

HOUSE COMMITTEE ON JUDICIARY

June 7, 1993           Hearing Room 357 1:35 p.m.   Tapes 39 - 40

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 Karen Edwards, Committee Assistant

MEASURES CONSIDERED:           SB 200 - Access to Juvenile Records SB 204 - Notice Requirements for Temporary Custody SB 240 - Statute of Limitations for Breast Implant Actions SB 288 - Liability of Professional Corporations SB 353 - Release of Prison Inmates who are Elderly and Physically or Mentally Disabled. SB 371 - Sales Representative Commissions SB 493 - Wildlife Racketeering SB 501 - Capacity to Stand Trial SB 1047 - Electronic Appearances HB 2033 - Unclaimed Property Act HB 2887 - Child Abuse Reporting Statutes HB 2984 - Utilities Services Liens HB 2994 - Remand of Juvenile Offenders HB 3427 - Administrative Agency Dispute Resolution SB 621 - Referral to the Commerce Committee

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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 Graphic ---]

TAPE 39, SIDE A

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

SB 200 - WORK SESSION

010 HOLLY ROBINSON, COMMITTEE COUNSEL: Reviews bill from (EXHIBIT A).

019 CHAIR PARKS: What are the conditions for being allowed to intervene under O.R.S. 109.119 (1)?

020 ROBINSON: You have to prove that you have established a parental-like relationship with parental-like emotional bonds for a period of six

months prior to filing for intervenor status.

MOTION: REP. COURTNEY: Moves to ADOPT the SB 200-A6 amendments dated 6/2/93 to SB 200.

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

MOTION: REP. COURTNEY: Moves SB 200, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. REP. BRIAN is EXCUSED. CHAIR PARKS: The motion CARRIES.

REP. BROWN will lead discussion on the Floor.

SB 204 - WORK SESSION

042 ROBINSON: Reviews the bill from (EXHIBIT B).

MOTION: REP. COURTNEY: Moves SB 204 be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. REP. BRIAN is EXCUSED.

CHAIR PARKS: The motion CARRIES.

REP. COURTNEY will lead discussion on the Floor.

SB 240 - WORK SESSION

057 HOLLY ROBINSON, COMMITTEE COUNSEL: Reviews bill from (EXHIBIT C).

MOTION: REP. BROWN: Moves to ADOPT the SB 240-A14 amendments dated 6/7/93 to SB 240.

VOTE: Hearing no objection the amendments are ADOPTED.

SB 353 - WORK SESSION

086 ROBINSON: Reviews bill from (EXHIBIT D).

MOTION: REP. EDMUNSON: Moves SB 353 be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. REP. BRIAN is excused.

CHAIR PARKS: The motion CARRIES.

REP. TIERNAN will lead discussion on the Floor.

SB 371

104 CAROLE SOUVENIR, COMMITTEE COUNSEL: Reviews bill from (EXHIBIT

E).

MOTION: REP. MASON: Moves SB 371 be sent to the Floor with a DO PASS recommendation.

114 REP. KEN BAKER: Opposes the bill.

124 REP. BOB TIERNAN: Opposes the bill.

148 REP. TOM BRIAN: Supports the bill.

180 REP. TIERNAN: Feels that a contractual relationship is being interrupted.

191 REP. KATE BROWN: Based on the information that we have in our file, thirty other states have legislation like this.

VOTE: In a roll call vote, REPS. BRIAN, BROWN, COURTNEY, EDMUNSON, MASON, TARNO and CHAIR PARKS vote AYE. REPS. BAKER AND TIERNAN vote NO.

CHAIR PARKS: The motion CARRIES.

REP. MASON will lead discussion on the Floor.

SB 240 - WORK SESSION

219 ROBINSON: Received information from Legislative Counsel that, on line seven, "subsection four" should read "subsection one."

MOTION: REP. EDMUNSON: Moves the technical amendment, which is accepted by CHAIR PARKS, to SB 240.

VOTE: Hearing no objection the amendment is ADOPTED. All members are present. MOTION: REP. EDMUNSON: Moves SB 240, AS AMENDED, be sent to the

Floor with a DO PASS recommendation.

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

CHAIR PARKS: The motion CARRIES.

