

SENATE COMMITTEE ON JUDICIARY

March 27, 2003
8:00 A.M.

Hearing Room HR 343
Tapes 75-76

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: **Bill Joseph, Counsel**
 Craig Prins, Counsel
 Jane Bodenweiser, Committee Assistant

MEASURE/ISSUES HEARD: **SB 613 Public Hearing**
 SB 553 Public Hearing and Work Session
 SB 716 Public Hearing and Work Session
 SB 618 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 75, A		
002	Chair Minnis	Calls the meeting to order at 8:08 a.m. and opens a public hearing on SB 613.
<u>SB 613 PUBLIC HEARING</u>		
077	Sen. Peter Courtney	Senate District 11. Testifies in support of SB 613 that authorizes game official to order coach, team player or spectator to leave sports event.
082	Brad Garrett	Oregon School Activities Association. Submits testimony and testifies in support of SB 613 (EXHIBIT A).
145	Sen. Ferrioli	Asks how a confrontation is going to be handled and by whom.
169	Garrett	Says it is up to administration to handle the confrontation and leave the coach to coaching his team.
197	Sen. Ferrioli	Expresses concern about how a game official would handle a belligerent spectator.
206	Sen. Ringo	Asks for a definition of "location" as the bill is written.
217	Mark Cottle	Mayor, Sherwood, Oregon. Describes what is meant by "location" and continues to explain the process of removing a spectator.

259	Alan Moberg	Tri-States Intercollegiate Basketball Officials Association. Testifies in support of SB 613. Says behavior of spectators is becoming deplorable.
324	Vice Chair Burdick	Asks if a game official has the authority to call off a game.
342	Garrett	Says that from a high school sports perspective, they certainly do have authority.
380	Chair Minnis	Reviews his understanding of what SB 613 would do. Explains the "Collins Decision" regarding trespass.
433	Cottle	Explains the amount of time one is asked to be gone from the premises in Sherwood.
447	Chair Minnis	Asks about the penalty for trespass.
449	Craig Prins	Committee Counsel. Explains the penalty for trespass.
460	Chair Minnis	Asks if it is the intent of this bill to create a probable cause.
434	Sen. Courtney	Says that he needs some time to consider the answer to this.
TAPE 76, A		
035	Chair Minnis	Asks about the need to create a separate trespass statute.
037	Sen. Courtney	Responds that this bill was the result of his request to legislative counsel.
046	Vice Chair Burdick	Asks counsel about the Collins Decision.
051	Prins	Explains the need to clarify who is in authority to trespass someone off the premises.
076	Sen. Ferrioli	Asks if there is an implied contract between fan and participant, and wonders if an official is liable for ejecting the wrong person.
122	Cottle	Explains what Sherwood does.
151	Sen. Ferrioli	Discusses further the implied contract and expresses concern about civil liability.
166	Sen. Starr	Addresses the modifications discussed by Mayor Cottle and asks for further clarification of those modifications.
174	Cottle	Explains the concerns of the Sherwood school district.
200	Sen. Minnis	Contends Section 2 of the bill regarding civil liberties needs more time for review.
215	Sen. Courtney	Says it is unfortunate that we have to have this kind of legislation.
235	Chair Minnis	Closes the public hearing on SB 613 and opens a public hearing on SB 553.

SB 553 PUBLIC HEARING

240	Sen. Vicki Walker	Senate District 7. Introduces SB 553 that requires each person 16 years of age or older who resides in dwelling of family applying to serve as host family for foreign exchange student to make declaration that person has never been convicted of certain crimes. Reviews the -2 amendments. (EXHIBIT B)
308	Chair Minnis	Closes the public hearing on SB 553 and opens a work session.

SB 553 WORK SESSION

311	Vice Chair Burdick	MOTION: Moves to ADOPT SB 553-2 amendments dated 3/26/03.
		VOTE: 5-0-1
		EXCUSED: 1 - Sen. Ferrioli
314	Chair Minnis	Hearing no objection, declares the motion CARRIED.
316	Chair Minnis	Closes the work session on SB 553 and re-opens the public hearing.

SB 553 PUBLIC HEARING

316	Sen. Walker	Continues to review the -2 amendments. Refers to a letter from Dr. John Hishmeh, Executive Director, Council on Standards for
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403 Carlos Cartlidge International Educational Travel (CSIET) (**EXHIBIT C**). Eugene, Oregon. Testifies in support of SB 553. Says over the 20 years his family has hosted exchange students, they have never had a background check. Says the Department of Education has no opposition to this bill.

