

HOUSE COMMITTEE ON JUDICIARY

June 23, 1997 Hearing Room 357

8:00 A.M. Tapes 63 - 64

MEMBERS PRESENT:

Rep. John Minnis, Chair

Rep. Floyd Prozanski, Vice-Chair

Rep. Roger Beyer

Rep. Jo Ann Bowman

Rep. George Eighmey

Rep. Lane Shetterly

Rep. Charles Starr

Rep. Ron Sunseri

Rep. Judy Uherbelau

MEMBER EXCUSED:

Rep. Peter Courtney

Rep. Larry Wells

STAFF PRESENT:

William E. Taylor, Counsel

Dave Amesbury, Counsel

Nikola Jones, Counsel

Scott Lumsden, Counsel

Lauri A. Smith, Administrative Support

MEASURE/ISSUES HEARD:

SB 689A, SB 253A, SB 494A, SB 466, SB 689A,

SB 1101B, and SB 1107B - Work Session

SB 1224 - Public Hearing and 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 63, A		
004	Chair Minnis	Calls the meeting to order at 8:30 a.m.
<u>SB 466 - WORK SESSION</u>		
007	Chair Minnis	Opens a work session on SB 466.
008	Scott Lumsden	Counsel Reads a Preliminary Staff Measure Summary on SB 466.
017	Rep. Uherbelau	MOTION: Moves SB 466 to the floor with a DO PASS AS AMENDED recommendation.
019		VOTE: 6-1-4 AYE: 6 - Rep. Beyer, Rep. Eighmey, Rep. Starr, Rep. Sunseri, Rep. Uherbelau, Chair Minnis NAY: 1 - Rep. Bowman EXCUSED: 4 - Rep. Courtney, Rep. Shetterly, Rep. Wells, Rep. Prozanski
	Chair Minnis	The motion Carries. REP. UHERBELAU will lead discussion on the floor.
021	Chair Minnis	Closes the work session on SB 466.
<u>SB 1224 - PUBLIC HEARING AND WORK SESSION</u>		
023	Chair Minnis	Opens a work session on SB 1224.
024	Scott Lumsden	Counsel Reads a Preliminary Staff Measure Summary SB 1224.
031	Rep. Bowman	In what cases can a person legally have a silencer?
035	Dale Penn	Marion County District Attorney Explains intent behind SB 1244. I have not seen licenses for a silencer. It is authorized in Federal law to have silencers.

041	Chair Minnis	I have seen homemade silencer units.
042	Rep. Bowman	"Those are illegal, are they not?"
043	Chair Minnis	As far as I know, it is contrary to federal law.
044	Penn	"With SB 1224 they would be illegal."
045	Rep. Uherbelau	Refers to Section 1 subsection (3), with reference to the language "is registered as required under federal law," you mean registered to that particular person not in general.
049	Penn	Correct.
050	Rep. Bowman	Mr. Penn, you said that "if SB 1224 passes, it will be legal." However, SB 1224 gives it only an affirmative defense. Could you clarify?
053	Penn	Explains reasons for SB 1224.
061	Rep. Bowman	MOTION: Moves SB 1224 to the floor with a DO PASS recommendation.
064		VOTE: 8-0-3 AYE: 8 - Rep. Beyer, Rep. Bowman, Rep. Eighmey, Rep. Starr, Rep. Sunseri, Rep. Uherbelau, Rep. Prozanski, Chair Minnis EXCUSED: 3 - Rep. Courtney, Rep. Shetterly, Rep. Wells
	Chair Minnis	The motion Carries. REP. BOWMAN will lead discussion on the floor.
072	Chair Minnis	Closes the work session on SB 1224.
<u>SB 1101A - WORK SESSION</u>		
076	Chair Minnis	Opens a work session on SB 1101A.
080	William E. Taylor	Counsel Refers to the -A7 amendments dated 06/19/97 (EXHIBIT A).
103	Rep. Eighmey	MOTION: Moves to RECONSIDER the vote by which " Moved SB 1101A to the floor with a DO PASS AS AMENDED recommendation."
104		VOTE: 9-0-2 EXCUSED: 2 - Rep. Courtney, Rep. Wells
	Chair Minnis	Hearing no objection, declares the motion CARRIED.
106	Rep. Bowman	MOTION: Moves to ADOPT SB 1101A-7 amendments dated 06/19/97.

