SENATE COMMITTEE ON JUDICIARY

April 17, 2001 Hearing Room 343 1:00 p.m. Tapes 98 - 99

MEMBERS PRESENT: Sen. John Minnis, Chair

Sen. Peter Courtney, Vice Chair

Sen. Roger Beyer Sen. Ginny Burdick Sen. Steve Harper Sen. Rick Metsger

MEMBER EXCUSED: Sen. Verne Duncan

STAFF PRESENT: Marilyn Odell, Counsel

Craig Prins, Counsel

Annola DeJong, Committee Assistant

MEASURE HEARD: SB 956 Public Hearing

SB 353 Public Hearing SB 140 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 98, A		
004	Chair Minnis	Calls the meeting to order at 1:13 p.m. and opens a public hearing on SB 956.
SB 956 PU	BLIC HEARING	
008	Sen. Rick Metsger	Senate District 14
048	Randy Bruegman	Testifies in support of SB 956 which allows a person to bring civil action against owner or operator of equipment that causes interference with radio communications sent or received by public safety agency if interference results in injury, death or damage to plaintiff. Chief, Clackamas County Fire District No. 1
		Submits testimony and testifies in support of SB 956 (EXHIBIT A).
121	Sen. Beyer	Asks if the frequencies are regulated by the FCC.
126	Joe Kern	Washington County 911
134 139	Sen. Beyer Kern	States the frequencies are regulated by the FCC, however the technical uses are not defined. Verifies the cell phone systems are federally licensed. Agrees. Reports the effects of placing a high powered transmitter near a low powered receiver have not been tested.
147	Chair Minnis	States the question facing the committee is if there are solutions to the usage problem.

Submits testimony and testifies in support of SB 956 (EXHIBIT B).	158	Jeff Johnson	Chief, Tualatin Valley Fire and Rescue
Chair Minnis			Submits testimony and testifies in support of SB 956 (EXHIBIT
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226 Counsel Odell Agrees with Sen. Minnis Testifies in support of SB 956.	209	Chair Minnis	•
234 Ron Goodpaster Chief, Tigard Police Department Testifies in support of SB 956.	226	Counsel Odell	
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046	Krevor	Says they will do their "fair share."
063	Sen. Burdick	Asks Mr. Krevor to elaborate on Nextel's response to
003	Sen. Bururen	interference complaints.
067	Krevor	Discusses Nextel's corporate policy
077	Chair Minnis	Asks if Nextel would sit down with the proponents of SB 956.
082	Krevor	Agrees.
088	Chair Minnis	Inquires if Nextel feels they have any civil liability.
093	Krevor	Disagrees. States these are not known defects in the system and
		it is operating as required per the FCC.
129	Chair Minnis	Closes the public hearing on SB 956 and opens a public hearing
		on SB 353.
SB 353 PUBL	•	
141	Connie Gallagher	Crime Victims' Assistance Section, Oregon Department of
		Justice (DOJ)
		Submits testimony and testifies in support of SB 353 which
		excludes consideration of crime victim's conduct contributing to
		the crime victim's death in determining compensation
2.72	G In:	(EXHIBITS G & H).
272	Counsel Prins	Suggests further defining injuries as "non-lethal."
281	Gallagher	Agrees.
282	Counsel Prins	Asks about the difference between "provoked" and "substantial
292	Gallagher	provocation." Explains the differences.
302	Chair Minnis	Asks about changing "shall" to "may" on line 13, on page 1.
316	Gallagher	Says that would be acceptable.
318	Counsel Prins	Advises the committee on the issue of lethal injuries.
325	Chair Minnis	Clarifies his understanding of what the DOJ wants.
328	Gallagher	Agrees.
332	Sen. Burdick	(Microphone cut out.)
338	Gallagher	Confirms applications could still be denied.
353	Chair Minnis	Closes public hearing on SB 353 and opens a public hearing on
		SB 140.
SB 140 PUBL		
366	Joshua Marquis	Clackamas County District Attorney, Oregon District
		Attorney's Association
		Testifies in opposition to SB 140 which establishes that persons
		convicted of aggravated murder is not subject to the death
		penalty if the person is mentally retarded.
TABE OF B		
TAPE 99, B	Clause as Dugh	Citizen
015	Clarence Pugh	
		Submits testimony and testifies in support of SB 140
0.66	T C	(EXHIBITS I & J).
066	Janna Starr	Oregon Developmental Disabilities Council
		Submits testimony and testifies in support to SB 140
		(EXHIBITS K & L).
123	Don Myers	The Arc of Oregon
		Submits testimony and testifies in support of SB 140 (EXHIBIT
		M).
137	Christy DeMoll	Citizen
		Submits testimony and testifies in support of SB 140
		(EXHIBITS N – U).

