

**HOUSE COMMITTEE ON JUDICIARY**  
**SUBCOMMITTEE ON CIVIL LAW**

March 21, 2001  
8:00 a.m.

Hearing Room 357  
Tapes 46 - 47

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

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

**MEASURE/ISSUES HEARD:**      **HB 2371 Work Session**  
                                 **HB 2938 Public Hearing and Work Session**  
                                 **HB 2360 Public Hearing and Work Session**  
                                 **HB 3253 Public Hearing and Work Session**  
                                 **HB 3260 Public Hearing and Work Session**  
                                 **HB 2369 Public Hearing and Work Session**  
                                 **HB 2201 Public Hearing**  
                                 **HB 2202 Public Hearing**  
                                 **HB 2983 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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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 46, A</b>		
004	Chair Walker	Calls the meeting to order at 8:08 a.m. Opens the work session on HB 2371.
<b><u>HB 2371 WORK SESSION</u></b>		
022	Counsel Shartel	Introduces HB 2371 that clarifies the use of the term "de novo". Allows party to de novo appeal of planning and zoning decisions made without hearing to raise all issues that could have been raised in hearing before decision.
043	Rep. Ringo	<b>MOTION: Moves HB 2371 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 4-0-1</b>
		<b>EXCUSED: 1 - Lowe</b>
043	Chair Walker	<b>Hearing no objection, declares the motion CARRIED.</b>
052	Chair Walker	Closes the work session on HB 2371 and opens a public hearing on HB 2938.
<b><u>HB 2938 PUBLIC HEARING</u></b>		
055	Counsel Shartel	Introduces HB 2938 that provides that Supreme Court may by rule require payment of fee by attorney who is not admitted to

practice in this state and who appears as counsel in action or proceeding before court of this state.

060            **Rep. Rob Patridge**            **House District 50.**

090            **Rep. Lane Shetterly**            Testifies in support of HB 2938.  
**House District 34**

120            **Ed Harnden**            Testifies in support of HB 2938.  
**President, Oregon State Bar**

163            Rep. Backlund            Testifies in support of HB 2938 and submits testimony  
165            Harnden            **(EXHIBIT A).**  
170            **Karen Karst**            Asks if he has a figure as to how much this bill will raise.  
Answers that they have some figures, but no exact figures.  
**Executive Director, Oregon State Bar**

212            Rep. Lowe            Testifies in support of HB 2938. Guesses that the amount that the  
256            Chair Walker            bill will raise is between \$50,000.00 and \$200,000.00.  
Says that she loves this idea because it will raise fees.  
Closes the public hearing on HB 2938 and opens a work session  
on HB 2938.

**HB 2938 WORK SESSION**

259            **Rep. Shetterly**            **MOTION: Moves HB 2938 to the full committee with a DO  
PASS recommendation.**

259            **Chair Walker**            **VOTE: 5-0**  
**Hearing no objection, declares the motion CARRIED.**

281            Chair Walker            Closes the work session on HB 2938 and opens a public hearing  
on HB 2360, HB 3253 and HB 3260.

**HB 2360, 3253, 3260 PUBLIC HEARING**

292            **Ed Harnden**            **President, Oregon State Bar**

364            Chair Walker            Testifies in support of HB 2360, 3253 and 3260 and submits  
testimony **(EXHIBIT B)**. States that he wants to incorporate HB  
2360 and HB 3253 into HB 3260.

Closes the public hearing on HB 2360, HB 3253 and HB 3260  
and opens a work session on HB 2360, HB 3253 and HB 3260.

**HB 2360, 3253, 3260 WORK SESSION**

390            **Rep. Shetterly**            **MOTION: Moves to conceptually AMEND HB 3260 by  
incorporating HB 2360 and HB 3250 into it.**

405            **Chair Walker**            **VOTE: 5-0**  
**Hearing no objection, declares the motion CARRIED.**

411            **Rep. Shetterly**            **MOTION: Moves HB 3260 as conceptually amended by the  
incorporation into it of HB 2360 and HB 3253 to  
the full committee with a DO PASS AS  
AMENDED recommendation.**

411            **Chair Walker**            **VOTE: 5-0**  
**Hearing no objection, declares the motion CARRIED.**

415            Chair Walker            Closes the work session on HB 2360, HB 3253, and HB 3260  
and opens a public hearing on HB 2369.

**HB 2369 PUBLIC HEARING**

445            Counsel Shartel            Introduces HB 2369 that revises the definition of business with  
which person is associated for purposes of government standards  
and practices law. Discusses –1 amendments **(EXHIBIT C)**.

**TAPE 47, A**

007            **Dan Olsen**            **Government Law Section, Oregon State Bar**  
Testifies in support of HB 2369 and submits testimony  
**(EXHIBIT D)**. Discusses changes.

