

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.

Measures Heard
WS: SB 68 & SB 375
PH & WS: SB 907

SENATE COMMITTEE ON
TRANSPORTATION

March 7, 1991Hearing Room C
8:00 a.m.Tapes 38 - 40

MEMBERS PRESENT:Sen. Joan Dukes, Chair
Sen. William McCoy, Vice-Chair
Sen. Peter Brockman
Sen. Scott Duff
Sen. Paul Phillips
Sen. Tricia Smith
Sen. Eugene Timms

MEMBER EXCUSED:

STAFF PRESENT: Ruth Larson, Committee Administrator
Shannon Gossack, Committee Assistant

WITNESSES: Rob Douglas, Portland Steam Ship Association
Senator Joan Dukes
Captain Geoff Stone, Columbia River Bar Pilots
Captain Jeff Salfen, Oregon Board of Maritime Pilots
Steve Kafoury, Columbia River, Coos Bay Pilots
Sue Hanna, Legislative Counsel
Karl Krueger, Motor Vehicle Division
Bill Sealy, Motor Vehicle Division
Lt. Glen Rader, Oregon State Police
Steve Johnston, Weighmasters

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 38, SIDE A

008 CHAIR DUKES: Calls meeting to order at 8:15 a.m.

010 RUTH LARSON, COMMITTEE ADMINISTRATOR: Discusses SB 245 which was passed out by the committee. There is a problem with language concerning the Emergency Board.

018 SEN. PHILLIPS: More people know that than Legislative Counsel gives credit for. If we just define what a legislative approved budget was we wouldn't play these games. I am voting no on those bills.

WORK SESSION SB 68

030 CHAIR DUKES: I had asked that the bill be narrowed down and be more specific in regard to corn waste.

061 SEN. SMITH: On lines 9 of SB 68-1 amendments there should not be another "is amended to read:". (EXHIBIT A)

062 CHAIR DUKES: That looks like a typographical error. Refers to SB 68-1 fiscal. (EXHIBIT B)

074 STEVEN JOHNSTON, WEIGHMASTERS: We believe the end result would be essentially the same.
-The intent was to eliminate a hazardous condition from state highways.

089 SEN. MCCOY: Are you going to require that corn by-products be contained in something different?

092 JOHNSTON: We will not require anything; we will just say we will not issue a permit to drip corn silage on the road.
-With the permit the leaking is legal. Without the permit the leaking is illegal and I would assume the police would enforce existing law.

116 SEN. PHILLIPS: Have you run SB 68-1 amendments by the Farm Bureau?

122 JOHNSTON: They are still opposed to the amendments since corn is processed extensively in the valley. It would not solve all of their concerns.

125 LT. GLEN RADER, OREGON STATE POLICE: Explains how SB 68-1 amendments would effect the State Police.

134 SEN. SMITH: Why would you issue a warning?

137 RADER: Explains normal police procedures for issuing a citation versus a warning.

140 SEN. SMITH: Is it up to the police officer to determine whether or not it is a dangerous leak?

148 RADER: If the carrier is hauling corn silage; my understanding is that permits would not be issued. Therefore, they cannot have anything leaking out of the back of their truck.
-Enforcement action would be taken.

165 MOTION: SENATOR SMITH MOVES TO DELETE THE WORDS "AS AMENDED TO READ:", ON LINE 9 OF SB 68-1 AMENDMENTS.

174 VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

176 MOTION: SENATOR SMITH MOVES SB 68-1 AMENDMENTS, AS AMENDED, TO SB 68.

178 VOTE: IN A ROLL CALL VOTE THE MOTION FAILS WITH SENATORS DUFF, BROCKMAN AND PHILLIPS VOTING NAY; SENATORS DUKES, MCCOY AND SMITH VOTING AYE, AND SENATOR TIMMS EXCUSED.

WORK SESSION SB 375

193 LARSON: Explains SB 375-1 and SB 375-2 amendments. (EXHIBIT B & C)

215 BILL SEALY, MOTOR VEHICLE DIVISION: Explains the fiscal and how it would effect the Motor Vehicle Division.

220 CHAIR DUKES: What is the actual amount?

225 SEALY: I don't have it. In the 1991-93 biennium it is \$292,000.00 to implement the provisions of SB 375-2 amendments.

