

SENATE COMMITTEE ON
JUDICL\RY

February 28, 1995 Hearing Room C
3:00 P.M. Tapes 42 - 45

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: SEN. RANDY MILLER, Vic - Chair

STAFF PRESENT:

- BILL TAYLOR, ~ 'ommittee Counsel
 DIANE DUSSLER, Committee Assistant

MEASURES HEARD:

Bill Introduction
SB 367 - Public Hearing & Work Session
SB 392 - Public Hearing & Work Session
SB 401 - Public Hearing

These minutes contain materials which paraphrase and/or summarize statements ~ during this session. OnHRtext enclosed in auotation marks resort a sDeaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE 42, SIDE A

003 CHAIR BRYANT: Calls the meeting to order at 3:00 p.m.

BILL INTRODUCTION: LC's 558, 2080, 2733, 3157, 3158, 3160, 3161, 3162, 3163, 3164, 3519, 3681, 3729, 3730, 3731, 3732, 3733, 3734, 3641, 3789 and 3790.

MOTION: CHAIR BRYANT: Moves the committee introduce LC's 558, 2080, 2733, 3157, 3158, 3160, 3161, 3162, 3163, 3164, 3519, 3681, 3729, 3730, 3731, 3732, 3733, 3734, 3641, 3789 and 3790.

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

ODens PUBLIC HEARING on SB 367

Witnesses: Senator Mae Yih, District 19
 SENATE JUDICL\RY
 Februaly 28, 1995 - Page 2
 Kirk Tibbetts, Attorney, representing several antique collectors
 Timothy Steiner, Sergeant, Oregon State Police, Gaming Enforcement Section,

Oregon

Lottery

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Bruce E. Lattin, Retired Oregon State Police Off~cer, Consultant for

Oregon Lottery

SENATOR MAE YIH, representing District 19: Presents written testimony in favor of SB 367. [EXHIBIT A]. SB 367 would allow the possession of gambling devices 25 years and older. Currently ORS 167.147 allows the possession of gambling devices manufactured before 1968. It must be amended every session because it lists a specific year. SB 367 would eliminate this need.

065 KIRK E. TIBBETTS, Attorney, representing several antique collectors:
Presents written testimony in favor of SB 367. [EXHIBIT B] By adopting this bill, antique
dealers up and the West Coast could trade freely with knowledge of uniform statutes.
down states with the 25-year rule. [EXHIBIT C].
Currently there are 29

106 TIMOTHY STEINER, Sergeant, Oregon State Police, Gaming Enforcement
Section,

Oregon Lottery: Presents written testimony in opposition to SB 367.

[EXHIBIT D] A floating

which provides a fixed 25-year proposal conflicts with the gray machine statute, ORS 167.164,
year (1985) regarding gray machines manufactured prior to that date.

180 Continues reading testimony. Applying a 25-year age requirement is not
consistent with other

enforcement, a items commonly thought of as antiques. In order to maintain effective law
fixed

date is the best parameter to measure the legality of a gambling device.

State BRUCE R. LATTIN, Retired Oregon State Police Officer, Consultant for Oregon

antique business. Lottery: Presents testimony in opposition to SB 367. Is currently in the

antiques; 50 years or less Dealers use a guideline of 50 years or more in the classification of
in the

classification as collectibles. Dealers know Oregon laws.

210 SEN. BAKER: Why would this law make it more difficult for police
officers to enforce laws?

LATTIN: Because the two statutes on the books today are in conflict with
one another.

SEN. BAKER: Statues can be changed. We are not talking about business
issues, we are talking about public safety. Please address your comments to
public safety.

245 CHAIR BRYANT: That won't happen for some time.

254 LATTIN: There are video poker machines on the market today that are more
than 25 years
old.

281 SEN. BAKER: Can the State sell the machines they have confiscated?

310 CHAIR BRYANT: This one only applies if it is in your residence.

CLOSES PUBLIC HEARING ON SB 367
OPENS WORK SESSION ON SB 367

MOTION: SEN. BAKER: Moves that SB 367 be sent to the Floor with a DO PASS
recommendation.

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statements made during this session. Only text enclosed in quotation marks
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SENATE JUDICIARY

February 28, 1995 - Page 3

VOTE: CHAIR BRYANT: In a roll call vote SENATORS BAKER, SORENSON, SPRINGER,
STULL and CHAIR BRYANT vote AYE. SENATOR HAMBY votes NAY. Senator Miller is
excused.

SEN. BAKER will lead discussion on the Floor.

