

HOUSE COMMITTEE ON  
GENERAL GOVERNMENT AND REGULATORY REFORM

April 13, 1995 Hearing Room 357  
1:00 pm Tapes 93 - 95

MEMBERS PRESENT:

Rep. Bob Tiernan, Chair  
Rep. Mike Lehman, Vice Chair (Arrival: 1:35 pm)  
Rep. Jerry Grisham  
Rep. Cedric Hayden  
Rep. Bryan Johnston  
Rep. Bill Markham  
Re. Lonnie Roberts  
Rep. Barbara Ross  
Rep. Charles Starr  
Rep. Ken Strobeck  
Rep. Sharon Wylie

MEMBER EXCUSED:

Rep. Bev Clarno

STAFF PRESENT:

Greg Moore, Committee Counsel  
Anne Tweedt, Committee Counsel  
Kay C. Shaw, Committee Assistant

MEASURES HEARD:

HB 2863 - Public Hearing  
HB 2955 - Public Hearing & Work Session  
HB 2205 - Public Hearing  
HB 2675 - Public Hearing & Work Session  
HB 2767 - Public Hearing  
HB 3285 - Public Hearing  
HB 3097 - Public Hearing  
HB 2794 - Public Hearing & Work Session  
Introduction of Committee Bill

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE 93, A

007 CHAIR TIERNAN: Calls the meeting to order at 1:25 pm. REP. CLARNO is EXCUSED. REP. LEHMAN is ABSENT.  
> Announcements.

CHAIR TIERNAN: Opens the public hearing on HB 2863.

HB 2863 - PUBLIC HEARING

Witnesses: Rep. Bryan Johnston (D - District 31)  
David Long  
John W. Dumas, Attorney (Yachats)  
Ray G. Gribbling, Oregon Automobile Dealers Association  
Al Elkins, Oregon Tow Truck Association

024 ANNE TWEEDT, Committee Counsel: Reviews the Preliminary Staff Measure Summary and proposed HB 2863-1 and HB 2863-2 amendments. The Preliminary Staff Measure Summary and proposed amendments are hereby made a part of these Minutes (EXHIBIT A).

039 REP. BRYAN JOHNSTON (D - District 31): Introduces HB 2863.

DAVID LONG: Testifies from prepared testimony in support of HB 2863. Submits (EXHIBIT B).  
> Provides experience purchasing a contaminated drug vehicle.  
> Urges passage of HB 2863.

074 REP. ROBERTS: Comments about the realities of negotiating for an automobile. Suggests that the consumer be informed immediately upon notice of a desire to negotiate for a vehicle.

REP. JOHNSTON: In light of the comments, suggests supporting HB 2863-2 amendments that require posting a notice on the vehicle.

092 JOHN W. DUMAS (Attorney/Yachats): Refers to a case similar to the described transaction.

REP. JOHNSTON: Explains the intent of the bill and the position of the Portland Police Department is to get ahead of a potential problem.

REP. ROBERTS: Remarks about the disservice of not reporting a stolen vehicle immediately to avoid insurance rates going up.

121 REP. STROBECK: Is it correct this only applies to dealers and not individuals or private sales?

REP. JOHNSTON: That is correct. After discussion it was determined that the "narrower we could make this, the better the chances of its passage"; however, there is a good argument to be made that it should be extended to anyone.

REP. STROBECK: Wouldn't it perhaps be more effective to say "any car contaminated by controlled substances" rather than just the situation that somebody hauled some marijuana in the car and the car is not necessarily contaminated?

MR. DUMAS: Explains that the language is actually taken from the section of the Oregon Revised Statutes relating to hazardous chemicals and from Oregon Administrative Rules relating to illegal drug manufacturing sites. Pursuant to OAR 333-04-010, illegal drugs or precursor chemicals are defined. The intent is not to define those elements in this bill.

149 REP. STROBECK: Do all illegal drugs have the potential to contaminate a vehicle?

REP. JOHNSTON: Suggests adding "contaminated by" would best be added to the statute.

REP. GRISHAM: Cites language in the bill that basically states who knows or has reasonable grounds or should have known the vehicle was contaminated. If the vehicle involved is a used car and someone trades it in, does that mean that the dealer will have to do a full inspection of every car that comes in in order to reasonable know that it wasn't contaminated?

REP. LEHMAN: Arrives at 1:35 pm.

REP. JOHNSTON: No. Cites the example and the direct statement from the police officer. Opines that Rep. Grisham's example would be beyond the scope of "reasonable" -- that would be "extraordinary."

