

SENATE COMMITTEE ON GENERAL GOVERNMENT

March 17, 2005
3:10 P.M.

Hearing Room B
Tapes 39 - 40

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

MEMBER EXCUSED: **Sen. Gary George, Vice-Chair**
 Sen. Vicki Walker

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

MEASURES/ISSUES HEARD:
 SB 359 – Public Hearing and Work Session
 SB 90 – Work Session
 SB 155 – Work Session
 SB 405 – Public Hearing and Work Session

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 39, A | | |
| 005 | Chair Shields | Calls the meeting to order at 3:15 p.m. as a sub committee. Opens the public hearing on SB 359. |
| <u>SB 359 – PUBLIC HEARING</u> | | |
| 019 | Lynn Partin | Assistant, Legislative Director's Office, Governors' Office. States the bill was drafted at the Governor's request and is included in the recommended budget. Refers to pages I-14 and I-15 which describes the commissions. Introduces the directors from the Commission on Hispanic Affairs, Commission on Black Affairs, Commission for Women and Commission on Asian Affairs. |
| 049 | Carol Suzuki | Chair, Asian Affairs Advocacy Commission. Provides a background on the Commission. States that Asian Americans represent 3.5 percent of Oregon's population, over 100,000 people. Provides information on the activities of the Asian Affairs Commission, noting that when the offices closed people have donated their time at their own expense to keep support activities. Supports SB 359 and explains what the bill would do for the volunteer commissioners. |
| 104 | Chair Shields | Asks how has the commission been affected by the loss of funding. |
| 109 | Suzuki | Explains that when the funding was lost the reappointments stopped. Explains that her term expired in April 2003 and as Chair she assumed those responsibilities. Notes that as a state employee with a state e-mail address she receives inquires and |

| | | |
|--------------------------|------------------------|---|
| 146 | Everette L. Rice | she deals with these at home on her own time. Explains that it is difficult to recruit members because of the lack of funding. Governor Appointed to the Commission on Black Affairs. Submits prepared testimony in support of SB 359 (EXHIBIT A). |
| 199 | Chair Shields | Relates personal experience regarding service on the Commission for the Black Affairs. Asks how Mr. Rice's work was affected after the de-funding of the Black Affairs Commission. |
| 239 | Rice | Responds they are still in operation with dedicated people working as volunteers. States that having a state e-mail address he also gets notification of discrimination issues. Comments on an extensive survey that has been held up since April 2003. |
| 287 | Chair Shields | Asks if a similar report has ever been done. |
| 289 | Rice | Answers no. |
| 293 | Sen. Verger | Asks what kinds of legislation affects people of ethnicity. Asks can one administrator adequately be sensitive to all ethnicities and how are advocates contacted. Clarifies these remarks are intended to explore where the commissions have been, how it worked in the past and where are they going in the future. |
| 338 | Francica Leyva-Johnson | Hispanic Commission Advocate. Submits prepared testimony from Samuel Davila and informational materials on the Latino Youth Summit 2000 (EXHIBIT B). Responds that connections are generally made by new people seeking advocates out. Lists the ways in which Hispanic Oregonians lag behind non-Hispanic counterparts in the Oregon Benchmarks. |
| 423 | Leyva-Johnson | Discusses the Youth Summit 2002 (Page 19, EXHIBIT B). |
| TAPE 40, A 046 | Roslyn Farrington | Oregon Commission for Women. Submits prepared testimony stating the mission, principals and values, and goals (EXHIBIT C). Provides a background on the commission and how it differs from the other commissions. States that SB 359 will provide administrative support and an administrator to take on the business of a state agency. |
| 138 | Sen. Avel Gordly | Senate District 23. States support for SB 359 and looks forward to the day that funding is restored and enhanced for all of these commissions. Explains that the commissions exist in statute to advice the legislature in making public policy as it affects those represented by these commissions. |
| 160 | Sen. Gordly | Refers the committee to a 2002 report titled <i>Oregon Benchmarks A Progress Report on Oregon's Racial and Ethnic Minorities</i> for the purpose of becoming familiar with the disparities that exist around the state. States that Oregon's minorities lost ground during what was the boom times for others. People of color have lost ground in education, housing opportunities and employment. Supports the bill as it is noting the bill falls far short of what Oregonians should be supporting. |
| 226 | Sen. Verger | Asks if an administrator can switch hats and adequately provide information. |
| 239 | Sen. Gordly | Responds this is a vehicle to allow a response to these groups and provide customer service. States removal of the funding was disrespectful to commissions, volunteers and the communities they represent. |
| 298 | Chair Shields | Requests, for the record, a comparison of what the funding used to be with what this bill proposes. States the perception of the de-funding was racist. Suggest that the commissions reveal how |

320 Partin diversity has changed from the date of establishment till now. Responds that four advocacy commissions with four separate executive directors would be \$832,155 for the 2005/2007 biennium. Adds that SB 5502 is the funding mechanism calling for a General Fund cost of \$375,000. Emphasizes that SB 359 sets up the structure. Reviews the -1 amendments (**EXHIBIT D**).

