

SENATE COMMITTEE ON
JUDICIARY

Hearing Room
Tapes 176 - 179

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:

M. Max Williams II, Committee Counsel
Paula Gilmer Purcell, Committee Assistant

MEASURES HEARD:

Work Session on House Bill 3196
Public Hearing and Work Session on House Bill 2805
Public Hearing on House Bill 2689
Public Hearing on House Bill 3453
Public Hearing and Work Session on House Bill 2228
Public Hearing and Work Session on Senate Bill 784
Work Session on House Bill 2689
Public Hearing and Work Session on House Bill 2338
Work Session on House Bill 2142
Work Session on House Bill 3334
Work Session on House Bill 2645

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 176, SIDE A

10 CHAIR BRYANT: Brings the meeting to order at 3:00pm.

Open Work Session on House Bill 3196

29 MOTION: CHAIR BRYANT: MOVES: Amendment to House Bill 3196 as follows:
On page six, line twenty-seven, after the word hearing insert: "If requested to do so by the obligor". Any objections? Hearing none, so ordered MOTION CARRIES.

39 VOTE: CHAIR BRYANT: MOVES House Bill 3196, as amended, to the floor a DO PASS recommendation. MOTION CARRIES. Rep. Sorenson will carry the bill.

Close Work Session on House Bill 3196

Open Public Hearing on House Bill 2805

Witnesses: Robin Jones
Kingsely Clark

46 ROBIN JONES, JUDICIARY DEPARTMENT: Testifies in favor of House Bill 2805.

63 KINGSELY CLARK, JUDICIARY DEPARTMENT: Testifies in favor of House Bill 2805

70 SEN. SPRINGER: Asks a question about particular wording in the bill.

80 KINGSELY: Responds to Sen. Springer's question.

99 SEN. SORENSON: Could we limit to any of the administrative of powers?

120 CLARK: Responds.

124 JONES: If you insert those words you would have to change the order.

Closes Public Hearing on House Bill 2805

Open Work Session on House Bill 2805

137 MOTION: SEN. SORENSON: MOVES the conceptual amendments to House Bill 2805 .

147 VOTE: CHAIR BRYANT: Objections? Hearing none, so ordered. MOTION CARRIES.

149 MOTION: SEN. BAKER MOVES: House Bill 2805, as amended, to the floor with a DO PASS recommendation.

151 VOTE: CHAIR BRYANT: Any objections? Hearing none so ordered.
CARRIES. Rep. Sorenson will carry the bill.

Closes Work Session on House Bill 2805

Opens Public Hearing on House Bill 2689

Witnesses: Timothy Travis
John Colby
Sarah Castner
Betty Uchtil

166 TIMOTHY TRAVIS, JUVENILE RIGHTS PROJECT Testifies in favor of House
Bill 2689. Provides written testimony. [EXHIBIT C].

196 SEN. SORENSON: Don't they do it now?

199 TRAVIS: Not on those grounds alone.

223 The second piece is children testifying.

257 Termination hearings are very costly.

201 Let me propose some amendments.

331 CHAIR BRYANT: You said they can't attack the guardianship?

334 TRAVIS: Responds.

357 SEN. SORENSON: What does this do about terminating grandparents rights?

377 TRAVIS: It does not address this issue.

389 By putting that into this bill, it would kill it.

410 JOHN COLBY, MULTNOMAH COUNTY DISTRICT ATTORNEY'S OFFICE: Testifies
against House Bill 2689.

447 Permanent guardianship is a oxymoron.

TAPE 177, SIDE A

40 Continues with testimony.

45 CHAIR BRYANT: If they do not want to do the mediation would they have
to?

47 TRAVIS: No.

64 SEN. BAKER: Who pays for the mediation?

69 TRAVIS: The Children's Services Division has a program. It is by
availability.

73 SARAH CASTNER, DEPARTMENT OF JUSTICE: Testifies against House Bill 2689.

Provides written testimony. Some one will have to pay for the mediation.
[EXHIBIT B].

