

SENATE COMMITTEE ON JUDICIARY

May 28, 1999 Hearing Room C

1:00 PM Tapes 207 - 208

MEMBERS PRESENT: Sen. Bryant, Chair

Sen. Courtney, Vice-Chair

Sen. Brown

Sen. Burdick

Sen. Nelson

Sen. Duncan

Sen. Tarno

STAFF PRESENT: Bill Taylor, Counsel

Kathy Courtney, Administrative Support

MEASURE/ISSUES HEARD: HB 3591A Public Hearing

HB 2077A Public Hearing, Work Session

HB 3208A Public Hearing, Work Session

HB 2853A Public Hearing, Work Session

HB 3012A Work Session

HB 3189A Public Hearing, Work Session

SB 1205 Work Session

HB 3661A Public Hearing

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 207, SIDE A		

004	Vice Chair Courtney	Calls hearing to order at 1:20 PM.
<u>HB 3591A PUBLIC HEARING</u>		
012	Rep. Kathy Lowe	State Representative, House District 26 Testifies and submits written testimony in support of HB 3591A which creates the crime of interference with making a report. (EXHIBIT A) Relates a story in which an abusive spouse disabled a telephone. Discusses the challenges in prosecuting an abusive spouse.
048	Sarah Snyder	Marion County's District Attorneys Office Testifies in support of HB 3591A. Explains that HB 3591A is a means to prosecute a defendant when the victim is unwilling or unable to testify against the abusive spouse.
077	Ingrid Swenson	Oregon Criminal Defense Lawyers Association Testifies in opposition to HB 3591A. Asserts that interference with a telephone call does not indicate legitimacy of the effort to telephone an agency.
108	Rep. Floyd Prozanski	State Representative, House District 40 Testifies in opposition to HB 3591A. Discusses Section 2 of the bill regarding alcohol to minor offenses.
147	Sen. Tarno	There is no specified time frame between the first and third offense.
149	Prozanski	That is an indication that HB 3591A fines are not consistent with Driving Under the Influence of Intoxicants (DUI) sanctions.
171	Vice Chair Courtney	Closes HB 3591A Public Hearing.
<u>HB 2077A PUBLIC HEARING</u>		
201	Rep. Ron Sunseri	State Representative, House District 22 Testifies in support of HB 2077A which relates to real estate agent disclosure of a registered sex offender's location in residential area. Discusses the impractical nature of making real estate agents subject to reporting statutes.
250	Chair Bryant	Closes HB 2077A Public Hearing.
<u>HB 2077A WORK SESSION</u>		

259	Sen. Burdick	What is the origin and purpose of HB 2077A?
262	Rep. Sunseri	Discusses the legislative background of HB 2077A.
277	Sen. Courtney	MOTION: Moves HB 2077A to the floor with a DO PASS recommendation.
		VOTE: 7-0-0
Chair Bryant		Hearing no objection, declares the motion CARRIED. SEN. TARNO will lead discussion on the floor.
282	Chair Bryant	Closes HB 2077A Work Session.
<u>HB 3208A PUBLIC HEARING</u>		
291	Rep. Deborah Katoury	State Representative, House District 18, Executive Director, Boys and Girls Club of Salem Testifies in support of HB 3208A which directs the State Police to waive criminal background check fees for some non-profit organizations. (EXHIBIT B) Discusses the importance and costs of hiring safe volunteers to work with children.
349	Counsel Taylor	Discusses fiscal impact of HB 3208A.
365	Chair Bryant	Closes HB 3208A Public Hearing.
<u>HB 3208A WORK SESSION</u>		
366	Sen. Courtney	MOTION: Moves HB 3208A to the floor with a DO PASS recommendation.
		VOTE: 7-0-0
Chair Bryant		Hearing no objection, declares the motion CARRIED.

		SEN. COURTNEY will lead discussion on the floor.
375	Chair Bryant	Closes HB 3208A Work Session.
<u>HB 2853A PUBLIC HEARING</u>		
380	Rep. Floyd Prozanski	State Representative, House District 40 Testifies in support of HB 2853A which authorizes the peace officer who issues a violation citation to present evidence in certain circumstances.
429	Chair Bryant	Closes HB 2853A Public Hearing.
<u>HB 2853A WORK SESSION</u>		
430	Sen. Courtney	MOTION: Moves to ADOPT HB 2853A-A2 amendments dated 05/25/99.
		VOTE: 7-0-0
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
439	Sen. Courtney	MOTION: Moves HB 2853A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0-0
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. COURTNEY will lead discussion on the floor.
452	Chair Bryant	Closes HB 2853A Work Session.
TAPE 208, SIDE A		

