

HOUSE COMMITTEE ON JUDICIARY

May 27, 1993 Hearing Room 357 1:01 p.m. Tapes 36 - 38 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 Sarah May, Committee Clerk MEASURES  
CONSIDERED: HB 2030 - Relating to attorney fees. HB 2235 - Relating  
to Intoxicated Driver Program Fund. HB 2246 - Relating to crime. HB 2288  
- Relating to suspension of child support obligations. HB 2463 -  
Relating to criminal procedure. HB 2481 - Relating to corrections. HB  
2489 - Relating to criminal identification data. HB 2630 - Relating to  
juvenile corrections. HB 2969 - Relating to marriage. HB 2977 - Relating  
to child support. HB 2994 - Relating to juveniles. HB 3059 - Relating to  
criminal procedure. HB 3064 - Relating to attorneys. HB 3233 - Relating  
to law enforcement. HB 3432 - Relating to forfeiture of vehicles. HB  
3494 - Relating to zoning HB 3521 - Relating to real property  
recordings. HB 3660 - Relating to public office. SB 220 - Relating to  
attorney trust accounts. SB 28S - Relating to limited liability  
companies; declaring an emergency. HJR 57 - Proposed constitutional  
amendment relating to prohibition of adult-oriented materials and  
services. HJR 70 - Proposed constitutional amendment relating to public  
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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 36, SIDE A

015 CHAIR PARKS: Calls the meeting to order at 1:10 p.m.

WORK SESSION ON HB 2030

017 CAROLE SOUVENIR, COMMITTEE COUNSEL: HB 2030 establishes criteria  
for awarding attorney fees in tax cases. There are -2 amendments to be  
adopted. 021 CHAIR PARKS: Discusses problems with the bill. Discusses  
a lack of the right of the state recovering attorney fees.  
031 MOTION: REP. BAKER: Moves to ADOPT the HB 2030-2 amendments.

CHAIR PARKS: Objects to the amendments.

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

WORK SESSION ON HB 2235

045 CAROLE SOUVENIR, COMMITTEE COUNSEL: HB 2235 allows use of funds  
in Intoxicated Driver Program Fund to pay for special services that are  
required to enable a disabled person or person with limited proficiency  
in English to participate in treatment programs. 058 CHAIR PARKS:  
Asks about the expenses to the State. Asks about the highway fund.  
065 CAROLE SOUVENIR, COMMITTEE COUNSEL: Explains that the \$15 million  
dollars comes from block grant funds. MOTION: REP. BRIAN: Moves that HB  
2235 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: 9-0 Motion passes AYE: Baker, Brian, Brown,

Courtney, Edmunson, Mason, Tarno, Tiernan, Parks NO: None

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#### DISCUSSION ON HB 2508

088 CHAIR PARKS: Explains problems with HB 2508, a bill that the committee had already passed. Explains the fiscal impact from the bill. Discusses the letter that he needs to write. 105REP. TARNO: Suggests amending the bill to remove the signing requirement. 107REP. TIERNAN: Explains the signing requirement in the bill. 111 CHAIR PARKS: Explains that he will send a letter to the Chair of Appropriations allowing the chair to remove the signing requirement.

#### WORK SESSION ON HB 2994

132 CHAIR PARKS: Discusses the Senate's reactions to the bill.  
146 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2994 modifies provisions relating to remand of juvenile offenders. There are -3 amendments to be adopted. 180 REP. BROWN: Asks for clarification of subcommittee action regarding the new amendments. 185REP. BRIAN: Discusses the testimony heard in the subcommittee. Discusses the remand process and concerns about juveniles being able to reenter the juvenile system.  
200 REP. BAKER: Asks about the different types of offenses. Discusses violent personal crimes that are omitted from the category. 214 REP. BRIAN: Discusses the original draft of the bill. Discusses the narrowing of offenses to alleviate concerns. 238 REP. BRIAN: Explains the narrowing of offenses in order to make the bill more appealing to all parties involved. 241 REP. MASON: Asks about the fiscal impact by increasing the age to twenty-five. 244 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains the changes that would potentially cause a fiscal impact. Discusses the cap at McClaren. 265 REP. BROWN: Concerned about the children being moved around in the system. Asks about the juveniles moving from adult to juvenile systems. 274 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains the process of remand. When a remand takes place the child would be automatically placed in the adult system.  
294 REP. BROWN: Discusses concerns with children spending time in the adult system, before their trial.

