

HOUSE COMMITTEE ON JUDICIARY

April 23, 2003 Hearing Room 357
1:00 PM Tapes 155 - 158

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 Taylor, Counsel
 Patsy Wood, Office Coordinator
 Ann Martin, Committee Assistant

MEASURE/ISSUES HEARD: HB 3356 Work Session
 HB 3338 Public Hearing
 HB 2590 Work Session
 HB 3344 Work Session
 HB 3362 Work Session
 HB 2381 Work Session
 HB 3296 Work Session
 HB 3349 Work Session
 HB 3015 Work Session
 HB 3520 Work Session
 HB 2342 Work Session
 HB 2592 Work Session
 HB 3385 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 155, A 004	Chair Williams	Calls the meeting to order at 1:37 p.m. Announces that the committee will meet until approximately 3:30 p.m. when they are due back for floor session, and then reconvene the committee at 6:00 p.m. this evening. Opens a work session on HB 3356 which includes in intimidation laws crime against gender identity.
<u>HB 3356 WORK SESSION</u> 038	Roey Thorpe	Executive Director, Basic Rights Oregon. Submits testimony and testifies in support of HB 3356 saying this legislation would make Oregon the 8 th state to enforce this type of intimidation legislation (EXHIBIT A). Discusses the brutal murder of Loni Kai Okaruru in Hillsboro nearly two years ago.

083	Det. Brian Grose	Detective, Portland Police Bureau. Submits testimony and testifies in support of HB 3356. Discusses police cases he has investigated dealing with trans gender identity (EXHIBIT B) .
128	Dennis Mulvihill	Washington County Government Affairs. Submits and reads testimony of Washington County District Attorney, Bob Hermann, in support of HB 3356 (EXHIBIT C) .
165	Amalia Alarcón	Manager, Metropolitan Human Rights Center. Submits testimony and testifies in support of HB 3356 (EXHIBIT D) .
210	Gaddie	
210	Rev. David C. Dornack	Rose City Park Presbyterian Church. Submits testimony and testifies in support of HB 3356 (EXHIBIT E) .
250	Damon Woodcock	Retired Portland Police Officer. Submits testimony and testifies in support of HB 3356 (EXHIBIT F) .
290	Lori Buckwalter	Executive Director, It's Time, Oregon! Submits testimony and testifies in support of HB 3356 (EXHIBIT G) . Describes incidents that have happened to her based on her trans gender identity.
369	Andrea Meyer	American Civil Liberties Union of Oregon (ACLU). Testifies in support of HB 3356. Gives a brief history of the ACLU's experience with this type of law.

TAPE 156, A

015	Chair Williams	Closes the work session on HB 3356 and opens a public hearing on HB 3338.
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The following prepared testimony is submitted for the record without public testimony for HB 3356:

A. Kaelin Bowers	Submits written testimony (EXHIBIT EE) .
Joan Rapkin	Submits written testimony (EXHIBIT FF) .
Dominick Vetri	Submits written testimony (EXHIBIT GG) .
Kimber Nelson	Submits written testimony (EXHIBIT HH) .
Janice Schaefer	Submits written testimony (EXHIBIT II) .
Dr. Randy Blazak	Submits written testimony (EXHIBIT JJ) .
Jennifer Clark	Submits written testimony (EXHIBIT KK) .

HB 3338 PUBLIC HEARING

026	Rep. Jerry Krummel	House District 26. Introduces HB 3338 which modifies provisions relating to desertion by parent in adoption proceedings. Explains the -1 amendments (EXHIBIT H) .
052	Michelle Lester	Private citizen. Testifies in support of HB 3338 and explains how she has become a victim in need of this type of legislation.
110	Robin Pope	Attorney at Law. Submits testimony and testifies in opposition to HB 3338 (EXHIBIT I) . Speaks to Section 2, page 1, of the -1 amendments. Advises there should not be a fiscal impact.
154	Kathy Ledesma	Adoptions Manager, Department of Human Services. Submits testimony and testifies in opposition to HB 3338 in its original form (EXHIBIT J) . Says she supports the amendments lines 1-15 (portions regarding minors), but does not feel qualified to speak to the rest of the bill.
181	Chair Williams	Asks for clarification on her opposition to the bill with regards to the amendments.
185	Ledesma	Explains she is not in opposition to the amendments dealing with minors.
197	Jason Penney	Washington County parent. Submits testimony and testifies in opposition to HB 3338, but says he does support the -1 amendments (EXHIBIT K) .
212	Scott Adams	Attorney, Banks, Oregon. Submits testimony and testifies in opposition to HB 3338, but does support the -1 amendments

243 Chair Williams (EXHIBIT L). Explains a note from the court needing extra time to determine if there is a fiscal impact on this bill. Says the bill will be set for another work session early next week.

