

SENATE COMMITTEE ON
JUDICIARY

June 14, 1993 Hearing Room C
1:00 p.m. Tapes 191 - 192
MEMBERS PRESENT: Sen. Dick Springer, Chair
 Sen. Bob Shoemaker, Vice-Chair
 Sen. Jeannette Hamby
 Sen. Karsten Rasmussen
 Sen. Gordon Smith
 Sen. Catherine Webber
STAFF PRESENT: Bill Taylor, Committee Counsel
 Ellen L. Senecal, Committee Assistant

ISSUES DISCUSSED: Public Hearing & Work Session on HB 3052, HB 3211, HB
231 8,
 SB 41
 Work Session on HB 2737, HB 2946, HB 2216

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 191, SIDE A

003 CHAIR SPRINGER: Opens hearing at 1:08 p.m.

PUBLIC HEARING ON HB 3052

Requires public or private official to report information that causes
official to believe child has
been abused, unless communication is privileged.

005 STEPHEN KAFOURY, ALLIANCE OF CHILDREN'S PROGRAMS: Gives testimony in
support of HB 3052.

028 SEN. WEBBER: What happens after the report is made to the hotline?
KAFOURY: Responds.

038 SEN. WEBBER: Didn't the calls use to go through the juvenile department
has 24 hours
coverage?

KAFOURY: I'm not sure.

044 VICTOR CONGLETON, CHILDREN'S SERVICES DIVISION: Gives testimony in support
of HB 3052. 4

SEN. RASMUSSEN: What is the definition of "private official" under the
statute?

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088 CONGLETON: Responds.

WORK SESSION ON HB 2737

Provides for forfeiture and destruction of deadly weapons used during
commission of crime.

151 JOHN NICHOLS, OREGON STATE SHOOTING ASSN.: Gives testimony on HB
273 7.

180 FRED AVERA, POLK COUNTY DAA: Gives testimony on HB 2737.

193 SEN. SHOEMAKER: Line 37, "keep the weapon for law enforcement use."

210 MOTION: SEN. RASMUSSEN: Moves the LC-2 amendments HB 2737. (EXHIBIT
B)

VOTE: Hearing no objections, the motion CARRIES.

MOTION: SEN. RASMUSSEN: Moves to ADOPT LC-3 amendments as further
amended by Sen. Shoemaker, on line 37. (EXHIBIT C)

VOTE: Hearing no objections, the motion CARRIES.

216 SEN. HAMBY: Does counsel have a copy of
161 .015?

NICHOLS: Responds.

243 SEN. HAMBY: Hopefully our ORS on assassination equipment covers this.

246 TAYLOR: Gives definition of deadly weapon in ORS 161.015

NICHOLS: Responds.

MOTION: SEN. RASMUSSEN: Moves to ADOPT LC-1 amendments to HB 2737.

VOTE: Hearing no objections, the motion CARRIES.

MOTION: SEN. HAMBY: Moves HB 2737 AS AMENDED to the Floor with a DO

PASS recommendation.

VOTE: ~ a roll call vote, all members present vote AYE.

CHAIR SPRINGER: The motion CARRIES.

SEN. RASMUSSEN will lead discussion on the Floor.

WORK SESSION ON HB 2216

Requires juveniles within jurisdiction of juvenile court for certain conduct from which it appears sexual act occurred to be tested for HIV.

290 MOTION: CHAIR SPRINGER: Move, to reconsider HB 2216.

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VOTE: Hearing no objections, the motion CARRIES.

296 JANE EDWARDS, CRIMINAL JUSTICE SERVICES DIVISION: Submits and summarizes written testimony on HB 2216 amendments. (EXHIBITS F)

TAYLOR: Explains LC-A6 amendments. (EXHIBIT E:)

MOTION: SEN. HAMBY: Moves to ADOPT HB 2216-AC amendments.

VOTE: Hearing no objections, the motion CARRIES.

350 SEN. SHOEMAKER: Change of statutory reference?

360 EDWARDS: Responds.

372 SEN. SHOEMAKER: Should we include ~for the parent or guardian of the victim?"

380 EDWARDS: Agrees.

397 MOTION: CHAIR SPRINGER: Moves HB 2216 amendments submitted by Jane Edwards with the following changes: line 8, page 2 insert "provided to the victim at the request of the victim or parent or guardian of the victim."

VOTE: Hearing no objections, the motion CARRIES.

MOTION: SEN. HAMBY: Moves HB 2216 AS AMENDED to the Floor with a DO

PASS recommendation.

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

CHAIR SPRINGER: The motion CARRIES.

SEN. WEBBER will lead discussion on the Floor.

TAPE 192, SIDE A

WORK SESSION ON HB 2946

Requires court, under certain circumstances, to treat income from and present value of future enhanced earning capacity as property for purposes of property settlement in marital dissolution.

002 TAYLOR: Gives overview of bill and amendments. (EXHIBIT G)

020 CHAIR SPRINGER: Gives summary of written testimony received.

PUBLIC HEARING ON HB 2318

Expands crime of criminal mistreatment in second degree to include violation of assumed responsibility for care of another person.

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058 BERTRAN CORP, UNITED SENIORS: Testifies in support of HB 2318.

138 JOHN MULLIN, CLACKAMAS COUNTY SOCIAL SERVICES: Submits and summarizes written testimony in support of HB 231B (EXHIBIT H)

164 SEN. SHOEMAKER: What was the reason for including elderly person in addition to dependent person?

170 MULLIN: The attempt, in the House, to bring codes into compliance, so that elderly, dependent and children are treated similarly.

