

HOUSE COMMITTEE ON JUDICIARY
SUBCOMMITTEE ON CIVIL LAW

April 02, 2001
8:00 a.m.

Hearing Room 357
Tapes 58 - 59

MEMBERS PRESENT: **Rep. Cherryl Walker, Chair**
 Rep. Vic Backlund
 Rep. Kathy Lowe
 Rep. Charlie Ringo
 Rep. Lane Shetterly
 Rep. Max Williams

STAFF PRESENT: **Andrea Shartel, Counsel**
 Merrilee Harrell, Committee Extern
 Ann Martin, Committee Assistant

MEASURE/ISSUES HEARD: **HB 2882 Public Hearing**
 HB 2739 Public Hearing
 HB 2634 Public Hearing
 HB 2009 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.

| TAPE/# | Speaker | Comments |
|--------------------------------------|----------------------|--|
| TAPE 58, A | | |
| 004 | Chair Walker | Calls the meeting to order at 8:20 a.m. Opens a public hearing on HB 2882. |
| <u>HB 2882 PUBLIC HEARING</u> | | |
| 012 | Counsel Shartel | Introduces HB 2882 relating to changing requirements for establishment of residency for members of Armed Forces of the United States for purposes of tuition at institutions of higher education and for hunting and fishing licenses, tags and permits. |
| 026 | Jeremiah Ross | Student, Lane County |
| | | Testifies in support of HB 2882. |
| 170 | Rep. Ringo | Asks about income tax exemptions for members of the Armed Forces. |
| 180 | Ross | Answers that in 1998 he paid \$113.00 in taxes. |
| 197 | Rep. Ringo | Says that in general we're establishing a policy so that people who have never had a connection with the state of Oregon can come here and take advantage of instate tuition. |
| 226 | Ross | Comments that this bill would accommodate the military people. Thinks that they should not be excluded because they cannot establish residency. |
| 268 | Rep. Shetterly | Asks if he has followed HB 2177 and wonders if he tried to amend HB 2882 into HB 2177. |
| 273 | Ross | Says yes and he did follow HB 2177. |
| 270 | Rep. Backlund | Addresses Rep. Shetterly's question saying that timing was not right for amending HB 2882 into HB 2177. |
| 314 | Chair Walker | Asks if he is familiar with how other states handle this issue. |

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| 316 | Ross | Says that he couldn't find any information that addresses this issue. |
| 324 | Chair Walker | Asks if he attempted to attend school in another state. |
| 332 | Ross | Answers no. |
| 340 | Grattan Kerans | Oregon University System, Director of Government Relations Testifies on HB 2882 and submits testimony (EXHIBIT A). Discusses HB 2177 B-Engrossed. |
| TAPE 59, A | | |
| 002 | Kerans | Continues testimony on HB 2882. |
| 019 | Chair Walker | Asks if military people that are stationed here have to pay out-of-state tuition. |
| 021 | Kerans | States that they pay resident tuition. |
| 026 | Rep. Backlund | Asks if he agrees that there are very few people that would take advantage of instate tuition. |
| 032 | Kerans | Says yes, but Oregon is a very attractive place to live and over time, many people would probably take advantage of the resident tuition and it would impact the state financially. |
| 055 | Chair Walker | Says she received a statement on HB 2882 from Oregon Fish and Wildlife saying that they are neutral on the bill (EXHIBIT B). Closes the public hearing on HB 2882 and opens a public hearing on HB 2739. |