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305 REP. MASON: Discusses problems with the bill. There are problems with the crimes that the bill encompasses. Discusses the Doell testimony. Discusses the impact that the bill will have on juvenile court.

369 REP. EDMUNSON: Explains his support for the bill. Explains other crimes that would almost always be remanded. Discusses the type of people that commit these types of crime.

425 REP. TIERNAN: Discusses the merits of the bill. Explains the need for automatic remand.

TAPE 37, SIDE A

027 REP. BROWN: Asks about testimony in support of the bill from judges or county commissioners.

029 REP. BRIAN: Explains who spoke in support of the bill.

039 REP. MASON: Discusses the letter from the judges. Discusses The Oregonian editorial opposing the bill.

045 MOTION: REP. TIERNAN: Moves to ADOPT the HB 2993 amendments.

REP. BROWN: Objects to the amendments.

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

061 MOTION: CHAIR PARKS: Proposes an amendment to provide that, "juveniles awaiting trial under an automatic remand shall be housed in the juvenile detention facilities." 072 REP. EDMUNSON: Asks about the housing status for remanded juveniles. 085 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains that there is a possibility of the cases going back to the juvenile system. 088 REP. BRIAN: Asks about the treatment of the child while waiting for remand. 092 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains the current law while the juvenile is awaiting trial. 102 MARK MCDONNELL, MULTNOMAH COUNTY DISTRICT ATTORNEY'S OFFICE: Explains the current process of remand. 122 REP. MASON: Discusses a technical objection to the conceptual amendments. Discusses inconsistencies in the bill. Discusses potential problems with the effects of the amendment.

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136 REP. BRIAN: Discusses the differences in the treatment to juveniles. Discusses the creation of a parallel system.

150 REP. BROWN: Discusses concerns with juveniles spending unneeded time in the adult system. Explains that the conviction should trigger the remand process.

159 MCDONNELL: Discusses current law and housing of juveniles.

169 REP. TIERNAN: Explains that the current process is working.

176 REP. MASON: Discusses the transfer of power to the charging District Attorney. Discusses the facts of the charge.

194 REP. BRIAN: Asks about the specific issues that may effect a decision to remand.

197 MCDONNELL: Discusses the discretionary provision.

204 REP. BRIAN: Asks about paralleling the new remand legislation to the current law.

217 MCDONNELL: Discusses the current transfer system for remand.

226 REP. MASON: Discusses the holding period in the juvenile system.

232 MCDONNELL: Explains that a majority of the individuals are transferred to the adult system.

249 TIM TRAVIS, JUVENILE RIGHTS PROJECT: Discusses the average stay in MacLaren for a child in remand transfer.

261 REP. BRIAN: Asks about the length of a child's stay in OSAI.

288 MOTION: REP. EDMUNSON: Moves to adopt a conceptional amendment to Chair Parks amendment. The amendment would allow in all cases of remand, that the court? upon motion of the defendant or the state, order that the defendant is to be held in the juvenile facility awaiting trial if it is found to be in the best interest of the defendant. 352 REP. MASON: Discusses the additional hearings to the judicial system that Rep. Edmunson's amendment would cause. 360 REP. EDMUNSON: Explains that all juveniles facing possible remand are already receiving those hearings. 367 REP. MASON: Asks if all offenses that are remandable are entitled to the additional hearings. 368 REP. EDMUNSON: Explains that the amendment would be in effect where remand has already occurred. 370 REP. MASON: Asks if the amendment has given the defendant another opportunity for another hearing.

