

SENATE COMMITTEE ON
JUDICIARY

Hearing Room
Tapes - 175

MEMBERS PRESENT:

SEN. NEIL BRYANT, Chair
SEN. RANDY MILLER, Vice-Chair
SEN. KEN BAKER
SEN. JEANNETTE HAMBY
SEN. PETER SORENSON
SEN. DICK SPRINGER
SEN. SHIRLEY STULL

STAFF PRESENT:

BILL TAYLOR, Committee Counsel
DIANE DUSSLER, Committee Assistant

MEASURES HEARD:

HB 2123 - PUBLIC HEARING
HB 2903 - PUBLIC HEARING

HB 3196 - PUBLIC HEARING
HB 2123 - WORK SESSION
HB 2492 - WORK SESSION
HB 2903 - WORK SESSION
HB 3196 - WORK SESSION
HB 3344 - WORK SESSION

HB 3345 - 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

003 CHAIR BRYANT: Opens meeting at 3:00 p.m.

Opens PUBLIC HEARING on HB 3196

WITNESSES:

Rep. Kate Brown, District 13
Bill Howell, Chairman, Task Force on Family Law
Carl Myers, Task Force on Family Law
Bill Howell, Chairperson, Task Force on Family Law
Joseph Wolf, Rabbi
Ernie Mazuro, Court Administrator, Deschutes County, Task Force Member
Rep. John Meek, District 5
Larry Thompson, Administrator, Support Enforcement Division, Department of

Justice

John Ellis, Support Enforcement Division, Department of Justice
Carl Stecker, Marion County District Attorney
Russ Lipetzky, Legislative Chair, Family and Juvenile Law Section, Oregon

State

Bar
Alice Phalan, Executive Director, Dispute Resolution Commission
Stephen Elmore, Administrative Law Judge, Department of Justice

010 REP. KATE BROWN, District 13: Testifies in support of HB 3196.

030 BILL HOWELL, Chairman, Task Force on Family Law: Testifies in support
of HB 3196.

038 CARL MYERS, Task Force on Family Law: Testifies in support of HB 3196.
Bill has possibility of reducing cases in domestic relations field.

075 HOWELL: Testifies and submits written testimony in support of HB 3196
[EXHIBIT B].

125 - explains each section of bill
175 - continues explaining sections
225 - continues

245 HOWELL: Responds to Sen. Miller's inquiry on the amendments for the
proposed deletion of Section 8.

268 JOSEPH WOLF, Rabbi: Testifies on HB 3196. Speaks on the issue of
divorce and closure.

325 - continues

350 ERNIE MAZUROL, Court Administrator, Deschutes County, Task Force Member:

Testifies on HB 3196. Responds to Sen. Baker's inquiry on how Section 7
is proceeding.

412 HOWELL: States his opposition to the amendment as he believes closure
is needed.

460 CHAIR BRYANT: Explains he asked for a vehicle to address the concerns
of angry ex-husbands.

TAPE 173, A

045 CHAIR BRYANT: Responds to Sen. Hamby's inquiry on where the \$25 filing fee will go.

067 REP. JOHN MEEK, District 5: Testifies and submits proposed amendments on HB 3196-A5 [EXHIBIT A].

121 LARRY THOMPSON, Administrator, Support Enforcement Division, Department of Justice: Testifies and submits written testimony on HB 3196 [EXHIBIT C].

130 - expresses concern with Section 17
177 - responds to Sen. Baker's comment on support orders

205 JOHN ELLIS, Support Enforcement Division, Department of Justice: Testifies on HB 3196.

223 - discusses Section 9, page 7
258 - suggests language change to line 19

270 CARL STECKER, Marion County District Attorney: Testifies on HB 3196.

300 ELLIS: Responds to Mr. Taylor's inquiry on Section 17.

360 RUSS LIPETZKY, Legislative Chair, Family and Juvenile Law Section, Oregon State Bar: Testifies without a position on the bill.

