

HOUSE JUDICIARY  
SUBCOMMITTEE ON CIVIL LAW AND JUDICIAL ADMINISTRATION

Hearing Room 357  
8:30 am Tapes - 69

MEMBERS PRESENT:

Rep. Del Parks, Chair  
Rep. Bryan Johnston, Vice-Chair  
Rep. Kate Brown  
Rep. Chuck Carpenter  
Rep. Lisa Naito  
Rep. Eileen Qutub

MEMBER EXCUSED:

Rep. Bob Tiernan

STAFF PRESENT:

Milt Jones, Committee Counsel  
Sarah Watson, Committee Assistant

MEASURES HEARD:

SB 195A - Public Hearing and Work Session  
SB 192A - Public Hearing and Work Session  
SB 72A - Public Hearing and Work Session  
SB 300A - Public Hearing and Work Session  
SB 602 - Public Hearing and Work Session  
SB 61A - Public Hearing and Work Session  
SB 622 - Work Session

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE , SIDE A

004 CHAIR PARKS: Calls the meeting to order at 8:35 am

PUBLIC HEARING ON SB 195A

007 MILT JONES, COMMITTEE COUNSEL: SB 195 A authorizes State Court Administrator to establish minimum retention schedules and standards for all records of courts of state.

Witness: Kingsley Click, State Court Administrator

019 KINGSLEY CLICK, STATE COURT ADMINISTRATOR: Testifies and submits written testimony in support of SB 195A. (EXHIBIT A)

048 CHAIR PARKS: What is the retention period now?

049 CLICK: Explains that it is different for everything.

052 MILT JONES, COMMITTEE COUNSEL: Currently the statute invests the authority into the Chief Justice of the Supreme Court rather than the court administrators.

WORK SESSION ON SB 195A

057 MOTION: REP. JOHNSTON: Moves SB 195A be sent to the full committee with a DO PASS recommendation.

VOTE: 4-0 MOTION PASSES  
AYE: Brown, Johnston, Qutub, Parks  
NO: None  
EXCUSED: Carpenter, Naito, Tiernan

PUBLIC HEARING ON SB 192A

064 MILT JONES, COMMITTEE COUNSEL: SB 192A revises laws relating to courts and administration of justice. There is a small fiscal impact.

Witness: Kingsley Click, State Court Administrator

073 KINGSLEY CLICK, STATE COURT ADMINISTRATOR: Testifies and submits written testimony in support of SB 192A. (EXHIBIT B) Discusses fiscal impact.

084 MILT JONES, COMMITTEE COUNSEL: The provision of interpreters is already standard practice?

085 CLICK: Discusses that last session they tried to clean up the

interpreter statute. This reflects our current practice of how we appoint interpreters in the courts.

WORK SESSION ON SB 192A

092 REP. JOHNSTON: Discusses possible conceptual amendment.

102 MOTION: REP. JOHNSTON: moves to AMEND SB 192A by inserting "Section 27" after "Section 26" on page 13, line 27 of the bill.

VOTE: Hearing no objections the amendments are ADOPTED. Rep. Carpenter, Naito, and Tiernan are excused.

105 MOTION: REP. JOHNSTON: Moves SB 192A AS AMENDED be sent to the full committee with a DO PASS recommendation.

VOTE: 4-0 MOTION PASSES  
AYE: Brown, Johnston, Qutub, Parks  
NO: None  
EXCUSED: Carpenter, Naito, Tiernan

PUBLIC HEARING ON SB 72A

111 MILT JONES, COMMITTEE COUNSEL: SB 72A specifies, for purposes of intestacy, when person is considered surviving spouse.

Witness: Warren Deras, Estate Planning and Administrative Sector

122 WARREN DERAS, ESTATE PLANNING AND ADMINISTRATIVE SECTOR: Testifies and submits written testimony in support of SB 72A. (EXHIBIT C)

WORK SESSION ON SB 72A

161 MOTION: REP. BROWN: Moves SB 72A be sent to the full committee with a DO PASS recommendation.

166 REP. QUTUB: This is already in the law?

167 CHAIR PARKS: Yes. This would narrow it down.

168 REP. QUTUB: I disagree with the whole law. We have marriage laws and I would like to see people that have had a long time relationship, get married if they want to get benefits from their spouse. If they are trying to circumvent the law by not being married and getting benefits, that shouldn't be allowed.

185 REP. JOHNSTON: This law, the amendment would be more in keeping with your ideas, than the current law. Explains bill and what it does.

