

## HOUSE COMMITTEE ON JUDICIARY

February 20, 2003 Hearing Room 357

1:00 P.M. Tapes 50 -52

**MEMBERS PRESENT:** Rep. Max Williams, Chair  
Rep. Robert Ackerman, Vice-Chair  
Rep. Gordon Anderson, Vice-Chair  
Rep. Jeff Barker  
Rep. Jerry Krummel  
Rep. Greg Macpherson  
Rep. Floyd Prozanski  
Rep. Lane Shetterly

**STAFF PRESENT:** Bill Taylor, Counsel  
Nancy Masee, Committee Assistant

**MEASURE/ISSUES HEARD:**  
HB 2086 Public Hearing  
HB 2206 Public Hearing  
Introduction of LC 1486, LC 2430, LC 2543,  
LC 2893, LC 2948, and LC 2949  
HB 2207 Public Hearing

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These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

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TAPE/#	Speaker	Comments
<b>Tape 50, A</b>		
004	Chair Williams	Opens meeting at 1:00 P.M. Opens public hearing on HB 2086.
<b>HB 2086 PUBLIC HEARING</b>		
020	Kelly Peterson	Pacific Northwest Regional Office of the Humane Society of the United States submits <b>(EXHIBIT A)</b> . Introduces Chief Jim Harper, Dallas Police Department who submits testimony and testifies in support of HB 2086 <b>(EXHIBIT B)</b> ; Lieutenant Randy Covy, Oregon Animal Control Council. Explains it is legal to raise fighting cocks in Oregon, although cockfighting is a Class A misdemeanor.
083	Peterson	Continues explaining HB 2086. Cock fighting also Involves the illegal crime of gambling, and is often associated with illegal drug possession, and illegal firearms possession.
109	Chief Jim Hobson	Oregon Association of Chiefs of Police. Supports HB 2086. Describes the process needed for a search warrant. Describes the large number of enforcement officers needed to conduct a search and seizure. Explains civil liberties are protected.
150	Detective Jason Alexander	Woodburn Police Department. Describes his personal experience investigating a Woodburn site that had over 100 gamecocks. Describes the physical condition of the birds. Shows pictures of the birds. Describes the large amount of money handled at these fights.
230	Lt. Randall Covy	Humane Society Animal Control Council. Supports HB 2086. Describes how cocks are fitted with razor slashers and altered for

		fighting and the drug paraphernalia found around the sites. Says HB 2086 follows language in the dog fighting bill, and protects lawful bird activities. It also allows law enforcement the tools to prosecute illegal acts associated with cockfighting.
375	Rep. Shetterly	Refers to the 2001 Legislative Session and a previous cockfighting bill.
380	Chair Williams	Answers that this is the same bill.
385	Rep. Shetterly	Refers to page 6, line 13. Compares the “dog” bill language and asks if “fighting bird” should be defined in HB 2086.
430	Chair Williams	Says not changing it leaves it to the discretion of the prosecutor.
450	Covy	Refers to conversation and agrees that it allows discretion.
020	Rep. Prozanski	Says it does not need to be built into the law.
<b>TAPE 51, A</b>		
040	Marcia Keith	Oregon Veterinary Medical Association. Supports HB 2086 and submits testimony ( <b>EXHIBIT C</b> ). Gary Hendel submits testimony in support of HB 2086 ( <b>EXHIBIT D</b> ).
058	Cheryl Brittain	Oregon Animal Welfare Alliance. Supports HB 2086 and submits testimony ( <b>EXHIBIT E</b> ). Wayne Geiger submits testimony support of HB 2086 ( <b>EXHIBIT F</b> ).
077	Ed Clarkson	Humane Society of the Willamette Valley. Describes personal experience in discovering cockfighting’s secretive nature. Supports HB 2086. Describes other kinds of crimes that are related to animal cruelty.
117	Rhonda Urben	Salem citizen. Submits testimony and testifies in support of HB 2086 ( <b>EXHIBIT G</b> ). Lives across the street from where 200 fighting cocks are kept. Describes how the noise is so loud that it impinges on the tranquil life of the community.
175	Lloyd McClure	Medford Citizen. Supports HB 2086 and submits testimony ( <b>EXHIBIT H</b> ). Lives in neighborhood where cocks are raised. Describes cruelty issues and the noise in the neighborhood. Explains his property is no longer saleable. Describes how animal control and law enforcement are tied.
211	Andrea Kozil	Salem Citizen. Describes 2001 Legislative Session’s failure to pass out this bill. Supports HB 2086. Asks the committee to follow through with this bill.
230	Rep. Shetterly	Supports HB 2086. Supports the animal welfare issue.
260	Larry Mathews	Silverton, Oregon. Oregon Gamefowl Breeders Association. Opposes HB 2086 and submits testimony ( <b>EXHIBIT I</b> ). Describes raising birds for breeding purposes in other countries. Describes feather marketing industry for fly tying. Describes how trimming of the fowls is for “show.” Describes spur cutting for safety purposes. Describes the negative economic impact HB 2086 would cause to the gamefowl breeders industry.
342	Mathews	Continues explaining the game breeders industry. Explains how, under HB 2086, bird breeders could be arrested for having these birds.
425	Dr. Francine Bradley	University of California at Davis, Poultry Science Department. Explains that poultry producers are concerned about HB 2086. States the bill does not define “probable cause.” Describes birds used for poultry exhibition and used for cockfighting. HB 2086 definition of “cock fight” is incorrect in poultry definitions. Term of “fighting” is vague. Birds are dubbed in the poultry industry. Removal of comb, waddles, and ear lobes is a management practice. Shaving of feathers around vents to

