

HOUSE COMMITTEE ON JUDICIARY

March 15, 1991 Hearing Room 357 1:00 p.m. , Tape 27 MEMBERS
PRESENT: Rep. Randy Miller, Chair Rep. Tom Mason, Vice Chair Rep. Ray
Baum Rep. Judith Bauman Rep. Marie Bell Rep. Tom Brian Rep. Kelly Clark
Rep. Jim Edmunson Rep. Rod Johnson Rep. Kevin Mannix Rep. Del Parks Rep.
Ron Sunseri

STAFF PRESENT: Greg Chaimov, CommiKee Counsel Holly Robinson,
Committee Counsel Jeff Steve, Committee Assistant

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 27, SIDE A

001 CHAIR MILLER: Calls meeting to order at 1:34 p.m.

HB 2603 - WORK SESSION

002 HOLLY ROBINSON, COMMITTEE COUNSEL (EXHIBIT A): Summarizes that HB
2603 reduces the number of members of the State Board of Parole and
Post-Prison Supervision from five to no fewer than three and also
mod)ifies the process by which the Board makes decisions. HB 2603 has a
subsequent referral to Ways and Means. 004 MOTION, REP. MASON: Moves
HB 2603 as amended to the Committee on Ways and Means. 007 VOTE: 10-0

AYE: Baum, Bauman, Brian, Clark, Edmunson, Johnson, Mason, Parks,
Sunseri, Miller NO: None EXCUSED: Bell, Mannix . 027 CHAIR MILLER:
Notes HB 2024 will be deferred action until a fiscal impact statement is
received. House Committee on Judiciary March 15, 1991 Page 2

HB 2604 - WORR SESSION

029 ROBINSON (EXHIBIT B): Summarizes HB 2604 which was filed at the
request of the State Board of Parole and Post-Prison Supervision.
032 MOTION, REP. CLARK: Moves HB 2604 as amended to the Floor with a
"do pass" recommendation. 034 VOTE: 11-0 AYE: Baum, Bauman, Brian,
Clark, Edmunson, Johnson, Mannix, Mason, Parks, Sunseri, Miller NO: None
EXCUSED: Bell Motion passes, Representative Brian to carry.

HB 2031 - WORK SESSION 050 MOTION, REP. BAUMAN: Moves HB 2031 to the
Floor with a "do pass" recommendation. 053 VOTE: 11-0 AYE: Baum,
Bauman, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Parks, Sunseri,
Miller NO: None EXCUSED: Bell Motion passes, Representative E dmunson to
aarq. HB 2585 - WORK SESSION

Witness: Anthony De Lorenzo, Motor Vehicles Division 068CHAIMOV:
Summarizes HB 2585 which requires the suspension of a driver's license
for a period of a minimum of six months for anyone convicted of a
controlled substance offense. Notes the Committee needs to move and
adopt the HB 2585-1 A nendrnents (EXHIBIT C). 082 REP. BAUMAN: Refers
to the fiscal impact statement concerning expenditures and federal
funding. 093 TONY DE LORENZO, MOTOR VEHICLES DIVISION: Unaware of any
federal funding. If we undertake it, it would come out of the Highway
fund. 104 REP. MASON: Does the reference to drug offense cover the
possession of less than an ounce of marijuana? 105 CHAIMOV: Yes.
107 REP. MASON: That's outside of the car, for example, stopped on

the street. So, if someone is stopped on the street with less than an ounce of marijuana and gets a \$100 fine, their license gets suspended?
House Committee on Judiciary March 15, 1991 - Page 3

109 CHAIR MILLER: Decides that HB 2585 be held over to next Committee work session. HB 2033 - WORK SESSION 121 CHAIMOV (EXHIBIT D): Summarizes HB 2033 which authorizes district attorneys to handle civil forfeiture cases when they're also prosecuting related criminal cases.
128 MOTION, REP. MANNIX: Moves HB 2033-1 Amendments (EXHIBIT D).
130 There being no objection, the HB 2033-1 Amendments are adopted.
132 MOTION, REP. MANNIX: Moves HB 2033 as amended to the Floor with a "do pass" recommendation. 134 VOTE: 11-0

