

SENATE COMMITTEE ON JUDICIARY

February 03, 2003
8:00 a.m.

Hearing Room 357
Tapes 13 – 14

MEMBERS PRESENT: Sen. John Minnis, Chair
Sen. Ginny Burdick, Vice-Chair
Sen. Ted Ferrioli
Sen. Charlie Ringo
Sen. Charles Starr
Sen. Vicki Walker

STAFF PRESENT: Craig Prins, Counsel
Bill Joseph, Counsel
Nancy Masee, Committee Assistant

MEASURE/ISSUES HEARD:
Introduction of LC 1706
SB 81 Public Hearing and Work Session
SB 105 Public Hearing and Work Session
SB 106 Public Hearing and Work Session
SB 111 Public Hearing and Work Session
SB 112 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 13, A		
006	Chair Minnis	Opens meeting at 8:06 a.m.
<u>LC 1706 INTRODUCTION</u>		
008	Craig Prins	Committee Counsel. Explains LC 1706 that relates to controlled substances; amending ORS's (EXHIBIT A).
010	Vice Chair Burdick	MOTION: Moves LC 1706 BE INTRODUCED as a committee bill. VOTE: 5-0-1 EXCUSED: 1 – Walker
012	Chair Minnis	Hearing no objection, declares the motion CARRIED.
014	Chair Minnis	Opens public hearing on SB 81.
<u>SB 81 PUBLIC HEARING</u>		
015	Greg Chaimov	Legislative Counsel. Explains SB 81 that makes technical changes in Oregon law; adjusts grammar and punctuation; deletes obsolete provisions; conforms language to existing statutes; inserts omitted provisions; adjusts ORS series references (EXHIBIT B).
035	Sen. Ferrioli	Asks if "shall" and "may" are interchangeable terms.
043	Chaimov	Responds "may" gives a person an option to act; "shall" requires action. "May not" prohibits a person from acting; "shall not" describes a state of future being. Some people believe "shall not" grammatically is equivalent to or better than "may not." Last

session the legislature amended ORS 174.100 to provide that “shall not” and “may not” are equivalent prohibitions of an absolute prohibition.

055 Charlie Stone Assistant State Forester, Protection Division, Department of Forestry. Explains concerns with SB 81 on pages 230, section 342, subsection 8, there is a possible amendment that is substantive (**EXHIBIT C**).

071 Chaimov Suggests moving the bill to the floor and working with the Department of Forestry to see if under more scrutiny this needs more amending. It is not the intent of the bill to change the board’s authority.

080 Chair Williams Asks if that is agreeable.

091 Sen. Ringo Refers to p 230, section 8, asks about deletions. Asks if that deletion broadens the authority.

101 Stone Responds, yes.

118 Sen. Ringo Asks for more clarification.

128 Vice Chair Burdick Asks about the status of the study.

130 Stone Does not know what the implications would be for a lawsuit.

144 Chair Minnis Closes public hearing. Opens work session.

SB 81 WORK SESSION

147 Vice Chair Burdick **MOTION: Moves SB 81 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.**

VOTE: 5-0-1

EXCUSED: 1 – Walker

150 Chair Minnis **Hearing no objection, declares the motion CARRIED. SEN. MINNIS will lead discussion on the floor.**

160 Chair Minnis Closes work session on SB 81; opens public hearing on SB 105.

SB 105 PUBLIC HEARING

170 Craig Prins Committee Counsel. Explains SB 105 that makes technical changes in Oregon law.

175 Connie Gallagher Department of Justice (DOJ). Explains the Crime Victims Compensation Program. Submits testimony and describes how SB 105 amends the statutes (**EXHIBIT D**).

230 Vice Chair Burdick Asks if the funds come from general funds.

240 Gallagher Responds it is a blending of funds, called “other.”

238 Vice Chair Burdick Asks if these additions will jeopardize the amount of funding available for existing uses of the fund.

250 Gallagher Replies, no, this is a priority that does not jeopardize other funds.

244 Sen. Ringo Asks if there are funds to cover all victims.

256 Gallagher Replies at this time there are enough funds, however, that can change.

260 Sen. Walker Asks if there are more victims.

278 Gallagher Answers who applies and who is eligible depends on status of the victim.

293 Georgia Griffin Federal Bureau of Investigation (FBI). Victim Coordinator. Supports SB 105. Gives example of a case of kidnapped oil workers from Oregon in South America. Submits testimony and explains her duties as victims’ coordinator at the FBI. Emphasizes the need to respond to victims of terrorism (**EXHIBIT E**).

350 Chair Minnis Closes public hearing on SB 105. Opens work session.

SB 105 WORK SESSION

353 Sen. C. Starr **MOTION: Moves SB 105 to the floor with a DO PASS**

**recommendation and be placed on the CONSENT
CALENDAR.**

VOTE: 5-0-1

EXCUSED: 1 - Burdick

Hearing no objection, declares the motion CARRIED.

Sen. Charles STARR will lead discussion on the floor.

Closes work session. Opens public hearing on SB 106.

355(B) Chair Minnis

356 Chair Minnis

SB 106 PUBLIC HEARING

370 Craig Prins

379 Connie Gallagher

433 Steve Doell

455 Chair Minnis

SB 106 WORK SESSION

460 Sen. Burdick

Committee Counsel. Explains SB 106 that expands definition of survivor for purposes of crime victims' compensation program. DOJ. Submits testimony and explains the need for SB 106 **(EXHIBIT F)**. It clarifies the issue of survivors for insurance purposes.