improve fertility and reduce parasites. Refers to equipment noted in bill.

**TAPE 50, B**

040	Dr. Bradley	Continues explaining the poultry breeder's interest in this bill. Opposes HB 2086.
059	Leslie Melvill	Oregon Poultry Farmers' Association and the Oregon Poultry Industries Council. Serves on numerous councils and boards relating to the poultry industry. Serves on Disease Control Force Newcastle epidemic in California. Helped draft the Animal Welfare Amendment Act (1976). Explains federal disease control programs. Believes that HB 2086 can destroy the poultry industry in Oregon. Suggests the Oregon Department of Agriculture needs to look at this bill.
200	Rep. Prozanski	Asks Dr. Bradley about "probable cause." Has there been a better bill than this in another state?
214	Dr. Bradley	Answers if the purpose is to outlaw the activity, then one should be found guilty based on engaging in that activity, not relying on someone you think might be doing that.
220	Rep. Prozanski	Asks if any state has better legislation in this country regarding cockfighting.
221	Dr. Bradley	Replies she has California legislation which is not perfect, but is a little tighter.
223	Rep. Shetterly	Comments on the impact of HB 2086 on legitimate breeders and growers. Asks about the bill prohibiting dog fighting. Refers to "cockfight" definition. Points out language in HB 2086 that narrows the intent. Does not believe this bill is the death of all game fowl breeders in the state.
224	Dr. Bradley	Comments how general law enforcement and the public are more familiar with dogs than farm fowl. Continues describing birds that are used by other cultures and their multi-uses.
317	Chair Williams	States that this bill is to prohibit knowingly participating in cockfighting. Believes cockfighting is an inappropriate and inhumane activity.
345	Melvill	Discusses summary. Suggests Section 1, number 3 needs to be amended.
355	Chair Williams	Points out the definition. Says the "knowingly" standard has to be proven by law enforcement.
374	Mathews	Asks if there is a work session scheduled.
377	Chair Williams	Answers, a work session has not been scheduled.
376	Rep. Krummel	Asks Dr. Bradley if the California laws have caused problems for the exotic bird breeding industry.
384	Dr. Bradley	Replies that many breeders have been harassed and raids have been made causing breeders to retain legal counsel.
399	Greg Addington	Oregon Farm Bureau. Introduces Barry Bushue. Points out that the bureau does not support cockfighting. Explains some issues with HB 2086. Feels that the bill could produce a hardship on poultry farmers.
e446	Barry Bushue	President Oregon Farm Bureau. Opposes HB 2086. Does not support cockfighting. States the bill will cause problems to farmers.

**TAPE 51, B**

040	Rep. Shetterly	Clarifies part of HB 2086.
060	Bushue	Points out concerns with HB 2086. States we should use the laws in place to control cockfighting. Describes how farm products

086	Mike Baker	have to be protected. Game fowl owner. Opposes HB 2086. Describes sparring roosters.
140	Shane Holst	Opposes HB 2086. Does not believe there is the right to tell people whether they can raise game birds.
173	Staff	Submits testimony from various interested parties ( <b>EXHIBITS J through O</b> ).
174	Chair Williams	Closes public hearing on HB 2086. Opens public hearing on HB 2206.

**HB 2206 PUBLIC HEARING**

177	Bill Taylor	Committee Counsel. Explains HB 2206 that creates crime of abuse of memorial to dead in first degree. Explains the -1 amendment ( <b>EXHIBIT S</b> ).
228	Shannon Applegate	Supports HB 2206 and submits testimony ( <b>EXHIBIT P</b> ). Describes how memorials are stolen and sold on E-Bay. Describes vandalism to pioneer headstones.
296	Carol Surrency	Oregon Historic Cemeteries Association. Supports HB 2206 and submits testimony ( <b>EXHIBIT Q</b> ). Gives examples of vandalism in historic Oregon cemeteries.
387	Joseph Lyons	Executive Director, Oregon Historical Cemeteries Association. Submits testimony and testifies in support of HB 2206. ( <b>EXHIBIT R</b> ). Gives personal experience working with historic cemeteries and describes vandalism.
462	Rep. Krummel	Refers to page 2. Refers to -1 amendment and submits ( <b>EXHIBIT S</b> ).

