

SENATE COMMITTEE ON
JUDICIARY

Hearing Room
Tapes -96

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
Julie Clemente, Committee Assistant

MEASURES HEARD: Public Hearing: SB 1103
Public Hearing & Work Session: SB 587

SB 831
SB 875
SB 877
SB 1052
HB 2119

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 , SIDE A

004 CHAIR BRYANT: Calls meeting to order.

OPENS PUBLIC HEARING ON SB 587

Witnesses: Senator Brady Adams, Senate Majority Leader, Represents S.D. #25
David Stewart-Smith, Administrator, Facility Regulation Division, Oregon
Department of Energy & Executive Secretary of Oregon's Energy Facility
Siting Council
Ray Gribbling, Service Corporation International Management Group

016 SENATOR BRADY ADAMS, Senate Majority Leader, Represents S.D. #25:
Testifies in support of SB 587. Speaks to current laws concerning
radioactive materials. This bill will allow pacemakers containing
radioactive materials and implanted inside body of deceased person to be
buried or entombed with the body.

052 DAVID STEWART-SMITH, Administrator, Facility Regulation Division, Oregon

Department of Energy & Executive Secretary, Oregon's Energy Facility Siting

Council: Testifies in support of SB 587 and presents proposed SB 587-1
amendments. [EXHIBIT A]

060 RAY GRIBBLING, Service Corporation International Management Group:
Testifies in support of SB 587.

CLOSES PUBLIC HEARING ON SB 587

OPENS WORK SESSION ON SB 587

MOTION: CHAIR BRYANT: Moves to ADOPT the SB 587-1

ame

068 SEN. BAKER: Presume these radioactive materials were put there for a
therapeutic purpose and not just to get rid of them.

STEWART-SMITH: Correct. Explains.

VOTE: CHAIR BRYANT: Hearing no objection the amendments are

ADO

members are present.

MOTION: SEN. BAKER: Moves that SB 587, AS AMENDED, be sent

to

with a DO PASS recommendation.

VOTE: CHAIR BRYANT: Hearing no objection, the motion CARRIES.

members are present.

SENATOR ADAMS will lead discussion on the Floor.

CLOSES WORK SESSION ON SB 587

OPENS PUBLIC HEARING ON SB 1052

Witnesses: Lt. Greg Willeford, Section Leader, Department of Oregon State
Police Gaming Enforcement Section and Assistant Director for Security,
Oregon State Lottery.

100 LT. GREG WILLEFORD, Section Leader, Department of Oregon State Police Gaming Enforcement Section & Assistant Director for Security, Oregon State Lottery: Testifies in support SB 1052 [EXHIBIT B] and offers proposed SB 1052-1 amendments. [EXHIBIT C]

150 CHAIR BRYANT: Are the Native American Tribes in agreement with this proposal?

WILLEFORD: They were in accord. Explains.

164 SEN. SORENSON: Did the Cow Creek Tribe review this also?

WILLEFORD: They would be affected by this as well.

170 SEN. STULL: What prohibits you from checking the FBI for these kinds of things?

WILLEFORD: Non-criminal checks have to be authorized by statute.

CLOSES PUBLIC HEARING ON SB 1052
OPENS WORK SESSION ON SB 1052

MOTION: SEN. MILLER: Moves to ADOPT the SB 1052-1 amendments dated 3/31/95.

VOTE: CHAIR BRYANT: Hearing no objection the amendments are ADO members are present.

MOTION: SEN. MILLER: Moves that SB 1052, AS AMENDED, be sen with a DO PASS recommendation.

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

SEN. STULL will lead discussion on the Floor.

CLOSES WORK SESSION ON SB 1052

OPENS PUBLIC HEARING ON SB 875

199 SEN. SPRINGER: Believes bill has a subsequent referral to Revenue. Spoke with Sen. Phillips who has no opposition.

Witnesses: Lt. Glen Post, Multnomah County Sheriffs Office representing State Sheriff's Association
Paul Helikson, President, Oregon Association of Process Servers, Inc.
Jim Markee, Oregon Collector's Association
Emily Cedarleaf, Executive Director, Multi-family Housing Council

226 LT. GLEN POST, Multnomah County Sheriffs Office assigned as Unit Manager, Civil Process Unit; representing Oregon State Sheriffs Association: Testifies in support of SB 875. Drafted bill. Speaks to the importance of bill passing for budgeting purposes.

262 PAUL HELIKSON, President, Oregon Association of Process Servers, Inc.: Testifies in support of SB 875. User fee bill.