235 CHAIR DUKES: How many motorized trip permits are issued a year?

237 SEALY: About 600,000 in a biennium.

240 CHAIR DUKES: Is the fiscal based on the fact that it would be harder on the staff to deal with these people?

243 SEALY: That is correct.

245 SEN. SMITH: What are the full time employees going to be doing?

249 SEALY: It is an increase in the transaction time.
-Discusses the process of issuing a trip permit.

256 SEN. SMITH: It can't take that much time to do this.

267 SEALY: It would be part of the form not a separate piece of paper.

261 SEN. SMITH: Who fills out the form?

269 SEALY: It is done partly by our office and in some cases the individual.

299 SEN. SMITH: Under what circumstances would a person get a vehicle trip permit?

296 SEALY: Explains trip permits and when they are issued.

316 SEN. SMITH: This SB 375-2 amendment would prevent people from getting trip permits instead of insurance.
-Seems like a lot of bodies to do a tiny transaction.

323 SEALY: Discusses fee increases in regard to trip permits.

336 CHAIR DUKES: What is the current fee?

338 SEALY: Explains the current trip permit fees.

344 CHAIR DUKES: Discusses SB 375 in regard to the fiscal impact statement. (EXHIBIT E)
-How does this cost DMV money?

377 KARL KRUEGER, MOTOR VEHICLE DIVISION: Explains the original fiscal in regard to the trip permit issue.
-Discusses the mandatory insurance law.

TAPE 39, SIDE A

008 KRUEGER: We are estimating an additional 3,000 uninsured accident suspensions.

012 SEN. SMITH: Asks for clarification in regard to uninsured accident suspensions.

020 CHAIR DUKES: The cost of getting those extra 3,000 people is one more full time employee. (FTE)

025 KRUEGER: There is additional workload.
-Discusses other areas of DMV that will be effected if SB 375 becomes law.

035 CHAIR DUKES: Discusses the process that Motor Vehicles goes through in regard to insurance, the hearing procedures and SR22 insurance.

045 KRUEGER: Explains the increased workload that SB 389 would cause Motor Vehicles.
-Explains the way trip permits are currently issued.

069 SEN. SMITH: Why couldn't you post this message on the wall?

076 KRUEGER: We currently do that for other things and we still have people come to the counter without the proper information.

079 SEALY: Discusses the number of trip permits issued by the Division.
-Discusses registration renewal in regard to insurance certification.

092 SEN. SMITH: Agencies seem to be very quick to come in with new bodies.

096 SEN. DUFF: How many Motor Vehicle offices do you have in the state? Will the additional FTE's be spread out over all offices?

102 SEALY: Explains where the individuals would be located in regard to field offices.

111 CHAIR DUKES: If we increase trip permits by \$1.00 would we cover the original bill and the SB 375-2 amendments in terms of cost?

116 SEALY: Discusses other fee bills that the Motor Vehicle Division has proposed this session.

126 CHAIR DUKES: We may be better off putting the increase into this bill.

129 SEALY: IF HB 2275 doesn't pass the \$1.00 dollar would still cover SB 375 costs.

139 SEN. PHILLIPS: Discusses motorized vehicle trip permits.

152 SEALY: The total number is about 300,000 per year; with 96% of those to motorized vehicles.

156 SEN. PHILLIPS: How do you stagger the fee so it is most applicable?

167 SEALY: I am not sure it would require a different scale based on the length of time.

172 CHAIR DUKES: Is there any difference in the amount of time you will spend on a trip permit based on how long the trip permit is for?

174 SEALY: No there is not.

178 SEN. PHILLIPS: Perhaps we could suggest that Legislative Counsel come back with some amendments.

PUBLIC HEARING SB 907

205 SENATOR JOAN DUKES: Gives brief history behind SB 907. If the state doesn't require their own license for piloting than the federal government requires federal licensing. It became clear that if some ships owner or master allowed me to pilot I could get on a ship and do that.

-Explains intent of SB 907.

-The Coast Guard has notified us that they would require compulsory federal pilotage if the state didn't come up with their own.

-Discusses the requirements for federal licensing.

-Reviews SB 907-1 amendments.(EXHIBIT F)

-There is an emergency clause in the amendments. It also puts in what the Coast Guard requires for compulsory pilotage.

-Discusses the issue of jail time and penalties left out of the amendments.

305 SUE HANNA, LEGISLATIVE COUNSEL: Refers to ORS 776.991.(EXHIBIT G)

321 SEN. SMITH: Are we keeping the civil penalty amounts in the SB 907-1, line 20? (EXHIBIT F)

327 CHAIR DUKES: We intend to keep the civil penalty and the jail time.

333 SEN. SMITH: Where would you put the new language regarding jail time?

336 HANNA: Jail time is existing law. It is in a different section of the statute.

338 SEN.DUKES: If someone were to violate this they would fall under both the fine and jail term.

351 SEN. MCCOY: Asks for clarification on line 10, of SB 907-1 amendments.(EXHIBIT F)

361 SEN. DUKES: We need to delete lines 10 and 11 of SB 907-1. It is already in existing statute.

-We need to amend language in ORS 776.435 concerning "shall" and "may".

-Discusses who is in charge of a vessel.

407 SEN. SMITH: Would a federally licensed pilot know the Columbia River?

410 SEN. DUKES: We don't think they would and that is the purpose of the bill.

-Expresses concern over exemptions in SB 907-1 amendments drafted by Legislative Counsel.

TAPE 38, SIDE B

040 STEVE KAFOURY, COLUMBIA RIVER & COOS BAY PILOTS: This law will not just relate to the Columbia River it will relate to all of the pilotage grounds in the state of Oregon; which include Yaquina Bay, Coos Bay, Columbia Bar and the Columbia River.

043 CAPTAIN JEFF SALFEN, OREGON BOARD OF MARITIME PILOTS: The board supports state compulsory pilotage. In 1990 there was a motion from the board to

draft a legislative concept to support compulsory pilotage. In December we finalized language, working with Legislative Counsel in Salem and legal counsel with the United State Coast Guard in Seattle. Due to so many people getting involved in the drafting it never got drafted with our intent. The board would still like to support compulsory pilotage.
-Discusses what will happen if Oregon does not enact state compulsory pilotage laws.

100 CAPTAIN GEOFF STONE, COLUMBIA RIVER BAR PILOTS: Discusses the difference between federal and state compulsory pilotage and what training is involved in becoming a river pilot.
-Discusses why a pilot licensed under federal regulation should be taken out of SB 907.
-Explains exemptions by the federal government under current statute.
-Discusses the issue of master and pilot.

198 KAFOURY: On lines 10 and 11, of SB 907-1 amendments; that language is already established law.

199 STONE: Discusses penalty language in SB 907-1 which is also found in ORS 776 .405-1.

214 SEN. PHILLIPS: I think you just mixed civil and criminal penalties.

220 SEN. DUKES: The civil penalty is in the amendment and the jail time is already in the statute.
We do need to add the fine.

236 KAFOURY: There is no controversy on this bill; now that the language is straightened out. There is no one that disagrees with the intent of this law.

263 ROB DOUGLAS, PORTLAND STEAM SHIP OPERATORS ASSOCIATION: We support this bill, and will continue to follow the bill.

WORK SESSION SB 907

278 SEN. DUKES: I would suggest that in SB 907-1 amendments you delete lines 5 ,6, 10 and 11, on page 1.

MOTION: SENATOR PHILLIPS TO DELETE LINES 5, 6, 10, AND 11 ON PAGE 1, OF SB 907-1 AMENDMENTS.

VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

299 SEN. DUKES: Discusses ORS 776.435, subsection 2 regarding the master of a vessel.

MOTION: SENATOR PHILLIPS MOVES TO CONCEPTUALLY AMEND ORS 776.435, SUBSECTION 2, LINE 4, TO CHANGE THE SECOND "MAY" TO "SHALL".

307 VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

347 SEN. BROCKMAN: We are assured that somewhere in existing statute the jail time exists?

353 HANNA: Explains where in the statute there is language concerning the issue of imprisonment.

355 MOTION: SENATOR PHILLIPS MOVES TO ADOPT SB 907-1 AMENDMENTS AS AMENDED TO SB 907.

VOTE: HEARING NO OBJECTION THE MOTION IS ADOPTED.

365 MOTION: SENATOR PHILLIPS MOVES SB 907, AS AMENDED, TO THE FLOOR WITH A "DO PASS" RECOMMENDATION.

VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES WITH SENATORS MCCOY, DUFF, BROCKMAN, PHILLIPS, SMITH AND DUKES VOTING AYE AND SENATOR TIMMS EXCUSED. SENATOR DUKES WILL CARRY THE BILL

377 VICE-CHAIR MCCOY: Adjourns hearing at 9:20 a.m.

Submitted by,

Reviewed by,

Shannon Gossack
Assistant

Ruth Larson
Administrator

EXHIBIT LOG:

- A - Staff, Testimony SB 68-1 amendment, 2 pgs.
- B - Staff, Fiscal SB 68-1, 1 pg.
- C - Senator Dukes, SB 375-1 amendment, 1 pg.
- D - Senator Dukes, SB 375-2 amendment, 1 pg.
- E - Staff, Fiscal SB 375, 2 pgs.
- F - Senator Dukes, SB 907-1 amendment, 2 pgs.
- G - Staff, Testimony SB 907, 7 pgs.