

Senate Committee on Rules
June 28, 1991 - Page

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SENATE COMMITTEE ON
RULES

June 28, 1991Hearing Room B
12:00 p.m. Tape 33
Salem, Oregon

MEMBERS PRESENT:Sen. Frank Roberts, Chair
Sen. Bill Bradbury, Vice-Chair (Deaprted 1:05 p.m.)
Sen. John Brenneman
Sen. Jane Cease
Sen. Joyce Cohen
Sen. Joan Dukes
Sen. Lenn Hannon

STAFF PRESENT: Jose Mata, Committee Administrator
Bernadette Williams, Committee Assistant

MEASURES

CONSIDERED:Executive Appointment:

Commission for the Blind, Steve Hanamura

HB 2295-B - Authorizes PUC to inspect drivers, cargo and vehicles,
PAW

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TAPE 33, SIDE A

002 CHAIR ROBERTS: Calls the meeting to order at 12:45 p.m..

(Tape 33, Side A)
HB 2295-B - PUBLIC HEARING
Witnesses:Joan Smith, PUC Commissioner
Paul Graham, Attorney General's Office
Ingrid Swenson, Senate Judiciary Committee Counsel

017 ROBERTS: Opens public hearing on HB 2295-B.

018 COHEN: Submits and summarizes amendments to HB 2295-B.
(EXHIBIT A)

038 JOAN SMITH, PUBLIC UTILITY COMMISSIONER:
Asking for support of the original HB 2295-B.

046 ROBERTS: Do you intend to inspect vehicles other than those
subject to regulation by the Commission?

047 SMITH: No.

047 ROBERTS: Then why do you oppose the amendment?

048 SMITH: Aside from the time that is left for the session, we
feel this is redundant. The statute defines, with great
clarity, motor vehicles that we inspect.

052 ROBERTS: The language says "a person driving a vehicle"; are
all vehicles under your jurisdiction. Does this language
limit you just to vehicles under your jurisdiction?

055 SMITH: Yes.

056 PAUL GRAHAM, ATTORNEY GENERAL'S OFFICE:
Reads definition of motor vehicles from ORS 767.005.

062 ROBERTS: That means any private car.

062 GRAHAM: No, it doesn't. The restriction is that the
definition of "transportation" says that the vehicle has to be
used in the transportation of persons or property.

ORS 756.040 states that the business of the Commission is to
regulate public utilities, railroads and motor carriers. We
have never had any authority to regulate anyone other than
those three.

"Transportation" is used throughout ORS 767. and every time it
is used it is commercial transportation.

074 HANNON: Asks about U-haul truck drivers pulling a car on a
dolly and it being over a certain gross weight. What is to
prevent that person from being flagged in and inspected?

081 GRAHAM: That wouldn't fit the definition of motor vehicle
because it is not engaged in transportation as defined by
"motor vehicle".

083 HANNON: What you are telling us and what your agents are
doing out in the field are two different things. I am willing
to accept a certain level that is authorized to regulate
trucking safety. What is the definition of "transportation"?

093 GRAHAM: It refers to commercial transportation.

112 HANNON: It is clear for the record that this would not
involve vehicles other than commercially licensed PUC trucks
and buses.

116 GRAHAM: That is correct.

117 ROBERTS: Asks whether or not ORS 767 defines "vehicle" as only related to commercial vehicles.

119 GRAHAM: I believe it does; that is the only reasonable way to read it.

123 COHEN: Asks what the problem is.

131 DUKES: The PUC hasn't ever decided to stop all regular vehicles. We can't fight over redundant language. I think HB 3590-A clarifies it.

142 SMITH: We could be instructed to do a rulemaking procedure if HB 2295-B passes to clearly define what is going on here.

156 CEASE: The amendment doesn't do anything to change the definition of current activity. All it does is refer to the other part of the statute. Not uncomfortable with the bill in form that it is in.

171 INGRID SWENSON, SENATE JUDICIARY COMMITTEE COUNSEL:
Our concern is that HB 2295-B seems to stand independently of any other authority given in ORS 756. Read by itself, it would authorize the stopping of any vehicle without limitation and examination of the driver. There is no probable cause requirement and nothing to limit the ability of the PUC to stop any vehicle. Chapter 767 excludes all types of vehicles that the Commission may not inspect, but it never specifically excludes passenger automobiles.