CHAIR BRYANT: Questions Writ of Attachment fee.

POST: Current fee is \$47. Explains.

294 CHAIR BRYANT: Is safety and backup reason for two officers?

POST: Safety, backup, and as a witness. Explains.

306 MAX WILLIAMS: Have used your services before. Comments.

327 SEN. STULL: Clarification on conveyance of real property. Only if there is a sheriff's sale?

POST: Yes. Explains.

339 JIM MARKEE, Oregon Collector's Association: Testifies to SB 875. Not fully supportive of bill. Brings several things to committee's attention.

Not opposed to some increase. Other things more important. Explains.

419 Have removed the ability to negotiate a fee. Explains.

428 SEN. SORENSON: Do you think it is appropriate for the legislative assembly to set these fees?

MARKEE: It is appropriate to have a maximum that can be charged by the sheriff. Explains.

TAPE 93, SIDE A

040 SEN. SORENSON: Requests that interested parties meet and come back with changes.

MARKEE: Would welcome opportunity to work with interested parties. Continues.

049 CHAIR BRYANT: Interested in three specific amendments?
MARKEE: Yes. Frankly, I would go further than that. Explains.

067 EMILY CEDARLEAF, Executive Director, Multi-family Housing Council. Also representing members of Affiliated Rental Housing: Testifies in support of SB 875. Proposes SB 875-1 amendments. [EXHIBIT D]
109 Continues to explain amendments.

123 CHAIR BRYANT: Speaks of bill coming from House. We could do conforming amendments.
CEDARLEAF: This isn't going to be readily apparent as a conflict. Explains.
CHAIR BRYANT/CEDARLEAF: Discussion.

140 Continue discussion of amendments.

168 POST: By way of rebuttal. Agrees with the Collector's Association. Explains.

210 CHAIR BRYANT: Do you know why private process servers were brought in initially?
POST: I can't answer that.

226 SEN. SORENSON: What would be the problem if the sheriffs set the fees?
POST: Never really thought of the sheriffs setting their own fees. Continues.
SEN. SORENSON/POST: Discussion.

CLOSES PUBLIC HEARING ON SB 875
OPENS PUBLIC HEARING ON SB 1103

Witnesses: Ronald W. Smith, Capitol Investigation
Jim Markee, Oregon Collectors Association

292 RONALD W. SMITH, Capitol Investigation: Testifies in support of SB 1103. [EXHIBIT E]

305 CHAIR BRYANT: If this committee changed SB 875 and have it apply only to sheriffs, what would be your reaction?
SMITH: Would be delightful. Explains.

CLOSES PUBLIC HEARING ON SB 1103
OPENS WORK SESSION ON SB 875

321 CHAIR BRYANT: Can you think of a good reason why the legislature should set fees for those who are not sheriffs?
SEN. SORENSON: Have an opinion on this. Explains.

369 CHAIR BRYANT: Thinks it good that legislators set fees for the sheriffs. Explains.
SEN. HAMBY: "I agree with your approach."

417 CHAIR BRYANT: Intends to make a series of motions. Wants committee to know his direction. Explains. Conceptually -- take out private process server where necessary
change "different" back to "lower"

424 CEDARLEAF: As we do these, indicate where private process servers can be used. Explains.

440 CHAIR BRYANT: If we do as I conceptually propose on your amendments, it would take care of the conflict in your omnibus bill coming over. Correct?
CEDARLEAF: Would have to double check. Explains.
CHAIR BRYANT: If it is a problem, we can clarify it in your omnibus bill when it comes to the Senate.

468 MOTION: CHAIR BRYANT: Moves conceptual amendment as follows:
Remove references to private process servers

TAPE 92, SIDE B

047 Add lines 13 through 20 from -1 amendments changing \$25 to \$30

057 SEN. SORENSON: Are we going to make it clear in the bill that it is legislative policy to allow process servers to charge fees when they are agreed upon?
CHAIR BRYANT: Yes. Explains.

VOTE: CHAIR BRYANT: Hearing no objection, the amendments are

All members are present.

ADOPTED.

MOTION: SEN. BAKER; Moves that SB 875, AS AMENDED, be sent to the Floor
with a DO PASS recommendation.

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

SEN. SPRINGER: Still a subsequent referral to Revenue?

CHAIR BRYANT: Will talk to President of the Senate and Senator Phillips to
have referral removed.

SENATOR SPRINGER will lead discussion on the Floor.

