

SENATE COMMITTEE ON TRANSPORTATION

February 22, 1993 Hearing Room C 3:00 p.m. Tapes 19 & 20

MEMBERS PRESENT: Sen. Joan Dukes, Chair Sen. Bob Kintigh Sen. Jim Bunn  
Sen. John Lim Sen. Tricia Smith Sen. Catherine Webber Sen. Mae Yih

STAFF PRESENT: Ruth Larson, Committee Administrator Shannon  
Gossack, Committee Assistant

MEASURES CONSIDERED: SB 98

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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. [--- Unable To Translate Graphic ---]

TAPE 20, SIDE A

006 CHAIR DUKES: Calls meeting to order at 3:15 p.m.

010 LARSON: Informs Committee about a presentation on high speed rail. -Explains background information on SB 98.

INTRODUCTION OF COMMITTEE BILLS

026 SEN. BUNN: Explains LC 2654 and LC 2778. (EXHIBITS A & B)

MOTION: Chair Dukes moves to introduce LC 2654 and LC 2778 as committee bills.

VOTE: Hearing no objection the motion carries with Senators T. Smith and Yih excused.

PUBLIC HEARING ON SB 98

John Rist, Oregon Dept. of Transportation Jane Cease, Motor Vehicle Division Joan Robinson, Legislative Counsel

057 JOAN ROBINSON, LEGISLATIVE COUNSEL: Explains technical changes in SB 98. -Explains policy issues regarding the ATV program. -Overviews how

Legislative Counsel drafts bills.

106 SEN. KINTIGH: Asks about definitions and penalties.

108 ROBINSON: Explains ORS sections in regard to subject matter.  
-Continues with explanation of the drafting process of SB 98.

151 CHAIR DUKES: Asks about drafting definitions.

159 ROBINSON: Clarifies the definitions in law and how they are applied.

169 SEN KINTIGH: As a general rule penalties and definitions would apply just to the chapter in statute?

175 ROBINSON: There will be an ORS section somewhere that tells you where a definition applies. -Explains why section 4 adds section 5 to SB 98.

195 JANE CEASE, MOTOR VEHICLE DIVISION: Refers to the Oregon Transportation Law book.

216 ROBINSON: Discusses authorization of editorial substitutions of names by Legislative Counsel.

235 SEN. BUNN: Asks about named positions in regard to eliminating the division.

245 ROBINSON: Explains language in section 111 of SB 98.

252 CEASE: Section 3 of SB 98 is the major policy issue section.

263 ROBINSON: Explains statutory references. -Clarifies section 5 of SB 98 regarding the state highway engineer.

319 CEASE: Refers to repealed statutes in SB 98.

322 CHAIR DUKES: Asks for clarification regarding how changes are listed in a bill. Is there a way around that?

335 ROBINSON: Explains constitution in regard to drafting legislation.

399 CEASE: Overview of SB 98 in section 28, page 14.

TAPE 20, SIDE A

149 SEN. SMITH: Why does it say on or about December 31?

053 CEASE: I'm not sure why. The language is "submit" to the Commission on page 4, line 42 of SB 98.

057 CEASE: Continues with review of SB 98, in section 37.

071 SEN. BUNN: Clarify current language regarding lines 16, page 19 of SB 98.

074 CEASE: Explains excess language on page 19, line 16 of SB 98.

081 CHAIR DUKES: Asks about the issue of obligation to set policy in

that section.

083 CEASE: Clarifies language in line 16 of SB 98 regarding policy.

092 SEN. BUNN: Discusses old language in section 38 of SB 98 regarding the word "policy."

095 CHAIR DUKES: I would like to know who sets the policy.

097 SEN. SMITH: Asks about who directs the Commission to adopt policy in SB 98.

101 JOHN RIST, OREGON DEPARTMENT OF TRANSPORTATION: Explains section 6, page 3, of SB 98 regarding policy direction.

102 CHAIR DUKES: Does the Highway Department fit into the language somewhere on page 3 in SB 98?

114 CEASE: On page 3, in current statute ORS 184.617, lines 39-42 of SB 98.

125 SEN. BUNN: What is the harm in leaving existing language in section 38, subsection 1 of SB 98?

128 CEASE: It needs to relate to the administration of the department.

135 CHAIR DUKES: How inclusive are the statutes you're referring too?

140 CEASE: Those statutes are the general legislative authority laws for the Department of Transportation as a whole.

149 CHAIR DUKES: Suggests language that states the Commission shall determine and adopt the general policy of the department.

150 CEASE: I will ask Legislative Counsel about sections 38.

166 SEN. SMITH: Just remove what ORS 366.205 all together?

167 CEASE: I'm suggesting that I ask Legislative Counsel to look at ORS 366.205 at the deleted language to make sure that the general policy

relating to the administration of the highway function is covered either in the rest of that section or back in chapter 184 where all of the other duties are.

175 CHAIR DUKES: Why not put language in chapter 184 making it very clear in regard to general policy.

177 CEASE: I will check with Legislative Counsel to make sure the concept is there.

191 CHAIR DUKES: It seems reasonable that they would have that obligation to everything under the umbrella of ODOT.

194 CEASE: Continues reviewing section 39, page 19, of SB 98.

203 SEN. SMITH: Asks about the definition of "highway activities."

210 CEASE: Not sure.

213 SEN. SMITH: Is that a new term?

217 CEASE: We will ask Legislative Counsel if that is defined somewhere. -Explains language regarding administration and engineering of highway

construction.

