

SENATE COMMITTEE ON GENERAL GOVERNMENT

April 13, 1999 Hearing Room C

3:00 p.m. Tapes 55 - 56

MEMBERS PRESENT: Sen. Verne Duncan, Chair

Sen. Cliff Trow, Vice-Chair

Sen. John Lim

Sen. Marylin Shannon

Sen. Frank Shields

STAFF PRESENT: Marjorie Taylor, Administrator

Valerie Luhr, Administrative Support

MEASURE/ISSUES HEARD: SJR 39 Work Session

SB 1031 Public Hearing and Work Session

SB 1062 Public Hearing and Work Session

SB 774 Public Hearing and Work Session

SB 671 Public Hearing

SB 865 Public Hearing and Work Session

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 55, A		
004	Chair Duncan	Calls the meeting to order at 3:08 p.m. Opens a work session on SJR 39
<u>SJR 39 WORK SESSION</u>		
008	Sen. Lim	Motions to move SJR 39 without recommendation as to passage and refer the measure to the Senate Committee on Rules and Elections.
013	Sen. Trow	Asks why the committee is making the motion.
014	Marjorie Taylor	Committee Administrator. States Sen. Starr requested the referral because his committee has another bill related to the

		issue.
017	Sen. Trow	Asks what the bill does.
018	Taylor	Explains the measure proposes an amendment to the Oregon Constitution that would repeal Article XI, Section 15.
021	Sen. Lim	Clarifies the state would not need to pay any costs after repeal.
024	Taylor	States the measure would go to the voters.
025	Sen. Trow	States he does not want to move the bill.
029	Chair Duncan	States he understands Sen. Trow's concern and will defer the decision to the committee.
033	Sen. Shields	Requests Ms. Taylor to review committee action on SJR 39.
040	Taylor	Reviews the committee's action on SJR 39 for Sen. Shields.
043	Sen. Trow	Asks what the companion bill is.
044	Taylor	States she does not know.
045	Chair Duncan	Suggests the committee receive more information from Sen. Starr before moving SJR 39. Asks Sen. Lim if he objects.
048	Sen. Lim	States he has no objection and withdraws motion.
050	Chair Duncan	Acknowledges Sen. Lim's motion withdrawal. Closes the work session on SJR 39.
054	Sen. Shields	Clarifies the committee will gather additional information.
056	Sen. Trow	Asks if there is anyone to speak to SJR 39.
057	Chair Duncan	Invites a member of the audience to come to the witness table for information purposes. Reopens the work session on SJR 39.
063	Dick Townsend	Director, League of Oregon Cities (LOC). States the legislature referred the mandates election to the people in 1995. Reviews provisions of Article XI, Section 15a in the Oregon Constitution. States the provision sunsets in 2001 and must be brought back to the voters in 2000.
077	Sen. Trow	Expresses he has a better understanding of SJR 39. States he thought the measure was another vote on a provision that was already in the Constitution.

079	Townsend	States the measure is whether or not to retain the provision.
081	B. J. Smith	Association of Oregon Counties (AOC). States the provision is unusual because it was the first time something was put into the Constitution subject to a mandatory revote at a time-specific. Explains why AOC wants the measure before the Senate Committee on Rules and Elections.
092	Sen. Trow	Asks witnesses if they know what the companion bill is in Sen. Starr's committee.
093	Smith	States the construction of a ballot title is missing and whether it can be done administratively.
099	Sen. Trow	Withdraws his objections to SJR 39.
100	Sen. Shields	States he wants to know about the partner bill.
101	Taylor	Indicates she is not sure there is a partner bill, but Sen. Starr has said there is a partner bill in the Rules and Elections Committee.
105	Sen. Shields	Asks if the referral needs to be done today.
106	Taylor	States it is easy to do today because SJR 39 is on the agenda but it can be put on another day's agenda.
107	Sen. Shields	States he will defer to the committee.
108	Sen. Lim	Asks what happens if the committee does not take action today.
109	Chair Duncan	Indicates timeliness is important, but he will defer to the committee.
111	Taylor	Reviews committee deadlines for public hearings and work sessions.
114	Sen. Lim	States he wants to know what happens if the bill sunsets.
118	Smith	States the specific question to the voters is whether they retain the requirement for the state to continue paying local governments for costs of state-mandated programs. Discusses what happens if the voters decide the state does not continue to pay or if they decide the state should continue to pay.
130	Sen. Trow	Asks what happens if the committee does nothing.
131	Smith	Indicates the Constitution says there shall be a vote in 2000, and the committee is dealing with the technical requirements of how to get to that date in compliance with the Constitution.

