

SENATE COMMITTEE ON JUDICIARY

May 20, 1999 Hearing Room 343

3 p.m. Tapes 191 - 192

MEMBERS PRESENT: Sen. Bryant, Chair

Sen. Courtney, Vice-Chair

Sen. Brown

Sen. Burdick

Sen. Nelson

Sen. Tarno

MEMBER EXCUSED: Sen. Qutub

STAFF PRESENT: Anne Tweedt, Counsel

Judith Minnich, Administrative Support

MEASURE/ISSUES HEARD: SB 504 ñ Work Session

SB 1007 ñ Work Session

HB 2304A - Public Hearing and Work Session

HB 2876A ñ Public Hearing and Work Session

HB 3194A ñ Public Hearing and Work Session

HB 3386 ñ Public Hearing and 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 191, A

003	Chair Bryant	Calls meeting to order at 3:16 p.m.
<u>HB 3386 PUBLIC HEARING</u>		
009	Chair Bryant	Indicates that HB 3386 addresses the Statute of Ultimate Repose, which was passed in the 1970s. Two exceptions have been granted to this since I have been a legislator. One exception dealt with breast implants and one exception dealt with sidesaddle gas tanks. Both of these allowed for pursuit of a lawsuit, even though the Statute of Ultimate Repose had expired. In those cases, the condition that existed was known to the manufacturer and was not recalled and they continued to produce the product without corrections being made.
010	Brad Higbee	Justice for Rob McRae Committee Submits written testimony and testifies in support of HB 3386 (EXHIBIT A). Discusses the accident Mr. McRae was in and how the Statute of Ultimate Repose has eliminated his ability to address the manufacturer's negligence in court.
050	Rob McRae	Accident Victim Testifies in support of HB 3386 which would eliminate the Statute of Ultimate Repose for civil action against manufacturer of extendable equipment for injury or other damage arising out of contact with powerlines.
075	Higbee	Asks Rob McRae to discuss the readily available safety devices on extendible cranes.
082	McRae	Indicates that proximity alarms and insulated links have been available since the 1950s. They are standard safety devices on most cranes.
095	Chair Bryant	Discusses his knowledge of proximity alarms and safety practices when using extendible device.
110	McRae	These devices are very inexpensive. Certainly far less than the million dollars it has cost my employer so far for my medical costs.
115	Higbee	Rules don't prevent accidents. Proximity devices could do this. Discusses statistics of accidents with high power lines. Safety features have been shown to work. Indicates HB 3386 is a relatively narrow exception to the Ultimate Repose Statute.
200	Rep. Kevin Mannix	State Representative, House District 32 Testifies in support of HB 3386.

SB 3386 WORK SESSION

210	Sen. Courtney	MOTION: Moves HB 3386 to the floor with a DO PASS recommendation.
		VOTE: 6-0 EXCUSED: 1 - Qutub
Chair Bryant		Hearing no objection, declares the motion CARRIED. SEN. COURTNEY will lead discussion on the floor.
<u>HB 3194A PUBLIC HEARING</u>		
219	Rep. Kitty Piercy	State Representative, House District 39 Submits written testimony and testifies in support of HB 3194A, which would allow birth parents to attach a parental contact preference form to an adoptee's original birth certificate (EXHIBIT C).
279	James Wheeler	Director of Columbia Adoption Services Submits written testimony and testifies in support of HB 3194A (EXHIBIT D). Discusses the background and reasons for passage of HB 3194A.
295	Kathy Ledesma	State Office for Children and Families (SCF) Submits written testimony and testifies in support of HB 3194A (EXHIBIT E).
355	Phyllis Naish	Birth parent Submits written testimony and testifies in support of HB 3194A (EXHIBIT F).
432	Sen. Courtney	This would cover children who were born or adopted in Oregon? Would both events have to occur in Oregon?
443	Wheeler	This effects a birth certificate that is created in Oregon.
452	Sen. Courtney	So, the birth certificate couldn't be brought into Oregon. How secure are these records and who maintains them?

