

HOUSE JUDICIARY  
SUBCOMMITTEE ON CIVIL LAW AND JUDICIAL ADMINISTRATION

Hearing Room 357  
8:30 am Tapes - 56

MEMBERS PRESENT:

Rep. Del Parks, Chair  
Rep. Bryan Johnston, Vice-Chair  
Rep. Kate Brown  
Rep. Chuck Carpenter  
Rep. Lisa Naito

MEMBER EXCUSED:

Rep. Eileen Qutub  
Rep. Bob Tiernan

STAFF PRESENT:

Milt Jones, Committee Counsel  
Sarah Watson, Committee Assistant

MEASURES HEARD:

HB 2479 - Public Hearing  
HB 2484 - Public Hearing  
HB 2508 - Public Hearing  
HB 2560 - Public Hearing  
HB 2700 - Public Hearing  
HB 2943 - Public Hearing  
HB 3265 - Public Hearing  
HB 3291 - Public Hearing  
HB 3331 - Public Hearing  
HB 3439 - Public Hearing  
HB 2585 - Public Hearing  
HB 2749 - Public Hearing  
HB 2956 - Public Hearing  
HJR - 60 - Public Hearing  
HJR 69 - Public Hearing  
HB 2603 - Public Hearing and Work Session

These minutes contain materials which paraphrase and/or summarize  
statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings,  
please refer to the tapes.

TAPE , SIDE A

009 CHAIR PARKS: Calls the meeting to order at 8:33 AM  
PUBLIC HEARING ON HB 2479, 2484, 2508, 2560, 2700, 2943, 3265, 3291, 3331,  
3439, AND HJR 60, 69

(No action taken on bills)

CLOSES PUBLIC HEARING ON HB 2479, 2484, 2508, 2560, 2700, 2943, 3265, 3291,  
3331, 3439, AND HJR 60, 69

PUBLIC HEARING ON HB 2585

038 MILT JONES, COMMITTEE COUNSEL: HB 2585 requires judge or clerk of court

to excuse from jury duty and person 70 years of age or older upon that person's request. Reads letter from the Chief Justice of the Supreme Court, Wallace Carson. (EXHIBIT A)

Witness: Rep. Bill Markham, District 46

072 REP. BILL MARKHAM, DISTRICT 46: Testifies in support of HB 2585.

PUBLIC HEARING ON HB 2749

(HB 2749 defines personal information as it relates to inspection of public records. [EXHIBIT B])

Witnesses: Rep. John Schoon, District 34  
Gail Ryder, Oregon Newspaper Publishers Association  
Amy Veranth, Attorney General's Office

144 REP. JOHN SCHOON, DISTRICT 34: Testifies in support of HB 2749.

152 MILT JONES, COMMITTEE COUNSEL: Discusses -1 amendments to HB 2749, EXHIBIT B.

153 CHAIR PARKS: What do the -1 amendments do?

154 GAIL RYDER, OREGON NEWSPAPER PUBLISHERS ASSOCIATION: Explains HB 2749 -1 amendments.

166 CHAIR PARKS: Why do we need the bill?

167 RYDER: It is not current law, it is the Attorney General's opinion and court cases.

171 AMY VERANTH, ATTORNEY GENERALS OFFICE: Testifies on behalf of the Attorney General's office with no position on HB 2749. Seeking clarification on bill.

217 CHAIR PARKS: We wouldn't need HB 2493 if we passed HB 2749?

220 VERANTH: I believe that HB 2493 may include additional types of information and that HB 2749 would be more limited.

225 CHAIR PARKS: This bill is limited in what way?

226 VERANTH: Compares the limitations between HB 2493 to HB 2749. This bill would be more limited to the manner in which the individual licensee was performing their duties. The wording of this bill would exclude what we have been assuming that the professional licensee's would not have a privacy interest in the performance of their duties because of the language of the bill, explains.

247 CHAIR PARKS: But they would cover the Judicial Fitness Commission? Those records are all confidential now. Would this bill open up those records and make them subject to disclosure?

258 VERANTH: It likely would cover judges, but I am not sure.

265 CHAIR PARKS: What is your concern about the bill?

267 VERANTH: We just want clarification on how the legislature wants to limit the scope of this "exception to the exemption", only to individuals who are public officers or employees, and not to allow this exception to apply to professional licensees.

277 CHAIR PARKS: If we did want this to apply to professional licensees, all we would have to do in the -1 amendments is to add that language?

