

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Thomas C. (Tim) Owens at 9:33 a.m. on January 23, 2009, in Room 545-N of the Capitol.

All members were present.

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes
Doug Taylor, Office of the Revisor of Statutes
Jerry Donaldson, Kansas Legislative Research Department
Athena Andaya, Kansas Legislative Research Department
Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Randy Hearrell, Kansas Judicial Council
Patrick Hurley, Kansas Judicial Council, False Claims Advisory Committee
Loren Snell, Kansas Deputy Attorney General
Jerry Slaughter, Executive Director, Kansas Medical Society
Mark Dessetti, Kansas National Education Association

Others attending:

See attached list.

Bill Introductions

Senator Derek Schmidt introduced two bills, the first would amend the Open Meetings Act from the 2008 Session and the second would transfer the Inspector General and the Office of the Inspector General from the Kansas Health Policy Authority to the Division of Post Audit. The bills were introduced without objection.

Dianne Minear requested the introduction of a bill to enact the Business Entity Transaction Act. The bill was introduced without objection.

The Chairman opened the hearing on **SB 44 - Kansas false claims act.**

Randy Hearrell appeared in support, indicating the Judicial Council was charged by the 2008 Legislature to study and make recommendations regarding 2008 HB 2943 establishing a Kansas False Claims Act. **SB 44** is the result of that study.

Patrick Hurley testified in support stating the bill has been discussed with all interested parties and stakeholders. Mr. Hurley reviewed the major points in the bill including the requirements that must be met to be deemed in compliance with the Deficit Reduction Act of 2005. (Attachment 1)

Loren Snell spoke in support stating the bill will enable the Attorney General's Office to better prosecute fraud and waste. The Kansas Medicaid Fraud and Abuse Division needs additional tools to protect Medicaid dollars. Mr. Snell stressed careful consideration was given to the drafting of the bill and encouraged the Committee to pass the bill as written (Attachment 2).

Jerry Slaughter, spoke as a proponent, stating the bill represents a reasonable approach with an appropriate balance similar to federal false claims law. The principle difference it does not include a *qui tam* provision. The Kansas Medical Society supports the bill as written and encouraged enactment. (Attachment 3)

Mark Dessetti provided neutral testimony indicating concern on the definition of "false claim" could include mistaken overpayment by a school district of a school teacher's salary. (Attachment 4)

Neutral written testimony was submitted by:

Chad Austin, Kansas Hospital Association (Attachment 5)

The Chairman called for final action on **SB 26 - Additional months added to sentences for certain drug**

CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:33 a.m. on January 23, 2009, in Room 545-N of the Capitol.

felonies involving firearms.

Senator Vratil moved, Senator Schmidt seconded, to amend **SB 26** to include a definition of “brandishing” from federal law. Motion carried.

Senator Vratil moved, Senator Schodorf seconded to amend **SB 26** on page 4, line 40, changing “60” to “12”; line 41, changing “84” to “15”; line 43, changing “120” to “24”. Motion carried.

The Chairman indicated the Committee was out of time, final action on **SB 26** will continue at a later date and **SB 28** will be rescheduled.

The next meeting is scheduled for January 26, 2009.

The meeting was adjourned at 10:31 a.m.