

HOUSE COMMITTEE ON RULES, ELECTIONS, AND PUBLIC AFFAIRS

June 21, 1999 Hearing Room D

3:00 p.m. Tapes 106 - 108

MEMBERS PRESENT: Rep. Mark Simmons, Chair

Rep. Richard Devlin, Vice-Chair

Rep. Bruce Starr, Vice-Chair

Rep. Roger Beyer

Rep. Randall Edwards

Rep. Dan Gardner

Rep. Kevin Mannix

STAFF PRESENT: Janet Adkins, Administrator

Cletus B. Moore, Jr., Administrator

Pat Zwick, Administrator

Susan M. Pettey, Administrative Support

MEASURES HEARD: HB 3154 Public Hearing and Work Session

SB 950B Work Session

SB 229A Work Session

SB 937 Work Session

HB 2670 Work Session

HB 2830 Work Session

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.

TAPE/#	Speaker	Comments
TAPE 106, A		

004	Chair Simmons	Opens the meeting at 2:16 p.m., and opens public hearing on HB 3154.
<u>HB 3154 PUBLIC HEARING</u>		
011	Janet Adkins	Summarizes provisions of HB 3154. Indicates that this bill requires a majority of voters in both city and territory proposed to be annexed, to approve the annexation plan. Explains effects of the ñl amendments (EXHIBIT A).
023	Rep. Ben Westlund	House District 55. Speaks in support of HB 3154. States that the passage of this bill will bring about fairness. Remarks that HB 3154 establishes a majority vote requirement.
051	Rep. Westlund	Provides details of annexation vote results in the Bend area.
079	Rep. Kurt Schrader	House District 23. Speaks in support of HB 3154. Reads applicable statute and discusses the original intent of this bill. Remarks that annexation would not be forced. Discusses SB 122 relative to HB 3154.
106	Chair Simmons	Comments that HB 3154 is a matter of fairness as it relates to the initiative process.
132	Rep. Schrader	Agrees with Chair Simmons. Expounds on rights of self-determination regarding annexation. Discusses the tax base and services provided.
160	Rep. Devlin	Refers to "islands" of unincorporated areas within city limits. Indicates that these property owners receive services not paid for. Believes these individuals would oppose annexation. Addresses special service districts.
202	Rep. Schrader	Explains that urban level services in unincorporated areas are paid for by the property owner. Mentions that annexation increases property value. Discusses incentives for annexation. Comments on land use conflicts relative to the annexation of huge areas of land beyond the urban growth boundary (UGB).
237	Rep. Edwards	States that the law needs clarification regarding the definition of "majority."
245	Rep. Schrader	Describes efforts to bring forth this legislation.
249	Rep. Edwards	Asks why is property annexed.
276	Rep. Schrader	Explains that annexation is the way to provide urban-level services. Discusses Metropolitan area guidelines for annexation. Emphasizes that the plan and process must be in place prior to annexation.
307	Rep. Tim Knopp	House District 54. Speaks in support of HB 3154. Comments on the volume of response from constituents regarding this bill.

352	Rep. Knopp	Discusses the Bend annexation issue and vote results. Explains that the intent of SB 122, the original 1995 legislation regarding this issue, conflicts with what occurred in Bend. Emphasizes the need for legislative clarification.
387	Rep. Starr	Asks if the ñ1 amendment affects any jurisdiction outside of Bend.
394	Rep. Knopp	States that he is unaware of any other jurisdiction that has had an annexation vote. Believes it applies only to the Bend situation.
408	Rep. Edwards	Asks who interpreted the election in Bend.
421	Rep. Knopp	Answers that the Bend city attorney and opponents sought a legal opinion.
TAPE 107, A		
026	Rep. Knopp	Urges members to pass HB 3154, and the ñ1 amendments.
042	Marshall Brisbois	Neighbors Against Forced Annexation (NAFA). Speaks in support of HB 3154. Indicates that this bill amends ORS 195, and would restore fairness. Discusses SB 122 relative to ORS 195 and HB 3154.
080	Brisbois	Refers to the Bend annexation vote, indicating that 75% of city voters favored annexation, while 75% of those within the UGB voted against.
095	Brisbois	Opines that SB 122 promotes unequal treatment. States that UGB residents cannot vote on city issues.
115	Brisbois	Comments that this is not a partisan issue, but is about equal treatment. Urges members to pass HB 3154.
140	Wilson Bob Bates	NAFA. Speaks in support of HB 3154. Requests that this bill be amended to include the retroactive provision. Refers to the annexation vote results in Bend. Believes the process that allowed the annexation is flawed.
168	Bates	Indicates that the City of Bend took jurisdiction over the county portion of the UGB on July 1, 1998. Urges members to include a retroactive provision.
184	Milton Hunt	Resident of Bend. Speaks in support of HB 3154. Provides examples of difficulties endured by landowners opposed to the Bend annexation process.
222	Hunt	Indicates farmland is taken out of production in favor of residential housing. Recommends a new interim study group to report to the next legislative session on this issue.
241	Phil Fell	League of Oregon Cities. Speaks in opposition to HB 3154. Describes the stated

