HOUSE COMMITTEE ON TRANSPORTATION

June 16, 1997 Hearing Room C

8:30 A.M. Tapes 128 - 130

MEMBERS PRESENT:

Rep. Bob Montgomery, Chair

Rep. Mike Lehman, Vice-Chair

Rep. Steve Harper

Rep. Tim Josi

Rep. Jane Lokan

Rep. Lonnie Roberts

Rep. Larry Wells

STAFF PRESENT:

Keith Putman, Administrator

Annetta Mullins, Administrative Support

MEASURE/ISSUES HEARD:

SB 1036 A - Public Hearing and Work Session

SB 1154 A - Public Hearing and Work Session

SB 392 A - Public Hearing and Work Session

SB 953 A - Public Hearing and e Work Session

SB 738 A - Public Hearing and Work Session

SB 1023 B - Public Hearing and Work Session

SB 372 A - Public Hearing and Work Session

These minutes are in compliance with Senate and House Rules. <u>Only text enclosed in quotation</u> <u>marks reports a speaker's exact words.</u> For complete contents, please refer to the tapes.

Speaker	Comments

Tape 128, A	 	
004	Chair Montgomery	Calls meeting to order at 8:38 a.m., announces the members will attempt to get excused from session, and opens the public hearing on SB 738-A.
SB 738-A - <u>PUBLIC</u> HEARING		
012	Keith Putman	Administrator, reviews provisions of SB 738-A.
025	Sen. Susan Castillo	Introduces Frank and Susan Blachly and testifies in support of SB 738- A (EXHIBIT A).
		Issues discussed:
		* whether there is a house bill with the same provisions
081		* notification procedures when there is accused abuse
105	Frank Blachly	Testifies in support of SB 738-A (EXHIBIT B).
141		Issues discussed:
		* whether the parents would be notified at the time of the oral report
156	Joan VanAlmond	Attorney, explains current process of notification:
		* law requires immediate investigation
		* asking that part of immediate investigatory team include the Child Care Division, the regulatory agency for child care including family day care centers
		* about 11,000 children are in family day care centers
		* centers are called registered, but there is no inspection of the facility
		* the Child Care Division is the only agency that is authorized to enjoin a facility, without any other administrative procedures, from operating
		* in response to the concern of allegations being made against a provider, language has been taken from the Multnomah County requiring multi-disciplinary protocols; every district attorney office is required to develop multi-disciplinary teams; previously the Child Care Division has not been a part of the protocol team
202		* defines "clear disclosure"
225		* page 1, subsection 2, says the clear disclosure point is at the "reasonable cause" point; parents could then make the decision
		Issues discussed:
232		* whether parents of all other children would be notified
		* time frame for completion of investigation
259		* whether physical marks on the child are required for an investigation
275		* how parents of other children are to be notified

294	Carol Hannibal	Salem, submits and summarizes a prepared statement in support of SB 738-A and reads letter from former day care provider (EXHIBIT C).
	Hannibal	Continues presentation.
		Issues discussed:
365		* whether clear disclosure has different meaning than investigation
TAPE 129, A]	
014	Bill and Janet Bouska	Marion County residents, testify in support of SB 738-A:
		* reviews case of abuse of child
		* if other parents had been notified, other abuse would not have happened
		Issues discussed:
046		* difference between provisions of SB 738-A and the current law
063		* whether there are protections for day care providers against false allegations
090	Chair Montgomery	Closes the public hearing and opens the work session on SB 738-A.
<u>SB 738-A -</u> WORK SESSION		
091	Rep. Roberts	MOTION: Moves SB 738-A to the floor with a DO PASS recommendation.
093		
	<u> </u>	AYE: In a roll call vote, all members present vote Aye.
	Chair Montgomery	The motion CARRIES. REP. WELLS will lead discussion on the floor.
095	Chair Montgomery	Closes the work session on SB 738-A and opens the public hearing on SB 1023-B.
<u>SB 1023-B -</u> <u>PUBLIC</u> HEARING		
101	Rep. Roger Beyer	Reports that the groups met at the direction of the Chair and did not reach agreement, and advises that amendments have been requested from Legislative Council but have not been received.
110	Kristina McNitt	Oregon Farm Bureau Federation, submits proposed amendments and testifies in support of SB 1023-B (EXHIBIT D):
		* Farm Bureau has brought the bill to address a state-wide critical issue of farm-to-market access, and the impact transportation has on competitive marketing of Oregon's agricultural products
		* truck transportation is the major mode used by agriculture shippers

