

HOUSE COMMITTEE ON JUDICIARY

SUBCOMMITTEE ON CRIMINAL LAW

June 3, 1997 Hearing Room 357

1:00 P.M. Tapes 136 - 137

MEMBERS PRESENT:

Rep. John Minnis, Chair

Rep. Jo Ann Bowman, Vice-Chair

Rep. Peter Courtney

Rep. Floyd Prozanski

Rep. Lane Shetterly

Rep. Ron Sunseri

Rep. Larry Wells

STAFF PRESENT:

Scott Lumsden, Counsel

Lisa Fritz, Administrative Support

MEASURE/ISSUES HEARD: Public Hearing & Work Session: SB 437A, SB 483A, SB 898

Public Hearing: SB 443A

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 357, A		
006	Chair Minnis	Calls the meeting to order at 1:00 p.m.
<u>OPENS PUBLIC HEARING ON SB 437A</u>		
020	Robert Johnstone	Member, County Board of Commissioners. Submits and discusses written testimony in support of the -2

		amendments to SB 437A [Exhibits A & B]
056	Ben Unger	Meter Reader. Submits and discusses written testimony in support of the -2 amendments to SB 437A. [Exhibit C]
079	Jim Markee	The Amalgamated Transit Union. Submits and discusses written testimony in support of SB 437A, both from himself and the Amalgamated Transit Unit. [Exhibits D & E]
127	Rep. Wells	Supports amendment.
135	Markee	Comments his concerns regarding amendment. >House members liked original bill
144	Mark Bevington	Executive Board Officer, Amalgamated Transit Union. Drives bus in Vancouver, Washington. Discusses the benefits of the yield law in the State of Washington. >operator more aware of the traffic problems >motorist is more aware that the bus will be turning out
158	Rep. Bowman	How are we going to publicize this change in law?
159	Markee	Replies. A bridge we haven't attempted to cross. Continues. >word will spread quickly
172	Bevington	Comments for further clarification. Made a brochure.
177	Rep. Bowman	Continues questioning witness regarding public awareness.
183	Markee	Yes. We will be working with the transit agencies. Continues.
187	Rep. Prozanski	Questions grace period in Washington regarding public education.
194	Bevington	Replies. Drivers were to be responsible. Took more than a year for the public to become aware.
208	Bernie Bottomly	Tri-Met. Testifies in favor of SB 437A. >aggressively pursuing bus pull-outs so traffic can continue to flow >creates a problem for pulling back into traffic >improve traffic flow and bus safety
	Rep. Prozanski	Support -2, -3 amendments?

242	Johnstone	Not familiar with amendments being introduced in any other bill. Continues.
265	Rep. Prozanski	Questions witness for clarification regarding meters.
267	Johnstone	Replies. Two different categories. Explains.
280	Rep. Prozanski	Would you oppose some type of condition/exception?
290	Rep. Shetterly	I think that limitation is there. Continues.
	Additional testimony submitted for the record from Leslie Lewis, Representing House District 29 in support of SB 437. [Exhibit I]	
	<u>CLOSES PUBLIC HEARING ON SB 437A</u>	
	<u>OPENS WORK SESSION ON SB 437A</u>	
318	Rep. Bowman	MOTION: Moves to ADOPT SB 437A-3 amendments dated 05/16/97.
	Ron Hientzman	Amalgamated Transit Union. Explains wording "a city mass transit district" contained in SB 437-A3 amendments. [Exhibit F]
334	Markee	Comments for further clarification. Adds those systems that are added by a city rather than a transportation district.
		VOTE: 6-0
		EXCUSED: 1 - Rep. Sunseri
	Chair Minnis	Hearing no objection, declares the motion CARRIED.
345	Rep. Bowman	MOTION: Moves to ADOPT SB 437A-2 amendments dated 04/21/97.
		VOTE: 6-0
		EXCUSED: 1 - Rep. Sunseri
	Chair Minnis	Hearing no objection, declares the motion CARRIED.
364	Rep. Bowman	MOTION: Moves SB 437A to the full committee with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0

