

SENATE COMMITTEE ON GENERAL GOVERNMENT

May 20, 1999 Hearing Room C

3:00 p.m. Tapes 82 - 83

MEMBERS PRESENT: Sen. Verne Duncan, Chair

Sen. Cliff Trow, Vice-Chair

Sen. Marilyn Shannon

Sen. Frank Shields

MEMBERS EXCUSED: Sen. John Lim

STAFF PRESENT: Marjorie Taylor, Administrator

Valerie Luhr, Administrative Support

MEASURE/ISSUES HEARD: HB 3623-A Public Hearing and Work Session

HB 2894 Public Hearing and Work Session

HB 2463-A Public Hearing and Work Session

HB 2892-A Work Session

SB 229 Public Hearing and Work Session

HB 3425 Public Hearing and Work Session

HB 2212-A Work Session

HB 3429 Work Session

HB 2774-A Work Session

HB 3581 Public Hearing and Work Session

HCR 8 Work Session

HB 2240 Public Hearing and Work Session

HB 2241 Public Hearing and Work Session

TAPE/#	Speaker	Comments
TAPE 82, A		
004	Chair Duncan	Opens meeting at 3:12 p.m. Opens a public hearing on HB 3623-A.
<u>HB 3623-A PUBLIC HEARING</u>		
021	Rep. Ron Sunseri	House District 22. Reviews provisions of the bill. Comments on the number of men and women who are POW/MIA (prisoner of war/missing in action). States the flags could be donated. Urges the committee's support of the bill.
039	Chair Duncan	Recesses the public hearing on HB 3623-A. Opens a public hearing on HB 2894.
<u>HB 2894 PUBLIC HEARING</u>		
047	Rep. Lane Shetterly	House District 34. Reviews provisions of the bill. Urges the committee's support of the bill. Comments on Rep. Judy Uherbelauis' concerns about the bill.
087	Sen. Trow	Asks about the surety bond reduction amount.
090	Rep. Shetterly	Explains the problem is that the 100 percent requirement is beyond federal requirements.
100	Chair Duncan	Recesses the public hearing on HB 2894. Opens a public hearing on HB 2463.
<u>HB 2463-A PUBLIC HEARING</u>		
115	Rep. Kurt Schrader	House District 23. Reviews provisions of the bill. Comments on a local issue in his district.
134	Chair Duncan	Clarifies Rep. Schrader is speaking about the Beavercreek-Oregon City situation.
138	Rep. Schrader	Explains the bill modifies procedures. Comments on the workgroup that put the bill together. States two Clackamas County commissioners are okay with the bill. Urges the committee to support the bill.
185	Chair Duncan	Declares a conflict of interest. Asks what will happen if Oak Grove wants to become a city.
195	Rep. Schrader	States county commissioners, the Department of Land Conservation and Development (DLCD), Metro, and Legislative Counsel agree the bill does not hurt Oak Grove. States Oak Grove and other urban developments could be within an urban growth boundary, but be outside limits of the bill.
240	Dick Jones	Oak Grove, Oregon, and chairs the Oak Lodge Community Council. Submits and reviews testimony on HB 2463-A [EXHIBIT A] .
299	Rep. Schrader	Explains the bill may not impact Oak Grove as Jones has indicated. States the

