

Approved March 30, 1987  
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Robert Frey at  
Chairperson

10:00 a.m. ~~xxx~~ on March 27, 1987 in room 514-S of the Capitol.

~~All~~ members ~~xxxx~~ present ~~xxxx~~: Senators Frey, Hoferer, Feleciano, Gaines, Langworthy, Parrish, Steineger, Talkington, Winter and Yost.

Committee staff present:

Mike Heim, Legislative Research Department  
Jerry Donaldson, Legislative Research Department  
Gordon Self, Office of Revisor of Statutes

Conferees appearing before the committee:

House Bill 2452 - Venue of personal injury actions against utilities.

During committee discussion Senator Gaines moved to request the chairman to write a letter to the coordinating council requesting the judicial council to study the subject of this bill. Senator Feleciano seconded the motion. Following further discussion, Senator Yost made a substitute motion to report the bill favorably. Senator Hoferer seconded the motion.

A committee member inquired what is the law about venue for other corporations doing business. Staff replied where they had their headquarters. Another committee member inquired if there is any effect on the venue in federal court? Staff replied no. The committee member inquired if this bill is law can an injured railroad employee still go to federal court to any three urban counties? The reply was if railroad employee is injured in Colorado, action is brought in Wyandotte County in federal court or Kansas City. The committee member commented this bill won't stop forum shopping. The chairman added in federal court you can expect much longer delays. Another committee member requested staff to check on out of state situations, when accidents occur out of state why the case is in Kansas. Staff replied this bill as drafted would take care of out of state. Another committee member inquired if this situation is unique to Kansas? Senator Talkington will check on the out of state situation and report back Monday when the bill is taken up again. The motion to report the bill favorably is still on the table.

House Bill 2023 - Kansas tort claims act amendments.

The chairman noted there is a motion pending on the bill to reinsert the amendment as originally drafted on page 3 of the bill, lines 92 through 94. Senator Winter had made a substitute motion, Senator Yost seconded the motion. Following committee discussion, with a show of hands of six voting in favor of the substitute motion and two opposed, the motion carried.

Senator Feleciano made a motion to amend the bill by striking the language in lines 100 through 103 on page 3 and reinserting "whether or not the discretion be abused" in lines 98 and 99. Senator Parrish seconded the motion.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,  
room 514-S, Statehouse, at 10:00 a.m./~~p.m.~~ on March 27, 1987

House Bill 2023 continued

Senator Winter made a substitute motion to amend the bill to strike the bold face type in lines 100 through 103. Senator Feleciano seconded the motion, and the motion carried.

Senator Talkington moved to amend the bill by reinserting the language in italics in lines 98 through 100. Senator Winter seconded the motion, and the motion carried.

Senator Winter moved to amend the bill in lines 170, page 5, to define words "motor vehicle" as in the no fault act. Senator Talkington seconded the motion and the motion carried.

Senator Talkington moved to amend the bill to change the effective date to publication in the Kansas Register. Senator Steineger seconded the motion, and the motion carried.

Senator Talkington moved to report the bill favorably as amended. Senator Steineger seconded the motion, and the motion carried.

The meeting adjourned.

A copy of the guest list is attached (See Attachment I).

GUEST LIST

COMMITTEE: SENATE JUDICIARY COMMITTEE

DATE: 3-27-87

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
BOB ANDERSON	COALITION FOR CONSUMER RIGHTS	
Leroy Jones	Overland Park	B. L. E.
Jan Vacek	Topeka	KSCPA
ROBERT LODGHAM	KCKS	LAWYER
Bob Schubert	KTHA - Topeka	
Darlene Skarne	Topeka	RCAD in 16
KATRINA HENSHALL	TOPEKA	OJA
Jim Robertson	"	SRS
F. C. ANDERSON	TOPEKA	KSCPA
Alvie Price	Topeka	KBA
<del>Old Jim</del>	"	KCCI
Mark Smith	Topeka	AV9
Elena M. Jones	Topeka	
RON CALBERT	NEWTON	U. J. U.
Jim Kauf	Topeka	League of Municipalities
Barb Remert	"	KPOA
Tom Taylor	Topeka	KPL Gas Service
George Barber	Topeka	K Consulting Engin
Mike Glomann	Topeka	Ks Railroad Ass'n.
Pat Hubbard	Topeka	Ks Railroad Ass'n
Walter Ham	"	KTCA
Rick Kready	"	KPL Gas Service
Jeff Fockitt	Wichita	Ks Small Bus Assoc.
Bill Supina	Topeka	Kansas For Life
Steve Montgomery	Topeka	Coalition for Consumer Rights

9th. II.  
Senate Judiciary