Crime Victims United of Oregon. Supports SB 106, SB 105 and SB 111.

Closes public hearing. Opens work session on SB 106.

MOTION: Moves SB 106 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.

VOTE: 6-0

Hearing no objection, declares the motion CARRIED.

SEN. BURDICK will lead discussion on the floor.

Closes work session. Opens public hearing on SB 111.

462 (B) Chair Minnis

463 Chair Minnis

SB 111 PUBLIC HEARING

468 Craig Prins

460 Jason Barber

475 Mark Harris

TAPE 14, A

050 Harris

Committee Counsel. Explains SB 111 that provides for payment of counseling expenses of friend or acquaintance of deceased crime victim if friend or acquaintance was person who discovered victim's corpse.

Department of Justice (DOJ). Submits testimony and explains why SB 111 is needed **(EXHIBIT G)**.

Portland. Describes personal experience of finding a murdered neighbor in his yard.

Continues describing his personal experience of finding his neighbor a murder victim and his subsequent emotional problems. Explains how counseling took place but the costs were greater than he could afford.

Closes public hearing. Opens work session on SB 111.

075 Chair Minnis

SB 111 WORK SESSION

079 Sen. Burdick

MOTION: Moves SB 111 to the floor with a DO PASS recommendation.

VOTE: 6-0

Hearing no objection, declares the motion CARRIED.

SEN. WALKER will lead discussion on the floor.

Closes work session. Opens public hearing on SB 112.

081 (B) Chair Minnis

082 Chair Minnis

SB 112 PUBLIC HEARING

094 Craig Prins

094 Connie Gallagher

Committee Counsel. Explains SB 112 that modifies requirements for submitting child abuse multidisciplinary intervention plan.

DOJ. Submits testimony and describes multidisciplinary approach to the investigation and handling of child abuse allegations. The bill does not make substantive changes. Relates the modifications SB 112 brings about **(EXHIBIT H)**.

134	Gallagher	Continues explaining amendments (EXHIBIT D).
179	Vice Chair Burdick	Cites page 5, lines 25 to 29, asks about the added provision on non- state employees get compensation and expenses.
185	Gallagher	Replies this is in keeping with many statutes provisions; it is in line with the policy and will not exceed \$500 per biennium.
195	Walt Beglau	Deputy District Attorney, Marion County. Co-chair of the multidisciplinary team. Supports SB 112.
208	Beglau	Replies the district attorney (DA) is critical to mandatory reporting between law enforcement and Department of Human Services of child abuse cases.
212	Chair Minnis	Asks if there is ongoing discussion now between DAs and counties with respect to overseeing function of Children Services and law enforcement.
227	Beglau	Responds about the rule making process and input from DAs. Counties are different and need to come together.
231	Gallagher	Explains a supported idea is to strengthen requirements for applications to be more specific. Suggests a work shop on accountability and cross reporting.
260	Chair Minnis	Can the Attorney General draft rules on cross reporting?
268	Beglau	Says the association will look into this critical issue.
274	Candy Solovjovs	Liberty House. Child abuse evaluation center. Describes Liberty House. Supports SB 112 multidisciplinary intervention into child abuse.
286	Sen. Ringo	Asks about “the department may award only one grant per county.”
299	Gallagher	Responds on issuing awards to one multidisciplinary team per county. Whether DOJ was to issue multiple contract or awards was not clear. Refers to the -1 amendments.
320	Prins	Explains -1 amendments to SB 112.
368	Gallagher	Explains the discussions with their advisory council and others. The changes are not viewed as substantive.
400	Prins	Asks about page 5, line 3 of SB 112.
408	Gallagher	Answers, yes.
409	Chair Minnis	Closes public hearing. Opens work session on SB 112.
<u>SB 112 WORK SESSION</u>		
410	Vice Chair Burdick	MOTION: Moves to ADOPT THE -1 AMENDMENT TO SB 112.
		VOTE: 5-0-1
		EXCUSED: 1 – Ringo
412 (B)	Chair Minnis	Hearing no objection, declares the motion CARRIED.
413	Chair Minnis	Closes the work session on SB 112. Adjourns meeting at 9:10 a.m.

EXHIBIT SUMMARY

- A – LC 1706, dated 1/23/03, Staff, 12 pp**
- B – SB 81, written testimony, Greg Chaimov, 1 p**
- C – SB 81, written testimony, Charlie Stone, 1 p**
- D – SB 105, written testimony and brochure, Connie Gallagher, 1 p**
- E – SB 105, written testimony, Georgia Griffin, 1 p**
- F – SB 106, written testimony, Connie Gallagher, 1 p**

G – SB 111, written testimony, Jason Barber, 1 p
H – SB 112, written testimony, Connie Gallagher, 1 p
I – SB 112-1 amendments, staff, 1 p

SENATE COMMITTEE ON JUDICIARY

February 03, 2003
1:00 PM

Hearing Room 343
NO TAPE

MEMBERS PRESENT: **Sen. John Minnis, Chair**
 Sen. Ginny Burdick, Vice-Chair
 Sen. Ted Ferrioli
 Sen. Charlie Ringo
 Sen. Charles Starr
 Sen. Vicki Walker

MEASURE/ISSUES HEARD: **Informational Meeting – Public Safety Mapping**

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 NONE		

NOTE: THE COMMITTEE MEETS WITH THE JOINT WAYS AND MEANS AND HOUSE JUDICIARY COMMITTEES. PLEASE SEE THE TAPE LOG OF THE JOINT WAYS AND MEANS COMMITTEE FOR THIS DATE

EXHIBIT SUMMARY

NONE