

HOUSE OF REPRESENTATIVES

THIRD READING ALERT

PROJECTED THIRD READINGS FOR MONDAY, MAY 04, 2015

HOUSE CONVENES AT 10:30 A.M.

BILL#	COMM	RECOMMENDATION	Filed	CARRIER
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SPECIAL ORDER OF BUSINESS

<u>HCR 25</u>	RULES	A	04/24/15	Boone
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In memoriam: Shirley Kalkhoven, 1927-2015. (Committee vote: 7-0-2)

PROPOSITIONS & MOTIONS:

(Consideration of Committee and Minority Reports)

<u>SB 941-A</u>	RULES (Com)dp	04/27/15	Williamson
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Requires all private transferors of firearms to appear at gun dealer in person with both transferee and firearm and request criminal background check before transfer. Specifies exceptions for family members, law enforcement, inherited firearms and certain temporary transfers. Violation of background check law constitutes Class A misdemeanor for first offense and Class B felony for second and subsequent offenses. Provides that if transferor and transferee live over 40 miles from each other, transferor may ship or deliver firearm to gun dealer located near transferee. Allows Department of State Police to notify local law enforcement when background check demonstrates transferee is prohibited from possession of firearm. Allows court to prohibit person participating in outpatient treatment from possession of firearm during period of treatment upon certain findings. Declares emergency, effective on passage. (Committee vote: Yeas: 5 - Barnhart, Hoyle, Nosse, Rayfield, Smith Warner; Nays: 4 - Gilliam, Kennemer, McLane, Wilson)

Please note: Has Fiscal Impact Statement

<u>SB 941-B</u>	RULES (Min1)dpa PE	04/27/15	McLane
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Establishes Firearms Investigation Division (FID) within Department of State Police. FID shall have no fewer than eight fulltime equivalent (FTE) Oregon State Police (OSP) troopers assigned to investigate unlawful transfers of firearms under state and federal law and assign no fewer than two FTE to engage in public education and outreach on firearms safety. Specifies components of public education and outreach. **(Signers of the Report: Rep. Vic Gilliam, Rep. Mike McLane)**

Please note: Has Fiscal Impact Statement

LEGEND

HAGNR Agriculture and Natural Resources	HBL Business and Labor	dp=do pass
HCOND Conduct	HCPGE Consumer Protection and Government Effectiveness	dpa=do pass with amendments
HED Education	HEE Energy and Environment	PE=print measure engrossed
HHC Health Care	HHEDIW Higher Education, Innovation, and Workforce Development	CC=and be placed on Consent Calender
HHS Human Services and Housing	HJUD Judiciary	A=adopt
HRCLUW Rural Communities, Land Use, and Water	HREV Revenue	Aa=adopt with amendments
HRULES Rules	HTED Transportation and Economic Development	sub=subsequent
HVET Veterans and Emergency Preparedness	JAUD Audits	res=rescind
JHIT Health Insurance Transition	JLAC Legislative Administration	re=referred or referral
JLC Legislative Counsel	JM91 Implementing Measure 91	
JOCSS Oregon China Sister State	JTAX Tax Credits	
JWM Ways and Means		

SB 941-B **RULES (Min2)dpa PE** **04/27/15** **Wilson**
 Increases penalty for providing to licensed dealer or private seller false name or materially false information or identification in connection with purchase or transfer of firearm or ammunition, with intent to deceive dealer or seller about lawfulness of purchase or transfer. Increases penalties for certain crimes related to unlawful possession, purchase and transfer of firearms. Appropriates \$44 million in General Fund revenue to Oregon Health Authority for 2015-17 biennium to provide mental health services. (**Signers of the Report:** Rep. Carl Wilson, Rep. Bill Kenemer)
Please note: Has Fiscal Impact Statement

SB 941-A or B **RULES (Committee) or (Minority 1 or 2)** **Williamson, McLane or Wilson**
 Please note: see descriptions above

HOUSE BILLS:

(Carried over from Thursday, April 30, 2015 Calendar)

HB 3524-A **HS** **dpa PE** **04/27/15** **Parrish, Reardon**
 Directs state agencies to give priority notification to non-profit organizations of lands available for purchase for purposes of affordable housing development. (Committee vote: Yeas: 6 - Evans, Gallegos, Keny-Guyer, Parrish, Piluso, Taylor; Nays: 3 - Buehler, Hayden, Stark)
Please note: Has Fiscal Impact Statement

HB 2310-A **JUD** **dpa PE** **04/28/15** **Barker**
 Provides that Department of Corrections must consider lesser or greater included offense of crime for which sentence imposed and any other crime in same county designated as part of same criminal episode when computing sentence. Establishes that incarcerated person receive credit for time served in jail after arrest and before commencement of probationary sentence when probation ordered as downward dispositional departure, presumptive sentence or as part of diversion program or specialty court program where the defendant is not on probation. Provides that unless both court expressly orders otherwise and prosecuting attorney and defendant provide consent, person may not receive presentence incarceration credit for time served in jail if crime not directly related to crime for which current sentence being imposed, or for violation of conditions of probation, parole or post-prison supervision for crime not directly related to crime for which current sentence imposed. Allows sentencing judge to limit credit for time served given to inmates sentenced on downward dispositional departure. Applies to sentencing proceedings occurring on or after effective date of act. Declares emergency, effective on passage. (Committee vote: 9-0-0)
Please note: Has Fiscal Impact Statement

