

SENATE COMMITTEE ON JUDICIARY

April 15, 2003
8:00 a.m.

Hearing Room 343
Tapes 96 - 97

MEMBERS PRESENT: **Sen. John Minnis, Chair**
 Sen. Ginny Burdick, Vice-Chair
 Sen. Ted Ferrioli
 Sen. Charlie Ringo
 Sen. Charles Starr
 Sen. Vicki Walker

STAFF PRESENT: **Craig Prins, Counsel**
 Bill Joseph, Counsel
 Jane Bodenweiser, Committee Assistant

MEASURE/ISSUES HEARD: **SB 115 Work Session**
 SB 212 Work Session
 SB 617 Work Session
 SB 466 Work Session
 SB 628 Work Session
 SB 882 Work Session
 SB 280 Work Session
 SB 260 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.

TAPE/#	Speaker	Comments
TAPE 96, A		
003	Chair Minnis	Calls the meeting to order at 8:12 a.m. and opens a work session on SB 115.
<u>SB 115 WORK SESSION</u>		
004	Craig Prins	Committee Counsel. Introduces SB 115 that provides that rules of evidence do not apply at shelter hearings and the -1 amendments (EXHIBIT A).
023	Sen. Walker	MOTION: Moves to ADOPT SB 115-1 amendments dated 4/2/03. VOTE: 5-0-1 EXCUSED: 1 - Sen. Burdick
025	Chair Minnis	Hearing no objection, declares the motion CARRIED.
027	Sen. Walker	MOTION: Moves SB 115 to the floor with a DO PASS AS AMENDED recommendation.
031	Sen. Ringo	Expresses concern about language in the bill that refers to relevancy of evidence.
039	Prins	Explains that page 2, line 4 of the amendments corrects the language. VOTE: 5-0-1 EXCUSED: 1 - Sen. Burdick
051	Chair Minnis	Hearing no objection, declares the motion CARRIED.

		SEN. WALKER will lead discussion on the floor.
054	Chair Minnis	Closes the work session on SB 115 and opens a work session on SB 212.
<u>SB 212 WORK SESSION</u>		
056	Craig Prins	Committee Counsel. Introduces SB 212 that provides express authorization for certain agencies to submit fingerprints to Federal Bureau of Investigation to conduct criminal records check, and the -2 amendments (EXHIBIT B).
084	Sen. Walker	MOTION: Moves to ADOPT SB 212-2 amendments dated 3/25/03. VOTE: 5-0-1 EXCUSED: 1 - Sen. Burdick
091	Chair Minnis	Hearing no objection, declares the motion CARRIED.
092	Sen. Walker	MOTION: Moves SB 212 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 5-0-1 EXCUSED: 1 - Sen. Burdick
093	Chair Minnis	Hearing no objection, declares the motion CARRIED.
098	Chair Minnis	SEN. C. STARR will lead discussion on the floor. Closes the work session on SB 212 and opens a work session on SB 617.
<u>SB 617 WORK SESSION</u>		
099	Craig Prins	Committee Counsel. Introduces SB 617 that requires restitution in all cases in which victim suffers injury, loss and damage, and the -1 amendments (EXHIBIT C).
026	Sen. Walker	MOTION: Moves to ADOPT SB 617-1 amendments dated 3/28/03. VOTE: 5-0-1 EXCUSED: 1 - Sen. Burdick
135	Chair Minnis	Hearing no objection, declares the motion CARRIED.
138	Sen. Walker	MOTION: Moves SB 617 to the floor with a DO PASS AS AMENDED recommendation.
140	Sen. Ringo	Asks if the courts already have discretion to impose restitution.
143	Prins	Explains that they do and under what circumstances.
153	Sen. Ringo	Talks about outstanding fines from restitution orders.
160	Prins	Says collection falls to the courts.
180		VOTE: 5-0-1 EXCUSED: 1 - Sen. Burdick
183	Chair Minnis	Hearing no objection, declares the motion CARRIED.
188	Chair Minnis	SEN. FERRIOLI will lead discussion on the floor. Closes the work session on SB 617 and opens a work session on SB 466.
<u>SB 466 WORK SESSION</u>		
197	Craig Prins	Committee Counsel. Introduces SB 466 that creates crimes of unlawful use of theft detection shielding device and unlawful use of theft detection device deactivator or remover and the -1 amendments (EXHIBIT D).
232	Sen. Walker	Says this bill needs more time to consider.
240	Chair Minnis	Closes the work session on SB 466 and opens a work session on SB 628.
<u>SB 628 WORK SESSION</u>		
250	Craig Prins	Committee Counsel. Introduces SB 628 that expands disclosure

