

HOUSE COMMITTEE ON JUDICIARY

June 16, 1993 Hearing Room 357 1:30 p.m. Tapes 44 - 46

MEMBERS PRESENT: Rep. Del Parks, Chair Rep. Tom Mason, Vice-Chair Rep. Ken Baker Rep. Tom Brian Rep. Kate Brown Rep. Peter Courtney Rep. Jim Edmunson Rep. Veral Tarno Rep. Bob Tiernan

STAFF PRESENT: Julie Nolta, Committee Clerk Holly Robinson, Committee Counsel Carole Souvenir, Committee Counsel MEASURES
CONSIDERED: HB 3076 - Relating to practice of public accounting
SB 301 - Relating to records HB 3297 - Relating to child welfare SB 139
- Relating to crime

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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. [--- Unable To Translate Graphic ---]

TAPE 44, SIDE A

013 CHAIR PARKS: Calls the meeting to order at 2:10 p.m.

HB 3076 - PUBLIC HEARING

Witnesses: Jim Mountain, Oregon Society of CPA's Judy Dauble, Oreogn Society of CPA's

014 CAROLE SOUVENIR, COMMITTEE COUNSEL: HB 3076 allows a certified public accountant or a licensed public accountant to practice public accounting in any form of a business organization other than partnerships,
proprietorships or professional corporations under certain circumstances.

041 JIM MOUNTAIN, OREGON SOCIETY OF CPA'S: Submits and reviews written testimony in favor of HB 3076. (EXHIBIT A and B) 093 JUDY DAUBLE, OREGON SOCIETY OF CPA'S: Available to answer questions.

HB 3076 - WORK SESSION

105 MOTION: REP. COURTNEY: Moves to ADOPT HB 3076 AMENDMENTS submitted by the Oregon Society of Certified Public Accountants, dated June 16, 1993.

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

110 MOTION: REP. COURTNEY: Moves HB 3076 AS AMENDED TO THE FLOOR with a DO PASS recommendation.

VOTE: 5-0 MOTION PASSES AYE: Courtney, Edmunson, Tarno, Tiernan,
Parks NO: None EXCUSED: Baker, Brian, Brown, Mason

Rep. Courtney to carry the bill.

SB 301 - PUBLIC HEARING

Witnesses: Jon Stubenvoll, Oregon State Public Interest Research Group Charles Williamson, Oregon Trial Lawyers Association Sen. Bill Dwyer, District 21

118 CAROLE SOUVENIR, COMMITTEE COUNSEL: SB 301 prohibits people from using accident records, copies of accident reports, or information that is

derived directly or indirectly from those records or reports for commercial purposes.

136 JON STUBENVOLL, CONSUMER ADVOCATE, OREGON STATE PUBLIC INTEREST RESEARCH GROUP: Testifies in favor of SB 301.

159 CHAIR PARKS: Asks who else has access to the records.

STUBENVOLL: Health care professionals may use the information as well.

168 CHARLES WILLIAMSON, OREGON TRIAL LAWYERS ASSOCIATION: Submits and reviews written testimony in favor of SB 301. (EXHIBIT C)

182 SEN. BILL DWYER, DISTRICT 21: Testifies in favor of SB 301.

SB 301 - WORK SESSION

211 MOTION: REP. EDMUNSON: Moves SB 301 TO THE FLOOR with a DO PASS recommendation.

REP. TIERNAN: Asks Rep. Edmunson what the potential is for a first amendment violation.

REP. EDMUNSON: It is protected but not in the same manner in this context.

VOTE: 5-0 MOTION PASSES AYE: Courtney, Edmunson, Tarno, Tiernan,
Parks NO: None EXCUSED: Baker, Brian, Brown, Mason

Rep. Edmunson to carry the bill.

SB 139 - PUBLIC HEARING

(SB 139 changes the community corrections grant formula, changes the length of parole and post-prison supervision, directs Department of Corrections to develop a structured intermediate sanctioning process, modifies standard conditions of probation, reclassifies some Class C felonies to Class A misdemeanors.)

Witnesses: Doug Brown, Parole and Probation Officer Russ Spencer, Oregon State Sheriff's Association Danny Santos, Board of Parole Elyse Clawson, Dept. of Corrections Steven Wilhite, Criminal Justice Services Division Mary Botkin, AFSCME Joe Van Meter, Juvenile Parole Officer

260 DOUG BROWN, PAROLE AND PROBATION OFFICER: Submits and reviews written testimony in opposition to SB 139. (EXHIBIT D)

373 REP. TIERNAN: Asks about 1/3 jail custody.

BROWN: Explains the proposed 1/3 cap on jail custody units at initial sentencing.

407 RUSS SPENCER, OREGON STATE SHERIFFS ASSOCIATION: Testifies in favor of SB 139.

447 REP. TIERNAN: Asks Mr. Spencer if he agrees with all parts of SB 139 .

476 SPENCER: No. Explains what parts of the bill they disagree with.

TAPE 45, SIDE A

030 SPENCER: Continues with answer.

042 CHAIR PARKS: How many more beds?

SPENCER: Can't answer.