HB 3012A WORK SESSION

012	Rep. Ron Sunseri	State Representative, House District 22 Testifies and submits proposed amendments in support of HB 3012A which requires school boards to acquire firearm safety education programs for students. (EXHIBIT C) Discusses the legislative history of HB 3012A and the A3 amendments.
053	Chair Bryant	Summarizes and compares HB 3012A with SB 887 which mandates firearm safety programs for kindergarten through sixth grade students. Explains that HB 3012A creates a work group on firearm safety.
066	Sen. Burdick	The intent of firearm safety is abstinence. Shouldn't firearm safety programs promote abstinence?
073	Rod Harder	National Rifle Association Testifies in support of HB 3012A. Asserts that exposure to firearms removes the mystique of guns in youth culture and discourages inappropriate use of firearms.
088	Sen. Burdick	Expresses concern that HB 3012A requires youth to demonstrate competency with a handgun.
093	Rep. Sunseri	Explains the need to teach youth the mechanics of firearms.
107	Sen. Burdick	Will youth be required to demonstrate competency with a handgun?
112	Rep. Sunseri	Handgun competency is a work group recommendation, not a mandate.
124	Sen. Burdick	What is the projected cost of the work group?
126	Harder	The projected work group cost is \$80,000 dollars.
128	Sen. Duncan	HB 3012A issues more mandates to schools and expends limited resources. Firearm safety programs should be optional.
143	Sen. Courtney	MOTION: Moves to ADOPT HB 3012A-A3 amendments dated 05/28/99.
		VOTE: 7-0-0

	Chair Bryant	Hearing no objection, declares the motion CARRIED.
150	Sen. Courtney	MOTION: Moves HB 3012A to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means .
		VOTE: 5-2-0 AYE: 5 - Brown, Courtney, Nelson, Tarno, Bryant NAY: 2 - Burdick, Duncan
Chair Bryant		The motion CARRIES.
154	Sen. Burdick	Asserts that passing HB 3012A is carefree and careless.
168	Chair Bryant	Closes HB 3012A Work Session.
<u>HB 3189A PUBLIC HEARING</u>		
170	Rep. Floyd Prozanski	State Representative, House District 40 Testifies and submits proposed amendments in support of HB 3189A which relates to municipal and circuit court appeal procedures. (EXHIBIT D) Discusses the impact of redundant appeals on the court system.
223	Ann Christian	Oregon Judicial Department, Criminal Justice Advisory Committee Testifies and submits written testimony in support of HB 3189A. (EXHIBIT E) Explains how HB 3189A limits direct appeals to the Court of Appeals.
262	Judge Jad Lemhouse	Justice of the Peace, Linn County District Court Testifies in support of HB 3189A. Discusses the HB 3189A impact on record keeping policy and funding. Proposes inclusion of judges appointed after the effective date of HB 3189A within the bill's scope.
335	Prozanski	Discusses the impact of HB 3189A on indigent defense costs.
372	Sen. Courtney	How does HB 3189A affect small community courts?
360	Prozanski	Discusses the requirements to become a court of record. A court must have a

		licensed attorney as its sitting judge.
417	Chair Bryant	Closes HB 3189A Public Hearing.
TAPE 207, SIDE B		
<u>HB 3189A WORK SESSION</u>		
006	Sen. Courtney	MOTION: Moves to SUSPEND the rules for the purpose of amending HB 3189A text.
		VOTE: 7-0-0
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
006	Chair Bryant	MOTION: Moves to AMEND HB 3189A on page 2, line 1, after "elected," insert "or appointed".
		VOTE: 7-0-0
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
020	Chair Bryant	MOTION: Moves HB 3189A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0-0
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. BROWN will lead discussion on the floor.
021	Chair Bryant	Closes HB 3189A Work Session.

SB 1205 WORK SESSION

022	Chair Bryant	Discusses legislative history of SB 1205 which relates to environmental contamination insurance claims. Discusses the SB 1205 ñ7 amendments. (EXHBIT F)
058	Counsel Tweedt	Discusses conceptual amendment to SB 1205 ñ7.
089	Chair Bryant	MOTION: Moves to SUSPEND the rules for the purpose of amending SB 1205 text.
		VOTE: 6-0-1 EXCUSED: 1 - Sen. Duncan
		Chair Bryant Hearing no objection, declares the motion CARRIED.
095	Chair Bryant	MOTION: Moves conceptual amendments to SB 1205 (tape inaudible).
		VOTE: 7-0-0
		Chair Bryant Hearing no objection, declares the motion CARRIED.
107	Chair Bryant	MOTION: Moves SB 1205 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0-0
		Chair Bryant Hearing no objection, declares the motion CARRIED. SEN. BRYANT will lead discussion on the floor.
112	Counsel Tweedt	Discusses SB 1205 conceptual amendments.

