

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

March 28, 2001  
8:00 a.m.

Hearing Room 357  
Tapes 51 – 53

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

**MEMBERS EXCUSED:**   **Rep. Kathy Lowe**

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

**MEASURE/ISSUES HEARD:**     **HB 2339 Work Session**  
                                  **HB 2414 Work Session**  
                                  **HB 2731 Work Session**  
                                  **HB 2147 Public Hearing**  
                                  **HB 2909 Public Hearing**  
                                  **HB 2532 Public Hearing**

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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 51, A</b>		
003	Chair Walker	Calls the meeting to order at 8:12 a.m. Opens the work session on HB 2339.
<b><u>HB 2339 WORK SESSION</u></b>		
005	Counsel Shartel	Introduces HB 2339 relating to courts and notes that the –3 amendments eliminate the mandatory mediation part of the bill.
015	<b>Alice Phalan</b>	<b>JUDICIAL DEPARTMENT</b> Testifies on HB 2339 and discusses –3 amendments ( <b>EXHIBIT A</b> ).
031	Rep. Ringo	Asks if the fee for the mediation program is in addition to the court filing fee.
033	Phalan	Answers that no new fees are contemplated by the measure; §3 of the measure expands and clarifies the use of the fees, it does not increase fees.
040	Rep. Ringo	Asks if the measure, as amended, would apply to only domestic relation actions or all actions?
046	Phalan	The measure with the –1, ( <b>REFERENCE 02/05/2001 MEETING, EXHIBIT C</b> ), -2 ( <b>EXHIBIT B</b> ), and –3 amendments, would only apply to the domestic relations cases.
048	Rep. Shetterly	Asks about –2 amendments.
055	Phalan	Clarifies the -2 amendments and why they were brought forward.
069	Rep. Shetterly	References the Staff Measure Summary and questions the description of the –2 amendments.
074	Phalan	Concurs with the Staff Measure Summary description.
076	Counsel Shartel	Questions if line 4 of the –3 amendments should be a “14”

086 Phalan instead of “12” and “2” instead of “1”.

090 Rep. Ringo Concurs that “2” might be appropriate  
Comments that the –3 amendment would be the one deleting the portion that requires mediation and questions if line 3 of the –3 amendment should be a “2” instead of a “1”.

095 Counsel Shartel Reads proposed language for line 4 of the –3 amendments.  
Members discuss what changes, if any need to be made to the three amendments.

149 Rep. Shetterly **MOTION: Moves to ADOPT HB 2339-1 amendments dated 02/05/2001.**

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

151 Rep. Shetterly **MOTION: Moves to ADOPT HB 2339-2 amendments dated 02/12/2001.**

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

153 Rep. Shetterly **MOTION: Moves to ADOPT HB 2339-3 amendments dated 03/16/2001.**

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

156 Rep. Shetterly **MOTION: Moves HB 2339 to the full committee with a DO PASS AS AMENDED recommendation.**

163 Rep. Ringo Comments that at the first hearing the discussion focused on the mandatory mediation portion of the measure; is the purpose of the amended measure to define what the mediation dollars may be used for and expanding the use of those mediation dollars?

165 Phalan Concurs.

167 Rep. Ringo States what mediation dollars can currently be used for and how this bill would expand the use of the dollars.

169 Phalan Speaks to the initial drafting of the bill, which had two parts to the mediation issue.  
**VOTE: 4-0-1**  
**EXCUSED: 1 - Lowe**

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

200 Chair Walker Closes the work session on HB 2339 and opens a work session on HB 2414.

**HB 2414 WORK SESSION**

210 Counsel Shartel Introduces HB 2414, which establishes rules governing the conflict of laws and introduced the –1 amendments. **(EXHIBIT B)**

220 Rep. Shetterly Explains the concerns from primarily the financial services and insurance industry. The resolution is encompassed in the –1 amendments and exempt financial and insurance institutions that are regulated under referenced statutes.  
**MOTION: Moves to ADOPT HB 2414-1 amendments dated 03/27/2001.**

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

241 Rep. Shetterly **MOTION: Moves HB 2414 to the full committee with a DO PASS AS AMENDED recommendation.**

242 Rep. Ringo Asks where in the –1 amendment insurance is specifically exempted?

243 Rep. Shetterly The instruction to Counsel was to draft amendments to accomplish what I said, if you would like to move it forward to the full committee I can make sure the amendments accomplish