**TAPE 52, A**

030	Rep. Krummel	Asks how the amount of damages is determined in vandalism.
050	Applegate	Responds about fines and restitution. Says experts would be needed to put a value on historic headstones.
055	Rep. Krummel	Comments that a fine and restitution could be whatever the court deems.
070	Rep. Prozanski	Points out that all cemeteries are victims, not just pioneer cemeteries. Supports the concept; is concerned with the classification of the crime and the fines impugned.
119	Chair Williams	Recesses the public hearing on HB 2206 to introduce LC 1486, LC 2430, LC 2543, LC 2893, LC 2948, and LC 2949 ( <b>EXHIBIT T</b> )

**INTRODUCTION OF COMMITTEE BILLS**

120	Chair Williams	<b>MOTION: Moves LC's: 1486, 2430, 2543, 2893, 2948 AND 2949 BE INTRODUCED as committee bills.</b> <b>VOTE: 8-0-1</b> <b>EXCUSED: 1 – Macpherson</b>
121	Chair Williams	<b>Hearing no objection, declares the motion CARRIED.</b>
122	Vice Chair Ackerman	Re-convenes public hearing on HB 2206.

**HB 2206 PUBLIC HEARING**

157	Rep. Shetterly	Discusses the issue of fines and restitution in HB 2206.
176	Rep. Prozanski	Suggests adding a directive to the court, "the court shall consider . . ."
180	Vice Chair Ackerman	Refers to "historical value" to be considered.
190	Vice Chair Anderson	Comments on damage to pioneer cemeteries in Josephine County.
205	Applegate	Explains this is an ongoing survey that shows partial statistics.

216	Vice Chair Ackerman	Closes public hearing on HB 2206. Opens public hearing on HB 2207.
<b><u>HB 2207 PUBLIC HEARING</u></b>		
240	Jana Tindall	Parks and Recreation Department. Explains HB 2207 that authorizes the State Parks and Recreation Department to request Department of State Police to provide criminal offender information about subject individuals and submits testimony <b>(EXHIBIT U)</b> .
252	Rep. Krummel	Asks if this action is only State Parks, or is this a general authorization for any state agency.
270	Tindall	Specifically for the agencies included on page 5, sub 17.
272	Rep. Prozanski	Comments that they are trying to standardize. Asks if this is the best way to accomplish the goals. Refers to page 1, line 7, says in order to protect vulnerable Oregonians, and now this would mean anyone.
303	Tindall	Explains what people would be vulnerable to employees.
315	Rep. Prozanski	Suggests that the legislature may want to encompass all state employees' background checks.
345	Rep. Krummel	Comments that this was for Department of Human Services and Employment Department employees originally to protect vulnerable people at the State Hospital and Fairview. Asks how this would affect the use of inmates for maintenance.
355	Tindall	Answers those individuals are under supervision when they are working.
388	Vice Chair Ackerman	Closes public hearing on HB 2207 and adjourns meeting at 3:16 P.M.

## **EXHIBIT SUMMARY**

**A – HB 2086, written testimony and news articles, Kelly Peterson, 20 pp**

**B – HB 2086, letter, Jim Harper, 1 p**

**C – HB 2086, letter, Marcia Keith, 1 p**

**D – HB 2086, letter, Gary Hendel, 1 p**

**E - HB 2086, letter, Cheryl Brittain, 1 p**

**F – HB 2086, letter, Wayne Geiger, 1 p**

**G – HB 2086, letter, Rhonda Urban, 5 pp**

**H – HB 2086, written testimony, Loyd McClure, 1 p**

**I – HB 2086, written testimony, Larry Mathews, 4 pp**

**J – HB 2086, letter, Sgt. C Durbin, Staff, 1 p**

**K – HB 2086, written testimony, Art Martinak, 1 p**

**L – HB 2086, letter, Sarah Bleeden, 1 p**

**M – HB 2086, letter, R. Stephen Atchison, 4 pp**

**N – HB 2086, letter, Eileen Stark, 1 p**

**O – HB 2086, letter, R. Stephen Atchison, 1 p**

**P – HB 2206, written testimony, Shannon Applegate, 2 pp**

**Q – HB 2206, written testimony, Carol Surrency, 2 pp**

**R – HB 2206, written testimony, Joeseeph Lyons, 1 p**

**S - HB 2206-1, amendments, staff, 2 pp**

**T – LCs 1486, 2430, 2543, 2893, 2948, 2949**

**U – HB 2207, written testimony, Jana Tindall, 2 pp**

