

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on February 11, 2002 in Room 313-S of the Capitol.

All members were present except:

Representative Karen DiVita- Johnson - Excused  
Representative Judy Morrison - Excused

Committee staff present:

Jerry Ann Donaldson, Department of Legislative Research  
Jill Wolters, Department of Revisor of Statutes  
Sherman Parks, Department of Revisor of Statutes  
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Brian Vazquez, Administrator for Social and Rehabilitation Services State Recovery Unit  
Matt Goddard, Heartland Community Bankers Association  
Kathy Olsen, Kansas Bankers Association  
Marianne Deagle, Special Assistant to the Assistant Secretary of Health Care Policy  
John Badger, General Counsel, Social and Rehabilitation Services

Hearings on **HB 2775 - Medical assistance; recovery of previous paid medical assistance**, were opened.

Brian Vazquez, Administrator for SRS State Recovery Unit, appeared as a proponent of the bill. He explained that the proposed legislation would increase recoveries and improve the effectiveness of the Estate Recovery Program. It would do so by imposing a lien on real property of a recipient of medical assistance for the purpose of recovering paid medical assistance. This would be imposed on primarily on those clients who have been in long-term care. (Attachment 1)

Matt Goddard, Heartland Community Bankers Association, was concerned that the proposed bill allows the lien to be in effect until: the lien is satisfied, the value of the property is consumed by the lien or the recipient leaves the nursing facility, it does not discharge the lien upon foreclosure for a previous liens. They were also concerned that it does not specify the priority of liens. He proposed amendments that would take care of these concerns. (Attachment 2)

Kathy Olsen, Kansas Bankers Association, appeared before the committee with the same concerns as Mr. Goddard and supported the suggested amendments. (Attachment 3)

Hearings on **HB 2775** were closed.

Hearings on **HB 2774 - Participants in the sexual predator treatment program; annual examination by Secretary of SRS and the Court**, were opened.

Marianne Deagle, Special Assistant to the Assistant Secretary of Health Care Policy, explained that the proposed bill would authorize SRS to contract for transitional release if they were to determine that the person is not likely to commit acts of sexual violence. The proposed bill would simply require the county to discuss transitional release, it wouldn't force them to provide any services. (Attachment 4)

Hearings on **HB 2774** were closed.

Hearings on **HB 2773 - Criminal procedure; adding state security hospital to the definition of criminal justice agency**, were opened.

John Badger, General Counsel, SRS, informed that committee that the purpose of the bill was to add State Security Hospital to the definition of a criminal justice agency for the purpose of doing security checks, which would provide complete background checks on employees. (Attachment 5)

Hearings on **HB 2773** were closed.

**HB 2722 - Authorizing financial organizations to provide information to Security of SRS**

CONTINUATION SHEET

MINUTES OF THE HOUSE JUDICIARY COMMITTEE at 3:30 p.m. on February 11, 2002 in Room 313-S of the Capitol.

Representative Loyd made the motion to amend in a provision that would provide blanket immunity to financial organizations for disclosure of information that has been requested by the Secretary of SRS. Representative Swenson seconded the motion. The motion carried.

Representative Loyd made the motion to report **HB 2722** favorably for passage, as amended. Representative Long seconded the motion. The motion carried.

**HB 2698 - Real estate sales validation questionnaire does not apply to transfers of title from a trust without consideration**

Representative Loyd made the motion to amend the bill so two sales validation questionnaires are not necessary and only one is required. Representative Long seconded the motion. The motion carried.

Representative Loyd made the motion to report **HB 2698** favorably for passage, as amended. Representative Crow seconded the motion. The motion carried.

**HB 2697 - Conversion of Chapter 61 cases to Chapter 60 cases permissive not mandatory by the courts**

Representative Howell made the motion to report **HB 2697** favorably for passage. Representative Klein seconded the motion. The motion carried.

The committee meeting adjourned at 5:45 p.m. The next meeting was scheduled for February 12, 2002.