135	Chair Bryant	Closes SB 1205 Work Session.
<u>HB 3361A PUBLIC HEARING</u>		
139	Rep. Bill Witt	State Representative, House District 7 Testifies and submits proposed amendments in support of HB 3661A. (EXHIBIT G) Relates Dennis Hooyman's story of unfair garnishment of his veteran's benefits.
179	Chair Bryant	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. DUNCAN to BE RECORDED as voting AYE on the SB 1205 DO PASS as AMENDED recommendation to the floor.
		VOTE: 7-0-0
Chair Bryant		Hearing no objection, declares the motion CARRIED.
191	Holly Sanborn	Concerned Disabled Person Testifies and submits written testimony in support of HB 3661A. (EXHIBIT H) Discusses the inequity of child support assessment formulas applied to veteran's benefits. Asserts that social security benefits provide support of her child, not veteran's benefits.
372	John Roach	Concerned Disabled Parent Testifies and submits written testimony in support of HB 3661A. (EXHIBIT I) Asserts that his social security disability benefits provide sufficient support to his children and former spouse.
<u>TAPE 208, SIDE B</u>		
003	Roach	Continues discussion about the necessity to reflect a child's social security benefits in veteran's benefits child support assessments.
033	Dennis Hooyman	Concerned Disabled Parent Testifies and submits written testimony in support of HB 3661A. (EXHIBIT J) Discusses the child support assessment against his veteran's benefits. Asserts that the assessment should apply retroactively.
135	Roach	Discusses the inequity of child support assessments on couples.

147	Ronelle Shankle	Department of Justice, Child Support Enforcement Testifies and submits written testimony with neutrality on HB 3661A. (EXHIBIT K) Discusses the combined income calculation for child support assessment. Compares the dollar for dollar and the income-based models.
221	Carl Steker	Marion County District Attorney's Office Testifies in opposition to HB 3661A ñ A2. Discusses supplemental social security income and veterans' benefits.
288	Sen. Brown	Parents who neglect child support rights should not receive retroactive credit since they could have requested modification promptly.
316	Shankle	Discusses the child support assessment of veterans' benefits.
326	Sen. Burdick	Agrees with assessing social security benefits but not veterans' benefits.
383	Hooyman	Discusses the necessity for credit for social security benefits paid to veterans' dependents. Explains that his debts were not factored into his child support assessment.
430	Vice Chair Courtney	Closes HB 3661A Public Hearing. Adjourns meeting at 3:07 PM.

Submitted By, Reviewed By,

Kathy Courtney, Sarah Watson

Administrative Support Office Coordinator

EXHIBIT SUMMARY

- A. Written testimony in support of HB 3591, Rep. Kathy Lowe, 8pp
- B. Written testimony in support of HB 3208, Rep. Deborah Katoury, 1p
- C. HB 3012-A3 proposed amendments, Bill Taylor, 1p
- D. HB 3189-A3 proposed amendments, Bill Taylor, 1p
- E. HB 3189 hand-engrossed proposed amendments, Ann Christian, 4pp
- F. SB 1205-7 proposed amendments, Bill Taylor, 3pp
- G. HB 3361-A2 proposed amendments, Bill Taylor, 1p

- H. Written testimony in support of HB 3361, Holly Sanborn, 1p**
- I. Written testimony in support of HB 3361, John Roach, 34pp**
- J. Written testimony in support of HB 3361, Dennis Hooymann, 38pp**
- K. Written testimony with neutrality on HB 3361, Ronelle Shankle, 2pp**
- L. Written testimony in support of HB 2077, Scott Taylor, 1p**
- M. Written testimony in support of HB 2077, Genoa Ingram, 1p**
- N. Written testimony in support of HB 3208, Randall Lewis, 2pp**
- O. Written testimony in support of HB 3208, Wendy Hunt, 4pp**
- P. HB 2853-A2 proposed amendments, Bill Taylor, 1p**
- Q. Written testimony in support of HB 2853, Leslie Stevens, 1p**