

SENATE COMMITTEE ON
JUDICIARY

Hearing Room
Tapes - 34

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:

LC 1586 - BILL INTRODUCTION
LC 1589 - BILL INTRODUCTION
LC 1595 - BILL INTRODUCTION
LC 1598 - BILL INTRODUCTION
LC 1711 - BILL INTRODUCTION
LC 1791 - BILL INTRODUCTION
LC 1895 - BILL INTRODUCTION
LC 1907 - BILL INTRODUCTION
LC 2083 - BILL INTRODUCTION
LC 2636 - BILL INTRODUCTION
LC 2752 - BILL INTRODUCTION
LC 2927 - BILL INTRODUCTION
LC 2928 - BILL INTRODUCTION
LC 2970 - BILL INTRODUCTION

SB 162 - PUBLIC HEARING
SB 216 - PUBLIC HEARING
SB 59 - WORK SESSION
SB 119 - WORK SESSION
SB 162 - WORK SESSION
SB 216 - WORK SESSION
SB 362 - 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

CHAIR BRYANT: Calls meeting to order at 3:10 a.m.

BILL INTRODUCTION: LC 1586, LC 1589, LC 1595, LC 1598, LC 1711, LC
1791, LC 1895, LC 1907, LC 2083, LC 2636, LC 2752, LC 2927, LC 2928, and LC
2970

MOTION: CHAIR BRYANT: Moves to introduce LC 1586, LC 1589, LC 1595, LC
1598, LC 1711, LC 1791, LC 1895, LC 1907, LC 2083, LC 2636, LC 2752, LC
2927, LC 2928, and LC 2970 as committee bills.

VOTE: Hearing no objections, the motion CARRIES. All members are
present.

SEN. MILLER is excused.

Opens WORK SESSION on SB 362

060 CHAIR BRYANT: Explains that SB 362 was introduced as LC 1370, dropped
and assigned without going through committee. Reschedule for formal
introduction. We need to suspend rules requiring 2/3 vote.

MOTION: SEN. BAKER moves to suspend rules.

VOTE: Hearing no objections, the motion CARRIES. All members are present.
SEN. MILLER is excused.

MOTION: CHAIR BRYANT: moves to introduce LC 1370 as a committee bill.

VOTE: Hearing no objections, the motion CARRIES. All members are present.
SEN. MILLER is excused.

Closes WORK SESSION on SB 362

Opens PUBLIC HEARING on SB 216

WITNESSES: Marla Rae, Executive Assistant to Attorney General, Department
of Justice
Steve Minick, Administrator Adult and Family Services
Eldon Johnson, State Representative
Randy Franke, Marion County Commissioner
Carl Sticker, Administrator, Marion County Family Support Division
Marie McKnight, Attorney, Oregon Legal Services
Marion Gest, Oregon Public Employee's Union
Navarro Faircloth, Hearing Officer
Brenda Hiatt, Founder of People Empowering People

090 MARLA RAE, Executive Assistant to Attorney General, Department of
Justice:

Testifies in favor of SB 216 language affects transfer of support
enforcement division from Justice to Human Resources, Adult and Family
Services Division. Consolidation of child support services.

123 STEVE MINICK, Administrator Adult and Family Services: Testifies and
submits written testimony on SB 216 [EXHIBIT A] [EXHIBIT B].

170 - welfare roles are going down in Oregon as are placing more people in
jobs

195 - staff in Support Enforcement Division will be moved to Adult and

Family Services from Child Support Recovery Section.

250 SEN. SORENSON: Do you have any plans to get into private collection of
child support?

258 MINICK: If private collection can benefit us from collections points of
view it should be looked at. We ran a test, and it didn't prove to be
successful or better for us.

290 SORENSON: Expresses concern with collections and enforcement
procedures.

295 RAE: It makes sense to have the program in one place. We don't believe
enforcement will diminish with this change.

350 MINICK: Refers to bar chart for wage base, food stamps, salaries and
child support.

390 SEN. HAMBY: Concurs with Marla's testimony.

450 MINICK: Discusses the public's difficulty with department's phone;
confusion on which section, accounting or enforcement is correct for
various needs.

466 REP. ELDON JOHNSON: Testifies and submits written testimony on SB 216,
[EXHIBIT D] with proposed amendment SB 216-B [EXHIBIT C].

TAPE 32, A

064 JOHNSON: Discusses proposed amendment SB 216-2 to merge civil Support
Enforcement Program run by counties with Child Support Program to be run by

Department of Human Resources.

105 - Move to Department of Justice civil side would save money. It's a
way to improve collections.

