

HOUSE COMMITTEE ON GENERAL GOVERNMENT

February 15, 2005 Hearing Room B

8:30 A.M. Tapes 17 - 18

Corrected 10/13/05

MEMBERS PRESENT: Rep. Vicki Berger, Chair

Rep. Peter Buckley, Vice-Chair

Rep. Mac Sumner, Vice-Chair

Rep. Sal Esquivel

Rep. Larry Galizio

Rep. Brad Witt

STAFF PRESENT: Caralyn Fischer, Committee Administrator

Linda K. Gatto, Committee Assistant

MEASURES/ISSUES HEARD:

HB 2154 - Work Session

HB 2155 - Work Session

HB 2118 - Work Session

HB 2125 - Work Session

HB 2488 - Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 17, A		
004	Chair Berger	Calls the meeting order at 8:30 a.m. and opens the work session on HB 2154.

HB 2154 – WORK SESSION

003	Caralyn Fischer	Committee Administrator. Reviews what HB 2154 does.
017	Rep. Esquivel	MOTION: Moves HB 2154 to the floor with a DO PASS recommendation.
	Fischer	Notes that HB 2154 has a referral to the Committee on Ways and Means by prior reference.
035	Rep. Esquivel	MOTION: Amends previous motion referring HB 2154 to the floor DO PASS by adding subsequent referral to Committee on Ways and Means by prior reference.
		VOTE: 5-0-1
		EXCUSED: 1 – Buckley (*See tape 17, B #375)
	Chair Berger	Hearing no objection, declares the motion CARRIED.
045	Chair Berger	Closes the work session on HB 2154 and opens the work session on HB 2155.

HB 2155 – WORK SESSION

060	Fischer	Reviews what HB 2155 does.
052	Rep. Witt	MOTION: Moves HB 2155 to the floor with a DO PASS recommendation.

053

VOTE: 5-0-1

EXCUSED: 1 – Buckley (*see tape 17, B #375)

Chair Berger

Hearing no objection, declares the motion CARRIED.

057

Chair Berger

Closes the work session on HB 2155 and opens the work session on HB 2118.

HB 2118 – WORK SESSION

060

Caralyn Fischer

Committee Administrator. Explains what HB 2118 does.

068

Chair Berger

Invites Mr. Schepcke to speak on how the State Library will determine which libraries will be the repository libraries.

072

Jim Schepcke

Director of the State Library. Explains that currently the full depository libraries are in administrative rule and the State Library Board is empowered to make those rules. Refers to page three, Section 5 of HB 2118.

088

Chair Berger

Asks if there is a provision that university libraries would have those specific attributes.

091

Schepcke

Responds that currently there is no guidance in statute, but he believes the board is aware that state documents are important to universities.

103

Chair Berger

Closes the work session on HB 2118. Opens the work session on HB 2125.

HB 2125 – WORK SESSION

111

Caralyn Fischer

Committee Administrator. Explains what HB 2125 does.

119

Rep. Esquivel

MOTION: Moves HB 2125 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Revenue by prior reference.

125

VOTE: 5-0-1

EXCUSED: 1 – Buckley *(see tape 17, B #375)

Chair Berger **Hearing no objection, declares the motion CARRIED.**

127 Chair Berger Closes the work session on HB 2125. Announces that the public hearings on HB 2253 and HB 2259 are being moved to a later agenda. Opens the public hearing on HB 2488.

HB 2488 – PUBLIC HEARING

139 Caralyn Fischer Committee Administrator. Explains what HB 2488 does and the helmet laws in other states.

162 Rex Jamison Legislative assistant, Douglas County Chapter of ABATE. Testifies in support of the bill. Explains why in his experience he prefers to choose when to wear a helmet and when not to.

190 Michael Boggs Resident, Marion County. Testifies in favor of HB 2488 stating it an equality issue of freedom of choice. Refers to a woman’s right to choose and the choice of the dying in Oregon. States that motorcyclists are not allowed the freedom of choice.