HB 2739 PUBLIC HEARING

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| 066 | Merrilee Harrell | Committee Extern Introduces HB 2739 relating to authorizing creation of pet trusts. |
| 079 | Sharon Harman | Executive Director, Oregon Humane Society Testifies in support of HB 2739 and submits testimony (EXHIBIT C). |
| 097 | Gary Kish | Director of Development, Oregon Humane Society Testifies in support of HB 2739 and submits testimony (EXHIBIT D). |
| 138 | Harman | Continues testimony in support of HB 2739. |
| 180 | Rep. Shetterly | States that he has some correspondence from the Oregon State Bar (EXHIBIT E). Wonders what happens when the money is gone for the pets. |
| 210 | Harman | Answers that they could be assigned to an animal welfare group. |
| 250 | Rep. Backlund | Asks what would happen if the animal is bred. Asks if the offspring would be taken care of. |
| 266 | Harman | Says that they recommend that pet owners microchip their pets so that they cannot breed them. |
| 292 | Rep. Ringo | Seems to him that a pet trust is great policy except for the problem of the offspring. |
| 300 | Rep. Shetterly | Says that the pet trusts need to be clarified with amendments. |
| 320 | Chair Walker | Closes the public hearing on HB 2739 and opens the public hearing on HB 2634. |

HB 2634 PUBLIC HEARING

| | | |
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| 324 | Counsel Shartel | Introduces HB 2634 relating to agency orders. This bill allows a person who has applied for issuance or renewal of a license to request a contested case hearing before an agency other than the agency considering his or her application if the proposed order of the agency considering the application is based in any part on any opinion, recommendation or factual finding of the other |
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agency. Discusses the –1 amendments to HB 2634 (**EXHIBIT F**).

370 **Rep. Bob Jenson** **House District 57**
 Testifies in support of HB 2634.

TAPE 58, B

002 Jenson Continues his testimony in support of HB 2634.

030 **Dave Heynderickx** **Senior Deputy, Legislative Counsel**
 Testifies in support of HB 2634. Explains bill.

073 Rep. Backlund Asks if they anticipate if there will be a lot of these situations occurring.

085 Jenson Answers that if there are a lot of these cases then maybe this is legislation that is long overdue.

094 Rep. Ringo States that it does seem like a fairness issue. Asks for other examples in which this might occur.

102 Jensen Says that there was no rule in the Department of Fish and Wildlife at the time, but a subsequent rule would have applied.

113 Heynderickx Responds that you may see more issues of this nature because in the past individual agencies dealt with individual problems and didn't have the type of coordination that they are taking on now.

129 Chair Walker Asks if the agencies have to disclose the specific reason and where they got that information when these agencies issue their final opinions.

154 Heynderickx Answers that the proposed order that comes out does need to have findings of fact.

165 Chair Walker Asks if these applicants can go in and review that entire file.

168 Heynderickx Answers yes.

185 Chair Walker Points out that she received written testimony from the Oregon Department of Human Services on HB 2634 (**EXHIBIT G**).

197 **Ronelle Shankle** **Department of Justice, Division of Child Support**
 Testifies on HB 2634 and submits testimony (**EXHIBIT H**).

223 **Steve Little** **Department of Revenue**
 Testifies on HB 2634 and submits testimony (**EXHIBIT I**).

322 Chair Walker Asks if the Department of Revenue relies on opinions from other agencies.

328 Little Answers that they would be the other agency in that sense. Explains that they would go to the Board of Dentistry to suspend a dentist's license and so they would go through the process of a hearing and then the affected licensee could then work with them to get the problems taken care of.

348 **Richard Whitman** **Department of Justice-Governor's Office**
 Testifies on HB 2634.

TAPE 59, B

010 Chair Walker Closes the public hearing on HB 2634 and opens a public hearing on HB 2009.

HB 2009 PUBLIC HEARING

016 Counsel Shartel Introduces HB 2009 relating to raising the cap on prizes that may be awarded in bingo or lotto games from \$1,500 to \$2,500 and discusses the –1 amendments (**EXHIBIT J**).

