

**MINUTES OF THE
HOUSE HEALTH AND HUMAN SERVICES STANDING COMMITTEE
ROOM 25, HOUSE OFFICE BUILDING, STATE CAPITOL COMPLEX
March 2, 2011**

MEMBERS PRESENT: Rep. Paul Ray, Chair
 Rep. Evan J. Vickers, Vice Chair
 Rep. Rebecca Chavez-Houck
 Rep. David Clark
 Rep. Tim M. Cosgrove
 Rep. Bradley M. Daw
 Rep. Ronda Rudd Menlove
 Rep. Dean Sanpei
 Rep. Christine F. Watkins

STAFF PRESENT: Mark D. Andrews, Policy Analyst
 Linda Black, House Secretary

Note: A list of visitors and copy of handouts are filed with committee minutes.

Rep. Ray called the meeting to order at 4:30 p.m.

MOTION: Rep. Vickers moved to approve the minutes of February 25, 2011. The motion passed unanimously, with Rep. Clark, Rep. Daw, and Rep. Menlove absent for the vote.

MOTION: Rep. Clark moved to approve the minutes of March 1, 2011. The motion passed unanimously, with Rep. Menlove absent for the vote.

Rep. Ray relinquished the chair to Rep. Vickers.

H.B. 357 Long-term Care Amendments *(Rep. P. Ray)*

Rep. Ray presented the bill to the committee.

Spoke in favor of the bill: Mr. Dennis Toland, owner, Bee Hive Homes
 Mr. Victor Clark, Bee Hive Homes
 Natalie Colvin, Tri-County Transitional Care
 Andy Curry, Tri-County Transitional Care

Spoke to the bill: Mr. Michael Hales, Department of Health

MOTION: Rep. Daw moved to pass H.B. 357 with a favorable recommendation. The motion passed unanimously, with Rep. Menlove absent for the vote.

H.B. 451 Tobacco Settlement Funds Amendment (Rep. D. Litvack)

MOTION: Rep. Chavez-Houck moved to amend the bill as follows:

1. Page 1, Lines 17 through 18:

17 Other Special Clauses:

18 {~~None~~} **This bill takes effect July 1, 2011.**

2. Page 3, Line 62:

62 Severance Taxes into Permanent State Trust Fund Act, into the permanent state trust fund.

Section 2. Effective Date.

This bill takes effect July 1, 2011.

The motion passed unanimously, with Rep. Menlove absent for the vote.

Rep. Litvack presented the bill to the committee.

MOTION: Rep. Clark moved to pass H.B. 451 with a favorable recommendation, as amended. The motion passed unanimously, with Rep. Menlove absent for the vote.

Rep. Ray resumed the chair.

MOTION: Rep. Clark moved to approve the minutes of March 1, 2011. The motion passed unanimously, with Rep. Menlove absent for the vote.

1st Sub. H.B. 89 Protection of Children Riding in Motor Vehicles (Rep. P. Arent)

MOTION: Rep. Chavez-Houck moved to amend the bill as follows:

1. Page 2, Line 28:

28 years of age or younger is a passenger in the vehicle {~~.~~} **;**

► provides that if a peace officer issues a warning or a citation for a violation, the peace officer shall provide the individual with an information pamphlet that informs the individual of the dangers of secondhand smoke;

2. *Page 2, Line 57 through Page 3, Line 60:*

57 (4) (a) Until July 1, 2012, a peace officer may not issue a citation to an individual
 for a
58 violation of this section but shall issue the individual a warning informing the individual
 that
59 smoking is prohibited in a motor vehicle if a child who is 15 years of age or younger is a
60 passenger in the vehicle.

(b) If a peace officer issues a warning or a citation for a violation of this section, the peace officer shall provide the individual with an information pamphlet that informs the individual of the dangers of secondhand smoke.

(c) A peace officer is not subject to a penalty for failing to provide an information pamphlet to an individual under Subsection (4)(b).

(d) No public funds may be spent in preparing or producing the information pamphlets described in Subsection (4)(b).

The motion passed unanimously, with Rep. Menlove absent for the vote.

Rep. Arent presented the bill to the committee with the assistance of Dr. Tom Metcalf, pediatrician.

