

HOUSE COMMITTEE ON JUDICIARY

March 7, 1997 Hearing Room 357

3:15 PM Tapes 12 - 13

MEMBERS PRESENT:

Rep. JOHN MINNIS, Chair

Rep. ROGER BEYER

Rep. JO ANN BOWMAN

Rep. PETER COURTNEY

Rep. GEORGE EIGHMEY

Rep. LANE SHETTERLY

Rep. CHARLES STARR

Rep. RON SUNSERI

Rep. JUDY UHERBELAU

Rep. LARRY WELLS

MEMBER EXCUSED: Rep. PROZANSKI, Vice-Chair

STAFF PRESENT: BILL TAYLOR, Committee Counsel

BRIAN HIGGINS, Administrative Support

MEASURE/ISSUES HEARD:

Work Sessions - HB 2237, HB 2419, HB 2557, HCR 6, HB 2152,

HB 2229, HB 2430, HB 2509, HB 2316, SB 264

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 12, A		
004	Chair Minnis	Calls committee to order

<u>HCR 6 - WORK SESSION</u>		
005	Chair Minnis	Opens work session on HCR 6
007	Bill Taylor	Reads provisions of measure
010	Rep. Sunseri:	MOTION: Moves HCR 6 be sent to the floor with a BE ADOPTED recommendation.
012	Rep. Uherbelau	I made my remarks in subcommittee and will make more on the floor, so I will refrain from making any in full committee.
018	Rep. Sunseri	I made a remonstrance in committee so I will speak on the floor.
022	Rep. Shetterly	I will confess to having problems with this resolution, but I intend to vote yes today to get it on the floor.
029		VOTE: 6-4-1 AYE: 6 - Beyer, Shetterly, Starr, Sunseri, Wells, Minnis NAY: 4 - Bowman, Courtney, Eighmey, Uherbelau EXCUSED: 1 - Prozanski
	Chair Minnis	The motion CARRIES. REP. SUNSERI will lead discussion on the floor.
041	Chair Minnis	Closes work session on HCR 6
<u>HB 2237 - WORK SESSION</u>		
043	Chair Minnis	Opens work session on HB 2237
045	Bill Taylor	Committee Counsel >reads provisions of bill and -3 amendments, (EXHIBIT A)
051	Rep. Shetterly	MOTION: Moves HB 2237 to the floor with a DO PASS AS AMENDED recommendation.
056		VOTE: 10-0-1 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Prozanski
	Chair Minnis	The motion CARRIES. REP. PROZANSKI will lead discussion on the floor.

069	Chair Minnis	Closes work session on HB 2237
<u>HB 2419 - WORK SESSION</u>		
070	Chair Minnis	Opens work session on HB 2419
071	William E. Taylor	Committee Counsel >reads provisions of bill
080	Rep. Starr	MOTION: Moves HB 2419 to the floor with a DO PASS recommendation.
081	Chair Minnis	It looks like Section 3 and 4 are identical.
085	Rep. Shetterly	They are identical, except if you look at line 18, page 2 and line 16, page 3 you can see the amendment added to Section 4.
094		VOTE: 10-0-1 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Prozanski
	Chair Minnis	The motion CARRIES. REP. STARR will lead discussion on the floor.
101		Closes work session on HB 2419
<u>HB 2557 - WORK SESSION</u>		
102	Chair Minnis	Opens work session on HB 2557
103	Bill Taylor	Counsel >reads provisions of bill as amended (-1, dated 2/28/97), (EXHIBIT B)
115	Rep. Bowman	MOTION: Moves HB 2557 to the floor with a DO PASS AS AMENDED recommendation.
129		VOTE: 9-1-1 AYE: 9 - Beyer, Courtney, Eighmey, Shetterly, Starr, Sunseri, Uherbelau, Wells, Minnis NAY: 1 - Bowman EXCUSED: 1 - Prozanski

	Chair Minnis	The motion CARRIES. REP. COURTNEY will lead discussion on the floor.
137	Chair Minnis	Closes work session on HB 2557
<u>HB 2509 - WORK SESSION</u>		
138	Chair Minnis	Opens work session on HB 2509
139	Bill Taylor	Counsel >reads provisions of bill and -1 amendments dated 3/4/97, (EXHIBIT C)
152	Rep. Shetterly	MOTION: Moves HB 2509 to the floor with a DO PASS AS AMENDED recommendation.
163		VOTE: 10-0-1 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Prozanski
	Chair Minnis	The motion CARRIES. REP. UHERBELAU will lead discussion on the floor.
177	Chair Minnis	Closes work session on HB 2509
<u>HB 2316 - WORK SESSION</u>		
178	Chair Minnis	Opens work session on HB 2316
179	Bill Taylor	Counsel >reads provisions of bill and -5 amendments dated 3/5/97, (EXHIBIT D)
190	Rep. Sunseri	MOTION: Moves HB 2316 to the floor with a DO PASS AS AMENDED recommendation.
193	Rep. Shetterly	Who prepared the amendments?
194	Taylor	Rep. Eighmey, Rep. Uherbelau and myself were involved with it.
		VOTE: 10-0-1

