

HOUSE COMMITTEE ON
JUDICIARY

Hearing Room
Tape

MEMBERS PRESENT:

Rep. Del Parks, Chair
Rep. Kate Brown, Vice-Chair
Rep. Chuck Carpenter
Rep. Peter Courtney
Rep. Jerry Grisham
Rep. Bryan Johnston
Rep. Leslie Lewis
Rep. Lisa Naito
Rep. Floyd Prozanski
Rep. Eileen Qutub
Rep. Veral Tarno
Rep. Bob Tiernan

STAFF PRESENT:

Holly Robinson, Committee Counsel
Milt Jones, Committee Counsel
Janet Ellingsworth, Committee Assistant

MEASURES HEARD:

Work session on HB 2119
Work session on HB 2164
Work session on HB 2325
Work session on HB 2351
Work session on HB 2378
Work session on HB 2596

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE , A

004 CHAIR PARKS: Convenes meeting at 10:05 A.M.

OPENS the WORK SESSION on HB 2119

008 JONES: Gives brief overview of HB 2119.

013 REP. TARNO: Does "operator" also include a private contractor?

016 JONES: Yes. Under current law before suing a private contractor, you would have to notify them.

018 REP. BROWN: This was amended in committee, is that correct?

018 JONES: Yes, that is correct.

020 REP. NAITO: I am going to be voting no at this time.

024 MOTION: REP. BROWN: Moves HB 2119 be sent to the Floor as amended with a do pass recommendation.

035 VOTE: In a roll call vote, REPS. BROWN, CARPENTER,
JOHNSTON, LEWIS, PROZANSKI
QUTUB, TARNO and CHAIR PARKS vote AYE. REP. NAITO
vote NO. REP. TIERNAN is excused.

045 CHAIR PARKS: The motion CARRIES.

048 REP. BROWN will lead discussion on the Floor.

OPENS the WORK SESSION on HB 2164

040 ROBINSON: Brief overview of 2164. Discusses -1 amendments.

053 REP. BROWN: My only concern is that in the course of doing an investigation, should the superintendent of the state police not like the results, does she or he have any authority under this bill to coerce the state medical examiner's office to reach a different result?

059 ROBINSON: I don't think any more so than the head of the Department of Human Resources.

063 MOTION: REP. TARNO: Moves HB 2164 as amended to the Floor with a do pass recommendation.

068 VOTE: In a roll call vote all members present vote AYE.
REP. TIERNAN is excused.

072 CHAIR PARKS: The motion CARRIES.

074 REP. TARNO will lead discussion on the Floor.
OPENS the WORK SESSION on HB 2325

079 JONES: Gives brief overview of HB 2325.

086 REP. NAITO: I support the bill and did so in subcommittee. I am
concerned about voting
on the bill today without a fiscal impact statement.

092 CHAIR PARKS: I have considered those objections previously and decided
not to send it
to Ways and Means.

105 REP. BROWN: I will distribute the -2 amendments to the committee and
then we can do this
at the end of the calendar so the committee will have time to go over them.

CLOSES the WORK SESSION on HB 2325
OPENS the WORK SESSION on HB 2351

121 JONES: Gives brief overview of HB 2351.

127 REP. BROWN: States reasons for voting no on this bill.

139 CHAIR PARKS: I agree with Rep. Brown.

143 REP. NAITO: I don't know if this solves the problem. To me, it looks
like a joinder, on the other hand I don't see any downside.

150 MOTION: REP. NAITO: Moves HB 2351 as amended to
recommendation.

154 VOTE: In a roll call vote REPS. CARPENTER,
COURTNEY, GRISHAM, JOHNSTON, LEWIS, NAITO,
CHAIR PARKS vote AYE. REP. BROWN vote NO. REP. TIERNAN
is excused.

165 CHAIR PARKS: The motion CARRIES.

167 REP. NAITO will lead discussion on the Floor.
OPENS the WORK SESSION on HB 2378

168 JONES: Gives brief overview of HB 2378.

176 REP. NAITO: Discusses SB 66.

190 JONES: This is in the nature of a reimbursement, not the nature of a
penalty.

194 MOTION: REP. TARNO: Moves HB 2378 as amended to the Floor
with a do pass recommendation.

197 VOTE: In a roll call vote all members present vote AYE.

203 CHAIR PARKS: The motion CARRIES.

205 REP. TIERNAN will lead discussion on the Floor.
OPENS the WORK SESSION on HB 2596

210 ROBINSON: Gives brief overview of HB 2596.

235 MOTION: REP. TARNO: Moves HB 2596 to the Floor with
a do pass recommendation.

237 VOTE: In a roll call vote all members present vote AYE.

242 CHAIR PARKS: The motion CARRIES.

244 REP. PROZANSKI will lead discussion on the Floor.
RE-OPENS the WORK SESSION on HB 2325

256 REP. NAITO: I agree with the policy to have the parties continue in
the tax court, I just wonder
about the separation of powers issue.

264 REP. BROWN: As the amendment reads, it leaves the tax court with an
"opt out".

270 REP. COURTNEY: I understand this was a contentious issue in terms of
the administrator of the revenue department, is that correct?

274 CHAIR PARKS: It was contentious as far as he was concerned in that it
takes away some of his
duties.

276 REP. COURTNEY: There is still some concern, on the revenue departments
part, that this is not the way to go, is that correct?

279 CHAIR PARKS: I'm sure that is accurate.

281 REP. BROWN: This could be subscribed as the fox watching the hen
house.

284 REP. NAITO: I don't agree. From the testimony we heard, I believe the
department of revenue is operating under the existing legislative scheme.

296 REP. COURTNEY: Asks what direction the committee is going.

300 CHAIR PARKS: Discusses system used at appeal process at the revenue
department.

347 REP. QUTUB: I have been a tax appraiser and sat on the Board of
Equalization defending the
value I placed on property.

369 REP. JOHNSTON: Makes statement defending the department of revenue.

391 REP. NAITO: I did read the brochure that the revenue department hands
out to the taxpayers
who are appealing, and it does talk about no exparte contact.

410 REP. TIERNAN: This is simply a better process that will provide more
fairness.

421 MOTION: REP. BROWN: Moves -2 amendments

425 CHAIR: hearing no objections motion CARRIES.

430 REP. COURTNEY: Thanks committee members for sharing their views on HB
2325.

434 MOTION: REP. BROWN: Moves HB 2325 as amended to the
Floor with a do pass recommendation.

438 VOTE: In a roll call vote all members present vote AYE.

443 CHAIR PARKS: The motion CARRIES.

448 REP. MANNIX will lead discussion on the Floor.

460 REP. NAITO: I hope we will be working on that fiscal issue as it moves
over to the senate.

462 CHAIR PARKS: We will.

464 REP. BROWN: I did not want my fox and hen house analogy to imply
something was wrong at
the department of revenue.

470 CHAIR PARKS: With nothing further from the committee, the meeting is
adjourned at
10:35 A.M.

Submitted by, Reviewed by,

Janet Ellingsworth Debra Johnson
Committee Clerk Committee Coordinator

EXHIBIT SUMMARY:

A - Proposed Amendments on HB 2119 - Staff - 1 page
B - Proposed Amendments on HB 2164 - Staff - 1 page
C - Proposed Amendments -1 on HB 2325 - Staff - 2 pages
D - Proposed Amendments -2 on HB 2325 - Staff - 3 pages
E - Proposed Amendments - Staff - 11 pages
F - Proposed Amendments - Staff - 1 page