

HOUSE COMMITTEE ON GENERAL GOVERNMENT

May 2, 1997 Hearing Room D

1:00 P.M. Tapes 94 - 95

MEMBERS PRESENT:

Rep. Ken Strobeck, Chair

Rep. Dan Gardner, Vice-Chair

Rep. Bob Montgomery

Rep. Kurt Schrader

Rep. Liz VanLeeuwen

Rep. Tom Whelan

MEMBER EXCUSED:

Rep. Jim Hill

STAFF PRESENT:

Jeri Chenelle, Administrator

Annetta Mullins, Administrative Support

MEASURE/ISSUES HEARD:

HB 3141 - Work Session

HB 2796 - Work Session

HB 3638 - Work Session

HB 3416 - Work Session

HB 3053 - Work Session

HB 2280 - Work Session

SB 103 A - Work Session

SB 141 A - Work Session

SB 102 A - 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 94, A		
002	Chair Strobeck	Calls meeting to order at 1:07 p.m. and opens the work session on HB 3141.
<u>HB 3141 - POSSIBLE RECONSIDERATION AND WORK SESSION</u>		
013	Chair Strobeck	Advises members that the bill was reported out on Wednesday, that the bill had a subsequent referral to Ways and Means, and that testimony from the Treasurer's office was that they will absorb all costs for the commission in their own budget.
016	Rep. Strobeck	MOTION: Moves to SUSPEND the rules for the purpose of Reconsidering the vote by which HB 3141 was passed.
		VOTE: 5-0 EXCUSED: 2 - Hill, VanLeeuwen
	Chair Strobeck	Hearing no objection, declares the motion CARRIED.
018	Rep. Gardner	MOTION: Moves to RECONSIDER the vote by which HB 3141 was passed.
020		VOTE: 5-0 EXCUSED: 2 - Hill, VanLeeuwen
	Chair	Hearing no objection, declares the motion CARRIED.
020	Rep. Gardner	MOTION: Moves HB 3141 to the floor with a DO PASS AS AMENDED recommendation and that the subsequent referral to Ways and Means be RESCINDED.
028		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Hill, VanLeeuwen
	Chair Strobeck	The motion CARRIES. REP. EDWARDS will lead discussion on the floor.
037	Chair Strobeck	Closes the work session on HB 3141 and opens the work session on HB 2796.
<u>HB 2796 - WORK</u>		

SESSION		
037	Jeri Chenelle	Administrator, reviews the provisions of HB 2796 and the HB 2796-1 amendments (EXHIBIT A).
045	Rep. Montgomery	MOTION: Moves to ADOPT HB 2796-1 amendments dated 04/24/97.
047		VOTE: 4-0 EXCUSED: 3 - Hill, VanLeeuwen, Whelan
	Chair Strobeck	Hearing no objection, declares the motion CARRIED .
048	Rep. Montgomery:	MOTION: Moves HB 2796 be sent to the floor with a DO PASS AS AMENDED recommendation.
051		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 3 - Hill, VanLeeuwen, Whelan
	Chair Strobeck	The motion CARRIES . REP. GARDNER will lead discussion on the floor.
055	Chair Strobeck	Closes the work session on HB 2796 and the work session on HB 3416.
<u>HB 3416 - PUBLIC HEARING</u>		
059	Jeri Chenelle	Administrator, reviews provisions of HB 3416 and the HB 3416-1 amendments (EXHIBIT B).
062	Chair Strobeck	Comments he has received a suggested amendment by the Oregon School Boards Association (OSBA) (EXHIBIT C).
078	Rep. Schrader	Asks how one would define who is likely to be a party to litigation; it could be everyone in the school district.
081	Gail Ryder	Oregon Newspaper Publishers Association (ONPA), comments that the HB 3416-1 amendments would probably be the least egregious, but ONPA maintains opposition to the bill because of testimony at the last meeting that indicated the party in question had filed a conflict of interest and removed herself from attending any executive sessions. Adds that the ONPA has found out since that time that the Beaverton School District did not hold any executive sessions, and they would have been allowed to under the bill. ONPA believes the change in law is unnecessary.
		Clarifies that the school district heard the testimony but

