

HOUSE COMMITTEE ON JUDICIARY

May 3, 1993                      Hearing Room 357 1:30 p.m.                      Tapes 30 - 31  
MEMBERS PRESENT: Rep. Del Parks, Chair Rep. Tom Mason, Vice-Chair  
Rep. Ken Baker Rep. Kate Brown Rep. Peter Courtney Rep. Jim Edmunson  
Rep. Veral Tarno Rep. Bob Tiernan MEMBER EXCUSED:                      Rep. Tom Brian  
STAFF PRESENT: Holly Robinson, Legislative Counsel Carole Souvenir,  
Legislative Counsel Bryan Boehringer, Committee Clerk MEASURES  
CONSIDERED:                      HB 2224 - Relating to crime. HB 2291 - Relating to health  
support benefits in child support enforcement actions. HB 2946 -  
Relating to domestic relations. HB 3066 - Relating to minors. HB 3219 -  
Relating to monetary obligations in criminal proceedings; appropriating  
money. HB 3424 - Relating to driving while suspended or revoked. HB 3432  
- Relating to forfeiture of vehicles.

These mmutes 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. . TAPE 30, SIDE A

004 CHAIR PARKS: Calls the meeting to order at 1:35 p.m.

WORK SESSION ON HB 2224 005 HOLLY ROBINSON, COMMITTEE COUNSEL: The bill  
creates new offenses of unlawful impersonation of a peace officer if the  
person uses false law enforcement identification in the commission of an  
offense, a Class C felony; and unlawful possession of a false law  
enforcement identification card, a Class A misdemeanor.

014 MOTION: REP. EDMUNSON: Moves HB 2224 to the Floor with a DO PASS  
recommendation House Committee on Judic~ary May 3, 1993 - Page 2

VOTE: 3-2 Motion passes AYE: Brown, Edmunson, Tarno NO: Mason, Parks  
EXCUSED: Baker, Brian, Courtney, Tiernan

CHAIR PARKS: Gives notice of possible reconsideration.

037 MOTION: To reconsider the previous motion.

VOTE: 6-1 Motion passes AYE: Brown, Courtney, Edmunson, Tarno, Tiernan,  
Parks NO: Mason EXCUSED: Baker, Brian

046 MOTION: REP. BROWN: Moves HB 2224 to the Floor with a  
DO PASS recommendation. VOTE: 6-1 Motion passes AYE: Brown, Courtney,  
Edmunson, Tarno, Tiernan, Parks NO: Mason EXCUSED: Baker, Brian

REP. TARNO will lead discussion on the Floor.

WORK SESSION ON HB 2291

054 HOLLY ROBINSON, COMMITTEE COUNSEL: The bill requires that an  
obligor name a subject child as a baneficiary on any health plan that is  
available under the terms of an applicable contract if available to the  
obligor at reasonable cost.

067 MOTION: REP. BROWN: Moves HB 2291 to the Floor with a DO PASS  
recommendation. 069 REP. TARNO: Asks about eligibility for custodial  
parents. 076 HOLLY ROBINSON, COMMITTEE COUNSEL: That section has been  
completely rewritten in the amendments. Explains the parties  
responsibilities. VOTE: 7-0 Motion passes AYE: Brown, Courtney,  
Edmunson, Mason, Tarno, Tiernan, Parks NO: None EXCUSED: Baker, Brian

REP. BROWN will lead discussion on the Floor.

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WORK SESSION ON HB 2946

100 CAROLE SOUVENIR, COMMITTEE COUNSEL: The bill designates "enhanced earning capacity" as property for the purposes of division of property during a dissolution action. There are-2 amendments.

107 MOTION: REP. EDMUNSON: Moves to ADOPT the HB 2946-2 amendments.

VOTE: CHAIR PARKS: Hearing no objection, the amendments are ADOPTED. Rep. Baker and Rep. Brian are excused.

109 REP. TIERNAN: Asks about obligation for those that choose the dissolution.

112 CHAIR PARKS: The court has the opportunity to review the obligation.

120 MOTION: REP. BROWN: Moves HB 2946, AS AMENDED, to the Floor with a DO PASS recommendation. VOTE: 7-0 Motion passes AYE: Brown, Courtney, Edmunson, Mason, Tarno, Tiernan, Parks NO: None EXCUSED: Baker, Brian REP. PARKS will lead discussion on the Floor.

WORK SESSION ON HB 3219

129 HOLLY ROBINSON, COMMITTEE COUNSEL: The bill imposes an additional \$8.00 fee upon offenders as part of the unitary assessment to generate funds for Assessment and Advocacy Centers designated by a county multidisciplinary child abuse team.

148 MOTION: REP. COURTNEY: Moves that HB 3219 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: 7-0 Motion passes AYE: Brown, Courtney, Edmunson, Mason, Tarno, Tiernan, Parks NO: None EXCUSED: Baker, Brian

WORK SESSION ON HB 3424 160 HOLLY ROBINSON, COMMITTEE COUNSEL: The bill reclassifies the following felony driving while suspended or revoked offenses to class A misdemeanors when the suspension of revocation results from one or more of the following: habitual offender status; conviction of any crime punishable as a felony with proof of a material element involving the operation of a motor vehicle; conviction of failure to perform the duties of a driver if property damage results; - 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. House Committee on Judiciary May

conviction of reckless driving; conviction of fleeing or attempting to elude a police officer; conviction of DUII.

