

**SENATE COMMITTEE ON JUDICIARY**

**April 20, 1999 Hearing Room 343**

**3:00 p.m. Tapes 135 - 138**

**MEMBERS PRESENT: Sen. Bryant, Chair**

**Sen. Courtney, Vice-Chair**

**Sen. Brown**

**Sen. Burdick**

**Sen. Nelson**

**Sen. Tarno**

**MEMBER EXCUSED: Sen. Qutub**

**STAFF PRESENT: Aaron Felton, Counsel**

**Anne Tweedt, Counsel**

**Judith Minnich, Administrative Support**

**MEASURE/ISSUES HEARD: SB 76 - Public Hearing and Work Session**

**SB 842 - Public Hearing and Work Session**

**SB 916 - Public Hearing and Work Session**

**SB 1007 - Public Hearing and Work Session**

**SB 660 - Public Hearing and Work Session**

**SB 661 - Public Hearing and Work Session**

**SB 804 - Public Hearing and Work Session**

**SB 805 - Public Hearing and Work Session**

<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>Tape 135, A</b>		
004	Vice-Chair Courtney	Calls meeting to order at 3:00 p.m.
<b><u>SB 842 PUBLIC HEARING</u></b>		
015	<b>Jim Gardner</b>	<b>Hertz, Budget, Avis, Enterprise and Auto Nation Car Rentals</b>  Submits written testimony and testifies in support of SB 842 and the ñ1 amendments ( <b>EXHIBITS A &amp; B</b> ). SB 842 would create limited insurance licenses for car rental companies and would require such a license if a company sells insurance for rented vehicles. The ñ1 amendments would require corporate licensure rather than individual employee licensure.
040	Counsel Tweedt	Discusses concern that the original language would allow the Director of the Insurance Division to overrule state law.
054	Vice-Chair Courtney	Closes the public hearing on SB 842 and recesses the meeting at 3:15 p.m.
072	Sen. Tarno	Opens public hearing on SB 76 at 3:30 p.m.
<b><u>SB 76 PUBLIC HEARING</u></b>		
075	Counsel Felton	SB 76 modifies the consolidation statute relating to matters in juvenile court. It allows the juvenile court to make orders concerning care and custody, parenting time and support of child as if they were in a domestic relations proceeding.
084	<b>Timothy Travis</b>	<b>Office of the State Court Administrator, Juvenile Court Improvement Project</b>  Submits written testimony and testifies in support of SB 76 including the ñ2 amendments ( <b>EXHIBITS C &amp; D</b> ). Indicates that the purpose of SB 76, as amended, is to prevent different courts from entering different orders involving the same child resulting in conflicting custody and/or visitation orders. Indicates that SB 76 will result in better outcomes for the child. Discusses the procedures required when the consolidation of domestic relations and juvenile court matters occurs.
173	<b>John Richardson</b>	<b>Oregon State Bar, Juvenile Law Section</b>  Testifies in support of SB 76. Indicates SB 76 is a product of a workgroup that had representatives from all the interested groups.

192	Counsel Felton	Indicates that the ñ2 amendments need additional work and SB 76 could be brought back once that is done.
202	<b>David Winters</b>	<b>Member of the Salem Disabilities Commission</b>  Testifies in opposition to SB 76.
223	Sen. Tarno	Asks that the witness review SB 76 before continuing his testimony.
<b><u>SB 916 PUBLIC HEARING</u></b>		
242	<b>Sharon Fleming-Barrett</b>	<b>Oregon Rental Housing Association</b>  Submits written testimony and testifies in support of SB 916 ( <b>EXHIBIT E</b> ). SB 916 creates a partial exemption from the housing impartiality statute for owners who rent rooms or units in owner occupied dwellings providing living quarters for no more than four families.
322	Sen. Burdick	Does this apply to "granny flats" which are contained within an existing home?
327	Fleming-Barrett	Our intent is that it would include such accessory units.
334	Sen. Burdick	If you have a four-plex and one of the units is occupied by an owner, would this bill apply?
338	Fleming-Barrett	No, we don't believe it does if the ñ1 amendments are adopted ( <b>EXHIBIT F</b> ).
347	Sen. Burdick	Why does this bill allow discrimination as to whether to rent to families with children?
351	Fleming-Barrett	Owners are often afraid of breakage of their belongings and sometimes fear that they will be accused of child molestation or abuse.
367	Sen. Brown	I'm concerned about the language of familial status. Is there a definition of familial status already existing in statute?
371	Fleming-Barrett	Yes, there is a clear definition in federal and state law.
376	Sen. Brown	That definition would exclude discrimination based on marital status or sexual orientation?
378	Fleming-Barrett	Yes, it would.

