

HOUSE COMMITTEE ON JUDICIARY

February 8, 1991 Hearing Room 357 1:00 p.m. Tapes 17 - 18
MEMBERS PRESENT: Rep. Randy Miller, Chair Rep. Tom Mason, Vice Chair
Rep. Ray Baum Rep. Judith Bauman Rep. Marie Bell Rep. Tom Brian Rep.
Kelly Clark Rep. Jim Edmunson Rep. Rod Johnson Rep. Kevin Mannix Rep.
Del Parks Rep. Ron Sunseri

MEMBER EXCUSED: Rep. Parks STAFF PRESENT: Greg Chaimov, Con mittee
Counsel Holly Robinson, Committee Counsel Jeff Steve, Committee
Assistant MEASURES HEARD: HB 2392 - Death Sentence (WS) HB 2376 -
Uniform Transfer On Death Security Registration Act (WS) HB 2221 -
Liquor Control Commission (WS) HB 2082 - Employment Division (WS) HB
2126 - Timeshare Plan (WS) HB 2127 - Membership Campgrounds (WS) HB 2079
- Quarantine (WS) HB 2177 - Board of Nursing/ Chemical Dependency (WS)
HB 2137 - Forgery of Lottery Tickets (WS) HB 2139 - False
Information/Wildlife (VVS) HB 2384 - False Information/Insurance (WS) HB
2194 - Escape of Inmates (WS)

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.

TAPE 17, SIDE A House Committee on Judiciary February 8, 1991 - 2 004
CHAIR MILLER: Calls meeting to order at 1:00.

HB 2392 - DEATH PENALTY - WORK SESSION 014 GREG CHAIMOV: Summarizes
HB 2392. HB 2392 involves state's death penalty statute. In last session
the Judiciary Committee added a fourth question for a jury to answer in
deciding whether a defendant should receive a death penalty. Last year
the Oregon Supreme Court found that fourth question to be
unintelligible. HB 2392 attempts to draft language more in line with the
Supreme Court's ruling. 024 MOTION, REP. MASON: Moves HB 2392-1
amendments. See HB 2392 A-Engrossed. 028 VOTE: No objection. Motion
passes. 029 MOTION, REP. MASON: Moves HB 2392 as amended to Floor
with a "do pass" recommendation. 030 VOTE: 9 - 0 Motion passes. Rep.
Miller to carry.

AYE: Baum, Bauman, Bell, Clark, Edmunson, Johnson, Mannix, Sunseri,
Miller NO: 0 EXCUSED: Brian, Parks

HB 2376 - UNIFORM TRANSFER-ON-DEATH - WORK SESSION 078 GREG CHAIMOV:
Summarizes HB 2376. Adopts the Uniform Transfer-On-Death Security
Registration Act which would allow people to register who they want to
leave their securities to when they die. The Act would make registration
securities very similar to P.O.D. (Pay On Death) bank accounts. It is a
probation avoidance technique. 085 MOTION, REP. MANNIX: Moves HB 2376
to Floor with a "do pass" recommendation. 088 VOTE: 11-0 Motion
passes. Rep. Mannix to carry. AYE: Baum, Bauman, Brian, Bell, Clark,
Edmunson, Johnson, Mannix, Mason, Sunseri, Miller NO: EXCUSED: Parks

HB 2221 - OREGON LIQUOR CONTROL COMMISSION - WORK SESSION 100 GREG
CHAIMOV: Summarizes HB 2221. Expands the Oregon Liquor Control
Commission's authority to fine certain servers of alcoholic beverages.
Under current law some servers and not others may be fined and have
their licenses suspended. Those servers who may not now be fined would
like the OLCC to have the authority to fine them instead of suspending
their licenses because paying the fine is more acceptable.
119 MOTION, REP. MASON: Moves HB 2221 as amended to the Floor with a

"do pass"

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120 VOTE: 11-0 Motion passes. Rep. Miller to carry.

AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Sunseri, Miller NO: 0 EXCUSED: Parks

HB 2082 - PERFECTION AND PRIORITY OF LIENS - WORK SESSION

135 GREG CHAIMOV: Summarizes HB 2082. Modifies how the Employment Division attaches its lien to the personal property of an employer who fails to make required unemployment compensation payments. HB 2082 would permit the Employment Division to file a warrant in one county and file a copy of that warrant with the Secretary of State thereby expediting its lien attachment proceedings. Adjusts priority rights. 148 REP. SUNSERI: Does this allow for attachment to personal property?

