

HOUSE COMMITTEE ON JUDICIARY

May 11, 2001
8:00 a.m.

Hearing Room 357
Tapes 55 - 57

MEMBERS PRESENT: Rep. Max Williams, Chair
Rep. Wayne Kreiger, Vice Chair
Rep. Kathy Lowe, Vice Chair
Rep. Robert Ackerman
Rep. Vic Backlund
Rep. Jackie Dingfelder
Rep. Charlie Ringo
Rep. Lane Shetterly
Rep. Cheryl Walker
Rep. Vicki Walker
Rep. Carl Wilson

STAFF PRESENT: Bill Taylor, Counsel
Andrea Shartel, Counsel
Shannon Reed, Committee Assistant

MEASURE/ISSUES HEARD: HJR 58 Work Session
HB 3035 Work Session
HB 2801 Work Session
SB 227A Work Session
HB 3967 Work Session
SB 342A Work Session
SB 352 Work Session
SB 353A Work Session
SB 415A Work Session
SB 655A Work Session
SB 656 Work Session
SB 318A Work Session
HJR 66 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 55, A		
003	Chair Williams	Calls the meeting to order at 8:10 a.m. and opens a work session on HJR 58, relating to criminal forfeiture upon conviction.
<u>HJR 58 WORK SESSION</u>		
008	Chair Williams	Discusses the issues of HJR 58 (EXHIBIT A).
041	Chair Williams	MOTION: Moves HJR 58 be sent to the floor with a BE

ADOPTED recommendation.

- 042 **VOTE: 8-0-3**
EXCUSED: 3 - Shetterly, V. Walker, Wilson
- 043 **Chair Williams** **Hearing no objection, declares the motion CARRIED.**
REP. WILLIAMS will lead discussion on the floor.
- 050 **Chair Williams** Closes the work session on HJR 58 and opens a work session on HB 3035, relating to unlawful administration of controlled substance.

HB 3035 WORK SESSION

- 052 **Counsel Taylor** Explains HB 3035-2 amendments (**EXHIBIT B**).
- 057 **Chair Williams** Asks if the -2 amendments were agreed upon by the Criminal Defense Lawyer's Association and Bill Houser.
- 069 **Counsel Taylor** Responds he thinks Mr. Houser views them as an improvement.
- 077 **Chair Williams** **MOTION: Moves HB 3035 to the Ways and Means committee with a DO PASS recommendation.**
- 083 **Chair Williams** **Hearing no objection, declares the motion CARRIED.**
VOTE: 8-0-3
EXCUSED: 3 – Shetterly, V. Walker, Wilson
- 087 **Chair Williams** Closes the work session on HB 3035 and opens a work session on HB 2801, relating to change of payee of child support payments.

HB 2801 WORK SESSION

- 088 **Counsel Taylor** Explains HB 2801 -1 amendments (**EXHIBIT C**).
- 097 **Chair Williams** Presents issues discussed in earlier meetings with the committee.
- 122 **Rep. Krieger** Asks how they collect the money.
- 128 **Chair Williams** Responds they get the information to allow for the collection.
- 133 **Rep. Ringo** Asks how the mechanics of collection works.

144	Counsel Taylor	Responds the collection agency will not receive the money.
155	Rep. Ringo	Asks for further clarification about payment of child support by those who are paid under the table.
163	Rep. Rob Patridge	House District 50 Testifies in support of HB 2801 and requests a referral to Ways and Means.
193	Chair Williams	MOTION: Moves HB 2801 to the floor with a DO PASS recommendation.
195	Rep. Lowe	Comments that she is concerned with some of the issues in this bill and will vote no.
196		VOTE: 7-1-3 AYE: 7 - Ackerman, Backlund, Dingfelder, Krieger, Ringo, Walker C, Williams NAY: 1 - Lowe EXCUSED: 3 – C. Walker, V. Walker, Wilson The motion CARRIES.
197	Chair Williams	
222	Chair Williams	Hearing no other objection, declares the motion CARRIED.
224	Chair Williams	Closes the work session on HB 2801 and opens a work session on SB 227, relating to sexual assault of an animal.
<u>SB 227A WORK SESSION</u>		
226	Counsel Taylor	Explains SB 227-A3, -A4 and -A5 amendments (EXHIBIT D).
248	Rep. Shetterly	Discusses the A-4 amendments and asks why they are elevating this crime against animals to be of a higher degree than that of sex crimes against individuals.
285	Rep. Dingfelder	Asks if this discussion came up in the Senate Hearing.
288	Counsel Taylor	Responds he does not know, defers to Craig Prins.
298	Counsel Craig Prins	Senate Counsel Says this didn't come up in the

