

SENATE COMMITTEE ON JUDICIARY

June 17, 2003
8:00 a.m.

Hearing Room 343
Tapes 166 -167

MEMBERS PRESENT: **Sen. John Minnis, Chair**
 Sen. Ginny Burdick, Vice-Chair
 Sen. Ted Ferrioli
 Sen. Charlie Ringo
 Sen. Charles Starr
 Sen. Vicki Walker

STAFF PRESENT: **Bill Joseph, Counsel**
 Craig Prins, Counsel
 Nancy Masee, Committee Assistant

MEASURE/ISSUES HEARD: **HB 3385A Work Session**
 SB 356A Work Session
 HB 2279A Work Session
 HB 2658A 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 166, A		
003	Chair Minnis	Opens meeting at 8:10 a.m. Opens work session on HB 3385A.
<u>HB 3385A WORK SESSION</u>		
004	Bill Joseph	Committee Counsel. Explains HB 3385A which modifies provisions regulating planned unit developments, and the -A7 and -A8 amendments (EXHIBITS A and B).
029	Vice Chair Burdick	MOTION: Moves to ADOPT HB 3385A-7 amendments dated 6/10/03. VOTE: 4-0-2 EXCUSED: 2 - Ferrioli, Walker
032	Chair Minnis	Hearing no objection, declares the motion CARRIED.
033	Vice Chair Burdick	MOTION: Moves to ADOPT HB 3385A-8 amendments dated 6/11/03. VOTE: 4-0-2 EXCUSED: 2 - Ferrioli, Walker
034	Chair Minnis Vice Chair Burdick	Hearing no objection, declares the motion CARRIED. MOTION: Moves HB 3385A to the floor with a DO PASS AS AMENDED recommendation. VOTE: 4-0-2 EXCUSED: 2 - Ferrioli, Walker
036	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. MINNIS will lead discussion on the floor.
038	Chair Minnis	Closes work session on HB 3385A. Opens work session on SB 356A.
<u>SB 356A WORK SESSION</u>		
050	Sen. Tony Corcoran	Senate District 4. Explains SB 356A which modifies definition of polygraph examiner, and why SB 356A is needed. Explains

the -A2 amendments (**EXHIBIT C**).

062 Matt Keetel Lane County Sheriff's Department, Criminal Investigation. Adds that the amendment applies to use by police officers only.

075 Vice Chair Burdick Asks about certification responsibility.

080 Keetel Answers each department has a training section and minimum requirements.

085 Vice Chair Burdick Asks where you get the information for the training.

087 Keetel Explains different ways of getting training information.

090 Burdick Asks about if they have proof that training produces good results.

100 Keetel Compares the voice trans-analyzer machines to polygraph machines.

124 John Powell Oregon State Sheriffs Association. Testifies in support of SB 356A with the -A2 amendments. Explains that most jurisdictions in the United States use these machines as a tool.

130 James Wygant Polygraph examiner and member of the Polygraph Licensing Advisory Committee. Testifies that voice stress analysis has been around for 40 years. Questions accuracy of voice stress examination. Gives examples of misleading results that can cause incorrect conclusions.

225 Sen. Ringo Asks why Mr. Wygant did not testify earlier.

230 Wygant Replies that he wrote a letter, but did not believe the bill would become active.

255 Sen. Ringo Supports SB 356A as an investigative tool for law enforcement.

262 Vice Chair Burdick Says she supports the bill with reservations.

275 Sen. Walker Asks about opposition from polygraphists.

290 Sen. Corcoran Says the amendments are the result of Sen. Brown's concerns.

332 Vice Chair Burdick Says she is looking for training evidence that leads to positive results of voice stress tests.

400 Sen. Burdick MOTION: Moves to ADOPT SB 356A-2 amendments dated 6/12/03.

VOTE: 6-0

401 Chair Minnis Hearing no objection, declares the motion CARRIED.

403 Sen. Ringo MOTION: Moves SB 356A to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 5-1

AYE: 5 - Ferrioli, Ringo, Starr C., Walker, Minnis

NAY: 1 - Burdick

404 Chair Minnis The motion CARRIES.

SEN. CORCORAN will lead discussion on the floor

406 Chair Minnis Closes the work session on SB 356A, and opens a work session on HB 2279A.

HB 2279A WORK SESSION

410 Bill Joseph Committee Counsel. Explains HB 2279A which enacts Revised Uniform Arbitration Act. Explains amendments.

TAPE 167, A

023 Vice Chair Burdick Asks about costs involved in third-party arbitration.

040 Joseph Discusses third party mediation or third-party arbitration and parties paying cost. Explains when court time is used.