Terry Thompson Rep. Wells Steve Johnson Rep. Wells Johnson Rep. Wells	 * for safety reasons, tracking capabilities of modern vehicles allow a 53-foot trailer to travel in the small manner as a smaller trailer * Oregon's regulations have not kept pace with industry advances * only recourse for a farmer is to go through the permit process for each highway under consideration; method is very time consuming, costly for small business and guarantees nothing for future growing seasons An agricultural producer in Oregon, testifies in support of SB 1023-B (EXHIBIT E). Asks if the Oregon Department of Transportation has seen the amendments. Manager, Field Services, Motor Carrier Transportation Branch, Oregon Department of Transportation (ODOT), responds he has seen the amendments and sees a lot of problems with them. Asks how ODOT handles 73 foot trucks on highways once they pull off the freeway. Explains regulations on various size vehicles on certain roads. Discussion continues. Notes language in subsection (2) and asks if there could be an impossibility of complying with the subsection.
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Rep. Wells	
Johnson	Explains it means the only way ODOT or State Police or anyone would be able to cite the truck is to see them going over the line.
Chair Montgomery	Asks if ODOT and the farm interests are going to be able to negotiate an agreement.
Johnson	Responds negatively and adds that ODOT will be glad to work with them to streamline the permit process where possible, and that the best ways to resolve the issues is to work with the Motor Carrier Transportation Advisory Committee and other existing committees.
Rep. Wells	Comments that the Association of Oregon Counties have said they would be willing to work on the issue as a project to look at the entire variance permitting process, availability, and communication issues, and feels that is a good solution for the county issues.
Rep. Wells	Adds that without the bill he does not know how they will get the 53- foot trailers in to get the Christmas trees out because there is no permit available.
Johnson	Responds they did resolve the Christmas tree situation on Highway 214 and that permits were issued and will be issued this year. Adds there was no funding available and it was a cooperative effort between the farmers residing on the road and ODOT, but there is still an enforcement issue.
F	Rep. Wells

		VOTE: 7-0
128	Rep. Harper	MOTION: Moves SB 1023-B to the floor with a DO PASS AS AMENDED recommendation.
	Chair Montgomery	Hearing no objection, declares the motion CARRIED.
		VOTE: 7-0
115	Putman	Advises that testimony was that on Highway 214 there had been some widening and restripping on various corners to ease movement of the 53-foot length vehicles, but that there are other problems elsewhere.
110	Rep. Lokan	Asks if there are portions of the road that can be widened without too much expense.
<u>SB 1023-B -</u> <u>WORK</u> <u>SESSION</u> 108	Rep. Harper	MOTION: Moves to ADOPT the amendments offered by Kristina McNitt, Oregon Farm Bureau Federation, to SB 1023-B.
103	Chair Montgomery	Closes the public hearing and opens the work session on SB 1023-B.
090		* whether the problem is subsection (2) (EXHIBIT D)
071		* what part of the bill causes problem
053		* definition of "kingpin" and point of measurement
		* meaning of "to deem the state highway involved capable of handling longer combination" (EXHIBIT D)
		Issues discussed:
033	Johnson	Continues comments on the road system and permit process.
019	Johnson	Explains they would lose control because there currently is a system that says they cannot go over the lines and the roads are approved on that basis; it throws out the classification system that says where trucks can go, and says if they meet the criteria, they are only in violation if they are seen going over the line.
014	Rep. Harper	Comments the amendments describe the trucks and make it clear, and asks why the county would lose control.
TAPE 128,	B	
		* whether the county would lose control over trucks on county roads
109		* whether the complexity of the permit process is an issue
409		* whether the issue is trucks that haul Christmas trees
387	Bill Worster	Adds that Bill Penhollow committed Association of Oregon Counties to work on this, and commits Marion County to take a lead to work out a solution that everyone can live with that does not require legislation. Issues discussed:

131		AYE: In a roll call vote, all members present vote Aye.	
Chair Montge	Chair	The motion CARRIES.	
	Chair Montgomery	REP. ROGER BEYER will lead discussion on the floor.	
140	Chair Montgomery	Closes the work session on SB 1023-B and opens the public hearing on SB 1154-A.	
<u>SB 1154-A -</u> <u>PUBLIC</u> HEARING			
143	Keith Putman	Administrator, review provisions of SB 1154-A.	
160	Sen. David Nelson	Testifies in support of SB 1154-A:	
		* advances in technology and types of crops have allowed conservation of water	
		* able to grow more crops with less water because of technology	
		* would allow uses of water for more beneficial uses	
183	Rep. Ben Westlund	Testifies in support of SB 1154-A:	
		* bill has enabling language to provide the irrigation district the ability to utilize a \$30 million water conservation project that will put 30 percent more water into the Deschutes River during the low flow in the summer time when irrigators are using the water	
		* the amendments (EXHIBIT F) give more teeth to the bill	
		* amendments (EXHIBIT F) sunset the ability of members of irrigating districts to apply for supplemental water rights in two and one-half years	
221		* everyone agrees with the amendment	
		* the "half-amendment" deals with supplemental water rights and if a person conserves water during times of plenty and does not use his supplemental right, they would not lose the supplemental right	
234		* Water Resources Department (WRD) has never yanked a supplemental use due to additional water	
		* will not ask for the half-amendment	
252	Martha Pagel	Director, Water Resources Department, testifies in support of SB 1154-A (EXHIBIT G).	
290	Pagel	Continues presentation.	
316	Jan Lee	Oregon Water Resources Congress, testifies in support of SB 1154-A (EXHIBIT H), and adds they are all right with the priority date sunset.	
340	Rep. Josi	Suggests the committee hold a work session on SB 1154-A.	
		Adds there was an additional concept some people wanted to add to the bill that relates to supplemental water rights and potential for canceling	

351	Pagel	them; it is the intention on behalf of the department to work with the interest during the interim to try to develop something for the next legislative session.
360	Chair Montgomery	Closes the public hearing and opens the work session on SB 1154-A.
361	Rep. Josi	MOTION: Moves to ADOPT SB 1154-A4 amendments dated 06/13/97.
364		VOTE: 7-0
	Chair Montgomery	Hearing no objection, declares the motion CARRIED.
365	Rep. Josi	MOTION: Moves SB 1154A to the floor with a DO PASS AS AMENDED recommendation.
368		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Montgomery	The motion CARRIES. REP. JOSI will lead discussion on the floor.
	Chair Montgomery	Closes the work session on SB 1154-A and opens the public hearing on SB 953-A.
<u>SB 953-A -</u> <u>PUBLIC</u> HEARING		
389	Keith Putman	Administrator, reviews provisions of SB 953-A.
411	Marshall Coba	Oregon Trucking Association, testifies in support of SB 953-A:
		* is a good highway safety bill supported by the Oregon Trucking Association and other trucking industries
		* bill was developed by the Motor Carrier Transportation Advisory Committee, a work group consisting of ODOT, State Police and other interested parties met during the interim
		* purpose of bill is to place in statute a requirement that carriers obtaining authority must make their vehicles available for safety inspection
		* streamlines the procedure for suspending a carrier for non- compliance and makes the suspension consistent with current administrative suspension for failure to attend the motor carrier education program
		* allows ODOT to continue to require carriers to produce their vehicle for inspection, provides a more efficient and cost effective method for suspending carriers for failure to make vehicles available for inspection, and would make suspensions consistent with administrative suspensions currently imposed without compromising the carriers' due

