

HOUSE COMMITTEE ON RULES AND ELECTIONS

June 17, 1997 Hearing Room D

8:00 A.M. Tapes 93 - 96

MEMBERS PRESENT:

Rep. Lynn Snodgrass, Chair

Rep. Peter Courtney, Vice-Chair

Rep. Lee Beyer

Rep. Bill Markham

Rep. Ken Messerle

Rep. Jim Welsh

Rep. Kitty Piercy

STAFF PRESENT:

Janet Adkins, Policy Analyst

Brad Harper, Committee Administrator

Kellie Shoemaker, Committee Clerk

Erik Deitz, Administrative Support

MEASURE/ISSUES HEARD:

SB 609 Public Hearing

SB 533 Work Session

SB 679 Public Hearing and Work Session

SB 1161 Work Session

SB 1162 Work Session

SB 1211 Public Hearing

SB 63 Work Session

SB 284 Work Session

SB 431 Work Session

SB 783 Work Session

SB 485 Work Session

SB 853 Public Hearing

SB 1181 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.

Tape/#	Speaker	Comments
TAPE 93, A		
005	Chair Snodgrass	Calls meeting to order at 8:14 a.m., opens public hearing on SB 609
SB 609 PUBLIC HEARING		
010	Janet Adkins	Policy Analyst, explains SB 609 to committee and audience.
020	Gary Richardson	Josephine County resident, testifies in favor of SB 609.
070	Rep. Markham	Asks about road districts.
075	Richardson	Explains that road engineers say they have a method to take care of access roads.
076	Rep. Markham	Asks Richardson if he has tried to collect a few hundred dollars per year to help pay for the road.
080	Richardson	Responds that he has not heard of that sort of thing.
090	Chair Snodgrass	Asks if he has any idea how much the road repair is going to cost.
095	Richardson	Responds about \$220 dollars per year for a few loads of gravel.
110	Doug Tindall	Oregon Department of Transportation, explains that SB 609 provides a method to get neighbors to agree on an amount to help maintain roads.
126	Chair Snodgrass	Asks if this bill would take away responsibility from counties.
136	Rep. Beyer	Asks for clarification on what a local access road is.
140	Tindall	Responds.
145	Rep. Beyer	Asks if maintaining access roads is a civil matter.
150	Tindall	Explains that he is not an attorney but if it was recorded on a deed because it is an easement it should be.

163	Rep. Markham	States that if a road is run through a farm the resident is on his or her own and that is the reason for the road district law.
172	Tindall	Explains that an access road is recognized by the city or the county but they will not maintain it.
187	Rep. Messerle	Asks about road repair before the county accepted the responsibility.
186	Tindall	Responds.
188	Rep. Beyer	Asks about roads that are under county jurisdiction.
215	Chair Snodgrass	Talks about roads that are not maintained by counties but are used by many people. Asks to get Bill Penhollow to testify. Closes public hearing SB 609. Opens work session on SB 533.
<u>SB 533 WORK SESSION</u>		
255	Rep. Markham	MOTION: Moves SB 533 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Transportation.
260		EXCUSED: 3 - Courtney, Welsh, Messerle
	Chair Snodgrass	Hearing no objection, declares the motion CARRIED.
265	Chair Snodgrass	Closes work session on SB 533, opens work session on SB 1161.
<u>SB 1161 WORK SESSION</u>		
	Rep. Markham	MOTION: Moves SB 1161 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Transportation.
270		EXCUSED: 3 - Courtney, Welsh, Messerle
	Chair Snodgrass	Hearing no objection, declares the motion CARRIED.
275	Chair Snodgrass	Closes work session on SB 1161, opens work session on SB 1162.
<u>SB 1162 WORK SESSION</u>		
	Rep. Markham	MOTION: Moves SB 1162 without recommendation BE REFERRED to the committee on Transportation.
		VOTE: 4-0
		EXCUSED: 3 - Courtney, Welsh, Messerle
	Chair Snodgrass	Hearing no objection, declares the motion CARRIED.
	Chair Snodgrass	Closes work session on SB 1162, opens public hearing on SB 679.

