

SENATE COMMITTEE ON JUDICIARY

June 18, 2003
8:00 a.m.

Hearing Room 343
Tapes 168-170

MEMBERS PRESENT: **Sen. John Minnis, Chair**
 Sen. Ginny Burdick, Vice-Chair
 Sen. Ted Ferrioli
 Sen. Charlie Ringo
 Sen. Charles Starr
 Sen. Vicki Walker

STAFF PRESENT: **Craig Prins, Counsel**
 Bill Joseph, Counsel
 Bill Taylor, Counsel
 Jane Bodenweiser, Committee Assistant

MEASURE/ISSUES HEARD: **HB 2646A Public Hearing**
 HB 2594 Work Session
 HB 2278B 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 168, A 004	Chair Minnis	Calls the meeting to order at 8:15 a.m., announces that HB 2110A and HB 2318A will be held over until Monday, and opens a public hearing on HB 2646A.
HB 2646A PUBLIC HEARING		
013	Rep. Max Williams	House District 35. Submits testimony of Wendy Johnson (EXHIBIT A) and testifies in support of HB 2646A that revises laws relating to judgments. Introduces the -A5, -A6 and -A7 amendments (EXHIBITS B-D) .
110	Wendy Johnson	Oregon Law Commission. Submits printed material (EXHIBIT E) and testifies in support of HB 2646A and the -A6 amendments. Says the commission has no position on the -A7 amendments.
115	Dave Heynderickx	Legislative Counsel. Testifies in support of HB 2646A.
127	Chair Minnis	Asks if there was a specific model followed to create the changes.
128	Rep. Williams	Says, no. Explains the process and how it was individually addressed to fit Oregon's laws.
140	Heynderickx	Discusses the need to make these revisions.
173	Sen. Walker	Asks about the \$4 fee on a garnishment.
179	Heynderickx	Explains how the fee would apply to the judgment.
221	Sen. Ringo	Asks what brought about the -A6 amendments.
225	Rep. Williams	Explains that there was a recognition among some of the

		interested groups that garnishment was an issue that had not been addressed.
248	Heynderickx	Explains the three parts of the –A6 amendments.
272	Sen. Ringo	Expresses concern about the new fee of \$4.
280	Johnson	Explains the fee and how it was decided upon.
300	Rep. Williams	Explains that instead of the court charging the fee, the attorney would handle it.
369	Betsy Earls	Harrang Long Gary Rudnick Law Firm. Submits testimony of Bill Gary and testifies in support of the –A7 amendments to HB 2646A (EXHIBIT F).
TAPE 169, A		
038	Vice Chair Burdick	Asks if these are cases that have gone through the trial court and are now on appeal.
040	Earls	Says, yes.
041	Vice Chair Burdick	Asks if the cases would have to be retried if the –A7 amendments were not passed.
048	Earls	Discusses how this legislation would affect current law.
066	Vice Chair Burdick	Expresses concern about a constitutional ruling being changed.
074	Earls	Says the intention is not to override the entire ruling, just a certain set of cases.
100	Chair Minnis	Asks if the <i>Shoup</i> decision might revive cases that were assumed to be resolved.
105	Earls	Says she is not sure it would revive cases that were already tried.
110	Chair Minnis	Wonders who is affected by the retroactivity issue that she wants to change.
118	Earls	Says there are three cases in her law firm on appeal right now.
123	Richard Lane	Oregon Trial Lawyers Association. Testifies in support of HB 2646A, but in opposition to the –A7 amendments. Provides an example case and discusses what affect the –A7 amendments would have on it.
195	Vice Chair Burdick	Asks if there would be remedy if this example case went to the Supreme Court after <i>Shoup</i> .
200	Lane	Explains how <i>Shoup</i> would apply to his hypothetical case.
242	Bill Joseph	Committee Counsel. Provides a copy of the <i>Shoup</i> case to the committee for review (EXHIBIT G).
247	Chair Minnis	Closes the public hearing on HB 2646A and opens a work session on HB 2594.
<u>HB 2594 WORK SESSION</u>		
262	Rep. Prozanski	House District 8. Testifies in support of HB 2594 that provides that certain transfers and payments of moneys by justice and municipal courts be made not later than last day of month following month in which collected, and the –1 amendments (EXHIBIT H).
350	Vice Chair Burdick	MOTION: Moves to ADOPT HB 2594-1 amendments dated 6/12/03. VOTE: 5-0-1 EXCUSED: 1 - Ferrioli
364	Chair Minnis	Hearing no objection, declares the motion CARRIED.
365	Vice Chair Burdick	MOTION: Moves HB 2594 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 5-0-1 EXCUSED: 1 - Ferrioli
369	Chair Minnis	Hearing no objection, declares the motion CARRIED. SEN. RINGO will lead discussion on the floor.

