

HOUSE COMMITTEE ON JUDICIARY

June 04, 2003 Hearing Room 357
1:00 p.m. Tapes 214 - 215

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

STAFF PRESENT: Craig Prins, Counsel
 Ann Martin, Committee Assistant

MEASURE/ISSUES HEARD: HB 2637 Work Session
 SB 880A Work Session
 SB 189A Work Session
 SB 564A Work Session

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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 214, A 003	Chair Williams	Calls the meeting to order at 1:15 p.m. Opens a work session on HB 2637.
<u>HB 2637 WORK SESSION</u>		
017	J.L. Wilson	National Federation of Independent Business (NFIB/Oregon). Testifies on HB 2637 which provides that state agency has burden of proof on all disputed issues in certain contested case proceedings and that agency must meet burden by clear and convincing evidence and the -1 amendments (EXHIBIT A).
056	Patrick Allen	Office of Regulatory Streamlining. Says the -1 amendments replicate another bill, HB 2967. Says that HB 2637 should be referred to Ways and Means.
073	Rep. Shetterly	MOTION: Moves to ADOPT HB 2637-1 amendments dated 06/04/03. VOTE: 8-0-1 EXCUSED: 1 - Macpherson
075	Chair Williams	Hearing no objection, declares the motion CARRIED.
078	Rep. Shetterly	MOTION: Moves HB 2637 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the Committee on Ways and Means BY PRIOR REFERENCE.
084		VOTE: 8-0-1 EXCUSED: 1 - Macpherson
083	Chair Williams	Hearing no objection, declares the motion CARRIED.
085	Chair Williams	Closes the work session on HB 2637 and opens a work session on SB 880A.

SB 880A WORK SESSION

087	Craig Prins	Committee Counsel. Introduces SB 880A which establishes amount of supersedeas undertaking required for stay of certain judgments if judgment is against tobacco product manufacturer or affiliate or successor of tobacco product manufacturer that is making payments to state under Master Settlement Agreement or related legislation. Discusses the –A7 amendments (EXHIBIT B).
100	Pete Shepherd	Deputy Attorney General. Testifies in support of bill and explains the –A7 amendments.
156	Chair Williams	Discusses bill and the –A6 amendments (EXHIBIT C).
173	Rep. Krummel	Asks if the –A6 amendments would be in addition to the –A5 amendments (EXHIBIT D).
187	Chair Williams	Answers, yes.
200	Rep. Krummel	Asks what happens if the state is the plaintiff.
204	Prins	Answers that they would fall back on the current law and it would be up to the judge.
215	Vice Chair Anderson	Asks if there are people representing either the plaintiffs or the defendants that could comment on the –A7 amendments.
225	Chuck Tauman	Trial Lawyer, Portland. Discusses issues of Rep. Anderson and says he opposes any type of special treatment of the tobacco companies.
258	Vice Chair Ackerman	Asks about existing law and if any of the amendments repeal current statutes.
265	Prins	Answers, no. Says that the closest are the –A5 amendments.
270	Vice Chair Ackerman	Asks about the -A5 amendments and if that is an irreconcilable conflict.
278	Prins	Says that is a good question and is not sure how they would interrelate with the new language.
318	Rep. Shetterly	MOTION: Moves to ADOPT SB 880A-5 amendments dated 05/28/03.
344	Rep. Prozanski	Says that he opposes the –A5 amendments. Supports the –A7 amendments.
364	Rep. Shetterly	Discusses amendments.
383	Vice Chair Ackerman	Opposes the –A5 amendments and favors the –A7 amendments.
396		VOTE: 5-4 AYE: 5 - Anderson, Jenson, Krummel, Shetterly, Williams NAY: 4 - Ackerman, Barker, Macpherson, Prozanski
408	Chair Williams	The motion CARRIES.
410	Rep. Shetterly	MOTION: Moves to SUSPEND the rules for the purpose of making a CONCEPTUAL AMENDMENT to SB 880A.
412	Chair Williams	VOTE: 9-0 Hearing no objection, declares the motion CARRIED.
413	Rep. Shetterly	MOTION: Moves to AMEND SB 880A with CONCEPTUAL AMENDMENTS by inserting the word “and” on page 1, line 20, after the semicolon and on line 21 after the word “plaintiff” deleting the semicolon and the word

"and" and inserting a period and deleting lines 22 and 23 in their entirety.

