

SENATE COMMITTEE ON
JUDICIARY

April 7, 1993 Hearing Room B
1:00 p.m. Tapes 90-92

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: Executive appointment for Commission on Judicial Fitness
and

 Disability, Maryalys E. Urey
 Public Hearing and Possible Work Session on SB 463
 Public Hearing on SB 635, SB 743, SB 1046
 Work Session on SB 334

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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.

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TAPE 90, SIDE A

003 CHAIR SPRINGER: Opens the hearing at 1:05 pm.

SB 635: Requires employers to submit report within 14 days to Support enforcement Division whenever any person is hired or rehired.

WITNESSES:

007 SENATOR MAY YIH: Submits and reviews written testimony and SB 635 -1 amendments in support of the bill (EXHIBIT A & C).

071 JOHN ELLIS, DEPARTMENT OF JUSTICE: Submits and reviews written testimony in support of the bill (EXHIBIT D).
>Reviews fiscal impact statement submitted by Sen. Yih (EXHIBIT B).

086 SEN. SHOEMAKER: Suggests amendment to line 13, page 1, stating "such

as" instead of "and either". Would that be acceptable?

ELLIS: No objections.

099 CHAIR SPRINGER: Does this need a referral to Ways and Means?

SEN. YIH: Yes.

112 CHAIR SPRINGER: Is it included in the Governors budget?

ELLIS: No.

114 SEN. RASMUSSEN: Ready to move the bill.

CHAIR SPRINGER: Scheduled for public hearing not work session so we will wait on work session.

120 SEN. HAMBY: Hopes that with additional F.T.E., garnishment requests will be reviewed for validity and possible mistakes.

133 ELLIS: Ready to take whatever action is necessary to correct mistakes in garnishment.
>Refers to HB 2287, which addresses this problem.

Executive Appointment

Commission on Judicial Fitness and Disability

154 MARYALYS UREY, APPOINTEE TO COMMISSION ON JUDICIAL FITNESS AND
AND
DISABILITY: Executive appointment submitted by the Office of the Governor (EXHIBIT E).

156 CHAIR SPRINGER: Appointment or reappointment?

UREY: New appointment.

159 CHAIR SPRINGER: Have you had any opportunity to review commission?

UREY: Contacted by staff and Mr. Davis of the Commission.

170 SEN. SHOEMAKER: Could you comment on background and what qualifies you sit on Commission?

UREY: Reviews work and volunteer history contained in executive appointment packet (EXHIBIT E).

195 SEN. SHOEMAKER: Ever had a position of judging a person's fitness to serve or making a public finding against someone.

UREY: As a school board member there were similar situations, but of

different degree.

>Administrative, personnel decisions that required the same approach.

210 SEN. SHOEMAKER: How have you found the decision-making process, are
you
able to make the negative decisions?

UREY: Had the experience. Not a kid anymore.

>Comfortable in those situation.

220 SEN. HAMBY: Any strong feelings about talent and expertise currently
on
the bench?

UREY: Experience with local judges is favorable.

>Other information is based on media accounts.

233 SEN. HAMBY: No pre-conceived notions?

UREY: No.

238 MOTION: SEN. HAMBY: moves to CONFIRM Maryalys Urey as the
Governor's
appointment to the Commission on Judicial Fitness and Disability.
VOTE: In a roll call vote all members present vote AYE.

245 CHAIR SPRINGER: The motion CARRIES.

SEN. HAMBY will lead discussion on the floor.

252 CHAIR SPRINGER: Reconvenes on SB 635.

Public Hearing

SB 635: Requires employers to submit report within 14 days to
Support
enforcement Division whenever any person is hired or rehired.

WITNESSES:

DENISE MCPHAIL, GENERAL ELECTRIC

LISA TRUSSELL, NORPAC FOODS

QUE AN WIN, PORTLAND PUBLIC SCHOOLS

265 DENISE MCPHAIL: Submits and reviews written testimony with
concerns
about the bill (EXHIBIT F).

320 CHAIR SPRINGER: Have you provided this to Sen. Yih?

MCPHAIL: No, only to the Division.

333 CHAIR SPRINGER: Urges McPhail to contact Sen. Yih's office with
the
amendments.

344 LISA TRUSSELL: Submits and reviews written testimony in opposition
to
the bill (EXHIBIT G).

406 SEN. WEBBER: How many people actually hired? How much paper?

TRUSSELL: 68-6900 people.

414 SEN. WEBBER: Forms sent anywhere else more frequently than quarterly?

TRUSSELL: Not aware of any.

420 SEN. WEBBER: Support Enforcement Division looking at computer, can information be transferred?
>Comments on problems with the bill.

438 TRUSSELL: Agrees with assessment of paperwork issues.

444 SEN. SMITH: Declares potential conflict of interest.
>Comments in opposition to the bill.

457 SEN. HAMBY: Any way this bill is workable for segment of staff?

TRUSSELL: Could easily report full time staff. Support division would already know they were hired.

487 SEN. SHOEMAKER: Interested in knowing percentage of work force at issue?

TAPE 91, SIDE A

041 SEN. WEBBER: Definition of employee, who does that cover? Does that cover all employee's, even farm workers?

SEN. SMITH: Anybody who pays taxes.

045 SEN. WEBBER: Reviews example for clarification.

048 SEN. SMITH: Comments on effect and intent of the bill.

051 CHAIR SPRINGER: Comments generally on process for bill. Urges witness to contact Sen. Yih.

065 QUE AN WIN: Testifies with concerns about the bill.
>Increases administrative costs.
>If mandates are increased, include funding.

SB 743: Requires forfeiture proceeds first deposited to Special Crime and Forfeiture Account to be used for peer drug education program administered by Volunteers in Service to Oregon.

WITNESSES:

JIM HILL, LEGISLATIVE ASSISTANT, SEN. HAMBY
JIM BYER, OREGON STATE SCHOLARSHIP COMMISSION
ANN SUKALAK, VOLUNTEERS IN SERVICE TO OREGON

ROBIN LAMONTE, LEGISLATIVE FISCAL: Submits fiscal impact assessment on the bill (EXHIBIT H).

JOHN LENNSEN, DEPARTMENT OF EDUCATION: Submits written testimony only in support of the bill (EXHIBIT L).

087 SEN. HAMBY: Reviews videotape with background information on the bill.

154 JIM HILL: Testifies with background information in support of the bill.

168 CHAIR SPRINGER: Where is account?

HILL: Executive department.

178 JIM BYER: Testifies in support of the bill and introduces Ann Sukalak.

237 ANN SUKALAK: Submits and reviews written testimony in support of the bill (EXHIBITS I, J & K).

312 CHAIR SPRINGER: Is purpose too narrow?

318 SEN. HAMBY: Perhaps; willing to broaden.
>Tried to include rationale when drafting the bill.

324 TAYLOR: Unsure of restrictions for use of funds from asset forfeiture account. Needs to be checked before changed.

330 SEN. HAMBY: Requests Sukalak review community foundation newsletter?

332 SUKALAK: Attempting to bring in private funds.
>Need \$500,000 from state in next biennium as matching funds for donors.

349 CHAIR SPRINGER: Bill has subsequent referral to Ways and Means.

Work Session

SB 334: Makes intentional possession of firearm or other dangerous weapon in

public building or within school zone subject to prosecution.

359 TAYLOR: Reviews SB 334-12 amendments and memorandum from counsel reviewing dangerous weapons (EXHIBITS M & N).

384 SEN. HAMBY: Dangerous weapons section mirrors federal law. Addresses version 4, which doesn't say anything about zone.

398 SEN. WEBBER: Summary mentions zone.

399 SEN. HAMBY: Needs to be removed.

>Reviews opposition to "school grounds", but not willing to do that.
>Reviews further amendments to the bill and concealed weapon provisions.

449 CHAIR SPRINGER: Calls witnesses.

TAPE 90, SIDE B

014 JOHN NICHOLS, OREGON STATE SHOOTING ASSOCIATION: Testifies in opposition to the bill.

>Page 2, line 12-13, are off-duty officers not exempt?

>Page 3, lines 3-4, what happens if gun carrier refuses to leave school; are they subject to felony charge?

042 SEN. HAMBY: No felony reference if individual refuses.
>Rules in counties may address.

047 NICHOLS: Will Superintendent for Public Instruction rule-making mitigate against uniform state rules? If so, will they be published for each school district.

