

## SENATE COMMITTEE ON JUDICIARY

April 09, 2001 Hearing Room 343

1:00 p.m. Tapes 90 - 91

**MEMBERS PRESENT:**        **Sen. John Minnis, Chair**  
                                  **Sen. Peter Courtney, Vice-Chair**  
                                  **Sen. Roger Beyer**  
                                  **Sen. Ginny Burdick**  
                                  **Sen. Verne Duncan**  
                                  **Sen. Steve Harper**  
                                  **Sen. Rick Metsger**

**STAFF PRESENT:**         **Marilyn Odell, Counsel**  
                                  **Jane Bodenweiser, Committee Assistant**

**MEASURE/ISSUES HEARD:**        **SB 837 Public Hearing**  
  **SB 665 Public Hearing**  
  **SB 647 Work Session**  
  **SB 340 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 90, A</b> 004	Chair Minnis	Calls the meeting to order at 2:12 p.m. and opens a public hearing on SB 837.
<b><u>SB 837 PUBLIC HEARING</u></b> 007	<b>Jim Gardner</b>	<b>Philip Morris Tobacco Co.</b>  Testifies in support of SB 837 which establishes amount of supersedeas undertaking required for stay of certain judgements if judgement is against tobacco product manufacturer that is making payments to state under Master Settlement Agreement (MSA) or related legislation. States that four times as much money from the sale of cigarettes goes to state and federal government in the form of excise taxes and under the MSA as goes to the manufacturer in the form of profit. Says that the state is at risk if a tobacco company should file bankruptcy.
056	<b>Bill Linden</b>	<b>RJ Reynolds Tobacco Co.</b>  Testifies in support of SB 837. Says that this bill does not affect any cases in Oregon in which judgements have been filed prior to the effective date of this act. Explains that this bill also does not limit the amount of damages available in these types of cases in Oregon.
111	Chair Minnis	Asks what language in the bill limits it to just those tobacco companies in the Master Settlement Agreement.
121	Jim Gardner	States that he believes it is line 19, page 1.
133	<b>Peter Shepherd</b>	<b>Department of Justice</b>

		Testifies in opposition to SB 837. Says he does not feel that the underlying rationale, that this bill will help protect Oregon's Master Settlement Agreement proceeds from significant long-term disruption, is correct.
194	Chair Minnis	Reviews his understanding of the bankruptcy issue.
196	Shepherd	Replies that his understanding is correct.
199	Chair Minnis	Asks if there is anything positive in this legislation.
200	Shepherd	Replies that he can't find anything.
211	Sen. Harper	Wonders about the two actions in the bill, the Master Settlement Agreement, and the fairness, and asks if a cap on this bond isn't the bigger issue.
215	Shepherd	Responds that current Oregon law reflects that the size of the bond on appeal reflects something about the magnitude of the wrong that a jury or judge has found as a result of the trial.
228	Sen. Duncan	Asks if this legislation truly would have no bearing on the judgement that would come out of a court case.
239	Shepherd	Replies that he would like to study the issue further.
244	Sen. Duncan	Asks if there are other states with this kind of legislation and if so, what do the Attorneys General in those states have to say.
261	Shepherd	Replies that there currently is no report of views of Attorneys General on this issue.
277	Sen. Burdick	Asks if there is any provision for setting a bond on the criteria of the solvency of a company.
286	Shepherd	Replies that he does not know the answer to that question.
312	<b>Joshua Alpert</b>	<b>Oregon Health Leadership Against Tobacco</b> Submits testimony and testifies in opposition to SB 837 <b>(EXHIBIT A)</b> . Advises that passage of this bill would be several steps backwards along the appropriate and rational road of saving lives, as it sends the message that Oregon feels that tobacco manufacturers deserve a break.
360	<b>William Gaylord</b>	<b>Private Attorney</b> Submits testimony and testifies in opposition to SB 837 <b>(EXHIBIT B)</b> . Expresses his opinion that the effect of this change to the law is not about the Master Settlement Agreement, it is about bonds on appeals in private lawsuits. Says the Oregon Legislature should not oblige tobacco companies with exceptions to rules that are applicable to everybody else.

**TAPE 91, A**

049 Sen. Harper Asks if a review of the special interest aspect of the whole bond issue might be prudent.  
061 Gaylord Replies that he objects to that idea.  
066 Chair Minnis Asks about giving judges discretion.  
072 Gaylord Says he thinks they may already have discretion.  
086 Counsel Odell Reads the relevant statute ORS 19.310.  
120 Chair Minnis Closes the public hearing on SB 837 and opens a public hearing on SB 665.

