

HOUSE COMMITTEE ON GENERAL GOVERNMENT

January 28, 2003 Hearing Room D
8:30 AM Tapes 7 - 9

MEMBERS PRESENT: Rep. Jerry Krummel, Chair
Rep. Donna Nelson, Vice-Chair
Rep. Floyd Prozanski, Vice-Chair
Rep. Brad Avakian
Rep. Derrick Kitts
Rep. John Mabrey

MEMBER EXCUSED: Rep. Kelley Wirth

STAFF PRESENT: Patrick Brennan, Committee Administrator
Jeana Harrington, Committee Assistant

MEASURE/ISSUES HEARD: -HB 2131 – Public Hearing
-HB 2246 – Public Hearing
-HB 2169 – Public Hearing and Work Session
-HB 2239 – Public Hearing
-HB 2281 – 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 7, A		
004	Chair Krummel	Calls meeting to order at 8:33 AM. States the committee will not be hearing HB 2278. Opens public hearing on HB 2131.
<u>HB 2131 PUBLIC HEARING.</u>		
010	Patrick Brennan	Reads Staff Measure Summary (SMS).
022	Chair Krummel	Notes the bill is not scheduled for a work session.
033	Pat Clancy	Chair, Municipal Debt Advisory Commission (MDAC). States purpose of the agency. Testifies in support of HB 2131. Explains the purpose of the 'full faith and credit' section of HB 2131. Points out the requirements they have eliminated in the bill.
108	Harvey Rogers	Partner, Preston, Gates, and Ellis. Explains the court's jurisdiction regarding Ballot Measures 5 and 50.
151	Rep. Nelson	Comments on the absence in enforcing legislative intent in the measure. Asks if the requesters have acknowledged the administrative rules.
159	Rogers	Answers the bill deals with an area of law that is relatively free of administration. Adds that the statutes deal mainly with borrowings of local governments.
172	Rep. Nelson	Inquires if mandates are present in the measure.
175	Clancy	Responds that there are no mandates.
178	Chair Krummel	Refers to the section of the measure that involves councils of governments with regard to municipal planning organizations

		(MPOs).
182	Rogers	Explains that councils of government are groups that get together to share costs. Adds that those groups cannot operate as a group to borrow money, and the bill allows for that.
199	Chair Krummel	Poses question regarding bonds.
207	Clancy	Responds that the bonds are for capital purposes. Details purposes of different bonds relating to this.
232	Rogers	Clarifies the meaning of ‘full faith and credit’.
240	Rep. Nelson	Inquires as to the entities that support this change.
245	Clancy	Explains that different agencies have brought different changes. Lists the Association of Oregon Counties (AOC), League of Oregon Cities (LOC), and school districts as examples of parties involved. Adds that he can direct her as to who was involved with particular parts of the measure.
259	Rep. Nelson	Inquires if Mr. Clancy has documents of those who have endorsed the bill.
266	Rogers	Elaborates that the bill has two pieces; one, an interesting piece, and the other, a boring piece. Provides that the majority of the bill is largely created by bond lawyers and finance professionals. Includes the Port of Portland, Oregon Department of Transportation (ODOT), City of Portland, and TRIMET as parties in favor of the ‘interesting piece’.
308	Clancy	Adds that minutes of those meetings are available.
311	Rep. Nelson	States she would appreciate a list of those endorsers.
328	Tom Johnson	Senior Manager, Debt Management, Port of Portland. Testifies in support of HB 2131. Submits this is an important issue of debt management. Provides that Portland International Airport currently has one-half billion dollars in outstanding debt. Points out their credit standing is good. Explains that by lowering interest by one-half percent, one-half million dollars will be saved a year.
364	Rep. Nelson	Asks why the measure has been so slow to come.
366	Johnson	Responds and adds there is a good body of support for the measure.
392	Chair Krummel	Closes public hearing on HB 2131. Opens public hearing on HB 2246.

HB 2246 PUBLIC HEARING

405 Brennan

Reads SMS.

