

## SENATE COMMITTEE ON JUDICIARY

May 14, 2001 Hearing Room 343  
1:00 p.m. Tapes 134 - 138

**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:** Marilyn Odell, Counsel  
Craig Prins, Counsel  
Annola DeJong, Committee Assistant

**MEASURES HEARD:** HB 3769A Public Hearing and Work Session  
HB 2918A Public Hearing  
SB 144 Public Hearing and Work Session  
HB 2363A Public Hearing and Work Session  
HB 2365A Public Hearing and Work Session  
HB 2366 Public Hearing and Work Session  
HB 2367A Public Hearing and Work Session  
HB 2368A Public Hearing and Work Session  
HB 3647A Public Hearing and Work Session  
HB 2381A Public Hearing and Work Session  
HB 2382A Public Hearing and Work Session  
HB 2731 Public Hearing and Work Session  
HB 3119A Public Hearing and Work Session  
SB 665 Work Session  
SB 956 Work Session  
HB 2947A Public Hearing and Work Session  
HB 2944 Public Hearing and Work Session  
HB 2781A Public Hearing and Work Session  
HB 3263 Public Hearing and Work Session  
HB 2950A Public Hearing and Work Session  
HB 2337A Work Session  
HB 3109A Public Hearing and Work Session  
HB 3489 Public Hearing and Work Session  
HB 3594 Public Hearing and Work Session  
HB 2663A Work Session  
HB 2646 Work Session  
HB 3244 Public Hearing and Work Session

<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 134, A</b>		
004	Chair Minnis	Calls the meeting to order at 2:00 p.m. and opens a public hearing on HB 3769A.
<b>HB 3769A PUBLIC HEARING</b>		
015	<b>Rep. Wayne Krieger</b>	<b>House District 48</b> Testifies in support of HB 3769A which will exempt charitable, fraternal or religious organizations that meet certain requirements from licensing and reporting requirements for raffles if handles from raffles are less than \$10,000 in one calendar year.
061	<b>Ross Laybourn</b>	<b>Oregon Department of Justice</b> Testifies as neutral on HB 3769A.
087	Chair Minnis	Closes the public hearing on HB 3769A and opens a work session on HB 3769A.
<b>HB 3769A WORK SESSION</b>		
<b>088</b>	<b>Vice Chair Courtney</b>	<b>MOTION: Moves HB 3769A to the floor with a DO PASS recommendation.</b>
<b>090</b>		<b>VOTE: 6-0-1</b>
<b>091</b>	<b>Chair Minnis</b>	<b>EXCUSED: 1 - Sen. Metsger</b> <b>Hearing no objection, declares the motion CARRIED. SEN. HARPER will lead discussion on the floor.</b>
096	Chair Minnis	Closes the work session on HB 3769A and opens a public hearing on HB 2918A.
<b>HB 2918A PUBLIC HEARING</b>		
102	<b>Rep. Carolyn Tomei</b>	<b>House District 25</b> Submits testimony and testifies in support of HB 2918A which specifies that electronic communication is contact for purposes of stalking ( <b>EXHIBIT A</b> ).
164	<b>Rep. Richard Devlin</b>	<b>House District 24</b> Testifies in support of HB 2918A.
227	Chair Minnis	Asks about potential free speech ramifications with HB 2918A.
237	<b>Kevin Mannix</b>	<b>Attorney, Salem, OR</b> Explains stalking is not “a matter of free speech.” Testifies in support of HB 2918A.
300	Chair Minnis	Closes the public hearing on HB 2918A and opens a public hearing on SB 144.
<b>SB 144 PUBLIC HEARING</b>		
307	<b>Bob Joondeph</b>	<b>Oregon Advocacy Center</b> Submits testimony and testifies in support of SB 144 which will direct the Mental Health and Developmental Disability Services Division to develop a plan for providing children and adults mental health treatment and services in least restrictive setting. Talks about the -2 amendments. ( <b>EXHIBITS B &amp; C</b> ).
337	<b>Madeline Olson</b>	<b>Oregon Department of Human Services</b> Testifies in support of SB 144 with the inclusion of the –2 amendments.
368	Counsel Odell	Asks Ms. Olson to talk about the counties involvement in the “governor’s realignment work group.”
372	Olson	Discusses the work group.

384 Chair Minnis Asks who represented the counties.  
385 Olson Replies, Gary Smith, director for Deschutes County.  
391 Chair Minnis Closes the public hearing on SB 144 and opens a public hearing on HB 2363A.

