

**HOUSE COMMITTEE ON JUDICIARY**  
**SUBCOMMITTEE ON CIVIL LAW**

May 9, 2001  
8:00 a.m.

Hearing Room 357  
Tapes 92 – 93

**MEMBERS PRESENT:**     **Rep. Cherryl Walker, Chair**  
                                  **Rep. Vic Backlund**  
                                  **Rep. Charlie Ringo**  
                                  **Rep. Lane Shetterly**

**MEMBER EXCUSED:**     **Rep. Kathy Lowe**

**STAFF PRESENT:**       **Andrea Shartel, Counsel**  
                                  **Ann Martin, Committee Assistant**

**MEASURE/ISSUES HEARD:**     **HB 2771 Work Session**  
                                  **HB 3908 Public Hearing**  
                                  **HB 2917 Work Session**  
                                  **SB 704A Public Hearing**  
                                  **SB 220A Public Hearing**  
                                  **SB 713A Public Hearing**  
                                  **SB 773A Public Hearing**  
                                  **HB 3912 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 92, A</b>		
004	Chair Walker	Calls the meeting to order at 8:20 a.m. and opens a work session on HB 2771.
<b><u>HB 2771 WORK SESSION</u></b>		
010	<b>Rep. Al King</b>	<b>House District 44</b> Testifies in support of HB 2771 that creates the Protective Proceedings and Fiduciary Services Task Force and discusses –1 and –2 amendments <b>(EXHIBITS A &amp; B)</b> .
035	Rep. Ringo	Asks if \$5,000 has some relationship to the actual cost that the Task Force will incur.
037	Rep. King	Answers yes, and that his purpose is to keep the amount minimal.
041	Chair Walker	Closes the work session on HB 2771 and opens a public hearing on HB 3908.
<b><u>HB 3908 PUBLIC HEARING</u></b>		
050	Counsel Shartel	Introduces HB 3908 which requires elected or appointed local government official to disclose conflict of interest in local land use proceeding and discusses –4 and –5 amendments <b>(EXHIBITS C &amp; D)</b> .
056	<b>Rep. Mark Hass</b>	<b>House District 8</b> Testifies in support of HB 3908 and submits testimony <b>(EXHIBIT E)</b> .

074	<b>Rep. Jan Lee</b>	<b>House District 10</b> Testifies in support of HB 3908 and submits testimony <b>(EXHIBIT F).</b>
105	Chair Walker	Asks if the provisions in the –4 amendments are included in the –5 amendments.
108	Rep. Lee	Answers that the amendments are the same except that in the –5 amendments there is a provision relating to the Land Conservation and Development Committee.
112	Chair Walker	Asks if Rep. Lee supports either of the amendments.
114	Rep. Lee	States that she supports the –5 amendments.
200	<b>Robert Liberty</b>	<b>1000 Friends of Oregon, Executive Director</b> Testifies in support of HB 3908 and submits testimony <b>(EXHIBIT G).</b>
433	Chair Walker	Asks if the timelines would be in effect on a remand as for any other hearing.
436	Liberty	Answers that is correct.
438	Rep. Shetterly	Asks what “to participate” means on page 1, lines 27-29, of the bill.
458	Liberty	Answers that “to participate” would include deliberation and voting.
495	<b>Randy Tucker</b>	<b>1000 Friends of Oregon</b> Testifies in support of HB 3908. Points out that in the –4 amendments, it is specified that under the waiver provision that the official may participate, including by voting.
<b>TAPE 93, A</b>		
001	Rep. Shetterly	Asks why they don’t make this overall policy.
003	Liberty	Says that the origin of the bill came out of concerns relating only to land use.
009	Tucker	Says that there is a specific appeals process that is separate from the rest of the judicial process for land use.
015	Rep. Ringo	Asks that if someone has a business relationship do they have to disclose it.
019	Liberty	Answers that they would have to make enough disclosure to allow determination of whether or not there was only a perceived versus an actual conflict of interest and that means they may have to disclose something of the nature including the amount of money involved and who the relationship is with.
028	Tucker	Says that under campaign contributions there is a dollar threshold below which it’s assumed that there is no actual or apparent conflict and above which the reasonable person standard is applied.
034	Liberty	Adds that there have been discussions about how that can be approached, but it was so complicated that they applied the “reasonable person” standard.
057	<b>Harlan Levy</b>	<b>Oregon Association of Realtors, Staff Attorney</b> Testifies in opposition to HB 3908 and submits testimony <b>(EXHIBIT H).</b>
100	Rep. Shetterly	Proposes an amendment that give Land Use Board of Appeals (LUBA) discretion to remand if they determine that an action has been made in violation of the conflict of interest standards under ORS 244.
117	Levy	Answers that they would be okay with that as long as it was

