

SENATE COMMITTEE ON RULES

June 22, 2005
3:00 P.M.

Hearing Room C
Tapes 119 - 120

Corrected 10/27/05

MEMBERS PRESENT: Sen. Kate Brown, Chair
Sen. Ted Ferrioli, Vice-Chair
Sen. Jason Atkinson
Sen. Charlie Ringo
Sen. Frank Shields

STAFF PRESENT: Tiffany Harris, Committee Administrator
Linda K. Gatto, Committee Assistant

MEASURE/ISSUES HEARD:

HB 2335A – Public Hearing and Work Session
HB 2070A – Public Hearing and Work Session
HB 2202A – Public Hearing and Work Session
HB 3029A – Public Hearing and Work Session
SB 1068 – Public Hearing
SB 1082 – Public Hearing
HB 2104 – Work Session
SB 499 – Reconsideration 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<u>TAPE 119, A</u>		
003	Chair Brown	Calls the meeting to order at 3:10 p.m. and opens the public hearing on HB 2335A.
<u>HB 2335A – PUBLIC HEARING</u>		
008	Tiffany Harris	Committee Administrator. Explains the provisions of HB 2335A.
014	Rep. Krummel	House District 26. Explains HB 2335A arose to address issues regarding the length of time DHS and law enforcement take to investigate the voluntary removal of a parent, guardian or care giver and due process issues. The bill directs DHS to notify the county multi disciplinary team and at the parents request look into the case. Notes that this does not create new private rights of action. Recommends moving to the floor without amendments.
047	Chair Brown	Recalls that a bill that addresses the issues raised in the –A7 amendments (EXHIBIT A) has already passed the senate.
050	Rep. Krummel	Responds that the –A7 are similar to SB 895 and explains the District Attorney's Association have an issue with the –A7 amendments.
058	Chair Brown	Closes the public hearing on HB 2335 and opens the public hearing on HB 2070A.
<u>HB 2070A – PUBLIC HEARING</u>		
066	Tiffany Harris	Committee Administrator. Explains the provisions of HB 2070A.
071	Sen. Vicki Walker	Senate District 7. Defers to Rep. Butler who is the sponsor of the bill.
077	Rep. Tom Butler	House District 60. Explains HB 2070A provides an opportunity to small counties under 50,000 people, who have IEP programs,

101	Sen. Vicki Walker	to allow these counties to have the money follow the student from one school district to the next.
120	Chair Brown	Closes the public hearing on HB 2070A and opens the public hearing on HB 2335A.

HB 2335A – PUBLIC HEARING

122	Terry Fennell	Foster parent, Marion county. Discusses having a clear understanding of an allegation in a timely manner. Describes knowledge of general allegations that took 8.5 months to be revealed.
148	Chair Brown	Asks if there was a petition for dependency filed during the time period.
150	Fennell	Answers he does not know. States that the children were removed from the foster parent and it took 8.5 months to receive a written explanation of what the outcome would be.
156	Chair Brown	Closes the public hearing on HB 2335A. Opens the public hearing on HB 2070.

HB 2070A – PUBLIC HEARING

168	Chair Brown	Closes the public hearing on HB 2070. Opens the public hearing on HB 2202A.
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HB 2202A – PUBLIC HEARING

171	Tiffany Harris	Committee Administrator. Explains the provisions of HB 2202A.
179	Jean Lasater	Submits and summarizes an overview of HB 2202A (EXHIBIT C).
228	Chair Brown	States it is her hope that through this task force work can be done to explore dollars following homeless youth in foster care.
237	Sen. Ringo	Notes there is no fiscal impact statement and ask how would this be accomplished.
248	Chair Brown	Responds that DHS and the Children and Families Commissions have ad hoc groups meeting on this issues and this is a coordination of those efforts.
256	Sen. Ringo	Asks could the agency be doing this with current resources.
261	Lasater	Responds that this bill is intended to operate under current budget constraints.
270	Vicki Lansing	Director, Oregon Commission on Children and Families. Answers they will intentionally address this issue to the extent possible with current resources.
280	Chair Brown	Suggests focusing on the outcomes of specific programs that are working for the legislature to build on next session.
288	Chair Brown	Closes the public hearing on HB 2202A and opens HB 3029A.