139	Chair Duncan	Invites Sen. Starr to address the committee.
142	Sen. Charles Starr	Senate District 5. States SJR 39 was submitted for bill introduction through the Rules and Elections Committee, and the requestors thought the bill would be referred to the committee. States he has asked for the re-referral at Dennis Mulvihill's request. Indicates there is a companion bill in the rules committee.
167	Sen. Shields	Asks about the companion bill.
168	Sen. Starr	States he does not have the information.
172	Chair Duncan	Clarifies Sen. Starr is following the recommendation of the requestors.
174	Sen. Starr	States that is his understanding.
176	Sen. Trow	States he better understands SJR 39 and does not see why the committee should not refer the bill to the Rules and Elections Committee.
180	Chair Duncan	Asks Sen. Lim if he would like to make his motion again.
183	Sen. Shields	Asks who the requesters are.
186	Sen. Starr	States the lobbyist for Washington County is the one who brought the bill to him.
190	Townsend	States the counties, cities, and special districts are the affected parties.
195	Sen. Lim	MOTION: Moves SJR 39 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Rules and Elections.
		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Shannon
	Chair Duncan	The motion CARRIES.
209	Chair Duncan	Closes work session on SJR 39. Opens public hearing on SB 1031.
<u>SB 1031 PUBLIC HEARING</u>		
210	Marjorie Taylor	Committee Administrator. Reviews provisions of SB 1031. Explains Susan McLain is present to testify.
218	Susan McLain	Deputy Presiding Officer, Metro Council. Submits and presents testimony in support

		of SB 1031 [EXHIBIT A] . Explains Metro has determined there is a need to expand its boundary and shows a map to the committee.
265	Sen. Trow	Asks if there is opposition to the decision.
267	McLain	States she does not know of any opposition, and the council has talked with Clackamas, Washington, and Multnomah Counties, and the 24 cities on the board. Indicates a subcommittee worked through what it would mean if there was no longer a Portland Metropolitan Area Boundary Commission.
276	Vice- Chair Trow	Asks about the response from the Multnomah County Commission.
277	McLain	States the Multnomah County commissioner that sits on the boundary commission was distressed at the fact that they were going to be making these types of decisions.
284	Chair Duncan	States Ms. Smith did not mention any concerns.
288	Sen. Trow	Asks if opponents of Metro will be unhappy with the bill.
289	McLain	Indicates she does not know what those people are thinking. States the particular issue is clear. It is a process issue of how to make jurisdictional boundary changes.
301	Sen. Trow	Asks if property owners in affected areas are happy with the solution.
303	McLain	States that no matter what the process, at least 50 percent of the electorate and the property owners need to make the request to be included in a jurisdictional boundary.
308	Sen. Lim	Requests a definition of "minor boundary changes."
321	McLain	Explains a minor boundary change deals with a jurisdictional boundary, not an urban growth boundary (UGB). States there is definition in what has replaced the Portland Area Boundary Commission. States she will provide a copy for the committee. States SB 1031 addresses Metro's jurisdictional boundary.
333	Sen. Lim	Indicates the definition is not clear to him.
336	McLain	States she has been told the definition is clear and concise as it relates to boundary commission purposes and work. States she will be happy to send additional information to Sen. Lim.
346	Chair Duncan	Asks what a major change would be.

349	Taylor	Asks if the addition of an urban reserve would be a major change.
351	McLain	States that would be a major urban growth boundary change. The bill talks about jurisdictional boundaries. States she does not have the precise language with her that distinguishes between minor and major. The bill is limited to the metropolitan service district.
363	Sen. Lim	States he does not have a problem with the bill, but just wanted clarification of a minor boundary change.
368	Sen. Shannon	Asks if the minor boundary change provision means the metropolitan service district could make a decision to extend bus service to a small community and start taxing the businesses.
372	McLain	States that is not correct. States the provision would allow the metropolitan jurisdiction to make a change in Metrois jurisdictional boundary, not the UGB, if the people in the areas request it.
380	Sen. Shannon	Indicates business owners in Estacada had to pay taxes to transport people to Clackamas Town Center.
382	McLain	States this is not the same issue.
394	Sen. Trow	Asks who has jurisdiction over major changes.
396	McLain	States Metro Council makes major changes to the UGB, and it has been their responsibility for over 20 years. States the responsibility has been reinforced by a public vote of home charter.
409	Chair Duncan	States as a resident of Clackamas County, he would rather have Metro making the decisions instead of the Multnomah County Board of Commissioners. States he thinks the bill is good.
422	Chair Duncan	Closes the public hearing on SB 1031. Opens a work session on SB 1031.
<u>SB 1031 WORK SESSION</u>		
430	Sen. Lim	MOTION: Moves SB 1031 to the floor with a DO PASS recommendation.
		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye.
Chair Duncan		The motion CARRIES. SEN. LIM will lead discussion on the