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375 REP. EDMUNSON: Explains that the intent of his motion was not to add a second hearing, but add the decision in the trial that decides to remand.

382 REP. MASON: Asks if the remand process will be turned into a two hearing process.

384 REP. EDMUNSON: Explains that the amendment would make the single hearing broader, and that the additional step would occur in the single hearing.

422 CHAIR PARKS: Asks Rep. Edmunson to withdraw his motion for the purpose of referring the bill back to the Civil Subcommittee.

CHAIR PARKS: WITHDRAWS his motion.

446 REP. EDMUNSON: WITHDRAWS his motion.

447 REP. BRIAN: Discusses the importance of examining the issue of determining pre-trial custody.

464 MOTION: REP. EDMUNSON: Moves that HB 2994 be referred back to the subcommittee on Civil Law and Judicial Administration. VOTE: CHAIR PARKS: Hearing no objection, HB 2994 is referred back to the subcommittee on Civil Law and Judicial Administration. All members are

present.

WORK SESSION ON HB 2246

488 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2246 allows the Attorney General to execute, in writing, a subpoena and to serve the subpoena on any person the Attorney General believes to have information relevant to an criminal investigation undertaken at the request of an elected district attorney; investigations ordered by the governor; and investigations pursuant to ORS 180.600, et seq related to official corruption and organized crime.

TAPE 36, SIDE B

031 HOLLY ROBINSON, COMMITTEE COUNSEL: Continues with explanation of HB 224 6. 038 MOTION: REP. TIERNAN: Moves HB 2246 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.

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WORK SESSION ON HB 2288 051 HOLLY ROBINSON, COMMITTE COUNSEL: HB 2288 provides that a parent who receive assistance payments and who is presumed to be unable to pay child support shall not have support obligations accrue unless the presumption is rebutted. There are -3 amendments to be adopted. 059 MOTION: REP. EDMUNSON: Moves to ADOPT the HB 2288-3 amendments.

VOTE: CHAIR PARKS: Hearing no objection, the amendments are ADOPTED. All members are present. . 061 MOTION: REP. BROWN: Moves HB 2288, AS AMENDED, to the Floor with a DO PASS recommend\$ion. VOTE: 9-0 Motion passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Mason, Tarno, Tiernan, Parks NO: None REP. EDMUNSON will lead discussion on the Floor.

WORK SESSION ON HB 2463 072 CAROLE SOUVENIR, COMMITTEE COUNSEL: HB 2463 allows the state or the defendant in a criminal case to move the court for an order for production of documents of a third party witness prior to the trial or prior to when they would be offered into evidence. There are -1 amendments to be adopted. 077 MOTION: REP. TIERNAN: Moves to ADOPT the HB 2463-1 amendments.

VOTE: CHAIR PARKS: Hearing no objection, the amendments are ADOPTED. All members are present. 081MOTION: REP. TIERNAN: Moves HB 2463, 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. BRIAN will lead discussion on the Floor.

WORK SESSION ON HB 2481

093 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2481 creates within the Department of Corrections a special alternative incarceration program

stressing a highly structured and regimented routine based on a military basic training model and providing cognitive restructuring and drug and alcohol treatment. There are -1 amendments that need to be adopted. There is a subsequent referral to the Committee on Appropriations.

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097 MOTION: REP. COURTNEY: Moves to ADOPT the HB 2481-1 amendments.

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

099 MOTION: REP. COURTNEY: Moves that HB 2481, 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. VOTE: CHAIR: Hearing no objection, HB 2481 is referred to the Committee on Appropriations. All members are present. 102REP. TIERNAN: Asks about the increased number that appears on the fiscal impact statement. 107 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains that this fiscal reflects the program costs and the operating costs for the Shutter Creek facility. 112 REP. TARNO: Asks about the renovation of the facility, and the expected costs of the renovation. 122 REP. COURTNEY: Discusses problems with this increased fiscal impact. 126 REP. MASON: Discusses concerns with sending a bill with such a large fiscal impact to the Appropriations Committee. 134REP. TARNO: Discusses the justification by the Corrections Department for such a high priced project. 140CHAIR PARKS: Discusses options for working the bill. 146 REP. TIERNAN: Explains the reasoning behind sending the bill to Appropriations. Discusses the increase in the fiscal statement. 154 REP. COURTNEY: Discusses the problems with the fiscal. Suggests moving the bill to the Appropriations Committee. Explains the rationale behind moving the bill on to Appropriations. 169VOTE: 8-1 Motion passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Tarno, Tiernan, Parks NO: Mason

