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Measures Heard HB 2380 (Public) HB 2264 (Public) HB 2099 (Public) HB  
2187 (Public)

HOUSE COMMITTEE ON JUDICIARY FAMILY JUSTICE

January 23, 1991Hearing Room 357 3:00 p.m.Tapes 5 - 7

MEMBERS PRESENT:Rep. Kelly Clark, Chair Rep. Judy Bauman Rep. Marie  
Bell Rep. Jim Edmunson Rep. Kevin Mannix Rep. Tom Mason Rep. Del Parks  
Rep. Ron Sunseri

STAFF PRESENT: Holly Robinson, Committee Counsel Kathy Neely,  
Committee Assistant

WITNESSES: George Joseph, Chief Judge (HB 2380)  
Charles Williamson, OTLA (HB 2380) Clark Campbell (HB 2264) Greg  
McMurto, Dpt. of Education (HB 2099) Rosanna Creighton, Citizens for  
Drug Free Oregon (HB 2264) Kathleen Beaufait, LC (HB 2099) Mike Autio,  
LC (HB 2099) Marvin Evans, COSA (HB 2099) Melinda Greer, (2187)

These minutes contain materials which paraphrase and/or summarize  
statements made during this session. Only text enclosed in quotation  
marks report a speaker's exact words. For complete contents of the  
proceedings, please refer to the tapes.

TAPE 4, SIDE A

005 REPRESENTATIVE CLARK, CHAIR: Calls the hearing to order at 3:05  
p.m.

PUBLIC HEARING ON HB 2380

029 GEORGE JOSEPH, CHIEF JUDGE, OREGON COURT OF APPEALS: Introduces self  
and offers testimony in favor of the bill. States the total number of  
new filings for the Court has increased. The Court does not want to  
come to the Legislature to ask for more judges to share the workload.  
This bill's intent is to ease workload. Wants to abolish de novo review  
in domestic cases. Believes there should be one trial on the question  
of fact and there is no reason for another chance. Fact determination  
should not be the duty of the Court of Appeal. There were 130 de novo  
cases filed by the end of August and the final number will be 200. This  
4% of the case load takes a lot of time. Discusses a case brought by  
former Senator Hendrickson. Asks for the committee's attention to reduce  
the load of cases that come to the Court of Appeals.

106 REP. EDMUNSON: States the Court does not get involved with trivial  
cases. Expresses concern that the judicial system should be well funded  
and well staffed and that this would impede that. Fundamentally opposed  
to the bill.

159 REP. SUNSERI: Is interested in a response to Rep. Edmunson's  
comments.

160 JUDGE JOSEPH: Did not mention reducing costs.

REP. EDMUNSON: Was referring to the fiscal analysis of the bill which talks about reducing cost.

JUDGE JOSEPH: This bill would not have any impact on present costs. Does not believe in the two step appeals process in Oregon. Comments on how much factual reviews actually determine and AWOPS.

212 REP. BELL: Wants explanation of testimony regarding de novo review being harmful to women?

219 JUDGE JOSEPH: Discusses Senator Hendrickson's view being that de novo review is protective of women's interests in a judicial system dominated by men. That the court system was tilted in favor of men. Historically, domestic relation case law had that effect. Believes that is not a current line of thought.

251 REP. MASON: Comments on the Judge's points. Do not see a bias in the court system in domestic relations. Believes it is a good concept.

298 JUDGE JOSEPH: This effort has been defeated for years because of the women's issue.

312 REP. BELL: How often are these cases over turned? Is it creating financial burden?

320 JUDGE JOSEPH: Cannot answer. Never developed a successful system of statistics. Believes the number is small. Thinks the principal impact of abolishing de novo review will be in reducing the need to appeal.

355 CHAIR CLARK: Is this the only area the Court of Appeals is doing de novo reviews?

359 JUDGE JOSEPH: Generally all cases tried in equity have de novo review. Lists areas. There is de novo review for traffic offenses also.

380 CHAIR CLARK: Calls Mr. Williamson to witness.

391 REP. BELL: Is there a conflict of interest in this matter?

TAPE 6, SIDE A

003 REP. MANNIX: Explains legislative conflict of interest.

005 CHARLES WILLIAMSON, OREGON TRIAL LAWYERS ASSOCIATION: Introduces self and offers testimony against HB 2380. Believes the Court of Appeals provides citizens with a good service. States the bill will "handcuff" the Court when they determine a trial judge was wrong by not allowing them to fix the error. The bill takes away a substantial safety valve of the public with no real savings and takes away the ability of the Court of Appeals to correct a manifest injustice.

043 REP. BAUMAN: Asks for interpretation of the issue Judge Joseph raised about the law being clear, it's just the application that is the problem? How many are based on the law being applied to facts that are contested in the appeal? Believes that is the issue.

058 CHARLES WILLIAMSON: Not sure of the percentage. Believes many cases have just straight factual determinations. Believes it is helpful to

the courts and practitioners to read the cases for uniformity in addressing common issues. Refers to and comments on the Smith case regarding modifications of support.

071 REP. PARKS: Wants an explanation of the Smith case and what was involved with regard to the fact issue, the law, and the spread on the figures.

076 CHARLES WILLIAMSON: Discusses the Smith case and what was historically happening. This case created a mathematical formula for support amounts. It was an advancement in the law 10 year ago before the Legislative support guidelines

086 REP. PARKS: Believes the point of Smith was to unify support. Discusses the concept of judge's discretion on facts and law.

111 CHARLES WILLIAMSON: Discusses workers' compensation cases as a parallel to this. Every other equity case has de novo review but there would no review with domestic relation cases with this bill..

119 CHAIR CLARK: Explains intentions of the Chair to hold off on a work session today and to schedule this for further consideration.

136 REP. MANNIX: States in favor of the bill.

137 CHAIR CLARK: Closes public hearing on HB 2380 and opens public hearing on 2099.

PUBLIC HEARING ON HB 2099

147 HOLLY ROBINSON: Comments on the bill and gives a summary. This bill came out of the Joint Interim Education Committee.

159 KATHLEEN BEAUFIT, LEGISLATIVE COUNSEL: Introduces herself and Mike Autio, Law Clerk. See Exhibit A, a memorandum from LC. States LC was asked to prepare the draft which is now HB 2099 because the statute on public records relating to students was not conforming to federal statute (Family Education Rights of Privacy Act). The School Board Association brought attention to the fact the Oregon statute was more exclusionary than federal law. It put a ban on all student information where federal statute allowed the revealing of "directory information". Defines "directory information" as stated in Section 1. Section 2 states the procedures and the rights of the parties involved. Section 3 is about record transfers from school to school and ability to challenge the information in the record. Comments on the appearance of the word "aptitude" on page 1, line 14. Does not think it is dictated by federal statute. The bill is an effort to bring the Oregon schools student records laws into compliance with federal statutes. Most procedures are not set in the federal statute but are away to meet the requirements.

223 REP. MANNIX: Questions the provision on page 2, lines 16 and 17 which picks up on the former language. The bill states this is a release of records only in the presence of an individual qualified to explain or interpret the records. Understands that in relation to a parent or a guardian but is concerned when a subpoena is duly served. Can the records only be released according to that provision? Will this constitutently require a school official to show up in court to explain the records even when the parties don't care?

274 KATHLEEN BEAUFIT: Responds it technically appears to require the presence of an individual if released on subpoena. Do not know what the actual practice is.

251 REP. MANNIX: Are there a lot of instances? Concerned about having a school official running over to the court house every time this comes up.

256 KATHLEEN BEAUFIT: States there are people from the School Board Association here that would be better able to answer the question.

258 REP. EDMUNSON: These records are now confidential. This does not create a new category of confidentiality does it?

KATHLEEN BEAUFIT: Yes. There is no state definition for directory information.

268 REP. EDMUNSON: On page 2, line 13, it states release of behavioral records for use in juvenile court or criminal proceeding shall be made only with the consent of the student or the superintendent or designated representative in response to the subpoena. Does that mean even if subpoenaed this information may be withheld if consent is withheld? Is the subpoena essentially quashed?

270 KATHLEEN BEAUFIT: Reads those as disjunctive.

REP. EDMUNSON: Why say with the "consent" instead of saying in response to a subpoena?

KATHLEEN BEAUFIT: The language was supplied by Lee Penny who wanted it that way.

292 HOLLY ROBINSON: Under state and federal law a student under 18 can't consent to the release, it has to be done by the parent. However, if the juvenile is charged in a criminal proceeding and represented by counsel, the question is who has the ability to release behavioral records. When the child has an attorney and the records could be very important in the child's defense, a child in that circumstances should have the initial right to consent to the release of the records.

312 REP. EDMUNSON: What if the state wants the records and the student, or their representative, does not want the records discoverable. Does the student have the right to prevent the release of behavioral records?

320 HOLLY ROBINSON: They could file a motion to quash and succeed or fail on the merits.

KATHLEEN BEAUFIT: The state would seek a subpoena.

HOLLY ROBINSON: The student would have standing to file a motion to quash.

324 REP. EDMUNSON: Does this language mean release will only be made with consent and since there is no consent, the subpoena is quashed?

HOLLY ROBINSON: Are you concerned with the word "only"?

334 CHAIR CLARK: Kathleen, can you put a comma in after the word "student" on line 13?

KATHLEEN BEAUFIT: That would be one answer. Another might be to delete "only" so it would be "made with the consent or by".

347 REP. SUNSERI: Section 3, line 10, provides for the parent or guardian to remove any information from the record they feel is detrimental to the student's welfare. There is still some control.

355 REP. MANNIX: Would like clarification of the language on lines 11 through 15 on page 2. Line 11 would remain the same. Say in line 12 that "in any juvenile court proceeding under ORS 419 .476(1)(a) or", and then delete "if the student is a minor", [continuing with quote] "or for use in any criminal proceeding in any court of this state." Just limit it to juvenile and criminal proceedings. Continuing with the quote, "shall be made", delete the "only", "with the consent of the student or if the student is a minor with the consent of the parent or legal guardian of the student, or by the superintendent...." Is that what we are getting at? The release will be made with the consent of the adult student or, if a minor, with consent of parent or legal guardian, or by the superintendent in response to a subpoena.

379 KATHLEEN BEAUFIT: Ms. Penny's view was the parent or guardian could not consent for the student in a criminal or juvenile proceeding for the release of detrimental information.

388 REP. MANNIX: Leave out "or if the student is a minor". Does the student need to consent and we are going to allow a minor to consent?

399 KATHLEEN BEAUFIT: That is the position apparently taken.

394 REP. MANNIX: Not willing to let a minor consent in those situations.

399 REP. BAUMAN: We are talking about privilege. Discusses minors' entitlement to privilege. Insert a period after "student" and insert "if consent is not given, release shall only be had in response to a subpoena to the superintendent or designated representative after notice to the student and the parent or guardian thereof." Thinks that is what is meant.

423 KATHLEEN BEAUFIT: It may be that two sentences would be an improvement.

426 HOLLY ROBINSON: Makes sure the issue being is raised under 476 (1)(a), the reference to the juvenile code which allows them to be brought to court on allegations, if conducted by an adult, would be a crime. This is a very narrow window for a right to consent to the release. This is a very finite exception or limited circumstances. Deals with the right to counsel and to aide in defense.

TAPE 5, SIDE B

031 CHAIR CLARK: What happens if we do not conform Oregon statutes to federal law?

037 KATHLEEN BEAUFIT: Discusses the way federal statutes are written.

043 REP. BELL: Item 5b, line 26 on page 2 allows the information to be released after a reasonable period of time. Does it mean each time there is a request, the parties would be notified or is it a blanket coverage?

051 KATHLEEN BEAUFIT: This is related to directory information. Understands that a blanket consent is given one time or once each semester. Keeping a roster of the requests is required under the federal statute.

058 REP. BELL: If an adult wanted to deny the consent, they could do that?

KATHLEEN BEAUFIT: Yes, but it would not be retroactive.

REP. BELL: Should reasonable period be defined?

KATHLEEN BEAUFIT: It varies from school district to district.

