

HOUSE COMMITTEE ON JUDICIARY
SUBCOMMITTEE ON CRIMINAL LAW

April 19, 2001
8:30 a.m.

Hearing Room 357
Tapes 68-70

MEMBERS PRESENT: **Rep. Max Williams, Chair**
 Rep. Robert Ackerman
 Rep. Jackie Dingfelder
 Rep. Wayne Krieger
 Rep. Lane Shetterly
 Rep. Vicki Walker
 Rep. Carl Wilson

STAFF PRESENT: **Marilyn Odell, Counsel**
 Annola DeJong, Committee Assistant

MEASURE/ISSUES HEARD: **HJR 48 Public Hearing**
 HB 3931 Public Hearing and Work Session
 HJR 47 Public Hearing
 HJR 58 Public Hearing
 HB 3787 Public Hearing
 HB 3642 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 68, A		
004	Chair Williams	Calls the meeting to order at 8:40 a.m. and opens a public hearing on HJR 48.
<u>HJR 48 PUBLIC HEARING</u>		
011	Rep. Charlie Ringo	House District 6 Testifies in support of HJR 48.
030	Chair Williams	Asks if he has discussed his concerns with those supporting Ballot Measure 3.
032	Rep. Ringo	Responds that he has spoken with Floyd Prozanski regarding this issue.
038	Chair Williams	Wonders if taking a piece meal approach is going to prove very effective.
045	Rep. Ringo	States there might be opposition and it would be difficult.
048	Chair Williams	Suggests that others in the room after hearing you voice your concerns may be interested in talking with you.
061	Lane Barlow	Citizen Testifies in opposition to HJR 48.
088	Amy Klare	Oregonians for Property Protection Submits testimony and testifies in opposition to HJR 48 (EXHIBIT A).
118	Chair Williams	Closes the public hearing on HJR 48 and opens a public hearing on HB 3931.
<u>HB 3931 PUBLIC HEARING</u>		
129	Karen Quigley	Director, Legislative Commission on Indian Services

262	Counsel Odell	Testifies as neutral on HB 3931.
264	Quigley	Conveys that if the state brings the action the tribes cannot retain the proceeds.
280	Geoff Sugerman	Continues her testimony. Oregonians for Property Protection
		Submits testimony and testifies in support of HB 3931 (EXHIBIT B).
317	Chair Williams	Asks if the tribes are supportive of HB 3931.
319	Quigley	Replies the tribes may not support HB 3931 and discusses possible reasons.
336	Chair Williams	Asks if Mr. Sugerman is in agreement that tribes under their own sovereign immunity can engage in sole forfeiture proceedings through their own court process.
339	Sugerman	Agrees.
340	Chair Williams	References the concern raised by Mr. Sugerman on Section 4a.
353	Quigley	Asks if you have any objection to 4a. Responds that is for artifacts and does not reference the four automatic areas and explains.
373	Counsel Odell	Clarifies that there is nothing to prevent an Indian tribe from bringing this action in state court for the forfeiture.
381	Rep. Krieger	Asks who is subject to the tribal court decision.
386	Quigley	Responds that would not be an issue if the tribe were bringing it through in a state court process and explains the various levels of jurisdiction.
413	Chair Williams	Notes the various types of actions possible.
425	Rep. Krieger	Inquires about arrowheads unearthed as a result of normal farming practices on private property.
433	Quigley	States as long as the object was not one of the critical four areas the items can be retained for personal use as long as you are not trespassing.
443	Counsel Odell	Points out that Section 2, subsection 3b the legal possession of arrowheads would be an exemption that could be claimed.
TAPE 69, A		
006	David Fidanque	American Civil Liberties Union (ACLU)
		Testifies in support of HB 3931.
015	Chair Williams	Closes the public hearing on HB 3931 and opens a work session on HB 3931.
<u>HB 3931 WORK SESSION</u>		
017	Chair Williams	MOTION: Moves HB 3931 to the full committee with a DO PASS recommendation.
018		VOTE: 7-0-0
019	Chair Williams	Hearing no objection declares the motion CARRIED. REP. ACKERMAN will lead discussion in the full committee.
026	Chair Williams	Closes the work session on HB 3931 and opens a public hearing on HJR 47 and HJR 58.
<u>HJR 47 & HJR 58 PUBLIC HEARING</u>		
042	Stephan Otto	Animal Legal Defense Fund
		Submits testimony and testifies in support of HJR 47 and HJR 58 (EXHIBIT C).
088	Rep. Jeff Merkley	House District 16