053 SEN. HAMBY: That language mirrors drug free zone language. Language is permissive.

071 SEN. SMITH: Are you opposing bill?

NICHOLS: Yes, still in opposition. Have not checked committee recently.

087 MOTION: CHAIR SPRINGER: moves to RECONSIDER SB 334.
VOTE: Hearing no objection, the bill is RECONSIDERED.

090 MOTION: SEN. HAMBY: moves to ADOPT version 4 amendments to SB 334.
VOTE: Hearing no objection, the amendments are ADOPTED.

097 MOTION: SEN. HAMBY: moves SB 334 be sent to the floor with a DO PASS recommendation.
VOTE: In a roll call vote SEN. HAMBY, SEN SMITH, SEN. WEBBER, SEN. SHOEMAKER, CHAIR SPRINGER vote AYE. SEN. RASMUSSEN votes NAY.

109 CHAIR SPRINGER: The motion CARRIES.

SEN. HAMBY will lead discussion on the floor.

Public Hearing and Possible Work Session

SB 463: Requires police officer to have probable cause to believe crime has been committed before officer may ask for consent to search.

WITNESSES:
FRED AVERA, OREGON DISTRICT ATTORNEY'S ASSOCIATION

JIM ARNESON, OREGON CRIMINAL DEFENSE LAWYERS ASSOCIATION
DOUG HOFFMAN, OREGON COUNCIL OF POLICE ASSOCIATIONS
JEFF BARKER, PORTLAND POLICE ASSOCIATION
ROB ELKINS, MOLALLA POLICE
WAYNE MCFARLIN, SALEM POLICE
DIANA MIDLANDS, OREGON DISTRICT ATTORNEY'S ASSOCIATION
ANGEL LOPEZ, OREGON CRIMINAL DEFENSE LAWYERS ASSOCIATION

ROSS SHEPARD, OREGON CRIMINAL DEFENSE LAWYERS ASSOCIATION: Submits written testimony only in support of the bill (EXHIBIT P).

JOHN MORRELL, CITIZEN: Submits written testimony only in support of the bill (EXHIBIT Q).

122 FRED AVERA: Submits and reviews written testimony with concerns about the bill (EXHIBIT O).

295 CHAIR SPRINGER: For committee's information there are amendments from original hearing.
>Suggests waiting for work group to formulate amendments. Defers bill for future hearing.

317 ANGEL LOPEZ: Submits and reviews written testimony in support of the bill (EXHIBIT R).

422 SEN. SHOEMAKER: Occasionally police do turn up illegal money, how often does that occur?

LOPEZ: Don't have records.
>Police don't keep those kind of records. Never had that kind of case.

440 SEN. SHOEMAKER: Never had that type of case?

LOPEZ: No, but had cases where drugs were seized.

448 SEN. SHOEMAKER: How many of those?

LOPEZ: Provides example of shooting shotgun into crowd and hitting a "bad guy".
>Had many cases.

461 SEN. HAMBY: Comments generally on the issue. Many migrants do not utilize banks and hide money because they don't trust banks.

488 LOPEZ: Could count on one hand the number of clients who have bank accounts.
>Notes support for SB 1046.

TAPE 91, SIDE B

045 JIM ARNESON: Introduces client.

059 BLANCO GUITRON: Testifies in support of the bill.
>Reviews personal experience with the issue.

098 CHAIR SPRINGER: Were you given any citations?

BLANCO: Yes.

100 ARNESON: Paid citation for no license to the Harrisburg court.

103 SEN. SHOEMAKER: Did officer ask permission to search?

BLANCO: No.

107 SEN. SHOEMAKER: You told him not to search?

BLANCO: Didn't tell him no, but did say she hadn't done anything wrong.

112 CHAIR SPRINGER: Did officer ask for keys?

BLANCO: Yes. He checked trunk, panels, purses. Asked why mother-in-law had medicine. Checked everything.

133 DOUG HOFFMAN: Submits and reviews written testimony in opposition to the bill (EXHIBIT S).

147 SEN. SMITH: Hoping you will recommend ways to improve the bill?
>Want to be supportive but cannot allow standard of driving while hispanic in this state.

