

SENATE COMMITTEE ON JUDICIARY

March 15, 2005
1:00 P.M.

Hearing Room 343
Tapes 66 - 67

Corrected 10/26/05

MEMBERS PRESENT: Sen. Ginny Burdick, Chair
Sen. Charles Starr, Vice-Chair
Sen. Roger Beyer
Sen. Floyd Prozanski
Sen. Vicki Walker
Sen. Doug Whitsett

MEMBER EXCUSED: Sen. Charlie Ringo

STAFF PRESENT: Joe O'Leary, Counsel
Erin Pelley, Counsel
Dale Penn, Committee Assistant

MEASURES/ISSUES HEARD:

SB 489 – Public Hearing
SB 276 – Public Hearing and Work Session
SB 277 – Public Hearing and Work Session
SB 229 – Work Session
SB 234 – Work Session

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 66, A		
003	Chair Burdick	Calls the meeting to order at 1:20 p.m. and opens a public hearing on SB 489.
<u>SB 489 – PUBLIC HEARING</u>		
007	Aaron Pelley	Counsel. Describes SB 489 relating to repealing the provisions allowing the appeal of Public Utility Commission (PUC) orders to the circuit court.
019	Judge Paul Lipscomb	Marion County Circuit Court Presiding Judge. Submits written testimony and testifies in support of SB 489 (EXHIBIT A). Discusses the PUC process in the circuit court.
060	Judge Lipscomb	Details the costs of the review process facing the circuit courts because of the contested PUC appeals.
095	Sen. Walker	Agrees that the Legislature does increase the workload of the Marion county court system, and expresses her support for SB 489.
106	Chair Burdick	Asks what court decided to use the PUC record as opposed to the circuit court record.
108	Judge Lipscomb	Responds with information on the statutes and court cases involved with that decision.
124	Jay Dudley	Associate General Counsel, Portland General Electric (PGE).

		Testifies in support of SB 489. Explains the increased efficiency expected after passing SB 489.
139	Chair Burdick	Inquires about the cases that would apply under this bill.
150	Dudley	Responds that the effective date would depend on the beginning of a contested case; cites examples of cases that would fall under this bill after it passed.
177	Sen. Walker	Brings up the issue of the Texas Specific Group deal that might occur with PGE. Wonders about a retroactive and emergency clause complicating things.
200	Lee Beyer	Chairman, Oregon Public Utility Commission. States that the retroactive clause would be a complicating matter.
208	Sen. Prozanski	Explains that the retroactive clause would be a complicating matter, but the emergency clause would be a good idea.
228	Ginny Lang	QWEST Communications. Testifies in opposition to SB 489, and offers reasoning as to why her organization does not support the bill. Expresses their willingness to work on SB 489, and brings up the topic of other bills facing the legislature with similar effects.
239	Lang	Talks about certain discrepancies on Page 11 of SB 489 relating to the drafting.
277	Sen. Walker	Comments on Arizona's PUC.
296	Lang	Discusses PUC's in other states.
309	Chair Burdick	Closes the public hearing on SB 489 and opens a combined public hearing on SB 276 & SB 277.

SB 276 & SB 277 – PUBLIC HEARING

290	Joe O'Leary	Counsel. Describes SB 276 relating to the trustee of sever trusts; and SB 277 relating to the terminology in Oregon Uniform Transfers to Minors Act.
346	Bill Brewer	State Bar Executive Committee for State Planning and Administration. Submits testimony and testifies in support of SB 276 (EXHIBIT B).
412	Brewer	Submits testimony and testifies in support of SB 277 (EXHIBIT C). Cites the clarification that SB 277 brings to the current statute.
453	Chair Burdick	Asks if there are any problems with the language of the bill.
455	Brewer	States that, to his knowledge, there is none.
476	Chair Burdick	Closes the public hearing on SB 276 and SB 277 and opens a work session on SB 276.

SB 276 – WORK SESSION

483	Sen. Starr	MOTION: Moves SB 276 to the floor with a DO PASS recommendation.
		VOTE: 5-0-2
		EXCUSED: 2 - Ringo, Walker
488	Chair Burdick	Hearing no objection, declares the motion CARRIED.
		SEN. PROZANSKI will lead discussion on the floor.
494	Chair Burdick	Closes the work session on SB 276 and opens a work session on SB 277.

SB 277 – WORK SESSION

496	Sen. Starr	MOTION: Moves SB 277 to the floor with a DO PASS recommendation.
		VOTE: 5-0-2
		EXCUSED: 2 - Ringo, Walker
500	Chair Burdick	Hearing no objection, declares the motion CARRIED.
		SEN. PROZANSKI will lead discussion on the floor.

TAPE 67, A

033	Chair	Closes the work session on SB 277 and opens a work session on SB 229 & SB 234.
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SB 229 & SB 234 – WORK SESSION

035	Chair Burdick	Postpones SB 229 & SB 234 until further notice.
040	Chair Burdick	Closes the work session on SB 229 & SB 234.
042	Chair Burdick	Goes over the combined Senate and House Judiciary committee trip to Pendleton on March 17, 2005.
055	Chair Burdick	Adjourns the meeting at 1:50 p.m.

EXHIBIT SUMMARY

- A. **SB 489, written testimony, Paul Lipscomb, 3 pp**
- B. **SB 276, written testimony, Bill Brewer, 2 pp**
- C. **SB 277, written testimony, Bill Brewer, 1 p**