

SENATE COMMITTEE ON JUDICIARY

June 6, 2003
8:00 A.M.

Hearing Room 343
Tapes 154 - 155

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, Committee Counsel
Bill Joseph, Committee Counsel
Bill Taylor, Committee Counsel
Nancy Masee, Committee Assistant

MEASURE/ISSUES HEARD: HB 2221A Public Hearing and Work Session
HB 2733A Work Session
HB 2736 Work Session
HB 2581A Work Session
HB 2066A Work Session
HB 2682A Public Hearing and Work Session
HB 3389A 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 154, A		
004	Chair Minnis	Opens meeting at 8:15 am. Opens public hearing on HB 2221A.
<u>HB 2221A PUBLIC HEARING</u>		
006	Teresa Douglas	Governor's Advisory Committee on DUII. Testifies in support of HB 2221A and submits written testimony (EXHIBIT A).
018	Craig Prins	Committee Counsel. Explains HB 2221A which increases fees for screening interviews of persons convicted of driving while under influence of intoxicants and diagnostic assessments of persons entering diversion agreements. Explains the -A4 amendments (EXHIBIT B).
035	Sen. Walker	Asks why this bill is needed.
037	Chair Minnis	Responds that judges should not serve if they have been convicted of DUII three times.
040	Bradd Swank	State Court Administrator's Office. Discusses violations of judicial ethics and the code of judicial conduct. Discusses DUII convictions of judges.
050	Prins	Relates requirements for elected judges. Relates that the Legislature does not discipline judges, the Judicial Branch does that.
080	Sen. Ringo	Explains his concerns on this bill which involves possible DUII charges in youthful years that might preclude a judgeship.
082	Chair Minnis	Explains exclusions on becoming police officers for those who have broken the law in their youth.
095	Sen. Walker	Asks if diversion in DUII results in non-conviction.
100	Prins	Explains how diversions affect DUII convictions.
105	Sen. Walker	Asks if this is a problem among judges.
109	Chair Minnis	Remarks that it is not good public policy to have judges who have been convicted of DUII.
115	Chair Minnis	Closes public hearing on HB 2221A. Opens work session on HB 2221A.
<u>HB 2221A WORK SESSION</u>		
180	Sen. Ferrioli	MOTION: Moves to ADOPT HB 2221A-4 amendments dated 5/15/03. VOTE: 5-0-1 EXCUSED: 1 – Burdick Hearing no objection, declares the motion CARRIED.
183	Chair Minnis	
184	Sen. Ferrioli	MOTION: Moves HB 2221A to the floor with a DO PASS AS AMENDED recommendation. VOTE: 5-0-1 EXCUSED: 1 – Burdick Hearing no objection, declares the motion CARRIED. SEN. MINNIS will lead discussion on the floor.
185	Chair Minnis	
187	Chair Minnis	Closes work session on HB 2221A. Opens work session on HB 2733A.
<u>HB 2733A WORK SESSION</u>		
189	Bill Taylor	Committee Counsel. Explains HB 2733 which reorganizes provisions relating to venue in violation cases.
200	Sen. Ferrioli	MOTION: Moves HB 2733A to the floor with a DO PASS recommendation. VOTE: 5-0-1 EXCUSED: 1 – Burdick Hearing no objection, declares the motion CARRIED. SEN. WALKER will lead discussion on the floor.
201	Chair Minnis	
202	Chair Minnis	Closes work session on HB 2733A. Opens work session on HB 2736.
<u>HB 2736 WORK SESSION</u>		
203	Bill Taylor	Committee Counsel. Explains HB 2736 which creates crime of interfering with firefighter or emergency medical technician.
205	Sen. Ferrioli	MOTION: Moves HB 2736 to the floor with a DO PASS

recommendation.

VOTE: 5-0-1

EXCUSED: 1 – Burdick

Hearing no objection, declares the motion CARRIED.

SEN. STARR will lead discussion on the floor.

206 Chair Minnis

208 Chair Minnis

Closes work session on HB 2736. Opens work session on HB 2581A.

HB 2581A WORK SESSION

212 Bill Joseph Committee Counsel. Explains HB 2581 which allows governing body to commence proceeding in circuit court to determine regularity and legality of certain actions of governing body. Explains the –A5 amendments (**EXHIBIT D**).

240 Sen. Ferrioli Comments on municipalities conferring with other government entities before taking action.

255 Rep. Bob Ackerman House District 13. Testifies in support of HB 2581 with the –A5 amendments and gives reasons why HB 2581 is needed.

