

HOUSE COMMITTEE ON FULL JUDICIARY

June 16, 1997 Hearing Room 357

8:00 A.M. Tapes 60 - 61

MEMBERS PRESENT:

Rep. John Minnis, Chair

Rep. Floyd Prozanski, Vice-Chair

Rep. Roger Beyer

Rep. Jo Ann Bowman

Rep. Peter Courtney

Rep. George Eighmey

Rep. Rep. Shetterly

Rep. Rep. Starr

Rep. Rep. Sunseri

Rep. Rep. Uherbelau

Rep. Rep. Wells

MEMBER EXCUSED:

STAFF PRESENT:

Bill Taylor, Counsel

Dave Amesbury, Counsel

Nikola Jones, Counsel

Gina Cross, Administrative Support

MEASURE/ISSUES HEARD:

SB 689A Work Session SB 494A Work Session

SB 443A Work Session SB 424A Work Session

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation

marks reports a speaker's exact words. For complete contents, please refer to the tapes.

Tape/#	Speaker	Comments
Tape 60, A		
002	Chair Minnis	Opens the meeting at 8:04 a.m.
003	Chair Minnis	Recesses the meeting at 8:04 a.m.
004	Chair Minnis	Reconvenes the meeting at 3:45 p.m.
<u>SB 443A - WORK SESSION</u>		
007	Chair Minnis	Opens the work session on SB 443A.
008	Scott Lumsden	Committee Counsel >Discusses the -A4 amendments (EXHIBIT A). >Reads the staff measure summary for SB 443A.
022	Rep. Beyer	MOTION: Moves to RESCIND SB 443-3 amendments and ADOPT SB 443-4 amendments dated 6/13/97.
025	Rep. Bowman	I hear Committee Counsel talk about HB 2091. Is that bill in the amendments?
028	Scott Lumsden	A modified version of HB 2091 is contained in the -A4 amendments. Conflicts are resolved through these amendments.
032	Chair Minnis	Are there any further questions?
034	Rep. Bowman	The -A3 amendments replace the original measure. The -A4 amendments replace the original measure. Do the -A4 amendments replace the -A3?
036	Chair Minnis	We are substituting the -A4 for the -A3 amendments.
037	Scott Lumsden	The -A4 amendments incorporate the -A3 and conflict amendments.
		VOTE: 11-0
040	Chair Minnis	Hearing no objection, declares the motion CARRIED.
041	Rep. Beyer	MOTION: Moves SB 443A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 10-1

043		AYE: 10 - Beyer, Courtney, Eighmey, Prozanski, Shetterly, Starr, Sunseri, Uherbelau, Wells, Minnis NAY: 1 - Bowman
043	Chair Minnis	The motion CARRIES. REP. WELLS will lead discussion on the floor.
053	Chair Minnis	Closes the work session on SB 443A.
061	Rep. Shetterly	MOTION: Moves to RECONSIDER the vote by which the committee sent SB 424A to the floor of the House of Representatives.
		VOTE: 11-0
064	Chair Minnis	Hearing no objection, declares the motion CARRIED.
<u>SB 424A- WORK SESSION</u>		
063	Chair Minnis	Opens the work session on SB 424A.
064	Rep. Randall Edwards	State Representative, House District 15 >I would like the committee to add HB 3211 to SB 424A..
077	Chair Minnis	Discusses who voted against SB 424A.
082	Rep. Shetterly	MOTION: Moves to AMEND SB 424A by inserting HB 3211 into SB 424A
091	Rep. Courtney	Does everyone know what HB 3211 does?
093	Rep. Edwards	We mirrored the language from the construction zone statute to say that traffic fines in school zones double.
103	Rep. Shetterly	Have you checked with Legislative Counsel (LC) about the relating clause?
108	Rep. Edwards	It is fine.
		VOTE: 9-2 AYE: 9 - Bowman, Courtney, Eighmey, Prozanski, Shetterly, Starr,

