

SENATE COMMITTEE ON JUDICIARY

March 31, 1999 Hearing Room 343

3:00 PM Tapes 102 - 103

MEMBERS PRESENT: Sen. Bryant, Chair

Sen. Courtney, Vice-Chair

Sen. Brown

Sen. Burdick

Sen. Nelson

Sen. Tarno

STAFF EXCUSED: Sen. Qutub

STAFF PRESENT: Bill Taylor, Counsel

Duff Bryant, Intern Counsel

Kathy Courtney, Administrative Support

MEASURE/ISSUES HEARD: HB 2263A - Public Hearing, Work Session

SB 491 - Work Session

HB 2253 - Public Hearing, Work Session

HB 2255 - Work Session

HB 2168 - Public Hearing, Work Session

HB 2205A - Public Hearing, Work Session

HB 2302A - Public Hearing, 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.

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TAPE/#	Speaker	Comments
TAPE 102, SIDE A		
004	Chair Bryant	Calls meeting to order at 3:10 PM.
<u>HB 2263A PUBLIC HEARING</u>		
006	Counsel Bryant	HB 2263A allows waiver of infractions, violations, and certain misdemeanors from juvenile to municipal court.
023	Larry Oglesby	Marion County Juvenile Department Testifies and submits written testimony in support of HB 2263A. (EXHIBIT A) Discusses the importance of handling certain misdemeanors at the local level.
042	Kevin Campbell	Oregon Association of Chiefs of Police Testifies in support of HB 2263A. Discusses how HB 2263A will allow juvenile and municipal courts to work in cooperative agreements. Relates personal story about juvenile offense and the effectiveness of a prompt sanction.
077	H. Marc Adams	Keizer Police Chief, Association of Chiefs of Police Testifies and submits written testimony in support of HB 2263A. (EXHIBIT B) Asserts that juveniles must take responsibility for their behavior. Emphasizes the necessity for immediate consequences and sanctions for lawless behavior.
130	Rick Lewis	Silverton Police Chief, Oregon Association Chiefs of Police Testifies and submits written testimony in support of HB 2263A. (EXHIBIT C) Discusses the success of the Silverton juvenile municipal court which hears minor offenses cases. Asserts that first time consequences and parental responsibility lower recidivism.
233	Beth Duncan	League of Oregon Cities Testifies in support of HB 2263A. Emphasizes that HB 2263A is not mandatory. Courts may choose which cases to hear.
240	Ken Hector	Mayor, Silverton, Oregon Testifies and submits written testimony in support of HB 2263A. (EXHIBIT D) Discusses the benefits of dealing with offenses locally. Stresses that some juvenile cases should remain with the juvenile court.
294	Hector	Discusses the community court procedure to bring juvenile offenders before a judge and impose a sanction within 30 days of an offense.

326	Sen. Tarno	MOTION: Moves HB 2263A to the floor with a DO PASS recommendation.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. TARNO will lead discussion on the floor.
<u>SB 491 WORK SESSION</u>		
355	Counsel Taylor	Discusses SB 491 -12, -13, and -14 amendments. (EXHIBITS E, F, and G)
358	Steve Telfer	Oregon Right to Die Testifies in support of SB 491. Discusses ñ12 amendments.
396	Gwen Dayton	Oregon Providence Health Care Systems Testifies in support of SB 491. Explains that the ñ12 amendments allow health care facilities to prohibit a physicianís participation in The Act in their facilities.
TAPE 103, SIDE A		
002	Telfer	Discusses physician sanctions that are allowed by SB 491 ñ12 amendments.
055	Dave Fiskum	Oregon Providence Health Care Systems Testifies in support of SB 491.
078	Scott Gallant	Oregon Medical Association Testifies and submits the hand-engrossed version of SB 491-15 in support of SB 491. (EXHIBIT H) Discusses line 13, page 5 of the hand-engrossed bill which relates to the loss of license provision. Proposes referencing this section with subsection 5b. Subsection 5b relates to the legitimate loss of license.
116	Telfer	Agrees with Mr. Gallantís proposed amendment.
161	Sen. Burdick	In a leasee-leasor relationship, how would Providence Hospitals know about a

