

HOUSE COMMITTEE ON TRANSPORTATION

February 10, 1999 Hearing Room D

8:30 a.m. Tapes 20 - 21

MEMBERS PRESENT: Rep. Bob Montgomery, Chair

Rep. Mike Lehman, Vice-Chair

Rep. Richard Devlin

Rep. Jim Hill

Rep. Jeff Kropf

Rep. Jerry Krummel

Rep. Jane Lokan

Rep. Jackie Taylor

Rep. Vicki Walker

Rep. Larry Wells

STAFF PRESENT: Janet Adkins, Administrator

Brad Daniels, Administrative Support

MEASURE/ISSUES HEARD: HB 2478 Work Session HB 2443 Public Hearing and Work Session

HB 2467 Public Hearing and Work Session

HB 2559 Public Hearing and Work Session

HB 2457 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.

TAPE/#	Speaker	Comments

TAPE 20, A

004	Chair Montgomery	Opens the meeting at 8:33 a.m. Opens the work session on HB 2478.
<u>HB 2478 WORK SESSION</u>		
012	Janet Adkins	Committee Administrator. Introduces HB 2478 ñ3 amendments and notes hand-engrossed changes (EXHIBIT A).
027	Rep. Lokan	Explains the hand-engrossed changes to the ñ3 amendments. Refers to page 3, Section 5 (2). Discusses the proposed change and its effect on the Highway Construction Plan.
053	Rep. Hill	States that the committee should strike "develop a proposal for a system to" and "The proposal shall be presented to the Emergency Board no later than November 1, 2000" from the Section 5 (2) in order to clarify the intent. Discusses the reasons for striking this language and how its effect on the Oregon Department of Transportationís (ODOT) actions.
070	Rep. Lokan	Relates that the intent of the language is to allow ODOT to gather the necessary information.
076	Rep. Taylor	Expresses concern that the legislature is asking for unnecessary effort from ODOT. Expresses concern about how budgets for on-going projects can fit into a biennial schedule. Opposes ñ3 amendments.
091	Rep. Lokan	Refers to the top of page 5, Section 6 (2) of the ñ3 amendments. Explains the change in the language.
102	Rep. Kropf	Asks why this language is included.
104	Rep. Lokan	Replies that it is not the intent of the bill to allow the legislature to earmark funds outside the Highway Construction Plan. Adds that this change addresses the concerns about porkbarreling.
113	Rep. Hill	Opines that this section does more to clarify legislative intent than to impose an actual prohibition.
119	Rep. Lokan	Refers to Section 7 (2), lines 17-19 of the ñ3 amendments. Explains that this change in language covers emergency situations.
131	Rep. Devlin	Notes that the legislature can earmark funds at any time, and the bill is immaterial to this issue.

139	Rep. Krummel	Asks about the categories on page 2 of the ñ3 amendments. Inquires about establishing a percentage of funds as a reserve. Suggests that 5% funding cushion would give ODOT more flexibility in emergency situations.
157	Rep. Lokan	Refers to Section 7 (2). Replies that emergency situations are taken into account. Notes that a contingency reserve would tie up funds otherwise used for highway construction.
172	Rep. Krummel	Clarifies that the legislature does not expect payments to local governments to be categorized nor does the legislature expect local governments to testify about their projects to the legislature.
184	Grace Crunican	Director, ODOT. Discusses how a troubled agency would address inefficiency and stresses that ODOT has taken the appropriate steps. Acknowledges that HB 2478 provides ODOT with an opportunity to explain their budget to the legislators. Refers to Section 5. Underlines that ODOT is only prepared to outline the proposal at this point.
233	Rep. Lokan	Responds that the proposal would be brought before the Emergency Board. Introduces and explains a program sheet from Washington that indicates how biennial projects would be documented (EXHIBIT B).
273	Rep. Lehman	Supports HB 2478 and explains why.
282	Rep. Hill	MOTION: Moves to ADOPT HB 2478-3 amendments dated 02/08/99.
		VOTE: 9-1 AYE: 9 - Devlin, Hill, Kropf, Krummel, Lehman, Lokan, Walker, Wells, Montgomery NAY: 1 - Taylor
	Chair Montgomery	The motion CARRIES.
299	Adkins	Notes that the ñ3 amendments are conceptual amendments; some change in the wording may be required. States that the fiscal statement does not reflect the hand-engrossed changes to the ñ3 amendments.
323	Rep. Walker	Supports HB 2478, but expresses concerns that HB 2478 asks ODOT to go above and beyond practical reporting procedures
335	Rep. Krummel	States that HB 2478 presents both challenges and opportunities for ODOT.

