MINUTES OF THE SENATE	COMMITTEE ONJUDI	CIARY	
Held in Room 526 S, at the Sta	tehouse at 11:00 a. m./pxxxx, on	· April 25	, 19 ⁷⁹
All members were present except:	Senators Steineger, Allega Gaar and Mulich	rucci, Burke,	
The next meeting of the Committee	will be held at 8:15 a. m./px/maxo	n April 27	, 19 ⁷⁹
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The conferees appearing before the	Committee were:	Chairman	1

Staff present:

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

Senator Gaines moved that the minutes for the meetings of the committee of February 9 through April 3 be approved; Senator Parrish seconded the motion, and the motion carried.

The chairman reported that a review of the minutes revealed that the committee had previously directed the chairman to request interim studies on the matter of preemption of the state criminal code over local ordnances and resolutions; and the matter of termination of parental rights. The chairman further pointed out that the conference committee on House Bill 2501 had recommended that an interim committee study be requested on the matter of the plea of not guilty for reason of insanity, and the disposition of persons who successfully present such a plea.

Senator Hess discussed with the committee the need to monitor the tort claims act and suggested that an interim committee study would be proper. Committee discussion with him followed.

Senator Hein suggested that an interim committee study would be proper on the issue of the use of force by law enforcement officers, how much force should be used to prevent someone escaping arrest. Other committee members suggested that guidelines could also be studied for chases through populated areas, and also what criteria should be used by the governor's office in sending in assistance to local law enforcement officers quelling disturbances. Following committee discussion, Senator Hein moved that this committee request such an interim study; Senator Parrish seconded the motion, and the motion carried.

The chairman announced that the Senate Ways and Means Committee had requested this committee to meet with regard to financing

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of the tort claims act. Senator Hess reported that the Ways and Means Committee felt that since this committee had spent a great deal of time discussing the tort claims act, this committee was in a better position to work with the financing.

Senator Gaines suggested mandating all local units of government to carry \$25,000 minimum liability policy, patterned after the required basic coverage in medical malpractice. The committee discussed whether Senate Bill 316 could be used as a vehicle for the financing of the tort claims act.

Senator Berman stated that there were three basic points to consider; the basic type of insurance coverage, whether through an insurance company or a self-insurance plan; catastrophic incidents; and the establishment of assessments to build up the statewide insurance fund. He suggested some of these matters could be left to the rules and regulations of the insurance commissioner.

Senator Gaines suggested that, as in the medical malpractice insurance, a lid of perhaps ten million dollars be placed on the statewide reserve fund. Committee discussion followed.

Senator Berman moved to draft a bill, to be introduced by the Ways and Means Committee, providing an option of providing insurance up to \$25,000 or have the local unit self-insure to that amount, and that the commissioner of insurance establish a surcharge rate for those units of government which are self-insured; establishing a lid of ten million dollars as in medical malpractice on the reserve fund; Senator Gaines seconded the motion. After committee discussion, the motion carried.

Senator Hess moved that this committee request an interim study to monitor the functioning of the tort claims act, to study the premium rate structure; what role the insurance commissioner will play in this situation; the manner in which self-insurers are able to pay off judgments; and the role of the Special Claims Committee. Senator Parrish seconded the motion, and the motion carried.

The chairman appointed a subcommittee of Senator Hess and Senator Gaines to work with Art Griggs in drafting the bill pertaining to the funding of the tort claims act.

The chairman announced that after the bill is drafted, a hearing will be set up in which interested persons will be invited to appear.

The meeting adjourned.

These minutes were read and approved by the committee on 4-28-79.