209 Boggs Adds that according to statistics people are more likely to die from medical malpractice or obesity than from a motorcycle accident. Comments on heart attacks, strokes, the effects of age and a number of other things that fill nursing homes.

268 Lisa Millet Injury Prevention & Epidemiology Manager, Oregon Department of Human Services. Submits prepared testimony in opposition to HB 2488 (**EXHIBIT A**). Details the reasons why the department and the Governor oppose the bill.

344 Rep. Galizio Refers to the statement that helmets are the only counter measure available to a motorcyclist. Suggest that driver training and a higher standard to obtain an automobile license.

335 Millet Agrees but it would not exclude the use of helmets.

347 Rep. Galizio Asks if it would be safe for automobile drivers to wear helmets.

379 Millet Responds that it has recently been noted that head rests do not protect heads from whip lash. Adds it is uncertain if helmets would offer protection.

360 Rep. Witt Asks if there is data from other states on number of deaths per mile traveled on a motorcycle compared to Oregon.

390 Millet Responds that she will get that information for the committee.

395 Rep. Witt Asks if there is a trend toward higher or lower numbers

398 Millet Responds no.

400 Chair Berger Requests that the information be provided to the committee.

407 Jim Anderson Representing Oregon Chapter of the American College of Emergency Physicians (OCEPT). Submits prepared testimony and fact sheets in opposition to HB 2488 (**EXHIBIT B**).

450 Anderson Refers to the fact sheets and reads testimony.

TAPE 18, A

047 Rep. Witt Asks if there is data that compares head injury rates of comparable accidents of automobiles and motorcycles.

050 Anderson Responds he can get that information.

074 Lt. Gary G. Miller Oregon State Police. Submits prepared testimony in opposition to HB 2488 (**EXHIBIT C**). Explains that investigating a fatal crash requires time and if the crash did not need to be fatal, resources could be allocated elsewhere.

090 Chair Berger Asks are motorcycle driver mandated to have insurance.

095 Lt. Miller Responds he is uncertain if they are part of the liability insurance.

096 Chair Berger Asks if motorcycles are required to have their lights on when driving.

100 Lt. Miller Answers affirmatively.

101 Chair Berger

		Asks what other laws motorcycles have other than helmets and lights that are different.
103	Lt. Miller	Responds there are training and endorsement requirements. Believes there are additional knowledge tests.
106	Rep. Sumner	Asks what the process of checking the age of a passing motorcyclist would be if HB 2488 passed.
120	Lt. Miller	Responds that OSP has the ability to stop under reasonable cause but it would be difficult.
131	Pat Ryan	Membership Director BikePAC of Oregon. Submits prepared testimony in support of HB 2488 (EXHIBIT D). States that at the core it is a right to choose, a matter of personal choice. Provides an example of personal choice and judgment.
176	Ryan	Agrees that children need to be protected.
217	Ryan	Provides examples on perceptions of common sense: hunting cougars and bears with dogs, and the impetus of Measure 37.
206	Ryan	Comments on skiing injuries and fatalities.
299	Rep. Galizio	Asks if helmets are a burden.
265	Ryan	Responds that it can be depending on the type of bike and the kind of riding. Comments on windshields and fatigue.
286	Troy Costales	Manager of Transportation Safety, Department of Transportation, (ODOT). Submits prepared testimony in opposition to the bill (EXHIBIT E). Notes that public opinion maintains a high 80 percent approval rate to require helmets. Refers to the chart on motorcycle fatalities comparing when the law was in force and when it was not in force.
338	Costales	Discusses the impact of motorcycle safety education and TEAM OREGON. Confirms that insurance is required and explains there is a written and on-vehicle requirement for a motorcycle endorsement.
420	Costales	

Discusses the decrease in helmet use following the removal of helmet laws in four states. Notes the increase in fatality rates.

