

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on January 29, 2007 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research
Athena Andaya, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Duston Slinkard, Office of Revisor of Statutes
Cindy O'Neal, Committee Assistant

Conferees appearing before the committee:

Representative Kenny Wilk
David Van Parys, Leavenworth County Counselor
Judy Moler, Kansas Association of Counties

The hearing on **HB 2161 - counties; enforcement of county codes and resolutions**, was opened.

Representative Kenny Wilk appeared before the committee as the sponsor of the proposed bill. He explained that it would allow Leavenworth County to set up a county code court, therefore allowing the county to productively manage county code issues. (Attachment 1)

David Van Parys, Leavenworth County Counselor, stated that currently ten other counties are using a similar county code system. The proposed legislation would not require Leavenworth County to use the county code court but simply allows for the option. It would also provide a positive fiscal impact on the state. A \$20 assessment for costs of each filing is provided for. Of that assessment, \$2 is remitted to the state treasurer for disbursement on a 50%-50% basis to the protection from abuse fund and the crimes victims assistance fund. (Attachment 2)

Judy Moler, Kansas Association of Counties, supported the proposed bill and informed the committee that **HB 2058**, which is in House Elections and Governmental Organizations, includes all counties in Kansas. (Attachment 3)

The hearing on **HB 2161** was closed.

HB 2010 - Uniform anatomical gift act

Representative Watkins made the motion to report **HB 2010** favorably for passage. Representative Colloton seconded the motion.

Chairman O'Neal announced he had communicated with the National Conference of Commissioners on Uniform State Laws (ULC) with regards to the committees concerns from the January 24th meeting.

Their response was that they had no problem with reassigning the priority of who can donate organs on behalf of others and also about mirroring the Uniform Health Care Decisions Act "...an adult who has exhibited special care and concern for the patient, who is familiar with the patient's personal values..."

Representative Kinzer made a substitute motion to switch the priority of #8 & #9 and to adopt the proposed language in the above paragraph. Representative Owens seconded the motion. The motion carried.

New Section 7 had confusing language by using the word "individual" many times. The ULC didn't like the proposed change of using "person" as the one who would be able to sign. The ULC suggested that in line 23 "individual" be changed to "another".

Representative Colloton made the motion to have the above changes be made in new section 7. Representative Owens seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE House Judiciary Committee at 3:30 P.M. on January 29, 2007 in Room 313-S of the Capitol.

The ULC believes that new section 18 simply clarifies what is current Kansas standard by adding “attempts” before good faith. Some committee members believed that this would expand immunity in Kansas.

Representative Ward made the motion to reword new section 18(a) to read “...or in good faith attempts to do so is not liable...” Representative Colloton seconded the motion. The motion carried.

Representative Pauls made the motion to strike, in new section 12, “...by subject to administrative sanctions..” Representative Kuether seconded the motion. The motion carried.

Chairman O’Neal stated that new section 15 repeals Kansas protocol and replaces it with federal laws. The ULC explained that Kansas regulations are outdated and that federal regulations supercedes it anyways.

Representative Kinzer made the motion to change the penalty to a severity level 5, non-person, in new section 16. Representative Hodge seconded the motion. The motion carried.

Representative Owens made the motion to report **HB 2010** favorably for passage, as amended. Representative Colloton seconded the motion. The motion carried.

The committee meeting adjourned at 5:00 p.m. The next meeting was scheduled for January 30, 2007.