

# SENATE COMMITTEE ON RULES AND REDISTRICTING

June 19, 2001 Hearing Room C  
9:00 am Tapes 120 - 121

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

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

**MEASURE/ISSUES HEARD:** Executive Appointments  
Workers' Compensation Board  
Board on Public Safety Standards and Training  
State Marine Board  
Board of Commissioners of the Port of Portland  
Energy Facility Siting Council  
Oregon Government Standards and Practices Commission  
Oregon Investment Council  
State Housing Council  
Oregon Health and Sciences University Board of Directors  
Home Care Commission  
Work Session  
HJR 19  
HB 3924-B  
HJR 56-A  
HJR 21-A  
HB 3372-A  
HB 3009-A  
Public Hearing and Work Session  
HJR 45-A

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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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| <u>TAPE/#</u>      | <u>Speaker</u> | <u>Comments</u>   |
|--------------------|----------------|---|
| TAPE 120, A<br>004 | Chair Harper   | Calls meeting to order at 9:09 a.m. and opens a work session on executive appointments. |

**WORKERS' COMPENSATION BOARD - MAUREEN BOCK - (EXHIBIT A) - WORK SESSION**

|            |                      |  |
|------------|----------------------|--|
| <b>010</b> | <b>Sen. Courtney</b> | <b>MOTION: Moves to waive the appearance of Maureen Bock and moves the REAPPOINTMENT of Maureen Bock to the Workers' Compensation Board to the</b> |
|------------|----------------------|--|

floor with the recommendation that the reappointment BE  
CONFIRMED.

011

VOTE: 3-0-2

EXCUSED: 2 - L. Beyer, Minnis

Chair Harper

Hearing no objection, declares the motion CARRIED.

SEN. HARPER will lead discussion on the floor.

**BOARD ON PUBLIC SAFETY STANDARDS AND TRAINING - DEIDRE MOLANDER -  
(EXHIBIT B) - WORK SESSION**

013 Sen. Courtney

**MOTION:** Moves to waive the appearance of Deidre Molander and moves the REAPPOINTMENT of Deidre Molander to the Board on Public Safety Standards and Training to the floor with the recommendation that the reappointment BE CONFIRMED.

015

VOTE: 3-0-2

EXCUSED: 2 - L. Beyer, Minnis

Chair Harper

Hearing no objection, declares the motion CARRIED.

SEN. HARPER will lead discussion on the floor.

**STATE MARINE BOARD - BOB MONTGOMERY - (EXHIBIT C) - WORK SESSION**

017 Sen. Courtney

**MOTION:** Moves to waive the appearance of Bob Montgomery and moves the APPOINTMENT of Bob Montgomery to the State Marine Board to the floor with the recommendation that the appointment BE CONFIRMED.

017

VOTE: 3-0-2

EXCUSED: 2 - L. Beyer, Minnis

Chair Harper

Hearing no objection, declares the motion CARRIED.

SEN. HARPER will lead discussion on the floor.

**PORT OF PORTLAND, BOARD OF COMMISSIONERS OF - MARY OLSON - (EXHIBIT D) -  
WORK SESSION**

024 Sen. Courtney

**MOTION:** Moves to waive the appearance of Mary Olson and moves the APPOINTMENT of Mary Olson to the Board of Commissioners of the Port of Portland to the floor with the recommendation that the appointment BE CONFIRMED.

024

VOTE: 3-0-2

EXCUSED: 2 - L. Beyer, Minnis

Chair Harper

Hearing no objection, declares the motion CARRIED.

SEN. HARPER will lead discussion on the floor.

**ENERGY FACILITY SITING COUNCIL - MARTHA DIBBLEE (EXHIBIT E) - WORK SESSION**

028 Sen. Courtney

**MOTION:** Moves to waive the appearance of Martha

Dibblee and moves the APPOINTMENT of Martha Dibblee to the Energy Facility Siting Council to the floor with the recommendation that the appointment BE CONFIRMED.

