

HOUSE COMMITTEE ON JUDICIARY

April 27, 2001
8:00 a.m.

Hearing Room 357
Tapes 47 - 48

MEMBERS PRESENT: Rep. Max Williams, Chair
Rep. Wayne Krieger, Vice-Chair
Rep. Kathy Lowe, Vice-Chair
Rep. Robert Ackerman
Rep. Vic Backlund
Rep. Jackie Dingfelder
Rep. Charlie Ringo
Rep. Lane Shetterly
Rep. Cheryl Walker
Rep. Vicki Walker
Rep. Carl Wilson

STAFF PRESENT: Bill Taylor, Counsel
Andrea Shartel, Counsel
Ann Martin, Committee Assistant
Shannon Reed, Committee Assistant

MEASURE/ISSUES HEARD: HB 3344 Work Session
HB 2415 Public Hearing
HB 2421 Public Hearing
HB 2513 Public Hearing
HB 2551 Public Hearing
HB 2629 Public Hearing
HB 2673 Public Hearing
HB 2946 Public Hearing
HB 3153 Public Hearing
HB 3255 Public Hearing
HB 3258 Public Hearing
HB 3262 Public Hearing
HB 3265 Public Hearing
HB 3375 Public Hearing
HB 3443 Public Hearing
HB 3446 Public Hearing
HB 3461 Public Hearing
HB 3545 Public Hearing
HB 3639 Public Hearing
HB 3652 Public Hearing
HB 3670 Public Hearing
HB 3775 Public Hearing
HB 3798 Public Hearing
HB 3857 Public Hearing
HB 3903 Public Hearing

HB 3908 Public Hearing
HB 3920 Public Hearing
HB 3926 Public Hearing
HB 3927 Public Hearing

HB 3967 Public Hearing
HJR 66 Public Hearing
HB 3247 Public Hearing
HB 3830 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 47, A		
004	Chair Williams	Calls the meeting to order at 8:11 a.m. Opens a work session on HB 3344.
<u>HB 3344 WORK SESSION</u>		
027	Chair Williams	MOTION: Moves to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the Committee on Water & Environment.
027	Chair Williams	VOTE: 11-0-0 Hearing no objection, declares the motion CARRIED.
028	Chair Williams	Closes the work session on HB 3344 and opens a public hearing on HB 2415.
<u>HB 2415 PUBLIC HEARING</u>		
030	Counsel Taylor	Introduces HB 2415 that provides that petition for post-conviction relief may be made at any time if grounds for petition is innocence of petitioner as established by forensic testing of evidence.
034	Chair Williams	Closes the public hearing on HB 2415 and opens a public hearing on HB 2421.
<u>HB 2421 PUBLIC HEARING</u>		
036	Counsel Taylor	Introduces HB 2421 that enhances penalty for crime of failure to perform duties of driver to injured persons if accident results in death.
038	Chair Williams	Closes the public hearing on HB 2421 and opens a public hearing on HB 2513.
<u>HB 2513 PUBLIC HEARING</u>		
042	Counsel Shartel	Introduces HB 2513 that increases the number of circuit court judges in Douglas County from five to six.
045	Chair Williams	Closes the public hearing on HB 2513 and opens a public hearing on HB 2551.
<u>HB 2551 PUBLIC HEARING</u>		
049	Counsel Shartel	Introduces HB 2551 that requires that agency official who either alone or with other officials will render final order in contested case proceeding must report ex parte communications and provide opportunity to parties for rebuttal.
053	Chair Williams	Comments that there is a handout on HB 2551 (EXHIBIT A).
054	Jody Fisher	Board of Medical Examiners Submits testimony and testifies on HB 2551 stating that they have a few concerns about this bill (EXHIBIT B).

