

SENATE COMMITTEE ON GENERAL GOVERNMENT

March 15, 2005
3:10 P.M.

Hearing Room B
Tapes 37 - 38

MEMBERS PRESENT: Sen. Frank Shields, Chair
Sen. Bruce Starr
Sen. Joanne Verger
Sen. Vicki Walker

STAFF PRESENT: Judith Callens, Committee Administrator
Linda K. Gatto, Committee Assistant

MEASURES/ISSUES HEARD:

SB 402 – Public Hearing
SB 856 – Public Hearing and Work Session
SB 67 – Public Hearing and Work Session
SB 316 – Public Hearing and Work Session
SB 563 – Public Hearing
SB 577 – Public Hearing and Work Session
SB 589 – Public Hearing
SB 807 – Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 37, A		
003	Chair Shields	Calls the meeting to order at 3:12 p.m. and opens a public hearing on SB 402.
<u>SB 402 – PUBLIC HEARING</u>		
014	Sen. Ben Westlund	Senate District 27. Testifies in support of SB 402 and anticipates the amendments will make this an implemental and practical bill.
028	Chair Shields	Confirms that the amendments relate to helping the counties.
029	Sen. Westlund	Clarifies there needs to be an appropriate way of covering costs.
038	Chair Shields	Closes the public hearing on SB 402 and opens the public hearing on SB 856.
<u>SB 856 – PUBLIC HEARING</u>		
045	Judith Callens	Committee Administrator. Reviews what SB 856 does and states there are no fiscal or revenue impact statements.
051	Carol Suzuki	Salem resident, serving on the Oregon Commission of Asian Affairs since 2001. Provides information on what the commission does. Explains that SB 856 will bring the Oregon Commission of Asian Affairs into alignment with sister commissions; Black Affairs, Hispanic Affairs and the Commission for Women.
066	Chair Shields	Closes the public hearing on SB 856 and opens the work session on SB 856.
<u>SB 856 – WORK SESSION</u>		
074	Sen. George	MOTION: Moves SB 856 to the floor with a DO PASS recommendation.

077

Chair Shields

087

Chair Shields

SB 67 – PUBLIC HEARING

089

Judith Callens

111

Irene Zenev

168

Chair Shields

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Zenev

172

Sen. George

180

Zenev

187

Sen. George

190

Zenev

197

Sen. Verger

202

Zenev

194

James Hamrick

214

Sen. Verger

219

Hamrick

235

Chair Shields

SB 67 – WORK SESSION

237

Sen. George

243

Chair Shields

Sen. George

246

Sen. Verger

250

Hamrick

270

Chair Shields

VOTE: 4-0-1

EXCUSED: 1 – Walker (*see Tape 38, B #128)

Hearing no objection, declares the motion CARRIED.

SEN. BROWN will lead discussion on the floor.

Closes the work session on SB 856 and opens the public hearing on SB 67.

Committee Administrator. Explains what SB 67 does and the purpose of the -1 amendments (**EXHIBIT A**). Adds there are no fiscal or revenue impact statements.

President, Oregon Museums Association. Submits and reads prepared testimony in support of SB 67 (**EXHIBIT B**).

Inquires if Ms. Zenev has any comments about the -1 amendments.

Respond favorably to the amendment.

Refers to line four in the -1 amendments and asks if any of the tourism tax flows into these efforts.

Responds that heritage related tourism is always promoted as an integral part of their business.

Asks if this is associated with the statewide tourism effort.

Responds the brochures are distributed through information centers.

Asks if there are any public funds in the grants.

Responds she is not sure.

Deputy State Historic Preservation Officer, Parks and Recreation Department. Responds that the museum grant aid program is funded with lottery funds that go to the Parks and Recreation department.

Inquires if there is an appeal process if someone is turned down for a grant.

Responds that current administrative rules do not have a case before them. Adds that there is a committee that reviews the criteria that has to be met.

Closes the public hearing on SB 67 and opens the work session on SB 67.

MOTION: Moves to ADOPT SB 67-1 amendments dated 2/14/05.

