

## SENATE COMMITTEE ON TRANSPORTATION

February 5, 2008  
1:00 P.M.

Hearing Room C  
Tapes 1 - 2

**MEMBERS PRESENT:** Sen. Rick Metsger, Chair  
Sen. Bruce Starr, Vice-Chair  
Sen. Gary George  
Sen. Larry George  
Sen. Betsy Johnson  
Sen. Rod Monroe

**MEMBER EXCUSED:** Sen. Joanne Verger

**STAFF PRESENT:** Patrick Brennan, Committee Administrator  
Debbie Malone, Committee Assistant

**MEASURES HEARD:** Adoption of Committee Rules – Organizational Meeting  
SB 1079 – Public Hearing and Work Session  
SB 1084 – Public Hearing

This tape log is in compliance with Senate and House Rules. For complete contents, please refer to the cassette tapes.

| <b>TAPE #</b>                                                      | <b>COUNTER</b> | <b>BRIEF DESCRIPTION OF SUBJECT MATTER</b>                                                |
|--------------------------------------------------------------------|----------------|-------------------------------------------------------------------------------------------|
| <b>AND SIDE</b>                                                    | <b>NUMBER</b>  | <b>OR CHANGE IN SPEAKER</b>                                                               |
| <b>1A</b>                                                          | 003            | Chair Metsger calls the meeting to order at 1:03 p.m.                                     |
|                                                                    | 011            | Sen. Johnson                                                                              |
|                                                                    | 014            | Chair Metsger                                                                             |
|                                                                    | 019            | Sen. Johnson                                                                              |
| <b><u>ADOPTION OF COMMITTEE RULES – ORGANIZATIONAL MEETING</u></b> |                |                                                                                           |
|                                                                    | 023            | Chair Metsger ( <b>EXHIBIT A</b> )                                                        |
|                                                                    | <b>038</b>     | <b>MOTION: Sen. Starr moves to ADOPT the proposed<br/>Committee Rules dated 02/05/08.</b> |
|                                                                    |                | <b>VOTE: 6-0-0</b>                                                                        |
|                                                                    |                | <b>Chair Metsger, hearing no objection, declares the motion<br/>CARRIED.</b>              |
| <b><u>SB 1079 – PUBLIC HEARING</u></b>                             |                |                                                                                           |
|                                                                    | 042            | Patrick Brennan, Committee Administrator ( <b>EXHIBIT B</b> )                             |
|                                                                    | 047            | Chair Metsger                                                                             |
|                                                                    | 049            | Sen. Richard Devlin, Senate District #19                                                  |
|                                                                    | 050            | Chair Metsger                                                                             |
| <b>1A</b>                                                          | 051            | Sen. Devlin                                                                               |
| <b><u>SB 1084 – PUBLIC HEARING</u></b>                             |                |                                                                                           |
|                                                                    | 054            | Sen. Devlin ( <b>EXHIBITS C, D</b> )                                                      |
|                                                                    | 093            | Vice-Chair Starr                                                                          |
|                                                                    | 095            | Sen. Devlin                                                                               |
|                                                                    | 108            | Chair Metsger                                                                             |
| <b><u>SB 1079 – PUBLIC HEARING</u></b>                             |                |                                                                                           |

|    |     |                                                                                                 |
|----|-----|-------------------------------------------------------------------------------------------------|
|    | 110 | Patrick Brennan, Committee Administrator                                                        |
|    | 117 | Chair Metsger                                                                                   |
|    | 120 | Paul Romain, Lobbyist, Oregon Petroleum Association                                             |
|    | 138 | Chair Metsger                                                                                   |
|    | 140 | Mr. Romain                                                                                      |
|    | 142 | Chair Metsger                                                                                   |
|    | 145 | Maureen Bock, Fuels Tax Program Manager, Oregon Department of Transportation <b>(EXHIBIT E)</b> |
|    | 162 | Sen. G. George                                                                                  |
|    | 166 | Ms. Bock                                                                                        |
|    | 170 | Dan Clem, Director, Oregon Department of Aviation                                               |
|    | 200 | Sen. Johnson                                                                                    |
|    | 214 | Chair Metsger                                                                                   |
|    | 219 | Mr. Clem                                                                                        |
|    | 224 | Chair Metsger                                                                                   |
|    | 229 | Sen. Johnson                                                                                    |
|    | 239 | Chair Metsger                                                                                   |
|    | 249 | Sen. Johnson                                                                                    |
|    | 250 | Vice-Chair Starr                                                                                |
|    | 254 | Sen. G. George                                                                                  |
|    | 263 | Sen. Johnson                                                                                    |
|    | 273 | Mark Kendall, Renewable Resource Policy Analyst, Oregon Department of Energy                    |
|    | 309 | Chair Metsger                                                                                   |
|    | 316 | Sen. G. George                                                                                  |
|    | 322 | Mr. Kendall                                                                                     |
|    | 339 | Chair Metsger                                                                                   |
|    | 352 | Lisa Hanson, Deputy Director, Oregon Department of Agriculture (ODA)                            |
|    | 374 | Chair Metsger                                                                                   |
|    | 383 | Russ Wyckoff, Weights and Measures Division, ODA                                                |
|    | 391 | Sen. G. George                                                                                  |
| 1A | 397 | Mr. Wyckoff                                                                                     |
|    | 401 | Chair Metsger                                                                                   |

**SB 1079 – WORK SESSION**

**405**

**MOTION: Sen. Starr moves to ADOPT SB 1079-1 amendments dated 02/04/08 and that the measure be FURTHER AMENDED on page 2, line 13, by deleting "or" and on page 2, line 13, by deleting "." and insert "or" and on page 2, after line 15, insert "(c) Aircraft".**

|    |            |                    |
|----|------------|--------------------|
|    | 416        | Sen. Monroe        |
|    | 425        | Chair Metsger      |
|    | 444        | Sen. Monroe        |
|    | 448        | Chair Metsger      |
|    | 465        | Sen. L. George     |
| 2A | 025        | Chair Metsger      |
|    | 035        | Sen. Monroe        |
|    | 038        | Chair Metsger      |
|    | <b>041</b> | <b>VOTE: 6-0-1</b> |

**EXCUSED: 1 - Sen. Verger**

**Chair Metsger, hearing no objection, declares the motion CARRIED.**

**042**

**MOTION: Sen. Starr moves SB 1079 to the floor with a DO PASS AS AMENDED recommendation.**

**VOTE: 6-0-1**

**EXCUSED: 1 - Verger**

**Chair Metsger, hearing no objection declares the motion CARRIED.**

**SEN. JOHNSON will lead discussion on the floor.**

Sen. Johnson

053

**SB 1084 – PUBLIC HEARING**

054

Chair Metsger

061

Dan Clem, City Counselor, City of Salem

090

Chair Metsger

092

Sen. G. George

097

Chair Metsger

103

Bob Livingston, Oregon State Fire Fighters Council (**EXHIBIT F**)

154

Sen. Johnson

156

Mr. Livingston

147

Kevin Grey, President, Springfield Professional Firefighters Association

161

Gavin Johnson, Regional Director, Northwest Muscular Dystrophy Association

190

Rebecca Carter, citizen

**2A**

217

Chair Metsger

224

Andrea Meyer, Legislative Director, American Civil Liberties Union (ACLU) of Oregon

