

SENATE COMMITTEE ON JUDICIARY

June 04, 2003
8:00 a.m.

Hearing Room 343
Tapes 150-151

MEMBERS PRESENT: **Sen. John Minnis, Chair**
 Sen. Ginny Burdick, Vice-Chair
 Sen. Ted Ferrioli
 Sen. Charlie Ringo
 Sen. Charles Starr
 Sen. Vicki Walker

STAFF PRESENT: **Craig Prins, Counsel**
 Bill Joseph, Counsel
 Jane Bodenweiser, Committee Assistant

MEASURE/ISSUES HEARD: **HB 2900A Public Hearing**
 HB 2901A Public Hearing
 HB 3385A Public Hearing
 HB 2080A Public Hearing
 HB 3330A 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 150, A		
007	Chair Minnis	Calls the meeting to order at 8:15 a.m. and opens public hearings on HB 2900A and HB 2901A.
<u>HB 2900A & HB 2901A PUBLIC HEARING</u>		
014	Rep. Jeff Barker	House District 28. Testifies in support of HB 2900A and 2901A.
035	Craig Prins	Committee Counsel. Introduces HB 2900A that creates traffic offense of refusing to take breath test, and HB 2901A that requires person to sign certain acknowledgement and agreement as part of application for drivers license or permit.
072	Dawn Phillips	Chief of Staff for Rep. Randy Miller. Introduces Bruce and Anne Pratt.
089	Bruce Pratt	Crime Victims United. Submits testimony and testifies in support of HB 2900A (EXHIBIT A) and HB 2901A (EXHIBIT B).
140	Anne Pratt	Mothers Against Drunk Driving. Testifies in support of HB 2900A and HB 2901A. Submits testimony of Buffalo Zobel (EXHIBIT C).
244	Vice Chair Burdick	Asks what state has a \$50,000 fine.
246	Anne Pratt	Replies, Alaska.
256	Janet Lovelace	Eugene, OR. Submits testimony and testifies in support of HB 2900A (EXHIBIT D) and 2901A (EXHIBIT E).
306	David Schwartz	Deputy District Attorney, Lane County. Testifies in support of HB 2900A and 2901A.

418	Chair Minnis	Asks what value there is to a prosecution in HB 2901A.
423	Doug Harcleroad	District Attorney, Lane County. Says that it could be used to prove a person knew of the risk involved.
449	Vice Chair Burdick	Asks about failure to get the form signed.
453	Harcleroad	Says it certainly would not be a controlling fact in a case. Reminds the committee that the Oregon District Attorneys Association supports this legislation.
TAPE 151, A		
025	Matt Meador	Assistant to Rep. Donna Nelson. Submits testimony and testifies in support of HB 2900A and HB 2901A (EXHIBIT F).
063	Capt. Chuck Hayes	Oregon State Police. Testifies in support of HB 2900A and 2901A.
115	Sen. Walker	Asks from where the \$700,000 yearly income would be generated.
121	Hayes	Explains that this is an estimate derived from the fines generated in the past two years.
144	Sen. Walker	Asks who is going to impose the fine.
148	Hayes	Explains that it would be at the discretion of the court.
163	Chair Minnis	Wonders about persons who cannot pay.
165	Craig Prins	Discusses what might be taken into account in court.
189	Vice Chair Burdick	Asks if the Oregon State Police are in favor of this legislation.
197	Hayes	Says, yes.
202	Vice Chair Burdick	Asks if there would be any extra administrative costs involved.
208	Hayes	Says he is not aware of any additional administrative costs.
221	Kelly Taylor	Department of Transportation. Testifies that HB 2901A is going to cost about \$80,000 in administrative costs.
242	Prins	Reads the fiscal statement.
274	Chair Minnis	Closes the public hearing on HB 2900A and 2901A and opens a public hearing on HB 3385A.

HB 3385A PUBLIC HEARING

299	David Bennett	Oregon State Bar. Testifies in support of HB 3385A. Discusses the amendments to the bill as provided by Barbara Kanz (EXHIBIT G).
388	Rich Vial	Condominium Working Group, Oregon State Bar. Testifies in support of HB 3385A.
417	Chair Minnis	Closes the public hearing on HB 3385A and calls for a short recess at 9:08 a.m.
422	Chair Minnis	Reconvenes the meeting at 9:20 a.m. and opens a public hearing on HB 2080A.

HB 2080A PUBLIC HEARING

TAPE 150, B

010	Bill Joseph	Committee Counsel. Introduces HB 2080A that provides that statute of limitations for product liability civil actions commences to run when plaintiff first discovered, or in exercise of reasonable care should have discovered, injury or damage and causal relationship between injury or damage and product.
027	Richard Lane	Oregon Trial Lawyers Association. Testifies in support of HB 2080A. Explains the purpose of this legislation and gives examples of when it would be needed.
138	Vice Chair Burdick	Asks about cases where someone discovers an injury two months ago and is about to file suit.
142	Lane	Replies that all parties agree that some individuals will be left out.
150	Vice Chair Burdick	Asks if such a person had already filed suit, could they be

154	Lane	covered under the proposed legislation. Explains that if it was more than two years ago, it would probably not be covered.
207	Joseph	Asks if people currently in litigation would be affected by this new legislation. Believes that as it is written, section 2 would have to be removed.
242	Lane	Clarifies his understanding of the timing question.
266	Joseph	Asks that copies of the proposed amendments be passed out to the committee (EXHIBIT H) .
279	Jim Gardner	Gardner & Gardner Law Firm. Testifies in support of HB 2080A as it is currently written.
391	Sen. Ringo	Asks how pending claims would be addressed.
402	Gardner	Says he would prefer the bill to be purely prospective.
440	Vice Chair Burdick	Asks for clarification of the term “adjudicated out.”
447	Gardner	Explains his understanding of the term.
456	Lane	Provides further understanding.
471	Vice Chair Burdick	Asks if someone could go into court and ask for a summary judgment so that they could be covered under this new bill.
476	Lane	Says he does not know how many cases would be affected, but it might be available to a case.

TAPE 151, B

023	Chair Minnis	Closes the public hearing on HB 2080A and opens a public hearing on HB 3330A.
-----	--------------	---

HB 3330A PUBLIC HEARING

033	Peter Shepherd	Deputy Attorney General. Testifies in support of HB 3330A that authorizes Governor to proclaim that natural disaster or act of war, terrorism or sabotage has caused death of unknown persons on specific date at specific place.
066	Chair Minnis	Asks what happens if a supposed dead person reappears.
071	Shepherd	Explains that the bill does not address that particular scenario. Believes that the terms of an insurance contract would govern the remedies. Addresses the –A4 amendments (EXHIBIT I) .
103	Chair Minnis	Closes the public hearing on HB 3330A and adjourns the meeting at 9:55 a.m.

EXHIBIT SUMMARY

- A – HB 2900A, written testimony submitted by Bruce Pratt, 4 pp**
- B – HB 2901A, written testimony submitted by Ann Pratt, 6 pp**
- C – HB 2900A, written testimony of Buffalo Zobel submitted by Ann Pratt, 2 p**
- D – HB 2900A, written testimony submitted by Janet Lovelace, 1 p**
- E – HB 2901A, written testimony submitted by Janet Lovelace, 1 p**
- F – HB 2900A & HB 2901A, written testimony submitted by Rep. Donna Nelson, 1 p**
- G – HB 3385A, hand engrossed with -A6 amendments submitted by Barbara Kanz, 10 pp**
- H – HB 2080A, proposed amendments submitted by Richard Lane, 1 p**
- I – HB 3330A, -A4 amendments submitted by staff, 1 p**