382	Sen. Brown	Couldn't this be taken care of by limiting the number of people you want to rent to?
393	Fleming-Barrett	Our state standards allow no more than two persons per bedroom, or what is reasonable for the unit. Landlords take the stance that it means no less than two per bedroom.
415	Sen. Brown	How frequently do they have to be in residence to qualify as an owner?
429	Fleming-Barrett	Language says the owner must maintain a legal residence.
456	<b>George Warner</b>	<b>Klamath Falls, Klamath Rental Housing Association</b>  Testifies in support of SB 916 ( <b>EXHIBIT G</b> ). Indicates that people are sometimes forced to share their home with others in order to stay in their home. Discusses the reasons that certain people, particularly the elderly, might wish to restrict rental availability in their own home.
<b>Tape 136, A</b>		
116	<b>Bob Cain</b>	<b>Oregon Apartment Association</b>  Testifies in support of SB 916. Discusses a neighbor of his and their difficulties with keeping their house in repair and how SB 916 would have helped them to remain in their home.
165	<b>Cynthia Ingebretson</b>	<b>Fair Housing Council of Oregon</b>  Submits written testimony and testifies as neutral on SB 916 as amended ( <b>EXHIBIT H</b> ). Indicates that accessory units should not be covered by this bill.
210	Chair Bryant	The first amendments cover owner-occupied shared living units. Does that alleviate your concern?
213	Ingebretson	That does alleviate concern, however, the proponents are still including an accessory unit in that definition.
221	Chair Bryant	In my interpretation, this definition would not include a duplex or any dwelling that is separate. It is a rental that has access or possible access to the owner's living area.
239	Sen. Burdick	What if there was a door between the living areas that was locked?
245	Chair Bryant	The peace of mind owner-occupied rentals are looking for may not be obtained with just a locked door.

248	Ingebretson	Discusses the definition of owner-occupied shared living units and the process of legally screening renters.
282	<b>Peter Grundfossen</b>	<b>Association of Oregon Housing Authorities</b>  Testifies as neutral on SB 916. The language in the bill would concern us only if this would close some dwelling units to families with children. We don't want to lose any other family housing.
309	Chair Bryant	It is not our intent to limit Section 8 housing.
312	Sen. Burdick	Would a "granny flat" qualify as Section 8 housing?
318	Grundfossen	Describes requirements of Section 8 housing.
323	<b>Anita Rodgers</b>	<b>Community Alliance of Tenants (CAT)</b>  Testifies as neutral on SB 916. Discusses being a landlord as a business. Indicates that there are many renter attributes that landlords are allowed to screen on. Indicates concerns about the exceptions allowed in SB 916 eroding the civil rights laws.
385	Chair Bryant	Indicates that the committee needs a definition of owner occupied shared dwelling that they all can agree on.
405	<b>Larry Sloan</b>	<b>Portland, Oregon</b>  Submits written testimony and testifies in support of SB 916 ( <b>EXHIBIT I</b> ). Discusses the difficulties involved when certain resident landlords must rent to certain renters.
<b>Tape 135, B</b>		
076	<b>Kathleen Harrison</b>	<b>Citizen</b>  Testifies in support of SB 916. She is building a basement apartment for her son and will want to rent it out after he leaves for college. She was a victim of a violent experience and wants to carefully choose her renter. Discusses her parents' desire to rent out part of their home. Discusses the difficulty of obtaining good information about prospective renters. Believes that the passage of SB 916 would solve both her parents and her difficulties.
165	<b>Carolyn Dale</b>	<b>Oregon Apartment Association</b>  Testifies in support of SB 916. This bill would make housing more affordable in Portland. Many people buy a home in Portland and plan to rent out a room to help with the mortgage. We don't want to discourage this.

