

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

February 28, 1991Hearing Room 357 1:12 p.m.Tapes 23 - 24

MEMBERS PRESENT:Rep. Randy Miller, Chair Rep. Tom Mason, Vice Chair
Rep. Judith Bauman Rep. Marie Bell Rep. Kelly Clark Rep. Rod Johnson
Rep. Kevin Mannix Rep. Del Parks

MEMBER EXCUSED: Rep. Ray Baum Rep. Tom Brian Rep. Jim Edmunson Rep.
Ron Sunseri

STAFF PRESENT: Greg Chaimov, Committee Counsel Holly Robinson,
Committee Counsel Kathy Neely, Committee Assistant

MEASURES CONSIDERED: HB 2502 WS (Controlled Substances) HB 2543
WS (Sexual Offenses) HB 2544 WS (Rape) HB 2542 WS (Sexual Abuse) HB 2407
WS (Registration) HB 2530 WS (Construction Contracts) HB 2062 WS
(Landscape Contracts) SB 385 WS (Adverse Possession) SB 399 WS
(Receiver Appointment) SB 455 WS (Corrects ORS)

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TAPE 23, SIDE A

003 CHAIR MILLER: Calls the meeting to order at 1:12 p.m. Discusses
Agenda for meeting.

WORK SESSION ON HB 2502

016 HOLLY ROBINSON: (AMENDMENTS: EXHIBIT A). Discusses the bill.
Expands the provision of the crime of delivery of a controlled substance
within 1,000 feet of a school to also include delivery to any person
within 1,000 feet of a certified day care center. Deletes the
requirement that delivery be to a minor. Clarifies statutory provision
regarding certified day care center.

024 CHAIR MILLER: Calls for a discussion, a motion.

026 REP. MASON: This is put in the possession side here?

HOLLY ROBINSON: In a subsequent measure.

CHAIR MILLER: Asks for a motion.

030 MOTION:REP. MANNIX: Moves HB 2502 as amended to the House floor with
a do pass recommendation.

037 CHAIR MILLER: Rep. Mannix moves HB 2502 as amended to the floor with a do pass recommendation. Any discussion?

VOTE:COMMITTEE ASSISTANT: Roll call vote:

Rep. Baum: Excused Rep. Bauman: Aye Rep. Bell: Aye Rep. Brian: Excused
Rep. Clark: Aye Rep. Edmunson: Excused Rep. Johnson: Aye Rep. Mannix:
Aye Rep. Mason: Aye Rep. Parks: Excused Rep. Sunseri: Excused Chair
Miller: Aye

041 CHAIR MILLER: HB 2502 as amended is passed to the floor. Rep. Mannix will carry.

WORK SESSION ON HB 2544

047 HOLLY ROBINSON: (AMENDMENTS: EXHIBIT B) Discusses HB 2544. Makes the rape statutes gender-neutral, allowing females to be prosecuted for the crime of rape. The amendments make references to siblings gender neutral.

053 MOTION:REP. MANNIX: Moves the bill as amended to the floor with a do pass recommendation.

055 CHAIR MILLER: Rep. Mannix moves HB 2544 as amended to the House floor with a do pass recommendation. Any discussion?

VOTE:COMMITTEE ASSISTANT: Roll call vote:

Rep. Baum: Excused Rep. Bauman: Aye Rep. Bell: Aye Rep. Brian: Excused
Rep. Clark: Aye Rep. Edmunson: Excused Rep. Johnson: Aye Rep. Mannix:
Aye Rep. Mason: Aye Rep. Parks: Excused Rep. Sunseri: Excused Chair
Miller: Aye

CHAIR MILLER: HB 2544 as amended is passed to the floor. Rep. Courtney or Rep. Mason will carry.

WORK SESSION ON HB 2543

071 HOLLY ROBINSON: (AMENDMENTS: EXHIBIT C) Discusses HB 2543. Extends the period of time a person convicted of Rape I, Sodomy I, Sexual Penetration I or II, etc will serve a term of post-prison supervision or probation. Increase the supervision time for probationers to a minimum of 5 years and a maximum up the statutory indeterminate sentence. For post prison supervision, the length of supervision will increase to the statutory indeterminate sentence. The Amendment Clarifies the term of post prison supervision in conjunction with the period of incarceration, shall not be greater than the maximum statutory indeterminate sentence. Discusses the fiscal impact.

089 CHAIR MILLER: Asks for any discussion.

092 MOTION:REP. MANNIX: Moves HB 2543 as amended to the floor with a do pass

recommendation.

