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**SENATE COMMITTEE ON PARKS**

**April 22, 1997 Hearing Room 137**

**3:00 PM Tapes 38 - 39**

**MEMBERS PRESENT:**

**Sen. Gary George, Chair**

**Sen. Bill Dwyer, Vice-Chair**

**Sen. Joan Dukes**

**Sen. Verne Duncan**

**Sen. Veral Tarno**

**MEMBER EXCUSED:**

**STAFF PRESENT:**

**Glen Stonebrink, Administrator**

**Brad Harper, Administrative Support**

**MEASURE/ISSUES HEARD:**

**SB 1022 Public Hearing**

**SB 931 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.**

| <b>Tape/#</b>                                | <b>Speaker</b>  | <b>Comments</b>                                                                                                                                                                                                                                               |
|----------------------------------------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>TAPE 38, A</b>                            |                 |                                                                                                                                                                                                                                                               |
| 005                                          | Chair<br>George | Convenes meeting at 3:15 PM and opens public hearing on SB 1022.                                                                                                                                                                                              |
| <b><u>SB 1022<br/>PUBLIC<br/>HEARING</u></b> |                 |                                                                                                                                                                                                                                                               |
| 014                                          | Kelly<br>Taylor | Representing Oregon Department of Transportation (ODOT). Submits written materials ( <b>EXHIBIT A</b> ). Discussion of current ODOT use of Department of Motor Vehicle fees. Concern regarding potential conflict with Oregon Constitution caused by SB 1022. |
| 047                                          | Chair<br>George | Question regarding proposed amendments.                                                                                                                                                                                                                       |
| 051                                          | Sen. Dwyer      | Comments regarding Attorney General's opinion.                                                                                                                                                                                                                |
| 065                                          | Dale<br>Hormann | Representing Oregon Department of Justice. Discussion of potential conflicts between SB 1022 and Oregon Constitution.                                                                                                                                         |
| 088                                          | Sen. Dwyer      | Comparison of prior vanity plates legislation to SB 1022.                                                                                                                                                                                                     |
| 103                                          | Hormann         | Comment                                                                                                                                                                                                                                                       |
| 107                                          | Chair<br>George | Question regarding vanity plate program.                                                                                                                                                                                                                      |
| 113                                          | Hormann         | Agrees that program is being subsidized by ODOT.                                                                                                                                                                                                              |
| 118                                          | Chair<br>George | Question regarding subsidies for private enterprise.                                                                                                                                                                                                          |
| 122                                          | Hormann         | Discussion of contracting practices.                                                                                                                                                                                                                          |
| 130                                          | Chair<br>George | Question regarding state administration of vanity plates program.                                                                                                                                                                                             |
| 135                                          | Hormann         | Discussion of state agency practices.                                                                                                                                                                                                                         |
| 147                                          | Sen. Dwyer      | Question regarding proposed changes to SB 1022.                                                                                                                                                                                                               |
| 152                                          | Hormann         | Revenue generation is still problematic.                                                                                                                                                                                                                      |
| 158                                          | Sen.<br>Duncan  | Question regarding highway fund.                                                                                                                                                                                                                              |
| 160                                          | Hormann         | Response                                                                                                                                                                                                                                                      |
| 162                                          | Sen. Dwyer      | Comments that vanity plate income should also go to highway fund.                                                                                                                                                                                             |

