

HOUSE COMMITTEE ON JUDICIARY

SUBCOMMITTEE ON CIVIL LAW

March 30, 2005 Hearing Room 357

8:30 A.M. Tapes 39 - 41

MEMBERS PRESENT: Rep. Bob Ackerman, Chair

Rep. Linda Flores

Rep. Bill Garrard

Rep. Kelley Wirth

GUEST MEMBERS: Rep. Wayne Krieger

Rep. Greg Macpherson

STAFF PRESENT: Sam Sears, Counsel

Louann Rahmig, Committee Assistant

MEASURES/ISSUES HEARD:

HB 2831 – Public Hearing

HB 2839 – Public Hearing

HM 3 – 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 39, A

008 Chair Ackerman Calls the meeting to order at 8:42 a.m. Announces there will be no work session on HB 2831. Opens a public hearing on HB 2831, which allows municipal courts to assign judgments in criminal actions to the Department of Revenue.

HB 2831 – PUBLIC HEARING

018 Rep. John Dallum House District 59. Testifies that the municipal court wants the same opportunity to collect fines levied by the court that state and county courts have.

033 Gene Parker City Attorney, City of The Dalles. Testifies and submits written testimony in support of HB 2831 (**EXHIBIT A**). Explains the difficulty the city has in collecting delinquent accounts receivable. Requests the same treatment currently given to justice and circuit courts to provide another tool to collect judgments.

060 Robb Van Cleave Mayor, City of The Dalles. Adds that there is a considerable amount needing to be collected and reinvested to provide essential services. Advises that collection agencies will continue to be used but asks that cities be given the same tools as other courts.

078 Rep. Macpherson Asks about the Department of Revenue (DOR) process and how their costs are covered.

082 Rep. Dallum Responds that they don't know what DOR's costs are. Wants the same opportunity to assess tax refunds or "kickers."

088 Rep. Macpherson Comments that since this is an expansion of a function already being performed for other classes of judgments, the same rules would probably apply.

093 Rep. Dallum Offers to obtain the information requested.

095 Parker Comments that part of the uncollected amount is owed to the state.

100 Chair Ackerman Requests information on whether DOR is staffed for or wants this additional responsibility.

116	Matt Markee	Oregon Collectors Association. Testifies in opposition to HB 2831. Believes the state should not be in the collection business for non-state entities. Questions what would happen when a debtor owes multiple people money. Provides information on 2003 legislation that allows for collection fees to be added to all accounts from a government entity when assigned to a private collection agency.
143	Christy Monson	League of Oregon Cities. Testifies and submits written testimony in support of HB 2831 (EXHIBIT B). States that municipal courts provide local access to justice. Reports that 20 to 30 percent of the money collected by municipalities goes to the state for the unitary assessment.
163	Monson	Comments that this ability would be an additional tool. Advises that priorities are set up by the lien system identifying who would get the money in a situation of multiple debts.
175	Rep. Macpherson	Asks Ms. Monson which yields the highest return to the municipality, a collection agency or DOR.
184	Monson	Doesn't have the information on how DOR charges but offers to get it. Indicates that cities can decide which method to use.
194	Chair Ackerman	Closes the public hearing on HB 2831 and opens a public hearing on HB 2839, which imposes personal liability on employees of the Department of Human Services who intentionally falsify reports, willfully misrepresent the truth, or intentionally misuse their position of trust or power of employment.

HB 2839 – PUBLIC HEARING

206	Rep. Dennis Richardson	House District 4. Explains that HB 2839 focuses on child welfare workers who use their position of power to the detriment of the parents and children they promise to serve. States that multiple continuing complaints from several counties cannot be ignored.
244	Chair Ackerman	Asks why these claims are being taken out of the Tort Claims Act.
256	Rep. Richardson	Responds that the issue is not about reimbursement but about individuals who intentionally misrepresent the truth being held personally responsible.
280	Chair Ackerman	

Asks about the incentive to bring such claims against people who are probably judgment-proof.

- 288 Rep. Richardson Replies that is an aspect HB 2839 has not contemplated, so it might be appropriate to bring it more in line with tort claims. Indicates that he is open to suggestions to improve HB 2839.
- 319 Chair Ackerman Comments that the bill has some inherent limitations.
- 327 Rep. Krieger Reports that this issue has been ongoing. Believes HB 2839 will aid the agency in removing employees who intentionally misuse their position.
- 336 Chair Ackerman States that HB 2839 has a deterrent effect as it focuses on the real problem.
- 340 Rep. Macpherson Expresses concern that personal liability may not be as effective as the possibility of losing their employment. Asks if employment rules were considered to control these people with disciplinary efforts to shape their conduct.
- 366 Rep. Richardson Responds, not specifically, but that is part of the goal of HB 2839. Offers to discuss further and prepare an amendment.
- 380 Chair Ackerman Announces that a decision on a work session will be made after hearing all the testimony. States that there were no agency representatives signed up to testify in opposition to HB 2839.

TAPE 40, A

- 014 Chair Ackerman Advises witnesses that their cases will not be relitigated and asks them to focus on the specific aspects of HB 2839.
- 023 Tina Reorowicz Citizen, Grants Pass, Oregon. Testifies in support of HB 2839. Cites her personal experience in Washington County.
- 063 Chair Ackerman Asks if the incident arose from a case that was pending in juvenile court.

068	Reorowicz	Responds, no. States that the agency claimed domestic violence. Indicates that there were problems years before but nothing was happening at the time the children were removed.
073	Velma Hartwig	Citizen, Lincoln County, Oregon. Testifies and submits written testimony in support of HB 2839 (EXHIBIT C). Describes some methods used by the Department of Human Services (DHS) in removing children from the home.
107	Hartwig	Refers to documents on the “newborn program” in EXHIBIT C . Does not believe HB 2839 will solve all the problems but that it is a good start.
148	David Schubert	Testifies in support of HB 2839. Advises that information was withheld on the background of birth parents prior to adoption. States that he was accused of being a sexual predator by a DHS contract worker. Believes that contract workers are more of a problem than DHS case workers.
198	Chair Ackerman	Indicates that contract workers were not considered in HB 2839 and will be considered in the amendments.
203	Schubert	States that DHS contracts out counseling as well.
219	Valerie Barbeau	Citizen, Washington County. Testifies and submits written testimony in support of HB 2839 (EXHIBIT D). Cites personal experience of removal of grandchildren from her home. States she has proof that a social worker falsified allegations and lied to the judge. Continues that their attorney has been unable to obtain the DHS file.
320	Barbeau	Refers to a letter from their attorney to DHS counsel (EXHIBIT E) and the response to the attorney’s request for a deposition (EXHIBIT F). Advises that their case on placement is continuing. Explains that they were denied a kinship foster license to care for their grandchildren.
380	Chair Ackerman	Reiterates that no one has signed up in opposition to HB 2839, and the committee cannot relitigate the cases.
392	Charlene Cowling	Citizen, Washington County. Testifies and submits written testimony in support of HB 2839 (EXHIBIT G). Refers to evidence of record tampering in EXHIBIT G .

TAPE 39, B

008	Chair Ackerman	Requests Ms. Cowling to summarize in the interest of time.
014	Cowling	Continues walking the committee through EXHIBIT G .
025	Cowling	Discusses a Child Care Division unannounced visit and the report that was issued.
064	Rep. Garrard	Asks the witnesses who contacted them to testify.
068	Cowling	Responds, Rep. Richardson.
069	Tom Uryga	Citizen, Portland, Oregon. Replies, an individual who works with Rep. Richardson.
073	Barbeau	Answers, same for me.
075	Uryga	Testifies and submits written testimony in support of HB 2839 (EXHIBIT H). Indicates he is being treated like a criminal by DHS. States that personalities should not enter into the decision-making process.
102	Uryga	Cites personal experience. Emphasizes that wrongdoers need to be punished and that current oversight is not working.
140	Uryga	Continues that there was no recording of daughters' complaints. Reports there is an absence of compassion in DHS and that they need to be held accountable.
173	Uryga	Concludes that there are serious issues. States that the current situation does not allow parents who have been harmed adequate redress. Urges that HB 2839 not be changed to allow DHS "a way out."
199	Chair Ackerman	Reiterates that no agency people have signed up to testify against HB 2839.

201	Rep. Krieger	Asks Ms. Barbeau for clarification of a statement that a requested file has not been received.
203	Barbeau	Responds that the judge requested DHS 1-1/2 years ago to give the file to her attorney, and they have not done so.
211	Rep. Krieger	Requests counsel to set up a meeting for himself and Chair Ackerman with Ramona Foley of DHS. Emphasizes that legislation will be written and expresses concern that the agency did not attend the hearing.
221	Uryga	Asks that the background of a DHS employee be checked.
250	Rosalie Smith	Citizen, Washington County. Testifies in support of HB 2839. Advises that DHS has petitioned the juvenile court to terminate her parental rights and refers to copies of the petitions provided (EXHIBIT I AND EXHIBIT J) . Cites personal experience and describes her disabilities. Believes her civil rights were violated.
339	Chair Ackerman	Asks if legal counsel has been provided.
345	Smith	Replies, yes.
347	Chair Ackerman	Inquires if a trial date has been set.
349	Smith	Answers, yes.
352	Chair Ackerman	Reiterates that this committee cannot relitigate the case. Asks for the trial date.
356	Smith	Responds, there are three dates: May 31, June 20 and July 26, 2005.
368	Jim Meyers	Citizen, Clackamas County. Testifies in support of HB 2839. Cites personal circumstances.

TAPE 40, B

024	Meyers	States that HB 2839 will provide accountability for people within DHS.
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032	Michael Marsh	Citizen, Salem, Oregon. Testifies in support of HB 2839. States there is no accountability.
083	Susan Detlefsen	Family Rights Activist. Testifies and submits written testimony in support of HB 2839 (EXHIBIT K). States personal circumstances. Submits a written statement by Mary August regarding termination of parental rights (EXHIBIT L). Submits documents on behalf of Taylor McLaren (EXHIBIT M).
113	Gail Fox	Citizen. Reads statements written about her by DHS. Reports on personal experiences.
151	Chair Ackerman	Asks if the statements are from her case.
158	Fox	Responds, yes.
160	Chair Ackerman	Asks if copies will be submitted.
162	Fox	Answers, yes. Provides personal background in nursing, home health care administration and as a DHS child care provider. Advises DHS has denied her care of own grandchildren.
182	Roger Weidner	Attorney. Testifies that he has become aware of abuse in DHS. Reports on a situation of child removal in Klamath County. States that constitutional rights are not being observed.
236	Weidner	Reports that he has testified repeatedly in the supreme court as foreman of a special grand jury on abuse issues and citizens' rights to due process of law.
246	Chair Ackerman	Offers to discuss additional concerns one on one with witnesses after the meeting.
262	Chair Ackerman	Closes the public hearing on HB 2839. Announces that there will be no public hearing on HB 2567 due to time constraints. Opens a public hearing on HM 3, which requests that Congress enact legislation to protect firearms and ammunition manufacturers, distributors, dealers and importers from abusive and ill-conceived tort actions.

HM 3 – PUBLIC HEARING

- 291 Jason Williams Executive Director, Taxpayers Association of Oregon. Testifies and submits written testimony in support of HM 3 (**EXHIBIT N**). Requests Oregon's support of national legislation. Refers to U. S. Chamber of Commerce support in **EXHIBIT N**.
- 310 Diana Madarieta Western Regional Director, Brady Campaign to Prevent Gun Violence. Testifies and submits written testimony in opposition to HM 3 (**EXHIBIT O**).
- 414 Madarieta Continues reading from written statement. Believes HM 3 provides total immunity to the gun industry.

TAPE 41, A

- 016 Jerod Broadfoot Oregon Gun Owners. Testifies in support of HM 3. Advises that national legislation is not intended to grant the firearms industry blanket immunity. States that HM 3 is narrowly crafted so frivolous lawsuits will not be allowed to continue.
- 066 Rep. Wirth Asks if current law on frivolous lawsuits does not provide protection against genuinely abusive and ill-conceived tort actions.
- 073 Broadfoot Responds that they believe current federal law does not prevent frivolous law suits. States that there have been numerous cases where firearms manufacturers have been sued and the cases were thrown out of court.
- 087 Williams Adds that one frivolous lawsuit can put many people out of business.
- 093 Rep. Wirth Asks for an example of the difference between an abusive and ill-conceived tort action and a frivolous law suit.
- 097 Broadfoot Replies, the choice of words used to describe a particular law suit.
- 100 Sam Sears Counsel. Requests background and types of law suits that are being brought. Asks if they are applicable to individual gun makers.
- 113 Madarieta Answers that in the past law suits against the gun industry were for their marketing practices. Continues that they are after something to

		protect the rights of gun violence victims. Asks the members to review the federal legislation before taking action.
132	Broadfoot	Offers to provide written documentation on cases to the committee.
138	Madarieta	Adds that her group is not an anti-gun organization.
148	Chair Ackerman	Asks if the proponents of HM 3 would consider replacing “abusive” and “ill-conceived” tort actions with “frivolous.”
158	Williams	Responds that they will look at that suggestion.
160	Chair Ackerman	Raises concern about a statement that HM 3 would make the gun industry immune from their own negligent actions.
173	Williams	Replies that the gun industry has thousands of laws regulating it. Continues that there are many ways the industry can be called to task if an error is made.
182	Chair Ackerman	Asks if under HM 3 a dealer who knows that the gun is going to be used in an unlawful manner is liable for third-party damages.
186	Williams	Responds that a dealer knowingly breaking the law would not be protected.
189	Broadfoot	Indicates that their interpretation under current federal legislation is that negligence would not be covered.
193	Chair Ackerman	Seeks clarification that the dealer would be immune from a law suit.
194	Broadfoot	Responds, the dealer would not be immune.
195	Chair Ackerman	Inquires if a gun manufacturer who markets a “Saturday night special” knowing it will not be used for sportsman-type purposes would be liable.
200	Broadfoot	Replies that goes to the intent of the dealer and his marketing practices. Does not understand that HM 3 deals with immunity over their marketing practices.

226	Chair Ackerman	Asks the witnesses if there is an opportunity to return a different product.
229	Madarieta	Offers to have their legal team put together a packet of law suits.
233	Chair Ackerman	Clarifies that he was referring to getting together to work out the problems with HM 3.
237	Broadfoot	Responds that he will speak to the sponsors on an amendment.
242	Chair Ackerman	Asks for coordination with the redrafting of other proposed legislation.
256	Broadfoot	Indicates they will coordinate. Reports that local businesses are very concerned that firearms are sold and marketed properly.
276	Chair Ackerman	Closes the public hearing on HM 3. States that HM 4 will be carried over.

The following prepared testimony is submitted for the record without public testimony:

	Dorothy Mead	Citizen, Clackamas, Oregon. Submits written testimony in support of HB 2839 (EXHIBIT P) .
	Jessica Stevens	Service Employees International Union, Local 503. Submits written testimony on behalf of Michael Simpson in opposition to HB 2839 (EXHIBIT Q) .
	Rod Harder	National Rifle Association of America. Submits written testimony in support of HM 3 (EXHIBIT R) .
290	Chair Ackerman	Adjourns the meeting at 10:52 a.m.

EXHIBIT SUMMARY

- A. **HB 2831, written testimony, Gene Parker, 2 pp**
- B. **HB 2831, written testimony, Christy Monson, 1 p**
- C. **HB 2839, written testimony, Velma Hartwig, 10 pp**

- D. HB 2839, written testimony, Valerie Barbeau, 4 pp
- E. HB 2839, written testimony, Valerie Barbeau, 2 pp
- F. HB 2839, written testimony, Valerie Barbeau, 3 pp
- G. HB 2839, written testimony, Charlene Cowling, 32 pp
- H. HB 2839, written testimony, Tom Uryga, 2 pp
 - I. HB 2839, written testimony, Rosalie Smith, 6 pp
 - J. HB 2839, written testimony, Rosalie Smith, 7 pp
- K. HB 2839, written testimony, Susan Detlefsen, 3 pp
- L. HB 2839, written testimony of Mary August, Susan Detlefsen, 5 pp
- M. HB 2839, written testimony of Taylor McLaren, Susan Detlefsen, 14 pp
- N. HM 3, written testimony, Jason Williams, 1 p
- O. HM 3, written testimony, Diana Madarieta, 5 pp

The following prepared testimony is submitted for the record without public testimony:

- P. HB 2839, written testimony, Dorothy Mead, 2 pp
- Q. HB 2839, written testimony of Michael Simpson, Jessica Stevens, 1 p
- R. HM 3, written testimony, Rod Harder, 1 p

HOUSE COMMITTEE ON JUDICIARY

SUBCOMMITTEE ON CIVIL LAW

March 23, 2005 Hearing Room 357

8:30 A.M. Tapes 34 - 35

MEMBERS PRESENT: Rep. Bob Ackerman, Chair

Rep. Linda Flores

Rep. Bill Garrard

MEMBER ABSENT: Rep. Kelley Wirth

GUEST MEMBERS: Rep. Wayne Krieger

Rep. Greg Macpherson

STAFF PRESENT: Sam Sears, Counsel

Louann Rahmig, Committee Assistant

MEASURES/ISSUES HEARD:

HB 3119 – Public Hearing and Work Session

HB 2978 – Public Hearing and Work Session

HB 2938 – Public Hearing and Work Session

HB 3157 – Public Hearing and Work Session

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TAPE/#	Speaker	Comments
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TAPE 34, A

003	Chair Ackerman	Calls the meeting to order at 8:37 a.m. and opens a public hearing on HB 3119.
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HB 3119 – PUBLIC HEARING

008	Sam Sears	Counsel. Explains HB 3119 which authorizes county clerks to keep permanent and long-term records of documents that are filed or recorded by the county clerks as computer-based data files instead of microfilm, if the county clerks provide for a regular and routine backup of data files.
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012	Rep. Sal Esquivel	House District 6. Testifies in support of HB 3119. Explains that current law requires microfilming of county records. Advises that HB 3119 allows backup on disk. Informs that counties would incur considerable savings.
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038	Rep. Flores	Asks if county clerks currently use both microfilm and computer.
042	Rep. Esquivel	Answers, yes.
048	Rep. Garrard	Thanks Rep. Esquivel for bringing the issue forward. Advises that Klamath County has storage problems.
054	Rep. Esquivel	Comments that this method allows for clearer documents as about 40 percent of microfilm documents are unreadable.
066	Rep. Garrard	Asks if clerks would have to record previous information or if they would have an option once the law takes effect.
072	Rep. Esquivel	Responds that HB 3119 does not require retroactive action. Indicates that those counties with the technology have already been doing this.
086	Rep. Macpherson	Comments that HB 3119 does not reference an ORS chapter for placement or a proposed effective date.
093	Sears	Responds that he is unsure why this was not done.
095	Rep. Macpherson	Indicates that if there is a requirement in current law to do back-up microfilming, that language should be shown as deleted.
098	Sears	States that this is voluntary and allows computer recording but does not require it.
103	Rep. Esquivel	Advises that if the current language was deleted, the counties without the computer ability would not be microfilming either. Reiterates that this method is voluntary, if the technology is available.
108	Rep. Macpherson	Comments that there may be confusion.
117	Jan Coleman	Yamhill County Clerk. Informs that this gets its basis from archival law, which is administrative rule by the Secretary of State. Clarifies that microfilming is the only recognized media at present that will last 100 years.
130	Rep. Macpherson	

- Asks if there is a place in statute now that requires backup by microfilm.
- 133 Coleman Responds that statute only talks about retention of records and does not specify microfilming; that is in administrative rule.
- 137 Rep. Esquivel States that all counties have old handwritten records.
- 142 Chair Ackerman Questions whether this should be an administrative matter rather than law.
- 145 Rep. Esquivel Indicates that county clerks have wanted this ability for some time and there have been discussions but nothing has ever been done.
- 164 Rep. Garrard Asks if there will be a fiscal impact on the counties.
- 167 Rep. Esquivel Answers, yes, but it should be positive cash flow for the counties that can, in fact, have this ability. Reiterates that some counties are using both methods.
- 172 Rep. Flores Indicates support but is concerned about where it will be placed in statute.
- 185 Chair Ackerman States he is inclined to move HB 3119 to the full committee and request a housekeeping amendment.
- 190 Rep. Esquivel Believes HB 3119 could be tied into ORS chapter 205, and it should be a simple fix.
- 196 Chair Ackerman Closes the public hearing and opens a work session on HB 3119.

HB 3119 – WORK SESSION

202 Rep. Garrard MOTION: Moves HB 3119 to the full committee with a DO PASS recommendation.

VOTE: 3-0-1

AYE: In a roll call vote, all members present vote Aye.

ABSENT: 1 - Wirth

- 213 Chair Ackerman The motion **CARRIES**.
REP. GARRARD will lead discussion in the full committee.
- 217 Chair Ackerman Closes the work session on HB 3119 and opens a public hearing on HB 2978.

HB 2978 – PUBLIC HEARING

- 231 Sam Sears Counsel. Explains that HB 2978 permits courts in dissolution judgments to order revocation of beneficiary designations made by one spouse in favor of the other spouse on certain financial assets. Advises that HB 2978 was previously presented as HB 2292. Refers to the -1 amendments (**EXHIBIT A**) which allow judges to change beneficiary designations also on judgments for separation.
- 243 Tammy Dentinger Member, Oregon State Bar’s Family Law Executive Committee. Testifies and submits written testimony in support of HB 2978 (**EXHIBIT B**). Indicates that HB 2978 has a narrower relating clause than HB 2292. Explains the changes HB 2978 will make. Advises that the -1 amendments make technical and clarifying changes.
- 277 Rep. Flores Requests clarification that in annulment, legal separation or divorce, new documents do not automatically deal with survivorship or beneficiary provisions.
- 284 Dentinger Responds that, if one chooses to not include, it does not happen automatically.
- 296 Rep. Macpherson Asks about the relationship of HB 2978 to HB 2292 and the -1 amendments.
- 299 Dentinger Indicates the change from HB 2292 to HB 2978 was a narrowing of the relating clause to more specifically define what was intended. Does not believe any amendments were prepared for HB 2292.
- 314 Rep. Macpherson Seeks clarification that the only difference in HB 2292 and HB 2978 is the relating clause.
- 316 Dentinger Answers, yes.

318 Chair Ackerman Closes the public hearing and opens a work session on HB 2978.

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HB 2978 – WORK SESSION

322 Rep. Flores **MOTION: Moves to ADOPT HB 2978-1 amendments dated 3/22/05.**

VOTE: 3-0-1

ABSENT: 1 - Wirth

324 Chair Ackerman **Hearing no objection, declares the motion CARRIED.**

326 Rep. Flores **MOTION: Moves HB 2978 to the full committee with a DO PASS**

AS AMENDED recommendation.

VOTE: 3-0-1

ABSENT: 1 - Wirth

AYE: In a roll call vote, all members present vote Aye.

336 Chair Ackerman **The motion CARRIES.**

REP. FLORES will lead discussion in the full committee.

340 Chair Ackerman Closes the work session on HB 2978 and opens a public hearing on HB 2938.

HB 2938 – PUBLIC HEARING

344 Sam Sears Counsel. Explains HB 2938 which makes technical, conforming, and form and style changes to statutes requiring instruments to be filed with or presented for recordation to county clerks, and clarifies

whether specified instruments are to be filed with or presented for recordation to county clerks.

363 Jan Coleman Yamhill County Clerk. Testifies on behalf of the Oregon Association of County Clerks. Advises that periodically county clerks review statutes for housekeeping needs.

TAPE 35, A

004 Coleman Points out that “presented for recording” doesn’t mean the recording happened.

015 Chair Ackerman Asks if the language “presented for recording” may be misinterpreted to mean “recording.”

017 Coleman Responds, yes. Indicates that the statute needs to say the document got recorded.

024 Chair Ackerman Inquires if a definition of the phrase would be sufficient.

027 Coleman Replies, yes.

032 Rep. Flores Points out that there are several references to “presented for recording.”

034 Coleman Offers to clean up HB 2938 for an amendment.

036 Chair Ackerman Asks Ms. Coleman to work with counsel on a proposed amendment.

047 Chair Ackerman Closes the public hearing and opens a work session on HB 2938.

HB 2938 – WORK SESSION

052 Rep. Flores Inquires if there will be work immediately on clarifying language.

053 Chair Ackerman Responds, yes.

056 Rep. Flores MOTION: Moves HB 2938 to the full committee with a DO PASS recommendation.

VOTE: 3-0-1

AYE: In a roll call vote, all members present vote Aye.

ABSENT: 1 - Wirth

- 062 Chair Ackerman The motion CARRIES.
REP. FLORES will lead discussion in the full committee.
- 063 Chair Ackerman Closes the work session on HB 2938 and opens a public hearing on HB 3157.

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HB 3157 – PUBLIC HEARING

- 070 Chair Ackerman Designates Rep. Flores as acting chair.
- 083 Sam Sears Counsel. Explains that HB 3157 provides that the duty of county courts or boards of county commissioners to inspect local correctional facilities is discretionary for facilities not operated by the county.
- 088 Rep. Ackerman House District 13. Testifies in support of HB 3157. Explains that under current law county commissioners are mandated to inspect correctional institutions that they own and operate, and facilities that they do not own or operate. Refers to the -1 amendments (**EXHIBIT C**) which make the distinction between local correctional facilities owned and operated by the county and local facilities not owned by the county.
- 113 Rep. Garrard Comments that he has a problem with HB 3157. Realizes that HB 3157 makes it more voluntary but not sure it is a good idea.
- 123 Rep. Ackerman Responds that if a city has a correctional facility, it should be the city council's responsibility to inspect rather than the county.
- 128 Rep. Garrard Seeks clarification that HB 3157 is for only facilities not operated by the county.

- 132 Rep. Ackerman Replies, correct.
- 135 Rep. Terry Beyer House District 12. Testifies that HB 3157 is similar to a bill introduced in the 2003 legislative session. Reiterates that HB 3157 is intended for facilities not run by a county.
- 148 Rep. Macpherson Wonders if prior language could be interpreted so broadly as to include state facilities. Seeks clarification of intent.
- 154 Rep. Ackerman Answers that counties will have discretionary authority for inspection but not be mandated to do it.
- 158 Rep. Macpherson Comments that current language is being construed to apply only to municipal facilities and not a state correction facility.
- 165 Rep. Ackerman Agrees.
- 169 Acting Chair Flores Closes the public hearing on HB 3157.
- 171 Chair Ackerman Opens the work session on HB 3157.

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HB 3157 – WORK SESSION

- 173 Chair Ackerman **MOTION: Moves to ADOPT HB 3157-1 amendments dated 3/23/05.**
- 178 Rep. Garrard Indicates he will give a “courtesy vote” to move HB 3157 to the full committee, but reserves his opinion for the full committee debate.
- VOTE: 3-0-1**
- ABSENT: 1 - Wirth**
- 181 Chair Ackerman **Hearing no objection, declares the motion CARRIED.**
- 189 Chair Ackerman

**MOTION: Moves HB 3157 to the full committee with a DO
PASS AS AMENDED recommendation.**

VOTE: 3-0-1

AYE: In a roll call vote, all members present vote Aye.

ABSENT: 1 - Wirth

- 195 Chair Ackerman The motion CARRIES.**
REP. ACKERMAN will lead discussion in the full committee.
- 197 Chair Ackerman Closes the work session on HB 3157 and adjourns the meeting at 9:15 a.m.

EXHIBIT SUMMARY

- A. HB 2978, -1 amendments, staff, 1 p
- B. HB 2978, written testimony, Tammy Dentinger, 1 p
- C. HB 3157, -1 amendments, staff, 1 p