

SENATE COMMITTEE ON RULES AND REDISTRICTING

June 22, 2001 Hearing Room E
9:00 AM Tapes 122 - 123

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

STAFF PRESENT: Craig Allen, Administrator
Patricia Nielsen, Committee Assistant

MEASURE/ISSUES HEARD: HJR 45 A, Work Session
HB 2332 A, Work Session
HJR 65 A, Work Session
HB 2581, Work Session
HB 3057, Work Session
HJR 56 A, Work Session
HB 3925 A, Work Session
HB 3808, Work Session
HB 2516 A, Public Hearing and Work Session
HB 3684 A, Public Hearing and Work Session
HB 3593 A, Work Session
HB 3839 A, Work Session
HB 2714 B, Public Hearing

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 122, A		
005	Chair Harper	Opens meeting at 9:05 a.m. Opens work session on HJR 45 A.
<u>HJR 45 A – WORK SESSION</u>		
008	Lizbeth Martin-Mahar	Economist, Legislative Revenue Office. Presents bill. Testifies on bill and dash-A2 amendments (EXHIBIT A).
055	Chair Harper	Asks how many service districts are affected.
060	Martin-Mahar	Responds.
067	John Phillips	Department of Revenue. Testifies in favor of bill and dash-A2 amendments.
070	Chair Harper	Asks about effect on Klamath county schools.
072	Phillips	Responds.

075 Sen. Courtney **MOTION: Moves to ADOPT HJR 45-A2 amendments dated 6/18/01.**
080 **VOTE: 5-0**
Chair Harper **Hearing no objection, declares the motion CARRIED.**
085 Sen. Courtney **MOTION: Moves HJR 45A be sent to the floor with a BE ADOPTED AS AMENDED recommendation.**
090 **VOTE: 5-0**
Chair Harper **Hearing no objection, declares the motion CARRIED.**
SEN. CLARNO will lead discussion on the floor.
095 Chair Harper Closes work session on HJR 45 A. Opens work session on HB 2332 A.

HB 2332 A – WORK SESSION

100 Sen. Courtney **MOTION: Moves to ADOPT HB 2332-A4 amendments dated 6/21/01 (EXHIBIT B).**
VOTE: 5-0
Chair Harper **Hearing no objection, declares the motion CARRIED.**
105 Sen. Courtney **MOTION: Moves HB 2332A to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Ways and Means.**
VOTE: 5-0
Chair Harper **Hearing no objection, declares the motion CARRIED.**
110 Chair Harper Closes work session on HB 2332 A. Opens work session on HJR 65 A.

HJR 65 A – WORK SESSION

115 Sen. Courtney **MOTION: Moves to ADOPT HJR 65-A2 amendments dated 6/20/01 (EXHIBIT C).**
VOTE: 5-0
Chair Harper **Hearing no objection, declares the motion CARRIED.**
125 Sen. Courtney **MOTION: Moves HJR 65A be sent to the floor with a BE ADOPTED AS AMENDED recommendation.**
VOTE: 5-0
Chair Harper **Hearing no objection, declares the motion CARRIED.**
SEN. MINNIS will lead discussion on the floor.
135 Chair Harper Closes work session on HJR 65 A. Opens work session on HB 2581.

HB 2581 – WORK SESSION

140 Fred Neal Elections Division, Secretary of State. Testifies in favor of bill and dash-6 amendments (**EXHIBIT D**).
150 Chair Harper Explains dash-6 and dash-7 amendments (**EXHIBIT E**).
155 Neal Responds.
160 Sen. Minnis Explains preference voting ballot.

