

Senate Committee on Transportation
June 10, 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 10, 1991Hearing Room B
8:00 a.m.Tapes 105 - 107

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: HJR 27 - Includes traffic patrol by Department of State Police within authorized uses of highway fund moneys, upon voter approval of amendment to Oregon Constitution at next primary election. HB 2223 - Authorizes collection of road use assessment fee from operators of certain overweight vehicles. HB 3208 - Prohibits the Motor Vehicles Division from suspending or revoking person's driving privileges for out-of-state conviction if suspension or revocation is not initiated within 90 days of conviction. HB 2860 - Provides that person commits offense of operating snowmobile or all-terrain vehicle while carrying bow unless all arrows are in quiver during operation of such vehicle.

WITNESSES:

Rod Harder, Oregon Sportsman Incorporated
Karl Krueger, Motor Vehicles Division
Representative John Meek, District 5
Representative Kevin Mannix, District 32
Gerry Russell, Oregon State Police
Roland Casad, Oregon Department of Transportation
Joan Robinson, Legislative Counsel

Bill Penhollow, Association of Oregon Counties
Dick Townsend, League of Oregon Cities'
John Merriss, Oregon Department of Transportation
Bob Russell, Public Utility Commission
Mike Meredith, Oregon Trucking Association

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TAPE 105, SIDE A

CHAIR DUKES: Calls the meeting to order at 8:30.

RUTH LARSON, COMMITTEE ADMINISTRATOR: Reviews the items on today's agenda.

PUBLIC HEARING ON HB 2860

ROD HARDER, OREGON SPORTSMEN INCORPORATED: We have arrived at an amendment that requires that an arrow be in the quiver.
-Explains the mechanics of a composite bow.

WORK SESSION ON HB 2860

MOTION: SENATOR PHILLIPS MOVES HB 2860 TO THE FLOOR WITH A "DO PASS" RECOMMENDATION.

VOTE: IN A ROLL CALL VOTE, THE MOTION CARRIES, WITH ALL MEMBERS VOTING AYE. SENATORS DUFF AND MCCOY WERE ABSENT.

PUBLIC HEARING ON HB 3208

LARSON: Explains the intent of HB 3208.

KARL KRUEGER, MOTOR VEHICLES DIVISION: Submits and reviews testimony. (EXHIBIT A)

SEN. SMITH: What would cause a delay beyond 90 days for getting the information from another state?

KRUEGER: Usually 90% of the states do it. We get 52,000 out-of-state convictions. Out of those we would suspend 2600. This would leave about 260 that are late.

SEN. SMITH: Why do 260 not get here in 90 days?

KRUEGER: It could be due to some type of appeal process, or some states may not do it on a continual basis. It really shouldn't take longer than 90 days.

SEN. SMITH: Does DMV have a position on this bill?

KRUEGER: We like it.

REPRESENTATIVE JOHN MEEK, DISTRICT 5: For an out-of-state DUII, there is no time line in statute with which to refer. There is contractual agreement between the states for taking appropriate action. We considered numerous options on the number of days. -Cites an out-of-state DUII case.

182 SEN. SMITH: Can a commercial driving license suspension be diverted?

REP. MEEK: No. He would be unemployed from truck driving for a year.

CHAIR DUKES: If a personal drivers license is suspended, is one still able to drive commercially?

KRUEGER: No.

SEN. BROCKMAN: Was the person driving a truck at the time?

REP. MEEK: No, he was driving his car.

SEN. SMITH: Our state should be prompt once we get the information from another state.

REP. MEEK: The original language I had drafted gave 60 days for the date of notice. DMV said 90 would be adequate.

KRUEGER: We have no problem with 30 days.

CHAIR DUKES: How long does it take to get a conviction from another state?

KRUEGER: Most of the time it's within 90 days.

SEN. SMITH: Were the amendments at your request?

REP. MEEK: I was not at the hearing when the bill was amended. There needs to be a time line on when DMV is notified by the other state. We were considering 90 days for that. The difference is that a person has a year in their resident state after an out-of-state conviction. In this case, under current law, his license would not have been suspended.

KRUEGER: The issue isn't where the person is convicted. We take the same action.

WORK SESSION ON HB 3208

MOTION: SENATOR SMITH MOVES TO CONCEPTUALLY AMEND HB 3208 REQUIRING THE MOTOR VEHICLES DIVISION TO ACT WITHIN 30 DAYS OF NOTIFICATION OF CONVICTION. IF THE MOTOR VEHICLES DIVISION IS NOT NOTIFIED WITHIN 180 DAYS OF THE FINAL CONVICTION, THAT THERE IS NO ACTION TAKEN.

CHAIR DUKES: Will it work?

KRUEGER: Yes.

SEN. BROCKMAN: What is the 42 state drivers license compact?

KRUEGER: Explains the compact.

