

HOUSE COMMITTEE ON GENERAL GOVERNMENT Subcommittee on Government

January 19, 1993 Hearing Room 357 8:30 a.m. Tapes 1 - 2

MEMBERS PRESENT: Rep. Del Parks, Chair Rep. Jim Edmunson Rep. Cedric Hayden Rep. Patti Milne Rep. Sharon Wylie

VISITING MEMBER: Rep. Ken Baker

STAFF PRESENT: Janet Adkins, Committee Administrator Kimberly Burt, Committee Assistant

MEASURES CONSIDERED: HB 2032 HB 2060 HB 2096 HB 2220 HB 2270 HB 2158

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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. [--- Unable To Translate Graphic ---]

TAPE 1, SIDE A

CHAIR PARKS: Calls meeting to order. (8:35 a.m.)

PUBLIC HEARING ON HB 2032 Witnesses: Steve Purchase, Assistant Director, Division of State Lands

012 JANET ADKINS, COMMITTEE ADMINISTRATOR: Describes HB 2032.

020 STEVE PURCHASE, ASSISTANT DIRECTOR, DIVISION OF STATE LANDS: This bill was introduced at the request of the Division of State Lands to repeal

ORS 273.271 which prohibits the Division from selling more than 640 acres to one individual.

_ Submits and summarizes written testimony, see (EXHIBIT A).

031 CHAIR PARKS: Why was the 640 acres put into law?

PURCHASE: It was put in the federal guidelines in 1969 and Oregon followed along.

CHAIR PARKS: This seems like a small bill, but what is the problem if we leave the law the way it is?

PURCHASE: It is our belief that if we are allowed to sell more than 640 acres of these small scattered parcels, we will produce more revenue allowing us to apply those funds toward the purchase of more productive lands; it does allow the Division more flexibility.

057 REP. HAYDEN: Where do I go to find the aggregate value of state government holdings?

PURCHASE: The Department of General Services Land Management Program, which is currently housed in the Division of State Lands; the Land Manager is Bill Nickleberry; this includes buildings, lands and other assets.

071 REP. EDMUNSON: How many parcels does the state hold that are more than 640 acres?

PURCHASE: The Division holds 16 parcels of land that range from 640 acres to approximately 1920 acres; we have a fair number of scattered parcels that do exceed the 640 acre limitation.

REP. EDMUNSON: Where are these lands located?

090 PURCHASE: The 32,000 that the division has left are in small and scattered parcels, mainly in Eastern Oregon; those would be Lake,

Harney, Malheur Counties in particular; most are Southern Oregon high desert range type lands.

_ There are other small scattered parcels throughout Eastern Oregon that through the years have come to a point where they are no longer exchangeable with federal agencies or other interested private parties.

106 CHAIR PARKS: What procedures do you follow now if you want to sell something over 640 acres?

PURCHASE: We follow the statutory requirements for the sale of any state real property, which is to contact the Department of General Services and surplus the land, going through the process which is basically to offer the land to other state agencies first, then to political subdivisions, then to public auction.

113 CHAIR PARKS: For the record, Rep. Milne had a prior engagement and will be with us later.

_ I will close the public hearing on HB 2032.

PUBLIC HEARING ON 2060 Witnesses: Melinda Grier, Department of Higher Education

127 JANET ADKINS, COMMITTEE ADMINISTRATOR: Describes HB 2060.

145 MELINDA GRIER, DEPARTMENT OF HIGHER EDUCATION: Currently any interstate agreement has to be approved by an Assistant Attorney General

and we get into odd situations dealing with other state agencies, so we are asking that the Attorney General, (AG), have the authority to exempt certain

kinds of contracts.

170 REP. WYLIE: What are the categories?

GRIER: Any agreement that wasn't otherwise required by statute to be signed.

185 CHAIR PARKS: There is a purpose to having these agreements reviewed by legal counsel; I'm uncomfortable with exempting any type of agreement

from the statute.

GRIER: This doesn't require the AG to do that, it just gives the authority to do that.

CHAIR PARKS: Is there a way to specify a limited class?

GRIER: You could; we could provide language that would meet our needs.

226 REP. WYLIE: What group determines the public policy value risk, manage and face implications of any contract or cooperative agreement with

others?

GRIER: Currently all research agreements come across my desk, but after they have been at an institution; for final approval they come over my desk.

REP. WYLIE: My question was problematic; are most of these projects funded by grants?

GRIER: Often it is researchers who may have federal grants or a third party funding the research; proposals are made to the federal government or private funding entity and are approved by the institution to be sure it was consistent with the researchers job, consistent with the use of the institutional facilities and didn't commit resources we didn't have.

275 CHAIR PARKS: I am going to ask you to come up with language, conferring with the AG, dealing with specific issues.

_ I will close the public hearing on HB 2060

CHAIR PARKS: Rep. Milne has arrived and I would like to have the members introduce themselves to each other and would start by saying that there are no dumb freshman questions in the legislature; when we

end up with dumb laws it is because someone was afraid to ask dumb questions in the process and as we go through this you'll learn that some of the dumbest questions on their face uncover some of the most interesting answers.

301 CHAIR PARKS: Describes himself.

333 REP. MILNE: Describes herself.

320 REP. EDMUNSON: Describes his background.

358 JANET ADKINS, COMMITTEE ADMINISTRATOR: Describes her background.

369 REP. WYLIE: Describes her background. 383 REP. HAYDEN:
Describes his background.

397 REP. BAKER: Describes his background.

424 KIM BURT, COMMITTEE ASSISTANT: Describes background.

PUBLIC HEARING ON HB 2220

447 JANET ADKINS, COMMITTEE ADMINISTRATOR: Describes HB 2220.

462 CHAIR PARKS: I will close the public hearing on HB 2220.

WORK SESSION ON HB 2220

465 MOTION: REP. EDMUNSON MOVES HB 2220 TO THE FULL COMMITTEE WITH
A DO PASS RECOMMENDATION.

REP. WYLIE: I'm curious as to how many participants there are at the
low end of the contracts?

CHAIR PARKS: The people receiving the notification are the ones
requesting that the limit be raised.

494 REP. HAYDEN: I would recommend a \$10,000 or \$5,000 limit be
applied.

TAPE 2, SIDE A

037 REP. EDMUNSON: They have arrived at this number, we would
presume, for some reasoning and I would, for the benefit of the
cameras and the

listening public, say that if you have bills before a committee, it is a
good idea to show up and testify and answer questions.

CHAIR PARKS: Staff has told me that these people aren't ready and it
seems to be a simple bill and I think we should move on it; it should be
conveyed that we would go higher if they so choose.

055 VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES.

PUBLIC HEARING ON HB 2270 Witnesses: Nina Johnson, Executive Assistant, Secretary of State Carole Irwin-Leal, Secretary of State Bob Kaiser, Oregon Association of Process Servers Jim Markee, Oregon Collectors Association

070 JANET ADKINS, COMMITTEE ADMINISTRATOR: Describes HB 2270 and submits fiscal impact statement, (EXHIBIT B).

100 NINA JOHNSON, EXECUTIVE ASSISTANT, SECRETARY OF STATE: Describes bill; submits and summarizes written testimony, (EXHIBIT C).

125 CHAIR PARKS: The policy of requiring that process servers that deliver writs of garnishment be insured; what is the justification for that?

JOHNSON: I doubt we were involved in those discussions; I think it was a policy decision made in the context of process servers with someone feeling that the proof of insurance needed to be filed somewhere.

142 CAROLE IRWIN-LEAL, SECRETARY OF STATE: I do feel that the Secretary of State's Office was a place to put the certificate, not knowing where

else to put them; I think the liability issue is still going to be covered; they will still be required to carry that insurance, but not to file that paper with us any longer.

155 BOB KEYSER, OREGON ASSOCIATION OF PROCESS SERVERS: Introduces Jim Markee.

160 JIM MARKEE, OREGON COLLECTORS ASSOCIATION: Gives history of the bill and testifies in support.

205 REP. EDMUNSON: The service is only for a writ of garnishment?

MARKEE: Yes; if you are going to require the insurance then there should be some public registry of that proof of insurance.

