

HOUSE JUDICIARY COMMITTEE ON CIVIL LAW

March 30, 1999 Hearing Room 357

1:00 p.m. Tapes 79 - 81

**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 2317 - Work Session**

**HB 2555 - Work Session**

**HB 3085 ñ Public Hearing**

**HB 2572 ñ Public Hearing & Work Session**

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 79, A**

003	Chair Shetterly	Calls meeting to order at 1:10 p.m.
<b><u>HB 2555 - WORK SESSION</u></b>		
014	<b>Russ Lipetzky</b>	<b>Private Attorney</b> Discusses the concerns with HB 2555 which generated the ñ2 amendments <b>(EXHIBIT A)</b> .
027	Chair Shetterly	States that the language in HB 2555 was changed from "rehabilitative spousal support" to "transitional spousal support".
030	Lipetzky	Explains the language change in the -2 amendments regarding indefinite spousal support. States that income from continuing wage disparity should be distinguished from income from assets.
065	<b>Rep. Williams</b>	<b>MOTION: Moves to ADOPT HB 2555-1 amendments dated 03/23/99.</b>
		<b>VOTE: 8-0</b> <b>AYE: 8 - Backlund, Edwards, Lowe, Walker, Wells, Williams, Witt, Shetterly</b> <b>EXCUSED: 1 - Uherbelau</b>
	<b>Chair Shetterly</b>	<b>The motion CARRIES.</b>
068	<b>Rep. Williams</b>	<b>MOTION: Moves HB 2555-1 to the floor with a DO PASS AS AMENDED recommendation.</b>
084	<b>Counsel Felton</b>	<b>VOTE: 8-0</b> <b>AYE: 8 - Backlund, Edwards, Lowe, Walker, Wells, Williams, Witt, Shetterly</b> <b>EXCUSED: 1 - Uherbelau</b>
	<b>Chair Shetterly</b>	<b>The motion CARRIES.</b>

		<b>REP. LOWE will lead discussion on the floor.</b>
089	Chair Shetterly	Closes work session.
<b><u>HB 3085 - PUBLIC HEARING</u></b>		
090	Counsel Felton	HB 3085 gives authority to local government to operate photo radar equipment.
107	<b>Rep. Rob Patridge</b>	<b>State Representative, House District 50</b> Testifies and expresses his support of HB 3085.
121	Rep. Edwards	Asks about the language of "or is otherwise delivered" on lines 27-29, page 1 of HB 3085.
125	Rep. Patridge	Explains that "or is otherwise delivered" means that it could include personal delivery of the citation.
129	Rep. Walker	Asks for more information about the fiscal impact of the radar program.
134	Rep. Patridge	States that the local governments will be able to decide if the radar program fits their budget.
148	Rep. Walker	Asks for statistical results of the radar program that has been used in several cities.
150	Rep. Uherbelau	Asks if "or is otherwise delivered" on lines 27-30, page 1, of HB 3085 is too broad of language.
166	Rep. Patridge	States that Legislative Counsel can decided on this language so that different modes of delivery service could be allowed.
180	Chair Shetterly	States that the language of "or is otherwise delivered" gives constitutional right to the local governments to decide on a mode of delivery for the citations.
189	Rep. Uherbelau	Asks about "or is otherwise delivered" not being an acceptable form of language.
196	Rep. Edwards	What local government will have the authority to operate photo radar equipment?
198	Rep. Patridge	This would include any city or county with law enforcement .

199	Rep. Edwards	Does HB 3085 make it clear as to what "local government" is?
201	Rep. Patridge	States that local government would mean any city or county with law enforcement.
217	Rep. Patridge	States that there is enough definition for local government in other states.
225	Chair Shetterly	States that in current law only certain governmental agencies have the authority to cite traffic tickets. Refers to SB 20, in section 16, line 27 that consolidates all the delivery procedures for violations and infractions.
256	Rep. Uherbelau	States that the SB 20 reference would need to be included with the language "or is otherwise delivered" in HB 3085.
263	Rep. Wells	States that in HB 3085, page 2, line 8, describes what "delivery of the citation" is.
266	Rep. Patridge	Discusses the two methods of citation delivery required by law.
278	<b>Rep. Mark Simmons</b>	<b>State Representative, House District 58</b>  Testifies in opposition of HB 3085. Discusses the significant expansion that HB 3085 would allow regarding the use of photo radar equipment. Suggests changes to HB 3085.
361	Rep. Williams	Asks if it is inefficient for police officers to pull each motorist over and give them a citation.
377	Rep. Simmons	Discusses the effectiveness of law enforcement regarding speed violators.
389	Rep. Walker	Asks for the definition of a "city".
395	Rep. Simmons	States that a city is any town with uniformed officers.
399	Chair Shetterly	Defines a what a "city" means regarding the language in HB 3085.
429	<b>Kevin Campbell</b>	<b>Association of Chiefs of Police</b>  Testifies in support of HB 3085. Discusses the different agencies who have made HB 3085 a priority. Discusses how photo radar equipment helps law enforcement. Discusses where the photo radar equipment will be used and that there will be an improvement of traffic control because of this equipment.
<b>Tape 80, A</b>		