154 HOFFMAN: Agrees and will address. Continues testimony.

214 JEFF BARKER: Testifies in opposition to the bill.
>Law would be a hindrance, too broad.

235 SEN. HAMBY: What kind of oversight is in place?
>What happens to officers who act inappropriately?

HOFFMAN: A formal complaint and investigation should have been implemented in the Blanco Guitron case.

258 SEN. HAMBY: What would complaint entail?

HOFFMAN: Visit police offices, report to police supervisor, explain circumstances and supervisor would make decision about follow-up.

266 SEN. HAMBY: Would it be one person's word versus another?

BARKER: Easy to make complaint in Portland. Only consent searches are allowed.

286 HOFFMAN: Issue speaks to the quality of personnel.

SEN. HAMBY: Who have sidestepped the consent to search.

HOFFMAN: Who?

291 SEN. HAMBY: Did you hear the last witness? She was asked to leave
her car.

HOFFMAN: Police behavior in that case would violate procedure, court
rulings, etc.

>Notes there are bad apples in every crowd.

>Vouches for the quality of personnel and assures committee that steps
are taken by supervisor's to halt inappropriate behavior.

316 SEN. HAMBY: Comments on bill being pushed heavily by House relating
to use of taxes for drug and alcohol interdiction.
>Issues like this hurt support for that bill.

336 BARKER: Officers in the Portland area have received training
recently on this issue.

353 SEN. RASMUSSEN: Situation indicates that despite quality and
training of officers we do have a problem.

HOFFMAN: There is a difficulty in cultural misunderstandings.

405 SEN. SHOEMAKER: Customary search is a pat down?

BARKER: Pat down is the old stop and frisk procedure.

418 SEN. SHOEMAKER: Would written consent be acceptable for greater
than standard searches.

HOFFMAN: Written consent is good policy,...

431 SEN. SHOEMAKER: In effect, you think that is acceptable?

HOFFMAN: No.

434 SEN. SHOEMAKER: Why?

HOFFMAN: Lose flexibility.

>A law is not required for this. Can be addressed by policy and
internal rules.

439 SEN. SHOEMAKER: IS IT BEING USED?

HOFFMAN: Yes. Not at all times but generally.

454 SEN. SHOEMAKER: Concerned about search itself and
individual understanding they are not required to submit.

HOFFMAN: Consent is required and good policy.

TAPE 92, SIDE A

025 WAYNE MCFARLIN: Submits and reviews written testimony in opposition to the bill (EXHIBIT U).

073 SEN. SHOEMAKER: Why objection to being statutorily required?

MCFARLIN: No objection to being required...

079 SEN. HAMBY: Reading level of cards is advanced.

MCFARLIN: Regardless of cards or procedures burden still rests on officer to prove that search was voluntary and informed.

093 ROB ELKINS: Submits and reviews written testimony in opposition to the bill (EXHIBIT T).

SB 1046: Exempts from civil forfeiture any property of firearm or other dangerous weapon in public building or within school zone subject to prosecution.

118 CHAIR SPRINGER: Defers bill due to lack of time.
>Recesses committee at 3:05 pm. Committee will reconvene at 5:30 pm in Hearing Room A.

Submitted by:

Reviewed by:

Kirk Bailey
Assistant

Bill Taylor
Administrator

EXHIBIT LOG:

- A - Testimony on SB 635, Sen. Yih, 4 pages
- B - Testimony on SB 635, Sen. Yih, 2 pages
- C - Amendments to SB 635, Sen. Yih, 1 page
- D - Testimony on SB 635, John Ellis, 1 page
- E - Testimony on Executive Appointment to the Commission on Judicial Fitness and Disability, Maryalys Urey, 8 pages
- F - Testimony on SB 635, Denise McPhail, 5 pages
- G - Testimony on SB 635, Lisa Trussell, 4 pages
- H - Testimony on SB 743, Robin LaMonte, 1 page
- I - Testimony on SB 743, Ann Sukalak, 7 pages
- J - Testimony on SB 743, Ann Sukalak, 1 page
- K - Testimony on SB 743, Ann Sukalak, 2 pages
- L - Testimony on SB 743, John Lenssen, 1 page
- M - Testimony on SB 334, Staff, 3 pages
- N - Amendments to SB 334, Sen. Hamby, 7 pages
- O - Testimony on SB 463, Fred Avera, 2 pages

