

SENATE COMMITTEE ON RULES AND REDISTRICTING

February 20, 2001 Hearing Room C
3:00 p.m. Tapes 21 - 22

MEMBERS PRESENT: Sen. Steve Harper, Chair
Sen. Peter Courtney, Vice-Chair
Sen. Jason Atkinson
Sen. Lee Beyer
Sen. Kate Brown
Sen. Randy Miller
Sen. John Minnis

STAFF PRESENT: Craig Allen, Administrator
Annetta Mullins, Administrative Support

MEASURE/ISSUES HEARD: Public Hearing and Work Session
SB 626
SB 612
SB 488
SJM 3
Informational Meeting
2001 Senate Regular Session Rules

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 21, A 004	Chair Harper	Calls meeting to order at 3:02 p.m. and opens a public hearing on SB 626.
<u>SB 626 - PUBLIC HEARING</u> 013	Marla Rae	Volunteer Board Member, Boys and Girls Club of Salem, Marion and Polk Counties. Explains they have requested the bill because the City of Salem is located in two counties. Laws were enacted in 1987 to control charitable bingo and created exemptions to allow charities to exceed certain regulations of the bingo handle, the number of hours a licensee may operate in a week, and the amount of compensation and time devoted to bingo by certain employees of the charity. Today only two charities qualify for the exemptions. Ten years after the statute was enacted one bingo operation proposed to move its game from the Salem area to the Portland area. The present statute was enacted concerning the material change of circumstance. If a charity moved from one county to another, the exemptions were lost. Explains that the Boys and Girls Club of Salem, Marion and Polk Counties moved their operation from west Salem in Polk County to north Salem in Marion County in 1999. The

Department of Justice expressed no objection at the time of the move but in October the Department of Justice contacted them because the department had been unaware that Salem was actually located in two counties. The Boys and Girls Club of Salem, Marion and Polk Counties lost the exemption they had been operating under for 13 years. SB 626 proposed to cure the situation. The exemption allows the club another \$150,000 in revenue per year. Thirty-four percent of programs for children in Marion and Polk counties are supported by the bingo operation. Asks how they have been operating.

055 Chair Harper
Rae

Explains they entered into an agreement with the Department of Justice to operate as a Class A licensee and without the exemption.

074 Sen. Miller

Asks if Rae knows how much is appropriated for bingo addiction.

Rae

Responds she does not know.

085 Chair Harper

Advises members that the fiscal statement has not been received, but it is believed there is no fiscal impact.

080 Ross Laybourn

Assistant Attorney General. States that he is the attorney in charge of the department's charitable activity section, which enforces Chapter 464 and provides the oversight for charitable gaming, including bingo, raffle, and Monte Carlo. The department has no objections to the bill. The department had given the Boys and Girls club an exemption for 10 years and just felt under the literal language of the statute that they had no option once the gaming had been moved to a different county. States that the department does not believe there is a fiscal impact.

101

Closes the public hearing on SB 626 and opens a public hearing on SB 612.

SB 612 - PUBLIC HEARING

123 Chair Harper

Comments he has sponsored SB 612 for a constituent and supports the bill.

Gail McAllister

Burns. FAXes letter in support of SB 612 (**EXHIBIT A**).

Closes the public hearing on SB 612 and opens a work session on SB 612.

SB 612 - WORK SESSION

124 Sen. Courtney

MOTION: Moves SB 612 to the floor with a DO PASS recommendation.

VOTE: 6-0

EXCUSED: 1 - Brown

Chair Harper

Hearing no objection, declares the motion CARRIED.

SEN. HARPER will lead discussion on the floor.

150 Chair Harper

Opens a public hearing on SB 488.

SB 488 – PUBLIC HEARING

168 Kathleen Beaufait

Geographic Names Board. Explains that the board operates under the Oregon Historical Society. Explains that the board has to do with the settlement of the west. Easterners decided there was so much confusion and controversy over geographic names that in 1890 the President set up the U. S. Geographic Names Board. In 1906 President Theodore Roosevelt extended the

