

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

May 7, 2001  
8:00 a.m.

Hearing Room 357  
Tapes 90 - 91

**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 3912 Work Session**  
                                  **SB 130 Public Hearing and Work Session**  
                                  **SB 120A Public Hearing**  
                                  **SB 124 Public Hearing and Work Session**  
                                  **SB 429 Public Hearing and Work Session**  
                                  **HB 2335 Work Session**  
                                  **HB 2949 Work Session**  
                                  **HB 3245 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 90, A</b>		
003	Chair Walker	Calls the meeting to order at 8:17 a.m. and opens a work session on HB 3912.
<b><u>HB 3912 WORK SESSION</u></b>		
010	<b>Rich Vial</b>	<b>Condominium Working Group</b> Testifies in support of HB 3912 and the proposed amendments.
063	Chair Walker	Closes the work session on HB 3912 and opens a public hearing on SB 130.
<b><u>SB 130 PUBLIC HEARING</u></b>		
070	Counsel Shartel	Introduces SB 130 that requires Department of Revenue to pay reasonable expenses and attorney fees in ad valorem proceedings when judge finds in favor of taxpayer.
076	<b>Betsy Earls</b>	<b>Associated Oregon Industries</b> Testifies in support of SB 130.
087	<b>David Canary</b>	<b>Private Attorney</b> Testifies in support of SB 130.
104	<b>Larry Tapanen</b>	<b>Appraisal Company Owner</b> Testifies in support of SB 130.
130	Rep. Ringo	Asks if he has any estimate as to what the Department of Revenue will have to pay for attorney fees.
142	Earls	Says that the fiscal is about \$250,000 based on five cases.
210	Chair Walker	States that the fiscal was received as well as the written

240	<b>Jim Craven</b>	testimony of Robert May and Jason Williams faxed by Robert May ( <b>EXHIBIT A</b> ). <b>American Electronics Association</b>
255	<b>Kevin Mannix</b>	Testifies in support of SB 130. <b>Attorney</b>
292	Chair Walker	Testifies in support of SB 130. Closes the public hearing on SB 130 and opens a work session on SB 130.
<b><u>SB 130 WORK SESSION</u></b>		
<b>308</b>	<b>Rep. Shetterly</b>	<b>MOTION: Moves SB 130 to the full committee with a DO PASS recommendation.</b> <b>VOTE: 4-0-1</b> <b>EXCUSED: 1 - Lowe</b> <b>Hearing no objection, declares the motion CARRIED.</b>
<b>310</b>	<b>Chair Walker</b>	
331	Chair Walker	Closes the work session on SB 130 and opens a public hearing on SB 120A.
<b><u>SB 120A PUBLIC HEARING</u></b>		
339	<b>Jonathan Levy</b>	<b>Oregon State Bar</b> Testifies in support of SB 120A that establishes a procedure for asserting claims against certain nontestamentary trusts and submits testimony ( <b>EXHIBIT B</b> ).
<b>TAPE 91, A</b>		
002	Levy	Continues testimony in support of SB 120A.
013	Rep. Shetterly	Asks what the difference in this context is between a summary determination and commencement of a separate action against the trustee on the claim.
015	Levy	Says that a summary determination is a ruling by the probate court that's not appealable.
052	<b>Bradd Swank</b>	<b>State Court Administrator's Office</b> Testifies on SB 120A.
054	Rep. Shetterly	Asks Mr. Swank about summary determinations.
065	Swank	Answers that he hasn't read the bill so he doesn't know about specific procedures.
085	Chair Walker	Closes the public hearing on SB 120A and opens a public hearing on SB 124.
<b><u>SB 124 PUBLIC HEARING</u></b>		
085	<b>Carl Myers</b>	<b>Oregon State Bar</b> Testifies in support of SB 124 that allows annulment, dissolution of marriage, or separation to stipulate entry of decree. Closes the public hearing and opens a work session on SB 124.
110	Chair Walker	
<b><u>SB 124 WORK SESSION</u></b>		
<b>117</b>	<b>Rep. Shetterly</b>	<b>MOTION: Moves SB 124 to the full committee with a DO PASS recommendation.</b> <b>VOTE: 4-0-1</b> <b>EXCUSED: 1 - Lowe</b> <b>Hearing no objection, declares the motion CARRIED.</b>
<b>118</b>	<b>Chair Walker</b>	
130	Chair Walker	Closes the work session on SB 124 and opens a public hearing on SB 429.
<b><u>SB 429 PUBLIC HEARING</u></b>		
135	Counsel Shartel	Introduces SB 429 that allows additional time to transport