TAPE 8, A

010 Bill Carpenter

Information Services Division (ISD), Oregon Housing and Community Services Department (OHCS). Presents **(EXHIBIT A)**. Testifies in support of HB 2246. States the bill has no fiscal impact.

075 Rep Prozanski

Asks about the availability of client information.

082 Carpenter

Responds there is no client information in the model.

085 Rep. Prozanski

Clarifies that personal information of individuals is not available to others.

089	Rep. Nelson	Adds to clarification.
091	Carpenter	Reiterates that the department does not keep personal information of individuals.
093	Rep. Nelson	Inquires what information they do have if it is unavailable to public.
095	Carpenter	Explains OHCS tracks housing stock to forecast future need for housing.
101	Rep. Nelson	States that communications are the only thing that have decreased in price.
111	Carpenter	Comments that cost is dependent on the product and the manufacturer.
122	Rep. Nelson	Requests the projection of revenue that will be brought in by the measure.
125	Carpenter	Answers that he does not know, but will find out.
128	Rick Crager	Housing Department. Answers that \$16,500 in total revenue is forecasted.
137	Rep. Nelson	Asks if this information is available to the public.
142	Crager	States the information is absolutely available to public and private citizens.
145	Rep. Avakian	Questions whether OHCS plans to develop new products oriented towards the specific needs of buyers, or to sell the existing products.
149	Carpenter	Answers they will create new products in addition to the existing ones.
153	Rep. Avakian	Inquires about a marketing plan.
155	Carpenter	Replies that there are no plans to market the products.
158	Chair Krummel	Assumes revenue returns to the department where is it appropriated.
163	Crager	Anticipates revenue will reimburse the costs.
174	Chair Krummel	Expects the department trademarks the product.
176	Carpenter	Concurs and provides it is copyrighted.
178	Chair Krummel	Requests information on the software platform.
180	Carpenter	Provides that Microsoft Excel is used.
182	Chair Krummel	Requests the actual cost of development to the department.
197	Crager	Provides different figures.
205	Chair Krummel	Concludes that the revenue impact does not cover development costs, so there is an expenditure impact.
208	Crager	Explains that the software is already in place, therefore revenue reimburses past expenses.
210	Chair Krummel	Points out cost of development.
220	Crager	Responds that it is not their plan to continually develop or market the products.
226	Carpenter	Adds to that.
228	Chair Krummel	Asks if the department contracts with private software developers.

230	Carpenter	Explains what the staff developed and what is third-party.
236	Chair Krummel	Asks if the Information Technology (IT) department approves.
246	Carpenter	Answers he spoke with Gene Newton Department of Administrative Services (DAS) and adds he had interest in the project.
252	Rep. Nelson	Wonders if real estate agencies can purchase the product.
253	Carpenter	Affirms.
254	Chair Krummel	Clarifies further.
264	Carpenter	Affirms.
266	Jim Mulder	City of Woodburn. Testifies in favor of HB 2246. States this model was used in the city of Woodburn, and helped the city avoid the cost of creating their own models.
295	Chair Krummel	Asks if they found the model reliable in the field.
297	Mulder	States it was not perfect, but that it was useful. Adds it provides equality for jurisdictions.
311	Chair Krummel	Requests if they paid at cost to the department.
313	Mulder	States it was provided for free to city.
314	Chair Krummel	Closes public hearing on HB 2246. Opens public hearing on HB 2169.

