

PUBLIC HEARING AND WORK SESSION:

SB 299, SB 685, HB 2132

TAPES 97-98, A

SENATE REVENUE COMMITTEE

April 5, 2001 — 8:30 A.M. - HEARING ROOM A - STATE CAPITOL BUILDING

Members Present: Senator Lee Beyer, Vice Chair

Senator Susan Castillo

Senator Tony Corcoran

Senator Gary George

Senator John Minnis

Senator Charles Starr

Members Excused: Senator Ted Ferrioli, Chair

Staff: Paul Warner, Legislative Revenue Officer

Lizabeth Martin-Mahar, Economist, Legislative Revenue Office

Richard Yates, Economist, Legislative Revenue Office

Carol Phillips, Committee Assistant

Witnesses: Steve Johnston, Manager of Field Services for Motor Carrier Transportation Division, Oregon Department of Transportation

Dan Harrington, Senior Motor Carrier Enforcement Officer

Steve Vargo,

Curt Curtis, Sergeant, Oregon State Police

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- 005 Vice Chair L. Beyer Meeting called to order at 8:35 a.m.
- 007 Paul Warner Reminded members Senate Revenue will not meet at the regular time on Monday, April 9, 2001. Instead, members will have a joint meeting with House School Funding & Tax Fairness/Revenue at the Metro Center in Portland at 2:00 p.m. Also, starting next Tuesday Senate Revenue will begin meeting at 8:10 a.m.

OPENED PUBLIC HEARING ON SB 299

- 027 Richard Yates Stated that the bill expands offenses for which weighmasters and Motor Carrier Enforcement Officers (MCEOs) may issue citations to include: a) operating a commercial vehicle without a commercial driver license (CDL), b) operating a commercial vehicle with a suspended or revoked CDL, c) failing to use traction tires or chains when required, and d) failing to pay appropriate truck registration fees. Discussed also the (-1) amendments previously distributed to members when this bill was last heard.
- 039 Steve Johnston Testified in support of SB 299. Exhibit 4. This bill allows Motor Carrier Enforcement Officers working for the Department of Transportation to issue citations for four offenses that in the past they could not by statute. MCEOs under federal motor carrier safety regulations currently enforce three of those offenses. Failing to pay appropriate truck registration fees is the new aspect. This bill will provide uniformity in how violations are charged, i.e. federal motor carrier safety regulations or under Oregon statute.

Questions and answers interspersed.

- 095 Dan Harrington Testified against SB 299. Read Exhibit 5. Is against removal of arrest authority for Oregon's MCEOs.
- Numerous questions and answers, particularly concerning arrest authority specified in ORS statutes, interspersed.
- 216 Stephen Vargo Testified against the bill. Read Exhibit 6.
- Questions and answers followed.
- 262 Sen. Minnis Further comments regarding ability and authority for MCEOs to make physical custody arrests. Existing statutes would indicate physical custody detainment could be made.
- 286 Sen. Starr Asked how the (-1) amendments differ from the bill as introduced.
- 303 Yates Explained that the (-1) amendments change the wording so the extension of arrest authority is limited to weighmasters. MCEOs are taken out of the arrest authority portion but continue in the citation-issuing section.
- 317 Sen. Starr Asked if by policy Oregon State Police would be called to intervene in cases where physical arrest is required.
- 326 Harrington Confirmed that is the current practice.
- 331 Sen. Minnis Continued comments regarding physical custody arrest authority in ORS and the bill.
- 344 Johnston Extensive comments regarding interpretation of statutes. Discussion regarding difference between arrest and detention.

Questions and answers interspersed.

TAPE 098, SIDE A

- 032 Sen. George Gave example of Children and Family Services person going to a home to arrest a parent. That Services person does not make the arrest themselves but has a uniformed police officer with them do it. Weighmasters and MCEOs should not be but in the dangerous position of being able to make arrests themselves. Weigh stations are often in remote isolated places. All pertinent data regarding name, address, license plate of vehicle, and license number of driver should have been acquired. If the driver, having been stopped for whatever violation, leaves the scene, OSP should be able to stop him.
- 062 Curt Curtis Testified against the (-1) amendments. Concerned with safety of weighmasters in remote areas facing confrontations with possibly armed truckers. It sometimes takes OSP 30 to 40 minutes to reach weigh locations to assist weighmasters, and a lot can happen in those 30 to 40 minutes.
- Questions and answers interspersed.
- 143 Sen. Minnis Asked Mr. Johnston where he thought ODOT's authority was in law to restrict authority granted by statute.
- 144 Johnston Replied he did not know exactly where it was in law, but ODOT has been told by the State's Attorney General's Office that ODOT had the ability to say what its employees can and cannot do.
- 152 Sen. Minnis Asked if the legislature grants a specific authority to do something, what power does an agency have to overturn or constrain the granting of that authority? Understands how ODOT may administer the law, but doubts ODOT has the power anywhere in statute to say

they cannot do what the legislature has empowered them to do.

