

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on April 2, 2002 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Jerry Ann Donaldson, Department of Legislative Research
Jill Wolters, Department of Revisor of Statutes
Sherman Parks, Department of Revisor of Statutes
Cindy O'Neal, Committee Secretary

HB 2135 - Undocumented Workers

Committee discussion took place with regards to providing one year temporary permits to undocumented workers, as the Department of Motor Vehicles currently does. The committee liked the requirement of making it mandatory for the undocumented workers to submit some biometric identification and would go into effect July 2003. The biometric portion of the bill would be permissive for any United States citizen. The committee also supported allowing an increase in the costs licenses to cover training, personnel and equipment.

HB 3010 - Placement in court services or community corrections in JO County

Representative Long made the motion to report HB 3010 favorably for passage. Representative Pauls seconded the motion.

Representative Loyd made the motion have the bill subject to the receipt of funding. Representative Long seconded the motion. The motion carried.

Representative Long made the motion to report HB 3010 favorably for passage, as amended. Representative Lloyd seconded the motion. The motion carried.

HB 2851 - Miscreants & Delinquents; decaying juvenile adjudications

Representative Owens made the motion to adopt the balloon handed out at the committee meeting during the hearing. Representative Morrison seconded the motion.

Some members of the committee were not thrilled about moving backwards statewide when the problem seems to only be happening in Johnson County. They attributed the problem to the zero tolerance of the school district, an overzealous prosecutor and the fact that juvenile crimes are becoming more violent.

Representative Owens understood the views of committee members but did not see any other option than legislation. Members suggested that both the school board and district attorney are elected offices and maybe they should mount a campaign against those who support such measures.

The motion failed 5-13.

Other committee members were concerned that all juvenile crimes would be expunged and would not be considered for criminal history worksheets purposes. They believed that this provision in the bill would have far reaching effects and would give prosecutors a reason to try the juvenile as a adult, so the crime could be considered for criminal history purposed.

Representative Owens made the motion to report HB 2851 favorably for passage. Representative Morrison seconded the motion.

Representative DeCastro made the substitute motion to table the bill and refer it to interim study. Representative Loyd seconded the motion. The motion carried 12-7.

CONTINUATION SHEET

MINUTES OF THE HOUSE JUDICIARY COMMITTEE at 3:30 p.m. on April 4, 2002 in Room 313-S of the Capitol.

With the committees permission the Chairman can request that Judicial Council study the issue if no interim committees are approved.

SB 489 - Immunity from liability for certain owners of anhydrous ammonia from acts of tamperers and civil penalties related to certain acts of custom blenders of fertilizers

Representative Lloyd made the motion to report SB 489 favorably for passage. Representative Long seconded the motion.

Representative Lloyd made the substitute motion to adopt the balloon amendment (Attachment 1). Representative Long seconded the motion.

Representative Swenson demonstrated how a lock tank works and suggested that the requirement of every tank having one would help deter the theft of anhydrous. Representative Lloyd commented that it doesn't matter what a person does, the criminal will find a way around the lock tank.

Members of the committee did not have a problem with giving immunity to farmers from those who tamper with their tanks and get injured, but believed that they should be held responsible when it came to 3rd party injuries.

The motion failed 5-12.

Representative Patterson made the motion to strike on page 2, lines 6-12. Representative Ruff seconded the motion. The motion carried.

Representative Loyd made the motion to amend (c) to read "owners shall not be liable for injuries sustained by a tamperer or any 3rd party caused by the acts of the tamperer". Representative Long seconded the motion. Representative Rehorn opposed the motion because he believed that it did not change current law or give immunity. Representative Shriver commented that the county he represents is second in meth manufacturing and they usually cut the hose to get at the anhydrous. The motion failed 8-12.

Representative Dillmore made the motion to strike subsection (d) on page 2. Representative DiVita seconded the motion. The motion failed.

Representative Loyd made the motion to report SB 489 favorably for passage, as amended. Representative Shriver seconded the motion. The motion carried.

The committee meeting adjourned at 6:30 p.m. The next committee meeting was scheduled for April 4, 2002.