

HOUSE COMMITTEE ON JUDICIARY - March 29, 1993

Hearing Room 3S7

1:30 p.m.

Tapes 19 - 20 MEMBERS PRESENT: Rep. Del Parks, Chair

Rep. Tom Mason, Vice Chair Rep. Ken Baker Rep. Tom Brian Rep. Kate Brown

Rep. Peter Courtney Rep. Jim Edmunson Rep. Veral Tarno Rep. Bob Tiernan

STAFF PRESENT: Holly Robinson, Legislative Counsel Carole Souvenir,

Legislative Counsel Bryan Boehringer, Committee Clerk MEASURES

CONSII)ERED: HB 2223 - Relating to evidence. HB 2364 - Relating to evidence. HB 2412 - Relating to stalking. HB 2542 - Relating to Justice Courts. HB 2854 - Relating to spouses. HB 2915 - Relating to motor vehicle insurance. HB 2916 - Relating to liability. HB 2957 - Relating to domestic relations. HB 3428 - Relating to indigent defense. HB 3430 - Relating to juveniles. HB 3431 - Relating to violations. HB 3434 - Relating to indigent defense.

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006 CHAIR PARKS: Calls the meeting to order at 1:50 p.m.

WORK SESSION ON HB 2223 007 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains the bill. The bill allows evidence that was lawfully recorded on inmate phone calls by corrections officials, and on phone calls by persons detained in county jails, police stations, or sheriffs offices by law enforcement public officials to be admissible in court proceedings when the participant against whom the evidence is being offered had actual knowledge of the recording. There are -2 amendments. House Committee on Jud~ciary March 29, 1993 - Page 2

014 MOTION: REP. COURTNEY: Moves to ADOPT the HB 2223-2 amendments.

VOTE: CHAIR PARKS: Hearing no objection, the amendments are ADOPTED. All members are present.

016 MOTION: REP. COURTNEY: Moves HB 2223, AS AMENDED, to the Floor with a DO PASS recommendation. VOTE: 9-0 Motion passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Mason, Tarno, Tiernan, Parks NO: None REP. TIERNAN will lead discussion on the Floor.

WORK SESSION ON HB 2364

024 CAROLE SOUVENIR, COMMITTEE COUNSEL: Explains the bill. The bill provides that the court's hearing to determine the admissibility of evidence of the victim's past sexual behavior shall be held out of the presence of the public and the jury. There are -5 amendments.

030 MOTION: REP. BROWN: Moves to ADOPT the HB 23645 amendments.

VOTE: CHAIR PARKS: Hearing no objection, the amendments are ADOPTED. All members are present.

032 MOTION: REP. BROWN Moves HB 2364, AS AMENDED, to the Floor with a DO PASS recommendation. VOTE: 9-0 Motion passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Mason, Tarno, Tiernan, Parks NO: None REP. BROWN will lead discussion on the Floor.

WORK SESSION ON HB 2412

042 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains the bill. The bill

creates a crime of stalking, and creates three types of stalking offenses. There are -6 amendments.

050 MOTION: REP. COURTNEY: Moves to ADOPT the HB 2412-6 amendments.

VOTE: CHAIR PARKS: Hearing no objection, the amendments are ADOPTED. All members are present.

052 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains the fiscal impact statement. Regarding the possible fiscal impact the bill should be sent to the appropriations committee. House Committee on Judiciary March 29,1993Page3

058 MOTION: REP. COURTNEY: Moves that HB 2412, AS AMENDED, be returned to the Speaker's desk with a letter requesting that the bill be referred to the Committee on Appropriations with a DO PASS recommendation. 066 REP. MASON: Asks about the referral to Ways and Means. 068 HOLLY ROBINSON, COMMITTEE COUNSEL: The amount of the fiscal impact necessitates its referral. 076 REP. MASON: Does this bill affect more than one agency? 079 HOLLY ROBINSON, COMMITTEE COUNSEL: Yes. 079 REP. MASON: Does the bill have a budgetary impact on more than one agency? 081 REP. TIERNAN: That is correct.

082 REP. MASON: Where was your motion to send the bill to, Rep. Courtney?

083 REP. COURTNEY: To the Appropriations Committee.

084 REP. MASON: I don't think that under ORS 171.559 that that is the appropriate committee to send a bill that has a budget impact on more than one agency. 092 REP. EDMUNSON: Discusses the need for watching this bill proceed through the system. VOTE: 9-0 Motion passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Mason, Tarno, Tiernan, Parks NO: None

WORK SESSION ON HB 2542

103 CAROLE SOUVENIR, COMMITTEE COUNSEL: Explains the bill. The bill abolishes justice courts after terms of justice of the peace expire or the office otherwise becomes vacant. There are -6 amendments.

118 MOTION: REP. EDMUNSON: Moves to ADOPT the HB 2542-6 amendments.

VOTE: CHAIR PARKS: Hearing no objection, the amendments are ADOPTED. All members are present.

120 MOTION: REP. EDMUNSON: Moves HB 2542, AS AMENDED, to the Floor with a DO PASS recommendation. 124 REP. BAKER: Asks about the -6 amendments. 14.0REP. EDMUNSON: Explains the amendments to the bill. House Committee on Judiciary March 29,1993 Page 4 _

VOTE: 6-3 Motion passes AYE: Baker, Courtney, Edmunson, Mason, Tiernan, Parks NO: Brian, Brown, Tarno

REP. COURTNEY: Requests that his vote be changed from aye to no.

VOTE: 5-4 Motion passes AYE: Baker, Edmunson, Mason, Tiernan, Parks NO: Brian, Brown, Courtney, Tarno

REP. EDMUNSON and CHAIR PARKS will lead discussion on the Floor.

WORK SESSION ON HB 2854

159 CAROLE SOUVENIR, COMMITTEE COUNSEL: Explains the bill. The bill allows huSB and or wife to be sued jointly or separately for expenses of children and family; Deletes two-year statute of limitations for suits against the wife; Deletes provisions concerning wife's responsibilities for debts incurred by the huSB and while they lived together; Deletes provision regarding debts contracted during a separation. There are -2 amendments. 166 MOTION: REP. BAKER: Moves to ADOPT the HB 2852 amendments.

VOTE: CHAIR PARKS: Hearing no objection, the amendments are ADOPTED. All members are present.

169 REP. BROWN: Asks about the amendments impact on women.

176 MOTION: REP. EDMUNSON: Moves HB 2854, AS AMENDED, to the Floor with a DO PASS recommendation. VOTE: 9-0 Motion passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Mason, Tarno, Tiernan, Parks NO: None REP. MASON will lead discussion on the Floor.

WORK SESSION ON HB 2915

185 CAROLE SOUVENIR, COMMITTEE COUNSEL: Explains the bill. The bill allows an insured individual to choose whether to file a cause of action for insurance benefits for personal injuries resulting from the use, operation or maintenance of a motor vehicle in small claims court or submit the claim to arbitration.

191 MOTION: REP. EDMUNSON: Moves HB 2915 to the Floor with a DO PASS recommendation. VOTE: 8-1 Motion passes

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AYE: Baker, Brian, Brown, Courtney, Edmunson, Mason, Tiernan, Parks NO: Tarno

REP. BRIAN will lead discussion on the Floor.

201 REP. BAKER: Asks about the -1 amendments.

WORK SESSION ON HB 2916

206 CAROLE SOUVENIR, COMMITTEE COUNSEL: Explains the bill. The bill 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. There are -1 amendments.

212 MOTION: REP. BRIAN: Moves to ADOPT the HB 2916-1 amendments.

VOTE: CHAIR PARKS: Hearing no objection, the amendments are ADOPTED. All members are present.

215 MOTION: REP. BRIAN: Moves HB 291C, AS AMENDED, to the Floor with

a DO PASS recommendation. 219 REP. TIERNAN: Asks about the testimony behind the bill. What is the motivation for this legislation.

221 REP. BRIAN: Discusses the requirement of gross negligence in order to receive benefit from insurance companies. 250 REP. TIERNAN: Discusses concerns with the bills affect on pleasure boating.

266 REP. BAKER: Explains the distinction between all motor vehicles.

276 REP. BRIAN: Discusses changes in insurance. VOTE: 7-2 Motion passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Mason, Parks NO: Tarno, Tiernan CHAIR PARKS will lead discussion on the Floor.

WORK SESSION ON HB 2957

303 CAROLE SOUVENIR, COMMITTEE COUNSEL: Explains the bill. The bill provides that the marital relationship terminates 30 days after a divorce decree is entered regardless of whether an appeal has been filed. There are -1 amendments.

311 MOTION: REP. BROWN: Moves to ADOPT the HB 2957-1 amendments.

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VOTE: CHAIR PARKS: Hearing no objection, the amendments are ADOPTED. All members are present.

318 MOTION: REP. BROWN: Moves HB 2957, AS AMENDED, to the Floor with a DO PASS recommendation. VOTE: 9-0 Motion passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Mason, Tarno, Tiernan, Parks NO: None REP. BROWN will lead discussion on the Floor.

