

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Senator Vratil at 9:39 a.m. on February 26, 2002 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Gordon Self, Revisor
Mike Heim, Research
Jerry Donaldson, Research
Mary Blair, Secretary

Conferees appearing before the committee:

None

Others attending: see attached list

The minutes of the February 25th, 2002 meeting were approved on a motion by Senator Adkins, seconded by Senator Donovan. Carried.

Final Action

SB 475–protection from abuse; intimate partners or household members

Following the Chair's review of **SB 475** and discussion regarding a request to amend the bill to mandate that 'ex parte' entries be "cancelled" and not just "cleared,"(attachment 1) Senator Adkins moved to amend the bill as stated, Senator Oleen seconded. Carried. Following further discussion, Senator Goodwin moved to pass the bill out favorably as amended, Senator Adkins seconded. Carried with Senator Pugh requesting his nay vote be recorded.

SB 477–protection from abuse; re: funding for programs

Following a review of **SB 477** and discussion regarding amendments offered by the Office of Judicial Administration and the Office of Attorney General, Senator Adkins moved to amend the bill to conform allocation of docket fees to the way the court does it normally, Senator Schmidt seconded. Carried. Senator Adkins moved to amend the bill to increase the docket fee to \$105 with \$4 for the Protection from Abuse fund, Senator Goodwin seconded. Carried with Senator Pugh requesting his nay vote be recorded. Senator Adkins moved to pass the bill out favorably as amended, Senator Goodwin seconded. Carried.

SB 476–examination of victims of sexual assault

Senator Schmidt stated that **SB 476** was not heard in his subcommittee as there was an identical bill in the house judiciary which was expected to be passed. Following brief discussion, Senator Adkins moved to pass the bill out favorably, Senator Goodwin seconded. Carried.

SB 489–immunity from liability for certain owners of anhydrous ammonia

Senator Schmidt reviewed **SB 489** and the balloon amendments which reflect a compromise between the trial lawyers and agri-business retailers.(attachment 2) Following discussion, Senator Schmidt moved to amend the bill as reflected in the balloon with corrections by Senator O'Connor and Senator Schmidt, Senator Umbarger seconded. Carried. There was lengthy discussion regarding the gradual increase in proposed legislation which grants immunity to certain groups or individuals and hesitancy was expressed on the part of some Committee members to continue in this vein. Senator Schmidt moved to pass the bill out favorably as amended, Senator Umbarger seconded. Carried with Senator Pugh requesting his nay vote be recorded.

SB 487–burglary; sentencing

Senator Adkins reviewed SB 487 and moved to amend SB 500 into the bill. Following discussion he withdrew his motion and moved to pass the bill out favorably, Senator Schmidt seconded. Carried.

SB 524–business entities; re: annual report; filing of certain documents; franchise tax

Following a review of **SB 524** and discussion regarding an amendment offered by the Secretary of State,(attachment 3) Senator Adkins moved to adopt the amendment and pass the bill out favorably as amended, Senator Schmidt seconded. Carried.

The meeting adjourned at 10:31 a.m. A tentative meeting is scheduled upon adjournment of the Senate today.