

HOUSE COMMITTEE ON  
JUDICIARY

Hearing Room 357  
Tapes -47

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 Prozanski  
Rep. Eileen Qutub  
Rep. Veral Tarno  
Rep. Bob Tiernan

STAFF PRESENT:

Holly Robinson, Committee Counsel  
Milt Jones, Committee Counsel  
Sarah Watson, Committee Assistant

MEASURES HEARD:

	SB 385	Work Session
	SB 601	Public Hearing and Work Session
	SB 385	Work Session
	SB 386	Work Session
	SB 93	Work Session
	SB 393	Work Session
	SB 482	Work Session
	HJR 20	Work Session
SB 641		Work Session
	SB 875	Work Session
	SB 107	Work Session
	SB 493	Work Session
	SB 871	Work Session

These minutes contain materials which paraphrase and/or summarize statements made 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.

TAPE , SIDE A

CHAIR PARKS: Calls the meeting to order at 3:40 p.m.

OPENS WORK SESSION ON SB 385

Witnesses: Max Williams, Senate Judiciary Committee Counsel

012 Max Williams, Senate Judiciary Committee Counsel: SB 385 allows court to require plaintiff who had a previously dismissed action with prejudice, and who then refiles action, to pay reasonable attorney fees incurred by defendants in the dismissed action (EXHIBIT A ).

054 CHAIR PARKS: The bills that were considered in the joint committee cannot be amended or changed in this committee. If they fail, they fail. SB 601 is a modification on SB 450, it will be used to make some clarifying amendments.

077 REP. TIERNAN: This committee passed a rule that an amendment must be submitted 24 hours before consideration. Are we still under this rule?

CHAIR PARKS: Yes, unless the committee chooses to waive it.

REP. TIERNAN: This question is on the other bills that weren't in the joint committee. We can either suspend the rule or we can put the bill off for 24 hours.

CHAIR PARKS: I will honor that rule. But if we put things off, it could jeopardize the passage of the bill.

REP. TIERNAN: No conceptual or tweaking amendments are allowed?

CHAIR PARKS: The idea of the 24 hour rule was to give everyone enough time

for major amendments. If someone felt it was a major amendment and didn't feel comfortable without the 24 hour wait, I would let their feeling govern.

CLOSES WORK SESSION ON SB 385

OPENS PUBLIC HEARING ON SB 601

Witnesses: Robert Neuberger, Attorney  
Tom Tongue, Attorney  
Tom Cooney, Oregon Medical Association  
Jeanne Canfield, Mothers Against Drunk Driving  
Peter Glazer, Mothers Against Drunk Driving  
John DiLorenzo, Oregon Litigation Reform Coalition  
Max Williams, Senate Judiciary Committee Counsel

(SB 601 modifies certain provisions relating to apportionment of fault and right of contribution in comparative negligence actions.)

120 CHAIR PARKS: Discusses SB 601 and why the committee has not heard it before. Explains the role of the attorneys in the creation of SB 601.

134 ROBERT NEUBERGER, ATTORNEY: Testifies and submits written testimony on SB 601 (EXHIBIT B).

148 CHAIR PARKS: The first thing about SB 601, is that it only applies when there is more than one person responsible.

Neuberger: Discusses changes to 601, so that now both the plaintiff and the defendant can say that there are more persons responsible. To ensure that SB 601 will work, it is necessary to make specific checks and balances, discusses the creation of these checks and balances.

218 CHAIR PARKS: Show us, on a board, what a \$50,000 verdict would be in a specific situation where one defendant is 40% liable, the second is 25% liable, and the plaintiff is 35% liable. What would they pay?

236 TOM TONGUE, ATTORNEY: If there has been no settlement, the plaintiff's recovery would be reduced by their share of liability. The plaintiff would

receive \$32,500. The first defendant would pay \$20,000, the second would pay \$12,500.

248 CHAIR PARKS: If either one is insolvent, under present law would the remaining defendant pay it all?

Tongue: Discusses present law and how it applies to this situation.

REP. TIERNAN: Can you explain what economic damages are?

Tongue: Lost wages, medical bills, future earning capacity. Continues with explanation of hypothetical lawsuit and joint and several liability.

278 CHAIR PARKS: So that the party that is partly responsible today, would end up paying it all.

Tongue: Correct.

CHAIR PARKS: Now using the same example, discusses what would happen under SB 601.