262

Chair Metsger

275

Sen. Johnson

281

Ms. Meyer

297

Sen. Johnson

301

Ms. Meyer

330

Sen. Johnson

332

Ms. Meyer

377

Vice-Chair Starr

382

Ms. Meyer

388

Vice-Chair Starr

392

Ms. Meyer

394

Vice-Chair Starr

398

Ms. Meyer

406

Vice-Chair Starr

408

Ms. Meyer

418

Vice-Chair Starr

425

Ms. Meyer

439

Sen. L. George

453

Ms. Meyer

**1B**

033

Sen. G. George

039

Ms. Meyer

051

Sen. Johnson

|           |     |                                                                       |
|-----------|-----|-----------------------------------------------------------------------|
|           | 052 | Ms. Meyer                                                             |
|           | 063 | Sen. L George                                                         |
|           | 070 | Mr. Livingston                                                        |
|           | 091 | Ms. Meyer                                                             |
|           | 113 | Sen. Johnson                                                          |
|           | 121 | Ms. Meyer                                                             |
|           | 124 | Sen. Johnson                                                          |
|           | 131 | Ms. Meyer                                                             |
|           | 147 | Sen. Johnson                                                          |
|           | 152 | Ms. Meyer                                                             |
|           | 161 | Sen. L. George                                                        |
|           | 170 | Ms. Meyer                                                             |
|           | 177 | Chair Metsger                                                         |
|           | 184 | Cyndie Roberts, Lobbyist, City of Medford                             |
| <b>1B</b> | 207 | Sen. G. George                                                        |
|           | 215 | Ms. Roberts                                                           |
|           | 220 | Sen. Johnson                                                          |
|           | 230 | Ms. Roberts                                                           |
|           | 244 | Sen. Johnson                                                          |
|           | 241 | Ms. Roberts                                                           |
|           | 262 | Vice-Chair Starr                                                      |
|           | 264 | Sen. G. George                                                        |
|           | 241 | Doug Tindall, Deputy Director, Oregon Department of<br>Transportation |
|           | 281 | Sen. G. George                                                        |
|           | 290 | Mr. Tindall                                                           |
|           | 298 | Chair Metsger                                                         |
|           | 327 | Sen. Monroe                                                           |
|           | 340 | Sen. G. George                                                        |
|           | 343 | Chair Metsger adjourns the meeting at 2:26 p.m.                       |

## **EXHIBIT SUMMARY**

- A. Adoption of Committee Rules, Committee Rules, staff, 2 pp**
- B. SB 1079, -1 amendments, staff, 2 pp**
- C. SB 1084, Sen. Richard Devlin, 1 p**
- D. SB 1084, -1 amendments, staff 1 p**
- E. SB 1079, written testimony, Maureen Bock, 2 pp**
- F. SB 1084, written testimony, Bob Livingston, 1 p**

## SENATE COMMITTEE ON TRANSPORTATION

February 5, 2008  
6:00 P.M.

Hearing Room C  
Tapes 3 - 5

**MEMBERS PRESENT:** Sen. Rick Metsger, Chair  
Sen. Bruce Starr, Vice-Chair  
Sen. Gary George  
Sen. Larry George  
Sen. Betsy Johnson

**MEMBER EXCUSED:** Sen. Rod Monroe  
Sen. Joanne Verger

**STAFF PRESENT:** Patrick Brennan, Committee Administrator  
Debbie Malone, Committee Assistant

**MEASURES HEARD:** SB 1080 – Public Hearing and Work Session

This tape log is in compliance with Senate and House Rules. For complete contents, please refer to the cassette tapes.

