

House Judiciary Committee Meeting
Tuesday, January 22, 1963

The House Judiciary Committee met Tuesday, January 22, 1963, in Room 523 at 8:45 A.M. with Chairman Clyde Hill presiding. Thirteen members were present. Members Arthur, Davis, Fatzer, Smith, Tillotson, Van Cleave and Williams were absent.

Chairman Hill stated that the committee would now consider Articles 5, 6 and 7 of the bill for revision of the Code of Civil Procedure. He pointed out that the committee notes in the Kansas Judicial Council Bulletin might be of some help in explaining some questions which might arise in the minds of the members. He instructed the members to ask any questions or bring up any discussion which they might have on these articles as the committee goes through them section by section.

Representative Liebert made an inquiry concerning Section 60-502 d. Representative Briggs pointed out that there is a special section to cover this matter. Mr. Liebert said he would like to hear someone talk about Sections 60-505 and 60-508. He asked a question in regard to the statute of limitations in Section 60-508. Mr. Hill gave his interpretation of this section and stated that he would have Earl Hatcher answer this question when he comes before the committee. Mr. Liebert then made further comments on this section.

Representative Crossan commented upon the statute of limitations concerning wrongful death.

Chairman Hill asked if there were any further questions on this. There being no further questions in regard to this matter, Mr. Liebert then asked a question in regard to Section 60-509. Mr. Hill commented on this briefly and then read the committee note in the Kansas Judicial Council Bulletin for further explanation.

Section 60-510. Mr. Liebert inquired as to the language being taken from the Federal Code. Mr. Crossan stated that it is the wording of the present statute.

Section 60-511. No questions.

Section 60-512. Mr. Hill stated that this has virtually the same provisions.

Section 60-513. Mr. Crossan commented that this changed the entire concept of wrongful death. There was some discussion concerning this by Representatives Briggs, Griffith and Crossan. This section was marked for further explanation by Mr. Hatcher.

Section 60-514. A question was raised by Representative Skoog as to just when the period of one year commences. This was commented upon by Mr. Hill and Mr. Crossan. Mr. Liebert then stated that Mr. Skoog's question is answered in Section 60-515.

Section 60-515. No questions.

Section 60-516. Mr. Skoog inquired as to the law when the other party was always a non-resident of the State of Kansas. Mr. Liebert pointed out that his question is answered in Section 60-517.

Section 60-517. No questions.

Section 60-518. Mr. Briggs questioned the possibility of failing to get service within your proper period of time. Mr. Hill stated that if you don't know which court has jurisdiction, some people go ahead and file the case in each court. Then if it is dismissed other than on the merits, you would have six months to file in the other court.

Section 60-519. Chairman Hill read the committee notes from the Kansas Judicial Council Bulletin in regard to this section.

Section 60-520. Mr. Hill stated that the joint debtors provision is new and asked for any questions. There were none.

Section 60-521. Mr. Crossan questioned this and Mr. Hill stated this would be marked and explained further by Mr. Hatcher.

Chairman Hill asked if there were any additional questions concerning Article 5. There were none.

Section 60-601. Mr. Briggs commented on the phrasing of this section. Mr. Griffith then raised a question regarding tracts of land. This caused a great deal of discussion and Mr. Hill stated that this would be marked for further explanation by Mr. Hatcher.

Section 60-602. No questions.

Section 60-603. No questions.

Section 60-604. Mr. Hill stated that this was explained thoroughly by Mr. Blaes in the meeting the other day. No questions.

Section 60-605. No questions.

Section 60-606. Mr. Hill gave a brief explanation of this section.

Section 60-607. Mr. Hill stated that this was left as is.

Section 60-608. No questions.

Section 60-609. Mr. Skoog suggested that the word "may," line 5, following the word "court" be stricken and the word "shall" be inserted in lieu thereof. Mr. Hill stated that the committee would ask Mr. Hatcher for further explanation regarding this wording.

Section 60-610. Mr. Hill read the committee notes from the Kansas Judicial Council Bulletin in regard to this section.

Section 60-611. No questions.

Section 60-612. Mr. Hill commented briefly on this section.

Chairman Hill asked if there were any additional questions concerning Article 6. There were none. He then stated that Attachment and Garnishment are in one section and provisions made for the entire thing.

Section 60-701. Mr. Hill commented that this is about as it was. He then read the committee notes from the Kansas Judicial Council Bulletin regarding this section.

Section 60-702. No questions.

Section 60-703. There was some comment on this section by Mr. Euler and answered by Mr. Hill.

Section 60-704. No questions.

Section 60-705. Mr. Hill stated that Insufficiency has been added.

Section 60-706. No questions.

Section 60-707. Mr. Hill commented briefly in this regard.

Section 60-708. Mr. Crossan inquired if it was cutting down what it used to be. He was answered by Mr. Briggs and Mr. Liebert.

Section 60-709. No questions.

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Section 60-710. Mr. Skoog questioned the clarity of this section and it was decided to have Mr. Hatcher explain just what is meant.

Section 60-711. No questions.

Section 60-712. Mr. Hill read the committee notes from the Kansas Judicial Council Bulletin regarding this section.

Section 60-713. Mr. Liebert commented briefly concerning judgment credits.

Section 60-714. Mr. Hill stated that this follows generally the same form as attachment of property. Not a lot of changes have been made, but it has clarified the procedure.

Sections 60-715 through 60-724. No comments or questions.

Chairman Hill asked for any further comments or questions regarding Article 7. There were none.

The meeting adjourned at 10:00 A.M. Articles 7, 8, 9, 10, 11, 12, 13, 14 and 15 will be considered when the committee meets in Room 523 at 8:30 A.M. Wednesday, January 23, 1963.

Respectfully submitted,
Clyde Hill, Chairman

Minutes approved: