

House Judiciary Committee Meeting
Wednesday, April 3, 1963

The House Judiciary Committee met Wednesday, April 3, 1963, in Room 523 at 8:30 A.M. with Chairman Clyde Hill presiding. Twelve members were present. Members Arthur, Briggs, Davis, Euler, Fatzer, Gastl, Griffith and Williams were absent. Senator Steadman Ball was present to speak concerning Senate Bill No. 363. Senator Wade Myers was present to speak concerning Senate Bill No. 295. And, Senator Howard Harper was present to speak concerning Senate Bill No. 184.

Chairman Hill called the meeting to order.

Senator Wade Myers explained Senate Bill No. 295, an act concerning workmen's compensation and authorizing the payment of award to the natural guardian of any minor person entitled to the same; exceptions thereto; being supplemental to the workmen's compensation act. He stated that if the amount is less than \$2,000 a director may authorize this sum to be paid to the natural guardian of said minor. This would be left to the discretion of the director.

Chairman Hill asked if there were any questions. There were none.

Senator Steadman Ball explained Senate Bill No. 363, an act requiring the purchase of motor vehicle liability insurance, including medical payments insurance by state agencies, providing for payments therefor; pertaining to waiver of governmental immunity from liability; and providing certain requirements for insurance contracts; relating to creation of rights and remedies for persons sustaining damages as the result of the negligent operation of motor vehicles by state agencies, and prescribing certain restrictions; amending section 74-4702 of the General Statutes Supplement of 1961, and repealing said original section, and also repealing section 74-4704 of the General Statutes Supplement of 1961. He presented the background concerning this bill. He stated that the committee, Senate Judiciary Committee, thought the vehicles of Kansas should carry insurance. Chairman Hill asked what the estimated cost of this is. Senator Ball quoted a figure of \$82,719. Chairman Hill asked if any consideration had been given to buying the riders for their own policies and if so, what the cost of this would be. Senator Ball stated that he didn't know. Chairman Hill asked if any work had been done to tie Senate Bill No. 158 in with this bill. Senator Ball said no. He said that if this bill is adopted, you don't need Senate Bill No. 158 at all.

Mr. Crossan pointed out that there is something the matter with the insurance company concerning the policies they have presently.

Mr. Liebert made reference to Section 5, lines 12 through 22, both lines inclusive, and asked if this is needed. Senator Ball said that it wouldn't hurt the bill if this is taken out. Mr. Liebert said that reference should be made to the code of civil procedure.

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Chairman Hill made reference to Section 5, line 2, "state agency" and asked if this is sufficient. The definition of "state agency" was read and the members of the committee decided that this is broad enough.

Mr. Van Cleave made reference to Section 7, lines 4 through 11, and asked what this relates back to and if it is necessary. There was some discussion concerning this and the members of the committee decided that this is not necessary.

Senator Howard Harper spoke briefly concerning Senate Bill No. 184, an act relating to eminent domain and the acquisition of property and other powers, authority, duties and jurisdiction of the state and persons, firms, copartnerships, corporations, cities, counties, townships, boards of education, municipal universities, school districts, drainage districts, irrigation districts and other governmental agencies, and prescribing an exclusive procedure for the exercise of the power of eminent domain. He stated that this is a procedure act which is a reasonable statute for everybody.

Mr. Crossan stated that he has two amendments to Senate Bill No. 184.

Mr. Liebert moved that Senate Bill No. 363 be amended by striking all of lines 12 through 22, both lines inclusive, Section 5, and inserting in lieu thereof the following: "All actions brought under this act shall be subject to the statute of limitations provided in the code of civil procedure for such actions." Mr. Crossan seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Crossan moved that Senate Bill No. 363 be amended in Section 2 by striking "The medical", line 17, and by striking all of lines 18 through 21, both lines inclusive. Mr. Krug seconded. There was some discussion concerning this motion. Two members of the committee were in favor of the motion and nine opposed. Motion lost.

Mr. Crossan moved that Senate Bill No. 363 be amended in Section 7 by striking "Such liability shall not attach un-", line 4, and by striking all of lines 5 through 11, both lines inclusive. Mr. Van Cleave seconded.

Mr. Skoog made a substitute motion that Senate Bill No. 363 be amended in Section 7 by striking all of lines 1 through 11, both lines inclusive. Mr. Smith seconded. There was some discussion concerning this motion. Two members of the committee were in favor of the motion and nine opposed. Motion lost.

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The committee then voted on Mr. Crossan's original motion that Senate Bill No. 363 be amended in Section 7 by striking "Such liability shall not attach un-", line 4, and by striking all of lines 5 through 11, both lines inclusive. Motion carried unanimously.

Mr. Crossan moved that Senate Bill No. 363 be reported favorably for passage as amended. Mr. Liebert seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Skoog moved that Senate Bill No. 184 be amended pursuant to Mr. Crossan's suggestions and Franklin Corrick's suggestions and that the bill be reported favorably for passage as amended. Mr. Crossan seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

Mr. Skoog moved that Senate Bill No. 295 be reported favorably for passage. Mr. Van Cleave seconded. Chairman Hill asked for any discussion. There was none. Motion carried unanimously.

The meeting adjourned at 9:15 A.M.

Respectfully submitted,
Clyde Hill, Chairman

Minutes approved: