

# SENATE COMMITTEE ON GENERAL GOVERNMENT

April 23, 2003  
3:00 P.M.

Hearing Room B  
Tapes 46 - 47

**MEMBERS PRESENT:** Sen. Tony Corcoran, Chair  
Sen. John Minnis, Vice-Chair  
Sen. Vicki Walker

**MEMBERS EXCUSED:** Sen. Bruce Starr

**STAFF PRESENT:** Mark Ellsworth, Committee Administrator  
Heather Gravelle, Committee Assistant

**MEASURE/ISSUES HEARD:** SB 857 – Public Hearing  
SB 7 – Public Hearing  
SB 867 – Work Session  
SB 883 – Public Hearing  
HB 3194 – Work Session  
HB 2576 – Public Hearing and Work Session

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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.

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 46, A</b>		
005	Chair Corcoran	Calls the meeting to order at 3:16 p.m. Opens a public hearing on SB 857.
<b><u>SB 857 – PUBLIC HEARING</u></b>		
011	Sen. Jackie Winters	District 10. Testifies in favor of SB 857 with the -2 amendments. Provides written testimony on behalf of Erinn Kelley-Siel. <b>(EXHIBIT A)</b> . Summarizes that the bill gives the ombudsmen the opportunity to provide the Governor with information so they can use those trends to make public policy.
045	Sen. Minnis	Asks for clarification on the title ombudsmen.
047	Sen. Winters	States the term ombudsmen is Swedish and not gender specific.
054	Chair Corcoran	Asks for further clarification of Housing Authority ombudsmen and asks for a written definition.
062	Sen. Winters	Notes it should be in the body of the bill.
078	Jen Dennison	Administrator, Governor's Advocacy Office at Department of Human Services and Oregon Children's Ombudsmen. Explains the definition is in the statute of the Oregon Children's Ombudsmen.
085	Chair Corcoran	Expresses that there should be a generic description of ombudsmen.
089	Dennison	Notes they do work from the original definition of ombudsmen statute.
091	Sen. Minnis	Indicates there is no definition in that statute.
100	Sen. Winters	Responds they will create one from the definition she used when she was the ombudsman.
102	Dennison	Comments that she concurs that there should be a definition and description of the function of ombudsmen in the statute.

104	Sen. Minnis	Notes there is a description of the function, but no definition.
112	Chair Corcoran	Inquires to the cost this bill will incur.
113	Sen. Winters	States there is no cost.
124	Sen. Minnis	Asks if the -2 amendments were consensus amendments.
125	Sen. Winters	Affirms and notes changes that were made to the amendments.
135	Chair Corcoran	Indicates concern of workmen's compensation issues. Specifically, that it would be politicized by moving the ombudsmen into the Governor's office.
136	Sen. Winters	Responds technically they are staying in the same agency, but a report is sent to the Governor's office on a quarterly basis.
142	Chair Corcoran	Asks what would prohibit them from doing that now.
143	Sen. Winters	Explains there has been a disconnect between the ombudsmen and the Governor's office.
152	Chair Corcoran	Notes those who are opposed to SB 857.
164	Doug Riggs	Metro. Testifies in favor of SB 857. Explains position and declares support.
165	Chair Corcoran	Closes the public hearing on SB 857. Opens a public hearing on SB 7.

**SB 7 – PUBLIC HEARING**

182	Sen. Peter Courtney	District 11. Testifies in favor of SB 7. Provides written testimony. <b>(EXHIBIT B)</b> .
200	Sen. Jackie Winters	District 10. Notes she and Sen. Courtney have worked the past two sessions on the state fair. States their goals were to make sure the fiscal house was in order and to move the fair to a position to be financially sound.
244	Sen. Courtney	Indicates the state fair has come under considerable scrutiny and they made it their mission to turn that around.
287	Sen. Walker	Notes SB 7 is a fair bill, and offers her support.
299	Sen. Winters	Responds with appreciation and agreement.
356	Sen. Minnis	Asks what will be done with the funds received from grants.
360	Katie Cannon	Oregon State Fair Commission. Testifies in favor of SB 7. Explains what the funds will be utilized for.
380	Sen. Minnis	Asks who indemnifies the work.
388	Cannon	Answers there needs to be an agreement with the foundation as to what the responsibilities are.
396	Sen. Minnis	Reiterates who indemnifies the construction projects for liabilities.
410	Cannon	Notes that is why this bill is needed, to define where the responsibility lies.
453	Sen. Minnis	Asks if the Attorney General's Office has been part of the discussions.
460	Chair Corcoran	Comments if volunteers are doing the work the issue is covering the liability. Suggests bringing the assistant Attorney General in to review these issues.
491	Dan Gardner	Commissioner, Bureau of Labor and Industries. Testifies in favor of SB 7, with amendments. Provides written testimony <b>(EXHIBIT C)</b> . Summarizes concerns regarding the prevailing wage.

