HOUSE JUDICIARY SUBCOMMITTEE ON CIVIL LAW

February 05, 2001 Hearing Room 357 8:00 am Tapes 8 and 9

MEMBERS PRESENT: Rep. Cherryl Walker, Chair

Rep. Vic Backlund Rep. Kathy Lowe Rep. Lane Shetterly Rep. Max Williams

MEMBER EXCUSED: Rep. Charlie Ringo

STAFF PRESENT: Andrea Shartel, Administrator

Ann Martin, Committee Assistant

MEASURE/ISSUES HEARD: HB 2387 Public Hearing

HB 2410 Public Hearing and Work Session

HB 2339 Public Hearing HB 2352 Public Hearing

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.

TAPE/#	Speaker	Comments		
TAPE 8, A				
HB 2387 PUBLIC HEARING				
004	Chair Walker	Calls the meeting to order at 8:15 a.m.		
015	Counsel Shartel	Introduces HB 2387 relating to prevention of partition or sale of property.		
038	Martin Leuenberger	Attorney, Baker City		
		Testifies in support of HB 2387 by phone (EXHIBIT A).		
045	Rep. Lowe	Asks about Mr. Leuenberger's background.		
064	Leuenberger	Says that he is an attorney and has been a member of the Oregon State Bar for 25 years and practices mostly in real estate,		
		commercial transactions, mining and banking.		
080	Rep. Shetterly	Asks about existing statute.		
089	Rep. Lowe	Asks question regarding homeowners and property.		
094	Leuenberger	Answers that every partition suit that he has been involved with or heard of has been a case where there have been longtime joint owners and has not been as a result of creditors seizing an undivided interest in property.		
110	Rep. Lowe	Notes that this happens often in a partnership dissolution and observes that the two parties are forced into a settlement and asks if that is why the statute exists the way it does.		
119	Leuenberger	Responds that he doesn't believe so and feels that the statute needs to be modified.		

Testifies on HB 2387. States that he is concerned with a procedural issue related to the bill. Asks Mr. Leuenberger if he would respond to a change made on line 14, page 1 of the bill. Asks Mr. Leuenberger if he would respond to a change made on line 14, page 1 of the bill. Answers that he would not have a problem with the amendment, Comments that they should work on an amendment and bring the bill back. Closes the public hearing on HB 2387 and opens a public hearing on HB 2410. BE 2410 PUBLIC HEARING 222 Counsel Shartel Trestifies in support of HB 2410. Polk County Victim Offender Reconciliation Program Testifies in support of HB 2410 and submits testimony (EXHIBIT B). Closes public hearing on HB 2410 and submits testimony (EXHIBIT B). Closes public hearing on HB 2410 and opens a work session on HB 2410 work session on HB 2410. MOTION: Moves HB 2410 to the full committee with a DO PASS recommendation. VOTE: 4-0-1 EXCUSED: 1 - Ringo Hearing no objection, declares the motion CARRIED. TAPE 9 A HB 2339 PUBLIC HEARING OC Ocunsel Shartel OC Alice Phalan Tape 3 Alice Phalan Testifies in support of HB 2339 and submits testimony (EXHIBIT C). Oregon Judicial Department Testifies in support of HB 2339 and says that his only concern with the bill is its effect on victims of domestic violence without children. Says that they will work on amendments and bring them back to the committee. Closes the more of HB 2339 and opens a public hearing on HB 2352 PUBLIC HEARING Introduces HB 2352 relating to unlawful practices.	135	Bradd Swank	State Court Administrator's Office
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		Submits testimony and testifies in support of HB 2352 (EXHIBIT G).
275	Marcia Ohlemiller	Bureau of Labor and Industries (BOLI)
370	Dave Heynderickx	Testifies in support of HB 2352. Senior Deputy, Legislative Counsel
TARE O. R		Testifies in support of HB 2352.
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000	Heynderickx	Continues giving testimony in support of HB 2352.
074	Rep. Lowe	Expresses gratitude toward drafters of bill.
078	Carter	Says the Oregon Law Commission (OLC) will be looking at some of the substantive law changes for next session.
100	Ohlemiller	Clarifies that a BOLI complaint is a sufficient tort claim notice not a lawsuit.
115	Rudolph	City of Portland
	Westerband	Testifies in opposition to HB 2352. Requests that Section 45, on pages 19 and 20, be deleted from the bill.
277	Rep. Shetterly	Comments that whether or not a change is substantive is a matter of degree and that although the OLC commission drafted the bill with the intent on making no substantive changes, it is up to the Judiciary Committee to make decisions about the bill.
325	Betsy Earls	Associated Oregon Industries (AOI)
		Testifies on HB 2352 and states that AOI is not opposed to the bill.
342	Brian DeLashmutt	Oregon Nurses Association; The Oregon Council of Police Associations; Association of Oregon Correction Employees; Federation of Oregon Parole and Probation Officers
		Testifies neutral on HB 2352. Says he does not know whether there are substantive changes in this bill, but hopes that they will not go into a work session today.
365	Chair Walker	Closes the public hearing on HB 2352 and adjourns the meeting at 9:45 a.m.
Submitted By,		Reviewed By,

Ann Martin, Andrea Shartel,
Committee Assistant Administrator

EXHIBIT SUMMARY

A – HB 2387, Opie Case, submitted by staff, dated 4/98, 7 pgs.

B – Quick Facts about Oregon's Community Dispute Resolution Centers, submitted by Susan Brody of The Dispute Resolution Commission, dated 2/5/01, 4 pgs.

C – HB 2339, -1 amendments, submitted by staff, dated 2/5/01, 1 p.

D –HB 2339, written testimony submitted by Alice B. Phalan, Office of the State Court Administrator, dated 2/5/01, 2 pgs.

E – HB 2352, -1 amendments, submitted by staff, dated 2/1/01, 1 p.

F - HB 2352, written testimony submitted by Jack Roberts, Commissioner of the Bureau of Labor

and Industries, dated 2/5/01, 3 pgs.

G-HB 2352, The Civil Rights Statutes Report, written by David Kenagy, submitted by Jeff Carter of The Oregon Law Commission, dated 11/17/00, 6 pgs.