| TAPE #                          | COUNTER | BRIEF DESCRIPTION OF SUBJECT MATTER                                                                                               |
|---------------------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------|
| AND SIDE                        | NUMBER  | OR CHANGE IN SPEAKER                                                                                                              |
| 3A                              | 003     | Chair Metsger calls the meeting to order at 6:03 p.m.                                                                             |
| <u>SB 1080 – PUBLIC HEARING</u> |         |                                                                                                                                   |
|                                 | 019     | Patrick Brennan, Committee Administrator ( <b>EXHIBIT A</b> )                                                                     |
|                                 | 016     | Chair Metsger                                                                                                                     |
|                                 | 030     | Tom McClellan, Interim Administrator, Driver and Motor Vehicle Division, Oregon Department of Transportation ( <b>EXHIBIT B</b> ) |
|                                 | 161     | Sen. Larry George                                                                                                                 |
|                                 | 171     | Mr. McClellan                                                                                                                     |
|                                 | 185     | Sen. L. George                                                                                                                    |
|                                 | 196     | Mr. McClellan                                                                                                                     |
|                                 | 209     | Sen. L. George                                                                                                                    |
|                                 | 211     | Mr. McClellan                                                                                                                     |
|                                 | 218     | Vice-Chair Starr                                                                                                                  |
|                                 | 223     | Mr. McClellan                                                                                                                     |
|                                 | 228     | Vice-Chair Starr                                                                                                                  |
|                                 | 233     | Mr. McClellan                                                                                                                     |
|                                 | 246     | Vice-Chair Starr                                                                                                                  |
| 3A                              | 260     | Mr. McClellan                                                                                                                     |
|                                 | 269     | Vice-Chair Starr                                                                                                                  |
|                                 | 272     | Mr. McClellan                                                                                                                     |
|                                 | 282     | Vice-Chair Starr                                                                                                                  |
|                                 | 288     | Mr. McClellan                                                                                                                     |
|                                 | 293     | Vice-Chair Starr                                                                                                                  |

4A

297 Sen. G. George  
309 Heidi Altmaier, Counsel, Office of Legislative Counsel  
318 Chair Metsger **(EXHIBIT C)**  
322 Jeff Stone, Director of Government Relations, Oregon  
Association of Nurseries **(EXHIBIT D)**  
390 Sen. Johnson  
395 Sen. L. George  
407 Mr. Stone  
427 Sen. L. George  
440 Mr. Stone  
458 Vice-Chair Starr  
034 Mr. Stone  
049 Sen. G. George  
058 Mr. Stone  
071 Sen. G. George  
074 Mr. Stone  
080 Chair Metsger  
100 Denise Sutton, Citizen, Lincoln County  
120 Ted Campbell, Director, Oregon Chapter of Minutemen Civil  
Defense Corps.  
139 Brenda Hallgrimson, Citizen, Yamhill County **(EXHIBIT E)**  
178 Andrea Meyer, Legislative Director, American Civil Liberties  
Union (ACLU) of Oregon  
220 Chair Metsger  
222 Olga L. Guerrero  
248 Santiago Espinosa, Citizen, Salem **(EXHIBIT F)**  
296 David Cross, Citizen, Salem **(EXHIBIT G)**  
344 Jim Ludwick, President, Oregonians for Immigration Reform  
384 Sen. L. George  
395 Mr. Ludwick  
412 Sen. L. George  
421 Mr. Ludwick  
432 Clark Seelen  
046 Chair Metsger  
060 Robert Dent Smith  
100 Monica Goracke, Attorney, Oregon Law Center **(EXHIBIT H)**  
140 Chair Metsger  
159 Jose Hatoric  
173 Chair Metsger  
180 Elizabeth Van Staaveren, Citizen, McMinnville **(EXHIBIT I)**  
215 Lynda Chambers, Citizen, Portland  
242 Chair Metsger  
249 Daryl Hallgrimcol  
261 Chair Metsger  
278 Victoria Lara **(EXHIBIT J)**  
313 Guadalupe Sandoval  
350 Felisa Hagins, Political Director, Service Employees  
International Union (SEIU) Local 49 **(EXHIBIT K)**  
418 Sen. L. George  
438 Hagins

