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SENATE COMMITTEE ON BUSINESS, LAW, AND GOVERNMENT

May 22, 1997 Hearing Room A

1:00pm Tapes 239 - 240

MEMBERS PRESENT:

Sen. Neil Bryant, Chair

Sen. Randy Miller, Vice-Chair

Sen. Kate Brown

Sen. Gene Derfler

Sen. Randy Leonard

Sen. David Nelson

MEMBER EXCUSED:

STAFF PRESENT:

David J. Amesbury, Counsel

Andrea Terry, Administrative Support

MEASURE/ISSUES HEARD:

SB 413

SB 276

SB 726

HB 2302

HB 2693

HB 3207

HB 3057

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 239, A		
005	Chair Bryant	opens meeting at 1:25pm
<u>HB 2693--PUBLIC HEARING AND WORK SESSION</u>		
010	Bryant	open public hearing on HB 2693
012	Rep. George Eighmey	State Representative
016	Eighmey	explains HB 2693
030	Bryant	closes public hearing on HB 2693 opens work session on HB 2693
032	Sen. Brown	MOTION: Moves HB 2693 to the floor with a DO PASS recommendation.
034	Bryant	no discussion; no objection Sen. Brown will carry
<u>HB 3207--PUBLIC HEARING AND WORK SESSION</u>		
044	Bryant	opens public hearing on HB 3207
047	Rep. George	State Representative

	Eighmey	
049	Eighmey	explains HB 3207
066	Sen. Derfler	why is this needed
068	Eighmey	explanation of why this is needed
098	John Brenneman	Oregon Funeral Director's Association
100	Bryant	close public hearing on HB 3207 open work session on HB 3207
102	Sen. Brown	MOTION: Moves HB 3207 to the floor with a DO PASS recommendation.
104	Bryant	no discussion; no objection Sen. Nelson is a "no" vote Sen. Brown will carry
<u>HB 3057--PUBLIC HEARING</u>		
110	Bryant	opens public hearing on HB 3057
115	Kingsley Click	State Court Administrator
118	Click	explains HB 3057
170	Sen. Brown	you will do the studies, whether we pass the bill or not
172	Click	yes, because Ways and Means has already put it in our budget
180	Bryant	would "judges" also include "referees"
183	Click	it can, usually our education plans are open to referees as well
186	Bryant	close public hearing on HB 3057
<u>SB 413--WORK SESSION</u>		
189	Bryant	open work session on SB 413
191	Pete Shephard	Department of Justice
193	Shephard	EXHIBIT A
209	Sen. Leonard	does a video tape constitute a "living trust"
220	Sen. Bryant	explains "living trust" and "living will"
265	Derfler	can only attorneys draw up living trusts
270	Bryant	no, attorneys can, financial institutions, trust companies, even individuals
278	Sen. Bryant	MOTION: Moves to ADOPT SB 413-2 amendments dated 5/22/97.
280	Bryant	no discussion; no objection

282	Sen. Bryant	MOTION: Moves SB 413 to the floor with a DO PASS AS AMENDED recommendation.
284	Bryant	no discussion; no objection Sen. Bryant will carry
<u>HB 3057--PUBLIC HEARING AND WORK SESSION</u>		
290	Bryant	opens public hearing on HB 3057
297	Representative Jeff Kruse	State Representative
299	Kruse	explains HB 3057
317	Bryant	closes public hearing on HB 3057
320	Sen. Brown	MOTION: Moves HB 3057 to the floor with a DO PASS recommendation.
322	Bryant	no discussion; no objection Sen. Brown will carry
<u>SB 276--WORK SESSION</u>		
335	Bryant	open work session on SB 276
340	Bryant	explanation of SB 276
356	Dave Amesbury	explains EXHIBIT B
Tape 240, A		
006	Sen. Leonard	question about percentage of money put into retirement plan
032	Bill Linden	explanation of retirement plans
051	Sen. Leonard	please explain elimination of contribution
058	Linden	explains 2 types of judges retirement plans
065	Linden	EXHIBIT C
117	Sen. Leonard	I am trying to understand why judges get more in their retirement than other public employees
144	Linden	judges typically begin their public service at a later career stage they are the only public employees who have a statutory "cap" on the amount they can accrue
184	Linden	explains eleven knew judgeships
191	Bryant	discusses the areas in SB 276 that Ways and Means should examine
220	Bryant	still discussing Ways and Means
257	Leonard	question about page 13 of the -9 amendments

