

## SENATE COMMITTEE ON JUDICIARY

April 26, 2007 Hearing Room 343  
1:15 PM Tapes 115 - 116

**MEMBERS PRESENT:**        Sen. Ginny Burdick, Chair  
                                  Sen. Roger Beyer, Vice-Chair  
                                  Sen. Jeff Kruse  
                                  Sen. Floyd Prozanski  
                                  Sen. Vicki Walker

**STAFF PRESENT:**         Matt Kalmanson, Counsel  
                                  Darian Stanford, Counsel  
                                  Bill Taylor, Counsel  
                                  Jennifer Black, Committee Assistant

**MEASURES OR ISSUES HEARD:**    SB 480-Work Session  
                                  SB 406-Public Hearing and Work Session  
                                  SB 108-Public Hearing and Work Session  
                                  SB 111-Work Session  
                                  SB 296-Work Session  
                                  SB 279-Work Session  
                                  SB 351-Work Session  
                                  SB 277-Work Session  
                                  SB 856-Work Session  
                                  SB 276-Work Session  
                                  SB 438-Work Session  
                                  SB 1017-Work Session

This tape log is in compliance with Senate and House Rules. For complete contents, please refer to the cassette tapes.

TAPE # AND SIDE	COUNTER NUMBER	BRIEF DESCRIPTION OF SUBJECT MATTER OR CHANGE IN SPEAKER
115A		Calls the meeting to order at 1:21 PM
<b><u>SB 480-WORK SESSION</u></b>		
	008	Matt Kalmanson, Counsel ( <b>EXHIBIT A, B</b> )
	025	Sen. Richard Devlin, ( <b>EXHIBIT C</b> )
	039	Chair Burdick
		<b>MOTION: Sen. Walker moves to ADOPT SB 480-2 amendments dated 04/10/07.</b>
		<b>VOTE: 3-0-1</b>
		<b>EXCUSED: 1 - Prozanski and Kruse</b>
		<b>Chair hearing no objection, declares the motion CARRIED.</b>
		<b>MOTION: Sen. Walker moves to ADOPT SB 480-4 amendments dated 04/11/07.</b>
115A		<b>VOTE: 3-0-1</b>
		<b>EXCUSED: 1 - Prozanski and Kruse</b>
		<b>Chair hearing no objection, declares the motion CARRIED.</b>
		<b>MOTION: Sen. Walker moves SB 480 to the floor with a DO PASS AS AMENDED recommendation.</b>

**VOTE: 3-0-1**

**EXCUSED: 1 - Prozanski and Kruse**

**Chair hearing no objection, declares the motion CARRIED.**

**SEN. DEVLIN will lead discussion on the floor.**

**SB 406-PUBLIC HEARING**

067	Matt Kalmanson, Counsel ( <b>EXHIBIT D</b> )
088	George Okulitch
103	Chair Burdick
108	Sen. Walker
116	Okulitch
102	Sen. Walker
122	Chair Burdick
124	Sen. Walker
127	Sharon Harmod
131	Chair Burdick

**The following prepared testimony is submitted for the record without public testimony:**

Marilyn Lorange (**EXHIBIT E**)

**SB 406-WORK SESSION**

**MOTION: Sen. Walker moves to ADOPT SB 406-2 amendments dated 04/25/07.**

**VOTE: 5-0-0**

**Chair hearing no objection, declares the motion CARRIED.**

**MOTION: Sen. Walker moves SB 406 to the floor with a DO PASS AS AMENDED recommendation.**

**VOTE: 3-2-0**

**AYE: 3 - Prozanski, Walker, Burdick**

**NAY: 2 - Beyer, Kruse**

**Chair: the motion CARRIES.**

**SEN. WALKER will lead discussion on the floor.**

**SB 108-PUBLIC HEARING**

	176	Darian Stanford, Counsel ( <b>EXHIBIT F</b> )
	194	Chair Burdick
115A	197	Sen. Vicki Walker, SD 7
	222	Richard Lane ( <b>EXHIBIT G</b> )
	293	Sen. Walker
	301	Lane
	311	Sen. Walker
	320	Lane

**SB 108-WORK SESSION**

**MOTION: Sen. Walker moves to ADOPT SB 108-1 amendments dated 04/10/07.**

**VOTE: 5-0-0**

**Chair hearing no objection, declares the motion CARRIED.**

**MOTION: Sen. Walker moves SB 108 to the floor with a DO**

**PASS AS AMENDED recommendation.**

**VOTE: 3-2-0**

**AYE: 3 - Prozanski, Walker, Burdick**

**NAY: 2 - Beyer, Kruse**

**Chair: the motion CARRIES.**

**SEN. WALKER will lead discussion on the floor.**

346

Sen. Prozanski

361

Sen. Walker

**SB 111-WORK SESSION**

379

Darian Stanford, Counsel (**EXHIBIT H**)