173 MR. DUMAS: The language was taken from OAR 333-40-010(8).

COUNSEL TWEEDT: I don't see any mention of precursor chemicals in the HB 2863-1 amendments requested from Legislative Counsel.

MR. DUMAS: If precursor chemicals are omitted, recommends that term be used. The term is taken from OAR 333-40-010(4).

REP. JOHNSTON: Suggests adding precursor chemicals to Section 1(2) (i.e., Line 9 of the original bill).

200 REP. GRISHAM: Understands at the present time that used car dealers or new car dealers who sell used cars are required to post "as is" stickers in the windows of vehicles as a condition of sale if sold under any implied lack of warranty. Is it the intent to add to that or would this be something separate?

REP. JOHNSTON: It depends upon which amendment is adopted. If HB 2863-2 amendments are adopted, there would be another sticker on the window that says "this car was used as".

211 REP. MARKHAM: Has this proposed legislation been discussed with the automobile dealers association?

REP. JOHNSTON: Defers to Committee Counsel.

CHAIR TIERNAN: Requests that Rep. Johnston explain the intent of the bill for the benefit of the next witness, Ray G. Gribling.

REP. JOHNSTON: Explains the intent of the bill is to require new car dealers or used car dealers to post on the vehicle, if they know or reasonably should have known, that a car was used in the production or transport of hazardous materials.

230 RAY G. GRIBLING, Oregon Automobile Dealers Association: Testifies and explains a problem that the sales personnel in a dealership are not trained to "sniff out amphetamines or a controlled substance."

REP. JOHNSTON: Suggests considering Rep. Strobeck's amendment which is "contaminated by" and then "knew or should have known."

CHAIR TIERNAN: Points out that "controlled substance" means a drug that is a precursor drug. Basically they are chemicals used to make methamphetamines, etc. that are fairly toxic chemicals and are highly regulated.

255 MR. GRIBLING: If the dealer is informed, there is no problem and more than likely the dealer will not take the car.

CHAIR TIERNAN: Suggests meeting to draft amendments.

289 AL ELKINS, Oregon Tow Truck Association: Testifies about towing cars under the direction of all police agencies and they are usually told if, in fact, the vehicles are involved in drugs. Normally those vehicles are taken to the lots of police agencies for storage. About 3,000-6000 abandoned vehicles are towed off of the highways in the state annually and the use of those vehicles is unknown.

CHAIR TIERNAN: Says the proposed bill is also for the dealer's protection.

CHAIR TIERNAN: Closes public hearing on HB 2863 and opens public hearing on HB 2955.

HB 2955 - PUBLIC HEARING

Witnesses: Rep. Bryan Johnston (D - District 31)  
George Puentes, City Councilor, City of Salem  
Heidi Stutzman, Intergovernmental Relations, City of Salem  
Lew Garrison, Traffic Engineer, City of Salem  
Sgt. Bob Baldwin, Salem Police Department  
Goran Sparrman, Oregon Traffic Control Device Committee  
Charla Richards-Kreitzberg, South Salem Neighborhood Association  
Brant Williams, State Traffic Engineer, Oregon Department of

Tra

ANNE TWEEDT, Committee Counsel: Preliminary Staff Measure Summary is hereby made a part of these Minutes (EXHIBIT C).

349 REP. BRYAN JOHNSTON (D - District 31): Introduces HB 2955 and the intent is to increase the safety of the children of the state.

GEORGE PUENTES, City Councilor, City of Salem: Testifies from prepared testimony in support of HB 2955 (EXHIBIT C).

> Introductory remarks.  
> Describes the primary concern is for safety of school areas.  
> Explains that the proposed bill is one aspect of the City of Salem's "Safe Streets for Kids" campaign and the legislation will need voter approval.  
> Urges passage of the bill.

REP. MARKHAM: Why will the bill require voter approval?

MR. PUENTES: The issue was raised as part of the bond levy for this year and the legislation is needed to be able to enforce and pay for these lights.

405 HEIDI STUTZMAN, Intergovernmental Relations, City of Salem: Introduces Lew Garrison, Salem Traffic Engineer, and Sgt. Bob Baldwin, Traffic Control

Supervisor of the Salem Police Department (see tape at 463).

410 LEW GARRISON, Traffic Engineer, City of Salem: Testifies in support of HB 2955. Submits (EXHIBIT E).

> Introductory comments.  
> Explains the changes in school laws.  
> Says the intent is to bring the full intent of the law into place by allowing the City of Salem to install flashing signals which would indicate to the motorist when the 20 mph is effective (see Page 3).

