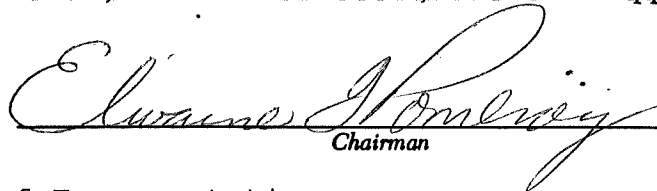


Held in Room 519 S, at the Statehouse at 1:15 ~~a.m.~~/p. m., on February 9, 1979.

All members were present except: Senators Steineger, Allegrucci, Berman, Burke, Gaar and Hein

The next meeting of the Committee will be held at 10:00 a. m./p. m., on February 12, 1979.

~~These minutes of the meeting held on xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx 19xx were considered, corrected and approved.~~


Chairman

The conferees appearing before the Committee were:
Don Simons - Kansas Department of Transportation
C. W. Wheelen - Legislative Research Department

Staff present:
Art Griggs - Revisor of Statutes
Jerry Stephens - Legislative Research Department
Wayne Morris - Legislative Research Department

Senate Bill No. 76 - Enacting a tort claims act applicable to the state and local units of government. Don Simons testified that the Department of Transportation does not favor the bill. He pointed out various differences from the present situation that the department would experience under the bill; he stated that perhaps the department might be better off with the bill than it is presently. Committee discussion with him followed.

Chip Wheelen presented a report concerning how other states have approached the problem; a copy of his report is attached hereto. Committee discussion with him followed.

Senate Bill No. 146 - Reporting abuse of certain persons. The chairman announced that because there was a house bill identical, or almost identical to this, this committee would not work this bill.

Senate Bill No. 251 - Workmen's compensation; many changes. The chairman announced that because this bill is identical to House Bill 2401, and the House has had hearings on House Bill 2401, we will not hold hearings on Senate Bill 251.

Senate Bill No. 90 - Enacting the uniform certification of questions of law act. Senate Gaines moved to report the bill favorably; Senator Simpson seconded the motion. Following committee discussion, senator Steineger made a substitute motion to amend the bill to provide for expedited hearings on such matters; Senator Parrish seconded the motion, and the substitute motion carried. Senator Simpson moved to report the bill favorably as amended; Senator Hess seconded the motion, and the motion carried.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

Minutes of the Senate Committee on Judiciary February 9, 1979.

Senate Bill No. 156 - Uniform Gifts to Minors act amendments. Senator Simpson explained the bill. Following committee discussion, Senator Gaines moved to report the bill favorably; Senator Hess seconded the motion, and the motion carried.

Senate Bill No. 154 - Code of procedure for municipal courts. Following committee review of the hearings held on the bill and the problems that have been experienced with cities chartering out from under the provisions of the state statutes relating to municipal courts, Senator Parrish moved to amend the bill by the introduction of a substitute bill which would repeal the existing code relating to municipal courts and reenacting the same with the content of Senate Bill 154 included. Senator Simpson seconded the motion. Following committee discussion, the motion carried.

Senate Bill No. 104 - Structures located on certain land abandoned for railroad purposes. Following committee discussion, it was determined that the matter is too complex to deal with in the time remaining this year.

Senate Bill No. 74 - Garnishment of joint tenancy property. Following committee discussion, Senator Steineger moved to strike everything after "estates" in line 51; Senator Werts seconded the motion, and the motion carried. Senator Steineger moved to report the bill favorably as amended; Senator Werts seconded the motion, and the motion carried.

Senate Bill No. 99 - Termination of life-sustaining procedures in terminal cases. Following committee discussion, Senator Simpson moved to amend the bill as suggested by the author relating to a pregnant patient; Senator Hess seconded the motion, and the motion carried. Senator Gaines moved to amend the bill on page 4 by striking lines 135 to 144 and inserting new language; Senator Hess seconded the motion, and the motion carried. Senator Simpson moved to amend the bill by amending K.S.A. 77-202; Senator Gaines seconded the motion, and the motion carried. Senator Steineger moved to strike the word "euthanasia" in line 197; Senator Parrish seconded the motion, and the motion carried. Senator Steineger moved to remove the phrase "reasonably believed to be" in line 105; Senator Werts seconded the motion, and the motion carried. Senator Simpson moved to report the bill favorably as amended; Senator Gaines seconded the motion, and the motion carried. The chairman voted "No".

Senate Bill No. 76 - Enacting a tort claims act applicable to the state and local units of government. The chairman announced that we would defer a decision on the basic policy questions, such as open end or closed end, to a time when more of the committee members were present.

The meeting adjourned.

These minutes were read and approved by the committee on _____.

2-9-79
1:15 PM

A SUMMARY OF RISK MANAGEMENT PRACTICES
PREPARED FOR THE KANSAS SENATE COMMITTEE ON JUDICIARY

States Waiving Sovereign Immunity	Method of Indemnity Self-Insurance, Commercial Policy, or Appropriation						Special Features
	Limits	Liability		Property	Automobile	Workmen's Compensation	
		Tort Claims	General				
Alaska	None	Policies	Policy	Policy	Policy	Policy	
Arizona	None	Self	Self	Policy	Self	Policy	
California	None	Self	Self	Appropriation	Self	Self	
Colorado	\$100/300	Policy	Policy	Policy	Policy	Self	
Florida	\$50/100	Self	Self	Policy	Self	Self	
Hawaii	None	Self	Self	Self	Policy	Self	Includes School Districts
Idaho	\$300,000	Self	Policy	Policy	Policy	Self	
Illinois	\$100,000	Appropriation	Self	Not reported	Self	Self	
Louisiana	None	Policy	Policy	Policy	Policy	Policy	
Maine	\$300,000	Self	Self	Policy	Policy	Self	
Missouri	\$100/800	Policy	Policy	Policy	Policy	Self	
Montana	\$300/1,000,000	Appropriation	Self	Policy	Policy	Appropriation	
Nebraska	None	Self	Self	Policies	Policy	Self	
New Jersey	Not Reported	Policy	Policy	Self	Policy	Self	
New Mexico	\$300/500/100 for property	Policy and Appropriation	Self	Policy	Policy	Policy	Includes Muni- cipalities
North Carolina	\$30,000	Policy	None	Policy	Policy	Self	
Ohio	None	Not Reported	None	Self & Policy	Self	Self	
Oregon	\$100/300/50	Self	Self	Self	Self	Self	Optional Inclusion of Municipalities
Pennsylvania	Not Reported	Self	Self	Self	Policy	Self	
Rhode Island	By Claims Committee	Appropriation	Appropriation	Policy	Policy	Self	
South Carolina	\$100,000 for Hospitals	Policy	Policy	Policy	Policy	Not Reported	Includes Municipal- ities
Utah	\$100/300 bodily \$50,000 Prop- erty	Self	Self	Policy	Self	Self	Includes Municipal- ities
Vermont	\$300,000	Policy	None	Policy	Policy	Policy	
Washington	Some Functions Limited	Self	Self	Self	Self	Self	
Wisconsin	\$100,000	Appropriation	Self	Self	Self	Self	

Of all states waiving sovereign immunity, none is analogous to S.B. 76, i.e., \$500,000 limit. Of 23 states reporting method of tort claims indemnity, 47.8% self-insure, 34.8% purchase commercial policies, and 17.4% require direct appropriation.

Source: "Survey of State Government Approaches to Risk Management," October 1978; Florida Division of Risk Management