

SENATE COMMITTEE ON JUDICIARY

May 01, 2003
8:00 AM

Hearing Room 343
Tapes 116-117

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 2761A Public Hearing and Work Session**
 HB 2057A Public Hearing and Work Session
 HB 2059A Public Hearing and Work Session
 HB 2060A Public Hearing and Work Session
 HB 2150A Public Hearing
 HB 2086A 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 116, A		
004	Chair Minnis	Calls the meeting to order at 8:08 a.m. and opens a public hearing on HB 2761A.
<u>HB 2761A PUBLIC HEARING</u>		
008	Bill Joseph	Committee Counsel. Introduces HB 2761A that clarifies that notice of appeal must be filed within 30 days after decision on motion for new trial or for judgment notwithstanding verdict, or 30 days after judgment is entered, whichever is later, and the -A2 amendments (EXHIBIT A).
040	Sen. Ringo	Asks if most countries use reciprocity.
044	Joseph	Says, yes, explains how it is used.
058	Chair Minnis	Closes the public hearing on HB 2761A and opens a work session.
<u>HB 2761A WORK SESSION</u>		
060	Sen. Ferrioli	MOTION: Moves to ADOPT HB 2761A-A2 amendments dated 4/9/03. VOTE: 5-0-1
064	Chair Minnis	EXCUSED: 1 - Sen. Walker Hearing no objection, declares the motion CARRIED.
066	Sen. Ferrioli	MOTION: Moves HB 2761A to the floor with a DO PASS

		AS AMENDED recommendation.
		VOTE: 5-0-1
		EXCUSED: 1 - Sen. Walker
070	Chair Minnis	Hearing no objection, declares the motion CARRIED.
		SEN. MINNIS will lead discussion on the floor.
077	Chair Minnis	Closes the work session on HB 2761A and opens a public hearing on HB 2057A.
<u>HB 2057A PUBLIC HEARING</u>		
082	George Reimer	Director, Oregon State Bar. Submits testimony and testifies in support of HB 2057A That provides that election not be held for position on Board of Governors of Oregon State Bar, or for position in house of delegates of Oregon State Bar, for which only single candidate has been nominated. (EXHIBIT B) .
110	Chair Minnis	Closes the public hearing on HB 2057A and opens a work session.
<u>HB 2057A WORK SESSION</u>		
120	Vice Chair Burdick	MOTION: Moves HB 2057A to the floor with a DO PASS recommendation, and be placed on the CONSENT CALENDAR.
		VOTE: 5-0-1
		EXCUSED: 1 - Sen. Walker
124	Chair Minnis	Hearing no objection, declares the motion CARRIED.
		SEN. RINGO will lead discussion on the floor.
162	Chair Minnis	Closes the work session on HB 2057A and opens a public hearing on HB 2059A
<u>HB 2059A PUBLIC HEARING</u>		
212	Linda Johannsen	Oregon State Bar. Submits testimony and testifies in support of HB 2059A that sets procedure for filing bond or depositing money when possessory chattel lien is claimed for storage of chattel and amount of lien claimed is \$750 more (EXHIBIT C) .
225	Bill Joseph	Committee Counsel. Introduces the –A2 amendments (EXHIBIT D) .
244	Chair Minnis	Closes the public hearing on HB 2059A and opens a work session.
<u>HB 2059A WORK SESSION</u>		
245	Vice Chair Burdick	MOTION: Moves to ADOPT HB 2059A-A2 amendments dated 4/30/03.
		VOTE: 5-0-1
		EXCUSED: 1 - Sen. Walker
254	Chair Minnis	Hearing no objection, declares the motion CARRIED.
255	Vice Chair Burdick	MOTION: Moves HB 2059A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0-1
		EXCUSED: 1 - Sen. Walker
266	Chair Minnis	Hearing no objection, declares the motion CARRIED.
		SEN. C. STARR will lead discussion on the floor.
271	Chair Minnis	Closes the work session on HB 2059A and opens a public hearing on HB 2060A.
<u>HB 2060A PUBLIC HEARING</u>		
274	Linda Johannsen	Oregon State Bar. Submits testimony and testifies in support of HB 2060A that allows interested person to request trustee to provide written statement of specified information concerning sale (EXHIBIT E) .
301	Chair Minnis	Closes the public hearing on HB 2060A and opens a work

session.

HB 2060A WORK SESSION

303 Vice Chair Burdick

MOTION: Moves HB 2060A to the floor with a DO PASS recommendation.

VOTE: 5-0-1

EXCUSED: 1 - Sen. Walker

307 Chair Minnis

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

309 Chair Minnis

Closes the work session on HB 2060A and opens a public hearing on HB 2150A.

HB 2150A PUBLIC HEARING

312 Richard Mills

Department of Human Services. Submits testimony and testifies in support of HB 2150A that specifies that copy of small estate affidavit must be mailed or delivered to Estate Administration Unit of Department of Human Services (**EXHIBIT F**).

442 Chair Minnis

Asks about the time of death being a starting point for Department of State Lands filings.

451 Bill Joseph

Committee Counsel. Responds that he will have to check.

463 Sen. Ringo

Asks about the amount considered to be a small estate.

466 Mills

Says that it would be considered a small estate if it is \$50,000 or less.

471 Sen. Ringo

Asks for an example of how money is received by the Department of Human Services.

478 Mills

Responds that most of the funds received are from bank accounts.

397 Sen. Ringo

Asks about any children that might be involved.

498 Mills

Says that the child would have to be under the age of 21, totally disabled, or blind for the claim to be waived.

521 Sen. Ringo

Asks about joint bank accounts.

TAPE 117, A

003 Mills

Says there is no recourse on a joint account without permission of the joint owner.

006 Sen. Ringo

Wonders if the equity in a home would be considered.

009 Mills

Says home equity is computed on a fair market value, not equity value, and that it is seldom considered.

033 Sen. Ringo

Asks why people wait to file an affidavit.

037 Mills

Assumes that some people are just not aware of the problem they are creating by not filing.

049 Sen. Ringo

Asks if there is a mechanism to assert a claim.

054 Mills

Responds that a creditor can initiate a probate without family consent.

073 Chair Minnis

Closes the public hearing on HB 2150A and calls for a short recess at 8:45 a.m.

075 Chair Minnis

Reconvenes the meeting at 8:55 a.m. and opens a public hearing on HB 2086A.

HB 2086A PUBLIC HEARING

086 Kelly Peterson

Humane Society of the United States. Submits testimony and testifies in support of HB 2086A that creates crime of cockfighting (**EXHIBIT G**).

141 Marcia Keith

Oregon Veterinary Medical Association. Submits testimony and testifies in support of HB 2086A (**EXHIBIT H**).

155 Chief Jim Harper

Dallas Police Department. Testifies in support of HB 2086A.

177 Lt. Randy Covey

Special Agent, Oregon Humane Society. Testifies in support of HB 2086A. Discusses cockfighting and other conduct that is often found in conjunction with this activity.

246	Vice Chair Burdick	Asks where in the bill it addresses protection of birds other than cockfighting birds.
255	Chair Minnis	Explains that the protection is in the definitions.
290	Vice Chair Burdick	Asks what would happen if a bird trained for cockfighting is rescued.
309	Lt. Covey	Says an investigation would look at the actual use of the bird.
343	Vice Chair Burdick	Asks if birds that are rescued have to be killed.
354	Lt. Covey	Says it is not automatic, but they do not generally make good pets.
353	Peterson	Says that ultimately a judge will make that ruling.
358	Chair Minnis	Asks for some background on section 7, page 3 of the bill.
358	Lt. Covey	Says this section protects the evidence of a case.
380	Chair Minnis	Asks if the birds are tagged in some way.
396	Lt. Covey	Explains the maintenance of the birds while waiting to be used as evidence.

TAPE 116, B

037	Peterson	Says this section dealing with housing the birds was requested by the Oregon State Sheriffs Association.
046	Lt. Covey	Expands on the discussion of the value of the bird as evidence.
100	Chair Minnis	Continues discussion of how the birds are to be kept.
112	Bill Taylor	Committee Counsel. Asks if the birds are needed at the time of trial.
119	Lt. Covey	Says either the birds or photos of the birds are needed at trial.
121	Taylor	Wonders what happens if the trial is a year out and there are not any birds left.
123	Lt. Covey	Says it is in the best interest of the arresting agency to make sure that care of the birds is provided.
149	Chair Minnis	Asks if a bird is really needed as evidence.
151	Lt. Covey	Says, no.
190	Chief Harper	Discusses the practicality of caring for these birds.
218	Chair Minnis	Asks about a court order.
220	Lt. Covey	Says a court order is required after the first 24 hours.
269	Sen. Walker	Says cockfighting is a bad thing and we need to do something about it.
275	Chair Minnis	Closes the public hearing on HB 2086A and opens a work session.

HB 2086A WORK SESSION

279	Vice Chair Burdick	MOTION: Moves HB 2086A to the floor with a DO PASS recommendation.
		VOTE: 5-0-1
		EXCUSED: 1 - Sen. Ringo
283	Chair Minnis	Hearing no objection, declares the motion CARRIED.
		SEN. MINNIS will lead discussion on the floor.
287	Chair Minnis	Closes the work session on HB 2086A and adjourns the meeting at 9:35 a.m.

EXHIBIT SUMMARY

- A – HB 2761A, -A2 amendments submitted by staff, 2 pp**
- B – HB 2057A, written testimony submitted by George Reimer, 1 p**
- C – HB 2059A, written testimony submitted by Linda Johannsen, 2 pp**
- D – HB 2059A, -A2 amendments submitted by staff, 1 p**

E – HB 2060A, written testimony submitted by Linda Johannsen, 2 pp
F – HB 2150A, written testimony submitted by Richard Mills, 3 pp
G – HB 2086A, written testimony submitted by Kelly Peterson, 22 pp
H – HB 2086A, written testimony submitted by Marcia Keith, 1 p