		physician's participation in The Act?
169	Alitha Jenkins	Sisters of Providence, Senior Attorney Testifies in support of SB 491. Explains that Providence Hospital officials would not know, unless the physician makes himself visible.
180	Sen. Burdick	How would you respond if you received an anonymous letter regarding a physician's participation in The Act on your premises?
184	Jenkins	We would investigate and follow contract procedures.
195	Sen. Burdick	What recourse does a physician have if he feels unjustly disciplined?
200	Jenkins	Explains that a physician's recourse is drafted in their contract.
220	Gallant	Discusses the termination of a lease contract in lieu of termination of hospital privileges.
252	Sen. Burdick	Expresses concern about termination of a medical office contract.
258	Chair Bryant	Explains that hospital privileges are not terminated, only the office lease.
262	Sen. Burdick	Discusses the advantage of medical office owners over renters.
281	Gallant	Discusses a physician's right to participate in The Act outside of the scope of his hospital contract.
291	Sen. Brown	Inquires if Providence Hospitals terminates a physician's health insurance policy for engaging in The Act.
307	Jenkins	Explains that the §12 amendment prohibits contract termination.
330	Sen. Brown	Can a patient contract with a Providence Hospital physician independent of his official duties?
339	Jenkins	Yes. This is clarified twice in the §12 amendments.
346	Sen. Brown	Inquires if a long-term facility can prohibit a physician from participating in The Act on its premises.
348	Dayton	Yes. Discusses a facility's disciplinary remedies.

401	Gallant	Discusses technical errors in the ñ12 amendments.
TAPE 102, SIDE B		
004	Counsel Taylor	Suggests further review of SB 491 in a work group. Discusses ñ13 and ñ14 amendments.
058	Sen. Qutub	Discusses the origin of the SB 491 ñ14 amendments.
081	Chair Bryant	Closes SB 491 Work Session.
090	Chair Bryant	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. QUTUB to BE RECORDED as voting AYE on HB 2263A.
		VOTE: 7-0-0
		Chair Bryant
		Hearing no objection, declares the motion CARRIED.
<u>HB 2253 PUBLIC HEARING</u>		
097	Mike Caldwell	Oregon National Guard, Deputy Director Testifies in support of HB 2253. Discusses importance of allowing commissioned officers to serve as military judges in courts martial.
152	Chair Bryant	Closes HB 2253 Public Hearing.
<u>HB 2253 WORK SESSION</u>		
153	Sen. Courtney	MOTION: Moves HB 2253 to the floor with a DO PASS recommendation.
		VOTE: 5-0-2 EXCUSED: 2 - Sen. Brown, Sen. Qutub
		Chair Bryant
		Hearing no objection, declares the motion CARRIED. SEN. COURTNEY will lead discussion on the floor.

156	Chair Bryant	Closes HB 2253 Work Session.
<u>HB 2255 PUBLIC HEARING</u>		
162	Counsel Bryant	HB 2255 relates to courts martial punishments.
171	Mike Caldwell	Oregon National Guard, Deputy Director Testifies in support of HB 2255. Discusses the need to extend the punishments that courts martial can impose. Relates story an incident equivalent to manslaughter in civilian court.
323	Sen. Tarno	Where are the confinement statutes repealed?
237	Counsel Bryant	Discusses HB 2255 Section 8 that references the confinement statute.
262	Caldwell	Closes HB 2255 Public Hearing.
<u>HB 2255 WORK SESSION</u>		
264	Sen. Courtney	MOTION: Moves HB 2255 to the floor with a DO PASS recommendation.
		VOTE: 5-0-2 EXCUSED: 2 - Sen. Brown, Sen. Qutub
Chair Bryant		Hearing no objection, declares the motion CARRIED. SEN. COURTNEY will lead discussion on the floor.
270	Chair Bryant	Closes HB 2255 Work Session.
<u>HB 2168 PUBLIC HEARING</u>		
273	Counsel Bryant	HB 2168 relates to treatment for those convicted of Driver Under the Influence of Intoxicants.
282	Bob Miller	Office of Alcohol and Drug Abuse Programs

