

HOUSE JUDICIARY COMMITTEE ON CIVIL LAW

May 27, 1999 Hearing Room 357

1:00 p.m. Tapes 180 - 181

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

MEMBER EXCUSED: Rep. Bill Witt

STAFF PRESENT: Aaron Felton, Counsel

Nancy Richards, Administrative Support

MEASURE/ISSUES HEARD:

SB 1019A ñ Reconsideration and Work Session

SB 68A - Work Session

SB 449A - Work Session

SB 854A - Public Hearing and Work Session

SB 789A - Public Hearing and Work Session

SB 1206A - Public Hearing and Work Session

| TAPE/# | Speaker | Comments |
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| TAPE 180, A | | |
| 004 | Chair Shetterly | Calls meeting to order at 2:00 p.m. |
| <u>SB 1019A RECONSIDERATION AND WORK SESSION</u> | | |
| | Counsel Felton | SB 1019A classifies insurance compliance self-evaluative audit document as privileged information and not discoverable, or admissible as evidence, in civil, criminal or administrative proceeding. This bill was brought back to the committee to look at the ñA6 amendments and conceptual amendments to SB 1019A (EXHIBITS A & B). |
| 017 | Chair Shetterly | MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on SB 1019A. |
| | | VOTE: 8-0-1 EXCUSED: 1 - Rep. Witt |
| | Chair Shetterly | Hearing no objection, declares the motion CARRIED. |
| 032 | Chair Shetterly | MOTION: Moves to RECONSIDER the vote by which SB 1019A was sent to the floor DO PASS AS AMENDED. |
| | | VOTE: 8-0-1 EXCUSED: 1 - Rep. Witt |
| | Chair Shetterly | Hearing no objection, declares the motion CARRIED. |
| 039 | John Powell | State Farm Insurance Companies Testifies in support of SB 1019A. States that the ñA6 amendments are necessary for the Department of Justice to be able to prosecute Medicaid fraud. |
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| 060 | Timothy Wood | <p>Assistant Attorney General, Department of Justice (DOJ)</p> <p>Testifies in support of SB 1019A. Discusses how this bill would impact the DOJ and the way it handles Medicaid fraud and the subsequent changes that need to be made.</p> |
| 120 | Rep. Williams | Are we considering the hand-engrossed version of the ñA6 amendments (EXHIBIT B) rather than the original ñ6 amendments (EXHIBIT A)? |
| 122 | Wood | Yes. |
| 147 | Chair Shetterly | MOTION: Moves to SUSPEND the rules for the purpose of adopting a conceptual amendment. |
| | | <p>VOTE: 8-0-1</p> <p>EXCUSED: 1 - Rep. Witt</p> |
| | Chair Shetterly | Hearing no objection, declares the motion CARRIED. |
| 152 | Rep. Williams | MOTION: Moves to ADOPT the conceptual amendment that "any attempt to conceal a" on page 1, lines 16 and 23 of the ñA6 amendments, be changed to "an audit conducted for the purpose of concealing a". |
| | | <p>VOTE: 8-0-1</p> <p>EXCUSED: 1 - Rep. Witt</p> |
| | Chair Shetterly | Hearing no objection, declares the motion CARRIED. |
| 156 | Rep. Williams | MOTION: Moves to ADOPT SB 1019A-6 amendments dated 05/27/99 as amended by the conceptual amendment. |
| | | <p>VOTE: 8-0-1</p> <p>EXCUSED: 1 - Rep. Witt</p> |
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| | Chair Shetterly | Hearing no objection, declares the motion CARRIED. |
| 161 | Rep. Williams | MOTION: Moves SB 1019A to the floor with a DO PASS AS AMENDED recommendation. |
| | | VOTE: 8-0-1 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Rep. Witt |
| | Chair Shetterly | The motion CARRIES. REP. EDWARDS will lead discussion on the floor. |
| 173 | Chair Shetterly | Closes the work session on SB 1019A. |
| <u>SB 68A WORK SESSION</u> | | |
| 180 | Rep. Williams | MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on SB 68A. |
| | | VOTE: 8-0-1 EXCUSED: 1 - Rep. Witt |
| | Chair Shetterly | Hearing no objection, declares the motion CARRIED. |
| 181 | Rep. Williams | MOTION: Moves to RECONSIDER the vote by which SB 68A was sent to the floor DO PASS AS AMENDED. |
| | | VOTE: 8-0-1 EXCUSED: 1 - Rep. Witt |

