

HOUSE COMMITTEE ON JUDICIARY

SUBCOMMITTEE ON CIVIL LAW

March 24, 1997 Hearing Room 357

1:00 P.M. Tape 47

MEMBERS PRESENT:

Rep. Lane Shetterly, Chair

Rep. Judith Uherbelau, Vice-Chair

Rep. Roger Beyer

Rep. Jo Ann Bowman

Rep. George Eighmey

Rep. Floyd Prozanski

Rep. Charles Starr

Rep. Larry Wells

STAFF PRESENT:

David J. Amesbury, Counsel

Bill Taylor, Counsel

Lisa Fritz, Administrative Support

MEASURE/ISSUES HEARD:

HB 2306 - Work Session

HB 2415 - 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 47, A		

008	Chair Shetterly	Calls the meeting to order at 1:05 p.m. Announces that HB 3002, HB 2468, and HB 2948 are removed from the agenda.
<u>OPENS WORK SESSION ON HB 2306</u>		
020	David Amesbury	Committee Counsel Discusses HB 2306 and amendments to the bill (EXHIBIT A) .
041	Rep. Prozanski	MOTION: Moves to ADOPT HB 2306-2 amendments dated 3/12/97.
044	Rep. Uherbelau	Expedited service never happens, unless there is an agreement between the attorney, asking for the service, and the process server. You are specifically telling them that this has to be done within a certain period of time. If we put "is necessary," I think we may be opening up the door to argument over what is "necessary" and what is "not necessary."
054	Chair Shetterly	I think we do, but maybe that's the intention. Line 13 leaves it up to the court to determine whether expedited service was necessary. That seems okay with me. The other option is to leave it as it is. I don't think it really matters.
064	Rep. Beyer	It is my understanding that, when doing anything to the "relating to" clause, that has to go to the Speaker's office.
068	Amesbury	Legislative Counsel (LC), in this case, drafted a "relating" clause that was narrower than the original bill. That was an error on the part of LC. LC has already spoken with and exchanged memorandum with the Speaker's desk, and they have received approval to amend the "relating" clause. The desk offered to have the bill reprinted, in its current format, but suggested that since the bill would probably be amended in this committee, it would save a lot of expense to just print the A-Engrossed version.
082	Rep. Uherbelau	I'm trying to think about what happens on the ground. I'm wondering whether "necessary" would cause unnecessary arguments.
088	Chair Shetterly	You're saying that you don't think "necessary" is necessary.
090	Rep. Uherbelau	Yes.
093	Chair Shetterly	Are there any objections to adopting the -2 amendments?

		VOTE: 7-0 EXCUSED: 1 - Rep. Eighmey
095	Chair Shetterly	Hearing no objection, declares the motion CARRIED.
096	Rep. Bowman	MOTION: Moves HB 2306 to the full committee with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0 EXCUSED: 1 - Rep. Eighmey
097	Chair Shetterly	Hearing no objection, declares the motion CARRIED. REP. UHERBELAU will lead discussion on the floor.
<u>OPENS WORK SESSION ON HB 2415</u>		
113	Bill Taylor	Committee Counsel Discusses HB 2415 and amendments brought up during the March 5th work session on the bill (SEE EXHIBIT A FROM CIVIL LAW MEETING, 3/5/97).
135	Chair Shetterly	We can either put off the work session further, or we can move these in as conceptual amendments, with the understanding that these will have to go through LC.
139	Rep. Uherbelau	I guess I'm a little disappointed that the Debtor-Creditor Section did not get back to us because, if you read their letter, they say that the bill is not necessary. It really has nothing to do with the amendments at all. Both of the reasons, they give to say the bill is invalid, are still valid with or without the amendments. They should have followed through, if they had the concerns. If something is unnecessary, why are we even doing it?
166	Jim Markee	Oregon Collectors Agency Explains correspondence between the Agency and opposing parties. Comments that once those, who were in contact with the Agency, understood the federal law conflict, they had no problems with the amendments. Others had lost contact.
196	Chair Shetterly	We don't have these in LC form, but they are down in LC. I would be fine with adopting these as conceptual amendments.
		MOTION: Moves to ADOPT the amendments offered by Karen

203	Rep. Beyer	Hightower of the State Court Administrator's Office (3/5/97) to HB 2415.
		VOTE: 8-0
206	Chair Shetterly	Hearing no objection, declares the motion CARRIED.
208	Rep. Beyer	MOTION: Moves HB 2415 to the full committee with a DO PASS AS AMENDED (conceptually) recommendation.
		VOTE: 8-0
210	Chair Shetterly	Hearing no objection, declares the motion CARRIED. REP. BEYER will lead discussion on the floor.
215	Taylor	Explains that nothing will be done with 2416 because 2306 passed.
233	Chair Shetterly	Adjourns at 1:24 p.m.

NOTE: Rep. Eighmey was given consent to cast his vote for HB 2306. He voted, "Aye." The vote now stands at 8-0.

Submitted by, Reviewed by,

Lisa Fritz, Sarah Watson,

Administrative Support Office Manager

EXHIBIT SUMMARY

A - HB 2306, proposed amendments (-2), Legislative Counsel, 1 page.