

SENATE COMMITTEE ON GENERAL GOVERNMENT

April 19, 2005
3:30 P.M.

Hearing Room B
Tapes 63 - 64

MEMBERS PRESENT: Sen. Gary George, Vice-Chair
Sen. Bruce Starr
Sen. Joanne Verger
Sen. Vicki Walker

MEMBER EXCUSED: Sen. Frank Shields, Chair

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

MEASURES/ISSUES HEARD:

SB 471 – Public Hearing and Work Session
HB 2119A – Public Hearing and Work Session
HB 2053 – Public Hearing and Work Session
HB 2030A – Public Hearing and Work Session
HB 2092A – Public Hearing and Work Session
HB 2118 – Public Hearing and Work Session
HB 2192A – Public Hearing and Work Session
HB 2216A – Public Hearing and Work Session
HB 2219 – Public Hearing and Work Session
HB 2253 – Public Hearing and Work Session
HB 2259 – 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 63, A | | |
| 004 | Vice-Chair George | Calls the meeting to order at 3:31 p.m. and opens a public hearing on SB 471. |
| <u>SB 471 – PUBLIC HEARING</u> | | |
| 006 | Judith Callens | Committee Administrator. Reviews the provisions of SB 471. |
| 015 | Vice-Chair George | Closes the public hearing on SB 471 and opens the work session on SB 471. |
| <u>SB 471 – WORK SESSION</u> | | |
| 021 | Sen. B. Starr | MOTION: Moves SB 471 to the floor with a DO PASS recommendation. |
| 025 | | VOTE: 3-0-2 |
| | | EXCUSED: 2 - Walker, Shields |
| | Vice-Chair George | Hearing no objection, declares the motion CARRIED. |
| | | SEN. MORSE will lead discussion on the floor. |
| 026 | Vice-Chair George | Closes the work session on SB 471 and opens the public hearing on HB 2119A. |
| <u>HB 2119A – PUBLIC HEARING</u> | | |
| 037 | Judith Callens | Committee Administrator. Reviews the provisions of HB 2119A. |
| 044 | Gary Lynch | Assistant Director, Oregon Department of Geology and Mineral |

| | | |
|-----|-------------------|---|
| | | Industries (DOGAMI). Submits prepared testimony in support of HB 2119A and reviews the concerns addressed in the bill (EXHIBIT A) . |
| 082 | Sen. Verger | Asks how these emergencies are dealt with now. |
| 084 | Lynch | Responds decisions have allowed rock to be removed without a permit or allow the damage to occur. Adds this bill is the legal mechanism to deal with the issue. |
| 095 | Sen. Verger | Asks about the temporary permits. |
| 096 | Lynch | Explains that in certain circumstances a temporary permit could be issued. |
| 109 | Sen. Verger | Comments on American Bridge in her district. |
| 128 | Lynch | Responds that aggregate is fundamental to the Oregon economy. |
| 132 | Sen. B. Starr | Refers to the House amendment that removed a list of items that would be required in the annual report and substituted with the rule making process. |
| 145 | Lynch | Responds the consensus of the work group determined there was not sufficient data to identify potential impacts of mining and how much disturbance occurs. |
| 164 | Sen. B. Starr | Confirms that the work group did not help draft the original bill. |
| 169 | Lynch | Asks what will the rule making process cost the agency. Answers it is a minimal fiscal impact and easily addressed within current budget. |
| 181 | Sen. B. Starr | Asks is there an average cost to rule making. |
| 189 | Lynch | Responds that it varies but estimates this to be a few thousand dollars. |
| 193 | Vice-Chair George | Refers to the accumulation of rock in the mid-Willamette. Refers to in- stream harvesting and asks what the federal position is. |
| 200 | Lynch | Responds that in-stream mining/dredging is a controversial subject even within the federal agencies. The gray zone is the high water mark and the two year flood plain. |
| 213 | Rich Angstrom | Oregon Concrete Aggregate Producers Association. Testifies that the Association is in support of HB 2119A. |
| 244 | Vice-Chair George | Closes the public hearing on HB 2119A and opens the work session on HB 2119A. |

HB 2119A – WORK SESSION

| | | |
|-----|--------------------------|---|
| 249 | Sen. B. Starr | MOTION: Moves HB 2119A to the floor with a DO PASS recommendation. |
| 251 | Vice-Chair George | VOTE: 4-0-1 EXCUSED: 1 - Shields Hearing no objection, declares the motion CARRIED. SEN. B. STARR will lead discussion on the floor. |
| 257 | Vice-Chair George | Closes the work session on HB 2119A and opens public hearing on HB 2053. |

