

HOUSE COMMITTEE ON JUDICIARY

February 26, 2003 Hearing Room 357
1:00 p.m. Tapes 57 - 58

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

MEMBER EXCUSED: Rep. Jerry Krummel

STAFF PRESENT: Bill Joseph, Counsel
 Ann Martin, Committee Assistant

MEASURE/ISSUES HEARD: Measure Introduction
 SB 81 Work Session
 HB 2526 Public Hearing and Work Session

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 57, A		
002	Chair Williams	Calls the meeting to order at 1:10 p.m. Introduces LC 1569, 2839, 2910, 2946, 2947, 2950, 2951, 2952, 2953, 2990, 3000, 3066, 3067, 3069, 3070, 3071 (EXHIBITS A-P).
030	Chair Williams	MOTION: Moves LC 1569, 2839, 2910, 2946, 2947, 2950, 2951, 2952, 2953, 3000, 3066, 3067, 3069, 3070, 3071 BE INTRODUCED as committee bills. VOTE: 8-0-1 EXCUSED: 1 - Krummel
031	Chair Williams	Hearing no objection, declares the motion CARRIED.
032	Chair Williams	Opens a work session on SB 81.
<u>SB 81 WORK SESSION</u>		
041	Greg Chaimov	Legislative Counsel. Submits testimony and testifies in support of SB 81 which makes technical changes in Oregon law (EXHIBIT Q). Discusses -1 amendments (EXHIBIT R).
155	Vice-Chair Ackerman	MOTION: Moves to ADOPT SB 81-1 amendments dated 02/07/03. VOTE: 8-0-1 EXCUSED: 1 - Krummel
158	Chair Williams	Hearing no objection, declares the motion CARRIED.
160	Vice-Chair Ackerman	MOTION: Moves SB 81 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 8-0-1 EXCUSED: 1 - Krummel
167	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. ACKERMAN will lead discussion on the floor.

183	Chair Williams	Closes the work session on SB 81 and opens a public hearing on HB 2526.
<u>HB 2526 PUBLIC HEARING</u>		
186	Rep. Shetterly	District 23. Submits testimony and testifies in support of HB 2526 which repeals sunset on laws creating Hearing Officer Panel (EXHIBIT S) .
299	Rep. Shetterly	Discusses the changes in Section 1 of the bill. Points out the letter from the Governor's Office (EXHIBIT T) and the -2 amendments (EXHIBIT U) .
TAPE 58, A		
005	Rep. Shetterly	Continues his testimony in support of HB 2526. States that the bill changes the title from Hearing Officer to Administrative Law Judge.
026	Tom Ewing	Chief Hearing Officer. Submits testimony and testifies in support of HB 2526 (EXHIBIT V) .
132	Ewing	Continues his discussion in support of HB 2526.
281	Rep. Macpherson	Asks about quality of decisions that are made with the Hearing Officer Panel.
266	Ewing	Answers that the quality of analysis has improved enormously.
319	Rep. Macpherson	Asks if agencies have more independence as a result of this configuration.
323	Ewing	Discusses the changes and says that he has come under criticism for his beliefs. Wants the best decisions made that are independent and impartial.
351	Rep. Shetterly	Comments that in HB 2525 they created a section dealing with ex parte contacts.
372	Rep. Prozanski	Points out that the Hearing Officer Panel has been in place for four years and wonders if he has any numbers of appeals or challenges of orders being given out compared to before the panel.
387	Ewing	Answers that he does not have that information, but it is information that they are tracking and will have more information next session.
406	Vice-Chair Ackerman	Remarks that his experience with Hearing Officers has been very satisfactory.
TAPE 57, B		
002	Vice-Chair Ackerman	Notes that the use of conference calls are very helpful in expediting the cases.
021	Ewing	Explains the issue of hiring law clerks.
033	Diana Godwin	Oregon State Bar. Testifies in support of HB 2526.
151	Godwin	Continues her discussion in support of HB 2526.
250	Janice Krem	Oregon State Bar. Submits testimony and testifies in support of HB 2526 (EXHIBIT W) .
254	Rep. Shetterly	States that they have achieved a comfort level with HB 2526.
286	Mary Botkin	American Federation of State, County and Municipal Employees (AFSCME). Submits testimony and testifies in support of HB 2526 (EXHIBIT X) . Wants amendments regarding the use of law clerks as hearing officers.
318	Rep. Shetterly	Says that he is committed to working with Mr. Ewing and the others in working out the problems.
350	Philip Schradle	Department of Justice. Testifies in support of HB 2526.
TAPE 58, B		
002	Schradle	Continues his testimony in support of HB 2526.
087	Rep. Shetterly	Comments on bill and the sunset approaching and understands the Department of Justice's concerns.
123	Chair Williams	Closes the public hearing on HB 2526 and opens a work session

