

HOUSE COMMITTEE ON
JUDICIARY

May 15, 1995 Hearing Room 357
8:30 A.M. Tapes 35 - 36

MEMBERS PRESENT:

Rep. Del Parks, Chair
Rep. Kate Brown, Vice-Chair
Rep. Chuck Carpenter
Rep. Peter Courtney
Rep. Jerry Grisham
Rep. Bryan Johnston
Rep. Leslie Lewis
Rep. Lisa Naito
Rep. Floyd Prozan~ki
Rep. Eileen Qutub
Rep. Veral Tarno
Rep. Bob Tiernan

STAFF PRESENT:

Holly Robioson, Committee Conn~el
Milt Jones, Committee Counsel
Janet Ellingsworth, Committee Assistant

MEASURES HEARD: Work session on SB 214 A

Work session on 429 A
Work session on SB 61
Work session on SB 362 A
Work session on SB 933 A
Work session on SB 493 A
Work session on SB 943 A
Work session on SB 1053 A
Public hearing and work session on SB 484 A
Public hearing and work session on SB 598 A
Public hearing and work session on SB 856 A
Public hearing and work session on SB 861 A
Public hearing and work session on 1143 A

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HOUSE JUDICIARY

May 15, 1995 - Page 2
TAPE 35, A

004 CHAIR PARKS: Convenes meeting at 8:33 A.M.

005 MOTION: REP. COURTNEY: Moves to reconsider the vote by which
SB 214 A was sent to the Floor with a do pass recommendation.
006 CHAIR PARKS: The motion CARRIES.

OPENS the WORK SESSION on SB 214 A

006 JONES: Gives brief overview of SB 214 A. Discusses conflict amendments.
EXHIBIT A]

008 MOTION: REP. COURTNEY: Moves the -A4 amendments to SB 214 A.
010 CHAIR PARKS: The motion CARRIES.
016 MOTION: REP. COURTNEY: Moves SB 214 A as amended to the Floor with
a do pass recommendation.
019 VOTE: In a roll call vote all members present vote AYE. REPS. BROWN,
PROZANSKI and TIERNAN are EXCUSED.
023 REP. NAITO will lead discussion on the Floor.

CLOSES the WORK SESSION on SB 214 A

OPENS the WORK SESSION on SB 429 A

026 MOTION: REP. COURTNEY: Moves to reconsider the vote by which we sent
SB 429 A to the Floor with a do pass recommendation.
030 CHAIR PARKS: The motion CARRIES.
031 ROBINSON: Gives brief overview of SB 429 A. Discusses -A3 amendments.

EXHIBIT B]

077 REP. QUTUB: Could someone please explain what counsel just said?

078 REP. PROZANSKI: It will give the court more flexibility and discretion
as to when a pre sentence investigation (PSI) report has to be ordered
before someone is sentenced.

095 REP. COURTNEY: Maybe you should explain a PSI.

098 REP. PROZANSKI: A PSI is usually done by a parole or probation off~cer

that has certain training. They sit down with the offender and they go through and get history on the individual and make contact with various other individuals within that court case.

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HOUSE JUDICIARY
May 15, 1995 - Page 3

108 REP. QUTUB: And it's because of "no departure", because there is not as much discretionary sentencing, that we're allowing for this PSI to be done while they are serving time?

110 ROBINSON: That is correct, particularly with the passage of ballot measure 11 where you have mandatory minimums.

119 REP. QUTUB: So there is nothing taken into account as to guilt or innocence, it's just something that would have helped to determine how long or short the sentence would be?

121 ROBINSON: Correct, and conditions also.

123 REP. TARNO: It will save some money also.

125 REP. GRISHAM: Refers to the SMS for SB 429 A.

132 ROBINSON: It would be both upward and downward departure. Because of the way prior's are counted the intent is really whether it's used for upward departure.

139 MOTION: REP. COURTNEY: Moves the -A3 amendments to SB 429 A.

141 CHAIR PARKS: The motion CARRIES.

143 MOTION: REP. COURTNEY: Moves SB 429 A as amended to the Floor with a do pass recommendation.

145 VOTE: In a roll call vote all members present vote AYE. REP. TIERNAN is EXCUSED.

147 CHAIR PARKS: The motion CARRIES.

148 REP. PROZANSKI will lead discussion on the Floor.

CLOSES the WORK SESSION on SB 429 A
OPENS the PUBLIC HEARING on SB 1143 A

156 JONES: Gives brief overview of SB 1143 A.

158 SENATOR DICK SPRINGER, DISTRICT 6: Testimony in support of SB 1143 A.

CLOSES the PUBLIC HEARING on SB 1143 A
OPENS the WORK SESSION on SB 1143 A

180 MOTION: REP. BROWN: Moves SB 1143 A to the Floor with a do pass recommendation.

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HOUSE ~IUDICIARY
May 15, 1995 - Pype 4

183 VOTE: In a roll call vote all members present vote AYE. REP. TIERNAN is EXCUSED.

186 CHAIR PARKS: The motion CARRIES.

188 REP. NAITO will lead discussion on the Floor.

CLOSES the WORK SESSION on SB 1143 A OPENS the PUBLIC HEARING on SB 484 A

198 JONES: Gives brief overview of SB 484 A. [EXHIBIT D]

202 MYRON FLECK, PARTNER, COOPERS & LYBRAND, OREGON SOCIETY OF PUBLIC ACCOUNTANTS: Testimony in support of SB 424 A. [EXHIBIT C]

270 REP. PROZANSKI: Refers to [EXHIBIT C]. I see your organization is in support of the -A5 amendments. Are there any parts of those amendments that were not put there at the request of the Secretary of State?

282 JIM MOUNTAIN, ATTORNEY: No. These amendments actually were prepared with our support before we went into the other body, they just did not make it by reason of a technical mistake.

289 CHAIR PARKS: Is the Oregon State Bar's position that a lawyer could not use this form of practice to limit his liability?

294 MOUNTAIN: The position of the Bar is that if this is approved and made law, then members of the Bar could use it.

297 CHAIR PARKS: Do accountants have a mandatory insurance such as the Bar?

299 MOUNTAIN: Not similar to the Bar, but voluntary.

300 CHAIR PARKS: Would you address the issue of the ability of the State of Oregon to limit the personal liability of Oregon Partners in out of state limited liability partnerships, if that is contrary to the law of the state in which the action is brought.

308 MOUNTAIN: The characteristic with seeking permission to apply to practice as a limited liability partnership in this state, you exceed to the laws of this jurisdiction. This act specifically states that the law of Oregon shall apply to determine the liability of the professionals that are determined here.

325 CHAIR PARKS: I don't think that the Oregon Legislature has the power to enact a law that effects an act performed in another state and limit or expand liability.

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HOUSE JUDICIARY
May 15, 1998 - Page 5

330 MOUNTAIN: The law is drafted originally by a special task force of the business section of the Bar.

352 CHAIR PARKS: This is different to me than a doctor or lawyer in this context. People habitually rely upon third parties, who have no connection with the accountant, rely upon the documents and the examinations that accountants do in deciding whether they should buy a business or deciding many business transactions based upon a certification of financial records of a business, and this in effect would bar third parties who had nothing to do with the transaction.

377 MOUNTAIN: This law does not do that. It is set up to retain personal liability of any member of the firm for their personal failings in the case.

408 REP. JOHNSTON: Section 3, subsections 5 and 6, lay it out exactly. If we're concerned about limiting liability, perhaps we should not pass the tort reform act.

420 TOM WROSCHE, SECRETARY of STATE CORPORATION DIVISION: Testimony on the -A5 amendments. We've worked with the sponsor's of this bill to harmonize the way this bill is laid out with the current statutes. [EXHIBIT T]

CLOSES the PUBLIC HEARING on SB 484 A OPENS the WORK SESSION on SB 484 A

449 MOTION: REP. BROWN: Moves the -A5 amendments to SB 484 A.

451 CHAIR PARKS: The motion CARRIES.

452 MOTION: REP. BROWN: Moves SB 484 A to the Floor with a do pass recommendation.

454 REP. TIERNAN: Could you please explain the amendments that were just amended in SB 484 A?

TAPE 36,A

030 JONES: Gives brief explanation of the amendments to SB 484 A.

033 CHAIR PARKS: We will take a minute and allow Rep. Tiernan to review this page of testimony.

036 VOTE: In a roll call vote all members are present and vote AYE.
040 CHAIR PARKS: The motion CARRIES.
043 REP. LEWIS will lead discussion on the Floor.

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HOUSE JUDICIARY
May 15, 1995 - Page 6

045 REP. TIERNAN: Why did we go from SB 214 on the first of the agenda to the last bill on the agenda.
048 CHAIR PARKS: As a courtesy to a member of the Senate that was here.
051 MOTION: REP. TIERNAN: Moves to suspend the rules and asks to be allowed to vote on SB 1143 A.
053 CHAIR PARKS: Hearing no objections Rep. Tiernan will be allowed to vote on HB 1143 A.
055 VOTE: REP. TIERNAN votes NAY.
053 MOTION: REP. GRISHAM AND REP. QUTUB: Moves to suspend the rules and asks to be allowed to change their vote on SB 1143 A.
055 CHAIR PARKS: Hearing no objections the motion CARRIES.
058 CHAIR PARKS: I'm going to ask you to explain why you are changing your votes because some of the other committee members may be influenced by your reasons.
059 REP. TIERNAN: I voted no because I have not seen any thing in my file nor in the bill that is allowing an expedited procedure for ballot measure 8 to go from the initial court, the Supreme Court, a direct appeal. Why are we singling out that ballot measure versus the other ballot measures that are just a worthy?
066 REP. QUTUB: My reason for changing my vote was, in not going with my gut feeling when I read the bill last night, and I did not have the constitution in front of me to refer to. Rep. Tiernan did point out to me that none of the other ballot measures have an expedited procedure and so why should we expedite this.
071 REP. GRISHAM: I changed my vote to no because of section 1, subsection 2, that also opens the door for any challenge after 180 days rather than before.
075 MOTION: REP. LEWIS: Request to change her vote to no on SB 1143 A.
078 REP. TIERNAN: I'm going to serve notice of a Minority Report, and I believe Rep. Qutub will join me.
080 CHAIR PARKS: The motion CARRIES.
082 VOTE: In a roll call vote REPS. GRISHAM, LEVVIS and QUTUB vote NAY on SB 1143 A.

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HOUSE JUDICIARY
May 15, 1995 - Page 7

085 CHAIR PARKS: The motion CARRIES.

CLOSES the WORK SESSION on SB 1143 A OPENS the WORK SESSION on SB 362 A

087 CHAIR PARKS: One of the members mentioned to me that we should reconsider an amendment. Which amendment was it?

089 REP. CARPENTER: It was amendment -A2. The problem I have with this is that it makes it much more difficult in drunk driving cases where after the criminal case is closed on the drunk driver to be able to go back and pursue the tavern owner or restaurant that was responsible for providing the liquor.

098 MOTION: REP. CARPENTER: Moves to withdraw the -A2 amendments to SB 362 A. EXHIBIT F
103 REP. NAITO: In thinking about this after adopting this amendment, I started wondering about what the effect of this would have on pending law suits.

112 REP. CARPENTER: The bottom line on this is that it does make it more
difficult for us to get
control of drunk driving in this state and for that reason I strongly urge
my colleagues to rescind
this amendment.

115 REP. BROWN: I agree that this will make it more difficult for people to
sue the folks who have
got people drunk, and we should not be doing this.

119 REP. TARNNO: Is it because of the one year time frame?

121 CHAIR PARKS: No, six months, one year on death. Presently the law is you
have two years to
notify the owner of a tavern that your going to claim responsibility as the
victim of the drunk
driver because there is a potential that the tavern owner has a
responsibility.

124 REP. QUTUB: When I was talking with Rep. Carpenter, he was talking about
something to do
with a prosecution, and this has nothing to do with someone being
prosecuted.

127 CHAIR PARKS: In a way it does. It is common for the prosecutor to tell
the family "don't file
a civil lawsuit until this criminal lawsuit is over".

133 REP. TIERNAN: The amendment they wish to withdraw goes from 2 years to 6
months?

136 CHAIR PARKS: That is correct. It would not change it, it would still be
2 years.

137 REP. TIERNAN: And the reason is because they are not going to bring the
civil lawsuits until after the prosecution is done?

138 REP. PROZANSKI: That is one of the options.

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HOUSE JUDICIARY
May 15, 1995 - Page 8

140 REP. GRISHAM: If it's two years now and we're objecting to six months,
is one year a compromise that will satisfy us both?

143 CHAIR PARKS: Actually it would be 14 and one half months. The point of
view from the
restaurant association is there being held financially responsible for
someone that was in there
establishment and had some beer, and they are not notified for 2 years
later, they don't even
know who the bar tender was 2 years later.

148 REP. QUTUB: And the fact that restaurants change ownership very quickly.

150 CHAIR PARKS: No, because if it was a different person who owned the
restaurant, they would
not be liable for the acts of someone before them.

158 REP. BROWN: Why should we hold these folks, the restaurant owner's or
social hosts to a
different standard than we would hold other people to?

163 REP. TIERNAN: Is there anyone else here that could give testimony to
this? We have
conflicting statements here.

171 CHAIR PARKS: I think there is two sides to the issue. It isn't simple,
it is complicated.

173 REP. TIERNAN: Under law, don't they just have to give notice of intent
to sue, or do they
actually have to file the action?

174 CHAIR PARKS: They have to give notice of intent, the same as the State.

175 REP. TIERNAN: If they file notice of intent, they can do that six months
after the incident
without bringing formal action.

180 REP. BROWN: I would like to say that Mothers Against Drunk Driving
(MADD) is adamantly
opposed to this amendment and would be very concerned if we left it in the
bill.

185 REP. TIERNAN: I understand, but I am trying to find out what is fair and
reasonable to
everybody.

187 REP. BROWN: I think we also have to think about the victims of these
drunk driving accidents,
the victims themselves may need two years.

188 REP. GRISHAM: I would suggest we hold this over and have someone from
MADD and

the Restaurant Association come in.
191 CHAIR PARKS: We will hold this over until the next meeting.

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HOUSE JUDICIARY

May 15, 1995 - Page 9

CLOSES the WORK SESSION on SB 362 A

207 CHAIR PARKS: We will recess so the members can go out to the Floor.
Recess at 9:20 A.M.

210 CHAIR PARKS: Reconvenes meeting.

OPENS the WORK SESSION on SB 598

****The work session on SB 598 was not recorded completely due to technical error****

214 REP. BROWN: Moves the -A5 amendments to SB 598 A. 1EXHIBIT E1
216 CHAIR PARKS: The motion CARRIES.
218 REP. BROWN: Moves SB 598 A to the Floor as amended with a do pass recommendation.
220 VOTE: In a roll call vote all members present vote AYE. REPS. COURTNEY, GRISHAM, JOHNSTON, LEWIS and TIERNAN are EXCUSED.
223 CHAIR PARKS: The motion CARRIES.
226 REP. BROWN will lead discussion on the Floor.

