

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

March 31, 2004

8:05 a.m.

TAPE(S) 04-29

MEMBERS PRESENT

Senator Ralph Seekins, Chair
Senator Scott Ogan, Vice Chair
Senator Gene Therriault
Senator Hollis French

MEMBERS ABSENT

Senator Johnny Ellis

COMMITTEE CALENDAR

SENATE BILL NO. 340

"An Act relating to the detention of delinquent minors in correctional facilities; relating to emergency detention of minors for evaluation for involuntary admission for mental health treatment; relating to detention of intoxicated minors and minors incapacitated by alcohol or drugs; and providing for an effective date."

MOVED SB 340 OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 349(JUD) am

"An Act amending Rule 412, Alaska Rules of Evidence."

MOVED SCS CSHB 349(JUD) OUT OF COMMITTEE

HOUSE BILL NO. 513

"An Act relating to the enforcement of support orders through suspension of drivers' licenses; changing the name of the child support enforcement agency to the child support services agency; amending Rules 90.3 and 90.5, Alaska Rules of Civil Procedure; and providing for an effective date."

MOVED SCS CSHB 513(JUD) OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 340(JUD) am

"An Act relating to damages in an action for a defect in the design, construction, and remodeling of certain dwellings; and providing for an effective date."

MOVED CSHB 340(JUD)am OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 340

SHORT TITLE: DETENTION OF MINORS

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/16/04 (S) READ THE FIRST TIME - REFERRALS
02/16/04 (S) HES, JUD
03/03/04 (S) HES AT 1:30 PM BUTROVICH 205
03/03/04 (S) Moved SB 340 Out of Committee
03/03/04 (S) MINUTE(HES)
03/04/04 (S) HES RPT 3DP
03/04/04 (S) DP: DYSON, GREEN, WILKEN
03/19/04 (S) JUD AT 8:00 AM BUTROVICH 205
03/19/04 (S) Heard & Held
03/19/04 (S) MINUTE(JUD)
03/31/04 (S) JUD AT 8:00 AM BUTROVICH 205

BILL: HB 349

SHORT TITLE: ILLEGALLY OBTAINED EVIDENCE/EVID RULE 412

SPONSOR(s): REPRESENTATIVE(s) SAMUELS, MCGUIRE, STOLTZE,
DAHLSTROM

01/12/04 (H) PREFILE RELEASED 1/2/04
01/12/04 (H) READ THE FIRST TIME - REFERRALS
01/12/04 (H) JUD
01/26/04 (H) JUD AT 2:00 PM CAPITOL 120
01/26/04 (H) Heard & Held
01/26/04 (H) MINUTE(JUD)
02/02/04 (H) JUD AT 1:00 PM CAPITOL 120
02/02/04 (H) Scheduled But Not Heard
02/04/04 (H) JUD AT 1:00 PM CAPITOL 120
02/04/04 (H) -- Meeting Canceled --
02/09/04 (H) JUD AT 1:00 PM CAPITOL 120
02/09/04 (H) Moved CSHB 349(JUD) Out of Committee
02/09/04 (H) MINUTE(JUD)
02/18/04 (H) JUD RPT CS(JUD) 3DP 1NR
02/18/04 (H) DP: SAMUELS, HOLM, MCGUIRE; NR: GARA
03/03/04 (H) TRANSMITTED TO (S)
03/03/04 (H) VERSION: CSHB 349(JUD) AM
03/04/04 (S) READ THE FIRST TIME - REFERRALS
03/04/04 (S) JUD
03/15/04 (S) JUD AT 8:00 AM BUTROVICH 205
03/15/04 (S) -- Meeting Canceled --
03/22/04 (S) JUD AT 8:00 AM BUTROVICH 205
03/22/04 (S) Heard & Held
03/22/04 (S) MINUTE(JUD)

