

## HOUSE COMMITTEE ON JUDICIARY

March 03, 2003 Hearing Room 357  
1:00 p.m. Tapes 62-63

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

**MEMBER EXCUSED:**        Rep. Floyd Prozanski

**STAFF PRESENT:**         Bill Taylor, Counsel  
                                 Ann Martin, Committee Assistant

**MEASURE/ISSUES HEARD:**    Measure Introduction  
                                 HB 2422 Public Hearing and Work Session  
                                 HB 2099 Work Session  
                                 HB 2425 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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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>Tape 62, A</b>		
003	Chair Williams	Calls the meeting to order at 1:15 p.m. Discusses meeting agenda.
065	Chair Williams	<b>MOTION: Moves LC's: 344, 345, 364, 365, 1414, 1464, 1492, 1500, 1620, 1717, 1766, 2288, 2515, 2525, 2529, 2617, 2784, 2845, 2894, 2922, 2954, 2955, 2957, 2960, 2961, 2999, 3001, 3020, 3068, 3090, 3091, 3092, 3136, 3137, 3168, 3169, 3231, 3244, 3282, 3294, 3362, 3387, 3418, 3455, 3456, 3457 BE INTRODUCED as committee bills (EXHIBIT A).</b> <b>VOTE: 8-0-1</b> <b>EXCUSED: 1 - Prozanski</b> <b>Hearing no objection, declares the motion CARRIED.</b>
<b>066</b>	<b>Chair Williams</b>	
<b><u>HB 2422 PUBLIC HEARING</u></b>		
077	Gary Pelo	Legislative Assistant for Rep. Backlund. Testifies in support of HB 2422 which creates offense of failure to yield to traffic patrol member.
111	Judy Smith	City of Keizer, Marion County. Testifies in support of HB 2422.
162	Debra Latham	Crossing Guard, Whiteaker Middle School, City of Keizer. Testifies in support of HB 2422.
183	Vice-Chair Anderson	Asks if there are any provisions regarding the education of the public.

190 Smith Says that she does not feel that this is a new concept and the public should already be aware of this offense.  
203 Chair Williams Closes the public hearing on HB 2422 and opens a work session on HB 2422.

**HB 2422 WORK SESSION**

211 **Rep. Jenson** **MOTION: Moves HB 2422 to the floor with a DO PASS recommendation.**  
217 Rep. Krummel Asks what the language in the bill, “or are about to enter” in Section 2.  
243 Rep. Barker Explains that the crossing guard is already in the crosswalk and the children are about to cross.  
254 Rep. Macpherson States that this is one effort to try to make our roadways safer for children.  
271 **VOTE: 8-0-1**  
272 **Chair Williams** **EXCUSED: 1 - Prozanski**  
**Hearing no objection, declares the motion CARRIED.**  
280 Chair Williams **MACPHERSON will lead discussion on the floor.**  
Closes the work session on HB 2422 and opens a work session on HB 2099.

**HB 2099 WORK SESSION**

282 Bill Taylor Committee Counsel. Introduces HB 2099 which requires attorneys for antitrust class of natural persons to notify Attorney General of filing and proposed settlement of claims under state antitrust laws.  
304 Cheryl Pelligrini Department of Justice. Says that they are waiting for final approval of the report from the Illinois Brick Interim Study Committee.  
314 Andrew Aubertine Department of Justice. Submits testimony and discusses recommendations for report (**EXHIBIT B**).  
336 **Rep. Shetterly** **MOTION: Moves HB 2099 to the floor with a DO PASS recommendation.**  
**VOTE: 8-0-1**  
347 **Chair Williams** **EXCUSED: 1 - Prozanski**  
**Hearing no objection, declares the motion CARRIED.**  
**WILLIAMS will lead discussion on the floor.**  
354 Chair Williams Closes the work session on HB 2099 and opens a public hearing on HB 2425.

**HB 2425 PUBLIC HEARING**

355 Bill Taylor Committee Counsel. Introduces HB 2425 which exempts from disclosure under public records law public body’s plan in connection with threat against individual or public safety.  
384 Keith Kutler Department of Justice. Submits testimony and testifies in support of HB 2425 (**EXHIBIT C**). Discusses hand-engrossed bill (**EXHIBIT D**).

**TAPE 63, A**

002 Kutler Continues his testimony in support of HB 2425.  
101 Andrea Meyer American Civil Liberties Union (ACLU). Testifies on HB 2425. Says that they are comfortable with the amendments.  
147 Kenneth Murphy Deputy Director, Oregon Emergency Management. Testifies in support of HB 2425.  
166 Gregory Willeford Commander, Oregon State Police Bureau of Investigation. Submits testimony and testifies in support of HB 2425 (**EXHIBIT E**).  
224 Wayne McFarlin Chief of Police, McMinnville Police Department. Submits

