



Government lawsuit exemptions hurt little guy



Big Government Exempt from Small Lawsuits?

Rep. Bill Kennemer has introduced a bill, HB 2612, to remove the special treatment mass transit and other governmental bodies has with its exemption from being sued in claims court. The problem arose from his constituent, Bennett Johnson, the owner of the Fearless Brewing Company.

One of the company's beer trucks was swiped by the rear view mirror of a TriMet bus, causing \$3,500 in damages. Because the law forbids public bodies like TriMet from being sued in small claims court, the brewing company was forced to hire a lawyer to represent them in a jury trial.

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In cases like this, attorney and legal fees can easily exceed \$5000, significantly more than the original damages. Small businesses have little protection in light of the big protection for governmental entities.

HB 2612 prohibits a public body from requesting a jury trial when the damages in dispute are less than \$5,000. It also requires mass transit districts like TriMet to settle disputes about fault using binding arbitration. People are given one year in which to file their claim against a public body, an increase in time now allowed under the Oregon Tort Claims Act.

Opponents argue that opening up small claims court to government could open up the door for frivolous lawsuits. Kennemer feels that there must be balance and that simply shutting out small victims altogether to favor only the government interest is wrong.

“I think we need to find a way for equity for the small business guy when he is injured by the bigger guy. It's a matter of fairness,” Kennemer said.



Bill Post: End “Anti-Lunch” Law in Workplace

Bill Post has a bill (House Bill 2969) that would give certain employees the right to eat lunch at their own job. The “right to lunch” legislation stems from a problem arising out of the implementation of the Indoor Clean Air Act. The Act prohibited the service of food or drink in a place that sells tobacco. Some businesses were grandfathered in, but others were not.

The inflexibility of the law created absurd circumstances where smoke shop workers were committing a crime if they ate their own lunch in their workplace. Eating a tuna sandwich technically became breaking the law. One interpretation had that even drinking coffee or water was an unlawful activity. Bill Post submitted HB 2969 to allow such legal breathing room in smoke shops regarding employee lunches. HB 2969 has broad support with 42 co-sponsors.



No Excuse “Un-transparent” Half-billion Fund

State Representative Gene Whisnant believes no tax dollar should go unnoticed — especially if it is a half billion education fund that lacks the basic tenants of transparency. A total of \$569 million of the school fund gets directed to a special fund for the Children for Low income Families program and for English Language Learners (ELL) also known as English as a Second Language (ESL).

Currently, there is no accountability on how the money is spent. Representative Whisnant has authored HB 2967 & HB 2968 which would require school districts to publish an annual report on the details of the funds received, funds spent and require measurable outcomes of the program. This program has already produced questionable spending.

One report shows that \$17 million was never given to the school districts. Another \$10 million was given the school districts but never spent. English Language Learners receive \$3,000 more per student while Children for Low income Families receive \$1,500 more per student. Some parents have expressed that they feel like their children are being held back from graduating out of the program which is hindering their full academic potential. It could be that the pressure of losing a student's \$3,000 in extra funding acts as a disincentive to a student's progress. Without accurate numbers from the school districts, as HB 2967 & HB 2968 would require, the public may never know the level of success or waste that is occurring.

Representative Gene Whisnant believes that if there is millions of taxpayer dollars in these funds that are not being effective then these funds could be better used to could reduce class size. A smaller class size helps impact all of the students in the class not just one. Whisnant states, “How these millions of dollars in these funds are used or misused will determine how it impacts our graduation rates and how successful our students can be.”