

HOUSE COMMITTEE ON JUDICIARY, CIVIL SUBCOMMITTEE

February 17, 1993 Hearing Room 357 1:00 p.m. Tapes 23 - 24

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

VISITING MEMBER: Rep. Kevin Mannix, District 32

STAFF PRESENT: Katy Yetter, Committee Clerk Holly Robinson,  
Committee Counsel

MEASURES CONSIDERED: HB 2476 - Relating to internal references  
in Oregon Statutes HB 2486 - Relating to police pursuits HB 2514 -  
Relating to possession of firearms HB 2680 - Relating to  
definition of "address" in regards to  
domestic statutes

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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 23, SIDE A

001 CHAIR BRIAN calls the meeting to order at 1:05 p.m.

PUBLIC HEARING ON HB 2486

WITNESSES: Charles Williamson, Oregon Trial Lawyers Association (OTLA)

Mic Alexander, OTLA

005 REP. MANNIX, DISTRICT 32: Gives testimony and presents  
amendments (EXHIBIT A).

044 REP. MASON: Asks Mannix about third party and how they pertain to  
case of negligence in auto chase.

REP MANNIX: Discloses language in the bill that absolves an unwilling  
passenger of negligence.

060 CHAIR BRAIN: Asks Rep. Mannix about an officer's  
discontinuation of pursuit and how it relates to statute.

REP. MANNIX: Responds to Chair. -Discusses terms "peace officer" and  
"police officer."

081 HOLLY ROBINSON, COMMITTEE COUNSEL: States that although "peace officer" is more broad, it may not apply to those who are allowed to pursue.

111 REP. MASON: Clarifies that only perclusion is for eluder or passenger who is part of the activity.

121 REP. EDMUNSON: Expresses concern about reckless or intentional conduct and how the statute pertains to this type of activity.

164 CHARLES WILLIAMSON, OTLA: Presents testimony against HB 2486.

190 MIC ALEXANDER, OTLA: Presents testimony against HB 2486.

PUBLIC HEARING ON HB 2476

WITNESSES: Kathleen Beaufait, Legislative Counsel

255 KATHLEEN BEAUFAIT, LEGISLATIVE COUNSEL: Presents testimony on HB 247 6 (EXHIBIT B).

285 Rep. Mason and Kathleen Beaufait discuss possible causes of error within amendments. -Scrivener's errors common.

WORK SESSION ON HB 2476

MOTION: CHAIR BRIAN: Moves to ADOPT the amendments to HB 2476 and

pass the bill AS AMENDED into Full Committee with DO PASS recommendation.

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

CHAIR BRIAN: The motion CARRIES.

PUBLIC HEARING ON HB 2680

WITNESSES:

Marnie Halter, Legal Counsel to Rep. Mannix

David Nebel, Oregon Legal Services

022 DAVID NEBEL, OREGON LEGAL SERVICES: Presents testimony on HB 268 0 (EXHIBIT C).

085 REP. BAKER: Asks for remedy on personal service from Mr. Nebel.

113 REP. EDMUNSON: Asks about limited powers of the attorney in terms of privacy and affirmation of information. -Affirmative acts designate limited powers of attorney.

165 MARNIE HALTER, STAFF ATTORNEY TO REP. MANNIX: Presents testimony on HB 2680.

199 REP. MANNIX, DISTRICT 32: Presents testimony on HB 2680 and comments on proposed amendments.

220 REP. EDMUNSON: Comments on bill and its possible implications on the legal process.

PUBLIC HEARING ON HB 2514

WITNESSES: John Nichols, Oregon State Shooting Association

Rod Harder, Oregon Sportsmen Defense Fund

320 REP. MANNIX, DISTRICT 32: Presents testimony on HB 2514.

TAPE 23, SIDE B

060 REP. EDMUNSON: Asks witness about on changing the language in the bill.

092 REP. BAKER: Asks about Justices of the Peace and how their jurisdiction is affected by HB 2514.

120 JOHN NICHOLS, OREGON STATE SHOOTING ASSOCIATION: Presents testimony against HB 2514.

200 ROD HARDER, OREGON SPORTSMENS DEFENSE FUND: Presents testimony against HB 2514 (EXHIBIT D).

230 REP. BAKER: Clarification on misdemeanor involving violence on page 3 of testimony.

240 HARDER: Responds by stating that all misdemeanors are applicable.

NOTE: Holly Robinson and Committee discuss legality of proposed statute in regards to alcohol and related issues.

