

## SENATE COMMITTEE ON PUBLIC AFFAIRS

May 22, 2001 Hearing Room 343

3:00 p.m. Tapes 9 - 10

**MEMBERS PRESENT:** Sen. Verne Duncan, Chair  
Sen. Rick Metsger, Vice-Chair  
Sen. Margaret Carter  
Sen. Beverly Clarno  
Sen. Ken Messerle

**STAFF PRESENT:** Janet Adkins, Administrator  
Nancy Masee, Committee Assistant

**MEASURE/ISSUES HEARD:** SB 502 public hearing and work session  
HB 3403A public hearing and work session

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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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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 9, A</b>		
010	Sen. Verne Duncan	Chair. Opens meeting at 3:10 p.m. Opens public hearing on SB 502.
<b>SB 502 PUBLIC HEARING</b>		
015	Sen. Randy Miller	District 13. Supports SB 502. Explains the bill allows ODOT to adjust speed limits on state highways and post maximum at 75 mph. Says the safeguards in SB 502 are that it is flexible and that it requires ODOT to consult with local jurisdictions where merging occurs.
057	Sen. Miller	States that ODOT will have the call. Discusses the Basic Rule and maximum speed limits. The posted number is presumed a reasonable speed but it is a rebuttable presumption in the law. When a maximum speed limit is posted, if you exceed that limit the law is broken, that is not rebuttable.
079	Chair Duncan	Discusses 15 mph over the speed limit under the Basic Rule.
081	Sen. Miller	Responds that you can argue the speed as reasonable under the Basic Rule but under a maximum posted speed you cannot argue the law.
100	Robert Russell	Oregon Trucking Association. Discusses speed limits for trucks as 65 mph. Studies indicate that sideswiping and rear ending occur more often when speed differentials of more than 10 mph occur. The association's policy has been that truck speed limit be 65 mph with no more than 5 mph differential, or a maximum car speed of 70 mph. The association would support a change from the Basic Rule to a maximum speed limit ( <b>EXHIBIT A</b> ).
146	Sen. Messerle	Discusses problems with a maximum speed limit in his coastal area considering the wide range and frequent changes in the weather which affect driving conditions.
155	Russell	Explains problems with the courts and their treatment of truckers under the Basic Rule.

165	Sen. Messerle	States that a difference in speed limits between cars and trucks is dangerous.
175	Russell	Relates studies that show a difference of more than 5 mph in speed limits is dangerous.
200	Glen Chastain	Oregon State Police (OSP). Discusses SB 502-1 amendments. Explains the relationship between HB 3840 to be passed out of the House and SB 502. Explains the -1 amendments to SB 502 <b>(EXHIBIT B)</b> .
230	Sen. Miller	Responds to the -1 amendments. The Basic Rule makes sense for speeds lower and above the posted maximum speed.
263	Sen. Carter	Asks if he believes the bill should stand as it is with no amendments.
265	Sen. Miller	Answers that is correct.
270	Sen. Carter	Asks Sgt Chastain if the -1 amendments should be in law before ODOT makes rules.
275	Chastain	Answers that is correct.
292	Sen. Messerle	Asks about the 10 mph differential between trucks and cars.
295	Chastain	Replies the 10 mph differential at present is not a problem.
303	Sen. Miller	Comments that Iowa and Oregon are the only states west of the Mississippi that have not raised their speed limits.
335	Sen. Clarno	Comments on truck drivers' speed. Says autos do often hit trucks.
347	Sen. Carter	Asks Mr. Russell about amendments.
350	Russell	Says the association's issues are that trucks should not go over 65 mph and there should not be over 5 mph differential, which puts the maximum speed for cars at 70 mph.
360	Sen. Miller	Says he is not interested in the -1 amendments because the 75 mph is the maximum flexibility to be allowed ODOT. States his concern is over the difference between the Basic Rule and maximum speeds. Says his preference between the current system with the Basic Rule would be the present system with the Basic Rule.
387	Troy Costales	ODOT. Safety Division. States he has nothing to add to the witnesses' testimony.
390	Chair Duncan	Asks what the ideal speed rules would be.
395	Costales	Responds the -1 amendments create limits on all roads for safety. The Basic Rule stays as is in current law. If there is a speed limit, and the driver is above that limit, most likely officers will use the limit violation rather than the Basic Rule.
397	Sen. Carter	Gives an example and asks what is the difference between the Basic Rule and the maximum speed limit.
400	Chastain	Explains that now a speeding auto within the urban growth boundary the Basic Rule prevails but upon leaving the urban growth area the vehicle violation would be of the speed limit.
<b>TAPE 10,A</b>		
061	Sen. Clarno	Asks about highway stretches in eastern Oregon and how the amendments would affect speed laws. Asks about the Bend to Burns highway.
070	Chastain	Answers he believes it would be a violation of the Basic Rule.
080	Sen. Miller	Relates if you are cited for violation of the Basic Rule, you must prove that your conduct was reasonable; prevail over the state's case. The burden is on the driver. In a maximum speed case, the only issue is if you exceeded the speed limit.
098	Sen. Clarno	Clarifies that SB 502 would not allow ODOT to change a

