HOUSE COMMITTEE ON JUDICIARY

SUBCOMMITTEE ON FAMILY LAW

March 26, 1997 Hearing Room 357

3:15 P.M. Tapes 56 - 57

MEMBERS PRESENT:

Rep. Ron Sunseri, Chair

Rep. George Eighmey, Vice-Chair

Rep. Roger Beyer

Rep. Peter Courtney

Rep. Charles Starr

Rep. Judy Uherbelau

MEMBER EXCUSED:

STAFF PRESENT:

William E. Taylor, Counsel

Lauri A. Smith, Administrative Support

MEASURE/ISSUES HEARD:

HB 2404 - Work Session HB 2981 - Public Hearing

HB 2993 - Public Hearing HB 2982 - Public Hearing

HB 2697 - Public Hearing HB 2715 - Public Hearing

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 56, A		
002	Chair Sunseri	Calls meeting to order at 3:20 p.m.
HB 2404 - WORK		

SESSION		
003	Chair Sunseri	Opens a work session on HB 2404.
011	William E. Taylor	Counsel Reads a Preliminary Staff Measure Summary on HB 2404. NOTE: The -1 amendments are from Oregon Criminal Defense Lawyer's Association and the -2 amendments are from the District Attorney Association drafted by Fred Avera, District Attorney in Polk County **(EXHIBIT A).**
033	Fred Avera	Represents District Attorneys Association, District Attorney in Polk County. Testifies in support and presents the -2 proposed amendments on HB 2404 **(EXHIBIT A).** >need to clarify the current evidence code regarding relevant and expert evidence >relevant and expert evidence is coming into the courts to be heard >refers to Section 1: Lines two through five of the -2 amendments >reduce to zero the chance that a judge would fail recognize the defense >doesn't really change current law but clarifies >refers to Section 2 and Section 3 of the -2 amendments which gives notice to investigate the claim >notice requirement modeled after one found in Criminal Responsibility or Sanity Defenses >refers to Section 4 of the -2 amendments drafted so that this Measure would not have the exact opposite effect and wind up limiting evidence that is clearly relevant (similar to -1 amendments of Section 4)
076	Chair Sunseri	Would the Association have a problem with Section 3 of the -2 amendments, if we gave the person 30 days to give notice, or would this create a burden?
079	Avera	That would be reasonable and not burdensome. Continues with example.
087	Rep. Floyd Prozanski	District #40 and testifies in support of HB 2404. >addresses concerns in adding the 30 days to giving notice in Section 3

		of the -2 amendments
110	James Arneson	Represents Oregon Criminal Lawyers Defense Organization Testifies in support and presents the -1 proposed amendments on HB 2404 **(EXHIBIT A).** >-2 amendments do not include "defense of others" >careful of placing in statute, language that in any way limits what is already available in court
126	Chair Sunseri	Is there flexibility over this issue on the "defense of others"?
129	Avera	Discusses proposed hand engrossed amendments to -2 amendments.
130	Chair Sunseri	Is that acceptable language, Mr. Arneson?
131	Arneson	On Line 1 of the -1 amendments, we had suggested deleting "self defense" and inserting "defense of a person" and deleting "or 161.219".
133	Avera	The Association would agree to those amendments.
136	Arneson	Discusses concerns of the amendments.
161	Rep. Uherbelau	In the discovery process are you not only required to give the name of the witnesses who will testify but also what they will testify about?
164	Arneson	"You are required to provide all written statements of the witnesses you intend to call and normally if you intend to call a professional who is a psychologist or psychiatrist they will have prepared a report and if they have you must provide that report to the opposing side. That is true for both sides."
170	Avera	Shares his experiences regarding expert witness testimony. "All this notice does is gives some fairness that we know some expert witness is on the way and we need to be looking at and if we want an expert we can get one."
190	Chair Sunseri	Suggests an outside meeting with all interested players plus Rep. Prozanski in an attempt to merge the amendments. Closes the work session on HB 2404.
HB 2993 - PUBLIC HEARING		
195	Chair Sunseri	Opens the public hearing on HB 2993.
197	Rep. Floyd Prozanski	District #40 Testifies in support of HB 2993 and provides written testimony from