CLOSES the WORK SESSION on SB 598 A

OPENS the WORK SESSION on SB 933 A

230 ROBINSON: Gives brief overview of SB 933 A.

236 CHAIR PARKS: We have amendments from the agency and one from the parole officers?

238 ROBINSON: Those are amendments from the Department of Corrections dated May 9, 1995.

[EXHIBIT H
240 MOTION: REP. BROWN: Moves the May 9, 1995 amendments to SB 933 A.
[EXHIBIT H.
243 CHAIR PARKS: The motion CARRIES.
245 MOTION: REP. BROWN: Moves SB 933 A to the Floor with a do pass recommendation.
253 VOTE: In a roll call vote all members present vote AYE. REPS. COURTNEY, GRISHAM, JOHNSTON, LEWIS and TIERNAN are EXCUSED.

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HOUSE JUDICIARY

May 15, 1995 - Page 10

257 CHAIR PARKS: The motion CARRIES.

259 REP. TARNO will lead discussion on the Floor.

CLOSES the WORK SESSION on SB 933 A OPENS the WORK SESSION on SB 493 A

261 JONES: Gives brief overview of SB 493 A. I am going to ask the committee to consider as a conceptual amendment to SB 494 A, updating the forms in SB 494 A to conform to the improved model in SB 1053 A and we will come back with amendments which accomplish that. EXHIBIT I and 11

286 MOTION: CHAIR PARKS: Moves to take out the notary requirements out of SB 494 A.
289 CHAIR PARKS: The motion CARRIES.

290 REP. BROWN: I received a memo addressing the issue of treatment by spiritual means, not being abuse or neglect, and there are several exceptions under the child abuse regarding that piece and I am wondering how, if so, this bill addresses that issue?

294 JONES: I don't believe this bill address the issue at all.

298 JENNIFER WRIGHT, OREGON UNITED SENIORS, OREGON SENIOR CITIZEN'S
COUNCIL: The bill as drafted does not address that issue and I don't
believe it was intended
to alter existing law.
302 REP. BROWN: In the event an elderly person is not being treated
medically because their
spouse, for religious reasons would pray instead of seeking medical
treatment, is there an
affirmative defense available based on that issue, or is that issue not
raised at all in the bill?
314 WRIGHT: If the individual who is receiving spiritual care is conserding
to that care and is
declining other care, that would be their option as an adult, if they are
competent. That is a
seperate issue from this bill.
320 CHAIR PARKS: Did we cover the forms?
325 MOTION: REP. BROWN: Moves to simplify the forms as set forth in
SB 1053 A.
329 JONES: That would be the forms both for the general restraining order
and for the elder
abuse.
330 CHAIR PARKS: The motion CARRIES.

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HOUSE JUDICIARY
Ms, 1S, 199S - PaF 11

337 MOTION: REP. BROWN: Moves the -A4 amendments to SB 493 A.
345 REP. NAITO: My experience when your talking about derogatory speech,
those can be very difficult to prove. Are we mirroring the child abuse
statutes?
358 WRIGHT: It is not a criminal bill, it's a purely civil order.
362 REP. QUTUB: Who's amendments are the -A4?
364 REP. NAITO: My notes say Senator Hamby.
367 WRIGHT: The amendments were proposed in response to request on the
Senate Floor that the bill be strengthened to include emotional abuse.
370 REP. BROWN: I assume Sen. Bryant has no objections to these amendments?
372 WRIGHT: No, he does not. He has been very supportive.
374 REP. BROWN: In reviewing the bill it was not clear to me except in the
format of the restraining order itself that the only person's that a
petitioner could get a restraining order against would be a care taker or
someone that they live with, that someone that they live with, does that
need to be a marital relationship or could it also be a mother daughter
relationship?
380 WRIGHT: The intent is that it could be any relationship at all,
including a non relative.
382 REP. BROWN: That could be a nurse that came in to care for this person?
390 WRIGHT: Who is living in the house hold or caring for the person, yes.
395 CHAIR PARKS: The motion CARRIES.
398 JONES: Gives brief overview of the -A5 amendments to SB 493 A.
406 MOTION: REP. BROWN: Moves the -A5 amendments to SB 493 A.
410 REP. NAITO: How will that work in practice, if there's a rental
agreement you'll be able to evict someone?
412 JONES: Some of these situations have landlord tenant aspects to them.
414 WRIGHT: It would work similar to the way it works now under the family
abuse order.
421 REP. NAITO: So if a senior person was not a signator to the lease, they
would not be able to
use this type of restraining order to evict the lessee's from the lease and
stay there themselves?
427 WRIGHT: That is correct.