033 **John Nichols** **Disabled American Veteran's Bingo Hall, Portland**

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| 059 | Ross Laybourn | Testifies in support of HB 2009 and submits testimony (EXHIBIT K). Assistant Attorney General, Oregon Department of Justice |
| 105 | Greg Hitchcock | Testifies in support of HB 2009. Attorney, Beaverton |
| 139 | Rep. Ringo | Testifies in support of HB 2009. |
| 143 | Nichols | Asks if people can get addicted to bingo like they do gambling. Answers he doesn't think so and says that bingo is more of a social event than a gambling event. |
| 156 | Rep. Ringo | Asks again if people can get addicted to bingo. |
| 158 | Nichols | Says no and thinks that the hard-core gambler spends his money on poker or at the casinos. |
| 162 | Ringo | Asks why it is necessary to raise the prize amount. |
| 166 | Hitchcock | Answers that bingo profitability is on the margins. Says that if they get 5 or 10 more people to come to the bingo games, they can make a profit that goes towards fundraising. |
| 177 | Rep. Ringo | Seems to him that they are acknowledging the financial incentive. |
| 180 | Nichols | Says that bingo is a very expensive thing to run and since bingo is used as a fundraiser for non-profit organizations, they need an incentive to get people in. |
| 201 | John Hellen | Executive Director, Oregon Charitable Gaming Association Testifies in support of HB 2009 and submits testimony (EXHIBIT L). |
| 248 | Chuck Richards | Oregon Sports Academy, Beaverton Testifies in support of HB 2009. |
| 276 | Kit Freeman | Bingo Manager, Sunset Bingo Testifies in support of HB 2009. |
| 291 | Chair Walker | Closes the public hearing on HB 2009 and adjourns the meeting at 10:00 a.m. |

Submitted By,

Reviewed By,

Ann Martin,
Committee Assistant

Andrea Shartel,
Counsel

EXHIBIT SUMMARY

- A – HB 2882, written testimony submitted by Grattan Kerans, dated 3/22/01, 2 pgs.**
- B – HB 2882, letter submitted by the Oregon Department of Fish and Wildlife, dated 4/2/01, 1 p.**
- C – HB 2739, written testimony submitted by Sharon Harmon, dated 4/2/01, 1 p.**
- D – HB 2739, written testimony submitted by Gary Kish, dated 4/2/01, 2 pgs.**
- E – HB 2739, written testimony submitted by Susan Grabe, dated 3/30/01, 5 pgs.**
- F – HB 2634, -1 amendments, submitted by staff, dated 3/28/01, 1 p.**
- G – HB 2634, written testimony of Bobby Mink, submitted by Sandra Adams, dated 3/30/01, 7 pgs.**
- H – HB 2634, document submitted by Ronelle Shankle, 6 pgs.**
- I – HB 2634, written testimony submitted by Steve Little, Oregon Dept. of Revenue, dated 4/2/01,**

3 pgs.

J – HB 2009, -1 amendments, submitted by staff, dated 3/12/01, 2 pgs.

K – HB 2009, written testimony submitted by John Nichols, 1 p.

L – HB 2009, written testimony submitted by John Hellen, dated 4/2/01, 1 p.

HOUSE COMMITTEE ON JUDICIARY
SUBCOMMITTEE ON CIVIL LAW

April 02, 2001
3:30 p.m.

Hearing Room 357
Tapes 60 – 61

MEMBERS PRESENT: **Rep. Cherryl Walker, Chair**
 Rep. Charlie Ringo
 Rep. Lane Shetterly