WORK SESSION ON HB 2489 173 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2489 directs the Department of State Police to provide the Teacher Standards and Practices Commission and the Oregon Department of Education with complete criminal identification information, which includes both state level criminal history information as well as other states' information, on persons applying for or renewing educational licenses, other school district employees, and contractors who have contact with students. There are -2 amendments to be adopted.

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178 MOTION: REP. COURTNEY: Moves to ADOPT the HB 2489-2 amendments.

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

183 CHAIR PARKS: Asks about the referral to the Appropriations

Committee.

184 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains the reasons for sending it to the appropriations committee. Discusses the creation of fees.

203 REP. COURTNEY: Discusses the fee to make the program self-sustaining.

208 REP. MASON: How many people are involved in this check?

214 HOLLY ROBINSON, COMMITTEE COUNSEL: The number is close to 50,000 people between teachers and classified employees. 223 REP. MASON:- Discusses the fingerprints. 225 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains that the fingerprint cards will be destroyed after the check is completed. 226 REP. MASON: . Asks about the process of checking the fingerprints. 227 HOLLY ROBINSON, COMMITTEE COUNSEL: Explains that teachers are already checked on a state wide scale. 244 REP. MASON: Asks about the allocation of funds to the Department of Education, in order to administer the program. 249 REP. MASON: Explains that the initial fiscal impact statement indicated that the Department of Education would only need \$108,000. - 255 MOTION: REP. TIERNAN: Moves that HB 2489, AS AMENDED, be returned to the Speaker's desk with a leKer requesting that the bill be referred to the Committee on Appropriations with a DO PASS recommendation. 267 REP. COURTNEY: Explains the problem that is occurring across the nation. Discusses the nation wide check. Discusses the rationale for including class)fied employees. Explains the work done on finding a reasonable fee. 293 REP. BAKER: Discusses the importance of the problem. 302 REP. MASON: Discusses problems with the bill. Discusses the magnitude of the check. 339 REP. COURTNEY: Discusses amendments to improve the bill and take care of these types of programs. Discusses concessions made in the bill.

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VOTE: 7-2 Motion passes AYE: Baker, Brian, Courtney, Edmunson, Tarno, Tiernan, Parks NO: Brown, Mason WORK SESSION ON HB 2630

368 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2630 modifies the population cap for youths housed at the training school. MOTION: REP. BROWN: Moves HB 2630 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 2969

399 CAROLE SOUVENIR, COMMITTEE COUNSEL: HB 2969 allows county clerks to solemnize marriages; Reduces fees charged by county clerks and judges to \$50.00 plus actual costs; Requires county clerks and judges who accept personal payments for solemnizing marriages to report annually to the Oregon Government Ethics Commission regarding the number of marriages performed and the amount of personal payments and costs received. There are -2 amendments to be adopted. 409 MOTION: REP. EDMUNSON: Moves to ADOPT the HB 2669-2 amendments.

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

423 MOTION: REP. EDMUNSON: Moves HB 2969, AS AMENDED, to the Floor with a DO PASS recommendation. 427 REP. MASON: Asks about the testimony concerning the reduction in the amount of money the clerks and judges can charge. 440 CHAIR PARKS: Explains the rationale for keeping records on government employees who are moonlighting. 457 REP. MASON: Asks about the \$50 reduction. 466 REP. EDMUNSON: Explains the costs involved in the marriage. 486 REP. MASON: Explains that the state of Oregon ranks last in competitive salaries for the Judiciary Department.