**HB 2363A PUBLIC HEARING**

394 **Jennifer Wright**

**Oregon State Bar**

Submits testimony and testifies in support of HB 2363A which modifies notice requirements in protective proceedings for respondents alleged to be incapacitated. **(EXHIBIT D)**.

**TAPE 135, A**

031 **Bertran Copp**

**Senior Advocate**

Submits testimony and testifies in opposition to HB 2363A **(EXHIBIT E)**.

164 Chair Minnis

Closes the public hearing on HB 2363A and opens a work session on HB 2363A.

**HB 2363A WORK SESSION**

165 **Vice Chair  
Courtney**

**MOTION: Moves HB 2363A to the floor with a DO PASS recommendation.**

169

**VOTE: 5-0-2**

170 **Chair Minnis**

**EXCUSED: 2 - Sen. Metsger, Sen. R. Beyer  
Hearing no objection, declares the motion CARRIED.  
SEN. COURTNEY will lead discussion on the floor.**

171 Chair Minnis

Closes the work session on HB 2363A.

178 **Sen. Duncan**

**MOTION: Moves to SUSPEND the rules for the purpose of allowing Sen. Duncan to vote on HB 2363A.**

179

**VOTE: 6-0-1**

180 **Chair Minnis**

**EXCUSED: 1 – Sen. Metsger**

181 **Sen. Duncan**

**Hearing no objection, asks Sen. Duncan how he votes.**

182 Chair Minnis

**Votes “Aye.”**

**HB 2365A PUBLIC HEARING**

183 **Jennifer Wright**

Opens a public hearing on HB 2365A

**Oregon State Bar**

Submits testimony and testifies in support of HB 2365A which provides that a person may not refuse to recognize authority of attorney-in-fact or agent under power of attorney based solely on passage of time **(EXHIBIT F)**.

237 **Bertran Copp**

**Senior Advocate**

Submits testimony and testifies in opposition to HB 2365A **(EXHIBIT G)**.

273 Chair Minnis

Closes the public hearing on HB 2365A and opens a work session on HB 2365A.

**HB 2365A WORK SESSION**

274 **Vice Chair  
Courtney**

**MOTION: Moves HB 2365A to the floor with a DO PASS recommendation.**

276

**VOTE: 5-0-2**

277 **Chair Minnis**

**EXCUSED: 2 - Sen. Metsger, Sen. R. Beyer  
Hearing no objection, declares the motion CARRIED.  
SEN. MINNIS will lead discussion on the floor.**

285 Chair Minnis

Closes the work session on HB 2365A and opens a public hearing on HB 2366.

**HB 2366 PUBLIC HEARING**

289 **Jennifer Wright**

**Oregon State Bar**

340	<b>Bertran Copp</b>	Submits testimony and testifies in support of HB 2366 which will allow a court to enter protective order authorizing creation of irrevocable trust without making finding that respondent is financially incapable ( <b>EXHIBIT H</b> ). <b>Senior Advocate</b>
488	Chair Minnis	Submits testimony and testifies in opposition to HB 2366 ( <b>EXHIBIT I</b> ). Closes the public hearing on HB 2366 and opens a work session on HB 2366.

**TAPE 134, B**

**HB 2366 WORK SESSION**

<b>022</b>	<b>Vice Chair Courtney</b>	<b>MOTION: Moves HB 2366 to BE REFERRED to the committee on Ways and Means.</b> Asks for clarification on ORS 125.400. Explains ORS 125.400.
025	Sen. Beyer	
032	Wright	<b>VOTE: 7-0-0</b> <b>Hearing no objection, declares the motion CARRIED.</b> Closes the work session on HB 2366 and opens a public hearing on HB 2367A.
<b>036</b>		
<b>037</b>	<b>Chair Minnis</b>	
039	Chair Minnis	

**HB 2367A PUBLIC HEARING**

041	<b>Jennifer Wright</b>	<b>Oregon State Bar</b> Submits testimony and testifies in support of HB 2367A which expands the list of persons requiring notification before guardian may place adult protected person in mental health treatment facility, nursing home or other residential facility ( <b>EXHIBIT J</b> ). Closes the public hearing on HB 2367A and opens a work session on HB 2367A.
071	Chair Minnis	