		intention regarding SB 122. Mentions that it was never intended there be two distinct votes.
278	Fell	Indicates under HB 3154, there is a higher level of planning regarding an urban service agreement, clarifying who provides services.
292	Rep. Edwards	Asks if SB 122 created the law now before the committee.
294	Fell	Answers yes.
296	Rep. Edwards	Asks for further clarification of the intent of SB 122.
299	Fell	Opines the intent of SB 122 is to enhance planning and cost-effective delivery of urban services for an area.
311	Rep. Gardner	Refers to ñ1 amendments, line 6, the retroactive clause. Asks if this retroactivity applies only to Bend.
317	Fell	Replies yes, since Bend is the only SB 122 election that has been held.
343	Chair Simmons	Closes public hearing on HB 3154, and opens work session.
<u>HB 3154 WORK SESSION</u>		
347	Rep. Beyer	MOTION: Moves to ADOPT HB 3154-1 amendments dated 6/18/99.
		VOTE: 6-0 EXCUSED: 1 - Mannix
Chair Simmons		Hearing no objection, declares the motion CARRIED.
369	Rep. Beyer	MOTION: Moves HB 3154 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.
		VOTE: 6-0 AYE: Devlin, Starr, Beyer, Edwards, Gardner, Simmons EXCUSED: 1 - Mannix

	Chair Simmons	The motion CARRIES.
391	Chair Simmons	Closes work session on HB 3154, and opens work session on SB 950.
<u>SB 950B WORK SESSION</u>		
400	Chair Simmons	Indicates SB 950B designates the third week of May of each year as Asian American Heritage Week.
425	Rep. Devlin	MOTION: Moves to ADOPT SB 950-B4 amendments (EXHIBIT B) dated 6/18/99.
		VOTE: 5-1 AYE: 5 - Devlin, Edwards, Gardner, Starr, Simmons NAY: 1 - Beyer EXCUSED: 1 - Mannix
	Chair Simmons	The motion CARRIES.
438	Rep. Devlin	MOTION: Moves SB 950B to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-1 AYE: 6 - Devlin, Edwards, Gardner, Mannix, Starr, Simmons NAY: 1 - Beyer
	Chair Simmons	The motion CARRIES. REP. PIERCY will lead discussion on the floor.
462	Chair Simmons	Closes work session on SB 950B, and opens work session on SB 229A.

SB 229A WORK SESSION**TAPE 106, B**

038	Steven Walters	Chair, Oregon Racing Commission (ORC). Testifies in support of SB 229A. Indicates that this bill directs the Oregon Racing Commission to license certain off-race course wager sites.
079	Walters	Indicates the point of SB 229A is to give the ORC statutory power to more thoroughly regulate simulcasting in Oregon. Defines simulcasting as a process by which races in other states are officially televised into Oregon.
089	Chair Simmons	Recesses work session on SB 229A, and opens work session on SB 937.

SB 937 WORK SESSION

130	Adkins	Summarizes provisions of SB 937. Indicates that this bill modifies laws relating to genetic privacy.
141	Jim Gardner	Describes efforts to draft SB 937. Discusses Oregon's genetic privacy laws.
188	Gardner	Discusses Senate votes and efforts to modify SB 937.
214	Chair Simmons	Asks if the work is ongoing.
216	Gardner	Replies affirmatively. Indicates this bill is at the interface of scientific progress and law.
231	Ted Falk	Oregon Genetic Piracy Advisory Committee (OGPAC). Submits and summarizes written testimony (EXHIBIT C). Provides background information on this bill. Discusses efforts and results of work group participants. Outlines provisions of SB 937. Presents analysis of problems that led to SB 937.
270	Brad Popovich	(OGPAC). Speaks about the uses of genetic information. Emphasizes commitment to privacy for patients while understanding the needs of research.
310	Popovich	Addresses consensus elements of genetic privacy (EXHIBIT C, pg. 3).
349	Rep. Devlin	Addresses potential damage created by the release of genetic information. Asks if there is a deterrent in place to prevent this from happening.
390	Popovich	Responds by citing current standards. Mentions guidelines in place within the genetic industry.

