

HOUSE COMMITTEE ON JUDICIARY

April 19, 1991 Hearing Room 357 1:00 p.m. Tapes 36 - 37

MEMBERS PRESENT: Rep. Randy Miller, Chair Rep. Tom Mason, Vice Chair
Rep. Ray Baum Rep. Judith Bauman Rep. Marie Bell Rep. Tom Brian Rep.
Kelly Clark Rep. Jim Edmunson Rep. Rod Johnson Rep. Kevin
Mannix Rep. Del Parks Rep. Ron Sunseri STAFF PRESENT: Greg Chaimov,
Committee Counsel Holly Robinson, Committee Counsel Jim Dole, Assistant
Committee Counsel Kathy Neely, Committee Assistant MEASURES
CONSIDERED: HB 3114 WS (Paternity) HB 2994 WS (Domestic Relations) HB
2837 WS (Jurors) HB 3849 WS (Juveniles) HB 3348 WS (Liability for Oil
Spills) HB 3165 WS (Debt Collection Practice) HB 2660 WS (Crime) HB 3112
WS (Assistant Director for Alcohol\Drug Abuse Programs) 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 36, SIDE A

003 REPRESENTATIVE MILLER, CHAIR: Calls the meeting to order at 1:20
p.m.

HB 3114 - WORK SESSION

020 HOLLY ROBINSON: HB 3114 is a narrow bill and allows paternity to
be established by the Support Enforcement Division prior to the birth of
child. 027 MOTION, REP. MANNIX: Moves the amendments to the bill
(EXHIBIT A).

CHAIR MILLER: Rep. Mannix moves the amendments.

REP. JOHNSON: Is there an appeal to a real court?

HOLLY ROBINSON: Yes, into the circuit court as a de novo review.

CHAIR MILLER: Hearing no objection to the amendments, so adopted.

036 MOTION, REP. MANNIX: Moves HB 3114 as amended to the House with a
do pass [louse Co, ittee on Judiciary April 19, 1991 - Page 2

recommendation.

CHAIR MILLER: Rep. Mannix moves HB 3114 as amended to the House.

040 REP. BAVMAN: The test to determine the paternity of the unborn
child is not safe or favored by the medial profession and is not
particularly conclusive at that stage

052 REP. MANNIX: There is a newer genetic test. This bill does not
require testing.

CHAIR MILLER: Calls for the vote. VOTE: 9-2 Motion passes. AYE: Baum,
Bell, Brian, Clark, Johnson, Mannix, Mason, Sunseri, Miller NO: Bauman,
Edmunson EXCUSED: Parks

CHAIR MILLER: HB 3114 as amended is passed to the House. Rep. Mannix
will carry.

(TaPe 36, Side A) HB 2994 - WORK SESSION

072 HOLLY ROBINSON: Makes changes regarding domestic violence arrests

and court procedures. Clarifies that police officer, when making an arrest, is not required to arrest both parties; specifies what factors an officer would consider when arresting an alleged assailant; deletes court's authority to order mutual restraining orders; identifies petitioner; and expands who may personally serve the order.

077 REP. CLARK: Under current law in a domestic disturbance the officer must arrest the assailant. What happens is the officer arrests both parties. This bill defines who the alleged assailant is and makes it so both parties don't have to be arrested.

098 MOTION, REP. BAUMAN: Moves the amendments to the bill. (EXHIBIT B)

103 CHAIR MILLER: Rep. Bauman moves the amendments. Hearing no objections, so adopted. MOTION, REP. BAUMAN: Moves HB 2994 as amended to the House with a do pass recommendation.

CHAIR MILLER: Rep. Bauman moves HB 2994 as amended to the House.

VOTE: 11-0 Motion passes. AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Sunseri, Miller NO: 0 EXCUSED: Parks

CHAIR MILLER: HB 2994 is passed to the House with Rep. Clark carrying.

(Tape 36, Side A) f' , .. These minutes contain terialr which paaphase and/or surnrnarize 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. House Co , , ittee on Judiciary April 19, 1991 - Page 3

HB 2837 - WORK SESSION

GREG CHAIMOV: Requires courts to excuse people 70 years or older who prefer not to serve as a jurors without having to explain why.

119 REP. MASON: The provision sunder Subsection 1 cover this. Does not understand the presumption of getting out of jury duty when 70. Will vote no on the bill.