		intent of the bill was to allow for self-determination and the bill affects fringe cities. States the counties are okay with the appeal process and the bill prevents a veto situation from becoming absolute. Comments on the conundrum of the bill the economic feasibility study vis-à-vis the veto. Explains the bill corrects the situation by taking out Section 4.
345	Sen. Trow	States the bill cannot be further amended because this is the committee's last meeting.
348	Rep. Schrader	Suggests working on the Oak Grove situation at another time, and states he would be glad to work with Jones and Chair Duncan.
357	Sen. Shannon	States she supports the bill.
380	Sen. Trow	States Jones' amendments apply to just one situation, but the bill has a broader application. Requests an explanation of the no votes in the House.
388	Rep. Schrader	Explains the no votes were based on concerns about the Stafford basin area.
399	Sen. Trow	Asks if any major defenders of land use planning are opposed to the bill.
401	Rep. Schrader	States they are not opposed.
410	Chair Duncan	Comments on issues revolving around the area in which he resides. Asks what processes would be held up if the bill was put on an early agenda in the next legislative session.
427	Rep. Schrader	Explains one community has been trying to move forward, but has been held up by the current statute.
443	Chair Duncan	Asks Jones what would happen if the bill went forward in this session. States he will deal with the issue next session if the bill does not pass this session.
TAPE 83, A		
007	Jones	States, in terms of the timeline, there is pressure in Oak Grove right now. States he is not supporting annexation at this point in time, but supports giving the area choice. States Oak Lodge Sanitary is discussing some kind of merger with the city of Milwaukie. Explains SB 122 (1993 Session), ORS 195, and governance of Oak Grove are at issue.
036	Phil Fell	League of Oregon Cities (LOC). States the purpose of the bill is to focus on fringe areas and LOC thinks the focus should be confined there. States LOC is okay with the bill as it is and would not support the bill if the area within the urban growth boundary was added.
053	Rep. Schrader	Explains HB 3154 deals with the double majority and annexation and he is very anxious to work the bill. States he shares Jones' concerns relating to annexation.
060	Sen. Trow	States he wants to move the bill.
061	Chair Duncan	States he is uncomfortable with moving the bill. Closes the public hearing on HB 2463-A. Opens a work session on HB 2463-A.

<u>HB 2463-A WORK SESSION</u>		
069	Sen. Shannon	MOTION: Moves HB 2463-A to the floor with a DO PASS recommendation.
		VOTE: 3-1 AYE: 3 - Shannon, Shields, Trow NAY: 1 - Duncan EXCUSED: 1 - Lim
		Chair Duncan The motion CARRIES. SEN. SHANNON will lead discussion on the floor.
095	Chair Duncan	Closes the work session on hb 2463-A. Opens a work session on HB 2892-A.
<u>HB 2892-A WORK SESSION</u>		
100	Sen. Trow	MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on HB 2892-A.
103	Marjorie Taylor	Committee Administrator. Comments on the committee's previous action on the bill. Reviews the SB 2892-A13 amendments [EXHIBIT B].
		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Lim
		Chair Duncan The motion CARRIES.
111	Sen. Trow	MOTION: Moves to RECONSIDER the vote by which HB 2892 was sent to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Lim
		Chair Duncan The motion CARRIES.
117	Sen. Trow	MOTION: Moves to ADOPT HB 2892-A13 amendments dated 5/14/99.
		VOTE: 4-0 EXCUSED: 1 - Lim

	Chair Duncan	Hearing no objection, declares the motion CARRIED.
120	Sen. Trow	MOTION: Moves HB 2892-A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0 EXCUSED: 1 - Lim
	Chair Duncan	Hearing no objection, declares the motion CARRIED. SEN. SHIELDS will lead discussion on the floor.
141	Chair Duncan	Closes work session on HB 2892-A. Opens a public hearing on SB 229.
<u>SB 229 PUBLIC HEARING</u>		
149	Steve Walters	Chair, Oregon Racing Commission. States the workgroup reached a consensus on SB 229. States the commission has approved an application for racing at the 1999 State Fair.
169	Tom Towslee	Member, Oregon Racing Commission. Extends thanks to the workgroup.
176	Chair Duncan	Extends thanks to the workgroup.
185	Sen. Trow	States he wants to know what the workgroup did.
190	Towslee	Reviews the commission's regulatory authority provided in the SB 229-6 amendments [EXHIBIT C] .
214	Steve Barham	Executive Director, Oregon Racing Commission. Reviews the commission's authority to license off-track wagering sites provided in the SB 229-6 amendments [EXHIBIT C] .
234	Chair Duncan	Closes the public hearing on SB 229. Opens a work session on SB 229.
<u>SB 229 WORK SESSION</u>		
235	Sen. Trow	MOTION: Moves to ADOPT SB 229-6 amendments dated 5/14/99 [EXHIBIT D].
		VOTE: 4-0 EXCUSED: 1 - Lim
	Chair Duncan	Hearing no objection, declares the motion CARRIED.
239	Sen. Trow	MOTION: Moves SB 229 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0

