

SENATE COMMITTEE ON JUDICIARY

May 27, 1999 Hearing Room C

1:00 p.m. Tapes 203 - 206

MEMBERS PRESENT: Sen. Bryant, Chair

Sen. Courtney, Vice-Chair

Sen. Brown

Sen. Burdick

Sen. Nelson

Sen. Duncan

Sen. Tarno

STAFF PRESENT: Anne Tweedt, Counsel

Judith Minnich, Administrative Support

MEASURE/ISSUES HEARD: HB 2224A ñ Work Session

HB 3576A - Work Session

HB 2230 - Work Session

SB 555 ñ Work Session

HB 2721A ñ Work Session

HB 2135A ñ Work Session

HB 2474A ñ Work Session

HB 2806 ñ Work Session

HB 3397 ñ Work Session

HB 3052A ñ Work Session

HB 2759A ñ Public Hearing and Work Session

HB 2760A ñ Public Hearing and Work Session

HB 3509A ñ Public Hearing and Work Session

HB 2731A ñ Public Hearing and 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 203, A		
034	Chair Bryant	Calls meeting to order at 1:10 p.m.
<u>HB 2731A PUBLIC HEARING</u>		
035	Rep. Max Williams	State Representative, House District 9 Testifies in support of HB 2731A, which prohibits certain specified persons from stenographically reporting depositions in civil actions and specifies other requirements for the taking of depositions. Discusses the intent of HB 2731A as it was reported out of committee and adopted by the House.
056	Chair Bryant	Do you think an amendment is needed to clarify or will the legislative history suffice?
059	Rep. Williams	I think the bill is clear enough on its face.
087	Rep. Vicki Walker	State Representative, House District 41 Testifies in support of HB 2731A. Clarifies that the equal charge requirement for court reporting services under the bill is only for equal services. Additional services will incur an additional charge. Discusses court reporting services under contract and the difficulties which may occur regarding impartiality.
<u>HB 3052A WORK SESSION</u>		
196	Counsel Tweedt	HB 3052A modifies the provisions in the Medical Marijuana Act. Indicates that the ñA5 amendments deletes the bold faced language at the top of page 2 of the A-Engrossed bill which was deleted by the House committee but was inadvertently left in the bill. It is language relating to the designation of primary caregiver under the law.
114	Sen. Bryant	MOTION: Moves to ADOPT HB 3052A-5 amendments dated 5/27/99.

		VOTE: 6-0 EXCUSED: 1 ñ Brown
	Chair Bryant	Hearing no objection, declares the motion CARRIED .
116	Sen. Bryant	MOTION: Moves HB 3052A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0 EXCUSED: 1 - Sen. Brown
	Chair Bryant	Hearing no objection, declares the motion CARRIED . SEN. BURDICK will lead discussion on the floor.
121	Sen. Bryant	MOTION: Moves to SUSPEND the rules for the purpose of reconsidering HB 3576A.
		VOTE: 5-0 EXCUSED: 2 - Brown, Nelson
	Chair Bryant	Hearing no objection, declares the motion CARRIED .
<u>HB 3576A WORK SESSION</u>		
123	Sen. Bryant	MOTION: Moves to RECONSIDER the vote by which HB 3576A was sent to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0 EXCUSED: 2 - Brown, Nelson

	Chair Bryant	Hearing no objection, declares the motion CARRIED.
127	Counsel Tweedt	Indicates the bill was previously passed out of committee with the ñA4 conflict amendments. Further conflicts were identified and now need to be considered. All the conflict amendments are now in the ñA5 amendments (EXHIBIT B).
131	Sen. Bryant	MOTION: Moves to ADOPT HB 3576-A5 amendments dated 5/26/99.
		VOTE: 5-0 EXCUSED: 2 - Brown, Nelson
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
133	Sen. Bryant	MOTION: Moves HB 3576A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0 EXCUSED: 2 - Brown, Nelson
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. BROWN will lead discussion on the floor.
<u>HB 2135A WORK SESSION</u>		
140	Counsel Tweedt	HB 2135A does two things. It would exempt certain information from the public disclosure laws regarding employees who are using a pseudonym in the Department of Revenue and would allow confidential information under specific circumstances to law enforcement agencies and the US Postal Inspection Service. The ñA5 amendments address the concerns expressed by the committee regarding the exemption of employees who are using a pseudonym by deleting that portion of the bill (EXHIBIT C).

