

HOUSE COMMITTEE ON STATE AND FEDERAL AFFAIRS

June 22, 2005

Hearing Room 357

1:00 P.M.

Tapes 4 - 5

Corrected 09/20/05

MEMBERS PRESENT: Rep. Wayne Krieger, Chair

Rep. Jeff Barker, Vice-Chair

Rep. Brian Boquist, Vice-Chair

Rep. Linda Flores

Rep. Greg Macpherson

STAFF PRESENT: Cletus Moore, Committee Administrator

Annetta Mullins, Committee Assistant

MEASURES/ISSUES HEARD: Drafting Request – Work Session

SB 699A – Public Hearing and Work Session

SB 489A – Work Session

HB 2147 – Public Hearing and Work Session

HB 2908 – Public Hearing and Work Session

HB 3021 – Work Session

SCR 9 – Public Hearing and Work Session

SB 45A – Work Session

SB 199A – Work Session

SB 806A – Work Session

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/# Speaker Comments

TAPE 4, A

003 Chair Krieger Calls the meeting to order at 1:08 p.m. Opens a work session for the purpose of requesting permission to have a measure drafted.

DRAFTING REQUEST – WORK SESSION

008 Rep. Boquist MOTION: Moves the committee request permission from Speaker Minnis to have a measure drafted to sine die the 73rd Legislative Assembly.

VOTE: 5-0-0

011 Chair Krieger Hearing no objection, declares the motion CARRIED.

012 Chair Krieger Closes the work session and opens a public hearing and work session on SB 699A.

SB 699A – PUBLIC HEARING AND WORK SESSION

018 Sam Litke Committee Administrator. Explains SB 699A which prohibits annexation or incorporation of specified industrial lands in specified areas of Jackson County without written consent of landowner.

028 Sen. Alan Bates Senate District 3. Testifies in support of SB 699A. Describes potential problems with an industrial park in Jackson County being annexed by White City as well as annexation of the property which houses the business, Harry & David. Cites this as the same type of issue as Nike in Beaverton.

055 Rep. Richardson

House District 4. Testifies in support of SB 699A. Discusses how plants in southern Oregon are influenced by annexation plans.

075 **Rep. Boquist** **MOTION: Moves SB 699A to the floor with a DO PASS recommendation.**

VOTE: 5-0-0

AYE: In a roll call vote, all members present vote Aye.

080 **Chair Krieger** **The motion CARRIES.**
REP. RICHARDSON will lead discussion on the floor.

082 **Chair Krieger** **Closes the work session on SB 699A. Announces SB 2009 and 2010 on today's agenda will be carried over.**

086 **Chair Krieger** **Opens a work session on SB 489A.**

SB 489A – RECONSIDERATION AND WORK SESSION

088 **Rep. Boquist** **MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on SB 489A.**

VOTE: 5-0-0

AYE: In a roll call vote, all members present vote Aye.

094 **Chair Krieger** **The motion CARRIES.**

095 **Rep. Boquist** **MOTION: Moves to RECONSIDER the vote by which SB 489 was sent to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 5-0-0

096 **Chair Krieger** **Hearing no objection, declares the motion CARRIED.**

095 **Joe O'Leary** **Counsel. Explains the A4 conflict amendments to SB 489A (EXHIBIT A).**

- 107 Rep. Boquist **MOTION: Moves to ADOPT SB 489A-4 amendments dated 6/17/05.**
- VOTE: 5-0-0**
- 115 Chair Krieger **Hearing no objection, declares the motion CARRIED.**
- 116 Rep. Boquist **MOTION: Moves SB 489A to the floor with a DO PASS AS AMENDED recommendation.**
- VOTE: 5-0-0**
- 117 Chair Krieger **Hearing no objection, declares the motion CARRIED.**
- REP. MACPHERSON will lead discussion on the floor.**
- 118 Chair Krieger Closes the work session on SB 489A and opens a public hearing and work session on HB 2147 which removes requirement that provider assessments be deposited in suspense account.

HB 2147 – PUBLIC HEARING AND WORK SESSION

- 127 Jim Carlson Executive Director, Oregon Health Care Association. Introduces the -8 amendments and Nursing Facility Provider Tax Law Revisions **(EXHIBITS B & C)**.
- 133 James Toews Department of Human Services (DHS). Submits testimony and testifies in support of HB 2147 **(EXHIBIT D)**. Announces that the rate-setting methodology sunsets in the next biennium so a new rate-setting methodology will have to be developed during the interim.
- 154 Carlson Speaks to the amendments putting a one-year extension on the provider tax assessments.
- 170 Rep. Boquist **MOTION: Moves to ADOPT HB 2147-8 amendments dated 6/22/05.**
- VOTE: 5-0-0**

- 172 Chair Krieger Hearing no objection, declares the motion **CARRIED**.
- 173 Rep. Boquist **MOTION: Moves HB 2147 to the floor with a DO PASS AS AMENDED recommendation.**
- VOTE: 5-0-0**
- AYE: In a roll call vote, all members present vote Aye.**
- 181 Chair Krieger **The motion CARRIES.**
- REP. FLORES will lead discussion on the floor.**
- 185 Chair Krieger Closes the work session on HB 2147 and opens a public hearing and work session on HB 2908.

