

HOUSE COMMITTEE ON TRANSPORTATION

May 07, 1999 Hearing Room D

8:00 a.m. Tapes 96 - 97

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: SB 108A Public Hearing and Work Session

SB 358A Public Hearing and Work Session

SB 523 Public Hearing and Work Session

SB 877 Public Hearing and Work Session

SB 878A 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.

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TAPE/#	Speaker	Comments
TAPE 96, A		
004	Chair Montgomery	Opens the meeting at 8:05 a.m. Opens the public hearing on SB 108A.
<u>SB 108A PUBLIC HEARING</u>		
007	Adkins	Introduces and explains the ñA6 and ñA7 amendments (EXHIBITS A & B).
027	Chair Montgomery	Closes the public hearing on SB 108A. Opens the work session on SB 108A.
<u>SB 108A WORK SESSION</u>		
035	Rep. Hill	MOTION: Moves to ADOPT SB 108-A2 amendments dated 04/14/99.
		VOTE: 8-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Devlin, Krummel
	Chair Montgomery	The motion CARRIES.
040	Rep. Hill	MOTION: Moves to ADOPT SB 108-A6 amendments dated 05/06/99.
		VOTE: 9-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Krummel
	Chair Montgomery	The motion CARRIES.
048	Rep. Hill	MOTION: Moves to ADOPT SB 108-A7 amendments

		dated 05/06/99.
		VOTE: 9-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Krummel
	Chair Montgomery	The motion CARRIES.
059	Rep. Hill	Asks about the operative dates.
060	Adkins	Replies that the operative date for the entire bill is July 1 st , 2000, but the appointment of the director can be 90 days after the session.
066	Rep. Hill	Asks if the bill needs to go to Ways & Means.
070	Adkins	Replies that there is not a prior referral to Ways & Means and the bill did not go to Ways & Means on the Senate side. Adds that it does have a fiscal statement.
076	Chair Montgomery	Indicates that there was confusion about the need for a subsequent referral in the Senate.
087	Rep. Hill	Asks about the need to send a bill to Ways & Means whether it costs or saves money.
093	Rep. Hill	MOTION: Moves SB 108A with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways & Means.
097	Chair Montgomery	Repeats that there is a fiscal savings and the Senate Transportation chair does not feel that the bill needs to go to Ways & Means.
100	Rep. Devlin	Opposes the motion as an unnecessary.
104	Rep. Walker	Opposes the motion.
107	Rep. Kropf	Asks if Rep. Hill's motion was defeated, would a second motion be possible to send the bill to the floor.

111	Rep. Hill	States that he does not intend to kill the bill. Withdraws his previous motion.
119	Rep. Hill	MOTION: Moves SB 108A to the floor with a DO PASS AS AMENDED recommendation.
121	Chair Montgomery	Expresses concern about the remaining revenue collection connection that the new department will have with ODOT.
127		VOTE: 7-2 AYE: 7 - Devlin, Hill, Kropf, Lokan, Taylor, Walker, Montgomery NAY: 2 - Lehman, Wells EXCUSED: 1 - Krummel
	Chair Montgomery	The motion CARRIES. REP. KROPF, REP. WALKER will lead discussion on the floor.
150	Chair Montgomery	Closes the work session on SB 108A. Opens the public hearing on SB 358A.
<u>SB 358A PUBLIC HEARING</u>		
170	Chair Montgomery	Closes the public hearing on SB 358A. Opens the public hearing on SB 523.
<u>SB 523 PUBLIC HEARING</u>		
171	Adkins	Explains SB 523.
179	Rob Bovett	Assistant Counsel, Lincoln County. Reports that Lincoln County is the only place with an emergency generator and the ability to dispense fuel during emergency situations. Notes that Lincoln County did not fit into the specified statutory requirements in order to dispense fuel, technically making them out of compliance. Describes the bill, which excepts emergency situations to these requirements (EXHIBIT C).
234	Rep. Kropf	Supports the bill as a reasonable request.
259	Brian Griffith	Program Manager, State Fire Marshal. Expresses no opposition to the bill.

		Notes that they do not cite any company for being out of compliance without providing training and education.
287	Chair Montgomery	Closes the public hearing on SB 523. Opens the work session on SB 523.
<u>SB 523 WORK SESSION</u>		
290	Rep. Lehman	MOTION: Moves SB 523 to the floor with a DO PASS recommendation.
		VOTE: 9-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Krummel
	Chair Montgomery	The motion CARRIES.
306	Chair Montgomery	Closes the work session on SB 523. Opens the public hearing on SB 358A.
<u>SB 358A PUBLIC HEARING</u>		
315	Kelly Taylor	Division of Driver and Motor Vehicle Services, Oregon Department of Transportation (ODOT). Notes that the bill combines a number of changes to various statutes, the first of which extends an exemption for the commercial requirements for recreational vehicles for personal use (EXHIBIT D).
335	Adkins	Asks if the exemption focuses on licensing or vehicle requirements.
339	Taylor	Replies that it exempts the person from the commercial driver license requirement. Continues to discuss the provisions of the bill: <ul style="list-style-type: none"> • Repeals plate confiscation requirements • Expands the suspension exemption to a person who fails to appear in court for parking offenses • Revises the size of the trip permit • Amends wording concerning tax collectors and assessors • Allows vehicle transporters to use transporter plates to move manufactured structures • Clarifies DMV's authority to adopt rules relating to vehicle transporters
406	Rep. Lehman	Asks if the section dealing with court attendance is different than Rep. Prozanski's bill, HB 2358.