260 Pope Expresses support even with a large fiscal.

274 Chair Williams Closes the public hearing on HB 3338. Opens a work session on HB 2590.

HB 2590 WORK SESSION

280 Bill Joseph Committee Counsel. Introduces HB 2590 which allows principal real estate broker to claim lien upon commercial real estate that is subject of sale, lease or other conveyance. Introduces the -1 amendments (EXHIBIT M), -2 amendments (EXHIBIT N), and -3 amendments (EXHIBITS O).

301 Vice Chair Ackerman Offers an explanation of each amendment.

315 Jana Jarvis Oregon Association of Realtors. Submits “Respective Durations of Commercial Liens in States Where They Exist” and testifies in support of HB 2590 (EXHIBIT P).

335 Chair Williams Points out moving the requirement from 90 to 45 days would be shorter than most states and execution time would also be shortened.

345 Vice Chair Ackerman Discusses his motive for shortening the time periods.

355 Chair Williams Comments on the timeframes in Connecticut.

360 Jarvis Further comments on the state timeframes in her testimony.

375 Gene Bentley Commercial Broker, Portland, Oregon. Testifies regarding HB 2590.

400 Rep. Prozanski Expresses his concerns about having a balanced playing field with respect to these liens.

TAPE 155, B

020 Bentley Responds to Rep. Prozanski’s expressed concerns.

039 Rep. Prozanski Asks about the ability to have mandatory arbitration.

041 Bentley Expresses his experience with arbitration.

054 Rep. Prozanski Speaks to arbitration versus mediation being two different worlds.

056 Bentley Points out the similarities.

062 Rep. Barker Discusses disputes held by people in opposition to HB 2590.

070 Bentley Addresses leases in particular.

088 Rep. Barker Asks about multiple leaser agents.

090 Bentley Explains listing agreements in the lease world.

102 Jarvis Says there is a program to handle these types of resolution.

105 Vice Chair Ackerman Explains that the -1 and -2 amendments try to shorten time periods.

115 Vice Chair **Anderson** MOTION: Moves to ADOPT HB 2590-1 amendments dated 04/21/03.

120 Rep. Krummel Asks for clarification on shortening the time periods on the liens.

125 Vice Chair Ackerman Explains why the times have been shortened.

134 Rep. Shetterly Feels the shortened time would be a motivator in this case.

141 Rep. Macpherson Explains his view of seeing this as a counterpart to construction liens and feels the shortening of time periods puts us in line with liens in a construction context.

154 Vice Chair Ackerman Explains his reasoning for proposing the amendments.

160 Rep. Macpherson Agrees with the reasoning for the amendments.

175 VOTE: 6-3
 AYE: 6 - Ackerman, Barker, Krummel, Macpherson, Shetterly, Williams

of years that intangible personal property must be held in fiduciary capacity before being presumed abandoned from five to two.

355 Jack Munro Oregon Land Title Association. Testifies in support of HB 3344.
375 Craig Chisholm Oregon Land Title Association. Discusses funds in escrow accounts that would benefit the state.

380 Munro Explains the -1 amendments to HB 3344 (**EXHIBIT Q**).
396 Chisholm Says this would speed up the turnover of the money.
400 Rep. Shetterly Asks about the letter from Legislative Counsel (**EXHIBIT R**).
Chisholm Does not feel there is a constitutional issue here.
437 Jeanette Holman Division of State Lands. Testifies in support of HB 3344 and the -1 amendments. Indicates she does not believe there is a constitutional issue.

TAPE 156, B

038 Rep. Shetterly Asks if this relates to bank accounts.
040 Holman Explains the banking institutions have their own statutes.
042 Bill Joseph Committee Counsel. Points out that he could not identify any constitutional concerns with the bill.

049 Rep. Shetterly Comments on the contract liability issue.
056 Joseph Explains the property goes to the Common School Fund even if someone is waiting for the property.