CLOSES WORK SESSION ON SB 367

320 CHAIR BRYANT: Reschedules SB 320. Mike Dugan not present.

OPENS PUBLIC HEARING ON SB 401

Witnesses: Bryan Branstetter, Eastern Oregon Corrections Institution,
Pendleton.

Herman T. Green
Richard J. Wolf

370 BRIAN BRANSTETTER, employee, Eastern Oregon Corrections Institution in Pendleton:
Begins reading testimony in opposition to SB 401. [EXHIBIT E1 I don't believe you will find anyone who will tell you that there aren't problems within the management of the Department of

Corrections.
410 It also does away with affirmative action and the accessibility of minorities and women working

inside our state prisons. Continues reading prepared testimony.

470 Presently, law requires be BPSST certified. Continues reading testimony.

TAPE 43, SIDE A

050 I would like to say at this time, the State of Oregon was set on a road where no end can be seen within the Department of Corrections. Continues reading testimony.

067 HERMAN GREEN, professional corrections officer: Presents testimony in opposition SB 401.
[NO EXHIBIT] Has eight years with the department, master's degree. Individuals hired by private companies are younger, less experienced due to the low pay offered. Feels privatization of

prisons would lower standards of correctional officers.

092 RICHARD J. WOLF, Sergeant. Columbia River Corrections in Portland: Presents testimony

in opposition to SB 401. [NO EXHIBIT] Private companies who are in the business to make a profit will take short cuts. Certain classifications of inmates don't mix and violence results.

Minimum wages earners are not usually career employees.

113 SEN. HAMBY: What is the current starting salary for a correctional officer in Oregon?

118 BRANSTETTER: I believe we start at \$1,600.00 per month.

129 SEN. HAMBY: Educational requirements are?

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SENATE JUDICIARY

February 28, 1995 - Page 4

134 BRANSTETTER: High school. Great many of the corrections officers have at least two years of college.

175 SEN. SORENSON: Would you be more comfortable with this legislation if the pay were equal in the private prison?

180 BRANSTETTER: Not just the pay, but also education and training. Would have to have at least as good as the State or better. Continues testimony in opposition to having private contractors in the prison system citing examples. Ends by inviting all to come and tour the facilities to see that

they are secure, clean and run by professionals.
Witnesses: James Taylor, Correctional Officer, Snake River Correctional Institution, Ontario

James Simpson, Correctional Officer, Powder River Correctional Facility, Baker City

Jeff Blake Correctional Officer, Powder River Correctional Facility, Baker City

205 JAMES TAYLOR, Correctional Officer, Snake River Correctional Institution, Ontario:

 Begins testimony in opposition to SB 401. [I ~O EXHIBIT] Speaks about some of the current contract systems in place. Examples food services employees who receive little training compared to the state employee. Contractors run on profit orientation; non-profit goals such as sanitation, security and quality are often lacking.

231 JAMES SIMPSON, Correctional Of ficer, Powder River Correctional Facility, Baker City:

 Begins testimony in opposition to SB 401. [NO EXHIBIT] Speaks of some of the programs in place and what effect privatization would have on them. Privatization of corrections will have difficulty in meeting Measure 17 requirements.

278 JEFF BLAKE, Correctional Officer, Powder River Correctional Facility, Baker City:
Begins

 testimony in opposition to SB 401. [NO EXHIBIT] Speaks of the level of commitment staff currently directs towards their department. Averages 85 hours per year of training. Privatization doesn't decrease recidivism.

 Witnesses: Tina Turner Morfitt, Correctional Counselor, Oregon
Corrections Intake Center,
Oregon City
Cheryl D. Root, Corporal, Snake River Correctional Institution, Ontario
Bob Matheny, Corrections Officer, Shutter Creek Correctional Institute

317 TINA TURNER MORFITT, Correctional Counselor, Oregon Corrections Intake Center,

 Oregon City: Begins testimony in opposition to SB 401. [NO EXHIBIT] Begins by stating her basic objections to privatization of Oregon prisons.

340 CHERYL D. ROOT, Corporal, Snake River Correctional Institution, Ontario:
Begins

 Testimony in opposition to SB 401. LNO EXHIBIT] Is a career professional with one comment.
 Current system's dedication to humane care and public safety have been established and ongoing.

362 BOB MATHENY, Corrections Officer, Shutter Creek Correctional Institute - Boot Camp

 for the prison system: Begins testimony in opposition to SB 401. [NO EXHIBIT] Very proud of that institution and its program. Higher standards for training, longer hours and the time management utilization needs dedicated people. Relates his responsibilities as a work crew supervisor.