161	Sen. Courtney	MOTION: Moves to ADOPT HB 2135A-A5 amendments dated 5/26/99.
		VOTE: 5-0 EXCUSED: 2 - Brown, Nelson
	Chair Bryant	Hearing no objection, declares the motion CARRIED .
164	Sen. Courtney	MOTION: Moves HB 2135A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0 EXCUSED: 2 - Brown, Nelson
	Chair Bryant	Hearing no objection, declares the motion CARRIED . SEN. COURTNEY will lead discussion on the floor.
<u>HB 3397 WORK SESSION</u>		
170	Counsel Tweedt	Explains that HB 3397 creates an exception to the public records law for employee addresses submitted to a special district to obtain assistance in promoting alternative to single occupant motor vehicle transportation. The ñ1 amendments specify that the exception is extended to the street and number of an employeeís address only (EXHIBIT D).
198	Sen. Courtney	MOTION: Moves to ADOPT HB 3397-1 amendments dated 5/26/99.
		VOTE: 5-0 EXCUSED: 2 - Brown, Nelson

	Chair Bryant	Hearing no objection, declares the motion CARRIED .
200	Sen. Courtney	MOTION: Moves HB 3397 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0 EXCUSED: 2 - Brown, Nelson
	Chair Bryant	Hearing no objection, declares the motion CARRIED . SEN. TARNO will lead discussion on the floor.
<u>SB 555 WORK SESSION</u>		
205	Chair Bryant	Discusses the SB 555 ñ14 amendments and provides an additional, hand-engrossed copy of pages 23-25 of the ñ14 amendments (EXHIBITS E & F). Indicates the deletions made on the hand-engrossed copy are to eliminate unnecessary language on issues that have been addressed earlier in the bill and in other areas of the statutes.
242	Rep. Jeff Kruse	State Representative, House District 45 Testifies in support of SB 555 and explains the purpose of Section 46 of the ñ14 amendments which requires a performance audit by the Legislative Fiscal Officer aimed at evaluating and fine tuning the provisions of this legislation.
303	Chair Bryant	Discusses the legislative history of SB 555 and the reasons for the ñ14 amendments.
323	Steve Marks	Governorís Office, Senior Policy Advisor Testifies in support of SB 555 and thanks those who contributed.
360	Pam Curtis	Policy Analyst, Governorís Office Submits written testimony and testifies in support of SB 555 (EXHIBITS G & H). Discusses Exhibit H, an organizational chart of those agencies or commissions charged with implementing SB 555.
413	Marks	Discusses SB 555 section by section as outlined in Exhibit G.

Tape 204, A

020	Marks	Continues discussing Exhibit G, a section by section overview of the bill.
100	Curtis	Discusses Exhibit G, a section by section overview of the bill, beginning with section 7.
298	Chair Bryant	Indicates that section 49 is not really necessary to SB 555 but is in this bill to ensure an existing juvenile program can continue.
320	Marks	Continues discussion of SB 555, beginning with section 50, which covers the budget required for the bill. Indicates that this bill has the highest priority of the Governor's Office.
364	Sen. Brown	If funding is approved at the \$20 million level, do you envision reducing the budget across all programs, or would you prioritize certain areas? What if \$50 million was reduced to \$20 million?
372	Marks	That would reduce the local plans by at least a third. But we are not certain exactly where the rumored budget cuts are located.
388	Sen. Nelson	In a practical sense, how does this bill apply to the Thurston shooting?
395	Chair Bryant	SB 344 would probably be more directly influential on that situation. SB 555 is intended to be broader and develop new programs in the high risk areas as well as early intervention for families who need this.
426	Sen. Duncan	To what extent does this bill plan on expanding the Court Appointed Special Advocate (CASA) program?
430	Chair Bryant	The blank appropriation lines in the bill allow Ways & Means to fill in the amount. The school budget has put pressure on all these appropriation levels. The goal for CASA funding is four to five hundred thousand dollars. Discusses program appropriation goals.