189	David Winters	<p><b>Member of the Salem Disabilities Commission</b></p> <p>Testifies in support of the concept of SB 916. Indicates that SB 916 should be amended to include allowing a disabled landlord to discriminate in favor of renting to someone who is disabled.</p>
<b><u>SB 1007 PUBLIC HEARING</u></b>		
243	Donald Leslie	<p><b>National Alliance for the Mentally Ill (NAMI) of Lane County</b></p> <p>Submits written testimony and testifies in support of SB 1007 (<b>EXHIBIT J</b>).</p>
265	Steve Bryant	<p><b>Albany, Oregon</b></p> <p>Testifies in support of SB 1007. His mother was murdered by her mentally ill nephew. Discusses his mother's life and her murder. He feels the mental health system has failed all his family. Believes SB 1007 could have helped.</p>
377	Dan Bryant	<p><b>Eugene, Oregon</b></p> <p>Submits written testimony and testifies in support of SB 1007 (<b>EXHIBIT K, L, &amp; M</b>). Pastor of the First Christian Church and son of Betty Joy Bryant who was murdered by her mentally ill nephew. Discusses the history and diagnosis of the nephew, Forrest Argentino. Outlines Mr. Argentino's long history of assaults and murder attempts (<b>EXHIBIT N</b>). Believes that if SB 1007 had been in force, Forrest would have been more closely supervised.</p>
<b>Tape 136, B</b>		
045	D. Bryant	Continues testimony and submits a picture of his mother with her youngest grandchild ( <b>EXHIBIT O</b> ). Asks if the State of Oregon, given all that was known about Forrest Argentino, couldn't have served his mother and her assailant better.
109	Chair Bryant	Asks if he has reviewed the 11 amendments and if they are acceptable ( <b>EXHIBIT P</b> ).
110	D. Bryant	Yes.
128	Mark Gardner	<p><b>Special Counsel to the Attorney General</b></p> <p>Testifies as neutral on SB 1007 with the 11 amendments which protect the civil rights of mental patients. Indicates that resources in mental health are sadly lacking.</p>
149	Sen. Brown	If we were to pass SB 1007 and hold these mentally ill patients for a longer period of time, do we have any place to put them?

152	Gardner	I'm not sure I can answer that question. I just know that resources for the mentally ill are lacking.
192	<b>Bob Joondeph</b>	<b>Oregon Advocacy Center</b>  Submits written testimony and testifies in opposition to SB 1007 ( <b>EXHIBIT Q</b> ). Discusses their objections to certain provisions in the bill.
298	Chair Bryant	Suspends the public hearing on SB 1007.
<b><u>SB 842 WORK SESSION</u></b>		
<b>313</b>	<b>Sen. Brown</b>	<b>MOTION: Moves to ADOPT SB 842-1 amendments dated 4/19/99.</b>
		<b>VOTE: 4-0</b>  <b>EXCUSED: 3 ñ Courtney, Qutub, Tarno</b>
		<b>Chair Bryant</b>  <b>Hearing no objection, declares the motion CARRIED.</b>
<b>317</b>	<b>Sen. Brown</b>	<b>MOTION: Moves SB 842 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 4-0</b>  <b>EXCUSED: 3 - Courtney, Qutub, Tarno</b>
		<b>Chair Bryant</b>  <b>Hearing no objection, declares the motion CARRIED.</b>  <b>SEN. BRYANT will lead discussion on the floor.</b>
322	Sen. Brown	Reopens the public hearing on SB 1007.
328	Joondeph	We would be happy to participate in a work group on SB 1007 and include the ñ1 amendments for consideration also.
329	Sen. Brown	I have heard a lot of frustration surrounding the difficulty of committing the

