

SENATE COMMITTEE ON RULES

August 7, 2003
1:30 PM

Hearing Room B
Tapes 112 -113

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

MEMBER EXCUSED: **Sen. Jason Atkinson, Vice-Chair**

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

MEASURE/ISSUES HEARD: **HB 3648 A – Public Hearing and Work Session**
 HCR 13 – Public Hearing and Work Session
 HB 3646 – Work Session
 HB 2341 A – Work Session
 HB 3328 A- Work Session
 SB 939 – Public Hearing and Work Session
 HJM 10 – Work Session
 Work Session – Consideration of legislative concepts for drafting and
 introduction
 SB 915 – 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 112, A		
005	Co-Chair Brown	Calls the meeting to order at 1:30 PM. Opens a public hearing on HB 3648 A.
<u>HB 3648 A – PUBLIC HEARING</u>		
006	Marjorie Taylor	Committee Administrator. Provides an overview of HB 3648 A, which eliminates prohibition on health care insurer establishing higher premiums for retired employees than premium established for officers and employees of local government.
008	Rep. Vic Backlund	Oregon State Representative, District 25. Claims this is an attempt to fix HB 2130. Discusses background of the bill. Explains differences between HB 2130 and HB 3648 A. Notes single retirees hurt by previous law.
040	Co-Chair Brown	Closes the public hearing on HB 3648 A and opens a work session on HB 3648 A.
<u>HB 3648 A – WORK SESSION</u>		
045	Sen. Beyer	MOTION: Moves HB 3648 A to the floor with a DO PASS recommendation.
050		VOTE: 4-0-2 EXCUSED: 2 - Sen. Atkinson, Sen. Burdick

	Co-Chair Brown	Hearing no objection, declares the motion CARRIED.
060	Co-Chair Brown	SEN. CORCORAN will lead discussion on the floor. Closes the work session on HB 3648 A and opens a public hearing on HCR 13.
<u>HCR 13 – PUBLIC HEARING</u>		
065	Jim Stembridge	Committee Administrator. Provides an overview of HCR 13, which honors life of George Manley Joseph, former Chief Justice of Oregon Court of Appeals, 1930-2003.
065	Rep. Diane Rosenbaum	Oregon State Representative, District 42. Discusses the public service career of George Joseph. Describes personal example of remarkable relationship with George Joseph.
085	Sen. Beyer	Closes the public hearing on HCR 13 and opens a work session on HCR 13.
<u>HCR 13 – WORK SESSION</u>		
090	Sen. Corcoran	MOTION: Moves HCR 13 be sent to the floor with a BE ADOPTED recommendation.
095		VOTE: 4-0-2
	Sen. Beyer	EXCUSED: 2 - Sen. Atkinson, Sen. Burdick
		Hearing no objection, declares the motion CARRIED.
		CO-CHAIR BROWN will lead discussion on the floor.
093	Co-Chair Brown	Comments parties still working on SB 915 with additional amendments.
095	Co-Chair Brown	Closes the work session on HCR 13 and opens a work session on HB 3646.
<u>HB 3646 – WORK SESSION</u>		
100	Marjorie Taylor	Committee Administrator. Provides an overview of HB 3646, which eliminates requirements that race days be allocated based on 1992 and 1993 calendar year allocations. Presents -3 amendments dated 7/31/03 (EXHIBIT A).
105	Sen. Beyer	MOTION: Moves to ADOPT HB 3646-3 amendments dated 7/31/03.
110		VOTE: 4-0-2
		EXCUSED: 2 - Sen. Atkinson, Sen. Burdick
	Co-Chair Brown	Hearing no objection, declares the motion CARRIED.
112	Sen. Beyer	MOTION: Moves HB 3646 to the floor with a DO PASS AS AMENDED recommendation.
115		VOTE: 5-0-1
		EXCUSED: 2 - Sen. Atkinson, Sen. Burdick*
		*(Aye vote recorded on tape 113A, counter # 115)
	Co-Chair Brown	Hearing no objection, declares the motion CARRIED.
		SEN. BURDICK will lead discussion on the floor.
118	Co-Chair Brown	States awaiting amendments to HB 3328.
110	Co-Chair Brown	Closes the work session on HB 3646 and opens a work session on HB 2341 A.
<u>HB 2341 A – WORK SESSION</u>		
115	Jan McComb	Committee Administrator. Provides an overview of HB 2341 A, which revises requirements and procedures for public contracting. Presents –A13 amendments dated 8/7/03 (EXHIBIT B).
135	Sen. Fisher	Claims he has questions that need answers.
160	Sandra Bishop	Fair Competition Alliance (FCA). Discusses –A11 and –A10 amendments. Addresses two concerns with language with –A11 amendments. Refers to various sections of the bill. Presents –A11

