

CONFERENCE COMMITTEE ON
SB 157

May 29, 1995 Hearing Room 137
4:00 PM Tapes 1

MEMBERS PRESENT:

Sen. Neil Bryant, Chair
Rep. Chuck Carpenter
Rep. Lisa Naito
Rep. Del Parks
Sen. Dick Springer

MEMBER EXCUSED:

Sen. Randy Miller

STAFF PRESENT:

M. Max Williams II, Counsel
Paula Gilmer Purcell, Assistant

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 1, SIDE A

CONFERENCE COMMITTEE ON SENATE BILL 157

02 CHAIR BRYANT: Brings the meeting to order at 4:07 p.m.

04 GAIL RYDER, GOVERNMENT AFFAIRS DIRECTOR, OREGON NEWSPAPERS: I would like
to propose amendments to Senate Bill 157 [EXHIBIT A].

12 I would like to add the sentence: "Information concerning the manner in
which any public officer or employee carries out the duties of office or
employment is not information of a personal nature". I would like that
language to be included in this bill.

21 The other amendment is the language that was before the House regarding
libraries. The language suggested by the State Library expands what is
already current law to exempt circulation records of libraries, but it
would also include the name and address of a library patron. They would
moved it from the conditional exemption list to the absolute exemption
list.

35 The Oklahoma bombing would be a good example of why this is needed.

37 CHAIR BRYANT: Couldn't the police do that in a criminal investigation
anyway?

39 RYDER: The police, yes. But if you were doing an investigative
journalism piece, no.

42 CHAIR BRYANT: On the first matter, if the attorney general opinion says
this is true, why do you need it?

46 RYDER: Because we always have to go to court on this issue. They always
rule on what the attorney general says. If it was placed into law it would
save us from going to court.

54 CHAIR BRYANT: Why create a new law when the attorney general and the
appellate courts agree with this interpretation?

58 RYDER: Last year in McMinnville we were forced to go to court on this
issue.

60 CHAIR BRYANT: But if you go to court and it is found that they have
violated the public records disclosure law has been violated, you can get
your attorney fees and costs back.

68 MAX WILLIAMS, COUNSEL FOR SENATE JUDICIARY: The Department of
Agriculture requested this bill.

80 MOTION: REP. PARKS: MOVES the following amendments to Senate Bill 157:

Lines one through four of the Senate Bill 157-A4 amendments
printed A-engrossed bill, line 15, after the period insert
concerning the manner in which any public officer or
the duties of the office or employment is not
nature".

"of the
Information
employee carries out
information of a personal

94 VOTE: 4-1 MOTION FAILS.

AYE: Carpenter, Naito, Parks, Springer
NO: Bryant

Senator Miller is excused

100 CHAIR BRYANT: My concern with the other amendments is, who in the library makes the decision and what kind of process do you use?

104 REP. PARKS: When does the public interest out weigh the right of the person to have what books were checked out of the library?

109 RYDER: A good example would be the Oklahoma bombing. The person asking must prove why they need the information and that it is in the public interest.

118 CHAIR BRYANT: Who makes the decision? If they have to go to court over it then the library has to spend the money.

124 MOTION: CHAIR BRYANT: MOVES that the Senate concur on the House amendments and we re-pass the bill.

128 REP. PARKS: What's wrong with the first one?

131 CHAIR BRYANT: It is already done by attorney general opinion and case law, so why do it?

126 REP. NAITO: I think it will help to have it in the law in a situation like this.

131 CHAIR BRYANT: Carry out the duties of the office is ambiguous language to me.

144 REP. PARKS: I understand what you are getting at.

147 RYDER: The difference between personnel and personal information was discussed and clarified in the House Committee. There is a statute in the public records right now that deals with personnel discipline action or the materials or documentation supporting that action. That is already exempted.

158 CHAIR BRYANT: Would letters critical of us that we would receive become public information?

168 RYDER: This is information that would go to a governmental agency.

174 REP. PARKS: This is why I like this. The Senate is always confirming people that are moving up in government. If you are not getting all the information, there could be a problem. The amendments just makes the information available. I want those amendments.

189 CHAIR BRYANT: Well we have a disagreement. Lets adjourn to work this out..

198 The meeting is adjourned at 4:27p.m.

Submitted by, Reviewed by,

Paula Gilmer-Purcell M. Max Williams II
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

A - Amendments to Senate Bill 157, submitted by staff