

HOUSE COMMITTEE ON TRANSPORTATION

February 10, 2003 Hearing Room 357
8:30 a.m. Tapes 19 - 20

MEMBERS PRESENT: Rep. Alan Brown, Chair
Rep. Elizabeth Beyer, Vice-Chair
Rep. John Mabrey Vice-Chair
Rep. George Gilman
Rep. Mitch Greenlick
Rep. Cliff Zauner

MEMBER EXCUSED: Rep. Jackie Dingfelder

STAFF PRESENT: Janet Adkins, Administrator
Ryan Sherlock, Assistant

MEASURE/ISSUES HEARD: HB 2221 – Public Hearing and Work Session
HB 2038 – 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
Tape 19, A		
003	Chair Brown	Calls meeting to order at 8:34 a.m., and opens public hearing on HB 2221.
<u>HB 2221 – PUBLIC HEARING</u>		
005	Janet Adkins	Committee Administrator. Offers description of HB 2221.
020	Gretchen McKenzie	Governor's Advisory Committee on DUII, Legislative Analyst. Introduces Teresa Douglas.
025	Teresa Douglas	Alcohol and Drug Evaluation Specialist; Governor's Advisory Committee on DUII, Member. Offers written testimony (EXHIBIT A) in support of HB 2221.
085	Rep. Mabrey	Asks about the use of Bench Probation, and its effectiveness.
095	Douglas	Explains that in Clackamas County it is only used for people who are out of state, and it is not used often.
100	Rep. Beyer	Asks if the proposed fee covers the total cost of the service, or whether there are still unmet costs.
102	Douglas	Explains that the costs are different for public vs. private providers, but in her experience the costs are about \$125 to \$130.
105	Rep. Gilman	Asks for the studies which justify the costs.
110	Douglas	Refers to a formal study done by Multnomah County, but indicates her figures come from her own experience.
113	Rep. Gilman	Expresses his desire to see numbers which justify the fee increase.
115	Rep. Zauner	Asks if illegal aliens enter into the same program.
120	Douglas	Explains that the treatment programs have no way of knowing whether those enrolled are illegal aliens or not.
122	Zauner	Clarifies that when an individual is referred to a program, that the individual already has a conviction.

124	Douglas	Explains that those enrolled have a conviction, or are on a diversion program.
125	Zauner	Asks about drug treatment and deportation of illegal aliens.
130	Douglas	Explains that she is unaware of any deportations from a treatment program in Oregon.
132	Serena Cruz	Multnomah County Commissioner. Offers written testimony (EXHIBIT B) in support of HB 2221. Address the use of Bench Warrants to prosecute repeat DUII's.
180	Rep. Greenlick	Asks why HB 2221 does not address the full cost, estimated at \$150, of these programs.
185	Cruz	Explains that she was not involved in drafting the bill, but indicates that the proponents would appreciate more flexibility in deciding these fees.
190	Rep. Greenlick	Clarifies that the HB 2221 does not cost the state any more, but allows the treatment programs to recover the full costs of treatment.
195	Cruz	Concurs.
200	Chair Brown	Clarifies that the private contractors of treatment programs charge an individual referred to the program \$90, and the county was making up the difference between that charge and the true cost of the program.
202	Cruz	States that her county directly funds about \$250,000 a year, which was cut in the midyear rebalance.
205	Rep. Zauner	Asks about the disparity in cost between Clackamas County (\$130) and Portland (\$150).
210	Cruz	Indicates she is unsure as to the reason for the cost disparity.
225	Chair Brown	Asks why the fee is controlled by statute.
230	Douglas	Indicates the fee was intended to be uniform state wide.
235	Rep. Mabrey	Asks whether the \$130 comes closer to recovering the true cost, or is an arbitrary number.
240	Douglas	Explains that \$130 was the initial number which came from an average figure for the state.
245	Rep. Greenlick	Asks whether those referred to treatment programs pay the full cost of that program.
250	Cruz	Observes that they do pay the full cost of treatment.
265	Adkins	Explains that the \$130 figure is an average that came from surveying programs from around the state.
270	Chair Brown	Closes the public hearing on HB 2221, and opens a work session on HB 2221.

HB 2221 – WORK SESSION

275	Rep. Greenlick	Questions the number of fees assessed and the limitation of fees within the statute. Suggests an amendment allowing flexibility in deciding the fee for the screening interview.
290	Chair Brown	Recalls that the witnesses who have testified mentioned the reason for the fee being the desire for uniformity across the state.
295	Rep. Greenlick	Observes that there is not uniformity in the cost of the treatment program which is the largest cost.
305	Rep. Beyer	Refers to testimony requesting an emergency clause, and asks whether the committee should ask for an amendment introducing an emergency clause.
315	Adkins	Explains the bill would take effect January 1 st , 2004 as currently written.
320	Rep. Greenlick	Expresses his desire to see an emergency clause.

325 Rep. Beyer Observes that this increase is not necessarily linked to inflation, but linked to the extra service which was added into the statute.
340 Chair Brown Closes the work session on H 2221, and opens a public hearing on HB 2038.

HB 2038 – PUBLIC HEARING

345 Adkins Offers a description of HB 2038, and the -2 amendment.
395 Chair Brown Indicates his intention to amend HB 2038 with the -2 amendment (**EXHIBIT C**), and offers his reasons for doing so.