093	Chair Strobeck	the reporter in question never informed the district of her intention to not attend, at least they did not have it on the record; therefore, they chose not to conduct an executive session and that is why she did not attend.
098	Ryder	Comments on the newsletter "Ed-Link" article announcing a staff change and they would not be covering it.
107	Chair Strobeck	Asks Ms. Ryder if she has a concern with the proposed language, "party to or likely to be a party to" litigation, and comments it is his understanding there is similar language in the statute.
109	Ryder	Responds she is not aware there is similar language in the statute, and that she has just now seen the amendment. Adds she think the more narrow the language can be drawn to specify a very distinct conflict of interest, the better.
110	Rep. Montgomery	Asks if a government could sue The Oregonian and have a continuous suit to bar the reporters forever.
118	Ryder	Responds that according to the language they could, but it would be expensive.
130	Chair Strobeck	Comments he is not comfortable with the language "likely to be a party to litigation."
132	Ryder	Adds that when they pursued this with the OSBA, they asked that they try to stick to actual litigation, not pending litigation, because it opens an area of abuse that is very attractive when you are trying to avoid having people witness what you are doing.
129	Rep. Montgomery	Comments this is a local issue that has been blown out of proportion and would not want to change state law because one school board cannot get along with their local media; it is not a timely manner. Adds that people who aren't reporters, should not have access.
136	Chair Strobeck	Closes the work session on HB 3416 and opens the work session on HB 3053.
<u>HB 3053 - WORK SESSION</u>		
148	Rep. VanLeeuwen	Explains provisions of HB 3053:
		* the intent is that local governments and districts set aside a maintenance fund that cannot be utilized for another purpose
		Issues discussed:
167		* whether this would be considered a mandate
		* unspecified amount of reserve fund

185		* the number of local governments that have reserve funds
190	Bill Penhallow	Association of Oregon Counties, states he has called several counties and discovered they do have a fund or reserves for this purpose and they operate in varying ways. Some assess each department to go into the fund to provide the necessary maintenance on the facilities; it may not be uniform across the state and not sure how Wheeler might react to this. Adds it is a mandate and a suggestion that is being suggested for all counties, cities and special districts and could create some unintended circumstances.
215	Carol Samules	League of Oregon Cities, testifies that all cities they checked with maintain reserves funds and are concerned about the mandate and the unintended consequences. Urges committee not to support the measure.
		Issues discussed:
235		* whether the funds should have specified uses
245	Penhallow	Explains process that would be used to set up a fund.
253	Samuels	Comments many local governments have funds that are dedicated to specific purposes. Reminds the committee they approved HB 2752, the local government budget bill that allows local governments to use reserve funds more flexibly. Believes local governments are doing a good job of maintenance; they just have a problem with the mandate.
270	Rep. Montgomery	Asks if most school districts have maintenance funds.
275	Rep. VanLeeuwen	Responds it was intended for schools.
	Penhallow	Notes it is amending ORS chapter 294 which is local budget law.
285	Chair Strobeck	Asks if there is anything in state statute that would prohibit the voters of a city or county from changing the charter to establish a reserve fund.
289	Penhallow	Responds there would be nothing to preclude them from passing an ordinance, or amending the charters in the charter counties.
293	Chair Strobeck	Suggests Rep. VanLeeuwen may want to make the bill apply only to school districts.
312	Rep. VanLeeuwen	Comment she feels all public bodies should be setting aside maintenance funds.
309	Chair Strobeck	Closes the work session on HB 3053 and opens the work session on HB 3638.

