

HOUSE COMMITTEE ON
GENERAL GOVERNMENT AND REGULATORY REFORM
SUBCOMMITTEE ON TRANSPORTATION

Hearing Room
Tapes - 27

MEMBERS PRESENT:

Rep. Cedric Hayden, Chair
Rep. Jerry Grisham
Rep. Mike Lehman
Rep. Ken Strobeck

MEMBER EXCUSED:

Rep. Bill Markham
Rep. Lonnie Roberts, Vice-Chair

STAFF PRESENT:

Anne Tweedt, Committee Counsel
Annetta Mullins, Committee Assistant

MEASURES HEARD:

HB 2390 - WORK SESSION
HB 2056 - WORK SESSION
HB 2722 - WORK SESSION
HB 3422- . WORK SESSION
HB 3419 - WORK SESSION
HB 2105 - WORK SESSION
HB 2001 - WORK SESSION

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

001 CHAIR HAYDEN: Calls the meeting to order at 1:03 p.m. and opens the work session on HB 2105

HB 2105 - WORK SESSION

MS. TWEEDT: Reviews the provisions of HB 2105 and advises the committee that PUC and AOI have come up with the HB 2105-1 amendments (EXHIBIT A). Reviews the amendments.

018 MOTION: REP. LEHMAN moves that the HB 2105-1 amendments BE ADOPTED.

019 VOTE: CHAIR HAYDEN, hearing no objection to the motion, declares the motion PASSED. REPS. MARKHAM AND ROBERTS ARE EXCUSED.

021 MOTION: REP. LEHMAN moves that HB 2105, as amended, be sent to the Full Committee with a DO PASS RECOMMENDATION.

023 VOTE: In a roll call vote, all members present vote AYE. REPS. MARKHAM AND ROBERTS ARE EXCUSED.

028 CHAIR HAYDEN: Declares the motion PASSED.

028 CHAIR HAYDEN: Closes the work session on HB 2105 and opens the work session on HB 3419.

HB 3419 WORK SESSION

029 MS. TWEEDT: Reviews the Preliminary Staff Measure Summary and the HB 3419-1 amendments (EXHIBIT B).

040 REP. LEHMAN: Concern about going over something the voters did. Could support sending it back to the people.

REP. GRISHAM: Where did letter and information come from?

MS. TWEEDT: The fiscal statement will be prepared for the full committee.

A prepared statement received from William B. Long, MD, F.A.C.S., Chief of Trauma Services, Legacy Emanuel Hospital & Health Center, is hereby made a part of these minutes (EXHIBIT C).

REP. LEHMAN: Suggests the age of 18 be retained.

042 REP. LEHMAN: Comments he is not opposed to people making their own choice about helmets, but has a lot of concern that people voted this in by referendum and the legislature would be undoing what the voters did.

053 REP. GRISHAM: Is the letter from Dr. Long of Legacy Health Center current information?

056 MS. TWEEDT: Responds that the information came in for this meeting.

059 REP. GRISHAM: Do we know the cost of referring this to the voters at a statewide election?

061 MS. TWEEDT: Advises the members the fiscal statement would be available for the Full Committee meeting.

067 REP. LEHMAN: Explains he is not as concerned that it be 21 or 18. The only distinctions we make between 18 and 21 is that they can't drink and they have to have a helmet.

077 REP. GRISHAM: Comments if the bill can be sent forward without a recommendation of do pass to allow time to find out the cost of referring it and he can have time to go through the lengthy information submitted by

Dr. Long and compare it with data previously received, he would be willing to vote yes to move it to the Full Committee, but would not be willing to move it out with a do pass.

083 MOTION: REP. LEHMAN moves that HB 3419 be sent to the Full Committee with a referendum to the voters at a date to be determined by the

Full Committee and WITHOUT RECOMMENDATION.

093 REP. STROBECK: Suggests the date be the next general election.

100 CHAIR HAYDEN: Restates the motion:

MOTION: REP. LEHMAN moves that HB 3419 be sent to the Full voters at the general election. Com
WITHOUT RECOMMENDATION and with a referral to the

107 REP. STROBECK: Comments as a former motorcycle owner he understands the

interest that riders have in wanting to have the choice, but we are being asked to undo a number of measures the voters have spoken on. I support Rep. Lehman's suggestion that since it was initially put in as a vote of the people, that it go that route again.

