

HOUSE JUDICIARY COMMITTEE ON CIVIL LAW

June 01, 1999 Hearing Room 357

3:00 p.m. Tapes 184 - 185

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: Anne Tweedt, Counsel

Rachel Short, Administrative Support

MEASURE/ISSUES HEARD: SB 601A - Work Session

SB 401A - Work Session

SB 795A - Work Session

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

TAPE 184, SIDE A

005	Chair Shetterly	Calls meeting to order at 3:55p.m.
<u>WORK SESSION n SB 601A</u>		
013	Counsel Tweedt	SB 601A specifies that animal of value of less than \$2,500 kept by decedent as pet is not part of estate. Discusses the nA4 and nA5 amendments (EXHIBITS A & B).
033	Alan Tresidder	Oregon Humane Society Testifies in support of the nA4 amendments to SB 601A. We have no objection to the nA5 amendments unless they hinder the passage of SB 601A.
045	Rep. Uherbelau	Was there any discussion as to what would happen to the pet if the person/persons named responsible did not want the pet?
049	Tresidder	I believe that the Animal Shelter would then step in and take the animal.
054	Chair Shetterly	Explains that the nA4 amendments provide a way for the person to take custody and care for the animal and be able to have a claim against the estate in order to care for the animal.
066	Rep. Uherbelau	It is not unheard of for someone to leave their entire estate to their pet. What would happen under those circumstances?
069	Tresidder	I think that is a separate issue.
071	Rep. Uherbelau	Cites that the animal has to be discussed in the probate because it is the heir of the estate.
073	Chair Shetterly	The animal isn't the heir, it is the asset.
075	Rep. Uherbelau	The animal is an asset that has been left all of the other assets.
079	Chair Shetterly	Explains that the nA4 amendments take care of that issue.
087	Rep. Uherbelau	Has the Estate Section of the Oregon State Bar looked at this language to make sure that it is accurate?
092	Rep. Williams	Why are we raising the value of the animal from \$1,000 to \$2,500?

097	Tresidder	The \$2,500 figure was already in the A-Engrossed bill.
099	Rep. Walker	Discusses her appreciation that the changes made to the bill make it clearer as to who can take possession of the animal.
117	Rep. Williams	MOTION: Moves to ADOPT SB 601A-A4 amendments dated 05/20/99.
		VOTE: 8-0-1 EXCUSED: 1 - Witt
	Chair Shetterly	Hearing no objection, declares the motion CARRIED.
121	Counsel Tweedt	Discusses the A5 amendments to SB 601.
138	Rep. Williams	MOTION: Moves to ADOPT SB 601A-A5 amendments dated 05/26/99.
		VOTE: 8-0-1 EXCUSED: 1 - Witt
	Chair Shetterly	Hearing no objection, declares the motion CARRIED.
143	Rep. Williams	MOTION: Moves SB 601A 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 - Witt
	Chair Shetterly	The motion CARRIES. Rep. LOWE will lead discussion on the floor.

WORK SESSION n SB 795A

161	Counsel Tweedt	SB 795A creates schedule of progressive civil penalties and remedial measures for county having dog control programs to use when dog kills, wounds, injures, or chases livestock.
176	Sen. Mae Yih	State Senator, District 19 Testifies in support of SB 795A with the nA9 amendments (EXHIBIT C).
183	Chair Shetterly	Discusses that the nA8 amendments (EXHIBIT D) and the nA9 amendments are exactly the same except for pg. 7 of the nA9 amendments.
195	Sen. Yih	Explains that the nA9 amendments will make SB 795A more restrictive.
210	Rep. Wells	Asks about the word "replacement" on pg. 7 of the nA9 amendments. Expanding the facility onto additional property would not necessarily be "replacement".
224	Sen. Yih	Explains that the word "replacement" was used in this circumstance because the existing facility is getting very old and they want to remodel the facility so that it can be a better humane society.
237	Rep. Wells	States that his concern is in regards to the "replacement" being moved onto another piece of land that was zoned for something else.
244	Rep. Uherbelau	Discusses ORS 215.283 relating to uses permitted in farm use zone. I don't see any uses stated in this statute relating to animal shelters.
255	Ron Eber	Rural Land Specialist, Department of Land Conservation and Development (DLCD) Discusses that dog kennels are a conditional use as stated in the exclusive farm use zone, which can be authorized by a county. The DLCD has rules prohibiting new dog kennels, but existing dog kennels may expand. Discusses how the language in the nA9 amendments will provide support for the current situation in Linn County. Discusses why the word "replacement" was used in this situation.
301	Rep. Wells	Would the language that is removed in section 26 come back into law after January 1, 2000?
328	Eber	Discusses how he believes the nA9 amendments fit into the A-Engrossed bill and current statutes.
348	Chair Shetterly	Section 14a on pg. 7 of the nA9 amendments creates the exemption, and 14b deletes that same language but not until January 1, 2002. Only the new language that is bolded in the nA9 amendments is in effect from the effective date of this bill until January 1, 2002.

