

HOUSE COMMITTEE ON RULES, ELECTIONS, AND PUBLIC AFFAIRS

July 16, 1999 Hearing Room D

3:30 P.M. Tapes 154 - 155

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

MEMBER EXCUSED:

STAFF PRESENT: Cletus B. Moore, Jr., Administrator

Janet Adkins, Administrator

Kevin E. Wells, Administrative Support

MEASURES HEARD: SB 722A Work Session

SB 1331A Work Session

SB 369A Work Session

HB 3615A 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 154, A		

003	Chair Simmons	Opens meeting. Opens Work Session SB 722A.
<u>SB 722 WORK SESSION</u>		
010		Staff present ñA14, -A8, -A9, -A12, and ñA13 amendments (EXHIBIT A).
011	Rep. Mannix	Discusses the ñA14 amendments.
012	Rep. Mannix	MOTION: Moves to ADOPT SB 722A-14 amendments dated 6/21/99.
		VOTE: 4-0 EXCUSED: 3 - Devlin, Edwards, Gardner
	Chair Simmons	Hearing no objection, declares the motion CARRIED.
022	Rep. Mannix	MOTION: Moves SB 722A to the floor with a DO PASS AS AMENDED recommendation.
024	Chair Simmons	Reminds the committee that the ñA8, -A9, -A12 and ñA13 amendments need to be adopted.
026	Rep. Mannix	MOTION: Moves to ADOPT SB 722-A8 amendments dated 6/14/99.
		VOTE: 4-0 EXCUSED: 3 - Devlin, Edwards, Gardner
	Chair Simmons	Hearing no objection, declares the motion CARRIED.
027	Rep. Mannix	MOTION: Moves to ADOPT SB 722-A9 amendments dated 6/14/99.
		VOTE: 4-0 EXCUSED: 3 - Devlin, Edwards, Gardner

	Chair Simmons	Hearing no objection, declares the motion CARRIED.
028	Rep. Mannix	MOTION: Moves to ADOPT SB 722-A12 amendments dated 6/17/99.
		VOTE: 4-0 EXCUSED: 3 - Devlin, Edwards, Gardner
	Chair Simmons	Hearing no objection, declares the motion CARRIED.
029	Rep. Mannix	MOTION: Moves to ADOPT SB 722-A13 amendments dated 6/18/99.
		VOTE: 4-0 EXCUSED: 3 - Devlin, Edwards, Gardner
	Chair Simmons	Hearing no objection, declares the motion CARRIED.
032	Rep. Mannix	MOTION: Moves SB 722A to the floor with a DO PASS AS AMENDED recommendation.
033	Vice-Chair Devlin	States he will vote no and serve notice of a possible minority report.
037	Vice-Chair Starr	States he will vote yes with concerns.
038	Rep. Mannix	States he will vote yes as a compromise to ensure that SB 722A moves.
043	Chair Simmons	Acknowledges the compromises being made in moving SB 722A.
045		VOTE: 4-1 AYE: 4 - Beyer, Mannix, Starr, Simmons NAY: 1 - Devlin EXCUSED: 2 - Edwards, Gardner

	Chair Simmons	<p>The motion CARRIES.</p> <p>REP. SIMMONS will lead discussion on the floor.</p>
053	Chair Simmons	Closes Work Session SB 722A. Opens Work Session SB 1331A.
<u>SB 1331A WORK SESSION</u>		
082	Cletus Moore	Administrator. Reviews SB 1331A. Explains that the measure increases insurance coverage for mental illness treatment.
086	Sen. Lenn Hannon	Senate District 26. Testifies in support of SB 1331A.
088	Sen. Gene Derfler	Senate District 16. Testifies in support of SB 1331A.
090	Sen. Verne Duncan	Senate District 12. Testifies in support of SB 1331A.
094	Sen. Hannon	Provides the background on SB 1331A. Outlines the work and reason for the interim task force. States that amendments will harm the bill.
140	Sen. Derfler	Acknowledges the importance of mental health care. Supports the raise in coverage for mental health and chemical dependency treatment.
161	Sen. Duncan	States that mental health deserves increased insurance coverage.
176	Vice-Chair Devlin	Supports SB 1331A.
182	Rep. Mannix	Asks if there is any possibility of compromise on SB 1331A.
188	Sen. Hannon	Suggests that the Senate will not concur with any amendments.
190	Rep. Mannix	Comments on chambers working on the other chamber's bills.
192	Sen. Hannon	Explains that conditions for passage of SB 1331A do not allow for compromise
205	Rep. Mannix	Asks if benefit levels have not increased since 1987.
217	Rep. Beyer	Closes Work Session on SB 1331A.