CLOSES WORK SESSION ON SB 875

084 OPENS PUBLIC HEARING ON SB 877

Witnesses: Ernest J. Mazorol, Court Administrator, Deschutes County
A. Andrew Parks, Finance Director, City of Bend

093 A. ANDREW PARKS, Finance Director, City of Bend: Testifies in support
of SB 877. [EXHIBIT F]

127 ERNEST J. MAZOROL, Court Administrator, Deschutes County: Testifies in
support of SB 877. Speaks to the ability of cities to enter into
agreements with the State to contract out services of District Court Judges
to provide services to the city without regard to the operational or fiscal
impact on judges and staff. Explains.

149 SEN. SPRINGER: Is the state going to have to pick up the cost?

PARKS: That is the situation you currently have. Explains.

MAZOROL: Talking strictly of traffic infractions.

182 SEN. SPRINGER/MAZORAL: Discussion.

220 SEN. SORENSON: Do you have any objection to allowing Justice Courts to
have that same option?

MAZOROL: Have had no discussion of expanding to Justice Courts. Explains.

246 SEN. BAKER: What are we doing here? Explain to me again.

PARKS: City of Bend is interested in phasing out its court operation.
Explains.

SEN. BAKER/PARKS: Discussion.

272 CHAIR BRYANT: City is trying to be kind to Deschutes County and the
State Court Administrator.

CHAIR BRYANT/SEN. BAKER: Discussion.

292 SEN. SORENSON: Are you interested in making a contract with a district
court judge?

PARKS: This is language that is consistent with what is currently in place
in statute. Explains.

340 CLOSES PUBLIC HEARING ON SB 877
OPENS WORK SESSION ON SB 877

357 CHAIR BRYANT: Do you want this option limited strictly to Deschutes
County or open to anyone?

MOTION: CHAIR BRYANT: Moves that SB 877 be amended by deleting the
"judge" on line 7 of the printed bill.

VOTE: CHAIR BRYANT: Hearing no objection the amendments are ADO
members are present. SENATOR SPRINGER IS EXCUSED.

MOTION: CHAIR BRYANT: Moves that SB 877, AS AMENDED, be sen
with a DO PASS recommendation.

VOTE: CHAIR BRYANT: Hearing no objection the motion CARRIES.
are present. SENATOR SPRINGER IS EXCUSED.

CHAIR BRYANT will lead discussion on the Floor.

CLOSES WORK SESSION ON SB 877

372 OPENS PUBLIC HEARING ON SB 831

Witnesses: Greg Hitchcock, Oregon Sports Academy
Chuck Richards, President, Oregon Sports Academy
Ross Laybourn, Assistant Attorney General, Department of Justice
John Nichols, Oregon State Rifle Association
Dave Hilgemann, Board Volunteer, Boys & Girls Clubs of Salem, Marion & Polk

Counties

Development Christa Treppe, Executive Director, Oregon International Athletes
John McArdle, Director of Development, Western Oregon State College
Foundation
Disabilities Harold Murphy, Oregon Association for Children/Adults With Learning
William G. Marx, Manager, Sunset Bingo

398 GREG HITCHCOCK, Oregon Sports Academy: Testifies in support of SB 831.

[EXHIBIT H]

TAPE 93, SIDE B

059 HITCHCOCK: The fourth provision would require only organizations
benefiting Oregon may conduct bingo in Oregon. Continues

088 CHUCK RICHARDS, President, Oregon Sports Academy: Testifies in support
of SB 831. [EXHIBIT I]

123 Comments on what effect this would have on smaller games.

145 CHAIR BRYANT: What does the Oregon Sports Academy do with profits?

RICHARDS: Supports amateur sport programs basically in the metro area.
Explains.

152 CHAIR BRYANT/RICHARDS: Discussion.

160 SEN. SORENSON: Do people tend to play more by increasing prize amounts?

RICHARDS: Paid rarely. Explains.

SEN. SORENSON/HITCHCOCK/RICHARDS: Discussion.

200 ROSS LAYBOURN, Assistant Attorney General, Department of Justice.
Serves as Attorney in Charge, Charitable Activities Section: Testifies on
SB 831 and offers conceptual amendment. [EXHIBIT G] No position.

259 Refers to [EXHIBIT G]. Our principle concern is the movement beyond the
\$1,500 prize limit. Explains.

293 The amount that is being paid out in the form of prizes, as a percentage
of the handle, is going up. Continues

319 SEN. SORENSON: Are you in favor of the bill?

LAYBOURN: Can't say anything more than what I've already said. Explains.

