

HOUSE COMMITTEE ON JUDICIARY
SUBCOMMITTEE ON CIVIL LAW

April 25, 2001
8:00 a.m.

Hearing Room 357
Tapes 84 - 86

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

MEMBER EXCUSED: **Rep. Charlie Ringo**

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

MEASURE/ISSUES HEARD: **HB 2175 Work Session**
 HB 2170 Work Session
 HB 2809 Work Session
 HB 3245 Work Session
 HB 2335 Public Hearing
 HB 3912 Public Hearing
 HB 2394 Work Session
 HB 2396 Work Session
 HB 2398 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 84, A		
003	Chair Walker	Calls the meeting to order at 8:20 a.m. and opens a work session on HB 2175.
<u>HB 2175 WORK SESSION</u>		
005	Rep. Vicki Walker	House District 41 Testifies in support of HB 2175 that exempts from execution amounts received by debtor as earned income tax credit and supports the -2 amendments (EXHIBIT A).
034	Rep. Lowe	MOTION: Moves to ADOPT HB 2175-2 amendments dated 04/20/01. VOTE: 4-0-1
034	Chair Walker	Hearing no objection, declares the motion CARRIED.
038	Rep. Lowe	MOTION: Moves HB 2175 to the full committee with a DO PASS AS AMENDED recommendation. VOTE: 4-0-1
038	Chair Walker	EXCUSED: 1 - Rep. Ringo Hearing no objection, declares the motion CARRIED.

048 Chair Walker Closes the work session on HB 2175 and opens a work session on HB 2170.

HB 2170 WORK SESSION

060 Rep. Vicki Walker

House District 41

Testifies in support of HB 2170 that allows person to request hearing from Department of Revenue to contest claim assigned by state agency to department for collection and discusses the –4 amendments (**EXHIBIT B**).

094 Rep. Lowe

Asks what the problem is and what is the fix.

097 Rep. V. Walker

Explains situation.

105 Rep. Shetterly

Describes one of his constituents problems with a claim.

155 Rep. Lowe

MOTION: Moves to ADOPT HB 2170-4 amendments dated 04/25/01.

VOTE: 4-0-1

EXCUSED: 1 - Ringo

157 Chair Walker

Hearing no objection, declares the motion CARRIED.

161 Rep. Lowe

MOTION: Moves HB 2170 to the full committee with a DO PASS AS AMENDED recommendation.

VOTE: 4-0-1

EXCUSED: 1 - Ringo

162 Chair Walker

Hearing no objection, declares the motion CARRIED.

168 Chair Walker

Closes the work session on HB 2170 and opens a work session on HB 2809.

HB 2809 WORK SESSION

176 Rep. Al King

House District 44

Testifies in support of HB 2809 that modifies provisions relating to sale of prearrangement and preconstruction funeral plans as trusts and submits testimony and discusses –2 amendments (**EXHIBITS C & D**).

211 Meg Reinhold

Department of Business and Consumer Services

Testifies in support of HB 2809.

227 Rep. Lowe

MOTION: Moves to ADOPT HB 2809-2 amendments dated 04/24/01.

VOTE: 4-0-1

EXCUSED: 1 - Ringo

229 Chair Walker

Hearing no objection, declares the motion CARRIED.

230 Rep. Lowe

MOTION: Moves HB 2809 to the full committee with a DO PASS AS AMENDED recommendation.

232

VOTE: 4-0-1

EXCUSED: 1 - Ringo

233 Chair Walker

Hearing no objection, declares the motion CARRIED.

235 Chair Walker

Closes the work session on HB 2809 and opens a work session on HB 3245.

HB 3245 WORK SESSION

250 Counsel Shartel

Introduces HB 3245 that directs Mental Health and Developmental Disability Services Division to ensure that designee conducting investigation of alleged abuse of mentally ill or developmentally disabled adult has training and experience to

		conduct impartial investigation and discusses the –1 amendments (EXHIBIT E) and the proposed amendments.
280	Eva Kutas	Director, Office of Investigations and Training, Mental Health and Developmental Disability Services Division
303	Chair Walker	Testifies on HB 3245 and submits testimony (EXHIBIT F) . Closes the work session on HB 3245 and opens a public hearing on HB 2335.
<u>HB 2335 PUBLIC HEARING</u>		
305	Counsel Shartel	Introduces HB 2335 that splits eighteenth judicial district into two districts, one district containing Clatsop County and one district containing Tillamook County and other technical changes.
316	Bradd Swank	Special Counsel, State Court Administrator’s Office Testifies in support of HB 2335 and submits testimony (EXHIBIT G) .
TAPE 85, A		
002	Swank	Continues testimony in support of HB 2335.
032	Rep. Backlund	Asks how long the Supreme Court Law Library has been called the Supreme Court Law Library.
038	Swank	Answers that he does not know.
041	Rep. Backlund	Says he is concerned with the name change of the Supreme Court Law Library and wonders if it will have a fiscal impact.
054	Swank	Answers that he believes there will not be any fiscal impact.
058	Chair Walker	Closes the public hearing on HB 2335 and opens a public hearing on HB 3912.
<u>HB 3912 PUBLIC HEARING</u>		
062	Counsel Shartel	Introduces HB 3912 that modifies provisions relating to organized communities.
085	David Bennett	Condo Working Group, Washington Testifies in support of HB 3912 and submits testimony (EXHIBIT H) .
184	Rich Vial	Condo Working Group, Washington Testifies in support of HB 3912.
287	Rep. Backlund	Asks if they have addressed Harriet Heisey’s concerns.
298	Vial	Answers that they have debated this extensively and explains.
305	Rep. Backlund	Thinks her concerns should be addressed.
379	Harriet Heisey	Bend, Oregon Testifies in opposition to HB 3912 and submits testimony (EXHIBIT I) .
TAPE 84, B		
002	Heisey	Continues testimony in opposition to HB 3912.
044	Rep. Shetterly	Comments on use of consent in lieu of meetings.
065	Heisey	Explains her understanding of issue.
070	Rep. Shetterly	Says that he doesn’t see this as a way for directors to usurp a member’s right to vote on an issue.
092	Heisey	Continues her testimony in opposition to HB 3912.
153	Denise Bower	Community Manager, Community Management Incorporated (CMI) Testifies in support of HB 3912 and submits testimony (EXHIBIT J) .
237	Don Price	Past President, Homeowners Association

284	Vial	Testifies in support of HB 3912.
343	Rep. Shetterly	Responds to comments of Ms. Heisey. Asks about provisions of governance and the minimum requirements of the board.
364	Vial	Answers that the bill applies a minimum standard.
392	Chair Walker	Closes the public hearing on HB 3912 and opens a work session on HB 2394.

HB 2394 WORK SESSION

384	Counsel Odell	Introduces HB 2394 that allows investigator in civil commitment proceeding access to Law Enforcement Data System (LEDS).
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TAPE 85, B

012	Margaret Taylor	Psychiatric Crisis Center Testifies in support of HB 2394 and discusses proposed amendments
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063	Chair Walker	Closes the work session on HB 2394 and recesses the meeting.
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HB 2394 WORK SESSION-RECONVENED

102	Chair Walker	Reconvenes the meeting and re-opens the work session on HB 2394.
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101	Rep. Williams	Discusses –1 amendments to HB 2394 (EXHIBIT K).
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126	Rep. Shetterly	Says that he supports –1 amendments and wonders if they create a fiscal impact.
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142	Bob Joondeph	Oregon Advocacy Center
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Testifies in opposition to HB 2394.

228	Rep. Shetterly	States that this bill gives the evaluator more information on a person.
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250	Joondeph	Agrees, but is not sure if the information in LEDS is relevant.
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263	David Yandell	Director, Law Enforcement Data System (LEDS)
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Testifies on HB 2394 and discusses –1 amendments.

308	Rep. Williams	MOTION: Moves to ADOPT HB 2394-1 amendments dated 03/09/01.
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VOTE: 5-0-1

EXCUSED: 1 - Ringo

309	Chair Walker	Hearing no objection, declares the motion CARRIED.
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310	Rep. Williams	Asks if they need to adopt the –2 amendments (EXHIBIT L).
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315	Rep. Williams	MOTION: Moves to ADOPT HB 2394-2 amendments dated 04/02/01.
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VOTE: 5-0-1

EXCUSED: 1 - Ringo

315	Chair Walker	Hearing no objection, declares the motion CARRIED.
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323	Rep. Williams	MOTION: Moves HB 2394 to the full committee with a DO PASS AS AMENDED recommendation.
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VOTE: 5-0-1

EXCUSED: 1 - Ringo

324	Chair Walker	Hearing no objection, declares the motion CARRIED.
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340	Chair Walker	Closes the work session on HB 2394 and opens a work session on HB 2396.
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HB 2396 WORK SESSION

359	Counsel Odell	Introduces HB 2396 that creates Mental Health Advocacy Program in office of Long Term Care Ombudsman and discusses
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the -2 and -3 amendments (EXHIBITS M & N).

TAPE 86, A

002 Counsel Odell
029 **Bob Joondeph**

Continues introduction of HB 2396.
Oregon Advocacy Center

Testifies in support of HB 2396 and states that they are comfortable with either of the amendments.

044 Chair Walker

MOTION: Moves to ADOPT HB 2396-3 amendments dated 04/24/01.

VOTE: 5-0-1

EXCUSED: 1 - Ringo

045 Chair Walker

Hearing no objection, declares the motion CARRIED.

049 Chair Walker

MOTION: Moves HB 2396 to the full committee with a DO PASS AS AMENDED recommendation.

VOTE: 5-0-1

EXCUSED: 1 - Ringo

052 Chair Walker

Hearing no objection, declares the motion CARRIED.

063 Chair Walker

Closes the work session on HB 2396 and opens a work session on HB 2398.

HB 2398 WORK SESSION

068 Counsel Odell

Introduces HB 2398 that specifies procedures for release by custodial facilities of certain information regarding person with mental illness.

110 Rep. Shetterly

MOTION: Moves HB 2398 to the full committee with a DO PASS recommendation.

VOTE: 5-0-1

EXCUSED: 1 - Ringo

111 Chair Walker

Hearing no objection, declares the motion CARRIED.

120 Chair Walker

Closes the work session on HB 2398 and adjourns the meeting at 10:20 a.m.

Submitted By,

Reviewed By,

Ann Martin,
Committee Assistant

Andrea Shartel,
Counsel

EXHIBIT SUMMARY

A – HB 2175, -2 amendments, submitted by staff, dated 4/20/01, 1 p.

B – HB 2170, -4 amendments, submitted by staff, dated 4/25/01, 3 pgs.

C – HB 2809, written testimony submitted by Rep. Al King, dated 4/16/01, 1 p.

D – HB 2809, -2 amendments, submitted by staff, dated 4/24/01, 34 pgs.

E – HB 3245, -1 amendments, submitted by staff, dated 4/23/01, 1 p.

F – HB 3245, written testimony submitted by Eva Kutas, MHDDS, dated 4/24/01, 1 p.

G – HB 2335, written testimony submitted by Bradd Swank, Office of the State Court Administrator, dated 4/25/01, 3 pgs.

H – HB 3912, written testimony submitted by David Bennett, Condo Working Group, dated 4/25/01, 20 pgs.

I – HB 3912, written testimony submitted by Harriett Heisey, Bend, Oregon, dated 4/25/01, 2 pgs.

J – HB 3912, written testimony submitted by Denise Bower, Community Management, Incorporated, 1 p.

K – HB 2394, -1 amendments, submitted by staff, dated 3/9/01, 4 pgs.

L – HB 2394, -2 amendments, submitted by staff, dated 4/2/01, 1 p.

M – HB 2396, -2 amendments, submitted by staff, dated 4/24/01, 7 pgs.

N – HB 2396, -3 amendments, submitted by staff, dated 4/24/01, 7 pgs.