199		AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Prozanski
	Chair Minnis	The motion CARRIES. REP. EIGHMEY will lead discussion on the floor.
208	Chair Minnis	Closes work session on HB 2316
<u>SB 264 - WORK SESSION</u>		
209	Chair Minnis	Opens work session on SB 264
210	Bill Taylor	Counsel >reads provisions of bill
215	Rep. Sunseri	MOTION: Moves SB 264A to the floor with a DO PASS recommendation.
222		VOTE: 10-0-1 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Prozanski
	Chair Minnis	The motion CARRIES. REP. EIGHMEY will lead discussion on the floor.
228	Chair Minnis	Closes work session on SB 264
<u>HB 2152 - WORK SESSION</u>		
230	Chair Minnis	Opens work session on HB 2152
231	Scott Lumsden	Committee Counsel >reads provisions of bill and -3 amendments dated 3/5/97, (EXHIBIT E)
232	Rep. Sunseri	MOTION: Moves HB 2152 to the floor with a DO PASS AS AMENDED recommendation.
240	Rep. Uherbelau	Was there any discussion in the subcommittee as to who pays if this happens?
244	Chair Minnis	Clarifies that there is a flow of money that goes to the counties
		Public Affairs Director, Department of Corrections

250	Jim Lockwood	>intergovernmental agreement to pay for period in which they have inmate only
256	Rep. Uherbelau	There has to be that agreement before this can happen, correct?
257	Lockwood	Responds that the agreement must exist, but it is conceivable that they may not have to pay
263	Rep. Uherbelau	Expresses concerns in regards to SB 1145 that money was supposed to be flowing to the counties but it may not be happening
278	Chair Minnis	I think it's two different issues.
280	Rep. Uherbelau	I was bringing this up in the context that counties are short on money to deal with these prisoners.
282	Chair Minnis	I think the context of this bill is to deal with those special cases when they have someone they just can't deal with. >no more than 5 persons statewide which amendments clarify
292	Rep. Uherbelau	I was bringing this up in the context that the counties are short on money and someone has to pay for these prisoners.
306	Lockwood	We're here for public safety. >In some cases it makes sense to send them back to the county unless there is an issue of possible escape, etc. >leave room to negotiate the terms of the contract to give us some flexibility
336	Rep. Sunseri	The state is going to absorb this for a time, but if it goes beyond some time, then you want to negotiate with the county?
341	Lockwood	We would not automatically absorb it. >It's not difficult for us to imagine an instance where the county is unable to pay. >The overriding issue is public safety. >We can negotiate while we have secure custody of the individual.
354	Rep. Shetterly	The timeframe between post-conviction and sentencing is pretty narrow, so not a long time of incarceration is involved.
361	Lockwood	We believe so, but that is something that is not under our control.
371		VOTE: 10-0-1 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Prozanski
	Chair	The motion CARRIES.

	Minnis	REP. SUNSERI will lead discussion on the floor.
380	Chair Minnis	Closes work session on HB 2152
HB 2229 - WORK SESSION		
382	Chair Minnis	Opens work session on HB 2229
384	Scott Lumsden	Committee Counsel >reads provisions of bill and -2 amendments, dated 3/7/97, (EXHIBIT F)
399	Rep. Shetterly	MOTION: Moves HB 2229 to the floor with a DO PASS AS AMENDED recommendation.
408		VOTE: 10-0-1 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Prozanski
	Chair Minnis	The motion CARRIES. REP. BOWMAN will lead discussion on the floor.
416	Chair Minnis	Closes work session on HB 2229
TAPE 13, A		
HB 2430 - WORK SESSION		
004	Chair Minnis	
005	Scott Lumsden	Counsel >reads provisions of bill
008	Rep. Bowman	MOTION: Moves HB 2430 to the floor with a DO PASS recommendation.
011		VOTE: 10-0-1 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Prozanski
	Chair	The motion CARRIES.

	Minnis	REP. BOWMAN will lead discussion on the floor.
020	Chair Minnis	Closes work session on HB 2430 >Next week everyone is invited to the Family Law subcommittee hearings in order to have overviews of Measure 16. >Other members will be invited.
030	Rep. Sunseri	We will not be hearing the two bills that deal with repeal of the Act, but the other ones. >Expert testimony will be invited.
037	Chair Minnis	Asks about 7 AM as a meeting time for the full committee on Fridays
		>Declares committee adjourned at 3:50 PM

Submitted by, Reviewed by,

BRIAN HIGGINS, SARAH WATSON,

Administrative Support Office Manager

EXHIBIT SUMMARY

A - HB 2237, Proposed amendments (-3), Staff, 1 p.

B - HB 2557, Proposed amendments (-1), Staff, 1 p.

C - HB 2509, Proposed amendments (-2), Staff, 1 p.

D - HB 2316, Proposed amendments (-5), Staff, 1 p.

E - HB 2152, Proposed amendments (-3), Staff, 1 p.

F - HB 2229, Proposed amendments (-2), Staff, 2 p.