97 CHAIR BRYANT: Are most cases mediated now?

99 TRAVIS: No.

114 COLBY: Now CSD deals with the parents and there is a plan worked out.

121 TRAVIS: It is not exactly true.

136 SEN. HAMBY: For the mother or father, mediation is much less traumatic.

144 SEN. SORENSON: What is the standard under the bill for the state to
show they have done the mediation?

150 CASTNER: There is none.

160 Permanent guardianship does not belong in the termination statute.

180 SEN. BAKER: Section one, line 13, why did you change the language?
Parental could come out.

199 BETTY UCHTIL, CHILDREN'S SERVICES DIVISION: Testifies on House Bill
2689. Provides written testimony [EXHIBIT D].

230 We do not want to pay for mediation and then for a termination hearing.

The cost would be high.

237 CHAIR BRYANT: I would like to delete some of the language.

253 UCHTIL: Continues with testimony.

Closes Public Hearing On House Bill 2689

Opens Public Hearing On House Bill 3453

290 SHIRLEY BARNES, SECRETARY OF THE OLDER WOMEN'S LEAGUE: Testifies on
House Bill 3453.

325 HELEN WILLIAMS, HEAD OF LEGISLATION FOR THE OLDER WOMEN'S LEAGUE:
Provides amendments. [EXHIBIT E].

340 We want to include property taxes.
388 Deferment does not really work well.
437 Maybe then people could pay off some of their bills if an auction is held.

TAPE 176, SIDE B

46 REPRESENTATIVE KITTY PIERCY: Testifies to House Bill 3452. Gives a statement as to why this legislation came about.
64 REPRESENTATIVE BRIAN JOHNSTON: On the house side we decided that over a dollar on the second sale is wrong. I hope you could please fix the bill.
81 SEN. BAKER: What about the right of redemption?
91 REP. JOHNSTON: We want what is fair.
100 FRANK BRAWNER, OREGON BANKERS ASSOCIATION: Testifies on House Bill 3452.
107 We would like to propose amendments to the bill.
127 PHIL LEMMAN, CITY OF EUGENE: Testifies on House Bill 3452. Provides written testimony [EXHIBIT F].
162 Continues with testimony.
170 DAN VIZZINI, ASSESSMENTS MANAGER, CITY OF PORTLAND: Testifies on House Bill 3453, Provides written testimony [EXHIBIT G].
191 The government should not bail people out over civil disobedience.
216 This makes the city become a realtor.
264 Continues with testimony.
299 It is the whole area of fair compensation. It would force me to sell real estate like a broker.
330 MELVA BARNES: Testifies in support of House Bill 3452. Provides written testimony [EXHIBIT H].
350 MARIE GRAY: Testifies in support of House Bill 3452. Provides an audio cassette [EXHIBIT I].
378 SCOTT ROTHER, SPONSOR OF THE BILL: Testifies as to why he has sponsored the original bill. And is not in favor of the bill as amended in the house. Provides written testimony [EXHIBIT J].
407 CHAIR BRYANT: We will adjourn until we come back from the floor.
410 ROTHER: Thank you for giving me more time to testify.
422 Please look at the original bill that I proposed and the amendments I would like made.

TAPE 177, SIDE B

25 Continues with testimony.
39 I just want the ownership rights respected.

Close Public Hearing On House Bill 3456

Open Public Hearing On House Bill 2228

115 BRADD SWANK, OFFICE OF THE STATE COURT ADMINISTRATOR: Testifies to House Bill 2228. Provides written testimony and amendments [EXHIBIT K].
145 JIM MARKEE, OREGON COLLECTORS ASSOCIATION: Testifies on House Bill 2228. Provides amendments [EXHIBIT L].
168 CHAIR BRYANT: I am also providing amendments. Those are the dash A two amendments.
185 M. MAX WILLIAMS II, COUNSEL FOR THE COMMITTEE: Discusses the amendments.

Close Public Hearing on House Bill 2228

Open Work Session on House Bill 2228

199 SEN. BAKER: Suggests conceptual amendments to House Bill 2228.
208 MOTION: CHAIR BRYANT: MOVES the amendments to House Bill 2228.
209 VOTE: CHAIR BRYANT: Objections? Hearing none, so ordered. MOTION CARRIES.
214 MOTION: CHAIR BRYANT: MOVES House Bill 2228, as amended, to the floor with a DO PASS recommendation.
218 VOTE: CHAIR BRYANT: Objections? Hearing none, so ordered. MOTION CARRIES.

