

HOUSE COMMITTEE ON JUDICIARY

February 11, 2003 Hearing Room 357
1:30 P.M. Tapes 30 - 31

MEMBERS PRESENT: Rep. Max Williams, Chair
Rep. Robert Ackerman, Vice-Chair
Rep. Gordon Anderson, Vice-Chair
Rep. Jeff Barker
Rep. Jerry Krummel
Rep. Greg Macpherson
Rep. Floyd Prozanski
Rep. Lane Shetterly

MEMBER EXCUSED: Rep. Bob Jenson

STAFF PRESENT: Bill Joseph, Counsel
Nancy Masee, Committee Assistant

MEASURE/ISSUES HEARD:
Introduction of LC 598
HB 2274 Public Hearing and Work Session
HB 2275 Public Hearing
HB 2276 Public Hearing
HB 2284 Public Hearing and Work Session
HB 2426 Work Session

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
Tape 30, A		
004	Vice Chair Ackerman	Opens meeting at 1:38 p.m.
010	Vice Chair Ackerman	Presents LC 598 for introduction (EXHIBIT A).
<u>LC 598 INTRODUCTION</u>		
015	Vice Chair Ackerman	MOTION: Moves LC 598 BE INTRODUCED as a committee bill. VOTE: 6-0-3 EXCUSED: 3 - Williams, Krummel, Prozanski
016	Vice Chair Ackerman	Hearing no objection, declares the motion CARRIED.
017	Vice Chair Ackerman	Opens public hearing on HB 2274.
<u>HB 2274 PUBLIC HEARING</u>		
020	Sam Sears	Committee Counsel. Explains HB 2274 that revises laws governing garnishments.
030	Rep. Shetterly	Refers to the Oregon Law Commission role. Discusses workgroup efforts that make reforms in the laws.
065	David Kenagy	Associate Dean, Willamette University College of Law.

108	Kenagy	Executive Director of the Oregon Law Commission submits report and describes what HB 2274 does (EXHIBIT B). Emphasizes the role of the Oregon Law Commission in explaining laws.
124	David Heynderickx	Legislative Counsel. Describes the -1 amendment (EXHIBIT C). Explains the substantive change concerning putting more than one debtor on a garnishment. The workgroup has an ongoing process of looking at issues and answering questions.
178	Randall Jordon	Assistant Attorney General. Department of Justice (DOJ). Agrees with Mr. Heynderickx summary of the bill and amendment.
190	Vice Chair Anderson	Asks if the Commission tries to minimize the number of laws.
202	Heynderickx	Replies how the Commission tries to minimize laws by identifying obsolete laws.
212	Rep. Shetterly	Refers to repeal of obsolete sections.
214	Sears	Explains the -1 amendment.
227	Vice Chair Ackerman	Closes public hearing on HB 2274. Opens public hearing on HB 2275.
<u>HB 2275 PUBLIC HEARING</u>		
244	Annette Talbot	Deputy Commissioner of the Bureau of Labor and Industry (BOLI) and introduces W. Johnson and M. Ohlemiller.
265	Wendy Johnson	Assistant Executive Director, Oregon Law Commission. Explains HB 2275 that prohibits unlawful discrimination based on age by place of public accommodation under certain circumstances. States that "age" was inadvertently left out (EXHIBIT D).
273	Vice Chair Ackerman	States this was a rewrite of the civil rights laws.
279	Talbot	Replies that is correct.
275	Marcia Ohlemiller	Bureau of Labor and Industries (BOLI) (EXHIBIT E). Submits testimony and testifies in support of HB 2275.
280	Talbot	Comments on the possible loss of rights due to the fact this is not in law. Suggests an amendment addressing loss of right in HB 2275 and HB 2276.
310	Rep. Prozanski	Asks for clarification on additional amendments.
315	Talbot	Explains further rights of action.
324	Rep. Prozanski	Asks what the normal statute of limitations is.
341	Ohlemiller	Responds one year.
353	Chair Williams	Asks where the discussion is regarding the amendment.
360	Rep. Barker	Asks if the law did not provide for the age discrimination issue, how can they go back and allow for it.
372	Talbot	Explains why it could be retroactive. Answers it was an inadvertent omission.
379	Ohlemiller	Explains an example of how the disabilities statute was inadvertently left out.
381	Vice Chair Ackerman	States that the question of whether this action can be retroactive has been brought up.
384	Chair Williams	Requests amendment from LC.
478	Danielle McNeil	Oregon Student Association, Southern Oregon University (SOU) (EXHIBIT F). Submits testimony and testifies in support of HB 2275-1 amendment.
TAPE 31, A		
011	McNeil	Gives personal experience related to HB 2275 and age discrimination in Ashland housing.

