

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN RUSSELL FAGG**, on March 25, 1993, at 8:00 a.m.

ROLL CALL

Members Present:

Rep. Russ Fagg, Chairman (R)
Rep. Randy Vogel, Vice Chairman (R)
Rep. Dave Brown, Vice Chairman (D)
Rep. Ellen Bergman (R)
Rep. Jody Bird (D)
Rep. Vivian Brooke (D)
Rep. Bob Clark (R)
Rep. Duane Grimes (R)
Rep. Scott McCulloch (D)
Rep. Jim Rice (R)
Rep. Angela Russell (D)
Rep. Tim Sayles (R)
Rep. Liz Smith (R)
Rep. Bill Tash (R)
Rep. Howard Toole (D)
Rep. Tim Whalen (D)
Rep. Karyl Winslow (R)
Rep. Diana Wyatt (D)

Members Excused: None

Members Absent: None

Staff Present: John MacMaster, Legislative Council
Beth Miksche, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: None
Executive Action: SB 392, SB 4, SB 5, SB 242, SB 153, SB 368
SB 179, SB 371, SB 260, SJR 15, SB 357

EXECUTIVE ACTION ON SB 392

(continuation from 3/24/93 executive action)

Motion: REP. HOWARD TOOLE MOVED SB 392 BE CONCURRED IN.

Motion/Vote: REP. LIZ SMITH moved an amendment to strike section 1 from the bill. Motion carried 14-4 with CHAIRMAN FAGG, REPS. BROOKE, TOOLE and WYATT voting no.

Discussion:

REP. RICE explained he is especially concerned with amendment number 5 regarding the Montana Lottery. He said if the Lottery failed to make the connection between someone who had won the lottery and had a child support obligation, that could be used against the lottery for payment.

Motion/Vote: REP. RICE moved to strike on page 2, line 21 the words, ", after a good faith effort to do so." Motion carried unanimously 18-0.

Motion/Vote: REP. HOWARD TOOLE moved to amend page 9, line 3 following the words "provide support" insert the words "under a court or administrative order"; and after the words "6 months" insert the words "or more." Motion carried unanimously 18-0.

Motion/Vote: REP. VIVIAN BROOKE moved amendments 1, 6, 7, 8 and 9 (see standing committee report). Motion carried unanimously.

Motion/Vote: REP. WHALEN moved to amend page 8, lines 10 through 13 by striking "in" on line 10 through the end of line 13. Motion carried 17-1 with CHAIRMAN FAGG voting no.

Vote: SB 392 BE CONCURRED IN AS AMENDED. Motion carried 11-7 with CHAIRMAN FAGG, REPS. BERGMAN, BROOKE, CLARK, GRIMES, McCULLOCH, RICE, RUSSELL, SMITH, TOOLE and WYATT voting yes. REP. LIZ SMITH will carry the bill on the House floor.

EXECUTIVE ACTION ON SB 4

Motion/Vote: REP. WHALEN MOVED TO TABLE SB 4. Motion carried 16-2 with REPS. VOGEL and SMITH voting no.

EXECUTIVE ACTION ON SB 5

Motion/Vote: REP. WHALEN MOVED TO TABLE SB 5. Motion carried 17-1 with REP. WYATT voting no.

EXECUTIVE ACTION ON SB 242

Motion/Vote: REP. WHALEN MOVED TO TABLE SB 242. Motion carried 15-3 with REPS. VOGEL, CLARK and SMITH voting no.

EXECUTIVE ACTION ON SB 153

Motion: REP. RICE moved an amendment to strip off the Senate amendment and put the fines back to the level with which the bill was introduced.

Discussion:

CHAIRMAN FAGG opposed the amendment. He suggested two options. One option would be to raise the fine up to \$500 or \$1,000 to give the judge that discretion. But in really grievous cases, judges will put on a larger fine. Or in option 2, CHAIRMAN FAGG would like the judge to suspend part of the \$500 or \$1,000 fine. He would like to see judicial discretion. It is CHAIRMAN FAGG'S opinion that a \$250 fine will not prevent many people from getting insurance, because it's going to cost them two or three times that to get insurance.

