

Approved 4-29-89
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Wint Winter, Jr. at
Chairperson

5:40 ~~am~~/p.m. on April 26, 1989 in room 123-S of the Capitol.

All members ~~were~~ present ~~except~~: Senators Winter, Yost, Moran, Bond, Feleciano, Gaines, D. Kerr, Martin, Oleen, Parrish, Petty.

Committee staff present:

Mike Heim, Legislative Research Department
Gordon Self, Revisor of Statutes

Conferees appearing before the committee:

Marlin Rein, Kansas University Medical Center

House Bill 2501 - Medical malpractice claims; phase out of health care stabilization fund.

Senator Bond said he desired to amend into House Bill 2501 provisions of Senate Bill 18 generally as it left the Senate. He asked Marlin Rein of the Kansas University Medical Center to explain what was desired.

Marlin Rein explained Senate Bill 18 was a recommendation of a 1988 interim Special Committee on Ways and Means. The concept is to provide a way to self insure the basic level of insurance for medical malpractice for physicians employed by the University of Kansas Medical Center that are also engaged in private practice. Three concepts were explained which included the establishment of a \$500,000 imprest or reserve fund to be funded initially by the physicians through their private corporations and foundations. If the reserve fund was incapable of paying all liabilities in any year, the Health Care Stabilization Fund (HCSF) would pay the balance owed. The State General Fund then would reimburse the HCSF. In effect, the State General Fund would assume responsibility for all amounts exceeding \$500,000 in any fiscal year and the physicians, corporations and foundations would agree to replenish the reserve fund to the \$500,000 level each year.

There was discussion of tail coverage for physicians in residency programs.

A conceptual motion was made by Senator Bond and seconded by senator Yost to amend House Bill 2501 to exempt residents from the five-year longevity requirement and thus provide free tail coverage for them for the time period during the residency. Once a physician finished the residency, however, he or she would be required to practice in Kansas for five years before qualifying for tail coverage through the Health Care Stabilization Fund at no extra cost. The chairman noted that the motion reflected a consensus of the committee, and therefore, a vote on the motion was not needed.

After discussion it was the consensus of the committee to amend House Bill 2501 to include in House Bill 2501 the \$500,000 imprest or reserve fund described earlier.

Senator Bond made a motion to amend House Bill 2501 regarding the \$500,000 reserve fund, the free tail coverage during residency with the five-year period starting after the residency was completed. The motion was seconded by Senator Yost. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 123-S, Statehouse, at 5:40 ~~xxx~~ p.m. on April 26, 1989

House Bill 2501 - continued

The Revisor's Staff was directed to make other necessary cleanup amendments.

The motion was made by Senator Bond and seconded by Senator Kerr to pass House Bill 2501 favorably as amended. Both Senator Petty and Senator Parrish expressed concern about the attorneys fees limitations contained in House Bill 2501. After further discussion the motion passed.

Senator Yost made a substitute motion to amend Senate Bill 383 to delete the statutory schedules regarding legal notice charges and to pass Senate Bill 383 as amended (See Attachment I). Senator Martin seconded the motion and the motion carried.

The meeting adjourned.

SENATE BILL No. 383

By Committee on Federal and State Affairs

3-22

15 AN ACT relating to legal notices and advertisements; concerning
 16 fees charged for the publication thereof; amending K.S.A. 28-137
 17 and repealing the existing section.
 18

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

20 Section 1. K.S.A. 28-137 is hereby amended to read as follows:
 21 28-137. (a) A newspaper shall charge and receive, for publishing a
 22 legal advertisement, ~~one of the following~~, as determined by the
 23 newspaper:

24 (1) a rate not exceeding the lowest regular classified advertising
 25 rate charged by the newspaper to its commercial customers; ~~or~~.

26 (2) a rate not exceeding the following rates per line:

27	28	29	30	31	32	33	34	35	36	37
	Size of type	11 pica Col.	11½ pica Col.	12 pica Col.	12½ pica Col.	13 pica Col.				
30	5¼ point	27.540¢	28.703¢	30.046¢	31.298¢	32.551¢				
31	6 point	25.250¢	26.395¢	27.541¢	28.685¢	29.840¢				
32	6¼ point	23.306¢	24.365¢	25.423¢	26.482¢	27.540¢				
33	7 point	21.643¢	22.626¢	23.609¢	24.592¢	25.574¢				
34	7¼ point	20.196¢	21.114¢	22.032¢	22.950¢	23.868¢				
35	8 point	18.932¢	19.796¢	20.660¢	21.514¢	22.378¢				
36	9 point	16.826¢	17.593¢	18.360¢	19.127¢	19.894¢				
37	10 point	15.152¢	15.833¢	16.524¢	17.215¢	17.906¢				

38 Where column widths are other than those shown above, the
 39 rate per line of type should be proportionately increased or
 40 decreased.

41 (c) On or before July 1 of each year, the publisher of each
 42 newspaper which publishes any legal advertisement in this
 43 state shall file with the secretary of state a card showing the
 44 following, which shall be effective for a period of one year
 45 from the July 1 on or before which the filing is made:

46 (1) Whether the newspaper's rates for legal advertisements
 47 are established pursuant to subsection (a)(1) or (a)(2); and

(1) On or before July 1 of each year, the publisher of each newspaper that publishes any legal advertisement in this state shall file with the county clerk of the county in which the newspaper is located a card showing the rate it shall charge; which shall be effective for a period of one year from the July 1 on or before which the filing is made.

Attachment I
 Senate Judiciary
 4-26-89