

## SENATE COMMITTEE ON JUDICIARY

July 03, 2003  
8:00 a.m.

Hearing Room 343  
Tapes 185 -186

**MEMBERS PRESENT:**     **Sen. Minnis, Chair**  
                                  **Sen. Burdick, Vice-Chair**  
                                  **Sen. Ferrioli**  
                                  **Sen. Ringo**  
                                  **Sen. Starr**  
                                  **Sen. Walker**

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

**MEASURE/ISSUES HEARD:**     **HB 2900A Work Session**  
                                  **HB 909 Public Hearing and Work Session**  
                                  **HB 2783B Public Hearing**  
                                  **SB 904 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 185, A</b>		
003	Chair Minnis	Calls the meeting to order at 8:10 a.m., and opens a work session on HB 2900A.
<b><u>HB 2900A WORK SESSION</u></b>		
004	Craig Prins	Committee Counsel. Introduces HB 2900A that creates traffic offense of refusing to take breath test.
011	<b>Vice Chair Burdick</b>	<b>MOTION: Moves HB 2900 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 4-0-2</b>
015	<b>Chair Minnis</b>	<b>EXCUSED: 2 - Sen. Ringo, Sen. Ferrioli</b> <b>Hearing no objection, declares the motion CARRIED.</b> <b>SEN. STARR will lead discussion on the floor.</b>
016	Chair Minnis	Closes the work session on HB 2900A and opens a public hearing on SB 909.
<b><u>SB 909 PUBLIC HEARING</u></b>		
021	Craig Prins	Committee Counsel. Introduces SB 909 that establishes notice of defect procedure as prerequisite to compelling arbitration or commencing court action to recover damages for residential construction defect.
063	Scott Barrie	Oregon Building Industry Association. Testifies in support of SB 909 and gives background of legislation.
110	Sen. Ringo	Asks if this bill is the same as the house bill that he worked on.
113	Barrie	Says, yes, with the exception of an amendment proposed for

Section 6 on page 5.

120 Lana Butterfield Professional Insurance Agents of Oregon. Submits testimony of Ron Manza and testifies in support of SB 909 (**EXHIBIT A**).

131 Chair Minnis Closes the public hearing on SB 909 and opens a work session.

**SB 909 WORK SESSION**

133 Vice Chair Burdick **MOTION: Moves SB 909 to the floor with a DO PASS recommendation.**

**VOTE: 6-0**

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

140 Chair Minnis Closes the work session on SB 909 and opens a public hearing on HB 2783B.

**HB 2783B PUBLIC HEARING**

142 Bill Taylor Committee Counsel. Introduces HB 2783B that requires state agencies, boards and commissions that issue certain licenses, certifications, permits or registrations to record applicant's Social Security number on application for, or form for renewal of, driver license or certain permits.

155 Ronelle Shankle Department of Justice (DOJ). Testifies in support of HB 2783B. Explains DOJ needs Social Security numbers to be in compliance with the federal government.

215 Kelly Taylor Oregon Department of Transportation (ODOT). Testifies in support of HB 2783B.

220 Chair Minnis Submits the written testimony of Michael Buckley of the Department of Human Services (DHS) (**EXHIBIT B**). Points out that he has little faith in the ability of the DHS to budget their funds.

232 Sen. Walker States this is a federal requirement.

239 Chair Minnis Closes the public hearing on HB 2783B and opens a work session.

**HB 2783B WORK SESSION**

241 Vice Chair Burdick **MOTION: Moves HB 2783B to the floor with a DO PASS recommendation.**

**VOTE: 5-0-1**

**EXCUSED: 1 - Sen. Ringo**

243 Chair Minnis **Hearing no objection, declares the motion CARRIED. SEN. WALKER will lead discussion on the floor.**

253 Chair Minnis Closes the work session on HB 2783B and opens a work session on SB 904.

**SB 904 WORK SESSION**

254 Bill Taylor Committee Counsel. Introduces SB 904 that abolishes Dispute Resolution Commission, and the -1 amendments (**EXHIBIT C**) and the -2 amendments (**EXHIBIT D**).

270 Chair Minnis Recesses the meeting at 8:35 a.m.

272 Chair Minnis Reconvenes the meeting at 8:42 a.m.

277 Sen. Walker Discusses how the Dispute Resolution Commission may partner with The Hatfield School of Government or University of Oregon.

293 David Frohnmayer President, University of Oregon. Testifies in support of the dispute resolution program. Gives reasons why dispute resolution programs should be continued.

361 Jane Gordon Dean, University of Oregon Law School. Gives background on dispute resolution at the University of Oregon School of Law.

