

**SENATE COMMITTEE ON GENERAL GOVERNMENT AND  
TRANSPORTATION**

April 17, 2001 Hearing Room 343  
3:00 pm Tapes 95 - 98

**MEMBERS PRESENT:**        **Sen. Gary George, Chair**  
                                      **Sen. Rick Metsger, Vice-Chair**  
                                      **Sen. Margaret Carter**  
                                      **Sen. Bev Clarno**  
                                      **Sen. Ken Messerle**

**STAFF PRESENT:**         **Patrick Balducci, Administrator**  
                                      **Nancy Masee, Committee Assistant**

**MEASURE/ISSUES HEARD:**  
                                      **SB 483 Public Hearing and Work Session**  
                                      **SB 695 Public Hearing and Work Session**  
                                      **SB 696 Public Hearing and Work Session**  
                                      **SB 816 Public Hearing**  
                                      **SB 818 Public Hearing**  
                                      **SB 817 Public Hearing**  
                                      **SB 844 Public Hearing**  
                                      **SB 516 Public Hearing**  
                                      **SB 740 Public Hearing and Work Session**  
                                      **SB 739 Public Hearing**  
                                      **SB 742 Public Hearing**  
                                      **SB 25 Public Hearing**  
                                      **SB 889 Public Hearing**  
                                      **SB 741 Public Hearing**  
                                      **SB 705 Public Hearing**  
                                      **SB 631 Public Hearing**  
                                      **SB 632 Public Hearing**  
                                      **SB 523 Public Hearing**

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.

<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 86, A</b>		
005	Sen. Gary George	Chair. Opens meeting at 3:15 p.m. Opens public hearing on SB 483.
<b>SBN 483 PUBLIC HEARING</b>		
010	Patrick Balducci	Committee Administrator. Explains SB 483. Explains the -1 and -2 amendments ( <b>EXHIBIT Z</b> ).
015	Hasina Squires	Special Districts Association. Gives background on SB 483. Exempts all special districts from ORS 198 from paying diesel fuel taxes.
031	Andrea Fogue	League of Oregon Cities. Supports SB 483. Says this is an equity issue.
035	Balducci	Explains the fiscal impact of each amendment.
050	John Oshel	Association of Oregon Counties. Restates this is an

055	Chair George	equity issue and should be all or none.
057	Mike Marsh	Comments this bill will be sent to Revenue. ODOT. Says there are over 800 special districts. The amount estimated for FY 2000 was \$37,800. For ODOT approximately \$500,000 in diesel taxes last year. There is a significant amount. Supports the –1 amendments.
080	Sen. Metsger	Asks if the alternative would be to eliminate all exemptions.
085	Marsh	To eliminate them all, some have exemptions for special reasons.
<b>SB 483 WORK SESSION</b>		
088	Chair George	Opens work session on SB 483.
090	Sen. Metsger	<b>MOTION: Moves SB 483 WITHOUT RECOMMENDATION as to passage BE REFERRED to the committee on REVENUE by prior reference.</b>
090	Chair	<b>VOTE: 5-0 Hearing no objection, declares the motion CARRIED.</b>
095	Chair George	Closes work session. Opens public hearing on SB 695 and SB 696.
<b>SB 695 PUBLIC HEARING</b>		
097	Balducci	Explains SB 695 and the –1 amendments ( <b>EXHIBIT AA</b> ).
100	Doug Tindall	State Maintenance Engineer. ODOT. Supports SB 695 and SB 696. Supports the –1 amendments on SB 695 ( <b>EXHIBIT A</b> ).
114	Sen. Carter	Asks what it does.
116	Tindall	Replies the Parks Department will construct pedestrian trails and bridal paths.
122	Chair George	Closes public hearing. Opens Work Session on SB 695.
<b>SB 695 WORK SESSION</b>		
123	Sen. Metsger	<b>MOTION: Moves to ADOPT SB 695-1 amendments dated 4/16/01.</b>
124	Chair George	<b>VOTE: 5-0 Hearing no objection, declares the motion CARRIED.</b>
125	Sen. Metsger	<b>MOTION: Moves SB 695 to the floor with a DO PASS AS AMENDED recommendation.</b>
126	Chair George	<b>VOTE: 5-0 Hearing no objection, declares the motion CARRIED. SEN. METSGER will lead discussion on the floor.</b>
127	Chair George	Closes work session. Opens work session on SB 696.
<b>SB 696 PUBLIC HEARING</b>		
128	Chair George	Asks Mr. Tindall if his previous testimony is complete. Closes public hearing. Opens work session on SB 696. Submits ( <b>EXHIBIT B</b> ).
<b>SB 696 WORK SESSION</b>		

