

HOUSE COMMITTEE ON GENERAL GOVERNMENT

April 10, 2003 Hearing Room D
8:30 AM Tapes 55 - 58

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

MEMBER EXCUSED: Rep. Donna Nelson, Vice-Chair

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

MEASURES HEARD: HB 3268 – Public Hearing
HJR 19 – Public Hearing
HJR 32 – Public Hearing
HB 3109 – Public Hearing
HB 3110 – Public Hearing
HJR 34 – Public Hearing
HB 3600 – Public Hearing
HB 3380 – Public Hearing
HB 2278 – Public Hearing and Work Session
HB 3319 – Public Hearing
HB 3496 – Public Hearing
HB 2961 – Public Hearing
HB 2857 – Public Hearing
HB 3612 – 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 55, A		
004	Chair Krummel	Calls meeting to order at 8:40 AM. Opens public hearing on HB 3268.
<u>HB 3268 – PUBLIC HEARING</u>		
012	Rep. Jeff Kropf	House District 17. Testifies in favor of HB 3268. Explains the bill.
049	Rep. Prozanski	Clarifies the state own more than two airplanes.
051	Rep. Kropf	Affirms and informs the committee of the aircraft Oregon State Police (OSP) utilizes. Believes road troopers have been displaced because OSP is undercharging for air time.
085	Rep. Kitts	Clarifies what constitutes a King Air.
090	Rep. Kropf	Explains a king air is a turbo prop aircraft, and is not a Lear jet.
095	Rep. Kitts	Asks whether the rental access is open to the public or just state agencies.
100	Rep. Kropf	Replies it is only available to certain state agencies. Notes the legislature cannot hire the aircraft.

110	Rep. Kitts	Clarifies the legislature is not allowed to or that it cannot afford the cost.
115	Rep. Kropf	Responds both are true. Explains his policy would require full payment of funds within thirty day so the agencies can be reimbursed properly.
122	Chair Krummel	Recesses public hearing on HB 3268. Opens public hearing on HJR 19.

HJR 19 – PUBLIC HEARING

125	Chair Krummel	Closes public hearing on HJR 19. Opens public hearing on HJR 32.
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HJR 32 – PUBLIC HEARING

130	Ken Strobeck	League of Oregon Cities (LOC). Testifies in favor of HJR 32 (EXHIBIT A) . Explains the bill.
195	Joanne Sutherland	City Manager, Redmond. Explains charter municipality of cities. Speaks on local government authority. Urges passage of HJR 32.
235	John McArdle	Mayor, Independence. Testifies in favor of HJR 32.
281	Helen Berg	Mayor, Corvallis; Treasurer, LOC. Testifies in favor of HJR 32.
314	Rep. Mabrey	Remarks on the resolution.
326	Berg	Concurs and notes that a two-thirds majority vote is needed.
337	Rep. Prozanski	Voices concern with the threshold of two-thirds and offers if three-fifths could be considered.
354	Strobeck	Responds that the issue is one of preemption and that the number would be an acceptable.
389	Rep. Joanne Verger	House District 9. Testifies in favor of HJR 32. Notes that in this session she has seen more preemption than in ten years of government service. Informs the committee of her beliefs on the issue.

TAPE 56, A

005	Sen. Bill Morrisette	District 6. Testifies in favor of HJR 32. Voices concern that the legislature is removing monies from local government by taking away the ability of local governments ability to make funds.
019	Rep. Wirth	Asks how the bill promotes government partnership.
023	Rep. Morrisette	Responds that the bill provides a partnership.
040	Chair Krummel	Closes public hearing on HJR 32. Opens public hearing on HB 3109, HB 3110, and HJR 34. Requests the mayors in the room to stand up and acknowledges them.