031

VOTE: 4-0-1

EXCUSED: 1 - L. Beyer

Chair Harper

Hearing no objection, declares the motion CARRIED.

SEN. HARPER will lead discussion on the floor.

**OREGON GOVERNMENT STANDARDS AND PRACTICES COMMISSION - ROGER McCORKLE (EXHIBIT F) - WORK SESSION**

032

Sen. Courtney

MOTION: Moves to waive the appearance of Roger McCorkle and moves the APPOINTMENT of Roger McCorkle to the Oregon Government Standards and Practices Commission to the floor with the recommendation that the appointment BE CONFIRMED.

034

VOTE: 4-0-1

EXCUSED: 1 - L. Beyer

Chair Harper

Hearing no objection, declares the motion CARRIED.

SEN. HARPER will lead discussion on the floor.

**OREGON INVESTMENT COUNCIL - JERRY DRUMMOND (EXHIBIT G) - WORK SESSION**

035

Sen. Courtney

MOTION: Moves to waive the appearance of Jerry Drummond and moves the APPOINTMENT of Jerry Drummond to the Oregon Investment Council to the floor with the recommendation that the appointment BE CONFIRMED.

038

VOTE: 4-0-1

EXCUSED: 1 - L. Beyer

Chair Harper

Hearing no objection, declares the motion CARRIED.

SEN. HARPER will lead discussion on the floor.

**STATE HOUSING COUNCIL - LARRY MEDINGER (EXHIBIT H) - WORK SESSION**

038

Sen. Courtney

MOTION: Moves to waive the appearance of Larry Medinger and moves the APPOINTMENT of Larry Medinger to the State Housing Council to the floor with the recommendation that the appointment BE CONFIRMED.

040

VOTE: 4-0-1

EXCUSED: 1 - L. Beyer

Chair Harper

Hearing no objection, declares the motion CARRIED.

SEN. HARPER will lead discussion on the floor.

**OREGON HEALTH AND SCIENCES UNIVERSITY BOARD OF DIRECTORS - SCOTT GIBSON,**

**KEITH THOMSON (EXHIBIT I) - WORK SESSION**

- 048 Sen. Courtney **MOTION:** Moves to waive the appearances of Scott Gibson and Keith Thomson and moves the APPOINTMENTS of Scott Gibson and Keith Thomson to the Oregon Health and Sciences University Board of Directors to the floor with the recommendation that the appointments BE CONFIRMED EN BLOC.
- 046 **VOTE:** 4-0-1  
**EXCUSED:** 1 - L. Beyer
- Chair Harper **Hearing no objection, declares the motion CARRIED.**
- SEN. HARPER will lead discussion on the floor.**

**HOME CARE COMMISSION - SHARON ELY, CINDY HANNUM, DAYLE NIEMIE, MICHAEL VOLPE (EXHIBIT J) - WORK SESSION**

- 048 Sen. Courtney **MOTION:** Moves to waive the appearances of Sharon Ely, Cindy Hannum, Dayle Niemie, and Michael Volpe and moves the APPOINTMENTS of Sharon Ely, Cindy Hannum, Dayle Niemie and Michael Volpe to the Home Care Commission to the floor with the recommendation that the appointments BE CONFIRMED EN BLOC.
- 055 **VOTE:** 4-0-1  
**EXCUSED:** 1 - L. Beyer
- Chair Harper **Hearing no objection, declares the motion CARRIED.**
- SEN. HARPER will lead discussion on the floor.**
- 056 Chair Harper Closes the work session on executive appointments and opens a work session on HJR 19.