281 VERANTH: Yes, cites language that could be used.

285 CHAIR PARKS: Asks about specific wording.

286 VERANTH: The decision is if you want any individual who is licensed by the state, or certain professional licensee's.

292 SCHOON: Whatever the committee decides is fine.

309 BILL BECK, PORTLAND PUBLIC SCHOOLS: Testifies and submits written testimony in opposition to HB 2749. (EXHIBIT C)

373 CHAIR PARKS: This committee already sent a bill to the Senate that provides for this information. It seems to me that if this standard is good enough for doctors, then it should be good enough for public employees.

389 BECK: Within our district during the course of challenges, we have had to face enough litigation that it has resulted in a deputy district attorney being assigned full time to manage those cases within Portland public schools.

402 CHAIR PARKS: Your district does seem to have more problems than other districts. Why do you object to the disclosure of your decision process?

407 BECK: It has to do more with timing, explains. Discusses position about confidentiality. Our concern isn't that we release information, but the timing of when that information is released. Discusses -1 amendments.

430 CHAIR PARKS: There are people who do not want to share poorly conducted business affairs on behalf of the public. Gives example of school board being audited. I don't see this as a bad government bill.

TAPE 56, SIDE A

016 BECK: I am not an attorney, my background is a school administrator. I have to deal with the practical side of these situations. I lack the background to challenge the concepts in a legal format. If we have an employee who is acting in an inappropriate fashion, because we are unable to conduct an adequate investigation to prove a case against them, we would end up with that employee back with the kids, when they shouldn't be.

036 CHAIR PARKS: Would a way to address that concern be to give you a timeline of 60 to 90 days to proceed with an investigation process?

039 BECK: That would be an extreme improvement.

PUBLIC HEARING ON HB 2603

(HB 2603 prohibits under specified circumstances suppliers of utility services from transferring claim against tenant to owner. [EXHIBIT D]).

Witnesses: Rep. Bill Fisher, District 45  
Denise McPhill, Portland General Electric  
Kevin Hanway, Metro Multifamily Housing Association

052 REP. BILL FISHER, DISTRICT 45: Testifies in support of HB 2603.

113 CHAIR PARKS: Asks about -1 amendment and if Rep. Fisher is opposed to them.

116 REP. FISHER: Yes. Discusses clause in bill concerning landlord obligations.

127 REP. BROWN: The legislation that was passed out last session was in agreement with all parties concerned. Are people in agreement with this

bill?

131 REP. FISHER: I don't know. I haven't had anyone from the public  
utilities contact me, but I have had landlords contact me. Discusses the  
date situation.

142 REP. BROWN: The landlords have the ability to deduct the past due bills  
from the renters deposit. Why would we change that so that all of the loss  
would be the responsibility of the utilities as opposed to the tenant?

149 REP. FISHER: The problem is that the landlord is not notified by the  
arrangements of the laws, explains. The landlord may not know that the  
electric bill is not paid when they refund the deposit.

158 REP. BROWN: This requires that whenever the bill is noticed delinquent,  
the owner should be sent a notice so that they will be aware of the pass  
due status?

163 REP. FISHER: They have 30 days to make that notice. When that bill  
comes through, it could be after the tenant has left the rental.

170 REP. BROWN: Doesn't it make sense to change the time frame rather than  
delete the responsibility provisions all together?

172 REP. FISHER: Why do you charge the landlord, why not stop it at the  
proper place? The utility has every right to charge a deposit and take  
care of their own interests.

181 CHAIR PARKS: There is a problem with the Landlord Tenant Act because  
the landlord has to give the money back within 30 days.

187 MILT JONES, COMMITTEE COUNSEL: Do you know the policy rational for  
treating municipal utilities different than other utilities under current  
law?

191 REP. FISHER: My guess would be that the government has never had a  
problem with granting itself special privileges.

209 DENISE MCPHILL, PORTLAND GENERAL ELECTRIC: Testifies in support of HB  
2603. Explains why they would like to be left out of the bill

233 KEVIN HANWAY, METRO MULTIFAMILY HOUSING ASSOCIATION, SPECIAL DISTRICTS  
ASSOC. OF OREGON: Testifies in opposition to HB 2603.

295 CHAIR PARKS: Why should owners be responsible for collecting your  
bills?

304 HANWAY: Tenants tend not to have the assets and are hard to find. We  
are acting on behalf of the tax payers doing the best system we can for  
ensuring that those bills will be paid. Every renter I know of, collects a  
multitude of deposits, explains.