192 HANNON: Is the difference that we don't charge late mile tax on private individuals?

195 SWENSON: That is correct.

196 HANNON: Then these statutes wouldn't apply because ORS 767 deals with PUC authority, which is a method of raising weight and mile tax and collecting it. Asks if that is a correct assumption.

200 SWENSON: ORS 756 grants general powers of authority to the PUC. Worried that HB 2295-B could be read as an independent grant of authority, in addition to the other authority they have under ORS 756.

211 HANNON: We have created enough of a record that it is intended solely for that operation and has jurisdiction under the PUC. We have the assurance of the PUC that this is only to clarify that they have the right to do an off-site inspection from a weigh scale station or PUC inspection station.

229 COHEN: We need to be careful of broadness.

234 MOTION: SEN. COHEN asked if there was objection to the adoption of HB 2295-B dash four amendments, dated 6/28/91.

242 BRADBURY: This language is fine and clearly does what everyone's intent is. The question of the PUC is whether they

have some problem with votes on the floor of the house going back for concurrence. If you don't, there is no problem with this.

251 SMITH: We have no information that the votes have eroded. Concerned with the lack of time to deal with it.

258 VOTE: In a roll call vote, the motion carried with Senator Cease and Hannon voting NAY.

268 MOTION: SEN. COHEN asked if there was objection to moving HB 229 5-B, as amended, to the floor, thereby effectively moving HB 2295-B to the floor with a "do pass" recommendation.

271 VOTE: Hearing no objection, the motion was unanimously approved.

279 ROBERTS: Submits and summarizes the Executive Appointment of Steve P. Hanamura to the Commission for the Blind. Asks for a brief explanation of why he wishes to serve of the Commission.

289 STEVE P. HANAMURA, COMMISSION FOR THE BLIND:
The Oregon Commission for the Blind has served me individually, as well as other blind persons in Oregon. Have had the privilege of being both a staff member and a client. It is time to give back to an agency that has assisted me and continues to assist other people.

303 HANNON: Asks if Mr. Hanamura belongs to any of the affiliates (e.g. Federation of the Blind or the Council of the Blind).

306 HANAMURA: No, I do not.

307 HANNON: There is usually a conflict between associations.

312 MOTION: SEN. HANNON asked if there was objection to sending the Executive Appointment of Steve P. Hanamura to the Commission for the Blind to the floor with a recommendation of confirmation.

VOTE: Hearing no objection, the motion was unanimously approved. Senator Bradbury was absent.

325 ROBERTS: Senator Hannon will carry the Executive Appointment. Adjourns meeting at 1:07 p.m..

Submitted by: Reviewed by:

Bernadette Williams Jose Mata
Assistant Administrator

EXHIBIT LOG:

A - Amendments to HB 2295-B - Staff - 1 page

B - Executive Appointment - Governor Roberts - 6 pages

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SENATE COMMITTEE ON
RULES

June 28, 1991Hearing Room B
7:45 p.m. Tape 34
Salem, Oregon

MEMBERS PRESENT:Sen. Frank Roberts, Chair
Sen. Bill Bradbury, Vice-Chair
Sen. John Brenneman (Arrived 9:30)
Sen. Jane Cease
Sen. Joyce Cohen
Sen. Joan Dukes
Sen. Lenn Hannon (Arrived 9:30)

STAFF PRESENT: Jose Mata, Committee Administrator
Bernadette Williams, Committee Assistant

MEASURES
CONSIDERED:HB 3590-A - Prohibits possession of tobacco products by minors,
PAW

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TAPE 34, SIDE A

002 CHAIR ROBERTS: Calls the meeting to order at 9:25 p.m..

007 MOTION: SEN. BRADUBURY asked if there was objection to moving HB 3590-A to the floor, thereby effectively moving HB 3590-A to the floor with a "do pass" recommendation.

VOTE: Hearing no objection the motion was unanimously approved. Senators Brenneman and Hannon were absent.

011 Senators Brenneman and Hannon arrive and respectfully ask for courtesies to be extended to allow them to register a vote and submit a minority report. After

deliberation and by implied consent, the Rules were suspended and Senators Brenneman and Hannon were allowed to register a vote and submit a minority report.

027 Senators Brenneman and Hannon vote Nay on the motion to move HB 3590-A to the floor with a "do pass" recommendation and submit a minority report.

048 CHAIR ROBERTS: Adjourns the meeting.

Submitted by: Reviewed by:

Bernadette Williams Jose Mata
Assistant Administrator