456	Wheeler	I understand that the records are very secure and need a court order to be accessed. The records are maintained by the Bureau of Vital Records.
465	Sen. Courtney	Suppose a child is born in Washington State and the birth mother thinks the child is in Oregon. Could she file with the Bureau of Vital Records and access the child's birth certificate that way?
500	Wheeler	No. It could only be filed with the birth certificate of a child born in Oregon.
Tape 192. A		
058	Helen Hill	Chief Petitioner, Measure 58 Submits written testimony and testifies in support of HB 3194A (EXHIBIT G). Discusses the progress of the court case regarding Measure 58.
097	Mark Fryer	Adult adoptee, Portland, Oregon Submits written testimony and testifies in support of HB 3194A (EXHIBIT H).
110	Sen. Burdick	Are you concerned about those adoptees whose birth parents do not want to be disclosed? This might be very difficult for them.
125	Fryer	HB 3194A is empowering, whatever the choice of the birth parent. At least the adoptee knows the birth parent has made a choice and then can deal with that choice.
135	Hill	Indicates that the adoptee has a right to the birth certificate whatever the preference of the birth parent. The wishes of the birth parent if they filed a parental contact preference form can then be honored, or not, as the adoptee chooses. I think that it is very important for the form to be appropriately written.
<u>HB 3194A WORK SESSION</u>		
169	Sen. Courtney	MOTION: Moves HB 3194A to the floor with a DO PASS recommendation.
		VOTE: 6-0 EXCUSED: 1 ñ Qutub
Chair Bryant		Hearing no objection, declares the motion CARRIED.

		SEN. BURDICK will lead discussion on the floor.
174	Sen. Brown	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. BROWN to BE RECORDED as voting AYE on the motion to send HB 3386 to the floor with a DO PASS recommendation.
		VOTE: 6-0 EXCUSED: 1 ñ Qutub
Chair Bryant		Hearing no objection, declares the motion CARRIED.
<u>HB 2876 A PUBLIC HEARING</u>		
189	Trish Conrad	Oregon Association of Plumbing, Heating and Cooling Contractors and the Oregon Apprenticeship Coalition Testifies in support of HB 2876A. HB 2876A extends the state tort liability provisions and limits to apprenticeship and training committees. In 1997 these committees became composed of volunteers rather than state employees. They were still required to implement state requirements relating to affirmative action and other state regulations relating to apprenticeship. Liability insurance is difficult and expensive for volunteers to obtain. This bill would assist these committees by extending the state tort provisions and limits to these committees.
219	Shawn Miller	Independent Electrical Contractors and Associated Builders and Contractors Testifies in support of HB 2876A. In 1997, SB 45 moved the apprenticeship committees out of the auspices of the Bureau of Labor and Industries. These committees need the same protection they had when they were part of a state agency.
<u>HB 2876A WORK SESSION</u>		

242	Sen. Courtney	MOTION: Moves HB 2876A to the floor with a DO PASS recommendation.
		VOTE: 5-0 EXCUSED: 2 - Burdick, Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. BROWN will lead discussion on the floor.
<u>SB 1007 WORK SESSION</u>		
309	Bob Joondeph	Oregon Advocacy Center Discusses the ñ3 amendments that replace the original bill with a clarification of the current recommitment process for the mentally ill (EXHIBIT J). Indicates that the ñ4 amendments provide an opportunity for families of the committed individual to get certain information regarding their status (EXHIBIT K). Indicates support for both the ñ3 and ñ4 amendments.
370	Counsel Tweedt	One of the differences between the previous ñ2 amendments and the ñ4 amendments is that the institution is allowed to provide information in the ñ4 amendments in contrast to the requirement that they must provide information in the ñ2 amendments.
377	Sen. Brown	Suggests there may be some opposition to the ñ4 amendments.
385	Chair Bryant	Discusses the reasons for the ñ4 amendments and suggests that an interim committee should address this whole issue.
410	Sen. Courtney	MOTION: Moves to ADOPT SB 1007-3 amendments dated 5/19/99.
		VOTE: 5-0 EXCUSED: 2 - Burdick, Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED.

