

HOUSE COMMITTEE ON TRANSPORTATION

April 28, 1999 Hearing Room D

8:00 a.m. Tapes 84 - 86

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 3465 Work Session

HB 3090 Public Hearing and Work Session

HB 3149 Public Hearing and Work Session

HB 3292 Public Hearing and 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 84, A		

004	Chair Montgomery	Opens the meeting at 8:05 a.m. Opens the work session on HB 3465.
<u>HB 3465 WORK SESSION</u>		
007	Janet Adkins	Administrator. Explains HB 3465 and introduces the ñ3 amendments (EXHIBIT A).
019	Rep. Lehman	MOTION: Moves to ADOPT HB 3465-3 amendments dated 04/26/99.
		VOTE: 6-0 EXCUSED: 4 - Devlin, Hill, Kropf, Lokan
Chair Montgomery		Hearing no objection, declares the motion CARRIED.
025	Rep. Lehman	MOTION: Moves HB 3465 with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways & Means.
026	Rep. Krummel	Mentions that he would have also supported the original bill.
		VOTE: 8-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Hill, Kropf
Chair Montgomery		The motion CARRIES.
040	Chair Montgomery	Closes the work session on HB 3465. Opens the public hearing on HB 3403
<u>HB 3403 PUBLIC HEARING</u>		
042	Adkins	Explains HB 3403, which would require the Department of Transportation (ODOT) to enter into contract for monitoring incidence of uninsured motorist claims.

060	Rep. Ron Sunseri	District 22. Underlines the rampant nature of the uninsured motorist problem. States that the bill was modeled after a Colorado program.
083	Rep. Wells	Asks about the cost.
084	Rep. Sunseri	States that a fiscal impact statement has not been received.
090	Rep. Wells	Notes that addressing the uninsured motorist problem is a priority, and his only concern would be the cost.
099	Rep. Sunseri	Agrees that the cost is an issue, but stresses that HB 3043 represents a valid expenditure.
106	Rep. Wells	Asks if suspending a driver license really keeps people from driving. Cites seniors who continue to drive.
113	Rep. Sunseri	Replies that the bill also provides for other penalties.
118	Rep. Walker	Asks for further information concerning the contracting agent.
126	Sen. Peter Courtney	District 17. Cites his legislative efforts in 1993 providing for a database for uninsured motorists. States that HB 3403 goes further than this legislation. Indicates that constituent concern, not money or uninsured people who continue to drive, should be the issue.
170	Pat Egan	Explore Information Systems. Supports HB 3403. Discusses the initial cost and the essential elements of the Colorado program, including creating the database and notifying uninsured motorists. Discusses the ñ1 amendments (EXHIBIT B) .
227	Rep. Taylor	Cites the form letter sent in Colorado. Asks if license plates will be subject to seizure.
230	Egan	Replies that this provision is not a current part of the bill.
236	Rep. Taylor	Asks if suspending an ownerís driver license would prevent other persons from driving the car.
238	Egan	Answers yes.
247	Rep. Hill	Asks why the license plate would not be taken as a practical means of enforcement.

265	Egan	Agrees with Rep. Hill, but concedes that law enforcement may have practical problems with this type of enforcement.
277	Rep. Hill	Notes that seizure of a license plate is a more severe and effective means of enforcement.
290	Rep. Kropf	Agrees with Rep. Hill about the efficacy of removing the license plate.
316	Rep. Krummel	Refers to the ñ1 amendments and a possible conflict in the number of days provided for mailing and responding to the ODOT request.
332	Egan	Explains the two separate response requirements.
349	Rep. Walker	Asks how many companies will possibly bid on the project.
353	Egan	Replies that Colorado had 10 bidders.
356	Phillip Casey	General Manager, Explore Information Services. States that minimum of 30-40 companies provide this type of service.
365	Rep. Wells	Asks how the database will handle people who buy and cancel insurance in short amounts of time.
372	Casey	Responds that companies in Colorado are required to notify the database of cancellation or revocation of insurance within 7 days.
388	Rep. Wells	Asks why the timelines are so long for people to respond.
395	Casey	Replies that the timelines allow for people who change insurance companies and new vehicle transactions.
422	Rep. Lehman	Asks if a person can have a license without having insurance.
430	Egan	Replies yes.
TAPE 85, A		
004	Rep. Lehman	Asks if a person who has a license and whose insurance is cancelled will have his/her license revoked even if he/she is not driving.
010	Egan	Replies that the records are checked against the vehicle itself, and the license would not be revoked.

