

## SENATE COMMITTEE ON JUDICIARY

May 03, 2001 Hearing Room 343  
1:00 P.M. Tapes 122 - 123

**MEMBERS PRESENT:**        **Sen. John Minnis, Chair**  
                                  **Sen. Peter Courtney, Vice-Chair**  
                                  **Sen. Roger Beyer**  
                                  **Sen. Ginny Burdick**  
                                  **Sen. Verne Duncan**  
                                  **Sen. Steve Harper**  
                                  **Sen. Rick Metsger**

**STAFF PRESENT:**         **Andrea Shartel, Counsel**  
                                  **Jane Bodenweiser, Committee Assistant**

**MEASURE/ISSUES HEARD:**        **HB 2494A Public Hearing and Work Session**  
                                  **HB 2201B Public Hearing and Work Session**  
                                  **HB 2202B Public Hearing and Work Session**  
                                  **HB 2386A Work Session**  
                                  **HB 2375 Public Hearing**  
                                  **HB 2665A Public Hearing**  
                                  **HB 2667 Public Hearing**  
                                  **HB 2938 Public Hearing**

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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 122, A</b>		
004	Chair Minnis	Calls the meeting to order at 1:15 p.m. and opens a public hearing on HB 2494.
<b><u>HB 2494A PUBLIC HEARING</u></b>		
010	<b>Shawn O'Neil</b>	<b>Family Law Attorney, Multnomah County</b> Submitted testimony and testifies in support of HB 2494A ( <b>EXHIBIT A</b> ) that permits parties to domestic relations suit to enforce terms of certain decrees as contract terms with contractual remedies. Submits testimony for William Howe ( <b>EXHIBIT B</b> ).
032	Chair Minnis	Closes the public hearing on HB 2494A and opens a public hearing on HB 2201B and JB 2202B.
<b><u>HB 2201B and HB 2202B PUBLIC HEARING</u></b>		
041	<b>Ken Keudell</b>	<b>Administrator, Construction Contractors Board and Landscape Contractors Board</b> Testifies in support of HB 2201B that allows State Landscape Contractors Board to require that hearings on claims be conducted as arbitration unless party elects otherwise, and 2202B that allows Construction Contractors Board to require

080	<b>William Boyd</b>	that hearings for certain claims against contractors be conducted as arbitration unless party elects otherwise. <b>Manager, Construction Contractors Board (CCB)</b>
100	Chair Minnis	Testifies in support of HB 2201B ( <b>EXHIBIT C</b> ). Closes the public hearings on HB 2201B and 2202B and opens a work session on HB 2201B.
<b><u>HB 2201B WORK SESSION</u></b>		
102	Vice Chair Courtney	<b>MOTION: Moves HB 2201B to the floor with a DO PASS recommendation.</b> <b>VOTE: 6-0-1</b> <b>EXCUSED: 1 – Beyer</b>
103	Chair Minnis	<b>Hearing no objection, declares the motion CARRIED.</b> <b>COURTNEY will lead discussion on the floor.</b>
104	Chair Minnis	Closes the work session on HB 2201B and opens a work session on HB 2202B.
<b><u>HB 2202B WORK SESSION</u></b>		
107	Vice Chair Courtney	<b>MOTION: Moves HB 2202B to the floor with a DO PASS recommendation.</b> <b>VOTE: 6-0-1</b> <b>EXCUSED: 1 – Beyer</b>
110	Chair Minnis	<b>Hearing no objection, declares the motion CARRIED.</b> <b>COURTNEY will lead discussion on the floor.</b>
112	Chair Minnis	Closes the work session on HB 2202B and opens a work session on HB 2494A.
<b><u>HB 2494A WORK SESSION</u></b>		
113	Counsel Shartel	Introduces HB 2494A that permits parties to domestic relations suit to enforce terms of certain decrees as contract terms with contractual remedies.
181	Vice Chair Courtney	<b>MOTION: Moves HB 2494A to the floor with a DO PASS recommendation.</b> <b>VOTE: 6-0-1</b> <b>EXCUSED: 1 – Beyer</b>
185	Chair Minnis	<b>Hearing no objection, declares the motion CARRIED.</b> <b>BURDICK will lead discussion on the floor.</b>
190	Chair Minnis	Closes the work session on HB 2494A and opens a work session on HB 2386A.
<b><u>HB 2386 WORK SESSION</u></b>		
202	Dave Heynderickx	<b>Legislative Counsel</b> Discusses HB 2386 that revises law relating to garnishment. Introduces the -A4 amendments ( <b>EXHIBIT D</b> ).
230	Vice Chair Courtney	<b>MOTION: Moves to ADOPT HB 2386A-A4 amendments dated 4/30/01.</b> <b>VOTE: 6-0-1</b> <b>EXCUSED: 1 - Beyer</b>
247	Chair Minnis	<b>Hearing no objection, declares the motion CARRIED.</b>
249	Vice Chair Courtney	<b>MOTION: Moves HB 2386A to the floor with a DO PASS AS AMENDED recommendation.</b> <b>VOTE: 6-0-1</b> <b>EXCUSED: 1 - Beyer</b>

252	Chair Minnis	<b>Hearing no objection, declares the motion CARRIED. COURTNEY will lead discussion on the floor.</b>
266	Chair Minnis	Closes the work session on HB 2386A and opens a public hearing on HB 2375.
<b><u>HB 2375 PUBLIC HEARING</u></b>		
274	<b>Jeff Johnson</b>	<b>Portland, OR</b> Submits testimony and testifies in support of HB 2375 that provides that failure of party to serve deposition witness with subpoena requiring appearance of witness at trial does not constitute sufficient grounds to deny use of deposition at trial without further showing of lack of diligence on part of party <b>(EXHIBIT E)</b> .
350	Chair Minnis	Closes the public hearing on HB 2375 and opens a work session
<b><u>HB 2375 WORK SESSION</u></b>		
361	<b>Vice Chair Courtney</b>	<b>MOTION: Moves HB 2375 to the floor with a DO PASS recommendation.</b> <b>VOTE: 6-0-1</b> <b>EXCUSED: 1 - Beyer</b>
365	Chair Minnis	<b>Hearing no objection, declares the motion CARRIED. METSGER will lead discussion on the floor.</b>
382	Chair Minnis	Closes the work session on HB 2375 and opens a public hearing on HB 2665A.
<b><u>HB 2665A PUBLIC HEARING</u></b>		
384	Counsel Shartel	Introduces HB 2665 that allows state agency to amend administrative rule without prior notice or hearing if amendment is solely for purpose of certain technical corrections.
440	Chair Minnis	Closes the public hearing on HB 2665A and open a work session.

**HB 2665A WORK SESSION**

441 Vice Chair  
Courtney

**MOTION: Moves HB 2665A to the floor with a DO PASS recommendation.**

**VOTE: 6-0-1**

**EXCUSED: 1 - Beyer**

446 Chair Minnis

**Hearing no objection, declares the motion CARRIED. SEN. HARPER will lead discussion on the floor.**

452 Chair Minnis

Closes the work session on HB 2665A and opens a public hearing on HB 2667.

**TAPE 123, A**

**HB 2667 PUBLIC HEARING**

028 Nan Heim

**Oregon Rehabilitation Association**

Submits testimony and testifies in support of HB 2667 (EXHIBIT E) that repeals sunset on law providing that certain nonprofit facilities and training homes are public bodies for purposes of limitations on liability of public body.

Closes the public hearing on HB 2667 and opens a work session.

051 Chair Minnis

**HB 2667 WORK SESSION**

052 Vice Chair  
Courtney

**MOTION: Moves HB 2667 to the floor with a DO PASS recommendation.**

**VOTE: 7-0**

054 Chair Minnis

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

063 Chair Minnis

Closes the work session on HB 2667 and opens a public hearing on HB 2938.

**HB 2938 PUBLIC HEARING**

066 Ed Harnden

**President, Oregon State Bar**

Submits testimony and testifies in support of HB 2938 (EXHIBIT F) that provides that Oregon Supreme Court may by rule require payment of fee by attorney who is not admitted to practice in this state and who appears as counsel in action or proceeding before court of this state.

Asks if other states have a similar bill.

098 Vice Chair Courtney

110 Karen Garst

**Executive Director, Oregon State Bar**

Replies that there are 13 states and the District of Columbia, and lists the states.

120 Sen. Metsger

Asks about the fee generation.

126 Garst

Replies that it might generate up to \$200,000 a year.

131 Sen. Metsger

Asks what the current budget is for low-income assistance.

135 Garst

Says the budget is about \$3million per year.

144 Sen. Harper

Asks what the main issues are in this legislation.

147 Harnden

Replies they include legal assistance to low income Oregonians, and a tracking system of lawyers coming into the state.

192 Sen. Harper

Asks about how the fees are paid.

195 Harnden

Explains the process.

207 Sen. Harper

Asks the amount of the fee.

209 Garst

Replies that \$250 has been agreed to.

218 Chair Minnis

Asks how the money is being accounted for.

221 Garst

Replies that the statute allows the Oregon Supreme Court to set

245	Chair Minnis	the fee and the fee comes to the Oregon State Bar on contract with the Oregon Supreme Court.
<b><u>HB 2938 WORK SESSION</u></b>		Closes the public hearing on HB 2938 and opens a work session.
246	Vice Chair Courtney	<b>MOTION: Moves HB 2938 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 5-2-0</b>
		<b>AYE: 5 - Metsger, Courtney, Burdick, Minnis, Duncan</b>
		<b>NAY: 2 - Harper, Beyer</b>
249	Chair Minnis	<b>The motion Carries.</b>
		<b>COURTNEY to lead discussion on the floor.</b>
258	Chair Minnis	Adjourns the meeting at 2:00 p.m.

Submitted By,

Reviewed By,

Jane Bodenweiser,  
Committee Assistant

Andrea Shartel,  
Counsel

**EXHIBIT SUMMARY**

- A – HB 2494, written testimony submitted by Michael O’Neil, dated 5/3/01, 17 pp**
- B – HB 2494, written testimony submitted for William Howe by Michael O’Neil, dated 5/3/01, 2 pp**
- C – HB 2202, written testimony submitted by William Boyd, dated 5/3/01, 2 pp**
- D – HB 2386A, -A4 amendments submitted by staff, dated 4/30/01, 2 pp**
- E – HB 2375, written testimony submitted by Jeff Johnson, dated 2/12/01, 2 pp**
- F – HB 2667, written testimony submitted by Nan Heim, dated 5/3/01, 1 p**
- G – HB 2938, written testimony submitted by Ed Harnden, dated 5/3/01, 3 pp**