

Agency Legislative Concept Request

Agency #/Concept #: 10900/001

Placeholder? Yes No

(TEXT BOXES EXPAND AS NEEDED)

Date: 3/16/10

Agency: Oregon Dept. of Aviation

Division/Program: n/a

Concept Subject or Title: Granting ODA complaint authority under the APA

Concept Contact Person: Doug Hedlund

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Major Program Change

Minor Program Change

Technical Correction/Housekeeping

1. Problem (Completely describe the problem you propose to solve.)

ORS 837.100 conveys authority to the Director of the Dept. of Aviation and any employee designated by the Director to issue citations for violations established in ORS 837. In order to write a citation for any such offense the violation must occur in the presense of the Director or his designee. More often than not, the Director does not observe the violation directly but comes to be aware that the violation occurred after the fact.

2. Proposed Solution (Completely describe what the concept does to fix the problem. Do not include proposed statute changes here.)

The Oregon Dept. of Aviation needs to acquire statutory authority to commence a civil complaint action under the Administrative Procedures Act in order to prosecute violations made under ORS 837 that the Director did not necessarily observe but is able to otherwise document through satisfactory evidentiary means.

3. Has this been introduced in a prior session? Yes No Years(s) Bill#(s)

Does this amend current law or programs? Yes No (Specify)

Is this related to a legal decision? Yes No (Case cite, AGO No. date, etc. – attach copies)

4. Proposed Changes to Statute (Please attach your best attempt at proposing changes to statute to accomplish your goal; however Legislative Counsel may draft alternate language.)

5. Stakeholders and/or Other Affected Agencies who are Aware of Your Concept

Agency:

Contact Person:

Phone:

ODOT

Gregg Dal Ponte

503-378-6351

DOJ

Don Arnold

503-947-4540

6. Known Support or Opposition (Please elaborate.)

7. Increases fees or assessments? Yes No (attach Fiscal Impact Estimate and Form #107BF20)

Imposes or adds to unfunded mandate on local governments? Yes No (attach Fiscal Est.)

Concept has other fiscal, revenue or position (FTE) impacts? Yes No (attach Fiscal Est.)

8. For PLACEHOLDERS – ALL additional substantive information is due to DAS no later than July 14. This concept is a PLACEHOLDER. Yes No (approximate delivery date)

9. Additional Information or Attachments (Briefly describe attachments - draft language, opinions, etc.)

Draft LC attached

10. Approved for Drafting:

Department of Administrative Services

Date

Governor's Office

Date