

## HOUSE COMMITTEE ON JUDICIARY

February 24, 2003 Hearing Room 357  
1:00 p.m. Tapes 53 - 56

**MEMBERS PRESENT:**        **Rep. Max Williams, Chair**  
                                 **Rep. Gordon Anderson, Vice-Chair**  
                                 **Rep. Robert Ackerman, Vice-Chair**  
                                 **Rep. Jeff Barker**  
                                 **Rep. Bob Jenson**  
                                 **Rep. Jerry Krummel**  
                                 **Rep. Greg Macpherson**  
                                 **Rep. Floyd Prozanski**  
                                 **Rep. Lane Shetterly**

**STAFF PRESENT:**        **Bill Taylor, Counsel**  
                                 **Ann Martin, Committee Assistant**

**MEASURE/ISSUES HEARD:**        **Measure Introduction**  
                                 **HB 2332 Public Hearing and Work Session**  
                                 **HB 2034 Public Hearing**  
                                 **HB 2576 Public Hearing and Work Session**

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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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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>53, A</b> 003	Chair Williams	Calls the meeting to order at 1:06 p.m. Opens a public hearing on HB 2332 which allows obligor and obligee to elect to have support payments electronically transferred to licensed escrow agent.
<b><u>HB 2332 PUBLIC HEARING</u></b>		
012	Rep. Tom Butler	House District 60. Testifies in support of HB 2332.
030	Ann Rupp	Ontario, Oregon. Submits testimony and testifies in support of HB 2332 ( <b>EXHIBIT A</b> ).
090	Rep. Krummel	Asks Ms. Rupp how their child support/spousal support accounting program works.
099	Rupp	Explains how their patented website and webware can be customized by attorneys and courts.
122	Rep. Butler	Adds that the Department of Justice will have something similar to this by the end of this next biennium.
159	Rep. Krummel	States that he is concerned about security.
169	Rupp	Mentions that there are three systems that are not connected. Discusses files that are set-up and security issues.
194	Rep. Krummel	Asks if they are currently providing this system to other states.
195	Rupp	Answers, no. Says that Idaho is looking at their system.
207	Rep. Butler	Adds that New Mexico may have some similar legislation to allow title companies to do this.
209	Rupp	Mentions that New Mexico has an interactive site for child support accounts to be established.
248	Ronelle Shankle	Department of Justice. Submits testimony and testifies as neutral

282	Rep. Macpherson	to HB 2332 ( <b>EXHIBIT B</b> ). Asks if there is any mechanism in the current support enforcement process that involves a third party.
290	Shankle	Says yes, but this would be a new process.
295	Rep. Macpherson	Inquires about the escrow aspect of the bill.
313	Shankle	Explains that their current system does have a title and escrow desk within the Department of Justice, but it is not online.
332	Rupp	Stresses that they strictly service the closed transaction.
367	Bill Taylor	Committee Counsel. Asks if the bill does not apply to situations where the state is the obligee.
368	Shankle	Answers that is correct.
371	Taylor	Asks if that means that there is a court order issued by the court and parties are current and there is no state involvement.
376	Shankle	Agrees and says that this would most likely be those customers that are entering a divorce decree in circuit court.
393	Chair Williams	Closes the public hearing on HB 2332 and opens a work session on HB 2332.

**HB 2332 WORK SESSION**

365	Rep. Krummel	<b>MOTION: Moves HB 2332 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 9-0</b>
366	Chair Williams	<b>Hearing no objection, declares the motion CARRIED. REP. KRUMMEL will lead discussion on the floor.</b>
422	Chair Williams	Closes the work session on HB 2332 and opens a public hearing on HB 2034.

**HB 2034 PUBLIC HEARING**

**TAPE 54, A**

003	Rob Bovett	Lincoln Interagency Narcotics Team (LINT) and Oregon Narcotics Enforcement Agency (ONEA), Legal Counsel. Submits testimony and testifies in support of HB 2034 which modifies definition of iodine matrix ( <b>EXHIBITS C &amp; D</b> ).
100	Bovett	Discusses meth labs.
213	Bovett	Discusses their support of the -2 amendments ( <b>EXHIBIT E</b> ) and the -3 amendments ( <b>EXHIBIT F</b> ).
304	Larry Welty	President, ONEA. Submits testimony and testifies in support of HB 2034 ( <b>EXHIBIT G</b> ).
403	Craig Durbin	Sergeant, Oregon State Police. Submits testimony and testifies in support of HB 2034 ( <b>EXHIBIT H</b> ).

