

SENATE COMMITTEE ON
JUDICIARY

April 23, 1993 Hearing Room C
1:00 p.m. Tapes 122-124

MEMBERS PRESENT: Sen. Dick Springer, Chair
 Sen. Jeannette Hamby
 Sen. Karsten Rasmussen
 Sen. Bob Shoemaker
 Sen. Gordon Smith
 Sen. Catherine Webber

MEMBERS EXCUSED: Sen.

STAFF PRESENT: Karen Quigley, Committee Counsel
 Kirk Bailey, Committee Assistant

ISSUES DISCUSSED: Public Hearing on SB 687, SB 414, SB 1003, SB 722, SB 811
 Public Hearing & Possible Work Session on HB 2916
 Work Session on SB 301

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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.

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TAPE 122, SIDE A

014 CHAIR SPRINGER: Opens the hearing at 1:11 pm.

Public Hearing

SB 687: Deletes penalty that may be assessed against parent of child who steals merchandise.

016 CHAIR SPRINGER: The bill has been removed from consideration at the request of the sponsor.

SB 414: Allows judgment creditor to obtain order requiring judgment debtor to appear in any circuit or district court for county in which copy of judgment or lien record abstract has been recorded.

WITNESSES:
MARK COMSTOCK, OREGON STATE BAR

028 MARK COMSTOCK: Submits and reviews written testimony in support of the bill (EXHIBIT A).
>Submits amendments from Judicial Department (EXHIBIT B).

061 SEN. SHOEMAKER: How broad is ORS 18.320? Can you file in any county or only counties where real property or assets are located, what are limitations?

COMSTOCK: Under 18.320, judgment filed in one county may be transcribed in any county in the old system.

068 SEN. SHOEMAKER: Any county?

COMSTOCK: Any county.
>Describes current system and new system.

074 SEN. SHOEMAKER: This broadens law requiring judgment debtor to appear in a court in any county in the state?
>Reviews example.

COMSTOCK: Correct. Notes that certain fees would need to be paid.

084 SEN. SHOEMAKER: But time is his own?

COMSTOCK: Correct. Under both old system and new.

086 SEN. SHOEMAKER: What is the mileage fee? Is it compensatory?

COMSTOCK: Less than 26.5 cents per mile.

091 CHAIR SPRINGER: Have you sought advice of title service or spoken with Mr. Magnus or Mr. Berkely?

COMSTOCK: No, but will.

097 CHAIR SPRINGER: Requests the witness consult with those individuals.

BILL LINDEN: Submits written testimony only with amendments in support of the bill (EXHIBIT C)

SB 1003: Modifies provisions of Oregon International Commercial Arbitration and Conciliation Act.

WITNESSES:

MARK THORBURN, OREGON STATE BAR

112 MARK THORBURN: Submits and reviews written testimony in support of the bill (EXHIBIT D).

161 CHAIR SPRINGER: Closes hearing on SB 1003.

SB 722: Prescribes procedure allowing health care provider to report blood alcohol content (BAC) of certain motor vehicle accident victims.

WITNESSES:

CAROL BONNONO, OREGON HEALTH SCIENCES UNIVERSITY
RICK GRAZER, OREGON MEDICAL ASSOCIATION
JEANNE CANFIELD, MADD
MIKE MCCRACKEN, OREGON MEDICAL ASSOCIATION
ROD MONROE, GOVERNORS ADVISORY COMMITTEE ON DUII
JULIA GIES, OREGON NURSES ASSOCIATION
ROSS SHEPARD, OREGON CRIMINAL DEFENSE LAWYERS ASSOCIATION
LAUREEN OSKOCHIL, MULTNOMAH COUNTY DUII ADVISORY BOARD
FRED LENSZER, MULTNOMAH COUNTY DISTRICT ATTORNEY'S OFFICE
DAVID FIDANQUE, ACLU
PETER GLAZER, GOVERNOR'S ADVISORY COMMITTEE ON DUII
DR. WILLIAM LONG, EMMANUEL HOSPITAL
DEBORAH WILLEY, OREGON EMERGENCY NURSES ASSOCIATION
MARK ROSE, LEBANON HOSPITAL
STEVE AZORR, CITIZEN

183 CAROL BONNONO: Submits and reviews written testimony in support of the bill (EXHIBIT G).

296 JEANNE CANFIELD: Submits and reviews written testimony in support of the bill on behalf of Barbara Stoeffler (EXHIBIT E).

364 PETER GLAZER: Submits and reviews written testimony in support of the bill (EXHIBIT F).

TAPE 123, SIDE A

027 SEN. SHOEMAKER: Bill adds blood test to statute and amends every section of code concerning breath test. Why limitation to breath test?

