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SENATE COMMITTEE ON BUSINESS, LAW, AND GOVERNMENT

May 15, 1997 Hearing Room A

1:00pm Tapes 228 - 230

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 J. Amesbury, Counsel

Andrea Terry, Administrative Support

MEASURE/ISSUES HEARD:

SB 276

SB 845

SB 471

SB 44

HB 2028

HB 2591

HB 2302

HB 2239

HB 2078

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 228, A		
004	Chair Bryant	opens meeting at 1:12pm
<u>SB 471--PUBLIC HEARING</u>		
007	Bryant	opens public hearing on SB 471
010	Sen. Bill Fisher	State Senator
013	Fisher	supports SB 471
020	Staff	EXHIBIT A
034	Bryant	close public hearing on SB 471
<u>SB 44--WORK SESSION</u>		
035	Bryant	open work session on SB 44
039	David Amesbury	EXHIBIT B
040	Amesbury	explains EXHIBIT B
071	Jack	Labor Commissioner, State of Oregon

	Roberts	
076	Bryant	directed the amendments be drafted refers to EXHIBIT B
090	Roberts	agrees with amendments (EXHIBIT B) discusses transsexualism
150	Sen. Bryant	MOTION: Moves to ADOPT SB 44-3 amendments dated 5/15/97 and conceptual amendments.
154	Bryant	no discussion; no objection
157	Sen. Bryant	MOTION: Moves SB 44 to the floor with a DO PASS AS AMENDED recommendation.
159	Bryant	Sen. Brown and Sen. Leonard vote "no" motion carries Sen. Bryant will carry
<u>HB 2591--PUBLIC HEARING AND WORK SESSION</u>		
180	Bryant	opens public hearing on HB 2591
197	Paul Cleary	Director, Division of State Lands
198	Cleary	EXHIBIT C
240	Bill Perry	Oregon Restaurant Association
242	Perry	EXHIBIT D
280	Brown	does this simplify accounting procedures
283	Perry	yes we would rather not have to track unclaimed gift certificates
290	Bryant	how did you get involved in this
295	Perry	there have been more and more audits over the past three years that have made ORA members aware of this problem
310	Cleary	gift certificates have always been part of the program, but are becoming more prevalent recently
315	Staff	EXHIBIT E
320	Sen. Derfler	MOTION: Moves HB 2591 to the floor with a DO PASS recommendation.
325	Derfler	no discussion; no objection Sen. Derfler will carry
<u>HB 2302--PUBLIC HEARING</u>		

330	Bryant	open meeting on HB 2302
351	Mark Gardner	Special Counsel to AG
358	Pete Shepard	Department of Justice
360	Shepard	EXHIBIT F
Tape 229, A		
002	Shepard	still discussing EXHIBIT F
019	Bob Oleson	OSB
020	Oleson	EXHIBIT G
026	Bryant	is there a requirement for a written demand to recover attorney fees
031	Shepard	yes a notice is required this is under the unlawful trade practices act
039	Bryant	what about an individual bringing law suit not going through the department
041	Shepard	the existing law does not require that notice be given by an individual
044	Bryant	do you have any objection to 10 day notice for recovering fees
046	Shepard	one practical concern: I don't want this being used as the vehicle when the bill goes back to the house
060	Brown	refers to "Capital Insider"
067	Oleson	responds to Sen. Brown
077	Bryant	question about punitive damages
085	Shepard	there is no intent to change the process that was begun following the 1995 session regarding punitive damages
099	Bryant	do you have a problem if damages were limited to \$750 if it were a default
101	Shepard	I can see that there could be problems with this in certain cases
108	Mark Gardner	Department of Justice
109	Gardner	default fees are scrutinized by judges
117	Bryant	close public hearing on HB 2302
118	Bryant	open work session on HB 2302
121	Bryant	MOTION: Moves conceptual amendment to HB 2302
135	Bryant	Sen. Leonard objects HB 2302 will be brought back after amendments are properly

		drafted
138	Bryant	close work session on HB 2302 open public hearing on HB 2239
<u>HB 2239--PUBLIC HEARING AND WORK SESSION</u>		
152	Frank Brawner	Oregon Banker's Association
156	Brawner	explains HB 2239
160	Brawner	EXHIBIT H
175	Bryant	can you give us the most prevalent example of unsigned drafts
178	Bryant	gives example of unsigned credit card slips
203	Bryant	close public hearing on HB 2239 open work session on HB 2239
206	Sen. Leonard	MOTION: Moves to ADOPT HB 2239 2239-1 amendments dated 4/29/97.
208	Bryant	no discussion; no objection
210	Sen. Leonard	MOTION: Moves HB 2239 to the floor with a DO PASS AS AMENDED recommendation.
212	Bryant	no discussion; no objection Sen. Leonard will carry
<u>HB 2078--PUBLIC HEARING</u>		
216	Bryant	open public hearing on HB 2078
227	Tom Barkin	Administrator, Administrative Hearings Division
229	Barkin	EXHIBIT I
269	Barkin	still discussing EXHIBIT I
319	Barkin	still discussing EXHIBIT I
330	Bryant	close public hearing on HB 2078 open work session on HB 2078
332	Sen. Derfler	MOTION: Moves HB 2078 to the floor with a DO PASS recommendation.
334	Bryant	no discussion; no objection Sen. Nelson will carry
<u>HB 2028--WORK SESSION</u>		

