

SENATE COMMITTEE ON
JUDICIARY

April 20, 1993 Hearing Room B
1:00 p.m. Tapes 115-116

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

MEMBERS EXCUSED: Sen.

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

ISSUES DISCUSSED: Public Hearing on SB 975.
 Public Hearing and Possible Work Session on SB 1115
 Work Session on SB 1047, SB 1044, SB 1043, SB 1094.

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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 115, SIDE A

003 CHAIR SPRINGER: Sen. Smith opens the hearing at 1:34 pm in the absence of the Chair.

Public Hearing

SB 975: Requires occupational licensing boards to refuse licenses to persons 30 days in arrears in support payments.

WITNESSES:

JANE HARDY CEASE, DEPARTMENT OF MOTOR VEHICLES
ROGER MONTGOMERY, PRIVATE PUBLIC AFFAIRS
STAN MAYFIELD, REAL ESTATE AGENCY
SENATOR KENNEMER
DAVID NEBEL, OREGON LEGAL SERVICES
CARL STECKER, OREGON DISTRICT ATTORNEY'S ASSOCIATION
BRIAN DELASHMUTT, OREGON NURSES ASSOCIATION
JIM CARLSON, OREGON MEDICAL ASSOCIATION
JOHN ELLIS, DEPARTMENT OF JUSTICE
CHARLOTTE ROOKS, ACES

JANE MYERS, OREGON DENTAL ASSOCIATION

JANE HARDY CEASE: Submits written testimony only with reservations about the bill (EXHIBIT A).

007 JOHN ELLIS: Testifies with concerns about the bill.
>Significant cost to bill.
>No mention of district attorney or Department of Human Resources.

059 SENATOR KENNEMER: Submits and reviews written testimony in support of the bill (EXHIBIT B).
>Reviews necessary technical amendments.

124 CHAIR SPRINGER: Requests witnesses submit amendments for quicker action..

128 BILL TAYLOR, COMMITTEE COUNSEL: Would this effect licensed corporations? Could corporation lose license?
>Understanding that this only effects individuals.

134 SEN. KENNEMER: Concurs. May need to review. Speaks to individuals not corporations.

144 CHARLOTTE ROOKS, ACES: Submits and reviews written testimony in support of the bill (EXHIBIT C).

190 ROGER MONTGOMERY: Submits and reviews written testimony in support of the bill (EXHIBIT D).

215 SEN. SMITH: Comments generally on SB 635 by Senator Yih. Possible to find a less intrusive measure.

239 DAVID NEBEL: Testifies in support with concerns about the bill.

271 CARL STECKER: Testifies generally in support of the bill, with concerns.

316 STAN MAYFIELD: Submits and reviews written testimony in support of the bill with concerns (EXHIBIT E).

351 CHAIR SPRINGER: Are there any revisions relating to arrearages situation?

STECKER: Bill wouldn't catch individuals who come from out of state applying for new licenses and don't have a record on the dhr.

364 CHAIR SPRINGER: Requests Stecker work with proponents on amendments

in
a timely fashion.

376 JIM CARLSON: Testifies in opposition to the bill.
>License should be based on skills and training not other factors.

418 SEN. HAMBY: Proponents recommended 90 days on support
enforcement
arrearage issue, would you support?

CARLSON: That is better but still opposed on the criteria for
licensing
issue.

431 SEN. HAMBY: But if they owe state a considerable amount of money...?

CARLSON: State should pursue the money. Taking away a persons
livelihood isn't effective.

TAPE 116, SIDE A

005 BRIAN DELASHMUTT: Testifies in opposition to the bill.

042 SEN. SMITH: State has a right to pursue money it is owed. Isn't this
a
strong incentive?

CARLSON: Haven't seen any statistics showing this is a problem.
>Need to explore other methods and ideas.

