

SENATE COMMITTEE ON
TRANSPORTATION

Hearing Room
Tapes - 54

MEMBERS PRESENT:

Sen. Ken Baker, Chair
Sen. Mae Yih, Vice-Chair
Sen. John Lim
Sen. Marilyn Shannon
Sen. Dick Springer

STAFF PRESENT:

Janet Adkins, Committee Administrator
Gina Rumbaugh, Committee Assistant

MEASURES HEARD:

SB 626 Work Session
SB 721 Work Session
SB 1135 Work Session
SB 711 Public Hearing and Work Session
SB 442 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 , SIDE A

003 CHAIR BAKER: Calls the meeting to order (1:24PM).

WORK SESSION ON SB 626

010 ADMINISTRATOR ADKINS: Reviews SB 626 proposed hand-engrossed version [EXHIBIT A].

070 SEN. LIM: Since this is a private project, why should the prevailing wage law apply?

CHAIR BAKER: The concern is that this is a public and private mix of funds.

SEN. SPRINGER: Explains why he raised the question of prevailing wage.

SEN. SHANNON: How much of the public money is going to be repaid?

CHAIR BAKER: The private money will be repaid. The project will revert to the State of Oregon at a certain point in time. Taxpayers get their money back ultimately.

100 SEN. LIM: Concern that mandating prevailing wage could be a detriment to the project.

CHAIR BAKER: The project is probably subject to prevailing wage law as it is now, but including it in the bill would make it more clear.

130 SEN. LIM: Wants the language to be clear, but allow enough room for either to apply.

SEN. SPRINGER: Concern for being sued, and assumption that some public dollars is going to be expended on this project. Philosophically, if it's going to be substituted for what would be a public project, it ought to be subject to prevailing wage.

175 MOTION: SEN. LIM MOVES CONCEPTUAL AMENDMENT BE ADDED TO SECTION 8, SUBPARAGRAPH 5, THAT SAYS IF PUBLIC FUNDS ARE INVOLVED IN THE PROJECT, THEN CONSTRUCTION OF THE PROJECT BE SUBJECT TO PREVAILING WAGE REQUIREMENTS

VOTE: IN A ROLL CALL VOTE, SENS. LIM, SHANNON, AND YIH VOTE AYE; SENS. BAKER AND SPRINGER VOTE NO; THE CONCEPTUAL AMENDMENT IS ADOPTED

195 MOTION: CHAIR BAKER MOVES TO ADOPT PROPOSED HAND-ENGROSSED SB 626

MOTION: SEN. YIH MOVES A CONCEPTUAL AMENDMENT TO HAND-ENGROSSED SB 626 TO SAY THE TOLL ROAD LEGISLATION APPLY TO THE NEWBERG/DUNDEE BYPASS PROJECT ONLY, AND AN EVALUATION REPORT OF THE SUCCESS OF THE PROGRAM BE MADE TO THE

NEXT LEGISLATURE PRIOR TO ADDITIONAL PROJECTS

220 CHAIR BAKER: Opposed to Sen. Yih's motion because it would preclude all other worthwhile projects in communities that might come forward.

SEN. YIH: There are many citizens opposed to toll roads; one project will show what kind of support ultimately there is, and thus revenue support.

CHAIR BAKER: ODOT will only do projects that are strongly community-supported.

260 SEN. SHANNON: Could another project/community come forward and present it's idea to the legislature?

CHAIR BAKER: There's nothing preventing another project. Expands upon why he opposes Sen. Yih's motion.

CHAIR BAKER RESTATES SEN. YIH'S MOTION THAT A CONCEPTUAL AMENDMENT BE ADOPTED TO SAY THE TOLL ROAD LEGISLATION APPLY TO THE NEWBERG/DUNDEE BYPASS

PROJECT ONLY

VOTE: IN A ROLL CALL VOTE; SENS. LIM, SHANNON, SPRINGER, AND YIH VOTE AYE; SEN. BAKER VOTES NO; THE CONCEPTUAL AMENDMENT IS ADOPTED

Sen. Yih is excused for the remainder of the meeting

CHAIR BAKER RESTATES HIS MOTION TO ADOPT PROPOSED HAND-ENGROSSED SB 626

VOTE: FOUR MEMBERS PRESENT, HEARING NO OBJECTIONS THE HAND-ENGROSSED VERSION IS ADOPTED; SEN. YIH EXCUSED

305 ADMINISTRATOR ADKINS: Explanation of SB 626-2 amendments [EXHIBIT B], and additional language on pages 3 and 8 [EXHIBIT C].