065 REP. BELL: Asks from the standpoint of a parent on the time line.

KATHLEEN BEAUFIT: Each district sets a time.

069 CHAIR CLARK: Asks Mr. McMurto to come up.

071 GREG MCMURTO, DEPARTMENT OF EDUCATION: On page 1, line 14 it states "or aptitude". That is more a behavioral record than progress record. Concerned it could be interpreted in a way to put us out of compliance with federal law. Will find out how the word was put in there.

085 MARVIN EVANS, CONFEDERATION OF OREGON SCHOOL ADMINISTRATORS: Discusses the two major parts of the bill. Has no concern with directory information. Concerned with the last page of the bill regarding the transfer of student records.

1) The issue, educationally, is to get the student into school and properly situated with the information necessary. Must be in conformance with the law but the bill, as written, provides a restrictive process. Would like to ask for more time to come up with a better solution for the most expeditious fashion as possible.

2) Offers to explain what school districts do.

111 CHAIR CLARK: Wants to hold this matter over for further consideration. Closes public hearing on 2099.

123 CHAIR CLARK: Recesses the meeting at 4:10 p.m. Reconvenes at 4:22 p.m. Wants to quickly get through HB 2187 to get to HB 226 4.

PUBLIC HEARING ON HB 2187

137 MELINDA GREER, DEPARTMENT OF HIGHER EDUCATION: Introduces herself and offers testimony in favor of HB 2187. (See Exhibit B). States the bill is similar in nature to the previous bill. Proposes to bring the law into compliance the federal laws with one exception.

1. It would make it clear medical records could be disclosed to the Health Division as required by state statute.

2. Allows the disclosure of student records in response to a subpoena. Currently Oregon law requires a court order.

3. Allows for limited disclosure for educational research.

4. The federal student records laws have been amended to permit educational institutions to release results of disciplinary proceeding against an alleged perpetrator of a crime to the victim of a crime. Currently in Oregon the disciplinary records are confidential.

167 CHAIR CLARK: Does "alleged perpetrator" mean this person has not been tried?

MELINDA GREER: They have gone through disciplinary proceeding. After these proceeds are over, we can then tell the student victim what the result was.

171 CHAIR CLARK: Does this assume there is no other criminal proceeding going on?

MELINDA GREER: It is regardless of whether there is or not.

178 CHAIR CLARK: Expresses concern when a victim gets the results of the disciplinary proceeding and how that will effect the criminal proceeding.

MELINDA GREER: It has no effect, because the school's procedure has no effect in the criminal proceedings. It just allows for informing the victim. "Crime" may be the incorrect term to use.

187 CHAIR CLARK: A prosecutor will want to get these records.

MELINDA GREER: Needs a subpoena to do that. We try not to allow the records to be used for that.

192 CHAIR CLARK: But the victim can come to you without a subpoena and get the records?

MELINDA GREER: They can only get the result. Gives an example.

199 REP. EDMUNSON: When disciplinary proceedings are conducted, are witnesses, etc. informed the records may be handed over to prosecutors? Concerned about confessions, etc. The witnesses need to be advised of their rights.

207 MELINDA GREER: They are told of the right not to participate. Most participate and most are represented by counsel if it's a criminal action.

216 REP. MANNIX: At the bottom of page 2 is the reliance on federal statute. It also says "the State Board shall not authorize disclosure of information to the parents of a dependent student without the student's consent even through such disclosure is authorized under federal law." Why?

222 MELINDA GREER: Oregon Student Lobby will oppose the bill if that is not there. This is a compromise to get the bill through.

227 REP. MANNIX: States an example of this application.

232 MELINDA GREER: Under the current statute the parents have no access. Wanted to have the two be consistent but OS� would oppose.

239 CHAIR CLARK: What is the definition of "dependent student"?

241 MELINDA GREER: Someone whose parents used them as a tax deduction in the prior year.

242 HOLLY ROBINSON: It could be students in school over the age of 18.

REP. MANNIX: Did you discuss with OSL on making a distinction. For example, up to age 18 the parents would have access as long as the student is dependent, and over the age of 18, they both would have to consent.