075	Chair Williams	Closes the public hearing on HB 2551 and opens a public hearing on HB 2629.
<u>HB 2629 PUBLIC HEARING</u>		
078	Counsel Shartel	Introduces HB 2629 that amends informed consent law for medical procedures.
084	Chair Williams	Discusses the bill and closes the public hearing on HB 2629. Opens a public hearing on HB 2673.
<u>HB 2673 PUBLIC HEARING</u>		
093	Counsel Taylor	Introduces HB 2673 that creates exception to prohibition against carrying concealed firearm for unloaded firearms that are carried in securely locked containers.
098	Chair Williams	Closes the public hearing on HB 2673 and opens a public hearing on HB 2946.
<u>HB 2946 PUBLIC HEARING</u>		
100	Counsel Shartel	Introduces HB 2946 that directs Chief Justice to create task force to study admission of person to practice of law in this state without passage of bar examination if person is admitted to practice of law in another state and other state allows admission of Oregon attorneys.
108	Chair Williams	Closes the public hearing on HB 2946 and opens a public hearing on HB 3153.
<u>HB 3153 PUBLIC HEARING</u>		
110	Counsel Shartel	Introduces HB 3153 that provides tuition repayment for deputy public defenders who graduate from state university law school.
121	Chair Williams	Closes the public hearing on HB 3153 and opens a public hearing on HB 3255.
<u>HB 3255 PUBLIC HEARING</u>		
122	Counsel Shartel	Introduces HB 3255 that repeals cap of \$500,000 on awards of noneconomic damages.
128	Chair Williams	Closes the public hearing on HB 3255 and opens a public hearing on HB 3258.
<u>HB 3258 PUBLIC HEARING</u>		
132	Counsel Shartel	Introduces HB 3258 that provides that statute of ultimate repose for negligence is nine years instead of 10 years.
136	Chair Williams	Closes the public hearing on HB 3258 and opens a public hearing on HB 3262.
<u>HB 3262 PUBLIC HEARING</u>		
138	Counsel Shartel	Introduces HB 3262 that provides that certain motions and other pleadings in civil actions must be filed not later than 15 days after service of pleading moved against or service of pleading to which responsive pleading is directed.
149	Chair Williams	Closes the public hearing on HB 3262 and opens a public hearing on HB 3265.
<u>HB 3265 PUBLIC HEARING</u>		
151	Counsel Shartel	Introduces HB 3265 that establishes two-year statute of limitations for product liability civil action for tobacco-related disease.
155	Chair Williams	Closes the public hearing on HB 3265 and opens a public hearing on HB 3375.
<u>HB 3375 PUBLIC HEARING</u>		
157	Counsel Shartel	Introduces HB 3375 that creates Task Force on Domestic Violence Against Immigrant and Migrant Women in Oregon.
161	Chair Williams	Closes the public hearing on HB 3375 and opens a public hearing on HB 3443.

HB 3443 PUBLIC HEARING

164 Counsel Shartel

177 **Bob Olsen**

185 Chair Williams

Introduces HB 3443 that makes Five Wishes publication acceptable form of advance directive in Oregon.

Oregon State Bar

Testifies on HB 3443 and expresses some concerns.

Closes the public hearing on HB 3443 and opens a public hearing on HB 3446.

HB 3446 PUBLIC HEARING

186 Counsel Taylor

192 Chair Williams

Introduces HB 3446 that directs Department of Corrections and Oregon State Hospital to establish sex offender treatment pilot program.

Closes the public hearing on HB 3446 and opens a public hearing on HB 3461.

HB 3461 PUBLIC HEARING

194 Counsel Taylor

198 **Rep. Steve March**

208 Chair Williams

Introduces HB 3461 that deletes cap on total number of days of jail or nonjail confinement that can be imposed as custodial sanctions.

House District 15

Testifies in support of HB 3461.

Closes the public hearing on HB 3461 and opens a public hearing on HB 3545.

HB 3545 PUBLIC HEARING

209 Counsel Shartel

217 Chair Williams

Introduces HB 3545 that requires person to get written permission from landowner before entering private real property for purpose of obtaining incriminatory information about real property.

Closes the public hearing on HB 3545 and opens a public hearing on HB 3639.

HB 3639 PUBLIC HEARING

219 Counsel Taylor

227 Rep. Lowe

230 Chair Williams

Introduces HB 3639 that specifies that reasonable self-defense is not abuse for purposes of laws requiring reporting of abuse of individuals who are elderly, mentally ill, developmentally disabled or in long term care facility.

States that she has amendments coming for the bill.

Closes the public hearing on HB 3639 and opens a public hearing on HB 3652.

HB 3652 PUBLIC HEARING

231 Counsel Taylor

235 Chair Williams

Introduces HB 3652 that adds criminal mistreatment to definition of abuse of elderly persons for purposes of reporting requirements.

Closes the public hearing on HB 3652 and opens a public hearing on HB 3670.

HB 3670 PUBLIC HEARING

241 Counsel Shartel

249 Chair Williams

Introduces HB 3670 that grants civil immunity to county clerk and employees of county clerk when administering official duties.

Closes the public hearing on HB 3670 and opens a public hearing on HB 3775.

HB 3775 PUBLIC HEARING

250 Counsel Williams

255 Rep. Vicki Walker

264 Chair Williams

Introduces HB 3775 that enhances penalties for assault in fourth degree and harassment if actor suffocates or chokes victim.

Discusses HB 3775.

