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**SENATE COMMITTEE ON JUDICIARY**

April 08, 2003  
8:00 a.m.

Hearing Room 343  
Tapes 89-90

**MEMBERS PRESENT:** Sen. John Minnis, Chair  
Sen. Ted Ferrioli  
Sen. Charlie Ringo  
Sen. Vicki Walker

**MEMBER EXCUSED:** Sen. Ginny Burdick, Vice Chair  
Sen. Charles Starr

**STAFF PRESENT:** Bill Joseph, Counsel  
Craig Prins, Counsel  
Jane Bodenweiser, Committee Assistant

**MEASURE/ISSUES HEARD:** HB 2305A Work Session  
HB 2306A Work Session  
HB 2307A Work Session  
HB 2309A Work Session  
SB 732 Public Hearing  
SB 459 Public Hearing  
HB 2526A Public Hearing and Work Session  
SB 216 Public Hearing and Work Session

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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.

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 89, A</b>		
003	Chair Minnis	Calls the meeting to order at 8:25 a.m. and opens a work session on HB 2305A.
<b><u>HB 2305A WORK SESSION</u></b>		
009	Bill Joseph	Committee Counsel. Introduces HB 2305A that revises state policy and requirements for use and disclosure of certain health information, and the -7 amendments ( <b>EXHIBIT A</b> ).
021	Sen. Ringo	<b>MOTION: Moves to ADOPT HB 2305A-A7 amendments dated 04/07/03.</b>
043	Sen. Ferrioli	Expresses objection to the -7 amendments, but wants the bill to move forward.
059	Sen. Walker	Says the courts would never approve the excessive costs discussed.
067		<b>VOTE: 4-0-2</b>
067	Chair Minnis	<b>EXCUSED: 2 - Sen. Burdick, Sen. Starr</b>
067	Sen. Ringo	<b>Hearing no objection, declares the motion CARRIED.</b>
		<b>MOTION: Moves HB 2305A to the floor with a DO PASS AS AMENDED recommendation.</b>

**VOTE: 4-0-2**

**EXCUSED: 2 - Sen. Burdick, Sen. Starr**

**080 Chair Minnis**

**Hearing no objection, declares the motion CARRIED.  
SEN. RINGO will lead discussion on the floor.**

082 Chair Minnis

Closes the work session on HB 2305A and opens a work session on

HB 2306A.

**HB 2306A WORK SESSION**

083 Bill Joseph

Committee Counsel. Introduces HB 2306A that revises information privacy requirements for certain health insurers, and the -A4 amendments (**EXHIBIT B**).

**091 Sen. Walker**

**MOTION: Moves to ADOPT HB 2306A-A4 amendments dated 04/04/03.**

**VOTE: 4-0-2**

**EXCUSED: 2 - Sen. Burdick, Sen. Starr**

**093 Chair Minnis**

**Hearing no objection, declares the motion CARRIED.**

**094 Sen. Walker**

**MOTION: Moves HB 2306A to the floor with a DO PASS AS AMENDED recommendation.**

**VOTE: 4-0-2**

**EXCUSED: 2 - Sen. Burdick, Sen. Starr**

**098 Chair Minnis**

**Hearing no objection, declares the motion CARRIED.**

**SEN. WALKER will lead discussion on the floor.**

100 Chair Minnis

Closes the work session on HB 2306A and opens a work session on

HB 2307A.

**HB 2307A WORK SESSION**

101 Bill Joseph

Committee Counsel. Introduces HB 2307A that revises requirements for disclosure of or access to certain health information to conform to federal law relating to privacy of health information, and the -A4 amendments (**EXHIBIT C**).

**109 Sen. Ferrioli**

**MOTION: Moves to ADOPT HB 2307A-A4 amendments dated 04/04/03.**

**VOTE: 4-0-2**

**EXCUSED: 2 - Sen. Burdick, Sen. Starr**

**111 Chair Minnis**

**Hearing no objection, declares the motion CARRIED.**

**113 Sen. Ferrioli**

**MOTION: Moves HB 2307A to the floor with a DO PASS AS AMENDED recommendation.**

**VOTE: 4-0-2**

**EXCUSED: 2 - Sen. Burdick, Sen. Starr**

**117 Chair Minnis**

**Hearing no objection, declares the motion CARRIED.**

**SEN. FERRIOLI will lead discussion on the floor.**

119 Chair Minnis

Closes the work session on HB 2307A and opens a work session on

HB 2309A.

**HB 2309A WORK SESSION**

119 Bill Joseph Committee Counsel. Introduces HB 2309A that allows physician or psychologist with patient authorization or court order to provide certain information to court visitor in protective proceedings.