311	Rep. Krieger	Senate discussion of SB 227. Comments he agrees with Rep. Shetterly.
318	Rep. Lowe	Comments that she feels there would be more jail time if it is classified at a higher degree.
328	Rep. Ackerman	Comments on the Court's discretion, perhaps that would be a compromise in order to get the bill through.
340	Chair Williams	Responds that he does not agree with Rep. Shetterly, he feels that the people who would be involved in this type of activity need to be punished at a higher degree.
370	Rep. Shetterly	Comments he won't hold the bill up, agrees that this type of offense is a precursor to abusing individuals but it still seems odd that the penalty is stiffer than the penalty for abusing individuals.
400	Rep. Ackerman	Says he supports the A-4 amendments.
410	Rep. Ringo	States he supports the A-4 amendments as well.
424	Counsel Prins	Comments on other felony crimes against animals that are still on the books.

TAPE 56, A

019	Rep. Shetterly	Discusses the felony statutes of the A-4 amendments.
032	Chair Williams	Discusses the A-5 amendments.
055	Rep. Ringo	Says he will not support the A-5 amendments.
068	Rep. Ringo	Comments that the language contains a loophole.
097	Rep. Shetterly	Comments about the exceptions for animal husbandry.
104	Rep. Lowe	Wants it to be a C felony, to go forward as written.
114	Rep. Lowe	MOTION: Moves to ADOPT SB 227A-4 amendments dated 05/10/01.
		VOTE: 6-2-3
		AYE: 6 - Ackerman, Dingfelder, Krieger, Ringo, Shetterly, Wilson

- 115 Chair Williams
134 Sen. Shetterly
- NAY: 2 - Lowe, Williams
EXCUSED: 3 - Backlund, C. Walker, V. Walker
The motion CARRIES.
- MOTION: Moves to ADOPT SB 227A-3 amendments dated 05/09/01.
VOTE: 9-0-2
EXCUSED: 2 - C. Walker, Wilson
Hearing no objection, declares the motion CARRIED.
- 135 Chair Williams
- MOTION: Moves SB 227A to the floor with a DO PASS AS AMENDED recommendation.
VOTE: 9-0-2
EXCUSED: 2 - C. Walker, Wilson
Hearing no objection, declares the motion CARRIED.
REP. WILLIAMS will lead discussion on the floor.
- 154 Chair Williams
- 155 Chair Williams
- 169 Chair Williams
- Closes the work session on SB 227A and opens up a work session on HB 3967, relating to creating a statewide mediation program for juveniles.

HB 3967 WORK SESSION

- 172 Counsel Taylor
- 178 Chair Williams
- 197 Chair Williams
- 198 Chair Williams
- Explains HB 3967 (**EXHIBIT E**).
- Discusses HB 3967.
- MOTION: Moves HB 3967 to the floor with a DO PASS recommendation.
VOTE: 9-0-2
EXCUSED: 2 - Backlund, C. Walker
Hearing no objection, declares the motion CARRIED.
REP. WILLIAMS will lead

discussion on the floor.

217 Chair Williams Closes the work session on HB 3967 and opens a work session on SB 342, relating to recovery of crime victim's compensation.

SB 342A WORK SESSION

224 Counsel Taylor Explains SB 342A (**EXHIBIT F**).

240 Rep. Ackerman **MOTION: Moves SB 342A to the floor with a DO PASS recommendation.**

VOTE: 9-0-2

EXCUSED: 2 – Dingfelder, C. Walker

252 Chair Williams **Hearing no objection, declares the motion CARRIED.**

REP. ACKERMAN will lead discussion on the floor.

254 Chair Williams Closes the work session on SB 342A and opens a work session on SB 352, relating to expansion of time period in which claims can be made by victims of crime.

SB 352 WORK SESSION

257 Counsel Taylor Explains SB 352 (**EXHIBIT G**).

272 Rep. Wilson **MOTION: Moves SB 352 to the floor with a DO PASS recommendation.**

VOTE: 10-0-1

EXCUSED: 1 – C. Walker

290 Chair Williams **Hearing no objection, declares the motion CARRIED.**

REP. KRIEGER will lead discussion on the floor.