183	Chair Walker	psychiatric patient to state hospital. Closes the public hearing on SB 429 and opens a work session on SB 429.
<b><u>SB 429 WORK SESSION</u></b>		
198	Rep. Ringo	<b>MOTION: Moves SB 429 to the full committee with a DO PASS recommendation.</b>
199	Chair Walker	<b>VOTE: 5-0</b> <b>Hearing no objection, declares the motion CARRIED.</b>
207	Chair Walker	Closes the work session on SB 429 and opens a work session on HB 2335.
<b><u>HB 2335 WORK SESSION</u></b>		
199	Counsel Shartel	Introduces HB 2335 that splits the eighteenth judicial district into two districts, one district containing Clatsop County and one district containing Tillamook County, and comments on –1 amendments ( <b>EXHIBIT C</b> ).
221	Bradd Swank	<b>State Court Administrator’s Office</b> Testifies in support of HB 2335 and discusses the –1 amendments.
260	Rose Jade	<b>Attorney</b> Testifies in opposition to HB 2335 and –1 amendments and submits testimony ( <b>EXHIBIT D</b> ).
378	Swank	Continues his testimony on HB 2335.
416	Rep. Ringo	Asks Mr. Swank if he has an opinion as to whether the jury lists should be private information or not.
421	Swank	Answers that that is really not their issue. Adds that ultimately the question of whether or not jury lists are public record, partially disclosable, or usable just for challenges is a decision that is up to the legislature.
<b>TAPE 90, B</b>		
010	Rep. Lowe	Asks Jade how these jury lists could be abused.
015	Jade	Responds she doesn’t think that they can be. Says that the problem for litigants is that they cannot get the exact list from which their jury is pulled.
065	Chair Walker	Closes the work session on HB 2335 and opens a work session on HB 2949.
<b><u>HB 2949 WORK SESSION</u></b>		
079	Counsel Shartel	Introduces HB 2949 that for purposes of statutes, defines may not and shall not as equivalent expressions of absolute prohibition.
114	Rep. Ringo	<b>MOTION: Moves HB 2949 to the full committee with a DO PASS recommendation.</b>
118	Chair Walker	<b>VOTE: 4-0-1</b> <b>EXCUSED: 1 - Shetterly</b> <b>Hearing no objection, declares the motion CARRIED.</b>
135	Chair Walker	Closes the work session on HB 2949 and opens a work session on HB 3245.
<b><u>HB 3245 WORK SESSION</u></b>		
136	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 –3 amendments

152	<b>Bob Joondeph</b>	<b>(EXHIBIT E).</b> <b>Oregon Advocacy Center</b>
		Testifies in support of the –3 amendments.
163	<b>Rep. Lowe</b>	<b>MOTION: Moves to ADOPT HB 3245-3 amendments dated 05/01/01.</b>
		<b>VOTE: 4-0-1</b>
		<b>EXCUSED: 1 - Ringo</b>
164	<b>Chair Walker</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
167	<b>Rep. Lowe</b>	<b>MOTION: Moves HB 3245 to the full committee with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 4-0-1</b>
		<b>EXCUSED: 1 - Ringo</b>
170	<b>Chair Walker</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
179	<b>Chair Walker</b>	Closes the work session on HB 3245 and adjourns the meeting at 9:30 a.m.

Submitted By,

Reviewed By,

Ann Martin,  
Committee Assistant

Andrea Shartel,  
Counsel

**EXHIBIT SUMMARY**

**A – SB 130, written testimony of Robert May and Jason Williams, submitted by staff, dated 5/4/01, 3 pgs.**

**B – SB 120A, written testimony submitted by Jonathan Levy, dated 5/7/01, 4 pgs.**

**C – HB 2335, -1 amendments, submitted by staff, dated 5/4/01, 6 pgs.**

**D – HB 2335, written testimony submitted by Rose Jade, dated 5/6/01, 66 pgs.**

**E – HB 3245, -3 amendments, submitted by staff, dated 5/1/01, 1 p.**

**F – SB 130, written testimony of Robert May, D.R. Johnson Lumber Company, 1 p. (*submitted post meeting by Robert May*)**