

SENATE COMMITTEE ON JUDICIARY

May 20, 2003
8:00 a.m.

Hearing Room 343
Tapes 134-135

MEMBERS PRESENT: **Sen. John Minnis, Chair**
 Sen. Ginny Burdick, Vice-Chair
 Sen. Ted Ferrioli
 Sen. Charlie Ringo
 Sen. Charles Starr
 Sen. Vicki Walker

STAFF PRESENT: **Craig Prins, Counsel**
 Jane Bodenweiser, Committee Assistant

MEASURE/ISSUES HEARD: **SB 24 Work Session**
 HB 3296 Public Hearing and Work Session
 HB 3093A Public Hearing and 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 134, A		
004	Chair Minnis	Calls the meeting to order at 8:12 a.m. and opens a work session on SB 24.
<u>SB 24 WORK SESSION</u>		
007	Craig Prins	Committee Counsel. Introduces SB 24 that creates crime of unlawful development, manufacture, delivery, possession or use of harmful substance, toxin or delivery system, and the -3 amendments (EXHIBIT A).
054	Vice Chair Burdick	Asks if the penalty is a Class A misdemeanor.
055	Prins	Says, yes. Continues an overview of the amendments. Explains the -4 amendments (EXHIBIT B).
106	Sen. Ringo	Asks if this bill would create a new violation.
109	Prins	Explains that it does.
120	Sen. Ringo	Says he would prefer the bill be limited.
127	Prins	Discusses the "hoax" aspect of the bill.
136	Sen. Ringo	Questions if it is currently legal in Oregon for a person to manufacture a biological agent with the intent to commit murder.
139	Prins	Says that it is until a substantial step had been proved.
150	Pete Shepherd	Deputy Attorney General. Explains that there are gaps in our criminal law that are covered by this legislation.
169	Sen. Ringo	Asks if the manufacture of anthrax would be a chargeable offense.
173	Shepherd	Replies that it would be a chargeable offense.
196	Vice Chair Burdick	Wonders if a "hoax" as a practical joke would still be a class A

213	Prins	misdemeanor. Explains the key is the awareness of “knowingly” harming a person.
230	Sen. Ringo	Asks what the penalty is for a Class C felony.
233	Prins	Says it is a maximum of 5 years in prison and \$100,000 fine.
260	Vice Chair Burdick	MOTION: Moves to ADOPT SB 24-4 amendments dated 3/20/03.
		VOTE: 5-0-1
		EXCUSED: 1 - Sen. Ferrioli
264	Chair Minnis	Hearing no objection, declares the motion CARRIED.
265	Vice Chair Burdick	MOTION: Moves SB 24 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0-1
		EXCUSED: 1 - Sen. Ferrioli
269	Chair Minnis	Hearing no objection, declares the motion CARRIED.
		SEN. STARR will lead discussion on the floor.
279	Chair Minnis	Closes the work session on SB 24 and opens a public hearing on HB 3296.
<u>HB 3296 PUBLIC HEARING</u>		
284	Craig Prins	Committee Counsel. Introduces HB 3296 that creates crime of unlawful possession of personal identification device, and the -1 amendments (EXHIBIT C).
313	Tim Martinez	Oregon Bankers Association. Testifies in support of HB 3296 and the -1 amendments.
320	Chair Minnis	Closes the public hearing on HB 3296 and opens a work session.
<u>HB 3296 WORK SESSION</u>		
330	Vice Chair Burdick	MOTION: Moves to ADOPT HB 3296-1 amendments dated 5/13/03.
		VOTE: 5-0-1
		EXCUSED: 1 - Sen. Ferrioli
333	Chair Minnis	Hearing no objection, declares the motion CARRIED.
340	Chair Minnis	Calls for a short recess at 8:40 a.m.
345	Chair Minnis	Reconvenes the meeting at 8:42 a.m.
347	Vice Chair Burdick	MOTION: Moves HB 3296 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-1-1
		AYE: 4 - Burdick, Starr C., Walker, Minnis
		NAY: 1 - Ringo
		EXCUSED: 1 - Ferrioli
360	Chair Minnis	The motion CARRIES.
		SEN. WALKER will lead discussion on the floor.
372	Chair Minnis	Closes the work session on HB 3296 and opens a public hearing on HB 3093A.
<u>HB 3093A PUBLIC HEARING</u>		
381	Greg Chaimov	Legislative Counsel. Introduces HB 3093A that allows individual to ask public body not to disclose individual’s electronic mail address, and the –A8 amendments (EXHIBIT D).
TAPE 135, A		
048	Vice Chair Burdick	Asks if section 5 refers specifically to SAIF Corporation.
051	Chaimov	Says that is correct. Continues overview of the bill.
058	Chair Minnis	Explains the objective is to make public the records of SAIF Corporation.
071	Vice Chair Burdick	Asks if the case against SAIF is on appeal to the Supreme Court.

