

SENATE COMMITTEE ON
JUDICIARY

March 31, 1993 Hearing Room C
1:00 p.m. Tapes 77-78

MEMBERS PRESENT: Sen. Dick Springer, Chair
 Sen. Jeannette Hamby
 Sen. Karsten Rasmussen
 Sen. Bob Shoemaker
 Sen. Gordon Smith
 Sen. Catherine Webber

MEMBERS EXCUSED: Sen.

STAFF PRESENT: Bill Taylor, Committee Counsel
 Kirk Bailey, Committee Assistant

ISSUES DISCUSSED: Work Session on SB 245, SB 240, HB 2411
 Public Hearing on SB 625, SB 586, SB 502

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

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 77, SIDE A

003 CHAIR SPRINGER: Opens the hearing at 1:07 pm.

Public Hearing

SB 586: Specifies related or nonrelated foster parent who has established emotional ties with child may file motion to intervene and petition court for custody, guardianship, visitation or other generally recognized right of parent or person in loco parentis.

WITNESSES:
TIM TRAVIS, JUVENILE RIGHTS PROJECT
DIANA ROBERTS, CHILDREN'S SERVICES DIVISION

JUDGE ELIZABETH WELCH submits written testimony only in support of SB 586 (EXHIBIT C).

008 TIM TRAVIS: Submits and reviews written testimony in support of the bill (EXHIBIT A).

109 DIANA ROBERTS: Submits and reviews written testimony in opposition
to
the bill (EXHIBIT B).

173 SEN. SMITH: CSD policy is that foster parenting should not be
avenue
for adoption, why is that, especially if the interest of the child is
the primary concern?

ROBERTS: Purpose of foster care is temporary care until reunification
is possible.
>Placements with foster parents are increasing.

191 SEN. SMITH: Hates to see more obstacles to adoption and supports
that
notion that a good foster home provides an appropriate adoption
placement.

197 SEN. SHOEMAKER: Where reunification is not possible, why not
have
foster parent be adoptive parent in that case?

206 ROBERTS: Invites Jan Knowles to testify.

209 JAN KNOWLES, CSD: Clarifies policy.
>Foster parenting is not a back door to adoption.
>CSD wants to avoid abuse of system. CSD concerned about foster parent
motivation.

227 SEN. SMITH: Doesn't see that as a problem.
>Problem is too few adoptive parents, not too many.

229 KNOWLES: If people not successful adopting in other ways they
are
probably not qualified.
>Seen anecdotal cases where foster parents accept children hoping to
adopt at later date.

240 SEN. SMITH: State wouldn't approve adoption if they weren't
qualified?

KNOWLES: May not be CSD decision.
>If granted intervenor status and apply for custody then court
decides,
often on time only.

246 SEN. WEBBER: Expresses doubt at CSD explanation.
>What is average length of time in foster care and are there any
permanency planning efforts? Are there time markers?

257 ROBERTS: Because half of adoptions are by foster parents, review
is
extensive on those people.

>Concerning permanency planning - citizen review boards and/or juvenile courts have hearings every six months to review parents plan.
>Unsure about length of stay.

277 SEN. WEBBER: What is it for permanent planning?

ROBERTS: About 36 months. In Massachusetts, its about 5 years.

289 SEN. HAMBY: Did you say that unsuitable adoptive parents are allowed to be foster parents?

KNOWLES: Clarifies reference to adoption in the private sector.

297 SEN. HAMBY: Repeats the question relating to Knowles back door comment.

KNOWLES: People may not have been successful but not actually denied.

>There may not have been sufficient placements to be successful.

306 SEN. HAMBY: What kinds of foster parents are we accepting in Oregon?

KNOWLES: They have not been placed, not denied.

>Comments on parenting and changes over time.

323 SEN. HAMBY: Boils down to CSD policy of reuniting family rather than

taking into account the welfare of the child.

>Comments generally on child welfare issues and inquires what witnesses would do with another opportunity?

345 ROBERTS: If you focus on attachment, and don't review other factors,

then the best thing would be to leave them with family.

>In cases where intervenor status has gone to court, CSD policy has been upheld. Outside organization has indicated policy is okay.

375 SEN. SHOEMAKER: Statute doesn't permit petition for adoption, court

decision needed.

