

## HOUSE COMMITTEE ON JUDICIARY

March 16, 2001  
8:00 a.m.

Hearing Room 357  
Tapes 23 - 24

**MEMBERS PRESENT:**     Rep. Max Williams, Chair  
                              Rep. Wayne Krieger, Vice-Chair  
                              Rep. Robert Ackerman  
                              Rep. Vic Backlund  
                              Rep. Kathy Lowe  
                              Rep. Charlie Ringo  
                              Rep. Lane Shetterly  
                              Rep. Vicki Walker  
                              Rep. Carl Wilson

**MEMBERS EXCUSED:**    Rep. Jo Ann Bowman, Vice-Chair  
                              Rep. Cherryl Walker

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

**MEASURE/ISSUES HEARD:**     HB 2409 Work Session  
                                  HB 2419 Work Session  
                                  HB 2420 Work Session  
                                  HB 2207 Work Session  
                                  HB 2665 Work Session  
                                  HB 2945 Work Session

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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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TAPE/#	Speaker	Comments
<b>TAPE 23, A</b>		
003	Chair Williams	Calls the meeting to order at 8:13 a.m. Opens a work session on HB 2409.
<b><u>HB 2409 WORK SESSION</u></b>		
010	Counsel Taylor	Introduces HB 2409 exempting peace officers and federal officers from prohibitions against possessing firearms in court facilities.
045	Chair Williams	Discusses the -2 amendments ( <b>EXHIBIT A</b> ).
<b>055</b>	<b>Chair Williams</b>	<b>MOTION: Moves to ADOPT HB 2409-2 amendments dated 03/14/01.</b> <b>VOTE: 7-0-4</b> <b>EXCUSED: 4 – Bowman, Krieger, Shetterly, Walker C</b>
<b>055</b>	<b>Chair Williams</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>060</b>	<b>Chair Williams</b>	<b>MOTION: Moves HB 2409 to the floor with a DO PASS AS AMENDED recommendation.</b> <b>VOTE: 7-0-4</b> <b>EXCUSED: 4 – Bowman, Krieger, Shetterly, Walker C</b>

060	Chair Williams	<b>Hearing no objection, declares the motion CARRIED. WILSON will lead discussion on the floor.</b>
074	Chair Williams	Closes the work session on HB 2409 and opens a work session on HB 2419.
<b><u>HB 2419 WORK SESSION</u></b>		
075	Counsel Taylor	Introduces HB 2419 directing the Oregon Criminal Justice Commission to amend rules to prohibit optional probation sentences for persons convicted of certain drug offenses. Addresses –1 amendments ( <b>EXHIBIT B</b> ).
091	Rep. Wilson	Says that these bills are brought forward due to the plague of methamphetamines in the state of Oregon.
104	Chair Williams	<b>MOTION: Moves to ADOPT HB 2419-1 amendments dated 03/13/01.</b>
		<b>VOTE: 7-0-4</b>
		<b>EXCUSED: 4 – Bowman, Krieger, Shetterly, Walker C</b>
104	Chair Williams	<b>Hearing no objection, declares the motion CARRIED.</b>
112	Rep. Williams	<b>MOTION: Moves HB 2419 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.</b>
		<b>VOTE: 7-0-4</b>
		<b>EXCUSED: 4 – Bowman, Krieger, Shetterly, Walker C</b>
112	Chair Williams	<b>Hearing no objection, declares the motion CARRIED.</b>
114	Chair Williams	Closes the work session on HB 2419 and opens a work session on HB 2420.
<b><u>HB 2420 WORK SESSION</u></b>		
120	Counsel Taylor	Introduces HB 2420 directing the Oregon Criminal Justice Commission to amend rules to prohibit optional probation sentences for persons convicted of certain drug offenses. Explains –1 amendments ( <b>EXHIBIT C</b> ).
129	Chair Williams	Asks for definition of an optical isomer.
134	Rep. Lowe	Defines optical isomer. States that why this is significant is because one can manufacture a copycat drug by shifting the isomer to the other side.
156	Chair Williams	<b>MOTION: Moves to ADOPT HB 2420-1 amendments dated 03/13/01.</b>
		<b>VOTE: 7-0-4</b>
		<b>EXCUSED: 4 – Bowman, Krieger, Shetterly, Walker C</b>
156	Chair Williams	<b>Hearing no objection, declares the motion CARRIED.</b>
159	Chair Williams	<b>MOTION: Moves HB 2420 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.</b>
		<b>VOTE: 7-0-4</b>
		<b>EXCUSED: 4 – Bowman, Krieger, Shetterly, Walker C</b>
159	Chair Williams	<b>Hearing no objection, declares the motion CARRIED.</b>
161	Chair Williams	Closes the work session on HB 2420 and opens a work session on HB 2207.