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TAPE 37, SIDE B

030 REP. MASON: Continues with explanation. Explains the injustice in the bill.

049 REP. BAKER: Discusses the issue of judges moonlighting.

062 CHAIR PARKS: Discusses the pay issue as a tracking mechanism.

VOTE: 8-1 Motion passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Tarno, Tiernan, Parks NO: Mason

REP. PARKS will lead discussion on the Floor.

WORK SESSION ON HB 2977

076 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 2977 adds new criteria to formula for determining child support awards in any judicial or administrative proceedings. There are -2 amendments to be adopted.

084 MOTION: REP. BAKER: Moves to ADOPT the HB 2977-2 amendments.

VOTE: CHAIR PARKS: Hearing no objection, the amendments are ADOPTED. Rep. Mason is excused. 087 MOTION: REP. BAKER: Moves HB 2977, AS AMENDED, to the Floor with a DO PASS recommendation. VOTE: 8-0 Motion passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Tarno, Tiernan, Parks NO: None EXCUSED: Mason REP. BAKER will lead discussion on the Floor.

WORK SESSION ON HB 3059

095 CAROLE SOUVENIR, COMMITTEE COUNSEL: HB 3059 allows an organization, association, or person to offer a reward not to exceed \$1000.00 for information leading to the apprehension of a person who has violated a state wildlife law; allows a court to order as part a defendant's sentence reimbursement to the association or organization the amount paid as a reward for information that led to defendant's apprehension.

107 MOTION: REP. BRIAN: Moves HB 3059, AS AMENDED, to the Floor with a DO PASS recommendation.



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VOTE: 8-0 Motion passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Tarno, Tiernan, Parks NO: None EXCUSED: Mason

REP. BRIAN will lead discussion on the Floor.

WORK SESSION ON HB 3064

119 CAROLE SOUVENIR, COMMITTEE COUNSEL: HB 3064 clarifies who may serve on the board of governors of the Oregon State Bar by prohibiting those persons with official duties under the executive and legislative departments of state government, including elected officers of state government from serving on the board. Establishes a procedure for bar members to request a determination as to their eligibility for election to the board of governors. There are - 1 amendments to be adopted.

125 MOTION: REP. EDMUNSON: Moves to ADOPT the HB 3064-1 amendments.

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

127 MOTION: REP. BRIAN: Moves HB 3064, 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 3233

142 CAROLE SOUVENIR, COMMITTEE COUNSEL: HB 3233 adds county service districts and police forces or organizations of a private entity whose employees are "commissioned" to definition of "law enforcement unit" for purposes of certification of those police officers by the Board on Public Safety Standards and Training ("BPST"). There are -2 amendments to be adopted. 146 MOTION: REP. EDMUNSON: Moves to ADOPT the HB 3233-2 amendments.

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

150 MOTION: REP. BRIAN: Moves HB 3233, 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 Commitbe on luL;c~ary May 27, 1993 - Page 13

153 REP. MASON: Discusses reservations of the bill. Discusses the definition of Special Deputy. Discusses the distribution of sheriff protection. Discusses concerns with the precedent that the bill could set.

180 REP. BROWN: Asks about the fiscal impact for the officers training.

183 CAROLE SOUVENIR, COMMITTEE COUNSEL: Explains the fiscal. Discusses the costs of certifying the officers. 188 REP. BROWN: Asks if the money spent for certification, comes from taxpayer dollars. 191 REP. EDMUNSON: Discusses problems with the "special deputy". Discusses the role of sheriffs. 213 REP. TARNO: Discusses the costs of the program. Discusses benefits of the program. 227 REP. BRIAN: Discusses the training of the officers in these areas. Explains that currently the special deputies can't attend the full academy. 243 REP. TIERNAN: Asks about application of the legislation to organizations outside of the Sunset and Black Butter areas mentioned. 246 REP. BRIAN: Explains that HB 3233 only applies to employees of a private entity with a population over 1000. 262 REP. TARNO: Discusses liability issues. 269 VOTE: 9-0 Motion passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Mason, Tarno, Tiernan, Parks NO: None REP. CLARNO will lead discussion on the Floor.