038 GLAZER: Not technician on the bill, don't believe it is intended to read the way you describe.

043 CHAIR SPRINGER: May be to distinguish between administrative consequences and license suspension and other criminal sanctions.

046 SEN. SHOEMAKER: Possibly, but we need to review it.

048 SEN. HAMBY: Requests witnesses speak to Emmanuel Hospital Study.

051 BONNONO: Aware of the study.

052 SEN. HAMBY: Not part of study?

BONNONO: No.

053 SEN. HAMBY: Unaware of further medical recommendation for former felony offenders who continued to have alcohol problems?

BONNONO: No.

058 CHAIR SPRINGER: Notes presence of Doctor Long from Emmanuel Hospital.

065 DR. WILLIAM LONG: Testifies in support of the bill.

129 SEN. HAMBY: Any medical follow-up on treatment for addiction?

LONG: 30% that are convicted felons are offered counseling and therapy.
20% of convicted felons responded.
>Those without felony record were more willing.

143 SEN. HAMBY: Are EMT's capable of drawing blood?

LONG: Yes.

151 MIKE MCCRACKEN: Submits and reviews written testimony with concerns about the bill (EXHIBIT H & I).

175 RICK GRAZER: Testifies in opposition to the bill.

207 SEN. SHOEMAKER: How does language of the bill impact voluntary situation?

GRAZER: Most patients are still aware, coherent.
>May administer blood test for several medical reasons. If reporting is possible then doctors would have to tell patient.

228 SEN. SHOEMAKER: Statute doesn't require notification?
>Doctor could work out reporting with patient?

GRAZER: Possibly but could raise liability for not reporting.

234 SEN. SHOEMAKER: If by providing that there would be no liability for not reporting as well.

GRAZER: True.

238 SEN. SHOEMAKER: Would that solve problem?

GRAZER: No.

247 SEN. HAMBY: How does Connecticut law work?

GRAZER: Not Connecticut, but Illinois law. Analogous to Connecticut law.
>Describes law and impact which allows blood alcohol to be admissible.

Problems have led to efforts to repeal that law.
>Can't comment on Connecticut law specifically.

280 SEN. HAMBY: Testified earlier about need for drawing blood in many
of
these situations for medical purposes.

299 ROD MONROE: Testifies in support of the bill.

402 FRED LENSZER: Testifies in support of the bill.
>Responds to Sen. Shoemaker's earlier question regarding breath test.

TAPE 122, SIDE B

029 SEN. SHOEMAKER: Troubled by informed consent issue.
>Describes alternative process which would remove doctors from process
and inquires if it would that be acceptable?

046 LENSZER: The objective is to get blood test into court, however that
is
accomplished is acceptable.

050 SEN. SHOEMAKER: Laboratory technician would be as good a witness?

LENSZER: Yes. Officer in this situation would only serve as conveyor
of the blood.

054 CHAIR SPRINGER: Do you see any parallel with mandatory reporting
of
felony matters, child abuse, etc.

LENSZER: Yes on child abuse issues. Not so much so on felony issues
which require warrants.
>Proposal is not a major deviation from law.

067 MONROE: Refers to mandatory reporting for AIDS and STD's.

075 ROSS SHEPARD: Testifies in opposition to the bill.
>Bill is permissive in nature.

116 JULIA GIES: Submits and reviews written testimony generally in
support
of the bill (EXHIBIT J).

189 FLOYD LAPP: Testifies in support of the bill.

277 LAUREEN OSKOCHIL: Testifies in support of the bill. Relates
personal
story about accident with drunk driver.

346 DR. MARK ROSE: Testifies in support of the bill.

TAPE 123, SIDE B

040 DEBORAH WILLEY: Submits and reviews written testimony in support of
the
bill (EXHIBIT K & L).

090 DAVID FIDANQUE: Defers testimony due to time.

094 STEVE AZORR: Testifies in support of the bill.

SB 811: Prohibits employer from discriminating against employee for
engaging
or participating in political activities or becoming candidate for
public office.

WITNESSES:

DAVID FIDANQUE, ACLU

STEVEN MORRISON, CITIZEN

DAVID ALLEN, OGALLA

JIM MCINTOSH, EXECUTIVE DEPARTMENT

LAUREN MOUGHON, WOMENS RIGHTS COALITION

PERSONNEL AND LABOR RELATIONS DIVISION submits written testimony only
in
opposition to the bill (EXHIBIT P).

LISA JOYCE, OREGON WOMENS POLITICAL CAUCUS: Submits written testimony only
in
support of the bill (EXHIBIT V).