120	Sharon Harmon	Testifies in support of HJR 47 and HJR 58. Director, Oregon Humane Society
179	Anjie Crow	Testifies in support of HJR 47 and HJR 58. Humane Society of the Willamette Valley
208	John Fletcher	Submits testimony and testifies in support of HJR 47 and HJR 58. (EXHIBIT D) . Director, Florence Area Humane Society
275	Rep. Kreiger	Asks if there is another section that covers livestock.
278	Harmon	Clarifies that livestock are considered animals under statute.
281	Rep. Krieger	Asks if livestock are currently considered property and would they be removed as property.
284	Harmon	Explains the criteria. Says this criteria applies whether the animals are pets or livestock.
312	Kelly Peterson	Humane Society of the United States (HSUS)
321	Dr. Sharon Methvin	Testifies in support of HJR 47 and HJR 58. Animal Protection Institute
344	Robert Stadel	Submits testimony and testifies in support of HJR 47 and HJR 58 (EXHIBIT G) . Washington County Animal Services
378	Rep. Shetterly	Testifies in support of HJR 47 and HJR 58. Asks for some clarification on the central objective.
403	Methvin	Responds the idea is to move the abused animals into a more natural setting allowing rehabilitation to proceed.
426	Peterson	Adds additional response to Rep. Shetterly question.
TAPE 68, B		
008	David Fidanque	American Civil Liberties Union (ACLU)
081	Amy Klare	Testifies in opposition to HJR 47 and HJR 58. Oregonians for Property Protection
117	Rep. Shetterly	Submits testimony and testifies as neutral on HJR 47 and HJR 58 (EXHIBIT H) . Expresses interest in pursuing ideas to eliminate the constitutional referral. Asks Mr. Fidanque to clarify his reference to due process.
127	Fidanque	Clarifies forfeiture process for animals.
183	Odell	References ORS 167.347 and asks if it is his opinion this is a civil forfeiture action.
187	Fidanque	Comments it is unclear.
199	Odell	Reads ORS 167.347 and asks if civil forfeiture proceedings are filed in criminal actions or are they separate civil actions.
204	Fidanque	Replies they are separate civil actions.
208	Odell	Comments that if this is a criminal forfeiture action this ballot measure would have no impact on this provision.
210	Fidanque Staff	Responds that is correct. Receives written information from Gary Hendel, Director of Multnomah County Animal Control (EXHIBIT I) .
212	Chair Williams	Closes the public hearing on HJR 47 and HJR 58 and opens a public hearing on HB 3787.

HB 3787 PUBLIC HEARING

237 **Jim Gardner**

Car Rental Truck Leasing Association

		Submits testimony and testifies in support of HB 3787 (EXHIBITS J & K).
346	Rep. Dingfelder	Asks if Portland is the only city in Oregon that has this type of agreement.
348	Gardner	Responds yes.
352	Rep. Dingfelder	Inquires about other states.
354	Gardner	References a response from Budget Car Rental that in their dealing with other states and countries “they have never seen anything like this”.
	Staff	Receives written testimony from Enterprise Rent-A-Car (EXHIBIT L) and Thrifty Car Rental (EXHIBIT M).
392	Madelyn Wessel	City of Portland Submits testimony and testifies against HB 3787 (EXHIBIT N).
TAPE 69, B		
060	Jim Ferraris	Portland Police Bureau Testifies in opposition to HB 3787.
068	Chair Williams	Refers to EXHIBIT N and expresses concern that rental car companies will have to begin policing their own customers.
090	Wessel	Explains what the intentions are for recovering costs incurred.
121	Chair Williams	Expresses concern on how this works in a “non commercial relationship”. Comments that on the commercial side we are asking them to be on notice for information that may not be available system wide.
143	Rep. Shetterly	Suggests there may already be a “tracking system” in place with car rental companies.
155	Wessel	Gives statistics on how many times the car rental companies were responsible for the fees rather than the individual.
177	Rep. Vicki Walker	Asks why you do not attach the claim to the person rather than the vehicle.
187	Wessel	States that is the process they are trying to do and continues with an explanation.
212	Chair Williams	Closes the public hearing on HB 3787 and recesses the meeting at 10:15 a.m.
216	Chair Williams	Reconvenes the meeting at 3:10 p.m. and states that they will not continue hearing HB 3787 this afternoon. Opens a public hearing on HB 3642.
<u>HB 3642 PUBLIC HEARING</u>		
235	Dale Penn	Marion County District Attorney Testifies in support of HB 3642.
315	David Fidanque	American Civil Liberties Union (ACLU) Testifies as neutral on HB 3642.
392	Mark McDonnell	Multnomah County District Attorney’s Office Testifies in support of HB 3642.
TAPE 70, A		
001	Geoff Sugerman	Oregonians for Property Protection Submits testimony and testifies as neutral on HB 3642 (EXHIBIT O)
082	Chair Williams	Clarifies his understanding of the Oregonians for Property Protection position on HB 3642.
087	Sugerman	Agrees.
094	Chair Williams	Comments on the conflict of interest issue.

