

SENATE COMMITTEE ON JUDICIARY

April 06, 1999 Hearing Room 343

3:00 p.m. Tapes 109-110

MEMBERS PRESENT: Sen. Bryant, Chair

Sen. Courtney, Vice-Chair

Sen. Brown

Sen. Burdick

Sen. Nelson

Sen. Qutub

Sen. Tarno

STAFF PRESENT: Anne Tweedt, Counsel

Judith Minnich, Administrative Support

MEASURE/ISSUES HEARD: SB 845 - Public Hearing and Work Session

SB 795 - Public Hearing and Work Session

SB 273 - Work Session

HB 2481 - Work Session

HB 2295 - Work Session

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 109, A		
003	Chair Bryant	Calls meeting to order at 3:13 p.m.

SB 795 PUBLIC HEARING

004	Dave Barrows	Oregon Veterinary Medical Association (OVMA) Testifies in support of SB 795. Discussed the background of SB 795 and the formation of a work group to try to reach a compromise. SB 795 is supported by the Oregon Veterinary Medical Association, the Humane Society of Oregon, the Sheep Growers Association and the Oregon Farm Bureau. SB 795 places the responsibility for a dog directly on the owner.
069	Chair Bryant	If a dog is chasing livestock, can the livestock owner still shoot the dog?
073	Barrows	SB 795 does not change that part of the code. The proposed initiative #35 would eliminate that possibility.
076	Alan Tresidder	Oregon Humane Society Testifies in support of SB 795. Indicates that SB 795 is a true compromise of various interests. A great deal of time and effort has been spent on this issue.
095	Richard Koesan	Oregon Sheep Growers Association Testifies in support of SB 792. Indicates the bill is a fairly strong compromise of all parties. OVMA, the Humane Society, and the livestock producers have gone a long way to reach this bill.
120	Sen. Courtney	Did you support this bill last session?
124	Koesan	Originally we did not, but towards the end of the session we became more favorable. This is not the same bill that was introduced last session.
134	Sen. Courtney	Could someone discuss the cattle owners association?
136	Barrows	They attended some of our meetings but we are not sure of their position.
163	Sen. Burdick	What will a sheep owner be able to do if a dog harasses their animal?
173	Koesan	It is retained in statute that the livestock owner can bring action against the dog owner.
191	Chair Bryant	The livestock owner would still have civil action available.
195	Sen. Burdick	I am interested in the issue of canine recidivism.

197	Tressider	That's why we have graduated penalties. We asked for a scheme to allow immediate reparations, however, this would not work in statute.
216	Sen. Burdick	People were very concerned about the dogs, but we need to protect the sheep also.
229	Sen. Nelson	Please explain the microchip provision in the bill.
231	Barrows	The microchip is for tracking a dog when it has been determined to be a chaser. There aren't a huge population of these dogs. The record will follow the dog, but the penalties stay with the irresponsible owner.
275	Sen. Mae Yih	State Senate, District 19 Submits written testimony and testifies in support of the SB 795-1 amendment (EXHIBITS A & B) . Indicates that the amendment has the support of the drafters of the bill. The proposed amendment would allow an animal shelter and adoption facility to operate on exclusive farm use property.
314	Linda Santos	SafeHaven Humane Society Testifies in support of the SB 795-1 amendment. Discusses the work the SafeHaven Humane Society does. Asks for favorable consideration of a zoning change to accommodate expansion of their growing animal shelter.
361	Chair Bryant	Have you talked to your county about a conditional use permit or zone change?
362	Santos	Conditional use would only authorize a facility which is too small.
377	Sen. Courtney	Asks where the land is located in relationship to the urban growth boundary.
387	Santos	I don't know. It's on Highway 34 right off of I-5.
391	Sen. Courtney	Discusses the urban growth boundary.
415	Sen. Yih	The property is probably not in the urban growth boundary. SafeHaven's attorney told them the only way to expand into farm use land is through legislation. Their land use attorney recommended this.
432	Santos	We would like to have about 5000 square feet on about 5 acres of land.
453	Sen. Tarno	How many animals do you have?
455	Santos	On a daily basis we have 30-40 dogs, and 30-40 cats.

462	Sen. Burdick	You plan to expand your existing facility on to contiguous land. What is the zoning of the land?
471	Santos	We are on .89 acres of land zoned rural commercial. We want to do a lot line adjustment to expand.
478	Sen. Burdick	There is a process to do a lot line adjustment through the Land Use planning system.
483	Santos	Our lawyer told us because exclusive farm use allows greyhound training facilities that this is the way to do establish our facility.
494	Sen. Burdick	This bill would be create another category of conditional land use and would have very broad application state-wide. This concerns me.
Tape 110, A		
044	Steven Brown	Oregon Veterinary Medical Association Submits written testimony and testifies in support of SB 795 (EXHIBIT C). Indicates that SB 795 is a compromise of several concerned groups. The current law is outdated and possibly inhumane. The nature of dogs directly impacts the nature of livestock which can result injury or death of livestock. Discusses several incidents of dogs being put to death for their predatory practices.
103	Bob Franklin	Oregon Veterinary Medical Association The Oregon Department of Agriculture should be commended for their work in bringing groups together.
108	Sen. Courtney	Discusses the nature of different types of dogs.
138	Sharon Harmon	Oregon Humane Society Submits written testimony and testifies in support of SB 795 (EXHIBIT D). Emphasizes the compromise nature of the bill. The Humane Society would like a requirement of spaying or neutering of dogs to be added to the bill.
199	Susan Mentley	Oregon Humane Society Submits written testimony and testifies in support of SB 795 (EXHIBIT E). Indicates that she has euthanized many dogs over the past nineteen years and believes that many, but not all, could have been saved. Believes that SB 795 is a good compromise.
239	Marsha Jonson	Humane Society of the Willamette Valley Submits written testimony and testifies in support of SB 795 (EXHIBIT F). SB

		795 provides options for the treatment of the dog and puts the responsibility on the dog owner, where it belongs. The owner's responsibility includes restitution and other court action.
272	Robert Babcock	Attorney, Lake Oswego Submits written testimony and testifies in opposition to SB 795 (EXHIBIT G). Indicates that SB 795 is not mandatory. The counties don't have to follow the rules set up by the bill. SB 795 transfers responsibility for the dog's behavior to the owner without irresponsibility on the owner's part being proven. SB 795 never touches on the presence of a fair hearing process.
431	Gail O'Connell-Babcock	Citizens for Humane Animal Legislation Submits written testimony and testifies in opposition to SB 795 (EXHIBIT H). Discusses the flaws in SB 795 from the perspective of the dog owners. Believes that animal control laws in Oregon must be changed, but SB 795 is not the solution.
Tape 109, B		
037	O'Connell-Babcock	Discusses the unrepresentative composition of the task force that drafted SB 795. Indicates her support of initiative #35.
071	Babcock	Believes Linn County will not adopt the recommendations of SB 795 since it is voluntary.
101	Chair Bryant	How many members are in your group?
109	Babcock	Approximately 2,800 who have indicated they will circulate petitions for initiative #35. We would like to have this issue settled legislatively.
136	O'Connell Babcock	Indicates that she has been contacted by many farmers and livestock owners in favor of less rigid dog control laws.
153	Chair Bryant	Indicates he will look into whether "animal shelter" which is defined in statute, needs to be used, since "kennel" may be too restrictive.
158	Pete Test	Oregon Farm Bureau Federation Testifies in support of SB 795. Indicates he represents 20,000 farm families in Oregon. Their membership supports SB 795 as written, if there is to be any change in existing law. Their membership would like an easier, faster way to receive compensation from dog owners for livestock that are injured or killed.
<u>SB 845 PUBLIC HEARING</u>		

199	Greg Brown	Deschutes County Sheriff Submits written testimony and testifies in support of SB 845 (EXHIBIT I). SB 845 would allow the governing body of the county to require that a justice of the peace, in a newly established justice court, be a member of the Oregon State Bar. Indicates that Deschutes County is growing very quickly causing an increase in police and court activity and they would like to establish new justice courts. Indicates they intend the standard created by SB 845 to apply only to new justice courts.
261	Chair Bryant	The intention of the legislature is to establish laws prospectively not retrospectively. A change in the boundaries of an existing justice court would not be considered a new justice court.
273	Sen. Courtney	Asks for clarification of the reason for allowing or not allowing the county commissioners to make this choice.
276	Chair Bryant	Some areas may have attorneys to act as justices of the peace, others may not. I think each county needs to meet their own requirements.
297	Sen. Tarno	We had a hard time in filling a justice of the peace position with an attorney in Port Orford, Oregon.
301	Chair Bryant	In some rural areas, there aren't any attorneys, so it wouldn't make sense to require having one.
304	Brown	There was a strong desire in the Sisters area to have an attorney, however, other areas are different.
320	Chair Bryant	The work load, compensation and other issues also need to be considered.
323	John Gervais	Oregon Association of Justices of the Peace (OJPA) Submits written testimony and testifies on SB 845 (EXHIBIT J). OJPA is concerned about the effect that checkerboard requirements across the state will have. There is also concern that SB 845 will mandate attorney qualifications for this position if redistricting is done.
364	Chair Bryant	What type of change would you want?
366	Gervais	Population requirements perhaps, and maybe an indication that a change in boundaries would not be considered a new justice court.
<u>HB 2481 WORK SESSION</u>		
383	Chair Bryant	We have five amendments that will increase the deadline to hear oral arguments for appeals from the Land Use Board of Appeals (LUBA) decisions to 49 days

