

Held in Room 519 S, at the Statehouse at 12:00 ~~xxx~~/p. m., on February 12, 1979.

All members were present except: Senators Gaar and Mulich

The next meeting of the Committee will be held at 10:00 a. m./~~p. m.~~, on February 13, 1979.

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


Chairman

The conferees appearing before the Committee were:

Staff present:

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

On motion of Senator Simpson, seconded by Senator Gaines, the minutes of January 25, 26 and 29 were approved.

The chairman again pointed out that there are several duplications of bills; Senate Bill 251 is duplicated by House Bill 2401, and the house bill has had hearings, so the senate bill will not have hearings. Senate Bill 146, on which hearings were held last week is duplicated by House Bill 2167. Senate Bills 314 and 327 are exact duplicates, except the titles are slightly different. Senate Bill 267 is duplicated by House Bill 2068.

Senate Bill No. 266 - Code of procedure for municipal courts, notice to appear. Senator Gaines moved that the substance of SB 266, with the proposed amendment, be included in the substitute bill for SB 154; Senator Simpson seconded the motion, and the motion carried.

Senate Bill No. 76 - Enacting a tort claims act applicable to the state and local units of government. Committee discussion was had on whether to use the open end approach or the closed end approach. Senator Gaar stated that he favored the closed end approach. The chairman stated that you can reach a moderate bill from either approach, depending upon the number of exceptions to whichever general rules is used, and how broadly or narrowly those exceptions are drafted. Senator Simpson stated he prefers the open end approach. Senator Hess stated that although he has concern for the rights of the individual to sue, he is also concerned about the cost for local units of government. Senator Gaines stated that he is concerned with how the local units of government are going to pay for this, he would prefer to leave the private insurance sector out of it. Senator Steineger stated

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 12, 1979.

SB 76 continued -

that because of the cost involved, he prefers the closed end approach, so that we can start off slowly to see how far we can go. Committee discussion then turned to a possible mechanism for paying for the necessary coverage.

Senate Bill No. 316 - Establishing division of risk management. Senator Hess explained that this bill is an attempt to provide the mechanism for paying for the coverage under SB 76. He explained the bill. He stated it is patterned mainly after the law in New Mexico. Committee discussion followed the explanation of the bill. Senator Steineger stated that he favored the closed end approach for SB 76, with a funding mechanism along the lines of SB 316. The chairman indicated that he will try to arrange to have Fletcher Bell or Ron Todd appear before the committee to answer questions concerning the funding mechanisms and SB 316.

The meeting adjourned.

These minutes were read and approved
by the committee on 4-25-79.