Tape 203, B

039	Sen. Brown	We have been hearing for the past several days that the budget will pit human resources against education. I don't think we are really pitting children against human resources. We are choosing to not adequately fund programs for our kids. We should not believe that we don't have enough money in this state to fund all these areas adequately, because we do.
046	Chair Bryant	We also need to consider the long term and the roll up costs of starting new programs with windfall money such as the tobacco settlement.

051	Sen. Courtney	I see that a report on the programs established or funded by SB 555 is required. Are the counties up and running now? How many activities are we actually going to see two years from now?
058	Chair Bryant	The Commissions for Children and Families are already up and running. The Juvenile Crime Prevention Advisory Committee (JCPAC) was established by executive order. Discusses the reporting requirements and communication possibilities for the next legislative session.
092	Sen. Courtney	Is any of this tied to the emergency board?
099	Chair Bryant	No. But that doesn't mean they can't come back and ask for additional funds.
109	Marks	Indicates he thinks SB 555 is a very fine bill. Believes it provides the framework needed for a comprehensive policy.
122	Sen. Bryant	MOTION: Moves to SUSPEND the rules for the purpose of amending the SB 555 -14 amendments..
		VOTE: 7-0
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
128	Sen. Bryant	MOTION: Moves to AMEND the SB 555 n14 amendments on page 24, delete lines 21 through 31, and on page 25, delete lines 1-7.
		VOTE: 7-0
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
133	Sen. Courtney	MOTION: Moves to ADOPT SB 555-14 amendments as amended.
		VOTE: 7-0

	Chair Bryant	Hearing no objection, declares the motion CARRIED.
144	Sen. Bryant	MOTION: Moves SB 555 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.
		VOTE: 7-0
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
160	Sen. Bryant	MOTION: Moves to SUSPEND the rules for the purpose of reconsidering HB 2224A.
		VOTE: 5-0 EXCUSED: 2 - Brown, Courtney
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
<u>HB 2224A WORK SESSION</u>		
163	Sen. Bryant	MOTION: Moves to RECONSIDER the vote by which HB 2224A was moved to the floor with a DO PASS recommendation.
		VOTE: 5-0 EXCUSED: 2 - Brown, Courtney
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
166	Counsel Tweedt	The -A4 amendments are conflict amendments to HB 2224A (EXHIBIT I).

170	Sen. Bryant	MOTION: Moves to ADOPT HB 2224A-A4 amendments dated 5/27/99.
		<p>VOTE: 5-0</p> <p>EXCUSED: 2 - Brown, Courtney</p>
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
172	Sen. Bryant	MOTION: Moves HB 2224A to the floor with a DO PASS AS AMENDED recommendation.
		<p>VOTE: 5-0</p> <p>EXCUSED: 2 - Brown, Courtney</p>
	Chair Bryant	<p>Hearing no objection, declares the motion CARRIED.</p> <p>SEN. BROWN will lead discussion on the floor.</p>
180	Sen. Bryant	MOTION: Moves to SUSPEND the rules for the purpose of possible reconsideration of HB 2230.
		<p>VOTE: 5-0</p> <p>EXCUSED: 2 - Brown, Courtney</p>
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
<u>HB 2230 WORK SESSION</u>		

182	Sen. Bryant	MOTION: Moves to RECONSIDER the vote by which HB 2230 was moved to the floor with a DO PASS recommendation.
		VOTE: 5-0 EXCUSED: 2 - Brown, Courtney
	Chair Bryant	Hearing no objection, declares the motion CARRIED .
185	Counsel Tweedt	Indicates the ñ1 and the ñ3 amendments were previously adopted in error. Only the ñ3 amendments should have been adopted (EXHIBIT J).
191	Sen. Bryant	MOTION: Moves to ADOPT HB 2230-3 amendments dated 5/7/99.
		VOTE: 5-0 EXCUSED: 2 - Brown, Courtney
	Chair Bryant	Hearing no objection, declares the motion CARRIED .
194	Sen. Bryant	MOTION: Moves HB 2230 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0 EXCUSED: 2 - Brown, Courtney
	Chair Bryant	Hearing no objection, declares the motion CARRIED . SEN. BRYANT will lead discussion on the floor.
<u>HB 2806 WORK SESSION</u>		
204	Sen. Bryant	MOTION: Moves hB 2806 to the floor WITHOUT

