

HOUSE COMMITTEE ON GENERAL GOVERNMENT

February 11, 1993 Hearing Room 357 8:30 a.m. Tapes 8 - 9

MEMBERS PRESENT: Rep. Cedric Hayden, Chair Rep. Jim Edmunson,
Vice-Chair Rep. Ken Baker Rep. Patti Milne Rep. Chuck Norris Rep. Del
Parks Rep. Lonnie Roberts Rep. Sharon Wylie Rep. Carl Hosticka

STAFF PRESENT: Janet Adkins, Committee Administrator Kimberly
Burt, Committee Assistant

MEASURES CONSIDERED: HB 2338 HB 2334 HB 2612 HB 2273 HB 2409 HB
2272 [--- Unable To Translate Graphic ---]

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.

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TAPE 8, SIDE A

005 CHAIR HAYDEN: Calls meeting to order. (8:35 a.m.)

_ HB 2278 will not be heard today.

WORK SESSION ON HB 2338

008 JANET ADKINS, COMMITTEE ADMINISTRATOR: Describes HB 2338; submits
hand engrossed amendments, (-2) amendments and a fiscal impact
statement,

(EXHIBIT A).

_ One concern of the subcommittee was whether or not the vehicles had to
have liability insurance; the statutes do cover vehicles traveling on
the highways and they are required to have that insurance.

037 MOTION: REP. NORRIS MOVES THAT HB 2338 AS AMENDED BE MOVED TO
THE FLOOR WITH A DO PASS RECOMMENDATION.

VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES. MEMBERS EXCUSED:

REP. ROBERTS HAYDEN WILL CARRY THE BILL ON THE FLOOR.

WORK SESSION ON HB 2334 Witness: Dennis Coho, Motor Vehicles Division

065 JANET ADKINS, COMMITTEE ADMINISTRATOR: Describes HB 2334; submits
hand engrossed version, (-1) amendments and fiscal impact statement,
(EXHIBIT B).

_ This strengthens Oregon's dealers law; there have been problems with
"curber's" dealing and not paying taxes.

097 REP. PARKS: What was the rationale for decriminalizing the offense?

ADKINS: It is difficult to get District Attorneys interested in going after people and the civil penalty is an easier enforcement method.

REP. NORRIS: If there were a criminal penalty in all cases there would be a backlog in court.

ADKINS: The criminal penalty is still available; the motor vehicle code, 822.010 states that it is still a Class A misdemeanor.

REP. PARKS: How can it be both?

144 DENNIS KOHO, MOTOR VEHICLES DIVISION, (DMV): The existing criminal language for unlawful display or sale remains under this legislation;

for that to kick in there has to be a police officer issuing a citation and DMV doesn't have the authority; investigators write reports and then we issue the civil penalty.

_ Same offense, two different tracks to take care of it.

REP. PARKS: You can't do this; you can't give unfettered discretion to public officials, charging one person with a crime and one person with a violation, it has to be the same.

_ Rep. Roberts arrives.

162 KOHO: We haven't had a challenge to the legislation passed last session.

CHAIR HAYDEN: It was my understanding that something could be a criminal offense or a civil offense, depending on what jurisdiction levied the charge.

165 REP. HOSTICKA: If this is true we have a defect in existing law; is this a subject that Judiciary should deal with?

REP. PARKS: I don't think you can give an agency the choice of charging one way, the other way or both ways.

REP. WYLIE: I'm concerned about the exemption from liability insurance requirements; does this mean that someone that takes an antique vehicle or one for sale for a "spin" doesn't have to have insurance; what if they hit someone?

ADKINS: The intent wasn't to affect farm dealers or antique dealers; it is current law.

222 REP. MILNE: I also have a concern about the liability, even with the exemption and with this just relating to brokers.

_ If the vehicle is on the road being moved and there is an accident, who is responsible?

KOHO: Current law does exempt them, but the driver and the owner of the vehicle are personally liable; the exemptions are found in 806.020.

REP. WYLIE: I'm not sure I agree we ought to require everyone else to have insurance and exempt people with farm vehicles or antique vehicles.

260 REP. EDMUNSON: It needs to be stated that the driver of a vehicle involved in an accident is personally liable whether or not they have

insurance; in most cases they have the insurance anyway.