152 CHAIMOV: Yes. 156 MOTION, REP. MANNIX: Moves HB 2082 to Floor with a "do pass" recommendation. 162 VOTE: 11-0 Motion passes. Rep. Clark to carry.

AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Sunseri, Miller NO: 0 EXCUSED: Parks

HB 2126 - TIMESHARE PLANS - WORK SESSION

174 GREG CHAIMOV: Summarizes HB 2126. Defines what is not a "time share" under the Time Share legislation. When there is a shared residence, one that everybody owns and can show up at, it is not a time share and subject to regulation by the real estate agents. That is opposed to someone in a time share agreement where one has a master agreement and owns a right to show up at a particular time -Secondly, under current law someone who acquires an interest in the time share after 1983 can go to court and get a trustee appointed. HB 2126 allows the same right for time share owners who acquired the right prior to 1983. 188 MOTION, REP. MANNIX: Moves HB 2126 as amended to Floor with a "do pass" recommendation. See HB 2126 A-Engrossed. 191- VOTE: 11-0 Motion passes. Rep. Brain to carry.

AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Sunseri, Miller House Committee on Judiciary February 8, 1991 - 4 NO: 0 EXCUSED: Parks

HB 2127 - MEMBERSHIP CAMPGROUNDS - WORK SESSION

213 GREG CHAIMOV: Summarizes HB 2127. Requires operators of campgrounds to give members ownership rights to a piece of the property. This is to ensure that in the event the campground goes bankrupt the members are not left as unsecured creditors. 224MOTION, REP, BRIAN: Moves HB 2127 as amended to the Floor with a "do pass" recommendation. See HB 2127 B-Engrossed. 227 VOTE: 11-0 Motion passes. Rep. Bell to carry.

AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Sunseri, Miller NO: 0 EXCUSED: Parks

HB 2079 - PUBLIC HEALTH - WORK SESSION

241 HOLLY ROBINSON: Summarizes HB 2079. Authorizes the courts to quarantine a person for up to 180 days specifically to treat tuberculosis. The Committee amended HB 207 9 to specify that the additional period of time would be used only for air-borne diseases.

257 MOTION, REP. MANNIX: Moves HB 2079 as amended to Floor with a "do pass" recommendation. See HB 2079 A-Engrossed. 260 VOTE: 11-0 Motion passes. Rep. Bauman to carry.

AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Sunseri, Miller NO: 0 EXCUSED: Parks

HB 2177 - MONITORING NURSES - WORK SESSION

270 HOLLY ROBINSON: Summarizes HB 2177. Establishes a chemical dependency diversion program for licensees of the State Board of Nursing. Allows suspension of disciplinary procedures when a person is undergoing treatment. Also, allows Board to establish fees to pay for the program. HB 2177 was amended to clarify confidentiality provisions for the program and to establish the rulemaking authority of the Board.

282 REP. EDMUNSON: Is concerned about the confidentiality portion of HB 217 7. Does not detail. 288 MOTION, REP. MANNIX: Moves HB 2177 as amended to Floor with a "do pass" recommendation. See HB 2177

A-Engrossed. . House Committee on Judiciary February 8, 1991 - 5

293 VOTE: 11-0 Motion passes. Rep. Mannix to carry.

AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Sunseri, Miller NO: 0 EXCUSED: Parks

HB 2137 - FORGERY OF LOTTERY TICKETS - WORK SESSION

305 HOLLY ROBINSON: Summarizes HB 2137. Adds the terminology "lottery tickets or shares" into the present definition of forgery in the first degree. 312

MOTION, REP. SUNSERI: Moves HB 2137 as amended to the Floor with a "do pass" recommendation. See HB 2137 A-Engrossed.

317 VOTE: 11-0 Motion passes. Rep. Sunseri to carry.

AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Sunseri, Miller NO: 0 EXCUSED: Parks

HB 2139 - FALSE INFORMATION/WILDLIFE - WORK SESSION 334 HOLLY

ROBINSON: Summarizes HB 2139. Creates a Class A misdemeanor, the offense of giving false information regarding name, address and date of birth to any enforcement officer for the purposes of issuing a citation in Oregon's Fish and Wildlife statutes and Boating statutes. HB 2139 was amended. 351

REP. MANNIX: Asks whether that is the reason for insertion of the new ORS provisions 153.325 and 153.430?

