

# SENATE COMMITTEE ON RULES AND REDISTRICTING

May 24, 2001 Hearing Room C  
3:00 PM Tapes 95 - 96

**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, Committee Administrator  
Rick Berkobien, Administrator  
Jan McComb, Administrator  
Marjorie Taylor, Administrator  
Annetta Mullins, Committee Assistant

**MEASURE/ISSUES HEARD:** Redistricting  
Public Hearing and Work Session  
SJR 31  
Reconsideration  
HB 3107  
Executive Appointment  
Physical Therapist Licensing Board  
Public Hearing and Work Session  
HB 3069  
HB 3268  
HB 3355  
HB 2763  
HB 3448  
HB 2660  
HB 3171  
HB 3536  
HB 2123  
Public Hearing  
HB 3145

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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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TAPE/#	Speaker	Comments
TAPE 95, A 004	Chair Harper	Calls meeting to order at 3:05 p.m. and opens a public hearing on redistricting.
<b><u>REDISTRICTING – PUBLIC HEARING</u></b>		
005	Chair Harper	Notes that no one has signed up to testify on redistricting. Enters into record letters received: <ul style="list-style-type: none"><li>• Letter from Oregon State University employees (<b>EXHIBIT</b></li></ul>

A).

- Letter from Joint Council of Teamsters No. 37 (**EXHIBIT B**).
- E-mail from Ann Marie Woolsey (**EXHIBIT C**).
- Letter from Associated Students of Oregon State University (**EXHIBIT D**).
- Letter from Joseph Keizur (**EXHIBIT E**).
- E-mail from Alison Hamway (**EXHIBIT F**).
- Letter from Ms. Terry Drever Gee (**EXHIBIT G**).

011 Chair Harper Closes the public hearing on redistricting and opens a public hearing on SJR 31.

**SJR 31 – PUBLIC HEARING**

015 Sen. Gordly District 10. Testifies in support of SJR 31 (**EXHIBIT H**).

075 Chair Harper Closes the public hearing and opens a work session on SJR 31.

**SJJR 31 - WORK SESSION**

080 Sen. Courtney **MOTION: Moves to ADOPT the SJR 31-1 amendments dated 05/21/01 (EXHIBIT I).**

081 **VOTE: 6-0-1**  
**EXCUSED: 1 - Minnis**

Chair Harper **Hearing no objection, declares the motion CARRIED.**

082 Sen. Courtney **MOTION: Moves SJR 31 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.**

08 **VOTE: 7-0**

Chair Harper **Hearing no objection, declares the motion CARRIED.**

**SENS. GORDLY AND ATKINSON will lead discussion on the floor.**

089 Chair Harper Closes the work session on SJR 31 and asks for reconsideration of HB 3107.

**HB 3107 - RECONSIDERATION**

080 Chair Harper Informs the committee that the proponents and opponents discovered there are serious problems with the amendment to HB 3107 and that the committee needs to reconsider the vote and bring the bill back to committee to allow the proponents and opponents to continue working on it.

097 Sen. Courtney **MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote by which HB 3107 AS AMENDED was passed out of committee.**