		Would like to see the U of O work with the Hatfield School of Government to promote the dispute resolution programs.
425	Sen. Ferrioli	Comments on institutions in Oregon able to operate a dispute resolution program.
467	Gordon	Comments that this program does not make decisions but provides assistance to organizations to make their own decisions.
481	Vice Chair Burdick	Testifies that the budget issue is what is driving this bill, and wonders how the University would fund this project.
505	Gordon	Responds that some money comes with the program. The structure of the university is offered plus the advantage of a pool of law school students.
<b>TAPE 186, A</b>		
035	Gordon	Explains how 40 students a year are trained as mediators. Emphasizes the resource of law students.
050	Vice Chair Burdick	Asks about how much money could be saved.
057	Gordon	Replies on funded programs.
070	Sen. Walker	Wonders if we can adequately fund both elements of the program.
096	Gordon	Responds that she believes there are adequate funding possibilities.
097	Sen. Walker	Says she would like to hear from Portland State University on how they would do the program.
102	Taylor	Suggests that an amendment would be needed to deal with the number of full-time employees (FTE).
124	Greg Wolf	Portland State University (PSU). Testifies that the Hatfield School of Government could accommodate the dispute resolution program.
169	Vice Chair Burdick	Asks about dispute resolution at PSU. Asks about community level dispute resolution programs.
173	Wolf	Replies that PSU would follow the committee's direction.
207	Debbie Murdock	PSU. Describes relationship of PSU and Lewis and Clark Law School. Describes dispute resolution program at PSU.
240	Sen. Ringo	Asks what a typical dispute might be that would be handled by the dispute resolution program.
246	Wolf	Describes disputes that are heard in the current public policy program. Describes community programs.
267	Chair Minnis	Asks if the Portland business community has an interest in the dispute resolution program.
273	Wolf	Says that the business community supports the community solutions team that has a dispute resolution element to them.
286	Sen. Walker	Asks about conflict of interest if this commission is housed in a public institution rather than a private institution.
292	Wolf	Says the best practices of dispute resolution are focused on neutrality.
323	Donna Silverberg	President, Oregon Mediation Association. Submits testimony and testifies in support of dispute resolution programs <b>(EXHIBIT E)</b> . Suggests changes to the bill.
435	Vice Chair Burdick	Asks for clarification of the proposed allocation of funds.
446	Silverberg	Explains the allocation.
<b>TAPE 185, B</b>		
051	Taylor	Asks if there would be an advisory committee plus other committees as needed.
057	Silverberg	Says, yes.
058	Sen. Ringo	Asks which function of the dispute resolution is the more

		important.
062	Silverberg	Believes that funding the community program would be the first priority.
076	Sen. Ringo	Expresses concern that cutting too much out of the budget might result in an ineffective program.
085	Silverberg	Discusses how the program has functioned in the past with a small staff.
108	Vice Chair Burdick	Asks if Ms. Silverberg is familiar with mediation programs at Portland State and the University of Oregon.
110	Silverberg	Says she is familiar with all the programs in the state.
122	Sen. Walker	Asks about some potential amendments that were submitted to her by Mr. Niemeyer.
131	Silverberg	Explains that she was unable to look at those until late in the day.
141	Michael Niemeyer	Executive Director, Oregon Dispute Resolution Commission. Submits testimony and testifies in support of SB 904 ( <b>EXHIBIT F</b> ). Suggests changes to the -2 amendments.
242	Rich Burke	Willamette University. Testifies that Willamette has the oldest dispute resolution program on the coast. Describes its program.
305	Chair Minnis	Comments that there are a lot of interested parties. Suggests how the committee might look at an interim solution working towards dispute resolution.
360	Sen. Walker	Comments that Dispute Resolution should not be abolished but suspended until a solution is found.
370	Sen. Ferrioli	Comments on the interest demonstrated by the institutions that emphasize the importance of this function.
406	Sen. Starr	Agrees that the program should be continued.
447	Chair Minnis	Asks for the interested parties to meet and come back to the committee by next Wednesday, July 9.
483	Chair Minnis	Closes the work session on SB 904 and adjourns meeting at 9:50 a.m.

## **EXHIBIT SUMMARY**

**A – SB 909, written testimony of Ron Manza submitted by Lana Butterfield, 1 p**

**B – HB 2783B, written testimony of Michael Buckley submitted by Sen. Minnis, 2 pp**

**C – SB 904, -1 amendments submitted by staff, 4 pp**

**D – SB 904, -2 amendments submitted by staff, 30 pp**

**E – SB 904, written testimony submitted by Donna Silverberg, 2 pp**

**F – SB 904, written testimony submitted by Mike Niemeyer, 3 pp**