

SENATE COMMITTEE ON RULES

July 24, 2003
1:30 pm

Hearing Room B
Tapes 101 – 102

MEMBERS PRESENT: **Sen. Kate Brown, Co-chair, Presiding**
 Sen. Bev Clarno, Co-chair
 Sen. Ginny Burdick, Vice-chair
 Sen. Roger Beyer

MEMBER EXCUSED: **Sen. Jason Atkinson, Vice-chair**
 Sen. Tony Corcoran

STAFF PRESENT: **Jim Stembridge, Committee Administrator**
 Jeana Harrington, Committee Assistant

MEASURES HEARD: **SB 924 – Public Hearing and Work Session**
 SB 931 – Public Hearing and Work Session
 Work Session – Consideration of legislative concepts for drafting and
 introduction
 SB 913 – Work Session
 SB 917 – Work Session
 SB 929 – Public Hearing and Work Session
 HB 3645 – Public Hearing and 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 101, A		
003	Co-chair Brown	Calls meeting to order at 1:36 PM. Opens a public hearing on SB 924.
<u>SB 924 – PUBLIC HEARING</u>		
008	Jim Stembridge	Committee Administrator. Summarizes SB 924, which makes certain persons performing translator and interpreter services nonsubject workers for purposes of workers' compensation statutes.
011	Rep. Greg Macpherson	House District 38. Testifies in support of SB 924. Defers to Mr. Hennagin.
021	Rodger Hennagin	Attorney, Lake Oswego; Association of Language Companies (ALC). Testifies in support of SB 924. Introduces Mr. Graeper. Explains the issue. Notes management-labor advisory committee (M-LAC) approves the change in the law.
045	William Graeper	Manager, Certified Languages International; ALC. Testifies in support of SB 924. Speaks on independent interpreters and contractors.
060	Sen. Beyer	Asks why independent contractors would then need to be exempted in statute.
063	Hennagin	Answers the Employment Department does not view them as independent contractors.
067	Sen. Beyer	Requests why an exemption approach is being used instead of correcting the statute. Speaks on individual exemptions.

080	Hennagin	Responds. Notes there is no uniformity in interpretation. Believes the exemption will clarify the situation.
094	Graeper	Adds that M-LAC also agrees it is a housekeeping measure.
100	Sen. Beyer	Voices concern that other industries will not receive any relief due to a solitary exemption by the bill versus a universal relief for all industries that could be achieved by changing statute.
109	Hennagin	Remarks.
110	Co-chair Brown	Clarifies this is one category approved by M-LAC for consideration.
114	Rep. Macpherson	Recognizes there is a problem with the statute. Expresses there is a clear consensus in the particular area addressed by the bill. Conveys that the area deserves attention as parties agree.
130	Co-chair Brown	Recollects the Oregon State Bar was working on a bill to address the statute with SB 40 (2003) that failed. Thinks the Governor vetoed the bill.
136	Sen. Beyer	Corrects the bill never left the House.
139	Co-chair Brown	Remarks.
142	Sen. Beyer	Explains what SB 40 (2003) would have achieved. States there are roadblocks preventing individuals from working. Finds objectionable furthering the statute as a piecemeal work.
160	Co-chair Brown	Closes public hearing on SB 924. Opens public hearing on SB 931.

SB 931 – PUBLIC HEARING

165	Marjorie Taylor	Committee Administrator. Summarizes SB 931, which transfers staffing for Trust for Cultural Development Board and management of Trust for Cultural Development Account from Office of Secretary of State to Oregon Arts Commission. Notes - 1 amendments (EXHIBIT A) .
185	Sen. Bev Clarno	Senate District 27. Testifies in support of SB 931 (EXHIBIT B) .
200	Rep. Betsy Johnson	House District 31. Testifies in support of SB 931. Requests that in spite of budget hardship, Oregon retain its artistic and cultural heritage. Thanks Sen. Clarno for her leadership on the issue. States SB 931 is only a partial solution to the problem. Believes proper funding for the Oregon Arts Commission should be achieved. Imparts \$1.2 Million as the funding necessary in the Ways and Means Committee.
245	Sen. Clarno	Adds she would be remiss if she did not fully address the issue.
253	Howard Lavine	Art and Culture Policy Advisor to Governor Kulongoski. Voices support of the Governor for SB 931. States the Governor's policy intentions for art and culture in Oregon. Explains the projected effects of the measure.
348	Christine D'Arcy	Oregon Arts Commission. Testifies in support of SB 931 (EXHIBIT C) .
360	Kathleen Cosgrove	Oregon Cultural Trust. Testifies in support of SB 931 (EXHIBIT D) .
385	Sen. Clarno	Commends her staff member Shawn Cleave for his work on the issue.
389	Co-chair Brown	Closes public hearing and opens work session on SB 931.

