

HOUSE COMMITTEE ON JUDICIARY
SUBCOMMITTEE ON CIVIL LAW

February 21, 2001
8:00 a.m.

Hearing Room 357
Tapes 19 and 20

MEMBERS PRESENT: **Rep. Cherryl Walker, Chair**
 Rep. Vic Backlund
 Rep. Charlie Ringo
 Rep. Lane Shetterly

MEMBER EXCUSED: **Rep. Kathy Lowe**

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

MEASURE/ISSUES HEARD: **HB 2616 Public Hearing and Work Session**
 HB 2179 Public Hearing and Work Session
 HB 2494 Public Hearing

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 19, A		
004	Chair Walker	Calls the meeting to order at 8:10 a.m.
<u>HB 2616 PUBLIC HEARING</u>		
010	Counsel Shartel	Introduces HB 2616 relating to court processes in dealing with the issue of informed consent to sterilization.
045	Bob Joondeph	Executive Director, Oregon Advocacy Center Testifies in support of HB 2616 and submits testimony (EXHIBIT A) .
141	Rep. Shetterly	Asks if there is a particular reason that the testimony be given in person to the court and asks what the circumstances are for a waiver.
131	Joondeph	Answers that the exceptions are for medical or behavioral reasons. Adds that the intent of the statute is to urge the court to get out and have an opportunity to see the individual in a hearing outside of the courtroom if necessary, although it's not mandated.
200	Chair Walker	Closes the public hearing on HB 2616 and opens a work session on HB 2616.
<u>HB 2616 WORK SESSION</u>		
210	Rep. Shetterly	MOTION: Moves HB 2616 to the full committee with a DO PASS recommendation. VOTE: 4-0-1 EXCUSED: 1 – Lowe
210	Chair Williams	Hearing no objection, declares the motion CARRIED.
215	Chair Williams	Closes the work session on HB 2616 and opens a public hearing

HB 2179 PUBLIC HEARING

225 Merrilee Harrell

on HB 2179.

Committee Extern

Introduces HB 2179 relating to the Public Utility Commission (PUC).

250 **Tom Barkin**

Chief Administrative Law Judge, Public Utility Commission

Testifies in support of HB 2179 and submits testimony **(EXHIBIT B)**.

378 Rep. Shetterly
383 Barkin

Asks what happened to this bill last session.

Answers that the bill got caught up in some of the other issues the PUC was involved in.

399 Rep. Shetterly
405 Barkin

Asks if the Court of Appeals is reviewing the PUC record.

Says yes.

422 **Paul Lipscomb**

Judge, Marion County Circuit Court

Testifies in support of HB 2179 and states that it is a good government bill that will save time and money.

TAPE 20, A

004 Lipscomb

Continues testimony on HB 2179.

036 **Brian Boe**

Portland General Electric

Testifies in support of HB 2179 and submits testimony **(EXHIBIT C)**.

054 **Ginny Lang**

Qwest

Testifies against HB 2179 and submits testimony **(EXHIBIT D)**. Says that he is not unsympathetic to her concerns, but feels that this bill doesn't address their concerns.

106 Rep. Shetterly

Answers that they feel the Circuit Court is the right place for them to be.

121 Lang

Asks for clarification.

128 Rep. Ringo

Says that the Circuit Court gives them a second place to clean up the record or add information and has been a useful tool for their legal teams.

129 Lang

137 Rep. Ringo

Asks if they can add information in the Circuit Court.

141 Lang

Answers that she would have to check with their legal team.

147 Rep. Shetterly

States that he would be happy to work with Qwest and their concerns.

153 Chair Walker

Closes the public hearing on HB 2179 and opens a work session on HB 2179.

HB 2179 WORK SESSION

170 Rep. Shetterly

MOTION: Moves HB 2179 to the full committee with a DO PASS recommendation.

VOTE: 4-0-1

EXCUSED: 1 - Lowe

170 **Chair Walker**

Hearing no objection, declares the motion CARRIED.

182 Chair Walker

Closes the work session on HB 2179 and opens a public hearing on HB 2494.

HB 2494 PUBLIC HEARING

179 Counsel Shartel

Introduces HB 2494 relating to decrees in domestic relations suits.

220 **Shawn M. O'Neil**

Attorney, Gevurtz, Menashe, Larson & Howe, P.C.

Testifies in support of HB 2494 and submits testimony

272 Rep. Ringo **(EXHIBIT E).**
283 O'Neil Asks what types of contracts are at issue.
Says that there are times when property transactions need contractual terms and this bill addresses that, but does not modify support or enforce payment of child support.

315 **Bradd Swank** **State Court Administrator's Office**
Testifies on HB 2494.

TAPE 19, B
003 **Bill Howe** **Attorney, Gevurtz, Menashe, Larson & Howe, P.C.**
Testifies in support of HB 2494 and submits testimony **(EXHIBIT F).**

090 **Kathy Graham** **Dean, Willamette University Law School**
Testifies in support of HB 2494 and submits testimony **(EXHIBIT G).**

181 **Carol Westendorf** **Attorney, Mediator**
Testifies in support of HB 2494.

235 **Barbara McFarland** **Divorce Lawyer**
Testifies in support of HB 2494.

344 Rep. Shetterly Wonders if this bill provides for contempt remedies to provisions that you have excluded from the judgment.

386 McFarland Says that her understanding is that the election of remedies is the way it now stands under current law and that this bill will fix the problem of being limited to a contractual remedy.

400 Howe States that if the separate contracts are done, they are done in a sophisticated way with both sides represented by lawyers.

410 Swank Says that this bill addresses an important issue for people that don't go to the expense of attorneys.

TAPE 20, B
023 **Tammy Dentinger** **Family Law Section, Oregon State Bar**
Testifies in support of HB 2494 and states that this bill will promote creative settlements.

035 Rep. Shetterly Says he is strongly inclined to move this bill forward and thinks it needs amendments.

042 Dentinger Says that there are no amendments and that this bill has been worked on for a long time and has been reviewed by many people.

065 Rep. Shetterly Asks about fiscal implications.
075 Swank Expresses his concern that the enforceability of this bill is unclear and that they need time to look at the bill. State he wants clarity on the issue of the passive language and remedies and availability.

134 Counsel Shartel Points out the faxed testimony of Peter Bunch **(EXHIBIT H).**
145 Chair Walker Directs Mr. Swank to do his research and then they will re-schedule the bill. Suggests that they will need a fiscal impact statement.

150 Chair Walker Closes the public hearing on HB 2494 and adjourns the meeting at 9:44 a.m.

Submitted By,

Reviewed By,

Ann Martin,
Committee Assistant

Andrea Shartel,
Counsel

EXHIBIT SUMMARY

A – HB 2616, written testimony submitted by Bob Joondeph, Executive Director, Oregon Advocacy Center, 2 pgs.

B – HB 2179, written testimony submitted by Tom Barkin, PUC, dated 2/21/01, 3 pgs.

C – HB 2179, written testimony submitted by Brian Boe, PGE, dated 2/21/01, 1 p.

D – HB 2179, written testimony submitted by Ginny Lang, Qwest, dated 2/21/01, 2 pgs.

E – HB 2494, written testimony submitted by Shawn O’Neil, dated 2/21/01, 17 pgs.

F – HB 2494, written testimony submitted by William Howe, dated 2/21/01, 2 pgs.

G – HB 2494, written testimony submitted by Kathy Graham, dated 2/21/01, 12 pgs.

H – HB 2494, written testimony submitted by Peter Bunch via facsimile, dated 2/20/01, 2 pgs.