

HOUSE COMMITTEE ON STATE AND FEDERAL AFFAIRS

July 30, 2005 Hearing Room 357

10:00 A.M. Tapes 55 - 59

MEMBERS PRESENT: **Rep. Rep. Wayne Krieger, Chair**

Rep. Rep. Jeff Barker, Vice-Chair

Rep. Brian Boquist, Vice-Chair

Rep. Linda Flores

Rep. Greg Macpherson

STAFF PRESENT: **Patrick Brennan, Committee Administrator**

Joe O’Leary, Counsel

Bill Taylor, Counsel

Sandy Thiele-Cirka, Committee Administrator

Louann Rahmig, Committee Assistant

MEASURES/ISSUES HEARD:

SB 818B – Public Hearing and Work Session

SB 995A – Public Hearing and Work Session

SB 1097 – Work Session

SB 301B – Work Session

SB 844A – Work Session

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
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TAPE 55, A

003	Chair Krieger	Calls the meeting to order at 10:05 a.m. and opens a public hearing and work session on SB 818B which authorizes the continuance of the Department of Human Services (DHS) faith-based or community assistance pilot program.
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SB 818B – PUBLIC HEARING AND WORK SESSION

011	Rep. Billy Dalto	House District 21. Testifies in support of SB 818. Presents the -B12 amendments (EXHIBIT A) which contain language from SB 598, and the –B13 amendments (EXHIBIT B).
032	Sen. Alan Bates	Senate District 3. Talks about the -B12 amendments. Discusses the change in Medicare Part D regarding a pharmaceutical benefit. Comments on the complexity of the program.
074	Rep. Macpherson	Observes that this is an optional patient assistance program. Asks if there is a fiscal impact.
078	Sen. Bates	Responds, there is no fiscal and no cost to the state.
082	Rep. Dalto	Adds that they are seeking grants to fund the program. Comments on the challenge to fund the administration of the program and to get information out to people who would benefit from such a program.
103	Sen. Jeff Kruse	Senate District 1. Testifies that both the original SB 818 and the -B12 amendments were fully supported in the Senate. Believes the -B13 amendments “change the world” and encourages passage of the bill and –B12 amendments, both of which were widely supported. States that the -B13 amendments are incredibly broad and incredibly comprehensive, and there is not enough time to deal with them. Suggests an interim committee to explore ways to change the system.
137	Dr. Bruce Goldberg	Administrator, Office for Health Policy and Research. Refers to SB 598 which is reflected in the -B12 amendments to help indigent

people obtain low-cost medication. Believes that removing the age limit on the prescription drug purchasing pool would help individuals with access to low-cost, generic, first-line therapies and help with access to third- and fourth-line drugs for those who need them.

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| 166 | Arthur Towers | Political Director, Service Employees International Union Local 503. Raises a concern with the -B13 amendments that haven't received a thorough review. |
| 181 | Rep. Macpherson | Asks if the -B12 amendments are worth doing. |
| 185 | Dr. Goldberg | Replies that there is a crisis in the state as hundreds of thousands are without access to medicines. Continues that anything is a step in the right direction. |
| 200 | Mickey Serice | DHS. Speaks to the -B13 amendments which appear to be similar to amendments earlier considered on SB 818. Advises that they are working on several of the areas listed. Raises a concern about possible unintended consequences. Continues that they are unclear on duties and responsibilities so had difficulty preparing a fiscal impact. |
| 284 | Chair Krieger | Closes the public hearing and work session on SB 818B and opens a public hearing and work session on SB 995A. |

SB 995A – PUBLIC HEARING AND WORK SESSION

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| 290 | Bill Taylor | Counsel. Explains SB 995A which exempts the State Treasurer and the Secretary of State from the personnel relations law. |
| 305 | Linda Haglund | Deputy State Treasurer. Testifies in support of SB 995A which clarifies the practices that have been in place between the Department of Administrative Services (DAS) and the Secretary of State and the Office of the State Treasurer. |
| 313 | Cynthia Byrnes | Attorney General's Office. Provides a brief background on the history of the Treasurer's statutes and their relationship with DAS personnel rules. Advises that SB 995 removes the Secretary of State and the Treasurer from ORS chapter 240 and has them operate under an independent personnel system. |
| 363 | Jesse Cornett | Legislative Liaison for the Secretary of State. Testifies in support of SB 995A. Clarifies the rules of their office on personnel issues and preserves the current relationship with DAS. |

386	Haglund	Adds that SB 995 does not affect classified employees who are covered by bargaining agreements.
391	Rep. Macpherson	Asks how it works mechanically.
401	Byrnes	Responds that the bill covers the scope of classified employees but certain classifications are removed from ORS chapter 240. Continues that SB 995 has the Treasurer adopting his own merit-based personnel system. Refers to the statutes on contract and represented employees.
439	Rep. Macpherson	Comments that there is no exemption in the bill on collective bargaining.
449	Byrnes	Replies correct, that relationship would continue.

TAPE 56, A

039	Rep. Boquist	MOTION: Moves SB 995A to the floor with a DO PASS recommendation.
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VOTE: 5-0-0

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

049	Chair Krieger	The motion CARRIES.
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REP. MACPHERSON will lead discussion on the floor.

050	Chair Krieger	Closes the public hearing and work session on SB 995A.
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053	Chair Krieger	Reopens the work session on SB 818B.
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SB 818B – WORK SESSION

055	Rep. Boquist	MOTION: Moves to ADOPT SB 818B-12 amendments dated 7/28/05.
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VOTE: 5-0-0

059	Chair Krieger	Hearing no objection, declares the motion CARRIED .
060	Rep. Boquist	MOTION: Moves to ADOPT SB 818B-13 amendments dated 7/29/05.
062	Rep. Barker	Agrees with Sen. Kruse that while these amendments sound good, the department can't provide a fiscal.
068	Chair Krieger	Advises that something is being put together for a conference committee.
070	Rep. Macpherson	Expresses the same concerns with the amendments.
072	Rep. Flores	Raises concern but will cast a courtesy vote.
073	Chair Krieger	Notes concerns.
074	Chair Krieger	The motion CARRIES.
076	Rep. Boquist	MOTION: Moves SB 818B to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on budget.
		VOTE: 3-2-0
		AYE: 3 - Boquist, Flores, Krieger
		NAY: 2 - Barker, Macpherson
082	Chair Krieger	The motion CARRIES.
084	Chair Krieger	Closes the work session on SB 818B. Recesses the meeting.
TAPE 57 WAS NOT USED.		
TAPE 58, A		
004	Chair Krieger	Reconvenes the meeting at 12:10 p.m. and opens a work session on SB 1097.

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SB 1097 – WORK SESSION

005 Bill Taylor Counsel. Explains SB 1097 which permits the Department of Human Services, for the purpose of internment or creation of a memorial, to release the name, date of birth and date of death of a person whose remains are still in possession of the state.

013 Rep. Boquist **MOTION: Moves SB 1097 to the floor with a DO PASS recommendation.**

VOTE: 5-0-0

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

018 Chair Krieger **The motion CARRIES.**
REP. BOQUIST will lead discussion on the floor.

024 Chair Krieger Announces the committee is at ease at 12:12 p.m.

025 Chair Krieger Reconvenes at 12:17 p.m. and opens a work session on SB 301B.

SB 301B – WORK SESSION

036 Joe O’Leary Counsel. Details SB 301B which creates planning authorities in each county responsible for developing plans concerning officer use of deadly force. Advises there is a subsequent referral to Ways and Means. Refers to the -B4 amendments (**EXHIBIT C**) which remove the transcription requirements and conditionally permit release of grand jury proceedings.

091 Pete Shepherd Deputy Attorney General. Testifies in support of SB 301B and provides an executive summary (**EXHIBIT D**). Explains that the bill is a result of a comprehensive inquiry into an issue of great significance to communities, law enforcement agencies and individual police officers. Talks about the grand jury inquest provisions as that aspect of the –B4 amendments represent the most significant policy choice for the committee. Outlines all the participants involved in the process. Details those discussions.

139 Shepherd

Continues that the public inquest proceeding has been invoked to provide the community with a window on events that occurred, a process despised by the officers who had been involved in incidents that were submitted to an inquest jury. Comments on an interim inquiry whether inquest juries should continue. Describes a typical proceeding.

- 207 Shepherd Points out that both the -B4 amendments and the printed bill eliminate the inquest jury in 2007. States that the -B4 amendments also eliminate the requirement for transcription of grand jury proceedings concerning an officer's use of deadly physical force that causes a death. Informs that the Attorney General (AG) opposes the part of the -B4 amendments that eliminates grand jury transcription. Explains the confidentiality of grand jury recordation.
- 262 Shepherd Refers to the *Register Guard* newspaper article contained within **EXHIBIT D**. Asserts that the AG would oppose SB 301B if the -B4 amendments are included. Concludes that the AG does support the portion of the -B4 amendments that enhances training in the use of deadly force.
- 316 Sen. Avel Gordly Senate District 23. Reports on the work on SB 301B which builds on 1995 and 2003 legislation. Reads from a prepared statement. Points out there are no current statutory requirements for Oregon police agencies to develop a use of force policy, and some have none.

TAPE 59, A

- 022 Sen. Gordly Outlines the elements to be included in a use of force plan. Discusses the fiscal impact. Details SB 301B.
- 059 Sen. Gordly Discusses the Eugene *Register Guard* article in **EXHIBIT D** which speaks to allowing for a level of public scrutiny in the grand jury process.
- 110 Sen. Gordly Describes additional training to be provided by the academy surrounding use of deadly force and dealing with the mentally ill, gang-affected youth and acts of terrorism. Urges moving the bill without the -B4 amendments.
- 131 Shepherd Discusses Section 8 of SB 301B that amends existing statute under which district attorneys may present matters to a grand jury.

154	Rep. Macpherson	Compliments Sen. Gordly and Mr. Shepherd for undertaking a difficult issue. Asks that since it is optional for the District Attorney (DA) whether the facts of an incident will be presented, the mechanism of releasing a transcript is likely to have an effect on the DAs decision to hold such a proceeding.
179	Shepherd	Describes current practice which varies from county to county. Continues that some DAs have an ironclad rule that they never submit anything to a grand jury and never convene inquest juries.
240	Shepherd	Believes most DAs will use a grand jury as a matter of practice.
251	Chair Krieger	Comments that the additional training requirement is needed.
261	Shepherd	Offers that witness reluctance first emerges in the initial approach by investigating officers to obtain information. Cites an example.
324	Rep. Barker	Has a concern about the grand jury piece.
339	Rep. Boquist	MOTION: Moves to ADOPT SB 301B-4 amendments dated 7/30/05.
342	Rep. Macpherson	Objects.
356	Chair Krieger	The motion CARRIES.
358	Rep. Boquist	MOTION: Moves SB 301B to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.
365	Rep. Macpherson	Supports the bill but needs to register a concern.
		VOTE: 5-0-0
		AYE: In a roll call vote, all members present vote Aye.
373	Chair Krieger	The motion CARRIES.
374	Chair Krieger	Closes the work session on SB 301B and opens a work session on SB 844A.

SB 844A – WORK SESSION

- 390 Patrick Brennan Committee Administrator. Explains SB 844A which creates classifications for dangerous and potentially dangerous dogs and modifies the authority for law enforcement officers, dog control boards, county governments and courts relating to the impoundment and disposition of dangerous dogs, potentially dangerous dogs and dogs deemed to be a public nuisance. Refers to the -A4 amendments **(EXHIBIT E)** previously distributed but no action was taken.
- 412 Sen. Ryan Deckert Senate District 14. Testifies in support of SB 844A. Encourages adoption of the -A4 amendments. Discusses incidents around the state that prompted the legislation.

TAPE 58, B

- 012 Rep. Boquist Reports on the development of the -A4 amendments. States that all members of the Agriculture Committee supported the bill and the –A4 amendments.
- 024 Rep. Flores Confirms that this bill pertains only to dogs that are deemed dangerous by any physical act that they have already committed.
- 032 Sen. Deckert Answers they are using behavior of the dog rather than breed of the dog.
- 040 Rep. Barker Asks about a dog being harassed by another dog.
- 044 Sen. Deckert Responds yes that menacing behavior is included.
- 048 Rep. Barker Cites an example of a service dog being harassed by another dog.
- 052 Sen. Deckert Replies that is covered.
- 054 Rep. Macpherson Seeks clarification that a dog does not have to actually have inflicted an injury in the past to be considered a dangerous dog.
- 062 Sen. Deckert Confirms that is correct.
- 067 Rep. Macpherson Comments that is an important aspect.

073	Rep. Boquist	MOTION: Moves to ADOPT SB 844A-4 amendments dated 6/3/05.
		VOTE: 5-0-0
074	Chair Krieger	Hearing no objection, declares the motion CARRIED.
075	Rep. Boquist	MOTION: Moves SB 844A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0-0
		AYE: In a roll call vote, all members present vote Aye.
081	Chair Krieger	The motion CARRIES.
		REP. BOQUIST will lead discussion on the floor.
083	Chair Krieger	Closes the work session on SB 844A and adjourns the meeting at 1:17 p.m.

EXHIBIT SUMMARY

- A. SB 818, -B12 amendments, Rep. Billy Dalto, 2 pp
- B. SB 818, -B13 amendments, Rep. Billy Dalto, 13 pp
- C. SB 301, -B4 amendments, staff, 5 pp
- D. SB 301, executive summary, Pete Shepherd, 4 pp
- E. SB 844, -A4 amendments, staff, 11 pp

HOUSE COMMITTEE ON STATE AND FEDERAL AFFAIRS

July 30, 2005 Hearing Room 357

5:20 P.M. Tape 60

MEMBERS PRESENT: Rep. Rep. Wayne Krieger, Chair

Rep. Rep. Jeff Barker, Vice-Chair

Rep. Brian Boquist, Vice-Chair

MEMBERS EXCUSES: Rep. Linda Flores

Rep. Greg Macpherson

STAFF PRESENT: Sandy Thiele-Cirka, Committee Administrator

Louann Rahmig, Committee Assistant

MEASURES/ISSUES HEARD:

SB 819B – Work Session

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TAPE/#	Speaker	Comments
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TAPE 60, A

003	Chair Krieger	
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Calls the meeting to order at 5:27 p.m. and opens a work session on SB 819B.

SB 819B – WORK SESSION

- 006 Sandy Thiele-Cirka Committee Administrator. Explains SB 819B which clarifies that fees may be assessed by the Patient Safety Commission upon entities that participate in the commission's reporting program; creates a task force on health services and describes details for that task force. Refers to the -B6 amendments (**EXHIBIT A**) that removes all the task force provisions. Advises there is a subsequent referral to the budget committee.
- 013 Rep. Boquist **MOTION: Moves to ADOPT SB 819B-6 amendments dated 7/30/05.**
- VOTE: 3-0-2**
- EXCUSED: 2 - Flores, Macpherson**
- 015 Chair Krieger **Hearing no objection, declares the motion CARRIED.**
- 017 Rep. Boquist **MOTION: Moves SB 819B to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on budget.**
- VOTE: 3-0-2**
- AYE: In a roll call vote, all members present vote Aye.**
- EXCUSED: 2 - Flores, Macpherson**
- 023 Chair Krieger **The motion CARRIES.**
- 025 Chair Krieger Closes the work session on SB 819B and adjourns the meeting at 5:35 p.m.

EXHIBIT SUMMARY

A. SB 819B, -B6 amendments, staff, 1 p