013	Chair Montgomery	Asks how the database will handle people who may only register their cars for part of the year.
017	Egan	Replies that people will have an opportunity to show that they will not be operating a vehicle.
030	Kelly Taylor	Division of Driver and Motor Vehicle Services (DMV), ODOT. States that law enforcement can currently impound uninsured vehicles. Reviews the fiscal and revenue impacts of the bill. States that all registered owners of the vehicle will have their driver licenses suspended. Expresses preference for ODOT to have the ability to implement the program. Notes that an additional cost may be required to pay the contracted service (EXHIBIT C).
081	Rep. Lehman	Asks if a person with an inoperable, uninsured vehicle would receive notice of possible license suspension.
086	Taylor	Replies yes.
089	Rep. Lokan	Supports the use of an outside agency.
097	Taylor	States that ODOT may be able to implement a more cost-effective approach
103	Rep. Lokan	Notes that she has not seen the privatization study of DMV.
105	Rep. Krummel	Asks if a remedy exists for people whose licenses are suspended erroneously.
113	Taylor	Expresses uncertainty.
122	Rep. Devlin	Asks if the request for proposal (RFP) will address fees and possible revenue sharing by the state.
132	Taylor	Expresses uncertainty
134	Chair Montgomery	Asks if the \$1million fiscal impact includes the cost of the contract.
135	Taylor	Replies no.
136	Chair Montgomery	Closes the public hearing on HB 3403. Opens the work session on HB 3403.
<u>HB 3403 WORK SESSION</u>		
145	Rep. Devlin	MOTION: Moves to ADOPT HB 3403-1 amendments

		dated 04/02/99.
		VOTE: 10-0
	Chair Montgomery	Hearing no objection, declares the motion CARRIED.
148	Rep. Devlin	MOTION: Moves HB 3403 with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways & Means.
150	Rep. Krummel	Expresses concern about possible remedies or an appeals process.
168	Rep. Walker	Opposes the bill based on the large fiscal impact, the blanket suspension of all registered drivers, and the excessiveness of the bill.
180	Rep. Devlin	Amends his previous motion from DO PASS to WITHOUT RECOMMENDATION AS TO PASSAGE .
190	Rep. Kropf	Shares Rep. Walker's concerns. Supports the bill in concept, but expresses preference for increased enforcement, including removing the license plate.
205		VOTE: 9-1 AYE: 9 - Devlin, Hill, Kropf, Krummel, Lehman, Lokan, Taylor, Wells, Montgomery NAY: 1 - Walker
	Chair Montgomery	The motion CARRIES.
216	Chair Montgomery	Closes the work session on HB 3403. Opens the public hearing on HB 3090.
<u>HB 3090 PUBLIC HEARING</u>		
218	Adkins	Explains HB 3090, which concerns prohibitions on the construction of highways whose costs are not likely to be recovered through tolls.