Tongue: Discusses example under SB 601.

314 CHAIR PARKS: Does everyone understand that under SB 601 they would both be liable.

318 REP. TIERNAN: There is a 30% cut off in the bill?

CHAIR PARKS: It is 20% from the Senate, but is an item that is subject to amendment for the House.

Tongue: Not quite, explains where the cut off is in terms of percentage for liability.

334 CHAIR PARKS: There is no 20% in the original bill.

Tongue: In the original bill, there is a 20% cut off, explains.

345 CHAIR PARKS: What would happen in the -10 amendments?

Tongue: Discusses example under the -10 amendments.

353 REP. JOHNSTON: If you looked at joint and several liability as we have it now and then under SB 601, we are granting a 100% increase to defendants

in term of several liability?

Tongue: Yes, under economic damages.

REP. JOHNSTON: If we think we have 15% and under, we are basically going to 30% and under.

Tongue: Correct.

380 REP. NAITO: How does the language in the bill regarding people immune from liability and not subject to the Court affect the liability?

Tongue: You create a pie, and the person who is not liable, is no longer in the pie.

399 REP. JOHNSTON: How would you treat a defendant protected by the Tort Claims Act?

Tongue: In that instance fault is still compared because if a portion of liability becomes uncollectable due to a settlement, that portion becomes reallocatable.

REP. NAITO: How involved do you need to be after the settlement?

TAPE 45, SIDE A

007 Tongue: Defendants who settle are protected from contribution claims. Explains situation of joint and several liability.

014 REP. NAITO: Asks about "uncollectable" language. What kind of efforts must be made to collect the judgment?

Tongue: The plaintiff is required to show that it is uncollectable.

035 CHAIR PARKS: Does everyone understand?

038 REP. LEWIS: Where does the 75 number of 40/75 come from?

Tongue: It is the total reallocated between the first defendant and the plaintiff. Presently, after the Supreme Court decision, the defendant would have to pay it all. This is a compromise in the middle.

045 REP. JOHNSTON: We are going to look at some other amendments. One of which has me confused. How does the statute of ultimate repose affect this?

Tongue: A right of contribution would still exist even if a direct contribution was barred by law. There are proposed amendments that would deal with this in a more definitive matter.

066 NEUBERGER: The limitations are to make sure that we don't compare fault to those who don't exist or who don't have legal liability. I don't believe there is any legal liability under Oregon law where the statute of Ultimate Repose has run.

TONGUE: Agrees. But there would still be a right of contribution by the defendant against that person but they will not be in the pie.

NEUBERGER: Discusses possible problem with the amendments.

085 CHAIR PARKS: Are you talking about the OMA amendments?

NEUBERGER: Yes.

CHAIR PARKS: Do you agree with what he said?

tongue: Thinks there is no claim, under the bill as drafted, that a statute of repose will effect.

098 REP. JOHNSTON: Would the right of contribution still apply to the doctor and manufacturer?

NEUBERGER: Under present law, that occurs, and this would not change that.

108 TOM COONEY, OREGON MEDICAL ASSOCIATION: Discusses possible amendments to SB 601.

131 REP. BROWN: We are only applying to those three things that we have exempted out of our statutes of ultimate repose. It wouldn't apply to something like facial implants.

Cooney: The language of the amendment would apply to any product liability claim.

146 CHAIR PARKS: Where would the plaintiff fit?

Cooney: What our amendment deals with, is if the claim that the plaintiff

has is a product liability, and if the plaintiffs claim against a third party is barred by statute. Then the third party could be brought in for contribution.

160 CHAIR PARKS: The defendant can't bring in the other potential defendant because the statute has run?

Cooney: No, he could if he wanted to seek contribution.

CHAIR PARKS: Even if the statute has run?

Cooney: There are different statute of limitations. That claim for contribution can go on for a long time.

202 CHAIR PARKS: Where does that leave the plaintiff though?

209 REP. JOHNSTON: If the defendant cannot be brought in for assessment of negligence purposes, aren't your interests protected?

Cooney: Not necessarily, I'm afraid of ambiguity.

REP. JOHNSTON: I think we have now created the statutory history, that it is our intention.

Cooney: If the legislative body creates a history that extends the plaintiffs' rights to recover against a third party defendant, but not farther than any applicable statute of ultimate repose, then I am satisfied.

225 REP. NAITO: That is covered under section 3 of the bill.

Cooney: I don't believe so.