- P - Testimony on SB 463, Ross Shepard, 2 pages
- Q - Testimony on SB 463, John Morrell, 2 pages
- R - Testimony on SB 463, Angel Lopez, 2 pages
- S - Testimony on SB 463, Doug Hoffman, 6 pages
- T - Testimony on SB 463, Robert Elkins, 2 pages
- U - Testimony on SB 463, Wayne McFarlin, 1 page

SENATE JUDICIARY
COMMITTEE

April 7, 1993 Hearing Room A
6:00 p.m. Tapes 93-96

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

VISITING MEMBERS: Sen. Dwyer
 Rep. Wooten

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

ISSUES DISCUSSED: Public Hearing and Work Session on SB 34 and SB 35.

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TAPE 93, SIDE A

003 CHAIR SPRINGER: Opens the hearing at 6:00 p.m.

PUBLIC HEARING AND WORK SESSION

SB 34: Prohibits discrimination in employment, public accommodations, and real property transactions on basis of sexual orientation.

SB 35: Prohibits discrimination based on sexual orientation in real property transactions, including rental.

029 BILL MANSFIELD, MEDFORD CITY COUNCIL: Submits and reviews written testimony in support of SB 34 and SB 35. (EXHIBIT H)
- These bills provide basic minimum rights.
- Where do we draw the line?
- The acts of the OCA qualify this bill for consideration.

054 CHARLES STEEL, ASHLAND: Submits and reviews written testimony in support of SB 34 and SB 35. (EXHIBIT I)

- Disputes that homosexuality is a not behavior and deserves civil rights protection.

- Discrimination is subtle.

095 CANDACE STEEL, NW P-FLAG: Submits and reviews written testimony in support of SB 34 and SB 35. (EXHIBIT J)

- My lesbian daughters have no right to appeal discrimination.

146 NEIL WILLIAMSON, M.D., JOSEPHINE HUMAN RIGHTS ALLIANCE, GRANTS PASS: Submits and reviews written testimony in support of SB 34 and SB 35. (EXHIBIT K)

175 LEE LYNCH, JOSEPHINE HUMAN RIGHTS ALLIANCE: Submits and reviews written testimony in support of SB 34 and SB 35. (EXHIBIT X)

187 ANNA HOLMES, JOSEPHINE HUMAN RIGHTS ALLIANCE: Testifies in support of SB 34.

- "I am a mother, a grandmother, and a licensed professional Mental Health Counselor, but I am also a Lesbian."

218 IRLA MARSHALL, R.N.-PSYCHIATRIC NURSE: Testifies in support of SB 34.

- Youngsters don't choose to be homosexual and feel apart from their peers.

- After working over ten years with people who have sexual identity problems, I have concluded that an individual sexual orientation cannot be changed.

318 MAYOR EUGENE BELHUMEUR, CITY OF ALBANY: Submits and reviews written testimony in support of SB 34 and SB 35. (EXHIBIT F)

- The issue of No Special Rights is contrived and deceptive.

340 MAYOR BILL MORRISETTE, CITY OF SPRINGFIELD: Submits and reviews written testimony in support of SB 34 and SB 35. (EXHIBIT L)

- The bill doesn't establish special rights or require a quota in hiring or that a single family residence occupied by owner be rented to a Gay without consent of owner.

391 SENATOR BILL DWYER, DISTRICT 21: Testifies in support of SB 34 and SB 35.

- Unfortunately, a lot of people in Springfield bought the argument by the OCA of No Special Rights.

425 REPRESENTATIVE CYNTHIA WOOTEN, DISTRICT 41: Submits and reviews written

testimony in support of SB 34 and SB 35. (EXHIBIT M)

TAPE 94, SIDE A

082 ELLIE WORK, CENTRAL OREGON COALITION FOR HUMAN DIGNITY: Submits and reviews written testimony in support of SB 34 and SB 35. (EXHIBIT M)

150 NANCY YASHA SITZ, MALHEUR COUNTY CITIZENS FOR DEMOCRACY: Testifies in support of SB 34 and SB 35.

221 SHARON HILL, OREGON COUNCIL ON CIVIL RIGHTS: Submits and reviews written testimony in support of SB 34 and SB 35. (EXHIBIT O)