**SB 665 PUBLIC HEARING**

150 **Sen. Jason Atkinson** **Senate District 25**  
Introduces SB 665 that requires applicant to provide birth certificate or photo identification before Dept. of Transportation may issue, renew, replace or duplicate identification card, driver permit or driver license.  
189 **Steve Hopkins** **Mt. Angel, Oregon**  
Submits testimony and testifies in support of SB 665 (**EXHIBIT C**). Gives an account of the theft of his daughter's purse and the consequences of that theft.  
307 Sen. Beyer Testifies in support of SB 665 and relates his personal experience with a theft of checks from his mailbox.  
355 **Kelly Taylor** **Oregon Department Of Transportation (ODOT)**  
Testifies as neutral to SB 665. Says the department is neutral because of the financial impact that might occur. Says the impact would be on the renewals and duplicates.  
429 Sen. Beyer Asks about the renewing language on line 6 of page 1 and wonders if removing it would solve the fiscal impact problem.  
439 Taylor Replies either that or specifying a transaction be done in person.  
**TAPE 90, B**  
026 Sen. Beyer Asks if information is available to an individual inquiring about their own account.  
032 Taylor Says, yes.  
036 Sen. Harper Asks if all four transactions (issuing, renewing, replacing or duplicating) are currently available by mail.  
038 Taylor Says no, only renewals are available by mail.  
057 Sen. Metsger Says the way the bill is written he is not sure it is going to solve the problem. Asks if someone can call and flag their DMV record if their license is stolen.  
081 Taylor Replies yes.  
099 Sen. Metsger Wonders if a delay in issuing could be useful when applying for a duplicate to allow time for some follow-up verification of identity.  
116 Hopkins Clarifies his daughter's experience in notifying the DMV of her stolen driver's license.  
134 Sen. Metsger Asks his opinion on issuance of a duplicate being delayed for verification.  
137 Hopkins Says he is okay with that and suggests that having the duplicate mailed to an individual would further support it getting to the right person.  
156 Sen. Duncan Inquires if a photo is taken when a replacement license is taken.  
166 Taylor Says yes.

207	Chair Minnis	Asks if there is any cross-referencing of reports of stolen identification with DMV.
214	Taylor	Replies, no. Says she would like to help make the bill work and would be glad to work with Sen. Atkinson.
218	Sen. Beyer	Asks about the possibility of a digital photograph comparison.
221	Taylor	Says the software is not that sophisticated.
248	Sen. Metsger	Asks what the penalty is for trying to obtain false identification.
251	Taylor	Replies that she thinks it is a misdemeanor.
252	Chair Minnis	Says that under the identity theft law it would be a felony.
256	Chair Minnis	Closes the public hearing on SB 665 and opens a work session on SB 647.

**SB 647 WORK SESSION**

269	<b>Sen. Kate Brown</b>	<b>Senate District 7</b> Testifies in support of SB 647 relating to personal information in records. Discusses the –1 amendments ( <b>EXHIBIT D</b> ).
300	Sen. Metsger	Asks if representatives from the credit unions and banks were in support of this bill.
303	Sen. Brown	Replies they were not part of the work group, but were aware of what the work group was doing.
<b>308</b>	<b>Vice Chair Courtney</b>	<b>MOTION: Moves to ADOPT SB 647-1 amendments dated 4/6/01.</b>
323	<b>John Powell</b>	<b>Regents Blue Cross-Blue Shield of Oregon and State Farm Insurance Companies</b> Says he was unaware of the work group and has just reviewed the amendments. States that the companies he represents have policies in place to protect any kind of sensitive documents. <b>VOTE: 5-0-2</b> <b>EXCUSED: 2 Beyer, Burdick</b>
<b>345</b>	<b>Chair Minnis</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>346</b>	<b>Vice Chair Courtney</b>	<b>MOTION: Moves SB 647 to the floor with a DO PASS AS AMENDED recommendation.</b> <b>VOTE: 5-0-2</b> <b>EXCUSED: 2 – Beyer, Burdick</b>
<b>350</b>	<b>Chair Minnis</b>	<b>Hearing no objection, declares the motion CARRIED.</b> <b>SEN. BROWN will lead discussion on the floor.</b>

360	Chair Minnis	Closes the work session on SB 647 and opens a work session on SB 340.
<b><u>SB 340 WORK SESSION</u></b>		
366	Counsel Taylor	Introduces SB 340 that reduces amount of child support arrearage that triggers suspension of licenses, certificates, permits and registrations. Explains the -1 and -2 amendments ( <b>EXHIBITS E &amp; F</b> ).
405	Vice Chair Courtney	<b>MOTION: Moves to ADOPT SB 340-1 amendments dated 2/20/01.</b>
		<b>VOTE: 5-0-2</b>
		<b>EXCUSED: 2 – Burdick, Beyer</b>
410	Chair Minnis	<b>Hearing no objection, declares the motion CARRIED.</b>
411	Vice Chair Courtney	<b>MOTION: Moves to ADOPT SB 340-2 amendments dated 3/27/01.</b>
		<b>VOTE: 5-0-2</b>
		<b>EXCUSED: 2 – Burdick, Beyer</b>
425	Chair Minnis	<b>Hearing no objection, declares the motion CARRIED.</b>
416	Vice Chair Courtney	<b>MOTION: Moves SB 340 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 5-0-2</b>
		<b>EXCUSED: 2 – Burdick, Beyer</b>
420	Chair Minnis	<b>Hearing no objection, declares the motion CARRIED. SEN. DUNCAN will lead discussion on the floor.</b>
443	Chair Minnis	Closes the work session on SB 340 and adjourns the meeting at 2:35 p.m.

Submitted By,

Reviewed By,

Jane Bodenweiser,  
Committee Assistant

Marilyn Odell,  
Counsel

**EXHIBIT SUMMARY**

- A – SB 837, written testimony submitted by Joshua Alpert, 1 p**
- B – SB 837, written testimony submitted by William Gaylord, dated 4/9/01, 2 pp**
- C – SB 665, written testimony submitted by Steve Hopkins, 1 p**
- D – SB 647, -1 amendments submitted by staff, dated 4/6/01, 3 pp**
- E – SB 340, -1 amendments submitted by staff, dated 2/20/01, 1 p**
- F – SB 340, -2 amendments submitted by staff, dated 3/27/10, 1 p**