

SENATE COMMITTEE ON JUDICIARY

May 06, 1999 Hearing Room 343

3:00 p.m. Tapes 167 - 168

MEMBERS PRESENT: Sen. Bryant, Chair

Sen. Courtney, Vice-Chair

Sen. Brown

Sen. Burdick

Sen. Nelson

Sen. Qutub

Sen. Tarno

STAFF PRESENT: Anne Tweedt, Counsel

Judith Minnich, Administrative Support

MEASURE/ISSUES HEARD: SB 916 ñ Reconsideration and Work Session

SB 789 ñ Work Session

SB 196 ñ Work Session

SB 461 ñ Work Session

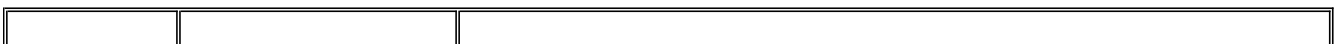
SB 804 ñ Work Session

SB 6 ñ Public Hearing and Work Session

SB 750 ñ Public Hearing

HB 2314 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 167, A		
003	Chair Bryant	Calls hearing to order at 3:09 p.m.
<u>SB 6 PUBLIC HEARING</u>		
020	Chair Bryant	Recent court decisions have narrowed the scope of a bill previously adopted to protect the elderly. SB 6 restores the original intent of that bill.
024	Ryan Gibb	Attorney, Portland, Oregon Testifies in support of SB 6. Discusses his experiences in representing the elderly.
<u>SB 6 WORK SESSION</u>		
031	Sen. Courtney	MOTION: Moves SB 6 to the floor with a DO PASS recommendation.
		VOTE: 5-0 EXCUSED: 2 - Nelson, Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. BRYANT will lead discussion on the floor.
035	Chair Bryant	Announces that Sen. Tarno has a guest he would like to introduce.
037	Sen. Tarno	Introduces three of his constituents from the North Bend area and asks Danielle to describe the petition she has been circulating
041	Danielle Shimotakahara	Describes a petition she has circulated to get rid of violent video games in public arcades. Discusses the reasons for banning violent video games.
047	Chair Bryant	How have your friends reacted to this idea?

049	Shimotakahara	A lot of them think it is a good idea.
051	Sen. Tarno	How many signatures have you gotten?
052	Shimotakahara	250 signatures.
055	Sen. Tarno	They are building support regarding this issue for the next legislative session.
<u>HB 2314 PUBLIC HEARING</u>		
070	Jim Markee	Oregon Collectorís Association Submits written testimony and testifies in support of HB 2314 which repeals the provisions limiting buyer and borrower liability on deficiency after default in retail installment contract, charge agreement or unpaid loan (EXHIBIT A).
114	Tim Martinez	Oregon Bankers Association Testifies in support of HB 2314.
120	Paul Cosgrove	Oregon Financial Services Association Testifies in support of HB 2314. Discusses the provisions that are currently in the law in relationship to borrower liability and the reasons why they should be changed.
130	Sylvia Caley	Oregon Law Center Submits written testimony and testifies in opposition to HB 2314 (EXHIBIT B). Discusses the ñ1 amendments that were considered by the House. If the bill is to be approved by the committee, the ñ1 amendments should be added as a good compromise on the issue. Discusses the difficulties her clients have with credit.
187	Sen. Brown	Does Mr. Markee have a response to the possibility of adopting the ñ1 amendments?
189	Markee	We discussed this amendment in the House. Clearly, the statute of limitations is the most important part of this bill. The deficiency judgment issue is not as important to my client.
208	Cosgrove	We would be more affected by removing the deficiency issue from the bill. We have a problem because it is a relatively arbitrary limit and can be triggered by a voluntary turn-in by the borrower, not just an involuntary repossession. It allows a write off of the balance. We have many small loans like this. There are other ways to handle difficult credit problems.
231	Martinez	I agree with Mr. Cosgrove.

HB 2314 WORK SESSION

243	Sen. Bryant	MOTION: Moves HB 2314 to the floor with a DO PASS recommendation.
245	Chair Bryant	Discusses the benefits of uniformity within the statutes. If we absolve a purchaser from paying a portion of his debt, someone else pays for it. We have other ways to address the inability to pay.
253		VOTE: 6-0 EXCUSED: 1 ñ Nelson
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. BRYANT will lead discussion on the floor.
257	Sen. Courtney	MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote on SB 916..
		VOTE: 6-0 EXCUSED: 1 ñ Nelson
	Chair Bryant	Hearing no objection, declares the motion CARRIED.

SB 916 WORK SESSION

264	Sen. Qutub	SB 916 creates a partial exemption from the housing anti-discrimination statutes for certain owner occupied dwellings providing living quarters for less than four family units. The ñ7 amendments are a compromise between the ñ4 and the ñ6 amendments previously considered (EXHIBIT C).
281	Sen. Courtney	MOTION: Moves to RECONSIDER the vote by which the SB 916-6 amendments dated 5/4/99 were adopted.
		VOTE: 6-0 EXCUSED: 1 ñ Nelson

	Chair Bryant	Hearing no objection, declares the motion CARRIED.
287	Sen. Qutub	MOTION: Moves to ADOPT SB 916-7 amendments dated 5/6/99.
290	Sen. Brown	Could someone please explain "sharing some common space" as used in the ñ7 amendments?
298	Shawn Miller	Oregon Rental Housing Association The ñ7 amendments specify that if there is any common living space which is shared, laundry room, hall and so on, then this exemption would apply.
315	Sen. Brown	I assume the other groups who supported the ñ6 amendments are in support of the ñ7 amendments as a replacement?
316	Miller	I have not spoken to the Fair Housing Council, but the others I have spoken with approve.
323	David Nebel	Oregon Law Center I faxed these amendments to the Fair Housing Council at 3:00 p.m. when I received them. I expect they will be acceptable.
334	Sen. Burdick	Discusses details of the definition of shared space.
353	Miller	Continues discussion of shared space in rental housing .
357	Emily Cedarleaf	Multifamily Housing Council Discusses the concept of shared space under SB 916.
		VOTE: 6-0 EXCUSED: 1 - Nelson
	Chair Bryant	Hearing no objection, declares the motion CARRIED.

