

SENATE COMMITTEE ON RULES

July 31, 2003
1:30 PM

Hearing Room B
Tapes 108-109

MEMBERS PRESENT: **Sen. Kate Brown, Co-chair, Presiding**
 Sen. Roger Beyer, Co-chair
 Sen. Jason Atkinson, Vice-chair
 Sen. Ginny Burdick, Vice-chair
 Sen. Bill Fisher
 Sen. Tony Corcoran

STAFF PRESENT: **Jim Stembridge, Committee Administrator**
 Romy Dye, Committee Assistant

MEASURES HEARD: **SB 139 – Work Session**
 SB 920 – Work Session
 HB 2341 A – 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 108,A		
005	Co-Chair Brown	Calls the meeting to order at 1:51 PM. Opens a work session on SB 139.
<u>SB 139 – WORK SESSION</u>		
008	Jim Stembridge	Committee Administrator. Provides an overview of SB 139, which establishes Elections Operating Account. Presents -5 amendments dated 6/25/03 (EXHIBIT A).
017	Sen. Fisher	Asks about measurements.
020	Fred Neil	Elections Division. Responds the proposal in the -5 amendments is pay for what you get fee schedule. Refers to -5 amendments, pages 7 & 8.
030	Sen. Fisher	Asks what the standard type size is.
035	Neil	Responds standard by rule is 8 point and there is a standard MS Word space between the lines of the text.
040	Stembridge	Comments on having example of voters pamphlet with standard font.
043	Sen. Beyer	Asks about the number of signatures discussed in the past.
047	Neil	Responds does not recollect the discussion in the past. States it seems 1,000 signatures are required now and it is not unreasonable to require a minimum of 1,000 and up to 5,000.
057	Sen. Beyer	Asks whether 1,000 signatures submitted to put an argument in the voter's pamphlet. Asks what the workload is and cost if they were to submit signatures.
061	Fred Neil	Responds very few people file by petition. Signatures must be verified before they come in to file by the Secretary of State's office verified at the county level. Claims county does not get to charge argument filers for the service.
080	Sen. Beyer	Asks about word limit corresponding with different square inches.
085	Neil	Responds yes. Refers to page 8, lines 24-26.
090	Sen. Beyer	Asks if they currently have matrix.

095	Neil	Responds the number of words will change in each argument and be calculated by rule with a ratio of 325.
108	Sen. Fisher	Comments it is a hard process to gather signatures. Provides personal experience.
115	Sen. Beyer	MOTION: Moves to ADOPT the SB 139-5 amendments dated 6/25/03.
120		VOTE: 6-0
	Co-chair Brown	Hearing no objection, declares the motion CARRIED.
125	Sen. Beyer	MOTION: Moves SB 139 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.
145		VOTE: 4-2
		AYE: 4 - Co-chair Brown, Sen. Burdick, Sen. Corcoran, Sen. Beyer
		NAY: 2 - Sen. Atkinson, Sen. Fisher
	Co-chair Brown	The motion Carries.
141	Co-Chair Brown	Closes the work session on SB 139 and opens a work session on SB 920.
<u>SB 920 – WORK SESSION</u>		
144	Judith Callens	Committee Administrator. Provides an overview of SB 920, which modifies land use planning requirements for metropolitan service district. Presents -4 amendments dated 7/29/03 (EXHIBIT B) .
155	Co-chair Brown	Asks if there are any outstanding issues with the amendments.
160	Callens	Responds yes there are concerns.
165	Steve Kafoury	Oregon Chapter of the American Planning Association. Notes to defer comments until after Linda Ludwig speaks on the amendments.
168	Doug Riggs	Metro. Comments on concerns raised in -3 amendments which have been included in the -4 amendments. Claims Metro does not believe this provision will have any impact on what changes impact. Notes LCDC will be the body to determine whether or not they choose to review the applications. Feels amendments proposed in -3 and -4 will provide a more flexible and efficient review process. Adds nothing in -3 or -4 amendments make any changes in the rules and laws as it applies to urban growth boundary amendment changes for the metro area. Presents -3 amendments dated 7/23/03 (EXHIBIT C) .
190	Sen. Burdick	Expresses appreciation of explanation addressing concerns.
198	Linda Ludwig	League of Oregon Cities. Clarifies a portion of the bill that had concerns. Explains purpose of the bill.
218	Nan Evans	Interim Director, Department of Land Conservation and Development (DLCD). Speaks on dealing with budget concerns. Recognizes if there is state interest in bringing local jurisdiction into the periodic review process there should be state responsibility to help local jurisdiction with fiscal impacts. Discusses workgroup discussions where the language of the bill allowed use of existing grant program and to negotiate with local government on cost. Discusses language of the bill.
245	Ludwig	Clarifies it is unanticipated that the commission would bring on new tasks in year three or four. Discusses the provision. Explains cost. Notes there is agreement within members of workgroup