CHAIR PARKS will lead discussion on the Floor.

SB 288 - WORK SESSION

281 CAROLE SOUVENIR: COMMITTEE COUNSEL: Reviews bill from (EXHIBIT F).

MOTION: REP BRIAN: Moves to ADOPT a technical amendment on page eight, section 17, lines 25 to 27 which will read, "(b) the name of the corporation shall be changed and restated articles adopted which

shall be filed with the Office of Secretary in accordance with O.R.S. Chapter 60 or; (c) The corporation shall be dissolved."

VOTE: CHAIR PARKS: Hearing no objection the amendment is ADOPTED.

All members are present.

MOTION: REP. BAKER: Moves SB 288, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. REPS. COURTNEY and EDMUNSON are EXCUSED.

REP. BAKER will lead discussion on the Floor.

SB 493 - WORK SESSION

384 ROBINSON: Reviews bill from (EXHIBIT G).

MOTION: REP. TIERNAN: Moves SB 493 be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, REPS. BAKER, BRIAN, BROWN, TARNO, TIERNAN and CHAIR PARKS vote AYE. REP. MASON votes NO. REPS. COURTNEY and EDMUNSON are excused.

CHAIR PARKS: The motion CARRIES.

REP. TARNO will lead discussion on the Floor.

SB 501 - WORK SESSION

414 ROBINSON: Reviews bill from (EXHIBIT H).

MOTION: REP. TIERNAN: Moves SB 501 be sent to the Floor with a DO PASS recommendation.

TAPE 40, SIDE A

007 REP. BAKER: Have we adopted the SB 501-A4 amendments?

008 ROBINSON: Yes. They were adopted in the subcommittee.

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

REP. COURTNEY will lead discussion on the Floor.

SB 1047 - WORK SESSION

016 SOUVENIR: Reviews bill from (EXHIBIT I).

MOTION: REP. COURTNEY: Moves to ADOPT the SB 1047-1 amendments

dated 6/4/93 to SB 1047.

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

MOTION: REP. COURTNEY: Moves SB 1047, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

025 REP. TOM MASON: Opposes the bill.

035 REP. VERAL TARNO: Thought that this was a pleading opportunity.

037 SOUVENIR: It is for pleading for judgements, probation violations and parole violations.

041 REP. TARNO: Would the defendant have to agree to this procedure?

042 SOUVENIR: Yes.

066 REP. BAKER: Wants to clarify that arraignments are now being done telephonically and the bill will extend to conduct enters of pleas and

sentencing.

077 REP. JIM EDMUNSON: Does this include telephone appearances?

079 SOUVENIR: Yes. Refers to lines 14 and 15.

082 REP. EDMUNSON: Does not like the idea of using telephones.

HB 2033 - WORK SESSION

094 ROBINSON: Reviews bill from (EXHIBIT J).

MOTION: REP. EDMUNSON: Moves to ADOPT the HB 2033-4 amendments dated 6/3/93 to HB 2033.

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

MOTION: REP. EDMUNSON: Moves HB 2033, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

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

CHAIR PARKS: The motion CARRIES.

REP. TIERNAN will lead discussion on the Floor.

HB 2887- WORK SESSION

123 ROBINSON: Reviews bill from (EXHIBIT K).

MOTION: REP. BAKER: Moves to ADOPT the HB 2887-1 amendments dated

6/3/93 to HB 2887.

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

All members are present.

MOTION: REP. BAKER: Moves HB 2887, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

141 REP. MASON: Is concerned about the terms that will be used, for purposes of reporting certain incidents, involving children.

157 ROBINSON: The HB 2887-1 amendments will restore sex abuse as a category.

163 REP. MASON: Concerned about sex abuse not being labeled as rape.

165 ROBINSON: Sex abuse will remain as non-penetration offenses. There will be two categories of sex offenses against children; those which

involve touching and those which involve penetration.

168 REP. BROWN: Supports the bill.

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

CHAIR PARKS: The motion CARRIES.

REP. BROWN will lead discussion on the Floor.

SB 1047 - WORK SESSION

MOTION: REP. MASON: Moves to ADOPT a conceptual amendment deleting "telephonic" in sections one and two of SB 1047.