REP. BROOKE asked REP. RICE if the second part of the amendment the Senate added was so that part of that sentence could not be suspended. REP. RICE explained that, currently, the fine for offense of this nature, no matter what offense it is, the first offense fine is not less than \$250 and not more than \$500 with no restrictions on whether the court can suspend the fine. What is happening here is that courts are suspending a lot of these fines. The bill, as introduced, is on a graduated scale; first offense is \$250, second offense is \$350, and third offense is \$500. The provision on page 11, lines 18-20 says that the court may suspend the fines only upon determination that the defender is or will be unable to pay the fine. It has made it much more difficult, but not impossible, for a court to suspend those fines. On page 10, the Senate raised the fine from \$250 to \$500 to \$750 to \$1,000, and REP. RICE thinks these fines have gone too far. REP. RICE also disclosed that regarding the jail time, the Senate raised the sentence from 10 to 30 days, and REP. RICE included in his amendment to put the bill back to the way it was introduced.

Vote: The question was called on REP. RICE'S amendment to revert back to the bill the way it was introduced. Motion carried 13-5 with CHAIRMAN FAGG, REPS. BERGMAN, CLARK, SAYLES and VOGEL voting no.

Motion: REP. BIRD moved an amendment to delete the Senate language on page 11, lines 2,3, and 4 and go back to the original language that begins on page 10, line 25 through and page 11, line 2.

Discussion:

CHAIRMAN FAGG suggested to insert after immediate family, "or authorized driver."

Motion: REP. BIRD moved a substitute amendment to insert on page 11, line 4, after immediate family: "or authorized driver."

Vote: The question was called on REP. BIRD'S amendment. Motion carried 16-2 with REPS. WYATT and SAYLES voting no.

Motion/Vote: REP. WHALEN moved an amendment. EXHIBIT 1 Motion failed by a vote of 14-4 with REPS. TOOLE, McCULLOCH, RUSSELL and WHALEN voting yes.

Motion: REP. BROWN moved to strike section 4 from the bill. This would put the bill back to its original language: once a year people would sign a statement attesting that the car is insured.

Discussion:

REP. JODY BIRD reiterated that if section 4 is stricken from the bill, lines 22 through 25 on page 8, then lines 1 and 2 on page 9 will still be in effect because they are in HB 336 which includes the identical language. Mr. MacMaster explained that SB 153 and HB 336 are identical with respect to the amendments to section 4.

REP. BIRD said the county treasurers asked her to carry this bill. They would like people to sign, on their motor vehicle registration receipt, a message stating that the driving person knows it is illegal to be driving his car without motor vehicle insurance.

REP. RICE mentioned that the language on page 9, lines 3-7 was stricken because that was language currently in the law regarding a person's signature on his motor vehicle registration. It shouldn't have been struck from the 1991 bill, which passed regarding registration by mail, because the legislature deleted the part of signing off certifying insurance by mail. This session is making it consistent for the person who goes downtown to pick up his registration.

REP. BROWN withdrew his amendment.

Motion: REP. BIRD MOVED SB 153 BE TABLED.

Discussion:

REP. WHALEN said this bill isn't going to make insurance anymore affordable or available, and it's not going to solve the problem of uninsured motorists. It's going to make a lot of uncollected fines and put people in jail.

Motion/Vote: The question was called on the table motion. Motion to table failed 8-10 with REPS. BROWN, BIRD, McCULLOCH, RUSSELL, SAYLES, WHALEN, WINSLOW and WYATT voting yes.

The Chairman announced that, without objection from the committee, the vote would be reversed from TO TABLE vote of 8-10 to DO PASS vote of 10-8. REP. RICE will carry the bill on the House floor.

EXECUTIVE ACTION ON SB 368

Motion: REP. BROWN MOVED SB 368 BE CONCURRED IN.

Motion: REP. TOOLE moved an amendment. EXHIBIT 2 He said this bill would only address misdemeanors; the Confederated Salish and Kootenai Tribe (CSKT) have more than enough resources to handle misdemeanors in court.

REP. WINSLOW asked about the intention of the CSKT if this bill were to not pass this session. Majel Bird, prosecuting attorney for the Tribe, explained that tribal members feel they are one of the most progressive tribes in the nation, and it's ironic that they don't have the basic, simple jurisdiction of misdemeanors over Indian people that all other tribes appreciate. As an alternative, under the Indian Civil Rights Act of 1968, they have the consent of the state legislature first to retrocede. If the state doesn't give their consent, they will seek further assistance from Congress.