289	Chair Walker	what was requested. Concurs with Rep. Shetterly's suggestion. <b>VOTE: 4-0-1</b> <b>EXCUSED: 1 - Lowe</b>
<b>289</b>	<b>Chair Walker</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
295	Chair Walker	Closes the work session on HB 2414 and opens a work session on HB 2731.
<b><u>HB 2731 WORK SESSION</u></b>		
300	Counsel Shartel	Introduces HB 2731 relating to modification on limitation on liability for engaging in certain farming and forest practices and eliminates the requirement that the practice occur outside the urban growth boundary as a condition of the liability limitation.
<b>310</b>	<b>Chair Walker</b>	<b>MOTION: Moves HB 2731 to the full committee with a DO PASS AS AMENDED recommendation.</b> <b>VOTE: 4-0-1</b> <b>EXCUSED: 1 - Lowe</b>
<b>334</b>	<b>Chair Walker</b> Chair Walker	<b>Hearing no objection, declares the motion CARRIED.</b> Closes the work session on HB 2731 and opens a public hearing on HB 2147.
<b><u>HB 2147 PUBLIC HEARING</u></b>		
368	Counsel Shartel	Introduces HB 2147 and allows the Board of Investigators to keep certain records of their licensees confidential. Notes there is no fiscal or revenue impact and the -1 amendments come from the proponents of the measure. <b>(EXHIBIT E)</b>
369	Chair Walker	Notes for the record that Ronelle Shankle has notified me that the -1 amendments have resolved the concerns of the Department of Justice, Division of Child Support.
370	<b>Jack Yarbrough</b>	<b>Private Investigator, Keizer</b> Testifies in support of HB 2147 and submits testimony <b>(EXHIBIT C)</b> .
<b>TAPE 52, A</b>		
018	Michael Jacobs	Testifies in support of HB 2147 and submits testimony <b>(EXHIBITS D &amp; E)</b> .
050	Rep. Shetterly	Asks if this measure creates an evidentiary privilege or an exemption under the public records law.
054	Jacobs	Answers that it was primarily aimed at the public records law.
070	Rep. Shetterly	Asks if the provision for exemption of personal information in ORS 192 and is not broad enough for investigators.
077	Jacobs	Cites an incident that occurred and discussions with the Attorney General's office said it would be difficult to meet that exclusion.
079	Rep. Shetterly	Wants clarification as what "confidential" means prior to moving the measure.
089	Rep. Ringo	Asks for information about the operation of the Oregon Board of Investigators.
090	Jacobs	Provides general information on the Oregon Board of Investigators.
104	Rep. Ringo	Inquires if a private investigator in Oregon must be licensed.
106	Jacobs	Says that under current law investigations cannot be conducted unless you are a licensed investigator under statute, unless you fall under a certain exemption and there are sixteen different exceptions listed in the law.
108	Rep. Ringo	Asks about the -1 amendment §3, (5) and have members of the investigating committee been sanctioned for violating codes of

110	Jacobs	conduct.
		Says some individuals have been sanctioned and discusses actions taken with the sanctions.
120	Rep. Ringo	Asks for examples of conduct that has been sanctioned and expresses some concerns with “shielding” investigators.
173	Chair Walker	Submits written testimony from Thomas Mann, The Oregon Association of Licensed Investigators, <b>(EXHIBIT F)</b> .

Recesses the public hearing on HB 2147 and opens a public hearing on HB 2909.

**HB 2909 PUBLIC HEARING**

175            **Rep. Bruce Starr**

**House District 3**

Testifies in support of HB 2909 and submits testimony **(EXHIBIT G)**.

208            Rep. Ringo

Asks what one type of religious freedom is the measure meant to protect.

230            Rep. Starr

Reads a list of examples.

235            Chair Walker

Closes the public hearing on HB 2909 and re-opens the public hearing on HB 2147.

**HB 2147 PUBLIC HEARING**

260            **Thia Bell**

**Private Investigator, Lane County**

Testifies in opposition to HB 2147.

315            Rep. Shetterly

Says that he like Ms. Bell’s approach and discusses having Legislative Counsel work on the bill.

338            Chair Walker

Closes the public hearing on HB 2147.

365            **Chair Walker**

**THE CHAIR REQUESTED UNANIMOUS CONSENT TO SUSPEND THE RULES TO REOPEN THE WORK SESSION ON HB 2339, HB 2414 AND HB 2731 FOR THE PURPOSE OF ALLOWING REP. LOWE TO VOTE. HEARING NO OBJECTION, THE CHAIR SO ORDERED.**

366            Chair Walker

Reopens the work session on HB 2339

**HB 2339 WORK SESSION**

367            Rep. Lowe

**REP. LOWE BEING EXCUSED WHEN THE ROLL WAS CALLED, WAS GRANTED UNANIMOUS CONSENT TO BE RECORDED AS VOTING AYE ON HB 2339. THE VOTE WILL BE RECORDED AS 5-0-0**

**HB 2414 WORK SESSION**

369            Rep. Lowe

**REP. LOWE BEING EXCUSED WHEN THE ROLL WAS CALLED, WAS GRANTED UNANIMOUS CONSENT TO BE RECORDED AS VOTING AYE ON HB 2414. THE VOTE WILL BE RECORDED AS 5-0-0**

**HB 2731 WORK SESSION**

372            Rep. Lowe

**REP. LOWE BEING EXCUSED WHEN THE ROLL WAS CALLED, WAS GRANTED UNANIMOUS CONSENT TO BE RECORDED AS VOTING AYE ON HB 2731. THE VOTE WILL BE RECORDED AS 5-0-0**

388            Chair Walker

Opens a public hearing on HB 2532.