364	Counsel Tweedt	This language is put into effect with an operative clause rather than with a sunset date.
371	Rep. Uherbelau	You were equating dog kennels with animal shelters. If they are the same, then why would we have to insert a completely new section and why are we expanding the use?
386	Eber	Dog kennels are different and are defined with a narrower use. The difference is that dog kennels can be run by private operations and animal shelters are run by nonprofit organizations.
401	Chair Shetterly	The point of these amendments is to expand the farm zone uses to include these shelters.
408	Eber	Correct.
416	Rep. Uherbelau	I'm not prepared to vote on the bill until I see the ñA9 amendments. I'm worried that this could be a further encroachment on our farm use land.
437	Chair Shetterly	Did this bill have any opposition on the Senate side? What this committee would actually be doing is limiting the bill more than how it came to us.
440	Counsel Tweedt	SB 795A had no opposition in the Senate.
TAPE 185, SIDE A		
020	Dave Barrows	Oregon Veterinary Medical Association I don't believe that there were any objections to SB 795A.
030	Chair Shetterly	Do you agree that these amendments actually do limit what the original and A-Engrossed versions of the bill did?
032	Barrows	Yes, these suggestions are narrower.
050	Rep. Lowe	Is there anything in the language on pg. 7 of the ñA9 amendments that would prohibit a nonprofit organization from purchasing farm land and moving their shelter?
061	Eber	The language was to make it clear that it was an expansion or replacement of an existing facility. This will have to be contiguous expansion.
081	Rep. Wells	Cites the ñA8 amendments and that on pg. 7 there is some language that is taken out that is not consecutively reflected in the ñA9 amendments. The correlation

		between the two amendments is very confusing.
108	Barrows	The confusion may be that you cannot look at the ñA8 and ñA9 amendments together. The ñA9 amendments replace the ñA8 amendments and the complete SB 795A.
121	Chair Shetterly	Clarifies what the ñA9 amendments will do.
126	Rep. Lowe	MOTION: Moves to ADOPT SB 795-A9 amendments dated 06/01/99.
		VOTE: 8-0-1
		EXCUSED: 1 - Witt
	Chair Shetterly	Hearing no objection, declares the motion CARRIED.
<u>WORK SESSION ñ SB 401A</u>		
136	Counsel Tweedt	SB 401A modifies laws relating to judicial review of orders issued by state agencies in contested cases.
155	Christine Chute	Oregon Department of Justice Testifies and submits proposed amendments to SB 401A (EXHIBIT E).
173	Rep. Williams	MOTION: Moves to ADOPT SB 401-A4 amendments dated 06/01/99.
		VOTE: 8-0-1
		EXCUSED: 1 - Witt
	Chair Shetterly	Hearing no objection, declares the motion CARRIED.
179	Rep. Williams	MOTION: Moves SB 401A 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 - Witt

	Chair Shetterly	The motion CARRIES. Rep. SHETTERLY will lead discussion on the floor.
193	Chair Shetterly	Adjourns the meeting at 4:40 p.m.

Transcribed By, Reviewed By,

Sarah Watson, Anne Tweedt,

Office Manager Counsel

EXHIBIT SUMMARY

A ñ Proposed A4 amendments to SB 601A, Staff ñ 1 pg.

B ñ Proposed A5 amendments to SB 601A, Staff ñ 1 pg.

C ñ Proposed A9 amendments to SB 795A, Staff ñ 8 pgs.

D ñ Proposed A8 amendments to SB 795A, Staff ñ 14 pgs.

E ñ Proposed A4 amendments to SB 401A, Staff ñ 3 pgs.

F ñ Written testimony to SB 795A, Rob Bovett ñ 1 pg.