

**SENATE COMMITTEE ON JUDICIARY**

**May 07, 1999 Hearing Room 343**

**1:00 PM Tapes 169 - 170**

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

**Sen. Courtney, Vice-Chair**

**Sen. Brown**

**Sen. Burdick**

**MEMBER EXCUSED: Sen. Nelson**

**Sen. Qutub**

**Sen. Tarno**

**STAFF PRESENT: Bill Taylor, Counsel**

**Anne Tweedt, Counsel**

**Kathy Courtney, Administrative Support**

**MEASURE/ISSUES HEARD: SB 38 Work Session**

**SB 1104 Work Session**

**SB 941 Public Hearing, Work Session**

**SB 68, Public Hearing, Work Session**

**SB 59, Work Session**

**SB 1168 Work Session**

**SB 1075 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 169, SIDE A**

003

Chair Bryant

Calls meeting to order at 1:15 PM.

**SB 38 WORK SESSION****059****Sen. Avel Gordly****State Senator, District 10**Testifies and submits written testimony in support of SB 38 which requires the appointment of an interpreter certified through the court interpreter certification program. **(EXHIBITS A and B)**

093

Chair Bryant

Can a hearing's officer remove an interpreter from his position?

**104****Cathy Rhodes****State Court Administrator's Office**

Testifies in support of SB 38. Discusses the role of a hearing's officer and a hearing's officer designee.

144

Chair Bryant

Who makes the initial appointment for an interpreter?

**172****Sharon Hill****Legislative Assistant to Senator Gordly**

Explains how a claimant's attorney, ultimately, selects an interpreter for the claimant.

190

Counsel Tweedt

Explains that a hearing's officer designee is not specified in the bill.

**196****Chair Bryant****MOTION: Moves to ADOPT SB 38-2 amendments dated 04/23/99.****VOTE: 4-0-3****EXCUSED: 3 - Sen. Nelson, Sen. Qutub, Sen. Tarno****Chair Bryant****Hearing no objection, declares the motion CARRIED.****200****Sen. Courtney****MOTION: Moves SB 38 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.**

		<b>VOTE: 4-0-3</b>  <b>EXCUSED: 3 ñ Sen. Nelson, Sen. Qutub, Sen. Tarno</b>
	<b>Chair Bryant</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
215	Chair Bryant	Closes SB 38 Work Session.
<b><u>SB 68 PUBLIC HEARING</u></b>		
<b>220</b>	<b>Bradd Swank</b>	<b>State Court Administratorís Office</b>  Testifies in support of SB 68. Discusses the logistical difficulties for district courts to implement small claims courts.
264	Chair Bryant	Closes SB 68 Public Hearing.
<b><u>SB 941 PUBLIC HEARING</u></b>		
<b>269</b>	<b>Mark Gardner</b>	<b>Special Counsel to the Attorney General</b>  Testifies and submits written testimony in support of SB 941 which creates residential treatment programs for the mentally ill with dual diagnoses. <b>(EXHIBIT C)</b> Discusses the stateís responsibility to provide services for the mentally ill.
317	Chair Bryant	Compares SB 942 which relates to mental health probation to SB 941.
342	Sen. Burdick	Will the implementation of SB 941 generate savings?
347	Gardner	I donít know, but this bill allows us an opportunity to compare costs.
<b>362</b>	<b>Phil Chadsey</b>	<b>Multnomah Chapter of the National Alliance for the Mentally Ill</b>  Testifies in support of SB 941. Discusses the tendency for the mentally ill to self-medicate with alcohol. Asserts that the drug abuse takes precedence over the mental illness.
<b>382</b>	<b>Bob Joondeph</b>	<b>Oregon Advocacy Center</b>  Testifies in support of SB 941. Discusses the fallacy of the publicís perception of the mentally ill as violent people. Explains the impact of drug abuse on the mentally ill.

411	Chair Bryant	Closes SB 941 Public Hearing.
<b>TAPE 170, SIDE A</b>		
<b><u>SB 1104 PUBLIC HEARING</u></b>		
<b>014</b>	<b>Sen. Kate Brown</b>	<b>State Senator, District 7</b>  Testifies in support of SB 1104 which relates to neighbor notification prior to the establishment of a youth care facility at a site. Asserts that youth care facilities should not be concentrated in one geographic area. Proposes that SB 1104 become effective on passage.
051	Chair Bryant	Closes SB 1104 Public Hearing.
<b><u>SB 1104 WORK SESSION</u></b>		
<b>052</b>	<b>Sen. Brown</b>	<b>MOTION: Moves SB 1104 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 4-0-3</b>  <b>EXCUSED: 3 - Sen. Nelson, Sen. Qutub, Sen. Tarno</b>
		<div>Chair Bryant</div> <b>Hearing no objection, declares the motion CARRIED.</b>  <b>SEN. BROWN will lead discussion on the floor.</b>
055	Chair Bryant	Closes SB1104 Work Session.
<b><u>SB 941 WORK SESSION</u></b>		
056	Counsel Taylor	Introduces SB 941 which creates residential treatments programs for persons with dual diagnoses.
<b>057</b>	<b>Chair Bryant</b>	<b>MOTION: Moves SB 941 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.</b>
		<b>VOTE: 4-0-3</b>