		<p>AYE: In a roll call vote, all members present vote Aye.</p> <p>EXCUSED: 1 - Lim</p>
	Chair Duncan	<p>The motion CARRIES.</p> <p>SEN. TROW will lead discussion on the floor.</p>
253	Chair Duncan	Closes work session on sb 229. Opens a public hearing on HB 3425-A.
<u>HB 3425-A PUBLIC HEARING</u>		
260	Mike Dewey	Multnomah Greyhound Park. Comments on 1997 legislation that put the "totalizator hub" into statute. Reviews provisions of HB 3425-A. Indicates racing dollars can help the racing industry if a "hub" is located in Oregon. Explains the hub is a processing center. Comments on issues revolving around bringing a hub to Oregon.
371	Sen. Shannon	States Nevada is far ahead of Oregon in terms of gambling, and asks why Nevada does not have a hub.
378	Dewey	Explains some major tracks own their "product" and do not want a hub where their major competition is located.
396	Sen. Trow	Asks who will pay for the hub.
398	Dewey	States major tracks across the country or individuals who have made an investment will pay for the hub. States the Oregon Racing Commission regulates the integrity of the hub.
405	Sen. Trow	Asks about the chances of locating the hub in Oregon.
406	Dewey	Explains Oregon is the front-runner.
422	Chair Duncan	Asks about costs and receipts to the state.
426	Dewey	States there are no infrastructure or construction costs. States there would be regulatory oversight and the hub would pay for itself through licensing.
TAPE 82, B		
010	Sen. Trow	Requests clarification of what HB 3425-A does for the hub.
011	Dewey	Explains how the bill divides the proceeds.
018	Sen. Trow	Expresses concern about determining the terms before we have the hub.
022	Dewey	States one could argue that 100 percent goes to the commission. States the commission is okay with the bill.
035	Chair Duncan	Closes the public hearing on HB 3425-A. Opens a work session on HB 3425-A.

<u>HB 3425-A WORK SESSION</u>		
037	Sen. Trow	MOTION: Moves HB 3425-A to the floor with a DO PASS recommendation.
		VOTE: 3-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 ñ Lim, Shannon
	Chair Duncan	The motion CARRIES. SEN. DUNCAN will lead discussion on the floor.
048	Chair Duncan	Closes the work session on HB 3425-A. Opens a work session on HB 2212-A.
<u>HB 2212-A WORK SESSION</u>		
061	Phil Keisling	Secretary of State. Reviews provision of the SB 2212-A4 amendments [EXHIBIT E] . Urges the committee to stay with the original idea embodied in the bill. Comments on the Corporation Division's reduction of employees.
106	Chair Duncan	Commends asking for a reduction of fees.
114	Sen. Trow	Expresses concern that the reduction of General Fund revenue is not part of the Governor's budget.
117	Keisling	States the original bill is revenue neutral for the 1999-2001 biennium.
123	Sen. Trow	Asks Mr. Keisling if he has checked with the Governor's office.
124	Keisling	States he has not recently checked with the Governor's office, but did speak with the Governor's chief of staff when the bill was pre-session filed.
130	Sen. Shannon	Clarifies Mr. Keisling is recommending staying with the original bill. Requests clarification of the HB 2212-A4 amendments.
135	Keisling	States the HB 2212-A4 amendments make fees higher than they need to be.
144	Sen. Trow	MOTION: Moves HB 2212-A to the floor with a DO PASS recommendation.
		VOTE: 3-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Lim, Shields
	Chair Duncan	The motion CARRIES. SEN. DUNCAN will lead discussion on the floor.

158	Chair Duncan	Closes the work session on HB 2212-A. Reopens the public hearing on HB 3623-A.
<u>HB 3623-A PUBLIC HEARING</u>		
173	Ed Hughes	Coalition for Veterans Issues. States the coalition supports the bill.
178	Frank Blair	Legislative Coordinator, Oregon State Council of Vietnam Veterans of America. States the council strongly supports the bill.
182	Chair Duncan	Closes the public hearing on HB 3623-A. Opens a work session on HB 3623-A.
<u>hb 3623-A WORK SESSION</u>		
186	Sen. Shannon	MOTION: Moves HB 3623-A to the floor with a DO PASS recommendation.
		VOTE: 3-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Lim, Shields
Chair Duncan		The motion CARRIES. SEN. SHANNON will lead discussion on the floor.
199	Chair Duncan	Closes the work session on HB 3623-A. Opens a work session on HB 3429.
<u>HB 3429 WORK SESSION</u>		
208	Marjorie Taylor	Committee Administrator. Reviews the provisions of the HB 3429-3 amendments [EXHIBIT F].
230	Sen. Trow	MOTION: Moves to ADOPT HB 3429-3 amendments dated 5/20/99.
		VOTE: 4-0 EXCUSED: 1 - Lim
Chair Duncan		Hearing no objection, declares the motion CARRIED.
234	Sen. Trow	MOTION: Moves HB 3429 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Lim
Chair Duncan		The motion CARRIES.

		SEN. TROW will lead discussion on the floor.
252	Chair Duncan	Closes the work session on HB 3429. Opens a work session HB 2774-A.
<u>HB 2774-A WORK SESSION</u>		
256	Marjorie Taylor	Committee Administrator. Reviews provisions of the HB 2774-A8 amendments [EXHIBIT II] .
267	Sen. Trow	MOTION: Moves to ADOPT HB 2774-A8 amendments dated 5/13/99.
		VOTE: 4-0 EXCUSED: 1 ñ Lim
	Chair Duncan	Hearing no objection, declares the motion CARRIED.
270	Sen. Trow	MOTION: Moves HB 2774-A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 ñ Lim
	Chair Duncan	The motion CARRIES. SEN. SHIELDS will lead discussion on the floor.
277	Chair Duncan	Closes the work session on HB 2774-A. Opens a public hearing on HB 3581-A.
<u>HB 3581-A PUBLIC HEARING</u>		
288	Charles Stern	Yamhill County Clerk, and Chair, Oregon Association of County Clerks Legislative Committee on Land Record. Reviews provisions of the bill.
315	Barbara Kanz	Oregon Land Title Association. States the association does not object to the bill.
318	Stern	Reviews the provisions to update phraseology and to create a county clerk's record fund.
352	Chair Duncan	Asks if the bill will help smaller counties, such as Wheeler County.
353	Stern	States Wheeler County probably will not do electronic recording but may need a plat cabinet. Explains smaller counties will not have the same needs as larger counties.
366	Chair Duncan	Asks if small counties could move together.
372	Stern	Comments on service consortiums east of the Cascades. Reviews Section 8 of the

