

HOUSE JUDICIARY  
SUBCOMMITTEE ON CIVIL LAW AND JUDICIAL ADMINISTRATION

Hearing Room 357  
10:00 am Tapes - 48

MEMBERS PRESENT:

Rep. Del Parks, Chair  
Rep. Bryan Johnston, Vice-Chair  
Rep. Kate Brown  
Rep. Chuck Carpenter  
Rep. Lisa Naito  
Rep. Eileen Qutub

MEMBER EXCUSED:

Rep. Bob Tiernan

STAFF PRESENT:

Milt Jones, Committee Counsel  
Sarah May, Committee Assistant

MEASURES HEARD:

HB 2616 - Public Hearing  
HB 2910 - Public Hearing and Work Session  
SB 154 - Public Hearing and Work Session

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.

TAPE , SIDE A

004 CHAIR PARKS: Calls the meeting to order at 8:35 am

PUBLIC HEARING ON HB 2625

(HB 2625 court consolidation [EXHIBIT A])

Witness: Sharon Fleming-Barrett, Affiliated Rental Housing

010 SHARON FLEMING-BARRETT, AFFILIATED RENTAL HOUSING: Testifies and submits written testimony in support of HB 2625. (EXHIBIT B)

026 EMILY CEDARLEAF, MULTIFAMILY HOUSING COUNSEL : Testifies in support of HB 2625.  
PUBLIC HEARING ON HB 2910

(HB 2910 prohibits pre-decree and post-decree ex parte custody and visitation order. [EXHIBIT C])

049 REP. BROWN: HB 2910 prohibits pre-decree and posst-decree ex parte custody and visitation orders. Discusses -1 amendments, EXHIBIT C.

PUBLIC HEARING ON HB 2616

(HB 2616 authorizes owner of private property to dispose of vehicles abandoned on the property under specified circumstances. (EXHIBIT D)

Witnesses: Rep. Liz Vanleeuwen, District 37  
Loyd Pickett, Self  
Chief Pat Moria, Oregon Association of Chief of Police

075 REP. LIZ VANLEEUEWEN, DISTRICT 37 : Testifies in support of HB

091 LOYD PICKETT, SELF: Tesifies in support of HB 2616.

171 REP. VANLEEUEWEN: Reads letter that she received from a constituent. (not submitted).

201 CHIEF PAT MORINA, OREGON ASSOCIATION OF CHIEF OF POLICE: Testifies in opposition to HB 2616.

241 CHAIR PARKS: Are you the authority under the bill?

242 MERINA: Yes.

243 CHAIR PARKS: If there was a \$10 fee would that cover the costs? Your big concern is the hearing part of the bill?

248 MERINA: Yes. Collecting money wouldn't do us any good because it would still increase the work load on our staff. Any time that there is a stolen vehicle left on private property, we will respond to and take those vehicles.

265 CHAIR PARKS: Do the -2 amendments deal with the bill how you want them to?

269 MERINA: I don't think that I have had the chance to look at them well enough. The notification portion of the bill is our primary concern.

278 REP. JOHNSTON: Were those complaints only on public right of ways?

281 MERINA: Yes. Discusses what happens when public calls in with vehicle left on private property. Many of these people post their lot and have an agreement with a towing company.

300 REP. JOHNSTON: Would you support something that adds five or ten dollars to registration of autos to help pay these kinds of costs?

308 MERINA: Would that be collected upon registration?

310 REP. JOHNSTON: Yes when cars are registered. Do you agree that this is a real problem on private property owners?

314 MERINA: It probably is for some people, gives example.

342 TROOPER MONTE SMITH, OREGON STATE POLICE: Testifies and submits written testimony in support of HB 2616. (EXHIBIT D)

TAPE 48, SIDE A

014 SERGEANT CORT CURTIS, OREGON STATE POLICE: Testifies in support of HB 2616.

022 CHAIR PARKS: Do you have numbers of how many people responded to their vehicle being left and the possibility of you selling their vehicle?

024 CURTIS: I don't know.

028 SMITH: I don't know either. I do know that we intend to continue a certified mail process to notify people when their vehicle is towed.

030 AL ELKINS, OREGON TOW TRUCK ASSOCIATION: Out of ten letter, only one may respond.

033 CHAIR PARKS: The nine people that don't respond are considered "iron"?

034 ELKINS: Yes. This process takes a long time. If they sit on the road too long they go to the garbage collectors. The biggest cost is removing the garbage from the vehicle in order to take it to the reeking yard.

039 CHAIR PARKS: People put their garbage in abandoned cars?

040 ELKINS: Yes, especially when the cars are left on city streets and county roads.

041 CHAIR PARKS: How much do you recover out of these vehicles?

042 ELKINS: About ten to fifteen dollars. Explains process of cost of towing and research to find vin- number of vehicle.

