

Senate Government Operations May 27, 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 27, 1991Hearing Room "B" 3:00 p.m. Tapes 100 - 101

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

MEMBERS EXCUSED:Sen. Jim Bunn Sen. Ron Grensky Sen. John Kitzhaber

STAFF PRESENT: John Houser, Committee Administrator Julie Muñiz,
Committee Assistant

MEASURES CONSIDERED: SB 835 - Relating to terms of
office, PH/WS HB 2686 - Relating to medication of racing animals, PH/WS
HB 2711 - Relating to Board on Police Standards and Training, PH/WS

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TAPE 100, SIDE A

005 CHAIR OTTO: Called the meeting to order at 3:14 p.m. as a subcommittee

(TAPE 100, SIDE A)

PUBLIC HEARING

SB 835 - RELATING TO TERMS OF OFFICE

Witnesses:George Kobylecky, Citizen

010 GEORGE KOBYLECKY, CITIZEN: Reads written testimony, Exhibit A.

026 HOUSER: Reviews -1 amendments, Exhibit C. The nature of these amendments is to set up the petition process. These are not elected positions but rather are appointed by the County Board of Commissioners. Currently, the only way those officers can be removed from the position is "for cause."

043 OTTO: Even after serving a certain number of years?

043 HOUSER: They have a term of office and can be replaced at the end of that term. This allows for removal at some other point in time.

048 CEASE: This would just remove someone with a petition?

051 KOBYLECKY: The way it works now, a majority decides who should represent us, and we pass those names to the Board of Commissioners. If those commissioners don't do as the people wish, we can't do anything about it.

060 CEASE: So they're appointed by the county?

061 KOBYLECKY: On recommendation from the home owners in the district. We feel that if the officers don't perform as the home owners wish, the home owners should have the ability to remove them.

064 CEASE: They're appointed by the county. This would remove them by a petition.

064 KOBYLECKY: Right. Because we petitioned the County Counsel and they said we couldn't remove them. Refers to letter from the County Counsel, Exhibit B.

067 OTTO: There's no recall for these people?

068 KOBYLECKY: There's only recall for elected officials. These are not elected officials.

076 CEASE: How many people do you petition to put them on?

078 KOBYLECKY: A majority.

078 CEASE: A majority of the electors in the district?

079 KOBYLECKY: Yes. Then it's just a matter of paperwork.

084 CEASE: Where does it indicate that a majority is needed?

087 SMITH: Section 2 (4).

089 SPRINGER: Does a commissioner have to be a resident with this special road district?

092 KOBYLECKY: Yes, a residing resident.

093 SPRINGER: How many people are in this Sable Drive Special Road District?

094 KOBYLECKY: Approximately 60.

095 SPRINGER: What's the problem?

097 KOBYLECKY: We elected some people to represent us and then held meetings to decide what we wanted done. The Commissioners we put on said they were going to do something else, regardless of what we wanted. If we appoint someone and they don't do what a majority of the people would like, it seems sensible to remove them.

111 SPRINGER: Do they have the authority to impose a charge on your property?

112 KOBYLECKY: Yes, through the tax system.

113 SPRINGER: Are there any limits on that?

114 KOBYLECKY: I don't know what the state law is. Last year it was something like \$7000. It's a function of taxes.

120 SPRINGER: So somebody wants to pave the road, and somebody else doesn't want to?

122 KOBYLECKY: Yes. We have a three member board; if two people decide to do something, there's nothing we can do. The statutes are very ambiguous about this.

142 SPRINGER: How many special road districts are there in Oregon?

148 KOBYLECKY: We have two in the Roseburg area. I don't know how many there are.

151 OTTO: How did John Kitzhaber get involved in this?

152 KOBYLECKY: He's from Roseburg. I had a meeting with him and explained why we wanted this bill.

165 CEASE: So to get people on you get petitions signed?

171 KOBYLECKY: Yes. Sometimes we just raise hands.

172 CEASE: So there's no requirement to use a petition? You just make suggestions?

173 KOBYLECKY: That's correct.

173 CEASE: I'm a little nervous about this.

177 SMITH: If this is such a small issue that effects just a few people, why isn't you're County Commission responsive to you?

181 KOBYLECKY: They can't. It isn't in the statutes.

183 SMITH: They can be removed for incompetency. That's not legally defined.

187 KOBYLECKY: It's ambiguous. I though that meant, short of theft, you can't remove them.

187 SMITH: If you defined "cause" more clearly, I would feel more comfortable.

189 KOBYLECKY: You don't feel that the majority of people that put them on should also be the majority that can take them off?

191 SMITH: That's not what I hear this process to be.

192 CEASE: You don't put these people on by a majority. You just make suggestions. If there was a process by petition to put them on by majority and that was the same process to take them off, I would feel more comfortable.

200 KOBYLECKY: I understand your point. It's not a glorified petition, so we can honestly state everyone raised their hand. That would be good to require a signed petition both to put them on and to take them off.

210 CEASE: There should be some parallel process that makes it clear the electors are making a decision

213 OTTO: Could we amend the bill to require this?

215 KOBYLECKY: Yes. Would that hold up the bill so it won't become law this year?

221 OTTO: We could get the amendment and act on it in our next meeting.

224 SPRINGER: If we have a district with 1000 people in it, I don't know if that's the size of it . . .

226 KOBYLECKY: Unincorporated areas that are in special road districts are typically small. You couldn't have a large district because it would become an incorporated area.