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| 168               | Gary<br>Wilhelms | Representing Senate President Brady Adams' Staff. Submits written materials ( <b>EXHIBIT B</b> ). Supports SB 1022 and discusses constitutionality issues. |
| 210               | Hormann          | Further discussion of concerns regarding constitutionality of SB 1022.                                                                                     |
| 230               | Sen. Dwyer       | Discussion of legislative practice and question regarding potential legal challenge.                                                                       |
| 246               | Hormann          | Discussion of taxpayer suits.                                                                                                                              |
| 250               | Sen.<br>Duncan   | Discussion of divergent legal opinions. Suggests allowing courts to resolve issue.                                                                         |
| 263               | Sen. Dwyer       | Comment regarding limited options.                                                                                                                         |
| 276               | Wilhelms         | Discussion of background underlying SB 1022 and potential consequences.                                                                                    |
| 298               | Sen. Dwyer       | Question regarding options for minimizing risks.                                                                                                           |
| 300               | Hormann          | Attorney General's Office does not have any suggestions.                                                                                                   |
| 315               | Chair<br>George  | Question                                                                                                                                                   |
| 318               | Hormann          | Response                                                                                                                                                   |
| 320               | Wilhelms         | Discussion of proposed amendments.                                                                                                                         |
| 366               | Chair<br>George  | Question regarding estimated revenue.                                                                                                                      |
| 372               | Wilhelms         | Response                                                                                                                                                   |
| 400               | Sen.<br>Duncan   | Question regarding records requests.                                                                                                                       |
| 404               | Taylor           | Discussion of various requests made of ODOT.                                                                                                               |
| 418               | Chair<br>George  | Question regarding fee schedule.                                                                                                                           |
| 423               | Taylor           | Response                                                                                                                                                   |
| <b>TAPE 39, A</b> |                  |                                                                                                                                                            |
| 022               | Wilhelms         | Discussion of nature of inquiries to ODOT.                                                                                                                 |
| 030               | Taylor           | Comparison of fee schedules in other states.                                                                                                               |
| 048               | Sen. Tarno       | Question regarding differential fees to private citizens versus insurance companies.                                                                       |
| 052               | Taylor           | Discussion of public records and further discussion of comparative fee schedules.                                                                          |
| 060               | Wilhelms         | Comment                                                                                                                                                    |
| 065               | Sen. Tarno       | Comment regarding employer issues.                                                                                                                         |
| 070               | Sen. Dwyer       | Discussion of unresolved issues.                                                                                                                           |
| 078               | Taylor           | Discussion of recovered costs from vanity plates program.                                                                                                  |
| 083               | Sen. Dwyer       | Question regarding surcharge.                                                                                                                              |
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| 086                                                                   | Taylor       | Discussion of program set-up costs and return.                                                                                                                                             |
| 091                                                                   | Sen. Dwyer   | Question regarding constitutionality concerns.                                                                                                                                             |
| 093                                                                   | Hormann      | Discussion of current Oregon caselaw.                                                                                                                                                      |
| 101                                                                   | Sen. Dwyer   | Question regarding spending.                                                                                                                                                               |
| 106                                                                   | Hormann      | Agrees that current program raises constitutional issues.                                                                                                                                  |
| 111                                                                   | Sen. Duncan  | Question regarding California practices.                                                                                                                                                   |
| 116                                                                   | Taylor       | Discussion of California legislation and federal Driver Privacy Protection Act.                                                                                                            |
| 143                                                                   | Sen. Dwyer   | Discussion of revenue raised under California policy.                                                                                                                                      |
| 152                                                                   | Sen. Dukes   | Further discussion California policy and issues facing Oregon Department of Justice.                                                                                                       |
| 177                                                                   | Chair George | Question regarding proposed amendments to SB 1022.                                                                                                                                         |
| 194                                                                   | Taylor       | Discussion of HB 2096.                                                                                                                                                                     |
| 207                                                                   | Sen. Dukes   | Discussion regarding limitations of proposed legislation.                                                                                                                                  |
| 220                                                                   | Taylor       | Further discussion of disclosure issues.                                                                                                                                                   |
| 225                                                                   | Wilhelms     | Only one set of proposed amendments to SB 1022.                                                                                                                                            |
| 235                                                                   | Chair George | Question regarding federal regulations.                                                                                                                                                    |
| 245                                                                   | Taylor       | Discussion of HB 2096.                                                                                                                                                                     |
| 247                                                                   | Sen. Dwyer   | Comment                                                                                                                                                                                    |
| 260                                                                   | Greg Sursan  | Representing Consumer Information Service. Opposes SB 1022.                                                                                                                                |
| 296                                                                   | Bob Meinen   | Director, Oregon State Parks & Recreation Department (OPRD). Submits written testimony ( <b>EXHIBIT C</b> ). Supports SB 1022. Discussion of relationship between motor vehicles and OPRD. |
| 375                                                                   | Chair George | Question regarding creation of OPRD.                                                                                                                                                       |
| 377                                                                   | Meinen       | OPRD originally formed as division of ODOT.                                                                                                                                                |
| 387                                                                   | Chair George | Question regarding recreational vehicles.                                                                                                                                                  |
| 389                                                                   | Meinen       | Discussion of constitutional issues.                                                                                                                                                       |
| 401                                                                   | Chair George | Closes public hearing and opens public hearing on SB 931.                                                                                                                                  |
| <b><u>SB 931</u></b><br><b><u>PUBLIC</u></b><br><b><u>HEARING</u></b> |              |                                                                                                                                                                                            |
| 440                                                                   | Chair George | Question of Bob Meinen.                                                                                                                                                                    |
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| <b>TAPE 38, B</b>          |              |                                                                                                                                    |
| 020                        | Bob Meinen   | Director, Oregon Parks & Recreation Department (OPRD). Response                                                                    |
| 030                        | Sen. Dwyer   | Question regarding protection from fee increases.                                                                                  |
| 040                        | Meinen       | Discussion of past agreements with county governments.                                                                             |
| 048                        | Sen. Dwyer   | Suggests placing fee schedule into statute.                                                                                        |
| 050                        | Meinen       | Agrees that specific language is necessary.                                                                                        |
| 057                        | Sen. Dwyer   | Question regarding revenue sharing.                                                                                                |
| 061                        | Meinen       | Discussion of revenue issues.                                                                                                      |
| 080                        | Chair George | Question regarding OPRD discretion under proposed legislation.                                                                     |
| 084                        | Nan Evans    | Representing OPRD. Discussion of SB 931.                                                                                           |
| 095                        | Chair George | Discussion of non-profit proposal.                                                                                                 |
| 105                        | Sen. Tarno   | Suggests language to address proposal.                                                                                             |
| 112                        | Meinen       | Interpretation of current version of SB 931.                                                                                       |
| 157                        | Sen. Duncan  | Question regarding leasing practices.                                                                                              |
| 166                        | Meinen       | Discussion of current leasing practices.                                                                                           |
| 173                        | Sen. Duncan  | Comment                                                                                                                            |
| 175                        | Sen. Dwyer   | Concern that free day-use areas will disappear.                                                                                    |
| 188                        | Sen. Dukes   | Concern regarding term "sale" within SB 931.                                                                                       |
| 206                        | Meinen       | OPRD currently has discretion to transfer lands.                                                                                   |
| 220                        | Sen. Dukes   | Comment                                                                                                                            |
| 221                        | Chair George | Closes public hearing and opens work session on SB 931.                                                                            |
| <b>SB 931 WORK SESSION</b> |              |                                                                                                                                    |
| 222                        | Chair George | Deletes word "sale" from SB 931. Further discussion of leasing agreements.                                                         |
| 255                        | Sen. Dukes   | Question regarding additional discretion afforded OPRD under SB 931.                                                               |
| 260                        | Meinen       | OPRD currently has discretion contained in SB 931, but legislation provides clear policy statement which does not currently exist. |
| 285                        | Sen. Dukes   | Question                                                                                                                           |
| 287                        | Meinen       | Discussion of OPRD standards.                                                                                                      |
| 296                        | Sen. Dukes   | Question regarding incentive for county governments to participate.                                                                |
| 300                        | Meinen       | Response                                                                                                                           |
| 322                        | Sen.         | Question regarding deletion of language.                                                                                           |

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|                   | Duncan             |                                                                              |
| 330               | Meinen             | Discussion of concerns regarding employee issues.                            |
| 359               | Chair<br>George    | Discussion of transactional costs.                                           |
| 381               | Meinen             | Discussion of estimated savings.                                             |
| 412               | Sen. Dwyer         | Comments regarding problems with SB 931.                                     |
| 447               | Chair<br>George    | Comment                                                                      |
| <b>TAPE 39, B</b> |                    |                                                                              |
| 030               | Sen. Dwyer         | Further discussion of concerns.                                              |
| 035               | Chair<br>George    | Believes current proposal addresses concerns.                                |
| 051               | Sen. Dukes         | Discussion of Sen. Dwyer's concerns. Suggests specific amendments to SB 931. |
| 076               | Chair<br>George    | Further discussion of SB 931.                                                |
| 085               | Sen. Dukes         | Suggests language.                                                           |
| 089               | Sen. Dwyer         | Suggests language.                                                           |
| 097               | Chair<br>George    | Discussion of legislative intent.                                            |
| 103               | Sen. Dwyer         | Further discussion of legislative intent.                                    |
| 107               | Meinen             | OPRD would exercise discretion to retain profitable parks.                   |
| 118               | Sen. Dukes         | Comment                                                                      |
| 120               | Sen. Tarno         | Comment                                                                      |
| 122               | Sen.<br>Duncan     | Discussion of concerns regarding disproportionate fee schedules.             |
| 141               | Glen<br>Stonebrink | Committee Administrator. Question regarding proposed amendments.             |
| 156               | Meinen             | Suggestion regarding proposed amendments.                                    |
| 179               | Evans              | Summarizes proposed amendments.                                              |
| 181               | Sen.<br>Duncan     | Suggests including city governments into SB 931.                             |
| 185               | Chair<br>George    | Question regarding current OPRD practices.                                   |
| 188               | Meinen             | Response                                                                     |
| 205               | Sen. Dwyer         | Suggests specific terminology regarding "government entities."               |
| 213               | Meinen             | Supports proposal.                                                           |
| 240               | Chair<br>George    | Closes work session and adjourns meeting at 4:55 PM.                         |

**Submitted By, Reviewed By,**

**Brad Harper Glen Stonebrink**

**Administrative Assistant Administrator**

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**EXHIBIT SUMMARY**

**A - SB 1022, written materials, Kelly Taylor, 5 pp.**

**B - SB 1022, written materials, Gary Wilhelms, 3 pp.**

**C - SB 1022, written testimony, Bob Meinen, 2 pp.**

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