

SENATE COMMITTEE ON JUDICIARY

January 23, 2003
8:00 a.m.

Hearing Room 343
Tapes 3 - 4

MEMBERS PRESENT: **Sen. Sen. Minnis, Chair**
 Sen. Sen. Burdick, Vice-Chair
 Sen. Sen. Ferrioli
 Sen. Sen. Ringo
 Sen. Sen. Starr
 Sen. Sen. Walker

STAFF PRESENT: **Bill Joseph, Counsel**
 Jane Bodenweiser, Committee Assistant

MEASURE/ISSUES HEARD: **SB 14 Public Hearing**
 SB 38 Public Hearing
 SB 39 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.

TAPE/#	Speaker	Comments
Tape 3, A		
003	Chair Minnis	Calls the meeting to order at 8:10 a.m. Opens a public hearing on SB 14.
SB 14 - PUBLIC HEARING		
010	Beth Vaagen	Department of Human Services. Submits testimony and testifies in support of SB 14 which reduces period for retention of state records about child abuse (EXHIBIT A).
027	Sen. Ringo	Asks the purpose of retaining records.
029	Vaagen	Explains their purpose.
034	Sen. Ringo	Asks if the records focus on children.
035	Vaagen	Says they are for child safety.
037	Sen. Farrioli	Asks how the records are indexed.
040	Vaagen	Replies they are retained under the name of the child's family.
043	Sen. Farrioli	Asks for definition of an unsubstantiated case.
048	Vaagen	Offers to provide definitions.
052	Sen. Farrioli	Asks how reports are made.
055	Vaagen	Explains the process.
060	Sen. Farrioli	Asks if reporters are protected.
063	Sen. Minnis	Explains that the report has to be made in good faith.
068	Sen. Ferrioli	Asks about the notification procedure.

074 Vaagen Replies that there is a system of notification.
078 Sen. Ferrioli Asks for further clarification of notification.
084 Vaagen Explains the system again.
091 Sen. Ferrioli Asks about notification in an unsubstantiated case.
104 Chair Minnis Explains how a person is notified.
112 Sen. Ferrioli Talks about perpetrators that are never notified.
116 Sen. Ferrioli Asks who has access to these records.
119 Vaagen Says she will find out.
124 Sen. Ferrioli States he would like to know who has access.
134 Chair Minnis States who he know to have access.
140 Sen. Ferrioli Talks about timing of removal of records.
146 Vaagen Asks for more time to research the questions.
152 Sen. Ferrioli Says SB 14 does not go far enough.
158 Chair Minnis Wonders who introduced this bill.
165 Sen. Ringo Asks what the basic purpose of this bill is.
169 Vaagen Explains it is to reduce the amount of time records are retained.
180 Sen. Ringo Asks counsel what the purpose of this bill.
189 Bill Joseph Committee Counsel. Points out that the state archivist is present who could provide clarification.
200 Roy Turnbaugh State Archivist. Submits testimony and testifies in support of SB 14 **(EXHIBIT B)**.
247 Chair Minnis Asks for clarification of record keeping.
254 Turnbaugh Explains the process for obtaining records and destroying records.
259 Chair Minnis Asks if the Police Bureau would have a retention schedule.
267 Turnbaugh Says, yes.
280 Chair Minnis Inquires about the flexibility of record retention.
283 Turnbaugh Says he has no authority with regard to record retention.
298 Sen. Ferrioli Comments that Sen. Neil Bryant may have originated this bill.
313 Chair Minnis Asks if there is benefit in this bill.
315 Turnbaugh Says the reduction of time is appropriate.
321 Chair Minnis Closes the public hearing on SB 14 and opens a public hearing on SB 38.

SB 38 - PUBLIC HEARING

333 Robin E. Pope Oregon State Bar, Family Law Section. Submits testimony and testifies in support of SB 38 which specifies circumstances giving Oregon courts jurisdiction in adoption proceedings **(EXHIBIT C)**.
365 Chair Minnis Asks about previous legislation.
337 Pope Explains legislation adopted in 1999.
398 John Chally Attorney in private practice. Submits testimony and testifies in support of SB 38 **(EXHIBIT D)**.
464 Kathy Ledesma Department of Human Services, Program Manager. Testifies in opposition to SB 38 as it is currently written.

