

# HOUSE COMMITTEE ON RULES, REDISTRICTING, AND PUBLIC AFFAIRS

May 25, 2001

Hearing Room D  
Tapes 121 - 122

**MEMBERS PRESENT:** Rep. Carl Wilson, Chair  
Rep. Richard Devlin, Vice-Chair  
Rep. Dan Doyle, Vice-Chair  
Rep. Bill Garrard  
Rep. Steve March  
Rep. Bruce Starr  
Rep. Joanne Verger  
Rep. Cheryl Walker

**MEMBER EXCUSED:** Rep. Gardner

**STAFF PRESENT:** Ray Kelly, Committee Administrator  
Cara Filsinger, Committee Administrator  
Jennifer Goodman, Committee Assistant

**MEASURE/ISSUES HEARD:** HB 3924A – WORK SESSION  
HB 3830 – WORK SESSION  
HB 3990 – INFORMATIONAL HEARING

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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
TAPE 121, A		
004	Chair Wilson	Calls the meeting to order at 2:03 p.m. and opens a work session on HB 3924A.
<b><u>HB 3924A – WORK SESSION</u></b>		
008	Ray Kelly	Committee Administrator. Explains HB 3924A. Explains that it modifies criteria for farm stand advertising. Adds that the bill passed but staff attached the wrong amendments. Asks that the committee pass the bill with the –A3 amendments ( <b>EXHIBIT A</b> ).
019	Rep. March	<b>MOTION: Moves to ADOPT HB 3924A-3 amendments dated 05/25/01.</b>
020		<b>VOTE: 7-0</b> <b>EXCUSED: 2 - Gardner, C. Walker</b> <b>Hearing no objection, declares the motion CARRIED.</b>
022	Chair Wilson Rep. March	<b>MOTION: Moves HB 3924A to the floor with a DO PASS AS AMENDED recommendation.</b>
027		<b>VOTE: 7-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 2 - Gardner, C. Walker</b> <b>The motion CARRIES.</b> <b>REP. NELSON will lead discussion on the floor.</b>
033	Chair Wilson	Closes the work session on HB 3924A and opens a work session on HB 3830.
<b><u>HB 3830 – WORK SESSION</u></b>		

034	Chair Wilson	Asks about section 14.
044	Greg Chaimov	Legislative Counsel. Explains that Section 14 allows the presiding officer to appoint members of the Legislative Assembly to allow people the ability to appear in lawsuits.
064	Chair Wilson	Recess the meeting. Calls the committee to order. Explains HB 3830.
079	Cara Filsinger	Committee Administrator. Submits the –5 amendments <b>(EXHIBIT B)</b> .
085	Chair Wilson	Explains the –5 amendments.
<b>090</b>	<b>Rep. Starr</b>	<b>MOTION: Moves to ADOPT HB 3830-5 amendments dated 05/25/01.</b>
<b>094</b>		<b>VOTE: 4-4</b> <b>AYE: 4 - Doyle, Garrard, Starr, Wilson</b> <b>NAY: 4 - Devlin, March, Verger, Walker C</b> <b>EXCUSED: 1 - Gardner</b>
	<b>Chair Wilson</b>	<b>The motion FAILS.</b>
<b>107</b>	<b>Rep. Starr</b>	<b>MOTION: Moves HB 3830 to the floor with a DO PASS recommendation.</b>
108	Rep. Devlin	Asks about sending the bill to Ways and Means.
113	Chair Wilson	Explains that the Speaker would like to send this bill to Ways and Means on the Senate side.
116	Rep. Devlin	Responds that the usual procedure is that any bill with a fiscal of over \$50,000 has been referred to Ways and Means.
118	Rep. Devlin	States that informed consent is already done in Oregon, and he will therefore vote no. Serves notice of a minority report.
125	Rep. March	Echoes the sentiments of Representative Devlin.
126	Rep. Walker	Explains that she will give a courtesy vote of yes in committee but will vote no on the floor.
129	Rep. March	States that he will submit a minority report.
130	Rep. Verger	States that there is already a law that relates to this bill and will therefore vote no.
124	Chair Wilson	Believes that informed consent is not always practiced in Oregon. States that information is a positive aspect of informed consent. Adds that all other procedures require informed consent.
156	Rep. Walker	States that informed consent is practiced regarding abortion. Explains that if informed consent is not practiced it is a failure of standards of practice and is prosecutable.
<b>169</b>	<b>3990</b>	<b>VOTE: 5-3</b> <b>AYE: 5 - Doyle, Garrard, Starr, Walker C, Wilson</b> <b>NAY: 3 - Devlin, March, Verger</b> <b>EXCUSED: 1 - Gardner</b>
	<b>Chair Wilson</b>	<b>The motion CARRIES.</b>
		<b>REP. WILSON will lead discussion on the floor.</b>
177	Chair Wilson	Closes the work session on HB 3830 and opens an informational meeting on HB 3990.
<b><u>HB 3990 – INFORMATIONAL MEETING</u></b>		
185	Chair Wilson	Explains that he will have panels speak on this bill.
221	Vance Day	Attorney. Describes the background of this bill. Discusses the definition of “person-hood”. Discusses the fourteenth amendment. Explains that HB 3990 defines birth as the moment the baby emerges from the woman’s body.
266	Lawrence J. Hall	Attorney. Submits and testifies from <b>(EXHIBIT C)</b> . Believes

