

HOUSE COMMITTEE ON JUDICIARY

April 18, 2003 Hearing Room 357

1:00 p.m. Tapes 148 - 149

MEMBERS PRESENT: Rep. Max Williams, Chair
 Rep. Gordon Anderson, Vice-Chair
 Rep. Robert Ackerman, 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
 Bill Taylor, Counsel
 Ann Martin, Committee Assistant

MEASURE/ISSUES HEARD: **HB 2646 Work Session**
 HB 2696 Work Session
 HB 2706 Work Session
 HB 2523 Reconsideration & Work Session
 HB 3539 Work Session
 HB 2094 Work Session
 HB 3250 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 148, A		
003	Chair Williams	Calls the meeting to order at 1:10 p.m. Opens a work session on HB 2646.
HB 2646 WORK SESSION		
020	Dave Heynderickx	Deputy, Legislative Counsel. Discusses HB 2646 which revises laws relating to judgments. Discusses the -2 amendments (EXHIBIT A) .
055	Bradd Swank	Special Counsel, Oregon Judicial Department. Says that they are trying to make the bill workable.
074	Randy Jordan	Department of Justice. Submits testimony and discusses the -2 amendments and the workgroup (EXHIBIT B) .
104	Chair Williams	MOTION: Moves to ADOPT HB 2646-2 amendments dated 04/18/03. VOTE: 6-0-3
114	Chair Williams	EXCUSED: 3 - Anderson, Krummel, Shetterly Hearing no objection, declares the motion CARRIED.
118	Chair Williams	MOTION: Moves HB 2646 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 6-0-3 EXCUSED: 3 - Anderson, Krummel, Shetterly

120	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. WILLIAMS will lead discussion on the floor.
125	Chair Williams	Closes the work session on HB 2646 and opens a work session on HB 2696.
<u>HB 2696 WORK SESSION</u>		
130	Bill Joseph	Committee Counsel. Introduces HB 2696 which modifies definition of public assistance.
139	Chair Williams	Discusses -1 amendments (EXHIBIT C).
140	Martin Taylor	Oregon Nurses Association. Testifies in support of HB 2696.
174	Lisa Joyce	Department of Human Services. Testifies in support of HB 2696.
212	Rep. Prozanski	MOTION: Moves to ADOPT HB 2696-1 amendments dated 04/17/03.
		VOTE: 8-0-1
		EXCUSED: 1 - Anderson
211	Chair Williams	Hearing no objection, declares the motion CARRIED.
215	Rep. Prozanski	MOTION: Moves HB 2696 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 8-0-1
		EXCUSED: 1 - Anderson
220	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. WILLIAMS will lead discussion on the floor.
254	Chair Williams	Closes the work session on HB 2696 and opens a work session on HB 2706.
<u>HB 2706 WORK SESSION</u>		
265	Stephen Kafoury	Professional Land Surveyors of Oregon. Discusses HB 2706 and -3 amendments (EXHIBIT D). Comments on the -2 amendments (EXHIBIT E).
316	Jim Markee	Oregon Mortgage Lenders Association. Discusses the amendments to HB 2706.
321	Chair Williams	Asks Mr. Markee if he supports the -3 amendments.
351	Rep. Prozanski	Asks for Mr. Kafoury's response to Mr. Markee's remarks.
358	Kafoury	Responds that his clients have never foreclosed on a lien.
377	Rep. Prozanski	Asks if his clients would be willing to amend the bill in the Senate Judiciary Committee.
383	Kafoury	Answers that he has not raised that question with them. Talks about the -1 amendments (EXHIBIT F).
400	Chair Williams	MOTION: Moves to ADOPT HB 2706-3 amendments dated 04/18/03.
		VOTE: 9-0
409	Chair Williams	Hearing no objection, declares the motion CARRIED.
430	Chair Williams	MOTION: Moves to ADOPT HB 2706-1 amendments dated 04/09/03.
		VOTE: 9-0
433	Chair Williams	Hearing no objection, declares the motion CARRIED.
TAPE 149, A 006	Chair Williams	MOTION: Moves HB 2706 to the floor with a DO PASS AS AMENDED recommendation.
008	Rep. Shetterly	Says that they might want to look at a homestead exemption on the Senate side.
022	Rep. Prozanski	Agrees with Rep. Shetterly.
035		VOTE: 9-0
037	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. BARKER will lead discussion on the floor.

