

SENATE COMMITTEE ON RULES AND REDISTRICTING

May 31, 2001 Hearing Room C
3:00 p.m. Tapes 100 - 101

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

MEMBER EXCUSED: Sen. Randy Miller

STAFF PRESENT: Craig Allen, Committee Administrator
Rick Berkobien, Administrator
Jan McComb, Administrator
Marjorie Taylor, Administrator
Annetta Mullins, Committee Assistant

MEASURE/ISSUES HEARD: Public Hearing
Redistricting
Work Session
SB 965
HB 2145-A
HB 2204-A
HB 2817-A
HB 3411-A
HB 2656-A
HB 3641-A
HB 3962-A
HB 2988-A
HB 3502-B
HB 2841-A
Committee 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 100, A 003 | Chair Harper | Calls meeting to order at 3:03 p.m., announces that the committee will not consider HB 3363 or HJM 33, and opens a public hearing on redistricting. |
| <u>REDISTRICTING - PUBLIC HEARING</u> 009 | Chair Harper | Announces that no one has signed up to testify on redistricting. Enters into record letters received by the committee: <ul style="list-style-type: none">• Letter from Tillamook County Board of Commissioners (EXHIBIT A).• Letter from Portland Public Schools (EXHIBIT B). |
| 011 | Chair Harper | Closes the public hearing on redistricting and opens a work |

SB 965 - WORK SESSION

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| 015 | Chair Harper | session on SB 965. |
| 022 | Sen. Charles Starr | Advises members that they have before them the SB 965-10 amendments (EXHIBIT C). (Document is identified as SB 965-A10 in error. The Legislative Counsel form and style error will be corrected in engrossing process.) District 5. Comments he previously opposed the bill and since that time has worked with individuals, particularly the Senate Majority Office to bring forth resolutions to his objections. Explains amendments (EXHIBIT C): <ul style="list-style-type: none">• Amendments make it clear this is a volunteer problem.• Assessments to be done with written consent.• Services will be provided with written consent.• Participants will be allowed to withdraw from program without any adverse effect.• Section 18 allows discipline to be taken if there are violations by Healthy Start in delivery of services.• The bill provides safeguards for those who had concerns.• Provides direction in the statute, with oversight by local commissions.• Will provide important services to children and families who need help.• Supports the bill with the SB 965–10 amendments (EXHIBIT C). |
| 070 | Cindy Hunt | Legislative Counsel. Explains that the SB 965-10 amendments talk about "poor outcomes," not "poor children" as stated in a previous version of the amendments. Issues discussed: |
| 091 | | <ul style="list-style-type: none">• Whether the Together with Children Program is being put back in. |
| 099 | | <ul style="list-style-type: none">• How to assure current programs are not lost. |
| 125 | | <ul style="list-style-type: none">• Funding of the local commissions for local programs. |
| 138 | | <ul style="list-style-type: none">• Parents as Teachers program is back in the legislation. |
| 160 | | <ul style="list-style-type: none">• Authority in charge. |
| 214 | Donna Middleton | <ul style="list-style-type: none">• Critical years for brain development. Director, State Commission on Children and Families. Explains that "zero" means pre-natal, before birth. Issues discussed: |
| 216 | | <ul style="list-style-type: none">• Whether the language in (7) on page 18 creates separate disciplinary procedures different than what currently exists under the Nurse Practitioner Act. |
| 248 | | <ul style="list-style-type: none">• What Section 14 (7), on page 18 is trying to accomplish that is different than what Healthy Start would be doing. |
| 242 | | <ul style="list-style-type: none">• Other legislation relating to pre-natal care. |
| 274 | | <ul style="list-style-type: none">• Whether language on page 15 in lines 20 to 31 makes the program voluntary.• Page 5, lines 18 to 27 also talks about all the programs, confidentiality, and use of the information. |
| 308 | Sen. Courtney | MOTION: Moves to ADOPT the SB 965-10 amendments dated 5/31/01. |
| 320 | Sen. Minnis | Comments it is important to him that whatever is done, that it be |

based on current brain research as opposed to some other idea or that the birth to three is the only period in which we can have influence in a person's life in terms of brain development.

341

VOTE: 6-0-1

EXCUSED: 1 - Miller

Chair Harper

Hearing no objection, declares the motion CARRIED.

343

Sen. Courtney

MOTION: Moves SB 965 to the floor with a DO PASS AS AMENDED recommendation.

344

VOTE: 5-1-1

OBJECTION: 1- Sen. Atkinson

EXCUSED: 1 - Miller

Chair Harper

Noting objection by Sen. Atkinson, declares the motion CARRIED.

SENS. STARR AND BROWN will lead discussion on the floor.

350

Chair Harper

Closes the work session on SB 965 and opens a work session on HB 2145-A.

HB 2145-A - WORK SESSION

340

Al Lightner

Oregon Department of Transportation. Testifies in support of HB 2145-A (**EXHIBIT D**).

386

Sen. Courtney

MOTION: Moves HB 2145-A to the floor with a DO PASS recommendation.

399

Sen. Atkinson

Asks if this bill will cover those situations where signs are put up without going through the proper channels.

399

Lightner

Responds affirmatively. Adds that if someone puts up a sign as a statement of free speech it is sticky territory.

414

VOTE: 5-0-2

EXCUSED: 2 - L. Beyer, Miller

Chair Harper

Hearing no objection, declares the motion CARRIED.

SEN. COURTNEY will lead discussion on the floor.

416

Chair Harper

Closes the work session on HB 2145-A and opens a work session on HB 2204-A

HB 2204-A – WORK SESSION

422

Bob Repine

Director, Oregon Housing and Community Services. Testifies in support of HB 2204-A (**EXHIBIT E**) with the –A4 amendments (**EXHIBIT F**).

Repine

Explains that the House committee recognized the bill needed clean up and suggested the amendments be made on the Senate side. Adds that everybody supports the amendments.

473

Sen. Courtney

MOTION: Moves to ADOPT the HB 2204-A4 amendments dated 05/18/01.

482

VOTE: 5-0-2

EXCUSED: 2 - L. Beyer, Miller

Chair Harper

Hearing no objection, declares the motion CARRIED.

482 Sen. Courtney **MOTION: Moves HB 2204-A to the floor with a DO PASS AS AMENDED recommendation.**

485 **VOTE: 5-0**
EXCUSED: 2 - L. Beyer, Miller

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

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

TAPE 101, A

017 Chair Harper Closes the work session on HB 2204-A and opens a work session on HB 2817-A.

HB 2817-A - WORK SESSION

021 Bob Russell Director, Government Affairs, Oregon Trucking Associations. Testifies in support of HB 2817-A (**EXHIBIT F**). Issues discussed:

- Why a bill is needed to set up a task force.

041 Sen. Courtney **MOTION: Moves HB 2817-A to the floor with a DO PASS recommendation.**

042 **VOTE: 5-0-2**
EXCUSED: 2 - Miller, Minnis

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

SEN. ATKINSON will lead discussion on the floor.

044 Chair Harper Closes the work session on HB 2817-A and opens a work session on HB 3411-A.

HB 3411-A – WORK SESSION

045 Bob Russell Director of Government Affairs, Oregon Trucking Associations. Testifies in support of HB 3411-A (**EXHIBIT G**). Issues discussed:

- Status of transponders.

088 Deputy Director, Motor Carrier Division, Oregon Department of Transportation (ODOT). Comments that ODOT is working with the Department of Administrative Services seeking technological advances.

096 Greg Del Ponte

110 Sen. Courtney **MOTION: Moves HB 3411A to the floor with a DO PASS recommendation.**

111 **VOTE: 6-0-1**
EXCUSED: 1 - Miller

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

SEN. HARPER will lead discussion on the floor.

