

HOUSE COMMITTEE ON JUDICIARY
SUBCOMMITTEE ON CIVIL LAW

May 16, 2001
8:00 a.m.

Hearing Room 357
Tapes 96 - 97

MEMBERS PRESENT: **Rep. Vic Backlund**
 Rep. Kathy Lowe
 Rep. Charlie Ringo
 Rep. Lane Shetterly

MEMBER EXCUSED: **Rep. Cherryl Walker, Chair**

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

MEASURE/ISSUES HEARD: **SJR 39A Public Hearing**
 HB 3920 Public Hearing and Work Session
 HB 2335 Work Session
 HB 2551 Work Session
 HB 3908 Work Session
 HB 2917 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 96, A | | |
| 003 | Chair Lowe | Calls the meeting to order at 8:25 a.m. Opens a public hearing on SJR 39A. |
| <u>SJR 39A PUBLIC HEARING</u> | | |
| 018 | Counsel Shartel | Introduces SJR 39A that directs Oregon Law Commission to study law changes to facilitate provision of social services by faith-based organization. |
| 020 | Senator Frank Shields | Senate District 9 Testifies in support of SJR 39A |
| 060 | Professor Steve Green | Willamette University College of Law Testifies on SJR 39A and submits testimony (EXHIBIT A). |
| 105 | Dave Kenagy | Oregon Law Commission, Executive Director Testifies on SJR 39A. |
| 156 | Greg Chaimov | Legislative Counsel Testifies on SJR 39A. |
| 176 | Lisa Joyce | Department of Human Services |

176 Chair Lowe Testifies in support of SJR 39A and submits testimony (**EXHIBIT B**).
Closes the public hearing on SJR 39A and opens a public hearing on HB 3920.

HB 3920 PUBLIC HEARING

197 **Timothy Travis** **Oregon Judicial Department**
Testifies in support of HB 3920 that establishes juvenile court procedures for establishing guardianship over child within court's dependency. Discusses the -2 amendments (**EXHIBIT C**).

325 Chair Lowe Asks if this makes any substantive changes to existing law.

328 Travis Says yes in that the information will no longer be public. Adds that it was a mistake that this information was available to the public.

334 Chair Lowe Asks if attorneys can keep the records of juvenile, dependency or delinquency cases they have worked on.

339 Travis Responds that that is new, but attorneys have always kept these records. Says that this conforms the law to current practice.

375 Travis Says that the third change is reflected on page 5, lines 12-18, of the -2 amendments, and that is the definition of "Indian child". Says that if the child is an Indian child, different procedures are followed in the case.

TAPE 97, A

001 **Nancy Miller** **State Court Administrator's Office, Director of Juvenile Court Division**
Testifies in support of HB 3920. States that they do not have any intent to have this affect the open court proceedings in Oregon. Clarifies that they are saying that the paper record will not be public record.

017 Chair Lowe Closes the public hearing on HB 3920 and opens a work session on HB 3920.

HB 3920 WORK SESSION

025 **Rep. Ringo** **MOTION: Moves to ADOPT HB 3920-2**

amendments dated 05/15/01.

VOTE: 4-0-1

EXCUSED: 1 – C. Walker

025 Chair Lowe Hearing no objection, declares the motion **CARRIED**.

028 Rep. Ringo **MOTION: Moves HB 3920 to the full committee with a DO PASS AS AMENDED recommendation.**

VOTE: 4-0-1

EXCUSED: 1 – C. Walker

028 Chair Lowe Hearing no objection, declares the motion **CARRIED**.

038 Chair Lowe Closes the work session on HB 3920 and opens a work session on HB 2335.

HB 2335 WORK SESSION

045 Counsel Shartel Discusses the –1 amendments **(EXHIBIT D)**.

050 Rep. Shetterly **MOTION: Moves to ADOPT HB 2335-1 amendments dated 05/04/01.**

VOTE: 4-0-1

EXCUSED: 1 – C. Walker

051 Chair Lowe Hearing no objection, declares the motion **CARRIED**.

054 Rep. Shetterly **MOTION: Moves HB 2335 to the full committee with a DO PASS AS AMENDED recommendation.**

VOTE: 4-0-1

EXCUSED: 1 - C. Walker

055 Chair Lowe Hearing no objection, declares the motion **CARRIED**.

060 Chair Lowe Closes the work session on HB 2335 and opens a work session on HB 2551.

HB 2551 WORK SESSION

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| 064 | Counsel Shartel | Discusses the –3 amendments (EXHIBIT E). |
| 075 | Ginny Lang | Qwest Testifies on HB 2551 that requires that agency official who either alone or with other officials will render final order in contested case proceeding must report ex parte communications and provide opportunity to parties for rebuttal. |
| 084 | Larry Reichman | Qwest Testifies on HB 2551. States support of the –3 amendments. |
| 257 | Thomas Barkin | Public Utility Commission of Oregon (PUC), Chief Administrative Law Judge Testifies on HB 2551 and submits testimony (EXHIBIT F) . Discusses the –2 amendments (EXHIBIT G) and the –3 amendments. |
| 291 | Paul Graham | Public Utility Commission of Oregon, Chief Counsel Testifies on HB 2551. Says the bill has technical problems. |
| 320 | Rep. Shetterly | Asks if there have been any discussions since the task force met regarding ex parte contacts. |
| 330 | Graham | Answers that there have been some brief discussions and that the PUC is not interested in legislation this session on ex parte contacts. |
| 346 | Chair Lowe | Closes the work session on HB 2551 and opens a work session on HB 3908. |

HB 3908 WORK SESSION

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| 360 | Counsel Shartel | Introduces HB 3908 and discusses the –6 amendments (EXHIBIT H). |
| 366 | Randy Tucker | 1000 Friends of Oregon Testifies in support of HB 3908 and explains the proposed amendments (EXHIBIT I). |

TAPE 96, B

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| 002 | Tucker | Continues testimony in support of HB 3908. |
| 022 | Rep. Shetterly | Asks if HB 3908 and ORS 244 match up. |
| 045 | Tucker | Answers that he has not looked at ORS 244 yet in order to address the more fatal issues up front. |
| 095 | Linda Ludwig | League of Oregon Cities Testifies on HB 3908 and says that |

136 **Harlan Levy** they need to take a good look at the bill.
Oregon Association of Realtors, Staff Attorney

152 Chair Lowe Testifies on HB 3908 and submits the -7 amendments (**EXHIBIT J**).
Closes the work session on HB 3908 and opens a work session HB 2917.

HB 2917 WORK SESSION

062 Counsel Introduces the -11 amendments to HB 2917 (**EXHIBITS K-M**).
Odell

178 **Rep. Shetterly** **MOTION: Moves HB 2917 to the full committee without RECOMMENDATION to passage.**
VOTE: 4-0-1
EXCUSED: 1 - C. Walker

178 Chair Lowe **Hearing no objection, declares the motion CARRIED.**

180 Chair Lowe Closes the work session on HB 2917 and adjourns the meeting at 9:33 a.m.

Submitted By,

Reviewed By,

Ann Martin,
Committee Assistant

Andrea Shartel,
Counsel

EXHIBIT SUMMARY

- A – SJR 39, written testimony submitted by Professor Steven Green, Willamette University College of Law, dated 5/16/01, 2 pgs.**
- B – SJR 39, written testimony of Bob Mink submitted by Lisa Joyce, Department of Human Services, dated 5/15/01, 1 p.**
- C – HB 3920, -2 amendments, submitted by staff, dated 5/15/01, 8 pgs.**
- D – HB 2335, -1 amendments, submitted by staff, dated 5/4/01, 5 pgs.**
- E – HB 2551, -3 amendments, submitted by staff, dated 5/15/01, 3 pgs.**
- F – HB 2551, written testimony submitted by Thomas Barkin, PUC, Chief Administrative Law Judge, dated 5/16/01, 2 pgs.**
- G – HB 2551, -2 amendments, submitted by staff, dated 4/6/01, 3 pgs.**
- H – HB 3908, -6 amendments, submitted by staff, dated 5/15/01, 3 pgs.**
- I – HB 3908, proposed amendment, submitted by Randy Tucker, 1000 Friends of Oregon, 1 p.**

- J – HB 3908, -7 amendments, submitted by Harlan Levy, Oregon Association of Realtors**

K – HB 2917, -11 amendments, submitted by staff, dated 5/16/01, 10 pgs.
L - letter from Governor John Kitzhaber, submitted by staff, dated 5/14/01, 1 p.
M - fiscal impact statement form on –7 amendments; submitted by staff, 2 pgs.