

SENATE COMMITTEE ON
JUDICIARY

Hearing Room

Tapes 52- 53

MEMBERS PRESENT:

Sen. Neil Bryant, Chair
Sen. Randy Miller, Vice-Chair
Sen. Ken Baker
Sen. Jeannette Hamby
Sen. Peter Sorenson
Sen. Dick Springer
Sen. Shirley Stull

MEMBER EXCUSED: Sen. Ken Baker

STAFF PRESENT:

M. Max Williams II, Committee Counsel
Julie Clemente, Committee Assistant

MEASURES HEARD: Public Hearing & Work Session - SB 72

- SB 192
- SB 195

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

003 CHAIR BRYANT: Calls meeting to order at 3.05

OPENS PUBLIC HEARING ON SB 72

CHAIR BRYANT: This legislation corrects a problem the '93 Legislature made
in recreating common-law marriage.

Witnesses: Representative George Eighmey, District 14
Warren C. Deras, Oregon State Bar, Estate Planning and Administration
Section
Russell Lipetzky, Oregon State Bar, Family & Juvenile Law Section

009 STATE REPRESENTATIVE GEORGE EIGHMEY, representing District # 14:
Presents testimony in favor of SB 72.

042 WARREN DERAS, Oregon State Bar, Estate planning and Administration
Section: Presents testimony in favor of SB 72. [EXHIBIT A]

081 SEN. HAMBY: Explain the nursing home window.

085 DERAS: Explains basic concept of bill..

097 REP. EIGHMEY: Situation doesn't occur if they are legally married.

109 DERAS: Two years cannot be counted towards the 10 years.

135 RUSSELL LIPETZKY, Legislative Chair, Family & Juvenile Law Section,
Oregon State Bar: Presents testimony in favor of SB 72. [EXHIBIT B]

CLOSES PUBLIC HEARING ON SB 72

OPENS WORK SESSION ON SB 72

MOTION: CHAIR BRYANT: Moves to ADOPT the -1 amendments.

VOTE: CHAIR BRYANT: Hearing no objection the amendments are ADOPTED.
All members present vote AYE. Senator Baker is excused.

MOTION: SEN. HAMBY: Moves that SB 72, AS AMENDED, be sent to the Floor
with a DO PASS recommendation.

VOTE: CHAIR BRYANT: The motion CARRIES. All members present VOTE AYE.
Senator Baker is excused.

SEN. BAKER will lead discussion on the Floor.

OPENS PUBLIC HEARING ON SB 195

Witnesses: Kingsley Click, Acting State Court Administrator
Jim Murchison, Trial Court Administrator, Marion County
Sandy Officer, Trial Court Administrator, Washington County

164 KINGSLEY CLICK, Acting State Court Administrator: Presents testimony in
favor of SB 195. [EXHIBIT C]

171 -2 Amendments attached to testimony [EXHIBIT C]. Explains.

204 Continues: Storage is at a premium.

227 SANDY OFFICER, Trial Court Administrator, Washington County: Testifies
in favor on SB 195.

250 SEN. SORENSON: What are we currently doing about adoption records?

JIM MURCHISON, Trial Court Administrator, Marion County: Adoption records
are permanent records.

294 SEN. SORENSON: What statutory requirements do judges use?

MURCHISON: There is nothing specified as such in the statute.

306 SEN. HAMBY: Is this going to have to go to Ways & Means?

CLICK: Planning on doing it within our existing resources.

CLOSES PUBLIC HEARING ON SB 195
OPENS WORK SESSION ON SB 195

MOTION: CHAIR BRYANT: Moves to ADOPT the SB 195 -2 amendments.

322 MAX WILLIAMS: -1 amendments from Legislative Counsel contained some
problematic phrases that have been corrected.

VOTE: CHAIR BRYANT: Hearing no objection the amendments are ADOPTED. All
members present vote AYE. Senator Baker is excused.

MOTION: SEN. HAMBY: Moves that SB 192 AS AMENDED, be sent to the Floor
with a DO PASS recommendation.

VOTE: CHAIR HAMBY: All members present vote AYE. Senator Baker is
excused.

SEN. SORENSON will lead discussion on the Floor.

CLOSES WORK SESSION ON SB 195

OPENS PUBLIC HEARING ON SB 192

Witnesses: Kingsley Click, Acting State Court Administrator
Jim Murchison, Trial Court Administrator, Marion County

369 KINGSLEY CLICK, Acting State Court Administrator: Testifies in favor of
SB 195. [EXHIBITS D & E] Requesting one further amendment to Section 1,
Translated Documents. Explains.

TAPE 52, SIDE A

12 CLICK: Continues testimony.

20 MURCHISON: Will answer any questions on the housekeeping amendments.

39 CLOSES PUBLIC HEARING ON SB 192
OPENS WORK SESSION ON SB 192

MOTION: CHAIR BRYANT: Moves to ADOPT the SB 192 -1 Amendments.

040 SEN. MILLER: Questions fee of \$4.00. Fees uniform?

MAX WILLIAMS: States amendments bring uniformity of charges to \$4.00.

VOTE: Hearing no objection the amendments are ADOPTED. All members
present vote AYE. Senator Baker is excused.

062 MOTION: SEN. HAMBY: Moves to ADOPT the 2/15/95 amendments to SB 192.

SEN. MILLER: Not persuaded by Fiscal Impact Statement. Believes it will
be more costly than "minor impact".

077 SEN. BRYANT: As I understood the testimony, the cost would be absorbed
in the current budget.

CLICK: Yes. We use budget funds to translate.

085 BRYANT: If you went over you would have to go to the Emergency Board?

CLICK: Right.

094 CHAIR BRYANT: Will ask Legislative Fiscal for opinion. If there is an
impact, will bring it back.

VOTE: Hearing no objection the amendments are ADOPTED. All members present
vote AYE. Senators Baker and Stull are excused.

MOTION: SEN. HAMBY: Moves that SB 192, AS AMENDED, be sent to the Floor
with a DO PASS recommendation.

VOTE: SENATORS HAMBY, SORENSON, SPRINGER AND CHAIR BRYANT vote AYE.
SENATOR MILLER votes NAY. Senators Baker and Stull are excused.

SEN. HAMBY will lead discussion on the Floor.

CLOSES WORK SESSION ON SB 192

CHAIR BRYANT: Adjourns at 4:45 p.m.

Submitted by:

Reviewed by:

Julie Clemente
Committee Assistant

M. Max Williams II
Committee Administrator/Counsel

EXHIBIT LOG

A - Senate Bill 72, Repeal of "Common Law Marriage for Intestacy" -- Warren
Deras -- 4 pages
B - Testimony on SB 72 -- Russell Lipetzky -- 1 page
C - Testimony on SB 195 -- Kingsley Click -- 9 pages
D - SB -92 Additional Amendment, Fiscal Impacts & Interpreter Payment
Policies -- Staff -- 5 pages
E- Section by Section Summary of SB 192 -- Staff -- 2 pages