

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:30 A.M. on February 22, 2005, in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Mike Heim, Kansas Legislative Research Department

Jill Wolters, Office of Revisor of Statutes

Helen Pedigo, Office of Revisor of Statutes

Nancy Lister, Committee Secretary

Conferees appearing before the committee:

Others attending:

See attached list.

Chairman Vratil opened the meeting.

Final Action:

SB 258 Statutory and legal forms to be set forth by the judicial council

Senator Schmidt moved to recommend the bill favorably, seconded by Senator Allen, and the motion carried.

Final Action:

SB 215 Commercial real estate broker lien act

Chairman Vratil stated that the interested parties have worked to come up with some amendments. The Chairman passed out a balloon amendment and announced that it had been approved by the Commercial Real Estate Brokers and the Kansas Land Title Association, and perhaps others. (Attachment 1) Senator Betts questioned whether the Kansas Bankers Association amendment was part of this. Ms. Kathy Olsen, Kansas Bankers Association (KBA), a guest in the meeting, stated that the KBA amendment was not part of this balloon. Chairman Vratil stated that Committee members have in their file a letter from the KBA and attached to that is a balloon the KBA requested. Chairman Vratil stated that the Commercial Real Estate Brokers indicated to him that they had no problem with the KBA amendment. (Attachment 2)

A motion to adopt the KBA proposed amendment was made by Senator Umbarger, seconded by Senator Donovan, and the motion carried.

A motion to additionally adopt the Kansas Land Title Association proposed amendment was made by Senator Goodwin, seconded by Senator Schmidt, and the motion carried.

A motion was made to recommend favorably the bill as amended. Senator Schmidt moved, seconded by Senator Umbarger, and the motion carried.

Final Action:

SB 161 Immunity from liability for entities for whom offenders perform community service

An amendment proposed by the Kansas Trial Lawyers Association was reviewed, but no motion was offered to adopt the proposed amendment. A motion was made to recommend favorably the bill. Senator Donovan moved, seconded by Senator Schmidt, and the motion carried.

Final Action:

SB147 Increasing general time limitation for actions to five years

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:30 A.M. on February 22, 2005, in Room 123-S of the Capitol.

Chairman Vratil handed out a balloon amendment submitted by the Attorney General, which resolved some of the concerns the Committee expressed when hearing the bill. (Attachment 3) The amendment is on page two and would add to existing law the sexual offense of “enticement of a child as defined in K.S.A. 21-3509 and amendments thereto”. Senator Schmidt moved to approve the amendment, seconded by Senator Umbarger, and the motion carried.

Senator Journey moved to change the statute of limitations stated in the bill, page 2, line 10, from “five” to “three” years. Senator Schmidt clarified that the intent to return to current law, on page 1, those crimes that have a five year statute of limitations, reinserting lines 17-28 and lines 32-42, and Senator Journey concurred, stating his intention was to change only those items with a two year statute of limitations to three years. Senator Journey moved, Senator Betts seconded, but the motion did not carry.

A motion to recommend the bill favorably as amended was made. Senator Schmidt moved, seconded by Senator Umbarger, and the motion carried.

Final Action:

SB 129 Consumer protection; modification or limitation of warranties; workmanlike performance

Chairman Vratil handed out a balloon amendment which contained a definition of “implied warranty of workmanlike performance”, which was an issue identified at the hearing. (Attachment 4) Senator Bruce moved to accept the amendment, seconded by Senator Schmidt, and the motion carried. A motion was made to recommend the bill favorably as amended. Senator Goodwin moved, seconded by Senator Schmidt, and the motion carried.

Final Action:

SB 75 Creating an immunity from liability for claims relating to obesity or weight gain

Chairman Vratil handed out two balloon amendments. The first balloon was submitted by Ron Hein, representing the Kansas Restaurant and Hospitality Association, the Kansas Beverage Association, the Kansas Food Dealers Association, and on behalf of the Obesity Frivolous Lawsuit Coalition. (Attachment 5) The Kansas Trial Lawyers Association (KTLA) has agreed to the balloon. However, the KTLA has submitted a balloon with two additional changes. (Attachment 6)

The KTLA amendment would strike “associated with” on page 1, section (b), line 20, and replace with “arising from”. Also, in section (b) the KTLA wants to delete the words “or other generally known condition allegedly caused by or allegedly likely to result”. A motion was made to adopt the KTLA amendment. Senator Betts moved, seconded by Senator Journey, but the motion did not carry.

The Kansas Restaurant and Hospitality Association amendment was considered by the Committee, and a motion was made to adopt the amendment. Senator Bruce moved, seconded by Senator Donovan, and the motion carried. A motion was made to recommend favorably the bill as amended. Senator Schmidt moved, seconded by Senator Donovan, and the motion carried.

Chairman Vratil asked the Committee to consider **SB 151** for final action.

Final Action:

SB 151 Crimes of trafficking and aggravated trafficking

A motion was made to recommend the bill favorably. Senator Haley moved, seconded by Senator Bruce, and the motion carried.

Chairman Vratil adjourned the meeting at 10:30 A.M. The next meeting is scheduled for February 23, 2005.