

SENATE COMMITTEE ON JUDICIARY

May 16, 2001 Hearing Room 343

1:00 p.m. Tapes 144-145

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

STAFF PRESENT: Craig Prins, Counsel
 Marilyn Odell, Counsel
 Jane Bodenweiser, Committee Assistant

MEASURE/ISSUES HEARD: **HB 2611A Public Hearing and Work Session**
 HB 3446A Public Hearing
 HB 3049 Public Hearing
 HB 2355A Work Session
 HB 2352A Work Session
 SB 899 Work Session
 HB 2614 Public Hearing and Work Session
 HB 3915 Public Hearing and Work Session
 HB 2387A Work Session
 HB 2361 Work Session
 HB 2600 Public Hearing and Work Session
 HB 2918A 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 144, A		
003	Chair Minnis	Calls the meeting to order at 1:35 p.m. and opens a public hearing on HB 2611A.
<u>HB 2611A PUBLIC HEARING</u>		
005	Counsel Prins	Introduces HB 2611A that establishes and modifies provisions dealing with procedures to be followed in juvenile court dependency cases.
027	Chair Minnis	Closes the public hearing on HB 2611A and opens a work session.
<u>HB 2611A WORK SESSION</u>		
028	Sen. Courtney	MOTION: Moves HB 2611A to the floor with a DO PASS recommendation.
		VOTE: 6-0-1
		EXCUSED: 1 – Beyer
029	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. BROWN will lead discussion on the floor.

038 Chair Minnis Closes the work session on HB 2611A and opens a public hearing on HB 3446A.

HB 3446A PUBLIC HEARING

049 Gary Field

Department of Corrections

Submits testimony and testifies in support of HB 3446A that directs Department of Corrections in consultation with Oregon State Hospital to conduct study concerning feasibility of establishing sex offender treatment pilot program (**EXHIBIT A**). Asks how this program would be coordinated with the Oregon university system.

084 Chair Minnis

087 Field

States that a study group with a broad representation, including the universities, would be assembled.

095 Vice Chair Courtney

Asks why this is being done in connection with the Oregon State Hospital.

100 Field

Replies that it was a request made by Rep. Devlin, and that there are staff experts residing at the Oregon State Hospital.

104 Vice Chair Courtney

Asks whom these experts are treating.

105 Field

Replies that currently they are not providing sex offender treatment.

108 Vice Chair Courtney

Asks for clarification of when treatment currently takes place.

116 Field

Replies that it is after release from prison.

135 Vice Chair Courtney

Wonders why there is a need for a study.

138 Field

Explains that there was a request from the House that a formal study be done.

154 Sen. Duncan

Asks if this study would be done if it were not requested by the legislature.

156 Field

Says that similar studies have been done in the last two years.

183 Chair Minnis

Closes the public hearing on HB 3446A and opens a public hearing on HB 3049.

HB 3049 PUBLIC HEARING

185 Chair Minnis

With no public testimony, closes the public hearing on HB 3049 and opens a work session on HB 2355A.

HB 2355A WORK SESSION

190 Chair Minnis

Introduces the –A3 amendments to HB 2355A that allows person within jurisdiction of juvenile court to seek post-adjudication relief in juvenile proceedings (**EXHIBIT B**).

214	Sen. Duncan	MOTION: Moves to ADOPT HB 2355-A3 amendments dated 5/14/01. VOTE: 6-0-1 EXCUSED: 1 – Beyer
216	Chair Minnis	Hearing no objection, declares the motion CARRIED.
217	Sen. Duncan	MOTION: Moves HB 2355A to the floor with a DO PASS AS AMENDED recommendation. VOTE: 6-0-1 EXCUSED: 1 – Beyer
221	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. MINNIS will lead discussion on the floor.
225	Chair Minnis	Closes the work session on HB 2355A and opens a work session on HB 2352A.
<u>HB 2352A WORK SESSION</u>		
228	Chair Minnis	Introduces the –A7 amendments to HB 2352A that revises laws relating to unlawful employment practices and other unlawful practices (EXHIBIT C).
243	Sen. Duncan	Asks for clarification of the terms “degree” and “diploma”.
246	Chair Minnis	Explains that anyone can grant a diploma, but only those authorized by State statute can grant a degree.
270	Sen. Metsger	MOTION: Moves to ADOPT HB 2352-A7 amendments dated 5/16/01. VOTE: 5-0-2 EXCUSED: 2 - Courtney, Beyer
277	Chair Minnis	Hearing no objection, declares the motion CARRIED.
278	Sen. Metsger	MOTION: Moves HB 2352A to the floor with a DO PASS AS AMENDED recommendation. VOTE: 5-0-2 EXCUSED: 2 - Courtney, Beyer
281	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. MINNIS will lead discussion on the floor.
311	Chair Minnis	Closes the work session on HB 2352A and opens a work session on SB 899.
<u>SB 899 WORK SESSION</u>		
318	Sen. Duncan	MOTION: Moves SB 899 to the committee on Ways and Means with a DO PASS recommendation.
314	Chair Minnis	Explains that this bill 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 judgments. VOTE: 5-0-2 EXCUSED: 2 - Courtney, Beyer
336	Chair Minnis	Hearing no objection, declares the motion CARRIED.
340	Chair Minnis	Closes the work session on SB 899 and opens a public hearing on HB 2614.
<u>HB 2614 PUBLIC HEARING</u>		
348	Charles Stern	Yamhill County Clerk Testifies in support of HB 2614 that authorizes county clerk to

