

HOUSE COMMITTEE ON JUDICIARY
SUBCOMMITTEE ON CIVIL LAW

May 2, 2001
8:00 a.m.

Hearing Room 357
Tapes 88 - 89

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

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

MEASURE/ISSUES HEARD: **HB 2880 Work Session**
 SB 597 Public Hearing and Work Session
 HB 3670 Public Hearing
 SB 118A Public Hearing and Work Session
 SB 122 Public Hearing and Work Session
 SB 123A Public Hearing and Work Session
 HB 2686 Work Session
 HB 3245 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 88, A		
005	Chair Walker	Calls the meeting to order at 8:20 a.m. Opens a work session on HB 2880.
<u>HB 2880 WORK SESSION</u>		
011	Judge Terry Leggert	Marion County Circuit Court Testifies in support of HB 2880 that modifies provisions relating to stalking protective orders.
113	Kingsley Click	State Court Administrator Testifies in support of HB 2880.
128	BeaLisa Sydlik	Oregon Judicial Department Testifies in support of HB 2880.
132	Counsel Shartel	Asks about other counties that currently provide forms and wonders how that has been working.
138	Sydlick	Says that in the counties where forms are being distributed the numbers of people filing the forms has increased.
175	Judge Leggert	Comments that these forms are being filled out with the help of someone. Explains that they don't have the staff to help with filling out the forms.
192	David Neibel	Oregon Law Center Testifies in support of HB 2880. Explains that the intent of the

		bill was to make the remedy that exists now more available to people who need it.
277	Chair Walker	Closes the work session on HB 2880 and opens a public hearing on SB 597.
	<u>SB 597 PUBLIC HEARING</u>	
302	Darrell Fuller	Oregon Auto Dealers Association Submits testimony and testifies in support of SB 597 that limits liability of person engaged in business that make motor vehicle available for test drive by another person pursuant to written agreement (EXHIBIT A). Closes the public hearing and opens a work session on SB 597.
335	Chair Walker	Closes the public hearing and opens a work session on SB 597.
	<u>SB 597 WORK SESSION</u>	
367	Rep. Backlund	MOTION: Moves SB 597 to the full committee with a DO PASS recommendation. VOTE: 5-0 Hearing no objection, declares the motion CARRIED.
368	Chair Walker	
380	Chair Walker	Closes the work session on SB 597 and opens a public hearing on HB 3670.
	<u>HB 3670 PUBLIC HEARING</u>	
385	Counsel Shartel	Introduces HB 3670 that grants civil immunity to county clerk and employees of county clerk when administering official duties.
390	Al Davidson	Oregon Association of County Clerks Submits testimony and testifies on HB 3670 (EXHIBIT B).
TAPE 89, A		
015	Jack Munro	Oregon Land and Title Association Testifies in support of HB 3670.
064	Chair Walker	Closes the public hearing on HB 3670 and opens a public hearing on SB 118A.
	<u>SB 118A PUBLIC HEARING</u>	
070	Counsel Shartel	Introduces SB 118A that makes technical modifications to laws governing conversions and mergers of certain business entities and discusses proposed amendments (EXHIBIT C).
091	Andrew Morrow	Oregon State Bar Business Law Section Testifies in support of SB 118A and submits testimony (EXHIBIT D).
147	Robert Art	Willamette University College of Law Testifies in support of SB 118A.
170	Rep. Ringo	Asks if the laws relating to closely held corporations are based on model statutes.
174	Art	Answers yes and adds that they were careful to make this consistent with the model business corporation act.
179	Rep. Ringo	Asks if the Oregon statute already has the provisions they want to add.
180	Art	Answers that currently the Oregon act provides only one remedy, which is dissolution, and it is typically the worst remedy available.
189	Rep. Ringo	Says that he is trying to understand what the model in this corporation act includes as far as remedies. Asks if it includes

193	Art	the items they are seeking to add. Answers that approximately 1/3 of the provisions in this bill are drawn from a more recent modification of the current model act, and the remaining 2/3's is not found in the model act, but is consistent with the case law in Oregon and in other states based on the model act.
207	Morris	Continues his testimony in support of SB 118A.
297	Senator Peter Courtney	Senate District 17
335	Chair Walker	Testifies in support of SB 118A. Closes the public hearing on SB 118A and opens a work session on SB 118A.

SB 118A WORK SESSION

350	Rep. Shetterly	MOTION: Moves to ADOPT the conceptual amendment to SB 118A amendments.
		VOTE: 5-0
350	Chair Walker	Hearing no objection, declares the motion CARRIED.
352	Rep. Shetterly	MOTION: Moves SB 118A to the full committee with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0
355	Chair Walker	Hearing no objection, declares the motion CARRIED.
385	Chair Walker	Closes the work session on SB 118A and opens a public hearing on SB 122.

SB 122 PUBLIC HEARING

391	Counsel Shartel	Introduces SB 122 that increases from \$10,000 to \$30,000 amount that certain personal representatives, trustees and conservators may transfer to custodian for minor without approval of court.
409	Christopher Cline	Oregon State Bar Testifies in support of SB 122 and submits testimony (EXHIBIT E).
TAPE 88, B		
003	Cline	Continues testimony in support of SB 122.
026	Chair Walker	Closes the public hearing on SB 122 and opens a work session on SB 122.

SB 122 WORK SESSION

033	Rep. Lowe	MOTION: Moves SB 122 to the full committee with a DO PASS recommendation.
		VOTE: 4-0-1
		EXCUSED: 1 - Shetterly
033	Chair Walker	Hearing no objection, declares the motion CARRIED.
038	Chair Walker	Closes the work session on SB 122 and opens a public hearing on SB 123A.

SB 123A PUBLIC HEARING

040	Christopher Cline	Oregon State Bar Testifies in support of SB 123A and submits testimony (EXHIBIT F).
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076 Rep. Shetterly Asks if there is a time limitation in this statute for the exercise of this disclaimer.
090 Cline Answers that under the new legislation there is no time limit.
098 Chair Walker Closes the public hearing on SB 123A and opens a work session on SB 123A.

SB 123A WORK SESSION

102 Rep. Shetterly **MOTION: Moves SB 123A to the full committee with a DO PASS recommendation.**
VOTE: 5-0
105 Chair Walker **Hearing no objection, declares the motion CARRIED.**
116 Chair Walker Closes the work session on SB 123A and opens a work session on HB 2686.

HB 2686 WORK SESSION

118 Counsel Shartel Introduces HB 2686 that modifies incidents that are not material to real property transaction and for which failure to disclose does not give rise to cause of action against owner, owner's agent or transferee's agent and discusses -4 amendments (**EXHIBIT G**).
125 Jana Jarvis **Oregon Association of Realtors**
Testifies in support of HB 2686 and explains the amendments.
139 Chair Walker Asks about amendments.
148 Jarvis Proposes that the committee adopts -3 (**EXHIBIT H**) and -4 amendments to bill.
173 Matt Farmer **Oregon Association of Realtors**
Testifies in support of HB 2686 and amendments.
202 Rep. Lowe **MOTION: Moves to ADOPT HB 2686-3 amendments dated 04/05/01.**
VOTE: 5-0
207 Chair Walker **Hearing no objection, declares the motion CARRIED.**
209 Rep. Lowe **MOTION: Moves to ADOPT HB 2686-4 amendments dated 05/01/01.**
VOTE: 5-0
210 Chair Walker **Hearing no objection, declares the motion CARRIED.**
215 Rep. Lowe **MOTION: Moves HB 2686 to the full committee with a DO PASS AS AMENDED recommendation.**
VOTE: 5-0
215 Chair Walker **Hearing no objection, declares the motion CARRIED.**
228 Chair Walker Closes the work session on HB 2686 and opens a work session on HB 3245.

HB 3245 WORK SESSION

237 Bob Joondeph **Oregon Advocacy Center**
Testifies in support of 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 explains -2 and -3 amendments (**EXHIBITS I & J**).
334 Rep. Lowe Discusses -2 amendments.
433 Eva Kutas **Mental Health and Developmental Disabilities Division**
Testifies on HB 3245.

Submitted By,

Reviewed By,

Ann Martin,
Committee AssistantAndrea Shartel,
Counsel**EXHIBIT SUMMARY****A – SB 597, written testimony submitted by Darrell Fuller, dated 5/2/01, 1 p.****B – HB 3670, written testimony of John Kauffman, Clackamas County Clerk, submitted by Al Davidson, dated 5/1/01, 1 p.****C – SB 118A, proposed amendments, submitted by Andrew Morrow, Oregon State Bar, 15 pgs.****D – SB 118A, written testimony submitted by Andrew Morrow, dated 5/2/01, 17 pgs.****E – SB 122, written testimony submitted by Christopher Cline, Oregon State Bar, dated 5/2/01, 1 p.****F – SB 123, written testimony submitted by Christopher Cline, Oregon State Bar, dated 1/24/01, 1 p.****G – HB 2686, -4 amendments, dated 5/1/01, 1 p.****H – HB 2686, -3 amendments, dated 4/5/01, 1 p.****I – HB 3245, -3 amendments, dated 5/1/01, 1 p.****J – HB 3245, -2 amendments, dated 4/25/01, 2 pgs.**