113 Chair Harper Closes the work session on HB 3411-A and opens a work session on HB 2756-A.

HB 2756-A – WORK SESSION

115 Don Miner Oregon Manufactured Housing Association. Testifies in support of HB 2756-A (**EXHIBIT H**). Explains the HB 2756-A4 amendments were requested by the Department of Motor

Vehicles.

Issues discussed:

- Cause and frequency of title problems.

156 Alan Buckley Oregon Land Title Association. Comments, in response to Sen. Minnis comment, that banks are not proficient.

171 Diane Belt Personal Property Tax Collector for Washington and member of the Oregon Association of County Tax Collectors. Testifies in support of HB 2756-A (**EXHIBIT I**).

184 Sen. Courtney **MOTION: Moves to ADOPT the HB 2756-A4 amendments dated 05/29/01 (EXHIBIT J).**

184 **VOTE: 5-0-2**

EXCUSED: 2 - L. Beyer, Miller

Chair Harper

Hearing no objection, declares the motion CARRIED.

186 Sen. Courtney **MOTION: Moves HB 2756-A to the floor with a DO PASS AS AMENDED recommendation.**

188 **VOTE: 5-0-2**

EXCUSED: 2 - L. Beyer, Miller

Chair Harper

Hearing no objection, declares the motion CARRIED.

SEN. MINNIS will lead discussion on the floor.

192 Chair Harper

Closes the work session on HB 2756-A and opens a work session on HB 3641-A.

HB 3641-A – WORK SESSION

195 Don Miner

Oregon Manufactured Housing Association. Testifies in support of HB 3641-A:

- Allows Department of Consumer and Business Services (DCBS) to consolidate manufactured home subaccounts into a general account.
- Will save about \$70,000 in accounting costs over several years.
- Manufactured home fees are required to be dedicated to a fund.
- Will streamline the system and save money.

212 Chair Harper

Asks if DCBS is okay with the legislation.

212 Joe Brewer

Administrator, Building Codes Division, DCBS. Responds affirmatively. Submits statement (**EXHIBIT K**).

214 Sen. Courtney **MOTION: Moves HB 3641-A to the floor with a DO PASS recommendation.**

219 **VOTE: 5-0-2**

EXCUSED: 2 - Brown, Miller

Chair Harper

Hearing no objection, declares the motion CARRIED.

SEN. BROWN will lead discussion on the floor.

223 Chair Harper

Closes the work session on HB 3641-A and opens a work session on HB 3962-A.

HB 3962-A - WORK SESSION

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| 210 | Rep. Vicki Walker | <p>District 41. Comments that Rep. Knopp is on the House floor and is in full support of HB 3962-A. Introduces B. J. Brandt.</p> <p>Testifies in support of HB 3962-A:</p> <ul style="list-style-type: none"> • Purpose of bill is to prohibit the remanufacture or retrofitting or sale of an unsafe crib. • "Unsafe crib" is defined in Section 4 of the bill and is taken from the Consumer Products Safety Commission and other national standards. • Received assistance from the Danny Foundation in drafting bill; their primary purpose is to provide education about crib dangers and to eliminate the millions of cribs that are unsafe and stored in attics and basements. Submits brochure from Danny Foundation (EXHIBIT L). • Comments on death of child due to being caught in a crib. <p>Issues discussed:</p> <ul style="list-style-type: none"> • Consumer Products Safety Commission regulations. |
| 270 296 | Rep. V. Walker | <ul style="list-style-type: none"> • How someone will know if they have an unsafe crib. <p>States that implementation of the bill for individuals is July 1, 2002 to give a phase-in period to educate the general public and thrift stores.</p> |
| 279 | B. J. Brandt | <p>Grandmother of child who died at the home of a day care provider after waking from a nap in a used crib. States that the day care provider was a very responsible person. The provider purchased the crib from a second-hand store taking for granted it would be a safe product. States that if somebody pays money for a product, whether it is at a garage sale or used furniture store, they need to check for a recall and check to see if it is safe. A memo to Rep. Tim Knopp from Department of Human Resources is made a part of this record (EXHIBIT M).</p> <p>Issues discussed:</p> <ul style="list-style-type: none"> • Whether private right of action in Section 6 is limited to the ability to enjoin or stop the manufacturer from retrofitting and resale. • Whether Goodwill Stores, etc. would be included. • Section 4 and the private right of action in Section 6. |
| 340 390 451 | Rep. V. Walker | <p>Passes to the committee for viewing pictures of the crib purchased by the day care provider.</p> |
| <u>TAPE 100, B</u> | | |
| 041 | Charlie Cheek | <p>Legislative Counsel. States that if a non-profit corporation were using the crib in the context of reselling it in a thrift store or for some other purpose, that would be a commercial user of the product.</p> <p>Issues discussed:</p> <ul style="list-style-type: none"> • Whether there are separate definitions for corporations and non-profit corporations. |
| 059 | Sen. Minnis | <p>States that the bill sponsor's intent is to include non-profit corporations and suggests that on page 1, line 26, after "association," insert "non-profit".</p> |
| 090 | Cheek | <p>Advises that the language would read on page 1 of HB 3962-A, in line 26, "... firm, corporation, association or nonprofit corporation..."</p> |