296 BOB DUEHMIG, OREGON FEDERATION OF TEACHERS: Submits and reviews written testimony in support of SB 34 and SB 35. (EXHIBIT P)

312 KRISTINA WILDE, FERNRIDGE HUMAN RIGHTS COALITION: Submits and reviews written testimony in support of SB 34 and SB 35. (EXHIBIT Q)

351 MARK MACDOUGALL, HUMAN RIGHTS COALITION OF JACKSON COUNTY: Testifies in support of SB 34 and SB 35.

401 ROLLIE SMITH, CORVALLIS: Submits and reviews written testimony in support of SB 34 and SB 35. (EXHIBIT R)

TAPE 93, SIDE B

007 ELLIOT WEINER, OREGON PSYCHOLOGICAL ASSOCIATION: Submits and reviews written testimony in support of SB 34 and SB 35. (EXHIBIT S)

027 CAROL CARVER, OREGON PSYCHOLOGICAL ASSOCIATION: Submits and reviews written testimony in support of SB 34 and SB 35. (EXHIBIT T)

081 LYNDA ZUKAITIS, EUGENE: Submits and reviews written testimony in support of SB 34 and SB 35. (EXHIBIT U)

104 KIMBERLY BROWN, OREGON GAY & LESBIAN LAW ASSOCIATION: Submits and reviews written testimony in support of SB 34 and SB 35. (EXHIBIT V)

139 MARILYN WAGENER, ALBANY: Testifies in support of SB 34 and SB 35.

194 BILL CASEY, TRADITIONAL VALUES COALITION: Submits and reviews written testimony in opposition to SB 34 and SB 35. (EXHIBIT W)

269 PATTY DUNCAN, EUGENE: Testifies in opposition to SB 34 and SB 35.

382 JAN LANDIS, PORTLAND: Submits and reviews written testimony in support

of SB 34 and SB 35. (EXHIBIT Y)

TAPE 94, SIDE B

049 HOMER HEPWORTH, BEND: Submits and reviews written testimony in support of SB 34 and SB 35. (EXHIBIT Z)

092 JAN REEDER, SALEM: Submits and reviews written testimony in support of SB 34 and SB 35. (EXHIBIT AA)

129 C. RAY GOULD, BEND: Submits and reviews written testimony in support of SB 34 and SB 35. (EXHIBIT BB)

236 DAVID ALLEN, OREGON GAY/LESB IAN LAW ASSOCIATION: Testifies in support of SB 34 and SB 35.
- Do not have to reach the question of what being Gay means.

295 SPIKE LIVERMORE, GORGE ALLIANCE FOR HUMAN DIGNITY: Testifies in support of SB 34 and SB 35.

326 PHIL MATTHEWS, SALEM: Testifies in support of SB 34 and SB 35.

375 RODGER VAN ZANTEN, OCA: Testifies in opposition to SB 34 and SB 35.
Submits articles as (EXHIBIT CC).

TAPE 95, SIDE A

049 ANNABELLE JARAMILLO, COMMISSION ON HISPANIC AFFAIRS: Submits and reviews written testimony in of SB 34 and SB 35. (EXHIBIT DD)

058 DAMUSIA BOROWSKA-McCARTHY, GASTON: Testifies in support of SB 34 and SB 35.

075 TERESA FAIRFIELD, STUDENTS OF OCCUPATIONAL THERAPY ASSOCIATION OF PACIFIC UNIVERSITY: Testifies in support SB 34 and SB 35.

WORK SESSION ON SB 34

085 CHAIR SPRINGER: It is your desire to, Commissioner Roberts, to discuss possible amendments to SB 34 and it is your recommendation that we defer action on SB 35.

090 MARY WENDY ROBERTS, COMMISSIONER: SB 35 is basically contained in SB 34.
Presents SB 34-1 amendments. (EXHIBIT FF)
- Want to work on the Public Education programs.
- Page 3, line 23 to avoid misreading
- Page 10. line 40 delete "sex"

143 CHAIR SPRINGER: We received a letter today from Lewis & Clark.
(EXHIBIT

E) They suggested some additional "technical" amendments. Kelly, have you had a chance to review those?

