

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on March 17, 2005 in Room 313-S of the Capitol.

All members were present except:

Jim Ward- excused
Michael Peterson- excused

Committee staff present:

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

SB 39 service of process fees charged by sheriff; single payment for same case

Representative Hutchins made the motion to report SB 39 favorably for passage. Representative Colloton seconded the motion.

Representative Hutchins made a substitute motion to exempt the same persons from paying service of process fees as those who are exempt from paying docket fees. Representative Watkins seconded the motion. The motion carried.

Representative Yoder made the motion to allow the \$5.00 service of process fee to be included in the filing fee so only one check would need to be written. Representative Davis seconded the motion. The motion failed.

Representative Hutchins made the motion to report SB 39 favorably for passage, as amended. Representative Owens seconded the motion. The motion carried.

SB 161 - immunity from liability for entities for whom offenders perform community service

Representative Loyd made the motion to report SB 161 favorably for passage. Representative Watkins seconded the motion.

Representative Loyd made a substitute motion to place the provision in the tort claims act and change the definition of "employee" to include private not for profit corporations or charitable or social service organizations(Attachment 1). Representative Crow seconded the motion. The motion carried.

Representative Loyd made the motion to report SB 161 favorably for passage, as amended. Representative Owens seconded the motion. The motion carried.

SB 75 - creating liability for claims relating to obesity or weight gain

Representative Jack made the motion to report SB 75 favorably for passage. Representative Kinzer seconded the motion.

Staff provided the committee with definitions of "food additive" and "dietary supplement" (Attachment 2).

Representative Jack made the substitute motion to include in subsection d(2) dietary supplement. Representative Kelley seconded the motion. Committee discussion centered around the fact that some dietary supplements are specifically for the purpose of weight gain and others could be consumed enough to cause other conditions. The motion failed.

Representative Davis made the motion to delete Section 1(a) and re-letter. Representative Crow seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE House Judiciary Committee at 3:30 P.M. on March 17, 2005 in Room 313-S of the Capitol.

Representative Loyd made the motion to strike subsection (f) and renumber because this sets up a separate civil proceeding than is currently used in civil cases. Representative Crow seconded the motion. The motion carried.

The committee discussion centered on with the term “long term consumption” and exactly it meant. Representative Loyd reminded the committee that the proposed bill was developed by a national organization and that we should probably trust those who drafted the legislation.

Representative Newton made the motion to make a technical change on page 2, line 42 the quotation mark should be after the word “food”. Representative Jack seconded the motion. The motion carried.

Representative Kinzer made the motion to report **SB 75** favorably for passage, as amended. Representative Watkins seconded the motion. The motion carried.

The committee meeting adjourned at 5:00 p.m. The next meeting was scheduled for Monday, March 21, 2005 at 3:30 p.m. in room 313-S.