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HOUSE JUDICIARY

May 15, 1995 - Page 12

431 CHAIR PARKS: The motion CARRIES.
439 MOTION: REP. BROWN: Moves SB 493 A as amended to the Floor with a
do pass as recommendation.
446 VOTE: In a roll call vote all members present vote AYE. REPS.
COURTNEY, JOHNSTON, LEWIS and TIERNAN are EXCUSED.
452 CHAIR PARKS: The motion CARRIES.
456 REP. BROWN will lead discussion on the Floor.

460 CHAIR PARKS: We will set SB 943 A over until Wednesday.

TAPE 3S B

CLOSES the WORK SESSION on SB 493

A

OPENS the WORK SESSION on SB 1053 A

030 JONES: Gives brief overview of SB 1053 A. EXHIBIT L]

033 ROBIN SELIG, OREGON STATE BAR FAMILY and JUVENILE LAW SECTION:
Testimony in support of SB 1053 A. EXHIBIT M

076 JONES: Do I understand that the -A4 amendments are being withdrawn by
the proponents of the
bill?

081 SELIG: That is correct.

082 REP. PROZANSKI: The -A5 amendments are geared to remove the court's
ability to restrict or limit the use or possession of a firearm?

084 SELIG: The bill deletes language that specifically gives the court
authority to prohibit the
respondent from using or possessing firearms.

087 CHAIR PARKS: But the court would have that inherent power anyway,
correct?

089 JONES: This is an ex parte proceeding, there are those who believe an
ex parte proceeding this is
something the court may not do and there are those who believe the court
does have that power.

092 REP. BROWN: Page 4, lines 6 and 7, would provide the necessary relief in
appropriate cases.

095 REP. PROZANSKI: I just want to make it clear that we're not saying the
court does not have

the inherent power of prohibiting this or any other activity.

097 REP. TARNO: It's my understanding that Judge Gillespie supports the -A5
amendments.

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HOUSE JUDICIARY

May 15, 1995 - Page 13

098 SELIG: That is correct.

100 GILBERT LILLELMAN, ATTORNEY at LAW: I don't need to make any specific
testimony, I am just here to assist in answering any questions the
committee may have.

103 DAVID NEVEL, OREGON LEGAL SERVICES, FAMILY LAW PRACTITIONER'S of
OREGON, OREGON LEGAL AIDE PROGRAM, COALITION AGAINST DOMESTIC
and SEXUAL VIOLENCE: We are in support of SB 1053 A.

107 REP. GRISHAM: Regarding the firearm's issue, is it your understanding
that possessing means
to own or to bare? Does that enable the court to require that all the
firearm's in the house must be
sold?

111 JONES: That is the concern, or to be removed from the home.

112 REP. GRISHAM: Do the -A5 amendments enable that?

113 JONES: The -A5 amendments would not allow a court to require a person
to dispose themselves of firearm's they may have in their homes in an
ex parte proceeding.

118 REP. PROZANSKI: I disagree with that interpretation. I think it leaves
the court's discretion
and they could be challenged as to whether or not they have abused their
discretion.

122 JONES: I stand corrected, Rep. Prozanski is correct. It removes specific
reference to the

124 REP. BROWN: HB 2910 in terms of child custody and visitation pieces, is
the new
court's being able to do that leaving in tact general language.

