

HOUSE COMMITTEE ON JUDICIARY

April 10, 2001
5:00 p.m.

Hearing Room 357
Tapes 33 - 34

MEMBERS PRESENT: Rep. Max Williams, Chair
Rep. Wayne Krieger, Vice Chair
Rep. Kathy Lowe, Vice Chair
Rep. Robert Ackerman
Rep. Vic Backland
Rep. Jackie Dingfelder
Rep. Charlie Ringo
Rep. Lane Shetterly
Rep. Cheryl Walker
Rep. Vicki Walker
Rep. Carl Wilson

STAFF PRESENT: Bill Taylor, Counsel
Andrea Shartel, Counsel
Shannon Reed, Committee Assistant

MEASURES HEARD: HB 2009 Work Session
HB 3915 Work Session
HB 2428 Work Session
HB 2560 Work Session
HB 2600 Work Session
HB 2942 Work Session
HB 2944 Work Session
HB 2972 Work Session
HB 3037 Work Session
HB 3669 Work Session
HB 3119 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 33, A 003	Chair Williams	Calls the meeting to order at 5:10 p.m. and opens the work session on HB 2009.
<u>HB 2009 WORK SESSION</u> 005	Counsel Shartel	Summarizes HB 2009 which raises cap on prizes that may be awarded in bingo or lotto games from \$1,500 to \$2,500.
014	Rep. Lowe	Summarizes the action and the adoption of the -2 amendments in the subcommittee (EXHIBIT A).
030	Rep. Lowe	MOTION: Moves HB 2009 to the floor with a DO PASS AS AMENDED recommendation.
035	Rep. Ringo	States he is a no vote because the testimony given was that the limit needed to be raised to compete with the Native American casinos.

045 **Chair Williams** **VOTE: 6-2-3**
AYE: 6 - Ackerman, Backlund, Krieger, Lowe, Shetterly, Williams
NAY: 2 - Dingfelder, Ringo
EXCUSED: 3 - Walker C, Walker V, Wilson
The motion CARRIES.
REP. LOWE will lead discussion on the floor.

057 Chair Williams Closes the work session on HB 2009 and opens the work session on HB 3915.

HB 3915 WORK SESSION

058 Counsel Shartel Summarizes HB 3915 which removes certain archaic reference to book and docket of county clerk.

067 Rep. Shetterly **MOTION: Moves HB 3915 to the floor with a DO PASS recommendation.**

078 **VOTE: 8-0-3**

082 **Chair Williams** **EXCUSED: 3 – Walker C, Walker V, Wilson**
Hearing no objection, declares the motion CARRIED.
REP. DINGFELDER will lead discussion on the floor.

087 Chair Williams Closes the work session on HB 3915 and opens the work session on HB 2428.

HB 2428 WORK SESSION

088 Counsel Taylor Summarizes HB 2428 which authorizes county, organization, association or person to offer reward for apprehension of youth offender.

094 Rep. Shetterly States that the –1 amendments (**EXHIBIT B**) which were adopted in subcommittee replace HB 2428 and explains what the bill does.

110 Rep. Shetterly **MOTION: Moves HB 2428 to the floor with a DO PASS AS AMENDED recommendation.**

114 **VOTE: 9-0-2**
EXCUSED: 2 – Walker C, Walker V
Chair Williams **Hearing no objection, declares the motion CARRIED.**
REP. SHETTERLY will lead discussion on the floor.

117 Chair Williams Closes the work session on HB 2428 and opens the work session on HB 2560.

HB 2560 WORK SESSION

118 Counsel Taylor Summarizes HB 2560 which requires court to order suspension of driving privileges of person who fails to appear on charge of minor in possession of alcohol.

125 Rep. Ackerman Notes that the failure to appear would trigger the suspension and the –2 amendments clarify the process in the juvenile court system (**EXHIBIT C**).

135 Rep. Ackerman **MOTION: Moves HB 2560 to the floor with a DO PASS AS AMENDED recommendation.**

140 **VOTE: 9-0-1**
EXCUSED: 1 - V. Walker
Chair Williams **Hearing no objection, declares the motion CARRIED.**

REP. ACKERMAN will lead discussion on the floor.

144 Chair Williams

Closes the work session on HB 2560 and opens the work session on HB 2600.

HB 2600 WORK SESSION

145 Counsel Taylor

Summarizes HB 2600 which creates crime of falsifying drug test results.

153 Rep. Krieger

Reviews the testimony from the subcommittee.

177 **Rep. Krieger**

MOTION: Moves HB 2600 to the floor with a DO PASS recommendation.

180 **VOTE: 10-0-1**

EXCUSED: 1 - V. Walker

182 **Chair Williams**

Hearing no objection, declares the motion CARRIED.

REP. KRIEGER will lead discussion on the floor.

184 Chair Williams

Closes the work session on HB 2600 and opens the work session on HB 2942.

HB 2942 WORK SESSION

185 Counsel Taylor

Summarizes HB 2942 which modifies procedure for determining counties' share of Grant-in-Aid Program moneys. Discusses the - 2 amendments adopted in subcommittee (**EXHIBIT D**).

210 **Rep. Ackerman**

MOTION: Moves HB 2942 to the floor with a DO PASS AS AMENDED recommendation.

214 **VOTE: 10-0-1**

EXCUSED: 1 - V. Walker

Chair Williams

Hearing no objection, declares the motion CARRIED.

REP. ACKERMAN will lead discussion on the floor.

224 Chair Williams

Closes the work session on HB 2942 and opens the work session on HB 2944.

HB 2944 WORK SESSION

225 Counsel Taylor

Summarizes HB 2944 which directs Board on Public Safety Standards and Training to establish four policy committees for specific disciplines governed by the board.

238 Chair Williams

Recesses the work session on HB 2944 and opens the work session on HB 2972.

HB 2972 WORK SESSION

244 Counsel Taylor

Summarizes HB 2972 which expands crime of making false claim for health care payment to include claims made to casualty insurers.

258 Chair Williams

States this bill will make it easier to pursue false claims for health care payments for casualty insurers.

270 **Rep. Williams**

MOTION: Moves HB 2972 to the floor with a DO PASS recommendation.

VOTE: 11-0-0

279 **Chair Williams**

Hearing no objection, declares the motion CARRIED.

REP. WILSON will lead discussion on the floor.

285 Chair Williams

Closes the work session on HB 2972 and opens the work session on HB 3037.

HB 3037 WORK SESSION

288 Counsel Taylor

Summarizes HB 3037 which creates planning and advisory committee to make recommendations on how to increase family

296	Rep. V. Walker	bonding for children who have incarcerated parents.
331	Rep. V. Walker	Reviews the testimony from the subcommittee. MOTION: Moves HB 3037 to the floor with a DO PASS recommendation.
		VOTE: 11-0-0
333	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. CARLSON AND REP. V. WALKER will lead discussion on the floor.
344	Chair Williams	Closes the work session on HB 3037 and re-opens the work session on HB 2944.
TAPE 34, A		
<u>HB 2944 WORK SESSION</u>		
004	Taylor	Summarizes HB 2944 relating to policy committees and the -2 amendments (EXHIBIT E) and the -3 amendments (EXHIBIT F).
050	Rep. Krieger	MOTION: Moves to ADOPT HB 2944-2 amendments dated 04/05/01.
		VOTE: 10-0-1
		EXCUSED: 1 – Wilson
055	Chair Williams	Hearing no objection, declares the motion CARRIED.
056	Rep. Krieger	MOTION: Moves HB 2944 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 10-0-1
		EXCUSED: 1 – Wilson
064	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. KRIEGER will lead discussion on the floor.
070	Chair Williams	Closes the work session on HB 2944 and opens the work session on HB 3669.
<u>HB 3669 WORK SESSION</u>		
080	Counsel Taylor	Summarizes HB 3669 which expands conduct that constitutes extreme conduct for purposes of terminated parental rights to include exposing child to manufacture of methamphetamine. States that the subcommittee adopted the –1 amendments (EXHIBIT G).
053	Rep. Lowe	States she will be a yes vote but comments on the process of termination of parental rights.
077	Chair Williams	Responds the bill was drafted not to mandate termination of parental rights but to allow the courts the opportunity to evaluate the circumstances and determine if expediting the process is to the child's' advantage.
085	Chair Williams	MOTION: Moves HB 3669 to the floor with a DO PASS recommendation.
		VOTE: 11-0-0
	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. WILLIAMS will lead discussion on the floor.
089	Chair Williams	Closes the work session on HB 3669 and opens the work session on HB 3119.
<u>HB 3119 WORK SESSION</u>		

090	Counsel Taylor	Summarizes HB 3119 which allows person to bring action in circuit court against Health Division of Department of Human Services or authorized local governmental unit for alleged failure to perform act or duty required by Oregon Drinking Water Quality Act. Explains that the –1 amendments are incorporated in the –2 amendments (EXHIBIT H).
137	Scott Parker	Association of Oregon Counties Testifies in support of HB 3119–2 amendments.
150	Phil Schradle	Attorney General’s Office Submits testimony and testifies in support of HB 3119 –2 amendments (EXHIBIT I).
201	Lori Freeman	Oregon Law Center Testifies in support of the HB 3669–2 amendments.
218	Rep. Ackerman	Questions if there is a conflict regarding which court transfers the case. Expresses concern about jurisdiction and filing time-line.
272	Parker	Responds that HB 3119–2 amendments have addressed these issues.
293	Schradle	States that his concern regarding timing has not been addressed.
303	Rep. Shetterly	Suggests changing the language from “court or tribunal disputes” to “court or tribunal determines”.
374	Rep. Ackerman	States that there should be a time frame to file that motion.
361	Schradle	Discusses that jurisdiction can be raised at any time.
388	Chair Williams	Questions if Mr. Schradle believes this should not have a limit.
418	Schradle	Responds it would be problematic.
422	Rep. Ringo	Discusses the jurisdictional issue noting the considerations that would be involved.
414	Rep. Shetterly	Discusses personal jurisdiction and subject matter jurisdiction.
TAPE 33, B 013	Chair Williams	Proposes changes to read “if a case is transferred by the circuit court under this section to a court or tribunal other than the court of appeals and the court or tribunal determines on motion by a party that the court or tribunal is not authorized by law to hear the case the court or tribunal shall refer the question to the court of appeals”.
025	Schradle	Suggests, on motion by a party or on the court or tribunals own motion.
034	Counsel Taylor	Proposes a round table study be done.
040	Chair Williams	Closes the work session on HB 3119 and adjourns the meeting at 6:07 p.m.

Submitted By,

Reviewed By,

Shannon Reed,
Committee Assistant

Bill Taylor,
Counsel

Transcribed By,

Linda K. Gatto,
Committee Assistant

EXHIBIT SUMMARY

- A - HB 2009, -2 amendments submitted sby staff, dated 4/5/01, 1 pg.**
- B - HB 2428, -1 amendments submitted by staff, dated 4/6/01, 3 pgs.**
- C - HB 2560, -2 amendments submitted by staff, dated 3/13/01, 4 pgs.**
- D - HB 2942, -2 amendments submitted by staff, dated 4/9/01, 1 pg.**
- E - HB 2944, -2 amendments submitted by staff, dated 4/5/01, 1 pg.**
- F - HB 2944, -3 amendments submitted by staff, dated 4/11/01, 2 pgs.**
- G - HB 3669, -1 amendments submitted by staff, dated 4/9/01, 1 pg.**
- H - HB 3119, -2 amendments submitted by staff, dated 4/10/01, 5 pgs.**
- I - HB 3119, written testimony submitted by Phil Schradle, Attorney General's Office, dated 4/10/01, 2 pgs.**