		floor.
TAPE 56, A		
010	Chair Duncan	Closes work session on SB 1031. Opens public on SB 1062.
<u>SB 1062 PUBLIC HEARING</u>		
016	Marjorie Taylor	Committee Administrator. Reviews provisions of SB 1062.
024	Susan McLain	Deputy Presiding Officer, Metro Council. Submits and presents testimony in support of SB 1062 [EXHIBIT B] . States Metro has been acquiring open space since 1995. States SB 1062 is a housekeeping measure to allow Metro the ability to do some of the things the counties and cities can do in the area of conservation and highway scenic preservation easements. Urges the committee's support of the bill.
050	Chair Duncan	States the legislation is a perfect example of property rights and conservation working together.
053	McLain	Expresses agreement with Chair Duncan. Comments on the Spring Water Corridor Trail and the Peninsula Trail.
057	Sen. Lim	Asks why people would not want to sell their property.
060	McLain	States some people would prefer to sell and locate elsewhere, and others believe the public has the right to enjoy the same things they have. Comments on Smith and Bybee Lakes near Portland. States it is an access issue.
069	Sen. Lim	Requests the definition of "acquire."
072	McLain	Explains the 1995 open bond measure program is a "willing seller" program.
079	Chair Duncan	States a lot of people were happy in Kanemah.
080	McLain	States that it was a win-win situation.
084	Chair Duncan	States a traffic problem was also diverted.
085	Sen. Lim	States there is no condemnation and takings.
086	McLain	Concurs there are no takings, only a willing seller program.
090	Chair Duncan	Closes public hearing on SB 1062. Opens work session on SB 1062
<u>SB 1062 WORK SESSION</u>		

095	Sen. Lim	MOTION: Moves SB 1062 to the floor with a DO PASS recommendation.
		VOTE: 3-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Shannon, Shields
	Chair Duncan	The motion CARRIES. SEN. DUNCAN will lead discussion on the floor.
108	Chair Duncan	Closes work session on SB 1062. Opens a public hearing on SB 774.
<u>SB 774 PUBLIC HEARING</u>		
110	Marjorie Taylor	Committee Administrator. Reviews provisions of SB 774.
120	John Ledger	Associated Oregon Industries (AOI). States AOI supports the bill. Comments on the legislation presented by AOI and the Northwest Pulp and Paper Association in 1997 that resulted in the Green Permits program. Comments on the advisory committee set up by the Department of Environmental Quality (DEQ) to look at the Green Permits program. States AOI is asking for an extension of the December 31, 2000, sunset for the Green Permits program. States AOI introduced SB 774 at the request of the DEQ advisory committee who support the bill.
155	Lauri Aunan	Assistant Director, Department of Environmental Quality. States DEQ supports SB 774 and extension of the sunset date for the Green Permits program. States the advisory committee is preparing to do a rulemaking.
166	Sen. Trow	Asks if there is any opposition to the bill.
167	Ledger	States he is not aware of any opposition.
169	Sen. Shields	Asks if any of the environmentalists are against the sunset extension.
173	Ledger	States he is not aware of any opposition. States the recommendation comes from the permits advisory committee, which includes the Sierra Club and other groups.
180	Kathryn VanNatta	Governmental Affairs Manager, Northwest Pulp and Paper Association. States Northwest Pulp and Paper supports extension of the program. States the program is an opportunity to move towards incentives in environmental regulation and away from a command and control style regulation of environmental matters.

198	Sen. Lim	Asks why the program is being sunset if it is good.
201	VanNatta	States the program was brought forth as a pilot and funding was sought. States the original had a sunset date because it was unsure whether the program could fly. States the startup phase of the program took longer than expected and ran into the sunset. The project was extended to complete the pilot projects. Indicates her association will return to the legislature with the results and another proposal if the pilot projects are completed.
220	Sen. Trow	Asks if the program is currently operative.
221	VanNatta	Requests that Ms. Aunan return to discuss "operative." Indicates four companies have applied to receive Green Permits in the pilot program. States DEQ staff has been allocated to work on the permits and the process. The program is not at a point where other companies could apply for Green Permits.
235	Sen. Trow	States one reason for a pilot program is to achieve a track record. Asks if it is too early to make judgments about the Green Permits program.
241	Aunan	Agrees with Sen. Trow's comments. States DEQ has been working with the pilot companies to look at minimizing costs and how to complete rulemaking.
259	Sen. Trow	Clarifies the program does not yet have a track record. States it makes sense to extend the sunset to allow the program to prove itself.
263	Aunan	States DEQ is looking for measurable results
266	Sen. Trow	Asks how much the pilot project costs.
266	Aunan	States she will get the information. States the cost was under \$100,000.
274	Sen. Trow	Asks if the project is funded in DEQ's budget.
274	Aunan	States it is in the agency's current budget proposal.
275	Sen. Trow	Asks if there is any additional expense.
276	Aunan	States there is no additional expense.
278	Sen. Trow	Requests the witnesses provide the committee with facts if the bill goes forward.
282	Chair Duncan	Closes the public hearing on SB 774. Opens a work session on SB 774.

