

SENATE COMMITTEE ON JUDICIARY

April 28, 1999 Hearing Room 343

3:00 PM Tapes 152 - 153

MEMBERS PRESENT: Sen. Bryant, Chair

Sen. Courtney, Vice-Chair

Sen. Brown

Sen. Burdick

Sen. Nelson

Sen. Qutub

Sen. Tarno

STAFF PRESENT: Bill Taylor, Counsel

Aaron Felton, Counsel

Kathy Courtney, Administrative Support

MEASURE/ISSUES HEARD: Public Employee Retirement System

SB 817 Work Session

SB 1207 Work Session

SB 320 Work Session

SB 844 Work Session

SB 345 Work Session

SB 66 Work Session

SB 59 Work Session

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation Johnsons reports a speakeris exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 152, SIDE A		

009	Chair Bryant	Calls meeting to order at 3:15 PM.
Informational Meeting on the Public Employees Retirement System		
029	Mark Johnson	Actuary, Miller and Robertson Discusses the Public Employees Retirement System's (PERS) current budget. Asserts that slight changes in employer contributions to PERS would produce significant budget changes.
060	Chair Bryant	How is the Cost of Living Adjustment (COLA) determined?
062	Johnson	Discusses COLA calculations used to determine increase in PERS retiree payroll checks. Explains why SB 723 relating to the money match method is unpredictable in forecasting the PERS budget.
110	Chair Bryant	Compares the bills which would change the current PERS retiree allowances: SB 722, SB 723 and SB 910.
170	Johnson	Discusses SB 1134 relating to an employer's option of non-participation in PERS. Explains the ramifications of an employer's investment in variable accounts.
194	Chair Bryant	Should we place a ceiling on COLAs?
196	Johnson	Discusses the short-term and long-term implications of capping COLAs.
270	Fred McDonnal	Executive Director, Public Employee Retirement System Submits written testimony and discusses the effects of crediting accounts monthly including effectiveness in crediting accounts, less volatility of returns and employee and system fairness. (EXHIBIT A)
TAPE 153, SIDE A		
012	Johnson	Discusses the inadequacies of pooling PERS benefits.
047	Chair Bryant	Discusses SB 723's amendments which mandate the composition of the PERS Board. (EXHIBIT B)
050	McDonnal	Discusses the caliber of private sector PERS Board members.
072	Sen. Brown	Mr. McDonnal, how can you determine that private PERS Board members act in the best interest of public employees?

080	McDonnal	The PERS legal counsel, other PERS Board members, interest groups, and the Department of Justice provides checks and balances on the PERS Board membersí decisions.
105	Sen. Brown	What is the purpose of the SB 723 ñ1 amendments?
107	Chair Bryant	Explains that mandating the PERS Boardís composition would provide a broader perspective. Discusses retiree compensation statistics. If employers had invested matching funds in the variable account, what would have been the effect?
150	Johnson	Discusses the effect on the variable and regular accounts.
200	Sen. Nelson	Discusses the legislative history of PERS bills relating to the taxing of retireesí employment benefits.
256	McDonnal	Discusses the continuation of the employer subsidy and COLA payments.
330	Chair Bryant	Closes informational hearing on PERS.
<u>SB 817 WORK SESSION</u>		
348	Counsel Felton	SB 817 establishes jurisdiction of juvenile court review over Services to Children and Families Department consent to child adoptions. Discusses the SB 817 ñ1 amendments. (EXHBIT C)
391	Sen. Brown	MOTION: Moves to ADOPT SB 817-1 amendments dated 04/28/99.
		VOTE: 7-0-1
Chair Bryant		Hearing no objection, declares the motion CARRIED.
393	Sen. Brown	MOTION: Moves SB 817 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0-1
Chair Bryant		Hearing no objection, declares the motion CARRIED.

SEN. BROWN will lead discussion on the floor.

