

Approved April 25, 1990

Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Richard Rock at ~~Chairman~~

10:00 a.m./~~p.m.~~ on February 26, 1990 in room 514-S of the Capitol.

All members were present except: Senators Moran, Feleciano, Oleen and Winter who were excused.

Committee staff present:

Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department
Jill Wolters, Office of Revisor of Statutes
Judy Crapser, Secretary to the Committee

Conferees appearing before the committee:

Senator Michael Johnston

Senator Rock called the meeting to order by opening the hearing for SB 611.

SB 611 - concerning civil actions; creating a cause of action by educational institutions against persons who cause institution to be in violation of national collegiate athletic association rules.

Senator Michael Johnston, sponsor of the bill, testified in support of SB 611. He stated that when a NCAA sanction occurs, the only one that goes unpunished is the party responsible for the violation. He added that with the civil action option, the university would have an action available to them to initiate a case for damages to replace the university's loss of revenues due to the NCAA sanction.

As no other conferees appeared, this concluded the hearing for SB 611.

Senator Rock turned the committee's attention to bills for discussion and possible action.

SB 524 - concerning civil procedure; relating to wrongful death actions; amount of damages.

SB 525 - concerning certain rates of interest; relating to interest on judgments.

Senator Bond presented the subcommittee recommendations. They recommend SB 525, prejudgment interest, unfavorable for passage.

The subcommittee recommends SB 524, wrongful death, be amended and recommended favorable for passage. The recommended amendment would raise the cap to \$250,000 only in those cases where there is no other remedy selected or chosen. If seeking pecuniary and other damages, then the wrongful death is limited to \$100,000; if the choice is to seek only wrongful death, then the plea could be for \$250,000 plus the minimum costs associated with an instant death. The particular emphasis of this subcommittee amendment recommendation is toward infant deaths where there are no other damage possibilities. The subcommittee rejected an alternate suggestion that in the \$250,000 cases the attorney fees be limited to 25 percent.

Senator Rock suggested that the committee wait for the balloon being prepared by the Revisor on SB 524 before action is taken.

Senator Morris moved to recommend SB 525 unfavorable for passage. Senator Gaines seconded the motion. A division was called. The motion failed.

Senator Martin moved to recommend SB 525 favorable for passage. Senator Parrish seconded the motion.

Senator Bond made a substitute motion to adjourn. Senator Kerr seconded the motion. The motion carried.

The meeting was adjourned at 10:40 p.m.

GUEST LIST

COMMITTEE: SENATE JUDICIARY COMMITTEE

DATE: FEBRUARY 26, 1990

10:00 a.m.

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February 26, 1990
10:00 a.m.