

CONFERENCE COMMITTEE ON
SB 158

Hearing Room
Tape

MEMBERS PRESENT:
Sen. Bob Kintigh, Chair
Rep. Tony Corcoran
Sen. Bill Dwyer
Rep. Bill Fisher
Sen. Rod Johnson
Rep. Jim Welsh

STAFF PRESENT:
Bruce McIntosh, Committee Administrator
Sarah A. Myers, Committee Assistant

These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in quotation marks
report a speaker's exact words. For complete contents of the proceedings,
please refer to the tapes.

TAPE , A

003 CHAIR KINTIGH: Convenes the meeting at 4:10 PM.

Opens the Work Session on SB 158

Witnesses:

FRED ROBINSON, Department of Forestry
MELINDA BRUCE, Attorney General's Office

007 FRED ROBINSON, DEPARTMENT OF FORESTRY: Discusses the objections to the
House Amendments to the A-Engrossed bill.

-Line 19, page 3 of SB 158 B-Engrossed bill; discusses the changes in
language regarding the onset of fires by children.

034 MELINDA BRUCE, ATTORNEY GENERAL'S OFFICE: Discusses the problem with
the language. Currently the bill as written establishes a standard that is

difficult to prove where children are involved; refers to the word
"negligence" and compares the accountability of adults versus children.

-Discusses the recovery costs of children who start fires and changing the
language in the bill to read similar to the existing statute 481.58; fires
caused by kids and fireworks.

064 REP. CORCORAN: There was a lot of discussion on the House Side
regarding having a standard of behavior. Suggests that if the standard
using the language of "negligent or willfully is too high then we should
use the standard for liability for tort by child; "intentionally or
recklessly".

083 SEN. JOHNSON: What are the repercussions for the adult who committed
the offense of negligently leaving a fire to start a larger fire? It's not
necessary to make a child liable more so than an adult.

100 BRUCE: If the committee is considering using the standard of
"intentionally or recklessly", then it is the Department of Forestry's
position that the bill is better off without section 6.

107 MOTION: SEN. JOHNSON: Moves to delete the words "willfully or
negligently" on line 19 of SB 158 B-Engrossed.

VOTE: Hearing no objection the MOTION CARRIES.

110 MOTION: SEN. JOHNSON: Moves the Senate concur in the House
dated 5-24-95 and that SB 158 be further amended and repassed.

amendments

VOTE: 6-0
AYE: All conferee's present voted aye.
NO: None

CHAIR KINTIGH: The MOTION PASSES.

126 The conference committee is adjourned at 4:17 PM.

Submitted by,

Reviewed by,

Sarah A. Myers
Committee Assistant

Bruce McIntosh
Committee Administrator