

SENATE COMMITTEE ON JUDICIARY

August 25, 2003
1:00 p.m.

Hearing Room 343
Tapes 203 - 204

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: **Craig Prins, Counsel**
 Ann Martin, Committee Assistant

MEASURE/ISSUES HEARD: **HB 2308A Work Session**
 HB 2498A Work Session
 HB 3520A Work Session
 HB 2080A 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 203, A		
007	Chair Minnis	Calls the meeting to order at 1:26 p.m. Recesses the meeting at 1:27 p.m. Re-opens the meeting at 2:15 p.m. Opens a work session on HB 2308A.
<u>HB 2308A WORK SESSION</u>		
011	Craig Prins	Committee Counsel. Introduces HB 2308A which modifies allowable costs for providing copies of protected health information or explanation or summary of protected health information. Discusses A6 amendments (EXHIBIT A).
025	Sen. Ringo	Asks about changes in language of the bill.
031	Paul Cosgrove	Lobbyist. Answers that the change is a grammatical clarification.
041	Vice Chair Burdick	MOTION: Moves to ADOPT HB 2308A-6 amendments dated 08/25/03. VOTE: 5-0-1 EXCUSED: 1 - Starr
042	Chair Minnis	Hearing no objection, declares the motion CARRIED.
044	Vice Chair Burdick	MOTION: Moves HB 2308A to the floor with a DO PASS AS AMENDED recommendation.
047		VOTE: 5-0-1 EXCUSED: 1 - Starr
048	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. BURDICK will lead discussion on the floor.
049	Chair Minnis	Closes the work session on HB 2308A and opens a work session on HB 2498A.
<u>HB 2498A WORK SESSION</u>		
051	Craig Prins	Committee Counsel. Introduces HB 2498A which sets rate of

interest on judgments at nine percent per annum or at weekly average one-year constant maturity Treasury yield for the week preceding date of entry of judgment. Discusses the A9 amendments (**EXHIBIT B**).

059 Sen. Ringo **MOTION: Moves to ADOPT HB 2498-A9 amendments dated 08/18/03.**

VOTE: 5-0-1

EXCUSED: 1 - Starr

061 Chair Minnis **Hearing no objection, declares the motion CARRIED.**

062 Sen. Ringo **MOTION: Moves HB 2498A to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 5-0-1

EXCUSED: 1 - Starr

064 Chair Minnis **Hearing no objection, declares the motion CARRIED.**

SEN. RINGO will lead discussion on the floor.

065 Chair Minnis Closes the work session on HB 2498A and opens a work session on HB 3520A.

HB 3520A WORK SESSION

068 Craig Prins Committee Counsel. Introduces HB 3520A which allows court to offer educational or remedial program to person who violates safety belt law. Discusses A3 and A4 amendments (**EXHIBITS C & D**).

076 Representative Floyd Prozanski House District 8. Testifies in support of the A3 amendments. Discusses the A3 amendments.

112 Sen. Ferrioli Asks if any person that has been cited has appealed their conviction to a higher court.

117 Rep. Prozanski Says that he knows of two attorneys that are handling cases currently.

140 Sen. Ferrioli Asks Rep. Prozanski if the Coburg police that are writing these citations are not currently following the law.

143 Rep. Prozanski Explains that what they have the right to do as a sworn police officer in the state of Oregon is to enforce the laws, but they need to put it in the appropriate court.

159 Sen. Ferrioli Asks if the City of Coburg has the authority to cite people.

161 Rep. Prozanski Answers that they have the right to cite people, but they also have the duty to put that into the appropriate court and they are not doing that.

169 Sen. Ferrioli Asks if Rep. Prozanski is convinced that this bill will stop this problem.

173 Rep. Prozanski Answers, yes.

188 Christy Monson League of Oregon Cities. Testifies in opposition to the A3 amendments.

239 Sen. Ferrioli Asks Ms. Monson if Coburg is operating a speed trap on I-5.

241 Monson Says that she is not able to answer that.

243 Sen. Ferrioli Explains that he believes that Coburg is operating a speed trap on I-5.

276 Prins Discusses the hand-engrossed A3 amendments (**EXHIBIT E**).

288 Vice Chair Burdick Asks Rep. Prozanski if the initial bill has not gone into effect.

295 Rep. Prozanski Answers, no. Explains bill.

303 Vice Chair Burdick Asks if they are keeping the fines local.

308 Rep. Prozanski Answers, yes. Explains that they are going out and raising revenue outside of their city.

326 Vice Chair Burdick States that she is concerned about people speeding in that area and the Coburg police would not be able to do anything about it.

333	Rep. Prozanski	Explains that this bill is limited to very small police departments.
345	Vice Chair Burdick	Says that she is concerned about the broad brush of this bill.
355	Rep. Prozanski	Explains that Coburg can get assistance for this problem.
382	Chair Minnis	Recesses the committee at 2:40 p.m. until 5:00 p.m.
384	Chair Minnis	Reconvenes the committee at 5:12 p.m. Re-opens the work session on HB 3520A.

HB 3520A WORK SESSION

396	Susan Schneider	City of Portland. Testifies in support of the A6 amendments to HB 3520A which allows court to offer educational or remedial program to person who violates safety belt law (EXHIBIT F). Trial Court Administrator for Multnomah County. Testifies on HB 3520A.
412	Doug Bray	

TAPE 204, A

001	Bray	Continues his testimony on HB 3520A.
011	Sen. Walker	Asks if the City of Portland makes money on the photo radar program.
016	Schneider	Answers that they lose money.
018	Mark Leer	City of Portland, Office of Transportation. Explains why Portland loses money from their automated enforcement programs.
027	Sen. Walker	Asks if they pay a significant amount to their vendor.
034	Leer	Answers that they pay the vendor \$24.00 - \$25.00 per citation.
044	Sen. Walker	Asks if they would do better with police rather than photo radar.
058	Leer	Answers that they get requests for their photo radar services. Explains that automated enforcement for its presence has been more efficient than using officers in Portland.
058	Sen. Walker	Asks if their proposal is to issue more citations.
060	Leer	Answers, not exactly, and explains.
078	Chair Minnis	Closes the work session on HB 3520A. Opens a work session on HB 2080A.