466 SGT. BOB BALDWIN, Traffic Control Supervisor, Salem Police Department: Testifies from prepared testimony in support of HB 2955. Submits (EXHIBIT F).

> Adds to previous testimony about HB 2955.  
> Explains the difficulty in making any permanent impact on traffic enforcement in just about any area of the rules of the road.

TAPE 94, A

030 SGT. BALDWIN: Continues testifying:

> Identifies the school zone speeds and when they are in effect.  
> Says the installation of a flashing light in a school crossing zone would

give the motorist advance warning when the motorist is approaching a school.

> Explains what happens when the police enforce the traffic laws in school zones and the benefit derived from a flashing light when it is necessary to

testify in court.

> Concludes that the proposed legislation will provide greater safety to the children and give more notice to the motorist.

066 CHAIR TIERNAN: Why is a statute needed -- can't this be done through a city ordinance?

MR. GARRISON: The state's speed control laws are established by ordinance through the state's statutes.

CHAIR TIERNAN: Do you agree with that Rep. Johnston?

REP. JOHNSTON: Yes. Legislative Counsel concurs that the statute would need to be changed.

CHAIR TIERNAN: How does this differ from existing law?

MR. GARRISON: Explains the motorist's difficulty in knowing when children are present.

REP. JOHNSTON: Provides closing remarks that the intent is to increase safety and to provide an experimental laboratory for something that might ultimately become a statewide standard.

REP. GRISHAM: Opines this a tremendous cost to install flashing lights on all of the school crossing zones in Oregon and the money may better be spent on law enforcement to write tickets.

MR. GARRISON: The law will not mandate that flashing lights must be used in conjunction with school zones -- just create an option that may be used.

166 SGT. BALDWIN: Describes experience after nearly 27 years in law enforcement and in a traffic unit for four years. It takes more than speed

bumps or enforcement; it takes other kinds of notices/education to drivers to get compliance.

REP. JOHNSTON: Suggests that since there is no fiscal impact that the committee consider moving the bill.

GORAN SPARRMAN, Chair, Oregon Traffic Control Device Committee: Submits prepared testimony in support of HB 2955 (EXHIBIT G).

CHARLA RICHARDS-KREITZBERG, Chair, South Salem Neighborhood Association: Submits prepared testimony in support of HB 2955 (EXHIBIT H).

BRANT WILLIAMS, State Traffic Engineer, Oregon Department of Transportation: Submits prepared testimony in support of HB 2955 (EXHIBIT I).

CHAIR TIERNAN: Closes public hearing on HB 2955 and opens work session on HB 2995.

HB 2955 - WORK SESSION

REP. ROBERTS: Does the proposed bill need to identify the color of the flashing light or is it somewhere else in statute?

REP. JOHNSTON: The intention is that the motorist comply with the state traffic formula and they must be uniform across the state (i.e., warning lights are amber).

CHAIR TIERNAN: Reads from Exhibit I: "This change is in compliance with the national Manual on Uniform Traffic Control Devices."

MOTION: REP. JOHNSTON moves HB 2955 to the Floor with a DO PASS recommendation.

CHAIR TIERNAN: Calls for further discussion. Adds that it is a good bill.

This device does "wake you up" and will make schools safer.

218 REP. LEHMAN: Opines that a critical part of the bill is that it empowers local governmental agencies and authorizes them to exercise more freedom to do something.

VOTE: In a roll call vote, REPS. HAYDEN, JOHNSTON, LEHMAN, ROBERTS, ROSS, STARR, STROBECK, WYLIE and CHAIR TIERNAN vote AYE. REP. GRISHAM votes NAY.

REP. CLARNO and MARKHAM are EXCUSED.

262 CHAIR TIERNAN: Declares the MOTION PASSED. Carrier of the bill is Rep. Johnston.

CHAIR TIERNAN: Closes the work session on HB 2955 and opens the public hearing on HB 2205.

HB 2205 - PUBLIC HEARING

Witnesses: Darren Bond, Director of Finance, Oregon State Treasury  
Gerald K. Drummond, Oregon Investment Council

GREG MOORE, Committee Counsel: The Preliminary Staff Measure Summary is hereby made a part of these Minutes (EXHIBIT J).

