

HOUSE COMMITTEE ON JUDICIARY

July 07, 2003 Hearing Room 357

1:00 p.m. Tapes 236 - 237

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 2797 Work Session
 SB 820C Work Session
 SB 297A 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 236, A		
004	Chair Williams	Calls the meeting to order at 1:10 p.m. Opens a work session on HB 2797.
<u>HB 2797 WORK SESSION</u>		
008	Chair Williams	Discusses the -2 amendments (EXHIBIT A).
010	David Kenagy	Executive Director, Oregon Law Commission. Submits testimony and testifies in support of HB 2797 which provides that reimbursement claim brought by public body against third-party from costs of services or benefits provided to another person is subject to same procedural rules and substantive law that would apply if claim were asserted by recipient of services or benefits directly against third party (EXHIBIT B).
027	Rep. Shetterly	Talks about the work of the Law Commission work group that introduced the bill.
066	Rep. Krummel	MOTION: Moves to ADOPT HB 2797-2 amendments dated 07/03/03. VOTE: 9-0
069	Chair Williams	Hearing no objection, declares the motion CARRIED.
071	Rep. Krummel	MOTION: Moves HB 2797 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 9-0
077	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. KRUMMEL will lead discussion on the floor.
085	Chair Williams	Closes the work session on HB 2797 and opens a work session on SB 820C.

SB 820C WORK SESSION

086	Chair Williams	Introduces SB 820C which directs Water Resources Department to allow certain transfer of point of diversion in Deschutes basin ground water study area.
096	Rep. Jenson	Talks about his work on the bill.
107	Representative Jackie Dingfelder	House District 45. Testifies in support of SB 820C and talks about C13 amendments (EXHIBIT C).
177	Rep. Krummel	Asks if all the communities were to catch their waste water would it cause any problems with the flows of the river.
197	Rep. Dingfelder	Answers that it would have to be up to Department of Environmental Quality to review the permits.
234	Rep. Jenson	Discusses SB 820C and the C13 amendments.
306	Rep. Jenson	MOTION: Moves to ADOPT SB 820C-13 amendments dated 07/03/03.
		VOTE: 9-0
308	Chair Williams	Hearing no objection, declares the motion CARRIED.
312	Rep. Jenson	MOTION: Moves SB 820C to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 9-0
322	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. JENSON will lead discussion on the floor.
328	Chair Williams	Closes the work session on SB 820C and opens a work session on SB 297A.

SB 297A WORK SESSION

330	Chair Williams	Introduces SB 297A which requires insurer to pay all sums covered by general liability insurance policy unaffected by other insurance that may provide coverage for same environmental claim. Points out matrix submitted by Bill Taylor, counsel (EXHIBIT D).
350	Rep. Macpherson	Discusses the A20 amendments which replace the A18 amendments (EXHIBIT E).
402	Jack Munro	American Insurance Association. Testifies in support of the A19 amendments to SB 297A (EXHIBIT F).
TAPE 237, A		
003	Munro	Continues his discussion on SB 297A.
054	John DiLorenzo	ICM Pharmaceuticals. Testifies on the A20 amendments to SB 297A. Suggests conceptual amendments to A20 amendments.
132	Rep. Krummel	Asks about the feasibility study.
148	DiLorenzo	Talks about the feasibility study.
176	Rep. Macpherson	Asks Mr. DiLorenzo about the definition of remedial investigation.
185	DiLorenzo	Discusses the purpose of a remedial investigation.
198	Rep. Macpherson	Explains his amendments (A20) and says that he does not want them to be amended.
226	DiLorenzo	States his concerns.
266	Tom Gallagher	Schnitzer Industry. Comments on the A20 amendments.
329	Rep. Macpherson	Asks Ms. Snider about the definition of remedial investigation.
346	Joan Snider	Attorney, representing Schnitzer Industry. States that her client is not in support of the A20 amendments and explains.
404	Chair Williams	Asks Mr. Gallagher to comment on the A19 amendments.
410	Gallagher	Supports the A12 amendments (EXHIBIT H). Discusses the A19 amendments and says he does not support them.