TAPE 20, A

002 Jim Botwinis Oregon State Police Officers' Association. Offers written testimony (**EXHIBIT D**) in support of HB 2038.
055 Chair Brown Asks what the cost is to retrain one officer for full operation.
060 Botwinis Indicates the department is working on the numbers, but observes the total number is around \$106,000, and for training only (eliminating the officers salary for the first twelve months) the cost is about \$50-\$60 thousand dollars.
065 Chair Brown Clarifies that by keeping troopers on the road keeps the state from paying this training fee.
070 Botwinis Agrees, observing that the state has already lost some officers to other agencies and states.
075 Rep. Zauner Asks whether some of the officers have retired.
078 Botwinis Discusses officer retirement.
080 Rep. Zauner Asks whether any administration personnel have been cut.
085 Botwinis Explains that the department has a plan in place to reduce its administration.
090 Rep. Mabrey Clarifies that HB 2038 is a one time fix, and refers to a proposal offered by House Speaker Minnis to further fund the state police, questioning the ability to retain these troopers after the one time funding is depleted.
115 Botwinis Discusses the difficulty presented to the legislature in deciding funding for the Oregon State Police, underlining the importance of funding state police long term.
130 Rep. Mabrey Clarifies that this bill just buys time.
135 Botwinis Concur.
140 Rep. Beyer Clarifies that the Speakers bill does not have a funding mechanism for the reinstated troopers and questions whether some money being discussed in HB 2038 could be found for the original purpose of funding tire recycling.
160 Botwinis Disagrees, stating that the Speakers bill does fund the rehired troopers, and the funding from HB 2038 is in addition to the Speakers funding.
165 Chair Brown Clarifies that HB 2038 does have a referral to Ways and Means.
168 Rep. Greenlick Indicates that he does have some questions regarding the bill.
175 Bob Danko Department of Environmental Quality (DEQ). Offers written testimony (**EXHIBIT E**) regarding HB 2038.
245 Chair Brown Indicates that he does not see any reference to the West Nile Virus in the original bill.
247 Danko Acknowledges the point, refers to the DEQ's mandate to keep waste tires out of the environment.
250 Chair Brown Asks whether at the time of the scrap tire bill there was another bill which limited those who could keep scrap tires.
255 Danko Explains that there was one all inclusive tire bill in 1987, and discusses who can accumulate tires.
275 Rep. Zauner Asks how the tires are disposed.

280	Danko	Discusses the disposal of waste tires received by the DEQ.
295	Rep. Zauner	Asks which state the tires go to.
297	Danko	Explains that Oregon is a net importer of waste tires.
300	Rep. Zauner	Mentions an organization in McMinnville which takes old tires.
310	Danko	Discusses the function of the McMinnville company and how they recycle waste tires, and import large quantities.
325	Rep. Greenlick	Asks for clarification regarding the West Nile Virus problem, and what proportion of the mosquito problem breeds in waste tires.
330	Danko	Recommends specific answers regarding the West Nile Virus be obtained from the Department of Health.
345	Rep. Greenlick	Asks if chipped tires eliminate the purposed problem.
348	Danko	Affirms that chipped tires cannot hold water, eliminating the West Nile problem from waste tires.
350	Rep. Mabrey	Asks whether there are still attempts to use chip tires in road construction.
355	Danko	Discusses the use of chip tires in roadways.
370	Doug Riggs	Metro. Offers testimony regarding HB 2038.
TAPE 19, B		
035	Chair Brown	Explains the -2 amendment.
045	Rep. Zauner	Asks why recycling of waste tires has dropped.
050	Riggs	Discusses the general decline in waste tire recycling, mentioning the problems posed by importing waste tires to Oregon.
065	Rep. Zauner	Asks whether the reason for importing tires is money.
070	Riggs	Discusses the trend in other states to implement scrap tire recycling.
080	Chair Brown	Closes the public hearing on HB 2038, and opens a work session on HB 2038.
<u>HB 2038 – WORK SESSION</u>		
085	Rep. Gilman	MOTION: Moves to ADOPT HB 2038-2 amendments dated 02/10/03.
095	Rep. Beyer	Indicates her intent to vote AYE for the bill, but discusses her concerns regarding the bill.
105	Rep. Gilman	Discusses his vote in 1987 for the tire bill, and his continued support for that program, but also indicates his desire to fund the state police avoiding projected cuts.
110	Rep. Greenlick	Questions whether the bill should be referred to the Special Budget Committee rather than Ways and Means.
125	Chair Brown	Clarifies that he inquired with the Speakers Office regarding the subsequent referral, and was directed to send the bill to Ways and Means.
130	Rep. Mabrey	Clarifies his belief that the tire waste program is extremely important, but is subordinate to the current need to fund the Oregon State Police.
135		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Dingfelder The motion CARRIES.
140	Chair Brown Rep. Zauner	MOTION: Moves HB 2038 with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.
165	Chair Brown	Discusses the tire industry's historic support for waste tire clean-up, and expresses concern for the amount of junk tires which are

175		imported to Oregon. VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Dingfelder The motion CARRIES.
	Chair Brown	
185	Chair Brown	Noting the absence of those who wished to testify regarding HB 2384, suggests that it will be heard at the next meeting.
195	Rep. Greenlick	Asks if the committee could address how tires are imported into Oregon without any fee.
200	Chair Brown	Indicates that there are measures coming to the committee regarding this issue.
205	Adkins	Explains that there are two other bills which were introduced by the Task Force on Tire Recycling, but were not referred to the Transportation Committee.
210	Chair Brown	Closes the work session on HB 2038, and adjourns the meeting.

EXHIBIT SUMMARY

- A – HB 2221, written testimony, Teresa Douglas, 2 pp.**
- B – HB 2221, written testimony, Serena Cruz, 1 p.**
- C – HB 2038, -2 amendment, Staff, 1 p.**
- D – HB 2038, written testimony, Jim Botwinis, 1 p.**
- E – HB 2038, written testimony, Bob Danko, 1 p.**