		AYE: In a roll call vote, all members present vote Aye.
	Chair Minnis	The motion CARRIES.
<u>CLOSES WORK SESSION ON SB 437A</u>		
<u>OPENS PUBLIC HEARING ON SB 483</u>		
395	Justin Burns	Oregon Gun Owners. Testifies in support of SB 483. Takes proceeds from the sale of confiscated or otherwise surrendered firearms that are sold by police and redirects funds from the State's general fund to the law enforcement agency.
400	Rep. Bowman	Questions for clarification. Why should they profit from a community effort to get guns off the street?
411	Burns	Still gives them discretion. Continues. >helps smaller agencies
TAPE 137, A		
016	John Nichols	Oregon Gun Owners. Testifies in support of SB 483. The private surrenders would not be affected. >small departments could use the money to purchase needed items >gives example of valuable antique weapons melted when could have been sold >bill does nothing that current law does not do but redirect funds from the general fund to the law enforcement agency
043	Rep. Bowman	Questions witness regarding profits.
045	Burns	Replies. When they are auctioned off. Continues.
049	Rep. Bowman	Inaccurate information. Continues.
056	Nichols	The State Police sells firearms. Continues.
062	Chair Minnis	Nothing that requires burning or selling.
064	Nichols	That is correct.
065	Rep. Prozanski	If they are sold, they want the money to go directly to the law enforcement agency.
083	Rep. Wells	Questions incentive.

091	Burns	I can't answer that. Has been introduced before. Continues.
098	Nichols	Introduced two sessions ago by the District Attorneys Association. Continues.
105	Chair Minnis	On line 5, change `shall' to `may'.
111	Rep. Bowman	Comments her vote will be no and gives reasons.
118	Rep. Courtney	Why don't we use it for education?...I'm really torn on this. Continues.
130	Chair Minnis	Reads from bill.
134	Rep. Shetterly	That's all current law.
135	Chair Minnis	Will share concerns with Rep. Markham.
<u>CLOSES PUBLIC HEARING ON SB 483</u>		
<u>OPENS PUBLIC HEARING ON SB 898</u>		
149	Scott Lumsden	Committee Counsel. Explains bill. Authorizes county judge to serve as pro tem county judge in another county in the event of a vacancy, absence, incapacity or disqualification of the current judge. >smaller counties may have this problem on occasion
164	Paul Snider	Association of Oregon Counties. Replies. Those judges perform judicial functions in about eight counties in eastern Oregon. Especially those who perform juvenile functions.
175	Rep. Prozanski	Questions status of another bill changing status of county judges.
177	Snider	That bill applies to a county in which the county judge does not perform judicial functions.
194	Rep. Courtney	Assume you need the bill?
	Snider	That's right.
	Rep. Courtney	Continues questioning witness for clarification.
<u>CLOSES PUBLIC HEARING ON SB 898</u>		
<u>OPENS WORK SESSION ON</u>		

SB 898		
221	Rep. Courtney	MOTION: Moves SB 898 to the full committee with a DO PASS recommendation.
238	Rep. Bowman	Waiting for a legal opinion on whether this is really needed.
	Recesses Committee at 1:50 p.m.	
TAPE 136, B		
	Reconvenes Committee at 1:53 p.m.	
001		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 3 - Rep. Bowman, Rep. Courtney, Rep. Prozanski
	Chair Minnis	The motion CARRIES.
<u>CLOSES WORK SESSION ON SB 898</u>		
<u>OPENS WORK SESSION ON SB 483A</u>		
011	Senator Veral Tarno	Representing Senate District 24..
017	Courtney	MOTION: Moves SB 483 to the full committee with a DO PASS recommendation.
024	Rep. Wells	This is additional money that comes into that agency. Continues. >changes policy
		VOTE: 4-3 AYE: 4 - Rep. Courtney, Rep. Shetterly, Rep. Sunseri, Rep. Minnis NAY: 3 - Rep. Bowman, Rep. Prozanski, Rep. Wells
	Chair Minnis	The motion Carries.
<u>CLOSES WORK SESSION ON</u>		

