

SENATE COMMITTEE ON GENERAL GOVERNMENT

April 7, 2003
3:00 pm

Hearing Room B
Tapes 35 - 36

MEMBERS PRESENT: **Sen. Tony Corcoran, Chair**
 Sen. John Minnis, Vice-Chair
 Sen. Bruce Starr
 Sen. Vicki Walker

STAFF PRESENT: **Mark Ellsworth, Committee Administrator**
 Heather Gravelle, Committee Assistant

MEASURES HEARD: **SB 572 – Public Hearing**
 SB 741 – Work Session
 SB 274 – Public Hearing
 HB 2004A – Work Session
 SB 444 – Work Session
 SB 445 – Work Session
 SB 446 – Work Session
 SB 763 – Public Hearing

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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 35, A		
005	Chair Corcoran	Calls the meeting to order at 3:05 p.m. Opens public hearing on SB 572. Decides on testimony.
<u>SB 572 – PUBLIC HEARING</u>		
025	Mark Reed	Geologist, Lane County. Testifies in support of SB 572 (EXHIBIT A) . Notes the -1 and the -2 amendments and their requestors (EXHIBITS B & C) .
040	Chair Corcoran	Requests Mr. Reed speak to the -1 amendments.
045	Reed	Thinks the amendments express where the parties are on the issue. Speaks in favor of the -1 amendments that he proposed. Believes the existing law has been misinterpreted over time and offers that the -1 amendments would resolve the issue. Provides educational background and work history. Speaks on misrepresentations in geological studies and lawsuits on the issue. Differentiates the -1 and -2 amendments concerning testimony.
110	Chair Corcoran	Asks if testimony is the only distinction between the -1 and -2 amendments.
115	Reed	Negates and explains other differences in wording. Notes he has not fully examined the -2 amendments.
125	Chair Corcoran	Thinks the amendments are nearly identical.
128	Reed	Responds the amendments are fairly similar but believes the “number nine provision” is different. Speaks further on provisions for public testimony. Informs the committee of the opinion of a law professor included in his testimony (EXHIBIT

D). Lists key points of the testimony concerning free speech and testimony.

190 Chair Corcoran Interjects recalling a prior request for Mr. Reed and Mr. John Beaulieu to work together on a compromise. Clarifies Mr. Reed has not yet seen the -2 amendments requested by Mr. Beaulieu.

194 Reed Responds he requested a copy of the -2 amendments and did not receive them.

205 John Beaulieu State geologist; State Board of Geologist Examiners. Testifies in support of SB 572 with the -2 amendments (**EXHIBIT E**). Notes there may be some confusion or areas of disagreement regarding the amendments. Offers he has held meetings with the interested parties. Provides recommendations on the amendments listing the potential policy options the committee can choose to make. Believes that amendment two will preserve the right for all to testify.

285 Chair Corcoran Requests Mr. Beaulieu and Mr. Reed work to find a consensus.

292 Sen. Minnis Asks what the difference between the two amendments is.

295 Sen. Walker Answers.

298 Chair Corcoran States his intentions for the parties and for the measure.

300 Sen. Minnis States he concurs with Mr. Reed. Thinks that Mr. Reed's First Amendment rights were abridged and explains why. Speaks on lawsuits filed and believes the issue is one of free speech.

The following prepared testimony is submitted for the record without public testimony for SB 572:

Robin Hartman Submits written testimony (**EXHIBIT F**).

Ralph Christensen Submits written testimony (**EXHIBIT G**).

Phillip Stallings Submits written testimony (**EXHIBIT H**).

Karen Reed Submits written testimony (**EXHIBIT I**).

Michael Dewey Submits written testimony (**EXHIBIT J**).

Frank Reckendorf Submits written testimony (**EXHIBIT K**).

David Michael Submits written testimony (**EXHIBIT L**).

Jon Williams Submits written testimony (**EXHIBIT M**).

Christine Chute Submits written testimony (**EXHIBIT N**).

325 Chair Corcoran Closes public hearing on SB 572. Opens work session on SB 741.

SB 741 – WORK SESSION

360 Sen. Starr **MOTION: Moves SB 741 BE REFERRED to the committee on Judiciary without RECOMMENDATION to passage.**

366 **VOTE: 4-0**

Chair Corcoran **Hearing no objection, declares the motion CARRIED.**

368 Chair Corcoran Closes work session on SB 741. Opens public hearing on SB 274.

SB 274 – PUBLIC HEARING

370 Mark Ellsworth Committee Administrator. Summarizes SB 274.

390 Sen. Bill Morrisette District 6. Testifies in favor of SB 274. Explains the bill does not affect unrelated licenses. Believes the bill addresses those who do not pay fines. Thinks the bill will help Oregon and promote responsibility. Offers he does not believe the amended version would foster opposition.

418 Chair Corcoran States that he has found opposition to exist to the amended version as well.

422 Cynthia Sinclair Justice of Peace, Lane County. Testifies in support of SB 274 on her own behalf (**EXHIBITS O & P**). Lists offenses that can

warrant suspension of a driver's license.

TAPE 36, A

005 Sinclair Mentions the amount of money owed to Oregon. Suggests driver's license suspension be a consequence of unpaid debt. Informs the bill would broaden the list of pre-existing reasons to suspend a license. Believes SB 274 is a proactive approach to retrieving funds.

045 Sen. Minnis Asks when unpaid fines are turned over to collections.

047 Sinclair Estimates around three months.

050 Chair Corcoran Closes public hearing on SB 274. Opens work session on HB 2004A.

HB 2004A – WORK SESSION

060 Dave Heynderickx Deputy, Legislative Counsel.

065 Chair Corcoran Requests Mr. Heynderickx explain the amendments to HB 2004A.

070 Heynderickx Explains the -17, -23, & -24 amendments to HB 2004A **(EXHIBITS Q, R & S)**.

090 Chair Corcoran Confirms the amendments call for the study on police and fire.

093 Heynderickx Affirms and explains.

095 Sen. Minnis MOTION: Moves to ADOPT HB 2004A-17 amendments dated 3/17/03.

098 VOTE: 4-0

Chair Corcoran **Hearing no objection, declares the motion CARRIED.**

105 Heynderickx Explains the changes and the intent of the -23 amendments. Notes language removed connoted changes were not an exclusive remedy. Assumes the intent is that the amendments not be the exclusive remedy. Thinks clarity would be preferable.

120 Sen. Minnis States his understanding of the amendments.

135 Heynderickx Concurs and voices concern concerning exclusivity of the bill.

145 Sen. Minnis Requests Mr. Heynderickx explain his suggestions further.

150 Heynderickx Clarifies the issue.

158 Sen. Minnis MOTION: Moves to ADOPT HB 2004A-23 amendments dated 4/4/03.

160 VOTE: 4-0

Chair Corcoran **Hearing no objection, declares the motion CARRIED.**

161 Heynderickx Explains the changes made by the -24 amendments. Provides that equivalency and the duties of the board are clarified.

170 Sen. Minnis MOTION: Moves to ADOPT HB 2004A-24 amendments dated 4/7/03.

172 VOTE: 4-0

Chair Corcoran **Hearing no objection, declares the motion CARRIED.**

175 Sen. Minnis MOTION: Moves HB 2004A to the floor with a DO PASS AS AMENDED recommendation.

180 Sen. Walker Ensures the only amendments in the bill are those passed today.

183 Chair Corcoran Answers the -16 amendments **(EXHIBIT T)** also part of the bill.

186 Sen. Walker Clarifies the -16 amendments included the "lookback".

188 Chair Corcoran Affirms.

190 Sen. Starr Asks if there is interplay between the amendments and the "Lipscomb issue".

200 Sen. Minnis Notes he raised that issue with Mr. Heynderickx. Explains the -24 amendments are meant to correct the issue. States it is a legislative fix.

230 Chair Corcoran Explains the issue further.

245
Chair Corcoran
VOTE: 4-0
AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
CHAIR CORCORAN and SEN. MINNIS will lead discussion on the floor.

255 Chair Corcoran Closes the work session on HB 2004A. Opens work session on SB 444.

SB 444 – WORK SESSION

270 Mark Ellsworth Committee Administrator. Provides overview of SB 444. Notes -2 amendments (**EXHIBIT U**).

280 Bob Livingston Oregon State Firefighters Council. Explains the -2 amendments and the intent behind them. Speaks on language incorporated into the bill.

295 Sen. Walker Poses question regarding the designation of the West Coast of United States.

300 Livingston States he did not address that concern previously.

305 Sen. Walker Restates the question noting that arbitrators wanted further elaboration on the definition of the “West Coast”.

