

Senate Third Readings

TUESDAY, JUNE 28, 2011

SENATE CONVENES AT 10:30 A.M.

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SCR 18 Rosenbaum

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Note:

Adjourns sine die 2011 regular session of Seventy-sixth Legislative Assembly.

As of today, the senate has passed 894 bills, the House of Representatives has passed 886 bills, and the governor has signed 465 of them in to law. That amounts to 6 bills passed and 3 new laws for each day the legislature is in session. If only we could have a year round legislature. Wouldn't that be great?

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THIRD READING OF SENATE MEASURES:

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SB 5516 A-Eng. Winters

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Note:

Judicial Department

Appropriates moneys from General Fund to Judicial Department for biennial expenses.

From Bill: Limits biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by department. Limits biennial expenditures by department from federal funds. Declares emergency, effective July 1, 2011.

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SB 5540 A-Eng. Johnson

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Public Defense Services Commission

Note:

Appropriates moneys from General Fund to Public Defense Services Commission for certain biennial expenses.

SB 420 A Relating to mentally ill defendants

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Note:

Modifies court's dispositional authority when person found guilty except for insanity of crime.

From bill summary:

Places a person found guilty but for insanity and who presents a substantial danger to others under the jurisdiction of the Oregon Health Authority (OHA) rather than the Psychiatric Security Review Board (PSRB). OHA will decide when a person can be released back into the community and whether the person should be recommitted; however, the PSRB will supervise the person when released into the community. Requires that person under the jurisdiction of OHA who is convicted of a crime and sentenced to incarceration be conditionally released in order to serve that sentence and upon completion of the sentence be placed back under the jurisdiction of OHA.

I'm not so sure I want the Oregon Health authority making decisions about when a person should be released.

And also from the summary:

If a person is committed to the jurisdiction of the PSRB and placed in OSH, the hospital can recommend discharge back into the community based on the fact that the person's mental condition has improved so that the person does not present a danger to self or others either with supervision or without supervision; however, the ultimate decision to do this rests with the PSRB, which not only has the authority to make this decision but sets the terms and conditions of release and supervises the person while released. This split between the OSH's obligation to treat and evaluate and the PSRB's authority to decide who is released has caused confusion, and, some believe, delay in release into the community.

If an insane criminal man has been truly "cured" I don't think he is going to mind a few days of evaluation before being released.

SB 994 A-Eng. Bates

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Note:

Relating to education

From Bill: Resolves conflicts in certain education bills. Creates Task Force on Virtual School Governance. Sunsets task force on date of convening of 2012 legislative session.

This is a large bill. Representative Matt Wingard is one of the principal drivers behind much of the education reform so I sent him an e-mai yesterday regarding this bill and he stated that the bill should be OK to support.

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HB 3066 B-Eng. Winters

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Note:

About 1/3 the republicans in the house voted against the bill and a few democrats as well. Most of the more conservative republicans voted for the bill.

Requires the Department of Justice to establish a restitution collection pilot program and to make grants sufficient to enable district attorney’s offices to hire and employ one restitution clerk who would investigate evidence of the damages suffered by crime victims and the ability to pay of defendants. Directs the Department of Justice to employ collection agents. Appropriates money from the Criminal Injuries Compensation Account. Sunsets January 2, 2014

Bill appears to create more bureaucracy although it seems to be for a good idea. It is also not clear how these grants get repaid and where the award money flows through.

Please note: Has Fiscal Impact Statement

Declares emergency, effective on passage. (Committee Vote: Ayes, 10 – Beyer, Cowan, Freeman, Garrard, Komp, Kotek, Nathanson, G. Smith, Buckley, Richardson; Nays, 4 – McLane, Nolan, Thatcher, Whisnant)

THIRD READING OF HOUSE MEASURES:

HB 3525 A-Eng. Nelson

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Note:

Relating to courthouse capital improvements

Provides that 10 percent of amount awarded as punitive damages under verdict in civil action is payable to Attorney General for deposit in Courthouse Capital Improvement Trust Fund.

This doesn't seem like good policy. A man gets hurt, files a lawsuit and wins, then the government comes along and takes 10%. This is nothing more than a lawsuit winners TAX. Why not take money from the tort and environmental lawyers who file frivolous suits?

Creates the Courthouse Capitol Improvement Trust Fund and deposits in that fund moneys received from punitive damage awards. Directs that moneys in this trust be used for courthouse capital improvements. **Directs that 10% of punitive damage awards go to the trust fund.** (Committee Vote: Ayes, 11 – Beyer, Cowan, Freeman, Garrard, Komp, Kotek, Nathanson, G. Smith, Whisnant, Buckley, Richardson; Nays, 2 – McLane, Nolan)

Please note: Has Fiscal Impact Statement

Please note: Has Revenue Impact Statement
