

SENATE COMMITTEE ON JUDICIARY

May 26, 2005
1:00 P.M.

Hearing Room 343
Tapes 148 - 149

Corrected 10/26/05

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

MEMBER EXCUSED: Sen. Charles Starr, Vice-Chair

STAFF PRESENT: William E. Taylor, Counsel
Heidi Moawad, Counsel
Sam Sears, Counsel
Dale Penn, Committee Assistant

MEASURES/ISSUES HEARD:

HB 2415A – Work Session
HB 2416A – Work Session
HB 2978A – Work Session
HB 3266 – Work Session
HB 2141 – Work Session
HB 2051 – Work Session
HB 2145 – Work Session
HB 2723 – Work Session
HB 2724 – 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 148, A		
003	Chair Burdick	Calls the meeting to order at 1:16 p.m. and opens a work session on HB 2415A.
<u>HB 2415A – WORK SESSION</u>		
007	Sam Sears	Counsel. Describes HB 2415A relating to establishing the rules governing passage of property from an elderly and incapacitated persons who suffer physical or financial abuse that results in a felony conviction of the abuser. States that there are no amendments to the bill.
022	Sen. Walker	MOTION: Moves HB 2415A to the floor with a DO PASS recommendation. VOTE: 5-0-2
024	Chair Burdick	EXCUSED: 2 - Prozanski, Starr Hearing no objection, declares the motion CARRIED. SEN. RINGO will lead discussion on the floor.
030	Chair Burdick	Closes the work session on HB 2415A and opens a work session

HB 2416A – WORK SESSION

031 Sam Sears

039 Sen. Beyer

046 Sears

066 Sen. Walker

069 Chair Burdick

070 Chair Burdick

on HB 2416A.

Counsel. Describes HB 2416A relating to extending to persons with disabilities the law allowing actions against persons who abuse vulnerable persons or permit other persons to engage in abuse of vulnerable persons.

Discusses the issues and controversies talked about during the House Committee over the definition of the term ‘people with disabilities.’

Defines the definition, according to Legislative Counsel.

MOTION: Moves HB 2416A to the floor with a DO PASS recommendation.

VOTE: 6-0-1

EXCUSED: 1 - Starr

Hearing no objection, declares the motion CARRIED.

SEN. RINGO will lead discussion on the floor.

Closes the work session on HB 2416A and opens a work session on HB 2978A.

HB 2978A – WORK SESSION

071 Sam Sears

077 Sen. Walker

080 Chair Burdick

089 Chair Burdick

Counsel. Describes HB 2978A relating to permits the courts in judgment of annulment, separation, or dissolution of marriage to order revocation of a designation of beneficiary made by the principal in favor of a spouse or relative of a spouse in a life insurance policy or under certain retirement plans or certain investment and bank accounts.

MOTION: Moves HB 2978A to the floor with a DO PASS recommendation.

VOTE: 6-0-1

EXCUSED: 1 - Starr

Hearing no objection, declares the motion CARRIED.

SEN. WALKER will lead discussion on the floor.

Closes the work session on HB 2978A and opens a work session on HB 3266.

HB 3266 – WORK SESSION

090 Sam Sears

098 Sen. Walker

100 Chair Burdick

103 Chair Burdick

Counsel. Describes HB 3266 relating to modifying the definition of “financial institutions” in relation to a seller’s property disclosure statement.

MOTION: Moves HB 3266 be sent to the floor with a DO PASS recommendation.

VOTE: 6-0-1

EXCUSED: 1 - Starr

Hearing no objection, declares the motion CARRIED.

SEN. BURDICK will lead discussion on the floor.

Closes the work session on HB 3266 and opens a work session on HB 2141.

HB 2141 – WORK SESSION

105 Heidi Moawad

130 Moawad

169 Sen. Walker

Counsel. Describes HB 2141 relating to modifies provisions that allow the Department of Corrections and the Oregon Youth Authority to transfer persons committed to their custody to the state mental hospital for evaluation and treatment. Introduces and describes the -3 amendment (**EXHIBIT A**).

Describes the effects of the bill, and the reasoning behind the need for these provisions.

MOTION: Moves to ADOPT HB 2141-3 amendments dated

5/17/05.