232 JEANNE CANFIELD, MADD: Testifies and submits written testimony in opposition to SB 601 (EXHIBIT C,D).

275 PETER GLAZER, MADD: Testifies in opposition to SB 601.

CHAIR PARKS: Expand upon the empty chair aspect please.

GLAZER: Continues expanding on the empty chair aspect.

335 REP. NAITO: Do you think that would discourage settlements on the plaintiff's part?

GLAZER: Absolutely.

360 CHAIR PARKS: What happens when the defendant, the drunk driver with a \$50,000 policy.? What happens in that situation under SB 601?

GLAZER: The effect of SB 601 is that the insurance company that has a \$50,000 policy, it will settle at that amount. The complication is that insurance companies are going to spend more money trying to defend rather than simply settling as they do now.

397 REP. BROWN: How will this bill decrease litigation?

GLAZER: Doesn't see how some portions of SB 601 will decrease litigation.

TAPE 44, SIDE B

022 GLAZER: Continues with testimony and explanation of SB 601.

057 REP. BROWN: Discusses the -11 amendments. Can you explain them please?

GLAZER: The amendments follow almost word for word MADD's national policy.

080 REP. JOHNSTON: We have already abrogated that somewhat under current law, correct?

GLAZER: Yes.

REP. JOHNSTON: What you are saying in the -11, this moves tort reform in quite a different direction than we are contemplating.

GLAZER: Only in the cases where there is the level of required proof.

REP. JOHNSTON: Your line of reasoning says that there is an acceptable logic in excepting this from the general tort, why treat this any differently? Couldn't it also be a volitional murder?

GLAZER: Yes it could be.

REP. JOHNSTON: Why treat these thing differently than a negligent action?

GLAZER: The common sense says that if you are responsible, then you should

be held responsible.

106 REP. CARPENTER: Is there a way that we can tighten down the -11 amendments so that it will specifically deal with drunk driving cases?

GLAZER: The committee can do what ever they want.

REP. CARPENTER: There is a precedence for exemption in some of those cases.

GLAZER: That is the case today.

131 REP. TIERNAN: Understands that most of the committee have already made up their minds. Makes suggestion to accept no further testimony.

REP. NAITO: If this is the only public hearing, then I'm a little concerned about limited public access to this bill's hearing.

146 REP. TIERNAN: Applying the rules equally, I think that everyone has had the opportunity to hear these issues before.

REP. BROWN: Except that this bill has not had a public hearing before.

REP. TIERNAN: We have had hearings on general liability issues in which the various people could have come forward with similar amendments.

CHAIR PARKS: The hearing will continue.

156 JOHN DILORENZO, OREGON LITIGATION REFORM COALITION: Testifies in support of SB 601 and discusses amendments.

280 REP. JOHNSTON: One of the complaints leveled against SB 601 is that it is a disincentive to settlements. Isn't one way to avoid this allocation problem by settling?

DiLorenzo: Our main concern is from the vantage point of the small business who has less than 50% of the liability. We feel that there should be some predictability, therefor we support the -10 amendments.

303 REP. JOHNSTON: Giving the jury the choice between an inebriated driver and a tavern that served an obviously intoxicated person, the law would require a split. Who would be most likely to have liability assigned to them?

DiLorenzo: I think in many instances, if the conduct of the drunk driver, if extremely egregious, it would be reasonable to assume the jury will assign a larger share of the responsibility to the driver .

325 REP. JOHNSTON: A verdict that resulted in a 75% liability for the driver, and 25% for the tavern, would strike you as reeking of the correct public policy?

DiLorenzo: I would not use the word "reeking". If a jury decided it was, then it seems the correct public policy.

362 REP. CARPENTER: What is the problem with the -11 amendments in terms of the overall legislation?

381 NEUBERGER: Discusses the -11 amendments and what they would do. The problem with picking 30 % and not allowing reallocations, by bringing 3,4, or 5 the jury could assign equal shares of liability. That is what is unfair.

400 REP. TIERNAN: I was under the understanding that we have an agreement between the parties. Is that true?

DiLorenzo: I don't think there is an agreement between the proponents and opponents. I believe the understanding is between the Senate Judiciary and the Governor's office.