		board's duties to include standardization of geographic names for federal use. The foundation of the federal board is Public Law 82-42 signed by President Truman in 1947.
183	Beaufait	Explains that the federal board is a network of state and academic names authorities. The Oregon Geographic Names Board serves as a clearinghouse. Throughout the state there are unnamed geographic sites and demands for changes in names and standardization of spelling. Usually someone making a request processes it through their county commission or perhaps the local historical society. The request then winds its way to the state board. The state board is responsible for putting together the information and forwarding it, with or without recommendation, to the U. S. Geographic Names Board. If the request makes the cut, it gets on all the maps with the proper spelling of the name of the site. If the request does not make the cut, it does not make the maps.
		States that their board did not take a position on SB 488 because they did not have copies of the bill at their last board meeting. States that if the committee decides to pass this bill, the state board is pledged to implement it in the usual fashion and with all due speed. States that the fastest request took 15 months. The board will hold hearings if needed, solicit names, and consult with the Indian tribes, Bureau of Land Management, U. S. Forest Service, and State Parks because they serve as advisors.
219	Sen. Minnis	Asks, in light of State vs. Henry in 1987 and subsequent cases interpreting Article 1 Section 8 of Constitution, whether this bill would violate the constitutional provision for free speech.
210	Beaufait	Responds that she believes public bodies may not enjoy the same freedom of speech as an individual.
251	Sen. Minnis	Asks if the state can mandate other jurisdictions to use limited terms or not use terms.
267	Chair Harper	Asks if the January date on the bill is appropriate.
268	Beaufait	Responds that Greg Chaimov has reassured her the date would not be a problem.
273	Greg Chaimov	Legislative Counsel. Advises that there is not a free speech problem. The state is free to decide for itself and other political subdivisions what names it will and will not use. The date is appropriate in that you are requiring a political subdivision to change the use of the term squaw except where the federal government has not caught up and the local subdivision has to keep using that name. Gives example that if the federal government has not changed a map and the local subdivision needs to refer to a tract of land with a derogatory term, then the local government can continue to use that map. If a name were under the control of the local government, the change of name would have to be completed by the time described in the statute.
279	Sen. Minnis	Asks if there is some authority or case law on the free speech issue.
	Chaimov	Responds that he cannot cite a case. He is not aware of this having come up before. Explains that the state, in most circumstances, has plenary authority over political subdivisions and the subdivisions are exercising authority that has been delegated from the state.

300	Sen. Kate Brown	Senate District 7. Testifies in support of SJM 3 and SB 488. This is an issue many people will feel passionate about. SJM 3 is statement by the 71 st Legislative Assembly that Oregonians no longer wish to have the beauty of many geographic places in Oregon tarnished by the term squaw. It asks that the U. S. Geographic Board and the Oregon Geographic Board use their power to change the name. SB 488 creates a statute forbidding certain names for public property. This does not infringe on an individual's right under freedom of speech to name his/her own property anything he/she wants to. Would be willing to add an amendment to SB 488 that would give local communities time to consider name changes until about 2005.
375	Sen. Minnis	Asks if any lands were donated where there was a contract that required a particular name be on the land.
401	Sen. Brown Coleen Roba	States she is not aware of any.
		Resident, Warm Springs Reservation. Testifies in support of SJM 3. States she supports the bill because the word is derogatory and demeaning to Indian women all across the nation. States she has been working with the Willamette National Forest to change other geographic names in the Willamette National Forest. States that Burns has changed the word to Paiute.
422	Olivia Wallulturn	Warm Springs. Sings prayer song and hopes the committee listens and helps them to change these names. Comments that she has been called squaw by non-Indians all her life and one can imagine how she has felt. The offensive name for the lands and waters is a verbal abuse.
TAPE 22, A 044	Sen. Ted Ferrioli	District 28. Testifies in support of SB 488 and SJM 3. States that many places in his district have rather distinctive and colorful names. Gives example of a place called Naughty Girl Meadows and explains it is a compromise from the original name, Whorehouse Meadows. States if there is a place with a history that is personal or associated with the place, the name should probably be maintained. Gives another example of a ranch called Murderers Creek Ranch and states he would oppose changing the name of the ranch because the history and the place are connected.
072	Sen. Ferrioli	Explains that he asked to be a sponsor of the bill because it seeks to take the name out of the public domain because it is not connected with an individual or historical action, or a real situation in history. It is just a derogatory term. Does not believe the word needs any defense or protection in history or culture and particularly not in place names. It is not the same kind of issue—it is not political correctness, but is a civil rights issue. Does not believe the word squaw has a place in Oregon history and does not deserve to be part of the public domain on official cartography. Urges the committee to pass the bill out.
105	Patty Whereat	Confederated Tribes of Coos, Umpqua and Siusilaw. States that the word squaw has negative overtones. Tells of objectionable encounter as student at Oregon State University. States that other racist terms have been taken off official geographical place names. Tells of history of Indian woman and Squaw Island near

