

SENATE COMMITTEE ON TRANSPORTATION

April 20, 2005
3:10 P.M.

Hearing Room C
Tapes 53 - 54

MEMBERS PRESENT: Sen. Joanne Verger, Chair
Sen. Doug Whitsett, Vice-Chair
Sen. Rick Metsger
Sen. Floyd Prozanski

MEMBER EXCUSED: Sen. Bruce Starr

STAFF PRESENT: Judith Callens, Committee Administrator
James Goulding, Committee Assistant

MEASURES/ISSUES HEARD:

SB 481 – Public Hearing and Work Session
SB 1007 – Public Hearing and Work Session
HB 2223 – Work Session
HB 2114 A – Public Hearing and Work Session
HB 2741 A – Public Hearing and Work Session
HB 2738 – Public Hearing and Work Session
HB 2825 – 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 53, A		
003	Chair Verger	Calls the committee to order at 3:20 p.m. Opens as a subcommittee. Opens a public hearing on SB 481.
<u>SB 481 – PUBLIC HEARING</u>		
010	Brian Doherty	Miller Nash LLP. Testifies in support of SB 481. Submits written testimony and a photo (EXHIBIT A). Describes the kiosk shown in the photo. Discusses the input and assistance of the Travel Information Council (TIC).
039	Chair Verger	Wonders about the origins of the measure. Observes that a full committee is now present.
043	Doherty	Explains the reasoning behind the measure.
057	Chair Verger	Asks who will be building the kiosks.
059	Doherty	Replies that TIC will be building them.
060	Chair Verger	Questions what a travel plaza is.
061	Doherty	Details the travel plaza idea.
070	Cheryl Gribskov	TIC. Offers testimony in favor of SB 481 and further details the kiosk proposal.
081	Chair Verger	Asks if a work group was involved in crafting the proposal.
084	Gribskov	Replies that the TIC and other industry members worked together.
086	Sen. Whitsett	Wonders about the sale of refreshments at the proposed kiosk.
089	Doherty	Replies the refreshments would be free, provided by a non profit

096	Sen. Whitsett	group.
100	Doherty	Asks about charitable donations.
107	Sen. Metsger	Explains.
110	Doherty	Asks if it would be operated on public property.
113	Sen. Metsger	Replies yes.
115	Doherty	Questions if it would be legal to solicit for funds.
137	John Jackley	Responds that the Oregon Department of Transportation (ODOT) may be able to provide a better answer to the question.
157	Sen. Whitsett	Highway Division, ODOT. Presents written testimony explaining the details of SB 481 (EXHIBIT B).
163	Jackley	Asks about soliciting donations for their non profit organization.
170	Sen. Whitsett	Replies that they accept donations but that they do not actively solicit donations.
174	Jackley	Considers how one would accept donations without solicitations.
177	Sen. Metsger	Responds that he will leave that distinction up to the Department of Justice (DOJ). Explains that organizations sometimes use a donation can.
187	Jackley	Questions the differences between soliciting in a rest area and on the freeway.
190	Chair Verger	Offers he is not clear on the difference and defers to the DOJ.
193	Sen. Metsger	Observes that HB 2223 would remove the prohibition of solicitation.
205	Sen. Whitsett	Explains that it does.
211	Chair Verger	Asks if the non profit groups would require liability insurance.
		Offers comments on the issue. Closes public hearing and opens work session on SB 481.

SB 481 – WORK SESSION

250	Sen. Whitsett	MOTION: Moves SB 481 to the floor with a DO PASS recommendation.
255	Sen. Metsger	Says that he would like to make sure that this decision is consistent with the committee's next action.
260	Sen. Prozanski	Comments that he is ready to move the bill forward.
270	Chair Verger	Requests that Sen. Whitsett withdraw the motion so the committee can consider the measure later in the meeting.
275	Sen. Whitsett	Withdraws motion.
276	Chair Verger	Closes work session on SB 481 and moves it to the foot of the agenda. Opens a public hearing on SB 1007.