VOTE: 6-0-1

EXCUSED: 1 - Starr

Hearing no objection, declares the motion CARRIED.

MOTION: Moves HB 2141 to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 6-0-1

EXCUSED: 1 - Starr

Hearing no objection, declares the motion CARRIED.

SEN. BURDICK will lead discussion on the floor.

Closes the work session on HB 2141 and opens a work session on HB 2051.

170 Chair Burdick
171 Sen. Walker

175 Chair Burdick

183 Chair Burdick

HB 2051 – WORK SESSION

186 William E. Taylor

200 Karen Andall

215 Chair Burdick
217 Andall

233 Sen. Whitsett

239 Andall

251 Sen. Whitsett

253 Andall

261 Sen. Beyer

264 Andall

280 Sen. Beyer

282 Andall

292 Chair Burdick

295 Andall

309 Taylor

321 Sen. Beyer

328 Andall

343 Sen. Beyer

348 Andall

363 Taylor

Counsel. Describes HB 2051 relating to modifying the provisions relating to youth offender foster homes. Introduces and describes the -1 amendment (**EXHIBIT B**).

Oregon Youth Authority. Testifies in support of HB 2051 and how it is merely a clean up bill addressing issues resulting from the Oregon Youth Authority splitting off from the Department of Human Services.

Asks why the -1 amendment was necessary.

Replies that the Oregon Youth Authority (OYA) has many offenders at this age in their programs.

Inquires about the 18 to 25 year old youths who were in the program until restitution was completed.

Addresses the youths in their jurisdiction who need to complete their restitution programs.

Asks if the state is covering the cost of foster care for these youths in order for them to earn restitution payments.

Replies yes, and offers an explanation of their program's requirements to keep those youth offenders.

Inquires what occurs to those youths who are over the age of 18.

Talks about the youth offenders over the age of 18.

Asks if they want the Legislature to change to statute to fit the current practice of the OYA.

Describes the mandated programs they are required to fulfill, and how they want the Legislature to clarify this conflict.

Inquires if the law prohibits the OYA from doing this already.

Asks if it was more or less expensive to have the youths in foster care versus the full custody of the OYA.

Stresses that the law does not prohibit them from doing this.

Talks about how foster care is a very cost-effective method.

Discusses the statute related to this issue on authority.

Asks what statute gives the OYA the authority to place individuals over the age of 18 into foster care.

Addresses the question relating to youths over the age of 18 being in foster care and comments on the statute dealing with youths who fall under OYA's authority.

Wonders about youths being required to be placed into other facilities after the age of 18.

Talks about youth offenders over the age of 18, and the laws relating to this issue.

Attempts to clarify the issue of youths over the age of 18. Asks where they place these offenders.

394	Andall	Discusses their responsibilities for offenders over the age of 18 and where they place the offenders who are over the age of 18.
420	Andall	Talks about the history of the OYA and how the statutes came about. States that the Oregon Law Commission addresses these issues during the interim.
443	Sen. Beyer	Inquires if the Legislature in 1995 wanted the children above the age of 18 to remain in foster care.
TAPE 149, A		
011	Sen. Whitsett	Wonders if the OYA thinks that they should have the power to accomplish goals outside their statutory authority.
017	Andall	States that the OYA seeks to follow the statutory authority granted to them.
023	Taylor	Talks about the different levels of maturity for children of all ages. Declares that the age of 25 was a policy decision chosen because of this.
037	Sen. Prozanski	Comments that he does not believe there was discussion during the 1997 session when the OYA was created that seeks to prohibit the OYA from doing this.
071	Andall	Mentions that the juvenile court determines if a youth is placed within a closed-custody facility; the agency then determines the parole and the plan for restitution.
089	Sen. Prozanski	Inquires if the OYA needs to return an offender who had been removed from closed-custody programs.
095	Andall	Talks about the court authority relating to this issue.
105	Sen. Prozanski	Asks if the OYA has temporary power to make these decisions for the youth.
109	Andall	Replies with information on the OYA's authority on this issue.
119	Sen. Beyer	Wonders what might happen if this bill is not adopted with the amendment.
120	Andall	States that the OYA would have to make drastic decisions (either terminate the custody, or removal) for the offenders aged 18 and above.
133	Sen. Beyer	Asks about the residential treatment programs.
136	Andall	Responds with information on the residential programs in Oregon: private program providers.
146	Chair Burdick	Asks about the pricing as compared to foster care.
148	Andall	Replies that they are more expensive than foster care.
151	Sen. Whitsett	Wonders about the number of offenders over the age of 18 in foster care.
153	Andall	States that she believes there are around 90 offenders.
156	Sen. Beyer	Raises the issue of where the offenders would then be kept and is it appropriate for the state to pay foster care for offenders over the age of 18 and below the age of 25.
173	Chair Burdick	Talks about the authority of the OYA to deal with this age block of offenders.
185	Sen. Prozanski	Addresses the past legislative discussions on the choice to increase the age from 18 to 25 for keeping young offenders in foster care.
198	Sen. Beyer	Stresses that his issue is with the 18-25 year old who cannot safely re-enter society, where it costs more to keep them in foster care as opposed to the Department of Corrections.
215	Sen. Walker	MOTION: Moves to ADOPT HB 2051-1 amendments dated 5/19/05.
		VOTE: 5-0-2