HB 2908 - PUBLIC HEARING AND WORK SESSION

- 186 Patrick Brennan Committee Administrator. Explains HB 2908 which requires Oregon Transportation Commission to consider specified factors before designating highway as freight route. Introduces the -1 amendments which replace the bill (**EXHIBIT E**).
- 194 Ron Papsdorf City of Gresham. Submits testimony and testifies in support of HB 2908 with the -1 amendments (**EXHIBIT F**). Discusses how this alignment of services will provide better services to businesses and its citizens for the City of Gresham.
- 230 John Dorst City of Gresham. Describes how they are trying to coordinate multiple jurisdiction with a single government.
- 240 Rep. Macpherson Asks for more history about how this has developed and where the negotiations broke down with the prior process.
- 247 Papsdorf Explains perspective on breakdown and fears about providing service.
- 272 Mike McArthur Executive Director, Associated Oregon Counties (AOC). Speaks on behalf of Multnomah County who opposes the amendment because the process is in place to transfer these roads to the City of Gresham by January 1, 2006. Questions the reference to Multnomah County Court in the -1 amendments.

- 292 Rep. Macpherson Asks if the -1 amendments give an inaccurate description of the governing body of Multnomah County.
- 297 McArthur Says most Oregon counties have gone away from the county court so is not sure about this reference.
- 302 Rep. Boquist MOTION: Moves to ADOPT HB 2908-1 amendments dated 06/07/05.**
- 306 Rep. Macpherson Expresses concern with the language of the amendment because of the county court reference.
- 312 Papsdorf Replies this is statutory language also used by Salem and Amity.
- 348 Chair Krieger Recesses the committee at 1:34 p.m.
- 356 Chair Krieger Reconvenes the committee at 1:40 p.m.
- 360 Rep. Boquist MOTION: Moves to withdraw motion to ADOPT HB 2908-1 amendments dated 06/07/05.**
- VOTE: 5-0-0**
- 362 Chair Krieger Hearing no objection, declares the motion CARRIED.**
- 364 Chair Krieger Suggests Legislative Counsel draft a new amendment and then bring the bill back to committee. Asks Rep. Barnhart and Rep. Macpherson to also look at the wording of the new amendment.
- 370 Chair Krieger Closes the work session on HB 2908 and opens a work session on HB 3021.

HB 3021 – WORK SESSION

- 400 Cletus Moore Committee Administrator. Explains HB 3021 which allows ballots to list names of all political parties that have nominated candidate for election.

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| 010 | Rep. Kropf | House District 17. Testifies in support of HB 3021 which would allow a candidate to show support from more than one party in the voter's pamphlet. |
| 033 | Rep. Macpherson | Asks how the order of the political supporters would be listed. |
| 036 | Rep. Kropf | Defers to Richard Burke to respond to the question. |
| 044 | Richard Burke | Executive Director, Libertarian Party of Oregon. Submits testimony (EXHIBIT G) and explains options of the candidate under Section 1, 4 (a)(F) on page 2 of HB 3021. |
| 076 | Rep. Macpherson | Clarifies that the candidates party affiliation would be the first name listed. |
| 081 | Burke | Agrees. |
| 082 | Rep. Macpherson | Inquires how additional support would be listed. |
| 088 | Burke | Responds this is taken care of administratively in other states – either alphabetically or in the order the paperwork was received. |
| 100 | Rep. Macpherson | Emphasizes that the candidates party affiliation should appear first. |
| 103 | Rep. Barker | Adds his support of HB 3021. |
| 110 | Rep. Kropf | Indicates he would not mind going to the political conventions of other parties seeking their nomination. |
| 122 | Rep. Boquist | MOTION: Moves HB 3021 to the floor with a DO PASS recommendation. VOTE: 5-0-0 AYE: In a roll call vote, all members present vote Aye. |
| 128 | Chair Krieger | The motion CARRIES. REP. KROPF AND REP. BOQUIST will lead discussion on the floor. |

130 Chair Krieger Closes the work session on HB 3021 and opens a public hearing and work session on SCR 9.

SCR 9 – PUBLIC HEARING AND WORK SESSION

140 Cletus Moore Committee Administrator. Reads summary of SCR 9 which memorializes the life of H. Clay Myers.

150 Rep. Barker **MOTION: Moves SCR 9 be sent to the floor with a BE ADOPTED recommendation.**

160 Rep. Macpherson Expresses his support of SCR 9.

VOTE: 5-0-0

AYE: In a roll call vote, all members present vote Aye.