**TAPE 47, A**

020	Kathy Goss	President, Oregon State Fair Commission. Testifies in support of SB 7 with amendments and states it allows the commission to take a collaborative roll with the state fair staff and the foundation in the use of monies.
053	Chair Corcoran	Closes the public hearing on SB 7. Opens a work session SB 867.

**SB 867 – WORK SESSION**

069	Sen. Minnis	<b>MOTION: Moves adoption of the -2 amendments to SB 867.</b> <b>VOTE: 3-0</b> <b>EXCUSED: 1 - Sen. Starr</b>
	<b>Chair Corcoran</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
075	Sen. Minnis	Notes the profitability of the prison inmate option being involved in the recovery of recyclable materials.
085	Jim Craven	American Electronics Association. Testifies in support of SB 867. Provides written testimony ( <b>EXHIBIT E</b> ). Responds Dell Computer nationally uses that as an option in recycling efforts but not without controversy.
095	Sen. Minnis	<b>MOTION: Moves SB 867 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.</b> <b>VOTE: 3-0</b> <b>EXCUSED: 1 - Sen. B. Starr</b>
105	Chair Corcoran	<b>Hearing no objection, declares the motion CARRIED.</b> <b>SEN. WALKER will lead discussion on the floor.</b>
120	Chair Corcoran	Closes the work session on SB 867. Opens a public hearing on SB 883.

**The following prepared testimony is submitted for the record without public testimony for SB 867.**

**James Fisher**

**Submits written testimony (EXHIBIT D).**

**SB 883 – PUBLIC HEARING**

133	Pat Hern	Executive Director, Government Standards and Practices Commission. States he is present to answer questions in regards to SB 883.
143	Chair Corcoran	Summarizes the bill is a construction of ethics that would prohibit the conduct of being able to be in a position of drawing a paycheck from an interest group in the Capitol building.
148	Chair Corcoran	Explains the issue is communicating with members of the legislature while being a legislator and being able to have financial exchanges with other members while the person is still in a legislative office.
153	Sen. Minnis	Asks what is it we can do as legislators, in terms of putting restraints on conduct.
159	Hern	Suggests seeking advice from legislative counsel.
166	Chair Corcoran	Responds it would be difficult to narrow down every interest group or person coming to the Capitol.
172	Hern	Notes a rule should be adopted.
183	Sen. Minnis	Asks if it would be possible for each member to sign an avadavat saying they would not lobby, and file the avadavat with the Secretary of the Senate.
195	Hern	States conceptually, the idea seems viable.
198	Chair Corcoran	Expresses it is disturbing to prohibit legislatures from being able to lobby.
219	Hern	States the Government Standards and Practices Commission has no position on SB 883.
244	Hern	Explains why the verbiage “engaging in employment” needs to be in the body of the bill.
261	Sen. Minnis	Wonders the ability of the Ethics Commission to sanction someone who violates this issue.
262	Hern	Responds there is currently language in the lobbying regulations

312	Sen. Minnis	statutes.
344	Sen. Charlie Ringo	Notes it is possible to refer this bill. District 17. Testifies in support of SB 883. Indicates lobbyists do have an influence in this process.
415	Sen. Minnis	States the need to have the Law Commission look at these issues during the interim.
461	Sen. Ringo	Responds it still warrants our attention.
466	Jason Skelton	Legislative Aid, Rep. Haas. Comments on SB 883 history.
500	Chair Corcoran	Closes the public hearing on SB 883. Opens a work session on HB 3194.