127	Rep. Ringo	discretionary.
132	Levy	Asks Levy about his statement. Answers if the applicant is a corporation and one of the members of the decision-making body is a shareholder in that corporation then you're dealing with a different part of that corporation they might not know that the person in the decision-making capacity has that conflict of interest.
136	Rep. Ringo	Comments that in 98 percent of the land use decisions they would know.
138	Levy	Says that is true.
153	<b>John Chandler</b>	<b>Oregon Building Industry Association</b> Testifies on HB 3908.
290	Chair Walker	Closes the public hearing on HB 3908 and opens a work session on HB 2917.
<b><u>HB 2917 WORK SESSION</u></b>		
310	<b>Dr. Frank Baumeister</b>	<b>Oregon Health Resources Commission, Chair</b> Testifies in support of HB 2917 which prohibits use of genetic information by insurer and discusses the potential role of the commission in this genetic privacy issue and submits testimony ( <b>EXHIBIT I</b> ).
342	<b>Rep. Jeff Merkley</b>	<b>House District 16</b> Testifies in support of HB 2917 and submits testimony and discusses the -7 and -8 amendments ( <b>EXHIBITS J, K &amp; L</b> ). Submits an annotated copy of -7 amendments ( <b>EXHIBIT M</b> ).
<b>TAPE 92, B</b>		
004	Rep. Merkley	Continues his testimony in support of HB 2917.
122	<b>John Santa</b>	<b>Office of Oregon Health Plan Policy and Research</b> Testifies on HB 2917 and submits testimony ( <b>EXHIBIT N</b> ). Discusses the fiscal impact ( <b>EXHIBIT O</b> ). Closes the work session on HB 2917 and opens a public hearing on SB 704A.
240	Chair Walker	
<b><u>SB 704A PUBLIC HEARING</u></b>		
254	<b>Senator Frank Shields</b>	<b>Senate District 9</b> Testifies in support of SB 704A that requires clergyperson who solemnizes marriage to identify on certificate religious congregation or organization that authorized clergyperson to solemnize marriages.
356	Chair Walker	Closes the public hearing on SB 704A and opens a public hearing on SB 220A.
<b><u>SB 220A PUBLIC HEARING</u></b>		
364	<b>Senator Peter Courtney</b>	<b>Senate District 17</b> Testifies in support of SB 220A that changes the process for appeal of decisions of voluntary organizations that administer interscholastic activities.
444	Chair Walker	Closes the public hearing on SB 220A and opens a public hearing on SB 713A.
<b><u>SB 713A PUBLIC HEARING</u></b>		
447	<b>Senator Susan Castillo</b>	<b>Senate District 20</b> Testifies in support of SB 713A that exempts international adoptions from restriction on disclosure of confidential information when requested by adult adoptee and submits testimony ( <b>EXHIBIT P</b> ).

**TAPE 93, B**

002 **Senator Castillo**  
035 Chair Walker

Continues her testimony in support of SB 713A.  
Closes the public hearing on 713A and opens a public hearing on SB 773A.

**SB 773A PUBLIC HEARING**

052 **Senator Kate Brown**

**Senate District 7**

Testifies in support of SB 773A and submits testimony **(EXHIBIT Q)**.

080 Chair Walker

Closes the public hearing on SB 773A and opens a work session on HB 3912.

**HB 3912 WORK SESSION**

084 Chair Walker

Introduces HB 3912 that modifies provisions relating to organized communities and points out the –2 amendments **(EXHIBIT R)**.