128	Sen. Metsger	<b>MOTION: Moves SB 696 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 5-0</b>
129	Chair George	<b>Hearing no objection, declares the motion CARRIED.</b>
		<b>SEN. GEORGE will lead discussion on the floor.</b>
130	Chair George	Closes work session. Opens public hearing on SB 816
<b>SB 816 PUBLIC HEARING</b>		
131	Balducci	Explains SB 816.
166	Jacob Brostoff	1000 Friends of Oregon. Supports SB 816. Clarifies the organization's support. Urges Oregon to maintain the transportation balance ( <b>EXHIBIT C</b> ).
195	Sen. Bev Clarno	Dist. 27. Testifies that SB 816 needs amendments that they are working on.
199	Chair George	Closes public hearing on SB 816. Opens public hearing on SB 818
<b>SB 818 PUBLIC HEARING</b>		
202	Balducci	Explains SB 818. Submits ( <b>EXHIBIT D</b> ).
217	Sen. Clarno	Encourages video and teleconferencing. Says SB 818 needs some more work ( <b>EXHIBIT E</b> ).
220	Chair George	Closes public hearing. Opens SB 817 public hearing.
<b>SB 817 PUBLIC HEARING</b>		
225	Balducci	Explains SB 817. Submits ( <b>EXHIBIT F</b> ).
232	Dugan Petty	DAS. Explains how SB 817 would affect DAS. DAS opposes SB 817 ( <b>EXHIBIT G</b> ).
366	Sen. Clarno	Asks about costs per mile. Asks if accidents, costs of personal services are calculated in cost per mile ( <b>EXHIBIT H</b> ).
370	Petty	Cost must capture rental rates charged to the agency.
457	Sen Clarno	Asks if the accidents and liability insurance are calculated in cost per mile. Continues discussing and asking about calculation of costs.
460	Robert Cameron	Business Manager, DAS. Answers it comes through the risk management cost every biennium.
<b>TAPE 96, A</b>		
060	Sen. Carter	Asks how much the department should pay per year for that kind of liability coverage.
060	Sen. Clarno	Says she has more questions on this bill and wants it to be heard later.
065	Chair George	Discusses the questions on costs.
096	Randy Hilderbrand	Chief of Staff for Senator Clarno. Gives background on Sen. Clarno's bills.
107	Kim Horwat	Enterprise Rent-a-Car. Provides vehicles to the state on contract. Supports SB 817. Discusses liability insurance amounts required which drives the cost to the state up.
129	Hilderbrand	Continues discussing accident costs as a hidden cost to operating the motor pool. Discusses the measures that would require tracking vehicles and produce a state data base showing employees trips.
216	Horwat	Adds that using the private sector is based on needs.
222	Rich Peppers	Service Employees International Union, #503 OPEU. Comments on private car usage. Encourages use of car

pools and public transportation which is in opposition to private car usage.

### SB 844 PUBLIC HEARING

220	Chair	Opens public hearing on SB 844.
222	Balducci	Explains SB 844.
225	Doug Tindall	Maintenance Engineer, ODOT. Explains traffic flow in a roundabout. Supports SB 844. Describes roundabout with multi-lanes. SB 844 gives the rules of yielding and exiting in a roundabout <b>(EXHIBIT I)</b> .
232	Ed Fisher	State Traffic Engineer, ODOT. Describes the differences between the modern roundabout and traditional ones.
282	Sen. Carter	Asks about the procedure on 39 <sup>th</sup> and Glisan roundabout.
300	Fisher	Explains they are a different configuration. Describes the 2-lane roundabout.
305	Fisher	Describes modern roundabouts that are yield controlled. Some of the older roundabouts do not fall under this definition.
316	Chair George	Asks if there are roundabouts in Portland.
318	Fisher	Describes stop controlled multi-lane roundabouts and single lane roundabouts in Portland.

### TAPE 95, B

011	Sen. Carter	Asks how bicycles would be handled in roundabouts.
015	Fisher	Describes bicycle traffic in a roundabout.
025	Chair George	Closes public hearing. Opens work session on SB 844.

### SB 844 WORK SESSION

026	Sen. Metsger	<b>MOTION: Moves SB 844 to the floor with a DO PASS recommendation.</b>
027	Chair	<b>VOTE: 4-0</b> <b>EXCUSED: 1 - Sen. Clarno</b> <b>Hearing no objection, declares the motion CARRIED.</b> <b>SEN. DUKES will lead discussion on the floor.</b>
029	Chair George	Closes work session. Opens public hearing on SB 516.

