

SENATE COMMITTEE ON JUDICIARY

March 28, 2001 Hearing Room 343

1:00 p.m. Tapes 75-76

MEMBERS PRESENT: **Sen. John Minnis, Chair**
 Sen. Peter Courtney, Vice-Chair
 Sen. Roger Beyer
 Sen. Verne Duncan
 Sen. Steve Harper
 Sen. Rick Metsger

MEMBER EXCUSED: **Sen. Ginny Burdick**

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

MEASURE/ISSUES HEARD: **SB 899 Public Hearing**
 HB 2609 A Public Hearing
 SB 220 Work Session
 SB 890 Public Hearing and 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 75, A		
005	Chair Minnis	Calls the meeting to order at 1:05 p.m. and opens a public hearing on SB 899.
<u>SB 899 PUBLIC HEARING</u>		
008	Rep. Tom Butler	House District 60 Testifies in support of SB 899 which directs state court administrator to establish benchmark collection rate for purpose of evaluating success of judicial districts in collecting on monetary obligations imposed under criminal judgements. Says that the benchmark rate would be based on the county with the highest rate of collections plus 5%. Says that he is not adverse to some language that would allow for funding of technical support to aid in collections.
113	Sen. Duncan	Wonders if there are differences among counties with regard to work- load, and if this would put some counties at a disadvantage.
126	Rep. Butler	Replies it is anticipated that this bill would not reduce any revenues to the state, and if the State Court Administrator's Office was aware that any county might need assistance with collections, it would be provided.
161	Sen. Harper	Says that it appears that there are no penalties in this bill, just rewards.
163	Rep. Butler	Replies that this bill has no downside to the state.
179	Sen. Metsger	Asks about the benchmark level in the average county.

185	Rep. Butler	Replies that the levels vary from in the teens to the 70's.
177	Bradd Swank	State Court Administrator's Office Testifies in opposition to SB 899. Says that this bill is based on a misunderstanding of the process of court collections. Says that the State Court Administrator's Office has been working with the Ways and Means Committee on the collections and accounting issues. Says the goal of this work is to create a single accounting system for all circuit courts.
388	Chair Minnis	Asks what the collection rate is statewide.
392	Swank	Replies it is roughly 75%.
409	Chair Minnis	Talks about SB 70, which would authorize new judges and says that some have implied that they would rather have more support staff. Asks about the \$90 million backlog of entries and wonders why nothing is being done.
423	Swank	Replies that the ability to collect is directly related to the resources available to enter the data.
484	Counsel Odell	Questions if it is correct that Multnomah circuit court also operates as a municipal court and handles parking fines and other things that in another county would be handled by a municipal court.
492	Swank	Replies, yes.
495	Counsel Odell	Asks if municipal fines are under the same distribution scheme as described.
498	Swank	Says it is his understanding that the city gets half, and the state gets half.
TAPE 76, A		
055	Swank	Says there are a few technical problems with SB 899.
096	Sen. Metsger	Asks where in this bill there is a change in the distribution system.
107	Swank	Says it sets a bad precedent.
139	Sen. Beyer	Asks for a breakdown county-by-county of collections rates.
141	Swank	Says he does not have a breakdown county-by-county.
158	Sen. Beyer	Asks for a dollar amount statewide.
161	Swank	Says he cannot currently produce that information.
196	Sen. Harper	Wonders if he called Klamath County court they might be able to provide information about outstanding collections.
202	Susan Klosterman	Finance Director, Oregon Judicial Department Explains the Department's accounting procedures, and states that there is currently no collectability factor by each court.
231	Sen. Harper	Wonders if incentives wouldn't aid in collections at the local level.
235	Klosterman	Replies that they do interact and that most of the good ideas as far as improving collection systems do come from the courts.
246	Swank	Says that an enterprise fund bill has been introduced that would provide money back to the local courts.
260	Chair Minnis	Asks for any statewide reports on collections that are available.
263	Klosterman	Says that she will get those reports for him.
276	Chair Minnis	Asks why something hasn't been done to collect.
278	Klosterman	Says that legislative approval is needed.
313	Chair Minnis	Closes the public hearing on SB 899 and opens a public hearing on HB 2609A