Closes Work Session on House Bill 2228

Open Public Hearing On Senate Bill 784

241 SCOTT CAMPBELL: Testifies on Senate Bill 784

278 CHAIR BRYANT: Do you have a problem with this in the larger cities?

283 LARRY CAMPBELL: Testifies in favor of Senate Bill 784. Many cities have come to us with the same concerns.

323 SEN. HAMBY: The people they pick up are not all in facilities.

328 SCOTT CAMPBELL: That part will stay in the law.

335 LARRY CAMPBELL: This could put officers a risk.

351 MADELINE OLSON, MENTAL HEALTH DIVISION: Testifies against Senate Bill 784. Provides written testimony [EXHIBIT M].

400 Continues with testimony.

414 CHAIR BRYANT: What do you do when you do not use the local police?

415 OLSON: Responds.

446 We got the problem in Ashland under control.

Close Public Hearing on Senate Bill 784

Open Work Session on Senate Bill 784

TAPE 178, SIDE A

48 CHAIR BRYANT: I feel that the problem is more in the smaller areas where you have limited law enforcement.

57 MOTION: SEN. STULL: MOVES Senate Bill 784, to the floor with a DO recommendation.

68 VOTE: CHAIR BRYANT: Objections? Senator Hamby objects to the the bill. MOTION CARRIES. Sen. Stull will carry the bill.

Close Work Session on Senate Bill 784

Open Work Session on House Bill 2689

78 CHAIR BRYANT: My thought is to delete sub paragraph two of section two, for the problems of creating a new type of guardianship, it is not really defined. And then on sub section three and two put in some wording encouraging the mediation, but not requiring it be for the termination.

80 MOTION: CHAIR BRYANT: MOVES the deletion of sub paragraph two of two beginning at line twenty-four of House Bill 2689. sec

82 VOTE: CHAIR BRYANT: Any objections? Hearing none, so ordered. CARRIES.

83 MOTION: CHAIR BRYANT: MOVES the conceptual amendment as follows: On two, sub section two, of section three add language along the lines the parties involved are encouraged to mediate alternative placement the child. that for

89 VOTE: CHAIR BRYANT: Any objection? Hearing none, so ordered. CARRIES.

90 MOTION: SEN. BAKER: MOVES the conceptual amendment as follows: page one, line thirteen, strike the word parental, to House Bill 2689.

91 VOTE: CHAIR BRYANT: Any objections? Hearing none, so ordered. CARRIES.

92 MOTION: SEN. HAMBY: MOVES House Bill 2689, as amended, to the floor with a DO PASS recommendation.

95 VOTE: CHAIR BRYANT: Any objections? Hearing none, so ordered. CARRIES.

Closes Work Session On House Bill 2689

Opens Public Hearing on House Bill 2338

Witnesses: Rep. John Meek
Rep. Lisa Naito
Tim Martinez
Dr. Bovel
Heide Anderson

102 REP. JOHN MEEK: Testifies in favor of House Bill 2338.

148 Continues with testimony.

195 REP. LISA NAITO: Testifies in favor of House Bill 2338.

236 Methadone is being used for people on cocaine.

242 SEN. HAMBY: A women that talked to me had been on methadone for 23
years.

263 REP. MEEK: Section one, two A is what we are talking about.

278 TIM MARTINEZ, OREGON MEDICAL ASSOCIATION: Testifies against House Bill
2338.

298 Continues with testimony.

346 DR. BOVEL, ADDICTION SPECIALIST: Testifies against House Bill 2338.
Provides written testimony [EXHIBIT N].

368 I will show you slides.
>Goals for pharmacotherapy.
>Impact of methadone use on IV Drug Use.
>Crime among drug users using methadone.
>HIV transmission.

TAPE 179, SIDE A

40 Continues with slides

65 SEN. HAMBY: Do you use acupuncture at Serenity Lane?

69 BOVEL: No.

72 SEN. HAMBY: Do you know about Hooper Detox? And do you think it works?

74 BOVEL: Responds.

100 We need to move to increase the use of methadone.

131 MARTINEZ: We can support these amendments.

148 SEN. MILLER: Ten states don't have a methadone program? Have they ever
had a methadone program?

150 BOVEL: I cannot answer that.

180 Provides a statement on what his association would like.

187 HEIDE ANDERSON, OREGON ACUPUNCTURE ASSOCIATION: Testifies in favor of
House Bill 2338. Provides testimony [EXHIBIT O].

