

HOUSE COMMITTEE ON RULES, REDISTRICTING, AND PUBLIC AFFAIRS

May 02, 2001
1:30 PM

Hearing Room D
Tapes 99 -101

MEMBERS PRESENT: **Rep. Carl Wilson, Chair**
 Rep. Richard Devlin, Vice-Chair
 Rep. Dan Doyle, Vice-Chair
 Rep. Dan Gardner
 Rep. Bill Garrard
 Rep. Steve March
 Rep. Bruce Starr
 Rep. Joanne Verger
 Rep. Cheryl Walker

STAFF PRESENT: **Cara Filsinger, Committee Administrator**
 Jennifer Goodman, Committee Assistant

MEASURE/ISSUES HEARD: REDISTRICTING – PUBLIC HEARING
 HB 3960 – WORK SESSION
 HB 3983 – PUBLIC HEARING
 HB 3686 – WORK SESSION
 SB 194A – PUBLIC HEARING
 HB 3983 – PUBLIC HEARING
 HB 2087 – 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 99, A		
004	Chair Wilson	Opens the meeting at 1:34 p.m. Opens a public hearing on redistricting.
<u>PUBLIC HEARING – REDISTRICTING</u>		
021	Cara Filsinger	Committee Administrator. Submits letters, faxes and e-mails for public record (EXHIBITS A- N).
022	Jesse Lohrke	Representing the people of Chapman. Speaks of moving to House District 1. Submits (EXHIBIT O).
045	Chair Wilson	Asks where Chapman is located on the map.
047	Lohrke	Provides information.
052	Chair Wilson	Closes the public hearing on Redistricting. Opens a work session on HB 3960.
<u>HB 3960 – WORK SESSION</u>		
074	Joe Gilliam	Oregon Grocery Industry Association. Describes the –5 amendments.
106	Chair Wilson	Asks for clarification regarding the bottle deposit paid to the distributor.
110	Gilliam	Describes what happens with the bottle deposit transactions.
132	Chair Wilson	Asks how this works.
133	Gilliam	Describes the nickel exchange between retailer and consumer, and the benefits.
157	Rep. Gardner	Asks if Mr. Gilliam has talked to the distributors about the

159	Gilliam	nickel redemption issue.
160	Rep. Gardner	Responds that he has not. Asks how he can expect any compromise if they have not talked to the distributors before creating the amendments.
164	Gilliam	Clarifies his earlier statement.
172	Rep. Gardner	Restates that he finds it difficult to compromise if they have not talked to the distributors yet.
173	Gilliam	Responds that he was threatened by the other side.
183	Rep. Gardner	Comments that they need another hearing before voting on this.
188	Rep. Verger	Asks what percentage of the cans do not come back.
191	Gilliam	Responds that 98% come back.
199	Rep. Starr	Asks what they do with the cans.
205	Gilliam	Responds that the nickel goes back and forth as mandated by the bottle bill.
224	Paul Romain	Attorney representing the Oregon Beer and Wine Distributors. Comments on the -4 and -5 amendments.
330	Chair Wilson	Asks what he intends to do if the retailer does not pay within the five days.
334	Romain	Responds that he believes major grocers have leverage. States that if the -4 amendments are not moved, then they will try to move the -2 amendments through OLCC.
373	Rep. Garrard	Asks if he is okay with the -4 amendments.
376	Romain	Responds yes, if the opponents also accept them.
395	Chair Wilson	Closes the work session on HB 3960. Opens a public hearing on HB 3983.

HB 3983 – PUBLIC HEARING

405	Speaker Mark Simmons	House District 58. Speaks of the energy crisis and rising energy prices. Asks for a do-pass recommendation from the committee. Submits (EXHIBIT P) .
-----	----------------------	---

Tape 100, A

061	Rep. Gardner	Asks why the date of December 31, 2002.
063	Speaker Simmons	Responds that it is a natural timeline.
071	Rep. Gardner	Ask why not make it July 2003 so the next legislature can address this.
073	Speaker Simmons	Responds that the year break is a natural break.
078	Rep. Gardner	Comments that this is not an implementation bill.
084	Speaker Simmons	Explains that the next session can adjust the law.
088	Rep. Gardner	Asks if it would not be more difficult for the Public Utility Commission (PUC) to go backwards than it would to have it on July 1 and not have it implement then.
093	Speaker Simmons	Replies that if the PUC asks they can extend it longer.
101	Representative Robert Ackerman	House District 39. Testifies on the -3 amendments that he prepared. Submits (EXHIBIT Q) .
249	Representative Betsy Close	House District 36. Testifies in support of this bill. Submits (EXHIBIT R) .
281	Representative Bill Witt	House District 7. Testifies in support of the bill but opposes the -3 amendments. Refers to SB 1149. Reviews current bills that address the issue of supply and demand. Explains market certainty.
398	Rep. Garrard	Asks for clarification regarding his comment, “a shorter date of implementation adds certainty, a later date adds to uncertainty.”
403	Rep. Witt	Responds in the affirmative.
427	Rep. Garrard	Asks if the big buyers would trust the PUC but not the legislature.

431	Rep. Witt	Responds that investments would not be made if they believe that the legislature is going to keep changing the policy.
456	Rep. March	Asks if he is saying that they remove the power of the commission to order the costs of the service rate option available to two of the big users.
463	Rep. Witt	Responds in the negative.
477	Rep. March	Asks if he is saying that if the legislature meddles in the process, then the removal of Section 6 is a bad move by this legislature.
486	Rep. Witt	Responds that was not the case.
Tape 99, B		
041	Rep. Starr	Asks if large businesses can still go to market now.
047	Rep. Witt	Responds in the affirmative.
051	Rep. Starr	Asks if on January 1, 2003 the option for them to stay under the cost of service rate is removed, are they then forced to go to market.
053	Rep. Witt	Replies that is correct.
063	Chair Wilson	Submits for the public record letters from PGE and PacificCorp. (EXHIBITS S, T).
069	Greg Miller	Co-Chair, Business Customer Coalition. Urges support of this bill. Submits (EXHIBIT U).
101	Libby Henry	Eugene Water & Electric Board (EWEB). Speaks in support of HB 3983.
133	Jason Eisdofor	Citizen's Utility Board. Speaks in support of HB 3983.
177	Andrea Fogue	League of Oregon Cities. Testifies in support of HB 3983. States that this bill provides additional consumer protection.
202	Rep. Verger	Asks if EWEB supports this bill, or supports no repeal or delay.
206	Henry	Replies they support it because of the certainty and comfort it provides.
211	Rep. Verger	Asks if they know of any groups planning the siting of new generating plants.
221	Henry	Replies that they can supply a list of those who are ready to go.
228	Rep. Verger	Asks how 15 months would affect a large industrial customer.
241	Miller	Replies that the market is very volatile and that the cost of service rate is a safe way to go.
252	Rep. Verger	Asks if this helps create market certainty for all.
260	Miller	Replies he believes so.
261	Rep. March	Asks if he was around during the discussions of SB 1149.
263	Miller	Replies that he was.
265	Rep. March	Asks how many customers are going to the market now and how many want to.
270	Miller	Replies that he cannot answer that question.
274	Rep. Devlin	Asks a hypothetical question regarding delaying the implementation.
285	Miller	Replies that this will not happen.
295	Rep. Devlin	Asks if the difference is that you would not be forced into the market, but a standard offer.
300	Eisdofor	Responds in the affirmative and notes that this bill gives the commission a cost of service rate offer.
323	Chair Wilson	Closes the public hearing on HB 3983. Opens a work session on HB 3686.

HB 3686 - WORK SESSION

342	Brian DeMarco	Assistant to the Commissioner of the Oregon Real Estate Agency. Explains that the amendments will create an association for residents.
-----	---------------	--

390	Chair Wilson	Asks how this would affect new parks.
396	DeMarco	Replies that it would not impact new parks.
400	Rep. Starr	Asks if the local cities and counties have been a part of this discussion.
404	DeMarco	Replies not to his knowledge.
406	Chair Wilson	Asks if he has any idea why they have not.
410	DeMarco	Replies that he is surprised there are no representatives commenting on the proposal.
421	Rep. Starr	States that he would be interested to know why they have not said anything.
428	Chair Wilson	Notes that he likes this bill and expects to see them on the Senate side.
434	Bob Repine	Director, Oregon Housing and Community Services. Explains that this has been an issue for 10 years. Explains that this bill will allow people to own the land beneath their home, thus increasing the value of the home.
Tape 100, B		
051	Rep. March	States that he supports the concept, but is concerned about a comment regarding a portion of the park that might be owned by the individual residents. Asks if he sees this equally applying to the park going up for sale individually or if half be kept for rental or sale by lot.
060	DeMarco	Responds that the whole park would be sub-divided.
071	Rep. March	Comments that it would be like a condo association. Asks if the property is developed, does management maintain it until a certain percentage is sold.
078	DeMarco	Replies yes.
083	Rep. Starr	MOTION: Moves to ADOPT HB 3686-2 amendments dated 4/25/01.
		VOTE: 8-0
		EXCUSED: 1 – Gardner
		Hearing no objection, declares the motion CARRIED.
087	Chair Wilson Rep. Starr	MOTION: Moves HB 3686 to the floor with a DO PASS AS AMENDED recommendation.
088		VOTE: 8-0
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 1 – Gardner
	Chair Wilson	The motion CARRIES.
		REP. STARR will lead discussion on the floor.
097	Chair Wilson	Closes the work session on HB 3686. Opens a public hearing on SB 194A.
<u>SB 194A – PUBLIC HEARING</u>		
112	John Van Landingham	Attorney, Legal Services Program in Lane County. States that this bill represents the coalition compromise to produce changes that are acceptable to both landlords and tenants.
125	Emily Cedarleaf	Director, Multifamily Housing Council. Testifies that the goal is that things are balanced between landlords and tenants. States they have another set of amendments they are working on.
163	Chuck Carpenter	Manufactured Home Owners of Oregon. States that they are pleased with the bill but would like to continue working on it.
183	Van Landingham	Explains that there are two coalitions working on this and that they are still negotiating amendments.