223 KEYSER: We would like to keep that portion of the bill as it is.

WORK SESSION ON HB 2270

233 MOTION: EDMUNSON MOVES THAT LINES 16 - 19 ON PAGE 1 BE DELETED.

244 VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

247 MOTION: REP. EDMUNSON MOVES HB 2270 AS AMENDED TO THE FULL COMMITTEE WITH A DO PASS RECOMMENDATION.

REP. HAYDEN: The action of deleting lines 16 - 19 means that process servers can now indeed deliver writs of garnishment?

CHAIR PARKS: This is eliminating the requirement that they have

insurance of \$1000 per occurrence; describes the mechanics of serving a garnishment.

272 REP. BAKER: If you eliminate this anybody of the age of 18 can serve process; the problem is that is that if you have the requirement of

insurance you do have some indication that people are in the process of doing that; a lot of times someone doesn't have money so they have a friend or relative serve, so there is some value to having a limited number of people doing this so that they know what they are doing.

REP. EDMUNSON: This is only in a garnishment proceeding and if the policy of insurance has any validity it should be applied across the board to any service.

333 CHAIR PARKS: In Portland there is a different situation than in rural Oregon; there are no process servers in Klamath County who carry

insurance and you get college kids doing this service in small areas.

_ The point that Rep. Edmunson puts forward is true, you make it complicated, you make it expensive, you have to bring someone from Medford or some other place and if you are able to collect the money, you are collecting it from the defendant who probably is having a tough time as it is and all we're doing is adding fire to his problem and I don't see the justification for it.

358 VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES AND HB 2270 AS AMENDED IS PASSED TO THE FULL COMMITTEE WITH A DO PASS

RECOMMENDATION.

PUBLIC HEARING ON HB 2096 WITNESSES: LeRon Howland, Oregon State Police Deputy Superintendent Steve Bennett, Executive Director, Board on Public Safety Standards

and Training

350 JANET ADKINS, COMMITTEE ADMINISTRATOR: Describes HB 2096.

393 LeRON HOWLAND, OREGON STATE POLICE DEPUTY SUPERINTENDENT: Submits and summarizes written testimony in support of HB 2096, see (EXHIBIT D).

448 CHAIR PARKS: Is the purpose of the bill so that when troopers are laid off they have qualifications to achieve employment elsewhere?

HOWLAND: The Oregon State Troopers Association is interested in that

aspect, but it does have consolidation privileges.

CHAIR PARKS: The AG stated that it would be incongruous for BPSST to have authority to certify persons voluntarily under 181.644g and yet have no authority to revoke certification under the revocation; that isn't addressed in your proposal?

HOWLAND: No it isn't; there is some concern by the League of Oregon Cities as to hidden costs; we believe the fiscal impact would be about \$1100 per biennium.

494 STEVE BENNETT, EXECUTIVE DIRECTOR, BOARD ON POLICE SAFETY STANDARDS AND TRAINING, (BPSST): Testifies in support of the bill.

TAPE 1, SIDE B

036 BENNETT: Continues with testimony in support of HB 2096. REP. HAYDEN: This is approved and sought by local police?

BENNETT: I don't believe that is the case, it isn't related to recruiting, but to bring this in balance.

068 REP. HAYDEN: Will this make a pool of qualified applicants?

BENNETT: Yes, but most of the hiring is at the entry level and a lot of these people wouldn't be at that level.

080 REP. HAYDEN: \$1100 per biennium for paper work?

HOWLAND: Yes; continues to describe process of certification.

110 REP. EDMUNSON: What is the effect of certification; would revocation of certification mean that they could no longer be a police officer?

CHAIR PARKS: Yes; if we change the definition of police officer, that will be the case.

REP. EDMUNSON: Presently a State Police Trooper could be terminated from police work and then could become certified and work elsewhere?

BENNETT: One condition for certification is employment as a police officer.

163 REP. MILNE: Is there any impact or effect on other officers of cities or counties?

HOWLAND: I don't know of any negative impact; cities and counties are in support of this; there may be positive impacts.

BENNETT: I don't see any negative impacts, but positive.

190 REP. HAYDEN: It is unusual for an agency to yield turf to become more efficient.

CHAIR PARKS: I will close the public hearing on HB 2096.

