

House Committee on Judiciary Subcommittee on Civil Law June 17, 1991 -
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statements made during this session. Only text enclosed in quotation
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report a speaker's exact words. For complete contents of the
proceedings, please refer to the tapes.

HOUSE COMMITTEE ON JUDICIARY CIVIL LAW AND JUDICIAL ADMINISTRATION

June 17, 1991Hearing Room 357 1:00 p.m.Tapes 124 - 126

MEMBERS PRESENT:Rep. Ray Baum, Chair Rep. Marie Bell Rep. Tom Brian
Rep. Kelly Clark Rep. Jim Edmunson Rep. Rod Johnson Rep. Kevin Mannix
Rep. Randy Miller

STAFF PRESENT: Holly Robinson, Committee Counsel Greg Chaimov,
Committee Counsel Jim Dole, Committee Counsel Jeff Steve, Committee
Assistant

MEASURES HEARD:SB 816 - PH SB 29 - PH HB 2673 - WS SB 732 - PH/WS SB 101
- PH/WS SB 404 - PH/WS HB 2363 - WS SB 681 - PH/WS

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statements made during this session. Only text enclosed in quotation
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proceedings, please refer to the tapes.

TAPE 124, SIDE A

004 CHAIR BAUM: Opens Subcommittee on Civil Law and Judicial
Administration at 1:10 p.m.

Opens public hearing on SB 816.

SB 816 - PUBLIC HEARING Witnesses:Scott Girard Dave Overstreet, GTE
Victor Merced, Adult & Family Services Bob Labbe, Office of Medical
Assistance Programs Mary Ann Stowell, Portland Public Schools Cheryl
Crawley, Salem/Keizer School District

015 CHAIMOV: Reviews provisions on SB 816 dealing with 911 calls.

Distributes copies of SB 816-A7 amendments (EXHIBIT A).

030 SCOTT GIRARD: Reads written testimony in support of SB 816 with the
-7 amendments (EXHIBIT B).

076 DAVE OVERSTREET, GTE: GTE supports SB 816 and has worked with the
Public Utilities Commission to get language included in the bill that
would relieve telephone companies from liability for transporting a

non-listed or non-published number to the Public Safety Answering Points.

SB 29 - PUBLIC HEARING

104 HOLLY ROBINSON: Reviews provisions on SB 29 which specifies that public assistance programs are the payer of last resort on health insurance claims and personal injury claims, prohibits the issuance of health insurance policies which limit benefits when public assistance is available, and prevents private insurers from denying reimbursement for otherwise eligible medical benefits solely because those services are provided to the insured by a school district or educational entity.

132 VICTOR MERCED, ADULT AND FAMILY SERVICES: Paraphrases written testimony in support of SB 29 (EXHIBIT C).

147 BOB LABBE, OFFICE OF MEDICAL ASSISTANCE PROGRAMS: Paraphrases written testimony in support of SB 29 (EXHIBIT D).

155 REP. BRIAN: Why would you base a public budget that is so important on the certain outcome of a piece of legislation that is so controversial?

Does not think the committee should be pressured in that way.

160 LABBE: Federal law requires that Medicaid be the payer of last resort and prohibits the state from claiming federal funds if an insurance company would be liable, except for that type of policy. We operate in that light and have for some time. This is an effort to get the Oregon statute in line with that.

There is an indication of movement in the direction to write policies that say if you have Medicaid our insurance does not have to pay this claim. That is our concern.

182 REP. BELL: Do you want to shift the entire cost from the taxpayer to legally liable insurers?

190 LABBE: It's the other way around.

193 REP. BELL: We are only talking about services that are already insured and there are still many services that are not insured by anyone covered by the school district?

197 LABBE: That is correct.

192 MARY ANN STOWELL, PORTLAND PUBLIC SCHOOL DISTRICT: Comments on SB 29 and specifically Section 5 which affects school districts and their ability to build private insurance.

Identifies handouts given to committee (EXHIBIT E), (EXHIBIT F), and (EXHIBIT G).

Paraphrases (EXHIBIT E).

315 REP. JOHNSON: If a parent of a child that receives these mandated services did not have an insurance policy, the parent would not be billed.

