

HOUSE COMMITTEE ON
GENERAL GOVERNMENT AND REGULATORY REFORM
SUBCOMMITTEE ON TRANSPORTATION

Hearing Room
Tapes - 14

MEMBERS PRESENT:

Rep. Bill Markham, Acting Chair
Rep. Lonnie Roberts, Vice-Chair
Rep. Jerry Grisham
Rep. Mike Lehman
Rep. Ken Strobeck

MEMBER EXCUSED:

Rep. Cedric Hayden, Chair

STAFF PRESENT:

Anne Tweedt, Committee Counsel
Annetta Mullins, Committee Assistant

MEASURES HEARD:

HB 2390 - PUBLIC HEARING AND WORK SESSION
HB 2001 - PUBLIC HEARING
HB 3381 - PUBLIC HEARING
HB 2056 - PUBLIC HEARING AND WORK SESSION
HB 2759 - PUBLIC HEARING

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE , A

006 REP. MARKHAM: Calls the meeting to order at 1:24 p.m.

MS. TWEEDT: Advises the committee HB 3416 is being removed from agenda at the request of the sponsor because it is unnecessary. HB 3418 has two companion bills in the Senate and the Chair has requested we wait for those

companion bills before hearing HB 3418.

022 CHAIR MARKHAM: Opens the public hearing on HB 2390.

HB 2390 - PUBLIC HEARING

Witnesses: Kelly Taylor, DMV
Roger Robinson, Oregon Paralyzed Veterans of America
Butch Harbaugh, BikePAC of Oregon
Brian Delashmutt, Oregon Nurses Association

MS. TWEEDT: Reviews the Preliminary Staff Measure Summary (EXHIBIT A), the -1 amendments (EXHIBIT B), and the -2 amendments (EXHIBIT C).

054 KELLY TAYLOR, DMV: Submits a prepared statement on HB 2390 (EXHIBIT E).

> If given the authority, DMV would write an administrative rules that would accommodate where the placard should be in those vehicles where the placard would not be visible from the rear.

081 MS. TAYLOR, in response to a question from REP. ROBERTS: Explains the history of the family placard.

105 REP. ROBERTS: Why would we want to delete the family placard?

104 MS. TAYLOR: I don't know what the requester's intent was on family placards. DMV has issued 180 of them since 1991.

109 REP. ROBERTS: Advises the chair he wishes to maintain the provision for the family placard.

116 ROGER ROBINSON, Oregon Paralyzed Veterans of America: In the past three years there has been a large misuse of family issued placards. It has resulted in many citations being issued. At present, the family placard is not tied to any particular person; it is issued to the family only. If a family has one or more persons who are disabled, we believe they should have individual permits with the identification card or a driver's license so the officer can tie that individual to the permit. The permit should be issued at a minimal or no cost and be done by rule by the Department of Transportation.

151 ROGER ROBINSON, Government Relations Director, Oregon Paralyzed Veterans of America and the United Veterans Groups of Oregon: Submits and reads a prepared statement in support of HB 2390 (EXHIBIT D).

205 REP. ROBERTS: When we go into work session I will make a motion to maintain the family permit provision.

207 REP. GRISHAM: Can you offer more explanation as to why we are taking away veterans' rights to use their plate and requiring them to get a permit?

MR. ROBINSON: Prior to 1991, a veteran only had to be 40 percent disabled to receive a veteran plate. It could be anybody who is ambulatory. As of 1991 they come under the same guidelines as a disabled person. Since we started the parking enforcement program we have found a lot of violation by veterans' spouses and kids using the car to park.

216 CHAIR MARKHAM: Are you suggesting we not mess with the veteran plate but require them to have a permit?

228 MR. ROBINSON: Yes, that is what we are asking.

REP. ROBERTS: Would one permit and one temporary permit be a problem?

231 MR. ROBINSON: We would agree with that. Would it be with a 90-day expiration date?

MS. TAYLOR: Suggests there could be a limited temporary permit to take care of those who might want to travel.

275 MS. TWEEDT: What would the amendment do that takes out the fee?

276 MS. TAYLOR: Currently, DMV collects \$4, but the unit cost for the first one is over \$8. The unit cost projected on a second one is just under \$4.

With the amendments, in the first biennium DMV would probably have a shortfall of about \$300,000.