03/31/04 (S) JUD AT 8:00 AM BUTROVICH 205

BILL: HB 513

SHORT TITLE: CSED NAME CHANGE/DRIVER'S LIC.SUSPENSION

SPONSOR(S): REPRESENTATIVE(S) KOTT

02/16/04 (H) READ THE FIRST TIME - REFERRALS
02/16/04 (H) JUD
02/23/04 (H) JUD AT 1:00 PM CAPITOL 120
02/23/04 (H) Moved Out of Committee
02/23/04 (H) MINUTE(JUD)
02/24/04 (H) JUD RPT 5DP 2NR
02/24/04 (H) DP: SAMUELS, GRUENBERG, OGG, ANDERSON,
02/24/04 (H) MCGUIRE; NR: GARA, HOLM
03/01/04 (H) TRANSMITTED TO (S)
03/01/04 (H) VERSION: HB 513
03/02/04 (S) READ THE FIRST TIME - REFERRALS
03/02/04 (S) JUD, FIN
03/12/04 (S) JUD AT 8:00 AM BUTROVICH 205
03/12/04 (S) Heard & Held
03/12/04 (S) MINUTE(JUD)
03/31/04 (S) JUD AT 8:00 AM BUTROVICH 205

WITNESS REGISTER

Ms. Patricia Ware
Division of Juvenile Justice
Department of Health &
Social Services
PO Box 110601
Juneau, AK 99801-0601

POSITION STATEMENT: Answered questions about SB 340

Representative Ralph Samuels
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Presented HB 349

Ms. Tamara De Lucia
Office of Victims' Rights
1007 West 3rd Avenue, Suite 205
Anchorage, Alaska 99501-1936
POSITION STATEMENT: Supports Amendment 1 to HB 349

Mr. John Main
Staff to Representative Kott
Alaska State Capitol

Juneau, AK 99801-1182

POSITION STATEMENT: Answered questions about HB 513

Representative Kevin Meyer

Alaska State Capitol

Juneau, AK 99801-1182

POSITION STATEMENT: Presented CSHB 340(JUD)am

Ms. Robin Ward

Alaska State Homebuilders Association

POSITION STATEMENT: Answered a question about CSHB 340(JUD)am

Mr. Dave Dillard, Vice-president

Alaska Builders Association

Fairbanks, AK

POSITION STATEMENT: Supports CSHB 340(JUD)am

Mr. Jeff Hall

Palmer, AK

POSITION STATEMENT: Supports CSHB 340(JUD)am

ACTION NARRATIVE

TAPE 04-29, SIDE A

CHAIR RALPH SEEKINS called the Senate Judiciary Standing Committee meeting to order at 8:05 a.m. Senators Therriault, Ogan, French and Seekins were present. The first order of business to come before the committee was SB 340.

SB 340-DETENTION OF MINORS

MS. PATRICIA WARE, Director of the Division of Juvenile Justice, Department of Health and Social Services (DHSS), reminded members that she presented the bill to the committee several weeks ago and said she would give a brief overview and answer questions.

MS. WARE told members the bill makes changes to the delinquency statutes, the alcohol statutes, and the mental health statutes to align them with the Federal Juvenile Justice and Delinquency Prevention Acts, so that the state will not be placing juveniles, who have not committed crimes, in either an adult or juvenile correctional facility. DHSS needs SB 340 to pass this session to retain federal grant funds. She emphasized that SB 340 will not impact DHSS's ability to hold juveniles in facilities in rural Alaska if they have been accused of a

delinquent offense. SB 340 will align Alaska statutes with federal language and implement best practice, as the state should not be placing juveniles in either juvenile correctional facilities or adult jails when they have not been accused of committing a crime.

CHAIR SEEKINS noted with no participants, public testimony was closed.

SENATOR THERRIAULT moved SB 340 from committee with individual recommendations and its zero fiscal note.

CHAIR SEEKINS announced that with no objection, the motion carried.

CSHB 349(JUD)am-ILLEGALLY OBTAINED EVIDENCE/EVID RULE 412

REPRESENTATIVE RALPH SAMUELS, co-sponsor of HB 349, explained to members that this measure will stop people from lying with impunity on the witness stand. It is fair to victims and the system as a whole to try to get the truth and justice out up front. It will align Alaska statute with all but two states: Hawaii, and West Virginia. He noted that Senator French has a proposed amendment, which he fully supports.

SENATOR FRENCH moved to adopt Amendment 1, which reads as follows.

