

HOUSE COMMITTEE ON JUDICIARY

SUBCOMMITTEE ON CIVIL LAW

January 24, 1997 Hearing Room 357

1:00 P.M. Tapes 3 - 5

MEMBERS PRESENT:

Rep. Lane Shetterly, Chair

Rep. Judith Uherbelau, Vice-Chair

Rep. Roger Beyer

Rep. Jo Ann Bowman

Rep. George Eighmey

Rep. Floyd Prozanski

Rep. Charles Starr

Rep. Larry Wells

VISITING MEMBERS: Rep. John Minnis

Rep. Larry Sowa

STAFF PRESENT:

Bill Taylor, Counsel

Julie Clemente, Administrative Support

MEASURE/ISSUES HEARD:

Public Hearing HB 2044

HB 2045

HB 2236

HB 2237

HB 2261

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.

Tape/#	Speaker	Comments
Tape 3, A		
004	Chair Shetterly	Calls meeting to order at 1:05 p.m.
<u>OPENS PUBLIC HEARING ON HB 2044</u>		
13	Rep. Larry Sowa	Representative from Oregon City, introduced bill at the request of the Oregon Veterinary Medical Association. >Gives overview of bill's origination
49	Rep. Uherbelau	Expresses her concerns regarding a veterinarian's training
	Rep. Sowa	Responds
69	Rep. Kurt Schrader	District 23, Canby. Testifies in support of HB 2044 >We are held to a higher standard when it comes to rendering emergency assistance. >Good Samaritan law for veterinarians
106	Chair Shetterly	Discusses: >his views of the bill >encourages medically trained people to step into an emergency situation
136	Rep. John Minnis	Chair, House Judiciary Committee >More likely to be sued if a professional?
	Chair Shetterly	Responds
147	Amanda Williams	Oregon Veterinary Medical Association speaks in favor of HB 2044 [Exhibit A]
190	Rep. Prozanski	Research from other states regarding Good Samaritan laws?
	Williams	Responds - some very broad/ others very specific
	Rep. Uherbelau	Expresses her views
		>favors a broad exemption
	Dave	Oregon Veterinary Medical Association

216	Barrows	Responds: >there have not been suits; advised not to stop
273	Rep. Eighmey	Attracted to blanket "Good Samaritan" law - asks for copies of Minnesota and Illinois statutes
	Chair Shetterly	Agrees
297	Michael Folland	Doctor of Veterinary Medicine, Oregon Veterinary Medical Association, testifies in support of HB 2044
		>gives some personal insight >at some schools, medical and veterinary students go through first two years of professional training together >relates similarities between human and animal reactions under trauma
374	Chair Shetterly	Refers to HB 2044
	Williams	Distributes Minnesota and Illinois statute information [Exhibit B]
408	Rep. Eighmey	Illinois has a blanket statute
	Dave Barrows	Association will make every effort to ascertain what the law is in other states
	Michael A. Folland	Veterinarian and partner at Keizer Veterinary Clinic submits written testimony in support of HB 2044 [Exhibit C]
TAPE 4, A		
<u>CLOSES PUBLIC HEARING ON HB 2044</u>		
<u>OPENS PUBLIC HEARING ON HB 2045</u>		
27	Chair Shetterly	Reads staff's summation of HB 2045
	Michael A. Folland	Doctor of Veterinarian Medicine, Oregon Veterinary Medical Association speaks in favor of HB 2045. [Exhibit D] > veterinarians are called upon daily by various persons to administer treatment to severely ill or injured animals. Most owners are unknown. >no authority to make decisions in these instances

		> treat or relieve suffering
69	Rep. Uherbelau	Expresses her concerns
	Folland	Responds
97	Dave Barros	Oregon Veterinary Medical Association
		>no objection to making suggested changes
111	Molly Emmons	Executive Officer, State Veterinary Medical Board >no comment on the intent of HB 2045 >concerned that it is amending ORS Chapter 686, Oregon Veterinary Practice Act >suggests bill should be placed elsewhere in the statutes
130	Rep. Bowman	Expand on your concerns regarding section to be changed.
	Emmons	Responds:
		>licensing law - not civil law
		>keep "Practice Act" clear
203	Chair Shetterly	Mr. Taylor suggests to take out language
	Bill Taylor	Committee Counsel responds: >clarifies possible advantages/disadvantages of placement of language in bill
222	Rep. Eighmey	Logical placement very important
226	Sharon Harmon	Operations Director, Oregon Human Society. Speaks in support of HB 2045 with concerns: >standard of care expected varies greatly >suggests trying to find a balance >intent should be to treat emergency circumstances, only seriously ill animals
265	Chair Shetterly	Offers suggestions for clarity - needs to be more specific
	Rep. Eighmey	Agrees
299	Michael Folland	Responds
		Doctor of Veterinary Medicine, Salem Veterinary Emergency

	Kim Erbes	Clinic. Submits written testimony in support of HB 2045. [Exhibit E]
<u>CLOSES PUBLIC HEARING ON HB 2045</u>		
<u>OPENS PUBLIC HEARING ON HB 2237</u>		
	Chair Shetterly	Reads staff's summation of HB 2237
337	Frank E. Brawner	President, Oregon Bankers Association and the Independent Community Banks of Oregon speaks in support of HB 2237 [Exhibit F]
394	Rep. Uherbelau	Expresses her concerns
	Brawener	Responds:
		>must be broad enough to cover all circumstances - explains
		>attempting to correct a 1977 statute
TAPE 3, B		
36	Brawner	Continues: >considers this proposal a housecleaning issue >does not change way business is done
73	Rep. Bowman	Questions privacy issues
	Brawner	Responds - calling attention to lines 7 through 10
150	Rep. Uherbelau	Not sure what you are trying to do here.
	Brawner	Responds
221	Brawner	Continues answering Committee's questions
234	Rep. Wells	Offers suggestions to measure's wording
	Brawner	Responds: >Purpose of this bill in 1977 was to discontinue fishing expeditions of local governments
<u>Closes Public Hearing on HB 2237</u>		
<u>Opens Public Hearing on HB 2236</u>		
	Chair Shetterly	Reads staff's summation of HB 2236

273	Frank E. Brawner	President, Oregon Bankers Association and the Independent Community Banks of Oregon. Testifies in support of HB 2236 [Exhibit G]
		>Purpose is to clarify that a mandated "Security Officer" is not a "Private Security Officer."
		>differences in description of security officers
340	Brawner	Continues:
363	Rep. Bowman	Please explain the difference between "security officer" and the guy with the gun.
	Brawner	Responds: >Is a guard and must be licensed.
		>"security officer" required by the Bank Protection Act is responsible for a list of items outlined in the statute
404	Rep. Wells	Security officer is the same as a designated safety officer - more administrative.
	Brawner	Correct - continues
TAPE 4, B		
017	Robert King	Assistant Director, Board on Public Safety Standards and Training - speaks in opposition of HB 2236
		>Reviews SB 60's purpose >Board's interpretation of a security officer
		>SB 60's intent is to protect the citizens of Oregon
55	Rep. Beyer	Would like to see testimony from last session regarding SB 60 for background
63	Brawner	Remembers that SB 60 was not to include the banking profession
		>"If we could call our people something other than a "security officer" we wouldn't have a problem."
75	Wells	What are the licensing certification requirements?
	King	Responds
91	Bill Taylor	ORS 181.875 specifies the qualifications for a private security officers' requirements
106	King	Responds to committee's questions >addresses two broad categories > proprietary > contract

155		Continues
161	Wells	Expresses his concerns >need to change some definitions
	Rep. Eighmey	Recalls from last session that banks were not included. >Feels this is just to codify present practices and past intentions
189	King	Doesn't remember that banks were excluded. Continues
218	Rep. Uherbelau	Won't work in present form. Explains.
	King	Continues answering questions from Committee
265	Chair Shetterly	Understands that there are others interested. Postpone work session for now.
<u>CLOSES PUBLIC HEARING ON HB 2236</u>		
<u>OPENS PUBLIC HEARING ON HB 2261</u>		
214	James W. Nass	Appellate Practice Section of the Oregon State Bar presents testimony in support of HB 2261 [Exhibit N]
		>Modify Benson & Benson, 132 Or App 297, 888 P2d (1995) >Modify Nickerson & Nickerson, 296 Or 516, 520-523, 639 P2d 628 (1984) >Modify a statute that currently bars appellate review of temporary support and custody orders
310	Rep. Uherbelau	Asks for explanation between HB 2261 and HB 2262
316	Nass	Responds >solution is to amend HB 2262 rather than HB 2261
345		Continues to answer Committee's questions
403	Nass	Continues discussing other aspects of the bill
TAPE 5, A		
28	Nass	Third portion of the bill - - gives some opportunity for appellate review of the temporary orders while the appeals are pending
34	Rep. Wells	What am I facing in regards to my constituency?
44	Nass	These changes make the law more flexible.
		Continues answering Committee's questions

102	Chair Shetterly	Has the Family Law section had a chance to look at this.
	Nass	They have not expressed any concerns
109	Bill Taylor	Responds - didn't have any concerns
		Has talked with Mr. Lipetzky on several occasions and didn't express any concerns.
137	Rep. Prozanski	Suggests the parties involved come back at a later date with amended language.
<u>CLOSES PUBLIC HEARING ON HB 2261</u>		
178	Chair Shetterly	Adjourns meeting at 3:08 p.m.

Submitted By, Reviewed By,

Julie Clemente, Bill Taylor,

Administrative Support Counsel

EXHIBIT SUMMARY

A - Testimony in Support of HB 2044 - Amanda Williams - 1 pg

B - Minnesota & Illinois Statutes, HB 2044 - Amanda Williams - 2 pgs

C - Testimony in Support of HB 2044 - Michael Foland - 1 pg

D - Testimony in Support of HB 2045 - Oregon Oregon Veterinary Medical Association , presented by Michael Foland - 2 pgs

E - Testimony in Support of HB 2045 - Kim Erbes - 1 pg

F - Testimony in Support of HB 2237 - Frank Brawner representing Oregon Banker's Association - 2 pgs

G - Testimony in Support of HB 2236 - Frank Brawner representing Oregon Banker's Association - 8 pgs

H - Testimony in Support of HB 2262 - James W. Nass representing Appellate Practice Section of the Oregon State Bar - 9 pgs