

HOUSE COMMITTEE ON GENERAL GOVERNMENT Subcommittee on Government

March 25, 1993 Hearing Room C 8:30 a.m. Tapes 40 - 41

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 2007 HB 2632 HB 2469 HB 2470 HB 3002
[--- Unable To Translate Graphic ---]

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 40 - SIDE A

CHAIR PARKS: Calls meeting to order. (10:25 a.m.)

Public Hearing on HB 2469 and HB 2470: Witnesses: Steve Bennett, BPST Rep. Meek, District 5 Rep. Liz Vanleeuwen, District 37 Val Paulson, LOC

JANET ADKINS, COMMITTEE ADMINISTRATOR: Describes HB 2469 and HB 2470; submits (-1) amendment to HB 2470 (EXHIBIT A).

058 STEVE BENNETT, BPST: Testifies in opposition (EXHIBIT B).

Chair Parks: What is the cost you will incur?

Bennett: Establishing what all the essential job functions are then finding vehicles that enable us to, given the difficulties of ADA and other federal legislation, make sure the people that go into those courses meet the same criteria the hired officers going into the course have.

Chair Parks: Why are you changing the criteria?

Bennett: We are not desiring to change the criteria. Under ADA and because we are not employers, we can not use the same law that exists today that the employer may take advantage of in screening the people to go. Chair Parks: You don't do any screening now, you just take whatever the employer sends you?

Bennett: Yes. Smaller agencies are being used for training ground.

Chair Parks: Is that the only period of time you have is for two years?

Bennett: We have looked at the analysis for two years.

145 REP. BAKER: Do you have spaces in your classes now to take extra people?

140 Bennett: We do not have excess of seats or money within the assessment system with the recent budget reductions.

Rep. Baker: To minimize the ADA problems, could various police agency sheriffs provisionally identify, screen and go through that employment application process and identify people as prospective future hires?

157 Bennett: Uncertain as to the feasibility of that. It has some problems give the complexity of ADA right now.

Rep. Baker: Such as say hepatitis positive, that is not a limitation physically?

Bennett: In fact, HIV is not a limitation.

178 Rep. Baker: A lot of agencies - sheriffs, police - have reserve officers; are they technically employees and are they required to go through the school?

Bennett: They may be in some status an employee according to the personnel rules of that agency but they are not required to be certified or attend the academy under state law.

Rep. Baker: Could you accept those people for training?

Bennett: Depending on the status in that agency. We have made space available to reserves in the past.

190 Rep. Baker: That seems to contradict what you are saying here; they are kind of quasi employees but yet you still accept them.

Bennett: If the employer can satisfy the minimum requirements that the individual meets the standard, they have to have them in some employee status in order to make that determination.

215 REP. MEEK, DISTRICT 5: Testifies in support of HB 2469 and HB 2470.

275 Chair Parks: 2470 reimburses BPST and not the municipality, is that wrong? Is it the intention of your group that it reimburse the municipality and not BPST?

Rep. Meek: BPST generally gets its tuition from the county or the cities and I believe they were going to arrange a contractual arrangement to offset the reimbursement to the school.

Bennett: We established earlier that the salary cannot be reimbursed. What we would be seeking recovery for was that portion of the cost that was state associated for training and it would be an agreement that BPST would enter into with the trainee and we would seek to recover those damages.

284 REP. WYLIE: When you were working on this concept, did you talk to the cities about the possibility; if you have people that have already paid for the training out of their own pocket and who meet the requirements, that might create a bias in their hiring process to hire people that have already had the training and that would eliminate recruitment for financial reasons of people who couldn't afford to spend their own money on that training. Did that get discussed at all?

Rep. Meek: Not in that concept; they have the mechanism to hire these people for training.

315 REP HAYDEN: Does HB 2470 create double standard in that people who attend the school not under the open enrollment process would not have to repay the money to the school if they quit and people who attend under the open enrollment would have to repay the school if they quit?