355 ROBINSON: Yes. HB 2139 originally came in with only Wildlife violation officers and the State Marine Board requested that they be included. 362

MOTION, REP. MANNIX: Moves HB 2139 as amended to Floor with a "do pass" recommendation. See HB 2139 A-Engrossed. 362 VOTE: 11-0 Motion passes. Rep. Parks to carry.

AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Sunseri, Miller NO: 0 EXCUSED: Parks

HB 2384 - FALSE INFORMATION/INSURANCE - WORK SESSION 378 HOLLY

ROBINSON: Summarizes HB 2384. Makes it an offense to give false information

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about liability insurance to a police officer.

397 MOTION, REP. MASON: Moves HB 2384 as amended with a "do pass" recommendation.

TAPE 18, SIDE A

010 VOTE: 11-0 Motion passes. Rep. Mason to carry. AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Sunseri, Miller
NO: 0 EXCUSED: Parks

HB 2194 - ESCAPE OF INMATES - WORK SESSION

020 HOLLY ROBINSON: Summarizes HB 2194. Grants to correctional officers the authority of a peace officer when preventing an escape or pursuing and inmate in the act of escaping. 030 REP. MASON: Looking at HB 2194-1 Amendments it looks like the "7-11" scenario is back in when it states, "or has escaped or unlawfully departed." This is in the past tense. Is this true? 038 ROBINSON: It could be read that way, however when HB 2194 came up last week after the amendments were requested the Committee's intent was pretty clear. It would seem to indicate what you are saying is true, but does not think that is what the Committee intended. 046 REP. BAUM: That language of HB 2194-1 Amendments was inserted for the express purpose of making sure that the corrections officers have a duty to report like everyone else about events they see and comments they hear. 052 ROBINSON: If you look in HB 2194 Section 1, subsection 4, line 17, the Department of Corrections still has the responsibility to inform the appropriate law enforcement agency of an escape or an attempted escape as soon practically possible. When you read that line with unlawfully departed then the issue is addressed. 065 REP. MASON: Supports the amendments concerning the 7-11 scenario. Not sure why the Committee backed off those amendments. 070 ROBINSON: Recalls that the discussion concerned the fact that the amended language found in HB 2194-1 Amendments was arrived at because "some people escape and some people walk away, not everyone is an escapee." The corrections officers in the various facilities would at that time be able to go and pursue them. 075 REP. BAUMAN: 2 out of 479 escapes in 1989-90 are the kind of escapes that the Committee is envisioning where right now the corrections officer could only chase them to the wall, but go no further. Presumably, those failing to report, 105, "walkaways", but not hot pursuit situations. Not sure what the Committee is envisioning, but this situation is not it.

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hot pursuit bill. 115 REP. MASON: Thinks there is nothing wrong with the situation where a corrections officer runs into an escapee in a 7-11 and takes him into custody.

124 REP. MANNIX: "I misunderstood. I think Rep. Mason has a good point."

129 MOTION, REP. MASON: Moves HB 2194 as amended to Floor with a "do pass" recommendation. See HB 2194 A-Engrossed. 134 VOTE: 11-0 Motion passes. Rep. Johnson to carry.

AYE: Baum, Bauman, Bell, Brian, Clark, Edmunson, Johnson, Marmix, Mason, Sunseri, Miller NO: 0 EXCUSED: Parks

BILL INTRODUCTIONS LC 1426 and LC 2501. 151 ROBINSON: Summarizes LC 1426 and LC 2501. Establish corporate surety bond program for criminal defendants in Oregon. -LC 2501 amends current statute to reflect changes in how insurance applications are practiced. Codifies current practice.

165 MOTION, REP. MASON: Moves that LC 1426 and LC 2501 be introduced as Committee bills. 168 VOTE: No objection. Motion carries.

175 CHAIR MILLER: Adjourns Meeting at 2:01 p.m.

Submitted by:
Steve, Assistant

Reviewed by: J. Kennedy
David Harrell, Office Manager

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