**HJR 19 - WORK SESSION**

- 058 Sen. Courtney **MOTION:** Moves to ADOPT HJR 19-2 amendments dated 6/18/01.  
**VOTE:** 2-3  
**OBJECTIONS:** 3 - Atkinson, Minnis, Harper
- Chair Harper **Noting three objections, declares the motion FAILED.**
- 062 Sen. Courtney **MOTION:** Moves to ADOPT the HJR 19-1 amendments dated 6/18/01.
- 066 Chair Harper Recesses the meeting for one minute.
- 067 **VOTE:** 4-0-1  
**EXCUSED:** 1 - L. Beyer
- Chair Harper **Hearing no objection, declares the motion CARRIED.**
- 067 Sen. Courtney **MOTION:** Moves HJR 19 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.
- 068 **VOTE:** 4-0-1  
**EXCUSED:** 1 - L. Beyer

**Chair Harper**

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

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

073 Chair Harper

Closes the work session on HJR 19 and opens a work session on HB 3924-B.

**HB 3924-B - WORK SESSION**

080 Rep. Donna Nelson

District 29. Testifies in support of HB 3924A (**EXHIBIT M**). States that she introduced the bill at the request of the Bernard family and that she has included a letter from the family with her testimony.

131 Sen. Courtney

**MOTION: Moves HB 3924-B to the floor with a DO PASS recommendation.**

133

**VOTE: 4-0-1**

**EXCUSED: 1 - L. Beyer**

**Chair Harper**

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

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

137 Chair Harper

Closes the work session on HB 3924-B and opens a work session on HJR 56-A.

**HJR 56-A - WORK SESSION**

137 Rep. Bill Morrisette

District 42. Testifies in support of HJR 56 (**EXHIBIT N**). Adds that most importantly a map would be created showing high ground in the area so all the people will not try to get out of town in the event of a tsunami. Feels HJR 56 would give a legislative stamp of approval to an effort that is in process and allow federal funds to be raised. They would then come back to the legislature and talk about the next steps.

Issues discussed:

- Concern in Lane County.

187 Sen. Ken Messerle

District 24. Comments that HJR 56-A is an important measure for his district as well as for the entire Oregon coast. It is important to get a report to the legislature and is also important that the task force have the stamp of approval of the legislature.

179 Onno Husing

Director, Oregon Coastal Zone Management Association. Introduces John Beaulieu, Director of the Department of Geology and Mineral Industries (DOGAMI). States they are present to answer questions and that the measure is gaining a lot of support on the Oregon Coast. The Coastal Caucus also supports the measure. States that a lot of good work has already been done and thinks it is time to articulate how they can provide a good system up and down the coast.

Issues discussed:

- Cost of the task force.
- Potential sources of funding.
- Purpose of existing Seismic Task Force.

242 Chair Harper

Notes the bill has subsequent referral to Ways and Means.

247 Rep. Morrisette

Comments that the Association of Oregon Counties, the League of Oregon Cities, and the port districts have pledged support of staff time and meeting places.