331 SEN. SORENSON/LAYBOURN: Discussion.

357 SEN. SPRINGER: What is the annual total handle on bingo operations?

LAYBOURN: Don't have the figures in front of me. Explains.

376 SEN. SPRINGER/LAYBOURN: Discussion.

TAPE 94, SIDE A TAPE MALFUNCTION: MEETING STOPPED TO CORRECT
MALFUNCTION. TAPE ORDER OUT OF SEQUENCE

RESUME RECORDING

TAPE 96, SIDE A

016 DAVID HELGEMANN, Board Volunteer, Boys & Girls Club, Salem, Marion &
Polk Counties: Testifies in support of SB 831. Co-authored SB 424,
current legislation.

Speaks to his concerns about \$10,000 prize limit and the trend towards
majority of funds not going to charity. Explains.

139 JOHN McARDLE, Director of Development, Western Oregon State College
Development Foundation: Testifies in support of SB 831. [EXHIBIT J]
Returns approximately \$70,000 per year to the foundation. Speaks to
concerns about competition with new Indian games opening in Grand Ronde.

185 CHRISTA TREPTE, Executive Director, Oregon International Athletics:
Testifies in support of SB 831. All Bingo dollars go to non-profit
organizations. References [EXHIBIT J].

WILLIAM MARX, Manager, Sunset Bingo: Testifies in support of SB 831.
Speaks of the \$1,500 limit and residency restriction.

266 JOHN NICHOLS, Oregon State Rifle Association. Also speaks for Disabled
American Veterans: Testifies in opposition to SB 831. Opposed in part,
supportive in others. Explains.

334 HAROLD MURPHY, CPA, Oregon Association for Children/Adults with Learning

Disabilities: Testifies in opposition to SB 831. [EXHIBIT K] Speaks of
opposition to two amendments: - - Requirement of limits on prizes awarded
and - - Requirement of a minimum 6% profit. Explains.

TAPE 95, SIDE A

012 CHAIR BRYANT: Can you think of an amendment that would allow a new
bingo to develop its market and its profits?

MURPHY: Don't know why you need the 80% or the 6%. Explains

CHAIR BRYANT/MURPHY: Discussion. Restrictions in your laws now limiting the salary paid to anybody who works in the bingo area.

024 NICHOLS: A non-management person can be paid a maximum of twice the federal minimum wage and your manager can be paid a maximum of three times the federal minimum wage. Continues.

030 Continues. Oregon Sports Trust, major competition. Continues.

CLOSES PUBLIC HEARING ON SB 831

041 OPENS WORK SESSION ON SB 831

MOTION: SEN. HAMBY: Moves to ADOPT The Department of Justice amendments.

conceptual

VOTE: CHAIR BRYANT: Hearing no objection the amendments are members are present. SENATOR SPRINGER IS EXCUSED.

ADOPTED. A

042 CHAIR BRYANT: Has concerns about the issues raised by last two witnesses.

052 SEN. SORENSON: Troubled with statute to increase prizes. Continues. Needs more knowledge before voting.

072 CHAIR BRYANT: Do you have any thoughts about how to address concerns raised by last two witnesses and Senator Sorenson?

077 LAYBOURN: One option: expenses cannot exceeded 15% . Adopted administrative rule which says that if the organization exceeded the 15% limitation, license would not be renewed unless they submitted a plan to get back under 15%. Explains.

Referencing Sen. Sorenson's concern: Looking at the complains regarding someone embezzling money from a bingo hall; they mostly involve class A and class B organizations. Explains.

107 The more money you have, the more you increase that potential. Explains.

114 CLOSES WORK SESSION ON SB 831

OPENS PUBLIC HEARING ON HB 2119

Witnesses: Terry L. Witt, Director, Oregonians for Food and Shelter
Ray Wilkeson, Oregon Forest Industries Council
Dave Nelson
Becky Riely, Program Associate, Northwest Coalition for Alternative to Pesticides
Phil Ward, Oregon Department of Agriculture

157 TERRY L. WITT, Director, Oregonians for Food and Shelter. Also speaks on behalf of Ray Wilkeson, Oregon Forest Industries Council and Dave Nelson. In addition, speaking for Oregon Nurserymen's Association, Oregon Strawberry Commission, Oregon Kingberry Commission, Oregon Blueberry Commission, Northwest Christmas Tree Growers Association, Oregon Tree Fruit

Growers, Oregon Seed Council, Oregon Dairy Farmers Association, Oregon Meadowfoam Association, Oregon Pest Control Association, Oregon Wheat Growers League and Oregon Farm Bureau Federation: Testifies in support of

HB 2119. [EXHIBIT L]

225 I will forgo further testimony and open up for questions. Continues.

251 SEN. SORENSON: What is your view on notifying adjacent land owners that this is happening near them?

WITT: I think what we have in this case are two different issues. Explains.

