

HOUSE JUDICIARY COMMITTEE ON CIVIL LAW

April 28, 1999 Hearing Room 357

1:00 p.m. Tapes 133 - 134

MEMBERS PRESENT: Rep. Lane Shetterly, Chair

Rep. Max Williams, Vice-Chair

Rep. Judy Uherbelau, Vice-Chair

Rep. Vic Backlund

Rep. Randall Edwards

Rep. Kathy Lowe

Rep. Vicki Walker

Rep. Larry Wells

Rep. Bill Witt

STAFF PRESENT: Aaron Felton, Counsel

Nancy Richards, Administrative Support

MEASURE/ISSUES HEARD: HB 2759 - Work Session

HB 2805 - Work Session

HB 2760 - Work Session

HB 2731 - Work Session

HB 2631 - Work Session

HB 2877 - Work Session

HB 3190 - Work Session

TAPE/#	Speaker	Comments
TAPE 133, A		
004	Chair Shetterly	Calls meeting to order at 1:16 p.m.
<u>HB 2759 - WORK SESSION</u>		
016	David Nebel	Oregon Law Center Explains the purpose of HB 2759. Gives an overview of who testified at the last hearing on HB 2759 on how it should be amended. Explains the ñ1 amendments regarding fiduciaries (EXHIBIT A).
091	Chair Shetterly	
097	Nebel	States that the content of the ñ1 amendments are the same.
103	Rep. Uherbelau	
112	Nebel	That is the intent of the changed language in the ñ1 amendments. There needs to be added language regarding those hired by
		-1
		HB 2760 ñ WORK SESSION
135	David Nebel	Oregon Law Center Explains the purpose of HB 2760. Explains the ñ2 and ñ3 amendments regarding the respondent (EXHIBITS B & C).
192	Chair Shetterly	
200	Rep. Uherbelau	What was taken out of the original bill because of the fiscal impact?
214	Nebel	Explains what was taken out of HB 2760 that would reduce costs.
232	Chair Shetterly	Was this the same work group that
Nebel		

		Closes work session.
		HB 2805 ñ WORK SESSION
258	Counsel Felton	HB 2805 Presents 3 amendments
269	Kurt Schrader	State Representative, House District 23 Explains the ñ5 amendments to HB 2805 regarding immunity. Explains the ñ4 amendments to HB 2805 regarding -3 amendments regarding expedition of summary judgments. (EXHIBITS D & E) .
	Rep. Uherbelau	Expresses concern
330	Rep. Schrader	
337	Rep. Uherbelau	
346	Chair Shetterly	
	Rep. Witt	We should keep the statute
	Rep. Lowe	Suggests
367	Chair Shetterly	
	Rep. Walker	Expresses her support of HB 2805.
	Jim Lamb	Explains that HB 2805 is for future courts regarding citizen involvement in public (EXHIBIT) .
412	Rep. Uherbelau	
421	Rep. Schrader	One step at a time
	Chair Shetterly	
433	Rep. Witt	

	Rep. Schrader	
	Rep. Witt	
455	Chair Shetterly	
Tape 134, A		
020	Rep. Witt	False and immaterial
027	Chair Shetterly	
028	Rep. Lowe	Issue light is green
034	Rep. Williams	Change and to or
042	Chair Shetterly	
	Rep. Uherbelau	Suggests letting the Senate look at the change of language in HB 2805.
050	Rep. Schrader	Make sure to cover both
060	Rep. Witt	If you are not talking about something material
073	Rep. Williams	Explains how ORS 071.
084	Chair Shetterly	Would have problem with making "and" to "or" because there would be second guessing as to what is material.
092	Rep. Lowe	Suggests
096	Rep. Uherbelau	
100	Rep. Witt	If you are bringing things that are immaterial
104	Rep. Lowe	Suggests language
111	Rep. Schrader	It is already in current law.

	Chair Shetterly	
	Rep. Lowe	
134	Rep. Williams	Expresses desire to move HB 2805 forward.
147	Rep. Witt	Gives an example of immunity of defamation charge with HB 2805.
172	Chair Shetterly	
	Rep. Witt	
	Chair Shetterly	
	Rep. Uherbelau	If you did not know it to be false at the time and not material, you would not have immunity because
	Rep. Witt	You would have to know it was false at the time you made it so
206	Rep. Schrader	Explains the goal of HB 2805 regarding immunity.
	Liz Frenkel	League of Womens Voters Explains what the League of Womens Voters support in HB 2805 expediting
	Chair Shetterly	Explains the variance in courts concerning time lines in civil calendar cases.
276	Jerry Witter	Oregon Communities for Annexation Explains why OCA supports HB 2805.
303	Daniel Ruiz	Citizen for Explains why the supports HB 2805. Explains why he was made Director of OCA due to the fact that he had the least to lose if he was slapped with a frivolous lawsuit.
330	Chair Shetterly	Discusses what HB 2805 provides for immunity from SLAPP suits.
		Rep. Edwards moves ñ3 and ñ5
	Rep. Witt	Discusses why he objects to HB 2805.