		Sunseri, Uherbelau, Minnis NAY: 2 - Beyer, Wells
137	Chair Minnis	The motion CARRIES.
139	Rep. Bowman	MOTION: Moves SB 424A to the floor with a DO PASS AS AMENDED recommendation.
147	Rep. Courtney	Discusses the increase in fees for traffic offenses.
171		VOTE: 9-2 AYE: 9 - Bowman, Courtney, Eighmey, Prozanski, Shetterly, Starr, Sunseri, Uherbelau, Minnis NAY: 2 - Beyer, Wells
179	Chair Minnis	The motion CARRIES. REP. EDWARDS AND REP. COURTNEY will lead discussion on the floor.
183	Chair Minnis	Closes the work session on SB 424A.
<u>SB 689A - WORK SESSION</u>		
186	Chair Minnis	Opens the work session on SB 689A.
191	Rep. Prozanski	MOTION: Moves to ADOPT SB 689A-11 amendments dated 6/16/97.
193	Nikola Jones	Committee Counsel >Discusses the -A11 amendments (EXHIBIT B). >Referring to page 2, line 22, we need to delete "maintain the child at home without jeopardy" and insert "eliminate the need for protective custody of the child."
210	Chair Minnis	What was the other conceptual?
211	Nikola Jones	I think it was just for clarification.
217	Chair Minnis	Will you accept that as a friendly amendment?

217	Rep. Prozanski	MOTION: Moves to AMEND his previous motion by deleting "'maintain the child at home without jeopardy' and inserting 'eliminate the need for protective custody of the child'" on page 2, line 22.
224	Sen. Kate Brown	State Senator, Senate District 7 >This bill doesn't impact Supreme Court rulings.
246	Linda Guss	Attorney General's Office >Discusses the Supreme Court cases which deal with the issue. >The Lauffenberger case had a Court of Appeals and Supreme Court decision.
251	Chair Minnis	What are their common names?
252	Sen. Brown	Hruby and Lauffenberger. It is a state ex rel.
258	Chair Minnis	Any questions on the adoption of the -A11 amendments?
		VOTE: 11-0
261	Chair Minnis	Hearing no objection, declares the motion CARRIED.
262	Rep. Sunseri	MOTION: Moves to ADOPT SB 689A-12 amendments dated 6/16/97.
265	Rep. Sunseri	The -A12 amendments (EXHIBIT C) allow legislators to be apprised of the documents and reports for the Child Services Division. There are times when legislators are asked to get involved with these issues, but, because there is confidentiality, we can't help.
279	Chair Minnis	I don't know how you limit the access by a legislator who may abuse the system. How do you prevent a legislator from making some of this public?
286	Rep. Sunseri	This is done the same way a doctor or an officer is prevented.
289	Rep. Eighmey	I have some concerns about this. There is a prohibition against this.
295	Rep. Sunseri	I asked LC if there would be any problems with this. I also talked with Nancy Miller.
300	Rep. Eighmey	Is this in violation of federal law?
303	Guss	There is a clause which puts safeguards on information. It bans this type of disclosure to legislators. Presents the committee with the federal statute (EXHIBIT D).
326	Chair Minnis	This is probably in violation of federal law?

327	Guss	From what I understand, foster care payments from the federal government could be in jeopardy.
331	Rep. Shetterly	If someone had the authority to release the records, could he release them to a legislator?
340	Guss	Yes.
349	Caleb Heppner	Services to Children and Families (SCF) >Submits testimony and testifies on SB 689A (EXHIBIT E).
365	Rep. Wells	I don't like it when I get involved in something like this and can't get any information.
385	Rep. Uherbelau	We walk a fine line with this issue. We don't have a special role in the child abuse arena. I am concerned about the federal law.
416	Heppner	We are interested in making more information available.
431	Rep. Eighmey	Asking the person who wants my assistance to sign a release has been no problem. I have a confidentiality aspect on my form.
Tape 61, A		
001	Chair Minnis	I want to know more about the process of releasing information.
002	Heppner	We do that with a release form.
005	Chair Minnis	Where is that policy written?
006	Buss	It is in HB 2169. There are administrative rules regarding release.
019	Rep. Wells	How do you handle these releases over the phone?
031	Rep. Eighmey	I have to have a face to face confrontation in order to relieve my concerns when there are allegations of abuse.
058	Rep. Wells	What do you do with the release?
059	Rep. Eighmey	I call SCF.
065	Rep. Wells	You still can't follow up on the case until they receive this release?
066	Rep. Eighmey	Correct. I have had to be pushy in order to get what I want.
079	Chair Minnis	Recesses the meeting at 4:21 p.m.
083	Chair Minnis	Reconvenes the meeting at 4:47 p.m.
085	Rep. Sunseri	Withdraws his motion to adopt the -A12 amendments.
089	Rep. Prozanski	Withdraws his motions to adopt the -A11 amendments with conceptual amendments.
098	Chair Minnis	Closes the work session on SB 689A.

<u>SB 494 - WORK SESSION</u>		
098	Chair Minnis	Opens the work session on SB 494A.
099	Rep. Starr	I would like to substitute the -A7 amendments (EXHIBIT F) for the home school bill.
109	Rep. Courtney	Is this the exact language we just passed on the House floor?
113	Rep. Starr	There is a minor change on page 4, line 24. In order to be eligible for interscholastic activities the student must be transferred by the end of his/her junior year. We also are talking about the alternative testing for special need's students.
135	Rep. Courtney	You are now getting into the situation which Rep. Uherbelau discussed earlier.
137	Rep. Uherbelau	My biggest problem is with the alternative method. The bill states that any parent can choose the alternative method of testing for his child.
154	Chair Minnis	Closes the work session on SB 494A.
154	Chair Minnis	Adjourns the meeting at 4:57 p.m.

Submitted By, Reviewed By,

Sarah Watson for Gina Cross, Sarah Watson,

Administrative Support Office Manager

EXHIBIT SUMMARY

A - SB 443A, -A4 proposed amendments (dated 6/13/97), staff, 20 pp.

B - SB 689A, -A11 proposed amendments (dated 6/16/97), staff, 15 pp.

C - SB 689A, -A12 proposed amendments (dated 6/16/97), Rep. Ron Sunseri, 2 pp.

D - SB 689A, written materials, Linda Guss, 4 pp.

E - SB 689A, written materials, Caleb Heppner, 2 pp.

F - SB 494A, -A7 proposed amendments (dated 6/13/97), Rep. Charles Starr, 8 pp.

G - SB 424A, -A2 proposed amendments (dated 6/16/97), staff, 1 p.

H - SB 689A, -A10 proposed amendments (dated 6/13/97), staff, 7 pp.

HOUSE COMMITTEE ON FULL JUDICIARY

June 16, 1997 Hearing Room 357

5:00 P.M. Tapes 62

MEMBERS PRESENT:

Rep. Floyd Prozanski , Vice-Chair

Rep. Roger Beyer

Rep. Jo Ann Bowman

Rep. Peter Courtney

Rep. George Eighmey

Rep. Lane Shetterly

Rep. Charles Starr

Rep. Ron Sunseri

Rep. Judy Uherbelau

Rep. Larry Wells

MEMBER EXCUSED:

Rep. John Minnis, Chair

STAFF PRESENT:

Bill Taylor, Counsel

Gina Cross, Administrative Support

MEASURE/ISSUES HEARD:

SB 303A Work Session

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Tape/#	Speaker	Comments
Tape 62, A		
	Vice-Chair	

002	Prozanski	Calls meeting to order at 5:09 p.m.
<u>SB 303A - WORK SESSION</u>		
003	Vice-Chair Prozanski	Opens the work session on SB 303A.
004	Bill Taylor	Committee Counsel >Explains the provisions of the bill.
007	Vice-Chair Prozanski	I will take any motions regarding this bill.
008	Rep. Bowman	MOTION: Moves SB 303A to the floor with a DO PASS recommendation.
010		VOTE: 10-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Minnis
014	Vice-Chair Prozanski	The motion CARRIES. REP. MINNIS AND REP. COURTNEY will lead discussion on the floor.
016	Vice-Chair Prozanski	Adjourns the meeting at 5:11 p.m.

Submitted By, Reviewed By,

Gina Cross, Sarah Watson,

Administrative Support Office Manager