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|  | Husing                 | Comments he sees the task force working primarily with federal sources to get the money for the task force and the task force would articulate what would be implemented up and down the coast.  |
| 262                                    | Chair Harper<br>Husing | Asks if they anticipate using General Funds.<br>Responds negatively.   |
| 265                                    | Sen. Minnis<br>Husing  | Asks if they have "other funds" authority.<br>Responds his organization is a 501 C(3) and that Oregon Emergency Management is the designated lead state agency.  |
| 272                                    | Discussion             | Continues on authority of the task force to receive and spend moneys.  |
| 295                                    | Chair Harper           | Advises that he will close the work session and allow the participants to do further research.   |
| 304                                    | Chair Harper           | Opens a work session on HJR 21A.   |
| <b><u>HJR 21-A - WORK SESSION</u></b>  |                        |  |
| 313                                    | Sen. Messerle          | District 24. Testifies in support of HJR 21: <ul style="list-style-type: none"> <li>• The measure is at request of Danielle Shimotakahara who has been to Congress and on national television.</li> <li>• This session SB 59 ran into constitutional problems and they came back with this resolution.</li> <li>• Other committees have heard testimony of the influence of violent videos have on our youth.</li> <li>• The measure simply asks the industry to be responsible about who and when they allow juveniles to participate in violent video games.</li> <li>• Intends, if the industry is not responsible, to be back with a voter referral to change the Constitution.</li> </ul> |
| 344                                    | Sen. Courtney          | <b>MOTION: Moves HJR 21-A be sent to the floor with a BE ADOPTED recommendation.</b>   |
| 347                                    |                        | <b>VOTE: 4-0-1</b><br><b>EXCUSED: 1 - L. Beyer</b>   |
|  | Chair Harper           | <b>Hearing no objection, declares the motion CARRIED.</b><br><br><b>SEN. MESSERLE will lead discussion on the floor.</b>   |
| 350                                    | Chair Harper           | Closes the work session on HJR 21-A and opens a work session on HB 3372-A  |
| <b><u>HB 3372-A - WORK SESSION</u></b> |                        |  |
| 329                                    | Rep. Jim Hill          | District 5. Explains that HB 3372-A creates a structure in which the Department of Administrative Services (DAS) can establish criteria for portfolio management strategy in the state to allow the state to understand what it owns and what agencies own. Believes it will save the state money and there will be better control and understanding of the infrastructure in the future.  |
| 374                                    | Chair Harper           | Comments that the committee has the HB 3372-A6 ( <b>EXHIBIT O</b> ), HB 3372-A7 ( <b>EXHIBIT P</b> ), and HB 3372-A8 amendments ( <b>EXHIBIT Q</b> ).  |
| 378                                    | Rep. Hill              | States that he has not seen any of the amendments and thinks the HB 3372-A is fine.  |
| 387                                    | Chair Harper           | Directs the proponents of the amendments to seek resolution on the amendments.   |

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| 399                                    | Chair Harper  | Temporarily closes the work session on HB 3372-A and opens a work session on HB 3009-A.  |
| <b><u>HB 3009-A - WORK SESSION</u></b> |               |  |
| 412                                    | Gary Bauer    | NW Natural. Testifies in support of HB 3009-A ( <b>EXHIBIT R</b> ) and the HB 3009-A2 amendment ( <b>EXHIBIT S</b> ) proposed by Chair Harper. The effect of the amendment is that the amount to be collected will be negotiated in a rate proceeding with the Public Utility Commission (PUC).  |
| 442                                    | Lee Sparling  | Administrator, Electric and Natural Gas Division, Public Utility Commission. States he is testifying on behalf of the commission. A majority of the commission supports HB 3009-A and the -A2 amendments. Explains that with the -A2 amendment there is no longer a one-half of one- percent cap on the amount of the low-income bill paying assistance. Expects that without the cap and without any standards for the level of charge, the commission would look to the level of funding in other industries. On the electric side the low-income bill payment assistance is authorized in SB 1149 and he would expect the commission to look to that level of funding and establish something commensurate with that on the gas side. |
| 463                                    | Chair Harper  | Recesses meeting.  |
| <b>TAPE 21, A</b>                      |               |  |
| 003                                    | Chair Harper  | Reconvenes the meeting and continues work session on HB 3009-A.  |
| 005                                    | Sen. Courtney | <b>MOTION: Moves to ADOPT the HB 3009-A2 amendments dated 6/14/01.</b>   |
| 008                                    |               | <b>VOTE: 4-0-1</b><br><b>EXCUSED: 1 - L. Beyer</b>   |
|  | Chair Harper  | <b>Hearing no objection, declares the motion CARRIED.</b>  |
| 010                                    | Sen. Minnis   | <b>MOTION: Moves HB 3009-A to the floor with a DO PASS AS AMENDED recommendation.</b>  |
| 012                                    |               | <b>VOTE: 3-0-2</b><br><b>EXCUSED: 2 - L. Beyer, Courtney</b>   |
|  | Chair Harper  | <b>NOTE: Under Rules Suspension, Sen. L. Beyer and Courtney vote NO. (SEE TAPE 121, A at 080).</b><br><b>Hearing no objection, declares the motion CARRIED.</b><br><br><b>SEN. HARPER will lead discussion on the floor.</b>   |
| 016                                    | Chair Harper  | Reopens the work session on HB 3372-A.   |
| <b><u>HB 3372-A – WORK SESSION</u></b> |               |  |
| 017                                    | Rep. Hill     | States that after review of the amendments he suggests adoption of the HB 3372-A7 and HB 3372-A8 amendments and that the committee send the bill to the floor.   |
| 021                                    | Chair Harper  | Asks why the Department of Administrative Services did not talk to Rep. Hill about the HB 3372-A7 amendments.  |
| 022                                    | Bill McGee    | Department of Administrative Services (DAS). Responds that their office talked to Rep. Patridge who sponsored Section 4 of the amendments and apologizes to Rep. Hill for not following up   |

