

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.

CONFERENCE COMMITTEE ON SB 191

June 26, 1991Hearing Room D 9:45 a.m.Tape 4

SENATE MEMBERS PRESENT: Sen. Jim Hill, Chair Sen. Dick Springer

HOUSE MEMBERS PRESENT: Rep. Bell Rep. Brian Rep. Sunseri

MEMBER EXCUSED: Sen. Cohen

STAFF PRESENT: Ingrid Swenson, Committee Administrator
Jacqueline Talbot, Committee Assistant

WITNESSES: Lt. Glen Rader, Oregon State Police

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TAPE 1, SIDE A

005 HILL: Calls meeting to order at 9:55 a.m.

007 SWENSON: The difference between the Senate passed version and the House passed version is that the House passed version would permit a police officer to issue a traffic citation when that officer has probable cause to believe an offense has occurred, based on information from another officer who is either in an airplane or train. In the Senate passed version, it would be limited to observations made from a train. When the bill was first introduced it was without limitation as to the location of the officer. The Senate Transportation Committee added the limitation of the train and plane; the Senate Judiciary Committee removed the aircraft portion. The House then restored the aircraft portion (EXHIBIT A).

014 HILL: What was the Senate's reason for deleting the aircraft provision?

015 SWENSON: There are only six aircraft in use, and there is a mechanism whereby the officer in the airplane can observe the speed of the vehicle on the ground because there are markings on the ground, and in a general sense, officers are not allowed to issue citations unless they personally observe the infraction.

021 BELL: We did talk with Sen. Cohen; our main purpose here is to get the bill out, and if the aircraft is the problem we are willing to deal with that. However, is there any limitation which could be added to make aircraft acceptable?

028 HILL: I don't believe so; we've discussed it, and Sen. Brockman was only person on the committee who favored aircraft.

031 SUNSERI: Could we ask Lt. Rader if he has some reasoning regarding aircraft?

033 LT. GLEN RADER: The bill originally began with a very broad scope; it would permit any infraction observed by one police officer, a second police officer could stop that car after the first officer gave him a description of the vehicle and offense. It was narrowed to only those offenses which were observed at such times when we might be using aircraft for traffic enforcement. We do not use aircraft on a regular basis; we use aircraft about 89 hours a year, during holidays. Currently, it is permitted for a first officer to observe an offense, on the ground, radio to another officer down the road, and the second officer can stop that vehicle and issue a citation. Currently, when an officer in an aircraft observes a speeder, they can relay it to a person on the ground, who stops the car and issues a citation. In the cases of major traffic offenses, such as reckless driving, DUUI, Class A misdemeanors, we can do same thing. However, there are many hazardous moving-violations that occur on the highways and are observed from aircraft, and we can't radio down to stop the vehicle and cite. This change would not expand the authority of officers on the ground to observe an offense, relay it to another officer to issue a citation. The reason we asked for the bill to be broad originally was because people weren't stopping at a stop sign in Bend and the statute does not allow an officer to radio to a second officer to stop a car whom the first officer has witnessed commit this offense. This bill would not permit that, just those few times that aircraft is used and hazardous violations are observed.

090 HILL: As I understand it, the heart of bill is the "officer on the train" program.

091 RADER: The original intent of the bill was for the aircraft; the trooper on the train was added later.

094 BRIAN: I would be happy with the aircraft involvement; it's a better use of resources, that while they are up in the air they could get more "bang for the buck." However, I support the bill without the provision.

102 MOTION: Sen. Springer moves to concur with the House amendments on SB 191 .

103 BELL: I'm a little hesitant, due to Sen. Cohen's absence.

106 HILL: Because the chair feels very strongly about not having the planes in, I'll have to object to your motion.

112 SPRINGER: I am willing to remove aircraft from the bill.

114 MOTION: Sen. Hill moves to reside from the House amendments and repass SB 191.

127 VOTE: In a roll call vote, the motion passes, 5-0. Bell, Brian, Springer, Sunseri, Hill voting "aye."

129 HILL: Adjourns the conference committee meeting at 10:05 a.m.

Submitted by,

J.E. McComb Committee Assistant

EXHIBIT SUMMARY

Exhibit A - Staff Measure Summary, SB 191, staff, 1 pg.