**HB 2367A WORK SESSION**

<b>072</b>	<b>Vice Chair Courtney</b>	<b>MOTION: Moves HB 2367A to the floor with a DO PASS recommendation.</b> <b>VOTE: 7-0-0</b> <b>Hearing no objection, declares the motion CARRIED.</b> <b>SEN. COURTNEY will lead discussion on the floor.</b>
<b>074</b>	<b>Chair Minnis</b>	
<b>075</b>	<b>Chair Minnis</b>	Closes the work session on HB 2367A and opens a public hearing on HB 2368A.
077	Chair Minnis	

**HB 2368A PUBLIC HEARING**

079	<b>Jennifer Wright</b>	<b>Oregon State Bar</b> Submits testimony and testifies in support of HB 2368A which authorizes single proceeding for judicial consideration of issues regarding advance ( <b>EXHIBIT K</b> ). <b>Senior Advocate</b>
116	<b>Bertran Copp</b>	Submits testimony and testifies in opposition to HB 2368A ( <b>EXHIBIT L</b> ). Closes the public hearing on HB 2368A and opens a work session on HB 2368A.
151	Chair Minnis	

**HB 2368A WORK SESSION**

<b>152</b>	<b>Vice Chair Courtney</b>	<b>MOTION: Moves HB 2368A to the floor with a DO PASS recommendation.</b> <b>VOTE: 5-1-1</b> <b>AYE: 4 - Sen. Metsger, Sen. Courtney, Sen. Minnis, Sen. Duncan, Sen. Harper</b>
<b>157</b>		

**NAY: 1 - Sen. R. Beyer**  
**EXCUSED: 1 - Sen. Burdick**  
**The motion Carries.**  
**SEN. DUNCAN will lead discussion on the floor.**  
 161 Chair Minnis  
 163 Chair Minnis Closes the work session on HB 2368A and recesses the meeting at 3:05 p.m.  
**TAPE 135, B**  
 001 Chair Minnis Reconvenes the meeting at 6:40 p.m. and opens a public hearing on HB 3647A.

**HB 3647A PUBLIC HEARING**

009 **Rep. Bill Morrisett** **Representative, District 42**  
 Submits testimony and testifies in support of HB 3647A which directs the Department of Justice to establish a hotline to allow students and others to report criminal or suspicious activities on school grounds or at school-sponsored activities. Talks about the -2 amendments (**EXHIBITS M - O**).  
 043 **Hardy Meyers** **Oregon Attorney General**  
 Submits testimony and testifies in support of HB 3647 (**EXHIBIT P**).  
 089 Chair Minnis Closes the public hearing on HB 3647A and opens a work session on HB 3647A.

**HB 3647A WORK SESSION**

090 **Vice Chair Courtney** **MOTION: Moves to ADOPT HB 3647-A2 amendments dated 05/14/01.**  
**VOTE: 7-0-0**  
 093 **Chair Minnis** **Hearing no objection, declares the motion CARRIED.**  
 103 **Vice Chair Courtney** **MOTION: Moves HB 3647A to the floor with a DO PASS AS AMENDED recommendation.**  
**VOTE: 7-0-0**  
 107 **Chair Minnis** **Hearing no objection, declares the motion CARRIED.**  
**SEN. DUNCAN will lead discussion on the floor.**  
 108 Chair Minnis  
 115 Chair Minnis Closes the work session on HB 3647A and opens a work session on SB 144.

**SB 144 WORK SESSION**

126 **Mary Botkin** **American Federation of State, County and Municipal Employees (AFSCME)**  
 Submits testimony and testifies in support of SB 144. Expresses support for the -2 amendments (**EXHIBIT Q**).  
 140 **Vice Chair Courtney** **MOTION: Moves to ADOPT SB 144-2 amendments dated 05/04/01.**  
**VOTE: 7-0-0**  
 142 **Chair Minnis** **Hearing no objection, declares the motion CARRIED.**  
 143 **Vice Chair Courtney** **MOTION: Moves SB 144 to the floor with a DO PASS AS AMENDED recommendation.**  
**VOTE: 7-0-0**  
 145 **Chair Minnis** **Hearing no objection, declares the motion CARRIED.**  
**SEN. METSGER will lead discussion on the floor.**  
 146 Chair Minnis  
 150 Chair Minnis Closes the work session on SB 144 and opens a public hearing on HB 2381A.

