

**HOUSE JUDICIARY COMMITTEE ON CIVIL LAW**

**May 14, 1999 Hearing Room 357**

**1:00 p.m. Tapes: 163**

**MEMBERS PRESENT: Rep. Lane Shetterly, Chair**

**Rep. Max Williams, Vice-Chair**

**Rep. Judy Uherbelau, Vice-Chair**

**Rep. Randall Edwards**

**Rep. Kathy Lowe**

**Rep. Larry Wells**

**MEMBER EXCUSED: Rep. Vic Backlund**

**Rep. Vicki Walker**

**Rep. Bill Witt**

**STAFF PRESENT: Aaron Felton, Counsel**

**Nancy Richards, Administrative Support**

**MEASURE/ISSUES HEARD: SB 76 - Public Hearing & Work Session**

**SB 1157 - Public Hearing & Work Session**

**HB 3304 - Work Session**

**SB 81A - Work Session**

**SB 69 - Work Session**

**SB 662A - Work Session**

TAPE/#	Speaker	Comments
<b>TAPE 163, A</b>		
004	Chair Shetterly	Calls meeting to order at 1:22 p.m.
<b><u>SB 76 - PUBLIC HEARING</u></b>		
012	Counsel Felton	SB 76 modifies provisions relating to consolidation of matters in juvenile court.
025	<b>Timothy Travis</b>	<p><b>Oregon Judicial Department</b></p> <p>Testifies and submits written testimony in support of SB 76 (<b>EXHIBIT A</b>). Discusses what SB 76 does concerning custody of a child and consolidation of juvenile abuse and neglect action. Explains the background of SB 76. Discusses the action of the juvenile court practitioners changing custody from an abusive parent to a non-abusive parent. Discusses the confusion in the role of a court appointed counsel when applying procedural rules concerning abuse and neglect actions.</p>
		Explains the procedural chart showing the process of a domestic relations case.
091	Rep. Lowe	Explains the need for SB 76 to solve the custody problem.
093	Chair Shetterly	Closes public hearing.
<b><u>SB 76 - WORK SESSION</u></b>		
<b>100</b>	<b>Rep. Lowe</b>	<b>MOTION: Moves SB 76 to the floor with a DO PASS recommendation.</b>
		<p><b>VOTE: 6-0</b></p> <p><b>AYE: 6 - Edwards, Lowe, Uherbelau, Wells, Williams, Shetterly</b></p> <p><b>EXCUSED: 3 - Backlund, Walker, Witt</b></p>
<b>Chair Shetterly</b>		<p><b>The motion CARRIES.</b></p> <p><b>REP. LOWE will lead discussion on the floor.</b></p>

106	Chair Shetterly	Closes work session.
<b><u>SB 1157 n PUBLIC HEARING</u></b>		
108	Counsel Felton	SB 1157 increases amount of attorney fees and trustee fees paid to beneficiary of trust deed by person curing default on trust deed.
117	Chair Shetterly	Closes public hearing.
<b><u>SB 1157 n WORK SESSION</u></b>		
120	Rep. Uherbelau	<b>MOTION: Moves SB 1157 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 6-0</b> <b>AYE: 6 - Edwards, Lowe, Uherbelau, Wells, Williams, Shetterly</b> <b>EXCUSED: 3 - Backlund, Walker, Witt</b>
	Chair Shetterly	<b>The motion CARRIES.</b>  <b>REP. EDWARDS will lead discussion on the floor.</b>
131	Chair Shetterly	Closes work session.
<b><u>HB 3304 n WORK SESSION</u></b>		
130	Rep. Judy Uherbelau	<b>State Representative, House District 52</b>  HB 3304 authorizes impoundment of vehicle operated by person arrested or issued citation for driving while under the influence of intoxicants or for criminal driving while suspended if suspension resulted from driving while under the influence of intoxicants. Explains the purpose of the -4 amendments concerning the impoundment process of a vehicle belonging to an intoxicated driver <b>(EXHIBIT B)</b> .
170	Paul Romain	<b>Oregon Beer and Wine Distributors</b>  Testifies in support of HB 3304
183	Curt Curtis	<b>Oregon State Police</b>

		Testifies and submits written testimony in support of HB 3304 ( <b>EXHIBIT C</b> ). Discusses the concerns of Oregon State Police with HB 3304 regarding transient vehicles.
203	Rep. Uherbelau	Explains how the requirements in HB 3304 are not mandatory.
241	<b>Rep. Uherbelau</b>	<b>MOTION: Moves to ADOPT HB 3304-4 amendments dated 05/13/99.</b>
		<b>VOTE: 6-0</b> <b>EXCUSED: 3 - Backlund, Walker, Witt</b>
	<b>Chair Shetterly</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
245	<b>Rep. Uherbelau</b>	<b>MOTION: Moves HB 3304 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 6-0</b> <b>AYE: 6 - Edwards, Lowe, Uherbelau, Wells, Williams, Shetterly</b> <b>EXCUSED: 3 - Backlund, Walker, Witt</b>
	<b>Chair Shetterly</b>	<b>The motion CARRIES.</b>  <b>REP. UHERBELAU will lead discussion on the floor.</b>
258	Chair Shetterly	Closes work session.
<b><u>SB 81A n WORK SESSION</u></b>		
270	Counsel Felton	SB 81A clarifies authority of justice courts to enforce justice court judgments. Explains the -A5 amendments, which resolve conflicts and the -A6 amendments, which would describe court documents ( <b>EXHIBITS D &amp; E</b> ).
286	<b>Jim Markee</b>	<b>Oregon Collectors Association</b>  Expresses support for the -A5 and the -A6 amendments to SB 81A.