HB 3029A – PUBLIC HEARING

294	Tiffany Harris Vicki Lansing	Committee Administrator. Explains the provisions of HB 3029A. Director, Oregon Commission on Children and Families. Explains why it is practical to move the Juvenile Crime Prevention Advisory Committee to the Commission on Children and Families.
336	Becky Ekland	Juvenile Crime Prevention Coordinator, Oregon Criminal Justice Commission. Supports Ms. Lansing’s testimony and the move noting that it allows the criminal justice system to plan.
349	Paul Snider	Association of Oregon Counties. Supports HB 3029A.
359	Chair Brown	Asks why the emergency clause was added.

360	Lansing	Explains the intent is to transfer employees and the functions smoothly.
	Chair Brown	Closes the public hearing on HB 3029A and opens the public hearing on SB 1068.
<u>SB 1068 – PUBLIC HEARING</u>		
380	Gina Skinner	Deputy District Attorney in Washington County, representing the Oregon District Attorney’s Association. Submits prepared testimony in support of SB 1068 (EXHIBIT D). Explains the bill is needed to clarify the authority police have to enforce current release orders.
452	Skinner	Explains how domestic violence crimes are difficult to prosecute because the victims either feel threatened or are influenced to minimize their testimony. Explains that the punishment of contempt of court does not refer to a release agreement and is not reflected in the criminal record.
TAPE 120, A		
053	Sybil Hebb	Civil Legal Attorney, Oregon Law Center. Explains that victims of domestic violence often feel the no contact order protects them but it does not because it does not provide for an arrest.
080	Jean Kunkle	Manager, Domestic Violence Trial Team, Marion County. Concurs with Ms. Skinner and Ms. Hebb’s testimony. States these cases almost always involve batterers who are intentionally disregarding the order of the court in the no contact order.
095	Kelly Skye	Legislative Representative, Oregon Criminal Defense Lawyers Association. Testifies in opposition to SB 1068 stating there are a number of ways this is handled today for contempt proceedings. The problem that she is hearing is that police are confused about their authority to arrest for violation of a release agreement. Suggests that ORS 133.310 be amended to provide clarity.
126	Skye	States that often times the victim initiates contact with the offender, such as by bailing them out, because the victim is not aware of the no contact provision. This bill places the defendant in extra jeopardy.
155	Chair Brown	Asks is a restraining order violation held in family law court.
157	Skye	Answers yes. Suggests clearing up the authority to arrest if there is a no contact order present. Notes the additional costs this will have on some cases and other complications.
207	Nancy Miller	Deputy State Court Administrator, Program Operations Oregon Judicial Department. States that the department is neutral on SB 1068. Notes there is a fiscal impact and they would request a subsequent referral to Senate Budget. Estimates that 5% of Assault 4 misdemeanors would be affected at a cost of \$120,000.
232	Chair Brown	Asks where the 5% estimate came from.
232	Miller	Answers it is a conservative guess.
236	Sen. Ringo	Requests a response from the proponents.
243	Chair Brown	Notes that if there is a 5% problem, it needs to be addressed.
251	Skinner	Responds in agreement on the point of victims wanting contact and explains the reason is because the offenders have put the victims in a vulnerable position and are completely dependent them.
278	Sen., Ringo	Ask about the circumstances when the victim is unaware of the no contact order.
281	Skinner	Answers that the victims are notified. There is a document the perpetrator is required to go through and sign on in order to get

out of jail.

316 Chair Brown Confirms the different counties being represented are Washington, Marion and Multnomah.

317 Skinner Reviews current remedies. States that time lags and full jails are an issue.

367 Sen. Ringo Confirms that a contempt order can be punishable up to six months.

374 Skinner Responds that most District Attorneys are not filing these; it cannot be added to the criminal charges or be part of the proceeding, it has to be handled in its own proceeding.

407 Kunkle States the vast majority of these charges are dropped because the defendant is influencing the victim.

TAPE 119, B

001 Skinner Explains tampering with the witness charges relative to the defendant's motives.

024 Chair Brown Directs the parties to converse and reduce the fiscal impact.

033 Skinner Notes that it is her understanding the fiscal is related to making the charge a felony.

040 Chair Brown Closes the public hearing on SB 1068 and opens the public hearing on SB 1082.

SB 1082 – PUBLIC HEARING

045 Sen. Ben Westlund Senate District 27. Discusses the threat of summer wildfires and the concern of the tribes to prevent forest fires. Supports SB1082 with the -1 amendments (**EXHIBIT E**).