128 NEVEL: I don't believe there is a conflict between those two.
SB 1053 A consistent with what we did in that bill?

CLOSES the WORK SESSION on SB 1053 A OPENS the WORK SESSION on SB 1053 A

132 MOTION: REP. BROWN: Moves the -A5 amendments to SB 1053 A.

135 CHAIR PARKS: The motion CARRIES.

135 MOTION: REP. BROWN: Moves SB 1053 A as amended to the Floor with
a do pass recommendation.

137 VOTE: In a roll call vote all members present vote AYE. REPS.
COURTNEY, LEWIS and TIERNAN are EXCUSED.

142 CHAIR PARKS: The motion CARRIES.

145 REP. QUTUB will lead discussion on the Floor.

HOUSE JUDICIARY

May 15, 1995 - Page 14

CLOSES the WORK SESSION on SB 1053 A

OPENS the PUBLIC HEARING on SB 856 A

156 BOB JOONDEPH, EXECUTIVE DIRECTOR, OREGON ADVOCACY CENTER: Testimony in
support of SB 856 A. 1EXHIBIT N1

175 REP. JOHNSTON: Gives example and concern's.

190 CHAIR PARKS: I think that's a good way to avoid problems in the future.

193 REP. NAITO: My experience has been, particularly in the mental illness
area, that some of the
laws that are designed to protect the rights of individuals often come
into contact with well
meaning family member's, but the same laws that protect the person serve
as a barrier for family
members to assist that person.

OPENS the WORK SESSION on SB 856 A

OPENS the WORK SESSION on SB 856 A

215 MOTION: REP. BROWN: Moves SB 856 A to the Floor with a do pass
recommendation.

217 VOTE: In a roll call vote REPS. BROWN, CARPENTER, GRISHAM,
JOHNSTON, LEWIS, NAITO, PROZANSKI, TARNO and PARKS vote
AYE. REP. QUTUB votes NAY. REPS. COURTNEY and TIERNAN
are EXCUSED.

223 CHAIR PARKS: The motion CARRIES.

226 REP. NAITO will lead discussion on the Floor.

CLOSES the WORK SESSION on SB 856 A

OPENS the PUBLIC HEARING on SB 861 A

230 BOB JOONDEPH, OREGON ADVOCACY CENTER: Testimony in support of SB 861 A.
[EXHIBIT O]

296 REP. TARNO: Is any of portion of this bill allow a person to be
incarcerated (Inaudible).

300 JOONDEPH: No.

302 REP. JOHNSTON: What happens in the event the court initiates civil
commitment proceedings and the judge determines no civil commitment is
required?

305 JOONDEPH: If the court determines the person does not meet the
commitment criteria, the
person would be discharged.

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HOUSE JUDICIARY

May 15, 1995 -1~4e 15

313 REP. NAITO: I don't like existing law in the sense that there's an arbitrary amount of time that someone might be put into a mental hospital. On the other hand my experience has been that the vast majority of these people are not dangerous to self or others but they're picked up continuously on these type's of charges.

335 JOONDEPH: In my opinion, the problem you highlight is a funding problem.

352 REP. NAITO: Most of these people are not civilly committed or are not a danger to themselves or others.

357 JOONDEPH: Under the present law, the only standard the court must find is if they are a danger to others.

367 REP. JOHNSTON: It is an improvement, if it's done criminally now, at the end of that a judge answer's the question "is this person a danger to other's". If the answer is no, off they go back onto the street.

381 REP. LEWIS: In your testimony you say you worry about violating a person's civil rights under the current system. Is there any similar problem, let's say, a person has been given a sentence of thirty day's for a misdemeanor but now your going to hold them for six months, does that create any kind of violation of their right's?

392 JOONDEPH: Under chil commitment, the state has the power to hold a person under it's power to care for people who need caring for.

CLOSES the PUBLIC HEARING on SB 861 A OPENS the WORK SESSION on SB 861 A

422 MOTION: REP. BROWN: Moves SB 861 A to the Floor with a do pass recommendation.

427 VOTE: In a roll call vote REPS. BROWN, GRISHAM, JOHNSTON, LEWIS, NAITO, PROZANSKI, QUTUB, TARNO and PARKS vote AYE. REP. CARPENTER votes NAY. REPS. COURTNEY and TIERNAN are EXCUSED.