217	Chair Minnis	Discusses the issue of a person with mental retardation having the ability to form mental intent.
264	Vice Chair Courtney	Inquires how the statute about insanity relates to the definition of mental retardation.
304	Marquis	Further clarifies the definition of mental retardation.
337	Brenda Rocklin	Oregon Department of Justice
		Submits testimony and testifies in support of SB 140 (EXHIBIT V).
435	Chair Minnis	Asks when the determination is made about a person's mental capacity during court proceedings.
445	Rocklin	Describes the process.
475	Marquis	Points out the state cannot execute someone who is not competent.
501	Chair Minnis	Closes the public hearing on SB 140 and adjourns the meeting at 3:00 p.m.

Submitted By, Reviewed By,

Annola DeJong, Craig Prins,
Committee Assistant Counsel

EXHIBIT SUMMARY

- A SB 956, written testimony submitted by Randy Bruegman, Chief, Clackamas County Fire District No. 1, 3 pp.
- B SB 956, written testimony submitted by Jeff Johnson, Fire Chief Tualatin Valley Fire and Rescue, dated 4/18/01, 21 pp.
- C SB 956, written testimony submitted by Nancy Jesuale, City of Portland, dated 4/17/01, 3 pp.
- D SB 956, written testimony submitted by Charles Anderson, Portland Police Bureau, dated 4/16/01, 1 p.
- E SB 956, written testimony submitted by Bob Livingston, Oregon State Fire Fighters Council, date 4/16/01, 1 p.
- F SB 956, written testimony submitted by Lawrence Krevor, Nextel Communications, dated 4/18/01, 8 pp.
- G SB 353, written testimony submitted by Connie Gallagher, Oregon Department of Justice, dated 4/17/01, 2 pp.
- H-SB 353, written testimony from Ron Soto, submitted by Connie Gallagher, Oregon Department of Justice, dated 4/16/01, 1 p.
- I SB 140, written testimony submitted by Clarence Pugh, dated 4/17/01, 2 pp.
- J SB 140, written testimony from Claudia Burton, submitted by Clarence Pugh, dated 4/17/01, 7 pp.
- K SB 140, written testimony submitted by Janna Starr, Oregon Council on Developmental Disabilities, dated 4/17/01, 2 pp.
- L SB 140, written testimony submitted by Janna Starr, Oregon Council on Developemental Disabilities, dated 4/17/01, 3 pp.
- M SB 140, written testimony submitted by Don Myers, The Arc of Oregon, 2 pp.
- N SB 140, written testimony submitted by Christy DeMoll, 7 pp.
- O SB 140, written testimony submitted by Christy DeMoll, 10 pp.
- P SB 140, written testimony submitted by Christy DeMoll, 30 pp.
- Q SB 140, written testimony submitted by Christy DeMoll, 33 pp.
- R SB 140, written testimony submitted by Christy DeMoll, 8 pp.
- S SB 140, written testimony submitted by Christy DeMoll, 4 pp.

- T SB 140, written testimony submitted by Christy DeMoll, 22 pp.
- U SB 140, written testimony submitted by Christy DeMoll, 79 pp.
- V-SB 140, written testimony submitted by Brenda JP Rocklin, Department of Justice, dated 4/17/01, 4 pp.
- W SB 353, written testimony from Mary Ellen Johnson, dated 4/17/01, 2 pp.
- X SB 353, written testimony from Anne Pratt, 3 pp.
- Y SB 353, written testimony from Steve Doell, Crime Victims' United, dated 4/17/01, 1 p.
- Z SB 353, written testimony from Arwin Bird, Survivors Advocating for an Effective System, dated 4/17/01, 1 p.
- AA SB 353, written testimony from James Hill, Eugene Police Department, dated 4/17/01, 1 p.