115 VOTE: In a roll call vote, all members present vote AYE. REPS. MARKHAM AND ROBERTS ARE EXCUSED.

117 CHAIR HAYDEN: Declares the motion PASSED.

120 CHAIR HAYDEN: Opens the work session on HB 3422.

HB 3422 - WORK SESSION

122 MS. TWEEDT: Explains that HB 3422 is back before the committee because

the amendments replaced the bill, but the committee amended language that was deleted by the amendments. Therefore the committee needs to suspend the rules and reconsider the vote on HB 3422 in order for the committee to clarify the committee's intent. Reviews the actions of the committee.

The Preliminary Staff Measure Summary and HB 3422-2 amendments are hereby made a part of these minutes (EXHIBIT D).

168 REP. STROBECK: Would the adoption of the HB 3422-2 amendments accomplish everything the committee discussed?

168 MS. TWEEDT: No. The -2 amendments remove everything that is in the printed bill. The committee needs to decide whether they want to go with the retail option in addition to the language in the -2 amendments. There was some concern that the USDOT list was not exhaustive and may not include

all helmets that are legal. The definition in the -2 amendments specifies that motorcycle helmet means a protective covering for the head which meets

standards established by the United States Department of Transportation. Those standards are specified in federal regulations.

184 CHAIR HAYDEN: What do we do if we just adopt the -2 amendments?

185 MS. TWEEDT: The retail sales provisions in the bill are deleted. The effect is that the committee would have made failure to wear a helmet a Class D infraction as adopted by the committee last week, and would define motorcycle helmet.

201 REP. STROBECK: Where did the language for the HB 3422-2 amendments come from?

202 MS. TWEEDT: The amendments were received just before the committee meeting on April 11 and came from Sen. Dukes.

207 REP. STROBECK: Comments it was his understanding after the original testimony that part of the reason for having the retailer in the bill was to give purchasers some kind of assurance that if a person buys a helmet at a store in Oregon it is going to be in compliance. The retail portion of the bill is important.

214 MS. TWEEDT: Nothing would prohibit the officer from citing the wearer if the helmet were not legal; it just means they would have a cause of action against the seller as well. The seller could also be cited because

the list is not exhaustive as to include all legal helmets and is not final. There could be a problem for retailers especially if the list is going to be used by officers to say what is and isn't legal.

234 REP. GRISHAM: Is there a national standard for selling helmets?

237 MS. TWEEDT: There is no prohibition against selling anything. The standard is promulgated by the federal government to which states with mandatory use laws must comply.

254 CHAIR HAYDEN: Temporarily closes the work session on HB 3422 and opens the work session on HB 2390.

HB 2390 - WORK SESSION

256 MS. TWEEDT: Reviews the provisions of the bill and explains the bill was re-referred to the subcommittee because some members of the full committee did not like the fee increase. The HB 2390-3 amendments include the increased fees. If the committee wishes to change the fees, amendments will be requested from Legislative Counsel.

281 CHAIR HAYDEN: Comments he understands DMV can produce the placard without a fee increase.

284 MS. TWEEDT: Reminds members that DMV did not request the fee increase; it was done by the proponents of the bill.

288 CHAIR HAYDEN: I would entertain a motion to pass the bill out without a fee increase.

290 MS. TWEEDT: The only fee not specified would be the fee for the trip permit. If the committee wishes to make that fee the same as a regular issuance, it would be \$4 as well.

295 MOTION: CHAIR HAYDEN moves that HB 2390 be amended to reflect the discussion and as explained by Committee Counsel.

296 REP. STROBECK: Comments he will not object to passage; however, Rep. Lehman is mostly correct because this does cost more than the fee covers. I think we ought to be sensitive about raising fees, but I also think if somebody is requesting a particular service the fee they pay should be reflective of the cost of providing that service. ODOT testified that this

actually has to be underwritten by other fees and that is why the fee increase was justified. The subcommittee reduced it from \$10 to \$9 to reflect the true pass-through costs. This will ask everyone else who is paying a ODOT fee to underwrite the program. Believes that is excessive but will not stand in the way of the bill.