099 **VOTE: 6-0-1**  
**EXCUSED: 1 - Minnis**

099 Chair Harper **Hearing no objection, declares the motion CARRIED.**

100 Sen. Courtney **MOTION: Moves to RECONSIDER the vote by which HB 3107 AS AMENDED was passed out of committee.**

101 **VOTE: 6-0-1**  
**EXCUSED: 1 - Minnis**

	<b>Chair Harper</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
104	Chair Harper	Announces that HB 3107, as amended, is now back before the committee.
107	Chair Harper	Opens a work session on the executive appointment of Cynthia Cunningham to the Physical Therapist Licensing Board.
<b><u>PHYSICAL THERAPIST LICENSING BOARD - CYNTHIA CUNNINGHAM (EXHIBIT J) - WORK SESSION</u></b>		
112	Sen. Courtney	<b>MOTION: Moves to waive the appearance of Cynthia Cunningham and moves the APPOINTMENT of Cynthia Cunningham to the Physical Therapist Licensing Board to the floor with the recommendation that the appointment BE CONFIRMED.</b>
117		<b>VOTE: 6-0-1</b> <b>EXCUSED: 1 - Minnis</b>
	<b>Chair Harper</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
		<b>SEN. HARPER will lead discussion on the floor.</b>
122	Chair Harper	Closes the work session on the executive appointment and opens a public hearing on HB 3069-A.
<b><u>HB 3069-A - PUBLIC HEARING</u></b>		
133	Scott West	Oregon Lodging Association. Testifies in support of HB 3069-A. <b>(EXHIBIT K).</b>
159	Doug Tindall	Oregon Department of Transportation (ODOT). Testifies in support of HB 3069-A <b>(EXHIBIT L).</b>
169	Chair Harper	Closes the public hearing and opens a work session on HB 3069-A
<b><u>HB 3069-A - WORK SESSION</u></b>		
170	Sen. Courtney	<b>MOTION: Moves HB 3069A to the floor with a DO PASS recommendation.</b>
170		<b>VOTE: 5-1-1</b> <b>OBJECTION: 1 - Miller</b> <b>EXCUSED: 1 - Minnis</b>
	<b>Chair Harper</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
		<b>SEN. COURTNEY will lead discussion on the floor.</b>
185	Chair Harper	Opens a public hearing on HB 3268-A.
<b><u>HB 3268-A - PUBLIC HEARING</u></b>		
194	John McCulley	Oregon Speech-Language & Hearing Association. Testifies in support of HB 3268-A <b>(EXHIBIT BB).</b> Issues discussed: <ul style="list-style-type: none"> <li>• Whether people who are currently doing the job will be certified.</li> </ul>
232	Chair Harper	Closes the work session and opens a public hearing on HB 3268-A.
<b><u>HB 3268-A - WORK SESSION</u></b>		
233	Sen. Courtney	<b>MOTION: Moves HB 3268A to the floor with a DO PASS</b>

236

**recommendation.**  
**VOTE: 4-1-2**  
**OBJECTION: 1 - Miller**  
**EXCUSED: 2 - Atkinson, Minnis**

**Chair Harper**

**Hearing no objection, declares the motion CARRIED.**

**SEN. L. BEYER will lead discussion on the floor.**

238 Chair Harper  
**HB 3355-A – PUBLIC HEARING**  
230 Charles Delster

Opens a public hearing on HB 3355-A.

Jackson County. Comments they are just trying to make things better. States the bill would declare that it is public policy in Oregon to promote cooperation between the Oregon Department of Transportation (ODOT) and counties on road maintenance projects. The intent is to have all ODOT and county road maintenance departments join forces, share equipment and personnel, save taxpayer money, and be more efficient. Proposes the HB 3355-A4 amendment (**EXHIBIT M**) and explains that the amendment takes care of an oversight on the House side and prevents duplication of language in the statutes. Issues discussed:

- Number of agreements in existence.

Doug Tindall

Oregon Department of Transportation. Submits prepared statement in support of HB 3355-A (**EXHIBIT N**).

295 Chair Harper

Closes the public hearing and opens a work session on HB 3355-A.

**HB 3355-A - WORK SESSION**  
297 Sen. Courtney

**MOTION: Moves to ADOPT the HB 3355-A4 amendments dated 05/22/01.**

299

**VOTE: 5-0-2**  
**EXCUSED: 2 - Atkinson, Minnis**

**Chair Harper**

**Hearing no objection, declares the motion CARRIED.**

302 Sen. Courtney

**MOTION: Moves HB 3355-A to the floor with a DO PASS AS AMENDED recommendation.**

305

**VOTE: 4-1-2**  
**OBJECTION: 1 - Miller**  
**EXCUSED: 2 - Atkinson, Minnis**

**Chair Harper**

**Hearing no objection, declares the motion CARRIED.**

**SEN. ATKINSON will lead discussion on the floor.**

312 Chair Harper  
**HB 2763-A - PUBLIC HEARING**  
320 J. L. Wilson

Opens a public hearing on HB 2763-A.

Oregon State Pharmacists Association. Testifies in support of HB 2763-A (**EXHIBIT O**).

352 Chair Harper

Closes the public hearing on HB 2763-A and opens a work session on HB 2763-A.