		appoint either district attorney or county counsel as legal advisor to board of property tax appeals.
380	B .J. Smith	Government Relations Director, Clackamas County
		Testifies in support of HB 2614 that broadens the choice of attorneys available to the clerk and introduces the –1 amendments (EXHIBIT D).
393	Chair Minnis	Closes the public hearing on HB 2614 and opens a work session.
	<u>HB 2614 WORK SESSION</u>	
396	Sen. Duncan	MOTION: Moves to ADOPT HB 2614-1 amendments dated 3/22/01.
		VOTE: 6-0-1
		EXCUSED: 1 – Beyer
401	Chair Minnis	Hearing no objection, declares the motion CARRIED.
402	Sen. Duncan	MOTION: Moves HB 2614 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0-1
		EXCUSED: 1 – Beyer
405	Chair Minnis	Hearing no objection, declares the motion CARRIED.
		DUNCAN will lead discussion on the floor.
406	Chair Minnis	Closes the work session on HB 2614 and opens a public hearing on HB 3915.
	<u>HB 3915 PUBLIC HEARING</u>	
413	Charles Stern	Yamhill County Clerk
		Testifies in support of HB 3915 that removes certain archaic references to book and docket of county clerk.
431	Chair Minnis	Closes the public hearing on HB 3915 and opens a work session.
	<u>HB 3915 WORK SESSION</u>	
432	Sen. Duncan	MOTION: Moves HB 3915 to the floor with a DO PASS recommendation.
		VOTE: 6-0-1
		EXCUSED: 1 – Beyer
438	Chair Minnis	Hearing no objection, declares the motion CARRIED.
		DUNCAN will lead discussion on the floor.
441	Chair Minnis	Closes the work session on HB 3915 and opens a work session on HB 2387A.
	<u>TAPE 145, A</u>	
	<u>HB 2387A WORK SESSION</u>	
048	Martin Leuenberger	Attorney, Baker City, Oregon
		Testifies via telephone in support of HB 2387A that allows judge in action for partition or sale to order owner of property held by tenancy in common to borrow money against property to pay claims of another owner without regard to which owner opposes partition or sale.
086	Counsel Odell	Discusses the –A2 amendments previously passed by the committee (EXHIBIT E).
111	Sen. Metsger	MOTION: Moves HB 2387A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-1-1
		AYE: 5 - Sen. Metsger, Sen. Minnis, Sen. Duncan, Sen.

Burdick, Sen. Harper

NAY: 1 - Sen. Beyer

EXCUSED: 1 - Sen. Courtney

The motion Carries.

SEN. MINNIS will lead discussion on the floor.

126 Chair Minnis

134 Chair Minnis

Closes the work session on HB 2387A and opens a work session on HB 2361.

HB 2361 WORK SESSION

154 Counsel Odell

Explains HB 2361 that allows appeal of stipulated judgment in certain circumstances if party has reserved right to appeal ruling of trial court.

177 Sen. Metsger

MOTION: Moves HB 2361 to the floor with a DO PASS recommendation.

180 Counsel Odell

Says there are –1 amendments presented by Keith Garza on behalf of the Oregon State Bar (**EXHIBIT F**).

207 Sen. Metsger

Withdraws motion.

209 Sen. Metsger

MOTION: Moves to ADOPT HB 2361-1 amendments dated 4/4/01.