413	Taylor	Replies yes.
TAPE 97, A		
002	Chair Montgomery	Closes the public hearing on SB 358A. Opens the work session on SB 358A.
<u>SB 358A WORK SESSION</u>		
003	Rep. Hill	MOTION: Moves SB 358A to the floor with a DO PASS recommendation.
		VOTE: 8-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Kropf, Krummel
	Chair Montgomery	The motion CARRIES. REP. TAYLOR will lead discussion on the floor.
016	Chair Montgomery	Closes the work session on SB 358A. Opens the public hearing on SB 877.
<u>SB 877 PUBLIC HEARING</u>		
018	Adkins	Explains SB 877, which adds Class II all-terrain vehicles (ATVís) to a statutes that deal with where off-road vehicles may operate.
031	Bob Greenstreet	Discusses the difference between Class I, II and III ATVís and exceptions to restrictions on where they may be operated. Describes the bill (EXHIBIT E).
056	Rep. Wells	Asks about an Eastern or Central Oregon ATV trail.
061	Greenstreet	Replies that he is involved in the Back Country Discovery Route (BCDR) and SB 877 would have some affect this issue.
068	Rep. Wells	Asks about the status of similar bills.

070	Greenstreet	Replies that SB 878A does address this issue.
074	Rep. Hill	Cites Section 2. Asks about the deletion of class numbers.
079	Adkins	Replies that the wording "all-terrain vehicle" does encompass all three classes of ATV.
084	Chair Montgomery	Closes the public hearing on SB 877. Opens the work session on SB 877.
<u>SB 877 WORK SESSION</u>		
088	Rep. Hill	MOTION: Moves SB 877 to the floor with a DO PASS recommendation.
		VOTE: 10-0
Chair Montgomery		Hearing no objection, declares the motion CARRIED. LEHMAN will lead discussion on the floor.
094	Chair Montgomery	Closes the work session on SB 877. Opens the public hearing on SB 878A.
<u>SB 878A PUBLIC HEARING</u>		
096	Adkins	Explains SB 878A, which changes a number of statutes affecting ATV use. Notes that ODOT, land managers, and park and forest departments do not oppose the bill.
124	Greenstreet	Describes the provisions of each section of the bill. Describes the BCDR and its function. Acknowledges that the intent of sections of SB 878A is to allow ATVIs to take this route. Discusses the places that are available for ATV use as defined in statute (EXHIBIT F).
179	Greenstreet	Notes that the purpose of section 4 is not to open areas that are currently closed, but to allow use of the BCDR. Explains the revised definition of hard surface. Cites Section 5, which extends the paved highway exemption to ATV users.
220	Rep. Taylor	Asks if the bill clarifies the language for ATVIs and motorcycles.

221	Greenstreet	Replies yes.
223	Rep. Taylor	Asks about the effect on her scooter.
226	Greenstreet	Replies that she would need to have an ATV classification.
232	Rep. Hill	Asks if there is a fiscal impact to the bill. Expresses concern that the bill allows ATVIs to ride anywhere without posted signs specifically prohibiting their use.
255	Adkins	States that the fiscal does not address the signage requirement.
262	Rep. Hill	Reiterates that the bill changes the rules for ATVIs. Opposes the bill because it reverses current policy.
279	Greenstreet	States that wilderness areas and wildlife areas are currently closed and the bill would not open these areas.
302	Rep. Lehman	Asks if there are areas where land managers would not like to have ATVIs, but have not posted specific prohibitive signs.
306	Greenstreet	Replies that, currently, all national forest land is open to cross country ATV use (with provisions on damages).
317	Rep. Hill	Cites current restrictions to contest Greenstreet's assertion.
325	Greenstreet	Replies that there are about 30 open areas.
329	Rep. Hill	Stresses that the bill opens the entire state to ATV use unless it is posted closed. Underlines that the bill is too broad.
366	Rep. Devlin	Cites lines 10-11. Asks if deleting the last portion of these lines would effectively remove the signage requirement and require users to know the restrictions on ATV use.
382	Greenstreet	Describes access travel management plans in federal forests. Cites page 2, line 25 and a possible conceptual amendment. Reiterates that the provision about areas closed to ATV use was added to reassure environmental groups.
TAPE 96, B		
005	Rep. Krummel	Questions if the bill addresses where one can ride an ATV or simply focuses on equipment requirements.

014	Chair Montgomery	Closes the public hearing on SB 878A. Adjourns the meeting at 9:05 a.m.
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Submitted By, Reviewed By,

Brad Daniels, Janet Adkins,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñSB 108A, -A6 amendments, staff, 1 p.

B ñSB 108A, -A7 amendments, staff, 1 p.

C ñSB 532, written testimony, Rob Bovett, 1 p.

D ñSB 358A, written testimony, Kelly Taylor, 2 pp.

D ñSB 877, written testimony, Bob Greenstreet, 1 p.

E ñSB 878A, written testimony, Bob Greenstreet, 1 p.