

SENATE COMMITTEE ON
JUDICIARY

Hearing Room
Tapes - 16

MEMBERS PRESENT:

SEN. NEIL BRYANT, Chair
SEN. RANDY MILLER, Vice-Chair
SEN. KEN BAKER
SEN. JEANNETTE HAMBY
SEN. PETER SORENSON
SEN. DICK SPRINGER
SEN. SHIRLEY STULL

STAFF PRESENT:

M. MAX WILLIAMS II, Committee Counsel
DIANE DUSSLER, Committee Assistant

MEASURES HEARD:

SB 45 - Public Hearing
SB 74 - Public Hearing
SB 154 - Public Hearing
SB 157 - Public Hearing

SB 45 - Work Session
SB 74 - Work Session
SB 154 - Work Session
SB 157 - 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 , A

003 CHAIR BRYANT: Calls the meeting to order at 3:00 p.m.

Opens the PUBLIC HEARING on SB 154

WITNESS: Janet Phillips, Legal Policy Advisor for Oregon Health Sciences
University

015 JANET PHILLIPS, Legal Policy Advisor for Oregon Health Sciences
University: Presents testimony in favor of SB 154, which changes
reimbursement system for health care professionals at OHSU.

022 - Gives background on when public employees are to be indemnified and
defended when sued as a result of their public employment.

045 - Discusses what conditions allow employees to be covered by indemnity.
062 - Discusses repayment of revenue to university.

138 CHAIR BRYANT: Summarizes: Due to health care changes in managed care
and discounted rates, on line 15 "in the same" is changed to "a similar
amount or percentage".

145 - Line 26, clarifies protection for faculty providing off campus
services.

189 SEN. BAKER: Is this bill retroactive?

190 PHILLIPS: We consider this a reflection of status quo. The language
clarifies original intent.

230 PHILLIPS: Gives definition of public employee entitled to indemnity
protection.

262 - Our faculty perform teaching and research responsibilities that
private physicians do not.

290 CHAIR BRYANT: Does this give an unfair competitive advantage to
physicians who operate under this umbrella compared to physicians in the
community who aren't under it?

304 PHILLIPS: We don't believe that, as our physicians have additional
responsibilities beyond physician patient responsibility. Providing
liability insurance is a condition of employment.

324 CHAIR BRYANT: This effects how many? 500?

324 PHILLIPS: It extends to all of our faculty. Full time faculty is
approaching 500.

Closes PUBLIC HEARING on SB 154

Opens WORK SESSION on SB 154

369 MOTION: SEN. BAKER: Moves SB 154 be sent to the Floor with a DO PASS recommendation..

VOTE: Hearing no objections, the motion CARRIES. All members are present.

Opens PUBLIC HEARING on SB 74

WITNESSES: Catherine Dexter, Chairperson of Family and Juvenile Law Section, Standing Committee on Adoption, Member of American Academy on Adoption Attorneys
Robin E. Pope, Vice Chair of the Adoption Standing Committee Family and Juvenile Law Section, Oregon State Bar

413 CATHERINE DEXTER, Family and Juvenile Law Section, Standing Committee on Adoption: Testifies and submits written testimony in favor of SB 74 [EXHIBIT A].

445 - clarification of circumstances putative fathers are entitled to notice
- explains when notice to grandparents in step-parents adoption will be given

480 ROBIN E. POPE, Vice Chair of the Adoption Standing Committee, Family and Juvenile Law Section, Oregon State Bar: We have tried to remove ambiguities and clarify statutes.

TAPE 16, A

040 POPE: Continues with testimony.

065 SEN. SORENSON: Asks for clarification of term "grandparents".

070 POPE: Grandparents are those whose children have established rights in regard to a child.

105 DEXTER: This bill only addresses step-parent adoption.

Closes PUBLIC HEARING on SB 74

Opens WORK SESSION on SB 74

MOTION: SEN. BAKER moves that SB 74 be sent to the Floor with a DO PASS recommendation.

VOTE: Hearing no objections, the motion CARRIES. All members are present.