		commission with language in -4 amendments and -5 amendments regarding cost. Presents -5 amendments dated 7/29/03 (EXHIBIT D).
270	Sen. Burdick	Discusses -2 amendments. Asks about the language. Presents -2 amendments dated 7/23/03 (EXHIBIT E).
276	Ludwig	Comments although intent was similar the language in -2 amendments may not get them there. States as result of the language that the commission would require a work task costing \$500,000 and once they took factors into consideration they might offer \$500,000 grant and require local government to complete that. Notes that was not the intent of discussion in workgroup and it was the -2 amendment language that made them hard to support.
291	Sen. Burdick	Asks for further comments.
293	Randy Franke	Chair, Land Conservation Development Commission. Claims Ms. Ludwig and Director Evans's language was consistent with his participation in the workgroup discussions.
301	Steve Kafoury	Oregon Chapter, American Planning Association. Comments on discussion heard. Claims words are not stated clearly in the statute. Discusses courts opinions. Notes lawyers concerned with clarity of language and feel it needs to be drafted in a way the intent is unambiguous without a court battle.
334	Sen. Corcoran	Asks about response to recent discussion in workgroup.
343	Kafoury	Responds that there is not a problem. Suggests there is a advisory committee established in section 5 and with local government representation they can make recommendations as to what is realistic.
350	Sen. Beyer	MOTION: Moves to ADOPT SB 920-4 amendments dated 7/29/03.
355		VOTE: 6-0
	Co-chair Brown	Hearing no objection, declares the motion CARRIED.
360	Sen. Beyer	MOTION: Moves SB 920 to the floor with a DO PASS AS AMENDED recommendation.
365		VOTE: 6-0
	Co-Chair Brown	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
		SEN. BURDICK will lead discussion on the floor.
383	Co-chair Brown	Closes the work session on SB 920 and opens a public hearing on HB 2341 A.
<u>HB 2341 A – PUBLIC HEARING</u>		
391	Jessica Harris	Testifies in support of HB 2341 A. Provides a summary of the bill.
TAPE 109, A		
005	Harris	Discusses the bill further. Refers to specific sections. Defines various sections.
080	Harris	Continues discussion. Claims goal is retain current law or make changes everyone agrees with. Refers to sections 235-835. Notes the streamline process is what the bill is about.
100	Co-chair Brown	Asks who was in the workgroup.
103	Harris	Responds the list is lengthy with over two hundred people.
120	Sen. Burdick	Asks if the City of Tigard is on the list.
125	Co-chair Brown	Comments having a copy of the email list to look up City of Keizer.

