

HOUSE COMMITTEE ON
JUDICIARY

Hearing Room 357
Tapes - 27

MEMBERS PRESENT:

Rep. Del Parks, Chair
Rep. Kate Brown, Vice-Chair
Rep. Chuck Carpenter
Rep. Peter Courtney
Rep. Jerry Grisham
Rep. Bryan Johnston
Rep. Leslie Lewis
Rep. Lisa Naito
Rep. Floyd Prozanski
Rep. Eileen Qutub
Rep. Veral Tarno

MEMBER EXCUSED:

Rep. Bob Tiernan

STAFF PRESENT:

Holly Robinson, Committee Counsel
Milt Jones, Committee Counsel
Sarah Watson, Committee Assistant

MEASURES HEARD:

SB 157 - Work Session
SB 1 - Work Session
SB 58 - Work Session
SB 62 - Work Session
SB 65A - Work Session
SB 68 - Work Session
SB 71 - Work Session
SB 117A - Work Session
SB 120 - Work Session
SB 157 - Work Session
SB 162 - Work Session
SB 217 - Work Session
SB 226A - Work Session
SB 227A - Work Session
SB 324 - Work Session
SB 430A - Work Session
SB 448 - Work Session
SB 877 - Work Session

These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings,
please refer to the tapes.

TAPE , SIDE A

006 CHAIR PARKS: Calls the meeting to order at 9:45 AM.

WORK SESSION ON SB 157

008 MILT JONES, COMMITTEE COUNSEL: SB 157 exempts from public records laws
certain agribusiness company data used by State Department of Agriculture
in economic development activities. (EXHIBIT A)

013 MOTION: REP. JOHNSTON: Moves to RECONSIDER the vote by which "SB
157 was passed to the floor".

VOTE: Hearing no objections the MOTION CARRIES.

018 MOTION: REP. JOHNSTON: Moves to ADOPT SB 157-3 amendments dated
05/02/95.

VOTE: Hearing no objections the amendments are ADOPTED. Rep. Tiernan is
excused.

021 MOTION: REP. JOHNSTON: Moves SB 157 AS AMENDED be sent to the floor
with a DO PASS recommendation.

VOTE: 11-0 MOTION PASSES
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito,
Prozanski, Qutub, Tarno, Parks
NO: None
EXCUSED: Tiernan

028 CHAIR PARKS: Rep. Carpenter will carry the bill.

WORK SESSION ON SB 1

029 HOLLY ROBINSON, COMMITTEE COUNSEL: SB 1 establishes Oregon Youth Authority. Discusses amendments. (EXHIBIT B)

045 CHAIR PARKS: Discusses that SB 1 has to go to the Ways and Means committee.

050 MOTION: REP. BROWN: Moves SB 1A AS AMENDED to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means.

053 REP. BROWN: Discusses her concern of having to move the bill so quickly.

059 REP. GRISHAM: Asks which amendments were adopted.

061 HOLLY ROBINSON, COMMITTEE COUNSEL: Those were all adopted.

062 CHAIR PARKS: Some of the amendments were adopted with the understanding that they might be taken out in the conference committee.

066 REP. NAITO: There were also some conceptual amendments adopted that aren't on that list.

068 HOLLY ROBINSON, COMMITTEE COUNSEL: Discusses conceptual amendments that were adopted.

071 REP. BROWN: The -19 amendments were amended by conceptual amendments, explains.

077 REP. TARNO: Discusses concern of the expungment of records.

081 CHAIR PARKS: I didn't look at that as carefully, because I thought everyone was in agreement.

088 REP. PROZANSKI: I want to make sure that we address the other amendments.

093 CHAIR PARKS: We will do that.

094 REP. LEWIS: I would feel better if we passed this to Ways and Means without recommendation.

097 CHAIR PARKS: It doesn't matter, we just need to move the bill.

098 REP. BROWN: I accept that as a friendly amendment to my motion. Restates motion.

099 MOTION: REP. BROWN: Moves SB 1A AS AMENDED to the floor without recommendation and BE REFERRED to the committee on Ways and Means.

VOTE: 11-0 MOTION PASSES
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito, Prozanski, Qutub, Tarno, Parks
NO: None
EXCUSED: Tiernan

WORK SESSION ON SB 58

109 MILT JONES, COMMITTEE COUNSEL: SB 58 allows Chief Justice of Supreme Court to authorized employee of Judicial Department to certify amount of payment on petitions for attorney fees and costs in appeals by persons for whom counsel has been appointed.

