

SENATE COMMITTEE ON JUDICIARY

May 17, 1999 Hearing Room 343

3:00 PM Tapes 183 - 184

MEMBERS PRESENT: Sen. Bryant, Chair

Sen. Courtney, Vice-Chair

Sen. Brown

Sen. Burdick

Sen. Nelson

Sen. Qutub

Sen. Tarno

STAFF PRESENT: Bill Taylor, Counsel

Kathy Courtney, Administrative Support

MEASURE/ISSUES HEARD: SB 811 Work Session

HB 3276A Public Hearing, Work Session

HB 2555A Work Session

SB 775 Work Session

SB 1066 Work Session

SB 1304 Public Hearing

SB 1247 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 183, SIDE A

004

Chair Bryant

Calls meeting to order at 3:18 PM.

SB 811 WORK SESSION

013

Sen. Ted Ferrioli

State Senator, District 28

Testifies in support of SB 811 which recognizes certain concealed handgun licenses issued by other jurisdictions. Explains the SB 811 amendments relating to reciprocity. Asserts that SB 811 upholds Oregon strict concealed handgun license standards. **(EXHIBIT A)**

062

Sen. Brown

How does SB 811 relate to HB 2535 which establishes mandatory minimum terms of imprisonment for crimes commission with a firearm?

062

Sen. Burdick

Explains that SB 811 mandates issuance whereas HB 2535 allows issuance of concealed handgun licenses.

082

Chair Bryant

Asserts that SB 811 mandates that all of the Oregon concealed handgun license requirements are met, not just the residence requirement.

110

Sen. Tarno

MOTION: Moves to ADOPT SB 811-2 amendments dated 05/11/99.

VOTE: 4-1-2**AYE: 4 - Brown, Nelson, Tarno, Bryant****NAY: 1 - Burdick****EXCUSED: 2 - Courtney, Qutub**

Chair Bryant

The motion CARRIES.

112

Sen. Tarno

MOTION: Moves SB 811 to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 4-1-2**AYE: 4 - Brown, Nelson, Tarno, Bryant****NAY: 1 - Burdick**

		EXCUSED: 2 - Courtney, Qutub
	Chair Bryant	<p>The motion CARRIES.</p> <p>SEN. FERRIOLI will lead discussion on the floor.</p>
<u>HB 3276A PUBLIC HEARING</u>		
124	Rep. Vic Backlund	<p>State Representative, House District 33</p> <p>Testifies in support of HB 3276A which prohibits possession of inhalants for intoxication. Discusses the accessibility and use of inhalants as intoxicants. Cites other states laws regarding inhalants.</p>
188	Chair Bryant	How are inhalants used for intoxication?
190	Rep. Backlund	Explains how gas is trapped and inhaled for intoxication. Discusses the effective date of the bill.
220	Sen. Burdick	The original version of HB 3276A applied to youth less than 18 years old. Why was the age component deleted from the bill?
230	Rep. Backlund	Explains that the problem extends beyond youth and judges will have authority to mandate counseling.
240	Sen. Burdick	Is inhaling intoxicants addictive?
241	Rep. Backlund	Yes, it appears to be.
262	Kathie Osborn	<p>Juvenile Rights Project</p> <p>Testifies with neutrality on HB 3276A. Discusses method of trapping gas and the psychological addiction. Explains the treatment priority for huffers, youth who inhale intoxicants.</p>
334	Chair Bryant	How widespread is huffing?
338	Osborn	Discusses the progression of huffing which peaks in adolescent boys at age 14. Explains that huffing is not a socially accepted addiction.

355	Sen. Courtney	Explains that intoxicated driving arrests indicate a 65 percent increase in huffing activity.
371	Osborn	Asserts that detection of intoxicated drivers by law enforcement is increased, but not necessarily use of intoxicants by drivers.
385	Sen. Burdick	How long does intoxication from inhalants last?
386	Osborn	Discusses the progression of inhalant addiction.
TAPE 184, SIDE A		
010	Carla Moyer	Salem Keizer Public Schools, Prevention Specialist Testifies in support of HB 3276A. Discusses the treatment options for youth huffers: residential/outpatient treatment and education.
042	Sen. Courtney	MOTION: Moves to ADOPT HB 3276A-9 amendments dated 05/13/99.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Qutub
Chair Bryant		Hearing no objection, declares the motion CARRIED.
044	Sen. Courtney	MOTION: Moves HB 3276A 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. COURTNEY will lead discussion on the floor.
052	Chair Bryant	Closes HB 3276A Work Session.

053	Chair Bryant	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. COURTNEY to BE RECORDED as voting AYE on the motion of SB 811 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.
<u>HB 2555A WORK SESSION</u>		
059	Sen. Brown	Discusses HB 2555A which reorganizes spousal support criteria. Explains why HB 2555A is critical in limiting judges' discretion in spousal support awards. Explains the HB 2555A -A2 amendments. (EXHIBIT B)
134	Sen. Brown	MOTION: Moves to ADOPT HB 2555-A2 amendments dated 05/12/99.
		VOTE: 5-0-2 EXCUSED: 2 - Sen. Burdick, Sen. Qutub
Chair Bryant		Hearing no objection, declares the motion CARRIED.
138	Sen. Brown	MOTION: Moves HB 2555A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0-2 EXCUSED: 2 - Sen. Burdick, Sen. Qutub
Chair Bryant		Hearing no objection, declares the motion CARRIED. SEN. BROWN will lead discussion on the floor.