Closes public hearing on SB 601

Opens work session on SB 601  
TAPE 45, SIDE B

012 WILLIAMS: Discusses SB 601 and -12 amendments (EXHIBIT E). Discusses agreement with Governor's office in regard to the tort reform bills with amendments and what changes can be made and accepted.

035 CHAIR PARKS: What is the standard that you have to prove?

WILLIAMS: The standard for a defendant, would be a standard for which there exists no objectively reasonable basis to assert the claim or appeal the claim.

044 CHAIR PARKS: A private citizen is not going to get their attorney fees

back when they are up against the government.

WILLIAMS: Discusses reciprocity and other problems. Calls attention to the mistakes that are on first page of -12 & 13 amendments (EXHIBIT F).

095 REP. TIERNAN: Was the -13 part of the agreement with the Governor?

WILLIAMS: These were not discussed with the agreement with the Governor.

REP. TIERNAN: Why are the attorney's fee provided for the prevailing party, but not for the prevailing defendant?

103 WILLIAMS: The section needs to be read in its whole. The concept is that a representative class would not be liable for the entire attorney's fees for the defendant.

138 REP. JOHNSTON: Asks about lines 41-43 of SB 601 A-engrossed, if a defendant brings in a third party then the burden of proof is on the defendant to establish negligence. If I have four defendants, is it in my

best interest to sue one, and let him handle the other three?

150 NEUBERGER: If there was a remotely liable defendant, it is likely that you won't sue. The defendant has to decide if they are willing to take the

burden of proof.

REP. JOHNSTON: That is a pretty significant change in law.

159 REP. NAITO: You could pick a target that is remotely liable, but an unpopular target.

CHAIR PARKS: Because the prevailing party fees become very high under SB 385, if the defendant brings in another defendant, does he subject himself to a higher prevailing fee?

166 NEUBERGER: There is one prevailing party fee.

CHAIR PARKS: One defendant could be liable to the plaintiff and another defendant.

REP. NAITO: If a plaintiff serves two defendants, then the defendants bring in ten other defendants. Does the plaintiff pay a higher prevailing fee?

175 Tongue: The plaintiff is only subject to one prevailing fee, if they were to lose.

REP. JOHNSTON: It is not attorney's fees, it is one set amount with some multiplying factors.

186 REP. BROWN: I suggest that we should act on all of these.

MOTION: REP. BROWN: Move to SUSPEND the rules to allow vote on -10, -11, -12, -15

VOTE: CHAIR PARK: Hearing no objection the motion passes.

196 ROBINSON: Discusses -6 amendments.

209 REP. TIERNAN: It was my understanding that all of these amendments were within the 24 hour rule.

CHAIR PARKS: They were with the committee staff for 24 hours, so they fall under the 24 hour rule.

212 REP. QUTUB: It appears that the -15 are the OMA amendments and not Senator Bryant's.

ROBINSON: Just sub-paragraph D is Senator Bryant's. Sub-paragraph C is the OMA's.

CHAIR PARKS: I will object the -15 amendments (EXHIBIT G).

230 ROBINSON: Discusses -6 amendments and how they relate to the -15 amendments.

CHAIR PARKS: What is -10 (EXHIBIT H)?

ROBINSON: That is the increasing the maximum amount of the cap from 20% to 30%

CHAIR PARKS: That goes where in the bill?

MOTION: REP. TIERNAN: Moves to ADOPT the -10 Amendments to SB 601.

VOTE: In a roll call vote, REPS. CARPENTER, GRISHAM, LEWIS, QUTUB,  
TIERNAN, and PARKS vote AYE. REPS. BROWN, COURTNEY, JOHNSTON, NAITO, and  
PROZANSKI vote NAY. All members are present.  
The amendment is ADOPTED.

TARNO,

MOTION: REP. BROWN: Moves to ADOPT the -11 Amendments to SB 601 and that  
the -11 Amendments be amended to read on line 4 from "the approximate" to  
"a legal" and on line 2 add after the words civil action, "involving  
allegations that a person driving under the influence of intoxicants caused  
injury or death."

284 REP. TIERNAN: Discusses why he will only vote for the -10 and -12,  
because they are the only ones that are known to be acceptable to the  
Governor.

REP. CARPENTER: I will be voting for these amendments because it is our  
right as elected officials.

297 REP. LEWIS: My -11 have brackets, what are those for?

307 GLAZER: The brackets were questions that I have, and concerns about  
some of the vocabulary used.

330 REP. TIERNAN: This is going back to pre-1987 and is changing  
pre-existing law, correct?

GLAZER: In a sense it does, but it sets a different standard from the 1987  
one.