with him.

025 Grattan Kerans Oregon University System. States they depended on DAS to distribute the HB 3372-A8 amendments to the appropriate parties.

037 Sen. Minnis Asks what the origin of the measure is.  
Rep. Hill Comments on the efforts of the Ways and Means Committee to get coordination on the data, to hold agencies accountable, and that the measure with the amendments will ensure the data integrity.

061 **Sen. Courtney** **MOTION: Moves to ADOPT the HB 3372-A7 amendments dated 6/4/01.**

061 **VOTE: 4-0-1**  
**EXCUSED: 1 - L. Beyer**

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

063 **Sen. Courtney** **MOTION: Moves to ADOPT the HB 3372-A8 amendments dated 6/11/01.**

065 **VOTE: 4-0-1**  
**EXCUSED: 1 - L. Beyer**

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

068 **Sen. Courtney** **MOTION: Moves HB 3372 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the Committee on Ways and Means by prior reference.**

070 **VOTE: 4-0-1**  
**EXCUSED: 1 - L. Beyer**

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

073 Chair Harper Closes the work session on HB 3372-A and recesses the meeting momentarily.

078 Chair Harper Reconvenes the meeting and asks for rule suspension to allow Sen. L. Beyer and Sen. Courtney to vote on HB 3009-A.

**RULES SUSPENSION**  
**HB 3009-A - WORK SESSION**

080 **Sen. Harper** **MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. L. BEYER and SEN. COURTNEY to BE RECORDED as voting NO on PASSAGE OF HB 3009-A AS AMENDED.**

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

**SEN. L. BEYER AND SEN. COURTNEY VOTE NO ON PASSAGE OF HB 3009-A AS AMENDED.**

084 Sen. Courtney Serves notice of a possible Minority Report on HB 3009-A.

092 Chair Harper Opens a public hearing on HJR 45-A.

098 Jan McComb Administrator. Advises committee that a reconsideration of the previous vote to pass HJR 45-A out of the committee is necessary.

