

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Chairman Michael R. O'Neal at 3:30 p.m. on February 5, 2003 in Room 313-S of the Capitol.

All members were present except:

Representative Peggy Long - Excused
Representative Dale Swenson - Excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department
Jill Wolters, Revisor of Statutes
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Jeff Bottenberg, Kansas Sheriffs' Association
Kathy Olsen, Kansas Bankers Association
Jim Keating, President of Kansas State Firefighters Association
John Lloyd, President of Kansas State Fire Chiefs Association
Casey McCoy, Kansas Forrest Service
Rob Brown, Wakarusa Fire Chief
John Parisi, Kansas Trial Lawyers Association
David Lake, Administrative Board of Emergency Medical Services
Mike Taylor, City of Wichita
Sandy Jocquot, Kansas League of Municipalities
Jay Hinkel, Assistant City Attorney, Wichita

Jeff Bottenberg, Kansas Sheriffs' Association, requested a committee bill which would allow sheriff offices to charge a reasonable fee for service of process. Representative Loyd made the motion to have the request introduced as a committee bill. Representative Yoder seconded the motion. The motion carried.

Kathy Olsen, Kansas Bankers Association, requested a committee bill which would address the situation where a garnishment has been sent to the garnishee, the garnishee has frozen the funds and sent its answer to the court, but the garnishee never receives an order to pay. The bill would provide that after a period of time, the garnishee could unfreeze the account and release the fund to the owner. Representative Goering made the motion to have the request introduced as a committee bill. Representative Loyd seconded the motion. The motion carried.

Representative Loyd requested a bill introduction which would amend K.S.A. 23-02 to eliminate the authority to hear motions on severance actions. He made the motion to have the request introduced as a committee bill. Representative Patterson seconded the motion. The motion carried.

Representative Davis requested a committee bill regarding jury compensation. He moved to have the request introduced as a committee bill. Representative Patterson seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE JUDICIARY COMMITTEE at 3:30 p.m. on February 5, 2003 in Room 313-S of the Capitol.

Representative O'Neal requested a committee bill to reintroduce the Last Call Program bill from 2002 Legislative Session. Representative Loyd made the motion to have the request introduced as a committee bill. Representative Yoder seconded the motion. The motion carried.

Representative O'Neal requested a bill introduction regarding Dram Shop liability. Representative Patterson made the motion to have the request introduced as a committee bill. Representative Loyd seconded the motion. The motion carried.

Hearings on **HB 2068 - tort claims liability, immunity, fire control and rescue equipment**, were opened.

Jim Keating, President of Kansas State Firefighters Association, explained that the proposed bill would allow fire departments to donate usable equipment to another department instead of throwing it away. It would also limit the liability of the department donating the equipment (Attachment 1).

John Lloyd, President of Kansas State Fire Chiefs Association, informed the committee that there has been numerous times when they have placed working equipment out by the dumpster and called other area departments to let them know it's out there. He suggested that the bill be amended to require the department donating self-contained breathing apparatus to have each unit tested and certified by the manufacture before donating it (Attachment 2).

Casey McCoy, Kansas Forrest Service, told the committee that the proposed program is similar to the VFD Helping Hands Program that has been used in Texas since 1997. Bill Spencer, who manages the program, stated that "a lot of very good equipment has found a home that's not in a dumpster." (Attachment 3)

Rob Brown, Wakarusa Fire Chief, reiterated that the proposed bill would help volunteer fire departments across the state. (Attachment 4)

John Parisi, Kansas Trial Lawyers Association, told the committee that the KTLA would be in support of the proposed bill as long as the committee adopted their suggested amendments (Attachment 5):

- require the party accepting breathing apparatus to ensure that the equipment is recertified to the original manufacture's specifications by a technician certified by the manufacturer, before the equipment can be used by firefighters in the field.
- delete section 3, and provisions regarding inclusion of the Kansas Forrest Service placed within Section 2(x).

David Lake, Board of Emergency Medical Services, supported emergency medical technicians being included in the bill as both a organization that can donate & receive such goods.

Written testimony in support of the bill was provided by Representative Tom Sloan, Kanwaka Township Fire Department, and City of Overland Park (Attachments 6-8).

Hearings on **HB 2068** were closed.

CONTINUATION SHEET

MINUTES OF THE HOUSE JUDICIARY COMMITTEE at 3:30 p.m. on February 5, 2003 in Room 313-S of the Capitol.

Hearings on **HB 2133 - municipal courts collecting fines and court costs**, were opened.

Mike Taylor, City of Wichita, explained that the proposed bill would allow municipal courts the same authority as district courts which can collect an imposed fine plus the cost of collecting the fine. Wichita has approximately \$21 million in uncollected fines. The collection agency they use takes 22 percent off the top and the city receives the rest. They try to work with those people who have fines to figure out ways for them to pay it but when they go unpaid for a long period of time, they are turned over to the collection agency (Attachment 9).

Sandy Jocquot, Kansas League of Municipalities, appeared in support of the proposed bill stating that it would benefit all municipalities. She suggested a time frame be included in the bill as to how much time a person has to pay the fine before it is turned over to the collection agency (Attachment 10).

Jay Hinkel, Assistant City Attorney, Wichita, requested an amendment which would allow misdemeanor crime victims immediate benefit from their independent actions to collect restitution and related collection costs directly (Attachment 11).

Written testimony in support of the bill was provided by the City of Emporia, the City of Overland Park and the Unified Government of Wyandotte County (Attachment 12-14).

Hearings on **HB 2133** were closed.

The committee meeting adjourned at 4:45 p.m. The next meeting was scheduled for Thursday, February 6, 2003 at 3:30 p.m. in room 313-S.