344	Rep. Kropf	Emphasizes that the bill allows legislators to make informed funding decisions.
375	Rep. Lokan	<p>MOTION: Moves HB 2478 to the floor with a DO PASS AS AMENDED recommendation.</p> <p>VOTE: 9-1</p> <p>AYE: 9 - Devlin, Hill, Kropf, Krummel, Lehman, Lokan, Walker, Wells, Montgomery</p> <p>NAY: 1 - Taylor</p>
	Chair Montgomery	<p>The motion CARRIES.</p> <p>Rep. LOKAN will lead discussion on the floor.</p>
397	Chair Montgomery	Opens the public hearing on HB 2443.
<u>HB 2443 PUBLIC HEARING</u>		
400	Don Miner	Executive Director, Oregon Manufactured Housing Association. Discusses HB 2443, which seeks to correct the current law by eliminating the requirement for mudguards and fenders on manufactured homes that are travelling on highways (EXHIBIT C).
413	Rep. Wells	Asks how one could put a fender or mudguard on a manufactured home.
440	Chair Montgomery	Closes the public hearing on HB 2443. Opens the work session on HB 2443.
<u>HB 2443 WORK SESSION</u>		
450	Rep. Lehman	MOTION: Moves HB 2443 to the floor with a DO PASS recommendation.
		VOTE: 10-0
	Chair Montgomery	Hearing no objection, declares the motion CARRIED.

		REP. WALKER will lead discussion on the floor.
TAPE 21, A		
<u>HB 2467 PUBLIC HEARING</u>		
020	Adkins	Explains HB 2467, which authorizes red or amber lights to be used at a hazardous materials clean-up and authorizes red flashing lights to be used by medical examiners to reach the scene of an accident or death.
042	Kate Richardson	Legislative aide to Rep. Lane Shetterley. Relates that traffic often impedes a medical examiner from reaching the scene of an accident promptly, thus delaying the release of the site.
064	Rep. Kropf	Reiterates the importance of having red warning lights to avoid traffic. Supports HB 2467
080	Rep. Wells	Asks how many medical examiners will use the lights.
083	Richardson	Replies that there is one medical examiner per county.
086	Rep. Hill	Asks if a person with warning lights is able to run red lights.
091	Rep. Kropf	Explains that a person with warning lights can not break any traffic laws.
104	Chair Montgomery	Closes the public hearing on HB 2467. Opens public hearing on HB 2559.
<u>HB 2559 PUBLIC HEARING</u>		
109	Adkins	Explains HB 2559, which authorizes law enforcement officials to place immobilization devices other than boots on vehicles.
118	Richardson	States that HB 2559 was requested by Polk County Judge William Horner. Explains that boots are expensive devices, and smaller cities would like less expensive options to immobilize vehicles.
129	Rep. Lehman	Asks what other devices exist.
130	Richardson	Expresses uncertainty.

131	Rep. Lehman	Closes the public hearing on HB 2559. Opens the work session on HB 2559.
<u>HB 2559 WORK SESSION</u>		
140	Rep. Hill	MOTION: Moves HB 2559 to the floor with a DO PASS recommendation.
		VOTE: 10-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Montgomery	The motion CARRIES. REP. DEVLIN will lead discussion on the floor.
150	Rep. Lehman	Opens the work session on HB 2467
<u>HB 2467 WORK SESSION</u>		
153	Dr. Chris Edwardson	Polk County medical examiner. Supports HB 2467.
159	Rep. Wells	Asks how many medical examiners work in Oregon.
161	Edwardson	Answers that there is one examiner per county, with assistants and deputies.
170	Rep. Krummel	Asks if each medical examiner drives one vehicle.
174	Edwardson	Replies that it will vary between counties, with some examiners using their own vehicles. Explains the intent of the bill.
196	Rep. Wells	Asks when a medical examiner is called to a scene.
200	Edwardson	Answers that medical examiners respond to any unattended death.
207	Rep. Wells	Explains the reason for his question.
225	Rep. Hill	MOTION: Moves HB 2467 to the floor with a DO PASS

		recommendation.
		VOTE: 10-0 AYE: In a roll call vote, all members present vote Aye.
	Rep. Lehman	The motion CARRIES. REP. KRUMMEL will lead discussion on the floor.
255	Chair Montgomery	Opens the public hearing on HB 2457
<u>HB 2457 PUBLIC HEARING</u>		
257	Adkins	Explains HB 2457, which allows a stationary person to supervise an underage operator of a Class 1 all terrain vehicle (ATV).
286	Rep. Lehman	District 47. Testifies in support of HB 2457. Acknowledges safety concerns, noting that most accidents occur with operators over the age of 18 and involve alcohol.
313	Rep. Walker	Inquires at what age a person can currently obtain a Class 1 permit.
319	Rep. Lehman	Replies that he does not know.
324	Adkins	Answers that there is no lower age limit, but there is a practical limit. Discusses the testing procedures.
336	Rep. Walker	Asks why parents do not have their children apply for permits.
344	Rep. Lehman	Replies that people simply avoid licensing procedures. Adds that there are smaller vehicles for children.
363	Rep. Devlin	Supports HB 2457. Acknowledges the possible confusion over safety concerns.
380	Rep. Krummel	Asks Rep. Lehman to explain the purpose of the bill

387	Rep. Lehman	Discusses why Terry and Betty Trost requested the bill.
399	Rep. Krummel	Asks if HB 2457 allows people who are non-regular users and are renting an ATV to avoid the permit procedure.
408	Rep. Lehman	Agrees with Rep. Krummel.
417	Rep. Taylor	Asks if the Trosts are vendors.
428	Rep. Lehman	States that the Trosts rent ATVs.
433	Rep. Taylor	Expresses concern about safety. Asks if the bill applies to roads.
443	Adkins	Replies that these vehicles are not street legal.
TAPE 21, A		
025	Rep. Taylor	Expresses concerns about inexperienced drivers operating ATVs.
031	Rep. Lehman	States that people must go through a training program before renting an ATV. Notes that, under current statute, one adult on an ATV would qualify as a supervisor, even if 15 children were riding separate vehicles with him/her.
041	Rep. Lokan	Asks how fast these vehicles go.
044	Rep. Lehman	Replies that they can go from 5 to 55 miles an hour.
045	Rep. Lokan	Asks how the law will be enforced when kids go out of sight.
050	Rep. Lehman	Replies that this situation would be a problem.
064	Captain Glen Rader	Oregon State Police (retired). Discusses his knowledge of the ATV laws. Explains the problems with allowing bystanders to be classified as supervisors.
085	Rep. Lehman	Asks if the same problems are present under the current statute.
091	Rader	Answers that usually a parent is riding an ATV close by and can respond to problems immediately.
100	Rep. Devlin	Notes that the bill requires a person to be in sight. Asks what "accompanied

		by" means.
117	Rader	Replies that "accompanied by" means being in the same area and riding together.
125	Rep. Walker	Asks Rader if he knows anything about the training program provided to someone who gets a Class 1 permit.
133	Rader	Describes the training program.
143	Rep. Walker	Asks if there is any age limit.
144	Rader	Answers no.
147	Rep. Walker	Expresses her opinion that operators should obtain a permit.
154	Rep. Lokan	Asks who would be fined under the law.
158	Rader	Answers that the parents could be fined.
159	Rep. Lokan	Asks if a parent could receive multiple fines for multiple offenses.
161	Rader	Replies that multiple fines are possible.
168	Adkins	Explains that law enforcement personnel from La Grande support HB 2457. Discusses two concerns of one state police officer and the support of another officer.
182	Chair Montgomery	Closes the public hearing on HB 2457 and adjourns the meeting at 9:50 a.m.

Submitted By, Reviewed By,

Brad Daniels, Janet Adkins,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñHB 2478, -3 amendments (hand-engrossed), Staff, 7 pp.

B ñHB 2478, example from Washington's construction program report, Rep. Lokan, 1 p.

C ñHB 2443, testimony, Don Miner, 2 pp.