

SENATE COMMITTEE ON
JUDICIARY

Hearing Room
Tapes - 186

MEMBERS PRESENT:

SEN. NEIL BRYANT, Chair
SEN. RANDY MILLER, Vice-Chair
SEN. JEANNETTE HAMBY
SEN. PETER SORENSON
SEN. DICK SPRINGER
SEN. SHIRLEY STULL

MEMBER EXCUSED:

SEN. KEN BAKER

STAFF PRESENT:

BILL TAYLOR, Committee Counsel
DIANE DUSSLER, Committee Assistant

MEASURES HEARD:

SB 766 - PUBLIC HEARING
HB 3439 - PUBLIC HEARING
SB 766 - WORK SESSION
HB 3439 - WORK SESSION

These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings,
please refer to the tapes.

TAPE , A

003 CHAIR BRYANT: Opens the meeting at 4:00 p.m.

Opens PUBLIC HEARING on HB 3439

WITNESSES:

Norm Frink, Chief Deputy District Attorney, Multnomah County
Dale Pen, Marion County District Attorney
Timothy Travis, Juvenile Rights Project

008 NORM FRINK, Chief Deputy District Attorney, Multnomah County: Testifies

in support of HB 3439. Discusses ruling by Judge Marcus in response to
Chair Bryant's inquiry.

035 - responds to Chair Bryant's inquiry on the crimes defendants were
charged with

043 - responds to Sen. Sorenson's inquiry on appeals

085 - responds to Sen. Springer's comments on difference between Rep.
Mannix's position and Judge Marcus's position

130 BILL TAYLOR, Committee Counsel: Explains the changes in the bill.

160 CHAIR BRYANT: Explains reasons for deletion of crimes from bill.

224 - responds to Sen. Sorenson's inquiry on "second look" concept

275 DALE PEN, Marion County District Attorney: Suggests change in statute
defining murder to conform to ballot Measure 11.

300 - responds to Chair Bryant's inquiry on who this would apply to

330 - responds to Chair Bryant's inquiry that he doesn't believe this will
affect SB 1

360 TIMOTHY TRAVIS, Juvenile Rights Project: States that a 13 year old who
is waved is not a Measure 11 offender.

369 PEN: Discusses waiver of 13 year olds and issues of what statute would
apply.

420 SEN. SORENSON: Discusses taking a conservative approach in drafting and
modifying bills.

TAPE 186, A

050 PEN: This bill implements the citizen's measure.

059 SEN. STULL: Comments on work committee has done, and that this is an attempt to correct an oversight.

Closes PUBLIC HEARING on HB 3439

Opens WORK SESSION on HB 3439

070 MOTION: CHAIR BRYANT: Moves to conceptually amend ORS 163.115 defining murder: in subparagraph 4 (b) change from minimum of 10 to 25 years to conform to Measure 11; and in subparagraph small (a) above, add term "15 year of age or older".

078 VOTE: Hearing no objections, the amendment is ADOPTED. All members present vote AYE.

095 SEN. SORENSON: Discusses adding "second look" to the bill.

115 MOTION: CHAIR BRYANT: Moves HB 3439 AS AMENDED be sent to the Floor with a DO PASS recommendation.

117 VOTE: 4 - 2 MOTION CARRIES
AYE: Bryant, Hamby, Miller, Stull
NAY: Sorenson, Springer
Sen. Stull will carry the bill to the Floor.

Closes WORK SESSION on HB 3439

Opens PUBLIC HEARING on SB 766

WITNESSES: Terry Witt, Oregonians for Food and Shelter
John DiLorenzo, Oregonians for Food and Shelter
Jennifer Ball, Oregon Wine Grower's Association

195 TERRY WITT, Oregonians for Food and Shelter: Testifies in support of SB

766.

200 - explains definition of farm and forest, and use of pesticides in bill

255 JOHN DiLORENZO, Oregonians for Food and Shelter: Testifies and submits proposed amendments in support of SB 766 [EXHIBIT A].

271 JENNIFER BALL, Oregon Wine Grower's Association: Testifies in support of SB 766.

290 WITT: Responds to Sen. Sorenson's inquiry on Section 8.

330 DiLorenzo: Responds to Sen. Springer's statement that Section 8 lets the department walk away from citizen's complaints.

Closes PUBLIC HEARING on SB 766

Opens WORK SESSION on SB 766

374 MOTION: SEN. SORENSON: Moves to add the word "frivolous" in front of complaints and strike remainder of sentence on lines 21-23.

390 VOTE: 4 - 2 MOTION FAILS
AYE: Sorenson, Springer
NAY: Bryant, Hamby, Miller, Stull

400 MOTION: CHAIR BRYANT: Moves to amend SB 766-4 amendments as follows: on page 1 change 763 to 766 on the heading; on page 4, line 21 change "is" to "are"; add hand engrossed sections in Section 9; on page 1, add handwritten language repealing ORS 30.945; and on page 5 new Section 12 stating ORS 30.945 is repealed.

411 VOTE: 4 - 2 MOTION CARRIES
AYE: Bryant, Hamby, Miller, Stull
NAY: Sorenson, Springer

430 MOTION: CHAIR BRYANT: Moves SB 766 AS AMENDED be sent to the Floor with a DO PASS recommendation.

432 VOTE: 4 - 2 MOTION CARRIES
AYE: Bryant, Hamby, Miller, Stull
NAY: Springer, Sorenson

Closes WORK SESSION on SB 766

437 CHAIR BRYANT: Adjourns meeting at 5:05 p.m.

Submitted by, Reviewed by,

DIANE DUSSLER BILL TAYLOR
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

A - Proposed Amendments to SB 766 - Staff - 6 pages