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HB 2386-B **BL** **dpa PE** **04/28/15** **Holvey**

Authorizes Labor Commissioner to issue temporary cease and desist order when there is reason to believe statutes governing prevailing wage rate, farm and construction labor contractors, wage and hour, or employment conditions have been violated. Allows employer to provide a bond in lieu of payment if temporary cease and desist order mandates compensation to an employee in an amount disputed by the employer. Establishes process for employer to contest temporary cease and desist order and allows court to award attorney fees to employer for proceedings contesting a temporary cease and desist order. Prohibits Commissioner from enforcing temporary cease and desist order issued under this section that would preclude the ongoing harvest or distribution of perishable agricultural products but allows such order to be enforced after completion of harvest or distribution that was in progress at time the order was issued. Authorizes Labor Commissioner to impose civil penalty when employer fails to pay wages on regular payday. Authorizes Labor Commissioner to administratively compel employer to provide bond when employer fails to establish and maintain a regular payday. (Committee vote: Yeas: 6 - Barton, Doherty, Evans, Fagan, Holvey, Nosse; Nays: 5 - Barreto, Esquivel, Heard, Kennemer, Weidner)

Please note: Has Fiscal Impact Statement

HB 2571-A **JUD** **dpa PE** **04/28/15** **Williamson**

Requires law enforcement agency to establish policies and procedures for retaining recordings from cameras worn upon police officers to record interactions with members of public while on duty. Outlines public records requirements and exemptions. Clarifies terms related to evidence and discovery. Declares emergency, effective on passage. (Committee vote: Yeas: 7 - Barker, Barton, Greenlick, Krieger, Lininger, Sprenger, Williamson; Nays: 2 - Olson, Post)

Please note: Has Fiscal Impact Statement

HB 2704-A **JUD** **dpa PE** **04/28/15** **Barker**

Establishes exemption to one-party notification in context of recording if person is openly recording law enforcement officer engaging in lawful duties in a place open to the public. (Committee vote: Yeas: 7 - Barker, Barton, Greenlick, Krieger, Lininger, Olson, Williamson; Nays: 2 - Post, Sprenger)

Please note: Has minimal fiscal impact, no statement issued.

HB 2764-A **BL** **dpa PE** **04/28/15** **Fagan**

Modifies circumstances under which attorney fees may be awarded and amount of attorney fees in workers' compensation claims. Requires interest payment on compensable benefits, attorney fees, penalties and costs that are withheld pending an appeal. Allows attorney fees under certain circumstances for representation related to or before the Director of Department of Consumer and Business Services. Requires attorney fees awarded to be equitable in aggregate in relation to fees earned by attorneys for insurers or self-insurers. Directs Board to review attorney fees biennially. Declares emergency, effective on passage. (Committee vote: Yeas: 6 - Barton, Doherty, Evans, Fagan, Holvey, Nosse; Nays: 5 - Barreto, Esquivel, Heard, Kennemer, Weidner)

Please note: Has Fiscal Impact Statement

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HB 3040-A **JUD** **dpa PE** **04/28/15** **Huffman, Taylor**

Directs Oregon Law Commission to conduct study and make recommendations for changes to law relating to hearsay in criminal actions involving sex trafficking. Directs Commission to make recommendations to interim committee of Legislative Assembly related to judiciary no later than December 31, 2015.

(Committee vote: 9-0-0)

Please note: Has minimal fiscal impact, no statement issued.

HB 3498-A **JUD** **dpa PE** **04/28/15** **Esquivel**

Requires applicant for registration by State Marine Board (Board) as outfitter and guide to submit affidavit disclosing criminal convictions. Permits Board to take action for serious or repeated violations of small watercraft statutes and convictions of certain crimes. Directs Board to revoke registration if outfitter and guide is convicted of certain other crimes. Authorizes Board to take action before operative date. Applies to applications for initial or renewed registration received by Board on or after effective date. Declares emergency, effective on passage. (Committee vote: 9-0-0)

Please note: Has minimal fiscal impact, no statement issued.

FINAL READING, MEMORIALS AND RESOLUTIONS:

(Carried over from Thursday, April 23, 2015 Calendar)

HCR 23 **HC** **A** **04/21/15** **Nearman**

Honors Ron Post for establishing Medical Teams International and improving lives of Oregonians and millions of others worldwide. (Committee vote: 8-0-1)

Please note: Will be made a Special Order of Business on Thursday, May 7, 2015 Calendar.