MEMBER EXCUSED: **Rep. Vic Backlund**
 Rep. Kathy Lowe
 Rep. Max Williams

STAFF PRESENT: **Marilyn Odell, Counsel**
 Jane Bodenweiser, Committee Assistant

MEASURE/ISSUES HEARD: **HB 2398 Public Hearing**
 HB 2394 Work Session
 HB 2399 Work Session
 HB 2405 Public Hearing
 HB 2396 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 60, A | | |
| 003 | Chair Walker | Calls the meeting to order at 3:45 p.m. and opens a public hearing on HB 2398. |
| <u>HB 2398 PUBLIC HEARING</u> | | |
| 004 | John McCulley | Oregon Psychiatric Association Submits testimony and testifies in support of HB 2398 that specifies procedures for release by custodial facilities of certain information regarding person with mental illness (EXHIBIT A). Says that this bill attempts to strike a balance between the need for loved ones to know what is happening and the right to confidentiality. |
| 039 | Bob Joondeph | Oregon Advocacy Center Submits testimony and testifies in opposition of HB 2398 (EXHIBIT B). Says this bill is a confusing and unnecessary bill. Indicates that this bill gives a third party an enforceable right to access someone else's medical information without that person's consent. |
| 089 | Rep. Ringo | Asks about the right to privacy and if there aren't some benefits in some instances to family members having information. |
| 096 | Joondeph | Replies that it might or might not be of benefit to the individual. |
| 151 | Bob Nikkel | Department of Human Services, Mental Health Division Submits testimony and testifies in support of 2398 (EXHIBIT |

C). Summarizes that this bill is something worth trying-- that it retains the most current confidentiality protections while clarifying the circumstances under which information may be released to a family member.

186 **Dr. Eugene Minard**

Private Psychiatry and Neurology Practice, Wilsonville, OR

Submits testimony and testifies in support of HB 2398 in principal (**EXHIBIT D**). Suggests some minor changes and says that no medical information should be given out under any circumstances.

249 Chair Walker

Closes the public hearing on HB 2398 and opens a work session on HB 2394.

HB 2394 WORK SESSION

284 **David Yandell**

Director, Law Enforcement Data System (LEDS), Oregon State Police

Asks if there are questions about the LEDS system.

290 Rep. Ringo

Says he is concerned that mental health information is too private to be in the LEDS system.

313 Counsel Odell

Replies that the information is allowed only if the person is currently under commitment.

322 Yandell

Replies that their goal is to maintain the integrity of the system.

344 Rep. Ringo

Asks about the likelihood that a stop would be made where a person is committed so that officer would know that somebody is under current treatment.

355 Yandell

Replies that this provision is envisioned to be utilized where an officer encounters an individual who is unable or in some way reflects a need for additional assistance.

368 **Doug Harclerod**

Oregon District Attorney's Association (ODAA)

Testifies that the ODAA supports HB 2394 because they believe the mental commitment investigators need as much information as they can possibly have. Says the criminal system does not deal well with the mentally ill, thus a strong system is needed to deal with the mentally ill.

404 Rep. Shetterly

Wonders about the criminalizing aspect of the mental health treatment system.

445 Counsel Odell

Asks if there is currently a link between LEDS and mental health for the purposes of determining if a person is ineligible to own a firearm. Asks how that system works and the time frame for acquiring those kinds of checks.

TAPE 61, A

010 Yandell

Replies that this system was established to assist the sheriffs in managing the concealed handgun license process.

496 Chair walker Closes the work session on HB 2394 and opens a work session on HB 2399.

HB 2399 WORK SESSION

042 **Doug Harcleroad**

Oregon District Attorneys' Association

Testifies in support of HB 2399 that permits court to commit mentally ill person for up to one year if person has been committed one or more times in preceding 3 years and court determines there is reasonable likelihood that person will not comply with treatment.

063 **Dr. Maggie Bennington-Davis**

President, Oregon Psychiatric Association

Testifies that the Association is cautiously supportive of HB 2399. Says that there is a group of people with mental health problems that would benefit from a longer period of treatment. Closes the work session on HB 2399 and opens a public hearing on HB 2405.

080 Chair Walker

HB 2405 PUBLIC HEARING

100 **Bill Toomey**

Multnomah County Mental Health Department

Submits testimony and testifies in support of HB 2405 **(EXHIBIT E)**. Says he is a strong supporter of trial visits for people coming out of the hospital to help them transition into the community.

116 Counsel Odell

Asks if Mr. Toomey could elaborate on the trial visit program and what Multnomah County is doing in terms of monitoring the program.