on HB 2526.

HB 2526 WORK SESSION

125	Rep. Shetterly	MOTION: Moves to ADOPT HB 2526-2 amendments dated 02/25/03.
		VOTE: 8-0-1
		EXCUSED: 1 - Krummel
128	Chair Williams	Hearing no objection, declares the motion CARRIED.
129	Rep. Shetterly	Discusses future amendments.
150	Rep. Shetterly	MOTION: Moves HB 2526 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.
154	Rep. Jenson	Expresses his concerns and his constituents' concerns regarding the bill, but will support the bill.
257	Rep. Shetterly	Stresses the importance of making the Hearing Officer Panel permanent.
287	Vice-Chair Ackerman	Discusses differences in constituents and their concerns of state agencies.
330		VOTE: 8-0-1
		EXCUSED: 1 - Krummel
332	Chair Williams	Hearing no objection, declares the motion CARRIED.
		REP. SHETTERLY will lead discussion on the floor.
337	Chair Williams	Closes the work session on HB 2526 and adjourns the meeting at 2:56 p.m.

EXHIBIT SUMMARY

A – LC 1569, submitted by staff, 2/3/03, 12 pgs.
B – LC 2839, submitted by staff, 2/25/03, 7 pgs.
C – LC 2910, submitted by staff, 2/24/03, 1 pg.
D – LC 2946, submitted by staff, 2/25/03, 4 pgs.
E – LC 2947, submitted by staff, 2/25/03, 2 pgs.
F – LC 2950, submitted by staff, 2/25/03, 1 pg.
G – LC 2951, submitted by staff, 2/25/03, 1 pg.
H – LC 2952, submitted by staff, 2/25/03, 1 pg.
I – LC 2953, submitted by staff, 2/25/03, 1 pg.
J – LC 2990, submitted by staff, 2/25/03, 4 pgs.
K – LC 3000, submitted by staff, 2/25/03, 4 pgs.
L – LC 3066, submitted by staff, 2/25/03, 3 pgs.
M – LC 3067, submitted by staff, 2/25/03, 2 pgs.
N – LC 3069, submitted by staff, 2/25/03, 1 pg.
O – LC 3070, submitted by staff, 2/25/03, 4 pgs.
P – LC 3071, submitted by staff, 2/26/03, 3 pgs.
Q – SB 81, written testimony, submitted by Greg Chaimov, Legislative Counsel, 2/26/03, 1 pg.
R – SB 81, -1 amendments, submitted by staff, 2/7/03, 2 pgs.
S – HB 2526, written testimony, submitted by Rep. Shetterly, 10 pgs.
T – HB 2526, written testimony of MardiLyn Saathoff, General Counsel, Governor's Office, submitted by staff, 2/26/03, 2 pgs.
U – HB 2526, -2 amendments, 2/25/03, 1 pg.

V – HB 2525, written testimony, submitted by Tom Ewing, 8 pgs.
W – HB 2526, written testimony, submitted by Janice Krem, 4 pgs.
X – HB 2526, written testimony, submitted by Mary Botkin, 1 pg.