344 REP. GRISHAM: When we started the hearing, you mentioned the Governor.

CHAIR PARKS: The Governor has nothing to do with the -11.

REP. JOHNSTON: If the -11 amendments passed, would the current 15% several  
liability still exist?

REP. LEWIS: I share that concern.

REP. JOHNSTON: Would that then be extending current law?

375 WILLIAMS: The 15% would not exist.

386 REP. LEWIS: This section would deal with death or injury caused by  
driving while intoxicated. But defendants could include not only the  
driver, but a tavern that served alcohol or a grocery store that sold a six  
pack. Are they jointly liable for the entire 100%?

407 REP. BROWN: Only if they sold to a visibly intoxicated person.

417 WILLIAMS: It would be within the realm of possibility.

TAPE 46, SIDE A

015 REP. QUTUB: Could that also include someone that came to your home, had  
a glass of wine, left and became intoxicated and then an accident happened?

020 CHAIR PARKS: You could be a defendant if you never heard of the person.

The question is can you be held responsible. I don't think you could be  
held responsible, because it doesn't sound logical. Could you be a  
defendant, yes.

REP. BROWN: This wouldn't change that.

ROBINSON: Doesn't change the underlying Dram Shop liability laws. Which  
is what the committee seems to be confused about.

031 REP. PROZANSKI: It might be wise for legal counsel to go over the Dram  
Shop act to explain the liability for people.

ROBINSON: Discusses the Dram Shop Act. Liability attaches, if you serve or  
sell alcoholic beverages to a person visibly intoxicated.

050 CHAIR PARKS: Discusses change in wording about conceptual amendment.

REP. BROWN: Clarifies the questions on the amendment

055 REP. JOHNSTON: Will vote against because it is not a good policy  
decision.

070 REP. BROWN: Will vote for because it will be consistent with our

previous statements.

REP. TIERNAN: Does that mean that you will vote for the bill?

REP. BROWN: Not if the bill is bad policy.

vote: In a roll call vote, REPS. BROWN, CARPENTER, COURTNEY, JOHNSTON, NAITO, and PROZANSKI vote AYE. REPS. GRISHAM, LEWIS, QUTUB, TARNO, TIERNAN, and PARKS vote NAY. All members are present. The motion FAILS.

109 MOTION: REP. TIERNAN: Moves to ADOPT the -12 amendments to SB 601.

VOTE: In a roll call vote, REPS. BROWN, CARPENTER, GRISHAM, JOHNSTON, LEWIS, NAITO, PROZANSKI, QUTUB, TARNO, TIERNAN, and PARKS vote AYE. REP. COURTNEY votes NAY. All members are present. The amendments are adopted.

MOTION: REP. JOHNSTON: Moves to ADOPT the -13 amendments to SB 601.

109 REP. TIERNAN: These are not part of the agreement with the Governor, thus I will vote against them all.

111 REP. JOHNSTON: The amendments are merely housekeeping additions to the bill. There is nothing that the Governor will veto the bill over.

VOTE: In a roll call vote, REPS. BROWN, COURTNEY, JOHNSTON, NAITO, PROZANSKI, QUTUB, TARNO, and PARKS vote AYE. REPS. CARPENTER, GRISHAM, LEWIS, and TIERNAN vote NAY. All members are present. The amendments are ADOPTED.

MOTION: REP. BROWN: Moves to ADOPT the -15 amendments to SB 601.

148 REP. TIERNAN: Can I please have a re-explanation of what these amendments are?

151 WILLIAMS: Explains the -15 amendments with deletion.

VOTE: In a roll call vote, REPS. BROWN, COURTNEY, JOHNSTON, NAITO, PROZANSKI, TARNO, and PARKS vote AYE. REPS. CARPENTER, GRISHAM, LEWIS, QUTUB, and TIERNAN vote NAY. All members are present. The amendments are ADOPTED.

MOTION: BROWN: Moves to adopt a conceptual amendment to SB 601 to make any necessary changes.

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

MOTION: REP. TIERNAN: Moves that SB 601, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

199 REP. JOHNSTON: I am concerned with the -15 amendments. The defendant can bring into an active case, a codefendant against who the plaintiff can have no recovery, is that accurate?

