

HOUSE COMMITTEE ON RULES, ELECTIONS, AND PUBLIC AFFAIRS

June 24, 1999 Hearing Room D

3:00 P.M. Tapes 115 - 116

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: Cletus B. Moore, Jr., Administrator

Janet Adkins, Policy Analyst

Brad Daniels, Administrative Support

MEASURES HEARD: HB 3634 Public Hearing and Work Session

SB 728A Public Hearing

SB 722A Public Hearing

SB 404 Work Session

HB 3055 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 115, A		
004	Chair Simmons	Opens the meeting at 3:40 p.m. Opens the public hearing on HB 3634.

HB 3634 PUBLIC HEARING

006	Janet Adkins	Policy Analyst. Explains HB 3634 and the ñ1 amendments. Notes that the bill addresses a specific proposed weigh station on Highway 97 (EXHIBIT A).
023	Rep. Edwards	District 15. States that HB 3634 is a bipartisan effort to preserve the integrity of the High Desert Museum (Museum). Stresses that a weigh station should not be allowed to jeopardize the popularity of the Museum.
040	Rep. Tim Knopp	District 54. Notes the donors' investments in the Museum and the need to preserve its integrity. Opposes placing a weigh station so close to the Museum.
056	Chair Simmons	Asks for a description of the region's geography.
058	Rep. Knopp	Explains the location of the Museum and the surrounding area. Supports placing the station at another site.
076	Rep. Edwards	Discusses the rejection of the site by Deschutes County.
085	Rep. Beyer	Asks about the possibility of placing a sunset on the bill.
093	Rep. Knopp	Replies that the issue has not been discussed. Explains the ñ1 amendments and the intent not to exclude other sites.
106	Rep. Edwards	States that a sunset may not solve the problem completely.
113	Chair Simmons	Notes the exclusive wording of the bill. Asks about other non-profit organizations that meet the specific requirements of the bill.
122	Rep. Knopp	Replies that he does not know of any other organizations that would fit the bill's specific description.
138	Chuck Bennett	High Desert Museum. Discusses the amount of time Oregon Department of Transportation (ODOT) has been working on siting this weigh station, the character of the Museum, and the threat to the Museum posed by the proposed weigh station. States that ODOT can only review other sites along the same route if the site close to the Museum is eliminated permanently. Supports the original bill or the ñ1 amendments (EXHIBIT B).
188	Bennett	Notes the decision of Deschutes County against siting the weigh station close to the Museum, in part based on concerns about litter, safety and policing.
209	Rep. Starr	Asks if ODOT has been cooperative in addressing the concerns of the Museum community.

213	Art Wolf	President, High Desert Museum. Replies that HB 3634 will allow ODOT to pursue other sites.
223	Rep. Starr	Asks if the Museum owns the land adjacent to the weigh station.
224	Wolf	Replies that they have a right of first refusal on land north of the site.
235	Grace Crunican	Director, ODOT. Describes the position of the proposed weigh station and the need to monitor truck traffic from the Bend area. Notes that the Museum site is the only possible site not on Forest Service land, and, in accordance with Forest Service standards, ODOT must exhaust all available local options. States that the Deschutes County Commission has precluded the proposed site by their current decision (EXHIBIT C).
281	Rep. Starr	Asks if ODOT will appeal the Commission's decision.
283	Crunican	Replies that ODOT will not know if they are going to appeal until they see the written report from the Commission.
290	Rep. Starr	Asks if ODOT opposes the bill.
291	Chair Simmons	States that it is inappropriate for state agencies to support or oppose bills; they are present for informational purposes only. Notes that ODOT checked neutral on the witness sheet.
299	Rep. Starr	Asks if the passage of HB 3634 will actually make ODOT's decision easier.
302	Crunican	Replies no. States that the Forest Service has agreed to work with ODOT on the other sites, but advised ODOT to keep its local option open. States that HB 3634 eliminates two options for the weigh station.
332	Chair Simmons	Asks about the cost of environmental assessments.
334	Crunican	Expresses uncertainty. Adds that a particular environmental assessment may cost about \$500,000.
343	Chair Simmons	Asks if the design work was done before the approval process was completed.
345	Crunican	Replies that the county did not advise ODOT of the need for a conditional use permit early in the process.
355	Chair Simmons	Asks if the design was done even though there was no guarantee of the permit approval.

357	Crunican	Replies that ODOT had signals from the county that permits would not be required early in the process.
365	Chair Simmons	Asks if the Deschutes County commissioners denial meets the Forest Service requirement that all local options need to be exhausted.
373	Crunican	Replies yes.
377	Chair Simmons	Asks if the appeal to Land Use Board of Appeals (LUBA) is still an option.
378	Crunican	Responds that they will decide after reviewing the county's reasoning.
385	Chair Simmons	Asks if HB 3634 would take the appeal option away.
386	Crunican	Replies yes.
388	Chair Simmons	Asks if the property can be sold upon passage HB 3634.
391	Crunican	Replies that selling the land is a possibility, but ODOT still has the problem of locating another site.
395	Chair Simmons	Asks if there are seven other sites on Forest Service land. Asks if ODOT would choose the most attractive site first.
396	Crunican	Replies that HB 3634 would also eliminate one of the remaining seven sites.
411	Rep. Edwards	Asks if the ñ1 amendments leave all seven other options open.
413	Crunican	Replies that the ñ1 amendments will not allow construction of this site because increased runway distance would be needed for trucks to slow down.
TAPE 116, A		
004	Rep. Beyer	Asks if Highway 31 comes in south of La Pine.
006	Gregg Dal Ponte	Replies yes.
010	Rep. Beyer	Asks if locations that may be Forest Service land.
014	Crunican	Clarifies an entire region is Forest Service land.

015	Rep. Beyer	Asks about the area south of La Pine.
017	Crunican	Replies that the remaining region is not an option for one reason or another.
023	Chair Simmons	Asks about the worth of the current property.
025	Crunican	Expresses uncertainty.
028	Chair Simmons	Asks how the property is zoned.
030	Crunican	Expresses uncertainty.
031	Chair Simmons	Mentions that he was interested in the value of the property if it was sold.
035	Rep. Starr	Asks if the Museum can be accommodated by a different entrance.
040	Crunican	Explains the geography of the region.
055	Chair Simmons	Asks about the differences between weigh station requirements on Forest Service and other roads, cited by the commissioners in their report (EXHIBIT B).
068	Crunican	Replies that ODOT does not necessarily agree with the findings of the commissioners. States that the site has been engineered safely.
105	Chair Simmons	Closes the public hearing on HB 3634. Opens the work session on HB 3634.
<u>HB 3634 WORK SESSION</u>		
110	Rep. Edwards	MOTION: Moves HB 3634 to the floor with a DO PASS recommendation.
111	Rep. Mannix	Declares a potential conflict of interest as he is a member of the board at the High Desert Museum.
116	Rep. Beyer	Asks why the ñ1 amendments are not going to be included.
117	Rep. Edwards	Replies that the ñ1 amendments do not appear to accommodate a seventh site.
140	Rep. Mannix	MOTION: Moves to AMEND the motion "MOTION: Moves HB 3634 to the floor with a DO PASS recommendation" by inserting the -1 amendments dated