057	Rep. Krummel	Asks if an apartment is considered public housing.
065	Ohlemiller	Explains ORS 30.65 public accommodation law and discrimination statute concerning public housing.
073	Rep. Shetterly	Comments that categories in adult housing which are exempt from age discrimination. States federal law may prohibit age discrimination.
086	Rep. Krummel	Asks about student discrimination in housing.
105	Chair Williams	Closes the public hearing on HB 2275. Ask LC for an amendment. Opens a public hearing on HB 2276.

HB 2276 PUBLIC HEARING

119	Bill Joseph	Committee Counsel. Explains HB 2276 that permits compensatory and punitive damages in civil action for violation of certain injured worker rights.
133	Wendy Johnson	Assistant Executive Director, Oregon Law Commission. Explains HB 2276 (EXHIBIT G). The Commission is not aware of opposition to the bill.
150	Annette Talbot	Deputy Commissioner, Bureau of Labor and Industry (BOLI). Asks for a similar amendment to address those who lose their rights.
161	Rep. Shetterly	Asks if there have been cases not able to move as the result of what this bill lacks.
162	Marcia Ohlemiller	BOLI. Submits testimony of Commissioner Dan Gardner and answers, those cases would have gone to court (EXHIBIT H).
170	Chair Williams	Closes the public hearing on HB 2276. Requests LC amendments. Opens a work session on HB 2274.

HB 2274 WORK SESSION

185	Bill Joseph	Committee Counsel. Explains -1 amendment was inadvertently left out of the bill.
214	Rep. Shetterly	MOTION: Moves to ADOPT HB 2274-1 amendments dated 02/11/03.
		VOTE: 9-0
216	Chair Williams	Hearing no objection, declares the motion CARRIED.
217	Rep. Shetterly	MOTION: Moves HB 2274 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 9-0
218	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. SHETTERLY will lead discussion on the floor.
220	Chair Williams	Closes work session on HB 2274. Opens public hearing on HB 2284.

HB 2284 PUBLIC HEARING

250	Maury Holland	Professor of Law. University of Oregon. Oregon Law Commission. Submits testimony and explains reasons for HB 2284 (EXHIBIT I and J). Knows no opposition to the bill.
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TAPE 30, B

004	Holland	Continues presentation. Gives example of insufficiency of service. Describes how HB 2284 would rectify the failure of insufficient service.
050	Holland	Discusses sufficiency of service and alias service.
090	Vice Chair Ackerman	Asks about the 60-day notice requirement.
094	Holland	Replies it is important not to deprive defendants of protection from statutes of limitations.
114	Rep. Shetterly	Discusses ties with the statute of limitations; when filing with the

126	Chair Williams	court you have 60 days to make service.
<u>HB 2284 WORK SESSION</u>		
128	Rep. Shetterly	Closes the public hearing and opens a work session on HB 2284. MOTION: Moves HB 2284 to the floor with a DO PASS recommendation. VOTE: 9-0
130	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. ACKERMAN will lead discussion on the floor.
132	Rep. Krummel	Asks why, on a re-filing, 180 days are allowed.
135	Holland	Answers that it must be shown that the defendant had actual notice of the original filing.
162	Chair Williams	Closes work session on HB 2284. Opens a work session on HB2426.
<u>HB 2426 WORK SESSION</u>		
174	Chair Williams	States the issue of public access on technical or advisory committees and task forces for Office for Oregon Health Police and Research subject to public meeting laws. Asks if there is any testimony on this bill.
176	Chair Williams	MOTION: Moves HB 2426 to the floor with a DO PASS recommendation. VOTE: 9-0
178	Chair Williams	Hearing no objection, declares the motion CARRIED. REP. ANDERSON will lead discussion on the floor.
180	Chair Williams	Closes work session on HB 2426 and adjourns meeting at 2:50 p.m.

EXHIBIT SUMMARY

- A - LC 598, staff, 1 p
- B - HB 2274, Report by Oregon Law Commission, R. Jordan, 9 pp
- C - HB 2274, -1 amendment, Staff, 2 pp
- D - HB 2275, Report by Oregon Law Commission, W. Johnson, 4 pp
- E - HB 2275, Written testimony, M. Ohlemiller, 1 p
- F - HB 2275, Written testimony, D. McNeil, 2 pp
- G - HB 2276, Report by Oregon Law Commission, W. Johnson, 3 pp
- H - HB 2276, Letter, M. Ohlemiller, 1 p
- I - HB 2284, Written testimony, M. Holland, 8 pp
- J - HB 2284, Report by Oregon Law Commission, M. Holland, 5 pp