281 DARREN BOND, Director of Finance, Oregon State Treasury: Testifies in support of HB 2205. Explains this amendment is a technical change to the current statutory methodology that dictates how the Oregon State Treasury charges a fee.

REP. ROBERTS: You are not increasing the cost, but handling management a different way?

MR. BOND: That is correct. This is a revenue-neutral bill and to fund the investment-related services. Any expenditures related to that are subject to legislative budget approval.

GERALD K. DRUMMOND, Chair, Oregon Investment Council. Prepared testimony is hereby made a part of these Minutes (EXHIBIT K).

299 CHAIR TIERNAN: Closes the public hearing on HB 2205 and opens public hearing on HB 2675.

HB 2675 - PUBLIC HEARING

Witnesses: Rep. Eldon Johnson (R - District 51)  
Carolyn Young, Department of Environment Quality

302 GREG MOORE, Committee Counsel: Reviews Preliminary Staff Measure Summary. Preliminary Staff Measure Summary is hereby made a part of these Minutes (EXHIBIT L).

321 REP. ELDON JOHNSON (R - District 51). Testifies in support of HB 2675.  
> Introductory comments.  
> Says DEQ does not support implementation of HB 2675 in all areas of the state -- just in Medford. Amendments will be needed to allow this to occur

only in the Medford air quality area.

> Explains what triggered this legislation.

COUNSEL MOORE: Talks about contact with DEQ and the history of the bill.

CHAIR TIERNAN: How often does DEQ require testing of cars?

REP. JOHNSON: Once a year for governmental vehicles.

CHAIR TIERNAN: Is it two years for private vehicles?

REP. JOHNSON: Yes, whenever the license is renewed which is every two years.

CHAIR TIERNAN: Why doesn't DEQ believe it is a good idea to match the requirement for the private sector?

REP. JOHNSON: Explains that in the Portland area DEQ doesn't believe that it is a good idea, because DEQ is still "fighting an air quality battle."

CHAIR TIERNAN: Continues inquiries about air quality testing. Specifically requests DEQ's representative speak to how many government vehicles go through testing and then need something done? Why is DEQ treating government vehicles differently than those used by the public?

418 CAROLYN YOUNG, Public Affairs Manager, Department of Environment Quality: Testifies that the issue dates back 20 years and the rationale when the statute was passed was that government vehicles do tend to have higher mileage than most privately-owned vehicles. Also, government should

set a standard and be willing to be tested every year. Discusses the two areas affected, Portland and Medford.

TAPE 93, B

015 CHAIR TIERNAN: If 100 cars that are two years old and with mileage under 25,000 miles were tested, what would be the percentage of passage?

MS. YOUNG: Percentage of passage is approximately 70-75 percent. After 10,000 miles DEQ finds there is not as high of a failure rate; however, when there is and with computerized equipment, there is a tendency that cars are farther out of compliance than was the situation in the past.

CHAIR TIERNAN: Can you get the number of state vehicles that actually fail?

MS. YOUNG: Yes.

CHAIR TIERNAN: Does this bill apply only to state cars or all public vehicles?

REP. JOHNSON: Applies to all government-owned vehicles.

039 REP. ROSS: What about the rest of the state?

MS. YOUNG: The only areas that are required to have testing are Portland and Medford, because of the number of car and air quality problems in those areas.

064 COUNSEL MOORE: Explains that trucks heavier than three-quarter ton pickups must have license renewal every year; therefore, now if all government vehicles are tested every two years then the private vehicles will be tested more often.

REP. ROBERTS: There is not a heavier burden on trucks?

COUNSEL MOORE: The heavier burden is on private trucks as opposed to government trucks.

078 REP. STROBECK: How often are private cars tested?

MS. YOUNG: Private-car testing is tied to license renewal. Says the issue with the trucks is that truck licenses are renewed annually; therefore, a truck inspection is needed before the license is renewed.

REP. ROBERTS: Continues inquiries about truck testing.

117 REP. ROSS: In your professional opinion do you think government vehicles are making any significant contribution to the air pollution problem in Portland?

MS. YOUNG: In reviewing the overall problem of air pollution in the Portland area government vehicles are a very small part of the problem. Most air pollution in the Portland area comes from cars, not from industry or other sources.

153 REP. JOHNSON: Explains the bill was introduced, because public vehicle testing in the last couple of years hasn't resulted in a failed test.

MS. YOUNG: Comments about the cost issue.

182 REP. JOHNSON: Suggests an amendment to authorize government entities who have their own test equipment to not have to undergo testing at all (i.e., let them do their own and save the taxpayers money).