311 VOTE: CHAIR HAYDEN, hearing no objection to the motion, declares the motion PASSED.

313 REP. LEHMAN: Comments that he will vote for the bill to get it out of subcommittee but may not vote for it at the Full Committee.

315 MOTION: CHAIR HAYDEN moves that HB 2390, as amended, be sent to the Full Committee with a DO PASS RECOMMENDATION.

VOTE: In a roll call vote, all members present vote AYE. REPS.

MAR

AND ROBERTS ARE EXCUSED.

319 CHAIR HAYDEN: Opens the work session on HB 2056.

HB 2056 - WORK SESSION

320 MS. TWEEDT: Explains HB 2056 was also referred back to the Subcommittee by the Full Committee and reviews the provisions of the bill.

Explains that the HB 2056-1 amendments were the result of an agreement reached by ODOT, Association of Oregon Counties, League of Oregon Cities, and reviews the funding structure for the program (EXHIBIT F).

351 REP. LEHMAN: Comments that the bill was described as something ODOT is doing now and this would codify what already exists.

355 REP. GRISHAM: Comments he was opposed to the bill the last time and also at the Full Committee and nothing has been changed. Has met with several representatives of the Department of Transportation who have attempted to explain objections that administrative moneys are being taken from service moneys in order to attract more moneys rather than go to larger providers, perhaps Metropolitan Service District or counties themselves. The statutes seem very clear there are separate administrative funds.

375 REP. STROBECK: Understands Rep. Grisham's concern of administrative costs and thinks the benefits outweigh the minor amount diverted to administration.

394 REP. HAYDEN: Would the program continue without passage of this bill?

MS. TWEEDT: It would.

407 REP. LEHMAN: What is the impact without this bill?

426 JONI REID, Oregon Department of Transportation: Explains the bill would allow them to accept additional federal funding which would increase money

available to local organizations. We would not be using any of the funding that currently goes to those local organizations for the administrative match. It would allow ODOT to use the administrative portion of the fund to match federal funds and in effect increase the amount of money going to local programs.

A statement of goals of HB 2056 submitted by Joni Reid, Oregon Department of Transportation, is hereby made a part of these minutes (EXHIBIT G).

433 CHAIR HAYDEN: What is the leverage on the match?

435 MS. REID: Generally federal funds come to the state with a 20-80 match ratio and we would be looking to provide the 20 percent match to the administrative portion. We would ask the local agencies to come up with the 20 percent match for any operating funds they would get.

443 REP. GRISHAM: Where are the funds coming from now?

MS. REID: The funds that are being used currently are federal funds. Because the programs were so similar, the federal funds were matched with the current STF administrative dollars.

450 REP. GRISHAM: Why can't you continue doing that?

454 MS. REID: We would like the clarification in the law that would let us

match related programs that may not be as closely related to our current Special Transportation Fund. That would be in the areas of doing research or special demonstration projects or other federal pots of money that might

be available to improve services that aren't strictly limited to the operating and capital requirements on the state funds.

TAPE 27, A

023 REP. LEHMAN: Comments he feels the bill should go back to the Full Committee.

024 MOTION: GRISHAM moves that HB 2056 be sent to the Full Committee WITHOUT RECOMMENDATION.

028 VOTE: In a roll call vote, all members present vote AYE. REPS.

MAR

AND ROBERTS ARE EXCUSED.

030 CHAIR HAYDEN: Declares the motion PASSED.

032 CHAIR HAYDEN: Opens the work session on HB 2722.

030 HB 2722 - WORK SESSION

033 MS. TWEEDT: Reviews the Preliminary Staff Measure Summary (EXHIBIT H).

040 REP. STROBECK: Asks if counsel noted the idea of changing "continuously" and do the amendments make the change?

047 MS. TWEEDT: Advises the members that the amendment has not been requested because the Chair indicated at the last hearing that he wanted to set the discussion over.

050 REP. STROBECK: Suggests that the word "continuously" be changed to "easily" or conveniently" or the best legal word for the concept, and that the Marine Board be allowed to post areas where an observer is required.