**The following prepared testimony is submitted for the record without public testimony for SB 883.**

**Janice Thompson**

**Submits written testimony (EXHIBIT F).**

**HB 3194 – WORK SESSION**

**TAPE 46, B**

072	<b>Sen. Minnis</b>	<b>MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING THE VOTE of HB 3194.</b> <b>VOTE: 3-0</b> <b>EXCUSED: 1 - Sen. B. Starr</b>
	<b>Chair Corcoran</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
085	<b>Sen. Minnis</b>	<b>MOTION: Moves to RECONSIDER the vote by which we passed HB 3194.</b> <b>VOTE: 3-0</b> <b>EXCUSED: 1 - Sen. B. Starr</b>
	<b>Chair Corcoran</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
090	<b>Chair Corcoran</b>	Closes the work session on HB 3194. Opens a public hearing on HB 2576.

**HB 2576 – PUBLIC HEARING**

100	Brian DeLashmutt	Oregon Council of Police Association. Testifies in support of HB 2576. Explains the history of HB 2576. Provides information on the current process.
184	Dave Cadd	Probation and Parole Officer. Testifies in support of HB 2576. Provides written testimony ( <b>EXHIBIT G</b> ).
272	Lisa Settell	Parole and Probation Officer, Washington County. Testifies in support of HB 2576. Provides written testimony ( <b>EXHIBIT H</b> ). Explains the number of offenders they supervise and notes if the contract negotiations come to a complete impasse, the option is to strike.
334	Chair Corcoran	Asks if they have ever come close to a strike.
337	Rick McKenna	Commander, Parole and Probation Division, Marion County. Testifies in support of HB 2576. Responds after hundreds of hours of planning, the issues were settled within one day of the strike.
349	Sen. Walker	Inquires how many offenders Mr. Cadd and Ms. Settell supervise.
354	Cadd	Answers seventy seven at present.
356	Settell	Answers one hundred.
364	Cadd	Notes many other officers supervise three hundred offenders. Explains since he supervises the gang load, he has fewer offenders.
400	Sen. Walker	Inquires if there was a strike, would there be people available to do their jobs.
484	Settell	Answers there are pieces of their jobs that others could do, but they could not make arrests or conduct search and seizures.
490	Sen. Walker	Asks how long does certification take.
491	Settell	Responds one year.
<b>TAPE 47, B</b>		
046	Maria Keltner	Association of Oregon Counties. Testifies in opposition of HB 2576. Offers information on those that are strike permitted or strike prohibited. Proposes a solution.
090	Chair Corcoran	Asks if her explanation would not beg the question that they should be strike barred.
097	Chair Corcoran	Asks if she is arguing in favor of strike barring.
100	Keltner	Notes if that is how it was interrupted, it is not what she intended.
107	Chair Corcoran	Asks how many negotiations there have been for strike barred employees in the state, and how many ended in arbitration.
116	Keltner	Clarifies there are provisions for protecting the public. Adds the additional costs in terms of interest arbitration with the disincentive to bargain locally.
120	Chair Corcoran	Asks why there is a disincentive to bargain.
123	Keltner	Responds the pattern has been that you can not lose in interest arbitration. Explains you will at least get what was proposed by management.
126	Sen. Minnis	Notes he is a member of the Portland Police Association and they are strike barred and are working without a contract. States they have never gone to interest arbitration.
140	Chair Corcoran	Closes the public hearing on HB 2576. Opens a work session on HB 2576.

**HB 2576 – WORK SESSION**

**141 Sen. Minnis MOTION: Moves HB 2576 to the floor with a DO PASS**

142		<b>recommendation.</b> <b>VOTE: 3-0</b> <b>EXCUSED: 1 - Sen. Starr</b>
	<b>Chair Corcoran</b>	<b>Hearing no objection, declares the motion CARRIED.</b> <b>SEN. MINNIS will lead discussion on the floor.</b>
152	Chair Corcoran	Closes the work session on HB 2576. Adjourns the committee meeting at 4:45 p.m.

### **EXHIBIT SUMMARY**

- A – SB 857, written testimony, Sen. Jackie Winters, Erinn Kelly-Siel, 1 p**
- B – SB 7, written testimony, Sen. Peter Courtney, 1 p**
- C – SB 7, written testimony, Dan Gardner, 1 p**
- D – SB 7, additional testimony for the record, James Fisher, 1 p**
- E – SB 867, written testimony, Jim Craven, 1 p**
- F – SB 883, additional testimony for the record, Janice Thompson, 3 pp**
- G – HB 2576, written testimony, David Cadd, 1 p**
- H – HB 2576, written testimony, Lisa Settell, 1 p**