TAPE 24, SIDE B

WORK SESSION ON HB 2514

030 CHAIR BRAIN: States that concealment issues are not part of this statute in Section One of bill. -If Section One was adopted, courts would be available for appeal on

rejection of concealment application?

ROBINSON: No, concealment issues go through the circuit courts. 040 REP. EDMUNSON: Asks if Section One takes courts out of the picture, or if it adjusts their responsibility.

042 ROBINSON: Line 17 pertains to 1A and 1B of bill. Clarifies language.

046 CHAIR BRAIN: Makes statement about reapplication process and how it is related to district court process.

058 REP. EDMUNSON: Courts recognize denial of permit as well as application.

060 HOLLY ROBINSON, COMMITTEE COUNSEL: Makes comment regarding filing fees.

074 CHAIR BRIAN: Comments on raising issues to district and circuit court levels. Word changes on Page 2, Line 5 changing the word "eight" to

"four."

115 REP. MASON: Page 2, Lines 9 and 10 specify fee of \$105.

175 CHAIR BRIAN: Decides to leave number in Line 5 Page 2 "four."  
-Realizes concern of committee over justice court issue.

REP. MASON: Would like to keep the court constant from in issues of denial, application, and appeal of purchase and concealment of firearms.

MOTION: REP. EDMUNSON: Moves to delete Line 17 from Page 1 of HB 2514.

VOTE: CHAIR BRIAN: Hearing no objection, the motion CARRIES. All members are present.

MOTION: REP. EDMUNSON: Moves to delete Section 2 as well as change the word "eight" to "four" in Page 2 Line 5 of HB 2514.

VOTE: CHAIR BRIAN: Hearing no objection, the motion CARRIES. All members are present.

MOTION: REP. EDMUNSON: Moves to insert on Lines 32 and 33 to add "Class A" before the word "misdemeanor."

VOTE: CHAIR BRIAN: Hearing no objection, the motion CARRIES. All members are present.

MOTION: REP. EDMUNSON: Moves to restore bracketed language on Page 3 line 33 and delete the word "eight."

VOTE: CHAIR BRIAN: Hearing no objection, the motion CARRIES. All members are present.

MOTION: REP. EDMUNSON: Moves to delete the word "eight" and restore the word "four" on page 4, line 13. VOTE: CHAIR BRIAN: Hearing no objection, the motion CARRIES. All

members are present.

CHAIR BRIAN: Wherever in the bill there appears "misdemeanor," the words "Class A" will be inferred.

MOTION: REP. EDMUNSON: Moves HB 2514 as amended to the Full Committee with Do Pass recommendation.

VOTE: Aye 3 - No 1. Rep. Mason votes No. HB 2514 moves to the Full Committee with Do Pass recommendation.

CHAIR BRIAN adjourns the meeting at 2:50 p.m.

Submitted by:

Reviewed by:

Katy Yetter  
Committee Assistant

Anne May Committee Clerk

EXHIBIT LOG:

A - Testimony on HB 2486 - Rep. Kevin Mannix, District 32 - 1 page  
B - Testimony on HB 2476 - Kathleen Beaufait - 5 pages  
C - Testimony on HB 2680 - Maureen Mc Knight - 3 pages  
D - Testimony on HB 2514 - Rod Harder - 2 pages  
E - Testimony on HB 2680 - Lauren L. Moughon - 1 page  
F - Testimony on HB 2514 - John Lenzi - 1 page