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SENATE COMMITTEE ON BUSINESS, LAW, AND GOVERNMENT

April 8, 1997 Hearing Room A

1:00pm Tapes 143 - 145

MEMBERS PRESENT:

Sen. Neil Bryant, Chair

Sen. Randy Miller, Vice-Chair

Sen. Kate Brown

Sen. Randy Leonard

Sen. David Nelson

MEMBER EXCUSED: Sen. Gene Derfler

STAFF PRESENT:

David J. Amesbury, Counsel

Andrea Terry, Administrative Support

MEASURE/ISSUES HEARD:

SB 474

SB 1036

SB 1107

SB 235

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 143, A		
004	Chair Bryant	opens meeting at 1:07pm
<u>SB 1107-- PUBLIC HEARING</u>		
015	Bryant	open public hearing on SB 1107
023	Jody Fisher	Smith Kline Beecham
033	Tom Burns	Smith Kline Beecham
044	Burns	background of SKB we have no problem with genetic privacy, the problem was the 1995 bill went a little far
050	Burns	ownership of genetic information creates problems for us explanation/example of genetic information/ownership
074	Burns	explanation of clinical trials
100	Bryant	gives history of 1995 bill
113	Ted Fault	part of working group that put together legislation in 1995 it was not the intention of the 1995 bill to prohibit anonymous scientific research
131	Fault	we would like the opportunity to work out the language in SB 1107
134	Jim Gardener	represent pharmaceutical research and manufacturers of America
137	Gardener	in support of SB 1107 it is an important bill
143	Peter Jackey	member of the original working group

147	Jackey	would be more than happy to sit down and work out SB 1107
161	Bryant	close public hearing on SB 1107 and we will bring it back
<u>SB 474-- PUBLIC HEARING</u>		
164	Bryant	open public hearing on SB 474
171	Staff	EXHIBIT A
172	Joe Willis	Attorney
182	Willis	this bill has to do with Oregon being in compliance with Federal Statutes so that Oregon can get federal funding
231	Willis	history of condemnation reference to Hewitt case (involved Tri Met, ODOT, and a medical facility)
273	Bryant	discussion of Hewitt case
315	Bryant	I sponsored these bills because there needs to be some fairness for home owners
345	Willis	we must be aware of the Federal legislation discusses issue of language change
360	Bryant	we are not going to work these bills today, I would like the interested parties to get together, but we will take public testimony today
365	Sen. Leonard	I am just trying to piece this together
389	Willis	if you look at the history
394	Leonard	what does that mean
Tape 144, A		
003	Willis	it means the citizen can't enforce it
011	Leonard	"can't enforce what?"
014	Willis	Uniform Real Policies Acquisition Policies Act and the seven stated items in there examples given
030	Leonard	if the seven policies are not followed then the property owner has some cause of action
035	Willis	correct further explanation of Policies Act
053	Bryant	often in condemnation cases the two sides do not present their appraisals until the day of the trial
078	Willis	there are other things that come into play, the money can't just be paid to the property owner in one lump sum

093	Leonard	can you explain how a local government's condemnation proceedings are covered by the Federal Government
097	Bryant	for two reasons 1. if the local government is receiving federal funds 2. if the local government is mandated to follow federal statutes
102	Leonard	what is the implication of this bill on federal moneys
108	Bryant	to receive federal moneys you have to follow the federal process
118	Dave Amesbury	Section 4651 creates a list of suggested procedures to follow in a condemnation act these are just guidelines
140	Al Depenbrock	Assistant Attorney General
143	Depenbrock	EXHIBIT B
200	Depenbrock	still discussing EXHIBIT B
267	Al Lightner	Right of Way Project Administration
270	Lightner	EXHIBIT C
300	Leonard	would SB 474 jeopardize federal dollars
306	Lightner	I don't believe it will jeopardize federal dollars in Oregon we have a long history of "trial by ambush"
315	Leonard	what about the land owner who one day gets a knock on the door and the state worker says they need the property and offers a dollar figure for this, how is this figure reached
330	Depenbrock	to a certain extent we try to let the home/land owner how we arrive at an appraisal we offer a comparable sale
360	Depenbrock	I try to tell the land/home owner how I arrive at the appraisal figure
Tape 143, B		
031	Lightner	still discussing EXHIBIT C
044	Lightner	we must comply with the Federal Act
070	Lightner	summarizes final page (opinion survey) of EXHIBIT C
082	Bryant	close public hearing on SB 474
<u>SB 1036-- PUBLIC HEARING</u>		
087	Bryant	open public hearing on SB 1036
090	Bryant	explanation of SB 1036

