

HOUSE COMMITTEE ON JUDICIARY

June 4, 1997 Hearing Room 357

3:00 P.M. Tapes 45 - 46

**MEMBERS PRESENT:**

Rep. Rep. John Minnis, Chair

Rep. Rep. Floyd Prozanski, Vice-Chair

Rep. Rep. Roger Beyer

Rep. Rep. Jo Ann Bowman

Rep. Rep. Peter Courtney

Rep. Rep. George Eighmey

Rep. Rep. Lane Shetterly

Rep. Rep. Charles Starr

Rep. Rep. Ron Sunseri

Rep. Rep. Judy Uherbelau

Rep. Rep. Larry Wells

**STAFF PRESENT: Scott Lumsden, Counsel**

**Bill Taylor, Counsel**

**Dave Amesbury, Counsel**

**Lisa Fritz, Administrative Support**

**MEASURES HEARD: Work Session: SB 243, SB 266, SB 528, SB 273, SB 437, SB 483, SB 898, HB 2383, HB 2726, HB 3009**

**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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>Tape 45, A</b>		
007	Chair Minnis	Calls the meeting to order at 3:08 p.m.

<b><u>OPENS WORK SESSION ON SB 243A</u></b>		
014	Bill Taylor	Committee Counsel. Explains bill, history and amendments.
026	Rep. Sunseri	Comments on discussion in subcommittee regarding time frame. >change from 50 to 30 days
	Rep. Prozanski	Comments further regarding time frame. >more input needed
060	Rep. Uherbelau	Comments for clarification regarding time frame. May be a misunderstanding.
074	Rep. Eighmey	Comments further regarding time frame. >gives reasons for the 50 days - mediation
	Rep. Sunseri	Continues his comments.
099	Rep. Eighmey	Comments regarding committee deadlines. - Take action today. >submits compromise of 45 days
	Rep. Sunseri	Not my intention to kill the bill. Continues.
131	<b>Rep. Sunseri</b>	<b>MOTION: Moves SB 243 back to the subcommittee on Family Law without RECOMMENDATION to passage.</b>
		<b>VOTE: 10-0</b>
		<b>EXCUSED: 1 - Rep. Shetterly</b>
	<b>Chair Minnis</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b><u>CLOSES WORK SESSION ON SB 243</u></b>		
<b><u>OPENS WORK SESSION ON SB 528</u></b>		
134	Dave Amesbury	Committee Counsel. Reviews bill.
152	<b>Rep. Eighmey</b>	<b>MOTION: Moves SB 528 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 11-0</b>
		<b>AYE: In a roll call vote, all members present vote Aye.</b>
		<b>The motion CARRIES.</b>

	<b>Chair Minnis</b>	<b>REP. EIGHMEY will lead discussion on the floor.</b>
<b><u>CLOSES WORK SESSION ON SB 528</u></b>		
<b><u>OPENS WORK SESSION SB 266</u></b>		
163	Dave Amesbury	Committee Counsel. Reviews bill and SB 266-A3 amendments.
171	<b>Sen. Shetterly</b>	<b>MOTION: Moves SB 266 to the floor with a DO PASS AS AMENDED recommendation.</b>
	Rep. Eighmey	Discusses his concerns with bill. States his opposition.
181	Rep. Prozanski	States his opposition to bill and serves notice of a possible minority report.
		<b>VOTE: 6-4</b>  <b>AYE: 6 - Beyer, Shetterly, Starr, Sunseri, Wells, Minnis</b>  <b>NAY: 4 - Bowman, Eighmey, Prozanski, Uherbelau</b>  <b>EXCUSED: 1 - Courtney</b>
	<b>Chair Minnis</b>	<b>The motion CARRIES.</b>  <b>REP. SHETTERLY will lead discussion on the floor.</b>
203	Rep. Eighmey	Serves notice of a possible minority report.
<b><u>CLOSES WORK SESSION ON SB 266</u></b>		
<b><u>OPENS WORK SESSION ON SB 273B</u></b>		
216	Bill Taylor	Committee Counsel. Reviews bill, history in subcommittee and - A6 amendments.
232	<b>Rep. Shetterly:</b>	<b>MOTION: Moves SB 273 be sent to the floor with a DO PASS AS AMENDED recommendation.</b>
236	Rep Beyer	Comments regarding changes he believes are not housekeeping in nature.
	Rep. Shetterly	Replies to Rep. Beyer's comments.  >satisfied they were housekeeping changes
249	Rep.	Concurs with Rep. Shetterly's comments.