		VOTE: 9-0-2 EXCUSED: 2 - Rep. Courtney, Rep. Wells
108	Chair Minnis	Hearing no objection, declares the motion CARRIED .
111	Rep. Bowman	MOTION: Moves SB 1101A to the floor with a DO PASS AS AMENDED recommendation.
113		VOTE: 9-0-2 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Rep. Courtney, Rep. Wells
	Chair Minnis	The motion CARRIES . REP. EIGHMEY will lead discussion on the floor.
115	Chair Minnis	Closes the work session on SB 1101A.
SB 1107B - WORK SESSION		
119	Chair Minnis	Opens a work session on SB 1107B.
120	Dave Amesbury	Counsel Reads a Preliminary Staff Measure Summary SB 1107B.
135	Rep. Uherbelau	It appears to be very difficult to make genetic information and DNA samples for testing anonymous.
145	Scott Gaunt	Oregon Medical Association (OMA) Proposes a conceptual amendment on page 2, Section 3, lines 36 through 38 on SB 1107B. If you can identify the owner of the genetic information and/or DNA sample, the provisions of SB 1107B would not apply. There is still be a monetary interest to the individual or family.
170	Jodie Fisher	Smith, Klein, Beecham Further clarifies the anonymous testing procedures versus once the identity is known.
180	Rep. Uherbelau	Do you anticipate having to get the person's consent to do the anonymous research or are you doing it without consent?
187	Fisher	"Your doing the anonymous research without consent."
188	Rep. Uherbelau	"So, if the identity is learned later on, you can't shut that door. You have already done it without consent."
191	Fisher	If you need the identity of the person, the minute that you know that person then it ceases to be anonymous. You can't let out the information without consent. You can't use the information

		without consent.
196	Rep. Prozanski	Shares concerns about the ability to trace back donor no longer makes it anonymous. Gives example.
209	Fisher	Explains laboratory procedures when testing DNA samples.
227	Rep. Eighmey	Shares concerns with an example of testing.
249	Rep. Eighmey	MOTION: Moves to TABLE SB 1107B.
252		VOTE: 9-0-2 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Rep. Courtney, Rep. Wells
	Chair Minnis	The motion CARRIES.
255	Chair Minnis	Closes the work session on SB 1107B.
<u>SB 253A - WORK SESSION</u>		
258	Chair Minnis	Opens a work session on SB 253A.
261	Rep. Uherbelau	MOTION: Moves to ADOPT SB 253A-11 amendments dated 06/11/97.
265		VOTE: 9-0-2 EXCUSED: 2 - Rep. Courtney, Rep. Wells
	Chair Minnis	Hearing no objection, declares the motion CARRIED.
267	Rep. Uherbelau	MOTION: Moves to ADOPT SB 253A-13 amendments dated 06/11/97.
270		VOTE: 9-0-2 EXCUSED: 2 - Rep. Courtney, Rep. Wells
	Chair Minnis	Hearing no objection, declares the motion CARRIED.
272	Rep. Uherbelau	MOTION: Moves SB 253A to the floor with a DO PASS AS AMENDED recommendation.
275	Rep. Beyer	There was a request to adopt the -A7 amendments from the dentist. "We didn't do that, did we?"
276	Chair Minnis	No.
277		VOTE: 9-0-2 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Rep. Courtney, Rep. Wells

