

# HOUSE COMMITTEE ON TRANSPORTATION

May 02, 2003 Hearing Room 357

8:30 AM Tapes 96 – 97

**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:**        **SB 180 A – Public Hearing**  
  **SB 83 A – Work Session**  
  **SB 183 – Public Hearing**

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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.

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>Tape 96, A</b>		
003	Chair Brown	Calls meeting to order at 8:40 a.m., and opens a public hearing on SB 180A.
<b><u>SB 180A – PUBLIC HEARING</u></b>		
010	Janet Adkins	Committee Administrator. Offers a description of SB 180A, with reference to the issued Fiscal Impact Statement ( <b>EXHIBIT A</b> ).
025	Jim Beard	Confederated Tribes of the Umatilla Indian Reservation. Offers written testimony ( <b>EXHIBIT B</b> ) in support of SB 180A.
135	Rep. Gilman	Asks about payments which would be implemented by the bill, and expresses concerns for those payments.
140	Beard	Clarifies Rep. Gilman's question.
145	Rep. Gilman	Clarifies his concern that this will dilute other senior programs.
150	Beard	Explains that it is unclear how many tribes will use this program, and points out the tribes funding role in the program.
165	Rep. Greenlick	Clarifies the application process currently and how this bill would alter that process.
170	Beard	Discusses the application process.
180	Rep. Dingfelder	Clarifies specific language in the fiscal impact statement, and clarifies that currently the tribes receive the money from the counties. Asks how the funds are used once received by the tribes.
185	Beard	Explains that all the funds are used for operational expenses, and none is used for administrative means.
200	Rep. Beyer	Clarifies that the money received is a portion of the money received from the county.
205	Beard	Acknowledges.

210	Rep. Beyer	Clarifies that the bill then would increase the funding to counties without an increase in population.
215	Beard	Acknowledges.
220	Chair Brown	Asks whether the Umatilla Reservation is only in Umatilla county.
225	Beard	Describes the geography of the Umatilla Reservation.
230	Louis Pitt Jr.	Confederated Tribes of Warm Springs. Offers written testimony <b>(EXHIBIT C)</b> in support of HB 180 A.
320	Rep. Mabrey	Expresses concern for the way in which the counties are vilified in Mr. Pitts testimony, asks if the Warm Springs Tribe has ever applied for the funding through the county.
330	Pitt	Explains that the tribe has never applied for the funding in question, and further explains the reasoning for having not applied.
360	Rep. Mabrey	Clarifies that specific wording in the testimony then is not accurate.
365	Rep. Greenlick	Clarifies that the “government to government” provision in SB 770 (2001) refers to the relationship between the state and the tribe.
370	Pitt	Discusses the legislative history of SB 770 (2001) from the previous legislative session.
<b>TAPE 97, A</b>		
005	Rep. Greenlick	Asks whether SB 770 (2001) applied only to State agencies, or also applied to the counties relationships with the tribes.
010	Michael Mason	Confederated Tribes of Warm Springs. Further comments on the legislative history and intent of SB 770 (2001).
020	Rep. Greenlick	Points out that the application process for the tribes should be different under the current statute.
025	Mason	Discusses the relationship between the tribes and counties. Points out the importance of the bill to the elders of the Tribe.
045	Rep. Dingfelder	Clarifies that currently the tribes receive funds through the federal government.
050	Mason	Acknowledges.
055	Rep. Dingfelder	Further questions the original intent of the state funding through the counties in light of the applicable federal funding.
060	Pitt	Comments on the federal funding vs. the State funding.
065	Mason	Further comments on the use of the federal transportation funding for tribes.
075	Martin Loring	Oregon Department of Transportation, Public Transit Division. Offers written testimony <b>(EXHIBIT D)</b> in support of SB 180 A.
250	Rep. Mabrey	Discusses the number of tribes which would take advantage of this proposed funding, and clarifies how this would affect allocation.
260	Loring	Discusses the possible number of the nine federally recognized Tribes in Oregon, which would utilize this funding. Discusses the allocation possibilities.
290	Rep. Mabrey	Comments on the formula used to distribute the funds.
305	Loring	Acknowledges the clarification.
310	Rep. Mabrey	Asks about the discretionary fund.
315	Loring	Acknowledges, discusses the discretionary portion of the allocation, and further discusses the funding issue.
345	Chair Brown	Welcomes the school children who entered the room.
365	Dennis Doherty	Umatilla County Commissioner. Offers testimony in opposition to SB 180 A.

**TAPE 96, B**

035	Doherty	Continues with testimony in opposition to SB 180 A.
080	Rep. Greenlick	Clarifies that the debate is not over SB 770 (2001), but the state statute SB 770 (2001) became. Asks whether under that statute, SB 180A is consistent.
100	Doherty	Explains that he does not think SB 180A is consistent with the intent of SB 770 (2001). Defers the debate to Mr. Penhollow and Ms. Fogue who will soon testify. Continues with testimony in opposition to SB 180 A.
140	Bill Penhollow	Association of Oregon Counties. Offers testimony in opposition to SB 180A.
235	Andrea Fogue	League of Oregon Cities. Offers testimony in opposition to SB 180A, questioning ODOT's interpretation of SB 770 (2001).
275	Rep. Greenlick	Points out his support for senior and disabled programs, but points out the intent of the statute ensuring cooperation between the State and the Tribes. Asks whether the witnesses think SB 180A meets with the intent of that statute.
315	Penhollow	Responds, discussing the effect of the legislation on the funding for counties. Discusses the importance of county services, and discusses the intent of the bill.
365	Rep. Mabrey	Asks how much funding Umatilla County has received.
370	Doherty	Explains that the amount Umatilla has received is around \$131,000.
375	Rep. Mabrey	Points out that this is more than Wasco County receives. Points out the validity of the issue being addressed, expresses his view that there is a problem of allocation, but questions whether SB 180A addresses this problem.

**TAPE 97, B**

025	Roger Martin	Oregon Transit Association. Offers testimony in support of SB 180A.
090	Chair Brown	Closes the public hearing on HB 180 A, and opens a work session on SB 83 A.

**SB 83 A – WORK SESSION**

095	Jim Whitty	Road Users Fee Task Force. Offers testimony in favor of the proposed –A3 amendments ( <b>EXHIBIT E</b> ).
110	Chair Brown	Closes the work session on SB 83A, and opens a public hearing on SB 183.

**SB 183 – PUBLIC HEARING**

115	Janet Adkins	Committee Administrator. Offers a description of SB 183.
135	Troy Costales	Oregon Department of Transportation. Offers written testimony ( <b>EXHIBIT F</b> ) in support of SB 183.
240	Chair Brown	Asks whether the bill would only apply to Interstate-5.
245	Costales	Explains that the bill would apply to all roadways, and discusses the effects on I-5.
250	Chair Brown	Asks whether this bill would then eliminate the Basic Rule.
255	Rep. Greenlick	Clarifies how the bill would affect the Basic Rule.
260	Rep. Zauner	Asks whether the laws being changed are from rule or statute.
265	Costales	Explains that the speed laws are set by the legislative body.
270	Janet Adkins	Committee Administrator. Points out the need for an amendment to address a possible conflict with another bill.
285	Chair Brown	Closes the public hearing on SB 183, and adjourns the meeting at 10:19 a.m.

## **EXHIBIT SUMMARY**

- A – SB 180 A, Fiscal Impact Statement, Staff, 2 pp.**
- B – SB 180 A, written testimony, Jim Beard, 7 pp.**
- C – SB 180 A, written testimony, Louis Pitt Jr., 2 pp.**
- D – SB 180 A, written testimony, Martin Loring, 2 pp.**
- E – SB 83 A, -A3 amendments, Staff, 1 p.**
- F – SB 183, written testimony, Troy Costales, 7 pp.**