182            Chair Walker            Closes the public hearing on HB 2369 and opens a work session  
on HB 2369.

**HB 2369 WORK SESSION**

187            **Rep. Shetterly**            **MOTION: Moves to ADOPT HB 2369-1 amendments dated  
03/19/01.**

**VOTE: 5-0**  
**Hearing no objection, declares the motion CARRIED.**

187            **Chair Walker**            **MOTION: Moves HB 2369 to the full committee with a DO  
PASS AS AMENDED recommendation.**

**VOTE: 5-0**  
**Hearing no objection, declares the motion CARRIED.**

194            **Rep. Ringo**            **MOTION: Moves HB 2369 to the full committee with a DO  
PASS AS AMENDED recommendation.**

194            **Chair Walker**            **Hearing no objection, declares the motion CARRIED.**

215            Chair Walker            Closes the work session on HB 2369 and opens a public hearing  
on HB 2201 and HB 2202.

**HB 2201, HB 2202 PUBLIC HEARING**

216            Counsel Shartel            Introduces HB 2201 relating to landscaping businesses and HB  
2202 relating to claims against construction contractors. Informs  
the committee about amendments to both bills **(EXHIBITS E  
AND F)**.

233            **Ken Keudell**            **Administrator, Landscape Contractors Board (LCB) and  
Construction Contractors Board (CCB)**

Testifies in support of HB 2201 and HB 2202. Introduces new  
administrator, Craig Smith, who will take over when he retires.  
**Manager of Claims Resolution Division, LCB and CCB**

282            **William Boyd**            Testifies in support of HB 2201 and HB 2202 and submits  
testimony **(EXHIBIT G)**.

**TAPE 46, B**

001            Boyd            Continues testimony in support of HB 2201 and HB 2202.

025            Rep. Ringo            Asks what the fee is when a person brings a claim.

029            Boyd            Answers that there is no fee to bring a claim.

038            Rep. Ringo            Asks if one of their main goals is to create more finality in the  
process so it can be resolved at the arbitration level. Asks if that's  
correct.

040            Boyd            Answers that that is not their goal, but may be a byproduct of  
their actual goal.

052            Rep. Ringo            Says that he thinks it's a good bill so claimants can have a sense  
of finality.

072            **Bruce Miller**            **State Court Administrator's Office**

Testifies on HB 2201. Discusses some issues they have on the  
bill, but thinks they are addressed by the amendments.

110            Rep. Shetterly            Says he is curious about some of the terminology in the bill.

149            Rep. Lowe            Agrees with Rep. Shetterly and thinks that the bill needs more  
work.

158            Chair Walker            Closes the public hearing on HB 2201 and HB 2202. Says that  
they will wait for amendments and bring the bills back at a later  
date. Opens the public hearing on HB 2983.

**HB 2983 PUBLIC HEARING**

244	Counsel Shartel	Introduces HB 2983 which modifies definition of operating cemetery. Talks about –1 amendments ( <b>EXHIBIT H</b> ).
245	<b>Charlotte Benz</b>	<b>Heritage Cemetery Group</b>
		Testifies in support of HB 2983 and submits testimony ( <b>EXHIBIT I</b> ).
280	<b>David Koach</b>	<b>Oregon Mortuary and Cemetery Board</b>
		Testifies in support of HB 2983.
311	Chair Walker	Asks about fiscal impact.
214	Koach	Answers that the fiscal impact should be negligible.
331	Chair Walker	Closes the public hearing on HB 2983 and opens a work session on HB 2983.
<b><u>HB 2983 WORK SESSION</u></b>		
334	Rep. Lowe	<b>MOTION: Moves to ADOPT HB 2983-1 amendments dated 03/12/01.</b>
		<b>VOTE: 4-0-1</b>
		<b>EXCUSED: 1 - Ringo</b>
334	Chair Walker	<b>Hearing no objection, declares the motion CARRIED.</b>
339	Rep. Lowe	<b>MOTION: Moves HB 2983 to the full committee with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 4-0-1</b>
		<b>EXCUSED: 1 - Ringo</b>
339	Chair Walker	<b>Hearing no objection, declares the motion CARRIED.</b>
340	Chair Walker	Closes the work session on HB 2983.
341	Rep. Walker	<b>MOTION: Moves to SUSPEND the rules for the purpose of allowing Rep. Lowe to vote on HB 2371. Rep. Lowe votes “aye”.</b>
343	Chair Walker	Adjourns the meeting at 9:25 a.m.

Submitted By,

Reviewed By,

Ann Martin,  
Committee Assistant

Andrea Shartel,  
Counsel

**EXHIBIT SUMMARY**

- A – HB 2938, written testimony submitted by Ed Harnden, President, Oregon State Bar, dated 3/21/01, 3 pgs.**
- B – HB 2360, 3253 & 3260, written testimony submitted by Ed Harnden, dated 3/21/01, 2 pgs.**
- C – HB 2369, -1 amendments, submitted by staff, dated 3/19/01, 1 p.**
- D – HB 2369, written testimony submitted by Dan Olsen, dated 2/20/01, 1 p.**
- E – HB 2201, -2 amendments, submitted by staff, dated 3/21/01, 6 pgs.**
- F – HB 2202, -2 amendments, submitted by staff, dated 3/21/01, 4 pgs.**
- G – HB 2202, written testimony submitted by William Boyd, dated 1/30/01, 3 pgs.**
- H – HB 2983, -1 amendments, submitted by staff, dated 3/12/01, 1 p.**
- I – HB 2983, written testimony submitted by Charlotte Benz, Heritage Cemetery Group, dated March 2001, 1 p.**