

HOUSE COMMITTEE ON JUDICIARY

April 17, 2003 Hearing Room 357

1:00 pm Tapes 146 - 147

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 3520 Public hearing
 HB 2864 Public Hearing and Work Session
 HB 2694 Work Session
 HB 3259 Work Session
 HB 3318 Work Session
 HB 3329 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 146, A		
005	Chair Williams	Opens meeting at 1:15 pm. Opens public hearing on HB 3520.
<u>HB 3520 PUBLIC HEARING</u>		
025	Rep. Gordon Anderson	House District 3. Explains HB 3520 which requires court that offers traffic school and subsequent dismissal of citation to offer option to persons who plead not guilty and are convicted.
035	Joyce Delphy	Grants Pass citizen. Gives personal experience of being ticketed for riding as a passenger without the seat belt fastened. Testifies in support of HB 3520 and explains the importance of having seat belt training.
069	Rep. Barker	Asks if it is modified to have the court offer this training.
072	Carl Myers	OJPA, OMJA. Oregon Judges Association. Testifies in opposition to HB 3520. Explains that by requiring diversion classes in all cases, the judge's discretion is removed where inappropriate. Bill applies to all traffic violations. Supports having diversion programs at the discretion of a judge.
111	Bradd Swank	Special Counsel, Government Relations, Judicial Department. States the bill is not limited to seat belts. Says there is no time limit. States the bill as written could be very disruptive
145	Chair Williams	Asks how the seat belt law works now.
169	Myers	Says he offers diversion under appropriate circumstances, but there is no statutory reference to specify diversion programs.

192	Vice Chair Anderson	Says some judges do not allow diversions at all.
200	Myers	Suggests some language changes to make the bill acceptable. Responds he is receptive to changes. Repeats some judges do not allow diversions.
219	Chair Williams	Mentions the word "must" is questionable.
224	Myers	Replies that is a possibility. Say judges in traffic courts can offer diversion. Opposes the requirement it be offered in all cases.
253	Swank	Suggests that diversion programs should happen before the conviction is sent to Department of Motor Vehicles (DMV).
290	Chair Williams	Closes public hearing on HB 3520. Opens public hearing on HB 2864.

HB 2864 PUBLIC HEARING

296	Richard Thompson	Home Owner Association Manager, Oregon-Washington Community Association Managers (OWCAM). Testifies in support of HB 2864 which directs certain planned unit developments, under specified circumstances, to cause annual financial statement to be reviewed by independent certified public accountant. Home owner associations control funds. Says 80 percent are self managed. Explains HB 2864 addresses those associations below \$75,000 cap. Explains the -1 amendment (EXHIBIT A) .
380	David Schwindt	Consultant to Home Owners Associations, CPA. Explains why oversight is needed for the associations. Mentions that California has a requirement for reviews and audits. Washington has requirement for annual audits.
404	Chair Williams	Says the bill suggests a review, not an audit.
TAPE 147, A		
014	Vice Chair Anderson	Asks if a review can uncover fraud activities.
016	Schwindt	Explains the difference between a review and an audit and the difference in cost.
030	Rep. Krummel	Asks what cost there would be for a review.
038	Schwindt	Responds around \$1,000 to \$2,000 for an association.
045	Rep. Krummel	Asks if there have been fraud or malfeasance problems.
047	Schwindt	Discusses professional property managers. The many home owners associations that are not professionally managed are at risk.
053	Thompson	Explains growth in reserve funds.
063	Vice Chair Ackerman	Asks about multi-unit owners in several states. Asks what the cap means.
073	Schwindt	Answers he is not aware of associations with multi-state ownership.
084	Rep. Jenson	Expresses concern about associations having this financial review without a statute. Declares conflict of interest on this bill.
090	Chair Williams	Closes public hearing on HB 2864. Opens work session on HB 2864.

HB 2864 WORK SESSION

092	Rep. Krummel	MOTION: Moves to ADOPT HB 2864-1 amendments dated 4/9/03.
093	Vice Chair Anderson	Declares conflict of interest on HB 2864.
094	Rep. Krummel	Declares conflict of interest on HB 2864.
		VOTE: 7-0-2
		EXCUSED: 2 - Jenson, Macpherson
095	Chair Williams	Hearing no objection, declares the motion CARRIED.
096	Rep. Krummel	MOTION: Moves HB 2864 to the floor with a DO PASS AS

AMENDED recommendation.

VOTE: 7-0-2

EXCUSED: 2 - Jenson, Macpherson

097 Chair Williams

Hearing no objection, declares the motion CARRIED.

REP. KRUMMEL will lead discussion on the floor.

099 Chair Williams

Closes work session on HB 2864. Opens work session on HB 2694.

HB 2694 WORK SESSION

115 Bill Joseph

Committee Counsel. Explains HB 2694 which prescribes supplier's obligations toward retailer of farm implements. Describes the -3 amendments (**EXHIBIT B**).

150 Ron Moore

President, Pacific Northwest Hardware and Implement Association.

151 Verl Schivey

St. Paul, Ernst John Deere Implements.

153 Don Shellenberg

Oregon Farm Bureau.

155 Moore

Testifies in support of HB 2694 which prescribes supplier's obligations toward retailer of farm implements. Describes -3 amendments to HB 2694.

