

HOUSE COMMITTEE ON AGENCY PERFORMANCE & OPERATIONS

March 30, 1999 Hearing Room E

8:30 a.m. Tapes 43 - 44

MEMBERS PRESENT: Rep. Jane Lokan, Chair

Rep. Kathy Lowe, Vice-Chair

Rep. Betsy Close

Rep. Dan Gardner

Rep. Tim Knopp

Rep. Jeff Kruse

Rep. Bob Montgomery

Rep. Kitty Piercy

STAFF PRESENT: Pat Zwick, Administrator

Susan M. Pettey, Administrative Support

MEASURES HEARD: SB 200 A Public Hearing and Work Session HB 3082 Public Hearing

HB 3035 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.

TAPE/#	Speaker	Comments
TAPE 43, A		
004	Chair Lokan	Opens meeting at 8:35 a.m., and opens public hearing on SB 200 A.
<u>SB 200 PUBLIC HEARING</u>		
019	Pat Zwick	Committee Administrator. Summarizes provisions of SB 200 A.

034	Rollie Wisbrock	Oregon State Treasury. Speaks in support of SB 200 A. Discusses procedures for the issuance of lottery bonds. Describes lottery expenditure needs.
094	Wisbrock	Continues testimony in support of SB 200 A. Explains that SB 200 A provides a consolidated framework to issue bonds.
118	Chair Lokan	Asks if SB 200 A prevents future problems.
130	Wisbrock	Answers yes.
138	Chuck Smith	Oregon State Treasury. Speaks in support of SB 200 A. Submits and reads written testimony (EXHIBIT A). Indicates that SB 200 A would provide the needed statutory framework to enable the state to make the best use of the lottery revenue to back state revenue bonds for authorized purposes.
152	Rep. Close	References SB 200 A, pg 15, section 26. Indicates SB 200 A changes 75% of earnings from the State School Fund to the Oregon Education Fund. Asks if this section establishes a new fund.
165	Cynthia Byrnes	Assistant Attorney General, Oregon Department of Justice. Explains funding under past and current legislation.
185	Chair Lokan	Asks if there is general fund liability for repayment of revenue bonds under SB 200 A.
195	Smith	Responds that these are not general fund obligations.
203	Chair Lokan	Closes public hearing on SB 200 A, and opens work session.
<u>SB 200 A WORK SESSION</u>		
212	Rep. Montgomery	MOTION: Moves SB 200 A to the floor with a DO PASS recommendation.
		VOTE: 8-0 AYE: In a roll call vote, all members present vote Aye.
		Chair Lokan The motion CARRIES. REP. KRUSE will lead discussion on the floor.

225	Chair Lokan	Closes work session on SB 200 A, and opens public hearing on HB 3082.
<u>HB 3082 PUBLIC HEARING</u>		
238	Zwick	Summarizes provisions of HB 3082.
252	Rep. Al King	Representative, House District 44. Speaks in support of HB 3082. Submits and reads written testimony (EXHIBIT B). Describes the purpose of the bill as providing a low-cost option for people who would potentially be homeless. Submits proposed ñ1 amendment to HB 3082 (EXHIBIT B).
298	Rep. King	Continues testimony in support of HB 3082.
323	Rep. Close	Asks where yurts will be placed.
331	Rep. King	Replies that his perception is a durable site with a potential for landscaping. Comments that no city has a legitimate option for homeless housing. Admits he does not know if this plan will work, but there are no other options.
365	Rep. Close	Asks if the yurts would be placed on public or private property.
369	Rep. King	Responds that it could be either. Expresses a need for access to bus lines and other services. Opines that yurts should be placed in a metropolitan area.
381	Rep. Piercy	Asks if the local community can make that decision.
385	Rep. King	Responds affirmatively. Speculates that a for-profit individual could operate this project profitably.
397	Rep. Piercy	Asks if this has been done anywhere in the United States.
401	Rep. King	Replies that this has not been done in any U. S. city.
421	Rep. Piercy	Comments that this proposal is innovative. Asks how recreational yurts have lasted over time.
428	Rep. King	Answers that yurts are very successful and in high demand.
438	Rep. Lowe	Asks if consideration has been given to a pilot project.

441	Rep. King	Responds that HB 3082 allows for a pilot project.
445	Rep. Lowe	Asks about funding options.
450	Rep. King	Comments that the funding issue is putting the cart before the horse. Adds that this plan will be an improvement over homelessness.
468	Rep. Lowe	Asks if the housing community prefers more permanent housing.
478	Rep. King	Suggests that if a pilot project is successful, support may be broadened. Indicates there is excitement and enthusiasm.
487	Rep. Lokan	Asks who is excited about this project.
TAPE 44, A		
057	Rep. King	Answers that some of the supporters will be testifying in the hearing. References "an individual" on the homeless task force who expressed excitement.
060	Rep. Lowe	Asks how the weather in Oregon will affect the condition of yurts.
065	Rep. King	Replies that the manufacturer should answer that question.
070	Rep. Montgomery	Asks if the yurts will be placed in rural areas.
079	Rep. King	Indicates he does not intend to omit any municipality. Adds that he may need to amend HB 3082.
083	Rep. Montgomery	Asks if local governments currently have authority to place yurts.
090	Rep. King	Responds that cities have the ability to site yurts. Speculates that counties may also have the authority. Describes building codes research.
095	Rep. Montgomery	Asks if a yurt is a walled tent.
098	Rep. King	Responds that a yurt is a circular tent.
106	Rep. Kruse	Asks if HB 3082 will require a new set of rules by the Health Division.
108	Rep. King	Answers, not to his understanding.