380 - discusses concern with page 6, lines 22-30
400 - suggests at line 24 and 27 word "shall" should be "may"

433 ALICE PHALAN, Executive Director, Dispute Resolution Commission: Testifies in support of HB 3196.

470 - discusses conciliation and mediation programs

TAPE 172, B

063 STEPHEN ELMORE, Administrative Law Judge, Department of Justice: Testifies and submits written testimony on HB 3196 [EXHIBIT D].

Closes PUBLIC HEARING on HB 3196

Opens PUBLIC HEARING on HB 2123

WITNESS: Kathryn Weit, Early Intervention Interagency Coordinating Council

086 KATHRYN WEIT, Oregon Developmental Disabilities Council, representing Early Intervention Interagency Coordinating Council: Testifies and submits

written testimony in support of HB 2123 [EXHIBIT E].

Closes PUBLIC HEARING on HB 2123

Opens WORK SESSION on HB 2123

104 MOTION: SEN. BAKER: Moves HB 2123 be sent to the Floor with a DO PASS recommendation.

106 VOTE: Hearing no objections, the motion CARRIES. All members present
vote AYE. SENS. BRYANT, MILLER ARE EXCUSED. Sen. Stull will carry the
bill to the Floor.

Closes WORK SESSION on HB 2123

Opens PUBLIC HEARING on HB 2903

WITNESSES: Dennis O'Donnell, Department of Corrections
Jeff Vanvalkenburgh, Department of Justice

115 DENNIS O'DONNELL, Department of Corrections: Testifies in support of HB 2903.

168 JEFF VANVALKENBURGH, Department of Justice: Testifies in support of HB 2903.

174 - explains bill by sections
225 - continues
250 - responds to Sen. Sorenson's inquiry on what provisions are in bill beyond Measure 17
305 - responds to Sen. Sorenson's inquiry on requiring inmates to work
370 - responds to Sen. Springer's inquiry on the priority list in Sections 11 and 14 for compensation

400 REP. KEVIN MANNIX: Testifies in support of HB 2903. Explains bill
431 - bill doesn't intend to prioritize
460 - emphasis on appropriations are work projects in public sector

TAPE 173, B

052 REP. MANNIX: Responds to Sen. Sorenson's inquiry on Measure 17 applying to inmates housed outside of Oregon.

102 REP. MANNIX: Responds to Sen. Stull's inquiry on providing security training to persons supervising inmate program with expectations that some inmates will be working outside.

Closes PUBLIC HEARING on HB 2903

Opens WORK SESSION on HB 2903

150 MOTION: SEN. BAKER: Moves HB 2903 be sent to the Floor with a Do Pass recommendation.

153 VOTE: AYE: Baker, Bryant, Hamby, Stull NAY: Springer,
Sorenson
SEN. MILLER IS EXCUSED.
Sen. Baker will carry the bill to the Floor.

Closes WORK SESSION on HB 2903

Opens WORK SESSION on HB 2492

175 TAYLOR: Explains A-Engrossed SB 870 [EXHIBITS F & G].

201 MOTION: CHAIR BRYANT: Moves to ADOPT A-Engrossed SB 870 by
adding it to HB 2492.

205 VOTE: 5-1 MOTION CARRIES
AYE: Baker, Bryant, Hamby, Sorenson, Stull
NAY: Springer
SEN. MILLER IS EXCUSED.

219 FRED AVERA, Oregon County District Attorneys Association: Testifies on
the A9 amendments line 1-14 [EXHIBIT J].

270 CHAIR BRYANT: Let the record show that Mr. Molton and Mr. Campbell
agree with Mr. Avera's interpretation.

282 AVERA: Procedures for material witnesses are in Sections 3, 4, 5, 6,
and 7.
300 - discusses Section 8, which refers to SB 872.

350 MOTION: CHAIR BRYANT: Moves to ADOPT A9 amendments to HB 2492 except for
Section 8.

VOTE: Hearing no objections, the amendment is ADOPTED. All members present
vote AYE. SEN. MILLER IS EXCUSED.