<u>Sb 774 work session</u>		
289	Sen. Trow	MOTION: Moves SB 774 to the floor with a DO PASS recommendation.
292	Sen. Shields	States the bill allows a company to get at a cleaner environmental result without needing to go through paperwork normally required by DEQ.
317	Sen. Shannon	Indicates her comfort level with the bill has been raised.
318	VanNatta	Explains the basis for the Green Permit program was the Environmental Protection Agency's (EPA) Excel Program.
		VOTE: 5-0
		AYE: In a roll call vote, all members present vote Aye.
	Chair Duncan	The motion CARRIES. SEN. SHIELDS will lead discussion on the floor.
339	Chair Duncan	Closes work session on SB 774. Opens a public hearing on SB 671.
<u>SB 671 PUBLIC HEARING</u>		
348	Marjorie Taylor	Committee Administrator. Reviews provisions of SB 671.
357	Cam Birnie	Transportation, Purchasing and Print Services Division, Department of Administrative Services (DAS). Indicates DAS met with the Department of Justice (DOJ) to discuss their roles related to the measure. States Sections 1 and 2 are related to interstate agreements, and Sections 3 and 4 are related to international agreements. States he has worked with DOJ to propose amendments that would allow DOJ to have a larger role and exclude DAS.
397	Lynn Rosik	Assistant Attorney General, Department of Justice. Reviews the state's process with interstate and international agreements. Explains there are provisions in ORS Chapter 190 for public agencies to enter into agreements with public agencies of other states. States, by law, all interstate agreements are submitted to the Attorney General before taking effect. Reviews provisions in Section 3.
TAPE 55, B		
010	Rosik	States the Attorney General's office could create the index instead of DAS since intergovernmental agreements flow through their office. States DOJ needs to propose amendments to the bill to allow them to do

		the indexing.
018	Sen. Trow	Asks if bill sponsors consider the amendments friendly.
021	Rosik	States she does not know.
030	Chair Duncan	States he will not hold a work session so the witnesses can contact the bill sponsors.
036	Grattan Kerans	Oregon University System (ous). States OUS is in favor of DOJ's conceptual amendments and supports the index. States OUS generates the vast majority of international agreements and a significant number of interstate agreements. Believes the sponsors' intent would be clearly met if DOJ was the indexer.
063	Sen. Trow	Comments on types of information indexes may contain. States DOJ could share an index with DAS. Asks if DOJ currently has an index.
074	Rosik	States DOJ currently opens a file on each intergovernmental agreement but they do not keep a master list. States the way the bill is drafted it would require the index to include every agreement that has ever been entered into. States DOJ would ask the bill apply prospectively.
085	Chair Duncan	Suggests an archival amendment would be appropriate.
087	Sen. Trow	Asks for how long the agreements are binding.
089	Rosik	States some agreements go on for a very long time and are continually renewed.
090	Sen. Trow	States those agreements should be in the index.
091	Rosik	Indicates those agreements come back to DOJ on a regular basis. Reiterates it would be difficult to go back into the records.
099	Chair Duncan	States the index appears to be a big job.
101	Rosik	States DOJ thinks they could work the index into their process if it can be worked prospectively. States the index would be a public document.
110	Chair Duncan	States he envisions the time when information is transferred by computer instead of on paper. Requests Department of Justice to work with Sen. Ferrioli on their concerns and then return to the committee.
116	Sen. Trow	Asks if DOJ has prepared amendments.
117	Rosik	States DOJ would be happy to work with committee staff and Sen. Ferrioli on