HB 2169 PUBLIC HEARING

316	Bob Gillespie	Housing Division Administrator, OHCS. (EXHIBIT B) . Testifies in favor of HB 2169.
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TAPE 7, B

005	Gillespie	Continues testimony. Lists advantages of the bill with regard to housing and adds there will be no additional cost to the state.
057	Chair Krummel	Inquires about fiscal impact.
059	Gillespie	States there is none.
064	Chair Krummel	Poses question regarding the Commodore in Pendleton and commercialization.
070	Gillespie	Explains how it was executed.
084	Chair Krummel	Requests whether projects have been successful.
087	Gillespie	States all are on track with their business plans.
093	Chair Krummel	Poses question regarding commercial and small businesses in regard to business spaces.
107	Gillespie	Offers it has been the predilection of developers to offer spaces to commercial business. Provides there is no reason a portion could not be apportioned to small business.
121	Chair Krummel	Comments it would be interesting to see an example of combining the commercial and small business realms.
134	Rep. Nelson	Asks how many units of low cost housing are necessary to end homelessness.
136	Gillespie	Elaborates on the different ways of counting the figures. States the demand is significantly beyond the capability at this time.
142	Rep. Nelson	Poses question regarding risk.
154	Gillespie	Explains there is risk because loans cover the entire property.

163	Rep. Nelson	Asks him to elaborate.
170	Gillespie	Explains there are a number of factors. Uses location, acquisition rehabilitations, and new construction as examples.
177	Rep. Nelson	Requests information on previous defaults they are aware of.
183	Gillespie	Answers there have been no defaults. Comments on how he views affordable housing.
199	Chair Krummel	Closes public hearing and opens work session on HB 2169.

HB 2169 WORK SESSION

205	Rep. Prozanski	MOTION: Moves HB 2169 to the floor with a DO PASS recommendation.
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208		VOTE: 6-0 EXCUSED: 1 - Wirth
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	Chair Krummel	Hearing no objection, declares the motion CARRIED. REP. MABREY will lead discussion on the floor.
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215	Chair Krummel	Closes work session on HB 2169. Opens public hearing on HB 2239.
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HB 2239 PUBLIC HEARING

225	Eriks Gabliks	Training Division Director, Department of Public Safety Standards and Training. Testifies in favor of HB 2239 (EXHIBIT C) .
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248	Rep. Avakian	Infers that citizenship statutes will ensure greater safety.
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250	Gabliks	Answers there is no way to ensure safety. Continues regarding background investigations.
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265	Rep. Avakian	Questions the need for the bill.
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275	Gabliks	Uses example of 9-1-1 operator to explain.
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292	Rep. Avakian	Questions that the bill is related to an employee's ability to perform.
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295	Gabliks	Explains it is a hiring standard.
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298	Rep. Avakian	Requests the process in attaining citizenship that makes one more eligible or qualified to perform the functions of the job.
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304	Gabliks	Explains that a person's citizenship illustrates they have gone through steps to be citizen and will be carrying out laws of the United States. Adds this is a requirement for police officers.
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321	Rep. Avakian	Observes those are terrific qualities for anyone in public service, but requests the particular need for these employees to have them.
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336	Gabliks	Explains further indicating the necessity of background checks for employees in these areas.
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350	Rep. Prozanski	Clarifies his statement.
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360	Gabliks	Affirms.
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361	Rep. Prozanski	Lists people that are not required to have citizenship.
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367	Gabliks	Confirms. Explains training and certification further.
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380	Rep. Prozanski	Poses question with regard to telecommunications. Asks what tasks telecommunicators do that separate them from others.
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390	Gabliks	Explains that telecommunications are recent addition to this.
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TAPE 8, B