CHAIR PARKS: How many more parole officers?

SPENCER: Current ratio is 90 clients to 1 parole officer. Would like to see 30 to 1.

051 REP. BAKER: Asks for Sheriff's Association's position on closing Oregon State intake center.

SPENCER: Opposed. Explains position.

064 DANNY SANTOS, BOARD OF PAROLE: Submits and reviews written testimony in favor of SB 139. (EXHIBIT E and F)

114 CHAIR PARKS: Refers to p.1, line 22 of the bill regarding

change of funding.

SANTOS: Board of Parole does not have jurisdiction over Dept. of Corrections funding change. Doesn't know the reason for the change.

CHAIR PARKS: Why not add to the judges' options instead of eliminating them?

SANTOS: Does not know.

133 ELYSE CLAWSON, ASSISTANT DIRECTOR, DEPT OF CORRECTIONS: Explains reason for allocation of resources.

143 CHAIR PARKS: Clarifies basis of allocation.

CLAWSON: Based on risk assessment tool.

CHAIR PARKS: Asks about elimination of options for the judge on line 24, p. 6.

CLAWSON: Explains that they re-wrote, not deleted.

165 CHAIR PARKS: What is the cost of one probation officer?

CLAWSON: \$100,000 per biennium.

174 REP. TIERNAN: Asks Mr. Santos if he thinks Oregon needs more prison space.

SANTOS: Reduction would cause great concern. Cannot build our way out of a crime problem.

REP. TIERNAN: Asks if we need more prison space. SANTOS: There is a need for additional bed space.

REP. TIERNAN: Asks if he supports closing the facility in Clackamas County?

SANTOS: Can't answer. Maintenance of the beds would be good.

201 CLAWSON: The current budget includes those beds but not in that location.

REP. TIERNAN: Discusses the extra beds because of the closing of the facility.

217 SANTOS: Comments.

236 STEVEN WILHITE, MANAGER, RESEARCH AND STATISTICS PROGRAMS, CRIMINAL JUSTICE SERVICES DIVISION: Discusses need for 7,333 prison beds by end

of July, 1995. Have 6,557 currently.

252 REP. TIERNAN: Discusses intermediate sanctions and opposition to closing prison facility.

WILHITE: Criminal Justice Services has forecast current population and is here as a matter of policy.

271 REP. BAKER: Asks about the cost of operation of the Oregon State facility.

WILHITE: Does not know.

275 REP. BROWN: Asks Mr. Wilhite if we can continue to keep building prisons as a response to the crime problem.

WILHITE: No. All states are engaged in the same problem. Cannot build your way out of the problem. People are put in prison by policy decision.

303 MARY BOTKIN, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME): Submits and reviews written testimony in

opposition to SB 139. (EXHIBIT G)

454 REP. TARNO: Asks about number of members in AFSCME.

BOTKIN: We represent about 15,000 employees.

REP. TARNO: How many in state corrections?

BOTKIN: About 3,000.

REP. TARNO: Asks about ratio of officers to prisoners.

BOTKIN: About 3,000 but that has to be divided by shift.

475 REP. TARNO: That means about 600 officers per shift? BOTKIN: Corrects number to about 1500 officers.

REP. TARNO: So the ratio is one officer to nine inmates, including minimum and maximum security.

BOTKIN: Those are Dept. of Corrections numbers.

TAPE 44, SIDE B

038 REP. BROWN: Asks Ms. Botkin if we need more prison beds.

BOTKIN: We need more resources for prison beds and prevention.

061 JOE VAN METER, JUVENILE PAROLE OFFICER: Submits and reviews written testimony in opposition to SB 139. (EXHIBIT H and I)

Witnesses: Betty Uchtyl Mark Campbell, Christian Science Committee on Publication Aileen Cord, Citizen Bilijean Hill, Citizen Robert Moulton, Lawyer Steven Moulton, Lawyer

116 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 3297 clarifies that all children are subject to the same reporting, investigation and treatment

procedures and standards, regardless of their parents or guardians' religious beliefs. Summarizes and gives background on the bill.

(EXHIBIT L, M, N) There are -1 amendments. (EXHIBIT O)

218 REP. BAKER: Refers to -1 amendments, line 10 regarding treatment procedures.

HOLLY ROBINSON, COMMITTEE COUNSEL: Explains that it is the procedures that apply. Before the state could legally intervene, there would have to be a finding of neglect. If spiritual treatment precluded intervention, then the discourse would stop at that point.

240 BETTY UCHYTIL: Submits and reviews written testimony in favor of HB 3297. (EXHIBIT P)

294 CHAIR PARKS: Asks about Attorney General's opinion.

UCHYTIL: Attorney General believes that having them interpret Oregon statute wouldn't necessarily move us any further along because Oregon Statute doesn't say what the federal government wants it to say.