310 Brian DeLashmutt Association of Oregon Corrections Employees (AOCE). Explains the issue.

320 Sen. Walker
MOTION: Moves to ADOPT SB 444-2 amendments dated 4/2/03.

325 Sen. Minnis Asks question regarding the consumer price index (CPI).

335 Chair Corcoran Responds there are different definitions of CPI.

345 Sen. Minnis Requests what the language on line 32 means. Explains he is trying to obtain the CPI.

350 Chair Corcoran Suggests the parties work on the issue

365 DeLashmutt Expresses further thoughts on the issue.

370 Sen. Minnis Asks about further analysis of indexes.

375 DeLashmutt Explains he is not knowledgeable in that area.

380 Sen. Minnis Inquires if it is the intent of the committee based on the various indexes.

385 DeLashmutt Speaks on the CPI and flexibility.

390 Sen. Minnis Confirms his understanding of the arbitration.

395
VOTE: 4-0
Chair Corcoran
Hearing no objection, declares the motion CARRIED.

399 Sen. Walker
MOTION: Moves SB 444 to the floor with a DO PASS AS AMENDED recommendation.

401
VOTE: 4-0
AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
SEN. WALKER will lead discussion on the floor.

404 Chair Corcoran Closes work session on SB 444. Opens work session on SB 445.

SB 445 – WORK SESSION
TAPE 35, B

010 Mark Ellsworth Committee Administrator. Summarizes SB 445. Notes the -1 and -2 amendments (**EXHIBITS V & W**).

015 Kris Kautz Assistant Director for Human Resources, Oregon Department of Corrections (DOC). Testifies in support of SB 445 (**EXHIBIT X**). Recalls DOC apprehension with the bill in its original form and explains the genesis of the -1 amendments. Explains the intent of the -2 amendments and recalls the committee request for them.

045	Mary Botkin	Association of Federal, State, County and Municipal Employees (AFSCME), Local 79. Testifies in support of SB 445. Informs that AFSCME, DOC, and Legislative Counsel found concurrence with the amendments.
055	Sen. Minnis	MOTION: Moves to ADOPT SB 445-2 amendments dated 4/7/03.
057	Chair Corcoran	VOTE: 4-0 Hearing no objection, declares the motion CARRIED.
058	Sen. Minnis	MOTION: Moves SB 445 to the floor with a DO PASS AS AMENDED recommendation.
065	Chair Corcoran	VOTE: 3-0-1 EXCUSED: 1 – Starr* Hearing no objection, declares the motion CARRIED. SEN. STARR will lead discussion on the floor.
073	Chair Corcoran	Closes work session on SB 445.
<u>CLOSES WORK SESSION – SB 445</u>		
075	Sen. Minnis	MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on SB 445.
077	Chair Corcoran	VOTE: 4-0 Hearing no objection, declares the motion CARRIED.
078	Chair Corcoran	Opens work session on SB 445.
<u>SB 445 – WORK SESSION</u>		
080	Sen. Minnis	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. STARR to BE RECORDED as voting AYE on the "MOTION: Moves SB 445 to the floor with a DO PASS AS AMENDED recommendation".
082	Chair Corcoran	VOTE: 4-0 Hearing no objection, declares the motion CARRIED.
083	Chair Corcoran	Closes work session on SB 445. Opens a work session on SB 446.
<u>SB 446 – WORK SESSION</u>		
086	Mark Ellsworth	Committee Administrator. Summarizes SB 446. Notes the -1 amendments (EXHIBIT Y).
090	Chair Corcoran	Requests the sponsor of the -1 amendments testify.
093	Bob Livingston	Oregon State Firefighters Council. Testifies in favor of SB 446 with the -1 amendments. Informs of the conflict resolved by the original bill.
100	Sen. Walker	MOTION: Moves to ADOPT SB 446-1 amendments dated 3/3/03.
105	Sen. Minnis	States he will vote no on the bill in committee. Believes it expands the scope of collective bargaining.
107	Chair Corcoran	VOTE: 3-1 AYE: 3 - Starr B., Walker, Corcoran NAY: 1 - Minnis The motion CARRIES.
110	Sen. Walker	MOTION: Moves SB 446 to the floor with a DO PASS AS AMENDED recommendation.
124		VOTE: 3-1 AYE: 3 - Starr B., Walker, Corcoran NAY: 1 - Minnis

Chair Corcoran

The motion CARRIES.

SEN. STARR will lead discussion on the floor.

130 Chair Corcoran Closes work session on SB 446. Opens public hearing on SB 763.

SB 763 – PUBLIC HEARING

142 Mark Ellsworth Committee Administrator. Summarizes SB 763. Notes the -1 amendments (**EXHIBIT Z**).

149 Sen. Starr Notes the bill is his own. Provides the intent of SB 763. Provides examples concerning the urban growth boundary (UGB) and expansion for accommodation of housing and industrial needs. States the -1 amendments to SB 763 are a codification of the rule. Lists provisions.

200 Chair Corcoran Clarifies the parties involved were disadvantaged in plans to expand the UGB to accommodate for industrial land.