249 MELINDA GREER: That was tried.

251 REP. MANNIX: What about a law that the parents receive a letter every year telling them they have no access to the records. Have constituents complaining about the lack of access.

258 MELINDA GREER: There are parents who are not happy since Oregon's statute is different from other states. In private schools, parents can get the records but they are unable to in the public schools. Private schools are governed by federal statutes not state statutes which restricts the release.

269 REP. MANNIX: A parent can coerce the student to sign an agreement for access to records.

274 MELINDA GREER: This statute removes us from the middle of domestic battles.

279 HOLLY ROBINSON: Wants a clarification about dependent students.

MELINDA GREER: It is defined in the federal statute.

CHAIR CLARK: Closes the hearing and opens the work session.

WORK SESSION ON HB 2187

288 REP. MANNIX: Moves to amend HB 2187 to delete the sentence beginning with the word "However," on line 37 of page 2 running through the rest of that page.

293 CHAIR CLARK: Rep. Mannix has moved to delete the last sentence of the bill. Discussion?

296 REP. MANNIX: Willing to go along with OSL generally but the federal law and this one exemption ought to be paralleled.

298 REP. EDMUNSON: Does not support the amendment. Is concerned that financial dependence does not take away from the independence of the student being responsible for their own behavior.

310 REP. BELL: Is concerned for minor students whose parents are still legally responsible. Parents with legal responsibility should know what is in the records.

322 CHAIR CLARK: Comments on amendment.

REP. MANNIX: Withdraws his previous amendment.

CHAIR CLARK: Any objections?



REP. SUNSERI: Agrees with Rep. Mannix's motion. Majority is not the question.

CHAIR CLARK: Clarifies that Rep. Mannix is proposing to withdraw his proposed amendment. If there is an objection, then we have to vote.

REP. SUNSERI: Objects.

CHAIR CLARK: We will vote on Rep. Mannix's amendment.

REP. MANNIX: Withdraws his withdrawal so the original amendment is before the committee.

CHAIR CLARK: If the original amendment fails, we will be able to discuss Rep. Bell's proposal.

339 REP. BELL: He can't amend a withdrawal.

349 CHAIR CLARK: Rep. Bell, would you like to propose amending Rep. Mannix's proposed amendment?

353 REP. BELL: Asks if allowed to amend a withdrawn motion.

354 CHAIR CLARK: He is not withdrawing. The original amendment still stands as proposed.

358 REP. MANNIX: Repeats amendment and comments on fact Rep. Bell can amend the amendment by reinserting the sentence and inserting the word "minor" in front of the word "dependent".

CHAIR CLARK: Clarifies amendments facing the committee. Rep. Mannix moves to pull out the last sentence of the bill and Rep. Bell moves to amend that amendment by putting the last sentence back in and inserting "minor" before the word "dependent" on line 38.

376 REP. MANNIX: States there can be further motions to amend.

CHAIR CLARK: Asks for discussion.

383 REP. SUNSERI: Does not feel that majority is the problem. The parent ought to have the right.

394 CHAIR CLARK: Rep. Edmunson points out that the sentence states "The State Board shall not authorize disclosure of information to the parents of a dependent student." It needs to be "adult dependent student" not "minor". The question will remain the same.

412 REP. BELL: Responds to Rep. Sunseri's comments. Can't legislate communication.

TAPE 6, SIDE B

008 CHAIR CLARK: Asks for further discussion.

REP. EDMUNSON: Calls the question.

CHAIR CLARK: The vote is on Rep. Bell's amendment to insert the word "adult" in front of the word "dependent" in line 38.

COMMITTEE ASSISTANT: Roll call vote:

Rep. Bauman: excused Rep. Bell: aye Rep. Edmunson: aye Rep. Mannix: nay  
Rep. Mason: nay Rep. Parks: nay Rep. Sunseri: nay Chair Clark: nay

CHAIR CLARK: Rep. Bell's amendment to Rep. Mannix's amendment is defeated. The question is now Rep. Mannix's original amendment of pulling out the last line of the bill. Further discussion.