TAPE 75, B

066 Vice Chair Burdick Asks if the amendments require a background check.
066 Sen. Walker Says the amendments do not require a background check.
073 Vice Chair Burdick Asks if there is support for a declaration.
075 Cartlidge Replies, yes.
082 Sen. Ringo Asks what information background checks provide that a declaration does not.
087 Cartlidge Explains his reasons for preferring background checks.
112 Thomas Winston American Field Service. Submits testimony and testifies in opposition to SB 553 (**EXHIBIT D**). States his concerns about the bill.
206 Sen. Ringo Asks why criminal background checks shouldn't be used as a tool.
209 Morgan Explains the operational dynamics of the exchange programs.
224 Sen. Ringo Asks about the objection to background checks.
228 Morgan Says they may provide a false sense of security.
230 Sen. Ringo Asks if background checks are expensive.
251 Morgan Says there are costs involved, but doesn't know who will be responsible.
262 Sen. Ringo Asks more specifically for the objection to background checks.
266 Morgan Says they are unnecessary in the dynamics of a well run exchange program.
281 Sen. Ringo Says that he believes background checks are a helpful tool.
292 Vice Chair Burdick Asks if Mr. Morgan has looked at and supports the -2 amendments.
300 Morgan Says, yes.
303 Sen. Walker Asks for an account of how the State of Washington's program is working.
310 Morgan Explains the procedures used in Washington.
350 Tom Wrosch Corporation Division, Secretary of State's Office. Submits testimony and testifies as neutral on SB 553 (**EXHIBIT E**). Says the -2 amendments will not create a fiscal impact.
400 Sen. Walker Asks about Minnesota law.
406 Wrosch Says that a background check is discretionary.
417 Andrea Meyer American Civil Liberties Union. Says they have no objection to the -2 amendments.
438 Robert Willner Oregon International Council. Submits testimony and testifies as neutral on SB 553 (**EXHIBIT F**). Suggests some technical changes to the -2 amendments.

TAPE 76, B

040 Sen. Walker Asks if there should be some other reference since the United States Information Agency no longer exists.
044 Willner Explains what reference should be made.
060 Larry Rutter Criminal Information Services, Inc. Testifies as neutral on SB 553.
091 Sen. Ringo Asks how much a background check costs.
092 Rutter Says it cost 75 cents online.
104 Sen. Ringo Asks what is in that background check.
106 Rutter Explains what would be included.

116 Sen. Walker Wonders if some technical changes need to be made to the amendments.
 123 Vice Chair Burdick Closes the public hearing on SB 553 and opens a public hearing on SB 716.

SB 716 PUBLIC HEARING

131 Bill Joseph Committee Counsel. Introduces SB 716 that authorizes Department of Justice to approve linked progressive bingo game conducted by charitable, fraternal or religious organization, and the -1 amendments (**EXHIBIT G**).
 148 John Hellen Oregon Charitable Gaming Association. Testifies in support of SB 716. Clarifies what the -1 amendments do.
 190 Sen. Ringo Asks if bingo is addictive.
 194 Hellen Explains that it is primarily a social event.
 208 Sen. Ringo Asks about competition with the casinos.
 211 Hellen Explains the element of competition.
 224 Chair Minnis Closes the public hearing on SB 716 and opens a work session.

SB 716 WORK SESSION

253 Vice Chair Burdick **MOTION: Moves to ADOPT SB 716-1 amendments dated 03/20/03.**
VOTE: 6-0
Hearing no objection, declares the motion CARRIED.
 255 Chair Minnis Confederated Tribes of Grande Ronde. Testifies as neutral on SB
 257 Justin Martin 553. Says this is not about competition, but a delivery of services and revenue to charitable organizations.
 310 Sen. Walker **MOTION: Moves SB 716 to the floor with a DO PASS AS AMENDED recommendation.**
VOTE: 5-1-0
AYE: 5 - Minnis, Ferrioli, Ringo, Starr C., Walker
NAY: 1 - Burdick
 324 Chair Minnis **The motion CARRIES.**
MINNIS will lead discussion on the floor.
 328 Chair Minnis Closes the work session on SB 716 and opens a public hearing on SB 618.

SB 618 PUBLIC HEARING

337 Bill Joseph Committee Counsel. Introduces SB 618 that modifies laws relating to genetic privacy.
 345 Ted Falk Co-Chair, Advisory Committee on Genetic Privacy and Research. Testifies in support of SB 618. Recommends passage of the -2 amendments (**EXHIBIT H**).
 403 Chair Minnis Closes the public hearing on SB 618 and opens a work session.

SB 618 WORK SESSION

406 Vice Chair Burdick **MOTION: Moves to ADOPT SB 618-2 amendments dated 03/26/03.**
VOTE: 6-0
Hearing no objection, declares the motion CARRIED.
 409 Chair Minnis Asks for a section-by-section analysis of the amendments for
 413 Joseph review.
 420 Falk Says he will do that.
 426 Chair Minnis Closes the work session on SB 618 and adjourns the meeting at 9:55 a.m.

EXHIBIT SUMMARY

- A – SB 613, written testimony submitted by Brad Garrett, 1 p**
- B – SB 553, -2 amendments submitted by staff, 5 pp**
- C – SB 553, written testimony of John Hishmeh submitted by Sen. Vicki Walker, 5 pp**
- D – SB 553, written testimony submitted by Thomas Morgan, 2 pp**
- E – SB 553, written testimony submitted by Tom Wrosch, 1 p**
- F – SB 553, written testimony submitted by Robert Willner, 1 p**
- G – SB 716, -1 amendments submitted by staff, 1 p**
- H – SB 618, -2 amendments submitted by staff, 2pp**
- I – SB 618, written testimony of Emily Harris submitted by staff, 1 p**
- J – SB 618, written testimony of Astrid Newell submitted by staff, 2 pp**