

Approved: 3/24/94
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Jerry Moran at 3:00 p.m. on February 14, 1994 in Room 522-S of the Capitol.

All members were present except: Senator Brady (excused)

Committee staff present: Mike Heim, Legislative Research Department
Gordon Self, Revisor of Statutes
Darlene Thomas, Committee Secretary

Others attending: See attached list

SB 564--authorizing recovery of collection costs including attorney fees in consumer credit transactions

Senator Vancrum gave a sub-committee report on SB 564. He stated the sub-committee adopted SB 564 as introduced with the exception of changing "collection of attorney fees ~~and or~~ collection agency fees" throughout. A motion was made by Senator Vancrum, seconded by Senator Bond to adopt the sub-committee report. The motion carried.

After discussion by the Committee on SB 564 a motion was made by Senator Petty, seconded by Senator Ranson to limit attorney fees to a 15% cap in consumer credit transactions. A division was requested, 5 yes; 6 no. The motion failed.

A motion was made by Senator Martin, seconded by Senator Bond to report SB 564 favorably as amended.

A substitute motion was made by Senator Rock, seconded by Senator Bond to amend SB 564 to increase the threshold from \$1000 to \$2000 and recommend the bill favorably. The motion carried.

SB 691--small claims procedure-venue

SB 595--increasing maximum amount of claim in small claims court

A motion was made by Senator Feleciano, seconded by Senator Martin to amend SB 595 by reducing the \$2500 to \$2000 and to increase from 10 to 20 the number of times per county that small claims court may be utilized.

It was requested the issues in the previous motion be divided for vote. A vote was taken on amending SB 595 by reducing the \$2500 to \$2000 limit. The motion carried.

A vote was taken on amending SB 595 to increase from 10 to 20 the number of times per county that small claims court may be utilized. The motion failed.

A motion was made by Senator Parkinson, seconded by Senator Vancrum to amend SB 595 to eliminate the granting of attorneys fees that deal with appeals of small claim judgements. The motion carried.

A motion was made by Senator Feleciano, seconded by Senator Martin to report SB 595 favorably as amended. The motion carried.

SB 150--raising amount of claim allowable in small claims procedure

SB 150 was brought before the Committee with no action taken.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY, Room 514-S Statehouse, at 10:00 a.m.
on February 14, 1994.

A motion was made by Senator Vancrum, seconded by Senator Bond to introduce a bill to repeal full balance sheet disclosure. The motion carried.

A motion was made by Senator Vancrum, seconded by Senator Emert to introduce a bill that allows judicial discretion in suspending professional licenses for failure to pay child support. The motion carried.

SB 608--criminal gangs

Senator Emert gave a sub-committee report on SB 608. He said the sub-committee suggested SB 608 be amended to enhance penalties for felonies committed with a gun and use of a juvenile.

A motion was made by Senator Bond, seconded by Senator Rock to adopt the sub-committee report on SB 608 and amend the sub-committee report to provide the standard throughout, "beyond a reasonable doubt".

Senator Bond withdrew his previous motion.

SB 608 was sent back to Criminal Law Sub-Committee to look at the issue of "beyond a reasonable doubt".

SB 358--service of process of orders of garnishment by mail.

A motion was made by Senator Ranson, seconded by Senator Rock to amend SB 358 to add "facsimile".

A substitute motion was made by Senator Bond, seconded by Senator Feleciano to table SB 358. The motion carried.

A motion was made by Senator Harris, seconded by Senator Bond to introduce a bill relating to law library annual attorney registration fees and law library fees. The motion carried.

SB 363--attorney fees in actions relating to fire damages caused by railroads

A motion was made by Senator Parkinson, seconded by Senator Emert to report SB 363 favorably. The motion carried.

The meeting adjourned at 4:00 p.m.

The next meeting is scheduled for February 15, 1994.

GUEST LIST

COMMITTEE:

DATE:

[illegible]