

HOUSE COMMITTEE ON JUDICIARY

January 19, 2001
8:00 am

Hearing Room 357
Tapes 3 - 5

MEMBERS PRESENT: Rep. Max Williams, Chair
Rep. Jo Ann Bowman, Vice Chair
Rep. Wayne Krieger, Vice Chair
Rep. Robert Ackerman
Rep. Vic Backlund
Rep. Kathy Lowe
Rep. Charlie Ringo
Rep. Lane Shetterly
Rep. Cheryl Walker
Rep. Vicki Walker
Rep. Carl Wilson

STAFF PRESENT: Bill Taylor, Counsel
Andrea Shartel, Counsel
Ann Martin, Committee Assistant

MEASURE/ISSUES HEARD: Measure Introduction: LC 449, 666, 1475, 1665,
2429, 2430, 2431, 2432, 2504

Informational Meeting:
Attorney General Hardy Myers
Deputy Attorney General Pete Shepherd
Stephen Bushong, Attorney, Oregon Department of Justice
Ann Christian, Administrator, State Court Administrator's Office

HB 2042 Work Session
HB 2043 Work Session
HB 2046 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 3, A		
005	Chair Williams	Calls the meeting to order at 8:10 a.m. Explains the agenda of the meeting.
030	Counsel Taylor	Discusses Legislative Counsel (LC) drafts (EXHIBITS A-I).
062	Chair Williams	MOTION: Moves LC's: 449, 666, 1475, 1665, 2429, 2430, 2431, 2432, 2504 BE INTRODUCED as committee bills.

VOTE: 11-0

062	Chair Williams	Hearing no objection, declares the motion CARRIED.
100	Hardy Myers	Attorney General Makes presentation on The Attorney General as Attorney for State Agencies and the State of Oregon (EXHIBIT J).
TAPE 4, A		
070	Pete Shepherd	Deputy Attorney General Answers questions regarding District Attorney Assistant Program.
303	Stephen Bushong	Oregon Department of Justice, Attorney in Charge, Trial Division/Special Litigation Unit Makes presentation on Civil Liability. (EXHIBIT K).
TAPE 3, B		
357	Ann Christian	Indigent Defense Services Division Makes presentation on Oregon's Indigent Defense Program and The Right to Counsel (EXHIBIT L).
TAPE 4, B		
000	Ann Christian	Continues presentation.
407	Chair Williams	Opens work session on HB 2042.
		<u>HB 2042 WORK SESSION</u>
410	Counsel Shartel	Explains HB 2042 relating to contracting authority of directors of legislative service agencies.
440	Rep. Lowe	MOTION: Moves HB 2042 to the floor with a DO PASS recommendation. VOTE: 9-0-2 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Ringo, Walker C.
461	Chair Williams	The motion CARRIES. Rep. Lowe to carry bill.
462	Chair Williams	Closes the work session on HB 2042 and opens a works session on HB 2043.
		<u>HB 2043 WORK SESSION</u>
TAPE 5, A		
000	Counsel Shartel	Explains HB 2043 relating to the Legislative Counsel (LC), authorizing the Judicial Department and the Governor to file proposed legislative measures with the LC.
011	Rep. Backlund	MOTION: Moves HB 2043 to the floor with a DO PASS AS AMENDED recommendation.
015	Rep. Shetterly	Discusses amendment in civil subcommittee to bill.
030	Chair Williams	Explains –1 amendments to HB 2043 (EXHIBIT M).
052	Rep. Walker	Asks question regarding Administrative Rules.
056	Greg Chaimov	Legislative Counsel States they are repealing section in Chapter 171.
065	Rep. Wilson	Asks civil subcommittee members if there was discussion about drafts being shared with Legislative Fiscal Office and Legislative Revenue Office.
069	Rep. Lowe	Answers yes. Explains discussion.

080	Rep. Wilson	Says he will support bill out of committee.
087	Chaimov	Clarifies language of bill.
106	Rep. Shetterly	Reviews the -1 amendment and the attorney/client privilege.
130		VOTE: 10-0-1
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 1 - Walker C.
130	Chair Williams	The motion CARRIES.
		Rep. Backlund to carry bill.
142	Rep. Backlund	Asks about moving bill to Consent Calendar.
150	Chair Williams	Suggests that they not move this bill to consent calendar because there might be some discussion on it.
155	Chair Williams	Closes the work session on HB 2043 and opens a work session on HB 2046.
		<u>HB 2046 WORK SESSION</u>
163	Counsel Shartel	Explains HB 2046 and -3 amendment, relating to procedures for challenges to explanatory statements (EXHIBIT N).
180	Chair Williams	Illustrates that this bill allows notice if you are serving on an explanatory statement committee and you are named in a lawsuit challenging that statement that you get notice as a member of that statement committee that you are being sued.
187	Vice Chair Bowman	Wonders who is responsible for the notification of a challenge to a ballot explanation statement.
195	Rep. Shetterly	Clarifies bill and amendment.
205	Chair Williams	Explains that explanatory statement committees are not always legislators.
220	Rep. Lowe	MOTION: Moves HB 2046 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 10-0-1
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 1 - Walker C.
220	Chair Williams	The motion CARRIES.
230	Chair Williams	Closes work session on HB 2046.
234	Chair Williams	MOTION: Moves to SUSPEND the rules for the purpose of allowing Rep. Ringo and Rep. Walker, C. to vote on HB 2042. Both vote “aye”.
249	Chair Williams	MOTION: Moves to SUSPEND the rules for the purpose of allowing Rep. Walker, C. to vote on HB 2043 and HB 2046. Votes “aye” on both bills.
257	Chair Williams	Announces trip to Marion County Courthouse and jail on Monday.
284	Chair Williams	Adjourns meeting at 10:00 a.m.

Submitted By,

Reviewed By,

Ann Martin
Committee Assistant

Bill Taylor,
Counsel

EXHIBIT SUMMARY

- A – LC Draft 449, submitted by staff, 8/14/00, 2 pgs.**
- B – LC Draft 666, submitted by staff, 1/4/01, 1 p.**
- C – LC Draft 1475, submitted by staff, 12/27/00, 4 pgs.**
- D – LC Draft 1665, submitted by staff, 1/12/01, 1 p.**
- E – LC Draft 2429, submitted by staff, 1/15/01, 4 pgs.**
- F – LC Draft 2430, submitted by staff, 1/12/01, 2 pgs.**
- G – LC Draft 2431, submitted by staff, 1/15/01, 3 pgs.**
- H – LC Draft 2432, submitted by staff, 1/17/01, 1 p.**
- I – LC Draft 2504, submitted by staff, 1/17/01, 2 pgs.**
- J – Attorney General’s Presentation, submitted by Attorney General Hardy Myers and Deputy Attorney General Peter D. Shepard, 1/19/01, 9 pgs.**
- K – Stephen Bushong’s Presentation, submitted by Stephen Bushong, 1/19/01, 16 pgs.**
- L – Ann Christian’s Presentation, submitted by Ann Christian, 1/19/01, 36 pgs.**
- M – HB 2043, -1 amendments, submitted by staff, dated 1/16/01, 1 p.**
- N – HB 2046, -3 amendments, submitted by staff, dated 1/17/01, 1 p.**