SB 1007 – PUBLIC HEARING

280	Judith Callens	Committee Administrator. Gives overview of SB 1007.
290	Chair Verger	Asks for someone from the Oregon Department of Transportation (ODOT) to testify.
305	Robin Freeman	ODOT. Explains that she does have the testimony mentioned.
310	Chair Verger	Asks Freeman to look over the summary section of the testimony.
315	Chair Verger	Reads portion of the summary section of the testimony. Asks for Freeman's interpretation.
325	Freeman	Explains interpretation.
330	Chair Verger	Asks Sen. Prozanski to offer his perspective as an attorney.
331	Sen. Prozanski	Offers that he is not up to speed on the issue.
332	Sen. Metsger	Feels it will be a problem if ODOT does not enforce it.
357	Pat Egan	Port of Portland. Submits written materials to the committee (EXHIBIT C). Testifies on SB 1007.
385	Sen. Prozanski	Asks if the person who is moving the chassis is covered under motor carrier law.
389	Egan	Responds.

TAPE 54, A

005	Egan	Notes that the occurrence of chassis related accidents are very remote.
040	Egan	Comments that the U.S. Congress is taking action on the issue.
045	Chair Verger	Asks for a timeline.
047	Egan	Does not know when Congress will take action, but imagines it will be fairly soon.
055	Robin Freeman	Confirms Sen. Prozanski's statement that ODOT monitors chassis on the highway.
063	Sen. Prozanski	Asks clarifying question.
068	Freeman	Responds that ODOT has the authority to do safety inspections and that they can give citations.
073	Egan	References what provisions the federal legislation would likely include.
095	Chair Verger	Responds to comment.
098	Egan	Points out Oregon would be the only port given this responsibility and would bear all the costs. Observes the federal legislation would spread the costs evenly.
117	Chair Verger	Asks Lai for clarity regarding what kind of authority ODOT would have if SB 1007 were to pass.
120	Hanna Lai	Legislative Counsel staff. Responds that she does not have much to offer but that she would be happy to look into it and return an answer to the committee.
130	Sen. Prozanski Leal Sundet	Responds to Sen. Verger's question. President, International Longshore & Warehouse Union. Presents written testimony (EXHIBIT D). Submits a pair of news articles (EXHIBIT E). Testifies on SB 1007.
207	Sundet	Talks about drivers being paid for each delivery and points out that they want to make as many deliveries as possible.
230	Sundet	Feels Mr. Egan's statistics are not accurate as they don't always take into account the failure of a chassis as a contributing factor of an accident.
248	Chair Verger	Asks if a driver would take a tagged chassis and use it.
252	Sundet	Notes that the chassis are visually inspected and tagged by color. Discloses that a driver will take whatever chassis is available, regardless of the tag.
268	Chair Verger	Asks clarifying question regarding Sundet's testimony.
278	Sundet	Acknowledges that SB 1007 is not a perfect bill and says that it is an issue to be addressed.
300	Sundet	Considers that once the federal legislation is signed it could take more than a year to go into affect.
332	Chair Verger	Asks if the bit program is stronger.
334	Sundet	Responds to question.
390	Sundet	Outlines the operational costs involved in running a port.
403	Chair Verger	Observes the sharp decline in shipping at the Port of Coos Bay.

TAPE 53, B

008	Sundet	Responds to comment.
013	Sen. Whitsett	Asks if the \$80,000 is salary or total compensation.
015	Sundet	Replies that it would be the salary and then there would be benefits in addition to that.
017	Sen. Whitsett	Asks if the benefits would be another thirty percent.
024	Sundet	Explains that the benefits would be approximately \$20,000 for an individual with a salary of \$80,000.
027	Sen. Whitsett	Wonders how long after the passage of the bill it would take to