165	Sen. L. Beyer	Asks about allowing in one city and changing the programming for elections.
175	Neal	Responds.
185	Sen. L. Beyer	Asks whether the program is feasible.
190	Neal	Responds.
195	Sen. Minnis	MOTION: Moves to ADOPT HB 2581-7 amendments dated 6/21/01.
200	Bill Bradbury	Secretary of State. Testifies and raises concern about moving time for voting on initiatives from November to May.
220	Sen. Minnis	Asks about constitutional concern.
225	Secretary Bradbury	Explains.
230	Sen. Minnis	Asks whether the decision to change the time of the election could be referred to the people to be changed.
235	Secretary Bradbury	Describes effect of emergency clause.
240	Sen. Minnis	Asks if the bill should have an emergency clause.
242	Secretary Bradbury	Affirms.
245	Sen. L. Beyer	Asks about specific bill section.
250	Craig Allen	Committee Administrator. Explains.
265	Sen. L. Beyer	Asks about other issues raised by the bill.
268	Secretary Bradbury	Describes changes to election laws contained within bill.
290	Sen. L. Beyer	Asks about reason for change.
295	Chair Harper	Explains the purpose was to have voters focus on initiatives in May election, and on candidates in November election. It is a test for two cycles.
310	Sen. Minnis	Asks about effect of sunset.
315	Secretary Bradbury	Elaborates.
330	Sen. Minnis	Asks about change in level of advertising, conflict and public discourse if the initiative election is changed to May.
350	Sen. Harper	Expresses optimism for increasing primary percentages.
355	Sen. L. Beyer	Asks whether the initiatives will truly be separated from the candidates if initiatives are moved to the May election, because primary candidate elections take place at the May election.
360	Sen. Harper	Comments.
375	Sen. L. Beyer	Asks what time advantage there is to changing date.
390	Secretary Bradbury	Responds.
400	Sen. L. Beyer	Asks if filing dates would still be in July.
405	Secretary Bradbury	Answers.
406	Neal	Responds further.
410	Chair Harper	Comments.

420	Sen. Atkinson	Recalls that discussions about moving the primary included discussion of these issues.
TAPE 123, A		
005	Vice-chair Courtney	Asks about filing dates for initiatives.
010	Secretary Bradbury	Responds and explains changes.
015	Sen. L. Beyer	Asks about spreading out the workload at the Secretary of State's office.
020	Neal	Explains.
025	Sen. L. Beyer	Asks about cost of voter's pamphlet.
030	Neal	Responds.
040		VOTE: 5-0
	Chair Harper	Hearing no objection, declares the motion CARRIED.
045	Sen. Minnis	MOTION: Moves HB 2581 to the floor with a DO PASS AS AMENDED recommendation.
050	VOTE	VOTE: 4-1
		AYE: 4 - Atkinson, Beyer L, Minnis, Harper
		NAY: 1 - Courtney
	Chair Harper	The motion CARRIES.
		SEN. HARPER will lead discussion on the floor.
055	Chair Harper	Closes work session on HB 2581. Opens work session on HB 3057.
<u>HB 3057 – WORK SESSION</u>		
065	Dexter Johnson	Legislative Counsel Office. Testifies on bill as amended by dash-2 conflict amendments (EXHIBIT F). Describes conflict and proposed resolution.
085	Sen. L. Beyer	Asks about effect of conflict on budget.
090	Johnson	Explains.
125	Sen. Courtney	MOTION: Moves to ADOPT HB 3057-2 amendments dated 6/21/01.
130		VOTE: 5-0
	Chair Harper	Hearing no objection, declares the motion CARRIED.
135	Sen. Courtney	MOTION: Moves HB 3057 to the floor with a DO PASS AS AMENDED recommendation.
140		VOTE: 5-0
	Chair Harper	Hearing no objection, declares the motion CARRIED.
		SEN. L. BEYER will lead discussion on the floor.
145	Chair Harper	Closes work session on HB 3057. Opens work session on HJR 56 A.
<u>HJR 56 A – WORK SESSION</u>		
150	Sen. Courtney	MOTION: Moves the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.
155		VOTE: 5-0
	Chair Harper	Hearing no objection, declares the motion CARRIED.
150	Sen. Courtney	MOTION: Moves HJR 56A to the floor with a BE ADOPTED recommendation.
155		VOTE: 5-0
	Chair Harper	Hearing no objection, declares the motion CARRIED.

