

SESSION OF 2004

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2553

As Recommended by House Committee on
Judiciary

Brief*

HB 2553 amends the statute governing claims against a municipality to clarify that a claimant will have 90 days from the date a claim is denied or deemed denied to bring an action against a municipality.

Background

A judge with the Kansas Court of Appeals appeared in support of the bill which is patterned after Federal Tort Claims Act. Two recent cases were cited that discussed the involved statute that needed this amendment. See *Cummings v. City of Lakin* 31 Kan. App. 2nd 532, 67 P.3d 166 (2003) and *J.A. Asset Co., Inc. v. City of Wichita*, 31 KAN App. 2d 650, 654-55, 70 P.3d 711 (2003).

A spokesperson for the Kansas Bar Association submitted written testimony in favor of the bill.

The fiscal note indicates no fiscal effect.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>