	Chair Minnis	The motion CARRIES. REP. UHERBELAU will lead discussion on the floor.
283	Chair Minnis	Closes the work session on SB 253A.
SB 494A - WORK SESSION		
285	Chair Minnis	Opens a work session on SB 494A.
304	Committee	Discusses which amendments are before the Committee.
307	Rep. Liz VanLeeuwen	District #37. Encourages support of the -2 amendments for HB 2574.
355	Rep. Kitty Piercy	District #39. Testifies in support SB 494-A11 dated 6/16/97 and presents written testimony (EXHIBIT B).
405	Piercy	Continues testimony.
410	Rep. VanLeeuwen	Shares comments on SB 494A -A11 amendments. Need to keep child care affordable. Encourages changing the language from "shall" to "recommendation" of certification in infant and child first aid and cardiopulmonary resuscitation.
467	Chair Minnis	These requirements of the -A11 amendments should be coordinated by some organization or someone.
Tape 64, A		
030	Chair Minnis	I would suggest coordination through the multi-disciplinary team (MDT) which is created under Oregon statutes.
035	Rep. Piercy	There are representatives from the Child Care Division.
037	Chair Minnis	Wasn't there another measure that put the child care folks within MDT this session?
040	Linda Stern	Licensing Manager Child Care Division (CCD) Yes. We're amenable to doing the coordination through our division.
044	Chair Minnis	Since MDT is created in each county and headed by a district attorney and mandated to have protocol, the MDT's are participating in on going training and could be used as a resource for training.
050	Stern	The CCD would provide whatever resources available. CCD also provides child abuse training.
052	Chair Minnis	I want you tied into MDT.
053	Stern	We are amenable to coordinating the training.
055	Rep. Starr	What is the definition of "family child care provider?"
058	Stern	Provides definition of "family care provider".

065	Chair Minnis	Do you have the citation for the authority of the definition?
067	Stern	I don't have it with me. Per Wendy Willett, it may be in ORS 657A.
070	Piercy	There are a whole list of waivers for family child care providers so that they do not have to come under the -A11 amendments.
076	Stern	There are definitional references in ORS 657A.250 and ORS 657A.330.
082	Rep. Shetterly	I understand the -A11 amendments are identical to the Committee Report passed out on the Floor of the House.
083	Rep. Piercy	The -A11 amendments are identical to the measure passed out on the Floor of the House.
084	Rep. Shetterly	Do you recall the vote on the Committee Report?
085	Rep. Piercy	It was 40 "ayes" to however many left.
089	Rep. Uherbelau	Rep. VanLeeuwen, you mentioned that under this measure you would have CPR certification on a yearly basis. I don't see that the measure calls for that requirement.
091	Rep. VanLeeuwen	I believe CPR certification is every two years, however, under state law, to be fully covered it is annually.
095	Rep. Piercy	A national standard for CPR certification is every year.
098	Chair Minnis	Certification is accomplished through whom?
100	Rep. Piercy	Whoever provides the service. Usually the Red Cross provides the service. Some counties the health departments provide certification.
102	Rep. Uherbelau	Shares comments with regards to CPR certification.
108	Rep. VanLeeuwen	Shares comments with regards to CPR certification.
118	Rep. Piercy	Shares comments with regards to certification requirements for family child care providers.
127	Rep. Uherbelau	MOTION: Moves to ADOPT SB 494A-11 amendments dated 6/16/97.
130		VOTE: 6-3-2 AYE: 6 - Rep. Bowman, Rep. Eighmey, Rep. Shetterly, Rep. Uherbelau, Rep. Prozanski, Chair Minnis NAY: 3 - Rep. Beyer, Rep. Starr, Rep. Sunseri EXCUSED: 2 - Rep. Courtney, Rep. Wells
	Chair Minnis	The motion Carries.

141	Rep. Leslie Lewis	District #29. Testifies in support of -A15 amendments dated 6/19/97 and presents written testimony (EXHIBIT C).
168	Ed Patterson	Oregon Association of Hospitals and Health System Proposes a conceptual amendments to -A15 amendments on line 7.
190	Rep. Lewis	I believe that was the intent in drafting the -A15 amendments.
192	Michelle McAfee	Citizen, Speech Pathologist and Board Member Testifies in support of -A15 amendments. >provides personal experiences
215	Grant Higginson	State Health Officer and Deputy Administrator for the Oregon Health Division. Testifies in support of the -A15 amendments and conceptual amendments proposed by Mr. Patterson. >willing to staff Advisory Committee referred to in the -A15 amendments within existing resources
225	Rep. Beyer	Was there a fiscal on the House measure that passed?
226	Rep. Lewis	I am not certain of the fiscal impact on HB 3458.
228	Higginson	There was a fiscal impact of \$12, 000 and can be handled within the existing budget for the Oregon Health Division.
234	Rep. Bowman	MOTION: Moves to ADOPT SB 494A-15 amendments dated 06/19/97 and that the measure be FURTHER AMENDED on page 1, line 7, by deleting "This brochure" and inserting "The brochure shall be provided by the health division and".
244	Rep. Bowman	Is the reference to health division clear that it refers to the State Health Division?
245	Chair Minnis	Yes, I believe so.
246	Rep. Beyer	Would this be a mandate to insurance company?
248	Chair Minnis	No per hospital representatives in the audience.
253		VOTE: 9-0-2 EXCUSED: 2 - Rep. Courtney, Rep. Wells
	Chair Minnis	Hearing no objection, declares the motion CARRIED.
		Delivered SB 494A, written testimony on support of the -A15 amendments, Ray Swinehart, 1 page. (EXHIBIT D).