372 Sen. Gordly States that it takes courage to name what happened to these commissions. The denial of funding was a denial of voice for a constituency.

401 Sen. B. Starr States there are other minorities in the state that do not have a commission, such as the Ukrainian and Russian populations. Notes that diversity is broader than the three groups mentioned in the bill. Suggests blending the Oregon family under a larger umbrella.

TAPE 39, B

023 Sen. Gordly Responds that these commissions represent communities that have dealt with a history of discrimination.

061 Chair Shields Closes the public hearing on SB 359 and opens the work session on SB 359.

SB 359 – WORK SESSION

095 Sen. B. Starr **MOTION: Moves to ADOPT SB 359-1 amendments dated 3/10/05.**

096 **VOTE: 3-0-2**
EXCUSED: 2 - George, Walker
Hearing no objection, declares the motion CARRIED.

100 Chair Shields **MOTION: Moves SB 359 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.**
Sen. B. Starr **VOTE: 3-0-2**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 2 - George, Walker
The motion CARRIES. (*see tape 40 B #103)

104 Chair Shields

117 Chair Shields Closes the work session on SB 359 and opens the work session on SB 90.

SB 90 – WORK SESSION

114 Judith Callens Committee Administrator. Explains SB 90 and the -1 amendments (**EXHIBIT E**).

146 Sen. B. Starr **MOTION: Moves to ADOPT SB 90-1 amendments dated 3/14/05.**

146 **VOTE: 3-0-2**
EXCUSED: 2 - George, Walker
Hearing no objection, declares the motion CARRIED.

156 Chair Shields **MOTION: Moves SB 90 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.**
Sen. B. Starr

155 **VOTE: 3-0-2**
EXCUSED: 2 - George, Walker
Hearing no objection, declares the motion CARRIED.

162 Chair Shields Closes the work session on SB 90 and opens the work session on SB 155.

SB 155 – WORK SESSION

| | | |
|---------------------------------------|----------------------|--|
| 167 | Judith Callens | Committee Administrator. Explains SB 155 and the -1 amendments (EXHIBIT F). Reviews the fiscal impact statement. |
| 204 | Sen. B. Starr | Asks for a reiteration of the conversation regarding how the Secretary of State intends to access state agencies for the Archives budget. |
| 207 | Jesse Cornett | Legislative Liaison, Secretary of State. Explains that the -1 amendments allow the Secretary of State to determine how the assessment will be done. |
| 239 | Sen. B. Starr | MOTION: Moves to ADOPT SB 155-1 amendments dated 3/15/05. |
| 241 | | VOTE: 3-0-2 |
| | Chair Shields | EXCUSED: 2 - George, Walker |
| | | Hearing no objection, declares the motion CARRIED. |
| 247 | Cornett | Explains why there is no fiscal impact statement. |
| 265 | Callens | Informs that if the fiscal paperwork comes back with anything other than a no fiscal impact before going to the floor, the bill can be returned to the committee. |
| 307 | Chair Shields | States that if necessary SB 155 will come back to the committee. |
| 311 | Sen. B. Starr | MOTION: Moves SB 155 to the floor with a DO PASS AS AMENDED recommendation. |
| 319 | | VOTE: 3-0-2 |
| | Chair Shields | EXCUSED: 2 - George, Walker |
| | | Hearing no objection, declares the motion CARRIED. |
| | | SEN. SHIELDS will lead discussion on the floor. |
| 325 | Chair Shields | Announces that the work session on HB 2214 will not be held today. Announces there are SAIF discussions going on presently. |
| 342 | Chair Shields | Closes the work session on SB 155 and opens the public hearing on SB 405. |
| <u>SB 405 – PUBLIC HEARING</u> | | |
| 386 | Bill Foster | Administrator of the Facilities Division, Department of Administrative Services (DAS). States for the record that DAS recommends additional language to the -3 amendments (EXHIBIT G). |
| 378 | Gary Peterson | Chair, Oregon State Board of Geologist Examiners. Submits prepared testimony in support of SB 405 (EXHIBIT H). |
| 435 | Sen. B. Starr | Asks if the amendments are a collaboration of Mr. Peterson's work with DAS. |
| 439 | Peterson | Responds that he is not aware of a collaborate effort but does not take exception to the amendments. |
| 453 | Fred VanNatta | Representing several independent boards. States the reason the Department of Justice (DOJ) language was not in the amendment is because the DOJ is the lawyer for the semi-independent agencies. |
| TAPE 40, B | | |
| 019 | Sen. Verger | Asks what happens if as a semi-independent agency the loan defaults, what is the state's responsibility. |
| 027 | VanNatta | Responds there is no liability, it is the lender's risk. If it is a real property the lender gets the real property back. |
| 038 | Sen. B. Starr | Asks if the amendments are a product between the agencies and DAS. |
| 040 | VanNatta | Responds there are three sets of amendments and reviews who was involved in each. |
| 061 | Sen. Verger | Asks about line 13 regarding a public hearing. |

