

HOUSE COMMITTEE ON JUDICIARY

February 19, 2003 Hearing Room 357
1:00 p.m. Tapes 46 - 49

MEMBERS PRESENT: **Rep. Max Williams, Chair**
 Rep. Gordon Anderson, Vice-Chair
 Rep. Robert Ackerman
 Rep. Jeff Barker
 Rep. Bob Jenson
 Rep. Jerry Krummel
 Rep. Greg Macpherson
 Rep. Floyd Prozanski
 Rep. Lane Shetterly

STAFF PRESENT: **Bill Taylor, Counsel**
 Ann Martin, Committee Assistant

MEASURE/ISSUES HEARD: **HB 2270 Work Session**
 HB 2048 Public Hearing
 HB 2262 Public Hearing and Work Session
 HB 2340 Public Hearing
 HB 2263 Public Hearing and Work Session
 Measure Introduction

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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 46, A		
003	Chair Williams	Calls the meeting to order at 1:07 p.m. Opens a work session on HB 2270.
<u>HB 2270 WORK SESSION</u>		
010	Bill Joseph	Committee Counsel. Introduces HB 2270 which provides that, in life insurance policy or under certain retirement plans, divorce revokes designation of beneficiary made by principal in favor of former spouse or relative of former spouse. Discusses -1 and -2 amendments (EXHIBITS A & B) .
021	Jennifer Todd	Oregon State Bar. Testifies on HB 2270.
032	Chair Williams	Discusses bill and -2 amendments (Exhibit B) .
050	Todd	Explains the -1 amendments (Exhibit A) .
068	Joyce Patton	Oregon State Bar. Explains origins of -1 amendments.
086	Chair Williams	Asks Ms. Todd to explain her concerns about the -1 amendments.
091	Todd	Discusses her concerns about the language "a power of attorney" on line 2, of the -1 amendments.
101	Chair Williams	Says that they will strike "a power of attorney or" in the -1 amendments.
105	Rep. Shetterly	Agrees on the conceptual amendments.

114	Todd	Says she is concerned about the wording starting on line 8, page 1 of the -1 amendments.
132	Rep. Shetterly	Wonders if there is another amendment.
144	Rep. Macpherson	Comments on the -1 amendments.
180	Rep. Shetterly	MOTION: Moves to ADOPT HB 2270-2 amendments dated 02/17/03.
		VOTE: 9-0
182	Chair Williams	Hearing no objection, declares the motion CARRIED.
186	Chair Williams	Closes the work session on HB 2270 and opens a public hearing on HB 2048.

HB 2048 PUBLIC HEARING

201	Chair Williams	Introduces HB 2048 which allows court to set aside conviction or record of arrest for traffic offense under certain circumstances.
229	Carl Myers	Oregon Justice of the Peace Association. Testifies in opposition to HB 2048.
369	Rep. Barker	Asks if this bill is addressing a drunk driving/homicide record.
375	Myers	Says that he does not know of that bill. States that this bill would allow for the expungement of DUII's after ten years.
383	Rep. Barker	Asks if that includes if there was a death involved.
388	Myers	Answers that it may be under one of the exceptions, he doesn't know, or it may be under a senate bill.
394	Rep. Shetterly	Says that the Oregon Law Commission declined to take this bill and discusses the complications of this statute.
413	Myers	Mentions that the Oregon Law Commission did not want to handle just one aspect of expungement.
428	Vice-Chair Ackerman	Wonders what the motivation is behind this bill.
432	Myers	Explains the specific instance from which this bill arose.
TAPE 47, A		
003	Myers	Continues his explanation of bill.
012	Vice-Chair Ackerman	Suggests that there is a remedy behind the motivation of this bill. Asks if Mr. Myers is familiar with Class C felonies.
017	Myers	Answers that all he knows of is what the statute says and it says an exception to the expungement are convictions for traffic offenses, and that driving while suspended (DWS) is a traffic offense.
023	Rep. Krummel	Asks for clarification on traffic offenses.
044	Rep. Prozanski	Says that the issue is that there are many different enhancements that occur within the traffic offense sector and explains.
079	Kelly Skye	Oregon Criminal Defense Lawyers Association. Testifies in support of HB 2048.
158	Kelly Taylor	Oregon Department of Transportation. Testifies in support of HB 2048.
202	Chair Williams	Closes the public hearing on HB 2048 and opens a public hearing on HB 2262.