VOTE: 4-0-1

EXCUSED: 1 – Walker

Hearing no objection, declares the motion CARRIED.

MOTION: Moves SB 67 to the floor with a DO PASS AS AMENDED recommendation.

Asks since the funds are coming from Parks and Recreation Department funds, would an appeal process be required.

Responds that just about every decision is appealable but he is not aware if there is a formal process. Speculates that if the bill passes an appeals process will be set up if it does not already exist in rule.

VOTE: 5-0-0

AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.

SEN. GEORGE will lead discussion on the floor.

278	Chair Shields	Closes the work session on SB 67 and opens the public hearing on SB 316.
<u>SB 316 – PUBLIC HEARING</u>		
300	Judith Callens	Reviews what SB 316 and the -1 amendments (EXHIBIT C). States there are no fiscal or revenue statements.
304	Sandra Bishop	Fair Competition Alliance. Requests that contracts that go directly to non-profits not be excluded from the competitive bid process (EXHIBIT D).
356	Sen. B. Starr	Clarifies that there is no fiscal statement on SB 316. Ask how many agencies would have to go through a rule making process with the advocate.
362	Callens	Clarifies there is no fiscal or revenue on the original bill. With the amendments the typical impact will be \$5,000 for each agency having to go through the administrative rule process.
376	Chair Shields	Asks if the Department of Administrative Services (DAS) handles the majority.
386	Callens	Responds that the amendments take DAS out of the process.
395	Sen. B. Starr	Suggests referring the bill to the Committee of Ways and Means.
414	Chair Shields	Closes the public hearing on SB 316 (*see Tape 38, A #343). Opens the public hearing on SB 563.
<u>TAPE 38, A</u>		
<u>SB 563 – PUBLIC HEARING</u>		
009	Judith Callens	Committee Administrator. Reviews SB 563. States that the cities are opposed to the concept in general. Explains what the cities want in an amendment.
020	John Popenuk	Supervisor, City of Portland, Bureau of Utilities Customer Services. Submits and reads prepared testimony opposing SB 563 as written (EXHIBIT E).
021	Chair Shields	Asks if there are occasions when the previous occupant may still be living in the residence and only the billing information was changed.
028	Popenuk	Responds this is sometimes the case.
048	Sen. Verger	Confirms there is a process when the bill is not paid the water is shut off.
055	Popenuk	Explains that most customers will notify whether or not they are taking responsibility for the bill. Explains there are a significant number of customers that have service restored in a roommate's name.
090	Sen. Verger	Provides a scenario where a landlord prepares an apartment for a new tenant and has to pay the water bill of the previous tenant.
092	Popenuk	Responds as of today, even with an outstanding bill, the water service would be restored if it was established this is a totally new tenant.
093	Sen. George	Comments on water being an elemental need. Asks what is wrong with the legislature believing that there needs to be a legitimate reason to not supply a new tenant with water.
112	Popenuk	Responds that this occurs in single family rentals. States there are certain properties have a history of people moving in and out, creating an unfair burden on other rate payers. Explains that the city believes the owner should pay the bill before a new tenant can move in.
138	Chair Shields	Recaps for Sen. Beyer that Mr. Popenuk stated he was unaware of what brought this bill forward and updates Sen. Beyer on the testimony.

157	Sen. Roger Beyer	Senate District 9. Responds that the bill was introduced at the request of a constituent in August/September 2003 from rural Clackamas County.
199	Sen. Beyer	Submits prepared testimony from Willie Tiffany (EXHIBIT F).
214	Popenuk	Responds that the Portland Water Bureau has an appeal process in place. Reiterates that in certain cases the landlord should pay the bill before a new tenant occupies the residence.
245	Chair Shields	Asks what is fair about a new tenant, with no ties or knowledge of the previous tenant, moving into a residence and not being able to obtain water.
234	Sen. Beyer	Responds that a new tenant often needs to come up with first, last and a security deposit and then discovers there is no water.
256	Chair Shields	States there needs to be a system that works for everyone.
270	Popenuk	States that at the present time if it is determined that a totally different entity is moving into the property, water will be restored.
285	Sen. George	Reiterates the public safety issue of the basic need of water. Asks what the time frame is for when water service is guaranteed.
300	Popenuk	Answers when it is determined that the occupancy is a different person the water is turned on the same day.
336	Chair Shields	Requests that the League of Cities and Portland address the issue with Sen. Beyer and Ms. Callens. Closes the public hearing on SB 563 and opens the work session on SB 316.