### SB 516 PUBLIC HEARING

030	Balducci	Explains SB 516.
054	Sen. Roger Beyer	District 15. Explains reasons for SB 516. Describes funneling money from central administration into maintenance, repair, and reconstruction of highways.
070	Mike Marsh	ODOT. Explains the intent of SB 516 is already being implemented by ODOT. Describes reduction of funds in central services <b>(EXHIBIT J)</b> .
086	Sen. Carter	Asks what the cost was in the past for central administration.
088	Marsh	Replies that 7 plus percent was kept in past for central administration. It is down to 6.5 percent presently. In the past preparation for information systems was anticipated. Describes past audits.
108	Sen. Carter	Asks how SB 516 would impact central services.
110	Marsh	Replies over 50 percent of functions in central services are through information systems. ODOT has already cut back significantly in information systems. It was

170	Sen. Carter	not deemed to be efficient to cut down more in DMV. Comments on previous slow time for customers of DMV in long lines and low staff numbers.
177	Sen. Messerle	Comments on personal experience in licensing a truck. Expresses the need for technology to retrieve information quickly.
180	Marsh	Explains working with DAS to establish a single approach to transfer information between departments.
187	Chair George	Comments on the number of forms to be filled out at DMV. Comments on good customer service.
217	Sen. Clarno	Compliments Mike Marsh who appears at the Revenue Committee.
218	Chair George	Closes public hearing on 516. Opens public hearing on SB 740.

**SB 740 PUBLIC HEARING**

220	Balducci	Explains SB 740.
230	Gregg DalPonte	ODOT. Explains why SB 740 is needed. Describes the -1 amendments ( <b>EXHIBIT BB</b> ). Explains the international fuel tax agreement (IFTA) enables Oregon based interstate motor carriers to discharge all of their diesel fuel tax liabilities with all the jurisdictions where they travel by dealing with their base state Oregon. Refers to DOJ's decision on constitutionality of uses of the highway fund ( <b>EXHIBIT K</b> ).
243	Chair George	Closes public hearing on SB 740. Opens public hearing on SB 739.

**SB 739 PUBLIC HEARING**

244	Balducci	Explains SB 739.
250	Joan Plank	ODOT. Says they no longer need this legislation.
255	Chair George	Closes public hearing on SB 739. Opens public hearing on SB 742.

**SB 742 PUBLIC HEARING**

260	Balducci	Explains SB 742.
270	Mike Marsh	Gives background on SB 742. Says the bill would remove current law and pay debt service on bonds ( <b>EXHIBIT L</b> ).
307	Jacob Brostoff	1000 Friends of Oregon. Opposes SB 742. Says old criteria in statute should be replaced with new criteria ( <b>EXHIBIT M</b> ).
309	Chair George	Closes public hearing on SB 742. Opens public hearing on SB 25.

**SB 25 PUBLIC HEARING**

312	Balducci	Explains SB 25. Submits ( <b>EXHIBIT N</b> ).
317	Jacob Brostoff	Expresses concerns about the safety issues related to SB 25.
320	Chair George	Closes public hearing on SB 25. Opens public hearing on SB 889.

**TAPE 96,B**

**SB 889 PUBLIC HEARING**

040	Balducci	Explains SB 889.
079	Al Lightner	Right of Way Projects, ODOT. Supports SB 889. Explains reasons for SB 889. Describes the

160	Sen. Carter	Department of Justice (DOJ) ruling. Explains increases in fees <b>(EXHIBIT O)</b> . Asks if costs go down, will fees be reduced according to administrative rules.
165	Lightner	Explains how administrative rules work and allow more flexibility than statutes.
192	Sen. Metsger	Agrees there are advantages to having these in rules rather than statutes.
245	Marcia Keith	Oregon Outdoor Advertising Association. Asks that a few changes be made to SB 889. Agrees there is a need to increase fees. Comments that legal fees should be paid by those causing the infraction. Expresses cost savings ideas. Asks for moderate fee increases at the beginning <b>(EXHIBIT P)</b> .
250	Sen. Metsger	Asks where the costs would fall.
255	Lightner	Says there is no alternative to collection of fees.
260	Chair George	Asks how these fees would compare to other states.
263	Balducci	Comments that due to the DOJ decision, the agency could not use state highway funds for the operation of this program.
270	Lightner	States that Oregon cannot afford to become non-compliant with federal law. Says the fees are comparable to other states' fees.
275	Sen. Metser	Asks if the sign fees are an annual payment.
280	Lightner	Replies they are.
285	Chair George	Closes public hearing. Opens public hearing on SB 741.

**SB 741 PUBLIC HEARING**

289	Balducci	Explains SB 741. Submits <b>(EXHIBIT Q, EXHIBIT R, EXHIBIT S, EXHIBIT T)</b> .
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**TAPE 97,A**

080	Jerry Purvis	Lives next to the Sheridan Airport on a farm. Testifies for SB 741 and -1 amendment <b>(EXHIBIT CC)</b> . Explains personal experience with sport parachuters damaging crops and airplanes frightening livestock. Says the Sheridan Airport has had 13 deaths of jumpers <b>(EXHIBIT U)</b> .
082	Ernie Kunze	Represents community organizations. Describes noise and other hazards due to airplanes flying near farms. Describes the problems created by sport parachuters. Expresses concerns with airports near farms <b>(EXHIBIT V)</b> .
121	Sen. Metsger	Suggests exploring narrowing the bill. Suggests referring to "parachuting and low flying planes" near the farms.
170	Chair George	Relates personal experience on airports and planes.
190	Ann Crook	Director, Oregon Department of Aviation. Points out that the bill is too broad when referring to "conflicting use". Discusses dealing with conflicts with airports <b>(EXHIBIT W)</b> .
220	Jack Lendhart	Airport owner. Describes uses at his airport other than parachuting. Agrees the bill should be narrowed to a specific concern such as parachuting <b>(EXHIBIT X)</b> .
312	Chair George	Discusses complaints about farmers.

320	Crook	Describes “coaching” of pilots at airports and standards set out in statute to deal with certain conflicts.
334	Sen. Metsger	Discusses parachuting and low flying problems incurred by flyers. Asks how the department would react to legislation.
356	Crook	Admits these issues have been going on for many years and the department would like to try to help solve these problems. Describes need to know specific issues. Some are more workable than others.
376	Chair George	Asks if local officials act when crops are damaged by planes and parachuters.
390	Crook	Replies that local governments can use trespassing as a violation.
395	Chair	Closes public hearing on 741. Opens public hearing on SB 705.
<b>SB 705 PUBLIC HEARING</b>		
396	Balducci	Explains SB 705.
400	Tom Gallagher	Oregon Newspaper Association. Opposes SB 705. Gives examples of notices printed in newspapers. SB 705 would not give adequate notice to the public. Describes legal notices.
<b>TAPE 98, A</b>		
055	Dave Fiskum	Oregon Association of Broadcasters. Opposes SB 705. Says the internet would not meet adequate public notice.
074	Gallagher	Elaborates on statutes on public notice.
100	Chair George	Closes public hearing. Opens public hearing on SB 631.
<b>SB 631 PUBLIC HEARING</b>		
130	Balducci	Explains SB 631.
132	Chair George	Asks if there is anyone who wishes to testify on SB 631. Hearing none, closes public hearing and work session on SB 631. Opens public hearing on SB 632.
<b>SB 632 PUBLIC HEARING</b>		
133	Balducci	Explains SB 632.
134	Chair George	Asks if anyone wishes to speak to SB 632. Seeing none. Closes public hearing on SB 632. Opens public hearing on SB 523.
<b>SB 523 PUBLIC HEARING</b>		
140	Balducci	Explains SB 523. Submits <b>(EXHIBIT Y)</b> .
150	Chair George	Explains SB 523 will be considered later. Closes public hearing on SB 523.
160	Chair George	Adjourns meeting at 5:40 pm.

Submitted By,

Reviewed By,

Nancy Masee,  
Committee Assistant  
House Student Achievement

Janet Adkins,  
Administrator

and School Accountability  
Committee

**EXHIBIT SUMMARY**

A – SB 695, written testimony, D. Tindall, 1 p  
B – SB 696, written testimony, D. Tindall, 1 p  
C – SB 816, written testimony, J. Brostoff, 1 p  
D – SB 818, written testimony, R. Foley, 2 pp  
E – SB 818, written testimony, Senator Clarno, 1 p  
F – SB 817, written testimony, R. Foley, 2 pp  
G – SB 817, written testimony, D. Petty, 2 pp  
H – SB 817, written testimony, Senator Clarno, 6 pp  
I – SB 844, written testimony, D. Tindall, 1 p  
J – SB 516, written testimony, M. Marsh, 1 p  
K – SB 740, written testimony, G. DalPonte, 2 pp  
L – SB 742, written testimony, M. Marsh, 2 pp  
M – SB 742, written testimony, J. Brostoff, 1 p  
N – SB 25, written testimony, T. Costales, 1 p  
O – SB 889, written testimony, A. Lightner, 3 pp  
P – SB 889, written testimony, M. Keith, 1 p  
Q – SB 741, written testimony, R. Benner, 2 pp  
R – SB 741, written testimony, M. Van Hoosen, 2 pp  
S – SB 741, written testimony, P. Wells, 1 p  
T – SB 741, written testimony, R. Noble, 1 p  
U – SB 741, written testimony, J. Purvis, 3 pp  
V – SB 741, written testimony, E. Kunze, 9 pp  
W – SB 741, written testimony, A. Crook, 2 pp  
X – SB 741, written testimony, J. Lenhardt, 1 p  
Y – SB 523, written testimony, R. Benner, 1 p  
Z – SB 483, -1, -2 amendments, Staff, 2 pp  
AA – SB 695, -1 amendments, Staff, 1 p  
BB – SB 740, -1 amendments, Staff, 1 p  
CC- SB 741-1 amendments, Staff, 2 pp