121 Sen. Walker **MOTION: Moves HB 2309 to the floor with a DO PASS recommendation.**

125 Chair Minnis **VOTE: 4-0-2**  
**EXCUSED: 2 - Sen. Burdick, Sen. Starr**  
**Hearing no objection, declares the motion CARRIED.**  
**SEN. MINNIS will lead discussion on the floor.**

147 Chair Minnis Closes the work session on HB 2309A and opens a public hearing on SB 732.

**SB 732 PUBLIC HEARING**

149 Craig Prins Committee Counsel. Introduces SB 732 that mandates impoundment of vehicle upon conviction of driving while suspended or revoked, and introduces the -2 amendments **(EXHIBIT D)**.

213 Sen. Ringo Asks if impoundment would occur without a conviction.

217 Prins Replies, yes.

246 Sen. Ringo Asks if some due process questions might arise.

248 Prins Explains that there is a statute that provides for a hearing before a judge.

266 Susan Russell Oregon Criminal Defense Lawyers Association. Testifies in opposition to SB 732. Believes that the courts should maintain discretion.

360 Sen. Ringo Says the current system is not dealing with the crime and wonders what would work if not SB 732.

372 Russell Discusses a few possible options.

402 Sen. Ferrioli Acknowledges that he supports the bill.

424 Sgt. Curt Curtis Oregon State Police. Submits testimony and testifies as neutral on SB 732 **(EXHIBIT E)**. Discusses the fiscal impact. Says there is a problem with the -2 amendments.

**TAPE 90, A**

080 Sen. Ringo Expresses concern about the costs involved.

085 Sgt. Curtis Replies that offices with larger contingencies have been able to do the impoundments based on current law.

087 Sen. Ringo Asks where these offices are located.

088 Sgt. Curtis Says Portland, Albany, and Springfield are among the offices doing impoundments.

116 Sen. Ringo Says prosecution should not be a cost factor in this bill. Asks how impoundment would work in other less populated areas of the state.

135 Sgt. Curtis Believes it would be difficult for those areas of the state where there are no towing companies or storage capacity.

148 Chair Minnis Says dealing with drunk drivers needs to be a priority, and discussing fiscal issues is not dealing with this problem.

154 Sgt. Curtis Explains it is the infrastructure that is the concern, and that drunk drivers are a priority.

170 Sen. Ferrioli Expresses his concern that these drivers are not being dealt with appropriately.

200 Al Elkins Car and Truck Rental and Leasing Assn. of Oregon

(CATRALA ). Submits testimony and testifies as neutral on SB 732 **(EXHIBIT F)**.  
 242 Sen. Ringo Asks about the car rental procedure.  
 248 Elkins Says there is no mechanism for checking the validity of a person’s driver license. Submits testimony of Bob Russell **(EXHIBIT G)**.  
 271 Mark Landauer City of Portland. Expresses the city’s concerns about impoundment on a 30-day or 60-day basis.  
 317 Sen. Ringo Asks about Portland’s impoundment procedures and asks if it is a money making proposition.  
 322 Landauer Says they lose a small amount of money.  
 328 Sen. Ringo Asks for some data that would show the loss.  
 330 Landauer Replies that he will get that data for the committee.  
 363 Sen. Walker Asks about the certificate of non-liability requested by Mr. Elkins.  
 367 Landauer Explains his understanding of what the certificate would do.  
 403 Sen. Walker Believes this should be a part of this bill.  
 409 Landauer Says there has been a general agreement of this issue.  
 425 Christy Munson League of Oregon Cities. Testifies in opposition to SB 732. Discusses the costs involved and impoundment costs. Says her understanding is that the -2 amendments only deal with impoundments.

**TAPE 89, B**

020 Prins Clarifies that the -2 amendments relate to ORS 809.720, which is the statute dealing with “impounding by an officer upon arrest.”  
 030 Munson Asks further about the impoundment provision.  
 032 Prins Explains ORS 809.720.  
 037 Sen. Ringo Asks about the 70% collection rate.  
 040 Munson Explains that 70% is optimistic, but does not know what the current rate is.  
 044 Sen. Ringo Asks for clarification of what a collection rate includes.  
 049 Munson Explains the charges could be significant when storing a vehicle for 30 to 60 days.  
 063 Chair Minnis Closes the public hearing on SB 732 and opens a public hearing on SB 459.

**SB 459 PUBLIC HEARING**

083 Jeffrey Wimmer Represents Sen. Steve Harper, Senate District 28. Reads a letter from Rep. Shetterly. Testifies in support of SB 459 that provides that Hearing Officer Panel issues final order for agency that is conducting contested case hearing.  
 101 Bill Joseph Committee Counsel. Explains the intentions of SB 459 and the -2 amendments **(EXHIBIT H)**.  
 137 Sen. Bill Fisher Senate District 1. Testifies in support of SB 459. Says the Hearing Officer Panel’s position needs to be strengthened.  
 202 Chair Minnis Asks for further clarification of the intent of SB 459.  
 206 Sen. Fisher Explains the intent.  
 214 Joseph Clarifies a misconception of the bill.  
 255 Rep. Lane Shetterly House District 23. Testifies in support of SB 459 and the -2 amendments.  
 345 Sen. Walker Asks why the Governor vetoed those specific standards that are now being addressed in the -2 amendments.  
 359 Rep. Shetterly Says one of the Governor’s reasons for the veto was fiscal in nature.

