

HOUSE COMMITTEE ON TRANSPORTATION

April 16, 2003 Hearing Room 357
8:30 AM Tapes 82 - 85

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 3510 – Work Session**
 HB 2661 – Work Session
 HB 2685 – Work Session
 HB 3187 – Work Session
 HB 2039 – Public Hearing
 HB 2986 – Work Session
 HB 2388 – Work Session
 HB 2455 – 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 82, A		
003	Chair Brown	Calls meeting to order at 8:40 a.m., and opens a work session on HB 3510.
<u>HB 3510 - WORK SESSION</u>		
005	Janet Adkins	Committee Administrator. Offers a description of HB 3510 with reference to the issued fiscal impact statement (EXHIBIT A).
015	Rep. Anderson	House District 3. Offers testimony in support of HB 3510, and submits letter (EXHIBIT B) from Robert Weber, Public Works Director for Josephine County.
045	Rep. Zauner	Asks about the monetary figures being discussed.
050	Rep. Anderson	Indicates the range of project cost could be great.
055	Rep. Zauner	Asks about a bridge which was at issue.
060	Rep. Anderson	Discusses the bridges and highway in question.
075	Rep. Mabrey	Offers a personal example, and clarifies that the state funds require a match from the district.
080	Rep. Anderson	Comments on Rep. Mabrey's point.
090	Rep. Beyer	Points out the differing interpretations of the bill between the Oregon Department of Transportation (ODOT) and the League of Oregon Cities.
105	Rep. Anderson	Discusses where the difference of opinion comes from.
125	Rep. Greenlick	Points out that if one county is willing to maintain their project

		while another county is not willing, the first county would most likely receive the project.
135	Rep. Anderson	Explains that if the projects are equal then this might be correct, however it would not be right for one project to increase in priority due to local funding.
145	Doug Tindal	Oregon Department of Transportation. Offers testimony regarding HB 3510, discussing the fiscal impact of the bill.
160	Rep. Zauner	Asks about the possibility of a public/private partnership.
165	Tindall	Discusses the possibility of public/private partnership.
180	Rep. Greenlick	Expresses sympathy for the issue at hand, but asks whether these issues are already taken into account when initially assessing the importance of projects.
190	Tindal	Discusses the factors which decide the importance of projects.
205	Chair Brown	Points out the possible need for a referral to Ways and Means.
210	Rep. Zauner	MOTION: Moves HB 3510 with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means.
215		VOTE: 7-0
	Chair Brown	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
230	Chair Brown	Explains that HB 2749, HB 2388, HB 2986 will be held over until the afternoon, and HB 2455 will be held until Friday. Closes the work session on HB 3510, and opens a work session on HB 2661.
		<u>HB 2661 – WORK SESSION</u>
235	Janet Adkins	Committee Administrator. Offers a description of HB 2661, and the proposed -2 amendment (EXHIBIT C).
260	Rep. Greenlick	Explains the purpose of, and offers testimony in support of HB 2661 and the -2 amendment.
300	Rep. Greenlick	MOTION: Moves to ADOPT HB 2661-2 amendments dated 04/15/03.
	Chair Brown	VOTE: 7-0
	Rep. Greenlick	Hearing no objection, declares the motion CARRIED.
305	Rep. Greenlick	MOTION: Moves HB 2661 to the floor with a DO PASS AS AMENDED recommendation.
310		VOTE: 7-0
	Chair Brown	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
315	Rep. Greenlick	MOTION: Moves HB 2661 be placed on the CONSENT CALENDAR.
320		VOTE: 7-0
	Chair Brown	Hearing no objection, declares the motion CARRIED.
330	Chair Brown	Closes the work session on HB 2661, and opens a work session on HB 2685.
		<u>HB 2685 – WORK SESSION</u>
335	Janet Adkins	Committee Administrator. Offers a description of HB 2685, and the proposed -2 amendments (EXHIBIT D).
370	Ken Armstrong	Oregon Ports Group. Offers testimony in support of HB 2685, and the proposed -2 amendments which compliment the -1 amendments.
		TAPE 83, A
010	Rep. Zauner	Asks whether there is a fiscal statement on the bill.
012	Janet Adkins	Explains that there is a fiscal, and points out that the bill has a

020 Phil Donovan subsequent referral to the House Committee on Ways and Means. Oregon Steelheaders Association. Offers testimony regarding HB 2685.

