

HOUSE JUDICIARY COMMITTEE ON CIVIL LAW

March 22, 1999 Hearing Room 357

1:00 p.m. Tapes 70 - 71

MEMBERS PRESENT: Rep. Lane Shetterly, Chair

Rep. Max Williams, Vice-Chair

Rep. Judy Uherbelau, Vice-Chair

Rep. Vic Backlund

Rep. Randall Edwards

Rep. Kathy Lowe

Rep. Vicki Walker

Rep. Larry Wells

Rep. Bill Witt

STAFF PRESENT: Aaron Felton, Counsel

Nancy Richards, Administrative Support

MEASURE/ISSUES HEARD: HB 2482 - Public Hearing & Work Session

HB 3032 - Public Hearing

HB 3184 - 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 70, A		

004	Chair Shetterly	Calls meeting to order at 1:04 p.m.
<u>HB 2482 - PUBLIC HEARING</u>		
014	Counsel Felton	HB 2482 allows defendant in civil action or proceeding to appeal from default judgment if trial court has entered default judgment against defendant as sanction or has denied motion by defendant to set aside default judgment.
024	Jim Nass	Legal Counsel, Appellate Courts Testifies in support of HB 2482. Discusses the three concerns with HB 2482 regarding a default judgment which resulted in adding the ñ1 and ñ2 amendments (EXHIBITS A & B).
054	Rep. Uherbelau	Asks about the transcripts being necessary when prosecuting an appeal and revealing reversible error in a court proceeding.
066	Nass	Discusses the court appeal process regarding reversible error.
098	Chair Shetterly	Does HB 2482 codify the current procedure of transcript fees?
100	Nass	Yes.
102	Rep. Uherbelau	Asks about the different circumstances where a court would waive transcript fees.
111	Nass	Discusses the two circumstances where a court would waive transcript fees.
131	Rep. Uherbelau	Asks if the two circumstances are existing procedures.
133	Chair Shetterly	Explains that line 20 of HB 2482 says that the court "may" order the expenses waived.
137	Nass	States that the court is currently using the two circumstances of waiving transcript fees.
142	Chair Shetterly	Closes public hearing.
<u>HB 2482 ñ WORK SESSION</u>		
144	Rep. Williams	MOTION: Moves to ADOPT HB 2482-1 amendments dated 03/17/99.

		<p>VOTE: 7-0</p> <p>AYE: 7 - Backlund, Lowe, Uherbelau, Walker, Williams, Witt, Shetterly</p> <p>EXCUSED: 2 - Edwards, Wells</p>
	Chair Shetterly	The motion CARRIES.
148	Rep. Williams	MOTION: Moves to ADOPT HB 2482-2 amendments dated 03/22/99.
		<p>VOTE: 7-0</p> <p>AYE: 7 - Backlund, Lowe, Uherbelau, Walker, Williams, Witt, Shetterly</p> <p>EXCUSED: 2 - Edwards, Wells</p>
	Chair Shetterly	The motion CARRIES.
151	Rep. Williams	MOTION: Moves HB 2482 to the floor with a DO PASS AS AMENDED recommendation.
		<p>VOTE: 7-0</p> <p>AYE: 7 - Backlund, Lowe, Uherbelau, Walker, Williams, Witt, Shetterly</p> <p>EXCUSED: 2 - Edwards, Wells</p>
	Chair Shetterly	<p>The motion CARRIES.</p> <p>REP. SHETTERLY will lead discussion on the floor.</p>
<u>HB 3032 - PUBLIC HEARING</u>		
168	Counsel Felton	HB 3032 prohibits award of attorney fees in suit for wages if plaintiff fails to make written demand for wages prior to filing action.
188	Dan Estes	<p>Staff, Rep. Kruse, State Representative, House District 45</p> <p>Testifies and submits written testimony on behalf of Rep. Kruse in support of HB 3032 (EXHIBIT C). Discusses the intent of HB 3032.</p>

211	Rep. Uherbelau	Why is HB 3032 requiring the employee to submit a written request for wages when the employer knows what the wages are?
221	Estes	HB 3082 combines all statutes regarding the written request for wages.
237	Chair Shetterly	Explains the other statutes that effect HB 3082 regarding wage time lines.
286	Rep. Uherbelau	Asks why the burden is being placed on the employee to make a written demand for paid wages.
296	Rep. Witt	Discusses circumstances when there is confusion in wages due the employee.
306	Rep. Walker	Why would the employee not be paid within 24 hours? Would it be because the employer did not know what wages were due?
310	Rep. Witt	States that the obligation to pay wages can be different because of commissions, so it isn't always expedient for the employer to pay within the guidelines of HB 3082.
326	Rep. Uherbelau	Discusses changes in HB 3082 regarding paying wages to the employee within the time line. Does HB 3082 present a burden to the employee if they obtain an attorney even though their wages were paid within the 10-day wage time line?
363	Estes	Explains that in the last paragraph of HB 3082, it does not imply that the employee has to have an attorney to be able to submit their written request for wages.
372	Rep. Williams	Express his support for a written demand by the employee for wages due.
397	Chair Shetterly	Gives an example of an employee taking legal action for additional wages after the filing of a wage claim.
417	Rep. Walker	Asks about the unfair circumstance when an employee who is fired, has to wait longer than 2 days for his wages.
436	Rep. Lowe	Asks about the 10-day demand letter regarding wage claim for the terminated employee.
456	Rep. Witt	Explains that HB 3032 applies to both a terminated employee and an employee that quits. States that requiring a written request for wages is a simple procedure.
Tape, 71, A		