HB 2262 PUBLIC HEARING

206	Bill Joseph	Committee Counsel. Introduces HB 2262 which clarifies circumstances under which Department of Transportation may immediately suspend driving privileges of person who causes or contributes to accident that results in death.
220	Rep. Bob Jenson	House District 58. Testifies in support of HB 2262.
307	Kelly Taylor	Oregon Department of Transportation. Submits testimony and testifies in support of HB 2262 (EXHIBIT C).

336	Rep. Shetterly	Tells Ms. Taylor that he is fine with this bill. Asks about the sandstorm accident.
353	Taylor	Says that it was an enormous accident and it was very hard to figure out, but as further information came in, they were able to remove suspension.
363	Rep. Macpherson	Asks Ms. Taylor about mandatory language that doesn't allow discretion.
371	Taylor	Explains that this language has been on the books for a long time. Discusses suspension statute.
397	Vice-Chair Ackerman	Asks about a manslaughter situation.
406	Taylor	Explains a manslaughter conviction and how it's on the books separately.
399	Chair Williams	Closes the public hearing on HB 2262 and opens a work session on HB 2262.

HB 2262 WORK SESSION

438	Rep. Krummel	MOTION: Moves HB 2262 to the floor with a DO PASS recommendation.
		VOTE: 9-0
440	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. JENSON will lead discussion on the floor.
461	Chair Williams	Closes the work session on HB 2262 and opens a public hearing on HB 2340.

TAPE 46, B

HB 2340 PUBLIC HEARING

024	Hardy Myers	Attorney General. Submits testimony and testifies in support of HB 2340 which transfers responsibility for Child Support Program and associated functions from Department of Human Services to Department of Justice (EXHIBIT D).
098	Jim Neely	Deputy Director, Department of Human Services (DHS). Submits testimony and testifies in support of HB 2340 (EXHIBIT E). Discusses -1 amendments (EXHIBIT F).
117	Rep. Krummel	Asks Mr. Myers if he has an estimation of what the savings would be with this change.
120	Myers	Answers that they are relatively small and "general fund neutral."
133	Rep. Krummel	Asks Mr. Myers if the same people will be handling the work.
143	Myers	Answers, yes. Adds that specifically the transfer entails the shift of a certain number of authorized positions from DHS to the Department of Justice (DOJ).
161	Rep. Jenson	Asks if this will have any adverse effect on local district attorneys.
163	Myers	Answers, no. Says that the district attorneys are not affected by this change.
173	Vice-Chair Anderson	Asks if the cases will be consolidated by this change.
180	Myers	Says no. Comments that the actual case responsibilities between DHS and DOJ will not change.
194	Chair Williams	Explains that they are taking the program management aspect of DHS and merging it with DOJ.
216	Cindi Chinnock	Oregon Child Support Program, Executive Director. Submits testimony and testifies in support of HB 2340 (EXHIBIT G).
278	Ronelle Shankle	Department of Justice. Submits testimony and testifies in support of HB 2340 (EXHIBIT H). Discusses testimony of David