377	Chair Minnis	Closes the work session on HB 2594 and opens a public hearing on HB 2278B.
<u>HB 2278B PUBLIC HEARING</u>		
381	Bill Joseph	Committee Counsel. Introduces HB 2278B that provides consistent terminology for public bodies in laws relating to districts, and the -5 amendments (EXHIBIT I).
404	Sen. Ringo	Discusses the -B5 amendments which would change authority of the taxi industry from the City of Portland to Metro.
TAPE 168, B		
020	Sen. Ringo	Continues discussing the -B5 amendments to HB 2278B.
169	Jim Wadsworth	Director of Licensing, City of Portland. Submits testimony and testifies in opposition to the -5 amendments to HB 2278B (EXHIBIT J).
311	Chair Minnis	Asks about the shift in authority from City of Portland to Metro.
314	Wadsworth	Explains why the shift.
365	Sen. Ringo	Contends that this bill does not put any more taxis on the streets of Portland.
335	Wadsworth	Says that is understood, but the question is mainly about the limiting of local jurisdictions.
366	Sen. Ringo	Asks about the details of Metro handling the cab business.
363	Wadsworth	Says a regional authority may be the solution.
377	Sen. Ringo	Says his understanding is that it would be better to have some uniform standards.
413	Wadsworth	Says the economy and the industry itself have some impact on how this shift would take place.
450	Sam Fowler	Port of Portland. Testifies in opposition to the amendments to HB 2278B. Says there are a number of other issues that need to be looked at besides the safety issue.
TAPE 169, B		
031	Chair Minnis	Asks what other issues he is referring to.
032	Fowler	Says safety of the roadway, the efficiency of the roadway, a balance of supply and demand are all issues that need to be looked at.
044	Chair Minnis	Asks if he believes that Metro would be insensitive to the issues described.
045	Fowler	Says, no.
050	Sen. Ringo	Explains that there has been no input from the Port of Portland regarding this bill when he introduced it in January.
058	Mark Pettibone	Taxi Board of Review. Testifies in opposition to the amendments to HB 2278B. Discusses the accessibility of cabs to handicapped individuals.
093	Chair Minnis	Asks why Metro couldn't oversee that the required number of handicapped accessible cabs are available.
098	Pettibone	Says there are too many unknowns with governing by Metro, and the program is working very successfully now.
111	Sen. Ringo	Believes that Metro can be sensitive to all the concerns.
127	Wadsworth	Expresses concern about what regulation by Metro would entail.
172	Steve Entler	Radio Cab Company. Testifies in opposition to HB 2278B. Believes that shifting regulatory authority would add to the problem.
224	Sen. Ringo	Says there are many more factors involved than competition.
242	Chair Minnis	Asks who owns Radio Cab.
244	Entler	Says it is owned by the drivers.
266	Chair Minnis	Asks who owns Broadway Cab.

269	Raye Miles	General Manager, Broadway Cab. Explains that it is a Limited Liability Corporation (LLC). Expresses her concern with the follow-through in shifting authority and wonders if Metro really wants the cab business.
307	Sen. Ringo	Says it is a complicated shift.
323	Miles	Stresses the idea that there has been no indication of how the shift would take place.
338	Chair Minnis	Says regional transportation planning is very poor, and that there is a great deal of opportunity in the business.
360	Michael Tolley	Cab driver, Portland, Oregon. Testifies in opposition to the -5 amendments to HB 2278B. Believes the legislature should not get involved in regulating Portland's business.
454	Chair Minnis	Asks what the purpose is for government regulation of taxi cabs.
456	Tolley	Says, safety, insurance, price gouging, and hours the driver is on duty are a few of the issues. Says regulation is necessary, and better for the public at large.
TAPE 170, A		
068	Sen. Ringo	Thanks the Portland taxi industry for coming to express their views.
073	Chair Minnis	Closes the public hearing on HB 2278B and adjourns the meeting at 10:15 a.m.

**The following prepared testimony is submitted for the record without public testimony for HB 2278B
Written testimony submitted by Cheryl Noonan (EXHIBIT K)**

EXHIBIT SUMMARY

- A – HB 2646A, written testimony of Wendy Johnson submitted by Rep. Williams, 24 pp**
- B – HB 2646A, -A5 amendments submitted by staff, 6 pp**
- C – HB 2646A, -A6 amendments submitted by staff, 72 pp**
- D – HB 2646A, -A7 amendments submitted by staff, 1 p**
- E – HB 2646A, printed material submitted by Wendy Johnson, 3 pp**
- F – HB 2646A, written testimony of Bill Gary submitted by Betsy Earls, 5 pp**
- G – HB 2646A, printed material submitted by staff, 8 pp**
- H – HB 2594, -1 amendment submitted by staff, 2 pp**
- I – HB 2278B, -B5 amendments submitted by staff, 4 pp**
- J – HB 2278B, written testimony submitted by Jim Wadsworth, 4 pp**
- K – HB 2278B, written testimony submitted by Cheryl Noonan, 1 p**