003	Gabliks	Explains that the process is evolving so that requirements can be similar.
009	Rep. Prozanski	Asks if he is familiar with non-citizens service in the national guard.
015	Gabliks	Replies he is not.
019	Rep. Prozanski	Inquires if he would be surprised by the fact that they can serve.
021	Gabliks	Responds he is surprised.
022	Rep. Prozanski	Informs of cases like this with regard to equal protection.
025	Gabliks	Responds of his familiarity with some of those issue. Differentiates between the issues.
028	Rep. Prozanski	Inquires if he sees an equal protection claim with this situation.
032	Gabliks	Sees that this would be a requirement to be eligible for the job.
037	Rep. Prozanski	Responds to this concerning case law.
043	Gabliks	States the reasoning for requiring background checks.
050	Rep. Prozanski	Asks if background checks will be better because employees are United States citizens.
055	Gabliks	Believes the agencies will have better abilities with this.
058	Rep. Prozanski	Voices disagreement with the last statement and explains.
065	Rep. Nelson	Voices concern as to non-citizens already in the positions. Requests Mr. Gabliks to respond to her office with how those situations are to be handled.
075	Gabliks	Responds to this.
087	Mary Botkin	Association of Federal, State, County, and Municipal Employees (AFSCME) Council 75. Voices concern with the background checks for non-citizens. Testifies against HB 2239 because there is no demonstrated problem. Adds they are unsure which employees are non-citizens. Provides they use interpreters, and some are probably legal non-citizens. States she finds it “appalling” that individuals could fight for the United States yet not work for 9-1-1. Offers that American citizens commit terrorism too. States that citizenship does not demonstrate loyalty.
131	Rep. Kitts	Clarifies if Rep. Prozanski’s earlier statement applies to all branches of military. Asks Mr. Gabliks if police, sheriffs, and troopers are in support of the bill.
141	Gabliks	States he shared the bill with all constituents and there was no opposition.
143	Rep. Kitts	Inquires if they were in favor of the bill.
144	Gabliks	Responds he is unsure.
146	Rep. Kitts	Voices concern in the application of a statute with no retroactive effect. Asks if he is concerned with continuity and if he sees a problem.
155	Gabliks	Responds by explaining the process.
185	Rep. Kitts	Restates his earlier question with regard to statute.
192	Gabliks	Reiterates the bill was just evolving the process of requirements

- for all 9-1-1 employees. Offers that currently employed non-citizens probably could not be removed from their jobs.
- 209 Botkin Comments on this statement. Reiterates she would like to see documented evidence that this is an issue of concern. Additional written testimony on HB 2239 submitted by Robyn Steely, Service Employees International Union (SEIU) Local 49 **(EXHIBIT D)**.
- 235 Chair Krummel States there will be no work session as there is a constitutional problem with bill. Closes public hearing on HB 2239. Opens public hearing on HB 2281.

HB 2281 PUBLIC HEARING

- 274 David Alsup Board member, Elk Creek Action Committee (ECAC). Testifies in favor of HB 2281. Begins discussion on non-point source pollution. States it adds burden and does away with small farms.
- 338 Rep. Avakian Sympathizes, appreciates their presence. Observes the State’s motto, “She flies on her own two wings”. Appears that states rights are shed by the bill
- 356 Alsup Responds to this.
- 371 Rep. Avakian Understands that the bill applies to state agencies, but wonders if it applies to others.
- 382 Alsup Answers that is something they would like to work on.

TAPE 9, A

- 004 Alsup Continues.
- 013 Marilyn Kittelmen Planning Commissioner, Douglas County. Testifies in favor of HB 2281. Relates the bill to statute. Lists factors affecting individuals. Voices opinion on the Oregon Supreme Court.
- 069 James Mast ECAC and Oregon Family Farms Association (OFFA). Testifies in favor of HB 2281. Voices opinion on rules and policy in Oregon. Believes the state is infringing on the right to buy property and build a home with regulation. References the Clean Water Act. Discusses non-point source pollution. Comments on pesticide law. States these are all unnecessary regulations. Believes it is a common sense bill.
- 131 Kittelmen Comments.
- 136 Rep. Nelson States she is grateful to former Rep Hayden for the bill.
- 143 Alsup Comments.
- 148 Chair Krummel Concludes the committee will continue hearing the bill on Thursday, January 30, 2003
- 152 Rep. Kitts MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. KITTS to BE RECORDED as voting AYE on the MOTION: Moves HB 2169 to the floor with a DO PASS recommendation.**
- 156 Chair Krummel Closes voting. Adjourns meeting at 10:32 AM.

EXHIBIT SUMMARY

B – Written Testimony on HB 2169, Bob Gillespie, 2 p
C – Written Testimony on HB 2239, Eriks Gabliks, 2 p
D – Written Testimony on HB 2239, Robyn Steely, 1 p