

Approved March 5, 1990
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Michael R. O'Neal at
Chairperson

3:30 ~~xxx~~ p.m. on February 13, 1990 in room 313-S of the Capitol.

All members were present except:

Representatives Fuller and Peterson, who were excused

Committee staff present:

Jerry Donaldson, Legislative Research Department
Jill Wolters, Revisor of Statutes Office
Mary Jane Holt, Committee Secretary

Conferees appearing before the committee:

BILL REQUESTS:

Chip Wheelen, Kansas Medical Society, requested the Committee introduce a bill that would raise the compensation paid to a professional licensee member of a screening panel if called as a witness from \$150 to \$250, and the chairperson of such panel from \$250 to \$350. He also requested that the Committee introduce a bill that would allow a physician to attach a lien of not to exceed \$5,000 for professional services in the treatment of, or in connection with, an injury upon sums awarded the injured persons.

Representative Snowbarger moved to introduce the bills requested by the Kansas Medical Society. Representative Jenkins seconded the motion. The motion passed.

Jim Clark, Kansas County and District Attorneys Association requested the Committee introduce five bills regarding public disclosure of a suspected homicide; length of detention for juveniles; granting immunity for counties and municipalities in notification to victims in parole hearings; restore the prosecutors' training fund charges from the docket fee; and a proposal for a District Attorney's assistant.

Representative Solbach moved to introduce the bills requested by the Kansas County and District Attorneys Association. Representative Shriver seconded the motion. The motion passed.

A motion was made by Representative Snowbarger that the Committee introduce legislation concerning inheritance tax. Representative Jenkins seconded the motion. The motion passed.

A motion was made by Representative Jenkins that the Committee introduce legislation amending the Kansas Tort Claims Act to provide coverage for employers of private independent contractors providing educational or vocational training to inmates of state correctional institutions. Representative Solbach seconded the motion. The motion passed.

The Chairman explained a bill request by Representative Vancrum to amend the emergency divorce statute to require a 10 day notice if the case is to be heard by emergency petition, unless waived by the parties.

Representative Snowbarger moved to introduce the bill requested by Representative Vancrum. Representative Jenkins seconded the motion. The motion passed.

The Chairman requested the Committee introduce a bill concerning Uniform Law Commission's UCC article 2a changes.

Representative Snowbarger moved to introduce the legislation as a Committee bill. Representative Jenkins seconded the motion. The motion passed.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY,
room 313-S, Statehouse, at 3:30 ~~xxx~~ p.m. on February 13, 1990.

The Chairman explained a bill requested referred by Representative Sebelius from an attorney in Marysville, Kansas that would amend the custody statutes. He recommended that it be referred to the Judicial Council for study. It was the consensus of the Committee that the Judicial Council study the amendments.

COMMITTEE CONSIDERATION OF BILLS:

HB 2753 Railroad not automatically liable to pay attorney fees in fire damage claims

Representation Solbach moved to amend HB 2753, Section 1, K.S.A. 66-233 to read "In all actions commenced under this act, if the plaintiff shall recover, the plaintiff shall be allowed reasonable attorney fees, which shall be taxed as part of the costs of the action unless a tender equal to or in excess of the amount recovered was made by the defendant railroad before the commencement of the action in which judgment is rendered." The motion was seconded by Representative Sebelius. The motion failed.

Representative O'Neal made a conceptual motion to amend H.B. 2753 to provide the language that is currently contained in K.S.A. 40-256, except that it be related to railroads instead of insurance carriers, and that it apply only to fire damage by railroads. Representative Jenkins seconded the motion. The motion passed.

Representative Douville moved to report HB 2753, as amended, favorably for passage. Representative Jenkins seconded the motion. The motion passed.

HB 2671 Probable cause shown before installation and use of pen register allowed

A motion was made by Representative Vancrum and seconded by Representative Lawrence to amend HB 2671 by replacing language in lines 20, 21, 22 and 23 with "enforcement officer has certified to the court facts sufficient to show that the information likely to be obtained by such installation and use is relevant to an on-going criminal investigation, which facts shall include, at a minimum, the facts required to be placed in the order under 2A. The motion passed.

Representative Snowbarger moved and Representative Jenkins seconded to report HB 2671, as amended, favorably. The motion passed.

The Committee approved the minutes of January 31, February 1, 5, 6 and 7.

The Committee meeting was adjourned at 4:30 p.m. The next meeting will be Wednesday, February 14, 1990 at 3:30 p.m. in room 527-S.

