

## HOUSE COMMITTEE ON JUDICIARY

April 05, 2001  
5:00 p.m.

Hearing Room 357  
Tapes 31 - 32

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

**MEMBERS EXCUSED:**   **Rep. Wayne Krieger, Vice Chair**  
                                  **Rep. Lane Shetterly**

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

**MEASURE/ISSUES HEARD:**     **HB 2947 Work Session**  
                                  **HB 2339 Work Session**  
                                  **HB 2365 Work Session**  
                                  **HB 2372 Work Session**  
                                  **HB 2414 Work Session**  
                                  **HB 2731 Work Session**  
                                  **HB 3260 Work Session**  
                                  **HB 3925 Work Session**  
                                  **HB 2336 Work Session**  
                                  **HB 2611 Work Session**  
                                  **HB 2950 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 31, A</b>                  |                |  |
| 004                                | Chair Williams | Calls the meeting to order at 5:07 p.m. and opens the work session on HB 2947  |
| <b><u>HB 2947 WORK SESSION</u></b> |                |  |
| 012                                | Counsel Taylor | Describes HB 2947, which is tied to the intent to interfere with the research and explains provisions of the measure |
| 033                                | Rep. Ringo     | <b>MOTION: Moves HB 2947 to the floor with a DO PASS recommendation.</b>   |
|                                    |                | <b>VOTE: 7-0-3</b>   |
|                                    |                | <b>AYE: 7 – Ackerman, Backlund, Lowe, Ringo, V. Walker, Wilson, Williams</b>   |
|                                    |                | <b>EXCUSED: 3 – Shetterly, C. Walker, Kreiger</b>  |
| 049                                | Chair Williams | <b>The motion CARRIED.</b><br><b>REP. SHETTERLY will lead discussion on the floor.</b>                               |

050 Chair Williams Questions if the Committee would object to suspension of a roll call vote on measures that have unanimous consent; no one objects. Closes the work session on HB 2947 and opens a work session HB 2339.

**HB 2339 WORK SESSION**

059 Counsel Shartel Describes HB 2339, which expands the types of services that may be funded by the fees that are collected and specified “domestic relation cases” and clarifies the mediation of financial issues in domestic relations cases is not appropriate under certain circumstances.

075 Chair Williams Notes that the initial measure had resistance because it established a mandatory mediation program; with the removal of that piece the resistance is gone.

083 **Alice Phalan** **Oregon Judicial Department**

Explains the –4 amendments on HB 2339 (**EXHIBIT A**)

096 **Chair Williams** **MOTION: Moves to ADOPT HB 2339-4 amendments dated 4/3/2001.**

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

106 **Chair Williams** **MOTION: Moves HB 2339 to the floor with a DO PASS AS AMENDED recommendation.**

**VOTE: 8-0-2**

**AYE: 8 – Ackerman, Backlund, Lowe, Ringo, C. Walker, V. Walker, Wilson, Williams**

**EXCUSED: 2 – Shetterly, Kreiger**

109 **Chair Williams** **The motion CARRIED.**

**REP. C. WALKER will lead discussion on the floor.**

110 Chair Williams Closes the work session on HB 2339 and opens a work session HB 2365.

**HB 2365 WORK SESSION**

111 Counsel Shartel Explains HB 2365 and the -2 amendments (**EXHIBIT B**). Says the measure provides that a person may not refuse to recognize the validity of a power of attorney document based solely on the passage of time since date of execution.

125 Rep. Backlund Comments that this measure would give financial institutions immunity if powers of attorney were accepted in good faith according to the Elder Law section of the Oregon State Bar.

143 Chair Williams Asks for Rep. Ringo’s reasons for objection to the measure in sub-committee.

145 Rep. Ringo Speaks to discussions he has had to verify current law and reconcile his concerns.

168 Chair Williams Responds to good faith issue; questions if “reasonably relies” would resolve Rep. Ringo’s concerns.

170 Rep. Ringo Comments that he has made much the same suggestions.

229 **Chair Williams** **MOTION: Moves the rules be suspended for the purpose of conceptually amending the -3 amendments.**

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

232 **Chair Williams** **MOTION: Moves to conceptually amend the –3 amendment by inserting “reasonably” on page 1, line 5, after “who”.**

- 234 Chair Williams Hearing no objection, declares the motion CARRIED.
- 235 Chair Williams MOTION: Moves to ADOPT HB 2365-3 amendments dated 3/27/2001, amendments as conceptually amended.
- 236 Chair Williams Hearing no objection, declares the motion CARRIED.
- 241 Rep. Backlund MOTION: Moves HB 2365 to the floor with a DO PASS AS AMENDED recommendation.  
VOTE: 8-0-2  
AYE: 8 – Ackerman, Backlund, Lowe, Ringo, C. Walker, V. Walker, Wilson, Williams  
EXCUSED: 2 – Shetterly, Kreiger
- 242 Chair Williams The motion CARRIED.  
REP. BACKLUND will lead discussion on the floor.
- 243 Chair Williams Closes the work session on HB 2365 and opens a work session HB 2372.
- HB 2372 WORK SESSION**
- 262 Counsel Shartel Explains HB 2372 and provides information on the sub-committee discussion and action. Says the bill comes from the Oregon State Bar and would allow telephone testimony in civil jury trials on a showing of good cause and compelling need.
- 318 Counsel Shartel Notes telephone testimony has been allowed, but both sides had to agree; this measure allows the court to make the decision upon a showing of good cause or compelling need.
- 327 Chair Williams MOTION: Moves HB 2372 to the floor with a DO PASS recommendation.  
VOTE: 8-0-2  
AYE: 8 – Ackerman, Backlund, Lowe, Ringo, C. Walker, V. Walker, Wilson, Williams  
EXCUSED: 2 – Shetterly, Kreiger
- 333 Chair Williams The motion CARRIED.  
CHAIR WILLIAMS will lead discussion on the floor.
- 343 Chair Williams Closes the work session on HB 2372 and opens a work session HB 2414.
- HB 2414 WORK SESSION**
- 362 Counsel Shartel Explains HB 2414 relating to codifying “choice of law” for Oregon related contracts.
- 368 Rep. Ringo Comments on the complexity of “choice of law”.
- 370 Chair Williams Speaks to the Oregon Law Commission’s work group that spent a great deal of time on this measure.
- 391 Chair Williams MOTION: Moves HB 2414 to the floor with a DO PASS recommendation.  
VOTE: 7-0-3  
AYE: 7 – Ackerman, Backlund, Lowe, Ringo, C. Walker, V. Walker, Williams  
EXCUSED: 3 – Shetterly, Kreiger, Wilson
- 392 Chair Williams The motion CARRIED.  
REP. SHETTERLY will lead discussion on the floor.

|                                    |                       |  |
|------------------------------------|-----------------------|--|
| 398                                | Chair Williams        | Closes the work session on HB 2414 and opens a work session HB 2731.   |
| <b><u>HB 2731 WORK SESSION</u></b> |                       |  |
| 401                                | Counsel Shartel       | Explains HB 2731 relating to the Oregon Farm Bureau and fixing a gap in the “Right to Farm” law; explains current law and what the measure would correct.  |
| 430                                | Rep. Backlund         | Notes that this gap in coverage was an oversight based on testimony heard.   |
| 448                                | Rep. Ackerman         | Speaks to his opposition to the measure.   |
| 482                                | Rep. Backlund         | Speaks to his understanding of the “Right to Farm” law.  |
| 500                                | Rep. Ackerman         | Concurs, but this measure expands the areas that these activities can be engaged in and be immune from civil suit.   |
| <b>TAPE 32, A</b>                  |                       |  |
| 040                                | Chair Williams        | Closes the work session on HB 2731 and opens a work session HB 3260.   |
| <b><u>HB 3260 WORK SESSION</u></b> |                       |  |
| 044                                | Counsel Shartel       | Explains HB 3260 relating to Oregon State Bar.   |
| 060                                | Chair Williams        | Notes this stream-lines the Bar's governance process. Says the –2 amendments need to be adopted ( <b>EXHIBIT C</b> ).  |
| <b>062</b>                         | <b>Rep. Lowe</b>      | <b>MOTION: Moves to ADOPT HB 3260-2 amendments dated 4/3/01 amendments as conceptually amended.</b>  |
| <b>071</b>                         | <b>Chair Williams</b> | <b>Hearing no objection, declares the motion CARRIED.</b>  |
| <b>072</b>                         | <b>Rep. Lowe</b>      | <b>MOTION: Moves HB 3260 to the floor with a DO PASS AS AMENDED recommendation.</b><br><b>VOTE: 7-0-3</b><br><b>AYE: 7 – Ackerman, Backlund, Lowe, Ringo, C. Walker, V. Walker, Williams</b><br><b>EXCUSED: 3 – Shetterly, Kreiger, Wilson</b>   |
| <b>073</b>                         | <b>Chair Williams</b> | <b>The motion CARRIED.</b><br><b>REP. LOWE will lead discussion on the floor.</b>  |
| 076                                | Chair Williams        | Closes the work session on HB 3260 and opens a work session HB 3925.   |
| <b><u>HB 3925 WORK SESSION</u></b> |                       |  |
| 078                                | Counsel Shartel       | Explains HB 3925 is to be referred to the House Committee on Smart Growth and Commerce.  |
| 081                                | Chair Williams        | <b>MOTION: Moves HB 3925 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Smart Growth and Commerce.</b><br><b>VOTE: 7-0-3</b><br><b>AYE: 7 – Ackerman, Backlund, Lowe, Ringo, C. Walker, V. Walker, Williams</b><br><b>EXCUSED: 3 – Shetterly, Kreiger, Wilson</b> |
| <b>100</b>                         | <b>Chair Williams</b> | <b>The motion CARRIED.</b>   |
| 106                                | Chair Williams        | Closes the work session on HB 3925 and opens a work session HB 2336.   |
| <b><u>HB 2336 WORK SESSION</u></b> |                       |  |
| 114                                | Chair Williams        | Recesses work session on HB 2336 and opens a work session HB   |

