

Senate Committee on Transportation  
June 4, 1991 - Page

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.

SENATE COMMITTEE ON  
TRANSPORTATION

June 4, 1991Hearing Room C  
8:00 a.m.Tapes 99 - 102

MEMBERS PRESENT:Sen. Joan Dukes, Chair  
Sen. William McCoy, Vice-Chair  
Sen. Peter Brockman  
Sen. Scott Duff  
Sen. Paul Phillips  
Sen. Tricia Smith  
Sen. Eugene Timms

MEMBER EXCUSED:

VISITING MEMBER:

STAFF PRESENT: Ruth Larson, Committee Administrator  
Scott Marshall, Committee Assistant

MEASURES CONSIDERED: HB 2475 - Creates Traffic Safety Committee within the Department of Transportation. SJR12 - Allows proceeds from specially dedicated fuel tax to be used for state parks, upon voter approval of amendment to Oregon Constitution at the next general election. HB 313 5 - Authorizes renewal by mail of certain permits. HB 2056 - Deletes provision that makes person previously committed to state institution for mentally ill automatically ineligible for driving privileges. HB 2892 - Directs Department of General Services to control and regulate use and access to licensed motor vehicles used for official state business by state agencies.

WITNESSES:

Bob Bothman, Oregon Department of Transportation  
Roland Casad, " " " "  
Gil Bellamy, Oregon Traffic Safety Commission  
Senator Frank Roberts, District 9  
Jose Mata, Senator Roberts' Office  
Rep. Mary Alice Ford, District 8  
Rep. Sam Dominy, District 44  
Eugene Oregon, Disabilities Commission  
Beverly Bettis, Oregon Paralyzed Veterans of America  
Peggy Collins, Building Codes Agency  
Joan Plank, Motor Vehicles Division  
Rep. Bev Clarno, District 55  
Rep. Tom Brian, District 9  
Senator Paul Phillips, District 4

Bonnie Hayes, Association of Oregon Cities  
Dick Townsend, League of Oregon Cities  
Sally Godard, Mental Health and Developmental Disabilities Division

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TAPE 99, SIDE A

CHAIR DUKES: Calls the meeting to order at 8:13.

RUTH LARSON, COMMITTEE ADMINISTRATOR: Explains the items on the agenda.

PUBLIC HEARING ON HB 2475

BOB BOTHMAN, OREGON DEPARTMENT OF TRANSPORTATION: Submits and reviews testimony and reports. (EXHIBITS A, B, C, & D)

SEN. MCCOY: We have been after the fiscal impact the whole time. Nothing has been done so far.

CHAIR DUKES: This isn't the only part of ODOT that's undergoing review and change.

BOTHMAN: There will be alot of consolidation, specifically MVD. We are considering putting everything under one roof as the Department of Transportation.

SEN. DUFF: At the same time, aren't you creating a new management system?

BOTHMAN: Yes. We are focusing on the organizational and individual levels.

SEN. DUFF: I am concerned about criticizing you with your attempts to maximize output while minimizing inputs.

SEN. SMITH: What is the time frame for consolidation?

BOTHMAN: 6 months. The plan is not done for the entire agency.

SEN. SMITH: Does the Commission direct the director to make decisions about the organization?

BOTHMAN: No. The commission is responsible for the policy of transportation, and the director is responsible for the administration of the agency.

CHAIR DUKES: Is there encouragement from the Commission?

BOTHMAN: The Commission laid out a plan for Don Forbes to follow in the next year.

SEN. SMITH: I would like to know what are the goals of the Department.

CHAIR DUKES: Is the plan just for the highways?

135 GIL BELLAMY, OREGON TRAFFIC SAFETY COMMISSION: It is a plan for coordinating safety for the whole state.

CHAIR DUKES: Have the highway safety groups in ODOT and in OTSC looked at integrating

their planning?

BELLAMY: Yes. All the traffic safety groups were represented in that plan.

CHAIR DUKES: Does the safety group in ODOT have a plan?

146 BOTHMAN: They do not have a separate plan. It is a one man operation that is trying to pull the efforts of the different groups together.

CHAIR DUKES: Is it reasonable to believe that one of the management position will be cut?

