

SENATE COMMITTEE ON JUDICIARY

April 22, 2003
8:00 a.m.

Hearing Room 343
Tapes 104-105

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 Taylor, Counsel**
 Bill Joseph, Counsel
 Jane Bodenweiser, Committee Assistant

MEASURE/ISSUES HEARD: **HB 2047A Public Hearing and Work Session**
 HB 2091A Public Hearing and Work Session
 HB 2050A Public Hearing and Work Session
 HB 2110A Public Hearing
 SB 356 Work Session
 SB 611 Work Session
 HB 2272A Public Hearing and Work Session
 HB 2274A 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.

TAPE/#	Speaker	Comments
TAPE 104, A		
004	Chair Minnis	Calls the meeting to order at 8:15 a.m. and opens a public hearing on HB 2047A.
<u>HB 2047A PUBLIC HEARING</u>		
010	Karen Steele	Attorney for Mexican Consulate, Portland, OR. Testifies as neutral on HB 2047A that requires peace officers to notify detained foreign nationals of detainees' right to communicate with consulate under Vienna Convention on Consular Relations. Says approval from the Mexican government is pending.
034	Pete Shepherd	Deputy Attorney General. Testifies in support of HB 2047A.
071	Chair Minnis	Expresses a desire to move the bill given the time crunch.
090	Shepherd	Says the work group's efforts will continue.
122	Vice Chair Burdick	Believes it is a good thing to have the work group continue, but sees no reason to hold up the bill.
125	Chair Minnis	Closes the public hearing on HB 2047A and opens a work session.
<u>HB 2047A WORK SESSION</u>		
128	Vice Chair Burdick	MOTION: Moves HB 2047A to the floor with a DO PASS recommendation.

VOTE: 4-0-2

EXCUSED: 2 - Sen. Walker, Sen. Ferrioli

**Hearing no objection, declares the motion CARRIED.
SEN. MINNIS will lead discussion on the floor.**

133 Chair Minnis

134 Chair Minnis

Closes the work session on HB 2047A and opens a public hearing on HB 2091A.

HB 2091A PUBLIC HEARING

139 Karen Steele

Attorney for Mexican Consulate, Portland, OR. Testifies as neutral on HB 2091A.

150 Timothy Travis

Oregon Judicial Department. Testifies in support of HB 2091A that conforms Oregon law to Vienna Convention on Consular Relations.

180 Chair Minnis

Asks about the timing of the service of the petition.

183 Travis

Says the normal law of service allows for delays.

188 Chair Minnis

Closes the public hearing on HB 2091A and opens a work session.

HB 2091A WORK SESSION

197 Bill Taylor

Committee Counsel. Explains that this bill is already the law of the land.

208 Vice Chair Burdick

MOTION: Moves HB 2091A to the floor with a DO PASS recommendation.

VOTE: 5-0-1

EXCUSED: 1 - Sen. Ferrioli

**Hearing no objection, declares the motion CARRIED.
SEN. GORDLY will lead discussion on the floor.**

215 Chair Minnis

225 Chair Minnis

Closes the work session on HB 2091A and opens a public hearing on HB 2050A.

HB 2050A PUBLIC HEARING

229 Walt Beglau

Oregon District Attorneys' Association. Testifies in support of HB 2050A that expands definition of abuse for purposes of child abuse reporting.

271 Vice Chair Burdick

Believes there was an enhancement of penalties during the last session.

279 Sen. Walker

Agrees that there was extensive work done last session on this issue.

289 Rep. Bob Jensen

House District 58. Testifies in support of HB 2050A and introduces the -A2 amendments (**EXHIBIT A**).

320 Chair Minnis

Closes the public hearing on HB 2050A and opens a work session.

HB 2050A WORK SESSION

353 Vice Chair Burdick

Asks counsel if there would be any problems with other statutes.

358 Bill Taylor

Committee Counsel. Says, no.

359 Sen. Ringo

Asks where we go with the reporting requirement.

373 Chair Minnis

Discusses those who currently are required to report.

410 Vice Chair Burdick

MOTION: Moves to ADOPT HB 2050A-A2 amendments dated 3/18/03.

VOTE: 5-0-1

EXCUSED: 1 - Sen. Ferrioli

Hearing no objection, declares the motion CARRIED.