082 Michael Mason Representing the Confederated Tribes of Warm Springs. Submits prepared testimony in support of SB 1082 on behalf of Louis Pitt, Jr. (**EXHIBIT F**). Explains that when the tribes gave up ten million acres to the United States they did not give up the stewardship obligations. It has been over a century of mistaken mismanagement with underbrush and runaway juniper on the rangelands.

102 Mason Explains they sought the bill because wind is not as stable an energy source as bio-mass is. They are asking for help with the PUC.

132 Sen. Ringo Ask if there is funding for clearing the under growth. Asks what are the costs and is it self sustaining.

134 Mason Answers the operating \$4.2 million annually, the primary cost is getting the fuels to the mill. The capital cost for the project is \$31.5 million and the tribes will borrow about \$9 million from private lenders.

150 Sen. Ringo Asks if it is self sustaining

153 Mason Answers not in the first few years, but ultimately yes.

159 Sen. Westlund Adds that some of the rate will have to be subsidized.

164 Sen. Shields Asks what are the characteristics of the mill.

178 Louis Pitt, Jr. Director of Government Affairs and Planning, Confederated Tribes of the Warm Springs. Responds the mill is a classic boiler. There is the business side and the forest health side, this is one more tool to

204 Sen. Shields Ask how many jobs will this create.

208 Mason Answers the estimate is between 60 to 70 on-reservation jobs.

217 Sen. Westlund Addresses the -1 amendments. Refers to line 22 in the original bill and suggests changing "shall" to "may".

239 Chair Brown Closes the public hearing on SB 1082 and opens the work session on HB 2104A.

HB 2104A – WORK SESSION

240 Tiffany Harris
249 Chair Brown
251 Chair Brown
253 Chair Brown
259 Chair Brown

Committee Administrator. Explains the provisions of HB 2104A.
MOTION: Moves to ADOPT HB 2104A -A3 amendments dated 5/20/05 (EXHIBIT G).
VOTE: 4-0-1
EXCUSED: 1 - Atkinson
Hearing no objection, declares the motion CARRIED.
MOTION: Moves HB 2104A to the floor with a DO PASS AS AMENDED recommendation.
VOTE: 4-0-1
EXCUSED: 1 - Atkinson
Hearing no objection, declares the motion CARRIED.
SEN. RINGO will lead discussion on the floor.
Closes the work session on HB 2104A and opens the work session on SB 499.

SB 499 – WORK SESSION

273 Mary Botkin
299 Chair Brown
300 Botkin
319 Chair Brown
322 Chair Brown
323 Chair Brown
326 Chair Brown
334 Chair Brown

American Federation of State, County and Municipal Employees. Explains the -4 amendments (**EXHIBIT H**).
Requests an explanation on the word changes.
Explains the amendments were drafted to meet the actuarially neutral cost. Explains that the difference between the -3 (**EXHIBIT I**) and -4 amendments is the addition of “until the member attains the age of 55.”
MOTION: Moves to ADOPT SB 499-4 amendments dated 6/22/05.
VOTE: 3-0-2
EXCUSED: 2 – Atkinson*, Ringo (*see tape 119 B #406)
Hearing no objection, declares the motion CARRIED.
MOTION: Moves SB 499 to the floor with a DO PASS AS AMENDED recommendation.
VOTE: 3-0-2
EXCUSED: 2 - Atkinson, Ringo
Hearing no objection, declares the motion CARRIED.
SEN. BROWN will lead discussion on the floor.
Closes the work session on SB 499 and opens the work session on HB 2070A.

HB 2070A – WORK SESSION

337 Chair Brown
339 Chair Brown
341 Sen. Ferrioli
352 Chair Brown
375 Chair Brown
382 Chair Brown

MOTION: Moves to ADOPT HB 2070A -A3 amendments dated 6/16/05.
Notes for the record that Sen. Ferrioli objects.
Requests the full committee be present.
Recaps the status of HB 2070.
VOTE: 3-2-0
AYE: 3 - Ringo, Shields, Brown
NAY: 2 - Atkinson, Ferrioli
The motion CARRIES.
MOTION: Moves HB 2070A to the floor with a DO PASS AS AMENDED recommendation.
VOTE: 3-2-0
AYE: 3 - Ringo, Shields, Brown
NAY: 2 - Atkinson, Ferrioli
The motion CARRIES.