Rep. Meek: The standard was the school was to set criteria in the tuition.

343 Rep. Hayden: If they attended basic training under open enrollment and paid their own tuition, what would they owe whether they worked three months or three years?

Rep. Meek: I believe there needs to be clarifying language there that they would only be obligated to repay that portion that the public invested into them.

Rep. Hayden: Then the tuition wouldn't cover the full cost?

Rep. Meek: Today they are not.

375 Bennett: We were trying to look for alternatives that might create an incentive for people to stay on longer. About 19% of the people leave during first year of employment.

Chair Parks: Apparently some of the cities are entering into contracts with their new hires if they don't stay for two years; are you aware of that?

383 Bennett: I have just recently become aware; I believe there are at least three cities that we know of that are having some sort of conditional contract with their employees where they recover some of the training and developmental cost. I think that is beyond the cost of basic training.

Chair Parks: What's wrong with leaving like that and let the employer and employee work out that part of it?

Bennett: Our board has not taken a position on that in this particular bill.

425 REP. LIZ VANLEEUWEN, DISTRICT 37: Testifies in support of HB 2469 and HB 2470.

480 Chair Parks: Mr. Bennett, were you a part of this working group?

Bennett: Yes. I would have to agree that in the earlier proceedings this seemed to have more merit before we dug into the issue of the screening and the cost associated with that and the complexities of the law. Another thing that changed is that it had never been before my board.

TAPE 41 - SIDE A

048 Rep. Vanleeuwen: Where does the money come from that pays for BPST?

Bennett: The money comes from a unitary assessment; a fines and forfeitures collection done through the courts in the state, sent to the department of revenue and then put into a special account from which BPST draws a percentage for our operational expenses which pays for all the training for public safety officers.

Rep. Vanleeuwen: I just wanted the committee to be aware of that.

060 Rep. Milne: Where is the support?

065 Bennett: Both organizations are not supporting this bill; The Oregon State Sheriffs Association and the Oregon Chiefs of Police Association are not supporting this and BPST voted not to support it.

069 Rep. Milne: Have any of those associations written a statement to that affect?

Bennett: I don't believe so.

075 Chair Parks: As a matter of fact, we have it both ways from the chief so they are on both sides of the issue.

Bennett: When chiefs had last meeting, they decided not to decide the issue; the chair said they needed to look at that further.

085 Rep. Milne: What is the concern of those opposed?

Bennett: The most significant opposition is the mix of the classes; they are concerned about the inability for us to be able to assure them that we can screen against the same standards as the officers already being sent to those classes.

Rep. Milne: If we are talking about law enforcement; is the curriculum changed to fit the qualifications of the students in the class or do the students have to come up to the standards?

098 Bennett: They have to come up to the standard. The screening qualifications prior to them getting there is what ensures that.

Rep. Milne: What is the graduation rate?

Bennett: Less than one percent failed the course.

109 Rep. Vanleeuwen: The speaker and I set up a task force; one of their top concerns was the need for the open enrollment. I'm missing what the objection is.

147 Chair Parks: You folks are looking real bad to come in here like this.

Rep. Vanleeuwen: He saying that his board voted to do this.

Chair Parks: When goes to a legislative committee, if he didn't make it super clear to the legislative committee that he is talking for himself in everything he is doing, he has to take back to his board that he was in error.

Bennett: I think you will find that is on record that I was very explicit about my position and who I was speaking for.

Chair Parks: Do you agree with that?

Rep. Vanleeuwen: He probably did that; I don't remember that detail.

Rep. Wylie: I see someone in the audience that might be able to answer some of the concerns that I have.

157 Rep. Baker: Are either of you aware of any state policies regarding reimbursement; are you aware of any other policies that would recapture funds statewide?

167 Bennett: re: 2470; have not taken position against that, but I'm not aware of any policy that covers that.

Rep. Baker: No matter how good your screening is - people will find that they are not suited for police work.

