

**HOUSE COMMITTEE ON JUDICIARY**

**April 11, 1997 Hearing Room 357**

**7:30 A.M. Tapes 20 - 21**

**MEMBERS PRESENT:**

**Rep. John Minnis, Chair**

**Rep. Floyd Prozanski, Vice-Chair**

**Rep. Roger Beyer**

**Rep. Jo Ann Bowman**

**Rep. Peter Courtney**

**Rep. George Eighmey**

**Rep. Lane Shetterly**

**Rep. Charles Starr**

**Rep. Ron Sunseri**

**Rep. Judy Uherbelau**

**Rep. Larry Wells**

**STAFF PRESENT:**

**William E. Taylor, Counsel**

**Dave Amesbury, Counsel**

**Scott Lumsden, Counsel**

**Lauri A. Smith, Administrative Support**

**MEASURE/ISSUES HEARD:**

**SB 252 - Work Session HB 2993 - Work Session**

**SB 269 - Work Session HB 2660 - Work Session**

**HB 2078 - Work Session HB 2523 - Work Session**

**HB 3207 - Work Session HB 2311 - Work Session**

**HB 2693 - Work Session HB 2312 - Work Session**

**HB 2682 - Work Session HB 2313 - Work Session**

**HB 2681 - 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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>Tape 20, A</b>		
003	Vice Chair Prozanski	Calls the meeting to order at 7:32 a.m.
<b><u>SB 252 - WORK SESSION</u></b>		
004	Vice Chair Prozanski	Opens a work session on SB 252.
007	Dave Amesbury	Counsel Reads a Preliminary Staff Measure Summary on SB 252.
<b>015</b>	<b>Rep. Eighmey</b>	<b>MOTION: Moves SB 252 to the floor with a DO PASS recommendation.</b>
<b>025</b>		<b>VOTE: 8-2-1</b>  <b>AYE: 8 - Rep. Courtney, Rep. Eighmey, Rep. Shetterly, Rep. Starr, Rep. Sunseri, Rep. Uherbelau, Rep. Prozanski, Chair Minnis</b>  <b>NAY: 2 - Rep. Beyer, Rep. Wells</b>  <b>EXCUSED: 1 - Rep. Bowman</b>
	<b>Chair Minnis</b>	<b>The motion Carries.</b>  <b>REP. BOWMAN will lead discussion on the floor.</b>
026	Chair Minnis	Closes the work session on SB 252.
<b><u>SB 269 - WORK SESSION</u></b>		
027	Chair Minnis	Opens a work session on SB 269.
029	Dave Amesbury	Counsel Reads a Preliminary Staff Measure Summary on SB 269.

031	Rep. Shetterly	<b>MOTION: Moves SB 269 to the floor with a DO PASS recommendation.</b>
035		<b>VOTE: 9-1-1</b>  <b>AYE: 9 - Rep. Courtney, Rep. Eighmey, Rep. Shetterly, Rep. Starr, Rep. Sunseri, Rep. Uherbelau, Rep. Wells, Rep. Prozanski, Chair Minnis</b>  <b>NAY: 1 - Rep. Beyer</b>  <b>EXCUSED: 1 - Rep. Bowman</b>
	Chair Minnis	<b>The motion Carries.</b>  <b>REP. PROZANSKI will lead discussion on the floor.</b>
041	Chair Minnis	Closes the work session on SB 269.
<b><u>HB 2078 - WORK SESSION</u></b>		
042	Chair Minnis	Opens a work session on HB 2078
043	William E. Taylor	Counsel  Reads a Preliminary Staff Measure Summary on HB 2078.
047	Rep. Shetterly	<b>MOTION: Moves HB 2078 to the floor with a DO PASS recommendation.</b>
051	Rep. Shetterly	Originally, Rep. Bowman had voted no in the subcommittee, after further conversation, she has changed her vote and even asked to be named the carrier.
053		<b>VOTE: 10-0-1</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 1 - Rep. Bowman</b>
	Chair Minnis	<b>The motion CARRIES.</b>  <b>REP. BOWMAN will lead discussion on the floor.</b>
058	Chair Minnis	Closes the work session on HB 2078.
<b><u>HB 3207 - WORK SESSION</u></b>		
059	Chair Minnis	Opens a work session on HB 3207.
		Counsel

060	William E. Taylor	Reads a Preliminary Staff Measure Summary on HB 3207. Note: -3 amendments ( <b>EXHIBIT A</b> )
<b>068</b>	<b>Rep. Sunseri</b>	<b>MOTION: Moves HB 3207 to the floor with a DO PASS AS AMENDED recommendation.</b>
071	Rep. Shetterly	I believe, the written instrument required in subsection (1) referred to page 2, line 22, really should be the instrument required in subsection (3).
091	Rep. Eighmey	It would seem to be a typographical error.
<b>097</b>	<b>Rep. Eighmey</b>	<b>MOTION: Moves to AMEND HB 3207 on page 2, in line 22, after "subsection," change "(1) to (3)".</b>
098	Rep. Shetterly	Continues discussion regarding authorization for the form on page 2 beginning on line 25.
099	Rep. Uherbelau	Notes that subsection (3) refers to subsection (7).
<b>101</b>		<b>VOTE: 11-0-0</b>
	<b>Chair Minnis</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>104</b>	<b>Rep. Eighmey</b>	<b>MOTION: Moves HB 3207 to the floor with a DO PASS AS AMENDED recommendation.</b>
<b>109</b>		<b>VOTE: 11-0-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>
	<b>Chair Minnis</b>	<b>The motion CARRIES.</b> <b>REP. EIGHMEY will lead discussion on the floor.</b>
112	Chair Minnis	Closes the work session on HB 3207.
<b>HB 2693 - WORK SESSION</b>		
114	Chair Minnis	Opens a work session on HB 2693
115	William E. Taylor	Counsel Reads a Preliminary Staff Measure Summary on HB 2693.
<b>120</b>	<b>Rep. Sunseri</b>	<b>MOTION: Moves HB 2693 to the floor with a DO PASS recommendation.</b>
123	Rep. Uherbelau	Shares concern as to why voted no in subcommittee.
129	Rep.	I believe, in the past, home studies were always waived in step parent adoptions. It wasn't until recently, that home studies were

	Shetterly	required.
132	Rep. Uherbelau	Home studies have been required before in step parent adoptions.
134	Rep. Shetterly	I believe, we are going back to the original practice of not requiring a home study in step parent adoption.
140		<b>VOTE: 10-1-0</b>  <b>AYE: 11 - Rep. Beyer, Rep. Bowman, Rep. Courtney, Rep. Eighmey, Rep. Shetterly, Rep. Starr, Rep. Sunseri, Rep. Wells, Rep. Prozanski, Chair Minnis</b>  <b>NAY: 1 - Rep. Uherbelau</b>
	<b>Chair Minnis</b>	<b>The motion Carries.</b>  <b>REP. EIGHMEY will lead discussion on the floor.</b>
149	Chair Minnis	Closes the work session on HB 2693.
<b><u>HB 2982 - WORK SESSION</u></b>		
151	Chair Minnis	Opens a work session on HB 2982.
152	William E. Taylor	Counsel Reads a Preliminary Staff Measure Summary on HB 2982.
160	<b>Rep. Sunseri</b>	<b>MOTION: Moves HB 2982 to the floor with a DO PASS AS AMENDED recommendation.</b>
163	Rep. Bowman	Currently, county clerks perform marriage ceremonies in the court house?
166	Chair Minnis	Yes.
167	Rep. Bowman	So, we are creating an opportunity for the county clerk to make money outside of the courthouse.
169	Chair Minnis	Yes. Judges currently can perform civil ceremonies outside of the courthouse.
170	Rep. Sunseri	The intent of the measure was the concern over costs incurred driving to other parts of the state to perform civil ceremonies. Provides an example.
175	Rep. Bowman	So, prior to this measure, if the county clerk performed a civil ceremony outside of the courthouse, there was no compensation?
177	Rep. Sunseri	My understanding, was that there was a small honorary but that expenses were not covered.
		<b>VOTE: 11-0-0</b>

179		<b>AYE: In a roll call vote, all members present vote Aye.</b>
	<b>Chair</b>	<b>The motion CARRIES.</b> <b>REP. BEYER will lead discussion on the floor.</b>
184	Chair Minnis	Closes the work session on HB 2982.
<b><u>HB 2981 - WORK SESSION</u></b>		
185	Chair Minnis	Opens a work session on HB 2981.
187	William E. Taylor	Counsel Reads a Preliminary Staff Measure Summary on HB 2981.
193	<b>Rep. Sunseri</b>	<b>MOTION: Moves HB 2981 to the floor with a DO PASS AS AMENDED recommendation.</b>
195		<b>VOTE: 11-0-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>
	<b>Chair Minnis</b>	<b>The motion CARRIES.</b> <b>REP. BEYER will lead discussion on the floor.</b>
	Chair Minnis	Closes the work session on HB 2981.
<b><u>HB 2993 - WORK SESSION</u></b>		
202	Chair Minnis	Opens a work session on HB 2993.
203	William E. Taylor	Counsel Reads a Preliminary Staff Measure Summary on HB 2993.
211	<b>Rep. Sunseri</b>	<b>MOTION: Moves HB 2993 to the floor with a DO PASS recommendation.</b>
213	Rep. Prozanski	Explains intent of the measure.
223		<b>VOTE: 11-0-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>
	<b>Chair</b>	<b>The motion CARRIES.</b>

