

## HOUSE COMMITTEE ON EDUCATION

**May 10, 1999 Hearing Room E**

**1:00 PM Tapes 128 - 129**

**MEMBERS PRESENT: Rep. Ron Sunseri, Chair**

**Rep. William Morrisette, Vice-Chair**

**Rep. Chris Beck**

**Rep. Betsy Close**

**Rep. Elaine Hopson**

**Rep. Bob Jenson**

**Rep. Tim Knopp**

**Rep. Bruce Starr**

**Rep. Carl Wilson**

**Rep. Jackie Winters**

**MEMBER EXCUSED:**

**STAFF PRESENT: Norm Fox, Administrator**

**Joan Diaz, Administrative Support**

**MEASURE/ISSUES HEARD: SB 344A Public Hearing**

**SB 868A Public Hearing and Work Session**

**HB 2683A 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 128, A**

005

Chair Sunseri

Calls meeting to order 1:35 p.m. Opens public hearing on SB 344A.

**SB 344A PUBLIC HEARING**

010

Sen. Mae Yih

District 19. Testifies in favor of SB 344A. **(EXHIBIT A)** Submits the proposed ñ13 amendments, which address payment for a mental health assessment on youths who unlawfully possesses a firearm on public property. **(EXHIBIT B)**.

036

Chair Sunseri

Asks what is the approximate cost.

037

Sen. Yih

Responds it is approximately \$500.

038

Chair Sunseri

Asks who would determine if there is an extreme hardship.

040

Sen. Yih

Responds it would be the court.

042

Rep. Hopson

Asks who would forward payment for the assessment, if parents are unable to pay.

045

Sen. Yih

Responds she believes it would be the Youth Authority or the Juvenile Department.

048

Chair Sunseri

Comments that the cost of the assessment would be from the court's budget. Asks if an additional clause could be added to the amendments: conduct an evaluation of the parents.

052

Sen. Yih

Asks what kind of evaluation.

059

Chair Sunseri

Responds it would be a family mental health evaluation.

070

Sen. Yih

Responds she has no problem with that, if the court determines it is the correct thing to do.

076

Chair Sunseri

Comments the work session will be held at a later date. Closes public hearing on SB 344A. Opens public hearing on SB 868A.

**SB 868A PUBLIC HEARING**

085

Roger Bassett

Commissioner, Office of Community College Services/JTPAA. Testifies in favor of SB 868A. **(EXHIBIT C)**

108	Grattan Kerans	Legislative Representative, Oregon University System. Testifies in favor of SB 868A.
120	Chair Sunseri	Closes public hearing on SB 868A. Opens work session on SB 868A.
<b><u>SB 868A WORK SESSION</u></b>		
126	Rep. Winters	<b>MOTION: Moves SB 868A to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 8-0</b>  <b>AYE: 8 - Hopson, Jenson, Knopp, Morrisette, Starr, Wilson, Winters, Sunseri</b>  <b>EXCUSED: 2 - Beck, Close</b>
135	Chair Sunseri	<b>The motion CARRIES.</b>  <b>REP. KNOPP will lead discussion on the floor.</b>
137	Chair Sunseri	Closes work session on SB 868A. Reopens public hearing on SB 344A.
<b><u>SB 344A PUBLIC HEARING</u></b>		
145	Kathie Osborn	Legislative Representative, Juvenile Rights Project. Testifies in favor of SB 344A in its current form. Explains that whoever requests a mental health assessment is the one who pays for it. Explains jurisdiction of the court.
206	Osborn	Continues discussion on the reporting of a complete psychological evaluation. Comments the police and the juvenile departments already have the authority to do whatever is in SB 344A. Urges committee to question any mandatory holds.
274	Rep. Jenson	Asks why is this bill necessary if provisions are already in statute.
284	Osborn	Responds that the bill redirects the decision making from the police to the judge.
310	Rep. Jenson	Comments on stressed budgets. Asks if the bill puts more stress on budgets.
320	Osborn	Responds there are no extended mandatory holds, which would tax resources.

