

House Judiciary Committee Meeting
Monday, March 22, 1965

The House Judiciary Committee met Monday, March 22, 1965, in Room 523 at 9:30 A.M. with Chairman Jack R. Euler presiding. Fifteen members were present. Members Davis, Fatzer, Foster, Griffith, Hill and Sargent were absent.

Chairman Euler called the meeting to order.

Representative Ross Doyen introduced Francis Roberts who explained House Bill No. 1035, an act providing for the detachment of territory from fire districts organized under K.S.A. 19-3624 to 19-3630, inclusive, and prescribing certain duties in connection therewith. He presented the background concerning this bill. At present time, this affects Mitchell, Cloud and Ottawa Counties. Mr. Gray moved that House Bill No. 1035 be recommended favorably for passage. Mr. Van Cleave seconded. Chairman Euler asked for any further discussion. There was none. The motion carried unanimously.

Mr. Woodworth read the subcommittee report concerning House Bill No. 703, an act concerning contribution among tortfeasors, release of tortfeasors, procedure enabling recovery of contribution, and making uniform the law with reference thereto. This report amends House Bill No. 703 to existing K.S.A. 60-2413. A copy of this report is attached. Mr. Howard moved that the committee adopt the subcommittee's report. Mr. Bell seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Woodworth moved that House Bill No. 703 as amended be reported adversely. After some discussion, Mr. Woodworth withdrew his motion until further consideration could be given by the committee to this matter.

Mr. Turner moved that House Bill No. 1060, an act relating to probate and juvenile courts in certain counties designated as urban areas; providing for the appointment of judges pro tem of the probate court and for probation officers, be recommended favorably for passage. Mr. Van Cleave seconded.

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Chairman Euler asked for any discussion. There was none.
The motion carried unanimously.

Chairman Euler appointed a subcommittee consisting of
members Amrein and Coldsnow in regard to House Bill No.
1058.

Chairman Euler appointed a subcommittee consisting of
members Gray, Tillotson and Euler to report on House Bill
No. 1056.

The meeting adjourned at 10:00 A.M.

Respectfully submitted,
Jack R. Euler
Chairman

Minutes approved:



REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your committee on **Judiciary**

Recommends that **HB 703**

"AN ACT concerning contribution among tortfeasors, release of tortfeasors, procedure enabling recovery of contribution, and making uniform the law with reference thereto."

Be amended:

On page 1, by inserting immediately following the enacting clause the following:

"Section 1. Existing K. S. A. 60-2413 is hereby amended to read as follows: 60-2413. (a) Generally. Persons jointly liable to another in contract are entitled to contribution among themselves as heretofore recognized by principles of equity. Such right of contribution may be asserted in separate actions or by way of cross-claim, interpleader, or intervention under the provisions of article 2.

"(b) Judgment debtors. A right of contribution or indemnity among judgment debtors, arising out of the payment of the judgment by one or more of them, may be enforced by execution against the property of the judgment debtor from whom contribution or indemnity is sought.";

And in line 1, by striking the following: "Section 1. Right" and inserting in lieu thereof the following: "(c) Joint tortfeasors; right"; also in said line 1, by striking the letter "(a)" and inserting in lieu thereof the figure "(1)"; in line 7, by striking the letter "(b)" and inserting in lieu thereof the figure "(2)"; in line 13, by striking the letter "(c)" and inserting in lieu thereof the figure "(3)"; in line 16, by striking the letter "(d)" and inserting in lieu thereof the figure "(4)"; and in line 21 by striking the letter "(e)" and inserting in lieu thereof the figure "(5)";

On page 2, in line 6, by striking the letter "(f)" and inserting in lieu thereof the figure "(6)"; also in said line 6, by striking the word "act" and inserting in lieu thereof the word "subsection"; in line 12, by striking the letter "(g)" and inserting

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in lieu thereof the figure "(7)"; also in said line 7, by striking the word "act" and inserting in lieu thereof the word "subsection";

And also on page 2, in line 14, by striking the following: "Sec. 2." and inserting in lieu thereof the letter "(d)"; and also in said line 14 by striking the period after the word "shares" and inserting in lieu thereof the following: "; tortfeasors."; in line 15, by striking the letter "(a)" and inserting in lieu thereof the figure "(1)"; in line 16, by striking the letter "(b)" and inserting in lieu thereof the figure "(2)"; in line 17, by striking the letter "(c)" and inserting in lieu thereof the figure "(3)";

And also on page 2, in line 19, by striking the following: "Sec. 3." and inserting in lieu thereof the letter "(e)"; also in said line 19 by striking the period after the word "Enforce-
ment" and inserting in lieu thereof the following: "; tortfeasors."; and also in said line 19 by striking the letter "(a)" and inserting in lieu thereof the figure "(1)"; in line 23, by striking the letter "(b)" and inserting in lieu thereof the figure "(2)"; and in line 28, by striking the letter "(c)" and inserting in lieu thereof the figure "(3)";

On page 3, in line 3, by striking the letter "(d)" and inserting in lieu thereof the figure "(4)"; in line 5, by striking the figure "(1)" and inserting in lieu thereof the letter "(1)"; in line 8, by striking the figure "(2)" and inserting in lieu thereof the letters "(11)"; in line 12, by striking the letter "(e)" and inserting in lieu thereof the figure "(5)"; in line 17, by striking the letter "(f)" and inserting in lieu thereof the figure "(6)";

Also on page 3, in line 21, by striking the following: "Sec. 4." and inserting in lieu thereof the letter "(f)";
also in line 21, by striking the period after the word "sue" and inserting in lieu thereof the following: "; tortfeasors."; in line 25, by striking the letter "(a)" and inserting in lieu thereof the figure "(1)"; and in line 30, by striking the letter "(b)" and inserting in lieu thereof the figure "(2)";

On page 4, by striking all of lines 1 to 10, inclusive, and inserting in lieu thereof a new section, which new section shall be numbered 2 and shall read as follows:

"Sec. 2. Existing K. S. A. 60-2413 is hereby repealed.";

Also on page 4, in line 11, by striking the figure "8" and inserting in lieu thereof the figure "3";

In line 1 of the title by striking all of the line after the word "ACT" and by striking all of lines 2 and 3 and inserting in lieu thereof the following: "relating to the code of civil procedure; concerning contribution between joint obligors and among tortfeasors; amending existing K. S. A. 60-2413 and repealing said existing section.";

And that the bill be passed as amended.

Chairman.