

SENATE COMMITTEE ON
TRANSPORTATION

Hearing Room
Tapes - 38

MEMBERS PRESENT:

Sen. Ken Baker, Chair
Sen. Mae Yih, Vice-Chair
Sen. John Lim
Sen. Marilyn Shannon
Sen. Dick Springer

STAFF PRESENT:

Janet Adkins, Committee Administrator
Gina Rumbaugh, Committee Assistant

MEASURES HEARD:

SB 616 Work Session
SB 538 Public Hearing and Work Session
SB 465 Public Hearing

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 BAKER: Calls the meeting to order (1:34PM).
-Introductory remarks

WORK SESSION ON SB 616

Witnesses: Ken Simila, Measurement Standards Division, Oregon Department of Agriculture

005 ADMINISTRATOR ADKINS: Reviews SB 616 prior testimony and SB 616-2 amendments with changes [EXHIBIT A].

110 SEN. YIH: Do we need to list in statute what ASTM adopted standards and procedures are?

CHAIR BAKER: The standards will be listed in the Department of Agriculture rules.

125 SEN. LIM: Concerned that the maximum civil penalty of \$15,000 is excessive for retailers.

CHAIR BAKER: It's the same penalty that the Department of Agriculture has

currently. The bill lists considerations in determining the penalty. My concern is that in some circumstances of deliberate contamination, \$15,000 is not enough.

SEN. LIM: The retailers could be a victim of the distributors.

CHAIR BAKER: If they're an innocent victim, I'd presume the fine would be none or nominal. There needs to be an adequate fine structure.

175 SEN. LIM: Why should retailers be fined when the gasoline comes from the distributors?

CHAIR BAKER: There could be situation where the dealer is at fault; we don't know at this point because we don't have a history of testing here in Oregon.

185 SEN. YIH: The previous history of the retailer would be considered; if it's a repeated offense, the penalty would be severe.

CHAIR BAKER: In response to Sen. Lim, there is no funding mechanism once the \$1 million grant award is exhausted; if the program is successful, another source of funding could be considered by the 1999 legislature; there's a built in sunset clause due to lack of funding.

220 SEN. LIM: Could we put a sunset clause into the bill?

CHAIR BAKER: Could sunset it on 12/31/99.

255 MOTION: CHAIR BAKER MOVES TO ADOPT SB 616-2 AMENDMENTS AS READ EARLIER WITH CHANGES DATED 3/21/95

VOTE: ALL MEMBERS PRESENT, HEARING NO OBJECTIONS THE AMENDMENTS ARE ADOPTED

MOTION: CHAIR BAKER MOVES THAT SB 616 BE FURTHER AMENDED BY ADDING A SUNSET DATE OF 12/31/99

VOTE: ALL MEMBERS PRESENT, HEARING NO OBJECTIONS THE AMENDMENTS ARE ADOPTED

265 SEN. YIH: Is the Department of Agriculture going to apply for the fund?

Can they come back next biennium to recommend if the program should continue and suggest a new funding mechanism?

KEN SIMILA, MEASUREMENT STANDARDS DIVISION, OREGON DEPARTMENT OF AGRICULTURE: Yes, it is my understanding we'll make application.

-In response to Sen. Baker, requesting the full \$1 million has not yet been determined

310 SEN. YIH: So you will apply for this funding and come back to the Emergency Board to ask for authorization to spend it? Do you have enough time to begin the program 1/1/96?

SIMILA: In answer to the first question, yes, that is my understanding. Second, we would need to order the necessary equipment in October to start by January.

SEN. YIH: Will this program take care of the issue of quantity?

SIMILA: Quantity assurance is ongoing and is funded currently.

-In response to Sen. Yih, it has been funded for 50 years by a license fee per metering device

-In response to Sen. Yih, the quantity program's legality has never been challenged

350 SEN. YIH: Suggests using the same fund mechanism for continuing the testing program.

SIMILA: This has been mentioned as a possibility, but we have not suggested it.

375 SEN. LIM: I think we should look at a two-tier penalty system and not penalize the retailers more than \$5,000.

ADMINISTRATOR ADKINS: Clarifies retail and non-retail dealers, which are card and keylock dealers, and that both should be included together.

420 MOTION: SEN. LIM MOVES SB 616 BE FURTHER AMENDED SO THAT RETAIL AND NON-RETAIL DEALERS BE SUBJECT TO A MAXIMUM \$5,000 CIVIL PENALTY, AND OTHERS

NOTED IN BILL SUBJECT TO A MAXIMUM \$15,000 CIVIL PENALTY

VOTE: ALL MEMBERS PRESENT, HEARING NO OBJECTIONS THE AMENDMENTS ARE ADOPTED

TAPE 38, SIDE A

015 MOTION: SEN. YIH MOVES THAT SB 616, AS AMENDED, BE SENT TO THE FLOOR WITH DO PASS RECOMMENDATION

CHAIR BAKER: Explains request to rescind referral to Ways and Means.