287 CHAIR MARKHAM: At \$10, would you break even.

288 MS. TAYLOR: If it were \$9, DMV would barely be making any extra money.

290 MR. ROBINSON: We were happy with the \$10 fee, so with \$9 we would be more than happy.

CHAIR MARKHAM: Closes the public hearing and opens the work session on HB 2390.

HB 2390 - WORK SESSION

300 REP. ROBERTS: Did the Committee Counsel touch on the -2 amendments?

301 MS. TWEEDT: Explains the -2 amendment would allow DMV to decide by rule where the placard would be located.

314 REP. ROBERTS: Questions whether there needs to be a provision in the bill on obstructing the view if the placard is left hanging on the mirror.

MS. TAYLOR: I am sure there is something about obstruction in the law. I will check the law and let the committee know. My preference would be to make the placard something that law enforcement and the volunteers can live with and something that is not too costly for us.

331 MOTION: CHAIR MARKHAM moves that the HB 2390-2 amendments BE ADOPTED.

VOTE: CHAIR MARKHAM, hearing no objection to the motion, declares the motion PASSED. REP. HAYDEN IS EXCUSED.

CHAIR MARKHAM: Closes the work session and reopens the public hearing on
HB 2390

HB 2390 - PUBLIC HEARING

339 BUTCH HARBAUGH, Legislative Director, BikePAC of Oregon: Submits and
summarizes a prepared statement (EXHIBIT F).

367 CHAIR MARKHAM: Have you discussed this with Kelly Taylor?

368 MR. HARBAUGH: I have talked with Ms. Taylor and we have worked it out.

My purpose today is to try to reinforce the nature of this effort.

382 MS. TAYLOR: As far as I can see, DMV probably has the authority now to
issue the permits. I had no idea they had wanted a decal stuck on their
bike. I think we can work with them and law enforcement to design
something that law enforcement can recognize. I have heard concerns from
motorcycle riders that the placards get swiped.

407 MR. HARBAUGH: That is quite satisfactory with us and we would like to
work with the paralyzed veterans because some of the problems we have seen
is with the volunteer enforcement of this law. When changes have occurred,

there has been a tremendous amount of confusion as to what is and isn't out

there. We want to work with them to make them assured there are many
motorcyclists who are disabled.

420 REP. STROBECK: What kind of disabilities are we talking about and what
are the devices that can aid an motorcyclist in being able to get around?

426 MR. HARBAUGH: In our motorcycling community, we have many people (who
are disabled). Describes person in Eugene who has lost both legs and has
adapted this motorcycle with a sidecar, and another member who had a
wooden leg. When the person was in his van he could park in disabled
space, but if he road his motorcycle he had to park on a meter and walk.

452 CHAIR MARKHAM: Do you anticipate the number of people who might need
this?

454 MR. HARBAUGH: I have 40 requests from people in the state; I don't
think a lot of people will come in.

461 CHAIR MARKHAM: Do we need a description of the amount of disability or
will you use the one for the automobile?

463 MS. TAYLOR: I anticipate changing the application a little so they
indicate they want a motorcycle permit. It would be the same application
and screening process by a physician, etc.

TAPE 12, A

025 BRIAN DELASHMUTT, Oregon Nurses Association: The Oregon Nurses
Association chose not to introduce a single piece of legislation this
session. But we do have a couple of minor statutory changes we felt, if
the opportunity availed, we would bring up. One is in 811.604(1)(a). The

issue is the application for disabled parking. Nurses have had a number of

cases in rural areas where nurse practitioners have been asked to sign the
certificates for disabled parking permits and have been informed that only
physicians, because of statute, are allowed to sign those. It creates a
hardship for the disabled person in rural areas.

042 REP. ROBERTS: What about physician assistants?

041 MR. DELASHMUTT: It is the same thing. I don't represent the physician
assistants, but it is basically the same concept and if they were here they

would be saying 'us, too.'

046 REP. ROBERTS: What level of education do the physician assistants and
nurse practitioners have to have?

MR. DELASHMUTT: I don't know what it is for physician assistants, but it
is additional post-graduate work. For nurse practitioners, it currently
is a masters plus in nursing. Physician assistants have the total
equivalent but as far as their ability to function in this area is
equivalent for making a judgment on disabled parking.

064 MS. TAYLOR: "Physician" has different definitions in the law. I think
it covers all, but I will provide information to the committee; it is more

than MDs.