		Cape Arago. Suggest the island could be renamed to retain the history.
194	Robert Kentta	Confederated Tribes of Siletz Indians. Reads a prepared statement in support of SB 488 and SJM 3 (EXHIBIT B).
235	Jim Neifert	Oregon Parks and Recreation. Submits prepared statement and testifies in support of SB 488 (EXHIBIT C).
268	Earl L. Fultz	Clackamas County resident. Testifies that he lives on Squaw Mountain Road. The residents are surprised that squaw is considered a derogatory term. Comments that 150 to 300 places in Oregon are named squaw. Does not believe it was meant to be derogatory. Concerned about inconvenience and costs. Hundreds of people will have to change their addresses. It would also be taking away a name they are proud of. Has not been able to determine the cost to government but the cost should be considered. Not totally opposed to changes but it should be done by local people who will be involved in the consequences rather than being forced by the state on the local governments. States that he is opposed to the bill but not because he wants to demean Indian females. The residents are proud to be living on the road.
405	Chair Harper	Asks if Fultz would be willing to participate in a group to rename their road.
	Fultz	Responds he would not because the residents like the name and has experienced problems that occur when an address name is changed.
416	Committee	Discusses the definition of squaw.
474	Sen. Brown	Comments that Montana passed similar legislation last year, and that Minnesota and Maine have also passed similar legislation.
484	Sen. Minnis	Suggests the committee should cite an authority for the definition.

TAPE 21, B

036	Chaimov	Explains that the body, by rule, adopts a Form and Style Manual that prescribes the use of particular dictionaries when writing law. Legislative Counsel relies on <u>Marian Webster, Collegiate, Tenth Edition</u> . It defines squaw as "an American Indian woman, usually used despairingly."
	Rep. Dan Gardner	Submits letter in support of SB 488 and SJM 3 (EXHIBIT F).
	Tom Barrows	Submits letter for Justin Martin on behalf of the Confederated Tribes of the Grand Ronde Community of Oregon in support of SB 488 and SJM 3 (EXHIBIT G).
	Mark A. Melgard	Submits pages from <u>Oregon Geographic Names</u> , Fourth Edition, Oregon Historical Society, 1974, containing a list of sites with the word squaw in the names (EXHIBIT H).
048	Chair Harper	Closes the public hearing on SB 488 and opens a public hearing on SJM 3.

SJM 3 - PUBLIC HEARING

052	Sen. Brown	Reiterates that SJM 3 is a statement by the 71 st Legislative Assembly that Oregonians no longer wish to have the word squaw used in names of geographic places in Oregon. SJM 3 asks the U. S. Geographic Board and the Oregon Geographic Board use their power to change the names. See testimony submitted for both SB 488 and SJM 3 (EXHIBITS F AND G).
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067 Closes the public hearing on SJM 3 and opens a work session on SB 626.

SB 626 - WORK SESSION

076 Chair Harper Advises members that SB 626 does not have a fiscal impact.
077 Sen. Courtney **MOTION: Moves SB 626 to the floor with a DO PASS recommendation.**
VOTE: 5-0
EXCUSED: 2 - Atkinson, Miller
Chair Harper **Hearing no objection, declares the motion CARRIED.**
SEN. COURTNEY will lead discussion on the floor.

081 Chair Harper Opens a work session on SB 488.
SB 488 - WORK SESSION

084 Sen. Brown **MOTION: Moves SB 488 to the floor with a DO PASS recommendation.**

089 Chair Harper Questions what the fiscal impact would be. Notes that he has a statement that says there is no fiscal impact (**EXHIBIT D**) and a letter from the Department of Forestry that says the impact is \$126,000 (**EXHIBIT E**).

090 Sen. Brown Asks that the committee move the bill to the Senate Floor and then work on the fiscal statement while the bill is on the House side because Legislative Fiscal has issued a statement indicating an indeterminate impact, and the Department of Forestry estimates a cost of \$126,000 (**EXHIBIT F**).

100 Sen. Minnis Suggests one way to eliminate the fiscal impact is to push the effective date out.

112 Sen. Brown Explains that she would like to work with the Department of Forestry to reduce or delay the fiscal impact.

114 Chair Harper States there is an estimate of \$1,500 per street sign, not counting the personal costs.
VOTE: 6-0
EXCUSED: 1 - Miller
Chair Harper **Hearing no objection, declares the motion CARRIED.**
SEN. BROWN will lead discussion on the floor.

