

HOUSE COMMITTEE ON TRANSPORTATION

May 18, 2005 Hearing Room C

1:00 P.M. Tapes 70 - 71

MEMBERS PRESENT: Rep. George Gilman, Chair

Rep. Terry Beyer, Vice-Chair

Rep. Chuck Burley, Vice-Chair

Rep. Deborah Boone

Rep. Scott Bruun

Rep. Dave Hunt

Rep. Kim Thatcher

STAFF PRESENT: Patrick Brennan, Committee Administrator

Mike Reiley, Committee Assistant

MEASURES/ISSUES HEARD:

SB 74 – Work Session

SB 367-A – Public Hearing and Work Session

SB 445 – Public Hearing and Work Session

SB 448-A – Public Hearing and Work Session

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 70, A

003 Chair Gilman Calls the meeting to order at 1:18 p.m. Opens a work session on SB 74.

SB 74 – WORK SESSION

005 Patrick Brennan Committee Administrator. Introduces SB 74 and -1 amendments **(EXHIBIT A)**.

020 Rep. Bruun MOTION: Moves to ADOPT SB 74-1 amendments dated 5/12/05.

VOTE: 5-0-2

EXCUSED: 2 - Beyer, Boone

Chair Gilman Hearing no objection, declares the motion CARRIED.

026 Rep. Bruun MOTION: Moves SB 74 to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 5-0-2

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 2 - Beyer, Boone

(Note: See Tape 71, A at 320 and Page 5 of these minutes)

Chair Gilman The motion CARRIES.

035 Rep. Bruun MOTION: Moves SB 74 be placed on the CONSENT CALENDAR.

VOTE: 5-0-2

EXCUSED: 2 - Beyer, Boone

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

037 Chair Gilman Closes the work session on SB 74. Opens a public hearing on SB 367-A.

SB 367-A – PUBLIC HEARING

040 Patrick Brennan Committee Administrator. Introduces SB 367 A.

050 Troy Costales Manager, Transportation Safety Division, Oregon Department of Transportation (ODOT). Submits and summarizes prepared testimony regarding SB 367-A (**EXHIBIT B**).

090 Rep. Burley Asks about exemptions related to child safety system

095 Costales Answers that the adult responsible for the child would be cited rather than the driver of the vehicle.

100 Rep. Thatcher Asks what exemptions would remain in the law after the passage of SB 367-A.

104 Costales Explains the exemptions that would still be in effect.

117 Rep. Hunt Asks if language exists in statute that specifies who is responsible for children in vehicles.

124 Costales Cites bill language that addresses responsibility regarding the child safety system.

145 Rep. Billy Dalto House District 21. Introduces Christa Kay Whitman.

156 Christa Kay Whitman Salem. Submits and reads prepared testimony in support of SB 367-A (**EXHIBIT C**).

180 Rep. Dalto Commends Ms. Whitman for proposing the bill.

190 Whitman Explains the automobile accident in Portland that prompted her to propose the bill.

205 Rep. Burley Commends Ms. Whitman for proposing the bill.

210 Rep. Dalto Explains how Ms. Whitman worked throughout the legislative process.

235 Whitman Explains injuries that can result from an automobile accident.

250 Rep. Dalto Further explains his work with Ms. Whitman sponsoring the bill.

260 Rep. Boone Commends Ms. Whitman for proposing the bill.

265 Whitman Asks Rep. Boone to carry the bill.

267 Rep. Boone Answers that she would.

270 Rep. Thatcher Commends Ms. Whitman for the bill, but states that it is not the role of government to mandate seat belt use.

290 Sen. Rick Metsger Senate District 26. Testifies in support of SB 367-A. Commends Ms. Whitman and Rep. Dalto for their work on the bill.

310 Chair Gilman Closes the public hearing and opens a work session on SB 367-A.

SB 367-A – WORK SESSION

315 Rep. Burley **MOTION: Moves SB 367-A to the floor with a DO PASS recommendation.**

VOTE: 6-1-0

AYE: 6 - Beyer, Boone, Bruun, Burley, Hunt, Gilman

NAY: 1 - Thatcher

Chair Gilman The motion CARRIES.

REP. BOONE will lead discussion on the floor.

333 Chair Gilman Closes the work session on SB 367-A. Opens a public hearing on SB 445.

SB 445 – PUBLIC HEARING

335 Patrick Brennan Committee Administrator. Introduces SB 445.

344 Ted Keizer Legislative Assistant to Sen. Joanne Verger. Testifies in support of SB 445.

356 Rod Roberts Coos County Sheriff's Office. Testifies in support of SB 445. Explains the different classes of all-terrain vehicles (ATV) and their use in areas that are closed to ATVs.

380 Chair Gilman Asks about areas where ATVs are currently allowed.

384 Roberts Explains the restricted areas and ATV use.

TAPE 71, A

005 Keizer Explains the different types of vehicles that are used on the Oregon Dunes and cites examples of a motor homes and a tank being used on the dunes.

010 Rep. Bruun Asks if it is appropriate for the state to take action, or whether it would be more appropriate for Coos County to address the issue.

016 Roberts Answers that Coos County cannot take action because the lands are operated by the state or federal government.

028 Rep. Bruun Asks how the ATV issue can be addressed on state and federal lands.

030 Roberts Cites the vehicle code that allows federal, state, or county governments to cite ATV restrictions.

034 Rep. Bruun Asks for a clarification of law enforcement abilities for federal, state and county governments.

040 Roberts Explains that the federal and state laws mimic each other that allows the authority to issue citations.

055 Rep. Beyer Wonders why signage would not be appropriate in addressing the issue.

061 Roberts Explains that there are standards for signage and ATV classification.

075 Rep. Thatcher Asks for a clarification of ATV weight limits.

078 Roberts Offers a clarification of ATV weight limits.

088 Chair Gilman Asks if the bill is changing the vehicle code.

092 Roberts Explains the effect of the bill on the vehicle code.

095 Chair Gilman Closes the public hearing and opens a work session on SB 445.

SB 445 – WORK SESSION

100 Rep. Burley MOTION: Moves SB 445 to the floor with a DO PASS recommendation.

VOTE: 7-0-0

AYE: In a roll call vote, all members present vote Aye.

Chair Gilman The motion CARRIES.

108 Rep. Burley MOTION: Moves SB 445 be placed on the CONSENT CALENDAR.

VOTE: 7-0-0

Chair Gilman Hearing no objection, declares the motion CARRIED.

112 Chair Gilman Closes the work session on SB 445. Opens a public hearing on SB 448-A.

SB 448-A – PUBLIC HEARING

- 115 Patrick Brennan Committee Administrator. Introduces SB 448-A.
- 126 Sen. Betsy Johnson Senate District 16. Testifies in support of SB 448-A. Explains the regulations related to passenger transportation.
- 143 Martin Loring Administrator, Public Transit Division, Oregon Department of Transportation (ODOT). Submits and summarizes prepared testimony regarding SB 448-A (**EXHIBIT D**).
- 186 Sen. Johnson Concurs with Mr. Loring’s testimony. Explains the transportation challenges faced by rural communities and the improvements that are proposed by the bill.
- 205 Rep. Bruun Asks about the dissenting vote in the Senate.
- 208 Sen. Johnson Answers that Sen. Kurt Schrader voted no and explains his criteria for voting against the bill.
- 215 Rep. Burley Expresses support for the bill. Asks if school buses are being exempted from the motor vehicle code.
- 220 Loring Explains that the bill would allow school buses under certain circumstances to be used for purposes other than transporting students.
- 235 Rep. Burley Asks if school buses are exempted from motor carrier regulations.
- 241 Gregg Dal Ponte Motor Carrier Division Administrator, ODOT. Explains the school bus exemptions and the conflicting language in statute.
- 260 Rep. Burley Clarifies the statute that allows school buses to be used for other purposes and non-profit vehicle use.
- 275 Rep. Beyer Asks if the driver, vehicle, or both are being regulated.
- 280 Dal Ponte Answers that it is economic regulations that includes entry to the business, routes and rates.

283 Rep. Boone States support for the bill.

291 Chair Gilman Closes the public hearing and opens a work session on SB 448 A.

SB 448-A – WORK SESSION

295 Rep. Hunt **MOTION: Moves SB 448-A to the floor with a DO PASS recommendation.**

VOTE: 7-0-0

AYE: In a roll call vote, all members present vote Aye.

Chair Gilman **The motion CARRIES.**

305 Rep. Burley **MOTION: Moves SB 448-A be placed on the CONSENT CALENDAR.**

VOTE: 7-0-0

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

315 Chair Gilman Closes the work session on SB 448-A. Reopens the work session on SB 74 for the purpose of allowing Rep. Beyer and Rep. Boone to be recorded as voting on SB 74.

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SB 74 – WORK SESSION

320 Rep. Thatcher **MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. BEYER and REP. BOONE to BE RECORDED as voting AYE on the motion to move SB 74 to the floor with a DO PASS AS AMENDED recommendation and be placed on the CONSENT CALENDAR.**

VOTE: 7-0-0

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

VOTE: 7-0-0

(Note: See Tape 70, A at 026, Page 1 of these minutes)

Chair Gilman The motion CARRIES.

336 Chair Gilman Closes the work session on SB 74. Adjourns the meeting at 2:09 p.m.

EXHIBIT SUMMARY

- A. **SB 74, -1 amendments, staff, 6 pp**
- B. **SB 367 A, prepared testimony, Troy Costales, 2 pp**
- C. **SB 367 A, prepared testimony, Christa Kay Whitman, 2 pp**
- D. **SB 448 A, prepared testimony, Martin Loring, 1 p**