061 Rep. Macpherson Explains how a change beautifies the statute.
075 Rep. Macpherson MOTION: Moves to ADOPT HB 3344-1 amendments dated 04/23/03.

077 VOTE: 9-0
Chair Williams Hearing no objection, declares the motion CARRIED.
080 Rep. Macpherson MOTION: Moves HB 3344 to the floor with a DO PASS AS AMENDED recommendation.

085 Rep. Krummel Explains a previous disapproval to the amendments.
090 Chair Williams Clarifies that there should not be problems with the bill.
106 Rep. Jenson Expresses his opinion with professional people and their opinions.

118 Chair Williams Says the letter from LC is just a “heads up” for the committee.
130 VOTE: 8-1
AYE: 8 - Ackerman, Anderson, Barker, Krummel, Macpherson, Prozanski, Shetterly, Williams
NAY: 1 - Jenson
135 Chair Williams The motion CARRIES.
REP. MACPHERSON will lead discussion on the floor.

140 Chair Williams Closes the work session on HB 3344 and opens a work session on HB 3362 which provides that if insurance coverage is not sufficient to satisfy all medical services liens, insurer must prorate amounts available under limits of insurance and pay hospital or physicians in proportion to amount due each for services rendered.

HB 3362 WORK SESSION

145 Chair Williams MOTION: Moves to RECONSIDER the vote by which HB 3362 was passed to the floor.

150 Chair Williams Explains the purpose for the reconsideration.
VOTE: 9-0

155 Chair Williams Hearing no objection, declares the motion CARRIED.
165 David Madigan General Counsel, Oregon Medical Association. Introduces panel to tell experience with physician lien law.

165	Shirley Hagg	Oregon Health Sciences University (OHSU) Medical Group. Submits testimony and testifies in support of HB 3362 (EXHIBIT S) .
230	Tammy Lusaro	Representing Physician Groups. Testifies in support of HB 3362.
365	John Powell	State Farm Insurance Company. Testifies in opposition of HB 3362.
305	Rep. Shetterly	Clarifies Mr. Powell's testimony.
315	Powell	Responds, discusses the problem with the system. Does not believe that this legislation is the answer. Recommends allowing parties who have filed legitimate claims to work out a pro rata sharing of the value after the payments have been made.
355	Steve Morrow	State Farm Insurance. Concurs with Mr. Powell's understanding of the bill.
375	Rep. Krummel	Asks for clarification on the issues of health providers if the health insurance kicks in when the PIP is exhausted.
385	Powell	Explains when the health insurance would kick in.
365	Rep. Krummel	Clarifies that hospitals and providers want to get paid for services.
370	Powell	Acknowledges.
375	Rep. Krummel	Clarifies that hospitals would request payment.
400	Powell	Acknowledges that they would request that letter.
405	Rep. Krummel	If the PIP benefit is exhausted, why does it make a difference.
410	Powell	Explains that it matters to which providers get which part of the PIP benefit.
425	Rep. Krummel	Clarifies how the providers are paid.
330	Powell	Comments on the PIP pay rate.
435	Rep. Shetterly	Asks if the statute is currently being ignored.
440	Powell	Discusses Subsection 3, page 1, of the bill.
TAPE 157, A		
040	Rep. Prozanski	Seems this is a fairness doctrine when liens should be paid out.
045	Madigan	Says that this is what the OMA wants – all liens collected and distributed fairly after 30 days.
055	Bruce Bishop	Association of Hospitals and Health Systems. Says current law allows a fair share of the pie. Has no objection to current statutory scheme or proposed amendments that have not surfaced yet.
075	Chair Williams	Closes the work session on HB 3362. Recesses the committee at 3:30 p.m.
RECESS		
090	Chair Williams	Reconvenes the meeting at 6:11 p.m. and opens the work session on HB 2381.
<u>HB 2381 WORK SESSION</u>		
095	Bill Taylor	Committee Counsel. Introduces HB 2381 which allows immediate transfer of person sentenced to confinement in Department of Corrections institution unless court orders retention at place of original custody to prepare appeal. Explains -1 amendments (EXHIBIT T) .
110	John Powell	Oregon State Sheriffs Association. Submits Notice of Waiver and testifies in support of HB 2381 and the -1 amendments (EXHIBIT U)
140	Scott Taylor	Department of Correction, (DOC). Submits testimony and testifies in support of HB 2381 and the -1 amendments (EXHIBIT V) .