224 SEN. SMITH: Discusses language that states "the department for highway activities."

231 CEASE: Continues with section 40, page 19 of SB 98.

246 SEN. SMITH: How many people are there in ODOT who are responsible for property?

252 CEASE: Maintenance of them?

255 SEN. SMITH: Most agencies don't own their property and manage their fleets.

258 CEASE: I can get that information for you.

262 SEN. SMITH: Discusses property acquired to build versus buildings and fleets that are owned.

271 CEASE: General Services didn't want the vehicles. -Discusses the franchise idea.

279 RIST: It didn't come up with discussions I've had.

280 SEN. SMITH: Asks why ODOT isn't moving maintenance of their buildings to General Services?

288 CHAIR DUKES: Asks for clarification regarding deleted language in section 41 of SB 98.

298 CEASE: Explanation of language. 307 CHAIR DUKES: Deleting language puts the responsibility for certifying totally with PUC.

310 CEASE: We can ask Legislative Counsel. -Continues with section 42, page 20 of SB 98. -Refers to SB 98-1 amendments. (EXHIBIT C) -Continues with review on pages 21-23, SB 98.

383 RIST: The 1,000 foot change is a technical change relating to junk yards.

390 CEASE: Continues reviewing sections 50-53, of SB 98.

416 CHAIR DUKES: Asks about language regarding state highway funds used in relation to disposing of junk yards.

434 CEASE: That is current language.

TAPE 19, SIDE B

013 RIST: Discusses federal law regarding highway funds.

016 CHAIR DUKES: Apparently even though this is old language it still exists.

023 CEASE: Explains changes in sections 53-57 of SB 98.

055 CHAIR DUKES: The director is going to be a very busy individual. Will the highway engineer be handling the sign permits in the future?

060 CEASE: That person doesn't really do it currently. It is delegated to Permits and Weighmaster people. -Continues reviewing sections 57-71, of SB 98.

198 CHAIR DUKES: Asks about manager duties and responsibilities.

210 CEASE: That would be overseen by the manager of one of the various subject areas.

217 SEN. SMITH: Asks about deletion of language regarding fidelity bonds.

230 CEASE: This may be an outdated provision.

237 SEN. SMITH: Asks for clarification regarding the adoption of rules.

249 RIST: Refers to section 9, page 5 of SB 98 regarding the power of the Commission.

267 SEN. SMITH: Concerned about the number of rules for one person to be responsible for. -Discussion about delegating rule making.

286 CEASE: As a practical matter things won't operate much differently than they do now.

281 SEN. SMITH: The authority and accountability will move from the Commission to the Director.

302 CEASE: I don't anticipate things being done much differently than they are now.

306 SEN. SMITH: Why is there language in here if no one anticipates this happening?

310 CEASE: Describes current rule making within Motor Vehicles Division. -Discusses the focus of responsibility.

332 SEN. SMITH: Was the Transportation Plan adopted by rule?

339 CEASE: Explains the process for the adoption of the Transportation Plan.

342 SEN. SMITH: So it isn't part of the rules?

347 RIST: We had many public meetings on the plan.

349 CEASE: I don't think it was adopted by rules, but I'm not positive.

366 CHAIR DUKES: I have some concerns about the language in section 9,

page 5, of SB 98. -The Commission seems to be off the hook in regard to rule making.

404 CEASE: Discussion about the Secretary of State's proposed legislation regarding agency rule making.

428 SEN. SMITH: Asks for information about Highway/Transportation Plans and if any of them were adopted by rule and also, if contract provisions are in rule. -List of rules we're talking about so I'm more comfortable.

TAPE 20, SIDE B

018 CEASE: Continues reviewing section 71, page 36, of SB 98.

074 SEN. YIH: Asks about the account being deleted on page 37, of SB 98.

081 CEASE: Explains section 74, lines 26, of SB 98 regarding references to accounts.

104 SEN. SMITH: The account in section 73 that is deleted refers to what? Where does the money go if you remove the account?

120 CEASE: I think it currently goes into another account. I can find out which account. -It probably hasn't been used for years.

134 SEN. YIH: What is a suspense account?

140 CEASE: It's used for depositing money received by the Division but I'm not sure where the money goes from there. -Explains where the money comes from. 172 SEN. YIH: Do you have an account for interest earned in that section or are they all together?

177 CEASE: We can ask a financial services person about that.

179 SEN. SMITH: It looks like the suspense account is emptied once a month.

180 RIST: Explains the accounts and flow of money through them.

181 CEASE: Continues with review on page 38, section 75 of SB 98. -Explains inserted language on page 59, of SB 98.

289 CHAIR DUKES: It's to remove snow from parking locations and maintain and develop more parking locations. Is that existing language somewhere?

297 CEASE: Explains the snow park permit program statutes. -Discusses vehicle code.

336 CHAIR DUKES: Adjourns meeting at 5:03 p.m.

Submitted by, Reviewed by,

Shannon Gossack Ruth Larson Assistant Administrator

EXHIBIT LOG:

A - LC 2654, Senator Bunn, 4 pgs. B - LC 2778, Senator Bunn, 2 pgs. C -  
SB 98-1 amendments, Staff, 6 pgs.