		Emily Heilbrun **(EXHIBIT B).**
246	Rep. Beyer	Do you have an idea how many people this would effect?
253	Rep. Prozanski	I do not know those numbers. Provides an explanation of the cost involved in implementing.
265	David W. Nebel	Works for the Oregon Law Center. Represents Oregon Coalition against Domestic and Sexual Violence and Concerned Citizens for the Health and Safety of Women, a group in Lane County. Encourages support of HB 2993.
279	Chair Sunseri	Closes the public hearing on HB 2993.
HB 2981 AND HB 2982 - PUBLIC HEARING		
320	Chair Sunseri	Opens public hearings on HB 2981 and HB 2982.
325	Hon. Jad Lemhouse	Justice of the Peace for Linn County, District 4, on behalf of the Oregon Justices of the Peace Association Testifies on support of HB 2981 and HB 2982 and presents written testimony **(EXHIBIT C).**
375	Hon. Lemhouse	Continues testimony.
396	Chair Sunseri	Is there a significant increase in the number of marriages performed by the Justice of the Peace?
400	Hon. Lemhouse	I can't respond to that, as it is different with each Justice. >performed 40 marriages at the courthouse > nine outside of court business hours or at another location than the court house >experience of other Justice of the Peace in Linn County
417	Charles Stern	Yamhill County Clerk and member of Oregon Association of County Clerks Legislative Committee Testifies in support of both HB 2981 and HB 2982. >use to provide these services until the ethics committee raised their concerns over collecting any fees for services rendered >most clerks discontinued the practice of providing services outside the regular working hours

		>shares his experiences as to who requests civil ceremonies
458	William E. Taylor	Counsel Shares background of proposed measures from two sessions ago.
461	Stein	However, those measures did not include county clerks.
462	Taylor	Correct.
470	John Gervais	Represents the Oregon Municipal Judges Association and Oregon Justice of Peace Association Testifies in support of HB 2981 and HB 2982.
Tape 57, A		
030	Gervais	Continues testimony. >shares examples of who requests civil ceremonies >spoke with a judge who often performs such services and shared the judge's experience
047	Rep. Uherbelau	Can a clerk designate a clerk pro tem?
051	Stein	You could deputize someone to act. For instance, the official deputy clerk in Lane County has deputies to take on responsibility.
063	Gervais	Clarification of the relating to clause could come from the measure's drafters/sponsor from Lane County.
070	Chair Sunseri	Closes the public hearing on HB 2981 and HB 2982.
HB 2697 - PUBLIC HEARING		
074	Chair Sunseri	Opens the public hearing on HB 2697.
080	Rep. Jeff Kruse	District #45 Testifies in support of HB 2697. >language from judge in Douglas County and provides intent
098	Chair Sunseri	Is not primary consideration in the court, the welfare of the child?
100	Rep. Kruse	According to the judge the way the law is currently stated it is not as clear as it should be for the judge to render the type of decisions he wants. This measure is to streamline the statute and more to be come in the future.
108	Rep. Uherbelau	Tape inaudible.

113	Rep. Kruse	If yes, the judge and I have one Senate bill. However, it covers a lot of ground but it does not cover this issue.
118	Rep. Uherbelau	The Senate bill came out of Legislative Counsel about two weeks ago.
120	William E. Taylor	Counsel After talking with the Services to Children & Families ("SCF"), this measure addresses the child who has already been committed by the courts to SCF. This measure will give greater discretion to the courts as to whether that placement, in the eyes of the court, was appropriate. I haven't see the other bill, as it relates to the "best interest of the child," but where that issue also comes up is when there is a termination of parental rights. Currently, the standard is if the parent is "fit or unfit." There has been previous requests to change the language to "in the best interest of the child."
133	Rep. Uherbelau	Tape inaudible.
135	Chair Sunseri	"If we preceded on this measure and the Senate measure did discuss the same thing, it wouldn't effect, correct?"
138	Taylor	There are different issues in the two measures. "In this Measure, you already have the commitments as the court has already terminated parental rights or has taken custody somehow and now have placed the child someplace and it gives the court greater discretion to look at that placement."
155	Mike Ransom	Represents Oregon Public Employees Union/Local 503 Testifies in opposition to HB 2697 and presents written testimony **(EXHIBIT D).**
205	Ransom	Continues testimony.
215	Rep. Uherbelau	I see this measure not as a second review process but as changing the standards of the review.
235	Ransom	Responds by stating a caseworkers' perspective: >advises people they can have a review hearing >judges do not always agree with need for a review hearing >anyone who disagrees can merely state "it is not in the best interest of the child" and necessitate a hearing even if a court hearing not required per the caseworker
260	Rep. Uherbelau	"So you see the change in the language as opening the door to a full blown court hearing, where the existing language, at least in practice,