VOTE: HEARING NO OBJECTION, CHAIR DUKES SO MOVES.

MOTION: SENATOR SMITH MOVES HB 3208 AS CONCEPTUALLY AMENDED TO THE FLOOR WITH A "DO PASS" RECOMMENDATION.

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

TAPE 106, SIDE A

PUBLIC HEARING ON HJR 27

LARSON: Explains the status of HJR 27.

REPRESENTATIVE KEVIN MANNIX, DISTRICT 32: I support the amended version. - It prevents raids on the highway trust fund. It also ensures that the funds are used solely for the policing of highways. We are facing 100 less troopers on the highway than we had 10 years ago. It will require the House to pass HB 3577, which is contingent upon passage of this constitutional amendments. Both must pass for this to work.

CHAIR DUKES: Why does ODOT have to be involved in this?

REP. MANNIX: They don't. I don't think it has to be involved in the constitutional provision. If it is necessary to pass the bill, I will go along with it.

CHAIR DUKES: If the police were only patrolling the highways with the funds, I don't see why ODOT needs to be involved.

REP. MANNIX: I agree. Depending on where the votes are at in the House Revenue Committee I will be willing to compromise.

SEN. PHILLIPS: Why did you chose the primary election instead of the general?

REP. MANNIX: If it passes in the primary, we could look at an earlier implementation date

SEN. PHILLIPS: The ability of the Emergency Board to act as a full legislative body was taken away in a recent ruling.

REP. MANNIX: We would have already instituted the fee.

SEN. PHILLIPS: I would like to name the state police. I don't want the cities and counties from coming here for money.

CHAIR DUKES: There is no formula for distribution, but there will be before

it passes out of
the legislature. I have already talked to the President concerning this
issue.

REP. MANNIX: I didn't want the constitutional amendments limited. We need
to keep in mind
that Measure 5 has resulted in local budget cutbacks. I could see a
compromise that gives the
state police over the administration of the funds.

143 CHAIR DUKES: As long as they are policing the highways, we aren't
concerned about what
uniform they are wearing.

158 SEN. DUFF: I like the flexibility of this bill.

CHAIR DUKES: The House was reluctant to move HB 3577 unless this bill
proceeded to the
floor.

REP. MANNIX: The counties may come in to request restricting this to motor
vehicle taxes. I
don't like this. HJR 27 does the job by focusing on policing with enough
flexibility.

SEN. BROCKMAN: What was the vote?

REP. MANNIX: A large majority of the House supported it.

212 GERRY RUSSELL, OREGON STATE POLICE: Submits and reviews testimony.
(EXHIBIT
B)

ROLAND CASAD, OREGON DEPARTMENT OF TRANSPORTATION: Submits and
reviews testimony. (EXHIBIT C)

CHAIR DUKES: Does the language have to be in the bill?

CASAD: It's important language to have.

SEN. PHILLIPS: Would the State Police work with them if the language was
not in the bill?

RUSSELL: We will work with anybody on traffic safety.

SEN. PHILLIPS: How much are we talking about for this program?

RUSSELL: About \$80 million a biennium.

SEN. PHILLIPS: What is the current State Police budget?

RUSSELL: For patrol it was \$52 million.

330 SEN. PHILLIPS: Would 60% of the \$40 million per year State Police money?

RUSSELL: I think that is close.

SEN. DUFF: Is the focus of this money for highway safety and patrol?

RUSSELL: That is correct.

CHAIR DUKES: We have amendments, but it looks like we don't have to use them. On HJR 27, amendments have been purposed to clarify that DMV may collect administrative costs from the \$15 registration fee funds, and that public owned vehicles are not required to register. That is currently happening. Do we need to do that in HJR 27?

TAPE 105, SIDE B

JOAN ROBINSON, LEGISLATIVE COUNSEL: No. The House version covers that. Under the proposed version the administrative costs are not covered.

CHAIR DUKES: If both bills pass, then would HB 3577 be the appropriate place to put the language dealing with this?

ROBINSON: Yes.

BILL PENHOLLOW, ASSOCIATION OF OREGON COUNTIES: We have supported a limited use of the highway trust fund for the policing of the roadways. The voters were concerned about the diversion of the funds in 1979. Prior to that time, we had been working to increase the gas tax. It was unsuccessful due to concerns that the funds would be diverted policing. Since then we have increased the gas tax leading to significant accomplishments in the road system. There is still a need for more funds. We support the current limitations on the funds. In the hand-engrossed bil, on line 20a, we ask that the authorization clause be more narrowly defined. We suggest placing a constitutional cap on the fee at the proposed \$15.

186 DICK TOWNSEND, LEAGUE OF OREGON CITIES: We are concerned that the approach to the highway issue is not comprehensive enough. We are opposed to limiting the funds to state policing. The minority report put local jurisdictions back into the bill.