2611.

**HB 2611 WORK SESSION**

118 Counsel Prins

Explains HB 2611 relating to the rules of procedure for juvenile practice from the Oregon Law Commission.

155 Chair Williams

**MOTION: Moves HB 2611 to the floor with a DO PASS recommendation.**

**VOTE: 8-0-2**

**AYE: 8 – Ackerman, Backlund, Lowe, Ringo, C. Walker, V. Walker, Wilson, Williams**

158 Chair Williams

**EXCUSED: 2 – Shetterly, Kreiger**  
**The motion CARRIED.**

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

160 Chair Williams

Closes the work session on HB 2611 and opens a work session HB 2950.

**HB 2950 WORK SESSION**

169 Counsel Prins

Explains HB 2950 relating to juvenile courts and who may intervene in a dependency case from the Oregon Law Commission.

193 Rep. Ackerman

**MOTION: Moves HB 2950 to the floor with a DO PASS recommendation.**

**VOTE: 8-0-2**

**AYE: 8 – Ackerman, Backlund, Lowe, Ringo, C. Walker, V. Walker, Wilson, Williams**

195 Chair Williams

**EXCUSED: 2 – Shetterly, Kreiger**  
**The motion CARRIED.**

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

198 Chair Williams

Closes the work session on HB 2950 and reconvenes a work session HB 2336.

**HB 2950 WORK SESSION**

203 Counsel Taylor

Explains HB 2336 which clarifies that the Oregon Court of Appeals and the Oregon Supreme Court procedural process in handling appeals for juvenile court decisions is similar to civil matters on appeal, with one exception.

211 Rep. Lowe

**MOTION: Moves HB 2336 to the floor with a DO PASS recommendation.**

**VOTE: 8-0-2**

**AYE: 8 – Ackerman, Backlund, Lowe, Ringo, C. Walker, V. Walker, Wilson, Williams**

219 Chair Williams

**EXCUSED: 2 – Shetterly, Kreiger**  
**The motion CARRIED.**

**REP. V. WALKER will lead discussion on the floor.**

232 Chair Williams

Closes the work session on HB 2336 and adjourns at 5:50 p.m.

Reviewed By,

Shannon Reed,  
Committee Assistant

Bill Taylor,  
Counsel

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Transcribed by,

Joan Green

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**EXHIBIT SUMMARY**

**A - HB 2339, -4 amendments submitted by staff, dated 4/3/01, 4 pgs.**

**B - HB 2365, -2 amendments submitted by staff, dated 3/27/01, 1 pg.**

**C - HB 3260, -2 amendments submitted by staff, dated 4/3/01, 6 pgs.**