SB 679 PUBLIC HEARING		
285	Adkins	Explains SB 679 to committee and audience.
320	David Morman	Department of Forestry, testifies in favor of SB 679. Explains that the President of the Senate and the Speaker of the House are both involved in this committee.
360	Rep. Markham	Asks for clarification on the sunset date.
365	Ray Wilkeson	OFIC, explains that in July portions of SB 160 from the 68th Legislative Session will sunset (EXHIBIT L).
390	Sen. Bob Kintigh	District 22, testifies in favor of SB 679. Explains that he would like a balance between taking care of our environment and making long range plans.
440	Sen. Kintigh	Explains that he makes a habitat for a particular species and if that species becomes extinct, he should not be penalized.
TAPE 94, A		
025	Rep. Beyer	Asks why the Board of Forestry has not taken on this task.
030	Sen. Kintigh	Responds that the board has a high work load.
040	Morman	States he would like to have this topic continue to be discussed during the interim.
050	Sen. Kintigh	Explains that there is a lot of work that needs to be done in this area.
060	Chair Snodgrass	Ask Sen. Kintigh who he intended to have on the committee.
070	Sen. Kintigh	Responds.
071	Chair Snodgrass	Closes public hearing, opens work session.
SB 679 WORK SESSION		
083	Rep. Piercy	States that she would like to hear from the Governor's Office.
090	Adkins	Explains that the Governor's Office does support this bill.
	Rep. Beyer	MOTION: Moves SB 679 to the floor with a DO PASS recommendation.
100		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye.

		EXCUSED: 2 - Messerle, Courtney
	Chair Snodgrass	The motion CARRIES. REP. WELSH will lead discussion on the floor.
100	Chair Snodgrass	Closes work session on SB 679, opens public hearing on SB 1211.
SB 1211 PUBLIC HEARING		
110	Adkins	Explains SB 1211 to committee and audience.
120	Sen. Kintigh	Testifies in favor of SB 1211. Explains that he is not happy nor are his friends in the industry glad to introduce this type of bill (EXHIBIT D). States that he would concur with the -9 amendments.
170	Rep. Markham	Asks what the bill is trying to do and can these things be done with administrative rule.
180	Sen. Kintigh	Responds that it could be handled with administrative rule.
185	Rep. Beyer	Asks if the building code people know if it is safe to build.
200	Sen. Kintigh	Responds that if you are in the valley don't consider building, but if you are in the hills be careful when building.
210	Ann Hanus	Department of Forestry, testifies in favor of SB 1211 (EXHIBIT N).
230	Morman	Testifies in favor of SB 1211 and states his and the department's concern for public safety. Explains that he recognizes the danger from landslides. Explains that building sites must be planned for long term.
260	Rep. Piercy	Asks why there is not a citizen member on the committee.
270	Hanus	Responds that the tenth member is to be a private citizen.
275	Ray Wilkesen	Oregon Forestry Industries Council, testifies in favor of SB 1211. Explains that this bill only pertains to rare situations. States his concern for public safety. Explains that this is a long term plan to help prevent tragedies from mud slides.
322	Peggy Collins	Building Codes Division, explains that section five and six cause her some concern. Explains the need to deal with the subject, states that property owners need to be held accountable (EXHIBIT M).
370	Rep. Beyer	States that he does not think that the -9 amendments do what needs to be done (EXHIBIT O). Explains that there are some legal problems in the -9 amendments

