

SENATE COMMITTEE ON JUDICIARY

April 18, 2005
1:00 P.M.

Hearing Room 343
Tape 111

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

STAFF PRESENT: William E. Taylor, Counsel
Dale Penn, Committee Assistant

MEASURES/ISSUES HEARD:
SB 850 – Work Session
SB 198 – Work Session
SB 920 – Work Session
SB 495 – Public Hearing

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 111, A		
003	Chair Burdick	Calls the meeting to order at 1:13 p.m. and opens a work session on SB 850.
<u>SB 850 – WORK SESSION</u>		
008	Chair Burdick	Discusses the -3 amendment (EXHIBIT A).
012	Sen. Starr	MOTION: Moves SB 850 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways & Means.
		VOTE: 5-0-2
016	Chair Burdick	EXCUSED: 2 - Prozanski, Walker
018	Chair Burdick	Hearing no objection, declares the motion CARRIED.
		Closes the work session on SB 850 and opens a work session on SB 198.
<u>SB 198 – WORK SESSION</u>		
020	William E. Taylor	Counsel. Describes SB 198 relating to allowing a person who is a victim of a crime to have a personal representative accompany them to all phases of investigation and prosecution of the crime except for grand jury proceedings and certain child abuse assessments. Introduces the -3 amendment (EXHIBIT B).
034	Ronelle Shankle	Department of Justice. Talks about the -3 amendment for SB 198 and testifies in support of the bill.
047	Kelly Skye	Oregon Criminal Defense Lawyers Association. Addresses subsection 7 relating to the selection of a personal representative.

061	Chair Burdick	Inquires how subsection 7 is valuable as an amendment to the bill.
065	Skye	Replies with information on how subsection 7 will allow criminal defense lawyers to protect the rights of the individual.
076	Shankle	States that the Oregon District Attorney's Association supports the amendment and the bill.
086	Sen. Starr	MOTION: Moves to ADOPT SB 198-3 amendments dated 4/18/05.
		VOTE: 7-0-0
089	Chair Burdick	Hearing no objection, declares the motion CARRIED.
091	Sen. Starr	MOTION: Moves SB 198 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0-0
093	Chair Burdick	Hearing no objection, declares the motion CARRIED.
		SEN. WALKER will lead discussion on the floor.
095	Chair Burdick	Closes the work session on SB 198 and opens a work session on SB 920.
<u>SB 920 – WORK SESSION</u>		
096	William E. Taylor	Counsel. Describes SB 920 relating to revising the laws relating to execution sales. Discusses the -2 amendment (EXHIBIT C).
108	Dave Heynderickx	Acting Legislative Counsel. Talks about the -2 amendment.
155	Heynderickx	Stresses that the bill is meant to bring the current statute up to date.
170	Jerry Watson	Attorney. Discusses the amendments, and states that, for the most part, they are technical.
224	Chair Burdick	Inquires about any dissent within the work group concerning the bill or the amendments.
229	Watson	Acknowledges that you can always tweak the wording or language, but the work group was in agreement in support of the amendment and the bill.
236	Chair Burdick	Asks about the support from the sheriffs who attended the public hearing.
241	Watson	Responds that the Sheriffs Association supports the amendment.
244	Sen. Beyer	Wonders about the changes for the lay person after the passage of the bill.
248	Heynderickx	Replies that those individuals would most likely have a better chance of understanding the bill in comparison to the older statute.
269	Heynderickx	Talks about the substantive changes in the bill, and doesn't believe there are any that negatively affect debtors.
290	Brad Swank	Oregon Judicial Department. Discusses the substantive changes in the bill. Comments on the items that fall under judicial sale.
315	Swank	Addresses the electronic market (eBay, etc.) as a possible future avenue to explore.
265	Heynderickx	States that there were no dissenting votes on any of these substantive changes.
369	Chair Burdick	Inquires about the individuals who added their input to the process.
371	Watson	Declares that the individuals who were involved were broadly representative of the public.
406	Sen. Starr	MOTION: Moves to ADOPT SB 920-2 amendments dated 4/13/05.
		VOTE: 7-0-0

410	Chair Burdick	Hearing no objection, declares the motion CARRIED .
412	Sen. Starr	MOTION: Moves SB 920 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0-0
418	Chair Burdick	Hearing no objection, declares the motion CARRIED .
		SEN. RINGO will lead discussion on the floor.
423	Chair Burdick	Moves SB 1025 to Monday, April 25, 2005. Closes the work session on SB 920 and opens a public hearing on SB 495.
<u>SB 495 – PUBLIC HEARING</u>		
431	Sen. Ringo	Discusses SB 495 relating to allowing grandchildren and grandparents to recover in actions for a wrongful death.
467	Sen. Prozanski	Asks about the parameters for the nexus between grandparents and grandchildren.
441	Sen. Ringo	Replies that there currently is none, but expects the definition for the nexus between the grandchildren and grandparents to be similar to that between children and parents.
490	Chair Burdick	Closes the public hearing on SB 495 and adjourns the meeting at 1:38 p.m.

EXHIBIT SUMMARY

- A. SB 850, -3 amendment, Sen. Devlin, 4 pp
- B. SB 198, -3 amendment, staff, 2 pp
- C. SB 920, -2 amendment, staff, 20 pp