BOTHMAN: It is quite possible.

SEN. SMITH: I am disturbed that it takes so long to put together an organizational chart. Was the bill pre-session filed?

ROLAND CASAD, OREGON DEPARTMENT OF TRANSPORTATION: There was a bill that was pre-session filed, but several amendments were also filed. Before this time we looked at the process of consolidation. After bill was filed, we did the fine tuning.

SEN. SMITH: In May and June the summary of the Department of Transportation functions will be completed. You will integrate personnel into committees. How will you do this without an organizational chart? Are you going to move everything as is to the new facility?

BOTHMAN: That is what we plan to do. The objective is to improve the overview and management of the Traffic Safety Commission. The goal is to reduce the number of fatalities, not the number of staff.

CHAIR DUKES: We will look at this during the interim.

SEN. BROCKMAN: Mergers are not always the best way to go.

SEN. TIMMS: This is the first time this committee has talked about cutting back. It should be our policy. Cutbacks may mean efficiency.

300 BELLAMY: There are 14 people who work on traffic records, and we will try to consolidate this area. In the fiscal area there are 64 people. We are adding an accountant position to our agency. We may be able to move an accountant from ODOT to this position.

CHAIR DUKES: Are you bringing your own accountant?

BELLAMY: We have an accountant position in our agency which is unfilled. We currently have no plans to fill it.

CHAIR DUKES: I request that position not be filled.

WORK SESSION ON HB 2475

MOTION: SENATOR TIMMS MOVES HB 2475 TO WAYS AND MEANS WITHOUT A RECOMMENDATION AS TO PASSAGE.

VOTE: IN A ROLL CALL VOTE, THE MOTION PASSES, WITH ALL MEMBERS VOTING AYE.

PUBLIC HEARING ON HB 3135

385 LARSON: Reviews the status and intent of 3135. Submits and explains the -7,-11, and -12 amendments. (EXHIBITS E,F, & G)

TAPE 100, SIDE A

SENATOR FRANK ROBERTS, DISTRICT 9: I would like to withdraw the -7 amendments. -  
- Goes through the intent of the -11 and -12 amendments.

CHAIR DUKES: What is the difference between the -11 and -12?

JOSE MATA, SENATOR ROBERTS' OFFICE: The -12 deal with the towing provisions.

92SEN. ROBERTS: SB 459 had most of the provisions in it. The towing provisions and many of the technical changes were not in it.

REPRESENTATIVE MARY ALICE FORD, DISTRICT 8: Speaks to the amendments. -I have no objections to the -12 amendments. On page 5, section 7, we had repealed ORS 811 .610, because we were told that it was a duplication. This language reinstates it.

CHAIR DUKES: Section 7 also deals with the requirement that one must conform to the sign in the statute, even if a person's disabled plate is not required by law.

REP. FORD: It might be a problem changing the traffic infraction from an A to a B. The existing signs would have a sticker placed over them to save money. There is no requirement to change the signs.  
- The -11 amendments could not get through the House. The police are reluctant to do this due to a lack of statutory authorization. It would be only applicable to private lots.

REPRESENTATIVE SAM DOMINY, DISTRICT 44: One of the major problems that we have had it requiring some individuals to go into the DMV to renew their license every two years. This bill allows that a permanently disabled person can go one time to qualify. A photo will be taken, and after that a person can renew by mail. This bill also deals with handicapped people who have difficulty getting photographed.

CHAIR DUKES: Please clarify who is exempted from the photographing.

REP. DOMINY: A physician must say that for a physical reason a person is exempt from being photographed.

REP. FORD: Cites examples of individuals desiring this exemption.

CHAIR DUKES: I don't think all those people are covered in the language in the bill. The DMV has been helpful in the photographing of the frail and disabled. We are hesitant to allow for a permit without a photo on it.

REP. DOMINY: A doctor would have to say that it would be physically harmful to go to get a picture taken. These people shouldn't have to go more than once. There is another area addressed dealing with parking space. It must be marked on the ground also. It was taken out by the

committee. We wanted to be sure of the size of the sign was a scaled up version of the two and a half by two and a half. We tried also to address who regulates the standards. This bill mandates the public agencies have 30 days to deal with the problem or it will go to the building codes.  
- I like the -11 amendments, but it won't pass the House.