165 Chair Krieger **The motion CARRIES.**

REP. MACPHERSON will lead discussion on the floor.

166 Chair Krieger Closes the work session on SCR 9 and opens a work session on SB 45A.

SB 45 A – WORK SESSION

162 Sandy Thiele-Cirka Committee Administrator. Explains SB 45A which allows Department of Environmental Quality or State Department of Agriculture to issue individual, general or watershed water pollution discharge permits. Notes fiscal impact statement (**EXHIBIT H**) as well as statement from Associated Oregon Industries (AOI) (**EXHIBIT I**).

199 Jim McCauley Department of Environmental Quality. Testifies in support of SB 45A.

232 Kathryn VanNatta Northwest Pulp & Paper Association. Submits testimony and testifies in support of SB 45A (**EXHIBIT J**).

258 Linda Ludwig

League of Oregon Cities. Testifies in support of SB 45A. Points out that the Community Development Forum is also in support of SB 45A.

272 Matt Blevins Oregon Environmental Council. Testifies in support of SB 45A.

279 Jon Chandler Oregon Homebuilders Association. Testifies in support of SB 45A.

286 **Rep. Boquist** **MOTION: Moves SB 45A to the floor with a DO PASS recommendation and BE REFERRED to the committee on Budget by prior reference.**

VOTE: 5-0-0

AYE: In a roll call vote, all members present vote Aye.

293 **Chair Krieger** **The motion CARRIES.**

300 Chair Krieger Closes the work session on SB 45A and opens a work session on SB 199A.

SB 199A – WORK SESSION

280 Joe O’Leary Committee Counsel. Explains SB 199A which deals with protective orders in criminal cases involving sexual offenses.

345 Ronelle Shankle Department of Justice (DOJ). Submits testimony and testifies in support of SB 199A (**EXHIBIT K**).

366 Phyllis Barkhurst Executive Director, Attorney General’s Sexual Assault Task Force (SATF). Explains role of SATF and the origin of this legislation.

395 Shankle Lists groups that worked on the compromise amendments.

413 Paul Burgett Coos County District Attorney and Member, Attorney General’s Sexual Assault Task Force. Is available to answer questions, but has no comments.

418 Rep. Macpherson Notes that the court has no power of override in Section 5 of the bill when it is available in Section 6.

435 O'Leary Agrees there are two different provisions and explains the differences.

TAPE 4, B

003 Burgett Replies that was part of the compromise that came about; explains the rationale.

030 Shankle Points out this distinction *became* the compromise amendment.

035 O'Leary Notes that the exception, with respect to the parties to the case, is in Section 7 (no matter which category the information fits into – 5 or 6).

045 Rep. Macpherson Articulates support for the compromise.

052 Rep. Barker MOTION: Moves SB 199A to the floor with a DO PASS recommendation.

VOTE: 5-0-0

AYE: In a roll call vote, all members present vote Aye.

057 Chair Krieger The motion CARRIES.

REP. BARKER will lead discussion on the floor.

059 Chair Krieger Closes the work session on SB 199A and opens a work session on SB 806A.

SB 806A – WORK SESSION

064 Bill Taylor Committee Counsel. Explains SB 806A which includes a private, nonprofit organization providing transportation services within the definition of public body thus capping their liability under the Oregon Tort Claims Act.

077 Rep. Boquist MOTION: Moves SB 806A to the floor with a DO PASS recommendation.

VOTE: 5-0-0

AYE: In a roll call vote, all members present vote Aye.

081 Chair Krieger The motion CARRIES.

REP. MACPHERSON will lead discussion on the floor.

084 Chair Krieger Closes the work session on SB 806A and adjourns the meeting at 2:15 p.m.

EXHIBIT SUMMARY

- A. SB 489, -A4 amendments, staff, 7 pp**
- B. HB 2147, -8 amendments, staff 6 pp**
- C. HB 2147, Nursing Facility Provider Tax Law Revisions, Jim Carlson, 1 p**
- D. HB 2147, written testimony, James Toews, 2 pp**
- E. HB 2908, -1 amendments, staff, 1 p**
- F. HB 2908, written testimony, Ron Papsdorf, 1 p**
- G. HB 3021, written testimony, Richard Burke, 1 p**
- H. SB 45, fiscal impact statement, staff, 1 p**
 - I. SB 45, written testimony of John Ledger (AOI), staff, 1 p**
 - J. SB 45, written testimony, Kathryn VanNatta, 3 pp**
 - K. SB 199, written testimony, Ronelle Shankle, 2 pp**