HB 3109, HB 3110, AND HJR 34 – PUBLIC HEARING

050	Patrick Brennan	Reads SMS on HB 3109, HB 3110, and HJR 34. Notes -1 amendments to HB 3109 and -1 amendments to HB 3110 (EXHIBITS B and C) .
063	Chair Krummel	Remarks on testimony.
066	Rep. Mabrey	Notes he introduced the measures at the request of Deschutes County. Adds that he supports all three. Speaks on qualifications for the elected positions. Stresses that the bills are permissive and allows for the local electorate to make final decisions.
095	Chair Krummel	Remarks.
100	Dennis Luke	Deschutes County Commissioner. Testifies in favor of HB 3109 and HJR 34 (EXHIBIT D) . Testifies in favor of HB 3110 (EXHIBIT E) .
140	Marty Wynne	Deschutes County Treasurer. Testifies in favor of HB 3109 and HJR 34 (EXHIBIT F) .
180	Scot Langton	Deschutes County Assessor. Testifies in favor of HB 3110. Speaks on the role of county assessors. Lists reasons he supports the bill.

221	Luke	Mentions technical requirements of the surveyor's office.
224	Rep. Mabrey	Clarifies both of the positions are non partisan.
227	Luke	Affirms.
229	Shari Anderson	Treasurer, Clackamas County. Testifies against HB 3109 and HJR 41. Notes neighboring counties also oppose the bill. Informs the committee of the recent vote of county treasurers on the issue. Lists her personal reasons she opposes the bill as it is redundant. Reminds the committee of the definition of a county treasurer with regard to the constitution.
305	Rep. Avakian	Asks Ms. Anderson to speak to the importance of maintaining the elected position.
307	Anderson	Explains her experience has been a positive one. Informs the committee of the duties of her position. Speaks on a home rule situation. Believes making the office of treasurer an appointed one does not adhere to the constitution.
362	Ernestine Killgore	Treasurer, Wallowa County. Testifies in opposition to HB 3109, 3110, and HJR 41. Believes making the position and appointed one will leave the decision to the commissioners. Explains that as an elected official there is more liberty to disagree with other members.

TAPE 55, B

008	Michael Long	Treasurer, Klamath County. Testifies in opposition to HB 3109 and HJR 41. Notes treasurers in his area also oppose the measure.
023	Rep. Kitts	Asks if the assessor and commissioner position are paid the same.
026	Anderson	Explains the positions are going through the compensation board process. Notes that under the current law, the position of treasurer undergoes the process.
042	Rep. Kitts	Asks if salary is negotiated.
045	Anderson	Responds that as they are elected offices, the salary is set through the compensation board, while appointed offices can negotiate their salary.
050	Rep. Kitts	Asks if the position is full time.
053	Anderson	Affirms.
054	Rep. Mabrey	Supports the bill because of his own county. Asks if the local electorate should be allowed to make a determination of whether to make the positions appointive rather than elective.
074	Anderson	Responds. Believes the home rule charter should be followed.
100	Tim Lutz	Tillamook County Assessor. Testifies in opposition of HB 3110 (EXHIBIT G) . Speaks on home rule structure of government. States he does not believe the bill is needed.
148	Ray Erwin	Clackamas County assessor. Testifies in opposition of HB 3110. Speaks on county assessors.
161	Chair Krummel	Closes public hearings on HB 3109, HB 3110, and HJR 41. Opens public hearing on HB 3600.

HB 3600 – PUBLIC HEARING

172	Patrick Brennan	Reads SMS on HB 3600. Notes the -1 amendments (EXHIBIT H) .
182	Rep. Linda Flores	House District 51. Introduces HB 3600.
190	Rep. Wirth	Asks how the bill differs from other fee bills.
192	Rep. Flores	Explains the bill clarifies the original intent of existing statute.
194	Rep. Greg Smith	House District 57. Speaks on his legislative assistant Ron Herbison and his efforts on the bill.