		does not do that."
263	Ransom	The option to request a hearing is already there, but I think people have to spend more time on why they want a court hearing. If adding "best interest" will be a call shot for everybody an aggrieved relative, for instance, etc. to request a court hearing, it will create a different standard. From the caseworker's perspective, the judge is suddenly trying to decide what is in the "best interest" of the child. How is the judge going to know what is in the "best interest" without asking all the same experts we contact?
278	Chair Sunseri	"Who is the judge in the chain, if there is suggested change from what there is now?" Is it someone from SCF or is it a judge?
282	Ransom	It is a judge.
284	Chair Sunseri	Is it possible that someone from the family or someone close to the case could have a legitimate perspective different than your perspective?
288	Ransom	Often times there are disagreements of what's in the "best interest of the child." Provides a hypothetical example.
325	Rep. Uherbelau	Shares her concerns about Mr. Ransom's hypothetical example. The child is in a home, does very well, but this particular home isn't working. Is that what I heard you say?
330	Ransom	The foster home works very well, as there are special people who can deal with this kid. There are, however, parties who are not in agreement that this is not in the "best interest" of the child.
334	Rep. Uherbelau	So the child and the foster home are okay in your scenario, correct?
335	Ransom	Correct. It is where Court Appointed Special Advocate("CASA") and the parent are not in agreement.
341	Rich Peppers	It is possible our interpretation of the measure is inaccurate. If this measure doesn't really make a change or impact in terms of the decisions that get made, and its simply a change in the standard for review, then that may be something we can live with. I believe the measure, however, does more than that. My concern stems from whether this standard would allow judges to actually take kids and specifically determine placement location within the range of placement options held by SCF.
362	Chair Sunseri	The only difference in the measure is that we are comparing what is inappropriate so as to violate a child's rights over against what is in the best interest of the child. Provides an example. I do not see how it creates a significant difference in workload for SCF.
381	Peppers	This measure may allow for judicial movement of resources and intervention into specific decisions as to where a child should be placed within the range of options. On review, that is how the system currently

		works. It just uses a different standard.
399	Chair Sunseri	The only concern is that the child maybe placed taking another child's placement. Could this not be expressed in the courts at time of appeal? The judge still has the prerogative to state the use of the resource as it being in the "best interest" of the child.
407	Peppers	I agree that would be the interpretation.
410	Rep. Eighmey	How do you respond to Department of Human Resources' letters that it does effect Title IVE potential funding? Is there anyone present from the Department of Human Resources who is going to testify?
434	Chair Sunseri	Yes.
435	Rep. Eighmey	Department of Human Resources raised serious concerns that language may violate Title IVE funding. Shares prior legislative experience.
440	Rep. Uherbelau	Maybe what we need is expert testimony from Counsel. What I have heard from today's testimony is that this measure is taking away all control from SCF, regarding on how to place the child. However, that is not how I interpret the Measure.
450	Nancy Miller	Director of the Citizen Review Board ("CRB") and Legislative Liaison for the State Court Administers Office on juvenile issues >provides background and intent on this measure
Tape 56, B		
030	Miller	Continues testimony. >willing to work with the agency on the language to reach a closer ground >nowhere in statutes are the rights of child or parent laid out >court needs ability to make placement decisions at it's discretion >types of cases seen by the courts were placement inappropriate: victims and sex offenders placed in the same home >currently the court can only order SCF where not to place the child but where is that right laid out >the measure on the "best interest of the child" is only a proportional fix >overfill is concern of foster homes
		Continues testimony. >restates intent of the measure

