

HOUSE COMMITTEE ON JUDICIARY, SUBCOMMITTEE ON CIVIL LAW

March 24, 1993 Hearing Room 357 1:00 p.m. Tapes 54 - 55

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

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

MEASURES CONSIDERED: HB 2957 - Entry of Divorce Decree HB 2916
- Repeal of Guest Passenger Statute HB 2360 - Council on Court
Procedures

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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
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TAPE 54, SIDE A

005 REP. MASON: Calls the meeting to order at 1:45 p.m.

PUBLIC HEARING ON HB 2360

WITNESSES: Bob Oleson, Oregon State Bar Frank Brawner, Oregon
Bankers Association Dave Burrows, Oregon League of Financial
Institutions Charles Williamson, Oregon Trial Lawyers Association Robert
Newberger, Oregon Trial Lawyers Association

014 REP KEVIN MANNIX, DISTRICT 32: Testifies in favor of HB 2360.

083 REP. BAKER: Asks Mannix if his position is philosophical in
thinking the legislature should make determination and not counsel as
to the

amendments.

088 MANNIX: Replies that in a general sense, he is not pleased
with the process taken by the committee. - Would like to see the
committee produce the amendments and not

counsel.

105 FRANK BRAWNER, OREGON BANKERS ASSOCIATION: Presents testimony
on HB 2360 (EXHIBIT A).

178 DAVE BARROWS, OREGON LEAGUE OF FINANCIAL INSTITUTIONS:
Testifies against HB 2360.

210 CHARLES WILLIAMSON, OREGON TRIAL LAWYERS ASSOCIATION:

Presents testimony on HB 2360 (EXHIBIT B, C, and D).

360 BOB OLESON, OREGON STATE BAR: Presents testimony on HB 2360 (EXHIBIT E).

400 STEVE THOMPSON, OREGON STATE BAR: Testifies against HB 2360.

TAPE 55, SIDE A

WORK SESSION ON HB 2957

122 CAROLE SOUVENIR, COMMITTEE COUNSEL: Reviews Staff Measure Summary. -Provides that the marital relationship terminates 30 days after a

divorce decree is entered regardless of whether an appeal is filed.

170 REP. EDMUNSON: Asks committee about a party who is unable to appeal due to abuse by the spouse. The guardian moves to dissolve the marriage;

the spouse does not want a divorce.

196 CAROLE SOUVENIR, COMMITTEE COUNSEL: The court has the authority to assign a guardian to the victim to act in place of said victim in the

case of divorce. -The amendments would change the current law only in the appeal process.

207 MOTION: REP EDMUNSON: Moves to ADOPT the -1 amendments to HB 295 7 dated 3-19-93.

VOTE: CHAIR BRIAN: Hearing on objection, the motion CARRIES. All members are present.

MOTION: REP. EDMUNSON: Moves HB 2957 AS AMENDED to the Full committee with a DO PASS recommendation.

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

CHAIR BRIAN: The motion CARRIES.

WORK SESSION ON HB 2916

239 CAROLE SOUVENIR, COMMITTEE COUNSEL: Review Staff Measure Summary. -Repeals statutes which provide immunity for owners/operators of boats

or airplanes who provide transportation to non-paying guests; revives causes of action that were previously barred unless the relevant statute of limitations would bar actions.

260 REP. EDMUNSON: States that the reason the fatality rate on boats in Oregon stems from the abundance of areas upon which to

recreate.

287 MOTION: REP. EDMUNSON: Moves HB 2916 UNAMENDED to the Full committee with a DO PASS recommendation.

280 REP. BAKER: Asks committee if language in Section 2 Lines 6 through 9 reactivates causes of action.

290 CAROLE SOUVENIR, COMMITTEE COUNSEL: In that it is a tort law, the statute of limitations is two years. -Can add conceptual amendment that the law would only apply for those

accidents that occur upon the installment of the bill.

320 MOTION: REP EDMUNSON: Moves to conceptually amend HB 2957 in Section 1 by inserting a period after the word "act" in

Line 8, and adding "not" after the word "shall" in Line

6; Deleting the language after the period in Line 8 and

all of Line 9.

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

336 MOTION: REP. EDMUNSON: Moves HB 2957 to the Full committee AS AMENDED with a DO PASS recommendation.

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

340 CHAIR BRIAN: The motion CARRIES.

345 CHAIR BRIAN: Adjourns the meeting at 2:30 p.m.

Submitted by:

Reviewed by:

Katy Yetter
Committee Coordinator

Anne May Committee Clerk

EXHIBIT LOG:

A - Testimony on HB 2360 - F. Brawner - 11 pages B - Testimony on HB 2360 - C. Williamson - 2 pages C - Testimony on HB 2360 - C. Williamson - 3 pages D - Testimony on HB 2360 - C. Williamson - page E - Testimony on HB 2360 - B. Oleson - 6 pages F - Testimony on HB 2360 - Staff - 1 page