

HOUSE COMMITTEE ON JUDICIARY

May 28, 2003 Hearing Room 357

1:00 PM Tapes 206 – 208

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:

- Craig Prins, Counsel
- Bill Taylor, Counsel
- Ann Martin, Committee Assistant

MEASURE/ISSUES HEARD:

- SB 801A Public Hearing and Work Session
- SB 752A Public Hearing
- SB 621A Public Hearing
- SB 348A Work Session
- SB 46A 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 206, A		
003	Chair Williams	Calls the meeting to order at 1:12 p.m. Opens a public hearing on SB 801A.
SB 801A PUBLIC HEARING		
008	Senator Kate Brown	Senate District 21. Testifies in support of SB 801A which imposes automatic restraining order on parties to marital annulment, separation or dissolution proceeding.
041	Chair Williams	Asks if there was any opposition to the bill in the Senate.
043	Sen. Brown	Answers. No, there was not.
045	Rep. Krummel	Questions whether the bill is needed when the parties involved are already amiable.
051	Sen. Brown	Explains what the bill does and says it is a protective measure for those situations where the negotiations are not amiable.
064	Vice Chair Ackerman	Questions the venue in which the rules would be established.
070	Sen. Brown	Indicates that she does not know which venue, but points out that it would be a standard property restraining order.
075	Vice Chair Ackerman	Points out the possible need to indicate in statute which court the rule would be established.
077	Sen. Brown	Acknowledges.
079	Nancy Miller	Director of Court Programs and Services, State Court

		Administrator's Office. Says that their intent is to develop the forms through their office.
091	Rep. Jenson	Clarifies that the bill would keep someone who is involved in a divorce from changing their insurance beneficiary.
098	Sen. Brown	Explains that this would be one of the intents of the measure, but points out some possible exceptions.
102	Rep. Jenson	Clarifies that if he were to get divorced, he could not change his beneficiary after he is divorced.
104	Sen. Brown	Answers that would be determined during the divorce proceeding.
130	Vice Chair Anderson	Asks about an earlier bill regarding this issue.
136	Rep. Macpherson	Explains that is an entirely different problem that takes place after the divorce has occurred, while the bill at issue takes place during the divorce.
143	Rep. Krummel	Asks if this bill's intention is that assets which are jointly owned remain protected until after the divorce is final.
154	Sen. Brown	Acknowledges.
165	Chair Williams	Closes the public hearing on SB 801A and opens a work session.

SB 801A WORK SESSION

170	Vice Chair Anderson	MOTION: Moves SB 801A to the floor with a DO PASS recommendation.
172	Vice Chair Ackerman	Points out that a restraining order can already be obtained in circuit court.
188	Rep. Krummel	Explains that at first he was going to oppose the bill, but indicates his current support.
208	Rep. Jenson	Indicates his opposition to the bill, and further outlines his concerns.
211	Rep. Barker	States that he will support the bill.
235		VOTE: 7-1-1
		AYE: 7 - Ackerman, Anderson, Barker, Krummel, Macpherson, Prozanski, Williams
		NAY: 1 - Jenson
		EXCUSED: 1 - Shetterly
240	Chair Williams	The motion CARRIES.
		REP. ACKERMAN will lead discussion on the floor.
248	Chair Williams	Closes the work session on SB 801A and opens a public hearing on SB 752A.

SB 752A PUBLIC HEARING

252	Hardy Myers	Oregon Attorney General. Testifies in support of SB 752A which creates Sexual Assault Victims' Emergency Medical Response Fund. Points out the removal on the Senate side of the funding for emergency contraception.
360	Rep. Prozanski	Ask the Attorney General to elaborate on the fund which has been removed from the bill.
365	Myers	Comments on the function of the fund in question.
380	Rep. Barker	Clarifies that the fund which was removed allowed for emergency contraception, which is different from abortion.
		Introduces the proposed -A3 amendments (EXHIBIT A).
385	Myers	Comments on the concerns of several organizations and legislators regarding this issue. Points out those concerns may have hindered the progress of the bill, even though the issue in question is not a major tenant of SB 752A.
400	Rep. Barker	Further comments on the difference between emergency contraception and abortion, and points out his concerns with

420	Myers	causing a rape victim to carry a rapist's baby. Recognizes Rep. Barker's concerns. Indicates his wish to report back to the committee to better outline the issue. Points out that this bill would not limit any hospital's current practice of offering emergency contraception.
TAPE 207, A		
010	Vice Chair Ackerman	Asks whether the task force considered the privacy rights of the victim when drafting the legislation. Refers to statute which may cover this situation.
015	Myers	Clarifies with whom the victim's privacy rights may be at risk.
020	Vice Chair Ackerman	Points out the Department of Justice would be collecting medical and other information from the victim, and asks whether this information would be subject to public disclosure.
022	Myers	Indicates that, while he does not know whether this issue came up during discussions on the bill, he will find out if this information is protected.
025	Vice Chair Ackerman	Points out the need to address this issue.
030	Rep. Jenson	Asks for further clarification regarding section 2, subsection 5 of the bill. Clarifies that the victim of a sexual assault is able to receive the funds even if the assault is not reported to a law enforcement agency.
045	Myers	Discusses the issue of reporting and whether it should be mandatory or a choice of the victim.
062	Connie Gallagher	Administrator, Department of Justice. Addresses the issue of reporting. Submits testimony and testifies in support of SB 752A (EXHIBIT B) .
074	Vice Chair Anderson	Clarifies that there would not be a report made after the exam.
082	Myers	Recalls that it would not necessarily be reported, and further comments on the percentage of those cases which are reported. Reiterates the reasons for the lack of reporting.
112	Rep. Krummel	Wonders if this bill is gender specific.
120	Myers	Says he does not think the bill is gender specific.
132	Rep. Krummel	Recalls that some sexual assaults are perpetrated on males, and points out their need to receive this help.
143	Myers	Reiterates that as he reads the bill, it is not gender specific.
149	Chair Williams	Asks that the Attorney General's office get back to the committee regarding the questions which have been raised.
155	Myers	Indicates that his office will address those concerns in about one week.
160	Dave Fiskum	Providence Health Systems, Providence Health Plans, PacifiCare of Oregon. Testifies in support of SB 752A.
211	Bruce Bishop	Oregon Association of Hospital and Health Systems. Testifies in support of SB 752A.
243	John Powell	Regence Blue Cross/Blue Shield of Oregon. Testifies in support of SB 752A.
266	Rep. Prozanski	Asks about the possible fees involved.
272	Bishop	Indicates that he reads the bill differently, and comments on Rep. Prozanski's interpretation.
299	Rep. Jenson	Asks what happens to the DNA evidence when there is no police reporting.
311	Myers	Recalls that the evidentiary byproduct of an examination would