WORK SESSION ON HB 2096

200 MOTION: REP. HAYDEN MOVES THAT HB 2096 BE MOVED TO THE FULL COMMITTEE WITH A DO PASS RECOMMENDATION WITH THE UNDERSTANDING THAT IT HAS TO HAVE A REVENUE IMPACT.

CHAIR PARKS: I will return to the public hearing on HB 2096.

PUBLIC HEARING ON HB 2096 Witnesses: Valery Paulson, League of Oregon Cities Steve Bennett, Executive Director, Board on Public Safety Standards

and Training, (BPSST)

200 VALERY PAULSON, LEAGUE OF OREGON CITIES: We have a possible concern about an unintended financing effect down the road; the unitary

assessment on fines and offenses provides dollars for training and the State Police training is funded separately.

_ We are concerned that BPSST will absorb the training costs for the State Police.

REP. HAYDEN: It is my understanding that this was just a record keeping function.

245 STEVE BENNETT, EXECUTIVE DIRECTOR, BOARD ON PUBLIC SAFETY STANDARDS AND TRAINING: The entire budget of BPSST is funded through the unitary bill from last session; we receive all the funds and then give the State

Police a portion for their training and they pay for all of their training.

WORK SESSION ON HB 2096

280 MOTION: REP. HAYDEN MOVES HB 2096 TO THE FULL COMMITTEE WITH A DO PASS RECOMMENDATION.

295 VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES.

PUBLIC HEARING ON HB 2158 Witnesses: Jon Mangis, Director of the Oregon Department of Veterans' Affairs

320 JANET ADKINS, COMMITTEE ADMINISTRATOR: Describes HB 2158 and distributes informative material on the program, a fiscal impact

statement and a proposed amendment, see (EXHIBIT E).

354 JON MANGIS, DIRECTOR, OREGON DEPARTMENT OF VETERANS' AFFAIRS:
Submits and summarizes written testimony, (EXHIBIT F).

436 MANGIS: With this bill we have tried to generically refer
to an expeditionary or campaign medal awarded by one branch of the
Armed

Forces of the United States.

_ The amendments delete "WWII" and on line 12 there is a reference to
having residence in Oregon prior to entry in the armed forces and unless
there is an overriding reason, that is an infringement on an individuals
right to travel.

476 REP. HAYDEN: How many people do you expect?

MANGIS: We have \$22,000 budgeted for 1993 - 1995 and we don't
anticipate a lot of veterans participating in this program; they still
have to have their service medal.

TAPE 2, SIDE B

050 CHAIR PARKS: You have that same provision for home loans?

MANGIS: The constitution provides that an individual must be a
resident of the State of Oregon at the time of entry or have lived here
for five years after separation from active duty.

070 REP. MILNE: The applications received were 67 and those approved
were half; is that due to the budgeted amount?

MANGIS: I would guess that some made application and hadn't been
awarded the Armed Forces Expeditionary Medal or may have enrolled in
school, made application and then dropped out of school.

CHAIR PARKS: I will close the public hearing on HB 2158.

WORK SESSION ON HB 2158

105 MOTION: REP. EDMUNSON MOVES THE AMENDMENTS TO HB
215 8 ELIMINATING, ON LINE 12, THE LAST WORD THROUGH LINE 14, THE SECOND
WORD.

108 VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

110 MOTION: REP. EDMUNSON MOVES BILL AS AMENDED TO THE FULL
COMMITTEE WITH A DO PASS RECOMMENDATION.

113 VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES.

115 CHAIR PARKS: We are adjourned.

Submitted by, Reviewed by,

Kimberly Burt Janet Adkins Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - HB 2032: Written testimony submitted by Purchase, pp 1 B - HB 2270:
Fiscal impact statement submitted by staff, pp 1 C - HB 2270: Written
testimony submitted by Johnson, pp 3 D - HB 2096: Written testimony
submitted by Howland, pp 3 E - HB 2158: Informative material, fiscal
impact statement and proposed amendment submitted by staff, pp 4 F
- HB 2158: Written testimony submitted by Mangis, pp 2