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**SENATE COMMITTEE ON BUSINESS, LAW, AND GOVERNMENT**

**March 18, 1997 Hearing Room 50**

**1:00pm Tapes 110 - 111**

**MEMBERS PRESENT:**

**Sen. Neil Bryant, Chair**

**Sen. Randy Miller, Vice-Chair**

**Sen. Kate Brown**

**Sen. Randy Leonard**

**Sen. David Nelson**

**MEMBER EXCUSED: Sen. Gene Derfler**

**STAFF PRESENT:**

**David Amesbury, Counsel**

**Andrea Terry, Administrative Support**

**MEASURE/ISSUES HEARD:**

**SB 434**

**SB 266**

SB 270

SB 272

SB 527

SB 599

**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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>Tape 110, A</b>		
004	Chair Bryant	opens meeting at 1:08pm
<b><u>SB 527--PUBLIC HEARING AND WORK SESSION</u></b>		
016	Sen. Cliff Trow	Senator from Corvallis
020	Trow	explains background on SB 527 electric wheelchairs and scooters should be treated as a disabled person's "legs" EXHIBIT A EXHIBIT B
030	Craig Batrick	Representing Sharon Price
032	Batrick	EXHIBIT C EXHIBIT D
064	Bryant	close public hearing on SB 527; open work session on SB 527
070	Bryant	amendment to SB 527; dealing with the definition of "pedestrian"
081	Bryant	this will be the new "d"
<b>089</b>	<b>Sen. Leonard</b>	<b>MOTION: Moves SB 527 to the floor with a DO PASS AS AMENDED recommendation.</b>

092	Bryant	no discussion, no objections Trow will carry
<b><u>SB 599--PUBLIC HEARING AND WORK SESSION</u></b>		
120	Bryant	open public hearing on SB 599
124	Charlie Davis	public member on the Judicial Fitness Commission
130	Davis	EXHIBIT E
176	Richard Page	Judicial Fitness Commission
181	Page	speaking in support of SB 599
197	Bryant	as of now aren't your options limited as to what you can do in these cases
206	Davis	yes, the options are limited
227	Bryant	on behalf of the Senate I want to thank you for serving on this committee
232	Page	discussion on cost
264	Mick Gillette	Supreme Court Associate Justice
280	Gillette	I am not in favor or against SB 599; a few thoughts on this bill  investigation of a judge's wrongdoings is very expensive  it is important to remember that the Judicial Fitness Commission makes recommendation regarding judges to the Supreme Court Justices
303	Gillette	Section 2; subsection 2 there is an interesting provision about a letter of admonition
328	Gillette	whether it is permissible to tell a person your exercise of due process carries with it a consequence
353	Gillette	this bill represents a new way out  the commission needs a broader range of choice  in the case of <u>In re Piper</u> , 271 or 726 (1975); my court announced that we would reprimand the judge
Tape 111, A		
003	Gillette	the three choices of discipline just don't give us enough choices
012	Nelson	is there anything in this bill that goes to the public's right to know
		the letter of admonition would be a private matter, but I am sure

014	Gillette	there would be people in the public who would believe that this is just another way that the judges and lawyers are trying to hide what is really going on
022	Bryant	when does judicial fitness process become public
030	Davis	when a public hearing is scheduled
039	Sen. Brown	if you have a case that goes to a hearing is everything (investigation, etc.) public
041	Davis	everything in the formal charge is public
044	Bryant	close public hearing on SB 599
<b><u>SB 434--WORK SESSION</u></b>		
047	Bryant	open work session on SB 434 talks about the amount of press coverage that this issue has received
072	Amesbury	goes over hand engrossed bill includes first 3 proposed amendments (EXHIBIT F)
090	Sen. Brown	the education programs that are being proposed has the agriculture community seen the costs
095	Bryant	it will cost about \$15,000 - \$20,000
105	Amesbury	still explaining hand engrossed copy of bill (EXHIBIT F)
134	Bryant	EXHIBIT G
145	Amesbury	explains EXHIBIT G
152	Alan Tresidder	Representing Oregon Humane Society
154	Richard Kosesan	Oregon Sheep Growers Association
163	Kosesan	explanation of amendments
189	Bryant	discussion of wording
193	Sen. Bryant	<b>MOTION: Moves to ADOPT the amendments offered to SB 434.</b>
210	Bryant	no discussion, no objections
225	Sen. Bryant	<b>MOTION: Moves SB 434 to the floor with a DO PASS AS AMENDED recommendation.</b>
235	Sen. Nelson	voting "no" on this bill
240	Bryant	will carry SB 434
<b><u>SB 266--PUBLIC HEARING AND WORK SESSION</u></b>		
270	Sen. Miller	open work session on SB 266

