

ARIZONA STATE SENATE

48TH LEGISLATURE SECOND REGULAR SESSION

MINUTES OF COMMITTEE ON PUBLIC SAFETY AND HUMAN SERVICES

DATE: April 10, 2008 **TIME:** 9:00 a.m. **ROOM:** SHR 3

CHAIRMAN: Senator Linda Gray **VICE CHAIRMAN:** Senator Harper

ANALYST: Amber O'Dell **INTERN:** Brooke Olguin

COMMITTEE SECRETARY: Bill Ritz

ATTENDANCE

BILLS

<u>Committee Members</u>	<u>Pr</u>	<u>Ab</u>	<u>Ex</u>	<u>Bill Number</u>	<u>Disposition</u>
Senator Chuck Gray	X			HB 2381	DP
Senator Huppenthal	X			HB 2395	DPA/SE
Senator Landrum Taylor	X			HB 2439	DP
Senator Rios	X			HB 2455	DPA
Senator Soltero	X			HB 2727	DPA/SE
Senator Harper, Vice Chairman	X				
Senator Linda Gray, Chairman	X				

Chairman Linda Gray called the meeting to order at 9:02 a.m., and attendance was taken.

APPROVAL OF MINUTES

Senator Linda Gray moved the minutes of April 3, 2008, be approved. Without objection, the minutes were approved as distributed.

CONSIDERATION OF BILLS

HB 2727 – fingerprint clearance cards – DO PASS AMENDED/STRIKE EVERYTHING

Amber O'Dell, Public Safety and Human Services Research Analyst, explained the 37-page Linda Gray strike everything amendment dated 4/8/08 at 2:10 p.m. (Attachment A).

Senator Linda Gray announced the Committee would return to HB 2727 in order to allow Speaker Weiers to testify on HB 2395 in order to accommodate his schedule.

HB 2395 – PSPRS; investments; management – DO PASS AMENDED/STRIKE EVERYTHING

James Weiers, Speaker of the House, bill sponsor, explained the 45-page Linda Gray strike everything amendment dated 4/8/08 at 10:36 a.m. (Attachment B).

HB 2727 – fingerprint clearance cards (Continued)

Amber O'Dell, Public Safety and Human Services Research Analyst, continued explaining the 37-page Linda Gray strike everything amendment dated 4/8/08 at 2:10 p.m. and the 2-page Linda Gray amendment to the 37-page Linda Gray strike everything amendment dated 4/9/08 at 4:43 p.m. (Attachment C).

Representative Hershberger, bill sponsor, further explained the 37-page Linda Gray strike everything amendment dated 4/8/08 at 2:10 p.m., the 2-page Linda Gray amendment to the 37-page Linda Gray strike everything amendment dated 4/9/08 at 4:43 p.m., and answered questions posed by the Committee members.

Senator Harper moved HB 2727 be returned with a DO PASS recommendation.

Senator Harper moved the 37-page Linda Gray strike everything amendment dated 4/8/08 at 2:10 p.m. be ADOPTED.

Senator Harper moved the 2-page Linda Gray amendment to the 37-page Linda Gray strike everything amendment dated 4/9/08 at 4:43 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Harper moved the 37-page Linda Gray strike everything amendment dated 4/8/08 at 2:10 p.m. be ADOPTED, AS AMENDED. The motion CARRIED by voice vote.

Senator Harper moved HB 2727 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-0-1 (Attachment 1).

HB 2395 – PSPRS; investments; management (Continued)

Amber O’Dell, Public Safety and Human Services Research Analyst, further explained the 45-page Linda Gray strike everything amendment dated 4/8/08 at 10:36 a.m. (Attachment B) and the 13-line Linda Gray amendment to the 45-page Linda Gray strike everything amendment dated 4/9/08 at 12:38 p.m. (Attachment D).

Jerry Landau, Legislative Liaison, Arizona Supreme Court, Administrative Office of the Courts, testified in support of HB 2395.

Kenneth Sharp, representing himself, testified in opposition to HB 2395, referring to a news release from the Governor’s Office of Highway Safety (Attachment E). Mr. Sharp also answered questions posed by the Committee members.

Ralph Black, representing himself, testified in opposition to HB 2395 and answered questions posed by the Committee members.

Alberto Gutier, Arizona Interlock Distributors Association, testified in support of HB 2395.

Don Isaacson, Arizona Licensed Beverage Association, testified as neutral to HB 2395 and answered questions posed by the Committee members.

