

SENATE COMMITTEE ON
JUDICIARY

March 26, 1993 Hearing Room C
1:00 p.m. Tapes 70-72

MEMBERS PRESENT: Sen. Dick Springer, Chair
 Sen. Jeannette Hamby
 Sen. Karsten Rasmussen
 Sen. Bob Shoemaker
 Sen. Catherine Webber

MEMBERS EXCUSED: Sen. Gordon Smith

STAFF PRESENT: Karen Quigley, Committee Counsel
 Kirk Bailey, Committee Assistant

ISSUES DISCUSSED: Public Hearing on SB 499 and SB 500

[--- Unable To Translate Graphic ---]

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.

[--- Unable To Translate Graphic ---]

TAPE 70, SIDE A

003 CHAIR SPRINGER: Opens the hearing at 1:09 pm.
 >Introduces LC drafts.

 LC 3448: At the request of the Department of Motor Vehicles (EXHIBIT W).

013 MOTION: CHAIR SPRINGER: moves to INTRODUCE LC draft.
 VOTE: Hearing no objection, the draft is introduced.

SB 499: Requires that certain disciplinary proceedings of professional licensing boards be public, including records.

SB 500: Defines "custodian" of public record.

WITNESSES:

021 PHIL KEISLING, SECRETARY OF STATE: Submits and reviews background information and written testimony with proposed amendments in support of the bill (EXHIBIT C & D).

189 LES ZAITZ, KAISER TIMES, PUBLIC RECORDS ADVISORY COUNCIL (PRAC):

Testifies in support of the bill.

>This bill puts the "public" back in the public records law.

269 BETH BRIDGES, EUGENE CITY GOVERNMENT, PRAC: Submits and reviews written

testimony in support of the bill (EXHIBIT E).

361 JANICE WILSON, FIRST INTERSTATE BANK, PRAC: Submits and reviews written

testimony in support of the bill (EXHIBIT A).

TAPE 71, SIDE A

041 BOB OLESON, OREGON STATE BAR: Submits and reviews written testimony in

support of the bill (EXHIBIT H & I).

083 JEFF SAPIRO, OREGON STATE BAR: Testifies in support of the bill.

>Oregon model of open legal records is known and copied nationally.

>No significant chilling effect on filing of complaints.

172 KERRY BARNETT, LEGAL COUNSEL TO THE GOVERNOR: Testifies generally in

support of the bill.

>Amendments will be necessary but minimal.

219 SHOEMAKER: In complaints against OSB members is it true that under

current rules there is no peer review protection? Are those reviews completely public?

SAPIRO: All complaints are public from beginning but OSB has options, including peer review.

>Professional liability fund is handled differently and considered confidential.

261 SHOEMAKER: Not investigating work habits in terms of general competence?

SAPIRO: Generally that is true. Could be reviewing same attorney as PLF or lawyers assistance committee.

270 SHOEMAKER: Will SB 499 hinder disclosure in peer review proceedings?

SAPIRO: No answer, not enough experience.

306 KAPPY EATON, LEAGUE OF WOMEN VOTERS: Submits and reviews written

testimony in support of the bill (EXHIBIT L & M).

360 STUART KAPLAN, ACLU: Submits and reviews written testimony with

amendments and concerns about the bill (EXHIBIT N & O).

TAP 70, SIDE A

KAPLAN: Completes testimony with concerns about the bills.

047 CORKY KIRKPATRICK, OREGON PRESS WOMEN: Submits and reviews written testimony in support of the bill (EXHIBIT P).

084 JOHN ULWELLING, BOARD OF MEDICAL EXAMINERS: Introduces Catherine Mater.

089 CATHERINE MATER, BOARD OF MEDICAL EXAMINERS: Submits and reviews written testimony in opposition to the bill (EXHIBIT R).

175 JOHN ULWELLING, BOARD OF MEDICAL EXAMINERS: Testifies in opposition to the bill.
>Expects significant chilling effect.
>Projects fiscal impact of \$30,000 - \$50,000 per biennium.

228 MATER: Inquires if any public person requested confidentiality be pulled from Board of Medical Examiners?

CHAIR SPRINGER: Committee not in a position to answer.

240 SCOTT GALLANT, OMA: Submits and reviews written testimony in opposition to the bill (EXHIBIT Q).

336 CHAIR SPRINGER: Sexual misconduct complaints have increased five fold?

MATER: Yes. Since 1989.

344 CHAIR SPRINGER: Have sanctions increased? Have preventative measure been stepped up? What's going on out there?

MATER: I wish you could hear the complaints.

353 CHAIR SPRINGER: That's exactly what the people want.

MATER: No, you wouldn't hear them if they were open to the public.
>Getting more complaints all the time.
>Confidentiality helps with investigation by putting people at ease.

