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SENATE COMMITTEE ON BUSINESS, LAW, AND GOVERNMENT

March 6, 1997 Hearing Room A

1:00pm Tapes 85-86

MEMBERS PRESENT:

Sen. Randy Miller, Vice-Chair

Sen. Kate Brown

Sen. Randy Leonard

Sen. David Nelson

MEMBER EXCUSED: Sen. Neil Bryant, Chair

Sen. Gene Derfler

STAFF PRESENT:

David Amesbury, Counsel

Andrea Terry, Administrative Support

MEASURE/ISSUES HEARD:

HB 2248

HB 2262

HB 2298

SB 528

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 85, A		
004	Vice Chair Miller	opens meeting at 1:19pm
028	Bob Oleson	OSB
034	Oleson	EXHIBIT A
047	Miller	close public hearing on HB2248, open work session on HB2248
051	Sen. Nelson	MOTION: Moves HB 2248 to the floor with a DO PASS recommendation.
056	Brown	the bill over rules a 1982 case is there some reason we waited 14 years to deal with this
061	Olson	it does not come up very often, that is why it has taken so long
073	Miller	no other discussion, no objections, motion passes Sen. Nelson will carry HB 2248
<u>HB 2262PUBLIC HEARING AND WORK SESSION</u>		
075	Miller	open public hearing on HB 2262
078	Amesbury	EXHIBIT B this is a technical amendment proposed by Legislative Counsel
091	Jim Nass	Legal Counsel to the Appellate Courts
096	Nass	EXHIBIT C
124	Brown	this bill modifies the appeal process for domestic relations cases, I'm curious to know if the family and juvenile law section of the Oregon State Bar has seen this since it was amended in the house
150	Nass	yes, they have had an opportunity to review it
173	Nass	still discussing EXHIBIT C

178	Sen. Brown	are appeals consolidated or are they still two separate proceedings
186	Nass	this bill would authorize the court to consolidate them, if they were close enough together time wise or we treat them as two separate proceedings if they are far enough apart time wise
191	Nass	appellate review explanation
209	Nass	section 10 deals with stays in domestic relations cases
220	Sen. Nelson	why did you rewrite the first 11 sections
227	Nass	these have been around a long time and have been amended many times LC (Mr. Dave Hendricks) said these are a mess, let's just rewrite the entire thing
246	Miller	close public hearing on HB2262, open work session on HB2262
253	Amesbury	-A2 amendment explanation EXHIBIT B
260	Brown	move -A2 amendments to HB2262
264	Miller	no discussion, no objections
268	Sen. Brown	MOTION: Moves HB 2262 to the floor with a DO PASS AS AMENDED recommendation.
270	Miller	no discussion, no objections Sen. Brown will carry
<u>HB 2298--PUBLIC HEARING AND WORK SESSION</u>		
295	Miller	open public hearing on HB 2298
305	Pete Shepard	Attorney from Financial Fraud Section of the Oregon Department of Justice
307	Shepard	EXHIBIT D
330	Shepard	explanation of simulated invoice refers to page B-2 in EXHIBIT D
Tape 86, B		
003	Shepard	mostly we hear from businesses that catch the simulated invoices
011	Brown	what do other states do on this issue
		I'm not certain what other states do, but I can tell you what we have tried to do in the past under the Unlawful Trade Practices Act 1. we have had some luck "rattling the racketeering saber" at

016	Shepard	these businesses 2. we have a few cases that have amounted to "theft by deception", but this isn't completely adequate tool, because we would have to prove that there was specific intent to defraud
039	Sen. Leonard	is this like something I received at home that looked like a bill for subscription that I never ordered
045	Shepard	that is a complaint we receive from time to time
052	Brown	what is the use of the word "utter"
060	Shepard	"utter" is borrowed from the definition relating to forgery
071	Miller	close public hearing on HB 2298; open work session on HB 2298
073	Sen. Leonard	MOTION: Moves HB 2298A to the floor with a DO PASS recommendation.
075	Miller	no discussion; no objection Sen. Leonard will carry the bill
<u>SB528--PUBLIC HEARING AND WORK SESSION</u>		
080	Miller	open public hearing on SB 528
100	Betsy Earls	EXHIBIT E
121	Sen. Brown	in the case example you gave "truth" would be the line of defense
126	Earls	the problem with "truth" is that it is based on credibility and that is not an easy judgment to make
128	Miller	close public hearing on SB 528
139	Miller	open work session on SB 528
146	Sen. Leonard	MOTION: Moves SB 528 to the floor with a DO PASS recommendation.
150	Miller	no discussion; no objection Sen. Miller will carry
179	Amesbury	LC 4027 introduced as SB 1107; LC 3833 introduced as SB 1106; LC 3882 introduced as SB 1105; LC 4232 introduced as SB 1104; LC 4178 introduced as SB 1103; LC 2936 introduced as SB 1101
185	Miller	adjourns meeting at 2:00pm

Submitted By, Reviewed By,

Andrea Terry, David J.Amesbury

Administrative Support Counsel

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EXHIBIT SUMMARY

A - Testimony of Mark B. Comstock in support of HB 2248 - introduced by Oregon State Bar - 2 pages

B - Memo and proposed amendments to HB 2262 - introduced by Legislative Counsel - 2 pages

C - Testimony of James Nass on A-Engrossed HB 2262 - introduced by James Nass - 7 pages

D - Testimony of Oregon Department of Justice in support of HB 2298 - introduced by Department of Justice - 13 pages

E - Testimony from Betsy Earls on SB 528 - introduced by Betsy Earls (Associated Oregon Industries) - 2 pages