389 Rep. Wayne Scott House District 39. Testifies in support of SB 459. Says it is an issue of fairness.  
445 Chair Minnis Closes the public hearing on SB 459 and opens a public hearing on HB 2526A.

**HB 2526A PUBLIC HEARING**

**TAPE 90, B**

007 Rep. Lane Shetterly House District 23. Submits testimony and testifies in support of HB 2526A that repeals sunset on laws creating Hearing Officer Panel (**EXHIBIT I**). Introduces the -1, -3A and -4A amendments (**EXHIBIT J-L**).  
131 Chair Minnis Closes the public hearing on HB 2526A and opens a work session.

**HB 2526A WORK SESSION**

133 Sen. Ferrioli **MOTION: Moves to ADOPT HB 2526A-1 amendments dated 02/20/03.**  
**VOTE: 4-0-2**  
**EXCUSED: 2 - Sen. Burdick, Sen. Starr**  
**Hearing no objection, declares the motion CARRIED.**  
135 Chair Minnis  
136 Sen. Ferrioli **MOTION: Moves to ADOPT HB 2526A-A3 amendments dated 03/17/03.**  
**VOTE: 4-0-2**  
**EXCUSED: 2 - Sen. Burdick, Sen. Starr**  
**Hearing no objection, declares the motion CARRIED.**  
138 Chair Minnis  
139 Sen. Ferrioli **MOTION: Moves to ADOPT HB 2526A-A4 amendments dated 04/07/03.**  
**VOTE: 4-0-2**  
**EXCUSED: 2 - Sen. Burdick, Sen. Starr**  
**Hearing no objection, declares the motion CARRIED.**  
140 Chair Minnis  
143 Chair Minnis Asks why some agencies are included and some are not.  
146 Rep. Shetterly Explains which ones are excluded and why.  
179 Sen. Walker Says she is very supportive of this bill.  
190 Sen. Walker **MOTION: Moves HB 2526A to the floor with a DO PASS AS AMENDED recommendation.**  
**VOTE: 4-0-2**  
**EXCUSED: 2 - Sen. Burdick, Sen. Starr**  
**Hearing no objection, declares the motion CARRIED.**  
**SEN. MINNIS will lead discussion on the floor.**  
194 Chair Minnis  
198 Chair Minnis Closes the work session on SB 2526A and opens a public hearing on SB 216.

**SB 216 PUBLIC HEARING**

200 Bill Joseph Committee Counsel. Introduces SB 216 that establishes contested case proceeding as method to resolve disputes in unclaimed property examination.  
211 Jeanette Holman Department of State Lands. Submits testimony and testifies in support of SB 216 (**EXHIBIT M**).  
225 Chair Minnis Closes the public hearing on SB 216 and opens a work session.

**SB 216 WORK SESSION**

228 Sen. Walker **MOTION: Moves SB 216 to the floor with a DO PASS recommendation.**  
**VOTE: 4-0-2**  
**EXCUSED: 2 - Sen. Burdick, Sen. Starr**  
**Hearing no objection, declares the motion CARRIED.**  
**SEN. WALKER will lead discussion on the floor.**  
232 Chair Minnis  
239 Chair Minnis Closes the work session on SB 216 and adjourns the meeting at

10:05 a.m.

**EXHIBIT SUMMARY**

- A – HB 2305, -A7 amendments submitted by staff, 2 pp**
- B – HB 2306, -A4 amendments submitted by staff, 1 p**
- C – HB 2307, -A4 amendments submitted by staff, 2 pp**
- D – SB 732, -2 amendments submitted by staff, 3 pp**
- E – SB 732, written testimony submitted by Curt Curtis, 1 p**
- F – SB 732, written testimony of submitted by Al Elkins, 4 pp**
- G – SB 732, written testimony of Robert Russell submitted by Al Elkins, 1 p**
- H – SB 459, -2 amendments submitted by staff, 2 pp**
- I – HB 2526, written testimony submitted by Rep. Lane Shetterly, 10 pp**
- J – HB 2526, -1 amendments submitted by staff, 1 p**
- K – HB 2526, -A3 amendments submitted by staff, 1 p**
- L – HB 2526, -A4 amendments submitted by staff, 2 pp**
- M – SB 216, written testimony submitted by Jeannette Holman, 2 pp**
- N – SB 459, written testimony of Charlie Stone submitted by staff, 2 pp**