

SENATE COMMITTEE ON JUDICIARY

June 27, 2003
8:00 a.m.

Hearing Room 343
Tapes 180 - 181

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

MEMBER EXCUSED: **Sen. John Minnis, Chair**

STAFF PRESENT: **Bill Taylor, Counsel**
 Nancy Masee, Committee Assistant

MEASURE/ISSUES HEARD: **SB 904 Public Hearing**

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 180, A		
004	Vice Chair Burdick	Calls the meeting to order at 9:10 a.m. and opens public hearing on SB 904.
<u>SB 904 PUBLIC HEARING</u>		
017	Bill Taylor	Committee Counsel. Explains SB 904 which abolishes the Dispute Resolution Commission. Explains the -1 amendments (EXHIBIT A) .
032	Vice Chair Burdick	Explains the bill is due to the budget crisis not a criticism of the Commission.
046	Donna Silverberg	Oregon Mediation Association. Testifies in opposition to SB 904. Describes mediation resolution activity. Makes recommendations that would save money.
160	Silverberg	Continues presentation on negative actions that could occur if the Commission is abolished. Addresses sections of SB 904 that are agreed to and those where changes are suggested.
228	Martha Pagel	Schwabe, Williamson, Wyatt. Testifies for public policy and in opposition to SB 904. Supports changes suggested by Ms. Silverberg. Emphasizes the importance of local mediation programs.
287	Sen. Ringo	Asks about the role of the Executive Director, and what will be happening to that position under this bill.
295	Pagel	Explains that under this bill, the entire staff would be eliminated.
306	Andy Wiselogle	Multnomah County. Testifies in opposition to SB 904. Explains cases that have been heard.
314	Vice Chair Burdick	Asks if there is an analysis of savings from mediation programs.
344	Silverberg	Acknowledges that there have been studies done, but is not able

		to reply to what the current numbers are.
356	Sen. Walker	Wonders if these funds are not from the general fund, where the savings will go.
366	Silverberg	Says the funds will go to the Judicial Department.
380	Pagel	Describes how mediation keeps cases out of courts.
398	Pete Shepherd	Deputy Attorney General. Describes assistance of the Department of Justice. Explains the dilemma that the department has become involved in. Describes the need for resources to carry out the duties of dispute resolution if assigned to the Department of Justice.
477	Sen. Walker	States the addition of staff to the Department of Justice (DOJ) to carry out dispute resolution would be very expensive.
TAPE 181, A		
027	Shepherd	Responds DOJ would need two additional full-time employees.
045	Sen. Ferrioli	Asks what the impetus for this bill was.
049	Shepherd	Responds that staff from Legislative Fiscal Office contacted DOJ.
054	Michael Niemeyer	Executive Director, Oregon Dispute Resolution Commission. Discusses savings by mediation versus court action. Discusses costs to state agencies that would be less for mediation action routinely than litigation.
115	Sen. Walker	Responds that Niemeyer's report is very helpful.
123	Niemeyer	States he does not know the background of this bill.
153	Taylor	Asks what functions of the commission would be lost.
156	Niemeyer	Responds staff would go from 6.3 full-time employees to 2.
208	Bryan Johnston	Former State Representative. Testifies in opposition to SB 904. Gives background on dispute resolution involvement. Suggests the movement to the University of Oregon for dispute resolution activity. Ask the Senate Judiciary to set policy for the Commission.
248	Sen. Walker	Wonders if moving the bill to DOJ would keep the program from expanding.
253	Johnston	Agrees. Explains how Oregon has been a leader in the movement of dispute resolution.
281	Charles Wiggins	Law Professor, University of San Diego. Testifies in opposition to SB 904. Describes usefulness of dispute resolution in communities.
408	Betsy Coddington	Director, Resolution Northwest. Demonstrates a situation that would call for local mediation skills. Explains how community mediation works.
TAPE 180, B		
030	Lois Kenagy	Volunteer mediator, Albany, OR. Testifies in opposition to SB 904. Gives background on dispute resolution programs and her personal experience on the Commission.
097	Sophia Douglas	Executive Director, Neighbor to Neighbor. Testifies in opposition to SB 904. Refers to statements of volunteers from the organization. Describes restitution agreements that are the goal of conciliation.
126	Jane Gordon	Executive Director, Dispute Resolution Program, University of Oregon Law School. Testifies in opposition to SB 904. Describes how there is an important need for dispute resolution programs.
180	Sen. Walker	Comments on the usefulness of University of Oregon law students in the program.
189	Gordon	Describes student work in mediation programs.

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Vice Chair Burdick

Closes the public hearing on SB 904 and adjourns the meeting at 10:22 a.m.

EXHIBIT SUMMARY

A – SB 904, written testimony submitted by Pete Shepherd, 6 pp