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| | Chair Shetterly | Hearing no objection, declares the motion CARRIED. |
| 198 | Counsel Felton | Discusses the ñA3 amendments to SB 68A that allows circuit and justice courts to enter intergovernmental agreement to consolidate small claims to justice court (EXHIBIT C). |
| 219 | Rep. Williams | MOTION: Moves to ADOPT SB 68A-3 amendments dated 05/25/99. |
| | | VOTE: 8-0-1 EXCUSED: 1 - Rep. Witt |
| | Chair Shetterly | Hearing no objection, declares the motion CARRIED. |
| 222 | Rep. Williams | MOTION: Moves SB 68A to the floor with a DO PASS AS AMENDED recommendation. |
| | | VOTE: 8-0-1 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Rep. Witt |
| | Chair Shetterly | The motion CARRIES. REP. EDWARDS will lead discussion on the floor. |
| 233 | Chair Shetterly | Closes the work session on SB 68A. |
| <u>SB 449A WORK SESSION</u> | | |
| 238 | Counsel Felton | SB 449A allows exchange of information concerning juveniles between schools, courts and certain criminal justice agencies. Presents the ñA6 amendments (EXHIBIT D). |
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| 261 | Larry Oglesby | <p>Oregon Juvenile Department Directorís Association</p> <p>Testifies in support of SB 449A. Discusses the ñA6 amendments that change the agency notifying the schools from the Juvenile Department to the agency who is supervising the individual.</p> |
| 321 | Rep. Williams | <p>MOTION: Moves to ADOPT SB 449A-6 amendments dated 05/25/99.</p> |
| | | <p>VOTE: 8-0-1</p> <p>EXCUSED: 1 - Rep. Witt</p> |
| | Chair Shetterly | <p>Hearing no objection, declares the motion CARRIED.</p> |
| 326 | Rep. Williams | <p>MOTION: Moves SB 449A to the floor with a DO PASS AS AMENDED recommendation.</p> |
| | | <p>VOTE: 8-0-1</p> <p>AYE: In a roll call vote, all members present vote Aye.</p> <p>EXCUSED: 1 - Rep. Witt</p> |
| | Chair Shetterly | <p>The motion CARRIES.</p> <p>REP. WILLIAMS will lead discussion on the floor.</p> |
| 340 | Chair Shetterly | <p>Closes the work session on SB 449A.</p> |
| <p><u>SB 854A PUBLIC HEARING</u></p> | | |
| 349 | Counsel Felton | <p>SB 854A directs Oregon State Bar to credit attorney serving in Legislative Assembly with continuing legal education (CLE) credit at the rate of one hour of continuing education for every calendar month or part of calendar month served in the legislature.</p> |
| 370 | Chair Shetterly | <p>Explains the concept of continuing legal education to keep attorneys up to date on changes to the law.</p> |

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| 408 | Rep. Lowe | Declares a potential conflict of interest. |
| 409 | Rep. Williams | Discusses the meetings and discussions that took place trying to reach a consensus on giving CLE credit to legislators for their time served in the legislature. Declares a potential conflict of interest. |
| TAPE 181, A | | |
| 012 | Rep. Uherbelau | Discusses the issue of whether giving CLE credit is a function of the Oregon State Bar or the legislature. |
| 026 | Chair Shetterly | States that credit is given at the end of each legislative session for speaking at the Bar Convention about the session, but no credit is given for actually doing the work during the legislative session. |
| 032 | Rep. Uherbelau | Declares a potential conflict of interest. |
| 035 | Chair Shetterly | Declares a potential conflict of interest. |
| 037 | Rep. Backlund | Is this legislation the only way to address this problem? |
| 039 | Chair Shetterly | Yes. |
| 048 | Chair Shetterly | Closes the public hearing on SB 854A. |
| <u>SB 854A WORK SESSION</u> | | |
| 052 | Rep. Lowe | Are court clerks and court reporters required to have CLE credits? |
| 055 | Rep. Walker | Court reporters are required to have continuing education credits, but not continuing "legal" education. |
| 067 | Rep. Uherbelau | MOTION: Moves SB 854A to the floor with a DO PASS recommendation. |
| | | VOTE: 8-0-1 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Rep. Witt |
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| | Chair Shetterly | The motion CARRIES. REP. EDWARDS will lead discussion on the floor. |
| 101 | Chair Shetterly | Closes the work session on SB 854A |
| <u>SB 789A PUBLIC HEARING</u> | | |
| 105 | Counsel Felton | SB 789A confers jurisdiction on court in matters of child custody. Presents the ñA6 and the ñA7 amendments (EXHIBITS E & F). Discusses two federal acts concerning the custody of children: the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (EXHIBIT G) and the Parental Kidnapping Prevention Act. |
| 148 | Bradd Swank | State Court Administrator's Office Testifies in support of SB 789A and the ñA6 amendments. |
| 158 | Rep. Uherbelau | Why do the ñA6 amendments delete lines 37 through 41 on page 8 of SB789A that gives the definition of "unjustifiable conduct"? |
| 163 | Swank | Because "unjustifiable conduct" is hard to define and lent itself to too broad of an interpretation, we deleted it and added language "invoking the jurisdiction". |
| 184 | Chair Shetterly | Closes the public hearing on SB 789A. |
| <u>SB 789A WORK SESSION</u> | | |
| 186 | Rep. Uherbelau | MOTION: Moves to ADOPT SB 789A-6 amendments dated 05/27/99. |
| | | VOTE: 6-0-3 EXCUSED: 1 - Rep. Edwards, Rep. Williams, Rep. Witt |
| | Chair Shetterly | Hearing no objection, declares the motion CARRIED. |
| 190 | Rep. Uherbelau | MOTION: Moves to ADOPT SB 789A-7 amendments |