**HB 2381A PUBLIC HEARING**

155 Jim Markee

204 Chair Minnis

**HB 2381A WORK SESSION**

205 Vice Chair  
Courtney

209

210 Chair Minnis

213 Chair Minnis

**HB 2382A PUBLIC HEARING**

215 Jim Markee

262 Chair Minnis

**HB 2382A WORK SESSION**

263 Vice Chair  
Courtney

267

268 Chair Minnis

291 Chair Minnis

**HB 2731 PUBLIC HEARING**

306 Tim Bernasek

369 Sen. Burdick

377 Bernasek

394 Sen. Burdick

400 Bernasek

435 Sen. Beyer

437 Bernasek

477 Terry Witt

**TAPE 134, B**

232 Harlan Levy

287 Sen. Metsger

**Oregon Collectors Association**

Submits testimony and testifies in support of HB 2381A  
(EXHIBIT R).

Closes the public hearing on HB 2381A and opens a work  
session on HB 2381A.

**MOTION: Moves HB 2381A to the floor with a DO PASS  
recommendation.**

**VOTE: 7-0-0**

**Hearing no objection, declares the motion CARRIED.  
SEN. DUNCAN will lead discussion on the floor.**

Closes the work session on HB 2381A and opens a public  
hearing on HB 2382A.

**Oregon Collectors Association**

Submits testimony and testifies in support of HB 2382A which  
provides that party seeking default judgement must submit  
affidavit stating, to the best of party's knowledge and belief, that  
party against whom judgement is sought is not incapacitated,  
minor, protected person or respondent (EXHIBIT S).

Closes the public hearing on HB 2382A and opens a work  
session on HB 2382A.

**MOTION: Moves HB 2382A to the floor with a DO PASS  
recommendation.**

**VOTE: 7-0-0**

**Hearing no objection, declares the motion CARRIED.  
SEN. COURTNEY will lead discussion on the floor.**

Closes the work session on HB 2382A and opens a public  
hearing on HB 2731.

**Oregon Farm Bureau**

Submits testimony and testifies in support of HB 2731 which  
modifies limitation on liability for engaging in certain farming  
and forest practices (EXHIBIT T).

Verifies her understanding of HB 2731.

Agrees.

*(Her microphone cut out during her question.)*

Replies, he does not think so.

Asks if HB 2731 applies to land in an incorporated city.

Replies, yes it does.

**Oregonians for Food and Shelter**

Submits testimony and testifies in support of HB 2731  
(EXHIBIT U).

**Oregon Association of Realtors**

Submits testimony and testifies as neutral on HB 2731  
(EXHIBIT V).

Inquires if Mr. Levy is questioning the "legitimacy of the right to  
farm law in general."

290 Levy  
293 Chair Minnis

Agrees.  
Closes the public hearing on HB 2731 and opens a work session on HB 2731.

**HB 2731 WORK SESSION**

294 Vice Chair  
Courtney  
300  
301 Chair Minnis  
314 Chair Minnis

**MOTION: Moves HB 2731 to the floor with a DO PASS recommendation.**

**VOTE: 7-0-1**

**Hearing no objection, declares the motion CARRIED.  
SEN. BURDICK will lead discussion on the floor.**

Closes the work session on HB 2731 and opens a public hearing on HB 3119A.

**HB 3119A PUBLIC HEARING**

328 Scott Parker

**Association of Oregon Counties**

Testifies in support of HB 3119A which provides that certain actions or proceedings against public bodies that are filed in wrong court may be transferred to correct court or tribunal and will be considered filed on timely basis under specified circumstances.

412 Chair Minnis

Closes the public hearing on HB 3119A and opens a work session on HB 3119A.

**HB 3119A WORK SESSION**

413 Vice Chair  
Courtney  
416  
417 Chair Minnis  
433 Chair Minnis

**MOTION: Moves HB 3119A to the floor with a DO PASS recommendation.**

**VOTE: 7-0-0**

**Hearing no objection, declares the motion CARRIED.  
SEN. COURTNEY will lead discussion on the floor.**

Closes the work session on HB 3119A and opens a work session on SB 665.

**SB 665 WORK SESSION**

436 Counsel Odell

Introduces SB 665 which require an applicant to provide birth certificate or photo identification before the Department of Transportation may issue, renew, replace or duplicate identification card, driver permit or driver license. Talks about the -2 amendments (**EXHIBIT W**).

476 Kelly Taylor

**Oregon Department of Transportation**

Testifies in support of the -2 amendments.

