

# SENATE COMMITTEE ON JUDICIARY

June 03, 2003  
8:00 a.m.

Hearing Room 343  
Tapes 148 - 149

**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  
Nancy Masee, Committee Assistant

**MEASURE/ISSUES HEARD:**  
HB 2095A Work Session  
HB 2174A Work Session  
HB 3250A Work Session  
HB 2342A Public Hearing and Work Session  
HB 2049A Work Session  
HB 3318A Public Hearing and Work Session  
HB 3349 Public Hearing and 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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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 148, A</b>		
004	Chair Minnis	Opens meeting at 8:05 a.m. Opens work session on HB 2095A.
<b><u>HB 2095A WORK SESSION</u></b>		
008	Bill Taylor	Committee Counsel. Explains HB 2095A which requires court or enforcing agency issuing child support order to direct obligor to provide health care coverage to child under health benefit plan under certain circumstances. Discusses the -A3 amendments from the Bureau of Labor ((EXHIBIT A).
015	Vice Chair Burdick	<b>MOTION: Moves to ADOPT HB 2095A-3 amendments dated 4/30/03.</b> <b>VOTE: 5-0-1</b> <b>EXCUSED: 1 – Ferrioli</b>
016	Chair Minnis	<b>Hearing no objection, declares the motion CARRIED.</b>
017	Vice Chair Burdick	<b>MOTION: Moves HB 2095A to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.</b>
018		<b>VOTE: 5-0-1</b> <b>EXCUSED: 1 – Ferrioli</b>
019	Chair Minnis	<b>Hearing no objection, declares the motion CARRIED.</b>
020	Chair Minnis	Closes work session on HB 2095A. Opens work session on HB 2174A.
<b><u>HB 2174 A WORK SESSION</u></b>		

028	Bill Taylor	Committee Counsel. Explains HB 2174A which approves adoption of certain rules and amendments to sentencing guidelines rules by Oregon Criminal Justice Commission.
037	Vice Chair Burdick	<b>MOTION: Moves HB 2174A to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 6-0</b>
038	Chair Minnis	<b>Hearing no objection, declares the motion CARRIED. SEN. STARR will lead discussion on the floor.</b>
039	Chair Minnis	Closes work session on HB 2174A. Opens work session on HB 3250A.
<b><u>HB 3250A WORK SESSION</u></b>		
050	Bill Taylor	Committee Counsel. Explains HB 3250A which permits court to require security bond or other guarantee from parent subject to custody order who may travel with minor child in another country if court finds risk of international abduction. Explains the –A8 amendments ( <b>EXHIBIT B</b> ). Submits written testimony in support of HB 3250A by Laura Butterfield ( <b>EXHIBIT C</b> ).
083	Vice Chair Burdick	<b>MOTION: Moves to ADOPT HB 3250A-8 amendments dated 5/28/03.</b>
		<b>VOTE: 6-0</b>
084	Chair Minnis	<b>Hearing no objection, declares the motion CARRIED.</b>
085	Vice Chair Burdick	<b>MOTION: Moves HB 3250A to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 6-0</b>
086	Chair Minnis	<b>Hearing no objection, declares the motion CARRIED. SEN. WALKER will lead discussion on the floor.</b>
087	Chair Minnis	Closes work session on HB 3250A. Opens public hearing on HB 2342A.
<b><u>HB 2342A PUBLIC HEARING</u></b>		
090	Bill Taylor	Committee Counsel. Explains HB 2342A which allows claim to be made against estate of decedent at any time after personal representative is appointed.
123	Richard Mills	Department of Human Services (DHS). Explains this is a companion bill to HB 2350. Explains parties are in support of HB 2342A and submits written testimony ( <b>EXHIBIT D</b> ).
197	Sen. Walker	Discusses statute of limitations to claims.
209	Mills	Explains the normal process of decedent’s estate will not be changed. HB 2342A allows that after two years from date of death, a creditor can still submit claim.
250	Chair Minnis	Closes public hearing on HB 2342A. Opens work session on HB 2342A.

**HB 2342A WORK SESSION**

306 Vice Chair Burdick **MOTION: Moves SB 2342A to the floor with a DO PASS recommendation.**  
**VOTE: 6-0**  
307 Chair Minnis **Hearing no objection, declares the motion CARRIED.**  
**SEN. WALKER will lead discussion on the floor.**  
308 Chair Minnis Closes work session on HB 2342A. Opens work session on HB 2049A.

**HB 2049A WORK SESSION**

330 Bill Joseph Committee Counsel. Explains HB 2049A which requires that motion to amend pleading to assert claim for punitive damages be filed and served not less than 60 days before date set for trial.  
362 Sen. Ringo Comments that he concludes there is a legitimate issue in HB 2049A.  
390 Chair Minnis Asks what the harm is created by having the 60-day cutoff.  
410 Sen. Ringo Responds that after the defense files an answer, the court file indicates appearance by both plaintiff and defense. Some courts may then set a trial date.

**TAPE 149, A**

009 Joseph Explains trial date setting and continuances. HB 2049A includes provision for judge to alter timelines.  
022 Vice Chair Burdick Comments on new discovery and safe harbor provisions.  
042 Joseph Refers to page 2 subsection 4, about modifying time periods.  
098 Chair Minnis Asks how hard is the deadline.  
101 Sen. Ringo Replies the current system for seeking amendments is familiar.  
105 Sen. Walker Asks about “smoking gun” at trial.  
110 Joseph Replies this bill would be a hurdle to that situation.  
135 Susan Grabe Oregon State Bar (OSB). Comments on how OSB addressed this bill. OSB does not object to the bill.  
156 Sen. Ringo Relates the problem is seeking punitive damages, seeking prejudice is not allowed. The defense should be allowed to file amendments.  
165 Joseph Suggests remedying the bill on the prejudice issue.  
175 Grabe Says the OSB will work with the bill more.  
179 Vice Chair Burdick Says there is not a crisis and is willing to wait on this bill.  
188 Sen. Ringo Gives an example of a last-minute amendment.  
195 Chair Minnis Closes work session on HB 2049A. Opens public hearing on HB 3318A.

**HB 3318A PUBLIC HEARING**

206 Bill Joseph Committee Counsel. Explains HB 3318A which increases penalty for unlawful production of identification cards, licenses, permits, forms or camera cards.  
265 Tim Martinez Oregon Bankers Association. Testifies in support of HB 3318A.  
285 Sen. Ringo Testifies in support of HB 3318A.  
289 Chair Minnis Closes the public hearing on HB 3318A and opens a work session.

**HB 3318A WORK SESSION**

290 Vice Chair Burdick **MOTION: Moves HB 3318A to the floor with a DO PASS recommendation.**  
**VOTE: 4-0-2**  
**EXCUSED: 2 – Ferrioli, Walker**  
291 Chair Minnis **Hearing no objection, declares the motion CARRIED.**

295 Chair Minnis **SEN. RINGO will lead discussion on the floor.**  
 Closes work session on HB 3318A. Recesses meeting for few minutes. Reconvenes meeting. Opens public hearing on HB 3349.

**HB 3349 PUBLIC HEARING**

299 Bill Joseph Committee Counsel. Explains HB 3349 which allows required inspections of local correctional facilities, lockups, temporary holds and juvenile facilities to be done by entities other than Department of Corrections pursuant to agreements with department.

300 John Powell Oregon State Sheriffs Association. Testifies in support of HB 3349. Explains what HB 3349 does.

320 Ginger Martin Department of Corrections (DOC). Testifies in support of HB 3349 and submits testimony (**EXHIBIT E**).

322 Chair Minnis Closes public hearing on HB 3349. Opens work session on HB 3349.

**HB 3349 WORK SESSION**

325 Vice Chair Burdick **MOTION: Moves HB 3349 to the floor with a DO PASS recommendation.**  
**VOTE: 5-0-1**  
**EXCUSED: 1 – Walker**

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

385 Chair Minnis Closes work session on HB 3349. Adjourns meeting at 9:34 a.m.

**EXHIBIT SUMMARY**

- A – HB 2095A-3 amendments, staff, 3 pp**
- B – HB 3250A-8 amendments, staff, 1 p**
- C – HB 3250A, written testimony, staff for Laura Butterfield, 4 pp**
- D – HB 2342A, written testimony, Richard Mills, 3 pp**
- E – HB 3349, written testimony, Ginger Martin, 1 p**