**HB 2207 WORK SESSION**

- 162 Counsel Taylor Introduces HB 2207 permitting taxpayers to appeal certain failure to file penalties to tax court.
- 180 **John Phillips** **Oregon Department of Revenue**  
Testifies in support of HB 2207. Explains how the bill simplifies the tax system.
- 257 **Rep. Backlund** **MOTION: Moves HB 2207 to the floor with a DO PASS recommendation and BE REFERRED to the Revenue Committee by prior reference.**  
**VOTE: 7-0-4**  
**EXCUSED: 4 – Bowman, Krieger, Shetterly, Walker C**  
**Hearing no objection, declares the motion CARRIED.**
- 257 **Chair Williams**
- 264 Chair Williams Closes the work session on HB 2207 and opens a work session on HB 2665.

**HB 2665 WORK SESSION**

- 260 Counsel Shartel Introduces HB 2665 exempting certain non-substantive administrative rule modifications from the notice and hearing requirements of the Oregon Administrative Procedures Act. Says that the –2 amendments incorporate the –1 amendments **(EXHIBIT D)**.
- 320 **Chair Williams** **MOTION: Moves to ADOPT HB 2665-2 amendments dated 03/12/01.**  
**VOTE: 7-0-4**  
**EXCUSED: 4 - Bowman, Krieger, Shetterly, Walker C**  
**Hearing no objection, declares the motion CARRIED.**
- 320 **Chair Williams**
- 325 **Chair Williams** **MOTION: Moves HB 2665 to the floor with a DO PASS AS AMENDED recommendation.**  
**VOTE: 7-0-4**  
**EXCUSED: 4 - Bowman, Krieger, Shetterly, Walker C**  
**Hearing no objection, declares the motion CARRIED.**  
**WILLIAMS will lead discussion on the floor.**
- 325 **Chair Williams**
- 339 Closes the work session on HB 2665 and opens a work session on HB 2945.

**HB 2945 WORK SESSION**

- 345 Counsel Shartel Introduces HB 2945 relating to an advisory committee for the medical assistance program.
- 365 Chair Williams Discusses –1 amendments **(EXHIBIT F)**.
- 470 Rep. Lowe Asks why this bill is necessary to deal with Office of Medical Assistance Programs (OMAP).
- 478 Chair Williams Says that there was some discussion about people being excluded from the OMAP meetings.
- TAPE 24, A**  
045 **Hersh Crawford** **Office of Medical Assistance Programs**  
Answers questions regarding HB 2945. States that his primary concern with this bill is that it is intended to address a specific meeting that is held by the medical directors of the managed care plans which participate in the Oregon Health Plan. Says that the drug manufacturers have been excluded from these meetings. Stresses that the medical directors feel that their discussion at these meetings would be inhibited if the drug manufacturers

085	Chair Williams	attended. Explains that the purpose of this bill is to allow the drug manufacturers to attend these meetings.
240	Chair Williams	Emphasizes that there were concerns that policy decisions were being made within a state program in a closed-door meeting. <b>MOTION: Moves to ADOPT HB 2945-1 amendments dated 03/14/01.</b> <b>VOTE: 8-0-3</b> <b>EXCUSED: 3 - Bowman, Shetterly, Walker C</b>
240	Chair Williams	<b>Hearing no objection, declares the motion CARRIED.</b>
266	Chair Williams	<b>MOTION: Moves HB 2945 to the floor with a DO PASS AS AMENDED recommendation.</b> <b>VOTE: 6-2-3</b> <b>AYE: 6 - Backlund, Krieger, Lowe, Walker V, Wilson, Williams</b> <b>NAY: 2 - Ackerman, Ringo</b> <b>EXCUSED: 3 - Bowman, Shetterly, Walker C</b>
266	Chair Williams	<b>The motion CARRIES.</b> <b>WILLIAMS will lead discussion on the floor.</b>
279	Chair Williams	Closes the work session on HB 2945.
286	Chair Williams	<b>MOTION: Moves to SUSPEND the rules for the purpose of opening the work sessions on HB 2409, 2419, 2420, 2207, and 2665 so that Rep. Krieger can cast his vote. Krieger votes "aye" on all bills.</b>
301	Chair Williams	Adjourns the meeting at 9:00 a.m.

Submitted By,

Reviewed By,

Ann Martin  
Committee Assistant

Bill Taylor,  
Counsel

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**EXHIBIT SUMMARY**

- A – HB 2409, -2 amendments, submitted by staff, dated 3/14/01, 3 pgs.**
- B – HB 2419, -1 amendments, submitted by staff, dated 3/13/01, 1 p.**
- C – HB 2420, -1 amendments, submitted by staff, dated 3/13/01, 1 p.**
- D – HB 2665, -2 amendments, submitted by staff, dated 3/12/01, 1 p.**
- E – HB 2945, -1 amendments, submitted by staff, dated 3/14/01, 1 p.**