TAPE 4 A

026	Sen. Ferrioli	Asks for statistics on adoptions.
043	Sen. Walker	Expresses her concerns.
060	Pope	Addresses the concerns of Sen. Walker.
070	Sen. Walker	Asks for personal time with Ms. Pope to review this bill.
081	Ellen Mendoza	Private Practice Attorney, Oregon City. Submits testimony and testifies in opposition to SB 38 (EXHIBIT E).
261	Vice Chair Burdick	Asks what states have a uniform adoption act.
263	Mendoza	States Vermont, North Carolina, California and Oklahoma.
285	Sen. Ringo	Refers to the written testimony by Robin Pope.
291	Mendoza	Explains the ruling referred to.
309	Sen. Ringo	Asks if there is agreement that there should be a uniform adoption act.
311	Mendoza	Responds, no.
319	Chair Minnis	Asks about other states with regard to a uniform adoption act.
329	Sen. Walker	Asks Ms. Mendoza for some personal time to research this bill.
333	Chally	States that Oregon is different than every other state that has adopted the uniform adoption act.

TAPE 3 B

062	Pope	States that the Uniform Child Custody Judicial Enforcement Act (UCCJEA) is not the place to deal with adoption issues.
091	Chair Minnis	Suggests a work group to review the information with the witnesses.
120	Chair Minnis	Closes the public hearing on SB 38 and opens a public hearing on SB 39.

SB 39 - PUBLIC HEARING

127	Dan Olsen	Oregon State Bar, Government Law Section. Submits testimony and testifies in support of SB 39 which modifies rule of evidence relating to privileges (EXHIBIT F).
184	Stephanie Smythe	Oregon State Bar, Government Law Section. Testifies in support of SB 39.
217	Chair Minnis	Asks for clarification of the language of the bill.
224	Olsen	Explains the language.
245	Chair Minnis	Asks for further clarification.
254	Olsen	Gives further clarification.
256	Chair Minnis	Asks about inadvertent disclosure.
175	Olsen	Talks about disclosure by the press.
299	Vice Chair Burdick	Asks about breach of attorney/client privilege.
305	Smythe	Says this is an additional burden on the attorney.
296	Vice Chair Burdick	Asks if there is an attorney/client provision in this bill.
301	Smythe	Explains that provision.
321	Vice Chair Burdick	Asks for further clarification.
325	Smythe	Gives additional clarification.
329	Vice Chair Burdick	Asks if there is any case law about a breach by the press.
332	Smythe	Says there are no examples that she knows of at the appellate level.
344	Olsen	Gives an example.

354 Sen. Ringo Asks about executive sessions.
372 Olsen Explains how executive sessions work.
400 Sen. Ringo Talks about attorney/client privilege and wonders if this bill erodes that
privilege.
429 Chair Minnis Explains his understanding of the bill.
449 Olsen Clarifies the presence of press.

TAPE 4, B

008 Vice Chair Burdick Expresses her understanding of the bill's intent.
040 Chair Minnis Asks if a suit against the press can occur.
045 Olsen Says, no. Explains the main purpose of the bill.
052 Chair Minnis Closes the public hearing on SB 39 and opens a work session.

WORK SESSION – SB 39

**053 Vice Chair Burdick MOTION: Moves SB 39 to the floor with a DO PASS
recommendation.
VOTE: 6-0**
055 Chair Minnis Hearing no objection, declares the motion CARRIED.
057 Chair Minnis Closes the work session on SB 39 and adjourns the meeting at 9:35 a.m.

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EXHIBIT SUMMARY

A – SB 14, written testimony, Beth Vaagen, 1 p
B – SB 14, written testimony, Roy Turnbaugh, 1 p
C – SB 38, written testimony, Robin Pope, 6 pp
D – SB 38, written testimony, John Chally, 2 pp
E – SB 38, written testimony, Ellen Mendoza, 1 p
F – SB 39, written testimony, Dan Olsen, 1 p