255	Rep. Starr	District #3. Testifies in support of -A12 amendments dated 6/17/97 (EXHIBIT E) . >gives intent behind the -A12 amendments >gives explanation to the changes from HB 3080
290	Rep. Starr	MOTION: Moves to ADOPT SB 494A-12 amendments dated 6/17/97.
293	Rep. Shetterly	With regards to the definition of a childhood disabilities, is the definition already in statute?
297	Rep. Starr	Yes.
303	Danny Santos	Governors Office Representative Testifies in support of -A12 amendments, if changes adopted. Proposes changes and provides explanations to the -A12 amendments: >would like to delete "public" on page 1, line 21
336	Chair Minnis	Any concerns with deleting "public" on page 1, line 21?
343	Dennis Terrie	Executive Director of Parents Education Association >amenable to the proposed conceptual change on page 1, line 21
348	Rep. Starr	MOTION: Moves to ADOPT SB 494A-12 amendments dated 06/17/97 and that the measure be FURTHER AMENDED on page 1, line 21, by deleting "public" after "program of a".
350	Santos	Continues to proposes changes and provides explanations to the -A12 amendments: >refers to page 2, line 12 through 17, may be conflicts with federal requirements
354	Chair Minnis	My assumption with federal law, the conflict preempts.
356	Santos	Continues to proposes changes and provides explanations to the -A12 amendments: >refers to page 2, line 28, would like to restore "annually"
389	Chair Minnis	Refers to page 2, line 28. I believe a child shall be examined during grades 3, 5, 8 and 10. I don't believe is precludes examinations at other times.
393	Rep. Starr	The parents who are home schooling also test their children on a regular basis. Under home schooling, a parent often knows where a child is performing at. Often a home schooled child exceeds the public student in performance.

406	Terrie	The public rejected an initiative last election that would have mandated annualized achievement testing for public schools.
415	Santos	Continues to proposes changes and provides explanations to the - A12 amendments: >refers to page 3, line 22, placing the 15th percentile on the composite score of the test - removes the board's prerogative to define the appropriate standard of performance
433	Chair Minnis	Nothing would prevent the board for present testimony in future legislative session for a higher percentile, if appropriate.
437	Rep. Starr	Explains intent by referencing the 15th percentile within the measure on page 3, line 22.
Tape 63, B		
030	Rep. Starr	Continues comments.
037	Rep. Uherbelau	Refers to page 3 , lines 6 and 7 with regards to alternative testing. Would a licensed teacher or a private or parochial school teacher have the knowledge to test children with disabilities?
048	Rep. Starr	Explains intent behind page 3, lines 4 through 10.
060		VOTE: 6-3-2 AYE: 6 - Rep. Beyer, Rep. Shetterly, Rep. Starr, Rep. Sunseri, Rep. Uherbelau, Chair Minnis NAY: 3 - Rep. Bowman, Rep. Eighmey, Rep. Prozanski EXCUSED: 2 - Rep. Courtney, Rep. Wells
	Chair	The motion Carries.
065	Rep. Bowman	MOTION: Moves SB 494A to the floor with a DO PASS AS AMENDED recommendation.
067		VOTE: 6-3-2 AYE: 6 - Rep. Beyer, Rep. Shetterly, Rep. Starr, Rep. Sunseri, Rep. Uherbelau, Chair Minnis NAY: 2 - Rep. Bowman, Rep, Eighmey, Rep. Prozanski EXCUSED: 2 - Rep. Courtney, Rep. Wells
		The motion Carries.

