

SENATE COMMITTEE ON  
JUDICIARY

May 19, 1993           Hearing Room C  
1:00 p.m.    Tapes 165 - 166

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

VISITING MEMBERS:  Rep. Edmunson  
                      Rep. Mannix

STAFF PRESENT:       Karen Quigley, Legislative Counsel  
                      Bill Taylor, Legislative Counsel  
                      Kate Wrightson, Committee Administrator  
                      Ellen L. Senecal, Committee Assistant

ISSUES DISCUSSED:  Public Hearing & Possible Work Session on HB 2380,  
SB  
587 , SB 895,                                        SB 691, SB 1002.  
  Work Session on SB 340, SB 372, SB 852.

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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 165, SIDE A

003     CHAIR SPRINGER opens hearing at 1:20 p.m.

PUBLIC HEARING & POSSIBLE WORK SESSION  
SB 587: Creates Oregon Revised Statutes Revision Commission

007     REP. EDMUNSON, DISTRICT 39: Testifies in support of SB 587.  
          - Commission didn't finish work but encourage you to pass it to the  
  
          House to keep it going.

HB 2380: Establishes measure of damages for injuries resulting from  
unprovoked attack on assistance, search and rescue or therapy animal.

086     DEANNA NORIEGA, SELF: Testifies in support of HB 2380.  
          - Each of the four dogs I have had have been attacked by  
unrestrained  
          dogs.  
          - Guide dogs trained to be non-aggressive, only to protect their

owner.

192 REP. MANNIX: Testifies in support of HB 2380.  
- It's important to have special protection for assistance and  
therapy animals.

246 SEN. SHOEMAKER: The bill calls for special damages and thereby  
excludes  
general and punitive damages?

MANNIX: I don't recall any language in here that eliminates other  
options.

255 SEN. SHOEMAKER: Apparently, the measure of damages doesn't  
exist.  
General damages don't appear to be authorized.

MANNIX: The intention was to have a measure of damages as to the  
valuation of the animal and wasn't to eliminate other possible damages  
and theories of recovery.

266 SEN. SHOEMAKER: The suit could seek general damages as the normal  
course  
of proof? Should we say the measure of special damages?

MANNIX: Yes. That would be helpful and focus us.

275 SEN. HAMBY: Is there a statutory definition of certified therapy  
animal?

MANNIX: The word "certified" should be removed because there isn't a  
certification program.

291 SEN. HAMBY: Is there a need to define "therapy animal"?

MANNIX: The definition would be animals that are given training in  
terms  
of interaction with humans. Aggressiveness is trained out.

SEN. HAMBY: In psychiatric therapy it is recognized and includes all  
pets.

354 HARRY OAKS and RANGER, MT. WILDERNESS SEARCH & RESCUE: Submits  
and  
reviews written testimony in support of HB 2380. (EXHIBIT C, E)  
- We have no insurance coverage in Oregon.  
- Ranger is a service dog and has the same privileges as seeing eye  
dogs.  
- Search animals need protection.  
- We have national certification standards.

TAPE 166, SIDE A

003 OAKS: Continues testimony.

024 SEN. HAMBY: Is there a definition for therapy animal in your literature?

OAKS: No. They must go through socialization tests, a complete physical and be trained on and off a leash.

035 SEN. SHOEMAKER: What is it about present court law that is deficient regarding recovery of damages for these animals?

MANNIX: The deficiency comes out of the valuation one places on the animal. How do you value animals?

SEN. SHOEMAKER: This is to provide a measure of special damages while not detracting from existing causes of action.

064 CHARLES WILLIAMSON, OTLA: Testifies in support of HB 2380.  
- Suggest on line 16 after "damages" put "for replacement of the animal".  
- On line 19 say "including, but not limited to".

073 SEN. SHOEMAKER: On lines 7, 19 insert "general" and "special" before the word "damages".

089 SUSAN MENTLEY, HUMANE SOCIETY OF WILLAMETTE VALLEY: Submits and reviews written testimony on HB 2380. (EXHIBIT D)  
- The certification of animals involves dogs for the deaf, search & rescue and drug dogs. Each program seems to have its own certification.

122 MARGARET EPLEY, OREGON COUNCIL FOR THE BLIND: Submits and reviews written testimony in support of HB 238. (EXHIBIT A)

200 SARA CRAWFORD, OREGON COUNCIL FOR THE BLIND: Testifies in support of HB 2380.

EPLEY: We are the first state to propose legislation to protect these animals.

SB 587 (continued)

314 CARL MEYERS, MICHIE: Submits and reviews written testimony in support of SB 587. (EXHIBIT G, H)  
- The packet is the result of the interim work.

416 JIM BLANCHARD, MICHIE in CHARLOTTESVILLE, VA.: Testifies in support

of

SB 587.

- We are wholly owned by the Mead Corp.
- We are publishers of newly recompiled statutes in the country.

TAPE 165, SIDE B

003 BLANCHARD: Continues testimony.

- The general rule is private publication. A commission should be established to study why privatization is beneficial.

063 DAVE BARROWS, BUTTERWORTHS LEGAL PUBLISHERS: Testifies in support of SB 587.

- We have been publishing Oregon Revised Statutes for the private market the past 13 years.
- With our knowledge of statutes we feel they need to be redone.

080 SEN. SHOEMAKER: The Legislature isn't that demanding during the interim.

There is time for hiring lawyers for the printing and researching of ORS's.

BARROWS: The demands of members for drafting bills in preparation for each session takes Legislative Council more time.

118 SEN. SHOEMAKER: What would be the price to the private bar?

BARROWS: There is a bit of subsidy in the current system, but the price to the current bar could be established in the contract with a private publisher.

124 SEN. SHOEMAKER: Would the cost be more than before?

BARROWS: Their might be a slight increase.

130 SEN. HAMBY: The private sector bears the cost, but the subscribers pay fully for the cost. There is no cost of the general fund.

BARROWS: Butterworth would be prepared to guarantee that the cost to ODOT wouldn't increase. There would be no additional budget requests when the job is done.

162 SEN. WEBBER: Would these jobs be moved out of state?

BARROWS: It would depend on who the winning bidder is and a certain amount of the work would be done in Oregon.

216 SEN. WEBBER: Then there's a possibility the jobs will move out of state?

BARROWS: Yes, but there is nothing to preclude an in-state publisher  
or  
such, from bidding on this work.

225 SEN. WEBBER: How much does a Butterworths set of statutes cost?

BARROWS: I'm not sure.

242 SEN. SHOEMAKER: Now LC sells the ORS and if ODOT buys the money goes  
to  
LC, therefore it stays within state government. I have trouble seeing  
how your proposal can be less expensive to the state.

BARROWS: We,d like to be given the opportunity to beat the printing  
price.

BLANCHARD: We think privatization in this area should be looked at.

315 GROVER SIMMONS, INDEPENDENT EMPLOYER ASSOCIATION: Submits and  
reviews  
written testimony in opposition to SB 587. (EXHIBIT J, I)  
- Would take work out of Oregon and also \$524,000.

TAPE 166, SIDE B

003 PETER SMITH, DAILY JOURNAL OF COMMERCE: Submits and reviews  
written  
testimony in opposition to SB 587. (EXHIBIT L)  
SEN. G. SMITH: Could we change so as to get something ready that works  
for legal profession?

061 TOM CLIFFORD, LEGISLATIVE COUNCIL: Submits and reviews written  
testimony  
in opposition to SB 587.  
- We have gone through many recodifications

079 MOTION: SEN. SHOEMAKER: Moves that SB 587 BE TABLED.

VOTE: In a roll call vote SEN. RASMUSSEN, SEN. HAMBY, SEN. SHOEMAKER,  
SEN. WEBBER, SEN. G. SMITH members present vote AYE. CHAIR SPRINGER  
votes NAY.

The motion is ADOPTED.

SB 895: Establishes situations under which financial institution can be  
sued  
under racketeering  
statutes.

QUIGLEY: Gives overview of SB 895-2 and hand-engrossed amendments.  
(EXHIBIT N)

095 LEE NUSICH, OREGON BANKERS ASSOCIATION: Submits and reviews written testimony in support of SB 895. (EXHIBIT P)

170 CHARLES WILLIAMSON, OTLA: Submits and reviews written testimony in opposition to SB 895. (EXHIBIT Q, R, S)

SB 1002: Revises and restates provisions of Articles 3 and 4 of Uniform Commercial Code (ORS 73 and 74) pertaining to commercial paper and bank deposits and collections.

249 FRANK BRAWNER, OREGON BANKER'S ASSOCIATION: Submits and reviews written testimony in support of SB 1002. (EXHIBIT T, U)

309 JIM MARQUIS, OREGON COLLECTORS ASSOCIATION: Submits and reviews written testimony on SB 1002. (EXHIBIT V)

357 SEN. SHOEMAKER: Do the amendments cause a departure from uniform law in other ways?

BRAWNER: No, but we do cross reference.

377 MOTION: SEN. HAMBY: Moves to ADOPT the 5-19-93 amendments by the OBA with the proposed Jeffrey Hasson amendments.

VOTE: Hearing no objection the amendments are ADOPTED.

381 MOTION: SEN. HAMBY: Moves that SB 1002 as amended be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote all members present vote AYE. SEN. G. SMITH is EXCUSED.

385 The motion is ADOPTED. SEN. SHOEMAKER will CARRY.

CHAIR SPRINGER adjourns hearing at 3:05 p.m.

Submitted by:

Reviewed by:

Ellen L. Senecal  
Assistant

Bill Taylor  
Karen Quigley  
Administrator

EXHIBIT LOG

- A - Testimony on HB 2380-Margaret Epley-32 pgs.
- B - Testimony on HB 2380-Sen. Frank Roberts-1 pg. \*
- C - Testimony on HB 2380-Harry Oaks-2 pgs.
- D - Testimony on HB 2380-Susan Mentley-1 pg.
- E - Testimony on HB 2380-Harry Oaks-1 pg.
- F - Testimony on HB 2380-Donna Meyer-2 pgs. \*
- G - Testimony on SB 587-Meyers-1 pg.
- H - Testimony on SB 587-Meyers
- I - Testimony on SB 587-Arnold Polk-2 pgs.
- J - Testimony on SB 587-Grover Simmons-2 pgs.
- K - Testimony on SB 587-Mike Hopkins-2 pgs. \*
- L - Testimony on SB 587-Peter Smith-2 pgs.
- M - Testimony on SB 587-Mike Hopkins-4 pgs. \*
- N - Proposed SB 895-2 and hand-engrossed amendments-staff-2 pgs.
- O - Testimony on SB 895-Virginia Vanderbilt-1 pg. \*
- P - Testimony on SB 895-Lee Nusich-5 pgs.
- Q - Testimony on SB 895-Kim Buckley-4 pgs. \*
- R - Testimony on SB 895-Richard Yugler-5 pgs. \*
- S - Testimony on SB 895-Richard Yugler-1 pgs. \*
- T - Proposed SB 1002 OBA amendments-Frank Brawner-2 pgs.
- U - Testimony on SB 1002-Frank Brawner-3 pgs.
- V - Proposed SB 1002 amendments-Jeffrey Hasson-1 pg.

\* Submitted written testimony only.