SB 316 – WORK SESSION

343	Judith Callens	States that Legislative Fiscal Office would like time to investigate the process and provide an estimate. Explains why.
341	Chair Shields	Closes the public hearing on SB 316 and opens the public hearing on SB 577.

SB 577 – PUBLIC HEARING

360	Judith Callens	Committee Administrator. Reviews SB 577 and the -2 amendments (EXHIBIT G).
420	Keith Adams	Business Manager, State Library. Submits prepared testimony from Jim Scheppke in support of SB 577 (EXHIBIT H).
443	Joe McKeever	Legal Council, Oregon State Library. States this bill is intended to establish and affirm a formula that has been used since 1995 that allocates costs among state agencies. States that the -2 amendments clarify that the change would apply only to the State Library.
475	Joe Stephen	State Law Library. Supports the -2 amendments stating that the bill as originally written made a change that was not needed; they prefer to maintain the status-quo.

TAPE 37, B

034	Chair Shields	Closes the public hearing SB 577 and opens the work session on SB 577.
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SB 577 – WORK SESSION

037	Sen. B. Starr	MOTION: Moves to ADOPT SB 577-2 amendments dated 3/10/05.
038		VOTE: 4-0-1
		EXCUSED: 1 - George
	Chair Shields	Hearing no objection, declares the motion CARRIED.
041	Sen. B. Starr	MOTION: Moves SB 577 to the floor with a DO PASS AS AMENDED recommendation.
039	Callens	States for the record that the fiscal impact would be a minimal

049	Chair Shields	<p>impact or no impact with the amendment.</p> <p>VOTE: 5-0-0</p> <p>Hearing no objection, declares the motion CARRIED.</p> <p>SEN. B. STARR will lead discussion on the floor.</p> <p>Closes the work session on SB 577 and opens the public hearing on SB 589.</p>
<u>SB 589 – PUBLIC HEARING</u>		
050	Judith Callens	Committee Administrator. Reviews what SB 589 does and that there is a request from the Legislative Fiscal Office that this be referred to the Committee on Ways and Means.
068	Chair Shields	States that a few years ago this concept did not have a fiscal impact. Request information on why it does now.
070	Tom Hughes	Legislative Fiscal Office. Explains that HB 3740 (2001) and SB 589 both require a clerk training program. The responsible vendor program was enacted in 1999 and the Oregon Liquor Control Commission (OLCC) was still accessing the workload. Reviews the fiscal impact statement (EXHIBIT D).
118	Sen. Verger	States the purpose of the responsible vendor program. Refers to the statement that it would be unlawful to dismiss an employee that had not completed the program.
138	Hughes	Responds this is the information that was received from the Bureau of Labor and Industries (BOLI).
158	Marc Zolton	Legislative Director, BOLI. States that based on their analysis, this would create a new unlawful employment practice that does not exist at this time and would force them to have .45 FTE in the 2005/2007 biennium and .60 FTE in the 2007/2009 biennium. Expects a best estimate of 80 cases a year.
194	Sen. Verger	Refers back to how the sentence reads, wonders if it should read the employee “had” completed the program.
197	Jon Stubenvoll	Responds that SB 589 creates a new piece in statute about workplace employment. The responsible vendor program protects the liquor license holder but there is nothing in current statute that protects the employee who sells the alcohol to the minor.
213	Sen. Verger	Confirms if the employee goes through the training, they don’t get fired the first time.
232	Stubenvoll	Answers that today there is no such piece in statute; the program is designed to protect the employer from losing the liquor license.
247	Chair Shields	Inquires if the committee wants this bill to go to the Committee on Ways and Means.
260	Sen. Verger	States that the responsible vendor is a good program and she was under the impression there was a benefit to the employee as well as the employer.
270	Steve Langley	AFL-CIO. States that this is a second attempt to pass this bill. Explains the intent is to protect and train grocery clerks to keep alcohol out of the hands of minors. There is no protection for the clerks; if they make a mistake they lose their job.
288	Sen. George	Asks why not say that every employee has an opportunity to participate in the program and if they do they can not be fired on the first offense.
275	Langley	Responds that they are willing to look at options.
300	Sen. Walker	Asks about the other bills addressing this.
306	Langley	Responds there is a bill that will have amendments that