Closes the public hearing on HB 3775 and opens a public hearing

HB 3798 PUBLIC HEARING

268 Counsel Taylor

279 Chair Williams

HB 3857 PUBLIC HEARING

285 Counsel Taylor

292 Chair Williams

HB 3903 PUBLIC HEARING

295 Counsel Taylor

302 Chair Williams

HB 3908 PUBLIC HEARING

304 Counsel Shartel

314 **Randy Tucker**

328 Chair Williams

HB 3920 PUBLIC HEARING

332 Counsel Taylor

339 Chair Williams

HB 3926 PUBLIC HEARING

341 Counsel Shartel

348 Chair Williams

HB 3927 PUBLIC HEARING

357 Counsel Shartel

370 Chair Williams

HB 3967 PUBLIC HEARING

365 Counsel Taylor

370 Chair Williams

HJR 66 PUBLIC HEARING

on HB 3798.

Introduces HB 3798 that creates crime of unlawful distribution of cigarettes.

Closes the public hearing on HB 3798 and opens a public hearing on HB 3857.

Introduces HB 3857 that prohibits attorney who represents governing body of public body from representing public body in judicial or quasi-judicial proceeding if any member of governing body is party to proceeding and has adverse interests.

Closes the public hearing on HB 3857 and opens a public hearing on HB 3903.

Introduces HB 3903 that directs Department of Corrections to establish pilot program to maximize use of prison beds.

Closes the public hearing on HB 3903 and opens a public hearing on HB 3908.

Introduces HB 3908 that requires elected or appointed local government official to disclose conflict of interest in local land use proceeding.

1,000 Friends of Oregon

Testifies on HB 3908.

Closes the public hearing on HB 3908 and opens a public hearing on HB 3920.

Introduces HB 3920 that establishes juvenile court procedures for establishing guardianship over child within court's dependence jurisdiction.

Closes the public hearing on HB 3920 and opens a public hearing on HB 3926.

Introduces HB 3926 that allows person licensed by Oregon Liquor Control Commission or employee of licensee to seize and hold identification submitted as proof of age if licensee or employee believes that identification is false.

Closes the public hearing on HB 3926 and opens a public hearing on HB 3927.

Introduces HB 3927 that provides timelines for access to records of individual with developmental disabilities by system designated to protect and advocate rights of individuals with developmental disabilities.

Closes the public hearing on HB 3927 and opens a public hearing on HB 3967.

Introduces HB 3967 that directs Judicial Department to create statewide mediation program for juvenile dependency cases.

Closes the public hearing on HB 3967 and opens a public hearing on HJR 66.

371 Counsel Shartel Introduces HJR 66 that proposes amendments to Oregon Constitution establishing control over State Lottery Commission by Legislative Assembly.
395 Chair Williams Closes the public hearing on HJR 66 and opens a public hearing on HB 3247.

HB 3247 PUBLIC HEARING

397 Counsel Shartel Introduces HB 3247 that prohibits discrimination in public education based on sexual orientation or perceived sexual orientation.

408 Chair Williams Closes the public hearing on HB 3247 and opens a work session on HB 3830.

HB 3830 WORK SESSION

411 Chair Williams **MOTION: Moves HB 3830 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the Committee on Rules, Redistricting & Public Affairs.**

417 Rep. Vicki Walker Proclaims that she is strongly opposed to the motion and discusses the bill.

TAPE 48, A

003 Rep. Vicki Walker Continues her discussion in opposition to the motion on HB 3830.

058 Rep. Ackerman Asks why they are referring HB 3830 to another committee.
062 Chair Williams Answers that the Speaker wanted this bill referred to the Rules, Redistricting & Public Affairs Committee.

070 Chair Williams **VOTE: 6-5-0**
AYE: 6 - Backlund, Krieger, Shetterly, Walker C, Wilson, Williams
NAY: 5 - Ackerman, Dingfelder, Lowe, Ringo, Walker V

070 Chair Williams **The motion CARRIES.**

082 Chair Williams Closes the work session on HB 3830 (**EXHIBIT C**) and adjourns the meeting at 8:45 a.m.

Submitted By,

Reviewed By,

Ann Martin
Committee Assistant

Bill Taylor,
Counsel

EXHIBIT SUMMARY

A – HB 2551, written testimony of Janice Krem, Oregon State Bar, submitted by staff, dated 4/27/01, 2 pgs.

B – HB 2551, written testimony of Kathleen Haley, Board of Medical Examiners, submitted by Jody Fisher, Board of Medical Examiners, dated 4/27/2001, 1 p.

C – HB 3830, written testimony of Dr. David Lindquist, submitted by staff, dated 4/26/2001, 2 pgs.