198 MILT JONES, COMMITTEE COUNSEL: One of the difficulties of the current law is that a person can get multiple claims.

200 REP. QUTUB: I didn't know that there was already a law.

206 CHAIR PARKS: Do you want to move the bill? If we don't move it, the law remains the same.

209 REP. BROWN: Restates motion.

213 VOTE: 3-0 MOTION FAILS  
AYE: Brown, Johnston, Parks  
NO: Qutub  
EXCUSED: Carpenter, Naito, Tiernan

PUBLIC HEARING ON SB 300A

219 MILT JONES, COMMITTEE COUNSEL: SB 300A extends term of member of board of governors of Oregon State Bar from three to four years and adds one public member.

Witnesses: Bob Oleson, Oregon State Bar  
Bob Udziela, Oregon State Bar

223 BOB OLESON, OREGON STATE BAR: Testifies and submits written testimony in support of SB 300A. (EXHIBIT D)

230 BOB UDZIELA, OREGON STATE BAR: Testifies in support of SB 300A. Discusses EXHIBIT D.

WORK SESSION ON SB 300A

281 MOTION: REP. BROWN: Moves SB 300A be sent to the full committee with a DO PASS recommendation.

VOTE: 4-0 MOTION PASSES  
AYE: Brown, Johnston, Qutub, Parks  
NO: None  
EXCUSED: Carpenter, Naito, Tiernan

PUBLIC HEARING ON SB 602

299 MILT JONES, COMMITTEE COUNSEL: SB 602 revises chapter of uniform Commercial Code regulating investment securities.

Witness: Cindy Ziel, Uniform Law Commissioners

303 CINDY ZIEL, UNIFORM LAW COMMISSIONERS: Testifies and submits written testimony in support of SB 602A. (EXHIBIT E)

371 MILT JONES, COMMITTEE COUNSEL: There was no opposition on the Senate side, and no known opposition to the bill.

PUBLIC HEARING ON SB 61A

390 MILT JONES, COMMITTEE COUNSEL: SB 61A revises laws relating to guardianships, conservatorships and other protective proceedings. (EXHIBITS F, G, H)

Witnesses: Bertran Copp, Oregon Council of Senior Citizens  
Michael McCarthy, Department of Veteran Affairs  
Bob Joondeph, Oregon Advocacy Center  
Rita Cobb, Circuit Court Judge  
Helen Rives, Estate Planning Section of Oregon State Bar  
Carol Kyle, Attorney  
Scott McGraw, Attorney  
Jennifer Wright, United Seniors of Oregon, Oregon State Council of Senior Citizens

414 REP. JOHNSTON: Discusses SB 61A and what it will do with each specific amendment. Discusses concerns that are satisfied by the amendments.

TAPE 69, SIDE A

020 BERTRAN COPP, OREGON COUNCIL OF SENIOR CITIZENS: Testifies and submits written testimony in support of SB 61A. (EXHIBIT I)

054 CHAIR PARKS: How is that?

055 COPP: Without a proceeding, there would be no need for judges, without lawyers, etc. Explains how process would work. Cites personal example. Plugging the loopholes is the most important thing we could do, so that the law can be used for what it is intended.

076 MICHAEL MCCARTHY, DEPARTMENT OF VETERAN AFFAIRS: Testifies and submits written testimony in support of SB 61A. (EXHIBIT J)

098 BOB JOONDEPH, OREGON ADVOCACY CENTER: Testifies and submits written testimony in support of SB 61A. (EXHIBIT K)

112 CHAIR PARKS: Why didn't the amendments come up in the Senate?

114 JOONDEPH: They didn't come up in the Senate because of timing, explains.

121 RITA COBB, CIRCUIT COURT JUDGE: Testifies in support to SB 61A. I would not recommend the passage of these -A21 & -A22 amendments.

138 REP. JOHNSTON: What are your objections to the -A21 amendments?

140 COBB: Discusses why she opposes the amendments.

156 HELEN RIVES, ESTATE PLANNING SECTION OF OREGON STATE BAR: Testifies in support of SB 61A. Discusses her opposition to the -A21 & -A22 amendments

179 REP. JOHNSTON: Is your objection to the amendments is that they are too late in the process, or that they are not good?

180 RIVES: Discusses why she objects to the -A21 and -A22 amendments. It would be hard to fulfill this requirement after the guardianship has been set-up.