065 VanNatta Responds the question was raised, and it is the “belt and suspenders approach” to a public process.
082 Chair Shields Closes the public hearing on SB 405 and opens the work session on SB 405.

SB 405 – WORK SESSION

085 Sen. B. Starr **MOTION: Moves to ADOPT SB 405-1 amendments dated 2/7/05 (EXHIBIT I).**

086 **VOTE: 3-0-2**
EXCUSED: 2 - George, Walker
Chair Shields **Hearing no objection, declares the motion CARRIED.**

088 Sen. B. Starr **MOTION: Moves to ADOPT SB 405-2 amendments dated 3/7/05 (EXHIBIT J).**

089 **VOTE: 3-0-2**
EXCUSED: 2 - George, Walker
Chair Shields **Hearing no objection, declares the motion CARRIED.**

090 Sen. B. Starr **MOTION: Moves to ADOPT SB 405-3 amendments dated 3/16/05 (EXHIBIT G).**

090 **VOTE: 3-0-2**
EXCUSED: 2 - George, Walker
Chair Shields **Hearing no objection, declares the motion CARRIED.**

094 Sen. B. Starr **MOTION: Moves SB 405 to the floor with a DO PASS AS AMENDED recommendation.**

095 **VOTE: 3-0-2**
EXCUSED: 2 - George, Walker
Chair Shields **Hearing no objection, declares the motion CARRIED.**
SEN. B. STARR will lead discussion on the floor.

100 Chair Shields Closes the work session on SB 405 and opens a work session on SB 359.

SB 359 – WORK SESSION

103 Judith Callens Committee Administrator. Calls the committee’s attention to the - 1 amendments (EXHIBIT D) and notes an error on line three when compared to the original bill.

118 Sen. B. Starr **MOTION: Moves to ADOPT SB 359-1 amendments dated 3/10/05 and that the measure be FURTHER AMENDED on page 1, line 3, by deleting "14" and on page 1, line 3, by inserting "15".**

133 **VOTE: 3-0-2**
EXCUSED: 2 - George, Walker
Chair Shields **Hearing no objection, declares the motion CARRIED.**

136 Sen. B. Starr **MOTION: Moves SB 359 to the floor with a DO PASS AS AMENDED recommendation.**

139 Sen. B. Starr **MOTION: Moves SB 359 to the floor with a DO PASS AS CONCEPTUALLY AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.**

141 **VOTE: 3-0-2**
EXCUSED: 2 - George, Walker
Chair Shields **Hearing no objection, declares the motion CARRIED.**

142 Chair Shields
143 Chair Shields Closes the work session on SB 359 and adjourns the meeting at 5:00 p.m.

EXHIBIT SUMMARY

- A. **SB 359, prepared testimony, Everette L. Rice, 3 pp**
- B. **SB 359, prepared testimony of Samuel M. Davila and informational materials, Franciscia Leyva-Johnson, 27 pp**
- C. **SB 359, prepared testimony, Roslyn Farrington, 6 pp**
- D. **SB 359, -1 amendments, Lynn Partin, 2 pp**
- E. **SB 90, -1 amendments, staff, 2 pp**
- F. **SB 155, -1 amendments, staff, 1 p**
- G. **SB 405, -3 amendments, staff, 1 p**
- H. **SB 405, prepared testimony, Gary Peterson, 1 p**
- I. **SB 405, -1 amendments, staff, 1 p**
- J. **SB 405, -2 amendments, staff, 1 p**