

HOUSE COMMITTEE ON JUDICIARY

January 26, 2001
8a.m.

Hearing Room 357
Tapes 6 & 7

MEMBERS PRESENT: Rep. Max Williams, Chair
Rep. Jo Ann Bowman, Vice Chair
Rep. Wayne Kreiger, Vice Chair
Rep. Robert Ackerman
Rep. Vic Backland
Rep. Kathy Lowe
Rep. Charlie Ringo
Rep. Lane Shetterly
Rep. Cheryl Walker
Rep. Vicki Walker
Rep. Carl Wilson

STAFF PRESENT: Bill Taylor, Counsel
Shannon Reed, Assistant

MEASURE/ISSUES HEARD: Introduction of LC Drafts 1699, 2126, 2321, 2501
HB 2092 Work Session
HB 2099 Work Session
HB 2100 Work Session
HB 2333 Work Session
HB 2334 Work Session
HB 2338 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 6, A		
003	Chair Williams	Opens meeting at 8:05 a.m.
008	Counsel Taylor	Introduces LC 2501, which prohibits discrimination by public bodies against persons with disabilities; LC 2321, which modifies incidents that are not material to real property transaction, LC 2126, which subordinates all liens, mortgages, judgements, security interests and encumbrances, LC 1699, which expands class of persons authorized to perfect claim of lien for professional services rendered in constructing improvement to land (EXHIBIT B-E).
029	Chair Williams	MOTION: Moves LC's: 2501, 2321, 2126, 1699 BE INTRODUCED as committee bills.
032	CcjChair Williams	VOTE: 11-0 Hearkjadskfja;skldfjalsjdfllaks Hearing no objection, declares the motion CARRIED .

035	Chair Williams	Chair	Opens a work session on HB 2092A.
<u>HB 2092A Work Session</u>			
037	Counsel Taylor		Introduces HB 2092A relating to crime; creating new provisions; and amending ORS 163.095.
065	Chair Williams		Highlights the discussion of this bill in sub-committee. Explains that the major objection by committee members was related to the public policy distinction or lack there of regarding aggravated murder.
082	Rep. Ringo		States that he will oppose the bill because he does not favor expansion of the Oregon death penalty.
085	Rep. Lowe		Comments that this bill would result in expansion of the application of the death penalty to a broader category of people, when the American Bar Association is seeking a moratorium from all states on expanding the death penalty.
105	Rep. Shetterly		Remarks that he will be supporting this bill to get it out of committee but will not support it when it reaches the floor as he does not support the death penalty.
110	Vice Chair Bowman		Expresses her appreciation for the tenor of the discussion on such an important issue, but states that she will not be supporting this legislation because of opposing the death penalty.
123	Chair Williams		States that he understands and respects peoples view with regard to the death penalty, however, he feels the concerns about the death penalty with respect to this bill, should not warrant its absolute opposition. Aggregated murder is the charge, and the death penalty is only one possible result.
151	Rep. C. Walker		States that when she looks at expansion of criminal statutes, she questions if it will improve our system, and she believes this bill will not.
169	Rep. Ackerman		States that principals of criminal justice should be based on reformation not execution; therefore, he will vote against passing this bill to the floor.
176	Rep. Wilson		Says that he supports the chair's comments and supports the passage of this bill to the floor.
189	Chair Williams		MOTION: Moves HB 2092A to the full committee with a DO PASS recommendation. VOTE: 6-5 AYE: 6 - Backlund, Shetterly, C. Walker, Wilson, Krieger, Williams NAY: 5 - Ackerman, Bowman, Lowe, Ringo, V. Walker
201	Chair Williams		The motion Carries. REP. WILLIAMS will lead discussion on the floor.
202	Chair Williams		Closes work session on HB 2092A and opens a work session on HB 2099.
<u>HB 2099 WORK SESSION</u>			
<u>215</u>	<u>Counsel Taylor</u>		<u>Introduces HB 2099 relating to extradition; prescribing an effective date. Explains that the measure allows law enforcement to extradite to another state any individual who has broken the terms of the individual's security release, probation, parole, or other release agreement in the other state without the requirement of a warrant under certain conditions.</u>