215 WILLIAMS: Yes, it would be an exception specifically relating to the provisions of ORS 3900-3920.

REP. JOHNSTON: Then we have a problem. We are inviting the jury to assign liability, and in reality only two can pay, and the plaintiff will have to eat what is assigned to the missing person.

WILLIAMS: It does create an exception in products liability. It does allow a defendant to bring a third party in. It is an exception in what we are doing in SB 601, but it isn't essentially a change if we did not do SB 601.

CHAIR PARKS: We could take it out, and put it back in during the conference committee.

WILLIAMS: Maybe it bears additional review.

MOTION: REP. BROWN: Moves to adopt the amendments to SB 601 by deleting the -15 amendments.

VOTE: In a roll call vote, REPS. BROWN, COURTNEY, GRISHAM, JOHNSTON, LEWIS, NAITO, PROZANSKI, QUTUB, TARNO, TIERNAN, and PARKS vote AYE. REP. CARPENTER votes NAY. All members are present. The amendment is adopted.

VOTE: In a roll call vote, REPS. CARPENTER, GRISHAM, LEWIS, QUTUB, TIERNAN, and PARKS vote AYE. REPS. BROWN, COURTNEY, JOHNSTON, NAITO, and PROZANSKI vote NAY. All members are present.

CHAIR PARKS: The motion CARRIES.

The Representative to lead discussion on the Floor will be assigned later.



Closes work session on SB 601

OPENS WORK SESSION ON SB 385

MOTION: CHAIR PARKS: Moves to adopt a conceptual amendment to SB 385 to make any necessary changes.

VOTE: In a roll call vote, all members present vote AYE. All members are present.

MOTION: REP. TIERNAN: Moves that SB 385, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

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

CHAIR PARKS: The motion CARRIES.

REP. JOHNSTON will lead discussion on the Floor.

CLOSES WORK SESSION ON SB 385

OPENS WORK SESSION ON SB 386

317 ROBINSON: SB 386 modifies right of individual to bring civil action under Oregon Racketeer Influenced and Corrupt Organization Act.

MOTION: REP. TIERNAN: Moves to adopt a conceptual amendment to SB 386 to make any necessary changes.

VOTE: In a roll call vote, all members present vote AYE. All members are present.

MOTION: REP. TIERNAN: Moves that SB 386, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

349 REP. BROWN: Thanks everyone who took care of problems in bill.

VOTE: In a roll call vote, all members present vote AYE. All members are present

CHAIR PARKS: The motion CARRIES.

REP. PROZANSKI will lead discussion on the Floor.

CLOSES WORK SESSION ON SB 386

OPENS WORK SESSION ON SB 93

MOTION: TIERNAN: Moves to adopt a conceptual amendment to SB 93 to make any necessary changes.

VOTE: In a roll call vote, all members present vote AYE. All members are present.

MOTION: REP. TIERNAN: Moves that SB 93, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. All members are present

TAPE 47, SIDE A

CHAIR PARKS: The motion CARRIES.

REP. BROWN will lead discussion on the Floor.

CLOSES WORK SESSION ON SB 93

OPENS WORK SESSION ON SB 393

MOTION: REP. TIERNAN: Moves that SB 393, AS AMENDED, with conceptual amendment be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. All members are present

CHAIR PARKS: The motion CARRIES.

REP. LEWIS will lead discussion on the Floor.

CLOSES WORK SESSION ON SB 393

OPENS WORK SESSION ON SB 482

MOTION: REP. TIERNAN: Moves that SB 482, AS AMENDED, with conceptual amendment be sent to the Floor with a DO PASS recommendation.

022 REP. JOHNSTON: This is a method of regulating the market place. It takes away the primary incentive, money.

VOTE: In a roll call vote, REPS. CARPENTER, GRISHAM, LEWIS, QUTUB, TIERNAN, and PARKS vote AYE. REPS. BROWN, COURTNEY, JOHNSTON, NAITO, and PROZANSKI vote NAY. All members are present.

TARNO,

CHAIR PARKS: The motion CARRIES.

REP. PARKS will lead discussion on the Floor.

CLOSES WORK SESSION ON SB 482

OPENS WORK SESSION ON HJR 20

040 CHAIR PARKS: Discusses HJR 20 (EXHIBIT I). Discusses -1 amendment, relating solely to child pornography and how bill will then read.