298	Charles Stern	<p><b>Oregon County Clerk Association</b></p> <p>Expresses support for SB 81A and the amendments.</p>
319	Rep. Lowe	<p><b>MOTION: Moves to ADOPT SB 81A -A5 amendments dated 05/11/99.</b></p>
		<p><b>VOTE: 6-0</b></p> <p><b>EXCUSED: 3 - Backlund, Walker, Witt</b></p>
	Chair Shetterly	<p><b>Hearing no objection, declares the motion CARRIED.</b></p>
324	Rep. Lowe	<p><b>MOTION: Moves to ADOPT SB 81A -A6 amendments dated 05/11/99.</b></p>
		<p><b>VOTE: 6-0</b></p> <p><b>EXCUSED: 3 - Backlund, Walker, Witt</b></p>
	Chair Shetterly	<p><b>Hearing no objection, declares the motion CARRIED.</b></p>
226	Rep. Lowe	<p><b>MOTION: Moves SB 81A to the floor with a DO PASS AS AMENDED recommendation.</b></p>
		<p><b>VOTE: 6-0</b></p> <p><b>AYE: 6 - Edwards, Lowe, Uherbelau, Wells, Williams, Shetterly</b></p> <p><b>EXCUSED: 3 - Backlund, Walker, Witt</b></p>
	Chair Shetterly	<p><b>The motion CARRIES.</b></p> <p><b>REP. WELLS will lead discussion on the floor.</b></p>

340	Chair Shetterly	Closes work session.
<b><u>SB 69 n WORK SESSION</u></b>		
344	Counsel Felton	SB 69 establishes that clerk of court must mail garnished money or proceeds to plaintiff or defendant within 21 days after court's order on claim of exemption instead of 10 judicial days.
358	<b>Bradd Swank</b>	<b>State Court Administrator's Office</b>  Explains the n1 amendments which change the waiting period for returning garnished money or proceeds ( <b>EXHIBIT F</b> ).
385	<b>Rep. Edwards</b>	<b>MOTION: Moves to ADOPT SB 69-1 amendments dated 04/27/99.</b>
		<b>VOTE: 6-0</b>  <b>EXCUSED: 3 - Backlund, Walker, Witt</b>
	<b>Chair Shetterly</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
390	<b>Rep. Edwards</b>	<b>MOTION: Moves SB 69 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 6-0</b>  <b>AYE: 6 - Edwards, Lowe, Uherbelau, Wells, Williams, Shetterly</b>  <b>EXCUSED: 3 - Backlund, Walker, Witt</b>
	<b>Chair Shetterly</b>	<b>The motion CARRIES.</b>  <b>REP. SHETTERLY will lead discussion on the floor.</b>
402	Chair Shetterly	Closes work session.
<b><u>SB 662A n WORK SESSION</u></b>		
405	Counsel Felton	SB 662A provides that stipulated judgment providing for custody, parenting time

		and support of parties' children or for spousal support for party constitutes grounds of necessity sufficient to allow court to waive 90-day waiting period before granting judgment. Explains the -A3 amendment which eliminates the 90-day waiting period and authorizes the court to appoint a party to release information ( <b>EXHIBIT G</b> ).
460	Rep. Edwards	<b>MOTION: Moves to ADOPT SB 662A-A3 amendments dated 05/07/99.</b>
		<b>VOTE: 6-0</b> <b>EXCUSED: 3 - Backlund, Walker, Witt</b>
	Chair Shetterly	<b>Hearing no objection, declares the motion CARRIED.</b>
468	Rep. Edwards	<b>MOTION: Moves SB 662A to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 6-0</b> <b>AYE: 6 - Edwards, Lowe, Uherbelau, Wells, Williams, Shetterly</b> <b>EXCUSED: 3 - Backlund, Walker, Witt</b>
	Chair Shetterly	<b>The motion CARRIES.</b>  <b>REP. UHERBELAU will lead discussion on the floor.</b>
500	Chair Shetterly	Closes work session.
		Adjourns meeting at 2:50 p.m.

Nancy Richards, Sarah Watson,

Administrative Support Office Manager

**EXHIBIT SUMMARY**

**A - SB 76, Written testimony, Timothy Travis, p. 8**

**B - SB 3304, Proposed -4 amendments, Counsel, p. 5**

**C - HB 3304, Written testimony, Curt Curtis, p. 2**

**D - SB 81A, Proposed -A5 amendments, Counsel, p. 8**

**E - SB 81A, Proposed A6 amendments, Counsel, p. 2**

**F - SB 69, Proposed -1 amendments, Brad Swank, p. 1**

**G - SB 661A, Proposed -A3 amendments, Counsel, p. 3**