

HOUSE COMMITTEE ON GOVERNMENT EFFICIENCY

April 10, 2001
8:30 AM

Hearing Room D
Tapes 50 - 51

MEMBERS PRESENT: **Rep. Chris Beck, Vice-Chair**
 Rep. Patti Smith, Vice-Chair
 Rep. Alan Brown
 Rep. Jim Hill
 Rep. Deborah Kafoury
 Rep. Jeff Kruse
 Rep. Steve March
 Rep. Carolyn Tomei
 Rep. Kelley Wirth

MEMBER EXCUSED: **Rep. Jerry Krummel, Chair**
 Rep. Bill Garrard

STAFF PRESENT: **Matt Wingard, Committee Administrator**
 Patrick Brennan, Committee Assistant

MEASURE/ISSUES HEARD: **HJR 56 Public Hearing**
 HB 3382 Work Session
 HB 3556 Work Session
 HB 2153 Work Session
 SJR 32 Public Hearing and Work Session
 HB 3735 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 50, A		
004	Vice-Chair Smith	Calls the meeting to order at 8:40 a.m. Opens a public hearing on HJR 56.
<u>HJR 56 PUBLIC HEARING</u>		
007	Matt Wingard	Committee Administrator. Gives a brief description of the bill. States the measure creates a joint interim task force to study tsunami response systems.
014	Terry Thompson	Former State Representative. Testifies in support of HJR 56. Says he has experienced tsunami as part of the fishing industry. Indicates that the public has little warning when a tsunami is making its way to shore.
028	George Priest	Department of Geology and Mineral Industries (DOGAMI). Testifies in support of HJR 56 (EXHIBIT A). States that DOGAMI works closely with state and local authorities to plan evacuation routes in the event of a tsunami. Mentions a workshop scheduled in May for the coastal states, prepared by the National Oceanic and Atmospheric Administration (NOAA). Discusses the mitigation program designed to study the various warning programs. Assures that they have worked with the Office of Emergency Management (OEM) on standardized evacuation routes, and with the Department of Land Conservation and Development (DLCD) to make the maps

		available on the internet.
075	Priest	Asserts that some of the decisions should be made at the local level. Says DOGAMI works with local governments to determine whether their plans make geological sense.
095	Thompson	Says he first began work on this measure six years ago, in preparation for a massive earthquake that is predicted to occur some time in the future along a coastal fault line. Says current estimates indicate that there will be approximately eight minutes from the seismic event to the tsunami making shore. Acknowledges that other efforts have been undertaken but says that the task force should go forward if it can have a positive effect.
128	Rep. Bill Morrisette	House District 42. Testifies in support of HJR 56. Provides informational materials (EXHIBIT B) that describe places where tsunami have occurred.
184	Rep. Hill	Requests an explanation as to why the bill creates a legislative task force. Asserts that the best such a body could do is deliberate on the issue, whereas a task force created and run through OEM would be able to study the problem and implement immediate solutions through administrative rule.
195	Rep. Morrisette	Agrees it could be done through the agency, but says it is important that the effort be coordinated at the state level. Emphasizes the need for the task force findings to be recognized and acted on by the legislature during the 2003 Session. Says that some small measures have been taken in the past but that without coordination nothing will come of the task force's efforts.
218	Rep. Hill	Voices concern that a legislative task force will look at the issue for four years before taking substantive action. Says any proposed system should be analyzed for cost. Argues that the likely outcomes need to be the focus so that they can drive the conclusion.
237	Rep. Morrisette	Comments that the tourism and lodging industries need to be involved, as they have a substantial interest and responsibility. Concedes that OEM may be able to create the task force but expresses concern that it might be too tightly focused.
262	Rep. Brown	Remarks that there has been a great deal of new development in low-lying areas on the coast. Stresses the need for a warning system to help people get to high ground in the event of a tsunami.
273	Rep. Morrisette	Recognizes the need to involve the locals on the coast but says state agencies need to be involved and working to educate people who live on the coast. Reiterates that the task force needs to be officially recognized by the legislature and be empowered to take legislative action.
295	Rep. Hill	Counters that the effort should be led by OEM and should be able to deliver results during the 2002 interim. Pushes the need to shorten the time frame for action. Suggests representatives from all areas of the coast should be involved. Request that a plan for funding the system be prepared as well and asks if dollars are currently available to fund the effort.
352	Mark Darienzo	Earthquake Program Coordinator, Oregon State Police (OSP). Testifies in support of HJR 56 (EXHIBIT C).
383	Rep. Hill	Asks if there is a grant that OSP applies for to pay for tsunami