**HB 2763-A - WORK SESSION**

353	Sen. Courtney	<b>MOTION: Moves HB 2763-A to the floor with a DO PASS recommendation.</b>
355		<b>VOTE: 5-0-2</b> <b>EXCUSED: 2 - Atkinson, Minnis</b>
	<b>Chair Harper</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
		<b>SEN. MINNIS will lead discussion on the floor.</b>
363	Chair Harper	Opens a public hearing on HB 3448.
<b>HB 3448 - PUBLIC HEARING</b>		
373	Catherine Johnson	Oregon Health Sciences University. Testifies in support of HB 3448 ( <b>EXHIBIT P</b> ).
428	Chair Harper	Closes the public hearing and opens a work session on HB 3348.
<b>HB 3348 - WORK SESSION</b>		
429	Sen. Courtney	<b>MOTION: Moves HB 3448 to the floor with a DO PASS recommendation.</b>
432		<b>VOTE: 5-0-2</b> <b>EXCUSED: 2 - Atkinson, Minnis</b>
	<b>Chair Harper</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
		<b>SEN. HARPER will lead discussion on the floor.</b>
444	Chair Harper	Opens a public hearing on HB 3145-A.
<b>TAPE 96, A</b>		
<b>HB 3145-A - PUBLIC HEARING</b>		
004	Peggy Anet	Health Insurance Association of America. Testifies in support of HB 3145-A ( <b>EXHIBIT Q</b> ) and the HB 3145-A8 amendments ( <b>EXHIBIT R</b> ). Reviews three issues in statement and states that the fourth issue was an oversight in Legislative Counsel in dealing with language that allows carriers to make benefit modifications. A word was dropped out that would have meant small employer carriers would have not been able to make plan modifications the same as carriers that offer group and individual policies.
037	Chair Harper	Asks Anet to explain the HB 3145-A8 ( <b>EXHIBIT R</b> ), HB 3145-A10 ( <b>EXHIBIT S</b> ), and HB 3145-A11 ( <b>EXHIBIT T</b> ) amendments and asks why the amendments were not made in the House.
045	Anet	Responds that the committee should be looking at the -A10 amendments. The carriers did not pick up the oversight for small employer carriers. The -A10 amendments incorporate the oversight as well as the -A8 which delete requirements that carriers send notices to the Department of Consumer and Business Services (DCBS) and the Bureau of Labor and Industries ( BOLI).
057	Rick Berkobien	Explains that the -A11 amendments are the correction to the dropped word "carrier".
074	Chair Harper	Announces that the bill will be rescheduled next week to have time to make sure everyone is clear.
088	Chair Harper	Closes the public hearing on HB 3145-A and opens a public hearing on HB 2660-A.

**HB 2660-A - PUBLIC HEARING**

099 Joe Landry Representing electrical, plumbing, mechanical, sheetmetal, and air conditioning contractors. Testifies in support of HB 2660-A (EXHIBIT U).

113 Ron Murray United Association of Plumbers and Steamfitters and the Plumbing, Heating and Cooling Contractors Association. States they would just like to put some guidelines in place for the department.

122 Vice-Chair Courtney Closes the public hearing and opens a work session on HB 2660-A.

**HB 2660-A - WORK SESSION**

123 Sen. L. Beyer **MOTION: Moves HB 2660-A to the floor with a DO PASS recommendation.**

124 **VOTE: 4-0-3**

**EXCUSED: 3 - Atkinson, Miller, Harper**

**Vice-Chair  
Courtney**

**Hearing no objection, declares the motion CARRIED.**

**SEN. COURTNEY will lead discussion on the floor.**

124 Vice-Chair Courtney

Opens a public hearing on HB 3171-A.

**HB 3171-A - PUBLIC HEARING**

126 Bob Repine Director, Oregon Housing and Community Services. States he supports HB 3171-A and explains that the HB 3171-A3 amendments (EXHIBIT V) resolve conflicts that exist in a variety of bills that deal with similar issues.

140 Kevin Mannix Attorney in private practice. Explains that he was the Chair of the Interim Task Force on Farmworker Housing that came up with 18 consensus recommendations to the legislature and executive branch. States that farmworker housing has been discriminated against in terms of the not-in-my-back-yard (NIMBY) syndrome. The -A3 amendments are conflict amendments in case other bills pass.

Issues discussed:

- How HB 3171-A cleans up NIMBY.

167

180 Chair Harper

Closes the public hearing and opens a work session on HB 3171-A.

**HB 3171-A - WORK SESSION**

180 Sen. Courtney **MOTION: Moves to ADOPT the HB 3171-A3 amendments dated 05/24/01.**

181 **VOTE: 6-0-1**

**EXCUSED: 1 - Atkinson**

**Chair Harper**

**Hearing no objection, declares the motion CARRIED.**

181 Sen. Courtney **MOTION: Moves HB 3171-A to the floor with a DO PASS AS AMENDED recommendation.**

183 **VOTE: 6-0-1**

**EXCUSED: 1 - Atkinson**

**Chair Harper**

**Hearing no objection, declares the motion CARRIED.**

**SEN. CASTILLO will lead discussion on the floor.**

187 Chair Harper  
**HB 3536 - PUBLIC HEARING**

197 John Ledger

Opens a public hearing on HB 3536.