#### WORK SESSION ON HB 3432

281 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 3432 authorizes seizure and forfeiture of vehicles for criminal driving while suspended offenses under the provisions of Chapter 791, Oregon Laws 1989. 290 MOTION: REP. TIERNAN: Moves that HB 3432 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: 8-1 Motion passes AYE: Baker, Brian, Brown, Courtney, Mason, Tarno, Tiernan, Parks NO: Edmunson 300 REP. BROWN: Asks about changes to the bill made by the Civil Subcommittee.

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#### WORK SESSION ON HB 3521

312 CAROLE SOUVENIR, COMMITTEE COUNSEL: HB 3521 provides that judgments against a debtor shall not become liens upon real property acquired by the debtor after the debtor's judgments are discharged under federal bankruptcy laws. Requires judgment debtors to establish that judgment has been discharged. There are -1 amendments to be adopted. 321 MOTION: REP. BAKER: Moves to ADOPI the HB 3521-1 amendments.

322 CHAIR PARKS: Asks for clarification of the dates in the amendments.

323 CAROLE SOUVENIR, COMMITTEE COUNSEL: Explains that the amendments make the date is the actual date of discharge. 346 REP. BRIAN: Discusses the issues of liens being placed after the discharge date. 363 REP. EDMUNSON: Explains that he was present in the subcommittee meeting, and that he had voted in favor of sending the measure to full committee. VOTE: CHAIR PARKS: Hearing no objection, the amendments are ADOPTED. All members are present. 376 MOTION: REP. BRIAN: Moves HB 3S21 to the Floor with a DO PASS recommendation. VOTE: 8-0 Motion passes AYE: Baker, Brian, Courtney, Edmunson, Mason, Tarno, Tiernan, Parks NO: None EXCUSED: Brown REP. MASON will lead discussion on the Floor.

#### WORK SESSION ON HB 3494

395 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 3494 allows a city or county to adopt a zoning ordinance that regulates the location of

sexually oriented businesses within that city or county. There are -4 amendments to be adopted. 407 MOTION: REP. BAKER: Moves to ADOPT the HB 3494-4 amendments.

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

411 REP. EDMUNSON: Explains his vote. Discusses the constitutional issue on the national level.

420 MOTION: REP. TIERNAN: Moves HB 3494, AS AMENDED, to the Floor with a DO PASS recommendation.

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VOTE: 8-1 Motion passes AYE: Baker, Brian, Brown, Courtney, Mason, Tarno, Tiernan, Parks NO: Edmunson

REP. WYLIE and REP. BAKER will lead discussion on the Floor.

WORK SESSION ON HB 3600

453 CAROLE SOUVENIR, COMMITTEE COUNSEL: HB 3660 prohibits convicted felons from being eligible for election to certain state offices if they have not completed their sentences prior to the date that person would take office; clarifies that incumbents of public offices shall be removed from office if they are convicted of a felony while in office. Explains a possible conceptual amendment to broaden the scope of the bill. 470 MOTION: REP. COURTNEY: Moves to ADOPT the CONCEPTUAL AMENDMENT to B 3660. VOTE: CHAIR PARKS: Hearing no objection, the amendments are ADOPTED. All members are present. 474 MOTION: REP. COURTNEY: Moves B 3660, 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. WALDEN will lead discussion on the Floor.

TAPE 38, SIDE A

WORK SESSION ON SB 220

042 CAROLE SOUVENIR, COMMITTEE COUNSEL: The bill authorizes the Oregon Supreme Court to establish a trust account overdraft notification program for attorneys and the board of governors may adopt regulations for the administration of the program.

049 MOTION: REP. EDMUNSON: Moves SB 220 to the Floor with a DO PASS recommendation. 051 REP. TIERNAN: Asks about the reason for the bill. 053 REP. BAKER: Explains the notification process for the bar.