055 Sen. Ringo Does not wish the -A7 amendments. Discusses the -A10 amendments

060 Chair Minnis Fire Alarm. Committee recesses. 9:05 calls meeting back to order.

076 Sen. Ringo Discusses the -A10 amendments which take out wording and

		create more flexibility. Asks which counties have mandatory ADR systems.
085	Joseph	Answers every county has some ADR procedure. Multnomah has a formal procedure. Gives examples of mediation processes.
144	Sen. Ringo	Says in some courts the judge acts as mediator.
150	Joseph	Answers it is an expense that is borne by the parties.
154	Sen. Burdick	Discusses how mediation is needed.
160	Sen. Ringo	Discusses the -A9 amendments (EXHIBIT D).
161	Sen. Ringo	MOTION: Moves to ADOPT HB 2279A-9 amendments dated 6/6/03.
		VOTE: 6-0
162	Chair Minnis	Hearing no objection, declares the motion CARRIED.
163	Sen. Ringo	Discusses the -A10 amendments (EXHIBIT E).
164	Sen. Ringo	MOTION: Moves to ADOPT HB 2279A-10 amendments dated 6/13/03.
		VOTE: 6-0
165	Chair Minnis	Hearing no objection, declares the motion CARRIED.
166	Sen. Ringo	MOTION: Moves to ADOPT HB 2279A-11 amendments dated 6/16/03 (EXHIBIT F).
		VOTE: 6-0
167	Chair Minnis	Hearing no objection, declares the motion CARRIED.
171	Joseph	Explains the Oregon Trial Lawyers Association and Hospital Associations approve of mediation.
174	Joyce Patton	Oregon State Bar (OSB). Explains that -A6 (EXHIBIT G) is supported by OSB.
176	Nancy Miller	State Court Administrators office. Explains the -A6 amendments.
177	Sen. Ringo	MOTION: Moves to ADOPT HB 2279A-6 amendments dated 5/19/03.
		VOTE: 6-0
178	Chair Minnis	Hearing no objection, declares the motion CARRIED.
179	Vice Chair Burdick	MOTION: Moves HB 2279A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0
180	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. RINGO will lead discussion on the floor.
181	Staff	Submits written testimony from Bruce Bishop for Oregon Association of Hospitals and Health Systems in support of the -A9 amendments (EXHIBIT H).
182	Chair Minnis	Closes work session on HB 2279A. Opens work session on HB 2658A.

TAPE 166, B
HB 2658A WORK SESSION

009	Bill Joseph	Committee Counsel. Explains HB 2658A which exempts public employee and volunteer Social Security numbers from disclosure under public records law.
020	Sen. Walker	Explains why HB 2658A is needed. Discusses identity theft in relation to Social Security numbers.
093	Lisa Zavala	Oregon University System. Explains that universities are phasing out use of SSN as ID. Explains how it is a cost factor. Discusses use of alternative numbers.
140	David McDonald	Oregon University System. Submits testimony and testifies on HB 2658A with the -2 amendments (EXHIBITS I & J).

159	Chair Minnis	Asks about students' consent to use SSN.
165	Zavala	Comments on working out a way to use student SSN.
187	Sen. Ringo	Asks how students would request a different number.
190	McDonald	Explains how a student may request a different number.
258	Andrea Henderson	Executive Director, Oregon Community College Association. Explains how the SSN is used to track student records for research purposes.
275	Cam Preus-Braly	Commissioner of Community Colleges. Relates concerns on disclosure. Students are asked to allow use of their SSN for research purposes.
285	Sen. Ferrioli	Discusses identity theft. Asks what the potential is for liability for the institution.
289	Joseph	Replies the university may have immunity. Discusses sovereign immunity.
265	McDonald	Explains under federal law, U.S. Dept Education is charged with compliance with proper use and nondisclosure of SSN. University is liable for safeguarding SSN.
273	Sen. Ferrioli	Asks if somebody is complicit in identity theft, what the liability to the institution is.
295	Chair Minnis	Describes a case of identity theft in an institution. Asks about liability to institution on tort basis.
300	Sen. Walker	Asks if the community colleges use SSN as ID.
340	Henderson	Replies she will check into that.
345	Preus-Braly	States that several universities use "pseudonym" numbers that are "fake." Faculty is required to be trained in disclosure of SSN.
350	Jim Markee	Oregon Collectors Association, Mortgage Lenders Association and Transunion. Testifies on HB 2658A.
TAPE 167, B		
037	Markee	Continues presentation on difficulty of not using SSN. Discusses liability possibilities to universities.
064	John Powell	Regence Blue Cross-Blue Shield and State Farm Insurance. Refers to last part of the amendment. Says health insurers need a delayed removal of SSN to switching over to a new ID system.
098	Sen. Walker	Asks why Regence Blue Cross-Blue Shield has not switched over.
101	Powell	Replies Regence Blue Cross-Blue Shield is switching to non-SSN identifiers.
130	Julie Brandis	Associated Oregon Industries. Describes SSN as a unique identifier. Discusses other identifiers that will be used. Says consumers need identifiers for credit purposes. Discusses "required by law" and "allowed by law" language.
205	Sen. Walker	Discusses credit checks and application for SSN.
209	Staff	Submits written testimony from Jack Evans for Oregon Rural Electric Cooperative Association (EXHIBIT K).
210	Chair Minnis	Closes work session on HB 2658A and adjourns the meeting at 10:10 a.m.

EXHIBIT SUMMARY

A – HB 3385-A7 amendments, staff, 2 pp

B – HB 3385-A8 amendments, staff 1 p

C – SB 356-A2 amendments, staff 1 p

D – HB 2279-A9 amendments, staff, 2 pp
E – HB 2279-A10 amendments, staff, 1 p
F – HB 2279-A11 amendments, staff, 2 pp
G – HB 2279-A6 amendments, staff 1 p
H – HB 2279, written testimony, Bruce Bishop, 1 p
I – HB 2658A, written testimony, David McDonald, 2 pp
J – HB 2658A, -2 amendments submitted by staff, 2pp
K – HB 2658A, written testimony, Jack Evans for Oregon Rural Electric, 1 p