

SENATE COMMITTEE ON JUDICIARY

May 02, 2005
1:00 P.M.

Hearing Room 343
Tapes 126 - 127

Corrected 10/26/05

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:
HB 2245 – Public Hearing
HB 2256 – Public Hearing and Work Session
HB 2275 – Public Hearing and Work Session
HB 2279 – Public Hearing and Work Session
HB 2281 – Public Hearing
HB 2268 – 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 126, A		
003	Chair Burdick	Calls the meeting to order at 1:13 p.m. and opens a public hearing on HB 2245.
HB 2245 – PUBLIC HEARING		
005	William E. Taylor	Counsel. Describes HB 2245 relating to allowing Legislative Counsel to change geographic references in statute if a new reference is approved.
026	Sen. Prozanski	Asks if both agencies that approve name changes to public entities/parks/etc need to agree in order to officially change the name.
032	Taylor	States that it requires approval from both groups to alter a geographic name.
048	Mike McArthur	Oregon Geographic Names Board (OGNC). Testifies that the OGNC merely recommends name alterations to the United States Board of Geographic Names (USBGN).
053	Sen. Prozanski	Wonders if the USBGN can deny a recommendation made by the OGNC.
059	McArthur	Replies that the name would not change if that occurs.
068	Chair Burdick	Declares that if the name was changed through a statute then it wouldn't need confirmation from the USBGN.
070	McArthur	Stresses that such an action still wouldn't officially change the name, only the USBGN has the authority.

077	Sen. Prozanski	Explains that the state of Oregon does not have complete authority for name changes.
084	Chair Burdick	Talks about how geographic names, under this bill, could be changed through legislative action.
090	Sen. Beyer	Inquires about the number of geographic names that contain the word "squaw." Asks if they are geographically referenced.
096	Taylor	States that he has done a name search, and has found it numerous times throughout the state.
114	Chair Burdick	Closes the public hearing on HB 2245 and opens a public hearing on HB 2256.

HB 2256 – PUBLIC HEARING

116	William E. Taylor	Counsel. Describes HB 2256 relating to identifying provisions to which definitions apply.
120	Harrison Connelly	Deputy Legislative Counsel. Testifies in support of HB 2256 and the problems with current definition standards.
151	Chair Burdick	Asks what is being fixed by the bill.
153	Connelly	Replies that the bill attempts to clarify the definition process.
160	Sen. Beyer	States that he doesn't see any difference between current law and the changes in HB 2256.
167	Connelly	Explains the substantive differences between current law and HB 2256.
196	Chair Burdick	Inquires about the definitions applying to a certain section of the statute, and not the whole statute.
204	Connelly	Stresses that this bill seeks to limit the scope of this definition.
209	Sen. Beyer	Seeks to summarize the effects of the bill.
214	Connelly	Talks about the substantive changes in the drafting of the bill.
220	Sen. Beyer	Raises a conflict with the drafting language chosen.
222	Sen. Prozanski	Clarifies the issue raised by Sen. Beyer relating to the drafting language conflicting with current statutory language.
237	Sen. Ringo	Asks who the proponent of the bill is.
241	Connelly	States that Legislative Counsel drafted this bill in order to fix certain errors and oversights with current statute.
256	Chair Burdick	Closes the public hearing and opens a work session on HB 2256.

HB 2256 – WORK SESSION

260	Sen. Starr	MOTION: Moves HB 2256 to the floor with a DO PASS recommendation.
		VOTE: 7-0-0
263	Chair Burdick	Hearing no objection, declares the motion CARRIED.
		SEN. PROZANSKI will lead discussion on the floor.
267	Chair Burdick	Closes the work session on HB 2256 and opens a public hearing on HB 2275.

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HB 2275 – PUBLIC HEARING

269	William E. Taylor	Counsel. Describes HB 2275 relating to resolving conflicting terms of certain child support judgments involving the same obligor and child.
280	Wendy Johnson	Deputy Director, Oregon Law Commission. Submits testimony and testifies in support of HB 2275 (EXHIBIT A).
295	Shani Fuller	Oregon Child Support Program, Department of Justice. Submits testimony and testifies in support of HB 2275 (EXHIBIT B).
350	Chair Burdick	Inquires about the grandfather clause in section 1.
355	Fuller	Describes the grandfather clause addressed in section 1 of HB 2275.