		RECOMMENDATION as to passage and BE REFERRED to the committee on Public Affairs.
		VOTE: 5-2 NAY: Brown, Courtney
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
<u>HB 2721 WORK SESSION</u>		
217	Chair Bryant	The purpose of HB 2721 is to change the Oregon summary judgment rule by requiring the party which bears the burden of proving a material fact at trial, will also bear the same evidentiary burden in moving for or opposing a summary judgment. Discusses the history of legislation relating to the summary judgment issue. Indicates HB 2721 will clarify the earlier intent of the legislature rather than leaving it up to the courts.
303	Sen. Duncan	Why didn't the Supreme Court like the legislation?
306	Chair Bryant	Explains that the Court of Appeals consulted the legislative record, but the Supreme Court made their decision based on the face of the language of the statute.
338	Sen. Bryant	MOTION: Moves HB 2721 to the floor with a DO PASS recommendation.
		VOTE: 6-0 EXCUSED: 1 n Brown
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. BRYANT will lead discussion on the floor.
<u>HB 2474A WORK SESSION</u>		
357	John Chandler	Oregon Building Industry Association Submits written testimony and testifies in support of HB 2474A with the nA5 amendments (EXHIBITS K & L). HB 2474A allows the applicant for a land use action to accept a condition imposed by a local government and also file a

		challenge to the condition. The concerns expressed by local government representatives have been addressed in the ñA5 amendments by making it a prospective measure only and clarifying that only the applicant can use this procedure. HB 2474A makes no changes to the Land Use Board of Appeals procedures. Discusses estoppel as it relates to HB 2474A. Discusses the reasons for needing a conceptual amendment on line 19 and 20 of HB 2474A. Proposes striking the words "pursuing an appeal" and inserting the word "proceeding".
462	Chair Bryant	Clarifies the conceptual amendment and the reasons for it.
486	Dave Hunnicutt	Oregonians in Action (OIA) Supports the ñA5 amendments.
Tape 204, B		
038	Sen. Bryant	MOTION: Moves to ADOPT SB 2474A-A5 amendments dated 5/27/99 and that the measure be FURTHER AMENDED on page 1, line 19, by deleting "pursuing " and inserting "proceeding" and on page 1, line 20, by deleting "an appeal".
		VOTE: 6-0 EXCUSED: 1 - Brown
		Chair Bryant Hearing no objection, declares the motion CARRIED.
047	Sen. Bryant	MOTION: Moves HB 2474A to the floor with a DO PASS AS AMENDED recommendation.
		Chair Bryant VOTE: 5-1 AYE: 5 - Courtney, Duncan, Nelson, Tarno, Bryant NAY: 1 - Burdick EXCUSED: 1 - Brown
		Chair Bryant The motion CARRIES. SEN. BRYANT will lead discussion on the floor.

068	Sen. Brown	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. COURTNEY and SEN. BROWN to BE RECORDED as voting NAY on the motion to move HB 2806 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Public Affairs.
		VOTE: 7-0
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
077	Sen. Bryant	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. COURTNEY to BE RECORDED as voting AYE on the motion to move HB 2721 to the floor with a DO PASS recommendation.
		VOTE: 7-0
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
<u>HB 2731A PUBLIC HEARING</u>		
087	Carl Myers	Oregon Court Reporters Association Submits written testimony and testifies in support of HB 2731A (EXHIBITS M & N). Discusses the Certified Shorthand Reporters (CSR) Certificate that is administered by the State Court Administrators Office. The ethical requirements for this voluntary certificate are listed in Exhibit M. HB 2731A attempts to mirror the ethical requirements for the CSR for all court reporters.
163	David Ohmart	National Court Reporters Association Testifies in support of HB 2731A. Indicates that 13 states now have passed legislation similar to HB 2731A and 22 other states are presently considering legislation.
182	Paul Romain	AmeriNet Court Reporting Services Testifies in opposition to HB 2731A. Indicates that the original bill was just a