MOTION: CHAIR BAKER MOVES TO ADOPT SB 626-2 AMENDMENTS, AS ADDITIONALLY MODIFIED ON PAGES 3 AND 8, DATED 4/17/95

VOTE: FOUR MEMBERS PRESENT, HEARING NO OBJECTIONS THE AMENDMENTS ARE ADOPTED; SEN. YIH EXCUSED

MOTION: SEN. SHANNON MOVES SB 626, AS AMENDED, BE SENT TO WAYS AND MEANS WITH A DO PASS RECOMMENDATION

VOTE: IN A ROLL CALL VOTE; SENS. LIM, SHANNON, AND BAKER VOTE AYE; SEN. SPRINGER VOTES NO; SEN. YIH EXCUSED; THE MOTION CARRIES

WORK SESSION ON SB 721

365 ADMINISTRATOR ADKINS: Reviews SB 721 and SB 721-1 amendments [EXHIBIT D].

435 CHAIR BAKER ASKS IF THERE ARE ANY OBJECTIONS TO THE SB 721-1 AMENDMENTS DATED 4/10/95

VOTE: FOUR MEMBERS PRESENT, HEARING NO OBJECTIONS THE AMENDMENTS ARE ADOPTED; SEN. YIH EXCUSED

MOTION: SEN. LIM MOVES SB 721, AS AMENDED, BE SENT TO WAYS AND MEANS WITH A DO PASS RECOMMENDATION

VOTE: IN A ROLL CALL VOTE, SENS. LIM, SHANNON, SPRINGER, AND BAKER VOTE AYE; SEN. YIH EXCUSED; THE MOTION CARRIES

TAPE 54, SIDE A

WORK SESSION ON SB 1135

020 ADMINISTRATOR ADKINS: Reviews SB 1135 and SB 1135-2 amendments [EXHIBIT E].

CHAIR BAKER: Have coordinated the 7/1/95 effective date with the fee and assessment bill currently in Judiciary.

SEN. SHANNON: On page 1, line 28, can we change "B" to "A"?

CHAIR BAKER: Chair would prefer to leave it as it is.

ADMINISTRATOR ADKINS: Notes amount differences between Class A and Class B traffic infractions.

080 MOTION: SEN. SHANNON MOVES PAGE 1, LINE 28, DELETE "CLASS B" AND INSERT "CLASS A"

VOTE: FOUR MEMBERS PRESENT, HEARING NO OBJECTIONS THE AMENDMENT IS ADOPTED; SEN. YIH EXCUSED

105 MOTION: CHAIR BAKER MOVES TO ADOPT THE SB 1135-2 AMENDMENTS DATED
4/17/95

VOTE: FOUR MEMBERS PRESENT, HEARING NO OBJECTIONS THE AMENDMENTS ARE
ADOPTED; SEN. YIH EXCUSED

MOTION: SEN. SHANNON MOVES SB 1135, AS AMENDED, BE SENT TO THE FLOOR WITH
A DO PASS RECOMMENDATION

VOTE: IN A ROLL CALL VOTE, SENS. LIM, SHANNON, SPRINGER, AND BAKER VOTE
AYE; SEN. YIH EXCUSED; THE MOTION CARRIES

Sen. Shannon will lead discussion on the Floor.

PUBLIC HEARING ON SB 711

Witness: Marshall Coba, Oregon Trucking Associations

125 ADMINISTRATOR ADKINS: Reviews SB 711 and SB 711-1 amendments [EXHIBIT
F].

170 MARSHALL COBA, OREGON TRUCKING ASSOCIATIONS: Supports SB 711 and
SB 711-1 amendments; notes reasons why.

WORK SESSION ON SB 711

Witness: Steve Johnston, Motor Carrier Services, Oregon Dept. of
Transportation (ODOT)

200 ADMINISTRATOR ADKINS: Again reviews SB 711-1 amendment, Exhibit F.
References letter from an individual who received a \$17,000 citation
[EXHIBIT G].

CHAIR BAKER: References a response letter from ODOT regarding a \$16,000
citation that was reduced to \$500 [EXHIBIT H].

225 MOTION: SEN. LIM MOVES TO AMEND SB 711 AND ADD AN EMERGENCY CLAUSE

STEVE JOHNSTON, MOTOR CARRIER SERVICES, ODOT: Adding an emergency clause
would not impact most of the citations; no objection to an emergency
clause.

SEN. LIM WITHDRAWS HIS MOTION TO ADD AN EMERGENCY CLAUSE

265 CHAIR BAKER ASKS IF THERE ARE ANY OBJECTIONS TO THE SB 711-1 AMENDMENTS

VOTE: FOUR MEMBERS PRESENT, HEARING NO OBJECTIONS THE AMENDMENTS ARE
ADOPTED; SEN. YIH EXCUSED

MOTION: SEN. LIM MOVES SB 711, AS AMENDED, BE SENT TO THE FLOOR WITH A DO
PASS RECOMMENDATION

VOTE: IN A ROLL CALL VOTE, SENS. LIM, SHANNON, SPRINGER, AND BAKER VOTE
AYE; SEN. YIH EXCUSED; THE MOTION CARRIES

Sen. Lim will lead discussion on the Floor.

PUBLIC HEARING ON SB 442

Witnesses: Bill Johnson, Lieutenant, Oregon State Police
Jerry Cooper, Governor's Advisory Committee on DUII
Kelly Taylor, Manager, Driver and Motor Vehicle Services (DMV)

285 ADMINISTRATOR ADKINS: Explanation of SB 442-2 amendments [EXHIBIT I],
which replace the bill.

310 BILL JOHNSON, LIEUTENANT, OREGON STATE POLICE: Requests the word "motor"
be removed from the SB 442-2 amendments, line 6.

335 JERRY COOPER, GOVERNOR'S ADVISORY COMMITTEE ON DUIII: Recommends the
process by which DMV makes record entries be changed, not the elements of
DUIII. Does not want the word "motor" included as in the SB 442-2
amendments, line 6.

380 KELLY TAYLOR, MANAGER, DMV: Explains "quandary" regarding the statutes
and DMV processing of DUII citations as specifically related to non motor
vehicles. Requests conceptual amendment that says non motor vehicle
related convictions, if found outside of Chapter 814, are not sent to DMV
and not posted.

440 ADMINISTRATOR ADKINS: Doesn't something happen to a minor's driving
record for alcohol-related offenses?

COOPER: Correct, any alcohol or control substance related offense affects
13 to 17 year olds driver license or right to apply.

TAYLOR: States DMV wants language to specify that a conviction under ORS
813.010 is only posted to a driving record if it was motor vehicle related.

475 CHAIR BAKER: Legislative Counsel will draft something and we'll hear
the bill again.

TAPE 53, SIDE B

040 CHAIR BAKER: Adjourns meeting 2:21PM.

Submitted by, Reviewed by,

Gina Rumbaugh Janet Adkins
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - Proposed Hand-Engrossed SB 626 -- Staff -- 18 pages
B - SB 626-2 Amendments -- Staff -- 3 pages
C - Proposed Hand-Engrossed SB 626 pages 3 and 8 amendments -- Staff -- 2
pages
D - SB 721-1 Amendments -- Staff -- 1 page
E - SB 1135-2 Amendments -- Staff -- 2 pages
F - SB 711-1 Amendments -- Staff -- 3 pages
G - Letter re SB 711 -- Staff (on behalf of Ronald Saunders) -- 3 pages
H - Letter re SB 711 -- Sen. Baker (on behalf of Steve Johnston) -- 1 page
I - SB 442-2 Amendments -- Staff -- 2 pages