240	Chair Krummel	Asks if there will be unintended consequences the amendment the bill regarding political or advocacy groups.
251	Rep. G. Smith	Defers to sponsor.
253	Rep. Flores	Believes testimony will address the issue.
256	Rep. G. Smith	Thinks that every student is able to testify on the issues involving them. Questions that public dollars should be used to pay for these representatives.
264	Rep. Prozanski	Asks if the bill would remove students from the democratic process.
270	Rep. G. Smith	Asks if Rep. Prozanski's impression.
275	Rep. Prozanski	Restates question, preempt membership fees . Understands the fee processes are within the university. Requests if Rep. G. Smith opposes the processes.
289	Rep. G. Smith	Reiterates his premise. Believes it is a policy choice for the committee.
294	Rep. Prozanski	Refers the committee to the opinions of university presidents on the matter (EXHIBIT I) .
304	Rep. G. Smith	States he has not taken a position on HB 3600.
314	Rep. Prozanski	Refers to another letter and requests if Rep. G. Smith has spoken with the party.
317	Rep. G. Smith	Negates. Reiterates his premise.
339	Rep. Wirth	Ensures the bill is that of his legislative assistant and not from a number of students.
351	Rep. G. Smith	Explains he is supporting Mr. Herbison in his efforts. Points out that fees required could be used for other purposes such as books and tuition.
356	Rep. Avakian	Refers to letters submitted (EXHIBIT I) . Wonders if they should be considered.
360	Rep. G. Smith	Thinks it is important for university presidents and deans to make their positions known.
380	Rep. Flores	Encourages the committee listen to the testimony of Mr. Herbison.
390	Chair Krummel	Points out the letters are directed at the original bill and not the bill as amended.
403	Rep. Prozanski	Points out that the bill itself should be considered with or without the amendments.
	Various students	Submit written testimony in form of petitions against HB 3600 (EXHIBIT J) .
413	Ron Herbison	Legislative Assistant to Rep. Greg Smith. Notes the issue was brought forth by a group to Rep. Flores. Speaks on the issue of a bill becoming a law. Speaks on the language of the bill. Explains the intent of the bill. Testifies in favor of HB 3600.
TAPE 56, B		
075	Chair Krummel	Requests Mr. Herbison summarize his points.
082	Herbison	Asserts it is important to understand the intent of the fees.
086	Rep. Prozanski	Differs from Mr. Herbison's opinion.
096	Herbison	Challenges. Differentiates the types of fees.
125	Rep. Kitts	Requests Mr. Herbison to define advocacy groups.
129	Herbison	Notes the bill would not affect athletics.
133	Rep. Kitts	Requests examples of advocacy groups the bill would directly affect.
136	Herbison	Lists groups the bill would affect.
139	Rep. Kitts	Voices concern for those groups.
141	Herbison	Explains the groups must be viewpoint neutral.

