

MINUTES OF MEETING  
SENATE JUDICIARY COMMITTEE  
March 30, 1977

The meeting of this committee was called to order by Senator Turnage, Chairman, on the above date at 9:45 a.m. in Room 442 of the State Capitol Building.

ROLL CALL:

All members of the committee were present except Senator Roberts who was excused to attend another hearing.

EXECUTIVE SESSION

HB 498 - Sen. Turnage offered amendments to this bill for consideration by the committee. Sen. Towe then moved the adoption of all of the amendments. (See Attach. #1) Sen. Lensink voted "No" on amendment #9. Other than the one "No" vote on amendment #9, the motion carried unanimously. Sen. Olson then moved that HB 498 as amended BE CONCURRED IN. The motion carried unanimously.

HB 457 - Sen. Olson moved the adoption of the amendments. (See Attach. #2) The motion carried unanimously. Sen. Towe then moved that HB 457 as amended BE CONCURRED IN. The motion carried unanimously.

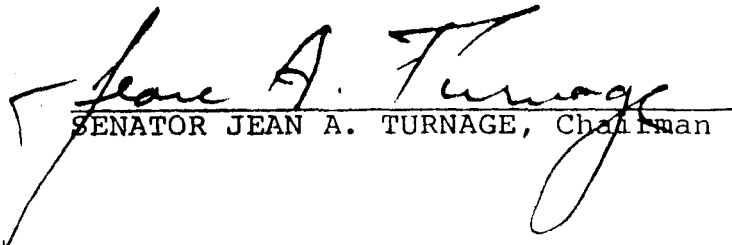
At this time, Senators Towe and Warden were excused to attend other meetings. (10:00 a.m.) Sen. Towe returned as the meeting was delayed.

HB 200 - Sen. Olson moved that HB 200 be tabled. The motion carried unanimously.

HB 782 - Sen. Regan moved that HB 782 BE NOT CONCURRED IN. The motion carried with Senators Lensink and Olson voting "No". The vote was 5 - 2 with Towe, Turnage, Murray, Regan and Warden voting "Yes". Sen. Warden's vote on this bill was obtained during the afternoon session of the Senate as she was excused from this meeting before this vote. Sen. Roberts was also excused during this meeting.

HB 334 - Sen. Lensink moved to strike section 3, subsection (2), and section 4, following "filed". The motion carried unanimously. (The committee will act on this bill at the meeting on 3/31/77.)

There being no further business before the committee at this time, the committee adjourned at 11:05 a.m..

  
SENATOR JEAN A. TURNAGE, Chairman

Respectfully report as follows: That House Bill No. 498, the third reading bill, be amended as follows:

(Attach #1)

1. Amend ~~page 1, section 1, lines 5 and 6.~~  
Following: "ATTORNEYS"  
Strike: "AND THE ATTORNEY GENERAL"

2. Amend page 1, section 1, lines 11 and 12.  
Following: "Whenever"  
Strike: "the attorney general or"

3. Amend page 1, section 1, lines 16 and 17.  
Following: "before"  
Strike: "the attorney general or"

4. Amend page 1, section 1, line 21.  
Following: "of"  
Strike: "the attorney general or"

~~Respectfully report as follows:~~  
5. Amend page 1, section 1, line 23.  
Following: "issued"  
Insert: "and that there is a relevant connection to an existing criminal investigation"

6. Amend page 2, section 2, lines 8 and 9.  
Following: "(1)"  
Strike: "The attorney general or"  
Insert: "Any examination by"  
Following: "county attorney"  
Strike: "may examine"  
Insert: ~~XXXXXX~~ "under this act shall be conducted"

7. Amend page 2, section 2, line 10.  
Following: "oath"  
Insert: "before the justice or judge who authorized the issuance of the subpoena"

8. Amend page 2, section 2, line 10.  
Following: "oath"  
~~XXXXXX~~ Strike: "all witnesses subpoenaed pursuant to this act"

9. Amend page 2, section 2, lines 11 and 12.  
Following: "Testimony"  
Strike: "may"  
Insert: "shall"  
Following: "recorded"  
Strike: "and transcribed in the manner provided for grand jury proceedings"  
Insert: ". The witness has the right to have counsel present at all times.  
If he does not have funds to obtain counsel, the ~~must~~ judge or  
justice shall appoint counsel for him"
10. Amend page 2, section 3, line 24,  
Following: "The"  
Strike: "attorney general or the"
11. Amend page 2, section 3, line 25.  
Following: "may"  
Insert: ", with the approval of the justice or judge who authorized the  
issuance of the subpoena"
12. Amend page 3, section 4, lines 15 through 17.  
Following: "The"  
Strike: "state shall bear all costs, including the cost of service, when  
the application for the subpoena is made by the attorney general, and the"
13. Amend page 3, section 4, lines 18 and 19.  
Following: "service"  
Strike: ", when the application for the subpoena is made by a county attorney"

(Attach. #2)

Respectfully report as follows: That.....HOUSE..... Bill No. 457,.....  
the third reading bill, be amended as follows:

1. Amend page 1, section 1, line 15.

Following: "reports"

Insert: "--action by attorney general on request"

2. Amend page 1, section 1, line 19.

Following: "general"

Insert: ", on request of the department or a county attorney,"

3. Page 1, section 1, line 21.

Following: "alone"

Insert: "or the attorney general on request of the county attorney"

Following: ", "

Strike: "he"

Insert: "the person prosecuting"

4. Amend page 1, section 1, line 24.

Following: "attorney"

Insert: "or attorney general"

## ROLL CALL

JUDICIARY

COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date \_\_\_\_\_

3-30-77

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