CHAIRMAN FAGG asked Ms. Bird what percentage of the reservation is in Lake County as opposed to the three other surrounding counties. Ms. Bird said probably 60 percent of the reservation is in Lake County.

REP. BILL TASH asked Ms. Bird with regards to the reservations in the United States, how many tribes have retroceded. Ms. Bird said that approximately 160 tribes have retroceded since 1968. These tribes have followed the same procedure enacted in their states as the CSKT has followed in Montana.

REP. ELLEN BERGMAN asked Ms. Bird why the CSKT want to isolate themselves from the rest of the state and the people they live with. Ms. Bird explained that every government has its right to set laws in its own territorial government. Indian nations are a government within themselves, a sovereign nation and they want that right.

CHAIRMAN FAGG said he will vote against the bill because he learned that 60 percent of the reservation is in Lake County. The Lake County Commissioners are opposed to this bill, the Lake County Sheriff is opposed to the bill and will be directly involved in law enforcement, and the Lake County attorney opposed the bill. CHAIRMAN FAGG doesn't think the legislature should get too intertwined in such an intensely, local and emotional issue without full cooperation from all segments of the affected local residents. What CHAIRMAN FAGG would like to see is true cooperation over the next two years between Lake County

commissioners, sheriff, the CSKT and other area residents as well as the other counties that are not as affected. CHAIRMAN FAGG is disappointed that it took five months for the CKST to respond to the offer made by Lake County commissioners.

REP. WINSLOW said this is a very difficult and unique issue. She would like to see cooperation rather than proclamation. She would like to see a resolution introduced by the end of the session to encourage and schedule discussion on the issue. Then, if in two years, nothing has transpired, she would be willing to vote in favor of this legislation.

Motion: REP. WINSLOW MADE A SUBSTITUTE MOTION THAT SB 368 BE NOT CONCURRED IN.

Discussion:

REP. JODY BIRD said she has some concerns regarding the bill before she can support it. On page three, line 25, and continuing to page 4, lines 1-4 it says, "Confederated Salish and Kootenai Tribes of exclusive adjudicatory jurisdiction in the named areas of civil jurisdiction and in misdemeanor types of crimes and to endorse a phased-in approach to provide an orderly resumption of jurisdiction by the Tribes over its members." REP. BIRD asked, if the tribes are granted exclusive adjudicatory jurisdiction, who can Native American people appeal to if they don't like the decision made in the Salish and Kootenai court. Ms. Bird said the Tribe would appeal in appellate court; if they do not get any results from appellate court, they would go on to federal court.

REP. BIRD asked Ms. Bird what is considered a "lesser felony." Ms. Bird related that lesser felonies have not been specifically outlined; however, they would most likely be domestic abuse, DUIs, and types of crimes that are not necessarily involved in serious bodily injury. Ms. Bird added that Attorney General Mazurek and Governor Racicot will make that decision and answer that question for the committee.

Vote: The motion to adopt REP. TOOLE'S amendment carried unanimously 18-0.

Vote: SB 368 BE NOT CONCURRED IN AS AMENDED. Motion carried 10-8 with CHAIRMAN FAGG, REPS. VOGEL, BERGMAN, CLARK, GRIMES, RICE, SAYLES, SMITH, TASH, and WINSLOW voting yes.

EXECUTIVE ACTION ON SB 179

Motion: REP. WHALEN MOVED SB 179 BE TABLED.

Discussion:

REP. WHALEN said in checking with private, not-for-profit organizations, these types of organizations have to serve a profit motive that takes away from the ability to really do what the state wants. He believes the non-profit organizations are doing a good job, and he'd like to see them stay that way.

REP. BROWN concurred that Butte has one of the most successful not-for-profit, community-based Pre-Release Centers (BPRC) in Montana, and it's been operated exceptionally well in this arena. The BPRC is concerned that if this legislation passes, it will jeopardize their ability to continue to perform in the fashion they have done so in the past. REP. BROWN hopes the committee will support the resolution.

CHAIRMAN FAGG addressed the need for pre-release centers. He said this bill will help meet that need when private companies contact this state to build these centers. Obviously, the state corrections department is moving towards pre-release centers as opposed to lock-up facilities in prisons. CHAIRMAN FAGG supports that, but he also added the private sector needs a chance to help the state and work hand-in-hand to meet this need.