190 Bennett: My perspective is; the way that this issue came up was in looking at the area of enrollment and how we could help reduce the cost to local government; we simply did some research to ask other states how are you handling these problems and do you have anything to share with us.

Chair Parks: The larger public policy should be - is it smart for the state to, in effect, require people to stay in a job that they found out they are psychologically unsuited for and especially one in which they carry guns around.

225 Rep. Hayden: It seems to me that a rate of 19% is not that bad; is this a level playing field; can I require contracts that employees repay those expenses if they don't stay a year; is it only the state that is going to be able to do this; can the state require contracts in the absence of legislation?

228 Chair Parks: Rep. Vanleeuwen, would you like to head a working group to see if you could salvage the situation?

Rep Vanleeuwen: No time. But I can go back to my mandates box at home and dig out some of the record.

246 Chair Parks: Anybody on committee want to work with this?

255 Rep. Wylie: I have a number of questions that might move me towards looking more favorably at this bill. I am more biased against the bill than for it, although I like the concept of being a little more entrepreneurial with some of our state supported training institutions.
Rep Vanleeuwen: These were two of the bills that came out of all that work supposedly representing the group of local governments people; it was one of their requests, not mine.

282 Rep Wylie: If I could just ask a few questions of the local government people that are here I might get rid of my bias enough to feel that I could be fair in working with the folks that want the bill.

290 Val Paulson, LOC: Testifies in support of HB 2469.

Chair Parks: How do you get around their objection that they will have to assume the cost of screening; by requiring the individual to get a sponsor, in effect, or something like that and then whoever sponsored him would be responsible for the screening process?

Paulson: That was one of the concepts that was discussed and I think that could be done. A local government could agree to provide screening for a promising applicant.

Chair Parks: I don't think you would like that, would you, because you would lose control?

327 Bennett: We aren't really in control of that piece of the process anyway. I have to fall back on what users have told us.

Paulson: There is a question on chiefs of police position; my understanding is that they support the concept.

367 Chair Parks: Stops Paulson; Rep. Edmunson will head a working group.

Work Session 2007

REP. MILNE MOVES HB 2007 TO THE FULL COMMITTEE WITH A DO PASS RECOMMENDATION.

Rep. Wylie: I asked you a while back if you were willing to entertain any of the amendments; have you considered those ideas and are you receptive to any of those?

Rep. Milne: I have talked with folks whose bill this is; the intent is simple - it is allowing, where the local community so desires, to have owner consent; those are good ideas, but I think that is a separate issue from what this bill does. I would prefer to work on that as a separate issue.

420 Rep. Wylie: I can't support Milne on this bill; I feel like we risk sacrificing community resources in order to satisfy some people that may have been wrong because of local interpretations.

436 Chair Parks: Additional comments?

Rep. Hayden: I would like to hear from our resident historical expert, Rep. Edmunson.

Edmunson: I have one message in favor and 15 opposed.

Rep. Hayden: I don't know anyone else on the committee who keeps a library of historic documents.

TAPE 40 - SIDE B

025 Edmunson: There is some question of spot nature - future use of property is never assured; a historic building does not change status; I tend to think this bill should proceed with significant reservations that the discussion about this issue of zoning has not been completed; prepared to support bill with that reservation.

054 Rep. Milne: Zoning typically has involvement from the community and the neighborhood; there are hearings regarding any zone

changes. People who are directly affected are involved.

IN A ROLL CALL VOTE THE MOTION CARRIES. MEMBERS VOTING NO - WYLIE

068 Work session HB 2632

Adkins: Describes HB 2632, submits amendments (EXHIBIT C).

089 Chair Parks: This would allow counties to give notice to the public and still avoid the cost.

098 REP. HAYDEN MOVES THE (-1) AMENDMENTS BE ADOPTED TO HB 2632.

HEARING NO OBJECTION THE MOTION CARRIES.

107 Rep. Baker: In the (-1) amendments it says the posting will be at the county courthouse and at the public libraries; do we know require posting in public libraries; is that a common event or is this the only thing required in the whole statute to post in a library?

