

HOUSE COMMITTEE ON JUDICIARY

June 25, 1991 Hearing Room 357 1:00 p.m. Tapes 60 - 61 MEMBERS PRESENT: Rep. Randy Miller, Chair Rep. Tom Mason, Vice Chair Rep. Ray
STAFF PRESENT: Greg Chaimov, Committee Counsel Holly Robinson, Committee Counsel Jim Dole, Committee Counsel Jeff Steve, Committee Assistan
These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

004 CHAIR RANDY MILLER: Opens House Committee on Judiciary at 1 :43 p.m.

Opens work session on SB 1188.

SB 1188 - WORK SESSION 008 CHAIMOV: SB 1188 provides consumer protection on 900 calls.

Sen. Jolin informs me that the problem of the \$120,000 fiscal impact statement received since House Committee on Judiciary June 25, 1991 - P
the bill was before the subcommittee is being taken care of in a separate bill in the Committee on Ways and Means.

Has reviewed Attorney General's memorandum discussing the constitutionality of the bill and has concerns about the bill surviving a commerce

014 CHAIR MILLER: Questions why identical bills are in House Judiciary and the Committee on Ways and Means. , 034 SEN. PEG JOLIN: SB 1
VOTE: Without objection, amendments are adopted.

056 MOTION: REP. BRIAN: Moves SB 1188, as amended, to the Committee on Ways and Means with a do pass recommendation. - 067 JOLIN: There

110 VOTE: On a roll call vote, motion passes. AYE: Reps. Bauman, Bell, Brian, Clark, Edmunson, Johnson, Mason, Miller, Parks, Sunseri, M

115 CHAIR MILLER: Closes work session on SB 1188. House Committee on Judiciary June 25, 1991 - Page 3

Opens work session on SB 1035.

SB 1035 - WORK SESSION

125 CHAIMOV: SB 1035 allows Tri-Met employees to phase their retirement plan into the Public Employees Retirement System (PERS). 130MOTI

SB 184 - WORK SESSION 150 CHAIMOV: SB 183 grants the Department of Environmental Quality new authority to impose civil penalties of up to \$
Reviews provisions of SB 184-B10 amendments (EXHIBIT B).

160 MOTION: REP. PARKS: Moves to suspend the rules for the purpose of making a non technical amendment. VOTE: Without objection, rules a

183 REP. BAUMAN: Would like committee to hear from Fred Hansen, DEQ on the impact of the proposed SB 1 84-B 10 amendments.

182 FRED HANSEN, DIRECTOR OF ENVIRONMENTAL QUALITY: Reviews amendments. It is a Reviews amendments. It is a policy choice whether the penal
DEQ is quite successful in reaching a settlement agreement on most of our penalties. They are either paid in full or negotiated on new facts

Concerned about language causing people who would normally want to settle being encouraged to proceed into the contested case process to rec
215 REP. SUNSERI: Who gets the money?

216 HANSEN: The General Fund.

218 REP. SUNSERI: Who determines if the offense is an intentional or reckless violation?

219 HANSEN: DEQ assesses a penalty based on a civil penalty matrix which contains an issue of intentional that would be a factor affecting

230 REP. PARKS: Is the matrix contained in Section 4?

233 HANSEN: No. There is general rule making authority to implement the civil penalty authority and that rule making authority requires the

242 REP. PARKS: The degree of violation is a subjective determination.

245 HANSEN: There is greater definition by specific category of activity which removes virtually all of the subjectivity.

281 MOTION: REP. PARKS: Amends his motion by substituting "prevails in" for "obtains an order" on line 9 of the SB 184-B10 amendments. 2
These rninutes contain rnaterials which paraphrase and/or surrnarnarize stz ements rnadc during this session. ODIY text enclosed in quotation :

385 VOTE On a roll call vote, motion fails. AYE: Reps. Bell, Johnson, Parks, Sunseri, Miller NAY: Reps. Bauman, Brian, Clark, Edmunson,
TAPE 61, SIDE A SB 1174 - WORK SESSION

007 HOLLY ROBINSON: SB 1174 would establish a zero tolerance policy toward discriminatory behavior in state work places and academic env
Information received in committee is different from that in the letter. Does not want to muddy the issue without the support of the bill's r
If we get the issue clarified, will move the bill off the table.

070 REP. EDMUNSON: Agrees. The letter (EXHIBIT D) seems to suggest that our treatment of this bill can minimize the problem of racism. Beli
Would like to see the bill come off the table so that we can all go forward together rather than hit the floor with a potentially divisive d

081 REP. MANNIX: Any bill filed in the legislative assembly is the property of the people, not the requestors. My preference was to get to

084 REP. PARKS: Agrees with Rep. Mannix' statement.

086 REP. MASON: Agrees with Rep. Clark's vote explanation.

095 REP. BAUMAN: Shocking to table a bill that establishes zero tolerance policy toward all forms of discrimination. Seriously differ with

101 REP. BELL: Wants to hear more discussion on the issue.

115 CHAIR MILLER: Believes an explanation will be forthcoming.

Opens work session on SB 759.

