

HOUSE COMMITTEE ON JUDICIARY

July 03, 2003 Hearing Room 357

11:00 a.m. Tapes 234 - 235

MEMBERS PRESENT: Rep. Max Williams, Chair
 Rep. Gordon Anderson, Vice-Chair
 Rep. Robert Ackerman, Vice-Chair
 Rep. Jeff Barker
 Rep. Bob Jenson
 Rep. Jerry Krummel
 Rep. Greg Macpherson
 Rep. Floyd Prozanski
 Rep. Lane Shetterly

STAFF PRESENT: Bill Taylor, Counsel
 Ann Martin, Committee Assistant

MEASURE/ISSUES HEARD: **HB 2572 Work Session**
 SB 342 Work Session
 SB 297A Work Session

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 234, A		
003	Chair Williams	Calls the meeting to order at 11:05 a.m. Opens a work session on HB 2572 which increases motor vehicle liability coverage required for personal injury and property damage.
<u>HB 2572 WORK SESSION</u>		
020	Chair Williams	MOTION: Moves HB 2572 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Ways and Means. (*Note: this bill was eventually sent to the Committee on Rules & Public Affairs). VOTE: 7-0-2 EXCUSED: 2 - Krummel, Shetterly
022	Chair Williams	Hearing no objection, declares the motion CARRIED.
025	Chair Williams	Closes the work session on HB 2572 and opens a work session on SB 342.
<u>SB 342 WORK SESSION</u>		
026	Craig Prins	Committee Counsel. Introduces SB 342 which provides that for purposes of crime of possession of controlled substance person possesses controlled substance if person intentionally consumes controlled substance and certain other circumstances are present. Discusses the -1, -2, -3, and the -4 amendments (EXHIBITS A-D).
049	Chair Williams	Asks Mr. Prins if the -5 amendments (EXHIBIT E) are a combination of the -1 and the -3 amendments.
063	Rep. Prozanski	Talks about the -4 amendments.
082	Prins	Discusses the compromise they are trying to make with the amendments and the Attorney General's position on the bill.
105	Chair Williams	Asserts that they are not in a position to compromise and feels they need to vote.

122 **Rep. Prozanski** **MOTION: Moves to ADOPT SB 342-5 amendments dated 07/03/03.**

126 Rep. Prozanski Discusses his motion.

145 Chair Williams Talks about bill and amendments.

171 Rep. Jenson Discusses his concerns.

186 Prins Explains sentences for the manufacturing or delivering of a controlled substance.

201 Vice Chair Ackerman Says that we are a little bit off the point. Discusses the original intent of the bill.

234 Rep. Prozanski Withdraws his motion.

235 **Rep. Prozanski** **MOTION: Moves to ADOPT SB 342-4 amendments dated 07/03/03.**

254 Rep. Prozanski Explains the -4 amendments to Rep. Krummel.

265 Rep. Krummel Asks if there was discussion regarding drug intervention.

273 Rep. Prozanski Answers yes and explains.

292 Rep. Jenson States that he will support the -4's, but has some reservations.

305 **VOTE: 8-0-1**
EXCUSED: 1 - Shetterly

312 **Chair Williams** **Hearing no objection, declares the motion CARRIED.**

325 Rep. Jenson Says that he will not support the -3 amendments.

341 Vice Chair Anderson States his support for the -3 amendments.

345 **Chair Williams** **MOTION: Moves to SUSPEND the rules for the purpose of adopting a CONCEPTUAL AMENDMENT to SB 342.**
VOTE: 8-0-1
EXCUSED: 1 - Shetterly
Hearing no objection, declares the motion CARRIED.

346 **Chair Williams** **MOTION: Moves to ADOPT THE CONCEPTUAL AMENDMENTS TO SB 342-3 amendments dated 07/02/03, by deleting lines 1-5 on page 1, and by deleting SECTION 14 on page 5.**
VOTE: 5-3-1
AYE: 5 - Ackerman, Anderson, Barker, Krummel, Williams
NAY: 3 - Jenson, Macpherson, Prozanski
EXCUSED: 1 - Shetterly

356 **Chair Williams** **The motion CARRIES.**

363 **Chair Williams** **MOTION: Moves SB 342 to the floor with a DO PASS AS AMENDED recommendation.**
VOTE: 8-0-1
EXCUSED: 1 - Shetterly
Hearing no objection, declares the motion CARRIED.
REP. PROZANSKI will lead discussion on the floor.

