

SENATE COMMITTEE ON JUDICIARY

February 15, 2001 Hearing Room 343
1:00 p.m. Tapes 37-39

MEMBERS PRESENT: **Sen. John Minnis, Chair**
 Sen. Peter Courtney, Vice Chair
 Sen. Roger Beyer
 Sen. Ginny Burdick
 Sen. Verne Duncan
 Sen. Steve Harper
 Sen. Rick Metsger

STAFF PRESENT: **Craig Prins, Counsel**
 Annola DeJong, Committee Assistant

MEASURE/ISSUES HEARD: **SB 183 Work Session**
 SB 166 Public Hearing
 SB 230 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 37, A		
003	Chair Minnis	Calls the meeting to order at 1:07 p.m. Opens a work session on SB 183.
<u>SB 183 – WORK SESSION</u>		
011	Counsel Prins	Talks about SB 183 which establishes procedures enabling the Department of Corrections to obtain reimbursement from inmates for the costs of care incurred by the department. Introduces the -1, -2, and -3 amendments. Says that he is unable to adequately explain the -4 amendments (EXHIBITS A – D).
061	Sen. Metsger	Acknowledges Counsel Prins explanation of the amendments.
071	Counsel Prins	Describes a case in another state that has a similar law.
098	Sen. Metsger	MOTION: Moves to ADOPT SB 183-1 amendments dated 02/13/01.
		VOTE: 7-0-0
101	Chair Minnis	Hearing no objection, declares the motion CARRIED.
102	Sen. Metsger	MOTION: Moves to ADOPT SB 183-2 amendments dated 02/13/01.
		VOTE: 7-0-0
104	Chair Minnis	Hearing no objection, declares the motion CARRIED.
105	Sen. Metsger	Asks to amend the proposed amendment.
106	Counsel Prins	Requests that Scott Taylor, Department of Corrections, come forward and explain the -3 amendment.
132	Scott Taylor	Oregon Department of Corrections (DOC) Talks about the intent of the -3 amendment.
141	Chair Minnis	Inquires about the term “actual knowledge.”
146	Vice Chair Courtney	Explains that there is “constructive knowledge” and “actual knowledge”. Mentions that in this situation, the DOC must

152	Chair Minnis	have actual knowledge.
157	Vice Chair Courtney	Describes his understanding of the term “actual knowledge.”
164	Chair Minnis	Agrees with Sen. Minnis.
		Remarks that if the term “actual knowledge” has a specific legal meaning, the committee should know what it is.
168	Counsel Prins	Offers an additional explanation about the intent of DOC with the –3 amendment.
177	Chair Minnis	Mentions there is additional terminology that he is unclear about.
189	Counsel Prins	Proposes deleting the –3 amendment up to line 4, on page 1. Notes that he is not comfortable about proceeding on the amendment before talking to legislative counsel.
203	Chair Minnis	Suggests holding SB 183 over until February 21, 2001.
210	Chair Minnis	Closes the work session on SB 183 and opens a public hearing on SB 166.

SB 166 – PUBLIC HEARING

224	Counsel Odell	Introduces SB 166 which would create a civil cause of action for killing a companion animal.
244	Vice Chair Courtney	States he introduced this bill on behalf of Scott Beckstead.
247	Rob Bovett	Attorney, Lincoln County Submits testimony and testifies in support of SB 166 (EXHIBITS E & F) .
376	Sen. Burdick	Verifies Mr. Bovett’s preference to talk about the part of SB 166 that deals with citations.
380	Bovett	Agrees.
388	Sen. Burdick	Inquires about the term “aggressively biting,” noting that it is not defined in SB 166.
399	Bovett	Remarks the issue is a bite resulting from a playful incident. Suggests that “some other language” might be substituted.
418	Sen. Burdick	Agrees. Asks about the substantial difference in the amounts for non- economic damages and owner’s liability.
435	Bovett	Explains how they are in different contexts: criminal vs. civil.
445	Sen. Burdick	Confirms that under civil law, comparable damages would be allowed if someone caused serious damage to a person.
452	Counsel Odell	Replies there is no statutory limit.
454	Sen. Burdick	Expresses concern that the high liabilities would encourage “good samaritans” not to help injured animals.
472	Bovett	Proposes that amendments could be drafted for Section 1, on page 1. States the intent of SB 166 is to deal with the person who “intentionally, wantonly and willingly” kills someone else’s animal.
493	Sen. Metsger	Refers to sub-section 2, line 10, on page 1. Verifies his understanding of what a “negligent act” would be under SB 166.
TAPE 38, A		
042	Bovett	Stresses that, while the Senator is correct, this was not the intent of the drafters of SB 166. Mentions that the terminology can be refined to narrow the focus to the “intentional bad actor.”
069	Tom Branford	Judge, Lincoln County Submits testimony and testifies in opposition to SB 166 (EXHIBITS G & H) .
347	Geordie Duckler	Attorney, Portland, OR Submits testimony and testifies in support of SB 166 (EXHIBIT I) .

