| MINUTES OF THE SENATE COMMITTEE ON JUDIO | CIARY | |
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| Held in Room 519 S, at the Statehouse at 10:00 a. m/psm., on | March 2 | , 19 _79_ |
| All members were present except: | | |
| | | |
| The next meeting of the Committee will be held at 10:00 a. m./pxxxx., on _ | March 5 | , 19 |
| These minutes of the meeting held on xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx | X XXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXX | XXXXXXXX |
| \mathcal{L}_{n} | 7 | e approved. |
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The conferees appearing before the Committee were:

Staff present:

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

Proposed Substitute for Senate Bill No. 76 - Enacting a tort claims act applicable to the state and local units of government. The current draft of the substitute bill with the amendments previously made by the committee were distributed to members of the committee. Mr. Griggs reviewed the draft. Senator Simpson moved to reconsider the decision made by the committee yesterday regarding immunity of employees; Senator Parrish seconded the motion. Following committee discussion, the motion carried on a vote of five to four. Senator Simpson then moved to adopt the recommendation of the League of Municipalities requiring the employer to provide legal defense for employees; Senator Parrish seconded the motion, and committee discussion followed. Werts made a substitute motion to make it mandatory rather than permissive; Senator Allegrucci seconded the motion. Following further committee discussion, Senator Werts withdrew his motion. The original motion then carried. Senator Hein moved to strike Section 5 relating to gross negligence; senator Allegrucci . seconded the motion. On a vote of three in favor to four opposed, the motion failed. Following further committee discussion, Senator Parrish moved to raise the limit from \$300,000 to \$500,000; Senator Gaines moved to report the bill without recommendation. Senator Parrish withdrew his motion, as did Senator Gaines, neither of which had received a second. Senator Hein moved to amend Section 12 dealing with settlement procedures involving the head of the affected department of state government; Senator Allegrucci seconded the motion, and the motion carried.

The chairman distributed copies of the order entered by the

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supreme court in case of Flax v. Kansas Turnpike Authority wherein the court ordered the matter held for rehearing after the new justice had been appointed to the supreme court, since the matter dealt with the governmental immunity of the state.

The meeting adjourned.

These minutes were read and approved by the committee on 4-25-19.

GUESTS

SENATE JUDICIARY COMMITTEE

| 170 | NAME | ADDRESS | ORGANIZATION |
|---|-----------------|------------|--|
| | George Welch | Topeka | DolA |
| | Patry Cassidy | laurence | Aide/Sen. Hess |
| < | Im Weisgelber | League | of Municipalities |
| | Bill Gough | Topela | U KACI |
| | Jerry Palmer | Topelca | Ks Triel Duyer, Alle |
| | Day Biles | | AP |
| | Tallan Saseleus | Topela | KTLA |
| | Mada Haur | | Daily Cancelo |
| | Jan Turner | Topeka | KSLL |
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