	Minnis	<b>REP. PROZANSKI will lead discussion on the floor.</b>
	Chair Minnis	Closes the work session on HB 2993.
<b><u>HB 2660- WORK SESSION</u></b>		
230	Chair Minnis	Opens a work session on HB 2660.
237	<b>Rep. Courtney</b>	<b>MOTION: Moves HB 2660 to the floor with a DO PASS AS AMENDED recommendation.</b>
269	Rep. Sunseri	Shares comments as to why he voted no in the subcommittee.
277	Rep. Eighmey	Shares comments as to why he supports the measure.
285	Rep. Courtney	Shares comments over existing laws, this measure is not precedent setting.
312	Chair Minnis	It was testified that extreme fighting is a form of art.
313	Rep. Sunseri	It was stated as violating the 1st amendment of the US Constitution by not allowing freedom of expression.
316	Rep. Shetterly	Shares testimony heard in subcommittee.
326	Rep. Sunseri	There was also testimony that no one has ever been killed during an extreme fighting event.
346		<b>VOTE: 11-0-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>
	<b>Chair Minnis</b>	<b>The motion CARRIES.</b> <b>REP. RYAN DECKERT will lead discussion on the floor.</b>
	Chair Minnis	Closes the work session on HB 2660.
<b><u>HB 2523 - WORK SESSION</u></b>		
358	Chair Minnis	Opens a work session on HB 2523.
359	Scott Lumsden	Counsel Reads a Preliminary Staff Measure Summary on HB 2523.
383	<b>Rep. Eighmey</b>	<b>MOTION: Moves HB 2523 to the floor with a DO PASS AS AMENDED recommendation.</b>
417		<b>VOTE: 11-0-0</b>

		<b>AYE: In a roll call vote, all members present vote Aye.</b>
	<b>Chair Minnis</b>	<b>The motion CARRIES.</b> <b>REP. EIGHMEY will lead discussion on the floor.</b>
432	Rep. Bowman	For the record, I don't know if I will be supporting this measure on the floor.
435	Chair Minnis	Closes the work session on HB 2523.
<b><u>HB 2311 - WORK SESSION</u></b>		
437	Chair Minnis	Opens a work session on HB 2311.
440	Scott Lumsden	Counsel Reads a Preliminary Staff Measure Summary on HB 2311.
448	<b>Rep. Bowman</b>	<b>MOTION: Moves HB 2311 to the floor with a DO PASS recommendation.</b>
452		<b>VOTE: 11-0-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>
	<b>Chair Minnis</b>	<b>The motion CARRIES.</b> <b>REP. BOWMAN will lead discussion on the floor.</b>
460	Chair Minnis	Closes the work session on HB 2311.
<b><u>HB 2312 - WORK SESSION</u></b>		
462	Chair Minnis	Opens a work session on HB 2312.
463	Scott Lumsden	Counsel Reads a Preliminary Staff Measure Summary on HB 2312.
<b><u>Tape 22,A</u></b>		
031	<b>Rep. Bowman</b>	<b>MOTION: Moves HB 2312 to the floor with a DO PASS AS AMENDED recommendation.</b>
035	Rep. Uherbelau	Questions necessity of measure.
040	Chair Minnis	Responds by stating that there has been some conflict as to the confidentiality status of some records within counties and other places when verifying a victim's status which will qualify an individual to compensation. Some governments have refused to give the information requested in the past.
	Rep.	The -1 amendments were drafted in cooperation with the Department