120 Chair Harper Opens a work session on SJM 3.
SJM 3 - WORK SESSION

121 Sen. Brown **MOTION: Moves SJM 3 be sent to the floor with a BE ADOPTED recommendation.**
VOTE: 6-0
EXCUSED: 1 - Miller
Chair Harper **Hearing no objection, declares the motion CARRIED.**
SEN. BROWN will lead discussion on the floor.

148 Chair Harper Recesses meeting from 4:09 to 4:12 p.m. awaiting arrival of Sen. Dukes.
Opens informational meeting on 2001 Senate Regular Session Rules.

2001 SENATE REGULAR SESSION RULES - INFORMATIONAL MEETING
TIME CERTAIN ON AGENDA ITEMS

154 Sen. Joan Dukes District 1. Explains that an issue arose during the previous

		interim about having a time certain for agenda items and not following the time certain. Explains that a constituent drove down from Scappoose to testify against an executive appointment to find out that it had been completed when he/she arrived at the Capitol. Another example was another committee had time certain on every agenda item but the committee completed the agenda item before the time certain given on the agenda. Suggests that language in Section 8.15 (1) of the Senate Rules be amended to include language from the House Rules and a phrase drafted by Legislative Counsel (EXHIBIT I) .
205	Sen. Dukes	Comments a time certain does not have to be included on any agenda, but if a chair agrees to put a time certain on it, the amendment is trying to make sure they live up to it.
238	Sen. Minnis	Questions clarity of the proposed amendment language; believes he as chair would have to give reasonable time of consideration on all agenda items.
	Sen. Dukes	Comments she is committed to giving the public the best information so they can come and interact with the legislature.
249	Chair Harper	Comments the intent is to not have a time certain for each agenda item.
256	Sen. Brown	Suggests that more appropriate language would be "reasonable notice."
267	Sen. Dukes	Comments that a chairperson has complete control over the agenda and if an item were posted for 11:00, the committee would have the authority to vote to change the agenda. Adds that the Secretary of the Senate has informed her that the committee may not have that kind of authority over an agenda if the items were posted for a time certain.
278	Chair Harper	States that time certain would be used on an irregular basis during a session.
290	Sen. Minnis	Comments on management of time and witnesses who appear before the Judiciary Committee.
283	Sen. L. Beyer	Explains how the Senate Interim Committee on Executive Appointments, referred to by Senator Dukes, operated ahead of schedule during the last interim.
341	Sen. L. Beyer	Suggests the amendment read, "The Senate and its committees shall provide public notice reasonably calculated to inform interested parties of the approximate date and time of subject matter to be considered. "
320	Sen. Minnis	Suggests amendment language read, "The chair may designate a time certain for an agenda item. The chair shall begin a time certain agenda item at the appointed time and accommodate witnesses wishing to testify to the extent practicable."
378	Sen. L. Beyer	Asks if Sen. Minnis' proposed language would replace the proposed amendment to Rule 8.15 (EXHIBIT I) .
379	Chair Harper	Responds affirmatively.
		<u>SPONSORSHIP</u>
381	Chair Harper	Explains that a question on the Senate Rule on sponsorship came up today (EXHIBIT J) .
393	Sen. Minnis	Asks if he would need permission of the original sponsor to add his name to a measure.
396	Committee	Agrees that the permission of the original sponsor is not needed; a name can be added as a sponsor "upon written request."
406	Chair Harper	Explains that the provisions of the House rule would replace the

Senate Rule with a change from "Chief Clerk of the House" to "Secretary of the Senate."