336	Bryant	open work session on HB 2028
338	Bryant	explains background behind HB 2028
348	Sen. Bryant	MOTION: Moves HB 2028 to the floor with a DO PASS recommendation.
350	Bryant	no discussion; no objection Sen. Brown will carry
<u>SB 845--PUBLIC HEARING</u>		
365	Bryant	open public hearing on SB 845
369	Maria Keltner	League of Oregon Cities
371	Keltner	supports SB 845 explains SB 845
Tape 228, B		
002	Keltner	still discussing SB 845 discussion on disclosure
039	Bryant	the person who wants the disclosure would have to prove by clear and convincing evidence
045	Brown	this just expands current law
060	Keltner	that is correct resumes explaining SB 845
101	Keltner	still discussing SB 845
115	Jeb Bladine	Oregon Newspaper Publishers Association
123	Bladine	in opposition to SB 845 EXHIBIT J
181	Bladine	still discussing EXHIBIT J
200	Sen. Leonard	I am concerned that you seem to be implying that persons who choose to work in public positions have lesser rights than a person who works for a private employer
215	Bladine	there is a distinction between personnel and personal information discusses differences between public and private sector
245	Leonard	I am trying to understand how you are distinguishing between the two
260	Bladine	I don't believe I have the right to go into your private business and the board meeting, but I do believe I have the right to go

		into the City Council meeting
275	Leonard	you are using the example of a public meeting, that has nothing to do with the rights of individuals
285	Brown	recent case involving Chief Moos
300	Bladine	gives differences between performance evaluation and disciplinary evaluation
333	Bladine	no one said being in the public eye was easy and that having this responsibility was easy
360	Bryant	discusses evaluations of teachers
Tape 229, B		
004	Sen. Brown	if the public is looking for accountability in education then having evaluations public seems like a good idea
010	Bryant	sometimes it has the opposite effect
015	Bladine	I believe that the private sector lets things slide more than the public sector
023	Keltner	discusses negative morale on employees
045	Brown	where is the problem
050	Keltner	there have been more recent requests of performance evaluations
060	Bryant	close public hearing on SB 845 open public hearing on SB 276
<u>SB 276--PUBLIC HEARING</u>		
070	Bryant	explains what is happening with SB 276
080	Dave Amesbury	EXHIBIT K EXHIBIT L
090	Bill Linden	representing Oregon Judges Association
095	Linden	explains EXHIBIT K explains EXHIBIT L
158	Linden	continues discussing EXHIBITS K AND L
163	Leonard	4% isn't very much
185	Kingsley Click	State Court Administrator
190	Click	EXHIBIT M
224	Linden	continues discussing EXHIBITS K, L, M
289	Linden	continues discussing EXHIBITS K, L, M
330	Linden	continues discussing EXHIBITS K, L, M

Tape 230, A		
002	Linden	continues discussing EXHIBITS K, L, M
050	Bryant	we are not going to work this bill today
060	Bryant	adjourns meeting at 3:05pm

Submitted By, Reviewed By,

Andrea Terry, David J. Amesbury,

Administrative Support Counsel

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EXHIBIT SUMMARY

A - Testimony on SB 471 - introduced by staff - 1 page

B - -3 amendments to SB 44 - introduced by staff - 12 pages

C - Testimony of Paul Clearly - introduced by P. Clearly - 7 pages

D - Memo on HB 2591 - introduced by B. Perry - 1 page

E - Vote yes on HB 2591 - introduced by staff - 2 pages

F - Engrossed HB 2302 - introduced by P. Shepard - 1 page

G - Testimony on HB 2302-A - introduced by OSB - 1 page

H - -1 amendments to HB 2239 - introduced by F. Brawner - 1 page

I - Letter from T. Barkin - introduced by T. Barkin - 2 pages

J - Memo on SB 845 - introduced by J. Bladine - 2 pages

K - -8 amendments to SB 276 (work draft) - introduced by Legislative Counsel - 113 pages

L - -8 amendments to SB 276 (continuation) - introduced by Legislative Counsel - 4 pages

M - Summary of SB 276 -8 - introduced by K. Click - 4 pages