098 Sen. Courtney **MOTION: Moves to CONCEPTUALLY AMEND HB 3962A on page 1, in line 26, after "corporation" delete the rest of the line and insert ", association or nonprofit corporation, or any agent".**

100 **VOTE: 6-0-1**
EXCUSED: 1 - Miller

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

102 Sen. Courtney **MOTION: Moves HB 3962A to the floor with a DO PASS AS CONCEPTUALLY AMENDED recommendation.**

103 **VOTE: 6-0-1**
EXCUSED: 1 - Miller

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

SEN. MINNIS will lead discussion on the floor.

111 Chair Harper Closes the work session on HB 3962-A and opens a work session on HB 2988-A

HB 2988 -A - WORK SESSION

111 Roy Hemmingway Chair, Public Utility Commission (PUC). Testifies in support of HB 2988-A.

- Bill adds language to the PUC statutes that require the PUC to allow an oral argument in a major case if one of the parties moves to have oral argument.
- HB 3615 (1999) set up task force to review the processes in front of the PUC. One task force recommendation was to increase access to the commission itself during rate proceedings. Commissioners usually do not listen to all the testimony in the proceedings; commissioners usually read the record.
- Believes bill would establish the opportunity for oral presentation before the commission in an appropriate manner.
- Has minor concern in Section 2. The PUC and staff are asked to provide assistance to the Legislative Assembly and its committees. States the PUC and staff would do that in any case. Questions language "...the Public Utility Commission shall furnish to the Legislative Assembly...resources and advice..." to the legislature. States that means a state agency would be providing resources to the Legislative Assembly. Questions the separation of powers. States it is an issue with the Governor's office because the PUC will do everything possible to assist the Legislative Assembly in the performance of its responsibilities.

154 Chair Harper States for the record that the language does mean the PUC would provide the legislature will all sorts of bells and whistles.