CHAIR TIERNAN: Do you want to comment about the suggested amendment?

MS. YOUNG: Not all governmental entities may be large enough to provide their own equipment.

CHAIR TIERNAN: Closes the public hearing and opens work session on HB 2675.

HB 2675 - WORK SESSION

REP. STROBECK: Suggests an amendment to say that "Government vehicles are to be tested on the same schedule as private vehicles."

207 REP. WYLIE: Says governmental entities that are large enough to do in-house testing should be so authorized.

REP. STARR: Agrees.

213 COUNSEL MOORE: Responds to Rep. Wylie's concern. Believes the statute provides for that. Quotes at Lines 20-21.

REP. WYLIE: Agrees an amendment is not needed.

REP. ROSS: What about the state motor pool? Can the state do its own testing?

COUNSEL MOORE: This might also apply to the federal government and nothing is mentioned about the federal government.

CHAIR TIERNAN: Suggests opening up the testing to all government or private entities who are able to do their own testing.

CHAIR TIERNAN: Closes the work session on HB 2675. Announces that issues be provided to Rep. Strobeck. Opens public hearing on HB\_3285.

HB 3285 - PUBLIC HEARING

Witnesses: Rep. Patti Milne  
Norbert Berry (Mt. Angel)

GREG MOORE, Committee Counsel: The Preliminary Staff Measure Summary is hereby made a part of these Minutes (EXHIBIT M).

252 REP. PATTI MILNE (R - District 38): Introduces Mr. Berry and gives introductory comments about the proposed bill.

262 NORBERT BERRY (Mt. Angel): Testifies in support of HB 3285. Submits (EXHIBIT N).  
> Introductory comments about work history and concerns about state financing.  
> Urges adoption of the amendments.

CHAIR TIERNAN: Why is the proposed bill needed?

MR. BERRY: Reviews the history of the last session and a problem with an Attorney General's opinion. Explains the concerns and the lack of statutory authority in Oregon Law to have service award plans. Purpose of the bill is to create rules for local departments and a level playing field.

CHAIR TIERNAN: Are the dollars mentioned in the proposed bill contributed by a local entity on behalf of a volunteer? What do the dollars pay for?

MR. BERRY: Says the numbers are the amounts of retirement benefit that a volunteer receives at retirement? Local districts are financing these plans through insurance, annuities and savings accounts.

CHAIR TIERNAN: These are basically a retirement plan for volunteers who are otherwise volunteering their time in local service?

MR. BERRY: Yes. Desire is to provide an incentive to keep volunteers.

CHAIR TIERNAN: What is the amendment?

MR. BERRY: The amendment is to excise all reference to any state financing.

374 REP. ROSS: How many plans are there around the state, the years of service that would be served and the benefit at retirement?

MR. BERRY: There are maybe 20 plans. Plans are structured so that with 10 years of service they could leave the department, come back at age 65 and receive a benefit. Typically it is about 20-25 years of service to receive a full benefit of about \$200-\$300.

REP. WYLIE: How would the benefits be paid for?

MR. BERRY: The fire department, district or city department, or a local association authorized to conduct the business, sets up a reserve fund to meet their obligations in the future similar to a retirement plan.

406 REP. WYLIE: Is this permissive or mandated?

MR. BERRY: It is very permissive.

CHAIR TIERNAN: What were the dollars in the bill for which state financing was requested?

MR. BERRY: Numbers haven't been worked out on this particular bill. Says that in 1993 it was estimated that the first biennium cost would have been \$50,000, the second biennium would have been \$100,000 and the third biennium cost would have been \$300,000 as well as it would have been considered an interest-free loan to the local department that would have been paid back in 10 years.

CHAIR TIERNAN: Is there state funding in the bill?

MR. BERRY: No, the draft of the amendment deletes that from the bill.

CHAIR TIERNAN: Where in the original bill is the funding request?

REP. MILNE: Refers to Page 7, Section 17, and the blank space on Page 7,  
Line 1.

TAPE 94, B

004 MR. BERRY: The purpose of the original funding request would have been  
that the legislature setup a "sinking fund" of money that in five years  
could have then been authorized to be spent.

CHAIR TIERNAN: Willing to let the bill move as is, because there are no  
dollars in the bill.

MR. BERRY: Not opposed to that.

REP. STROBECK: States that if his understanding is correct, that is a  
decent benefit (i.e., \$300 a month) for being a volunteer firefighter.

