

HOUSE COMMITTEE ON JUDICIARY

May 07, 2003 Hearing Room 357
1:00 p.m. Tapes 179 - 180

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 Joseph, Counsel
Ann Martin, Committee Assistant

MEASURE/ISSUES HEARD: SB 14A Public Hearing and Work Session
SB 17A Public Hearing and Work Session
SB 38A Public Hearing and Work Session
SB 194 Public Hearing 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>
TAPE 179, A		
003	Chair Williams	Calls the meeting to order at 1:40 p.m. Opens a public hearing on SB 14A.
<u>SB 14A PUBLIC HEARING</u>		
007	Layne Sawyer	Manager, Oregon State Archives Division. Submits testimony and testifies in support of SB 14A which modifies period for retention of state records about child abuse (EXHIBIT A).
027	Mickey Serice	Department of Human Services. Submits testimony and testifies in support of SB 14A (EXHIBIT B).
052	Chair Williams	Asks why those records had a 75-year retention date on them.
057	Sawyer	Answers that the change in retention was changed in 1989.
071	Kelly Skye	Oregon Criminal Defense Lawyers Association. Testifies as neutral on SB 14A.
095	Rep. Barker	Asks what Ms. Skye would think is an appropriate period for retention.
098	Skye	Says she is not sure.
131	Bill Joseph	Committee Counsel. Discusses the Senate meetings regarding this bill and the amendment. Says the 75-year period for retention of state records did come during the height of the repressed memory phenomenon.
186	Rep. Prozanski	Asks about the time period for minors.
189	Joseph	Answers that it would be the time the record (report) was made.
201	Chair Williams	Closes the public hearing on SB 14A and opens a work session.
<u>SB 14A WORK SESSION</u>		
196	Rep. Prozanski	Asks when a child becomes of age (18 years old) are they still

217 Joseph able to move forward on their own with child abuse charges. Explains how the time period can be extended to keep the records.

239 Vice Chair Ackerman Comments that any records retention should be at least for the statute of limitations for abuse cases involving minors.

246 Serice Explains that the 6 and 12-year timeline is from the date of closure.

259 Rep. Prozanski Suggests Mr. Serice may want to check with the attorneys regarding the department retaining the records until children reach the age of majority.

247 Serice Says that they will be meeting during the interim to discuss that.

274 **Rep. Prozanski** **MOTION: Moves SB 14A to the floor with a DO PASS recommendation.**

VOTE: 7-0-2

EXCUSED: 2 - Krummel, Shetterly

280 **Chair Williams** **Hearing no objection, declares the motion CARRIED. REP. PROZANSKI will lead discussion on the floor.**

287 Chair Williams Closes the work session on SB 14A and opens a public hearing on SB 17A.

SB 17A PUBLIC HEARING

294 Bob Joondeph Oregon Advocacy Center. Submits testimony and testifies in support of SB 17A which declares state government will not exclude disabled persons from participation in or deny benefits of services, programs or activities of state government or discriminate because individual is disabled (**EXHIBIT C**).

376 Chair Williams Asks Mr. Joondeph to explain how a disabled person would sue the state for discrimination.

389 Joondeph Explains their options.

420 Rep. Barker Wonders about the language regarding the use of drugs.

426 Joondeph Says that he doesn't know about that language, it was added by the Legislative Counsel.

432 Rep. Shetterly Explains what the language does.

440 Vice Chair Anderson Says that he believes in the overall intent of the bill. Asks about the Americans with Disabilities Act (ADA).

460 Joondeph Discusses the ADA and how it helps people.

TAPE 180, A

014 Vice Chair Anderson Says that he has heard complaints that ADA has gone too far. Asks if there is any way to change the ADA laws.

016 Joondeph Answers that the ADA helps people that have suffered a limitation and is a good process. Gives example.

035 Vice Chair Anderson Asks if there is any other way to reduce the ADA laws. Gives example of too many disabled parking places.

051 Joondeph Says that that law was established through federal regulations.

070 Vice Chair Ackerman Comments that the courts have been establishing what constitutes a disabled person by case law. Says that at the state level and federal level, you can fine tune those definitions.

083 Chair Williams Closes the public hearing on SB 17A and opens a work session.

SB 17A WORK SESSION

085 **Rep. Barker** **MOTION: Moves SB 17A to the floor with a DO PASS recommendation.**

VOTE: 9-0

090 **Chair Williams** **Hearing no objection, declares the motion CARRIED. REP. BARKER will lead discussion on the floor.**

095 Chair Williams Closes the work session on SB 17A and opens a public hearing on SB 38A.

SB 38A PUBLIC HEARING

107 Robin Pope Attorney, Oregon State Bar Family Law Section. Submits testimony and testifies in support of SB 38A which specifies circumstances giving Oregon courts jurisdiction in adoption proceedings (**EXHIBIT D**).

227 Kathy Ledesma Adoption's Manager, Department of Human Services. Testifies in support of SB 38A.

267 David Nebel Oregon Law Center. Submits testimony and testifies in opposition to SB 38A (**EXHIBIT E**).

313 Pope Comments on Nebel's testimony. Says that no one can file an adoption in Oregon without consent from the parent.

341 Vice Chair Ackerman Asks Ms. Pope about a requirement for a parent to live six months in a state.

361 Pope Explains that if a child has been in a state at least six consecutive months then the jurisdiction would be in that state.

382 Vice Chair Ackerman Expresses his concerns.

411 Chair Williams Explains the bill.

TAPE 179, B

017 Ledesma States that there is another level or regulation on this with the interstate commerce.

025 Rep. Krummel Asks how this will effect foreign adoptions.

031 Ledesma Says that almost all of the adoptions are finalized in the child's country of origin.

038 Pope Says that the primary countries where the adoptions are not finalized are India and Korea.

046 Chair Williams Closes the public hearing on SB 38A and opens a work session.

SB 38A WORK SESSION

050 Rep. Shetterly **MOTION: Moves SB 38A to the floor with a DO PASS recommendation.**

056 Chair Williams **VOTE: 9-0**

062 Chair Williams **Hearing no objection, declares the motion CARRIED. REP. ANDERSON will lead discussion on the floor.**

Closes the work session on SB 38A and opens a public hearing on SB 194.

SB 194 PUBLIC HEARING

068 Thomas Mattis Deputy Administrator, Department of Consumer and Business Services. Submits testimony and testifies in support of SB 194 which revises securities law. (**EXHIBIT F**).

131 Chair Williams Closes the public hearing on SB 194 and opens a work session.

SB 194 WORK SESSION

134 Rep. Macpherson **MOTION: Moves SB 194 to the floor with a DO PASS recommendation.**

140 Chair Williams **VOTE: 9-0**

Hearing no objection, declares the motion CARRIED. REP. MACPHERSON will lead discussion on the floor.

144 Chair Williams Closes the work session on SB 194 and adjourns the meeting at 2:45 p.m.

EXHIBIT SUMMARY

- A – SB 14A, written testimony submitted by Layne Sawyer, 1 pg.**
- B – SB 14A, written testimony submitted by Mickey Serice, 2 pgs.**
- C – SB 17A, written testimony submitted by Bob Joondeph, 2 pgs.**
- D – SB 38A, written testimony submitted by Robin Pope, 1 pg.**
- E – SB 38A, written testimony submitted by David Nebel, 1 pg.**
- F – SB 194, written testimony submitted by Thomas Mattis, 4 pgs.**