		ban on any long term contracting for court reporter services. Discusses the interpretation of section 2, subsection 2 of HB 2731A and the reasons for differing fees.
235	Sen. Brown	Indicates she thinks the interpretation of this section is fairly clear.
242	Romain	We would like some clarifying language since the sponsor of the bill has indicated a different interpretation. Discusses their second concern which is in regard to section 4 of the bill and covers the disclosure requirement.
319	Sen. Duncan	You would change what to meet your concerns?
320	Romain	On line 26, after "report" insert, "of a single deposition." And the same language on page 2, line 2 at the end of the line.
334	Sen. Duncan	You think line 23 is rather clear then?
339	Romain	Explains his interpretation.
347	Chair Bryant	Asks Carl Myers if his interpretation of the sections of HB 2731A under discussion is different than Paul Romain's interpretation.
349	Myers	When Rep. Williams spoke earlier, he was talking about differing conditions. We are trying to eliminate favoritism in fees for the same job.
414	Chair Bryant	Discusses the present procedures for the use of court reporters.
462	Ohmart	The problem we are trying to address is different fees for the same service. We don't want preferential treatment.
Tape 205, A		
002	Romain	There is no requirement that both sides use the same court reporter.
020	Sen. Brown	If you want unbiased court reporting, shouldn't each party be charged the same for equal services?
023	Romain	Why does fee structure effect the honesty of the court reporter? Discusses a hypothetical circumstance in which fees may be different to different people.
050	Sen. Duncan	Why can't they charge different fees to different people?

053	Myer	We want to avoid fees reflecting bias toward one side or the other. This bill is being brought to you by the court reporters association and is supported by many groups in our courts.
078	Romain	If there are depositions on the same day, just ask for the fee quote ahead of time. If they are going to charge you differently, then you can use someone else. Business practices can handle this. This is an attempt to keep some organizations out of court reporting. As long as this bill is attempting to address true abuses we'll go along with it, but we should be addressing true abuses and not limiting competition.
097	Chair Bryant	Indicates that a phrase may be added to address the equal fee treatment issue.
099	Myers	On page 2, line 2 it says, "making equal charges to all parties for the costs of the record" which I think addresses the concern.
103	Chair Bryant	I was thinking about adding some language that would specify those services that had additional costs. In section 4, disclosure requires the citing of a contractual relationship. It is not clear exactly what comprises a contractual relationship.
117	Myers	I would direct your attention to line 23 of page 2. It specifies that a contract does not exist under this bill if the agreement is for a single deposition, case or incident. A contract is a long-term financial arrangement, written or verbal, which specifies a preferential rate or treatment. Contracting for court reporting services is not illegal under this bill, but it must be declared.
177	Chair Bryant	Does the court have the right to make the decision if there is an appearance fee because the court reporter was not acceptable?
180	Myers	If the court reporter believes a fee is due, it will be litigated.
186	Chair Bryant	I want the attorney who brought the court reporter in to be able to recover his costs if the objection is without merit.
188	Romain	We have no problem with disclosure. Some court reporters charge different fees for different geographical areas because they are different markets. Under this bill, they couldn't do this.
223	Ohmart	AmeriNet is not the only court reporting firm out there. There are other companies who are abusing the process. Court reporters are an officer of the court in their role as recorder. We must maintain the appearance of impartiality.
266	Romain	If you are considering language changes, please talk to Rep. Williams since his understanding is different than Mr. Myers.
281	Chair Bryant	It is the same fee schedule we are talking about.

