

## SENATE COMMITTEE ON JUDICIARY

August 20, 2003  
8:30 a.m.

Hearing Room 357  
Tapes 199 - 200

**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**  
                                  **Ann Martin, Committee Assistant**

**MEASURE/ISSUES HEARD:**     **HB 2278B Work Session**  
                                  **HB 2498A Work Session**  
                                  **HB 3544A Work Session**  
                                  **SB 946 Public Hearing and Work Session**  
                                  **SB 737 Work Session**

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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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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 199, A</b>		
003	Chair Minnis	Calls the meeting to order at 8:46 a.m. Opens a work session on HB 2278B.
<b><u>HB 2278B WORK SESSION</u></b>		
010	Steve Madden	City of Portland. Testifies on HB 2278B which provides consistent terminology for public bodies in laws relating to districts.
026	Sen. Ferrioli	Discusses the alternatives that were discussed.
040	Terry McCall	City of Gresham. Testifies on HB 2278B. Explains that he believes the cities involved will accept the alternative decided on.
050	Dave Heynderickx	Senior Deputy Legislative Counsel. Talks about how long it would take to draft amendment.
063	Sen. Ferrioli	Comments on time frame to complete work on the bill.
075	Chair Minnis	Says they will come back at 5:00 to finish discussion on this bill.
089	Paul Snider	League of Oregon Cities. Testifies on HB 2278B. Says he needs more information before making a decision on support of this legislation.
103	Sen. Ferrioli	Addresses the work group's discussion of the bill.

125	Sen. Walker	Asserts that Public Employee's Retirement System (PERS) has culpability, but no money.
133	Snider	Asserts that there must be a balance.
140	Chair Minnis	Closes the work session on HB 2278B and opens a work session on HB 2498A.

**HB 2498A WORK SESSION**

163	Sen. Ringo	Comments on the problems with HB 2498A which sets rate of interest on judgments. Introduces the -A8 amendments which would set one rate of interest ( <b>EXHIBIT A</b> ).
198	Craig Prins	Committee Counsel. Discusses the -A9 amendments ( <b>EXHIBIT B</b> ).
208	Chair Minnis	Closes the work session on HB 2498A and recesses the meeting at 9:01 a.m. until 5:00 p.m. today.
216	Chair Minnis	Reconvenes the committee at 5:10 p.m. Opens a work session on HB 2278.

**HB 2278B WORK SESSION**

225	Dave Heynderickx	Legislative Counsel. Explains the -B16 amendments to HB 2278 that provides consistent terminology for public bodies in laws relating to districts ( <b>EXHIBIT C</b> ).
298	Sen. Ringo	Asks for the percentage attributed to Fire District #10 employees.
303	Heynderickx	Responds 78 percent. Continues his discussion of the -B16 amendments.
332	Sen. Walker	Asks about the liability if Fire District #10 merges or dissolves itself.
338	Heynderickx	Responds on the effect of a merger. Continues discussion of the -B16 amendments.
371	Chair Minnis	States that he thought Portland was going to pay four times the percentage.
376	Heynderickx	Explains the figures that were decided upon.
390	Sen. Ferrioli	Confirms the figures.
<b>402</b>	<b>Vice Chair Burdick</b>	<b>MOTION: Moves to ADOPT HB 2278-B16 amendments dated 8/20/03.</b>
		<b>VOTE: 6-0</b>
<b>411</b>	<b>Chair Minnis</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
414	Chair Minnis	Asks if there are other amendments on this bill that have been adopted.
415	Craig Prins	Committee Counsel. Says the -A6 and -A12 amendments were previously adopted.
424	Prins	Clarifies that the unit captions that are in the -A6 amendments appear in the -B16 amendments.
<b>455</b>	<b>Vice Chair Burdick</b>	<b>MOTION: Moves to DELETE the -A6 amendments as previously adopted.</b>
		<b>VOTE: 6-0</b>
<b>457</b>	<b>Chair Minnis</b>	<b>Hearing no objection, declares the motion CARRIED.</b>

463 Vice Chair Burdick **MOTION: Moves HB 2278B to the floor with a DO PASS AS AMENDED recommendation.**  
 471 Sen. Ringo Thanks Wendy Johnson of the Oregon Law Commission.  
 478 Sen. Ferrioli Thanks Dave Heynderickx of Legislative Counsel for his help.  
 492 **VOTE: 6-0**  
 494 Chair Minnis **Hearing no objection, declares the motion CARRIED. SEN. FERRIOLI AND SEN. WALKER will lead discussion on the floor.**  
 500 Chair Minnis Closes the work session on HB 2278B and opens a work session on HB 3544A.