139	Larry Campbell	representing the Victory Group
143	Campbell	EXHIBIT D
143	Campbell	there are many people going through this process who are being untreated through this process there is one suggested change on line 12 of the bill line 17 I believe the "or" should be "and"
200	Joe Willis	Attorney
210	Willis	discussion on SB 1036 and appraisals
270	Leonard	is there a time line included in SB 1036
297	Bryant	explanation of the timeline
375	David Hunnicutt	Director of Legal Affairs for Oregonians in Action
377	Hunnicutt	EXHIBIT E
Tape 144, B		
006	Hunnicutt	still discussing EXHIBIT E
061	Sen. Brown	how do arbitrators charge
069	Hunnicutt	depends upon the kind of arbitrator
081	Bryant	close public hearing on SB 1036
<u>SB 235-- PUBLIC HEARING</u>		
095	Bryant	open public hearing on SB 235
100	Anne Tweedt	EXHIBIT F EXHIBIT G
131	Bryant	explanation of EXHIBITS F and G
160	Kathleen Haley	Board of Medical Examiners
165	Haley	EXHIBIT H
213	Haley	still discussing EXHIBIT H
251	Bryant	how many complaints do you receive a year
259	Haley	in 1996 it was 460; usually it is about 350
263	Bryant	that is the information that could be made public then you go through the hearings process
287	Sen. Nelson	at what point does the information become public
293	Bryant	at the point when the formal complain is filed

308	Sen. Brown	SB 235 states that at the time formal complaint is filed then it becomes public
315	Haley	correct
336	Eric Dolson	Publisher of the Sisters Nugget
Tape 145, A		
010	Dolson	the public's need to know is very important
029	Sen. Brown	my feeling on the ombudsman person is that the problem is the public perception
040	Dolson	my perception is who "watches the watcher" you are absolutely right on the public's perception maybe a name change is in order
059	Sen. Leonard	the concern is the process the board is using how long have you been on the board I believe there are some problems with the ombudsman
093	Dolson	in the ten months that I have been on the board I think that we have received good legal advice regarding when we go into public session and when we have executive session
117	Dolson	it is an interesting spot we could find ourselves in and so we can get painted with a brush that I am not sure is a fair one
128	Leonard	sometimes the board is it's own worst enemy
157	Leonard	reference to the ombudsman
164	Tweedt	on the top of page 4 of the amendments is where the reference to the ombudsman is located
180	woman	former board member
182	woman	this is a voluntary board make sure that a great deal of work is not added to a voluntary board, so that no one wants to be on this board
201	Sen. Brown	perception from the public and some members of the medical community is that the BME goes after doctors there is the perception that doctors who perform "alternative" medicine are the ones that the BME go after
215	woman	that is not something I have experienced as a board member discusses being on the BME
215	Bryant	I would like to bring this back to discuss conceptual amendments
252	Bryant	adjourns meeting at 3:15pm

Submitted By, Reviewed By,

Andrea Terry, David J. Amesbury,

Administrative Support Counsel

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EXHIBIT SUMMARY

A - Testimony on SB 474 - introduced by L. Meng - 3 pages

B - Memo on SB 474 - introduced by Al Depenbrock - 6 pages

C - Memo on SB 474 - introduced by A. Lightner - 4 pages

D - Key Elements of SB 1036 - introduced by L. Campbell - 2 pages

E - Letter on SB 1036 - introduced by D. Hunnicutt - 2 pages

F - -8 amendments to SB 235 - introduced by Legislative Counsel - 49 pages

G - -9 amendments to SB 235 - intruded by A. Tweedt - 2 pages

H - Anatomy of a complaint to BME - introduced by K. Haley - 1 page