Brigitte Targosz, representing herself, testified in support of HB 2395.

Kevin Perguson, Voting Law Administrator, Arizona Game and Fish, testified in support of HB 2395.

Senator Linda Gray announced the individuals who registered their position on the bill (Attachment F).

Senator Chuck Gray moved HB 2395 be returned with a DO PASS recommendation.

Senator Chuck Gray moved the 45-page Linda Gray strike everything amendment dated 4/8/08 at 10:36 a.m. be ADOPTED.

Senator Chuck Gray moved the following verbal amendment be ADOPTED (Attachment G):

**“Page 8, line 21, after “PROGRAM” strike remainder of line
Line 22, strike “ANOTHER PERSON WITH A SUBSTANTIAL
RISK OF PHYSICAL INJURY”**

The motion CARRIED by voice vote.

Senator Chuck Gray moved the 13-line Linda Gray amendment to the 45-page Linda Gray strike everything amendment dated 4/9/08 at 12:38 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Chuck Gray moved the 45-page Linda Gray strike everything amendment dated 4/8/08 at 10:36 a.m. be ADOPTED, AS AMENDED. The motion CARRIED by voice vote.

Senator Chuck Gray moved HB 2395 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 5-2-0 (Attachment 2).

In explanation of his vote, Senator Chuck Gray stated "I am amazed, actually I am not, because I have known you for many years, in the House we worked together and now in the Senate. I have to say that I witnessed, over the years, the diligence that you have worked on many, many bills. I have seen many times when Chairman Gray has eaten lunch in her office working rather than being out socializing or enjoying a relaxing moment. Maybe it is not relaxing to be out there, but I just have to compliment the Chairman because I recognize the work that went into consolidating this kind of language. I see so many things in there that I recognize from over the years and from different bills this year and I cannot believe how well written it is. But, judging from the Chairman I can believe it and I happily vote 'Aye'."

In explanation of her vote, Senator Landrum Taylor stated "I have to kind of follow in line with what Senator Chuck Gray was just saying and commend the Chair for all of her dedication and hard work as it relates to this issue and making sure that individuals are protected as much as they can be. The value of life and the decisions that individuals make is just one of those things and you do have a choice like what the speaker here at the podium said today. Again, thank you to the Chair and I vote 'Aye'."

In explanation of her vote, Senator Rios stated "I commend you for all your work on this. This is a compilation of a number of bills, some of which I supported and some of which I had concerns with. Overall, I am supportive of many of the concepts, however, I still have some concerns that were eloquently expressed today by one of our speakers in terms of creating felons out of parents that perhaps make a bad mistake and drive home from dinner and have their teenager in the car with them. I believe that we are beginning to see the benefits from the DUI laws that have already been passed and I would like to see the outcome of that before we continue to add on to that. At this point I vote 'No'."

In explanation of his vote, Senator Soltero stated "I'll start by saying I also am against people driving under the influence. I just want to make that clear. I did vote for the ignition interlock bill, but I believe, as we heard a few times here, Arizona has probably some of the strongest laws against driving under the influence already. I feel that we should give some of these laws a little more time and see how they work. We have heard that it seems some people are taking notice of our laws and hopefully we do not have as many people driving under the influence as could be. I believe that education in this area of driving under the influence is very important and I think we should concentrate on that area a little more than we are. As I mentioned before we are a state that has some of the strongest laws against driving under the influence and I would like to see how the laws affect the population in general and I feel that maybe we are, to a certain degree, passing more laws and not waiting to see what the existing laws have produced. For those reasons I vote 'No'."

HB 2381 – emergency telecommunication services; administrative costs – DO PASS

Brooke Olguin, Public Safety and Human Services Research Intern, explained HB 2381 and answered questions posed by the Committee members.

Kevin B. DeMenna, City of Phoenix, testified in support of HB 2381 and answered questions posed by the Committee members.

Senator Linda Gray announced the individuals who registered their position on the bill (Attachment F).

Senator Harper moved HB 2381 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-2-0 (Attachment 3).

HB 2439 – procurement; government set aside program – DO PASS

Brooke Olguin, Public Safety and Human Services Research Intern, explained HB 2439.

Representative Hershberger, bill sponsor, further explained HB 2439.

Brandy Petrone, Goodwill Industries of Central Arizona, testified in support of HB 2439 and answered questions posed by the Committee members.

Senator Harper moved HB 2439 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 4).