		with the assignment of responsibility. Explains that the bill may cause some legal action to be taken against the local road authority.
415	Collins	States that she would be willing to work with Legislative Counsel.
422	Rep. Beyer	States that he does not think the bill does what it was intended to do.
430	Rep. Piercy	States that she agrees with Rep. Beyer but that there are also some protections offered in the bill.
TAPE 93, B		
020	Chair Snodgrass	States her concern why ODOT feels the need to close roads.
025	Tindall	Explains that the section she is asking about is there because ODOT asked for it. It pertained to the way the original bill was drafted.
040	Chair Snodgrass	Asks for an amended fiscal statement.
045	Chair Snodgrass	Closes public hearing on SB 1211, opens public hearing SB 609.
SB 609 PUBLIC HEARING		
052	Bill Penhollow	Association of Oregon Counties, testifies about roads that were built in the 1950's through 1960's. Explains that public roads are deeded to the public. Explains that there are laws to take care of local access roads in emergency situations. There is a problem when property owners don't see the benefits of maintaining their roads. States that he is unaware of Legislative Counsel's intent when they drafted the bill.
088	Rep. Beyer	Asks about easements and how they are recorded.
092	Penhollow	Responds with how easements are put on the deeds.
104	Rep. Beyer	Asks if under current law the county is not responsible to maintain easements.
110	Penhollow	Responds that under current law counties are not responsible to maintain the roads.
120	Rep. Beyer	Asks if this bill's intent is to put civil liability back onto the county.
130	Penhollow	Responds but he is not sure exactly how that needs to be done. States the Oregon Revised Statues that apply to local easements.
170	Penhollow	Explains that Richardson has not agreed to put his easement into his deed.
175	Chair	Talks about people that have access to public roads. States she does recognize there is a problem but she is

	Snodgrass	not sure if this is the best way to handle it.
185	Penhollow	Asks how to get the roads improved without taking on liability.
195	Adkins	Asks about the bill taking effect and what the process is for there to be some action taken.
205	Penhollow	Responds that the way he understands the bill the local roads will become easements.
215	Chair Snodgrass	Recesses meeting at 9:37 a.m.
216	Chair Snodgrass	Reconvenes meeting at 3:50 p.m., opens work session on SB 63.
<u>SB 63 WORK SESSION</u>		
225	Rep. Piercy	MOTION: Moves SB 63 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Transportation.
		EXCUSED: 3 - Messerle, Welsh, Courtney
230	Chair Snodgrass	Hearing no objection, declares the motion CARRIED.
	Chair Snodgrass	Closes work session on SB 63, opens work session on SB 284.
<u>SB 284 WORK SESSION</u>		
235	Rep. Piercy	MOTION: Moves SB 284 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Transportation.
		EXCUSED: 3 - Messerle, Welsh, Courtney
240	Chair Snodgrass	Hearing no objection, declares the motion CARRIED.
<u>SB 431 WORK SESSION</u>		
		Hearing no objection, declares the motion CARRIED.
245	Rep. Piercy	MOTION: Moves SB 431 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Transportation.
		EXCUSED: 3 - Messerle, Welsh, Courtney
250	Chair Snodgrass	Hearing no objection, declares the motion CARRIED.
<u>SB 783 WORK SESSION</u>		
		Hearing no objection, declares the motion CARRIED.
255	Rep. Piercy	MOTION: Moves SB 783 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Transportation.
		EXCUSED: 3 - Messerle, Welsh, Courtney

260	Chair Snodgrass	Hearing no objection, declares the motion CARRIED.
SB 485 WORK SESSION		Hearing no objection, declares the motion CARRIED.
NOTE: THE HOUSE COMMITTEE ON RULES AND ELECTIONS MET ON 3-26-97 WITH THE SENATE COMMITTEE ON RULES AND ELECTIONS FOR A PUBLIC HEARING ON SB 485.		
272	Adkins	Explains SB 485 and the -15 amendments to committee and audience (EXHIBIT K). Submits written testimony from the Governor's Legal Counsel, Henry H. Lazenby, in opposition to SB 485 (EXHIBIT J).
300	John DeLorenzo	Clarifies SB 485 for committee. Explains that people may lobby on their own time or vacation time. Legislators may solicit public servants to lobby bills.
350	DeLorenzo	Explains that the name of the lobbyist from each agency must be furnished to legislators.
400	DeLorenzo	Continues testimony. Explains that bill allows Legislative Fiscal Office to contact public agencies to prepare fiscal statements.
TAPE 94, B		
010	Rep. Markham	Asks about specific wording in SB 485.
020	DeLorenzo	Responds that if two lobbyist are not enough he does not know what is enough.
026	Rep. Messerle	Asks about different commissions that may get caught up in this.
032	DeLorenzo	Responds that neither commissions nor agency may spend public dollars on lobbying. An outside lobby firm may not be hired.
035	Rep. Markham	MOTION: Moves to ADOPT SB 485-15 amendments dated 6/13/97.
	Chair Snodgrass	Hearing no objection, declares the motion CARRIED.
045	Rep. Markham	MOTION: Moves SB 485 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-2