156 Hemmingway Adds that it would also mean the PUC would not provide funds or staff.

160 Sen. Brown Asks if the word "resources" could be deleted.

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| 161 | Hemmingway | Responds that would go a long ways toward resolving the problem. Issues discussed: |
| 176 | Ginny Lang | • Origin of Section 2. Qwest. Comments that the work group on this bill only discussed Section 3. |
| | Sen. Courtney | Comments he does not know why Section 2 is in the bill. Suggests Section 2 be deleted from the bill. |
| 190 | Sen. Minnis | Suggests that changing "shall" to "may" will avoid the issue of separation of powers. |
| 191 | Hemmingway | Assures committee that as long as he is at the commission, the PUC will do everything in their power to ensure that the legislature has the assistance of the commission within their resources and the extent to which they can do so within constitutional bounds. |
| | Sen. Minnis | Comments that some state agencies do not cooperate fully and provide information and this may be an attempt to try to do that. States the resolution is for the Legislative Assembly to subpoena the documents or take sworn testimony. |
| 213 | Dave Heynderickx | Legislative Counsel. Comments he thinks the intent on Section 2, based on the language, was to require the PUC do this. States the PUC can always provide assistance, etc. upon request from the Legislative Assembly or from members. |
| 253 | Heynderickx | Agrees "resources" may be a problem. |
| 257 | Sen. Brown | MOTION: Moves to AMEND HB 2988A on page 1, in line 8, after "information," delete "resources". |
| 260 | Discussion | Continues on language and the separation of powers between legislative and executive branches. |
| 295 | Heynderickx | Suggests that in lines 5 and 7 the words "shall" could be changed to "may". |
| 306 | Sen. Brown | Withdraws her motion |
| 307 | Sen. Minnis | MOTION: Moves to CONCEPTUALLY AMEND HB 2988A on page 1, in line 5, after "staff," delete "shall" and insert "may" and in line 7, after the first "and", delete "shall" and insert "may". |
| 313 | | VOTE: 6-0-1 EXCUSED: 1 - Miller |
| | Chair Harper | Hearing no objection, declares the motion CARRIED. |
| 316 | Sen. Minnis | MOTION: Moves HB 2988A to the floor with a DO PASS AS CONCEPTUALLY AMENDED recommendation. |
| 319 | | VOTE: 6-0-1 EXCUSED: 1 - Miller |
| | Chair Harper | Hearing no objection, declares the motion CARRIED. SEN. MINNIS will lead discussion on the floor. |
| 320 | Chair Harper | Closes the work session on HB 2988-A and opens a work session on HB 3502-B |

HB 3502-B - WORK SESSION

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| 314 | Gary Bauer | Northwest Natural. Submits joint testimony of Northwest Natural and the Public Utility Commission (PUC) explaining HB 3502-B (EXHIBIT N). |
| 368 | Roy Hemmingway | Chair, Public Utility Commission. Explains that the statutes as written set the standard for rate cases in Oregon as prevention of harm to consumers and protecting consumers. Adds there is constitutional question as well and the Supreme Court and lower courts have spoken on the issue. Comments on decision of <i>Federal Power Commission v. Hope Natural Gas</i> (EXHIBIT O). States that the Oregon statutes did not contain the standard relating to financial integrity and the ability to attract capital and felt it was appropriate that the statute be amended to contain the standard, which has always been there anyway because of case law. |
| 395 | John Powell | AT&T. Enters into record letter in opposition to the inclusion of certain telecommunication services in HB 3502-B (EXHIBIT O). |
| 416 | Powell | States they have had discussions with the PUC staff to assure the language in HB 3052-B would not filter down into the regulation of some of the wholesale items that some of the telecommunication competitors have to buy, and other charges such as access charges that make up a good deal of the long distance phone charges. |
| 432 | Powell | States their point of entering the letter into the record (EXHIBIT O) is to assure that this change in the regulatory scheme would not, as the commission has assured them, change the downward trend in those costs and be used as a method of increasing those charges. |
| 442 | Chair Harper | Asks if Hemmingway and everyone understands what is meant. |
| 443 | Hemmingway | Nods affirmatively. |
| 445 | Sen. Courtney | Comments he is pleased with the assurances given to Powell. Thinks the law would allow for them to do the regulation on some of the issues the letter is concerned about but will not discuss it if they are willing to live with the verbal agreements entered into. |
| 456 | Sen. Courtney | MOTION: Moves HB 3502-A to the floor with a DO PASS recommendation. |
| 457 | | VOTE: 5-0-2 EXCUSED: 2 - Miller, Minnis |
| | Chair Harper | Hearing no objection, declares the motion CARRIED. |
| | | L. BEYER will lead discussion on the floor. |
| TAPE 101, B | | |
| 003 | Chair Harper | Closes the work session on HB 3502-A and opens a work session on HB 2841-A. |
| HB 2841-A – WORK SESSION | | |
| 012 | Doris Penwell | Economic and Community Development Department (ECDD). Introduces Rob Myers and states they are representing the Lower John Day Regional Partnership. Explains that the partnership is made up of four counties, Wasco, Wheeler, Sherman, and Gilliam. They were organized as part of the Regional and Rural |

