

HOUSE COMMITTEE ON JUDICIARY SUBCOMMITTEE ON CIVIL LAW AND JUDICIAL
ADMINISTRATION

January 26, 1993 Hearing Room 3S7 1:00 p.m. Tapes 7 - 8
MEMBERS PRESENT: Rep. Tom Brian, Chair Rep. Ken Baker Rep. Jim
Edmunson Rep. Tom Mason STAFF PRESENT: Carole Souvenir, Legislative
Counsel Anne May, Committee Clerk MEASURES CONSIDERED: HB 2178, PUB,
Veterinary Students B 2247, PAW, Criminal Procedure HB 2253, PAW,
Criminal Law

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 7, SIDE A

006 CHAIR BRIAN: Calls the meeting to order at 1:05 p.m. and welcomes
CAROLE SOUVENIR, COUNCIL.

PUBLIC HEARING ON HB 2178 Witnesses: M. Lynn Spruill, OSU Norman Hutton,
OSU Charlie Williamson, Oregon Trail Lawyers

011 CAROLE SOUVENIR, COUNSEL: Summarizes HB 2178. 018 M. LYNN
SPRUILL, OREGON STATE UNIVERSITY AND NORMAN HUTTON, ASSOCIATE DEAN OF
VETERINARY MEDICINE: Submits and summarizes written testimony in favor
of HB 2178 (EXHIBIT A). 035 CHAIR BRIAN: Asks for any amendments to
be submitted soon. 041 REP. MASON: How does the tort claims act apply
to animals? House Committee on Judiciary Subcommittee on Civil Law and
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CAROLE SOUVENIR, COUNSEL: The claimant would be the owner of the animal.
There could be claims for intentional infliction of emotional distress
or other types of tort claims in the event the animal died or was
injured during treatment.

048 REP. MASON: How do you limit damages?

SPRUILL: The value of the animal.

052 CHAIR BRIAN: Have you had any legal action against a student or the
University?

HUTTON: No. Schools who take our students have asked that we provide
this kind of liability.

066 REP. EDMUNSON: Are the students considered to be agents of the
University?

HUTTON: No.

REP. EDMUNSON: Do you have any concern that students who acts
negligently, if they become agents, are exposing the University to
liability? HUTTON: Yes. The practitioner would be more comfortable if we
(the University) have this kind of protection for them.

084 CHAIR BRIAN: Have we had any comments from Risk Management what the
cost might be to add this coverage?

HUTTON: No.

SPRUILL: Risk Management is comfortable with provisions if similar to those at Health Sciences University.

086 CHAIR BRIAN: At no additional cost?

087 SPRUILL: We have no cost figures from them.

094 CHARLIE WILLIAMSON, OREGON TRIAL LAWYERS: Opposes limitation of liability.

131 CHAIR BRIAN: Hearing closed, will hold this bill pending receipt of more information.

PUBLIC HEARING ON HB 2247 Witnesses: Janet A. Klapstein, Oregon Dept. of Justice Fred Avera, Oregon District Attorney's Assoc.

152 CAROLE SOUVENIR, COUNSEL: Summarizes HB 2247 which amends ORS 135.761 and ORS 135.765. 160 JANET A. KLAPSTEIN, OREGON DEPARTMENT OF JUSTICE: Submits and summarizes written testimony in favor of HB 2247.

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220 CAROLE SOUVENIR, COUNSEL: Point of clarification: Section 1, subsection, "good cause".

224 KLAPSTEIN: Clarifies "good cause" and "unavailable for trial".

242 REP. EDMUNSON: Why didn't the district attorney ask for a continuance in the Person case?

244 KLAPSTEIN: The district attorney didn't want a continuance.

246 REP. EDMUNSON: Has this case been petitioned for review in the Spring?

247 KLAPSTEIN: Yes. The Supreme Court has scheduled it for argument in March [1993].

255 REP. EDMUNSON: Didn't the act of the Court resetting the case void the earlier request for speedy trial? 257 KLAPSTEIN: Discusses the view of the Court of Appeals.

300 REP. EDMUNSON: Continues comments.

303 KLAPSTEIN: Continues clarification

333 FRED AVERA, OREGON DISTRICT ATTORNEY'S ASSOCIATION: Discusses interpretation regarding ninety day "speedy trial" in favor of HB 2247.

TAPE 8, SIDE A

003 CHAIR BRIAN: Hearing on HB 2247 closed.

WORK SESSION ON HB 2247

004 MOTION: REP. EDMUNSON moves HB 2247 be passed with amendments to full committee with do pass recommendation. CAROLE SOUVENIR, COUNSEL: Suggests friendly amendment to add: "other than by imprisonment". REP. EDMUNSON: Concurr. CHAIR BRIAN: Calls for vote. VOTE: 4-0 Motion passes. AYE: Baker, Edmunson, Mason, Brian NO: none EXCUSED: Parks

PUBLIC HEARING ON HB 2253 Witnesses: Fred Avera, Oregon District Attorney's Association.

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024 CAROLE SOUVENIR, COUNSEL: Summarizes HB 2253 which repeals ORS 161.403 026 AVERA: Submits testimony in favor of HB 2253.

057 CHAIR BRIAN: The State Court Administrator has no objections to the bill. There is no fiscal impact.

AVERA: The Oregon Criminal Defense Lawyers support HB 2253.

065 CHAIR BRIAN: Hearing on HB 2253 closed. Work session open.

MOTION: REP. EDMUNSON: moves HB 2253 be passed to full committee with do pass recommendation.

VOTE: 4 0 Motion passes. AYE: Baker, Edmunson, Mason, Brian EXCUSED: Parks

070 CHAIR BRIAN: Adjourns meeting at 2:30 p.m.

Submitted by: Reveiwed by:

Anne MayBetina Rothauser Committee ClerkCommittee Administrator

EXHIBIT LOG:

A - Testimony on HB 2178 - Norman Hutton - 1 page B - Testimony on HB 2247 - Janet Klapstein - 4 pages C - Testimony on HB 2178 - Jane Lesser - 1 page D - Amendments to HB 2247 - staff - 1 page

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