A M E N D M E N T 1

OFFERED IN THE SENATE
TO: SB 349

By Senator French

Page 2, lines 11-14

Delete all material

Page 2, line 11

Insert

(B) any criminal action, to impeach the
defendant, co-defendant, or a former defendant in
the case if the prosecution shows that the
evidence

- (i) Was the product of a statement illegally obtained in violation of the right to warnings under Miranda v. Arizona, 384 US 436 (1966) and
- (ii) Was not obtained in substantial violation of the rights of the defendant, co-defendant, or a former defendant in the case, as appropriate.

SENATOR THERRIAULT objected for the purpose of discussion.

SENATOR FRENCH informed members that Amendment 1 came about because he and another committee member were a bit hesitant about the section of the bill that deals with other evidence illegally obtained. His concern is that phrase could be interpreted to apply to not only Miranda violations, but also to violations of the Fourth Amendment. He fears that a police officer could illegally seize a piece of evidence in violation of a person's Fourth Amendment right and use that evidence to impeach a witness whose testimony was contrary to the evidence. After discussing that point with Mr. Branchflower, he came up with Amendment 1. Amendment 1 restates that the evidence illegally obtained must be obtained as a result of a statement taken in violation of Miranda. In other words, the evidence has to go right back to the statement made. He summarized:

So the amendment basically says you can impeach someone with evidence illegally obtained if it was the fruit of the poisonous tree, so to speak, and the tree is the statement taken in violation of Miranda. So it is sort of a clean up, if you will, or a reiteration, if you will, of what page 1, lines 10 and 11 say....

REPRESENTATIVE SAMUELS affirmed:

If you told somebody in the statement that was suppressed - I hid the knife here - if the statement comes back in, then the knife comes back in. But if you go and you search somebody's trunk and you find the cocaine in there and you should have never searched the trunk, then that stays out. And that was the intent all along and, as you all know, when you stare at something too long, that's the way that I always read it so this clarification is where the bill was intended to go all along and I think it should probably ease some of the fears Senator Ogan had on

the evidentiary portions of things, hopefully, so I fully support the amendment.

SENATOR OGAN responded that he appreciates Senator French's work but pointed out that Amendment 1 says, "was not obtained in substantial violation of the rights of the defendant." He cautioned that Amendment 1 says the state can violate the rights of a defendant but not much. He said he had a long talk with the bill sponsor and has wrestled with this bill all session. He stated he is not comfortable violating citizens' constitutionally protected rights that have been won with the blood of Americans over a few hundred years. He acknowledged that a lot of incredibly frustrating and unfair things happen to good people because a police officer does not do his job and people are not brought to justice. He stated he will not object to Amendment 1 because he believes it makes the bill better, but it does not fix the bill.

REPRESENTATIVE SAMUELS said the term, "substantial violation" is in the existing statute.

CHAIR SEEKINS said he is only willing to look at that simply because that language would be used to impeach when it is obvious that a person has perjured himself.

SENATOR OGAN noted that he had only seconds to review the amendment and asked for further explanation.

SENATOR FRENCH said it is important to remember that this scenario would only arise in the impeachment arena, where a defendant willingly takes the stand at his own trial or as a co-defendant or former defendant. If the defendant takes the stand and says something that directly contradicts a statement given to police before the trial, and the statement given to the press was suppressed because of a Miranda violation, the prosecution could use that statement to impeach the defendant.

He furthered:

If he tells the police at the scene I stabbed my wife to death with this bloody knife, and it turns out that they forgot to give him his Miranda rights or they left out one sentence of his Miranda rights and that statement was suppressed, and he gets to trial on a murder case, if he doesn't take the stand, the statement never comes in and the knife doesn't come in because it's been suppressed because of the Miranda

violation. Okay? But if he does take the stand and he says, I didn't stab my wife, my neighbor came in and stabbed my wife - I was there defending her, that's why I was covered in blood. Okay, if he says that on the stand, having told the police at the scene I stabbed her to death with this knife, then, because he's given a direct contradictory statement to the one he gave to the police, you can impeach him with the statement he gave the police and you can bring out the bloody knife and say, moreover, here's the knife he used to stab her with and it's got his bloody fingerprints on it. So it's only to impeach a statement that was suppressed because of Miranda.

He explained that the first part of Amendment 1 deals with impeaching a statement given in violation of Miranda, while the second part is a "guard rail" so that the statement cannot be used to impeach if it was illegally obtained for more than a Miranda right violation.