040 Chair Brown Closes the public hearing on HB 2685, and opens a public hearing on HB 3187.

HB 3187 – WORK SESSION

045 Janet Adkins Committee Administrator. Offers a description of HB 3187 and the proposed -1 amendments (**EXHIBIT E**) with reference to an example ballot title (**EXHIBIT F**).

070 Rep. Dingfelder Asks how much money is in question.

075 Adkins Discusses the issues regarding funding.

085 Chair Brown Comments on the title of the sample ballot title.

090 Rep. Greenlick Asks why this bill is before the Transportation Committee rather than the Judiciary Committee.

100 Don Miner Oregon Manufactured Housing Association. Offers written testimony (**EXHIBIT G**) in support of HB 3187.

130 Rep. Beyer Asks whether the money created by the bill would go into the general fund.

135 Miner Explains that the money is dedicated.

140 Rep. Beyer Clarifies where the money goes.

145 Miner Discusses where the money is held and spent.

160 Chair Brown Comments on the difficulty of the issue.

170 **Rep. Mabrey** **MOTION: Moves to ADOPT HB 3187-1 amendments dated 04/15/03.**

VOTE: 7-0

Hearing no objection, declares the motion CARRIED.

175 Chair Brown Asks whether the bill needs a referral to Ways and Means.

180 Adkins Discusses the procedural process for the bill.

190 Rep. Greenlick Expresses concern for the magnitude of the bill, in regards to its effect on the state constitution. Asks whether the bill should be referred to the Judiciary Committee.

200 Janet Adkins Discusses the issue, and points out that this bill would only create the title for the ballot measure.

220 **Rep. Gilman** **MOTION: Moves HB 3187 to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 7-0

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

EXCUSED: 1 – Dingfelder (Aye vote: Tape 85, A # 275)

The motion CARRIES.

230 **Rep. Greenlick** **MOTION: Moves HB 3187 be placed on the CONSENT CALENDAR.**

240 **VOTE: 6-0**

EXCUSED: 1 - Dingfelder

Hearing no objection, declares the motion CARRIED.

255 Chair Brown Closes the work session on HB 3187, and opens a work session on HB 2039.

HB 2039 – PUBLIC HEARING

260 Janet Adkins Committee Administrator. Offers a description of HB 2039, and the proposed -1 amendments (**EXHIBIT H**).

285 Lynn Lehrbach Teamsters Union. Offers testimony in support of HB 2039, with reference to submitted photos (**EXHIBIT I**).

