

1997 JOINT COMMITTEE ON HJR 2-B ENGROSSED

March 31, 1997 Hearing Room 357

8:15 AM Tape 4

MEMBERS PRESENT:

Rep. John Minnis, Chair

Sen. Shirley Stull

Rep. Floyd Prozanski

STAFF PRESENT:

Scott Lumsden, Counsel

Nikola Jones, Counsel

Brian Higgins, Administrative Support

MEASURE/ISSUES HEARD:

Drafting of proponent statement, for HJR 2B, as required by ORS 251.245

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 4, A		
003	Chair Minnis	Calls meeting to order at 8:20 a.m.
		*Results of March 26, 1997 meeting submitted for the record (EXHIBIT A) .
006	Chair Minnis	Comments that further changes have been brought to the committee by Rep. Prozanski (EXHIBIT B) .
008	Sen. Stull	Is it your intention to add "the State" in the last bolded title (EXHIBIT B) ?
009	Rep. Prozanski	Yes.
012	Chair Minnis	Is that okay with you?

013	Sen. Stull	Yes.
014	Chair Minnis	I think the suggested changes, by Rep. Prozanski, are good.
018	Rep. Prozanski	Comments that EXHIBIT B has one mistake: "FINALLY" should be deleted from the title.
020	Chair Minnis	Senator, have you come up with any additional changes?
022	Sen. Stull	I only had one, and Rep. Prozanski has taken care of that, with the big bullet at the bottom, re-emphasizing to vote "yes" on Measure 49.
024	Chair Minnis	Do we all agree to delete "FINALLY" from the title?
025	Sen. Stull	Yes.
026	Chair Minnis	We are adding "more" to the title. In the first paragraph, we had the issue of "just over 50%" or "less than 51%."
030	Rep. Prozanski	To me, "just over 50%" is more specific to what the actual number is. "Less than" doesn't say how much less, and "just over" seems to be more in line, based on the testimony, and I think it reads more easily.
036	Sen. Stull	I think the original, "less than 51%" is more clear.
044	Chair Minnis	I would agree with the Senator. I think that the "less than 51%" is fine. The next change is in the fourth paragraph.
048	Rep. Prozanski	Yes, I added the word "programs" after the word "training." Explains why he chose to include that language.
057	Chair Minnis	We're all okay on that. How about the deletion of "other" before "inmates" in the same sentence?
059	Sen. Stull	I think either way works; that's fine with me.
060	Chair Minnis	In the last underlined title, we have the inclusion of "the State."
063	Sen. Stull	Is that to be added or deleted?
064	Rep. Prozanski	Added. Explains why he chose to include that language.
070	Sen. Stull	I don't disagree with that, but I think it's important to note that, in the bill itself, the language for the lawsuit piece reads, "However, no inmate has a legally enforceable right to a job or to otherwise participate in work, on-the-job training, or education programs, or to compensation for work or labor performed while an inmate of any state, county, or city corrections facility or institution." Technically, it should reduce the potential for frivolous lawsuits in any of those -- city, state, county, etc. institutions -- so it would not just be the state that would be protected.
084	Rep. Prozanski	They're still going to be state inmates, under our control and jurisdiction, even though they may be housed somewhere else.
089	Sen. Stull	Suggests "protects taxpayers."
094	Chair Minnis	If we include "the State," it does seem to limit it, by inference, and that's not our intent.

099	Rep. Prozanski	Suggests "the public." It is only a bullet, so maybe it doesn't make a difference. It just seems that we are not modifying or saying what Measure 49 protects.
103	Chair Minnis	I think "the public."
108	Sen. Stull	I understand the need for clarification, but I don't know if "the public" is the best choice.
111	Scott Lumsden	Committee Counsel Sometimes "the public" is put in contrast to "the State," so I don't know if, in some peoples' minds, the state would be excluded from that.
114	Sen. Stull	Suggests "protects government."
116	Lumsden	Suggests "the State and employers."
118	Sen. Stull	Part of the problem is that it's a bullet; we can't make it so inclusive.
121	Lumsden	Suggests using "employers."
123	Sen. Stull	I would suspect that that may be a problem because, while the state may have the inmates in their care and custody, they may actually be under contract to work for someone else.
126	Nikola Jones	Committee Counsel I think that you also may want to take into account that the inmates can probably still sue if they get injured on the job or something else related to what's in Measure 17. You don't want to make it too narrow or misleading by just saying "employers."
129	Chair Minnis	Suggests leaving the title the same: "Measure 49 protects from frivolous inmate lawsuits" and add some clarifying language later.
141	Rep. Prozanski	You want the title to say "Measure 49 protects from frivolous lawsuits by inmates."
143	Chair Minnis	No, I was think of adding some additional language to the last sentence of the last paragraph to clarify who the measure is protecting.
147	Sen. Stull	I would suggest that if you want to add language, you do it with a middle sentence and leave the last sentence as it is. The last sentence concisely gets to the issue.
157	Chair Minnis	Let's just leave it as it is, without the addition of "the State."
163	Sen. Stull	Discusses the addition of the last bullet.
171	Chair Minnis	One idea is just to reverse the header and footer.
174	Sen. Stull	Suggests: "Vote `Yes' on Measure 49 to put more prisoners to work."
175	Rep. Prozanski	That's fine.
177	Chair Minnis	So, the bottom bullet would say, "Vote `Yes' on Measure 49 to put more prisoners to work."
181	Chair Minnis	Adjourns at 8:38 a.m.

Lisa Fritz, Scott Lumsden,
Administrative Support Counsel

EXHIBIT SUMMARY

A - HJR 2B, written testimony, staff, 1 page.

B - HJR 2B, written testimony, staff, 1 page.