

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
March 4, 1983

The thirty-fifth meeting of the Senate Judiciary Committee was called to order by Vice-Chairman Bruce D. Crippen on March 4, 1983 at 10:00 a.m. in Room 325, State Capitol.

ROLL CALL: All members were present, except for Chairman Turnage who was excused.

CONSIDERATION OF HOUSE BILL 265: Representative Kathleen McBride, sponsor of HB265, said that the bill was introduced at the request of the Legislative Audit Committee and changes certain qualifications for commissioners in eminent domain proceedings. All of the qualifications listed on page 2, to page 3 that were stricken were reinserted by the House Judiciary Committee. She said she did not have any problem with the qualifications that were reinserted. The other major section of this bill deals with the condemning party paying the compensation of the commissioners. In addition, it states that compensation is not to exceed \$250 per hearing day.

PROPOSERS: Jim Beck, Department of Highways, supported the bill as presently written. He said they have been paying what they felt was fair to the commissioners. At one hearing which ran from 10 a.m. to 3 p.m., the judge felt it was worth \$1,000. His only problem with the bill was the effective date. He couldn't see why it needs to be July 1, 1983 rather than the usual date.

There being no further proponents, and no opponents, the hearing was open to questions from the Committee.

In response to a question by Senator Hazelbaker, John Northey, Counsel to the Legislative Audit Committee, said the special effective date was intended merely to coincide with the fiscal year. He had no problem if they wished it to be October 1.

There being no further discussion, the hearing was closed.

CONSIDERATION OF HOUSE BILL 577: Representative Kathleen McBride, sponsor of this bill, said it was also requested by the Legislative Audit Committee. This bill deals with application and examination fees to admit lawyers to the state bar. The fee for the examination should be commensurate with the costs of administering the bar exam. The bar exam fee has increased from \$25 to \$500. Those costs should be commensurate with the actual costs.

PROPOSERS: J.C. Weingartner, representing the Executive Committee of the State Bar Association, said that they supported the bill as well as the Supreme Court.

There being no further proponents, and no opponents, the hearing was closed.

CONSIDERATION OF HOUSE BILL 376: Representative Kathleen McBride, District #85, said that talking to several of her constituents gave rise to the introduction of this bill. Under current law the grandparents may petition for visitation rights in the case of a deceased parent or in a divorce, but in any other circumstances they have no right. This bill recognizes that there are other significant relationships where the grandparents should be allowed visitation rights. One would be where there is an unwed mother living with her parents; the grandparents may help raise the child and later they are not allowed visitation rights. The other would be the parents are still living together but there may have been a falling out between the parents and grandparents and they are not allowed visitation rights. This bill would allow, in those circumstances, the grandparents to petition for visitation rights. Visitation is to be allowed in the best interests of the child. That has not always been the case. She said there were other limiting factors on page 2 of the bill and explained them briefly.

She also explained the circumstances behind the amendment on page 2, line 15. The major reason is to prevent harrassment. As to the language on page 2, lines 7-11 and page 3, lines 7-11, she said this is not new language and did not feel this was the time to go into visitation rights concerning adoption.

There being no proponents or opponents present, the hearing was open to questions from the Committee.

Senator Berg asked if they hadn't passed a Senate bill concerning this. Representative McBride said she had talked to Senator Hager, sponsor of SB381. He went ahead and submitted his bill and he is more than willing to carry this bill (HB376) in the Senate. There is no conflict with the bills. HB376 gives some guidance to the court that his bill does not.

Senator Mazurek asked if this language comes from some other state statutes. Representative McBride believed that it does but would have to go back and look this up. She was not sure what states or statutes Senator Mazurek also wanted to know if they have been implemented and if they are working. Representative McBride did not know. She did not recall specifically which states.

Senator Crippen felt that on page 2, line 7, (3) this is an area where they would want to protect grandparents' rights. Representative McBride said this was discussed at length in the House. Because of the adoption laws right now they felt they must proceed very carefully. If the natural parents are denied that right they did not see how they could allow the grandparents visitation rights.

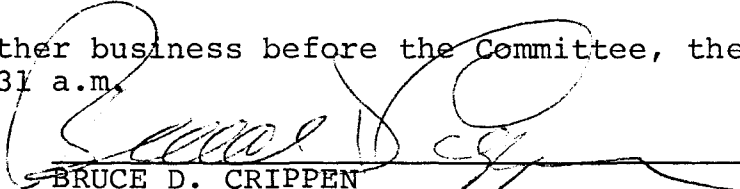
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This might create some real problems. Senator Crippen asked if Senator Hager's bill addressed that problem. Representative McBride said his bill is the same as the existing statutes.

ACTION ON HOUSE BILL 265: Senator Mazurek moved HB265 BE CONCURRED IN. This motion carried unanimously. Senator Blaylock will carry the bill on the floor.

ACTION ON HOUSE BILL 577: Senator Mazurek moved HB577 BE CONCURRED IN. Senator Crippen asked how this coincides with SB145. Senator Mazurek said SB145 repealed the statute altogether. Senator Crippen felt they should hold this bill and check into it. Senator Mazurek withdrew his motion.

ADJOURN: There being no further business before the Committee, the meeting was adjourned at 10:31 a.m.



BRUCE D. CRIPPEN
Vice-Chairman, Judiciary Committee

