

**SENATE COMMITTEE ON GENERAL GOVERNMENT AND  
TRANSPORTATION**

February 13, 2001 Hearing Room 343  
03:00 pm Tapes 28 - 29

**MEMBERS PRESENT:**       **Sen. Gary George, Chair**  
                                  **Sen. Rick Metsger, Vice-Chair**  
                                  **Sen. Margaret Carter**  
                                  **Sen. Beverly Clarno**  
                                  **Sen. Ken Messerle**

**STAFF PRESENT:**       **Patrick Balducci, Administrator**  
                                  **Nancy Masee, Administrative Support**

**MEASURE/ISSUES HEARD:**       **SB 189 Public Hearing and Work Session**  
                                  **SJR 7 Public Hearing and Work Session**  
                                  **SB 386 Public Hearing**  
                                  **SB 387 Public Hearing and Work Session**  
                                  **SB 391 Public Hearing and Work Session**

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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 28, A</b>		
003	Sen. Rick Metsger	Vice Chair. Opens meeting at 3:07 p.m. Opens public hearing on SB 189.
<b>SB 189 PUBLIC HEARING</b>		
006	Patrick Balducci	Administrator. Gives background on SB 189.
008	James Pand	Citizen. Opposes SB 189. Asks where is the authority to change the constitution.
030	Balducci	Notes that SB 189 amends the original Article VII of the Oregon constitution, which was replaced but not repealed by Oregon voters in 1925. Legislative Counsel has assured the committee that the Legislature has the authority to amend the original Article VII without a referral to Oregon voters.
043	Sen. Avel Gordly	Introduces several proponents of SB 189 and SJR 7. States the point is to rid the state constitution of demeaning, disparaging white supremacist language. States when the constitution was drafted it excluded free blacks from living in Oregon. Before the civil war, voting white males drafted and ratified the constitution. SB 189 deletes reference to white inhabitants. SJR 7 deletes references to race. Introduces Mr. Marino.
099	Sen Metsger	Closes public hearing on SB 189. Opens public hearing on SB 189 and SJR 7.
<b>SB 189 AND SJR 7 PUBLIC HEARING</b>		
114	Michael Marino	Requestor of SB 189. Supports SB 189 and SJR 7. Explains Article 7 of the constitution. Asks the committee to consider the significant changes in the constitution asked by the two bills.
143	Sen. Carter	Commends Mr. Marino for researching the constitution.
150	Chet Orloff	Oregon Historian. Supports SB 189 and SJR 7. Discusses state

		constitutions and states that constitutions are living documents and are meant to be changed by the people. Initial language placed in a constitution was never intended to remain fixed. As Secretary of the State Geographic Names Board and relates the board's experience changing creek name from Darkie to the man's name Southworth.
215	Dr. Darrell Millner	Portland State University (PSU) Professor of Black Studies. Supports SB 189 and SJR 7. Gives background on status of blacks in the country historically and presently.
260	Chair George	Comments on the importance of updating the constitution.
270	Peter Leung	Former Chair of the Commission on Asian Affairs for Oregon. Presently the President of the Corvallis Branch of NAACP. Describes living in Oregon for the past eight years. Discusses the need for SB 189 and SJR 7. Supports both bills. States the bills promote diversity inclusiveness. Asks for a chance for Asians to be accepted in Oregon. Names Corvallis legislators who support these bills.
354	Seamus Mulryan	Represents the Socialist Party of Oregon. Supports SB 189 and SJR 7. Asks the committee to vote for these bills.
388	Michael Marss	Represents the Fifth Amendment Coalition. Introduces Pamela Gaston representing A Voice for Children.
<b>TAPE 29, A</b>		
012	Marss	Refers to Biblical story of how human suppression started. Discusses the two Articles 7 of the Oregon constitution. Opposes SB 189 and SJR 7.
041	Marss	Discusses the duties of the different levels of courts.
072	Chair George	Asks if Mr. Marss believes in cleaning up the language in the constitution.
080	Marsh	Explains that the original article 7 provided due process by law.
082	Chair George	Asks if he is disputing that article 7 was removed.
088	Marsh	Answers no, it was amended. The original is ignored.
103	Balducci	Explains the part of the Oregon constitution referring to African American exclusions was declared unconstitutional by the federal government under the 14 <sup>th</sup> amendment of the constitution of the United States.
119	Sen. Carter	Declares the constitutional language is racist language and asks to vote on the bill.
132	Marss	Says that the 14 <sup>th</sup> amendment was forced on the people during a period of martial law following the Civil War..
143	Pamela Gaston	Co-director for the Voice for Children and the Fifth Amendment Coalition . Opposes SB 189 and SJR 7. States the original Article 7 of the Oregon constitution was supplanted and suggest repealing the second Article 7. Says the Oregon constitution should not be considered statutes. Ratification of the 14 <sup>th</sup> amendment did not raise minorities but made all people slaves. Speaks about restrictions on people by the government. Says the rights of the people are violated. <b>(EXHIBIT B)</b>
290	<b>Chair George</b>	Closes public hearing on SB 189 and SJR 7. Opens work session on SB 189.