CHAIR MARKHAM: Are you asking for the addition of nurse practitioners and

physician assistants?

077 MR. DELASHMUTT: That is correct.

078 MR. ROBINSON: We would object to having nurse practitioners or physician assistants certifying what our disability is. In the VA system we have had trouble with nurse practitioners. We don't believe they are qualified to make that determination.

102 MR. DELASHMUTT: Explains that the veterans nor anyone would be required to see a nurse practitioner.

A prepared statement submitted by Eugene Organ, Oregon Disabilities Commission, is hereby made a part of these minutes (EXHIBIT G).

A letter received from Susan Schneider, City of Portland, is hereby made a part of these minutes (EXHIBIT H).

125 CHAIR MARKHAM: Closes the public hearing and reopens the work session on HB 2390.

HB 2390 - WORK SESSION

127 REP. ROBERTS: I want a definition of physician, but if we are going to move on it, I can amend it in the Senate.

132 MS. TWEEDT: I have written down suggested amendments:
> the bill removes provisions for family permits

136 REP. ROBERTS: I want to delete that from the bill. I want to maintain the family permits.

139 MOTION: REP. ROBERTS moves HB 2390 be amended to restore the language on family permits (page 1, lines 19 and 20).

140 VOTE: CHAIR MARKHAM, hearing no objection to the motion, declares the motion PASSED. REP. HAYDEN IS EXCUSED.

142 MS. TWEEDT: The committee discussed instead of allowing two permits per individual to permit DMV to issue one permanent and one temporary or trip permit valid for x number of days.

MOTION: REP. ROBERTS moves that the temporary permit be issued for a maximum of 30 days.

154 REP. STROBECK: Would this also delete the two placard authorization?

156 REP. ROBERTS: It would delete the two placard provision and replace it with one permanent and one temporary permit for a maximum of 30 days.

158 VOTE: CHAIR MARKHAM, hearing no objection to the motion, declares the motion PASSED. REP. HAYDEN IS EXCUSED.

158 MS. TWEEDT: The third amendment is the -2 amendment (EXHIBIT C) to allow DMV to decide by administrative rule where the placards would hang.

161 MOTION: REP. ROBERTS moves that the HB 2390-1 amendments BE ADOPTED.

161 VOTE: CHAIR MARKHAM, hearing no objection to the motion, declares the motion PASSED. REP. HAYDEN IS EXCUSED.

165 MS. TWEEDT: The HB 2390-1 amendments delete the provisions for new fees. HB 2390 raises the fees for issuance, renewal and replacement of different permits.

176 MS. TAYLOR: \$9 for the first placard will cover our costs, and if you set \$4 for the travel/temporary, then \$4 covers it.

192 MS. TWEEDT: What about the family permit?

191 MS. TAYLOR: Any time DMV issues one permit, we have spent over \$8.

191 MS. TWEEDT: Is it \$9 also?

192 MS. TAYLOR: Yes.

193 REP. GRISHAM: Objects to the increased costs. I believe just because we have a bill before us on parking, it should not be an opportunity to raise fees.

216 VOTE: In a roll call vote, REPS. LEHMAN, MARKHAM, ROBERTS AND VOTE AYE. REP. GRISHAM VOTES NO. REP. HAYDEN IS EXCUSED.

STROBECK

221 MS. TWEEDT: The last amendment was to add physician assistants and nurse practitioners to those who can certify one's disability.

practitioners MOTION: REP. ROBERTS moves that physician assistants and nurse be added to the list of those who may certify a disability.

229 REP. GRISHAM: Objects to the motion.

VOTE: In a roll call vote, REPS. LEHMAN, MARKHAM, ROBERTS AND
VOTE AYE. REP. GRISHAM VOTES NO. REP. HAYDEN IS EXCUSED.