**TAPE 136, A**

033 Sen. Courtney

**MOTION: Moves to ADOPT SB 665-2 amendments dated 05/11/01.**

035 Sen. Metsger  
037 Taylor

Inquires about the fiscal impact with the -2 amendments.  
Says the fiscal is down to \$173,000.

**044**

**VOTE: 7-0-0**

**045 Chair Minnis**

**Hearing no objection, declares the motion CARRIED.**

**046 Vice Chair  
Courtney**

**MOTION: Moves SB 665 with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.**

**048**

**VOTE: 7-0-0**

**049 Chair Minnis**

**Hearing no objection, declares the motion CARRIED.**

049 Chair Minnis

Closes the work session on SB 665 and opens a work session on SB 956.

**SB 956 WORK SESSION**

053 Chair Minnis Introduces SB 956 relating to civil actions. Talks about the –3 amendments (**EXHIBIT X**).

066 Vice Chair **MOTION: Moves to ADOPT SB 956-3 amendments dated**  
Courtney **05/11/01.**

069 Counsel Odell Explains the –3 amendments.

080 **VOTE: 7-0-0**

081 Chair Minnis **Hearing no objection, declares the motion CARRIED.**

082 Vice Chair **MOTION: Moves SB 956 to the floor with a DO PASS AS**  
Courtney **AMENDED recommendation.**

084 **VOTE: 7-0-0**

085 Chair Minnis **Hearing no objection, declares the motion CARRIED.**  
**SEN. MINNIS will lead discussion on the floor.**

087 Chair Minnis Closes the work session on SB 956 and recesses the meeting at 7:25 p.m.

089 Chair Minnis Reconvenes the meeting at 7:38 p.m. and opens a public hearing on HB 2947A.

**HB 2947A PUBLIC HEARING**

095 Ken Strobeck **Oregon Association of Broadcasters**  
Testifies in support of HB 2947A which modifies provisions dealing with crimes of research and animal interference and interference with livestock production. Introduces the –A3 amendments (**EXHIBIT Y**).

125 Sarah Reeder **Oregon Newspaper Publishers Association**  
Testifies in support of HB 2947A.

132 Terry Witt **Oregonians for Food and Shelter**  
Testifies in support of HB 2947A.

139 Ingrid Swenson **Oregon Criminal Defense Lawyers Association (OCDLA)**  
Submits testimony and testifies in support of HB 2947A (**EXHIBIT Z**).

226 Chair Minnis Closes the public hearing on HB 2947A and recesses the meeting at 7:45 p.m.

228 Chair Minnis Reconvenes the meeting at 7: 50 p.m. and opens a work session on HB 2947A.

**HB 2947A WORK SESSION**

230 Vice Chair **MOTION: Moves to ADOPT HB 2347-A3 amendments**  
Courtney **dated 04/25/01.**

232 **VOTE: 7-0-0**

233 Chair Minnis **Hearing no objection, declares the motion CARRIED.**

238 Vice Chair **MOTION: Moves HB 2947A with a DO PASS AS**  
Courtney **AMENDED recommendation and BE**  
**REFERRED to the committee on Ways and**  
**Means.**

240 **VOTE: 7-0-0**

241 Chair Minnis **Hearing no objection, declares the motion CARRIED.**

243 Chair Minnis Closes the work session on HB 2947A and opens a public hearing on HB 2944.

**HB 2944A PUBLIC HEARING**

247 Kevin Campbell **Oregon Association Chiefs of Police**  
Submits testimony and testifies in support of HB 2944A which

308	Chair Minnis	directs the Board on Public Safety Standards and Training to establish four policy committees for specific disciplines governed by board ( <b>EXHIBITS AA – CC</b> ). Asks if the City of Portland is represented on the policy committee.
315	Campbell	Refers to lines 12 and 13, on page 2.
351	<b>Dianne Middle</b>	<b>Department of Public Safety Standards and Training (DPSST)</b> Submitted testimony and testifies in support of HB 2944A ( <b>EXHIBIT DD</b> ).
376	Chair Minnis	Recesses the meeting at 8:00 p.m.
378	Chair Minnis	Reconvenes the meeting at 8:10 p.m. Closes the public hearing on HB 2944A and opens a public hearing on HB 2781A.

