

SENATE COMMITTEE ON
JUDICIARY

Hearing Room B
Tapes - 183

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

MEMBER EXCUSED:

STAFF PRESENT:

BILL TAYLOR, Committee Counsel
DIANE DUSSLER, Committee Assistant
PAULA GILMER PURCELL, Committee Assistant

MEASURES HEARD:

HB 2334 - WORK SESSION

HB 2492 - WORK SESSION
HB 2659 - WORK SESSION
HB 3125 - WORK SESSION
HB 3379 - 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 , A

003 CHAIR BRYANT: Calls the meeting to order at 8:30 a.m.

Opens WORK SESSION on HB 3379

008 CHAIR BRYANT: States his concern with who are the survivors of the
victim and suggests language change to "immediate family members".

020 BILL TAYLOR, Committee Counsel: Suggests language can be worked out
with Legislative Counsel.

- language limited to spouse, children, parents, brothers, sisters who are

available

line 20, page 1, and lines 7-8 on page 2

034 MOTION: CHAIR BRYANT: Moves to ADOPT additional language to HB 3379
"limited to spouse, children, parents, brothers, sisters who are available"

on line 20, on page 1, and lines 7-8 on page 2.

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

038 MOTION: SEN. BAKER: Moves HB 3379 AS AMENDED be sent to the Floor with

a DO PASS recommendation.

040 VOTE: Hearing no objections, the motion CARRIES. All members present
vote AYE.

SENS. HAMBY, SPRINGER ARE EXCUSED.

Closes WORK SESSION on HB 3379

Opens WORK SESSION on HB 2659

050 DAVID NEBEL, Oregon Legal Services: Testifies in support of HB 2659.
068 - responds to Sen. Baker's inquiry on guidelines and possible damage.

085 RUSS LIPETZKY, Legislative Chair, Family and Juvenile Law Section,
Oregon State Bar: Testifies in support of HB 2659.
100 - explains bill
113 - responds to Sen. Baker's inquiry on throwing out the guidelines

132 CHAIR BRYANT: Suggests deleting words in bold type on page 2, line 3.

143 JOHN ELLIS, Support Enforcement Division, Department of Justice:
Responds to Sen. Bryant's inquiry on those who achieve economic advantage
by their living arrangement.

156 TAYLOR: Suggests language for a domestic partnership or roommates
sharing expenses.

164 SEN. SORENSON: Indicates his support for the bill.

179 SEN. BAKER: Discusses bill in historical context. Indicates his

objection to page 1, line 11.

200 CHAIR BRYANT: We don't have sufficient votes to pass this out.

Submitted for the record testimony from Layne Barlow [EXHIBIT G].

Closes WORK SESSION on HB 2695

Opens WORK SESSION on HB 2492

215 CHAIR BRYANT: We have a proposed amendment from the Oregon Medical Association [EXHIBIT F], and we have the dash 11 amendments [EXHIBIT A].

221 TAYLOR: Language from Legislative Counsel was not acceptable to parties

involved and they suggest returning to original language, in lieu of what is on page 5, lines 13-20.

260 DR. KATRINA HEDBERG, Deputy State Epidemiologist, Oregon Health Division: Testifies and submits written testimony in opposition to Section 10 amendments of HB 2492 [EXHIBIT B].

280 - expresses concerns with amendment as written, and with the notification process

312 - responds to Sen. Bryant's inquiry on what the procedure is for investigation of communicable diseases

344 - responds to Sen. Baker's inquiry on disclosing information to County Health Department

380 - responds to Sen. Bryant's inquiry on spread of disease

400 SEN. STULL: Expresses concern with delay in informing police officer of

a communicable disease.

450 HEDBERG: Discusses concern that not all physicians in state are aware of who is to get treatment, what happens, or the follow up needed.

