

SENATE COMMITTEE ON JUDICIARY

May 29, 2003
8:00 A.M.

Hearing Room 343
Tapes 144-145

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**
 Craig Prins, Counsel
 Jane Bodenweiser, Committee Assistant

MEASURE/ISSUES HEARD: **SB 578 Public Hearing and Work Session**
 HB 2694A Public Hearing and Work Session
 HB 3370 Public Hearing and Work Session
 HB 3371 Public Hearing and Work Session
 HB 3372A 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 144, A		
003	Chair Minnis	Calls the meeting to order at 8:10 a.m. and opens a public hearing on SB 578 that creates provisions relating to parental abductions.
<u>SB 578 PUBLIC HEARING</u>		
009	Sen. Avel Gordly	Senate District 23. Submits written material of Mickey Serice and testifies in support of SB 578 (EXHIBIT A). Introduces Sean Cruz, her legislative aide. Advises that the Department of Human Services, while supportive of the policy, cannot support the bill because of the small fiscal impact that is not included in the Governor's recommended budget.
039	Chair Minnis	Expresses his dissatisfaction with the policy, and asserts that agencies and the Governor's office need to work with the legislature.
053	Sen. Gordly	Continues testimony. Discusses the contents of the written material submitted to the committee.
115	Sean Cruz	Submits testimony and testifies in support of SB 578 (EXHIBIT B). Discusses his personal experience of having his four children abducted by his former wife. Introduces the -1 amendments (EXHIBIT C).
415	Sen. Gordly	Expresses her thanks to the committee for hearing the testimony.
439	Chair Minnis	Closes the public hearing on SB 578 and opens a work session.
<u>SB 578 WORK SESSION</u>		

440 Vice Chair Burdick **MOTION: Moves to ADOPT SB 578-1 amendments dated 4/14/03.**
VOTE: 5-0-1
EXCUSED: 1 - Sen. Ringo

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

447 Vice Chair Burdick **MOTION: Moves SB 578 to the floor with a DO PASS AS AMENDED recommendation.**
VOTE: 5-0-1
EXCUSED: 1 - Sen. Ringo
Hearing no objection, declares the motion CARRIED.
SEN. GORDLY will lead discussion on the floor.

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

474 Chair Minnis Closes the work session on SB 578 and opens a public hearing on HB 2694A.

HB 2694A PUBLIC HEARING

TAPE 145, A

015 Bill Joseph Committee Counsel. Introduces HB 2694A that prescribes supplier's obligations toward retailer of farm implements, and the -A4 amendments (**EXHIBIT D**).

029 Shawn Miller Caterpillar Corporation. Testifies in support of HB 2694A.

053 Ron Moore Pacific Northwest Hardware and Implement Association. Testifies in support of HB 2694A.

090 Joseph Explains that this is legislation that is being passed in the western states.

113 Miller Emphasizes that it has been passed in Washington and several other states.

141 Verl Schneibe Ernst Hardware. Testifies in support of HB 2694A.

175 Chair Minnis Closes the public hearing on HB 2694A and opens a work session.

HB 2694A WORK SESSION

177 Vice Chair Burdick **MOTION: Moves to ADOPT HB 2694A-A4 amendments dated 5/8/03.**
VOTE: 6-0
Hearing no objection, declares the motion CARRIED.

180 Chair Minnis **MOTION: Moves HB 2694A to the floor with a DO PASS AS AMENDED recommendation.**

182 Vice Chair Burdick **VOTE: 6-0**
Hearing no objection, declares the motion CARRIED.
SEN. C. STARR will lead discussion on the floor.

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

189 Chair Minnis Closes the work session on HB 2694A and opens a public hearing on HB 3370.

HB 3370 PUBLIC HEARING

191	Bill Joseph	Committee Counsel. Introduces HB 3370 that consolidates laws governing eminent domain.
213	Wendy Johnson	Oregon Law Commission. Submits testimony and testifies in support of HB 3370 (EXHIBIT E).
243	Greg Mowe	Stoel Rives Law Firm. Testifies in support of HB 3370.
261	Chair Minnis	Asks for explanation of eminent domain.
264	Mowe	Explains what eminent domain is and how it works.
325	Sen. Ringo	Asks for clarification of the provision for attorneys fees.
337	Mowe	Says that generally attorneys' fees are awarded, but not automatically.
370	Sen. Ringo	Wonders if it is accurate to assume that aggressive appraisals are easy to obtain.
380	Mowe	Says accuracy and certification make that practice less common.
408	Sen. Ringo	Expresses his desire that this legislation might lead to resolution.
416	Mowe	Believes that there is a good mechanism in place.
438	Chair Minnis	Wonders how many condemnations there are in Oregon each year.
439	Mowe	Explains that he does not know, but that most are through Oregon Department of Transportation (ODOT).
446	Chair Minnis	Discusses the power of condemnation.

