

**HOUSE COMMITTEE ON JUDICIARY**

**April 4, 1997 Hearing Room 357**

**7:30 A.M. Tape 19**

**MEMBERS PRESENT:**

**Rep. John Minnis, Chair**

**Rep. Floyd Prozanski, Vice-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**

**STAFF PRESENT:**

**David J. Amesbury, Counsel**

**William E. Taylor, Counsel**

**Lisa Fritz, Administrative Support**

**MEASURE/ISSUES HEARD:**

**HB 2306 - Work Session**

**HB 2415 - Work Session**

**HB 2044 - Work Session**

**HB 3002 - Work Session**

**HCR 23 - Work Session**

HB 2310 - Work Session

HB 3211 - Work Session

HB 3297 - Work Session

HB 2431 - 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
<b>Tape 19, A</b>		
006	Chair Minnis	Calls the meeting to order at 7:31 a.m.
<b><u>OPENS WORK SESSION ON HB 2306</u></b>		
010	David Amesbury	Committee Counsel Discusses HB 2306 and -2 amendments to the bill <b>(EXHIBIT A)</b> .
018	Rep. Shetterly	<b>MOTION: Moves HB 2306 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 11-0</b>
035	Chair Minnis	Hearing no objection, declares the motion <b>CARRIED</b> . <b>REP. UHERBELAU will lead discussion on the floor.</b>
<b><u>OPENS WORK SESSION ON HB 2415</u></b>		
039	Bill Taylor	Committee Counsel Discusses HB 2415 and -1 amendments to the bill <b>(EXHIBIT B)</b> .

048	Rep. Shetterly	<b>MOTION: Moves HB 2415 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 11-0</b>
055	Chair Minnis	<b>Hearing no objection, declares the motion CARRIED. REP. R. BEYER will lead discussion on the floor.</b>
<b><u>OPENS WORK SESSION ON HB 2044</u></b>		
056	Taylor	Discusses HB 2044A and the -3 amendments to the bill ( <b>EXHIBIT C</b> ).
067	Rep. Shetterly	<b>MOTION: Moves HB 2044A to the floor with a DO PASS AS AMENDED recommendation.</b>
070	Rep. Uherbelau	I will be voting against this bill, as I did in committee, because I am not comfortable with the gross negligence standard.
		<b>VOTE: 9-2</b>  <b>AYE: 9 - Rep. Beyer, Rep. Bowman, Rep. Eighmey, Rep. Prozanski, Rep. Shetterly, Rep. Starr, Rep. Sunseri, Rep. Wells, Chair Minnis</b>  <b>NAY: 2 - Rep. Courtney, Rep. Uherbelau</b>
081	Chair Minnis	<b>The motion Carries. REP. SHETTERLY will lead discussion on the floor.</b>
<b><u>OPENS WORK SESSION ON HB 3002</u></b>		
088	Taylor	Discusses HB 3002 and the -2 amendments to the bill ( <b>EXHIBIT D</b> ).
098	Rep.	Comments that unconstitutional issues should be cleared up with the -2

	Prozanski	amendments.
104	Rep. Shetterly	<b>MOTION: Moves HB 3002 to the floor with a DO PASS AS AMENDED recommendation.</b>
109	Rep. Eighmey	This clarifies the problems with notice and opportunity to object.
111	Rep. Prozanski	My understanding of what it addresses, in the constitutional area, is the standard of testing, and the "good faith" provision has been taken out. I believe there were no concerns regarding original restraining order.
113	Rep. Shetterly	Page three of the -2 amendments is where we are getting some of the constitutional issues.
		<b>VOTE: 11-0</b>
118	Chair Minnis	<b>Hearing no objection, declares the motion CARRIED. REP. PROZANSKI will lead discussion on the floor.</b>
120	Chair Minnis	Recesses at 7:42 a.m.
121	Chair Minnis	Reconvenes at 7:45 a.m.
<b><u>OPENS WORK SESSION ON HCR 23</u></b>		
132	Taylor	Discusses HCR 23.
137	Rep. Courtney	<b>MOTION: Moves HCR 23 be sent to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 11-0</b>
160	Chair Minnis	<b>Hearing no objection, declares the motion CARRIED. REP. COURTNEY will lead discussion on the floor.</b>
<b><u>OPENS WORK SESSION ON</u></b>		

