

HOUSE COMMITTEE ON FULL JUDICIARY

May 14, 1997 Hearing Room 357

7:30 A.M. Tape 31

**MEMBERS PRESENT:**

Rep. John Minnis, Chair

Rep. Floyd Prozanski, Vice-Chair

Rep. Roger Beyer

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:**

**STAFF PRESENT:**

Bill Taylor, Committee Counsel

Gina Cross, Administrative Support

**MEASURE/ISSUES HEARD:**

SB 936 Work Session HB 2835 Work Session

HB 3570 Work Session HB 3343 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
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<b>Tape 31, A</b>		
002	Chair Minnis	Opens the meeting at 7:35 a.m.
<b><u>HB 2835 - WORK SESSION</u></b>		
003	Chair Minnis	Opens the work session on HB 2835.
006	Bill Taylor	Explains the provisions of HB 2835.
011	Rep. Shetterly	<b>MOTION: Moves HB 2835 to the floor with a DO PASS AS AMENDED recommendation.</b>
016		<b>VOTE: 10-0-1</b>  <b>AYE: 10 - Beyer, Bowman, Courtney, Eighmey, Prozanski, Shetterly, Starr, Sunseri, Wells, Minnis</b>  <b>EXCUSED: 1 - Uherbelau</b>
022	Chair Minnis	<b>The motion CARRIES.</b>  <b>REP. REPINE will lead discussion on the floor.</b>
<b><u>SB 936 - WORK SESSION</u></b>		
024	Chair Minnis	Opens the work session on SB 936.
025	Nikki Jones	Explains the provisions of SB 936.  >Discusses the -6 amendments.
034	Rep. Sunseri	<b>MOTION: Moves SB 936 to the floor with a DO PASS AS AMENDED recommendation.</b>
037	Rep. Shetterly	We made some changes in the subcommittee. Wasn't there a place we were going to change "not guilty except for insanity?"
043	Jones	That was another bill.
046		<b>VOTE: 7-3-1</b>  <b>AYE: 7 - Beyer, Courtney, Shetterly, Starr, Sunseri, Wells, Minnis</b>  <b>NAY: 3 - Bowman, Eighmey, Prozanski</b>  <b>EXCUSED: 1 - Uherbelau</b>
047	Rep. Bowman	I serve notice of a possible minority report.
051	Rep. Prozanski	I reserve the right to change my vote on floor. I have two questions that haven't been answered.
056	Chair	<b>The motion CARRIES.</b>

	<b>Minnis</b>	<b>REP. MINNIS will lead discussion on the floor.</b>
<b>HB 3570 - WORK SESSION</b>		
061	Chair Minnis	Opens the work session on HB 3570.
061	Bill Taylor	Explains the provisions of HB 3570.
068	Chair Minnis	I have a note from Rep. Lokan which asks us to wait on this bill.
072	Rep. Starr	She wanted to help us get this passed if we didn't have the needed votes.
074	Chair Minnis	I think we have the votes.
<b>065</b>	<b>Rep. EIGHMEY:</b>	<b>MOTION: Moves HB 3570 be sent to the floor with a DO PASS AS AMENDED recommendation.</b>
<b>076</b>		<b>VOTE: 9-0-2</b> <b>AYE: 9 - Beyer, Bowman, Eighmey, Prozanski, Shetterly, Starr, Sunseri, Wells, Minnis</b> <b>EXCUSED: 2 - Courtney, Uherbelau</b>
<b>082</b>	<b>Chair Minnis</b>	<b>The motion CARRIES.</b> <b>REP. LOKAN will lead discussion on the floor.</b>
<b>HB 3343 - WORK SESSION</b>		
088	Chair Minnis	Opens the work session on HB 3343.
088	Bill Taylor	Explains the provisions of HB 3343.
<b>094</b>	<b>Rep. SUNSERI:</b>	<b>MOTION: Moves HB 3343 be sent to the floor with a DO PASS AS AMENDED recommendation.</b>
096	Rep. Prozanski	I will not support this bill as it is written The task force was put together to overhaul the system. This bill is contrary to what was agreed upon by the task force.
118	Rep. Beyer	Where does it say if the person successfully completes the program, the court shall reinstate his license? Would that be subsection 7, on top of page 1a?
133	Rep. Bowman	Did the committee talk about how 18-21 year olds would come up with the money for treatment, assessment, etc.?
139	Bill Taylor	This is not a criminal offense. There is no constitutional right for the state to pay for any treatment.
149	Rep. Bowman	If 18 and 21 year olds have a job, it is minimum wage. Is this not in fact a tax on their parents?
155	Chair Minnis	We could make it a crime and throw them in jail.
156	Rep. Bowman	I am just trying to figure out what was the conversation.