		mentally ill. How does that perception fit with your concerns?
340	Joondeph	We need greater resources. Committing people without treatment doesn't meet the need. SB 1007 doesn't change the standard for civil commitment but it does change the procedures after that commitment occurs.
428	Sen. Brown	Asks whether he thinks there are any current legislative measures that may increase the availability of treatment for mental health.
434	Joohdeph	A bill addressing parity would allow individuals to obtain consensual treatment on the same basis as treatment for other illnesses. Most of our organization supports this concept. Forcing more people into treatment without the resources to treat them will not achieve what we want.
<b>Tape 137, A</b>		
011	Sen. Brown	Do you have any statistics that verify the high incidence of mental illness in prison?
013	Joohdeph	According to the Department of Corrections, the incidence of mentally ill inmates has been increasing steadily. I believe the figure is in the range of 18% of the population.
022	<b>Linda Sisson</b>	<b>Support Coalition, Lane County</b>  Indicates she will submit written testimony and testifies in opposition to SB 1007 ( <b>EXHIBIT R</b> ). It is important that we don't confuse mental illness with criminality.
049	<b>David Oaks</b>	<b>Support Coalition, Lane County</b>  Submits written testimony and testifies in opposition to SB 1007 ( <b>EXHIBIT S</b> ). The mental health system is broken and SB 1007 is asking for more of the same. The mental health constituency has been left out of the process. All mental health advocacy groups oppose this bill.
305	<b>Cecelia Vergarette</b>	<b>Mental Health Association of Oregon</b>  Submits testimony and testifies in opposition to SB 1007 ( <b>EXHIBIT T</b> ).
390	<b>Dennis Ekanger</b>	<b>Psychologist, Lane County Mental Health</b>  Submits written testimony and testifies in support of SB 1007 ( <b>EXHIBIT U</b> ). Indicates he and Greg Sullinger are co-authors of SB 1007 and are submitting minor amendments that are attached to Exhibit T. Indicates that their goal in drafting SB 1007 was to help communities manage individuals with a history of multiple commitments, particularly those with violence in their history.



**Tape 138, A**

162	Sen. Nelson	Asks about the costs of implementing SB 1007.
166	Ekanger	I believe it will require a modest increase in costs, because there will be savings too. These people are already in our communities, and already using resources, just different resources.
184	Sen. Brown	We don't have the hospitals to hold people who may be committed. We are talking about outpatient services, or foster care. The reality is that SB 1007 wouldn't cost any more because we have nowhere to hold those who are committed.
193	Ekanger	Our mental health services are underfunded, that's correct. We still have people who need this assistance.
205	Sen. Brown	I have a constituent who is very frustrated that Dammasch State Hospital closed since she felt her daughter needed care there to be safe.
212	Ekanger	Discusses resources available to the mentally ill in Lane County.
235	<b>Greg Sullinger</b>	<b>Co-Author, SB 1007</b>  Testifies in support of SB 1007 and associates himself with Mr. Ekanger's remarks. Discusses the provision in the bill that allows the judge who commits a person to forbid that person to carry a firearm. The judge's action would be entered into the Law Enforcement Data System in order that law enforcement personnel would be aware of this action.
316	<b>Ken W. Stockamp</b>	<b>Clackamas Support Coalition</b>  Testifies in opposition to SB 1007. Discusses his commitment to Dammasch Hospital. Discusses his situation and his concerns about SB 1007.
432	<b>David Winters</b>	<b>Member of the Salem Disabilities Commission</b>  Testifies in opposition to SB 1007. Indicates SB 1007 does not have a clear definition of mental illness. More interested parties should be consulted.

**Tape 137, B**

023	<b>John McCulley</b>	<b>Oregon Psychiatric Association</b>  Submits written testimony and testifies on SB 1007 ( <b>EXHIBIT V</b> ). Discusses two areas in the bill amendments which need clarifying.