231	<u>Rep. Ackerman</u>	<u>Explains that in the current law an individual can only waive an extradition hearing before a judge. HB 2099 would allow recognition of a waiver not signed before a judge. Oregon is unable, without a statutory change in the law, to recognize waivers from other states.</u>
277	Rep. Lowe	States that it is her understanding that criminal defense lawyers were opposed to this legislation, because the waiver may not be voluntary.
293	Rep. Ackerman	Replies that the people to whom this would apply are on parole or probation, so they have not signed anything as a condition of release. They have signed a waiver as a condition to travel to another state, and this would not challenge the voluntary effect of the waiver under those circumstances because they are still under the jurisdiction of the court.
314	Vice Chair Bowman	MOTION: Moves HB 2099 to the floor with a DO PASS recommendation. VOTE: 9-0-2 AYE: 9 - Ackerman, Backlund, Bowman, Krieger, Lowe, Ringo, Walker C, Walker V, Williams EXCUSED: 2 - Shetterly, Wilson
331	Chair Williams	The motion CARRIES. ACKERMAN will lead discussion on the floor.
335	Chair Williams	Closes the work session on HB 2099 and opens a work session on 2100.
<u>HB 2100 WORK SESSION</u>		
340	Rep. V. Walker	Gives explanation that the bill allows the Department of Corrections or the county sheriff to release an inmate whose sentence ends on a weekend or a holiday two or three days before the release date so that the inmate's actual release is not on a weekend or holiday.
377	Vice Chair Bowman	Acknowledges that this bill requires a two-thirds vote in both houses to pass.
381	Chair Williams	Explains further that this would require some discretion on the part of the Department of Corrections to release early, including Ballot Measure 11 offenses. For this reason, a two-thirds vote is required. Further states that the Oregon Law Enforcement Committee and the Oregon District Attorneys Association have not objection to this bill.
421	Rep. V. Walker	MOTION: Moves HB 2100 to the floor with a DO PASS recommendation. VOTE: 9-0-2 AYE: 9 - Ackerman, Backlund, Bowman, Krieger, Lowe, Ringo, Walker C, Walker V, Williams EXCUSED: 2 - Shetterly, Wilson
439	Chair Williams	The motion CARRIES. V. WALKER will lead discussion on the floor.
463	Chair Williams	Closes the work session on HB 2100 and opens a work session on HB 2333.
<u>HB 2333 WORK SESSION</u>		
470	Counsel Shartel	Introduces HB 2333 requiring state courts to report status of delinquent accounts and collection efforts to Legislative Fiscal

Office. States that under current law, financial reporting and debt collection requirements are different for the executive and judicial branches and this bill would align the requirements.

TAPE 7,A

086	Rep. Backlund	Reports that this bill passed out of sub-committee with a 5-0 vote and states that there was a considerable amount of discussion, and feels this is a housekeeping measure.
090	Rep. Backlund	MOTION: Moves HB 2333 to the floor with a DO PASS recommendation.
095	Vice Chair Bowman	Asks if the appropriate motion for this bill should be to the Ways and Means Committee rather than to the floor.
102	Chair Williams	Reviews the fiscal impact statement with the committee and asks for additional information from Kingsley Click.
122	Kingsley Click	State Court Administrator States that the fiscal impact warrants review by Ways and Means.
140	Rep. Backlund	MOTION: Rescinds his earlier motion and Moves HB 2333 to the Ways and Means Committee with a DO PASS recommendation.
	Chair Williams	VOTE: 9-0-2
152	Chair Williams	EXCUSED: 2 - Shetterly, Wilson
155	Chair Williams	Hearing no objection, declares the motion CARRIED. Closes the work session on HB 2333 and opens a work session on HB 2334.