**TAPE 53, B**

006	Rep. Prozanski	Asks why they can't keep up with the precursors.
010	Bovett	Says that the State Police have authority to make some changes, but they cannot make changes to the statutes.
025	Rep. Prozanski	Wonders if the State Police can identify some substances as precursors.
030	Bovett	Answers, yes.
034	Rep. Prozanski	Asks Sgt. Durbin about dropping the percentage of iodine.
045	Sgt. Durbin	Responds that they settled on the percentage of iodine at 2 percent.
066	Rep. Prozanski	Asks about looking at the records on iodine.
073	Bovett	Explains that they regulate some substances by requiring that records are kept.
081	Rep. Prozanski	Comments that the -2 amendments do not prohibit a minor from

		purchasing Sudafed.
087	Bovett	Says that their original proposal was to prohibit minors from purchasing Sudafed, but the industry was very unhappy with that. Adds that what they are proposing today is that products containing pseudoephedrine be kept behind the counter.
098	Rep. Barker	Says that he will support anything to stop meth labs, but believes that this will be a hardship on small “mom and pop” stores.
109	Bovett	Answers that the “mom and pop” stores usually don’t keep many of these drugs.
121	Rep. Barker	Comments that he has concerns about putting an undue burden on the retailers.
129	Bovett	Says that he understands his concerns, but believes that putting pseudoephedrine behind the counters at stores makes it difficult for meth cooks to buy.
168	Rep. Shetterly	Comments on the change in percentage of iodine from 3.7% to 2%.
175	Rep. Krummel	Asks why we need the bill if the stores are already compliant in putting the drugs behind the counter.
179	Bovett	Answers that this is not universal, that not all stores are putting pseudoephedrine behind their counters.
187	Rep. Jenson	Asks if he has data on which stores are selling pseudoephedrine.
196	Bovett	Replies that this is such a recent trend, where some stores are putting pseudoephedrine behind the counter and some are not, that they don’t have data.
208	Sgt. Durbin	Gives an example of retailers selling to meth cooks.
231	Rep. Jenson	Asks how having pseudoephedrine behind the counter would help.
234	Sgt. Durbin	Says that it makes it more difficult for meth cooks to purchase.
241	Welty	States that if meth cooks know that they are going to face scrutiny, then they will not go in that store.
261	Rep. Prozanski	Asks how many boxes of cold medicine it would take for a meth lab to produce meth.
272	Bovett	Describes an example from Newport of two different retailers and how they keep pseudoephedrine.
285	Rep. Prozanski	Wonders how many boxes are needed to cook up a batch of meth.
290	Sgt. Durbin	Gives example of how many pills of pseudoephedrine one would need to make meth.
308	Rep. Ackerman	Asks about sales to minors of precursors.
318	Bovett	Answers that there have been a number of cases where meth cooks involve their children in buying pseudoephedrine, but says they are now abandoning the restriction of sales to minors.
332	Vice-Chair Anderson	Asks how much an ounce of meth costs.
335	Welty	Answers that an ounce of meth would sell for \$450-650 dollars on the street.
342	Vice-Chair Anderson	Clarifies what the -2 amendments do ( <b>Exhibit E</b> ).
358	Marcia Keith	Oregon Veterinary Medical Association. Submits testimony and testifies in support of HB 2034 ( <b>EXHIBIT I</b> ). Discusses the -3 amendments ( <b>Exhibit F</b> ).
402	Rep. Prozanski	Asks about the -3 amendments and if they are from the Oregon Veterinary Medical Association.
409	Keith	Answers, yes.
430	Julie Brandis	Associated Oregon Industries/Retail Council. Testifies in opposition to HB 2034.

436	Mike Sargent	Consumer Healthcare Products Association (CHPA) Submits testimony and testifies in opposition to HB 2034 ( <b>EXHIBIT J</b> ).
<b>TAPE 54, B</b>		
009	Sargent	Continues his testimony in opposition to HB 2034.
073	Shawn Miller	Oregon Grocery Association and Oregon Community Pharmacy Council. Submits testimony and testifies in opposition to HB 2034 ( <b>EXHIBIT K</b> ). Opposes Section 3, subsection 3, on page 3 of the bill and the -2 amendments.
168	Tom Holt	Executive Director, Oregon State Pharmacists Association. Testifies in opposition to HB 2034.
202	Brandis	Reports that HB 3661 (2001) is working.
228	Sargent	Says that for the record, his original concern was regarding the age limit.
255	Chair Williams	Says that the proponents of the bill have dropped the carding for minors of pseudoephedrine in the -2 amendments ( <b>Exhibit E</b> ) and they testified about their concerns about the behind-the-counter portions of the bill. Asks if they have any other objections to the bill.
266	Miller	Answers, no.
267	Brandis	Says that she needs to check with the hospitals to see if they are impacted by the bill and the iodine issue.
273	Holt	Comments that he needs to check the iodine percentage issue with his technical people.
277	Chair Williams	Asks about the list of drugs that they provided ( <b>Exhibit K</b> ) and how many are single entity drugs.
284	Sargent	Answers that he has not looked at that list, but there are a significant number of single-entity pseudoephedrine products on the market.
317	Chair Williams	Asks Mr. Miller to get him a list of single-entity drugs.
320	Miller	Says that he will.
325	Vice-Chair Anderson	Asks about the difference in concentration of single-entity drugs and the combination drugs.
328	Sargent	Explains that it varies from product to product.
343	Rep. Macpherson	Asks Mr. Miller if there is any other product under Oregon Law that is required to be kept behind the counter and cannot be sold to minors.
363	Miller	Answers that he believes there is only one product and that is tobacco.
370	Chair Williams	Closes the public hearing on HB 2034. Introduces LC's to be introduced as committee measures ( <b>EXHIBITS L &amp; M</b> ).
381	<b>Chair Williams</b>	<b>MOTION: Moves LC 2022 AND 2485 BE INTRODUCED as a committee bills.</b>
		<b>VOTE: 9-0</b>
385	<b>Chair Williams</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
402	Chair Williams	Opens a public hearing on HB 2576.
<b><u>HB 2576 PUBLIC HEARING</u></b>		
412	Brian DeLashmutt	Federation of Oregon Parole and Probation Officers (FOPPO). Submits testimony and testifies in support of HB 2576 which prohibits striking by parole and probation officers employed under public employee collective bargaining agreement who supervise adult offenders ( <b>EXHIBITS N &amp; O</b> ).
<b>TAPE 55, A</b>		
032	Launie Hitchcock	Parole and Probation Officer, Clackamas County. Submits