155 Rep. Shetterly **MOTION: Moves to ADOPT HB 2381-1 amendments dated 03/24/03.**
VOTE: 8-0-1
EXCUSED: 1 - Krummel

157 Chair Williams **Hearing no objection, declares the motion CARRIED.**
160 Rep. Shetterly **MOTION: Moves HB 2381 to the floor with a DO PASS AS AMENDED recommendation.**
VOTE: 8-0-1
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 1 - Krummel
165 Chair Williams **The motion CARRIES.**
REP. ANDERSON will lead discussion on the floor.

170 Chair Williams Closes work session on HB 2381 and opens a work session on HB 3296.

HB 3296 WORK SESSION

175 Bill Taylor Committee Counsel. Introduces HB 3296 which creates crime of unlawful possession of personal identification device.

180 Tim Martinez Oregon Bankers Association. Testifies in support of HB 3296.

195 Chair Williams Speaks to the lack of fiscal impact. Clarifies that the bill would keep Oregon in line with Washington State.

200 Martinez Acknowledges.

205 Rep. Shetterly Questions line 15 on page one concerning “fictitious” persons.

210 Taylor Says it may have been copied from Washington State.

220 Rep. Prozanski **MOTION: Moves HB 3296 to the floor with a DO PASS recommendation.**
VOTE: 8-0-1
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 1 - Krummel
225 Chair Williams **The motion CARRIES.**
REP. BARKER will lead discussion on the floor.

230 Chair Williams Closes the work session on HB 3296 and opens a work session on HB 3349.

HB 3349 WORK SESSION

240 Bill Joseph Committee Counsel. Introduces HB 3349 which allows required inspections of local correctional facilities, lockups, temporary holds and juvenile facilities to be done by entities other than Department of Corrections pursuant to agreements with department.

255 John Powell Oregon State Sheriffs Association. Testifies in support of HB 3349. Explains why there are no amendments to the bill.

275 Scott Taylor Department of Corrections. Submits testimony and testifies in support of HB 3349 (**EXHIBIT W**).

285 Rep. Prozanski Clarifies the correction facilities which are affected by the bill.

290 Taylor Comments on those corrections facilities which would be affected.

295 Rep. Prozanski Asks whether there is an accreditation process for the individuals which would be contracted.

300 Taylor Explains what standards they are held to.

305 Rep. Prozanski Asks if certified state officers within the state of Oregon would have preference.

310 Taylor Acknowledges.

315 Rep. Barker Comments on discussions in the PERS committee which may affect the ability to hire retirees.

320 Rep. Jenson **MOTION: Moves HB 3349 to the floor with a DO PASS**

recommendation.

VOTE: 8-0-1

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 1 - Krummel

The motion CARRIES.

REP. JENSON will lead discussion on the floor.

Closes the work session on HB 3349 and opens a work session on HB 3015.

325 Chair Williams

330 Chair Williams

HB 3015 WORK SESSION

335 Bill Joseph

Committee Counsel. Introduces HB 3015 which requires presiding judge of each judicial district to establish procedures to protect confidentiality of Social Security numbers required in certain domestic relations proceedings, and the -3 amendments **(EXHIBIT X)**.

350 Bradd Swank

Oregon Judicial Department. Offers testimony in support of HB 3015 and the -3 amendments.

370 Rep. Shetterly

Clarifies that specific language in the amendment may conflict with another bill.

375 Swank

Comments on the possibility of a conflict, and points out the possible need for conflict amendments.

380 Chair Williams

Concurs that there will probably have to be conflict amendments.

385 Vice Chair Anderson

Clarifies language in the bill.

360 Swank

Outlines who the bill applies to.

374 Vice Chair Anderson

Further clarifies who this bill is trying to protect.

420 Swank

Explains this bill is intended to protect everyone in the dissolution proceeding.

422 Rep. Barker

MOTION: Moves to ADOPT HB 3015-3 amendments dated 04/23/03.

425 **VOTE: 8-0-1**

EXCUSED: 1 - Rep. Krummel

Hearing no objection, declares the motion CARRIED.

455 Chair Williams

MOTION: Moves HB 3015 to the floor with a DO PASS AS AMENDED recommendation.