08o	Miller	>federal language states that the placement has to be "the most appropriate and least restrictive placement for the child" >"... careful in hearing the testimony of the agency so sort out that thin technical line about specifying the type of placement, which courts are allowed to do now and specifying the placement of an individual child in a specific placement which this bill does not do. This bill does not give the courts that authority."
086	Rep. Uherbelau	I am hearing today that there is going to be a constant interference in the workload with this proposed language. I think the system could break down. Is there anyway to deal with all concerns?
098	Miller	From CRB's perspective, there is a small number of cases, but there is a significant impact on the kids when we find that the placement is inappropriate and not least restrictive. >CRB will not be creating a significant workload
106	Rep. Uherbelau	Could CRB and the agency work together in creating an agreed upon language?
108	Miller	Yes.
114	Dianne Lancaster	Assistant Administrator Program Operations State Office for Services to Children and Families Testifies in opposition of HB 2697 and presents written testimony **(EXHIBIT E).**
146	Chair Sunseri	Is it bad to broaden the standard so that it is not as restrictive as a violation of rights?
147	Lancaster	Continues testimony. Refers to letter, drafted by Carol Overbeck, Program Specialist with the Department of Health & Human Services dated March 3, 1997, and letter drafted by Connie Gallagher, Special Assistant to the Administrator with Oregon Department of Human Resources dated March 12, 1997 **(EXHIBIT F)**.
160	Chair Sunseri	Are you suggesting this may compromise some federal funding?
161	Lancaster	Yes, it will jeopardize Title IVE funding. Continues testimony.
180	Miller	Shares her interpretation of the letter drafted by the Department of Health & Human Services.
192	Lancaster	Responds by stating how the agency interprets the wording of this letter.
204	Rep. Uherbelau	Under the current law, to your knowledge, has there ever been a determination, by the courts, that the placement was so inappropriate as to violate the rights of the child?

208	Linda J. Guss	Assistant Attorney General from the Oregon Department of Justice I can not specifically identify a case. However, there are many times that the court does initiate reviews or that parties ask for reviews under this particular statute. I would be happy to research and report findings to the committee.
218	Rep. Uherbelau	Shares her concerns that there is nowhere in the statutes that sets out the rights of the child or the parents. If that is true, maybe that leaves words that are really meaningless.
227	Guss	Although I am not specifically aware of any cases Presently, there are findings made stating that the placement is so inappropriate as to violate the child's right. I am certainly aware of cases where the court does make specific placements of children, despite the language that is currently in the statutes. >refers to ORS 419B.343 >SCF is required by statute to take into consideration the recommendations from the courts
248	Rep. Uherbelau	Even though they may not make these particular findings, under the present statute, there has been those cases where the court has ordered a placement. Under this situation was federal funding ever jeopardized?
254	Guss	Where the court has ordered a placement of a child, has federal funding ever been jeopardized?
261	Lancaster	>fairness to other children to be considered when the court makes a placement of a child in such a manner >this measure is going to aggravate our continued resource issues >we don't try to place children with known sex offenders or into over crowded homes
278	Chair Sunseri	Could you elaborate on the phrase "not in the best interest of the child?" Would it not create a harmony between SCF and the courts, as we all want the best interest of the child? Why would that put you at odds with what the courts are doing?
285	Guss	Responds by stating that the "best interest" standard is the overriding general standard. Ms. Lancaster's point was that its not in conflict with the court necessarily. It is that the court has particular authority, as does SCF. My understanding of federal statute is that federal funding will be allowed only if SCF maintains its discretion and authority to make placement of children and does not abdicate responsibility to another

		party or entity. This is where the conflict comes in.
299	William E. Taylor	Counsel Provides his interpretation of HB 2697: 1) SCF has discretion where the child is placed. 2) If the new language is added, "not in the best interest of the child," the court would have considerably more discretion in that decision. It could very well be said the decision would be with the court.
310	Lancaster	That would be my interpretation also.
312	Miller	That would not be my interpretation. The result is that the court could specify a type of placement, but the courts would still not have the authority to name the specific placement, and that's what puts the Title IVE in jeopardy.
320	Rep. Eighmey	I recall from last session, it seemed that anytime you broaden the parameters, you jeopardize Title IVE funding. Lines 11 and 12 of the printed measure give the responsibility to SCF for planning and placement of the child. I remember we worked on wording to make certain the parameters were not widened; they were narrowed. I agree with Staff Counsel that this is a substantial change that gives power and discretion, for naming the person with whom the child shall be placed, to the court.
364	Miller	It does not allow the court to do that naming. Maybe CRB is defining naming differently. The court would be allowed to say "place the child in residential treatment." That is one type of placement. The court would not be able to say "place the child at St. Mary's." The court would be able to say "place the child in relative care." The court wouldn't be able to say "with Aunt Suzy."
374	Rep. Eighmey	Shares ,by example, his concerns.
403	Rep. Uherbelau	Shares her concerns regarding the second to last paragraph of **(EXHIBIT F).**
430	Chair Sunseri	Our question is whether or not it will jeopardize Title IVE funding. Asks counsel to do further research and get back to the committee.
		Continues testimony. In relationship to SB 689:

