

HOUSE COMMITTEE ON JUDICIARY

June 2, 1997 Hearing Room 357

3:00 P.M. Tapes 43 - 44

MEMBERS PRESENT:

Rep. John Minnis, Chair

Rep. Floyd Prozanski, Vice-Chair

Rep. Jo Ann Bowman

Rep. Peter Courtney

Rep. George Eighmey

Rep. Lane Shetterly

Rep. Charles Starr

Rep. Ron Sunseri

Rep. Judy Uherbelau

Rep. Larry Wells

MEMBER EXCUSED:

Rep. Roger Beyer

STAFF PRESENT:

William E. Taylor, Counsel

Lauri A. Smith, Administrative Support

MEASURE/ISSUES HEARD:

SB 159, SB 267A, SB 599A, SB 1034A, SB 1059, SB 771,

HB 3624, HB 3738, and HB 2118 - Work Sessions

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 43, A		
003	Chair Minnis	Calls the meeting to order at 3:08 p.m.
<u>SB 159 - WORK SESSION</u>		
004	Chair Minnis	Opens a work session on SB 159.
005	Dave Amesbury	Counsel Reads a Preliminary Staff Measure Summary on SB 159.
007	Rep. Shetterly	MOTION: Moves SB 159 to the floor with a DO PASS recommendation.
014		VOTE: 10-0-1 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Rep. Beyer
	Chair Minnis	The motion CARRIES. REP. JOHNSTON will lead discussion on the floor.
023	Chair Minnis	Closes the work session on SB 159.
<u>SB 267A - WORK SESSION</u>		
024	Chair Minnis	Opens a work session on SB 267A.
025	Dave Amesbury	Counsel Reads a Preliminary Staff Measure Summary on SB 267A.
033	Rep. Shetterly	MOTION: Moves SB 267A to the floor with a DO PASS AS AMENDED recommendation.
036		VOTE: 10-0-1 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Rep. Beyer
	Chair Minnis	The motion CARRIES. REP. BEYER will lead discussion on the floor.
039	Chair Minnis	Closes the work session on SB 267A.

<u>SB 599A - WORK SESSION</u>		
042	Chair Minnis	Opens a work session on SB 599A.
043	Dave Amesbury	Counsel Reads a Preliminary Staff Measure Summary on SB 599A.
047	Rep. Shetterly	MOTION: Moves SB 599A to the floor with a DO PASS AS AMENDED recommendation.
050		VOTE: 10-0-1 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Beyer
	Chair Minnis	The motion CARRIES. REP. BOWMAN will lead discussion on the floor.
053	Chair Minnis	Closes the work session on SB 599A.
<u>SB 1034A - WORK SESSION</u>		
054	Chair Minnis	Opens a work session on SB 1034A.
055	Dave Amesbury	Counsel Reads a Preliminary Staff Measure Summary on SB 1034A.
058	Rep. Shetterly	MOTION: Moves SB 1034A to the floor with a DO PASS recommendation.
063		VOTE: 10-0-1 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Rep. Beyer
	Chair Minnis	The motion CARRIES. REP. UHERBELAU will lead discussion on the floor.
067	Chair Minnis	Closes the work session on SB 1034A.
<u>SB 1059 - WORK SESSION</u>		
	Chair	

068	Minnis	Opens a work session on SB 1059.
069	William E. Taylor	Counsel Reads a Preliminary Staff Measure Summary on SB 1059.
073	Rep. Uherbelau	MOTION: Moves SB 1059 to the floor with a DO PASS recommendation.
076	Rep. Bowman	Was there any conversation with regards to where juveniles would received the funds to pay these fees?
079	Rep. Uherbelau	There was discussion in the subcommittee with regards to the court taking into consideration payment or not of the fees by the juvenile.
081	Rep. Bowman	Will the court take into account the youth alone or their family's ability to pay the fees?
086	Rep. Shetterly	I believe under current law the parents are already factored in when determining ability to pay. SB 1059 will broaden the statute to include both the parents and the youth's ability to pay the fees.
087		VOTE: 9-1-1 AYE: 9 - Rep. Courtney, Rep. Eighmey, Rep. Shetterly, Rep. Starr, Rep. Sunseri, Rep. Uherbelau, Rep. Wells, Rep. Prozanski, Chair Minnis NAY: 1 - Rep. Bowman EXCUSED: 1 - Rep Beyer
	Chair Minnis	The motion Carries. REP. UHERBELAU will lead discussion on the floor.
091	Chair Minnis	Closes the work session on SB 1059.
<u>SB 771 - WORK SESSION</u>		
092	Chair Minnis	Opens a work session on SB 771.
093	William E. Taylor	Counsel Reads a Preliminary Staff Measure Summary on SB 771.
097	Rep. Sunseri	MOTION: Moves SB 771 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 9-1-1 AYE: 9 - Rep. Courtney, Rep. Eighmey, Rep. Shetterly,