MR. BERRY: No, in light of the true economics of the whole situation.

REP. MILNE: Says that is the "max."

REP. STROBECK: Comments that it changes the idea of a being a "volunteer"  
if there is a retirement benefit and there may be considerable pressure on  
communities with volunteer fire departments to start setting up these  
retirement funds.

MR. BERRY: Volunteers are no longer truly volunteers in fire service.  
There are federal/OSHA standards and there is no longer a distinction  
legally. Volunteers, as mandated by state/federal law, are professional  
firefighters and must meet the same requirements. The demands of family  
living, etc. mitigates against wanting to be a volunteer; however,  
volunteers are needed more. This benefit will not be available to  
volunteers who don't comply with the standards.

REP. MILNE: Refers to the Exhibit N. Says the Toledo Volunteer Fire  
Department has excellent testimony that points out clearly that the benefit  
is not a gift, it has to be earned. These volunteers are giving a  
tremendous amount to the communities and are very definitely earning  
whatever benefits they may eventually be eligible to receive.

MR. BERRY: Discusses the issue of hazardous material and the training  
involved.

CHAIR TIERNAN: Comments about the elements of a volunteer and the problem  
of paying firefighters in one area when they are also signed up to be  
volunteers in another jurisdiction.

MR. BERRY: The best volunteers and those most willing to give time to  
serve local neighbors are those who are career firefighters somewhere else.

They bring excellent training/service to the district which would not  
otherwise be available.

CHAIR TIERNAN: Closes public hearing on HB 3285 and opens public hearing  
on HB 2794.

HB 2794 - PUBLIC HEARING

Witnesses: Rep. Lisa Naito  
Rep. Kitty Piercy  
Marie D. Bell, Children's Justice Act Task Force

GREG MOORE, Committee Counsel: Reviews the Preliminary Staff Measure  
Summary. The Preliminary Staff Measure Summary is hereby made a part of  
these Minutes (EXHIBIT O).

086 REP. LISA NAITO (D - District 15): Testifies from prepared testimony in  
support of HB 2794. Submits (EXHIBIT P).  
> Introductory comments.  
> Comments about work on interim committees in 1991 and 1992 on child abuse

and a study on how damaging and emotionally impacting domestic violence in  
the family setting can be on a child even though the child is not the  
victim.

099 REP. KITTY PIERCY (D - District 39): Testifies in support of HB 2794.  
> Comments about linking child abuse with domestic violence.  
> HB 2794 directs the Board of Public Safety Standards & Training to  
provide police officers with training regarding child abuse and domestic  
violence.  
> Cites statistics from a study on Oregon child fatalities from 1987-1989.  
> Emphasizes this is not a partisan issue.

118 REP. ROBERTS: There are others, not just women and children, who are  
victims of domestic violence. Who will establish the criteria/structure  
for the training?

126 MARIE D. BELL, Children's Justice Act Task Force (a federally-funded tax  
force in existence since 1987): Testifies in support of the bill. Submits

(EXHIBIT T).

> Refers to Section 1 of the bill. Explains that the BPST is already required to provide specialized training in a long list of crimes.

> The intent of the bill is to add domestic violence to the list and recognition as a serious crime. In Oregon policy domestic violence is not recognized as a serious, violent crime.

> HB 2794 does not have a fiscal impact, because it does not mandate something that BPST is not doing already.

> Comments that "just because they're doing it today, it could be optional if it is not in statutes."

146 REP. ROBERTS: Supports the intent; however, the key to this portion of training is that it should be meaningful.

MS. BELL: Explains about the broad spectrum of domestic violence bills that are coming to the legislature this session. Agrees there needs to be input on the training; however, this is not the session to mandate a particular curriculum or style of training. Comments that the March of Dimes has established that more children are born with defects, because the

mothers are battered when pregnant than any of the other diseases/illness for which mothers are immunized. Points out that the most important fact is that in homes where there is violence between the spouses, the children are "1500 percent times higher likely to be abused themselves." Says BPST will not oppose the bill in any way, as it stands, so long as the bill is without any amendments.

218 REP. HAYDEN: Supports the bill as a good bill. Follows up on Rep. Roberts' concern about gender.

234 REP. PIERCY: Agrees and understands that a great number of men are abused.

259 REP. LEHMAN: Comments that the critical part of this is much more subtle than just dealing with the issue of "who hit who."