<u>HB 3638 - WORK SESSION</u>		
331	Rep. Larry Sowa	Testifies he has sponsored the bill at the request of a constituent on the Metro Charter Committee, that the Metro charter spells out that at the end of the time the charter is approved the state laws shall be changed to conform with the charter; that is what the amendments do. Explains that originally he came forward with the -1 amendments, that Metro introduced two versions; and that he then started working with the members; as a result has asked Legislative Counsel to make sure all the amendments are consistent with the Metro Charter. Submits chart comparing all amendments and the HB 3638-5 amendments (EXHIBIT D).
382	Rep. Montgomery	Asks if the -5 amendments are what they would like to have.
383	Rep. Sowa	Responds affirmatively.
393	Brad Higbee	Metro, comments he does not have the -5 amendments or the matrix, but would be happy to look at them. Explains his effort on the -2 and -4 amendments was an effort to reach an agreement on an additional issue and to be prepared to move quickly; has never offered those amendments and is not interested in offering them now because there is no agreement.
419	Higbee	Adds they are interested in the -1 amendments, the compromise language with Mr. Egge and Metro general counsel as modified by the -3 amendments.
	Chair Strobeck	Asks Mr. Higbee to review the -5 amendments.
454	Rep. Schrader	Comments he thinks the -5 may be the working document because it covers all the issues.
465	Rep. Montgomery	Comments he supports the -5 amendments.
478	Chair Strobeck	States that because the committee does not have the financial papers, the committee cannot move on it today; the bill will be rescheduled.
<u>TAPE 95, A</u>		
035	Chair Strobeck	Closes the work session on HB 3638 and opens the work session on HB 2280.
<u>HB 2280 - WORK SESSION</u>		
035	Jeri Chenelle	Administrator, reviews the provisions of the bill and the HB 2280-2 amendments (EXHIBIT E).

052	Rep. Tony Corcoran	Testifies in support of HB 2280:
		* in 1973 the legislature revised the statutes to provide early retirement eligibility for police and firefighters
		* staff of Oregon Department of Forestry have maintained the position that wildland firefighters experience hazards and risks comparable to or greater than those of eligible employees and should be entitled to the same benefits
		* is not only equity issue, is in public interest
		* letters of support from fire fighting entities (EXHIBIT F)
		* -2 amendments satisfy the needs of the PERS board and restrict the number of people eligible; there has been no opposition
089	Rep. VanLeeuwen	Asks if all forestry employees are subject to being called out on fire duty.
	Rep. Corcoran	Responds affirmatively, and explains this proposal ratchets down the number who would be eligible to those whose primary duties include abatement of uncontrolled fires.
100	Steve Thomas	Personnel Director, Oregon Department of Forestry, projects 73 FTEs would fall under the category because a lot of employees would not meet the requirements.
		Issues discussed:
110		* limiting language in the bill
124		* how "primary" is defined by the department
134		* whether there should be a defined number of employees
148		* how to determine the amount of time spent fighting fires
171	Rep. Whelan	Comments on the duties of firefighters, that he sees no need to limit those eligible to an arbitrary number because it is up to fire management to decide what the manning requirements are.
205	Rep. Corcoran	Comments on testimony given last session by Forestry on the amount of increased responsibility on the urban-forest interface, and agrees with Rep. Whelan.
220	Rep. Montgomery	Comments he believes the other 923 Forestry Department employees are going to want this, therefore, the position title or a number needs to be identified in law.
232	Rep. Schrader	Comments he has a concern about those who are "primary" and thinks it would be helpful to get a list of the job descriptions to evaluate the 75 FTE. Adds that he

		has a concern about addressing the temporary summer employees and needs some background on whether they would be included.
242	Chair Strobeck	Responds that the letter from Mr. Beyerle addresses some the questions (EXHIBIT G) .
249	Rep. Schrader	Comments he is curious as to how many are "full time" and "seasonal."
254	Thomas	Responds he can gather the information, and adds that for someone to be eligible, the person must meet the minimum requirements to be PERS-qualified, and would have to plan to retire as a seasonal employee.
268	Rep. Montgomery	Comments Hood River County has from nine to twelve of their full-time employees who are full-fledged fire fighters; they would not come under this, but would expect them to ask for it at a later date.
285	Rep. Corcoran	Responds he will talk to the Association of Oregon Counties.
273	Chair Strobeck	Closes the work session on HB 2280 and opens the work session on SB 103 A.
<u>SB 103 A - WORK SESSION</u>		
292	Jeri Chenelle	Administrator, reviews provisions of SB 103-A and the -2 amendments (EXHIBIT H) .
299	Chair Strobeck	Comments the committee discussed the phrase "mortgage of record" and asks if there is further discussion.
315	Rep. Montgomery	MOTION: Moves to ADOPT SB 103-A2 amendments dated 03/17/97.
317		VOTE: 6-0 EXCUSED: 1 - Hill
	Chair Strobeck	Hearing no objection, declares the motion CARRIED.
318	Rep. Montgomery	MOTION: Moves SB 103-A to the floor with a DO PASS AS AMENDED recommendation.
340		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Hill
	Chair	The motion CARRIES. REP. SCHRADER will lead discussion on the floor.
343	Chair Strobeck	Closes the work session on SB 103-A and opens the work

