

## SENATE COMMITTEE ON JUDICIARY

April 16, 2003  
8:00 a.m.

Hearing Room 343  
Tapes 98-99

**MEMBERS PRESENT:**     **Sen. John Minnis, Chair**  
                                  **Sen. Ginny Burdick, Vice-Chair**  
                                  **Sen. Ted Ferrioli**  
                                  **Sen. Charlie Ringo**  
                                  **Sen. Charles Starr**  
                                  **Sen. Vicki Walker**

**STAFF PRESENT:**       **Bill Joseph, Counsel**  
                                  **Jane Bodenweiser, Committee Assistant**

**MEASURE/ISSUES HEARD:**     **SB 14 Work Session**  
                                  **SB 17 Work Session**  
                                  **SB 38 Work Session**  
                                  **SB 194 Work Session**  
                                  **SB 553 Work Session**  
                                  **SB 618 Work Session**  
                                  **SB 64 Work Session**  
                                  **SB 217 Work Session**

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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.

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 98, A</b>		
003	Chair Minnis	Calls the meeting to order at 8:15 a.m. and opens a work session on SB 14.
<b><u>SB 14 WORK SESSION</u></b>		
008	Bill Joseph	Committee Counsel. Introduces SB 14 that reduces period for retention of state records about child abuse, and the -1 amendments ( <b>EXHIBIT A</b> ).
055	Sen. Ferrioli	Says there is a need for clear authority for the retention of these records.
<b>088</b>	<b>Sen. Ferrioli</b>	<b>MOTION: Moves to ADOPT SB 14-1 amendments dated 4/1/03.</b>
		<b>VOTE: 6-0</b>
<b>090</b>	<b>Chair Minnis</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>092</b>	<b>Sen. Ferrioli</b>	<b>MOTION: Moves SB 14 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 6-0</b>
<b>095</b>	<b>Chair Minnis</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
		<b>SEN. FERRIOLI will lead discussion on the floor.</b>
095	Chair Minnis	Closes the work session on SB 14 and opens a work session on SB 17.
<b><u>SB 17 WORK SESSION</u></b>		

102 Bill Joseph Committee Counsel. Introduces SB 17 that makes public bodies and officer, employee and agents of public bodies subject to action under Title II of Americans with Disabilities Act, and the -3 amendments (**EXHIBIT B**).

135 Sen. Ferrioli **MOTION: Moves to ADOPT SB 17-3 amendments dated 4/14/03.**

**VOTE: 6-0**

136 Chair Minnis **Hearing no objection, declares the motion CARRIED.**

137 Sen. Ferrioli **MOTION: Moves SB 17 to the floor with a DO PASS AS AMENDED recommendation.**

**VOTE: 6-0**

141 Chair Minnis **Hearing no objection, declares the motion CARRIED. SEN. CHARLES STARR will lead discussion on the floor.**

142 Chair Minnis Closes the work session on SB 17 and opens a work session on SB 38.

**SB 38 WORK SESSION**

149 Bill Joseph Committee Counsel. Introduces SB 38 that specifies circumstances giving Oregon courts jurisdiction in adoption proceedings, and the -1 amendments (**EXHIBIT C**).

155 Sen. Walker Discusses the work group that came up with the -1 amendments.

183 Robin Pope Oregon State Bar Family Law Section. Submits testimony and testifies in support of SB 38 (**EXHIBIT D**). Discusses what is being done through this legislation.

202 Vice Chair Burdick **MOTION: Moves to ADOPT SB 38-1 amendments dated 4/4/03.**

**VOTE: 6-0**

210 Chair Minnis **Hearing no objection, declares the motion CARRIED.**

218 Vice Chair Burdick **MOTION: Moves SB 38 to the floor with a DO PASS AS AMENDED recommendation.**

**VOTE: 6-0**

225 Chair Minnis **Hearing no objection, declares the motion CARRIED. SEN. WALKER will lead discussion on the floor.**

228 Chair Minnis Closes the work session on SB 38 and opens a work session on SB 194.

**SB 194 WORK SESSION**

232 Bill Joseph Committee Counsel. Introduces SB 194 that revises securities law.

265 Vice Chair Burdick **MOTION: Moves SB 194 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.**

**VOTE: 6-0**

272 Chair Minnis **Hearing no objection, declares the motion CARRIED. SEN. WALKER will lead discussion on the floor.**

276 Chair Minnis Closes the work session on SB 194 and opens a work session on SB 553.

**SB 553 WORK SESSION**

280 Bill Joseph Committee Counsel. Introduces SB 553 that requires each person 16 years of age or older who resides in dwelling of family applying to serve as host family for foreign exchange student to make declaration that person has never been convicted of certain crimes.

293 Sen. Walker Explains the -4 amendments to SB 553 (**EXHIBIT E**).

372 Chair Minnis Asks how registration with the Secretary of State's office is going

375	Sen. Walker	to be paid.
409	Joseph	Says it will be absorbed within the agency.
		Discusses the fiscal on previous amendments and understands that the fiscal on the -4 amendments will be the same.
433	Vice Chair Burdick	<b>MOTION: Moves to ADOPT SB 553-4 amendments dated 4/15/03.</b>
		<b>VOTE: 5-0-1</b>
		<b>EXCUSED: 1 - Sen. Ringo</b>
438	Chair Minnis	<b>Hearing no objection, declares the motion CARRIED.</b>
453	Vice Chair Burdick	<b>MOTION: Moves SB 553 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Joint Ways and Means BE RESCINDED.</b>
		<b>VOTE: 5-0-1</b>
		<b>EXCUSED: 1 - Sen. Ringo</b>
284	Chair Minnis	<b>Hearing no objection, declares the motion CARRIED.</b>
		<b>SEN. WALKER will lead discussion on the floor.</b>
491	Chair Minnis	Closes the work session on SB 553 and opens a work session on SB 618.

**SB 618 WORK SESSION**

**TAPE 99, A**

028	Dr. Ted Falk	Provides a written explanation of SB 618 that modifies laws relating to genetic privacy ( <b>EXHIBIT F</b> ) and discusses the -2 amendments ( <b>EXHIBIT G</b> ).
108	Sen. Ferrioli	<b>MOTION: Moves to ADOPT SB 618-2 amendments dated 3/26/03.</b>
		<b>VOTE: 6-0</b>
114	Chair Minnis	<b>Hearing no objection, declares the motion CARRIED.</b>
115	Vice Chair Burdick	<b>MOTION: Moves SB 618 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 6-0</b>
118	Chair Minnis	<b>Hearing no objection, declares the motion CARRIED.</b>
		<b>SEN. RINGO will lead discussion on the floor.</b>
131	Chair Minnis	Closes the work session on SB 618 and opens a work session on SB 64 and SB 217.

**SB 64 and SB 217 WORK SESSION**

132	Warren Deras	Oregon Division of State Lands. Says that SB 64 is a technical bill and that the -2 amendments move the scope of heirship issue to SB 217( <b>EXHIBIT H</b> ). Suggests further amendments to both SB 64 and SB 217.
178	Matt Markee	Has objections to the limitation on family members who could become heirs, and the fee limitations. Believes these differences can be resolved.
203	Chair Minnis	Asks what the typical fee would be.
205	Markee	Explains the fee structure of his firm.
221	Chair Minnis	Asks how the heir search firms get their information.
224	Markee	Explains how they do business.
234	Chair Minnis	Asks if this industry is regulated by a state agency.
236	Markee	Says, not that he is aware of.
239	Sen. Ringo	Asks how a search firm knows to send someone a letter.
244	Mark Holady	Attorney, Beaverton, OR. Explains the procedures used.
260	Sen. Ringo	Asks if the probate records would show potential heirs.
266	Holady	Says, yes.

321	Deras	Discusses the cost of searches overseas. Describes the two areas in which heirship search firms work (escheat and unclaimed property).
395	Sen. Walker	Asks for clarification of the fee regulations in other states.
403	Deras	Explains they are for property claim cases only.
413	Markee	Says he is not aware of any state that regulates fees on escheat cases.
432	Chair Minnis	Asks if contracts are constructed to receive at least a minimum payment.
438	Markee	Says his firm receives no funds unless the heir receives funds.
468	Holady	Talks about being requested by judges to research a case.
513	Chair Minnis	Asks if a judge can alter a fee.
515	Holady	Says he does not believe so.
<b>TAPE 98, B</b>		
053	Bill Joseph	Committee Counsel. Talks about fees, and what is reasonable.
068	Markee	Says there are many companies that do searches and it is competitive.
072	Deras	Says there is a broad range of negotiation.
111	Sen. Ferrioli	Asks if a person couldn't take a pro-active approach to the heirship search.
117	Holady	Says there is a website.
132	Chair Minnis	Closes the work session on SB 64 and SB 217 and adjourns the meeting at 9:20 a.m.

## **EXHIBIT SUMMARY**

- A – SB 14, -1 amendments submitted by staff, 1 p**
- B – SB 17, -3 amendments submitted by staff, 4 pp**
- C – SB 38, -1 amendments submitted by staff, 5 pp**
- D – SB 38, written testimony submitted by Robin Pope, 2 pp**
- E – SB 553, -4 amendments submitted by staff, 6 pp**
- F – SB 618, written testimony submitted by Ted Falk, 1 p**
- G – SB 618, -2 amendments submitted by staff, 2 pp**
- H – SB 64, -2 amendments submitted by staff, 8 pp**