

HOUSE COMMITTEE ON JUDICIARY

April 21, 2003 Hearing Room 357

1:00 p.m. Tapes 150 -152

MEMBERS PRESENT: Rep. Max Williams, Chair
 Rep. Gordon Anderson, Vice-Chair
 Rep. Robert Ackerman, Vice-Chair
 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 2782 Public Hearing**
 HB 2048 Work Session
 HB 3015 Work Session
 HB 3330 Work Session
 HB 3385 Public Hearing
 HB 3346 Public Hearing and Work Session
 HB 3362 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.

TAPE/#	Speaker	Comments
TAPE 150, A		
004	Chair Williams	Calls the meeting to order at 1:40 p.m. Opens a public hearing on HB 2782.
<u>HB 2782 PUBLIC HEARING</u>		
018	Randy Tucker	1,000 Friends of Oregon. Testifies in support of HB 2782 which requires local government to refund or reimburse appeal fee and transcript costs incurred by person who successfully appeals local land use decision. Submits testimony, the -2 amendments to SB 378, which is an identical bill to HB 2782 (EXHIBIT A).
092	Jim Just	Friends of Linn County. Submits testimony and testifies in support of HB 2782 (EXHIBIT B).
167	Merilyn Reeves	Friends of Yamhill County. Submits testimony and testifies in support of HB 2782 (EXHIBIT C).
245	Tucker	Comments on possible amendments.
271	Art Schlack	Association of Oregon Counties. Testifies in opposition to HB 2782.
344	Linda Ludwig	League of Oregon Cities. Testifies in opposition to HB 2782.
TAPE 151, A		
010	Bob Clay	Chief Planner, City of Portland. Submits testimony and testifies in opposition to HB 2782 (EXHIBIT D).
086	Chair Williams	Closes the public hearing on HB 2782 and opens a work session

on HB 2048.

HB 2048 WORK SESSION

092	Rep. Gordon Anderson	House District 3. Testifies in support of HB 2048 which allows court to set aside conviction or record of arrest for traffic offense under certain circumstances.
108	Robert King	Private Citizen, Josephine County. Testifies in support of HB 2048.
128	Rep. Prozanski	Asks Mr. King why he wants his record expunged.
132	King	Answers that he wants his record expunged so that he can get his Masters Degree. Says that in order to be a therapist he cannot have a felony on his record.
138	Rep. Anderson	Says that Mr. King has talked to the Governor's Office and they offered him papers on clemency.
140	Rep. Prozanski	Explains that are some individual that want their records expunged so that they can get firearms.
158	Rep. Barker	Asks if this bill would apply to someone convicted of negligent homicide.
162	King	Answers that he believes that someone convicted of negligent homicide should not get a relief from a felony. Says that he is referring to people with felonies that did not commit a crime against people or property.
171	Rep. Barker	Asks if he is talking about drunk driving convictions.
175	King	Answers, no.
179	Rep. Shetterly	Discusses felony driving while suspended and the problems with amending the statute.
198	King	Says that before you have any expungement there has to be a period of time when no offenses are committed.
207	Chair Williams	Comments on the DUII issue.
218	Rep. Prozanski	Explains DUII statute.
215	Rep. Anderson	Suggests that because of the limitations of time that a work group or the Oregon Law Commission could study these issues during the interim.
236	Rep. Shetterly	Adds that amending the expungement statute is very difficult.
245	Rep. Prozanski	Agrees with Rep. Shetterly and believes that it would be good to clean the statute up.
257	Chair Williams	Closes the work session on HB 2048 and opens a work session on HB 3015.

HB 3015 WORK SESSION

259	Bill Joseph	Committee Counsel. Introduces HB 3015 which requires presiding judge of each judicial district to establish procedures to protect confidentiality of Social Security numbers required in certain domestic relations proceedings. Discusses the -2 amendments (EXHIBIT E).
295	Bradd Swank	State Court Administrator's Office. Testifies on HB 3015 and supports the -2 amendments.
339	Charles Stern	Yamhill County Clerk. Testifies on HB 3015.
394	Rep. Betsy Johnson	House District 31. Testifies in support of HB 3015.
429	Rep. Prozanski	Discusses bill and the -2 amendments.
451	Chair Williams	Asks Rep. Johnson how much time she needs to fix the -2 amendments.
452	Rep. Johnson	Answers that a couple of days would be enough.
478	Chair Williams	Closes the work session on HB 3015 and opens a work session on HB 3330.

HB 3330 WORK SESSION

Tape 150, B –Not used.