**SB 189 WORK SESSION**

**300 Sen. Metsger**

**MOTION: Moves SB 189 to the floor with a DO PASS recommendation.**

**301**

**VOTE: 5-0**

	<b>Chair George</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
303	Chair George	<b>SEN. CARTER will lead discussion on the floor.</b> Closes work session on SB 189 and opens work session on SJR 7.
<b>SJR 7 WORK SESSION</b>		
315	<b>Sen. Metsger</b>	<b>MOTION: Moves SJR 7 be sent to the floor with a BE ADOPTED recommendation.</b>
316		<b>VOTE: 4-0</b>
		<b>EXCUSED: 1 - Carter</b>
317	<b>Chair George</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
318	Chair George	<b>SEN. GEORGE will lead discussion on the floor.</b> Closes work session on SJR 7 and opens public hearing on SB 386.
<b>SB 386 PUBLIC HEARING</b>		
327	Balducci	Explains SB 386.
330	Jon Mangus	Director, Department of Veterans Affairs. Supports SB 386. Gives background on the Veterans Home at Hood River. The building of this home was contracted out to private businesses based on bids.
340	Sen. Carter	Asks if when the contractor brings information to the department, the department does not have to disclose that information publicly.
345	Mangus	Answers, yes, it is strictly financial information.
<b>TAPE 28, B</b>		
020	Walter Crews	Retired, United States Air Force. Represents United Veteran Groups of Oregon.
025	Chair George	Closes public hearing on SB 386. Opens public hearing on SB 386, SB 387, and SB 391.
<b>SB 386, SB 387, AND SB 391 PUBLIC HEARING</b>		
030	Crews	Supports SB 386, SB 387, and SB 391. Asks the committee to vote for these bills. <b>(EXHIBIT C)</b>
071	Van Moore	Citizen contractor. Opposes SB 386. Relates experience bidding on veteran's home building contract. Explains frustration with SB 386 because of the lack of information made available to bidders on that job. Discusses competitive bidding. His background is with troubled facilities. States he walked away from the veterans' home in The Dalles job due to lack of basic information. Explains that withholding information engenders lower bids. States that for the good of the veterans in providing quality care all necessary financial information should be available. Gives example of how the state of Utah mistakenly took a low bid with disastrous results.
133	Moore	Continues explaining why financial knowledge is necessary in bidding.
140	Chair George	Asks if the bill would not allow disclosure of financial information.
144	John Mangus	Reads bill regarding disclosure.
171	Moore	Describes withdrawal of bid by his company due to lack of information made available. Asks committee to consider proprietary withholding information.
203	Mangus	Responds that information requested is available for others if they pursue it. The department does not pursue it. Veterans have

		open records available.
205	Sen. Messerle	States that basic information should be available to bidders. Asks what basic information is available.
250	Mangus	Says all the information is available.
255	Moore	States his company was told the information on any current operating financials, wage scales, and utilities would not be made available because it was private.
257	Sen. Metsger	Not supportive of SB 386 because of lack of information made available to bidders. Says SB 386 is moving away from the public right to know.
302	Moore	Explains how Senior and Disabled services make all records available in medicade information. Feels strongly that all financial information should be made available to the public.
320	Sen. Clarno	States concern about their records not being available for the veterans' home bidders for the home in The Dalles.
366	Mangus	Suggests he will withdraw the bill.
377	Chair George	Says more information is needed. Asks Mr. Moore and Mr. Mangus to try to clarify the bill.
380	Sen. Messerle	Asks if the Veterans' Department has the information on costs of utilities. Asks if the information is available, it should be available to all bidders. It may be appropriate to charge for the information if there is a lack of staff to produce it.
394	Chair George	Closes public hearing on SB 386. Opens public hearing on SB 387.

**SB 387 PUBLIC HEARING  
TAPE 29, B**

010	Balducci	Explains SB 387.
020	Mangus	Explains why SB 387 is requested.
037	Chuck Smith	Director, Debt Management, Municipal Bond Department, Oregon State Treasurer. Clarifies SB 387. Implementation for Measure 83 approved last November.
043	Chair George	Closes public hearing. Opens work session on SB 387.

**SB 387 WORK SESSION**

**020 Sen. Metsger MOTION: Moves SB 387 be sent to the floor with a DO PASS recommendation.**

**024 Chair George VOTE: 5-0 Hearing no objection, declares the motion CARRIED. SEN. GEORGE will lead discussion on the floor.**  
 Chair George Closes work session. Opens public hearing on SB 391.

**SB 391 PUBLIC HEARING**

035	Balducci	Explains SB 391.
050	Jon Mangus	Director, Department of Veterans' Affairs. Gives background on SB 391 which addresses an administrative accounting procedure.
070	Sen. Metsger	Asks if trust fund serves all veterans.
080	Mangus.	Answers the first trust fund was to accept grants and for disabled veterans, one is for widows of veterans, and one is for flags..
085	Sen. Metsger	Asks if the two groups serve all veterans.
097	Mangus	Answer yes, although they would still go to their designated group.
110	Bruce Shiver	Chief Financial Officer. Oregon Department of Veterans' Affairs.
<b>135</b>	<b>Sen. Metsger</b>	<b>MOTION: Moves SB 391 to the floor with a DO PASS recommendation.</b>

135	Chair George	<b>VOTE: 4-0</b> <b>EXCUSED: 1 - Sen. Carter</b> <b>Hearing no objection, declares the motion CARRIED.</b> <b>SEN. CLARNO will lead discussion on the floor.</b>
140	Chair George	Closes work session.
145	Ed Hughes	Veterans lobbyist. Requests the committee to address SB 386 this session.
130	Chair George	Says SB 386 may be continued later. Adjourns meeting at 4:40 pm

Submitted By,                      Reviewed By,

Nancy Masee, Committee Assistant	Patrick Balducci, Administrator
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**EXHIBIT SUMMARY**

- A – Written testimony, Senator Avel Gordly, 1 p**
- B – Written testimony, Pamela Gaston, 1 p**
- C – Written testimony, Walter Crews, 16 pp**