		SEN. GEORGE will lead discussion on the floor.
160	Chair Harper	Closes work session on HJR 56 A. Opens work session on HB 3925 A.
<u>HB 3925 A – WORK SESSION</u>		
165	Chris Crean	Attorney, Miller Nash LLP. Testifies in favor of bill and dash-A5 amendments (EXHIBIT G).
170	Art Schlack	Association of Oregon Counties. Testifies in favor of bill with dash-A5 amendments.
175	Sen. Minnis	Asks about sunset clause.
177	Schlack	Responds.
180	Sen. Minnis	Asks about hearing before the Land Use Board of Appeals (LUBA).
185	Crean	Explains.
195	Schlack	Explains that with dash-A5 amendments, counties will be neutral on the bill, and the League of Oregon Cities will also be neutral.
200	Randy Tucker	1000 Friends of Oregon. Testifies in opposition and submits written testimony (EXHIBIT H).
210	Sen. L. Beyer	Asks whether property owners can already sue, and how this bill affects the timing of filing suits.
215	Crean	Responds. Discussion about forcing landowners to break law in order to have code cases decided by circuit court instead of by LUBA. Landowner must continue to build in violation of local code, thus forcing local government to bring an enforcement action against landowner in circuit court.
230	Sen. Courtney	Asks about Governor’s position on the issue.
235	Crean	Responds.
240	Sen. L. Beyer	Asks about sunset.
242	Schlack	Explains.
250	Sen. L. Beyer	Asks about vested rights.
255	Schlack	Responds.
260	Crean	Responds further.
275	Sen. L. Beyer	Asks whether this is a rural or county issue.
280	Schlack	Responds
285	Crean	Responds further.
290	Sen. Courtney	MOTION: Moves to ADOPT HB 3925-A5 amendments dated 6/19/01.
298		VOTE: 5-0
	Chair Harper	Hearing no objection, declares the motion CARRIED.
300	Sen. Courtney	MOTION: Moves HB 3925A to the floor with a DO PASS AS AMENDED recommendation.
302		VOTE: 5-0
	Chair Harper	Hearing no objection, declares the motion CARRIED.
		SEN. HARPER will lead discussion on the floor.
305	Chair Harper	Closes work session on HB 3925 A. Opens work session on HB 3808.
<u>HB 3808 – WORK SESSION</u>		
305	Sen. Ted Ferrioli	District 28. Testifies in favor of bill.
340	Chair Harper	Asks about issue to be resolved by the bill.
342	Sen. Ferrioli	Responds.
345	Glen Stonebrink	Oregon Cattlemen’s Association. Testifies in support and

370	Sen. Ferrioli	submits written testimony (EXHIBIT D). Cites example of migratory refuge near Burns requesting excessive water rights. Suggests Legislature needs to have co-jurisdiction when creation or extension of federal agency jurisdiction is contemplated. Recalls Klamath basin drought problem.
400	Chair Harper	Asks about application of bill.
005	Stonebrink	Answers.
010	Sen. Ferrioli	Responds further.
TAPE 122, B		
010	Sen. L. Beyer	Asks why bill was passed to grant carte blanche to federal agencies on acquisition.
015	Sen. Ferrioli	Elaborates.
025	Sen. Minnis	Asks about effect if the bill is passed.
030	Sen. Ferrioli	Answers.
035	Stonebrink	Cites specific case.
040	Sen. Minnis	MOTION: Moves HB 3808 to the floor with a DO PASS recommendation.
045		VOTE: 5-0
	Chair Harper	Hearing no objection, declares the motion CARRIED.
		SEN. FERRIOLI will lead discussion on the floor.
050	Chair Harper	Closes work session on HB 3808. Opens public hearing on HB 2516 A.
<u>HB 2516 A – PUBLIC HEARING</u>		
055	Ed Patterson	Oregon Association of Hospitals. Testifies in support the bill with the dash-A4 amendments (EXHIBIT J).
065	Karen Whitaker	Director, State Office of Rural Health. Testifies in support of dash-A4 amendments.
085	Sen. L. Beyer	Asks about raising costs of providers.
090	Whitaker	Responds.
095	Chair Harper	Closes public hearing on HB 2516 A. Opens work session on HB 2516 A.
<u>HB 2516 A – WORK SESSION</u>		
097	Sen. Courtney	MOTION: Moves to ADOPT HB 2516-A4 amendments dated 6/20/01.
099		VOTE: 5-0
	Chair Harper	Hearing no objection, declares the motion CARRIED.
101	Sen. Courtney	MOTION: Moves HB 2516A to the floor with a DO PASS AS AMENDED recommendation.
105		VOTE: 5-0
	Chair Harper	Hearing no objection, declares the motion CARRIED.
		SEN. HARPER will lead discussion on the floor.
107	Chair Harper	Closes work session on HB 2516 A. Opens public hearing on HB 3684 A.
<u>HB 3684 A – PUBLIC HEARING</u>		
110	Pete Shepherd	Deputy Attorney General, Department of Justice (DOJ). Testifies in favor of bill and dash-A3 amendments (EXHIBIT K).
140	Alan Youse	American Association of Retired Persons (AARP). Testifies in support of bill with dash-A3 amendments.
145	Chair Harper	Closes public hearing on HB 3684 A. Opens work session