>Why do we need artificial 3 year barrier?

399 ROBERTS: Distinction needs to be made between intervenor statute and

foster parent statute.

>Bill intended to give foster parents standing in court.

426 SEN. SHOEMAKER: Questions why time period is necessary?

437 TAYLOR: Reiterates Sen. Shoemaker question regarding time period.

444 ROBERTS: Cites federal law concerning reunification of families.

470 CHAIR SPRINGER: Urges follow-up with committee members. Discloses

mother-in-law runs a foster home.

TAPE 78, SIDE A

Work Session

SB 245: Requires Chief Justice of Supreme Court to establish minimum standards for state court security.

SB 625: Requires county to impose additional filing fee on all civil suits, actions and proceedings for purpose of funding courthouse security measures.

035 TAYLOR: Recommends consideration of SB 625 at the same time. Reviews amendments to SB 245 (EXHIBIT D) combining the two bills.

042 CHAIR SPRINGER: Calls witnesses on both bills.

049 COMMISSIONER HANSEN: Testifies in support of the amendments. >Need for increased court security is great.

080 SEN. HAMBY: 10% of money's? Have you done an analysis? Would that be enough?

COMMISSIONER HANSEN: Describes two funding sources, fees and income levels.

092 BILL LINDEN, STATE COURT ADMINISTRATOR: Testifies in support of the bill. >Want to keep moving until financial situation can be discussed. >If funds are available will want to utilize for other programs.

112 BOB OLESON, OREGON STATE BAR: Testifies in support of the concept of the bill.

124 SEN. WEBBER: Suggests ideas for addressing the school gun bill and provisions for no concealed weapons in courthouses.

131 HANSEN: In Multnomah, judges already post courthouse for no concealed weapons.

137 SEN. WEBBER: Is there an amendment to prohibit concealed weapons? HANSEN: Multnomah county already prohibits.

139 SEN. WEBBER: But that isn't by statute but by rule. Chief Justice has approved rule.

143 SEN. HAMBY: Committee's discretion to follow Sen. Webber's direction. >Received significant feedback on prohibition of concealed weapons in

various public buildings.

155 SEN. RASMUSSEN: Amendments appear to be HB 3176? What is status?

LINDEN: In House Judiciary and has not been scheduled. Believes they are waiting for senate bills.

164 SEN. HAMBY: This can be used for detection equipment?

HANSEN: Yes.

167 SEN. HAMBY: Lane county is addressing this issue currently?

HANSEN: Yes. Describes steps taken in Lane county and cost implications.

179 CHAIR SPRINGER: No formal fiscal impact statement but this is what

Linden supplied to revenue.

>Calls other witnesses before motion.

202 PAUL SNIDER, ASSOCIATION OF OREGON COUNTIES: Testifies in support of

the bill.

>Fee is up to 25%, determined by each county. Always dedicated to court

security.

>Recommends amendments.

231 CHAIR SPRINGER: Is there business other than civil and judicial

business carried out in county courthouses?

SNIDER: Yes.

233 CHAIR SPRINGER: Why shouldn't counties carry out security?

SNIDER: Matter of priorities and resources.

>This is a compromise acceptable to all sides.

250 CHARLIE WILLIAMSON, OREGON TRIAL LAWYERS ASSOCIATION: Testifies

generally in support of the bill.

>Object to civil filers paying 90% of fees based on fairness. Civil

litigants are not security risks.

>Should increase defendants filing fees as well and dedicate funds to security.

279 SEN. SHOEMAKER: What is typical filing fee?

WILLIAMSON: Varies by county. Multnomah, divorce is \$200, civil case

is \$110 in circuit court.

291 CHAIR SPRINGER: On behalf of OSB you support filing fee increase?

296 OLESON: We are seeking acceptable way to fund the bills. This is
a
positive step.

312 CHAIR SPRINGER: If committee adopts amendments then bill will be
sent
to Ways and Means?
>Reviews Linden's position.

LINDEN: Concurs and clarifies position.