SENATOR OGAN asked what the language on lines 12 through 14 will do.

SENATOR FRENCH said it clarifies that the illegally obtained evidence must have been obtained as the result of a statement taken in violation of Miranda. It could not have been obtained under a Fourth Amendment violation.

SENATOR OGAN asked Senator French how that would apply if the defendant requested an attorney but the defendant answered questions asked by the police while waiting for the attorney to arrive.

SENATOR FRENCH replied if the judge ruled the defendant's Miranda rights were violated and suppresses the statement, the statement would never come into court unless the defendant takes the stand at his trial and tells a contradictory story.

SENATOR THERRIAULT asked if the impeachment proceeding is separate from the trial.

SENATOR FRENCH said it would happen in the context of the trial when the defense attorney called the defendant to the stand.

SENATOR THERRIAULT withdrew his objection to Amendment 1, therefore it was adopted.

MS. TAMARA DE LUCIA, Office of Victims' Rights, stated strong support for Amendment 1 because it will give defendants no incentive to perjure themselves on the stand in a criminal trial. It is aimed strictly at allowing "the fruit of the poisonous tree" evidence in to impeach in addition to actual suppressed statements. It will also bring Alaska in line with federal precedence.

CHAIR SEEKINS announced that with no further participants, public testimony was closed.

SENATOR THERRIAULT moved SCS CSHB 349(JUD) from committee with individual recommendations and attached fiscal notes.

CHAIR SEEKINS noted that without objection, the motion carried.

HB 513-CSED NAME CHANGE/DRIVER'S LIC.SUSPENSION

MR. JOHN MAIN, staff to Representative Pete Kott, sponsor of HB 513, reminded members that at the last hearing on HB 513, Senator French asked about the possibility of putting a time limit on when a person's driver's license could be revoked after that person had set up a payment agreement. He and Senator French drafted a committee substitute that would allow the Child Support Enforcement Division (CSED) to do that. He explained the CS will allow CSED to revoke the release of the individual's driver's license. However, if the person has faithfully paid child support for two years [and defaults], CSED will have to begin the process over again.

CHAIR SEEKINS noted with no participants, public testimony was closed.

SENATOR OGAN asked if CSED will be able to suspend drivers' licenses for non-payment of child support.

MR. MAIN said that is correct, and is what CSED currently does.

SENATOR OGAN questioned how a person would get to work so that he can pay child support without a driver's license.

MR. MAIN said the people who will fall in this category have not been paying child support. This bill will provide incentives to get them back to the table to set up payment agreements for child support. CSED has tried other means with these people and has failed. This will provide one more tool to use.

SENATOR FRENCH asked how long a person has to be in arrears before he or she could lose a license.

MR. MAIN said at least four months.

SENATOR FRENCH asked if the person would get warnings after four months.

MR. MAIN said that is correct.

SENATOR FRENCH asked how long the warning period is.

MR. MAIN said the person would get a letter giving them 60 days to comply, which could take the form of paying the arrears or setting up a payment plan.

SENATOR FRENCH asked about the 150-day period after the 60-day period.

MR. MAIN said the 150-day period would be the waiting period before CSED could revoke the license.

SENATOR FRENCH estimated the revocation process would take about five months.

MR. MAIN agreed.

SENATOR FRENCH asked if, during that five months, the person started making payments, CSED would suspend the revocation process.

MR. MAIN said that is correct.

CHAIR SEEKINS asked if a person can get his or her driver's license back by resuming child support payments.

MR. MAIN said yes, but it would be best if the person set up a payment agreement so that CSED knows the person is operating in good faith.

SENATOR OGAN asked if the legislature authorized CSED to take away business licenses for non-payment of child support.

MR. MAIN clarified that the legislature authorized CSED to take away occupational licenses, not business licenses.

SENATOR OGAN commented that the legislature is not going to let people in arrears own a business or drive, which will guarantee they will never pay child support. He questioned whether people can be imprisoned for non-payment of child support.

MR. MAIN said that criminal non-support has been in existence for at least 20 years. He furthered that HB 513 will only close a loophole. CSED can revoke drivers' licenses now. HB 513 will close a loophole for those people who abuse the process when they have no intention of complying with child support agreements.