416	Sen. Bryant	MOTION: Moves to ADOPT SB 1007-4 amendments dated 5/20/99.
		VOTE: 5-0 EXCUSED: 2 - Burdick, Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
418	Sen. Bryant	MOTION: Moves SB 1007 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0 EXCUSED: 2 - Burdick, Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. BROWN will lead discussion on the floor.
<u>SB 504 WORK SESSION</u>		
426	Counsel Tweedt	As amended this bill would provide an exemption to the process that currently specifies how attorney's fees are awarded in insurance actions. With the 4 amendments the exemption would specifically apply to uninsured, underinsured and personal injury protection benefits under certain conditions. Indicates that there may be a technical problem with the 4 amendments which will be taken care of by the House.
Tape 191, B		
023	Sen. Bryant	MOTION: Moves to ADOPT SB 504-4 amendments dated 5/20/99.
		VOTE: 5-0 EXCUSED: 2 - Brown, Qutub

	Chair Bryant	Hearing no objection, declares the motion CARRIED.
026	Sen. Bryant	MOTION: Moves SB 504 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0 EXCUSED: 1 - Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. BRYANT will lead discussion on the floor.
<u>HB 2304A WORK SESSION</u>		
030	Steve Dingle	Oregon District Attorney's Association Testifies in support of HB 2304A as amended with the ñA5 amendments (EXHIBIT M). HB 2304A as amended allows a court to keep a defendant in custody pending trial for more than 60 days upon showing of good cause.
051	Chair Bryant	Indicates there is a printing error in the ñA5 amendments that needs to be corrected.
051	Counsel Taylor	It has been suggested that we add on page 1, line 6, after defendant, ", defense council," which would clarify that both the defendant and the defense counsel could request an extension.
060	Sen. Bryant	MOTION: Moves to SUSPEND the rules for the purpose of amending the HB 2304A-A5 amendments.
		VOTE: 6-0 EXCUSED: 1 - Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
064	Sen. Courtney	MOTION: Moves to AMEND HB 2304A ñA5

		amendments on page 1, in line 6, after "defendant," insert ", defense council," and ADOPT the ñA5 amendments as amended.
		VOTE: 6-0 EXCUSED: 1 - Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED .
067	Sen. Courtney	MOTION: Moves HB 2304A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-1 AYE: 5 - Burdick, Courtney, Nelson, Tarno, Bryant NAY: 1 - Brown EXCUSED: 1 - Qutub
	Chair Bryant	The motion CARRIES . SEN. COURTNEY will lead discussion on the floor.
074	Sen. Brown	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. BROWN to BE RECORDED as voting AYE on the motion sending SB 504 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0 EXCUSED: 1 - Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED .

Submitted By, Reviewed By,

Judith Minnich, Anne Tweedt,

Administrative Support Counsel

EXHIBIT SUMMARY

A ñ HB 3386, written testimony from Brad Higbee, 4 pp

B ñ HB 3386, written testimony from Emmett Barker, 1 pp

C ñ HB 3194A, written testimony from Representative Piercy, 1 pp

D ñ HB 3194A, written testimony from J. Wheeler, 1 pp

E ñ HB 3194A, written testimony submitted by Kathy Lesdesma, 2 pp

F ñ HB 3194A, written testimony from Phyllis Naish, 1pp

G ñ HB 3194A, written testimony from Helen Hill, 1 pp

H ñ HB 3194A, written testimony from Mark Fryer, 1 pp

I ñ HB 3194A, written testimony from Lauren Greenbaum, 1 pp

J ñ SB 1007, -3 amendments dated 5/19/99, 5 pp

K ñ SB 1007, -4 amendments dated 5/20/99, 6 pp

L ñ SB 504, -4 amendments dated 5/20/99, 2 pp

M ñ HB 2304A, -A5 amendments dated 5/14/99, 3 pp