	Chair Minnis	REP. STARR will lead discussion on the floor.
076	Rep. Bowman	Notice of possible minority report.
078	Chair Minnis	Closes the work session on SB 494A.
SB 466 - REOPENS WORK SESSION		
080	Chair Minnis	Reopens the work session on SB 466.
081	Rep. Eighmey	MOTION: Moves to RECONSIDER the vote by which " Moved SB 466 to the floor with a DO PASS AS AMENDED recommendation."
083		VOTE: 9-0-2 EXCUSED: 2 - Rep. Courtney, Rep. Wells
	Chair Minnis	Hearing no objection, declares the motion CARRIED.
085	Rep. Liz VanLeeuwen	District #37. Testifies in support and presents written testimony and the -2 amendments dated 6/18/97 (EXHIBIT F).
124	Rep. Prozanski	MOTION: Moves to ADOPT SB 466-2 amendments dated 06/18/97.
135		VOTE: 6-3-2 AYE: 6 - Rep. Bowman, Rep. Eighmey, Rep. Starr, Rep. Sunseri, Rep. Uherbelau, Rep. Prozanski NAY: 3 - Rep. Beyer, Rep. Shetterly, Chair Minnis EXCUSED: 2 - Rep. Courtney, Rep. Wells
	Chair Minnis	The motion Carries.
150	Rep. Shetterly	MOTION: Moves SB 466 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Revenues.
170		VOTE: 3-6-2 AYE: 3 - Rep. Shetterly, Rep. Sunseri, Chair Minnis NAY: 6 - Rep. Beyer, Rep. Bowman, Rep. Eighmey, Rep. Starr, Rep. Uherbelau, Rep. Prozanski

		EXCUSED: 2 - Rep. Courtney, Rep. Wells.
	Chair Minnis	The motion Fails.
176	Rep. Eighmey	MOTION: Moves SB 466 to the floor with a DO PASS AS AMENDED recommendation.
181		VOTE: 5-4-2 AYE: 5 - Rep. Eighmey, Rep. Starr, Rep. Sunseri, Rep. Uherbelau, Rep. Prozanski NAY: 4 - Rep. Beyer, Rep. Bowman, Rep. Shetterly, Chair Minnis EXCUSED: 2 - Rep. Courtney, Rep. Wells
	Chair Minnis	The motion Fails.
191	Rep. Bowman	MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on SB 466.
195		VOTE: 5-4-2 AYE: 5 - Rep. Bowman, Rep. Eighmey, Rep. Starr, Rep. Uherbelau, Rep. Prozanski NAY: 4 - Rep. Beyer, Rep. Shetterly, Rep. Sunseri, Chair Minnis EXCUSED: 2 - Rep. Courtney, Rep. Wells
	Chair Minnis	The motion Fails.
206	Chair Minnis	Closes the work session on SB 466.
<u>SB 689A - WORK SESSION</u>		
210	Chair Minnis	Opens and closes the work session on SB 689A.
231	Chair Minnis	Recesses the meeting at 9:44 a.m. Reopens the meeting at 1:20 p.m.
<u>SB 689A - REOPENS WORK SESSION</u>		
233	Chair Minnis	Reopens the work session on SB 689A.
239	Rep. Bowman	Refers to the -A15 amendments dated 06/23/97 (EXHIBIT G).
240	Rep. Bowman	MOTION: Moves to ADOPT SB 689A-15 amendments dated 06/23/97.