		preparation.
388	Dariento	Explains the funding sources. Says OSP is active in the fields of warning and evacuation. Says the funds are used to pay for tsunami maps, warning systems, and other preparation materials.
TAPE 51, A		
017	Rep. Hill	Asks if there is some sort of guidelines as to what the warning system should include as far as components.
019	Dariento	Replies affirmatively and describes some of the components of the system. Mentions that the guidelines will likely be updated following a workshop in May 2001.
025	Rep. Hill	Requests confirmation that there is a recommendation as to what the ideal warning system should look like.
028	Dariento	Clarify that the guidelines are not for an ideal system but rather a system that helps provide uniformity, such as that all sirens should have a particular sound.
041	Rep. Hill	Asks whether an 18-month task force is necessary to study the problem or whether a program could be implemented in a shorter time frame.
046	Dariento	Explains that the workshops are designed to look for the potential for uniformity, after which there will be local participation to decide what is good for the state as a whole. Predicts that once the workshops have finished their work there may be concrete ideas as to what the state should implement
058	Rep. Hill	Asks if there is an end point for the project.
061	Dariento	Replies that there is no such end point identified.
066	Rep. Hill	Asks what is lacking before the state can determine what it wants to implement, acknowledging that there may not be a plan for financing the system by that time.
070	Dariento	Estimates such a plan will be in place by the end of 2002.
075	Stan Gibson	Fire Chief, Coos Bay. Testifies in support of HJR 56 (EXHIBIT D). Stresses the need to enlist the cooperation of state and federal agencies.
090	Onno Husing	Director, Oregon Coastal Zone Management Association. Testifies in support of HJR 56.
122	Wilbur Ternyik	Former Chair, Oregon Coastal Conservation and Development Commission (OCC&DC). Testifies in support of HJR 56 (EXHIBIT E). Says he is concerned that the possible earthquake damage from a tsunami could result in severe loss of life in coastal areas of Oregon. Mentions that most residents were told to stay in their homes during the February 2001 earthquake, which would have been catastrophic in a tsunami situation.
170	Ternyik	Describes the long-term impact of a large tsunami on jetties and sandbars in coastal areas and says that such a wave would make coastal approach by boat problematic. Says he is dubious of claims by fire departments that there are insufficient resources for buying sirens. Agrees that tsunami warning sirens need to be uniform throughout the state. Speaks regarding natural barriers to tsunami damage and human activity that has damaged those barriers.
225	Ternyik	Says that current efforts are a good start to addressing the tsunami threat but that more work is needed.
253	Husing	Remarks that he is unsure whether a task force is the best way to address the problem, but says more study is needed. Pledges the

268	Ternyik	cooperation of OCC&DC in the efforts. Says he is optimistic that there will be positive outcomes next session. Refers to a how-to book that describes what to do during a coastal earthquake situation.
275 288	Husing Rep. Hill	Mentions that Californians receive training on these issues. Suggests that amendments be drafted and fiscal statements issued.
310	Vice-Chair Smith	Closes the public hearing on HJR 56 and opens a work session on HB 3382.
<u>HB 3382 WORK SESSION</u>		
317	Rep. Hill	MOTION: Moves HB 3382 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on School Funding and Tax Fairness/Revenue by prior reference.
325		VOTE: 9-0-2 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Garrard, Krummel The motion CARRIES.
	Vice-Chair Smith	
330	Vice-Chair Smith	Closes the work session on HB 3382 and opens a work session on HB 3556.
<u>HB 3556 WORK SESSION</u>		
333	Harrison Conley	Deputy Legislative Counsel. Recalls that testimony on the bill expressed concerns regarding Washington County. Indicates that discussions regarding those concerns have led to the drafting of the -2 amendments (EXHIBIT F). Indicates that the original statute provides discretion to counties, but that no court has ever construed the language regarding "best interest". Says the amendments clarify that the phrase refers to best interest to sell.
380	Rep. Kruse	MOTION: Moves to ADOPT HB 3556-2 amendments dated 4/9/01.
382		VOTE: 9-0-2 EXCUSED: 2 - Garrard, Krummel Hearing no objection, declares the motion CARRIED.
	Vice-Chair Smith	
383	Rep. Kruse	MOTION: Moves HB 3556 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on School Funding and Tax Fairness/Revenue BE RESCINDED.
395		VOTE: 9-0-2 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Garrard, Krummel The motion CARRIES.
	Vice-Chair Smith	
425	Rep. Hill	REP. P. SMITH will lead discussion on the floor. MOTION: Moves HB 3556 be placed on the Consent Calendar for floor consideration.
428	Wingard	Indicates that Chair Krummel requested that Rep. Smith be the carrier of the bill.
433	Rep. Hill	Withdraws the motion.
4437	Vice-Chair Smith	Closes the work session on HB 3556 and opens a work session on HB 2153.

