

**HOUSE COMMITTEE ON AGENCY OVERSIGHT AND EFFICIENCY**

May 29, 1997 Hearing Room H-170

1 PM Tape 57

**MEMBERS PRESENT:**

Rep. Jane Lokan, Chair

Rep. Richard Devlin, Vice-Chair

Rep. Tom Brian

Rep. Ryan Deckert

Rep. Steve Harper

Rep. Eldon Johnson

Rep. Mike Lehman

**STAFF PRESENT:**

Brad Harper, Administrator

Valerie Luhr, Administrative Support

**MEASURE/ISSUES HEARD:**

HB 3048 Work Session

HB 3731 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 57, A		
004	Chair Lokan	Calls the meeting to order at 2:04 p.m. Comments on a letter for the committee's review received from a previous meeting's witness. Opens the public hearing on HB 3048.
<u>HB 3048 - PUBLIC HEARING</u>		
016		Committee Administrator, reviews provisions of HB 3048.

	<b>Brad Harper</b>	
<b>027</b>	<b>Chair Lokan</b>	<b>Explains the authorship of the bill.</b>
<b>033</b>	<b>Al Elkins</b>	<b>Oregon Tow Truck Association, testifies in support of HB 3048.</b>
<b>049</b>	<b>Chair Lokan</b>	<b>Asks if the bill relates to a lane closure accident.</b>
<b>053</b>	<b>Elkins</b>	<b>It does for us, ODOT plans to use the flaggers for other things. This provides a whole system from which they can draw a flagger.</b>
<b>057</b>	<b>Doug Tindall</b>	<b>Field Services Engineer, Oregon Department of Transportation, submits and presents testimony [EXHIBIT B] on HB 3048.</b>
<b>065</b>	<b>Chair Lokan</b>	<b>Who you do rely on or place the blame on in such an accident?</b>
<b>066</b>	<b>Tindall</b>	<b>In the case of an accident there is a responsible party, in this case they are the responsible party for damages to the roadway such as guardrails.</b>
<b>077</b>	<b>Rep. Lehman</b>	<b>Are the costs generally payable by the insurance companies or by the individual?</b>
<b>081</b>	<b>Elkins</b>	<b>In the case of big truck wrecks, in some cases the insurance company will cover, in others the individual pays.</b>
<b>087</b>	<b>Rep. Lehman</b>	<b>Is this a case where we are taking expenses which are paid with taxes, and people are paying the taxes, but now are also required to pay a fee anytime they get in a wreck?</b>
<b>092</b>	<b>Tindall</b>	<b>It is not mandatory, it is permissive.</b>
<b>099</b>	<b>Chair Lokan</b>	<b>Is there an average cost that may be incurred?</b>
<b>102</b>	<b>Tindall</b>	<b>Initial estimates were in the area of five to six million dollars per biennium for flagging.</b>
<b>108</b>	<b>Chair Lokan</b>	<b>Is a certain share recoverable?</b>
<b>109</b>	<b>Tindall</b>	<b>That is correct, there is not an additional tax.</b>
<b>113</b>	<b>Chair Lokan</b>	<b>So we are not adding to the budget request. Closes the public hearing on HB 3048. Opens a work session on HB 3048.</b>
<b><u>HB 3048 - WORK SESSION</u></b>		
<b>121</b>	<b>Rep. Lehman</b>	<b>MOTION: Moves to ADOPT HB 3048-1 amendments dated 05/29/97.</b>
	<b>Chair Lokan</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>124</b>	<b>Rep. Lehman</b>	<b>MOTION: Moves HB 3048 to the floor with a DO PASS AS AMENDED recommendation.</b>

126	Vice-Chair Devlin	Comments that he intends to vote for the bill, but asks if Legislative Counsel will amend the summary due to the changes being made by the amendments.
134	Chair Lokan	States that the original language will be in italics, and the new phrase will be in bold.
139	Rep. Lehman	Comments that he will vote for the bill, but does have a concern on the combination of the tax and the fee.
151		VOTE: 6-0  AYE: In a roll call vote, all members present vote Aye.  EXCUSED: 1 - Rep. Brian
157	Chair Lokan	The motion CARRIES.  REP. LEHMAN will lead discussion on the floor.
162	Chair Lokan	Closes the work session on HB 3048. Opens a work session on HB 3731.
<b><u>HB 3731 - WORK SESSION</u></b>		
181	Brad Harper	Committee Administrator, reviews provisions of HB 3731 and the HB 3731-3 amendments [EXHIBIT C].
193	Chair Lokan	Comments on section 2b and section 2 sub section 3 of the amendments.
214	Michelle Kennedy	Manager, Fiscal Performance and Planning, comments on the -3 amendments. Addresses the conflict on line 17 with their law.
221	Rep. Deckert	Asks if the conflicts also address the erosion of worker's comp.
224	Kennedy	Says she cannot speak for the worker's compensation piece. It does not address the issue of the erosion of workers' coverage under the unemployment insurance program.
233	Chair Lokan	Asks the committee for comments.
238	Rep. Lehman	Expresses his dislike for the bill. Comments on paid signature gatherers.
262	Chair Lokan	Disagrees. Comments that this is a legitimate job for many.
276	Rep. Lehman	What you just described is not what this bill does. Under this law there will be no such thing as an employee gathering signatures, because this law clearly says once the written agreement is signed they are history.
286	Chair Lokan	Comments on the purpose of the bill and gathering signatures.

332	Rep. Brian	Asks if there have been any modifications to the -3 amendments.
333	Chair Lokan	Briefly explains from where and how the -3 amendments came about.
352	Rep. Brian	<b>MOTION: Moves to ADOPT HB 3731-3 amendments dated 05/28/97.</b>
354	Vice-Chair Devlin	Comments that he will vote in favor of the -3 amendments, but that he intends to vote no on the bill.
360		VOTE: 5-2 AYE: 5 - Brian, Devlin, Harper, Johnson, Lokan NAY: 2 - Deckert, Lehman
	Chair Lokan	The motion CARRIES.
371	Rep. Brian	<b>MOTION: Moves HB 3731A to the floor with a DO PASS AS AMENDED recommendation.</b>
375	Rep. Harper	Comments that he will support the bill but that he still has some concerns.
377		VOTE: 3-4 AYE: 3 - Brian, Harper, Lokan NAY: 4 - Deckert, Devlin, Johnson, Lehman
	Chair Lokan	The motion FAILS.
390	Chair Lokan	Closes the work session on HB 3731. Adjourns the meeting.

Submitted by, Reviewed by,

Valerie H. Luhr Carolyn Brooks

Administrative Support Specialist Support Services Manager

Transcribed by,

Kellie Shoemaker

Committee Clerk

**EXHIBIT SUMMARY**

**A - HB 3048, proposed amendments, staff, 1 p**

**B - HB 3048, written testimony, Doug Tindall, 1 p**

**C - HB 3731, proposed amendments, staff, 8 pp**