293 Chair Williams Closes the work session on SB 352 and opens a work session on SB 353A, relating to time limits for crime victims' compensation claims.

SB 353A WORK SESSION

295 Counsel Taylor Explains SB 353A (**EXHIBIT H**).

300 Rep. V. Walker Discusses SB 353A.

325 Rep. V. Walker **MOTION: Moves SB 353A to the floor with a DO PASS**

recommendation.

VOTE: 10-0-1

- 335 **Chair Williams** **EXCUSED: 1 – C. Walker**
Hearing no objection,
declares the motion
CARRIED.
- 339 Chair Williams **REP. V. WALKER will lead**
discussion on the floor.
Closes the work session on SB
353A and opens a work session
on SB 415A, relating to
extension of employment
period before certification.

SB 415A WORK SESSION

- 347 Counsel Taylor Explains SB 415A and
discusses -A3 amendments
(EXHIBIT I).
- 395 Vice Chair Krieger Discusses bill.
- 403 **Vice Chair Krieger** **MOTION: Moves SB 415A**
to the floor with
a DO PASS AS
AMENDED
recommendation.
- 405 **Chair Williams** **VOTE: 10-0-1**
EXCUSED: 1 - C. Walker
Hearing no objection,
declares the motion
CARRIED.
REP. KRIEGER will lead
discussion on the floor.
- 425 Chair Williams Closes the work session on SB
415A and opens a work session
on SB 655A, relating to
expansion of crime of criminal
trespass.

SB 655A WORK SESSION

- 427 Counsel Taylor Explains SB 655A **(EXHIBIT**
J).
- 436 Chair Williams Discusses SB 655A.
- 458 **Chair Williams** **MOTION: Moves SB 655A**
to the floor with a DO PASS
recommendation.
VOTE: 10-0-1
- 460 **Chair Williams** **EXCUSED: 1 – C. Walker**
Hearing no objection,
declares the motion
CARRIED.
REP. WILSON will lead
discussion on the floor.

TAPE 55B

020 Chair Williams Closes the work session on SB 655A and opens a work session on SB 656, relating to expansion of crime of child neglect.

SB 656 WORK SESSION

023 Counsel Taylor Explains SB 656 (**EXHIBIT K**).

027 Vice Chair Krieger Discusses SB 656.

038 Vice Chair Krieger **MOTION: Moves SB 656 to the floor with a DO PASS recommendation.**
VOTE: 9-0-2

048 Chair Williams **EXCUSED: 2 – C. Walker, Wilson**
Hearing no objection, declares the motion CARRIED.

REP. KRIEGER will lead discussion on the floor.

055 Chair Williams Closes the work session on SB 656 and opens a work session on SB 318A, relating to possession of lottery tickets from neighboring states.

SB 318A WORK SESSION

056 Counsel Taylor Explains SB 318A (**EXHIBIT L**).

060 Rep. V. Walker Further discussion of SB 318A.

084 Rep. V. Walker **MOTION: Moves SB 318A to the floor with a DO PASS recommendation.**
VOTE: 9-0-2

092 Chair Williams **EXCUSED: 2 – C. Walker, Wilson**
Hearing no objection, declares the motion CARRIED.

REP. V. WALKER will lead discussion on the floor.

097 Chair Williams Closes the work session on SB 318A and opens a public hearing on HJR 66, relating to the proposal to amend the constitution to establish control over the Oregon Lottery.

HJR 66 PUBLIC HEARING

105 Chair Williams Explains the constitutional basis leading to HJR 66

(EXHIBIT M).

- 139 Rep. Dingfelder Asks about future ballot measures impact on lottery distribution
- 150 Chair Williams Says that it would not limit future lottery dedications.
- 180 Rep. Lowe Asks about administrative rules and potential audit powers.
- 216 Chair Williams Says that the lottery is being well run, and wants the legislatures to have some public policy consideration of budgeted funds.
- 237 Rep. Wilson Supports Rep. Williams concepts and wants some level of control outside the lottery commission.
- 259 Rep. Shetterly Asks about appropriation and discretion of Lottery.
- 267 **Chris Lyons** **Lottery Commission**
Responds about expenses and sales and the distribution of lottery funds. Says they do have budgets overseen by the Governor's office and board.
- 331 **David Hooper** **Lottery Commission**
Testifies about the statute requiring return of money to players.
- 342 Rep. Ringo Comments on the lack of control Oregon citizens have over the Lottery. Says he has concerns about gambling, addiction and advertising.
- 357 Rep. V. Walker Asks about the commission oversight board.
- 371 Lyons Explains terms and conditions for board membership and current board make-up.
- 400 Rep. V. Walker Asks about the specific legislative oversight.
- 410 Lyons Explains legislative oversight as it currently exists and that they are no different than any state other agency.
- 440 Rep. Shetterly Asks if the legislature has the ability to overrule "the rule" with the Lottery.
- 450 Lyons Responds that they do.
- 460 Rep. Lowe Comments that she feels legislative oversight is necessary but commends the Lottery on doing a good job

and feels it is well run.