337 SEN. HAMBY: Willing to look at confining to courtroom security only.

350 CHAIR SPRINGER: Bill not ready to go.

353 SEN. SHOEMAKER: Agrees with Williamson on civil filing fee
increases,
if that provides guidance.

360 SNIDER: Greater risk comes in domestic relations cases.

367 SEN. SHOEMAKER: Then impose filing fee on people causing the
problem.

370 FRED NEIL, MULTNOMAH COUNTY INTERGOVERNMENTAL RELATIONS: Trouble
is
with divorces and domestic relations, not marriage and related legal
issues.

SB 240: Eliminates statute of ultimate repose for product
liability
actions and negligence actions arising out of death, injury or
damage resulting from silicone or saline breast implant or other
implant or injections containing silicone.

425 TAYLOR: Reviews bill and SB 240-12 amendments (EXHIBIT E).
Reviews
letter clarifying intent of the bill.

TAPE 77, SIDE B

028 DIANA GODWIN, WILLIAMS & TROUTWINE: Submits and reviews
written
testimony in support of the bill (EXHIBIT F). Submits hand-engrossed
bill with SB 240-12 amendments (EXHIBIT G).

054 JIM GARDNER, PHARMACEUTICAL MANUFACTURERS ASSOCIATION: Testifies
in
support of the bill with no objections to the SB 240-12 amendments.

057 SCOTT GALLANT, OREGON MEDICAL ASSOCIATION: Testifies in support of
the
bill with no objections to the SB 240-12 amendments.

060 CHAIR SPRINGER: Cites letter to Sen. Dukes from Jean Lawrence with testimony in support of the bill (EXHIBIT H).

069 MOTION: CHAIR SPRINGER: moves to ADOPT SB 240-12 amendments, dated 3/31/93.
VOTE: Hearing no objection, the amendments are ADOPTED.

071 MOTION: CHAIR SPRINGER: moves SB 240, AS AMENDED, be sent to the floor with a DO PASS recommendation.
VOTE: In a roll call vote all members present vote AYE.

080 CHAIR SPRINGER: The motion CARRIES.
SEN. WEBBER will lead discussion on the floor.

HB 2411: Repeals sunset on Law Enforcement Medical Liability Account.

091 TAYLOR: Reviews bill and HB 2411-A2 amendments (EXHIBIT I).
>Bill continues to Ways and Means.

103 CHAIR SPRINGER: Proponent of amendments?
TAYLOR: Paul Snider.

109 SEN. SHOEMAKER: Questions of Paul Snider. How does this work?

114 PAUL SNIDER, AOC: Refers to other reports which are provided to Legislative leadership and the Governor.
>Reports are at discretion of the committee.

121 SEN. SHOEMAKER: Wants to be clear who gets the report if it is not defined?

127 CHAIR SPRINGER: Sometimes at the discretion of the presiding officer.

131 SEN. SHOEMAKER: What happens if it is submitted to the Senate Judiciary committee.

135 CHAIR SPRINGER: No problem.
>Possible there might not be an interim committee to report to.

137 SEN. SHOEMAKER: What does each biennium mean? Who decides when in the biennium it is reported?

150 WILLIAM CASTOR, ADULT AND FAMILY SERVICES: Not sure how it would operate. Clarifies question and committee requirements.

163 SEN. WEBBER: Clarifies earlier conversations about reporting to committee. Reviews sunset provisions.

184 CHAIR SPRINGER: Requests witnesses to formulate further language to clarify.

JAMES CARLTON, OREGON ASSOCIATION OF CHIEFS OF POLICE submits written testimony only in support of the bill (EXHIBIT J).

Public Hearing

SB 502: Allows obligee of obligee's attorney to request that Department of Revenue collect past due child and spousal support from income tax and homeowner or renter refunds due to obligor.

WITNESSES:

DAVE PHILLIPS, DEPARTMENT OF REVENUE
BILL COCKRELL, ADULT AND FAMILY SERVICES
BEN KARLIN, OREGON TRIAL LAWYERS ASSOCIATION
KATY EYMANN, OREGON TRIAL LAWYERS ASSOCIATION

201 BENJAMIN KARLIN: Submits and reviews written testimony in support of the bill (EXHIBIT K).

233 TAYLOR: Section 2, subsection 5 means Department of Revenue can impose fee for imposition of garnishment?

241 KATY EYMANN: Yes. Comments on section 4, section 2 designates fee.
>Legislative fiscal estimates no impact to general fund.