386 AVERA: Submits proposed amendments from Mr. Vanvalkenburgh [EXHIBIT I]
regarding time served.

416 REP. MANNIX: Testifies on the HB 2492-A9 amendments [EXHIBIT K].
450 - suggests on page 1, line 20 after "was incarcerated" add "after
sentencing"
460 - suggests on page 1, line 21 after sentence add " for the new crime"

TAPE 174, A

045 - continues explaining amendment
052 - suggests at line 2 deleting word "discover" and inserting "acquires
information"
090 - responds to Sen. Springer's inquiry on shoplifting and physical
contact

140 SCOTT GALLANT, Oregon Medical Association: Testifies on HB 2492.
160 - can't support the amendment at this time

183 DAVID FIDANQUE, Executive Director, American Civil Liberties Union:
Testifies and submits written testimony in opposition to A9 amendment
[EXHIBIT L].

220 REP. MANNIX: The person involved just wants to know if that person has
a communicable disease.

282 REP. MANNIX: Responds to Sen. Baker's inquiry on HIV and hepatitis
testing.

302 MOTION: SEN. HAMBY: Moves to delete Section 10 from HB
2492 A10.

308 CHAIR BRYANT: Polls committee.

310 SEN. HAMBY: Withdraws her motion.

313 MOTION: SEN. BAKER: Moves to ADOPT HB 2492 A8 amendments with additions
on page 1, line 20 "after sentencing" following incarceration; line 21 add

"new crimes" after sentence; page 8, line 2, remove "discover" and add
"acquires information" and line 2 remove "focus of investigation" and add
"charged with a crime or sentenced for a crime"; at line 5 remove "in" and
add "into physical contact"; line 10 remove "criminal activity causing the
investigation" and add "physical contact".

320 VOTE: 4 - 2 MOTION CARRIES
AYE: Baker, Bryant, Miller, Stull
NAY: Hamby, Springer
SEN. SORENSON IS EXCUSED.

354 TAYLOR: Explains SB 88 [EXHIBIT H].

365 MOTION: SEN. HAMBY: Moves to ADOPT SB 88 into HB 2492.

VOTE: Hearing no objections, the motion CARRIES. All members present
vote AYE. SEN. SORENSON IS EXCUSED.

396 JIM ARNESON, Oregon Criminal Defense Lawyer's Association: Testifies
and submits proposed amendment to HB 2492 which is a portion of SB 421
[EXHIBIT M].

MOTION: CHAIR BRYANT: Moves to ADOPT OCDLA's amendment into HB 2492.

VOTE: Hearing no objections, the amendment is ADOPTED. All members present
vote AYE. SEN. SORENSON IS EXCUSED.

415 CHAIR BRYANT: Returns to Section 8 of HB 2492 A9 amendments.

420 ARNESON: Submits proposed amendments [EXHIBITS N & O].
470 - explains amendment

TAPE 175, A

050 - continues explaining amendment

072 ERIC WASMANN, Criminal Justice Division of Department of Justice:
Responds to Sen. Baker's inquiry on warrants and judicial relief.
082 - discusses use of form discovery letters

125 ARNESON: Responds to Chair Bryant's inquiry to representation of
counsel.
150 - responds to Mr. Taylor's inquiry of where the line is drawn on
permissible contact

191 AVERA: Lines 21-28 represent what the law is. The result of this is
"don't ask, don't tell"

200 MOTION: SEN. STULL: Moves to ADOPT Section 8 of HB 2492 -A9 amendments.

203 SEN. SPRINGER: Discusses his position.

210 VOTE: 4 - 2 MOTION CARRIES
AYE: Baker, Hamby, Miller, Stull
NAY: Bryant, Springer
SEN. SORENSON IS EXCUSED

257 ARNESON: Believes amendment on presentencing incarceration credit is
too broad.
295 - suggests in Section 4, line 2, adding "of sentence" after result

315 MOTION: CHAIR BRYANT: Moves to ADOPT the addition of "of
sentence" after result in Section 4, line 2.

323 VOTE: Hearing no objections, the amendment is ADOPTED. All members
present vote AYE. SENS. SPRINGER, SORENSON ARE EXCUSED.