100	Sen. Miller	maximum speed from violation of the Basic Rule on Hwy 20. Answers that ODOT would be allowed to change the number and retain the Basic Rule.
107	Sen. Clarno	Agrees that the Basic Rule speed is too low. Most people do not follow that rule on the straight roads such as Hwy 20.
115	Sen. Duncan	Asks why OSP wants the maximum speed instead of the Basic Rule and asks if the Basic Rule causes more officers to go to court to uphold citations.
129	Chastain	Answers that having a posted maximum speed simplifies and clarifies for everyone.
114	Chair Duncan	Closes public hearing. Opens public hearing on HB 3403.
<b>HB 3403 PUBLIC HEARING</b>		
200	Sen. Vic Backlund	District 33. Supports HB 3403. Gives background on the bill. Discusses policies needed in school districts to control bullying, intimidation, and harassment.
221	Rep. Richard Devlin	District 24. Gives background on intimidation, bullying, and harassment in schools. Explains how some school districts have good policies and others not. No school district looked at had a complete policy. Oregon School Board Association supports HB 3403-3 ( <b>EXHIBIT C</b> ). Names other supporters.
260	Chair Duncan	Asks what enforcement there is in the bill for school districts.
270	Rep. Devlin	Answers that no mechanism other than a requirement was asked for.
280	Chair Duncan	Says that if the superintendent is asked to ensure policies are put in force that can be criteria used in evaluating the school.
386	Sen. Messerle	Comments on “requires” as opposed to “encourages” in the bill. Asks if there are educational programs that encourage developing plans. An incentive through insurance would be very positive encouragement.
414	Rep. Devlin	Replies what the original bill said and how it was modified.
<b>TAPE 9,B</b>		
009	Rep. Devlin	Gives example of how school policies vary and are incomplete or not carried out.
024	Rep. Mary Nolan	District 11. Supports HB 3403. Addresses some of the needs brought by the interim task force coalition of the Attorney General’s Office (AG) ( <b>EXHIBIT D</b> ). Describes the –3 amendments, which she supports.
065	Chair Duncan	Recesses public hearing at 4:10 p.m. Reconvenes public hearing at 4:15 p.m.
<b>HB 3403 PUBLIC HEARING</b>		
112	Sharon Caldwell	Newberg, Oregon. Gives reasons for having laws controlling bullying and harassment. Describes specific incidents that children indulge in. Points out that the Oregon Criminal Code pertains to children as well as adults ( <b>EXHIBIT E</b> ).
174	Chair Duncan	Asks if HB 3403A would assist school districts in enforcing their policies. Supports HB 3403A.
199	Christin Granger	Attorney General’s Office. Supports HB 3403A. Discusses the coalition of the AG. Relates statistics on students being bullied and harassed at school ( <b>EXHIBIT F</b> ).
211	Chair Duncan	Closes public hearing on HB 3403A. Opens work session on SB 502.
<b>SB 502 WORK SESSION</b>		
215	Sen. Metsger	Supports SB 502 with the –1 amendments.
237	Sen. Clarno	Supports SB 502 without the amendments.

