

HOUSE COMMITTEE ON JUDICIARY, SUBCOMMITTEE ON CIVIL LAW

March 9, 1993 Hearing Room 357 1:00 p.m. Tapes 40 - 42

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

VISITING MEMBER: Rep. Greg Walden, District 56 Rep. Kevin Mannix,
District 32

STAFF PRESENT: Katy Yetter, Committee Clerk Carole Souvenir,
Legislative Counsel

MEASURES CONSIDERED: HB 2915 - Relating to personal injury
insurance HB 2916 - Repeal of guest passenger statute HB 3035 - Relating
to juror mileage fees HB 2287 - Relating to withholding
wages for child support HJR 26 - Relating to
convicted felons in the Legislature

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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 40, SIDE A

001 CHAIR BRIAN calls the meeting to order at 1:04 p.m.

WORK SESSION ON HB 2287

008 MOTION: REP BAKER: Moves to RECONSIDER HB 2287

012 VOTE: In a roll call vote, all members vote AYE with the
exception of REP. MASON who votes NO. All members are present for vote.

016 CHAIR BRIAN: the motion CARRIES

017 MOTION: REP. BAKER moves HB 2287 to the Full committee with DO
PASS recommendation.

018 VOTE: In a roll call vote, all members vote AYE with the
exception of REP. MASON who votes NO. All members are present for vote.

020 CHAIR BRIAN: The motion CARRIES.

PUBLIC HEARING ON HJR 26

WITNESSES: Rep. Greg Walden, District 56 Rep. Kevin Mannix,

District 32 Charles Bergeron, American Party

022 REP. GREG WALDEN, DISTRICT 56: Testifies in favor of HJR 26 and proposes amendments (EXHIBIT A1).

055 REP. EDMUNSON: Asks Walden about solicitation of contributions under false pretenses as a civil offense.

059 REP. WALDEN: Replies that he believes this issue should be remedied by the Civil Subcommittee.

100 REP. MASON: Asks Walden if either a presidential or gubernatorial pardon substantiates eligibility for office.

120 REP. WALDEN: Replies that a pardoned individual, under the statute, should be able to run for an office.

158 REP. KEVIN MANNIX, DISTRICT 32: Testifies on HJR 26 and reviews the proposed amendments (EXHIBIT A2).

420 CHARLES BERGERON, NEW AMERICAN PARTY: Presents testimony on HJR 26 (EXHIBIT B).

TAPE 41, SIDE A

052 CHAIR BRIAN: Asks Bergeron about the appeal process.

056 BERGERON: Likes the idea of a temporary replacement during an appeal.

PUBLIC HEARING ON HB 2854

WITNESSES: Mary Plaisance, Oregon Collectors Association Jim Markee, Oregon Collectors Association Shirley Barnes, Older Women's League David Nebel, Oregon Legal Services (OLS) Jeff Hassan, OLS

100 MARY PLAISANCE, OREGON COLLECTERS ASSOCIATION: Presents testimony on HB 2854 (EXHIBIT C). 196 JEFF HASSAN, OREGON LEGAL SERVICES: Testifies on HB 2854.

267 CAROLE SOUVENIR, COMMITTEE COUNSEL: Suggests removing the word "wrongful" from Line 12.

270 JIM MARKEE, OREGON COLLECTORS ASSOCIATION: States that creditors may have a difficult time knowing when two people are indeed separated.

300 SHIRLEY BARNES, OLDER WOMEN'S LEAGUE: Presents testimony on HB 285 4 (EXHIBIT D).

TAPE 40, SIDE B

022 DAVID NEBEL, OREGON LEGAL SERVICES: Presents testimony on HB 285 4 (EXHIBIT E).

168 REP. BAKER: Asks Nebel about debts and who incurs them along what time frame.

180 NEBEL: Statute is unclear as to time frame on limitations of debts.

243 REP. BAKER: Asks Hassan about the incurring of debts--direct as opposed to indirect.

250 HASSAN: Responds by stating that debts, despite statute of limitations, are usually acknowledged.

295 PLAISANCE: States that six year statute of limitations is standard. -Spouse has more ability to control extension of funds.

NOTE: Rep. Baker and Rep. Mason discuss with Hassan the risks of collection and debt incurment between the unknowing spouse and the debt collector.

TAPE 41 SIDE B

PUBLIC HEARING ON HB 2915

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

028 CHARLES WILLIAMSON, OTLA: Presents testimony on HB 2915 (EXHIBIT F).

049 JOHN POWELL: Testifies in favor of HB 2915.

118 CAROLE SOUVENIR, COMMITTEE COUNSEL: Reads language from Line 3, "the insurer in such a small claims court proceeding shall not be permitted

to request a jury trial, and the matter shall be disposed of without appeal in the small claims court."

WORK SESSION ON HB 2915

133 MOTION: REP. EDMUNSON: Moves to ADOPT the amendments as stated by Carole Souvenir on Line 3 of HB 2915.

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

137 MOTION: REP. EDMUNSON: Moves HB 2915 AS AMENDED to the full committee with a DO PASS recommendation.

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

145 CHAIR BRIAN: The motion CARRIES.

PUBLIC HEARING ON HB 2916

WITNESSES: Charles Williamson, OTLA Doug Schaller, Attorney Cathy Treffert Ray Costello, Aircraft Owners and Pilots Association Robert Blensly, Oregon Federation of Boaters Jim Schwitter, Columbia River Yachting Association (CRYA)

160 CHARLIE WILLIAMSON, OTLA: Presents testimony on HB 2916 (EXHIBIT
G).
270 DOUG SCHALLER, ATTORNEY: Testifies in favor of HB 2916.
300 CATHY TREFFERT: Testifies in favor of HB 2916.
350 RAY COSTELLO: Testifies against HB 2916.

TAPE 42, SIDE A

100 ROBERT BLENSLY, OREGON FEDERATION OF BOATERS: Presents testimony
on HB 2916 (EXHIBIT H).
248 JIM SCHWITTER, CRYA: Presents testimony on HB 2916 (EXHIBIT I).
400 CHAIR BRIAN adjourns meeting at 3:30 p.m.

Submitted by:

Reviewed by:

Katy Yetter
Committee Coordinator

Anne May Committee Clerk

EXHIBIT LOG:

A1 - Amendments to HJR 26 - Legislative Counsel - 1 page A2 -
Amendments to HJR 26 - Rep. Kevin Mannix - 2 pages B - Testimony on
HJR 26 - C. Bergeron - 1 page C - Testimony on HB 2854 - M. Plaisance
- 4 pages D - Testimony on HB 2854 - S. Barnes - 1 page E - Testimony
on HB 2854 - D. Nebel - 2 pages F - Testimony on HB 2915 - C.
Williamson - 6 pages G - Testimony on HB 2916 - C. Williamson - 11
pages H - Testimony on HB 2916 - R. Blensly - 1 page I - Testimony on
HB 2916 - J. Schwitter - 2 pages