111 BOB CANTINE, ASSOCIATION OF OREGON COUNTIES: Yes. That was the compromise that was struck last session on publication of claims, proceedings and other matters that we were required to publish at that time.

Rep. Baker: So the library is now the bulletin board for notices?

Cantine: We are to make it available at the public libraries; I don't know if they necessarily post it on the bulletin board but they have it at the circulation desk.

Rep. Baker: Can you require a county require another entity to do a service for them? I don't see any chain of command that requires them to keep it up.

124 Cantine: I'm not sure of the language; I don't know if we can tell them to post it.

Chair Parks: Are all of the libraries run by the counties in the state or are there libraries the commissioners don't fund?

Cantine: There are districts...separate levies and assessments.

Rep. Hayden: I would stipulate that the term "posting" as it relates to libraries would mean that it would be available at the reference desk.

130 Rep. Baker: If I remember right you said that some counties do not have county accountants; and was this bill intended to also incorporate those individual counties as well.

Cantine: We will have to come back in another session with another bill.

Rep. Baker: Because the relating clause wasn't wide enough.

Chair Parks: What would the relating clause have to be?

Cantine: Relating to publication of contracts. What it read was

relating to county accountants and amending specific section.

REP. WYLIE MOVES HB 2632 AS AMENDED TO THE FULL COMMITTEE WITH A DO PASS RECOMMENDATION.

IN A ROLL CALL VOTE THE MOTION CARRIES.

Public Hearing on HB 3002 Witnesses: Mike McCallum, Oregon Restaurant Association (ORA) David Knolls, Attorney

166 Adkins: Describes HB 3002.

183 Rep. Hayden: This established a sub A; a different class of A?

Adkins: No. It allows them to get a class A.

Rep. Hayden: Without opening it to the public?

Adkins: Right.

Rep. Hayden: So it is a different kind of A. Currently class A have to be open to the public.

Adkins: But it is not called anything different.

193 Chair Parks: It expands class A.

190 MIKE MCCALLUM, OREGON RESTAURANT ASSOCIATION (ORA): Testifies in support of HB 3002.

218 DAVID KNOLLS, ATTORNEY: Testifies in support of HB 3002.

Adkins: You have explained that this does not effect public golf courses because they run the food portion of their business as non profit; can you explain to me why it is just mostly the Oregon Golf Club that is worried about this and not most private golf courses?

Knolls: Traditionally private golf clubs have be non profit establishments; it has a class b liquor license which is limited to non-profit private clubs.

Rep. Baker: My concern is - should we expand definition?

270 Knolls: I worked with the OLCC staff in drawing up this language purposely because the commission has found there are some groups of people who try to start private clubs that are essentially just eating and drinking establishments.

278 Edmunson: Oregon is experiencing an expanding golf industry; there are public courses which do not have restaurants; are you aware of that situation where courses do not have a restaurant and they treated under a different manner than under a class A.

Knolls: Class A licenses are for establishments that serve hard liquor as well as beer and wine.

Edmunson: Are you aware of any trend, in the privately owned but open to the public golf courses; would the trend be away from

including restaurant in that type of an operation?

McCallum: I don't know that we see a trend in that direction but there is more and more golf courses that are put up just for golf. However they typically will have deli sandwiches, soda, beer and maybe wine coolers.

324 Edmunson: Wants to look at bill more.

Chair Parks: Hearing will continue thursday

Meeting Adjourned 11:45 am

Submitted by, Reviewed by,

Timothy Marshall Janet Adkins Committee
Assistant

Committee Administrator

Exhibit Summary:

A - HB 2470: (-1) amendments submitted by staff, pp 1 B - HB 2469:
Written testimony submitted by Bennett, pp 1 C - HB 2632: Amendments
submitted by staff, pp 8 D - HB 2469: Fiscal impact statement submitted
by staff, not mentioned in minutes E - HB 2470: Fiscal impact
statement submitted by staff, not mentioned in minutes