

Approved April 4, 1988
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

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

7:00 ~~a.m./p.m.~~ on March 29, 1988 in room 514-S of the Capitol.

~~All~~ members ~~were~~ present ~~except~~: Senators Frey, Hoferer, Burke, Feleciano, Gaines, Langworthy, Parrish, Steineger, Talkington, Winter, Yost.

Committee staff present:

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

Conferees appearing before the committee: None

House Bill 2731 - Exemplary damages in civil suits.

Senator Feleciano moved to amend the bill by reinserting the stricken language "wanton conduct". Senator Parrish seconded the motion. The motion carried.

Senator Gaines moved to report the bill favorably as amended. Senator Burke seconded the motion. The motion carried. Senator Feleciano voted "no" on the motion.

House Bill 3052 - To be admissible, collateral source benefits must exceed \$50,000.

Senator Gaines moved to report the bill adversely. Senator Talkington seconded the motion. Senator Parrish made a substitute motion to amend House Bill 2693 into House Bill 3052. Senator Feleciano seconded the motion. Committee discussion followed concerning the subrogation bill. On a voice vote of the committee the motion to amend failed. With a show of hands vote and six voting in favor of reporting the bill adversely, the motion carried.

House Bill 2693 - Collateral source benefits admissible.

Senator Gaines explained the bill. Senator Talkington moved to report the bill favorably as amended. Senator Burke seconded the motion. Senator Winter made a substitute motion to reconsider the action of the committee to amend Section 6. Senator Feleciano seconded the motion. Four voted in favor of the motion and six in opposition, the motion failed. The motion carried to report the bill favorably as amended. Senator Parrish and Senator Feleciano voted "no" on the motion.

Senate Bill 631 - Medical malpractice liability actions, attorney fees, noneconomic damages, annuity contract.

Senator Gaines explained the bill. Senator Gaines then moved to amend the bill in line 219, by removing subsection (m); in line 253 by removing Subsection 2, and in line 297 by striking the reference to annuity. Senator Yost seconded the motion.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 7:00 a.m. ~~p.m.~~ on March 29, 1988.

Senate Bill 631 continued

The motion carried. Senator Gaines moved to report the bill favorably as amended. Senator Burke seconded the motion. Senator Feleciano made a conceptual substitute motion to include the same application to defense attorneys. Senator Steineger seconded the motion. The chairman ruled the motion too vague. Staff needs more direction. Following committee discussion, Senator Winter made a substitute motion to amend the scale percentage limitation to provide 25% of the first \$500,000, 20% of the next \$500,000 and 15% that exceeds \$1,000,000. The motion carried. Senator Gaines moved to report the bill favorably as amended. Senator Burke seconded the motion. The motion carried. Senator Parrish and Senator Feleciano voted "no" on the motion.

The meeting adjourned.

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

GUEST LIST

COMMITTEE: SENATE JUDICIARY COMMITTEE

DATE: 3-29-88
7:00 AM

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Paul E. Fleener	Manhattan	Kansas Farm Bureau
Chip Whedden	Topeka	Ks Medical Society
Jerry Slaughter	"	" " "
Michael Wolf	"	KTLA
Tom Corwin	"	Kolasson P/C Ins.
William Adams	"	KTLA

Att. I