047	Sen. Burdick	I noticed in your written testimony that you objected to deleting the judge's discretion on firearms. Do you know how often judges require that a committed person not be allowed to own firearms?
051	McColley	I don't have that answer.
053	Sen. Burdick	Can a person regain the ability to own firearms once it is forbidden?
060	Ekanger	The prohibition is for life, however an individual can challenge this.
066	Sen. Burdick	How often does a judge change this?
068	Ekason	It is unusual in Lane County to have this prohibition reversed.
<b><u>SB 660, SB 661, SB 804 and SB 805 PUBLIC HEARING</u></b>		
082	Sen. Brown	I introduced SB 660 and SB 661 and since they are similar to Senator Adams bills, SB 804 and SB 805, I will defer to those bills.
102	<b>Philip Schradle</b>	<p><b>Department of Justice</b></p> <p>Testifies in opposition to all four bills, SB 660, SB 661, SB 804, SB 805. Indicates that all four bills would require that orders in other than contested cases be in writing. This would cause a widespread impact on all state agencies. For instance, our civil enforcement division takes telephone inquiries at the rate of 335 a month from consumers. An oral response is given, letting them know that they are calling the wrong office and referring them on to the right office. Those oral communications would have to be in writing, with a statement of appeal rights and served on the caller. The financial impact is dramatic. If there are problems, they should be addressed in an individual fashion rather than with such a broad brush. Discusses the prohibition, in SB 805, of an assistant attorney general who has represented the agency in a matter which then becomes a contested case from representing the agency in that contested case.</p>
200	<b>Martha Pagel</b>	<p><b>Director, Water Resources Department</b></p> <p>Submits written testimony in opposition to SB 661 and SB 804 (<b>EXHIBITS W &amp; X</b>). Indicates that her agency is making every effort to be clear on their orders and they are unaware of any problems. If there is a problem that we are not aware of, these bills will only exacerbate the problem.</p>
238	<b>Nancy Bieber</b>	<p><b>Worker's Compensation Dispute Resolution</b></p> <p>Submits written testimony and testifies in opposition to SB 660 and SB 805 (<b>EXHIBIT Y</b>). Indicates that the cost to send their orders by certified mail would be about \$500,000 per biennium. Notes they are not aware of any problem with the current procedure.</p>

266	<b>Peter DeLucca</b>	<b>Administrator, Oregon Occupational Safety and Health Administration (OR-OSHA)</b>  Submits written testimony and testifies in opposition to SB 804 and SB 805 <b>(EXHIBITS Z &amp; AA)</b> . SB 804 and SB 805 would require us to change lawyers when a case becomes contested. This would be very expensive.
328	Sen. Brown	Adjourns meeting at 6:15 p.m.

Submitted By, Reviewed By,

Judith Minnich, Anne Tweedt,

Administrative Support Counsel

#### **EXHIBIT SUMMARY**

**A ñ SB 842, written testimony from James Gardner, 2 pp**

**B ñ SB 842, -1 amendments dated 4/19/99, 2 pp**

**C ñ SB 76, written testimony of Timothy Travis, 8 pp**

**D ñ SB 76, -2 amendments dated 3/29/99, 2 pp**

**E ñ SB 916, written testimony from Sharon Fleming-Barrett, 13 pp**

**F ñ SB 916, -1 amendments dated 4/19/99, 1 pp**

**G ñ SB 916, written testimony from George Warner, 7 pp**

**H ñ SB 916, written testimony from Cynthia Ingebretson, 1 pp**

**I ñ SB 916, written testimony from Larry Sloan, 2 pp**

**J ñ SB 1007, written testimony from Don Leslie, 1 pp**

**K ñ SB 1007, Register Guard article dated January 21, 1999, Dan Bryant, 1 pp**

**L ñ SB 1007, Oregonian article dated January 21, 1999, Dan Bryant, 1 pp**

**M ñ SB 1007, Eugene Weekly article dated February 25, 1999, Dan Bryant, 3 pp**

**N ñ SB 1007, written testimony from Dan Bryant, 1 pp**

**O ñ SB 1007, picture of Betty Joy Bryant and grandchild, 1 pp**

**P ñ SB 1007, -1 amendments dated 4/20/99, 6 pp**

**Q ñ SB 1007, written testimony from Bob Joohdeph, 3 pp**

**R ñ SB 1007, written testimony from Linda Sisson, 2 pp**

**S ñ SB 1007, written testimony submitted by D. Oaks, 1 pp**

**T ñ SB 1007, written testimony from C. Vergarette, 2 pp**

**U ñ SB 1007, written testimony from Dennis Ekanger, 6 pp**

**V ñ SB 1007, written testimony from John McCulley, 1 pp**

**W ñ SB 661, written testimony from Martha Pagel, 2 pp**

**X ñ SB 804, written testimony from Martha Pagel, 3 pp**

**Y ñ SB 660 & SB 805 written testimony from Nancy Bieber, 1 pp**

**Z ñ SB 804, written testimony from Peter De Luca, 1 pp**

**AA ñ SB 805, written testimony from Peter De Luca, 1 pp**