

Approved: May 11, 2012

(Date)

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson Kinzer at 3:30 PM on Tuesday, February 7, 2012 in 346-S of the Capitol.

All members were present except:

Dan Collins
Annie Kuether
Annie Tietze

Committee staff present:

Katherine McBride, Office of Revisor of Statutes
Jason Thompson, Office of Revisor of Statutes
Lauren Douglass, Kansas Legislative Research Department
Robert Allison-Gallimore, Kansas Legislative Research Department
Nancy Lister, Committee Assistant

Conferees appearing before the Committee:

Dr. Chris Burke, Ph.D., Superintendent, Larned State Hospital
Kevin Walker, American Heart Association
Harold D. Swedlund, Jr., MC Industries/Sunflower Marketing
Ann McShane, Galichia Heart Hospital
Callie Jill Denton, Kansas Association for Justice

Others in attendance:

See attached.

Chairman Kinzer opened the hearing on **HB 2530–Relating to the commitment procedure of sexually violent predators**. Katherine McBride provided an overview of the contents of the bill.

Dr. Chris Burke testified in support of **HB 2530**, stating the bill clarifies where sexually violent predators committed to the care and custody of the Secretary of SRS can be housed. Currently, sexual predators are housed in a separate facility or building from all other patients. The proposed changes to K.S.A. 59-29a07 would allow sexual predators to be housed in a secure setting in the Isaac Ray security building where other security patients are housed, so long as the sexually violent predators remain segregated at all times. By making this change, Larned State Hospital will be able to maximize utilization of the remaining unoccupied units on the grounds. (Attachment 1)

Continuation Sheet

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Chairman Kinzer closed the hearing on **HB 2530** and opened the hearing on **HB 2562–Relating to emergency care or assistance at the scene of an emergency or accident.** Katherine McBride provided a brief overview of the contents of the bill. She passed out a copy of K.S.A. 65-2891, which gave a definition of health care providers in subsection (e), and explained this bill would provide protection to individuals not covered by this section. (Attachment 2)

Kevin Walker testified in support of **HB 2562** stating there are two classes of people-professional health care providers- people who are expected to perform emergency aid in the carrying out of their duties every day duties such as nurses, physicians, for example, and laypersons without formal training. The American Heart Association (AHA) is trying to address the lay public with this bill. The AHA knows from years of research the vast majority of cardiac events occur outside of the clinical setting, and for years the AHA has been looking for ways to get the lay public more engaged in what they call “bystander CPR” (Cardio Pulmonary Resuscitation). The AHA has two types of CPR training. One type of training is for those who need to be certified in CPR, which is for the health care providers. The other type of CPR training is designed solely for the lay public. The AHA is not trying to change anything concerning those who work in the health care field, but rather, wants to encourage lay people to be trained to give aid in emergency situations, perhaps to a family member or friend in need. This bill would bring Kansas in alignment with 35 other states and send a clear message that bystanders should not be afraid to render aid in an emergency. (Attachment 3)

Harold Swedlund testified in support of **HB 2562** as a volunteer for the American Heart Association and as a lay person who is trained in CPR but has not had any formal first aid training. Current law appears not to provide protection to those who come to the aid of someone suffering from cardiac arrest. Mr. Swedlund stated he was willing to render aid and believes **HB 2562** will encourage Kansans to render aid in emergency situations without fear of legal repercussions. (Attachment 4)

Ann McShane testified in support of **HB 2562** and stated she is a nurse and has been in the health care profession for 24 years. She is passionate about saving lives, has taught CPR routinely and has come across individuals who are hesitant to take the CPR class because of the liability they may incur by being a first responder. She is a stroke survivor and has been told the next stroke might kill her. She would like to believe if she had another stroke walking down the street, someone would come to her aid, and knowing it could be anyone, she is supportive of the bill, which would eliminate confusion in the current law and remove a potential barrier that, for some, may cause delay in providing emergency care. (Attachment 5)

Chairman Kinzer directed the Committee’s attention to written testimony in support of **HB 2562** from Cynthia Harris Hillman (Attachment 6) and Richard Sigle, Jr. (Attachment 7)

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.