**HB 2781A PUBLIC HEARING**

381 **Sen. Peter Courtney**

**Senate District 17**

Submits testimony and testifies in support of HB 2781A which encourages youth sports providers to determine crimes that disqualify individuals from supervising or coaching youth sports, to complete criminal records checks and to require completion of sports education program. Talks about the –A6 amendments (**EXHIBITS EE & FF**).

**TAPE 137, A**

001 Sen. Courtney

Continues testimony in support of HB 2781A.

074 Sen. Beyer

Mentions that HB 2781A does not clearly indicate who is financially responsible for a background check.

111 **Bob Smit**

**Oregon State Police**

Testifies in support of HB 2781A.

149 Chair Minnis

Closes the public hearing on HB 2781A and opens work session on HB 2781A.

**HB 2781A WORK SESSION**

153 **Vice Chair Courtney**

**MOTION: Moves to ADOPT HB 2781-A6 amendments dated 05/09/01.**

159 **VOTE: 7-0-0**

162 **Chair Minnis** **Hearing no objection, declares the motion CARRIED.**

163 **Vice Chair Courtney**

**MOTION: Moves HB 2781A to the floor with a DO PASS AS AMENDED recommendation.**

167 **VOTE: 7-0-0**

168 **Chair Minnis** **Hearing no objection, declares the motion CARRIED. SEN. COURTNEY will lead discussion on the floor.**

176 Chair Minnis Closes the work session on HB 2781A and opens a public hearing on HB 3263.

**HB 3263 PUBLIC HEARING**

183 **Fred Lenzser**

**Multnomah County District Attorney’s Office**

Submits testimony and testifies in support of HB 3263 (**EXHIBIT GG**).

220 Sen. Metsger Remarks that HB 3263 makes it easier for people that pass bad checks.

229 Lenzser Explains the reasoning behind HB 3263. Notes that HB 3263 is not designed to deal with forgery or stolen check situations.

264 Chair Minnis Closes the public hearing on HB 3263 and opens a work session

on HB 3263.

**HB 3263 WORK SESSION**

267 Vice Chair  
Courtney

274

276 Chair Minnis  
311 Chair Minnis

**HB 2950A PUBLIC HEARING**

317 Timothy Travis

402 Connie Gallagher

489 Vice Chair Courtney

**TAPE 138, A**

**HB 2950A WORK SESSION**

035 Sen. Duncan

047

048 Vice Chair  
Courtney

090 Sen. Duncan

093

094 Vice Chair  
Courtney

102 Vice Chair Courtney

**HB 2337A WORK SESSION**

106 Jim Nass

155 Sen. Duncan

157

158 Vice Chair

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

**VOTE: 5-2-0**

**AYE: 5 - Sen. Courtney, Sen. Minnis, Sen. Duncan, Sen. Burdick, Sen. Harper**

**NAY: 2 - Sen. Metsger, Sen. Beyer**

**The motion Carries.**

Closes the work session on HB 3263 and opens a public hearing on HB 2950A.

**Oregon Judicial Department**

Submits testimony and testifies in support of HB 2950A (EXHIBIT HH).

**Oregon Department of Justice**

Testifies in support of HB 2950A. Talks about the –A2 amendments (EXHIBIT II).

Closes the public hearing on HB 2950A and opens a work session on HB 2950A.

**MOTION: Moves to ADOPT HB 2950-A2 amendments dated 05/14/01.**

**VOTE: 5-1-1**

**AYE: 5 - Sen. Metsger, Sen. Courtney, Sen. Duncan, Sen. Burdick, Sen. Harper**

**NAY: 1 - Sen. Beyer**

**EXCUSED: 1 - Sen. Minnis**

**The motion Carries.**

**MOTION: Moves HB 2950A to the floor with a DO PASS AS AMENDED recommendation.**

**VOTE: 5-1-1**

**AYE: 5 - Sen. Metsger, Sen. Courtney, Sen. Duncan, Sen. Burdick, Sen. Harper**

**NAY: 1 - Sen. Beyer**

**EXCUSED: 1 - Sen. Minnis**

**The motion Carries.**

**SEN. DUNCAN will lead discussion on the floor.**

Closes the work session on HB 2950A and opens a work session on HB 2337A.

**Oregon Judicial Department**

Testifies in support of HB 2337A. Talks about the –A3 amendments (EXHIBIT JJ).

