

Senate Government Operations May 22, 1991 Page 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.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

May 22, 1991Hearing Room "B" 3:00 p.m. Tapes 97 - 98

MEMBERS PRESENT:Sen. Glenn Otto, Chair Sen. Jane Cease, Vice-Chair  
Sen. Ron Grensky Sen. Tricia Smith Sen. Dick Springer

MEMBERS EXCUSED:Sen. Jim Bunn Sen. John Kitzhaber

STAFF PRESENT: Gail Ryder, Senior Committee Administrator John  
Houser, Committee Administrator Julie Muñiz, Committee Assistant

MEASURES CONSIDERED: SB 1151 - Relating to legislative  
officials, WS SB 721 - Relating to public contracts, WS SB 307 -  
Relating to counties, WS HB 2844 - Relating to control survey data,  
PH/WS HB 3206 - Relating to fees of county surveyors, PH/WS HB 3190 -  
Relating to highway signs, PH/WS HB 2469 - Relating to elections, WS

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 97, SIDE A

005 CHAIR OTTO: Called the meeting to order at 3:12 p.m.

(TAPE 97, SIDE A)

WORK SESSION

SB 1151 RELATING TO LEGISLATIVE OFFICIALS

Witnesses:Brian Fairbanks, Legislative Intern for Sen. Gratten Kerans

009 RYDER: I have amendments from Sen. Kerans and Sen. Bunn, Exhibits  
A-B.

013 SPRINGER: I know that Sen. Kerans is represented. He would be here  
except he's tied up in the Labor Committee. He's left some instructions  
with me. I'll share his thinking for the Committee.

018 OTTO: Would you like to make a motion to adopt the -7 amendments,  
Exhibit B?

021 SPRINGER: Let's hear a short discussion first.

023 BRIAN FAIRBANKS, LEGISLATIVE INTERN FOR SEN. GRATTEN KERANS:  
Presents - 7 amendments to SB 1151, Exhibit B.

031 SPRINGER: I don't have any questions. Reviews -7 amendments,  
Exhibit B. There's a new section put in the -7 amendments, pg. 3, ln.  
28. I have some comments on the dollar amounts if there is some  
discussion on that.

059 MOTION: SEN. SPRINGER MOVED THE -7 AMENDMENTS TO SB 1151.

068 VOTE: MOTION CARRIED, 4-0. (EXCUSED: SEN. BUNN, SEN. GRENSKY, SEN.  
KITZHABER).

069 SPRINGER: Were there any questions on pg. 6?

075 CEASE: Were there any questions on the number amounts per day or  
reporting period?

077 SPRINGER: There might be some people who would offer amendments.

082 MOTION: SEN. SPRINGER MOVED SB 1151 AS AMENDED TO THE FLOOR WITH A

DO PASS RECOMMENDATION.

089 VOTE: MOTION CARRIED, 4-0. (EXCUSED: SEN. BUNN, SEN. GRENSKY, SEN. KITZHABER). SEN. KERANS WILL LEAD THE FLOOR DISCUSSION.

(TAPE 97, SIDE A)

WORK SESSION

SB 307 - RELATING TO COUNTIES

093 CEASE: I need to leave soon to testify before another committee, but I don't want to leave the Committee without a quorum.

100 SPRINGER: I know this has been held over by me for a long time. Before we lose our quorum, I'd be willing to move this bill.

103 MOTION: SEN. SPRINGER MOVED SB 307 TO THE FLOOR WITH A DO PASS RECOMMENDATION.

116 VOTE: MOTION CARRIED, 4-0. (EXCUSED: SEN. BUNN, SEN. GRENSKY, SEN. KITZHABER). SEN. SPRINGER WILL LEAD THE FLOOR DISCUSSION.

(TAPE 97, SIDE A)

WORK SESSION

SB 721 - RELATING TO PUBLIC CONTRACTS

Witnesses: Stephen Kafoury, Architects and Engineers Legislative Council

122 HOUSER: Distributes -1 amendments to HB 3267, Exhibit C.

123 STEPHEN KAFOURY, ARCHITECTS AND ENGINEERS LEGISLATIVE COUNCIL: Proposes to gut and stuff SB 721. Reviews -1 amendments. These amendments were relating to another bill, so don't pay attention to the bill number at top. Reviews legislative history. At this point it's non-controversial. It directs the Attorney General to add some rules that are good for everyone. The Attorney General is happy with this process.