SENATOR THERRIAULT asked if the [driver's license revocation provision] was added by the legislature a few years ago because of the passage of federal legislation.

MR. MAIN said that is correct and happened in 1996.

SENATOR THERRIAULT asked Mr. Main to review the loophole in state law.

MR. MAIN explained that in some cases, an individual will not pay child support for an additional 120 days after being notified with the 60-day warning letter. The individual will then go to CSED and set up a payment schedule and then pay one or two payments and quit. CSED must then start the entire process over again, which takes about five months. HB 513 will stop that individual from using the system to his or her advantage. The CS says if the individual has continued to pay for two years under the payment agreement and then cannot, CSED would then have to start the process over again. He stated the goal is not to punish the people who are making faithful attempts to pay child support; it is to go after those people who are working the system to their advantage.

SENATOR FRENCH said his concern in closing the loophole is that a person could have a driver's license suspension hanging over his head forever. The person could be 10 days away from having his license revoked and finally begin to pay but HB 513 was originally structured so that person could be 10 days away from losing his license forever because CSED would never have to start the process over again.

SENATOR THERRIAULT questioned the renaming of the division.

MR. MAIN told members that Speaker Kott attended a National Conference of State Legislatures conference where one of the

discussions was about the need to remove the implication that CSED's only role is enforcement. CSED also establishes paternity, payment modifications, and services both parents and other agencies. States are looking to foster a better image of their agencies to one that is service oriented.

SENATOR THERRIAULT moved to adopt the proposed committee substitute, version H, as the working document of the committee.

CHAIR SEEKINS announced that without objection, the motion carried.

SENATOR OGAN commented that he gets tired of the federal government mandating to states how to run their businesses and that, although many of the mandates are well meaning, it is too easy for legislators to "suck up" to the federal money. He expressed concern that taking away a business license and driver's license will ultimately hurt the children and that many men find themselves to be the victim of good attorneys and manipulation of the system. Those men never get custody of their children but get the screws put on them by a state agency and have no hope at all. He also acknowledged that some parents raise children without any help from the other parent.

CHAIR SEEKINS agreed there are "scumbags" on both sides of the issue and said it is hard to watch someone who is under a court order to provide child support refuse to do it. He said if there was a way to make sure that everything was always applied with the right level of justice, he'd be willing to vote for that in half a second but he does not know how to do that. He hopes the people who enforce the laws that are passed use those laws to bring the egregious offenders to justice.

SENATOR THERRIAULT moved SCS CSHB 513(JUD) from committee with individual recommendations and its zero fiscal note. Without objection, the motion carried.

CSHB 340(JUD)am-DAMAGES IN CONSTRUCTION CLAIMS

REPRESENTATIVE KEVIN MEYER, sponsor of HB 340, gave the following review of the measure. This bill will place a limit on the damages that can be collected on a construction defect to four things: the actual cost of necessary repairs and damages caused by the construction defect; reasonable attorney fees; the reduction of the market value of the home caused by the defect; and reasonable costs of temporary housing. CSHB 340(JUD)am does not provide any protection from construction defects caused by

gross negligence or willful recklessness nor does it limit damages due to personal injury or wrongful death.

REPRESENTATIVE MEYER explained that he introduced HB 340 because the state requires the construction industry to carry general liability insurance. Unfortunately, only one company is now writing insurance in Alaska because Alaska is considered to be high risk and has a low population. Those contractors who can get insurance often pay high premiums for limited coverage. The homebuilder passes those costs on to the consumer. Data from the State of Nevada showed that with every insurance spike, 1400 people could no longer qualify for homes, and most of those people are first time homebuyers. He said he cannot assure anyone that insurance rates will go down if CSHB 340(JUD)am passes. However, if the legislature makes Alaska a better place in which to write insurance, more companies will do business here. The legislature cannot control the rising cost of housing due to labor costs, materials or land but it can try to control insurance costs. He noted CSHB 340(JUD)am will protect the homebuilders who are trying to do the right thing.

8:48 a.m.

SENATOR OGAN asked if CSHB 340(JUD)am limits punitive damages only.

REPRESENTATIVE MEYER said that is correct.

SENATOR FRENCH indicated that CSHB 340(JUD)am will not limit suits for personal injury.

