

# HOUSE COMMITTEE ON JUDICIARY

March 09, 2001  
8:00 a.m.

Hearing Room 357  
Tapes 20 - 22

**MEMBERS PRESENT:** Rep. Max Williams, Chair  
Rep. Wayne Kreiger, 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

**MEMBER EXCUSED:** Rep. Jo Ann Bowman, Vice Chair

**STAFF PRESENT:** Bill Taylor, Counsel  
Shannon Reed, Committee Assistant

**MEASURE/ISSUES HEARD:**

HB 2817 Work Session	HB 2386 Work Session
HB 2216 Work Session	HB 2387 Work Session
HB 2217 Work Session	HB 2594 Work Session
HB 2218 Work Session	HB 2608 Work Session
HB 2348 Work Session	HB 2609 Work Session
HB 2393 Work Session	HB 2610 Work Session
HB 2419 Work Session	HB 2667 Work Session
HB 2420 Work Session	SB 171 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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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 20, A</b>		
003	Chair Williams	Calls the meeting to order at 8:30 a.m. and opens the work session on HB 2817.
<b><u>HB 2817 WORK SESSION</u></b>		
025	Chair Williams	Explains that the bill is to be referred to Transportation Committee.
030	Rep. Williams	<b><u>MOTION: Moves HB 2817 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Transportation.</u></b>
031		<b>VOTE: 9-0-2</b>
033	Chair Williams	<b>EXCUSED: 2 - Bowman, Krieger</b> <b>Hearing no objection, declares the motion CARRIED.</b>
032	Chair Williams	Closes the work session on HB 2817 and opens a work session on HB 2216.

**HB 2216 WORK SESSION**

- 035 Counsel Taylor Explains HB 2216 relating to declaration of purpose of anti-trust laws.
- 067 Rep. Shetterly **MOTION: Moves HB 2216 to the full committee with a DO PASS recommendation.**
- VOTE: 9-0-2**
- 070 Chair Williams **EXCUSED: 2 - Bowman, Krieger**  
**Hearing no objection, declares the motion CARRIED.**
- 072 Chair Williams Closes the work session on HB 2216 and opens the work session on HB 2217.

**HB 2217 WORK SESSION**

- 080 Rep. V. Walker Explains the Illinois Brick Repealer Act that was the basis for HB 2217 relating to anti-trust laws.
- 085 Rep. V. Walker **MOTION: Moves HB 2217 to the floor with a DO PASS recommendation.**
- VOTE: 9-0-2**
- 094 Chair Williams **AYE: In a roll call vote, all members present vote Aye.**  
**EXCUSED: 2 - Bowman, Krieger**  
**The motion CARRIES.**  
**REP. V. WALKER will lead discussion on the floor.**
- 096 Chair Williams Closes the work session on HB 2217 and opens the work session on HB 2218.

**HB 2218 WORK SESSION**

- 097 Counsel Taylor Explains HB 2218 relating to anti-trust laws.
- 105 Rep. Shetterly **MOTION: Moves HB 2218 to the floor with a DO PASS recommendation.**
- VOTE: 9-0-2**
- 114 Chair Williams **AYE: In a roll call vote, all members present vote Aye.**  
**EXCUSED: 2 - Bowman, Krieger**  
**The motion CARRIES.**  
**Rep. Ackerman will lead discussion on the floor.**
- 116 Chair Williams Closes the work session on HB 2218 and opens a work session on HB 2384.

**HB 2348 WORK SESSION**

- 121 Counsel Taylor Explains HB 2348 and the -3 amendments (**EXHIBIT A**) relating to the Board of Parole and Post-Prison supervision. Says the fiscal indicates that the bill must move to Ways and Means.
- 172 Rep. Shetterly **MOTION: Moves to ADOPT HB 2348-3 amendments dated 3/7/01.**
- VOTE: 9-0-2**
- 175 Chair Williams **EXCUSED: 2 - Bowman, Krieger**  
**Hearing no objection, declares the motion CARRIED.**
- 182 Rep. Shetterly **MOTION: Moves HB 2348 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.**
- VOTE: 9-0-2**
- 183 Chair Williams **EXCUSED: 2 - Bowman, Krieger**  
**Hearing no objection, declares the motion CARRIED.**

185 Chair Williams Closes the work session on HB 2348 and opens the work session on HB 2393.

**HB 2393 WORK SESSION**

188 Counsel Taylor Explains HB 2393 and the –1 amendments (**EXHIBIT B**) which relate to the compact for adult offender supervision.

266 **Jeff Van Valkenburgh** **Attorney General's Office**

Express support for the –1 amendments and clarifies the Attorney General's position.

294 **Scott Taylor** **Department of Corrections**

Testifies in support of –1 amendments.

374 Rep. Ackerman Asks about fiscal impact and the liability of commission members.

381 Van Valkenburgh Says that the fiscal addresses that and it establishes limit of liability in funding the bill.

**TAPE 21, A**

016 Counsel Taylor Explains liability and tort claims statutes.

093 Rep. Ackerman Asks about negligent supervision in another state and liability.

104 Counsel Taylor Discusses jurisdiction limitations of compact.

186 Chair Williams Discusses with Rep. Lowe the referral to Ways and Means concerning the transfer of records and other pertinent information.

204 Rep. Wilson Expresses concern about compacts and potential authority over the state legislature.

222 **Rep. Shetterly** **MOTION: Moves to ADOPT HB 2393-1 amendments dated 3/8/01.**

**VOTE: 10-0-1**

**EXCUSED: 1 – Bowman**

224 **Chair Williams** **Hearing no objection, declares the motion CARRIED.**

225 **Chair Williams** **MOTION: Moves HB 2393 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 – Bowman**

234 **Chair Williams** **The motion CARRIES.**

**Rep. Williams will lead the discussion on the floor.**

235 Chair Williams Closes the work session on HB 2393 and opens the work session on HB 2419.

240 **Rep. Williams** **MOTION: Moves to SUSPEND the rules for the purpose of allowing Rep. Krieger to vote on HB 2216, HB 2217 HB 2218 and HB 2348. Rep. Krieger votes aye on all.**

**VOTE: 10-0-1**

**EXCUSED: 1 – Bowman**

251 **Chair Williams** **Hearing no objection, declares the motion CARRIED.**

**HB 2419 WORK SESSION**

258 Counsel Taylor Explains HB 2419 relating to optional probation sentences.

263 Rep. Wilson Discusses the bill and sentencing guidelines for drug-related manufacture.

270 Rep. Backlund Asks about the lack of definition of “substantial quantity” and if

291 Counsel Taylor both HB 2419 and HB 2420 need to be passed to cover the bases.  
 338 Chair Williams Responds yes, that is the intent of the sponsors.  
 352 Rep. Krieger Explains the testimony received in sub-committee.  
 361 Rep. Lowe Contends that the legislation will have positive effects on  
 369 Chair Williams children and families.  
 Asks about the need for addiction treatment in the prison system.  
 Notes that methamphetamine addiction is more difficult to treat  
 than other types of addiction.

383 Rep. Shetterly Discusses language in HB 2419 and HB 2420 regarding  
 substantial quantities.

**TAPE 20, B**

027 Chair Williams Closes the work session on HB 2419 and opens the work session  
 on HB 2386.

**HB 2386 WORK SESSION**

032 Counsel Shartel Explains HB 2386 relating to garnishment.

056 **Dave Heynderickx** **Legislative Counsel**

Explains –2 amendments (EXHIBIT C).

107 **Rep. Shetterly** **MOTION: Moves to ADOPT HB 2386-2 amendments dated  
 3/8/01.**

**VOTE: 9-0-2**

**EXCUSED: 2 - Bowman, Wilson**

115 **Chair Williams** **Hearing no objection, declares the motion CARRIED.**

117 **Rep. Shetterly** **MOTION: Moves HB 2386 to the floor with a DO PASS AS  
 AMENDED recommendation.**

120 Rep. V. Walker Asks about the self-employed being able to deduct their wages as  
 an exemption under the bankruptcy code and the difficulties  
 encountered with the garnishment statute.

130 Chair Williams Recalls his understanding of the issue as dealt with in the work  
 group.

159 Heynderickx Concurs with the comments of Chair Williams.

189 Rep. Ringo Asks about specific problems.

190 Heynderickx Explains federal debt collections act. Says that the independent  
 contractor is the same as an employee and that the issue is very  
 complex.

260 Chair Williams Further explains the discussion of the issue in the work group.

321 **VOTE: 9-0-2**

**AYE: In a roll call vote, all members present vote Aye.**

**EXCUSED: 2 - Bowman, Wilson**

336 **Chair Williams** **The motion CARRIES.**

**REP. LOWE will lead discussion on the floor.**

345 Chair Williams Closes the work session on HB 2386 and opens the work session  
 on HB 2387.

**HB 2387 WORK SESSION**

347 Counsel Shartel Explains HB 2387 relating to advantage in sale or partition of  
 property.

380 Rep. Lowe Asks about in terms of domestic relations issues and sibling  
 tenancy.

412 Rep. Ringo Says that there is post adjudication in divorce.

**TAPE 21, B**

031 Chair Williams Clarifies and expresses balance in property equity.

070 Rep. Lowe Expresses concern about consequences of HB 2387.

111            **Rep. Ringo**            **MOTION: Moves HB 2387 to the floor with a DO PASS recommendation.**  
**VOTE: 9-0-2**  
**AYE:            In a roll call vote, all members present vote Aye.**  
127            **Chair Williams**            **EXCUSED: 2 - Bowman, Wilson**  
**The motion CARRIES.**  
**REP. RINGO will lead discussion on the floor.**

136            Chair Williams            Closes the work session on HB 2387 and opens the work session on HB 2594.

**HB 2594 WORK SESSION**

137            Counsel Shartel            Explains HB 2594 relating to pioneer cemeteries.  
151            Chair Williams            Supports and discusses HB 2594.  
215            Rep. Ringo            Discuss testimony from civil sub-committee.  
251            Rep. Lowe            Discusses measure 7 or trespass.  
269            **Rep. Williams**            **MOTION: Moves HB 2594 to the floor with a DO PASS recommendation.**  
**VOTE: 10-0-1**  
**AYE:            In a roll call vote, all members present vote Aye.**  
**EXCUSED: 1 - Bowman**  
280            **Chair Williams**            **The motion CARRIES.**  
**REP. KRIEGER will lead discussion on the floor.**  
282            Chair Williams            Closes the work session on HB 2594 and opens the work session on HB 2608.

**HB 2608 WORK SESSION**

286            Counsel Shartel            Explains HB 2608 relating to authorizing legislators' inspection of public records.  
323            Rep. V. Walker            Asks if HB 2608 would allow an inspection of SAIF.  
326            Chair Williams            Clarifies issue.  
348            **Rep. Backlund**            **MOTION: Moves HB 2608 to the floor with a DO PASS recommendation.**  
**VOTE: 10-0-1**  
**AYE:            In a roll call vote, all members present vote Aye.**  
**EXCUSED: 1 - Bowman**  
360            **Chair Williams**            **The motion CARRIES.**  
**REP. BACKLUND will lead discussion on the floor.**

363            Chair Williams            Closes the work session on HB 2608 and opens the work session on HB 2609.

**HB 2609 WORK SESSION**

366            Counsel Shartel            Explains HB 2609 relating to technical changes in Oregon Law.  
435            **Rep. Shetterly**            **MOTION: Moves HB 2609 to the floor with a DO PASS AS AMENDED recommendation.**  
**VOTE: 9-0-2**  
**AYE:            In a roll call vote, all members present vote Aye.**  
**EXCUSED: 2 - Bowman, Ringo**  
475            **Chair Williams**            **The motion CARRIES.**  
**REP. SHETTERLY will lead discussion on the floor.**

478            Chair Williams            Closes the work session on HB 2609 and opens the work session on HB 2610.

**TAPE 22, A**

**HB 2610 WORK SESSION**

027 <b>044</b>	Counsel Shartel <b>Rep. Shetterly</b>	Explains HB 2610 relating to trust deeds. <b>MOTION: Moves HB 2610 to the floor with a DO PASS recommendation.</b> <b>VOTE: 9-0-2</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 2 - Bowman, Ringo</b> <b>The motion CARRIES.</b> <b>REP. C. WALKER will lead discussion on the floor.</b>
<b>060</b>	<b>Chair Williams</b>	
070	Chair Williams	Closes the work session on HB 2610 and opens the work session on HB 2667.
<b><u>HB 2667 WORK SESSION</u></b>		
072	Counsel Shartel	Explains HB 2667 relating to limiting liability of a public body.
<b>104</b>	<b>Rep. Shetterly</b>	<b>MOTION: Moves HB 2667 to the floor with a DO PASS recommendation.</b> <b>VOTE: 10-0-1</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 1 - Bowman</b> <b>The motion CARRIES.</b> <b>REP. SHETTERLY will lead discussion on the floor.</b>
<b>119</b>	<b>Chair Williams</b>	
123	Chair Williams	Closes the work session on HB 2667 and opens the work session on SB 171.
<b><u>SB 171 WORK SESSION</u></b>		
128 <b>163</b>	Counsel Odell <b>Rep. C. Walker</b>	Explains SB 171 that relates to the Uniform Commercial Code. <b>MOTION: Moves SB 171 to the floor with a DO PASS recommendation.</b> <b>VOTE: 10-0-1</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 1 - Bowman</b> <b>The motion CARRIES.</b> <b>REP. C. WALKER will lead discussion on the floor.</b>
190	<b>Chair Williams</b>	
193	Counsel Taylor	Discusses amphetamine with HB 2419 and HB 2420 and offers clarification.
225	Chair Williams	States intentions to hold over HB 2419 and HB 2420 for further examination.
<b>241</b>	<b>Rep. Ringo</b>	<b>MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. RINGO to BE RECORDED as voting AYE on HB 2609 and HB 2610.</b>
251	Chair Williams	Closes the work session on SB 171 and adjourns the meeting at 10:11 a.m.

Submitted By,

Reviewed By,

Shannon Reed  
Committee Assistant

Bill Taylor,  
Counsel

Transcribed by,

Michael Reiley

**EXHIBIT SUMMARY**

**A – HB 2348, -3 amendments, submitted by staff, dated 3/7/01, 3 pgs.**

**B – HB 2393, -1 amendments, submitted by staff, dated 3/8/01, 1 pg.**

**C – HB 2386, -2 amendments, submitted by staff, dated 3/8/01, 11 pgs.**