

## HOUSE COMMITTEE ON JUDICIARY

March 30, 2001  
8:00 a.m.

Hearing Room 357  
Tapes 27 - 30

**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. Cherryl Walker  
Rep. Vicki Walker

**MEMBER EXCUSED:** Rep. Carl Wilson

**STAFF PRESENT:** Bill Taylor, Counsel  
Andrea Shartel, Counsel  
Marilyn Odell, Counsel  
Ann Martin, Committee Assistant  
Shannon Reed, Committee Assistant

**MEASURE/ISSUES HEARD:** Anti-Racial Profiling Efforts in Oregon  
(Including amendments to HB 2441)

HB 2441 Work Session  
HB 3244 Work Session  
HB 3263 Work Session  
HB 3489 Work Session  
HB 2201A and HB 2202A Work Session  
HB 2363 Work Session  
HB 2364 Work Session  
HB 2367 Work Session  
HB 2493 Work Session  
HB 2494 Work Session  
HB 3260 Work Session  
HB 2427 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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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 27, A</b>		
005	Chair Williams	Calls the meeting to order at 8:06 a.m. and opens an information meeting on "Anti-Racial Profiling Efforts in Oregon".
		<b>ANTI-RACIAL PROFILING EFFORTS IN OREGON</b>
009	Marla Rae	<b>Work Group Coordinator</b>
		Gives overview of the presentation.
031	Rep. V. Walker	<b>District 41</b>
		Introduces HB 2441. Discusses -2 amendments and submits

165	<b>Steve Marks</b>	testimony ( <b>EXHIBIT A</b> ). <b>Governor's Office, Senior Advisor</b> Testifies in support of HB 2441 and submits testimony ( <b>EXHIBIT B</b> ).
140	<b>Annabelle Jaramillo</b>	<b>Benton County Commissioner</b> Testifies in support of HB 2441.
365	<b>Andrea Meyers</b>	<b>American Civil Liberties Union</b> Testifies in support of HB 2441 and submits testimony ( <b>EXHIBIT C</b> ).
<b>TAPE 28, A</b>		
003	Meyers	Continues testimony.
040	<b>Jim Reed</b>	<b>Captain, Oregon State Police</b> Testifies in support of HB 2441 and submits testimony ( <b>EXHIBIT D</b> ).
108	<b>Ron Louie</b>	<b>Chief, Hillsboro Police Department</b> Testifies in support of HB 2441 and submits testimony ( <b>EXHIBIT E</b> ).
<b>TAPE 27, B</b>		
001	Louie	Continues testimony.
139	<b>Professor Bill Feyerherm</b>	<b>Portland State University</b> Testifies in support of HB 2441.
<b>TAPE 28, B</b>		
059	<b>Kevin Campbell</b>	<b>Executive Director, Oregon Association Chiefs of Police</b> Testifies in support of HB 2441.
233	<b>Senator Avel Gordly</b>	<b>Senate District 10</b> Testifies in support of HB 2441.
300	<b>Felicia Hagins</b>	<b>Student, Eugene</b> Testifies in support of HB 2441 and submits testimony ( <b>EXHIBIT F</b> ).
380	<b>Lynnae Berg</b>	<b>City of Portland</b> Testifies in support of HB 2441 and submits testimony ( <b>EXHIBIT G</b> ).
445	<b>Pete Shepherd</b>	<b>Department of Justice</b> Testifies in support of HB 2441.
<b>TAPE 29, A</b>		
040	Rep. Ackerman	Discusses story from newspaper article regarding racial targeting ( <b>EXHIBIT H</b> ).
072	Chair Williams	Closes the public hearing on HB 2441 and opens a work session on HB 2441.

