

2009 HOUSE JUDICIARY

HCR 3051

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HCR 3051

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 3/2/09

Recorder Job Number: 9880 and 9881

Committee Clerk Signature

*DeKrey*

Minutes:

**Chairman DeKrey:** We will open the hearing on HCR 3051.

**Rep. Kretschmar:** Sponsor, support. This is a LC study to look at the imposition of criminal and civil penalties, fine, fees, and forfeitures by administrative rule. There was originally a bill, which I opposed, but this will look at the issue and see what can be done.

**Chairman DeKrey:** Thank you. Further testimony in support. Testimony in opposition. We will close the hearing. What are the committee's wishes in regard to HCR 3051?

**Rep. Zaiser:** I move a Do Pass.

**Rep. Wolf:** Second.

**13 YES 0 NO 0 ABSENT DO PASS ON CONSENT CALENDAR**

**CARRIER: Rep. Kretschmar**

Date: 3/2/09  
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 3051

**HOUSE JUDICIARY COMMITTEE**

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  DP  DNP  DP AS AMEND  DNP AS AMEND

Motion Made By Rep. Zaiser Seconded By Rep. Walf

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning	✓		Rep. Vig	✓	
Rep. Dahl	✓		Rep. Wolf	✓	
Rep. Hatlestad	✓		Rep. Zaiser	✓	
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				

Total (Yes) 13 No 0

Absent 0

Floor Carrier: Rep. Kretschmar

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

*Consent Calendar*

**REPORT OF STANDING COMMITTEE**

**HCR 3051: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3051 was placed on the Tenth order on the calendar.**

2009 SENATE JUDICIARY

HCR 3051

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HCR 3051

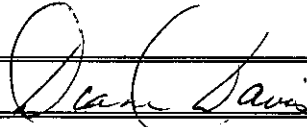
Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: 3/17/09

Recorder Job Number: 11123

Committee Clerk Signature



Minutes: **Senator Nething, Chairman**

**Representative Kretschmar** – Introduces the bill – He states he believes the criminal code should be done by the Legislative Assembly and be in the statutes in the Century Code rather than in Administrative Rules.

**Senator Nething** – Asks him if administrative rules should or could impose criminal and civil penalties.

**Rep. Kretschmar** – Said he doesn't believe we should give that authority to the people who draft administrative rules. Criminal laws should be established by the Legislature and be part of the Century Code.

**Senator Nething** – Asks him if he has any objections to fines, penalties and fees, just the criminal. Asks if this is wide spread.

**Rep. Kretschmar** – Replies he is not sure that is why they need the study.

Close HCR3051

**Senator Lyson** moves do pass

**Senator Schneider** seconds

Vote 6-0

**Senator Nething** will carry



**REPORT OF STANDING COMMITTEE (410)**  
March 17, 2009 2:01 p.m.

**Module No: SR-48-5117**  
**Carrier: Nething**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HCR 3051: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS**  
**(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3051 was placed on the**  
Fourteenth order on the calendar.