<b>HB 2310</b>		
170	Scott Lumsden	Committee Counsel Discusses HB 2310 and -3 amendments to the bill <b>(EXHIBIT E)</b> .
189	<b>Rep. Sunseri</b>	<b>MOTION: Moves HB 2310 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 11-0</b>
198	<b>Chair Minnis</b>	<b>Hearing no objection, declares the motion CARRIED. REP. SUNSERI will lead discussion on the floor.</b>
<b>OPENS WORK SESSION ON HB 3211</b>		
204	Lumsden	Discusses HB 3211 and -3 amendments to the bill <b>(EXHIBIT F)</b> .
220	<b>Rep. Courtney</b>	<b>MOTION: Moves HB 3211 to the floor with a DO PASS AS AMENDED recommendation.</b>
226	Rep. Beyer	I don't see a fiscal impact statement, and it seems like there should be one for this bill.
228	Rep. Sunseri	Actually, I don't think there would be an impact statement for this bill because the signs would be paid for by the Parent-Teacher Association (PTA) or local school districts.
230	Chair Minnis	References section five. The concept is that the local PTA in a school district felt that they wanted to post these signs for the added emphasis of doubling of fines and that they could raise the \$200 or \$400 locally to have the signs posted. All they have to do is work with a road authority who already does this kind of work.
240	Rep. Sunseri	If I recall correctly, Mr. Chair, the fine is not imposed, unless the signs are posted. It's designed for rural areas.
258	Rep. Eighmey	I noticed that Rep. Wells voted "no" on this. I'm just curious: Why?
260	Rep. Wells	I really have a philosophical problem with this issue. I think that the effect of putting up signs will be watered down, if we keep doing so this often.
298	Rep. Courtney	Comments that people don't obey laws regarding driving and the safety of children.

		<b>VOTE: 9-2</b>
		<b>AYE: 9 - Rep. Bowman, Rep. Courtney, Rep. Eighmey, Rep. Prozanski, Rep. Shetterly, Rep. Starr, Rep. Sunseri, Rep. Uherbelau, Chair Minnis</b>
		<b>NAY: 2 - Rep. R. Beyer, Rep. Wells</b>
<b>312</b>	<b>Chair Minnis</b>	<b>The motion Carries.</b> <b>REP. EDWARDS will lead discussion on the floor.</b>
<b><u>OPENS WORK SESSION ON HB 3297</u></b>		
319	Lumsden	Discusses HB 3297.
<b>321</b>	<b>Rep. Prozanski</b>	<b>MOTION: Moves HB 3297 to the floor with a DO PASS recommendation.</b>
324	Rep. Eighmey	What if the sex offender is illiterate?
326	Chair Minnis	This is designed to give notice when they are leaving the institution. I guess part of the rehabilitation of the inmate would have to do with literacy, but hopefully that communication is done in a way that is meaningful and valuable. If taken to court, however, it may come up as an issue of defense.
338	Rep. Eighmey	In all seriousness, shouldn't it be read to them as well?
340	Chair Minnis	It could be. I guess it's envisioned as something that would be noticed. Explains how he believes proceedings would take place, under the bill.
		<b>VOTE: 11-0</b>
<b>360</b>	<b>Chair Minnis</b>	<b>Hearing no objection, declares the motion CARRIED.</b> <b>REP. MINNIS will lead discussion on the floor.</b>

<b><u>OPENS WORK SESSION ON HB 2431</u></b>		
362	Lumsden	Discusses HB 2431 and -2 amendments to the bill ( <b>EXHIBIT G</b> ).
<b>385</b>	<b>Rep. Bowman</b>	<b>MOTION: Moves HB 2431 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 11-0</b>
<b>400</b>	<b>Chair Minnis</b>	<b>Hearing no objection, declares the motion CARRIED. REP. BOWMAN will lead discussion on the floor.</b>
426	Chair Minnis	Adjourns at 8:03 a.m.

Submitted by, Reviewed by,

Lisa Fritz, Sarah Watson,

Administrative Support Office Manager

**EXHIBIT SUMMARY**

**A - HB 2306, proposed amendments (-2), Legislative Counsel, 1 page.**

**B - HB 2415, proposed amendments (-1), Legislative Counsel, 4 pages.**

**C - HB 2044A, proposed amendments (-3), Legislative Counsel, 2 pages.**

**D - HB 3002, proposed amendments (-2), Legislative Counsel, 3 pages.**

**E - HB 2310, proposed amendments (-3), Legislative Counsel, 1 page.**

**F - HB 3211, proposed amendments (-3), Legislative Counsel, 1 page.**

**G - HB 2431, proposed amendments (-2), Legislative Counsel, 2 pages.**