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SENATE JUDICIARY
February 28, 1995 - Page
5

414 SEN. HAMBY: Has never seen state employees work with such dedication.
Not one thing

 expected of inmates that the staff doesn't do right beside them.
430 SEN. SORENSON: Very impressed with facility. Are you aware of any private boot camps?

438 MATHENY: Knows of none. You need both corrections and military training.

Witnesses: Joe Wright, Correctional Painter, Eastern Oregon Correctional Institution, Pendleton
Mari Anne Gest, Oregon Public Employees Union, SEIU Local 503

458 JOE WRIGHT, Correctional Painter, Eastern Oregon Correctional Institution, Pendleton:
Begins testimony in opposition of SB 401. pNO EXHIBIT] Speaks about the safety and security
from the maintenance point of view.

506 MARI ANNE GEST, Oregon Public Employees Union, SEIU Local 503: Presents written
testimony in opposition to SB 401. [EXHIBIT F] Begins reading testimony.
560 GEST: Continues reading testimony. RFP's will have to spell out every conceivable case, and
will almost sure fail to cover everything.

593 SEN. SORENSON: Can you tell us what happens at Eloy Detention Center; who bears the cost?

612 GEST: Ultimately, the State bears the cost.

Witness: John Foote, Deputy Director, Department of Corrections
Jim Arneson, Oregon Criminal Defense Lawyers Association
Dave Fidanque, Executive Director, American Civil Liberties Union

645 JOHN FOOTE, Deputy Director, Department of Corrections: Presents written testimony for
informational purposes in regard to SB 401. EXHIBIT G] There are states that have privatized
with mixed results. Have provided a study just out from Tennessee [EXHIBIT G] that
compares
two public institutions with one comparable private institution.
Performance was comparable
and
there was virtually no cost savings.

TAPE 42, SIDE B

050 Continues: There are some liability issues.

097 JIM ARNESON, Oregon Criminal Defense Lawyers Association: pNO EXHIBIT] Important
that inmates, staff and citizens have a right to expect a safe and healthy environment when they
are

incarcerated.

126 DAVID FIDANQUE, Executive Director, ACLU: LNO EXHIBIT] Begins testimony in
opposition to SB 401. ACLU has a national policy against the privatization of prisons.

Closes PUBLIC HEARING on SB 401

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SENATE JUDICIARY February 28, 1995 - Page 6 Opens PUBLIC HEARING on SB 392

Witnesses: Senator Bill Kennemer, SD 12
John Ellis, Department of Justice, Support and Enforcement Division

180 SENATOR BILL KENNEMER, Representing SD 12: Presents testimony in support of SB
392. [EXHIBIT H1 Important reason that kids fall into poverty; lack of child support.
Legislature has been working for years in various ways to deal with the

problem of arrearages
in

child support. SB 975 was a landmark of last year's session and is the
basis for SB 392

230 Continues with testimony. Let me clarify a couple of things said before.
The agency or
licensing

board is responsible only for providing a list. Nominal at times.
270 Continues with testimony. Let us talk about the fiscal impact.

310 Continues: Other fund recoveries will increase our child support
collections by about
\$555,000.

340 Continues: Thinks visitation should be linked with support.

375 JOHN ELLIS, Department of Justice, Support and Enforcement Division:
Presents written

testimony in favor of SB 392. [EXHIBIT I]
380 SEN. BAKER: Language says all certificates. Can I presume that means a
Certificate of

Election? Non-compliance would be the withdrawal of the certificate by the
Secretary of
State?

389 ELLIS: Bottom line, I don't know.

Chair turned over to Senator Hamby.

SEN. BAKER: Intent is that elected officials, come within this statute.

430 SEN. SORENSON: Do you mean to exclude officials who really don't have
an occupation?

449 FOOTE: Emphasis of the bill is on occupational licensing. Volunteer
school board member would not be included. Trying to have these people pay
if they are able.