144	Chair Bryant	Closes HB 2555A Work Session.
<u>SB 775 WORK SESSION</u>		
146	Counsel Taylor	SB 775 transfers responsibility for the Court Appointed Special Advocate Volunteer Program from the State Commission on Children and Families to the Judicial Department. Discusses the SB 775 amendments and appropriations. (EXHIBIT C)
150	Nancy Miller	Citizens Review Board Testifies in support of SB 775. Disagrees that the appropriations relating to SB 775 were deleted from the bill.
171	Chair Bryant	MOTION: Moves to ADOPT SB 775-2 amendments dated 05/13/99.
		VOTE: 5-0-2 EXCUSED: 2 - Sen. Burdick, Sen. Qutub
Chair Bryant		Hearing no objection, declares the motion CARRIED.
174	Sen. Courtney	MOTION: Moves SB 775 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0-2 EXCUSED: 2 - Sen. Burdick, Sen. Qutub
Chair Bryant		Hearing no objection, declares the motion CARRIED. SEN. QUTUB will lead discussion on the floor.
178	Chair Bryant	Closes SB 775 Work Session.
<u>SB 1066 WORK SESSION</u>		

180	Sen. Courtney	MOTION: Moves to ADOPT SB 1066-1 amendments dated 05/12/99.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Burdick
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
184	Sen. Courtney	MOTION: Moves SB 1066 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Burdick
	Chair Bryant	Hearing no objection, declares the motion CARRIED. REP. HARTUNG will lead discussion on the floor.
190	Chair Bryant	Closes SB 1066 Work Session.
<u>SB 1304 PUBLIC HEARING</u>		
214	Sen. Brown	Discusses SB 1304 which requires the court to excuse a pregnant woman or a primary caregiver of a child under 6 years of age from jury duty. Discusses the inconsistency between excusing a pregnant woman from jury duty and requiring mothers of young children to work.
237	Kenneth McDermott	Senator Charles Staris Office, Legislative Assistant Testifies and submits written testimony in support of SB 1304. (EXHIBIT D) Discusses the progressive capacity of a young child to interact with strangers. Cites state laws relating to jury duty and parental care for children.
415	Tawnie Johnson	Concerned Parent of young child Testifies and submits written testimony in support of SB 1304. (EXHIBIT E) Relates personal story relating to jury duty deferrals.

TAPE 183, SIDE B

002	Johnson	Continues discussion on difficulty of parents of young children to serve on juries.
068	Chair Bryant	Asserts that jury duty is an inconvenience to most people, not only parents. Explains that the SB 1304 ñ1 amendments are too broad. (EXHIBIT F)
109	Sen. Qutub	Explains that Ms. Johnsonís personal experience with jury duty is unique. Asserts that pregnancy must not be the sole criteria for exclusion from jury duty.
148	McDermott	Discusses the procedures for dismissal from jury duty.
158	Chair Bryant	Can one be held in contempt and have to hire legal representation for refusal to serve on a jury?
166	McDermott	Possibly. Discusses a judgeís discretion to dismiss a potential juror.
180	Chair Bryant	Are there any specific exemptions to jury duty?
182	McDermott	Discusses the current law on jury service. Asserts that SB 1304 focuses on the child and its needs, not the parent/caregiver.
213	Ingrid Swenson	Oregon Criminal Defense Lawyers Association Testifies in opposition to SB 1304. Explains why pregnant women and those over 70 should not be excluded from the jury pool. Asserts that jury duty is an civic obligation.
279	Chair Bryant	Closes SB 1304 Public Hearing.

SB 1247 WORK SESSION

293	Counsel Taylor	Discusses SB 1247 which create the Correctional Privatization Commission. Explains the SB 1247 ñ1 amendments. (EXHIBIT G)
232	Sen. Qutub	Explains the need for flexibility in contract negotiations with correctional facility providers.
353	Sen. Qutub	MOTION: Moves to ADOPT SB 1247-1 amendments dated 05/14/99.

VOTE: 4-0-3

		EXCUSED: 3 - Sen. Brown, Sen. Burdick, Sen. Courtney
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
362	Sen. Qutub	MOTION: Moves SB 1247 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.
		VOTE: 4-0-3 EXCUSED: 3 - Sen. Brown, Sen. Burdick, Sen. Courtney
		Chair Bryant Hearing no objection, declares the motion CARRIED.
386	Chair Bryant	Adjourns hearing at 4:35 PM.

Submitted By, Reviewed By,

Kathy Courtney, Sarah Watson

Administrative Support Office Coordinator

EXHIBIT SUMMARY

- A. SB 811 ñ2 proposed amendments, Bill Taylor, 6pp**
- B. HB 2555 ñA2 proposed amendments, Bill Taylor, 1p**
- C. SB 775 ñ2 proposed amendments, Bill Taylor, 2pp**
- D. Written testimony in support of SB 1304, Ken McDermott, 3pp**
- E. Written testimony in support of SB 1304, Tawni Johnson, 2pp**
- F. SB 1304 ñ1 proposed amendments, Bill Taylor, 1p**
- G. SB 1247 ñ1 proposed amendments, Bill Taylor, 1p**
- H. HB 3276 ñA9 proposed amendments, Bill Taylor, 1p**
- I. Written testimony in support of HB 2555, Russell Lipetzky, 2pp**
- J. SB 1066 ñ1 proposed amendments, Bill Taylor, 1p**
- K. Written testimony in support of SB 1304, John Banholzer, 2pp**