		Nebel (EXHIBIT I).
337	Layne Barlow	Oregon Men's Association. Submits testimony and testifies in opposition to HB 2340 (EXHIBIT J).
TAPE 47, B		
005	Barlow	Continues his testimony in opposition to HB 2340.
020	Rep. Shetterly	Inquires about the "fraud" Mr. Barlow is talking about.
032	Rep. Prozanski	Says that the alleged fraud has not been decided; the court will decide that. Asks Mr. Barlow if these orders are administrative orders, appealable to the circuit court.
038	Chair Williams	States that he has a problem with the premise of Mr. Barlow's argument. Requests that he be more specific with his arguments against the bill.
058	Barlow	Concludes his testimony in opposition to HB 2340.
081	Gary Dale	Oregon Men's Association. Testifies in opposition to HB 2340.
162	Bob Whiteside	Beaverton, Oregon. Submits testimony and testifies in opposition to HB 2340 (EXHIBIT K).
282	Rep. Krummel	Points out that the DOJ is not the judicial branch of government.
296	Whiteside	Says that he understands that, but says there is a close relationship between the district attorneys and the judicial branch.
315	Rep. Prozanski	Explains that a district attorney is a state executive officer and it is the executive branch and works within the judicial branch.
331	Debbie Fery	Citizen of Marion County. Submits testimony and testifies in opposition to HB 2340 (EXHIBIT L).
388	Chair Williams	Asks Ms. Fery to limit her discussion to her objections of the bill.
464	Jon Baker	Gresham. Submits testimony and testifies in opposition to HB 2340 (EXHIBIT M).
TAPE 48, A		
003	Baker	Continues his testimony in opposition to HB 2340.
009	Chair Williams	Believes that people have a misunderstanding of what this bill is doing.
021	Myers	Explains that what's involved in this transfer is the issue of the overall policy function. Says that the actual cases themselves have been under the DOJ for many years and are unaffected by this change.
039	Chair Williams	Closes the public hearing on HB 2340 and re-opens a work session on HB 2270.

HB 2270 WORK SESSION

053	Rep. Macpherson	States that he has a problem with the -3 amendments, on line 4, page 1 (EXHIBIT N).
069	Rep. Shetterly	MOTION: Moves to RESCIND HB 2270, THE -2 AMENDMENTS.
		VOTE: 9-0
070	Chair Williams	Hearing no objection, declares the motion CARRIED.
072	Rep. Shetterly	MOTION: Moves to SUSPEND the rules for the purpose of adopting conceptual amendments.
		VOTE: 9-0
073	Chair Williams	Hearing no objection, declares the motion CARRIED.

080 Rep. Shetterly **MOTION: Moves to conceptually amend HB 2270, -3 amendments dated 2/19/03 by deleting line 4, and on line 5, changing the “h” to “g”.**
VOTE: 9-0

110 Chair Williams **Hearing no objection, declares the motion CARRIED.**
112 Rep. Shetterly **MOTION: Moves to ADOPT HB 2270-3 conceptual amendments dated 02/19/03.**
VOTE: 9-0

114 Chair Williams **Hearing no objection, declares the motion CARRIED.**
116 Rep. Shetterly **MOTION: Moves HB 2270 to the floor with a DO PASS AS AMENDED recommendation.**

120 Rep. Barker Says that he thinks the beneficiary in life insurance policy should stand so he does not support the bill.

126 Rep. Shetterly Comments on Rep. Barker’s statement.
139 Rep. Macpherson Asserts that this is a good statement of policy.
149 **VOTE: 8-1-0**
AYE: 8 - Ackerman, Anderson, Jenson, Krummel, Macpherson, Prozanski, Shetterly, Williams
NAY: 1 - Barker
The motion CARRIES.
REP. MACPHERSON will lead discussion on the floor.

158 Chair Williams

169 Chair Williams Closes the work session on HB 2270 and opens a public hearing on HB 2263.

HB 2263 PUBLIC HEARING

177 Kelly Taylor Department of Transportation. Submits testimony and testifies in support of HB 2263 which prohibits issuance of hardship permits to persons whose driving privileges are suspended for failure to appear (**EXHIBIT O**).