252 SEN. SHOEMAKER: What is exempt amount in this provision or situation?
Reviews process including right to protest amount?

KARLIN: Correct.

267 SEN. SHOEMAKER: Then amount due would be held in abeyance during hearing?

KARLIN: Correct?

269 SEN. SHOEMAKER: How promptly do hearings occur?

KARLIN: Depends. Must be requested in 30 days. Fairly rapidly.

274 SEN. SHOEMAKER: Who is the hearing before?

KARLIN: Unsure but assumes before the court.

281 EYMANN: Previous legislature held bill because of reported fiscal impact and opposition from Human Resources.
>Proponents willing to work with Human Resources and delete references to department.

311 CHAIR SPRINGER: How would dual claim which could exceed refund
be
resolved?

KARLIN: No solution in this bill.
>Other collections are race to money but that is not appropriate here.

332 CHAIR SPRINGER: Unsure how often it occurs but please consider.

337 SEN. RASMUSSEN: Notes bill gives right to collect but doesn't
establish
lien. Does agency have a lien?

349 VIRGINIA YODER, CITIZEN: Testifies in support of the bill.
>Objects to fee for money due her son. Should not be charged for what
court has granted.

415 CHAIR SPRINGER: Have you been to counsel?

YODER: Yes. Outside help is too expensive.

423 CHAIR SPRINGER: You have connected with district attorney?

YODER: Yes.

TAPE 78, SIDE B

003 DAVE PHILLIPS: Testifies with reservations about the bill and
no
official position.
>Provides background information on policy issues.

035 CHAIR SPRINGER: Respond to questions from Shoemaker
concerning
hearings?

PHILLIPS: No additional information.
>Reviews process. Debts are certified by agency after hearing has
already been held.

042 CHAIR SPRINGER: What happens if its the wrong guy? Does it go back
to
collection agency?

PHILLIPS: We would be responsible for actions we had taken but nothing
else.

050 BILL COCKRELL: Submits and reviews written testimony on behalf of
Phil
Yarnell with background information on the bill (EXHIBIT L).

073 CHAIR SPRINGER: Urges parties to meet and resolve issues. Recalls
HB
2411.

HB 2411: Repeals sunset on Law Enforcement Medical Liability Account.

082 TAYLOR: Reviews additional amendments from Paul Snider (EXHIBIT M).

088 MOTION: SEN. SHOEMAKER: moves to ADOPT Snider amendments to HB 241 1-2

amendments, dated 3/18/93.

VOTE: Hearing no objection the amendments are ADOPTED.

091 MOTION: SEN. SHOEMAKER: moves to ADOPT HB 2411-2 amendments, dated

3/18/93, as amended.

VOTE: Hearing on objection the amendments are ADOPTED.

092 MOTION: SEN. SHOEMAKER: moves HB 2411, AS AMENDED, be sent to Ways and

Means with a DO PASS recommendation.

VOTE: In a roll call vote all members present vote AYE. SEN. WEBBER is excused.

098 CHAIR SPRINGER: The motion CARRIES.

104 CHAIR SPRINGER: Recesses hearing until 5:30 pm, March 31, 1993.

Submitted by:

Reviewed by:

Kirk Bailey
Assistant

Bill Taylor
Administrator

EXHIBIT LOG:

- A - Testimony on SB 586, Tim Travis, 4 pages
- B - Testimony on SB 586, Diana Roberts, 3 pages
- C - Testimony on SB 586, Elizabeth Welch, 1 page
- D - Amendments to SB 245, 4 pages
- E - Amendments to SB 240, 3 pages
- F - Testimony on SB 240, Diana Godwin, 2 pages
- G - Amendments to SB 240, Diana Godwin, 5 pages
- H - Testimony on SB 240, Jean Lawrence, 9 pages
- I - Amendments to HB 2411, 2 pages
- J - Testimony on HB 2411, James Carlton, 1 page
- K - Testimony on SB 502, Ben Karlin, 2 pages
- L - Testimony on SB 502, Phil Yarnell, 4 pages
- M - Amendments to HB 2411, Paul Snider, 1 page

SENATE JUDICIARY
COMMITTEE

March 31, 1993 Hearing Room C
5:30 p.m. Tapes 79-81

MEMBERS PRESENT: Sen. Springer, Chair
 Sen. Jeannette Hamby
 Sen. Karsten Rasmussen
 Sen. Gordon Smith
 Sen. Bob Shoemaker, Vice-Chair

MEMBERS EXCUSED: Sen. Webber

STAFF PRESENT: Karen Quigley, Committee Counsel
 Kate Wrightson, Committee Coordinator
 Ellen L. Senecal, Committee Clerk

ISSUES DISCUSSED: Public Hearing on SB 7, SB 60, SB 61, SB 495 and SB 497.

