

**HOUSE COMMITTEE ON JUDICIARY**

**SUBCOMMITTEE ON CIVIL LAW**

**March 3, 1997 Hearing Room 357**

**1:00 P.M. Tape 32**

**MEMBERS PRESENT:**

**Rep. Lane Shetterly, Chair**

**Rep. Judith Uherbelau, Vice-Chair**

**Rep. Roger Beyer**

**Rep. Jo Ann Bowman**

**Rep. George Eighmey**

**Rep. Floyd Prozanski**

**Rep. Charles Starr**

**Rep. Larry Wells**

**STAFF PRESENT:**

**Bill Taylor, Counsel**

**Lisa Fritz, Administrative Support**

**MEASURE/ISSUES HEARD:**

**HB 2509 - Public Hearing**

**HB 2241 - 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 32, A</b>		
007	Chair Shetterly	Calls the meeting to order at 1:22 p.m.

<b><u>OPENS PUBLIC HEARING ON HB 2509</u></b>		
014	Chuck Wilson	Legislative Counsel's Office Discusses HB 2509. Page 196, line 44 "fireman" to "fire fighter" is not appropriate, so an amendment has been prepared.
041	Rep. Uherbelau	Page 167, lines 29-30, it looks like you defined "scope of practice" in the definitional section. Where did the original definition come from? My concern is there are no parameters there. Gives an example.
060	Wilson	That repeat of the language reflects the repeal of ORS 682.235. The language from ORS 235 was inserted here, so we wouldn't be left with nothing there.
064	Rep. Uherbelau	Where did the definition come from originally, because it is a very poor definition.
066	Wilson	I don't know, but I will try to find that out.
067	Rep. Uherbelau	On line 33, what do you mean by "actively registered?" Physicians are licensed?
073	Wilson	That is copied from ORS 235.
074	Chair Shetterly	The relating clause of this bill would not allow us to change the substantive definition.
087	Rep. Beyer	Page 40, line nine, which statute is repealed?
093	Wilson	ORS 126.003 in line seven.
097	Rep. Beyer	Page 70, line 32, two sections are being added to an ORS chapter. Why? What is the background?
102	Wilson	That's an expression of legislative intent that the administrative provisions, with regard to definitions, procedures, and penalties would apply to the added sections.
109	Chair Shetterly	Those statutes already appear in chapter 238.
112	Wilson	Exactly, but they were not originally added to and made a part of the chapter. This does that for definitions administrative purposes.
113	Rep. Beyer	It seems like that might be getting closer to a policy change, but without looking at the chapters, I'm not sure.
115	Chair Shetterly	It doesn't affect the text of either of the statutes; they're already in existence.
117	Wilson	That's correct.
119	Rep. Beyer	What makes certain sections obsolete?
122	Wilson	It is probably because they have been repealed.

125	Rep. Eighmey	Sometimes these are also deleted because they've sunsetted, and we've taken no action to continue the sunset.
132	Rep. Beyer	Page 179, line 27, ORS 809.715 and 809.716 are added. Where are they now?
134	Wilson	They are compiled in the vehicle code. They were not, by any official legislative action, added to and made a part of the chapter.
137	Chair Shetterly	So the chapter numbers won't change on those?
140	Wilson	No.
147	Rep. Bowman	Would you please explain page 99, line 16?
155	Wilson	That sets this table off from the rest of the text of the statute.
162	Chair Shetterly	Are the railroad folks okay with "flaggers" and "baggage handlers?"
167	Everett Cutter	Oregon Railroad Association Explains why "fire fighter" is not acceptable and suggests substituting "apprentice engineer."
190	Cutter	Also suggests changing the wording of a few other jobs to be sex neutral.
193	Rep. Uherbelau	Are the words you are using, to describe these occupations, known everywhere?
195	Cutter	These would be consistent throughout the industry.
199	Chair Shetterly	Closes Public Hearing on HB 2509.
<b><u>OPENS WORK SESSION ON HB 2241</u></b>		
213	Bill Taylor	Committee Counsel Discusses HB 2241 and -3 amendments <b>(EXHIBIT A)</b> .
228	Blair Batson	Oregon State Bar Land Use Section Gives background on bill and amendments. Explains why the -3 amendments provide clarification.
264	Jim Nass	Legal Counsel for the Court of Appeals Discusses former concerns with the bill. We are satisfied with the bill and -3 amendments now.
279	Rep. Starr	<b>MOTION: Moves to ADOPT HB 2241-3 amendments dated 2/19/97.</b>
		<b>VOTE: 8-0</b>
281	Chair Shetterly	<b>Hearing no objection, declares the motion CARRIED.</b>

289	Rep. Uherbelau	If there is another statute that gives someone authority to appeal, etc., they are either going to have to be careful to put the procedure in the new statute, or will have to come back again. This just deals with one issue now, correct? It is no longer broad.
296	Batson	That is correct.
299	Rep. Starr	<b>MOTION: Moves HB 2241 to the full committee with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 7-1</b>  <b>AYE: 7 - Rep. Bowman, Rep. Eighmey, Rep. Prozanski, Rep. Starr, Rep. Uherbelau, Rep. Wells, Chair Shetterly</b>  <b>NAY: 1 - Rep. R. Beyer</b>
303	Chair Shetterly	<b>The motion Carries.</b>  <b>REP. STARR will lead discussion on the floor.</b>
314	Chair Shetterly	Adjourns at 1:45 p.m.

Submitted by, Reviewed by,

Lisa Fritz, Sarah Watson,

Administrative Support Office Manager

**EXHIBIT SUMMARY**

**A - HB 2241, proposed amendments, Legislative Counsel, 1 page.**