

HOUSE COMMITTEE ON TRANSPORTATION

May 2, 2005 Hearing Room C

1:00 P.M. Tapes 60 - 61

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:

HB 2108 – Work Session

HB 2113 – Work Session

HB 2429 – Work Session

HB 2811 – Work Session

HB 3121 – Work Session

HB 2017 – Public Hearing and Work Session

HB 3467 – 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 60, A

003	Chair Gilman	Calls the meeting to order at 1:08 p.m. Opens a work session on HB 2108.
-----	--------------	--

HB 2108 – WORK SESSION

006	Patrick Brennan	Committee Administrator. Introduces HB 2108 and -4 amendments (EXHIBIT A) .
-----	-----------------	--

021	Robin Freeman	Oregon Department of Transportation (ODOT). Explains the -4 amendments (EXHIBIT A) .
-----	---------------	---

068	Chair Gilman	Requests confirmation that ODOT will give a receipt to individuals whose documents are confiscated under provisions of the bill as amended by the -4 amendments.
-----	--------------	--

070	Freeman	Answers yes.
-----	---------	--------------

072	Michael Ward	Field Services Manager, Division of Motor Vehicles (DMV). Notes that with the receipt, a customer will receive copies of the confiscated documents.
-----	--------------	---

075	Rep. Bruun	Requests clarification that confiscation refers to government-issued documents as opposed to documents used to establish residency such as a utility bill.
-----	------------	--

078	Ward	Answers yes.
-----	------	--------------

083	Rep. Burley	Asks about stakeholder support for the -4 amendments.
-----	-------------	---

092	Freeman	Answers that there are some concerns related to the receipt provisions absent from statute.
-----	---------	---

095	Rep. Burley	Asks why there is a sunset provision.
096	Freeman	Answers that the sunset was added to be sensitive to the concerns of the affected parties. Notes the expectancy that with posting signs at DMV locations informing the public of the new policies, there would be less need for document confiscation.
106	Rep. Burley	Expresses concern that the six-day time frame may be too long.
117	Freeman	Explains that the timeline is for circumstances that may arise, such as holidays, employee absences, or disruption of services. Clarifies that delivery refers to mail delivery.
132	Nargess Shadbeh	Oregon Law Center. Expresses concern about the confiscation of documents. Notes that the timeframe could be different depending from where the documents are sent.
177	Rep. Boone	Points out that DMV would only confiscate documents that are suspected to be fraudulent.
187	Shadbeh	Explains that documents being seized improperly has happened in the past and will likely continue to happen.
201	Rep. Burley	Asks for proposed amendments to address the issue of improperly seized documents.
209	Shadbeh	Responds that a special magistrate or hearings officer could be charged with reviewing issues.
223	Rep. Burley	Asks if the special magistrate or officer should be under the authority of DMV rather than law enforcement.
225	Shadbeh	Answers yes.
227	Andrea Meyer	Legislative Affairs Director, American Civil Liberties Union (ACLU). Emphasizes that the concerns are for those whose documents were seized improperly, not those who are engaged in illegal activity.
283	Chair Gilman	Closes the work session on HB 2108. Opens a work session on HB 2113.

HB 2113 – WORK SESSION

290 Patrick Brennan Committee Administrator. Introduces HB 2113 and -2 amendments **(EXHIBIT B)**.

320 Rep. Hunt Asks for a clarification of the -2 amendments.

326 Mike Marsh Oregon Department of Transportation (ODOT). Explains the -2 amendments.

355 Rep. Hunt **MOTION: Moves to ADOPT HB 2113-2 amendments dated 4/15/05.**

VOTE: 7-0-0

Chair Gilman Hearing no objection, declares the motion CARRIED.

361 Rep. Hunt **MOTION: Moves HB 2113 to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 7-0-0

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

Chair Gilman The motion CARRIES.

REP. HUNT will lead discussion on the floor.

374 Chair Gilman Closes the work session on HB 2113. Opens a work session on HB 2429.

HB 2429 – WORK SESSION

378 Patrick Brennan Committee Administrator. Introduces HB 2429 and -2 amendments **(EXHIBIT C)**.

405 Barbara Crest Executive Director, Northwest Automotive Trades Association (NATA). Testifies in support of HB 2429 and explains the -2 amendments.

TAPE 61, A

026 Bob Anderson President, NATA. Testifies in support of HB 2429.

040 Rep. Thatcher MOTION: Moves to ADOPT HB 2429-2 amendments dated 4/20/05.

VOTE: 7-0-0

Chair Gilman Hearing no objection, declares the motion CARRIED.

046 Rep. Thatcher MOTION: Moves HB 2429 to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 7-0-0

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

Chair Gilman The motion CARRIES.

REP. THATCHER will lead discussion on the floor.

060 Chair Gilman Closes the work session on HB 2429. Opens a work session on HB 2811.

HB 2811 – WORK SESSION

064 Patrick Brennan Committee Administrator. Introduces HB 2811 and -6 amendments **(EXHIBIT D)** and -7 amendments **(EXHIBIT E)**.

072 Mark Landauer Office of Government Relations, City of Portland. Explains the -6 amendments. Describes the problems with the amendments and proposes a language change to insert the term “television” to specifically define broadcasted images.

108 Rep. Burley Speaks in favor of the proposed language amendments to achieve the desired objective.

119 Landauer

Testifies that the -7 amendments are overly broad and the -6 amendments would be more effective with the language change.

127 Chair Gilman Closes the work session on HB 2811. Opens a work session on HB 3121.

HB 3121 – WORK SESSION

129 Patrick Brennan Committee Administrator. Introduces HB 3121 and notes the prepared testimony from Phil Stenbeck, Senior Planner, Douglas County Planning Department (**EXHIBIT F**) and the -1 amendments (**EXHIBIT G**).