TAPE 144, B

024	Mowe	Responds that this statute evens the playing field with the ability of an owner to recover fees.
047	Chair Minnis	Asks how often local governments use condemnation.
048	Mowe	Explains local governments generally use condemnation in very specific projects, such as street widening, public facilities for sewers, water, etc.
073	Bill Joseph	Draws attention to the work group list that provided this legislation.
086	Chair Minnis	Closes the public hearing on HB 3370 and opens a work session.

HB 3370 WORK SESSION

088	Vice Chair Burdick	MOTION: Moves HB 3370 to the floor with a DO PASS recommendation.
		VOTE: 6-0
097	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. BURDICK will lead discussion on the floor.
102	Chair Minnis	Closes the work session on HB 3370. Recesses the meeting at 9:10 a.m.
108	Chair Minnis	Reconvenes the meeting at 9:35 a.m. and opens a public hearing on HB 3371.

HB 3371 PUBLIC HEARING

114	Bill Joseph	Committee Counsel. Introduces HB 3371 that requires that condemner make offer for property at least 40 days before commencing condemnation action instead of 20 days.
131	Wendy Johnson	Oregon Law Commission. Submits testimony and testifies in support of HB 3371 (EXHIBIT F).
134	Greg Mowe	Stoel Rives Law Firm. Testifies in support of HB 3371.
203	Chair Minnis	Closes the public hearing on HB 3371 and opens a work session.

HB 3371 WORK SESSION

206	Vice Chair Burdick	MOTION: Moves HB 3371 to the floor with a DO PASS recommendation.
-----	--------------------	--

		VOTE: 4-0-2
209	Chair Minnis	EXCUSED: 2 - Sen. Ferrioli, Sen. Ringo Hearing no objection, declares the motion CARRIED. SEN. BURDICK will lead discussion on the floor.
216	Chair Minnis	Closes the work session on HB 3371 and opens a public hearing on HB 3372A.
<u>HB 3372A PUBLIC HEARING</u>		
219	Bill Joseph	Committee Counsel. Introduces HB 3372A that provides standard procedure for entry upon and examination, survey, testing and sampling of real property before commencement of condemnation action.
255	Wendy Johnson	Oregon Law Commission. Submits testimony and testifies in support of HB 3372A (EXHIBIT G) and the -A3 and -A6 amendments (EXHIBITS H and I).
278	Greg Mowe	Stoel Rives Law Firm. Testifies in support of HB 3372A. Says the courts have the power to provide reasonable damages. Explains the reason for the -A6 amendments.
425	Chair Minnis	Asks which Board of Directors is referred to in Section 7 of the bill.
436	Mowe	Says he cannot answer which Board is being referred to, but describes the process.
469	Chair Minnis	Asks why counties are not mentioned in this bill.
472	Mowe	Explains that not all government agencies have pre-condemnation inspection authority.
TAPE 145, B		
027	Joseph	Explains the Board of Directors as described in ORS 545.002, subsection 1.
044	Chair Minnis	Closes the public hearing on HB 3372A and opens a work session.
<u>HB 3372A WORK SESSION</u>		
046	Vice Chair Burdick	MOTION: Moves to ADOPT HB 3372-A3 amendments dated 5/13/03 and A6 amendments dated 5/29/03. VOTE: 4-0-2 EXCUSED: 2 - Sen. Ringo, Sen. Ferrioli Hearing no objection, declares the motion CARRIED.
053	Chair Minnis	
055	Vice Chair Burdick	MOTION: Moves HB 3372A to the floor with a DO PASS AS AMENDED recommendation. VOTE: 4-0-2 EXCUSED: 2 - Sen. Ferrioli, Sen. Ringo
060	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. BURDICK will lead discussion on the floor.
062	Chair Minnis	Closes the work session on HB 3372A and adjourns the meeting at 10:00 a.m.

EXHIBIT SUMMARY

- A – SB 578, written testimony of Mickey Serice submitted by Sen. Avel Gordly, 15 pp**
- B – SB 578, written testimony submitted by Sean Cruz, 6 pp**
- C – SB 578, -1 amendments submitted by staff, 3 pp**
- D – HB 2694A, -A4 amendments submitted by staff, 1 p**
- E – HB 3370, written testimony submitted by Wendy Johnson, 2 pp**

F – HB 3371, written testimony submitted by Wendy Johnson, 3 pp
G – HB 3372A, written testimony submitted by Wendy Johnson, 5 pp
H – HB 3372A, -A3 amendments submitted by staff, 1 p
I – HB 3372A, -A6 amendments submitted by staff, 1 p