040 Chair Williams Closes the work session on HB 2706 and opens a work session on HB 2523.

HB 2523 RECONSIDERATION AND WORK SESSION

042 Rep. Ackerman **MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on HB 2523.**

VOTE: 9-0

044 Chair Williams **Hearing no objection, declares the motion CARRIED.**
MOTION: Moves to RECONSIDER the vote by which HB 2523 was sent to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 9-0

050 Chair Williams **Hearing no objection, declares the motion CARRIED.**
MOTION: Moves HB 2523 to the floor with a DO PASS AS AMENDED recommendation and be referred to the COMMITTEE ON WAYS AND MEANS.

VOTE: 9-0

060 Chair Williams **Hearing no objection, declares the motion CARRIED.**

070 Chair Williams Closes the work session on HB 2523 and opens a work session on HB 3539.

HB 3539 WORK SESSION

082 Bill Joseph Committee Counsel. Introduces HB 3539 which directs seller of certain residential property to provide protection for purchaser of property regarding construction liens perfected after sale of property is completed.

085 Representative Jeff Merkley House District 47. Submits testimony and testifies in support of HB 3539 (**EXHIBITS G & H**).

184 Rep. Barker Asks if title insurance provides protection.

187 Rep. Merkley Answers that regular title insurance only protects you against things that are recorded, not liens.

203 Vice Chair Ackerman Says that he is not sure that title insurance companies would insure against risks imposed in the bill.

210 Rep. Merkley Explains that customers can buy these policies, but nothing compels a title insurance company to do this.

230 Rep. Krummel Asks what happens to the money (escrow or bond) if there is no lien claim.

242 Rep. Merkley Explains what happens to escrow or bond money.

276 Vanette Varnell Constituent, Rep. Merkley. Tells her experience of purchasing a house and discovering that there were liens that were on their property that they were not aware of.

316 Bill Boyd Construction Contractors Board. Talks about the fiscal impact on the original bill, but says the -1 amendments take care of it.

334 Scott Barry Oregon Building Industry Association. Discusses bill and says that there are some issues that need to be addressed. Discusses his concerns with the -1 amendments (**EXHIBIT G**). Says that this problem does not occur very often.

