

HOUSE COMMITTEE ON JUDICIARY SUBCOMMITTEE ON CIVIL LAW AND JUDICIAL  
ADMINISTRATION

February 2, 1993 Hearing Room 357 1:00 p.m. Tapes 11 - 12

MEMBERS PRESENT: Rep. Tom Brian, Chair Rep. Tom Mason Rep. Jim Edmunson  
Rep. Ken Baker

MEMBER EXCUSED: Rep. Del Parks

VISITING MEMBER:

STAFF PRESENT: Anne May, Committee Clerk Carole Souvenir,  
Legislative Counsel

MEASURES CONSIDERED: HB # 2386 - Relating to unlawful trade  
practices, PPW HB # 2411 - Relating to criminal  
procedure: declaring an emergency, PPW

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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. [--- Unable To Translate  
Graphic ---]

TAPE 11, SIDE A

001 CHRbrian - opens public hearing on HB 2386 at 1:15 p.m. 002  
mannix and tarno remove sunset 018 CHRamendments? 021 tarno - asks  
bill to pass 030 CHR- questions 032 william castor, adsf 051  
close public hearing 2411 052 opens public hearing 2386 - carl meyer  
, oregon st. bar 064 slottee presented testimony in favor of HB 2386  
110 timothy wood, dept of justice, presented testimony in favor of HB  
238 6 136 baker - question 142 wood responds HOUSE COMMITTEE ON  
JUDICIARY SUBCOMMITTEE ON CIVIL LAW AND JUDICIAL ADMINISTRATION

January 26, 1993 Hearing Room 357 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 HB 2247,  
PAW, Criminal Procedure HB 2253, PAW, Criminal Law

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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?

CAROLE SOUVENIR, COUNSEL: The claimant would be the owner of the animal. 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 had any comments from Risk Management what 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 AND WORK SESSION 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.

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 224 7.

TAPE 8, SIDE A

003 CHAIR BRIAN: Hearing on HB 2247 closed. Work session open.

004 MOTION: REP. EDMUNSON: moves HB 2247 be passed to Full Committee.

CAROLE SOUVENIR, COUNSEL: Suggests friendly amendment to add: "other than by imprisonment".

REP. EDMUNSON: Concurs.

CHAIR BRIAN: Calls for vote.

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

CHAIR BRIAN: Motion is passed to Full Committee.

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

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

069 CHAIR BRIAN: Motion is passed to Full Committee.

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

Submitted by:

Reveiwed by:

Anne May  
Committee Administrator

Betina Rothauser Committee Clerk

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 149 wrok sessio 150  
vote 158 reopen 2411 160 williams - coity of portland - members  
we referring to exhibit i didn't have 170 edmunson question 190  
valeria paulson, league of or cities submits test in favor 199 paul  
snider, submits test in favor 231 chr 234 russ spenceSRsubmits  
test in favor 264 concludes public hearing work session - amendments  
adopted mason 256 CHRspeaks 266 adjournsHOUSE COMMITTEE ON  
JUDICIARY SUBCOMMITTEE ON CIVIL LAW AND JUDICIAL ADMINISTRATION

February  
p.m. Tapes 11 - 12

2, 199 3 Hearing Room 357 1:00

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