HB 2153 WORK SESSION

028 Matt Wingard Committee Administrator. Gives a brief description of the bill. States that the measure expands duties of cities and counties that adopt specialty codes or building requirements. Mentions that the measure was heard on March 15th and indicates that the-5 amendments (**EXHIBIT G**) have been worked out as a result of discussion that took place at that meeting.

032 Meg Reinhold Testifies in support of the –5 amendments to HB 2153. States that the amended measure will provide clarity by giving all boards consistent penalty authority. Mentions the amendments also change the bill so that local governments are required to have a compliance program intended to verify licenses are in hand when out on the job site.

064 Rep. Hill Comments that the amendments are unusual in that they appear to replace the entire bill, yet they refer to the bill.

069 Wingard Clarifies that the amendments do not replace the entire bill.

077 Rep. Hill Remarks that he has never seen amendments quite like these before.

081 Reinhold Concedes that the amendments are complex but says they serve the purpose.

085 Rep. Kruse MOTION: Moves to ADOPT HB 2153 –5 amendments dated 4/9/01.

088 VOTE: 9-0-2

EXCUSED: 2 - Garrard, Krummel

Hearing no objection, declares the motion CARRIED.

090 Vice-Chair Smith MOTION: Moves HB 2153 to the floor with a DO PASS AS AMENDED recommendation.

095 Rep. Kruse VOTE: 9-0-2

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 2 - Garrard, Krummel

Vice-Chair Smith The motion CARRIES.

REP. MARCH will lead discussion on the floor.

108 Vice-Chair Smith Closes the work session on HB 2153 and opens a public hearing on SJR 32.

SJR 32 PUBLIC HEARING

111 Matt Wingard Committee Administrator. Gives a brief description of the bill. States the measure urges the Department of Administrative Services (DAS), the State Court Administrator, the State Treasurer, the Attorney General, the Superintendent of Public Instruction, and the Commissioner of the Bureau of Labor and Industry to place Automated External Defibrillators (AEDs) in state buildings and public places under their purview.

121 Dick Wilkinson Oregon Red Cross. Testifies in support of SJR 32 (**EXHIBIT H**). States that defibrillation is the only effective treatment for cardiac arrest. Declares that the technology has evolved so that even laypersons can perform the procedure with minimal training. Exhibits and demonstrates the proper use of the AED:

- Unit searches for normal heart rhythm
- If normal heart rhythm not detected, unit advises bystanders to stand clear

		<ul style="list-style-type: none"> • Unit charges to shock level • Unit directs operator to depress shock button • When button depressed, unit delivers defibrillating shock • Process repeats
174	Wilkinson	States that in a hospital setting the success rate of defibrillation is 90 percent, but that it is less than 10 percent outside the hospital. Explains that this is because the time from onset of arrhythmia to treatment is typically too long; 2-3 minutes in hospital compared to 30 minutes or longer outside. Says neurological damage begins to occur after three to four minutes, which is why cardiopulmonary resuscitation (CPR) is critical to keep blood flowing until treatment can occur.
202	Bob Montgomery	Former State Representative. Testifies in support of SJR 32.
244	Rep. Kafoury	Asks about the relationship between SJR 32 and HB 3338.
249	Rep. Kruse	Explains that the two are companion bills.
256	Vice-Chair Smith	Closes the public hearing and opens a work session on SJR 32.
<u>SJR 32 WORK SESSION</u>		
260	Rep. Hill	MOTION: Moves HB 2153 to the floor with a DO PASS recommendation.
263		VOTE: 9-0-2
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 2 - Garrard, Krummel
274	Vice-Chair Smith	The motion CARRIES.
		REP. KAFOURY will lead discussion on the floor.
277	Vice-Chair Smith	Closes the work session on SJR 32 and opens a public hearing on HB 3735.
<u>HB 3735 PUBLIC HEARING</u>		
280	Wingard	Committee Administrator. Gives a brief description of the bill. States the measure requires cities to publish notice of public hearings regarding comprehensive plans in newspapers of general circulation.
290	Randy Tucker	1000 Friends of Oregon. Testifies in support of HB 3735 (EXHIBIT I) . States the bill takes public meeting notice requirements that apply to counties and apply them to cities as well.
330	Linda Ludwig	League of Oregon Cities (LOC). Testifies in opposition to HB 3735. Says LOC supports the concept but says the bill applies unnecessary and onerous regulations on cities. Asserts that the notice requirement would best work if it applied only to the first hearing on a particular issue.
TAPE 51, B		
004	Ludwig	Estimates the fiscal impact related to the bill to be approximately \$600,000. Reiterates LOC supports public notice but believes the potential benefits of the bill are not worth the added cost.
016	Rep. Kruse	Remarks that notice is already required for city council meetings and asks how the added requirements of the bill represent such a large fiscal impact.
019	Ludwig	Explains that the fiscal impact is calculated based upon the assumption that the additional notice would need to be provided separately.
022	Tucker	Comments that in cases where the meeting applied only to a