SB 931 – WORK SESSION

391	Sen. Clarno	MOTION: Moves to ADOPT SB 931-1 amendments dated 7/23/03.
393		VOTE: 4-0-2
	Co-chair Brown	EXCUSED: 2 - Atkinson, Corcoran
		Hearing no objection, declares the motion CARRIED.

398 Sen. Clarno **MOTION: Moves SB 931 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.**

404 Sen. Beyer Supports moving the bill to the committee on Ways and Means.
414 **VOTE: 4-0-2**
EXCUSED: 2 - Atkinson, Corcoran
Hearing no objection, declares the motion CARRIED.

419 Co-chair Brown
Co-chair Brown
SB 924 – WORK SESSION
424 Sen. Clarno **MOTION: Moves SB 924 to the floor with a DO PASS recommendation.**

427 Co-chair Brown Recommends how Sen. Beyer can work to improve the statute during the interim.
431 **VOTE: 4-0-2**
EXCUSED: 2 - Atkinson, Corcoran
Co-chair Brown
Hearing no objection, declares the motion CARRIED.
SEN. CORCORAN will lead discussion on the floor.

TAPE 102, A
014 Co-chair Brown States her intention to move SB 913.
019 Sen. Clarno Reminds her about testimony on SB 917.
023 Sen. Beyer Asks about the expected votes on SB 917.
030 Co-chair Brown Closes work session on SB 924. Opens work session for consideration of legislative concepts for drafting and introduction.

WORK SESSION
032 Jim Stembridge Committee Administrator. Informs of requests for re-drafting from Jon Chandler as there was a problem with the relating clause of SB 930 (**EXHIBIT E**).

039 Sen. Clarno **MOTION: Moves legislative concept one, requested by staff, BE APPROVED FOR DRAFTING, by Legislative Counsel and BE INTRODUCED as a committee bill.**
VOTE: 4-0-2
EXCUSED: 2 - Atkinson, Corcoran
Co-chair Brown
Hearing no objection, declares the motion CARRIED.

043 Co-chair Brown Closes work session on legislative concepts. Opens work session on SB 913.

SB 913 – WORK SESSION
048 Marjorie Taylor Committee Administrator. Summarizes SB 913, which allows state institution of higher education to offer health services to dependents of students and staff and faculty of institution. Informs of the correction made by the -1 amendments (**EXHIBIT F**). Notes the subsequent referral to Ways and Means could be rescinded as it is a fee-based health service.

060 Sen. Beyer **MOTION: Moves to ADOPT SB 913-1 amendments dated 7/21/03.**
061 **VOTE: 4-0-2**
EXCUSED: 2 - Atkinson, Corcoran

	Co-chair Brown	Hearing no objection, declares the motion CARRIED.
		PRESIDENT COURTNEY AND SEN. WINTERS will lead discussion on the floor.
214	Co-chair Brown	Closes work session on SB 917. Opens public hearing on SB 929.
	<u>SB 929 – PUBLIC HEARING</u>	
227	Jim Stembridge	Committee Administrator. Summarizes SB 929, which expands description of powers of semi-independent state agency with regard to acquisition of property. Notes -1 amendments from Sen. Brown (EXHIBIT H).
237	Fred VanNatta	Appraisal Certification and Licensure Board (ACLB); Oregon Commercial Property Owners Association (OCPOA). Testifies in support of SB 929 (EXHIBIT I). Informs SB 929 is the reincarnation of HB 3380 (2003) that passed the House of Representatives with a vote of 56-1. Speaks on the language in section one of the bill. States there is no General Fund liability. Addresses sections two to six. States recent opposition to the bill by Department of Administrative Services (DAS) was discovered recently.
320	Co-chair Brown	Asks if there is any objection to the -1 amendments.
322	VanNatta	States the parties he represents have no objection.
351	Greg Jeffrey	Budget and Management Division, DAS. Testifies in opposition to SB 929 (EXHIBIT J). Overviews history of financing authority. Lists reasons for opposition by DAS. Explains the effects of the bill.
460	Co-chair Brown	Refers to testimony submitted by David Plunkett (EXHIBIT K). Poses question regarding financing property semi-independents have the authority to purchase.
469	Jeffrey	Clarifies.
476	Co-chair Brown	Restates the question. Assumes semi-independents have the authority to purchase property and obtain financing.
478	Jeffrey	Agrees on authority. Clarifies the objections of DAS. Speaks on semi-independents.
481	Co-chair Brown	Asks if the state has financial responsibility for semi-independents.
484	Jeffrey	Responds it depends on the terms of the financing.
	TAPE 101, B	
050	Sen. Beyer	Asks if the inclusion of DAS would be making the process more expensive for the state and for the agencies.
055	Jeffrey	Answers regarding the role of DAS in financing agreements. Thinks that if provisions were included to allow for DAS approval, the payment process would not change and would add an additional level of review.
074	Sen. Beyer	Asks if semi-independent agencies existed when legislation was passed in 1989.
079	Jeffrey	Believes so.
081	Sen. Beyer	Explains his premise. Asks if knows the amount of property the state of Oregon owns.
089	Jeffrey	Replies he is not familiar with the history of semi-independents. Adds he is not privy to the information.
094	Sen. Beyer	Provides opinion on job DAS has done with management in general.
101	Co-chair Brown	States intention to check with Legislative Counsel (LC) on lines 12 and 13 of the bill regarding financial liability. Asks Mr. VanNatta if he thinks the General Fund would have legal