**HB 2532 PUBLIC HEARING**

390            Counsel Shartel

Discusses the -1 amendments **(EXHIBIT H)**, references the fiscal statement and notes there is no revenue impact.

002	<b>Rep. Kathy Lowe</b>	<b>House District 26</b>
		Testifies in support of HB 2532.
030	<b>Gerald Bieberle</b>	<b>Community Action Directors of Oregon</b>
		Testifies in support of HB 2532 and submits testimony <b>(EXHIBIT I)</b> .
070	Rep. Ringo	Wonders about the practical application of the measure.
076	Bieberle	Answers some landlords publicly state that they will not take Section 8 tenants. Notes that he submitted the –1 amendments and describes what they would do <b>(EXHIBIT I)</b> .
102	Rep. Shetterly	Asks if the –1 amendments would run the risk that private rental property owners could be put in the same position that housing authorities are seeking to avoid.
110	Bieberle	States that is a fair point and there might be room for more compromise in the amendment, but still maintains that local jurisdictions can do what they want.
130	Rep. Lowe	Mentions that other jurisdictions have enacted similar statutes and they seem to work well.
134	Rep. Backlund	Says consideration should be given to property owners and would this erode a right of a property owner.
156	Rep. Shetterly	Comments that lines 4-5 of the –1 amendments should have the “receiving rent subsidy payments” attached to the “tenants” and not the “project”.
162	<b>Norton Cabell</b>	<b>Eugene, OR</b>
		Testifies in support of HB 2532.
180	<b>Mary Latourette</b>	<b>Portland, Oregon Community Alliance of Tenants</b>
		Testifies in support of HB 2532 and submits testimony <b>(EXHIBIT J)</b> .
300	<b>Enid Edwards</b>	<b>Ecumenical Ministries of Oregon</b>
		Testifies in support of HB 2532 and submits testimony <b>(EXHIBIT K)</b> .
325	<b>Bob Castagna</b>	<b>Oregon Catholic Conference</b>
		Testifies in support of HB 2532.
355	Rep. Lowe	Asks Edwards if this measure would help relieve the suffering of this particular population since fewer services will be provided through the budgeting process.
360	Edward	Answers that it is the hope services will not be cut, but will continue support of the measure because it relieves a number of kinds of suffering including basic discrimination.
362	Castagna	Speaks to the Campaign for Fairness sponsored by the interfaith community; this measure is a step in the right direction by providing affordable housing.
380	Rep. Backlund	Asks for comment on Rep. Shetterly’s suggestion for the –1 amendment.
390	Edwards	Answers that if the amendment is needed it would be supported, does not know as the private market piece would be required.
410	Rep. Lowe	Reads note and asks the advisability of making an amendment to include sexual orientation.
<b>TAPE 52, B</b>		
002	Bieberle	Answers that it would cloud the situation and would rather not do that, but would not oppose it if that were the choice of the Committee.
030	Edwards	Says that if it were in a separate measure Ecumenical Ministries

		would support it.
032	Castagna	Speaks to Catholic social teaching and states that there are court decisions that have upheld a landlord's right to refuse to rent based on freedom of religion and the issue would best be handled in a separate piece of legislation.
045	Rep. Backlund	Asks if it is discrimination if a landlord does not rent to someone whose rental record of payment is not good.
047	Castagna	Answers that if a person cannot meet their obligations a landlord should be able to take that into consideration, however denial should not be based solely on a Section 8 certificate.
050	<b>Richard Matza</b>	<b>Landlord</b>
		Testifies in opposition to HB 2532.
180	Rep. Shetterly	Asks about aspects of the Section 8 program and the restrictions under that program differ from Oregon Landlord Tenant Law.
200	Matza	States that he cannot answer, but speaks to his experience with Section 8 lease documents that restricted him.
217	Rep. Shetterly	Says that he would like to know the "rights" a landlord gives up under the Section 8 program.
248	Rep. Lowe	Asks about Matza's experience in dealing with poor people; do most of them have someone who is going to guarantee their well being.
249	Matza	States that he personally looks for those kinds of situations and it is more common than is imagined.
250	<b>Sharon Barrett</b>	<b>Oregon Rental Housing Association</b>
		Testifies in opposition to HB 2532 and submits testimony <b>(EXHIBIT L)</b> .
328	Chair Walker	Submits a letter received from Jim Riggle <b>(EXHIBIT M)</b> .
330	<b>Emily Cedarleaf</b>	<b>Multifamily Housing Council of Oregon</b>
		Testifies in opposition to HB 2532.
<b>TAPE 53, A</b>		
002	Cedarleaf	Continues testimony on HB 2532.
016	Rep. Shetterly	Comments that again the opposition seems to be more focused at a program that involves requirements and provisions that do not comply with Oregon Landlord Tenant Law.
060	<b>Jana Jarvis</b>	<b>Oregon Association of Realtors</b>
		Testifies in opposition to HB 2532 and submits testimony <b>(EXHIBIT N)</b> .
095	<b>Bartholomew Martin</b>	<b>Metro Multi-Family Housing Association</b>
		Testifies in opposition to HB 2532.
118	<b>Deborah Olson</b>	<b>Oregon Census Bureau</b>
		Testifies in support of HB 2532 and submits testimony <b>(EXHIBIT O)</b> .
180	<b>Megan Dorton</b>	<b>Community Alliance for Tenants</b>
		Testifies in support of HB 2532 and submits testimony <b>(EXHIBIT P)</b> .
269	Rep. Lowe	Asks about the loss of revenue for Washington County and requests clarification of her testimony.
271	Staff	Distributes written testimony from Mary K. Bradshaw <b>(EXHIBIT Q)</b> .
301	Chair Walker	Closes the public hearing on HB 2532. Sub-committee will reconvene at 3:30 p.m.

Transcribed By,

Joan Green  
Committee Assistant

Submitted By,

Ann Martin,  
Committee Assistant

Reviewed By,

Andrea Shartel,  
Counsel

**EXHIBIT SUMMARY**

- A. HB 2339, -3 amendments submitted by staff, dated 03/16/2001, 1 p
- B. HB 2339, -2 amendments submitted by staff, dated 02/12/2001, 3 pp
- C. HB 2414, -1 amendments submitted by staff, dated 03/27/2001, 2 pp
- D. HB 2147, written testimony submitted by Jack Yarbrough, dated 03/28/2001, 2 pp
- E. HB 2147, written testimony submitted by Michael Jacobs, dated 03/27/2001, 1 p
- F. HB 2147, -1 amendments submitted by Michael Jacobs, dated 03/23/2001, 3 pp
- G. HB 2147, written testimony submitted by Thomas Mann, dated 03/28/2001, 1 p
- H. HB 2909, written testimony submitted by Rep. Bruce Starr, dated 03/28/2001, 6 pp
- I. HB 2532, -1 amendments submitted by staff, dated 03/26/2001, 1 p
- J. HB 2532, written testimony submitted by Gerald Bieberle, dated 03/28/2001, 1 p
- K. HB 2532, written testimony submitted by Mary Latourette, dated 03/28/2001, 1 p
- L. HB 2532, written testimony submitted by Enid Edwards, dated 03/28/2001, 1 p
- M. HB 2532, written testimony submitted by Sharon Barrett, dated 03/28/2001, 26 pp
- N. HB 2532, written testimony submitted by Jim Riggle, dated 03/28/2001, 2 pp
- O. HB 2532, written testimony submitted by Jana Jarvis, dated 03/28/2001, 1 p
- P. HB 2532, written testimony submitted by Deborah Olson, dated 03/28/2001, 2 pp
- Q. HB 2532, written testimony submitted by Megan Dorton, dated 03/27/2001, 2 pp
- R. HB 2532, written testimony submitted by Mary Bradshaw, dated 03/27/2001, 1 p

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

March 28, 2001  
3:30 p.m.

Hearing Room 357  
Tapes 54 - 57

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

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

**MEASURE/ISSUES HEARD:**     **HB 2700 Public Hearing**  
                                  **HB 2909 Public Hearing**  
                                  **HB 2427 Work Session**  
                                  **HB 2201 and HB 2202 Work Session**  
                                  **HB 2363 Work Session**  
                                  **HB 2364 Work Session**  
                                  **HB 2365 Work Session**  
                                  **HB 2367 Work Session**  
                                  **HB 2372 Work Session**  
                                  **HB 2493 Work Session**  
                                  **HB 2494 Work Session**

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 54, A</b>		
002	Chair Walker	Calls the meeting to order at 3:35 p.m. and opens a public hearing on HB 2700.
<b><u>HB 2700 PUBLIC HEARING</u></b>		
004	Counsel Shartel	Introduces HB 2700 relating to health care providers and discusses -4 and -5 amendments ( <b>EXHIBITS A &amp; B</b> ).
030	<b>Martin Taylor</b>	<b>Oregon Nurses Association</b> Testifies in support of HB 2700 and submits testimony ( <b>EXHIBIT C</b> ).
155	<b>Ken Fitzsimon</b>	<b>Oregon Nurses Association</b> Testifies in support of HB 2700.
207	Chair Walker	Asks if he is aware of the -5 amendments.



208	Taylor	Yes, speaks to the –5 amendments and would not oppose.
231	<b>Robin Steely</b>	<b>Political Director of the Service Employees International Union (SEIU), Multnomah County</b> Testifies in support of HB 2700 and the –5 amendments and submits testimony for Pat Harrington <b>(EXHIBIT D)</b> .
290	Rep. Shetterly	Asks how HB 2700 addresses incidents like Harrington’s.
295	Steely	Says that lack of knowledge put patients and family at risk – facility would not cooperate in allowing Harrington to get shot and further advocating could have put her employment at risk.
306	<b>Wendy VanElverdinghe</b>	<b>Campaign for Patient Rights (CPR)</b> Testifies in support of HB 2700 and submits testimony <b>(EXHIBIT E)</b> .
385	<b>Elaine Lobdell</b>	<b>RN, Adventist Medical Center</b> Testifies in opposition to HB 2700 and submits testimony <b>(EXHIBIT G)</b> .
<b>TAPE 55, A</b>		
003	Lobdell	Continues testimony.
051	<b>Daryl Gohl</b>	<b>Director of Human Resources, Tuality Healthcare</b> Testifies in opposition to HB 2700 and submits testimony <b>(EXHIBIT H)</b> .
140	Rep. Ringo	Asks if there is a current posting requirement.
142	Gohl	Answers that the Equal Employment Opportunity Commission (EEOC) requires posting on a federal level – it concerns discrimination and believes it includes retaliation.
144	Rep. Lowe	Requests clarification if HB 2700 would be purely duplicative and impose no new obligations.
150	Gohl	Answers that no new implications are required – it only provides another layer providing for additional litigation.
169	Rep. Ringo	Asks about damages and why is it disputed.
173	Dayton	Says that the existing statute is duplicated in HB 2700. Existing law cover the damages.
201	Rep. Ringo	States that HB 2700 allows for attorney fees.
215	<b>Gwen Dayton</b>	<b>Oregon Association of Hospitals and Health Systems</b> Says existing law does too – provides citation. Testifies in opposition to HB 2700 and submits testimony <b>(EXHIBIT F)</b> .
314	Chair Walker	Closes the public hearing on HB 2700 and opens the public hearing on HB 2909.
<b><u>HB 2909 PUBLIC HEARING</u></b>		
342	<b>Pete Shepherd</b>	<b>Department of Justice</b> Testifies on HB 2909 relating to the preservation of religious freedom and submits testimony <b>(EXHIBIT I)</b> .

384	<b>Jeff VanVolkenburg</b>	<b>Department of Justice</b>
		Testifies on HB 2909.
460	Rep. Williams	Discusses Justice Scalia’s opinion and 150 years of American jurisprudence where the courts did exactly what this measure requests.
		Questioned if this legislation will create some monumental change outside of that history.
467	Shepherd	Responds that the question goes to the second point in his testimony regarding the inquiry into the sincerity of the religious motivation and if that is a proper inquiry under the Oregon State constitution. Speaks to the Oregon Constitution more rigorous standards on state and religion.
<b>TAPE 54, B</b>		
037	Rep. Shetterly	Questions where Shepherd finds “sincerely”; notes that the language in the measure cuts both ways as the court is not required to inquire into the sincerity of the religious belief, but by the same token it does not require the person to be sincerely motivated
050	Shepherd	Concurs and restates concern with the measure’s language and the restraints on the court under the Oregon constitution.
075	<b>Victor Congleton</b>	<b>Program Manager, Department of Human Resources</b>
		Testifies in opposition of HB 2909 and submits testimony <b>(EXHIBIT J)</b> .
120	<b>Scott Taylor</b>	<b>Asst. Director, Correctional Programs, Department of Corrections</b>
		Testifies in opposition to HB 2909 and submits testimony <b>(EXHIBIT K)</b> .
140	<b>Dan McCulloch</b>	<b>Government Relations Representatives, Northwest Religious Liberty Association</b>
		Testifies in support of HB 2909 and submits testimony <b>(EXHIBIT L)</b> .
160	<b>Doug VandeGriend</b>	<b>Public Justice Advocates</b>
		Testifies in support of HB 2909.
220	Rep. Shetterly	Asks of a post-Smith case to apply this measure to in what kind of conduct is being addressed.
240	VandeGriend	States that there have been a number of cases and cites some cases.
274	Rep. Lowe	Asks why VandeGriend disagrees with Congleton’s testimony on why it would be more difficult for the State to provide protective services to a child under this measure.
280	VandeGriend	Does not believe it is anymore true than when the compelling interest test was the test.
300	Counsel Shartel	Submits written testimony from Diane Page <b>(EXHIBIT M)</b> .
335	Rep. Shetterly	Reads definition for “substantially burdened” and asks if that was the pre-Smith standard.
338	VandeGriend	Believes it was.
340	<b>Enid Edwards</b>	<b>Ecumenical Ministries of Oregon</b>
		Testifies in opposition to HB 2909 and submits testimony <b>(EXHIBIT N)</b> .

449	Rep. Lowe	Asks about Section 6 and questions if it would abrogate the work done last session that removed the religious defense for causing the death of a child by withholding health care or medical treatment to a child based upon religion.
470	Edwards	Does not know.
<b>TAPE 55, B</b>		
013	<b>Andrea Meyer</b>	<b>American Civil Liberties Union (ACLU) OF OREGON</b> Testifies in opposition to HB 2909.
061	Rep. Shetterly	Asks what constitutes state action in terms of this bill.
075	Meyer	Says that this could allow the use of religious right protection to be used in a discriminatory manner, undermining civil rights laws; provides examples.
129	<b>Jim Bean</b>	<b>The Church of Jesus Christ of Latter Day Saints</b> Testifies in support of HB 2909.
175	<b>Bob Castagna</b>	<b>Oregon Catholic Conference</b> Testifies in support of HB 2909.
242	Rep. Ringo	Asks for basic categories of discrimination that will occur in Oregon if this measure is not passed.
255	Bean	Cites cities that have required Bean to defend the right of the Church's missionaries to pursue their work as missionaries against local ordinances; this would clarify the Church's rights.  Also notes another example of a person who was subpoenaed to testify based on information received in a confidential capacity and the outcome of that issue.
290	Castagna	Explains that this would provide a stronger protection in the law.
309	<b>Christy Munson</b>	<b>League of Oregon Cities</b> Testifies in opposition to HB 2909.
	Staff	Distributes written testimony submitted by the City of Portland, Jennifer Johnston ( <b>EXHIBIT Y</b> ).
370	Chair Walker	Closes the public hearing on HB 2909 and opens the work session on HB 2427.

**HB 2427 WORK SESSION**

405	Counsel Odell	Introduces HB 2427 and explains –1 amendments and hand-engrossed bill ( <b>EXHIBITS O &amp; P</b> ).
447	<b>Rep. Shetterly</b>	<b>MOTION: Moves to ADOPT HB 2427-1 amendments dated 03/07/2001.</b>
452	<b>Chair Walker</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
454	<b>Rep. Shetterly</b>	<b>MOTION: Moves HB 2427 to the full committee with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 5-0-0</b>
486	<b>Chair Walker</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
490	Chair Walker	Closes the work session on HB 2427 and opens the work session on HB 2201A and HB 2202A.

**TAPE 56, A**

**HB 2201A AND 2202A WORK SESSION**

036	Counsel Shartel	Introduces measures and reviews Committee action; describes the (-A3) amendments for each measure. ( <b>EXHIBITS Q-R</b> ).
050	<b>Rep. Shetterly</b>	<b>MOTION: Moves to ADOPT HB 2201-A3 amendments dated 03/28/2001.</b>
052	<b>Chair Walker</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
054	<b>Rep. Shetterly</b>	<b>MOTION: Moves HB 2201 A-Eng. to the full committee with a DO PASS AS AMENDED</b>

		<b>recommendation.</b>
		<b>VOTE: 5-0-0</b>
060	Chair Walker	<b>Hearing no objection, declares the motion CARRIED.</b>
065	Rep. Lowe	<b>MOTION: Moves to ADOPT HB 2202-A3 amendments dated 03/28/2001.</b>
066	Chair Walker	<b>Hearing no objection, declares the motion CARRIED.</b>
068	Rep. Shetterly	<b>MOTION: Moves HB 2202 A-Eng. to the full committee with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 5-0-0</b>
074	Chair Walker	<b>Hearing no objection, declares the motion CARRIED.</b>
083	Chair Walker	Closes the work session on HB 2201 and HB 2202 and opens the work session on HB 2363.
<b><u>HB 2363 WORK SESSION</u></b>		
084	Counsel Shartel	Introduces HB 2363 and discusses the -2 amendments, which redraft the form of the notice ( <b>EXHIBIT S</b> ).
098	Rep. Shetterly	<b>MOTION: Moves to ADOPT HB 2363-2 amendments dated 03/28/2001.</b>
100	Rep. Williams	Asks if the Agency was consulted or involved in drafting of the amendments.
105	Counsel Shartel	Does not believe the Agency is in opposition to the -2 amendments ( <b>EXHIBIT S</b> ).
123	Chair Walker	<b>Hearing no objection, declares the motion CARRIED.</b>
128	Rep. Shetterly	<b>MOTION: Moves HB 2363 to the full committee with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 5-0-0</b>
130	Chair Walker	<b>Hearing no objection, declares the motion CARRIED.</b>
131	Chair Walker	Closes the work session on HB 2363 and opens the work session on HB 2364.
<b><u>HB 2364 WORK SESSION</u></b>		
132	Counsel Shartel	Introduces HB 2364 and discusses -4 amendments, which resolve the fiscal issues with previous amendments ( <b>EXHIBIT T</b> ).
160	Rep. Shetterly	Reviews how the fiscal impact was calculated.
163	Rep. Ringo	Asks what in the -4 amendments reduces the fiscal impact.
175	Ruth Simonis	<b>Elder Law Section, Oregon State Bar</b>
		Explains how the -4 amendments limit costs, ( <b>EXHIBIT T</b> ).
239	Rep. Lowe	<b>MOTION: Moves to ADOPT HB 2364-4 amendments dated 03/28/2001.</b>
240	Chair Walker	<b>Hearing no objection, declares the motion CARRIED.</b>
241	Rep. Shetterly	<b>MOTION: Moves HB 2364 to the full committee with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 5-0-0</b>
242	Chair Walker	<b>Hearing no objection, declares the motion CARRIED.</b>
243	Chair Walker	Closes the work session on HB 2364 and opens the work session on HB 2365.
<b><u>HB 2365 WORK SESSION</u></b>		
244	Counsel Shartel	Introduces HB 2365 relating to provision for the continued validity of existing powers of attorney and discusses the -3 amendments, which address the financial institutions, concerns ( <b>EXHIBIT U</b> ).
265	Rep. Lowe	<b>MOTION: Moves to ADOPT HB 2365-3 amendments dated 03/27/2001.</b>

280 Rep. Ringo Questions if, under §2 of the –3 amendments, a larger immunity is provided for financial institutions and how is it consistent with current law.

282 Rep. Shetterly Explains what the problem was and speaks to what the –3 amendments provide.

372 Rep. Ringo Objects to the motion.

373 Rep. Lowe Objects to the motion.

375 Chair Walker **Hearing two objections, declares the motion CARRIED. (Objected: Lowe and Ringo) The vote will be recorded as 3-2-0.**

410 Rep. Shetterly **MOTION: Moves HB 2365 to the full committee with a DO PASS AS AMENDED recommendation.**  
**VOTE: 3-2-0**  
**NAY: 2 – Lowe, Ringo**

415 Chair Walker **Having received a majority vote, declares the motion CARRIED.**

425 Chair Walker Closes the work session on HB 2365 and opens the work session on HB 2367.

**TAPE 57, A**

**HB 2367 WORK SESSION**

012 Counsel Shartel Introduces HB 2367 relating to notice of statement of intent in protective proceedings and discusses the –1 amendments, which address the concerns brought up regarding responsibilities of the previous attorney (**EXHIBIT Z**).

025 Rep Shetterly **MOTION: Moves to ADOPT HB 2367-1 amendments dated 03/12/01**

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

028 Rep. Shetterly **MOTION: Moves HB 2367 to the full committee with a DO PASS AS AMENDED recommendation.**  
**VOTE: 4-0-1**  
**EXCUSED: 1 - Ringo**

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

425 Chair Walker Closes the work session on HB 2367 and opens the work session on HB 2372.

**HB 2372 WORK SESSION**

050 Counsel Shartel Introduces HB 2372 relating to telephone testimony in civil trial and discusses the amendments:  
The –1 amendments come from the proponent of the measure, Mr. Casby and acknowledge Rep. Shetterly’s drafting concerns. (**EXHIBIT AA**).  
The –2 amendments come from Legislative Counsel in response to Rep. Shetterly’s concerns and additional concerns as identified by Dave Heynderickx and reads Heynderickx’s concerns (**EXHIBIT V**).

