

SENATE COMMITTEE ON TRANSPORTATION

April 4, 1997 Hearing Room C

1:00 P.M. Tapes 51 - 52

**MEMBERS PRESENT:**

Sen. Marylin Shannon, Chair

Sen. Ken Baker, Vice-Chair

Sen. Joan Dukes

Sen. Gary George

Sen. Mae Yih

**MEMBER EXCUSED:**

**STAFF PRESENT:**

Lin Ludwick, Administrator

Nora Carlson, Administrative Support

**MEASURE/ISSUES HEARD:**

SB 651 Public Hearing and Work Session

SCR 8 Public Hearing and Work Session

SB 955 Public Hearing and Work Session

SB 758 Public Hearing and Work Session

SB 709 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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 51, A</b>		
003	Chair Shannon	Calls meeting to order at 1:20 p.m.
<b><u>SB 651</u></b> <b><u>PUBLIC</u></b>		

<b>HEARING</b>		
015	Lin Ludwick	Administrator, reviews provisions of the bill.
020	Rep. Bill Markham	District 46, provides testimony in support of SB 651.
043	Rep. Randall Edwards	District 14, provides testimony in support of SB 651.
051	Sen. Kate Brown	District 7, submits and provides testimony in support of SB 651 ( <b>EXHIBIT A</b> ).
070	Rep. Ken Strobeck	District 6, provides testimony in support of SB 651.
088	Rob Drake	Mayor of Beaverton, Oregon, provides testimony in support of SB 651.
127	Sen. Baker	Asks if the problem with the ticket dispute was ever resolved.
130	Drake	Responds that the judges' decision was overturned, the tickets were dismissed, and a letter of apology was sent out.
140	Chair Baker	Provides background on previous legislation which restricted photo radar to residential areas.
157	Sen. Brown	Responds that she would support expanding the boundary, especially if the resident lives in Southeast Portland where traffic generally runs 10 to 15 miles over the speed limit.
170	Mayor Drake	Responds that a poll was conducted and that 75% of those polled supported expansion city wide.
176	Sen. Dukes	Comments that the reason people would support expansion is because of its impact in residential areas.
187	Sen. Baker	Asks about abuse prevention.
192	Strobeck	Responds that there are a limited number of photo radar units available and that the city will only use them in response to a citizen's request.
208	Sen. Brown	Comments that slowing traffic would encourage alternative modes of transportation.
220	Chair Baker	Asks if their proposal would allow use of the unit anywhere inside the incorporated city limits.
225	Rep. Edwards	Responds that there are places within the Portland area that would be applicable which is the reason for the legislation.
234	Sen. Brown	Comments that the bill limits use to the Beaverton and Portland areas and does not encourage units to be used outside the city limits.
240	Rep. Markham	Comments that he would support expansion in his area: Douglas, Josephine, and Jackson Counties.
250	Sen. Dukes	Observes that the bill provides the requirement that the city would have to make a finding that speeding has a negative impact on traffic safety prior to use; also provides a 4-hour limit use of the unit.
265	Rep. Edwards	Comments that the focus will be on safety.

272	Drake	Comments that Beaverton has a traffic commission which is the appropriate body for findings, and that Beaverton also has a strong public involvement process.
312	Sen. Dukes	Suggests that the city council should give final authorization on findings and not the Transportation Commission.
321	Drake	Responds that the city often delegates findings to the Transportation Commission.
332	Sen. Duke	Comments that she is not comfortable with language that would allow a group of unelected officials to rule on findings.
335	Drake	Responds that the city council could be the governing body if the committee prefers.
349	Susan Schneider	City of Portland, Government Relations, submits and provides testimony in support of SB 651 ( <b>EXHIBIT B</b> ).
382	Chair Baker	Asks about the process that identifies an individual who is driving a company vehicle.
385	Schneider	Responds that the employer would provide the name.
390	Chair Baker	Asks about mechanisms used to identify employees.
394	Sara Dahl	Program Manager, City of Portland, explains that a letter would go out to the company asking for identification of who was driving the car.
410	Chair Baker	Asks about the liabilities to companies if they don't comply.
<b>TAPE 52, A</b>		
010	Dahl	Responds that most businesses are in compliance.
025	Linda Adlard	Chief of Staff, City of Beaverton, provides testimony in support of SB 651.
070	Adlard	Continues with testimony on safety.
072	Christine Stillger	Representing Reclaiming Our Streets Implementation Team, submits and provides testimony in support of SB 651 ( <b>EXHIBIT C</b> ).
110	Chair Baker	Refers to committee handout which shows various businesses in support of SB 651.
115	Gary Cerotsky	Portland Police Officer, submits and provides testimony in support of SB 651 ( <b>EXHIBIT D</b> ).
154	Steven Wilson	Sergeant, Beaverton Police Department, provides testimony in support of SB 651.
174	Sen. Yih	Asks about the reason for the 4-hour use limitation.
180	Schneider	Responds that the limitation was included to respond to a legislative concern that particular areas would not be continually targeted.

185	Sen. Yih	Asks if there are plans to expand photo radar to other areas of the state.
190	Schneider	Responds that language is not included in the bill.
194	Sen. Yih	Asks if the program is funded through citations.
198	Schneider	Explains that it is funded through citations and general fund dollars.
200	Sen. Yih	Asks to describe the funding distribution.
202	Dahl	Respond that 50% of funding is through citation revenues and the remainder through general fund.
212	Sen. Yih	Comments that she supports the program; asks if bill could be amended to include other states. Also suggests that Rep. Markham may want to include the program in his district.
235	Rep. Markham	Comments that he would like to try the program on an experimental basis for a two year period and restrict it to secondary roads.
254	Rep. Markham	Comments that photo radar is not a revenue making proposal, it is a break even situation; asks if the program is close to breaking even.
259	Linda Adlard	Chief of Staff, City of Beaverton, responds that it would depend on the allocation of expenses versus revenues.
287	Sen. Yih	Asks about the cost of the photo radar unit.
290	Adlard	Responds that the van is leased by a vendor who prints and processes all of the citations, and provides equipment and maintenance support.
302	Sen. Yih	Asks if the city has to hire officers to go with each unit.
307	Adlard	Responds that the use of the radar requires a sworn officer to operate the unit.
314	Dan Bartlett	Milwaukee City Manager, submits and provides testimony in support of SB 651 ( <b>EXHIBIT E</b> ) which proposes that the City of Milwaukee be included into the bill.
340	Chair Shannon	Asks Mr. Bartlett to prepare proposed amendments.
395	Chair Shannon	Closes public hearing on SB 651; opens work session on SB 651.
<b><u>SB 651 WORK SESSION</u></b>		
402	Sen. Dukes	<b>MOTION: Moves SB 651 to the floor with a DO PASS recommendation.</b>
403	Sen. Yih	Suggests that bill be amended to include Douglas, Joseph, Jackson, and Linn Counties for a two-year experimental period.
<b><u>TAPE 51, B</u></b>		
020	Sen. Dukes	Comments that it is not a friendly amendment and that she would have to defeat the previous motion.

030	Sen. Baker	Suggests that the amendments be introduced in the House.
034	Sen. Yih	Goes on record that she will vote in opposition to the bill.
040	Chair Shannon	<b>VOTE: 4-1</b> <b>AYE: 4 - Baker, Dukes, George, Shannon</b> <b>NAY: 1 - Yih</b>
042	Chair Shannon	<b>The motion CARRIES.</b> <b>SEN. BAKER will lead discussion on the floor.</b>
050	Chair Shannon	Closes work session on SB 651; opens public hearing on SCR 8.
<b><u>SCR 8 PUBLIC HEARING</u></b>		
056	Geoff Stone	Columbia River Bar Pilot, provides testimony in support of SCR 8.
102	Thron Riggs	Columbia River Bar Pilot, voices support for SCR 8.
104	John Raichl	Clatsop County Sheriff, provides testimony in support of SCR 8.
160	Raichl	Continues with testimony on services.
218	Richard Laughlin	Former Clatsop Superintendent, provides testimony in support of SCR 8.
258	Sen. Baker	Asks if services could be purchased through private individuals.
260	Stone	Responds that services provided would not be guaranteed.
287	Chair Shannon	Closes public hearing on SCR 8; opens works session on SCR 8.
<b><u>SCR 8 WORK SESSION</u></b>		
290	Sen. Baker	<b>MOTION: Moves SCR 8 be sent to the floor with a BE ADOPTED recommendation.</b>
292	Chair Shannon	<b>AYE: In a roll call vote, all members present vote Aye.</b>
294	Chair Shannon	<b>The motion CARRIES.</b> <b>SEN. DUKES will lead discussion on the floor.</b>
296	Chair Shannon	Closes work session on SCR 8; opens public hearing on SB 955.
<b><u>SB 955 PUBLIC HEARING</u></b>		
315	Lin Ludwick	Administrator, reviews provision of the bill.
320	Maurice Joseph	Private citizen, provides testimony in support of SB 955.