386 Sen. Ferrioli **SEN. WALKER will lead discussion on the floor.**
Serves notice of a possible minority report.

SB 499 – RECONSIDERATION & WORK SESSION

393 Sen. Ferrioli **MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on SB 499 as amended with the -4 amendments.**
VOTE: 5-0-0
Hearing no objection, declares the motion CARRIED.

406 Chair Brown **MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. ATKINSON to BE RECORDED as voting NAY on the motion to move SB 499 to the floor with a DO PASS AS AMENDED recommendation.**
VOTE: 3-1-1
AYE: 3 - Shields, Ferrioli, Brown
NAY: 1 - Atkinson
EXCUSED: 1 - Ringo

421 Chair Brown Closes the work session on SB 499 and opens the work session on HB 2202A.

HB 2202 – WORK SESSION

430 Chair Brown **MOTION: Moves HB 2202A to the floor with a DO PASS recommendation.**
VOTE: 5-0-0
Hearing no objection, declares the motion CARRIED.
SEN. SHIELDS will lead discussion on the floor.

438 Chair Brown Closes the work session on HB 2202A and opens the work session on HB 2335A.

HB 2335A – WORK SESSION

442 Chair Brown **MOTION: Moves HB 2335A to the floor with a DO PASS recommendation.**
VOTE: 5-0-0
Hearing no objection, declares the motion CARRIED.
SEN. BROWN will lead discussion on the floor.

443 Chair Brown Closes the work session on HB 2335A and opens the work session on HB 3029A.

445 Chair Brown

HB 3029A – WORK SESSION

456 Chair Brown **MOTION: Moves HB 3029A to the floor with a DO PASS recommendation.**
VOTE: 5-0-0
Hearing no objection, declares the motion CARRIED.
SEN. FERRIOLI will lead discussion on the floor.

458 Chair Brown Closes the work session on HB 3029A and opens the public hearing on SB 1082.

466 Chair Brown

SB 1082 – PUBLIC HEARING
TAPE 120, B

020 Dan Postrel Public Affairs Director, Oregon Department of Forestry. Testifies in support of SB 1082 because it fits with the Oregon Business Plan strategy, supports rural economic growth, and benefits forest health. Acknowledges the concerns of the PUC.

045 Greg Miller Government Affairs Manager, Weyerhaeuser Company. Opposes the bill and suggests that all co-generators be treated equally. Supports the principals and projects of the tribes but disagrees with where this falls within the PUC process relative to rates.

092	Mark Nelson	Explains the fundamental problem is to ask all rate payers to pay for a project that may not be economical.
113	Chair Brown	Asks if they are still opposed if in lines 18 and 22 “shall” is deleted and replaced with “may.”
115	Nelson	Refers to line 10 of the amendments.
125	Sen. Ferrioli	Supports the shall/may changes in the amendments and the bill. Notes for the record that the tax credits that come with alternative energy issues allow these plants to be viable. Notes the 40 to 50 percent unemployment factor on the Warm Springs reservation.
163	Chair Brown	Expresses that it was her understanding there was an agreement.
166	Nelson	Answers that he understood it would come back but there was not agreement on the language.
169	Chair Brown	Asks about tribal sovereignty.
184	Nelson	Responds that they do not believe rate payers should pay for a project that is not economically feasible.
190	Chair Brown	Closes the public hearing on SB 1082 and adjourns the meeting at 5:15 p.m.

EXHIBIT SUMMARY

- A. HB 2335A, -A7 amendments, Representative Jerry Krummel, 2 pp**
- B. HB 2070A, -A3 amendments, Senator Vicki Walker, 2 pp**
- C. HB 2202A, prepared testimony, Jean Lasater, 12 pp**
- D. SB 1068, prepared testimony, Gina Skinner, 8 pp**
- E. SB 1082, -1 amendments, Senator Ben Westlund, 1 p**
- F. SB 1082, prepared testimony, Michael Mason, 2 pp**
- G. SB 2104A, -A3 amendments, staff, 1 p**
- H. SB 499, -4 amendments, Mary Botkin, 6 pp**
- I. SB 499, -3 amendments, Mary Botkin, 6 pp**