283	Myers	The same fee schedule rather than same fee. If you change line 2 or section 2 we would suggest you adopt the language approved by the Supreme Court in Exhibit M.
<u>HB 2806 WORK SESSION</u>		
312	Sen. Courtney	Asks for reconsideration of HB 2806. He previously asked that this bill be assigned to the Judiciary and he wants the Judiciary to hold a public hearing on the issue.
369	Chair Bryant	Indicates he will discuss this with the Senate Majority Leader.
<u>HB 3509A PUBLIC HEARING</u>		
417	Matt Markee	<p>Oregon Collectorís Association</p> <p>Submits written testimony and testifies in support of HB 3509A (EXHIBIT O). Discusses the Inventory of State Receivables (EXHIBIT P). Indicates there were eight programs with a balance of over one million dollars in receivables. There were \$1.8 billion in delinquent accounts. Indicates that state agencies lack knowledge about the money owed to them. It was difficult to draw many clear conclusions since so much information is lacking. Discusses the history of negotiations on the provisions of the bill as it was being considered by the House</p>
Tape 206, A		
096	Markee	Discusses the HB 3509A, -A6 and ñA7 amendments indicating that either one would be acceptable (EXHIBITS Q & R).
110	Chair Bryant	As a state legislator, I think we need to know what agencies are carrying in receivables.
112	Markee	Yes. Discusses the vendor/debtor offset program feasibility study. The fiscal for a study of the possibility of doing this type of collection was \$120,000, so the ñA6 amendments remove that study.
125	Counsel Tweedt	The fiscal on the feasibility study is about \$100,000 you said?
127	Markee	Thatís what I have been told.
133	Chair Bryant	You oppose the -A4 amendments that are proposed by the Department of Administrative Services?
136	Jana Tindall	Department of Administrative Services (DAS)

		Submits written testimony and testifies in opposition to HB 3509A (EXHIBIT S). Indicates the original bill was supported by DAS but the A-engrossed version is not acceptable unless the A4 amendments are adopted (EXHIBIT T). DAS is concerned that the requirements are too specific, too soon, and the state agencies will not be able to respond appropriately. Indicates there are policy issues regarding debt collection which haven't been fully considered. Asks that the state agencies, under the supervision of DAS, be given a chance to address this through the administrative process.
205	Bradd Swank	Department of Justice (DOJ) Testifies regarding HB 3507A. Indicates that they have asked that amendments be drafted to address debt collection in the Department of Justice. The amendments are not ready yet so more time is needed.
240	Chair Bryant	We will need a new fiscal analysis. My inclination is to adopt the A6 or A7. I don't find this bill too detailed.
246	Markee	Indicates that the Judicial Department's concerns will be addressed, either through amendments to this bill or through SB 65.
252	Chair Bryant	You mentioned that the bill was too specific, but in section 2, lines 17-26, the items listed are basic. Whatever is done, these basics must be there. Putting these in the bill is necessary.
261	Tindall	Some of the information to be collected is not currently being tracked by the agencies. For example, the age of the accounts is something accounting requirements don't specify.
287	Sen. Tarno	Has the Department of Administrative Services had a chance to review Exhibit P, the inventory of state receivables?
288	Tindall	The agencies who reviewed it felt that there was a certain bias shown by this report. Each agency has certain unique reporting requirements.
306	Sen. Tarno	If we have this much money owed and unpaid to the State of Oregon, then we should be doing something about it.
310	Counsel Tweedt	As it turned out, the problem was we didn't even know how to ask the questions to get the information we needed. The original purpose proved to be impossible to follow through on and I think HB 3509 is an attempt to collect certain information so we can begin to ask the right questions.
<u>HB 2759A and HB 2760A PUBLIC HEARING</u>		
339	David Nebel	Oregon Law Center Submits written testimony and testifies in support of HB 2759A and HB 2760A