380	Joseph	Continues with testimony on emission standards.
425	Chair Shannon	Closes public hearing on SB 955; opens work session on SB 955.
<b>TAPE 52, B</b>		
<b>SB 955 WORK SESSION</b>		
010	Sen. George	<b>MOTION: Moves SB 955 to the floor with a DO PASS recommendation.</b>
012	Chair Shannon	<b>VOTE: 3-1</b> <b>AYE: 3 - Dukes, George, Shannon</b> <b>NAY: 1 - Baker</b> <b>EXCUSED: 1 - Yih</b>
014	Chair Shannon	<b>The motion CARRIES.</b> <b>SEN. GEORGE will lead discussion on the floor.</b>
025	Chair Shannon	Closes work session on SB 955; opens public hearing on SB 758.
<b>SB 758 PUBLIC HEARING</b>		
030	Charles Yarton	Tigard resident, submits and provides written testimony in support of SB 758 ( <b>EXHIBIT F</b> ).
080	Yarton	Continues with testimony on unmarked police cars.
130	Yarton	Continues with testimony on selective enforcement, speed traps.
171	Chair Shannon	Closes public hearing on SB 758; opens public hearing on SB 709.
<b>SB 709 PUBLIC HEARING</b>		
185	Keith Leavitt	Manager, Ports Division, Oregon Economic Development Department, provides support of SB 709.
190	Ken Armstrong	Executive Director, Oregon Public Ports Association, submits proposed amendments and provides testimony in support of SB 709 ( <b>EXHIBIT G</b> ).

192	Sen. Dukes	Asks Mr. Armstrong to explain the affects of the proposed amendments.
197	Armstrong	Describes the affects of the amendments.
229	Chair Shannon	Closes public hearing on SB 709; opens work session on SB 709.
<b><u>SB 709 WORK SESSION</u></b>		
235	Sen. Dukes	<b>MOTION: Moves to ADOPT SB 709-2 amendments dated 4/4/97.</b>
237	Chair Shannon	<b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 1 - Yih</b> <b>The motion CARRIES.</b>
240	Sen. Dukes	<b>MOTION: Moves SB 709 to the floor with a DO PASS AS AMENDED recommendation.</b>
242	Chair Shannon	<b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 1 - Yih</b>
250	Chair Shannon	<b>The motion CARRIES.</b> <b>SEN. SHANNON will lead discussion on the floor.</b>
241	Chair Shannon	Closes work session on SB 709; reopens public hearing on SB 758.
<b><u>SB 758 PUBLIC HEARING</u></b>		
275	Sen. Randy Miller	District 13, provides support for SB 758.
280	Sen. George	Comments on the use of amber lights in police cars.
285	Charles Yarton	Private citizen, provides testimony in support of SB 758.
320	Yarton	Continues with testimony on searches without probable cause.
370	Chair Shannon	Comments that the police have a big interest in the bill and asks Mr. Yarton if he would be willing to work with the police on a resolution.
390	Yarton	Agrees and asks to identify which police group.
404	Chair Shannon	Identifies the Oregon Police Association and the Oregon State Police, and directs the administrator to facilitate a meeting.
439	Chair Shannon	Adjourns meeting at 3:10 p.m.

Submitted By, Reviewed By,

Nora Carlson, Lin Ludwick,

Administrative Support Administrator

**EXHIBIT SUMMARY**

**A - SB 651, written materials, Kate Brown, 1 p**

**B - SB 651, written materials, Susan Schneider, 73 pp**

**C - SB 651, written testimony, Christine Stillger, 1 p**

**D - SB 651, written testimony, Gary Cerotsky, 3 pp**

**E - SB 651, written testimony, Dan Bartlett, 1 p**

**F - SB 758, written testimony, Charles Yarton, 7 pp**

**G - SB 709, proposed amendments, Ken Armstrong, 1 p**

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