**HB 2441 WORK SESSION**

<b>074</b>	<b>Rep. V. Walker</b>	<b>MOTION: Moves to ADOPT HB 2441-2 amendments dated 03/22/01.</b> <b>VOTE: 9-0-1</b> <b>EXCUSED: 1 - Wilson</b>
<b>081</b>	<b>Chair Williams</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>114</b>	<b>Rep. V. Walker</b>	<b>MOTION: Moves HB 2441 to the floor with a DO PASS AS AMENDED recommendation.</b>

**VOTE: 9-0-1**

**EXCUSED: 1 - Wilson**

**115 Chair Williams** **Hearing no objection, declares the motion CARRIED. REP. KRIEGER, V. WALKER will lead discussion on the floor.**

109 Chair Williams Closes the work session on HB 2441 and opens a work session on HB 3244.

**HB 3244 WORK SESSION**

110 Counsel Taylor Introduces HB 3244 that expands crime of assault in third degree to include physical injury to taxi driver.

**130 Chair Williams** **MOTION: Moves HB 3244 to the floor with a DO PASS recommendation.**

**VOTE: 9-0-1**

**EXCUSED: 1 - Wilson**

**135 Chair Williams** **Hearing no objection, declares the motion CARRIED. REP. WILSON will lead discussion on the floor.**

142 Chair Williams Closes the work session on HB 3244 and opens a work session on HB 3263.

**HB 3263 WORK SESSION**

144 Counsel Taylor Introduces HB 3263 that allows district attorney to establish bad check diversion program in office of district attorney.

148 Rep. Krieger Discusses the bill.

**167 Rep. Krieger** **MOTION: Moves HB 3263 to the floor with a DO PASS recommendation.**

**VOTE: 8-0-2**

**EXCUSED: 2 – Ringo, Wilson**

**168 Chair Williams** **Hearing no objection, declares the motion CARRIED. REP. KRIEGER will lead discussion on the floor.**

170 Chair Williams Closes the work session on HB 3263 and opens a work session on HB 3489.

**HB 3489 WORK SESSION**

171 Counsel Taylor Introduces HB 3489 that allows Superintendent of State Police to appoint certain employees of Department of Corrections as special state police officers.

180 Rep. V. Walker Discusses the bill.

**205 Rep. V. Walker** **MOTION: Moves HB 3489 to the floor with a DO PASS recommendation.**

**VOTE: 9-0-2**

**EXCUSED: 2 - Ringo, Wilson**

**206 Chair Williams** **Hearing no objection, declares the motion CARRIED. REP. BACKLUND will lead discussion on the floor.**

216 Chair Williams Closes the work session on HB 3489 and opens a work session on HB 2201A.

**HB 2201A AND HB 2202A WORK SESSION**

224 Counsel Shartel Introduces HB 2201A that allows State Landscape Contractors Board to require that hearings on claims be conducted as arbitration unless party elects otherwise, and HB 2202A that allows Construction Contractors Board to require that hearings on claims be conducted as arbitration unless party elects otherwise. Discusses 2201-A3 and 2202-A3 amendments

- (EXHIBITS I & J).
- 258 Rep. Lowe **MOTION: Moves to ADOPT HB 2201-3 amendments dated 03/28/01.**  
**VOTE: 8-0-2**  
**EXCUSED: 2 - Ringo, Wilson**
- 259 Chair Williams **Hearing no objection, declares the motion CARRIED.**
- 263 Rep. Lowe **MOTION: Moves HB 2201A to the floor with a DO PASS AS AMENDED recommendation.**  
**VOTE: 8-0-2**  
**EXCUSED: 2 - Ringo, Wilson**
- 264 Chair Williams **Hearing no objection, declares the motion CARRIED.**  
**REP. LOWE will lead discussion on the floor.**
- 269 Rep. Lowe **MOTION: Moves to ADOPT HB 2202A-3 amendments dated 03/28/01.**  
**VOTE: 8-0-2**  
**EXCUSED: 2 - Ringo, Wilson**
- 270 Chair Williams **Hearing no objection, declares the motion CARRIED.**
- 272 Rep. Lowe **MOTION: Moves HB 2202A to the floor with a DO PASS AS AMENDED recommendation.**  
**VOTE: 8-0-2**  
**EXCUSED: 2 - Ringo, Wilson**
- 274 Chair Williams **Hearing no objection, declares the motion CARRIED.**  
**REP. LOWE will lead discussion on the floor.**
- 279 Chair Williams Closes the work session on HB 2201A and HB 2202A and opens a work session on HB 2363.