		<p>(EXHIBITS U & V). Testifies in support of the ñA2 amendments for HB 2759A and discusses the conceptual amendments needed to the ñA2 amendments (EXHIBIT W). Discusses and supports the ñA4 amendments to HB 2760A (EXHIBIT X).</p>
Tape 205, B		
037	Judge Elizabeth Welch	<p>Family and Probate Court, Multnomah County</p> <p>Testifies in support of HB 2759A.</p>
049	Jennifer Wright	<p>Elder Law Section of the Oregon State Bar</p> <p>Testifies in support of HB 2759A.</p>
053	Holly Robinson	<p>Senior and Disabled Services Division</p> <p>Submits written testimony and testifies in support of HB 2760A (EXHIBIT Y). Discusses the survey done by their division on cases of adult guardianship (EXHIBIT Z).</p>
090	Sen. Brown	Are there amendments to HB 2760A?
092	Nebel	Indicates that, with conceptual amendments, HB 2760A should be acceptable to all involved. Indicates that HB 2760A would strengthen the oversight of conservatorships and guardianships in Oregon. Discusses funding for the pilot program. Explains why, with the ñA4 amendments the pilot program will be fiscally neutral.
156	Judge Welch	The bill, as amended, requires that costs be born by the estate to pay the court appointed visitor. The visitor looks at the total situation when a guardianship is established and then returns for an annual visit. Currently, there is no oversight on a reoccurring basis. Indicates support from Judge Rita Cobb and Judge Jennifer Todd (EXHIBITS AA & BB).
218	Sen. Brown	How much is this going to cost?
224	Judge Welch	I believe we generate about \$80,000 a year in visitoris fees in Multnomah County. We think this will cover the salary and overhead for a qualified employee.
236	Wright	Supports HB 2760A as amended with the -A4 amendments.
241	Judge Welch	I have promised the public guardian in Multnomah County that if this increases the fiscal impact on that office I will inform the Board of Commissioners and I will support the public guardianis office in asking for additional resources.

Submitted By, Reviewed By,

Judith Minnich, Anne Tweedt,

Administrative Support Counsel

EXHIBIT SUMMARY

A ñ HB 3052A, -A5 amendments dated 5/27/99, 1 pp

B ñ HB 3576A, -A5 amendments dated 5/26/99, 8 pp

C ñ HB 2135A, -A5 amendments dated 5/26/99, 1 pp

D ñ HB 3397, -1 amendments dated 5/26/99, 1 pp

E ñ SB 555, pages 23, 24, 25 of theñ14 amendments hand engrossed dated 5/26/99, 3 pp

F ñ SB 555, -14 amendments dated 5/26/99 dated 5/26/99, 52 pp

G ñ SB 555, Summary of the ñ14 amendments to SB 555, John Kitzhaber, 10 pp

H ñ SB 555, conceptual framework, Governorís Office, 1 pp

I ñ HB 2224A, -A4 amendments dated 5/27/99, 5 pp

J ñ HB 2330, -3 amendments dated 5/7/99, 6 pp

K ñ HB 2474A, testimony of John Chandler, 1 pp

L ñ HB 2474A, -A5 amendments dated 5/27/99, 1 pp

M ñ HB 2731A, written testimony submitted by C. Myers, 1 pp

N ñ HB 2731A, written testimony submitted by C. Myers, 24 pp

O ñ HB 3509A, written testimony from Matt Markee, 1 pp

P ñ HB 3509A, Oregon Collectors Association, Inventory of State Receivables, 98 pp

Q ñ HB 3509A, -A6 amendments dated 5/27/99, 1 pp

R ñ HB 3509A, -A7 amendments dated 5/27/99, 1 pp

S ñ HB 3509A, written testimony submitted by Jana Tindall, 2 pp

T ñ HB 3509A, -A4 amendments dated 5/26/99, 2 pp

U ñ HB 2759A, written testimony from David Nebel, 2 pp

V ñ HB 2760A, written testimony from David Nebel, 1 pp

W ñ HB 2759A, -A2 amendments dated 5/27/99, 2 pp

X ñ HB 2760A, -A4 amendments dated 5/27/99, 8 pp

Y ñ HB 2760A, written testimony from Holly Robinson, 3 pp

Z ñ HB 2760A, Adult Guardianships in Oregon: A Survey of Court Practices, 47 pp

AA ñ HB 2759A & HB 2760A, letter submitted by Rita Cobb, 1 pp

BB - HB 2759A & HB 2760A, letter submitted by Jennifer Todd, 1 pp

CC ñ HB 2759A, written testimony submitted by Nancy MacDonald, 5 pp