414 Chair Minnis

415 Vice Chair Burdick

MOTION: Moves HB 2050A to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 5-0-1

EXCUSED: 1 - Sen. Ferrioli

Hearing no objection, declares the motion CARRIED.

420 Chair Minnis

		SEN. BURDICK will lead discussion on the floor.
429	Chair Minnis	Closes the work session on HB 2050A and opens a public hearing on HB 2110A.
	<u>HB 2110A PUBLIC HEARING</u>	
445	Ronelle Shankle	Department of Justice. Submits testimony and testifies in support of HB 2110A that modifies application of definitions (EXHIBIT B). Reviews the bill by section. Introduces a summary of the –A6 amendments (EXHIBIT C). Says the –A8 amendments are a combination of the Department of Justice and the Bureau of Labor and Industry (EXHIBIT D).
	TAPE 105, A	
084	Sen. Ringo	Asks if the Family Law Section of the Oregon State Bar did any work on these amendments.
087	Shankle	Says, yes, and that their position is neutral on the amendments.
097	Marcia Ohlemiller	Bureau of Labor and Industries. Submits testimony and testifies in support of HB 2110A and the –A6 and –A8 amendments (EXHIBIT E).
142	Greg Warnock	Oregon Veteran’s Association. Testifies in support of HB 2110A and suggests additional amendments.
162	Dennis Hooyman	Oregon Veterans Association. Introduces the –A9 amendments to HB 2110A (EXHIBIT F). Explains what the –A9 amendments are addressing.
205	Chair Minnis	Asks for clarification of the problem that is being addressed by the –A9 amendments.
215	Hooyman	Talks about the social security benefit to disabled veterans and how unfairly it is calculated.
236	Sen. Ringo	Asks for clarification of the social security benefit to children.
240	Hooyman	Explains that the benefit is being paid directly to the custodial parent, but the veteran is not getting full credit for those payments because they do not go through the Department of Human Services.
291	Warnock	Explains that disabled veterans are not getting the credit they should have. Says the –A9 amendments, page 6 line 26 address this concern.
368	Sen. Walker	Asks about the educational benefit to children of 100% disabled veterans.
373	Warnock	Explains that it is a benefit paid on behalf of the disabled veteran for which the veteran is currently not getting credit.
400	Hooyman	Says the current wording specifically excludes credit to disabled veterans.
386	John Roche	Beaverton, OR. Discusses social security benefits.
468	Sen. Ringo	Asks where the opposition is on this issue.
471	Chair Minnis	Says it is the Department of Justice that opposes this issue.
	TAPE 104,B	
029	Shankle	Explains the opposition to the –A9 amendments.
071	Vice Chair Burdick	Asks why only partial credit is allowed on social security benefits.
074	Shankle	Says at the time it was current policy.
080	Vice Chair Burdick	Says it makes no sense that only partial credit is allowed.
087	Shankle	Explains that the issue of partial payment is not what the Department of Justice objects to. Explains the objections.
102	Chair Minnis	Believes that these are judicial decisions.
107	Sen. Ringo	Explains how a support amount is derived and that there is judicial discretion; however, thinks there should still be full credit

123 Shankle allowed.
Explains time did not permit a total review of the –A9 amendments.

133 Sen. Ringo Says these other concerns should not get in the way of the dollar for dollar offset

136 Shankle Says that it is a policy decision for the committee.

140 Sen. Walker Explains that this has been an issue since 1999 and wonders why something has not been done sooner.

147 Shankle Explains that progress is being made.

160 Chair Minnis Closes the public hearing on HB 2110A and opens a work session on SB 356.

SB 356 WORK SESSION

165 Vice Chair Burdick MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on SB 356.
VOTE: 6-0

168 Chair Minnis Hearing no objection, declares the motion CARRIED.

178 Vice Chair Burdick MOTION: Moves to RECONSIDER the vote by which SB 356 was sent to the floor with a DO PASS recommendation.
VOTE: 6-0