195 CAROL KYLE, ATTORNEY: Testifies in support of SB 61A. Discusses her opposition to the -A21 and -A22 amendments.

234 SCOTT MCGRAW, ATTORNEY: Testifies in support of SB 61A. Discusses his opposition to the -A21 and -A22 amendments.

258 JENNIFER WRIGHT, UNITED SENIORS OF OREGON, OREGON STATE COUNCIL OF SENIOR CITIZENS: Testifies and submits written testimony in support of SB 61A. (EXHIBIT L) Discusses that the -A21 and -A22 amendments were drafted by her.

320 MILT JONES, COMMITTEE COUNSEL: Discusses that the -A21 amendments require a motion to the court prior court approval. You would prefer, or would be satisfied with notice?

324 WRIGHT: Yes, notice and an opportunity to be heard, if there are objections. Continues testimony and discusses -A22 amendments.

395 REP. JOHNSTON: The amendments suggested by Mr. Copp, have you seen them before?

(The Oregon State Bar motions that they have not.)

WORK SESSION ON SB 602

421 MOTION: REP. BROWN: Moves SB 602 be sent to the full committee with  
a DO PASS recommendation.

VOTE: 4-0 MOTION PASSES  
AYE: Brown, Carpenter, Johnston, Qutub  
NO: None  
EXCUSED: Naito, Tiernan, Parks

TAPE 68, SIDE B

WORK SESSION ON SB 622

010 MILT JONES, COMMITTEE COUNSEL: SB 622 expands procedures required to  
obtain way of necessity.

025 MOTION: REP. CARPENTER: Moves SB 622 be sent to the full committee  
with a DO PASS recommendation.

VOTE: 6-0 MOTION PASSES  
AYE: Brown, Carpenter, Johnston, Naito, Qutub, Parks  
NO: None  
EXCUSED: Tiernan

RE-OPENS WORK SESSION ON SB 61A

040 MOTION: REP. BROWN: Moves to ADOPT SB 61A-20 amendments dated  
05/04/95.

VOTE: Hearing no objections the amendments are ADOPTED. Rep. Tiernan is  
excused.

043 MOTION: REP. BROWN: Moves to ADOPT SB 61A-21 amendments dated  
05/04/95.

044 REP. NAITO: What do the -A21 amendments do?

046 REP. BROWN: Discusses what the -21 amendments would do.

055 REP. JOHNSTON: Suggests conceptual amendment of creating two classes,  
explains.

062 REP. BROWN: I would accept that as a friendly amendment.

064 MOTION: REP. BROWN: Moves to ADOPT SB 61A-21 amendments dated  
05/04/95 and that the bill be further amended inserting "creating two  
classes".

VOTE: Hearing no objections the amendments are ADOPTED. Rep. Tiernan is  
excused.

066 MILT JONES, COMMITTEE COUNSEL: Clarification of amendment to bill.

072 REP. BROWN: I would like to discuss the A-22 amendments. I would like  
to hear a response to Ms. Wright's concerns about not placing specificity's  
within the letters.

076 REP. JOHNSTON: Discusses and explains the law and how the -A22  
amendments would be implemented. Discusses his concerns about the -A22  
amendments.

093 MOTION: REP. BROWN: Moves to RECONSIDER the vote by which "the  
committee failed to pass and move to the full committee SB 72".

VOTE: Hearing no objection, the MOTION CARRIES. Rep. Tiernan is excused.

WORK SESSION ON SB 72A

096 MOTION: REP. BROWN: Moves SB 72A be sent to the full committee with  
a DO PASS recommendation.

VOTE: 5-1 MOTION PASSES  
AYE: Brown, Carpenter, Johnston, Naito, Parks  
NO: Qutub  
EXCUSED: Tiernan

105 CHAIR PARKS: Adjourns the hearing at 9:40 am.

Submitted by, Reviewed by,

Sarah Watson Debra Johnson  
Committee Assistant Committee Coordinator

EXHIBIT SUMMARY:

- A. Testimony on SB 195 - Kingsley Click - 2 pages
- B. Testimony on SB 192A - Kingsley Click - 3 pages
- C. Testimony on SB 72 - Warren Deras - 4 pages
- D. Testimony on SB 300 - Bob Oleson - 1 page
- E. Testimony on SB 602 - Cindy Ziel - 5 pages
- F. Proposed Amendments to SB 61 - Staff - 1 page
- G. Proposed Amendments to SB 61 - Staff - 1 page
- H. Proposed Amendments to SB 61 - Staff - 1 page
- I. Testimony on SB 61 - Bertran Copp - 3 pages
- J. Testimony on SB 61 - Michael McCarthy - 3 pages
- K. Testimony on SB 61 - Bob Joondeph - 3 pages
- L. Testimony on SB 61 - Jennifer Wright - 2 pages