239	Sen. Carter	Supports the –1 amendments.
241	Sen. Messerle	Does not support the –1.
242	Sen. Metsger	<b>MOTION: Moves to ADOPT SB 502-1 amendments dated 5/3/01.</b>
243		<b>VOTE: 2-3</b> <b>AYE: 2 - Carter, Metsger</b> <b>NAY: 3 - Clarno, Messerle, Duncan</b> <b>The motion FAILS.</b>
245	Chair Duncan Sen. Metsger	<b>MOTION: Moves SB 502 with a DO PASS RECOMMENDATION to the WAYS AND MEANS COMMITTEE.</b>
246		<b>VOTE: 3-2</b> <b>AYE: 3 - Clarno, Messerle, Duncan</b> <b>NAY: 2 - Carter, Metsger</b> <b>The motion CARRIES.</b>
247	Chair Duncan	
248	Chair Duncan	Closes work session on SB 502. Opens work session on HB 3403A.
<b>HB 3403A WORK SESSION</b>		
249	Sen. Metsger	<b>MOTION: Moves to ADOPT HB 3403A-3 amendments dated 5/18/01.</b>
250		<b>VOTE: 5-0</b> <b>Hearing no objection, declares the motion CARRIED.</b>
251	Chair Duncan Sen. Metsger	<b>MOTION: Moves to ADOPT HB 3403A-5 amendments dated 5/22/01.</b>
253	Sen. Metsger	Discusses SB 85 relating to the safety of transporting students in school buses and passenger vehicles. Explains that the –5 amendments to HB 3403A relate to part of SB 85 ( <b>EXHIBIT G</b> ).
273	Staff	Submits ( <b>EXHIBIT H</b> ).
275	Sen. Clarno	Comments that there was a lot of discussion in this committee regarding the need to phase out the old buses and financial inability of some small districts. States she will not be voting for the –5 amendments.
288	Sen. Carter	Discusses the need for safe transportation for school districts. Supports the –5 amendments.
295	Sen. Messerle	Agrees with the need to phase out the old buses and provide safe transportation to the school districts. States his concern is in districts losing enrollment that cannot afford to replace old buses now. Comments that the old buses are being phased out as fast as possible. Will vote no because his district is in a very difficult position.
<b>TAPE 10B</b>		
047	Chuck Bennett	Confederation of School Administrators. Quotes <i>The Oregonian</i> that the Department of Education has the authority to retire the old buses but has met with resistance from school districts on the issue. Reads the relating statutes, ORS 820.100, and others.
080	Patricia Smith	Oregon School Employees Association (OSEA). Supports the –5 amendments to HB 3403A.
110	Ken Stroebeck	Hillsboro School District. Testifies on use of aged buses. Describes Hillsboro’s attempts to retire the old buses and use the ones they have carefully but school district growth is so fast that replacement is difficult at a rapid rate due to financial constraints. Opposes HB 3403A-5.
166	Sen. Metsger	<b>Withdraws motion to adopt the –5 amendments.</b>

175	Chair Duncan	Discusses that more work needs to be done on school bus safety. Suggests finding out what the school districts are using in school buses during the interim.
200	<b>Sen. Metsger</b>	<b>MOTION: Moves HB 3403A to the floor with a DO PASS AS AMENDED recommendation.</b>
204	Sen. Messerle	Discusses violence in schools. Says there are already laws against harassment.
220	Sen. Duncan	Comments that HB 3403A leaves policy setting to local control but requires them to meet the challenges on these issues.
225	Sen. Clarno	States there have been big changes in the school environment today and teachers need to have authority to stop intimidation of students.
240	Sen. Duncan	Comments that teachers today think twice before getting involved in student fights. <b>VOTE: 5-0</b>
242	<b>Chair Duncan</b>	<b>Declares the motion CARRIED.</b> <b>SEN. DUNCAN will lead discussion on the floor.</b>

Submitted By,

Reviewed By,

Nancy Masee,  
Committee AssistantJanet Adkins,  
Administrator**EXHIBIT SUMMARY****A – SB 502, written testimony, Robert Russell, 1 p****B – SB 502, -1 amendments, staff, 29 pp****C – HB 3403A, written testimony, Rep. R. Devlin, 6 pp****D – HB 3403A, written testimony and –3 amendments, Rep. Mary Nolan, 1 p****E – HB 3403A, written testimony, Sharon Caldwell, 19 pp****F – HB 3403A, written testimony, Christin Granger, 7 pp****G – HB 3403A, -5 amendments, staff, 1 p****H – HB 3403A, letter from OEA, staff, 1 p**