113	Sugerman	Suggests that by referring to the voters we can find out what they think about the issue.
123	Chair Williams	States additional concerns especially in the area of methamphetamine.
149	Sugerman	Explains reasons for continued negotiation.
152	Chair Williams	Notes the need for people to continue negotiating. Comments that he is opposed to linkage and would like to see a criminal forfeiture bill move out this session.
168	Rep. V. Walker	Questions if there is anything in the amendment that addresses the animal issue when it comes to criminal forfeiture.
183	Sugerman	Responds there is not and explains.
191	Rep. V. Walker	Conveys that this ballot measure referral will not cure all of the problems.
194	Sugerman	Replies there is no guarantee that the measure will pass.
203	Michelle Burrows	Oregon Criminal Defense Lawyers Association (OCDLA) Testifies as neutral on HB 3642.
273	Ingrid Swenson	Oregon Criminal Defense Lawyers Association (OCDLA) Submits written information and testifies as neutral on HB 3642 (EXHIBIT P) .
330	Chair Williams	Closes the public hearing on HB 3642 and adjourns the meeting at 3:45 p.m.

Submitted By,

Reviewed By,

Annola DeJong
Committee Assistant

Marilyn Odell
Counsel

Transcribed By,

Sara Noble
Committee Assistant

EXHIBIT SUMMARY

A – HJR 48, written testimony submitted by Amy Klare, Oregonians for Property Protection, dated 4/19/01, 1 p.

B – HB 3931, written testimony submitted by Geoff Sugerman, Oregonians for Property Protection, dated 4/19/01, 1 p.

C – HJR 47 & HJR 58, written testimony submitted by Stephan Otto, Animal Legal Defense Fund, dated 4/19/01, 2 pp.

D – HJR 47 & HJR 58, written testimony submitted by Anjie Crow, Humane Society of the Willamette Valley, dated 4/19/01, 2 pp.

E – HJR 47 & HJR 58, written testimony submitted by John Fletcher, Florence Area Humane Society, 1 p.

F – HJR 47 & HJR 58, written testimony submitted by John Fletcher, Florence Area Humane Society, 1 p.

G – HJR 58, written testimony submitted by Sharon Methvin, Animal Protection Institute, dated 4/19/01, 2 pp.

H – HJR 47 & HJR 58, written testimony submitted by Amy Klare, Oregonians for Property Protection, dated 4/19/01, 1 p.

I – HJR 47 & HJR 58, written information submitted by Gary Hendel, Multnomah County Animal Control, dated 4/19/01, 3 pp.

J – HB 3787, written testimony submitted by Jim Gardner, Gardner & Gardner, 3 pp.

K – HB 3787, written information submitted by Jim Gardner, Gardner & Gardner, 1 p.

L – HB 3787, written testimony from Kelly Green, Enterprise Rent-A-Car, 1 p.

M – HB 3787, written testimony from Dave Lanphear, Thrifty Car Rental, 1 p.

N – HB 3787, written information submitted by Madelyn Wessel, City of Portland, 28 pp.

O – HB 3642, written testimony submitted by Geoff Sugerman, Oregonians for Property Protection, dated 4/19/01, 3 pp.

P – HB 3642, written information submitted by Ingrid Swenson, Oregon Criminal Defense Lawyers Association (OCDLA), dated 4/19/01, 15 pp.