		amendments dated 8/6/03 (EXHIBIT C) drafted by Sen. Fisher on behalf of FCA. Presents –A10 amendments dated 8/4/03 (EXHIBIT D).
235	Sen. Beyer	Clarifies summary of the –A11 amendments.
240	Bishop	Summarizes sections and changes. Discusses purpose of –A11 amendments.
265	Sen. Fisher	Asks for a definition of socioeconomic programs.
270	Doug McCain	Legislative Counsel. Responds the language came from model procurement code and the policy statement that precedes that code. Claims not enough information to discuss meaning.
275	Sen. Fisher	Expresses concern with decision-making when a definition cannot even be defined.
300	Dana Anderson	Assistant Attorney General, Business Transaction Section. Provides definition of socio-economic programs in response to Sen. Fisher’s question. States mission of the policy statement.
305	Sen. Fisher	Asks if the Qualified Rehabilitation Facility (QRF) exemption to competitive bidding from pulling the disabled of socio-economic program.
310	Anderson	Responds if it exempts a certain group giving it a preference.
315	Sen. Fisher	Understands section amended out of bill and left alone. Asks if this is coming in to do something to that would effectively override deletion of QRF program.
325	Anderson	Responds no, but policy statement would require legislative mandate so it will need to be referenced.
330	Sen. Fisher	Asks for assurance there is no intent or language to change the interpretation on how products of disabled law are applied to public purchasing and procurements in Oregon.
340	Anderson	Responds there is nothing in policy statements that would have that effect.
343	Sen. Fisher	Claims the discussion is HB 2341, not policy statements. Asks if it is all considered a policy statement.
345	Anderson	Responds no.
350	McCain	Refers to sections in the bill in response to the question.
370	Sen. Fisher	Refers to legal remedy section of HB 2341. Asks if they limit or restrict judicial reviews.
375	McCain	Responds there are different remedies. Refers to sections in the bill.
TAPE 113, A		
010	Sen. Fisher	Clarifies have to go through agency process but still have access afterwards to the same judicial process as before so not denied an opportunity to go beyond agency itself and request for relief.
017	McCain	Responds that is correct.
020	Sen. Fisher	Asks if any changes in legal remedy section of HB 2341 of proposed amendments limit or restrict existing judicial review. Claims according to answers it does not restrict but may require going through more process before getting to it.
025	McCain	Responds that is correct. Refers to Section 86A. Claims the bill flushes out how judicial review happens and spell out more clearly filing information. States cannot say this does not change current law because in many cases it is silent.
037	Sen. Fisher	Clarifies it does not restrict someone from going past the agency to the court system.
039	McCain	Responds correct.
040	Sen. Corcoran	Asks if -11 amendments are different from the bill itself in regard