TAPE 152, SIDE B

SB 1207 WORK SESSION

027	Steven Doell	Crime Victims United Testifies in support of SB 1207 which requires driving privilege suspension for assault convictions. Explains why suspension is preferable to revocation of driving privileges for assault convictions. Discusses the unintended consequences of the 1995 driver legislation.
138	Sen. Tarno	Would SB 1207 apply to individuals currently incarcerated for vehicular assault?
149	Chair Bryant	SB 1207 would apply to those who lost their driving privileges due to the implementation of the 1995 law.
150	Mike Stenehjem	Milwaukie resident Testifies in support of SB 1207. Discusses his vehicular assault conviction and sentence. Explains the hardship on his family due to the losing his driving privilege in January of 1999.
192	Sen. Courtney	Were there any fatalities in your vehicle accident? Did you serve time?
195	Stenehjem	There were no fatalities. I served 19 months in the Columbia River facility and completed an alcohol/drug program. Discusses his transportation arrangements to work.
217	Johnson Gardner	Special Counsel to the Attorney General Testifies in support of SB 1207. Explains that SB 1207 will resolve several cases currently within the criminal justice system.
239	Kelly Taylor	Department of Transportation Explains that one's driving privileges can be restored promptly, but programming changes will require more time.
266	Doell	Discusses the Motor Vehicle Division's 3 ½ year delay in implementing the 1995 driver legislation relating to vehicular assault.
286	Chair Bryant	Introduces Stephen Houze's proposed amendments on SB 1207 into the public

		record. (EXHIBIT D)
292	Sen. Burdick	Mr. Brown, how would you evaluate Mr. Houze's amendments?
299	Michael Brown	Attorney, Salem, Oregon Discusses proportionality problems relating to reinstatement of driving privileges inherent in SB 1207.
320	Chair Bryant	Closes SB 1207 Work Session.
<u>SB 320 WORK SESSION</u>		
323	Counsel Taylor	SB 320 modifies provisions relating to length time a person subject to extradition can be incarcerated. Discusses SB 320's amendments. (EXHIBIT E)
332	Sen. Courtney	MOTION: Moves to ADOPT SB 320-1 amendments dated 04/20/99.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Brown
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
335	Sen. Courtney	MOTION: Moves SB 320 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Brown
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. COURTNEY will lead discussion on the floor.
340	Chair Bryant	Closes SB 320 Work Session.
<u>SB 844 WORK SESSION</u>		

340	Counsel Taylor	SB 844 relates to school safety zone offenses. Discusses the SB 844 ñ2 amendments. (EXHIBIT F)
364	Sen. Courtney	MOTION: Moves to ADOPT SB 844-2 amendments dated 04/21/99.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Brown
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
368	Sen. Courtney	Discusses legislative history of SB 844.
396	Sen. Courtney	MOTION: Moves SB 844 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0-1 EXCUSED: 1 ñ Sen. Brown
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. COURTNEY will lead discussion on the floor.
418	Chair Bryant	Closes SB 844 Work Session.
TAPE 153, SIDE B		
<u>SB 66 WORK SESSION</u>		
002	Counsel Taylor	SB 66 creates the Public Defense Services Division. Discusses the SB 66 ñ1 amendments. (EXHIBIT G)
012	Chair Bryant	MOTION: Moves to ADOPT SB 66-1 amendments dated 04/19/99.

		VOTE: 4-0-3 EXCUSED: 3 - Sen. Brown, Sen. Burdick, Sen. Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED .
015	Chair Bryant	MOTION: Moves SB 66 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Committee on Ways and Means.
		VOTE: 4-0-3 EXCUSED: 3 - Sen. Brown, Sen. Burdick, Sen. Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED .
017	Chair Bryant	Closes SB 66 Work Session.
<u>SB 345 WORK SESSION</u>		
020	Counsel Taylor	SB 345 replaces list of various occupations with term "public safety personnel" or "public safety officer" in statutes relating to the Department of Public Safety Standards and Training. Discusses SB 345 ñ1 and ñ3 amendments. (EXHIBITS H and I)
035	Sen. Courtney	MOTION: Moves to ADOPT SB 345-1 amendments dated 02/19/99.
		VOTE: 5-0-2 EXCUSED: 2 - Sen. Brown, Sen. Burdick
	Chair Bryant	Hearing no objection, declares the motion CARRIED .
038	Sen. Qutub	How do the SB 345 ñ3 amendments relate to the private prison bill?
050	Kevin Campbell	Oregon Association Chiefs of Police Discusses SB ñ3 amendments relating to law enforcement training by colleges