228	Chair Simmons	Opens Work Session on SB 369A. Points out conflict amendments to SB 369 (EXHIBIT B).
<u>SB 369A WORK SESSION</u>		
231	Vice-Chair Devlin	Requests Legislative Counsel (LC) to explain the nature of the conflict amendments; are there any provisions other than conflict amendments.
243	Ted Ruetlinger	LC. Explains that the conflict amendments only deal with changes to the presidential preference primary, making SB 369A consistent with existing legislation.
256	Vice-Chair Devlin	Clarifies that there are no additional changes to SB 369A.
262	Rep. Devlin	MOTION: Moves to SUSPEND the rules for the purpose of Reconsidering the vote by which SB 369A was moved to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0 EXCUSED: 1 ñ Starr
	Chair Simmons	Hearing no objection, declares the motion CARRIED.
265	Rep. Devlin	MOTION: Moves to RECONSIDER the vote on the ñ5 amendments to SB 369.
		VOTE: 5-0 EXCUSED: 2 - Gardner, Starr
	Chair Simmons	Hearing no objection, declares the motion CARRIED.
267	Rep. Devlin	MOTION: Moves to ADOPT SB 369A-5 amendments dated 7/16/99.
		VOTE: 5-0 EXCUSED: 2 - Gardner, Starr

	Chair Simmons	Hearing no objection, declares the motion CARRIED.
270	Rep. Devlin	MOTION: Moves SB 369A to the floor with a DO PASS AS AMENDED recommendation.
		<p>VOTE: 5-0</p> <p>EXCUSED: 2 - Gardner, Starr</p> <p>For Rep. Gardner's last final vote on SB 369 see Tape 154, A at 332.</p>
	Chair Simmons	<p>Hearing no objection, declares the motion CARRIED.</p> <p>REP. DEVLIN will lead discussion on the floor.</p>
296	Chair Simmons	Closes work session on SB 369.
332	Rep. Beyer	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. GARDNER to BE RECORDED as voting AYE on the MOTION to move SB 369A to the floor with a DO PASS AS AMENDED recommendation.
		<p>VOTE: 5-0</p> <p>EXCUSED: 2 - Mannix, Starr</p>
	Chair Simmons	Hearing no objection, declares the motion CARRIED.
	Chair Simmons	Opens the work session on HB 3615.
<u>HB 3615 WORK SESSION</u>		
344	Janet Adkins	Policy Analyst. Reviews HB 3615A. Outlines the A5 amendments (EXHIBIT C).
365	Representative Jim Hill	House District 5. Testifies in support of HB 3615A. Explains HB 3615-A5 amendments. Discusses the structure of the Public Utility Commission (PUC).

415	Rep. Hill	Points out changes proposed in HB 3615-A5.
TAPE 155, A		
001	Rep. Gardner	Asks if the PUC was formed as a bi-partisan commission as a result of a ballot initiative sponsored by the people of Oregon.
003	Rep. Hill	Explains the origin of the PUC.
010	Rep. Gardner	Asks if HB 3615A will make the PUC partisan.
013	Rep. Hill	Replies that HB 3615A will ensure that membership is bi-partisan. Relates negotiations with the Governor to craft HB 3615ñA5.
037	Rep. Edwards	Asks what is the relationship between staff and commissioners at PUC.
039	Rep. Hill	Answers that he does not know their relationships.
052	Rep. Edwards	Asks what prompted the initiative petition campaign.
056	Rep. Hill	Replies that real or perceived abuse of power was the impetus creating the present PUC.
068	Rep. Edwards	Asks for clarification of the ñA5 amendments.
074	Adkins	Clarifies the provisions of the ñA5 amendments.
085	Rep. Beyer	MOTION: Moves to ADOPT HB 3615A-5 amendments dated 7/16/99.
087	Rep. Mannix	Asks if HB 3615A is a the result of negotiations
090	Rep. Hill	Answers that it is.
092	Rep. Mannix	Asks if PUC has been consulted.
093	Rep. Hill	Answers that they have not been consulted.
095		VOTE: 5-1 AYE: 5 - Beyer, Devlin, Edwards, Mannix, Simmons