050		AYE: 4 - Markham, Messerle, Welsh, Snodgrass NAY: 2 - Courtney, Piercy EXCUSED: 1 - Beyer
	Chair Snodgrass	The motion CARRIES. REP. MESSERLE will lead discussion on the floor.
063	Chair Snodgrass	Closes work session on SB 485, opens public hearing on SB 853.
<u>SB 853 PUBLIC HEARING</u>		
080	Adkins	Explains SB 853 to committee and audience.
100	Chair Snodgrass	Closes public hearing on SB 853, opens work session on SB 853.
<u>SB 853 WORK SESSION</u>		
105	Rep. Messerle	MOTION: Moves to ADOPT SB 853-2 amendments dated 6/13/97.
	Chair Snodgrass	Hearing no objection, declares the motion CARRIED.
110	Rep. Messerle	MOTION: Moves SB 853 to the floor with a DO PASS AS AMENDED recommendation.
115		VOTE: 4-2 AYE: 4 - Messerle, Piercy, Welsh, Snodgrass NAY: 2 - Beyer, Courtney EXCUSED: 1 - Markham
	Chair Snodgrass	The motion CARRIES. REP. SNODGRASS will lead discussion on the floor.
120	Chair Snodgrass	Closes work session on SB 853, opens public hearing on SB 1181.
<u>SB 1181 PUBLIC HEARING</u>		
135	Brad Harper	Committee Administrator, explains SB 1181 and -8 amendments to committee and audience (EXHIBIT B). Submits written testimony from Bruce Turner of Molalla, OR. in support of SB 1181(EXHIBIT C).
175	Regina Covington	Dealer Title Service, explains what her business does and how it enforces state laws governing the vehicle transactions. Her company makes sure dealers are performing up to DMV standards (EXHIBIT G).

225	Covington	Explains that the bill is good for DMV as well as the private sector. States that she and her computer programmer are willing to help the state with anything it may need.
275	Covington	States that her business is ready to go as soon as SB 1181 passes. Explains her need to have contracts with local dealers in order to serve them. Urges an aye vote.
290	Rep. Messerle	Asks if she supports the -9 amendments.
300	Covington	Responds yes, states she will take anything she can get.
305	Rep. Welsh	Asks who brought forward the -9 amendments.
310	Chair Snodgrass	Responds Rep. Jane Lokan.
315	Rep. Jane Lokan	District 25, testifies in favor of SB 1181 and the -9 amendments (EXHIBIT H, I) . Explains that she worked very hard when this bill was on the Senate side.
365	Rep. Lokan	Explains what the -9 amendments do and what they allow. States that she has worked closely with the director at DMV to ensure a good working relationship between DMV and the private sector.
415	Rep. Lokan	States that SB 1181 will increase customer satisfaction and efficiency.
TAPE 95, A		
010	Rep. Lokan	Continues testimony.
025	Sen. Marilyn Shannon	District 15, testifies in favor of SB 1181(EXHIBIT E, F). Explains how she and Rep. Lokan went to a DMV privatization seminar to see how far ahead other states were than Oregon. States she like the way Arizona has privatized its' DMV.
075	Sen. Shannon	States she doesn't want Oregon to layoff any of its employees when DMV becomes privatized. Explains specific wording in SB 1181. Explains the need to have DMV report to the legislature during the interim on its progress.
125	Sen. Shannon	Explains that she would like to see DMV open in the evenings and on weekends, that could happen if SB 1181 passes.
150	Sen. Shannon	Continues testimony.
170	Rep. Welsh	Asks about sections that are in the bill that may be redundant.
175	Sen. Shannon	Responds.