486	Sharon Harmon	Director, Oregon Humane Society Testifies in support of SB 166 as it is written conceptually. Expresses concern with Section 1, on page 1, and Section 10, on page 5.
TAPE 37, B		
046	Eileen Stark	Animal Legal Defense Fund Submits testimony and testifies in support of SB 166 (EXHIBIT J).
097	Mark Fieber	Citizen Testifies in support to SB 166.
225	Lana Butterfield	SAFECO Submits testimony in opposition to SB 166 (EXHIBIT K).
234	John Clements	SAFECO Testifies in opposition of SB 166.
315	Glen Stonebrink	Oregon Cattleman's Association Testifies in opposition to SB 166.
350	Chair Minnis	Cites line 1, on page 2. Comments that this ties in with ORS 609.150.
361	Stonebrink	Points out that ORS 609.150 addresses the right of a livestock owner to kill a dog that is killing or chasing their livestock. Suggests that SB 166 will take away that defense, i.e., the dog was trespassing.
400	Chair Minnis	Asks Sen. Courtney and Sen. Beyer to work with the interested parties and draft amendments to SB 166.
413	Chair Minnis	Closes the public hearing on SB 166 and opens a public hearing on SB 230.

SB 230 – PUBLIC HEARING

455	Rob Bovett	Attorney, Lincoln County Submits testimony in support of SB 230 relating to changing the definition of physical injury for purposes of animal abuse and neglect statutes (EXHIBIT L).
TAPE 38, B		
022	Malgosia Cegielzki	Licensed Psychologist and Registered Play Therapist Testifies in support of SB 230.
088	Chair Minnis	Requests that Dr. Cegielzki provide the committee with information that would support her testimony.
092	Cegielzki	Agrees.
101	Sen. Ryan Deckert	Senate, District 4 Submits testimony and testifies in support of SB 230 (EXHIBIT M).
155	Karen Haberle	Citizen Submits testimony and testifies in support of SB 230 (EXHIBIT N).
224	Stephan Otto	Animal Legal Defense Fund Submits testimony and testifies in support of SB 230 (EXHIBIT O).
302	Tom Buccholz	Citizen Testifies in opposition to SB 230.

TAPE 39, A

Submitted By,

Reviewed By,

Annola DeJong,
Committee AssistantCraig Prins,
Counsel**EXHIBIT SUMMARY**

- A – SB 183, -1 amendments submitted by staff, dated 2/13/01, 1 p.**
B – SB 183, -2 amendments submitted by staff, dated 2/13/01, 1 p.
C – SB 183, -3 amendments submitted by staff, dated 2/13/01, 1 p.
D – SB 183, -4 amendments submitted by staff, dated 2/13/01, 1 p.
E – SB 166, written testimony submitted by Rob Bovett, Attorney, dated 2/15/01, 1 p.
F – SB 166, written testimony of Scott Beckstead, submitted by Rob Bovett, Attorney, dated 2/14/01, 3 pp.
G – SB 166, written testimony submitted by Tom Branford, Judge, 3 pp.
H – SB 166, written testimony submitted by Tom Branford, Judge, 41pp.
I – SB 166, written testimony submitted by Geordie Duckler, Attorney, dated 2/13/01, 4 pp.
J – SB 166, written testimony submitted by Eileen Stark, Animal Legal Defense Fund, dated 2/15/01, 2 pp.
K – SB 166, written testimony submitted by Lana Butterfield & John Clements, SAFECO, dated 2/15/01, 1 p.
L – SB 230, written testimony submitted by Rob Bovett, Attorney, dated 2/15/01, 1 p.
M – SB 230, written testimony submitted by Ryan Deckert, Senator, District 4, dated 2/15/01, 1 p.
N – SB 230, written testimony submitted by Karen Haberle, Citizen, 2 pp.
O – SB 230, written testimony submitted by Stephan Otto, Animal Legal Defense Fund, dated 2/15/01, 10 pp.
P – SB 230, written testimony submitted by John D. Adair, Linn County Dog Control, dated 2/15/01, 1 p.
Q – SB 230, written testimony submitted by Michael Schrunk, Multnomah County District Attorney, dated 2/14/01, 1 p.
R – SB 230, written testimony submitted by Constance Hawes, Citizen, dated 2/15/01, 22 pp.
S – SB 230, written testimony of Patricia Troolin, submitted by Constance Hawes, Citizen, dated 2/14/01, 1 p.
T – SB 230, written testimony of Gail Martwick, submitted by Constance Hawes, Citizen, dated 2/13/01, 1 p.
U – SB 230, written testimony of Charles and Donna Steadman, submitted by Constance Hawes, Citizen, dated 2/14/01, 1 p.
V – SB 230, written testimony of Virginia Heffer, submitted by Constance Hawes, Citizen, dated 2/13/01, 1 p.