		<b>EXCUSED: 3 - Sen. Nelson, Sen. Qutub, Sen. Tarno</b>
	<b>Chair Bryant</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
059	Chair Bryant	Closes SB 941 Work.
<b><u>SB 68 WORK SESSION</u></b>		
059	Counsel Taylor	Introduces SB 68 which clarifies certain prevailing party fees in small claim cases. Discusses the SB 68 amendments. <b>(EXHIBIT D)</b>
<b>060</b>	<b>Chair Bryant</b>	<b>MOTION: Moves to ADOPT SB 68-2 amendments dated 05/07/99.</b>
		<b>VOTE: 4-0-3</b> <b>EXCUSED: 3 - Sen. Nelson, Sen. Qutub, Sen. Tarno</b>
	<b>Chair Bryant</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>062</b>	<b>Chair Bryant</b>	<b>MOTION: Moves SB 68 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 4-0-3</b> <b>EXCUSED: 3 - Sen. Nelson, Sen. Qutub, Sen. Tarno</b>
	<b>Chair Bryant</b>	<b>Hearing no objection, declares the motion CARRIED.</b>  <b>SEN. COURTNEY will lead discussion on the floor.</b>
065	Chair Bryant	Closes SB 68 Work Session.
<b><u>SB 59 WORK SESSION</u></b>		

069	Counsel Taylor	Introduces SB 59 which relates to guns in courthouses and on buses. Discusses the SB 59 ñ13 and ñ14 amendments. <b>(EXHIBITS E and F)</b>
083	Chair Bryant	Discusses the penalty for a SB 59 offense as it relates to federal firearm laws.
085	Counsel Taylor	Discusses the domestic violence component to federal gun laws.
112	Chair Bryant	<b>MOTION: Moves to ADOPT SB 59-14 amendments dated 05/04/99.</b>
		<b>VOTE: 4-0-3</b> <b>EXCUSED: 3 - Sen. Nelson, Sen. Qutub, Sen. Tarno</b>
Chair Bryant		<b>Hearing no objection, declares the motion CARRIED.</b>
114	Chair Bryant	<b>MOTION: Moves SB 59 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 4-0-3</b> <b>EXCUSED: 3 - Sen. Nelson, Sen. Qutub, Sen. Tarno</b>
Chair Bryant		<b>Hearing no objection, declares the motion CARRIED.</b>  <b>SEN. BRYANT will lead discussion on the floor.</b>
118	Chair Bryant	Closes SB 59 Work Session.
<b><u>SB 1168 WORK SESSION</u></b>		
121	Counsel Taylor	Introduces SB 1168 which establishes a pilot program for persons on post-prison supervision, parole, probation or in a diversion program. Discusses SB 1168 ñ2 amendments. <b>(EXHIBIT G)</b>
138	Chair Bryant	Proposes a technical change to the SB 1168 ñ2 amendments on line 4: delete the word "trap" and the following comma.

140	Chair Bryant	<b>MOTION: Moves to SUSPEND the rules for the purpose of deleting the word "trap" and the following comma in line 4 of the SB 1168 -2 amendments.</b>
		<b>VOTE: 4-0-3</b>  <b>EXCUSED: 3 - Sen. Nelson, Sen. Qutub, Sen. Tarno</b>
Chair Bryant		<b>Hearing no objection, declares the motion CARRIED.</b>
150	Sen. Courtney	<b>MOTION: Moves SB 1168 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 4-0-3</b>  <b>EXCUSED: 3 - Sen. Nelson, Sen. Qutub, Sen. Tarno</b>
Chair Bryant		<b>Hearing no objection, declares the motion CARRIED.</b>  <b>SEN. COURTNEY will lead discussion on the floor.</b>
155	Chair Bryant	Closes SB 1168 Work Session.
<b><u>SB 1075 WORK SESSION</u></b>		
174	Counsel Taylor	Introduces SB 1075 which modifies the factors a court must consider in determining child custody in domestic relations. Discusses the SB 1075 ñ2 amendments. <b>(EXHIBIT H)</b>
180	Sen. Brown	<b>MOTION: Moves to ADOPT SB 1075-2 amendments dated 05//99.</b>
		<b>VOTE: 4-0-3</b>  <b>EXCUSED: 3 - Sen. Nelson, Sen. Qutub, Sen. Tarno</b>

	Chair Bryant	Hearing no objection, declares the motion <b>CARRIED</b> .
185	Sen. Brown	<b>MOTION: Moves SB 1075 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 4-0-3</b> <b>EXCUSED: 3 - Sen. Nelson, Sen. Qutub, Sen. Tarno</b>
	Chair Bryant	Hearing no objection, declares the motion <b>CARRIED</b> .  <b>SEN. QUTUB will lead discussion on the floor.</b>
191	Chair Bryant	Closes SB 1075 Work Session. Adjourns meeting at 2:00 PM.

Submitted By, Reviewed By,

Kathy Courtney, Sarah Watson

Administrative Support Office Coordinator

**EXHIBIT SUMMARY**



- A. Written testimony in support of SB 38, Sen. Avel Gordly, 1p
- B. SB 38 ñ2 proposed amendments, Bill Taylor, 8pp
- C. Written testimony in support of SB 941, Mark Gardner, 1p
- D. SB 68 ñ2 proposed amendments, Bill Taylor, 3pp
- E. SB 59 ñ13 proposed amendments, Bill Taylor, 6pp
- F. SB 59 ñ14 proposed amendments, Bill Taylor, 2pp
- G. SB 1168 ñ1 proposed amendments, Bill Taylor, 1p
- H. SB 1075 ñ2 proposed amendments, Bill Taylor, 1p
- I. Written testimony in support of SB 38, Maureen Bock, 2pp