CHAIR HAYDEN: You can either carry insurance or post a bond for vehicular insurance?

290 KOHO: Yes.

REP. NORRIS: We are talking about dealers here; I don't think farm vehicles are affected by this legislation.

300 MOTION: REP. BAKER MOVES THAT HB 2334 BE SENT BACK TO THE SUBCOMMITTEE ON TRANSPORTATION.

311 VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES.

WORK SESSION ON HB 2612

330 JANET ADKINS, COMMITTEE ADMINISTRATOR: The Chair of the Subcommittee would like the bill returned as the subcommittee is trying to resolve a concern in another bill and the two should be treated similarly.

350 MOTION: REP. BAKER MOVES THAT HB 2612 BE SENT BACK TO SUBCOMMITTEE ON GOVERNMENT.

367 VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

WORK SESSION ON HB 2273 Witnesses: Nina Johnson, Executive Assistant, Secretary of State's Office Al Davidson, Marion County Clerk

360 JANET ADKINS, COMMITTEE ADMINISTRATOR: Describes HB 2273; submits preliminary staff measure summary, (EXHIBIT C).

397 REP. NORRIS: What is the definition of "appropriate district authority"?

421 NINA JOHNSON, EXECUTIVE ASSISTANT, SECRETARY OF STATE'S OFFICE: This deals with a process we already go through to certify election results

for any district election; it could be a school board, county commission or whatever body for which the election is being held.

_ District election authority is defined in 255.005; it means "the county court or board of county commissioners, district board or other body or office authorized or required to call a district election"; this is a certification procedure the county clerk engages in.

443 AL DAVIDSON, MARION COUNTY CLERK: We conduct the election on behalf of the district and certify the votes that were cast and it is up to the

district board to determine who the winners and losers were in that district and determine the qualifications of those candidates to accept office.

REP. NORRIS: This wouldn't apply to legislators?

DAVIDSON: Only local offices.

462 MOTION: REP. PARKS MOVES HB 2273 BE SENT TO THE FLOOR WITH A DO PASS RECOMMENDATION.

470 VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES. REP. WYLIE WILL CARRY THE BILL ON THE FLOOR.

TAPE 9, SIDE A

WORK SESSION ON HB 2409

033 JANET ADKINS, COMMITTEE ADMINISTRATOR: Describes HB 2409; submits (-1) amendments, preliminary staff measure summary, fiscal impact statement

and hand engrossed version, (EXHIBIT D).

_ The amendments also take off the emergency clause.

075 REP. NORRIS: This should apply to legislators as well.

ADKINS: The bill passed last session says that distribution will be of an executive summary to each member of the legislative assembly.

REP. WYLIE: We discussed that people move and this is a way of keeping mailing lists current.

120 MOTION: REP. PARKS MOVES THAT HB 2409 AS AMENDED BE SENT TO THE FLOOR WITH A DO PASS RECOMMENDATION.

130 VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES. REP. MANNIX WILL CARRY.

WORK SESSION ON HB 2338

MOTION: REP. ROBERTS MOVES THAT HE BE ALLOWED TO VOTE ON HB

2338.

VOTE: HEARING NO OBJECTION THE MOTION CARRIES. ROBERTS VOTES

AYE ON HB 2338.

WORK SESSION ON HB 2272 Witnesses: Vicki Ervin, Director of Elections, Multnomah County

155 JANET ADKINS, COMMITTEE ADMINISTRATOR: Describes HB 2272, submits preliminary staff measure summary, fiscal impact statement, (EXHIBIT E).

184 REP. EDMUNSON: I am going to vote for this bill; I voted against it in subcommittee and I would like to explain.

_ In our hearing Oregon Common Cause presented some disturbing statistical analysis that seemed to show that in the placement of a candidate on the ballot did affect the numbers of votes they received and that can be important in a close race.

_ We also received a study on research from the March 1990 issue of the International Journal of Electoral Studies which indicated that the placement on the ballot isn't significant and now we have received information from Multnomah County that seems to go along the lines of the international study.

