

HOUSE COMMITTEE ON JUDICIARY

April 23, 2001
5:00 p.m.

Hearing Room 357
Tapes 43 - 44

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

STAFF PRESENT: **Andrea Shartel, Counsel**
 Shannon Reed, Committee Assistant

MEASURE/ISSUES HEARD: **HJR 7 Work Session**
 HB 3931 Work Session
 HB 2687 Work Session
 HB 3398 Work Session
 HB 3533 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 43, A		
003	Chair Williams	Calls the meeting to order at 5:10 p.m. and opens the work session on HJR 7.
<u>HJR 7 WORK SESSION</u>		
010	Counsel Taylor	Explains HJR 7 and the -2 amendments relating to the Judicial Merit Selection Commission (EXHIBIT A).
075	Rep. Lowe	Mentions that the Governor's office was not supportive of this function being taken away from his office.
086	John Tyner	Oregon State Bar Board of Governors Testifies in qualified support of HJR 7 and the -2 amendments.
115	Rep. Wilson	Asks for clarification of judicial selection.
112	Chair Williams	Explains the history of judicial selection methodology.
186	Rep. Backlund	Asks about constitutional means of selection versus statutory selection.
189	Chair Williams	Responds that the constitutional method is considered more tamper-proof.
203	Rep. Lowe	Comments that having judges as compassionate and real-life persons is paramount and that a committee is not the best way to select and judge.
280	Rep. V. Walker	Says that she won't support the measure.
288	Chair Williams	Comments that this brings the public into the selection process.

322	Rep. Shetterly	Comments on the best process for selection.
375	Rep. Wilson	Comments on not changing the status quo, but that he will support this measure out of sub-committee.
401	Rep. Williams	MOTION: Moves to ADOPT HJR 7-2 amendments dated 4/19/01.
		VOTE: 11-0
402	Chair Williams	Hearing no objection, declares the motion CARRIED.
406	Rep. Williams	MOTION: Moves HJR 7 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.
		VOTE: 9-2-0
		AYE: 9 - Ackerman, Backlund, Dingfelder, Krieger, Ringo, Shetterly, Walker C, Wilson, Williams
		NAY: 2 - Lowe, Walker V.
420	Chair Williams	The motion CARRIES.
		REP. WILLIAMS AND REP. SHETTERLY will lead discussion on the floor.
428	Chair Williams	Closes the work session on HJR 7 and opens a work session on HB 3931.
<u>HB 3931 WORK SESSION</u>		
430	Counsel Odell	Explains HB 3931 and –1 amendments relating to archaeological contraband (EXHIBIT B).
TAPE 44, A		
020	Rep. Ackerman	Comments on HB 3931 and ownership rights and forfeiture.
051	Counsel Odell	Clarifies the –1 amendments.
075	Rep. Ackerman	MOTION: Moves to ADOPT HB 3931-1 amendments dated 4/23/01.
		VOTE: 10-0-1
		EXCUSED: 1 - V. Walker
077	Chair Williams	Hearing no objection, declares the motion CARRIED.
081	Rep. Ackerman	MOTION: Moves HB 3931 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 - V. Walker
086	Chair Williams	The motion CARRIES.
		REP. ACKERMAN will lead discussion on the floor.
096	Chair Williams	Closes the work session on HB 3931 and opens a work session on HB 2687.
<u>HB 2687 WORK SESSION</u>		
118	Rep. Shetterly	Explains HB 2687 and the –3 amendments relating to discrimination against disabled persons (EXHIBIT C).
127	Rep. Shetterly	MOTION: Moves HB 2687 to the floor with a DO PASS AS AMENDED recommendation.
132	Rep. Ackerman	Asks about exemptions.
139	Rep. Shetterly	Responds that liability exceptions are the same as in the federal act.
164	Chair Williams	Comments on state liability and asks about Oregon Bar support.
178	Bob Oleson	Oregon State Bar

Testifies in support of HB 2687.

VOTE: 10-0-1

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

EXCUSED: 1 - V. Walker

The motion CARRIES.

REP. RINGO will lead discussion on the floor.

191 Chair Williams

233 Chair Williams

Closes the work session on HB 2687 and opens work session on HB 3398.

HB 3398 WORK SESSION

235 Counsel Shartel

Explains HB 3398 and the -1 amendments relating to special education due process hearing (**EXHIBIT D**).

253 Rep. Shetterly

Comments on the action date and that all parties are on board with the -1 amendments.

287 Rep. Shetterly

MOTION: Moves to ADOPT HB 3398-1 amendments dated 4/19/01.

VOTE: 10-0-1

EXCUSED: 1 – V. Walker

290 Chair Williams

Hearing no objection, declares the motion CARRIED.

292 Rep. Shetterly

MOTION: Moves HB 3398 to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 10-0-1

EXCUSED: 1 - V. Walker

304 Chair Williams

**Hearing no objection, declares the motion CARRIED.
REP. BACKLUND will lead discussion on the floor.**

306 Chair Williams

Closes the work session on HB 3398 and opens a work session on HB 3533.

HB 3533 WORK SESSION

308 Counsel Shartel

Explains HB 3533 relating to liens against die mold holders.

396 Rep. C. Walker

MOTION: Moves HB 3533 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.

VOTE: 10-0-1

EXCUSED: 1 - V. Walker

401 Chair Williams

Hearing no objection, declares the motion CARRIED.

402 Chair Williams

Closes the work session on HB 3533 and adjourns the meeting at 6:15 p.m.

Submitted By,

Reviewed By,

Shannon Reed
Committee Assistant

Bill Taylor,
Counsel

EXHIBIT SUMMARY

A – HJR 7, -2 amendments, submitted by staff, dated 4/19/01, 2 pgs.

B – HB 3931, -1 amendments, submitted by staff, dated 4/23/01 1 pg

C – HB 2687, -1 amendments, submitted by staff, dated 4/13/01, 1 pg.

D – HB 3398, -1 amendments, submitted by staff, dated 4/19/01, 1 pg.