VOTE: 6-0-1

EXCUSED: 1 – Courtney

211 Chair Minnis

Hearing no objection, declares the motion CARRIED.

212 Sen. Metsger

MOTION: Moves HB 2361 to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 6-0-1

EXCUSED: 1 – Courtney

218 Chair Minnis

**Hearing no objection, declares the motion CARRIED.
SEN. BURDICK will lead discussion on the floor.**

224 Chair Minnis

Closes the work session on HB 2361 and opens a public hearing on HB 2600.

HB 2600 PUBLIC HEARING

226 Rep. Rob Patridge

House District #50

Presents a video and testifies in support of HB 2600 that creates crime of falsifying drug test results. Distributes reprint (**EXHIBIT G**) and distributes –1 amendments (**EXHIBIT H**).

331 Sen. Metsger

Asks if there is any evidence that this scam has been tried in Oregon.

336 Rep. Patridge

Replies that it has not been identified in Oregon yet.

342 Sen. Metsger

Asks for clarification of the difference between a B and C misdemeanor.

347 Rep. Patridge

Explains the difference.

360 Sen. Burdick

Says there is no provision that shows that a person is in possession of the equipment.

377 Rep. Patridge

Says the person would have to be caught in the act.

401 Sen. Burdick

Asks if possession of the equipment is a crime.

412 Rep. Patridge

Explains that it is the possession with intent to use that is a crime.

421 Chair Minnis

Asks if this applies only to someone falsifying information about one's self.

423 Rep. Patridge

Replies, yes.

429 Sen. Metsger

Asks about a child falsifying information that a parent has requested.

452	Rep. Patridge	Replies that if it can be proven, it can be prosecuted.
487	Chair Minnis	Closes the public hearing on HB 2600 and opens a work session.
<u>TAPE 144, B</u>		
<u>HB 2600 WORK SESSION</u>		
031	Sen. Duncan	MOTION: Moves to ADOPT HB 2600-1 amendments dated 5/15/01.
		VOTE: 3-3-1
		AYE: 3 – Beyer, Duncan, Burdick
		NAY: 3 – Minnis, Harper, Metsger
		EXCUSED: 1 – Courtney
034	Chair Minnis	The motion Fails.
037	Sen. Duncan	MOTION: Moves HB 2600 to the floor with a DO PASS recommendation.
		VOTE: 6-0-1
		EXCUSED: 1 – Courtney
040	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. HARPER will lead discussion on the floor.
044	Chair Minnis	Closes the work session on HB 2600 and opens a work session on HB 2918.
<u>HB 2918 WORK SESSION</u>		
055	Counsel Prins	Introduces HB 2918 that specifies that electronic communication is contact for purposes of stalking. Gives a sectional analysis of the -A6 amendments (EXHIBIT I).
203	Vice Chair Courtney	MOTION: Moves to ADOPT HB 2918-A1 amendments dated 5/16/01.
210	Sen. Burdick	Asks if there was any Supreme Court testimony on this bill.
213	Chair Minnis	Says there was none.
		VOTE: 7-0
228	Chair Minnis	Hearing no objection, declares the motion CARRIED.
230	Vice Chair Courtney	MOTION: Moves HB 2918 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0
232	Chair Minnis	Hearing no objection, declares the motion CARRIED. MINNIS will lead discussion on the floor.
251	Chair Minnis	Closes the work session on HB 2918 and adjourns the meeting at 3:10 p.m.

Submitted By,

Reviewed By,

Reviewed By,

Jane Bodenweiser
Committee Assistant

Craig Prins
Counsel

Marilyn Odell
Counsel

EXHIBIT SUMMARY

A – HB 3446A, written testimony submitted by Gary Field, dated 5/16/01, 1p

B – HB 2355, -A3 amendments submitted by staff, dated 5/14/01, 1 p

C – HB 2352, -A7 amendments submitted by staff, dated 5/16/01, 2 pp
D – HB 2614, -1 amendments submitted by staff, dated 3/22/01, 1 p
E – HB 2387, -A2 amendments submitted by staff, dated 5/9/01, 1 p
F – HB 2361, -1 amendments submitted by staff, dated 4/4/01, 1 p
G – HB 2600, article reprint submitted by Rep. Patridge, 27 pp
H – HB 2600, -1 amendments submitted by staff, dated 5/15/01, 1 p
I – HB 2918, -A6 amendments submitted by staff, dated 5/16/01, 13 pp