WORK SESSION ON HB 3428

328 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains the appropriations referral. Explains the bill. The bill allows recoupment of indigent defense costs where criminal case is disposed by civil compromise or diversion.

346 MOTION: REP. TIERNAN: Moves that HB 3428 be returned to the Speaker's desk with a letter requesting that the bill be referred to the Committee on Appropriations with a DO PASS recommendation. 349 REP. BROWN: Why does the bill need to be referred to the Appropriations committee? 351 HOLLY ROBINSON, COMMITTEE COUNSEL: The bill needs to be sent to Appropriations, because of the amount of money the state saves. 361 REP. BAKER: Does this bill meet that criteria?

365 HOLLY ROBINSON, COMMITTEE COUNSEL: There is a potential savings up to \$281,000.

370 REP. BAKER: Discusses piling up bills in the process, just because they save people money.

VOTE: 6-3 Motion passes AYE: Brian, Courtney, Mason, Tarno, Tiernan, Parks NO: Baker, Brown, Edmunson

WORK SESSION ON HB 3430

402 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains the bill. The bill grants juvenile court authority to order parents whose children found

within the jurisdiction of the juvenile court to repay to the state the cost of providing court-appointed counsel and expenses.

418 MOTION: REP. EDMUNSON: Moves that HB 3430 be returned to the Speaker's desk with a letter requesting that the bill be referred to the Committee on Appropriations with a DO PASS recommendation. 424 REP. EDMUNSON: Explains the vote against the referral.

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VOTE: 9-0 Motion passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Mason, Tarno, Tiernan, Parks NO: None

WORK SESSION ON HB 3431

456 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains the bill. The bill grants court authority to order an offender to pay restitution to the victim on a violation of conviction.

473 MOTION: REP. COURTNEY: Moves that HB 3431 be returned to the Speaker's desk with a letter requesting that the bill be referred to the Committee on Appropriations with a DO PASS recommendation. 482 REP. MASON: Discusses the problems with the referral to Appropriations. Discusses the legitimacy of the Appropriations Committee.

TAPE 20, SIDE A

030 REP. MASON: Continues discussing concerns with the Appropriations Committee.

035 VOTE: 9-0 Motion passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Mason, Tarno, Tiernan, Parks NO: None

WORK SESSION ON HB 3434 040 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains the bill. The bill allocates to each county on a percentage share basis and a caseload limitation identified by major case type categories an expenditure limitation for indigent defense costs for moneys appropriated to the State Court Administrator to pay compensation of counsel and other expenses arising out of legal representation of indigent persons. 049 REP. BRIAN: Asks about the language of the bill that refers to what the counties must spend the money on.

054 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains the section.

065 REP. BRIAN: Discusses concerns with the regulation of the spending formula. Discusses spending caps.

095 REP. TIERNAN: Discusses the Subcommittee's reasons for passing the bill out.

119 HOLLY ROBINSON, COMMITTEE COUNSEL: Discusses the participants in the appropriation process. Discusses budget constraints. Discusses replenishing funds, if the spending limit is exceeded.

147 CHAIR PARKS: Discusses other bills that will allow counties to contract independently. House Committee on Judiciary March 29, 1993 -

156 REP. BAKER: Explains his vote. This decision needs to be made on the Floor. The bill is very bad policy.

167 MOTION: REP. TIERNAN: Moves that HB 3434 be returned to the Speaker's desk with a letter requesting that the bill be referred to the Committee on Appropriations with a DO PASS recommendation. VOTE: 7-2 Motion passes AYE: Baker, Brian, Edmunson, Mason, Tarno, Tiernan, Parks NO: Brown, Courtney

Upon the bills return to the Floor the Chair requests that REP. EDMUNSON & CHAIR PARKS lead discussion on the Floor.

182 CHAIR PARKS: Adjourns the meeting at 2:30 p.m.

Submitted by:	Reviewed by: . Bryan Boehringer	Anne May
Committee Clerk	Committee Coordinator	

EXHIBIT LOG:

A - Testimony on HB 2542 - Morrow Co. Court - 1 page B - Testimony on HB 2542 - Robert King - 5 pages C - Testimony on HB 2542 - Candace Hissong - 3 pages D - Testimony on HB 2542 - Chris Nix - 2 pages E - Testimony on HB 2916 - Tom Stevenson - 4 pages F - Amendments to HB 2412 - Legislative Counsel - 11 pages G - Amendments to HB 2223 - Legislative Counsel - 1 page H - Amendments to HB 2542 - Legislative Counsel - 5 pages

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