

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING

320

MAY 17, 1975

The meeting was called to order at 10:15 a.m. Senator Close was in the Chair.

PRESENT: Senator Close
Senator Bryan
Senator Dodge
Senator Foote
Senator Sheerin
Senator Hilbrecht

ABSENT: Senator Wilson

AB 447 Revises provisions relating to notaries public.

William Swackhammer, Secretary of State informed the Committee there has been some evidence of abuse of the notary privilege by some people. He also stated that at the present time, part of the notary applications and filings are handled by his office and the other part by the Governor's office. This situation is confusing and lacks uniformity. He stated that this was not his bill but is the Uniform Notary Act that was devised by the Notarial Association after a 3 year study.

The Committee reviewed the bill section by section with Mr. Swackhammer.

Section 3 - Provides for a formal oath.

Section 4 - Provides for appointment of state employees as notary publics to act only in a state capacity. It stipulates that the individual so appointed will not use this for anything not relating to state matters.

Section 5 - Mr. Swackhammer stated that he recognized that this would create a problem as to the housing of the journal of notarial acts. In response to a question by Senator Hilbrecht, Mr. Swackhammer informed the Committee that the journal consists of the date, brief description of the transaction, signature of persons involved, and the means of identification by the notary that the person signing the document actually was that person.

Senator Hilbrecht had a question as to whether these terms, such as "journal of notarial acts", "facsimile", etc. were defined in the bill. The Committee decided to continue reading through the bill in the event that they would be defined later on.

Section 6 - The question of definition of terms came up again.

Senator Hilbrecht stated that the Committee could not discuss this section until a definition of terms was supplied.

Section 7 - No discussion.

Section 8 - Senator Bryan stated that this is establishing an entirely new concept. Under the present law, the only person that can certify that a document is an exact copy of the one on file is a public official. By allowing a notary public to certify documents, you will have to considerably restrict the requirements for becoming a notary. Mr. Swackhammer replied that his only interest in the bill was that of placing the responsibility with one governmental

AB 447 agency.

Upon review of the remainder of the bill, it was the decision of the Committee to delete everything in the bill with the exception of Sections 15, 16, 22 and 23. Senator Hilbrecht suggested amending Section 22 by deleting the new language and retaining the existing or present language.

Senator Dodge moved to "amend and do pass,"
Seconded by Senator Hilbrecht,
Motion carried unanimously. Senators Wilson and Sheerin were absent from the vote.

AB 783 Provides for form of surety bond to release mechanic's lien.

Senator Dodge moved a "do pass,"
Seconded by Senator Bryan,
Motion carried unanimously. Senators Hilbrecht, Wilson and Sheerin were absent from the vote.

AB 741 Expands provisions constituting unlawful interference with legislative process and prescribes conditions and indemnification for actions against legislators, public officers, and employees.

Senator Close read to the Committee the proposed amendments. After a brief discussion, Senator Dodge moved to "amend and do pass,"
Seconded by Senator Foote,
Motion carried unanimously. Senators Wilson, Hilbrecht and Sheerin were absent from the vote.

SB 433 Revises provisions relating to marriage.

Senator Close read to the Committee the amendments as proposed by the Assembly Judiciary Committee. In regard to their amendment to delete line 19 of page 2, Senator Bryan stated that it was his understanding from the discussion of this Committee that it was their desire to restrict the marriage of persons under the age of 16 as much as possible. Therefore, Senator Bryan moved that this Committee do not concur in the amendments from the Assembly.
Motion was seconded by Senator Dodge and carried unanimously.
Senators Hilbrecht and Wilson were absent from the vote.

AB 481 Prohibits possession, sale or transfer of any document for purpose of establishing false identity.

Senator Bryan moved that the Committee not concur in the amendments as proposed by the Assembly.
The motion was seconded and carried unanimously. Senators Wilson and Hilbrecht were absent from the vote.

AB 130 Enacts Fair Rental Housing Act.

Senator Bryan stated that he was in favor of the bill philosophically, however in its present form it was legally unsound.

AB 130 In view of the time limitations, Senator Foote suggested reviewing SB 337 as an alternative to this bill. After a brief discussion, Senator Dodge moved to "indefinitely postpone," Seconded by Senator Sheerin, Motion carried unanimously. Senators Wilson and Hilbrecht were absent from the vote.

SB 337 Provides rights, obligations and remedies respecting landlord-tenant security deposits.

Senator Foote suggested that this be reconsidered in place of AB 130 in that it addresses some of the same problems. The Committee briefly reviewed the bill but no action was taken at this time.

AB 559 Requires additional disclosures and reports of intercepted wire and oral communications.

Senator Dodge moved to reconsider, Seconded by Senator Bryan, Motion carried unanimously. Senators Wilson and Hilbrecht were absent from the vote.

It was the decision of the Committee to amend page 4, line 17 by deleting the word "or" and inserting "and." Senator Close stated for the record that the Committee will stand firm in its position to not permit one-party consent wire taps.

Senator Foote moved to "amend and do pass," Seconded by Senator Dodge, Motion carried unanimously. Senators Wilson and Hilbrecht were absent from the vote.

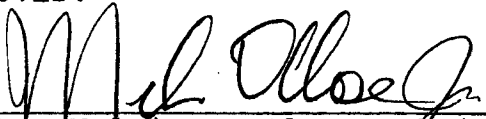
AB 506 Provides lien for supplier of electric power if its power is utilized to irrigate land.

Senator Sheerin moved to reconsider this bill. Senator Dodge stated that a lien is considered an extraordinary remedy and the question should be, how far do we want to extend this law. At this point the buzzer sounded signifying the convening of the general session and Senator Sheerin's motion died for a lack of a second.

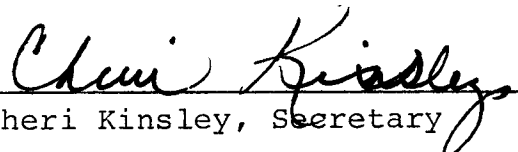
The meeting was adjourned at 11:00 a.m.

Respectfully submitted,

APPROVED:



Senator Melvin D. Close, Chairman



Cheri Kinsley, Secretary