147 KELLY HAGAN, BUREAU OF LABOR INDUSTRIES: I believe they are from Oregon State Bar Civil Rights Association?

CHAIR SPRINGER: Yes. It's from Mark Peterson.

152 HAGAN: Gives opinion on "technical" amendments.
- The language does no harm. There could be a question whether or not a non-profit charitable institution constitutes a commercial or business activity. Recommend that #3 be retained.

170 SEN. G. SMITH: It is a policy of the Boy Scouts of America that you can't be a homosexual. If there isn't an exemption for this kind of thing, this is a fatal flaw in this legislation. Most churches would drop the BS of A as a sponsoring institution.

WENDY ROBERTS: We know this is a concern and addressing it is complicated.

190 SEN. SHOEMAKER: Where in the bill is this language?

HAGAN: There are two pieces of bill that deal with this. Public Accommodations section on hand out. Devoted to a broad exemption having to do with private non-profit corporations or associations, which provide educational or recreational opportunities for minors. This language only extends to public accommodations aspect of these institutions.

- Sec. 4, page 3, line 33-sets up unlawful employment practices.

221 SEN. G. SMITH: I was vocal critic in opposition to BM 9. I'm concerned that this bill could ultimately be used to suggest that homosexual marriage is the same as heterosexual.

WENDY ROBERTS: It does not do that. This does not deal with benefits or define "family".

260 SEN. G. SMITH: I know the bill doesn't do that, but I have a fear that this may incite more problems.

WENDY ROBERTS: This issue just doesn't go away. "Action Reaction." The bill simply states the rights of individuals to be treated not as second class citizens, but as individuals. This is what civil rights laws are about. This bill doesn't condone pedophilia, bestiality, etc... This law protects everyone the same.

326 SEN. G. SMITH: Employment and housing don't strike me as special rights. I'm wondering if this bill couldn't do for them what many would like for it to do if you uncoupled the bill from historic things such as race and religion. We don't know where this leads us.

HAGAN: That same concern could be directed at numerous protected classes under Oregon law. Our experience with those is that they don't come up that often. Finely crafted legislation.

367 WENDY ROBERTS: We already enforce, under contract, City of Portland's ordinance, which provides protection on basis of sexual orientation. We've had few cases. Handled like any other civil rights case.

387 HAGAN: Current recommendation is items #1 and #3 of April 7 amendments.
- Concerning real estate actions, page 10, line 40.

409 WENDY ROBERTS: And if you wanted to move a conceptual amendment we could provide language with which the committee could take some personal action.

415 CHAIR SPRINGER: What do you have in mind when you speak conceptually?

WENDY ROBERTS: It could be anyone else's concept. We would provide the precise language for it.

TAPE 96, SIDE A

003 SEN. G. SMITH: I don't want to hang this up on the basis that that would win my vote. I do think its a critical thing that it's included. I may have other reasons why I may have to vote no, so I don't want to mislead anyone. This charitable organizations amendment must be included.

006 WENDY ROBERTS: Trying to reach that point, but it is too broad. We aren't comfortable with this particular language.

013 SEN. G. SMITH: The Boy Scouts are close to going out of business on
this
issue.

WENDY ROBERTS: I'm sympathetic. There is nothing in this bill as a
barrier. This speaks to employment rather than volunteers.

031 SEN. G. SMITH: Some are employed.

WENDY ROBERTS: I don't know if volunteerism is included.

035 HAGAN: This proposed amendment is designed to reach the volunteer
troop
leader/den mother. Language would be inserted to include adults in
positions of leadership and supervision. Wouldn't be a difficult
task.

048 SEN. SHOEMAKER: Senator Smith, lines 41 - 43 in Sec 4 do they offer
you
comfort? The supporters of the Boy Scouts are a church group and
insist
they not hire homosexuals. And this bill says the churches may
continue
to discriminate in that regard. The Boy Scouts would fit within this
sentence.

SEN. G. SMITH: I wish it was more clearly stated. But, many Boy Scout
Troops are chartered by fire stations which have public employees.

085 SEN. SHOEMAKER: And I couldn't support an amendment that would
allow
discrimination by public agencies.

070 CHAIR SPRINGER: If we find the language after bill is voted out we
can
bring it back.

077 MOTION: CHAIR SPRINGER: Moves that the SB 34-1 AMENDMENTS be ADOPTED.

VOTE: Hearing no objection, with all members present, the amendments
are ADOPTED.

