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**SENATE COMMITTEE ON BUSINESS, LAW, AND GOVERNMENT**

**February 27, 1997 Hearing Room A**

**1:00pm Tapes 74 - 77**

**MEMBERS PRESENT:**

**Sen. Neil Bryant, Chair**

**Sen. Randy Miller, Vice-Chair**

**Sen. Kate Brown**

**Sen. Gene Derfler**

**Sen. Randy Leonard**

**Sen. David Nelson**

**MEMBER EXCUSED:**

**STAFF PRESENT:**

**David Amesbury, Counsel**

**Andrea Terry, Administrative Support**

**MEASURE/ISSUES HEARD:**

**SB 66**

SB 85

SB 160

SB 253

SB 266

HB 2247

**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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>Tape 57, A</b>		
	Chair Bryant	opens meeting at 1:07pm
008	Dave Amesbury	<b>LC 2983 introduced as SB 726; LC 2987 introduced as SB 728; LC 2988 introduced as SB 729; LC 3095 introduced as SB 730; LC 1500 introduced as SB 731; LC 1690 introduced as SB 732; LC 2926 introduced as 733; LC 3160 introduced as SB 734; LC 3197 introduced as SB 735; LC 3230 introduced as SB 736; LC 3883 introduced as SB 737; LC 3936 introduced as SB 738; LC 4013 introduced as SB 739; LC 4013 introduced as SB 739; LC 4030 introduced as SB 740; LC 4205 introduced as SB 741; LC 2985 introduced as SB 727</b>
021	Bryant	move that these become committee bills no discussion, no objections
<b><u>SB 66-- PUBLIC HEARING</u></b>		
024	Bryant	open public hearing on 66
034	Linda Glenn	Consumer Member of the Board of Massage Technicians EXHIBIT A
045	Bryant	language seems similar to language that is in bills that relate to other licensing boards
047	Glenn	that is correct

		I have been on the board seven years
050	Sen. Leonard	what is an example of an infraction
052	Glenn	safety issues would be an example sexual impropriety
064	Bryant	close public hearing on SB 66 open work session on SB 66
<b>067</b>	<b>Sen. Leonard</b>	<b>MOTION: Moves SB 66 to the floor with a DO PASS recommendation.</b>
070	Bryant	no discussion, no objections Sen. Leonard will carry SB 66
<b><u>HB 2247-- PUBLIC HEARING AND WORK SESSION</u></b>		
084	Bryant	open public hearing on HB 2247
086	Mark Comstock	Attorney in Salem EXHIBIT B
110	Bryant	close public hearing on HB 2247 open work session HB 2247
<b>114</b>	<b>Sen. Brown</b>	<b>MOTION: Moves HB 2247 to the floor with a DO PASS recommendation.</b>
117	Bryant	no discussion, no objections Sen. Brown will carry HB 2247
<b><u>SB 160-- PUBLIC HEARING AND WORK SESSION</u></b>		
135	Jim Nass	Legal Counsel for the Oregon Court of Appeals
137	Nass	EXHIBIT C
180	Nass	still discussing EXHIBIT C
200	Bryan Johnston	State Representative from Salem
205	Staff	EXHIBIT D
210	Donna	Acting Director of the Dispute Resolution Commission

	Silverberg	EXHIBIT E
250	Donna Silverberg	we have tried to do our best to include all concerns in the -2 amendments
275	Silverberg	confidentiality is at the heart of mediation
359	Silverberg	still discussing EXHIBIT E
Tape 75, A		
006	Silverberg	still discussing EXHIBIT E
029	Silverberg	still discussing EXHIBIT E
079	Silverberg	still discussing EXHIBIT E
100	Silverberg	SB 160 was drafted to rectify those problems that we inadvertently made during the last session
111	Rep. Bryan Johnston	State Representative from South and West Salem
120	Johnston	mediation "makes the car run"
125	Johnston	clarifying the law is what SB 160 accomplishes
129	Johnston	California's approach is even more difficult and confusing than ours we have attempted to stress the importance of confidentiality
150	Silverberg	prior to this meeting I heard from Gayle Ryder from the Oregon Newspapers Association their concern surrounding sexual harassment in the work place and surrounding public officials
172	Stan Sitnick	Member Board of Directors of the Oregon Mediation Association
175	Sitnick	Mediation is crucial for the situation to work
205	Sitnick	we suggest subsection h, line 17 on page 5 through line 2 on page 6 be taken out of the bill, explains this
269	Bryant	if you could look over the amendments and get together with Dave Amesbury
320	Jim Nass	concern of DOJ is that the way the -2 amendments are written is the confidentiality issue
360	Mike Neimeier	ADR coordinator with DOJ
362	Neimeier	EXHIBIT F
365	Neimeier	-2 amendments substantially are correct
Tape 74, B		
003	Neimeier	still discussing EXHIBIT F
017	DeEtte Wald Beghtol	Mediator in private practice for fourteen years

020	Beghtol	EXHIBIT G
059	Beghtol	still reading EXHIBIT G
108	Beghtol	still reading EXHIBIT G
125	Sam Imperati	Lawyer and Mediator past chair of the ADR of the OSB
129	Imperati	Al Copone talked a great deal about mediation this bill needs "more nice words"
133	Chris Davie	SAIF Corporation
135	Davie	EXHIBIT H
149	Mary Forrest	Mediator in private practice
152	Forrest	confidentiality is only as good as people think it is
158	Bryant	encourages the work group to get together soon and plan on bringing the bill back close public hearing on SB 160
165	Richard Lane	Chair of the Practice and Procedure Committee for the Oregon State Bar
175	Richard Lane	EXHIBIT I amendments to SB 266
184	Lane	language seems to be agreeable to all parties
199	Lane	new nine would be inserted into subsection one
212	Tim Wood	Assistant Attorney General
217	Wood	DOJ we are not in favor of this bill, but we feel we can live with the language that has been proposed there is a fiscal impact for the state
249	Paul Snider	Association of Oregon Counties
250	Snider	we have a bit of difficulty with the language on the amendment being proposed
253	Bryant	close public hearing on SB 266 open public hearing on SB 253
275	Lane	EXHIBIT J
282	Lane	EXHIBIT K
324	Bryant	I encouraged the Bar to get together with the Health Organizations
340	Susan Williams	representing Oregon Health Information Management Association
350	Williams	EXHIBIT L

Tape 75, B		
001	Dan Field	Oregon Association of Hospitals
003	Field	EXHIBIT M
061	Karen Amos	Manager of Medical Records at St. Vincent Hospital in Portland
066	Amos	EXHIBIT N EXHIBIT O EXHIBIT P
086	Brown	I have had to subpoena hospitals in juvenile court to get the medical records of the people I am representing
095	Field	there is no question that the system doesn't work as easily as either side would like
111	Leonard	are you objecting to a patient getting their own file
114	Amos	no, our objection is the act of signing consent would authorize the disclosure of every piece of information in a patient's file, whether or not it is applicable to the situation
130	Leonard	you are objecting to a patient requesting their own records and files
140	Amos	no, if that is truly what they want we feel it needs to be an informed consent
161	Bryant	close public hearing on SB253
180	Derfler	open public hearing on SB 85
195	Peggy Wood	Real Estate Appraiser
197	Wood	EXHIBIT Q
225	Wood	it is my understanding that SB 253 will increase the authority of the ACLB and it's director
240	Leonard	as I recall the last time we heard this bill the issue was real estate agents going out and establishing a price of a house and the possibility of them running "a foul" of the law
255	Wood	I have a problem with the authority of ACLB greater explanation of EXHIBIT Q
275	Carol Koppenstein	Appraiser
280	Koppenstein	EXHIBIT R
325	Koppenstein	still discussing EXHIBIT R
379	Tracy Riendeau	Registered Appraisal Assistant
Tape 76, A		
004	Riendeau	EXHIBIT S