SEN. TIMMS: Is this permissive in rural areas?

REP. DOMINY: There is nothing retroactive for those spaces in place already.

REP. FORD: When new spaces are put in you will be subject to the building codes.

-Submits and explains the -1 amendments. (EXHIBIT H)

473 SEN. MCCOY: Can anyone who is licensed make the diagnosis?

REP. FORD: It says "doctor" in statute. A licensed physician refers to any medical physician.

EUGENE OREGAN, DISABILITIES COMMISSION: We support this bill. It closes some serious loopholes.

BEVERLY BETTIS, OREGON PARALYZED VETERANS OF AMERICA: I recommend the passage of the amendments.

TAPE 99, SIDE B

OREGAN: Without the -11, enforcement will still be the major issue. The towing provision will be back.

BETTIS: I do appreciate the hard work of legislators making society more accessible to the handicapped.

SEN. TIMMS: The amendments to delete the volunteers is from where?

OREGON: I believe Senator Roberts withdrew them. We support the volunteer program.

PEGGY COLLINS, BUILDING CODES AGENCY: I support this bill and the amendments. -  
-There is a provision that will allow local jurisdictions to continue enforcement in the local area.  
It also allows someone to appeal if the law is not being enforced.

JOAN PLANK, MOTOR VEHICLES DIVISION: We support the bill.

PUBLIC HEARING ON 2892

177 REPRESENTATIVE BEVERLY CLARNO, DISTRICT 55: Submits and reviews testimony.  
(EXHIBIT I)

SEN. DUFF: On page 2, subsection 3, I have a problem about the State Board of Education not allowing the use of state-owned vehicles by students. Colleges in eastern Oregon do not have the services available that other schools do.

210 REP. CLARNO: I share your concern over those students.

REPRESENTATIVE TOM BRIAN, DISTRICT 9: Subsection 3, page 2, allows any "academic" program to utilize the state-owned vehicles. What other types of programs should we

spend state dollars on?

SEN. DUFF: Some of the sports programs at EOSC are funded by incidental fees.

REP. BRIAN: Academic activities include sports activities, but you might want to check to see if it includes all sports activities.

SEN. DUFF: What about student government activities?

REP. BRIAN: Unless it related to an academic program, I would say no.

REP. CLARNO: A student government conference would be considered a political science program.

REP. BRIAN: We don't have any regulations on many things that we have the authority to regulate. This bill purpose is to establish a policy on the usage of state vehicles. It defines what is official state business. It directs the agency to make consolidation where it is feasible.

SEN. SMITH: A state agency must make a request to General Services for an employee to use a vehicle, and General Services will make the determination on the legitimacy of that usage. Is that how it would work?

REP. BRIAN: No. The agency would acknowledge the rules set by General Services, and on a one-time blanket basis establish its use parameters. It would not be an individual vehicle request procedure.

REP. CLARNO: Under section 4, line 21, page 2, prior to this bill, General Services had no authority to oversee the motor pools. We wanted to organize the overall policy.

SEN. SMITH: General Services will decide through rule-making what is official state business under section 5. Is it appropriate for General Services to decide this?

REP. BRIAN: It will be done in a more negative sense, mandating those uses that are not to be allowed.

SEN. SMITH: Doesn't the Executive Department have rules prohibiting personal use?

REP. BRIAN: It is not well defined, because it is being done all the time. Often people believe that such travel is a perk of the job. The statute states that state-owned vehicles should be used for official state business only, but we lack a definition of what is official state business.

REP. CLARNO: Refers to the amended version, deleting "horse-drawn vehicle" and inserting "except for official state business as defined in rule by the Department of General Services." Private use was prohibited in statute, but there was no policy for enforcement.

393 SEN. SMITH: I don't think the Department of General Services is the appropriate agency to determine state business for other agencies.

REP. CLARNO: Our concern is that nobody had the authority. The agencies will give General Services their definition of state business in terms their own needs. We looked at how other states proceed with this problem.

TAPE 100, SIDE B

SEN. MCCOY: How does New Jersey deal with it?