TAPE 22, B
AMENDMENTS FROM THE FLOOR

012	Sen. L. Beyer	Explains that he proposed the rule on allowing amendments from the floor before the session started and agreed with President Derfler to take it to the Rules Committee for discussion (EXHIBIT K) . The rule would allow, under a fairly restricted process, amendments from the floor. Explains the purpose is to open up the process more. It is consistent with the process used by the vast majority of the states. Believes there are only two or three states that do not allow amendments on the floor. Believes the current process is much more closed than it needs to be.
033	Chair Harper	Comments that any member may go to any committee and work the system. States it seems the process is quite open in many respects.
052	Sen. Minnis	Asks if the process is not included in the minority report process.
054	Sen. L. Beyer	Responds it is included if a member sits on the committee.
057	Sen. Brown	Gives example of a member not voting with his party on a minority report.
066	Sen. L. Beyer	States the proposed rule is much more restraining than a minority report which only requires two members of the committee. The rule requires one-third of the Senate signing on in support of something before it can be presented on the floor. It would also have to be drafted by Legislative Counsel, presented to the Secretary, and distributed before hand.
074	Sen. Minnis	Asks what kind of amendments would be allowed.
075	Sen. L. Beyer	States the amendment must be germane.
	Sen. Minnis	Suggests the amendments could be limited to issues discussed in committee, that is, germane to the general concept.
	Sen. L. Beyer	Comments that the amendment process works in 48 other states and the U. S. Congress.
115	Sen. Minnis	Asks if there is a provision in the Senate Rules or Masons Manual of Legislative Procedures that would cut off the amendment, that is, could the body choose not to vote on an amendment.
124	Sen. Brown	Advises members that the Senate Rules cite Section 402 of Masons as the guidelines for the presiding officer in determining germaneness. Section 402 is part of Chapter 38 dealing with the motion to amend. If the Senate does not have specific rules to deal with issues, Masons would be the guide.
158	Judy Hall	Secretary of the Senate. Appears to answer questions from the committee.
	Sen. Minnis	Asks if the rule change were adopted, whether there is a superceding motion if the minority party were trying to do something that the majority party may choose not to deal with-- could it be laid on the table or suspended indefinitely.
187	Hall	Responds that those motions could be applied. The Senate Rules have a number of motions that can be applied to whatever is before the members on the floor at the time. Currently, when the Senate has a minority report, the motion is to substitute the minority report for the committee report. Explains there could be other motions but they are rarely seen because members want

		to dispose of the motion to substitute.
	Sen. Minnis	Explains a scenario where the Senate could have a bill on the floor and an amendment to the bill filed at second reading. When it comes up for third reading there would be the bill as it came out of committee and the amendment. Asks how the Secretary of the Senate would handle that under Sen. L. Beyer's proposed amendment to the rules.
192	Hall	Responds she believes it would be handled very much the same way as a minority report, even if there were multiple amendments.
202	Sen. Minnis	Asks whether one of the 10 members who signed on the amendment would be the maker of the motion.
206	Hall	Responds that she has not researched this enough to know what the process might be.
210	Sen. Minnis	Asks if each, or any one of the 10 members who sign on the amendments, could make a motion.
210	Sen. L. Beyer	Responds that probably any one of the 10 could make the motion.
212	Hall	Explains that Sen. Beyer has made sure Legislative Counsel would draft the amendments. The amendments would be printed and distributed just as amendments are now. It would just be a menu of amendments allowing members to choose the amendment they would want. Adds that she does not know if Legislative Counsel is set up to do this.
230	Sen. Minnis	Asks if a set of complex amendments could be given to the desk by second reading.
232	Hall	Responds that would be a question for Legislative Counsel.
233	Sen. L. Beyer	Explains that as he envisions this, it is a matter of how quickly something could be written. There is nothing in the proposal that would give special status. States it is a timing issue and if someone were trying to do something cute and complex, his guess is that it could not be done.
244	Sen. Minnis	Asks if there is a procedure for extending the time so a member who chooses to have an amendment would not be precluded.
	Hall	Responds that she does not see that in the proposed amendment. Adds that she is not sure there would be enough time to get the amendment out before it comes up for a vote.
263	Sen. L. Beyer	Asks if it would not be similar to what would be done with a minority report.
	Hall	Responds it is, but this is a little different. The second reading should be on day three--perhaps submit the amendment on day one, list it on the pink sheet on day two, and second read it on day three, the same day the amendment is out. Adds that it is probably a process issue with her office.
276	Chair Harper	Adjourns meeting at 4:48 p.m.

Submitted By,

Reviewed By,

Annetta Mullins,
Administrative Support

Craig Allen,
Administrator

EXHIBIT SUMMARY

- A - SB 612, prepared statement, Gail McAllister, 1 p**
- B - SB 488, prepared statement, Robert Kentta, 1 p**
- C - SB 488, prepared statement, Jim Neifert, 1 p**
- D - SB 488, Legislative Fiscal Statement, staff, 1 p**
- E - SB 488, prepared statement, Department of Forestry, 2 pp**
- F - SB 488, SJM 3, prepared statement, Rep. Gardner, 1 p**
- G - SB 488, SJM 3, prepared statement, Tom Barrows/Justin Martin/ Confederated Tribes of the Grand Ronde Community in Oregon, 1 p**
- H - SB 488, pages from Oregon Geographic Names, Fourth Edition, Oregon Historical Society, 1974, Mark A. Melgard, 3 pp**
- I - Senate Rules, Time Certain on Agenda Items, Sen. Dukes, 2 pp**
- J - Senate Rules, Sponsorship, Sen. Harper, 1 p**
- K - Senate Rules, Amendments from Floor, Sen. Beyer, 1 p**