118 MOTION: REP. NAITO: Moves SB 58A be sent to the floor with a DO PASS recommendation.

VOTE: 11-0 MOTION PASSES
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito, Prozanski, Qutub, Tarno, Parks
NO: None
EXCUSED: Tiernan

128 CHAIR PARKS: Rep. Naito will carry the bill.

WORK SESSION ON SB 62

130 MOTION: REP. NAITO: Moves SB 62 be sent to the floor with a DO PASS recommendation.

VOTE: 11-0 MOTION PASSES
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito, Prozanski, Qutub, Tarno, Parks
NO: None
EXCUSED: Tiernan

138 CHAIR PARKS: Rep. Naito will carry the bill.

WORK SESSION ON SB 65

139 MOTION: REP. NAITO: Moves SB 65A be sent to the floor with a DO
PASS recommendation.

VOTE: 11-0 MOTION PASSES
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito,
Prozanski, Qutub, Tarno, Parks
NO: None
EXCUSED: Tiernan

148 CHAIR PARKS: Rep. Lewis will carry the bill.

WORK SESSION ON SB 68

150 MOTION: REP. NAITO: Moves SB 68 be sent to the floor with a DO PASS
recommendation.

VOTE: 11-0 MOTION PASSES
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito,
Prozanski, Qutub, Tarno, , Parks
NO: None
EXCUSED: Tiernan

158 CHAIR PARKS: Rep. Brown will carry the bill.

WORK SESSION ON SB 71

159 MOTION: REP. NAITO: Moves SB 71 be sent to the floor with a DO PASS
recommendation.

VOTE: 11-0 MOTION PASSES
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito,
Prozanski, Qutub, Tarno, Parks
NO: None
EXCUSED: Tiernan

167 CHAIR PARKS: Rep. Carpenter will carry the bill.

WORK SESSION ON SB 117B

169 REP. NAITO: Have the -A3 amendments been adopted? (EXHIBIT C)

170 HOLLY ROBINSON, COMMITTEE COUNSEL: Yes.

171 MOTION: REP. NAITO: Moves SB 117A AS AMENDED be sent to the floor
with a DO PASS recommendation.

VOTE: 11-0 MOTION PASSES
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito,
Prozanski, Qutub, Tarno, Parks
NO: None
EXCUSED: Tiernan

181 CHAIR PARKS: Rep. Prozanski will carry the bill.

WORK SESSION ON SB 162

185 MOTION: REP. NAITO: Moves SB 162 be sent to the floor with a DO
PASS recommendation.

VOTE: 11-0 MOTION PASSES
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito,
Prozanski, Qutub, Tarno, Parks
NO: None
EXCUSED: Tiernan

194 CHAIR PARKS: Rep. Brown will carry the bill.

WORK SESSION ON SB 217

196 MOTION: REP. NAITO: Moves SB 217 be sent to the floor with a DO
PASS recommendation.

VOTE: 11-0 MOTION PASSES
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito,
Prozanski, Qutub, Tarno, Parks
NO: None
EXCUSED: Tiernan

204 CHAIR PARKS: Rep. Qutub will carry the bill.

WORK SESSION ON SB 226A

210 MOTION: REP. NAITO: Moves SB 226A be sent to the floor with a DO
PASS recommendation.

VOTE: 11-0 MOTION PASSES
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito,
Prozanski, Qutub, Tarno, Parks
NO: None

EXCUSED: Tiernan

218 CHAIR PARKS: Rep. Lewis will carry the bill.

WORK SESSION ON SB 227A

220 MOTION: REP. NAITO: Moves SB 227A be sent to the floor with a DO
PASS recommendation.

VOTE: 11-0 MOTION PASSES
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito,
Prozanski, Qutub, Tarno, Parks
NO: None
EXCUSED: Tiernan

231 CHAIR PARKS: Rep. Grisham will carry the bill.

WORK SESSION ON SB 430 A

238 MOTION: REP. NAITO: Moves SB 430A be sent to the floor with a DO
PASS recommendation.

VOTE: 11-0 MOTION PASSES
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito,
Prozanski, Qutub, Tarno, Parks
NO: None
EXCUSED: Tiernan

254 CHAIR PARKS: Rep. Johnston will carry the bill.

WORK SESSION ON SB 448

257 MOTION: REP. NAITO: Moves SB 448 to the floor with a DO PASS
recommendation and BE REFERRED to the committee on Ways and Means.

VOTE: 11-0 MOTION PASSES
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito,
Prozanski, Qutub, Tarno, Parks
NO: None
EXCUSED: Tiernan

WORK SESSION ON SB 877

267 MOTION: REP. NAITO: Moves SB 877 be sent to the floor with a DO
PASS recommendation.

276 MILT JONES, COMMITTEE COUNSEL: SB 877 allows city to enter into
agreement with State Court Administrator for provision of judicial services

by district court for county in which city is located.

