

HOUSE COMMITTEE ON JUDICIARY

April 07, 2003 Hearing Room 357

1:00 p.m. Tapes 125 - 126

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
 Ann Martin, Committee Assistant

MEASURE/ISSUES HEARD: **HB 3177 Reconsideration and Work Session**
 HB 2592 Public Hearing
 HB 2594 Public Hearing and Work Session
 HB 3259 Public Hearing
 HB 3317 Public Hearing and Work Session
 HB 3318 Public Hearing
 HB 3361 Public Hearing and Work Session
 HB 3366 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 125, A		
003	Chair Williams	Calls the meeting to order at 1:35 p.m. and opens a work session on HB 3177.
<u>HB 3177 RECONSIDERATION and WORK SESSION</u>		
010	Chair Williams	MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on HB 3177. VOTE: 5-0-4 EXCUSED: 4 - Anderson, Krummel, Macpherson, Shetterly
012	Chair Williams	Hearing no objection, declares the motion CARRIED.
018	Chair Williams	MOTION: Moves to RECONSIDER the vote by which HB 3177 was sent to the floor with a DO PASS AS AMENDED recommendation. VOTE: 5-0-4 EXCUSED: 4 - Anderson, Krummel, Macpherson, Shetterly
020	Chair Williams	Hearing no objection, declares the motion CARRIED.
022	Chair Williams	MOTION: Moves HB 3177 to the floor with a DO PASS recommendation and BE REFERRED to the Committee on Ways and Means BY PRIOR REFERENCE. VOTE: 5-0-4

023	Chair Williams	EXCUSED: 4 - Anderson, Krummel, Shetterly, Macpherson
030	Chair Williams	Hearing no objection, declares the motion CARRIED. Closes the work session on HB 3177 and opens a public hearing on HB 2592.
<u>HB 2592 PUBLIC HEARING</u>		
032	Carl Myers	Oregon Justice of the Peace Association. Testifies in support of HB 2592 which authorizes assignment of judgments from justice court to Department of Revenue for collection.
040	Jad Lemhouse	Judge, Linn County. Submits testimony and testifies in support of HB 2592 (EXHIBIT A).
090	Jim Markee	Oregon Collector's Association. Testifies in opposition to HB 2592.
121	Chair Williams	Closes the public hearing on HB 2592 and opens a public hearing on HB 2594.
<u>HB 2594 PUBLIC HEARING</u>		
135	Carl Myers	Oregon Justice of the Peace Association. Testifies in support of HB 2594 which provides that certain transfers and payments of monies by justice and municipal court be made not later than last day of month following month in which collected.
150	Jad Lemhouse	Judge, Linn County. Submits testimony and testifies in support of HB 2594 (EXHIBIT B).
215	Paul Snider	Association of Oregon Counties. Testifies in support of HB 2594.
219	Chair Williams	Discusses bill.
230	Lemhouse	Explains why he chose the last day of month in which payment of monies is collected.
248	Rep. Shetterly	Questions the emergency clause.
255	Lemhouse	Agrees that the emergency clause is not necessary in the bill as long as the bill is passed in time.
286	Bradd Swank	Dept. of Justice. Says that they haven't taken a position on the bill.
290	Chair Williams	States that they have not seen a fiscal on the bill.
295	Swank	Recollects that they don't think it has an effect on their courts.
301	Chair Williams	Closes the public hearing on HB 2594 and opens a work session on HB 2594.
<u>HB 2594 WORK SESSION</u>		
310	Rep. Shetterly	MOTION: Moves HB 2594 to the floor with a DO PASS recommendation.
VOTE: 8-0-1		
EXCUSED: 1 - Krummel		
314	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. SHETTERLY will lead discussion on the floor.
329	Chair Williams	Closes the work session on HB 2594 and opens a public hearing on HB 3259.
<u>HB 3259 PUBLIC HEARING</u>		
358	Rep. Jackie Dingfelder	House District 45. Submits testimony and 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 (EXHIBITS C-E).
424	Dr. Michael Holcomb	Environmental Toxicology Manager, Department of Human Services. Testifies in support of HB 3259.

001	Dr. Holcomb	Continues his testimony in support of HB 2594.
030	Mark Landauer	Office of Government Relations, City of Portland. Submits testimony and testifies in support of HB 3259 (EXHIBIT F).
060	Vice-Chair Ackerman	Asks Rep. Dingfelder about the -1 amendments (EXHIBIT G).
072	Rep. Dingfelder	Agrees on more amendments.
080	Landauer	Discusses amendments.
084	Bill Joseph	Committee Counsel. Comments on amendments.
088	Landauer	Says that they do have a concern about going toward work sites.
101	Rep. Prozanski	States that the -1 amendments are discretionary.
112	Chair Williams	Asks Rep. Dingfelder how she feels about the amendments.
120	Rep. Dingfelder	Answers that she would be happy to work with the committee staff.
137	Vice-Chair Ackerman	Suggests that it may be better to consider “every household” in the amendments.
154	Rep. Shetterly	Questions amendments.
166	Landauer	Discusses the clarification that the realtors requested.
178	Vice-Chair Anderson	Comments on the -1 amendments.
220	Chair Williams	Closes the public hearing on HB 3259 and opens a public hearing on HB 3317.

HB 3317 PUBLIC HEARING

235	Tim Martinez	Oregon Bankers Association. Testifies in support of HB 3317 which expands crime of unlawful factoring of credit card transaction.
284	Chair Williams	Wonders if there is a cost to this bill because they are upgrading a crime.
309	Martinez	Responds that he doesn’t think there is a fiscal to this bill or HB 3318.
338	Rep. Shetterly	Comments that he wouldn’t be surprised if there was not a fiscal.
350	Vice-Chair Anderson	Asks about the harm that occurs in identity theft.
355	Martinez	Answers that identity theft causes a lot of personal damage—both emotional and financial.
381	Chair Williams	Closes the public hearing on HB 3317 and opens a work session on HB 3317.

HB 3317 WORK SESSION

383	Rep. Prozanski	MOTION: Moves HB 3317 to the floor with a DO PASS recommendation.
		VOTE: 8-0-1
		EXCUSED: 1 - Krummel
386	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. PROZANSKI will lead discussion on the floor.
400	Chair Williams	Closes the work session on HB 3317 and opens a public hearing on HB 3318.

HB 3318 PUBLIC HEARING

410	Tim Martinez	Oregon Bankers Association. Testifies in support of HB 3318 which increases penalty for unlawful production of identification cards, licenses, permits, forms or camera cards.
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TAPE 125, B

002	Martinez	Continues his testimony in support of HB 3318.
008	Rep. Prozanski	Asks about moving this up to a Class C felony.
018	Chair Williams	Says he is concerned that there may be a fiscal impact on the bill so he wants to wait for the fiscal impact statement. Closes the public hearing on HB 3318 and opens a public hearing on HB 3361.

HB 3361 PUBLIC HEARING

039	Paul Frisch	Counsel, Oregon Medical Association. Submits testimony and testifies in support of HB 3361 which provides that for purposes of civil action against person licensed by Board of Medical Examiners, expression of regret or apology made by or on behalf of person does not constitute admission of liability (EXHIBIT H).
075	Barney Speight	Kaiser Permanente/NW Permanente. Testifies in support of HB 3361.
088	Bruce Bishop	Oregon Association of Hospitals and Health Systems. Submits testimony and testifies in support of HB 3361 (EXHIBIT I).
093	Rep. Macpherson	Asks if they envision a program that would provide re-education of this issue to physicians.
113	Frisch	Answers that they are currently educating physicians regarding this issue.
128	Chair Williams	Closes the public hearing on HB 3361 and opens a work session on HB 3361.

HB 3361 WORK SESSION

132	Rep. Macpherson	MOTION: Moves HB 3361 to the floor with a DO PASS recommendation.
		VOTE: 9-0
139	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. MACPHERSON will lead discussion on the floor.
143	Chair Williams	Closes the work session on HB 3361 and opens a public hearing on HB 3366.

HB 3366 PUBLIC HEARING

155	Dick Rasmussen	West Coast Bank. Testifies in support of HB 3366 which provides that defenses and exceptions created by provisions of Oregon Revised Statutes or recognized by courts of state do not apply to requirement that certain financial transactions be in writing.
195	Chair Williams	Asks for examples of situations in which this has been raised.
200	Rasmussen	Gives examples.
208	Rep. Krummel	Says that this is common sense to him. Asks if this will clarify the law.
223	Rasmussen	Answers, yes.
226	Vice-Chair Anderson	Wonders if this relates to transactions done over the phone.
228	Rasmussen	Says the statute deals with oral commitments.
237	Rep. Shetterly	Asks for an explanation of lines 9-11, page 2 of the bill.
258	Rasmussen	Explains changes.
275	Chair Williams	Closes the public hearing on HB 3366 and opens a work session on HB 3366.

HB 3366 WORK SESSION

287	Rep. Shetterly	Discusses changes in bill.
330	Rasmussen	Explains what the bill does.
391	Vice-Chair Anderson	Asks if the guarantee of a loan has to be in writing.
393	Rasmussen	Says yes, this will require that the commitment to lend has to be in writing.
400	Vice-Chair Ackerman	Asks why they would waive these defenses.
404	Rasmussen	Says that banks need these protections.
TAPE 126, B		
002	Chair Williams	Discusses bill.

019	Rep. Krummel	MOTION: Moves HB 3366 to the floor with a DO PASS recommendation.
023	Rep. Shetterly	Wonders about the deleting of language.
029	Rasmussen	Explains.
045	Chair Williams	Discusses bill.
060	Rep. Jenson	Expresses his reservations about the bill.
145		VOTE: 8-1-0 AYE: 8 - Ackerman, Anderson, Barker, Krummel, Macpherson, Prozanski, Shetterly, Williams NAY: 1 - Jenson
149	Chair Williams	The motion CARRIES. REP. KRUMMEL will lead discussion on the floor.
169	Chair Williams	Closes the work session on HB 3366 and adjourns the meeting at 3:05 p.m.

EXHIBIT SUMMARY

- A – HB 2592, written testimony, submitted by Judge Jad Lemhouse, 2 pgs.**
- B – HB 2594, Chart, submitted by Jad Lemhouse, 1 pg.**
- C – HB 3259, written testimony, submitted by Rep. Jackie Dingfelder, 1 pg.**
- D – HB 3259, written testimony of Deborah Andrews, submitted by Rep. Jackie Dingfelder, 3 pgs.**
- E – HB 3259, news article, submitted by Rep. Jackie Dingfelder, 5 pgs.**
- F – HB 3259, written testimony, submitted by Mark Landauer, 3 pgs.**
- G – HB 3259, -1 amendments, submitted by staff, dated 4/4/03, 2 pgs.**
- H – HB 3361, written testimony, submitted by Paul Frisch, 2 pgs.**
- I – HB 3361, written testimony, submitted by Bruce Bishop, 1 pg.**