

## MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 p.m. on February 11, 2004 in Room 313-S of the Capitol.

All members were present except:

Representative Dean Newton- excused

Representative Dan Williams- excused

Committee staff present:

Jill Wolters, Revisor of Statutes

Diana Lee, Revisor of Statues

Jerry Ann Donaldson, Kansas Legislative Research Department

Cindy O'Neal, Secretary

Conferees appearing before the committee:

Allie Devine, Kansas Livestock Association

Terry Holdren, Kansas Farm Bureau

Peter Obetz, Kansas Trial Lawyers Association

Dr. Evan Sumner, Kansas Department of Agriculture

The hearing on **HB 2594 - duty of care of a producer of livestock or of meat products**, was opened.

As the sponsor of the bill, Allie Devine, Kansas Livestock Association, stated that the language in the proposed bill was requested wrongly and therefore drafted wrong. She provided the committee with new proposed language for the bill. ([Attachment 1](#))

Livestock is inspected before they are processed and again afterwards. For the past ten years the livestock industry has considered implementation of a system to provide for early detection and eradication to contain animal disease outbreaks. Livestock producers want to be aware of what level of liability exposure they will face. The proposed bill would clarify what "duty of care" a producer must follow. There is some confusion due to the fact that livestock producers are "producing" live animals which are not "fixed products" but after they are processed they are a "product".

The proposed bill would limit the producers duty to "ordinary care" or "that of customary and ordinary due diligence in the production of livestock." Also, once the livestock and meat have been inspected and passed such inspection, the producer would have met the standard of ordinary care.

Terry Holdren, Kansas Farm Bureau, supported the re-drafted version of the bill and it's defining the duty of care required of a producer of livestock. ([Attachment 2](#))

Dr. Evan Sumner, Kansas Department of Agriculture, stated that there is not a 100% assurance that all meat products which are inspected are free of disorders and defects. ([Attachment 3](#))

Written testimony in support of the bill was provided by the Kansas Dairy Association. ([Attachment 4](#))

Peter Obetz, Kansas Trial Lawyers Association, appeared as an opponent to the original version of the proposed bill but was willing to work with the Kansas Livestock Association to find compromise language.

The hearing on **HB 2594** was closed.

### **HB 2581 - reporting adult abuse to SRS**

The sub-committee recommended that language on page 3, section (o) be stricken and page 4, section (5) be stricken; amend page 5, line 7 so SRS will send the notice to the account holder at the same time they request the records. Representative Jack made the motion to have the committee adopt the sub-committee recommendations. Representative Goering seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE JUDICIARY COMMITTEE at 3:30 p.m. on February 11, 2004 in Room 313-S of the Capitol.

Representative Jack made the motion to report **HB 2581** favorably for passage, as amended. Representative Goering seconded the motion. The motion carried.

**SB 297 - permanent docket fee to fund the judicial council**

Representative Long made the motion to report **SB 297** favorably for passage. Representative Loyd seconded the motion.

The committee discussed that they were not sure that creating a judicial council fee fund would be a good idea since the Legislature has been raiding fee funds to help balance the budget.

Representative Pauls made the substitute motion to strike the language on page 2, and page 7, lines 18-25 regarding the judicial branch fund. Representative Klein seconded the motion. The motion carried.

Representative Long-Mast made the motion to report **SB 297** favorably for passage, as amended. Representative Jack seconded the motion. The motion carried.

**HB 2616 - compensation for attorneys representing indigent defendant, \$80 per hour**

Representative Loyd made the motion to report **HB 2616** favorably for passage. Representative Swenson seconded the motion. The motion carried.

**HB 2678 - increasing claim limit in small claims court from \$1,800 to \$4,000**

Representative Goering made the motion to report **HB 2678** favorably for passage. Representative Long-Mast seconded the motion.

Representative Long-Mast made the substitute motion to strike subsection 2 (b), on page 2, line 3. Representative Goering seconded the motion. The motion carried.

No interest was showing in increasing the number of times one can access the small claims court.

Representative Long-Mast made the motion to report **HB 2678** favorably for passage, as amended. Representative Swenson seconded the motion. The motion carried.