288 SEN. SORENSON/WITT: Discussion.

330 PHIL WARD, Assistant Director, Oregon Department of Agriculture: Testifies in support of HB 2119. [EXHIBIT M]

375 SEN. SORENSON/WARD: Discussion.

410 CHAIR BRYANT: References bill's language, Section 172 - shall be commenced within 60 days of the loss. Continues.

WITT: References Sen. Sorenson's question about talking away rights. Base statute was enacted in 1973. Continues.

441 SEN. SORENSON: Why not just notify these people so they can't come back and complain that they weren't notified?.

460 SEN. MILLER: Who does this apply to?

TAPE 96, SIDE B

051 WITT: Currently, I do not believe this would apply to a homeowner type pesticide. Explains.

058 SEN. MILLER/SORENSON: Discussion.

078 SEN. SPRINGER: In 1993/94 on an average, how many reports did you get and investigate?

WARD: Total in 1993, about 325 pesticide use investigations. Explains.

091 SEN. SPRINGER/WITT: Discussion.

123 SEN. SPRINGER: Do you have to have liability insurance?

WITT: As a commercial applicator, yes.

131 BECKY RILEY, Program Associate, Northwest Coalition for Alternatives to Pesticides: Testifies in opposition to HB 2119 and offers proposed amendments. [EXHIBIT N]

196 Continues

237 RILEY: We urge you to adopt two amendments to HB 2119. Continues.

265 CHAIR BRYANT: Law as presently exists already provides this requirement. This bill adds landowners.

RILEY: Concerned about the present statute as well as the amendment. Explains.

275 SEN. SORENSON: Interest in your views on how to draft a statute that would exempt situations cited previously?

RILEY: Good question. There are a number of communities around the country that have posting notifications in place. Continues.

SEN. SORENSON/RILEY: Discussion.

CLOSES PUBLIC HEARING ON HB 2119
OPENS WORK SESSION ON HB 2119

333 MOTION: SEN. BAKER: Moves that HB 2119 be sent to the Floor with a PASS recommendation. DO

341 SEN. SORENSON: I would like to consider proposed amendments offered by Ms. Riley. Explains.

CHAIR BRYANT: We already have a motion from Senator Baker to move the bill. Unless Senator Baker withdraws his motion, we will vote on his motion first.

VOTE: In a roll call vote, SENATORS BAKER, MILLER, STULL and CHAIR BRYANT
vote AYE. SENATORS SORENSON and SPRINGER vote NAY. SENATOR HAMBY IS
EXCUSED.

CHAIR BRYANT: The motion CARRIES.

365 SENATORS SORENSON & SPRINGER SERVE NOTICE OF POSSIBLE MINORITY REPORT.

SENATOR BAKER will lead discussion on the Floor.

CLOSES WORK SESSION ON HB 2119

Meeting adjourns at 6:25 p.m.

Submitted By:

Reviewed By:

Julie Clemente
Committee Assistant

M. Max Williams II
Committee Administrator/Counsel

EXHIBIT LOG:

A - Testimony SB 587 -- David Stewart-Smith -- 6 pages
B - Testimony SB 1052 -- Greg Willeford -- 3 pages
C - Proposed Amendments SB 1052-1 -- Greg Willeford -- 2 pages
D -- Proposed Amendments SB 875 -- Emily Cedarleaf -- 1 page
E -- Testimony SB 1103 -- Ronald W. Smith -- 2 pages
F -- Testimony SB 877 -- A. Andrew Parks -- 2 pages
G -- Analysis SB 831 -- Oregon Department of Justice -- 3 pages
H -- Testimony SB 831 -- Oregon Sports Academy -- 5 pages
I -- Exhibit Testimony SB 831-- Oregon Sports Academy -- 11 pages
J -- Survey Results SB 831 -- John McArdle -- 6 pages
K -- Testimony SB 831 -- Harold Murphy -- 1 page
L -- Testimony HB 2119-A -- Terry Witt -- 3 pages
M -- Testimony HB 2119 -- Phil Ward -- 1 page
N -- Testimony HB 2119 -- Becky Riley -- 5 pages