	Eighmey	
265		<b>VOTE: 10-1</b> <b>AYE: 10 - Bowman, Courtney, Eighmey, Prozanski, Shetterly, Starr, Sunseri, Uherbelau, Wells, Minnis</b> <b>NAY: 1 - Beyer</b>
	<b>Chair Minnis</b>	<b>The motion CARRIES.</b> <b>REP. BOWMAN will lead discussion on the floor.</b>
<b><u>CLOSES WORK SESSION ON SB 273</u></b>		
<b><u>OPENS WORK SESSION ON SB 437</u></b>		
278	Scott Lumsden	Committee Counsel. Discusses bill, history and SB 437-A4 amendments.
288	<b>Rep. Prozanski</b>	<b>MOTION: Moves SB 437 to the floor with a DO PASS AS AMENDED recommendation.</b>
294	Rep. Eighmey	Questions discussion in subcommittee with regard to meter reader's exemption.
	Rep. Prozanski	Replies.
311	Rep. Shetterly	Comments for clarification regarding seat belt exemption.
	Lumsden	Comments for clarification regarding discussion.
332	Rep. Uherbelau	Questions rural areas for exemption.
341		<b>VOTE: 11-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>
	<b>Chair Minnis</b>	<b>The motion CARRIES.</b> <b>REP. WELLS will lead discussion on the floor.</b>
<b><u>CLOSES WORK SESSION ON SB 437</u></b>		
<b><u>OPENS WORK SESSION ON SB 483</u></b>		
395	Scott Lumsden	Committee Counsel. Reviews bill.

405	Rep. Prozanski	Comments on his vote.
	Rep. Bowman	Comments on her concerns and her no vote.
439	<b>Sen. Sunseri:</b>	<b>MOTION: Moves SB 483 be sent to the floor with a DO PASS recommendation.</b>
463	Rep. Uherbelau	Comments regarding what happens to weapons.
	Chair Minnis	Statute leaves it open. Continues.
482	Rep. Beyer	Comments on Rep. Uherbelau's questions regarding sale of weapons and states his concerns.
	Chair Minnis	Replies.
<b>TAPE 46, A</b>		
039	Rep. Uherbelau	Continues her questioning for clarification.
045		<b>VOTE: 6-5</b> <b>AYE: 6 - Beyer, Courtney, Shetterly, Starr, Sunseri, Minnis</b> <b>NAY: 5 - Bowman, Eighmey, Prozanski, Uherbelau, Wells</b>
	<b>Chair Minnis</b>	<b>The motion CARRIES.</b> <b>REP. MARKHAM will lead discussion on the floor.</b>
055	Rep. Bowman	Serves notice of a possible minority report.
<b><u>CLOSES WORK SESSION ON SB 483</u></b>		
<b><u>OPENS WORK SESSION ON SB 898</u></b>		
064	Scott Lumsden	Committee Counsel. Reviews bill.
071	<b>Rep. Prozanski</b>	<b>MOTION: Moves SB 898 to the floor with a DO PASS recommendation.</b>
073	Rep. Bowman	Questions vote in subcommittee.
	Chair Minnis	Replies.
088	Rep. Uherbelau	Questions term `county judge'.