180 Chair Minnis Hearing no objection, declares the motion CARRIED.

185	Vice Chair Burdick	<p>MOTION: Moves SB 356 to the floor with a DO PASS recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.</p> <p>VOTE: 6-0</p>
188	Chair Minnis	<p>Hearing no objection, declares the motion CARRIED. SEN. CORCORAN will lead discussion on the floor.</p>
190	Chair Minnis	<p>Closes the work session on SB 356 and opens a work session on SB 611.</p>
<u>SB 611 WORK SESSION</u>		
209	Bill Joseph	<p>Committee Counsel. Introduces SB 611 that imposes pleading requirements for claim against architect, registered landscape architect, professional engineer or professional land surveyor if claim arises out of provision of services within course and scope of activities for which person is licensed and the -4 amendments (EXHIBIT G).</p>
251	Sen. Ringo	<p>Expresses his support of SB 611 as amended.</p>
366	Sen. Ringo	<p>MOTION: Moves to ADOPT SB 611-4 amendments dated 4/17/03.</p> <p>VOTE: 6-0</p>
278	Chair Minnis	<p>Hearing no objection, declares the motion CARRIED.</p>
282	Vice Chair Burdick	<p>MOTION: Moves SB 611 to the floor with a DO PASS AS AMENDED recommendation.</p> <p>VOTE: 6-0</p>
285	Chair Minnis	<p>Hearing no objection, declares the motion CARRIED. SEN. RINGO will lead discussion on the floor.</p>
289	Chair Minnis	<p>Closes the work session on SB 611 and opens a public hearing on HB 2272A.</p>
<u>HB 2272A PUBLIC HEARING</u>		
308	Michael Livingston	<p>Submits testimony and testifies in support of HB 2272A (EXHIBIT H). Explains the -A2 amendments (EXHIBIT I) and the -A5 amendments (EXHIBIT J).</p>
378	Chair Minnis	<p>Closes the public hearing on HB 2272A and opens a work session.</p>
<u>HB 2272A WORK SESSION</u>		
383	Sen. Ringo	<p>MOTION: Moves to ADOPT HB 2272A-A2 amendments dated 3/18/03.</p> <p>VOTE: 5-0-1</p> <p>EXCUSED: 1 – Sen. Burdick</p>
396	Chair Minnis	<p>Hearing no objection, declares the motion CARRIED.</p>
397	Sen. Ringo	<p>MOTION: Moves to ADOPT HB 2272A-A5 amendments dated 4/21/03.</p> <p>VOTE: 5-0-1</p> <p>EXCUSED: 1 - Sen. Burdick</p>
398	Chair Minnis	<p>Hearing no objection, declares the motion CARRIED.</p>

400 Sen. Ringo **MOTION: Moves HB 2272A to the floor with a DO PASS AS AMENDED recommendation.**
VOTE: 5-0-1
EXCUSED: 1 - Sen. Burdick

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

411 Chair Minnis Closes the work session on HB 2272A and opens a public hearing on HB 2274A.

HB 2274A PUBLIC HEARING

419 Dave Heyndrickx Legislative Counsel. Introduces HB 2274A that revises laws governing garnishments. Submits a summary report (**EXHIBIT K**).

TAPE 105, B

020 Sen. Walker Asks if bankruptcy exemptions were addressed in this rewrite.
027 Heyndrickx Says, no. Explains that the work group will continue its work.
041 Chair Minnis Closes the public hearing on HB 2274A and opens a work session.

HB 2274A WORK SESSION

043 Sen. Ringo **MOTION: Moves HB 2274A to the floor with a DO PASS recommendation.**
VOTE: 5-0-1
EXCUSED: 1 - Sen. Burdick

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

060 Chair Minnis Closes the work session on HB 2274A and adjourns the meeting at 9:45 a.m.

EXHIBIT SUMMARY

- A – HB 2050A, -A2 amendments submitted by staff, 1 p
- B – HB 2110A, written testimony submitted by Ronelle Shankle, 3 pp
- C – HB 2110A, written testimony submitted by Ronelle Shankle, 1 p
- D – HB 2110A, -A8 amendments submitted by staff, 19 pp
- E– HB 2110A, written testimony submitted by Marcia Ohlemiller, 1 p
- F – HB 2110A, -A9 amendments submitted by staff, 8 pp
- G – SB 611, -4 amendments submitted by staff, 3 pp
- H– HB 2272A, written testimony submitted by Michael Livingston, 3 pp
- I– HB 2272A, -A2 amendments submitted by staff, 1 p
- J – HB 2272A, -A5 amendments submitted by staff, 2 pp
- K – HB 2274A, Summary report submitted by Dave Heynderickx, 17 pp