

HOUSE COMMITTEE ON GENERAL GOVERNMENT

February 04, 1999 Hearing Room D

01:00 p.m. Tapes 12 - 13

MEMBERS PRESENT: Rep. Carl Wilson, Chair

Rep. Jason Atkinson, Vice-Chair

Rep. Chris Beck, Vice-Chair

Rep. Jo Ann Bowman

Rep. Ryan Deckert

Rep. Bruce Starr

Rep. Ron Sunseri

Rep. Terry Thompson

MEMBER EXCUSED: Rep. Steve Harper

STAFF PRESENT: Cara Filsinger, Administrator

Faye D. Trupka, Administrative Support

MEASURE/ISSUES HEARD: Informational Meeting, Overview of the Military Department

HB 2254 Public Hearing

HB 2283 Public Hearing

HB 2105 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.

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TAPE/#	Speaker	Comments
TAPE 12, A		
005	Chair Wilson	Opens meeting at 1:03 p.m. and opens informational meeting.
<u>Informational Meeting: Overview of the Military Department</u>		
008	Lynn Ashcroft	Colonel, Oregon National Guard. Gives explanation of Oregon National Guard and describes the role of soldiers. States that the National Guard has three capacities in which they serve. 1) State agency role, serves pursuant to the orders of the Governor, 2) Title 10 U.S. Code, a National Guard soldier serving overseas is a Federal soldier, 3) Title 32 United States Code, a National Guard soldier serving weekend drill and annual training. Mentions that the National Guard serves as the state militia.
051	Rep. Atkinson	Asks how many full time personnel.
056	Ashcroft	Responds with four categories of personnel: National Guardsmen on active duty, active Army and Airforce personnel, Federal technicians and State employees who are civilians who work for the military. States there are approximately 2,000 full time day-to-day employees.
071	Rep. Deckert	Asks what the military department expenditures were for the last year.
073	Ashcroft	Replies that the most recent was \$100 million, \$5 million in state funds.
077	Chair Wilson	Asks who holds the title for the military equipment.
080	Ashcroft	Responds that the National Guard holds title.
083	Chair Wilson	Asks how many armories in Oregon.
080	Ashcroft	Replies twenty. Defines armories and explains financial funding.
095	Chair Wilson	Asks if soldiers use their own equipment.
099	Ashcroft	Responds no.
100	Chair Wilson	Asks if there are individuals who receive paychecks from both federal and state government.

103	Ashcroft	Replies yes. States most employees receive federal pay. Explains that only those who are civilian state employees receive state pay.
104	Chair Wilson	Asks if state employees are uniform personnel.
105	Ashcroft	Responds no.
106	Chair Wilson	Asks what duties do the state employees perform.
107	Ashcroft	Responds that the state employees are secretaries and janitors.
108	Chair Wilson	Closes informational session and opens public hearing on HB 2254
<u>HB 2254 PUBLIC HEARING</u>		
115	Cara Filsinger	Administrator. Explains HB 2254.
124	Ashcroft	Explains HB 2254 and how it impacts the Oregon National Guard. Clarifies differences between Title 32, Title 10 and state employees. Refers to proposed measure and how it clarifies who are state employees.
191	Rep. Bowman	Asks if membership consists of citizens who are temporary employees.
198	Ashcroft	Responds yes.
200	Rep. Bowman	Questions if employees are not on official duty, would they be covered under state laws.
209	Ashcroft	Replies this only applies to employees while on duty.
213	Chair Wilson	Asks about fiscal impact.
216	Filsinger	Responds that none is indicated.
220	Chair Wilson	Asks about state statutes creating any problems.
223	Ashcroft	Describes an incident which was initialized and investigated by the State of Oregon. Recounts that the State of Oregon initially rejected jurisdiction and took no action. Explains that the federal government took a separate action. Comments that the individual was availing himself of both remedies.

