

**HOUSE JUDICIARY**  
**SUBCOMMITTEE ON CIVIL LAW**

February 05, 2001  
8:00 am

Hearing Room 357  
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**

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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.

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 8, A</b>		
<b><u>HB 2387 PUBLIC HEARING</u></b>		
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	<b>Martin Leuenberger</b>	<b>Attorney, Baker City</b> Testifies in support of HB 2387 by phone ( <b>EXHIBIT A</b> ).
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.

135	<b>Bradd Swank</b>	<b>State Court Administrator's Office</b> Testifies on HB 2387. States that he is concerned with a procedural issue related to the bill.
156	Chair Walker	Asks Mr. Leuenberger if he would respond to a change made on line 14, page 1 of the bill.
160	Leuenberger	Answers that he would not have a problem with the amendment.
179	Rep. Shetterly	Comments that they should work on an amendment and bring the bill back.
220	Chair Walker	Closes the public hearing on HB 2387 and opens a public hearing on HB 2410.

**HB 2410 PUBLIC HEARING**

222	Counsel Shartel	Introduces HB 2410 relating to dispute resolution.
257	<b>Sandie Pattison</b>	<b>Polk County Victim Offender Reconciliation Program</b> Testifies in support of HB 2410.
292	Rep. Shetterly	Comments on bill saying that we have a limitation on liability for those that perform the mediation services.
323	<b>Susan Brody</b>	<b>Oregon Dispute Resolution Commission, Executive Director</b> Testifies in support of HB 2410 and submits testimony <b>(EXHIBIT B)</b> .
345	Chair Walker	Closes public hearing on HB 2410 and opens a work session on HB 2410.

**HB 2410 WORK SESSION**

<b>350</b>	<b>Rep. Shetterly</b>	<b>MOTION: Moves HB 2410 to the full committee with a DO PASS recommendation.</b>
		<b>VOTE: 4-0-1</b>
		<b>EXCUSED: 1 - Ringo</b>
<b>350</b>	<b>Chair Walker</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
355	Chair Walker	Closes the work session on HB 2410 and opens a public hearing on HB 2339.

**TAPE 9 A**

**HB 2339 PUBLIC HEARING**

000	Counsel Shartel	Introduces HB 2339 relating to courts and the -1 amendments <b>(EXHIBIT C)</b> .
002	<b>Alice Phalan</b>	<b>Oregon Judicial Department</b> Testifies in support of HB 2339 and submits testimony <b>(EXHIBIT D)</b> .
069	Rep. Shetterly	Comments on provisions in domestic abuse proceedings.
092	<b>David Nebel</b>	<b>Oregon Law Center</b> Testifies as neutral on HB 2339 and says that his only concern with the bill is its effect on victims of domestic violence without children.
152	Phalan	Says that they will work on amendments and bring them back to the committee.
155	Chair Walker	Closes the public hearing on HB 2339 and opens a public hearing on HB 2352.

**HB 2352 PUBLIC HEARING**

165	Counsel Shartel	Introduces HB 2352 relating to unlawful practices. Introduces the -1 amendments <b>(EXHIBIT E)</b> and submits written testimony of Jack Roberts, Commissioner of the Bureau of Labor and Industries <b>(EXHIBIT F)</b> .
200	<b>Jeff Carter</b>	<b>Oregon Law Commission</b>

		Submits testimony and testifies in support of HB 2352 <b>(EXHIBIT G).</b>
275	<b>Marcia Ohlemiller</b>	<b>Bureau of Labor and Industries (BOLI)</b> Testifies in support of HB 2352.
370	<b>Dave Heynderickx</b>	<b>Senior Deputy, Legislative Counsel</b> Testifies in support of HB 2352.
<b>TAPE 8, B</b>		
000	<b>Heynderickx</b>	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	<b>Rudolph Westerband</b>	<b>City of Portland</b> 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	<b>Betsy Earls</b>	<b>Associated Oregon Industries (AOI)</b> Testifies on HB 2352 and states that AOI is not opposed to the bill.
342	<b>Brian DeLashmutt</b>	<b>Oregon Nurses Association; The Oregon Council of Police Associations; Association of Oregon Correction Employees; Federation of Oregon Parole and Probation Officers</b> 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,  
Committee Assistant

Andrea Shartel,  
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.**