AYE: Baum, Bauman, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Parks, Sunseri, Miller NO: None EXCUSED: Bell Motion passes, Representative Mannix to carry. HB 2022 - WORK SESSION 144 CHAIMOV: Summarizes HB 2022. . . 149 MOTION, REP. MANNIX: Moves HB 2022 to the Floor with a "do pass" recommendation. 153 VOTE: 11-0 AYE: Baum, Bauman, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Parks, Sunseri, Miller NO: None EXCUSED: Bell Motion passes, Representative Mannix to carry. HB 2032 - WORK SESSION 163 CHAIMOV (EXHIBIT E): Summarizes HB 2032 which addresses city forfeiture proceedings. 169 MOTION, REP. MANNIX: Moves HB 2032-1 Amendments (EXHIBIT E).
169 MOTION, REP. MANNIX: Moves HB 2032-1 Amendments (EXHIBIT E).
172 There being no objection, HB 2032-1 Amendments are adopted.
174 MOTION, REP. MANNIX: Moves HB 2032 as amended to the Floor with a "do pass" recommendation. House Committee on Judiciary March 15, 1991 - Page 4 ~ _ 178 VOTE: 12-0

AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Parks, Sunseri, Miller NO: None EXCUSED: None

Motion passes, Representative Ted Caloun, District 7, to carry.

HB 2668 - WORK SESSION

195 ROBINSON (EXHIBIT F): Summarizes HB 2668 which further extends the statute of limitations for tort claim actions based on acts of child abuse. Notes the process of HB 2668 began in the 1989 legislative session and this bill expands it further. 202 MOTION, REP. MANNIX: Moves HB 2668-1 Amendments (EXHIBIT F). 205 There being no objection, the HB 2668-1 Amendments are adopted. 207 MOTION, REP. MANNIX: Moves HB 2668 as amended to the Floor with a "do pass" recommendation.
219 VOTE: 124 - AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Parks, Sunseri, Miller NO: None EXCUSED: None

Motion passes, Representative Mannix to carry.

HB 2681 - WORK SESSION

230 ROBINSON (EXHIBIT G): Summarizes HB 2681 will make the possession of child pornography a criminal offense and a Class C felony.
235 MOTION, REP. MANNIX: Moves HB 2681-1 Amendments (EXHIBIT G).
237 There being no objection, the HB 2681-1 Amendments are adopted.
240 MOTION, REP. MANNIX: Moves HB 2681 as amended to the Floor with a "do pass" recommendation. 243 VOTE: 12-0

AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Parks, Sunseri, Miller NO: None EXCUSED: None

Motion passes, Representative Mannix to carry. House Committee on
Judiciary March 15, 1991 - Page 5 HB 2530 - WORK SESSION

256 CHAIMOV (EXHIBIT H): Summarizes HB 2530 which involves the Honest
Bid Promotion Act. 262 MOLLON, REP. MANNIX: Moves HB 2530 as amended
to the Floor with a "do pass" recommendation. 272 REP. JOHNSON:
Thinks it's misleading that this is called the Honest Bid Promotion
Act-don't think this is what it's all about but won't argue about it
anymore. 295 VOTE: 11-1

AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Mannix, Mason, Parks,
Sunseri, Miller NO: Johnson EXCUSED: None

Motion passes, Representative Bob Shiprack, DislRICT 23, to carry.

SB 400 - WORK SESSION

302 CHAIMOV: Summarizes SB 400 which deals with paying for the
maintenance of right-of-way easements. 312 MOTION, REP. CLARK Moves
SB 400 to the Floor with a "do pass" recommendation. 314VOTE: 124

AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason,
Parks, Sunseri, Miller NO: None EXCUSED: None

Motion passes, Representative Clark to carry.

330 CHAIR MILLER: Notes that remaining bills on today's calendar will
be put on the Full Committee Meeting on Wednesday at 1:00 p.m.

338 CHAIR MILLER Adjourns the Work Session at 1:58 p.m.

Submitted by: David Harrell Transcriber Office Manager
Reviewed by: Holly Blanchard

EXHIBIT LOG: A-HB 2603-1 Proposed Amendments, 1 page B-HB 2604-1
Proposed Amendments, 6 pages C-HB 2585-1 Proposed Amendments, 8 pages

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. House Committee on Judiciary
March 15, 1991 Page 6

D - HB 2033-1 Proposed Amendments, 1 page E - HB 2032-1 Proposed
Amendments, 1 page F - HB 2668-1 Proposed Amendments, 1 page G - HB
2681-1 Proposed Amendments, 1 page H - HB 2530-3 Proposed Amendments,
1 page