TAPE 152, A

022	Bill Joseph	Committee Counsel. Introduces HB 3330 which authorizes Governor to proclaim that act of war, terrorism or sabotage has caused death of unknown persons on specific date at specific place. Discusses the -1 amendments (EXHIBIT F).
032	Pete Shepherd	Deputy Attorney General. Testifies in support of HB 3330 and talks about the -1 amendments.
051	Rep. Shetterly	Says that they could make conceptual amendments.
058	Chair Williams	Discusses a possible conceptual amendment.
063	Rep. Shetterly	Makes suggestions for a conceptual amendment.
112	Shepherd	Says the Department of Justice would not oppose the conceptual amendment.
130	Rep. Shetterly	MOTION: Moves to SUSPEND the rules for the purpose of ADOPTING CONCEPTUAL AMENDMENTS to HB 3330.
		VOTE: 9-0
134	Chair Williams	Hearing no objection, declares the motion CARRIED.
135	Rep. Shetterly	MOTION: Moves to CONCEPTUALLY AMEND HB 3330 by inserting “a natural disaster or” after the word “that” on line 4, page 1.
		VOTE: 9-0
142	Chair Williams	Hearing no objection, declares the motion CARRIED.
	Rep. Shetterly	MOTION: Moves to CONCEPTUALLY AMEND HB 3330-1 amendments dated 04/21/03 on page 1, line 8, by inserting a period after the word "estate" and deleting the remainder of line 8, deleting lines 9 and 10.
		VOTE: 9-0
159	Chair Williams	Hearing no objection, declares the motion CARRIED.
161	Rep. Shetterly	MOTION: Moves to ADOPT HB 3330-1 amendments AS CONCEPTUALLY AMENDED.
		VOTE: 9-0
167	Chair Williams	Hearing no objection, declares the motion CARRIED.
174	Rep. Shetterly	MOTION: Moves HB 3330 to the floor with a DO PASS AS AMENDED recommendation.
176	Vice Chair Ackerman	Asks on line 5, page 1 of the bill, why they use the phrase “unknown person.”
182	Shepherd	Explains that this phrase is used in the New Jersey legislation that this bill was modeled after.
207		VOTE: 9-0
212	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. SHETTERLY will lead discussion on the floor.
216	Chair Williams	Closes the work session on HB 3330 and opens a public hearing on HB 3385.

HB 3385 PUBLIC HEARING

218	Chair Williams	Closes the public hearing on HB 3385 which modifies provisions regulating planned unit developments and opens a public hearing on HB 3346.
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HB 3346 PUBLIC HEARING

225	Doug Riggs	Portland Metro. Testifies in support of HB 3346 which authorizes Metro to record final order assessing civil penalty with county clerk.
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237	Paul Garahan	Assistant Attorney, Portland Metro. Testifies in support of HB 3346.
277	Chair Williams	Closes the public hearing on HB 3346 and opens a work session.
<u>HB 3346 WORK SESSION</u>		
281	Rep. Prozanski	MOTION: Moves HB 3346 to the floor with a DO PASS recommendation.
		VOTE: 8-0-1
		EXCUSED: 1 - Krummel
290	Chair Williams	Hearing no objection, declares the motion CARRIED.
		REP. MACPHERSON will lead discussion on the floor.
295	Chair Williams	Closes the work session on HB 3346 and opens a public hearing on HB 3362.
<u>HB 3362 PUBLIC HEARING</u>		
299	David Madigan	Attorney, Oregon Medical Association. Submits testimony and testifies in support of HB 3362 which provides that if insurance coverage is not sufficient to satisfy all medical services liens, insurer must prorate amounts available under limits of insurance and pay hospitals or physicians in proportion to amount due each for services rendered (EXHIBIT G).
374	Vice Chair Anderson	Asks if there is a time period he suggests.
375	Madigan	Answers, yes. Says that the hospital and physicians have 30 days once a patient is discharged.
395	Rep. Prozanski	Asks if this is standard procedure after 30 days.
400	Madigan	Explains that it is for Personal Injury Protection Funds (PIP). Explains.
427	Rep. Krummel	Inquires about what the liens are against.
428	Madigan	Answers that it is against insurance funds like no-fault insurance and PIP carriers.
436	Rep. Krummel	Asks what happens if there is a balance remaining.
449	Madigan	Answers that when the limits are reached, but not all the limits satisfied, then the insurance company's obligations are discharged at that time.
TAPE 151, B		
026	Rep. Jenson	Asks if it is the doctors that are filing their liens late in comparison with the hospitals.
031	Madigan	Says that the hospitals have the records and produce the discharge of the patient so it takes several days for the doctors to file the lien.
038	Rep. Jenson	Adds that he thought it was the doctors that filed the discharge.
042	Madigan	Explains that the hospitals have the paperwork already prepared for discharge and have the administrative process to file their lien.
052	Rep. Jenson	Wonders if there is anyone representing the hospitals.
056	Chair Williams	Answers no, there is not, but he has had conversations with them.
057	Vice Chair Anderson	Asks if the wait period should be 30 days.
060	Madigan	Says that it is already 30 days, but this bill amends ORS 87.555, which is the procedure for perfecting and filing a lien.
073	Vice Chair Anderson	Asks if this is the normal procedure for PIP claims or for all claims.
074	Madigan	Answers for PIP and no-fault claims.
079	Rep. Jenson	Asks if there is any principal involved about "first-in-time".
081	Bill Joseph	Committee Counsel. Says that this bill does not change the policy from first-in-time to a pro-rata.
100	Rep. Shetterly	Comments on bill.

109	Chair Williams	Closes the public hearing on HB 3362 and opens a work session.
<u>HB 3362 WORK SESSION</u>		
111	Rep. Prozanski	MOTION: Moves HB 3362 to the floor with a DO PASS recommendation.
		VOTE: 9-0
125	Chair Williams	Hearing no objection, declares the motion CARRIED.
		REP. ANDERSON will lead discussion on the floor.
134	Chair Williams	Closes the work session on HB 3362 and adjourns the meeting at 3:10 p.m.

EXHIBIT SUMMARY

- A – SB 378, -2 amendments, submitted by Randy Tucker, dated 3/5/03**
- B – HB 2782, written testimony submitted by Jim Just, 8 pgs.**
- C – HB 2782, written testimony submitted by Merylyn Reeves, 4 pgs.**
- D – HB 2782, Oregon Administrative Rules, Chapter 33.750, submitted by Bob Clay, 3 pgs.**
- E – HB 3015, -2 amendments, submitted by staff, dated 4/21/03, 20 pgs.**
- F – HB 3330, -1 amendments, submitted by staff, dated 4/21/03, 2 pgs.**
- G – HB 3362, written testimony submitted by David Madigan, 1 pg.**