		to judicial review. Asks if no change in rewrite then what are -11 amendments attempting to do.
048	McCain	Comments discussing information to Sandra Bishop of the amendments to Section 83, 86, 86A and -10 amendments. Claims language existed Ms Bishop's clients did not like. Discusses the amendments. Explains Section 83 and existing law and how it is not the same.
080	Sen. Fisher	Asks if the elimination of the QRF program and its separate laws have been removed, then are any areas contained in the bill as amended being circumvented.
085	McCain	Responds does not think so. Claims under existing law 279 the QRF system is part of the whole public contracting method. Notes QRF have been excluded and will be contracted for by local government in a separate manner not under the code. Adds nothing in the amendments will change that. States judicial review in sections 83, 86, 86A will not apply to the QRF because they are not subject to the code.
095	Sen. Burdick	MOTION: Moves to ADOPT HB 2341-A13 amendments dated 8/7/03.
100		VOTE: 5-0-1
	Co-Chair Brown	EXCUSED: 1 - Sen. Atkinson
	Sen. Burdick	Hearing no objection, declares the motion CARRIED.
105		MOTION: Moves HB 2341 to the floor with a DO PASS AS AMENDED recommendation.
110		VOTE: 5-0-1
	Co-Chair Brown	EXCUSED: 1 - Sen. Atkinson
		Hearing no objection, declares the motion CARRIED.
		SEN. ATKINSON will lead discussion on the floor.
112	Co-Chair Brown	Closes the work session on HB 2341 and reopens a work session on HB 3646.
<u>HB 3646 – WORK SESSION</u>		
115	Sen. Beyer	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. BURDICK to BE RECORDED as voting AYE on the MOTION: Moves HB 3646 to the floor with a DO PASS AS AMENDED recommendation.
120		VOTE: 5-0-1
	Co-Chair Brown	EXCUSED: 1 - Sen. Atkinson
125		Hearing no objection, declares the motion CARRIED.
		SEN. BURDICK will lead discussion on the floor.
132	Co-Chair Brown	Closes the work session on HB 3646 and opens a work session on HB 3328 A.
<u>HB 3328 A – WORK SESSION</u>		
135	Jan McComb	Committee Administrator. Provides an overview of HB 3328 A, which revises laws administered by Government Standards and Practices Commission (GSPC). States work on drafting amendments is being done currently. Presents –A7 amendments dated 7/30/03 (EXHIBIT E) and –A8 amendments dated 8/4/03 (EXHIBIT F).
150	Co-Chair Brown	Comments –A7 amendments were drafted so that fresh legislators could understand the laws better.
155	Dave Moss	Chair, GSPC. Discusses –A7 amendments. Discusses phases and investigator jobs.

175 Co-Chair Brown Asks if comments have been passed to Legislative Counsel office.

178 Moss Responds the time periods have been presented in written form to the administrator that took them to Legislative Counsel.

191 Sen. Burdick **MOTION: Moves to ADOPT HB 3328 A–A7 amendments dated 7/30/03.**

195 **VOTE: 4-0-2**
EXCUSED: 2 - Sen. Atkinson, Sen Beyer
Hearing no objection, declares the motion CARRIED.

200 Co-Chair Brown
Sen. Burdick **MOTION: Moves to ADOPT HB 3328 A-A8 amendments dated 8/4/03.**

205 **VOTE: 4-0-2**
EXCUSED: 2 - Sen. Atkinson, Sen. Beyer
Hearing no objection, declares the motion CARRIED.

208 Co-Chair Brown
Co-Chair Brown Claims awaiting other amendments from Legislative Counsel. Closes the work session on HB 3328 A and opens a public hearing on SB 939.

SB 939 – PUBLIC HEARING

210 Judith Callens Committee Administrator. Provides an overview of SB 939, which modifies methodology for calculating system development charges and costs for which system development charges may be expended. Presents -1 amendments dated 8/7/03 (**EXHIBIT G**).

230 Jon Chandler Testifies in support of SB 939. States this is a great bill with good legislation. Expresses thanks to members of the workgroup. States this has been a two way discussion for years. Describes changes. Discusses reimbursement and improvement fees. Discusses amendments. Explains cost of materials. Provides written testimony (**EXHIBIT H**).

350 Chandler Continues discussion.

TAPE 112, B

005 Chandler Discusses amendments further. Discusses adding projects to and from the list.

040 Chandler Discusses effective dates. States he is proud of the bill.

045 Michelle Deister League of Oregon Cities (LOC). Testifies in support of SB 939. Comments on reimbursement fees and what the changes provide. Claims guidance provided to local governments while still allowing flexibility to accommodate considerations unique to the particular area. Adds opportunity to value the system reimbursed for. Discusses improvement fees. Voices concern, but feels language strikes good balance. Discusses compliance costs that are legitimate. Urges adoption of -1 amendments.

098 Greg Leo City of Wilsonville. Questions the word “demonstrate”. Feels it needs to be replaced with the word “finds” instead.

