

Approved 4/12/86
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Senator Edward F. Reilly, Jr. at
Chairperson

12:20 ~~11:30 a.m.~~ P.m. on April 11, 1986 in room 254-E of the Capitol.

All members were present except:

Senators Arasmith and Hoferer were excused.

Committee staff present:

Emalene Correll, Legislative Research
Mary Torrence, Assistant Revisor of Statutes
June Windscheffel, Secretary to the Committee

Conferees appearing before the committee:

Pat Baker, Kansas Association of School Boards
Jim Kaup, League of Kansas Municipalities
Fred Allen, Kansas Association of Counties
Steve Wiechman, Kansas Association of Counties
E. A. Mosher, League of Kansas Municipalities
Representative Michael O'Neal

HB3114 - tort claims act; relating to exceptions from liability

The Chairman stated that the Committee had asked for the appearance of members to represent the cities, school boards and counties concerning HB3114, to express their feelings concerning it.

First conferee was Pat Baker, of the Kansas Association of School Boards. She stated that they support the original purpose of HB3114.

Jim Kaup, of the League of Kansas Municipalities, said they have a couple of questions concerning the impact of the exemption of governmental functions from the tort claims act (added by House floor amendment). They would ask this Committee to consider the bill in its original form as introduced and to turn over to an interim study the problem municipalities are having with tort liability and insurance coverage.

The Kansas Association of Counties was represented by Fred Allen and Steven Wiechman. Mr. Allen said they have some of the same reservations mentioned by the Kansas League of Municipalities. Mr. Wiechman said he would have no problem with the proposed amendment of Legislative Counsel (Attachment #1) as written but does feel there might be reason for concern if they were to get into a constitutional test.

Ernest Mosher of the League of Kansas Municipalities said they are concerned the House floor amendment might undo some of the immunity they now have.

Representative Michael O'Neal said he would support the Committee's action of yesterday in adopting a separate exemption of municipal governmental functions. He thinks the House floor amendment should be limited to municipalities and would like to see the Legislature move in that direction.

The Chairman stated that even though the amendment concerning the municipalities has been adopted he is hearing that the conferees are even having some concern with it.

The Chairman asked now that the Committee had heard the input from the various entities would it feel comfortable to provide the exemption for community service and provide that the other provisions go to an interim study. Senator Martin moved that the provisions which should go to an interim study be stricken from HB3114. 2d by Senator Morris. Motion carried. It was pointed out that the Committee did request an interim study of the liability that was included in the bill but that has been deleted, based upon the amendments which have been made. Senator Martin moved that the Committee pass HB3114 out favorably as amended. 2d by Senator Walker. Motion carried. Meeting adjourned at 12:40 p.m.

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.

VERSION 1
Muni,
4/11/86
Attachment #1

HB 3114 - Am. by HCW

As to "municipality"

Sec. 2

Page 4 - between lines 0138 and 0139 insert:

(s) Governmental functions, including, but not limited to, any of the other subsections in this section or any other action taken by the governing body or board of a municipality in its capacity as a governing body in the exercise of any governmental or discretionary function.

Sec. 2 (a) would need to be amended to restore it to its original language.

HB 3114 - Am. by HCW

As to "all"

Sec. 2

Page 4 - between lines 0138 and 0139 insert:

(s) Governmental functions, including, but not limited to, any of the other subsections in this section or any other action taken by or on the part of a governmental entity or employee in the exercise of any governmental or discretionary function.

Sec. 2 (a) would need to be amended to restore it to its original language.