

HOUSE COMMITTEE ON GENERAL GOVERNMENT

April 2, 1997 Hearing Room D

1:00 P.M. Tapes 61 - 63

**MEMBERS PRESENT:**

Rep. Ken Strobeck, Chair

Rep. Dan Gardner, Vice-Chair

Rep. Jim Hill

Rep. Bob Montgomery

Rep. Kurt Schrader

Rep. Liz VanLeeuwen

Rep. Tom Whelan

**STAFF PRESENT:**

Jeri Chenelle, Administrator

Annetta Mullins, Administrative Support

**MEASURE/ISSUES HEARD:**

HB 2385 - Public Hearing

HB 2639 - Public Hearing and Work Session

HB 3064 - Public Hearing

SB 29 - 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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>Tape 61, A</b>		
003	Chair Strobeck	Calls meeting to order at 1:06 p.m. and opens the public hearing on HB 2639.
<b><u>HB 2639 - PUBLIC</u></b>		

<b>HEARING</b>		
007	Jeri Chenelle	Administrator, reviews provisions of HB 2639.
016	Sen. David Nelson	Testifies in support of HB 2639:
		* about 15-20 municipal cemeteries will benefit from HB 2639
		* introduces Pat Dunham, Parks and Cemetery Director, City of Pendleton
036	Patrick Dunham	Parks and Cemetery Director, City of Pendleton, testifies in support of HB 2639 ( <b>EXHIBIT A</b> ).
106	Chair Strobeck	Comment he has received a letter from the State Mortuary and Cemetery board in support of HB 2639.
112	Chair Strobeck	Asks if could be any unintended consequences.
	Dunham	Responds they have reviewed the statutes thoroughly and the regulations in ORS 97 are cumbersome but work well for municipal cemeteries and achieve the benefits.
120	Chair Strobeck	Announces that Rep. Jenson will testify when he arrives, closes the public hearing on HB 2639, and opens the public hearing on HB 2385.
<b>HB 2385 - PUBLIC HEARING</b>		
132	Jeri Chenelle	Administrator, reviews provision of HB 2385.
147	Maria Michalczyk	Manager, Oregon Health Sciences University Medical Interpretive Program, speaking as a citizen, testifies in support of HB 2385 and proposes amendments ( <b>EXHIBIT B</b> ).
190	Michalczyk	Continues presentation.
230	Michalczyk	Continues presentation.
280	Michalczyk	Continues presentation.
324	Chair Strobeck	Asks who worked with Legislative Counsel in drafting the proposed amendments.
	Michalczyk	Responds she and people in the community worked on the proposed amendments ( <b>EXHIBIT B, pages 3-8</b> ) and worked through Rep. Lonnie Roberts.
337	Chair Strobeck	Asked if they also worked with the Department of Consumer and Business Services.
	Michalczyk	Responds she did not personally work with them.
		Issues discussed:
360		* how interpreters are scheduled to meet the needs at OHSU
375		* testing procedures
		* positions of interpreters at OHSU
410		* availability of qualified people throughout the state

TAPE 62, A		
		* whether it is feasible to certify interpreters in every language
		* use of AT&T services
		* desire to use certified instead of uncertified interpreters
028		* whether hospitals would be required to have interpreters
046		* standards to be certified as "fluent" in a language
050		* whether liability would be increased if certified interpreter were not used
059	Rep. Lonnie Roberts	Testifies in support of HB 2385:
		* intent was that one who hires himself/herself out as an "interpreter" translator, and receives money, should be able to prove the ability to interpret and translate
		* Department of Justice has an in-house form of certifying interpreters and translators
		* senior foster care homes run by Romanians get into some legal hassles and other problems and need strict clarification through interpretation and translation
		* medical and legal are extremely important issues
097		* purpose is to have a pool of people who can be called upon
092		* Department of Justice makes sure the interpreters know the legal terms
		Issues discussed:
124		* who participated in drafting the amendments
		* whether the proponents have spoken with DCBS
147		* operative and effective date of act (page 6, line 2)
175		* penalties in Section 6
178	Cathy Rhodes	Office of State Court Administrator, Oregon Department of Justice (DOJ) presents written testimony ( <b>EXHIBIT C</b> ), explains process Department of Justice uses for certification, and explains that the HB 2385-1 amendment include the DOJ proposed amendments ( <b>EXHIBIT L</b> ).
		Issues discussed:
235		* how cases are handled when a foreign language interpreter is required and one is not available
		* certified interpreters must be qualified by the judge
263		* length of time to develop a test
		* cost to develop a test
314		* whether state or federal law requires providing language other than English

