

HOUSE COMMITTEE ON HUMAN RESOURCES

March 18, 1999 Hearing Room E

1:00 PM Tapes 41 - 42

MEMBERS PRESENT: Rep. Jeff Kruse, Chair

Rep. Kitty Piercy, Vice-Chair

Rep. Betsy Close, Vice-Chair

Rep. Tim Knopp

Rep. Jerry Krummel

Rep. Mike Lehman

Rep. Bill Morrisette

Rep. Jackie Taylor

Rep. Jackie Winters

MEMBER EXCUSED:

STAFF PRESENT: Janet Carlson, Administrator

Diane M. Lewis, Administrative Support

MEASURE/ISSUES HEARD: HB 2172 Public Hearing

HB 2174 Public Hearing

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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TAPE/#	Speaker	Comments
TAPE 41, A		
006	Chair Kruse	Calls the meeting to order at 1:15 P.M. Discusses testimony presented by Sharon Lynn Kagan on Monday, March 15, 1999, and states that the Human Resources Committee will see the video of her testimony as soon as it is made available. Indicates that the committee will not hear HB 2510 today. Opens a public hearing on HB 2172.
<u>HB 2172 PUBLIC HEARING</u>		
010	Erin Thirber	<p>Marion County resident, testifies in regard to HB 2172 by noting some items he would like to see included in the bill.</p> <ul style="list-style-type: none"> • more provisions for access to information by individuals doing family research
045	Chair Kruse	Comments that discussions regarding what defines "public record" and what defines "confidential information" have been occurring for a long time. Believes this issue will be revisited next session.
054	Thirber	States that when he is asked to locate an individual who is wanted for the purpose of serving a summons, his options for accessing information is limited to the post office and relatives. States that records of a deceased person are unavailable for ninety years, making it very difficult to do family research.
073	Rep. Morrisette	Asks what kind of work Mr. Thirber is involved with.
074	Thirber	Explains that he does private and legal investigation. States that he belongs to a family organization which researches family histories.
080	Rep. Morrisette	Asks if Thirber is authorized to have access to information when he is functioning in an investigative capacity. Asks for clarity about what constitutes "authorized" and "unauthorized."
086	Thirber	Responds that "authorization persons" is not specifically defined for the layperson and he would like to see it addressed in HB 2172. States that he would like to see licensed investigators and accredited researchers have access to public records.
095	Rep. Winters	Asks for a definition of an accredited researcher.
097	Thirber	Explains that at the archives building an individual can present documentation stating they are an accredited researcher, accredited by a college or legitimate program, and they will have access to information and records.

104	Rep. Morrisette	Comments that when he looks at HB 2172, page 2, lines 24-29, and sees language referring to an "authorized representative" it could be understood that a person, hired by a family to access information, would be an "authorized representative." Asks if Thirber is an authorized representative when he has been commissioned by a family to research their history or when he has been hired to locate people.
112	Thirber	Explains that he is hired by attorneys to track down information and individuals. States that he has not always been hired by a family member to get information; however, the need for such information is often critical to a legal case.
116	Rep. Krummel	Asks for more information on accredited researchers.
123	Thirber	Responds that there are not many institutions in Oregon that offer accredited researcher programs. States that Brigham Young University in Utah has a program that accredits researchers. Explains that these programs have strict requirements and testing systems.
134	Rep. Krummel	Asks if he would be allowed access to information at the archives building if he told them that he was a researcher working on family history.
145	Thirber	Responds that an individual must show proof that they have passed the requirements of an accredited researcher program. States that unless a family member is requesting information pertaining only to their family, the information is not available for ninety years. States that he was denied access to information when he was researching his own family history.
155	Robert Costagna	Oregon Catholic Conference, testifies that there has been no consensus with the Oregon Health Division (OHD) regarding HB 2172, page 2, lines 7-8 and page 3, lines 15-19. Refers to HB 2172-2 amendments (EXHIBIT A) and states that there is no need for them. States that there is no effective difference between language in the original bill and the amendments. Refers to HB 2172, page 2, lines 24-30, and states that currently, when a family member requests a death certificate, the cause and manner of death is listed on the certificate; however, if lines 24-30 are placed into law, the burden of placing the cause and manner of death on the certificate will shift from the agency to the family. Remains opposed to HB 2172 in its present form. States that there are issues surrounding their objections that are related to Oregon's Death with Dignity Act.
220	Rep. Taylor	Asks if the Oregon Catholic Conference is concerned that the Health Division is trying to hide something.
226	Costagna	Responds that he has not heard the agency give adequate reasons why current statute must be changed.
240	Rep. Krummel	Asks if having two options for death certificates, with and without cause of death, will make extra work.
280	Edward Johnson	State Registrar, Vital Records, OHD, testifies that there has been a change in the

