

HOUSE COMMITTEE ON JUDICIARY

March 20, 2003 Hearing Room 357
1:00 pm Tapes 95 - 96

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

STAFF PRESENT: Bill Joseph, Counsel
 Nancy Masee, Committee Assistant

MEASURE/ISSUES HEARD: HB 2465 Public Hearing
 HB 2523 Public Hearing
 HB 2049 Work Session
 HB 2061 Work Session
 HB 2063 Work Session
 HB 2340 Work Session
 Introduction of LC 3491

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 95, A		
004	Chair Williams	Opens meeting at 1:12 pm. Opens public hearing on HB 2465.
<u>HB 2465 PUBLIC HEARING</u>		
019	Chair Williams	States HB 2465 will be heard at a later date. Closes public hearing on HB 2465. Opens public hearing on HB 2523.
<u>HB 2523 PUBLIC HEARING</u>		
020	Chair Williams	States HB 2523 will be heard at a later date. Closes public hearing on HB 2523. Opens work session on HB 2049.
<u>HB 2049 WORK SESSION</u>		
024	Bill Joseph	Committee Counsel. Explains HB 2049 which requires that motion to amend pleading to assert claim for punitive damages be filed and served not less than 45 days before date set for trial. Explains the -4 amendments (EXHIBIT A). Says the trial lawyers, the defense lawyers, and the court have no issue with this bill.
064	Rep. Shetterly	MOTION: Moves to ADOPT HB 2049-4 amendments dated 03/18/03. VOTE: 8-0-1 EXCUSED: 1 – Barker
065	Chair Williams	Hearing no objection, declares the motion CARRIED.
068	Rep. Shetterly	MOTION: Moves HB 2049 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 8-0-1 EXCUSED: 1 – Barker
069	Chair Williams	Hearing no objection, declares the motion CARRIED.

075	Chair Williams	REP. ACKERMAN will lead discussion on the floor. Closes work session on HB 2049. Opens work session on HB 2061.
<u>HB 2061 WORK SESSION</u>		
080	Bill Joseph	Committee Counsel. Explains HB 2061 which modifies law relating to property that is exempt from execution for purpose of application against debt. Explains the -1 amendments (EXHIBIT B) .
120	Linda Johannsen	Attorney for debtor/credit law. Explains need for bill and amendment. Submits testimony and testifies in support of HB 2061 and the -1 amendments (EXHIBIT C) .
130	Rep. Shetterly	Testifies in support of HB 2061 and explains changes by the -1 amendments.
175	Rep. Shetterly	MOTION: Moves to ADOPT HB 2061-1 amendments dated 03/18/03. VOTE: 9-0
176	Chair Williams	Hearing no objection, declares the motion CARRIED.
177	Rep. Shetterly	MOTION: Moves HB 2061 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 9-0
178	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. SHETTERLY will lead discussion on the floor.
180	Chair Williams	Closes work session on HB 2061. Opens work session on HB 2063.
<u>HB 2063 WORK SESSION</u>		
190	Bill Joseph	Committee Counsel. Explains HB 2063 which enacts the 1997 Uniform Principal and Income Act and submits the -2 amendments (EXHIBIT D) .
200	Chris Cline	Attorney, Portland. Testifies in support of HB 2063. Explains the Uniform Principal and Income Act. Defines what is income and what is principal for trust agreements. Explains section 4b of HB 2063 is a substantive change.
249	Rep. Macpherson	Refers to the state court administrator's question on 4a subsection 4 in previous hearing.
286	Cline	Reiterates on section 4a, change sentence at the top of page 5, the court "shall" to "may."
295	Chair Williams	Suggests ways to handle this.
297	Rep. Shetterly	Suggests line 9, which says "shall determine" change to "may instruct."
327	Rep. Williams	MOTION: Moves to SUSPEND the rules for the purpose of conceptually amending the -2 amendments to HB 2063. VOTE: 9-0
328	Chair Williams	Hearing no objection, declares the motion CARRIED.
329	Rep. Shetterly	MOTION: Moves to conceptually AMEND HB 2063-2 amendments on page 1, line 9, and insert after the word "delete", the word "shall" and inserting after the word "insert" put "may instruct the fiduciary upon." VOTE: 9-0
330	Chair Williams	Hearing no objection, declares the motion CARRIED.
331	Rep. Shetterly	MOTION: Moves to ADOPT HB 2063-2 amendments as conceptually amended.

332 Chair Williams VOTE: 9-0
333 Rep. Shetterly Hearing no objection, declares the motion CARRIED.
MOTION: Moves HB 2063 to the floor with a DO PASS AS
AMENDED recommendation.

335 Chair Williams VOTE: 9-0
Hearing no objection, declares the motion CARRIED.
340 Chair Williams REP. MACPHERSON will lead discussion on the floor.
Closes work session on HB 2063. Opens work session on HB
2340.

HB 2340 WORK SESSION

385 Bill Joseph Committee Counsel. Explains HB 2340 which transfers
responsibility for Child Support Program and associated
functions from Department of Human Services to Department of
Justice. Explains the -1 amendments (EXHIBIT E).

390 Chair Williams MOTION: Moves to ADOPT HB 2340-1 amendments dated
02/14/03.

392 Chair Williams VOTE: 9-0
Hearing no objection, declares the motion CARRIED.
393 Chair Williams MOTION: Moves HB 2340 to the floor with a DO PASS AS
AMENDED recommendation.

394 Chair Williams VOTE: 9-0
Hearing no objection, declares the motion CARRIED.
395 Chair Williams REP. WILLIAMS will lead discussion on the floor.
Closes work session on HB 2340. Opens Introduction of LC
3491.

TAPE 96, A

LC 3491 INTRODUCTION

011 Chair Williams MOTION: Moves LC 3491 BE INTRODUCED as a
committee bill (EXHIBIT F).

012 Chair Williams VOTE: 9-0
Hearing no objection, declares the motion CARRIED.
014 Chair Williams Adjourns meeting at 1:40 pm.

EXHIBIT SUMMARY

- A – HB 2094-4 amendments, staff, 2 pp
- B – HB 2061-1 amendments, staff, 1 p
- C – HB 2061, written testimony, Linda Johannsen, 1 p
- D – HB 2063-2 amendments, staff, 7 pp
- E – HB 2340-1, amendments, staff, 1 p
- F - LC 3491, staff, 7 pp