STROBECK

250 CHAIR MARKHAM: Declares the motion PASSED.

255 MOTION: REP. ROBERTS moves that HB 2390, as amended, be sent to the
Full Committee with a DO PASS RECOMMENDATION.

260 VOTE: CHAIR MARKHAM, hearing no objection, declares the motion PASSED.
REP. HAYDEN IS EXCUSED.

263 CHAIR MARKHAM: Closes the work session on HB 2390 and opens the public hearing on HB 2001 and HB 3381.

HB 2001 and HB 3381 - PUBLIC HEARING

Witnesses: Randy Hilderbrand, Office of the Speaker
Don Underwood, Oregon Department of Forestry
Cameron Birnie, Dept. of Administrative Services
Rod Ingram, Dept. of Fish and Wildlife
Peggi Timm, Department of Human Resources
Donna Tyneer, Department of Administrative Services

265 MS. TWEEDT: Reviews the Preliminary Staff Measure Summary (EXHIBIT I) and explains the HB 2001-1 amendments (EXHIBIT J) clarify that the intent of the bill is to prohibit agency ownership of vehicles used for short term use.

297 RANDY HILDERBRAND, Chief of Staff, Office of the Speaker: Testifies in support of HB 2001 with the HB 2001-1 amendments clarifying the intent of eliminating the day trip vehicles. It does nothing with the permanently assigned vehicles.

> the idea came about in 1991 when the Speaker chaired the Agency Reorganization and Reform Committee
> it was revealed that the State had over 10,000 vehicles that travel over 100 million miles a biennium
> a 1990 audit also showed that the Corrections Department had departmental

officials using state cars to commute from Portland to Salem at a cost of at least \$30,000. At that time there were 400 garaging exemptions which allow state employees to take their vehicles home with them.

> provides list of agency-paid parking spaces and a chart on vehicle rate comparisons (EXHIBIT K)
> to obtain the count of state vehicles, one has to call nine agencies

352 REP. LEHMAN: Do we have a cost comparison of what it costs to own a state vehicle as compared to paying the mileage rate for private vehicles?

352 MR. HILDERBRAND: I have provided information from DAS that shows the cost comparison of private vendors with the state (EXHIBIT K, page 2). A gentlemen from Hertz-Penzske would like to share comments on whether maintenance costs are included, and he had a question whether the price of the state owned vehicles were calculated into it because it is a very low figure.

352 REP. STROBECK: Do some employees use cars only for commuting?

371 MR. HILDERBRAND: There are day trip vehicles. If a CSD worker needed to go pick up a child from a home, they would check out a vehicle on a temporary basis. It is not a permanently assigned vehicle such as the State Police patrol car or a snow plow.

390 REP. STROBECK: If someone needed to do a transport, they would need to use their own car.

390 MR. HILDERBRAND: That is true, or they could use a rental car.

403 REP. STROBECK: Would the state car be available at a standard location, or through a private agency? Would the person have to get out their credit card to rent the car.

405 MR. HILDERBRAND: As it stands now, they would. We are looking into fleet administration where a private vendor would buy the entire state fleet and lease it back to the state.

414 REP. ROBERTS: You are going to reimburse at 28 cents per mile. If

state employees have to use their own private automobiles to do state business, their insurance premiums are going up, then there is the maintenance cost and gas. Is the state going to pay them every 30 or 45 days? Are we creating a bigger problem than we are solving?

TAPE 11, B

008 MR. HILDERBRAND: My hope was through a private reimbursement of miles there were would be closer scrutiny on the miles driven. My understanding is currently there is not much accountability. We would require employees to log in their miles traveled.

018 REP. ROBERTS: To be an employee of the state, the employee will have to have a good car.

020 MR. HILDERBRAND: That is correct. It might be a collective bargaining issue.

023 REP. LEHMAN: Is it not even close that owning a state vehicle is far cheaper than renting it from a rental agency?

026 MR. HILDERBRAND: That is the information I have received from DAS and there appears to be no comparison. I met with some private vendors and they were very skeptical of the numbers.

050 DON UNDERWOOD, Oregon Department of Forestry: Submits and reads a prepared statement in opposition to HB 2001 (EXHIBIT L).

105 REP. STROBECK: Why do you think employees would not be encouraged to ride together to meetings?

MR. UNDERWOOD: A lot of employees who use their private cars zip to the meetings by themselves and don't give regard to other employees going to the meetings. Where we do have state cars available, they are more encouraged to go together to the meetings.

129 REP. STROBECK: Do employees drive state owned cars to fires instead of trucks and buses?

137 MR. UNDERWOOD: This bill would encourage that. Currently they go by bus.

148 CAMERON BIRNIE, Administrator of the Transportation, Purchasing & Print Division, Department of Administrative Services: Submits and reads a prepared statement in opposition to HB 2001 and HB 3381 (EXHIBIT M).

