

SENATE COMMITTEE ON JUDICIARY

March 18, 1999 Hearing Room 343

3:00 p.m. Tapes 81 - 82

MEMBERS PRESENT: Sen. Bryant, Chair

Sen. Courtney, Vice-Chair

Sen. Brown

Sen. Burdick

Sen. Nelson

Sen. Tarno

MEMBER EXCUSED: Sen. Qutub

STAFF PRESENT: Anne Tweedt, Counsel

Judith Minnich, Administrative Support

MEASURE/ISSUES HEARD: HB 2378-B Public Hearing and Work Session

SB 81 Public Hearing and Work Session

SB 50 Work Session

HB 2110 Work Session

HB 2387 Work Session

HB 2388 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 81, A

003

Chair Bryant

Calls the hearing to order at 3:15 p.m.

HB 2378-B PUBLIC HEARING

010

Greg Chaimov

Legislative Counsel

Testifies and submits written testimony in support of HB 2378-B (**EXHIBIT A**).

HB 2378-B WORK SESSION

016

Sen. Courtney

MOTION: Moves HB 2378B to the floor with a DO PASS recommendation.

VOTE: 5-0

EXCUSED: 2 - Brown, Qutub

Chair Bryant

Hearing no objection, declares the motion CARRIED.

SEN. COURTNEY will lead discussion on the floor.

HB 2387 WORK SESSION

042

Rep. Lane Shetterly

Oregon House District 34

Discusses the ñ2 and the ñ3 amendments to HB 2387 (**EXHIBIT B and C**). Indicates that he is satisfied with the amendments if the committee wishes to adopt them.

061

Sen. Courtney

MOTION: Moves to ADOPT HB 2387-2 and HB 2387-3 amendments dated 3/12/99.

VOTE: 5-0

EXCUSED: 2 - Nelson, Qutub

Chair Bryant

Hearing no objection, declares the motion CARRIED.

073	Sen. Courtney	MOTION: Moves HB 2387 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0 EXCUSED: 2 - Nelson, Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. BROWN will lead discussion on the floor.
<u>HB 2388 WORK SESSION</u>		
092	Peter Grundfossen	Association of Oregon Housing Authorities We have no objection to the -2 and the ñ3 amendments (EXHIBIT D and E).
101	Chair Bryant	Explains that the ñ2 and ñ3 amendments move HB 2387 from ORS 192.502, to ORS 192.501 which requires that the agency involved balance the public interest with the reasons for non-disclosure of the public records when a request is made.
112	Counsel Tweedt	Explains the public disclosure laws and the process to access public records. Indicates that very few requests made under ORS 192.501 are appealed beyond the agency level.
170	Chair Bryant	Indicates that the ñ2 and ñ3 amendments were a compromise between those who want the records left entirely open and the needs as requested by the agencies involved.
189	Rep. Shetterly	Is there another amendment to add the Housing and Community Service Department to the ñ3 amendment?
210	Lyn Chessler	Director, Housing and Community Service Department (HCSD) Discusses the responsibilities of HCSD and indicates that his department would be more comfortable remaining under ORS 192.502, the outright exemption part of the code.
244	Chair Bryant	Clarifies that the ñ2 amendments would add the Housing Authority to the existing law and ñ3 amendments would move the existing law to ORS 192.501.

269	Sen. Burdick	Speaks in favor of the ñ2 and the ñ3 amendments.
275	Sen. Burdick	MOTION: Moves to ADOPT HB 2388-2 amendments dated 3/3/99.
		VOTE: 6-0 EXCUSED: 1 ñ Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
280	Sen. Burdick	MOTION: Moves to ADOPT HB 2388-3 amendments dated 3/14/99.
314	Chair Bryant	Discusses public record issues and the need for consistency.
		VOTE: 6-0 EXCUSED: 1 ñ Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
367	Sen. Burdick	MOTION: Moves HB 2388 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0 EXCUSED: 1 - Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. BURDICK will lead discussion on the floor.

