

## MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 p.m. on February 24, 2004 in Room 313-S of the Capitol.

All members were present except:

Representative Dan Williams - Excused

Committee staff present:

Jill Wolters, Revisor of Statutes

Diana Lee, Revisor of Statutes

Jerry Ann Donaldson, Kansas Legislative Research Department

Cindy O'Neal, Secretary

### **HB 2880 - Office of Judicial Administration/judicial branch updates**

Staff informed the committee that technical amendments were needed on page 1, line 38 "a majority of" is not necessary; page 2, line 1 reference to (a)(3) and should reference (b)(3).

Representative Goering made the motion to adopt the technical amendments. Representative Patterson seconded the motion. The motion carried.

Representative Loyd made the motion to strike on page 6, subsection (g) "regulations". Representative Jack seconded the motion. The motion carried.

Representative Owens provided the committee with a balloon. (Attachment 1) He made the motion to adopt the balloon. Representative Pauls seconded the motion. There was a request that the balloon be divided.

- Part A - pertaining to the compensation of the county personnel performing comparable duties and responsibilities, the motion carried.
- Part B - change "shall" to "may" with regard to adopting rules and regulations, the motion carried.
- Part C - restoring the "chief justice of the" throughout the bill, the motion failed.

Representative Patterson made the motion to report **HB 2880** favorably for passage, as amended. Representative Davis seconded the motion. The motion carried.

### **HB 2813 - disposition of records deceased physician**

The Kansas Medical Society and the Kansas Board of Healing Arts have been working together on language that was mutually acceptable by both. However, they will continue to work on more suggestions to be considered in the Senate. They provided suggested amendments. (Attachment 2)

Representative Patterson made the motion to adopt the proposed amendments. Representative Loyd seconded the motion. The motion carried.

Representative Patterson made the motion to report **HB 2813** favorably for passage. Representative Goering seconded the motion. The motion carried.

### **HB 2577 - authorized representatives for health care records included deceased patients spouse or heirs at law**

Representative Jack made the motion to report **HB 2577** favorably for passage. Representative Patterson seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE JUDICIARY COMMITTEE at 3:30 p.m. on February 24, 2004 in Room 313-S of the Capitol.

**HB 2296 - dram shop**

Representative O'Neal provided the committee with a balloon amendment having the bill apply to everyone not just minors and striking the mandatory server training program. (Attachment 3)

Representative Patterson made the motion to adopt the balloon. Representative Jack seconded the motion. The motion carried.

A balloon was provided from Ron Hein which makes clear that the plaintiff has the burden of proof, and eliminating those who can sue. (Attachment 4) Representative Goering made the motion to adopt the balloon amendments, substituting "alcohol" for "drink" and "defendant" to "licensees." Representative Yoder seconded the motion. It was requested that the amendment be divided.

- Part A - amendment on page 1 - the motion carried.

Representative Jack made the motion to strike the first and second sentence and delete "minor or" so it would apply to any incapacitated person. Representative Patterson seconded the motion. The motion carried.

- Part B - amendment on page 2 eliminating individuals from those who can sue. The motion failed.

Representative Rehorn made the motion to change "may" to "shall" on page 1, line 31. Representative Long-Mast seconded the motion. The motion carried.

Representative Klein moved to define incapacitated as found in K.S.A. 41-715, "physically or mentally incapacitated by the consumption of liquor." Representative Owens seconded the motion. The motion carried.

Representative Patterson made the motion to move the effective date to December 31, 2004. Representative Long-Mast seconded the motion. The motion carried.

Representative Rehorn made the motion to have staff draft the bill so it is clear that it does not apply to liquor stores. Representative Klein seconded the motion. The motion carried.

Representative Patterson made the motion to report **Substitute HB 2296** favorably for passage. Representative Crow seconded the motion. The motion failed 8-8.

The committee showed no interest in working **HB 2789 - statistics on restitution ordered and paid by criminal offenders & HB 2802 - hearsay exception provided for videotaped statements of certain elderly adults who are unavailable at trial.**

The committee meeting adjourned. The next meeting was scheduled for March 3, 2003.