Associated Oregon Industries. Explains there is a conflict between federal requirements and a provision of state law that is resulting in the Department of Environmental Quality's (DEQ) inability to get some program delegation from the Environmental Protection Agency (EPA). States that as a result they are having federal inspections, companies have to go to the federal government to get their permits and there will be federal enforcement. States they are in agreement and they have a solution to fix the problem.

208 Lauri Aunan

Department of Environmental Quality (DEQ). Testifies in support of HB 3536 (**EXHIBIT W**).

211 Chair Harper  
**HB 3536 - WORK SESSION**

Closes the public hearing and opens a work session on HB 3536.

211 Sen. Courtney

**MOTION: Moves HB 3536 to the floor with a DO PASS recommendation.**

213

**VOTE: 5-0-2**

**EXCUSED: 2 - Atkinson, L. Beyer**

**Chair Harper**

**Hearing no objection, declares the motion CARRIED.**

**SEN. COURTNEY will lead discussion on the floor.**

216 Chair Harper

Closes the work session on HB 3536 and opens a public hearing on HB 2123.

**HB 2123 - PUBLIC HEARING**

224 Chuck Smith

Director, Debt Management, Oregon State Treasury. States the bill comes from the Oregon Municipal Debt Advisory Commission and is for technical correction to local government financial transactions.

232 Chair Harper  
**HB 2123 - WORK SESSION**

Closes the public hearing and opens a work session on HB 2123.

233 Sen. Courtney

**MOTION: Moves HB 2123 to the floor with a DO PASS recommendation.**

234

**VOTE: 7-0**

**Chair Harper**

**Hearing no objection, declares the motion CARRIED.**

**SEN. MINNIS will lead discussion on the floor.**

238 Chair Harper  
**HB 2906 - PUBLIC HEARING**

241 Ted Hughes

Closes the work session and opens a public hearing on HB 2906.

Cow Creek Band, Umpqua Indians. Explains that the Cow Creek, in their efforts to diversify from hotel/resort/casinos have been entering into other business agreements. Explains that the Cow Creek purchased Fat Harveys at Canyonville and are expanding it greatly. When they made the purchase they started collecting the diesel off-road fuel tax and set it aside. ODOT did not think they had the authority to enter into a contract with a sovereign nation and that is the reason for the bill. Explains that they have worked with the Department of Justice to take care of

275 Sen. Brown what the department felt was too much authority and have submitted the HB 2906-3 amendments (**EXHIBIT X**). Comments that she is reviewing the relating to clause and it is her recollection that the Cow Creek wanted to increase their allocation of Oregon Department of Fish and Wildlife (ODF&W) surplus harvest salmon. Asks if that provision would fit in HB 2906.

317 Hughes  
Chair Harper Agrees to request an amendment. Closes the public hearing on HB 2906 and opens a public hearing on HB 2744-A.

**HB 2744-A - PUBLIC HEARING**

324 Mike Swaim Mayor of Salem, Oregon. Testifies in opposition to HB 2744-A:

- HB 2744-A5 amendments (**EXHIBIT Y**) make the bill better because they exempt public employers from the exemption and look at the issue of public contracts being something within the domain of local government.
- Believes state government should not be imposing itself.
- It appears the city will be able to do what they had anticipated doing, i.e. to make sure the City of Salem pays all its employees a living wage.
- City of Salem is also looking at whether to require those who contract with the City of Salem for services to pay living wages to their employees.

343

394 Joe Schweinhart League of Oregon Cities. Testifies in opposition to HB 2744-A. States that the League of Oregon Cities believes the cities should have the opportunity to increase the quality of life of its citizens. States there is no reason to have the bill and it is trying to solve a problem that does not exist.

422 Richard Reid Jobs with Justice. Opposes the bill. States there are benefits that can be derived from local communities making local decisions about their local economies and this would take a big amount of that control and power out of local communities and it is inappropriate.

**TAPE 95, B**

016 Issues discussed:

- Whether living wage requirements are required for private employers in Oregon.
- Whether the requirement would be limited to payment with taxpayer dollars.

028

- Interference with local control.
- Private employer contracts to pay employees a certain wage.
- Whether HB 2744-A overturns agreements for certain wages.