032	Rep. Uherbelau	Explains that the wages are known when an employee is terminated, so HB 3032 would not apply to this situation. Discusses the unfairness that HB 3032 puts on the employee and that there does not need to be a change regarding the wage procedure.
062	Rep. Williams	Discusses cases regarding the written request for wages where an employee quits or is terminated. States that HB 3032 only asks that a written demand for wages be given to the employer before filing action.
080	Rep. Lowe	States that the employer has access to all the records and that it is hard for the employee to get wage information for the written wage request.
092	Rep. Witt	States that the proposed language in HB 3032 does not require the employee to state the exact dollars in owed wages and that the written request is a very simple procedure.
103	Chair Shetterly	Explains that HB 3032 just raises the requirement of demand for the employee to collect attorney fees.
125	Rep. Walker	Expresses her objection to HB 3032 extending the time period for the employer to pay the wages.
130	Rep. Witt	States that HB 3032 does require the employer to pay the wages within the number of requisite days. HB 3032 just requires the employee to submit a written request for wages only if seeking legal representation and wishes to recover attorney fees.
137	Rep. Uherbelau	States that HB 3032 requires the employee to file an action for the wages with a written demand letter if the employer does not pay their wages within a time frame.
148	Chair Shetterly	Closes public hearing.
<u>HB 3184 n PUBLIC HEARING</u>		
150	Counsel Felton	HB 3184 allows an individual to request that his or her home address or personal telephone number not to be disclosed in county property and lien records.
163	David Nebel	Oregon Coalition Against Domestic and Sexual Violence Testifies and submits testimony in behalf of Phyllis Barkhurst in support of HB 3184 (EXHIBIT D). Discusses how HB 3184 would effect the personal safety of the victims of domestic violence.
209	Rep. Uherbelau	Asks if HB 3184 requests a lien on property records for the victims of domestic violence.

218	Nebel	Are you meaning any person who is threatened by violence?
221	Rep. Uherbelau	Does "threatened" refer to those that take refuge in a shelter as stated in section 1, sub-section (C) of HB 3032?
228	Nebel	Sub-section (C) in HB 3184 describes who can get protection with shielded records.
239	Chair Shetterly	States that the amendments make the current law more broad regarding protection of records for threatened victims.
250	Rep. Kitty Piercy	State Representative, House District 39 Testifies and submits written testimony in support of HB 3184 (EXHIBIT E). Discusses why personal information needs to be protected. Gives statistics in the State of Oregon regarding domestic violence. Discusses the process of protecting personal records. Discusses the burden on county clerks regarding the effect of HB 3184.
325	Rep. Lowe	Expresses her concern with HB 3184 regarding the added language that specifies who is the victim of violence. Asks if the language regarding victims could include public officials.
363	Rep. Piercy	Discusses whom HB 3184 should protect.
376	Nebel	Discusses how HB 3184 would help protect threatened public officials.
394	Rep. Uherbelau	Asks who will not be covered in HB 3184 regarding threatened individuals.
410	Nebel	Expresses willingness to add other victim categories to HB 3184.
418	Rep. Witt	States that HB 3184 needs to include anyone who is threatened with physical abuse.
430	Charles Stern	Yamhill County Clerk Testifies neutrally to HB 3184. Discusses and gives examples of property records regarding protection from disclosing personal information. Explains the process of storing property records.
Tape 70, B		
040	Stern	Discusses and gives examples of property record issues that are effected by HB 3184.

060	Rep. Uherbelau	Discusses the changes to the current law regarding domestic violence. Asks about the personal information of property owners being on the internet.
076	Stern	Discusses property owner information being accessed on computer internally, but not on the internet. Discusses that HB 3184 is to make legislative intent clear regarding procedures for obtaining closed records.
091	Rep. Witt	Expresses agreement regarding the Attorney General not getting involved in the issues of HB 3184.
100	Chair Shetterly	States that Title companies would need to be exempted from not being able to access closed records.
120	Chair Shetterly	Closes public hearing.
<u>HB 2482 - WORK SESSION</u>		
122	Chair Shetterly	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. WELLS to BE RECORDED as voting AYE on HB 2482 AS AMENDED with a DO PASS recommendation. VOTE: 9-0
		MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. EDWARDS to BE RECORDED as voting AYE on HB 2482 AS AMENDED with a DO PASS recommendation. VOTE: 9-0
129	Chair Shetterly	Adjourns meeting at 2:30 p.m.

Submitted By, Reviewed By,

Nancy Richards, Aaron Felton,

Administrative Support Counsel

EXHIBIT SUMMARY

A - HB 2482, Proposed -1 amendment, Counsel, p. 2

B - HB 2482, Proposed -2 amendment, Counsel, p. 1

C - HB 3032, Written testimony, Rep. Kruse, p. 1

D - HB 3184, Written testimony, Phyllis Barkhurst, p. 2

E - HB 3184, Written testimony, Rep. Piercy, p. 6