072	Chaimov	Says he is not aware of the plans for additional action on the lawsuit.
078	Vice Chair Burdick	Wonders if it is a good idea to jump into the middle of some case law that hasn't finished being developed.
080	Chair Minnis	Says the legislature has the power to finish it.
090	Chaimov	Says this bill as amended would stop the lawsuit.
095	Sen. Ringo	Says he supports these amendments.
100	Sen. Walker	Says she supports these amendments.
124	Janet Phillips	Legal Counsel, Oregon Health and Science University (OHSU). Submits testimony and testifies in support of HB 3093A (EXHIBIT E) . Explains that they seek to exempt from public disclosure the names and locations of its scientific personnel, community volunteers, private funding agencies and supporting companies whose medical research involves the use of animals and the –A6 amendments (EXHIBIT F) .
225	Sen. Walker	Expresses concerns about legitimate animal rights groups.
239	Phillips	Says this bill carries out the balance needed to protect and disseminate information.
268	Sen. Ringo	Asks about information available under the public records act.
271	Phillips	Replies that all information is still available under the public records act.
291	Sen. Walker	States objection to not having access to the name of a researcher who might not be following protocol.
300	Phillips	Explains that information would be found in the animal medical/care records if protocol is not being followed.
319	Sen. Walker	Asks if vital information about a researcher can currently be kept private.
325	Phillips	Says it is not currently within their ability to keep home addresses private.
344	Sen. Walker	Asks if there is a problem with adding the vendors to this bill.
355	Phillips	Says the bill as currently structured does extend protection to the vendors.
429	Vice Chair Burdick	Asks what would happen if a reporter asks for the name of a researcher that they believe is guilty of some wrong-doing.
452	Phillips	Explains the procedure that would be taken. Says negotiation is always the first step.
TAPE 134, B		
066	Lee Beyer	Public Utility Commissioner. Testifies in support of HB 3093A.
089	Andrea Meyer	American Civil Liberties Union. Submits testimony and testifies in opposition to HB 3093A (EXHIBIT G) . Says the <i>Willamette Week</i> has uncovered abuses.
130	Sen. Ringo	Asks what can be done to insure public safety to those who are doing research.
135	Meyer	Believes that there are steps that can be taken, but believes the media needs to have the opportunity to insure that we know what is going on.
156	Sen. Ringo	Says prior testimony indicated that all procedures are described in writing and those records are subject to the Public Records Act.
165	Meyer	Says it is like hunting for a needle in a haystack because there are thousands of animals at OHSU. Continues testimony and submits reprints of information found on the internet (EXHIBIT H) .
177	Sen. Ringo	Asks if the documents are not available so that the public can do

179 Meyer the search and avoid large costs.
Says it is her understanding that they are not. Continues testimony in opposition and discusses readily available information on the Internet.

209 Chair Minnis Contends that if that information is so easily obtained, OHSU is not going to use this particular law in some broadly restrictive manner.

214 Meyer Believes that we are providing a very rare exception into our public records laws.

220 Chair Minnis Feels that if OHSU is willingly posting information on the web, they intend to use this legislation in a very narrow manner.

228 Meyer Says OHSU has a poor track record with the media.

266 Chair Minnis Asks how Rep. Mary Nolan voted.

269 Meyer Discusses what Rep. Nolan's intent was and introduces her -A7 amendments (**EXHIBIT I**).

340 Sen. Ferrioli Wonders what the balance is. Talks about the need for information, but how wrong it is that people get targeted.

385 Meyer Believes that there is a false sense of security under this legislation, and that those who have intent to commit crime, will.

442 Sen. Ferrioli Talks about the availability of information and again wonders where the balance is.

TAPE 135, B

019 Meyer Says she would urge the passage of the -A7 amendments.

029 Tom Gallagher Oregon Newspaper Publishers Organization. Testifies as neutral on HB 3093A. Says this legislation is a temporary fix and that a work group needs to be formed to find a better solution.

077 Chair Minnis Closes the public hearing on HB 3093A and opens a work session.

HB 3093A WORK SESSION

082 Sen. Ringo MOTION: Moves to ADOPT HB 3093A-A6 amendments dated 5/8/03.

082 Sen. Ringo MOTION: Moves to ADOPT HB 3093A-A8 amendments dated 5/20/03.

VOTE: 5-0-1

EXCUSED: 1 - Sen. Walker

086 Chair Minnis Hearing no objection, declares the motion CARRIED.

104 Sen. Ringo Says he feels there are some issues that still need to be addressed before passing this bill and wonders if there needs to be a sunset clause.

112 Vice Chair Burdick Says she does not want to see legitimate public inquiry suppressed.

117 Chaimov Explains how sunseting an amendment would work.

138 Chair Minnis Asks if an amendment can be drafted by Thursday.

139 Chaimov Says, yes.

144 Larry Campbell SAIF Corporation. Testifies in opposition to HB 3093A and the -8 amendments. Asks that the committee delay action on this bill until the courts have had a chance to fully implement their decision.

172 Chair Minnis Closes the work session on HB 3093A and adjourns the meeting at 9:55 a.m.

EXHIBIT SUMMARY

- A – SB 24, -3 amendments submitted by staff, 2 pp**
- B – SB 24, -4 amendments submitted by staff, 2 pp**
- C – HB 3296, -1 amendments submitted by staff, 1 p**
- D – HB 3093A, -A8 amendments submitted by staff, 2 pp**
- E – HB 3093A, written testimony submitted by Janet Phillips, 28 pp**
- F – HB 3093A, -A6 amendments submitted by staff, 1 p**
- G – HB 3093A, written testimony of John Schrag submitted by Andrea Meyer, 1 p**
- H – HB 3093A, printed materials submitted by Andrea Meyer, 8 pp**
- I – HB 3093A, -A7 amendments submitted by staff, 1 p**