175 OTTO: We keep the remainder of the bill, is that right?

176 KAFOURY: We keep nothing that's in the bill.

177 OTTO: That's not what your amendments say.

178 KAFOURY: The amendments that I have drafted were for another bill. Legislative Counsel didn't have time to redraft them. You'll need to adopt these conceptually as far as the technical process goes, but the words in the bill should read exactly as these amendments.

185 HOUSER: I've attempted to contact the drafter of these amendments, he is currently involved with something else and was not able to redraft these amendments by today.

191 CEASE: It's easy to amend the bill with only this in it. Has there been a hearing on HB 3267 at all?

197 KAFOURY: We were planning to amend HB 3267, but were informed by Legislative Counsel that they're having a strict interpretation of "germainness" this session. These amendments were not considered germane.

203 CEASE: I don't know if anyone has seen these amendments other than committee. There hasn't been a hearing on them.

207 OTTO: John, you suggested we could make a rough draft to send to Legislative Counsel?

210 HOUSER: I'm sure we could, Mr. Chair.

211 OTTO: Are we within our deadline?

213 HOUSER: We need to take final action on all Senate bills by tomorrow. If we send it to Legislative Counsel, we would not be in keeping with the deadline.

225 MOTION: SEN. SMITH MOVED THE HB 3267-1 AMENDMENTS, EXHIBIT C, TO SB 721.

240 VOTE: MOTION CARRIED, 4-0. (EXCUSED: SEN. BUNN, SEN. GRENSKY, SEN. KITZHABER).

241 MOTION: SEN. SMITH MOVED SB 721 TO THE FLOOR AS AMENDED, WITH A DO PASS RECOMMENDATION.

243 SPRINGER: My only concern is what the House is going to do. Steve should understand that if this bill comes back in its original form, I would not recommend passing this bill.

268 VOTE: MOTION CARRIED, 4-0. (EXCUSED: SEN. BUNN, SEN. GRENSKY, SEN. KITZHABER).

(TAPE 97, SIDE A)

PUBLIC HEARING

HB 2844 - RELATING TO CONTROL SURVEY DATA

Witnesses:Fritz Ingram, Oregon Association of County Engineers and Surveyors Bob Ezell, Lane County Surveyor's Office Dennis Fantz, Multnomah County & Professional Land Surveyors of Oregon

289 HOUSER: Distributes Staff Measure Summary, Exhibit D, and Fiscal Analysis, Exhibit E, for HB 2844.

290 FRITZ INGRAM, OREGON ASSOCIATION OF COUNTY ENGINEERS AND SURVEYORS: HB 2844 requires the filing of survey information in the County Surveyor's office for types of surveys that do not need to be filed. Agencies really don't know what others are doing. By having a central filing of just a report of this information, anyone wanting information could go to the County Surveyor's office to find out where that information can be found. It would save thousands of dollars. The costs of submitting an extra report is negligible. In the current form, there is not opposition to the bill.

321 BOB EZELL, LANE COUNTY SURVEYOR'S OFFICE: I'm in support of this bill. Reviews bill. This legislation enables a legal method for monuments to be destroyed. It would provide a central location for information to be found. Also, the bill would require a final map to be submitted after the monuments have been destroyed. This benefits the public.

365 OTTO: The survey mark needs to be in the center of the road?

366 EZELL: Yes, if practical. Also, they need to be set on the right of way of the road.

368 OTTO: I had some property surveyed, and they put a marker on the yellow line. How do they know that's the center of the road?

376 EZELL: There should be a map filed by the County Surveyor's office. Hopefully there will be enough monuments on the road that the person will be able to prove that the point on the center of the road is the same one.

386 OTTO: How do they know the yellow line is the center line of the road?

393 INGRAM: They have other information on the survey of the road that helps them locate that center line. There are occasions when there is no other monument on the road and the existing center line is the best location. This bill would correct where there is no original monumentation. It may not have been intended to be the original location prior to building the road.