Investment programs that are a spin-off of the Economic and Community Development Department's efforts. They decided they wanted to have a more strategic attitude about investing moneys that come from the department. They want to invest the money for both administration and loans and grants. States that the statute as it was revised last session said that in a two-year plan there had to be a prioritized list of projects. The Economic and Community Development Commission felt it was important that they be allowed to plan locally and in a long-term sense and agreed this would be a good simple fix to allowing them to plan for their own future.

- 034 Penwell Section 2 allows regional partnerships authority to do some things that perhaps regular regional boards cannot do.
- 041 Rob Myers Lower John Day Regional Partnership. States that Judge Mike McArthur, chair of the partnership asked Myers to express his support for HB 2841-A.
A letter received from Gilliam County Judge Laura Pryor in support of HB 2841-A is made a part of this record. **(EXHIBIT P)**.
- 049 Sen. Courtney MOTION: Moves HB 2841-A to the floor with a DO PASS recommendation.**
- 051 VOTE: 6-0-1
EXCUSED: 1 - Miller**
- Chair Harper Hearing no objection, declares the motion CARRIED.**
- SEN. FERRIOLI will lead discussion on the floor.**
- 056 Chair Harper Closes the work session on HB 2841-A and opens a work session for purposes of considering amendments to the Committee Rules.
- COMMITTEE RULES - WORK SESSION**
- 060 Chair Harper Informs members that the proposed changes to the rules are on page 3 **(EXHIBIT Q)**. States that staff and Legislative Counsel feel it would be good to change "shape" files to "data" files.
- 066 Sen. Harper MOTION: Moves to ADOPT the proposed amendments to the Committee Rules dated 05/31/01 (EXHIBIT Q).**
- 067 VOTE: 6-0-1
EXCUSED: 1 - Miller**
- Chair Harper Hearing no objection, declares the motion CARRIED.**
- 068 Chair Harper Adjourns meeting at 4:35 p.m.

Submitted By,

Reviewed By,

Annetta Mullins,
Committee Assistant

Craig Allen,
Committee Administrator

EXHIBIT SUMMARY

A - Redistricting, Tillamook County Commissioners, 1 p
B - Redistricting, Portland Public Schools, 2 pp
C - SB 965, SB 965-10 amendments, Sen. Starr, 29 pp
D - HB 2145, prepared statement, Al Lightner, 3 pp
E - HB 2204, prepared statement, Bob Repine, 1 p
F - HB 2204, HB 2204-A4 amendments, Bob Repine, 1 p
G - HB 2817, prepared statement, Bob Russell, 1 p
H - HB 2756, prepared statement, Don Miner, 2 pp
I - HB 2756, prepared statement, Diane Belt, 3 pp
J - HB 2756, HB 2756-A4 amendments, 1 p
K - HB 3641, prepared statement, Joe Brewer, 2 pp
L - HB 3962, brochure, Rep. Vicki Walker, 2 pp
M - HB 3962, prepared statement, Rep. V. Walker, 1 p
N - HB 3502, prepared statement, Gary Bauer, 2 pp
O - HB 3502, letter, John Powell, 2 pp
P - HB 2841, letter, Judge Laura Pryor, 1 p
Q - Committee Rules, 5-31-01 amendments, staff, 7 pp
R - HB 3411, prepared statement, Bob Russell, 3 pp