CHAIR TIERNAN: Comments about the main problem with the bill is that it didn't do anything. Agrees it is correct and perhaps a statement needs to be made to reinforce that statement. Closes public hearing and opens work session on HB 2794.

HB 2794 - WORK SESSION

339 MOTION: REP. ROBERTS moves HB 2794 to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, REPS. HAYDEN, LEHMAN, ROBERTS, ROSS, STARR, STROBECK, WYLIE and CHAIR TIERNAN vote AYE. REPS. CLARNO, GRISHAM, JOHNSTON and MARKHAM are EXCUSED.

CHAIR TIERNAN: Declares the MOTION PASSED. Carriers of the bill are Reps. Wylie and Piercy.

372 CHAIR TIERNAN: Opens public hearing on HB 2767.

HB 2767 - PUBLIC HEARING

Witness: Rep. Chuck Carpenter

GREG MOORE, Committee Counsel: Preliminary Staff Measure Summary is hereby made a part of these Minutes (EXHIBIT Q).

375 CHAIR TIERNAN: Describes the bill briefly.

REP. CHUCK CARPENTER (R - District 7): Submits prepared testimony in support of HB 2767 (EXHIBIT R)

CHAIR TIERNAN: Closes public hearing on HB 2767 and opens public hearing on HB 3097.

HB 3097 - PUBLIC HEARING

Witness: Stephen Kafoury, American Medical Response Ambulance  
Burton C. Weast, Special Districts Association, Oregon Fire Chiefs Association, State Fire Marshals Association, EMT Association And the Operators Association

9-1-1

Sarah I. Hackett, League of Oregon Cities

GREG MOORE, Committee Counsel: The Preliminary Staff Measure Summary and HB 3097-1 amendments are hereby made a part of these Minutes (EXHIBIT S).

391 STEPHEN KAFOURY, American Medical Response Ambulance: Testifies in support of HB 3097. States that Rep. Peter Courtney originally introduced the bill and Rep. Courtney does not object to using the bill as a vehicle.

Discusses the HB 3097-1 amendments. Explains the intent of the bill.

> Introductory comments about background for the bill.

> HB 3097 prohibits local government from contracting with another local government to provide a service where a private entity is presently providing that service unless one of three things is true: If the private entity is not providing good quality service. If there is a public-private partnership to be entered into by the private agency and the public. If the public agency is entering a bid that is not showing its true cost.

> Describes the issue in Portland of the Portland Fire Bureau being in competition with AMR Ambulance.

TAPE 95, A



003 MR. KAFOURY: Continues testifying:  
> Comments that without the proposed bill the public entity can bid below its cost and the bill would prohibit that from occurring.  
> Remarks about those who oppose the bill.  
> HB 3097 will encourage fairness and equity.

041 REP. ROBERTS: Requests a definition/explanation to be certain about exactly what is the issue.

MR. KAFOURY: Discusses the issue of a local government putting out competition and another local government wants to compete for a fee for service. A private entity is presently providing that service.

057 BURTON C. WEAST, Special Districts Association, Oregon Fire Chiefs Association, State Fire Marshals Association, EMT Association and the 9-1-1

Operators Association. Testifies in opposition to HB 3097.

> Provides history of the bill.  
> Defines local government and states the proposed bill affects every local government in the state.  
> Explains what the bill does, the affect on thousands of agreements and the aspects of the bill that are unclear.  
> States the proposed bill will cost the taxpayers money.  
> Discusses the issue of public/private relationship.

142 TOM O'CONNOR, Oregon Municipal Electric Utilities: Testifies in opposition to HB 3097:

> Explains about the small communities in the state, the formation of the 190 Agency, the prohibitive features in the proposed bill and potential "litigation nightmare."  
> Summarizes that these are local services. Mr. Kafoury is talking about "a move on local government's part toward more efficiency, a move toward privatization in some cases." Opines such discussion ought to be resolved by local, elected officials.

175 SARAH I. HACKETT, League of Oregon Cities: Testifies in opposition to HB 3097:

> Agrees with testimonies of Witnesses Weast and O'Connor.  
> States there are no requirements or consideration in the bill that every private service provided could come out of Seattle, New York or Los Angeles.  
> Comments about considerations by cities about data practices, affirmative

action, and other state/federal laws that affect them and the need to ensure the same requirements are applied.

> Urges that the amendment not be supported.

199 CHAIR TIERNAN: Understands the bill is of the "lowest bidder requirement." Is that not the "gest" of the bill?

MR. WEAST: Explains his review of the bill. If you determine there is somebody in the private sector to provide a service, you have to go through a process, not only on new agreements, but when existing agreements expire. Expresses concern about the cost of doing that "literally thousands of times."

