

MINUTES OF THE MEETING  
JUDICIARY COMMITTEE  
50TH LEGISLATIVE SESSION  
HOUSE OF REPRESENTATIVES

February 14, 1987

The meeting of the Judiciary Committee was called to order by Chairman Earl Lory on February 14, 1987, at 8:00 a.m. in room 312-D of the State Capitol.

ROLL CALL: All members were present with the exception of Rep. Eudaily who was excused and Rep. Brown was absent.

EXECUTIVE SESSION:

ACTION ON HOUSE BILL NO. 110: Rep. Bulger moved DO NOT PASS. Question was called. A voice vote was taken with all members voting in favor with the exception of Rep. Keller and Rep. Giacometto. HB #110 DO NOT PASS.

ACTION ON HOUSE BILL NO. 111: Rep. Gould moved DO NOT PASS. Question was called. A voice vote was taken with all members voting in favor of the motion. The motion carried unanimously. HB #111 DO NOT PASS.

ACTION ON HOUSE BILL NO. 112: Rep. Addy moved to TABLE the bill. All members voted in favor of the motion. The motion carried unanimously. HB #112 TABLED.

ACTION ON HOUSE BILL NO. 123: Rep. Addy moved to amend the bill. (See attached amendments). Question was called and a voice vote was taken on the amendments. All members voted in favor of the amendments with the exception of Rep. Miles, Darko and Giacometto. Rep. Addy moved DO PASS AS AMENDED. A voice vote was taken with all members voting in favor of the motion. The motion carried unanimously. HB #123 DO PASS AS AMENDED.

ACTION ON HOUSE BILL NO. 236: Rep. Addy moved DO PASS. Rep. Gould questioned the time period involved. Rep. Addy moved to amend the bill. (See attached amendment). Rep. Bulger questioned Rep. Addy on this amendment regarding how a judge could resign and then turn around and not resign. John MacMaster stated that in his opinion once a written notice is given they can not withdraw it. Rep. Giacometto stated if both parties agree that the written notice can be destroyed, there should not be a problem. Rep. Cobb favored Rep. Addy's amendment. Question was called. Rep. Meyers moved the amendment. A voice vote was taken and the motion in favor of the amendment carried unanimously. Rep. Addy

moved DO PASS AS AMENDED. A voice vote was taken and the motion carried unanimously. HB #236 DO PASS AS AMENDED.

ACTION ON HOUSE BILL NO. 468: Rep. Lory moved DO PASS. Rep. Daily commented that Senator Healy had once given him some advise, never vote against the judges. Rep. Hannah moved to TABLE the bill. Question was called. All members voted in favor of the motion with the exception of Rep. Miles, Darko, and Lory. HB #468 TABLED.

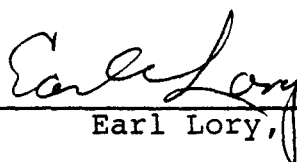
ACTION ON HOUSE BILL NO. 256: Rep. Addy moved DO PASS AS AMENDED. Rep. Daily moved to amend lines 9 and 10. (See attached amendments). Question was called. A voice vote was taken and the motion carried unanimously. Rep. Miles moved to amend the filing fees by not raising them more than double of what they are now. She also moved to delete the \$100.00 fee for change of venue. She stated that a change in venue is a right that people have in order to get a fair trial and substitution of judges is very difficult. Rep. Miles moved to delete the fee for change of venue first. Rep. Gould asked Rep. Addy if this pertained to criminal and civil cases. Rep. Addy answered yes. A voice vote was taken on the amendment with all members voting in favor of the motion with the exception of Rep. Giacometto, Gould and Hannah who opposed. (See attached amendment). Rep. Giacometto moved to amend page 7, line 21, deleting "the clerk of the district court shall deposit fees for filing a motion for substitution of a judge". He also amended several other lines. (See attached amendments). Mr. MacMaster reminded the committee that in view of the motion just passed, page 4, line 23 must be taken out. Rep. Giacometto moved the technical amendments. A voice vote was taken on the amendments and the motion carried unanimously. Rep. Miles moved that every place the fee is "tripled", it be amended to "doubled" and the new fees remain the same. Rep. Giacometto opposed the amendment. Question was called and a voice vote was taken with six members voting in favor of the amendment and seven voting in opposition. The amendment did not pass. Rep. Addy moved DO PASS AS AMENDED. Question was called by Rep. Giacometto. A voice vote was taken and the motion passed. HB #256 DO PASS AS AMENDED.

ACTION ON HOUSE BILL NO. 495: Rep. Darko moved DO PASS. She pointed out to the members that this is almost like kidnapping a child. Rep. Addy stated he looked up in code the charges for kidnapping and the penalty is between two and twenty years. Rep. Miles stated this is current law. Rep. Giacometto stated that line 19 seemed to have some open ended problems since there has not been a divorce filed yet and this is dealing with parents who are still married and both have custody. Rep. Darko stated that Rep. Corne's amendment should be looked at because she feels this

amendment will address the problems being discussed. Rep. Hannah stated the bill is too flawed and somewhere in this discussion he would make a motion to table the bill. Rep. Meyers agreed with Rep. Hannah's statement. Rep. Bulger stated there is already law on the books and the penalties for custodial interference have been defined. He felt the question seemed to be, "is this law more clear or less clear?" Rep. Lory asked if some members would be willing to put this into subcommittee. Rep. Hannah made a substitute motion to table the bill. A voice vote was taken and the motion carried unanimously. HB #495 TABLED.

