

HOUSE COMMITTEE ON JUDICIARY

June 30, 1993 Hearing Room 357 1:30 p.m. Tapes 78 - 79

MEMBERS PRESENT: Rep. Del Parks, Chair Rep. Tom Mason, Vice-Chair Rep. Ken Baker Rep. Tom Brian Rep. Kate Brown Rep. Peter Courtney Rep. Jim Edmunson Rep. Veral Tarno Rep. Bob Tiernan

STAFF PRESENT: Julie Nolta, Committee Clerk Holly Robinson, Legislative Counsel

MEASURES CONSIDERED: HB 3500 - Relating to civil rights

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These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes. [--- Unable To Translate Graphic ---]

TAPE 78, SIDE A

004 CHAIR PARKS: Calls the meeting to order at 2:10 p.m.

HB 3500 - WORK SESSION

008 HOLLY ROBINSON, COMMITTEE COUNSEL: HB 3500 prohibits any political subdivision from enacting or enforcing any local governing ordinance or policy granting special rights to any citizen or group of citizens on

account or sexual orientation. Summarizes HB 3500 amendments. (EXHIBIT A)

027 REP. MASON: Attempts to make a motion regarding SB 34.

CHAIR PARKS: Rules Rep. Mason out of order.

REP. MASON: States he has a right to place a motion before being ruled out of order.

CHAIR PARKS: Has no right to discuss a bill that is not before the committee.

040 REP. MASON: Appeals the ruling under Rule 8.15, subsection 10 of the House rules. CHAIR PARKS: Calls a recess at 2:12 p.m. Re-opens the meeting at 2:27

p.m.

046 CHAIR PARKS: The Chief Clerk of the House of Representatives has ruled that the ruling of the Chair is correct. Reviews proposed amendments to HB 3500.

062 REP. BROWN: What is the impact on counties that have passed such ordinances?

HOLLY ROBINSON, COMMITTEE COUNSEL: City or county could not take an action to enforce it. It would remain on the books until it was repealed.

070 REP. BROWN: What would be the impact on the Multnomah County ordinance that prohibits discrimination on the basis of sexual orientation and

employment, housing, and public accommodations?

HOLLY ROBINSON, COMMITTEE COUNSEL: Because this provision does not contain language that allows a city or county to go further, it would be effective but would not put them in a special category separate from any other class of individuals who might be subject to discrimination.

080 REP. EDMUNSON: Supports the amendment because it is consistent with original intent of the bill. Discusses effects on counties who have

passed such bills. Believes the state must, at times, step in and tell subdivisions to get along.

108 MOTION: REP. MASON: Moves to AMEND HB 3500 by deleting all present language and inserting language of SB 34.

CHAIR TIERNAN: Doesn't believe "relating to" clause is broad enough to take in all of SB 34.

125 REP. MASON: Discusses Senate's and committee's work on SB 34 and hopes the committee will pass the motion.

174 CHAIR PARKS: Discusses opposition to Rep. Mason's motion and the need for HB 3500.

230 VOTE: 4-5 MOTION FAILS AYE: Brown, Courtney, Edmunson, Mason NO: Baker, Brian, Tarno, Tiernan, Parks

241 MOTION: REP. EDMUNSON: Moves to ADOPT HB 3500 AMENDMENTS.

REP. TIERNAN: Asks Legal Counsel to restate answer to Rep. Brown's question regarding Multnomah County's prohibition on discrimination.

254 HOLLY ROBINSON, COMMITTEE COUNSEL: The amendment would

preclude the city of Portland from enacting an ordinance that would single out a

group of individuals who could not be subject to a civil rights type of ordinance. Civil rights statutes as they currently exist would cover

those situations. The bill goes both ways: you cannot prohibit and you

can not single out a special group. 277 CHAIR TIERNAN: After the public hearings, concluded that SB 34 was divisive and did not solve any problems. Is in favor of HB 3500 and its amendments.

REP. BAKER: Proposed amendments create a balanced statement for both sides of the issue. State needs to live under one policy.

333 MOTION: REP. MASON: Moves to AMEND HB 3500 AMENDMENTS by adding that the measure be retroactive for all previously passed

charters, provisions, ordinances, resolutions, and policies.

353 CHAIR PARKS: Asks Rep. Edmunson if he accepts Rep. Mason's amendment.

REP. EDMUNSON: Retroactivity is not appropriate for substantive law.

Believes Rep. Mason feels that prospective application of this law will capture the enforcement of previously enacted charter amendments. The

amendment already says that and means that.

388 CHAIR PARKS: States Rep. Edmunson does not agree with the motion to amend.

REP. EDMUNSON: May confuse enforceability of the law prospectively and would not encourage it.

408 CHAIR TIERNAN: Reviews effects of proposed amendments.

431 REP. BROWN: Supports Rep. Edmunson's amendments. Gives personal examples of discrimination and fear. Bill won't get rid of fear and

hatred but we need to take action.

489 VOTE: Hearing no objections the amendments are ADOPTED. All members are present.

TAPE 79, SIDE A

032 REP. MASON: Restates earlier motion that HB 3500 be retroactive. Feels the bill needs to go farther.

REP. BRIAN: Agrees that the amendment is redundant and unnecessary.

049 CHAIR PARKS: Clear that it affects the date of attempted enforcement. Do not need unnecessary verbiage when the intent is clear.

REP. MASON: The vote will show the record on retroactivity.

062 REP. BROWN: Concerned about impact on ordinances such as Multnomah County's on prohibition of discrimination.

REP. EDMUNSON: Need to distinguish special rights from equal rights.

Amendment does not take away equal rights or confer special rights.

Further discusses retroactivity and his opposition to the amendment.

Doesn't want anything to jeopardize the bill. 086 VOTE: 1-8 MOTION
FAILS AYE: Mason NO: Baker, Brown, Brian, Courtney,
Edmunson, Tarno, Tiernan, Parks

097 MOTION: REP. BRIAN: Moves HB 3500 AS AMENDED TO THE FULL
COMMITTEE with a DO PASS recommendation.

VOTE: Hearing no objections the bill is MOVED. All members
are present.

REP. BAKER: Asks about emergency clause language.

HOLLY ROBINSON, COMMITTEE COUNSEL: The emergency clause is the intent
of the abbreviated language.

110 MOTION: REP. BRIAN: Moves HB 3500 AS AMENDED TO THE FLOOR with
a DO PASS recommendation.

VOTE: 9-0 MOTION PASSES AYE: Baker, Brian, Brown,
Courtney, Edmunson, Mason, Tarno, Tiernan, Parks NO: None

Rep. Edmunson to carry the bill.

137 CHAIR TIERNAN: Adjourns meeting at 3:02 p.m.

Submitted by:

Reviewed by:

Julie Nolta
Committee Coordinator

Anne May Committee Clerk

EXHIBIT LOG:

A - Proposed amendments to HB 3500 - 1 page