REP. CLARNO: They consolidated 10 motor pools into 1, and encouraged that private usage of vehicles would require paying the fuel costs. We feel that General Services is doing a good job with the motor pool. We recognize the concerns of the many students who have written. We have many complaints from Risk Management concerning students greatly exceeding the speed limit. Most students are responsible, so we tried to adopt language that was fair.

SEN. TIMMS: In rural areas there are many problems like this, and this makes sense. Do we have any parameters to see if the policy is effective?

REP. BRIAN: Section 9 mandates that General Services report to the Joint Legislative Audit Committee on the progress of this program. About 98% of request for state vehicles filled.

SEN. TIMMS: I wonder what are the individual costs per vehicle. There are many statistics I am interested in.

PUBLIC HEARING ON SJR12

LARSON: Explains the status of SJR12.

SENATOR PAUL PHILLIPS, DISTRICT 4: This is one of four parts. It presents to the voters a gas tax used for the parks. With the gas tax increase in the bill, it has to come out of the House. It has a sunset clause which sets up policy issues that would be locked into the constitution. I would like to move SJR12 and remove the sunset clause and put in language that says that does not go into effect unless the legislature authorizes an increase in the gas tax. There will be a \$250 million a year in economic benefits to this state.

SEN. SMITH: What would the language say concerning the gas tax?

SEN. PHILLIPS: Nothing would happen unless we collectively passed an additional increase in the gas tax. If it is done this way there is no reason for the sunset.

SEN. TIMMS: Are there other ways to generate revenue for the parks?

SEN. PHILLIPS: General obligation - the two are not connected.

SEN. MCCOY: Does this deal exclusively with parks?

SEN. PHILLIPS: Yes, only parks.

SEN. TIMMS: There is going to be a drop in the highway fund with current legislation in the building.

SEN. PHILLIPS: I agree. This will go out to the voter and ask them that as a policy does it make sense to connect the two. There are some who would like to include the counties and cities, and that is a policy decision for the committee to look at.

BONNIE HAYES, ASSOCIATION OF OREGON COUNTIES: Submits and reviews testimony. (EXHIBIT K)

350 DICK TOWNSEND, LEAGUE OF OREGON CITIES: We should look to dedicated revenues for parks as this bill does. We have some concerns. This bill addresses state parks, not any city or county parks. The major issue is that there are a number of bills in the legislature that deal with the highway fund that are not being addressed as we would like. We believe that a comprehensive study is needed on this issue.

SEN. PHILLIPS: I haven't heard one word from these people over this bill until now. I'm willing to live or die on the conceptual amendments.

CHAIR DUKES: I would like to narrow this down to one package.

PUBLIC HEARING ON HB 2056

SALLY GODARD, MENTAL HEALTH AND DEVELOPMENTAL SERVICES DIVISION: Submits and reviews testimony. (EXHIBIT L)

75SEN. DUFF: You'll be able to deliver a to DMV a competency record on these individuals. How will you get information concerning the habitual offender?

GODARD: The DMV provides the state hospitals with that information.

WORK SESSION ON HB 2056

MOTION: SENATOR SMITH MOVES HB 2056 TO THE FLOOR WITH A "DO PASS" RECOMMENDATION.

VOTE: IN A ROLL CALL VOTE, THE MOTION CARRIES, WITH ALL MEMBERS PRESENT VOTING AYE. SENATOR MCCOY WAS ABSENT.

CHAIR DUKES: Adjourns the meeting at 10:15.

TAPE 102 WAS NOTED TO HAVE BEEN USED IN THIS ACCOUNT, BUT HAS NO MINUTES RECORDED ON IT.

Submitted by,      Reviewed by,

Scott Marshall      Ruth Larson  
Committee Assistant      Committee Administrator

EXHIBITS LOG

- A - Bob Bothman, 3 pages.
- B - " " " " , 160 pages.
- C - " " " " , 4 pages.
- D - " " " " , 6 pages.
- E - staff, 9 pages.
- F - staff, 9 pages.
- G - staff, 12 pages.

H - staff, 1 page.  
I - Rep. Bev Clarno, 1 page.  
J - Rep. Bev Clarno, 2 pages.  
K - staff, 3 pages.  
L - Sally Godard, 2 pages.