386	Johnson	Talks about the corrections this bill seeks to enact.
398	Chair Burdick	Closes the public hearing and opens a work session on HB 2275.
<u>HB 2275 – WORK SESSION</u>		
408	Sen. Starr	MOTION: Moves HB 2275 to the floor with a DO PASS recommendation.
		VOTE: 7-0-0
411	Chair Burdick	Hearing no objection, declares the motion CARRIED.
		SEN. WALKER will lead discussion on the floor.
419	Chair Burdick	Closes the work session on HB 2275 and reopens the public hearing on HB 2245.
<u>HB 2245 – PUBLIC HEARING</u>		
430	Chair Burdick	Asks about existing statutes dealing with changing the names of geographic references.
441	Brendan McCarthy	Replies with information on the process for changing the name for geographic references.
TAPE 127, A		
013	Chair Burdick	Inquires if the Legislature can go around this process and statutorily dictate a name for any geographic reference.
017	McCarthy	Responds that there would be a conflict between the federal and state documents.
027	Chair Burdick	Asks about the name “squaw” being removed, by statute, from the title of certain geographic references in past legislation.
031	McCarthy	Stresses that, officially, they still contain the name “squaw.” Explains that the Legislature does not truly name geographic references, they merely dictate what these areas will be referred as within their own states.
063	Chair Burdick	Summarizes the effect of the bill.
067	Sen. Beyer	Inquires about the number of geographic names that are actually in statute.
071	Taylor	States that squaw is referenced 12 times in statute. Talks about the Oregon Geographic Names Board and its relationship with the United States Board of Geographic Names.
086	Chair Burdick	Inquires what would occur if the bill was not passed.
087	McCarthy	Discusses the result of not passing this bill and how the process would be even slower.
097	Sen. Beyer	Asks if there is any other place that Legislative Counsel can change statutes without Legislative approval.
100	McCarthy	Stresses that they cannot, unless they were actually given the ability through statute.
109	Sen. Beyer	Talks about his problems with the statutory power of Legislative Counsel.
120	McCarthy	Addresses the issue raised by Sen. Beyer and talks about the Scrivener’s Bill at the beginning of each session.
131	Sen. Prozanski	Clarifies the effects of this bill for the committee.
141	McCarthy	Discusses the substantive changes Legislative Counsel can make without Legislative approval.
158	Sen. Whitsett	States that this bill gives certain statutory authority to Legislative Counsel.
161	Chair Burdick	Stresses that this does not give away statutory authority to another entity.
172	Chair Burdick	Closes the public hearing on HB 2275 and opens a public hearing on HB 2279.
<u>HB 2279 – PUBLIC HEARING</u>		

178	William E. Taylor	Counsel. Describes HB 2279 relating to allowing the juvenile court to conduct a review of guardianship.
184	Nancy Miller	Deputy State Court Administrator, Office of the State Court Administrator. Submits testimony and testifies in support of HB 2279 (EXHIBIT C).
207	Chair Burdick	Closes the public hearing and opens a work session on HB 2279.
<u>HB 2279 – WORK SESSION</u>		
213	Sen. Starr	MOTION: Moves HB 2279 to the floor with a DO PASS recommendation.
		VOTE: 7-0-0
218	Chair Burdick	Hearing no objection, declares the motion CARRIED.
		SEN. BEYER will lead discussion on the floor.
223	Chair Burdick	Closes the work session on HB 2279 and opens a public hearing on HB 2281.
<u>HB 2281 – PUBLIC HEARING</u>		
224	William E. Taylor	Counsel. Describes HB 2281 relating to modifying the laws governing courts and appellate courts.
232	Kingsley Click	Oregon Judicial Department. Submits testimony and testifies in support of HB 2281 (EXHIBIT D).
289	Chair Burdick	Asks how one becomes permanently ineligible from jury service.
291	Click	Offers information on the jury selection process, and how one may become incapacitated for life.
311	Chair Burdick	Inquires about excused status; criminally, permanently, etc.
316	Click	Explains the criteria for being excused for jury duty in several situations (including criminally and permanently). Talks about convicted felons who have not had their full civil rights restored being ineligible for jury duty.
355	Sen. Prozanski	Wonders about the alteration to current statutes on the issue of the cost for reproduction of public records.
367	Click	Replies with information on current statute relating to time and public records fees.
407	Sen. Beyer	States that he has issues with allowing an agency to possibly charge increased fees to make copies of documents.
428	Sen. Prozanski	Discusses the issue of abuse by clerks or the agency in charging an exorbitant sum for services that do not cost the agency such an amount.
TAPE 126, B		
010	Click	Clarifies the issues raised by the committee members.
022	Taylor	Inquires if they get requests for the names of prospective jurors and if that requires any redaction of information.
027	Click	Replies that they do receive such requests, and talks about certain statutes that deal with the release of these documents.
039	Chair Burdick	Closes the public hearing on HB 2281 and opens a public hearing on HB 2268.
<u>HB 2268 – PUBLIC HEARING</u>		
041	William E. Taylor	Counsel. Describes HB 2268 relating to modifying the rules governing the appraisal exchanges in condemnation actions.
		Introduces written testimony from Donald Joe Willis in support of HB 2268 with his proposed amendment (EXHIBIT E).
052	Wendy Johnson	Deputy Director, Oregon Law Commission. Submits testimony and testifies in support of HB 2268 (EXHIBIT F).
095	Chair Burdick	Inquires about the amendment that was added in the House.
097	Johnson	Replies with information on the minimal amendment approved

103	Paul Snyder	by the House. Association of Oregon Counties. Testifies in support of HB 2268.
110	Chair Burdick	Talks about the amendment proposed by Donald Willis in his testimony (Exhibit E).
122	Chair Burdick	Closes the public hearing on HB 2268 and adjourns the meeting at 2:18 p.m.

EXHIBIT SUMMARY

- A. **HB 2275, written testimony, Wendy Johnson, 6 pp**
- B. **HB 2275, written testimony, Shani Fuller, 3 pp**
- C. **HB 2279, written testimony, Nancy Miller, 1 p**
- D. **HB 2281, written testimony, Kingsley Click, 3 pp**
- E. **HB 2268, written testimony, Donald Willis, 7 pp**
- F. **HB 2268, written testimony, Wendy Johnson, 5 pp**