

HOUSE COMMITTEE ON JUDICIARY

May 16, 1997 Hearing Room 357

7:30 A.M. and 3:15 P.M. Tapes 32 - 35

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

STAFF PRESENT:

Bill Taylor, Counsel

Scott Lumsden, Counsel

Lisa Fritz, Administrative Support

MEASURE/ISSUES HEARD:

HB 2091- Work Session

HB 2839 - Work Session

HB 2951 - Work Session

HB 2272 - Work Session

HB 3717 - Work Session

HB 2222 - Work Session

HB 3343 - Work Session

HB 2948 - Work Session

HB 2320 - Work Session

HB 2712 - Work Session

HB 2168 - Work Session

HB 3668 - Work Session

HB 2944 - Work Session

HB 2437 - Work Session

HB 2157 - Work Session

HB 3364 - Work Session

HB 2308 - Work Session

HB 2674 - Work Session

HB 3188 - Work Session

HB 3539 - Work Session

HB 3532 - Work Session

HB 2324 - 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 32, A		
005	Chair Minnis	Calls meeting to order, 7:34 a.m. Opens work session, HB 2091.
<u>HB 2091 - WORK SESSION</u>		
006	Scott Lumsden	Committee Counsel, outlines provisions of HB 2091, -1 amendments (EXHIBIT A) .
	Rep.	MOTION: Moves HB 2091 to the floor with a DO PASS AS

014	Prozanski	AMENDED IN SUBCOMMITTEE recommendation.
017	Rep. Uherbelau	Asks why expires in two years, not annually.
020	Janis Elliot	Administrator, Child Care Division. Responds, discusses compromise in terms of timing.
033	Rep. Uherbelau	Questions regarding out-of-state checks.
035	Elliot	Responds.
058	Rep. Uherbelau	Asks about implementation date.
062	Elliot	Responds, bringing people in as they renew, rather than massive implementation.
080		VOTE: 11-0 AYE: In a roll call vote, all members present vote Aye.
085	Chair Minnis	The motion CARRIES. Rep. Bowman will lead discussion on the floor. Closes work session, HB 2091; opens work session, HB 2839.
<u>HB 2839 - WORK SESSION</u>		
087	Scott Lumsden	Committee Counsel, outlines provisions of HB 2839 and amendments.
100	Rep. Prozanski	MOTION: Moves to send HB 2839 to the floor with a DO PASS AS AMENDED IN SUBCOMMITTEE recommendation.
104	Rep. Uherbelau	Comments on dismantling law just passed. Asks about discussion in criminal law section.
111	Chair Minnis	Discusses "war" between individuals who think proprietary companies should be included and those who think they should not. Discusses ongoing difficulties with Board of Police Standards and Training and workload issues.
141	Rep. Uherbelau	Comments on in-house training.
152	Rep. Bowman	Discusses concern where going with this law.
160	Rep. Prozanski	Comments on discussion over who is responsible for these employees.
173	Chair Minnis	Comments on regulating police officers, security guards.
190	Rep. Prozanski	Comments on keeping people accountable.

201	Rep. Shetterly	Comments on bill bringing balance. Discusses community college's request, adding "escorts" to list of ushers, etc.
222		VOTE: 10-1 AYE: 10-Beyer, Courtney, Eighmey, Prozanski, Shetterly, Starr, Sunseri, Uherbelau, Wells, Minnis NAY: 1-Bowman
231	Chair Minnis	The motion CARRIES. Rep. Shetterly will lead discussion on the floor. Closes work session, HB 2839; opens work session, HB 2951.
<u>HB 2951 - WORK SESSION</u>		
234	Scott Lumsden	Committee Counsel, outlines provisions of HB 2951 and amendments.
237	Rep. Prozanski	MOTION: Moves to send HB 2951 to the floor with a DO PASS AS AMENDED IN SUBCOMMITTEE recommendation.
244	Rep. Uherbelau	Asks about emergency clause.
249	Rep. Prozanski	Responds. States sunset will run, comments on oversight committee.
260		VOTE: 10-1 AYE: 10-Beyer, Bowman, Courtney, Eighmey, Prozanski, Shetterly, Starr, Uherbelau, Wells, Minnis NAY: 1-Sunseri
267	Chair Minnis	The motion CARRIES. Rep. Prozanski will lead discussion on the floor. Closes work session, HB 2951; opens work session, HB 2272.
<u>HB 2272 - WORK SESSION</u>		
272	Scott Lumsden	Committee Counsel, outlines provisions of HB 2272 and amendments.
280	Rep. Prozanski	MOTION: Moves to send HB 2272 to the floor with a DO PASS AS AMENDED IN SUBCOMMITTEE recommendation.
284	Rep. Beyer	Question concerning clarification of what bill does. Asks about indigent defense.
292	Lumsden	Responds.
		Deputy State Court Administrator. Explains indigent verification

303	Doug Bray	program.
319	Rep. Prozanski	States rescinds motion to send directly to floor.
322	Rep. Prozanski	MOTION: Moves to send HB 2272 to the floor with a DO PASS AS AMENDED IN SUBCOMMITTEE recommendation and BE REFERRED to the committee on Ways and Means.
338	Rep. Eighmey	Asks for clarification of word "contumacious."
343	Bray	Responds. Means someone not in willful default.
367		VOTE: 11-0 AYE: In a roll call vote, all members present vote Aye.
374	Chair Minnis	The motion CARRIES. Rep. Shetterly will lead discussion on the floor. Closes work session, HB 2272; opens work session, HB 3717.
<u>HB 3717 - WORK SESSION</u>		
387	Scott Lumsden	Committee Counsel, outlines provisions of HB 3717 and amendments.
399	Rep. Prozanski	MOTION: Moves to send HB 3717 to the floor with a DO PASS AS AMENDED IN SUBCOMMITTEE recommendation.
409	Rep. Uherbelau	Comments on meaning predatory sex offender.
413		VOTE: 11-0 AYE: In a roll call vote, all members present vote AYE.
422	Chair Minnis	The motion CARRIES. Rep. Uherbelau will lead discussion on the floor. Closes work session, HB 3717; opens work session, HB 2222.
<u>HB 2222 - WORK SESSION</u>		
<u>TAPE 33, A</u>		
003	Scott Lumsden	Committee Counsel. Outlines provisions of HB 2222 and amendments.
015	Rep. Sunseri	MOTION: Moves HB 2222 to the floor with a DO PASS AS AMENDED IN SUBCOMMITTEE recommendation.
016	Rep. Eighmey	Refers to lines 14-18, page 2. Asks for clarification.
		Discusses why he voted against bill in subcommittee. Comments if

025	Rep. Prozanski	motion should fail, suggests designating allowing sentence to be set by court but requiring it to be served in state corrections facility.
056	Rep. Uherbelau	Question regarding fiscal impact.
068	Chair Minnis	States there are some potential indigence issues and indigence defenses. Also current statutory schemes if district attorney chooses to prosecute. States problem with some reaching end of sentences acting out.
095	Rep. Bowman	Comments on testimony in subcommittee as to guards getting severely hurt and district attorney in this county refusing to prosecute for those injuries. Comments on not supporting bill.
116	Rep. Prozanski	Discusses speaking with Marion County District Attorney. Discusses making mandate of sentencing rather than 13 months.
137	Chair Minnis	Discusses being "profitable" to have representatives from Corrections speak to issue of sentencing and issue of why is this bill here.
143	Mary Botkin	American Federation of State and County Municipal Employees. States state-wide problem. Discusses no ability at this point to get handle on assaults at lower level. Discusses legislature sending "message."
175	Rep. Eighmey	Discusses district attorneys choosing not prosecute inmates - being a matter of enforcement.
205	Rep. Uherbelau	Comments on not prosecuting inmates for assault, becoming joke.
220	Chair Minnis	Discusses compromise of subcommittee. Discusses Senate bills that will change sentencing structure.
235	Rep. Prozanski	Asks for subsequent motion to Rep. Sunseri's motion.
236	Rep. Prozanski	MOTION: Moves HB 2222 to the floor with a DO PASS AS AMENDED IN SUBCOMMITTEE recommendation, with conceptual amendments on lines 21-22, deleting words "minimal" and "of 13 months" and on line 22, replacing deletions with "in a state corrections facility."
250	Rep. Sunseri	Agrees to accept.
251	Botkin	States do not have problem with eliminating mandatory minimum. Idea to send message to inmates this is serious.
264	Brian DeLashmutt	Association of Oregon Corrections Employees. Discusses having no problem with amendment.
272	Rep. Prozanski	Comments on inmates going back into state system where incident occurred.
276	Rep. Uherbelau	Comments on clarification of amendment.
294	Rep. Bowman	Discusses supporting with new amendment.
		VOTE: 10-0