HB 2080A WORK SESSION

088	Sen. Ringo	MOTION: Moves HB 2080A to the floor with a DO PASS recommendation.
		VOTE: 4-0-2
		EXCUSED: 2 - Burdick, Ferrioli
089	Chair Minnis	Hearing no objection, declares the motion CARRIED.
		SEN. MINNIS will lead discussion on the floor.
091	Chair Minnis	Closes the work session on HB 2080A and opens a work session on HB 3520A.

HB 3520A WORK SESSION

094	Representative Floyd Prozanski	House District 8. Testifies on HB 3520A which allows court to offer education or remedial program to person who violates safety belt law. Discusses the A5 amendments (EXHIBIT G).
105	Chair Minnis	Asks if Rep. Prozanski had two other pieces of legislation that went through to deal with the Coburg issue.
107	Rep. Prozanski	Answers that is correct.
108	Chair Minnis	Wants to know why he needs this bill.
109	Rep. Prozanski	Explains that there is a period of time between now and the effective dates of those bills and this bill takes care of that. Explains the differences in the bills.
124	Chair Minnis	Asks if the only difference between this bill and the others is the

		implementation date.
125	Rep. Prozanski	Explains the differences.
159	Chair Minnis	Asks what the implementation dates are for the other two bills.
160	Rep. Prozanski	Says, January, and he is not sure what the other date is.
167	Chair Minnis	Asks if he is suggesting having this language and then sunseting it.
169	Rep. Prozanski	Says that is fine with him.
179	Chair Minnis	Talks about the A6 amendments (Exhibit F).
188	Sen. Starr	MOTION: Moves to ADOPT HB 3520A-6 amendments dated 08/25/03.
		VOTE: 4-1-1
		AYE: 4 - Ferrioli, Ringo, Starr C., Minnis
		NAY: 1 - Walker
		EXCUSED: 1 - Burdick
190	Chair Minnis	The motion CARRIES.
191	Chair Minnis	Talks about amending the A5 amendments and adding a sunset clause.
220	Chair Minnis	Recesses the meeting at 5:30 p.m. until 7:45 p.m.
221	Chair Minnis	Reconvenes the meeting at 7:55 p.m.
233	Vice Chair Burdick	MOTION: Moves to ADOPT HB 3520A-7 amendments (EXHIBIT H) dated 08/25/03.
234	Sen. Walker	Supports amendments, but not the bill.
235		VOTE: 5-0-1
		EXCUSED: 1 - Ferrioli
236	Chair Minnis	Hearing no objection, declares the motion CARRIED.
239	Vice Chair Burdick	MOTION: Moves HB 3520A to the floor with a DO PASS AS AMENDED recommendation.
242	Vice Chair Burdick	VOTE: 4-1-1
		AYE: 4 - Burdick, Ringo, Starr C., Minnis
		NAY: 1 - Walker
		EXCUSED: 1 - Ferrioli
248	Chair Minnis	The motion CARRIES.
		SEN MINNIS will lead discussion on the floor.
250	Chair Minnis	Closes work session on HB 3520A and opens a work session on HB 2308A.
<u>HB 2308A WORK SESSION</u>		
253	Chair Minnis	Discusses HB 2308A which modifies allowable costs for providing copies of protected health information or explanation or summary of protected health information. Speaks about non-concurrence.
262	Sen. Walker	Asks about issue of non-concurrence.
264	Chair Minnis	Informs the committee of the problems he is aware of. Asks committee what they want to do with the bill.
271	Sen. Walker	Explains why they exempted the Oregon Health and Sciences University (OHSU) from copying charges.
281	Vice Chair Burdick	Speaks to the value of exempting OHSU.
290	Chair Minnis	Asks if they want to allow the bill to continue.
292	Vice Chair Burdick	Says it is a good bill.
293	Chair Minnis	Clarifies allowing the bill to continue as is.
294	Sen. Walker	Describes activity that has already occurred on this legislation.
303	Vice Chair Burdick	Explains why OHSU should be exempt.
321	Sen. Ringo	States his concerns and says he would be glad to work on this until the next legislative session to get a fair fee schedule.
343	Chair Minnis	Closes the work session on HB 2308A and adjourns the meeting

at 8:04 p.m.

EXHIBIT SUMMARY

- A – HB 2308A, -6 amendments, submitted by staff, dated 8/25/03, 1 pg.**
- B – HB 2498A, -9 amendments, submitted by staff, dated 8/18/03, 3 pgs.**
- C – HB 3520A, -3 amendments, submitted by staff, dated 8/23/03, 1 pg.**
- D – HB 3520A, -4 amendments, submitted by staff, dated 8/23/03, 2 pgs.**
- E – HB 3520A, hand-engrossed -3 amendments, submitted by staff, dated 8/23/03, 1 pg.**
- F – HB 3520A, -6 amendments, submitted by staff, dated 8/25/03, 2 pgs.**
- G – HB 3520A, -5 amendments, submitted by staff, dated 8/25/03, 1 pg.**
- H – HB 3520A, -7 amendments, submitted by staff, dated 8/25/03, 1 pg.**