420 DENNIS FANTZ, MULTNOMAH COUNTY & PROFESSIONAL LAND SURVEYORS OF OREGON: Is in favor of the bill. Many of the roads in the Tri-County area have some reference monuments in place. That controls the location of the road. Very often its close to the center line of the road. Concurs with previous testimony and refers to written testimony, Exhibit F.

WORK SESSION

466 MOTION: SEN. SMITH MOVED HB 2844 TO THE FLOOR WITH A DO PASS RECOMMENDATION.

480 VOTE: MOTION CARRIED, 4-0. (EXCUSED: SEN. BUNN, SEN. CEASE, SEN. KITZHABER). SEN. KITZHABER WILL LEAD THE FLOOR DISCUSSION.

(TAPE 98, SIDE A)

PUBLIC HEARING

HB 3206 - RELATING TO FEES OF COUNTY SURVEYORS

Witnesses:Fritz Ingram, Oregon Association of County Engineers and Surveyors

035 FRITZ INGRAM, OREGON ASSOCIATION OF COUNTY ENGINEERS AND SURVEYORS: We support this bill taking it from an ordinance to a resolution or order. It's easier for some counties to deal with it that way.

046 SMITH: I don't like having local governments setting fees by resolution without a public hearing. Why do you need this?

051 INGRAM: We didn't request the bill, we're just in support of it. I'm not here to make a case on it.

052 SMITH: Is anyone here to make a case on it?

055 No response.

WORK SESSION

062 MOTION: SEN. GRENSKY MOVED TO TABLE HB 3206.

068 VOTE: MOTION CARRIES, 4-0. (EXCUSED: SEN. BUNN, SEN. CEASE, SEN. KITZHABER).

(TAPE 98, SIDE A)

PUBLIC HEARING

HB 3190 - RELATING TO HIGHWAY SIGNS

Witnesses:Sharon Timko, Multnomah County Fred Neal, Multnomah County Intergovernmental Relations Officer

075 SHARON TIMKO, MULTNOMAH COUNTY: About a year ago I began working with the Corbet community to get them an entrance marker. We had the money and it was all organized. The Oregon Department of Transportation (ODOT) told me I couldn't get a marker because we were on a scenic designated highway. It's strange to say that we were being penalized for being such a beautiful area. This bill is an outcome of this incident.

087 OTTO: Do you have a picture of the monument.

088 TIMKO: I didn't bring it this time.

090 SMITH: Are you talking about a sign that says, "Welcome to Corbet"?

091 TIMKO: Exactly. We were looking at a stone marker that would blend in and enhance the community.

094 SMITH: Who approved the design of the marker?

095 TIMKO: The state.

096 FRED NEAL, MULTNOMAH COUNTY INTERGOVERNMENTAL RELATIONS OFFICER: The Highway Division improved the bill on the House side. Summarizes A-engrossed version with House amendments.

113 SPRINGER: How many signs are we talking about?

118 TIMKO: They can only have two signs per community.

119 SPRINGER: I didn't see that.

123 NEAL: No commercial messages.

125 SPRINGER: They just identify the community?

126 TIMKO: Yes.

WORK SESSION

131 MOTION: SEN. SPRINGER MOVED THE BILL TO THE FLOOR WITH A DO PASS RECOMMENDATION.

141 VOTE: MOTION CARRIES, 5-0. (EXCUSED: SEN. BUNN, SEN. KITZHABER).  
SEN. OTTO WILL LEAD THE FLOOR DISCUSSION.

(TAPE 98, SIDE A)

WORK SESSION

HB 2469 - RELATING TO ELECTIONS

Witnesses: Jack Graham, Elections Division Sue Proffitt, Elections  
Division

154 JACK GRAHAM, ELECTIONS DIVISION: When this bill was up before there was a question relating to the addition in the financial effects statements in the voters' pamphlet. We're attempting to clarify that. In current law the estimate would be relating to direct effect in state expenditures. The amendments we have today incorporate that. Reviews -A4 amendments to HB 2469, Exhibit I. Sen. Smith asked how we would go about developing the estimate of local impact. We use a very extensive process. We would be trying to parallel that in the local government and set up a network.

204 SMITH: It's important for voters to know what the costs of their local governments are. I'd be interested to see how it's implemented, to see whether the process will work the way you hope it will.