SB 81 PUBLIC HEARING

389	Jim Markee	Oregon Collectors Association Testifies in support of SB 81 (EXHIBIT G). Indicates that although cities may be owed money, they can't register a lien on real property in the county land records. Speaks in favor of the ñ1 amendments and indicates no opposition to the ñ2 and ñ3 amendments.
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Tape 82, A

061	Charles Stern	Yamhill County Clerk Indicates his support for the ñ2 and ñ3 amendments (EXHIBIT H & I). Explains that the ñ2 amendments substitute the word "record" when relating to land records rather than "file" which conforms to common usage in land records. The ñ3 amendments allow a recording fee for the recording of the satisfaction of liens.
102	Paul Snider	Association of Oregon Counties Testifies in support of SB 81 with the ñ1, -2, and ñ3 amendments.
123	Brad Swank	Assistant Attorney General, Judicial Department Indicates that the Justice Department is neutral on SB 81, although they assisted in the drafting of SB 81. Indicates this bill clarifies which parts of ORS Chapter 18 apply to judgements issued by municipal or justice courts.
	Beth Vargas Duncan	League of Oregon Cities Testifies in support of SB 81.
163	David Powell	City Attorney, Lake Oswego Testifies in support of SB 81. The cities have no real way to enforce money judgments. The need to garnish occurs infrequently but should be available to the city where needed.

SB 81 WORK SESSION

197	Sen. Courtney	MOTION: Moves to ADOPT SB 81-1 amendments dated 3/15/99, SB 81 ñ2 amendments dated 3/17/99, and SB 81 -3 amendments dated 3/17/99.
		VOTE: 5-0 EXCUSED: 2 - Nelson, Qutub

	Chair Bryant	Hearing no objection, declares the motion CARRIED.
202	Sen. Courtney	MOTION: Moves SB 81 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0 EXCUSED: 2 - Nelson, Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. TARNO will lead discussion on the floor.
<u>SB 50 WORK SESSION</u>		
218	Sen. Courtney	MOTION: Moves to ADOPT SB 50-4 amendments dated 3/8/99.
		VOTE: 5-0 EXCUSED: 2 - Brown, Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
222	Sen. Courtney	MOTION: Moves SB 50 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0 EXCUSED: 2 - Brown, Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED.

		SEN. BRYANT will lead discussion on the floor.
<u>HB 2110 WORK SESSION</u>		
230	Counsel Tweedt	Explains that the ñ2 amendments clarify the procedures to be followed in obtaining fingerprint checks and storing of fingerprint cards for investigator or operative applicants.
238	Sen. Courtney	MOTION: Moves to ADOPT HB 2110-2 amendments dated 3/11/99.
		VOTE: 5-0 EXCUSED: 2 - Brown, Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
242	Sen. Courtney	MOTION: Moves HB 2110 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0 EXCUSED: 2 - Brown, Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. TARNO will lead discussion on the floor.
249	Sen. Bryant	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. NELSON to BE RECORDED as voting AYE on the MOTION: Moves SB 50 to the floor with a DO PASS AS AMENDED recommendation
		VOTE: 5-0 EXCUSED: 2 - Brown, Qutub

	Chair Bryant	Hearing no objection, declares the motion CARRIED.
251	Sen. Bryant	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. NELSON to BE RECORDED as voting AYE on the MOTION: Moves HB 2378-B to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0 EXCUSED: 2 ñ Brown, Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
254	Chair Bryant	Discusses the committee schedule for next week. Adjourns the meeting at 4:00 p.m.

Submitted By, Reviewed By,

Judith Minnich, Anne Tweedt,
Administrative Support Counsel

EXHIBIT SUMMARY

A - HB 2378-B, written testimony dated March 18, 1999, Greg Chaimov, 1 pp

B ñ HB 2387, -2 amendments (LC 510), 3/12/99, 1 pp

C ñ HB 2387, -3 amendments (LC 510), 3/12/99, 1 pp

D ñ HB 2388, -2 amendments (LC 396), 3/3/99, 10 pp

E ñ HB 2388, -3 amendments (LC 396), 3/17/99, 15 pp

F ñ SB 81, written testimony dated March 18, 1999, Jim Markee, 1 pp

G ñ SB 81, -1 amendments (LC 502), 3/15/99, 1 pp

H ñ SB 81, -2 amendments (LC 502), 3/17/99, 1 pp

I ñ SB 81, -3 amendments (LC 502), 3/17/99, 1 pp

J ñ SB 50, -4 amendments (LC 1179), 3/8/99, 1 pp

K ñ HB 2110, -2 amendments (LC 701), 3/11/99, 2 pp