151	Chair Krummel	Voices frustration.
154	Herbison	Concludes regarding the interpretation of the student fees. Believes HB 3600 is a housekeeping bill.
168	Lee Lasche	Oregon College Republicans (OCR). Testifies in favor of HB 3600. Comments on the off-campus nature of the fees in question.
194	Chair Krummel	Asks if OCR receives funds that the bill would affect.
197	Lasche	Negates and explains the on-campus Republican chapters do.
201	Chair Krummel	Inquires that Mr. Lasche believes OCR chapters should not receive fees.
203	Lasche	Believes fees are acceptable as long as they fund viewpoint neutral programs.
215	Rep. Wirth	Notifies that there is no exact list of the groups to be de-funded.
218	Herbison	Offers organizations that will not receive fees.
220	Rep. Wirth	Asks if there is a list of groups the bill would affect.
221	Herbison	Responds there is a list.
222	Rep. Wirth	Requests the list of the groups HB 3600 would affect. Provides she has never been lobbied by a student organization.
228	Rep. Prozanski	Speaks on the de-funding process already in existence. Questions whether a vehicle for accountability exists through student governments.
240	Herbison	Responds there is no accountability listed by statute. Believes it is a misstatement that students have complete control over the funds. Recalls past cases regarding fees and authorization.
262	Rep. Prozanski	Questions the opinions that Mr. Herbison has presented. Inquires about the allocation process being viewpoint neutral.
270	Herbison	Responds regarding the process of allocation and the organization. Reiterates the process must be viewpoint neutral.
286	Dr. Richard Jarvis	Chancellor, Oregon University System (OUS). Testifies in opposition to HB 3600 on behalf of all Oregon university presidents. Believes the consideration of the removal of fees would send a 'chilling message' to all schools.
326	Grattan Kerans	OUS. Testifies in opposition to HB 3600. Believes students have the right and responsibility to account and distribute funds as they see fit. Speaks on the Board. Believes there is a constitutional problem with the bill.
358	Rep. Wirth	Asks if there are groups that have caused more of an 'uproar' than others.
361	Kerans	Believes institutions of higher learning should allow groups of all kinds to voice opinions. Thinks the bill would be a silencing to groups. Believes the amendment to the measure is 'an invitation' to litigation. Suggests that the committee refrain from that.
TAPE 57, A		
015	Rep. Prozanski	Provides an example of city taxes citizens pay to illustrate the issue.
020	Kerans	Responds it is an analogous situation.
035	Gregg Magnus	Student Body President, Western Oregon University (WOU). Testifies in opposition to HB 3600 (EXHIBIT K). Notes it is the expectation of students to have their voices heard. Adds the fees they pay are for this. Believes the language is sweeping and the bill may have unintended results.
084	Jason Thelen	Associated Student Body Vice President, Southern Oregon University (SOU). Testifies in opposition of HB 3600

132	Naomi Hynes	(EXHIBIT M). Offers that he is a College Republican (CR) and disagrees with the opinion that CR's propose the measure. Believes the student fee process is a necessary and valid one. College Republicans, Southern Oregon University (SOU). Testifies in opposition to HB 3600. Points out that much of the lobbying is done on at a campus level.
160	Rep. Wirth	Regrets the bill has taken away attention from the fight for higher education funding. Asks if there is anyone in support of the bill besides the two who testified in favor of it.
170	Magnus	Responds he has heard of no other support.
175	Christian Matheis	Student. Testifies in opposition of HB 3600 (EXHIBIT N).
210	Andy Saltz	Oregon Student Association (OSA). Testifies in opposition of HB 3600. Introduces board members of the OSA.
226	Chair Krummel	Asks that even with the -1 amendments OSA would still be opposed to the bill.
230	Saltz	Affirms.
240	Rep. Prozanski	Remarks.
245	Chair Krummel	Closes public hearing on HB 3600. Opens public hearing on HB 3380.

HB 3380 – PUBLIC HEARING

246	Chair Krummel	Closes public hearing on HB 3380. Opens public hearing on HB 2278.
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HB 2278 – PUBLIC HEARING

260	Dave Heynderickx	Deputy, Legislative Counsel (LC). Explains the bill.
280	Rep. Lane Shetterly	House District 23. Testifies in favor of HB 2278. Notes there are amendments (EXHIBIT O).
358	Rep. Prozanski	Comments.
367	Dave Kenagy	Executive Director, Oregon Law Commission (OLC). Provides information on HB 2278 (EXHIBIT P). Introduces his colleagues.
392	Rep. Prozanski	Asks about the side orders.
395	Heynderickx	Responds regarding a section by section analysis.
398	Wendy Johnson	OLC. States they support the -3 amendments.
405	Robin Freeman	Oregon People's Utility Commission. Testifies in favor of HB 2278 (EXHIBIT Q). Supports the -3 amendments.
409	Chair Krummel	Closes public hearing and opens work session on HB 2278.

