

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Michael R. O'Neal at 12:00 p.m. on April 12, 2002 in Room 313-S of the Capitol.

All members were present except:

Representative Peggy Long - Excused

Committee staff present:

Jerry Ann Donaldson, Department of Legislative Research

Sherman Parks, Department of Revisor of Statutes

Cindy O'Neal, Committee Secretary

The discussion on **SB 521 - Departure sentencing procedure under sentencing guidelines act**, led committee members to be concerned with the bifurcated system proposed in the bill due to the burden it would place on the courts.

Barbara Tombs, Executive Director, Kansas Sentencing Commission, proposed a system that would let the court determine which process they wanted to use, the bifurcated system or a jury form questionnaire. They could use the bifurcated system when there might be evidence that the jury shouldn't have. She estimated that 50% of departures could be solved with a jury form.

She was directed by the Chairman to work with the Revisers on a draft.

SB 377- Access to health care records by patients and authorized representatives

Representative Newton provided the committee with two balloons:

A. Had the Golden Rule Letter requirement but gives 30 days for the licensing agency to try and resolve the dispute (Attachment 1)

B. Tied the costs to the Workers Compensation Advisory Board for adjustments purposes (Attachment 2)

Representative Newton moved to adopt both balloons. Representative Lloyd seconded the motion.

Representative Newton was asked why there was the need for the costs being set by the Workers Compensation Advisory Board. He responded that with a set fee in statute the legislature would have to revisit the fees every several years.

Representative Loyd didn't believe that two notices needed to be sent and opposed the last sentence which states the "courts shall award the costs of the action or"...the "or" was originally was "an". He was not concerned with the fees "getting out of line" because the Workers Compensation Advisory Board fees have been on target for that industry.

With the permission of the second, Representative Newton modified his motion to delete the request for the Golden Rule, and resort the last sentence to how it originally was.

Representative DiVita questioned the need for the bill when it was only concerned with "copies" being made. In today's business world records are now being sent by e-mails or copied on disks and was concerned how those would be charged since they are not "copied per page" items.

Representative Newton requested his motion be divided as follows:

A. Balloon A with section 4 amendment

B. Workers Compensation Advisory Board setting the fees

C. New Section 3

CONTINUATION SHEET

MINUTES OF THE HOUSE JUDICIARY COMMITTEE at 12:00 p.m. on April 12, 2002 in Room 313-S of the Capitol.

Motion on part A carried.

The committee recessed at 12:45 p.m. and meet at the Rail at 4:30 p.m.

Representative Patterson made the motion to adopt balloons A & B as previously distributed and discussed and balloon C (Attachment 3) which sets the fees at \$20 for cost of supplies, \$.50 for each page for the first two hundred fifty pages and \$.35 per page thereafter. Representative DiVita seconded the motion. The motion failed 8-11.

The Chairman adjourned the meeting at 4:45 p.m. No further meetings have been scheduled.

Committee minutes from March 20, 25, 26, April 1, 11, and 12 were distributed on May 2, 2002. If not changes are requested by May 31, 2002 they will stand approved.