ROBINSON: Clarifies what the amendment will do to HJR 20

064 REP. TIERNAN: I will oppose this amendment, because obscenity is not involved and would rather see a complete solution rather than a partial one.

CHAIR PARKS: My point is that they will have that opportunity to do it with SJR41. If it fails, then HJR 20 will get part of the problem.

079 REP. TIERNAN: But SJR41 is not identical to HJR 20.

CHAIR PARKS: It is almost identical to BM 19. The point is, if SJR41 fails, HJR 20 can help.

086 REP. COURTNEY: Discusses that this issue will reach the House floor via SJR41.

091 REP. NAITO: I will support the motion, not all the problems will be solved, but it is better to do something than nothing.

097 REP. PROZANSKI: Agrees with Rep. Naito. My district has a problem, and this helps solve part of that problem.

REP. COURTNEY: Will oppose the motion because it weakens the stronger one if they are both on the amendment.

105 REP. TIERNAN: Agrees with Rep. Courtney, that the lesser alternative is easier to answer, thus the higher concern will not be met.

112 REP. QUTUB: Won't support it because it doesn't answer the complete problem.

REP. BROWN: The voters have spoken, and thus I will be supporting the motion.

MOTION: CHAIR PARKS: Moves to adopt the -1 amendment to HJR 20 to any necessary changes.

make

VOTE: In a roll call vote, REPS. BROWN, CARPENTER, JOHNSTON, LEWIS, NAITO, PROZANSKI, TARNO, and PARKS vote AYE. REPS. COURTNEY, GRISHAM, QUTUB, and TIERNAN vote NAY. All members are present. The amendment is ADOPTED.

MOTION: REP. BROWN: Moves that HJR 20, AS AMENDED, with conceptual amendment be sent to the Floor with a DO PASS recommendation.

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

GRISHAM,

CHAIR PARKS: The motion CARRIES.

REP PROZANSKI will lead discussion on the Floor.

CLOSES WORK SESSION ON HJR 20

WORK SESSION ON SB 641

Witnesses: Karen Garth, Oregon Community College Association  
Craig Smith, Chemeketa Community College  
Bob Smith, Oregon State Police

152 KAREN GARTH, OREGON COMMUNITY COLLEGE ASSOCIATION : Testifies and submits conceptual amendments that have been agreed upon by all the parties (EXHIBIT J).

CHAIR PARKS: Who are you gentleman, and do you agree with these

amendments.

167 CRAIG SMITH, CHEMEKETA COMMUNITY COLLEGE: Yes.

BOB SMITH, OREGON STATE POLICE: Yes.

174 ROBINSON: Discusses conceptual amendments, such as they apply to PCC and Chemeketa.

REP. QUTUB: So, essentially it takes out those who offered the bill up-  
the independent colleges.

ROBINSON: No, I don't think it does.

REP. LEWIS: Have you spoken with the sponsors of the bill?

GARTH: No, we just did this evening.

REP. LEWIS: Not going to support these amendments

REP. BROWN: Are you the supporter of the bill.

GARTH: Yes, we worked with the independent colleges, and they understood  
that the -5 amendments would go forward this evening.

REP. BROWN: From the law enforcement community, did you have any concerns  
with the independent colleges being involved?

197 BOB SMITH: Yes, we did.

REP. BROWN: What were the other law enforcement agencies that were  
concerned about having the independent colleges involved in the program?

BOB SMITH: The Oregon Chiefs Association, The Sheriffs Association, The  
Police Officers Association, and The District Attorneys Association.

204 CHAIR PARKS: What are the concerns?

BOB Smith: We believe that it is a tremendous policy shift from having  
police responsible to public bodies to allowing private corporations to  
have their own policing agencies.

REP. JOHNSTON: Wants to keep the private colleges involved. Salem Police  
Department in district was strongly opposed to this plan. Willing to  
support this compromise.

230 REP. PROZANSKI: Discusses letter from OSP, explains its concerns and  
wants submitted as part of record.

245 REP. QUTUB: Understand the concerns, but doesn't understand why PCC and  
Chemeketa are left in? Why do we need this if they can contract, like  
independent colleges?

257 REP. JOHNSTON: One group wants to be able to show in two years that  
this worked and that this is wonderful, the other group wants to show that  
this system doesn't work.

REP. QUTUB: Don't we have other universities that show this?

GARTH: Currently the schools in the OSSHE have this capability. We are  
trying to bring the public Community Colleges in line with the System of  
Higher Education.

