

HOUSE JUDICIARY COMMITTEE ON CIVIL LAW

April 30, 1999 Hearing Room 357

1:00 p.m. Tapes 141 - 144

MEMBERS PRESENT: Rep. Lane Shetterly, Chair

Rep. Max Williams, Vice-Chair

Rep. Judy Uherbelau, Vice-Chair

Rep. Vic Backlund

Rep. Randall Edwards

Rep. Kathy Lowe

Rep. Vicki Walker

Rep. Larry Wells

Rep. Bill Witt

STAFF PRESENT: Aaron Felton, Counsel

Nancy Richards, Administrative Support

MEASURE/ISSUES HEARD: HB 2985 - Work Session

HB 3245 - Work Session HB 2925 - Work Session

HB 3304 - Work Session HB 2632 - Work Session

HB 2554 - Work Session HB 2870 - Work Session

HB 2937 - Work Session

HB 3361 - Work Session

TAPE/#	Speaker	Comments
TAPE 141, A		
006	Chair Shetterly	Calls meeting to order at 1:35 p.m.
<u>HB 2937 - WORK SESSION</u>		
<u>HB 3245 n WORK SESSION</u>		
	Counsel Felton	
	Jim Craven	American Electronics Association Testifies and submits written testimony in support of HB 3245 (EXHIBIT A). Discusses the purpose of HB 3245 regarding motivating both consumers and technology vendors to evaluate their computer systems for the 2000 crisis.
	Rep. Uherbelau	
171		
	Stephanie Burns	Attorney, Portland, Oregon Testifies and submits written testimony in support of HB 3245. (EXHIBIT B). Explains the 5-year statute of repose regarding outdated computer systems. Discusses what clients she represents concerning computer system date failure in year 2000.
268	Chair Shetterly	Would if a system is disabled
279	Burns	The 90 cure period
330	Chair Shetterly	
340	Rep. Lowe	Declares conflict. When do you anticipate the computer systems to crash?
361	Burns	
375	Rep. Lowe	

386	Chair Shetterly	
	Rep. Lowe	What do you expect regarding the 2000 crash?
410	Burns	Explains what to expect with the 2000 year related bug that causes computer system failure.
Tape 142, A		
016	Rep. Lowe	Do you
022	Rep. Edwards	How is the market place
025	Burns	There is insurance out there 75 cents on the dollar. Discusses subsection 1, section 2 of HB 3245
045	Rep. Uherbelau	Asks about an attorney fees clause in HB 3245.
049	Burns	Does not know.
051	Chair Shetterly	Section 5 What kind of actions concerning the computer date failure would you explain liable.
058	Burns	Will find out.
	Chair Shetterly	Section 6 difference between tort and contract actions
	Burns	Explains the difference between tort and contract actions.
	Chair Shetterly	
	Rep. Lowe	What is the exemplary damages about
100	Chair Shetterly	Closes work session.
		HB 3304 ñ WORK SESSION
125	Rep. Judy Uherbelau	State Representative, House District 52 Testifies and submits written testimony in support of HB 3304 AND presents the ñ2 amendments (EXHIBITS C, D & E).

	Angela	Citizen, State of Oregon Testifies in support of HB 3304. Relates her personal story of when a drunk driver hit her car and the consequences of that accident.
270	Rep. Uherbelau	Explains the impoundment issues if driver is convicted of driving while intoxicated.
306	Chair Shetterly	Asks about
316	Rep. Uherbelau	Correct.
318	Rep. Wells	How does the arresting officer know the history of the drunken driver?
323	Rep. Uherbelau	The officer can call-up information on the car's computer.
329	Chair Shetterly	Asks about civil enram forfeiture.
343	Rep. Uherbelau	Explains how the impoundment will be a civil action by the courts.
370	Angela	Discusses who HB 3304 will effect regarding saving lives.
	Chris Carey	Multnomah District Attorneys Office Testifies in support of HB 3304. Discusses why HB 3304 is a good deterrent for drunk driving. Explains the impoundment process for seizure of the drunk driver's vehicle.
473	Rep. Uherbelau	States that there needs to be work done on the amendments.
Tape 141, B		
	Pat Kelley	Police Bureau Testifies in support of HB 3304.
045	Rep. Edwards	
050	Carey	Explains how ORSÖ is an umbrella for protection of civil rights.
	Bruce Hoffman	Oregon State Police Testifies in support of HB 3304. Discusses the costs involved for the Oregon

		State Police with the passage of HB 3304.
103	Rep. Uherbelau	Explains the added amendments that
107	Hoffman	60 days before we could get rid of the vehicle
113	Kelley	
117	Rep. Wells	Asks about the combining of impounding and forfeiture.
127	Carey	You could put a warrant out for the car, but it would be difficult to find the car.
134	Rep. Wells	Signs something and gives the car back to them.
137	Rep. Uherbelau	Explains the requirement involved in retrieving the car.
147	Rep. Edwards	How many repeat offender do you see?
	Kelley	1/3 are repeat offenders in Portland
	Hoffman	
	Chair Shetterly	Closes work session.
<u>HB 2554 ñ WORK SESSION</u>		
185	Rep. Williams	HB 2554 limits civil liability of health practitioner who provides medical services without compensation. Presents the ñ7 amendments (EXHIBIT F). Explains medical services to include dentistry. Expresses how HB 2554 will effect the Northwest Medical teams.
		Do Pass
<u>HB 3361 ñ WORK SESSION</u>		
		Suspends hearing on HB 3361.
<u>HB 2985 ñ WORK SESSION</u>		

	Rep. Williams	HB 2985 reinstates doctrine of implied assumption of risk in tort actions. Explains the ñ1 amendments (EXHIBIT G).
362	Kelley Clark	Testifies in support of HB 2985. Discusses how the employer is liable for the conduct of the employee. Explains why the ñ1 amendments are unnecessary.
Tape 142, B		
040	Clark	Basic line of reasoning of whether voters will understand this.
	Rep. Witt	
070	Clark	
079	Rep. Williams	Explains a court case where the employer was also the employee.
103	Clark	Discusses the allegations when the person uses the job to groom the child.
130	Rep. Williams	Asks about
147	Clark	Explains the tragedy of the scout leader using the position for the actions of a pedophile. Who should
165	Rep. Williams	States that when a relationship goes wrong
169	Rep. Uherbelau	Explains how the employer is setting a higher standard for the boy scout leader.
180	Chair Shetterly	How is the church supposed to protect themselves from liability when they train the priest and have no influence over him after he obtains his parrish?
208	Clark	Indicators which show up with background checks.
	Chair Shetterly	If not a new rule, it is a twist on an old rule
238	Clark	At least it is on a more Discusses the situation of an employee is a pedophile then when the employer and the child does nothing wrong who is better situated to bear the burden.
270	Chair Shetterly	

282	Clark	I trust juries. There is a certain wisdom that comes to the jury
315	Rep. Lowe	States that is who is in the best position to prevent harms to the children?
330	Clark	States that
346	Rep. Walker	Would HB 2985 include day-care centers?
	Clark	
	Rep. Walker	Expresses her opposition to HB 2985 because a lot of things should be left up to the juries.
378	Clark	Suggests language to HB 2985 regarding negligence screening of the employer for the employee.
	Mary James	Attorney, Marion County Testifies in support of HB 2985. Discusses how the ñ1 amendments protects the employer from liability concerning the conduct of the employee.
Tape 143, A		
040	Chair Shetterly	Why bother
	James	States that
065	Rep. Witt	Discusses how the ñ1 amendment go too far in protecting employers from liability and suggests language to change this.
076	James	Does not eliminate a negligent standing.
	Chair Shetterly	
088	Rep. Williams	
102	Rep. Lowe	Suggests that insurance companies would like a law that would
120	James	That is the status of the law regarding the policies of the ..Discusses strict liability in relation to HB 2985.

	Chair Shetterly	Would if we have a dissent?
	Clark	Explains what has to be proved to a jury regarding the conduct of the employee.
143	Chair Shetterly	
	Clark	Explains what needs to be argued to a jury for
155	Rep. Williams	,
	Clark	
178	James	You have to show
	Betsey Earls	Oregon Industries
211	Rep. Walker	
216	Rep. Edwards	
245	Rep. Williams	
310	Chair Shetterly	Closes work session.
HB 3361 n WORK SESSION		
331	Counsel Felton	HB 3361 requires that child support amount be offset by child's social security benefits received as result of obligor's disability.
340	Ronelle Shankle	Support Enforcement Division, Department of Justice Testifies in support of HB 3361. Explains the n1 amendments regarding what constitutes a change of circumstance and the child support payments in arrears (EXHIBIT H) .
Tape 144, A		

010	Rep. Witt	Discusses the concern with the social security
019	Shankle	Yes. States that HB 3361 would strengthen
		Assistant Attorney General
033	Rep. Witt	Asks
037	Rep. Lowe	Explains if HB 3361 considers veteran benefits
053	Rep. Witt	Relative to the amendments does the bill
058	Shankle	Explains how HB 3361 takes away the dollar to dollar credit concerning social security money.
076	Chair Shetterly	
<u>HB 2925 n WORK SESSION</u>		
	Counsel Felton	HB 2925 creates an affidavit n1 amend (EXHIBIT I).
	Charles	
		-1
		Do Pass
<u>HB 2632 P WORK SESSION</u>		
	Sparks	HB 2925 extends homestead exemption to recreational vehicle occupied as residence. n2 amend (EXHIBIT J)
220	Rep. Wells	Asks about a recreational vehicle

264	Rep. Walker	It does change the definition of a recreational vehicle.
	Sparks	Explains the term of mobile home.
	Rep. Walker	
323	Rep. Edwards	
	Rep. Wells	It has to be less than
329	Rep. Walker	Explains a recreational vehicle.
	Rep. Wells	
	Chair Shetterly	Are we creating a contradiction?
	Rep. Walker	
364	Chair Shetterly	
368	Rep. Wells	You have to deal with the definition of a recreational vehicle.
375	Sparks	According to HB 2632 defines a recreational vehicle as a
408	Chair Shetterly	Closes work session.
<u>HB 2870 n WORK SESSION</u>		
418	Counsel Felton	HB 2870
	Chair Shetterly	Recess at 4:30 p.m.
030	Chair Shetterly	Reconvenes at 4:35 p.m.
032	Timothy Travis	State Court Administrators Office, Department of Justice (EXHIBIT L)

	Miller		
	Kathy Osborne	Supports the ñ2 amendments.	
		-2 amend	
	Rep. Lowe		
	Rep. Witt		
	Rep. Lowe		
	Rep. Witt		
090	Rep. Lowe		
095	Chair Shetterly		
102	Rep. Witt		
109	Osborne		
			Closes work session.
	Chair Shetterly		Adjourns at 4:43 p.m.

Submitted By, Reviewed By,

Nancy Richards, Aaron Felton,
Administrative Support Counsel

EXHIBIT SUMMARY

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