		Testifies in support of HB 2168. (EXHIBIT I) Discusses the current diversion assessment interview. Explains proposed procedure for repeat offenders.
329	Chair Bryant	How many DUII offenses are repeat offenses?
330	Miller	Approximately 45 percent of DUII offenses are repeat offenses.
340	Chair Bryant	What is the recidivism rate for those who complete diversion?
342	Miller	Research shows a 25 percent recidivism rate for diversion participants.
364	Sen. Nelson	How many people will HB 2168 affect and at what cost?
368	Miller	Discusses the current number of participants in Driving Under the Influence of Intoxicants (DUII) programs. Explains why the costs of HB 2168 would be minimal.
422	Sen. Burdick	Explains how diversion as a second DUII offense.
432	Sen. Nelson	Is DUII treatment subsidized if an offender cannot afford to pay for it?
TAPE 103, SIDE B		
001	Miller	Discusses subsidized payment of DUII treatment.
015	Sen. Courtney	Closes Public Hearing on HB 2168.
<u>HB 2168 WORK SESSION</u>		
017	Sen. Nelson	MOTION: Moves HB 2168 to the floor with a DO PASS recommendation.
		VOTE: 4-0-3 EXCUSED: 3 - Chair Bryant, Sen. Brown, Sen. Qutub
		Hearing no objection, declares the motion CARRIED. SEN. NELSON will lead discussion on the floor.
	Sen. Courtney	

020	Sen. Courtney	Closes Work Session on HB 2168.
<u>HB 2205A PUBLIC HEARING</u>		
026	Karen Brazeau	Oregon Youth Authority (OYA) Testifies in support of HB 2205A. Discusses the legislative history of HB 2205A and federal funding as it relates to OYA goals.
065	Chair Bryant	Closes HB 2205A Public Hearing.
<u>HB 2205A WORK SESSION</u>		
065	Sen. Courtney	MOTION: Moves HB 2205A to the floor with a DO PASS recommendation.
		VOTE: 5-0-2 EXCUSED: 2 - Sen. Brown, Sen. Qutub
Chair Bryant		Hearing no objection, declares the motion CARRIED.
069	Chair Bryant	Closes HB 2205A Work Session.
<u>HB 2302A WORK SESSION</u>		
092	Counsel Bryant	Introduces HB 2302A which extends the post prison supervision period for certain crimes.
105	Counsel Taylor	Discusses HB 2302 ñA2 amendments. (EXHIBIT J)
109	Sen. Brown	MOTION: Moves to ADOPT HB 2302-A2 amendments dated 03/25/99.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Qutub
Chair Bryant		Hearing no objection, declares the motion CARRIED.

111	Sen. Brown	MOTION: Moves HB 2302A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. BROWN will lead discussion on the floor.
114	Chair Bryant	Adjourns hearing at 4:45 PM.

Submitted By, Reviewed By,

Kathy Courtney, Sarah Watson

Administrative Support Office Manager

EXHIBIT SUMMARY

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- A. Testimony in support of HB 2263, Larry Oglesby, 5pp
- B. Testimony in support of HB 2263, H. Marc Adams, 3pp
- C. Testimony in support of HB 2263, Rick Lewis, 2pp
- D. Testimony in support of HB 2263, Ken Hector, 3pp
- E. SB 491 ñ12 amendments, Bill Taylor, 5pp
- F. SB 491 ñ13 amendments, Bill Taylor, 1p
- G. SB 491 ñ14 amendments, Bill Taylor, 5pp
- H. SB 491-15 hand engrossed bill, Bill Taylor, 10pp
- I. Testimony in support of HB 2168, Bob Miller, 3pp
- J. HB 2302-A2 amendments, Duff Bryant, 1p