		* whether the law applies to services outside the courtroom
351	Beth Baughman	Portland, testifies in support of HB 2385 ( <b>EXHIBIT D</b> ).
<b>TAPE 61, B</b>		
010	Baughman	Continues presentation.
025	Ion Vladito	Interpreter, testifies in support of HB 2385:
		* gives example of person seeking a car mechanic
061		* need law to certify translators and interpreters
083		* need to have general program to cover translators and interpreters to cover everything
087		* tells of experience in court in Washington
115	Dr. Luminita Vladutu-Bragg	Testifies in support of HB 2385. ( <b>EXHIBIT E</b> ).
		Issues discussed:
155		* organized association of translators and interpreters
		* whether there have been attempts to set up certification tests in other states
176	Janine DeLaunay	Oregon Disabilities Commission, testifies and proposes amendments to HB 2385 ( <b>EXHIBIT F</b> ).
		Issues discussed:
195		* number of requests for interpreters per month
		* whether interpreters are bilingual
196	Tom Wrosch	Secretary of State's Office, Corporation Division, submits and summarizes a prepared testimony on the scope and cost of proposed program ( <b>EXHIBIT G</b> ).
240	Wrosch	Continues presentation.
275		Continues presentation.
293	Robin Lawson	Owner, Passport to Languages, testifies in support of HB 2385: ( <b>EXHIBIT H</b> ).
		* provides interpreter services to courts, hospitals and businesses
		* there are approximately 140 languages and dialects
		* majority of interpreters are here from other countries and are attending classes at the universities and have flexible schedules
		* supports HB 2385
		* there is no agency in Oregon for translators and interpreters to belong to; a national agency is in New York for translators, but not interpreters
		* state of Washington passed a law in 1991 that gives certification for medical and legal interpreters
		* Washington has not had success with people passing the medical

		tests
		* submits article from a Washington publication ( <b>EXHIBIT H</b> )
		* appreciates comments on cost of program but does not believe the wheel must be reinvented; believes Oregon can join in with the state of Washington
		* task force does exist in Washington and they are reaching to Oregon to ask for opinions
376		* bill is not perfect, but need to start somewhere
408	Peter Grundfossen	Association of Oregon Housing Authorities, testifies that they are concern about the bill not for what it intends to do, but for what it "may do"--afraid of unintended consequences.
		* there are 22 housing authorities in Oregon
		* interpretation goes on on a daily basis in a fairly informal manner
		* housing authorities supply some interpreters if the client does not bring his/her own
		* interpreters are people on staff in other on-going capacities, but are familiar with needed language; it has been a functioning, working system to this point
<b>TAPE 62, B</b>		
		* knows of no lawsuit for misinterpretation within a housing authority in Oregon, nor a serious grievance having been filed over a misunderstanding
047		* would not want to have to go into a system where the informal interpreters would be required to be certified
		Issues discussed:
		* membership of association
062		* purpose and membership of housing authority boards
100		* whether there is potential problem to those buying a house through a housing authority
123		* whether housing authorities would have problem using services if certification were provided by someone else
131	Nancy Ward	Oregon Registry of Interpreters for the Deaf, testifies in opposition to HB 2385 ( <b>EXHIBIT I</b> ).
163	Chair Strobeck	Closes the public hearing on HB 2385 and reopens the public hearing on HB 2639.
<b><u>HB 2639 - PUBLIC HEARING</u></b>		
167	Rep. Bob Jenson	Testifies in support of HB 2369:
		* will provide government entities with more flexibility in investing

		funds earmarked for the purposes of providing continued care of cemeteries and mausoleums
		* written testimony from Cindy Potter ( <b>EXHIBIT M</b> ) and Margaret Bowen, President of the State Cemetery Association
189	Chair Strobeck	Closes the public hearing and opens the work session on HB 2639.
<b><u>HB 2639 - WORK SESSION</u></b>		
191	Rep. VanLeeuwen	<b>MOTION: Moves HB 2639 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 5-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 2 - Montgomery, Whelan</b>
	Chair Strobeck	<b>The motion CARRIES.</b>
		<b>REP. JENSON will lead discussion on the floor.</b>
204	Chair Strobeck	Closes the work session on HB 2639 and opens the public hearing on HB 3064.
<b><u>HB 3064 - PUBLIC HEARING</u></b>		
208	Rep. Kurt Schrader	Testifies in support of HB 3064:
		* bill has been introduced because of misinterpretation or division of interpretation on what constitutes a county's ability with regard to abandoned cemeteries
		* there are 20 plus cemeteries in Clackamas County listed as abandoned by the county and no one is taking care of them
		* correspondence from county indicate they are concerned about costs, responsibility and liability, and questions whether the counties have authority over the cemeteries
		* attempt is to find a way for the county or the applicable jurisdiction to vacate their interest to those who do have an interest and ability to take care of the historic cemeteries
218	John Keeley	Chairman, Highland Cemetery Association: testifies in support of HB 3064:
		* has maintained Highland Cemetery for last 10 years on a voluntary basis
		* about two years ago there was a burial which they knew nothing about; found out later by placement of a headstone that a lady was being buried by her husband