VOTE: CHAIR PARKS: Hearing no objection the amendment is ADOPTED.

All members are present.

MOTION: REP. TARNO: Moves SB 1047, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, REPS. BRIAN, BROWN, COURTNEY, EDMUNSON, TARNO, TIERNAN and CHAIR PARKS vote AYE. REPS. BAKER and MASON vote NO.

REP. COURTNEY will lead discussion on the Floor.

HB 2984 - WORK SESSION

241 SOUVENIR: Reviews bill from (EXHIBIT L).

MOTION: REP. EDMUNSON: Moves to ADOPT the HB 2984-6 amendments dated 6/4/93 to HB 2984.

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

MOTION: REP. EDMUNSON: Moves HB 2984, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

258 REP. TIERNAN: Does this bill cover the situation where someone purchases property and finds out that utilities have been cut off

because of an unpaid balance and that balance has to be paid before utilities are turned back on?

263 SOUVENIR: The bill does not specifically deal with new owners of the property.

VOTE: In a roll call vote, REPS. BRIAN, BROWN, COURTNEY, EDMUNSON, MASON, TARNO, TIERNAN and CHAIR PARKS vote AYE. REPS. BAKER and MASON vote NO.

REP. COURTNEY will lead discussion on the Floor.

HB 2994- WORK SESSION

278 ROBINSON: Reviews bill from (EXHIBIT M). MOTION: REP. BRIAN: Moves to ADOPT the HB 2994-5 amendments dated

6/4/93 to HB 2994.

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

MOTION: REP. BRIAN: Moves HB 2994, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

DISCUSSION TO THE MOTION

309 REP. BROWN: Thinks that the amendments are an improvement to a bad bill. Gives an example.

VOTE: In a roll call vote, REPS. BAKER, BRIAN, COURTNEY, EDMUNSON, TARNO, TIERNAN and CHAIR PARKS vote AYE. REPS. BROWN and MASON vote NO.

CHAIR PARKS: The motion CARRIES.

CHAIR PARKS will lead discussion on the Floor.

HB 3427 - WORK SESSION

394 ROBINSON: Reviews bill from (EXHIBIT N). The subcommittee adopted the HB 3427-2 amendments dated 5/26/93.

MOTION: REP. COURTNEY: Moves SB 3427 be sent to the Floor with a DO PASS recommendation.

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

CHAIR PARKS: The motion CARRIES.

REP. BROWN will lead discussion on the Floor.

SB 621 - WORK SESSION

MOTION: REP. COURTNEY: Moves SB 621 be referred to the Commerce Committee with a DO PASS recommendation.

VOTE: CHAIR PARKS: Hearing no objection the motion CARRIES. All members are present.

454 CHAIR PARKS: Adjourns at 2:37 p.m.

Submitted by:

Reviewed by:

Karen Edwards  
Coordinator

Anne May, Assistant

EXHIBIT LOG:

A - Amendments and Staff Measure Summary to SB 200 - Staff - 5 pages B  
- Staff Measure Summary on SB 204 - Staff - 1 page C - Amendments,  
Staff Measure Summary and Testimony to HB 240 - Staff - 3 pages D -  
Staff Measure Summary on SB 353 - Staff - 1 page E - Amendments and  
Staff Measure Summary to SB 288 - Staff - 8 pages F - Staff Measure  
Summary, Fiscal and Revenue Analysis' to SB 371 - Staff - 3 pages G -  
Staff Measure Summary on SB 493 - Staff - 1 page H - Amendments and  
Staff Measure Summary to SB 501 - Staff - 2 pages I - Amendments, Staff  
Measure Summary and Fiscal and Revenue Analysis' to SB 104 7  
- Staff - 4 pages J - Amendments and  
Staff Measure Summary to HB 2033 - Staff - 24 pages K - Amendments and  
Staff Measure Summary to HB 287 - Staff - 3 pages L - Amendments, Staff  
Measure Summary and Fiscal and Revenue Analysis' to HB 298 4  
- Staff - 6 pages M - Amendments and Staff  
Measure Summary to HB 2994 - Staff - 6 pages N - Amendments and Staff  
Measure Summary to HB 3427 - Staff - 3 pages