163 Johnston Replied that if there is no place in statute, then the (-1) amendments are really needed.

166 Sen. Minnis Stated he did not want to hold the bill up, but will investigate the subject further, possibly in the Judiciary Committee. Stated that power emanates from the constitution and the legislature...not from agency directors.

CLOSED PUBLIC HEARING ON SB 299

OPENED WORK SESSION ON SB 299

184 Sen. Minnis MOTION:

MOVES SB 299 TO THE SENATE FLOOR WITH A DO PASS RECOMMENDATION.

188 Vice Chair L. Beyer ORDER:

ROLL CALL VOTE: THE MOTION PASSES:
5 — 1 — 1

SENATORS VOTING AYE: CASTILLO,
CORCORAN, MINNIS, STARR, L. BEYER.

SENATOR VOTING NO: GEORGE

SENATOR EXCUSED: FERRIOLI

Sen. Minnis will carry the bill on the Senate Floor.

CLOSED WORK SESSION ON SB 299

OPENED PUBLIC HEARING ON HB 2132

194 Yates Explained that HB 2132 increases registration period from biennial to four years for newly plated private noncommercial automobiles, mopeds, motorcycles, and certain electric

vehicles. Converts biennial registration fees to per year fees for these vehicles. Defines four-year registration period. Converts surcharge for group specialty plates and salmon plates from biennial to a per-year fee.

229 Kelly Taylor Testified in support of the bill. Exhibit 10. The Department of Transportation requested that this bill be introduced. The result of this bill is it will save the public time and will create efficiencies in the Department.

CLOSED PUBLIC HEARING ON HB 2132

OPENED WORK SESSION ON HB 2132

248 Sen. Starr MOTION:

MOVES HB 2132 TO THE SENATE FLOOR WITH A DO PASS RECOMMENDATION.

254 Vice Chair L. Beyer ORDER:

ROLL CALL VOTE, THE MOTION PASSES.
6-0-1

SENATORS VOTING AYE: CASTILLO, CORCORAN, GEORGE, MINNIS, STARR. L. BEYER

SENATOR EXCUSED: FERRIOLI

Sen. George will carry the bill on the Senate Floor.

CLOSED WORK SESSION ON HB 2132

OPENED PUBLIC HEARING ON SB 685

266 Lizbeth Martin-Mahar Explained SB 685, which allows a port district to levy a property tax for the purpose of providing revenue for law enforcement to a city or county in which the port is located. A port district's tax rate cannot exceed its permanent tax rate limit.

Questions and answers interspersed.

304 Ken Armstrong Testified in support of SB 685. This issue was driven in particular by the Port of Brookings Harbor in Curry county. The issue that arose was lack of county sheriff coverage in that area because of under-staffing. The purpose of the bill is to give ports authority to pass fees to a city or county to help pay for law enforcement services.

338 Sen. Castillo Commended the local authorities in Brookings for finding a way to work together within their community to get better law enforcement for their needs.

CLOSED PUBLIC HEARING ON SB 685

OPENED WORK SESSION ON SB 685

352 Sen. Castillo MOTION:

MOVES SB 685 TO THE SENATE FLOOR
WITH A DO PASS RECOMMENDATION.

355 Vice Chair L. Beyer ORDER:

ROLL CALL VOTE, THE MOTION PASSES:
5-0-1

SENATORS VOTING AYE: CASTILLO,
CORCORAN, GEORGE, MINNIS, STARR, L.
BEYER

SENATOR EXCUSED: FERRIOLI

Sen. Castillo will carry the bill on the Senate Floor.

365 Vice Chair L. Beyer Adjourned meeting at 9:27 a.m.

Submitted by, Reviewed by,

Carol Phillips Kim Taylor James

Committee Assistant Revenue Office Manager

Exhibit Summary:

1. SB 299, Yates, Staff Measure Summary, 1 pp.
2. SB 299, Yates, Fiscal Impact Statement, 1 pp.
3. SB 299, Revenue Impact Statement, 1 pp.
4. SB 299, Johnston, Written testimony dated April 5, 2001, 2 pp.
5. SB 299, Harrington, Written testimony undated, 2 pp.
6. SB 299, Vargo, Written testimony dated February 23, 2001, 2 pp.
7. HB 2132, Yates, Staff Measure Summary, 1 pp.
8. HB 2132, Yates, Fiscal Impact Statement, 1 pp.
9. HB 2132, Yates, Revenue Impact Statement, 1 pp.
10. HB 2132, Taylor, Written testimony dated April 5, 2001, 1 pp.
11. SB 685, Martin-Mahar, Staff Measure Summary, 1 pp.
12. SB 685, Martin-Mahar, Revenue Impact Statement, 1 pp.
13. SB 685, Martin-Mahar, Cities and Counties Within Oregon Port Districts, 2 pp.
14. SB 685, Martin-Mahar, Fiscal Impact Statement, 1 pp.
15. SB 188, Huston, Written testimony dated April 4, 2001, 51 pp.