110	Rep. Kruse	Comments that this is a different use than currently described.
115	Rep. King	Indicates that campgrounds have laundry and shower facilities. Comments that a special-needs population will utilize yurts. Addresses human resource issues.
130	Rep. Kruse	Expresses concern about the length of stay in yurts.
140	Rep. King	Describes his experience working on the homeless task force. Comments that some people are homeless by choice. Wants to assist those deserving of support.
161	Rep. Knopp	Asks if Rep. King has stayed in a yurt.
164	Rep. King	Replies no.
165	Rep. Knopp	Asks if Rep. King wants to set up homeless villages.
167	Rep. King	Indicates that is a subjective term. Comments that he does not want to put limits on what a city or private vendor might want to do. Indicates that a homeless village might be a fair description. Describes homeless camp in Eugene as "pretty rag-tag."
183	Rep. Knopp	Asks if a camp would create problems because of the diverse homeless population.
175	Rep. King	Acknowledges there could be problems. Comments that the yurt option is an improvement over homeless camps.
208	Rep. Lokan	Asks how many people would stay in a yurt.
210	Rep. King	Explains size and efficiency of a yurt.
214	Rep. Lokan	Asks where yurts are in use presently.
216	Rep. King	Describes 5,000 people living in yurts, in a metropolitan area of over one million people in Mongolia.
222	Rep. Lokan	Asks about locations of yurts in Oregon.
225	Rep. King	Replies that he has visited yurts at Alan Bairis factory in Cottage Grove, where the manufacturer is his constituent.

230	Rep. Piercy	Comments that this proposal is a tool the community can look at based on their goals.
239	Rep. Lowe	Asks if her understanding is correct, that yurts are used in Hawaii as luxury vacation homes, and have application for temporary and permanent structures.
268	Rep. King	Agrees with Rep. Lowe.
278	Alan Bair	Pacific Yurts, Inc. Describes yurt systems. Indicates that yurts contain NASA space insulation, are guaranteed for 15 years, and are manufactured with kiln-dried Oregon select lumber, which exceeds building code requirements.
335	Rep. Montgomery	Asks if yurts are in use in Oregon.
351	Bair	Indicates that there are over 150 yurts in state parks and ski resorts.
355	Rep. Montgomery	Asks if others are manufacturing yurts.
358	Bair	Responds affirmatively.
361	Rep. Montgomery	Comments that yurts are in use, and now we need zoning.
371	Rep. Piercy	Asks about longevity of yurts in the Oregon climate.
373	Bair	Responds that some yurts have been in use for 15-20 years. Details material used in the manufacture of yurts. Comments on compliance with parks, structural codes, and the State Fire Marshal. Adds that all fabrics exceed standards, and that a fire will self-extinguish on fabric models.
415	Bair	Describes the durability of yurts.
	Gardner	Asks if units are pre-wired.
426	Bair	Replies no. Explains that options are available. Describes local site requirements. Indicates that interior amenities are added by the customer.
464	Chair Lokan	Asks about zone restrictions.
472	Bair	Responds that zone restrictions vary with the intended use and location.
TAPE 43, B		

055	Bob Repine	Director, Oregon Housing & Community Services (OHCS). Speaks in support of HB 3082. Discusses options that yurts offer Oregonians. Explains that OHCS builds permanent long-term housing, but has difficulty meeting the housing demand. Describes difficulties in providing services to the homeless population.
085	Repine	Emphasizes that Oregon has not addressed the homeless population and transitional housing. Provides a video program to members for their review. Indicates that yurts will provide partners with a viable housing option. Claims that the cost of yurts is 1/16 th the cost of traditional housing. Indicates that yurts are used for recreational purposes, which is an exception to the building codes. Requires some statutory changes to be used for housing.
129	Rep. Lowe	Asks about the cost of providing adequate minimal housing in the form of yurts. Inquires about state or federal funding options available to a municipality to implement a project.
150	Repine	Describes cost consequences. Suggests that HB 3082 is a very entrepreneurial approach.
167	Chair Lokan	Closes public hearing on HB 3082, and opens public hearing on HB 3035.
<u>HB 3035 PUBLIC HEARING</u>		
180	Zwick	Summarizes provisions of HB 3053.
199	Rep. Jeff Kropf	Representative, House District 37. Speaks in support of HB 3035. Describes the bill as a change in the administrative rule reform/review process. Indicates that HB 3035 allows Legislative Counsel (LC) the first option to review a proposed administrative rule before public comment or adoption. Explains the rule-adoption process.
244	Rep. Kropf	Continues describing the administrative rule-adoption process.
286	Rep. Kropf	Comments that rule review is not an ongoing process. Explains LC involvement in the rule-making process. Describes HB 3035 as a modest change. Reminds members there is a House and Senate resolution to give constitutional authority in the form of a referral to the people for the legislature to approve or disapprove administrative rules.
314	Rep. Gardner	Asks if HB 3035 requires LC to review all rules.
	Rep. Kropf	Answers yes.
323	Rep. Gardner	Asks if LC is currently allowed to review rules at the request of an agency.