396	Rep. Uherbelau	
		Do Pass as amended by Edwards
	Rep. Uherbelau	
440	Rep. Edwards	
		Closes work session.
		Tape 133, B
		HB 2731 ñ WORK SESSION
	Counsel Felton	HB 2731
052	Carl Myers	Oregon Court Reporters Association Discusses the concerns with HB 2731 which resulted in the ñ6 amendments (EXHIBIT F) .
		Rep. Walker ñ6 amend
		Do Pass as amended
<u>HB 2631 ñ WORK SESSION</u>		
110	Counsel Felton	HB 2631 -1 amend (EXHIBIT G) .
121	Rep. Walker	Asks about what money was due an independent contractor.
	Tom Stiley	Attorney at law, Portland, Oregon Explains what the ñ1 amendments do regarding deciding on the weekly wages of independent contractors.
161	Chair Shetterly	Asks about a situation of an independent contractor concerning garnishment.
	Stiley	Explains

	Chair Shetterly	How do I know to do that?
	Stiley	
	Chair Shetterly	Do not we need to redo the writ form.
	Stiley	That is correct.
205	Jim Markee	Oregon Collectors Association Explains that the amendments to HB 2631
237	Rep. Williams	Discusses why garnishments are a complicated area.
267	Rep. Witt	
		Closes work session.
<u>HB 2877 n WORK SESSION</u>		
	Counsel Felton	HB 2877 - amendments (EXHIBIT H).
	Steven Kafoury	Explains how the
	Chair Shetterly	Explains the -
322	Rep. Lowe	
	Kafoury	The purpose is only to add
	Rep. Lowe	What is the difference in a land surveyor and a
	Kafoury	It is adding old and new language together.
371	Chair Shetterly	Are there no survey liens
	Kafoury	This just captures the

386	Rep. Wells	Would
	Kafoury	I am not
	Rep. Wells	
	Kafoury	I cannot answer that.
	Chair Shetterly	
414	Rep. Uherbelau	
	Rep. Wells	Is that
437	Rep. Uherbelau	You have to file a written notice
442	Chair Shetterly	In section 2 this adds this lien to the statute
452	Rep. Lowe	Asks about the 120 days Has there been dialogue
470	Kafoury	That issue was never raised.
Tape 134, B		
030	Rep. Lowe	
	Kafoury	
037	Rep. Uherbelau	Property transactions
	Rep. Witt	If HB 2877 passed would
054	Kafoury	Do not know there is a problem.
057	Jim Markee	Oregon Bankers Association Explains the property lien process. States that the land could transfer before
082	Rep. Witt	Asks about the boundary survey adding value to the property.

090	Markee	Explains how there is no due process for the property owner
112	Rep. Witt	
	Markee	That is true.
	Rep. Witt	
	Markee	That is correct.
	Rep. Witt	
	Markee	If you look at ORS under current law a land surveyor
136	Kafoury	It is a requirement that a land survey is done. The land price will be different because they will not have to have another survey.
143	Rep. Wells	
	Chair Shetterly	
152	Rep. Witt	Isn't it true that with the proposed amendments that there will be security for the land surveyor to be paid.
	Chair Shetterly	
175	Rep. Lowe	The statute would put the surveyor
		-1
		Do Pass as amended
	Rep. Backlund	
	Rep. Uherbelau	Could we hold until Friday
		Vote

		Closes work session.
<u>HB 3190 n WORK SESSION</u>		
250	Counsel Felton	-1 and n2 amendments (EXHIBIT)
	Terry Glovar	Explains the changes that n1 and the n2 amendments make to HB 3190.
	Glovar	The amendmens do not make any substantial changes to HB 3190.
		-1 amend
		Do Pass as amended to Ways & Means
	Rep. Wells	Expresses his opposition to HB 3190.
		Vote
		Closes work session..
	Chair Shetterly	Adjourns meeting at 3:04 p.m.

Submitted By, Reviewed By,

Nancy Richards, Aaron Felton,
Administrative Support Counsel

EXHIBIT SUMMARY