120 Toomey

Explains the trial visit program and says doctors feel more comfortable with people being discharged from the hospital if supervision continues. Says the time period of follow-through is up to the 180 day commitment period.

162 **Bob Nikkel**

Deputy Assistant Administrator, Office of Mental Health Services Department of Human Services

Submits testimony on behalf of Barry Kast and testifies in opposition to HB 2405 **(EXHIBIT F)**. Says that the funding for this legislation is not included in the governor's recommended budget.

196 Counsel Odell

Asks the cost of keeping an adult patient hospitalized for a day.

199 Nikkel

Replies the current cost is \$352 per day.

215 **John McCulley**

Oregon Psychiatric Association

Submits testimony and testifies in support of HB 2405 **(EXHIBIT G)**.

Says there is some concern about the section of the bill that requires the mental health division to consult with the counties before a person can be released.

257 **Paul Wagner**

Marion County Psychiatric Crisis Service

Testifies in support of HB 2405. Suggests that this bill will provide a good tool for coordination between hospital and community.

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| 318 | Dennis Ekanger | Senior Mental Health Investigator, Lane County Submits testimony and testifies in support of HB 2405 (EXHIBIT H) . Says a vast majority of mental health patients remain in their local communities while the communities are left with inadequate resources to supervise them. |
| TAPE 60, B | | |
| 006 | Doug Harclerod | Oregon District Attorney's Association Testifies as neutral to HB 2405 because of the one and one-half million-dollar price tag. Says the idea is fine and it makes good sense. |
| 036 | Bob Joondeph | Oregon Advocacy Center Submits testimony and testifies in support of HB 2405 (EXHIBIT I) . Suggests that changing the bill on page 1, line 15 from "consults" to "informs" is a good move. |
| 079 | Chair Walker | Closes the public hearing on HB 2405 and opens a work session on HB 2396. |
| <u>HB 2396 WORK SESSION</u> | | |
| 099 | John McCulley | Oregon Psychiatric Association Discusses HB 2396 that establishes an advocacy system in the hope of reducing the length of stay for mental health patients. Addresses the -1 amendments to HB 2396 (EXHIBIT J) . |
| 135 | Bob Joondeph | Oregon Advocacy Center Testifies in support of HB 2396. Says that this bill has the potential of satisfying the needs discussed in HB 2405. |
| 158 | Rep. Shetterly | Asks if Mr. Joondeph was involved with preparing the -1 amendments and for his opinion. |
| 161 | Joondeph | Discusses line 22, page 1 as being ambiguous, and says line 4, page 2 is unclear as to who would run the program. |
| 191 | McCulley | Indicates that he would like to see a change on page 2, line 30 from the word "discretionary" to "mandatory." |
| 200 | Chair Walker | Closes the work session on HB 2396, and adjourns the meeting at 5:00 p.m. |

Submitted By,

Reviewed By,

Jane Bodenweiser
Committee Assistant

Marilyn Odell
Counsel

EXHIBIT SUMMARY

- A – HB 2398, written testimony submitted by John McCulley, dated 4/2/01, 1 p**
- B – HB 2398, written testimony submitted by Bob Joondeph, 1 p**
- C – HB 2398, written testimony submitted for Barry Kast by Bob Nikkel, dated 3/14/01, 1 p**
- D – HB 2398, written testimony submitted by Dr. Eugene Minard, dated 4/2/01, 1 p**
- E – HB 2405, written testimony submitted by Bill Toomey, 3 pp**
- F – HB 2405, written testimony submitted for Barry Kast by Bob Nikkel, dated 3/14/01, 1 p**
- G – HB 2405, written testimony submitted by John McCulley, dated 4/2/01, 1 p**

H – HB 2405, written testimony submitted by Dennis Ekanger, 2 pp
I – HB 2405, written testimony submitted by Bob Joondeph, 1 p
J – HB 2396, -1 amendments submitted by staff, dated 4/2/01, 4 pp