

HOUSE COMMITTEE ON JUDICIARY
SUBCOMMITTEE ON CIVIL LAW

April 04, 2001
8:00 a.m.

Hearing Room 357
Tapes 62 - 64

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**
 Ann Martin, Committee Assistant

MEASURE/ISSUES HEARD: **HB 2374 Work Session**
 HB 2885 Public Hearing
 HB 2918 and HB 2940 Public Hearing
 HB 2880 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 62, A		
004	Chair Walker	Calls the meeting to order at 8:19 a.m. and opens the work session on HB 2374.
<u>HB 2374 WORK SESSION</u>		
010	Brad Swank	State Court Administrator's Office Testifies on HB 2374 that provides that more than one party may be prevailing party in civil action for purpose of making award of attorney fees. Discusses the -3 amendments (EXHIBIT A).
060	Jeff Johnson	Oregon State Bar Testifies on HB 2374 and says that he supports the -3 amendments.
122	Rep. Shetterly	Asks about ambiguous language in the bill.
145	Johnson	Says that they talked about that language and the concern is that they do not give the trial court some ability to say they will not award attorney fees in a multiple party cross-claim situation
157	Swank	Comments on the amendments.
175	Dave Heynderickx	Deputy Counsel, Legislative Counsel Testifies on HB 2374 and answers question about amendments.
235	Rep. Shetterly	MOTION: Moves to CONCEPTUALLY AMEND HB 2374 on page 3, line 18, by deleting the words "or required". VOTE: 4-0-1 EXCUSED: 1 - Lowe
253	Chair Walker	Hearing no objection, declares the motion CARRIED.

259	Rep. Shetterly	MOTION: Moves to ADOPT HB 2374-3 amendments dated 04/03/01.
		VOTE: 4-0-1
		EXCUSED: 1 - Lowe
259	Chair Walker	Hearing no objection, declares the motion CARRIED.
265	Rep. Shetterly	MOTION: Moves HB 2374 to the full committee with a BE ADOPTED AS AMENDED recommendation.
		VOTE: 4-0-1
		EXCUSED: 1 - Lowe
265	Chair Walker	Hearing no objection, declares the motion CARRIED.
277	Chair Walker	Closes the work session on HB 2374 and opens a public hearing on HB 2885.
<u>HB 2885 PUBLIC HEARING</u>		
280	Counsel Shartel	Introduces HB 2885 that creates Oregon Domestic and Sexual Violence Services Program. Discusses the -1 and -2 amendments (EXHIBITS B & C).
308	Rep. Deborah Kafoury	House District 18
		Testifies in support of HB 2885.
321	Chiquita Rollins	Multnomah County Domestic Violence Coordinator
		Testifies in support of HB 2885 and submits testimony (EXHIBIT D).
427	Rep. Ringo	Asks if this is modeled on something from other states.
430	Rollins	Answers some of it is.
441	Rep. Kafoury	Says that the process they went through was really targeted towards the Oregon to address the needs. Adds that Rep. Lee could not be here but submitted written testimony (EXHIBIT E).
TAPE 63, A		
004	Hardy Myers	Oregon Attorney General
		Testifies in support of HB 2885.
054	Claudia Weber	Rape Crisis Center, Washington
		Testifies in support of HB 2885.
109	Denise Washington	Executive Director, Oregon Coalition Against Domestic and Sexual Violence
		Testifies in support of HB 2885 and submits testimony (EXHIBIT N).
177	Jennifer Inman	Sexual Assault Support Services, Lane County
		Testifies in support of HB 2885.
219	Teri Gutierrez	Lane County
		Testifies in support of HB 2885.
262	Marcia Kelley	Women's Rights Coalition
		Testifies in support of HB 2885 and submits testimony (EXHIBIT F).
299	Rep. Ringo	Asks if there is a statistical correlation between domestic violence and income level.
319	Kelley	Answers no.
321	Rep. Ringo	Asks if alcohol and drug use exacerbates domestic violence.
325	Kelley	Says that alcohol can contribute, but thinks there are underlying

345 Rollins causes and the number one cause is the issue of control.
Says that there is some indication of a link between poverty and domestic violence and the abusers tend to be unemployed and tend to use alcohol more. Answers that men who are addicted and batter tend to be more violent.

375 **Rep. Greg Smith** **House District 59**
Testifies in support of HB 2885.

TAPE 62, B

004 Smith Continues testimony on HB 2885.
054 Chair Walker Says that she has a letter from Rep. Rosenbaum (**EXHIBIT G**).
060 Chair Walker Closes the public hearing on HB 2885 and opens a public hearing on HB 2918 and HB 2940.

HB 2918 and HB 2940 PUBLIC HEARING

064 Counsel Shartel Introduces HB 2918 and HB 2940 that specify that electronic communication is contact for purposes of stalking.

075 **Rep. Carolyn Tomei** **House District 25**
Testifies in support of HB 2918 and HB 2940 and submits testimony (**EXHIBIT H**).

125 **Rep. Richard Devlin** **House District 24**
Testifies in support of HB 2918 and HB 2940.

221 Chair Walker Asks if the bills are exactly the same.
222 Devlin Says yes, they are exactly identical.

243 **Kevin Mannix** **Attorney, Salem**
Testifies in support of HB 2918 and HB 2940.

366 **Katie Suver** **Oregon District Attorney Association**
Testifies in support of HB 2918 and HB 2940.
380 Chair Walker Closes the public hearing on HB 2918 and HB 2940 and re-opens the public hearing on HB 2885.

HB 2885 PUBLIC HEARING

410 **Stella Butler** Testifies in support of HB 2885.

TAPE 63, B

001 **Janie Boyle** **Citizen**
Testifies in support of HB 2885.
041 **Susan Bowker** **Citizen, Shepherd's Door Women & Children's Shelter**
Testifies in support of HB 2885.

112 **Benita Presley** **African-American Provider's Network, Portland**

155 **Amanda Fierro** **Hispanic Social Service Agency, Portland**
Testifies in support of HB 2885.

212 **Jesse Lewis** **Community Educator for Battered People's Advocacy**
Testifies in support of HB 2885.

271 Chair Walker Closes the public hearing on HB 2885 and opens a work session on HB 2885.

HB 2885 WORK SESSION

291 **Rep. Shetterly** **MOTION: Moves to ADOPT HB 2885-1 amendments dated 04/02/01.**

VOTE: 4-0-1

EXCUSED: 1 - Lowe

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

293 **Rep. Shetterly** **MOTION: Moves to ADOPT HB 2885-2 amendments dated**

04/03/01.

VOTE: 4-0-1

EXCUSED: 1 - Lowe

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

299 Rep. Shetterly **MOTION: Moves HB 2885 to the full committee with a DO PASS AS AMENDED recommendation.**

VOTE: 4-0-1

EXCUSED: 1 - Lowe

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

343 Chair Walker Closes the work session and opens a public hearing on HB 2880.

HB 2880 PUBLIC HEARING

360 Counsel Shartel Introduces HB 2880 that modifies provisions relating to stalking protective orders. Discusses the -1 amendments (**EXHIBIT I**).

374 Tammy Kuennen **Legal Aid Services of Oregon**

Testifies in support of HB 2880 and the -1 amendments and submits testimony (**EXHIBIT J**).

TAPE 64, A

002 Kuennen Continues testimony in support of HB 2880.

015 Amanda Strauser **Yamhill County**

Testifies in support of HB 2880.

159 Kevin Mannix **Attorney, Salem**

Testifies in support of HB 2880.

225 Katie Suver **Oregon District Attorney's Association**

Testifies in support of HB 2880.

265 Alice Phalan **Director, Court Community Justice Services Division**

Testifies in support of HB 2880 and submits testimony (**EXHIBIT K**).

300 Jim Nass **Legal Counsel for Appellate Courts**

Testifies on HB 2880 and submits testimony (**EXHIBIT L**).

350 Phyllis Barkhurst **Lane County**

Testifies in support of HB 2880 and submits testimony (**EXHIBIT M**).

412 Chair Walker Closes the public hearing on HB 2880 and adjourns the meeting at 10:35 a.m.

Submitted By,

Reviewed By,

Ann Martin,
Committee Assistant

Andrea Shartel,
Counsel

EXHIBIT SUMMARY

A – HB 2374, -3 amendments, submitted by staff, dated 4/3/01, 2 pgs.

B – HB 2885, -1 amendments, submitted by staff, dated 4/2/01, 1 p.

C – HB 2885, -2 amendments, submitted by staff, dated 4/3/01, 1 p.

D – HB 2885, written testimony submitted by Chiquita Rollins, dated 4/4/01, 8 pgs.

E – HB 2885, written testimony of Rep. Jan Lee submitted by Rep. Kafoury, dated 4/3/01, 2 pgs.
F – HB 2885, written testimony submitted by Marcia Kelley, dated 4/4/01, 1 p.
G – HB 2885, written testimony submitted by Rep. Rosenbaum, dated 4/4/01, 1 p.
H – HB 2918 & HB 2940, written testimony submitted by Rep. Devlin and Rep. Tomei, dated 4/4/01, 3 pgs.
I – HB 2880, -1 amendments, submitted by staff, dated 4/2/01, 2 pgs.
J – HB 2880, written testimony submitted by Tammy Kuennen, dated 4/4/01, 1 p.
K – HB 2880, written testimony submitted by Alice B. Phalan, dated 4/4/01, 3 pgs.
L – HB 2880, written testimony submitted by James Nass, dated 4/4/01, 2 pgs.
M – HB 2880, written testimony submitted by Phyllis Barkhurst, 2 pgs.
N – HB 2885, written testimony submitted by Denise Washington, dated 4/4/01, 1 p. (*submitted post meeting*)