		process
440	David McCain	Department of Transportation, offers to answer questions.
TAPE 129, B]	
	j	Issues discussed:
039		* periodic safety checks
080		* fiscal impact on Oregon Department of Transportation
096		* whether the intent is state vehicles will have the same standards as private vehicles
131		* why should new vehicles be inspected within three months of purchase
131		* whether there would be a regular inspection schedule
146	Chair Montgomery	Closes the public hearing and opens the work session on SB 953-A.
<u>SB 953-A -</u> WORK SESSION		
		Issues discussed:
150		* whether new vehicles have safety problems within 90 days
		* level playing field for public and private vehicles
167	Rep. Roberts	MOTION: Moves SB 953-A to the floor with a DO PASS recommendation.
174		VOTE: 5-1 AYE: 5 - Harper, Lehman, Lokan, Roberts, Montgomery NAY: 1 - Wells EXCUSED: 1 - Josi
	Chair	The motion CARRIES.
	Montgomery	REP. HARPER will lead discussion on the floor.
180	Chair Montgomery	Closes the work session on SB 953-A and opens the public hearing on SB 1036-A.
<u>SB 1036-A -</u> <u>PUBLIC</u> HEARING		
181	Sen. Neil Bryant	Testifies in support of SB 1036-A and submits proposed amendments (EXHIBIT I):
		* corrects a tactic that has been used by attorneys over the past few years which creates an injustice to the landowners

		requires full disclosure of appraisals ahead of time
194		* gives example of case of condemnation by the State of Oregon
		Issues discussed:
235		* why last-minute low-ball offers are made to the land owners
296		* SB 1036-A8 amendments are a compromise with the Oregon Department of Transportation
305	Larry Campbell	Oregon Litigation Reform Coalition, testifies in support of SB 1036-A:
		* many condemnations are small pieces of property, and relatively small amounts of money which makes it more difficult for the landowner to challenge
		* allows landowner to take it to arbitration
		* if compensation is \$20,000 or less, arbitration is binding; if it is \$20,000 to \$50,000, at the request of the landowner, the arbitration can be binding
331	Al Lightner	Oregon Department of Transportation, Right of Way, submits statement (EXHIBIT J) and testifies in support of SB 1036-A with the -A8 amendments.
350	Chair Montgomery	Closes the public hearing and opens the work session on SB 1036-A.
WORK SESSION 352	Rep. Roberts	MOTION: Moves to ADOPT SB 1036-A8 amendments dated 06/16/97.
355		VOTE: 7-0
	Chair Montgomery	Hearing no objection, declares the motion CARRIED.
356	Rep. Roberts	MOTION: Moves SB 1036-A to the floor with a DO PASS AS AMENDED recommendation.
356		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Montgomery	The motion CARRIES. REP. LOKAN will lead discussion on the floor.
271	Chair	Closes the work session on SB 1036-A and opens the public hearing or SB 372-A.
5/1	Montgomery	SD 572-A.
371 <u>SB 372-A -</u> <u>PUBLIC</u> <u>HEARING</u>	Montgomery	SD 372-A.

		(EXHIBIT K), and the SB 372-A9 amendments (EXHIBIT L).
410	Putman	Continues explanation.
TAPE 130, A		
025	Jon Mangis	Director, Oregon Department of Veterans Affairs, testifies in support of SB 372-A:
		* supports -A8 and -A9 amendments
		* allows director of Veterans Affairs to make application for the generic plate
		* up-front money is required for Oregon Department of Motor Vehicles to get the program going; no War Veterans Fund dollars will be used, the department will front the money available from several sources
		* money from sale of the plates will go to support Oregon Veterans Trust Fund to support the Oregon veterans home under construction in The Dalles
		* has support of various groups and the Department of Motor Vehicles
		Issues discussed:
046		* how higher education got into the bill
054	Richard Lucht	United Veterans of Oregon, testifies in support of SB 372-A (EXHIBIT M).
		Issues discussed:
070		* proof of veteran status
		* definition of veteran
095	Kelli Taylor	Oregon Department of Transportation, explains all veteran group plates are \$5 per plate, the college plate is \$16 per plate, and the salmon plate is \$15.
106	Kurt Bailey	University of Oregon, testifies in support of SB 372-A (EXHIBIT N).
125	Chair Montgomery	Closes the public hearing and opens the work session on SB 372-A.
<u>SB 372-A -</u> WORK SESSION		
136	Rep. Lehman	MOTION: Moves to ADOPT SB 372-A8 amendments dated 06/13/97.
140		Issues discussed:
		* General Fund moneys
154		VOTE: 7-0
	Chair	Hearing no objection, declares the motion CARRIED.

	Montgomery	
154	Rep. Lehman	MOTION: Moves to ADOPT SB 372-A9 amendments dated 06/16/97.
156		VOTE: 7-0
	Chair Montgomery	Hearing no objection, declares the motion CARRIED.
157	Rep. Lehman	MOTION: Moves SB 372-A to the floor with a DO PASS AS AMENDED recommendation.
157		VOTE: 7-0
	Chair Montgomery	Hearing no objection, declares the motion CARRIED. REP. LEHMAN will lead discussion on the floor.
147	Chair Montgomery	Closes the work session on SB 372-A and opens the public hearing on SB 392-A.
SB 392-A - PUBLIC HEARING		
	Keith Putman	Administrator, reviews provisions of SB 392-A.
198	Rob Bovett	Office of Lincoln County Legal Counsel, testifies in support of SB 392-A (EXHIBIT 0).
		Issues discussed:
248		* types of property with a value of \$5,000 or less
255	Dan Vizzini	Assessments Manager, City of Portland, testifies in support of SB 392- A:
		* there is separation of language for properties worth \$5,000 and language that refers to the distribution of proceeds from a county land sale; the distribution language applies to all parcels, not just the \$5,000 parcels
287		* cities and counties compete when both have competing liens on the property; intent is to eliminate competition
		* if bill passes, it will supersede agreement between the City of Portland and Multnomah County
		* liens covered by distribution portion of the bill cover all municipal improvement liens (local improvement districts, system development charges, the repair of sidewalks and the abatement of nuisances)
294		* SB 392-A applies only to cities
307	Chair Montgomery	Closes the public hearing and opens the work session on SB 392-A.
<u>SB 392-A -</u> WORK SESSION		

310		MOTION: Moves SB 392-A to the floor with a DO PASS recommendation.
313		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
	Chair	The motion CARRIES. REP. LEHMAN will lead discussion on the floor.
318	Chair Montgomery	Closes the work session on SB 392-A and adjourns the meeting at 10:48 a.m.

Submitted By, Reviewed By,

Annetta Mullins, Keith Putman,

Administrative Support Administrator

EXHIBIT SUMMARY

- A SB 738, prepared statement, Sen. Susan Castillo, 1 p
- B SB 738, prepared statement, Frank Blachly, 1 p
- C SB 738, prepared statement, Carol Hannibal, 3 pp
- D SB 1023, conceptual amendments, Kristina McNitt, 1 p
- E SB 1023, prepared statement, Terry Thompson, 3 pp
- F SB 1154, SB 1154-A4 amendments, Rep. Ben Westlund, 1 p
- G SB 1154, prepared statement, Martha Pagel, 3 pp
- H SB 1154, prepared statement, Jan Lee, 6 pp
- I SB 1036, SB 1036-A8 amendments, Sen. Neil Bryant, 2 pp
- J SB 1036, prepared statement, Al Lightner, 1 p
- K SB 372, SB 372-A8 amendments, Rep. Mike Lehman, 3 pp
- L SB 372, SB 372-A9 amendments, unknown, 1 p
- M SB 372, prepared statement, Richard Lucht, 2 pp
- N SB 372, prepared statement, Kurt Bailey, 2 pp

O - SB 392, prepared statement, Rob Bovett, 1 p