270 REP. LEWIS: I really object to this. At no time, did these people come  
forward until this point. It is bad at this point to dump the independent  
colleges.

290 REP. BROWN: Would not be concerned if Rep. Lewis wanted to kill the  
bill.

REP. COURTNEY: This will provide some additional protection for some  
additional students in the State of Oregon.

316 REP. QUTUB: Who do the policemen answer to?

BOB SMITH: It would be to the elected body for the Community College  
District.

Craig SMITH: It would be almost identical to the current standards for  
K-12.

REP. QUTUB: You are saying that you trust the Community College officials  
more than an independent college official?

CHAIR PARKS: I want to explain the situation to any carrier, that if you  
don't believe in a bill you can pull it off of the floor.

348 REP. BROWN: Explains the conceptual amendment, as it only applies to

PCC and Chemeketa.

ROBINSON: Clarify requirements and limit the number of officers

REP. BROWN: PCC-18, Chemeketa-7.

MOTION: CHAIR PARKS: Moves to ADOPT the -1 amendments to SB 641.

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

370 REP. NAITO: Voted for the original bill, but am interested in having an open body accountable for these officers. Discusses protocols for these "policemen".

MOTION: REP. COURTNEY: Moves that SB 641, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

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

CHAIR PARKS: The motion CARRIES.

REP. TARNO will lead discussion on the Floor.

CLOSES WORK SESSION ON SB 641

OPENS WORK SESSION ON SB 875

409 ROBINSON: SB 875 increases fees for processing (EXHIBIT K)

MOTION: CHAIR PARKS: Moves to ADOPT the -3 amendments to SB 875.

VOTE: In a roll call vote, all members present vote AYE. REPS. NAITO and TIERNAN are excused.

MOTION: REP. BROWN: Moves that SB 875, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. REPS. NAITO and TIERNAN are excused.

CHAIR PARKS: The motion CARRIES

REP. QUTUB will lead discussion on the Floor

CLOSES WORK SESSION ON SB 875

OPENS WORK SESSION ON SB 107, SB 493, SB 871

TAPE 46, SIDE B

MOTION: REP. BROWN: Moves that the vote by which SB 107, SB 493, and SB 871 passed be reconsidered (EXHIBIT L,M,N).

VOTE: CHAIR PARKS: Hearing no objection the amendments are adopted. REPS. NAITO and TIERNAN are EXCUSED.

MOTION: REP. BROWN: Moves to ADOPT contingency amendments to SB 107, SB 493, and SB 871.

VOTE: In a roll call vote, all members present vote AYE. REPS. NAITO and TIERNAN are EXCUSED. The amendments are ADOPTED.

MOTION: REP BROWN: Moves that SB 107, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

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

CHAIR PARKS: The motion CARRIES.

Rep. Johnston will lead discussion on the Floor.

CLOSES WORK SESSION ON SB 107

MOTION: REP BROWN: Moves that SB 493, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

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

CHAIR PARKS: The motion CARRIES.

REP. BROWN will lead discussion on the Floor.

CLOSES WORK SESSION ON SB 493

MOTION: REP BROWN: Moves that SB 871, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

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

CHAIR PARKS: The motion CARRIES.

REP. PROZANSKI will lead discussion on the Floor.

CLOSES WORK SESSION ON SB 871

116 CHAIR PARKS: Adjourns the meeting at 6:50 p.m.

EXHIBIT SUMMARY

A- Amendments to SB 385- Max Williams- 8 pages  
B- Testimony on SB 601- Robert J. Neuberger- 5 pages  
C- Testimony on SB 601- Jeanne Canfield- 2 pages  
D- Testimony on SB 601- Jeanne Canfield- 3 pages  
E- Amendments to SB 601- Max Williams- 41 pages  
F- Amendments to SB 601- Max Williams- 24 pages.  
G- Amendments to SB 601- Max Williams- 1 page  
H- Amendments to SB 601- Max Williams- 1 page  
I- Amendments to HJR 20- Rep. Del Parks- 1 page  
J- Amendments to SB 641- Karen Garth- 1 page  
K- Amendments to SB 875- Holly Robinson- 3 pages  
L- Amendments to SB 107- Holly Robinson- 7 pages  
M- Amendments to SB 493- Holly Robinson- 28 pages  
N- Amendments to SB 871- Holly Robinson- 1 page