TAPE 183, A

047 MOTION: CHAIR BRYANT: Moves to ADOPT an amendment to HB 2492 to return to the old language on page 14, lines 13-20.

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

055 MOTION: CHAIR BRYANT: Moves to ADOPT an amendment to HB 2492 on page 2, line 39 adding after maltreatment "this section is not intended to replace or affect the duty or standard of care required under ORS Chapter 677".

058 CHAIR BRYANT: This won't work as we now have a new version.

065 SCOTT GALLEN, Oregon Medical Association: Responds to Mr. Taylor's inquiry on what the section amends as it is on neglect and maltreatment and

is from the original bill.

085 - HB 2492 All deletes lines 36-39 on page 2 so the sentence should be added after neglect or maltreatment of ORS 163

100 MAX WILLIAMS, Committee Counsel: It is on line 14 of the All amendments

and language should be inserted between lines 14 and 15.

104 MOTION: CHAIR BRYANT: Moves to ADOPT an amendment to HB 2492 All by adding "this section is not intended to replace or affect the duty or standard of care

required under ORS Chapter 677" between lines 14-15.

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

123 CHAIR BRYANT: We will recess until 3:30 p.m.

129 The meeting is reconvened at 3:55 p.m.

Opens WORK SESSION on HB 2334

141 TAYLOR: Provides a summary of House Bill 2334. Goes over the amendments [EXHIBIT C].

150 SEN. STULL: I was not able to recall some of the discussion that took place previously.

163 Police officers had a higher penalty involved if they were assaulted than fire fighters. Fire fighters do have a special designation of a class

C misdemeanor.

173 One of the considerations was, who is more likely to become involved in a confrontational situation?

183 TAYLOR: The bill also creates a special provision for fire fighters, not a C felony, but a class A misdemeanor that requires a minimum sentence of at least seven days. The -8 amendment would include fire fighter down below as a class C felony. If it were adopted it may make the need for the

minimum seven days unnecessary.

201 SEN. BAKER: You could strike lines three through 10.

205 SEN. SORENSON: Is it possible to do what Sen. Baker suggested and add paramedics with the fire fighters?

211 TAYLOR: This is not an assault bill.

217 MOTION: SEN. SORENSON: MOVES the following conceptual amendment: Add the
word fire fighter and paramedic, on line fourteen of page two.

223 SEN. STULL: Previously there was a discussion about the fiscal impact.
Would these changes affect the fiscal impact?

228 TAYLOR: It is hard to guess the fiscal impact.

242 SEN. BAKER: I would also guess that some could be charged multiple, with
assault and this new crime. So, there may not be much of a fiscal impact
from this change.

247 INGRID SWENSON, OREGON CRIMINAL DEFENSE LAWYERS ASSOCIATION: If you
move firefighters out of the materials in page two, you should still leave
in the language unlawful use of an electrical stun gun as a class A
misdemeanor. So, you should delete beginning on line four, a person
convicted under this section and the balance of section two.

253 VOTE: SEN. HAMBY: You have heard the motion is there any disagreement?
Hearing seeing none, so moved. MOTION CARRIES. All members present vote
AYE. SENS. BRYANT, SPRINGER ARE EXCUSED.

257 MOTION: SEN. BAKER: MOVES to eliminate the words on line four starting
with a person convicted and down through line ten.

264 VOTE: SEN. HAMBY: Is there any disagreement? Hearing and seeing none,
so moved. MOTION CARRIES. All members present vote AYE. SENS. BRYANT,
SPRINGER ARE EXCUSED.

272 MOTION: SEN. STULL: MOVES House Bill 2334, as amended, to the floor
with a DO PASS recommendation.

277 VOTE: SEN. HAMBY: Is there any disagreement? Hearing, seeing none, so
moved. MOTION CARRIES. All members present vote AYE. SENS. BRYANT,
SPRINGER ARE EXCUSED.