Opens PUBLIC HEARING on SB 45

WITNESSES: Renee Bryant, Chair, Employment Appeals Board
Gail Ryder, Director of Government Affairs for Oregon Newspapers

159 RENEE BRYANT, Chair, Employment Appeals Board: Testifies and submits written testimony in favor of SB 45 [EXHIBIT B]. Asks for exemption from public meeting law.

190 SEN. SORENSON: Do you know of other boards like this in state government that might be affected by same problems?

193 BRYANT: I assume there may be others.

222 GAIL RYDER, Director of Government Affairs for Oregon Newspapers: Testifies and submits written testimony in opposition to SB 45 [EXHIBIT C].

264 SEN. SORENSON: Why are you only asking for open hearings of contested cases of appeal board, why limit it to just this?

268 RYDER: I don't know the answer.

323 SEN. SPRINGER: Discusses past legislative attempts to pass similar bills.

342 RYDER: This relates to open meetings, the other I believe concerned public records.

355 - Our general philosophy is government should operate in the sunshine and the public has a right to know under the First Amendment.

Closes PUBLIC HEARING on SB 45

Opens WORK SESSION on SB 45

370 CHAIR BRYANT: I believe it is a reasonable exception to our open meeting laws. You need ability to deliberate in quasi judicial settings.

383 SEN. SORENSON: Can we delete line 30 and most of 31, why do we need an explanation?

392 CHAIR BRYANT: It is my understanding that the phrase is there because of Psychiatric Security Review Board.

415 SEN. SORENSON: Can't we eliminate that language?

420 CHAIR BRYANT: Subsection 2, for Energy Citing Council, doesn't qualify for a portion of the exemption. Basically it say it doesn't apply to them.

450 SEN. SORENSON: Rational is board should be exempt, perhaps we should delete other language.

470 CHAIR BRYANT: Will ask Mr. Williams to get some legislative history on why Energy Facility Siting Council was included in that exception.

MOTION: SEN. BAKER: Moves SB 45 be sent to the Floor with a DO PASS recommendation.

VOTE: 6-1 MOTION PASSES
AYE: Sorenson, Springer, Stull, Baker, Miller, Bryant
NAY: Hamby

Opens PUBLIC HEARING on SB 157

050 SEN. MILLER assumes Chair.

WITNESS: Katy Coba, Special Assistant for Marketing and Business Development, Oregon Department of Agriculture

055 KATY COBA, Special Assistant for Market and Business Development, Oregon

Department of Agriculture: Testifies and presents written testimony in favor of SB 157 [EXHIBIT D].

118 SEN. SPRINGER: Are you aware of any specific problems, with request for disclosure of information from the media or others, that your department is uncomfortable with releasing?

124 COBA: Not to my knowledge, up to this date.

140 GAIL RYDER, Director of Government Affairs, Oregon Newspapers: Testifies and submits written testimony in opposition to SB 157 [EXHIBIT E]. Opposes any governmental attempt to limit access to public.

Closes PUBLIC HEARING on SB 157

Opens WORK SESSION on SB 157

196 SEN. SORENSON: Doesn't agree with opening judicial or quasi judicial decision making to the public disclosure. Expresses concern about making changes in open meeting laws and sunshine laws on a piece meal basis.

239 SEN. BAKER: Discusses SB 500 from last session.

280 CHAIR BRYANT: The exemptions specifically list the items that would be kept confidential.

320 CHAIR BRYANT: Agrees they need to qualify under same exemption. They need same tool as other departments of economic development have.

MOTION: SEN. HAMBY: Moves that SB 157 be sent to the Floor with a DO PASS recommendation.

VOTE: 5-2 MOTION PASSES
AYE: Baker, Bryant, Hamby, Miller, Stull
NAY: Sorenson, Springer

350 CHAIR BRYANT: Adjourns meeting at 5:00 p.m.

Submitted by, Reviewed by,

DIANE DUSSLER M. MAX WILLIAMS II
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

A - Testimony on SB 74 - Catherine Dexter - 2 pages
B - Testimony on SB 45 - Renee Bryant - 3 pages
C - Testimony on SB 45 - Gail Ryder - 1 page
D - Testimony on SB 157 - Katy Coba - 1 page
E - Testimony on SB 157 - Gail Ryder - 1 page