059 KEITH BURNS, OREGON FINANCIAL SERVICES DIVISION: Testifies to clarify amendment.

067 CHAIR PARKS: There is another bill with a better relating clause?

068 BURNS: Cites HB 3074 and continues with clarification of amendment.

083 CHAIR PARKS: Didn't we correct that concern?

084 BURNS: Yes, but you are undoing it with parts of this bill. Continues with testimony and explains process. Cites case and possible ways to correct problems. Cites section 13 of -2 amendments and problems.

148 CHAIR PARKS: They testified that the tow truck drivers go through the contents of the vehicle.

150 BURNS: Yes, they did.

155 REP. NAITO: Why can't someone who owns private property, do a posting and require the tow truck company to notify the owner of the car?

161 BURNS: You give the owners the opportunity to recover the car if it has been abandoned, explains.

172 REP. NAITO: Before they tow it a car from private property, notice would need to be sent?

174 BURNS: I suggested that as a process.

176 REP. NAITO: Why should the person who has a vehicle abandoned on their property, have to go through the contents of the car to find who it belongs to. Why should the property owner have to give out notice?

182 BURNS: If the tow truck company agrees to that situation, that's fine. I'm concerned that they will want to be protected that there was a notice sent to the owner of the car before they towed it.

187 CHAIR PARKS: I think that this is a problem. Explains and discusses problems and concerns. It isn't right to lay this problem on the citizens.

Maybe the security holders are going to lose out.

206 BURNS: If you give them the authority to be able to call a tow truck to remove the car and then the tow truck company has to notify the owner, then that will work.

208 CHAIR PARKS: That isn't the answer to the problem. I am not going to transfer the problem from the state to the tow truck drivers. I am going to ask Rep. Johnston to draft amendments and then bring this bill back to the committee. If you want your concerns adressed, you will have a better chance if you give more recognition to the concerns of the other people.

225 BURNS: I have given recognition to them. Concludes testimony.

#### PUBLIC HEARING ON SB 154

245 MILT JONES, COMMITTEE COUNSEL: SB 154 modifies provisions on application of Oregon Tort Claims Act to claims arising out of services rendered by faculty, staff and students of Oregon Health Sciences University at places other than university or clinic of university.

Witness: Janet Billups, Oregon Health Sciences University

257 JANET BILLUPS, OREGON HEALTH SCIENCES UNIVERSITY: Testifies in support of SB 154.

#### REOPEN PUBLIC HEARING ON HB 2910

433 REP. KATE BROWN, DISTRICT 13: Testifies in support of HB 2910. Discusses concerns of wording and cites changes that need to be made.

#### TAPE 47, SIDE B

025 DAVID NEBEL, OREGON COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE: Testifies and discusses proposed -1 amendments to HB 2910.

079 CHAIR PARKS: This is to insure the status quo of a child pinned in the conclusion of the divorce?

081 REP. BROWN: That is one thing that this bill will do. Explains what this bill with the amendments will do.

088 REP. JOHNSTON: One of the things that we are trying to cure is legal shinanigans?

090 NEBEL: That is correct. This bill places a state wide standards where there is none now. It would apply one state wide rule.

095 REP. BROWN: It would also prevent people from using temporary protective orders to get custody of children.

101 KAREN HIGHTOWER, OREGON JUDICIAL DEPARTMENT: Testifies in support of HB 2910 with the -1 amendments.

#### WORK SESSION ON HB 2910

121 MOTION: REP. NAITO: Moves to ADOPT HB 2910 -1 AMENDMENTS.

123 REP. QUTUB: Why aren't we going to adopt the rest of the amendments that were suggested by Kingsley Click?

128 REP. BROWN: The only amendment we did not incorporate was the "fourteen day" peice.

130 CHAIR PARKS: This issue is the most important thing that courts do. The courts think that this is one of the least important things they do. This legislation will make them proceed with these cases more quickly.

136 REP. QUTUB: Asks about "thirty day".

137 CHAIR PARKS: We need to do it in fourteen days, even if it displaces other "important" cases.

142 REP. NAITO: Fourteen days in a legal system concerning adults isn't a big deal. But when this relates to children, fourteen days is a long time in that child's life.

147 VOTE: Hearing no objections the amendments are ADOPTED.

149 MOTION: REP. NAITO: Moves HB 2910 AS AMENDED TO THE FULL  
a DO PASS recommendation.

COMMITTEE with

VOTE: 6-0 MOTION PASSES  
AYE: Brown, Carpenter, Johnston, Naito, Qutub, Parks  
NO: None  
EXCUSED: Tiernan

WORK SESSION ON SB 154

162 MOTION: REP. CARPENTER: Moves SB 154 TO THE FULL COMMITTEE with a  
PASS recommendation.

DO

BILLUPS: Explains why SB 154 would be retroactive.

170 REP. JOHNSTON:

CHAIR PARKS: Why do you want to vote against it then?

REP. JOHNSTON: I have a fundamental disagreement with the Tort claims act,  
explains.

CHAIR PARKS: Adjourns the hearing at 9:46 am.