212 Carl Myers Oregon Justice of the Peace Association. Testifies in support of HB 2263.

239 Taylor Discusses the -1 amendments (**EXHIBIT P**).
250 Jon Baker Multnomah County. Submits testimony and testifies in opposition to HB 2263 (**EXHIBIT Q**).

269 Chair Williams Stresses what the bill is about and asks for limited testimony on the issue. Asks Mr. Baker is he has anything further to say in opposition to the bill.

284 Baker Answers, no.
387 Layne Barlow Oregon Men’s Association. Submits testimony and testifies in opposition to HB 2263 (**EXHIBIT R**).

318 Chair Williams Closes the public hearing on HB 2263 and opens a work session on HB 2263.

HB 2263 WORK SESSION

319 Rep. Prozanski **MOTION: Moves to ADOPT HB 2263-1 amendments dated 02/17/03.**
VOTE: 9-0

320 Chair Williams **Hearing no objection, declares the motion CARRIED.**
328 Rep. Prozanski **MOTION: Moves HB 2263 to the floor with a DO PASS AS AMENDED recommendation.**

330 Rep. Jenson Says that he has reservations about the bill and explains.
345 Chair Williams Discusses Rep. Jenson’s concerns.
383 Vice-Chair Anderson Asks for clarification on the process.
392 Taylor Explains how a person can get their full license back.

032	Rep. Jenson	Says that he will vote in support of the bill, but still has concerns about hardship permits.
035		VOTE: 8-0-1
041	Chair Williams	EXCUSED: 1 - Barker Hearing no objection, declares the motion CARRIED. REP. PROZANSKI will lead discussion on the floor.
051	Chair Williams	Closes the work session on HB 2263. Introduces LC's to be introduced as committee measures (EXHIBITS S-U).
070	Chair Williams	MOTION: Moves LC's: 2483, 3177, 2762 BE INTRODUCED as committee bills. VOTE: 8-0-1 EXCUSED: 1 - Barker
077	Chair Williams	Hearing no objection, declares the motion CARRIED.
085	Chair Williams	Adjourns the meeting at 3:25 p.m.

EXHIBIT SUMMARY

A – HB 2270, -1 amendments, submitted by staff, dated 2/10/03, 1 pg.
B – HB 2270, -2 amendments, submitted by staff, dated 2/17/03, 1 pg.
C – HB 2262, written testimony, submitted by Kelly Taylor, 1 pg.
D – HB 2340, written testimony, submitted by Hardy Myers, 2 pgs.
E – HB 2340, written testimony, submitted by Jim Neely, 2 pgs.
F – HB 2340, -1 amendments, dated 2/14/03, submitted by staff, 1 pg.
G – HB 2340, written testimony, submitted by Cindi Chinnock, 2 pgs.
H – HB 2340, written testimony, submitted by Ronelle Shankle, 3 pgs.
I – HB 2340, written testimony, submitted by David Nebel, 1 pg.
J – HB 2340, written testimony, submitted by Layne Barlow, 5 pgs.
K – HB 2340, written testimony, submitted by Bob Whiteside, 2 pgs.
L – HB 2340, written testimony, submitted by Debbie Fery, 8 pgs.
M – HB 2340, written testimony, submitted by Jon Baker, 1 pg.
N – HB 2270, -3 amendments, dated 2/19/03, submitted by staff, 1 pg.
O – HB 2263, written testimony, submitted by Kelly Taylor, 1 pg.
P – HB 2263, -1 amendments, dated 2/17/03, submitted by staff, 1 pg.
Q – HB 2263, written testimony, submitted by Jon Baker, 1 pg.
R – HB 2263, written testimony, submitted by Layne Barlow, 3 pgs.
S – LC 2483, submitted by staff, dated 2/14/03, 9 pgs.
T – LC 3177, submitted by staff, dated 2/18/03, 3 pgs.
U – LC 2762, submitted by staff, dated 2/11/03, 5 pgs.