		* it brought up point that there was no administrative control of the cemetery
		* cemetery was dedicated in 1926 and has burials back to the 1890's and is about 40 percent full
		* could find no statute that sets up administration for public cemeteries
		* felt this would be the simplest means of transferring authority from the county to another public body that could maintain the cemetery
		* attorney suggested the non-profit corporation
		* interest has been received from the Highland Grange to request that the board of county commissioners vacate their authority over the cemetery to the Highland Cemetery Association
		* has received letter from the district attorney saying it is impossible for the commissioners to vacate their authority
		* bill would enable commissioners to react to the public cemeteries which have no administration
		Issues discussed:
300		* ways of transferring property in Oregon
		* language in line 8 of the bill
345		* differences of opinions of legal counsels
		* whether intent is to collect fees that would be dedicated to maintaining the cemetery
380		* whether Association of Oregon Counties and Clackamas County support HB 3064
		* permissive language; counties could choose not to transfer or could put stipulations on the transfer
410		* whether there were stipulations on the original dedication of the property
446	Chair Strobeck	Requests that Rep. Schrader request a letter from Clackamas County and closes the public hearing on HB 3064.
<b>TAPE 63, A</b>		
019	Chair Strobeck	Opens the public hearing on SB 29.
<b><u>SB 29 - PUBLIC HEARING</u></b>		
020	Bob Panuccio	State Fire Marshall, introduces Jim Russell, attorney general's office, submits the SB 29-1 amendments ( <b>EXHIBIT K</b> ) and testifies in support of SB 29 ( <b>EXHIBIT J</b> ).
		* existing wording in the bill could subject many state, county and municipal agencies to submitting to the governor any future interstate

		agreements and perhaps some in existence
		* process would be cumbersome for some agencies
082	Rep. Hill	Asks why ORS 190.110 does not give authority for cooperative agreements between state agencies and agencies of other states.
084	Jim Russell	Assistant Attorney General, Oregon Department of Justice, replies he is not sure what occurred when the Wenatchee fire occurred in Washington; was looking at the interstate compact under ORS chapter 401 dealing with disasters.
		* Washington could not, under their program, come under the interstate compact under ORS chapter 401
		* ORS 190.110 authorizes state agencies in Oregon to enter into intergovernmental agreements with the state and local agencies of other states, and another broad provision deals with things other than interstate compacts
		* ORS 190.410 to .440 deal specifically with interstate compacts; there are additional provisions in ORS chapter 194.420 dealing with duration, methods of termination and financing, and ORS 194.030 requires a review and approval as to legal sufficiency by the attorney general's office
119		* a formal attorney general opinion dealing with the multi-state lottery told the Lottery Commission they could enter into a multi-state lottery; it was based on ORS 190.110 and included a footnote that they were not sure whether 190.410 to .440 would apply because it used the term "public agency"
		* two years later in an informal opinion, the attorney general indicated the real estate commissioner who had entered into a reciprocal agreement with Idaho and Washington on mutual licensing of brokers, made a reference that approximately a year earlier the attorney general had told the real estate commissioner that the reciprocal agreement was invalid because it failed to comply with ORS 190.410 to .440
140		* the later opinion gives the indication the ambiguity may not exist
156		* the ambiguity is still there because there was an informal opinion and the prior one was a formal opinion; this would clear up the ambiguity mentioned in the multi-state lottery opinion
		Issues discussed:
176		* whether the opinions affect the statutes
195		* definition of "authority or entity organized and existing under laws of this state"
228		* whether local governments contracted with Washington
250		* whether governor's office is in agreement with the amendment
258		* whether this could be abused with too many agreements going back and forth
271	Chair Strobeck	Closes the public hearing and opens the work session on SB 29.



	Rep. Gardner	<b>MOTION: Moves to ADOPT SB 29-1 amendments dated 03/05/97.</b>
		<b>VOTE: 4-0</b> <b>EXCUSED: 3 - Montgomery, Schrader, VanLeeuwen</b>
	Chair Strobeck	<b>Hearing no objection, declares the motion CARRIED.</b>
275	Rep. Gardner	<b>MOTION: Moves SB 29 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 4-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 3 - Montgomery, Schrader, VanLeeuwen</b>
	Chair Strobeck	<b>The motion CARRIES.</b> <b>REP. Whelan will lead discussion on the floor.</b>
285	Chair Strobeck	Adjourns meeting at 3:15 p.m.

Submitted By, Reviewed By,

Annetta Mullins, Jeri Chenelle,

Administrative Support Administrator

**EXHIBIT SUMMARY**

**A - HB 2639, prepared statement, Patrick Dunham, 2 pp**

**B - HB 2385, prepared statement, Maria Michalczyk, 8 pp**

**C - HB 2385, prepared statement, Cathy Rhodes, 9 pp**

**D - HB 2385, prepared statement, Beth Ann Baughman, 2 pp**

**E - HB 2385, prepared statement, Luminita Vladutu-Bragg, 1 p**

**F - HB 2385, prepared statement, Janine DeLaunay, 1 p**

**G - HB 2385, prepared statement, Tom Wrosch, 3 pp**

**H - HB 2385, publication article, Robin Larson, 1 p**

**I - HB 2385, prepared statement, Nancy Ward, 1 p**

**J - SB 29, prepared statement, Bob Panuccio, 1 p**

**K - SB 29, SB 29-1 amendments, Bob Panuccio, 1 p**

**L - HB 2385, proposed amendment, Cathy Rhodes, 1 p**

**M - HB 2639, prepared statement, Lucinda Potter, 1 p**