343	Rep. Morrisette	Asks what is the usual time until a judge hears a case.
348	Osborn	Responds that, statutorily, a decision has to be made within 36 hours not including weekends or legal holidays.
363	Rep. Winters	Asks what effect would this bill have had on the Thurston High School, Springfield incident.
369	Osborn	Explains the student would have been held the day before the incident, and would not have been released to the parents. Comments that the judge would have made the decision and not the police officer. Comments the ultimate outcome may not have been different.
397	Rep. Winters	Comments on adult statutes; a mandatory 72-hour hold.
401	Osborn	Responds that the adult process is a civil commitment, not under criminal statutes. Explains a child can be held 72 hours through juvenile court, but space is limited.
<b>TAPE 129, A</b>		
004	Rep. Wilson	Asks about probable cause.
006	Osborn	Explains bill does not change probable cause; explains responsibility of school employees as stated in the bill.
033	Rep. Hopson	Asks how would bill affect a student who brings a rifle in his pick-up truck in a gun rack to school.
040	Osborn	Comments that is not a crime; bill does not change that.
051	Rep. Morrisette	Comments that various school districts allow rifles in trucks and guns on campus for safety courses.
062	Osborn	Responds that is correct; bill does not change that. Discusses guns for ROTC class, woodworking classes, etc.
066	Rick Hill	Director, Oregon Youth Authority. Testifies in favor of HB 344A. Explains purpose of the bill is to establish in law a course of action to be followed when a youth unlawfully possesses a firearm on public property.
094	Michael Livingston	Assistant Attorney General, Department of Justice. Testifies in favor of HB 344A. <b>(EXHIBIT D)</b> Discusses specific changes from current law; expands definition of a "school." Refers to ORS 166.250, ORS 166.370, and ORS

		166.382. Explains the bill "does not make lawful that which is now unlawful."
156	Rep. Jenson	Asks could not a judge make the same determination as a police officer.
158	Livingston	Comments the bill gives a judge "a wait and see opportunity."
166	Chair Sunseri	Asks if the bill removes the discretion from the police officer and gives the discretion to a judge. Asks for mandatory reporting timelines.
185	Livingston	Gives example which represents the mandatory reporting requirements.
210	Chair Sunseri	States that the teacher or administrator has no discretion; it is a "must report."
215	Livingston	Responds affirmatively.
216	Rep. Morrisette	Comments he has no problem with the bill because it is the same reporting requirements as reporting suspected child abuse.
218	Livingston	Comments the reporting is not new; the mandatory requirement is new.
225	Chair Sunseri	Asks if there is a confidentiality issue as with reporting suspected child abuse.
230	Livingston	Responds there is no expressed confidentiality requirement in the bill. Discusses delinquency cases versus dependency cases.
249	Chair Sunseri	States should children be listed on a "hit list," school districts would have a liability problem, if parents are not informed of this.
255	Larry Oglesby	Legislative Representative, Oregon Juvenile Department Directors' Association. States there is a provision whereby information can be divulged to a potential victim. <b>(EXHIBIT E)</b>
272	Rep. Winters	Asks if the bill can be amended to include confidentiality for the person reporting the incident.
283	Livingston	Refers to Chapter 419B, the child abuse confidentiality provision. States he is willing to amend the bill.
293	Oglesby	Quotes ORS 419A.255, "clear and immediate danger shall be disclosed" to the potential victim.
305	Rep. Jenson	Asks is it inadequate for a teacher to report an incident only to the principal.

313	Livingston	Responds that is correct; it would have to be reported to a law enforcement officer. Explains the school can institute a procedure.
320	Rep. Jenson	Asks if probable cause is sufficient for reporting an incident.
336	Livingston	Responds that it may be. Describes scenario for "reasonable grounds."
349	Rep. Jenson	Comments it is a judgement call for the teacher.
352	Livingston	Discusses difference between reasonable cause to believe and probable cause.
365	Rep. Morrisette	Gives "real world" example. States privacy rights do not apply to school lockers.
386	Rep. Jenson	Asks do privacy rights apply to the trunk of a car on school grounds.
390	Rep. Morrisette	Responds the principal would call the police who would make the decision whether to open the car's trunk or not.
402	Livingston	Explains the bill does not change the basic law. Emphasizes the core parts of the bill.
434	Oglesby	States bill is an appropriate response to the incident at Thurston High School, Springfield last year. Comments it may have some fiscal impact on small communities, such as acquiring detention beds.
<b>TAPE 128, B</b>		
015	Chair Sunseri	Asks is the cost of a mental health evaluation approximately \$500.
018	Oglesby	Responds that an assessment screening would cost less than a full psychological evaluation.
022	Chair Sunseri	Asks if he has any problem with the proposed amendments which address evaluation of the parents.
025	Oglesby	Explains the options available to pay for the screening.
033	Livingston	Explains the parents are charged for the screening only if there is an adjudication.
047	Hill	Refers to a \$30 million package relating to a crime prevention strategy being discussed this session.