081	Lisa Settell	testimony and testifies in support of HB 2576 ( <b>EXHIBIT P</b> ). Parole and Probation Officer, Yamhill County. Submit testimony and testifies in support of HB 2576 ( <b>EXHIBIT Q</b> ).
132	Rick McKenna	Commander of the Parole and Probation Division. Testifies in support of HB 2576.
201	DeLashmutt	Notes that he submitted written testimony from Randy Settell ( <b>EXHIBIT R</b> ).
232	Paul Snider	Association of Oregon Counties. Testifies in opposition to HB 2576.
244	Maria Keltner	Association of Oregon Counties. Testifies in opposition to HB 2576.
323	Chair Williams	Says that he has trouble with her analysis and he views this bill as a public safety issue.
362	Snider	Explains the opposition of the Oregon Counties.
401	Rep. Barker	Comments that he was a policeman for 31 years and worked with parole and probation officers and sees them more as law enforcement and they should not be allowed to strike. Says he supports this bill.
419	Rep. Prozanski	Wonders how management cannot support this bill. Believes that the probation and parole officers are a component of corrections and law enforcement.

**TAPE 56, A**

005	Chair Williams	Closes the public hearing on HB 2576 and opens a work session on HB 2576.
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**HB 2576 WORK SESSION**

038	Rep. Jenson	Expresses his support for the bill.
066	Vice-Chair Anderson	States that he will oppose the bill.
075	Rep. Krummel	Comments that he supports the bill.
<b>096</b>	<b>Rep. Williams</b>	<b>MOTION: Moves HB 2576 to the floor with a DO PASS recommendation.</b>

**VOTE: 5-1-3**

**AYE: 5 - Barker, Jenson, Krummel, Prozanski, Williams**

**NAY: 1 - Anderson**

**EXCUSED: 3 - Ackerman, Macpherson, Shetterly**

<b>100</b>	<b>Chair Williams</b>	<b>The motion CARRIES.</b>
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**REP. BARKER will lead discussion on the floor.**

110	Chair Williams	Closes the work session on HB 2576 and adjourns the meeting at 3:30 p.m.
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**EXHIBIT SUMMARY**

**A – HB 2332, written testimony, submitted by Ann Rupp, 5 pgs.**

**B – HB 2332, written testimony, submitted by Ronelle Shankle, 2 pgs.**

**C – HB 2034, written testimony, submitted by Rob Bovett, 5 pgs.**

**D – HB 2034, PowerPoint presentation, submitted by Rob Bovett, 12 pgs.**

**E – HB 2034, -2 amendments, dated 2/20/03, submitted by staff, 1 pg.**

**F – HB 2034, -3 amendments, dated 2/24/03, submitted by staff, 1 pg.**

**G – HB 2034, written testimony, submitted by Larry Welty, 2 pgs.**

**H – HB 2034, written testimony, submitted by Craig Durbin, 2 pgs.**

**I – HB 2034, written testimony, submitted by Marcia Keith, 1 pg.**

- J – HB 2034, written testimony, submitted by Mike Sargent, 1 pg.**
- K – HB 2034, List of drugs, submitted by Shawn Miller, 1 pg.**
- L – LC 2022, dated 2/20/03, submitted by staff, 2 pgs.**
- M – LC 2485, dated 2/21/03, submitted by staff, 2 pgs.**
- N – HB 2576, Information on Probation and Parole Services, submitted by Brian DeLashmutt, 10 pgs.**
- O – HB 2576, Information on Washington State’s Corrections Department, submitted by Brian DeLashmutt, 4 pgs.**
- P – HB 2576, written testimony, submitted by Launie Hitchcock, 1 pg.**
- Q – HB 2576, written testimony, submitted by Lisa Settell, 2 pgs.**
- R – HB 2576, written testimony of Randy Settell, submitted by Brian DeLashmutt, 2 pgs.**