272	Amesbury	EXHIBIT H
304	Sen. Brown	<b>MOTION: Moves to ADOPT the amendments prepared by Susan Grabe to SB 266.</b>
307	Miller	no discussion, no objections
317	Sen. Brown	<b>MOTION: Moves SB 266 to the floor with a DO PASS AS AMENDED recommendation.</b>
320	Miller	no discussion, no objection
323	Brown	will carry
<b><u>SB 272--PUBLIC HEARING AND WORK SESSION</u></b>		
325	Sen. Miller	open public hearing on SB 272
340	Karen Hightower	representing Oregon Judicial Department
343	Hightower	EXHIBIT I
Tape 110, B		
010	Hightower	still reading EXHIBIT I
030	Randall Jordan	State of Oregon Department of Justice; Civil Enforcement Division
050	Jordan	explains SB 272
080	Bryant	close public hearing on SB 272; open work session on SB 272
090	Sen. Miller	<b>MOTION: Moves to ADOPT SB 272-1 amendments dated 3/17/97.</b>
095	Bryant	no discussion, no objection
098	Sen. Miller	<b>MOTION: Moves SB 272 to the floor with a DO PASS AS AMENDED recommendation.</b>
102	Bryant	no discussion, no objections Sen. Nelson will carry
<b><u>SB 270--PUBLIC HEARING AND WORK SESSION</u></b>		
110	Bryant	open public hearing on SB 270
115	Brown	EXHIBIT J
130	Doug Bray	EXHIBIT K
138	Lipetzky	what can the court do on an immediate ex parte basis in terms of custody gives example
150	Bryant	let's say "flight" is included as immediate danger

160	David Nebel	Oregon Law Center
162	Nebel	we support SB 270
165	<b>Sen. Brown</b>	<b>MOTION: Moves to ADOPT SB 270-2 amendments dated 3/13/97.</b>
168	Bryant	no discussion; no objection
172	<b>Sen. Brown</b>	<b>MOTION: Moves SB 270 to the floor with a DO PASS AS AMENDED recommendation.</b>
174	Bryant	no discussion; no objection Sen. Brown will carry
177	Bryant	adjourns meeting at 2:38pm

**Submitted By, Reviewed By,**

**Andrea Terry, David Amesbury,**

**Administrative Support Counsel**

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### **EXHIBIT SUMMARY**

**A - Letter from Sen. Cliff Trow - introduced by Senator Trow - 1 page**

**B - Letter from James Nelson - introduced by Senator Cliff Trow - 1 page**

**C - Memo from Sharon Price - introduced by Sharon Price - 1 page**

**D - Letter from Sharon Price - introduced by Sharon Price 8 pages**

**E - Commission on Judicial Fitness and Disability - introduced by Charlie Davis - 3 pages**

**F -Hand Engrossed SB 434 - introduced by David J. Amesbury - 5 pages**

**G - Proposed amendments to SB 434 -2 -introduced by staff - 1 page**

**H - Memo from OSB - introduced by OSB - 1 page**

**I - Testimony of Karen Hightower on SB 272 - introduced by Karen Hightower - 15 pages**

**J - Proposed amendments to SB 270 - introduced by Legislative Counsel - 7 pages**

**K - Testimony of Doug Bray on SB 270 - introduced by Doug Bray - 2 pages**

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