

Approved March 6, 1987
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Representative Robert S. Wunsch at
Chairperson

3:30 ~~xxxx~~/p.m. on February 18, 1987, 19__ in room 313-S of the Capitol.

All members were present except: Representatives Duncan and Peterson, who were excused.

Committee staff present:

Mike Heim, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes Office
Mary Jane Holt, Secretary

Conferees appearing before the committee:

The minutes of February 4 and February 5 were approved.

The Chairman announced the Committee would discuss and consider final action on:

H.B. 2070 - Hospital lien against patient's personal injury damages

Representative Walker moved and Representative Solbach seconded to amend line 28 to change \$50,000 to \$20,000. The motion passed, yeas 11, nays 5.

Representative O'Neal made a conceptual motion to make the lien subject to the comparative negligence of the injured party. Representative Buehler seconded. The motion failed, yeas 7, nays 9.

Representative O'Neal moved to recommend H.B. 2070 favorably for passage, as amended. The motion was seconded by Representative Snowbarger. The motion passed.

H.B. 2021 - Itemized verdicts in personal injury and wrongful death suits.

Representative Solbach moved to pass the bill out favorably. Representative Sebelius seconded, then withdrew her second. Representative Wagnon seconded the motion. The motion failed.

Representative O'Neal made a motion to adopt the subcommittee report on H.B. 2021. The motion was seconded by Representative Bideau.

Representative Wagnon moved to amend Representative O'Neal's motion to add changing line 66 in the subcommittee report to read "after its publication in the statute book". The motion was seconded and the motion passed.

A conceptual motion was made by Representative Sebelius to amend the subcommittee report to add a new section for noneconomic injuries and losses other than those itemized. Representative Kennard seconded and the motion failed, yeas 7, nays 9.

Representative Solbach moved to amend the subcommittee report to add the loss of consortium to the itemized list. The motion was seconded by Representative Kennard. The motion failed, yeas 8 and nays 9.

A vote was taken on the motion made by Representative O'Neal and amended by Representative Wagnon. The motion passed.

A motion was made by Representative Bideau and seconded by Representative Snowbarger to report H.B. 2021, as amended, favorably for passage. The motion passed.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY,
room 313-S, Statehouse, at 3:30 ~~xxx~~ p.m. on February 18, 1987.

H.B. 2010 - Definition of crime of indecent liberties with a child.

Representative Douville moved to adopt the subcommittee report and amendments to H.B.2010. The motion was seconded by Representative Sebelius. The motion passed. The subcommittee report is (Attachment I).

A motion was made by Representative Douville and seconded by Representative Sebelius to report H.B. 2010, as amended, favorably for passage. The motion passed.

H.B. 2081 - Evidence of spouse's remarriage in wrongful death actions

Representative moved to table H.B. 2081. Representative Sebelius seconded and the motion passed, yeas 9 and nays 8.

H.B. 2023 - Kansas Tort Claims Act amendments

A motion was made by Representative Snowbarger to amend H.B. 2023 to include in New Section 2 a new subsection (c) a member of any appointed board, commission, committee or council of municipalities that hold such membership shall not be liable for damages caused by negligent or wrongful acts, or omission of such member of board, commission, committee or council. The motion was seconded by Representative Vancrum. The motion passed.

Representative Bideau moved to strike subsection (c) on page 8. The motion was seconded, and the motion passed.

A motion was made by Representative Sebelius to delete subsection (d) in Section 3, on page 2, lines 78 through 81. Representative Adam seconded the motion. The motion passed, yeas 10 and nays 7.

Representative Sebelius moved to put a semicolon after the word "abused" in line 85 and strike the rest of line 85 and line 86. The motion was seconded by Representative Fuller and the motion passed.

A motion was made by Representative Sebelius to reinsert the language in lines 282 through 286 that was stricken from the bill. The motion was seconded by Representative Wagnon. The motion passed.

Representative Whiteman made a conceptual motion to add to New Section 2 language limiting the immunity so that there is no exemption from actual fraud or actual malice. The motion was seconded by Representative Kennard. The motion passed.

A motion was made by Representative Sebelius to add a period after years in line 311 and strike the rest of lines 311 and 312. The motion was seconded. The motion failed.

Representative Vancrum moved to add in line 371, "(d) The possibility that a governmental entity may pay that part of a judgment that is for punitive or exemplary damages or attorney's fees or other costs related thereto shall not be disclosed in any trial in which it is alleged that an employee of that entity is liable for punitive or exemplary damages, and such disclosure shall be grounds for mistrial". Representative Crowell seconded and the motion passed.

Representative O'Neal moved to change the language in lines 311 and 312. Add a period after the word "years" in line 311 and strike the rest of lines 311 and 312, and insert "Nothing herein shall be construed to prohibit the use of structured annuities to satisfy the judgment." The motion was seconded and the motion passed. Representative Solbach requested to be recorded as voting no.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY,
room 313-S, Statehouse, at 3:30 ~~xxx~~ p.m. on February 18, 1987.

A motion was made by Representative O'Neal to add the League of Kansas Municipalities proposed language to the bill, where appropriate, amending K.S.A 12-105(b), with a conceptual amendment that anything the claimant submits in his claim would not thereafter be admissible in a civil court action. The motion was seconded and the motion passed, yeas 9 and nays 8.

Representative Douville moved to report H.B. 2023, as amended, favorably for passage. Representative Buehler seconded and the motion passed.

The meeting was adjourned at 5:30 p.m.

The next meeting will be Thursday, February 19, 1987, at 3:30 p.m. in room 313-S.

GUEST REGISTER

DATE Feb 18, 1987

HOUSE JUDICIARY

NAME

ORGANIZATION

ADDRESS

Mike Germain

Ks Railroad Association

Topeka

Bill Sneed

Ks Assn of Dep Council

Topeka

Table with 3 columns: NAME, ORGANIZATION, ADDRESS. The table contains two rows of handwritten entries and the remainder are blank.

HOUSE BILL No. 2010

By Special Committee on Judiciary

Re Proposal No. 20

12-15

0017 AN ACT concerning the crime of indecent liberties with a child;
0018 amending K.S.A. 1986 Supp. 21-3503 and repealing the exist-
ing section.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. K.S.A. 1986 Supp. 21-3503 is hereby amended to
0022 read as follows: 21-3503. (1) Indecent liberties with a child is
0023 engaging in any of the following acts with a child who is not
0024 married to the offender and who is under 16 years of age:

0025 (a) Sexual intercourse; ~~or~~

0026 (b) any lewd fondling or touching of the person of ~~either the~~
0027 child ~~or the offender or another~~, done or submitted to with the
0028 intent to arouse or to satisfy the sexual desires of ~~either the child~~
0029 ~~or the offender or both another.~~

0030 (2) Indecent liberties with a child is a class C felony.

0031 Sec. 2. K.S.A. 1986 Supp. 21-3503 is hereby repealed.

0032 Sec. 3. This act shall take effect and be in force from and
0033 after its publication in the Kansas register.

either
or

or

both; or (c) soliciting the child to engage in any
lewd fondling or touching of the person of another
with the intent to arouse or satisfy the sexual
desires of the child, the offender or another