370 **Chair Williams** **REP. PROZANSKI will lead discussion on the floor.**

375 Chair Williams Closes the work session on SB 342 and opens a work session on SB 297A.

SB 297A WORK SESSION

425 Representative Tom Butler House District 60. Testifies in support of SB 297A which requires insurer to pay all sums covered by general liability insurance policy unaffected by other insurance that may provide coverage for same environmental claim and the -16 amendments (EXHIBIT F).

011	Rep. Butler	Continues his testimony on SB 297A and the -16 amendments.
049	Jack Munro	American Insurance Association. Testifies in support of SB 297A and explains the -A10 amendments (EXHIBIT G) and the -A8 amendments (EXHIBIT H).
091	Greg Baird	Attorney. Discusses the -8 amendments.
104	Munro	Talks about the -A11, the -A13 and the -A15 amendments (EXHIBITS I-K).
172	Baird	Explains the -A13 amendments.
217	Bill Taylor	Committee Counsel. Asks him to point out the preponderance of the evidence standard in the -A11 and -A13 amendments.
260	Tom Gallagher	Schnitzer Investment Corporation. Submits testimony and testifies in support of the -A12 amendments (EXHIBITS L-N).
326	Chair Williams	Asks about the self-insured and insured issues in the -A13 amendments.
340	Joan Snider	Attorney. Explains the -A13 amendments and says they are opposed to them.
445	Michael Morter	Department of Consumer and Business Services. Discusses the -A14 amendments (EXHIBIT O).
TAPE 234, B		
017	Rep. Macpherson	Explains the -A17 and -A18 amendments (EXHIBITS P & Q).
087	Jack Munro	Comments on the -A17 and -A18 amendments. Says they have not had a chance to look at them.
095	Gallagher	Discusses the amendments and says that they are willing to compromise.
127	Munro	Provides a letter from David Prange to give to the committee (EXHIBIT R).
133	Chair Williams	Closes the work session on SB 297A. Adjourns the meeting at 12:10 p.m.

EXHIBIT SUMMARY

- A – SB 342, -1 amendments, submitted by staff, dated 5/22/03, 2 pgs.**
- B – SB 342, -2 amendments, submitted by staff, dated 6/27/03, 22 pgs.**
- C – SB 342, -3 amendments, submitted by staff, dated 7/2/03, 5 pgs.**
- D – SB 342, -4 amendments, submitted by staff, dated 7/3/03, 2 pgs.**
- E – SB 342, -5 amendments, submitted by staff, dated 7/3/03, 6 pgs.**
- F – SB 297A, -A16 amendments, submitted by staff, dated 7/3/03, 2 pgs.**
- G – SB 297A, -A10 amendments, submitted by staff, dated 7/1/03, 1 pg.**
- H – SB 297A, -A8 amendments, submitted by staff, dated 7/1/03, 1 pg.**
- I – SB 297A, -A11 amendments, submitted by staff, dated 7/1/03, 4 pgs.**
- J – SB 297A, -A13 amendments, submitted by staff, dated 7/2/03, 1 pg.**
- K – SB 297A, -A15 amendments, submitted by staff, dated 7/3/03, 3 pgs.**
- L – SB 297A, -A12 amendments, submitted by staff, dated 7/2/03, 1 pg.**
- M – SB 297A, written testimony of Mike Salsgiver, submitted by Tom Gallagher, 1 pg.**
- N – SB 297A, written testimony of Patti McCoy, submitted by Tom Gallagher, 1 pg.**
- O – SB 297A, -A14 amendments, submitted by staff, dated 7/3/03, 1 pg.**
- P – SB 297A, -A17 amendments, submitted by staff, dated 7/3/03, 1 pg.**
- Q – SB 297A, -A18 amendments, submitted by staff, dated 7/3/03, 1 pg.**
- R – SB 297A, written testimony of David Prange, submitted by staff, 3 pgs.**