094 CHAIR MILLER: Rep. Mannix moves HB 2543 as amended to the floor with a do pass recommendation. Any discussion

VOTE:COMMITTEE ASSISTANT: Roll call vote:

Rep. Baum: Excused Rep. Bauman: Aye Rep. Bell: Aye Rep. Brian: Excused
Rep. Clark: Aye Rep. Edmunson: Excused Rep. Johnson: Aye Rep. Mannix:
Aye Rep. Mason: Aye Rep. Parks: Aye Rep. Sunseri: Excused Chair Miller:
Aye

CHAIR MILLER: HB 2543 as amended is passed to the floor. Rep. Parks
will carry.

WORK SESSION ON HB 2542

104 HOLLY ROBINSON: (AMENDMENTS: EXHIBIT D) Discusses the bill.
Restructures and create three degrees of the crime of sexual abuse by
adding elements. Sex Abuse I would be a class B felony. Sexual Abuse 2
would be a class C felony. Sexual Abuse 3 would be a class A
misdemeanor. Also makes conformance changes in the Criminal Code.

115 CHAIR MILLER: Asks for discussion.

117 MOTION:REP. PARKS: Moves HB 2542 as amended to the floor with a do
pass

recommendation.

120 CHAIR MILLER: Rep. Parks moves HB 2542 as amended to the floor with
a do pass recommendation.

VOTE:COMMITTEE ASSISTANT: Roll call vote:

Rep. Baum: Excused Rep. Bauman: Aye Rep. Bell: Aye Rep. Brian: Excused
Rep. Clark: Aye Rep. Edmunson: Excused Rep. Johnson: Aye Rep. Mannix:
Aye Rep. Mason: Aye Rep. Parks: Aye Rep. Sunseri: Excused Chair Miller:
Aye

CHAIR MILLER: HB 2542 as amended is passed to the floor. Rep. Johnson
will carry.

WORK SESSION ON HB 2407

129 HOLLY ROBINSON: (AMENDMENTS: EXHIBIT E) Discusses the bill. Revises
current law regarding registration of adult sex offenders. The bill
will sunset in June of 1997.

140 CHAIR MILLER: Any discussion?

141 MOTION:REP. MANNIX: Move HB 2407 as amended to the floor with a do
pass recommendation.

143 CHAIR MILLER: Rep. Mannix has moved HB 2407 as amended to the floor
with a do pass recommendation. Asks for further discussion?

146 REP. PARKS: Why is the sunset in?

150 REP. CLARK: Responds regarding the testimony received and research
on what is effective in treating offenders. Don't know if treatment
will work. It will force review in 6 years.

CHAIR MILLER: Further discussion? Calls for the vote.

VOTE:COMMITTEE ASSISTANT: Roll call vote:

Rep. Baum: Excused Rep. Bauman: Aye Rep. Bell: Aye Rep. Brian: Excused
Rep. Clark: Aye Rep. Edmunson: Excused Rep. Johnson: Aye Rep. Mannix:
Aye Rep. Mason: Aye Rep. Parks: Aye Rep. Sunseri: Excused Chair Miller:
Aye

CHAIR MILLER: HB 2407 as amended is passed to the floor. Rep. Bell
will carry.

WORK SESSION ON HB 2530

MOTION:REP. MANNIX: Moves that HB 2530 be referred back to the Civil
Subcommittee.

CHAIR MILLER: Rep. Mannix moves HB 2530 be referred back to the Civil
Law Subcommittee. To the motion.

REP. MANNIX: There is a need for further discussion regarding who may
file suit in order to bring about enforcement. There is no limitation
on the bidders who may file suit.

178 REP. CLARK: Requests elaboration on the enforcement problem.

180 REP. MANNIX: Currently it has been left open on any bidder on a
project to be able to sue the successful bidder.

190 REP. JOHNSON: (EXHIBIT F) Supports the referral back.

200 REP. BAUMAN: Comments on the Exhibit.

209 CHAIR MILLER: Any objection to Rep. Mannix's motion for HB 2530 to
be referred back to the Civil Subcommittee? Hearing none, it is so
ordered.

WORK SESSION ON HB 2062

217 GREG CHAIMOV: Discusses HB 2062. Requires landscape contractors to
prove that they are independent contracts and maintain liability
insurance. Authorizes the Landscape Contractors Board to investigate
complaints and enforce licensing requirements against landscape
contractors.

223 CHAIR MILLER: Asks for discussion.

224 REP. JOHNSON: Asks to refer it back to Civil Subcommittee because of
new information regarding one of the major players in the area. They
have opposition and give them opportunity to voice objections.

231 MOTION:REP. MANNIX: Moves HB 2062 to the House floor with a do pass
recommendation.

234 CHAIR MILLER: To the motion.

236 REP. MANNIX: To the motion. Discusses another bill that might come
up for hearing dealing with this also. This is not the only vehicle
available. They should have brought their concerns to the carrier of
the bill.

250 CHAIR MILLER: Describes opposition as more than just mere concerns.

Asks if there is any one from the Nursery Men here?