		NAY: 1 - Gardner EXCUSED: 1 - Starr
	Chair Simmons	The motion CARRIES.
104	Rep. Beyer	MOTION: Moves HB 3615A to the floor with a DO PASS AS AMENDED recommendation.
106	Rep. Mannix	Explains that he has concerns about HB 3615A, but will vote yes as a courtesy.
110	Rep. Gardner	Expresses concern about HB 3615A.
		VOTE: 4-2 AYE: 4 - Beyer, Edwards, Mannix, Simmons NAY: 2 - Devlin, Gardner EXCUSED: 1 - Starr
	Chair Simmons	The motion CARRIES. REP. HILL will lead discussion on the floor.
122	Vice-Chair Devlin	Explains that he voted "No" at this time as a courtesy to Rep. Gardner.
125	Chair Simmons	Closes work session on HB 3615A. Opens Work Session on SB 1333A.
<u>SB 1333A WORK SESSION</u>		
130	Moore	Reviews SB 1333A.
141	Dave Hunnicutt	Oregonians in Action. Supports SB 1333A. Explains SB 1333A and why it is needed.
195	Hunnicutt	Continues to explain how local improvement districts (LID) operate. Discusses opposition to SB 1333A.

244	Rep. Mannix	Comments on using legislation to address past injustices. Expresses discomfort on focusing policy on a particular case.
268	Hunnicut	Replies that SB 1333A will not affect court rulings in particular cases. Comments on the case in question.
297	Rep. Mannix	Discusses legal issues involved in that case.
301	Hunnicut	Comments on legal issues. Explains that SB 1333A provides protection for landowners.
318	Rep. Edwards	Asks what protections SB 1333A provide to landowners.
324	Hunnicut	Discusses those protections. Relates discussions with interested parties.
349	Rep. Gardner	Asks why an emergency clause is included in SB 1333A.
352	Hunnicut	Replies it is included so that SB 1333A can be enacted retroactively immediately
361	Rep. Gardner	Asks if that predetermines the outcome.
365	Hunnicut	Replies that SB 1333A will not determine the outcome of the court case, but it will require the city to provide evidence of public interest.
385	Rep. Gardner	Asks if his complaint is the retroactive application of LID charges.
388	Hunnicut	Clarifies that he finds it ironic that opposition disapproves of the retroactive provision of SB 1333A.
396	Rep. Gardner	Points out that SB 1333A is retroactive.
399	Hunnicut	Replies that his concern is that his clients share of the total project costs exceeded what they had been originally told. Explains that SB 1333A will prevent similar cases in the future.
TAPE 154, B		
018	Rep. Mannix	Comments on the described situation. Suggests that SB 1333A should not change standards for past actions.
028	Hunnicut	Replies that changes in assessments do not typically change.

047	Chair Simmons	Asks if would be acceptable to remove Sections 2 and 3 of SB 1333A.
048	Hunnicut	Replies that the policy should be retroactive.
062	Rep. Gardner	Asks if SB 1333A could affect the outcome of the pending court case.
063	Hunnicut	Acknowledges that it could.
066	Rep. Mannix	Points out that Section 2 is written very narrowly. Asks if Section 2 is written to apply to this single case.
070	Hunnicut	Answers that Rep. Mannix is correct, SB 1333A will apply to only the one case.
073	Rep. Mannix	Asks if resolution to the problem has been sought.
078	Hunnicut	Replies that a mediate outcome has been sought.
087	Lynn McNamara	League of Oregon Cities. Opposes SB 1333A. Expresses concern about the retroactive clause aimed at the City of Tigard. Supports SB 1333A without the retroactive clause. Notes that such a retroactive change negatively impacts bond markets.
110	Rep. Edwards	Asks for clarification of language.
112	McNamara	Explains "substantial inequity."
119	Hunnicut	Explains why Section 2 of SB 1333A was written narrowly.
142	Chair Simmons	Asks when the LID in question was formed.
143	Hunnicut	Answers that the LID was formed in 1984.
146	Moore	Asks why SB 1333A would not apply from 1985 to present.
148	Hunnicut	Explains that such a requirement would burden local government.
168	Chair Simmons	Closes Work Session on 1333A. Stands the committee at ease.
169	Chair Simmons	Adjourns the meeting at 7:30 p.m.

Submitted By, Reviewed By,

Kevin E. Wells, Cletus B. Moore, Jr.,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 722, -A14, -A8, A9, -A12, and ñA13 amendments, staff, 11 p

B ñ SB 369, -5 amendments, staff, 71 pp

C ñ HB 3615, -A5 amendments, staff, 2 pp