442	Lancaster	>key portion is the specific naming of children's rights >switching from a language of "needs" to one of "rights" >helps the courts to determine if there had been a violation of the child's rights
Tape 57, B		
030	Lancaster	Continues testimony. >we do see a workload impact on SCF by broadening the language >SCF believes that it will allow anyone to ask the court for a better or different placement >SCF is not prepared to engender more legal costs In summary: >possible jeopardy of federal funds, the precedence of placement on some children over others with similar or greater needs, mandate of the expenditure of state general funds beyond those in the Governor's budget, and of course, the additional workload for all concerned
044	Chair Sunseri	Closes the public hearing on HB 2697.
HB 2715 - PUBLIC HEARING		
046	Chair Sunseri	Opens a public hearing on HB 2715.
051	Mike Ransom	Represents Oregon Public Employees Union Testifies in opposition and presents written testimony of HB 2715 **(EXHIBIT D).**
098	Rep. Uherbelau	Has concerns with the measure and is the sponsor here to testify?
100	Rep. Eighmey	Has concerns regarding to Sections 2 & 3.
116	Chair Sunseri	Closes the public hearing on HB 2715.
HB 2404 - WORK SESSION		
130	Chair Sunseri	Reopens the work session on HB 2404.

131	William E. Taylor	Counsel No agreement has been reached by either Mr. Avera or Mr. Arneson.
138	Jim Arneson	Represents Oregon Criminal Defense Lawyers Association Our organization does not want to put into law a statute that would limit the defense that is currently available. If there is going to be a statute, it should be one that would attempt to implement what we believe is the current law. We, Mr. Avera and myself, have been unable to reach an agreement because of the notice provision. This provision would not be required in any other kind of case where experts would be asked to testify, except in mental defense cases, nor have we been able to reach an agreement on our -1 amendments which would add "choice of evils."
146	Rep. Uherbelau	Define what you mean by "choice of evils?"
148	Arneson	I believe that the idea of "choice of evils" is when a person is faced with the choice of crime or facing an equally unpleasant prospect. Provides an example.
164	Rep. Uherbelau	Is that acting under duress also?
165	Arneson	Defines duress as requiring a fear of imminent harm.
168	Fred Avera	Represents District Attorneys Association, District Attorney in Polk County A measure of our disagreement is that we do not agree on what we disagree upon. I have no problem with adding "choice of evils" along with "defense of others" to line seven to the -2 amendments.
174	Arneson	Regarding lines nine through 15 of the -1 amendments, we are adding "choice of evils" instead of only "defense of duress" to your Section 1 (2) of the original measure.
180	Avera	Where the District Attorneys Association has a problem is with the -1 amendments and in Section 1 (2) of the original measure both being different from my understanding as to the intent of the Measure. Our goal here was to deal with, for instance, "the battered women syndrome." That type of evidence is being brought into cases where the person is charged with the use of force against another person, and they have been subjected to abuse by that person. Are we looking at making this type of evidence available in all defenses? Shares a hypothetical example of what would happen if enacted.

199	Chair Sunseri	If that is the case, that is completely outside the scope of the intentions of this measure.
200	Avera	I think it does.
201	Taylor	Why couldn't they raise that defense now?
203	Avera	It could be raised now, if relevant. "The original measure and the -1 amendments limit use of the evidence to cases where it is relevant. It says if you are charged with an offense, you can put on evidence that you were abused."
207	Rep. Uherbelau	What if you added the words "if relevant?"
208	Avera	That was our intent in the -2 amendments, Section 1. We tried to limit our Section 1 to what the Chair's intent was in his testimony. By adding relevant, we tried to limit it to evidence that was relevant to one of these offenses. "We certainly agree that the other defenses can be added, but our problem with the bill, as drafted, in particular Section 2 and Section 3, contained in the -1 amendments, is that we now have a horse of an entirely different color, if this is what were talking about."
216	Arneson	In the original Measure in subsection (2), it allows the use of defense of duress with an offense. It does not limit it to offenses involving the use of force. The reason being is that "duress" and "choice of evils" is not available in the cases where significant injury occurs to somebody else. We want to make certain "choice of evils" as a defense would have the same standing as "duress." We want to be certain that defenses, currently available under the law, are not interpreted by courts to be excluded because the legislature addressed the specific issue of abusive spouse.
234	Chair Sunseri	Has not Mr. Avera stipulated to adding the "choice of evils" as a defense?
236	Arneson	However, in the -2 amendments it applies only to a defendant charged with an offense involving the use of force. That is not what the measure provided in subsection (2). "Duress is available for any offense. What Mr. Avera is stipulating to is that we will allow "choice of evils" to be used when it can't be used because you can't use it to justify inflicting injury on another person. Duress in the same way it effectively eliminates duress because you say you can use it when you injure someone else when in fact you can't use duress when you injure someone else."
		I disagree on this interpretation. Statutorily, duress says it cannot be used in a charge of murder. You cannot claim you were duressed into

