

SENATE COMMITTEE ON JUDICIARY

February 15, 2005
1:00 P.M.

Hearing Room 343
Tapes 34 - 35

MEMBERS PRESENT: Sen. Ginny Burdick, Chair
Sen. Charles Starr, Vice-Chair
Sen. Roger Beyer
Sen. Floyd Prozanski
Sen. Charlie Ringo
Sen. Vicki Walker

MEMBER EXCUSED: Sen. Doug Whitsett

STAFF PRESENT: Joe O'Leary, Counsel
Dale Penn, Committee Assistant

MEASURES/ISSUES HEARD:

SB 247 – Public Hearing and Work Session
SB 262 – Public Hearing and Work Session
SB 293 – Public Hearing and 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
TAPE 34, A		
003	Chair Burdick	Calls the meeting to order at 1:15 p.m. and opens a public hearing on SB 247.
<u>SB 247 – PUBLIC HEARING</u>		
006	Joe O'Leary	Counsel. Describes SB 247, relating to the University of Oregon School of Law and Mark O. Hatfield School of Government. Introduces the -1 and -3 amendments (EXHIBITS A & B).
025	Greg Wolf	Portland State University. Submits testimony and testifies in support of SB 247 (EXHIBIT C).
043	Wolf	Identifies their support for the -1 and -3 amendments.
084	Jane Gordon	Associate Dean, University of Oregon. Testifies in support of SB 247 and emphasizes Oregon's leadership in regards to dispute resolution.
094	Jenny Carmichael	University of Oregon. Testifies in support of SB 247 and provides input as to her role in dispute resolution funding. Discusses the recidivism rates in the programs.
150	Amy Cleary	President, Oregon Association of Community Dispute Resolution Centers. Comments on the funding options available through the state as well as other areas.
195	Cleary	Discusses the community programs and volunteers being trained by these programs. Reiterates the fact that mediation can resolve many problems.
250	Elaine Hallmark	Director, Oregon Consensus Program (OCS). Testifies in support of SB 247 and talks about the OCS's role in the legislative process.

313	Hallmark	Discusses a recent case the OCS had successfully mediated.
352	Sen. Prozanski	Brings up the issue of the -1 amendment.
390	Hallmark	Discusses the issue of the \$800,000 not being there after this biennium.
435	Merle Kelley	President, Board of Directors, Neighbor to Neighbor. Reads testimony in support of SB 247 (EXHIBIT D).
TAPE 35, A		
040	Kelley	Continues reading testimony in support of SB 247.
053	Sen. Walker	Commends the witness on her testimony.
058	John B. Balwit	McMinnville. Summarizes testimony in support of SB 247 (EXHIBIT E).
97	Balwit	Talks about how mediation is a non-adversarial method to resolve problems.
115	Chief Ron Louie	Hillsboro. Testifies in support of SB 247, and relates Hillsboro's example of mediation success (EXHIBIT F).
160	Louie	Comments on how Hillsboro's mediation tactics have been translated into truancy reduction programs.
228	Louie	Explains that mediation diverts costs from the criminal justice system.
240	BeaLisa Sydlik	Oregon Judicial Department. Testifies in support of SB 247, focusing on the -1 amendment.
281	Ronelle Shankle	Department of Justice. Submits testimony and testifies in support of SB 247 (EXHIBIT G). Discusses their support for the bill and the amendments.
311	Rich Angstrom	President, Oregon Concrete Aggregate Producers Association. Testifies in support of SB 247. Address the issue raised in the last Legislative session relating to mediation.
371	Angstrom	Stresses that mediation is not used enough in the legislative process.
407	Cynthia Moore	Executive Director, Oregon Mediation Association. Reads testimony in support of SB 247 (EXHIBIT H).
TAPE 34, B		
011	Chair Burdick	Closes the public hearing on SB 247 and opens a work session on SB 247.
<u>SB 247 – WORK SESSION</u>		
014	Joe O'Leary	Counsel. Describes the -1 amendment.
023	Sen. C. Starr	MOTION: Moves to ADOPT SB 247-1 amendments dated 02/14/05.
		VOTE: 5-0-2
		EXCUSED: 2 - Ringo, Whitsett
028	Chair Burdick	Hearing no objection, declares the motion CARRIED.
029	O'Leary	Describes the -3 amendment.
035	Sen. C. Starr	MOTION: Moves to ADOPT SB 247-3 amendments dated 02/14/05.
		VOTE: 5-0-2
		EXCUSED: 2 - Ringo, Whitsett
038	Chair Burdick	Hearing no objection, declares the motion CARRIED.
042	Sen. C. Starr	MOTION: Moves SB 247 DO PASS AS AMENDED and BE REFERRED to the committee on Ways and Means.
		VOTE: 5-0-2
		EXCUSED: 2 - Ringo, Whitsett
045	Chair Burdick	Hearing no objection, declares the motion CARRIED.
046	Chair Burdick	Closes work session on SB 247 and opens a public hearing on SB

262.

SB 262 – PUBLIC HEARING

052	Joe O’Leary	Counsel. Describes SB 262, relating to permanent exemption from disclosure under Public Records Law.
068	Tom Gallagher	Oregon Newspaper Publishers Association. Testifies in support of SB 262. Talks about hesitance to identify what qualifies as “media.”
124	Dr. Lesley Hallick	Provost, Oregon Health Sciences University (OHSU). Submits testimony and testifies in support of SB 262 (EXHIBIT I). Explains the effects that SB 262 will have and the reasoning behind them.
165	Hallick	Goes over Exhibit I section by section.
200	Hallick	Continues analysis of Exhibit I .
222	Hallick	Submits a letter of testimony in support of SB 262 (EXHIBIT J).
248	Chair Burdick	Asks if they use discretion in the release of information.
234	Hallick	Reiterates that it isn’t their goal to withhold information, especially from the media, but in some cases it is vital to the safety of their employees.
274	Andrea Meyer	American Civil Liberties Union. Testifies in opposition to SB 262. Explains that the alteration of the Public Records Law enacted by SB 262 does nothing to stop those crimes from occurring.
321	Meyer	Discusses examples of why researcher’s names must be kept from the protection of the exemption from Public Records Law.
348	Meyer	Talks about Exhibit I provided by Dr. Lesley Hallick.
390	Sen. Prozanski	Inquires about the information being redacted.
396	Meyer	Comments on why names are so important; stresses that the criticism of techniques is incredibly important.
428	Chair Burdick	Wonders about the names of the janitors and other staff.
432	Meyer	Responds that the primary concern is the name of the researcher. Addresses the amendment.
495	Sen. Walker	Asks about the bill number from last session.
TAPE 35, B		
030	Meyer	Responds with the bill number and information on the bill from last session.
052	Meyer	States that this is the same bill as last session.
071	Bryan Boehringer	Oregon Health Sciences University. Talks about the -1 amendment extending the sunset and the -3 amendment dealing with streamlining the language (EXHIBITS K & L).
087	Chair Burdick	Closes the public hearing on SB 262 and opens a work session on SB 262.

SB 262 – WORK SESSION

089	Joe O’Leary	Counsel. Describes the -1 amendment.
092	Chair Burdick	Expresses her desire to pass the sunset into another four years.
098	Sen. C. Starr	MOTION: Moves to ADOPT the SB 262-1 amendment dated 02/07/05.
		VOTE: 6-0-1
		EXCUSED: 1 - Whitsett
103	Chair Burdick	Hearing no objection, declares the motion CARRIED.
097	Chair Burdick	Describes the -3 amendment.
107	Sen. C. Starr	MOTION: Moves to ADOPT SB 262-3 amendments dated 02/15/05.
115	Sen. Beyer	Raises the concern that the -1 amendment erases most of the bill,

145	Sen. C. Starr	and that there is nowhere for the -3 to attach. MOTION: Moves to RESCIND adoption of SB 262-3 amendments dated 02/15/05.
155	Sen. C. Starr	MOTION: Moves to DELETE the SB 262-1 amendments dated 02/07/05. VOTE: 6-0-1 EXCUSED: 1 - Whitsett Hearing no objection, declares the motion CARRIED.
162	Chair Burdick	Closes work session on SB 262 and opens a public hearing on SB 293.
163	Chair Burdick	

SB 293 – PUBLIC HEARING

166	Joe O’Leary	Counsel. Describes SB 293, relating to repealing the requirements that local public safety coordinating council submit biennial report about early disposition programs to Oregon Criminal Justice Commission.
174	Sen. Prozanski	Offers information on SB 293, and the importance of passing such a bill.
209	Craig Prins	Executive Director, Oregon Criminal Justice Commission. Submits testimony and testifies in support of SB 293, and provides the reasoning behind the need for the bill.
219	Kent Mortimer	Chief Deputy, Lane County District Attorney’s Office. Testifies in support of SB 293 (EXHIBIT M).
225	Sen. Prozanski	Summarizes the bill’s effects.
237	Prins	Expresses that there are more important uses for their resources.
242	Sen. Walker	Raises the issue of accountability in this program.
255	Chair Burdick	Closes public hearing on SB 293, and opens a work session on SB 293.

SB 293 – WORK SESSION

257	Sen. Prozanski	MOTION: Moves SB 293 to the floor with a DO PASS recommendation. VOTE: 6-0-1 EXCUSED: 1 - Whitsett Hearing no objection, declares the motion CARRIED. SEN. PROZANSKI will lead discussion on the floor.
264	Chair Burdick	Closes the work session on SB 293 and adjourns the meeting at 3:00 p.m.
265	Chair Burdick	

EXHIBIT SUMMARY

- A. SB 247, -1 amendment, staff, 1 p
- B. SB 247, -3 amendment, staff 1 p
- C. SB 247, written testimony, Greg Wolf, 10 pp
- D. SB 247, written testimony, Merle Kelley, 2 pp
- E. SB 247, written testimony, John B. Balwit, 1 p
- F. SB 247, written testimony, Chief Ron Louie, 1 p
- G. SB 247, written testimony, Ronelle Shankle, 3 pp
- H. SB 247, written testimony, Cynthia Moore, 1 p
- I. SB 262, written testimony, Dr. Lesley Hallick, 23 pp
- J. SB 262, written testimony, Dr. Lesley Hallick, 1 p

- K. **SB 262, -1 amendment, staff, 1 p**
- L. **SB 262, -3 amendment, staff, 1 p**
- M. **SB 293, written testimony, Kent Mortimer, 6 pp**