

# HOUSE COMMITTEE ON TRANSPORTATION

February 26, 2003 Hearing Room 357  
8:30 a.m. Tapes 31 - 32

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

**STAFF PRESENT:**         Janet Adkins, Administrator  
                                  Ryan Sherlock, Assistant

**MEASURE/ISSUES HEARD:**       **HB 2219 – Public Hearing and Work Session**  
                                  **HB 2221 – Work Session**  
                                  **HB 2222 – 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>
<b>Tape 31, A</b>		
003	Vice Chair Mabrey	Calls meeting to order at 8:42 a.m., and opens a public hearing on HB 2219.
<b><u>HB 2219 – PUBLIC HEARING</u></b>		
020	Claudia Howells	Oregon Department of Transportation, Rail Division Manager. Offers written testimony ( <b>EXHIBIT A</b> ) in support of HB 2219.
095	Everett Cutter	Oregon Railroad Association, Manager. Offers written testimony ( <b>EXHIBIT B</b> ) in support of HB 2219.
135	Rep. Greenlick	Clarifies that the bill would only require notice be provided to the State.
140	Howells	Concurs, but points out the added visibility provided by making the requirement statute.
150	Rep. Greenlick	Asks if there is any language in current statute which requires special steps for developments which only have access across one of these private crossings.
160	Howells	Further clarifies the point of the bill.
165	Rep. Zauner	Asks if the city would control developments with access across private crossings and be able to limit those developments because of HB 2219.
175	Howells	Explains that cities are already aware of the relevant requirements, and the bill does not affect public crossings.
180	Chair Brown	Refers to Mr. Cutter's mention of federal funds.
185	Cutter	Explains there are federal funds available to make crossings safer, and discusses the use of those funds.
195	Rep. Beyer	Asks if federal funds could be used for all three types of crossings.

200	Cutter	Explains that the federal funds are only for public crossings.
205	Chair Brown	Asks who pays for and installs non-public crossings.
210	Howells	Explains that the applicant is responsible funding a new crossing, and this is usually the city which can then charge the developer.
215	Chair Brown	Asks if there is language in statute which automatically gives someone the right to cross railroads to access their property.
220	Howells	Discusses the authority given to the Rail Division in deciding crossings, including when the railroads ask to cross a roadway.
225	Howells	Thanks the railroads, cities, and counties that participated in drafting HB 2219.
230	Chair Brown	Thanks the witnesses and calls Art Schlack and Andrea Fogue to testify.
235	Art Schlack	Association of Oregon Counties. Offers testimony in support of HB 2219, and presents the written support ( <b>EXHIBIT C</b> ) of the Oregon Association of County engineers and Surveyors.
265	Andrea Fogue	League of Oregon Cities. Offers testimony in support of HB 2219.
270	Chair Brown	Closes the public hearing on HB 2219, and opens a work session on HB 2219.

**HB 2219 – WORK SESSION**

<b>280</b>	<b>Rep. Beyer</b>	<b>MOTION: Moves HB 2219 to the floor with a DO PASS recommendation.</b>
<b>285</b>		<b>VOTE: 6-0</b>
		<b>AYE: In a roll call vote, all members present vote Aye.</b>
		<b>EXCUSED: 1 – Zauner</b>
	<b>Chair Brown</b>	<b>The motion CARRIES.</b>
<b>295</b>	<b>Rep. Beyer</b>	<b>MOTION: Moves HB 2219 be placed on the CONSENT CALENDAR.</b>
<b>305</b>		<b>VOTE: 6-0</b>
		<b>EXCUSED: 1 - Zauner</b>
	<b>Chair</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
210	Chair Brown	Closes the work session on HB 2219, and opens a work session on HB 2221.

**HB 2221 – WORK SESSION**

315	Janet Adkins	Committee Administrator. Offers a description of HB 2221 and the proposed -1 and -3 amendments. Introduces testimony from witnesses not present ( <b>EXHIBIT D, E</b> ).
370	Chair Brown	Calls the witnesses to testify.
375	Gretchen McKenzie	Governor’s Advisory Committee on DUII. Defers to Teresa Douglas.
380	Teresa Douglas	Governor’s Advisory Committee on DUII, member. Offers testimony in support of the -1 amendment, and a standardized fee of \$130 rather than the option presented by the -3 amendment.
390	Paul DuCommun	Multnomah County Alcohol and Drug Central Intake Services, Program Director. Expresses his support for HB 2221 with the -1 amendment, and opposition to the -3 amendment.
415	Robert Ryan	Multnomah County DUII Evaluation Unit, Supervisor. Expresses his support for the set fee as originally introduced in the bill.
420	Rep. Mabrey	Recalls that the Multnomah County Commissioner, at a previous hearing on HB 2221, testified that the \$130 fee does not cover the entire cost to the county.
430	Ryan	Observes that the \$130 fee is a compromise between the counties representing an average cost, which is lower than the costs to

		Multnomah County.
<b>TAPE 32, A</b>		
025	Rep. Greenlick	Clarifies that the costs for these services in Multnomah County are higher than the proposed \$130.
030	Ryan	Explains that due to the choice of Multnomah county to provide more service, their costs are higher than \$130.
035	Rep. Greenlick	Asks how many evaluations are done per year.
037	Ryan	Explains the number is around 3,000 new clients every year.
040	Rep. Greenlick	Clarifies that the Multnomah County Commissioners are willing to pay the difference to fund these programs.
050	Paul DuCommun	Explains that the Board of County Commissioners is probably not comfortable paying the difference, but they recognize difficulty having true cost not be constant.
065	Douglas	Points out the difference in administrative cost between public and private providers.
070	Rep. Beyer	Asks if the monitoring programs is standardized.
075	Ryan	Discusses the similarities and differences between programs.
085	Douglas	Explains that the monitoring is required statewide.
095	Chair Brown	Points out some providers from his district asked him to support the increase, but he recognizes Rep. Greenlick's concern regarding the issue.
<b>105</b>	<b>Rep. Mabrey</b>	<b>MOTION: Moves to ADOPT HB 2221-1 amendments dated 02/17/03.</b>
		<b>VOTE: 6-0</b>
		<b>EXCUSED: 1 - Zauner</b>
	<b>Chair Brown</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
110	Rep. Greenlick	Expresses his objection to the bill, because of the unfunded mandate placed on the county, implicit in the bill.
<b>125</b>	<b>Rep. Gilman</b>	<b>MOTION: Moves HB 2221 to the floor with a DO PASS AS AMENDED recommendation.</b>
<b>130</b>	<b>Rep. Gilman</b>	<b>VOTE: 5-1</b>
		<b>AYE: 5 - Beyer, Dingfelder, Gilman, Mabrey, Brown</b>
		<b>NAY: 1 - Greenlick</b>
		<b>EXCUSED: 1 - Zauner</b>
	<b>Chair Brown</b>	<b>The motion CARRIES.</b>
		<b>REP. GILMAN will lead discussion on the floor.</b>
155	Chair Brown	Closes the work session on HB 2221, and opens a work session on HB 2222.
<b><u>HB 2222 – WORK SESSION</u></b>		
160	Janet Adkins	Committee Administrator. Offers a description of HB 2222, and the purpose of the unfinished -1 amendment.
200	Dave Tyler	Oregon Department of Transportation, Chief Financial Officer. Offers testimony in support of the proposed -1 amendment to HB 2222.
210	Brian Doherty	Western States Petroleum Association. Expresses his groups support for the -1 amendment to HB 2222.
220	Rep. Dingfelder	Asks what the circumstances beyond the control of the dealer.
225	Doherty	Indicates that he was not present during the discussions which created the language, but opines what those circumstances could be.
240	Quentin Hess	Oregon Department of Transportation, Fuels Tax Manager. Agrees with Mr. Doherty's definition, and further offers an explanation of the language.

245	Rep. Dingfelder	Clarifies that the Oregon Department of Transportation decides what constitutes a circumstance beyond the control of the dealer.
247	Hess	Affirms.
250	Rep. Mabrey	Questions language in the -1 amendment regarding the proposed suspension.
282	Doherty	Explains that the selling dealer has up to the fourth day, while the suspended dealer is liable for tax.
290	Rep. Mabrey	Asks why the selling dealer has received notice of the suspension but can still sell the fuel.
295	Doherty	Explains that it is unlikely that once the notice is received it would not immediately be implemented, but there may be cases where the selling dealer does not get notice of the suspension in time to stop the sale.
320	Rep. Mabrey	Thanks the witnesses for their information.
325	Chair Brown	Closes the work session on HB 2222.
330	Committee	Discussion regarding the next committee meeting.
340	Chair Brown	Adjourns the meeting at 9:31 a.m.

## EXHIBIT SUMMARY

- A – HB 2219, written testimony, Claudia Howells, 1 p.**
- B – HB 2219, written testimony, Everett Cutter, 1 p.**
- C – HB 2219, written testimony, Art Schlack, 1 p.**
- D – HB 2221, written testimony, Cindy Buck, 1 p.**
- E – HB 2221, written testimony, Margaret Gorciak, 1 p.**