301		AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1-Sunseri
309	Rep. Minnis	The motion CARRIES. Chair Minnis will lead discussion on the floor. Closes work session, HB 2222; states full committee in recess until 3:00 p.m.
TAPE 34, A		
015	Chair Minnis	Reconvenes meeting at 3:15 p.m. Opens work session, HB 3343.
HB 3343 - WORK SESSION		
021	Rep. Bowman	MOTION: Moves to REFER HB 3343 back to the subcommittee on family law.
027	Chair Minnis	VOTE: Hearing no objection, declares the motion CARRIED. Closes work session, HB 3343; opens work session, HB 2948.
Enter (EXHIBIT B) into the record.		
HB 2948 - WORK SESSION		
040	Bill Taylor	Committee Counsel, outlines provisions of HB 2948, amendments.
041	Rep. Eighmey	MOTION: Moves HB 2948 to the floor with a DO PASS AS AMENDED IN SUBCOMMITTEE recommendation.
059	Chair Minnis	Discusses this bill going to Ways and Means on Senate side.
068	Rep. Eighmey	Comments on Senate not amending House bills with social issues.
077	Rep. Uherbelau	Comments on being excused, voting no.
080	Rep. Bowman	States her understanding.
081		VOTE: 8-1 AYE: Beyer, Courtney, Eighmey, Shetterly, Starr, Sunseri, Wells, Minnis NAY: Prozanski EXCUSED: Bowman, Uherbelau

085	Chair Minnis	The motion CARRIES. Rep. Shetterly will lead discussion on the floor. Enter (EXHIBIT C) into the record. Closes work session, HB 2948; opens work session, HB 3491.
096	Bill Taylor	Committee Counsel, discusses taking HB 3491 off agenda.
086	Chair Minnis	Opens work session, HB 2320.
<u>HB 2320 - WORK SESSION</u>		
090	Bill Taylor	Committee Counsel, outlines provisions of HB 2320 with amendments (EXHIBIT D) .
100	Rep. Prozanski	MOTION: Moves to send HB 2320 to the floor with a DO PASS AS AMENDED IN SUBCOMMITTEE recommendation.
103		VOTE: In a roll call vote, all members present vote AYE.
105	Chair Minnis	The motion CARRIES. Rep. Bowman will lead discussion on the floor. Closes work session, HB 2320; opens work session, HB 2712.
<u>HB 2712 - WORK SESSION</u>		
124	Chair Minnis	Outlines provisions of HB 2712 and amendments (EXHIBIT E) .
125	Rep. Prozanski	MOTION: Moves to send HB 2712 to the floor with a DO PASS AS AMENDED IN SUBCOMMITTEE recommendation.
129	Rep. Prozanski	Discusses what bill does.
142		VOTE: 10-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1-Shetterly
150	Chair Minnis	The motion CARRIES. Rep. Bowman and Rep. VanLeeuwen will lead discussion on the floor. Closes work session, HB 2712; opens work session, HB 2168.
<u>HB 2168 - WORK SESSION</u>		
156	Bill Taylor	Committee Counsel. Outlines provisions of HB 2168 and amendments (EXHIBIT F) .

167	Rep. Prozanski	MOTION: Moves HB 2168 to the floor with a DO PASS AS AMENDED IN SUBCOMMITTEE recommendation.
169	Rep. Sunseri	Asks for clarification of what bill does.
191		VOTE: 10-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1-Shetterly
198	Chair Minnis	The motion CARRIES. Rep. Prozanski will lead discussion on the floor. Closes work session, HB 2168; opens work session, HB 3668.
<u>HB 3668 - WORK SESSION</u>		
200	Chair Minnis	Outlines provisions of HB 3668 and amendments (EXHIBIT G).
202	Rep. Bowman	MOTION: Moves to send HB 3668 to the floor with a DO PASS AS AMENDED IN SUBCOMMITTEE recommendation.
207		VOTE: 10-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1-Shetterly
209	Chair Minnis	The motion CARRIES. Rep. Bowman and Rep. Gardner will lead discussion on the floor. Closes work session, HB 3668; opens work session, HB 2944.
<u>HB 2944 - WORK SESSION</u>		
226	Bill Taylor	Committee Counsel. Outlines provisions of HB 2944.
236	Rep. Beyer	MOTION: Moves to send HB 2944 to the floor with a DO PASS recommendation.
239	Committee	Discusses amendments in subcommittee.
278		VOTE: 7-3 AYE: 7-Beyer, Courtney, Eighmey, Starr, Sunseri, Wells, Minnis NAY: 3-Bowman, Prozanski, Uherbelau EXCUSED: 1-Shetterly
	Chair	The motion CARRIES.