260	Christy Monson	testimony and testifies in support of HB 2425 ( <b>EXHIBIT F</b> ).
318	Candace Haines	League of Oregon Cities. Testifies in support of HB 2425.
372	Tom O'Connor	Assistant Attorney, City of McMinnville. Testifies in support of HB 2425.
406	Gary Bauer	Oregon Municipal Electric Utilities. Testifies in support of HB 2425.
<b>TAPE 62, B</b>		
002	Bauer	Northwest Natural. Testifies in support of HB 2425.
011	Schelly Jensen	Continues his testimony in support of HB 2425.
026	Dave Robertson	Regulatory and Governmental Affairs Manager, Verizon.
055	Vice-Chair Anderson	Testifies in support of HB 2425.
060	Bauer	PG & E Gas Transmission NW. Testifies in support of HB 2425.
074	Vice-Chair Anderson	Questions their comments on keeping documents from executive sessions.
085	Rep. Shetterly	Discusses the differences in executive sessions.
084	Robertson	Comments on when the press is allowed in executive sessions.
102	Jeb Bladine	Asks if any of the panel had participated in the formulation of the amendments.
153	Tom Gallagher	Answers that they participated last Fall in the formulation of the original bill, but have not participated in making the amendments.
198	Rep. Shetterly	Publisher, News Register, McMinnville. Testifies in opposition to HB 2425, but favors the amendments.
204	Gallagher	Oregon Newspaper Publishers Association (ONPA). Submits testimony and testifies in opposition to HB 2425 ( <b>EXHIBIT G</b> ).
220	Rep. Krummel	Asks Mr. Gallagher if it is the public body that makes the public interest determination.
241	Gallagher	Explains that it's a 3-step process.
285	Chair Williams	Asks what the remedy would be if a reporter shows up at a Public Utilities Commission Meeting and reports on details that could compromise the security of the plant.
306	Bladine	Answers that in the worst-case scenario there would be irreparable harm.
333	Gallagher	Asks Mr. Bladine if there are specific things that he is worried about not being disclosed.
358	Rep. Barker	Clarifies that he agrees with all of the amendments. Says that the one concern is that the law can be misread or misused.
371	Bladine	Discusses workgroup compromises.
380	Vice-Chair Ackerman	Asks if there is a legal sanction to protect reporters.
285	Taylor	Answers that the sanction is the same as if they are a member of the public.
392	Chair Williams	Remarks that there is a practical sanction in that the governing body would have the authority not to invite the reporter back to an executive session.
		Discusses the task force that met during the interim.
		Mentions testimony given to the committee from the City of Portland, Oregon People's Utility District Association (OPUDA), and the City of Eugene ( <b>EXHIBITS H-J</b> ).
<b>TAPE 63, B</b>		
005	Jim Upshaw	University of Oregon Journalism School and Board Member of the State Chapter of Society of Professional Journalists. Testifies in opposition to HB 2425. States that he and the Society of Professional Journalists are not against this bill, but see problems in it.

055	Tom Henderson	Reporter, Itemizer Observer. Testifies in opposition to HB 2425.
061	James Mures	President, Society of Professional Journalists of Oregon and Assistant City Editor, Register Guard. Testifies in opposition to HB 2425.
086	Vice-Chair Ackerman	Commends news reporters, pointing out that in executive sessions, when the governing body gets off the point, the reporter gets them back on track by reminding them the meeting is on the record.
096	Rep. Krummel	Asks the panel if they were involved in the second meeting of the workgroup.
097	Mures	Answers that they were not represented there.
105	Chair Williams	Closes the public hearing on HB 2425. Introduces committee measures.
116	Chair Williams	<b>MOTION: Moves LC's: 1570, 2234, 2616, 2783, 2867, 3420 BE INTRODUCED as committee bills (EXHIBITS K-P).</b>
		<b>VOTE: 8-0-1</b>
		<b>EXCUSED: 1 - Prozanski</b>
127	Chair Williams	<b>Hearing no objection, declares the motion CARRIED.</b>
129	Chair Williams	Recesses the committee until 4:30 p.m.
130	Chair Williams	Adjourns the meeting at 4:50 p.m.

## **EXHIBIT SUMMARY**

**A – Committee Measures for the House Judiciary Committee, submitted by staff, dated 3/3/03, 2 pgs.**

**B – HB 2099, written testimony and a report, submitted by Andrew Aubertine, dated 3/3/03, 46 pgs.**

**C – HB 2425, written testimony, submitted by Keith Kutler, dated 3/3/03, 3 pgs.**

**D – HB 2425, hand-engrossed bill, submitted by staff, dated 3/3/03, 21 pgs.**

**E – HB 2425, written testimony, submitted by Gregory Willeford, dated 3/3/03, 2 pgs.**

**F – HB 2425, written testimony, submitted by Wayne McFarlin, dated 3/3/03, 1 pg.**

**G – HB 2425, written testimony, submitted by Tom Gallagher, dated 3/3/03, 3 pgs.**

**H – HB 2425, written testimony of Robin Freeman, OPUDA, submitted by staff, dated 3/3/03, 1 pg.**

**I – HB 2425, written testimony of Mark Landauer, City of Portland, submitted by staff, dated 3/3/03, 2 pgs.**

**J – HB 2425, written testimony of Seth Karpinski, City of Eugene, submitted by staff, dated 3/3/03, 1 pg.**

**K – LC 1570, submitted by staff, dated 3/3/03, 88 pgs.**

**L – LC 2234, submitted by staff, dated 3/3/03, 7 pgs.**

**M – LC 2616, submitted by staff, dated 2/28/03, 3 pgs.**

**N – LC 2783, submitted by staff, dated 3/3/03, 2 pgs.**

**O – LC 2867, submitted by staff, dated 3/3/03, 14 pgs.**

**P – LC 3420, submitted by staff, dated 3/3/03, 4 pgs.**