**HB 2363 WORK SESSION**

- 280 Counsel Shartel Introduces HB 2363 that modifies notice requirements in protective proceedings for respondents alleged to be incapacitated. Says that the civil subcommittee adopted the –2 amendments (EXHIBIT K).
- 290 Rep. Shetterly Discusses the bill.
- 308 Rep. Shetterly **MOTION: Moves HB 2363 to the floor with a DO PASS AS AMENDED recommendation.**  
**VOTE: 9-0-1**  
**EXCUSED: 1 - Wilson**
- 308 Chair Williams **Hearing no objection, declares the motion CARRIED.**  
**REP. SHETTERLY will lead discussion on the floor.**
- 325 Chair Williams Closes the work session on HB 2363 and opens a work session on HB 2364.

**HB 2364 WORK SESSION**

- 328 Counsel Shartel Introduces HB 2364 that directs Senior and Disabled Services Division to allow applicant or recipient to retain income for medically necessary guardianship expenses. Discusses –4 amendments (EXHIBIT L).
- 349 Rep. Lowe Explains the bill.

397 Rep. Lowe **MOTION: Moves HB 2364 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.**  
**VOTE: 9-0-1**  
**EXCUSED: 1 - Wilson**

400 Chair Williams **Hearing no objection, declares the motion CARRIED.**

410 Chair Williams Closes the work session on HB 2364 and opens a work session on HB 2364.

**HB 2367 WORK SESSION**

422 Counsel Shartel Introduces HB 2367 that expands list of person requiring notification before guardian may place adult protected person in mental health treatment facility, nursing home or other residential facility.

430 Rep. Ringo Discusses bill.

441 Chair Williams Says that the -1 amendments were adopted in the civil subcommittee (**EXHIBIT M**).

465 Rep. Ringo **MOTION: Moves HB 2367 to the floor with a DO PASS AS AMENDED recommendation.**  
**VOTE: 9-0-1**  
**EXCUSED: 1 - Wilson**

472 Chair Williams **Hearing no objection, declares the motion CARRIED.**  
**REP. RINGO will lead discussion on the floor.**

475 Chair Williams Closes the work session on HB 2367 and opens a work session on HB 2493.

**HB 2493 WORK SESSION**

488 Counsel Shartel Introduces HB 2493 that provides that electric utilities are immune from civil liability for cutting or removing vegetation under specified circumstances. Says that the -3 amendments were adopted in the civil subcommittee (**EXHIBIT N**).

**TAPE 30, A**

018 Rep. C. Walker Explains the bill.

033 Rep. Ackerman States that he has an issue with immunity in this situation as constitutional under Article I, Section 10 of the Oregon Constitution.

044 Chair Williams Discusses issues of the bill.

058 Rep. Krieger Says he has experienced a problem with people coming on his property and cutting trees.

075 Counsel Shartel Points out that the utilities may be actually putting themselves in a more difficult situation by giving them very specific guidelines.

087 Rep. C. Walker **MOTION: Moves HB 2493 to the floor with a DO PASS AS AMENDED recommendation.**  
**VOTE: 8-1-1**  
**AYE: 8 - Backlund, Krieger, Lowe, Ringo, Shetterly, Walker C, Walker V, Williams**  
**NAY: 1 - Ackerman**  
**EXCUSED: 1 - Wilson**

088 Chair Williams **The motion CARRIES.**  
**REP. C. WALKER will lead discussion on the floor.**

100 Chair Williams Closes the work session on HB 2493 and opens a work session

on HB 2494.

**HB 2494 WORK SESSION**

114 Counsel Shartel

Introduces HB 2494 that permits parties to domestic relations suit to enforce terms of certain decrees as contract terms with contractual remedies. Discusses –2 amendments (**EXHIBIT O**). Discusses the bill.

128 Rep. Shetterly  
153 Rep. Shetterly

**MOTION: Moves to ADOPT HB 2494-2 amendments dated 03/29/01.**

**VOTE: 8-0-2**

**EXCUSED: 2 - Ackerman, Wilson**

157 Chair Williams

**Hearing no objection, declares the motion CARRIED. REP. SHETTERLY will lead discussion on the floor.**

158 Rep. Shetterly

**MOTION: Moves HB 2494 to the floor with a DO PASS AS AMENDED recommendation.**

**VOTE: 8-0-2**

**EXCUSED: 2 - Ackerman, Wilson**

159 Chair Williams

**Hearing no objection, declares the motion CARRIED. REP. SHETTERLY will lead discussion on the floor.**

160 Chair Williams

Closes the work session on HB 2494 and opens a work session on HB 3260.

**HB 3260 WORK SESSION**

162 Counsel Shartel

Introduces HB 3260 that extends from 10 days to 15 days amount of time recalled delegate of Oregon State Bar has to resign before ballots on recall decision are mailed.

195 Bob Olsen

**Oregon State Bar**

Testifies on HB 3260.

208 Chair Williams

Closes the work session on HB 3260 and opens a work session on HB 2427.

**HB 2427 WORK SESSION**

230 Counsel Odell

Introduces HB 2427 that establishes rebuttable presumptions in domestic relations proceedings favoring parents in disputes between parents and other persons over custody of or visitation with children.

250 Rep. Shetterly

Explains the bill and states that the civil subcommittee adopted the –1 amendments (**EXHIBIT P**).

277 Rep. Shetterly

**MOTION: Moves HB 2427 to the floor with a DO PASS AS AMENDED recommendation.**

**VOTE: 8-0-2**

**EXCUSED: 2 - Ackerman, Wilson**

279 Chair Williams

**Hearing no objection, declares the motion CARRIED. REP. SHETTERLY will lead discussion on the floor.**

227 Chair Williams

Adjourns meeting at 10:43 a.m.

Submitted By,

Reviewed By,

Ann Martin

Bill Taylor,

**EXHIBIT SUMMARY**

**A – HB 2441, -2 amendments, dated 3/22/01, submitted by staff, 5 pgs.**

**B – HB 2441, written testimony submitted by Steve Marks, Governor’s Office, dated 3/30/01, 5 pgs.**

**C – HB 2441, written testimony of David Fidanque submitted by Andrea Meyer, ACLU, dated 3/30/01, 2 pgs.**

**D – HB 2441, written testimony submitted by James Reed, Oregon State Police, dated 3/30/01, 2 pgs.**

**E – HB 2441, written testimony submitted by Ron Louie, Chief, Hillsboro Police Dept., 4 pgs.**

**F – HB 2441, written testimony submitted by Felisa Hagins, Student, University of Oregon, 1 p.**

**G – HB 2441, written testimony submitted by Lynnae Berg, Assistant Chief, City of Portland, dated 3/30/01, 3 pgs.**

**H – HB 2441, article from Ashland Tidings, submitted by Rep. Ackerman, dated 2/22, 3 pgs.**

**I – HB 2201-A3 amendments, submitted by staff, dated 3/28/01, 6 pgs.**

**J – HB 2202-A3 amendments, submitted by staff, dated 3/28/01, 4 pgs.**

**K – HB 2363, -2 amendments, submitted by staff, dated 3/28/01, 7 pgs.**

**L – HB 2364, -4 amendments, submitted by staff, dated 3/28/01, 2 pgs.**

**M – HB 2367, -1 amendments, submitted by staff, dated 3/12/01, 1 p.**

**N – HB 2493, -3 amendments, submitted by staff, dated 3/28/01, 2 pgs.**

**O – HB 2494, -2 amendments, submitted by staff, dated 3/29/01, 5 pgs.**

**P – HB 2427, -1 amendments, submitted by staff, dated 3/7/01, 2 pgs.**