

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT:

The Committee on **Judiciary** recommends **SB 311** be amended on page 2, in line 10, by striking "May be" and inserting "Are"; in line 11, by striking "and"; in line 12, after "witness" by inserting "; and (3) are not based on scientific, technical or other specialized knowledge within the scope of subsection (b)";

On page 3, in line 10, by striking "at or before the hearing or trial"; following line 17, by inserting:

"Sec. 5. K.S.A. 60-3801 is hereby amended to read as follows: 60-3801. As used in ~~this act~~ K.S.A. 60-3801 and 60-3802, and amendments thereto:

(a) "Claimant" means any person seeking damages in an action for personal injury or death, and includes the heirs at law, executor or administrator of a decedent's estate.

(b) "Collateral source benefits" means benefits which were or are reasonably expected to be received by a claimant, or by someone for the benefit of a claimant, for expenses incurred or reasonably certain to be incurred as a result of the occurrence upon which the personal injury action is based, except life or disability insurance benefits or benefits gratuitously bestowed on the claimant. Such term shall not include: (1) Services or benefits for which a valid lien or subrogation interest exists; however, nothing in this act shall be construed to create or modify lien or subrogation interests not otherwise allowed by law; and

(2) amounts included as part of a criminal sentencing order or pursuant to state programs of victims assistance incurred by virtue of the defendant also committing a criminal act.

~~(e) "Cost of the collateral source benefit" means the amount paid or to be paid in the future to secure a collateral source benefit by the claimant or by anyone on behalf of the claimant. If the amount of any benefit paid or to be paid encompasses amounts paid over a period of time, thus making the benefit greater than it would be without such amounts paid, then evidence of such amounts paid shall be admissible in determining the "cost of the collateral source benefit."~~

~~(d) "Net collateral source benefits" means the sum of collateral source benefits after subtracting the cost of the collateral source benefit."~~

Also on page 3, in line 28, after "60-19a02" by striking "and 60-3802"; and inserting ", 60-3801, 60-3802, 60-3803, 60-3804, 60-3805, 60-3806 and 60-3807";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "60-19a02" by inserting ", 60-3801"; in line 4, after "sections" by inserting "; also repealing K.S.A. 60-3803, 60-3804, 60-3805, 60-3806 and 60-3807"; and the bill be passed as amended.

Chairperson