		that the law is vague as it is now. Discusses partial birth abortions. Explains that this bill defines what a human being is and does not have anything to do with abortion.
340	Randy Boespflug	Physician. Describes the birth process. Believes that this is a safe and conservative definition of birth.
388	Sharon Brenner	Planned Parenthood. Submits and testifies in opposition to HB 3990 from <b>(EXHIBIT D)</b> .
<b>TAPE 122, A</b>		
023	Chair Wilson	Asks about partial birth abortions.
022	Brenner	States that 'partial birth abortion' is not a term she recognizes. States that they are performed because of risk to the mother and fetus.
044	Dave Fidanque	ACLU of Oregon. Testifies in opposition to the bill. Believes the bill pushes the full weight of criminal law into the practice of obstetrics. States that criminal homicide statutes will cover obstetrics. Believes the direct cost to the state will be very large if HB 3990 passes.
041	Scott Gallant	Oregon Medical Association. Testifies in opposition of HB 3990. Believes decisions should be made between the physician and the patient.
098	Lou Beres	Christian Coalition. Testifies in support of HB 3990. Submits and refers to <b>(EXHIBIT E)</b> . Submits and reads from <b>(EXHIBIT E2)</b> . Refers to ACLJ.
118	Chair Wilson	Asks what ACLJ is.
119	Beres	Responds that it is Walter Weber. States that he is mentioned on the last page of <b>(EXHIBIT E)</b> .
122	Chair Wilson	Asks if Walter Weber is with The American Center for Law and Justice.
123	Beres	Responds in the affirmative. Quotes Mr. Weber from <b>(EXHIBIT E)</b> . Believes that a fetus is a baby. Quotes from the Bible, Psalms 139.
191	Ellen Lowe	Oregon Law Center. Believes HB 3990 places an undue burden on many Oregonian families. Adds that low-income women do not have the money to travel to other states for this procedure. Suggests that resources be put elsewhere to prevent the need for abortions.
228	Dianne Duke	Clergy for Responsible Choice. Testifies in opposition to HB 3990. Submits and reads from <b>(EXHIBITS F &amp; G)</b> .
321	Gena Hutton	Planned Parenthood. Submits and testifies in opposition of HB 3990 from <b>(EXHIBIT H)</b> . Believes the bill is unconstitutional and divisive.
352	Chair Wilson	Assures her that his name is not on the bill for political reasons. Asks how we reconcile the view that this is an attack on women and how to protect children.
390	Hutton	Responds that she does not know the answer. Believes the choice of abortion is very difficult. Wants to protect the right to choose for women.
425	Lowe	States that there are many different opinions on when life begins. Believes that a common agreement will never be agreed to upon the issue of when life begins.
454	Duke	Believes that this is a medical decision with outstanding circumstances. States that these decisions should be made between the woman and her doctor.

**TAPE 121, B**

012	Kathleen Sullivan	National Abortion and Reproductive Rights Action League. Testifies in opposition to the bill. Submits <b>(EXHIBIT I)</b> . Explains that this type of legislation has failed before and is unconstitutional. Explains that Oregon citizens have struck down similar legislation in the past.
064	Chair Wilson	Asks which election she is referring to.
065	Sullivan	Responds that it was in 1990.
069	Staff	Submits <b>(EXHIBITS J-M)</b> for the record.
070	Chair Wilson	Closes the informational hearing on HB 3990 and adjourns the meeting at 3:10 p.m.

Submitted By,

Reviewed By,

Jennifer Goodman,  
Committee Assistant

Cara Filsinger,  
Committee Administrator

**EXHIBIT SUMMARY**

- A – HB 3924A, -A3 amendments, Staff, 2pp.**
- B – HB 3830, -5 amendments, Staff, 1p.**
- C – HB 3990, written testimony, Lawrence Hall, 1p.**
- D – HB 3990, written testimony, Sharon Brenner, 2pp.**
- E – HB 3990, written testimony, Lou Beres, 3pp.**
- E2 – HB 3990, written testimony, Lou Beres, 1p.**
- F – HB 3990, written testimony, Dianne Duke, 1p.**
- G – HB 3990, written testimony, Dianne Duke, 1p.**
- H – HB 3990, written testimony, Gena Hutton, 1p.**
- I – HB 3990, written testimony, Kathleen Sullivan, 7pp.**
- J – HB 3990, written testimony, Staff, 1p.**
- K – HB 3990, written testimony, Staff, 1p.**
- L – HB 3990, written testimony, Staff, 1p.**
- M – HB 3990, written testimony, Staff, 1p.**