CHAIR DUKES: How do you feel about AOC's proposal to only allow for the vehicle registration fee in the future?

TOWNSEND: We would support it.

RUSSELL: We have no problem with just registration fees.

CHAIR DUKES: If we were to amend it in a way that set up the restrictions to the registration fee, it would prohibit you from getting gas tax revenue.

SEN. DUFF: With the anticipated big population increase, will this be adequate to handle the increase in vehicle traffic?

RUSSELL: We believe it will be sufficient.

SEN. SMITH: What's the budget for the State Police?

RUSSELL: For the last biennium, \$52 million.

SEN. SMITH: How much will the \$15 bring?

RUSSELL: Our share will be \$80 million a biennium.

SEN. SMITH: How much will it raise?

RUSSELL: \$102 million.

CHAIR DUKES: As it is now, it's for policing. About 80% goes to the state and the rest to cities and counties.

SEN. SMITH: I don't think state tax should pay for local services.

CHAIR DUKES: The reality is that we're are trying to get funding for the State Police. If 3577 makes it here, you may make suggestions concerning the distribution.

SEN. PHILLIPS: Since cities and counties have fundraising capabilities. I think their amendments would be a mistake.

REP. MANNIX: The AOC proposal is garbage. To add another restriction on the gas tax is bad public policy.

WORK SESSION ON HJR 27

CHAIR DUKES: Explains the -7 and -8 amendments

TAPE 106, SIDE B

MOTION: SENATOR PHILLIPS MOVES THE -7 AND -8 AMENDMENTS TO HJR 27.

VOTE: HEARING NO OBJECTION, CHAIR DUKES SO MOVES.

MOTION: SENATOR PHILLIPS MOVES HJR 27 AS AMENDED TO THE FLOOR WITH A "DO PASS" RECOMMENDATION.

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

PUBLIC HEARING ON HB 2475

LARSON: Submits the -5 amendments. (EXHIBIT E)

MOTION: SENATOR MCCOY MOVES TO RECONSIDER HB 2475.

VOTE: HEARING NO OBJECTION, CHAIR DUKES SO MOVES.

CHAIR DUKES: Reads through the -5 amendments.

WORK SESSION ON HB 2475

MOTION: SENATOR SMITH MOVES THE -5 AMENDMENTS TO HB 2475.

VOTE: HEARING NO OBJECTION, CHAIR DUKES SO MOVES.

MOTION: SENATOR SMITH MOVES HB 2475 AS AMENDED TO THE FLOOR WITH A "DO PASS" RECOMMENDATION.

VOTE: IN A ROLL CALL VOTE, THE MOTION CARRIES, WITH ALL MEMBERS PRESENT VOTING AYE. SENATORS TIMMS AND BROCKMAN WERE ABSENT.

PUBLIC HEARING ON HB 2223

JOHN MERRISS, OREGON DEPARTMENT OF TRANSPORTATION: Goes through display chart. Submits chart pamphlet. (EXHIBIT F)

CHAIR DUKES: With the status of highway funding, we may only be able to fill potholes in the future. What does that do to your study?

MERRISS: Without additional funding we will spend have to spend all of our money on preservation. We may have to shift the truck responsibility up.

CHAIR DUKES: Are you in support of the bill still?

MERRISS: Yes. We plan to do another cost responsibility study. Under current rates cars will pay 58% and trucks will be paying 42% in terms of cost responsibility. We anticipate that trucking responsibility will decrease to 38 % by 1983. HB 2223 will correct this.
-Discusses the details of HB 2223.

TAPE 107, SIDE A

MERRISS: Continues to discuss the details of HB 2223.

BOB RUSSELL, PUBLIC UTILITY COMMISSION: Submits and reviews testimony. (EXHIBIT G)

117 PENHOWELL: I am in support of the cost responsibility study. We may have a potential reduction of 3 cents per mile in gas tax revenue in the next biennium.

MIKE MEREDITH, OREGON TRUCKING ASSOCIATION: We support the bill.

WORK SESSION ON HB 2223

MOTION: SENATOR PHILLIPS MOVES HB 2223 TO REVENUE WITH A "SO PASS" RECOMMENDATION.

VOTE: IN A ROLL CALL VOTE, THE MOTION CARRIES, WITH A MEMBERS PRESENT VOTING AYE. SENATORS TIMMS AND MCCOY WERE ABSENT.

CHAIR DUKES: Adjourns the meeting at 10:37.

Submitted by,

Reviewed by,

R. Scott Marshall
Committee Assistant

Ruth Larson
Committee Administrator

EXHIBIT LOG

- A - Karl Krueger, 1 page.
- B - G. J. Russell, 5 pages.
- C - Roland Casad, 2 pages.
- D - staff, 1 page.
- E - staff, 1 page.
- F - John Merriss, 17 pages.
- G - Robert Russell, 2 pages.