



## CONTINUATION SHEET

Minutes of the Senate Committee on Judiciary February 20, 1979.

SB 171 continued -

manner in which expenses are allocated as provided in Section 6. Senator Gaines moved to report the bill favorably as amended; Senator Hess seconded the motion. Following further committee discussion, the motion carried.

Senator Berman moved to introduce a committee bill to be referred to the Ways and Means Committee concerning the filling of vacancies in the office of sheriff to provide that a vacancy be filled in the same manner as a legislative vacancy; Senator Steineger seconded the motion, and the motion carried.

Proposed Substitute Senate Bill No. 76 - Enacting a tort claims act applicable to the state and local units of government.

The chairman reviewed the major policy decision that had been made in the bill at yesterday's meeting, and explained the special printing arrangements that had been made for the proposed substitute bill. Committee discussion followed concerning provisions of the proposed substitute bill.

Senate Bill No. 256 - Workmen's compensation, relating to payment of attorneys' fees. Senator Gaines moved that the bill be reported unfavorably; Senator Werts seconded the motion. Following committee discussion, the motion failed on a vote of three in favor to seven opposed. Senator Berman moved to <sup>to</sup>amend the bill relating to the refusal of an employer to pay compensation after adjudication of a claim. Committee discussion followed. The motion died for want of a second. Senator Gaines moved to insert "and insurance carrier" after the word "employer" and to insert after the word "refused" the words "in bad faith"; Senator Steineger seconded the motion. Senator Burke made a substitute motion to substitute the word "insurance carrier" for the word "employer" and to provide that it would be paid by the employer in case of the employer being selfinsured. Senator Steineger seconded the motion, and the motion carried. Senator Berman moved to report the bill favorably as amended; Senator Mulich seconded the motion, and the motion carried.

Senate Bill No. 302 - Attorneys practicing in municipal court.

Following committee discussion, senator Gaines moved to amend the bill to provide that the ability to appear in municipal court would only apply to those serving in volunteer advisory capacity; Senator Parrish seconded the motion, and the motion carried. Following further committee discussion during which it was pointed out that this seemed to be a problem, because of the interpretation of the conflict of interest law issued by the City of Wichita law department, it was the concensus of the committee that no further action would be taken on the bill until the authors of the bill had the opportunity to discuss the matter with the attorney general's office.

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Senate Bill No. 328 - Laboratories; M.D.'s prohibited from owning. Following committee discussion, Senator Gaines moved to report the bill adversely; Senator Hess seconded the motion. Senator Allegrucci made a substitute motion to amend the bill by including pharmacies; Senator Berman seconded the motion, and following further committee discussion, the motion carried. It was agreed that further action on the bill would be deferred until the amendatory language had been drafted by the staff and brought back to the committee.

Senate Bill No. 309 - State game protectors, powers of peace officers. Following committee discussion, Senator Gaines moved to report the bill adversely; Senator Berman seconded the motion, and the motion carried.

The meeting adjourned.

These minutes were read and approved  
by the committee on 1/ - 2.5 - 79.