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**SENATE COMMITTEE ON CRIME & CORRECTIONS**

**January 31, 1997 Hearing Room B**

**1:00 P.M. Tapes 5 - 6**

**MEMBERS PRESENT:**

**Sen. Shirley Stull, Chair**

**Sen. Jeannette Hamby, Vice-Chair**

**Sen. Avel Gordly**

**Sen. Eileen Qutub**

**Sen. Veral Tarno**

**MEMBER EXCUSED: Sen. Cliff Trow**

**STAFF PRESENT:**

**Nikola Jones, Counsel**

**Julie Clemente, Administrative Support**

**MEASURE/ISSUES HEARD:**

**Public Hearing & Work Session SB 36**

**Work Session SB 257**

**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 5, A</b>		
003	Chair Stull	Opens meeting at 1:05 p.m.
<b><u>OPENS PUBLIC HEARING ON SB 36</u></b>		
004	Lt. Glen Rader	Patrol Services Division, Oregon State Police. Testifies in support of SB 36 <b>[Exhibit A]</b> >Extension of SB 118 >requesting removal of sunset clause
038	Lt. Charles Hayes	Oregon State Police, Albany Office. Testifies in support of SB 36 >2,500 officers now trained >confirmation rate is 89.4% of all samples submitted >60% of DUII drug cases involve multiple controlled substances >no cases reported involving violation of privacy
073	Sen. Gordly	Share reasons for not complying
	Rader	Can't answer
	Hayes	>those who refuse are those who have admitted guilt many times before >very few actually cannot provide sample >medical issue has not come up at all
093	Sen. Gordly	Other medical conditions revealed. Been an issue?
	Chair Stull	Not all drivers stopped choose to be in compliance.
103	Rader	Correct
	Sen. Tarno	Can we get a lab breakdown of drugs involved.
	Rader	Yes
		Executive Director, Oregon Restaurant Association testifies in support of SB 36

111	Mike McCallum	>licensing/liability matters, important for owners to have as much information as possible >sometimes held liable where drugs were the cause not alcohol
142	Russ Spencer	Oregon State Sheriff's Association testifies in support of SB 36 Discusses: >study results showed positive testing for numerous substances >method of taking samples is working well >able to train 19 officers as "specialists"
175	Sen. Tarno	Asks for Information regard UA's behind traffic accidents
	Rader	Glad to provide information
194	Chair Stull	For the record - additional testimony received from Kevin L. Campbell, Association Executive, The Oregon Association Chiefs of Police in support of SB 36 <b>[Exhibit B]</b> and Ed Marges, Manager, Transportation Safety Section of the Oregon Department of Transportation in support of SB 36 <b>[Exhibit C]</b>
215	Christopher R. Kuhner	Offers proposed amendments to SB 36 <b>[Exhibit D]</b>
		>sample would have to be obtained in an enclosed structure >defining how a positive result could be used against >urine test capable of only positive or negative results >positive result doesn't mean under influence at time taken
325		Continues
340	Sen. Tarno	Lab results only a portion of evidence heard in court
		>stop is made by officer's observations >covered in statue right now
387	Chair Stull	Appreciates obvious hard work
		>observations important
<b>Tape 6, A</b>		
019	Kuhner	Continues stating reasons for amendments
026	Sen. Gordly	Why is this additional language necessary?
032	Chris	Responds
<b><u>CLOSES PUBLIC HEARING ON</u></b>		

<b>SB 36</b>		
<b>OPENS WORK SESSION ON SB 36</b>		
	<b>Sen. Tarno</b>	<b>MOTION: Moves SB 36 to the floor with a DO PASS recommendation.</b>
055	Sen. Gordly	For the record, there is opposition
		>Oregon Civil Liberties Union >Oregon Defense Lawyers Association
068	Ingrid Swenson	Oregon Defense Lawyers Association >Not in opposition
076	Sen. Gordly	Wanted on the record
	Rader	Two organizations identified had opposed the bill 2 years ago
<b>081</b>		<b>VOTE: 5-0</b> <b>EXCUSED: 1 - Sen. Trow</b>
	<b>Chair Stull</b>	<b>Hearing no objection, declares the motion CARRIED.</b>  <b>SEN. TARNO will lead discussion on the floor.</b>
<b>CLOSES WORK SESSION ON SB 36</b>		
092	Chair Stull	Explains why SB 277 was not heard
<b>OPENS WORK SESSION ON SB 257</b>		
101	Chair Stull	Bill originally heard on January 27th
		Makes reference to -1 amendments [ <b>Exhibit E</b> ]
<b>110</b>	<b>Sen. Hanby</b>	<b>Moves to ADOPT the SB 257-1 Amendments as submitted in Exhibit E</b> <b>VOTE: 5-0</b> <b>EXCUSED: 1 - Sen. Tarno</b>
	<b>Chair Stull</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
		<b>MOTION: Moves SB 257 to the floor with a DO PASS AS</b>

119	Sen. Hanby	AMENDED recommendation.
		VOTE: 5-0 EXCUSED: 1 - Sen. Trow
	Chair Stull	Hearing no objection, declares the motion CARRIED. SEN. HAMBY will lead discussion on the floor.
132	Sen. Stull	Adjourns meeting at 1:40 p.m.

Submitted By, Reviewed By,

Julie Clemente, Nikola Jones,

Administrative Support Counsel

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**EXHIBIT SUMMARY**

**A - Testimony in Support of SB 36 - Glen Rader, Oregon State Police - 11 pgs**

**B - Testimony in Support of SB 36 - Kevin L. Campbell, Oregon Association Chiefs of Police - 1 pg**

**C - Testimony in Support of SB 36 - Ed Marges, Transportation Safety Section, Department of Transportation - 1 pg**

**D - Proposed Amendments - SB 36 - Christopher Kuhner - 4 pgs**

**E - Proposed Amendments to SB 257 - Staff - 1 pg**