159	Chair Minnis	I don't have the answer for you.
163	Rep. Uherbelau	I am not at all convinced the program will pay for itself. If they don't comply, what will the court do? What about the cost? I can't support the bill.
176	Rep. Beyer	There is an indigent portion of this bill for those who prove they can't pay. They can get a job in order to pay for the program.
180	Rep. Bowman	Where did you see that section?
182	Rep. Beyer	Page 1b, line 31bbb.
188	Rep. Eighmey	The money collected is to provide programs for the indigent. This doesn't pay for the program itself. This pays only for the provisions of ORS 813.020.
196	Rep. Sunseri	There are young people committing crimes, and it is supposed to cost them something. We can put them in jail.
202	Chair Minnis	The other choice is to ignore it.
203	Rep. Bowman	They can attempt to buy alcohol. It isn't a crime if they don't have it in their possession.
206	Chair Minnis	We could make it a crime.
207	Rep. Bowman	I am not going to support this bill.
210	Rep. Sunseri	The task force on DUII should keep going. This bill was not intended to circumvent anyone's intent with tightening these laws.
217	Rep. Prozanski	This bill is the violation which we went with. There is no accountability.
224	Rep. Shetterly	We need to make this work. We need to get them through the program. What happens if they can't pay the fee? Maybe we could reduce or waive the fee.
247	Rep. Eighmey	With this information about the task force, it may be wise for us to send this back and work on it.
258	Chair Minnis	The timeline is getting close. I'm not sure that the work product of that group will be successful.
266	Rep. Sunseri	I was convinced that this was going to be self supportive. We can establish when we get to the floor that this will be clearly funded for those who cannot afford \$100.
276	Rep. Bowman	Who are the people who came all the way from Pendleton and presented testimony?
277	Rep. Sunseri	I don't recall.
279	Rep. Bowman	What was the organization?
280	Chair Minnis	I believe it was a private citizen.

281	Rep. Prozanski	I'm hearing \$100 for the program. The evaluation fee itself is \$130. Detox programs can be anywhere from \$250-\$500.
297	Rep. Wells	Why are we moving the revocation of driving privileges to 2 years? Why are we toughening it up? It is interesting to tie driving with possession and not with driving under the influence.
317	Rep. Sunseri	The reason it's 2 years, is because they're allowed to reapply for their driving privileges after they've gone through the diversion program.
327	Rep. Wells	Anything the legislature does now, we make them lose driving privileges.
334	Rep. Uherbelau	Referring to the 2 years, it is an incentive to get in the program and finish it. We did have discussions about the cost. I am concerned about the cost. I don't think it will fund itself.
362	Bill Taylor	We did meet with Clark Campbell about the cost. He thinks the money will be there for the program.
374	Rep. Bowman	Was there discussion about the different kinds of programs?
381	Rep. Sunseri	I don't recall us discussing specific programs.
384	Rep. Bowman	Theoretically you could go through the 30 day program and get your license back?
385	Rep. Sunseri	Theoretically.
387	Rep. Shetterly	On page 1b, lines 31bbb and 31ccc it states there is a fund to pay for those found to be indigent. The program in section two is not under ORS 813.020. I would prefer to see a similar provision under this bill which relates to those found to be indigent. We have it in one statute already.
410	Chair Minnis	Rep. Sunseri, I would like you to withdraw your motion.
412	Rep. Sunseri	I withdraw my motion.
413	Chair Minnis	Closes the full committee at 8:01 a.m.

Submitted By, Reviewed By,

Gina Cross, Sarah Watson,

Administrative Support Office Manager