

# SENATE COMMITTEE ON JUDICIARY

April 09, 2003

8:00 am

Hearing Room 343

Tapes 91-92

**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  
Jane Bodenweiser, Committee Assistant

**MEASURE/ISSUES HEARD:** SB 280 Work Session  
SB 882 Public Hearing  
SB 887 Public Hearing  
SB 801 Public Hearing  
SB 621 Public Hearing  
SB 808 Public Hearing  
SB 809 Public Hearing

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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.

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 91, A</b>		
005	Chair Minnis	Calls the meeting to order at 8:30 a.m. and opens a work session on SB 280.
<b><u>SB 280 WORK SESSION</u></b>		
008	Bill Joseph	Committee Counsel. Introduces SB 280 that establishes requirements for use of credit history in personal insurance underwriting and rating, and the -6 amendments ( <b>EXHIBIT A</b> ).
064	Sen. Ringo	Explains the -6 amendments were the compromise arrived at in the work group; believes there are additional issues to resolve.
090	Chair Minnis	Asks for the insurance industry's cooperation in getting these issues resolved. Gives a deadline of Tuesday, April 15.
103	Vice Chair Burdick	Expresses her disappointment that resolution has not been accomplished.
136	Sen. Ferrioli	Discusses the fairness issue regarding credit reports being used for insurance rating.
179	Sen. Walker	Believes there is an underlying problem with the credit scoring system.
190	Chair Minnis	Closes the work session on SB 280 and opens a public hearing on SB 882.
<b><u>SB 882 PUBLIC HEARING</u></b>		
199	Craig Prins	Committee Counsel. Introduces SB 882 that authorizes presiding judge of judicial district to enter into memorandum of understanding with Indian tribe or tribal organization regarding adjudication and disposition of youths and youth offenders.

210	Justice Wallace P Carson, Jr.	Supreme Court Justice. Testifies in support of SB 882.
226	Judge Dan Ahern	Judge, Jefferson County, OR. Testifies in support of SB 882.
319	Sen. Ferrioli	Expresses his support of this bill.
362	Sen. Walker	Asks why just one tribe was included.
368	Judge Ahern	Explains that this is a pilot project.
407	Sen. Walker	Believes it should eventually be extended to all tribes in the state.
391	Louis Pitt, Jr.	Confederated Tribes of Warm Springs. Submits testimony and testifies in support of SB 882 ( <b>EXHIBIT B</b> ). Discusses the -1 amendments ( <b>EXHIBIT C</b> ).
482	Jennifer Kimble	Indigent Defense Service Provider, Deschutes County, OR. Testifies in support of SB 882.
<b>TAPE 92, A</b>		
029	Mathew Birnie	Jefferson County Juvenile Department Director. Testifies in support of SB 882 and the -1 amendments.
066	Chair Minnis	Closes the public hearing on SB 882 and opens a public hearing on SB 887.
<b><u>SB 887 PUBLIC HEARING</u></b>		
069	Craig Prins	Committee Counsel. Introduces SB 887 that provides for affirmative defense of mental disease or defect in juvenile delinquency proceedings.
075	Chair Minnis	Closes the public hearing on SB 887 and opens a public hearing on SB 801.
<b><u>SB 801 PUBLIC HEARING</u></b>		
078	Craig Prins	Committee Counsel. Introduces SB 801 that imposes automatic restraining order on parties to marital annulment, separation, dissolution or paternity proceedings. Says there will be amendments to this bill.
098	Kamala Shugar	Oregon District Attorneys Association. Testifies as neutral on SB 801.
126	Michael Yates	Oregon Academy of Family Law Practitioners. Submits testimony and testifies in support of SB 801 ( <b>EXHIBIT D</b> ).
207	Sen. Walker	Expresses concern about some of the terminology.
214	Yates	Explains the use of this language is the current language of ORS 107.095.
235	Prins	Asks if there was concern about language in section 2, subparagraph 3A.
243	Yates	Says, no.
247	Prins	Asks about the requirement of prior abuse.
253	Yates	Says there were concerns expressed that are well founded.
260	Chair Minnis	Asks if the language would be prejudicial to the respondent.
268	Yates	Says, no.
287	Sybil Hebb	Oregon Law Center. Submits testimony and testifies as neutral on SB 801 ( <b>EXHIBIT E</b> ). Expresses concerns about the impact on children.
424	Sen. Kate Brown	Senate District 21. Testifies in support of SB 801 and says she will continue work on this bill.
<b><u>TAPE 91, B</u></b>		
032	Chair Minnis	Closes the public hearing on SB 801 and opens a public hearing on SB 621.
<b><u>SB 621 PUBLIC HEARING</u></b>		
045	Craig Prins	Committee Counsel. Introduces SB 621 that expands who may enter into written agreement with adoptive parents to continue contact with adopted child to include birth relatives.