324 MOTION: SEN. STULL: Moves HB 2492 AS AMENDED be sent to the
Floor with a DO PASS recommendation.

326 VOTE: Hearing no objections, the motion CARRIES. All members present
vote AYE. SENS. SPRINGER, SORENSON ARE EXCUSED.

Closes WORK SESSION on HB 2492

Opens WORK SESSION on HB 3344

340 CHAIR BRYANT: Do we have an amendment?

345 TAYLOR: Legislative Counsel wasn't able to get the amendment done.

355 RICHARD MICHAEL, Sergeant, Oregon State Police: Testifies and submits
written testimony from Richard Kuehmichel on HB 3344 [EXHIBIT P].

360 CHAIR BRYANT: We will bring this back on Monday.

Closes WORK SESSION on HB 3344

Opens WORK SESSION on HB 3196

362 MOTION: SEN. HAMBY: Moves to ADOPT HB 3196-6 amendments.

365 SEN. BAKER: Indicates he won't support dash 6 amendments.

370 SEN. HAMBY: Withdraws her motion.

399 CHAIR BRYANT: Indicates the dash 7 amendments are not necessary.
403 - indicates he opposes the dash 5 amendments.

407 MOTION: SEN. BAKER: Moves to ADOPT removal of Section 17 from HB
3196.

409 VOTE: Hearing no objections, the amendment is ADOPTED. All members
present vote AYE. SENS. SPRINGER, SORENSON ARE EXCUSED.

410 MOTION: SEN. BAKER: Moves to ADOPT addition of word "assets" before
word "significant" page 6, line 33.

430 TAYLOR: Explains language proposed by John Ellis; on page 7, line 44
removing 416, and page 8, line 18 adding new subsection 3.

450 MOTION: SEN. HAMBY: Moves to ADOPT removal of 416 on page 7, line 44 and
adding new subsection 3 on page 8, line 18.

452 VOTE: Hearing no objections, the amendments are ADOPTED. All members
present vote AYE. SENS. SPRINGER, SORENSON ARE EXCUSED.

TAPE 174, B

035 SEN. STULL: States she opposes some of methods to achieve goals of
bill.

042 CHAIR BRYANT: We will bring this back on Monday.

Closes WORK SESSION on HB 3196

Opens WORK SESSION on SB 3345

050 TAYLOR: Explains bill has proposed amendment [EXHIBIT Q].

057 MOTION: SEN. HAMBY: Moves ADOPT A4 amendments.

058 VOTE: Hearing no objections, the amendment are ADOPTED. All members
present vote AYE. SENS. SPRINGER, SORENSON ARE EXCUSED.

060 MOTION: SEN. HAMBY: Moves HB 3345 AS AMENDED be sent to the Floor with a
DO PASS recommendation.

062 VOTE: Hearing no objections, the motion CARRIES. All members present
vote AYE. SENS. SPRINGER, SORENSON ARE EXCUSED.

Closes WORK SESSION on HB 3345

065 CHAIR BRYANT: Adjourns meeting at 6:05 p.m.

Submitted by, Reviewed by,

DIANE DUSSLER BILL TAYLOR
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

A - Proposed Amendments to HB 3196 - John Meek
B - Testimony on HB 3196 - William Howell - 27 pages
C - Testimony on HB 3196 - Larry Thompson - 2 pages
D - Testimony on HB 3196 - Stephen Elmore - 2 pages
E - Testimony on HB 2123 - Kathryn Weit - 1 page
F - Proposed Amendments to HB 2492 - Staff - 1 page
G - Testimony on HB 2492 - Staff - 4 pages
H - Testimony on HB 2492 - Staff - 2 pages
I - Testimony on HB 2492 - Fred Avera - 1 page
J - Proposed Amendments to HB 2492 - Staff - 5 pages
K - Proposed Amendments to HB 2492 - Staff - 9 pages
L - Testimony on HB 2492 - David Fidanque - 4 pages
M - Proposed Amendments to HB 2492 - Jim Arneson - 1 page
N - Proposed Amendments to HB 2492 - Jim Arneson - 1 page
O - Proposed Amendment to HB 872 - Jim Arneson - 1 page
P - Testimony on HB 3344 - Richard Michael - 2 pages
Q - Proposed Amendment to HB 3345 - Staff - 1 page