TAPE 17, B

021	Rep. Sumner	Asks how many insurance companies require use of a helmet.
023	Costales	Answers that the requirement would be in line with the laws
027	Rep. Sumner	Asks would an insurance company pay on a claim if the person was not wearing a helmet.
032	Costales	Responds that he cannot answer that.
033	Rep. Galizio	Refers to the public opinion data and asks if ODOT uses public opinion to make policy.
040	Costales	Responds that public opinion is used as a measure of performance to gauge how citizens react to public policy decisions.
054	Chair Berger	Inquires what is meant by Region 5.
055	Costales	Responds ODOT has set up five regions within the state. Explains that Region 5 is the eastern side of the state and is also the largest geographic region of the state and the least populated.
065	Rep. Galizio	Asks where and how automobile drivers are instructed on their responsibility to motorcyclist. Asks what percentage of licensed automobile drivers are adequate drivers.
077	Costales	Responds there are a number of outreach efforts to drivers on awareness to motorcycles. Refers to the new performance measure of the three to five year driving histories.
101	Chair Berger	Asks what is ODOT's response on those who are injured and remain within the system as a result of accidents.
126	Costales	Responds that the injury rate to motorcyclist for the last four years averages 350 but it does not clarify if other vehicles were involved.

137	Chair Berger	Asks what is the percentage of motorcycles compared to other road populations.
138	Costales	Answers that 1995 – 1999 there were 63,000 registered motorcycles, in 2000 it was 71,000 and in 2003 it was 86,000. There has been a 21 percent increase over the last four years.
142	Chair Berger	Requests a description of what a moped is from ODOT’s viewpoint.
156	Rep. Buckley	Asks about baby boomers coming back and recognizing those who may overestimate their ability to ride.
170	Costales	Responds that there are three levels of classes offered, beginning, intermediate and advanced rider training.
188	Duane Calking	Testifies in support of HB 2488. States that the education offered by Team Oregon saves more lives than helmets.
280	Rep. Galizio	Asks if he thinks the public would be agreeable to increasing the age requirement.
288	Calking	Responds that negotiation may be considered.
300	Rep. Galizio	Asks if there should be a choice to ride barefoot.
302	Calking	Responds that his personal opinion is no.
319	Chair Berger	Notes testimony submitted from John Powell of State Farm Insurance (EXHIBIT G) and Derek P. Stables, M.D (EXHIBIT F) .
365	Rep. Witt	Requests the insurance company provide testimony on injury and public responsibility.
370	Chair Berger	Announces that HB 2488 will be heard again Thursday evening and states that if there is a lot of testimony it maybe limited to three minutes per person. Closes the public hearing on HB 2488. Opens a work session for the purpose of allowing Rep Buckley to vote on passage of HB 2154, HB 2155, and HB 2125.

HB 2154, HB 2155, and HB 2125 - WORK SESSION

- 375 Rep. Berger **MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. BUCKLEY to BE RECORDED as voting AYE on Rep. Esquivel's motion to refer HB 2154 to the floor DO PASS by adding subsequent referral to Committee on Ways and Means by prior reference, Rep. Witt's motion to move HB 2155 to the floor with a DO PASS recommendation, and Rep. Esquivel's motion to refer HB 2125 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Revenue by prior reference.**
- 375 **VOTE: 6-0-0**
- Chair Berger **Hearing no objection, declares the motion CARRIED.**
- 380 Chair Berger Adjourns the meeting at 9:08 a.m.

EXHIBIT SUMMARY

- A. HB 2488, prepared testimony, Lisa Millet, 4 pp
- B. HB 2488, prepared testimony, Jim Anderson, 4 pp
- C. HB 2488, prepared testimony, Lieutenant Gary G. Miller, 2 pp
- D. HB 2488, prepared testimony, Pat Ryan, 2 pp
- E. HB 2488, prepared testimony, Troy E. Costales, 6 pp

- F. HB 2488, prepared testimony of Derek P. Stables M.D., Chair V. Berger, 1 p

- G. HB 2488, prepared testimony of John Powell, Rep. V. Berger, 1 p