TAPE 82, B

030 Rep. Zauner Clarifies that the issue is the safety of the chassis.

035	Lehrbach	Indicates it is the safety of the chassis and the container.
040	Rep. Zauner	Asks about the inspection process.
042	Lehrbach	Explains that the chassis is not taken into the shop.
045	Rep. Zauner	Asks whether the truck driver could take the chassis into the shop.
050	Lehrbach	Explains that the driver does not have the authority to have the shop inspect the chassis.
055	Gregg Dal Ponte	Oregon Department of Transportation, Motor Carriers Division. Offers testimony regarding HB 2039, and the proposed -1 amendments. Points out the need to address the issue through federal guidelines.
125	Chair Brown	Asks whether Mr. Dal Ponte thinks the federal regulations would appropriately address the problem.
130	Dal Ponte	Refers to the Motor Carrier Transportation Advisory Committee, which recommended regulations be at the federal level.
135	Chair Brown	Asks what the timeline for the federal regulations would be.
140	Dal Ponte	Indicates he does not know what would be the timing of the federal guideline.
145	Rep. Beyer	Asks how HB 2039 would coexist with the federal regulations.
150	Dal Ponte	Explains that the federal guideline would take precedence, but indicates that he does not know how they would interact.
160	Rep. Zauner	Asks how many chassis' are taken out of service when they are inspected.
165	Dal Ponte	Discusses the inspection process.
175	Rep. Zauner	Asks what a percentage would be.
180	Dal Ponte	Explains that fifty six percent of inspections result in a chassis being taken out of service.
185	Rep. Greenlick	Clarifies that if they pass this bill, it would be superceded when the federal regulations were adopted.
190	Dal Ponte	Acknowledges.
195	Lehrbach	Points that a similar bill has been passed in California.
200	Chair Brown	Asks whether there is a similar law in Washington.
202	Lehrbach	Explains that he does not know.
205	Chair Brown	Asks Mr. Dal Ponte how much freight coming through the port, comes from Washington.
210	Dal Ponte	Discusses the origin of the chassis's in question.
220	Chair Brown	Clarifies that the problem would not necessarily originate at the Port of Portland.
225	Dal Ponte	Acknowledges.
230	Janet Adkins	Enters into the record a letter (EXHIBIT J) received from Jeffrey Lawrence of the Ocean Carrier Equipment Management Association (OCEMA) regarding HB 2039.
235	Rep. Zauner	Asks that the Port of Portland to address the question of how many new positions would be created by the bill.
240	Keith Leavitt	Port of Portland. Indicates that the fiscal impact on the port would be \$3.4 million for hiring new inspector positions. Offers testimony regarding HB 2039. Points out that the bill is flawed in that it only deals with the Port of Portland.
295	Rep. Beyer	Asks about the fiscal impact with regards to the 56% out of service chassis inspection rate.
300	Leavitt	Points out this is the first time he has heard of this percentage, and discusses the need for federal guidelines to address the issue.
305	Rep. Greenlick	Asks about the fiscal figure indicated by Mr. Leavitt, clarifying it would amount to about seventy Full Time Equivalents (FTE)'s.

310	Leavitt	Discusses the way in which the fiscal impact was decided.
340	Rep. Greenlick	Further questions the possible fiscal impact.
345	Leavitt	Discusses the fiscal impact.
350	Rep. Greenlick	Clarifies that Mr. Leavitt is indicating that increased inspections would create a competitive disadvantage.
355	Leavitt	Explains that he does not know enough about the issue to characterize it in that way.
360	Chair Brown	Expresses his view that the issue is a safety issue, but points out the need for a fix in every port which would need to be accomplished by the federal government.
390	Rep. Greenlick	Points out the committee could pass the measure with a sunset clause.
400	Chair Brown	Closes the public hearing on HB 2039, and recesses the meeting at 10:00 a.m., explaining the committee will reconvene at 2:00 p.m. in HR 343.

RECESS

405	Chair Brown	Reconvenes meeting at 2:00 p.m.
415	Janet Adkins	Committee Administrator. Offers an update of the day's agenda.

TAPE 83, B

020	Chair Brown	Opens the work session on HB 2986.
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HB 2986 – WORK SESSION