Vote: SB 179 BE TABLED. Motion failed 7-11 with REPS. BROWN, BIRD, BROOKE, McCULLOCH, RUSSELL, WHALEN and WYATT voting yes.

Motion: REP. WHALEN MOVED SB 179 BE CONCURRED IN.

Discussion:

Motion/Vote: CHAIRMAN FAGG moved an amendment to strike the "whereas" section from the bill entirely because it's illegal. The motion passed 14-4 with REPS. WHALEN, BROOKE, McCULLOCH and BROWN voting no.

REP. McCULLOCH said the committee is adding more and more to the FTE account, and the people of Montana are going to have to live with that.

REP. BROWN observed that getting halfway homes accepted into communities has been a difficult process, and a not-for-profit board of directors encompasses a broad-based community group that cares about that community and what happens to the people staying at the pre-release center. REP. BROWN believes this situation better integrates these people into the community. He has a major concern about private companies coming into a community without any appreciation for what the local people care about. He doesn't think this is going to work. There's going to be a huge cry from the public if the legislature lets this kind of legislation continue. REP. BROWN is opposed to the bill and supports the table motion.

Motion/Vote: SB 179 BE CONCURRED IN AS AMENDED. Motion failed on a 9-9 tie with CHAIRMAN FAGG, REPS. BERGMAN, CLARK, GRIMES, RICE, SAYLES, SMITH, TASH and WINSLOW voting yes.

EXECUTIVE ACTION ON SB 371

Motion/Vote: REP. VOGEL moved an amendment. See Standing Committee Report. Motion carried 18-0.

Motion/Vote: REP. RICE MOVED SB 371 BE TABLED. Motion carried 13-5 with CHAIRMAN FAGG, REPS. VOGEL GRIMES, McCULLOCH, and SMITH voting no.

EXECUTIVE ACTION ON SB 260

Motion/Vote: REP. SAYLES MOVED SB 260 BE CONCURRED IN. Motion carried 17-1 with REP. BROWN voting no. REP. WYATT will carry the bill on the House floor.

EXECUTIVE ACTION ON SJR 15

Motion/Vote: REP. BROWN MOVED SJR 15 BE CONCURRED IN. Motion carried 14-4 with REPS. VOGEL, BERGMAN, CLARK, and SMITH voting no. REP. RICE will carry the bill on the House floor.

EXECUTIVE ACTION ON SB 357

Motion: REP. VOGEL MOVED SB 357 BE CONCURRED IN.

Discussion:

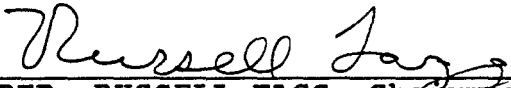
REP. WHALEN said that the intent of the bill, in essence, is that if a person under investigation says something that may incriminate him, whether or not he has an attorney present, that person has waived his right by self-incrimination. REP. WHALEN finds it offensive when people try to statutorily change something that is a constitutional right. He is opposed to this bill and will vote against it.

Vote: SB 257 BE CONCURRED IN. Motion failed 5-11 with CHAIRMAN FAGG, REPS. VOGEL, RICE, SAYLES, and WINSLOW voting yes.

The chairman announced that, without objection from the committee, the vote would be reversed from BE CONCURRED IN vote of 5-11 to a DO TABLE vote of 11-5.

ADJOURNMENT

Adjournment: 12:00 a.m.



REP. RUSSELL FAGG, Chairman



BETH MIKSCHÉ, Secretary

RF/bcm

HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

ROLL CALL

DATE

3-25-93

| NAME | PRESENT | ABSENT | EXCUSED |
|------------------------------|---------|--------|---------|
| Rep. Russ Fagg, Chairman | ✓ | | |
| Rep. Randy Vogel, Vice-Chair | ✓ | | |
| Rep. Dave Brown, Vice-Chair | ✓ | | |
| Rep. Jodi Bird | ✓ | | |
| Rep. Ellen Bergman | ✓ | | |
| Rep. Vivian Brooke | ✓ | | |
| Rep. Bob Clark | ✓ | | |
| Rep. Duane Grimes | ✓ | | |
| Rep. Scott McCulloch | ✓ | | |
| Rep. Jim Rice | ✓ | | |
| Rep. Angela Russell | ✓ | | |
| Rep. Tim Savles | ✓ | | |
| Rep. Liz Smith | ✓ | | |
| Rep. Bill Tash | ✓ | | |
| Rep. Howard Toole | ✓ | | |
| Rep. Tim Whalen | ✓ | | |
| Rep. Karyl Winslow | ✓ | | |
| Rep. Diana Wyatt | ✓ | | |
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CS-09

HOUSE STANDING COMMITTEE REPORT

March 25, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that Senate Bill 392 (third reading copy -- blue) be concurred in as amended .