071 REP. GRISHAM: Does that mean the Marine Board could post the entire system?

077 REP. STROBECK: I would assume they could.

084 PAUL DONHEFFNER, State Marine Board: Responds their agency could (post the entire system) but that would be completely circumventing the legislative intent of leaving areas open. I have discussed this with committee staff and Rep. Strobeck and I think we would prefer the approach of leaving the observer requirement statewide and have the agency designate special areas where the observer would be optional. It would be easier to convey that to the public.

107 REP. GRISHAM: Is there a way to do this other than posting, such as inserting language that talks about good judgment, congested areas, weekends?

111 MR. DONHEFFNER: We debated a number of those options in 1993 when the bill was before the legislature. It became clear that none of those ways was a clean way to do it and be understandable. Backing off the uniform requirement, we would prefer to open up limited areas where people have that option.

132 REP. LEHMAN: Comments he has concerns about this bill but will vote to move the bill on to the full committee. One concern is it is a personal liberty bill, but it is also a safety issue for others on the water. We would be creating another issue of signage and posting and we will have hearings on whether sections of a river should be with or without an observer. Also, the areas we may select as being open to no observer are probably areas that are very unpopulated and people probably ski there now without observers.

150 CHAIR HAYDEN: Comments he believes if there are people skiing illegally

in unpopulated areas where it is safe, it would be good to legitimize that by law. Would subscribe to the idea that if the Marine Board had the authority to post certain areas off limits to boats without observers and the rest of the state, whether it would be based on accident data, etc., people could continue to ski without an observer. If the Marine Board posts an area that requires a third party observer and it proved greatly unpopular, the people would descend on the Marine Board rather than the legislature to plead their case.

175 REP. STROBECK: I think the intent with this law was to make it legal. Suggest the Marine Board be given the discretion to say it is okay except for those areas where it is illegal.

185 REP. GRISHAM: Expresses concern with the requirement for physical signing and definitions that might be used to determine where a third-party would or would not be required.

REP. STROBECK: Comments he thinks the boating publications that are put out are sufficient to cover posting; they would not have to have a sign at every location.

199 CHAIR HAYDEN: Comments there would be less signs where the observer would be required.

219 MOTION: REP. STROBECK moves that HB 2722 be amended conceptually to replace "continuously" with a substitute legal word, and to authorize the Marine Board to post areas where observers would be required. to

232 VOTE: CHAIR HAYDEN, hearing no objection to the motion, declares the motion PASSED. REPS. MARKHAM AND ROBERTS ARE EXCUSED.

233 MOTION: REP. STROBECK moves that HB 2722, as amended, be sent to the Full Committee with a DO PASS RECOMMENDATION.

237 MOTION: REP. STROBECK: Moves HB 2722, as amended, be sent to the Full Committee with a DO PASS AS AMENDED recommendation. the

238 VOTE: In a roll call vote, REPS. GRISHAM, HAYDEN, LEHMAN AND STROBECK VOTE AYE. REPS. MARKHAM AND HAYDEN ARE EXCUSED.

240 CHAIR HAYDEN: The motion CARRIES.

245 CHAIR HAYDEN: Re-opens the work session on HB 3422.

HB 3422 - WORK SESSION

250 REP. GRISHAM: Asks for clarification of the HB 3422-2 amendments on page 2 in Sections and 6 and 7 deleting the references to protective headgear.

263 MS. TWEEDT: Explains that Section 7 is exemptions, not definitions.

269 REP. STROBECK: Comments he feels the committee should adopt the -2 amendments and move the bill to the Full Committee.

279 REP. GRISHAM: Would the retailers be able to sell what they have in stock?

289 MS. TWEEDT: Responds that the bill does not change any authority the retailers have now. The question is what is on the list of legal helmets.

302 REP. STROBECK: What was the previous penalty for failure to wear an approved helmet?

303 MS. TWEEDT: It was a Class C; \$190 fine.

308 REP. GRISHAM: By adopting the -2 amendments, are we enabling anyone who rides a motorcycle to have a sticker on the outside of the helmet and not be subject to harassment?

310 CHAIR HAYDEN: That would be my hope.

310 REP. GRISHAM: That would be the intent.

317 MOTION: REP. STROBECK moves that the HB 3422-2 amendments BE ADOPTED.

VOTE: CHAIR HAYDEN, hearing no objection to the motion, declares the motion PASSED.

323 CHAIR HAYDEN: Requests that Committee Counsel explain what the amended bill would say.

324 MS. TWEEDT: The -2 amendments delete the original bill, define motorcycle helmet as meeting standards established by the United States Department of Transportation, replace the words "protective headgear" throughout the statutes with "motorcycle helmet", and changes failure to wear a helmet from a Class C traffic infraction to a Class D traffic infraction subject to a maximum fine of \$95.

339 REP. GRISHAM: Do the amendments create the traffic infraction of selling unapproved head gear?

339 MS. TWEEDT: No.

344 MOTION: REP. STROBECK moves that HB 3422, as amended, be sent to the Full Committee with a DO PASS RECOMMENDATION.

347 VOTE: In a roll call vote, all members present vote AYE. REPS.

MAR

AND ROBERTS ARE EXCUSED.

352 CHAIR HAYDEN: Declares the motion PASSED. REP. STROBECK will lead discussion in Full Committee.

361 CHAIR HAYDEN: Opens the work session on HB 2001

361 HB 2001 - WORK SESSION

363 MS. TWEEDT: Reviews the Preliminary Staff Measure Summary and the HB 2001 amendments, and advises members they have received a memo with responses to questions and cost per-mile analysis from Cameron Birnie (EXHIBIT I). Adds there may still be a work group looking at the feasibility of sending this out to privatization.

425 REP. LEHMAN: Comments he cannot vote to get this bill out of subcommittee.

TAPE 26, A

008 MOTION: REP. GRISHAM moves that HB 2001 be moved to the Full Committee WITHOUT RECOMMENDATION.

009 REP. GRISHAM: Explains he will reserve the right to vote no because he does not believe the committee has enough information at this point.

014 REP. STROBECK: Comments he has reservations also, but would vote to move the bill forward. There are pitfalls to people using their own private vehicles.

028 REP. CLARNO: Offers to answer questions from the members.

033 REP. LEHMAN: Comments with due respect to the Speaker, he cannot support this bill.

049 CHAIR HAYDEN: Advises the members that everyone's concerns will be addressed.

072 VOTE: CHAIR HAYDEN, hearing no objection to the motion, declares the motion PASSED.

073 REP. CLARNO: Comments she understands Rep. Lehman's concerns, but has been working since 1990 to make our motor pool system a better way. As Chair of the Agency Reorganization Reform Committee, the committee heard a lot of testimony about the abuses in our system. A letter was sent recently indicating the number of cars parked in parking places for fees. We talk about looking at how we operate government and what government should be doing. I feel this is a start. Whether this bill is perfect or not, it is something we can address. With term limits, there is a chance that people who come in will not recognize the need we have for looking at what government should be doing and whether we should be doing the kinds of

things we are doing and if they shouldn't how do we change that.

097 VOTE: In a roll call vote, REPS. GRISHAM, LEHMAN, STROBECK AND HAYDEN VOTE AYE. REPS. MARKHAM AND ROBERTS ARE EXCUSED.

CHAIR

100 CHAIR HAYDEN: Declares the motion PASSED.

104 CHAIR HAYDEN: Declares the meeting adjourned at 2:15 p.m.

Submitted by, Reviewed by,

Annetta Mullins Anne Tweedt
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

A - HB 2105, Preliminary Staff Measure Summary and HB 2105-1 amendments, staff, 2 pp
B - HB 3419, Preliminary Staff Measure Summary and HB 3419-1 amendments, staff, 2 pp
C - HB 3419, prepared statement, William B. Long, MD, 20 pp
D - HB 3422, Preliminary Staff Measure Summary and HB 3433-2 amendments, staff, 4 pp
E - HB 2309, Preliminary Staff Measure Summary, HB 2390-1 and HB 2390-3 amendments, staff, 6 pp
F - HB 2056, Preliminary Staff Measure Summary, HB 2056-1 amendments, Legislative Fiscal Statement, funding information, staff, 4 pp
G - HB 2056, statement of goal, Joni Reid, 1 p
H - HB 2722, Preliminary Staff Measure Summary, staff, 1 p
I - HB 2001, Preliminary Staff Measure Summary, HB 2001-1 amendments, memo and cost per-mile analysis, staff, 14 pp