110 Chandler States the concern was discussed in the workgroup. Claims content with “demonstrates” word.

120 Deister States does not understand concerns and look forward to discuss further with City of Wilsonville.

125 Co-Chair Brown Recesses the meeting at 2:15 PM.

*******RECESS*******

130 Co-Chair Brown Reconvenes the meeting at 2:25 PM.

132 Co-Chair Brown Closes the public hearing on SB 939 and opens a work session on HJM 10.

HJM 10 – WORK SESSION

135 Jim Stembridge Committee Administrator. Provides an overview of HJM 10, which requests Oregon Congressional Delegation to urge Congress to fund repairs to Port of Tillamook Bay jetties in federal fiscal year 2004.

145 Sen. Beyer **MOTION: Moves to ADOPT HJM 10-2 amendments dated 7/31/03 (EXHIBIT D).**

150 **VOTE: 5-0-1**
EXCUSED: 1 - Sen. Atkinson
Hearing no objection, declares the motion CARRIED.

155 Co-Chair Brown
Sen. Beyer **MOTION: Moves HJM 10 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.**

160 **VOTE: 5-0-1**
EXCUSED: 1 - Sen. Atkinson
Hearing no objection, declares the motion CARRIED.
SEN. DUKES will lead discussion on the floor.

165 Co-Chair Brown Closes the work session on HJM 10 and opens a work session for consideration of legislative concepts for drafting and introduction.

WORK SESSION

170 Jim Stembridge Committee Administrator. Presents overview of legislative concept.

175 Sen. Beyer **MOTION: Moves legislative concept 1, submitted by staff, BE APPROVED FOR DRAFTING by Legislative Counsel and BE INTRODUCED as committee bills. (EXHIBIT J)**

180 **VOTE: 5-0-1**
EXCUSED: 1 – Sen. Atkinson
Hearing no objection, declares the motion CARRIED.

180 Co-Chair Brown
Co-Chair Brown Discusses awaiting amendments on SB 915 and HB 3328.
Recesses the meeting at 2:45 PM.

*****RECESS*****

182 Co-Chair Brown Reconvenes the meeting at 3:00 PM. Closes the work session for consideration of legislative concepts for drafting and introduction and re-opens the work session on SB 939.

SB 939 – WORK SESSION

185 Greg Leo City of Wilsonville. Agrees the word “demonstrates” should not be removed. Comments this is a back and forth communication method between the credit applicant and government unit making the decision.

190 Sen. Beyer **MOTION: Moves to ADOPT SB 939-1 amendments dated 8/7/03.**

195 **VOTE: 5-0-1**
EXCUSED: 1 - Sen. Atkinson
Hearing no objection, declares the motion CARRIED.

200 Co-Chair Brown
Sen. Beyer **MOTION: Moves SB 939 to the floor with a DO PASS AS AMENDED recommendation.**

205 **VOTE: 5-0-1**
EXCUSED: 1 - Sen. Atkinson
Hearing no objection, declares the motion CARRIED.
SEN. CORCORAN will lead discussion on the floor.

208 Co-Chair Brown Closes the work session on SB 939 and opens a work session on HB 3328 A.

HB 3328 A – WORK SESSION

208 Dave Moss Chair, Oregon Government Standards & Practices Commission

(GSPC). Discusses amendments requested. Discusses timeframes. Refers to sections 5 & 6.

240 Sen. Fisher Asks about a timeframe.

242 Moss Believes this will benefit people because the preliminary phase is when gathering initial information to see if there may be fire under the smoke. Claims it extends the period where things could be resolved.

250 Co-Chair Brown Asks if this benefits the victim.

252 Moss Responds yes.

255 Sen. Beyer Refers to page 10, line 45. Asks about ninety days.

260 Moss Responds there has been confusion because of it being in two places in the statute.

265 Sen. Burdick Claims it is more than two places. Refers to page 11, line 8 and page 11, line 30.

270 **Sen. Beyer** **MOTION: Moves to ADOPT HB 3328A-A9 amendments dated 8/7/03. (EXHIBIT K)**

275 **VOTE: 5-0-1**
EXCUSED: 1 - Sen. Atkinson
Hearing no objection, declares the motion CARRIED.

280 **Co-Chair Brown** **MOTION: Moves HB 3328 A to the floor with a DO PASS**
Sen. Beyer **AS AMENDED recommendation.**

285 **VOTE: 5-0-1**
EXCUSED: 1 - Sen. Atkinson
Co-Chair Brown **Hearing no objection, declares the motion CARRIED.**
SEN. BEYER will lead discussion on the floor.