243	Committee	Discusses the reasons for the -A15 amendments creation rather than hearing the -A14 amendments.
257		VOTE: 9-0-2 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Rep. Courtney, Rep. Shetterly
	Chair Minnis	The motion CARRIES.
259	Rep. Beyer	Refers to the -A13 amendments dated 06/17/97 (EXHIBIT H). >provides reasons behind the -A13 amendments
261	Rep. Beyer	MOTION: Moves to ADOPT SB 689A-13 amendments dated 06/17/97.
263		VOTE: 3-6-2 AYE: 3 - Rep. Beyer, Rep. Starr, Rep. Sunseri NAY: 6 - Rep. Bowman, Rep. Eighmey, Rep. Uherbelau, Rep. Wells, Rep. Prozanski, Chair Minnis EXCUSED: 2 - Rep. Courtney, Rep. Shetterly
	Chair Minnis	The motion Fails.
284	Chair Sunseri	Refers to page 3, line 11 of SB 689A. This language gives no hope to someone for attempting to straighten their lives out to get back their children. I believe, the court should have discretion in this area. A parent should never petition to terminate a guardianship.
301	Chair Minnis	My understanding is that there are two different types of guardianship, temporary or permanent. This language on page 3, line 11 is to refer to permanent guardianships alone.
306	Nancy Miller	Director, Citizen Review Board (CRB) Explains differences in the types of guardianships. The permanent guardianship cases are reviewed yearly by the courts. Anybody else other than the parent can file a petition to over turn the guardianship. The facts that need to be proved in order to establish a permanent guardianship are the facts to terminate parental rights.
326	Chair Sunseri	"And the parent couldn't petition to over turn that?" Continues comments over parents rights being removed here.
334	Rep. Beyer	"I don't believe this is current law?"
		It is being moved from the termination of parental rights statutes.

337	Miller	Further explains reason for change.
347	Rep. Beyer	"What is the statute reference?"
348	Miller	ORS 419B.521.
349	Nikola Jones	Counsel "That is in Section 9 of the A-engrossed measure."
353	Chair Minnis	The reason for a parent not being able to petition is?
354	Miller	Gives example. >courts will review permanent guardianships yearly and can set a hearing on a motion to over turn the guardianship.
371	Rep. Bowman	MOTION: Moves SB 689A to the floor with a DO PASS AS AMENDED recommendation.
375		VOTE: 8-1-2 AYE: 8 - Rep. Beyer, Rep. Bowman, Rep. Eighmey, Rep. Starr, Rep. Sunseri, Rep. Uherbelau, Rep. Prozanski, Chair Minnis NAY: 1 - Rep. Wells EXCUSED: 2 - Rep. Courtney, Rep. Shetterly
	Chair Minnis	The motion Carries. REP. BOWMAN AND REP. EIGHMEY will lead discussion on the floor.
389	Chair Minnis	Closes the work session on SB 689A. Adjourns the meeting at 1:25 p.m.
		Delivered, SB 689A, written testimony, The Best Interest of the Child Work group, 2 pages. (EXHIBIT I).

Submitted by, Reviewed by,

Sarah Watson for Lauri A. Smith, Sarah Watson,

Administrative Support Office Manager

EXHIBIT SUMMARY

A - SB 1101A, -A7 amendments date 06/19/97, Staff, 40 pages.

B - SB 494A, written testimony and the -A11 amendments dated 06/23/97,

Rep. Kitty Piercy, 6 pages.

C - SB 494A, written testimony and the -A15 amendments dated 06/23/97,

Rep. Leslie Lewis, 3 pages.

D - SB 494A, written testimony, Ray Swinehart, 1 page.

E - SB 494A, -A12 amendments dated 06/17/97, Rep. Charles Starr, 8 pages.

F - SB 466, written testimony, Rep. Liz VanLeeuwen, 5 pages.

G - SB 689A, -A15 amendments dated 06/23/97, Staff, 17 pages.

H - SB 689A, -A13 amendments dated 06/17/97, Rep. Roger Beyer, 11 pages.

I - SB 689A, written testimony, The Best Interest of the Child Work Group, 2 pages.