320 STOWELL: Correct.

322 REP. JOHNSON: If a parent has a policy that is capable of being billed, they would potentially be billed.

323 STOWELL: If the family gives consent.

325 REP. JOHNSON: If they give consent, and are billed, would their insurance rise accordingly?

326 STOWELL: We have tried to do as much analysis as we can on the impact of this on insurance companies as well as the potential benefit for schools. If all of the related services now provided in the state for children with disabilities were to be billed, and we successfully recovered from all private insurance, the benefits to school districts would be \$3 to \$7 million.

The total school insurance bill in the state is \$1.5 billion.

The best actuarial information on premiums we were able to obtain is that if all services now provided were to be billed successfully, it would be about a five cents per month, per insured person increase.

350 REP. JOHNSON: Have you discussed that actuarial analysis with insurance companies?

354 STOWELL: We have had some conversations, but are relying on information from Health Choice which is a private organization that does billing for agencies and has an independent function.

360 REP. JOHNSON: Do you agree that there might be a perception among parents that their insurance premiums would rise?

366 STOWELL: The perception seems to be with insurance companies as opposed to parents.

355 REP. JOHNSON: Have you done any investigation to determine how many parents would consent to this?

362 STOWELL: Yes. Our best estimate is that about twenty five percent of parents with private insurance are likely to give us permission to use it. That is based on our district experience and discussions around the state.

367 CHERYL CRAWLEY, SALEM/KEIZER SCHOOL DISTRICT: Compares costs of in-patient and out-patient care.

Gives data of Salem/Keizer School District.

462 CHAIR BAUM: Recesses public hearing on SB 29.

Opens work session on HB 2673.

TAPE 125, SIDE A

HB 2673 - WORK SESSION

021 REP. CLARK: Reviews work done on HB 2673 by Family Justice Subcommittee.

HB 2673 is now a prohibition against baby selling in adoptions and

includes a provision that says CSD, in carrying out its minority adoption policy, can not delay adoptions because of that policy.

That provision caused controversy on the floor of the House and the bill went back to the Family Justice Subcommittee. The Subcommittee began to work on it last week to either remove that provision or enact CSD's current minority adoption policy into statute.

Does it matter to your group which option the subcommittee recommends?

045 REP. MARGARET CARTER: Would prefer the deletion of Section 2 of the bill because does not feel that CSD has worked out all the ramifications of the rules at this point.

050 MOTION: REP. CLARK: Moves deletion of Section 2 of HB 2673.

052 VOTE: Without objection, amendment is adopted.

054 MOTION: REP. CLARK: Moves HB 2673-A as amended to the full Committee on Judiciary with a do pass recommendation.

058 VOTE: On a roll call vote, motion passes. Reps. Mannix and Miller are excused.

066 CHAIR BAUM: Closes work session on HB 2673.

Opens public hearing on SB 732.

SB 732 - PUBLIC HEARING Witnesses: Frank Biehl, Oregon Pulp & Paper Workers Council Robert Moore, Oregon Trial Lawyers Carl Fredericks, Associated Oregon Industries

074 HOLLY ROBINSON: Summarizes provisions of SB 732 which revises the method by which workers compensation permanent partial disability benefits are calculated.

Reviews SB 732 as amended.

111 FRANK BIEHL, OREGON PULP AND PAPER WORKERS COUNCIL: Paraphrases written testimony in support of SB 732 (EXHIBIT H).

152 ROBERT MOORE, OREGON TRIAL LAWYERS: Questions whether SB 732 is a good bill because we want to be sure that no one makes a mistake of thinking that this is a large increase in the amount of money that injured workers should get.

Asks for committee support of the bill.

168 REP. JOHNSON: Does the bill go from the past system of a set amount of dollars per degree and go to a "cost of living increase" function and how do we know that the awards that will be allowed will be the same awards but with cost of living increase?

180 BIEHL: That was very true in the original bill. SB 732-A created more money for the more seriously disabled unscheduled disability. The bill is no longer revenue neutral, but has no fiscal impact on the state.

The only way to be assured that the dollar amounts are the same is that we are using the same standards in rating disabilities before and after.

The difference is what you will do with those ratings.

206 REP. MANNIX: Asks about new tiering concept introduced by Senate Labor Committee and passed by the Senate.

Has problem with if we are trying to calculate disability the shift over from one degree to the next becomes critical. Is worried about closure of files and settlements.

214 BIEHL: That problem was addressed in SB 732-A. Refers to the bill.

224 REP. MANNIX: Was talking about the incentive to settle cases because of degree differentials.

226 BIEHL: Does not think it is a disincentive.

230 REP. MANNIX: Asks for administrative details for figuring out values.

235 REP. BRIAN: Were you supportive of either version?

238 BIEHL: We introduced the original version. Thinks the tiers improve the bill but is supportive of either version.

240 REP. MANNIX: Is Mr. Fredericks happy with the bill but does not like the tiers?

268 CARL FREDERICKS, ASSOCIATED OREGON INDUSTRIES: We took the position that we would support the bill if it followed precisely the recommendations of the Management/Labor Committee.

The Management/Labor Committee specifically mentioned four items:

> Four year sunset >Yearly increase limited to five percent >Language stating that the disability must be linked to the date of injury >Eliminate the tiering

278 CHAIR BAUM: Closes public hearing on SB 732.

Opens work session on SB 732.

SB 732 - WORK SESSION

268 MOTION: REP. MANNIX: Moves to conceptually amend SB 732 to maintain the four concepts stated by Mr. Fredericks and remove the tiering established in the current version of the bill.

290 VOTE: Without objection, amendment is adopted.

292 MOTION: REP. MANNIX: Moves SB 732 as amended to the full Judiciary Committee with a do pass recommendation.

308 ROBINSON: Understands amendments.

310 CHAIR BAUM: Rep. Edmunson will carry the bill.

Closes work session on SB 732.

Opens public hearing on SB 101.

SB 101 - PUBLIC HEARING Witnesses: Joe McNaught, Department of Justice

316 CHAIMOV: Reviews provisions of SB 101 which provides standard operating procedures for agencies to impose civil penalties. Page 2 is the key to the bill and provides for notice to the aggrieved party, and 20 days to request a hearing using contested case proceedings.

SB 101-A3 amendments clarify that the bill does not cover Public Utility Commission penalties. SB 101-A4 amendments are conflict amendment from Legislative Counsel. You also have proposed amendments from the Department of Justice providing specific details about how to collect these civil penalties when they become judgments. Copies of the statutes with definitions that are cross referenced in the bill are also provided.

343 JOE McNAUGHT: DEPT. OF JUSTICE: Speaks in favor of SB 101 and the additional amendments which the Department has proposed.

404 REP. CLARK: Does the bill dovetail with the APA?

409 McNAUGHT: The amendments on pages 1 and 2 are incorporated into the APA.

Notes a housekeeping amendment that clarifies a problem with the PUC. Would like that amendment adopted.

TAPE 124, SIDE B

023 REP. JOHNSON: The definition of "agency" on page 2 of the bill would not affect any jurisdiction except state bodies.

030 McNAUGHT: That is my understanding.

031 CHAIR BAUM: Closes public hearing on SB 101.

Opens work session on SB 101.

WORK SESSION SB 101

032 MOTION: REP. CLARK: Moves adoption of the SB 101-A4 amendments (EXHIBIT I).

VOTE: Without objection, amendment is adopted (EXHIBIT J).

046 MOTION: REP. EDMUNSON: Moves adoption of the SB 101-A3 amendments.

050 CHAIMOV: The committee may wish to consider the Department of Justice's proposed amendments.

The amendments enable agencies to use standard judgment collection procedures to collect the civil penalties once they become judgments. The amendment also enables the court to set up files when they receive the judgments.

The amendments would permit the issuance of writs of garnishment and execution on real and personal property as any other form of civil judgment is collected.

071 MOTION: REP. BRIAN: Moves the Department of Justice amendments as set forth in the letter of June 10, 1991 from Mr. McNaught.

083 CHAIR JOHNSON: Objects because is not comfortable with amendments due to insufficient time to review them. Can vote if others are comfortable.

085 CHAIR BAUM: Were these amendments raised in the Senate?

092 McNAUGHT: We made a different proposal to the Senate. State Court Administrator's office raised a number of problems. The Department and the Court Administrator's office met and resolved the differences, but it was too late to take to the Senate committee. The Committee recommended that we bring the matter to you.

095 VOTE: Without objection, amendment is adopted.

096 REP. JOHNSON: Reserves his objection for the full committee.

101 MOTION: REP. EDMUNSON: Moves SB 101-A as amended to the full committee with a do pass recommendation.

VOTE: On a roll call vote, motion passes. All members are present.