383 GALLANT: Notes no testimony before council that board was not effectively protecting rights and interest.
>Each of the current exemptions were debated by legislature, and therefore not made capriciously.

417 ULWELLING: Women should be comfortable reporting what they need to

report.

434 HAMBY: What percentage of sexual misconduct complaints are contested case?

444 ULWELLING: Of 28 in 2 years, 11 were potential contested cases. Those 11 resulted in 7 disciplinary actions.
>Describes sanctions.

TAPE 71, SIDE B

033 PETER TOLL: Submits and reviews written testimony in support of the bill (EXHIBIT S).

050 STAN MAYFIELD, OREGON REAL ESTATE AGENCY: Testifies in support of the bill.

107 KATY EYMANN, OREGON TRIAL LAWYERS ASSOCIATION: Testifies in support of the bill.

139 SHOEMAKER: Respond to Mater testimony regarding sexual misconduct complaints? Should they be public?

TOLL: Would use the OSB format.

143 SHOEMAKER: Refers to bar testimony which clarifies that it doesn't address those types of complaints.

TOLL: Those complaints should be public.

150 SHOEMAKER: Even if that has a chilling effect.

TOLL: If convinced of chilling effect, then could be persuaded to change view.

154 HAMBY: How many women have the strength and courage of Anita Hill?

TOLL: I know some very strong women.

167 REPRESENTATIVE BURTON: Introduces Drew Morgan.

177 DREW MORGAN, CITIZEN: Submits and reviews written testimony in support of the bill (EXHIBIT F).

216 HAMBY: Comments on ACLU testimony and suggests Ms. Morgan review a copy.

232 GILBERT KLIVE, INJURED WORKERS OF OREGON: Submits and reviews written testimony in support of the bill (EXHIBIT T).

267 VIRGINIA GRAIL, CITIZEN: Submits and reviews written testimony
in
support of the bill (EXHIBIT G).

361 WAYNE ROSE, GENEALOGICAL COUNCIL OF OREGON: Submits and reviews
written
testimony with recommendations for amendments to SB 500 (EXHIBIT U).

Testifies generally in support of the bill.

TAPE 72, SIDE A

003 ROSE: Completes testimony.

035 SHOEMAKER: Comments on testifiers assumption that pedophilia
relates
directly to homosexuality when current evidence indicates that
pedophilia is related to homosexuality and heterosexuality equally.

JOSEPH BENNINGHOFF, CONFEDERATION OF OREGON SCHOOL ADMINISTRATORS:
Submits
written testimony only in support of the bill (EXHIBIT B).

BOB JOONDEPH, OREGON ADVOCACY CENTER: Submits written testimony only
in
opposition to the bill (EXHIBIT J).

VALERIE PAULSON, LEAGUE OF OREGON CITIES: Submits written testimony only
in
support of the bill (EXHIBIT K).

WILLIAM GOODE, CITIZEN: Submits written testimony only in support of the
bill
(EXHIBIT V).

041 CHAIR SPRINGER: Adjourns hearing at 3:03 pm.

Submitted by:

Reviewed by:

Kirk Bailey
Assistant

Karen Quigley
Administrator

EXHIBIT LOG:

A - Testimony on SB 499/SB 500, Janice Wilson, 3 pages
B - Testimony on SB 499/SB 500, Joseph Benninghoff, 2 pages
C - Testimony on SB 499/SB 500, Phil Keisling, 38 pages
D - Testimony on SB 499/SB 500, Phil Keisling, 8 pages
E - Testimony on SB 499/SB 500, Beth Bridges, 4 pages
F - Testimony on SB 499/SB 500, Drew Morgan, 1 page
G - Testimony on SB 499/SB 500, Virginia Grail, 1 page
H - Testimony on SB 499/SB 500, Bob Boivin, 2 pages
I - Testimony on SB 499/SB 500, Bob Oleson, 12 pages
J - Testimony on SB 499/SB 500, Bob Joondeph, 2 pages
K - Testimony on SB 499/SB 500, Valerie Paulson, 1 page
L - Testimony on SB 499/SB 500, Kappy Eaton, 1 page

M - Testimony on SB 499/SB 500, Kappy Eaton, 1 page
N - Testimony on SB 499/SB 500, Stuart Kaplan, 4 pages
O - Amendment to SB 500, Stuart Kaplan, 5 pages
P - Testimony on SB 499/SB 500, Corky Kirkpatrick, 1 page
Q - Testimony on SB 499/SB 500, Scott Gallant, 10 pages
R - Testimony on SB 499/SB 500, Catherine Mater, 4 pages
S - Testimony on SB 499/SB 500, Peter Toll, 6 pages
T - Testimony on SB 499/SB 500, Gilbert Klive, 2 pages
U - Testimony on SB 499/SB 500, Wayne Rose, 2 pages
V - Testimony on SB 499/SB 500, William Goode, 15 pages
W - LC 3448, 20 pages