015	Brown	when did you request a hearing in front of the board
017	Riendeau	hearing was requested in May 1995
020	Brown	when did you get a hearing
022	Riendeau	May 1996
023	Brown	when did the board give you a decision
024	Riendeau	February 1997
026	Derfler	your recommendation is that the real estate appraisers board should fall under the real estate division
029	Riendeau	yes
031	Derfler	I don't think we can just remove appraisers from being under control
033	Riendeau	agrees, the appraisers need checks and balances the ACLB also needs checks and balances
065	Linda Riddell	Administrator for the Appraiser Board since the last public hearing, a work group with appraisers and real estate agents was formed
078	Riddell	EXHIBIT T
082	Derfler	the big question concerns issuing subpoenas
088	Riddell	yes, we want this prior to a contested case so that as much information as possible can be obtained
093	Brown	is this a typical procedure for a board to do
096	Riddell	this is typical of many boards last time I gave you a copy of the list of boards that have subpoena power
102	Brown	why did it take so long for the board to respond to Mr. Riendeau's case, do we need to deal with that
107	Riddell	I would prefer to review the file and then get back to you on the time frame for that particular case
129	Scott Taylor	Oregon Real Estate Commissioner
132	Taylor	EXHIBIT U
150	Taylor	still discussing EXHIBIT U
195	Taylor	Sen. Brown asked about the time length of Mr. Riendeau's case, that is not unusual for a case; we have to work with many people to schedule a hearing (courts, AG's office, etc.)
200	Sen. Nelson	could you comment on the requirements of USPAP and your requirements
205	Riddell	there are no discrepancies between Oregon's requirements and USPAP
		represent Oregon Association of Realtors

217	Genoa Ingram-Read	we were a part of the working group that put together the amendments refers to hand engrossed copy of the bill
250	Brian Granville	Real Estate Broker
255	Granville	EXHIBIT V EXHIBIT W
300	Granville	still discussing EXHIBITS V and W
364	Granville	still discussing EXHIBITS V and W
Tape 77, A		
004	Granville	we believe that the appraisal board should stay as its own entity
030	Granville	the USPAP is a set of rules on what needs to be done to complete an appraisal report USPAP is the basics as to what the Federal Government expects, States can make the rules more difficult if they wish
035	Derfler	what if we took out the right to subpoena
039	Granville	we don't have a problem with them having subpoena power
042	Derfler	adjourns meeting at 3:40pm

**Submitted By, Reviewed By,**

**Andrea Terry, David Amesbury,**

**Administrative Support Counsel**

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**EXHIBIT SUMMARY**

**A - Testimony in favor of SB 66 - introduced by Linda Glenn - 1 page**

**B - Testimony in favor of HB 2247 - introduced by Mark Comstock - 2 pages**

**C - Testimony on SB 160 - introduced by James Nass - 12 pages**

**D - Proposed amendments to SB 160 - introduced by Legislative Counsel - 10 pages**

**E - Testimony on SB 160 - introduced by Donna Silverberg - 4 pages**

**F - Testimony in support of SB 160 - introduced by M. Niemeyer - 3 pages**

**G - Testimony on SB 160 - introduced by DeEtte Wald Beghtol - 3 pages**

**H - Testimony on SB 160 - introduced by Chris Davie - 1 page**

**I - SB 266 -1 amendments - introduced by OSB - 2 pages**

**J - Testimony on SB 253 - introduced by OSB - 1 page**

**K - SB 253 -1 amendments - introduced by OSB - 3 pages**

**L - Testimony on SB 253 - introduced by Susan Williams - 2 pages**

**M - Testimony on SB 253 - introduced by D. Field - 4 pages**

**N - Testimony against SB 253 - introduced by Karen Amos - 3 pages**

**O - Testimony on SB 253 - introduced by Peggy Smith - 2 pages**

**P - Testimony on SB 253 - introduced by Jacqueline Zehner - 4 pages**

**Q - Testimony on SB 85 - introduced by Peggy Wood - 26 pages**

**R - Testimony on SB 85 - introduced by Carol Koppenstein - 39 pages**

**S - Testimony on SB 85 - introduced by Tracy Riendeau - 6 pages**

**T - Testimony on SB 85 - introduced by L. Riddell - 5 pages**

**U - Testimony on SB 85 - introduced by S. Taylor - 2 pages**

**V - Understanding the Appraisal - introduced by Van Natta - 12 pages**

**W - Testimony SB 85 - introduced by Brian Glanville - 2 pages**

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