432 CHAIR PARKS: The motion CARRIES.

434 REP. LEWIS will lead discussion on the Floor.

CLOSES the WORK SESSION on SB 861 A OPENS the WORK SESSION on SB 61

450 JONES: Gives brief overview of SB 61. [EXHIBIT'S P, Q &R]

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HOUSE ~IUDICIARY
M6y 15,1995 - Page 16
TAPE 36, B

030 CHAIR PARKS: Did you cover the -A26 amendments?

032 JONES: I do not have the -A26 amendments.

033 MOTION: REP. BROWN: Moves the -A24 amendments to SB 61.

035 CHAIR PARKS: The motion CARRIES.

036 MOTION: REP. BROWN: Moves the -A22 amendments to SB 61.

038 REP. JOHNSTON: Objects to the -A22 amendments to SB 61. There is an easier solution.

[EXHIBIT S]

048 MOTION: REP. BROWN: Moves to withdraw motion to ADOPT the -A22 amendments to SB 61.

057 JONES: It looks as though the -A26 amendments incorporate provisions of the -A23 and the -A25 amendments.

061 REP. JOHNSTON: These amendments (-A26) were prepared for me Friday and returned to me by Legislative Council Friday afternoon to late to distribute them to the committee.

070 CHAIR PARKS: Asks the committee to review the -A26 amendments. [EXHIBIT S]

072 REP. JOHNSTON: We had Legal Aide testimony that they wanted to get a prior court approval to put someone in a nursing home, and I got letters from probate judges saying that simply was not practical.

at this time? 089 CHAIR PARKS: Is there any objection to considering the -A26 amendments
090 MOTION: REP. JOHNSTON: Moves the -A26 amendments as hand
engrossed to SB 61.
092 CHAIR PARKS: The motion CARRIES.
093 REP. BROWN: Do we need to rescind the -A24 amendments?

094 JONES: They would be duplicative.

096 MOTION: REP. BROWN: Moves SB 61 as amended to the Floor with a do
pass recommendation.

10 VOTE: I a roll call vote all members present vote AYE. REPS. COURTNEY
and TIERNAN are EXCUSED.

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during this session. Only text enclosed in quotation marks report a speaker's
exact words. For complete contents of the proceedings, please refer to the
tapes.

HOUSE

JUDICIARY

May 15 1995 - raf

17

105 CHAIR PARKS: The motion CARRIES.
107 REP. BROVNN will lead discussion on the Floor.

110 CHAIR PARKS: With nothing further the meeting is adjourned.

Submitted by

Reviewed by

Janet Ellingsworth Debra Johnson
Committee Clerk Committee Coordinator

EXHIBIT SUMMARY:

A - Proposed amendments to SB 214 A - Staff - 1 page
B - Proposed amendments to SB 429 A - Staff- 1 page
C - Testimony to SB 424 A - Fleck - 2 pages
D - Proposed amendments to SB 484 A - Staff - 4 pages
E - Proposed amendments to SB 598 A - Staff- 1 page
F - Proposed amendments to SB 362 A - Staff- 3 pages
G - Proposed amendments to SB 362 A - Staff - 1 page
H - Testimony to SB 933 A - Taylor - 1 page
I - Proposed amendments to SB 493 A - Staff - 1 page
J - Proposed amendments to SB 493 A - Staff - 1 page
K - Testimony to SB 493 A - Bonner - 2 pages
L - Proposed amendments to SB 1053 A - Staff - 1 page
M - Testimony to SB 1053 A - Judge Gillespie - 9 pages
N - Testimony to SB 856 A - Joondeph - 2 pages
O - Testimony to SB 861 A - Joondeph - 2 pages
P - Proposed amendments to SB 61 - Staff- 1 page
Q - Proposed amendments to SB 61 - Staff- 2 pages
R - Proposed amendments to SB 61 - Staff - 1 page
S - Proposed amendments to SB 61 - Rep. Johnston - 2
pages
T - Testimony to SB 484 A - Wrosch - 1 page

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