040	<b>Ron Goodpaster</b>	<b>Police Chief, Turner, Oregon</b>  Testifies in support of HB 3085. Discusses how controlling speed benefits residential areas. Discusses how many complaints are received by the police department regarding speeding vehicles. States that there will be trained personnel that will use the radar photo equipment.
087	<b>Ron Norris</b>	<b>Deputy Chief of Police, Medford, Oregon</b>  Testifies in support of HB 3085. Discusses the number of police officers that it will take to run the photo radar equipment. Expresses the support of photo red lights and photo radar equipment needed for the city of Medford.
115	Rep. Uherbelau	Are there any national standards for people who operate photo radar equipment?
125	Goodpaster	Yes. Discusses the training that public safety officers receive regarding photo radar equipment.
133	Rep. Uherbelau	Asks if language could be added to HB 3085 to specify the use of trained police officers to operate photo radar equipment.
144	Norris	States that all police officers have to be certified to operate photo radar equipment.
150	Chair Shetterly	Asks if it is by rule of the Department of Public Safety & Training to require certification.
152	Goodpaster	Discusses the certification process for operation of photo radar equipment.
161	Rep. Uherbelau	Asks if the municipal courts require the same certification.
168	Goodpaster	States that he only knows about the City of Tigard's certification program.
172	Norris	States that the citation would be appealed if there was any discretion regarding certification.
175	Rep. Edwards	What is the cost of the photo radar equipment and cost of operating this equipment?
186	Goodpaster	Discusses the expenses of photo radar equipment. Discusses the importance of photo radar equipment for public safety.
195	Rep. Edwards	Asks if the public requests photo radar equipment.

207	Campbell	Discusses the purpose of the photo radar equipment and the support of the public for this equipment.
222	Rep. Williams	What process does a city use to implement the photo radar program?
228	Goodpaster	Discusses the assessment process involved in the use of photo radar equipment.
233	Rep. Williams	Asks about the budgeting process for the photo radar program.
238	Goodpaster	Discusses the process of acquiring photo radar equipment.
248	Rep. Williams	Is it the city council, the budget committee, and the public who decides to use the of photo radar equipment?
253	Goodpaster	Absolutely.
254	Rep. Williams	Asks about the required time line for starting the photo radar program.
260	Goodpaster	States that it could take a long time mainly because of the public involvement.
264	Rep. Walker	Why wasn't information regarding statistics on the photo radar program presented to the Civil Law Committee?
270	Campbell	There was not enough time to prepare copies.
274	Rep. Walker	States that the statistics are very helpful in understanding the photo radar program and need to be reviewed by the committee. Asks about the citations resulting from photo radar equipment that were never issued regarding the statistical report
282	Campbell	Discusses the process of the photo radar citations before the ticket is issued to the vehicle owner.
313	Rep. Walker	How much money goes back to the vendor that was earned revenue from running the radar program?
321	Campbell	Discusses how the vendor is decided upon and how the vendor is paid.
355	Rep. Walker	Why are there no citations issued to business vehicles?
358	Campbell	I am not sure.

