

HOUSE COMMITTEE ON JUDICIARY

SUBCOMMITTEE ON CIVIL LAW

February 3, 1997 Hearing Room 357

1:00 P.M. Tapes 13 - 14

MEMBERS PRESENT:

Rep. Lane Shetterly, Chair

Rep. Judith Uherbelau, Vice-Chair

Rep. Roger Beyer

Rep. Jo Ann Bowman

Rep. George Eighmey

Rep. Floyd Prozanski

Rep. Charles Starr

Rep. Larry Wells

STAFF PRESENT:

Bill Taylor, Counsel

Lisa Fritz, Administrative Support

MEASURE/ISSUES HEARD:

HB 2350 - Public Hearing

HB 2298 - Work Session

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

Tape/#	Speaker	Comments
Tape 13, A		
001	Chair Shetterly	Calls meeting to order at 1:05 p.m.
<u>HB 2350 - OPENS PUBLIC</u>		

HEARING		
008	Rep. Eighmey	Explains the bill and why the bill is needed. Submits written testimony (EXHIBIT A).
037	Chair Shetterly	Asks if legal services mean legal aid.
039	Rep. Eighmey	Responds that is correct and continues explanation.
053	Bill Taylor	Committee Counsel Gives background and furthers explanation of bill.
067	Rep. Uherbelau	Asks if, under the bill, there will now be only one fee. Asks if that is also true of small claims court.
073	Taylor	Responds.
077	Rep. Uherbelau	Asks if that issue must be addressed.
079	Douglas Bray	Deputy Court Administrator Explains the small claims fee.
086	Chair Shetterly	Asks if small claims will have a separate filing fee structure that is different than the consolidated courts.
087	Bray	Answers that is correct.
089	Rep. Uherbelau	Asks if that bill actually "carved" out small claims.
090	Bray	Responds that it did "carve" out small claims as well as residential and personal property FEDs.
103	Rep. Uherbelau	Asks if above \$750 it is discretionary. Asks how many cases there are and what the estimation of loss would be if nothing were done.
114	Bray	Responds on preliminary estimate and comments that there would not be a significant impact on small claims.
138	Rep. Wells	Asks why they want to raise the amount.
143	Rep. Eighmey	Responds that the cost involved and efficiency are the primary reasons.
163	Chair Shetterly	Comments on why money would be saved.
175	Taylor	Asks if his understanding of court consolidation is correct in that all fees, regardless of the court, going to circuit court after January 1998 would go to the same rate.
181	Bray	Responds.
193	Taylor	Asks if the proposal is to raise what the fee would have been as a result of court consolidation.
196	Bray	Responds that the legal aid would have gone to \$22.
222	Rep.	Responds to Rep. Wells. Comments that many people want to take

	Uherbelau	their own cases to court.
228	Chair Shetterly	Comments that small claims court is much quicker.
245	Rep. Starr	Asks if the loss of cost revenue is going to be handled by the Senate bill and how does that relate to their aid.
259	Rep. Eighmey	Responds that the Senate bill is an adjustment of fees and a reflection of court consolidation.
303	Rep. Starr	Comments and gives opinion on legal aid.
323	Chair Shetterly	Comments that the bill will be put on hold for now and closes the public hearing.
HB 2298 - OPENS WORK SESSION		
330	Taylor	Explains the bill to the committee. The Legislative Fiscal Office submits a fiscal analysis for HB 2298 (EXHIBIT B).
342	Rep. Prozanski	MOTION: Moves HB 2298 to the full committee with a DO PASS recommendation.
367	Chair Shetterly	Comments about line 12 and the inconsistency of language.
379	Rep. Eighmey	Agrees with Chair Shetterly in that the bill should be as consistent as possible.
394	Rep. Uherbelau	Comments that Part 2 of Section 6 is very confusing.
421	Rep. Eighmey	MOTION: Moves to AMEND HB 2298 on on page 1, in line 12, delete "Any," and insert "A".
		VOTE: 8-0
435	Chair Shetterly	Hearing no objection, declares the motion CARRIED.
TAPE 14, A		
032	Rep. Beyer	Asks what exactly is being said in Section 2.
037	Rep. Uherbelau	Responds.
050	Chair Shetterly	Comments that the bill will be held off until the drafting is correct and adjourns meeting at 1:35 p.m.

Submitted by, Reviewed by,

Lisa Fritz, Bill Taylor,

Administrative Support Counsel

EXHIBIT SUMMARY

A - HB 2350, written testimony, Rep. George Eighmey, 2 pp.

B - HB 2298, fiscal analysis, Legislative Fiscal Office, 1 p.