130	Dugan Petty	Deputy Administrator, Department of Administrative Services. Supports HB 2341 A. Submits written testimony (EXHIBIT F) .
135	Jon Oshel	County Road Program Manager, Association of Oregon Counties. Supports HB 2341 A and is very pleased with the process and outcome.
145	William Nessly	Assistant Attorney General, Business Transaction Section, Oregon Department of Justice. Claims available for any technical questions.
151	Sandra Bishop	Fair Competition Alliance. Testifies in opposition of HB 2341 A. Discusses problems and abuses. States contracts are valued at \$60 million. Notes there is a lot to look at on the bill and has not had time to read the bill and incorporate amendment. Provides background of the bill. States problem areas. Explains why there are so many concerns. Believes this bill changes premises to which public contracting in the state has always been based. Refers to policy statement in the new bill with socioeconomic programs.
280	Bishop	Claims there are a lot of legal ramifications. Notes there has never been a protest procedure for some contracts but at same time limitations in judicial review. Refers to section 12 of the bill that is questionable. Discusses Department of Administrative Services (DAS). States this is one of the most significant bills to be considered this session. Notes the bill repeals the entire public contracting code of Oregon with exception of products of disabled services. Adds this is not amending contracting laws. Urges time to review amendments.
340	Ken Cropper	Political Organizer, Service Employees International Union (SEIU). Testifies in opposition of HB 2341 A. Discusses a current lawsuit SEIU involved in. Expresses interest in a rewrite. Claims to have information from the Oregonian about the issue. Submits written material (EXHIBIT G) .
388	Sen. Corcoran	Asks if participated in the workgroup.
390	Nessly	Responds yes as well as other groups.
400	Sen. Corcoran	Asks about language written to address court cases.
405	Nessly	Responds involved in a specific case. Claims cannot see how amendments in the bill would have anything to assist or detract from the defense of that case.
415	Sen. Corcoran	Asks whether there were discussions regarding the cases in the groups.
420	Nessly	Responds does not recall.
TAPE 108, B 005	Sen. Corcoran	Asks about being involved in the drafting and having had to understand intent of the interim committee to do the drafting if there are sustentative changes to existing language Ms. Bishop is concerned with.
007	Nessly	Responds cannot find a sustentative change that would work in the way the Qualified Rehabilitation Facility (QRF) Law operates today.
010	Sen. Corcoran	Asks for insight on sentence previously read regarding socioeconomic language.
012	Nessly	Discusses sustentative program needs of socioeconomic program through contracting process.
020	Doug McCain	Legislative Counsel. Discusses the language. States does not have any more information other than what Mr. Nessley offered.

030	Sen. Beyer	Asks about section 3 comparing to current law and policy statements.
035	Nessly	Responds there are two lengthy current law policies. Claims laws are a little different in the law being proposed today as compared to previous law.
050	Dana Anderson	Assistant Attorney General, Business Transaction Section. Provided drafts of policy statements to committees working on legislation. Discusses where verbiage came from. Points out needing to identify rules and policies implementing mandate.
075	Nan Heim	Oregon Rehabilitation Association. Testifies in support of HB 2341 A. Points out key areas of the bill. Believes the bill does not significantly change law in any way. Discusses abuses previously discussed. Feels the bill should stay in place.
100	Sen. Beyer	Asks whether there are other amendments coming.
105	Jessica Harris	Responds yes. Claims waiting on conflict amendments to resolve other bills passed which may be available on Monday.
110	Sen. Beyer	Expresses appreciation for the work done on the bill. Notes HB 3646 will not be heard. Closes the public hearing on HB 2341 A and adjourns the committee at 3:00 PM.

EXHIBIT SUMMARY

- A – SB 139, -5 amendments dated 6/25/03, staff, 12 pp**
- B – SB 920, -4 amendments dated 7/29/03, staff, 2 pp**
- C – SB 920, -3 amendments dated 7/23/03, staff, 1 p**
- D – SB 920, -5 amendments dated 7/29/03, staff, 2 pp**
- E – SB 920, -2 amendments dated 7/23/03, staff, 2 pp**
- F – HB 2341 A, written testimony, Dugan Petty, 2 pp**
- G – HB 2341 A, written material, Ken Cropper, 3 pp**