

House Judiciary Committee Meetings
Thursday, January 31, 1963

The House Judiciary Committee met Thursday, January 31, 1963, in Room 523 at 8:50 A.M. with Chairman Clyde Hill presiding. Twelve members were present. Members Arthur, Davis, Euler, Fatzer, Smith, Tillotson, Van Cleave and Williams were absent.

Earl Hatcher announced that the hotel is not available on February 6, 1963, for the cocktail hour and dinner to be given by the drafting committee. The date may be changed to Thursday, February 7, 1963.

Section 60-249 of the bill for the revision of the Code of Civil Procedure. There was a great deal of discussion by the committee members concerning this section. Mr. Hatcher informed the committee that the Senate Judiciary Committee has enlarged the language of this section by the insertion of "without commenting on the evidence" line 10 after the word "submitted" and before the phrase "as may".

Mr. Crossan moved that Section 60-249 be stricken out in its entirety. Mr. Briggs seconded. Chairman Hill asked for any further questions or discussion. There were none. Motion carried.

Mr. Skoog asked a question in regard to the master, Section 60-253. Mr. Hatcher commented on this. Mr. Crossan then asked if this takes it away from the jury in jury actions. Mr. Hatcher explained and gave his opinion on this.

Mr. Skoog suggested the committee start their consideration of Article 4, Rules of Evidence.

Mr. Briggs asked that the committee first enlarge the language of Section 60-253 (3) by inserting "unless so required by the court" line 2 after the word "evidence" and before the period. The committee agreed unanimously. Mr. Hatcher will work on the wording of this addition.

Mr. Briggs moved to strike (d) in its entirety from Section 60-423. Mr. Gardner seconded. Chairman Hill called for any further discussion or questions. There were none. Motion carried unanimously.

Mr. Skoog moved to strike (c) in its entirety from Section 60-425. Mr. Crossan seconded. Chairman Hill asked for any further questions or discussion. There were none. Motion carried.

Mr. Skoog wondered if (b) of Section 60-425 isn't almost the same thing as (c) of Section 60-425. There was a great deal of discussion concerning this. Mr. Briggs moved that "or his physical or mental condition; and" lines 3 and 4 following the word "characteristics" be stricken from (b) of Section 60-425. Mr. Skoog seconded. Chairman Hill asked for any further questions or discussion. There were none. Motion carried.

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Mr. Skoog moved that the language of Section 60-424 be enlarged by the insertion of "the United States, any other state or subdivision thereof" line 5 after the word "state" and before the phrase "as to subject". Mr. Crossan seconded. Chairman Hill called for any further discussion or questions. There were none. Motion carried.

Mr. Briggs suggested that when this bill is submitted to the legislature, this article concerning evidence be submitted as a separate bill.

Mr. Liebert asked Mr. Hatcher what would be the harm of deleting Section 60-425. Mr. Hatcher said there wasn't any reason why this couldn't be done. Mr. Liebert moved that a period be placed after "him" line 5 and that everything following "him" line 5 of Section 60-425 be deleted. He also moved that the word "exceptions" be deleted from the caption. Mr. Crossan seconded. Chairman Hill asked for any further discussion or questions. There were none. Motion carried.

Mr. Hatcher stated that he will ask the Senate Judiciary Committee to accept all of the House Judiciary Committee's changes in regard to evidence and that he asks the same thing of the House Judiciary Committee.

Mr. Briggs questioned (b) of Section 60-437. There was a great deal of discussion concerning this section and the entire article concerning evidence. Mr. Hatcher stated that he would rather see evidence introduced as a separate bill than to see the adoption of the Code endangered because of this article.

The discussion of the article concerning evidence will be taken up when the committee meets at 8:30 A.M. Friday, February 1, 1963, in Room 523. The meeting adjourned at 9:55 A.M.

Respectfully submitted,
Clyde Hill, Chairman

Minutes approved: