

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.

HOUSE COMMITTEE ON JUDICIARY

March 8, 1991Hearing Room 357 1:00 p.m.Tapes 25 - 26

MEMBERS PRESENT:Rep. Randy Miller, Chair Rep. Tom Mason, Vice Chair
Rep. Ray Baum Rep. Judith Bauman Rep. Marie Bell Rep. Tom Brian Rep.
Kelly Clark Rep. Jim Edmunson Rep. Rod Johnson Rep. Kevin Mannix Rep.
Del Parks Rep. Ron Sunseri

STAFF PRESENT: Greg Chaimov, Committee Counsel Holly Robinson,
Committee Counsel Kathy Neely, Committee Assistant

MEASURES HB 2156 WS (Boaters) CONSIDERED: HB 2598 WS
(Driving Under Influence) HB 2390 Ws (Enhanced Penalties) HB 2580 WS
(Controlled Substances) HB 2581 WS (Controlled Substance) HB 2582 WS
(Enhanced Penalties) HB 2583 Ws (Enhanced Penalties) HB 2395 WS
(Hearsay) HB 2062 WS (Landscape Contractors) HB 2036 WS (Civil
Forfeiture) HB 2034 WS (Civil Forfeiture) HB 2035 WS (Civil Forfeiture)
HB 2025 WS (Civil Forfeiture) HB 2026 WS (Civil Forfeiture) HB 2023 WS
(Forfeiture) HB 2418 WS (Civil Forfeiture) HB 2198 WS (Rule Hearings) HB
2358 WS (Corrections Ombudsman) HB 2559 WS (Inmate Treatment Programs)
HB 2558 WS (Vehicle Confiscation)

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TAPE 25, SIDE A

004 CHAIR MILLER: Called the meeting to order at 1:00 p.m.

WORK SESSION ON HB 2558

018 GREG CHAIMOV: Discusses the bill which the Transportation committee wants.

024 MOTION: REP. MASON: Moves that HB 2558 be referred to the Transportation Committee.

CHAIR MILLER: Rep. Mason moves HB 2558 be referred to the Transportation committee. Any discussion? Any objection? Hearing none, it is so ordered.

WORK SESSION ON HB 2156

030 HOLLY ROBINSON: It is currently against Oregon law to operate a boat under influence of alcohol but does not have the .08 blood alcohol level in it. HB 2156 extends the implied consent provisions existing in

driving laws to boats. The amendment (EXHIBIT A) restricts this to boats capable of moving at 5 knots or more per hour.

040 REP. BELL: Regarding page 2, section 4, line 5 of HB 2156. Had constituents inquiry why the penalty in HB 2156 is greater than driving under influence of a car.

048 REP. JOHNSON: Believes there is no driver's license to take away from a boater. Have to take away something.

052 REP. BELL: Alternative could be fines and not taking away the boat. There is problem when the owner is not the driver of the boat.

REP. SUNSERI: Why does the drunk driving law and HB 2156 have to harmonize?

REP. BELL: Point is why should HB 2156 be more restrictive? What about when owner is not the person driving the boat?

061 CHAIR MILLER: Asks Paul Donheffner to join the discussion.

066 PAUL DONHEFFNER, DIRECTOR OF MARINE BOARD: Section 4 of HB 2156 was not

amended in committee. Responds to someone other than owner operating boat.

077 HOLLY ROBINSON: Reminds committee that it is a Class A misdemeanor to operate a boat under influence. Discusses option of courts in these cases.

087 REP. BELL: It appears that boat owners would get prejudicial treatment against them. Comments on borrowing a boat and driving intoxicated. Would be more interested in a fine which would be more universal.

093 HOLLY ROBINSON: On lines 10 and 11 on page 2 of HB 2156, the convicted person and the suspension has to be the same person. There is a right to a hearing subsequent. Can only cancel the license of the person convicted.

101 REP. BELL: The convicted person may not own the boat?

HOLLY ROBINSON: Right. If convicted person does not own boat, there is no cancellation of the license.

REP. BELL: Perceives this as easier treatment for the person who does not own the boat and is convicted.

HOLLY ROBINSON: Potentially. Same problem exists in driving under influence laws.

110 MOTIONREP. BRIAN: Moves HB 2156 as amended to House floor with do pass recommendation.

CHAIR MILLER: Rep. Brian moves HB 2156 as amended to the House floor with a do pass recommendation. Calls for vote.

VOTE: HB 2156 as amended to House floor with do pass recommendation.