Signed: _____

Russ Fagg, Chair

And, that such amendments read:

Carried by: Rep. L. Smith

1. Title, lines 5 through 7.

Strike: "ALLOWING" on line 5 through "ORDERS;" on line 7

✓ 2. Page 1, lines 13 through 25.

Strike: section 1 in its entirety

Renumber: subsequent sections

✓ 3. Page 2, line 21.

Strike: "AFTER A GOOD FAITH EFFORT TO DO SO,"

✓ 4. Page 8, lines 10 through 13.

Strike: "In" on line 10 through end of line 13

✓ 5. Page 9, line 3.

Following: "support"

Insert: "under a court or administrative order"

Following: "months"

Insert: "or more"

6. Page 10, line 25.

Following: "made"

Insert: "for the benefit of a child"

7. Page 11, lines 1 and 2.

Following: "53" on line 1

Strike: "for the support or aid of any person"

8. Page 11, line 4.

Strike: "person"

Insert: "child"

9. Page 11, lines 17 through 21.

Strike: "(1)" on line 17 through "(2)" on line 21

Committee Vote:

Yes 11, No 7.

671621SC.Hss

HOUSE STANDING COMMITTEE REPORT

March 25, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that Senate Bill 153 (third reading copy -- blue) be concurred in as amended .

Signed: Russ Fagg
Russ Fagg, Chair

And, that such amendments read:

Carried by: Rep. J. Rice

1. Page 10, line 14.

Following: "~~\$250~~"

Insert: "not less than \$250 or more than"

2. Page 10, line 17.

Strike: "~~\$750~~"

Insert: "~~\$350~~"

3. Page 10, line 19.

Strike: "~~\$1,000~~"

Insert: "~~\$500~~"

4. Page 10, line 20.

Strike: "~~30~~"

Insert: "~~10~~"

5. Page 11, line 4.

Following: "FAMILY"

Insert: "or by a person whose operation of that vehicle was authorized by the registered owner"

-END-

Committee Vote:
Yes 10, No 0.


671447SC.Hss

HOUSE STANDING COMMITTEE REPORT

March 25, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that Senate Bill 368 (third reading copy -- blue) be not concurred in as amended .

Signed: 
Russ Fagg, Chair

And, that such amendment read:

1. Page 4, line 23.

Following: "writing."

Insert: "The governor shall confer with affected local governments and residents before issuing a proclamation."


2. Page 5, line 6.

Following: "agree."

Insert: "The governor shall confer with affected local governments and residents before issuing a proclamation."

-END-

Committee Vote:
Yes 20, No 18.

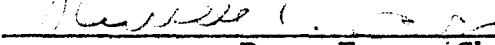

671415SC.Hss

HOUSE STANDING COMMITTEE REPORT

March 25, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that
Senate Bill 260 (third reading copy -- blue) be concurred in .

Signed: 
Russ Fagg, Chair

Carried by: Rep. Wyatt

Committee Vote:
Yes 17, No 1.

671454SC.Hss

HOUSE STANDING COMMITTEE REPORT

March 25, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that
Senate Joint Resolution 15 (third reading copy -- blue) be
concurrent in .

Signed: Russ Fagg
Russ Fagg, Chair

Carried by: Rep. J. Rice

Committee Vote:
Yes 14, No 4.

671456SC.Hss

HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

ROLL CALL VOTE

DATE 3-25-93 BILL NO. SB 392 NUMBER 18

MOTION: Motion to pass SB392 carries 11-7.