		selected area the bill would require only that notice be posted in a newspaper with a smaller circulation area, thereby costing less than notice in a large metropolitan paper like the <i>Oregonian</i> .
026	Rep. Kruse	Disagrees that the measure would require additional notice postings.
029	Ludwig	Responds that in many smaller communities public notice is published in a small calendar at no cost, with no specific agenda items. Indicates that the bill would require these smaller jurisdictions to describe the plan adjustment in the notice.
038	Rep. Hill	Asserts that there should be an option of putting public notice information on a city web site, if there is one, as that is less expensive than printing public notice in the <i>Oregonian</i> . Says most Oregonians now have internet access, which makes city web sites a viable means of posting notice.
055	Tucker	Suggests that some sort of hard copy notice should still be available, adding that it could direct readers to the web site for further information.
064	Rep. Hill	Suggests that the bill be amended to clarify that notice can be posted on a city web site.
071	Tucker	Clarifies that the measure would allow outlying cities to publish in local papers, not the <i>Oregonian</i> .
082	Rep. Hill	Concedes that the bill's opponents could make a case that says that the service territory of the <i>Hillsboro Argus</i> is insufficient to provide ample notice of meetings. Asserts that the only newspaper sure to cover parts of the metro area is the <i>Oregonian</i> , which charges relatively high advertising costs, even for public notices. Asserts that a balance needs to be found between the need to inform the public and the cost.
131	Rep. Wirth	Says that leaflets are used quite often in Corvallis. Asks what the time frame for public notice is currently.
138	Ludwig	Replies that the current notice requirement is three days.
141	Rep. Wirth	Notes that the measure requires notice 10 days prior to hearings and concedes that the measure will require additional public notice postings.
145	Tucker	Says the bill has one set of notice requirements but does not prohibit others. Mentions that the bill was brought forth because the hearings process for the urban growth boundary (UGB) had no reporting requirements for preliminary hearings.
163	Rep. March	Expresses support for the concept of public notice but says he is concerned about jurisdictions where only a weekly paper is available. Wonders if there could be a different time frame for such areas.
178	Rep. Tomei	Asks whether LOC is willing to work to develop compromise amendments.
180	Ludwig	Replies affirmatively.
184	Rep. Kruse	Remarks that notice by web site has promise. Comments that since jurisdictions rarely perform emergency hearings regarding their UGB there is likely to be sufficient lead time for posting notice.
193	Rep. Wirth	Highlights the need to make public notice more understandable. Says most people don't understand the issues and are therefore not likely to participate.
205	Vice-Chair Smith	Adjourns the meeting at 10:12 a.m.

Submitted By,

Reviewed By,

Patrick Brennan,
Committee Assistant

Matt Wingard,
Committee Administrator

EXHIBIT SUMMARY

- A – HJR 56, informational materials, George Priest, 3 pp.**
- B – HJR 56, testimony, Rep. Bill Morrisette, 9 pp.**
- C – HJR 56, testimony, Mark Darienzo, 2 pp.**
- D – HJR 56, testimony, Stan Gibson, 2 pp.**
- E – HJR 56, testimony, Wilbur TERNYK, 6 pp.**
- F – HB 3556, -2 amendments, staff, 1 p.**
- G – HB 2153, -5 amendments, staff, 17 pp.**
- H – SJR 32, informational materials, Dick Wilkinson, 25 pp.**
- I – HB 3735, testimony, Randy Tucker, 1 p.**