125 SEN. BAKER: Is it correct that 5 counties contract with SED?

127 JOHNSON: Yes.

160 SEN. SORENSON: Raises possibility of centralizing collections into one
agency.

250 CARL STECKER, Administrator, Marion County Family Support, Deputy
District Attorney: Testifies and submits written testimony on SB 216
[EXHIBIT F] with proposed amendment [EXHIBIT E]. District Attorney would

have authority to process cases administratively.

296 - no cost to state for District Attorneys to run program

333 - counties with small case load can opt out and contract with Department

of Justice

395 - amendments would clarify District Attorneys authority to do full range

of services as they do now
436 - collect higher numbers for cases we have with better staff to case
ration than Justice

460 RANDY FRANKE, County Commissioner Marion County: My concern is that by
adding in the amendment the district attorney function would be transferred

from 31 counties to the state, increasing state's workload. State would
need to augment budget of agency where it is going.

TAPE 31, B

051 FRANKE: Marion County collections programs works very well.

100 SEN. SORENSON: Do you favor having the counties assume this function?

110 STECKER: Enforcement aspects belong in the field. You can break up
program in pieces. Some things should be left in field.

155 MARIE McKnight, Attorney, Oregon Legal Services: Testifies and submits
written testimony [EXHIBIT G]. Testifies for parents, opposing SB 216. I

would support REP. JOHNSON amendment SB 216-2.

200 - prefers Department of Justice over Human Resources

210 - child support is a legal process

260 - has concerns with relative autonomy that district attorneys retain in
this program

300 - believes there should be a centralized agency

312 SEN. BAKER: Is there frustration for public trying to get access to
system?

325 McKNIGHT: That is the biggest complaint. Low income and middle income
Oregonians don't know this program exists.

384 MARION GEST, Oregon Public Employees Union: Testifies in opposition
to section 85 of SB 216, which transfers hearing officers duties from
Employment Division to DHR.

387 NAVARRO FAIRCLOTH, Administrative Law Judge, Employment Department:
Testifies and submits written testimony in opposition to SB 216 [EXHIBIT
H]. This bill would transfer contested case hearing functions from Support

Enforcement Section of Justice to DHR

440 - disagrees with belief that transfer would be cost neutral

038 SEN. SORENSON: If director would appoint hearing officers and
hearings would be conducted in same manners as present, would that solve
the problem?

042 FAIRCLOTH: I don't think so. If hearing is in same agencies there would
be administrative pressure for the outcome the agency is seeking.

TAPE 32, B

060 BRENDA HIATT, Founder of People Empowering People: Testifies and
submits written testimony in support of SB 216 [EXHIBIT I]. Seeks consolidation of child
support programs.

085 - big obstacle to client is switching back and forth of support cases
from SED to DA office

110 - some collection offices do not use all tool available

165 CHAIR BRYANT: Mr. Minick, can you explain reasoning behind Section 85.

170 MINICK: AFS maintains integrity of the hearing process. Consolidation

of hearing process, would increase availability of hearing officers, and
minimize backlog.

190 CHAIR BRYANT: Will consolidation help when public seeks assistance?

193 MINICK: The most difficult problem is location and establishment of
paternity.

240 RAY: The positions that would transfer to Adult and Family Services, do
not include lawyers.

290 SEN. SORENSON: Do you have a projection of recovery rate if programs
moves from Justice to Human Resources?

293 RAE: It depends upon whether request for additional 150 child support
agents occurs.

300 MINICK: We have projected a four million dollar increase in general

fund, not all from the proposed transfer, but from improved collections.

Closes PUBLIC HEARING on SB 216

Opens WORK SESSION on SB 216

MOTION: SEN. BAKER: Moves to ADOPT SB 216-2 amendment.

MOTION: SEN. BAKER: Withdraws motion.

360 CHAIR BRYANT: We will reschedule the work session.

Closes WORK SESSION on SB 216

Opens the PUBLIC HEARING on SB 162

WITNESS: Marie Claire Buckley, Executive Director of Psychiatric Security
Review Board

380 Marie Claire Buckley, Executive Director of Psychiatric Security Review
Board: Testifies in favor of SB 162. [EXHIBIT N]
420 - explains jurisdiction of Security Review Board
470 - explains hearing process

TAPE 33, A

052 SEN. SORENSON: How many appeals are there from courts placing a person
under their jurisdiction?

056 BUCKLEY: I don't think there are very many appeals filed from the
court.

Opens Work Session on SB 162

MOTION: SEN. HAMBY: Moves that SB 162 be sent to the Floor with a DO PASS
recommendation.

VOTE: CHAIR BRYANT: Hearing no objection, the motion CARRIES. All
members are present.