215 SPRINGER: Originally, I had two amendments drafted with the intent of piggy-backing them onto SB 187. The first deals with a constituent who objected to paying postage on mail-in ballots. The second amendment has to do with candidates running for more than one office during an election. I drafted some amendments to limit this. I just wanted to mention those potential amendments.

263 OTTO: I think we tabled some of those bills relating to elections.

268 SMITH: I don't have an objection to the second amendment, but I do to the first.

273 SPRINGER: I did that as a response to a constituent. I'm not here to insist.

276 OTTO: Why don't you put each amendment in motion and try them. Do they relate to the relating clause on this bill?

282 SPRINGER: It relates to elections. The language I have here amends ORS 249 .013 to state "No person shall be a candidate for more than one district office to be filled at the same election. This subsection does not apply to a district that has less than (blank) number of individuals resided within the district." I would offer that second situation. I leave a blank to the size of the district. Sue Proffitt can help here.

292 SUE PROFFITT, ELECTIONS DIVISION: I did a call down of the counties regarding their smaller districts in rural areas. I came across a county where the husband and wife are the only people in that district, and in order to keep the services going they need to keep the district in force. Because of small populations there are few people willing to take the positions. It appears anything less than 1000 registered voters would be handicapping the district.

342 SPRINGER: We should say "less than 1000 electors"?

344 PROFFITT: "Registered electors", yes.

348 OTTO: If we're going to pass this amendment, it should be more than 1000.

350 SPRINGER: I would be open to negotiation. Ten thousand?

352 SMITH: Do you have an average number of people in the district per voter?

360 PROFFITT: That number would be such a variable. I don't have a formula for that.

367 OTTO: I read the same editorial. My name was mentioned. I look at it this way: the voters have a choice. If you hold more than one political office, that's up to the voters to decide.

414 SPRINGER: You recall correctly and cover more than I target in this amendment. I don't agree with The Oregonian on that point. The other issue had to do with being a candidate for multiple district offices

for special district elections only. I've tried to narrow my amendment to that. If there are other bills, I don't want to hold up action today.

457 OTTO: What's the difference if the person serves two or more elective offices? The Oregonian said that you couldn't do justice to either one. What about the corporation executive serving and holding an elective office? I don't feel strongly one way or the other. What you find is a lot of people who serve on government also serve on other organizations.

TAPE 97, SIDE B

031 SPRINGER: I agree with you and disagree with The Oregonian. This amendment addresses their second point about being a candidate for multiple school districts at the same election.

048 MOTION: SEN. SMITH MOVED -A4 AMENDMENTS, EXHIBIT I, TO HB 2469, HEARING NO OBJECTION, SO ORDERED.

054 MOTION: SEN. SPRINGER MOVED CONCEPTUAL AMENDMENTS TO HB 246 9 READ AT TAPE COUNT 282 BEGINNING WITH "NO PERSON SHALL BE" AND ENDING WITH "WITHIN THE DISTRICT."

060 HOUSER: The way this reads now, "This subsection does not apply to any district that has less than 10,000 registered electors."

074 VOTE: MOTION CARRIED, 5-0. (EXCUSED: SEN. BUNN, SEN. KITZHABER).

076 MOTION: SEN. SMITH MOVED HB 2469 AS AMENDED TO THE FLOOR WITH A DO PASS RECOMMENDATION.

083 VOTE: MOTION CARRIED, 5-0. (EXCUSED: SEN. BUNN, SEN. KITZHABER). SEN. SPRINGER WILL LEAD THE FLOOR DISCUSSION.

Meeting adjourned at 4:15 p.m.

Submitted By:

Reviewed By:

Julie Muñiz  
Assistant

Joan Green  
Assistant

EXHIBIT LOG

A - SB 1151-6 proposed amendments, Staff, 6 pgs. B - SB 1151-7 proposed amendments, Staff, 6 pgs. C - SB 3267-1 proposed amendments, Stephen Kafoury, 1 pg. D - HB 2844-B Staff Measure Summary, Staff, 1 pg. E - HB 2844-B Fiscal Analysis, Staff, 1 pg. F - Written testimony, Dennis Fantz, 1 pg. G - HB 3206 Staff Measure Summary, Staff, 1 pg. H - HB 3190 Staff Measure Summary, Staff, 1 pg. I - HB 2469-A4 proposed amendments, Jack Graham, 8 pgs.