330	Gregory A. Chaimov	Legislative Counsel. Submits written testimony (EXHIBIT C). Responds that rules are reviewed at the request of members or committees.
333	Rep. Lowe	Asks how this law would affect the workload of LC during and after session.
342	Chaimov	Replies that if the legislature provides the resources set forth in the fiscal impact statement, there should be no interference in tasks performed for the legislative assembly.
353	Rep. Close	Asks for clarification of the proposed one full-time employee (FTE). Asks if the administrative support and copy editor are two different positions.
360	Chaimov	Replies that the fiscal impact estimate assumes a total of two FTEs: One attorney, one-half person providing editorial support, and one-half person providing clerical support. Adds that the two half-positions could be combined into one person.
377	Rep. Close	Asks if LC could choose not to do anything about a proposed rule.
393	Chaimov	Replies that LC reviews whatever rules the LC Committee directs them to review. Adds that all proposed rules would be reviewed.
419	Rep. Kropf	Indicates that there is an individual in LC who conducts legislative review for counsel. Adds that this person is a retired head of the division, and volunteers his time. Explains the necessity of providing resources so LC can perform its responsibilities.
460	Montgomery	Asks who is the Legislative Counsel Committee.
475	Chaimov	Explains that it is an 11-member joint statutory committee. Adds that co-chairs are the Speaker and Senator Miller. Says that the house majority leader is on the committee. Indicates that the president and the speaker appoint the members, who serve for a biennium.
484	Rep. Montgomery	Asks if the members are legislators.
485	Chair Lokan	Responds affirmatively.
486	Rep. Montgomery	Asks if the legislature is getting involved in the executive branch of government.
492	Chaimov	Responds affirmatively.
TAPE 44, B		

053	Rep. Montgomery	Asks why 49 days was selected for rule review.
057	Chaimov	Explains that the dates are multiples of seven, logged by week on the calendar. Adds that 49 days seemed a reasonable period of time to review rules and meet agency needs.
064	Rep. Gardner	Asks if agencies have access to Attorney General (AG) rule review process.
066	Chaimov	Replies that the Department of Justice wants agencies to seek counsel before adopting rules.
068	Rep. Gardner	Asks if the AG review is available to agencies.
070	Chaimov	Answers yes.
085	Chair Lokan	Asks how many FTEs are necessary to implement the review process.
089	Chaimov	Replies that LC would require an additional half-attorney FTE in addition to the 2.0 FTE in the statement. Comments that LC expects 20% more rule submissions under HB 3035.
107	Chair Lokan	Indicates that HB 3035 has been before the legislature and the public previously, and is not a new concept.
110	Rep. Lowe	Asks about the ethical balancing act, providing legal services to agencies, and legal services for the legislative body.
115	Chaimov	Believes that HB 3035 does not direct LC to provide legal services for any executive department agency.
120	Rep. Kruse	Asks about the impact if this activity took place after the public hearing process, when the agency has final proposed rules, but before adoption.
129	Chaimov	Replies that it would reduce the number of additional rule submissions to be reviewed.
138	Rep. Kropf	Addresses current and proposed rule review process. Comments on cost savings.
148	Rep. Kruse	Suggests consideration of more cost-effective alternatives.
169	Rep. Kropf	Opines that if the process is implemented as described in HB 3035, there is potential for agencies to produce better rules for LC.

191	Rep. Kruse	Comments that agencies can adopt whatever rule they choose, because there is no authority to prevent it from happening. Asks what is the most efficient way of getting information
208	Chaimov	Explains current rule review process.
239	Rep. Kropf	Acknowledges the value of the LC volunteer.
252	Chair Lokan	Closes public hearing on HB 3035. Adjourns the meeting at 10:15 a.m.

Submitted By, Reviewed By,

Susan M. Pettey, Pat Zwick,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 200 A, written testimony, Chuck Smith, 1 p.

B ñ HB 3082, written testimony w/attached proposed ñ1 amendment, Rep. Al King, 5 pp.

C ñ HB 3035, written testimony, Gregory Chaimov, 21 pp.