**HJR 45-A - RECONSIDERATION**



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| 098 | Sen. Courtney                           | <b>MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote by which HJR 45-A was passed to the Floor.</b>  |
| 099 |   | <b>VOTE: 4-0-1</b><br><b>EXCUSED: 1 - L. Beyer</b>  |
|     | Chair Harper                            | <b>Hearing no objection, declares the motion CARRIED.</b>   |
| 100 | Sen. Courtney                           | <b>MOTION: Moves to RECONSIDER the vote by which HJR 45-A was passed to the Floor.</b>  |
| 103 |   | <b>VOTE: 4-0-1</b><br><b>EXCUSED: 1 - L. Beyer</b>  |
|     | Chair Harper                            | <b>Hearing no objection, declares the motion CARRIED.</b>   |
| 107 | Chair Harper                            | Opens a public hearing on HJR 45-A.   |
|     | <b><u>HJR 45-A - PUBLIC HEARING</u></b> |   |
| 108 | Jan McComb                              | Administrator. Advises members that the committee has received the HJR 45-A2 amendments ( <b>EXHIBIT T</b> ) to address the concerns raised on the Senate floor.  |
| 103 | Gary Carlson                            | Associated Oregon Industries (AOI). Introduces Don Schellenberg, Oregon Farm Bureau. Explains that some issues have been raised about the language and offers support for the HJR 45-A2 amendments. Explains that the intent is to amend the Measure 50 language (1997) setting maximum rates and a maximum 3 percent growth on property values. The language on page 3 in the new subsection (b) allows new permanent rates to be established by local taxing districts with separate zones and the language only calls for a majority vote of all the voters in the district. Therefore those who would pay the higher rate would not have the protection of agreeing to pay the higher rate by a majority vote of those people affected.<br>The HJR 45-A2 amendments would remedy the concern. The other language in lines 4-6 of the -A2 amendments is designed to keep the potential for restricting a proposal for a separate zone to a high value property with few voters with the objective of generating additional revenue through a higher rate on the zone.<br>Issues discussed: |
| 150 |   | • Why the 5 percent is relevant.  |
| 143 | Don Schellenberg                        | Director of Government Affairs, Oregon Farm Bureau. States they are in support of the HJR 45-A2 amendments. States their interest is in (ii), lines seven and eight. Comments it appears that the majority wants to take away the vote of agriculture where a larger majority would be able to set a higher tax rate for a minority. Believes the amendments improve the situation and asks for support of the -A2 amendments.  |
| 178 | Carlson                                 | Comments on election in Deschutes County that required a district-wide vote.  |
| 197 | Chair Harper                            | Recess meeting and reconvenes the meeting.  |
| 201 | Sen. Bev Clarno                         | District 27. Comments it came to their attention that there are people in the industry who were very concerned about the measure and have offered the HJR 45-A2 amendments ( <b>EXHIBIT T</b> ). States that she has met with Rep. Knopp, Craig   |

|     |              |   |
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|     |              | Hanneman, and Gary Carlson and discussed their concerns that without the amendments there may be a challenge to the measure. States they need a permanent rate for their sheriff and have agreed to the HJR 45-A2 amendments. |
| 252 | Chair Harper | Comments that the committee will have the Legislative Revenue Office staff review the HJR 45-A2 amendments.   |
| 255 | Chair Harper | Closes the public hearing on HJR 45-A and adjourns meeting at 10:05 a.m.  |

Submitted By,

Reviewed By,

Annetta Mullins,  
Committee Assistant

Craig Allen,  
Committee Administrator

**EXHIBIT SUMMARY**

- A - Workers' Compensation Board, staff and Governor's office, 8 pp**
- B - Board on Public Safety Standards and Training, staff and Governor's office, 9 pp**
- C - State Marine Board, staff and Governor's office, 6 pp**
- D - Port of Portland, Board of Commissioners, staff and Governor's office, 6 pp**
- E - Energy Facility Siting Council, staff and Governor's office, 6 pp**
- F - Government Standards and Practices Commission, Oregon, staff and Governor's office, 5 pp**
- G - Investment Council, Oregon, staff and Governor's office, 4 pp**
- H - Housing Council, State, staff and Governor's office, 7 pp**
- I - Oregon Health and Sciences University, staff and Governor's office, 9 pp**
- J - Home Care Commission, staff and Governor's office, 12 pp**
- K - HJR 19, HJR 19-2 amendments, State Treasurer, 3 pp**
- L - HJR 19, HJR 19-1 amendments, Sen. Harper, 3 pp**
- M - HB 3924, prepared statement, Rep. Nelson, 2 pp**
- N - HJR 56, prepared statement, Rep. Morrisette, 1 p**
- O - HB 3372, HB 3372-A6 amendments, staff, 1 p**
- P - HB 3372, HB 3372-A7 amendments, Dept. of Administrative Services, 4 pp**
- Q - HB 3372, HB 3372-A8 amendments, Oregon University System, 1 p**
- R - HB 3009, prepared statement, Gary Bauer, 2 pp**
- S - HB 3009, HB 3009-A2 amendments, Sen. Harper, 1 p**
- T - HJR 45, HJR 45-A2 amendments, Sen. Clarno, 1 p**