030	Sundet	go into practice.
037	Sen. Whitsett	Gives an example of how the process is done in New Jersey.
041	Sundet	Questions how many jobs would be created.
049	Chair Verger	Explains.
		Considers who else he would take this problem to other than the legislature.
055	Sundet	Feels that the owners of chassis should be responsible for maintaining them.
073	Chair Verger	Closes public hearing on SB 1007. Opens a work session on SB 1007.
<u>SB 1007 – WORK SESSION</u>		
080	Chair Verger	MOTION: Moves SB 1007 to the floor with a DO PASS recommendation.
		VOTE: 3-1-1
		AYE: 3 - Sen. Metsger, Sen. Prozanski, Sen. Verger
		NAY: 1 - Sen. Whitsett
		EXCUSED: 1 - Sen. B. Starr
	Chair Verger	The motion Carries.
		SEN. PROZANSKI will lead discussion on the floor.
090	Chair Verger	Closes work session on SB 1007 and opens a work session on HB 2223.
<u>HB 2223 – WORK SESSION</u>		
092	Judith Callens	Committee Administrator. Explains the provisions of HB 2223 and notes the -1 amendments (EXHIBIT J).
106	Chair Verger	States that the -1 amendments do not replace the bill.
107	Callens	Confirms this.
113	Sen. Prozanski	Asks for Legislative Counsel staff and the Department of Justice to testify.
124	Hanna Lai	Legislative Counsel staff. Testifies in regards to the -1 amendments to HB 2223.
135	Kevin Neely	Department of Justice. Feels that the -1 amendments would be subjected to a court challenge. Remarks that legal opinions vary on the issue.
172	Chair Verger	Asks if the only thing that can be passed is the removal of the prohibition of solicitation.
175	Sen. Metsger	Discusses the language of the -1 amendments. Notes the divided opinion regarding whether or not the amendments are constitutional.
189	Chair Verger	Grapples with the inconsistency she sees with SB 481.
200	Lai	Responds to comments.
202	Sen. Prozanski	Provides details of the court challenge.
228	Sen. Metsger	Feels that it is more prudent to proceed without the -1 amendments. Returns to the related issues with SB 481. Asks Lai question regarding SB 481.
255	Lai	Asks if the rest areas are public or private.
257	Sen. Metsger	Replies that they are public.
260	Lai	Responds that she is unsure.
263	Sen. Metsger	Offers that the committee might want to take a day or two to make sure SB 481 is ready to be moved.
272	Chair Verger	Wonders where the conflict is with SB 481.
278	Sen. Metsger	Clarifies the “do not solicit” language in SB 481.
280	Sen. Whitsett	MOTION: Moves HB 2223 to the floor with a DO PASS recommendation.
		VOTE: 4-0-1

	Chair Verger	EXCUSED: 1 - Sen. B. Starr
		Hearing no objection, declares the motion CARRIED.
		SEN. METSGER will lead discussion on the floor.
290	Chair Verger	Closes work session on HB 2223. Asks Brian Doherty to come forward.
295	Brian Doherty	Miller Nash LLP. Offers that he will continue to work out the issues discussed in committee today.
305	Chair Verger	Opens a public hearing on HB 2114 A.
	<u>HB 2114 A – PUBLIC HEARING</u>	
320	Judith Callens	Committee Administrator. Gives overview of HB 2114 A.
345	Chair Verger	Declares a conflict of interest as she is the owner of a car dealership.
350	Robin Freeman	Oregon Department of Transportation (ODOT). Presents written testimony in favor of HB 2114 A(EXHIBIT K).
403	Sen. Metsger	Makes clarification regarding interpretation of the law.
	TAPE 54, B	
008	Freeman	Agrees with Sen. Metsger.
013	Al Elkins	Oregon Tow Truck Association. Testifies in support of HB 2114 A.
019	Chair Verger	Close public hearing on HB 2114 A. Opens a work session on HB 2114A
	<u>HB 2114 A – WORK SESSION</u>	
022	Sen. Whitsett	MOTION: Moves HB 2114 A to the floor with a DO PASS recommendation.
		VOTE: 4-0-1
	Chair Verger	EXCUSED: 1 - Sen. B. Starr
		Hearing no objection, declares the motion CARRIED.
		SEN. PROZANSKI will lead discussion on the floor.
032	Chair Verger	Closes work session and opens public hearing on HB 2741 A.
	<u>HB 2741 A – PUBLIC HEARING</u>	
035	Judith Callens	Committee Administrator. Explains the measure and notes the - A2 amendments (EXHIBIT L).
070	Jim Gardner	Hertz Rent-A-Car. Testifies in favor of HB 2741.
110	Gardner	Discusses the –A2 amendments and the reason for drafting them on ODOT’s behalf. States that he supports the amendments.
117	Sen. Prozanski	Wonders if the dollar amount was agreed to by ODOT as being the amount necessary to cover their costs.
121	Gardner	Replies that they suggested the dollar amount and that ODOT did not object to it.
140	Chair Verger	Closes public hearing and opens a work session on HB 2741 A.
	<u>HB 2741 A – WORK SESSION</u>	
142	Sen. Whitsett	MOTION: Moves to ADOPT HB 2741A-A2 amendments dated 04/20/05.
		VOTE: 3-0-2
	Chair Verger	EXCUSED: 2 - Sen. Metsger, Sen. B. Starr
		Hearing no objection, declares the motion CARRIED.
150	Sen. Whitsett	MOTION: Moves HB 2741A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 3-0-2
	Chair Verger	EXCUSED: 2 - Sen. Metsger, Sen. B. Starr
		Hearing no objection, declares the motion CARRIED.
		SEN. WHITSETT will lead discussion on the floor.
155	Chair Verger	Closes work session and opens public hearing on HB 2738.

HB 2738 – PUBLIC HEARING

160 Mike Marsh

191 Chair Verger

193 Marsh

205 Chair Verger

HB 2738 – WORK SESSION

207 Sen. Whitsett

Chair Verger

212 Chair Verger

HB 2825 – PUBLIC HEARING

214 Judith Callens

220 Robin Freeman

272 Chair Verger

HB 2825 - WORK SESSION

275 Sen. Whitsett

Chair Verger

280 Chair Verger

Oregon Department of Transportation (ODOT). Presents written testimony (**EXHIBIT M**).

Ask what the change will be.

Explains.

Closes public hearing and opens work session on HB 2738.

MOTION: Moves HB 2738 to the floor with a DO PASS recommendation.

VOTE: 3-0-2

EXCUSED: 2 - Sen. Metsger, Sen. B. Starr

Hearing no objection, declares the motion CARRIED.

SEN. B. STARR will lead discussion on the floor.

Closes work session and opens public hearing on HB 2825.

Committee Administrator. Gives overview of HB 2825.

Oregon Department of Transportation (ODOT). Presents written testimony in favor of HB 2825 (**EXHIBIT N**).

Closes public hearing and opens work session on HB 2825.

MOTION: Moves HB 2825 to the floor with a DO PASS recommendation.

VOTE: 4-0-1

EXCUSED: 1 - Sen. B. Starr

Hearing no objection, declares the motion CARRIED.

SEN. METSGER will lead discussion on the floor.

Closes work session on HB 2825. Announces that the public hearing on HB 2116 will be moved to a committee meeting next week. Adjourns meeting at 5:00 p.m.

EXHIBIT SUMMARY

- A. SB 481, written testimony, Brian Doherty, 2 pp
- B. SB 481, written testimony, John Jackley, 1 p
- C. SB 1007, written materials, Pat Egan, 15 pp
- D. SB 1007, written testimony, Leal Sundet, 6 pp
- E. SB 1007, news articles, Leal Sundet, 5 pp
- F. HB 2223, -1 amendments, staff, 1 p
- G. HB 2388, written testimony, Robin Freeman, 2 pp
- H. HB 2741, -A2 amendments, staff, 1 p
- I. HB 2738, written testimony, Mike Marsh, 2 pp
- J. HB 2825, written testimony, Robin Freeman, 1 p