VOTE: 9-0

430 Chair Williams
441 Rep. Shetterly

Hearing no objection, declares the motion CARRIED.
MOTION: Moves SB 880A to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 5-4

AYE: 5 - Anderson, Jenson, Krummel, Shetterly, Williams

NAY: 4 - Ackerman, Barker, Macpherson, Prozanski

448 Chair Williams

The motion CARRIES.
REP. SHETTERLY will lead discussion on the floor.

455 Rep. Prozanski
463 Chair Williams

Gives notice of a possible minority report.
Closes the work session on SB 880A and opens a work session on SB 189A.

SB 189A WORK SESSION

TAPE 215, A

017 Craig Prins

Committee Counsel. Introduces SB 189A which creates offense of organizing speed racing event. Discusses the –A2 amendments and hand-engrossed bill (**EXHIBITS E & F**).

047 Troy Costales

Manager of Transportation and Safety Division, Oregon Department of Transportation. Says they have no opposition to the –A2 amendments.

062 Phil Lemman

Oregon Criminal Justice Commission. Discusses bill. Says the bill does not need to go to Ways and Means.

072 Rep. Krummel

MOTION: Moves to ADOPT SB 189A-2 amendments dated 06/03/03.

VOTE: 8-0-1

EXCUSED: 1 - Shetterly

074 Chair Williams

Hearing no objection, declares the motion CARRIED.

079 Rep. Krummel

MOTION: Moves SB 189A to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 8-0-1

EXCUSED: 1 - Shetterly

084 Chair Williams

Hearing no objection, declares the motion CARRIED.

REP. KRUMMEL will lead discussion on the floor.

086 Chair Williams

Closes the work session on SB 189A and opens a work session on SB 564A.

SB 564A WORK SESSION

088 Craig Prins

Committee Counsel. Introduces SB 564A which creates crime of assaulting law enforcement animal. Discusses –A4 and –A5 amendments (**EXHIBITS G & H**).

146 Rep. Macpherson

States his concerns.

165 Vice Chair
Ackerman

Addresses his concerns that the bill goes too far in charging a person with a felony for acting in reasonable self defense if a law enforcement animal got out of hand and wounded that person.

174 Chair Williams

Says he likes the –A4 amendments that give the Oregon Criminal Justice Commission the appropriate authority to set the level.

190 Rep. Prozanski

Agrees with Rep. Williams and thinks the –A4 amendments are more appropriate.

215 Rep. Jenson

Talks about Rep. Ackerman's concerns.

237 Chair Williams

Explains how a police department is ultimately responsible for

284	Vice Chair Anderson	their law enforcement animals.
296	Vice Chair Anderson	Says that this is a good bill. MOTION: Moves to ADOPT SB 564A-A5 amendments dated 06/02/03.
299	Rep. Krummel	Says that he like the –A4 amendments.
330	Rep. Jenson	Supports the –A4 amendments.
352	Vice Chair Anderson	Withdraws his motion.
356	Vice Chair Anderson	MOTION: Moves to ADOPT SB 564A-A4 amendments dated 06/02/03.
359	Rep. Macpherson	States he will support the –A4 amendments. Expresses his concerns with the bill.
384	Rep. Barker	Explains that this will mostly apply if a person stabs or shoots a law enforcement dog or horse.
390		VOTE: 8-0-1 EXCUSED: 1 - Shetterly
399	Chair Williams	Hearing no objection, declares the motion CARRIED.
402	Rep. Anderson	MOTION: Moves SB 564A to the floor with a DO PASS AS AMENDED recommendation. VOTE: 8-0-1 EXCUSED: 1 - Shetterly
413	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. BARKER will lead discussion on the floor.
418	Chair Williams	Closes the work session on SB 564A and adjourns the meeting at 2:05 p.m.

EXHIBIT SUMMARY

- A – HB 2637, -1 amendments, submitted by staff, dated 6/4/03, 7 pgs.**
- B – SB 880A, -A7 amendments, submitted by staff, dated 6/4/03, 3 pgs.**
- C – SB 880A, -A6 amendments, submitted by staff, dated 6/4/03, 2 pgs.**
- D – SB 880A, -A5 amendments, submitted by staff, dated 5/28/03, 1 pg.**
- E – SB 189A, -A2 amendments, submitted by staff, dated 6/3/03, 1 pg.**
- F – SB 189A, hand-engrossed bill, submitted by staff, 6/4/03, 1 pg.**
- G – SB 564A, -A4 amendments, submitted by staff, dated 6/2/03, 1 pg.**
- H – SB 564A, -A5 amendments, submitted by staff, dated 6/2/03, 1 pg.**