SB 759 - WORK SESSION

117 HOLLY ROBINSON: SB 759 will allow health care providers who are providing emergency care to notify the police when they believe a perso

129 MOTION: REP. PARKS: Moves SB 759 to the floor with a do pass recommendation.

VOTE: On a roll call vote, motion passes. AYE: Reps. Bauman, Brian, Clark, Edmunson, Johnson, Mannix, Mason, Parks, Miller NAY: Reps. Bell,
Closes work session on SB 759.

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks
SB 754 - WORK SESSION

147 CHAIMOV: Notes SB 754-B8 (EXHIBIT E) and SB 754-B9 (EXHIBIT E) amendments. 162 MOTION: REP. JOHNSON: Moves to suspe
259 REP. JOHNSON: Explains.

271 MOTION: REP. MANNIX: Moves to amend the SB 754-B9 amendment by deleting "including not less than 75 percent of the length of
Senate, and the way it came out of the committee the last time. However, members on the House floor raised concerns about ecological aspects
Urges passage of the bill.

384 REP. BAUMAN: Is troubled that you are using a bazooka to swat a fly at considerable taxpayer expense. We may be opening the door to a w
Believes that the court system should be used for specific problem solving.

TAPE 60, SIDE B

001 GAMMON: There is a long common law doctrine of way of necessity which serves a purpose and has evolved over the years. The statute h
SB 394 - WORK SESSION

085 ROBINSON: SB 394 is the State Court Administrator's omnibus bill containing many housekeeping changes to remove obsolete statutory refe

092 MOTION: REP. SUNSERI: Moves SB 394 to the floor with a do pass recommendation. House Committee on Judiciary June 25, 1991 - Page 9

VOTE: On a roll call vote, motion passes. AYE: Reps. Bell, Brian, Edmunson, Johnson, Mannix, Mason, Parks, Sunseri, Miller NAY: None EXCUSED
105 CHAIR MILLER: Rep. Sunseri will carry the bill on the floor.

Closes work session on SB 394.

Opens work session on SB 404.

SB 404 - WORK SESSION

106 DOLE: SB 404 would allow judges to collect fees for performing weddings and has been before the full committee once before.

Reviews provisions of SB 404-A10 amendments (EXHIBIT G).

An additional amendment suggested by Sen. Yih which would change the qualifications for Justices of the Peace, and is included in the SB 404
An SB 404-All amendment (EXHIBIT H) has been requested by Rep. Edmunson.

126 MOTION: REP. MANNIX: Moves adoption of SB 404-A10 amendments with correction noted by Legislative Counsel to require that the Justic

VOTE: Without objection, Rep. Mason's motion is adopted. 167 REP. MASON: Reluctant to get into justice of the peace politics in this bill

183 REP. EDMUNSON: Think we should repeal the ORS chapter which allows justices of the peace, but not prepared to make that motion. Thinks

209 VOTE: On a roll call vote, motion passes. AYE: Rep. Baum, Bell, Clark, Johnson, Mannix, Parks, Sunseri, Miller NAY: Reps. Brian, Edm
Tape 60 Side B or cities, counties, and people?

340 REP. MASON: Bars across the country.

359 VOTE: On a roll call vote, motion passes. AYE: Reps. Bauman, Clark, Edmunson, Mannix, Mason, Parks, Sunseri NAY: Reps.

TAPE 61, SIDE B

002 CHAIR MILLER: Reopens work session on SB 754.

SB 754 - WORK SESSION

005 MOTION: REP. JOHNSON: Moves SB 754, as amended, to the floor with a do pass recommendation. VOTE: On a roll call vote, motion passes

020 REP. SUNSERI: Serves notice of possibility minority report on SB 759.

025 CHAIR MILLER: Opens work session on SB 816.

SB 816 - WORK SESSION

030 MOTION: REP. CLARK: Moves SB 816, as amended, to the floor with a do pass recommendation. VOTE: On a roll call vote, motion passes.

Closes work session on SB 816.

Adjourns committee at 3:15 p.m.

Transcribed by,

Pat Zwick

EXHIBITS LOG: A:SB 1188-C9 Amendments - Staff- 1 page B:SB 184-B10 Amendments - Staff- 1 page C:SB 1174-A3 Amendments - Staff- 2 pages D:

These rules contain material which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks re