

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

March 5, 2001  
8:00 a.m.

Hearing Room 357  
Tapes 27 and 28

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

**MEMBER EXCUSED:**     **Rep. Kathy Lowe**

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

**MEASURE/ISSUES HEARD:**     **HB 2667 Public Hearing and Work Session**  
                                  **HB 2386 Work Session**  
                                  **HB 2387 Work Session**  
                                  **HB 2594 Work Session**  
                                  **SB 171 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 27, A</b>		
008	Chair Walker	Calls the meeting to order at 8:10 a.m. Opens a public hearing on HB 2667.
<b><u>HB 2667 PUBLIC HEARING</u></b>		
010	Counsel Shartel	Introduces HB 2667 that repeals sunset on law providing that certain nonprofit facilities and training homes are public bodies for purposes of limitations on liability of public body.
045	<b>Tim Kral</b>	<b>Executive Director, Oregon Rehabilitation Association</b> Testifies in support of HB 2667 and submits testimony <b>(EXHIBIT A)</b> .
064	Rep. Ringo	Asks how many institutions there are and how many people are being served.
067	Kral	Answers that there are about 5,000 people with developmental disabilities that this applies to around the state and that there are about 100 institutions.
095	Chair Walker	Closes the public hearing on HB 2667 and opens a work session on HB 2667.
<b><u>HB 2667 WORK SESSION</u></b>		
098	Rep. Shetterly	<b>MOTION: Moves HB 2667 to the full committee with a DO PASS recommendation.</b>

**VOTE: 5-0-1**

**EXCUSED: 1 - Rep. Lowe**

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

110 Chair Walker Closes the work session on HB 2667 and opens a work session on HB 2386.

**HB 2386 WORK SESSION**

123 Counsel Shartel Introduces HB 2386 that revises laws relating to garnishment.

144 **Dave Heynderickx** **Legislative Counsel**

Testifies on HB 2386 and discusses –1 amendments (**EXHIBIT B**).

260 **Rep. Williams** **MOTION: Moves to ADOPT HB 2386-1 amendments dated 03/02/01.**

**VOTE: 5-0-1**

**EXCUSED: 1 - Rep. Lowe**

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

273 **Rep. Williams** **MOTION: Moves HB 2386 to the full committee with a DO PASS AS AMENDED recommendation.**

**VOTE: 5-0-1**

**EXCUSED: 1 - Rep. Lowe**

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

298 Chair Walker Closes the work session on HB 2386 and opens a work session on HB 2387.

**HB 2387 WORK SESSION**

302 Counsel Shartel Introduces HB 2387 that allows judge in action for partition or sale to order owner of property held by tenancy in common to borrow money against property to pay claims of another owner without regard to which owner opposes partition or sale.

Discusses the –1 amendments (**EXHIBIT C**).

398 **Rep. Ringo** **MOTION: Moves to ADOPT HB 2387-1 amendments dated 02/13/01.**

**VOTE: 5-0-2**

**EXCUSED: 2 – Lowe, Shetterly**

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

404 **Rep. Ringo** **MOTION: Moves HB 2387 to the full committee with a DO PASS AS AMENDED recommendation.**

**VOTE: 5-0-2**

**EXCUSED: 2 – Lowe, Shetterly**

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

428 Chair Walker Closes the work session on HB 2387 and opens a work session on HB 2594.

**HB 2594 WORK SESSION**

**TAPE 28, A**

010 Counsel Shartel Introduces HB 2594 that establishes way of necessity to certain pioneer cemeteries (**EXHIBIT D**).

034 **Rep. Backlund** Notes that they discussed a need for an amendment.

040 Counsel Shartel Responds that they decided that no amendment was needed.

079 **Rep. Ringo** Asks what the difference is between the historic cemeteries and the pioneer cemeteries.

082	Rep. Shetterly	Answers that this bill expands existing law.
103	Chair Walker	Adds that the definition of the pioneer cemetery is a burial place that has one or more persons that died before February 14, 1909 and historic cemeteries do not have that date.
117	<b>Rep. Ringo</b>	<b>MOTION: Moves HB 2594 to the full committee with a DO PASS recommendation.</b>
		<b>VOTE: 5-0-1</b>
		<b>EXCUSED: 1 - Rep. Lowe</b>
117	<b>Chair Walker</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
137	<b>Chair Walker</b>	<b>MOTION: Moves to SUSPEND the rules for the purpose of allowing Rep. Shetterly to vote on the -1 amendments to HB 2387 and on HB 2387. Votes "aye" on both.</b>
189	Chair Walker	Closes the work session on HB 2594 and opens a work session on SB 171.
<b><u>SB 171 WORK SESSION</u></b>		
205	Rep. Shetterly	Explains -3 amendments ( <b>EXHIBIT E</b> ).
235	<b>Tom Wrousch</b>	<b>Secretary of State's Office</b>
		Testifies on SB 171. Asks to keep language as it is in the bill and asks them to deny the amendment.
309	Rep. Shetterly	Says that the notice from the Secretary of State's Office is important.
351	Rep. Backlund	Comments that the notice is important and supports the amendment.
370	Rep. Williams	States that he has every confidence that the Secretary of State's Office has the ability in providing that notice to communicate to these individuals so that they will be sure to file their continuation in the right state or where they ought to file.
401	<b>Rep. Shetterly</b>	<b>MOTION: Moves to ADOPT SB 171-3 amendments dated 02/27/01.</b>
		<b>VOTE: 5-0-1</b>
		<b>EXCUSED: 1 - Rep. Lowe</b>
401	<b>Chair Williams</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
403	<b>Ken Sherman, Jr.</b>	<b>Counsel, Banker's Association</b>
		Testifies on SB 171 and discusses -2 amendments ( <b>EXHIBIT F</b> ).
<b>TAPE 27, B</b>		
005	Sherman	Continues testimony on SB 171.
065	Rep. Ringo	Asks if the original part of Article 9 is uniform and if the -2 amendments vary from the uniform Article 9.
074	Sherman	Answers that is correct.
102	<b>Rep. Shetterly</b>	<b>MOTION: Moves to ADOPT SB 171-2 amendments dated 02/27/01.</b>
		<b>VOTE: 5-0-1</b>
		<b>EXCUSED: 1 - Rep. Lowe</b>
102	<b>Chair Walker</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
110	Rep. Ringo	Discusses -5 amendments to bill and says that the amendments reinstate current language that is currently contained in the Oregon statute ( <b>EXHIBIT G</b> ).
130	Rep. Williams	States that the adoption of the -5 amendments would adopt

		current Oregon law with respect to recovering of attorney's fees and supports the amendments.
185	Rep. Ringo	<b>MOTION: Moves to ADOPT SB 171-5 amendments dated 02/27/01.</b>
		<b>VOTE: 5-0-1</b>
		<b>EXCUSED: 1 - Rep. Lowe</b>
185	Chair Walker	<b>Hearing no objection, declares the motion CARRIED.</b>
189	Rep. Ringo	Asks if the revised Article 9 affords Oregon consumers slightly less protection than other states.
216	Sherman	Says that the work group spent a lot of time discussing consumer issues and that there are important new issues in this bill that pertain to consumers. Adds that there are a lot of new consumer provisions that are built into Part 6, Article 9 that we left in place without any change and substantially increase consumer protection.
308	Rep. Williams	<b>MOTION: Moves SB 171 to the full committee with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 5-0-1</b>
		<b>EXCUSED: 1 - Rep. Lowe</b>
309	Chair Walker	<b>Hearing no objection, declares the motion CARRIED.</b>
319	Chair Walker	Closes the work session on SB 171 and adjourns the meeting at 9:25 a.m.

Submitted By,

Reviewed By,

Ann Martin,  
Committee Assistant

Andrea Shartel,  
Counsel

**EXHIBIT SUMMARY**

- A – HB 2667, written testimony submitted by Tim Kral, dated 3/5/01, 2 pgs.**
- B – HB 2386, -1 amendments, submitted by staff, dated 3/2/01, 10 pgs.**
- C – HB 2387, -1 amendments, submitted by staff, dated 2/13/01, 1 p.**
- D – HB 2594, Oregon Pioneer Cemetery Survey, submitted by the Pioneer Cemetery Commission, 3 pgs.**
- E – SB 171, -3 amendments, submitted by staff, dated 2/27/01, 1 p.**
- F – SB 171, -2 amendments, submitted by staff, dated 2/27/01, 2 pgs.**
- G – SB 171, -5 amendments, submitted by staff, dated 2/27/01, 1 p.**
- H – Uniform Commercial Code Packet, submitted by staff, 176 pgs.**
- I – HB 2387, written testimony submitted by Jeffrey L. Rogers, City Attorney, City of Portland, dated 3/2/01, 2 pgs.**