311	Sen. Walker	decriminalize the first offense making it a violation for the grocery clerk. Adds there is a bill on the House side regarding training for new employees.
337	Sen. Verger	States the goal is to protect the grocery clerks.
319	Chair Shields	States the responsible vendor program is a good program; clerks should be trained and not fired if they make one mistake.
335	Langley	States there is sensitivity to fiscal expenses.
387	Sen. Walker	Comments that this could be amended.
		Refers to March 1 testimony and disagrees with the statement that this would erode "zero tolerance." Closes the public hearing on SB 589 opens the public hearing on SB 807.

SB 807 – PUBLIC HEARING

405	Judith Callens	Committee Administrator. Reviews SB 807.
412	Catherine Webber	Technology Analyst, Department of Administrative Services (DAS). Submits prepared testimony providing background information (EXHIBIT J). Explains the reason DAS is suggesting to delay this bill until next session when the technology and business models have matured.

TAPE 38, B

014	Sen. George	Refers to a conversation earlier in the day.
028	Weber	Responds that SB 160 deals with setting up campaign and finance reporting. The text of the bill requires that it be provided free of charge.
038	Jim Thompson	Office of Senator Gary George. States the origin of the bill came from constituent complaints concerning the Secretary of State's program for reporting campaign expenses and activities and in looking ahead at the agricultural pesticide reporting requirements. Explains the purpose of the legislation. States no objection to delaying this until next session.
074	Sen. George	Concurs in holding this until next session with a commitment to move forward with addressing the issue and making it user friendly.
089	Webber	Clarifies that the state would make every effort possible to ensure that the interfaces and uses are as easy and inexpensive as possible. Suggests that the debate of how and when fees could be charged is two years down the road.
108	Sen. George	Concurs and looks forward to a progress report.
113	Sen. Verger	Comments in opposition to people who use the computer being charged less than those who do not.
125	Chair Shields	Closes the public hearing on SB 807. Opens a work session for the purpose of suspending the rules to allow Sen. Walker to record her vote on SB 856.

***WORK SESSION**

128	Sen. Shields	MOTION: Moves to SUSPEND the rules for the purpose of allowing Sen. Walker to record a vote on moving SB 856 to the floor with a DO PASS recommendation.
128	Chair Shields	VOTE: 5-0-0
133		Hearing no objection, declares the motion CARRIED.
		AYE: Sen. Walker votes Aye.
		VOTE: 5-0-0
136	Chair Shields	Closes the work session. Announces that SAIF and Liberty are having discussions and will come before the committee on

159	Sen. Walker	Thursday.
167	Chair Shields	Comments on amendments regarding SB 752.
		Adjourns the meeting at 5:20 p.m.

EXHIBIT SUMMARY

- A. SB 67, -1 amendments, staff or Zenev, 1 p
- B. SB 67, prepared testimony, Irene Zenev, 1 p
- C. SB 316, -1 amendments, staff, 1 p
- D. SB 316, prepared testimony, Sandra Bishop, 2 p
- E. SB 563, prepared testimony, John Popenuk, 1 p
- F. SB 563, prepared testimony on behalf of Willie Tiffany, Sen. Roger Beyer, 1 p
- G. SB 577, -2 amendments, staff, 1 p
- H. SB 577, prepared testimony of Jim Scheppke, Keith Adams, 1 p
- I. SB 589, Fiscal Impact Statement, Tom Hughes, 2 pp
- J. SB 807, background information, Catherine Webber, 1 p