

SENATE COMMITTEE ON
AGRICULTURE AND NATURAL RESOURCES

March 14, 2003
10:00 AM

Hearing Room B
Tapes 37 - 38

MEMBERS PRESENT: **Sen. Frank Shields, Chair**
 Sen. Roger Beyer, Vice-Chair
 Sen. Tony Corcoran
 Sen. Bill Fisher

STAFF PRESENT: **Judith Callens, Committee Administrator**
 Megan Jensen, Committee Assistant

MEASURE/ISSUES HEARD: **SB 385 Public Hearing**

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.

TAPE/#	Speaker	Comments
TAPE 37, A		
005	Chair Shields	Calls meeting to order at 10:06 a.m. and opens public hearing on SB 385.
<u>SB 385 – PUBLIC HEARING</u>		
010	Judith Callens	Committee Administrator. Gives overview of SB 385.
018	Sen. Ferrioli	Senate District 30. Provides testimony in support of SB 385. Explains that lifting the statute of limitations will assist in the prosecution of ecosabotage crimes.
104	Sen. Beyer	Asks about the modified form on the bill.
106	Sen. Ferrioli	Explains that there are no amendments but there was a change in terminology of “ecoterrorism” to “ecosabotage.”
111	Chair Shields	Comments that the term “terrorism.”
118	Sen. Ferrioli	Talks about surveying the district attorneys in Oregon for feedback on SB 385.
140	Pete Shepherd	Department of Justice Deputy Attorney General. Provides testimony in support of SB 385. Discusses the state’s racketeering law and the statute of limitations issue.
235	Sen. Fisher	Asks for clarification on a section of the bill.
245	Shepherd	Explains that it amends the definition of the statute of limitations for various criminal acts.
289	Sen. Fisher	Asks about the requirement of proving that someone performed a criminal act to further an environmental objective.
299	Shepherd	Confirms that SB 385 requires that proof.
302	Sen. Fisher	Inquires if there is a reason for that process.
309	Shepherd	Further explains the statute of limitations as it relates to sabotage.
336	Sen. Fisher	Asks about the standard of evidence required to prove ecosabotage.
340	Shepherd	Expresses his uncertainty about the level of proof required and offers to research the issue.
369	Sen. Fisher	Comments on the issues of criminal mischief and civil penalties.
392	Shepherd	Clarifies the issues.
402	Sen. Fisher	Asks about time limitations.

403	Shepherd	Replies and discusses limitations for the racketeering law.
TAPE 38, A		
004	Sen. Beyer	Asks if the bill would allow prosecution of ecosabotage crimes committed in the past.
007	Shepherd	Explains.
026	Chair Shields	Asks about adding the crimes together.
040	Shepherd	Explains that the bill does not create a new crime but attaches an additional characterization to previously defined crimes.
050	Chair Shields	Asks for more clarification on the different categories of time limitations.
063	Shepherd	Replies that the different statutes of limitations reflect accumulated judgments of legislative assemblies over time.
085	Chair Shields	Asks if the time limitations are similar throughout the country.
087	Shepherd	Responds that the hierarchical ranking of criminal acts is similar.
095	Chair Shields	Asks if any other state has made ecosabotage a higher ranked crime
100	Shepherd	Responds that he is unsure.
110	Bill Kluting	Western Council of Industrial Workers. Provides testimony in support of SB 385. Talks about the dangers of working in forests and mills and gives examples of incidents of ecosabotage.
195	Glen Stonebrink	Oregon Cattlemen Association. Provides testimony in support of SB 385. States that he would like the bill to be retroactive for crimes that have not reached the statute of limitations.
224	Sen. Corcoran	Comments on the definition of ecosabotage.
241	Stonebrink	States that the definition...
256	Sen. Corcoran	...
265	Kelly Stoner	Stop Eco-Violence Director. Provides testimony in support of SB 385 (EXHIBIT A). Believes that eco-terrorists should be held accountable for their criminal actions.
404	Rod Huffman	Associated Oregon Loggers (AOL). Provides testimony in support of SB 385 (EXHIBIT B). States that AOL supports an unlimited amount of time in which to prosecute crimes of ecosabotage.
TAPE 37, B		
003	Huffman	Continues testimony in support of SB 385.
058	Susan Russell	Oregon Criminal Lawyers Association. Provides testimony against SB 385 (EXHIBIT C). Expresses concerns that SB 385 uses inadequately defined terms, is too broad, and may encompass constitutionally protected free speech and free speech activities.
139	Chair Shields	Asks if she would be willing to assist the Department of Justice in clarifying ambiguous definitions in SB 385.
173	Russell	Affirms.
180	Michael Hicks	Boise Building Solutions. Provides testimony in support of SB 385 (EXHIBIT D). Shares his experience of losing his office building to a fire set by eco-saboteurs. Suggests an amendment to the bill.
287	Steven Strauss	Oregon State University. Provides testimony in support of SB 385 (EXHIBIT E). Discusses the affects of ecosabotage on biotechnology.
TAPE 38, B		
002	Strauss	Continues testimony in support of SB 385.
068	Martin Taylor	Sierra Club. Provides testimony against SB 385 and raises concerns about the bill.

168	Taylor	Continues testimony in support of SB 385.
207	Greg Addington	Oregon Farm Bureau (OFB). Provides testimony in support of SB 385. States that agriculture benefits directly from biotechnology research.
220	Sen. Corcoran	Talks about the definition of who constitutes an ecosaboteur.
250	David Fidanque	ACLU of Oregon. Provides testimony against SB 385. States that the ACLU is opposed to SB 385 in its current form and raises several concerns.
350	Chair Shields	Summarizes SB 385 and recommends more work on the bill. Closes public hearing on SB 385. Adjourns meeting at 11:55 a.m.

EXHIBIT SUMMARY

A – SB 385, written testimony, Kelly Stoner, 4 pp.

B – SB 385, written testimony, Rod Huffman, 2 pp.

C – SB 385, written testimony, Susan Russell, 1 p.

D – SB 385, written testimony, Michael Hicks, 6 pp.

E – SB 385, written testimony, Steve Strauss, 18 pp.