		(EXHIBIT K).
387	Counsel Tweedt	The original bill just deleted the 42-day time period and allowed the court to establish a deadline.
390	James Nass	Legal Counsel for the Appellate Courts, Department of Justice Testifies in opposition to HB 2481 if amended with the ñ1 amendments. Discusses a court case that is currently being appealed, which had 30-40 parties, ten of which are appealing to the Appellate Court. Indicates that this is the type of case that the court would like the option to allow further time for hearing oral arguments, if needed.
464	Chair Bryant	Discusses possible exceptions to a rigorous timeline for hearing oral arguments on appeals from LUBA decisions. Asks if they can extend the deadline under current law.
492	Nass	No. A different time limit in the statute can be extended but only if the court issues an order making certain findings. A similar process for this time limit might work.
Tape 110, B		
034	Chair Bryant	The additional seven days is reasonable. Extending that deadline further under language similar to the other part of the statute might be all right. We need to keep the court process moving.
045	Sen. Burdick	We could look at a negotiated process to allow an extension. The party making the appeal should be involved.
<u>SB 273 WORK SESSION</u>		
058	Counsel Tweedt	Indicates that SB 273 exempts from public disclosure information regarding applicants for employment with state agencies. The ñ2 amendments move the exemption from ORS 192.502 to ORS 192.501 and change the covered entity to "public body" (EXHIBIT L).
075	Sen. Courtney	MOTION: Moves to ADOPT SB 273-2 amendments dated 4/2/99.
		VOTE: 5-0 EXCUSED: 2 - Brown, Qutub

	Chair Bryant	Hearing no objection, declares the motion CARRIED.
078	Sen. Courtney	MOTION: Moves SB 273 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-1 AYE: 4 - Courtney, Nelson, Tarno, Bryant NAY: 1 - Burdick EXCUSED: 2 - Brown, Qutub
	Chair Bryant	The motion CARRIES. SEN. BRYANT will lead discussion on the floor.
<u>HB 2295A WORK SESSION</u>		
086	Counsel Tweedt	HB 2295A modifies statutory forms for deeds, but did not include the quitclaim deed. The ñ2 amendments add quitclaim deeds to the bill (EXHIBIT M).
096	Sen. Bryant	MOTION: Moves to ADOPT HB 2295A-2 amendments dated 3/18/99.
		VOTE: 4-0 EXCUSED: 3 - Brown, Courtney, Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
098	Sen. Bryant	MOTION: Moves HB 2295A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0 EXCUSED: 3 - Brown, Courtney, Qutub

	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. BURDICK will lead discussion on the floor.
<u>SB 845 WORK SESSION</u>		
103	Greg Brown	Deschutes County Sheriff Indicates that it appears the OJPA will be satisfied with the legislative intent entered clearly in the record.
111	John Gervais	Oregon Justices of the Peace Association (OJPA) Indicates OJPA will probably be satisfied with SB 845 as it stands, however, if they need to ask for changes they will do that on the House side.
120	Sen. Courtney	MOTION: Moves SB 845 to the floor with a DO PASS recommendation.
		VOTE: 4-0 EXCUSED: 3 - Brown, Burdick, Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
123	Chair Bryant	Adjourned the meeting at 4:55 p.m.

Submitted By, Reviewed By,

Judith Minnich, Anne Tweedt,
Administrative Support Counsel

EXHIBIT SUMMARY

A ñ SB 795, -1 amendments dated 4/5/99, 8 pp

B ñ SB 795, written testimony dated April 6, 1999, Sen. Mae Yih, 1 pp

C ñ SB 795, written testimony dated April 6, 1999, Steve Brown, 2 pp

D ñ SB 795, written testimony dated April 6, 1999, Sharon Harmon, 1 pp

E ñ SB 795, written testimony dated April 6, 1999, Susan Mentley, 1 pp

F ñ SB 795, written testimony dated April 6, 1999, Marsha Jonson, 1 pp

G ñ SB 795, written testimony dated April 6, 1999, Robert Babcock, 5 pp

H ñ SB 795, written testimony dated April 6, 1999, Gail OíConnell-Babcock, 10 pp

I ñ SB 845, letter dated March 31, 1999, Deschutes County Board of Commissioners, 1 pp

J ñ SB 845, written testimony dated April 6, 1999, Oregon Justices of the Peace Association, 3 pp

K ñ HB 2481, -1 amendments dated 3/19/99, 1 pp

L ñ SB 273, -2 amendments dated 4/2/99, 9 pp

M ñ 2295A, -A2 amendments dated 3/18/99, 2 pp