

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 FAMILY JUSTICE

April 12, 1991Hearing Room 357 2:00 p.m.Tapes 88

MEMBERS PRESENT:Rep. Kelly Clark, Chair Rep. Judy Bauman Rep. Marie Bell Rep. Kevin Mannix Rep. Tom Mason Rep. Del Parks

MEMBER EXCUSED: Rep. Jim Edmunson Rep. Ron Sunseri

STAFF PRESENT: Holly Robinson, Committee Counsel Kathy Neely,
Committee Assistant MEASURES CONSIDERED: HB 3375 PH
(Title) HB 2994 WS (Domestic Relations)

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TAPE 88, SIDE A

002 CHAIR CLARK: Calls the meeting to order at 2:40 p.m.

HB 3375 - PUBLIC HEARING Witnesses: Rep. Gail Shibley, District 12

004 HOLLY ROBINSON: HB 3375 establishes procedures to remove discriminatory provision from the title to real property.

014 REP. GAIL SHIBLEY, DISTRICT 12: (EXHIBIT A) Introduced this bill for individuals who have found that a legal document has language in it that is offensive and unnecessary. States specific examples of discriminatory language on the legal documents. *If owner, seller or buyer of a piece of real estate can take care of this rather easily.

055 CHAIR CLARK: This would be property by property authority?

056 REP. SHIBLEY: Correct, at the option of a buyer, seller, or owner to take care of this and update the document, making it nondiscriminatory.

CHAIR CLARK: Who gets served with a notice? All owners of record?

067 REP. SHIBLEY: Correct. Cannot think of any opposition to HB 3375.

CHAIR CLARK: Closes hearing on HB 3375. Recesses at 2:50, convenes at 2:55 p.m.

HB 2994 - WORK SESSION Witnesses: David Nebel, Oregon Coalition against Domestic and Sexual Violence 130 HOLLY ROBINSON: HB 2994 introduced a request of Oregon Coalition against Domestic Violence. Discusses amendments to HB 2994 (EXHIBIT C (OCASDV) AND D (2994-1)).

143 CHAIR CLARK: Discusses the HB 2994 -1 amendments (EXHIBIT D). The original bill created a person called the "primary physical aggressor". These amendments state that the peace officer must take reasonable efforts to determine who is the assailant and the factors used. 1) Uses existing phrase of "assailant", and 2) Gives officer discretion in making reasonable efforts. *Benefit allows this to be a definition bill, just defining what is current law.

169 DAVID NEBEL, OREGON COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE: (EXHIBIT C) Discusses amendments presented by Coalition and are close to the HB 2994-1 (EXHIBIT D) amendments. The changes are: eliminating language in subparagraph B that is not necessary; peace officer is no required to arrest both persons at scene of domestic disturbance; paragraph C is changed to insert "among other factors" before the list so that the officer does not have to find all 4 categories in every case to identify which party is assailant. *Guidance on what existing law really is.

211 CHAIR CLARK: Comments on the portion of the bill the committee struggled with as being the portion with the list of categories.

216 HOLLY ROBINSON: Yes with exception of issue of municipal police officers serving a warrant.

219 CHAIR CLARK: Guide the committee to first deal with the definition of "assailant". MOTION: The Chair moves the Coalition amendments, marked at HB 2994-2, (EXHIBIT C). To the motion: the purpose is not to create a new idea but to take existing law and give officer direction not required to arrest both parties and sets out efforts to determine who is assailant. Comments on letter of support from Office of District Attorney, for Yamhill County (EXHIBIT B).

244 REP. MANNIX: Prefers the Coalition amendments (EXHIBIT C) to the amendments from Legislative Counsel (EXHIBIT D). Discusses lines 4 through 6 of the amendments which do not state that the officer has obligation to arrest the assailant.

CHAIR CLARK: That is in existing law, on printed bill, lines 12 and 13. "Officer shall arrest and take into custody the alleged assailant or potential assailant".

VOTE: 5-1 Motion passes AYE: Bauman, Bell, Clark, Mannix, Mason NO: Parks EXCUSED: Edmunson, Sunseri

279 MOTION: REP. MANNIX: Moves HB 2994 as amended to the full committee with a do pass recommendation.

CHAIR CLARK: Rep. Mannix moves HB 2994 as amended to the full committee with do pass recommendation.

VOTE: 6-0 Motion passes AYE: Bauman, Bell, Clark, Mannix, Mason, Parks NO: 0 EXCUSED: Edmunson, Sunseri

291 CHAIR CLARK: HB 2994 as amended is passed to the full committee. Adjourns at 3:10 p.m.

Submitted by: Reviewed by:

Kathy Neely, Assistant David Harrell, Office Manager

EXHIBIT LOG:

A - Letter on HB 3375 - Rep. Gail Shibley - 1 page
B - Testimony on HB 2994 - John Collins - 3 pages
C - Amendments to HB 2994 - David Nebel - 1 page
D - Amendments to HB 2994 - 1 page