

## SENATE COMMITTEE ON JUDICIARY

February 16, 2005  
1:00 P.M.

Hearing Room 343  
Tapes 36 - 37

Corrected 10/26/05

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

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

**MEASURES/ISSUES HEARD:**

SB 57 – Public Hearing and Work Session  
SB 62 – Public Hearing and Work Session  
SB 63 – Public Hearing  
SB 65 – Public Hearing  
SB 61 – Public Hearing  
SB 330 – Public Hearing  
SB 331 – Public Hearing

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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.

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TAPE/#	Speaker	Comments
<b>TAPE 36, A</b>		
003	Chair Burdick	Calls the meeting to order at 1:12 p.m. and opens a public hearing on SB 57, SB 62, SB 63, & SB 65.
<b><u>SB 57, SB 62, SB 63, &amp; SB 65 – PUBLIC HEARING</u></b>		
009	William E. Taylor	Counsel. Discusses SB 57, relating to establishing fees for use of Department of Public Safety Standards and Training (DPSST) facilities; SB 62, relating to the authorizing DPSST to provide grants to private entities for certain purposes; SB 63, relating to DPSST denying certification or application for training to any public safety instructor or officer; and SB 65, relating to DPSST imposing civil penalties on public safety agencies.
037	John Minnis	Director, Department of Public Safety Standards and Training (DPSST). Testifies in support of SB 57 ( <b>EXHIBIT A</b> ). Mentions the new facility being constructed for DPSST.
067	Chair Burdick	Asks about the possible fees imposed by DPSST.
073	John Minnis	Announces the need and reasoning for DPSST to introduce more fees for use of their facilities.
094	Minnis	Summarizes testimony in support of SB 62 ( <b>EXHIBIT B</b> ). Discusses a grant process that might be able to facilitate training.
132	Minnis	Talks about different training programs available, and how SB 62 would remove obstructions from using these programs.
150	Bob Tartoff	President, Oregon Executive Development Institute. Gives background on his organization's creation, and the reasoning

		behind its need.
180	Minnis	Testifies in support of SB 63 ( <b>EXHIBIT C</b> ). Explains the funding of DPSST's training regimens and the need for passage of SB 63.
202	Chair Burdick	Wonders about the eligibility under the bill.
205	Minnis	Responds with information on which convictions would be automatic disqualifiers and qualifiers for a career in law enforcement.
226	Sen. Whitsett	Inquires about the wording in line 5 of SB 63.
230	Minnis	Replies that he isn't sure about the diction and what effects any alteration might have.
250	Chair Burdick	Raises another issue of wording in SB 63, and states that they will seek out Legislative Counsel's advice.
260	Minnis	Testifies in support of SB 65 ( <b>EXHIBIT D</b> ). Provides information on imposing civil penalties on public safety agencies for violation of statutes prohibiting employment of uncertified persons.
299	Chair Burdick	Asks about a blank space in SB 65.
303	Minnis	States that they did not have a final figure for that area, and gives examples of what numbers might work.
321	Sen. Ringo	Wonders about the application of SB 65 under certain certification circumstances.
307	Eriks Gabliks	Deputy Director, Department of Public Safety Standards and Training. Gives information on certification qualifications.
341	Sen. Ringo	Inquires about advanced training and immunity from civil liability.
354	Eriks Gabliks	Gives information on the training cycle under DPSST.
374	Taylor	Inquires if section 2(5) relates to an employment situation in regards to wrongful discharge.
385	Minnis	Responds with clarification on what section 2(5) of SB 65 is focused on accomplishing.
409	Chair Burdick	Wonders about the frequency over the past few years where this problem has come up.
415	Minnis	Cites recent examples as to when this concept was discussed.
426	Sen. Whitsett	Inquires if this bill would cause small areas not to be able to afford certification for their law enforcement officers.
440	Minnis	Replies with information on current standards of police training requirements, and how it is harder for smaller agencies to recruit talent. Assures the committee that this wouldn't be too much of a new problem, but that they are paying attention to it.
475	Sen. Whitsett	Desires more information on smaller community safety standards.
481	Minnis	Discusses the DPSST, and expresses that they would work with groups to make sure smaller communities were well represented.
410	Sen. Prozanski	Inquires about the wording of SB 65.
<b>TAPE 37, A</b>		
035	Minnis	Comments on the wording.
045	Taylor	Brings up the issue of civil penalties in ORS relating to the question Sen. Prozanski addressed.
053	Sen. Prozanski	Raises a concern with the discretion of the Director for penalty assessment.
067	Taylor	Describes why Legislative Counsel cross-referenced that particular statute.
071	Sen. Prozanski	Expresses concern on the wording of SB 65 and the relation to

088	Minnis	penalties. Discusses the waiver process available for technical glitches or compliance issues.
092	Chair Burdick	Closes public hearings on SB 57, SB 62, SB 63, & SB 65 and opens a public hearing on SB 61.
<b><u>SB 61 – PUBLIC HEARING</u></b>		
103	William E. Taylor	Counsel. Describes SB 61, relating to provisions relating to private security providers.
107	John Minnis	Director, Department of Public Safety Standards and Training (DPSST). Testifies in support of SB 61.
115	Harold Burke-Sivers	Chair, Private Security Policy Committee. Testifies in support of SB 61 ( <b>EXHIBIT E</b> ), and expresses the necessity for greater training opportunities for their constituents.
163	Sen. Prozanski	Asks for clarification on who would be affected by the passage of SB 61.
174	Burke-Sivers	Offers information as to the individuals affected by SB 61.
191	Sen. Prozanski	Inquires about certain examples (Safeway contracting security, bouncers at nightclubs, etc.) that might be affected by this bill.
203	Minnis	Points to a certain section in SB 61 that clarifies the individuals who fall under the bill's jurisdiction. Discusses how the policy committee has heard many of these issues before, and has taken counsel from the groups behind them while creating this bill.
252	Burke-Sivers	Clarifies the definitions under question by the committee.
295	Gary Oxley	Fred Meyer Stores. Testifies in opposition to SB 61 and cites apprehension with the ambiguity present in the bill.
350	Oxley	Mentions line 42 on page 2 of SB 61, and gives examples of why his client is against the bill. Talks about security methods already in place at his client's business.
400	Oxley	Explains their concerns on the wording of this bill, and who falls under SB 61. Comments on his client's security class in comparison to those offered by DPSST.
445	Oxley	Discusses the Oregon Liquor Control Commission methods.
476	Julie Brandis	Associated Oregon Industries and the Oregon Retail Council. Testifies in opposition to SB 61. Comments on the role of hired security members in her client's stores.
<b>TAPE 36, B</b>		
042	Brandis	Expresses that her client is at risk when confronting a suspected criminal, and they would like to train their security people in accordance with their own concerns.
074	Bill Perry	Oregon Restaurant Association. Testifies in opposition to SB 61. Talks about security methods in the restaurant business. Expresses that this bill would require drastic changes for the restaurant industry.
122	Sen. Prozanski	Raises concern of going beyond what's reasonable in physical confrontations with security in the restaurant industry, especially in college towns.
157	Sen. Whitsett	Asks why a cashier detaining someone who steals something is wrong in anyway.
166	Perry	Comments that his industry doesn't often deal with theft.
184	Brandis	States that in her client's industry, two staff must witness a theft in order to approach an individual.
203	Chair Burdick	Desires a compromise on this issue between the two sides.
208	Minnis	Reiterates that they are willing to work on this bill. Discusses the funding of private industry recommendations on this bill.

281	Chair Burdick	Closes public hearing on SB 61 and opens a work session on SB 57.
<b><u>SB 57 – WORK SESSION</u></b>		
289	Sen. C. Starr	<b>MOTION: Moves SB 57 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 7-0-0</b>
293	Chair Burdick	<b>Hearing no objection, declares the motion CARRIED. SEN. BURDICK will lead discussion on the floor.</b>
294	Chair Burdick	Closes work session on SB 57 and opens a work session on SB 62.
<b><u>SB 62 – WORK SESSION</u></b>		
295	Sen. C. Starr	<b>MOTION: Moves SB 62 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 7-0-0</b>
299	Chair	<b>Hearing no objection, declares the motion CARRIED. SEN. BURDICK will lead discussion on the floor.</b>
302	Chair Burdick	Closes work session on SB 62 and opens a public hearing on SB 330 and 331.
<b><u>SB 330 &amp; SB 331 – PUBLIC HEARING</u></b>		
309	William E. Taylor	Counsel. Describes SB 330, relating to court reporting; & SB 331, relating to stenographic reporting of proceedings.
335	Lara Smith	Oregon Court Reporters Association (OCRA). Testifies in support for SB 330 and SB 331 ( <b>EXHIBITS F &amp; G</b> ). Provides testimony as a representative for the Oregon Trial Lawyers Association ( <b>EXHIBIT J</b> ).
373	Doug Friend	Oregon Court Reporters Association. Testifies in support for SB 330 & SB 331. Describes the grievances that could have been prevented if there were court reporters.
419	Friend	Discusses the -1 amendment for SB 330 and the support from the Court Reporters Association ( <b>EXHIBIT H</b> ).
464	Sen. Walker	Illustrates the difference between state employees and non-state employees as court reporters.
491	Smith	Expresses the need for a few amendments on this bill for full support.
<b>TAPE 37, B</b>		
028	Catherine Teach-Schmitz	President, Oregon Court Reporters Association. Testifies in support of SB 330 and SB 331. Talks about litigation tools open to court reporters, and how professionalism is needed.
070	Chair Burdick	Asks about the professional requirements for a court reporter.
073	Teach-Schmitz	States that there are no current mandatory certification qualifications as yet, due to budgetary concerns, but they would like to have such a requirement.
085	Chair Burdick	Inquires if the lawyers hiring the court reporters check their certification.
091	Smith	Responds that the Judicial Department will bring forward an amendment to address that issue.
100	Teach-Schmitz	Expresses that the OCRA is getting the word out among attorneys to use only qualified reporters in the courtroom.
108	Sen. Prozanski	Wonders about real time reporting.
115	Teach-Schmitz	Gives information on real time reporting.
120	Sen. Prozanski	Asks if the judges or the attorneys will determine what type of reporting will be done.
124	Teach-Schmitz	States that the parties in the litigation will approach the judge for

129	Smith	authorization on type of reporting before the trial starts. Reiterates the Judicial Department will bring an amendment dealing with this issue.
146	Scott Crampton	Summarizes testimony in a neutral stance on SB 330 ( <b>EXHIBIT I</b> ). Discusses 2 proposed amendments to SB 330.
173	Sen. Walker	Raises concern over not having court reporters in the system.
190	Alex Dunn	Oregon Trial Lawyers Association (OTLA). Testifies in support of SB 330 & SB 331. Proposes amendments be made to address certain issues the OTLA has with the two bills.
247	Charlyn Rees	Oregon District Attorney Association. Testifies in support of SB 330 & SB 331, but raises concern of losing current court reporters due to the passage of this bill.
265	Sen. Walker	States that the issue raised will most likely not happen.
275	Rees	Reiterates that it is a potential concern.
282	Sen. Walker	Discusses how those counties have chosen to stay with court reporting even under budget cuts.
299	Sen. Prozanski	Concurs with Sen. Walker, and reemphasizes that it was a conscious decision in the past by those counties to stick with court reporters.
313	Sen. Beyer	Inquires about the wording in SB 331 on page 1.
349	Taylor	Offers information on the choice of wording for SB 331.
383	Sen. Walker	Addresses the issue raised by stating that such a thing has never really occurred.
394	Chair Burdick	Announces the committee is meeting as a subcommittee.
397	Bill Linden	Circuit Court Judges Association. Declares that his group will meet with the other groups to address the issues they have with the bill.
423	Chair Burdick	Closes the public hearing on SB 330 & SB 331 and adjourns the meeting at 3:02 p.m.

## **EXHIBIT SUMMARY**

- A. **SB 57, written testimony, John Minnis, 1 p**
- B. **SB 62, written testimony, John Minnis, 1 p**
- C. **SB 63, written testimony, John Minnis, 2 pp**
- D. **SB 65, written testimony, John Minnis, 1 p**
- E. **SB 61, written testimony, Harold Burke-Sivers, 2 pp**
- F. **SB 330, written testimony, Lara Smith, 1 p**
- G. **SB 331, written testimony, Lara Smith, 1 p**
- H. **SB 330, -1 amendments, staff, 1 p**
- I. **SB 330, written testimony, Scott Crampton, 3 pp**
- J. **SB 330 & SB 331, written testimony, Lara Smith, 1 p**