AYE: Baum, Bauman, Brian, Clark, Edmunson, Mannix, Mason, Sunseri,

Miller NO: Bell, Johnson, Parks EXCUSED:

CHAIR MILLER: HB 2156 as amended is passed to the House floor. Rep. Brian will carry.

(Tape 25, Side A) WORK SESSION HB 2598

124 HOLLY ROBINSON: Presented to subcommittee as a housekeeping bill by the State Police. Explains the current law with regard to measurement of blood alcohol level. This bill amends the statute to reflect 100 mm of blood or grams of alcohol per 210 liters of breath.

134 CHAIR MILLER: Asks for discussion on HB 2598.

MOTION:REP. MASON: Moves HB 2598 to House floor with a do pass recommendation.

CHAIR MILLER: Rep. Mason moves HB 2598 to House floor with a do pass recommendation.

VOTE: HB 2598 to House floor with do pass recommendation. AYE: Baum, Baum, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Parks, Sunseri, Miller NO: EXCUSED:

CHAIR MILLER: HB 2598 is passed to House. Rep. Mason will carry.

(Tape 25, Side A) WORK SESSION ON HB 2390

155 GREG CHAIMOV: Brings crimes involving controlled substance higher on the sentencing scale if part of a scheme and network. Comments on recent ruling of Oregon Court of Appeals declaring term "scheme or network" unconstitutionally vague and HB 2390 is attempt to correct that. Comments on amendments of the subcommittee. (AMENDMENTS ARE EXHIBIT C). Would be appropriate to move the 2390-2 amendments.

186 MOTION:REP. MASON: Moves the technical amendments, HB 2390-2, into the bill.

CHAIR MILLER: Rep. Mason moves the technical amends to HB 2390. Any discussion, any opposition? Hearing none, it is so ordered.

194 MOTION:REP. MASON: Moves HB 2390 as amended to House floor with do pass recommendation.

CHAIR MILLER: Rep. Mason moves HB 2390 as amended to the House floor with a do pass recommendation. Calls for vote.

VOTE: HB 2390 as amended to House floor with do pass recommendation. AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Parks, Sunseri, Miller NO: EXCUSED:

CHAIR MILLER: HB 2390 as amended is passed to the House. Rep. Mason will carry.

(Tape 25, Side A) WORK SESSION ON HB 2580

210 GREG CHAIMOV: Under current law it is a Class A felony to deliver a controlled substance to a minor within 1,000 feet of school. HB 2580 makes manufacturing, possessing, or delivering within 1,000 feet of a day care center, school, or college a Class A felony. (AMENDMENTS -

EXHIBIT D)

CHAIR MILLER: Any discussion?

218 REP. BAUMAN: Uneasy with these Citizen's for a Drug Free Oregon bills because they are piece-meal dismantling or amending the work done last session on sentencing guidelines. Requests sending this back for further discussion.

257 CHAIR MILLER: Responds on the impact of sentencing guidelines. Need to direct the guidelines. Not uncomfortable with HB 2580.

270 REP. CLARK: Comments on prison impact statement. HB 2380 takes a different direction with the inclusion of Subsection C in HB 2380-1 amendments by adding colleges, universities and the like, not just protecting children. What was the discussion in the hearing regarding that?

291 CHAIR MILLER: Believes it is a good idea. Have little sympathy for drug dealers wherever they set up trade. More ambitious with this.

310 REP. CLARK: Does this creates an inconsistency regarding possession of controlled substance which would be a misdemeanor but as soon as that person walks on to a college campus, it becomes a Class A felony.

CHAIR MILLER: Correct.

REP. BAUMAN: Add "where it may not be a crime under current". A violation would now be a felony.

CHAIR MILLER: Correct. The subcommittee understood ramifications of the language and adopted it understanding those.

325 REP. MANNIX: Concern with use of "possession". Supports adding colleges and universities. Will vote for it despite "possession" being in there because it is important. Would not put possession in the bill.

367 REP. MASON: Discusses 1,000 feet boundary. Comments on college property. Offers an hypothetical situation. Believes this bill will fail on constitutional grounds.

CHAIR MILLER: Disagrees with that. Oregon sentencing law are minimal. Wants members to consider what conduct seeking to protect? Not trying to protect those that deal with drugs.

434 REP. PARKS: Would Chair accept a technical amendment to remove the word "possess"?

442 CHAIR MILLER: Not a technical amendment.

MOTION:REP. PARKS: Moves to re-refer HB 2580 back to the Criminal subcommittee for further consideration.