110 Bill Perry Oregon Restaurant Association (ORA). Testifies in support of HB 2744-A (**EXHIBIT Z**). States that Rep. Rosenbaum brought up the issue of tax abatements in enterprise zones and union representatives have given him language in the HB 2744-A5 amendments (**EXHIBIT Y**). ORA supports the amendments because it is a process that is happening today that they are not trying to prevent. They are just foreseeing future advances to private businesses that have occurred in other states and want to try to prevent that.

155 Sen. Brown Asks Perry to respond to businesses receiving benefits in Santa



		Monica as a result of efforts of local officials spending money to bring in tourists.
165	Perry	Responds that one of the reasons they reached agreement with the union representatives is that ORA feels that if businesses are going to be given some sort of tax break, it is fine to include it while the tax break is being discussed. As long as they know when they are receiving the tax break, the city should be able to enter into that discussion.
170	J. L. Wilson	National Federation of Independent Businesses (NFIB). Testifies in support of HB 2744-A ( <b>EXHIBIT AA</b> ).
211	Sen. Brown	Asks if Jobs Plus would be considered a subsidy under this bill.
221	Julie Brandis	Associated Oregon Industries Retail Council. States they support HB 2744-A. States that they represent a lot of national companies and the companies try to keep their employee benefit packages as similar as possible on a regional and local basis.
254		Comments that benefit packages include more than wages paid. States that direct tax abatement and subsidy is not well defined in the bill. Notes that enterprise zones have wage scales within them. States she does not know if there would be a conflict if the local government would want to suggest a wage.
300	Brandis	Suggests it might be better to clarify Jobs Plus as a subsidy. Issues discussed: <ul style="list-style-type: none"> <li>• Meaning of "public" and "quasi-public" on line 8 of HB 2744-A.</li> <li>• Meaning of "public contract".</li> <li>• Meaning of "public employer" in the HB 2744-A5 amendments (<b>EXHIBIT Y</b>).</li> </ul>
321		
347		
352	Chair Harper	Comments that the committee has questions about "subsidy" and the definitions and will not act on the bill today. Discussion is held on whether private-to-private contracts are or would be covered.
427	Chair Harper	Closes the public hearing and adjourns meeting at 4:28 p.m.

Submitted By,

Reviewed By,

Annetta Mullins,  
Committee Assistant

Craig Allen,  
Committee Administrator

**EXHIBIT SUMMARY**

- A - Redistricting, letter, Oregon State University employees, 1 p**
- B - Redistricting, letter, Joint Council of Teamsters No. 37, 1 p**
- C - Redistricting, e-mail, Ann Woolsey, 1 p**
- D - Redistricting, letter, James Ward, Associated Students of Oregon State University, 2 pp**
- E - Redistricting, letter, Joseph Keizur, 1 p**
- F - Redistricting, e-mail, Alison Hamway, 1 p**
- G - Redistricting, letter, Terry Gee, 1 p**
- H - SJR 31, prepared statement, Sen. Gordly, 2 pp**
- I - SJR 31, SJR 31-1 amendments, Sen. Gordly, 2 pp**

**J - Physical Therapist Licensing Board, staff and Governor's office, 8 pp**  
**K - HB 3069, prepared statement, Scott West, 1 p**  
**L - HB 3069, prepared statement, Doug Tindall, 1 p**  
**M - HB 3355, HB 3355-A4 amendments, Charles Delster, 1 p**  
**N - HB 3355, prepared statement, Doug Tindall, 1 p**  
**O - HB 2763, prepared statement, J. L. Wilson, 1 p**  
**P - HB 3448, prepared statement, Catherine Johnson, 1 p**  
**Q - HB 3145, prepared statement, Peggy Anet, 1 p**  
**R - HB 3145, HB 3145-A8, Peggy Anet, 1 p**  
**S - HB 3145, HB 3145-A10 amendments, Peggy Anet, 1 p**  
**T - HB 3145, HB 3145-A11 amendments, staff, 1 p**  
**U - HB 2660, prepared statement, Joe Landry, 1 p**  
**V - HB 3171, HB 3171-A3 amendments, Bob Repine, 2 pp**  
**W - HB 3536, prepared statement, Lauri Aunan, 1 p**  
**X - HB 2906, HB 2906-3 amendments, Department of Justice, 1 p**  
**Y - HB 2744, HB 2744-A5 amendments, Bill Perry, 1 p**  
**Z - HB 2744, prepared statement, Bill Perry, 13 pp**  
**AA - HB 2744, prepared statement, J. L. Wilson, 1 p**  
**BB - HB 3268, prepared statement, John McCulley, 10 pp**