

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1396

2007 HOUSE JUDICIARY

HB 1396

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1396

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 1/31/07

Recorder Job Number: 2344, 2348

Committee Clerk Signature

A. Penrose

Minutes:

Chairman DeKrey: We will open the hearing on HB 1396.

Rep. Dan Ruby: I am the sponsor of this bill and introduced it at the request of the AG's office, and I was informed about it, it was simply a language change that more correctly relates to the use of breathalyzers and their systems.

Chairman DeKrey: Thank you. Further testimony in support of HB 1396.

Tom Trenbeath, Chief Deputy, AG's office: I am please to explain what I know about it. I think Rep. Ruby was right, it's just a change in language usage in the industry.

Chairman DeKrey: Thank you. Further testimony in support.

Margy Pearson, State Toxicologist: I am here to answer any questions you might have.

Chairman DeKrey: So basically all we're doing is updating the language in our law.

Margy Pearson: Absolutely.

Rep. Kretschmar: Can you explain end expiratory breath.

Margy Pearson: End expiratory breath is the last breath that is exhaled into the breath testing unit. Where alveoli air is the very deepest lung air, and while we try to approach that when testing subjects for DUI, in all actuality we are getting the end, expiratory air and currently testing it as such.

Chairman DeKrey: Thank you for appearing. Further testimony in support. Testimony in opposition. We will close the hearing.

(Reopened later in the same session).

Chairman DeKrey: What are the committee's wishes in regard to HB 1396.

Rep. Delmore: I move a Do Pass.

Rep. Griffin: Second.

11 YES 0 NO 3 ABSENT

DO PASS

CARRIER: Rep. Meyer

Date: 1/31/07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1396

House JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Delmore Seconded By Rep. Griffin

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning			Rep. Meyer	✓	
Rep. Charging			Rep. Onstad	✓	
Rep. Dahl	✓		Rep. Wolf	✓	
Rep. Heller					
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				

Total (Yes) 11 No 0

Absent 3

Floor Assignment Rep. Meyer

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1396: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1396 was placed on the
Eleventh order on the calendar.

2007 SENATE JUDICIARY

HB 1396

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1396

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: March 6, 2007

Recorder Job Number: 4506

Committee Clerk Signature *Mona Salby*

Minutes: Relating to the determination of alcohol concentration by breath testing.

Senator David Nething, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following hearing:

Testimony in Favor of the Bill:

Rep. Dan Ruby, Dist. #38, introduced the bill as an easy bill and on the behalf of the Attorney General's office. This is a simple word change dealing with breathalyzers. The new language is the verbiage that is currently used.

Marge Pearson, State Toxicologist (meter 2:01) stated the new term is a more accurate term. Alveolar air is the deepest lung air and is not always the sample we receive. Sometimes it is expiratory breath is really what we receive.

Sen. Lyson spoke (meter 2:51) of his training with the machine and the accuracy comes from the deeper breathing. The bill would more accurately describe the correct language of what is being done. Marge stated that the deepest air is the best but not always given. The committee spoke of the equipment, replaced in 2000, the 5000EM. Ms. Pearson spoke of (meter 4:20) the lungs process in breathing air.

Testimony Against the bill:

None

Testimony Neutral to the bill:

None

Senator David Nething, Chairman closed the hearing.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1396

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: March 12, 2007

Recorder Job Number: 4889

Committee Clerk Signature

Mark L. Solberg

Minutes: Relating to the determination of alcohol concentration by breath testing.

Senator David Nething, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following committee work:

Sen. Lyson reviewed the bill for the committee speaking of the two types breathing in the lungs. This bill is actually a benefit to the person taking a test for this air will show a lower alcohol content.

Sen. Lyson made the motion to Do Pass HB 1396 and **Sen. Fiebiger** seconded the motion.

All members were in favor and the motion passes.

Carrier: **Sen. Lyson**

Senator David Nething, Chairman closed the hearing.

Date: 3-12-07

Roll Call Vote # 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1396

Senate _____ Judiciary _____ Committee _____

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen. Lyson Seconded By Sen. Fiebigler

Senators	Yes	No	Senators	Yes	No
Sen. Nething	✓		Sen. Fiebigler	✓	
Sen. Lyson	✓		Sen. Marcellais	✓	
Sen. Olafson	✓		Sen. Nelson	✓	

Total Yes 6 No 0

Absent 0

Floor Assignment Sen. Lyson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 12, 2007 2:09 p.m.

Module No: SR-46-5016
Carrier: Lyson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1396: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1396 was placed on the
Fourteenth order on the calendar.