		and by law enforcement officials. Explains that SB 345 is not intended to impact the prison privatization bill.
071	Sen. Tarno	Eastern Oregon, including the Snake River Correctional facility, needs correctional staff training for its new employees. Will those employees have access to training at the local community colleges?
074	Campbell	Yes. Discusses SB ñ3 line 5 in which "private" should be "public."
089	Diane Middle	Director, Department of Public Safety Standards and Training (DPSST) Explains that SB 345 will allow for a partnership between DPSST and community colleges in law enforcement officer training.
100	Chair Bryant	MOTION: Moves to SUSPEND the rules for the purpose of amending the text in SB 345 ñ3 amendments.
		VOTE: 5-0-2 EXCUSED: 2 - Sen. Burdick, Sen. Brown
Chair Bryant		Hearing no objection, declares the motion CARRIED .
104	Chair Bryant	MOTION: Moves to AMEND the SB 345-1 amendments on page 1, line 5, change "private" to "public."
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Brown
Chair Bryant		Hearing no objection, declares the motion CARRIED .
107	Chair Bryant	MOTION: Moves SB 345 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Brown

	Chair Bryant	<p>Hearing no objection, declares the motion CARRIED.</p> <p>SEN. BURDICK will lead discussion on the floor.</p>
115	Chair Bryant	Closes SB 345 Work Session.
<u>SB 59 WORK SESSION</u>		
116	Counsel Taylor	SB 59 defines "weapon" in the context of possessing a weapon in a public building. Discusses the legislative history of the bill and the SB 59 ñ12 amendments. (EXHIBIT J)
170	Chair Bryant	Compares proposed sanctions for a SB 59 offense in public buildings and on buses.
176	Sen. Burdick	SB 59 ñ12 amendment sanctions for buses are consistent with those of public buildings. Discusses concealed weapons in courthouses.
186	Sen. Tarno	A Class A misdemeanor would suffice as a sanction for a SB 59 ñ12 offense.
193	Bernie Bottomly	<p>Tri-Met</p> <p>Discusses current posting of regulations on buses and light rail trains. Offers to post SB 59 regulations if necessary.</p>
224	Sen. Burdick	Proposes a Class A misdemeanor for the first SB 59 offense and a Class C felony for subsequent offenses.
230	Chair Bryant	Closes SB 59 Work Session. Adjourns hearing at 4:53 PM.

Submitted By, Reviewed By,

Kathy Courtney, Sarah Watson,

Administrative Support Office Coordinator

EXHIBIT SUMMARY

- A. Responses to Senate Judiciary Committee Questions, Fred McDonnal, 3pp
- B. SB 723 ñ1 Proposed Amendments, Bill Taylor, 3pp
- C. SB 817 ñ1 Proposed Amendments, Aaron Felton, 3pp
- D. Written testimony in support of SB 1207, Stephen A Houze, 2pp
- E. SB 320 ñ1 Proposed Amendments, Bill Taylor, 1p
- F. SB 844 ñ2 Proposed Amendments, Bill Taylor, 1p
- G. SB 66 ñ1 Proposed Amendments, Bill Taylor, 118pp
- H. SB 345 ñ1 Proposed Amendments, Bill Taylor, 1p
 - I. SB 345 ñ3 Proposed Amendments, Bill Taylor, 1p
- J. SB 59 ñ12 Proposed Amendments, Bill Taylor, 2pp
- K. Written testimony in support of SB 1207, Bert Kleiner, 3pp