

HOUSE COMMITTEE ON JUDICIARY

SUBCOMMITTEE ON CIVIL LAW

January 22, 1997 Hearing Room 357

1:00 P.M. Tapes 1 - 2

MEMBERS PRESENT:

Rep. Lane Shetterly, Chair

Rep. Judy Uherbelau, Vice-Chair

Rep. Roger Beyer

Rep. JoAnn Bowman

Rep. George Eighmey

Rep. Floyd Prozanski

Rep. Charles Starr

Rep. Larry Wells

VISITING MEMBERS: Rep. John Minnis

STAFF PRESENT:

Bill Taylor, Counsel

Lisa Fritz, Administrative Support

MEASURE/ISSUES HEARD:

Public Hearing HB 2241

HB 2247

HB 2248

HB 2250

HB 2256

HB 2262

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 1, A		
001	Chair Shetterly	Calls meeting to order and lets everyone know he will try to stay on time. He also talks about the make-up of the committee, and of those present, there are two attorneys. He asks that those talking about the bills to do so from the beginning and to cover the basics.
<u>HB 2241 - HEARING OPENED</u>		
020	Blair Batson and Dorothy Cofield	Representatives of the Legislative Committee of the Real Estate and Land Use Section of Oregon Bar Presents written testimony in support of HB 2241 [EXHIBIT A]
074	Chair Shetterly	Questions?
076	Rep. Prozanski	Asks if there is anyone known to be in opposition.
078	Batson	Responds.
080	Rep. Beyer	Asks if the bill makes land use decisions easier or if it is more for defining purposes.
083	Batson	Responds and fields questions from the committee.
118	Bill Taylor	Asks what is meant by persons who participate in a proceedings and whether that term is defined.
122	Batson	Responds and discussion continues between Batson and Taylor.
		Committee discusses
164	Rep. Eighmey	Comments that testimony is necessary to say someone participated and that should be defined as those who submitted testimony to LCDC.
		Discussion continues.
212	Chair Shetterly	Dismisses witnesses.
219	Bob Rindy	Dept. of Land Conservation Submits written testimony [EXHIBIT B] . Supports legislation but comments that the language may cause some confusion: (1D) may be construed to override other sections Proposes an amendment for clarification.
286	Chair Shetterly	Comments that if adding another clause avoids ambiguity then adding it would likely save problems later.
		Discussion continues.
<u>HB 2241 - HEARING</u>		

<u>CLOSED</u>		
<u>HB 2247 - HEARING OPENED</u>		
350	Mark Comstock	Oregon State Bar Debtor-Creditor Submits written testimony in support of HB 2247 [EXHIBIT C]. Gives background on the bill
<u>TAPE 2, A</u>		
001	Rep. Wells	Asks if the bill will help the attorney to obtain money.
008	Comstock	Responds and fields questions from the committee.
		Discussion continues.
045	Chair Shetterly	Asks if the bill simply makes explicit what some have always seen as the case.
048	Comstock	Responds and fields questions from the committee. Lengthy discussion follows.
<u>HB 2247 - HEARING CLOSED</u>		
<u>HB 2248 - HEARING OPENED</u>		
164	Mark Comstock	Oregon State Bar Debtor-Creditor Submits written testimony in support of HB 2248 [EXHIBIT D]. Gives background.
		Comstock fields questions and a lengthy discussion follows.
<u>HB 2248 - HEARING CLOSED</u>		
<u>HB 2250 - HEARING OPENED</u>		
<u>TAPE 1, B</u>		
001	Mark Comstock	Oregon State Bar Debtor-Creditor Submits written testimony in support of HB 2250 [EXHIBIT E].
047	Rep. Uherbelau	Suggests consolidation.
049	Comstock	Responds.
<u>HB 2250 - HEARING CLOSED</u>		
<u>HB 2256 - HEARING OPENED</u>		

060	Shannon Johnson	Oregon State Bar co-chair of Real Estate Subcommittee Submits written testimony in support of HB 2256 [EXHIBIT F] . Explains problems of garnishment "wrap-arounds."
115	Rep. Eighmey	Asks if this happens with an escrow account as well.
117	Johnson	Responds and fields questions.
		Discussion continues.
<u>HB 2256 - HEARING CLOSED</u>		
<u>HB 2262 - HEARING OPENED</u>		
205	Jim Nass	Legal counsel to Oregon State of Appeals and Supreme Court and member of the Appellate Practice Section of the Oregon State Bar Submits written testimony in support of the HB 2262 [EXHIBIT G] , but suggests the language be changed before passing.
		Lengthy discussion follows.
<u>TAPE 2, B</u>		
045	Rep. Uherbelau	Comments that maybe it would help to know that the purpose is really to protect the other party
061	Rep. Wells	Asks if the language in dark is a new provision or if it is being reworked.
069	Nass	Responds and discussion continues.
080	Rep. Minnis	Asks if one of the bills on the same topic went to the family committee.
090	Chair Shetterly	Responds.
097	Rep. Minnis	Asks how important is it to do both bills together.
100	Uherbelau	Comments that one section may cause a problem with domestic relations.
104	Rep. Minnis	Asks how Chair Shetterly wants to handle the situation.
108	Chair Shetterly	Responds.
		Discussion continues.
<u>HB 2262 - HEARING CLOSED</u>		
<u>MEETING ADJOURNED - 2:30 P.M.</u>		

Submitted By, Reviewed By,

Lisa Fritz, Bill Taylor,

Administrative Support Counsel

EXHIBIT SUMMARY

A - HB 2241, written testimony, Blair Batson and Dorothy Cofield, 2 pp.

B - HB 2241, written testimony, Bob Rindy, 3 pp.

C - HB 2247, written testimony, Mark B. Comstock, 2 pp.

D - HB 2248, written testimony, Mark B. Comstock, 2 pp.

E - HB 2250, written testimony, Mark B. Comstock, 2 pp.

F - HB 2256, written testimony, Shannon Johnson, 1 p.

G - HB 2262, written testimony, James W. Nass, 6 pp.