

JUDICIARY COMMITTEE
EXECUTIVE SESSION
February 13, 1979

The executive meeting of the House Judiciary Committee was called to order following the regular meeting on Tuesday, February 13, 1979 in room 436 of the Capitol Building. Representative Holmes and Seifert, and Conroy were absent and came in later. The meeting was called to order by Chairman Scully at 8:35 a.m.

HOUSE BILL NO. 422: Representative Lory moved to amend.
The motion carried with the vote unanimous.
(copy attached) Representative Lory moved "do pass as amended" and the motion carried with the vote unanimous.

HOUSE BILL NO. 500: Representative Lory moved to amend and the motion carried with the vote unanimous.
(copy attached) Representative Lory moved "do pass as amended" and the motion carried with the vote unanimous.

HOUSE BILL NO. 278: Representative Keedy presented prepared copies of Representative Bardanouve's amendments to the committee. He spoke to the amendments and explained them. Representative Day moved to adopt the amendments. The motion carried with the vote unanimous.

Representative Keedy moved to amend page 2, line 4, by striking "less" and inserting "fewer". The motion carried with Representative Eudaily voting "no".

Representative Keedy moved "do pass as amended" and the motion carried with the vote unanimous.

HOUSE BILL NO. 586: Representative Lory led discussion and moved to reinsert the old political libel language that had been taken out during recodification. The motion carried. Representative Teague moved to table his bill so that the old language would be included in a committee bill and would reinstate the old language. The motion carried with the vote unanimous. A letter will be written to Dave Cogley at the Legislative Counsel asking for the committee bill.

HOUSE BILL NO. 148: This bill has been tabled and is being included in a committee bill. Representative Keyser moved to adopt a committee bill prepared by Larry Weinberg, after study and approval of the Judiciary Committee. The motion carried with the vote unanimous. A letter of intent will be included.

HOUSE BILL NO. 461: Representative Keyser moved to strike on page 10, line 3 in its entirety. The motion carried with Representatives Keedy and Daily voting "no".

Representative Lory moved to amend page

10, line 10 by changing the 5 to 3 and the 10 to 5. The motion carried with the vote unanimous. Representative Lory moved to amend on page 9, line 16 that the attempt to evade be put back to a misdemeanor and the evasion of taxes a felony. This motion carried with the vote unanimous.

Representative Keyser moved these recommendations be adopted and presented to the Taxation Committee as they had requested. This bill was referred to Taxation from the Judiciary Committee. The motion carried with the vote unanimous. (copy of recommendations attached)

HOUSE BILL NO. 618:

Representative Keedy moved "do pass".

Representative Holmes moved to amend the title and page 2, line 21 by reinserting original wording. The motion carried with Representatives Keedy, Teague and Iverson voting "no".

Representative Daily moved to amend page 2, line 10 by striking the new language and inserting the original language. He spoke to his motion. The motion carried with Representatives Keedy,, Keyser and Eudaily voting "no".

Representative Uhde moved to amend page 4, line 18, to strike the section numbers, since they would no longer apply. The motion carried with the vote unanimous.

Representative Keyser moved "do not pass as amended". The motion failed.

Representative Day moved "do pass as amended". The motion carried with Representatives Keyser, Holmes, Eudaily and Lory voting "no".

HOUSE BILL NO. 620:

Representative Lory moved "do pass". The motion carried with the vote unanimous.

HOUSE BILL NO. 560:

Representative Scully appointed a sub-committee to study the bill and the amendments presented by the sponsor and plug them in. The following members were appointed: Representative Kemmis, Chairman; Representatives Keedy, Uhde Lory and Keyser.

HOUSE BILL NO. 355:

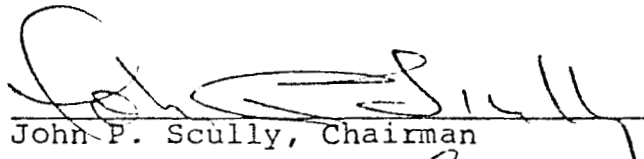
There was discussion as to whether it should be revived. A committee bill is being drafted that will include the intent of this bill. Mr. Scully

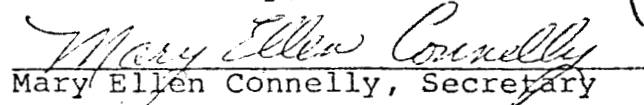
passed out copies of the bill as proposed and asked for committee approval. Representative Keedy moved to adopt the committee bill.

Representative Kemmis commented, the real question is whether we want to pass Representative Hurwitz bill and that is the only reason we need a committee bill. Then followed discussion about punitive damages.

The question was called and the motion to adopt the committee bill passed with Representatives Kemmis, Lory, Scully, Eudaily, Keyser and Holmes voting "no". The three sections that had been eliminated by codification will be reinserted and the added section will be from House Bill 355.

There was no further business at this time and the meeting adjourned at 11:20.


John P. Scully, Chairman


Mary Ellen Connelly, Secretary

February 13, 1979

Representative Herb Huennekens
Committee on Taxation
House of Representatives
Capitol Building

Dear Chairman Huennekens:

The House Committee on Judiciary after reviewing House Bill No. 461 submits the following recommendations.

1. evasion of taxes as provided for in 15-30-321(3) be made a felony,
2. an attempt to evade taxes in 15-30-321(4) be made a misdemeanor,
3. new section 7, relating to venue be deleted,
4. the statute of limitations for a misdemeanor, a new section 7 be changed from 5 years to 3 years and the statute of limitations for a felony as provided in new section 7 be changed from 10 years to 5 years.

If you have any questions on the recommendations, please feel free to contact the committee.

Sincerely,

John P. Scully,
Chairman

JPS:mec