CHAIR MILLER: Rep. Parks moves HB 2580 be re-referred to subcommittee on Criminal Law and Justice. Is there discussion?

REP. EDMUNSON: Supports motion. Wants the committee to deal with the concept of real property as it involves universities. Believes HB 2580 is extremely vague. For concept however, but believes it is unenforceable and vague.

REP. BAUMAN: Supports motion. Comments on prison impact assessment.

TAPE 26, SIDE A

038 REP. MASON: Chair's desire is for a vote on the bill. Will oppose the motion as a courtesy to the Chair, but will vote against the bill.

047 REP. MANNIX: To the motion: Joins with Rep. Mason's comment. Comments on the word "possession" and whether that should be a Class A felony which is the highest in the state. Wonders about support for a minority report.

059 REP. SUNSERI: Will vote for HB 2580. Does not want to see the word "possession" taken out when it relates to grade schools and day cares. Question is on the universities and university property.

070 REP. JOHNSON: Discusses vote on the these two issues in the subcommittee.

080 REP. BAUM: Questions Counsel regarding last session's position on 1,000 feet from schools?

HOLLY ROBINSON: Yes but issue of possession was not involved.

093 REP. CLARK: Joins with Rep. Mason to vote on bill. Problem with bill remains with college and university. Does the Chair remain opposed to sending it back to subcommittee?

101 CHAIR MILLER: Yes.

103 REP. PARKS: Withdraws motion.

REP. MANNIX: Will oppose the bill.

111 REP. BELL: Would have voted for the motion to send back to subcommittee.

113 MOTION:REP. SUNSERI: Moves HB 2580 as amended to the House floor with do pass recommendation.

CHAIR MILLER: Rep. Sunseri moves HB 2580 as amended to House with a do pass recommendation. Calls for vote.

VOTE: HB 2580 as amended to House floor with do pass recommendation.
AYE: Baum, Bell, Brian, Johnson, Sunseri, Miller NO: Bauman, Clark, Edmunson, Mannix, Mason, Parks EXCUSED:

CHAIR MILLER: Motion fails 6 to 6.

127 MOTION:REP. MANNIX: Moves HB 2580 as amended be referred back to Criminal subcommittee.

131 CHAIR MILLER: Rep. Mannix moves HB 2580 as amended be re-referred to Criminal subcommittee. Any discussion, any objection? Hearing none, it is so ordered.

(Tape 26, Side A) WORK SESSION ON HB 2581

137 GREG CHAIMOV: Makes using a minor in commission of a drug crime a

Class A felony. Does not set a penalty but put defendant under sentencing guidelines. (AMENDMENTS - EXHIBIT E)

143 MOTION:REP. PARKS: Moves HB 2581 as amended to House floor with do pass

recommendation.

CHAIR MILLER: Rep. Parks moves HB 2581 as amended to the House with do pass

recommendation.

VOTE: HB 2581 as amended to House floor with do pass recommendation.
AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Parks, Sunseri, Miller NO: EXCUSED:

CHAIR MILLER: HB 2581 as amended is passed to the House. Rep. Johnson will carry.

(Tape 26, Side A) WORK SESSION ON HB 2582

161 GREG CHAIMOV: Similar to HB 2581 but creates a minimum sentence of 10 years without parole for using a minor to help manufacture or deliver a controlled substance. It excludes from provision the felony possession crimes.

CHAIR MILLER: Are there amendments?

GREG CHAIMOV: Yes, adopted in committee but not in LC form (EXHIBIT F).

169 MOTION:REP. BRIAN: Moves HB 2582 as amended to the House floor with a do pass recommendation.

CHAIR MILLER: Rep. Brian moves HB 2582 as amended to the House floor with a do pass recommendation. Any discussion?

173 REP. CLARK: Supports the bill. Notes prison impact discussing additional prison beds.

CHAIR MILLER: Comments on impact statements. Calls for the vote.

VOTE: HB 2582 as amended to the House floor with do pass. AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Parks, Sunseri, Miller NO: 0 EXCUSED:

CHAIR MILLER: HB 2582 as amended is passed to the House. Rep. Miller will carry.

(Tape 26, Side A) WORK SESSION ON HB 2583

GREG CHAIMOV: Makes state law closer to federal law regarding minimum sentences on delivering and manufacturing controlled substances. Quantity of drug involved is a factor. Comments on the fiscal impact which indicates an anticipated impact.

222 MOTION:REP. BAUMAN: Moves HB 2538 to Ways and Means.

CHAIR MILLER: Rep. Bauman moves HB 2538 be referred to Ways and Means. Any discussion.

229 REP. BRIAN: If data is not currently there to make the estimate of impact, it is a policy

240 REP. CLARK: In prison impact statement, 24% of those convicted of delivery or manufacture of controlled substance receive average sentence of 16 months.

257 REP. MASON: Against referral. Discusses fiscal impact of bill.

268 CHAIR MILLER: Any objection to motion?

REP. MANNIX: Yes.

CHAIR MILLER: Hearing objection, calls the vote.

VOTE: HB 2583 referred to Ways and Means. AYE: Bauman, Bell, Clark, Edmunson, Johnson, Mason, Parks NO: Baum, Brian, Mannix, Sunseri, Miller EXCUSED:

CHAIR MILLER: Amendment is adopted.

MOTION:REP. MANNIX: Moves HB 2582 as amended to be referred to Ways and Means committee with do pass recommendation.

CHAIR MILLER: Rep. Moves HB 2582 as amended be referred to Ways and Means.

VOTE: HB 2582 as amended be referred to Ways and Means. AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Parks, Sunseri, Miller NO: EXCUSED:

CHAIR MILLER: HB 2582 is referred to Ways and Means. Serves notice of possible reconsideration.

(Tape 26, Side A) WORK SESSION ON HB 2395

303 HOLLY ROBINSON: HB 2395 building on the 1989 bill regarding evidence of a child under 10. It allows statements made by a child concerning sexual conduct to be admissible in any proceeding if child is available and those under 13 years admissible in criminal proceeding if statutory criteria are met.

318 MOTION:REP. MANNIX: Moves to technically adopt the HB 2395-1 amendments to the bill.

CHAIR MILLER: Rep. Mannix moves 2395-2 amendments to HB 2395. They are technical.

330 REP. EDMUNSON: Notes the relating clause.

335 CHAIR MILLER: Is there objection? Hearing none, so ordered.

MOTION:REP. MANNIX: Moves technical amendment on page 1 after line 15, subsection 5 and renumbering other sections: "statements made to persons licensed under ORS Chapter 675 for purpose of diagnosis or treatment of a mental or emotional disorder arising out of a sex abuse in so far as those statements are reasonably important to that diagnosis or treatment."

360 REP. MANNIX: To the motion: the subcommittee adopted this in concept.

365 CHAIR MILLER: Any objections, hearing none, it is so ordered.

MOTION:REP MANNIX: Moves HB 2395 as amended to the House floor with a do pass recommendation.

CHAIR MILLER: Rep. Mannix moves HB 2395 as amended to the House floor with a do pass recommendation. Any discussion?

VOTE: HB 2395 as amended to House with do pass recommendation. AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Parks, Sunseri, Miller NO: 0 EXCUSED:

CHAIR MILLER: HB 2395 as amended is passed to the House. Rep. Parks will carry.

(Tape 26, Side A) WORK SESSION ON HB 2062

388 GREG CHAIMOV: This bill gives Landscape Contractors Board greater authority to control activities of landscape contractors, including amount of insurance have to maintain.

391 MOTION:REP. MANNIX: Moves HB 2062 to the House floor with a do pass recommendation.

CHAIR MILLER: Rep. Mannix moves HB 2062 to House floor with a do pass recommendation. Any discussion?

402 REP. BAUMAN: Concern about this regarding small businesses feeling this is an effort to put them out of work.

TAPE 25, SIDE B

011 REP. BRIAN: Had discussion and testimony on this point. Does not pertain to maintenance.

022 REP. PARKS: Would like further explanation on the issue.

027 REP. MANNIX: There is exception for small operators and one for those doing maintenance with a little landscaping. Nurserymen have no objection to this.

035 JIM STEMBRIDGE, DEPUTY ADMINISTRATOR OF LANDSCAPE CONTRACTORS BOARD: Law applies to landscape contractors not maintenance businesses. Defines landscape contractors.

045 REP. JOHNSON: The exceptions identified do soften impact of this. Comments on state policies with regard to over regulating the small business people. Will oppose bill.

058 CHAIR MILLER: Further comments? Calls for the vote.

VOTE: HB 2062 to the House with do pass recommendation. AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Mannix, Miller NO: Johnson, Mason, Parks, Sunseri EXCUSED:

CHAIR MILLER: HB 2062 is passed to the House. Rep. Mannix will carry.