Spoke in favor of the bill: Mr. Sid Groll, Utah Law Enforcement Legislative Committee
 Ms. Liz Zentner, Utah PTA
 Ms. Jackie Warren, parent
 Dr. Kevin Nelson, pediatrician, PCMC

Spoke in opposition to
the bill: Mr. Peter Cannon, 9/12 Project

MOTION: Rep. Cosgrove moved to pass 1st Substitute H.B. 89 with a favorable recommendation as amended. The motion passed, with Rep. Clark and Rep. Daw voting in opposition.

H.B. 131 Custody and Parent-time Modifications *(Rep. R. Edwards)*

Rep. Edwards presented the bill to the committee.

MOTION: Rep. Watkins moved to amend the bill as follows:

1. *Page 1, Line 17:*

17 { ~~awards costs and attorney fees to the petitioner.~~ }

2. *Page 2, Line 47:*

47 { ~~(5) The court shall award attorney fees and costs to the petitioner.~~ }

SUBSTITUTE

MOTION: Rep. Vickers moved to amend the bill as follows:

1. *Page 1, Line 17:*

17 ▶ { ~~awards~~ } allows costs and attorney fees to be awarded to the
 petitioner.

2. *Page 2, Line 47:*

47 (5) The court { ~~shall~~ } may award attorney fees and costs to the petitioner.

The substitute motion passed with Rep. Chavez-Houck and Rep. Watkins voting in opposition. Rep. Clark and Rep. Menlove were absent for the vote.

Spoke in favor of the bill: Mr. Brian Goldhardt, parent
 Ms. Kristy Oaks, parent

Spoke in opposition to
the bill: Mr. Todd Stone, parent
 Mr. Dan Duell, Weber County, 9/12 Project

Spoke to the bill: Mr. Rick Schwermer, Deputy Director, Administrative Office of
 the Courts

MOTION: Rep. Vickers moved to pass H.B. 131 favorably as amended. The motion passed with Rep. Watkins voting in opposition. Rep. Clark and Rep. Menlove were absent for the vote.

1st Sub. H.B. 405 Charges for Medical Records (*Rep. F. Gibson*)

Rep. Gibson presented the bill to the committee.

MOTION: Rep. Watkins moved to pass 1st Substitute H.B. 405 with a favorable

recommendation. The motion passed unanimously, with Rep. Clark and Rep. Menlove absent for the vote.

MOTION: Rep. Cosgrove moved to place 1st Substitute H.B. 405 on the Consent Calendar. The motion passed unanimously, with Rep. Clark and Rep. Menlove absent for the vote.

H.B. 368 Adoption of Children (*Rep. S. Sandstrom*)

Rep. Sandstrom presented the bill to the committee.

MOTION: Rep. Daw moved to amend the bill as follows:

1. *Page 1, Line 12 through Page 2, Line 28:*

12 This bill:

13 { ~~requires that, when a child is in the custody of the Division of Child and~~
Family

14 ~~Services, a court is required to comply with a parent's decision to place the child for~~
15 ~~adoption with an adoption agency or adoptive parents selected by the parent if:~~

16 ~~the other parent of the child, if any, consents to the adoption, or the~~
parental

17 ~~rights of the other parent are terminated;~~

18 ~~the court determines that the placement is in the best interest of the~~
child; and

19 ~~the placement complies with all applicable requirements of federal and~~
state law

20 ~~relating to the adoption;~~

21 ~~provides that a court is only required to comply with a parent's first~~
placement

22 ~~selection, but that the court may choose to comply with an additional placement~~
23 ~~selection by the parent;~~

24 ~~provides that the consent or choice, described in the preceding paragraphs,~~
by a

25 ~~parent may not be used as grounds for subsequently terminating the parental rights~~
26 ~~of the parent if the parent withdraws consent or changes the parent's placement~~
27 ~~preference; }~~

28 ▶ amends provisions relating to notice of an adoption proceeding;

► adds a social service worker to the list of individuals who are qualified to conduct a preplacement adoptive evaluation;

2. Page 2, Line 40 through Page 3, Line 68:

40 { ~~ENACTS:~~

41 ~~78A-6-510.5, Utah Code Annotated 1953 }~~

42

43 *Be it enacted by the Legislature of the state of Utah:*

44 { ~~Section 1. Section 78A-6-510.5 is enacted to read:~~

45 ~~78A-6-510.5. Selection by natural parent of adoptive placement of a child~~
46 ~~who is~~