101		<p>Rep. Starr, Rep. Sunseri, Rep. Uherbelau, Rep. Wells, Rep. Prozanski, Chair Minnis</p> <p>NAY: 1 - Rep. Bowman</p> <p>EXCUSED: 1 - Rep. Beyer</p>
	Chair Minnis	<p>The motion Carries.</p> <p>REP. STARR will lead discussion on the floor.</p>
105	Chair Minnis	Closes the work session on SB 771.
HB 3624 - WORK SESSION		
111	Chair Minnis	Opens a work session on HB 3624.
116	Scott Lumsden	<p>Counsel</p> <p>Reads a Preliminary Staff Measure Summary on HB 3624.</p>
122	Committee	Discusses a proposed conceptual change to HB 3624 from the Railroad Association dealing with interstate transportation.
141	Chair Sunseri	The Association of Oregon Loggers, who represents the loggers and road builders, has concerns that they would like to be addressed. Recommends returning HB 3624 to the Subcommittee on Criminal Law (EXHIBIT A).
149	Rep. Prozanski	MOTION: Moves to AMEND HB 3624 on page 2, in line 1, by deleting the word "interstate" and then moves HB 3624 to the floor with a DO PASS AS AMENDED recommendation.
158	Rep. Sunseri	MOTION: Moves to SUBSTITUTE the motion to AMEND HB 3624 on page 2, in line 1, by deleting the word "interstate" and then moves HB 3624 to the floor with a DO PASS AS AMENDED recommendation by RE-REFERRING HB 3624 back to the Subcommittee on Criminal Law.
163	Rep. Uherbelau	I have a concern with the lateness of the request by the Association of Oregon Loggers.
167	Rep. Sunseri	The Association of Oregon Loggers stated that they had not been informed of action being taken.
171	Rep. Prozanski	Shares comments over length of time before any action taken by the Association of Oregon Loggers. Action could be taken on the Senate side.
		<p>VOTE: 4-6-1</p> <p>AYE: 4 - Rep. Starr, Rep. Sunseri, Rep. Wells, Chair Minnis</p>

176		NAY: 6 - Rep. Bowman, Rep. Courtney, Rep. Eighmey, Rep. Shetterly, Rep. Uherbelau, Rep. Prozanski EXCUSED: 1 - Rep. Beyer
	Chair Minnis	The motion Fails.
191	Rep. Shetterly	Shares comments over receipt of concerns by the Association of Oregon Loggers today.
198		VOTE: 6-4-1 AYE: 6 - Rep. Bowman, Rep. Courtney, Rep. Eighmey, Rep. Shetterly, Rep. Uherbelau, Rep. Prozanski NAY: 4 - Rep. Starr, Rep. Sunseri, Rep. Wells, Chair Minnis EXCUSED: 1 - Rep. Beyer
	Chair Minnis	The motion Carries. REP. PROZANSKI will lead discussion on the floor.
206	Chair Minnis	Closes the work session on HB 2624.
HB 3738 - WORK SESSION		
207	Chair Minnis	Opens a work session on HB 3738.
208	Scott Lumsden	Counsel Reads a Preliminary Staff Measure Summary on HB 3738.
225	Rep. Bowman	The -1 amendments dated 06/02/97 do not reflect the inclusion of "culturally competent" (EXHIBIT B).
238	Dave White	Department of Administrative Services Provides a definition to "culturally competent."
241	Committee	Discusses a conceptual amendment to include the term "culturally competent" into HB 3738.
334	Rep. Bowman	MOTION: Moves to ADOPT HB 3624 amendments dated 06/02/97 and that the measure be FURTHER AMENDED on page 1, line 3, by inserting "who are culturally competent," after "providers".
337	Chair Sunseri	What specifically is meant by "culturally competent?"
	Rep.	

