

OREGON LAW COMMISSION

February 22, 2001

Hearing Room A

5:15 p.m.

Tapes 6 - 7

MEMBERS PRESENT: Sen. Kate Brown, Vice Chair

Steve Blackhurst (by phone conference)

Chief Justice Wallace P. Carson

Jeff Carter

Sandra Hansberger (by phone conference)

Prof. Hans Linde

Greg Mowe (by phone conference)

Attorney General Hardy Myers

Prof. Bernie Vail (by phone conference)

Prof. Dom Vetri (by phone conference)

MEMBER EXCUSED: Rep. Lane Shetterly, Chair

Rep. Max Williams

Dean Symeon Symeonides

STAFF PRESENT: David Kenagy, Executive Director

Michelle Mhoon, Assistant to the Executive Director

Shirley Gunter, Administrative Assistant

MEASURE/ISSUES HEARD: Approval of Minutes for January 26, 2001 Meeting

Executive Director's Report

Judicial Review Procedures Act Report

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 6, A		
004	Senator Brown	Vice Chair Brown called the meeting to order at 5:20 p.m. Makes a motion to approve minutes for the January 26, 2001 meeting. Minutes were approved as written. Asks for a report from the Executive Director.
005	David Kenagy	Executive Director's Report. Reporting on the ten bills that are before the House. Explains that they fall in 4 categories: First category includes bills that have passed the House and are now before the Senate Judiciary Committee – there are four of those, including three from the Juvenile Code Revision Work Group plus the Public Body Statutory Definition bill. The second category includes matters that have made it all the way through House Judiciary and are to the floor of the House with “do pass” recommendations. Two bills are at that stage currently – they include the Civil Rights bill and the Post Adjudication Relief bill coming from the Juvenile Code Revision Work Group. The third category contains three bills – these are bills that have had a first hearing either before the Civil or Criminal Subcommittee of the House Judiciary. This category includes the Conflict of Laws bill, the Garnishment bill and the Oregon Rules of Juvenile Court Procedure. The fourth category is the Judicial Review Procedures Act that is scheduled for its first hearing before the House Judiciary Committee on March 2nd.
027	Senator Brown	Acknowledges Jeff Carter.
028	Jeff Carter	States that he has seen some bills that are asking the Oregon Law Commission to do certain things. Asks if there is a way to track such

bills?

035 Dave Kenagy Advises that the Legislative Counsel has made us aware of two bills that are in that category.

061 Senator Brown Asks Mr. Kenagy to get the two bills in front of the Program Committee.

068 Dave Kenagy Advises that the identity of the two bills is not known at this time. Mr. Kenagy will attempt to locate these two bills.

076 Senator Brown Comments on the cooperation of the Chair of the Commission and the Chair of the House Judiciary Committee. Outstanding job is being done by both Dave Kenagy and Michelle Mhoon. On to the next item which is the Judicial Review Report. Makes a motion to adopt the Judicial Review Procedures Act as a Report.

091 Bernie Vail Moved to approve the Motion

093 Justice Carson Seconds the Motion

096 Senator Brown Any discussion on the Report?

098 Hardy Myers Advises that Scott Parker is concerned that the Report does not address the continuing concerns of local governments. We have attempted to integrate into this Report some of the concerns that local government will be expressing to the assembly when the bill begins consideration. Recommends that the Report be approved as is because it is the recommendation of the Commission – as it should be – not recommendations of the individual members of the Work Group. Advises that the Report does make reference to some of the concerns of the local governments.

146 Sandra Hansberger Asks if the report went out to the members of the Commission?

152 Senator Brown Says yes.

157 Greg Mowe Asks if all changes have been incorporated into the Report that were discussed at the work sessions?

173 Hans Linde Asks Mr. Mowe to remind the Commission of the issues that were raised at the last meeting but have not been included here as amendments.

185 Greg Mowe Explained what recommendations were raised that are not included in the amendments such as dealing with the record. Some of the suggestions were more of a housekeeping nature, i.e., introductory comments including the language that local government might like to have providing clarity in the body of the bill as well as in the preamble. Explains that he thought these were valid points.

223 Hans Linde All we are doing today is getting approval of this Report as the description of the bill as it stands today. Other suggestions that were made were not rejected by the Commission. The only business before us today is whether this Report is an accurate description and explanation of the bill as it now stands.

TAPE 7, A

012 Sandra Hansberger Acknowledges that she does have the Report. States that some of the concerns that were presented at the last meeting should be reflected in the Report to make it a fair report. As stated in the minutes from the last Commission meeting there were 11 issues raised and these concerns were concerns of Mr. Mowe and myself. We need to represent those concerns in the Report. Since we didn't have time to

- address all of these concerns at the last work session this should be reflected in the Report as the Report of the Commission.
- 031 Senator Brown Suggests that Greg and Sandra submit a report to address those issues that they feel have not been addressed.
- 036 Sandra Hansberger Agrees that would be acceptable and she would be willing to do this.
- 038 Greg Mowe Confirms that he would like to note in his report issues that he feels were not resolved.
- 050 Jeff Carter Advises that the bill has already passed the Commission so all we are talking about now is a report that the Commission prepared to accompany the draft of legislation. If there is something that happens downstream of that event I don't think that it necessarily conflicts with this it is just added to it.
- 057 Sandra Hansberger The Commission did pass the bill. For people who were not at that meeting, there were six people present at the time of the vote and the vote was 4 to 2. Explains that there have been concerns expressed from the beginning that it might be appropriate to have a minority report attached to the description of the bill.
- 067 Hardy Myers Expresses he has no objection to Ms. Hansberger's suggestion for a minority report. However, he requests that there be a time perimeter so this report can be put in the hands of the members of the assembly and staff – at least in the judiciary committee – before the hearing process starts.
- 075 Senator Brown Announces that the hearing is scheduled for Friday, March 2, 2001, at 8:00 a.m. Discussed further how long the report will be and the timeline in which it will be completed.
- 118 Senator Brown Advises that the timeline will be for the comments to be received by the Commission staff (electronically) by Tuesday morning. Everyone agrees with this. We have a motion on the floor to adopt the Judicial Review Procedures Act Report by the Oregon Law Commission. Asks for further discussion. There was none. Asks for a role call vote:
- 155 Shirley Gunter Proceeds with the role call vote:

Justice Carson: yes
Jeff Carter: yes
Sandra Hansberger: yes
Greg Mowe: yes
Hans Linde: yes
Bernie Vail: yes
Hardy Myers: yes
Dom Vetri: yes
Steve Blackhurst: yes
Kate Brown: yes

Motion having received unanimous support is hereby passed. Asks if there is any further business? There being none, the Oregon Law Commission meeting adjourns at 5:45 p.m.

Submitted By,

Reviewed By,

Shirley Gunter,

David R. Kenagy,

Administrative Assistant

Executive Director

EXHIBIT SUMMARY

A – Judicial Review Procedures Act Report, 24 pages