Closes WORK SESSION on HB 2334

Opens WORK SESSION on HB 3125

286 WILLIAMS: Goes over the bill and the amendments [EXHIBITS D & E].

311 DAVID FIDANQUE, American Civil Liberties Union: Discusses his concerns
about the amendments.
327 -most of the complaints we get are about petitions and letters to the
editor
348 -in our discussion with Rep. Prozanski we used the number of five or
more
371 WILLIAMS: Sen. Bryant told me six or more employees.

387 MOTION SEN. BAKER MOVES the dash one amendments.

388 VOTE: SEN. HAMBY: Is there any disagreement? Hearing, seeing none, so
moved. MOTION CARRIES. All members present vote AYE. SENS. BRYANT,
SPRINGER ARE EXCUSED.

389 MOTION: SEN. BAKER: MOVES the dash two amendments.

406 VOTE: SEN. SORENSON: MOVES House Bill 3125 as amended, to the floor with
a DO PASS recommendation. All members present vote AYE. SENS. BRYANT,
SPRINGER ARE EXCUSED.
Sen. Sorenson will carry the bill.

Closes WORK SESSION on HB 3125

Opens WORK SESSION on HB 2492

430 FRED AVERA, Polk County District Attorney: Testifies in House Bill
2492.
457 - in most cases such as a Christian Scientist, the most you can charge
them is manslaughter in the first degree.

TAPE 182, SIDE B

038 - continues with testimony
057 - we want the parents to come in and prove their religion is a serious
one to the jury, or they will be found guilty of murder
073 - they must prove they were not being indifferent, but, they must prove
it to the jury

083 SEN. SORENSON: Can we move the bill and have is consistent with what
Mr. Avera was discussing?

102 SEN. BAKER: Let me make a conceptual amendment to section 10 about
reporting communicable diseases to the law enforcement officers what has
happened.

124 DR. KATRINA HEDBERG, Deputy State Epidemiologist: This is redundant.

135 SEN. STULL: What about the turn around time?

142 TAYLOR: Is significant exposure defined in the statue?

145 SEN. BAKER: It would be defined by the rules in the Public Health Authority.

149 SEN. HAMBY: How many are not abiding by this protocol?

151 DR. HEDBERG: I do not know. From our standpoint the system seems to be working. There seems to be a perception that there is a break in the system.

158 SEN. HAMBY: Would this hamper section 10?

160 DR. HEDBERG: No.

168 MOTION: SEN. BAKER: MOVES amendments to section ten as follows: on line

fourteen, before communicable insert reportable, law enforcement shall disclose information to public health authorities who in turn shall confirm

the diagnosis and notify any police officer, corrections officer or emergency technician who had a significant exposure with the person. You would also put in reference the section on reportable disease is also referenced in ORS 443.001

178 VOTE: SEN. HAMBY: Any debate, hearing seeing no disagreement, so moved. All members present vote AYE. SENS. BRYANT, SPRINGER ARE

EXCUSED.

180 TAYLOR: We did adopt some amendments earlier.

193 MOTION: SEN. BAKER: MOVES House Bill 2492, as amended, to the floor with a DO PASS recommendation.

204 VOTE: SEN. HAMBY: Any discussion? Hearing and seeing none, so moved. MOTION CARRIES. All members present vote AYE. SENS. BRYANT, SPRINGER ARE EXCUSED.

Sen. Stull will carry the bill.

206 SEN. HAMBY: We are adjourned at 4:17

Submitted by, Reviewed by,

DIANE DUSSLER BILL TAYLOR
Committee Assistant Committee Counsel

PAULA GILMER PURCELL
Committee Assistant

EXHIBIT SUMMARY:

A - Proposed Amendments to HB 2492 - Staff - 21 pages
B - Testimony on HB 2492 - Katrina Hedberg - 2 pages
C - Proposed Amendments to HB 2334 - Staff - 1 page
D - Proposed Amendments to HB 3125 - Staff - 1 page
E - Proposed Amendments to HB 3125 - Staff - 1 page
F - Proposed Amendments to HB 2492 - Staff - 1 page
G - Testimony on HB 2695 - Lynn Barlow - 2 pages