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

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 79, SIDE A

003 CHAIR SPRINGER: Opens the hearing at 5:37 p.m.

PUBLIC HEARING

SB 7: Excludes archaeological objects from definition of treasure trove.

SB 60: Clarifies and expands definitions pertaining to
archaeological
 exploration.

SB 61: Defines archaeological terms.

SB 495: Modifies archaeological laws pertaining to Indian artifacts.

SB 497: Modifies law respecting Indian artifacts to require tribal
approval
 before issuing certain permits or taking certain actions.

WITNESSES:

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION
JOHN BEVIS
WILLIAM BURKE
JEFF VanPELT

SHARON PARRISH, CONFEDERATED TRIBES OF COQUILLE
CONFEDERATED TRIBES OF GRAND RONDE
KATHRYN HARRISON
MICHEAL MASON

CONFEDERATED TRIBES OF SILETZ
BENSELL BREON
CRAIG DORSEY

CONFEDERATED TRIBES OF WARM SPRINGS
LOUIE PITT
SCOTT STUEMKE

JAMES HAMRICK, HISTORIC PRESERVATION OFFICE
GARY GUSTAFSON, DIVISION OF STATE LANDS
KENNETH AMES, PORTLAND STATE UNIVERSITY
STEVE GERTZ, ROSEBURG
RICHARD SCOTT, ROSEBURG
CRAIG McLAUGHLIN, ROSEBURG
DON DUMOND, UNIVERSITY OF OREGON
BOB BRYSON, ASSOCIATION OF OREGON ARCHEOLOGY
LaVONNE LOBERT-EDMO, COMMISSION ON INDIAN AFFAIRS
MIKE CLEMMONS, OREGON TRIBES ASSOCIATION
DOUGLAS HUTCHINSON, OREGON COMMISSION ON INDIAN AFFAIRS

010 KAREN QUIGLY, COUNSEL: Gives overview of agenda.

026 GARY GUSTAFSON, DIVISION OF STATE LANDS: Submits and reviews
testimony
in support of SB 7. (EXHIBIT A)

047 JAMES HAMRICK, HISTORIC PRESERVATION OFFICE: Testifies in support of
SB
7.
- Major concern is looting problem, which has caused problems in
land exchanges between state and federal agencies.
- SB 61 written in response to HB 3464 ('91).

106 WILLIAM BURKE, TREASURER, THE CONFEDERATED TRIBES OF THE
UMATILLA INDIAN RESERVATION: Submits and reviews written testimony in
support of SB 60, SB 61, SB 495, SB 497. (EXHIBIT F)

211 JOHN BEVIS, THE CONFEDERATED TRIBES OF THE UMATILLA INDIAN
RESERVATION:
Submits and reviews written testimony in support of SB 60, SB 61, SB
495, SB 497. (EXHIBIT E)

297 JEFF VANPELT, THE CONFEDERATED TRIBES OF THE UMATILLA
INDIAN
RESERVATION: Testifies in support of SB 60, SB 61, SB 495, SB 497.
- The revised version of SB 61 won't take away power from state,
but
will allow tribes to take active role in decision making process.
- We are losing much in the way of history.

391 SEN. G. SMITH: Have there been any real desecrations made recently?

395 VANPELT: Yes. Especially along the Columbia River. There's a

large
market for the selling of artifacts.

TAPE 80, SIDE A

005 KATHRYN HARRISON, CONFEDERATED TRIBES OF GRAND RONDE: Submits
and
reviews written testimony in support of SB 60, SB 61, SB 495, SB 497,
also submits a revised SB 61. (EXHIBIT G)
- Oregon needs stronger laws to halt disturbances to graves.
- It is hard for us to grant permission for digs when there is

little
protection under the law.
- Supportive of bills, but they are overlapping and somewhat
inconsistent.