405 Jana Jarvis Oregon Association of Realtors. Discusses her concerns. Says the -1 amendments fix the bill.

425 Vice Chair Ackerman Asks if a title insurance company would write a policy like that described in the bill.

TAPE 148, B

008 Jack Munro Oregon Land & Title Association. Discusses HB 3539 and their concerns.

024 Vice Chair Ackerman Asks if this is an insurance product that is on the market now

		(title insurance).
028	Munro	Says he thinks not.
036	Jim Markee	Oregon Mortgage Lenders Association. Encourages committee to move forward with HB 3539 and the -1 amendments.
063	Rep. Prozanski	MOTION: Moves to ADOPT HB 3539-1 amendments dated 04/17/03.
		VOTE: 9-0
066	Chair Williams	Hearing no objection, declares the motion CARRIED.
072	Chair Williams	States that he has a problem with the criminal penalty of the bill. Believes that needs to be taken out.
091	Rep. Merkley	Explains the criminal penalty.
121	Chair Williams	Says that he still does not like the criminal penalty in the bill.
158	Rep. Krummel	Says that he has a concern with the \$50,000 floor and that it does not protect the consumer adequately.
173	Rep. Merkley	Explains that this language covers all new homes or residences where there has been substantial renovation.
212	Barry	States that we should move forward with the bill.
222	Rep. Prozanski	MOTION: Moves HB 3539 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 9-0
235	Chair Williams	Hearing no objection, declares the motion CARRIED.
		REP. PROZANSKI will lead discussion on the floor.
244	Chair Williams	MOTION: Moves to SUSPEND the rules for the purpose of allowing Rep. Anderson, Krummel and Shetterly to vote on HB 2646. All vote AYE.
256	Chair Williams	Closes the work session on HB 3539 and opens a work session on HB 2094.
<u>HB 2094 WORK SESSION</u>		
264	Pete Shepherd	Deputy Attorney General. Submits testimony and discusses HB 2094 which requires tobacco product manufacturers to report certain information to Attorney General. Discusses the -4 amendments and the matrix (EXHIBITS I & J).
322	Chair Williams	Gives explanation of matrix (Exhibit J).
350	Rep. Prozanski	MOTION: Moves to ADOPT HB 2094-4 amendments dated 04/18/03.
		VOTE: 8-0-1
		EXCUSED: 1 - Shetterly
353	Chair Williams	Hearing no objection, declares the motion CARRIED.
358	Rep. Prozanski	MOTION: Moves HB 2094 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 8-0-1
		EXCUSED: 1 - Shetterly
367	Chair Williams	Hearing no objection, declares the motion CARRIED.
		REP. ACKERMAN will lead discussion on the floor.
374	Chair Williams	Closes the work session on HB 2094 and opens a work session on HB 3250.
<u>HB 3250 WORK SESSION</u>		
375	Bill Taylor	Committee Counsel. Introduces HB 3250 which permits court to require security, bond or other guarantee from person who will travel with minor child in another country if parent, grandparent or guardian request court order and court finds existence of certain circumstances. Discusses -3 amendments (EXHIBIT K).
425	Chair Williams	Talks about bill and its problems.

TAPE 149, B

023	Nancy Miller	State Court Administrator's Office. Testifies on HB 3250.
056	Sybil Hebb	Oregon Law Center. Testifies on HB 3250.
065	Rep. Prozanski	Comments on case in Costa Rica.
075	Rep. Macpherson	Discusses his concerns with the bill.
128	Hebb	Follows-up with work group consensus.
149	Rep. Jenson	Comments on bill and cultural problems.
205	Chair Williams	Discusses how the bond will help to recover the costs for recovering your children.
242	Rep. Krummel	Asks how this policy is in the best interest of the child.
246	Chair Williams	Says that it is never in the best interest of the child to ignore the legal process.
285	Rep. Shetterly	Says that this bill is predicated on a custody order having been entered.
294	Vice Chair Ackerman	Comments on the -3 amendments (Exhibit K).
322	Rep. Jenson	Says he has some concerns about the bill and that a sense of false hope might be created.
330	Chair Williams	Closes the work session on HB 3250. Adjourns the meeting at 2:53 p.m.

EXHIBIT SUMMARY

A – HB 2646, -2 amendments, submitted by staff, dated 4/18/03, 17 pgs.

B – HB 2646, written testimony, submitted by Randall Jordan, 3 pgs.

C – HB 2696, -1 amendments, submitted by staff, dated 4/17/03, 2 pgs.

D – HB 2706, -3 amendments, submitted by Stephen Kafoury, dated 4/18/03, 2 pgs.

E – HB 2706, -2 amendments, submitted by Stephen Kafoury, dated 4/18/03, 1 pg.

F – HB 2706, -1 amendments, submitted by staff, dated 4/9/03, 1 pg.

G – HB 3539, -1 amendments, submitted by Rep. Merkley, dated 4/17/03, 5 pgs.

H – HB 3539, Newspaper articles and information, submitted by Rep. Merkley, dated 4/18/03, 21 pgs.

I – HB 2094, -4 amendments, submitted by staff, dated 4/18/03, 32 pgs.

J – HB 2094, matrix, submitted by Pete Shepherd, 1 pg.

K – HB 3250, -3 amendments, submitted by staff, dated 4/18/03, 3 pgs.