

HOUSE JUDICIARY COMMITTEE ON CIVIL LAW

May 05, 1999 Hearing Room 357

1:00 p.m. Tapes 149 - ??

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

MEMBER EXCUSED:

STAFF PRESENT: Aaron Felton, Counsel

Nancy Richards, Administrative Support

MEASURE/ISSUES HEARD: SB 845 - Public Hearing

SB 81A - Public Hearing

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 |
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| TAPE 149, A | | |

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| 003 | Chair Shetterly | Calls meeting to order at 1:37 p.m. |
| <u>SB 845 - PUBLIC HEARING</u> | | |
| | Counsel Felton | |
| | Sen. Neil Bryant | State Senator, District 27 Testifies in support of SB 845. |
| 034 | Rep. Uherbelau | |
| | Sen Bryant | This will not effect that Justice of Peace. SB 845 just applies to new Justice of Peace positions. |
| | Chair Shetterly | |
| | Sen. Bryant | |
| | Rep. Uherbelau | Where are you going to find attorneys because it is a full time job. |
| 054 | Sen. Bryant | There are a lot of attorneys |
| 062 | Greg Brown | Deschutes County Sheriff Testifies in support of SB 845. Discusses why Deschutes County needs an attorney-at-law. There will be plenty of applicants. |
| 093 | John Gervais | Oregon Testifies in opposition of SB 845. Discusses why there is opposition to SB 845 because of it is not necessary. |
| 105 | Chair Shetterly | Wouldnit |
| | | Closes public hearing. |
| <u>SB 845 n WORK SESSION</u> | | |
| | | Do Pass |
| | Rep. Edwards | Was there any explanation of the 7 nay votes on SB 845? |

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| | Chair Shetterly | |
| | | Vote |
| <u>SB 81A n PUBLIC HEARING</u> | | |
| | Counsel Felton | SB 81A clarifies authority of justice courts to enforce justice court judgements. |
| | Jim Markee | Oregon Collectors Association Testifies and submits written testimony in support of SB 81A (EXHIBIT A). Discusses the history of SB 81A and the purpose of SB 81A concerning judgments from Municipal Courts. Explains the garnishment procedure to enforce Municipal Court judgments. Explains the amendments to SB 81A regarding a money limit for judgments. |
| 250 | Rep. Uherbelau | Asks why the court was reluctant to let the Municipal Courts have the garnishment and lien of real property judgments transcribed into Circuit Court. |
| | Markee | Explains how SB 81A municipal and justice courts do the same way. |
| 296 | Rep. Uherbelau | |
| 299 | Markee | |
| 314 | Bradd Swank | State Court Administrator's Office Testifies in support of SB 81A. Explains the process of judgements in the circuit and justice courts. |
| 342 | Rep. Uherbelau | The circuit court is already set up for this process. It will be an added burden in Jackson County courts. Give the municipal courts the authority to transcribe |
| 360 | Swank | Explains how justice courts |
| 369 | Paul Snyder | Association of Oregon Counties Testifies in support of SB 81A. Explains |
| 387 | Rep. Uherbelau | |
| 391 | Snyder | We support SB 81A |
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| 397 | John Gervais | Oregon Municipal Justice Association and Oregon Testifies in support of SB 81A. |
| 409 | Swank | Discusses the Police Corps reference |
| 425 | Snyder | Discusses how SB 81A makes the authority clear for the Municipal Courts judgements. |
| 447 | Charles Stern | Yamhill County Clerk Testifies in support of SB 81A. Discusses the terminology concerning |
| 473 | Rep. Wells | Do all counties in Oregon have justice courts? |
| | | Tape 150, A |
| 037 | Swank | There are about 27 counties |
| 051 | Rep. Wells | If I get a speeding ticket somewhere in |
| 054 | Swank | There is general concurrent jurisdiction with the circuit court. The police can cite to the circuit court or the justice court. |
| | Rep. Wells | Do we have any justice courts in Marion County? |
| | Chair Shetterly | |
| | Rep. Wells | So if a county does not have a justice court where do they go? |
| | Swank | If there is two courts within the jurisdiction, the police decided and writes on the ticket where to go. |
| 078 | Rep. Wells | Why do we have both justice and circuit courts in Oregon? |
| | Swank | Explains how the circuit court judge moves from jurisdiction to jurisdiction to handle small claims. |
| 105 | Rep. Uherbelau | Do municipal courts register with the Department of Revenue as stated in SB 81A? |
| 110 | Swank | Explains why the Department of Revenue is someplace to check whether the |

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| | | municipal court has powers. |
| 121 | Rep. Uherbelau | |
| | Swank | Yes, title companies are involved. |
| | | Closes public hearing. |
| 129 | Chair Shetterly | Adjourns meeting at 2:16 p.m. |

Submitted By, Reviewed By,

Nancy Richards, Aaron Felton,
Administrative Support Counsel

EXHIBIT SUMMARY

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