221 I know a women who was on methadone for 25 years.

239 Clients on methadone, will supplement with other opiates.

256 It is harder to detox someone off of methadone.

277 CHAIR BRYANT: Does the currently law allow long time users to stay on
methadone?

280 ANDERSON: Yes.

287 The Stop program in Multnomah County works very well.

304 SEN. BAKER: How many people come back in the system?

310 ANDERSON: That is very hard to tell.

Close Public Hearing on House Bill 2338

Open Work Session on House Bill 2338

353 MOTION: SEN. HAMBY: MOVES House Bill 2338 to the floor with a DO PASS
recommendation.

355 VOTE: CHAIR BRYANT: Objections? Hearing none, so ordered. MOTION
CARRIES. Sen. Hamby will carry the bill.

Close Work Session on House Bill 2338

Open Work Session on House Bill 2142

386 BILL TAYLOR, COUNSEL FOR THE COMMITTEE: There are conflict amendments to
this bill. Let me go over them.

404 MOTION: CHAIR BRYANT: MOVES a suspension of the rules to reconsider
House Bill 2142.

406 VOTE CHAIR BRYANT: Any objections? Hearing none, so ordered.
CARRIES.

409 MOTION: CHAIR BRYANT: MOVES House Bill 2142, as amended to the floor,
with a DO PASS recommendation.

411 VOTE: CHAIR BRYANT: Any objections? Hearing none, so ordered.
CARRIES. Sen. Sorenson will carry the bill.

Close Work Session on House Bill 2142

Open Work Session on House Bill 3334

422 TAYLOR: The amendments were not ready last meeting. Explains the

amendments.

463 MOTION: CHAIR BRYANT: MOVES the amendments to House Bill 3334

464 VOTE: CHAIR BRYANT: Objections? Hearing none, so ordered. MOTION
CARRIES.

465 MOTION: SEN. HAMBY: MOVES House Bill 3334, as amended, to the floor with
a DO PASS recommendation.

469 VOTE: CHAIR BRYANT: Any objections? Hearing none, so ordered.
CARRIES. Chair Bryant will carry the bill.

Close Work Session on House Bill 3334

TAPE 178, SIDE B

Open Work Session on House Bill 2645

50 WILLIAMS: Goes over the amendments to the bill.

88 SEN. BAKER: If they see the blood level is up, they will then notify the
police officer, contact the judge, get the warrant and get another sample.

This bill allows the care provider to notify the police.

107 MOTION: SEN. BAKER: MOVES the amendments to House Bill 2645.

110 VOTE: CHAIR BRYANT: Objections? Hearing none, so ordered. MOTION
CARRIES.

111 MOTION: SEN. BAKER: MOVES House Bill 2645, as amended, to the floor with
a DO PASS recommendation.

113 VOTE: SEN. BRYANT: Objections? Hearing none, so ordered. MOTION
CARRIES. Sen. Baker will carry the bill.

118 CHAIR BRYANT: The meeting is adjourned at 6:58 p.m.

Submitted by, Reviewed by,

Paula Gilmer-Purcell M. Max Williams II
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

A - Testimony on House Bill 2805, submitted by Bob Olson
B - Testimony on House Bill 2689, submitted by Sarah Castner
C - Testimony on House Bill 2689, submitted by Tim Travis
D - Testimony on House Bill 2689, submitted by Berry Uchytel
E - Testimony on House Bill 3453, submitted by Helen Williams
F - Testimony on House Bill 3453, submitted by Phil Lemman
G - Testimony on House Bill 3453, submitted by Daniel Vizzini
H - Testimony on House Bill 3453, submitted by Melva Barnes
I - Audio cassette tape for House Bill 3453, submitted by Marie Gray
J- Testimony on House Bill 3453, submitted by Scott Rother
K - Testimony on House Bill 2228, submitted by Bradd Swank
L - Amendments for House Bill 2228, submitted by Jim Markee
M - Testimony on Senate Bill 784, submitted by Madeline Olson
N - Testimony on House Bill 2338, submitted by Dr. Bovel
O - Testimony on House Bill 2338, submitted by Heide Anderson
P - Amendments to House Bill 2338, submitted by staff