070 MICHEAL MASON, TRIBAL ATTORNEY, CONFEDERATED TRIBES OF GRAND
RONDE:

Testifies in support of SB 61, SB 60.
- Permit requests and looting are a main concern.
- Revised bill deals with the issue of archaeological work on
public
lands.

124 LOUIE PITT JR., CONFEDERATED TRIBES OF WARM SPRINGS: Testifies
in
support of SB 60, SB 61.
- The revised SB 61 would better serve Warm Springs.
- The major issue is that we are looking for help from the state.

216 MIKE CLEMMONS, EDUCATION MANAGER, OREGON TRIBES ASSOCIATION:
Testifies

in support of SB 60, SB 61.
- Tells about his part in coming up with the revised SB 61.

245 SCOTT STUEMKE, TRIBAL ARCHAEOLOGIST, CONFEDERATED TRIBES OF
WARM

SPRINGS: Testifies in support of SB 61, SB 60.
- I must make sure that the revisions are carried through.

275 BENSELL BREON, CONFEDERATED TRIBES OF SILETZ: Testifies in support
of

SB 61, SB 60.
- Difficult to get quick response to burial objects that are found
inadvertently.

318 CRAIG DORSEY, TRIBAL ATTORNEY, CONFEDERATED TRIBES OF SILETZ:
Testifies

in support of SB 61.
- We don't want to stop the work of the state.
- There will be no improper delays.
- What is legitimate in regard to archaeological objects and
remains
of Indian peoples?

403 SEN. SHOEMAKER: Describe what the bill does.

DORSEY: It involves Indian tribes in the process when these objects are discovered.

- Objects that are of continuing interest to the tribe.
- Objects that are in conformance with federal law.

TAPE 79 , SIDE B

003 DORSEY: Continues testimony.

008 SEN. SHOEMAKER: Whenever something of cultural significance appears, then the appropriate tribe is notified and starts participation in dealing with that?

DORSEY: In conjunction with state agencies.

013 SEN. G. SMITH: Is there an element to encourage the cooperation of private landowners when artifacts are found on their land?

027 DORSEY: It's mainly a matter of education.

042 SHARON PARRISH, COQUILLE INDIAN TRIBE: Submits and reviews written Testimony in support of SB 61. (EXHIBIT J)

091 STEVE GERTZ, ROSEBURG: Testifies in opposition to SB 60, SB 61, SB 495 , SB 497. Submits tape as (EXHIBIT K)
- Adding to existing laws would make surface hunters criminals.

114 SEN. SHOEMAKER: Could you be specific about conduct that is now lawful and how it would become unlawful?

GERTZ: I question definition. Such as, what is a Cultural Patrimonial Object?

- Public and private land are two separate entities.
- Would like bill to make it specifically clear that surface hunting is okay.
- " Their archaeology is becoming the secret science."

198 RICHARD SCOTT, ROSEBURG: Testifies in opposition to SB 60, SB 61, SB 495, SB 497
- Mentions selected sections from the bills that bother him.
- SB 60, Sec. 3 Line 44 & 45 takes away constitutional rights of Oregonians.

283 QUIGLY: Share with us what your collection is and how you display them.

SCOTT: Mostly arrowheads. I show them to children at my school as a way of teaching them about the history of these people. "I don't hide

them."

316 SEN. HAMBY: May I ask counsel about the penalty section regarding felony. Have you been able to read the revised?

QUIGLY: No. My recollection is a class B misdemeanor. Not sure which bill that was in.

327 SEN. SHOEMAKER: I advise that everyone have an up to date copy.

318 SCOTT: Gives example relating to his testimony from past.

390 SEN. G. SMITH: Would it be worthwhile to ask these groups to get together and protect legitimate indian interests and make some allowance for surface hunting?

395 SEN. SHOEMAKER: Yes.

398 GERTZ: I believe that's what you'll find in this tape. This is a tape of the House floor discussion on HB 2420 in 1983.