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| | | dated 05/27/99. |
| | | VOTE: 6-0-3 EXCUSED: 1 - Rep. Edwards, Rep. Williams, Rep. Witt |
| | Chair Shetterly | Hearing no objection, declares the motion CARRIED . |
| 196 | Rep. Uherbelau | MOTION: Moves SB 789A to the floor with a DO PASS AS AMENDED recommendation. |
| | | VOTE: 6-0-3 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 3 - Rep. Edwards, Rep. Williams, Rep. Witt |
| | Chair Shetterly | The motion CARRIES. REP. UHERBELAU will lead discussion on the floor. |
| 206 | Chair Shetterly | Closes the work session on SB 789A. |
| <u>SB 1206A PUBLIC HEARING</u> | | |
| 209 | Counsel Felton | SB 1206A revises laws regulating condominiums and planned communities. Presents the ñA3 amendments (EXHIBIT H). |
| 215 | Chair Shetterly | A call of the House recesses the committee. |
| <u>SB 1206A RECONVENES PUBLIC HEARING</u> | | |
| 221 | David Bennett | Condominium Study Committee |

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| | | Testifies and submits written testimony in support of SB 1206A (EXHIBIT I). Discusses previous efforts to amend the Condominium Act and the Planned Community Act to conform to present practices. Explains the changes that the A3 amendments make to SB 1206A. |
| 288 | Scott Bellows | Tigard Attorney Testifies in support of SB 1206A. |
| 310 | Chair Shetterly | Closes the public hearing on SB 1206A. |
| <u>SB 1206A WORK SESSION</u> | | |
| 315 | Rep. Wells | Were there any homeowners involved in the discussions on this legislation? |
| 317 | Bennett | I represent 250 homeowner associations and deal with them on a regular basis, plus I own a condominium, so I can speak to both sides of this legislation. |
| 345 | Chair Shetterly | MOTION: Moves to ADOPT SB 1206A-3 amendments dated 05/27/99. |
| | | VOTE: 6-0-3 EXCUSED: 3 - Rep. Edwards, Rep. Williams, Rep. Witt |
| | Chair Shetterly | Hearing no objection, declares the motion CARRIED. |
| 348 | Chair Shetterly | MOTION: Moves SB 1206A to the floor with a DO PASS AS AMENDED recommendation. |
| | | VOTE: 6-0-3 EXCUSED: 3 - Rep. Edwards, Rep. Williams, Rep. Witt |
| | Chair Shetterly | Hearing no objection, declares the motion CARRIED. REP. WELLS will lead discussion on the floor. |
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| 367 | Chair Shetterly | Closes the work session on SB 1206A. |
| 367 | Chair Shetterly | Adjourns the meeting at 3:15 p.m. |

Transcribed By, Reviewed By,

Patsy Wood, Sarah Watson,

Administrative Support Office Manager

EXHIBIT SUMMARY

A - SB 1019A, ñA6 amendments (LC 3564), dated 5/27/99, staff, 1 pg.

B - SB 1019A, conceptual amendments to the ñA6 amendments (LC 3564), dated 5/27/99, DOJ, 1 pg.

C - SB 68A, ñA3 amendments (LC 1090), dated 5/25/99, staff, 1 pg.

D - SB 449A, ñA6 amendments (LC 1405), dated 5/25/99, staff, 1 pg.

E - SB 789A, ñA6 amendments (LC 1301), dated 5/27/99, staff, 2 pgs.

F - SB 789A, ñA7 amendments (LC 1301), dated 5/27/99, staff, 26 pgs.

G - SB 789A, Uniform Child Custody Jurisdiction and Enforcement Act submitted by staff, 6 pgs.

H - SB 1206A, ñA3 amendments (LC 2032), dated 5/27/99, staff, 2 pgs.

I - SB 1206A, written testimony submitted by David Bennett, 19 pgs.

J - SB 789A, written testimony submitted by Maureen McKnight, dated 5/27/99, 1 pg.