



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN  
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215  
CONSUMER PROTECTION: 296-3751

February 12, 1979

ATTORNEY GENERAL OPINION NO. 79- 15

Betty A. Bomar  
Acting Director  
Crime Victims Reparations Board  
503 Kansas Avenue  
Suite 343  
Topeka, Kansas 66603

Re: State Boards, Commissions and Authorities -- Crime Victims  
Reparations Board -- Award of Reparations

Synopsis: The Crime Victims Reparations Board may award reparations  
for claims filed with the Board on or after July 1, 1978  
based upon injury or death which occurred on or after  
July 1, 1977 if the claim made with the Board is within  
one year of the injury or death.

\* \* \*

Dear Ms. Bomar:

K.S.A. 1978 Supp. 74-7305(b) provides in part:

"Reparations may not be awarded unless the claim has been  
filed with the board within one (1) year after the injury  
or death upon which the claim is based."

In this regard you ask the opinion of the Attorney General as to when a  
person may file a timely claim, and whether the Crime Victims Reparations  
Board may award reparations based upon death or injury occurring before  
the effective date of this statute (July 1, 1978).

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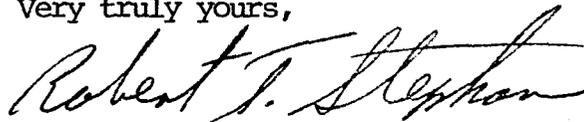
The fundamental rule of statutory construction is to ascertain and give effect to the intention of the Legislature as expressed in any given statute. See, e.g., Hunter v. Haun, 210 Kan. 11, 499 P.2d 1087 (1972). In this regard, however, words in a statute ought not to have a retrospective operation unless they are so clear, strong and imperative that no other meaning can be annexed to them, or unless the Legislature's intent cannot be otherwise satisfied. See, e.g., Sohn v. Waterson, 84 U.S. 596, 17 Wall. 596, 21 L.Ed. 737 (1873); Douglas County Commissioners v. Woodward, 73 Kan. 238, 84 P. 1028 (1906). Specifically in dealing with the effective date of statutes of limitations the Kansas Supreme Court has said:

"Statutes of limitations are presumed to be prospective and not retrospective in their operation in the absence of clear legislative intent to the contrary, and presumption is against an intent on the part of the Legislature to make a statute retroactive." Siefkin v. Siefkin, 150 Kan. 396, 400, 92 P.2d 1005 (1939).

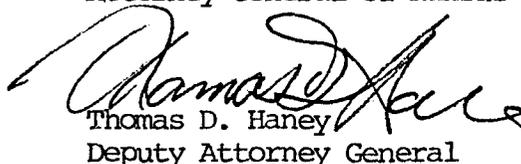
A statute is not to be regarded as operating retrospectively because of the mere fact that it relates to antecedent events or draws upon antecedent facts for its operation. In re Estate of McKay, 208 Kan. 282, 491 P.2d 932 (1971). K.S.A. 1978 Supp. 74-7305(b) provides, in essence, a one year statute of limitations regarding the time in which a claim may be filed. Thus, the award of compensation for injuries or death occurring prior to the effective date of the above statute may be allowed if the claim is filed after July 1, 1978, but within one year of the injury or death.

In our judgment, the Legislature clearly intended to provide that, pursuant to K.S.A. 1978 Supp. 74-7305, applications [claims] for reparations be allowed if said claims were made after the effective date of the act, but referred to injury or death occurring within one year of the claim.

Very truly yours,



ROBERT T. STEPHAN  
Attorney General of Kansas



Thomas D. Haney  
Deputy Attorney General

RTS:TDH:may