition is finished and there is no need for the statute anymore. (Attachment 4)

The hearing on **SB 343** was closed.

Chairman O'Neal appointed the following members to a subcommittee on **HB 2741 - health care decisions**

CONTINUATION SHEET

MINUTES OF THE HOUSE JUDICIARY COMMITTEE at 3:30 p.m. on March 8, 2003 in Room 313-S of the Capitol.

made by a surrogate when agent is not available,: O'Neal, Jack & Crow.

SB 421 - eminent domain; filing the appraisers' report within 45 days after entry of order

Representative Patterson made the motion to report SB 421 favorably for passage. Representative Mast seconded the motion.

Representative Patterson provided the committee with a balloon amendment which would require displaced persons be paid 75% of relocation payment in advance and any remaining payment be due 30 days after the relocation has been completed. (Attachment 5) He made a substitute motion to adopt the balloon. Representative Long-Mast seconded the motion. The motion carried.

Representative Jack made the motion by adding "compensation and" to line 23. Representative Long-Mast seconded the motion. The motion carried.

Loyd made the motion to amend the 6th line in the balloon by replacing "letter" with "written notice". Representative Long-Mast seconded the motion. With permission of the seconded Representative Loyd amended his motion to change "letter" to "written notice" throughout New Section 4. The motion carried.

Representative Patterson made the motion to report Substitute SB 421 favorably for passage. Representative Long-Mast seconded the motion. The motion carried.

SB 141 - phasing in the use of administrative hearings over years

Representative Long-Mast made the motion to strike the Senate amendments but include the technical updates. Representative Loyd seconded the motion. The motion carried.

Representative Patterson made the motion to report SB 141 favorably for passage. Representative Crow seconded the motion. The motion carried.

SB 316 - requiring judges to sign executions and orders of sales

Representative Pauls made the motion to report SB 316 favorably for passage. Representative Long-Mast seconded the motion. The motion carried.

SB 317 - eliminating the requirement subpoenaed business records held indefinitely by the clerk of the district court

Representative Loyd made the motion to report SB 317 favorably for passage. Representative Mast seconded the motion.

Representative Loyd made a substitute motion which would allow the court to waive attorney fees upon a finding that the amount tendered is sufficient to compensate the holder of the check. Representative Long-Mast seconded the motion. The motion carried.

Representative Loyd made the motion to insert the provisions of HB 2655. Representative Long-Mast seconded the motion. The motion carried.

Representative Loyd made the motion to report SB 317 favorably for passage, as amended. Representative Long-Mast seconded the motion. The motion carried.

The Chairman adjourned the committee meeting. The next meeting was scheduled for March 10, 2004.