360	Rep. Witt	What are the statistics regarding traffic fatalities due to excessive speeding.
371	Goodpaster	I do not know. States that speed is the primary cause of all traffic accidents.
384	Rep. Witt	Asks if the photo radar equipment would decrease traffic fatalities.
391	Norris	Discusses how speeding intensifies the impact in all accidents.
408	Rep. Walker	How about businesses not being included in receiving citations for speeding according to the statistics regarding photo radar use?
429	Campbell	There is an agreement between the City of Tigard and the businesses. Before issuing the citation the police want to identify the employee.
433	Rep. Uherbelau	Asks if we could get statistics regarding the decrease in accidents due to photo radar equipment.
450	Chair Shetterly	Discusses the concern over the decrease in accidents due to photo radar if HB 3085 imposed the photo radar program upon cities.
465	Rep. Witt	States that individuals get speeding citations, not businesses.
471	Rep. Backlund	Discusses the "big picture" of HB 3085 regarding the safety issue and local governments being allowed to make the choice of using the photo radar equipment. Expresses support of HB 3085.
<b>Tape 79, B</b>		
034	<b>David Baronberg</b>	<b>League of Oregon Cities</b> Testifies in support of HB 3085. Discusses specific speeding problems and the cost of using photo radar equipment to resolve these problems.
058	<b>Kelly Taylor</b>	<b>Department of Transportation, State of Oregon (ODOT)</b> Testifies in support of HB 3085. Discusses the required workload and the revenue needed for the larger influx of citations related to the use of photo radar equipment.
101	Chair Shetterly	Discusses the fiscal impact of HB 3085.
110	Rep. Lowe	Asks about the small fiscal change in Washington County due to the implementation of the photo radar program.

124	Taylor	Discusses who would want to use the photo radar equipment and the estimated cost for using this equipment.
137	Rep. Williams	Would the fiscal impact change in year from now?
147	Taylor	If HB 3085 passed, the program would be implemented in October of 1999. Discusses what effect the photo radar program would have on other city programs and revenue.
166	Rep. Williams	Asks about the basis for determining which cities in Oregon would use the photo radar program.
170	Taylor	Explains which cities have showed an interest in using the photo radar system.
183	Rep. Wells	Asks about the citation being delivered to the vehicle driver within 6 business days according to HB 3085.
193	Taylor	Discusses the computer program that identifies the volume of citations issued.
202	Rep. Walker	Does Y2K create a problem with implementing the photo radar system?
209	Taylor	Discusses the time line for implementing the new photo radar system.
224	Rep. Lowe	Could HB 3085 effect unincorporated Clackamas County?
230	Taylor	States that local government could mean cities or counties.
233	Rep. Lowe	Were counties used in the statistics involving revenue impact?
236	Taylor	No, we just used cities for assessing the fiscal impact of the photo radar system.
237	Rep. Lowe	So the fiscal impact does not reflect the statistics on other municipalities besides cities?
239	Taylor	No, we just used the nine largest cities in Oregon.
243	Chair Shetterly	Closes public hearing.
<b><u>HB 2317 n WORK SESSION</u></b>		
258	Counsel Felton	HB 2317 requires that state pay costs of maintaining courthouses, courtrooms,



		offices and jury rooms used for operation of circuit courts, including costs of utilities. There is the -3 amendment to HB 2317 ( <b>EXHIBIT B</b> ).
277	<b>Jean Cowan</b>	<b>Commissioner, Lincoln County</b>  Testifies in support of HB 2317. Discusses the purpose of the -3 amendments for HB 2317.
340	Rep. Uherbelau	Asks about the appropriated money that will be distributed to all county courthouses.
357	Cowan	Discusses the Vision 2020 Judiciary document that set up the leasing of courthouses by the state.
373	<b>Paul Snyder</b>	<b>Association of Oregon Counties (AOC)</b>  Testifies and submits written testimony in support of HB 2317 ( <b>EXHIBIT C</b> ). Discusses the changes the ñ3 amendments make to HB 2317.
<b>Tape 80, B</b>		
031	Snyder	Continues with discussion on the -3 amendments.
038	Rep. Lowe	Asks about counties requesting more money than is allocated by the state regarding courthouse improvements.
049	Snyder	Discusses the funding process that will allow counties to get more money for courthouse improvements.
060	Rep. Lowe	Asks about the funding process having enough money.
064	Snyder	States that lack of funding will not happen in the near future. Discusses who will be appointed as Court Facility Task Force (CFTF) members and the purpose of the task force.
102	Rep. Wells	Asks about the need for the Court Facility Task Force.
122	Snyder	Discusses the options regarding leasing court facilities that will be examined by the CFTF. States that the function of the CFTF is for long range planning.
149	Rep. Witt	Asks why the county commissioners couldn't handle the options regarding leasing court facilities.
161	Snyder	Discusses the need for CFTF. Discusses the costs and services that the state says