		06/23/99.
143	Rep. Mannix	Withdraws his motion.
145		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Simmons	The motion CARRIES. REP. KNOPP will lead discussion on the floor.
149	Chair Simmons	Closes the work session on HB 3634. Opens the public hearing on SB 728A.
<u>SB 728A PUBLIC HEARING</u>		
160	Jennifer Webber	Oregon Workers' Compensation Attorneys. Reviews the history of the bill, the parties involved and the result of votes in the Senate.
173	Chris Moore	Attorney, Eugene. Notes that SB 728A is intended to address a jurisdictional issue addressed in an Oregon Supreme Court case, <i>Shiple v. SAIF</i> . States that the bill seeks to return some of the litigation that was going to the Department of Business and Consumer Services to the Workers' Compensation Board. Explains the responsibilities of each agency in dealing with particular claims.
222	Chair Simmons	Closes the public hearing on SB 728A. Opens the public hearing on SB 722A.
<u>SB 722A PUBLIC HEARING</u>		
252	Cletus Moore	Committee Administrator. Introduces the ñA16 amendments and submits the ñA15 amendments (EXHIBIT D).
260	Maria Keltner	League of Oregon Cities (LOC); Association of Oregon Counties (AOC). Supports the ñA16 amendments. Outlines the ñA16 amendments, which deal with local government withdrawals from the Public Employees Retirement System (PERS). Supports the ñA13 amendments.
307	Rep. Devlin	Asks about a perceived obligation of governmental entities to PERS. Asks about possible back-ups to PERS.

325	Keltner	States that she is not aware of direct discussions with legal counsel on this point, but they have discussed how entities have been left alone to bear fiscal responsibility for increased rates and want greater control.
340	Rep. Devlin	Inquires about governmental agencies bearing full responsibility for future actions if they do opt-out of PERS.
365	Keltner	Replies that some local governments have opposed pooling because their rates would increase to subsidize other areas. States that the LOC supports keeping pooling open as an option, not as a mandate. Notes the presence of cities and counties who did not join PERS.
TAPE 115, B		
008	Cletus Moore	Asks about the definition and number of classes of employees.
012	Keltner	Replies that the language of integration agreements would be used and employee classes interpreted in the same way.
020	John Ramig	Variable Annuity Life Insurance Company. Discusses the ñA15 amendments, including the treatment of opt-out provisions, pooling and enhanced portability. States that the ñA15 and ñA16 amendments address the issue of allowing members to combine prior and current years of service for early retirement.
082	Chair Simmons	Closes the public hearing on SB 722A. Opens the work session on SB 404A.
<u>SB 404A WORK SESSION</u>		
109	Cletus Moore	Introduces and explains the ñA4 amendments (EXHIBIT E).
120	Chair Simmons	Indicates that the concern is about the trapping of nutria and possums.
130	Rep. Beyer	Expresses concern about the Section 3 (3). States that having a tied cow slaughtered is not considered hunting and is not contemplated by the bill.
140	Chair Simmons	Asks if the requirement for hunting preserve would preclude any confusion on this point.
143	Rep. Beyer	Asks if slaughtering an animal in an area that happens to be a hunting preserve would in fact be considered hunting or be illegal. Stresses that livestock being slaughtered should not fall under the restrictions of the bill.
159	Chair Simmons	Responds that this type of confusion will probably not exist.

168	Rep. Beyer	MOTION: Moves to SUSPEND the rules for the purpose of making a conceptual amendment to the -A4 amendments.
		VOTE: 7-0
	Chair Simmons	Hearing no objection, declares the motion CARRIED.
210	Rep. Beyer	MOTION: Moves to AMEND SB 404-A4 AMENDMENTS on page 2, in line 3, insert "This subsection does not apply to an animal trapped in compliance with the trapping laws or livestock as defined in ORS 596.615."
		VOTE: 5-2 AYE: 5 - Beyer, Edwards, Mannix, Starr, Simmons NAY: 2 - Devlin, Gardner
	Chair Simmons	The motion CARRIES.
230	Rep. Beyer	MOTION: Moves to ADOPT SB 404-A4 amendments dated 06/22/99.
		VOTE: 4-3 AYE: 4 - Beyer, Mannix, Starr, Simmons NAY: 3 - Devlin, Edwards, Gardner
	Chair Simmons	The motion CARRIES.
242	Rep. Beyer	MOTION: Moves SB 404A to the floor with a DO PASS AS AMENDED recommendation.
246	Rep. Starr	States that he does not perceive hunting in game preservations as a canned hunt,