HB 2053 – PUBLIC HEARING

| | | |
|-----|-------------------|---|
| 263 | Judith Callens | Committee Administrator. Reviews the provisions of HB 2053. |
| 269 | John Fletcher | Policy Analyst and Legislative Coordinator, Oregon Housing and Community Services (OHCS). Submits prepared testimony in support of HB 2053 (EXHIBIT B) and reviews the changes the bill makes. |
| 314 | Ralph Brown | Chair Oregon Commission for Voluntary Action. Submits and reads prepared testimony in support of HB 2053 (EXHIBIT C) explaining the two primary reasons for requesting the bill. |
| 447 | Vice-Chair George | Closes the public hearing on HB 2053 and opens the work session on HB 2053. |

HB 2053 – WORK SESSION

453 Sen. Walker **MOTION: Moves HB 2053 to the floor with a DO PASS recommendation.**

458 **VOTE: 4-0-1**

Vice-Chair George

EXCUSED: 1 - Shields
Hearing no objection, declares the motion CARRIED.
SEN. WALKER will lead discussion on the floor.

461 Vice-Chair George Closes the work session on HB 2053 and opens the public hearing on HB 2030A.

HB 2030A – PUBLIC HEARING

023 Judith Callens Committee Administrator. Explains the provisions of HB 2030A.

TAPE 64, A

042 Deborah DeLong County Clerk, Malheur County. Supports HB 2030A and state the County Clerks Association endorse the bill.

070 Darren Bond Director of Finance, Oregon State Treasury. Submits and summarizes prepared testimony in support of HB 2030A **(EXHIBIT D)**.

105 Sen. Walker Notes that the Department of Revenue was taken out of the bill on the House side and comments on sending kicker checks out by Automated Clearing House (ACH).

119 Bond Responds that the concern was if an electronic payment is made, rule allows that payment to be accessed and reversed. Defers further clarification to the Department of Revenue.

142 Sen. Walker Comments on the significance of the savings by sending checks out ACH.

144 Bond Informs that it cost approximately \$1 million per kicker.

149 Sen. Verger Inquires about the amended language regarding penalties.

162 Bond Answers there was no provision in the bill that there could be a penalty but the county clerks expressed concern. The amended language clarifies this point.

160 Sen. Verger States in her district there are many retirees. Opposes penalizing people without computers or who are not computer literate or who may not prefer this method of money transfer.

182 Sen. Walker Clarifies it is a debit card.

186 Bond Explains that if a person does not have a bank account or chooses not to have direct deposit they would be assigned a debit card. The card can be taken to any bank and redeemed free of charge. The choice is the individuals. Adds that Oregon has a large non-bank population.

218 Sen. Walker Notes that not being charged by a third party to have a check cashed is the benefit to the non-bank population.

245 Vice-Chair George Closes the public hearing on HB 2030A and opens the work session on HB 2030A.

HB 2030A – WORK SESSION

251 Sen. Walker **MOTION: Moves HB 2030A to the floor with a DO PASS recommendation.**

252 **VOTE: 4-0-1**

Vice-Chair George

EXCUSED: 1 - Shields
Hearing no objection, declares the motion CARRIED.
SEN. WALKER will lead discussion on the floor.

262 Sen. Verger States a courtesy vote but reserves the right to change her vote on the floor.

267 Vice-Chair George Closes the work session on HB 2030A and opens the public hearing on HB 2092A.

HB 2092A – PUBLIC HEARING

270 Judith Callens Committee Administrator. Explains the provisions of the bill.
302 W. Peter Sommerfeld Associate Director of Planned Giving, Oregon Health and Science University Foundation (OHSU). Submits and reads prepared testimony on charitable gifts (**EXHIBIT E**).
332 John McDonald-O’Lear Director of Development at Marylhurst University and President Northwest Planned Giving Roundtable. Submits prepared testimony in support of HB 2092A (**EXHIBIT F**).
342 Sharon Kloss Hogan Director of Planned Giving Oregon State University Foundation. Submits prepared testimony in support of HB 2092A (**EXHIBIT G**).
348 Sen. Verger Clarifies there are safety nets for those who want to give charitable gifts.
411 Joel Ario Administrator, Insurance Division, Department of Consumer and Business Services (DCBS). Submits prepared testimony in support of HB 2092A (**EXHIBIT H**).

