

## SENATE COMMITTEE ON RULES

August 25, 2003  
4:15 PM

Hearing Room B  
Tapes 131-132

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

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

**MEASURES HEARD:**               **SB 141 – Work Session**  
                                  **HB 3023 B – Public Hearing and Work Session**  
                                  **SJR 12 – Work Session**  
                                  **Executive Appointments**  
                                  Public Employees Retirement Board  
                                  James Dalton  
                                  Thomas Grimsley  
                                  Eva Kripalani  
                                  Michael Pittman  
                                  Brenda Rocklin  
                                  Fair Dismissal Appeals Board  
                                  Mark Davalos  
                                  Paul Duchin  
                                  Patrick Neill  
                                  Frank Brawner  
                                  Karen Watters  
                                  Peggy Penland  
                                  Oregon Economic & Community Development Commission  
                                  Pamela Hulsey Andrews  
                                  Walter Van Valkenburg  
                                  Workers' Compensation Board  
                                  Mustafa Kasubhai  
                                  **HB 2356 B – Public Hearing**

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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.

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 131, A</b>		
005	Co-chair Beyer	Calls the meeting to order at 4:34 PM. Opens a work session on SB 141.
<b><u>SB 141 – WORK SESSION</u></b>		
007	Rep. Jeff Merkley	Oregon State Representative, District 47. Claims the -5 amendments solves the conflicts. Presents -5 amendments dated 8/25/03 ( <b>EXHIBIT A</b> ).
011	Rep. Mary Nolan	Oregon State Representative, District 36. Asks for any questions.
013	Sen. Brown	Understands technical issues with one of the amendments.

017	Co-chair Beyer	Comments on changes in language in -5 amendments.
030	Ted Reutlinger	Legislative Counsel. Discusses the -5 amendments. Refers to page 23, line 21 for language changes. Refers to page 24, line 18 for language changes.
035	Co-chair Beyer	Asks for clarification on whether boldfacing on the language on page 25.
040	Reutlinger	Responds why the language is not boldfaced in section 11. Claims when language changed in section 10 it will also be fixed in section 11. Explains an additional language change on page 19, lines 22-24. Feels a new clause should be added on line 24.
051	Co-chair Beyer	<b>MOTION: Moves to SUSPEND the rules for the purpose of amending the -5 amendments.</b>
055		<b>VOTE: 4-0-2</b>
		<b>EXCUSED: 2 - Sen. Atkinson, Sen. Corcoran</b>
	Co-chair Beyer	<b>Hearing no objection, declares the motion CARRIED.</b>
060	Sen. Brown	<b>MOTION: Moves to ADOPT SB 141-5 amendments dated 8/25/03 and that the measure be FURTHER AMENDED on page 19, line 24, by inserting "or the receipt by a public official or a relative of a public official of any item, regardless of value, that is expressly excluded from the definition of gift in ORS 244.020, subsection 8. " before ";" and on page 23, line 21, by changing "shall" to "may" and on page 24, line 18, by changing "shall" to "may".</b>
070		<b>VOTE: 5-0-1</b>
		<b>EXCUSED: 1 - Sen. Atkinson</b>
	Co-chair Beyer	<b>Hearing no objection, declares the motion CARRIED.</b>
080	Sen. Burdick	<b>MOTION: Moves to ADOPT SB 141-5 amendments dated 8/25/03.</b>
085		<b>VOTE: 5-0-1</b>
		<b>EXCUSED: 1 - Sen. Atkinson</b>
	Co-chair Beyer	<b>Hearing no objection, declares the motion CARRIED.</b>
090	Sen. Burdick	<b>MOTION: Moves to ADOPT SB 141-4 amendments dated 8/23/03 (EXHIBIT B).</b>
092	Co-chair Beyer	Asks what the purpose of the -4 amendments is.
093	Sen. Burdick	Explains the -4 amendments.
098	Co-chair Beyer	Asks for further clarification.
100	Sen. Burdick	Claims work on the amendment was complicated.
102	Co-chair Beyer	Asks if Sen. Burdick was aware the -5 amendments deleted the rest of SB 141.
105	Sen. Burdick	Responds correct. States the -4 amendments restore the one provision in section 1, subsection 4b.
110	Reutlinger	Provides explanation of the -4 amendments.
120	Co-chair Beyer	Claims this is the "candy at a parade" amendment from March. Asks for clarification.
132	John Lindback	Director of Elections, Secretary of State's office. Discusses what the provision in the bill does. Explains campaigns. Claims there needs to be a dollar limit placed on items that can be given away. States there are no restrictions on throwing candy at a parade.
152	Co-chair Beyer	Asks what other things are being discussed.
158	Lindback	Explains there is a list of inexpensive items the office has that can be given away free by campaigns. Describes the procedure of

items being presented that are not on the list. Discusses investigating complaints that occur. Feels simpler for campaigns to follow if a monetary value limit is put in statute for people to follow.

170 Co-chair Beyer Recalls the bill. Clarifies reason the bill did not move forward previously is under the amendment a candidate could take dollar bills and write “vote for” on them and hand them out.

177 Lindback Disagrees. Claims under the definition of undo influence it includes money as something you cannot give away.

180 Co-chair Beyer Asks for the location of the definition in the bill.

182 Lindback Responds section 1 has the definition of undo influence.

183 Co-chair Beyer Asks if Mr. Reutlinger agrees.

184 Reutlinger Responds the definition of undo influence also covers other things of value.

186 Sen. Burdick Comments on the language of a dollar.

194 Lindback Refers to line 7 of the bill.

198 Sen. Burdick Claims other provisions were controversial in March but this one is different.

206 Co-chair Beyer Claims not knowing the amendment was being offered. Opposes the bill.

218 Sen. Fisher Asks why this would not be a good idea.

220 Co-chair Beyer Expresses concern with the language making it look fishy to the public.

**225 VOTE: 3-3**  
**AYE: 3 - Sen. Burdick, Sen. Corcoran, Sen. Brown**  
**NAY: 3 - Sen. Atkinson, Sen. Fisher, Co-chair Beyer**  
**The motion Fails.**

**230 MOTION: Moves SB 141 to the floor with a DO PASS AS AMENDED recommendation.**

**240 VOTE: 6-0**  
**Hearing no objection, declares the motion CARRIED.**  
**SEN. BURDICK will lead discussion on the floor.**

248 Co-chair Beyer Closes the work session on SB 141 and opens a public hearing on HB 3023 B.

**HB 3023 B – PUBLIC HEARING**

266 Marjorie Taylor Committee Administrator. Provides an overview of HB 3023 B, which requires state agency to order delinquent account to Department of Revenue or private collection agency not later than 90 days after specified occurrences. Presents –B6 amendments dated 8/20/03 **(EXHIBIT C)**.

280 Matt Markee Oregon Collectors Association. Testifies in support of HB 3023 B with the –B6 amendments. Explains the benefits of the bill. Submits written testimony **(EXHIBIT D)**.

305 Jessica Stevens SEIU Local 503, Oregon Public Employees Union (OPEU). Notes HB 3023 B is a good bill with –B6 amendments. Claims okay with the one year timeline. Discusses conflict areas:

- Collection rates
- Age of the accounts
- Timeline of 90 days to limit the state in the collections process

346 Co-chair Beyer Closes the public hearing on HB 3023 B and opens a work session on HB 3023 B.

**HB 3023 B – WORK SESSION**

350 Sen. Burdick **MOTION: Moves to ADOPT HB 3023 B-B6 amendments dated 8/20/03.**

355 **VOTE: 4-0-2**  
**EXCUSED: 2 - Sen. Corcoran, Sen. Brown**  
**Hearing no objection, declares the motion CARRIED.**

360 Co-chair Beyer  
 Sen. Burdick **MOTION: Moves HB 3023 B to the floor with a DO PASS AS AMENDED recommendation.**

375 **VOTE: 4-0-2**  
**EXCUSED: 2 - Sen. Corcoran, Sen. Brown**  
**Hearing no objection, declares the motion CARRIED.**  
**CO-CHAIR BEYER will lead discussion on the floor.**

