

## HOUSE COMMITTEE ON RULES, ELECTIONS, AND PUBLIC AFFAIRS

July 2, 1999 Hearing Room D

9:00 A.M. Tapes 131 - 132

**MEMBERS PRESENT:** Rep. Mark Simmons, Chair

Rep. Richard Devlin, Vice-Chair

Rep. Bruce Starr, Vice-Chair

Rep. Roger Beyer

Rep. Randall Edwards

Rep. Dan Gardner

Rep. Kevin Mannix

**STAFF PRESENT:** Janet Adkins, Policy Analyst

Brad Daniels, Administrative Support

**MEASURE/ISSUES HEARD:** SB 937A Work Session

SB 558 Work Session

SJR 15A 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.

TAPE/#	Speaker	Comments
TAPE 131, A		
004	Chair Simmons	Opens the meeting at 9:00 a.m. Opens the work session on SB 937A.
<u><b>SB 937A WORK SESSION</b></u>		

006	Janet Adkins	Policy Analyst. Explains SB 937A. Discusses the ñA4 amendments and the functions of the advisory committee. Introduces a letter from Bruce Bishop ( <b>EXHIBITS A &amp; B</b> ).
022	Rep. Starr	Asks about the function of the ñA4 amendments.
029	Jim Gardner	Pharmaceutical Research and Manufacturers of America. Supports the ñA4 amendments. States that the issue requires more work and study.
039	Bob Koehler	Oregon Health Sciences University (OHSU). Supports the ñA4 amendments, which allow for continuing research. Agrees with the need for continuing study and Bishop's opinions as stated in <b>EXHIBIT B</b> .
051	Scott Gallant	Oregon Medical Association. Supports the ñA4 amendments. Reviews the subjects that need to be addressed through further research.
067	Rep. Devlin	Refers to section 1 (b). Asks Gallant if the safeguards in this policy are sufficient.
074	Gallant	Replies that it is the best marker currently available; it is an adequate interim step.
<b>083</b>	<b>Rep. Starr</b>	<b>MOTION: Moves to ADOPT SB 937A-A4 amendments dated 07/01/99.</b>
		<b>VOTE: 6-0</b> <b>EXCUSED: 1 - Gardner</b>
	<b>Chair Simmons</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>089</b>	<b>Rep. Starr</b>	<b>MOTION: Moves SB 937A to the floor with a DO PASS AS AMENDED recommendation.</b>
091	Rep. Mannix	Expresses satisfaction about the ability to reach agreement. Supports the motion.
096	Chair Simmons	Agrees with Rep. Mannix. Supports the agreement reached in the ñA4 amendments.
<b>101</b>		<b>VOTE: 6-0</b>

		<b>EXCUSED: 1 - Gardner</b>
	<b>Chair Simmons</b>	<b>Hearing no objection, declares the motion CARRIED.</b>  <b>REP. WILLIAMS will lead discussion on the floor.</b>
107	Chair Simmons	Closes the work session on SB 937A. Opens the work session on SB 558.
<b><u>SB 558 WORK SESSION</u></b>		
121	Rep. Edwards	Explains the ñ4 amendments, stating that they deal with the penalty portion of the bill. Argues that penalties should be tied more closely to speed. Expresses concern about increasing the speed limit without increasing the penalty structure ( <b>EXHIBIT C</b> ).
146	Rep. Starr	Asks about the penalties for a Class C and Class B traffic infractions.
151	Rep. Mannix	States that reducing the speed penalty brackets to 5 miles per hour is too precise. Opposes the ñ4 amendments.
158	Chair Simmons	Lists the fines for particular classes of infractions.
173	Adkins	Notes that the uniform bail schedule determines the amounts appearing on tickets
176	Chair Simmons	Asks about the ñ2 amendments.
179	Adkins	Explains that the ñ2 amendments would repeal the maximum speed limits on interstate highways and establish the basic rule.
200	Chair Simmons	Asks if prima facie evidence of the basic rule is the posted limit.
206	Adkins	Responds that it varies by area; some areas have posted limits while others rely on the basic rule. Adds that the ñ2 amendments would affect the areas that currently have limits by establishing basic rule in those areas.
222	Bruce Hoffman	Oregon State Police. States that on the interstate system any violation of a 55 mile-per-hour limit is a violation of basic rule; the only place where the speed limit comes into play is where the posted limit is 65 miles-per-hour.

235	Rep. Devlin	Asks for clarification of the ñ2 amendments.
244	Hoffman	Responds that the ñ2 amendments would remove the 65 mile-per-hour speed limit on certain portions of interstate and establish basic rule in these areas. States that posted limit is prima facie evidence of the basic rule.
249	Rep. Devlin	Asks what would be the speed limit in these areas.
251	Hoffman	Replies that it would be up to the Oregon Department of Transportation (ODOT).
257	Chair Simmons	Inquires if the bill does not require ODOT to change the limits.
260	Hoffman	Replies yes.
274	Rep. Edwards	Asks about the current 10 mile-an-hour, speed penalty brackets.
280	Hoffman	Replies that, in his 20 years of experience, these brackets have remained unchanged.
284	Rep. Edwards	Asks if narrowing the brackets to five miles-per-hour would be unfair to drivers.
295	Hoffman	Replies that radar or vascar technology can pinpoint the speed with precision; however, a pace car may not be able to achieve the same level of accuracy. Notes the problem with establishing the violation of basic rule at higher speeds in court.
312	Rep. Edwards	Asks if pacing refers to following speeding vehicles.
315	Hoffman	Replies yes.
317	Rep. Mannix	Asks about possible problems with having a different limits for trucks and cars.
326	Hoffman	Cites studies acknowledging that speed differential is the largest concern. Notes that the Oregon Trucking Association has testified that they would oppose a significant difference in the limits on cars and trucks.
351	Rep. Gardner	Asks if any rules govern pacing and if officers must pace vehicles for a specific amount of time.
356	Hoffman	Replies no.
358	Rep. Gardner	Asks if a few seconds is adequate.

360	Hoffman	Explains that it depends upon conditions.
404	Rep. Mannix	<b>MOTION: Moves to SUSPEND the rules for the purpose of adopting a conceptual amendment..</b>
		<b>VOTE: 7-0</b>
Chair Simmons		Hearing no objection, declares the motion <b>CARRIED</b> .
<b>TAPE 132, A</b>		
006	Rep. Mannix	<b>MOTION: Moves to AMEND SB 558 by changing the maximum speed limit for trucks from "65" to "70" to create a five mile-an-hour differential between the speed limits of trucks and cars.</b>
		<b>VOTE: 6-1</b> <b>AYE: 6 - Beyer, Edwards, Gardner, Mannix, Starr, Simmons</b> <b>NAY: 1 - Devlin</b>
Chair Simmons		The motion <b>CARRIES</b> .
015	Rep. Edwards	<b>MOTION: Moves to ADOPT SB 558-4 amendments dated 06/18/99.</b>
020	Rep. Beyer	Opposes the ñ4 amendments, indicating that the five mile-an-hour difference may be too precise.
026	Rep. Mannix	Agrees with Rep. Beyer. Notes that the penalties for reckless driving may also apply in certain situations.
		<b>VOTE: 3-4</b> <b>AYE: 3 - Devlin, Edwards, Gardner</b> <b>NAY: 4 - Beyer, Mannix, Starr, Simmons</b>

	Chair Simmons	The motion FAILS.
044	Rep. Mannix	MOTION: Moves SB 558 to the floor with a DO PASS AS AMENDED recommendation.
		<p>VOTE: 6-1</p> <p>AYE: 6 - Beyer, Edwards, Gardner, Mannix, Starr, Simmons</p> <p>NAY: 1 ñ Devlin</p>
	Chair Simmons	<p>The motion CARRIES.</p> <p>REP. SIMMONS will lead discussion on the floor.</p>
052	Chair Simmons	Closes the work session on SB 558. Opens the work session on SJR 15A.
<b><u>SJR 15A WORK SESSION</u></b>		
065	Sen. Randy Miller	District 13. Supports SJR 15A. States that the bill would require annual sessions, adding continuity and meaning to the interim periods. Opposes specifying a particular subject matter for the shorter session. Explains that the extensions are for five days and require a two-thirds vote. Notes that per diem will be paid for the first five-day extension, but not beyond.
111	Rep. Edwards	District 15. Strongly supports annual sessions as adding continuity and providing for a more productive interim. States that annual sessions would work well with term limits. Adds that annual sessions would also allow for more reflection on budgetary decisions and result in less power for the Emergency Board. Notes that annual sessions do not create a professional legislature; in fact, the Legislature will meet less. Stresses that a solid end date is needed.
160	Rep. Starr	Suggests a different structure to the biennial legislative process: an organizational meeting, followed by committee action and then the full legislature convening in the fall.
180	Sen. Miller	Replies that Rep. Starr's proposal is more radical than SJR 15A. States that he is more comfortable with SJR 15A. Indicates that annual sessions would create a better work product, especially concerning the budget process. Stresses that Rep. Starr's proposal would be more disruptive to citizen legislators.

219	Rep. Edwards	Adds that the pressure of the session helps drive the process. Expresses concern that breaking up the session will not result in productivity.
230	Rep. Mannix	Opposes Rep. Starris proposal. Supports annual sessions, noting the factors of term limits and the undetermined length of sessions. Expresses concern that Rep. Starris proposal would dampen enthusiasm, require changes in the budget process and foster an inability to refine initiatives. Supports extra gestation time, a firm deadline and the stronger interim. Supports SJR 15A.
276	Sen. Miller	States that he selected 50 days for the second session to accommodate people who need temporary lodgings in Salem.
294	Chair Simmons	Asks if interim committees would continue to work bills until the second session.
301	Sen. Miller	Replies yes.
304	Rep. Edwards	Adds that further details could be refined later.
309	Sen. Miller	Notes that a similar proposal was on the ballot in 1990 and failed by 5000 votes. Stresses that the success of the resolution will depend more upon the legislators than a large public lobbying campaign.
324	Rep. Devlin	Supports SJR 15A as drafted. Indicates that debate during the last session centered more on convenience and practical issues, rather than policy issues. Stresses that annual sessions would be beneficial in addressing complex legislation.
359	Rep. Edwards	Agrees with Rep. Devlin.
364	Rep. Mannix	Supports the current version of SB 15A.
370	Chair Simmons	Closes the work session on SJR 15A. Adjourns the meeting at 9:00 a.m.

Submitted By, Reviewed By,

Brad Daniels, Janet Adkins

Administrative Support Policy Analyst

## **EXHIBIT SUMMARY**

**A ñSB 937A, -A4 amendments, staff, 4 pp.**

**B ñSB 937A, letter, Bruce Bishop, 2 pp.**

**C ñSB 558, -4 amendments, staff, 1 p.**