VOTE: IN A ROLL CALL VOTE, SENS. LIM, SPRINGER, YIH, AND BAKER VOTE AYE; SEN. SHANNON VOTES NO; THE MOTION CARRIES

Sen. Yih will lead discussion on the Floor.

PUBLIC HEARING ON SB 538

Witnesses: John Donovan, Oregon Ambulance Association
Shawn Baird, Operations Manager, Woodburn Ambulance Service

045 ADMINISTRATOR ADKINS: Explanation of SB 538.

085 JOHN DONOVAN, OREGON AMBULANCE ASSOCIATION: Brief introduction of Oregon Ambulance Association.

095 SHAWN BAIRD, OPERATIONS MANAGER, WOODBURN AMBULANCE SERVICE: Supports SB 538; submits testimony [EXHIBIT B]. There is a safety problem in being subject to a separate category when responding to emergency situations. Gives examples of problems that exist under current statute.

140 -Submits letter in support on behalf of the Oregon State Sheriffs' Association [EXHIBIT C]

150 SEN. YIH: Do you undergo the same type of driver training as other emergency vehicles?

BAIRD: Yes; in fact, it's a state approved curriculum.

SEN. YIH: How fast do some emergency vehicles go?

BAIRD: The idea is to go a discernible amount faster than the flow of traffic, but slow enough that vehicles can see you approaching and yield right of away.

WORK SESSION ON SB 538

185 MOTION: SEN. SHANNON MOVES THAT SB 538 BE SENT TO THE FLOOR WITH A DO PASS RECOMMENDATION

VOTE: IN A ROLL CALL VOTE, ALL MEMBERS ARE PRESENT AND VOTE AYE; THE MOTION CARRIES

Sen. Shannon will lead discussion on the Floor.

PUBLIC HEARING ON SB 465

Witnesses: Curt Curtis, Sergeant, Oregon State Police
Senator Bill Bradbury, Senate District 24, State of Oregon

200 ADMINISTRATOR ADKINS: Explanation of SB 465.

225 CURT CURTIS, OREGON STATE POLICE: Speaking on behalf of Coos County police enforcement. Gives history of problems in citing violators of disabled parking spaces. There is no provision with regard to follow-up to these types of traffic infractions.

300 SEN. SHANNON: Is there a check for someone who uses the placard of a deceased person?

CURTIS: That is the reason DMV began issuing renewable placards.

355 SENATOR BILL BRADBURY, SENATE DISTRICT 24, STATE OF OREGON: Summarizes background and reasons for sponsoring SB 465. Citation enforcement for disabled parking violations should be handled the same way as regular parking tickets.

405 CHAIR BAKER: Couldn't we achieve your purpose by simply striking the word 'rebuttable' from line 19 of the bill, and adding no further language?

SEN. BRADBURY: Yes, you could do that. My intent is for handicapped parking tickets to be treated exactly the same as tickets for other parking violations.

ADMINISTRATOR ADKINS: Most parking violations are in local ordinance; I couldn't find a statutory reference in state law.

460 SEN. SHANNON: Shares personal experience of receiving a ticket under Oregon law for briefly stopping in a handicapped parking space.

TAPE 37, SIDE B

035 ADMINISTRATOR ADKINS: Another issue to consider is that sometimes a person doesn't register a vehicle in their name after buying it, and under current law you can get out of a parking citation by saying you're no longer owner of the vehicle.

CHAIR BAKER: Strike the word 'only' so it can only be rebutted by the registered owner, or can other people rebut it also?

SEN. BRADBURY: The ticket is issued to the registered owner.

ADMINISTRATOR ADKINS: If rebuttable presumption is removed, who is liable if the person who is not the registered owner was handed the citation?

SEN. BRADBURY: If the operator of the vehicle is proven by the volunteer, the ticket could be issued directly to them; if there is no one around the vehicle, the ticket could go to the registered owner.

065 CHAIR BAKER: The administrator and I will discuss this further with counsel.

SEN. SHANNON: Would like to make a difference in state law between parking and stopping in handicapped parking.

CHAIR BAKER: Adjourns the meeting.

Submitted by, Reviewed by,

Gina Rumbaugh Janet Adkins
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

- A - SB 616-2 amendments -- Staff -- 2 pages
- B - Testimony on SB 538 -- Shawn Baird -- 1 page
- C - Letter on SB 538 -- Shawn Baird on behalf of Art Martinak -- 1 page
- D - Written testimony on SB 616 -- Debra Downey -- 1 page
- E - Written testimony on SB 465 -- Eugene Organ -- 2 pages