		<p>way death certificate information will be distributed. Explains that electronic technology has sped up the process for creating and distributing death certificates. States that many people only want to get a certificate that provides a "fact of death." OHD is putting in place a system to accommodate these requests. Explains that OHD wants to create a system that makes people think about what they want a death certificate for. Reminds the committee that there are confidential pieces of information regarding a death that family members do not want to reveal. States that OHD recognizes that the cause of death may be required for certain requests.</p>
350	Rep. Close	<p>Asks if the Health Division has made a determination that the public does not need information regarding the cause of death.</p>
355	Johnson	<p>Responds negatively. States that family members and authorized parties have a right and a need for cause of death information. Maintains that a "fact of death" certificate is an option for family members that don't want to share cause of death information with unnecessary parties. Emphasizes that under no circumstances is the division trying to deny information to families.</p>
370	Rep. Close	<p>Asks if it is the registrar's job to decide whether families need information and if so, what and how much.</p>
376	Johnson	<p>Responds that families aren't determining which kind of death certificates they need or how many are necessary. Explains that funeral directors are making requests for certificates on behalf of families. States that the division was responding to public opinion with this legislation and is not trying to use HB 2172 as a vehicle for making people do something objectionable.</p>
396	Rep. Piercy	<p>Reviews Johnson's testimony by stating that cause of death information is available; however, if a fact of death certificate will suffice, and the family wishes to have the cause of death remain confidential, then the division has a valid document.</p>
400	Elinor Hall	<p>Administrator, Oregon Health Division, responds affirmatively to Rep. Piercy's assessment. States that changing a car title, canceling a lease, and closing a bank account, are situations that do not need cause of death to be listed on a death certificate. Families often want cause of death to remain confidential and the division is trying to provide families with a vehicle for maintaining confidentiality.</p>
418	Johnson	<p>States that the agency has had people come back to the agency asking to have the cause of death removed from a death certificate.</p>
TAPE 42, A		
011	Chair Kruse	<p>Comments that language that is being deleted from statute concerns the special situations that require cause of death information. Asks if current law states that an individual must meet certain requirements to receive a cause of death certificate.</p>

015	Johnson	Responds affirmatively. States that added language in HB 2172 was intended to be more clear than existing language.
025	Rep. Knopp	Asks where in HB 2172 language exists stating that OHD would not deny families death certificate information.
028	Johnson	Responds that if a family member is an eligible individual, as stated in HB 2172, page 1, (2), then OHD will provide a death certificate. States that the division's proposed changes do not change <u>who</u> can get information, proposed changes deal with <u>which</u> standard records will be provided first.
041	Chair Kruse	Asks why language in HB 2172 went from "shall" in the old section 3, to "may" in the proposed new section 3.
044	Johnson	Responds that to say "shall provide certificates without cause of death" sounds like "cause of death" certificates are all the division will issue. Explains that "may provide certificates without cause of death" sounds like there is more than one option available.
057	Chair Kruse	Asks if both sections (3) do the same thing in law.
059	Johnson	Responds affirmatively. States that it is the belief of OHD that both sections create the same law.
065	Rep. Krummel	States that OHD is directed to provide information, and directive language tends to be "shall" and "shall not," (such as is found in existing statute). Continues by stating that opponents want the burden of providing cause of death information to be with the division.
091	Johnson	Responds that if language states that the state registrar "shall" provide death certificates that withhold cause of death, then people will think that this record is the only record available to them. Believes that the word "may" gives the impression that a certificate of death can be provided in different forms.
103	Rep. Winters	States that wording in HB 2172 is very unclear.
108	Johnson	Responds that the division has no problem with reinstating the original language in HB 2172, page 2, lines 17-23.
111	Rep. Lehman	Asks what would happen if this bill went away.
115	Hall	Explains that the key issue of the bill is to allow the press and public access to county marriage and divorce records that have had long-standing public access and are held at the county level. Explains that the vital records bill of last session (HB 2174, 1997) was interpreted by county counsels and the attorney general's office to close marriage and divorce records at the county level. States that OHD committed to bring the bill back and clean up the language.

130	Rep. Lehman	States that, as an attorney, he understands both the existing and proposed language of section (3) and confirms that they will have the same legal outcomes.
143	Rep. Krummel	Asks if sections 3a and 3b, lines 17-23, were left in the bill and the proposed language ended with a period after the word "section" on line 25, and the rest of the proposed language through line 30 was left out, would that provide Mr. Thirber and Mr. Castagna with solutions to their concerns.
157	Johnson	Explains that what Rep. Krummel proposes will give the state registrar more power than is intended. States that it could be suggested that the state registrar was arbitrarily not providing information to various individuals.
175	Rep. Knopp	Asks if the language proposed to allow the public access to marriage and divorce records is in the ñ1 amendments (EXHIBIT B).
183	Johnson	Responds affirmatively.
184	Rep. Knopp	Asks where this language exists in the original bill.
195	Johnson	States that the County Clerks Association had a bill to make records available and OHD had a bill, so the two bills were combined. Explains that on page 1, section (1), OHD included language regarding public access to records. The County Clerkís Association decided they wanted additional clarifying language, and they drafted the ñ1 amendments.
208	Rep. Morrisette	Asks when a licensed investigator requests information from the state registrar, will the investigator will be refused.
213	Johnson	Responds affirmatively.
220	Charlie Williamson	Commercial Information Systems, provides his support of the ñ1 amendments and states that he supports the bill as long as it does not close access to any additional records.
244	Rep. Close	Asks if Williamson is supportive of the "fact of death" certificates the way they are referred to in the bill.
254	Williamson	Responds affirmatively. States that many records pertaining to property titles should be available to the public.
262	Rep. Piercy	Asks what Commercial Information Systems does.
265	Williamson	Responds that it is a Portland-based company that provides records and information to law enforcement agencies, investigative companies, and attorney

		offices.
287	Thirber	Relates the story of how his family was requested by the Muscular Dystrophy Association to research person accounts of muscular dystrophy within the family generations. States that this was done with the help and support of the University of Utah Medical Center. To be involved in the medical research study, his family had to conduct a family history. Explains that because of the study, his family was able to identify family members who may be carrying this condition. States that, to his family, this was valuable research and information.
307	Rep. Morrisette	Asks if Thirber was able to get information based on the fact that he was a family member.
322	Thirber	States that he was denied access to family records, in Oregon, for a period of eighty years.
330	Johnson	Explains Oregon laws regarding the release of marriage, birth, and death certificates. States that HB 2172 does not change any laws regarding the time periods before certificates can be released.
347	Thirber	Maintains that this is why the law must be changed.
350	Chair Kruse	Asks OHD and the Oregon Catholic Conference to come to agreement regarding the bill's language. States that the bill will be brought back when the two parties have had a chance to meet. Closes the public hearing on HB 2172 and opens a public hearing on HB 2174.
380	Tom Johnson	Assistant Administrator, Oregon Health Division, requests two weeks to reach agreement with organizations that will be affected by the bill.
408	Chair Kruse	Agrees.
415	Chair Kruse	Closes the public hearing on HB 2174 and adjourns the meeting at 2:10 P.M.

Submitted By, Reviewed By,

Diane M. Lewis, Janet L. Carlson,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ HB 2172, -2 amendments dated 3/15/99, staff, 1 p.

B ñ HB 2172, -1 amendments dated 2/5/99, staff, 1 p.