CHAIR TIERNAN: Would it be more amenable if it was only for new agreements?

MR. WEAST: Oppose, because these are decisions that local, elected officials should make and the process, if applied to only new agreements, is "fraught with litigation and problems."

CHAIR TIERNAN: What if it was provided for new agreements or new services?

In other words, the entity has not been providing nor has it been involved in that service before.

245 MS. HACKETT: Talks about current contracting laws having fairly extensive requirements on local governments.

239 CHAIR TIERNAN: If it is good for a new service need, why isn't it good for an existing service need?

MS. HACKETT: From a review of the proposed legislation, if some private entity could provide a similar service, that service could not be provided.

Explains the legislative discussions on the issue and that the focus is not always being on the lowest cost, because of the need for quality.

268 MR. KAFOURY: Says there is some misunderstanding. Explains the bill attacks subsidized bid (i.e., you cannot have a tax subsidized bid).

REP. WYLIE: Why not have a simple bill that says "when local government is offering a service, a new service that is provided by somebody in the community, that their full cost must be made known publicly to the people they are accountable in their area?"

MR. KAFOURY: This bill does that, but goes a step further (i.e., costs must be known and bidding cannot be below that cost).

REP. WYLIE: Would you object strenuously to your bill doing just what I said?

MR. KAFOURY: Says the problem is that local governments are not always accountable to local taxpayers.

319 MR. O'CONNOR: This is trying to take one narrow issue in the City of Portland and broaden it into affecting a lot of people.

CHAIR TIERNAN: Closes public hearing on HB 3097.

CHAIR TIERNAN: Requests that Rep. Wylie attempt to put together an agreement.

LC 3897 - INTRODUCTION OF COMMITTEE BILL

CHAIR TIERNAN: Reads draft LC 3897 at the request of Speaker Bev Clarno. Submits (EXHIBIT U).

395 CHAIR TIERNAN: Calls for discussion or objection to LC 3897 being introduced as a committee bill.

CHAIR TIERNAN: Hearing no discussion or objection, declares the MOTION PASSED.

CHAIR TIERNAN: Adjourns the meeting at 3:40 pm.

Submitted by, Reviewed by, Reviewed by,

Kay C. Shaw      Gregory G. Moore      Anne Tweedt  
Committee Assistant      Committee Counsel      Committee Counsel

EXHIBIT SUMMARY:

- A - Preliminary Staff Measure Summary on HB 2863 -- Staff -- 9 Pages
- B - Prepared Testimony on HB 2863 -- David Long -- 5 Pages
- C - Preliminary Staff Measure Summary on HB 2955 -- Staff -- 2 Pages
- D - Prepared Testimony on HB 2955 -- George Puentes -- 1 Page
- E - Prepared Testimony on HB 2955 -- Lew Garrison -- 3 Pages
- F - Prepared Testimony on HB 2955 -- Sgt. Bob Baldwin -- 1 Page
- G - Prepared Testimony on HB 2955 -- Goran Sparrman -- 1 Page
- H - Prepared Testimony on HB 2955 -- Charla Richards-Kreitzberg -- 1 Page
- I - Prepared Testimony on HB 2955 -- Brant Williams -- 1 Page
- J - Preliminary Staff Measure Summary on HB 2205 -- Staff -- 2 Pages
- K - Prepared Testimony on HB 2205 -- Gerald K. Drummond -- 13 Pages
- L - Preliminary Staff Measure Summary on HB 2675 -- Staff -- 2 Pages
- M - Preliminary Staff Measure Summary on HB 3285 -- Staff -- 2 Pages
- N - Prepared Testimony on HB 3285 -- Norbert Berry -- 53 Pages
- O - Preliminary Staff Measure Summary on HB 2794-- Staff -- 3 Pages
- P - Prepared Testimony on HB 2794 -- Rep. Lisa Naito -- 1 Page
- Q - Preliminary Staff Measure Summary on HB 2767-- Staff - 2 Pages
- R - Prepared Testimony on HB 2767 -- Rep. Chuck Carpenter -- 2 Pages
- S - Preliminary Staff Measure Summary on HB 3097 -- Staff -- 3 Pages
- T - Prepared Testimony on HB 2794 -- Marie D. Bell -- 2 Pages
- U - Bill Introduction -- Speaker Bev Clarno -- 2 Pages