

HOUSE COMMITTEE ON JUDICIARY

May 17, 1993                      Hearing Room 357 1:30 p.m.                      Tapes 34 - 35  
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 CONSIDERED: HB 2014 - Relating  
to suspension of driving privileges. HB 2062 - Relating to student  
records. HB 2082 - Relating to monetary obligations arising out of  
offenses. HB 2201 - Relating to Public Utility Commission. HB 2248 -  
Relating to tort claims. HB 2286 - Relating to children. HB 2381 -  
Relating to forfeiture. HB 2479 - Relating to motor vehicles;  
appropriating money. HB 2539 - Relating to forfeiture; appropriating  
money; declaring an emergency. HB 27S9 - Relating to release of  
offenders. HB 3011 - Relating to juveniles. HB 3018 - Relating to the  
Uniform Interstate Family Support Act.

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. . TAPE 34, SIDE A 007 CHAIR  
PARKS: Calls the meeting to order at 1 37 p m WORK SESSION ON HB 2014

010 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2014 incorporates suspension  
for drug offenses into Oregon law on suspension and revocation of  
driving privileges House Committee on Judiciary May 17, 1993 - Page 2

020 MOTION: REP. TIERNAN: Moves HB 2014 to the Floor with a DO PASS  
recommendation. 022 REP. BROWN: Discusses the policy that the bill  
will modify. This is bad policy to suspend driving licenses for offenses  
that have nothing to do with driving. VOTE: 9-0 Motion passes AYE:  
Baker, Brian, Brown, Courtney, Edmunson, Mason, Tarno, Tiernan, Parks  
NO: None REP. TARNO will lead discussion on the Floor.

WORK SESSION ON HB 2062

040 CAROLE SOUVENIR, COMMITTEE COUNSEL: HB 2062 repeals current  
Oregon law concerning disclosure of education records and conforms  
Oregon law with the Family Educational Rights and Privacy Act with a few  
additional restrictions. There are -3 amendments. 058 MOTION: REP.  
BAKER: Moves to ADOPT the HB 2062-3 amendments.

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

060 MOTION: REP. BAKER: Moves HB 2062, 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.  
BAKER will lead discussion on the Floor.

WORK SESSION ON HB 2082

071 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2082 allows state to assign  
collections of criminal judgments that impose monetary obligations to a  
private collection agency. There are -2 amendments. 080 MOTION: REP.  
TIERNAN: Moves to ADOPT the HB 2082-2 amendments.

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

members are present.

085 CHAIR PARKS: Asks if there are other amendments. 088 MOTION:  
REP. TIERNAN: Moves HB 2082, AS AMENDED, to the Floor with a DO PASS  
recommendation.

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 17, 1993 - Page 3

096 CHAIR PARKS: Asks for clarification in the state's collection of  
expenses.

098 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains the types of  
collection.

100 CHAIR PARKS: Discusses the attorney fees.

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 2201

114 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2201 provides that all  
final orders of the PUC, except those final orders in which a  
telecommunications utility is a party, are subject to judicial review  
only by the Court of Appeals.

124 MOTION: REP. COURTNEY: Moves HB 2201 to the Floor with a DO PASS  
recommendation. 128 REP. EDMUNSON: Asks about the scope of review at  
the Court of Appeals level. 129 HOLLY ROBINSON, COMMITTEE COUNSEL:  
That is based on the trial record. 130 REP. EDMUNSON: Discusses  
substantial evidence. Discusses circuit court's review. 136 HOLLY  
ROBINSON, COMMITTEE COUNSEL: Explains the agency appeals. 143 REP.  
EDMUNSON: Asks about the Administrative Procedures Act. Discusses  
circuit court involvement. 152 REP. BAKER: Asks about the exemptions  
of telecommunications industry. 153 MOLLY ROBINSON, COMMITTEE COUNSEL:  
The telecommunications industry requested to be exempted. Discusses  
costs of the process. 162 REP. EDMUNSON: Discusses the increased work  
load of the court of appeals. 170 REP. BRIAN: Is there a fiscal  
impact? 172 HOLLY ROBINSON, COMMITTEE COUNSEL: There is a fiscal impact,  
the Court of Appeals predicts an increase of \$10,000. 176 REP. BROWN:  
Discusses decrease in fiscal due to the decrease in circuit court use.  
Discusses Citizen's Utility Board.

191 REP. TIERNAN: Suggests sending the bill to the Civil  
Subcommittee.

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  
17, 1993 - Page 4

211 REP. BRIAN: Discusses other state agencies appeals process.

220 REP. MASON: Asks about the theory behind the bill.

224 HOLLY ROBINSON, COMMITTEE COUNSEL: Discusses the similarities in the process. One of the reviews was unnecessary.

235 REP. MASON: Discusses the magnitude of these changes.

244 CHAIR PARKS: Summarizes the process.

259 REP. EDMUNSON: Discusses the review process. Voices concerns with the appeal process. 283 REP. BAKER: Asks about the amount of written opinions for the cases, and the amount of cases overturned.