025	Janet Adkins	Committee Administrator. Offers a description of HB 2986.
030	Holly Robinson	Legislative Counsel. Offers an outline of the Health Insurance Portability and Accountability Act (HIPAA) of 1996.
085	Rep. Greenlick	Asks about specific statute.
095	Robinson	Explains the statute in question.
105	Rep. Greenlick	Clarifies the effect of specific rule.
115	Robinson	Acknowledges.
120	Rep. Greenlick	Comments on the creation of the rule and its use under mandatory reporting.
125	Robinson	Acknowledges, as long as the reporting was mandatory. Further discusses mandatory reporting requirements.
155	Nan Heim	Oregon Academy of Ophthalmology (OAO). Offers testimony regarding HB 2986.
175	Wayne Schumacher	Oregon Optometric Physicians Association. Offers testimony regarding HB 2986.
205	Jim Anderson	Ophthalmologist. Offers testimony regarding HB 2986, with reference to an amendment currently being drafted.
280	Heim	Discusses the coming amendment mentioned by Mr. Anderson.
285	Chair Brown	Clarifies that the OAO opposes the bill.
290	Rep. Greenlick	Clarifies that the current bill is not a repeal of ORS 807.710, and asks Ms. Heim to clarify the OAO position.
295	Heim	Discusses her group's stance on the bill.
315	Rep. Mabrey	Comments on personal experience with those individuals who would forgo medical attention for fear of being reported to ODOT, but expresses concern for lack of reporting.
340	Schumacher	Discusses other ways in which at risk patients can be handled.
355	Rep. Greenlick	Asks how the witnesses would feel about leaving the statute as is, and addressing the subject next session.
380	Heim	Expresses the negative attitude in the medical community regarding the issue.
400	Anderson	Further comments on the wording of the bill.
TAPE 84, A		
020	Rep. Greenlick	Asks whether the witnesses would be comfortable with an

025	Anderson	amendment which only allowed specific language. Comments on Rep. Greenlick's suggestion, expressing a wish to further discuss the subject.
035	Tim Martinez	Oregon Medical Association. Offers testimony regarding HB 2986, explaining that this would not be a HIPAA issue.
045	Rep. Greenlick	Points out the major point is the voluntary vs. mandatory issue.
050	Martinez	Comments on the voluntary/mandatory issue with reference to submitted letter (EXHIBIT K) from Charles Sinsel.
065	Kelly Taylor	Oregon Department of Transportation. Offers testimony regarding HB 2986.
175	Rep. Zauner	Explains that there has been a lack of attempt for trying the program as currently written.
180	Martinez	Points out that the liability issue is extremely important to the medical community.
200	Chair Brown	Asks whether Mr. Martinez has any amendments for the measure.
205	Martinez	Explains that they will have amendments, but do not currently have amendments.
210	Rep. Greenlick	Asks whether Mr. Martinez would be comfortable with certain wording.
215	Martinez	Indicates he will take the suggestion back to the OMA.
220	Rep. Greenlick	Asks whether this would take a -1 amendment.
230	Adkins	Points out that the committee could request this as an amendment.
232	Rep. Greenlick	Expresses concern for the issue and the possible need for an amendment.
240	Rep. Beyer	Clarifies that, with no consequence for reporting, there would be no reporting.
245	Rep. Greenlick	Points out that there could still be repercussions concerning civil liability.
255	Kelly Taylor	Discusses the reporting issue in regards to the repercussions due to non-reporting.
280	Chair Brown	Closes the work session on HB 2986, and opens a public hearing on HB 2388.

HB 2388 – PUBLIC HEARING

285	Janet Adkins	Committee Administrator. Offers a description of HB 2388, the proposed -1 amendments (EXHIBIT L) , and the issued fiscal statement (EXHIBIT M) .
325	Rep. Beyer	Discusses her work with the groups concerned with the bill.
355	Adkins	Clarifies that the committee members have the correct amendments.
360	Kelly Taylor	Oregon Department of Transportation. Offers testimony regarding HB 2388, and the proposed -1 amendment.
400	Chair Brown	Asks Ms. Taylor to address the fiscal impact of the bill.
405	Taylor	Explains that for the most part the fiscal impact would be indeterminate.

TAPE 85, A

010	Monty King	Oregon Independent Auto Dealers Association. Offers testimony regarding HB 2388, and the proposed -1 amendment.
050	Rep. Beyer	Expresses her wish to work with Mr. King further on the issue.
055	King	Thanks Rep. Beyer and Chair Brown for their work in helping either side come together on this issue.
065	Brian Doherty	Insurance Auto Auction. Offers testimony regarding HB 2388, but expresses his group's concerns with the bill and amendment.

080 Chair Brown Asks about the business function of the Insurance Auto Auctions.
085 Doherty Explains what the Auto Auction does.
090 Rep. Beyer Asks that Ms. Taylor address this issue.
095 Taylor Explains that if the Auto Auctioneers are doing the proper paperwork, then the stickers are not an issue.
100 Doherty Indicates that he does not know whether Auto Auction takes the title or not.
110 Taylor Indicates that she would be willing to work with Mr. Doherty on this issue.
115 King Clarifies that a salvage vehicle cannot be driven on the highway, so if such a vehicle has registration displayed, it should not.
130 Al Elkins Oregon Tow Truck Association. Thanks Rep. Beyer for her help mediating the issue. Offers testimony regarding HB 2388 and the proposed -1 amendments.
150 Chair Brown Closes the public hearing on HB 2388, and opens a work session on HB 2388.

HB 2388 – WORK SESSION

155 Rep. Beyer **MOTION: Moves to ADOPT HB 2388-1 amendments dated 04/15/03.**
VOTE: 5-0
EXCUSED: 2 - Mabrey, Zauner
Hearing no objection, declares the motion CARRIED.
160 Chair Brown **MOTION: Moves HB 2388 to the floor with a DO PASS AS**
Rep. Beyer **AMENDED recommendation.**
165 **VOTE: 5-0**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 2 - Mabrey, Zauner
Chair Brown **The motion CARRIES.**
REP. BEYER will lead discussion on the floor.
170 Chair Brown Closes the work session on HB 2388, and opens a work session on HB 2455.

HB 2455 – WORK SESSION

175 Rep. Beyer Offers a brief description of the bill.
185 Al Elkins Oregon Tow Truck Association. Thanks Rep. Beyer for her work on the bill.
200 Monty King Oregon Independent Auto Dealers Association. Thanks Rep. Beyer for her work and discusses the cooperation on the issue.
235 Deb Elkins Northwest Automotive Trades Association. Offers testimony in support of HB 2455A, and thanks all those who were involved in bringing both all sides to the table.
255 Rep. Beyer Thanks Joan Robinson in Legislative Counsel for her work on the issues.
265 Chair Brown Closes the work session on HB 2455.
270 Rep. Gilman **MOTION: Moves to SUSPEND the rules for the purpose of allowing Rep. Dingfelder to vote on HB 3187.**
VOTE: 5-0
EXCUSED: 2 - Mabrey, Zauner
Chair Brown **Hearing no objection, declares the motion CARRIED.**
275 Rep. Brown **MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. DINGFELDER to BE RECORDED as voting AYE on the Motion: Moves HB 3187 to the floor with a DO PASS AS AMENDED recommendation.**

285

Chair Brown
Chair Brown

VOTE: 5-0
EXCUSED: 2 - Mabrey, Zauner
Hearing no objection, declares the motion CARRIED.
Adjourns the meeting.

EXHIBIT SUMMARY

- A – HB 3510, fiscal impact statement, Staff, 1 p.**
- B – HB 3510, submitted letter, Robert Weber, 1 p.**
- C – HB 2661, -2 amendments, Staff, 2 pp.**
- D – HB 2685, -2 amendments, Staff, 3 pp.**
- E – HB 3187, -1 amendments, Staff, 1 p.**
- F – HB 3187, sample ballot title, Staff, 2 pp.**
- G – HB 3187, written testimony, Don Miner, 3 pp.**
- H – HB 2039, -1 amendments, Staff, 1 p.**
- I – HB 2039, submitted photos, Lynn Lehrbach, 7 pp.**
- J – HB 2039, submitted letter, Jeffrey Lawrence, 4 pp.**
- K – HB 2039, submitted letter, Charles Sinsel, 2 pp.**
- L – HB 2388, -1 amendments, Staff, 6 pp.**
- M – HB 2388, fiscal impact statement, Staff, 1 p.**