TAPE 43, SIDE B

050 ELLIS: Suspension of the license is avoided if you agree to pay child
support.

110 ELLIS: Not aware of any serious challenges or completed challenges to
this process.

Bryant returns

Witnesses: Muriel Goldman, Legislative Chair, Children First for Oregon
Norman Rupp, Volunteer Member, Children First for
Oregon

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SENATE JUDICIARY
February 28, 1995 - Page 7

140 MURIEL GOLDMAN, Legislative Chair, Children First for Oregon: Presents
written
testimony in favor of SB 392. [EXHIBIT J] Begins reading testimony giving
reasons for
support

of SB 392.
189 NORMAN RUPP, Volunteer Member, Children First for Oregon: Presents
written testimony
in favor of SB 392. [EXHIBIT K] Begins reading testimony. Could possibly
bring a closer

relationship between the father and his children.
Witnesses: Layne Barlow, Oregon Co-Parents
Richard Koenig, Equal Protection

205 LAYNE BARLOW, Oregon Co-Parents: Presents written testimony in
opposition to SB 392.

[EXHIBIT L] Begins reading his testimony.
258 Continues reading testimony: Make the solution available. Why penalize
your fellow man just
because he can't afford a lawyer.
301 RICHARD KOENIG, Equal Protection: Presents written testimony in favor of
SB 392.
[EXHIBIT M] Comes to Committee with background in behavioral psychology.
Suggests that
to change behavior, is to reward the behavior you desire to see.
De-emphasize the punishment
for
the behavior you don't want.
350 Continues: That's the kind of bad faith we are looking at.
400 Continues: If we are going to enforce support, we should enforce
emotional support of children
just as well. If a parent on welfare denies access, that parent's
certificate of eligibility for welfare
should be taken away.
Witnesses: Harl Huebner
Jeff Fossum
James P. Whinston, Western Regional Director, National Center for Men
450 HARL HUEBNER: Presents testimony in favor of SB 392. [NO EXHIBIT] Came
to take
exception to existing bill now in effect. Wanted bill to include all
occupations. SB 392 seems to
clarify many things he wanted to bring out in his testimony.
500 JEFF FOSSUM, electrician: Presents testimony regarding personal
experience. Divorced in 94,
automatically came under decree that he have automatic payroll deduction
for child support.
Both
for and against this bill. Presents reasons for and against.
550 Continues: You are assuming at this point that somehow he is hiding
income. Most important,
you
need to enforce visitation.
605 JIM WHINSTON, Western Regional Director, National Center for Men:
Provides testimony
in opposition to SB 392. [EXHIBIT N] Kids need two parents and a system
that rewards
cooperation and enforces visitation.
650 Continues. 85% of all youth sitting in prisons today grew up in a
fatherless home. Refers to
[EXHIBIT N] Parents should have incentives to work together.
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SENATE JUDICIARY February 28, 1995 - Page 8 TAPE 44, SIDE A
050 Continues. When you can't win, move on. Why am I paying child support. I
don't see the child.
100 Continues. Once a parent, always a parent. We are creating the problem
by shoving father out
of
home
Witnesses: Russ Lipetzky, Legislative Chair, Family & Juvenile Law Section,
Oregon State Bar
David Nebel, appearing on behalf of the Family Law Practitioners in
Oregon's Legal
Services Program
Ed Patterson, Oregon Association of Hospitals
148 RUSS LIPETZKY, Legislative Chair, Family & Juvenile Law Section, Oregon
State Bar:
Begins testimony in favor of SB 392. [NO EXHIBIT] Feels entirely
appropriate to expand the
category of covered licenses and occupational certificates to include
everyone.
151 ED PATTERSON, Oregon Association of Hospitals: Presents proposed
amendment to SB
392. [EXHIBIT O] Hospitals must schedule people 365 days per year, round

the clock.

Proposes amendment that will require the employer in certain specified health care facilities has

identified that one of their employees may be losing their license to practice in that facility to give

time to hire someone temporarily.

183 CHAIR BRYANT: How do you learn someone has lost their license?

185 PATTERSON: Usually learn from the licensing board.

200 BILL TAYLOR: Would it be easier to garnish wages.

211 DAVID NEBEL, appearing on behalf of the Family Law Practitioners in Oregon's Legal

Services Program: Presents testimony in support of SB 392. [NO EXHIBIT]

224 SEN. SORENSON: Can you comment on the idea of reciprocity for visitation.

234 LIPETZKY: Visitation problems occur more than child support problems. We feel visitation needs to be strengthened.

253 SEN. SORENSON: Can you comment on other license types?

259 LIPETZKY: I think that the people you listed would be included.

280 NEBEL: Obligations to pay support or comply with visitation should be separate.

299 SEN. SORENSON: Would you be averse to having employers notified if license was suspended?

305 PATTERSON: We choose not to be specific.

Witnesses: Brenda Hiatt, Author of original bill, SB 975
Clark Seeley, Confederation of Oregon School
Administrators
Tammy Roberts, Junior Leagues of Oregon

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SENATE JUDICIARY

February 28, 1995 - Page 9

350 BRENDA HIATT, authored original bill, SB 975-: Presents testimony in favor of SB 392.
[NO

EXHIBIT] Self-employed obligor is the single most problematic case in the enforcement arena.