Opens WORK SESSION on SB 59

WITNESSES: Bradd Swank, State Court Administrator's Office
Sally Avera, State Public Defender

080 Brad Swank, State Court Administrator's Office: Testifies and submits
proposed amendments to clarify language, and adds the provision that the
trial court has discretion to require person to resubmit affidavit for
indigent status. [EXHIBIT J]

100 Sally Avera, State Public Defender: Testifies in support of amendment.

MOTION: CHAIR HAMBY: Moves to ADOPT the amendments.

VOTE: Hearing no objections, the amendments are ADOPTED. All members are
present.

102 SEN. MILLER: Ask for clarification on indigent qualifications.

MOTION: SEN. HAMBY: Moves SB 59 AS AMENDED be sent to the Floor with a
PASS recommendation.

DO

VOTE: Hearing no objections, the motion CARRIES. All members are present.

Opens Work Session on SB 119

WITNESSES: Greg Willeford, Commander of Department of Oregon State Police
Gaming Enforcement Section, Assistant Director Oregon State Lottery
Gary Oxley, United Grocers and Plaid Pantry Stores

150 TAYLOR: Explains SB 119-2 proposed amendment [EXHIBIT K].

175 GREG WILLEFORD, Commander of Department of Oregon State Police Gaming
Enforcement Section, Assistant Director Oregon State Lottery: Testifies
and submits written testimony with proposed amendments in opposition to SB
119 [EXHIBIT L].

230 CHAIR BRYANT: Mr. Oxley, does this amendment address your concerns?

235 GARY OXLEY, United Grocers and Plaid Pantry Stores: I don't believe it
does.

240 - SB 119-2 amendment reclarifies what lottery asked for in initial bill
250 - discusses why fingerprinting grocery store managers is inappropriate
and beyond scope of current statutes

273 WILLEFORD: The original draft didn't include lottery retailers and
should have. The proposed amendment SB 119-2 would remove authority we
have to fingerprint video applicants.

296 CHAIR BRYANT: Mr. Taylor and I will try to come up with language to
satisfy you.

Close WORK SESSION on SB 119

312 TAYLOR: I suggest bringing up SB 219 and SB 191 together.

Opens Public Hearing on SB 219 and SB 191

WITNESSES: Bradd Swank, State Court Administrator's Office
Mike Reynolds, Department of Justice
Sally Avera, State Public Defender

320 BRADD SWANK, State Court Administrator's Office: SB 191 addresses
work load issues for court of appeals judges. I have proposed amendments
to address our concerns [EXHIBIT M].

350 MIKE REYNOLDS, Department of Justice: Corrections has withdrawn
opposition to SB 191 bill, which is a clearer way to deal with problems of
judicial review. We support both bills. We prefer to support SB 191 and
hold SB 219 as a backup choice.

394 SALLY AVERA: Previous concerns, with SB 191 on further limitations of
scope of judicial review and parole matters, have been addressed in Mr.
Swank's amendment. We had no position on SB 219.

430 SEN. SORENSON: Wouldn't there be a fiscal impact if inmates brought
suit under Civil Rights Acts and had attorney fees awarded in their favor
against the State?

440 REYNOLDS: The answer is yes, theoretically. We think likelihood of
inmates prevailing in Section 1983 is almost nil.

TAPE 34, A

Opens the WORK SESSION on SB 219 and SB 191

MOTION: CHAIR BRYANT: Moves to ADOPT the amendments.

VOTE: Hearing no objections, the amendments are ADOPTED. All members are
present.

MOTION: SEN. HAMBY: Moves SB 191 AS AMENDED be sent to the Floor with a
PASS recommendation.

DO

VOTE: Hearing no objections the motion CARRIES. All members are present.

CHAIR BRYANT: Adjourns meeting at 5:15 p.m.

Submitted by, Reviewed by,

DIANE DUSSLER BILL TAYLOR
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

A - Testimony on SB 216 - Steve Minick - 1 page
B - Testimony on SB 216 - Steve Minick - 1 page
C - Proposed Amendment to SB 216 - Rep. Eldon Johnson - 100 pages
D - Testimony on SB 216 - Eldon Johnson - 2 pages
E - Testimony on SB 216 - Carl Stecker - 3 pages
F - Testimony on SB 216 - Carl Stecker - 7 pages
G - Testimony on SB 216 - Maureen McKnight - 3 pages
H - Testimony on SB 216 - Navarro Faircloth - 1 page
I - Testimony on SB 216 - Brenda Hiatt - 3 pages
J - Proposed Amendments to SB 59 - Bradd Swank - 2 pages
K - Proposed Amendments to SB 119 - Staff - 1 page
L - Testimony on SB 119 - Greg Willeford - 2 pages
M - Proposed Amendment to SB 191 - Bradd Swank - 1 page
N - Fiscal Analysis of Proposed Legislation to SB 162 - Staff - 1 page