248	Avera	committing murder. There is no restriction on duress, if it is an assault, or any other type of assaulted crime. I am not aware of any restriction on the use of the defense of "choice of evils." In fact, I think "choice of evils" could probably be used in a murder case. Provides his understanding of Chair Sunseri's intent of the measure and Legislative Counsel's drafting. I believe that Section 2 of the -2 amendments takes this off in another direction.
269	Chair Sunseri	I don't know if Mr. Avera's definition of "choice of evils" is accurate.
272	Rep. Uherbelau	"I believe that the -2 amendments do narrow it." Refers to line 17 of the -2 amendments. Doesn't that address the concern that you raise?
281	Arneson	"That was our language, and we asked that it be included in the -1 amendments. I believe, Mr. Avera picked that up from our -1 amendments. That certainly addresses our concern, but there is still concern that there be temptation by the courts, when dealing with a specific bit of evidence, such as what we are calling "battered spouse" to say that the legislature has addressed that issue and has said it may be used only in cases involving the use of force."
294	Rep. Uherbelau	But we don't use the word "only."
296	Avera	Refers to the definitions of "choice of evils" from ORS 161.200 and of duress found in ORS 161.270. The definition of "duress" does exclude murder.
302	Rep. Eighmey	I believe that this is solvable. Asks for another work session.
306	Avera	The area of problem stems from my Section 2 and Section 3 of the -2 amendments.
310	Rep. Eighmey	Section 2 is the area that concerns me the most.
311	Avera	I have agreed to insert the word "expert" before "evidence" on line 8 of the -2 amendments. Subsection (1) of the -2 amendments does not really change current law, but I think the intent of the Chair was that the law be used more fully. Shares concerns of what could be expected in the courts. In regards to subsection (2) of the -2 amendment, we feel that a notice requirement is reasonable. It is the same type of notice we get in an insanity defense. I believe it is in the law because the legislature has recognized that it is tough for us to handle. Mr. Arneson has stated that his association would be in opposition, if that it is asserted.

333	Chair Sunseri	Would adding the 30 days make a difference?
337	Arneson	There is a significant debate, both in civil and criminal law, about when you provide names and information on expert witnesses. We don't want to see this bill used as method to gain a particular advantage in that debate. We see no reason why this particular defense should have a limitation imposed on it that is not in use in any other kind of case, except the ones that have already been mention by Mr. Avera. Provides an example. We do not see any reason to place, in statutory form, something we are already allowed to do in defense of these kinds of cases. Prosecution should not gain a particular advantage that is not available to them under current law. My understanding is that all we are attempting to do is put into statutory form is what is already existing law. Neither side should be trying to gain an advantage that is different from what already exists in the law. The purpose is to codify it so that people are aware that it is available.
378	Rep. Uherbelau	It is my understanding that 30 days notice isn't necessary because there is also the discovery process. Is that correct?
384	Arneson	Yes.
385	Rep. Uherbelau	Yet you have stated there has been discussion for quite some time. State discovery is much more narrower than federal discovery, for example. "It is my understanding from what was testified here is that you can have the name but do not know if they are going to testify until you have their name and address." Tape inaudible.
401	Chair Sunseri	Closes the work session on HB 2404. Adjourns the meeting at 5:12 P.M.

Submitted by, Reviewed by,

Lauri A. Smith, Sarah Watson,

Administrative Support Office Manager

EXHIBIT SUMMARY

A - HB 2404, -1 amendments [LC #2565 dated 3/6/97] and -2 amendments [LC #2565 dated 3/25/97], Staff, 2 pages.

B - HB 2993, written testimony by Emily Heilbrun, submitted by Rep. Floyd Prozanski, 1 page.

C - HB 2981 and HB 2982, written testimony, Hon. Jad Lemhouse, 2 pages.

D - HB 2697 and HB 2715, written testimony, Michael Ransom, 2 pages.

E - HB 2697, written testimony, Dianne Lancaster, 3 pages.

F - HB 2697, correspondence, Dianne Lancaster, 3 pages.