242	Chris Hagerbaumer	Oregon Environmental Council (OEC). Supports HB 3090. Describes the current road needs in Oregon, the intent of HB 3090 and the current reliance of Oregon on a gas tax for road funding. Discusses the subsidization that occurs between drivers and the effect of tolls on cost responsibility. Notes that toll roads also work to manage demand and congestion (EXHIBIT D).
297	Hagerbaumer	Suggests an amendment to the bill, which would require ODOT to study the feasibility of tolls on projects with costs exceeding \$10 million. Suggests that more amendments should be included to specify the type of project as well. Stresses that tolls are a fair and efficient means of funding.
362	Rep. Lehman	Introduces the ñ1 amendments, which require ODOT to study the feasibility of tolls (EXHIBIT E).
380	Doug Tindall	Maintenance Engineer, ODOT. Indicates that the type, rather than the cost, of project should determine when a tolling feasibility study will be initiated. Notes that the fiscal impact would be about \$25,000-\$50,000.
TAPE 84, B		
002	Rep. Lehman	Asks if the ñ1 amendments allow ODOT the flexibility to determine immediately that tolls would not work on a particular project.
008	Tindall	Replies yes. Asks how the toll potential of a project would relate to its priority in the Statewide Transportation Improvement Plan (STIP).
016	Rep. Wells	Cites ORS 383.001 and 383.005. Asks what the bill does in addition to the current statutory authority.
023	Hagerbaumer	Replies that the intent of the bill is to require ODOT to always look at toll potential.
028	Rep. Wells	Cites ORS 383.007. Acknowledges that ODOT's power to enforce tolls is restricted to specific projects.
037	Tindall	Expresses concern that the bill does not allow ODOT to implement tolls after they are considered.
039	Rep. Krummel	Comments on the statutory allowance for tolling in particular areas and the failure to build at least one of these projects.
046	Rep. Taylor	Adds that the Lewis and Clark bridge also has not been improved. States that in Oklahoma tolls are utilized effectively. Supports the bill.
062	Rep. Kropf	Supports the toll concept.

070	Chair Montgomery	Closes the public hearing on HB 3090. Opens the work session on HB 3090.
<u>HB 3090 WORK SESSION</u>		
074	Rep. Kropf	MOTION: Moves to ADOPT HB 3090-1 amendments dated 04/27/99.
		VOTE: 9-0 EXCUSED: 1 - Hill
	Chair Montgomery	Hearing no objection, declares the motion CARRIED.
080	Rep. Kropf	MOTION: Moves HB 3090 to the floor with a DO PASS AS AMENDED recommendation.
092		VOTE: 8-1 AYE: 8 - Devlin, Kropf, Krummel, Lehman, Lokan, Taylor, Wells, Montgomery NAY: 1 - Walker EXCUSED: 1 - Hill
	Chair Montgomery	The motion CARRIES. REP. LEHMAN will lead discussion on the floor.
095	Chair Montgomery	Closes the work session on HB 3090. Opens the public hearing on HB 3149.
<u>HB 3149 PUBLIC HEARING</u>		
103	Adkins	Explains HB 3149 and the ñ3 amendments, which renames and reorganizes the Elderly and Disabled Special Transportation Fund (EXHIBIT F).
127	Rep. Wells	Asks if the ñ3 amendments remove the cigarette settlement money.

130	Adkins	Replies yes.
133	Jacqueline Zimmer	Director, Oregon Association of Area Agencies on Aging and Disabilities (O4AD). Describes the ñ3 amendments, including the distribution of cigarette tax revenue and other general fund money and redefinition of eligibility to meet enhanced needs.
194	Bernie Bottomly	Tri-Met. Notes that the existing formulas for distributing the cigarette tax will be retained while a parallel structure will be constructed to distribute other moneys. Describes the goals of this parallel funding. Emphasizes that the money will go to new services.
222	Martin Loring	Public Transit Division, ODOT. Supports the ñ3 amendments. Describes the number of small entities that receive funding.
252	Rep. Wells	Asks about the interaction between SB 764 and HB 3149.
268	Bottomly	Replies that SB 764 has been moved to Ways and Means, as will HB 3149 if it passes, and the ideas will be melded together.
282	Rep. Krummel	Refers to the ñ3 amendments. Asks if HB 3149 will not provide money to South Metro Area Rapid Transit (SMART) and will provide money to Tri-Met in his district.
303	Bottomly	Describes the current funding disbursement.
316	Rep. Krummel	Asks if SMART's dollars will be distributed by Tri-Met.
320	Bottomly	Replies that the money simply passes through Tri-Met.
330	Rep. Lokan	Asks if the allocation structure prioritizes on the basis of need.
342	Loring	Replies that the current fund is divided into population and discretionary funds, which first bring the smallest counties up to a minimum level. Adds that the amendments move more of the money to the rural areas of the state.
370	Mel Zucker	Oregon Transportation Institute. Opposes HB 3149 because it is not as good as SB 764. Supports the involvement of the Department of Human Resources. Describes a federal study of the transportation needs of seniors and disabled people (EXHIBIT G).
TAPE 85, B		
005	Zucker	Notes the negative effects of denying transportation to senior and disabled

