

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

Held in Room 522, at the Statehouse at 3:30 <sup>xx</sup> a. m./p. m., on January 18, 1978.

All members were present except: Representatives Hurley, Martin and Whitaker, who were excused

The next meeting of the Committee will be held at \_\_\_\_\_ a. m./p. m., on \_\_\_\_\_, 19\_\_\_\_.

These minutes of the meeting held on \_\_\_\_\_, 19\_\_\_\_ were considered, corrected and approved.

  
\_\_\_\_\_  
Chairman

The conferees appearing before the Committee were:

B. F. Muscheites, Mid-America Lumbermens Association  
Vernon Jarboe

The meeting was called to order by the Chairman, who announced that Mr. Larry Santford has been retained by KACI to work with the committee on products liability legislation; that there have been a number of bills introduced, and still others which are expected.

The Chairman noted that the committee had originally expected to discuss HB 2717, and then the agenda was changed before the week-end but that there were there were some who failed to get that message, and therefore, the committee would hear individuals who had attended with the expectation of discussing HB 2717.

The Chairman explained that the bill is a product of interim study, and takes into consideration the individual bills which had been introduced at the last session. He explained it does not affect general contractors' liens, but does require sub-contractors to provide a notice to the property owner.

Mr. Vernon Jarboe, representing Whelan Lumber Company, testified that they do not oppose the purpose and intent of the bill, but that he can see some problems. He explained that his company attempts to handle the accounts in such a manner that they are protected, the property owner is protected and the contractor as well. He explained, however, that they supply materials for over 28 different crafts which might be involved on one job and fully that many notices might be necessary to a homeowner. He explained that the difficulty arises when they do not know the name of the homeowner, and in fact may be supplying a contractor on a number of different jobs at the same time, and with some 250 employees who might be billing materials out at different times, it would be difficult to coordinate notices.

Rep. Lorentz noted there had been testimony about unscrupulous contractors who left projects incomplete and took materials and supplies with them, which the homeowner ultimately had to pay. Mr. Jarboe explained they are extremely careful about credit, and felt that any problems they had seen were with contractors who were maybe not very good businessmen.

Rep. Heinemann inquired if it would be fair to require the contractor to give notice, but the supplier only having lien rights when the notice is given, but with a criminal penalty attached to the contractor for failure. Mr. Jarboe stated that for his company which supplies around 1,000 jobs per year, this would be satisfactory.

The Chairman stated that testimony to the interim committee had been that there was no way the property owner could know how many sub-contractors or materialmen are involved and he must take the contractor's word for it. He further stated that the associated general contractors had agreed with the concept this summer but there is now some indication that they are re-thinking their position. He stated there will be another opportunity for people to testify.

The Director of Mid America Lumbermen told the committee that they represent the trade association for five states, and that many contractors have already taken such obligation upon themselves for their own protection. He offered to research the Michigan statute and to obtain a copy of the proposed Missouri legislation for the use of the committee.

The Chairman directed attention to HB 2714, which sets up a new crime category and makes aggravated interference with parental custody a Class E offense, and therefore, extraditable.

Rep. Roth stated it had been his motion in the interim to put the A and B in, but now feels it is redundant and thinks lines 26 through 30 should be stricken and appropriately renumbered. Mr. Griggs noted that the same phrase is used in several criminal statutes. The Chairman stated he would have no problem eliminating Section B but would like Section A to remain. He explained this bill came about because of child custody problems and that the interim committee had recommended the Uniform Child Custody Act which will be considered later, and that the intent was for uniformity throughout the court.

After additional discussion, the Chairman stated he believed the bill needed additional work. Mr. Griggs stated he felt subsection (d) causes problems because the crime is taking place outside the state. The Chairman appointed the following subcommittee to work with Mr. Griggs in drafting appropriate amendments: Rep. Hayes, Chairman; Rep. Roth, Rep. Gillmore and Rep. Baker.

The Chairman announced that the following Tuesday is set aside to discuss bills which have been previously heard. In addition, he called attention to a letter from Rep. Glover, which requested adverse disposition of House Bills 2243 and 2460. It was moved by Rep. Heinemann and seconded by Rep. Frey that the bills be reported adversely. Motion carried.

It was moved by Rep. Lorentz and seconded by Rep. Heinemann that House Bill 2317 be reported adversely. Motion carried.

The Chairman announced that Mr. Purcell would be supplying a copy of the interim minutes on SB 406, and that the Police Chiefs' Association would be submitting a written statement.

The Chairman noted that he had not appointed standing subcommittees this year, and stated that as issues arise he will at that time appoint special subcommittees.

The meeting was adjourned.