055 DELASHMUTT: Questions the problem. Enforcement needs to be stepped
up.

062 SEN. HAMBY: Would you check with constituents in California
and
Arizona?

DELASHMUTT: Unsure about legislation in California but doctors and
nurses association opposed the measure.

068 SEN. HAMBY: Proportionately, do they find greater arrearages in
that
segment of the population than the norm?

071 CARLSON: Concurs with Delashmutt. California nurses opposed.
>Not aware of any greater problem in the medical profession. Would
like
to see the statistics.

078 CHAIR SPRINGER: Comments that this problem crosses all
economic
boundaries.

085 JANE MYERS: Testifies with concerns about the bill.

Public Hearing and Possible Work Session

SB 1115: Provides that mediation may be used in resolving certain criminal and juvenile offenses.

WITNESSES:

SANDIE PATTISON, VICTIM OFFENDER RECONCILIATION PROGRAM/POLK COUNTY
DONNA MIDDLETON, VORP OF POLK COUNTY, DEPARTMENT OF HUMAN RESOURCES
TOM JOHNSON, LINN COUNTY JUVENILE DEPARTMENT
LOIS KENAGY, VORP OF LINN COUNTY
CLAIRE YODER, OREGON MEDIATION ASSOCIATION
LYNNE COX, VORP OF MULTNOMAH COUNTY
FRED AVERA, OREGON DISTRICT ATTORNEY'S ASSOCIATION
GLORIA BRYEN, OREGON MEDIATION ASSOCIATION
JUDGE MICHAEL MARCUS
ALICE PHELAN, OREGON DISPUTE RESOLUTION COMMISSION
LORRAINE PULLMAN, NEIGHB OR TO NEIGHB OR
BILL LINDEN, STATE COURT ADMINISTRATOR

111 ALICE PHELAN: Testifies in support of the bill.
>Reviews amendments to the bill (EXHIBIT F)

164 JUDGE MICHAEL MARCUS: Submits and reviews written testimony in support of the bill (EXHIBIT G).

220 CHAIR SPRINGER: Comments on committee business.

231 SANDIE PATTISON: Submits and reviews written testimony in support of the bill (EXHIBIT H).

297 DONNA MIDDLETON: Testifies in support of the bill.

336 FRED AVERA: Testifies in support of the bill.
>Concerned about need for the bill and funding issues.

411 SEN. HAMBY: Welcome ideas to spread concept across the state.
>Urges witnesses to share skills with high school students. How do we do that?

429 PATTISON: Comments on original program.
>There is a peer mediation project in Polk county.

453 MIDDLETON: Polk county is reviewing and seeking methods to fund.

462 CHAIR SPRINGER: Requests Avera meet with proponents?

AVERA: Yes.

463 CHAIR SPRINGER: Any philosophical concern about this as a diversion technique as opposed to sentencing option?

AVERA: Currently use this program as both.

477 CHAIR SPRINGER: That flexibility would work across the state.

AVERA: The more flexible the better it is.

TAPE 115, SIDE B

033 TOM JOHNSON: Submits and reviews written testimony in support of the bill (EXHIBIT I).

066 LOIS KENAGY: Testifies in support of the bill.
>Recommends deleting fee to victim; victimizes individual a second time.

158 LYNNE COX: Testifies in support of the bill.
>Program saves money and reduces recidivism.

288 GLORIA BRYEN: Testifies in support of the bill.

315 LORRAINE PULLMAN: Testifies in support of the bill.

356 CHAIR SPRINGER: Is animal control a subject for mediation?

COX: Yes. Talk about it all the time.

370 BILL LINDEN: Testifies generally in support of the bill.

Work Session

SB 1047: Allows defendant who is incarcerated to appear by television or telephone for purpose of giving judgment.

396 TAYLOR: Reviews bill. No amendments or opposition.

406 MOTION: SEN. SHOEMAKER: moves SB 1047 be sent to the floor with a DO

PASS recommendation.

VOTE: In a roll call vote all members present vote AYE.

