

Approved January 30, 1991  
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

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

10:00 a.m./~~p.m.~~ on January 17, 1991 in room 514-S of the Capitol.

All members were present except: Senator Gaines who was excused.

Committee staff present:

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

Conferees appearing before the committee:

Gene Johnson, Kansas Association of Alcohol and Drug Program Directors  
Bob Frey, Kansas Trial Lawyers Association

Chairman Winter called the meeting to order by asking for requests of bill introductions.

Gene Johnson, Kansas Association of Alcohol and Drug Program Directors, Kansas Community Alcohol Safety Action Project Coordinators Association and Kansas Alcohol and Drug Addiction Counselors Association, requested a bill to lower the legal alcohol content to .08 for adults, .00 for people under age 21, truck drivers, taxi drivers and the like; and a bill to lengthen driver's license restrictions for failed blood-alcohol test. (ATTACHMENT 1)

Senator Kerr moved to introduce the two bills as requested, Senator Martin seconded the motion. The motion carried.

Gene Johnson, representing Judge William Carpenter, requested a bill to require security for district courts. (ATTACHMENT 2)

After discussion by the Committee, Chairman Winter asked Mr. Johnson to provide more specific parameters to the request before the Committee takes action. Chairman Winter added that he would bring the topic to the Judicial Council meeting on January 18, 1991.

Bob Frey, Kansas Trial Lawyers Association, presented the committee with three requests for introduction of bills. (ATTACHMENT 3) Mr. Frey added that bill drafts would be provided to the Revisor.

Senator Martin moved to introduce a bill as requested to amend the Product Liability Act's statute of limitations. Senator Parrish seconded the motion. The motion carried.

Senator Feleciano moved to introduce a bill for the Sunshine in Litigation Act as requested. Senator Petty seconded the motion, the motion carried.

Senator Moran moved to introduce a bill as requested to limit statutory employer immunity. Senator Feleciano seconded the motion, the motion carried.

Jerry Donaldson, Kansas Legislative Research Department, reviewed the legislative interim Proposal No. 15, Child Support and Child Custody, and Proposal No. 43, Central Notification System.

The meeting was adjourned at 11:05 a.m.





## Sunflower Alcohol Safety Action Project, Inc.

Suite F, 112 S.E. 7th / Topeka, Kansas 66603 / Phone (913) 232-1415

January 17, 1991

Senator Wint Winter, Jr.  
Chairman  
Senate Judiciary Committee  
Statehouse  
Topeka, Kansas 66612

Dear Senator Winter,

During the past nine years, the Legislature in the State of Kansas has made drastic changes in the drinking/driving laws in the State of Kansas. These changes have brought about a significant drop in the alcohol related crashes throughout our State. It is also noted that there has been a significant drop in alcohol related traffic fatalities during that same period of time. We congratulate the Legislature on their positive action to reduce the needless slaughter on our States roads and highways.

The organizations that I represent, would request at this time, that your committee propose legislation which would lower the present .10 blood alcohol content to .08 blood alcohol content for the legal limit to operate a motor vehicle. In addition, we would support zero tolerance or .00 for any individual under age 21 who is operating a motor vehicle. This would mean that anyone under the age of 21 who had consumed alcohol to the point that it registered on a certified breath or blood testing mechanism, would be considered as impaired under our present drinking/driving laws. We would also suggest that those individuals who hold commercial licenses, including those who operate taxi cabs for hire, be subject to the same zero tolerance or .00.

In addition, our organization would request that the committee introduce legislation under a separate proposal that would change the existing 30 day suspension and 60 day hard restriction against driver's licenses who fail the blood test to a 90 day suspension. At the end of the 90 day suspension, the Motor Vehicle Department would automatically return the license under the usual and customary guidelines. Included in this suggestion, is that any individual who has been ordered by the Court to complete an alcohol/drug education program or an alcohol/drug treatment program, would be subject to having their license suspended by the Driver Control Bureau if they fail to complete that program. It would be the responsibility of the Community Alcohol Safety Action Projects throughout the State to monitor the completion of that Court order. Those Projects, who are in all 31 different judicial districts, then would notify the Driver Control Bureau of the defendant's failure to comply with the Court order. Upon such notification, the Driver Control Bureau

*Senate Judiciary Committee  
January 17, 1991*

Dedicated to Reduce Alcohol Related Crashes

*Attachment 1*

*1-1/2*

would then suspend the offender's privilege to operate a motor vehicle until they satisfactorily comply with the Court order.

