

SENATE COMMITTEE ON TRANSPORTATION

March 12, 1997 Hearing Room C

1:15 P.M. Tapes 36 - 37

MEMBERS PRESENT:

Sen. Marylin Shannon, Chair

Sen. Ken Baker, Vice-Chair

Sen. Joan Dukes

Sen. Gary George

Sen. Mae Yih

MEMBER EXCUSED:

STAFF PRESENT:

Lin Ludwick, Administrator

Nora Carlson, Administrative Support

MEASURE/ISSUES HEARD:

SJR 6 - 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 36, A		
003	Chair Shannon	Calls meeting to order at 1: 20 p.m. Opens public hearing on SJR 6.
<u>SJR 6 - PUBLIC HEARING</u>		
005	Don Underwood	Services Director, Oregon Department of Forestry, submits testimony and proposed amendments to SJR 6 (EXHIBIT A).
060	Underwood	Continues with testimony on problems in sharing aircraft resources.
095	Chair Shannon	Refers to page five of the handout and asks if it is the amendment language they recommend.
110	Underwood	Agrees and describes discussions held with the Helicopter Association

		on the proposed amendment language.
115	Chair Shannon	Asks if the people in the private sector who own helicopters have to make the same investment to modify their own aircraft.
119	Underwood	Explains that it would be cost effective for the private sector because they would be able to use the modifications in all of their operation and that the forestry department could only use it for fire suppression.
125	Chair Shannon	Comments that if an aircraft is airborne, it should not make a difference whether someone is responding to a fire, the issue is to have a safe aircraft.
128	Underwood	Responds that all aircraft are considered to be safe.
133	Jack Prukop	Chief Pilot for the Oregon Department of Forestry, describes maintenance standards required in order to obtain a category certificate or a restricted certificate.
149	Chair Shannon	Asks about the equity for the people that are profit oriented who have to pay much more with their helicopters.
153	Prukop	Responds that they would not spend more because they operate in a restricted category.
167	Sen. George	Comments on the maintenance required on different aircraft and observes that the aircraft they inherited may not be up to standards.
184	Underwood	Responds that the state police had maintained extensive maintenance records on their aircraft.
192	Sen. Baker	Asks why fix-wing aircraft was not included in the bill.
197	Underwood	Explains that Sen. George has provided amendments to include fix-winged aircraft, member handout (EXHIBIT G).
200	Sen. Baker	Asks whether the purpose to use the military aircraft by restricted certificate order was to haul freight or other fire suppression activities.
210	Underwood	Responds that public use rules for a restricted category is not required.
212	Sen. Baker	Asks if there is a regularly posted maintenance schedule on the aircraft.
213	Underwood	Responds that there are extensive rules that come with federal excess property programs.
214	Sen. Baker	Question regarding accident rates in public versus private aircraft.
260	Mark Gibson	Timberland Logging, provides testimony and submits proposed amendments to SJR 6 (EXHIBIT B).
300	Gibson	Continues with testimony on proposed amendments.
350	Gibson	Submits written testimony on behalf of B.L. Kaufman, President of the Croman Corporation (EXHIBIT C).
355	Gibson	Submits written testimony on behalf of Frank L. Jenson, President of the Helicopter Association International (EXHIBIT D).
400	Gibson	Continues with testimony on restricted category aircraft.

TAPE 37, A		
023	Wayne Moreland	President, Idaho Air, submits testimony in opposition to SJR 6 (EXHIBIT E).
085	Moreland	Continues with testimony on the Federal Aviation Administration (FAA) regulations on public use aircraft.
134	Steve Albert	FAA Safety Inspector, submits testimony in opposition to SJR 6 (EXHIBIT F).
160	Henry Baller	FAA Inspector, provides self introduction.
162	Albert	Continues with testimony on FAA's safety objectives.
193	Chair Shannon	Asks if the FAA agreed with the proposed amendments
200	Albert	Agrees with the proposed amendments but is unclear on how it would pertain to the preemptive statutes.
205	Sen. Baker	Asks if Mr. Albert believes there is a safety problem within the State of Oregon, or its agencies, in operating military aircraft.
208	Albert	Believes that there is not an identifiable safety issue currently in the State of Oregon.
218	Sen. Baker	Asks Mr. Albert to provide a synopsis of public law 103-411.
220	Albert	Defines public law 103-411 as an attempt to remove some confusion on operations conducted under public aircraft operations.
247	Bill Griffith	Board Member, Helicopter Association International, mirrors Mr. Gibson and the FAA's testimony on SJR 6.
275	Betsy Johnson	Manager, Aeronautics Division, Oregon Department of Transportation, submits and provides testimony in support of SJR 6 (EXHIBIT G).
317	Chair Shannon	Closes public hearing on SJR 6; opens work session on SJR 6.
<u>SJR 6 WORK SESSION</u>		
321	Sen. George	MOTION: Moves to ADOPT SJR 6 -2 amendments dated 3/12/97.
322	Chair Shannon	Hearing no objection, declares the motion CARRIED.
325	Sen. Yih	Asks Sen. George to explain the purpose of the proposed amendments.
328	Sen. George	Explains that his main thought is that if they are going to move in the direction of greater safety all aircraft should be included.
340	Sen. George	MOTION: Moves to ADOPT SJR 6-4 amendments dated 3/12/97.
	Chair	

345	Shannon	Hearing no objection, declares the motion CARRIED.
379	Sen. Dukes	Asks whether a motion to adopt the -1 amendments is required, member handout (EXHIBIT H).
380	Lin Ludwick	Explains that all the parties involved supported the -4 amendments.
385	Sen. Dukes	Asks about the -3 amendments which applies only to aircraft that are "owned and operated." Member handout (EXHIBIT H).
410	Sen. Dukes	MOTION: Moves to ADOPT SJR 6-3 amendments dated 3/12/97.
TAPE 36, B		
015	Chair Shannon	Asks if someone from the work group could explain why the -3 amendments were not recommended.
020	Underwood	Responds that the forestry department supports the -3 amendments and discussion was held to clarify language to make it more specific.
028	Bill Griffith	Responds that there was confusion on the "comparable to" language on the -3 amendments.
035	Sen. Dukes	Asks Mr. Griffith if he would support the -3 amendments if line 2 was deleted.
044	Griffith	Responds that he would also like to keep "or" language on line 1.
050	Underwood	Explains that the reason for deleting "or" and inserting "and" in amendment language is because it would apply only to aircraft that was owned and operated by the State of Oregon.
055	Sen. Dukes	Question regarding the southern Oregon bid contract.
110	Sen. Dukes	Asks Mr. Gibson why he opposes "and, or" language on the -3 amendments.
122	Gibson	Responds that the State of Oregon can contract with a private contractor under an exclusive use agreement and any aircraft not owned by the state would be available for the public use exemption.
150	Sen. Dukes	Observes that agencies can be selective with their contracts.
153	Gibson	Responds that in the private sector all operators have to meet civil standards.
159	Sen. Dukes	Asks if his concern is that someone would operate under contract for more than 90 days and allow their maintenance to fall below standards.
161	Gibson	Refers to the accident statistics which show that most of the aircraft was owned by civil operators and after discontinuous use agreement they fell under public use guidelines where there is no oversight.
163	Chair Shannon	Asks about the department's pre-season contract.
165	Gibson	Responds that they contract with the state under a C.W.N. (Call When Needed) contract which is for a duration of a year and is not an exclusive use contract.
		Asks about their belief that they would contract with groups who

180	Sen. Dukes	would allow their maintenance levels to slip.
182	Underwood	Responds that they have specific contract requirements.
224	Sen. George	Voices opposition to the -3 amendments and cites a lear jet incident described in previous (2/14/97) testimony.
229	Prukop	Explains that the jet was modified for a military purpose and someone failed to install electrical breakers.
258	Sen. George	Comments on the aircraft accident potential if operating standards are not maintained.
287	Gibson	Comments that a tentative agreement was made to change "owned or operated by" language to read "or under the operational control."
300	Chair Shannon	Explains that they can choose to have another hearing because the committee cannot accept any amendments which have not been passed out by Legislative Counsel.
310	Sen. Baker	Proposes conceptual amendment by including "after inspection by the FAA" language in the bill so that operations remains equal to or better than standards prescribed for civil aircraft.
326	Sen. Dukes	Comments that conceptual amendments had been done for years and that conceptual amendments could be passed out contingent to legislative counsel.
334	Sen. George	MOTION: Moves to FURTHER AMEND SJR 6-3 amendments dated 03/12/97 by deleting lines 1 and 2 on page 1.
335	Chair Shannon	Hearing no objection, declares the motion CARRIED.
336	Sen. George	MOTION: Requests to WITHDRAW previous motion to SJR 6 -3 amendments to DELETE lines 1 and 2 on page 1.
338	Chair Shannon	Hearing no objection, declares the motion CARRIED.
340	Sen. Dukes	MOTION: Request to WITHDRAW previous motion to ADOPT SJR 6-3 amendments dated 10/3/97.
342	Chair Shannon	Hearing no objection, declares the motion CARRIED.
346	Sen. George	MOTION: Request to WITHDRAW previous motion to ADOPT SJR 6 -2 and -4 amendments dated 3/12/97.
350	Chair Shannon	Hearing no objection, declares the motion CARRIED.
401	Sen. Yih	Asks if all parties involved supported the conceptual amendments.
402	Underwood	Responds that they do not want include the word "civil" on line 8 of the bill because it would obligate them to bring their aircraft up to civil manufactured standards.
TAPE 37, B		
008	Sen. Yih	Questions regarding safety standards for aircraft.
		Comments that the bill is only a resolution and not a statute and asks if

020	Sen. Baker	it would bind the agency legally.
025	Underwood	Responds that it would not bind them legally but is aware of the agency's tendency to follow legislative intent.
028	Sen. George	Suggests that regulations could be included and agreed to prior to entering into a contract agreement.
052	Griffith	Responds that their concern is with their interstate contracts which allows them to use aircraft from other agencies.
070	Sen. Yih	Asks what is meant by air-worthiness certificate.
074	Griffith	Defines air-worthiness certificate as the FAA's method of confirming that an aircraft is operated and constructed in a safe manner.
081	Sen. Yih	Asks what is the difference between an air-worthy aircraft and an aircraft that has met operational and maintenance standards.
082	Griffith	Believes the difference to be an FAA oversight.
088	Sen. Baker	Comments that committee is agreeing to adopt conceptual amendment form and suggests referral to Legislative Counsel.
100	Sen. Yih	Comments that she does not want to pass out a resolution that will cause the Department of Forestry to accept higher bids.
112	Sen. Dukes	Comments that the conceptual amendments do not have to be adopted today, committee could wait for Legislative Counsel to form, which would allow more time for discussion.
120	Chair Shannon	Asks Mr. Gibson if he wanted the bill passed out with previous amendments and that further amendments could be cleaned up in the house chamber.
129	Gibson	Agrees to the proposed conceptual amendments.
143	Sen. George	Asks if the forestry department presently own any aircraft that would be affected by the proposed conceptual amendments.
145	Underwood	Responds that they do not.
150	Sen. Yih	Asks if the proposed amendments would affect their bidding process.
152	Underwood	Responds that it has the potential to affect the bidding process.
154	Chair Shannon	Confirms that proposed conceptual amendments will be drafted and brought back for further work session and possible adoption.
156	Chair Shannon	Voices committee agreement on the proposed conceptual amendments (-5 amendments post dated 3/17/97, submitted and made part of record) (EXHIBIT I).
158	Chair Shannon	Adjourns meeting at 2:58 p.m.

Submitted By, Reviewed By,

Nora Carlson, Lin Ludwick,

Administrative Support Administrator

EXHIBIT SUMMARY

A - SJR 6, written materials and proposed amendments, Don Underwood, 16 pp

B - SJR 6, testimony and proposed amendments, Mark Gibson, 3 pp

C - SJR 6, B.L. Kaufman submitted testimony, Mark Gibson, 1p

D - SJR 6, Frank L. Jenson submitted testimony, Mark Gibson, 26 pp

E - SJR 6, written testimony, Wayne Moreland, 2 pp

F - SJR 6, written testimony, Steve Albert 13 pp

G - SJR 6, written testimony, Betsy Johnson, 2 pp

H - SJR 6 -1, -2, -3 and -4 proposed amendments, committee staff, 4 pp

I- SJR 6 -5 proposed amendments, committee staff, 1 pp