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Callie Jill Denton testified as an opponent of **HB 2562** primarily because of the way the statute is drafted. She stated the Kansas Association for Justice is certainly a supporter of the “Good Samaritan” statute and what it intends to accomplish in public policy, which is to encourage volunteers to come forward and render medical aid to people who are having a medical emergency. The stand alone statute created by **HB 2562** will cause some conflicts and confusion as it expands the acts that might be rendered at the time of the emergency, beyond that of medical care, and this goes beyond what is contemplated in the “Good Samaritan” statute, which is just medical assistance, first responder-types of medical acts. Ms. Denton identified several examples of the language the Kansas Association for Justice has concerns about, but also advised she has recently talked with some of the primary supporters of this bill; the Association is amenable to working together with the supporters of the bill, to come up with new language to bring before the Committee for consideration. Ms. Denton felt this was good news to share at the time. (Attachment 8)

Chairman Kinzer closed the hearing on **HB 2562**.

Chairman Kinzer asked Jason Thompson if he had a chance to give more thought to **HB 2313–Senate Substitute for HB 2313 by Committee on Judiciary -- Creating an out of state juvenile offender registration requirement**, specifically looking at how Section (2) (b) was drafted, as it referenced patients in the custody of the Secretary of Social and Rehabilitative Services in the same section as those in the custody of the Secretary of Corrections, there might be a concern that these individuals need to be treated separately. Jason indicated he still needed to review it, as he could see where the trend in the past has been to keep anything to do with the civil process separate from the criminal process. Chairman Kinzer stated he would give Jason more time to consider the bill before the Committee considers taking final action.

Chairman Kinzer asked the Committee to consider final action on **HB 2464–Amending criminal discovery statute to prohibit release of child pornography evidence to the defense**. Katherine McBride provided a brief refresher on the contents of the bill.

*Representative Rubin moved, Representative Smith seconded, to recommend **HB 2464** favorably for passage.*

*Representative Brookens moved, Representative Pauls seconded, to amend **HB 2464** on Page 3 Line 40 to read “defendant if the prosecution provides ample and liberal opportunity for inspection,” and on Page 3 Line 42 to read “enforcement facility, whether inside or outside of the state of Kansas, by the defendant, the defendant’s attorney and any”. Motion carried.*

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*Representative Smith moved, Representative Rubin seconded, to recommend **HB 2464** favorably for passage as amended. Motion carried.*

Chairman Kinzer asked the Committee to consider final action on **HB 2470—Relating to scrap metal dealers; unlawful acts; fees.** The Committee members were given a proposed balloon **Sub HB 2470** by Jason Thompson. (Attachment 9)

Katherine McBride pointed out the changes in the Substitute balloon, which differed from the original bill draft. Katherine stated the amendment given to her involved a completely different statute, and she thought it would be best to put everything together in one balloon so all could see both amendments as they read together. The balloon is the language from **HB 2470** and the proposed amendment. The stricken language on page 2 of the Substitute balloon identifies what **HB 2470** was clarifying, which was the removal of the words in subsection (e) (9) “or any such wire or cable that has had the sheathing removed, making ownership identification impossible” . Additionally, in Section 2, subsection (a), the phrase “On or after January 1, 2012,” was removed. The substance of the additional amendment, which was brought by a consensus of the interested parties, was on Page 5 of the balloon in subsection (g), regarding payment of the renewal fee but not the additional cost of the original fee. The language stricken was “which shall be in addition to the fee provided by subsection (e),”.

*Representative Brookens moved, Representative Pauls seconded, that **Sub HB 2470** be favorably passed. Motion carried.*

The next meeting is scheduled for Wednesday, February 8, 2012.

The meeting adjourned at 4:55 p.m.