287 VOTE: 5-4 Motion passes AYE: Brian, Brown, Courtney, Tarno, Tiernan NO: Baker, Edmunson, Mason, Parks 313 REP. BRIAN: Requests to change his vote to NO.

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

314 CHAIR PARKS: HB 2201, not having received a majority is not passed to the Floor.

WORK SESSION ON HB 224 8

321 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2248 amends provisions of the Oregon Tort Claims Act concerning who must receive actual notice of a claim submitted to the public body. There are - 1 amendments.

335 MOTION: REP. BROWN: Moves to ADOPT the HB 2248-1 amendments.

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

342 MOTION: REP. TARNO: Moves HB 2248, AS AMENDED. to the Floor with a DO PASS recommendation. VOTE: 7-2 Motion passes AYE: Baker, Brian, Brown, Courtney, Tarno, Tiernan, Parks NO: Edmunson, Mason REP. BAKER will lead discussion on the Floor.

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 17, 1993 - Page 5 WORK SESSION ON HB 2286 361 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2286 makes obligee/custodial parent

a party in child support administrative hearings and authorizes service on obligees by first class mail in most cases. There are -1 amendments.

383 MOTION: REP. BRIAN: Moves to ADOPT the HB 2286-1 amendments.

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

386 MOTION: REP. BRIAN: Moves HB 2286, AS AMENDED, to the Floor with a DO PASS recommendation. VOTE: 7-2 Motion passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Mason, Parks NO: Tarno, Tiernan - REP. BRIAN will lead discussion on the Floor.

WORK SESSION ON HB 2381

406 CAROLE SOUVENIR, COMMITTEE COUNSEL: HB 2381 extends the sunset on the asset forfeiture law until December 31, 1993. Provides that current membership terms of members of Asset Forfeiture Oversight Advisory Committee expire on December 31, 1993. Explains technical correction to the amendments. 431 MOTION: REP. BAKER: Moves to ADOPT the HB 2381-6 amendments, AS TECHNICALLY CORRECTED. VOTE: CHAIR PARKS: Hearing no objection, the amendments are ADOPTED. All members are present. 441 MOTION: REP. BRIAN: Moves HB 2381, AS AMENDED, to the Floor with a DO PASS recommendation. 449 REP. BRIAN: Discusses the need for an advisory memo on the creation the Drug Cleanup Fund. VOTE: 9-0 Motion passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Mason, Tarno, Tiernan, Parks NO: None REP. BRIAN will lead discussion on the Floor.

WORK SESSION ON HB 2479

481 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2479 provides that a person's driving privileges will be revoked if a person is convicted of any degree of murder or manslaughter and - 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 17, 1993 - Page 6

the court finds that the person intentionally used a motor vehicle as a dangerous weapon resulting in the death of the victim. There are -1 amendments.

TAPE 35, SIDE A

030 HOLLY ROBINSON, COMMITTEE COUNSEL: Continues with explanation.

041 MOTION: REP. TARNO: Moves to ADOPT the HB 2479-1 amendments.

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

043 MOTION: REP. TIERNAN: Moves HB 2479, AS AMENDED, to the Floor with a DO PASS recommendation. 046 REP. BAKER: Asks about conditions on probation. What does the law actually do? 050HOLLY ROBINSON, COMMITTEE COUNSEL: The law deals with the length of time of the driving suspension. Explains the suspension. 068REP. TIERNAN: Explains the rationale behind the bill. Discusses the testimony presented to the committee. 089 CHAIR PARKS: Explains the necessity of a car in today's society. This can be self-defeating.

105 REP. TIERNAN: Discusses testimony.

114 REP. BRIAN: Asks about the extent of "manslaughter." Discusses drunk driving.

124 CHAIR PARKS: Discusses intention of "manslaughter."

134 REP. MASON: How many incidents are we basing this bill on?

135 REP. TARNO: There are not many cases where the motor vehicle was used intentionally as a weapon.

137 REP. BROWN: Discusses the possibility of adding a hardship

provision to allow for work permits.

144 REP. BRIAN: Discusses probation. Other areas should be looked at.

158 REP. MASON: Discusses the bill's lack of necessity. Individuals need to drive in today's society. This is nothing more than a "feel good" bill.

174 REP. TIERNAN: Discusses the number of incidents. Discusses the need for HB 247 9.

190 REP. BRIAN: Asks about the length of the suspension. Asks about the current law.

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 17, 1993 - Page 7

196 HOLLY ROBINSON, COMMITTEE COUNSEL: Current law suspends the license five years from sentencing.

206 VOTE: 7-2 Motion passes AYE: Brian, Brown, Courtney, Edmunson, Tarno, Tiernan, Parks NO: Baker, Mason REP. TIERNAN will lead discussion on the Floor.

WORK SESSION ON HB 2539

215 CAROLE SOUVENIR, COMMITTEE COUNSEL: HB 2539 requires first \$50,000 from forfeiture proceeds obtained by the Department of State Police to be distributed to the Legislative Administrator for the Asset Forfeiture Oversight Advisory Committee. There are -3 amendments.