They determine what their net earnings will be.

400 Continues: Arizona is a right to work state.

440 CLARK SEELEY, Confederation of Oregon School Administrators: Presents written

testimony regarding SB 392. [EXHIBIT P1 Believes in taking care of one's children. Has

serious concerns about bill's implementation. Feels there are issues that are not addressed.

TAPE 45, SIDE A

050 SEELEY: Continues. We have indicted the court system in some of these laws.

067 TAMMY ROBERTS, Junior Leagues of Oregon: Presents written testimony in favor of SB

392. [EXHIBIT S1 Strong advocates for children and believes SB 392 passage and

implementation. Every child deserves the financial support ordered by the courts.

Witnesses: Irwin Fletcher, President, Oregon AFL-CIO

Bill Holt, Self employed professional

Laurie Winuner Executive Director, Oregon Commission for Women

075 LAURIE WIMMER, Executive Director, Oregon Commission for Women: Presents testimony in favor of SB 392. LNO EXHIBIT] "Good bills should pass."

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IRWIN FLETCHER, President, Oregon AFL-CIO: Presents written testimony in favor of SB 392. [EXHIBIT R1 Strongly supported HB 2461 in 1989 and SB 975 in 1993. Strongly supports passage of SB 392 as currently written.

BILL MOLT, Self employed professional: Presents written testimony in opposition to SB 392. [EXHIBIT Q1 Behind those 100% who testified previously for the need of the enforcement of parenting time. Believes every situation is unique and cites his personal experience.

CLOSES PUBLIC HEARING ON SB 392 OPENS WORK SESSION ON SB 392

120 CHAIR BRYANT: Comments regarding testimony on visitation rights. There are other bills that will address that subject. Governor's Task Force and in the family court, there is a much needed emphasis on mediation.

Chair recommends that bill be sent to Ways and Means. Makes reference to Mr. Patterson's proposed amendment [EXHIBIT O].

145 SEN. SORENSON: Still unclear about answers to questions about certificates of incorporation, etc.

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SENATE JUDICIARY
February 28, 1995 - Page 10

170 CHAIR BRYANT: Two possible ways to handle. Hold the bill here and you could propose amendments to handle those questions. Or, send down to Ways and Means and you could sponsor the amendments there.

and SEN. SORENSON: Would prefer an opportunity to talk to Senators Baker, Hamby Springer to see if there is any support.

CLOSES WORK SESSION ON SB 392

175 CHAIR BRYANT: Adjourns at 6: 1 () p.m.

Submitted by,	Reviewed by,
Clemente	~
Juli Clemente	AYL, -
Committee Assistant	Committee Counsel

EXHIBIT SUMMARY:

A-	Testimony on SB 367 -- Senator Mae Yih -- 2 pages
B-	Testimony on SB 367 -- Kirk E. Tibbetts -- 2 pages
C-	Legal States for Slot Machines -- Kirk Tibbetts-3 pages (55 3
D-	Testimony on SB 367 -- Tim Steiner -- 3 pages
E-	Testimony on SB 367 -- Bryan Branstetter -- 6 pages
F-	Testimony on SB 401 -- MariAnne Gest -- 8 pages
G-	Testimony on SR401 -- John Foote -- 66 pages
H-	Articles on SB 392 -- Bill Kinnemer -- 3 pages

I- Testimony on SB 392 -- John Ellis -- 12 pages
J- Testimony on SB 392 -- Muriel Goldman -- 2 pages
K- Testimony on SB 392 -- Norman Rupp -- 1 page
L- Testimony on SB 392 -- Layne Barlow -- 14 pages
M- Testimony on SB 392 -- Richard Koenig -- 2 pages
N- Testimony on SB 392 -- James Whinston -- 1 page
O- Proposed Amendment to SB 392 -- Ed Patterson -- 1 page
P- Testimony on SB 392 -- Clark Seeley -- 4 pages
Q- Testimony on SB 392 Bill Holt -- 2 pages
R- Testimony on SB 392 -- Irv Fletcher -- 1 page
S- Testimony on SB 392 -- Tammy Roberts -- 1 page

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