128 REP. CLARK: Will vote against the bill. Have great respect for wisdom of those over 70. Taking them off of juries is not necessarily a good idea. . 143 REP. BAUM: Comments on testimony before the subcommittee. A lot of older folks will enjoy it and other are embarrassed because of loss of hearing or sight, whatever. *This allows a graceful opportunity to "bow out of an embarrassing situation". *Those that want to come can.

156 REP. CLARK: Does not remove people over 70 "carte blanche" then?

160 MOTION: REP. BAUM: No. Moves HB 2837 to House with do pass recommendation.

CHAIR MILLER: Motion is to the House.

VOTE: 10-0 AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mannix, Parks, Sunseri, Miller NO: Mason EXCUSED:

CHAIR MILLER: HB 2387 is passed to the House. Rep. Johnson will carry.

(I ape 36, Side A) HB 3349 WORK SESSION 186 GREG CHAIMOV: Protects

lenders from responsibility for cleaning up hazardous waste on property they acquire through foreclosure and immediately try to sell. Encourages clean up by limiting liability for lenders and fiduciary to gross negligence when trying to clean up.

201 MOTION, REP. MANNIX: Moves the amendments to the bill (EXHIBIT C).

CHAIR MILLER: Rep. Mannix moves the amendments. Hearing no objection, so adopted.

MOTION, REP. MANNIX: Moves HB 3349 as amended to the House with a do pass recommendation. CHAIR MILLER: Rep. Mannix moves HB 3349 as amended to the House with a do pass recommendation.

VOTE: 12-0 Motion passes.

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AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Parks, Sunseri, Miller NO: 0 EXCUSED:

CHAIR MILLER: HB 3349 as amended is passed to the House. Rep. Mannix to carry.

(Tape 36, Side A) HB 3348 WORK SESSION

219 JIM DOLE: Comments on the Oil Pollution Control Act of 1990. HB 3348 follows the federal statute by exempting oil spill clean up responders from liability except those responsible for the spill and in cases of wrongful death and reckless or grossly negligent conduct.

230 MOTION, REP. MANNIX: Moves HB 3348 to the House with a do pass recommendation.

CHAIR MILLER: Rep. Mannix moves HB 3348 to the House with a do pass recommendation.

VOTE: 12-0 Motion passes. AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Parks, Sunseri, Miller NO: 0 EXCUSED:

CHAIR MILLER: HB 3348 is passed to the House. Rep. Bell will carry.

(Tape 36, Side A) HB 3165 - WORK SESSION

251 JIM DOLE: Modifies the definition of "debt collector" to remove exemption of collecting dishonored checks.

259 MOTION, REP. PARKS: Moves HB 3156 to the House with a do pass recommendation.

CHAIR MILLER: Rep. Parks moves HB 3156 to the House with a do pass recommendation.

VOTE: 12-0 Motion passes. AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Parks, Sunseri, Miller NO: 0 EXCUSED:

CHAIR MILLER: HB 3156 is passed to the House. Rep. Clark will carry.

(Tape 36, Side A) HB 3112 - WORK SESSION

279 HOLLY ROBINSON: HB 3112 allows a county to enter into a contract with a single provider

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and establish pilot projects.

293 MOTION, REP. MANNIX: Moves HB 3112 to the- House with a do pass recommendation.

CHAIR MILLER: Rep. Mannix moves HB 3112 to the House.

VOTE: 12-0 Motion passes. AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Parks, Sunseri, Miller NO: 0 EXCUSED:

CHAIR MILLER: HB 3112 is passed to the House. Rep. Mannix will carry.

(Tape 36, Side A) HB 2660 - WORK SESSION

311 HOLLY ROBINSON: There are amendments (EXHIBIT D).

347 MOTION: REP. CLARK: Moves the amendments (EXHIBIT D).

CHAIR MILLER: Rep. Clark moves the amendments. Hearing no objection, so adopted.

MOTION: REP. CLARK: Moves HB 2660 as amended to the House with a do pass recommendation.

CHAIR MILLER: Rep. Clark moves HB 2660 as amended to the House with a do pass recommendation.

VOTE: 12-0 Motion passes. AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Parks, Sunseri, Miller NO: 0 EXCUSED:

CHAIR MILLER: HB 2660 as amended is passed to the House. Rep. Mannix will carry. Adjourns at 1:50 p.m.

Submitted by: Reviewed by: Kathy Neely, AssistDavid Harrell,
Office Manager

EXHIBIT LOG: A - Amendments to HB 3114 - 6 pages B - Amendments to HB 2994 - 1 page C - Amendments to HB 3349 - 1 page D - Amendments to HB 2660 - 3 pages i~

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