

HOUSE JUDICIARY
SUBCOMMITTEE ON CIVIL LAW

January 17, 2001
8:00 AM

Hearing Room 357
Tape 3

MEMBERS PRESENT: **Rep. Cheryl Walker, Chair**
 Rep. Vic Backlund
 Rep. Kathy Lowe
 Rep. Charlie Ringo
 Rep. Lane Shetterly

STAFF PRESENT: **Andrea Shartel, Administrator**
 Ann Martin, Committee Assistant

MEASURE/ISSUES HEARD: **HB 2046 Work Session**
 HB 2043 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 3, A		
HB 2046 WORK SESSION		
005	Chair Walker	Calls the meeting to order at 8:04 a.m.
009	Greg Chaimov	Legislative Counsel Explains –1 and –2 amendments to HB 2046 (EXHIBITS A & B).
013	Rep. Shetterly	States that he is satisfied with Chaimov's explanation.
018	Rep. Lowe	Asks if there is a definition of "service" in this chapter or is it Oregon Rules of Civil Procedure, Rule 7.
022	Chaimov	Answers it's "the latter".
024	Rep. Lowe	Says there is "no formality of service or provable service." Asks if there should be a reference to ORCP.
033	Chaimov	Thinks that they can find whatever service requirements are necessary under rules of civil procedure or appellate procedure. Says that a reference to that in Line 15 can be included as an explanation.
040	Rep. Lowe	Indicates she wants that reference included.
047	Rep. Shetterly	Answers that he is not opposed to that, but asks if ORCP or Oregon Rules of Appellate would govern it.
049	Chaimov	Defers to Bradd Swank.
056	Bradd Swank	State Court Administrator's Office Explains that it would be procedural and covered by the Oregon Rules of Appellate Procedure.
060	Rep. Shetterly	Points out that they do not need to incorporate that because the rules of appellate procedure are not statutory and are the rules of the court.

066	Rep. Lowe	Wonders about the people filing initiatives without counsel, but withdraws her concern.
073	Chaimov	Points out the difference between the -1 and -2 amendments. The -2 amendments are adding a specific explanation for failing to file and serve in a timely manner.
096	Rep. Shetterly	States that they may be creating “too narrow of a window” for service.
124	Swank	Agrees that these time frames are short, but if one chooses to be jurisdictional, then the consequences and procedures are clear.
138	Chair Walker	Comments that the time frames are short and the people involved should be aware and informed on that issue.
145	Rep. Shetterly	Wonders if that’s true. Indicates the obligation is on the person challenging to make the service.
155	Chaimov	Says that his expectation is that the Supreme Court would prescribe a means of service that would take into account the short timeframe.
166	Counsel Shartel	Asks what the time frame is for when the response has to be in.
171	Swank	States that he doesn’t have that information because it is set by Supreme Court rule. There is an Oregon Rule of Appellate Procedure Committee that meets to review those issues.
179	Counsel Shartel	States that if there is a problem with the service time frame being too short, the statute could delay service until a few days after the petition deadline.
191	Rep. Shetterly	Recommends that they leave it to the Supreme Court.
209	Chaimov	States that there is one other change that needs to be made to the amendments. Suggests to delete lines 6 and 7 from page 1 of the -1 amendments and in the -2 amendments, delete lines 8 and 9.
232	Rep. Shetterly	MOTION: Moves to ADOPT HB 2046-2 amendments dated 01/16/01 and that the measure be FURTHER AMENDED on page 1, by deleting "lines 8 and 9."
232		VOTE: 5-0
255	Chair Walker	Hearing no objection, declares the motion CARRIED.
257	Rep. Shetterly	MOTION: Moves HB 2046 to the full committee with a DO PASS AS AMENDED recommendation.
256		VOTE: 5-0
257	Chair Walker	Hearing no objection, declares the motion CARRIED.
258	Chair Walker	Closes the work session on HB 2046 and opens a work session on HB 2043.
HB 2043 WORK SESSION		
273	Greg Chaimov	Legislative Counsel
		Explains the -1 amendments to HB 2043 (EXHIBIT C).
303	Rep. Shetterly	MOTION: Moves to ADOPT HB 2043-1 amendments dated 01/16/01.
		VOTE: 5-0

306	Chair Walker	Hearing no objection, declares the motion CARRIED.
307	Rep. Shetterly	MOTION: Moves HB 2043 to the full committee with a DO PASS AS AMENDED recommendation.
307		VOTE: 5-0
312	Chair Walker	Hearing no objection, declares the motion CARRIED.
316	Chair Walker	Adjourns the meeting at 8:25 a.m.

Submitted By,

Reviewed By,

Ann Martin,
Administrative Support

Andrea Shartel,
Administrator

EXHIBIT SUMMARY

- A – HB 2046, -1 amendments, submitted by staff, dated 1/16/01, 1 p
- B – HB 2046, -2 amendments, submitted by staff, dated 1/16/01, 1 p
- C – HB 2043, -1 amendments, submitted by staff, dated 1/16/01, 1 p