378 Co-chair Beyer Closes the work session on HB 3023 B and opens a work session on SJR 12.

**SJR 12 – WORK SESSION**

380 Sen. Atkinson **MOTION: Moves SJR 12 be sent to the floor with a BE ADOPTED recommendation.**

383 Co-chair Beyer Claims there are amendments.

385 Sen. Atkinson **Withdraws motion.**

390 Sen. Atkinson **MOTION: Moves to ADOPT SJR 12-2 amendments dated 8/20/03 (EXHIBIT E).**

395 **VOTE: 4-0-2**  
**EXCUSED: 2 - Sen. Corcoran, Sen. Brown**  
**Hearing no objection, declares the motion CARRIED.**

400 Co-chair Beyer  
 Sen. Atkinson **MOTION: Moves SJR 12 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.**

405 **VOTE: 4-0**  
**EXCUSED: 2 - Sen. Corcoran, Sen. Brown**  
**Hearing no objection, declares the motion CARRIED.**  
**SEN. ATKINSON will lead discussion on the floor.**

407 Co-chair Beyer Closes the work session on SJR 12 and opens a work session on executive appointments.

**WORK SESSION**

409 Jim Stembridge Committee Administrator. Provides summary of qualifications of appointees.

**TAPE 132, A**

005 Sen. Brown **MOTION: Moves the appearances be waived and that the committee recommend the following appointments and reappointments be confirmed by the Senate, with multiple appointments made to a single board or commission to be considered en bloc:**

**PUBLIC EMPLOYEES RETIREMENT BOARD – APPOINTMENT OF JAMES DALTON, TOMAS GRIMSLEY, EVA KRIPALANI, MICHAEL PITTMAN AND BRENDA ROCKLIN (EXHIBIT F)**

**FAIR DISMISSAL APPEALS BOARD – APPOINTMENT OF PEGGY PENLAND AND KAREN WATTERS AND REAPPOINTMENT OF FRANK BRAUNER, MARK DAVALOS, PAUL DUCHIN, AND PATRICK NEILL (EXHIBIT G)**

**OREGON ECONOMIC & COMMUNITY DEVELOPMENT COMMISSION – APPOINTMENT OF PAMELA HULSEY ANDREWS AND WALTER VAN VALKENBURG (EXHIBIT H)**

015 **VOTE: 5-0-1**

**EXCUSED: 1 – Sen. Corcoran**

Co-chair Beyer

**Hearing no objection, declares the motion CARRIED.  
SEN. ATKINSON will lead discussion on the floor.**

020

Sen. Brown

**MOTION: Moves the appearances be waived and that the  
committee recommend the following  
appointments be confirmed by the Senate:**

**WORKERS' COMPENSATION BOARD – APPOINTMENT OF MUSTAFA KASUBHAI  
(EXHIBIT I)**

015

**VOTE: 5-0-1**

Co-chair Beyer

**EXCUSED: 1 – Sen. Corcoran  
Hearing no objection, declares the motion CARRIED.  
SEN. BROWN will lead discussion on the floor.**

023

Co-chair Beyer

Closes the work session on Executive Appointments and opens a public hearing on HB 2356 B.

**HB 2356 B – PUBLIC HEARING**

029

Jim Stembridge

Committee Administrator. Provides an overview of HB 2356 B, which prohibits city with population of greater than 500,000 from acquiring property by condemnation if property belongs to electric company and acquisition is for purpose of providing electricity services. Presents –B17 amendments dated 8/21/03, -B18 amendments dated 8/21/03 and –B19 amendments dated 8/21/03 (**EXHIBITS J-L**).

033

Sen. Brown

Understood when the hearing was planned that consensus reached on two issues under Sen. Rick Metsger. Notes that is not true. Claims it is unlikely the bill will move forward.

041

Grieg Anderson

Portland General Electric (PGE)retiree. Testifies in a neutral position on HB 2356 B. Discusses three key points from testimony. Requests amendment distributed to be included in the bill. Submits written testimony (**EXHIBIT M**).

091

Sen. Brown

Asks if Mr. Anderson is currently retired.

092

Anderson

Responds yes, for five years.

095

Sen. Brown

Asks whether legal counsel has been consulted.

101

Anderson

Responds they are in conversation with legal counsel on the issue. Claims many small issues do not get much consideration. Points out it is an out-of-pocket expense for any legal advice sought.

106

Sen. Burdick

Points out Mr. Anderson is one of the constituents in the situation. Feels the issue far from being done. Expresses appreciation in Mr. Anderson coming forward with a summary and amendments.

119

Sen. Brown

Recesses the committee at 5:12 PM.

\*\*\*\*\***RECESS**\*\*\*\*\*

Sen. Brown

Reconvenes the committee at 5:15 PM.

130

John DiLorenzo, Jr.

Attorney. Testifies in support of HB 2356 B. Discusses reasons why the House passed the bill. Points out they are advocating - B18 and –B19 amendments. Discusses –B18, -B19 and -B17 amendments. Submits written testimony (**EXHIBIT N**).

211

Beth Vargas Duncan

Franchise Coordinator, City of Salem. Testifies in support of HB 2356 B. Claims not having seen the amendments. Notes City Council would support amendments in alignment with various concerns.

250

Sen. Rick Metsger

Oregon State Senator, District 26. Claims the President asked him to bring people together on the issue in this bill. Notes it was

decided there were such large issues it would be hard to cover them all accurately. Discusses three issues before the Legislature:

- Resolution
- The law intending payments be made was a consensus amendment needing to be adopted
- A task force to address other issues in the –B12 amendment dated 8/20/03 (**EXHIBIT O**)

323	Marge Kafoury	Representing City of Portland. Discusses intent of -B17 amendments. Notes subsection 2 was added to -B17 amendments. Notes this is the only amendment the City of Portland supports.
373	Sen. Fisher	Asks how this amendment differs from the -B19 amendments.
381	Kafoury	Responds unclear of Mr. DiLorenzo’s intent on accomplishment. Comments it addresses in subsection 2 a different issue than addressed before.
396	Sen. Fisher	Expresses confusion as to the difference in subsection 2 of section 2.
<b>TAPE 131, B</b>		
005	Kafoury	Responds it appears it is an attempt to say that there will be no expansion of condemnation authority to cities that does not exist under current statute or common law.
006	Sen. Fisher	Asks about -B17 amendments of subsection 2.
007	Kafoury	Explains there would be no expansion of payments of franchise fees to jurisdictions that do not have the authority to impose franchise fees targeted at counties.
012	Jeff Bissonnette	Citizens Utility Board. Testifies in opposition of HB 2356 B. States took part in workgroup on condemnation issue. Notes engaging in the workgroup to try to find compromise discovering condemnation was not off the table for the company so did not see any point in continuing conversation.
025	Sen. Brown	Expresses concern if the City of Portland should condemn assets of PGE ratepayers outside of the city limits would not be protected with respect to rates. Asks for Mr. Bissonnette’s perspective.
032	Bissonnette	Responds rate payers are not worried about the City of Portland but worried about Enron. Notes PGE is still owned by Enron. Claims this is a different issue than issue of condemnation. States there is no direction at this point so keep options open.
050	Sen. Brown	Inquires on protective alternatives for consumers outside of Portland in event Portland would condemn PGE.
053	Bissonnette	Claims were willing to live with the franchise fee payments and property tax payments. Discusses condemnation issues. Notes PGE has power to condemn outside of service territory.
072	Co-chair Beyer	Asks what CUB (Citizens Utility Board) is.
075	Bissonnette	Responds it is a private, non-profit organization called Citizens Utility Board. Discusses nature of the business.
082	Co-chair Beyer	Asks who Mr. Bissonnette is referring to when saying residential ratepayers outside Portland are concerned with Enron.
090	Bissonnette	Responds their members and some of the residential ratepayers.
101	Co-chair Beyer	Asks how many people living outside Portland have been spoken to about this issue.
104	Bissonnette	Comments public presentations are done on a weekly basis.

		Notes does not have an exact figure but people are interested in the issue. Adds primary concern of residential ratepayers is making sure despite PGE's fate that it is continued to remain a safe and reliable electricity system.
122	Co-chair Beyer	Comments Mr. Bissonette does not speak for all residential rate payers outside Portland.
126	Sen. Fisher	Asks how many members are out there and how they can be represented if work is not done directly with them at all times.
130	Bissonette	Comments there are fifty cities within the PGE service territory with concerns. Notes trying to address concerns. Comments will be looking at making sure consumers benefit from purchases of PGE. States ratepayers are not well served with any options removed from the table at this time because of not knowing direction Enron is going so need to maintain all options.
164	Sen. Fisher	Asks where Mr. Bissonette was when Enron purchased.
171	Bissonette	Responds at the table involved in the negotiations putting a lot of demands on the purchase. Discusses why Enron purchased PGE. Explains why PGE was for sale.
184	Co-chair Beyer	Closes the public hearing on HB 2356. Adjourns the meeting at 5:48 PM.

### **EXHIBIT SUMMARY**

- A – SB 141, -5 amendments dated 8/25/03, staff, 26 pp**
- B – SB 141, -4 amendments dated 8/23/03, staff, 1 p**
- C – HB 3023 B, -B6 amendments dated 8/20/03, staff, 1 p**
- D – HB 3023 B, written testimony, Matt Markee, 2 pp**
- E – SJR 12, -2 amendments dated 8/20/03, staff, 2 pp**
- F – Public Employees Retirement Board, staff and Governor's office, 26 pp**
- G – Fair Dismissal Appeals Board, staff and Governor's office, 22 pp**
- H – Oregon Economic & Community Development Commission, staff and Governor's office, 12 pp**
- I – Workers' Compensation Board, staff and Governor's office, 6 pp**
- J – HB 2356 B, -B17 amendments dated 8/21/03, staff, 1 p**
- K – HB 2356 B, -B18 amendments dated 8/21/03, staff, 1 p**
- L – HB 2356 B, -B19 amendments dated 8/21/03, staff, 1 p**
- M – HB 2356 B, written testimony, Grieg Anderson, 2 pp**
- N – HB 2356 B, written testimony, John DiLorenzo, Jr. 5 pp**
- O – HB 2356 B, -B12 amendments dated 8/20/03, staff, 3 pp**

## SENATE COMMITTEE ON RULES

August 25, 2003  
7:15 P.M.

Hearing Room B  
Tape 133

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

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

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

**MEASURES HEARD:** SCR 6 – Public Hearing and Work Session

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 133, A</b>		
002	Co-chair Brown	Calls meeting to order at 7:26 PM. Opens public hearing on SCR 6.
<b><u>SCR 6 – PUBLIC HEARING</u></b>		
008	Co-chair Brown	Notes Jon Chandler signed up to testify against the measure. Closes public hearing and opens work session on SCR 6.
<b><u>SCR 6 – WORK SESSION</u></b>		
011	Sen. Burdick	<b>MOTION: Moves to ADOPT SCR 6-1 amendments dated 8/25/03 (EXHIBIT A).</b>
014	Sen. Fisher	Remarks.
020		<b>VOTE: 4-0-2</b> <b>EXCUSED: 2 - Atkinson, Corcoran</b> <b>Hearing no objection, declares the motion CARRIED.</b> <b>SEN. BROWN will lead discussion on the floor.</b>
023	Sen. Beyer	Discusses upcoming scheduling for bills.
040	Co-chair Brown	Closes work session on SCR 6. Adjourns meeting at 7:29 PM.

### EXHIBIT SUMMARY

A – SCR 6, -1 amendments (8/25/03), Staff, 1 p