		of records compiled pursuant to child abuse report, and the -1 amendments (EXHIBIT E).
305	Sen. Walker	Talks about unfounded matters being available.
309	Prins	Clarifies the misunderstanding.
335	Vice Chair Burdick	MOTION: Moves to ADOPT SB 628-1 amendments dated 03/27/03.
344	Sen. Walker	Asks if the criminal defense lawyers support SB 628 with the -1 amendments.
348	Vice Chair Burdick	Says that they have provided a letter of support.
352		VOTE: 6-0
354	Chair Minnis	Hearing no objection, declares the motion CARRIED.
356	Vice Chair Burdick	MOTION: Moves SB 628 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0
360	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. RINGO will lead discussion on the floor.
371	Chair Minnis	Closes the work session on SB 628 and opens a work session on SB 882.
<u>SB 882 WORK SESSION</u>		
372	Craig Prins	Committee Counsel. Introduces SB 882 that authorizes presiding judge of judicial district to enter into memorandum of understanding with Indian tribe or tribal organization regarding adjudication and disposition of youths and youth offenders, and the -1 amendments (EXHIBIT F).
407	Vice Chair Burdick	MOTION: Moves to ADOPT SB 882-1 amendments dated 04/07/03.
410	Sen. Walker	Expresses support for SB 882.
428		VOTE: 6-0
430	Chair Minnis	Hearing no objection, declares the motion CARRIED.
432	Sen. Ferrioli	MOTION: Moves SB 882 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0
435		Hearing no objection, declares the motion CARRIED. SEN. FERRIOLI will lead discussion on the floor.
438	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. FERRIOLI will lead discussion on the floor.
446	Chair Minnis	Closes the work session on SB 882 and recesses the meeting at 8:45 a.m.

TAPE 97, A

004 Chair Minnis Reconvenes the meeting at 9:10 a.m. and opens a work session on SB 280.

SB 280 WORK SESSION

006 Bill Joseph Committee Counsel. Introduces SB 280 that establishes requirements for use of credit history in personal insurance underwriting and rating, and the -7 amendments (**EXHIBIT G**).

021 Vice Chair Burdick Asks for an example of fees that would be charged.

022 Joseph Gives an example of paying an application fee.

039 Sen. Ringo Wonders about the fees referred to on Page 1, line 24.

048 Joseph Gives a section-by-section clarification of the -7 amendments.

148 Chair Minnis Asks how long it would take to get a new amendment deleting subparagraph b on page 11.

170 Holly Robinson Legislative Counsel. Says she can have them by the end of the committee meeting.

172 Sen. Ringo Says he does not like the amendments.

195 Vice Chair Burdick Says she likes the amendments.

219 Robinson Explains a technical change that has been requested by the insurance industry.

228 Sen. Ferrioli Says he does not like the concept and would like to see SB 260 pass instead.

255 Chair Minnis Says the objective is to get a compromise.

267 John Powell State Farm Insurance. Says the industry agrees with the proposed -8 amendments. Addresses the concerns of the committee.

356 Chair Minnis Asks about a commerce clause issue.

360 Joseph Explains that commerce clauses are not usually a limitation on state power.

367 Chair Minnis Closes the work session on SB 280 and opens a work session on SB 260.

SB 260 WORK SESSION

398 Bill Joseph Committee Counsel. Introduces SB 260 that prohibits insurer from using credit history or insurance score of consumer applying for or renewing personal property or casualty insurance when making underwriting or rating decision, and the -1 amendments (**EXHIBIT H**).

430 Sen. Ringo **MOTION: Moves to ADOPT SB 260-1 amendments dated 03/14/03.**

VOTE: 5-1

AYE: 5 - Burdick, Ferrioli, Ringo, Starr C., Walker

NAY: 1 - Minnis

433 Chair Minnis **The motion CARRIES.**

440 Sen. Ringo **MOTION: Moves SB 260 to the floor with a DO PASS AS AMENDED recommendation.**

TAPE 96, B

067 Chair Minnis **VOTE: 6-0**

Hearing no objection, declares the motion CARRIED.

SEN. HANNON will lead discussion on the floor.

070 Chair Minnis Closes the work session on SB 260 and adjourns the meeting at 9:40 a.m.

EXHIBIT SUMMARY

- A – SB 115,-1 amendments submitted by staff, 1 p**
- B – SB 212, -2 amendments submitted by staff, 2 pp**
- C – SB 617, -1 amendments submitted by staff, 10 pp**
- D – SB 466, -1 amendments submitted by staff, 8 pp**
- E – SB 628, -1 amendments submitted by staff, 4 pp**
- F – SB 882, -1 amendments submitted by staff, 2 pp**
- G – SB 280, -7 amendments submitted by staff, 14 pp**
- H – SB 260, -1 amendments submitted by staff, 1 p**