**TAPE 200, A**  
**HB 3544A WORK SESSION**

028 Craig Prins Committee Counsel. Explains HB 3544A which modifies limitations on penalty wages for failure to pay wages on termination. Introduces  
 -A13 amendments which supercede all previously adopted amendments (**EXHIBIT D**). Mentions letters received addressing HB 3544 (**EXHIBIT E**).  
 059 Sen. Ringo Thanks Legislative Counsel for their work.  
 062 Vice Chair Burdick **MOTION: Moves to DELETE the -A2, -A3, -A6 and -A9 amendments and ADOPT HB 3544-A13 amendments dated 8/20/03.**  
**VOTE: 6-0**  
 069 Chair Minnis **Hearing no objection, declares the motion CARRIED.**  
 072 Vice Chair Burdick **MOTION: Moves HB 3544A to the floor with a DO PASS AS AMENDED recommendation.**  
**VOTE: 6-0**  
 075 Chair Minnis **Hearing no objection, declares the motion CARRIED. SEN. RINGO will lead discussion on the floor.**  
 084 Chair Minnis Closes work session on HB 3544A and opens a public hearing on SB 946.

**SB 946 PUBLIC HEARING**

086 Craig Prins Committee Counsel. Introduces SB 946 which removes certain restrictions on provisional driver's license if parent or stepparent of holder of provisional driver's license is in vehicle.  
 114 Sen. Walker Wonders why the exception is limited to parent or stepparent rather than include grandparent.  
 118 Chair Minnis Says Sen. Westlund is not present to address that issue.  
 123 Vice Chair Burdick Expresses her desire to move the bill out of committee.  
 129 Chair Minnis Closes the public hearing on SB 946 and opens a work session.

**SB 946 WORK SESSION**

134 Vice Chair Burdick **MOTION: Moves SB 946 to the floor with a DO PASS recommendation.**  
**VOTE: 6-0**  
 136 Chair Minnis **Hearing no objection, declares the motion CARRIED. Sen. Westlund to carry the bill on the floor.**  
 150 Sen. Ferrioli Thanks Mark Ellsworth for all his hard work on HB 2278B.  
 156 Chair Minnis Closes the work session on SB 946 and opens a work session on SB 737.

**SB 737 WORK SESSION**

162 Chair Minnis Explains SB 737 that modifies provisions relating to sex offender registration and reporting.

175	Lt. Bob Sundstrum	Oregon State Police. Introduces Dan Malin, Manager, Sex Offender Registration Unit.
178	Dan Malin	Oregon State Police. Testifies in support of SB 737.
214	Vice Chair Burdick	Asks for clarification on narrowing the bill.
217	Malin	Explains that by narrowing the bill it would still meet the requirements of the Federal Department of Justice.
222	Sen. Ringo	Asks if there is a fiscal impact.
224	Malin	Discusses the fiscal impact that could be caused by this legislation.
243	Sen. Ringo	Asks if that would include 800-1000 registrations per year?
245	Malin	Replies, yes.
249	Sen. Ringo	Asks how a person could be removed from the sex offender registration.
252	Malin	Explains the petition process to have their name removed.
259	Sen. Ringo	Asks if it is limited to a "window of opportunity."
260	Malin	Says, no. Explains that anytime after 10 years, there is no closure to that window.
268	Sen. Ringo	Asks what percentage of registered sex offenders are predatory.
271	Malin	Says there are about 400 in the state.
276	Sen. Ringo	Asks for the total number of registered sex offenders.
285	Malin	Says there are 10,600 registered sex offenders in the state.
288	Sen. Ringo	Questions the validity of this legislation.
300	Sen. Ferrioli	Responds the burden is on the offender to register so it shouldn't create a great deal of burden for agencies.
316	Chair Minnis	Explains how the bill eliminates current confusion.
320	Malin	Agrees.
326	Sen. Walker	Discusses previous testimony in opposition to the bill.
346	Sen. Ferrioli	Says this bill would meet federal requirements.
<b>353</b>	<b>Vice Chair Burdick</b>	<b>MOTION: Moves SB 737 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 5-1</b>
		<b>AYE: 5 - Burdick, Ferrioli, Starr C., Walker, Minnis</b>
		<b>NAY: 1 - Ringo</b>

359	Chair Minnis	<b>The motion CARRIES.</b>
		<b>SEN. MINNIS will lead discussion on the floor.</b>
361	Chair Minnis	Closes the work session on SB 737 and adjourns the meeting at 5:45 p.m.

### **EXHIBIT SUMMARY**

- A – HB 2498A, -A8 amendments dated 8/18/03 submitted by staff, 4 pp**
- B – HB 2498A, -A9 amendments dated 8/18/03 submitted by staff, 3 pp**
- C – HB 2278B, -B16 amendments dated 8/20/03 submitted by staff, 8 pp**
- D – HB 3544A, -A13 amendments dated 8/20/03 submitted by staff, 17 pp**
- E – HB 3544A, written testimony from the Bureau of Labor and Industry, submitted by staff, 7 pp**