HB 2455 – CPS; criminal investigations(now: child protective services; records; duties) – DO PASS AMENDED

Brooke Olguin, Public Safety and Human Services Research Intern, explained HB 2455 and the 11-line line Linda Gray amendment dated 4/9/08 at 10:22 a.m. (Attachment H).

Representative Adams, bill sponsor, further explained HB 2455.

Bill Montgomery, representing himself, testified in support of HB 2455 and answered questions posed by the Committee members.

Kathleen Mayer, Deputy County Attorney, Pima County Attorney's Office, testified in support of HB 2455.

Senator Linda Gray announced the individuals who registered their position on the bill (Attachment F).

Senator Chuck Gray moved HB 2455 be returned with a DO PASS recommendation.

Senator Chuck Gray moved the 11-line Linda Gray amendment dated 4/9/08 at 10:22 a.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Chuck Gray moved HB 2455 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 5).

In explanation of his vote, Senator Huppenthal stated “In 2003 when we had the special session on CPS it ran for a long time so we had some time to really look at some studies on

the role of CPS affecting children. There is a national child abuse and neglect database and we ran regression analysis of data there and the characteristics of different states. We found no correlation between child death rates and investment in CPS and we also found no correlation between child death rates and the number of CPS workers. There were massively different removal rates. We found no correlation between removal rates from homes and death rates. We went back and we adjusted that data for poverty, just looking at children in poverty, and we found the same analysis. The Children's Action Alliance responded to that by saying that the data in that database was not reliable. There were some concerns about that data but when we ran correlations between that data and job creation within states we did in fact find a correlation that the more jobs a state was creating the safer the kids were. So, if the data in that database was strictly random, you wouldn't expect to find that kind of outcome and that was just our analysis. There was a massive study by the Chapin Hall Center for Children at the University of Chicago in concert with the Massachusetts Institute of Technology where they followed 36,000 CPS cases all the way from the beginning on through to when they were released from the system at twenty-one years old. It was a very exact study, and I think it is important for us to think about this because it relates to policy, but they took a look at the fact that different CPS workers have a different probability of removing a child. Some workers would remove children that other workers would not remove and some workers would not remove children and other workers would. They were able to look at what you call the marginal child and what the impact was of increasing removal rates as opposed to lower removal rates. They found that for the marginal child that was removed, if they were female they were 300 percent more likely to become pregnant as a teenager and in all categories they were 150 percent more likely to be adjudicated in court. When you combine all of that, to me, sometimes you have to know your limitations and we file a child fatality review report every year and unfortunately it is then plagued by shifting standards and shifting definitions which drives you crazy to track the data from year to year. We started in the early 2003 period massively removing more kids and I would just tell you that as best I can tell by sifting through that data, there has been no dividend in child safety in that massive increase in removal. What is worse, those kids ended up in congregate care many times, and I am not criticizing the management of CPS. I think given what they were dealt with, I think they have done an excellent job in trying to be guided by good policy but when you look through the research for children in congregate care it is really horrible. We had many children in congregate care for a long period of time and there is one research consensus that you really hurt kids when you leave them in congregate care for a long period of time. I am supporting this today but I would just encourage everybody to be fully aware of the limitations of public policy and that by massively increasing our removal rate not only did we not help kids but we might have seriously hurt many children. Even though we think that we are helping them the best research we have on that now, which is that Chapin Hall-MIT study, would suggest that maybe the outcome is better for those kids and I vote 'Aye'."

In explanation of her vote, Senator Landrum Taylor stated "First of all, thank you Senator Huppenthal for your conversation regarding that information. It is very, very, very true as to what he stated. Also, too, I just want to say I have had an opportunity to look into the bill and it seems that the records would be protected. I am still pretty concerned about that. But, at the same time, I know the whole pretense of the bill is to make sure that we are getting children protected and those that have suffered from some pretty violent and egregious violations. I will vote 'Aye'."

In explanation of her vote, Senator Rios stated "I too have some concerns about case disclosure because the language of HB 2454 is also embedded in this bill. However, with that

being said, I would like to thank the sponsors because I think in addition to removing children to ensure their safety and their protection, I am hopeful this will result in increased prosecution of those abusers. For that reason this is a very good bill and I vote 'Aye'."

There being no further business, the meeting was adjourned at 10:39 a.m.

Respectfully submitted,

Bill Ritz
Committee Secretary

(Audio recordings and attachments on file in the Secretary of Senate's Office/Resource Center, Room 115. Audio archives are available at <http://www.azsenate.gov>).