258 Rep. Shetterly

Affirms that everything has been fixed by the -3 amendment.

268 Schivey

Comments that the bill covers short line manufacturers.

Describes oversupply of inventory and how it affects dealers. Explains major liners.

288 Shellenberg

Describes how equipment dealers are key to the agriculture industry. Supports HB 2694.

298 Rep. Prozanski

Asks if the bill would bring in manufacturer-owned dealerships to displace local dealerships.

300 Moore

Answers that is alright.

301 Rep. Prozanski

MOTION: Moves to ADOPT HB 2694-3 amendments dated 4/16/03.

VOTE: 9-0

302 Chair Williams

Hearing no objection, declares the motion CARRIED.

303 Rep. Prozanski

MOTION: Moves HB 2694 to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 8-0-1

EXCUSED: 1 - Macpherson

304 Chair Williams

Hearing no objection, declares the motion CARRIED.

REP. ZAUNER will lead discussion on the floor.

305 Chair Williams

Closes work session on HB 2694. Opens work session on HB 3259.

HB 3259 WORK SESSION

266 Rep. Jackie Dingfelder

House District 45. Testifies in support of HB 3259 which requires Public Health Officer, State Fire Marshal or law enforcement agency to give written notice to school district or person who resides or works near former illegal drug manufacturing site that real property is determined to be not fit for use. Supports -2 amendments (**EXHIBIT C**).

290 Vice Chair Ackerman

Asks what is a "rural area."

300 Mark Landauer

City of Portland. Responds that rural area may not be covered.

TAPE 146, B

017 Landauer

Suggests fixing the bill to include rural area.

020 Harlan Levy

Oregon Association of Realtors. Comments that un-annexed portion in a county may need to be included.

038 Chair Williams Asks if this can be fixed on the Senate side.
046 Rep. Prozanski MOTION: Moves to ADOPT HB 3259-2 amendments dated 4/10/03.
VOTE: 7-0-2
EXCUSED: 2 - Macpherson, Shetterly
Hearing no objection, declares the motion CARRIED.
048 Chair Williams MOTION: Moves HB 3259 to the floor with a DO PASS AS
050 Rep. Prozanski AMENDED recommendation.
VOTE: 7-0-2
EXCUSED: 2 - Macpherson, Shetterly
051 Chair Williams Hearing no objection, declares the motion CARRIED.
REP. DINGFELDER will lead discussion on the floor.
052 Chair Williams Closes work session on HB 3259. Opens work session on HB 3318.

HB 3318 WORK SESSION

060 Bill Joseph Committee Counsel. Explains HB 3318 which increases penalty for unlawful production of identification cards, licenses, permits, forms or camera cards. Explains the -1 amendment (**EXHIBIT D**).

075 Rep. Jenson Asks if the -1 amendment assumes that minors are not capable of understanding what crime is.

081 Joseph Responds that it could catch a lot of kids when there are other laws that prevent such activity. Explains identity theft focus.

088 Rep. Jenson Mentions there is still a crime as far as identity theft.

090 Joseph Explains the difference in identity theft and age.

109 Rep. Prozanski Comments about unlawful identification cards.

130 Tim Martinez Oregon Bankers Association. Further explains the Criminal Defense Bar's concerns which have been fixed with the -1 amendment.

150 Rep. Barker Gives example of someone who makes ID's for others.
155 Martinez Responds if making ID's for other folks, they can be charged.
161 Chair Williams Comments on false identification.
162 Rep. Barker MOTION: Moves to ADOPT HB 3318-1 amendments dated 4/16/03.
VOTE: 8-0-1
EXCUSED: 1 - Macpherson
163 Chair Williams Hearing no objection, declares the motion CARRIED.
164 Rep. Barker MOTION: Moves HB 3318 to the floor with a DO PASS AS
AMENDED recommendation.
VOTE: 7-0-2
EXCUSED: 2 - Macpherson, Shetterly
165 Chair Williams Hearing no objection, declares the motion CARRIED.
REP. BARKER will lead discussion on the floor.
202 Chair Williams Closes work session on HB 3318. Opens work session on HB 3329.

HB 3329 WORK SESSION

204 Bill Joseph Committee Counsel. Explains HB 3329 which authorizes the Department of Justice to initiate and participate in efforts to prepare for, and to assist in, delivery of services to individuals traumatized by acts of mass violence.

211 Chair Williams Comments on previous hearing on this bill. Refers to DOJ letter of 4/7/03 regarding services.

212 Rep. Prozanski MOTION: Moves HB 3329 to the floor with a DO PASS recommendation.

253	Chair Williams	VOTE: 8-0 EXCUSED: 1 – Macpherson Hearing no objection, declares the motion CARRIED. REP. PROZANSKI will lead discussion on the floor.
252	Chair Williams	Comments that next Wednesday evening will be a meeting. Closes the work session on HB 3329 and adjourns at 2:25 pm.

EXHIBIT SUMMARY

- A – HB 2864-1 amendment, staff, 3 pp**
- B – HB 2694-3 amendment, staff, 5 pp**
- C – HB 3259-2 amendment, staff, 2 pp**
- D – HB 3318-1 amendment, staff, 1 p**