**MOTION: Moves to ADOPT HB 2337-A3 amendments dated 05/14/01.**

**VOTE: 7-0-0**

**Hearing no objection, declares the motion CARRIED.**

159 Courtney  
Sen. Duncan **MOTION: Moves HB 2337A to the floor with a DO PASS AS AMENDED recommendation.**

164 **VOTE: 7-0-0**

165 Vice Chair **Hearing no objection, declares the motion CARRIED.**  
Courtney **SEN. METSGER will lead discussion on the floor.**

181 Chair Minnis Closes the work session on HB 2337A and recesses the meeting at 8:50 p.m.

182 Chair Minnis Reconvenes the meeting at 9:05 p.m. and opens a public hearing on HB 3109A.

**HB 3109A PUBLIC HEARING**

184 Ken Armstrong **Oregon Fire Chiefs Association**  
Testifies in support of HB 3109A which will modify the crime of arson in the second degree. Talks about the –A5 amendments **(EXHIBIT KK).**

222 Kathie Osborn **Juvenile Rights Project**  
Testifies as neutral on HB 3109A.

236 Ingrid Swenson **Oregon Criminal Defense Lawyers Association**  
Testifies in opposition to the –A5 amendments.

296 Counsel Prins Discusses what HB 3109A will accomplish. Talks about ORS 161.085, Subsection 9.

356 Swenson Points out that the circumstances of the situation have to be considered.

364 Chair Minnis Asks Ms. Swenson if she agrees “it is more than incidental.”

365 Swenson Replies, absolutely.

**HB 3109A WORK SESSION**

379 Sen. Beyer Asks about slash burning that gets out of hand.

388 Counsel Prins Addresses the issue of intent as causing damage to a person or protected property.

418 Chair Minnis Explains his understanding of reckless conduct.

**TAPE 137, B**

028 Counsel Prins Relates the definition of protected property.

035 Sen. Metsger **MOTION: Moves HB 3109A to the floor with a DO PASS recommendation.**

038 **VOTE: 7-0-0**

039 Chair Minnis **Hearing no objection, declares the motion CARRIED.**  
**SEN. BEYER will lead discussion on the floor.**

047 Chair Minnis Closes the work session on HB 3109A and opens a public hearing on HB 3489.

**HB 3489 PUBLIC HEARING**

056 Nick Armenakis **Oregon Department of Corrections**  
Submits testimony and testifies in support of HB 3489 which will allow the Superintendent of State Police to appoint certain employees of the Department of Corrections as special state police officers **(EXHIBIT LL).**

074 Chair Minnis Closes the public hearing on HB 3489 and opens a work session on HB 3489.

**HB 3489 WORK SESSION**

075 Vice Chair **MOTION: Moves HB 3489 to the floor with a DO PASS recommendation.**  
Courtney

082 **VOTE: 7-0-0**

083 Chair Minnis **Hearing no objection, declares the motion CARRIED.**  
106 Chair Minnis **SEN. HARPER will lead discussion on the floor.**  
Closes the work session on HB 3489 and opens a work session on HB 2944A.

**HB 2944A WORK SESSION**

107 Chair Minnis Introduces the –A6 amendments (**EXHIBIT MM**).  
120 Vice Chair **MOTION: Moves to ADOPT HB 2944-A6 amendments**  
Courtney **dated 05/14/01.**

153 **VOTE: 7-0-0**

154 Chair Minnis **Hearing no objection, declares the motion CARRIED.**

155 Vice Chair **MOTION: Moves to ADOPT HB 2944-A7 amendments**  
Courtney **dated 05/14/01.**

156 Counsel Prins Explains the –A7 amendments (**EXHIBIT NN**).

163 **VOTE: 7-0-0**

164 Chair Minnis **Hearing no objection, declares the motion CARRIED.**

164 Vice Chair **MOTION: Moves HB 2944A to the floor with a DO PASS**  
Courtney **AS AMENDED recommendation.**

167 **VOTE: 7-0-0**

168 Chair Minnis **Hearing no objection, declares the motion CARRIED.**  
**SEN. MINNIS will lead discussion on the floor.**

175 Chair Minnis Closes the work session on HB 2944A and opens a public hearing on HB 3594.

**HB 3594 PUBLIC HEARING**

183 Duane Bales **Speaker's Office**

Submits testimony and testifies in support of HB 3594 which will increase the penalty for criminal driving while suspended or revoked if underlying suspension is for homicide or assault resulting from use of a motor vehicle (**EXHIBIT OO**).

