

House Judiciary Committee
Tuesday, January 29, 1963

The House Judiciary Committee met Tuesday, January 29, 1963, in Room 523 at 8:45 A.M. with Chairman Clyde Hill presiding. Nine members were present. Members Arthur, Briggs, Cram, Davis, Fatzner, Gastl, Griffith, Malone, Smith, Van Cleave and Williams were absent.

Chairman Hill reported to the committee the Senate Judiciary Committee's reaction to the House Judiciary Committee's changes and suggestions in regard to the bill for the revision of the Code of Civil Procedure.

Mr. Hatcher presented the suggestion of enlarging the language of Section 60-2102 subsection (2) by the addition of "or an order that grants or refuses relief in the form of quo warranto, mandamus and habeas corpus."

There was a great deal of discussion concerning the Senate Judiciary Committee's turning down the House Judiciary Committee's suggestion to enlarge the language of Section 60-2102 subsection (4) by the insertion of "for the recovery of money" line 1 after the word "action" and before the phrase "in which". Mr. Liebert stated that he thought the Senate Judiciary Committee had missed our point. Mr. Hatcher explained what the Senate Committee said concerning this. Mr. Liebert explained that he wanted to be certain declaratory judgment action was not cut out. Mr. Hatcher suggested this subsection be clarified by striking the phrase "in which" line 1 of Section 60-2102 subsection (4) and inserting in lieu thereof "except where the action is for the recovery of money only" and striking "is" line 2 and inserting in lieu thereof "must be". It was also suggested the amount be lowered to five hundred dollars (\$500). Mr. Hatcher will present this suggestion to the Senate Judiciary Committee at their next meeting.

Chairman Hill reported that the Senate Judiciary Committee has a subcommittee working on the modernization of Article 23, Exemptions.

Article 25, Lost or Destroyed Court Files and Records.
Mr. Hatcher pointed out that it has been made to cover all losses instead of just fires.

Article 7, Prefatory. No questions.

Section 60-201 and 60-202. No questions.

Section 60-203. Mr. Crossan asked if there is a saving clause. Mr. Hatcher said that there is not, but that they had made the time ninety (90) days instead of sixty (60) days and thought it was covered by this. Mr. Hill and Mr. Skoog explained and commented on this question.

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Sections 60-201 and 60-205. No questions.

Section 60-206. Mr. Skoog asked what these things are where you can't have enlargement (b). Mr. Hatcher explained.

Mr. Euler asked if Section 60-206 (a) includes all of the legal holidays. The committee thought that if some are listed, they all should be listed. Mr. Hatcher will check on this. It was also suggested that "or legislator" be inserted in line 16 after the word "governor" and before the phrase "of this state".

Mr. Crossan raised a question in regard to Section 60-206 (d). There was a great deal of discussion concerning this by the committee. Mr. Hatcher made the suggestion to strike "with the motion" line 7 and insert in lieu thereof "five (5) days before the time specified for hearing".

Mr. Edwards asked if the idea in Section 60-206 (e) is that it might take three days for it to reach them by mail. Mr. Hatcher said that it is and made a few comments in regard to this.

Section 60-207. No questions.

Section 60-208. Mr. Crossan wanted to know if a demand for judgment is a prayer. Mr. Hatcher said that it is.

The meeting adjourned at 9:55 A.M. to meet at 8:30 A.M. Wednesday, January 30, 1963, in Room 523.

Respectfully submitted,
Clyde Hill, Chairman

Minutes approved: