

HOUSE COMMITTEE ON JUDICIARY

April 6, 2001
8:00 a.m.

Hearing Room 357
Tapes 33 - 34

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

MEMBER EXCUSED: Rep. Wayne Krieger, Vice-Chair
 Rep. Cherryl Walker

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

MEASURE/ISSUES HEARD: **HB 2246 Public Hearing**
 HB 3119 Public Hearing
 HB 2700 Work Session
 HB 2374 Work Session
 HB 2885 Work Session
 HB 2072 Work Session
 HB 2337 Work Session
 HB 2444 Work Session
 HB 2663 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 33, A		
003	Chair Williams	Calls the meeting to order at 8:05 a.m. and opens the public hearing on HB 2246.
<u>HB 2246 PUBLIC HEARING</u>		
012	Hardy Myers	Oregon Attorney General Submits testimony and testifies in support of HB 2246, which relates to judicial review (EXHIBIT A).
098	Rep. Shetterly	Comments in support of Meyer's hard work on this issue.
115	Vice Chair Krieger	Comments about the testimony submitted.
122	Rep. Ringo	States that this is a difficult issue that deserves attention.
140	Chair Williams	Closes the public hearing on HB 2246 and opens a public hearing on HB 3119.
<u>HB 3119 PUBLIC HEARING</u>		
145	Chair Williams	Introduces HB 3119 that 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

166 **Dave Heynderickx** Act and discusses the –1 amendments (**EXHIBIT B**).
Legislative Counsel
Discusses the –1 amendments concerning cases filed in the
wrong court leading to transfers.

322 **Scott Parker** **Association of Oregon Counties**
Testifies in support of HB 3119.

363 **Janis Krem** **Oregon State Bar Association**
Testifies in support of HB 3119.

374 **Philip Schradle** **Special Counsel, Attorney General’s Office**
Testifies on HB 3119 and states that they are not overly familiar
with it.

TAPE 34, A

018 Rep. Shetterly Asks a question about the –1 amendments.

033 Heynderickx Answers Rep. Shetterly.

042 Rep. Shetterly Asks another question and suggests adding some language.

060 Heynderickx Answers Rep. Shetterly.

082 Schradle Discusses the language concerning “reliance”.

096 Rep. Ringo Asks if there is a problem with public bodies misleading people.

100 Schradle Answers that there have been a few isolated instances and is
unsure about the magnitude of the problem.

110 Parker Says that their position is that they would not try to trick people
out of their remedies and to be as fair as possible to people that
try to sue government.

119 Schradle Discusses attorney fees and says that in the bill the language is
unclear on attorney fees.

141 Rep. Ringo Questions whether it is necessary to include attorney’s fees.

147 Rep. Ackerman Expresses concern about time lapse for transfer and dismissal.

168 Heynderickx Responds that dismissal is based on initial filing and discusses
issue.

233 Chair Williams Closes the public hearing on HB 3119 and opens a work session
on HB 2700.

HB 2700 WORK SESSION

282 **Martin Taylor** **Health Policy Specialist, Oregon Nurses Association**
Submits testimony and testifies in support of HB 2700 relating to
health care providers and discusses the –4 amendments
(**EXHIBITS C & D**).

TAPE 33, B

016 **Lynn-Marie Crider** **Research Director, Oregon AFL-CIO**
Testifies on HB 2700 and discusses the -5 amendments
(**EXHIBIT E**).

111 **Chair Williams** **MOTION: Moves to ADOPT HB 2700-4 amendments dated**
03/28/01.
VOTE: 8-0-2
EXCUSED: 2 - C. Walker, Krieger

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

116 Rep. Shetterly States that he is not taken with this bill and thinks that it goes
beyond what is needed.

181 Chair Williams Comments on his support.

209 Rep. Ringo Says that he is puzzled by the concerns of the opposition.

260 **Rep. Williams** **MOTION: Moves HB 2700 to the floor with a DO PASS AS**

262 **AMENDED recommendation.**
VOTE: 7-1-2
AYE: 7 - Ackerman, Backlund, Lowe, Ringo, Walker V, Wilson, Williams
NAY: 1 - Shetterly
EXCUSED: 2 - Krieger, Walker C.
The motion CARRIES.

263 **Chair Williams**
REP. RINGO will lead discussion on the floor.

280 **Chair Williams**
Closes the work session on HB 2700 and opens a work session on HB 2374.

HB 2374 WORK SESSION

282 **Counsel Shartel**
Introduces HB 2374 that provides more than one party may be prevailing party in civil action for purpose of making award of attorney fees and discusses –4 amendments (**EXHIBIT F**).

320 **Rep. Shetterly**
MOTION: Moves to ADOPT HB 2374-4 amendments dated 04/05/01.
VOTE: 7-0-3
EXCUSED: 3 - Lowe, Krieger, C. Walker
Hearing no objection, declares the motion CARRIED.

331 **Chair Williams**

331 **Rep. Shetterly**
MOTION: Moves HB 2374 to the floor with a DO PASS AS AMENDED recommendation.
VOTE: 7-0-3
EXCUSED: 3 - Lowe, Krieger, C. Walker
Hearing no objection, declares the motion CARRIED.
REP. SHETTERLY will lead discussion on the floor.

334 **Chair Williams**

346 **Chair Williams**
Closes the work session on HB 2374 and opens a work session on HB 2885.

HB 2885 WORK SESSION

348 **Counsel Shartel**
Introduces HB 2885 that creates Oregon Domestic and Sexual Violence Services Program. Discusses the –3 amendments (**EXHIBIT G**).

