

Approved January 27, 1986  
Date

MINUTES OF THE House COMMITTEE ON Judiciary

The meeting was called to order by Chairman Joe Knopp at  
Chairperson

3:30 ~~a.m.~~ p.m. on January 16, 1986 in room 313-S of the Capitol.

All members were present except:  
Representatives Adam, Duncan, Solbach and Wagnon were excused.

Committee staff present:  
Jerry Donaldson, Legislative Research Department  
Mary Ann Torrence, Revisor of Statutes Office  
Jan Sims, Committee Secretary

Conferees appearing before the committee:

HB 2010 - An act pertaining to criminal procedure concerning release prior to trial.

Representative Bideau said this bill makes another condition for posting bond by court determination. Representative Cloud made a motion to report HB 2010 favorably, seconded by Representative Bideau. Motion carried.

HB 2124 - An act concerning motor vehicles; automobile warranties; commonly called the lemon law.

The Chairman said this bill is duplicative of current law. Representative Buehler made a motion to report HB 2124 adversely, seconded by Representative Whiteman. Motion carried.

HB 2190 - An act concerning domestic relations; relating to change of venue in certain actions.

Representative Douville made a motion to report HB 2190 adversely, seconded by Representative Buehler. Motion carried.

HB 2203 - An act amending the uniform controlled substances act; relating to penalties for certain sales to minors.

Representative Teagarden made a motion to report HB 2203 favorably, seconded by Representative Bideau. Motion carried.

HB 2216 - An act concerning civil procedure; relating to depositions.

Representative O'Neal made a motion to amend page 6 section (h) as follows:

"(h) Persons to be present. Unless otherwise ordered by the judge or stipulated by counsel, no person shall be present while a deposition is being taken except the officer before whom it is being taken, the reporter, stenographer and/or videotape technician recording the deposition, the parties to the action, their respective counsel, not more than one counsel's assistant per party, who shall be a regular employee of the counsel with whom they appear and who shall not be qualified to testify in the subject action, and the deponent."

Motion seconded by Representative Bideau.  
Motion carried.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Judiciary,  
room 313-S, Statehouse, at 3:30 ~~xxx~~/p.m. on January 16, 1986

The Chairman questioned deleting the language "and a finding that it is necessary" at line 111 of page 3. He asked the committee to give that language further consideration. The bill was left on the table for further action at a future date.

HB 2442 - An act concerning criminal procedure; relating to pleas of guilty or nolo contendere.

Discussion was had relative to the question of whether state courts have a duty to advise defendants of federal law and further whether adoption of HB 2442 would create unnecessary requirements for the judges in counties having public defenders' offices. Representative Shriver made a motion to report HB 2442 adversely, seconded by Representative Bideau. Motion carried 7 to 5.

Sub.

HB 2522 - An act concerning civil procedure; providing certain exemptions from process.

Representative Snowbarger said that current law does not exempt future child support and alimony payments ordered in a divorce action from being subject to bankruptcy trustee attachment. Representative Snowbarger Made a motion to report HB 2522 favorably. Representative Douville questioned favorably reporting the bill with the provision which provides for pensions and annuities in that the same could be utilized adversely to the bill's intent by persons approaching retirement declaring bankruptcy as a means of avoiding just debts while protecting their pension plans and annuities. Representative Snowbarger withdrew his motion.

The chairman reviewed the calendar for the medical malpractice bill with the committee.

Meeting was adjourned at 4:20 P.M.