(Tape 25, Side B) WORK SESSION ON HB 2036

072 GREG CHAIMOV: This is a forfeiture bill. This bill specifies that the new forfeiture law applies to properties seized on or after effective date.

077 CHAIR MILLER: Any discussion?

MOTION:REP. MANNIX: Moves HB 2036 to House floor as amended with a do pass recommendation.

CHAIR MILLER: Rep. Mannix moves HB 2036 as amended to the House floor with a do pass recommendation.

VOTE: HB 2036 as amended to House. AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Parks, Sunseri, Miller NO: EXCUSED:

CHAIR MILLER: HB 2036 as amended is passed to the House. Rep. Brian will carry.

(Tape 25, Side B) WORK SESSION ON HB 2034

088 GREG CHAIMOV: Involves procedures providing claimants with notice of what was taken and value of that taken in a forfeiture.

099 CHAIR MILLER: Any discussion?

MOTION:REP. MANNIX: Moves the amendments, HB 2034-2 to the bill.

CHAIR MILLER: Rep. Mannix moves the 2034-2 amendments to the bill. Any discussion, any objection? Hearing none, so ordered.

MOTION:REP. MANNIX: Moves HB 2034 as amended to the House floor with a do pass recommendation.

CHAIR MILLER: Rep. Mannix moves HB 2034 as amended to House with do pass recommendation.

VOTE: HB 2034 as amended to House with do pass recommendation. AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Parks, Sunseri, Miller NO: EXCUSED:

CHAIR MILLER: HB 2034 as amended is passed to the House. Rep. Calouri will carry.

(Tape 25, Side B) WORK SESSION 2035

117 GREG CHAIMOV: Discusses current law regarding forfeiture. This bill treats mobile home as real property to give owners added protection.

119 CHAIR MILLER: Any discussion?

MOTION:REP. BRIAN: Moves HB 2035 to House floor with a do pass recommendation.

CHAIR MILLER: Rep. Brian moves HB 2035 to House floor with do pass recommendation.

VOTE: HB 2034 as amended to House with do pass recommendation. AYE:

Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Parks, Sunseri, Miller NO: EXCUSED:

CHAIR MILLER: HB 2035 is passed to the House. Rep. Calouri will carry.

(Tape 25, Side B) WORK SESSION ON HB 2025

131 GREG CHAIMOV: Discusses current forfeiture law regarding notice of seizure. This bill extends exemption to property valued at \$1,000 or less. Positive fiscal impact.

140 MOTION:REP. MANNIX: Moves HB 2025 to House with do pass recommendation.

CHAIR MILLER: Rep. Mannix moves HB 2025 as amended to the House with a do pass recommendation. Is there discussion?

145 REP. BRIAN: Questions the amendments.

GREG CHAIMOV: The committee did not adopt the amendments.

CHAIR MILLER: Is the bill unamended?

GREG CHAIMOV: Correct.

CHAIR MILLER: Motion is HB 2025 to House floor with do pass recommendation.

154 REP. CLARK: Did not see difference between property worth \$995 and property worth \$1,005.

CHAIR MILLER: Calls for vote.

VOTE: HB 2025 to House. AYE: Baum, Bauman, Bell, Brian, Edmunson, Johnson, Mannix, Mason, Parks, Sunseri, Miller NO: Clark EXCUSED:

CHAIR MILLER: HB 2025 is passed to the House. Rep. Calouri will carry.

(Tape 25, Side B) WORK SESSION ON HB 2026

168 GREG CHAIMOV: This bill would clarify legislative assembly's original intent in bill last session with regard to the 15 day notice period and expands that period to 21 days. Amendments have not yet come from LC.

178 CHAIR MILLER: Is there discussion?

MOTION:REP. MANNIX: Moves HB 2026 as amended to House with a do pass recommendation.

CHAIR MILLER: Rep. Mannix moves HB 2026 as amended to House with a do pass recommendation.

VOTE: HB 2026 as amended to House. AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Parks, Sunseri, Miller NO: EXCUSED:

CHAIR MILLER: HB 2026 as amended is passed to the House. Rep. Clark will carry.

(Tape 25, Side B) WORK SESSION ON HB 2023

191 GREG CHAIMOV: Authorizes seizing agencies to freeze bank accounts. Discusses current law.

196 MOTION:REP. BRIAN: Moves HB 2023 to House with do pass recommendation.

CHAIR MILLER: Rep. Brian moves HB 2023 to House with do pass recommendation.