175 SEN. SHOEMAKER: Wouldn't an elderly person be dependent?

178 MULLIN: Responds.

185 MARK CAMPBELL, CHRISTIAN SCIENCE COMMITTEE: Submits and summarizes written testimony in support of HB 2318.(EXHIBIT 1)

230 SEN. SHOEMAKER: A person that provides spiritual healing is referred by someone?

CAMPBELL: Responds.

255 TAYLOR: What does the additional language accomplish?

260 CAMPBELL: As the statute stands, I don't think spiritual treatment is medical treatment under its definition. This extends that protection to those that are giving care.

289 TAYLOR: Will that also protect someone who is not a dually or accredited practitioner who then gives spiritual advice?

295 CAMPBELL: There are accredited practitioners of spiritual healing who do this as their vocation. I don't think that an adult child of a parent would be in a position to perform that service without accreditation.

313 SEN. WEBBER: You're only getting at physical and medical care? Do you exempt abandonment?

324 CAMPBELL: Responds.

331 SEN. WEBBER: Your particularly concerned with the language around medical attention?

333 CAMPBELL: Responds.

335 SEN. WEBBER: I'm afraid that if you do bring that new language in for anyone who provides spiritual treatment, you really open it wide to a lot

of people who can use that as a cover for doing other things.

342 CAMPBELL: Responds.
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368 SEN. SHOEMAKER: Have you ever had a problem with that?

CAMPBELL: No, we haven't.

387 CHAIR SPRINGER: Lets see if you can come up with language that responds to the concerns about the language as presented today.

415 GINA MATTIODA, OREGON MEDICAL ASSN.: Submits and summarizes proposed amendment to HB 2318. (EXHIBIT

TAPE 191, SIDE B

010 GROVER SIMMONS, INDEPENDENT ADULT CARE PROVIDERS ASSN.: Gives testimony in support of HB 2318

018 RICK FOG, OREGON HEALTH CARE ASSN.: Gives testimony in support of HB 231 8
as

amended.

027 CHAIR SPRINGER: We will carry over HB 2318 to another work session.
PUBLIC HEARING ON SB 41
Requires licensed occupational therapists to report suspected violations of occupational therapy laws.

- 049 ART KEIL, OCCUPATIONAL THERAPY LICENSING BOARD: Gives testimony in support of SB 41-2 amendments. (EXHIBIT K)

072 PEGGY SMITH, OCCUPATIONAL THERAPY LICENSING BOARD: Gives testimony in support of SB 41.

078 SEN. SHOEMAKER: Why are we deleting section 2?

080 CHAIR SPRINGER: Responds.

WORK SESSION ON SB 41

100 MOTION: CHAIR SPRINGER: Moves to ADOPT LC-2 AMENDMENTS.
VOTE: CHAIR SPRINGER: Hearing no objections, the motion CARRIES.
MOTION: CHAIR SPRINGER: Moves SB 41 AS AMENDED to the Floor with a DO PASS recommendation.
VOTE: In a roll call vote, all members present vote AYE.

CHAIR SPRINGER: The motion CARRIES.

CHAIR SPRINGER will lead discussion on the Floor.

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PUBLIC HEARING ON HB 3211

Deletes provision requiring award of attorney fees to prevailing party in drug paraphernalia proceeding.

118 ALLISON SANTOS, PORTLAND RESIDENT: Submits and summarizes written testimony in support of HB 3211. (EXHIBIT L)

130 SEN. SHOEMAKER: Why do we need the bill?

133 SANTOS: Responds.

154 CHAIR SPRINGER: States intent of bill.

160 FRED AVERA, POLK COUNTY DAA: Gives testimony on HB 3211.

200 SANTOS: Responds.

216 SEN. RASMUSSEN: If the shop is in direct violation of the law, I'm not sure I want to take away the prosecutors ability to try to obtain prevailing party attorney fees for shutting down the shop.

227 ROSSANA CREIGHTON, CITIZENS FOR A DRUG FREE OREGON: Gives testimony on HB 3211.

WORK SESSION ON HB 2946

MOTION: SEN. RASMUSSEN: Moves to ADOPT LC 4 AMENDMENTS.

VOTE: CHAIR SPRINGER: Hearing no objections, the motion CARRIES.

MOTION: SEN. RASMUSSEN: Moves HB 2946 AS AMENDED to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. Sen. Smith and &n. Webber are excused.

CHAIR SPRINGER: The motion CARRIES.

SEN. HAM BY will lead discussion on the Floor.

305 CHAIR SPRINGER: Adjourns the meeting at 2:30 p.m.

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Transcribed by:
Jeffrey Boles
Committee Clerk

Reviewed by:
Bill Taylor
Committee Counsel

EXHIBIT LOG:

A - Testimony on HB 3052 - W. Carey - 2 pages
B - Amendments to HB 2737 - Staff - 1 page
C - Amendments to HB 2737 - staff - 1 page
D - Amendments to HB 2737 - staff- 2 pages
E - Amendments to HB 2216 - staff- 1 page
F - Amendments to HB 2216 - J. Edwards - 1 page
G - Amendments to HB 2946 - staff- 1 page -
H - Testimony on HB 2318 - J. Mullin - 1 page
I - Testimony on HB 2318 - M. Campbell - 1 page
J - Amendments to HB 2318 - OMA - 1 page
K - Amendments to SB 41 - staff - 1 page
L - Testimony to HB 3211 - A. Santos - 1 page
M - Testimony to HB 3052 - V. Helmle - 1 page

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