092 **Rep. Shetterly**

**MOTION: Moves to ADOPT HB 3912-2 amendments dated 05/07/01.**

**VOTE: 4-0-1**

**EXCUSED: 1 - Lowe**

094 **Chair Walker**

**Hearing no objection, declares the motion CARRIED.**

099 **Rep. Shetterly**

**MOTION: Moves HB 3912 to the full committee with a DO PASS AS AMENDED recommendation.**

**VOTE: 4-0-1**

**EXCUSED: 1 - Lowe**

099 **Chair Walker**

**Hearing no objection, declares the motion CARRIED.**

113 Chair Walker

Closes the work session on HB 3912 and re-opens the work session on HB 2917.

**HB 2917 WORK SESSION REOPENED**

120 **Bruce Bishop**

**Kaiser Foundation Health Plan of the Northwest**

Testifies on HB 2917. States concerns with –7 amendments. **Standard Insurance Company/American Council of Life Insurers**

157 **John Mangan**

Testifies on HB 2917 and discusses the –9 amendments **(EXHIBITS S, T & U)**.

176 **Joseph Testa**

**American Council of Life Insurers, Executive Director**

Testifies on HB 2917. States that he supports the –9 amendments.

236 Mangan

Comments on the –7 and –8 amendments to HB 2917.

283 **John Powell**

**State Farm Insurance Company**

Testifies on HB 2917. States that he supports the –9 amendments, but opposes the –7 and –8 amendments.

304 Chair Walker

Closes the work session on HB 2917 and adjourns the meeting at 10:01 a.m.

Submitted By,

Reviewed By,

Ann Martin,  
Committee Assistant

Andrea Shartel,  
Counsel

## **EXHIBIT SUMMARY**

- A – HB 2771, -1 amendments, submitted by staff, dated 4/3/01, 1 p.**
- B – HB 2771, -2 amendments, submitted by staff, dated 4/17/01, 1 p.**
- C – HB 3908, -4 amendments, submitted by staff, dated 5/8/01, 2 pgs.**
- D – HB 3908, -5 amendments, submitted by staff, dated 5/8/01, 3 pgs.**
- E – HB 3908, written testimony submitted by Rep. Mark Hass, dated 5/9/01, 1 p.**
- F – HB 3908, written testimony submitted by Rep. Jan Lee, dated 5/9/01, 1 p.**
- G – HB 3908, written testimony submitted by Robert Liberty, 1000 Friends of Oregon, dated 5/9/01, 12 pgs.**
- H – HB 3908, written testimony submitted by Harlan Levy, Oregon Association of Realtors, dated 5/9/01, 1 p.**
- I – HB 2917, written testimony submitted by Dr. Frank Baumeister, dated 3/19/99, 13 pgs.**
- J – HB 2917, written testimony submitted by Rep. Jeff Merkley, dated 5/9/01, 4 pgs.**
- K – HB 2917, -7 amendments, dated 5/8/01, 11 pgs.**
- L – HB 2917, -8 amendments, dated 5/8/01, 8 pgs.**
- M – HB 2917, annotated copy of –7 amendments, submitted by Rep. Jeff Merkley, dated 5/8/01, 11 pgs.**
- N – HB 2917, written testimony submitted by John Santa, dated 5/9/01, 2 pgs.**
- O – HB 2917-6 amendments, fiscal analysis submitted by staff, dated 5/4/01, 1 p.**
- P – SB 713, written testimony submitted by Senator Susan Castillo, dated 5/9/01, 1 p.**
- Q – SB 773, written testimony submitted by Senator Kate Brown, dated 5/9/01, 1 p.**
- R – HB 3912, -2 amendments, submitted by staff, dated 5/7/01, 117 pgs.**
- S – HB 2917, written testimony submitted by John Mangan, dated 5/7/01, 1 p.**
- T – HB 2917, -9 amendments, submitted by staff, dated 5/8/01, 9 pgs.**
- U – HB 2917, chart submitted by John Mangan, Standard Insurance Company, 1 p.**
- V – SB 773, written testimony of Mark Kramer, submitted by staff, dated 5/9/01, 7 pgs. (*Submitted post meeting*)**
- W – HB 2917, written testimony of Oregon Nurses Association, submitted by staff, dated 5/9/01, 1 p. (*Submitted post meeting*)**