332 JONI LOW, LEAGUE OF OREGON CITIES: Testifies and submits written  
testimony in opposition to HB 2603. (EXHIBIT E)

TAPE 55, SIDE B

PUBLIC HEARING ON HB 2956

(HB 2956 limits action for damages against dentist who practices dentistry  
without compensation)

Witnesses:

James Fratzke, Oregon Dental Association  
Seiji Shiratori, Oregon Dental Hygienist Association

006 JAMES FRATZKE, OREGON DENTAL ASSOCIATION: Testifies and submits written testimony in support of HB 2956. (EXHIBIT F)

012 CHAIR PARKS: Discusses uncompensated claims. This should be limited to certain circumstances, explains. Why wouldn't a waiver be an appropriate way to handle this situation?

029 FRATZKE: We have a lot of retired dentist who would like to practice one or two days a week, but there are clinics that require them to carry insurance in order to do that. We are addressing the problem of the retired dentists having to pay a premium to practice.

036 CHAIR PARKS: If they are working on behalf of the clinic, shouldn't they have insurance under the clinic? If someone has given up a legal right then it is fair that they shouldn't have a claim.

050 REP. JOHNSTON: The legal right they are giving up isn't gross negligence. What they are giving up is the lessor standards that are included. If you think notice is an appropriate way to amend this bill, that is fine.

055 CHAIR PARKS: Don't you think this would be a waiver? I don't see how this clinic would let someone work without insurance.

062 REP. JOHNSTON: We would be glad to explore options with counsel.

063 CHAIR PARKS: I want people to be able to do this, but I want it to be done in a way that protects them and tells people that this is a price they pay for this arrangement.

067 REP. QUTUB: How does Northwest Medical Teams cover themselves?

070 FRATZKE: They ask for volunteers, explains process.

075 REP. QUTUB: How do they deal with litigation?

078 FRATZKE: I don't know if there has been litigation of any kind.

079 REP. JOHNSTON: Most of the people who do volunteer are currently practitioners.

085 CHAIR PARKS: The issue is much broader than that.

089 REP. JOHNSTON: Should we have in this state, some means of encouraging people who have a service to offer, to people who otherwise would not get the service?

091 REP. BROWN: The problem is, why should people who don't have money have different access to the courts? Why should there be a different level of recovery than for people that can afford to pay for those services?

098 REP. JOHNSTON: Those people who pay for the services pay for the very insurance that they will be filing against should it be appropriate for them to do so. We are trying to at least get the people who can't pay, the services.

104 CHAIR PARKS: We ought to address the entity too. In some way, the physicians need to be notified up front that they are giving up a right.

115 REP. JOHNSTON: I would be willing to re-work this bill to make it a broader bill. The problem is that the relating clause is relating to dentists.

119 CHAIR PARKS: I am afraid the relation to dentists, explains.

129 SEIJI SHIRATORI, OREGON DENTAL HYGIENIST ASSOCIATION: Testifies and

submits testimony in support of HB 2956. (EXHIBIT G)

WORK SESSION ON HB 2603

189 MOTION: REP. BROWN: Moves to ADOPT HB 2603-1 amendments dated  
03/06/95.

VOTE: Hearing no objections the amendments are ADOPTED. Rep. Qutub and  
Tiernan are excused.

193 MOTION: REP. BROWN: Moves HB 2603 AS AMENDED be sent to the floor  
with a DO PASS recommendation.

VOTE: 5-0 MOTION PASSES  
AYE: Brown, Carpenter, Johnston, Naito, Parks  
NO: None  
EXCUSED: Qutub, Tiernan

208 CHAIR PARKS: Adjourns the hearing at 9:43 am.

Submitted by, Reviewed by,

Sarah Watson Debra Johnson  
Committee Assistant Committee Coordinator

EXHIBIT SUMMARY:

- A. Testimony on HB 2585 - Staff - 1 page
- B. Proposed Amendments to HB 2749 - Staff - 1 page
- C. Testimony on HB 2749 - Bill Beck - 24 pages
- D. Proposed Amendments to HB 2603 - Staff - 1 page
- E. Testimony on HB 2603 - Joni Low - 6 pages
- F. Testimony on HB 2956 - James Fratzke - 2 pages
- G. Testimony on HB 2956 - Seiji Shiratori - 4 pages
- H. Testimony on HB 2603 - Dave Gooley - 2 pages