259 REP. BAUMAN: Thought the bill was moved back to the subcommittee.

REP. MANNIX: Motion is to send it to the floor. As the carrier of the bill no one has talked to me.

272 REP. BELL: Wants elaboration on the opposition.

REP. JOHNSON: Scott Askren, lobbyist, just now informed of some problems with the bill and asked to voice those with subcommittee. Discusses referral back to subcommittee.

292 CHAIR MILLER: Comments on Rep. Mannix. If they have legitimate concerns not opposed to allowing them the opportunity to come before the subcommittee.

314 REP. MANNIX: Withdraws motion to pass bill to House floor.

CHAIR MILLER: Closes work session on HB 2062.

WORK SESSION ON SB 385

323 GREG CHAIMOV: (AMENDMENTS: EXHIBIT G). Discusses SB 385. Allows a person who acquired property through adverse possession before 1990 to keep the property even though the person did not file a claim for record title by the time the new adverse possession law to effect January 1, 1990. Discusses the old law, without good faith.

336 CHAIR MILLER: Asks for discussion.

338 MOTION:REP. CLARK: Moves SB 385 as amended to the floor with a do pass recommendation.

346 CHAIR MILLER: Rep. Clark moves SB 385 as amended to the floor with a do pass recommendation.

VOTE:COMMITTEE ASSISTANT: Roll call vote:

Rep. Baum: Excused Rep. Bauman: Aye Rep. Bell: Aye Rep. Brian: Excused Rep. Clark: Aye Rep. Edmunson: Excused Rep. Johnson: Aye Rep. Mannix: Aye Rep. Mason: Aye Rep. Parks: Aye Rep. Sunseri: Excused Chair Miller: Aye

CHAIR MILLER: SB 385 as amended is passed to the floor. Rep. Johnson will carry.

WORK SESSION ON SB 399

364 GREG CHAIMOV: Discusses the bill. It is from the Real Estate and Land Use Section of the OSB. Authorizes a court to appoint a receiver to manage property while a seller goes through the process to cancel a land sale contract. Discusses forfeiture.

377 CHAIR MILLER: Asks for discussion.

378 MOTION:REP. MANNIX: Moves SB 399 to the House floor with a do pass recommendation.

CHAIR MILLER: Rep. Mannix moves SB 399 to the floor with a do pass

recommendation.

VOTE:COMMITTEE ASSISTANT: Roll call vote:

Rep. Baum: Excused Rep. Bauman: Aye Rep. Bell: Aye Rep. Brian: Excused
Rep. Clark: Aye Rep. Edmunson: Excused Rep. Johnson: Aye Rep. Mannix:
Aye Rep. Mason: Aye Rep. Parks: Aye Rep. Sunseri: Excused Chair Miller:
Aye

CHAIR MILLER: SB 399 is passed to the floor. Rep. Clark will carry.

WORK SESSION ON SB 455

393 GREG CHAIMOV: Discusses SB 455. Makes technical correction to various provisions of the Oregon Revised Statutes. EXHIBIT H is a memo from Legislative Counsel. EXHIBIT I is a memo from Legislative Counsel regarding Reviser's Bill concerning status of the trust territory of the Pacific Islands.

406 CHAIR MILLER: Asks for discussion.

410 MOTION:REP. MANNIX: Moves SB 455 to the House floor with a do pass recommendation.

418 CHAIR MILLER: Rep. Mannix moves SB 455 to the House floor with a do pass

recommendation. Asks for further discussion.

VOTE:COMMITTEE ASSISTANT: Roll call vote:

Rep. Baum: Excused Rep. Bauman: Aye Rep. Bell: Aye Rep. Brian: Excused
Rep. Clark: Aye Rep. Edmunson: Excused Rep. Johnson: Aye Rep. Mannix:
Aye Rep. Mason: Aye Rep. Parks: Aye Rep. Sunseri: Excused Chair Miller:
Aye

CHAIR MILLER: SB 455 is passed to the floor. Rep. Brian will carry.

TAPE 24, SIDE A

016 REP. MASON: Discusses changes this bill will make.

026 CHAIR MILLER: Adjourns at 2:44 p.m.

Submitted by: Reviewed by:

Kathy Neely David Harrell Assistant Office Manager

EXHIBIT LOG:

A - Amendments to HB 2502 - 1 page B - Amendments to HB 2544 - 1
page C -Amendments to HB 2543 - 1 page D -Amendments to HB 2542 - 1
page E -Amendments to HB 2407 - 3 pages F -Testimony on HB 2530 - Rep.
Johnson - 2 pages G -Amendments to SB 385 - 1 page H -Memorandum on SB
455 - Legislative Counsel - 2 pages I -Memorandum on SB 455 -
Legislative Counsel - 1 page