288	Minnis	Rep. Shetterly will lead discussion on the floor. Closes work session, HB 2944; opens work session, HB 2437.
<u>HB 2437 - WORK SESSION</u>		
297	Bill Taylor	Committee Counsel. Outlines provisions of HB 2437 and amendments (EXHIBIT H).
316	Rep. Prozanski	MOTION: Moves to send HB 2437 to the floor with a DO PASS AS AMENDED IN SUBCOMMITTEE recommendation.
318		VOTE: 10-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1-Shetterly
330	Chair Minnis	The motion CARRIES. Rep. Prozanski will lead discussion on the floor. Closes work session, HB 2437; opens work session, HB 2157.
<u>HB 2157 - WORK SESSION</u>		
		Enter -1 amendments (EXHIBIT I) and -2 amendments (EXHIBIT J) into the record.
339	Rep. Courtney	MOTION: Moves to send HB 2157 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means.
343		VOTE: 10-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1-Shetterly
358	Chair Minnis	The motion CARRIES. Closes work session, HB 2157; opens work session, 3364.
<u>HB 3364 - WORK SESSION</u>		
361	Bill Taylor	Committee Counsel. Outlines provisions of HB 3364 and amendments (EXHIBIT K).
365	Rep. Prozanski	MOTION: Moves to send HB 3364 to the floor with a DO PASS AS AMENDED IN SUBCOMMITTEE recommendation.
382	Rep. Uherbelau	Asks why committee picked 15 years.

386	Chair Minnis	Responds consistent with Oregon Evidence Code Rule 609.
400	Rep. Prozanski	Discusses having right terminology.
TAPE 35, A		
007	Rep. Prozanski	Continues discussion.
010	Rep. Uherbelau	States wants to include vehicular homicide. Comments should not distinguish out that felony.
015	Rep. Prozanski	Discusses reasoning for leaving out.
020	Chair Minnis	Discusses getting further clarification.
022		VOTE: 10-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1-Shetterly
027	Chair Minnis	The motion CARRIES. Rep. Prozanski will lead discussion on the floor. Closes work session, HB 3364; opens work session, HB 2308.
<u>HB 2308 - WORK SESSION</u>		
033	Bill Taylor	Committee Counsel. Outlines provisions of HB 2308 and amendments.
046	Rep. Bowman	MOTION: Moves to send HB 2308 to the floor with a DO PASS AS AMENDED IN SUBCOMMITTEE recommendation.
051		VOTE: 10-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1-Shetterly
057	Chair Minnis	The motion CARRIES. Rep. Starr will lead discussion on the floor. Closes work session, HB 2308; opens work session, HB 2674.
<u>HB 2674 - WORK SESSION</u>		
059	Bill Taylor	Committee Counsel. Outlines provisions of HB 2674 and amendments (EXHIBIT L).
062	Rep.	MOTION: Moves to send HB 2674 to the floor with a DO PASS AS

	Prozanski	AMENDED IN SUBCOMMITTEE recommendation.
066		VOTE: 10-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1-Shetterly
070	Chair Minnis	The motion is CARRIED. Rep. Montgomery will lead discussion on the floor. Closes work session, HB 2674; opens work session, HB 3188.
<u>HB 3188 - WORK SESSION</u>		
072	Bill Taylor	Committee Counsel. Outlines provisions of HB 3188 and amendments (EXHIBIT M).
076	Rep. Prozanski	MOTION: Moves to send HB 3188 to the floor with a DO PASS AS AMENDED IN SUBCOMMITTEE recommendation.
079	Rep. Bowman	States she voted in opposition to bill.
082		VOTE: 9-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2-Bowman, Shetterly
087	Chair Minnis	The motion CARRIES. Rep. Sunseri will lead discussion on the floor. Closes work session, HB 3188; opens work session, HB 3539.
<u>HB 3539 - WORK SESSION</u>		
090	Bill Taylor	Committee Counsel. Outlines provisions of HB 3539 and amendments (EXHIBIT N).
097	Rep. Sunseri	MOTION: Moves to send HB 3539 to the floor with a DO PASS AS AMENDED IN SUBCOMMITTEE recommendation and BE REFERRED to the committee on Ways and Means.
109	Bill Taylor	Discusses Ways and Means referral.
110	Chair Minnis	Asks for verification of referral.
111	Rep. Sunseri	States withdraws his motion.
112	Chair Minnis	Closes work session, HB 3539; opens work session, HB 3532.
<u>HB 3532 -</u>		

<u>WORK SESSION</u>		
113	Rep. Sunseri	MOTION: Moves to REFER HB 3532 back to the subcommittee on family law.
116	Rep. Courtney	Discusses problem with constitutionality.
120		VOTE: 10-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1-Shetterly
129	Chair Minnis	The motion CARRIES. Closes work session, HB 3532; opens work session, HB 2324.
<u>HB 2324 - WORK SESSION</u>		
134	Bill Taylor	Committee Counsel. Outlines provisions of HB 2324 with amendments (EXHIBIT O). Discusses fiscal impact. Comments -5 amendments will be done next week.
147	Rep. Bowman	Asks that the bill be held over. Discusses getting 149 page amendment.
150	Bill Taylor	Discusses -5 amendments.
179	Rep. Courtney	Asks Rep. Eighmey if he would be agreeable to amendment on Senate side.
186	Rep. Eighmey	Discusses being agreeable.
187	Chair Minnis	Discusses impact of not moving bill would be substantial.
197	Rep. Sunseri	MOTION: Moves to send HB 2324 to the floor with a DO PASS AS AMENDED IN SUBCOMMITTEE recommendation.
200	Committee	Discusses work in committee.
226	Rep. Eighmey	Discusses time he and Rep. Uherbelau put into bill. Discusses bill being technical, cumbersome.
258		VOTE: 10-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1-Shetterly
267	Chair Minnis	The motion CARRIES. Rep. Sunseri will lead discussion on the floor. Closes work session, HB 2324; opens work session, HB 3539.

<u>HB 3539 - WORK SESSION</u>		
284	Chair Minnis	States bill does have referral to Ways and Means.
286	Rep. Sunseri	MOTION: Moves to send HB 3539 to the floor with a DO PASS AS AMENDED IN SUBCOMMITTEE recommendation and BE REFERRED to the committee on Ways and Means.
290		VOTE: 10-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1-Shetterly
300	Chair Minnis	The motion CARRIES. Closes work session, HB 3539; adjourns meeting.

Submitted by, Reviewed by,

Lisa Fritz, Sarah Watson,

Administrative Support Office Manager

Transcribed by,

Shirley Spendal

Administrative Support

EXHIBIT SUMMARY

A - HB 2091, proposed amendments and hand-engrossed bill, staff, 9 pp.

B - HB 3343, copied letter, staff, 3 pp.

C - HB 2948, copied letter, Rep. Shetterly, 2 pp.

D - HB 2320, proposed amendments and hand-engrossed bill, staff, 9 pp.

E - HB 2712, proposed amendments and hand-engrossed bill, staff, 2 pp.

F - HB 2168, proposed amendments and hand-engrossed bill, staff, 2 pp.

G - HB 3668, proposed amendments and hand-engrossed bill, staff, 3 pp.

H - HB 2437, proposed amendments and hand-engrossed bill, staff, 2 pp.

I - HB 2157, proposed amendments and hand- engrossed bill, staff, 4 pp.

J - HB 2157, proposed amendments and hand-engrossed bill, staff, 2 pp.

K - HB 3364, proposed amendments and hand-engrossed bill, staff, 2 pp.

L - HB 2674, proposed amendments and hand-engrossed bill, staff, 2 pp.

M - HB 3188, proposed amendments and hand-engrossed bill, staff, 3 pp.

N - HB 3539, proposed amendments, staff, 1 p.

O - HB 2324, proposed amendments, staff, 1 p.