		amendments.
119	Sen. Lim	Asks about costs involved.
122	Rosik	States the statutes currently require DOJ to review each agreement for legal sufficiency and they bill the state agencies, but not local governments.
136	Sen. Trow	States he is surprised there is not an index now.
140	Rosik	States the agencies know their agreements.
146	Chair Duncan	Closes public hearing on SB 671. Opens public hearing on SB 865.
<u>SB 865 PUBLIC HEARING</u>		
154	Sen. Veral Tarno	Senate District 24. Reviews provisions of SB 865. States police officers sometimes retire either early in life or after 25 years of service. Indicates these officers want to retain their certification, and SB 865 allows the Board on Public Safety Standards and Training (BPSST) to continue an officer's certification after being honorably retired.
169	Sen. Shannon	Asks if there is a dishonorable retirement.
170	Sen. Tarno	States there could be.
178	Dianne Middle	Director, Department of Public Safety Standards and Training (DPSST). States the bill was a legislative concept between DPSST and the Oregon Association of Chiefs of Police. States the bill is not funded in DPSST's budget, so the department could not continue as a sponsor. States the bill is a good idea and makes use of very skilled people. Indicates the agency may be able to continue the funding with a fee-based process, but would need to find a way to start the program. States DPSST anticipates hearing from parole and probation, and corrections officers wanting a similar opportunities.
197	Sen. Trow	Asks why it would be a good idea to certify retired people.
200	Middle	Explains small communities often have difficulty finding someone to manage for a small period of time. If a chief or officer has maintained their certification, they would be able to step in. States certification lapses naturally within 90 days after finishing service.
214	Sen. Tarno	States certification is an issue if a tort claim is filed.
221	Sen. Trow	Asks if there a down side to the bill.
222	Sen. Tarno	Does not believe there is. Believes the funding issue can be worked out.

230	Chair Duncan	Asks Sen. Tarno if he would be eligible.
232	Sen. Tarno	States he has been out of the certification process for seven years.
239	Chair Duncan	Asks what it would take if the person was retired for only a year's time.
243	Middle	States DPSST envisions an individual would keep up their certification at their own choosing. States the board would determine continued training standards. States the department compared the bill to the private security portion of the agency when setting up the fiscal impact. States the private security portion is a completely fee-based operation.
262	Chair Duncan	Indicates he keeps up his superintendent license for a fee.
264	Sen. Shield	Asks how many officers might take advantage of this in a year's time.
267	Middle	States the chiefs' association figures 50 or less in the first year.
271	Sen. Tarno	Believes the certification program will start small and grow as more people become aware of the program.
275	Sen. Shields	Suggests the fee might be large as the program starts small.
280	Middle	States the agency will need to absorb some of the start-up costs. Reiterates the program is not in the agency's budget.
293	Sen. Tarno	States individuals who retire with an executive certification would most likely keep up their certification. States those with an advanced certification may want to maintain their certification.
300	Sen. Trow	Asks why this has not been done before.
301	Sen. Tarno	States he does not know.
302	Sen. Trow	States he wonders if there are any negative reasons.
311	Chair Duncan	Closes the public hearing on SB 865. Opens a work session on SB 865.
<u>SB 865 WORK SESSION</u>		
317	Sen. Lim	Comments on the possibility of resentment if an outsider were to take over for a retiring chief of police instead of the next ranking officer.
326	Sen. Tarno	States the process for filling a chief of police vacancy may take several months, and in the meantime it is desirable to have someone qualified or certified to fill in as

		acting chief.
338	Chair Duncan	States bringing in someone new can help smooth the waters.
344	Sen. Trow	Asks Ms. Middle if the agency's budget has had legislative review.
345	Middle	Answers affirmatively.
347	Sen. Trow	Ask if it makes sense to have the bill operative in two years, rather than immediately. Asks if DPSST can fund the bill internally for the first year. Asks if the bill gives DPSST the authority to immediately establish a fee schedule.
358	Middle	Believes the bill gives the agency authority to establish fees right away. Comments on the process involved. States she does not see the results happening overnight. States the fee must maintain itself so there is immediate payback.
372	Sen. Trow	Summarizes the agency can handle the program and make it pay for itself without going to the Ways and Means Committee.
377	Chair Duncan	Clarifies the \$41,000 estimated cost will dwindle.
378	Middle	Indicates the cost will be about \$20,000 in the first year.
387	Sen. Shields	MOTION: Moves SB 865 to the floor with a DO PASS recommendation.
		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 ñ Shannon
	Chair Duncan	The motion CARRIES. SEN. TARNO will lead discussion on the floor.
400	Chair Duncan	Closes work session on SB 865. Discusses committee's agenda with members. Declares the meeting adjourned at 4:30 p.m.

Submitted By, Reviewed By,

Valerie Luhr, Marjorie Taylor,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 1031, written testimony, Susan McLain, 1 p.

B ñ SB 1062, written testimony, Susan McLain, 2 pp.