REPRESENTATIVE MEYER acknowledged that is correct.

CHAIR SEEKINS asked where the notice of the limits will be posted.

REPRESENTATIVE MEYER explained that the legislature enacted a law last year that required a form to be included when closing on a home. The form was to be a different color so that it would be obvious to the buyer. CSHB 340(JUD)am will add one paragraph to that form.

CHAIR SEEKINS asked if the bill requires the buyer to acknowledge receipt of the form.

REPRESENTATIVE MEYER believed so but was not sure.

TAPE 04-29, SIDE B

SENATOR OGAN declared a conflict of interest as he may work as a homebuilder in the future.

CHAIR SEEKINS objected and asked that he vote.

SENATOR FRENCH stated, for the record, that his wife is a real estate agent. He then asked if CSHB 340(JUD)am applies to schools, government buildings, hotels, B&Bs or motels.

MS. ROBIN WARD, Alaska State Homebuilders' Association, said it would not apply to any of the above except a B&B because that is also a home.

CHAIR SEEKINS took public testimony.

MR. DAVE DILLARD, 3-2-1 Construction and the vice president of the Alaska State Homebuilders Association, stated support for CSHB 340(JUD)am. He told members that he was insured by State Farm Insurance for 15 years and never filed a claim. Last year State Farm decided to quit writing general liability policies altogether in Alaska. He noted he paid \$6,500 last year for \$1.5 million of coverage but got a recent quote of \$50,000 [for the same coverage]. He was able to get coverage through his association that is costing him twice as much as he paid last year. He said that the Alaska Homebuilders want to protect homebuilders and stop frivolous lawsuits. [The remainder of Mr. Dillard's testimony was inaudible due to teleconference problems.]

SENATOR THERRIAULT asked Mr. Dillard his interpretation of the phrase "cure the defect" used in the bill. He questioned whether a contractor could remedy a substandard foundation problem by putting the cracks it caused in the wall or whether the contractor would have to fix the foundation.

MR. DILLARD said contractors always have to go back every year and fix small cracks in the walls from drying and seasonal shifting. Regarding the foundation problem, he personally would fix it. However, he does not know where one would draw the line if an earthquake damaged a foundation.

CHAIR SEEKINS commented that having been involved in the warranty business and being relatively conversant with the phrase "cure the defect," his interpretation is that it would go to the root cause of the problem.

SENATOR THERRIAULT said his district has a large transient population because of the military influence. He pointed out that not all contractors are like Mr. Dillard, who works to maintain his reputation. Other contractors may cut corners and leave town. He said his concern is that this legislation protects people from the shoddy builders.

MR. DILLARD noted that CSHB 340(JUD)am does not address that issue. He said the Alaska State Homebuilders Association is not trying to dodge any responsibilities, but wants to limit people's ability to come up with "upper end things or stress or whatever people can come up with, with their hand out, thinking there's an easy handout and therefore lawsuits. We're not taking anything away from the contractor not having to go back, either by law or he should just do it anyway."

SENATOR OGAN said his reading is that CSHB 340(JUD)am still requires that the defect be fixed; it only limits punitive damages.

CHAIR SEEKINS said that is his reading also, which is similar to what is done in the auto business.

MR. JEFF HALL, a Palmer homebuilder, told committee members that he hopes CSHB 340(JUD)am will help resolve the insurance problems experienced by homebuilders. He said the other Northwest states have experienced similar problems; Alaska is the last state to change its statutes to help the situation. He discussed his insurance problems and explained that the procedure will entail a final walk-through by the buyer, after which the buyer signs the paperwork and copies of the notice are kept on file and given to the buyer. He urged passage of the bill.

SENATOR OGAN expressed concern that the homebuilder who builds a few homes each year is about to become extinct and asked if that is an over-dramatization.

MR. HALL said it is not and noted it is difficult to pass on a 500 percent increase in rates to the consumer and that appraisers set the price of homes, therefore the small home builder is going to be in a very tough spot in the next few years if the industry does not change.

SENATOR OGAN moved CSHB 340(JUD)am from committee with individual recommendations and its zero fiscal note.

CHAIR SEEKINS announced that without objection, the motion carried. At 9:10 a.m., he recessed the meeting to 1:00 p.m. to take up SB 170.