TAPE 236, B

019	Munro	Discusses the A19 and A20 amendments.
065	Rep. Shetterly	Talks about the A20 amendments.
088	Greg Baird	Attorney. Says that allocation by limits is one of the methods that would be eliminated.
098	Gallagher	Responds to A20 amendments and wants to make a compromise.
114	Vice Chair Ackerman	Wonders if the A20 amendments are the most logical approach.
123	Gallagher	Answers that the A20 amendments are an attempt to deal with solving the problem of all sums.
165	Lana Butterfield	Safeco Insurance Company. Says they have been working on the A20 amendments.
175	Rep. Prozanski	Asks if her client would support the changes proposed.
178	Butterfield	Answers she thinks they would.
180	Mark Nelson	Oregon Metal Industries Council. Discusses the A17 amendments (EXHIBIT G).
206	DiLorenzo	Suggests conceptual amendments.
252	David Prange	Attorney. Represents insurers in environmental insurance recovery actions. Talks about the complexities of the issues discussed.
318	Chair Williams	Comments on bill and complexity of issue.
350	Vice Chair Ackerman	MOTION: Moves to ADOPT SB 297A-12 amendments dated 07/02/03.
356	Rep. Shetterly	Asks about the A12 amendments and the A19 amendments.
387	Bill Taylor	Committee Counsel. Explains the differences between the two amendments.
419		VOTE: 6-3 AYE: 6 - Ackerman, Jenson, Macpherson, Prozanski, Shetterly, Williams NAY: 3 - Anderson, Barker, Krummel
438	Chair Williams	The motion CARRIES.
451	Vice Chair Anderson	MOTION: Moves to ADOPT SB 297A-16 amendments dated 07/03/03 (EXHIBIT I).
458	Chair Williams	Explains that the A16 amendments would create a task force.
470		VOTE: 2-7 AYE: 2 - Anderson, Barker NAY: 7 - Ackerman, Jenson, Krummel, Macpherson, Prozanski, Shetterly, Williams
478	Chair Williams	The motion FAILS.
483	Rep. Jenson	Comments on his vote.
496	Vice Chair Ackerman	MOTION: Moves to ADOPT SB 297A-14 amendments dated 07/03/03 (EXHIBIT J).
		VOTE: 9-0
501	Chair Williams	Hearing no objection, declares the motion CARRIED.
TAPE 237, B		
039	Vice Chair Ackerman	MOTION: Moves to ADOPT SB 297A-6 amendments dated 06/27/03 (EXHIBIT K).
		VOTE: 9-0
050	Chair Williams	Hearing no objection, declares the motion CARRIED.
068	Chair Williams	MOTION: Moves to SUSPEND the rules for the purpose of ADOPTING CONCEPTUAL AMENDMENTS to SB 297A.
078	Rep. Shetterly	MOTION: Moves to ADOPT CONCEPTUAL AMENDMENTS TO SB 297A-12 dated 07/02/03, by striking lines 5 and 6.

090	Rep. Prozanski	Asks Rep. Shetterly to explain his conceptual amendments.
104		VOTE: 9-0
105	Chair Williams	Hearing no objection, declares the motion CARRIED.
118	Rep. Shetterly	MOTION: Moves to ADOPT SB 297A-19 amendments dated 07/07/03.
		VOTE: 9-0
130	Chair Williams	Hearing no objection, declares the motion CARRIED.
155	Rep. Macpherson	MOTION: Moves to CONCEPTUALLY AMEND SB 297A-17 dated 07/07/03, by striking lines 1-4, and by deleting the phrase “failed to obtain general liability insurance” and inserting in its place “does not have insurance that by its terms provides coverage for environmental claims”.
		VOTE: 9-0
157	Chair Williams	Hearing no objection, declares the motion CARRIED.
206	Rep. Macpherson	MOTION: Moves to ADOPT SB 297A-17 amendments dated 07/03/03 AS CONCEPTUALLY AMENDED.
		VOTE: 9-0
214	Chair Williams	Hearing no objection, declares the motion CARRIED.
221	Rep. Macpherson	MOTION: Moves to CONCEPTUALLY AMEND SB 297A-20 amendments dated 07/07/03, by inserting on line 9 after (a) and on line 12 after (b), “it will be a rebuttable presumption that”.
		VOTE: 9-0
229	Chair Williams	Hearing no objection, declares the motion CARRIED.
244	Rep. Macpherson	MOTION: Moves to ADOPT SB 297A-20 amendments dated 07/07/03 AS CONCEPTUALLY AMENDED.
		VOTE: 9-0
245	Chair Williams	Hearing no objection, declares the motion CARRIED.
247	Vice Chair Ackerman Vice Chair Ackerman	MOTION: Moves SB 297A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 8-1
		AYE: 8 - Ackerman, Anderson, Jenson, Krummel, Macpherson, Prozanski, Shetterly, Williams
		NAY: 1 - Barker
263	Chair Williams	The motion CARRIES.
		REP. ACKERMAN will lead discussion on the floor.
272	Chair Williams	Closes the work session on SB 297A and adjourns the meeting at 2:48 p.m.

EXHIBIT SUMMARY

- A – HB 2797, -2 amendments, submitted by staff, dated 7/3/03, 117 pgs.**
- B – HB 2797, Report from the Oregon Law Commission, Public Body: Special District Provisions, 8 pgs.**
- C – SB 820C, C13 amendments, submitted by staff, dated 7/3/03, 13 pgs.**
- D – SB 297A, matrix, submitted by staff, 1 pg.**
- E – SB 297A, A20 amendments, submitted by Rep. Macpherson, dated 7/7/03, 1 pg.**
- F – SB 297A, A19 amendments, submitted by staff, dated 7/7/03, 1 pg.**

G – SB 297A, A17 amendments, submitted by staff, dated 7/3/03, 1 pg.
H – SB 297A, A12 amendments, submitted by staff, dated 7/2/03, 1 pg.
I – SB 297A, A16 amendments, submitted by staff, dated 7/3/03, 1 pg.
J – SB 297A, A14 amendments, submitted by staff, dated 7/3/03, 1 pg.
K – SB 297A, A6 amendments, submitted by staff, dated 6/27/03, 1 pg.