315 MARK CAMPBELL, CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION: Submits and reviews written testimony in opposition to HB 3297. (EXHIBIT Q and R)

371 REP. BROWN: Did the Children's Services Division request your participation in drafting this legislation?

CAMPBELL: No. Explains.

388 REP. BROWN: This has never been an issue in Oregon?

CAMPBELL: No.

REP. BROWN: How does a school employee, when they are required to report, distinguish a child who is receiving spiritual treatment?

CAMPBELL: Parents fill out a form for the school. Under the new bill, it will be a reportable situation.

420 HOLLY ROBINSON, COMMITTEE COUNSEL: Disagrees with interpretation and conclusion.

436 UCHYTIL: Discusses intervention for life threatening cases and standard of risk of future harm.

468 CAMPBELL: Main objection to the bill is that it holds all children to one standard of treatment.

CHAIR PARKS: Presently you are exempt from reporting?

UCHYTIL: No one is exempt from reporting. We would not make a finding of neglect if a child were being treated solely by spiritual means. Could petition the court to review the situation.

TAPE 45, SIDE B

031 CHAIR PARKS: Asks about current reporting procedure.

UCHYTIL: Depends on the circumstances and what was being reported.

CAMPBELL: Restates the issue of one standard of treatment.

046 CHAIR PARKS: Wants the Attorney General to view the letter in light of the animal sacrifice ruling made this week by the U.S. Supreme Court.

064 AILEEN CORD: Submits and reviews written testimony in opposition to HB 3297. (EXHIBIT S)

174 BILLIJEAN HILL: Testifies in opposition to HB 3297.

200 ROBERT MOULTON, LAWYER: Submits and reviews written testimony in opposition to HB 3297. (EXHIBIT T) 343 REP. BROWN: Does that mean as a public official I am not required to report even if I don't know the child is Christian Scientist?

MOULTON: If there is reasonable cause to believe that medical treatment is not being given, you would be required to report.

364 CHAIR PARKS: Refers to animal sacrifice ruling by the U.S. Supreme Court as it relates to religious freedom.

MOULTON: Written testimony covers federal and state Constitutional provisions.

392 REP. EDMUNSON: Asks Mr. Moulton for his comments on the Supreme Court ruling when he is able to read it.

MOULTON: Compares and discusses the peyote ruling.

REP. EDMUNSON: In the peyote case they reserved the right of the state to set the standard. Oregon decided on the side of religious freedom.

429 MOULTON: Refers to and reads from the Federal Register regarding reporting.

REP. TIERNAN: If nothing is done with the bill, what will happen

regarding the federal and state government?

MOULTON: Doesn't know. Believes it may be put off until May 1, 1994.

472 HILL: Discusses the ruling on animal sacrifice.

CHAIR PARKS: The basis for the finding was the right to practice a religion overcame any other right in that regard.

TAPE 46, SIDE A

038 STEVEN MOULTON, LAWYER: Testifies and submits written testimony in opposition to HB 3297. (EXHIBIT U)

166 CHAIR PARKS: Asks Rep. Edmunson to find out what risk is run by doing nothing with the bill.

174 S. MOULTON: Discusses California's refusal to adopt the suggested language and the subsequent termination of their funding.

CHAIR PARKS: Adjourns meeting at 4:50 p.m.

Submitted by:

Reviewed by:

Julie Nolta
Committee Coordinator

Anne May Committee Clerk

EXHIBIT LOG:

A - Testimony on HB 3076 - Oregon Society of CPA's - 5 pages B - Proposed amendments to HB 3076 - OSCPA - 2 pages C - Testimony on SB 301 - Oregon Trial Lawyers Assoc. - 24 pages D - Testimony on SB 139 - Doug Brown - 3 pages E - Testimony on SB 139 - Board of Parole and Post-Prison Supervision - 1 page F - Testimony on SB 139 - BPPS - 4 pages G - Testimony on SB 139 - American Federation of State, County and Municipal Employees - 2 pages H - Testimony on SB 139 - Joe Van Meter - 1 page I - Testimony on SB 139 - Joe Van Meter - 6 pages J - Testimony on SB 139 - Federation of Oregon Parole and Probation Officers - 11 pages K - Testimony on SB 139 - Dept. of Transportation - 1 page L - Testimony on HB 3297 - Committee Counsel - 6 pages M - Testimony on HB 3297 - Committee Counsel - 16 pages N - Statutes relating to HB 3297 - Committee Counsel - 6 pages O - Proposed amendments to HB 3297 - 1 page P - Testimony on HB 3297 - Children's Services Division - 8 pages Q - Testimony on HB 3297 - Christian Science Committee on Publication - 2 pages R - Testimony on HB 3297 - Christian Science Committee on Publication - 2 pages S - Testimony on HB 3297 - Aileen Cord - 2 pages T - Testimony on HB 3297 - Robert Moulton - 6 pages U - Testimony on HB 3297 - Steven Moulton - 4 pages V - Testimony on HB 3297 - Asst. Attorney General Peggy Rabin - 2 pages