FINAL READING, MEMORIALS AND RESOLUTIONS:

(Carried over from Thursday, April 30, 2015 Calendar)

HJM 14-A **VET** **Aa PE** **04/24/15** **Buehler**

Urges Congress and Secretary of Veterans Affairs to direct the U.S. Department of Veterans Affairs Portland Regional Benefit Office to release data regarding Patient-Centered Community Care program.

(Committee vote: 7-0-0)

HJM 18 **VET** **A** **04/24/15** **Esquivel**

Urges Congress to change funding of veterans' health care from discretionary entitlement to permanent and direct entitlement. (Committee vote: 7-0-0)

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SENATE BILLS:*(Carried over from Thursday, April 30, 2015 Calendar)*

SB 5515-A **WM** **dp** **04/21/15** **Williamson**
 Commission on Judicial Fitness and Disability. (Committee vote: 9-0-3)
Please note: Has Budget Report.

SB 5537-A **WM** **dp** **04/21/15** **Nearman**
 Real Estate Agency. (Committee vote: 9-0-3)
Please note: Has Budget Report.

SB 35-A **BL** **dp** **04/24/15** **Komp**
 Specifies form of notice which telephone cooperative must provide to directors, members, shareholders and other persons. Allows majority of members or shareholders of telephone cooperative to approve the sale, lease, exchange or other disposition of all or substantially all of cooperative's assets, unless a cooperative's by-laws require a greater number. (Committee vote: 11-0-0)

SB 189 **JUD** **dp** **04/27/15** **Post**
 Allows state agencies to adopt model rules developed by Attorney General relating to confidentiality of mediation sessions without complying with statutory rulemaking procedures. Requires agencies adopting such model rules to file notice of adoption of rules with Secretary of State. Declares emergency; effective on passage. (Committee vote: 7-0-2)

SB 367-A **JUD** **dp** **04/27/15** **Lining**
 Specifies that certificate holder is solely liable for assessments by homeowners association or association of unit owners coming due during redemption period. Requires claimant to include any assessment paid by purchaser to homeowners association or association of unit owners with interest to redeem property from purchaser at execution sale or to redeem property. Requires certificate holder to include assessments paid to homeowners association or association of unit owners in accounting to judgment debtor. Clarifies that certificate holder is deemed owner of property if claimant has not redeemed property by end of redemption period, whether or not sheriff has executed and delivered deed. (Committee vote: 7-0-2)

SB 375 **JUD** **dp** **04/27/15** **Sprenger**
 Allows use of declaration under penalty of perjury in specified court procedures in lieu of affidavit. Includes small claim court claim forms, testimony submitted in violation proceedings, divorce and custody forms, juvenile guardianship reports, and restraining order forms. Declares emergency; effective on passage. (Committee vote: 7-0-2)

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SB 376 **JUD** **dp** **04/27/15** **Olson**

Removes requirement that petitioner file two additional copies of petition in post-conviction relief proceedings. Allows guardianship reports be accompanied by declaration under penalty of perjury in lieu of affidavit. Sets regular term of circuit court as January 1 to December 31 of each year. Directs State Court Administrator to prescribe form and content of restraining orders to prevent abuse of elderly persons and persons with disabilities; deletes current statutory form. Declares emergency; effective on passage. (Committee vote: 7-0-2)

SB 381-A **JUD** **dp** **04/27/15** **Greenlick**

Requires Oregon State Bar (Bar) Board of Governors to include member from region outside state of Oregon who maintains office outside of Oregon, but is active member of Bar. Provides Board authority to establish dates by which payment to professional liability insurance must be made, requires written notice of delinquency of payment, and allows reasonable time to cure default. Modifies function of Board of Bar Examiners (BBX). Requires Supreme Court to appoint BBX members in accordance with rules of Supreme Court. Requires at least two public members. Specifies BBX is to carry out admission examination of Bar applicants in accordance with Bar bylaws and Supreme Court rules. Includes investigation of applicants' character and fitness within BBX charge. Specifies admission documents are confidential and that admission process is judicial proceeding for public records disclosure purposes. Declares emergency; effective on passage. (Committee vote: 7-0-2)

SB 402-B **JUD** **dpa PE** **04/27/15** **Olson**

Allows affiant in small estate to open deposit accounts with funds from decedent and to pay claims and expenses of decedent or small estate. Provides liability protection for financial institutions that open accounts for small estate affiants. Specifies financial institution is not required to ensure that funds are properly applied. Allows affiant approved by Department of Human Services or Oregon Health Authority to convey any real or personal property to third party for valuable consideration prior to expiration of period for appointment of personal representative, even if heir or devisee fails or refuses to join in conveyance. Allows liens on property conveyed by affiant as against decedent or estate, but not against heirs or devisees. Makes conforming changes. (Committee vote: Yeas: 6 - Barker, Barton, Lininger, Olson, Post, Sprenger; Nays: 1 - Greenlick; Exc: 2 - Krieger, Williamson)

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