HB 2334 WORK SESSION

160	Counsel Shartel	Introduces HB 2334 establishing a revolving account (PAIR) that would consist of appropriating monies from various sources to be used for making loans, grants, cash awards, etc. to state courts. Says that the bill has a subsequent referral from Ways and Means and was passed unanimously out of sub-committee.
186	Rep. Lowe	Discusses implementation of services that could be provided through passage of this bill.
227	Rep. Ackerman	Asks what would be a documented budget saving resulting from increased efficiencies.
260	Counsel Shartel	Gives an example that was discussed in sub-committee.
278	Kingsley Click	Explains that there are checks and balances as to the efficiencies of departments through reports prepared and reviewed by the budget committee for consideration of possible improvements.
307	Rep. Ringo	Expresses concerns about creating a fund where there is a lot of discretion, and asks who would make the decision as to how savings would be allocated.
350	Chair Williams	Concurs that the he has concerns about implementation of the program suggested in this bill. Explains that sub-section 5, section 2 on page 2 of the bill does outline the method of reporting efficiencies so that the legislature would have an oversight mechanism for review.
408	Vice Chair Bowman	Explains her concern about the potential for people to be discouraged from performing their civic duty, i.e., jury duty, so that money does not have to be spent. Indicates she would prefer jurors be paid a "living wage." Further states she has a problem with not having a fiscal on this bill.

TAPE 6, B

011	Rep. Ackerman	Asks again about efficiencies and how they would be employed.
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026	Click	Replies that in the circuit court they are paid by the State.
029	Rep. Krieger	Asks if there are other types of discretionary accounts within state budgets.
034	Click	Explains that Ways and Means would appropriate funds, and is not aware of other agencies' discretionary accounts.
052	Rep. Lowe	Asks what happens to the money that a juror refuses because he is receiving compensation already from his employer.
070	Click	Replies that, as it stands now, it goes back into the general fund.
093	Susan Klosterman	Finance Director, State Court Administrator's Office
108	Rep. Lowe	Says that the waived fees currently do stay with the general fund. Reads to the committee ORS 10.075 page 103, Vol. 1 regarding payment to jurors and amounts waived.
128	Click	Explains that ORS 10.075 is a management tool that puts funds into one account for access.
133	Chair Williams	Closes the work session on HB 2334 and opens a work session on HB 2338.
<u>HB 2338 WORK SESSION</u>		
142	Counsel Shartel	Introduces HB 2338 explaining that it is a technical change that addresses deadlines for when a motion to correct a transcript is due under certain circumstances.
187	Rep. V. Walker	Asks if anyone from the Court Reporters Association testified on behalf of this bill.
195	Counsel Shartel	Replies, no.
198	Jim Nass	Legal Counsel for Appellate Courts
		States that he did not receive any negative feedback on this bill.
218	Kingsley Click	Mentions that in a meeting yesterday with Dave Barrows, who represents the Court Reporters Association, he supported the bill.
240	Vice Chair Bowman	MOTION: Moves HB 2338 to the floor with a DO PASS recommendation.
		VOTE: 9-0-2
		EXCUSED: 2 - Shetterly, Wilson
244	Chair Williams	Hearing no objection, declares the motion CARRIED. SHETTERLY will lead discussion on the floor.
248	Vice Chair Bowman	MOTION: Moves HB 2338 be placed on the consent calendar.
		VOTE: 9-0-2
		EXCUSED: 2 - Shetterly, Wilson
259	Chair	Hearing no objection, declares the motion CARRIED. C. WALKER will be the backup
268	Chair Williams	Adjourns the meeting at 9:26 a.m.

Transcribed By,

Reviewed By,

Jane Bodenweiser,
Committee Assistant

Bill Taylor,
Counsel

EXHIBIT SUMMARY

- A – HB 2092, written testimony submitted by Kathleen Pugh, dated 1/26/01, 1p.**
- B – LC Draft 1699 submitted by staff, dated 1/02/01, 9 pgs.**
- C – LC Draft 2126 submitted by staff, dated 1/11/01, 2 pgs.**
- D – LC Draft 2321 submitted by staff, dated 1/28/01, 2 pgs.**
- E – LC Draft 2501 submitted by staff, dated 1/22/01, 5 pgs.**

Submitted By,

Shannon Reed/Ann Martin,
Administrative Support

Reviewed By,

Bill Taylor,
Counsel

EXHIBIT SUMMARY

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