402 Sen. Walker Gives reasons why she is voting “no” on this bill. Says the cities need to make their own analyses.

TAPE 155, A

010 Sen. Ringo Discusses the need for people to be able to challenge the cities, but there also has to be finality and decision making.

030 Sen. Starr **MOTION: Moves to ADOPT HB 2581A-5 amendments dated 5/30/03.**
VOTE: 5-0-1
EXCUSED: 1 – Burdick
Hearing no objection, declares the motion CARRIED.

031 Chair Minnis

035 Sen. Starr **MOTION: Moves HB 2581A to the floor with a DO PASS AS AMENDED recommendation.**
VOTE: 4-1-1
AYE: 4 - Ferrioli, Ringo, Starr C., Minnis
NAY: 1 - Walker
EXCUSED: 1 – Burdick
The motion CARRIES.
SEN. STARR will lead discussion on the floor.

040 Chair Minnis

041 Chair Minnis Closes work session on HB 2581A. Opens work session on HB 2066A.

HB 2066A WORK SESSION

043 Bill Joseph Committee Counsel. Explains HB 2066A which makes miscellaneous changes to laws governing courts. Explains the –A18 amendments (**EXHIBIT E**).

041 Bradd Swank Special Counsel, Oregon Judicial Department. Testifies in support of HB 2066A. Explains the –A18 amendments.

050 Sen. Walker **MOTION: Moves to ADOPT HB 2066A-18 amendments dated 5/20/03.**
VOTE: 5-0-1
EXCUSED: 1 – Burdick
Hearing no objection, declares the motion CARRIED.

052 Chair Minnis

053 Sen. Walker **MOTION: Moves HB 2066A to the floor with a DO PASS AS AMENDED recommendation.**
VOTE: 5-0-1
EXCUSED: 1 – Burdick
Hearing no objection, declares the motion CARRIED.
SEN. RINGO will lead discussion on the floor.

055 Chair Minnis

056 Chair Minnis **Closes work session on HB 2066A. Opens public hearing on HB 2682A.**

HB 2682A PUBLIC HEARING

082 John McCulley Oregon Association of Mortgage Brokers. Testifies in support of HB 2681A and submits testimony (**EXHIBIT F**). Explains HB 2682A which requires criminal background check of loan originators.

128 Chair Minnis Closes the public hearing on HB 2682A and opens a work session.

HB 2682A WORK SESSION

130 Sen. Walker **MOTION: Moves HB 2682A to the floor with a DO PASS recommendation.**
VOTE: 5-0-1
EXCUSED: 1 – Burdick
Hearing no objection, declares the motion CARRIED.
SEN. FERRIOLI will lead discussion on the floor.

132 Chair Minnis

133 Chair Minnis Recesses the meeting at 9:05 a.m. Reconvenes meeting and opens work session on HB 3389A.

HB 3389A WORK SESSION

132 Bill Taylor Committee Counsel. Gives background on HB 3389A which provides additional means of establishing identity of controlled substance in prosecutions involving controlled substances. Explains the –A3 amendments (**EXHIBIT G**).

140 Ingrid Swenson Oregon Criminal Defense Lawyers Association (OCDLA). Testifies in support of HB 3389A.

150 Sen. Walker **MOTION: Moves to ADOPT HB 3389A-3 amendments dated 6/5/03.**
VOTE: 5-0-1
EXCUSED: 1 - Burdick
Hearing no objection, declares the motion CARRIED.

151 Chair Minnis

153 Sen. Walker **MOTION: Moves HB 3389A to the floor with a DO PASS AS AMENDED recommendation.**
VOTE: 5-0-1
EXCUSED: 1 – Burdick
Hearing no objection, declares the motion CARRIED.
SEN. MINNIS will lead discussion on the floor.

155 Chair Minnis

157 Chair Minnis Closes the work session on HB 3389A and adjourns meeting at 9:15 a.m.

EXHIBITS:

A – HB 2221A, written testimony, Teresa Douglas, 2 pp
B – HB 2221A-4 amendments, staff, 3 pp
C – HB 2221A, written testimony submitted for Multnomah County by staff, 1 p
D - HB 2581A-5 amendments, staff, 1 p
E – HB 2066A-18 amendments, staff, 2 pp
F – HB 2682A, written testimony, John McCulley, 8 pp
G - HB 3389A-3 amendments, staff, 1 p