460 Rep. Barker

VOTE: 8-0-1

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 1 - Krummel

The motion CARRIES.

465 Chair Williams

REP. SHETTERLY will lead discussion on the floor.

480 Chair Williams

Closes the work session on HB 3015 and opens a work session on HB 3520.

TAPE 158, A

HB 3520 WORK SESSION

030 Vice Chair Anderson

House District 3. Introduces 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.

050 Carl Myers

Oregon Justice of the Peace Association. Indicates his concerns with the bill as originally written, but points out these concerns are addressed by the -1 amendments **(EXHIBIT Y)**.

060 Bradd Swank

Oregon Judicial Department. Discusses where seat belt infractions fall as an infraction in the state. Discusses the possible loss of revenue with fewer citations being written.

094 Rep. Shetterly

Questions language in the bill stating "may" rather than "shall" in the bill.

105 Myers

Responds that the Justice of the Peace Association is ok with the

115	Swank	language in question.
120	Rep. Shetterly	Says not every court has traffic school.
125	Myers	Worries about the discretion of the court to dismiss fees or not.
		Explains why he wanted this legislation to be discretionary for the court.
137	Chair Williams	Offers his personal experience in dealing with traffic courts.
151	Myers	Discusses how judges are observed in court.
170	Rep. Anderson	MOTION: Moves to ADOPT HB 3520-1 amendments dated 04/23/03.
		VOTE: 8-0-1
		EXCUSED: 1 - Krummel
172	Chair Williams	Hearing no objection, declares the motion CARRIED.
175	Rep. Anderson	MOTION: Moves HB 3520 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 8-0-1
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 1 - Krummel
180	Chair Williams	The motion CARRIES.
		REP. ANDERSON will lead discussion on the floor.
185	Chair Williams	Closes work session on HB 3520 and opens a work session on HB 2342.
<u>HB 2342 WORK SESSION</u>		
190	Bill Joseph	Committee Counsel. Introduces HB 2342 which allows claim to be made against estate of decedent at any time after personal representative is appointed. Introduces -1 amendment (EXHIBIT Z) and -2 amendments (EXHIBIT AA).
205	Rick Mills	Department of Human Services. Explains the purpose and effect of the amendments.
225	Chair Williams	Says there was concern regarding Section 3 of the bill. Clarifies the amendments correct this concern.
230	Mills	Clarifies the committee's concerns and says the Oregon State Bar has no objection to this bill.
255	Rep. Prozanski	Describes his conversation with Prof. Bernie Vail and the consensus they arrived at.
270	Chair Williams	Clarifies how the amendment will read into the bill.
275	Rep. Shetterly	Offers his interpretation of the changes created by the amendments.
285	Rep. Prozanski	Agrees with the interpretation, and further clarifies the effects on the bill.
295	Rep. Prozanski	MOTION: Moves to ADOPT HB 2342-1 amendments dated 03/19/03.
		VOTE: 8-0-1
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 1 - Krummel
297	Chair Williams	The motion CARRIES.
300	Rep. Prozanski	MOTION: Moves to ADOPT HB 2342-2 amendments dated 04/15/03.
		VOTE: 8-0-1
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 1 - Krummel
305	Chair Williams	The motion CARRIES.
307	Rep. Prozanski	MOTION: Moves HB 2342 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 8-0-1

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 1 - Krummel

The motion CARRIES.

REP. PROZANSKI will lead discussion on the floor.

312 Chair Williams

315 Chair Williams

Closes the work session on HB 2342 and opens a work session on HB 2592.

HB 2592 WORK SESSION

325 Bill Joseph

Committee Counsel. Introduces HB 2592 which authorizes assignment of judgments from justice court to Department of Revenue for collection, and the -1 amendments (**EXHIBIT BB**). Reads letter from Judge Jad Lemhouse expressing his desire to pass the bill in its original form.

335 Chair Williams

355 Carl Myers

Oregon Justice of the Peace Association. Testifies in support of HB 2592, but in opposition to the proposed -1 amendments.

350 Jim Markee

Oregon Collectors Association. Explains how the Department of Revenue collects "other debts owed" throughout the state. Feels this bill would put the Department of Revenue in competition with private collection agencies and therefore he is proposing the -1 amendments which would eliminate this competition.

435 Chair Williams

Shares his concerns with the impact of this bill on the Criminal Fines and Assessment Account (CFAA). Asks why the local government wouldn't want to go with a private collection agency.

465 Myers

Responds that judges would simply like the option to use the Department of Revenue for collections.

TAPE 157, B

020 Chair Williams

Informs the committee that it is their option to decide the policy.

025 Rep. Macpherson

Remembers Judge Lemhouse indicating that by using the Department of Revenue local governments would net more money than by using private companies.

030 Myers

Acknowledges that there could be a net increase, and discusses the possibility of this increase.

040 Chair Williams

Clarifies how the private collection option would collect their fees.

045 Rep. Macpherson

Clarifies that there is no opportunity to put a fee on when the collection is done by Department of Revenue.

048 Markee

Remembers Judge Lemhouse saying "tools" were available to Revenue that are not available to private agencies, and agrees this is true in some cases.

060 Rep. Shetterly

Asks if the -1 amendments give the court a choice of which collection tool to use.

075 Markee

Responds that private collection agencies are doing many collections for state agencies as well as Revenue, and further discusses the collection assignment process.

080 Rep. Shetterly

Asks if this applies to traffic offense fines.

085 Markee

Thinks criminal action would include traffic offenses, except parking tickets.

095 Rep. Prozanski

Asks if local governments would have the option without passing the -1 amendments.

105 Markee

Says this bill only deals with justice courts and they could utilize the offset.

110 Rep. Jenson

MOTION: Moves to ADOPT HB 2592-1 amendments dated 04/23/03.

115 Rep. Prozanski

Indicates that he cannot support the -1 amendments.

120 Rep. Macpherson Indicates his continued confusion regarding the -1 amendments.
 125 Chair Williams Comments on who can make these collections currently and under the -1 amendments.
 130 Rep. Macpherson Further clarifies the affects of the -1 amendments.
 135 Chair Williams Acknowledges the clarification.
 145 Rep. Barker Comments that Revenue might have been used originally because they charge less than a private collection agency.
 155 Rep. Shetterly Indicates his intent to vote No on the -1 amendments.

157 **VOTE: 6-2-1**
AYE: 6 - Ackerman, Anderson, Barker, Jenson, Macpherson, Williams
NAY: 2 - Prozanski, Shetterly
EXCUSED: 1 - Krummel

160 Chair Williams **The motion CARRIES.**
 165 Rep. Jenson **MOTION: Moves HB 2592 to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 8-0-1
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 1 - Krummel

170 Chair Williams **The motion CARRIES.**
REP. JENSON will lead discussion on the floor.

175 Chair Williams Closes the work session on HB 2592 and opens a public hearing on HB 3385.

HB 3385 PUBLIC HEARING

180 Rich Vial Vial Fotheringham LLP. Introduces HB 3385 which modifies provisions regulating planned unit developments and the -2 amendments (**EXHIBIT CC**). References submitted articles and written testimony (**EXHIBIT DD**).

260 Rep. Prozanski Refers to an example offered by Mr. Vial, asks if the new owners would have to reverse the architectural design back to the original code.

265 Vial Responds affirmatively. Continues testimony in support of HB 3385.

285 Vial Points out the -2 amendments were not delivered until today, so errors do remain in the amendments. Cites the problems with Section 17 on page 42, and Section 36 on page 88.

335 Vial Proposes that on page 43 line 15 there should be a change from may to shall.

410 Vial Discusses Section 15 page 40, indicating there could be a conflict with another bill.

460 Rep. Shetterly Asks Mr. Vial to address language on page 88 and 91 in relation to land sales contracts.

TAPE 158, B

028 Vial Responds to the issues and the inconsistencies in the bill's language. Believes that home owners associations should be able to collect fees like a local municipality or county.

070 Rep. Shetterly Indicates his interest to have everyone treated the same way, and clarifies that there is case law which addresses this issue.