		the county should provide regarding courthouses.
186	Rep. Witt	Asks about the County Commissioners taking the responsibility of handling the courthouse facilities.
200	Cowan	Discusses the problems encountered with shrinking county revenues regarding providing facilities for judges. Discusses the importance of counties having a part in the task force.
242	Rep. Witt	Can it the counties propose a bond levy to provide funds for courthouse improvements? Didn't Washington County have an increase in revenues this last year?
247	Cowan	States that there was a decrease in revenue in Lincoln County. Discusses why a bond levy could not be used to fund courthouse improvements.
253	Rep. Uherbelau	Discusses the process for who deciding on how many judges counties have. Asks about the sunset law that was set-up to dismantle the CFTF.
281	Snyder	States that the function of the task force will be to make recommendations for the legislature.
288	Rep. Uherbelau	Expresses her concern about the many task forces that show no results.
294	Snyder	Discusses the urgency to resolve the issue of providing more court facilities.
310	Chair Shetterly	Closes work session.
<b><u>HB 2572 n PUBLIC HEARING</u></b>		
332	<b>Tom Barkin</b>	<b>Public Utility Commission (PUC)</b>  Testifies and submits written testimony in support of HB 2572 ( <b>EXHIBIT D</b> ). Discusses the purpose of HB 2572 and gives an overview of the n1 amendments ( <b>EXHIBIT E</b> ).
383	<b>Paul Lipscomb</b>	<b>Presiding Judge, Marion County</b>  Testifies in support of HB 2572. Discusses the process of circuit court cases regarding certain orders of state agencies not supported by preponderance of evidence in record. Discusses how the circuit courts on the trial court level could become more efficient. States that the Court of Appeals and the Judicial Department support HB 2572.
<b>Tape 81, A</b>		

037	<b>Cindy Finlayson</b>	<b>Portland General Electric (PGE)</b> Testifies and submits written testimony in support of HB 2572 ( <b>EXHIBIT F</b> ). Discusses the court appeal process of the Oregon Public Utilities Commission (PUC) and the cost involved.
059	Rep. Edwards	How does HB 2572 effect competition in the power industry?
067	Finlayson	Discusses how HB 2572 decreases the cost of litigation for PUC.
072	Rep. Edwards	Does HB 2572 help the competition between the power monopolies?
075	Finlayson	Discusses what industries PUC would effect and why competition would not be involved with these industries.
084	Barkin	Discusses why industries would like to go directly to Court of Appeals for the appeal process.
093	Rep. Edwards	Is there any known opposition to HB 2572?
100	Barkin	States that the Oregon Telecommunications Association (OTA) was opposed to HB 2572 and does not know why no one came to testify.
109	Rep. Uherbelau	States that OTA would have come to testify if they were strongly opposed to HB 2572.
114	Chair Shetterly	Was there any opposition to HB 2572 in the 1997 legislative session?
116	Barkin	No.
118	Chair Shetterly	Closes public hearing.
<b><u>HB 2572 n WORK SESSION</u></b>		
<b>120</b>	<b>Rep. Uherbelau</b>	<b>MOTION: Moves to ADOPT HB 2572-1 amendments dated 03/10/99.</b>
		<b>VOTE: 8-0</b> <b>AYE: 8 - Backlund, Edwards, Lowe, Uherbelau, Walker, Wells, Williams, Shetterly</b> <b>EXCUSED: 1 - Witt</b>

	<b>Chair Shetterly</b>	<b>The motion CARRIES.</b>
124	Rep. Wells	Asks for a review of what happened to HB 2572 in the last legislative session.
126	Barkin	Explains the history of HB 2572 during the 1997 legislative session.
135	<b>Rep. Uherbelau</b>	<b>MOTION: Moves HB 2572-1 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 8-0</b> <b>AYE: 8 - Backlund, Edwards, Lowe, Uherbelau, Walker, Wells, Williams, Shetterly</b> <b>EXCUSED: 1 - Witt</b>
	<b>Chair Shetterly</b>	<b>The motion CARRIES.</b>  <b>REP. UHERBELAU will lead discussion on the floor.</b>
147	<b>Chair Shetterly</b>	<b>MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. UHERBELAU to BE RECORDED as voting AYE on HB 2555-1 AS AMENDED with a DO PASS RECOMMENDATION.</b>  <b>VOTE: 9-0</b>
	Chair Shetterly	Adjourns meeting at 3:30 p.m.

Submitted By, Reviewed By,

Nancy Richards, Aaron Felton,

**EXHIBIT SUMMARY**

**A - HB 2555, Proposed -1 amendment, Counsel, p. 2**

**B - HB 2317, Proposed -3 amendment, Counsel, p. 10**

**C - HB 2317, Written testimony, Paul Snyder, p. 1**

**D - HB 2572, Written testimony, Tom Barkin, p. 5**

**E - HB 2572, Proposed -1 amendment, Counsel, p. 14**

**F - HB 2572, Written testimony, Cindy Finlayson, p. 1**