134 DAVID FIDANQUE: Submits and reviews written testimony in support of
the
bill (EXHIBIT M, N & O).

221 STEVEN MORRISON: Submits and reviews written testimony in support
of
the bill (EXHIBIT U).

259 DAVID ALLEN: Submits and reviews written testimony in support of
the
bill (EXHIBIT W).

311 SEN. HAMBY: Inquires if Morrison has found employment?

MORRISON: Still employed at the same place.

319 FIDANQUE: ACLU is representing Mr. Morrison and following his case.
>SB 811 extends protections available to public employees to private
sector.

334 LAUREN MOUGHON: Submits and reviews written testimony in support of
the
bill (EXHIBIT Q).

338 MARALYN COFFEL: Testifies in support of the bill.

363 SEN. WEBBER: How are federal employees under Hatch Act, who
are
prohibited from political activity, accommodated in this bill?

COFFEL: Cannot be accommodated by the bill. Can't address federal

employees.

370 SEN. WEBBER: Refers back to language in the bill.

FIDANQUE: Hatch Act takes precedence because of federal status. No application of this bill to federal employees covered by that Act.

380 SEN. WEBBER: No language to clarify that in the bill?

FIDANQUE: No need but that is at the discretion of the committee.

388 CHAIR SPRINGER: Will request clarification of Hatch Act issue.

Public Hearing & Possible Work Session

HB 2916: Repeals immunity of owners and operators of aircraft and watercraft
for injury, death or loss to guest passengers.

WITNESSES:

CHARLIE WILLIAMSON, OREGON TRIAL LAWYERS ASSOCIATION
MARTIN SCHEDLER, OREGON TRIAL LAWYERS ASSOCIATION
DOUG SCHALLER, OREGON TRIAL LAWYERS ASSOCIATION
CATHERINE SCHAEFFER, CITIZEN
BETSY JOHNSON, OREGON AVIATION ALLIANCE
JOSEPH HOLDEN, CITIZEN

STAFF NOTE: The following individuals submitted written testimony only in opposition to the bill.

THOMAS STEVENSON: (EXHIBIT T).
RANDY CUMMINGS: (EXHIBIT X).

412 CHARLIE WILLIAMSON: Submits and reviews written testimony in support of the bill (EXHIBIT R).

424 DOUG SCHALLER: Testifies in support of the bill. Introduces Catherine Schaeffer.

TAPE 124, SIDE A

006 CATHERINE SCHAEFFER: Testifies in support of the bill.

035 CHAIR SPRINGER: Inquires of Schaller if firm owns and operates aircraft?

SCHALLER: That is correct.

045 BETSY JOHNSON: Testifies in opposition to the bill with concerns about adequate notice for hearing.

078 JOSEPH HOLDEN: Submits and reviews written testimony in support of the bill (EXHIBIT S).

084 CHAIR SPRINGER: When witnesses return they can inform committee about the comparison between insurance costs in Oregon and states that don't have limitation on recovery.
>In addition, they can address the increase in auto insurance due to repeal of guest passenger statute as it applies to automobiles.
>Adjourns hearing at 3:00 pm.

Submitted by: Reviewed by:

Kirk Bailey Karen Quigley
Assistant Administrator

EXHIBIT LOG:

A - Testimony on SB 414, Mark Comstock, 3 pages
B - Amendments to SB 414, Judicial Dept, 1 page
C - Testimony on SB 414, Bill Linden, 2 pages
D - Testimony on SB 1003, Mark Thorburn, 8 pages
E - Testimony on SB 722, Barbara Stoeffler, 3 pages
F - Testimony on SB 722, Peter Glazer, 2 pages
G - Testimony on SB 722, Carol Bonnono, 18 pages
H - Testimony on SB 722, Mike McCracken, 4 pages
I - Amendments to SB 722, Mike McCracken, 8 pages
J - Testimony on SB 722, Julia Gies, 2 pages
K - Testimony on SB 722, Deborah Willey, 4 pages
L - Testimony on SB 722, Deborah Willey, 1 page
M - Testimony on SB 811, David Fidanque, 4 pages
N - Testimony on SB 811, David Fidanque, 1 page
O - Testimony on SB 811, David Fidanque, 5 pages
P - Testimony on SB 811, 1 page
Q - Testimony on SB 811, Lauren Moughon, 1 page
R - Testimony on HB 2916, Martin Schedler, 13 pages
S - Testimony on HB 2916, Joseph Holden, 3 pages
T - Testimony on HB 2916, Thomas Stevenson, 1 page
U - Testimony on SB 811, Stephen Morrison, 2 pages
V - Testimony on SB 811, Lisa Joyce, 1 page
W - Testimony on SB 811, David Allen, 38 pages
X - Testimony on HB 2916, Randy Cummings, 2 pages