		populations. Stresses the importance of looking at all transportation resources in an area. Notes the disparity between service levels and costs in different areas.
063	Zucker	Notes that SB 764 has the flexibility to funnel money to the most appropriate places. Criticizes the scant distribution levels of HB 3149-3 (EXHIBIT H).
098	Bob Behnke	Opposes HB 3149. States that providing the money to the Department of Human Resources will be more efficient. Notes that the ODOT definition of public transit in the Oregon Transportation Plan excludes senior transportation and carpooling. Acknowledges that the transportation related benchmarks were not effectively reached. Supports SB 764 as a user-focused approach.
149	Chair Montgomery	Closes the public hearing on HB 3149. Opens the work session on HB 3149.
<u>HB 3149 WORK SESSION</u>		
157	Rep. Lehman	MOTION: Moves to ADOPT HB 3149-3 amendments dated 04/28/99.
		VOTE: 9-0 EXCUSED: 1 - Hill
	Chair Montgomery	Hearing no objection, declares the motion CARRIED.
162	Rep. Lehman	MOTION: Moves HB 3149 with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways & Means.
167	Rep. Krummel	Questions the wisdom of funding increasingly needy programs with a decreasing revenue source.
180		VOTE: 9-0 EXCUSED: 1 - Hill
	Chair Montgomery	Hearing no objection, declares the motion CARRIED.

185	Chair Montgomery	Closes the work session on HB 3149. Opens the public hearing on HB 3292.
<u>HB 3292 PUBLIC HEARING</u>		
190	Adkins	Introduces and explains the ñ1 and ñ2 amendments. Describes the current state and federal requirements on motor carriers for drug and alcohol testing. Notes the privacy and due process concerns prompted by the original bill (EXHIBITS I & J) .
242	Chair Montgomery	Commends the trucking industry for their interest in safety.
250	Marshall Coba	Oregon Trucking Association (OTA). Supports HB 3292. Notes the broad support from trucking associations.
267	John Sallak	Safety Director, OTA. Supports HB 3292. Stresses the importance of safety, but notes that many companies are still not participating in testing programs. Adds that employees can switch employers without informing them of past positive tests.
305	Rep. Devlin	Asks if employers could require employees to sign medical releases as a condition of employment.
314	Sallak	Replies that employees currently sign releases authorizing employers to gather information, but the ñ2 amendments require notarization.
328	Rep. Wells	Asks about the purpose of the bill.
335	Bob McKellar	Oregon Forest Products Transportation Association (OFPTA). Relates examples of employees who have switched jobs after testing positive for drugs and have evaded identification.
388	Rep. Kropf	Asks if the bill applies to any commercial driver license (CDL) holder.
399	McKellar	Replies yes.
403	Rep. Krummel	Asks if the federal code includes banned substances.
408	Sallak	Cites the sections of federal code that includes banned substances.
410	Rep. Krummel	Asks about the effect on companies that are domiciled outside of Oregon but have drivers within the state.
420	Sallak	Replies that it would only apply to Oregon licensed drivers.

TAPE 86, A

014	McKellar	Supports the ñ1 amendments.
020	Alan Hageman	Oregon State Police. Supports the bill (EXHIBIT K)
030	Taylor	DMV. Relates the fiscal impact of the amendments. Reviews questions concerning specific sections and language in the bill, including legal concerns, the definition of motor carrier, and timelines for medical review officer response (EXHIBIT L).
058	Rep. Walker	Asks about the definition of driving record.
063	Taylor	Replies that the driving record is the composite of accident, suspension and other driving information.
065	Rep. Wells	Cites section 4 of the bill. Asks if it exempts non-domiciled vehicles.
070	Taylor	Replies that the bill would apply to any vehicle that is registered in Oregon and is going through renewal or first-time registration.
074	Rep. Wells	Asks if it would apply to out-of-state carriers. Asks if it would apply if they pay a prorated registration fee in Oregon.
075	Taylor	Replies no if they are not registered in Oregon. Expresses uncertainty concerning Rep. Wells' second question.
084	Rep. Taylor	Asks if the notarization requirement could be removed from the ñ2 amendments.
088	Taylor	Expresses uncertainty.
094	Joan Robinson	Legislative Counsel. Indicates that the ñ1 and the ñ2 amendments are designed to address constitutional concerns. Adds that the ñ1 amendments may encounter a privacy challenge while the ñ2 amendments were drafted to address this problem. Cites a recently passed federal law that may impede the intent of the ñ2 amendments.
142	Chair Montgomery	Summarizes Robinson's testimony: the bill may or may not be legal. Asks if the police have any statistics concerning the involvement of drugs or alcohol in accidents.
152	Hageman	Replies that he does not know.

156	Chair Montgomery	Supports the bill.
158	Rep. Devlin	Asks if the notary requirement should be removed.
165	Robinson	Responds that the requirement is probably not necessary.
176	Rep. Krummel	Cites section 7 of the amendments. Asks about the exemption of civil liability for ODOT and the need for ODOT not to be liable.
193	Taylor	Replies that the provision is designed to insulate ODOT from liability in a situation where they have little control over the information they receive and distribute.
204	Rep. Walker	Asks if the ñ1 amendments will have a constitutional problem.
206	Robinson	Replies that the ñ1 amendments could encounter a privacy challenge.
222	Chair Montgomery	States that he does not want to pass an illegal bill. Asks for an estimation of the bill's legality.
226	Robinson	Replies that it would be a risk.
234	Adkins	Asks about the importance of the hearing requirement
241	Robinson	Replies that the hearing requirement is an essential element that would avoid due process problems.
249	Chair Montgomery	Closes the public hearing on HB 3292. Opens the work session on HB 3292.
<u>HB 3292 WORK SESSION</u>		
260	Adkins	Explains the ñ1 and the ñ2 amendments.
263	Chair Montgomery	Suggests removing the notary requirement from the ñ2 amendments.
269	Rep. Walker	Supports removing the notary and maintaining the written permission requirement.
277	Rep. Taylor	States that the public interest is well served by having testing results placed on an employment driving record.

285	Rep. Taylor	MOTION: Moves to ADOPT HB 3292-2 amendments dated 04/27/99 and be FURTHER AMENDED by eliminating the notarization requirement in Section 9, lines 26-27.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 3 - Hill, Krummel, Lokan
	Chair Montgomery	The motion CARRIES.
295	Rep. Taylor	MOTION: Moves HB 3292 with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways & Means.
		VOTE: 8-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Hill, Lokan
	Chair Montgomery	The motion CARRIES.
300	Chair Montgomery	Closes the work session on HB 3292. Adjourns the meeting at 10:20 a.m.

Submitted By, Reviewed By,

Brad Daniels, Janet Adkins,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñHB 3465, -3 amendments, staff, 3 pp.

B ñHB 3403, written testimony, Pat Egan, 3 pp.

C ñHB 3403, written testimony, Kelly Taylor, 2 pp.

D ñHB 3090, written testimony, Chris Hagerbaumer, 3 pp.

E ñHB 3090, -1 amendments, staff, 1 p.

F ñHB 3149, -3 amendments, staff, 10 pp.

G ñHB 3149, written testimony, Mel Zucker, 10 pp.

H ñHB 3149, written testimony, Mel Zucker, 1 p.

I ñHB 3292, -1 amendments, staff, 2 pp.

J ñHB 3292, -2 amendments, staff, 2 pp.

K ñHB 3292, written testimony, Alan Hageman, 1 p.

L ñHB 3292, written testimony, Kelly Taylor, 2 pp.