		bill. States the clerksí association is concerned about who shall do the acknowledgement, rather than when or how the conveyance occurs. States there have been discussions with the Land Title Association.
405	Chair Duncan	States the Land Title Association spoke to him earlier about their concerns, and he explained the rules about conceptual amendments. States he understands the clerksí association is willing to go with "shall" instead of "may."
415	Sen. Trow	Clarifies the clerksí association would like to see the bill improved.
416	Stern	States the clerksí association would have changed to "may" from "shall."
425	Barbara Kanz	States the association wants its intent on record and they want the bill to pass.
434	Marjorie Taylor	Committee Administrator. Reviews provisions of the HB 3581-A4 amendments [EXHIBIT G] .
TAPE 83, B		
003	Chair Duncan	Closes the public hearing on HB 3581-A. Opens a work session on HB 3581-A.
<u>HB 3581-A WORK SESSION</u>		
004	Sen. Trow	MOTION: Moves to ADOPT HB 3581A-4 amendments dated 5/20/99.
		VOTE: 4-0 EXCUSED: 1 - Lim
	Chair Duncan	Hearing no objection, declares the motion CARRIED.
005	Sen. Trow	MOTION: Moves HB 3581-A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Lim
	Chair Duncan	The motion CARRIES. SEN. TROW will lead discussion on the floor.
015	Chair Duncan	Closes the work session on HB 3581-A. Reopens the public hearing on HB 2894.
<u>HB 2894 PUBLIC HEARING</u>		
019	Ken Armstrong	International City Management Association (ICMA) Retirement Trust. Submits and presents testimony [EXHIBIT H] . Comments on issues revolving around the high cost of fidelity bonding and unavailability of bonding underwriting. Urges the committees support of the bill.

041	Greg Settle	Territory Director, ICMA Retirement Corporation (ICMA-RC). Urges the committee's support of the bill.
051	Steve Bryant	City Manager, Albany, Oregon. States Albany participates in the ICMA-RC program. Explains passage of the bill will bring more parity between providers in the state. Urges the committee's support of the bill.
063	Armstrong	States the Department of Consumer and Business Affairs and the Treasurer's Office support the bill.
070	Chair Duncan	Closes the public hearing on HB 2894. Opens a work session on HB 2894.
<u>HB 2894 WORK SESSION</u>		
072	Sen. Trow	MOTION: Moves HB 2894 to the floor with a DO PASS recommendation.
		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Lim
	Chair Duncan	The motion CARRIES. SEN. TROW will lead discussion on the floor.
092	Chair Duncan	Closes the work session on HB 2894. Opens a work session on HCR 8.
<u>Hcr 8 WORK SESSION</u>		
094	Marjorie Taylor	Committee Administrator. Reviews provision of the HCR 8-1 amendments [EXHIBIT J].
102	Sen. Trow	Expresses his concern about the definition of "Memoir Trail: 2000."
112	Taylor	Explains a constituent of Rep. Betsy Close is collecting memoirs from around the state.
122	Sen. Shannon	MOTION: Moves to ADOPT HCR 8-1 amendments dated 5/17/99.
		VOTE: 4-0 EXCUSED: 1 - Lim
	Chair Duncan	Hearing no objection, declares the motion CARRIED.
126	Sen. Shannon	MOTION: Moves HCR 8 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.
		VOTE: 4-0

		AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 ñ Lim
	Chair Duncan	The motion CARRIES. SEN. SHANNON will lead discussion on the floor.
135	Sen. Trow	States he voted aye, but still has concerns about the bill.
137	Chair Duncan	Closes the work session on hcr 8. Opens a public hearing on HB 2240.
<u>HB 2240 PUBLIC HEARING</u>		
152	Annette Talbott	Legislative Coordinator, Employment Department. Submits and presents testimony in support of HB 2240 [EXHIBIT K] . States HB 2240 is similar to SB 109 and is in the Governoris and the departmentis budgets.
160	Sen. Shannon	Requests clarification of "unannounced visits."
166	Tom Olsen	Child Care Administrator, Employment Department. States the bill gives the department the authority to request to be allowed into a home. States the Constitution requires the department to obtain a warrant if so requested.
171	Chair Duncan	States he hopes the department would obtain a warrant if they were not allowed into a home.
		Staff submits testimony in support of HB 2240 from Wendy Willet [EXHIBIT L] .
179	Chair Duncan	Closes the public hearing on HB 2240. Opens a work session on HB 2240.
<u>HB 2240 WORK SESSION</u>		
180	Sen. Trow	MOTION: Moves HB 2240 to the floor with a DO PASS recommendation.
		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Lim
	Chair Duncan	The motion CARRIES. SEN. DUNCAN will lead discussion on the floor.
185	Chair Duncan	Closes the work session on HB 2240. Opens a public hearing on HB 2241-A.
<u>HB 2241-A PUBLIC HEARING</u>		
188	Annette Talbott	Legislative Coordinator, Employment Department. Submits and presents testimony in support of HB 2241-A [EXHIBIT M] . States the on-site basic health and safety reviews provisions were contained in SB 109. States the bill is in the