120 CHAIR BAUM: Asks Rep. Clark to carry the bill.

Closes work session on SB 101

Opens public hearing and possible work session on SB 404.

PUBLIC HEARING - SB 404 Witnesses: Judge Selander Pat Hern, Government Ethics Commission

121 JIM DOLE: Reviews provisions of SB 404 which provides that judges may perform weddings and collect fees for the service despite provisions of the Oregon Government Ethics laws.

129 JUDGE SELANDER: Speaks in support of SB 404.

Purpose of SB 404 is to clarify existing law which allows Justices of the Peace to charge a fee and state what the fee is.

Submits and paraphrases written testimony (EXHIBIT K).

163 PAT HERN, GOVERNMENT ETHICS COMMISSION: Testifies in opposition to SB 404 .

240 CHAIR BAUM: Thinks a judge could get creative if allowed "necessary expenses".

253 HERN: Suggests it would not be inappropriate if it was specified as cost reimbursement.

266 REP. BRIAN: Have you seen the -A6 amendments?

270 HERN: No.

271 REP. BRIAN: The amendments limit the fees to reimbursement of actual expenses for food and lodging as verified by receipts, travel limited to rate of reimbursement provided by the State of Oregon or actual commercial carrier cost as verified by receipts. Would the Commission support that?

277 HERN: Yes

279 REP. EDMUNSON: Can a judge, under present ethics laws, accept reimbursement for expenses without running afoul of the honorarium problem?

284 HERN: The issue of whether or not a judge recovers his expenses has not been at the forefront of this matter. It has been the desire of some judges to want to tell someone up front "It will cost you \$100 for me to perform your marriage." Thinks the honorarium currently provided to most judges who perform marriages does more than compensate their costs.

296 REP. EDMUNSON: Do we need this law?

307 HERN: Not in the Commission's opinion.

334 REP. BELL: Is there any reason why a judge should be treated differently than any other elected official?

336 HERN: No. Commission feels very strongly about that and that is why we included our concerns that a precedent would be set for other groups of public officials.

340 REP. BELL: Would you rather have the bill include everyone else or not have the bill at all?

343 HERN: We would rather not have a bill at all.

346 REP. JOHNSON: What is the evil we are trying to avoid by letting judges tell people that if they want the judge to perform a service it will cost them \$100?

357 HERN: The concern is that Chapter 244 already provides for honoraria to be given to public officials. Commission feels performance of weddings falls into that category. The underlying factor is that the judge would not have the authority to solemnize the marriage if it were not for the fact that they are a judge.

Although the Commission has not opined such in a formal opinion, it is the Commission's position that if a specific question about reimbursement is asked it would be appropriate for the judge to respond.

TAPE 125, SIDE B

015 REP. MILLER: What income is to be gained?

020 HERN: Range in wedding related honoraria ranges from an unknown amount to one judge who performed 104 weddings.

035 REP. BELL: Would we create more of a problem if none of the judges performed marriages in the future?

040 HERN: That would create a problem for many people. Does not believe that is a viable option.

045 REP. BELL: Do you have evidence of judges charging an unreasonable fee?

048 HERN: No. Doesn't know what a routine or standard fee should be. The amount of honoraria received is not required to be reported, only the person giving it and the date given if the amount is over \$50.

058 REP. BRIAN: The policy being proposed in the -A6 amendments is that it is not whether you say it in advance, but that there is no honoraria, but reimbursement for actual expense.

063 REP. MANNIX: Would a Justice of the Peace who performs a ceremony charge \$15?

065 HERN: Yes.

070 REP. MANNIX: Can I appear at a Multnomah County Court House and ask a judge to solemnize the marriage during normal working hours?

080 SELANDER: Does not know about Multnomah County. You can in Clackamas County and no fee would be charged.

Thinks Mr. Hern is inaccurate in a number of his statements. It is not just a limited number of judges who are supporting this. The Oregon District Judges Association and the Judicial Administration Committee of the Oregon State Bar support the bill.

I think the question of whether judges will stop performing marriages is more real than Mr. Hern would like to admit.

Feels the public will be harmed.

107 REP. MANNIX: Why don't we have a fee that you can pay to the government for the judge to perform the ceremony after normal office hours and adjust the judge's compensation.