| NAME | AYE | NO |
|------------------------------|-----|----|
| Rep. Russ Fagg, Chairman | ✓ | |
| Rep. Randy Vogel, Vice-Chair | ✓ | |
| Rep. Dave Brown, Vice-Chair | | ✓ |
| Rep. Jodi Bird | | ✓ |
| Rep. Ellen Bergman | | ✓ |
| Rep. Vivian Brooke | ✓ | |
| Rep. Bob Clark | ✓ | |
| Rep. Duane Grimes | ✓ | |
| Rep. Scott McCulloch | ✓ | |
| Rep. Jim Rice | ✓ | |
| Rep. Angela Russell | ✓ | |
| Rep. Tim Sayles | | ✓ |
| Rep. Liz Smith | ✓ | |
| Rep. Bill Tash | | ✓ |
| Rep. Howard Toole | ✓ | |
| Rep. Tim Whalen | | ✓ |
| Rep. Karyl Winslow | | ✓ |
| Rep. Diana Wyatt | ✓ | |
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HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

ROLL CALL VOTE

DATE 3-25-93 BILL NO. SB4 NUMBER 18MOTION: Motion to table SB4 carried 16-2

| NAME | AYE | NO |
|------------------------------|-----|----|
| Rep. Russ Fagg, Chairman | ✓ | |
| Rep. Randy Vogel, Vice-Chair | | ✓ |
| Rep. Dave Brown, Vice-Chair | ✓ | |
| Rep. Jodi Bird | ✓ | |
| Rep. Ellen Bergman | ✓ | |
| Rep. Vivian Brooke | ✓ | |
| Rep. Bob Clark | ✓ | |
| Rep. Duane Grimes | ✓ | |
| Rep. Scott McCulloch | ✓ | |
| Rep. Jim Rice | ✓ | |
| Rep. Angela Russell | ✓ | |
| Rep. Tim Sayles | ✓ | |
| Rep. Liz Smith | | ✓ |
| Rep. Bill Tash | ✓ | |
| Rep. Howard Toole | ✓ | |
| Rep. Tim Whalen | ✓ | |
| Rep. Karyl Winslow | ✓ | |
| Rep. Diana Wyatt | ✓ | |
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HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

ROLL CALL VOTE

DATE 3-25-93 BILL NO. SB5 NUMBER 18

MOTION: Motion to table carried 17-1

| NAME | AYE | NO |
|------------------------------|-----|----|
| Rep. Russ Fagg, Chairman | ✓ | |
| Rep. Randy Vogel, Vice-Chair | ✓ | |
| Rep. Dave Brown, Vice-Chair | ✓ | |
| Rep. Jodi Bird | ✓ | |
| Rep. Ellen Bergman | ✓ | |
| Rep. Vivian Brooke | ✓ | |
| Rep. Bob Clark | ✓ | |
| Rep. Duane Grimes | ✓ | |
| Rep. Scott McCulloch | ✓ | |
| Rep. Jim Rice | ✓ | |
| Rep. Angela Russell | ✓ | |
| Rep. Tim Sayles | ✓ | |
| Rep. Liz Smith | ✓ | |
| Rep. Bill Tash | ✓ | |
| Rep. Howard Toole | ✓ | |
| Rep. Tim Whalen | ✓ | |
| Rep. Karyl Winslow | ✓ | |
| Rep. Diana Wyatt | | ✓ |
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HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

ROLL CALL VOTE

DATE 3-25-93 BILL NO. SB 242 NUMBER 18

MOTION: Motion to table SB 242 passed 15-3

| NAME | AYE | NO |
|------------------------------|-----|----|
| Rep. Russ Fagg, Chairman | ✓ | |
| Rep. Randy Vogel, Vice-Chair | | ✓ |
| Rep. Dave Brown, Vice-Chair | ✓ | |
| Rep. Jodi Bird | ✓ | |
| Rep. Ellen Bergman | ✓ | |
| Rep. Vivian Brooke | ✓ | |
| Rep. Bob Clark | | ✓ |
| Rep. Duane Grimes | ✓ | |
| Rep. Scott McCulloch | ✓ | |
| Rep. Jim Rice | ✓ | |
| Rep. Angela Russell | ✓ | |
| Rep. Tim Sayles | ✓ | |
| Rep. Liz Smith | | ✓ |
| Rep. Bill Tash | ✓ | |
| Rep. Howard Toole | ✓ | |
| Rep. Tim Whalen | ✓ | |
| Rep. Karyl Winslow | ✓ | |
| Rep. Diana Wyatt | ✓ | |
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HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

