

MINUTES OF THE MEETING OF THE JUDICIARY COMMITTEE
March 10, 1981

The executive session of the House Judiciary Committee was called to order at 9:00 a.m. in Room 437 of the Capitol by Chairman Kerry Keyser. All members were present except Rep. Huennekens, who was excused and Rep. Bennett, who was absent. Jim Lear, Legislative Council, was present.

SENATE BILL 14 REP. DAILY moved do not pass.

REP. DAILY felt this would punish the poor and benefit the rich.

REP. CONN made a substitute motion of do pass. This may provide some punishment for people who commit white collar crimes.

REP. DAILY responded the rich people know the judges, therefore, the rich people will receive the fine and the poor people will go to jail.

REP. YARDLEY supported the substitute motion. County attorneys have been supporting this type of legislation for years. This gives a more realistic measure to go by.

REP. HANNAH stated the committee has been saying the judges are too subjective. This bill is a step in the wrong direction. We are condoning a system nobody likes. Page 3 of the bill, lines 1-8 indicate if he loses his job there is no penalty. REP. HANNAH felt this was a questionable bill.

REP. CONN stated it would be punitive to punish the entire family when it was the father who committed the action.

REP. KEYSER stated he felt the installment payment plan of the bill was a problem, however, the person could be brought back in for missing a payment, which might be a deterrent.

The motion of do pass resulted in a roll call vote. Those voting yes were: KEYSER, CONN, EUDAILY, IVERSON, MATSKO, ANDERSON, ABRAMS, KEEDY, YARDLEY, TEAGUE and BROWN. Those voting no were: SEIFERT, HANNAH, MCLANE, DAILY, and SHELDEN. The motion carried 11 to 5.

SENATE BILL 120 REP. DAILY moved do pass.

REP. BROWN moved to strike sections 2, 3, and 8 from the bill. The motion carried unanimously.

REP. DAILY moved do pass as amended. The motion carried unanimously.

SENATE BILL 159 REP. KEEDY moved to strike the new section, page 4, lines 15-24 and to renumber subsequent sections. The motion carried.

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The amendments from the last executive session for this bill were read to the committee.

REP. CURTISS moved do pass as amended.

REP. EUDAILY made a motion to strike on page 5, lines 3 after "damaging" and to renumber the following sections. The amendment carried.

The motion of do pass as amended carried with REP. SEIFERT voting against the motion.

SENATE BILL 162 REP. SEIFERT moved do not pass.

REP. EUDAILY moved to adopt the amendment as provided by the sponsor and to strike (b) of 19(b). REP. EUDAILY withdrew his motion.

REP. KEEDY felt that section 1 of the bill was worth saving. REP. HANNAH asked how will that help clear up the courts and what kinds of problems will occur if we don't clear it up? REP. KEEDY was not sure. REP. HANNAH stated the sponsor felt the legal community thought this was clear but the courts disagree.

A roll call vote on the motion of do not pass resulted. Those voting yes were: KEYSER, SEIFERT, CONN, CURTISS, EUDAILY, HANNAH, IVERSON, MCLANE, and ABRAMS. Those voting no were: ANDERSON, DAILY, SHELDEN, TEAGUE, YARDLEY and BROWN. The motion carried 9 to 6.


SENATE BILL 170 REP. CURTISS moved do pass. She felt this would reduce the fee. Surveyors can survey over and over again and it is useless.

The motion of do pass carried with DAILY, EUDAILY, KEYSER and CONN voting no.

SENATE BILL 171 REP. BROWN moved do pass. The motion carried unanimously.

SENATE BILL 173 REP. SEIFERT moved do pass. The motion carried unanimously.

The meeting adjourned at 10:20 a.m.


KERRY KEYSER, CHAIRMAN
mr