HB 2609 A PUBLIC HEARING

316 **Greg Chaimov**

Legislative Counsel

335	Chair Minnis	Submits testimony and testifies in support of HB 2609A that makes technical changes in Oregon law (EXHIBIT A). Closes the public hearing on HB 2609A and opens a work session.
<u>HB 2609A WORK SESSION</u>		
337	Counsel Odell	Explains the -2 amendments to HB 2609A (EXHIBIT B).
344	Vice Chair Courtney	MOTION: Moves to ADOPT HB 2609A-2 amendments dated 3/27/01. VOTE: 6-0-1 EXCUSED: 1 – Burdick Hearing no objection, declares the motion CARRIED.
353	Chair Minnis	MOTION: Moves HB 2609A to the floor with a DO PASS
354	Vice Chair Courtney	AS AMENDED recommendation. VOTE: 6-0-1 EXCUSED: 1 – Burdick Hearing no objection, declares the motion CARRIED.
358	Chair Minnis	DUNCAN will lead discussion on the floor.
360	Chair Minnis	Closes HB 2609A and reopens a public hearing on SB 899.
<u>SB 899 PUBLIC HEARING RE-OPENED</u>		
368	Michael Dugan	District Attorney, Deschutes County Testifies in support of SB 899 with one exception. Says that tying salaries of district attorneys to the increase collection of fines is a conflict.
TAPE 75, B		
020	Sen. Harper	Suggests that the committee consider a block grant if we get into the fund disposition.
041	Paul Snyder	Association of Oregon Counties Testifies in support of SB 899. Says that the bill supports an increase in district attorneys salaries and is a top priority for the Association.
082	Chair Minnis	Says this bill will be held over to be heard with SB 70 relating to courts.

101	Chair Minnis	Closes the public hearing on SB 899 and opens a work session on SB 220.
<u>SB 220 WORK SESSION</u>		
103	Counsel Odell	Introduces SB 220 that changes the process for appeal of decisions of voluntary organizations that administer interscholastic activities. Presents the –1 amendments for consideration (EXHIBIT C).
147	Don Carter	Oregon School Athletic Association Gives some background on similar bills passed in 1987 and 1993 related to the appeal process.
168	Counsel Odell	Explains the hearings process.
176	Vice Chair Courtney	MOTION: Moves to ADOPT SB 220-1 amendments dated 3/19/01.
179	Sen. Beyer	Asks for further clarification of the hearings process.
200	Counsel Odell	Responds. VOTE: 6-0-1 EXCUSED: 1 – Burdick
202	Chair Minnis	Hearing no objection, declares the motion CARRIED.
205	Vice Chair Courtney	MOTION: Moves SB 220 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 6-0-1 EXCUSED: 1 – Burdick
210	Chair Minnis	Hearing no objection, declares the motion CARRIED. COURTNEY will lead discussion on the floor.
218	Chair Minnis	Closes the work session on SB 220 and opens a public hearing on SB 890.
<u>SB 890 PUBLIC HEARING</u>		
228	David Nebel	Oregon Law Center Submits testimony and testifies in opposition to SB 890 which limits weight court may give certain financial evidence in child custody case (EXHIBIT D). Says there is a concern that mention of financial ability to support the child as a factor will lead to its over-emphasis.
312	Counsel Odell	Says there is another bill currently before the House that was proposed during the interim based on a recent US Supreme Court case that sets up a new way of evaluating these cases, and suggests waiting for that bill to reach the committee.
336	Vice Chair Courtney	Asks for clarification of Mr. Nebel’s interpretation of the bill regarding equal weight being given financial consideration.
353	Nebel	Replies that the court could very well interpret the bill that way. Contends that if financial consideration was not mentioned, it would be a lesser consideration.
391	Chair Minnis	Closes the public hearing on SB 890 and adjourns the meeting at 2:30 p.m.

Submitted By,

Reviewed By,

Jane Bodenweiser,
Committee Assistant

Marilyn Odell,
Counsel

EXHIBIT SUMMARY

A – HB 2609A, written testimony submitted by Greg Chaimov, dated 3/18/01, 1 p

B – HB 2609A, -2 amendments submitted by staff, dated 3/27/01, 8 pp

C – SB 220, -1 amendments submitted by staff, dated 3/19/01, 1 p

D – SB 890, written testimony submitted by David Nebel, dated 3/28/01, 2 pp

E – SB 890, written testimony submitted by Velma Hartwig, dated 3/28/01, 1 p