VOTE: 8-0 Motion passes AYE: Baker, Brown, Courtney, Edmunson, Mason, Tarno, Tiernan, Parks NO: None EXCUSED: Brian

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REP. BAKER will lead discussion on the Floor.

WORK SESSION ON SB 285 065 CAROLE SOUVENIR, COMMITTEE COUNSEL: SB 285 Establishes a new business entity known as limited liability companies ("LLCs"); creates procedures, regulations and fees for the formation and operation of LLCs; Prohibits LLCs from providing professional services; Specifies procedures for mergers and dissolutions; Allows foreign LLCs to do business in Oregon if they comply with certain regulations and requirements; Makes Act effective on January 1, 1994. 072 MOTION: REP. EDMUNSON: Moves SB 28S to the Floor with a DO PASS recommendation. VOTE: 8-0 Motion passes AYE: Baker, Brian, Brown, Courtney, Edmunson, Mason, Tarno, Tiernan, Parks NO: None EXCUSED: Brian REP. COURTNEY will lead discussion on the Floor.

WORK SESSION ON HJR 57 084 HOLLY ROBINSON, COMMITTEE COUNSEL: HJR 57 amends the constitution to prohibit the location of sexually oriented businesses within 1000 feet of a school, residential neighborhood, or other sexually oriented business.

089 MOTION: REP. BAKER: Moves RJR 57 to the Floor with a BE ADOPTED recommendation. VOTE: 7-1 Motion passes AYE: Baker, Brown, Courtney, Mason, Tarno, Tiernan, Parks NO: Edmunson EXCUSED: Brian REP. WYLIE and REP. BAKER will lead discussion on the Floor.

WORK SESSION ON HJR 70

100 CAROLE SOUVENIR, COMMITTEE COUNSEL: HJR 70 proposes constitutional amendment to prohibit a person convicted of a felony during term of office to serve in the Legislative Assembly; Specifies that a person is not eligible to be elected as member of Legislative Assembly if person is convicted of a felony and has not served entire sentence prior to date person would take office.

105 MOTION: REP. COURTNEY: Moves HJR 70 to the Floor with a BE ADOPIED recommendation. 108 REP. BROWN: Asks for clarification of prohibition.

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114 REP. MASON: Asks about the verification of candidates.

VOTE: 8-0 Motion passes AYE: Baker, Brown, Courtney, Edmunson, Mason, Tarno, Tiernan, Parks NO: None EXCUSED: Brian

REP. COURTNEY will lead discussion on the Floor.

132 CHAIR PARKS: Adjourns the meeting at 3:15 p.m.

Submitted by: Anne May Committee Clerk  
Coordinator

Reviewed by: Bryan Boehringer  
Committee

EXHIBIT LOG:

A - Testimony on HB 2969 - STAFF - 1 pages B - Testimony on HB 3521 - STAFF - 3 pages C - Testimony on SB 285 - STAFF - 4 pages D - Amendments to HB 2030 - Legislative Counsel - 3 pages E - Amendments to HB 2994 - Legislative Counsel - 15 pages F - Amendments to HB 2288 - Legislative Counsel - 4 pages G - Amendments to HB 2463 - Legislative Counsel - 1 page H - Amendments to HB 2481 - Legislative Counsel - 3 pages I - Amendments to HB 2489 - Legislative Counsel - 2 pages J - Amendments to HB 2630 - Legislative Counsel - 1 page K - Amendments to HB 2969 - Legislative Counsel - 1 page L - Amendments to HB 2977 - Legislative Counsel - 2 pages M - Amendments to HB 3064 - Legislative Counsel - 4 pages N - Amendments to HB 3233 - Legislative Counsel - 9 pages O - Amendments to HB 3432 - Legislative Counsel - 1 page P - Amendments to HB 3521 - STAFF - 1 page Q - Amendments to HB 3494 - Legislative Counsel - 16 pages R - Amendments to HJR 57 - Legislative Counsel - 1 page

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