

SENATE COMMITTEE ON JUDICIARY

May 22, 2001 Hearing Room 343
1:00 p.m. Tapes 152 - 153

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 2112A Reconsideration and Work Session**
 HB 2800A Reconsideration and Work Session
 HB 2429A Public Hearing
 HB 3931A 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 153, A		
004	Chair Minnis	Calls the meeting to order at 1:50 p.m. and opens a work session on HB 2112A.
<u>HB 2112A WORK SESSION</u>		
006	Counsel Shartel	Introduces HB 2112A which will adopt the Uniform Electronic Transaction Act. Talks about the -A6 amendments (EXHIBIT A).
011	Vice Chair Courtney	MOTION: Moves to SUSPEND the rules for the purpose of reconsidering HB 2112A.
013		VOTE: 4-0-3
014	Chair Minnis	EXCUSED: 3 - Sen. Metsger, Sen. Beyer, Sen. Harper Hearing no objection, declares the motion CARRIED.
015	Vice Chair Courtney	MOTION: Moves to RECONSIDER the vote by which the committee passed out HB 2112A with a DO PASS recommendation.
016		VOTE: 4-0-3
017	Chair Minnis	EXCUSED: 3 - Sen. Metsger, Sen. Beyer, Sen. Courtney Hearing no objection, declares the motion CARRIED.
018	Vice Chair Courtney	MOTION: Moves to ADOPT HB 2112-A6 amendments dated 05/21/01.
019		VOTE: 4-0-3

020 Chair Minnis **EXCUSED: 3 - Sen. Metsger, Sen. Beyer, Sen. Harper**
Hearing no objection, declares the motion CARRIED.

021 Vice Chair **MOTION: Moves HB 2112A to the floor with a DO PASS**
Courtney **AS AMENDED recommendation.**

022 **VOTE: 4-0-3**

023 Chair Minnis **EXCUSED: 3 - Sen. Metsger, Sen. Beyer, Sen. Harper**
Hearing no objection, declares the motion CARRIED.
SEN. METSGER will lead the discussion on the floor.

025 Chair Minnis Closes the work session on HB 2112A and opens a work session
on HB 2800A.

HB 2800A WORK SESSION

030 Vice Chair **MOTION: Moves to SUSPEND the rules for the purpose of**
Courtney **reconsidering HB 2800A.**

032 **VOTE: 4-0-3**

033 Chair Minnis **EXCUSED: 3 - Sen. Metsger, Sen. Beyer, Sen. Harper**
Hearing no objection, declares the motion CARRIED.

034 Vice Chair **MOTION: Moves to RECONSIDER the vote by which the**
Courtney **committee passed out HB 2800A with a DO PASS**
recommendation.

035 **VOTE: 4-0-3**

036 Chair Minnis **EXCUSED: 3 - Sen. Metsger, Sen. Beyer, Sen. Harper**
Hearing no objection, declares the motion CARRIED.

038 Vice Chair **MOTION: Moves to ADOPT HB 2800-A12 amendments**
Courtney **dated 05/22/01.**

040 Counsel Odell Introduces the -A12 amendments (EXHIBIT B).

052 **VOTE: 4-0-3**

053 Chair Minnis **EXCUSED: 3 - Sen. Metsger, Sen. Beyer, Sen. Metsger**
Hearing no objection, declares the motion CARRIED.

054 Vice Chair **MOTION: Moves HB 2800A to the floor with a DO PASS**
Courtney **AS AMENDED recommendation.**

055 **VOTE: 4-0-3**

056 Chair Minnis **EXCUSED: 3 - Sen. Metsger, Sen. Beyer, Sen. Harper**
Hearing no objection, declares the motion CARRIED.
SEN. MINNIS will lead the discussion on the floor.

064 Chair Minnis Closes the work session on HB 2800A and opens a public
hearing on HB 2429A.

HB 2429A PUBLIC HEARING

065 Counsel Odell Introduces HB 2429A which revises laws governing civil
forfeitures for the purposes of compliance with limitations
imposed on civil forfeiture by the Oregon Constitution.

108 David Fidanque **American Civil Liberties Union (ACLU)**
Submits testimony and testifies in support of HB 2429A
(EXHIBIT C).

125 Geoff Sugerman **Oregonians for Property Protection**
Submits testimony and testifies in support of HB 2429A
(EXHIBIT D).

145 Daina Vitulins **Oregon Department of Justice**

169	Fidanque	Testifies in support of HB 2429A.
223	Chair Minnis	Discusses the key components of HB 2429A.
225	Fidanque	Asks about the legal challenges to Measure 3.
238	Sugerman	Discusses the various challenges.
245	Sen. Duncan	Talks about the Lincoln County challenge.
253	Fidanque	Verifies his understanding of the civil forfeiture process.
271	Sen. Metsger	Agrees.
		Inquires about the difference between Section 18 and Section 18A.
276	Fidanque	Describes the differences and explains the changes.
302	Chair Minnis	Closes the public hearing on HB 2429A and opens a public hearing on HB 3931A.

HB 3931A PUBLIC HEARING

309 **Karen Quigley**

Legislative Commission on Indian Services

Testifies in support of HB 3931A.

TAPE 153, A

001	Quigley	Continues her testimony in support of HB 3931A.
059	Chair Minnis	Verifies his understanding of HB 3931A.
064	Quigley	Agrees. Offers additional explanation about finding “critical four” items on state, public or private land.
079	David Fidanque	American Civil Liberties Union (ACLU)
		Testifies in support of HB 3931A.
108	Chair Minnis	Asks about the language in Section 2, on page 1.
111	Fidanque	Says Sections 2 and 3 are new.
118	Chair Minnis	Inquires about Section 2, subsection 2, on page 1.
123	Quigley	Explains the procedure for turning in “critical four” items.
136	Fidanque	Suggests a district attorney could designate the location.
139	Sen. Beyer	Disagrees that HB 3931A is “current policy and current law.”
		Asks how someone would know to call the district attorney’s office if they discovered a bone.
154	Quigley	Asserts that most people call the police when they find remains.
		Notes that HB 3931A applies to Indian remains only.
168	Sen. Beyer	Remarks HB 3931A is too broad.
194	Fidanque	Points out HB 3931A does not affect the requirement for a landowner to contact authorities when remains are discovered.
		States HB 3931A modifies the procedures if Indian tribes desire to keep any discovered items.
211	Quigley	Addresses the issue of willful intent.
218	Sen. Harper	Clarifies his understanding of HB 3931A.
220	Chair Minnis	Explains his perception of HB 3931A.
224	Counsel Odell	Discusses the circumstances that necessitated HB 3931A.
266	Sen. Harper	Asks why civil forfeiture was stopped.
274	Counsel Odell	Explains the current procedure in statute is not constitutionally sufficient. States that HB 3931A will bring the statute into compliance with Measure 3.
265	Fidanque	Talks about Measure 3 in relation to HB 3931A.
362	Chair Minnis	Closes the public hearing on HB 3931 and adjourns the meeting at 2:40 p.m.

Submitted By,

Reviewed By,

Annola DeJong,
Committee Assistant

Craig Prins,
Counsel

EXHIBIT SUMMARY

A – HB 2112A, -A6 amendments submitted by staff, dated 5/21/01, 3 pp.

B – HB 2800A, -A12 amendments submitted by staff, dated 5/22/01, 13 pp.

C – HB 2429A, written testimony submitted by David Fidanque, American Civil Liberties Union, 3 pp.

D – HB 2429A, written testimony submitted by Geoff Sugerman, Oregonians for Property Protection, 2 pp.