143 Shaun Jillions Legislative Assistant, Rep. Bob Jenson. Testifies in support of HB 3121 and explains the -1 amendments.

187 Rep. Burley Asks if the option of registered mail will still exist.

190 Jillions Answers yes and explains that the option of registered mail, certified mail, or first class mail still exist with certificate of mailing.

192 Rep. Beyer **MOTION: Moves to ADOPT HB 3121-1 amendments dated 5/2/05.**

VOTE: 7-0-0

Chair Gilman Hearing no objection, declares the motion CARRIED.

195 Rep. Beyer **MOTION: Moves HB 3121 to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 7-0-0

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

Chair Gilman The motion CARRIES.

REP. BEYER will lead discussion on the floor.

200 Chair Gilman Closes the work session on HB 3121. Opens a public hearing on HB 2017.

HB 2017 – PUBLIC HEARING

204 Patrick Brennan Committee Administrator. Introduces HB 2017 and the -1 amendments **(EXHIBIT H)**.

218 Darrell Fuller Regulatory Affairs Director, Oregon Automobile Dealers Association. Submits and summarizes prepared testimony in support of HB 2017 **(EXHIBIT I)** and testifies in support of the -2 amendments **(EXHIBIT J)**.

300 Chair Gilman Closes the public hearing and opens a work session on HB 2017.

HB 2017 – WORK SESSION

307 Rep. Bruun **MOTION: Moves to ADOPT HB 2017-2 amendments dated 5/2/05.**

VOTE: 7-0-0

Chair Gilman Hearing no objection, declares the motion CARRIED.

311 Rep. Bruun **MOTION: Moves HB 2017 to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 7-0-0

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

Chair Gilman The motion CARRIES.

316 Rep. Bruun **MOTION: Moves HB 2017 be placed on the CONSENT CALENDAR.**

VOTE: 7-0-0

Chair Gilman Hearing no objection, declares the motion CARRIED.

320 Chair Gilman Closes the work session on HB 2017. Opens a public hearing on HB 3467.

HB 3467 – PUBLIC HEARING

330 Patrick Brennan Committee Administrator. Introduces HB 3467.

345 Ron Finster Economics Professor Emeritus, Western Oregon University. Submits and summarizes prepared testimony and information in support of HB 3467 **(EXHIBIT K)**.

TAPE 60, B

050 Finster Continues summarizing prepared testimony.

229 Rep. Bruun Expresses concern about public input and the impact on the counties' decisions.

241 Finster Answers that the solution in the bill addresses common issues faced by all the counties in Oregon.

251 Rep. Bruun Expresses concern that if the legislature acts, individuals would lose their ability to voice concerns.

260 Finster Notes that the operations of the counties do not change with passage of HB 3467 and that the measure would expand individual rights rather than restrict them.

280 Rep. Bruun Asks if the counties could lose their authority to address issues that arise.

285 Finster Answers that the counties would not lose their authority under the bill.

288 Chair Gilman Notes the loss of public access to county lands.

290 Finster Answers yes and notes that the county would not lose authority.

294	Rep. Bruun	Reiterates concern that the individual counties lose their authority.
315	Finster	Explains that the counties are involved throughout the petition process.
327	Rep. Burley	Points out that the issue becomes complex with multiple landowners petitioning for access to a public road.
353	Finster	Explains landowners' public rights.
366	Rep. Burley	Asks if blocking public access could provide private landowners with a private road that is maintained by the county.
378	Finster	Answers that the county is not required to maintain the road unless there is a public reason for doing it.
382	Rep. Burley	Asks if counties would have access to the road for county business.
385	Finster	Answers yes and explains county access.
405	Kevin Westfall	Oregon Cattlemen's Association. Submits and summarizes prepared testimony in support of HB 3467 (EXHIBIT L) .

TAPE 61, B

020	Art Schlack	Association of Oregon Counties (AOC). Testifies in opposition to HB 3467. Expresses concerns regarding the designation of public and private roads and the lack of a public hearing process.
038	Rep. Bruun	Asks how difficult it would be to change an non-used county road to a private road.
041	Schlack	Answers that it would include a request to the county followed by a review and a public hearing.
044	Rep. Bruun	Asks if it would involve a financial transaction.
047	Schlack	Answers that it may.

050	Rep. Burley	Asks if changing the status to a public road is the same as vacating.
053	Schlack	Answers that it is a different process.
056	Chair Gilman	Closes the public hearing on HB 3467.
068	Patrick Brennan	Committee Administrator. Explains the upcoming committee field trip to the Mexican Consulate in Portland.
100	Chair Gilman	Adjourns the meeting at 2:38 p.m.

EXHIBIT SUMMARY

- A. HB 2108, -4 amendments, staff, 1 p
- B. HB 2113, -2 amendments, staff, 1 p
- C. HB 2429, -2 amendments, staff, 43 pp
- D. HB 2811, -6 amendments, staff, 1 p
- E. HB 2811, -7 amendments, staff, 1 p
- F. HB 3121, prepared testimony, Phil Stenbeck, 1 p
- G. HB 3121, -1 amendments, staff, 1 p
- H. HB 2017, -1 amendments, staff, 2 pp
- I. HB 2017, prepared testimony, Darrell Fuller, 1 p
- J. HB 2017, -2 amendments, staff, 2 pp
- K. HB 3467, prepared testimony, Ron Finster, 6 pp
- L. HB 3467, prepared testimony, Kevin Westfall, 1 p