046	Bowman	of Justice to insure that confidentiality was maintained.
049	Rep. Shetterly	In regards to HB 2312, the operative change in the wording was in deleting "request" and inserting "obtain" on line 9 of the original measure because requests were being denied on account of confidentiality issues. The -1 amendments were created to exclude school records because there would be a conflict with federal confidentiality laws.
055		<b>VOTE: 11-0-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>
	<b>Chair Minnis</b>	<b>The motion CARRIES.</b> <b>REP. BOWMAN will lead discussion on the floor.</b>
060	Chair Minnis	Closes the work session on HB 2312.
<b><u>HB 2313 - WORK SESSION</u></b>		
081	Chair Minnis	Opens a work session on HB 2313.
082	Scott Lumsden	Counsel Reads a Preliminary Staff Measure Summary on HB 2313.
083	<b>Rep. Prozanski</b>	<b>MOTION: Moves HB 2313 to the floor with a DO PASS recommendation.</b>
087	Rep. Uherbelau	What prompted this measure?
090	Rep. Shetterly	The state of Oregon would not be in compliance with the new federal regulations as stated in the fiscal analysis on the original measure.
095		<b>VOTE: 11-0-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>
	<b>Chair Minnis</b>	<b>The motion CARRIES.</b> <b>REP. SHETTERLY will lead discussion on the floor.</b>
100	Chair Minnis	Closes the work session on HB 2313.
<b><u>SB 252, SB 269 AND HB 2078 - REOPENS WORK SESSION</u></b>		
103	<b>Rep. Sunseri</b>	<b>MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on SB 252, SB 269, and HB 2078.</b>

<b>109</b>		<b>VOTE: 10-0-0</b>
	<b>Chair Minnis</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>112</b>		<b>Rep. Bowman votes Aye on SB 252, SB 269, and HB 2078.</b>
117	Chair Minnis	Closes the work session on SB 252, SB 269, and HB 2078.  Adjourns the meeting at 8:10 a.m.

Submitted by, Reviewed by,

Lauri A. Smith, Sarah Watson,

Administrative Support Office Manager

**EXHIBIT SUMMARY**

**A - HB 3207, -3 amendments dated 04/09/97, Staff, 1 page.**

**B - HB 2660, -3 amendments dated 04/09/97, Staff, 4 pages.**

**C - HB 2523, -4 amendments dated 04/08/97, Staff, 3 pages.**

HOUSE COMMITTEE ON JUDICIARY

April 11, 1997 Hearing Room 357

3:00 P.M. Tape 22

**MEMBERS PRESENT:**

Rep. Rep. John Minnis, Chair

Rep. Rep. Floyd Prozanski, Vice-Chair

Rep. Rep. Roger Beyer

Rep. Rep. Jo Ann Bowman

Rep. Rep. Peter Courtney

Rep. Rep. George Eighmey

Rep. Rep. Lane Shetterly

Rep. Rep. Charles Starr

Rep. Rep. Ron Sunseri

Rep. Rep. Judy Uherbelau

Rep. Rep. Larry Wells

**MEMBER EXCUSED:**

**STAFF PRESENT:**

Bill Taylor, Counsel

Lisa Fritz, Administrative Support

**MEASURE/ISSUES HEARD:**

HB 2350 - Work Session

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Tape/#	Speaker	Comments
Tape 22, A		

004	Chair Minnis	Calls the meeting to order at 3:06 p.m.
<b><u>OPENS WORK SESSION ON HB 2350</u></b>		
005	Bill Taylor	Committee Counsel Discusses HB 2350 and the -1 amendments to the bill ( <b>EXHIBIT A</b> ).
<b>010</b>	<b>Rep. Eighmey</b>	<b>MOTION: Moves HB 2350 to the floor with a DO PASS AS AMENDED recommendation.</b>
014	Rep. Starr	Comments on the \$5,000 to \$3,500 difference and that he will be voting "no" because of the decrease.
022	Rep. Shetterly	Comments on reasons for the roll-back in cost. Discusses other fee bills currently in the legislature.
040	Rep. Sunseri	From a practical standpoint, \$3,500 is useless; \$5,000 really is appropriate. The number ought to have an inflated value to give it a purpose.
051	Rep. Eighmey	Explains why he changed the amount from \$5,000, as the bill was originally drafted, to the \$3,500.
067	Rep. Beyer	Discusses past fee inflation and why it makes sense to inflate the fees.
082	Rep. Starr	Discusses past increases and why he believes the \$5,000 is more appropriate.
		<b>VOTE: 7-4</b>  <b>AYE: 7 - Rep. Bowman, Rep. Courtney, Rep. Eighmey, Rep. Prozanski, Rep. Shetterly, Rep. Uherbelau, Rep. Wells</b>  <b>NAY: 4 - Rep. R. Beyer, Rep. Starr, Rep. Sunseri, Chair Minnis</b>
<b>096</b>	<b>Chair Minnis</b>	<b>The motion Carries.</b>  <b>REP. EIGHMEY will lead discussion on the floor.</b>
	Chair	

112	Minnis	Adjourns at 3:16 p.m.

Submitted by, Reviewed by,

Lisa Fritz, Bill Taylor,

Administrative Support Counsel

**EXHIBIT SUMMARY**

**A - HB 2350, proposed amendments (-1), Legislative Counsel, 4 pages.**