		Governor's budget. Explains the HB 2241-A4 amendments [EXHIBIT N] were not included in the bill in the House, but are included in the HB 2241-A5 amendments [EXHIBIT O] . Reviews provisions of the HB 2241-A5 amendments. References the testimony from the Oregon Building Codes Division [EXHIBIT P] . Explains the department does not intend to change the manner in which they differentiate group homes from child care centers. States the department will not make any substantive changes to Section 17.
245	Sen. Shannon	Notes the change of "Family Group Home" to "Group Child Care Home." Requests a definition of group child care home.
255	Talbott	Reviews the definition of "certification" on page 1 of the bill, which will refer to a group home and a child care center. States "registration" (page 2, lines 21 and 22) will refer to family child care providers.
280	Sen. Shannon	Clarifies a family child care home is not required to be certified, just registered.
287	Chair Duncan	Closes the public hearing on HB 2241-A. Opens a work session on HB 2241-A.
<u>HB 2241-A WORK SESSION</u>		
291	Sen. Trow	MOTION: Moves to ADOPT HB 2241A-5 amendments dated 5/20/99.
293	Sen. Shannon	Asks if the number of children in the home has been reduced in order to be registered.
295	Talbott	States the numbers remain the same.
		VOTE: 3-0 EXCUSED: 2 - Lim, Shields
	Chair Duncan	Hearing no objection, declares the motion CARRIED.
299	Sen. Trow	MOTION: Moves HB 2241-A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Lim
	Chair Duncan	The motion CARRIES. SEN. DUNCAN will lead discussion on the floor.
309	Chair Duncan	Closes the work session on HB 2241-A. States he thinks SB 109 is a better bill than HB 2241-A. Comments on the importance of inspections.
318	Wendy Willet	Executive Officer, Commission for Child Care. States the commission still plans to push SB 109 and find funding for the bill. Submits written testimony in support of HB 2241-A [EXHIBIT Q] .

322	Chair Duncan	Extends thanks to the committee and staff. Adjourns the meeting at about 5:30 p.m.
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Submitted By, Reviewed By,

Valerie Luhr, Marjorie Taylor,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ HB 2463-A, written testimony, Dick Jones, 3 pp.

B ñ HB 2892, -A13 amendments, staff, 4 pp.

C ñ SB 229, written testimony, Tom Towslee and Steve Barham, 1 p.

D ñ SB 229, -6 amendments, staff, 3 pp.

E ñ SB 2212, -A4 amendments, staff, 1 p.

F ñ HB 3429, -3 amendments, staff, 3 pp.

G ñ HB 3581, -A4 amendments, staff, 4 pp.

H ñ HB 2894, written testimony, Ken Armstrong, 3 pp.

I ñ HB 2774, -A8 amendments, staff, 1 p.

J ñ HCR 8, -1 amendments, staff, 1 p.

K ñ HB 2240, written testimony, Annette Talbott, 2 pp.

L ñ HB 2240, written testimony, staff, 1 p.

M ñ HB 2241-A, written testimony, Annette Talbott, 16 pp.

N ñ HB 2241, -A4 amendments, staff, 1 p.

O ñ HB 2241, -A5 amendments, staff, 3 pp.

P ñ HB 2241-A, written testimony, staff, 1 p.

Q ñ HB 2241-A, written testimony, staff, 1 p.