194 MR. BIRNIE: Continues reading his statement.

212 CHAIR MARKHAM: Have you come to a conclusion on when you should dump a car?

211 MR. BIRNIE: We shoot for 65,000 miles.

229 REP. STROBECK: Do you go out of your way to sell the vehicles at a good price?

232 MR. BIRNIE: Explains that vehicles are sold through auctions and sometimes they are at the "Friday General Store" where state items are sold

to the general public. Often times higher prices are received by just putting prices on items rather than having an auction.

257 MR. BIRNIE: Continues reading his prepared statement on page 2.

293 CHAIR MARKHAM: Why has the number of vehicles risen since 1987?

MR. CAMERON: We have been absorbing other state fleets into our pool. Adult and Family Services used to have its own fleet.

347 MR. CAMERON: Continues his prepared statement on page 2.

397 REP. ROBERTS: I think we are buying more trouble than we are going to sell with the bill.

402 MR. CAMERON: Continues his statement on page 3.

TAPE 12, B

017 MR. BIRNIE: We are concerned about the vehicles being parked in the structure. We try to get the agencies to translate that need into day trip

need. Instead of using vehicles and paying for parking, they should use the available transportation that is provided several times a day between the mall area and the motor pool. Sometimes they use a car so extensively they need a car in the Mall, but some don't.

032 CHAIR MARKHAM: Do all agencies reimburse the employees at the same rate?

031 MR. BIRNIE: The current rate is 22 cents and 25 cents is being contemplated at this time.

033 CHAIR MARKHAM: Who makes that call?

033 MR. BIRNIE: The Department of Administrative Services. I believe the director has the final call on it. In addition, I believe it is a bargainable issue relating to contracts with those who are represented under various labor agreements. The number may or may not be modified.

040 CHAIR MARKHAM: I believe last week the IRS said 29 cents is allowable. Do you keep track of that.

043 MR. BIRNIE: It is 29 or 30.

044 CHAIR MARKHAM: Does Rich Munn at Revenue set a rate for state taxes?

046 MR. BIRNIE: They use the federal rate.

048 CHAIR MARKHAM: Do you think we would be better off to have a turbo jet leased for the state to move the big shots around the state?

055 MR. BIRNIE: Although I used to fly airplanes, I was never connected with the economics of filling them up and seeing how cheap it is to operate them on a per-mile basis and comparing that vehicular travel or communicating through Ed-Net or any of the other alternatives. I will leave it to the experts in State Police or Aeronautics.

061 REP. STROBECK: Do you know of any state employees who in their job descriptions, have an automobile included in their benefit package or contract?

MR. CAMERON: I don't know of any state employee who has that written into an employment agreement.

065 REP. STROBECK: There is a car I see frequently that has a sticker on the back with one person driving. It looks like a new Jeep Cherokee. I see it going back and forth about the time I am commuting. Who might that be?

076 MR. BIRNIE: It could be one among several. It could be a person who is assigned in Portland who is coming to testify in front of the legislature with some regularity. It could be a person who has a "garaging exemption" within any of the many agencies who has, for special purposes, permission of his or her director to take a car home at night. I would like to know if you see someone who is traveling with regularity. Risk Management Division would process the information and if it is an inappropriate use of a vehicle we would like to find out about it.

089 REP. STROBECK: Could we tighten up the use of the motor pool vehicles, perhaps the total costs if agencies had tighter restrictions on when vehicles could be used and for what purposes?

098 MR. CAMERON: We did tighten up on this and have rules and policies in place in response to some of the audit findings.

104 REP. STROBECK: Yesterday you testified in favor of contracting out. How do you justify your testimony today?

111 MR. CAMERON: We were emphasizing the words "value added". If we can't provide value added, we should get out of the way. This is a similar situation. Agencies have told us we provide an immense amount of value added and we are continuing to do so in increasing amounts year by year. We have talked with many private providers ourselves and we are open to them. Most see our numbers and back away. They don't want to deal with us. Many municipalities have privatized because it is a different game with city governments than it is with state governments. We are willing to look because we don't want to be embarrassed in front of any legislative panel or in front of any executive branch panel.

130 REP. STROBECK: Your testimony is that the state would be spending more money for essentially the same function if we did away with the motor pool than if we maintained it.

143 ROD INGRAM, Deputy Director, Oregon Department of Fish and Wildlife (ODOF):

> ODOF has a variety of vehicles; most people are located in field stations

> vehicles include a small group of cars, pickups, vans, utilities and trucks, fish trucks and farming trucks that are used on the wildlife areas
> HB 2001 with the amendment really doesn't affect ODOF much
> we do not use short term; ODOF has a small fleet of vehicles assigned to

the agency from the motor pool

> ODOF did purchase its vehicles until last session; with passage of the bill last session the vehicles were sold

> some ODOF vehicles are purchased by the federal government

> HB 3381 raises serious concern

> headquarters are in Portland has a small pool of cars and a couple of pickups primarily used by individuals who have oversight over statewide programs

176 > attempts are made to pool for attendance at meetings

> ODOF has 22 field districts and seven regional offices; most employees are biologists or technicians; most of the vehicles are pickups and a good share are four-wheel drive pickups

> all field vehicles have radios in them and have a department seal on the side

206 > ODOF director has a white Jeep and spends quite a bit of time on the road between Portland and Salem; it may be a white Jeep, but it may not necessarily be the director all the time. The vehicle is not assigned specifically to the director, but it is there for his use when he needs it and he is the primary user

228 REP. ROBERTS: Are there agencies outside Fish and Wildlife and State Police that have their own cars and don't deal with the motor pool?

235 MR. BIRNIE: Forestry is statutorily allowed to have its own fleet. ODOT similarly. Higher Education has general language in statute that allows them to have fleets and OSU has its own motor pool and several general purpose vehicles there. Agriculture has a small fleet. State Police has its own fleet. Parks and Recreation has a small fleet. OLCC has a small fleet and the legislature has given us the go ahead this next biennium to consolidate Corrections and Mental Health vehicles into the motor pool.

249 MR. INGRAM: From the department standpoint, most of our vehicles are now in the motor pool. Whether they are cars or four-wheel drivers, we get them through the motor pool.

303 PEGGI TIMM, Assistant Director, State Director, Volunteer Program, Department of Human Resources: Submits and reads a prepared statement in opposition to HB 2001 and HB 3381 (EXHIBIT N).

353 MS. TIMM: Continues reading her prepared statement.

403 MS. TIMM: Continues reading her prepared statement on page 2.

TAPE 13, A

016 CHAIR MARKHAM: Does the state back up the individual's insurance coverage under liability?

018 DONNA TYNER, Risk Management Consultant, Dept. of Administrative Services: Explains Oregon's self insurance plan.

> volunteers, under the program, are considered agents of the state

> Oregon has a self-insurance policy which provides self-insurance coverage

to "volunteers" or agents

> liability insurance covers the automobile and passengers and the individual who the person ran into

> under the self-insurance plan if an agent of the state is in their own private motor vehicle and is involved in an accident but does not have sufficient personal insurance, there is a possibility that the state would come in as excess coverage because they were on official state business at the time of the accident

> if it is a one-car collision involving the volunteer in their personal vehicle and there are no passengers in the car, then their primary insurance would cover them for the damage of their vehicle

042 REP. ROBERTS: Do you go beyond automobile insurance to make sure the volunteers are covered if they injure themselves?

045 MS. TYNER: There is a volunteer endorsement where there is medical coverage provided to a volunteer while they are acting within the scope of their duties. It would cover them in the event they fall and hurt themselves.

052 MS. TIMM: The Department of Human Resources' volunteer program carries

a medical insurance policy so if a volunteer is injured on the job, they are covered for that injury. We do not, however, carry workers' compensation coverage due to the cost and we are not involved in the loss of time issue.

DHRhas had a couple of instances where the volunteers were using their private car and there was damage to the vehicles. Their primary insurance had a large deductible and the state does not cover that.

069 REP. ROBERTS: What would the lack of access to the motor pool do to your volunteer program?

070 MS. TIMM: It would take away hundreds of thousands of miles that are driven by volunteers in state vehicles.

075 MS. TIMM: Continues reading her prepared statement on page 2.

115 MS. TYNER: In response to a question from Rep. Strobeck, explains that the Risk Management Division is presently working on a rule relating to use

and access to state vehicles and offers to copies to the committee. It defines what official state business is, who is an authorized driver and who is an authorized passenger in a state vehicle.

126 DONNA TYNER, Risk Management Consultant: Submits and reads a prepared statement (EXHIBIT O).

175 MS. TYNER: Continues reading her statement.

A statement received from Robert L. Meinen, Director, Oregon Parks and Recreation Department, is hereby made a part of these minutes (EXHIBIT V).

198 CHAIR MARKHAM: Closes the public hearing on HB 2001 and HB 3386 and opens the public hearing on HB 2759.

216 HB 2759 - PUBLIC HEARING

Witnesses: Robert H. Greenstreet, Oregon Off-Highway Vehicle
Norvel Arbogast, Northwest Trail Riders
Butch Harbaugh, BikePAC of Oregon
Claudia Black, Health Div., Dept. of Human Resources

MS. TWEEDT: Reviews the Preliminary Staff Measure Summary on HB 2759 (EXHIBIT P).

257 ROBERT H. GREENSTREET, Trails Coordinator, Oregon Off-Highway Vehicle Association: Submits and reads a prepared statement in support of HB 2759 (EXHIBIT Q).

324 REP. MARKHAM: Are you trying to get all of the three- and four-wheel vehicles under the same rules?

324 MR. GREENSTREET: Explains that the rules are already set up for the Class I ATV and snowmobile underage drivers. HB 2756 will bring them under

compliance and make them legal riders so the helmet bill, HB 2759, will affect 100 percent of the users under 18. It is estimated that 60 percent of the group that HB 2759 will affect are underage motorcycle riders. HB 2759, without the passage of the companion bill would only affect 40% of the people we want to wear safety helmets when they are riding.

367 REP. ROBERTS: Comments that nobody can understand what a legal helmet is and bike riders are being harassed for illegal helmets.

MR. GREENSTREET: If helmets are going to be mandatory, the helmets should be doing the service they should be designed for.

395 MR. GREENSTREET: I would have no problem of making sure that this bill would address the standard that would stop the harassment problems.

412 NORVEL ARBOGAST, Northwest Trail Riders, Pendleton: I think there is a bill in now to put a standard on all helmets sponsored by another organization.

425 MS. TWEEDT: ODOT is responsible for promulgating the rules on standards; it is not statutory.

442 MR. GREENSTREET: Section 5 of HB 2759 says the Department of Transportation shall adopt rules. The amendment to the law would be adding

the Class I and Class III all terrain vehicles to those listed.

461 MR. ARBOGAST: We are concerned that if HB 2759 goes through without HB 2756, all we are doing is adding another restriction to the user. Ninety percent of the users already comply with that without having a law to say you have to do it. Our opinion is if HB 2756 does not pass, we would just as soon see HB 2759 not pass.

050 REP. GRISHAM: Section 4 of HB 2759 speaks of the child in violation who is eleven years or younger. Is there an age when it is inappropriate to be making decisions while riding a motorcycle?

053 MR. GREENSTREET: Believes the machines are part of a family recreational sport. Three-year olds have ridden in a Lions Club charity even. These kids do not ride the machines without their parents at the site. The age limit falls on the parents' responsibility.

092 BUTCH HARBAUGH, BIKE PAC of Oregon: Submits and summarizes a prepared statement in support of HB 2759 (EXHIBIT R).

140 MR. HARBAUGH: Continues his comments.

168 REP. STROBECK: Can you support the fine of \$190?

MR. HARBAUGH: My personal opinion is it would be much more advantageous to force somebody to take further education if they are not in compliance with the law. We have a bill in to reduce the offense to a Class D.

193 CLAUDIA BLACK, Bicycle Helmet Program Coordinator, Health Division, Department of Human Resources: Submits and reads a prepared statement in support of HB 2759 (EXHIBIT S).

219 CHAIR STROBECK: Questions Ms. Black on her duties.

241 CHAIR MARKHAM: Closes the public hearing on HB 2759 and opens the public hearing on HB 2056.

244 HB 2056 - PUBLIC HEARING

Witnesses: Joan Plank, Oregon Dept. of Transportation
Dianah Van Der Hyde, Oregon Dept. of Transportation

246 MS. TWEEDT: Reviews the Preliminary Staff Measure Summary and calls members' attention to the HB 2056-1 proposed amendments (EXHIBIT T).

297 JOAN PLANK, Department of Transportation: Explains the bill was pre-session filed by the Department of Transportation and makes changes to streamline and clarify statutes on the Special Transportation fund. The fund provides moneys for transportation of elderly and disabled people throughout Oregon. ODOT worked with the constituents of the program, the counties and the cities.

269 DINAH VAN DER HYDE, Public Transit Section, ODOT: Submits and reads a prepared statement in support of HB 2056 with the HB 2056-1 amendments (EXHIBIT U)

315 CHAIR MARKHAM: Closes the public hearing and opens the work session on HB 2056.

HB 2056 - WORK SESSION

316 MOTION: REP. STROBECK moves that the HB 2056-1 amendments BE

ADOPTED.

316 VOTE: CHAIR MARKHAM, hearing no objection to the motion, declares the motion PASSED. REP. HAYDEN IS EXCUSED.

317 MOTION: REP. STROBECK moves that HB 2056, as amended, be sent to the Full Committee with a DO PASS RECOMMENDATION.

322 REP. GRISHAM: Objects to the motion and explains that this would seem to transfer moneys that are supposed to be spent on transportation into administrative costs.

340 MS. PLANK: Rep. Grisham is correct. We are needing to use some of the transportation funds for administrative expenses. There is a requirement that federal moneys be matched with 20 percent of state moneys. That 20 percent previously was General Fund money. The General Fund money is no longer available for the program. The Special Transportation Fund money has been used as the 20 percent match for the 80 percent federal program. We are just clarifying that in law. It has been happening. We don't have plans to spend more on administration than in the last biennium.

383 REP. GRISHAM: What is the necessity for the bill?

385 CHAIR MARKHAM: I think they want us to legalize what they are doing.

388 MS. PLANK: We want it clarified in statute; we don't believe it is illegal to do that today.

Discussion continues on the rationale for requesting the bill.

420 REP. LEHMAN: Suggests the subcommittee send the bill to the Full Committee and get a better fiscal impact on what is going on and a clarification on the matching funds.

432 REP. GRISHAM: Is there language that says what the fund in the Elderly and Disabled Special Transpiration Fund can be used for? I would like to see the language.

435 MS. VAN DER HYDE: The language in the legislation allows a certain portion of the fund to be used for administration.

TAPE 13, B

040 CHAIR MARKHAM: Requests that Rep. Grisham, Ms. Plank and Ms. Van Der Hyde further discuss his concerns.

050 REP. STROBECK: Restates his motion.

054 VOTE: CHAIR MARKHAM, hearing no objection to the motion, declares the motion PASSED. REP. HAYDEN IS EXCUSED.

054 CHAIR MARKHAM: Declares the meeting adjourned at 4:14 p.m.

Submitted by, Reviewed by,

Annetta Mullins Anne Tweedt
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

A - HB 2390, Preliminary Staff Measure Summary, staff, 1 p
B - HB 2390, HB 2390-1 amendments, Rep. Hayden, 1 p
C - HB 2390, HB 2390-2 amendments, staff, 1 p
D - HB 2390, prepared statement, Roger Robinson, 3 pp
E - HB 2390, prepared statement, Kelly Taylor, 1 p
F - HB 2390, prepared statement, Butch Harbaugh, 1 p
G - HB 2390, prepared statement, Eugene Organ, 2 pp
H - HB 2390, prepared statement, Susan Schneider, 1 p
I - HB 2001, Preliminary Staff Measure Summary, staff, 1 p
J - HB 2001, HB 2001-1 amendments, Randy Hilderbrand, 2 pp
K - HB 2001, list of agency-paid parking spaces and a chart on vehicle rate comparisons, Randy Hilderbrand, 2 pp
L - HB 2002, prepared statement, Don Underwood, 10 pp
M - HB 2001, HB 3381, prepared statement, Cameron Birnie, 3 pp
N - HB 2001, prepared statement, Peggi Timm, 3 pp
O - HB 2001, HB 3381, prepared statement, Donna Tyner, 2 pp
P - HB 2759, Preliminary Staff Measure Summary, staff, 1 p
Q - HB 2759, prepared statement, Robert Greenstreet, 1 p
R - HB 2759, prepared statement, Butch Harbaugh, 1 p
S - HB 2759, prepared statement, Claudia Black, 2 pp
T - HB 2056, Preliminary Staff Measure Summary and HB 2056-1 amendments, staff, 2 pp
U - HB 2056, prepared statement, Dinah Van Der Hyde, 2 pp
V - HB 2001, prepared statement, Robert Meinen, 2 pp