ROLL CALL VOTE

DATE 3-25-93 BILL NO. SB 153 NUMBER 18

MOTION: Motion to pass carries 10-8
(Motion was reversed from a 10-8 table motion)

| NAME | NO Aye | |
|------------------------------|--------|----|
| | AYE | NO |
| Rep. Russ Fagg, Chairman | | ✓ |
| Rep. Randy Vogel, Vice-Chair | | ✓ |
| Rep. Dave Brown, Vice-Chair | ✓ | |
| Rep. Jodi Bird | ✓ | |
| Rep. Ellen Bergman | | ✓ |
| Rep. Vivian Brooke | | ✓ |
| Rep. Bob Clark | | ✓ |
| Rep. Duane Grimes | | ✓ |
| Rep. Scott McCulloch | ✓ | |
| Rep. Jim Rice | | ✓ |
| Rep. Angela Russell | ✓ | |
| Rep. Tim Sayles | ✓ | |
| Rep. Liz Smith | | ✓ |
| Rep. Bill Tash | | ✓ |
| Rep. Howard Toole | | ✓ |
| Rep. Tim Whalen | ✓ | |
| Rep. Karyl Winslow | ✓ | |
| Rep. Diana Wyatt | ✓ | |
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| | 8 | 10 |

HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

ROLL CALL VOTE

DATE 3-29-93 BILL NO. SB 368 NUMBER 18

MOTION: Motion to not pass carried 10-8

| NAME | AYE | NO |
|------------------------------|-----|----|
| Rep. Russ Fagg, Chairman | ✓ | |
| Rep. Randy Vogel, Vice-Chair | ✓ | |
| Rep. Dave Brown, Vice-Chair | | ✓ |
| Rep. Jodi Bird | | ✓ |
| Rep. Ellen Bergman | ✓ | |
| Rep. Vivian Brooke | | ✓ |
| Rep. Bob Clark | ✓ | |
| Rep. Duane Grimes | ✓ | |
| Rep. Scott McCulloch | | ✓ |
| Rep. Jim Rice | ✓ | |
| Rep. Angela Russell | | ✓ |
| Rep. Tim Sayles | ✓ | |
| Rep. Liz Smith | ✓ | |
| Rep. Bill Tash | ✓ | |
| Rep. Howard Toole | | ✓ |
| Rep. Tim Whalen | | ✓ |
| Rep. Karyl Winslow | ✓ | |
| Rep. Diana Wyatt | | ✓ |
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| | 10 | 8 |

HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

ROLL CALL VOTE

DATE 3-25-93 BILL NO. SB 179 NUMBER 18

MOTION: Motion to pass fails on a 9-9-tie
Bill is in limbo

| NAME | AYE | NO |
|------------------------------|-----|----|
| Rep. Russ Fagg, Chairman | ✓ | |
| Rep. Randy Vogel, Vice-Chair | | ✓ |
| Rep. Dave Brown, Vice-Chair | | ✓ |
| Rep. Jodi Bird | | ✓ |
| Rep. Ellen Bergman | ✓ | |
| Rep. Vivian Brooke | | ✓ |
| Rep. Bob Clark | ✓ | |
| Rep. Duane Grimes | ✓ | |
| Rep. Scott McCulloch | | ✓ |
| Rep. Jim Rice | ✓ | |
| Rep. Angela Russell | | ✓ |
| Rep. Tim Sayles | ✓ | |
| Rep. Liz Smith | ✓ | |
| Rep. Bill Tash | ✓ | |
| Rep. Howard Toole | | ✓ |
| Rep. Tim Whalen | | ✓ |
| Rep. Karyl Winslow | ✓ | |
| Rep. Diana Wyatt | | ✓ |
| | | |
| | | |
| | 9 | 9 |

HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

ROLL CALL VOTE

DATE 3-25-93 BILL NO. SB 371 NUMBER 15

MOTION: Motion to table passes 13-5

| NAME | AYE | NO |
|------------------------------|-----|----|
| Rep. Russ Fagg, Chairman | | ✓ |
| Rep. Randy Vogel, Vice-Chair | | ✓ |
| Rep. Dave Brown, Vice-Chair | ✓ | |
| Rep. Jodi Bird | ✓ | |
| Rep. Ellen Bergman | ✓ | |
| Rep. Vivian Brooke | ✓ | |
| Rep. Bob Clark | ✓ | |
| Rep. Duane Grimes | | ✓ |
| Rep. Scott McCulloch | | ✓ |
| Rep. Jim Rice | ✓ | |
| Rep. Angela Russell | ✓ | |
| Rep. Tim Sayles | ✓ | |
| Rep. Liz Smith | | ✓ |
| Rep. Bill Tash | ✓ | |
| Rep. Howard Toole | ✓ | |
| Rep. Tim Whalen | ✓ | |
| Rep. Karyl Winslow | ✓ | |
| Rep. Diana Wyatt | ✓ | |
| | | |
| | | |
| | 13 | 5 |

HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

ROLL CALL VOTE

DATE 3-25-93 BILL NO. 5JB-15 NUMBER 18

MOTION: Motion to pass carries 14-4

| NAME | AYE | NO |
|------------------------------|-----|----|
| Rep. Russ Fagg, Chairman | ✓ | |
| Rep. Randy Vogel, Vice-Chair | | ✓ |
| Rep. Dave Brown, Vice-Chair | ✓ | |
| Rep. Jodi Bird | ✓ | |
| Rep. Ellen Bergman | | ✓ |
| Rep. Vivian Brooke | ✓ | |
| Rep. Bob Clark | | ✓ |
| Rep. Duane Grimes | ✓ | |
| Rep. Scott McCulloch | ✓ | |
| Rep. Jim Rice | ✓ | |
| Rep. Angela Russell | ✓ | |
| Rep. Tim Sayles | ✓ | |
| Rep. Liz Smith | | ✓ |
| Rep. Bill Tash | ✓ | |
| Rep. Howard Toole | ✓ | |
| Rep. Tim Whalen | ✓ | |
| Rep. Karyl Winslow | ✓ | |
| Rep. Diana Wyatt | ✓ | |
| | | |
| | | |
| | 14 | 4 |

HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

ROLL CALL VOTE

DATE 3-25-93 BILL NO. SB 357 NUMBER 18

MOTION: Motion to pass fails 5-11. Bill has been
reversed 11-5 to a table motion. * Bill is tabled
11-5.

| NAME | AYE | NO |
|------------------------------|-----|----|
| Rep. Russ Fagg, Chairman | ✓ | |
| Rep. Randy Vogel, Vice-Chair | ✓ | |
| Rep. Dave Brown, Vice-Chair | | ✓ |
| Rep. Jodi Bird | | ✓ |
| Rep. Ellen Bergman | | ✓ |
| Rep. Vivian Brooke | | ✓ |
| Rep. Bob Clark | | ✓ |
| Rep. Duane Grimes | | ✓ |
| Rep. Scott McCulloch | | ✓ |
| Rep. Jim Rice | ✓ | |
| Rep. Angela Russell | | ✓ |
| Rep. Tim Sayles | ✓ | |
| Rep. Liz Smith | | ✓ |
| Rep. Bill Tash | | ✓ |
| Rep. Howard Toole | | ✓ |
| Rep. Tim Whalen | | ✓ |
| Rep. Karyl Winslow | ✓ | |
| Rep. Diana Wyatt | | ✓ |
| | | ✓ |
| | | |
| | 5 | 11 |

Amendments to Senate Bill No. 153
Third Reading Copy

Requested by Rep. Whalen
For the Committee on the Judiciary

Prepared by John MacMaster
March 16, 1993

1. Title, line 12.

Strike: "AND"

Insert: "ALLOWING A DIRECT SUIT AGAINST AN INSURER IF A CLAIM IS
OR MAY BE COVERED BY MOTOR VEHICLE LIABILITY INSURANCE SOLD
BY THE INSURER;"

2. Title, line 14.

Following: "MCA"

Insert: "; AND PROVIDING AN APPLICABILITY DATE"

3. Page 14, line 19.

Following: line 18

Insert: "NEW SECTION. Section 8. Direct suit against a
defendant's motor vehicle liability insurer -- evidence of
insurance. (1) In a civil proceeding in which a claim or
claims against a defendant are or may be covered by motor
vehicle liability insurance, the insurance company is a real
party in interest and must be joined as an additional party
defendant.

(2) Evidence of the amount and coverage of the liability
insurance is admissible and must be addressed in the jury
instructions.

NEW SECTION. Section 9. Applicability. [Section 8]
applies to claims arising after [the effective date of this
act]."

EXHIBIT #2
DATE 3-25-93
SB 368

AMENDMENT TO SB 368

On page 4, line 16, after the period, INSERT the following: The Governor shall confer with affected local governments and residents prior to issuing a proclamation.