238 SPRINGER: Ok. You asked about the majority rule. There are times when I don't know that majority rule would be a good policy.

252 KOBYLECKY: I believe that a majority should control government.

256 SPRINGER: As a general rule, I agree. But we always try to respect the rights of the minority.

258 CEASE: There are times when you don't want the majority rule, like when it takes away someone's constitutional rights.

WORK SESSION

281 MOTION: SEN. SPRINGER MOVED TO ADOPT THE -1 AMENDMENT, EXHIBIT C, AND THE CONCEPTUAL AMENDMENTS THAT WOULD REQUIRE A MAJORITY VOTE TO APPOINT OR REMOVE A COMMISSIONER.

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

(TAPE 100, SIDE A)

PUBLIC HEARING

HB 2686 - RELATING TO MEDICATION OF RACING ANIMALS

Witnesses: Dave Nelson, Racing Division of Oregon Quarterhorse Association
Steve Barham, Racing Commission
George Dewey, Multnomah Kennel Club

310 HOUSER: Distributes staff measure summary, Exhibit E.

315 DAVE NELSON, RACING DIVISION OF OREGON QUARTERHORSE ASSOCIATION:
Reads written testimony, Exhibit D.

409 STEVE BARHAM, RACING COMMISSION: The Racing Commission supports this bill. It gives specific rule making authority to address this issue. It doesn't give racers a free ride. If the drug was not administered by a veterinarian, we may be able to bring charges against that individual for cruelty to animals. We don't want the animal who has just been treated with drugs to race. We want something that continues in the system and can be detected 20- 30 days later. Whether or not to impose a fine should be discussed.

444 SPRINGER: How many racing animals have been busted in the past year?

448 BARHAM: We have had six cases in the horses. Three or four greyhounds have had an interfering level of drugs.

468 SPRINGER: So you've been exercising some discretion as to the threshold amount?

470 BARHAM: Yes.

471 SPRINGER: And if it exceeds the threshold?

472 BARHAM: Loss of purse or some fine will be imposed.

475 SMITH: Why couldn't you do this under (5) of the existing law?

480 BARHAM: That's how we've used the discretion in the greyhounds. We are not interested in "permitted medication" in the racing animals. There is a check and balance system to authorize an animal under those medications. We're interested in something that's not prescribed, or is prescribed but not wanted in the animal's system.

508 SMITH: I notice in Mr. Nelson's testimony that "horsemen" would be on this committee. I assume there are no women who deal with horses. I don't see any "dogmen." Are they not part of the committee?

514 BARHAM: That should have been horse and greyhound trainers and owners.

527 SMITH: So greyhound trainers would also be involved in that committee?

530 BARHAM: I would assume so.

536 GEORGE DEWEY, MULTNOMAH KENNEL CLUB: The sophistication of the testing equipment we now use has created some different ideas and philosophies. The tests are so sophisticated that if someone entered a room where marijuana was being smoked, that person would test positive for thirty days. The law now says "we shall" withhold purses. The problem is what to do with them. We would like to have you consider giving this jurisdiction to the judges. Their instructions are very explicit. If we had to hold 500 purses, it would create much confusion and problems.

540 OTTO: Are you suggesting we amend the bill?

541 DEWEY: For the advisory committee process?

543 OTTO: No, amend this bill or pass it out and put it in the instructions for the advisory committee.

547 DEWEY: I've never like creating more advisory boards. I don't know if that's necessary. We're taking care of that advisory process ourself.

WORK SESSION

692 MOTION: SEN. CEASE MOVED HB 2686 TO THE FLOOR WITH A DO PASS RECOMMENDATION.

TAPE 101, SIDE A

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

(TAPE 101, SIDE A)

PUBLIC HEARING

HB 2711 - RELATING TO BOARD ON POLICE STANDARDS AND TRAINING

Witnesses: Steve Bennett, Board on Police Standards and Training Rep. Ted Calouri, Oregon State Representative, District 7

050 HOUSER: Distributes staff measure summary, Exhibit F.

055 STEVE BENNETT, BOARD ON POLICE STANDARDS AND TRAINING: This bill does two things. It changes the board's name to "Board on Public Standards and Training," bringing it up to date with its past few years of representing more than just police. It also places the 911 operators under the Board. The name change is supported by the Board. It also permits the Board to grant a multi-discipline certification. It gives the Sheriff the ability to assign an officer to the jail or to the police without all the extra paperwork.

098 REP. TED CALOURI, OREGON STATE REPRESENTATIVE, DISTRICT 7: Reviews bill.

The multi-discipline certification is particularly important to the operations of the Public Safety Department.

WORK SESSION

115 MOTION: SEN SMITH MOVED HB 2711 TO THE FLOOR WITH A DO PASS RECOMMENDATION.

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

Meeting adjourned at 4:06 p.m.

Submitted By:

Julie Muñiz
Assistant

Reviewed By:

Joan Green
Assistant

EXHIBIT LOG

A - Written testimony, George Kobylecky, 1 pg. B - Letter from Douglas County Courthouse, George Kobylecky, 2 pgs. C - Proposed -1 amendments to SB 835, Staff, 2 pgs. D - Written testimony, David Nelson, 3 pgs. E - Staff Measure Summary for HB 2686-A, Staff, 1 pg. F - Staff Measure Summary for HB 2711-A, Staff, 1 pg.