280 CHAIR PARKS: Is there any known opposition?

281 MILT JONES, COMMITTEE COUNSEL: No.

287 VOTE: 11-0 MOTION PASSES
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito,
Prozanski, Qutub, Tarno, Parks
NO: None
EXCUSED: Tiernan

294 CHAIR PARKS: Rep. Qutub will carry the bill.

WORK SESSION ON SB 324

296 MILT JONES, COMMITTEE COUNSEL: SB 324 allows filing of small estate
affidavit in lieu of seeking appointment of personal representative if fair

market value of estate is \$115,000 or less, and not more than \$25,000 of
fair market value of estate is attributable to personal property. (EXHIBITS

D, E)

317 MOTION: REP. JOHNSTON: Moves to ADOPT SB 324-A2 amendments dated
05/03/95.

VOTE: Hearing no objections the amendments are ADOPTED. Rep. Tiernan is
excused.

320 MOTION: REP. JOHNSTON: Moves SB 324 AS AMENDED be sent to the floor
with a DO PASS recommendation.

328 REP. NAITO: Do you know why the Senate change the dollar values?

330 MILT JONES, COMMITTEE COUNSEL: No. There might have been some concern
of overuse of the procedure by people who don't understand the potential
legal ramifications.

334 CHAIR PARKS: What did they move the values to?

335 MILT JONES, COMMITTEE COUNSEL: They moved it from \$140,000 to \$115,000.

337 VOTE: 11-0 MOTION PASSES
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito,
Prozanski, Qutub, Tarno, Parks
NO: None
EXCUSED: Tiernan

344 CHAIR PARKS: Rep. Qutub will carry the bill.

348 MOTION: REP. COURTNEY: Requests unanimous consent that the rules be

SUSPENDED to allow REP. COURTNEY to BE RECORDED as voting AYE on the "the
motion to send SB 157 to the floor".

VOTE: Hearing no objections the MOTION CARRIES.

WORK SESSION ON 120

353 MILT JONES, COMMITTEE COUNSEL: SB 120 designates which court gets
notice of commitment, and under certain circumstances notice of release, of
person with mental illness.

371 CHAIR PARKS: Has the bill had a hearing?

371 MILT JONES, COMMITTEE COUNSEL: No, not in the House.

372 REP. NAITO: The hospitals don't always know where some of the people
live. What is the hospital supposed to do and are they concerned about the
requirement for notice?

383 MILT JONES, COMMITTEE COUNSEL: When there is no residence evident, the
court in the county where the hospital is located would handle the
proceedings.

386 MADELINE OLSON, ADMINISTRATOR FOR MENTAL HEALTH SERVICES: Testifies and
submits written testimony in support of SB 120. (EXHIBIT E)

393 REP. NAITO: Asks about the courts shifting the costs of mentally ill
people out of their own jurisdiction.

405 MILT JONES, COMMITTEE COUNSEL: They may also want to speak to the
release procedures of the hospital.

409 OLSON: This bill doesn't do anything to explain who pays for the
emergency hold. It is paid for by the county that they were picked up in.
Discusses what would happen in the case of a hospital not knowing the
residency of a patient. It may be better to have their hearing in another
county. Without this bill, all hearings have to be held in the counties
where the hospital is.

446 CHAIR PARKS: Is there a legal requirement that the subject of the
hearing be in attendance wherever the hearing is held?

456 BRETT ASMAN, MENTAL HEALTH SERVICES: That is current practice under
existing law. Explains that the herring is held in the county where the
person is taken into custody.

TAPE 27, SIDE A

017 CHAIR PARKS: Does the law require that the person who is subject of the
hearing be in attendance?

019 ASMAN: This bill will not require that. At the discretion of the
court, the law does state that the hearing will occur where it is
convenient for the court and the person. This bill will not require the
hearing to be in a place where the person will object.

023 REP. PROZANSKI: Discusses having person attend commitment hearings.

027 ASMAN: Currently people have, and are, being moved back to the county
of residence. Discusses change that took place in 1993. This bill would
go back to our old system.

040 REP. PROZANSKI: My concern is that they should have the right, as long
as they can participate, to be there and address the court.

046 ASMAN: This law does nothing to address that. It will stay that way it
has been for the last twenty years.

054 CHAIR PARKS: Adjourns the hearing at 10:20 am.

Submitted by, Reviewed by,

Sarah Watson Debra Johnson
Committee Assistant Committee Coordinator

EXHIBIT SUMMARY:

A. Proposed Amendments to SB 157 - Staff - 13 pages
B. Proposed Amendments to SB 1 - Staff - 2 pages
C. Proposed Amendments to SB 117 - Staff - 1 page
D. Testimony on SB 324 - Douglas Nelson - 3 pages
E. Proposed Amendments to SB 324 - Staff - 1 page
F. Testimony on SB 120 - Madeline Olson - 3 pages
G. Proposed Amendments to SB 62 - Oregon Cooperative Corp. Task Force - 5
pages