The Ethics Commission is making the point of who compensates the judge for performing acts under the judge's authority.

131 REP. CLARK: How are Justices of the Peace different from judges in the way they are compensated?

133 SELANDER: Refers to 1947 Statute.

134 REP. CLARK: Are justices of the peace subject to Ethics laws?

138 HERN: Yes.

155 CHAIR BAUM: Opens work session on SB 404.

WORK SESSION - SB 404

171 MOTION: REP. MANNIX: Moves to amend SB 404 on line, page 1. Delete the word "fee" and substitute "may charge and accept an agreed upon personal payment not to exceed \$100, plus actual costs". On line 26, change "fee" to "payment".

181 REP. MANNIX: Speaks to his motion.

205 REP. BRIAN: States concern about the amendment. We are dealing with elected and reasonably compensated officials participating in an optional activity. Thinks it fair that they be reimbursed for their costs, but not sure why we would sanction the outside activity based on

their position.

207 REP. JOHNSON: Has a hard time seeing the reasonableness of drawing the distinction between the judge being able to state a fee and accept an honoraria.

Amendment is acceptable.

220 REP. CLARK: Will support the amendment. Ceiling on amendment will address potential abuse.

239 REP. JOHNSON: Does maker of motion have any objection to using the word "honorarium" rather than "fee"?

250 REP. MANNIX: Would accept honorarium.

255 REP. BRIAN: Would prefer the -A6 amendment.

257 REP. MANNIX: Wants to stay with "personal payment".

260 HERN: Not sure the words "personal payment" would be consistent with the limitation of what a public official may earn for income in 244.

268 VOTE: Without objection, amendment is adopted.

272 MOTION: REP. MANNIX: Moves SB 404 as amended to the full Committee on Judiciary with a do pass recommendation.

273 MOTION: REP. BRIAN: Moves adoption of the SB 404-A6 amendments.

290 REP. MANNIX: Speaks in opposition to the motion. Is trying to avoid bureaucracy. Will trust judges to keep records of actual costs.

292 REP. BRIAN: Does not think there would be bureaucracy.

303 REP. BELL: Did your amendment say \$100 plus costs or including costs?

310 REP. BRIAN: \$100 plus.

312 REP. BELL: Might be some advantage to the latter part of -6 because it describes what is included in costs. On lines 7 and 8 if we said "the amount of reimbursement to be received by the judge shall not exceed \$100 plus costs which will be based on..". Could include description of how to generate what the costs are.

314 REP. MANNIX: Would accept the amendment if we talked about the amount of costs received, (4).

Agrees with Rep. Brian's point that this is not something that has to be agreed upon, but is only record keeping.

Could accept (4) and (5), modified to defining costs referred to in the bill.

324 CHAIR BAUM: Remaining issue is if the judge can collect a fee in addition to expenses.

Rep. Brian's amendment would then be lines 1 through 6 of the -A6

amendments.

327 REP. MANNIX: If Rep. Brian wants to just offer the definition of what "costs" really means...

329 REP. BRIAN: Does not want to use up committee time. If the majority of the committee is not going to accept -A6 as is, thinks the definition is helpful to the bill.

335 REP. BELL: Does not understand Rep. Mannix' problem with lines 5 and 6.

337 REP. MANNIX: Not needed because that is already in the bill.

367 REP. MANNIX: Will accept as a friendly amendment lines 7 through 17 of the -A6 amendments, changing "reimbursement" to "costs".

368 CHAIR BAUM: Motion is to move the bill as amended with the fees not to exceed \$100, plus lines 7 through 17 of the -A6 amendments.

369 VOTE: On a roll call vote, motion passes. Reps. Edmunson and Baum vote No. All members are present.

400 CHAIR BAUM: Rep. Johnson will carry the bill.

Opens public hearing on SB 681.

PUBLIC HEARING - SB 681 Witness:Margaret Basham, AARP

440 JIM DOLE: Summarizes provisions of SB 681 which allows for the recording of any power of attorney in County Clerks' offices. The bill authorizes revocations of powers of attorney to be recorded, but specifies that the revocation does not terminate the agency of an attorney-in-fact who without knowledge of the revocation acts in good faith under the power of attorney. Recording does not affect a transaction if the person entering the transaction with the attorney-in-fact did not have knowledge of the revocation.

A proposed amendment corrects a typographical error.