TAPE 56, B

028	Lyons	Continues with discussion of HJR 66.
082	Chair Williams	Asks about ability of legislature to pass prohibiting statutes.
088	Lyons	Responds they could pass a prohibitive statute but the Lottery does have the ability to ignore it, however, the lottery has never ignored a statutory directive and they will do what they are told to do.
097	Rep. Dingfelder	Asks about Ways and Means process now.
102	Lyons	Responds they do not come before the Ways and Means Committee presently and she is not sure what will be required if this oversight bill passes.
123	Chair Williams	Asks about legislature prohibiting institutional advertising and would the constitution allow that.
145	Lyons	Responds it would.
151	Chair Williams	Asks if the legislature were to require more money to the general fund beyond the 15%, would it be unconstitutional.
173	Lyons	Clarifies they keep 16% for administration. It would be unconstitutional for the state to ask for more as they are required to return 84% to the players.
190	Chair Williams	Asks if the Lottery Commission makes the decisions on the excess money.
194	Lyons	Answers yes.
196	Rep. Ringo	Asks about the scope of the money that goes into the economic development fund.
200	Lyons	Says that Economic Development is the general term of where the money goes.
203	Rep. Ringo	Asks about the scope of legislative authority and is trying to clarify who has the final say over the games being offered.
210	Lyons	Responds she did not mean to imply the Lottery Commission

		does not listen to the legislature, she misspoke.
230	Rep. Ringo	Clarifies their intentions of statutory guidelines.
240	Lyons	Comments about restrictions.
247	Rep. V. Walker	Asks about gambling treatment programs.
256	Lyons	Responds they did direct money to that program.
269	Rep. V. Walker	Comments about a bill that will change the mission of the Lottery.
288	Rep. Shetterly	Discusses unduly restricting the lottery and actions.
304	Lyon	Explains the restrictions that the commission has with respect to the constitution.
323	Chair Williams	Asks about money spent investigating and testing of line games.
335	Lyons	Says about \$1-1 ½ mil in the last two years.
348	Chair Williams	Asks about money to help gambling addiction.
363	Hooper	Responds they hired some researchers to study gambling and its impact.
376	Chair Williams	Asks about the increase in video poker profits.
381	Lyons	Responds between 5-10% over the last 2-3 years. \$402 mil in 1999, \$436 mil in 2000 and close to \$460 mil for this year and reports that video poker is their strongest game.
418	Chair Williams	Asks about the current \$40 mil and its restriction, would they do what was asked by the legislature if they wanted to put it into the General Fund.
435	Lyons	Responds they would have to analyze the ramifications of the restriction.
445	Chair Williams	Asks if they have a prediction of the analysis, would the Lottery go along with the legislature.
TAPE 57A		
003	Lyons	Continues discussion on HJR 66 and says that they would consult with the Executive Branch and the Governor and believes the Lottery would do

014	Rep. V. Walker	what the Legislature asks them to. Asks if Chair Williams had asked the Attorney General for an opinion on this bill.
016	Chair Williams	Responds that Mr. Hooper asked for the opinion.
022	Chair Williams	Closes the public hearing and adjourns the meeting at 10:30 a.m.

Transcribed By,

Ruth Ann Stellmacher
Committee Assistant

Submitted By,

Ann Martin
Committee Assistant

Reviewed By,

Bill Taylor,
Counsel

EXHIBIT SUMMARY

A – HB 3035-2 amendments, submitted by staff, dated 5-9-01, 1 pg.

B – HB 2801, -1 amendments, submitted by staff, dated 4-19-01, 1 pg.

C – SB 227-A3, -A4 & -A5 amendments, submitted by staff, dated 5-09-01, 5-10-01 and 5-10-01, 12 pgs.

D – SB 415-A3 amendments, submitted by staff, dated 4-16-01, 2 pgs.