

HOUSE COMMITTEE ON JUDICIARY

February 06, 2003 Hearing Room 357
1:00 P.M. Tapes 25 - 26

MEMBERS PRESENT: Rep. Max Williams, Chair
Rep. Robert Ackerman, Vice Chair
Rep. Gordon Anderson, Vice-Chair
Rep. Jeff Barker
Rep. Jerry Krummel
Rep. Greg Macpherson
Rep. Floyd Prozanski
Rep. Lane Shetterly

STAFF PRESENT: Bill Joseph, Administrator
Nancy Masee, Administrative Support

MEASURE/ISSUES HEARD: Introduction of LC 1957
HB 2409 Public Hearing
HB 2314 Public Hearing and Work Session
HB 2316 Public Hearing and Work Session
HB 2318 Public Hearing and Work Session
HB 2319 Public Hearing and Work Session
HB 2322 Public Hearing and 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
Tape 25, A 006	Chair Williams	Calls meeting to order at 1:10 p.m. Describes LC 1957 (EXHIBIT A).
<u>LC 1957 INTRODUCTION</u>		
010	Rep. Williams	MOTION: Moves LC 1957 BE INTRODUCED as a committee bill. VOTE: 7-0-2 EXCUSED: 2 - Jenson, Krummel
012	Chair Williams	Hearing no objection, declares the motion CARRIED. Opens public hearing on HB 2409.
<u>HB 2409 PUBLIC HEARING</u>		
034	Chair Williams	Explains HB 2409 is on loan pursuant to House Rule 9.01 sub 5, taken from the House Committee on PERS to the House Judiciary Committee as a reviewing committee.
036	Bill Joseph	Committee Counsel. Explains HB 2409 that provides for certification to Supreme Court of appeal of certain actions in which one or more cities or counties are plaintiffs, State of Oregon is defendant and appeal relates to decision of trial court on one or more claims challenging manner in which Public Employees Retirement System (PERS) is administered.
044	Rep. Tim Knopp	Majority Leader. Asks that the Judiciary Committee look at HB

094	Rep. Shetterly	2409. Explains why it is important to get this bill passed. Asks if there is only one case, the Lipscomb decision, in HB 2409.
080	Rep. Knopp	Replies he is confident that Legislative Counsel has referred to the one case involved.
103	Joseph	Asks if this measure would apply to future cases involving the same parties and issue.
110	Rep. Prozanski	Asks about similar issues dealing with PERS after the effective date.
136	Chair Williams	Comments that he is resistant to selecting cases to go to the Supreme Court. Would be concerned about a blanket provision allowing expedition of lawsuits.
162	Rep. Macpherson	Discusses the need for prompt attention. Discusses current law and changes to be considered this legislative session.
173	Rep. Prozanski	Comments that other suits would not be caught up by HB 2409 but would be moved on their own merit.
187	Rep. Knopp	Refers to two years ago the disparity of agreement in a crisis. Emphasizes the future of Oregon balances on this PERS issue.
200	Rep. Prozanski	Wants to be certain we are talking about a case rather than cases.
240	Vice Chair Ackerman	Asks if final judgment has been entered in the Lipscomb case.
243	Rep. Knopp	Replies the judgment has been entered and it is currently in the window that closes 13 th of this month.
257	Vice Chair Ackerman	Asks if the legislation can be processed in time. Asks if an amended notice of appeal needs to be filed.
261	Steve Rodeman	PERS. Explains that the final judgment has been entered to petitioner's claims, but not to the interveners' claims. Final judgment on petitioners' claims will appear by February 17. Notice of appeal has been filed on part of the case.
293	Chair Williams	Discusses potential problems in getting the bill passed out, if the notice of appeal is not filed.
286	Rep. Knopp	Relates he cannot see moving the bill before March 1.
309	Rodeman	Answers February 17 probably. The interveners' claims have not been reduced to final judgment yet, so notice of appeal has not started running on those.
332	Jim Nass	Appellate Legal Counsel. States the critical event is when the action was filed. This bill would apply to the one appeal filed; notes that when the bill becomes effective, if another county filed action against PERS, this bill would sweep that case up too.
386	Chair Williams	States that the bill will go back to the PERS committee before it goes to the floor.
400	Nass	States that he was not aware of the bill's scheduling in time to confer with the Chief Justice and does not know the positions of the courts. The courts will let you know the processes.
438	Chair Williams	Notes that when it gets to the court, it is at the court's pleasure when they would hear it.
433	Bob Livingston	Oregon State Firefighters Council. Agrees with the concept of this bill. Supports this bill. Will work to reduce the amount of legislation on PERS.
485	Bill Linden	Association of Oregon Faculties and Oregon PERS Retirees. Explains that this bill is no guarantee to a solution to the issues. It will be a protracted appeal process. The bill only mandates certification.