SB 483A		
OPENS PUBLIC HEARING ON SB 443A		
078	Mike McCracken	Executive Director, Association of Community Mental Health Programs.
084	Lee Hockman	Director, Douglas County Health and Human Services Department; Chair, Legislative Committee, Association of Oregon Community Mental Health Programs. Submits written testimony in support of SB 443A. [Exhibit G] . Discusses -A2 amendments [Exhibit H]
120	Chair Minnis	What do you envision the process to be?
123	Hockman	Believe the amendment might make it more specific. Continues.
132	Rep. Prozanski	Comments: Where is this going to stop? Continues.
139	Chair Minnis	That is a good concern. Continues.
160	Rep. Bowman	Discusses concerns. >how many background checks are necessary - cross checked
	Hockman	The amendments set forth a process. Explains.
188	Chair Minnis	The A2 amendments are in addition to the original bill.
	Hockman	Continues his explanation for the Committee.
224	Thomas G. Barrows	Oregon Cluster of YMCAs. It does apply to us indirectly in that the Employment Department is included. Most of what is included in the amendment being proposed is already in existence for YMCAs. Have been observing that pieces aren't included that would adversely affect us.
237	Rep. Prozanski	Has no problem with background checks being done - how much delegating is necessary? Continues.
252	Bob Mink	Deputy Director, Department of Human Resources (DHR). Testifies in support of SB 443A. Sole purpose is to make sure that the clients we serve have the safest care they possible can. >we would like to ensure safety for our clients. >develop registry - eliminate multiple record checks
		Oregon Health Care Association. Testifies regarding concerns of their Association and other provider

269	Jim Carlson	<p>groups. Many are the same as expressed by Committee.</p> <p>>feel very comfortable with the -A2 amendments</p> <p>>built greater flexibility and protections</p> <p>>drafted carefully to protect confidentiality of individuals</p>
	Chair Minnis	<p>States his intent to form a work group comprised of Reps. Prozanski, Bowman, Wells to go over both SB 443 and its amendments due to the complex nature of the bill.</p> <p>>will rely on the work group for direction on this measure</p>
323	Rep. Wells	Questions the problem with HB 2176?
	Carlson	Responds. Late in the session. Continues.
383	Chair Minnis	Asks that Rep. Wells head work group and gives direction.
421	Rep. Bowman	Questions for clarification regarding percentages for departments who receive funding from the Department of Human Resources.
440	Mink	<p>Replies. There is no percentage under DHR's purview. Explains.</p> <p>>most of the departments we deal with receive the bulk of their money from DHR</p> <p>>have not looked at percentages</p>
457	Carlson	<p>DHR also licenses and regulated providers who in some cases receive no reimbursement.</p> <p>>this will give them authority over which they have licensing and regulatory authority</p>
<u>CLOSES</u>		
<u>PUBLIC</u>		
<u>HEARING ON</u>		
<u>SB 443A</u>		
474	Chair Minnis	Adjourns meeting at 2:30 p.m.

Transcribed by, Reviewed by,

Julie Clemente for

Lisa Fritz, Scott Lumsden,

Administrative Support Counsel

EXHIBIT SUMMARY

A - Proposed SB 437-2 Amendments - Staff - 2 pgs

B - Testimony in Support of SB 437A - Robert Johnstone - 1 pg

C - Testimony in Support of SB 437A - Ben Unger - 3 pgs

D - Testimony in Support of SB 437A - Jim Markee - 1 pg

E - Testimony in Support of SB 437A - Amalgamated Transit Union, presented by Jim Markee - 2 pgs

F - Proposed SB 437-A3 Amendments - Staff - 1 pg

G - Testimony in Support of SB 433A - Lee Hockman - 1 pg

H - Proposed SB 443A2 Amendments - Staff - 18 pgs

I - Testimony in Support of SB 437-2 Amendments - Leslie Lewis - 1 pg