083 SEN. RASMUSSEN: Discussion regarding vote.

111 MOTION: CHAIR SPRINGER: Moves that SB 34 AS AMENDED be passed to
the
Floor with a DO PASS recommendation.

VOTE: In a roll call vote Sen. Hamby, Sen. Rasmussen, Sen. Shoemaker,
Sen. Webber and Chair Springer vote AYE. Sen. Smith voting NAY.

115 The motion CARRIES. CHAIR SPRINGER will lead Floor discussion.

117 MOTION: CHAIR SPRINGER: Moves that the committee introduces LC 3824.

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

124 CHAIR SPRINGER: Adjourns meeting at 8:30 p.m.

Submitted by:

Reviewed by:

Ellen L. Senecal
Assistant

Karen Quigley
Administrator

EXHIBIT LOG

A - Testimony on SB 34 and SB 35-Robert Vieira-2 pages
B - Proposed amendments to SB 34-Kelly Hagan-4 pages
C - Testimony on SB 34 and SB 35-Rishell Hurd-1 page *
D - Testimony on SB 34 and SB 35-Marilyn Walendy-10 pages *
E - Testimony on SB 34 and SB 35-Mark Peterson-2 pages *
F - Testimony on SB 34 and SB 35-Eugene Belhumeur-1 page
G - Testimony on SB 34 and SB 35-Marshall Saucedo-1 page *
H - Testimony on SB 34 and SB 35-Harold Anderson-1 page *
I - Testimony on SB 34 and SB 35-Charles Steele-2 pages
J - Testimony on SB 34 and SB 35-Candace Steele-2 pages
K - Testimony on SB 34 and SB 35-Neil Williamson-1 page
L - Testimony on SB 34 and SB 35-Bill Morrisette-2 pages
M - Testimony on SB 34 and SB 35-Cynthia Wooten- 3 pages
N - Testimony on SB 34 and SB 35-Ellie Work-1 page
O - Testimony on SB 34 and SB 35-Sharon Hill-2 pages
P - Testimony on SB 34 and SB 35-Duehmig-1 page

Q - Testimony on SB 34 and SB 35-Kristina Wilde-1 page
R - Testimony on SB 34 and SB 35-Rollie Smith-1 page
S - Testimony on SB 34 and SB 35-Elliot Weiner-2 pages
T - Testimony on SB 34 and SB 35-Carol Carver-3 pages
U - Testimony on SB 34 and SB 35-Lynda Zukaitis-2 pages
V - Testimony on SB 34 and SB 35-Kim Brown-3 pages
W - Testimony on SB 34 and SB 35-Bill Casey-2 pages
X - Testimony on SB 34 and SB 35-Lee Lynch-1 page
Y - Testimony on SB 34 and SB 35-Jan Landis-3 pages
Z - Testimony on SB 34 and SB 35-Homer Hepworth-1 page
AA - Testimony on SB 34 and SB 35-Jane Reeder-3 pages
BB - Testimony on SB 34 and SB 35-C. Ray Gould-7 pages
CC - Testimony on SB 34 and SB 35-Van Zanten-2 pages
DD - Testimony on SB 34 and SB 35-Annabelle Jaramillo-1 page
EE - Testimony on SB 34 and SB 35-Alison Pratt-1 page *
FF - Proposed amendments to SB 34-Kelly Hagan-2 pages
GG - Testimony on SB 34 and SB 35-Jeanine Hawk-1 page *
HH - Testimony on SB 34 and SB 35-Williard Marshall-2 pages *
II - Testimony on SB 34 and SB 35-Akia Woods-1 page *
JJ - Oregon Bill of Rights-Staff-1 page
KK - Testimony on SB 34 and SB 35-Kathy Escott-1 page *
LL - Testimony on SB 34 and SB 35-Helon Howard-2 pages *
MM - Testimony on SB 34 and SB 35-Lawrence Hall-1 page *
NN - Testimony on SB 34 and SB 35-Ann Hubbard-2 pages *
OO - Testimony on SB 34 and SB 35-Vietta Helmle-2 pages *

* Submitted written testimony ONLY.