

House Judiciary Committee Meeting
Wednesday, January 23, 1963

The House Judiciary Committee met Wednesday, January 23, 1963, in Room 523 at 8:30 A.M. with Chairman Clyde Hill presiding. Thirteen members were present. Members Arthur, Davis, Fatzer, Castl, Griffith, Van Cleave and Williams were absent.

Before considering any further articles of the bill for revision of the Code of Civil Procedure, Earl Hatcher was asked to answer and explain questions which arose at the meeting of January 22, 1963.

Section 60-508. Mr. Hill stated that there was a question whether the 21 years plus the 2 years was a maximum limitation. Mr. Hatcher explained that it would be the maximum that could stand. Mr. Skoog asked if this would apply to the fellow who was insane and Mr. Hatcher said it would. Mr. Hill called for any further questions concerning this section. Mr. Edwards asked a question which was answered by Mr. Hatcher.

Section 60-515. Representative Briggs stated that Section 60-508 gives two years and Section 60-515 gives one year. He wondered if this was a contradiction. Mr. Liebert pointed out that Section 60-508 pertains to the recovery of real property.

Section 60-513, subparagraph 5. Mr. Hill questioned if this changes the present law. Mr. Hatcher stated that it does. Mr. Crossan stated that this makes it a statute of limitations which could be waived. Mr. Hatcher then explained this section more thoroughly.

Section 60-521. Mr. Hatcher explained this section. Mr. Hill stated that you have a limitation by the municipality. Mr. Skoog then commented that this puts them in the same situation as a citizen. Mr. Hill asked for any further questions or comments on this section. There were none.

Chairman Hill asked for any further questions or comments on Article 5. There were none.

Section 60-601, b. There was some discussion by the committee and they agreed that there should be a qualifying word to clarify the word tract. It was agreed that Mr. Hatcher would work on this.

Section 60-609. It was agreed that the word "may," line 5, following the word "court" be stricken and the word "shall" be inserted in lieu thereof.

Section 60-710. It was agreed that line 5 should have the word "district" inserted after the word "the" and before the word "judge."

Chairman Hill asked if there were any questions or comments concerning Article 8. There were none.

Section 60-901. No questions.

Section 60-902. No questions.

Section 60-903. No questions.

Section 60-904. Mr. Skoog asked whether this is any change at all from the present statute. Mr. Hatcher stated that there were no changes, but less language. He also commented that it had been submitted to labor and they were very much pleased with it. It has been made general rather than specific.

Section 60-905. Mr. Skoog questioned this section. Mr. Hatcher explained that this didn't interfere with injunction.

Section 60-906. No questions.

Section 60-907. Mr. Liebert inquired concerning any changes. Mr. Hatcher stated that there were none. Mr. Hill made an explanation concerning following this section in the April issue of the Kansas Judicial Council Bulletin.

Section 60-908. Mr. Hill stated that there were no changes in this section, but that city attorney has been added.

Section 60-909. No questions.

Section 60-910. No questions.

Mr. Hill explained that they have combined all actions under this single Article 10.

Section 60-1001. No questions.

Section 60-1002. No questions.

Section 60-1003. Mr. Hatcher explained quiet title and stated that they didn't intend to make any changes in this section.

Section 60-1004. Mr. Skoog inquired if this is the present law. Mr. Crossan stated that it is.

Section 60-1005. Mr. Hill pointed out that this has been rearranged from the Judicial Council Bulletin. Mr. Hill then requested that Mr. Hatcher explain "bond." Mr. Hatcher gave a brief explanation.

Mr. Hill asked if there were any additional questions or comments concerning Article 10. There were none.

Mr. Skoog stated that he will have an amendment on Article 11 prepared tomorrow and asked that he be permitted to return to this at that time.

Section 60-1101. No questions.

Section 60-1102. No questions.

Section 60-1103. Mr. Hill asked for an explanation. Mr. Hatcher explained that this covers the suppliers and the contractors. Mr. Euler stated that he thinks there should be something in this section for the benefit of the owner. Mr. Hatcher explained why this isn't necessary.

Section 60-1104. Mr. Hill made an inquiry on this, which was answered by Mr. Hatcher.

Section 60-1105. No questions.

Section 60-1106. Mr. Skoog and Mr. Hatcher commented briefly on this section.

Section 60-1107. No questions.

Section 60-1108. No questions.

Section 60-1109. Mr. Skoog questioned this section. Mr. Hill stated that it has been left as is.

Section 60-1110. No questions.

Section 60-1111. Mr. Hill asked if there is anything here that says that when the bond is sent down to the clerk, they advise her for the amount of the contract. Mr. Hatcher stated that this is almost an essential.

Mr. Hill asked if there were any additional questions or comments regarding Article 11. There were none.

Sections 60-1201 through 60-1204. No questions.

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Section 60-1205. Mr. Skoog moved that numbers 3 and 4 be stricken from Section 60-1205. Mr. Crossan seconded the motion. Chairman Hill called for any questions or discussion. There was none. Motion carried unanimously.

Section 60-1206. No questions.

Section 60-1207. Mr. Skoog asked if that last part is something extra. Mr. Hatcher stated that he couldn't answer that. Mr. Skoog commented favorably on this.

Section 60-1208. Mr. Skoog questioned this section. Mr. Hatcher stated that this is our present law. There was a great deal of discussion by the entire committee on this section and it was decided this should be taken up again when the committee meets in Room 523 at 8:30 A.M. Thursday, January 24, 1963.

Respectfully submitted,
Clyde Hill, Chairman

Minutes approved: