

SENATE COMMITTEE ON JUDICIARY

May 19, 2005
1:00 P.M.

Hearing Room 343
Tapes 141 - 142

MEMBERS PRESENT: Sen. Charles Starr, Chair
Sen. Roger Beyer
Sen. Floyd Prozanski
Sen. Charlie Ringo
Sen. Vicki Walker
Sen. Doug Whitsett

MEMBER EXCUSED: Sen. Ginny Burdick

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

MEASURES/ISSUES HEARD:

HB 2051 – Public Hearing
HB 2415A – Public Hearing
HB 2416A – Public Hearing
HB 2978A – Public Hearing
HB 3266 – Public Hearing
HB 2144 – Public Hearing
SB 806 – Work Session
HCR 11 – Public Hearing and Work Session
HB 2145 – Public Hearing
HB 2723 – Public Hearing
HB 2724 – 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 141, A		
003	Chair Starr	Calls the meeting to order at 1:08 p.m. as a subcommittee and opens a public hearing on HB 2051.
<u>HB 2051 – PUBLIC HEARING</u>		
010	William E. Taylor	Counsel. Describes HB 2051 relating to modifying the provisions relating to youth offender foster homes.
016	Karen Andall	Executive Assistant, Oregon Youth Authority. Submits testimony and testifies in support of HB 2051 (EXHIBIT A).
040	Chair Starr	Closes the public hearing on HB 2051 and opens a public hearing HB 2415.
<u>HB 2415A – PUBLIC HEARING</u>		
049	Sam Sears	Counsel. Describes HB 2415A relating to establishing rules governing the passage of property from an elderly and incapacitated person who suffers physical or financial abuse that result in a felony conviction of the abuser.
066	Bertran Copp	Monmouth, Oregon. Submits testimony and testifies in support of HB 2415A (EXHIBIT B).

105	Rep. Mark Hass	House District 27. Submits testimony from Timothy Marble and testifies in support of HB 2415A (EXHIBIT C).
140	Sen. Prozanski	Inquires about a possible emergency clause for this bill.
151	Rep. Hass	States that no thought was given towards an emergency clause.
164	Chair Starr	Closes the public hearing on HB 2415A and opens a public hearing on HB 2416A.
<u>HB 2416A – PUBLIC HEARING</u>		
166	Rep. Mark Hass	House District 27. Testifies in support of HB 2416A.
188	Chair Starr	Closes the public hearing on HB 2416A and opens a public hearing on HB 2978A.
<u>HB 2978A – PUBLIC HEARING</u>		
196	Sam Sears	Counsel. Describes HB 2978A relating to permitting the court in a judgment of annulment, separation, or dissolution of marriage to order the revocation of the designation of beneficiary made by the principal in favor of a spouse or relative of spouse in life insurance policies or under certain retirement plans or certain investment and bank accounts.
204	John Case	Oregon State Bar, Family Law Section. Submits testimony and testifies in support of HB 2978 (EXHIBIT D).
241	Chair Starr	Closes the public hearing on HB 2978 and opens a public hearing on HB 3266.
<u>HB 3266 – PUBLIC HEARING</u>		
250	Sam Sears	Counsel. Describes HB 3266 relating to modifying the definition of “financial institution” in relation to a seller’s property disclosure statement.
257	Tim Martinez	Oregon Bankers Association. Testifies in support of HB 3266.
287	Chair Starr	Closes the public hearing on HB 3266 and opens a public hearing on HB 2144.
<u>HB 2144 – PUBLIC HEARING</u>		
293	Heidi Moawad	Counsel. Describes HB 2144 relating to modifying the conditions of probation for a person previously convicted of a sex offense.
319	Ginger Martin	Assistant Director, Department of Corrections. Submits testimony and testifies in support of HB 2144 (EXHIBIT E).
341	Pat Schreiner	Marion County Sheriff’s Office. Testifies in support of HB 2144.
369	John Hummel	Oregon Criminal Defense Lawyers Association. Testifies in opposition to HB 2144.
400	Hummel	Stresses that a juvenile offender should be able to complete treatment and debt, and move on in society. States his support of the bill if the juvenile offense section was removed.
431	Sen. Walker	Asks if the witness gave the same testimony in the House Judiciary Committee. Wonders about the relevant statute cited in the bill.
435	Hummel	States that he gave the same testimony. Describes the Oregon statute dealing with juvenile sex offenses (in-state and out-of-state).
<u>TAPE 142, A</u>		
024	Sen. Walker	Talks about her concerns over the three-year range that allows a 19 year-old to have sexual relations with a 16 year-old.
035	Hummel	Addresses the specific “age defense” discussed above.
043	Sen. Walker	Comments on the effects of the bill for juvenile sex offenders.
050	Hummel	Explains the effects of the bill; how probation officers are allowed to look at previous records (juvenile, etc.) if another

070	Chair Starr	offense has occurred. Closes the public hearing on HB 2144 and opens the committee as a full-committee. Opens a work session on SB 806.
<u>SB 806 – WORK SESSION</u>		
084	Sen. Prozanski	MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote by which the committee passed SB 806. VOTE: 5-0-2 EXCUSED: 2 - Burdick, Ringo Hearing no objection, declares the motion CARRIED.
091	Chair Starr	MOTION: Moves to RECONSIDER the vote by which SB
095	Sen. Prozanski	806 was passed. VOTE: 5-0-2 EXCUSED: 2 - Burdick, Ringo Hearing no objection, declares the motion CARRIED.
104	Chair Starr	Counsel. Describes SB 806 relating to expanding the definition of a public body under the Oregon Tort Claims Act to include private, nonprofit organizations that provide transportation services. Introduces and describes the -4 amendment (EXHIBIT F)
105	William E. Taylor	
141	Sen. Prozanski	MOTION: Moves to RESCIND the -2 amendments by which SB 806 was passed. VOTE: 5-0-2 EXCUSED: 2 - Burdick, Ringo Hearing no objection, declares the motion CARRIED.
145	Chair Starr	MOTION: Moves to ADOPT SB 806-4 amendments dated
148	Sen. Beyer	5/17/05. VOTE: 5-0-2 EXCUSED: 2 - Burdick, Ringo Hearing no objection, declares the motion CARRIED.
151	Chair Starr	MOTION: Moves SB 806 to the floor with a DO PASS AS
152	Sen. Beyer	AMENDED recommendation. VOTE: 5-0-2 EXCUSED: 2 - Burdick, Ringo Hearing no objection, declares the motion CARRIED.
155	Chair Starr	SEN. GEORGE will lead discussion on the floor.
159	Chair Starr	Closes the work session on SB 806 and opens a public hearing on HCR 11.
<u>HBR 11 – PUBLIC HEARING</u>		
166	Heidi Moawad	Counsel. Describes HCR 11 relating to recognizing the contributions of Robert Kouns to crime victims' rights in Oregon. Introduces and describes the -1 amendment (EXHIBIT G).
191	Steve Doell	President, Crime Victims United. Submits testimony and testifies in support of HCR 11 (EXHIBITS H).
240	Doell	Continues his discussion on the accomplishments and contributions of Robert Kouns.
280	Doell	Describes the legislative contributions and actions of Robert Kouns.
295	Rep. Jerry Krummel	House District 26. Testifies in support of HCR 11. Stresses the importance of honoring Robert Kouns, an advocate for victim's rights.
340	Rep. Krummel	Addresses the introduced story on Robert Kouns (EXHIBIT I).
365	Rep. Krummel	Talks about the -1 amendment (Exhibit G).

419	Anne Pratt	Crime Victims United. Submits testimony and testifies in support of HBR 11 (EXHIBIT J).
TAPE 141, B		
017	Paul Snider	Association of Oregon Counties. Testifies in support of HCR 11.
033	Chair Starr	Closes the public hearing and opens a work session on HCR 11.
<u>HCR 11 – WORK SESSION</u>		
038	Sen. Prozanski	MOTION: Moves to ADOPT HCR 11-1 amendments dated 5/19/05.
		VOTE: 5-0-2
		EXCUSED: 2 - Burdick, Ringo
		Hearing no objection, declares the motion CARRIED.
043	Chair Starr	MOTION: Moves HCR 11 be sent to the floor with a BE
044	Sen. Prozanski	ADOPTED AS AMENDED recommendation.
		VOTE: 5-0-2
		EXCUSED: 2 - Burdick, Ringo
		Hearing no objection, declares the motion CARRIED.
		SEN. BURDICK will lead discussion on the floor.
055	Chair Starr	Closes the work session on HCR 11 and opens a public hearing on HB 2145.
<u>HB 2145 – PUBLIC HEARING</u>		
060	Heidi Moawad	Counsel. Describes HB 2145 relating to providing that county parole and probation officers to have the powers of peace officers in execution of their duties.
074	Ginger Martin	Assistant Director for Transitional Services. Submits testimony and testifies in support of HB 2145 (EXHIBIT K).
078	Sen. Prozanski	Asks about the powers parole and probation officers will be given under this bill. Expresses his desire to explain the limitations on the powers in statute.
085	Martin	Describes the powers which would be better defined by passing the bill.
100	Chair Starr	Closes the public hearing on HB 2145 and opens a public hearing on HB 2723.
<u>HB 2723 – PUBLIC HEARING</u>		
106	Heidi Moawad	Counsel. Describes HB 2723 relating to requiring the employer to grant leaves of absence to public safety officers who are on the Board on Public Safety Standards and Training or on the committee established by the board to allow the officer to attend meetings and perform the duties of the board or committee.
120	Brian DeLashmutt	Oregon Council of Police Associations. Testifies in support of HB 2723.
151	Glen Scruggs	President, Police Association, City of Tigard. Testifies in support of HB 2723.
173	Sen. Whitsett	Inquires about a small rural agency having difficulties adhering to this program.
176	Scruggs	Replies that it may be possible; goes on to discuss how his department organizes these meetings.
182	DeLashmutt	Declares that there is some tradeoff for the smaller communities.
187	Sen. Whitsett	States that in his district, officers who are normally 45 minutes away, who attend the meeting, may be even farther away in emergency cases.
199	Chair Starr	Closes the public hearing on HB 2723 and opens a public hearing on HB 2724.
<u>HB 2724 – PUBLIC HEARING</u>		
208	Heidi Moawad	Counsel. Describes HB 2724 relating to providing that a home

		address, home telephone number, and an electronic mail address of public safety officers are exempt from disclosure. Introduces and describes the -1 amendment (EXHIBIT L).
219	Brian DeLashmutt	Oregon Council of Police Associations. Testifies in support of HB 2724.
270	Dan Cardinal	Public Safety Officer, Washington County Sheriff's Office. Testifies in support of HB 2724. Discusses his experience with an individual stalking and harassing his family.
329	James Morales	Benton County Clerk, Oregon Association of County Clerks. Submits testimony and testifies in support of HB 2724 with the -1 amendment (EXHIBIT M).
375	Morales	Details his responsibility for elections as a county clerk.
406	Paul Snider	Association of Oregon Counties. Testifies in opposition to HB 2724.
TAPE 142, B		
008	Sen. Prozanski	Talks about the statute that deals with the definition of a public safety officer. Raises certain concerns with the bill that might affect the scope of the bill.
019	Snider	Agrees that the scope of the bill might broaden even more with this definition.
059	Diana Bradrick	Manager, Cartography and Records, Washington County. Testifies in opposition to HB 2724.
065	Sen. Beyer	Inquires if this concern was raised in the house.
066	Morales	Replies that the bill moved too fast and they were unable to address these issues before it was sent to the floor.
085	Rep. Larry Galizio	House District 35. Testifies in support of HB 2724. States that he wishes these concerns would have been brought up in the House Judiciary Committee.
110	Sen. Prozanski	Comments on the valid point raised by the clerks; the officers who want the protection need to seek it out.
125	DeLashmutt	Stresses that they wanted to leave it to the specific jurisdictions as to how the bill is upheld. Declares that there was ample opportunity before the bill had a hearing to bring these issues to the committee.
149	Sen. Beyer	Talks about certain drafting choices to allow the jurisdictions to redact information on public safety officers.
173	Jack Monroe	Oregon Land Title Association. Testifies in support of the -1 amendment for HB 2724.
185	Chair Starr	Closes the work session on HB 2724 and adjourns the meeting at 2:45 p.m.

EXHIBIT SUMMARY

- A. **HB 2051, written testimony, Karen Andall, 1 p**
- B. **HB 2415A, written testimony, Bertran Copp, 3 pp**
- C. **HB 2415A, written testimony, Rep. Hass, 7 pp**
- D. **HB 2978A, written testimony, John Case, 1 p**
- E. **HB 2144, written testimony, Ginger Martin, 1 p**
- F. **SB 806, -4 amendment, staff, 1 p**
- G. **HCR 11, -1 amendment, staff, 1 p**

- H. **HCR 11, written testimony, Steve Doell, 2 pp**
- I. **HCR 11, Story on Robert Kouns, Rep. Krummel, 1 p**
- J. **HCR 11, written testimony, Anne Pratt, 1 p**
- K. **HB 2145, written testimony, Ginger Martin, 1 p**
- L. **HB 2724, -1 amendment, staff, 1 p**
- M. **HB 2724, written testimony, James Morales, 2 pp**