216 Ingrid Swenson **Oregon Criminal Defense Lawyers Association (OCDLA)**

Testifies in opposition to HB 3594.

255 Sen. Metsger Verifies a person would be guilty of a Class B felony if caught driving under an old suspension.

268 Swenson Agrees.

270 Chair Minnis Closes the public hearing on HB 3594 and opens a work session on HB 3594.

**HB 3594 WORK SESSION**

274 Sen. Harper **MOTION: Moves HB 3594 to the floor with a DO PASS**  
**recommendation.**

282 **VOTE: 5-2-0**

**AYE: 5 - Sen. Beyer, Sen. Courtney, Sen. Minnis, Sen. Duncan, Sen. Harper**

**NAY: 2 - Sen. Metsger, Sen. Burdick**

284 Chair Minnis **The motion Carries.**

**SEN. MINNIS will lead discussion on the floor.**

295 Chair Minnis Closes the work session on HB 3594 and opens a work session on HB 2663A.

**HB 2663A WORK SESSION**

298 Chair Minnis Introduces HB 2663A which extends the statute of limitations for rape and sodomy in the first and second degrees in specified





2 p.

**U – HB 2731, written testimony submitted by Terry Witt, Oregonians for Food and Shelter, dated 5/14/01, 1 p.**

**V – HB 2731, written testimony submitted by Harlan Levy, Oregon Association of Realtors, dated 5/14/01, 2 pp.**

**W – SB 665, -2 amendments submitted by staff, dated 5/11/01, 1 p.**

**X – SB 956, -3 amendments submitted by staff, dated 5/11/01, 1 p.**

**Y – HB 2947A, -A3 amendments from staff, submitted by Ken Strobeck, Oregon Association of Broadcasters, dated 4/25/01, 2 pp.**

**Z – HB 2947A, written testimony submitted by Ingrid Swenson, Oregon Criminal Defense Lawyers Association, dated 5/14/01, 15 pp.**

**AA – HB 2944A, written testimony from Oregon Association Chiefs of Police, submitted by Kevin Campbell, dated 5/14/01, 2 pp.**

**BB – HB 2944A, written testimony from Larry Hatch, Board on Public Safety Standards and Training, from Kevin Campbell, dated 5/14/01, 1 p.**

**CC – HB 2944A, written testimony from David Cook, Department of Corrections, dated 5/14/01, submitted by Kevin Campbell, dated 5/14/01, 1 p.**

**DD – HB 2944A, written testimony submitted by Dianne Middle, Department of Public Safety Standards and Training, dated 5/14/01, 1 p.**

**EE – HB 2781A, written testimony submitted by Peter Courtney, Senate District 17, dated 5/10/01, 2 pp.**

**FF – HB 2781A, -A6 amendments from staff, submitted by Peter Courtney, Senate District 17, dated 5/9/01, 1 p.**

**GG – HB 3263, written testimony submitted by Fred Lenzser, Multnomah County District Attorney's Office, dated 3/26/01, 9 pp.**

**HH – HB 2950A, written testimony submitted by Timothy Travis, Oregon Judicial Department, 6 pp.**

**II – HB 2950A, -A2 amendments from staff, submitted by Connie Gallagher, Oregon Department of Justice, dated 5/14/01, 12 pp.**

**JJ – HB 2337A, -A3 amendments from staff, submitted by Jim Nass, Oregon Judicial Department, dated 5/14/01, 2 pp.**

**KK – HB 3109A, -A5 amendments from staff, submitted by Ken Armstrong, Oregon Firefighters Association, dated 5/14/01, 1 p.**

**LL – HB 3489, written testimony from David Cook, submitted by Nick Armenakis, Department of Corrections, dated 5/14/01, 2 pp.**

**MM – HB 2944A, -A6 amendments submitted by staff, dated 5/14/01, 2 pp.**

**NN – HB 2944A, -A7 amendments submitted by staff, dated 5/14/01, 2 pp.**

**OO – HB 3594, written testimony from David Allen, submitted by Duane Bales, Speaker of the House's Office, dated 4/11/01, 1 p.**

**PP – HB 2646, -5 amendments submitted by staff, dated 5/14/01, 3 pp.**

**QQ – HB 3244, -1 amendments submitted by staff, dated 5/14/01, 1 p.**

**RR – HB 3244, written testimony submitted by Rep. Dan Gardner, Representative, District 13, dated 5/14/01, 1 p.**