on HB 3684 A.

HB 3684 A – WORK SESSION

150 Sen. Atkinson

MOTION: Moves to ADOPT HB 3684-A3 amendments dated 6/15/01.

160

VOTE: 4-0-1

Chair Harper

EXCUSED: 1 - Sen. L. Beyer

Hearing no objection, declares the motion CARRIED.

165

Sen. Minnis

Asks about penalty for violation.

170

Shepherd

Responds.

175

Sen. Minnis

Asks about frequency of violation.

175

Shepherd

Explains.

180

Sen. Courtney

MOTION: Moves HB 3684A to the floor with a DO PASS AS AMENDED recommendation.

185

VOTE: 4-0-1

Chair Harper

EXCUSED: 1 - Sen. L. Beyer

Hearing no objection, declares the motion CARRIED.

SEN. ATKINSON will lead discussion on the floor.

190

Chair Harper

Closes work session on HB 3684 A. Opens work session on HB 3593 A.

HB 3593 A – WORK SESSION

195 Duane Bales

Speaker's office. Testifies in support of bill and dash-A7 amendments (**EXHIBIT L**). Submits written testimony (**EXHIBIT M**).

200

Sen. Courtney

MOTION: Moves to ADOPT HB 3593-A7 amendments dated 6/21/01.

203

VOTE: 4-0-1

Chair Harper

EXCUSED: 1 - Sen. L. Beyer

Hearing no objection, declares the motion CARRIED.

205

Sen. Courtney

MOTION: Moves HB 3593A to the floor with a DO PASS AS AMENDED recommendation.

207

VOTE: 4-0-1

Chair Harper

EXCUSED: 1 - Sen. L. Beyer

Hearing no objection, declares the motion CARRIED.

SEN. COURTNEY will lead discussion on the floor.

210

Chair Harper

Closes work session on HB 3593 A. Opens work session on HB 3839 A.

HB 3839 A – WORK SESSION

230 Pat Lundeen

Electronic Commerce Manager, Department of Administrative Services (DAS). Testifies in favor of bill with dash-A5 amendments and submits written testimony (**EXHIBITS O, P**).

240

Darren Bond

Director of Finance, Oregon State Treasury. Testifies in favor of bill with dash-A5 amendments.

270

Chris Dearth

Governor's Natural Resource Office. Testifies in favor of bill with dash-A8 amendments (**EXHIBITS Q, R**).

305

Terry Witt

Oregonians for Food and Shelter. Testifies in favor of dash-A8 amendments. Submits written testimony (**EXHIBIT S**).

370

Witt

Testifies in favor of dash-A9 amendments (**EXHIBIT T**).

380

Kevin Shuba

Dept of Justice. Presents and testifies in favor of dash-A9 amendments.

440 **Sen. Courtney** **MOTION: Moves to ADOPT HB 3839-A5 amendments dated 6/4/01.**
VOTE: 4-0-1
EXCUSED: 1 - Sen. Atkinson
Chair Harper **Hearing no objection, declares the motion CARRIED.**

442 Sen. Minnis Asks about effect of language change in dash-A5 amendments.
445 Darren Bond Treasury. Explains.
447 Sen. Minnis Asks about which fund transfers are included.
450 Bond Responds.