078 Rep. Shetterly Asks if the –2 amendments make the –1 amendments unnecessary.

080 Counsel Shartel It is my understanding they are two different approaches so it is a choice.

082 Rep. Shetterly Speaks to his preference for the –2 amendments.

085 Susan Grabe **Oregon State Bar**

100	Rep. Shetterly	Testifies on HB 2372. Discusses decision of the committee to go with a separate stand-alone statutory approach.
109	Rep Shetterly	Says that he agrees with Heynderickx's conclusion. <b>MOTION: Moves to ADOPT HB 2372-2 amendments dated 03/15/2001</b>
110	Chair Walker	<b>Hearing no objection, declares the motion CARRIED.</b>
112	Rep. Shetterly	<b>MOTION: Moves HB 2372 to the full committee with a DO PASS AS AMENDED recommendation.</b> <b>VOTE: 5-0-0</b>
115	Chair Walker	<b>Hearing no objection, declares the motion CARRIED.</b>
140	Chair Walker	Closes the work session on HB 2372 and opens the work session on HB 2493.
<b><u>HB 2493 WORK SESSION</u></b>		
146	Counsel Shartel	Introduces HB 2493 relating to civil liability of electric utilities; the -3 amendments are brought forward by the proponents of the bill ( <b>EXHIBIT W</b> ).
163	Rep. Shetterly	Notes that page 1, lines 5-8 and page 2, lines 13-15 of the - 3 amendments establish the standard to which the utilities must perform in order to obtain the benefit of this limitation in liability.
176	Rep Shetterly	<b>MOTION: Moves to ADOPT HB 2493-3 amendments dated 03/28/2001</b>
180	Chair Walker	<b>Hearing no objection, declares the motion CARRIED.</b>
185	Rep. Shetterly	<b>MOTION: Moves HB 2493 to the full committee with a DO PASS AS AMENDED recommendation.</b> <b>VOTE: 5-0-0</b>
186	Chair Walker	<b>Hearing no objection, declares the motion CARRIED.</b>
190	Chair Walker	Closes the work session on HB 2493 and opens the work session on HB 2494.
<b><u>HB 2494 WORK SESSION</u></b>		
195	Counsel Shartel	Introduces HB 2494 that permits parties to domestic relations suit to enforce terms of certain decrees as contract terms with contractual remedies and discusses the -1 amendments ( <b>EXHIBIT X</b> ). Cites letters received in support of the -1 amendments.
225	Rep Shetterly	<b>MOTION: Moves to ADOPT HB 2494-1 amendments dated 03/28/2001</b>
228	Chair Walker	<b>Hearing no objection, declares the motion CARRIED.</b>
233	Rep. Shetterly	<b>MOTION: Moves HB 2493 to the full committee with a DO PASS AS AMENDED recommendation.</b> <b>VOTE: 5-0-0</b>
245	Chair Walker	<b>Hearing no objection, declares the motion CARRIED.</b>
267	Chair Walker	Closes the work session on HB 2494 and adjourns the meeting at 6:08 p.m.

Transcribed By,

Joan Green  
Committee Assistant

Submitted By,

Reviewed By,

Ann Martin,  
Committee Assistant

Andrea Shartel,  
Counsel

**EXHIBIT SUMMARY**

- A. HB 2700, -4 amendments submitted by staff, dated 03/28/2001, 4 pp
- B. HB 2700, -5 amendments submitted by staff, dated 03/28/2001, 1 p
- C. HB 2700, written testimony submitted by Martin Taylor, 1 p
- D. HB 2700, written testimony submitted by Pat Harrington/Robyn Steely, dated 03/19/01, 2 pp
- E. HB 2700, written testimony submitted by Wendy VanElverdinghe, dated 03/28/01, 1 p
- F. HB 2700, written testimony submitted by Gwen Dayton, dated 03/28/01, 5 pp
- G. HB 2700, written testimony submitted by Elaine Lobdell, dated 03/28/01, 26 pp
- H. HB 2700, written testimony submitted by Daryl Gohl, dated 03/28/01, 3 pp
- I. HB 2909, written testimony submitted by Peter Shepherd, dated 03/20/01, 13 pp
- J. HB 2909, written testimony submitted by Ramona Foley, dated 03/28/01, 2 pp
- K. HB 2909, written testimony submitted by Scott Taylor, dated 03/28/01, 3 pp
- L. HB 2909, written testimony submitted by Dan McCulloch, dated 03/28/01, 1 p
- M. HB 2909, written testimony submitted by Bruce Fitzwater, dated 03/28/01, 2 pp
- N. HB 2909, written testimony submitted by Enid Edwards, dated 03/20/01, 2 pp
- O. HB 2427, -1 amendments submitted by staff, dated 03/07/01, 2 pp
- P. HB 2427, -1 hand-engrossed amendments submitted by staff, dated 03/28/01, 11 pp
- Q. HB 2201, -A3 amendments submitted by staff, dated 03/28/01, 6 pp
- R. HB 2202, -A3 amendments submitted by staff, dated 03/28/01, 4 pp
- S. HB 2363, -2 amendments submitted by staff, dated 03/28/01, 7 pp
- T. HB 2364, -4 amendments submitted by staff, dated 03/28/01, 2 pp
- U. HB 2365, -3 amendments submitted by staff, dated 03/27/01, 1 p
- V. HB 2372, -2 amendments submitted by staff, dated 03/15/01, 3 pp
- W. HB 2493, -3 amendments submitted by staff, dated 03/28/01, 2 pp
- X. HB 2494, -1 amendments submitted by staff, dated 03/15/01, 5 pp
- Y. HB 2909, written testimony submitted by Jennifer Johnston, dated 03/27/01, 4 pp
- Z. HB 2367, -1 amendments submitted by staff, dated 3/12/01, 1 p
- AA. HB 2372, -1 amendments submitted by staff, dated 3/15/01, 1 p