COMMITTEE ASSISTANT: Roll call vote:

Rep. Bauman: excused Rep. Bell: nay Rep. Edmunson: nay Rep. Mannix: aye  
Rep. Mason: nay Rep. Parks: aye Rep. Sunseri: aye Chair Clark: nay

CHAIR CLARK: The motion on the amendment is defeated.

036 REP. EDMUNSON: Moves HB 2187 to full committee with a do pass recommendation.

037 CHAIR CLARK: Rep. Edmunson moves the bill to the full committee. There were no other amendments.

039 REP. MANNIX: Moves to amend to insert "adult dependent student".

047 REP. EDMUNSON: Withdraws motion.

048 CHAIR CLARK: Explains where the committee stands on the bill. Currently stands as originally brought. Ready to vote on bill with do pass but Rep. Edmunson has withdrawn his motion to allow Rep. Mannix to amend.

056 REP. MANNIX: Moves to delete the word "a" in front "dependent" and to insert "an adult". It will read "parents of an adult dependent student".

059 CHAIR CLARK: Rep. Mannix moves to change the final sentence so line 38 reads "parents of an adult dependent student".

REP. MASON: Comments on the effort of Ms. Greer and OSL.

070 REP. MANNIX: Comments on other lobbying on this bill.

076 CHAIR CLARK: Calls for the vote on Rep. Mannix's current amendment to insert the words "an adult" in place of the word "a" on line 38, page 2 of the printed bill.

COMMITTEE ASSISTANT: Roll call vote:

Rep. Bauman: nay Rep. Bell: aye Rep. Edmunson: nay Rep. Mannix: aye Rep. Mason: nay Rep. Parks: aye Rep. Sunseri: nay Chair Clark: aye

CHAIR CLARK: The motion is defeated.

088 REP. EDMUNSON: Moves HB 2187 to full committee with do pass recommendation.

099 CHAIR CLARK: Asks for further discussion. Calls for the vote on Rep. Edmunson's motion.

COMMITTEE ASSISTANT: Roll call vote:

Rep. Bauman: aye Rep. Bell: aye Rep. Edmunson: aye Rep. Mannix: nay Rep. Mason: aye Rep. Parks: aye Rep. Sunseri: nay Chair Clark: aye

CHAIR CLARK: The bill is passed to full committee with a do pass recommendation. Asks Rep. Edmunson to carry the bill.

CLOSES WORK SESSION ON HB 2187

OPENS HEARING ON HB 2264

112 CHAIR CLARK: Requests that members hold questions.

117 CLARK CAMPBELL, DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS, DEPARTMENT OF HUMAN RESOURCES: Brings proposed amendments to HB 2264 to be consistent with Monday's discussions. Offers testimony on the amendments. Section 1 concerns the requirement placed on a juvenile court judge. Proposes that when a parent is indigent, money can be taken from an indigence fund. This money is put into the fund from the petition fees from adult offenders.

146 CHAIR CLARK: Clarifies this is HB 2264-2.

HOLLY ROBINSON: Comments on HB 2264-2 for the committee's clarification. Mr. Campbell's proposal has been inserted in the bill and then took out parts that needed to be removed. Attached is 2264-1 which is the language corresponding to issues proposed by Rep. Mannix.

165 REP. MANNIX: Comments on hand engross bill.

170 CLARK CAMPBELL: Reviews the issues.

1. What is to be done with a parent who cannot pay?

2. In middle of page 2 there is an attempt to combine the indigence funds. The DUII Indigence statute, ORS 813.270, would be amended to rename it the "Intoxicated Driver Program and Marijuana Possession Fund". Would also allow monies from the marijuana offense to be put in and to be used to pay for services to first offense marijuana offenders who are indigent.

3. Section 3 of the bill as written called for local law enforcement officers to refer the kids picked up to the County Juvenile Department. Proposes to drop Section 3 all together and deal with it in some other way. A new Section 3 would be the blending of the two funds.

208 CHAIR CLARK: Summarizes for committee his testimony regarding the proposals to the bill.

227 HOLLY ROBINSON: In the 813 section, all references to Mental Health Division were deleted and inserted....In the original bill on line 11 and line 12 where it states "designated agencies or organizations must meet the standard set by ...", does that need to be changed as well to conform to statute, on the -2 amendments?

240 CLARK CAMPBELL: Yes. Comments on Holly Robinson's -2 amendments. States there is administrative rule authority for the Department. These programs must meet the Department's rules not Mental Health's rules.

CHAIR CLARK: Suggests taking testimony from Rosa Creighton and then wants to ask the committee to consider the amendments so far.

265 ROSANNA CREIGHTON, EXECUTIVE DIRECTOR OF CITIZENS FOR A DRUG FREE OREGON: Introduces herself.

370 CHAIR CLARK: Wants reaction to proposed amendment removing Section 3 from original bill.

ROSANNA CREIGHTON: Understands the need for the amendment. Is offended by the term "street adjustment" because we are trying to identify kids for treatment and prevention efforts. Not opposed to it. Dale Penn from the DA's Association granted authority to speak for him. Both support Sections 1 and 2 as they read. The DA's Association also agrees to combining the funds.

289 CHAIR CLARK: Closes hearing on HB 2264 and moves into work session on HB 2264.

WORK SESSION ON HB 2264

CHAIR CLARK: Asks for a motion to amend the -2 amendments on the first page, lines 11 and 12 to complete Mr. Campbell's divorce with Mental Health. Rep. Edmunson so moves to take out the phrase "Mental Health and Developmental Disability Services Division" and inserting instead "Office of Alcohol and Drug Abuse Programs". Any objections, so ordered.

304 REP. MANNIX: Moves for the same change to be made on page 2 on lines 4 and 5.

CHAIR CLARK: Rep. Mannix makes the same motion for page 2. Any objections, so ordered.

301 REP. MANNIX: Moves the -2 amendments as corrected into HB 226 4.

CHAIR CLARK: Rep. Mannix moves the -2 amended amendments into HB 2264. Any discussion, any objections, so ordered. They are in the bill.

317 HOLLY ROBINSON: Explains the -3 amendments on pages 5 and 6 of the bill.

1. Understands the county juvenile language, is handwritten on the top left, would state that the court shall order an evaluation and designate agencies or organizations to perform the diagnostic assessment, education, and treatment, unless the court determines that such action is inappropriate in that particular case or unless the court finds that the child has previously entered an informal disposition agreement pursuant to Subsection 10 of 419.640. Explains what the language means and gives examples.

2. The same language would be inserted between lines 39 and 40 and gives the juvenile departments, when they are doing informal dispositions, the same parameters. The court and the juvenile department would follow the same standard. Gives an example.

378 REP. MANNIX: Moves the -3 amendment.

CHAIR CLARK: Rep. Mannix moves the hand engrossed amendments, -3, into bill.

388 REP. MANNIX: No change in line 37. Sees the need for flexibility.

394 CHAIR CLARK: Any discussion?

399 REP. BAUMAN: Clarifies that both -2 and -3 are added. The -3 amendments do not eliminate the -2 but are in addition to it.

CHAIR CLARK: Any objection to the amendments?

CLARK CAMPBELL: Adds an example of an inappropriate requirement.

CHAIR CLARK: If there are no objections it so ordered.

414 REP. MANNIX: Moves HB 2264, as amended, to full committee with do pass recommendation.

COMMITTEE ASSISTANT: Roll call vote.

Rep. Bauman: Aye Rep. Bell: Aye Rep. Edmunson: Aye Rep. Mannix: Aye  
Rep. Mason: Aye Rep. Parks: Aye Rep. Sunseri: Aye Chair Clark: Aye

CHAIR CLARK: HB 2264 as amended is passed to the full committee with a do pass recommendation. Asks Rep. Mannix to carry the bill. Adjourns the meeting at 5:10 p.m.

Submitted by: Reviewed by:

Kathy Neely David Harrell Assistant Office Manager

EXHIBIT LOG:

A - Memorandum on HB 2099 - Kathleen Beaufait - 11 pages  
B - Testimony on HB 2187 - Melinda Greer - 2 pages  
C - Letter on HB 2264 - Timothy Travis -4 pages