HOUSE OF REPRESENTATIVES

THIRD READING ALERT

PROJECTED THIRD READINGS FOR TUESDAY, MAY 05, 2015

HOUSE CONVENES AT 10:30 A.M.

BILL#	COMM	RECOMMENDATION	Filed	CARRIER

HOUSE BILLS:

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

HB 3399-A **JUD** **dpa PE** **04/27/15** **Nathanson**

Requires Justice of Peace or municipal court judge to hold juris doctor degree or to have completed course on courts of special jurisdiction offered by National Judicial College within 12 months of election or appointment. Provides extension period for completion of course and allows presiding judge to allow completion of equivalent course. Requires judges for courts of record to be member of Oregon State Bar. Requires justice courts and municipal courts to keep a transcript or audio recording of all misdemeanor or felony proceedings for at least 12 months. Declares emergency; effective on passage. (Committee vote: Yeas: 6 - Barker, Barton, Greenlick, Krieger, Lininger, Williamson; Nays: 3 - Olson, Post, Sprenger)

Please note: Has Fiscal Impact Statement

HOUSE BILLS:

(Carried over from Monday, May 04, 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 Monday, May 04, 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)

FINAL READING, MEMORIALS AND RESOLUTIONS:

SJM 10 RCLUW A 04/30/15 Kennemer. Barton

Urges Congress to designate Willamette Falls and surrounding communities as National Heritage Area. (Committee vote: 5-0-2)

Please note: Will be made a Special Order of Business on Wednesday, May 6, 2015 Calendar.

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SENATE BILLS:

(Carried over from Monday, May 04, 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** **Lininger**

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)

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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)

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

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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SENATE BILLS:

SB 232 **JUD** **dp** **05/01/15** **Parrish**

Authorizes Department of Corrections (DOC) to apply for grants or other financial support for reentry services. Establishes DOC subaccount for funding received. Continuously appropriates funding in subaccount for reentry support and services. Declares emergency, effective on passage. (Committee vote: 7-0-2)

Please note: Has Fiscal Impact Statement

SB 238 **JUD** **dp** **04/30/15** **Post**

Requires private safety agencies to comply with certain personnel record requests from Department of Public Safety Standards and Training (DPSST). Authorizes DPSST Director to apply for court order compelling compliance. Clarifies internal use of public safety officer's photograph permitted without written consent. Declares emergency, effective on passage. (Committee vote: 8-0-1)

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

SB 239 **JUD** **dp** **04/30/15** **Krieger**

Includes reserve officers in definitions of "public safety personnel" and "public safety officer." Adds reserve officers to definition of "commissioned." Adds reserve officers to minimum age requirement for employment. Removes reserve officers from minimum standards and training exemption. Declares emergency, effective on passage. (Committee vote: 8-0-1)

SB 343 **JUD** **dp** **04/30/15** **McKeown**

Repeals sunset provision related to authorized tribal police officers. Declares emergency, effective on passage. (Committee vote: 8-0-1)

SB 366 **JUD** **dp** **05/01/15** **Olson**

Modifies definition of "recidivism" for purposes of statistical analysis by state agencies and public bodies. (Committee vote: 8-0-1)

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SB 371 **BL** **dp** **05/01/15** **Evans**

Clarifies procedure for notice of closure in workers' compensation cases. Requires insurer or self-insured employer to mail a copy of notice of closure to worker's estate in the event worker is deceased and also permits mailing to beneficiaries of estate. Establishes right of beneficiaries of deceased worker to request reconsideration of notice of closure. Allows beneficiaries who were not mailed a copy of the notice of closure one year to request reconsideration. Mandates that insurer or self-insured employer pay costs of necessary interpreter services for reconsideration proceedings. Declares emergency, effective upon passage. (Committee vote: 10-0-1)

SB 387-A **JUD** **dp** **05/01/15** **Greenlick**

Requires court to ensure fingerprinting from person arrested for driving under the influence of intoxicants (DUII). Establishes that court will make inquiry concerning fingerprinting at time of arraignment, sentencing and diversion entry. Applies to offenses committed on or after effective date of act. (Committee vote: 8-0-1)

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

SB 448 **JUD** **dp** **04/30/15** **Olson**

Allows presiding judge of 7th Judicial District, with Chief Justice of the Oregon Supreme Court's approval, to enter memorandums of understanding with the Confederated Tribes of Warm Springs regarding adjudication and disposition of youths and youth offenders for cases arising in Wasco County or Hood River County. (Committee vote: 8-0-1)

SB 533-A **TED** **dp** **04/30/15** **Davis**

Permits motorcycle operators and bicycle operators to proceed at a stop light under certain conditions when vehicle detection device fails to detect the presence of the motorcycle or bicycle. (Committee vote: 7-0-0)

SB 584-A **CPGE** **dp** **05/01/15** **Frederick**

Requires contracting agency to suspend the right to submit a bid or proposal for disadvantaged, minority, women or emerging small business (DMWESB) enterprise that exhibits pattern of failing to perform a commercially useful function. Extends maximum possible length of suspension for violations. Requires Oregon Business Development Department (OBDD) to revoke certification for DMWESB enterprises after investigation reveals violations. Requires contracting agency to notify OBDD when investigating contractor for failing to perform a commercially useful function. Allows OBDD to conduct independent investigation in response to notification. Becomes operative January 1, 2016. Declares emergency, effective on passage. (Committee vote: 7-0-0)

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

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SB 600 **JUD** **dp** **05/01/15** **Lininger**

Approves adoption of and modification to rules by the Criminal Justice Commission. (Committee vote: 8-0-1)

SB 614 **JUD** **dp** **04/30/15** **Greenlick**

Allows peace officers to enter motor vehicle and impound animal when authorized by law and with probable cause to believe animal is being subjected to certain criminal offenses. . (Committee vote: 8-0-1)

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

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