TAPE 63, B

010 Vice-Chair George Closes the public hearing on HB 2092A and opens the work session on HB 2092A.

HB 2092A – WORK SESSION

012 Sen. B. Starr **MOTION: Moves HB 2092A to the floor with a DO PASS recommendation.**
015 **VOTE: 4-0-1**
EXCUSED: 1 - Shields
018 Vice-Chair George **Hearing no objection, declares the motion CARRIED. SEN. VERGER will lead discussion on the floor.**
020 Vice-Chair George Closes the work session on HB 2092A and opens the public hearing on HB 2118.

HB 2118 – PUBLIC HEARING

024 Judith Callens Committee Administrator. Reviews the provisions of the bill.
037 Jim Scheppke State Librarian. Submits and summarizes prepared testimony in support of HB 2118 (**EXHIBIT I**) explaining the need for the bill to address concerns about digital copies of historical documents never getting printed.
080 Mike Freese Deputy Chief Information Officer and State Printer. Testifies that the class of documents are “born digital” and die digital. This bill helps solve documents being created and disappearing without any record of them. Adds this also makes use of the existing e-format.
094 Sen. Verger Asks what if the grant does not come through.
096 Scheppke Explains they are hopeful and will be sending staff for training. Adds that if the grant is denied they will forge ahead anyway.
107 Sen. Verger Asks what is the total cost of creating the depository.
109 Freese Explains the cost is in the planning and implementation work. There is no need to buy additional hardware or software and in time with its success the need for storage will be added.
127 Vice-Chair George Asks if that is electronic storage.
129 Freese Answers affirmatively.
130 Vice-Chair George Closes the public hearing on HB 2118 and opens the work session on HB 2118.

HB 2118 – WORK SESSION

134 Sen. Walker **MOTION: Moves HB 2118 to the floor with a DO PASS recommendation.**

| | | |
|--|-------------------|--|
| 136 | | VOTE: 4-0-1 |
| | Vice-Chair George | EXCUSED: 1 - Shields |
| | | Hearing no objection, declares the motion CARRIED. |
| 137 | Vice-Chair George | SEN. B. STARR will lead discussion on the floor. |
| | | Closes the work session on HB 2118 and opens the public hearing on HB 2192A. |
| <u>HB 2192A – PUBLIC HEARING</u> | | |
| 144 | Judith Callens | Committee Administrator. Explains the provisions of the bill and the fiscal impact. |
| 169 | Vice-Chair George | Confirms that none of the troops will have less coverage. |
| 187 | Callens | Responds there is a distinction between the active guard reserve program and the Oregon National Guard and Reservist. The fiscal applies to spouse or children. |
| 202 | Sen. B. Starr | Comments that based on the fiscal statement this should be referred to the Committee on Ways and Means. |
| 219 | Callens | Reviews the fiscal statement savings and costs. |
| 241 | Vice-Chair George | Temporarily closes the public hearing on HB 2192A and opens public hearings on HB 2216A and HB 2219. |
| <u>HB 2216A AND HB 2219 – PUBLIC HEARING</u> | | |
| 259 | Judith Callens | Reviews the provisions of HB 2216A and HB 2219. |
| 278 | Marilynn Odell | Senior Assistant Attorney General, Civil Recovery Section. Submits prepared testimony in support of HB 2216A and HB 2219 (EXHIBIT J) . |
| 349 | Odell | Reviews the technical fix in HB 2219 regarding unlawful trade practices. |
| 374 | John Brenneman | Manufactured Housing Communities of Oregon. Testifies that there was concern from park owners that they would need a contracting license for ordinary maintenance. |
| 400 | Sen. Verger | Declares a potential conflict of interest. |
| 414 | Vice-Chair George | Asks for confirmation that park owners will not have to get a contractors license for routine maintenance. |
| 416 | Odell | Responds affirmatively and states this is addressed on page three (EXHIBIT J) . |
| 434 | Vice-Chair George | Closes the public hearing on HB 2216A and HB 2219 and opens the work session on HB 2216A. |
| <u>HB 2216A – WORK SESSION</u> | | |
| 435 | Sen. B. Starr | MOTION: Moves HB 2216A to the floor with a DO PASS recommendation. |
| 442 | | VOTE: 3-0-2 |
| | Vice-Chair George | EXCUSED: 2 - Walker, Shields |
| | | Hearing no objection, declares the motion CARRIED. |
| | | SEN. VERGER will lead discussion on the floor. |
| 456 | Vice-Chair George | Closes the work session on HB 2216A and opens the work session on HB 2219. |
| <u>HB 2219 – WORK SESSION</u> | | |
| 458 | Sen. B. Starr | MOTION: Moves HB 2219 to the floor with a DO PASS recommendation. |
| 460 | | VOTE: 3-0-2 |
| | Vice-Chair George | EXCUSED: 2 - Walker, Shields |
| | | Hearing no objection, declares the motion CARRIED. |
| | | SEN. VERGER will lead discussion on the floor. |
| 481 | Vice-Chair George | Closes the work session on HB 2219 and opens a public hearing and work session on HB 2192A. |
| <u>HB 2192A – PUBLIC HEARING AND WORK SESSION</u> | | |