47 ~~in-state custody.~~

48 ~~(1) Except as provided in Subsection (2), a court shall comply with the~~
49 ~~decision of a~~

50 ~~natural parent of a child who is in the custody of the division to place the child for~~
51 ~~adoption~~

52 ~~with an adoption agency selected by the natural parent, or a prospective adoptive~~
53 ~~parent or~~

54 ~~parents selected by the natural parent, if:~~

55 ~~(a) (i) the other natural parent of the child, if any, consents to the adoption;~~
56 ~~or~~

57 ~~(ii) the parental rights of the other natural parent of the child, if any:~~

58 ~~(A) have been terminated; or~~

59 ~~(B) will be terminated before the adoption decree is entered;~~

60 ~~(b) the court determines that the placement is in the best interest of the child;~~
61 ~~and~~

62 ~~(c) the placement complies with all applicable requirements of federal and~~
63 ~~state law~~

64 ~~relating to the adoption.~~

65 ~~(2) A court is only required to comply with Subsection (1) with respect to one~~
66 ~~adoption~~

67 ~~agency, one adoptive parent, or one set of prospective adoptive parents selected by the~~
68 ~~natural~~

69 ~~parent. If the selection made by the natural parent does not satisfy the requirements~~
70 ~~described~~

71 ~~in Subsection (1), or the parent changes the parent's selection, the court may, but is~~

- not required
62 to, comply with an additional selection by the natural parent.
63 ~~—— (3) A decision by a natural parent, under this section, to place a child for~~
~~adoption or to~~
64 ~~consent to termination of the natural parent's parental rights may not be used as~~
~~grounds for~~
65 ~~subsequently terminating the parental rights of the natural parent if the natural~~
~~parent~~
66 ~~withdraws the natural parent's consent or selects a different placement than~~
~~originally selected~~
67 ~~by the natural parent. }~~
68 Section {~~2~~} 1 . Section 78B-6-110 is amended to read:

3. *Page 8, Lines 237 through 243:*

- 237 (c) in accordance with Subsection (6), an evaluation conducted by:
238 (i) an expert in family relations approved by the court;
239 (ii) a certified social worker;
240 (iii) a clinical social worker;
241 (iv) a marriage and family therapist;
242 (v) a psychologist; {~~or~~}
243 (vi) a professional counselor; {~~and~~} or
(vii) a social service worker; and

Reorder remaining sections accordingly.

The motion passed unanimously, with Rep. Clark and Rep. Menlove absent for the vote.

Spoke in favor of the bill: Mr. Larry Jenkins, Utah Adoption Council

MOTION: Rep. Daw moved to pass H.B. 368 with a favorable recommendation as amended.
The motion passed unanimously, with Rep. Clark and Rep. Menlove absent for the vote.

H.B. 494 Justice Courts (*Rep. C. Herrod*)

Rep. Herrod presented the bill to the committee and provided a handout.

Spoke to the bill: Mr. Rick Schwermer, Deputy Director, Administrative Office of the

Courts
Mr. Colin Winchester, Judicial Conduct Commission
Mr. Roger Tew, Utah League of Cities and Towns
Mr. Adam Trupp, Utah Association of Counties

MOTION: Rep. Daw moved to pass H.B. 494 with a favorable recommendation. The motion passed unanimously, with Rep. Clark absent for the vote.

1st Sub. S.B. 67 Annual Eye Examination for Children in Grades Kindergarten Through Three (*Sen. L. Robles*)

Sen. Robles presented the bill to the committee.

Spoke in favor of the bill: Ms. Deon Turley, Utah PTA

MOTION: Rep. Chavez-Houck moved to pass 1st Sub. S.B. 67 with a favorable recommendation. The motion passed unanimously, with Rep. Clark absent for the vote.

H.B. 341 Interview of a Child Not in Protective or Legal State Custody (*Rep. M. Morley*)

At the request of the sponsor, the bill was not considered.

MOTION: Rep Daw moved to adjourn. The motion passed unanimously, with Rep. Clark absent for the vote.

Rep. Ray adjourned the meeting at 7:10 p.m.

Rep. Paul Ray, Chair

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