340	Bowman	I am having a copy of the definition delivered from my office.
343	Rep. Shetterly	Is this definition one that the Board on Public Safety Standards and Training and the Department of Administrative Services have already in use?
344	White	Correct.
348	Rep. Uherbelau	What were the reasons behind creating HB 3738?
353	Chair Minnis	Provides the reasons behind the measure. >defines the duties of the department and to the relationship with the Board on Public Safety Standards and Training
378	Steve Marks	Governor's Office Representative >concurs with comments made by Chair Minnis with regards to the reasons behind this measure
382	Chair Minnis	Continues to present reasons behind the measure.
393	Rep. Uherbelau	I can't imagine there is no fiscal impact statement issued on this measure.
400	Chair Minnis	Per testimony before the subcommittee, there is a request made before the Ways and Means Committee for additional funding. However, I do not know if they will deal specifically with these enhancements. Shares additional comments.
420	White	The measure will not require new staffing, create new duties, nor establish new requirements.
434	Rep. Uherbelau	Shares comments about believed financial consequences of this measure.
458	Chair Minnis	Responds to Rep. Uherbelau's concerns regarding costs of creating the new department under this measure.
Tape 44, A		
035	Chair Minnis	Continues comments regarding costs.
039	Rep. Bowman	Reads definition of "cultural competent."
043	Rep. Sunseri	What would determine an individual's cultural competency?
048	Marks	The level of competency would be a level determined by the Board.
052	Rep. Bowman	Shares comments over what determines cultural competency.
059	Rep. Prozanski	I assume the Board would be setting up criteria for exposing individuals through training on cultural awareness. This would aide in determining cultural competency of the individual.

065	White	Gives example.
068	Rep. Uherbelau	Shares reasons why will be voting "no" on HB 3738.
078		VOTE: 10-0-1 EXCUSED: 1 - Rep. Beyer
	Chair Minnis	Hearing no objection, declares the motion CARRIED.
082	Rep. Bowman	MOTION: Moves HB 3738 to the floor with a DO PASS AS AMENDED recommendation.
083	Rep. Prozanski	I think we also need to adopt conceptually the definition of "culturally competent."
084	Rep. Shetterly	I don't think the definition is going into the measure.
086	Chair Minnis	I do not believe it is needed within the measure. Merely reading the definition for the record would be acceptable.
090		VOTE: 8-2-1 AYE: 8 - Rep. Bowman, Rep. Courtney, Rep. Eighmey, Rep. Shetterly, Rep. Starr, Rep. Wells, Rep. Prozanski, Chair Minnis NAY: 2 - Rep. Sunseri, Rep. Uherbelau EXCUSED: 1 - Rep. Beyer
	Chair Minnis	The motion Carries. REP. WATT AND REP. MINNIS will lead discussion on the floor.
096	Chair Minnis	Closes the work session on HB 3738.
<u>HB 2118 - WORK SESSION</u>		
098	Chair Minnis	Opens a work session on HB 2118.
100	William E. Taylor	Counsel Reads a Preliminary Staff Measure Summary on HB 2118.
103	Rep. Shetterly	MOTION: Moves HB 2118 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.
	Chair	

104	Minnis	What is the purpose behind raising the fees?
107	Taylor	Provides reasons for raising the fee amounts in civil suits.
115	Rep. Shetterly	The testimony before the subcommittee with regards to the measure's intent was just to expand the role of dispute resolution in the court system.
120	Chair Minnis	"I do have general memorandum from the Joint Ways and Mean Committee Legislative Fiscal Office suggesting that the Co-Chairs have removed all of the general fund support for this function and this is intended to supplant the general fund."
127		VOTE: 9-1-1 AYE: 9 - Rep. Courtney, Rep. Eighmey, Rep. Shetterly, Rep. Starr, Rep. Sunseri, Rep. Uherbelau, Rep. Wells, Rep. Prozanski, Chair Minnis NAY: 1 - Rep. Bowman EXCUSED: 1 - Rep. Beyer
	Chair Minnis	The motion Carries.
132	Chair Minnis	Closes the work session on HB 2118. Adjourns the meeting at 3:47 p.m.

Submitted by, Reviewed by,

Lauri A. Smith, Sarah Watson,

Administrative Support Office Manager

EXHIBIT SUMMARY

A - HB 3624, written testimony, Rep. Ron Sunseri, 1 page.

B - HB 3738, -1 amendments dated 06/02/97, Staff, 1 page.