374	Sen. Qutub	MOTION: Moves SB 916 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0 EXCUSED: 1 - Nelson
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. QUTUB will lead discussion on the floor.
<u>SB 461 WORK SESSION</u>		
396	Counsel Tweedt	SB 461 addresses procedures for certain claims before the Land Use Board of Appeals.
409	Larry George	Oregonians in Action Submits written testimony and testifies in support of SB 461 as amended with the ñ2 amendments (EXHIBITS D & E).
459	Philip Fell	League of Oregon Cities Testifies in support of SB 461 as amended with the ñ2 amendments.
469	Charlie Swindells	1000 Friends of Oregon Testifies in regard to SB 461 as amended with the ñ2 amendments. Details the issues that still concern his organization.
Tape 168, A		
094	Sen. Tarno	A local land use decision can be taken into circuit court?
099	Swindells	A frustrated applicant can go to circuit court for a damage action or to the Land Use Board of Appeals to overturn a local decision. Discusses whether the relating clause is still applicable.
114	Counsel Tweedt	If Legislative Counsel had a problem with the relating clause, they typically would let us know through a memo. They have not done this in relation to SB 461.

SB 750 PUBLIC HEARING

135	Sen. Ted Ferrioli	State Senate District 28 Testifies in support of SB 750 that is designed to allow the appellate court to review all the public record in order to make a decision in the case of an appeal of an state agency decision. Allows the prevailing party to recover reasonable fees and other expenses. I believe SB 750 is an attempt to bring equity and reason to the procedure.
187	Sen. Nelson	Haven't we heard testimony that some state agencies have hundreds of decisions to make every year? Would this bill effect them?
192	Sen. Ferrioli	It could effect any decision made by a state agency. However, most agency decisions are not appealed all the way to the Court of Appeals.

SB 804 WORK SESSION

220	Counsel Tweedt	Explains that the ñ2 amendments would replace the original bill (EXHIBIT G). The bill, as amended, will apply only to the processes required for issuing final orders, will allow continuing advice to the agency from the attorney general's office and will no longer require specialized mailing of orders.
246	Phil Schradle	Department of Justice Discusses the amendments requested from Legislative Council and the final form that the amendments took. Believes that lines 11-14 of the ñ2 amendments should be changed. Strike "If," and insert "A final order other than a contested case issued by" and thenÖ
272	Counsel Tweedt	These changes are fairly detailed. Why don't you explain the intent of the change? I have it in written form so amendments can be requested.
275	Schradle	The overall gist of the change is simply to go back to a more affirmative language. We think it will make it clearer.
288	Counsel Tweedt	We need to find out why the language was changed. I think we need to pursue the reasons for this.
305	Sen. Tarno	Ms. Pagel, could you please make sure the proponents are aware of these changes?
306	Martha Pagel	Water Resources Department Justin Garrett from the Schroeder Law Offices is here and I'm certain will inform them.

308	Justin Garrett	Schroeder Law Offices The changes suggested by Mr. Schradle are acceptable. They mirror the original request to the Legislative Council. We don't know why the language was changed.
317	Vice-Chair Courtney	Closes the work session on SB 804.
326	Sen. Burdick	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. BURDICK to BE RECORDED as voting AYE on the motion to send SB 6 to the floor with a do pass recommendation.
		VOTE: 5-0 EXCUSED: 2 - Bryant, Qutub
Vice-Chair Courtney		Hearing no objection, declares the motion CARRIED.
<u>SB 789 WORK SESSION</u>		
352	Counsel Felton	SB 789 deals with the Uniform Child Custody Jurisdiction and Enforcement Act. Explains that SB 789 has generated 2 and 3 amendments, but those concerned would like further time to work on an amendment that would address their concerns (EXHIBITS G, H & I).
387	Sen. Brown	Have you had a chance to discuss this with Martha Walters?
391	Brad Swank	State Court Administrator's Office Yes, I have discussed this with her. Discusses the issues that they hope to address with further work on amendments.
427	George Dick	Oregon State Bar Addressed the standardization of the adoption procedures.
445	Sen. Brown	I think we should get the technical issues fixed and then pass it on.
455	Vice Chair Courtney	Closes hearing at 4:15 p.m.

Judith Minnich, Anne Tweedt,
Administrative Support Counsel

EXHIBIT SUMMARY

A ñ HB 2314, written testimony of Jim Markee, 3 pp

B ñ HB 2314, written testimony of Sylvia Caley, 6 pp

C ñ SB 916, -7 amendments dated 5/6/99, 1 pp

D ñ SB 461, written testimony of David Hunnicutt, 3 pp

E ñ SB 461, -2 amendments dated 5/6/99, 2 pp

F ñ SB 804, -2 amendments dated 5/6/99, 2 pp

G ñ SB 789, written testimony from the Department of Justice, 7 pp

H ñ SB 789, -3 amendments dated 5/5/99, 3 pp

I ñ SB 789, -2 amendments dated 5/5/99, 3pp