169 MOTION: REP. COURTNEY: Moves that HB 3424 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: 7-0 Motion passes AYE: Brown, Courtney, Edmunson, Mason, Tarno, Tiernan, Parks NO: None EXCUSED: Baker, Brian

WORK SESSION ON HB 3432

180 HOLLY ROBINSON, COMMITTEE COUNSEL: The bill authorizes seizure and forfeiture of vehicles for criminal driving while suspended offenses under the provisions of Chapter 791, Oregon Laws 1989. There are - 1 amendments. 187 MOTION: REP. COURTNEY: Moves to ADOPT the HB 3432-1 amendments.

VOTE: CHAIR PARKS: Hearing no objection, the amendments are ADOPTED. Rep. Baker and Rep. Brian are excused.

191 REP. EDMUNSON: Asks about the nature of the testimony.

202 HOLLY ROBINSON, COMMITTEE COUNSEL: The testimony primarily consisted of representatives of the law enforcement community. Discusses the testimony concerning the replacement of criminal sanctions with civil sanctions. 215 REP. TIERNAN: Explains that there was testimony from District Attorney's representative and the public defenders group. Discusses constitutionality issues of forfeiture of property.

238 REP. EDMUNSON: Discusses forfeiture issues. Discusses concerns with the constitutional issues involved with the bill. 268 REP. TIERNAN: There was testimony from the ACLU. The committee felt that there was no motivating reason that the forfeiture would be held unconstitutional. 274 REP. EDMUNSON: Asks about the ACLU's position.

275 REP. TIERNAN: They believed that it was a violation of our constitutional rights.

280 REP. BROWN: Asks about the constitutionality of the asset forfeiture.

284 REP. EDMUNSON: Explains implicit forfeiture.

315 REP. COURTNEY: Asks about conviction and forfeiture.

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329 REP. EDMUNSON: Explains where the constitution is on this.

MOTION: REP. EDMUNSON: Moves that HB 3432 be referred back to the subcommittee on Crime and Corrections.

334 REP. COURTNEY: Discusses the ACLU's position of forfeiture before a conviction.

365 REP. COURTNEY: Discusses the possibility of the bill dying in the Civil Subcommittee.

VOTE: 6-2 Motion passes AYE: Baker, Brown, Courtney, Edmunson, Mason, Parks NO: Tarno, Tiernan EXCUSED: Brian

WORK SESSION ON HB 3066

421 CAROLE SOUVENIR, COMMITTEE COUNSEL: The bill revises the Oregon Indoor Clean Air Act to prohibit smoking in public places with certain exceptions: 1) Cocktail lounges and taverns; 2) Retail businesses primarily engaged in the sale of alcoholic liquors, tobacco or tobacco products; 3) Business premises that are closed to minors by law; and 4) Any place of employment that does not employ minors or minors are not present; Repeals current law regarding smoking in hospitals and allows a patient to smoke in the patient's room; Allows hotels and inns to designate certain rooms as smoking rooms as long as a reasonable number of non-smoking rooms are also available. There are ~ amendments.

442 MOTION: REP. BAKER: Moves to ADOPT the HB 3066-6 amendments.

VOTE: CHAIR PARKS: Hearing no objection, the amendments are ADOPTED. Rep. Brian is excused.

453 MOTION: REP. BAKER Moves HB 3066, AS AMENDED, to the Floor with a DO PASS recommendation. 458 REP. MASON: Discusses the changes in smoking laws in hospitals. 467 REP. TIERNAN: What does the bill do? How does it change existing law. 477 CHAIR PARKS: Explains the changes. The bill will impact the health care industry in Oregon. The bill will outlaw smoking in areas that minors are present. The bill will impact the tobacco industry in the state. Eliminates the second hand smoke inhalation by children.

TAPE 31, SIDE A

028 CHAIR PARKS: Continues with the testimony. The bill will eliminate some of the peer pressure applied to children.

032 REP. TIERNAN: Asks about the businesses that will be affected.

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035 CHAIR PARKS: Restaurants, arenas, airports, anyplace where children can lawfully be present. Exceptions are outlined in the -6 amendments. 042 REP. TIERNAN: Asks about the Memorial Coliseum and group homes. 059 CAROLE SOUVENIR, COMMITTEE COUNSEL: Explains the levels of health care facilities, and their relation to the bill.

068 REP. TIERNAN: Discusses the need for a list of where you can and can't smoke under the new legislation. 074 REP. EDMUNSON: Explains the fundamental shift in public policy. Explains the changes in the law. The list will now consist of places where you can smoke, instead of places that are off limits. 138 REP. BROWN: Asks about discussion concerning the Portland Convention Center. Asks about the airline decision to ban smoking on flights over six hours. 150 CHAIR PARKS: The FAA regulates the airline industry. 167 REP. TARNO: Asks about the extent of the changes on schools and college campuses. 178 REP. TIERNAN: Asks about the changes to existing businesses. 182 REP. EDMUNSON: Explains the changes. We are targeting the next generation.

210 REP. TIERNAN: Asks about the effect on smoking teachers in public schools.

213 REP. BAKER: Discusses the changes in faculty smoking laws in schools.

222 REP. TARNO: Asks about the enforcement aspect of the bill.

224 CHAIR PARKS: Explains the fines and enforcement.

VOTE: 9-0 Motion passes AYE: Baker, Brown, Courtney, Edmunson, Tiernan, Parks NO: Mason, Tarno EXCUSED: Brian

REP. PARKS will lead discussion on the Floor.

265 CHAIR PARKS: Adjourns the meeting at 2:23 p.m.

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Submitted by:  
Anne May Committee Clerk

Reviewed by: Bryan Boehringer  
Committee Coordinator

EXHIBIT LOG: A - Testimony on HB 2946 - Helenjane Williams - 3 pages B - Amendments to HB 2946 - Legislative Counsel - 5 pages C - Amendments to HB 3432 - Legislative Counsel - 1 page D - Amendments to HB 3066 - Legislative Counsel - 8 pages -

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