107	Fred VanNatta	responsibility. Responds it is the intent of the language of the bill not to have the state held liable. Explains liability the bill intends.
123	Co-chair Brown	Assumes where responsibility lies.
127	Stembridge	Offers that Chuck Taylor from LC is on his way.
146	Co-chair Brown	Recesses public hearing on SB 929 and the meeting at 2:42 PM.

147	Co-chair Brown	RECESS ***** Reconvenes meeting at 2:45 PM. Reopens public hearing on SB 929.

SB 929 – PUBLIC HEARING

150	Co-chair Brown	Explains issue. Asks Mr. Taylor if the state could be held financially liable with General Fund dollars.
159	Chuck Taylor	Legislative Counsel. Explains he will return with statutory information.
167	Co-chair Brown	Closes public hearing and opens work session on SB 929.

SB 929 – WORK SESSION

172	Sen. Burdick	MOTION: Moves to ADOPT SB 929-1 amendments dated 7/24/03.
173		VOTE: 4-0-2 EXCUSED: 2 - Atkinson, Corcoran Hearing no objection, declares the motion CARRIED.
175	Co-chair Clarno Sen. Beyer	Notes there may be a -3 amendment. Informs of problem with SB 854 (2003).
179	Co-chair Brown	Closes work session on SB 929. Opens a public hearing on HB 3645.

HB 3645 – PUBLIC HEARING

194	Judith Callens	Committee Administrator. Summarizes HB 3645, which allows nonputrescible solid waste disposal site approved before January 1, 2002, and located in county that has adopted marginal lands provisions to be maintained, expanded, or enhanced until January 1, 2006. Notes there is no revenue or fiscal impact.
211	Mike Dewey	Waste Management. Testifies in support of HB 3645. Remarks. HB 3265 (2003) reincarnated. Overviews the bill. Lists parties in support of the measure and states it is non-controversial. Informs the committee of disposal of liquid sediment and addresses cost. Informs of the investment in a landfill and the revenue that could be obtained, thus enhancing economic development in the state. Closes public hearing and opens work session on HB 3645.
285	Co-chair Brown	

HB 3645 – WORK SESSION

289	Sen. Clarno	MOTION: Moves HB 3645 to the floor with a DO PASS recommendation.
294		VOTE: 4-0-2 EXCUSED: 2 - Atkinson, Corcoran Hearing no objection, declares the motion CARRIED. SEN. CLARNO will lead discussion on the floor.
299	Co-chair Brown	Closes work session on HB 3645. Adjourns meeting at 2:57 PM.

EXHIBIT SUMMARY

- A – SB 931, -1 amendments (7/23/03), Staff, 3 pp.**
- B – SB 931, letter, Sen. Bev Clarno, 1 p**
- C – SB 931, written testimony, Christine D’Arcy, 1 p**
- D – SB 931, written testimony, Kathleen Cosgrove, 2 pp.**

E – Legislative concepts, memo, Staff, 1 p
F – SB 913, -1 amendments (7/21/03), Staff, 1 p
G – SB 917, -1 amendments (7/17/03), Staff, 1 p
H – SB 929, -1 amendments (7/24/03), Staff, 11 pp.
I – SB 929, written testimony, Fred VanNatta, 1 p
J – SB 929, written testimony, Greg Jeffrey, 1 p
K – SB 929, written testimony, David Plunkett, 1 p