426	Popovich	Discusses enforcement scheme.
450	James Mattis	Counsel, Oregon Health Sciences University (OHSU). Submits and summarizes written testimony (EXHIBIT D). Believes that the current definition of "anonymous research" is cumbersome and limiting. Describes consensus efforts of work group participants.
TAPE 107, B		
030	Mattis	Addresses the need to balance an individual's "property right" to genetic materials with the advancement of clinical research.
055	Robert Kohler, M.D.	Ameritus Professor, OHSU. Testifies about the need to retain biopsy samples for research. Cites examples (EXHIBIT D, pg 2).
090	Kohler	Describes the differences between medical and research records. States that the two types of records should not be connected so as to maintain confidentiality.
100	Rep. Devlin	Refers to the definition of non-identifiable research. Asks if samples can be tracked to one individual.
132	Kohler	Responds affirmatively. Addresses the protocol to open such files.
151	Chair Simmons	Closes work session on SB 937, and opens work session on HB 2670.
<u>HB 2670 WORK SESSION</u>		
197	Rep. Starr	MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote by which HB 2670 was passed.
215	Chair Simmons	Discusses the amendments and fiscal impact.
		VOTE: 6-0 EXCUSED: 1 - Mannix
		Chair Simmons Hearing no objection, declares the motion CARRIED.
230	Rep. Starr	MOTION: Moves to RECONSIDER the vote by which HB 2670 was passed.
		VOTE: 6-0

		EXCUSED: 1 - Mannix
	Chair Simmons	Hearing no objection, declares the motion CARRIED.
243	Rep. Starr	MOTION: Moves to ADOPT HB 2670-A6 amendments dated 6/18/99 and that the measure be FURTHER AMENDED on page 2, line 11, by inserting "may" after "wit" and on page 2, line 11, by deleting "makes" and inserting "make."
		VOTE: 6-0 EXCUSED: 1 - Mannix
	Chair Simmons	Hearing no objection, declares the motion CARRIED.
272	Rep. Starr	MOTION: Moves HB 2670A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0 EXCUSED: 1 - Mannix
	Chair Simmons	Hearing no objection, declares the motion CARRIED. REP. STARR will lead discussion on the floor.
302	Chair Simmons	Closes work session on HB 2670, and reopens work session on SB 229A.
<u>SB 229A WORK SESSION</u>		
310	Carey Thiel	Stop Oregonis Gambling Addiction. Speaks in opposition to SB 229A. Believes this bill promotes limitless gambling.
343	Thiel	Quotes from newspaper articles in opposition to SB 229A. Expounds on gambling addiction.

377	Thiel	Urges members to vote against SB 229A. Describes family experience with gambling addiction. Opposes all gambling expansion. Discusses Senate no-votes on this bill.
417	Rep. Edwards	Refers to previous testimony regarding the number of off-track sites. Asks if this changes Thiel's opinion about SB 229A.
432	Thiel	Indicates SB 229A repeals the current simulcast statutes.
TAPE 108, A		
023	Thiel	Discusses rule repeals relative to the Oregon Racing Commission. Speaks in opposition to SB 229A. Indicates that this bill rewrites the simulcasting laws and expands gambling activities. Refers to the Rialto facility in downtown Portland.
059	Rep. Beyer	MOTION: Moves SB 229A to the floor with a DO PASS recommendation.
		VOTE: 6-0 AYE: Beyer, Devlin, Edwards, Gardner, Starr, Simmons EXCUSED: 1 - Mannix
	Chair Simmons	The motion CARRIES. REP. BEYER will lead discussion on the floor.
093	Chair Simmons	Closes work session on SB 229A, and opens work session on HB 2830.
<u>HB 2830 WORK SESSION</u>		
103	Cletus Moore	Committee Administrator. Explains effects of the HB 2830's 6 and 7 amendments (EXHIBITS E and F). Indicates that the sponsor of this bill will introduce changes to the 6 amendments.
119	Rep. Jeff Kropf	District 37. Presents HB 2830's 6 and 7 amendments. Discusses changes to the 6 amendments.
136	Rep. Kropf	Continues to describe 6 amendment changes. Addresses 7 amendments.
168	Rep. Gardner	Asks if all references to "attorney" are deleted in the 7 amendments.