HOUSE COMMITTEE ON JUDICIARY

June 23, 1997 Hearing Room 357

1:15 P.M. Tape 65

MEMBERS PRESENT: Rep. John Minnis, Chair

Rep. Floyd Prozanski, Vice-Chair

Rep. Roger Beyer

Rep. Jo Ann Bowman

Rep. George Eighmey

Rep. Lane Shetterly

Rep. Charles Starr

Rep. Ron Sunseri

Rep. Judy Uherbelau

Rep. Larry Wells

MEMBER EXCUSED: Rep. Peter Courtney

STAFF PRESENT: William E. Taylor, Counsel

Lauri A. Smith, Administrative Support

MEASURE/ISSUES HEARD: HB 3156 - Work Session

SB 1107B - 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 65, A		
003	Chair Minnis	Opens the meeting at 1:28 p.m. Opens a work session on HB 3156. (EXHIBIT A)
<u>HB 3156 - WORK SESSION</u>		
	Chair	Explains provisions of the bill and discusses Kansas statutes related to

005	Minnis	sexual predators.
012	Rep. Eighmey	MOTION: Moves to CONCEPTUALLY AMEND HB 3156 by including the related Kansas Statutes.
017	Rep. Bowman	Asks if the Kansas Statutes deal with "mental disease."
023	Chair Minnis	Explains that the Kansas Statutes do relate to mental disease.
030	Rep. Bowman	Expresses concerns with the statutes. Indicates that Kansas does not have mandatory minimum sentencing guidelines that Oregon has. Does not know if the Kansas Statutes would be a good thing for Oregon.
042	Nikola Jones	Counsel Provides a brief explanation of the Kansas Statutes. (EXHIBIT B)
050	Chair Minnis	The question is not whether the person still has the condition but if they are still considered to be a predator.
053	Rep. Shetterly	Shares comments on the drafting of the Kansas Statutes into Oregon Law. Requests that Legislative Counsel will stay as close to the Kansas Statutes as possible.
064	Rep. Prozanski	Shares similar concerns as Rep. Shetterly about inclusion of the Kansas Statutes into Oregon Law.
068	Chair Minnis	Explains that it is the intent of Legislative Counsel to incorporate the Kansas Statutes without much diversion from the original language.
070	Rep. Uherbelau	Asks if the Kansas Statutes limit sentencing based on the number of crimes committed by an individual. Urges the committee to use caution in implementing the statute.
076	Rep. Prozanski	Asks about the timeline for adopting amendments conceptually and getting more information about the Kansas Statutes before passing the bill out.
085	Chair Minnis	Agrees with the idea.
089	Rep. Bowman	Indicates that the Kansas Statutes do not require more than one act to be committed for the label sexually violent predator to be applied.
092	Rep. Shetterly	Agrees with the statement, and indicates that it takes more than the offense to be a sexually violent predator. The offender must also have a mental abnormality or personality disorder.
096	Chair Minnis	Asks if there would be a psychological evaluation to determine if a person has a mental abnormality or personality disorder.
100	Rep. Prozanski	Expresses support for the conceptual amendment, but reserves the right to vote against the bill at a later date.
105	Chair Minnis	Hearing no objections, declares the motion CARRIED.
108	Chair Minnis	Closes the work session on HB 3166. Opens a work session on SB 1107.

<u>SB 1107A - WORK SESSION</u>		
114	Rep. Eighmey	MOTION: Moves to take SB 1107 FROM THE TABLE.
120	Eighmey	Explains the removal of SB 1107 from the table. Discusses original concerns about SB 1107.
135	Rep. Uherbelau	Indicates that she still has concerns about the SB 1107.
		VOTE: 6-4 AYE: 6 - Bowman, Eighmey, Shetterly, Starr, Uherbelau, Wells NAY: 4 - Beyer, Prozanski, Sunseri, Minnis EXCUSED: 1 - Courtney
170	Chair Minnis	The motion CARRIES.
175	Rep. Eighmey	MOTION: Moves SB 1107 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 9-1 AYE: 9 - Beyer, Bowman, Eighmey, Shetterly, Starr, Sunseri, Uherbelau, Wells, Minnis NAY: 1 - Prozanski EXCUSED: 1 - Courtney
202	Chair Minnis	The motion CARRIES. REP. EIGHMEY will lead discussion on the floor.
210	Chair Minnis	Closes the work session on SB 1107A Adjourns the meeting at 1:55 p.m.

Transcribed by, Reviewed by,

Marjorie Taylor, Sarah Watson,

Administrative Support Office Manager

EXHIBIT SUMMARY

A - Probate Code; Commitment of Sexually Violent Predators - introduced by Staff - 6 pages

B - Supreme Court of the United States: Kansas v. Hendricks - introduced by Staff - 47 pages