052	Chair Sunseri	States fees would come from the court system's budget.
057	Oglesby	Explains juvenile crime funding sources.
060	Chair Sunseri	Notes it may not be a big impact.
063	Rep. Jenson	Expresses hesitation to make the decision to report incidents.
079	Livingston	Explains teacher's responsibility is to report the incident to a police officer notwithstanding reporting it to the principal.
082	Rep. Jenson	Asks what is the teacher's liability if his/her judgement is wrong.
090	Livingston	Comments the statute does not mean a teacher has to make a "right" decision.
109	Wilma Wells	Legislative Representative, Confederation of Oregon School Administrators (COSA). Testifies on section 1 of the bill which affects teachers. Urges committee to include confidentiality of the person reporting the incident.
128	Paul Snider	Legislative Representative, Association of Oregon Counties. Testifies he is neutral on the bill. Indicates the legislature may be responsible for any costs; refers to "ballot measure 30," now in statute. Explains only exception is criminal law violation.
163	Chair Sunseri	Closes public hearing on SB 344A. Committee will bring bill back; additional amendments will be drafted by the committee. Opens work session on HB 2683A.
<b><u>HB 2683A WORK SESSION</u></b>		
195	Norm Fox	Committee Administrator. Gives update on the bill and on the proposed 7 amendments ( <b>EXHIBIT F</b> )
215	Jeff Carlson	Representative, Ironworkers Local 29. Comments that voters in every county voted to maintain the prevailing rate in their county.
219	Rep. Hopson	Points out that the proposed amendments limit the bill to only one school district in the state.
226	Carlson	Responds he understands that, but it affects working people in that district who would be working at less than the prevailing rate.
234	Rep. Close	<b>MOTION: Moves to ADOPT HB 2683A-7 amendments</b>

		<b>dated 05/03/99.</b>
<b>236</b>	<b>Chair Sunseri</b>	<b>Hearing no objection, the motion CARRIES.</b>
<b>237</b>	<b>Rep. Close</b>	<b>MOTION: Moves HB 2683A to the floor with a DO PASS AS AMENDED recommendation.</b>
239	Rep. Hopson	Comments she will be voting no; believes bill is unnecessary since this can be accomplished at the present time.
242	Rep. Winters	Comments she will be giving a courtesy vote. States school districts can currently enter into such agreements as specified in the bill.
		<b>VOTE: 7-2</b>  <b>AYE: 7 - Close, Jenson, Knopp, Starr, Wilson, Winters, Sunseri</b>  <b>NAY: 2 - Hopson, Morrisette</b>  <b>EXCUSED: 1 - Beck</b>
<b>256</b>	<b>Chair Sunseri</b>	<b>The motion CARRIES.</b>   <b>REP. KROPF will lead discussion on the floor.</b>
288	Chair Sunseri	Closes work session on HB 2683A. Adjourns at 2:50 p.m.

Submitted By, Reviewed By,

Joan Diaz, Norm Fox,

Administrative Support Administrator

#### **EXHIBIT SUMMARY**

**A - SB 344A, written testimony, Sen. Mae Yih, 1 p**



**B - SB 344A, proposed ñ13 amendments, staff, 1 p**

**C - SB 868A, written testimony, Roger Bassett, 1 p**

**D - SB 344A, written testimony, Michael Livingston, 6pp**

**E - SB 344A, written testimony, Larry Oglesby, 1 p**

**F - SB 2683A, proposed ñ7 amendments, staff, 1 p**