175	Rep. Kropf	Responds affirmatively.
180	Rep. Gardner	Indicates with these changes, he can support HB 2830.
195	Peter DeLuca	Administrator, Oregon Occupational & Safety & Health Division (OR-OSHA). Addresses accepted disabling claims rate and lost workday incidence rate.
212	Rep. Edwards	Refers to accepted disabling claims. Asks for clarification of "accepted."
218	DeLuca	Explains that accepted refers to a claim having a disabling impact, keeping a worker off the job three days or more. Adds that the lost workday incidence rate is based upon the number of employees who lost the second day of work after the first day of injury.
233	DeLuca	Indicates the ñ6 amendments delete the private interview provision.
241	DeLuca	Addresses notification to employers with above state-average accepted disabling claims. Prefers language that provides clear direction regarding the method of notification.
252	Rep. Kropf	Discusses the intent of the notification.
271	DeLuca	Suggests this process could be accomplished through rulemaking. Addresses the right to counsel in the ñ7 amendments.
292	Rep. Kropf	Indicates the ñ5 amendments have been replaced with the ñ6 and ñ7 amendments.
313	Rep. Starr	MOTION: Moves to RECONSIDER the vote by which HB 2830-5 amendments were adopted.
		VOTE: 7-0
321	Chair Simmons	Hearing no objection, declares the motion CARRIED.
332	Rep. Gardner	MOTION: Moves to recede HB 2830-5 amendments adopted 6/14/99.
		VOTE: 7-0
338	Chair Simmons	Hearing no objection, declares the motion CARRIED.

343	Rep. Gardner	MOTION: Moves to SUSPEND the rules for the purpose of conceptually amending HB 2830-6 amendments (EXHIBIT E) dated 6/21/99.
		VOTE: 7-0
369	Chair Simmons	Hearing no objection, declares the motion CARRIED.
378	Rep. Gardner	MOTION: Moves to CONCEPTUALLY AMEND HB 2830-6 amendments dated 6/21/99 on page 1, line 12, by deleting "lost workday cases incidence" and inserting "accepted disabling claims;" on page 1, line 12, by deleting "national" and inserting "state;" on page 1, line 24, by deleting "ëprivacyí and after the period insert ëAt the beginningí;" and on page 2, deleting lines 1 through 5.
		VOTE: 7-0
401	Chair Simmons	Hearing no objection, declares the motion CARRIED.
408	Rep. Gardner	MOTION: Moves to ADOPT HB 2830-6 conceptual amendments dated 6/21/99.
		VOTE: 7-0
413	Chair Simmons	Hearing no objection, declares the motion CARRIED.
436	Rep. Gardner	MOTION: Moves to ADOPT HB 2830-7 amendments dated 6/21/99.
		VOTE: 7-0
439	Chair Simmons	Hearing no objection, declares the motion CARRIED.
442	Rep. Gardner	MOTION: Moves HB 2830 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0
448	Chair Simmons	Hearing no objection, declares the motion CARRIED.

		REP. KROPF will lead discussion on the floor.
468	Chair Simmons	Closes work session on HB 2830. Adjourns the meeting at 4:35 p.m.

Submitted By, Reviewed By,

Susan M. Pettey, Janet Adkins,

Administrative Support Administrator

Reviewed By, Reviewed By,

Pat Zwick, Cletus Moore,

Administrator Administrator

EXHIBIT SUMMARY

A ñ HB 3154-1 amendments, Staff, 1 p.

B ñ SB 950-B4 amendments, Staff, 1 p.

C ñ SB 937, written testimony, Ted Falk, 3 pp.

D ñ SB 937, written testimony, James Mattis, 2 pp.

E ñ HB 2830-6 amendments, Staff, 2 pp.

F ñ HB 2830-7 amendments, Staff, 1 p.