

HOUSE COMMITTEE ON RULES AND REORGANIZATION

August 3, 1993      Hearing Room E 4:30 p.m.      Tape      138

MEMBERS PRESENT:    Rep. John Watt, Chair Rep. Lonnie Roberts, Vice-Chair  
Rep. Dave McTeague Rep. Eldon Johnson Rep. Ray Baum Rep. Avel Gordly  
Rep. Patti Milne

MEMBER EXCUSED:    Rep. Cedric Hayden Rep. Michael Payne

STAFF PRESENT:            Adrienne Sexton, Committee Administrator Carole  
Souvenir, Committee Counsel Bryan Boehringer, Committee Clerk

MEASURES CONSIDERED: SB 307 A    - Relating to    civil procedure;  
declaring an emergency.

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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. [--- Unable To Translate  
Graphic ---]

TAPE 138, SIDE A

003      CHAIR WATT:    Calls the meeting to order at 4:27 p.m.

PUBLIC HEARING ON SB 307 A Witnesses:    Elizabeth Harchenko, Department  
of Justice

004 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR:    SB 307 A requires  
Court of Appeals to promptly certify appeals to the Supreme Court in  
certain

circuit court cases filed before the effective date of this Act or  
within 180 days after the effective date of this Act.

019 CHAIR WATT: Explains that this is the PERS retirement bill. The  
state owes PERS members a great deal of money, the bill would allow  
PERS

members to file a class action suit directly with the Supreme Court.

028 ELIZABETH HARCHENKO, DEPARTMENT OF JUSTICE: Explains that the  
bill permits current and pending cases do go straight from trial court  
to the Supreme Court. Discusses the three categories established  
for the

accelerated review.

044 VICE-CHAIR ROBERTS: Asks if this would allow individuals to by  
pass the Court of Appeals.

046 HARCHENKO: Explains that the bill pertains to individual suits and class actions.

047 VICE-CHAIR ROBERTS: Class actions can also go to the Supreme Court?

048 HARCHENKO: Any related actions can go to the Supreme Court. Explains that all cases have to go through trial court first.

053 REP. MCTEAGUE: Asks about the financial implications of this legislation.

055 HARCHENKO: Explains that the State is a defendant in two of the cases. Discusses the different cases.

062 REP. MCTEAGUE: Asks about the worst case scenario in the court cases.

067 HARCHENKO: Discusses the Revenue Offices estimates of liability.

083 REP. BAUM: Discusses the possible rationale of the Senate's lack of action. Explains that the Supreme Court could provide the basis for the State to create a mechanism to pay for this.

094 REP. GORDLY: Is this the best option?

097 CHAIR WATT: Explains that this has been a problem for some time. Discusses past legislation that has been passed to try to correct the

problem. Explains that a work group has been struggling with this issue and all of the suggestions have been passed on.

120 REP. GORDLY: Asks if this bill is the product of the work group.

121 CHAIR WATT: This bill came out of the Senate Judiciary Committee.

123 REP. GORDLY: Discusses problems with eleventh hour policy making.

127 HARCHENKO: Explains that a retirement group was the sponsor of this legislation. This proposal will save money in the long run.

WORK SESSION ON SB 307 A

133 CHAIR WATT: Explains that the State has an obligation to these people.

135 MOTION: REP. ROBERTS: Moves SB 307 A to the Floor with a DO PASS recommendation.

VOTE: 6-1 Motion passes AYE: Baum, Johnson, Milne, McTeague, Roberts, Watt NO: Gordly EXC.: Hayden, Payne

REP. BAUM will lead discussion on the Floor.

143 CHAIR WATT: Adjourns the meeting at 4:40 p.m.

Submitted by:

Reviewed by:

Bryan Boehringer  
Committee Administrator

Adrienne Sexton Committee Clerk