116A

006

Chair Burdick

013

Sen. Walker

015

Chair Burdick

016

Sen. Beyer

037

Sen. Walker

043

Chair Burdick

045

Pete Shepherd

063

Chair Burdick

064

Shepherd

068

Sen. Beyer

071

Chair Burdick

**MOTION: Sen. Prozanski moves to ADOPT SB 111-2 amendments dated 04/10/07.**

**VOTE: 5-0-0**

**Chair hearing no objection, declares the motion CARRIED.**

**MOTION: Sen. Prozanski moves SB 111 to the floor with a DO PASS AS AMENDED recommendation.**

116A

**VOTE: 3-2-0**

**AYE: 3 - Prozanski, Walker, Burdick**

**NAY: 2 - Beyer, Kruse**

**Chair: the motion CARRIES.**

**SEN. PROZANSKI will lead discussion on the floor.**

**SB 296-WORK SESSION**

095

Darian Stanford, Counsel (**EXHIBIT I**)

116

Sen. Walker

122

Chair Burdick

**MOTION: Sen. Beyer moves to ADOPT SB 296-2 amendments dated 04/13/07.**

**VOTE: 5-0-0**

**Chair hearing no objection, declares the motion CARRIED.**

**MOTION: Sen. Beyer moves SB 296 to the floor with a DO PASS AS AMENDED recommendation.**

**VOTE: 5-0-0**

**Chair hearing no objection, declares the motion CARRIED.**

**SEN. BURDICK will lead discussion on the floor.**

**SB 111-WORK SESSION**

**MOTION:** Sen. Prozanski moves to RECONSIDER the vote by which : “Sen. Prozanski moves SB 111 to the floor with a DO PASS AS AMENDED recommendation.”

**VOTE:** 5-0-0

Chair hearing no objection, declares the motion CARRIED.

**MOTION:** Sen. Prozanski moves SB 111 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means by prior reference.

**VOTE:** 5-0-0

Chair hearing no objection, declares the motion CARRIED.

**SB 279-WORK SESSION**

168

Bill Taylor, Counsel (EXHIBIT J)

183

Gina Anne Johnnie (EXHIBIT K)

204

Sen. Kruse

**MOTION:** Sen. Walker moves SB 279 to the floor with a DO PASS recommendation.

**VOTE:** 3-0-2

**EXCUSED:** 2 - Burdick and Prozanski

Chair hearing no objection, declares the motion CARRIED.

SEN. KRUSE will lead discussion on the floor.

**SB 351-WORK SESSION**

116A

219

Bill Taylor, Counsel (EXHIBIT L)

234

Kevin Campbell (EXHIBIT M)

282

Sen. Beyer

305

Campbell

317

Sen. Beyer

**MOTION:** Sen. Burdick moves to ADOPT SB 351-4 amendments dated 04/25/07.

**VOTE:** 4-0-1

**EXCUSED:** 1 - Prozanski

Chair hearing no objection, declares the motion CARRIED.

**MOTION:** Sen. Burdick moves SB 351 to the floor with a DO PASS AS AMENDED recommendation.

**VOTE:** 4-0-1

**EXCUSED:** 1 - Prozanski

Chair hearing no objection, declares the motion CARRIED.

SEN. BEYER will lead discussion on the floor.

332

Sen. Walker

338

Campbell

**SB 277-WORK SESSION**

360

Bill Taylor, Counsel (EXHIBIT N)

369

Amy Miller

373

Lisa Kay, Juvenile Rights Project (EXHIBIT O)

408

Sen. Beyer

414

Kay

419  
421

Chair Burdick  
Miller

**MOTION: Sen. Beyer moves to ADOPT SB 277-1 amendments dated 04/12/07.**

**VOTE: 5-0-0**

**Chair hearing no objection, declares the motion CARRIED.**

**MOTION: Sen. Beyer moves SB 277 to the floor with a DO PASS AS AMENDED recommendation.**

**VOTE: 5-0-0**

**Chair hearing no objection, declares the motion CARRIED. SEN. KRUSE will lead discussion on the floor.**

**SB 856-WORK SESSION**

117A 020  
117A 025

Bill Taylor, Counsel (**EXHIBIT P**)