247	Rep. Sunseri	Asks if under martial law are the troops federal or state employees.
255	Ashcroft	Replies that if the President ordered martial law, he would have the ability to order federal troops to enforce that order. States the President would have the ability to federalize Oregon National Guard soldiers.
265	Chair Wilson	Questions if the guard has a plan to clarify law change to employees.
270	Ashcroft	Replies that it will require little education because most believe this is the way it currently is being done.
281	Rep. Bowman	Asks what would happen if someone were injured and unable to complete their duties and how they would receive compensation.
293	Ashcroft	Remarks that if the employee was a civilian and injured in a non-Guard incident, that individual would receive State workers' compensation. Explains that if the employee is sick, disabled or injured the military has the option of waiving the physical requirements if that condition meets within certain waiver requirements, and allow the soldier to continue to serve with those limitations. States the soldier can request a discharge if they are unable to perform their duties. Explains the employee would not lose any workers' compensation benefits as a civilian by this measure.
318	Chair Wilson	Asks what happens if a soldier is injured on the way to drill.
324	Ashcroft	Replies that if the injury occurred going and coming to work they would be fully covered under Federal law.
351	James Caldwell	Colonel, Oregon National Guard. Explains objective for the measure. States there are 1,900 full-time employees with approximately 6,100 traditional guardsmen.
386	Rep. Thompson	Asks what is the accident rate.
389	Caldwell	Replies that 8,000 people per year attend training. States that major accidents have been low with 4 fatalities in the last 15 years. States further there are few minor accidents.
TAPE 13, A		
010	Chair Wilson	Closes public hearing on HB 2254 and opens public hearing on HB 2283.
<u>HB 2283 PUBLIC HEARING</u>		

015	Jeffrey Condit	Attorney, Real Estate Land Use Section, Oregon State Bar. Supports HB 2283 and offers amendments (EXHIBIT A). Offers brief explanation of HB 2283.
073	Chair Wilson	Asks if Oregon Land Use Board of Appeals (LUBA) has had any fragmented terms.
078	Condit	Replies yes, initially. States that recently there has been more LUBA members who have left mid-term. Supports passage of HB 2283.
098	Rep. Bowman	Asks if HB 2283 and HB 2105 were introduced in order to solve the same problem.
101	Condit	Replies the bills solve the same problem.
104	Rep. Bowman	Asks if HB 2283 and HB 2105 will serve the same purpose.
106	Condit	Responds yes.
107	Rep. Beck	Asks if there are other Governor appointed boards or commissions where a mid-term vacancy occurs. Asks if the replacement starts a new four-year term.
113	Condit	Cites ORS 236.140 which establishes a basic rule for appointed positions.
126	Chair Wilson	Closes public hearing on HB 2283 and opens public hearing on HB 2105.
<u>HB 2105 PUBLIC HEARING</u>		
128	Filsinger	Explains HB 2105.
140	Sue Hanna	Board Member, LUBA. Explains HB 2105 and the reason for changing terminology. Discusses use of telephone hearings. Supports passage of HB 2105.
193	Rep. Sunseri	Asks if half-time job share would go through the same approval process to the Senate as a full-time appointee.
198	Hanna	Responds affirmatively.
201	Rep. Sunseri	Asks how telephone conference calling will effect the public hearing process.
207	Hanna	Replies that conference calling expands the ability to do business.

220	Rep. Sunseri	Asks if people who are attending the meetings in the public hearing room will be able to hear all of the conversations taking place over the phone.
224	Hanna	Responds yes. Clarifies that public testimony is not being taken. States that a specified time is allotted to each side.
230	Rep. Bowman	Cites line 3, page 2 of HB 2105, suggested guidelines for telephone hearings. Asks if that includes the request of a board member or is it specifically for the parties that have filed an appeal.
240	Hanna	Indicates that it has been confined to the parties.
250	Rep. Bowman	Asks if there will still be a board chairperson and would that person be making a decision about how funds are dispersed.
264	Hanna	Responds there are a total of seven employees at LUBA, three of which are board members.
283	Rep. Bowman	Asks for clarification of board size.
289	Hanna	Explains there are three board members, two staff attorneys and two clerical staff.
290	Chair Wilson	Requests more information about telephone hearings.
293	Hanna	States that one attorney could tell the board that LUBA has no statutory authority to hold a phone hearing and could legally request that hearing be held with all parties present.
299	Chair Wilson	Asks if the attorneys have veto power.
304	Hanna	Replies that LUBA has no explicit legal authority to conduct hearings.
306	Chair Wilson	States that LUBA telephone hearings are optional.
308	Hanna	Responds yes.
311	Chair Wilson	Closes public hearing on HB 2105.
312	Rep. Beck	Asks if the committee will be combining HB 2283 and HB 2105.
315	Chair Wilson	Replies that the committee may combine the bills. Mentions that new meeting

		start time will be 1:15 p.m. Adjourns at 1:54 p.m.
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Submitted By, Reviewed By,

Faye D. Trupka, Cara Filsinger,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ HB 2283, written testimony, Jeffrey Condit, 5 pp.