413 CHAIR SPRINGER: The motion CARRIES.

SEN. SHOEMAKER will lead discussion on the floor.

SB 1043: Adopts amendments to specified rules of State Sentencing Guidelines Board.

CRIMINAL JUSTICE COUNCIL: Submits written testimony only in support of the bill (EXHIBIT L).

416 TAYLOR: Reviews bill. No amendments. Unaware of any opposition.

438 CHAIR SPRINGER: Questions relating clause.
>Does it relate more appropriately to adoption of sentencing guidelines rules.

447 TAYLOR: Bill does more than that. Would be too narrow in that case.

454 CHAIR SPRINGER: Recesses on SB 1043 to consider relating clause

issue.

Convenes work session on remaining bills.

SB 1094: Directs Oregon Criminal Justice Council to study and make recommendations concerning imposition and collection of fines, fees and other financial obligations imposed as part of criminal conviction.

455 TAYLOR: Reviews bill. No amendments. No opposition.

462 MOTION: SEN. HAMBY: moves SB 1094 be sent to the floor with a DO PASS recommendation.

464 CHAIR SPRINGER: Notes similar problem with relating clause.

SEN. SHOEMAKER: Suggests "relating to fines".

468 CHAIR SPRINGER: Motion includes amendment to relating clause, changing it to "relating to fines".

474 VOTE: In a roll call vote all members present vote AYE.

478 CHAIR SPRINGER: The motion CARRIES.

SEN. HAMBY will lead discussion on the floor.

TAPE 116, SIDE B

SB 1044: Expands duties and membership of Oregon Criminal Justice Council.

027 TAYLOR: Reviews bill and SB 1044-2 and -3 amendments (EXHIBIT J & K).

039 CHAIR SPRINGER: Confirms with Senator Webber the need to refer the bill to Trade and Economic Development committee.

044 SEN. WEBBER: That is correct. The committee will be reviewing further amendments.

046 MOTION: CHAIR SPRINGER: moves to ADOPT SB 1044-2 amendments, dated 4/20/93.

047 SEN. SHOEMAKER: In reference to one director of non-profit entity, is it clear that means the director as opposed to member of the board? >Does it matter?

052 DAVID FACTOR, CRIMINAL JUSTICE COUNCIL: Intended to be the executive director.

054 SEN. SHOEMAKER: does it need to be clarified?
057 SEN. WEBBER: Could be considered in Trade and Economic Development.
064 VOTE: Hearing no objection, the amendments are ADOPTED.
068 MOTION: CHAIR SPRINGER: moves SB 1044, AS AMENDED, be sent to
the
Committee on Trade & Economic Development with a DO PASS
recommendation.
VOTE: In a roll call vote all members present vote AYE.
072 CHAIR SPRINGER: The motion CARRIES.

SB 1043: Adopts amendments to specified rules of State Sentencing
Guidelines
Board.

073 TAYLOR: Reviews new relating clause.
075 CHAIR SPRINGER: Concerned about scope of clause.
>Carries the bill over for further hearing.
>Adjourns the hearing at 3:00 pm.

Submitted by:

Reviewed by:

Kirk Bailey
Assistant

Bill Taylor
Administrator

EXHIBIT LOG:

A - Testimony on SB 975, Jane Hardy Cease, 1 page
B - Testimony on SB 975, Senator Kennemer, 3 pages
C - Testimony on SB 975, Charlotte Rooks, 2 pages
D - Testimony on SB 975, Roger Montgomery, 17 pages
E - Testimony on SB 975, Stan Mayfield, 7 pages
F - Amendments to SB 1115, Staff, 3 pages
G - Testimony on SB 1115, Judge Marcus, 1 page
H - Testimony on SB 1115, Sandie Pattison, 4 pages
I - Testimony on SB 1115, Tom Johnson, 1 page
J - Amendments to SB 1044, 1 page
K - Amendments to SB 1044, 1 page
L - Testimony on SB 1043, David Factor, 2 pages