HB 2278 – WORK SESSION

411	Rep. Mabrey	MOTION: Moves to ADOPT HB 2278-3 amendments dated 3/26/03.
414		VOTE: 5-0-2 EXCUSED: 2 - Kitts, Nelson Hearing no objection, declares the motion CARRIED.
417	Chair Krummel Rep. Mabrey	MOTION: Moves HB 2278 to the floor with a DO PASS AS AMENDED recommendation.
420		VOTE: 5-0-2 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Kitts, Nelson The motion CARRIES. REP. SHETTERLY will lead discussion on the floor.
428	Chair Krummel	Closes work session on HB 2278. Opens public hearing on HB 3319.

HB 3319 – PUBLIC HEARING

450	Patrick Brennan	Reads SMS on HB 3319. Notes the -1 amendments (EXHIBIT
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460	Mardale Dunsworth	R). Oregon Department of Education (ODE). Testifies on HB 3319. (EXHIBIT S) . Notes there will be a fiscal impact to ODE if the bill passes. Requests an amendment to define ‘art’ and to include all fine arts.
488	Rep. Prozanski	Clarifies she is with ODE and requests the position of ODE on the bill.
491	Dunsworth	Affirms and responds ODE is neutral on the bill.
TAPE 58, A		
003	Randy Hildebrand	Chief of Staff, Senate Republican Office. Testifies in favor of 3319.
040	Rep. Prozanski	Responds to one of Mr. Hildebrand’s statements regarding education funding and art.
050	Hildebrand	Negates and disagrees.
055	Rep. Prozanski	States that is not his impression of the issue.
058	Hildebrand	Argues it is a choice between artists and school teachers.
067	Rep. Prozanski	Responds he respectfully disagrees.
070	Nicole Brugato	Legislative Assistant to Rep. Cliff Zauner, House District 22. Testifies in favor of HB 3319 (EXHIBIT T) .
090	Christine d’arcy	Executive Director, Oregon Arts Commission. Testifies in opposition to HB 3319.
105	Linda Worrall-Poole	Marion County Artist. Testifies against HB 3319.
167	Chair Krummel	Closes public hearing on HB 3319. Excuses members and explains the bills to follow will have tap hearings.
184	Rep. Prozanski	Remarks on meeting.
187	Chair Krummel	Opens public hearing on HB 3496.
<u>HB 3496 – PUBLIC HEARING</u>		
189	Chair Krummel	Closes public hearing on HB 3496. Opens public hearing on HB 2961.
<u>HB 2961 – PUBLIC HEARING</u>		
191	Chair Krummel	Closes public hearing on HB 2961. Opens public hearing on HB 2857.
<u>HB 2857 – PUBLIC HEARING</u>		
193	Chair Krummel	Closes public hearing on HB 2857. Opens public hearing on HB 3612.
<u>HB 3612 – PUBLIC HEARING</u>		
195	Chair Krummel	Closes public hearing on HB 3612. Adjourns meeting at 11:14 AM.

EXHIBIT SUMMARY

- A – HJR 32, Ken Strobeck, 2 pp**
- B – HB 3109-1, Staff, 2 pp**
- C – HB 3110-1, Staff, 2 pp**
- D – HB 3109 and HJR 34, Dennis Luke, 2 pp**
- E – HB 3110, Dennis Luke, 2 pp**
- F – HB 3109, Marty Wynne, 1 p**
- G – HB 3110, Tim Lutz, 2 pp**
- H – HB 3600-1, Staff, 1 p**
- I – HB 3600, Various, 14 pp**
- J – HB 3600, Various, * pp**
- K – HB 3600, Gregg Magnus, 3 pp**

L – HB 3600, Jason Thelen, 2 pp
M – HB 3600, Any Saultz, 2 pp
N – HB 3600, Christian Matheis, 3 pp
O – HB 2278-3, Staff, 2 pp
P – HB 2278, Dave Kenagy, 8 pp
Q – HB 2278, Robin Freeman, 1 p
R – HB 3319-1, Staff, 1 p
S – HB 3319, Mardale Dunsworth, 4 pp
T – HB 3319, Rep. Cliff Zauner, 2 pp