3B

|           |     |                                                                 |
|-----------|-----|-----------------------------------------------------------------|
|           | 446 | Chair Metsger                                                   |
|           | 460 | Christopher Darnell Wilson, Citizen, Salem ( <b>EXHIBIT L</b> ) |
| <b>4B</b> | 058 | Doug Campbell                                                   |
|           | 064 | Chair Metsger                                                   |
|           | 068 | Campbell                                                        |
|           | 070 | Chair Metsger                                                   |
|           | 076 | Jonathan Barosa                                                 |
|           | 090 | Chair Metsger                                                   |
|           | 092 | Sen. L. George                                                  |
|           | 102 | Vice-Chair Starr                                                |
|           | 110 | Christiam Beltron                                               |
|           | 138 | Chair Metsger                                                   |
|           | 141 | Salomin Soto                                                    |
|           | 164 | Chair Metsger                                                   |
|           | 170 | Mr. McClellan                                                   |
|           | 180 | Chair Metsger                                                   |
|           | 197 | Mr. McClellan                                                   |
|           | 206 | Sen. Johnson                                                    |
|           | 216 | Mr. McClellan                                                   |
|           | 234 | Sen. Johnson                                                    |
|           | 238 | Mr. McClellan                                                   |
|           | 242 | Sen. Johnson                                                    |
| <b>4B</b> | 248 | Mr. McClellan                                                   |
|           | 263 | Vice-Chair Starr                                                |
|           | 279 | Mr. McClellan                                                   |
|           | 284 | Vice-Chair Starr                                                |
|           | 287 | Sen. L. George                                                  |
|           | 294 | Mr. McClellan                                                   |
|           | 310 | Sen. G. George                                                  |
|           | 316 | Mr. McClellan                                                   |
|           | 322 | Sen. G. George                                                  |
|           | 333 | Chair Metsger                                                   |
|           | 339 | Paco Maribona, Citizen, Gleneden Beach ( <b>EXHIBIT M</b> )     |
|           | 431 | Chair Metsger                                                   |

**SB 1080 WORK SESSION**

**5A                      026**

**MOTION: Sen. Starr moves to ADOPT SB 1080-1  
amendments dated 02/05/08.**

**VOTE: 6-0-1**

**EXCUSED: 1 - Sen. Verger**

**Chair Metsger, hearing no objection, declares the motion  
CARRIED.**

**030                      MOTION: Sen. Starr moves SB 1080 to the floor with a DO  
PASS AS AMENDED recommendation and BE  
REFERRED to the Committee on Ways and  
Means.**

|     |                |
|-----|----------------|
| 048 | Sen. L. George |
| 088 | Sen. Johnson   |
| 103 | Sen. G. George |
| 129 | Sen. Starr     |
| 168 | Chair Metsger  |

093

**VOTE: 5-0-2**

**AYE:** In a roll call vote, all members present vote Aye.

**EXCUSED:** 2 - Sen. Monroe, Sen. Verger

**Chair Metsger declares the motion CARRIED.**

**The following prepared testimony is submitted for the record without public testimony:**

Julia Vera (**EXHIBIT N**)

Ruth Bendl (**EXHIBIT O**)

Virginia Luis (**EXHIBIT P**)

Javier Ceja (**EXHIBIT Q**)

Ramona Hernandez (**EXHIBIT R**)

095

Chair Metsger adjourns the committee at 8:12 p.m.

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-  
-  
-

#### **EXHIBIT SUMMARY**

- A. SB 1080, -1 amendments, staff, 18 pp
- B. SB 1080, written testimony, Tom McClellan, 4 pp
- C. SB 1080, written testimony, staff, 1 p
- D. SB 1080, written testimony, Jeff Stone, 1 p
- E. SB 1080, written testimony, Brenda Hallgrimson, 2 pp
- F. SB 1080, written testimony, Santiago Espinosa, 3 pp
- G. SB 1080, written testimony, David Olen Cross, 17 pp
- H. SB 1080, written testimony, Monica Goracke, 3 pp
- I. SB 1080, written testimony, Elizabeth Van Staaveren, 2 pp
- J. SB 1080, written testimony, Victoria Lara, 1 p
- K. SB 1080, written testimony, Felisa Hagins, 2 pp
- L. SB 1080, written testimony, Christopher Darrnell Wilson, 2 pp
- M. SB 1080, written testimony, Paco Maribona, 24 pp
- N. SB 1080, written testimony, Julia Vera, 2 pp
- O. SB 1080, written testimony, Ruth Bendl, 4 pp
- P. SB 1080, written testimony, Virginia Luis, 1 p
- Q. SB 1080, written testimony, Javier Ceja, 2 pp
- R. SB 1080, written testimony, Ramona Hernandez, 1 p