227 MOTION: REP. EDMUNSON: Moves to ADOPT the HB 2539-3 amendments.

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

230 MOTION: REP. BRIAN: Moves HB 2539, AS AMENDED, to the Floor with a DO PASS recommendation. 235 REP. TARNO: Asks about the discussion concerning the dedication of the funds.

238 REP. BRIAN: Explains that this is a new allocation.

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

REP. BRIAN will lead discussion on the Floor.

WORK SESSION ON HB 2759

260 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2759 requires that the agency responsible for supervising sex offenders who have prior sex offense criminal history and a history of predatory behavior notify the local community that the offender is residing in the community. There are -5 amendments. 277 MOTION: REP. COURTNEY: Moves to ADOPT the HB 2759-5 amendments.

286 REP. BRIAN: Asks about the major differences in the amendments.

287 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains the limitation in scope of area that is required to be notified.

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 17, 1993 - Page 8

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

297 MOTION: REP. COURTNEY: Moves HB 2759, AS AMENDED, to the Floor with a DO PASS recommendation. 305 REP. BRIAN: Asks about the general fund provision. 308 CHAIR PARKS: Explains that the bill will be going directly to the Floor. 315 REP. BROWN: Discusses problems with the bill. 332 REP. BRIAN: Discusses the impact on the Corrections Department.

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

REP. COURTNEY will lead discussion on the Floor.

WORK SESSION ON HB 3011

362 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 3011 incorporates references to the Indian Child Welfare Act into the revised Juvenile Code. There are -3 amendments. \ - 371 MOTION: REP. BRIAN: Moves to ADOPT the HB 3011-3 amendments. VOTE: CHAIR PARKS: Hearing no objection, the amendments are ADOPTED. All - members are present. 376 MOTION: REP. BROWN: Moves HB 3011, AS AMENDED, to the Floor with a DO PASS recommendation. 384 REP. BROWN: Asks about the constitutionality of the Indian Child Welfare Act. 390 REP. MASON: Explains the constitutionality of the issue. 412 REP. TIERNAN: Explains that he will be a no vote. Needs more time to review the amendments. 433 REP. BRIAN: Explains the incorporation of existing code into Oregon law. 446 REP. TARNO: Discusses tribe sentiment towards this bill. VOTE: 8-1 Motion passes (Rep. Mason changes his vote to NO, later in the meeting.) AYE: Baker, Brian, Brown, Courtney, Edmunson, Mason, Tarno, Tiernan, Parks NO: Tiernan ~ . . .

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 Comm~tee on Jud~ciary May 17, 1993 - Page 9

REP. BROWN will lead discussion on the Floor.

477 MOTION: REP. BRIAN: Requests unanimous consent to allow Rep. Mason to change his vote. VOTE: CHAIR PARKS: Hearing no objection, so ordered. All members are present. VOTE: 8-2 Motion passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Tarno, Parks NO: Mason, Tiernan

TAPE 34, SIDE B

WORK SESSION ON HB 3018

033 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 3018 replaces the present

Uniform Reciprocal Enforcement of Support Act (URESAs), which permits multiple court orders from different states, with the Uniform Interstate Family Support Act (UIFSA), providing for establishment, enforcement, registration, recognition, and modification of support orders in interstate actions. There are -1 amendments. 047MOTION: REP. BRIAN: Moves to ADOPT the HB 3018-1 amendments.

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

049 MOTION: REP. BRIAN: Moves HB 3018, AS AMENDED, to the Floor with a DO - PASS recommendation.

053 REP. TARNO: Asks about the date for enactment.

055 REP. BRIAN: The date coincides with Washington and California.

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

REP. SCHOON will lead discussion on the Floor.

069 CHAIR PARKS: Adjourns the meeting at 2:40 p.m.

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 17, 1993 - Page 10

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

EXHIBIT LOG:

A - Testimony on HB 2014 - Legislative Fiscal - 1 page B - Testimony on HB 2062 - Committee Counsel - 1 page C - Testimony on HB 2082 - Legislative Fiscal - 1 page D - Testimony on HB 2539 - Legislative Fiscal - 2 pages E - Testimony on HB 2759 - Legislative Fiscal - 2 pages F - Testimony on HB 3018 - Legislative Counsel - 1 page G - Amendments to HB 2062 - Legislative Counsel - 17 pages H - Amendments to HB 2082 - Legislative Counsel - 1 page I - Amendments to HB 2201 - Legislative Counsel - 5 pages J - Amendments to HB 2248 - Legislative Counsel - 2 pages K - Amendments to HB 2286 - Legislative Counsel - 2 pages L - Amendments to HB 2381 - Legislative Counsel - 14 pages M - Amendments to HB 2479 - Legislative Counsel - 15 pages N - Amendments to HB 2539 - Legislative Counsel - 4 pages O - Amendments to HB 2759 - Legislative Counsel - 4 pages P - Amendments to HB 3011 - Legislative Counsel - 17 pages Q - Amendments to HB 3018 - Legislative Counsel - 1 page

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.