222 VICKI ERVIN, DIRECTOR OF ELECTIONS, MULTNOMAH COUNTY: I was also concerned with the testimony from common cause.

_ I found that when I applied the same formula to those races, I didn't get the same results, (see Exhibit E).

_ Describes how Common Cause did their study.

ADKINS: Al Davidson also did some work, see Exhibit E.

REP. ROBERTS: How much money is on the table in Multnomah County?

ERVIN: \$324,000 for rotating the names in the primary; we don't rotate in the general.

309 MOTION: REP. PARKS MOVES HB 2272 TO THE FLOOR WITH A DO PASS RECOMMENDATION.

REP. NORRIS: Page three, line thirty nine says "any" election; does this pertain to both primary and general? ADKINS: Section five in the bill deals with how the names will be randomized at all elections.

_ The bill eliminates the requirement for rotation in the primary and it requires that all ballots be done by random.

339 REP. BAKER: How often does the Secretary of State have to do this?

ADKINS: I think it is before each election date, five times a year.

370 VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES. REP. EDMUNSON WILL CARRY THE BILL ON THE FLOOR.

OVERVIEW - DEPARTMENT OF TRANSPORTATION Witnesses: Mike Hollern, Chairman, Oregon Transportation Commission Bill Penhollow, Association of Oregon Counties

415 MIKE HOLLERN, CHAIRMAN, OREGON TRANSPORTATION COMMISSION: Submits written testimony and informative materials, (EXHIBIT F).

TAPE 8, SIDE B

030 HOLLERN: Continues summarizing written testimony.

_ Covering uses of the fund and mandates of the Act.

122 HOLLERN: Reads purpose of the plan and the goals, see Exhibit F.

275 REP. MILNE: What is the total of all the figures, referring to Exhibit F; what is our total?

HOLLERN: It depends on which piece you are looking at.

REP. MILNE: First we talk about the minimum investment, then we talk about the rail passenger plan and then there is the additional sum of money?

HOLLERN: See Exhibit F, the Oregon Transportation Plan, 1993 legislative program under the heading of "unmet need"; it will cost \$3.2 billion beyond legislated levels to meet the objective needs of the first six years.

_ \$27 billion over the twenty years to be added to the estimated \$40 billion which will be collected in the period under presently legislated taxes; that is for all the needs we are talking about and those are inflated dollars.

337 REP. BAKER: On high speed light rail and the cost; Governor Roberts has mentioned that there is no current manufacturer of light rail cars in

the United States and she thought that someone in Oregon or Washington should manufacture light rail cars.

_ Have you put that in the package, that we would keep the money at

home?

HOLLERN: No; we have tried to deal with transportation and land use issues; these aren't light rail cars, but high speed cars that would travel up to 125 mph.

385 BILL PENHOLLOW, ASSOCIATION OF OREGON COUNTIES: Provides overview of written testimony in support submitted by Kevin Campbell, (EXHIBIT G).

TAPE 9, SIDE B

037 PENHOLLOW: Continues testifying in support of the Oregon Transportation Plan.

120 HOLLERN: To conclude, you have, in this package, an opportunity to do something very positive.

_ There are two choices, one is to follow the path of the least resistance, providing modest but generally inadequate resources in gas tax and equivalent weight mile revenues dedicated exclusively to roads, streets, highways and bridges that will allow us to maintain and modestly improve our transportation system.

_ If you do that there is nothing much for transit, nothing much for inner city rail and there certainly would be no emphasis on intergovernmental cooperation of the land use planning, air quality, transportation linkages and in fifteen to twenty years we will tend to look like Seattle, or it's suburbs or the Los Angeles basin and it's suburbs and we won't have the rural access necessary to prevent the deterioration of the other Oregon.

_ The other path is the bolder one that we have attempted to outline here where we, and you, can control the destiny of this state and decide what we want Oregon to look like in the future.

_ We aren't saying the plan is perfect, it is dynamic and intended to be changed; we have submitted eighteen different bills to implement the plan.

_ Highlights core group of legislative requests.

175 REP. NORRIS: What about the matching funds that would be required to bring those in; do we have a constitutional limitation?

HOLLERN: Yes, the constitution clearly provides that any fees that we

collect in this state go into a trust fund and can only be used if they are related to vehicle registration or currently emissions gas tax and weight mile for streets, roads, highways and bridges.

_ Under our proposal the matching funds could be provided by local government sources not restricted by the constitution, by other state sources or the emission fees when the voters allow those to be used for other purposes.

194 REP. NORRIS: We have such a strong romance with the automobile I wonder if this will really be used; perhaps Max is an indication of what

percentage of shift has occurred.

HOLLERN: The Portland Max line has met or exceeded it's expectations, running in the neighborhood of 25,000 people per day. _ The long term view of this plan is that with generally holding the urban growth boundaries in tact, providing more compact communities and in the Portland Metropolitan area, having a light rail system, not just one line, but a whole system.

_ In my view there is nothing anti-automobile in this program.

232 CHAIR HAYDEN: This is a plan that will be good for Oregon; the question before the legislature is probably the speed at which it can be

implemented.

WORK SESSION - POSSIBLE INTRODUCTION OF COMMITTEE BILL, (LC DRAFT #'S 420 , 123 6, 1316, 2533, 2872) - (EXHIBIT H)

262 REP. HOSTICKA: Have the Chair's discussed the problem that at least this member faces, that a number of the concepts I've submitted to

Legislative Counsel haven't been drafted in a way that I thought that the request was in?

_ It has been suggested that we go ahead and introduce the bills and immediately start working on amendments; are the Chairs aware that a number of members will come with amendments and that the committee should look at the intent rather than the language in the bill that has to be dropped to meet the deadline?

289 REP. EDMUNSON: That is an excellent suggestion; I've had that experience myself with a couple of bills.

_ It does raise another problem because the sponsor isn't on the bill it

is doubly important that we find out who those members are; it hasn't been a problem here, but we need to make sure that the members can at least put their intent on the bill.

LC 420

310 REP. ROBERTS: I have a bill in to do away with boundary commissions period; LC 420 only addresses Lane County.

343 CHAIR HAYDEN: Reads summary of LC 420, see Exhibit H; is there objection to the introduction of this committee bill?

REP. ROBERTS: Yes; my bill is already in drafting; I can ask for amendments to this bill, but I'd prefer my bill.

REP. EDMUNSON: I have requested this very same bill at the request of a constituent.

CHAIR HAYDEN: We will set this one aside.

LC 1236

381 CHAIR HAYDEN: Is there objection to the introduction of this draft?

385 MOTION: REP. ROBERTS MOVES THAT LC 1236 BE INTRODUCED AS A COMMITTEE BILL.

VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

LC 1316

390 CHAIR HAYDEN: LC 1316 is at the request of Gary Carlson of the Associated Oregon Industries and concerns prevailing wage rates on

public improvements.

REP. ROBERTS: I will not support this.

394 CHAIR HAYDEN: I will set that aside for now.

LC 2533

397 CHAIR HAYDEN: Describes LC 2533.

416 MOTION: ROBERTS MOVES THAT LC 2533 BE INTRODUCED AS A COMMITTEE BILL.

VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

LC 2872

423 CHAIR HAYDEN: This was requested by Stu Rassmassan.

438 MOTION: REP. ROBERTS MOVES LC 2872 BE INTRODUCED AS A COMMITTEE BILL.

VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

444 CHAIR HAYDEN: Having no further business to come before this committee we are adjourned.

Submitted by, Reviewed by,

Kimberly Burt Janet Adkins Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - HB 2338: (-2) amendments, hand engrossed version and preliminary staff measure summary

submitted by staff, pp 8 B - HB 2334: (-1) amendments, hand engrossed version and preliminary staff measure summary

submitted by staff, pp 5 C - HB 2273: Preliminary staff measure summary
submitted by staff, pp 1 D - HB 2409: (-1) amendments, hand engrossed version, preliminary staff measure summary and

fiscal impact statement submitted by staff, pp 4 E - HB 2272: Preliminary staff measure summary, fiscal impact statement and informative material

submitted for the record by staff, pp 13 F - Overview of the Oregon Transportation Plan, written testimony and informative material
submitted by Hollern, pp 73 G - Overview of the Oregon Transportation Plan by Campbell, submitted by Penhollow, pp 6 H - LC drafts for introduction submitted by staff, pp 30