190	Rep. Lokan	Explains the -9 amendments to committee and audience.
210	Rep. Markham	Asks the definition of an integrator.
213	Rep. Lokan	Responds that is like a liaison between dealers and DMV.
227	Rep. Piercy	Explains that she is interested in this but her comfort level is not quite there.
240	Rep. Lokan	Responds that 41 states have privatized their DMV. Explains that she heard testimony at the conference she was at. It was almost all positive feedback. Explains that some states don't use the integrator system but she is in favor of it here in Oregon.
270	Rep. Lokan	Continues testimony.
290	Rich Peppers	Oregon Public Employees Union, testifies against SB 1181 (EXHIBIT D).
330	Peppers	Testifies that there are alternative ways of doing business. Explains that DMV is currently having problems with upper management and their recent computer problems which explains its poor customer service.
360	Peppers	Continues testimony.
410	Peppers	Continues testimony.
TAPE 96, A		
025	Peppers	Continues testimony.
030	Sen. Gary George	District 2, submits and presents written testimony in favor of SB 1181 (EXHIBIT A). Explains how privatization will benefit Oregon. Explains that this should have been gone after more aggressively earlier. States that Jan Curry is sincere and willing to work hard on this.
080	Chair Snodgrass	States that the "integrator" can be explained to Sen. George at a later time.
085	Jan Curry	Director of DMV, testifies in favor of SB 1181.
135	Curry	Explains how certain things will work in Oregon and some might not make sense because of the number of transactions that are done here.
136	Rep. Piercy	Asks if some of these things can be done under current law.
137	Curry	Responds yes, but not all things.
138	Rep. Piercy	Asks if this bill allows information to be made public that is not available.

145	Curry	Responds that SB 1181 will not allow private companies to disclose information.
160	Rep. Markham	Asks if Curry has her own think tank.
171	Curry	Responds that she has thirty items that have gone to the private sector. Sno-park permits for example.
185	Chair Snodgrass	Asks about the -10 amendments if Curry has seen them.
190	Curry	Responds that it may not be any different in regard to unlawful employment practices. If a DMV employee works for a private company on the weekends that handles some DMV functions, would be this a conflict of interest?
210	Rep. Piercy	States that the language in the -10 amendments could be harmful to DMV employees.
225	Rep. Markham	Asks about the computer system at DMV.
228	Curry	Responds that since she has arrived there has been an analysis to look at the system. The system has been done away with. There is legislation in the Ways and Means committee for a \$19 million computer project.
261	Chair Snodgrass	Closes work session on SB 1181, adjourns meeting at 5:25 p.m.

Submitted By, Reviewed By,

Erik Deitz, Janet Adkins,

Administrative Support Policy Analyst

EXHIBIT SUMMARY

A - SB 1181, written testimony, Sen. Gary George, 1 p

B - SB 1181, -A8 amendments, Staff, 5 pp

C - SB 1181, written testimony, Bruce Turner, 2 pp

D- SB 1181, written testimony, Rich Peppers, 2 pp

E - SB 1181, -A10 amendments, Staff, 1 p

F - SB 1181, written testimony, Sen. Marilyn Shannon, 17 pp

G - SB 1181, written testimony, Regina Covington, 2 pp

H - SB 1181, written testimony, Rep. Jane Lokan, 2 pp

I - SB 1181, -A9 amendments, Staff, 5 pp

J - SB 485, written testimony, Henry Lazenby, 3 pp

K - SB 485, -A15 amendments, Staff, 1 p

L - SB 1211, written testimony, Roy Wilkenson, 4 pp

M - SB 1211, written testimony, P. Collins, 1 p

N - SB 1211, written testimony, James Brown, 2 pp

O - SB 1211, -A9 amendments, Staff, 1 p