ACTION ON HOUSE BILL NO. 501: Rep. Addy moved DO PASS. He moved the proposed amendments. Discussion on the amendments followed. Question was called. A voice vote was taken and the amendments carried unanimously. HB #501 DO PASS AS AMENDED.

ADJOURNMENT: There being no further business to come before this committee, the hearing was adjourned at 9:40 a.m.



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Earl Lory, Chairman

DAILY ROLL CALL  
 JUDICIARY COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Feb. 14, 1987

NAME	PRESENT	ABSENT	EXCUSED
JOHN MERCER (R)			✓
LEO GIACOMETTO (R)	✓		
BUDD GOULD (R)	✓		
AL MEYERS (R)	✓		
JOHN COBB (R)	✓		
ED GRADY (R)	✓		
PAUL RAPP-SVRCEK (D)	✓		
VERNON KELLER (R)	✓		
RALPH EUDAILY (R)			✓
TOM BULGER (D)	✓		
JOAN MILES (D)	✓		
FRITZ DAILY (D)	✓		
TOM HANNAH (R)	✓		
BILL STRIZICH (D)	✓		
PAULA DARKO (D)	✓		
KELLY ADDY (D)	✓		
DAVE BROWN (D)		✓	
EARL LORY (R)	✓		

# STANDING COMMITTEE REPORT

FEBRUARY 14,

87

19

Mr. Speaker: We, the committee on JUDICIARY

report HOUSE BILL NO. 110

do pass

be concurred in

as amended

do not pass

be not concurred in

statement of intent attached

\_\_\_\_\_  
Chairman



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# STANDING COMMITTEE REPORT

FEBRUARY 14, 1937

Mr. Speaker: We, the committee on JUDICIARY

report HOUSE BILL NO. 111

do pass  
 do not pass

be concurred in  
 be not concurred in

as amended  
 statement of intent attached

\_\_\_\_\_  
Chairman

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# STANDING COMMITTEE REPORT

FEBRUARY 14,

19 <sup>87</sup>

Mr. Speaker: We, the committee on JUDICIARY

report HOUSE BILL NO. 123

do pass  
 do not pass

be concurred in  
 be not concurred in

as amended  
 statement of intent attached

\_\_\_\_\_  
Chairman

1. Title, lines 5 and 6.

Strike: "OR" on line 5 through "BAR"  
on line 6

2. Page 2, lines 13 through 15.

Strike: subsection (1) in its entirety

Renumber: Subsequent subsections

# STANDING COMMITTEE REPORT

FEBRUARY 14,

19 87

Mr. Speaker: We, the committee on JUDICIARY

report HOUSE BILL NO. 236

do pass  
 do not pass

be concurred in  
 be not concurred in

as amended  
 statement of intent attached

\_\_\_\_\_  
Chairman

Page 1, line 14.

Strike: "intent to resign"

Insert: "resignation to take effect"



# STANDING COMMITTEE REPORT

FEBRUARY 14,

19 37

## JUDICIARY

Mr. Speaker: We, the committee on

report HOUSE BILL NO. 256

do pass  
 do not pass

be concurred in  
 be not concurred in

as amended  
 statement of intent attached

Chairman

1. Page 2, line 25 through line 1 on page 3.

Strike: subsection (q) in its entirety

Renumber: subsequent subsection (r) as subsection (q)

2. Page 3, line 3.

Strike: "1" through "\$100" on line 4

3. Page 4, line 14.

Strike: "a motion for substitution of a judge,"

4. Page 4, line 15.

Strike: ", or a motion for change of venue"

5. Page 4, line 16.

Strike: "subsections"

Insert: "subsection"

Strike: "through (l) (s)"

6. Page 6, lines 9 and 10.

Strike: subsection (q) in its entirety

Renumber: subsequent subsection (r) as subsection (q)

7. Page 6, line 12.

Strike: "i" through "\$100" on line 13

8. Page 7, line 22.

Strike: "a motion for substitution of a judge,"

9. Page 7, line 23.

Strike: ", or a motion for change of venue"

10. Page 7, line 24.

Strike: "subsections"

Insert: "subsection"

Strike: "through (l) (s)"

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# STANDING COMMITTEE REPORT

FEBRUARY 14,

19 37

## JUDICIARY

Mr. Speaker: We, the committee on  
**HOUSE BILL NO. 501**  
report

do pass  
 do not pass

be concurred in  
 be not concurred in

as amended  
 statement of intent attached

Chairman

1. Page 2, lines 3 through 5.

Strike: "The small" on line 3 through  
"assistance," on line 5.

2. Page 4, lines 1 through 3.

Strike: ", or" on line 1 through "him"  
on line 3

3. Page 4, line 6.

Strike: "prepare and"

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