

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1267

2001 HOUSE JUDICIARY

HB 1267

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1267

House Judiciary Committee

Conference Committee

Hearing Date 01-22-01

Tape Number	Side A	Side B	Meter #
Tape I	x		1308 to 2280
	x		2302 to 5239
		x	01 to 1931
Committee Clerk Signature <i>Joan Diers</i>			

Minutes: Chr DekRey opened the hearing on HB 1267, the clerk will read the title. Relating to court and law enforcement records of a juvenile.

Ron Carlisle: District 30, Bismarek ND (see attached testimony)

Rich Ott: NDCBL ( North Dakota School Board Association) We have asked a number of people to come to the hearing and explain their concerns.

Colleen A Bremer: Principal, west Fargo Community High School. (see attached testimony)

Rep Eckre: would we be getting around the student privacy act with this bill.

Colleen Bremer: This is not related to the privacy act since this would not be educational records.

Rep Eckre: was this what the bill was intended?

Colleen Bremer: This would deal with information going out from the school not coming into the school with the student.

Rep Eckre: How many states do this sort of thing at this time?

Colleen Bremer: I believe several of them do.

Vice Chr Kretschmar: (takes over the meeting at this time) How many are involved at this time, can you give me a number?

Colleen Bremer: We are a small school and we are not a typical school. That question would be better addressed by someone else who is here to testify.

Rep Klemin: You stated in your testimony that there is a component missing.

Colleen Bremer: That was an over site on my part.

Rep Klemin: What would you propose the language be?

Colleen Bremer: I could get that and have a copy for you.

Rep Klemin: That would be most helpful to the committee if you could submit that in writing.

Rep Grande: Can you define the term school official and how far would the information go, who would have access to it?

Colleen Bremer: School official would be the superintendent, principal, guidance counselor, law enforcement person of the school and this would all be on a need to know basis.

Rep Grande: would there be someone who would not have access, would it be a special file, and what about the parent?

Colleen Bremer: I can't answer your question, but my notion is that a parent could access the file of their student.

Rep Grande: How far would the records be transferred. If the student goes on to the university what record are going with the student when they graduate?

Colleen Bremer: The law enforcement person maintains the file and when the student graduates it stays at the school. Those records do not go on to a secondary school.

Rep Mahoney: By way of explanation, all records are open to the parents and records are not expected to go any further then when a student graduates from high school. This bill would make records of a certain type of crime a part of the record. Language could be added to the bill to names the crimes, we would have to contact the Legislative Council.

Terry Styf: West Fargo Police Department this officer has dealt with juvenile records and gave testimony on how this information would help teachers and the community with safety issues.

Rich Majerus: Lt with the Cass County Sheriff Department: The department is asking to share information to protect students of a school we want to make sure that we have a safe place for students to gain their education. He spoke in support of HB 1267.

Jean Doll: Administrator of the Foster Care Program, Children and Family Services, Department of Human Services (see attached testimony).

Kelly Rush: Principal Beulah High School spoke in support of HB 1267. He names several items that would be beneficial to the safety of the school. They were the school that had extensive damage done to their school thru vandalism.

Rep Delmore: How will you use this information to help teachers and other personnel? Who will have access to the information?

Kelly Rush: It would be on a need to know basis.

Rep Delmore: I can understand the principal knowing, but sometimes it would be very important for the teachers to know, how will this be done?

Rep Onstad: You can get a court order to get the information now.

Kelly Rush: yes, a state court order but no other information is given.

Rep Onstad: What about the tribal court verses regular court. How does this fit in with this bill?

Kelly Rush: I don't know if the tribal court will accept any court order.

Rep Onstad: If they fail to release the information will this put them in the light that they will have to?

Kelly Rush: I would say yes, it would have to be considered.

Rep Mahoney: what about mandatory disclosure, does that limit us.

SIDE B OF TAPE I

Rep Mahoney: continues with the question, do you have any preference or would you request juvenile records.

Kelly Rush: The word may have to be changed to the must.

Joe Westby: North Dakota Education Association) in support of HB 1267. We are concerned about the protection of the juvenile, also the teachers need to know. Page 1 lines 13 thru 19, the wording other schools students wish to enroll, we may some proposed amendments also section 2 and 3 as well.

Chr Vice Kretschmar: Are there any questions, thank you for appearing before the committee.

Greg Wallace Assistant State Court Administrator for Trial Courts (see attached testimony)

Rep Onstad: What do you see as the reporting period, when should it end?

Greg Wallace It isn't in this draft, we would also allow schools to report the information without having to ask for it.

Jack McDonald: North Dakota Newspaper Association (see attached testimony) also appearing for the State Association of Non Public Schools. The non public schools have some concerns about being allowed to participate. They would like an amendment so that non public schools could be allowed to be included.

Page 5  
House Judiciary Committee  
Bill/Resolution Number HB 1267  
Hearing Date 01-22-01

Jerry Kemit: North Dakota Peace Officers Association, testified in support of HB 1267.

Vice Chr Kretschmar: Are there any questions, if not thank you for appearing in front of the committee.

Boy Nielson: North Dakota School Board Association, spoke in support of HB 1267.

Jim Flemig: Assistant Attorney General, offered technical points on the bill, to clarify the language. You could add an amendment for the non public schools so that they would be included. The tribal courts are not governed by our laws so this would not affect them. He stated that all records maintained by the school are confidential. Schools may form a law enforcement unit and then those records gathered by the law enforcement unit would not apply.

Rep Eekre could you clarify and give examples of generated records and collective records.

Jim Flemig: If there were a fight on school grounds and the law enforcement unit was notified that record would be a generated record. If there was a fight somewhere off the school grounds and the city officials were involved that would be a collected record.

Rep Grande: Just for clarification, this is in regard to requesting access to juvenile records, if a teacher applies, isn't that a request from an official.

Jim Flemig: The language refers to the school. Teachers would be allowed to make the request, but the custodian of the records has the discretion to give out the records.

Vice Chr Kretschmar: Thank you for appearing in front of the committee. Is there anyone else wishing to appear for or against or neutral on HB 1267. We will close the hearing on HB 1267 and be in recess until 3:30 pm

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1267a

House Judiciary Committee

Conference Committee

Hearing Date 02-07-01

Tape Number	Side A	Side B	Meter #
TAPE I		x	973 to 1489
Committee Clerk Signature <i>Jean Duro</i>			

Minutes: Chairman DeKrey called the committee to order on HB 1267.

Rep Grande explains the amendments.

COMMITTEE ACTION

DISCUSSION on the amendments

A voice vote was taken on the amendments. The amendments pass

Chairman DeKrey what are the wishes of the committee? Rep Grande moved a DO PASS as amend, seconded by Rep Kingsbury.

The clerk will call the roll on a DO PASS as amend on HB 1267. The motion passes with 14 YES, 0 NO, 1 ABSENT. Carrier Rep Grande.



PROPOSED AMENDMENTS TO HOUSE BILL 1267

Page 1, line 1, replace the second "a" with "two" and replace "section" with "sections"

Page 1, line 2, after "unit" insert "and retention of records"

Page 1, line 9, replace "The board of a" with "A" and remove "district"

Page 1, line 18, replace "Officials" with "A superintendent or principal" and replace "other schools" with "another school"

Page 1, line 19, replace "or" with a comma and after "guardian" insert ", or legal custodian"

Page 1, after line 23, insert:

**"SECTION 2.** A new section to chapter 15.1-19 of the North Dakota Century Code is created and enacted as follows:

**Record Retention.** Records obtained by a school under this act regarding a student must be destroyed when the student reaches the age of eighteen."

Page 3, line 21, replace "officials" with "a superintendent or principal"

Page 4, line 24, replace "Officials" with "A superintendent or principal" and remove the second "officials"

Date: 02-07-01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1267

House JUDICIARY Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as amended

Motion Made By Rep Grande Seconded By Rep Kingsbury

Representatives	Yes	No	Representatives	Yes	No
CHR - Duane DeKrey	✓				
VICE CHR -- Wm E Kretschmar	✓				
Rep Curtis E Brekke	✓				
Rep Lois Delmore	✓				
Rep Rachael Disrud	✓				
Rep Bruce Eckre	✓				
Rep April Fairfield	✓				
Rep Bette Grande	✓				
Rep G. Jane Gunter	✓				
Rep Joyce Kingsbury	✓				
Rep Lawrence R. Klemin	✓				
Rep John Mahoney					
Rep Andrew G Maragos	✓				
Rep Kenton Onstad	✓				
Rep Dwight Wrangham	✓				

Total (Yes) 14 No 0

Absent 1

Floor Assignment Rep Grande

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1267: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1267 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "a" with "two" and replace "section" with "sections"

Page 1, line 2, after "unit" Insert "and retention of records"

Page 1, line 9, replace "The board of a" with "A" and remove "district"

Page 1, line 18, replace "Officials" with "A superintendent or principal" and replace "other schools" with "another school"

Page 1, line 19, replace "or" with an underscored comma and after "guardian" Insert ", or legal custodian"

Page 1, after line 23, insert:

**"SECTION 2.** A new section to chapter 15.1-19 of the North Dakota Century Code is created and enacted as follows:

Record retention. Records regarding a student obtained by a school under this chapter must be destroyed when the student reaches the age of eighteen."

Page 3, line 21, replace "officials" with "a superintendent or principal"

Page 4, line 24, replace "Officials" with "A superintendent or principal" and remove "officials"

Re-number accordingly

2001 SENATE JUDICIARY

HB 1267

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1267

Senate Judiciary Committee

Conference Committee

Hearing Date March 13th, 2001

Tape Number	Side A	Side B	Meter #
1		x	15.6-47.8
March 21 tape 1	x		39.9-49.6
Committee Clerk Signature			

Minutes: **Senator Traynor**, opened the hearing on HB 1276.

**Rep. Carlisle**, (testimony attached and proposed amendments attached), prime sponsor of the bill.

**Senator Traynor**, You were asked to introduce this bill by school administrators?

**Rep. Carlisle**, yes.

**Bev Neilson**, ND school board association, supports the bill. Allows to take advantage of law enforcement units and contact them within the school for safety reasons.

**Senator Trenbeath**, on page 3, line 20 where we are deleting the language. We're brooding the scope of that subsection. Now your saying that the entire juvenile court file no matter what it might pertain to is releasable to the school? Could you elaborate?

**Bev Neilson**, plea bargains or anything dealing with the court that may indicate violence.

**Senator Trenbeath**, that's my concern.