TAPE 123, B
455 **Sen. Courtney** **MOTION: Moves to ADOPT HB 3839A-9 amendments dated 6/22/01.**
VOTE: 4-0-1
EXCUSED: 1 - Sen. Atkinson
Chair Harper **Hearing no objection, declares the motion CARRIED.**

460 **Sen. Courtney** **MOTION: Moves HB 3839A to the floor with a DO PASS AS AMENDED recommendation.**
VOTE: 4-0
EXCUSED: 1 - Sen. Atkinson
Chair Harper **Hearing no objection, declares the motion CARRIED.**
SEN. COURTNEY will lead discussion on the floor.

465 Chair Harper Closes work session on HB 3839 A. Opens public hearing on HB 2714 B.

HB 2714 B – PUBLIC HEARING

015 Rep Tootie Smith District 28. Testifies in favor of bill and submits written testimony (**EXHIBIT U**).

050 Fritz von Lubken Farmer. Reads letter from Mike McCarthy in opposition (**EXHIBIT V**). Testifies in opposition to bill and submits written material (**EXHIBIT W**).

145 Jim Gilbert Nurseryman. Testifies in opposition.
185 Sen. Ferrioli District 28. Testifies in favor of bill. Testifies in opposition to dash-7 amendments.

290 Sen. L. Beyer Asks about support for farmland to be kept in farming.
300 Sen. Ferrioli Responds and explains.
325 Sen. L. Beyer Asks about issue of farming versus residential use, and residential people objecting to farming.

330 Sen. Ferrioli Elaborates and continues.
390 Clif Kenagy Retired farmer. Testifies in opposition and submits written testimony (**EXHIBIT X**).

450 Chair Harper Advises the hearing will continue on Monday morning. Closes public hearing. Adjourns meeting at 10:59 a.m.

Submitted By,

Reviewed By,

Patricia Nielsen,
Committee Assistant

Craig Allen,
Committee Administrator

EXHIBIT SUMMARY

- A – HJR 45 A, proposed dash-A2 amendments, staff, 1 p**
- B – HB 2332 A, proposed dash-A4 amendments, staff, 8 pp**
- C – HJR 65 A, proposed dash-A2 amendments, staff, 1 p**
- D – HB 2581, proposed dash-6 amendments, staff, 55 pp**
- E – HB 2581, proposed dash-7 amendments, staff, 53 pp**
- F – HB 3057, proposed dash-2 amendments, staff, 5 pp**
- G – HB 3925 A, proposed dash-A5 amendments, staff, 6 pp**
- H – HB 3925 A, written testimony, Randy Tucker, 1000 Friends of Oregon, 4 pp**
- I – HB 3808, written testimony, Glen Stonebrink, Oregon Cattlemen’s Assn, 3 pp**
- J – HB 2516 A, proposed dash-A4 amendments, staff, 6 pp**
- K – HB 3684 A, proposed dash-A3 amendments, staff, 4 pp**
- L – HB 3593 A, proposed dash-A7 amendments, staff, 2 pp**
- M – HB 3593 A, written testimony, Speaker Mark Simmons, 1 p**
- N – HB 3593 A, written testimony, Claudia Howells, Dept of Transportation (ODOT), 1 p**
- O – HB 3839 A, proposed dash-A5 amendments, staff, 1 p**
- P – HB 3839 A, written testimony, Pat Lundeen, Dept of Administrative Services, 1 p**
- Q – HB 3839 A, proposed dash-A8 amendments, staff, 10 pp.**
- R – HB 3839 A, written testimony, Chris Dearth, Governor’s Office, 1 p**
- S – HB 3839 A, written testimony, Terry Witt, Oregonians for Food and Shelter, 1 p**
- T – HB 3839 A, proposed dash-A9 amendments, staff, 9 pp**
- U – HB 2714 B, written testimony, Rep. Tootie Smith, 2 pp**
- V – HB 2714 B, written testimony, Mike McCarthy, 1 p**
- W – HB 2714 B, written testimony, Fritz von Lubken, 1 p**
- X – HB 2714 B, written testimony, Clif Kenagy, 4 pp**
- Y – HB 2714 B, written testimony, Oregon Family Farm Assn, 1 p**
- Z – HB 2714 B, written testimony, Mitch Rohse, Oregon APA, 1 p**