215 Sen. Starr Responds with regard to the situation in Cornelius and Forest Grove.

225 Sen. Minnis Offers METRO be reconstituted to allow for each city's entity has a vote. Asks if the bill would affect a project in his area.

240 Sen. Starr Negates. Expresses viewpoint regarding expansion.

265 Doug Riggs METRO. Testifies on of SB 763. States he has not looked at the -1 amendments. Mentions the impacts of the bill and informs of its genesis. Speaks on the authority of METRO concerning the matter. Informs the committee of the other parties involved. Comments on the intent of SB 763. Reiterates he has not seen the -1 amendments. Voices concern with the way the bill is written. Suggests it return in a later session. Speaks on the housing need. Informs of a project completed by METRO.

365 Sen. Minnis Clarifies his request to address the bill later.

370 Riggs Acknowledges METRO knows the issue needs to be addressed.

395 Sen. Minnis Asks why METRO would not like to clarify the issue now.

400 Riggs Explains the bill goes beyond current rule.

405 Sen. Minnis Inquires why the City of Portland appealed.

407 Riggs Responds he does not know why.

TAPE 36, B

005 Mary Kyle McCurdy Staff Attorney, 1,000 Friends of Oregon. Testifies in opposition of SB 763 (**EXHIBIT AA**). Explains position.

010 Sen. Minnis Questions why the issue cannot be corrected this session.

015 McCurdy Replies that it does not need to be remedied by the Legislature.

020 Sen. Minnis Voices frustration the matter cannot be resolved.

025 Chair Corcoran Requests she state the objection to the bill.

030 McCurdy Explains the goals and requirements of METRO set out by the statute. Believes there is a need to examine the requirements as it is a complex system. Recommends the Legislature use existing rule to resolve the issue. Refers to her written testimony and lists other factors involved.

070 Chair Corcoran Believes Sen. Starr makes a good point in reasoning regarding expansion.

075 McCurdy Comments and states it will be addressed.

080 Chair Corcoran Reiterates his concurrence with the position of Sen. Starr. Thinks the issue could be resolved by a language change.

090 McCurdy Restates the issues with the bill. Reiterates need for further examination of the bill. Requests earlier request to use current rule before deciding to modify it with the bill.

100 Sen. Minnis Asks if the parties are willing to discuss the issue and come to a

105	McCurdy	resolution. Responds the outcome may be far from the bill. Asks if the parties can be allowed to resolve the issue.
110	Chair Corcoran	Concurs that a workgroup with Sen. Starr and Legislative Counsel be established to find out if there are objections and if there is time to come to a resolution. States his desire to abstain from litigation.
125	Jon Chandler	Oregon Building Industry Association (OBIA). Testifies in support of SB 763. Voices concern with the -1 amendments. Offers examples to illustrate the issue. States desire to be part of the workgroup.
145	Chair Corcoran	Closes public hearing on SB 763. Adjourns meeting at 5:10 p.m.

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EXHIBIT SUMMARY

- A – SB 572, Mark Reed, 14 pp.**
- B – SB 572, - 1 amendments, Staff, 1 p**
- C – SB 572, - 2 amendments, Staff, 1 p**
- D – SB 572, Mark Reed, 6 pp.**
- E – SB 572, John Beaulieu, 5 pp.**
- F – SB 572, Robin Hartmann, 12 pp.**
- G – SB 572, Ralph Christensen, 1 p**
- H – SB 572, Phillip Stallings, 19 pp.**
- I – SB 572, Karen Reed, 2 pp.**
- J – SB 572, Michael Dewey, 1 p**
- K – SB 572, Frank Reckendorf, 2 pp.**
- L – SB 572, David Michael, 5 pp.**
- M – SB 572, Jon Williams, 2 pp.**
- N – SB 572, Christine Chute, 2 pp.**
- O – SB 274, Cynthia Sinclair, 3 pp.**
- P – SB 274, Cynthia Sinclair, 9 pp.**
- Q – HB 2004A, -17 amendments, Staff, 1 p**
- R – HB 2004A, -23 amendments, Staff, 2 pp.**
- S – HB 2004A, -24 amendments, Staff, 3 pp.**
- T – HB 2004A, -16 amendments, Staff, 2 pp.**
- U – SB 444, -2 amendments, Staff, 3 pp.**
- V – SB 445, -1 amendments, Staff, 1 p**
- W – SB 445, -2 amendments, Staff, 1 p**
- X – SB 445, Kris Kautz, 2 pp.**
- Y – SB 446, -1 amendments, Staff, 1 p**
- Z – SB 763, -1 amendments, Staff, 11 pp.**
- AA – SB 763, Mary Kyle McCurdy, 2 pp.**