		which he has opposed earlier. Supports SB 404A.
252	Rep. Mannix	Indicates that he is still thinking about the issue, but will supply a courtesy yes vote.
256	Rep. Devlin	Relates that he and the other Democrats will be voting no, but will not serve notice of a minority report.
263		VOTE: 4-3 AYE: 4 - Beyer, Mannix, Starr, Simmons NAY: 3 - Devlin, Edwards, Gardner
	Chair Simmons	The motion CARRIES. REP. WESTLUND will lead discussion on the floor.
273	Chair Simmons	Closes the work session on SB 404A. Opens the work session on HB 3055.
<u>HB 3055 WORK SESSION</u>		
299	Cletus Moore	Introduces the ñ2 and ñ3 amendments and a hand-engrossed version of the bill (EXHIBIT F).
325	Rep. Mannix	Reports that the ñ2 and ñ3 amendments delete references to the <i>Armstrong</i> decision and make only technical changes to the statutes dealing with the workerís compensation system. Refers to the hand-engrossed version of the bill, noting the requirement that certain attorneys be designated by the Attorney General.
365	Rep. Starr	Asks about the approval process and involvement of the Attorney General.
367	Rep. Mannix	Describes the role of the Attorney General. Cites and explains page 8, line 5 of the hand-engrossed bill. Cites section 3, line 19 on page 10b, which deletes "amount and."
414	Rep. Gardner	Asks for an explanation of this deletion.
418	Tom Maddis	Explains two cases that have interpreted "amount and" and the effect on the

		review of benefit calculations. States that subsection 4(b) gives flexibility to the worker and the insurer. Discusses an example of problems that may result from an inability to adjust wage amounts at any time.
TAPE 116, B		
031	Maddis	Supports the amendments.
038	Rep. Gardner	Asks if the Management Worker Advisory Committee (MWAC) has commented on HB 3055.
039	Maddis	Replies that MWAC has not looked at the amendments.
040	Rep. Gardner	Notes that no worker's compensation bill gets passed without this commentary.
042	Rep. Mannix	Clarifies that the Governor has said that he will not sign a bill without MWAC's approval.
044	Rep. Beyer	States that he would be more comfortable if MWAC had seen the bill.
054	Rep. Mannix	Replies that MWAC's only concern was concerning the <i>Armstrong</i> provision, which has been removed.
060	Rep. Starr	Asks if MWAC can look at the bill before it gets to the floor.
064	Rep. Mannix	Comments that nothing impedes the legislature from doing what it wants.
072	Rep. Gardner	Notes that there is time for MWAC to consider the bill.
083	Rep. Mannix	Continues to explain the amendments. Notes that Section 4 establishes in statute what is already in the rules, an appeal rights notification requirement.
106	Rep. Gardner	Asks if the notice is a certified notice.
107	Rep. Mannix	Replies no. Explains the ñ3 amendments, which allow freedom to injured workers who want to teach, etc.
129	Rep. Starr	MOTION: Moves to ADOPT HB 3055-2 amendments dated 06/14/99.
132		VOTE: 6-0

		EXCUSED: 1 - Edwards
	Chair Simmons	Hearing no objection, declares the motion CARRIED.
137	Rep. Starr	MOTION: Moves to ADOPT HB 3055-3 amendments dated 06/16/99.
138		VOTE: 6-0 EXCUSED: 1 - Edwards
	Chair Simmons	Hearing no objection, declares the motion CARRIED.
142	Chair Simmons	Adjourns the meeting at 5:17 p.m.

Submitted By, Reviewed By,

Brad Daniels, Cletus B. Moore, Jr.,
Administrative Support Administrator

Reviewed By,

Janet Adkins
Policy Analyst

EXHIBIT SUMMARY

A HB 3634, -1 amendments, staff, 1 p.

B HB 3634, written testimony, Chuck Bennett, 45 pp.

C HB 3634, written testimony, Grace Crunican, 2 pp.

D SB 722A, -A15 and A16 amendments, staff, 7 pp.

E SB 404A, -A4 amendments, staff, 2 pp.

F HB 3055, -2, -3, and hand-engrossed amendments, staff, 40 pp.

G  SB 722, written testimony, Maria Keltner, 1 p.