201	Rep. Verger	Asks for a definition of unlawful, not unlawful, and unsafe.
207	Van Landingham	Gives brief definitions.
224	Chair Wilson	Closes the public hearing on SB 194A. Reopens the public hearing on HB 3983.
<u>HB 3983 – PUBLIC HEARING</u>		
229	Roy Hemingway	Testifies on behalf of the Governor who supports HB 3983. Explains that it solves problems that some people are worried about being thrown into a chaotic marketplace. Emphasizes that this does not mean there will not be rate increases. Concludes that the Governor supports this bill, and hopes to solve the issues regarding deregulation questions for now.
283	Rep. March	Asks if he has seen the –3 amendments.
285	Hemingway	Responds that he has not.
186	Rep. March	States that the –3 amendment proposes that the PUC can rescind the requirement under the bill to do a cost of service rate. Asks for his thoughts on that.
305	Hemingway	Replies that he would like to be able to talk this over with people. States he believes it offers flexibility.
328	Chair Wilson	Closes the public hearing on HB 3983. Reopens the public hearing on SB 194A.
<u>SB 194 A – PUBLIC HEARING</u>		
337	Brad Swank	Special Counsel for Government Relations with the State Court Administrators Office. States that there were changes made from the original bill from the Senate. Asks to work with those who are working on the bill.
368	Bob Repine	Director of Oregon Housing and Community Services. Speaks in support of SB 194A.
398	Pat Schwoch	Representing Manufactured Home Owners of Oregon. Speaks in favor of this bill.
410	Chair Wilson	Closes the public hearing on SB 194A. Opens a work session on HB 2087.
<u>HB 2087 - WORK SESSION</u>		
430	Representative Betsy Close	House District 36. Reviews the bill and her –6 amendments.
Tape 101, A		
035	Paddy McGuire	Deputy Secretary of State. States that he still opposes major parts of the bill and give a brief analysis.
103	Chair Wilson	Referring to Section 3 asks if they have not steered away from violating the National Voters Rights Act by the changes made in that section.
112	Scott Tighe	Operations Manager, Elections Division. Replies that the part of Section 3 that is in violation of the Voter’s Act is because it goes beyond the federal requirement.
128	Rep. Starr	Asks if anyone ever objects to these checks.
130	Tighe	Replies that any challenges are looked into.
137	Rep. March	Asks if the current law allows for a challenge of voters.
139	Tighe	Answers in the affirmative.
149	Rep. Close	States that she will look into the violation of the Voter’s Right Act. Adds that the challenge is for the registration not the vote.
163	Chair Wilson	Closes the work session on HB 2087. Staff submits (EXHIBIT V) . Adjourns the meeting at 3:38 p.m.

Submitted By,

Reviewed By,

Jennifer Goodman,
Committee Assistant

Cara Filsinger,
Committee Administrator

Transcribed By,

Cheryl Young
Committee Assistant

EXHIBIT SUMMARY

- A – Redistricting, written testimony e-mail, Raphael Antical, 1p.**
- B - Redistricting, written testimony, Deborah Knapp, 1p.**
- C - Redistricting, written testimony, James Draznin, 1p.**
- D - Redistricting, written testimony, Deanna Berman, 1p.**
- E - Redistricting, written testimony e-mail, Jon Mandaville, 1p.**
- F - Redistricting, written testimony, Judy O’Connor, 1p.**
- G - Redistricting, written testimony e-mail, Chuck and Katie Riley, 1p.**
- H - Redistricting, written testimony e-mail, Kate Gullette, 2pp.**
- I - Redistricting, written testimony e-mail, Eileen Woodward, 1p.**
- J - Redistricting, written testimony e-mail, Winchell Craig, 1p.**
- K - Redistricting, written testimony e-mail, Peter Geiser, 1p.**
- L - Redistricting, written testimony e-mail, James Bradfield, 1p.**
- M - Redistricting, written testimony e-mail, Margaret Philben, 1p.**
- N - Redistricting, written testimony e-mail, Mr. and Mrs. Arthur Crino, 1p.**
- O - Redistricting, written testimony, Jesse Lohrke, 11pp.**
- P – HB 3983, written testimony, Rep. Mark Simmons, 2pp.**
- Q – HB 3983, written testimony, Rep. Robert Ackerman, 3pp.**
- R – HB 3983, written testimony, Rep. Betsy Close, 3pp.**
- S – HB 3983, letter from PGE, submitted by Staff, 1p.**
- T – HB 3983, letter from PacifCorp, submitted by Staff, 1p.**
- U – HB 3983, written testimony, Greg Miller, 1p.**
- V – HB 2087-6 amendment, submitted by Staff, 11pp.**