

HOUSE COMMITTEE ON JUDICIARY, SUBCOMMITTEE ON CIVIL LAW

March 23, 1993 Hearing Room 357 1:00 p.m. Tapes 52 - 53

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

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

MEASURES CONSIDERED: HB 3179 - Abolishes/transfers vacant
judicial positions HB 2915 - Related to motor vehicle liability disputes
HB 2062 - Defines "directory information" related to
student records HB 2854 - Removes two year statute of
limitations on actions against wife for family expenses

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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 52, SIDE A

007 CHAIR BRIAN calls meeting to order at 1:11 p.m.

PUBLIC HEARING ON HB 2915

WITNESSES: Charlie Williamson, Oregon Trial Lawyers Association

013 CAROLE SOUVENIR, COMMITTEE COUNSEL: Reviews Staff Measure
Summary. -Allows Supreme Court to abolish vacant judicial positions or
transfer

them to different judicial districts under limited circumstances.

020 CHARLES WILLIAMSON, OREGON TRIAL LAWYERS ASSOCIATION:
Testifies in favor of HB 2915.

WORK SESSION ON HB 2915

040 MOTION: REP. EDMUNSON: Moves to AMEND the -1 amendments by
deleting language dated 3-12-93. This action essentially unamends

the bill.

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

045 MOTION: REP. EDMUNSON: Moves HB 2915 to the Full
committee UNAMENDED with a DO PASS recommendation.

046 VOTE: In a roll call vote, all members are present and vote

AYE.

048 CHAIR BRIAN: The motion CARRIES.

PUBLIC HEARING ON HB 3179

WITNESSES: Rep. Del Parks, Judiciary Committee Chair Judge Pierre Van Rysselberghe, Lane County

060 REP. PARKS: Testifies in favor of HB 3179.

114 REP. EDMUNSON: Asks Parks what prevents a governor from appointing a judge upon a the occurrence of a vacancy despite the statute.

136 REP. PARKS: Replies that he does not know the answer, and refers the question to counsel to research the issue.

170 JUDGE PIERRE VAN RYSSELBERGHE, LANE COUNTY: Testifies against HB 317 9 (EXHIBIT A).

363 REP. EDMUNSON: Asks Van Rysselberghe his opinion on the authority of the Committee to delegate to the Supreme Court or the governor the

ability to abolish or replace a position?

370 VAN RYSSELBERGHE: Replies that he has not considered the constitutional implications of the bill the powers of the Supreme Court or the

governor.

TAPE 53, SIDE A

110 REP. BAKER: Supports idea of moving judgeships from jurisdiction to jurisdiction. -Asks committee if there will be language regarding abolishing

positions.

118 CHAIR BRIAN: Responds by stating that the language regarding abolishing positions may be removed.

WORK SESSION ON HB 2854

140 REP. EDMUNSON: States that the amendments proposed by Markee regarding the determination of separation between the parties involved under

jurisdiction of the bill. -Also language involving notification.

160 JIM MARKEE, OREGON COLLECTORS ASSOCIATION: Proposes amendments to HB 2854 (EXHIBITS B and C).

190 REP. EDMUNSON: Prefers -A amendments.

212 DAVID NEBEL, OREGON LEGAL SERVICES: Approves of the -A amendments to HB 2854 that Markee has presented.

230 MARKEE: Discusses statute of limitations--opposes shortening statute. - Two years for women, six years for men. Believes both periods of time should be similar.

272 JEFF HASSON, OREGON COLLECTORS ASSOCIATION: States that changing statute to two years for males will increase the number of lawsuits in

any given period of time for debts that were incurred by a female.
-Would like to have statute read six years for both men and women.

MOTION: REP. MASON: Moves to ADOPT the -A conceptual amendments to
HB 2854 presented by Jim Markee on 3-23-93.

318 REP. BAKER: Point of clarification: the committee is leaving in Lines 5 through 7 Section One from the original bill and inserting Lines 2 and 3 from conceptual amendments?

320 CHAIR BRIAN: Responds by stating that everything will be retained from original bill through Line 7 Section 1. Lines 8 through 14 are to be

deleted, inserting after the word "separately" (Line 7) the proposed amendments.

360 MARKEE: Suggests grammatical change on Line 7 Section 1: change the word "live" to "lived," and at the end of "reconciliation" add the

language, "at the time the debt was incurred."

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

368 MOTION: REP. EDMUNSON: Moves to AMEND HB 2854 with conceptual amendments regarding cause of action in Lines 9 and 15.

TAPE 52, SIDE B

002 CAROLE SOUVENIR, COMMITTEE COUNSEL: States language could be changed on Line 9--If the committee wants to reconsider impact of the bill.

008 REP. EDMUNSON: Restates language on Line 15 "An action to this section shall be commenced within two years after the cause of action accrued."

011 REP. BAKER: States that the aforementioned amendments may not allow for a collection closing date.

038 CAROLE SOUVENIR, COMMITTEE COUNSEL: Line 9 holds the wife responsible for accrual of debts regardless of separation.

050 REP. EDMUNSON: Withdraws motion to amend Line 15.

078 REP. BAKER: Would like to see complete Legislative Counsel draft amendments before acting on the bill in the Full committee. 089

MOTION: REP. EDMUNSON: Moves HB 2854 AS AMENDED to the Full committee with a DO PASS recommendation.

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

091 CHAIR BRIAN: The motion CARRIES.

PUBLIC HEARING ON HB 2062

WITNESSES: Constance J. Bull, Department of Education

096 CONSTANCE J. BULL, DEPARTMENT OF EDUCATION: Testifies in favor of HB 2062. -Would like to propose amendments with the assistance of Legislative

Counsel.

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

Submitted by:

Reviewed by:

Katy Yetter
Committee Coordinator

Anne May Committee Clerk

EXHIBIT LOG:

A - Testimony on HB 3179 - P. Van Rysselberghe - 2 pages B - Testimony on HB 2854 - J. Markee - 1 page C - Testimony on HB 2854 - J. Markee - 1 page