350	Rep. Jenson	remain a part of the victims file. Clarifies that this evidence is retained for possible use in a future trial.
360	Myers	Acknowledges.
344	Rep. Barker	Assumes that since the issue is a rape kit that has been used in treating a rape victim, any evidence would go on record with the state police.
357	Myers	Points out that unless the victim reports the crime, the evidence collected may not be forwarded to the police.
375	Chair Williams	Closes the public hearing on SB 752A and opens a public hearing on SB 621A.

SB 621A PUBLIC HEARING

435	Kathy Ledesma	Program Manager for Adoptions, Department of Human Services (DHS). Submits testimony and testifies in opposition to SB 621A which expands category of persons who may enter into written agreements with adoptive parent to continue contact with adopted child to include birth relatives (EXHIBIT C).
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TAPE 206, B – NOT USED

TAPE 208, A

063	Senator Kate Brown	Senate District 21. Testifies in support of SB 621A.
106	Rep. Prozanski	Clarifies specific wording in the bill. Asks what connections to the child make an individual a “relative.”
110	Ledesma	Comments on the requirements for being in the “relative” category.
132	Chair Williams	Asks Sen. Brown whether she feels the bill could be worked further with the DHS.
138	Sen. Brown	Indicates that she is willing to work further on the bill with DHS, and asks if the committee has any other guidance on what should be addressed during those negotiations.
153	Vice Chair Ackerman	Suggests that the definition of “birth relative” be narrowed to be the psychological parent of the child.
175	Chair Williams	Comments on the fiscal impact of the various definitions.
180	Sen. Brown	Points out the possible drawbacks of limiting the definition.
184	Chair Williams	Closes the public hearing on SB 621A and opens a work session on SB 348A.

The following prepared testimony is submitted for the record without public testimony for SB 348A:

Gail Friedly	Submits written testimony (EXHIBIT F).
Meg Goldberg	Submits written testimony (EXHIBIT G).
Linda Scher	Submits written testimony (EXHIBIT H).

SB 348A WORK SESSION

190	Craig Prins	Committee Counsel. Introduces SB 348A which increases maximum fine for driving while under influence if child is passenger in vehicle. Introduces the proposed –A2 amendments (EXHIBIT D).
239	Rep. Shetterly	Asks for clarification of specific wording in the amendments.
245	Committee	Discusses and clarifies the language in question.
264	Senator Rick Metsger	Senate District 26. Testifies in support of SB 348A.
275	Rep. Prozanski	MOTION: Moves to ADOPT SB 348A-A2 amendments dated 05/23/03.
		VOTE: 9-0
280	Chair Williams	Hearing no objection, declares the motion CARRIED.
285	Rep. Prozanski	MOTION: Moves SB 348A to the floor with a DO PASS AS

AMENDED recommendation.
VOTE: 9-0
AYE: In a roll call vote, all members present vote Aye.
The motion CARRIES.
REP. ANDERSON will lead discussion on the floor.

290 Chair Williams
298 Chair Williams
Closes the work session on SB 348A and opens a work session on SB 46A.

SB 46A WORK SESSION

302 Craig Prins
Committee Counsel. Offers a description of SB 46A and introduces the proposed –A2 amendments (**EXHIBIT E**).
310 Rep. Shetterly
Offers a description of the –A2 amendments.
330 Rep. Shetterly
MOTION: Moves to ADOPT SB 46A-A2 amendments dated 05/19/03.
VOTE: 8-0-1
EXCUSED: 1 - Prozanski
Hearing no objection, declares the motion CARRIED.
335 Chair Williams
340 Rep. Shetterly
MOTION: Moves SB 46A to the floor with a DO PASS AS AMENDED recommendation.
VOTE: 8-0-1
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 1 - Prozanski
The motion CARRIES.
REP. BARKER will lead discussion on the floor.
345 Chair Williams
355 Chair Williams
Closes the work session on SB 46A and adjourns the meeting at 2:30 p.m.

EXHIBIT SUMMARY

- A – SB 752A, -A3 amendments, Rep. Barker, 1 p.**
- B – SB 752A, written testimony, Connie Gallagher, 1 p.**
- C – SB 621A, written testimony, Kathy Ledesma, 2 p.**
- D – SB 348A, -A2 amendments, staff, 2 pp.**
- E – SB 46A, -A2 amendments, Rep. Shetterly, 1 p.**

The following exhibits are listed out of order in the body of the tape log:

- F – SB 621A, written testimony, Gail Friedly, 1 p.**
- G – SB 621A, written testimony, Meg Goldberg, 2 pp.**
- H – SB 621A, written testimony, Linda Scher, 2 pp.**