406 **Rep. Shetterly**
MOTION: Moves to ADOPT HB 2885-3 amendments dated 04/05/01.
VOTE: 9-0-2
EXCUSED: 2 – Krieger, C. Walker

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

414 **Rep. Shetterly**
MOTION: Moves HB 2885 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.
VOTE: 8-0-2
EXCUSED: 2 - C. Walker, Krieger

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

455 **Chair Williams**
Closes the work session on HB 2885 and opens a work session on HB 2072.

HB 2072 WORK SESSION

460 **Counsel Taylor**
Introduces HB 2072 that requires that child support obligation be offset by child’s Social Security or Veterans’ benefits received as result of obligor’s disability or retirement.

475 Rep. Wilson Discusses bill and mentions that they adopted the –4 amendments in criminal subcommittee (**EXHIBIT H**).

TAPE 34, B

042 Rep. Wilson MOTION: Moves HB 2072 to the floor with a DO PASS AS AMENDED recommendation.
VOTE: 8-0-2
EXCUSED: 2 - Krieger, C. Walker
Hearing no objection, declares the motion CARRIED.
REP. WILSON will lead discussion on the floor.

043 Chair Williams

053 Chair Williams Closes the work session on HB 2072 and opens a work session on HB 2337.

HB 2337 WORK SESSION

054 Counsel Taylor Introduces HB 2337 that court determine whether request for waiver of counsel in criminal action is made knowingly, intelligently and voluntarily.

069 Chair Williams States that they adopted the –2 amendments in subcommittee (**EXHIBIT I**).

076 Rep. Ringo Asks a procedural question.

082 Rep. Ackerman Says he will not support bill and will vote no.

111 Rep. Lowe Notes that she will also vote no on this bill.

162 Rep. Shetterly Says that he thinks this relates to criminal actions.

167 Chair Williams MOTION: Moves HB 2337 to the floor with a DO PASS AS AMENDED recommendation.
VOTE: 6-2-2
AYE: 6 - Backlund, Ringo, Shetterly, Walker V, Wilson, Williams
NAY: 2 - Ackerman, Lowe
EXCUSED: 2 - Krieger, Walker C
The motion CARRIES.
REP. WILLIAMS will lead discussion on the floor.

168 Chair Williams

170 Chair Williams Closes the work session on HB 2337 and opens a work session on HB 2444.

HB 2444 WORK SESSION

179 Counsel Taylor Introduces HB 2444 that authorizes establishment of youth courts.

205 Chair Williams States that the –1 amendments were adopted in the subcommittee (**EXHIBIT J**).

225 Rep. Shetterly MOTION: Moves HB 2444 to the floor with a DO PASS AS AMENDED recommendation.
VOTE: 8-0-2
EXCUSED: 2 - C. Walker, Krieger
Hearing no objection, declares the motion CARRIED.
REP. LOWE will lead discussion on the floor.

226 Chair Williams

232 Chair Williams Closes the work session on HB 2444 and opens a work session on HB 2663.

HB 2663 WORK SESSION

224 Counsel Taylor Explains HB 2663 relating to statute of limitations on rape and sodomy and says that the –1 amendments were adopted in subcommittee (**EXHIBIT K**).

260	Rep. Shetterly	Discusses the bill.
286	Rep. V. Walker	Expresses concern to the statute of limitations and feels that 20 years is too long. Reports that they will need to adopt a conceptual amendment to combine the amendments.
351	Rep. Lowe	States her concerns.
373	Rep. Wilson	Supports the -2 amendments (EXHIBIT L).
408	Rep. V. Walker	Reports that DNA testing is subject to error.
433	Rep. Ackerman	Says that DNA is only important to establish identity and supports 15 year statute of limitation
453	Rep. Shetterly	Moves that they conceptually amend the -1 amendments.
474	Rep. Shetterly	MOTION: Moves to CONCEPTUALLY AMEND HB 2663, the -1 amendments, by deleting "20" and inserting "12" on page 3, line 22. VOTE: 8-0-2 EXCUSED: 2 - Krieger, C. Walker
475	Chair Williams	Hearing no objection, declares the motion CARRIED.
504	Rep. Shetterly	MOTION: Moves HB 2663 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 8-0-2 EXCUSED: 2 - Krieger, C. Walker
505	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. SHETTERLY will lead discussion on the floor.
520	Chair Williams	Closes the work session on HB 2663 and adjourns the meeting at 9:55 a.m.

Submitted By,

Reviewed By,

Ann Martin
Committee Assistant

Bill Taylor,
Counsel

EXHIBIT SUMMARY

- A – HB 2246, written testimony submitted by Hardy Myers, Oregon Attorney General, dated 4/6/01, 6 pgs.**
- B – HB 3119, -1 amendments, submitted by staff, dated 4/5/01, 4 pgs.**
- C – HB 2700, written testimony, submitted by Martin Taylor, Oregon Nurses Association, 3 pgs.**
- D – HB 2700, -4 amendments, submitted by Martin Taylor, dated 3/28/01, 4 pgs.**
- E – HB 2700, -5 amendments, submitted by staff, dated 3/28/01, 1 p.**
- F – HB 2374, -4 amendments, submitted by staff, dated 4/5/01, 2 pgs.**
- G – HB 2885, -3 amendments, submitted by staff, dated 4/5/01, 1 p.**
- H - HB 2072, -4 amendments, submitted by staff, dated 3/16/01, 3 pgs.**
- I – HB 2337, -2 amendments, submitted by staff, dated 4/2/01, 13 pgs.**
- J – HB 2444, -1 amendments, submitted by staff, dated 3/22/01, 1 p.**
- K – HB 2663, -1 amendments, submitted by staff, dated 4/2/01, 3 pgs.**
- L – HB 2663, -2 amendments, submitted by staff, dated 4/4/01, 1 p.**