Chair Burdick

**MOTION: Sen. Beyer moves to ADOPT SB 856-2 amendments dated 04/25/07.**

**VOTE: 5-0-0**

**Chair hearing no objection, declares the motion CARRIED.**

**MOTION: Sen. Beyer moves SB 856 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means by prior reference.**

**VOTE: 5-0-0**

**Chair hearing no objection, declares the motion CARRIED.**

**SB 276-WORK SESSION**

058  
068  
102  
104  
119  
121  
123  
130  
140  
155  
162  
165  
175  
186  
202  
204

Bill Taylor, Counsel (**EXHIBIT Q**)

Craig Prins, Criminal Justice Commission (**EXHIBIT R**)

Chair Burdick

Prins

Chair Burdick

Prins

Sen. Beyer

Prins

Sen. Beyer

Chair Burdick

Sen. Beyer

Prins

Chair Burdick

Prins

Chair Burdick

Sen. Beyer

**MOTION: Sen. Beyer moves to ADOPT SB 276-4 amendments dated 04/25/07.**

**VOTE: 5-0-0**

**Chair hearing no objection, declares the motion CARRIED.**

**MOTION: Sen. Beyer moves SB 276 to the floor with a DO**

**PASS AS AMENDED recommendation.**

**VOTE: 5-0-0**

**Chair hearing no objection, declares the motion CARRIED.  
SEN. BURDICK will lead discussion on the floor.**

**SB 438-WORK SESSION**

229  
282  
117A 296  
314

Darian Stanford, Counsel (**EXHIBIT S, T**)

Chair Burdick

Sen. Prozanski

Chair Burdick

**MOTION: Sen. Beyer moves to ADOPT SB 438-1  
amendments dated 03/14/07.**

**VOTE: 5-0-0**

**Chair hearing no objection, declares the motion CARRIED.**

**MOTION: Sen. Beyer moves to ADOPT SB 438 amendments  
dated 03/14/07.**

**VOTE: 5-0-0**

**Chair hearing no objection, declares the motion CARRIED.**

**MOTION: Sen. Prozanski moves SB 438 to the floor with a  
DO PASS AS AMENDED recommendation.**

**VOTE: 3-2-0**

**AYE: 3 - Prozanski, Walker, Burdick**

**NAY: 2 - Beyer, Kruse**

**Chair: the motion CARRIES.**

**SEN. PROZANSKI will lead discussion on the floor.**

335

Sen. Beyer

363

Chair Burdick

**SB 1017-WORK SESSION**

378  
116B 012

Darian Stanford, Counsel (**EXHIBIT U**)

Chair Burdick

**MOTION: Sen. Walker moves to ADOPT SB 1017-4  
amendments dated 04/26/07.**

**VOTE: 5-0-0**

**Chair hearing no objection, declares the motion CARRIED.**

**MOTION: Sen. Walker moves SB 1017 to the floor with a  
DO PASS AS AMENDED recommendation.**

**VOTE: 3-2-0**

**AYE: 3 - Prozanski, Walker, Burdick**

**NAY: 2 - Beyer, Kruse**

**Chair: the motion CARRIES.**

**SEN. BURDICK will lead discussion on the floor.**

Chair Burdick adjourns the meeting at 2:81 PM

**EXHIBIT SUMMARY**

- A. SB 480, -2 amendment, Staff, 1 p
- B. SB 480, -4 amendment, Staff, 1 p

- C. **SB 480, Fact Sheet, Richard Devlin, 3 pp**
- D. **SB 406, -2 amendment, Staff, 2 pp**
- E. **SB 406, Written Testimony, Marilyn Lorange, 1 p**
- F. **SB 108, -1 amendment, Staff, 2 pp**
- G. **SB 108, Fact Packet, Richard Lane, 16 pp**
- H. **SB 111, -2 amendment, Staff, 1 p**
- I. **SB 296, -2 amendment, Staff, 1 p**
- J. **SB 279, -1 amendment, Staff, 2 pp**
- K. **SB 279, Written Testimony, Gina Anne Johnnie, 1 p**
- L. **SB 351, -4 amendment, Staff, 4 pp**
- M. **SB 351, Written Testimony of Eugene Gray, Kevin Campbell, 1 p**
- N. **SB 277, -1 amendment, Staff, 7 pp**
- O. **SB 277, Written Testimony, Lisa Kay, 2 pp**
- P. **SB 856, -2 amendment, Staff, 1 p**
- Q. **SB 276, -4 amendment, Staff, 2 pp**
- R. **SB 276, Temporary Administrative Rules, Craig Prins, 8 pp**
- S. **SB 438, -1 amendment, Staff, 1 p**
- T. **SB 438, -2 amendment, Staff, 1 p**
- U. **SB 1017, -4 amendment, Staff, 4 pp**