403 SEN. SHOEMAKER: That was '83 and this is '93. Apparently they feel that some changes are needed.

TAPE 80, SIDE B

003 CRAIG McLAUGHLIN, ROSEBURG: Testifies in opposition to SB 60, SB 61, SB 495, SB 497.
- Concerned with vagueness of the wording in the bills
- A lot of Archaeologists credit comes from amateurs
- This bill will divide everyone.

032 SEN. SHOEMAKER: Why don't we get some response from tribal members on these concerns.

039 VANPELT: Surface hunting is illegal on federal land. And the language of the bill doesn't take away private landowners property rights, unless a human burial or object of cultural patrimony is found. Cultural patrimony objects are, for example, a sacred pipe that belongs to the whole tribe.

054 SEN. SHOEMAKER: So, if a surface hunter is on public land and comes upon a arrowhead or something, is the person entitled to collect?

VANPELT: Under federal law its illegal to collect any artifacts on federal lands.

063 MASON: Reads from the proposed bill.
- The public lands definition doesn't include private land.
- The primary focus of this bill is the public lands situation.

095 SEN. SHOEMAKER: What about someone who has collected over the years?
Does this reach back and make continued possession illegal?

VANPELT: The object would have had to been acquired after October 15, 1983.

125 STUEMKE: The reason that this is being added to the bill is because it brings in line state law with federal law in regards to repatriation.

186 KENNETH AMES, PORTLAND STATE UNIVERSITY: Testifies in support of SB 61.
- The state needs to strengthen laws against unauthorized excavation and to control for the illicit trade of artifacts.
- Portland is a major world wide center for the export of artifacts.

221 SEN. G. SMITH: Do you see a role in the hobby hunter aiding your work?

AMES: Private land collectors have very carefully documented their collections. Yes, they do provide excellent support and a lot of information previously unknown. On the other hand, there are gentlemen paying for a site, carelessly excavating and selling the artifacts for profit.

237 BOB BRYSON, ASSOCIATION OF OREGON ARCHAEOLOGISTS: Testifies in support of SB 61.
- Need to work out relationships on sensitivity of remains.
- Wants strong language for process whereby the consultation takes place.

274 DON DUMOND, UNIVERSITY OF OREGON: Testifies in support of SB 61.
- The federal law was worded so that it already applied to state lands.
- Most regional curation centers aren't ready to operate in a professional way.
- The changes in proposed SB 61 take out some problems for museum administration.

369 LAVONNE LOBERT-EDMO, COMMISSION ON INDIAN SERVICES; Submits and reviews written testimony in support of SB 495, SB 497. (EXHIBIT H, I)

TAPE 81, SIDE A

- 003 LOBERT-EDMO: Continues testimony.
- 043 SEN. SHOEMAKER: I would urge you to take a look at the revised SB 61.
- 045 DOUGLAS HUTCHINSON, OREGON COMMISSION ON INDIAN SERVICES: I'm responding to earlier question of how we can deal with this issue a little better.
- The Native American Graves Repatriation Act is a very important federal law. It changed immensely from the original draft.
 - The present laws we are amending were passed in 1983. The first prosecution under these laws was in 1990 and it failed due to the shoddy wording of the existing laws.
- 091 CHAIR SHOEMAKER: Adjourns meeting at 7:35 p.m.

Submitted by:

Reviewed by:

Ellen L. Senecal
Assistant

Karen Quigley
Administrator

EXHIBIT LOG

- A - Testimony on SB 7-Gary Gustafson-2 pages
- B - Testimony on SB 7-Nancy Rockwell-1 page *
- C - Testimony on SB 60, SB 61, SB 495, SB 497-Nancy Rockwell-1 page *
- D - Testimony on SB 61-Dean Renfrow-3 page *
- E - Testimony on SB 60, SB 61, SB 495, SB 497-Bevis-4 pages
- F - Testimony on SB 60, SB 61, SB 495, SB 497-Burke-5 pages
- G - Testimony on SB 60, SB 61, SB 495, SB 497-Harrison-14 pages
- H - Testimony on SB 495-Lobert-Edmo-11 pages
- I - Testimony on SB 497-Lobert-Edmo-3 pages
- J - Testimony on SB 60, SB 61, SB 495, SB 497-Sharon Parrish-11 pages
- K - Testimony on SB 60, SB 61, SB 495, SB 497-Gertz-tape

*Submitted written testimony only.