	Rep. Shetterly	Replies. Could be one of the County Commissioners. Explains.
	Rep. Wells	Comments on testimony in subcommittee.
100	Lumsden	Comments for clarification.
		<b>VOTE: 11-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>
	<b>Chair Minnis</b>	<b>The motion CARRIES.</b>
<b><u>CLOSES WORK SESSION ON SB 898</u></b>		
<b><u>OPENS WORK SESSION ON HB 2383</u></b>		
117	Scott Lumsden	Committee Counsel. Reviews bill.
139	<b>Rep. Prozanski</b>	<b>MOTION: Moves HB 2383 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways &amp; Means.</b>
140	Rep. Uherbelau	States her concerns with wording. Cites examples.
	Chair Minnis	Explains.
	Rep. Uherbelau	Moonlighting?
161	Chair Minnis	Continues his comments for clarification. >second employment provision
165	Rep. Eighmey	Definition of a peace officer.
	Chair Minnis	Continues his comments for clarification regarding definition of peace officer.
174	Rep. Bowman	Restates her concerns/comments in subcommittee. >bad legislation to rush through in such a manner
189	Rep. Uherbelau	Continues her questions for clarification regarding 'legal process'.
	Rep. Shetterly	I think that's right. Continues.
207	Rep. Beyer	Questions fiscal report.
	Chair	Replies.

	Minnis	
		<b>VOTE: 10-1</b>  <b>AYE: 10 - Beyer, Courtney, Eighmey, Prozanski, Shetterly, Starr, Sunseri, Uherbelau, Wells, Minnis</b>  <b>NAY: 1 - Bowman</b>
	<b>Chair Minnis</b>	<b>The motion CARRIES.</b>  <b>REP. CORCORAN will lead discussion on the floor.</b>
<b><u>CLOSES WORK SESSION ON HB 2383</u></b>		
<b><u>OPENS WORK SESSION ON HB 2726</u></b>		
226	<b>Rep. Courtney</b>	<b>MOTION: Moves HB 2726 to the floor with a DO PASS AS AMENDED recommendation.</b>
254	Rep. Beyer	Questions information contained in Staff Measure Summary.
	<b>Chair Minnis</b>	Replies.
	<b>Rep. Prozanski</b>	Explains what the bill does.
	<b>Chair Minnis</b>	Comments for clarification.  >breath alcohol
305	<b>Rep. Prozanski</b>	Continues his comments for clarification.  >two different means for proving under the influence  >breath to blood ratio
355	Lumsden	Comments for clarification regarding -9 amendments and fiscal impact.
362		<b>VOTE: 10-1</b>  <b>AYE: 10 - Bowman, Courtney, Eighmey, Prozanski, Shetterly, Starr, Sunseri, Uherbelau, Wells, Minnis</b>  <b>NAY: 1 - Beyer</b>
	<b>Chair Minnis</b>	<b>The motion CARRIES.</b>  <b>REP. COURTNEY will lead discussion on the floor.</b>
<b><u>CLOSES WORK SESSION ON HB</u></b>		

<u>2726</u>		
<b><u>OPENS WORK SESSION ON HB 3009</u></b>		
382	Scott Lumsden	Committee Counsel. Reviews bill and -5 amendments.
417	<b>Rep. Prozanski</b>	<b>MOTION: Moves HB 3009 to the floor with a DO PASS AS AMENDED recommendation.</b>
	Rep. Eighmey	Comments for clarification
	Rep. Sunseri	Replies and explains.
		<b>VOTE: 11-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>
	<b>Chair Minnis</b>	<b>The motion CARRIES.</b> <b>REP. PROZANSKI will lead discussion on the floor.</b>
461	Chair Minnis	Adjourns meeting at 4:05 p.m.

Transcribed by, Reviewed by,

Julie Clemente for

Lisa Fritz, Bill Taylor,

Administrative Support Counsel

**EXHIBIT SUMMARY**

**THERE WERE NO EXHIBITS**