VOTE: HB 2023 to House with do pass recommendation. AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Parks, Sunseri, Miller NO: 0 EXCUSED:

CHAIR MILLER: HB 2023 is passed to the House floor. Rep. Brian will carry.

(Tape 25, Side B) WORK SESSION ON 2418

207 GREG CHAIMOV: Involves the bond that a claimant property has to file in order to file a claim for the property. Discusses current law.

CHAIR MILLER: Discussion?

212 MOTION:REP. CLARK: Moves HB 2418 as amended to the House floor with a do pass recommendation.

CHAIR MILLER: Rep. Clark moves HB 2418 to House floor with do pass recommendation. Any discussion?

VOTE: HB 2418 to House. AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Parks, Sunseri, Miller. NO: EXCUSED:

CHAIR MILLER: HB 2418 is passed to the House floor. Rep. Brian will carry.

(Tape 25, Side B) WORK SESSION ON HB 2198

224 HOLLY ROBINSON: ORS Chapter 183 when a state agency holds rule making hearings they are required to be public and take oral testimony if more than 10 people request it. Board of Parole and Department of Corrections are asking for exemption regarding taking of oral testimony at hearings by inmates. Cost outweighs value of taking public testimony. Inmates can commit written comments.

233 CHAIR MILLER: Discussion?

MOTION:REP. BRIAN: Moves HB 2198 to House floor with do pass recommendation.

CHAIR MILLER: Rep. Brian moves HB 2198 to House floor with a do pass recommendation.

VOTE: HB 2198 to House floor. AYE:Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Parks, Sunseri, Miller NO: 0 EXCUSED:

CHAIR MILLER: HB 2198 is passed to House. Rep. Mason will carry the bill.

(Tape 25, Side B) WORK SESSION ON HB 2358

249 HOLLY ROBINSON: Discusses the Office of Corrections Ombudsman. This bill establishes the requirement that the Ombudsman report to the Legislative assembly biannually and changes the word to "Ombudsperson".

253 CHAIR MILLER: Any discussion.

MOTION:REP. CLARK: Moves HB 2358 to the House floor with a do pass recommendation.

REP. PARKS: Voted for in subcommittee. Comments on reports from Ombudsman. Contribution to Measure 5 would be to not require this report. Will vote against.

276 CHAIR MILLER: Further discussion?

REP. EDMUNSON: Calls for the question.

VOTE: HB 2358 to House floor. AYE: Bell, Clark, Edmunson, Mason, Miller
NO: Baum, Bauman, Brian, Mannix, Parks, Sunseri EXCUSED:

CHAIR MILLER: Motion fails.

310 MOTION:REP. CLARK: Moves HB 2358 be referred back to the subcommittee.

CHAIR MILLER: Is there any objection?

REP. PARKS: Objects.

VOTE: To refer HB 2358 back to subcommittee. AYE: Bauman, ell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Miller NO: Baum, Parks, Sunseri
EXCUSED:

CHAIR MILLER: HB 2358 is referred back to the subcommittee.

(Tape 25, Side B) WORK SESSION ON HB 2559

338 HOLLY ROBINSON: This allows release of inmates, unescorted to participate in alcohol, drug, or independent living skills treatment programs. Example would be a community AA program.

350 CHAIR MILLER: Any discussion.

MOTION:REP. BRIAN: Moves HB 2559 as amended to House floor with do pass recommendation.

CHAIR MILLER: Rep. Brian moves HB 2559 as amended to the House floor with a do pass recommendation.

VOTE: HB 2559 as amended to House. AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Parks, Sunseri, Miller NO:
EXCUSED:

366 CHAIR MILLER: HB 2559 as amended is passed to the House. Rep. Brian will carry. Adjourns the hearing at 2:25 p.m.

Submitted by: Reviewed by:

Kathy Neely David Harrell Assistant Office Manager

EXHIBIT LOG:

A - Amendmens to HB 2156 - 1 page B - Testimony on HB 2156 -
MADD - 1 page C - Amendments to HB 2390 - 5 pages
D - Amendments to HB 2580 - 1 page E- Amendments to HB 2581
- 1 page F - Amendments to HB 2582 - 1 page G- Amendments
to HB 2395 - 2 pages H - Amendments to HB 2036 - 1 page
I - Amendments to HB 2034 - 1 page J- Amendments to HB 2358
- 2 pages K - Testimony on HB 2598 - 1 page L - Ombudsman
Report for HB 2358 - 3 pages M - Amendments to HB 2559 - 1 page