055	Mark Kramer	Attorney, Portland, OR. Gives telephone testimony in support of SB 621. Written testimony submitted for Mr. Kramer by Sen. Brown ( <b>EXHIBIT F</b> ).
116	Julie McFarlane	Juvenile Rights Project, Inc. Submits testimony and testifies in support of SB 621 ( <b>EXHIBIT G</b> ).
182	Kathy Ledesma	Department of Human Services. Submits testimony and testifies in opposition to SB 621 ( <b>EXHIBIT H</b> ). Expresses concern that the term “relatives” is not defined in this statute. Says there is no funding in the Governor’s recommended budget.
323	Sen. Brown	Asks if family relationships are somewhat troubled in these cases.
332	Ledesma	Explains that family meetings are held for the purpose of identifying any available birth relatives who may be potential adoptive parents.
350	Sen. Brown	Asks if grandparents relinquish their legal rights when a child is adopted.
362	Ledesma	Says it does not have legal enforceability.
373	Sen. Brown	Asks if the service provided in the bill is voluntary.
383	Ledesma	Says, yes.
410	Vice Chair Burdick	Closes the public hearing on SB 621 and opens a public hearing on SB 808 and SB 809.

**SB 808 AND SB 809 PUBLIC HEARING**

423	Craig Prins	Committee Counsel. Introduces SB 808 that requires court to include review of child’s comprehensive plan for transition to independent living at certain permanency hearings; and SB 809 that requires court to suspend commitment of child to Department of Human Services when child is later found to be within delinquency jurisdiction of court and placed in custody of the Oregon Youth Authority.
455	Julie McFarlane	Juvenile Rights Project. Submits testimony and testifies in support of SB 808 and SB 809 ( <b>EXHIBITS I-J</b> ).
<b>TAPE 92, B</b>		
051	Kevin George	Oregon Department of Human Services. Submits testimony and testifies in opposition to SB 808 and SB 809 ( <b>EXHIBIT K</b> ). Says the fiscal impact is not in the Governor’s recommended budget.
087	Sen. Walker	Asks about the plan already enforced and wonders why it is not being implemented throughout the state.
097	George	Clarifies that plans are not yet in place.
103	Sen. Walker	Believes that the department has failed in its duties.
124	George	Summarizes his testimony on SB 809.
150	McFarlane	Addresses testimony submitted for Karen Brazeau, Director of the Oregon Youth Authority in support of SB 809 ( <b>EXHIBIT L</b> ).
159	Vice Chair Burdick	Closes the public hearing on SB 808 and SB 809 and adjourns the meeting at 10:05 a.m.

**EXHIBIT SUMMARY**

**A – SB 280, -6 amendments submitted by staff, 13 pp**

**B – SB 882, written testimony submitted by Louis Pitt, Jr., 1 p**

**C – SB 882, -1 amendments submitted by staff, 2 pp**

**D – SB 801, written testimony submitted by Michael Yates, 5 pp**  
**E – SB 801, written testimony submitted by Sybil Hebb, 3 pp**  
**F – SB 621, written testimony of Mark Kramer submitted by Sen. Kate Brown, 3 pp**  
**G – SB 621, written testimony submitted by Julie McFarlane, 1 p**  
**H – SB 621, written testimony submitted by Kathy Ledesma, 3 pp**  
**I – SB 808, written testimony submitted by Julie McFarlane, 12 pp**  
**J – SB 809, written testimony submitted by Julie McFarlane, 2 pp**  
**K – SB 809, written testimony submitted by Kevin George, 1 p**  
**L – SB 809, written testimony of Karen Brazeau submitted by Julie McFarlane, 2 pp**