310 Co-Chair Brown Closes the work session on HB 3328 A. Recesses the meeting at 3:16 PM.

*******RECESS*******

Co-Chair Brown Reconvenes the meeting at 3:18 PM. Opens a work session on SB 915.

SB 915 – WORK SESSION

315 Rep. Billy Dalto Oregon State Representative, District 21. Testifies in support of the SB 915-5 amendments. Expresses concern with buffer zone in -6 amendments. Claims accepting of a one mile buffer. Presents -5 amendments dated 8/7/03 proposed by Department of Land Conservation and Development (DLCD) **(EXHIBIT L)** and -6 amendments dated 8/7/03 proposed by 1,000 Friends of Oregon **(EXHIBIT M)**.

365 Sen. Corcoran Asks about -5 and -6 amendments referring to county law enforcement facility that legally exists on the effective date. Expresses concern with comment of Rep. Dalto that the conditional use permit expired.

374 Rep. Dalto Responds it is a temporary permit that expired on July 1, but does not have a conditional permit.

375 Sen. Corcoran Asks where they fit under restriction if not under the permit.

384 Rep. Dalto Responds it is solved with -5 amendments in lines 2 through 5.

386 Sen. Corcoran Clarifies the concern is if the temporary permit has expired then it is not currently lawful.

400 Rep. Dalto Responds they can be removed at any time.

405 Sen. Corcoran Discusses not wanting a land use claim after legislation done on the basis at the time this was enacted that the permit was outdated.

413 Rep. Dalto Notes seeing the point but at a loss not being an expert to answer

415	Ron Eber	the question. DLCD. Discusses the point is that they did get a lawful permit to go into existence
429	Sen. Corcoran	Comments on an example with a potential court battle with permit issue.
TAPE 113, B		
005	Rep. Dalto	Suggests hand-engrossed language added to specify concerns.
010	Sen. Beyer	Concerned with Sen. Corcoran's point. Suggests adoption of the -6 amendments and amend a three mile buffer, move the bill forward and have issues addressed.
020	Sen. Beyer	MOTION: Moves to ADOPT SB 915-6 amendments dated 8/7/03.
025		VOTE: 5-0-1
	Co-Chair Brown	EXCUSED: 1 - Sen. Atkinson
		Hearing no objection, declares the motion CARRIED.
		SEN. BEYER will lead discussion on the floor.
026	Rep. Dalto	Expresses interest in moving the -5 amendments.
030	Co-Chair Brown	Comments that the amendment needs to get to the House and move forward.
040	Sen. Beyer	MOTION: Moves SB 915 to the floor with a DO PASS AS AMENDED recommendation.
045		VOTE: 5-0-1
	Co-Chair Brown	EXCUSED: 1 - Sen. Atkinson
		Hearing no objection, declares the motion CARRIED.
		SEN. BEYER will lead discussion on the floor.
048	Co-Chair Brown	Closes the work session on SB 915. Adjourns the meeting at 3:30 PM.

EXHIBIT SUMMARY

A – HB 3646, -3 amendments dated 7/31/03, staff, 2 pp
B – HB 2341 A, -A13 amendments dated 8/7/03, staff, 64 pp
C – HB 2341 A, -A11 amendments dated 8/6/03, staff, 4 pp
D – HB 2341 A, -A10 amendments dated 8/4/03, staff, 64 pp
E – HB 3328 A, -A7 amendments dated 7/30/03, staff, 2 pp
F – HB 3328 A, -A8 amendments dated 8/4/03, staff, 5 pp
G – SB 939, -1 amendments dated 8/7/03, staff, 5 pp
H – SB 939, written testimony, Jon Chandler, 4 pp
I – HJM 10, -2 amendments dated 7/31/03, staff, 1 p
J – Legislative Concepts, memorandum, staff, 1 p
K – HB 3328 A, -A9 amendments dated 8/7/03, staff, 10 pp
L – SB 915, -5 amendments dated 8/7/03, staff, 2 pp
M – SB 915, -6 amendments dated 8/7/03, staff, 2 pp