| | | |
|--|--------------------------|--|
| 478 | Vice-Chair George | States that the question is should the bill go to the Committee on Ways and Means because of a fiscal in the range of \$150,000. |
| 485 | John Borden | Legislative Fiscal Office. Explains this bill would not have to go to the Committee on Ways and Means because it cannot be ascertained what agencies the employees are with and what budgets are impacted. |
| TAPE 64, B | | |
| 067 | Sen. Verger | States the purpose is to avoid double coverage. Asks is this an extension from 12 to 24 months for those just called up into service. |
| 078 | Borden | Answers affirmatively. |
| 085 | Sen. B. Starr | MOTION: Moves HB 2192A to the floor with a DO PASS recommendation. |
| 088 | | VOTE: 4-0-1 |
| | Vice-Chair George | EXCUSED: 1 – Shields |
| | | Hearing no objection, declares the motion CARRIED. |
| | | SEN. VERGER will lead discussion on the floor. |
| 100 | Vice-Chair George | Closes the work session on HB 2192A and opens the public hearing on HB 2253. |
| <u>HB 2253 – PUBLIC HEARING</u> | | |
| 108 | Judith Callens | Committee Administrator. Explains the provisions of HB 2253. |
| 114 | Sen. Verger | Comments that this could have been in the scribes bill. |
| 122 | Vice-Chair George | Closes the public hearing on HB 2253 and opens the work session on HB 2253. |
| <u>HB 2253 - WORK SESSION</u> | | |
| 124 | Sen. Walker | MOTION: Moves HB 2253 to the floor with a DO PASS recommendation. |
| 126 | | VOTE: 4-0-1 |
| | Vice-Chair George | EXCUSED: 1 – Shields |
| | | Hearing no objection, declares the motion CARRIED. |
| | | SEN. WALKER will lead discussion on the floor. |
| 127 | Vice-Chair Walker | Closes the work session on HB 2253 and opens the public hearing on HB 2259. |
| <u>HB 2259 – PUBLIC HEARING</u> | | |
| 131 | Judith Callens | Committee Administrator. Explains the provisions of HB 2259. |
| 133 | Vice-Chair George | Closes the public hearing on HB 2259 and opens the work session on HB 2259. |
| <u>HB 2259 – WORK SESSION</u> | | |
| 162 | Sen. Walker | MOTION: Moves HB 2259 to the floor with a DO PASS recommendation. |
| 163 | | VOTE: 4-0-1 |
| | Vice-Chair George | EXCUSED: 1 - Shields |
| | | Hearing no objection, declares the motion CARRIED. |
| | | SEN. GEORGE will lead discussion on the floor. |
| 168 | Callens | Relays a message from Chair Shields regarding the SAIF bills posted for work session on Thursday. |
| 166 | Vice-Chair George | Closes the work session on HB 2259. |
| 204 | Vice-Chair George | Adjourns the meeting at 5:15 p.m. |

EXHIBIT SUMMARY

- A. **HB 2119A, prepared testimony, Gary Lynch, 2 pp**
- B. **HB 2053, prepared testimony, John Fletcher, 1 p**
- C. **HB 2053, prepared testimony, Ralph Brown, 5 pp**
- D. **HB 2030A, prepared testimony, Darren Bond, 2 pp**
- E. **HB 2092A, prepared testimony, W. Peter Sommerfeld, 4 pp**
- F. **HB 2092A, prepared testimony, John McDonald O'Lear, 1 p**
- G. **HB 2092A, prepared testimony, Sharon Kloss Hogan, 2 pp**
- H. **HB 2092A, prepared testimony, Joel Ario, 3 pp**
- I. **HB 2118, prepared testimony, Jim Scheppke, 2 pp**
- J. **HB 2216 and HB 2219, prepared testimony, Marilyn Odell, 4 pp**