445 REP. CLARK: Does the bill include or exclude power of attorney for health care purposes?

446 JIM DOLE: It would include any power of attorney.

450 CHAIR BAUM: My concern is that, according to the staff summary, the bill also requires actual knowledge of the revocation by the person who enters into the transaction with the attorney-in-fact.

490 REP. CLARK: Section 2 (2) says that the revocation is not effective unless the attorney-in-fact knows of it. Thinks that is contradictory to current law as enacted in SB 523 (1989 Session).

TAPE 126, SIDE A

025 CHAIR BAUM: What is the public policy reason for changing it now?

059 MARGARET BASHAM, A.A.R.P.: SB 681 is a bill that we selected to help the frail elderly.

This power of attorney, and recording it, would make it possible for the frail elderly to avoid abuse and guardianship proceedings.

The banking profession objected to revocation without letting the person know and that brought about the amendment.

087 REP. CLARK: The bill proposes to amend Chapter 93 having to do with conveyances. Would the requestors of the bill object if we put in an amendment that clarifies that "any power of attorney" means "any power of attorney executed for conveyance purposes" so that it excludes the health care area which is covered by another statute.

092 BASHAM: Would be all right.

100 CHAIR BAUM: Closes public hearing on SB 681.

Opens work session on SB 681.

WORK SESSION - SB 681

105 MOTION: REP. CLARK: Moves to amend SB 681 on line 5 after "any power of attorney" by inserting the words "executed for purposes of conveyances".

115 HOLLY ROBINSON: As written, SB 681 specifically cites ORS Chapter 93, which is property conveyances. If the committee wants it to be broadened it can delete Section 1 of the bill and add another Section that lists the types of powers of attorney that one wants to do.

As written, and before the committee, SB 681 is a property conveyance power of attorney only.

150 VOTE: Without objection, amendment is adopted.

160 MOTION: REP. BRIAN: Moves further amendment. On line 8 insert "revocation of such powers of attorney regarding conveyances may be recorded".

VOTE: Without objection, amendment is adopted.

160 MOTION: REP. CLARK: Moves SB 681, as amended, to the full Judiciary Committee with a do pass recommendation.

170 DOLE: Need to change the word "on" on line 11 to "of".

175 CHAIR BAUM: Counsels will note that change.

179 VOTE: On a roll call vote, motion passes unanimously. All members are present.

185 CHAIR BAUM: Chair will carry the bill.

Closes work session on SB 681.

Reconvenes public hearing on SB 29.

PUBLIC HEARING - SB 29 Witnesses:Katheryn Weit, Association of Retarded Citizens Mary Ann Stowell, Portland Public Schools

205 KATHERYN WEIT, ASSOCIATION OF RETARDED CITIZENS: Testifies in

support of SB 29.

Gives examples of problems parents of disabled children encounter with insurance.

285 REP. BELL: Feels people should be responsible for their own health care. Does not want to encourage people to opt out and have tax payers pay for their health care.

321 REP. BELL: What are the incentives to encourage people to take personal responsibility?

327 HAFNER: Sees no incentive for families to allow the billing of their private insurance in this instance.

358 REP. CLARK: What is covered by basic school support special education dollars?

360 HAFNER: Unable to answer.

370 STOWELL: The intent is that money received from private insurance would assist in offsetting the cost that school districts now have for providing these services, a portion of which is paid for by basic school support.

386 CHAIR BAUM: Other bills scheduled for today will be heard next Wednesday or Thursday.

Closes public hearing on SB 29.

Adjourned meeting at 3:30 P.M.

Transcribed by,

Pat Zwick EXHIBIT LOG: A:SB 816-A7 Amendment - Staff - 1 page B:SB 816 Testimony - Scott Girard - 3 pages C:SB 29 Testimony - Victor Merced - 5 pages D:SB 29 Testimony - Bob Labbe - 1 page E:SB 29 Testimony - Mary Ann Stowell - 6 pages F:SB 29 Exhibit - Mary Ann Stowell - 1 page G:SB 29 Exhibit - Mary Ann Stowell - 1 page H:SB 732 Testimony - Frank Biehl - 8 pages I:SB 101-A4 Amendment - Staff - 8 pages J:SB 101-A3 Amendment - Staff - 1 page K:SB 404 Testimony - R. Selander - 4 pages