These proposals are supported by the Kansas Association of Alcohol and Drug Program Directors, the Kansas Community Alcohol Safety Action Project Coordinators Association and the Kansas Alcohol and Drug Addiction Counselors Association. In addition, we anticipate the support of the Mothers Against Drunk Driving, the Kansas Coalition on Drug Free Driving and Kansans for Highway Safety.

Respectfully,



Gene Johnson

Legislative Lobbyist

Kansas Association of Alcohol and Drug Program Directors

Kansas Community Alcohol Safety Action Project Coordinators Association

Kansas Alcohol and Drug Addiction Counselors Association

1-17-91

1-2/2

District Court of Kansas  
Third Judicial District  
Shawnee County, Kansas

Chambers of  
William Randolph Carpenter  
Administrative Judge of the District Court  
Division No. One  
Shawnee County Courthouse  
Topeka, Kansas 66603

January 16, 1991

Officers:  
Carol A. Meggison, C.S.R.  
Official Reporter  
295-4351  
Pamela S. Watton  
Administrative Assistant  
913-295-4365

Senator Wint Winter, Jr.  
Chairman, Senate Judiciary Committee  
Statehouse  
Topeka, Kansas 66612

Dear Senator Winter:

In contrast to the high security level of the U.S. District Court, the Shawnee County District Court is virtually wide open. Our only security is provided by the Sheriff's Office in the basement of our building which we communicate with over an ordinary telephone line. If, as has been discussed, the Sheriff's office moves to another location at some future time, our courts would be absolutely vulnerable.

The Shawnee County Commission has not seen fit to take action on our repeated requests to provide funding for court security. At a time when schools, hospitals, businesses and many private institutions have security systems and personnel, the Shawnee County District Court lacks similar protection and remains at risk.

A statute requiring the urban counties to provide, within certain limitations, a security system specified by district court would seem to be a reasonable solution.

Thank you for your interest and consideration.

Best wishes,

  
William R. Carpenter  
Administrative Judge

WRC:psp

Senate Judiciary Committee  
January 17, 1991  
Attachment 2



# KANSAS TRIAL LAWYERS ASSOCIATION

Jayhawk Tower, 700 S.W. Jackson, Suite 706, Topeka, Kansas 66603  
(913) 232-7756 FAX (913) 232-7730

January 17, 1991

Honorable Wint Winter, Jr.  
Statehouse  
Topeka, KS 66612

Dear Senator Winter:

On behalf of the Kansas Trial Lawyers Association, I respectfully request your Committee introduce the legislative proposals summarized below. A draft of each is attached.

1. Restore the Product Liability Act's original statute of limitations - Last session the legislature enacted HB 2689 to recreate a cause of action for victims of latent diseases which had been lost in the 1989 Kansas Supreme Court Tomlinson v. Celotex Corp decision. The bill (as it passed the House and the Senate) also restored the Product Liability Act's statute of limitations (KSA 60-3303), which deals with the concept of "useful safe life." This provision was removed in conference committee and should be reinstated.
2. Sunshine in Litigation Act - Litigants are increasingly entering into protective orders (also referred to as secrecy orders or confidentiality agreements) which have the effect of hiding evidence of negligent behavior from the general public. There is a trend nationally to limit the use of these protective orders, which we believe makes for much better public policy by further discouraging negligent behavior.
3. Limit statutory employer immunity - Because of definitions in KSA 44-503, some entities are considered to be employers under the Workers Compensation Act even when they in fact are not the true employer of a worker, often referred to as statutory employers. With this status, the "employer" also receives immunity under the Workers Compensation Act from civil liability, which may result in less than full compensation for an injured worker. Our proposal would limit the immunity from civil liability to those employers who actually pay a workers compensation claim.

*Senate Judiciary Committee  
January 17, 1991  
Attachment 3*

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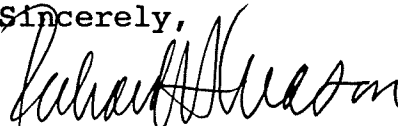
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RICHARD H. MASON  
EXECUTIVE DIRECTOR

Honorable Wint Winter, Jr.  
January 17, 1991  
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Thank you for the opportunity to present these issues to  
the Senate Judiciary Committee.

Sincerely,



Richard H. Mason  
Executive Director

RHM:jlc  
encls.

1-17-91

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