218	Chair Burdick	EXCUSED: 2 - Ringo, Starr
219	Sen. Walker	Hearing no objection, declares the motion CARRIED.
		MOTION: Moves HB 2051 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0-2
225	Chair Burdick	EXCUSED: 2 - Ringo, Starr
		Hearing no objection, declares the motion CARRIED.
230	Chair Burdick	SEN. PROZANSKI will lead discussion on the floor.
		Closes the work session on HB 2051 and opens a work session on HB 2145.
<u>HB 2145 – WORK SESSION</u>		
232	Heidi Moawad	Counsel. Describes HB 2145 relating to provides that county parole and probation officers have the powers of a peace officer in execution of their duties.
250	Sen. Walker	MOTION: Moves HB 2145 to the floor with a DO PASS recommendation.
		VOTE: 5-0-2
253	Chair Burdick	EXCUSED: 2 - Ringo, Starr
		Hearing no objection, declares the motion CARRIED.
256	Chair Burdick	SEN. BEYER will lead discussion on the floor.
		Closes the work session on HB 2145 and opens a work session on HB 2723.
<u>HB 2723 – WORK SESSION</u>		
257	Heidi Moawad	Counsel. Describes HB 2723 relating to requiring employers to grant leaves of absences to public safety officers who are on the Board of Public Safety Standards and Training or on a committee established by the board to allow an officer to attend meetings and perform the duties of the board or committee.
271	Sen. Walker	MOTION: Moves HB 2723 to the floor with a DO PASS recommendation.
		VOTE: 5-0-2
276	Chair Burdick	EXCUSED: 2 - Ringo, Starr
		Hearing no objection, declares the motion CARRIED.
280	Chair Burdick	SEN. WHITSETT will lead discussion on the floor.
		Closes the work session on HB 2723 and opens a work session on HB 2724
<u>HB 2724 – WORK SESSION</u>		
282	Heidi Moawad	Counsel. Describes HB 2724 relating to providing that the home address, home telephone number, and the electronic mail address of public safety officers are exempt from disclosure. Introduces the -2 amendment (EXHIBIT C).
310	Sen. Walker	MOTION: Moves to ADOPT HB 2724-2 amendments dated 5/26/05.
		VOTE: 5-0-2
311	Chair Burdick	EXCUSED: 2 - Ringo, Starr
312	Sen. Walker	Hearing no objection, declares the motion CARRIED.
		MOTION: Moves HB 2724 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0-2
315	Chair Burdick	EXCUSED: 2 - Ringo, Starr
		Hearing no objection, declares the motion CARRIED.
320	Chair Burdick	SEN. PROZANSKI will lead discussion on the floor.
		Closes the work session on HB 2724 and adjourns the meeting at

2:05 p.m.

EXHIBIT SUMMARY

- A. HB 2141, -3 amendment, staff, 7 pp
- B. HB 2051, -1 amendment, staff, 1 p
- C. HB 2724, -2 amendment, staff, 1 p