		session on SB 141-A.
SB 141 - A - WORK SESSION		
350	Jeri Chenelle	Administrator, explains the SB 141-A3 amendments (EXHIBIT I) .
347	Rep. Gardner	Explains the SB 141-A2 amendments (EXHIBIT J) .
		Discussion is held on the SB 141-A2 amendments.
TAPE 94, B		
020	Jim Macintosh	State Employees Benefit Board (SEBB), explains "representable" individuals as being those who are non-management and are not represented by a union.
029	Rep. Montgomery	Asks where the employees are located..
	McIntosh	Responds they are spread among a number of agencies; some agencies have larger contingencies, such as the Department of Fish and Wildlife.
035		Discussion continues on "representable."
042	Rep. Gardner	MOTION: Moves to ADOPT SB 141-A2 amendments dated 04/10/97.
044		VOTE: 2-4 AYE: 2 - Gardner, VanLeeuwen NAY: 4 - Montgomery, Schrader, Whelan, Strobeck EXCUSED: 1 - Hill
	Chair Strobeck	The motion FAILS.
050	Rep. Gardner	MOTION: Moves to ADOPT SB 141-A3 amendments dated 04/30/97.
		VOTE: 6-0 EXCUSED: 1 - Hill
	Chair	Hearing no objection, declares the motion CARRIED.
060	Rep. Gardner	MOTION: Moves SB 141-A to the floor with a DO PASS AS AMENDED recommendation.
063	Rep. Whelan	Explains he will vote no on this because of experience with transition from City of Salem plan to SEBB, and because of several thousand state employees who are not going to be happy with this transition.
072	Rep. Schrader	Comments he will vote for this but expects two years from now the legislature will be hearing about cost efficiencies in terms of FTE.

078		VOTE: 5-1 AYE: 5 - Gardner, Montgomery, Schrader, VanLeeuwen, Strobeck NAY: 1 - Whelan EXCUSED: 1 - Hill
	Chair Strobeck	The motion CARRIES. REP. STROBECK will lead discussion on the floor.
080	Chair Strobeck	Closes the work session on SB 141-A and opens the public hearing on SB 102-A.
<u>SB 102-A - PUBLIC HEARING</u>		
086	Jeri Chenelle	Administrator, reviews provisions of SB 102-A.
	Jon Mangis	Director, Department of Veterans Affairs, testifies in support of SB 102-A (EXHIBIT K).
		Issues discussed:
116		* how the rate will be established
127	Chair Strobeck	Closes the public hearing and opens the work session on SB 102-A.
<u>SB 102-A - WORK SESSION</u>		
128	Rep. Montgomery	MOTION: Moves SB 102A to the floor with a DO PASS recommendation.
131		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Gardner, Hill
	Chair	The motion CARRIES. REP. VANLEEUVEN will lead discussion on the floor.
135	Chair Strobeck	Adjourns meeting at 2:11 p.m.

Submitted By, Reviewed By,

Annetta Mullins, Jeri Chenelle,

Administrative Support Administrator

EXHIBIT SUMMARY

A - HB 2796, HB 2796-1 amendments, Frank Brawner, 1 p

B - HB 3416, HB 3416-1 amendments, staff, 1 p

C - HB 3416, proposed amendment, Jim Green, 1 p

D - HB 3638, HB 3638-5 amendments and summaries, Rep. Larry Sowa, 30 pp

E - HB 2280, HB 2280-2 amendments, Rep. Tony Corcoran, 1 p

F - HB 2280, letters of support, various, 20 pp

G - HB 2280, letter, Michael Beyerle, 2 pp

H - SB 103, SB 103-A2 amendments, staff, 1 p

I - SB 141, SB 141-A3 amendments, staff, 1 p

J - SB 141, SB 141-A2 amendments, Rep. Dan Gardner, 1 p

K - SB 102, prepared statement, Jon Mangis, 2 pp