265	Click	judges who separate from service before retirement age can start their "service" as soon as they leave their judgeship
285	Sen. Brown	MOTION: Moves to ADOPT SB 276-9 amendments dated 5/22/97.
290	Sen. Leonard	MOTION: Moves to amend the -9 amendments
293	Sen. Brown	withdraws motion
295	Bryant	to Sen. Leonard's motion
300	Leonard	explanation of his motion about judge's retirement amount
310	Bryant	roll call vote
314	Staff	"Brown"
315	Brown	"no"
316	Staff	"Derfler"
317	Derfler	"aye"
318	Staff	"Leonard"
319	Leonard	"aye"
320	Staff	"Miller"
321	Miller	"aye"
323	Staff	"Nelson"
324	Nelson	"no"
325	Staff	"Chair Bryant"
326	Bryant	"no" motion fails
327	Sen. Brown	MOTION: Moves to ADOPT SB 276-9 amendments dated 5/22/97.
328	Sen. Bryant	roll call
329	Staff	"Brown"
330	Brown	"aye"
331	Staff	"Derfler"
332	Derfler	"aye"
333	Staff	"Leonard"
334	Leonard	"aye"
335	Staff	"Miller"
336	Miller	"no"
337	Staff	"Nelson"
338	Nelson	"aye"

339	Staff	"Chair Bryant"
340	Bryant	"aye"
341	Bryant	motion carries
342	Sen. Brown	MOTION: Moves SB 276 to Ways and Means with a DO PASS AS AMENDED recommendation.
343	Bryant	roll call
344	Staff	"Brown"
345	Brown	"aye"
346	Staff	"Derfler"
347	Derfler	"no"
348	Staff	"Leonard"
349	Leonard	"aye"
350	Staff	"Miller"
351	Miller	"no"
352	Staff	"Nelson"
353	Nelson	"aye"
354	Staff	"Chair Bryant"
355	Bryant	"aye"
SB 726--WORK SESSION		
360	Bryant	opens work session on SB 726
365	Amesbury	EXHIBIT D
Tape 239, B		
002	Amesbury	further explanation of EXHIBIT D
020	Sen. Brown	do the amendments address the State going after the family for money
025	Bob Joondepth	Oregon Advocacy Center
028	Joondepth	explains assets that the family might have and how the money is recovered from the family gives examples
040	Karen Olson	Mental Health Division
042	Olson	the Division collects from a number of resources, these resources are small in comparison to the total amount owed we have reviewed the amendments
086	Sen. Brown	how many cases do you actually get recovery from in terms of money

098	Karen	payment from individuals, depends upon the facility
110	Joondeph	explains different type of "damages"
120	Bryant	is there a limitation on the civil rights damages you can recover in court
123	Joondeph	there is not a limitation
145	Sen. Brown	MOTION: Moves to ADOPT the amendments offered by the Oregon Advocacy Center to SB 726.
148	Bryant	we will adopt the conceptual amendments and bring this back
<u>HB 2302--WORK SESSION</u>		
190	Bryant	open work session on HB 2302
230	Pete Shephard	Department of Justice
235	Shephard	explains the view of DOJ in EXHIBIT E
240	Shephard	we like lines 1 - 12 in EXHIBIT E we do not like lines 13 - 18 in EXHIBIT E
280	Sen. Derfler	is tendering an offer just monetary
282	Shephard	it could indeed include offers other than money
330	Shephard	discusses technical amendment
360	Bryant	we will bring this back
375	Bryant	adjourns meeting at 2:45pm

Submitted By, Reviewed By,

Andrea Terry, David J. Amesbury,

Administrative Support Counsel

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EXHIBIT SUMMARY

A - -2 amendments to SB 413 - introduced by P. Shephard - 5 pages

B - -9 amendments to SB 276 - introduced by B. Linden - 116 pages

C - Legislative Counsel Chapter Headings to SB 276-9 - introduced by B. Linden - 5 pages

D - Proposed amendments to SB 726 - introduced by Oregon Advocacy Center - 2 pages

E - -A3 amendments to HB 2302 - introduced by P. Shephard - 1 page