075 Vial Acknowledges that the courts have already addressed the issue.

080 Rep. Prozanski Speaks to architectural violations and asks if handicapped individuals can be denied access.

085	Vial	Says the association would need to give reasonable accommodations to those handicapped individuals.
095	Vice Chair Ackerman	Speaks to the increase in the lien amount, and wonders if it has a cap.
100	Vial	Explains that there is no limitation, and comments on where the lien fees could come from.
105	Vice Chair Ackerman	Interpreted it to include legal fees which could exceed the amount of the unpaid assessment.
115	Vial	Says they are bound by the “reasonableness” in each case and gives an example of how the legal fees can exceed the assessment.
150	Jim Markee	Oregon Mortgage Lenders Association. Discusses attempts to amend these statutes each session and the problems created by this type of legislation. Does not feel the amendments correct his concerns.
185	Vial	Acknowledges that the proposed amendments offer a lot of information to digest on short notice. Says he will sit down with the opposition to sort out issues.
195	Chair Williams	Agrees it is a large amendment that needs further exploration. Asks for indication of where this issue is early next week.
205	Vice Chair Ackerman	Asks if there is a certain amount that meets foreclosure criteria.
210	Vial	Indicates that no one has indicated a minimum, but describes a case in Texas which dealt with this issue.
225	Vice Chair Ackerman	Further clarifies specific affects of the bill.
230	Vial	Comments on those specific affects of the bill.
235	Rep. Prozanski	Asks about foreclosure liens, and whether there is a limit on foreclosure of homesteads.
245	Markee	Comments on the homestead exemption.
250	Chair Williams	Closes the public hearing on HB 3385 and adjourns the meeting at 7:42 p.m.

EXHIBIT SUMMARY

- A – HB 3356, written testimony, Roey Thorpe, 6 pp.**
- B – HB 3356, written testimony, Det. Brian Grose, 1 p.**
- C – HB 3356, written testimony of Bob Hermann, submitted by Dennis Mulvihill, 1 p.**
- D – HB 3356, written testimony, Amalia Alarcón Gaddie, 1 p.**
- E – HB 3356, written testimony, Rev. David C. Dornack, 1 p.**
- F – HB 3356, written testimony, Damon Woodcock, 1 p.**
- G – HB 3356, written testimony, Lori Buckwalter, 2 pp.**
- H – HB 3338, -1 amendments, Rep. Jerry Krummel, 4 pp.**
- I – HB 3338, written testimony, Robin Pope, 1 p.**
- J – HB 3338, written testimony, Kathy Ledesma, 2 pp.**
- K – HB 3338, written testimony, D. Jason Penney, 1 p.**
- L – HB 3338, written testimony, Scott Adams, 1 p.**
- M – HB 2590, -1 amendments, Rep. Ackerman, 1 p.**
- N – HB 2590, -2 amendments, Rep. Ackerman, 1 p.**
- O – HB 2590, -3 amendments, Rep. Ackerman, 8 pp.**
- P – HB 2590, Oregon Association of Realtors: Respective Durations of Commercial Liens in States Where They Exist, Jana Jarvis, 1 p.**
- Q – HB 3344, -1 amendments, staff, 1 p.**

R – HB 3344, letter from Legislative Counsel, staff, 1 p.
S – HB 3362, written testimony, Shirley Hagg, 14 pp.
T – HB 2381, -1 amendments, staff, 1 p.
U – HB 2381, Notice of Waiver, John Powell, 1 p.
V – HB 2381, written testimony, Scott Taylor, 1 p.
W – HB 3349, written testimony, Scott Taylor, 1 p.
X – HB 3015, -3 amendments, staff, 20 pp.
Y – HB 3520, -1 amendments, Rep. Anderson, 2 p.
Z – HB 2342, -1 amendments, staff, 1 p.
AA – HB 2342, -2 amendments, staff, 1 p.
BB – HB 2592, -1 amendments, staff, 2 pp.
CC – HB 3385, -2 amendments, Rich Vial, 108 pp.
DD – HB 3385, written testimony, Rich Vial, 15 pp.

The following exhibits are listed out of order in the body of the tape log:

EE – HB 3356, written testimony, A. Kaelin Bowers, 2 pp.
FF – HB 3356, written testimony, Joan Rapkin, 1 p.
GG – HB 3356, written testimony, Dominic Vetri, 1 p.
HH – HB 3356, written testimony, Kimber Nelson, 1 p.
II – HB 3356, written testimony, Janice Schaefer, 2 pp.
JJ – HB 3356, written testimony, Dr. Randy Blazak, 1 p.
KK – HB 3356, written testimony, Jennifer Clark, 1 p.
LL – HB 2590, written testimony, Kingsley Click, 1 p.