

HOUSE AMENDMENTS TO HOUSE BILL 3323

By COMMITTEE ON HUMAN SERVICES AND HOUSING

April 24

1 On page 1 of the printed bill, delete lines 4 through 31.

2 On page 2, delete lines 1 through 15 and insert:

3 “**SECTION 1.** ORS 124.125 is amended to read:

4 “124.125. (1) The Attorney General, the Department of Human Services, **a type B area agency**
5 or any district attorney may bring an action against any person who engages in conduct described
6 in ORS 124.105 and 124.110. In addition to remedies otherwise provided in ORS 124.100 to 124.140,
7 upon prevailing in the action, the court shall award to the Attorney General, Department of Human
8 Services, **type B area agency** or district attorney costs of investigation and penalties. Penalties
9 awarded under this section may not exceed \$25,000 per occurrence.

10 “(2) The Attorney General may intervene in any civil action brought under ORS 124.100 if the
11 Attorney General certifies that, in the opinion of the Attorney General, the action is of general
12 public importance. In the action, the state shall be entitled to the same relief as if the Attorney
13 General instituted the action under the provisions of this section.

14 “(3) When it appears that a person is engaging in conduct described in ORS 124.105 or 124.110,
15 the Attorney General, [or] any district attorney **or an attorney representing a type B area**
16 **agency** may execute in writing and cause to be served an investigative demand upon any person
17 who is believed to have information, documentary material or physical evidence relevant to the al-
18 leged or suspected violation. The investigative demand shall require the person, under oath or oth-
19 erwise, to appear and testify, to answer written interrogatories or to produce relevant documentary
20 material or physical evidence for examination, at a reasonable time and place as stated in the in-
21 vestigative demand.

22 “(4) At any time before the return date specified in an investigative demand, or within 20 days
23 after the demand has been served, whichever period is shorter, a petition to extend the return date,
24 or to modify or set aside the demand, stating good cause, including a request for privileged material,
25 may be filed in the appropriate court.

26 “(5) Service of an investigative demand under subsection (3) of this section shall be made per-
27 sonally within this state. If personal service within this state cannot be made, substituted service
28 may be made by any of the following methods:

29 “(a) Personal service outside of this state;

30 “(b) Mailing the investigative demand by registered or certified mail to the last-known place of
31 business, residence or abode within or outside of this state of the person for whom service is in-
32 tended;

33 “(c) As to any person other than a natural person, in the manner provided for service of sum-
34 mons in an action or suit; or

35 “(d) Such service as the court may direct.

1 “(6) If any person after being served with an investigative demand under subsection (3) of this
2 section fails or refuses to obey an investigative demand issued by the Attorney General, [or] a dis-
3 trict attorney **or an attorney representing a type B area agency**, the Attorney General, [or]
4 district attorney **or attorney representing a type B area agency** may, after notice to an appro-
5 priate court and after a hearing, request an order:

6 “(a) Granting injunctive relief to restrain the person from engaging in conduct that is involved
7 in the alleged or suspected violation; or

8 “(b) Granting other relief as may be required, until the person obeys the investigative demand.

9 “(7) Any disobedience of any final order of a court under subsection (6) of this section shall be
10 punished as a contempt of court.

11 “(8) ORS 192.583 to 192.607 apply to the disclosure of financial records by a financial institution
12 pursuant to the service of an investigative demand under subsection (3) of this section.”.

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