TAPE 26, A

049	Linden	Continues discussing possible solutions to PERS issues.
054	Chair Williams	Explains the committee can go into work session, or after the public hearing the committee may return the bill to the PERS Committee either with or without recommendation.
055	Chair Williams	Asks if the committee has no objection to returning the bill to the PERS Committee without recommendations. Hearing no objections. The bill is returned to the PERS Committee with no recommendations.
070	Chair Williams	Closes public hearing on HB 2409. Opens public hearing on HB 2314.
<u>HB 2314 PUBLIC HEARING</u>		
083	Bill Joseph	Committee Counsel. Explains HB 2314 corrects references to laws relating to trusts.
085	Greg Chaimov	Legislative Counsel. Explains why HB 2314 is needed. Non-substantive or very minor changes that are really not significant.
087	Chair Williams	Closes public hearing. Opens work session on HB 2314.
<u>HB 2314 WORK SESSION</u>		
086	Rep. Shetterly	MOTION: Moves HB 2314 to the floor with a DO PASS recommendation. VOTE: 9-0
087	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. SHETTERLY will lead discussion on the floor.
088	Chair Williams	Closes work session. Opens public hearing on HB 2316.
<u>HB 2316 PUBLIC HEARING</u>		
133	Bill Joseph	Committee Counsel. Explains that HB 2316 repeals law that makes abolishment of Board of Trustees of Children's Trust Fund contingent upon certain conditions.
139	Greg Chaimov	Legislative Counsel. Explains how HB 2316 affects the Children's Trust Fund taxes.
183	Chair Williams	Closes public hearing. Opens work session.

HB 2316 WORK SESSION

184 Rep. Krummel

MOTION: Moves HB 2316 to the floor with a DO PASS recommendation.

VOTE: 9-0

186 Chair Williams

Hearing no objection, declares the motion CARRIED. REP. KRUMMEL will lead discussion on the floor.

187 Chair Williams

Closes work session. Opens public hearing on HB 2318.

HB 2318 PUBLIC HEARING

192 Bill Joseph

Committee Counsel. Explains that HB 2318 makes technical corrections to statutes relating to records.

203 Greg Chaimov

Legislative Counsel. Further explains HB 2318.

210 Chair Williams

Closes public hearing. Opens work session on HB 2318.

HB 2318 WORK SESSION

211 Rep. Shetterly

MOTION: Moves HB 2318 to the floor with a DO PASS recommendation.

VOTE: 9-0

212 Chair Williams

Hearing no objection, declares the motion CARRIED. REP. MACPHERSON will lead discussion on the floor.

214 Chair Williams

Closes work session. Opens public hearing on HB 2319.

HB 2319 PUBLIC HEARING

220 Bill Joseph

Committee Counsel. Explains HB 2319 that makes technical corrections to statutes relating to legislative committees.

228 Greg Chaimov

Legislative Counsel. Explains updated method of producing ORS's.

244 Chair Williams

Closes public hearing. Opens work session on HB 2319.

HB 2319 WORK SESSION

245 Rep. Prozanski

MOTION: Moves HB 2319 to the floor with a DO PASS recommendation and to the consent calendar.

246 Chair Williams

MOTION: Amends Rep. Prozanski's motion to say MOVES HB 2319 to the floor with a DO PASS recommendation.

VOTE: 9-0

247 Chair Williams

Hearing no objection, declares the motion CARRIED.

248 Chair Williams

MOTION: Moves HB 2319 to the floor with a DO PASS recommendation.

VOTE: 9-0

249 Chair Williams

Hearing no objection, declares the motion CARRIED. REP. ACKERMAN will lead discussion on the floor.

248 Chair Williams

Closes work session. Opens public hearing on HB 2322.

HB 2322 PUBLIC HEARING

265 Bill Joseph

Committee Counsel. Explains HB 2322 that adds certain existing sections to law to ORS chapter 107.

295 Greg Chaimov

Legislative Counsel. Agrees with Counsel Joseph's explanation.

298 Rep. Krummel

Asks when an action of the legislature moves from being an Oregon law to becoming an ORS.

303 Chaimov

Answers that usually about November (following session) the bills are blended usually by January.

326 Chair Williams

Explains that some legislative actions do not make it into the ORS.

330 Chair Williams

Closes public hearing. Opens work session on HB 2322.

HB 2322 WORK SESSION

331 Vice Chair

MOTION: Moves HB 2322 to the floor with a DO PASS

	Anderson	recommendation.
		VOTE: 9-0
333	Chair Williams	Hearing no objection, declares the motion CARRIED.
		Vice Chair ANDERSON will lead discussion on the floor.
334	Chair Williams	Closes the work session on HB 2322, and adjourns meeting at 2:00 p.m.

EXHIBIT SUMMARY

A – LC 1957, staff, 4pp