

HOUSE COMMITTEE ON RULES, ELECTIONS, AND PUBLIC AFFAIRS

July 19, 1999 Hearing Room D

3:00 P.M. Tapes 158 - 159

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, LC 4332

Pat Zwick, Policy Analyst for SB 686A

Cara Filsinger, Policy Analyst for SB 1336 and SB 325A

Janet Adkins, Policy Analyst for SJR 11A

Diane M. Lewis, Administrative Support

MEASURE/ISSUES HEARD: SB 1336 Work Session

SB 686A Work Session

SB 325A Work Session

SJR 11A Work Session

LC 4332 Work Session

TAPE/#	Speaker	Comments
TAPE 158, A		
002	Chair Simmons	Calls the meeting to order at 6:55 PM and opens a work session on SB 1336A.
<u>SB 1336 WORK SESSION</u>		
005	Sen. Marilyn Shannon	Senate District 15, submits and presents written testimony in support of SB 1336 (EXHIBIT A). Discusses divorce statistics. Refers to EXHIBIT A, page 2, and states that domestic violence is a clear ground for divorce under covenant marriage.
050	Sen. Shannon	Comments that she became an advocate for covenant marriage because premarital counseling and divorce counseling are significant components of the bill. Reports that divorce rates dropped by thirty five percent, over an eleven-year period, in Sacramento, California, and Kansas City, Missouri, after covenant marriages were implemented.
060	Rep. Gardner	Asks if there are provisions in the bill that allow clergy to refuse to perform all marriages that are not covenant marriages.
064	Sen. Shannon	Responds affirmatively.
068	Rep. Gardener	Comments that the bill is reported to be permissive, however, church clergy could refuse to perform marriages that are not covenant marriages. Maintains that this is not consistent with the definition of "permissive."
072	Sen. Shannon	Responds that the only portion of a covenant marriage that a church could require is premarital and divorce counseling. Explains that state law remains the only body that can address no-fault divorces.
076	Sen. Charles Starr	Senate District 5, explains that there is nothing in the bill that restricts a church from performing covenant marriages. States that churches have been performing covenant marriages for centuries. Reports that marriage wasn't brought into civil law statute until the eighteenth century. Discusses divorce provisions under covenant marriage. Discusses the "community marriage compact" signed by 77 ministers in Corvallis, OR, who agreed that premarital counseling was a prerequisite to the marriage ceremony. Reports that some couples who enter counseling discover that they are not ready for marriage.
121	Sen. Starr	Introduces SB 1336-1 amendments dated 7/19/99 (EXHIBIT B) and the ñ2 amendments dated 7/19/99 (EXHIBIT C). Maintains that SB 1336 is voluntary and addresses the issue of broken homes, which is one of the most significant aspects of problems in America.

128	Rep. Gardner	Comments that if a church requires that couples marry under the provisions of covenant marriages, then the bill is no longer voluntary.
133	Sen. Starr	Responds that a church might require couples to attend premarital counseling; however, this does not mean that a church will require couples to receive a covenant marriage certificate. Maintains that this provision keeps the bill voluntary.
136	Rep. Gardner	Supports premarital counseling. Asks if there is anything in the bill that precludes a church from requiring a couple to go through the entire process of covenant marriage, thereby precluding a couple from ever entering into a no-fault divorce.
149	Sen. Starr	Responds that couples have the final choice for the kind of marriage license they will receive. States that if a church sets a standard of marriage that a couple does not agree with, then the couple will need to marry someplace else.
163	Sen. Shannon	Asks the question " Is there a church in Oregon that can tell a couple that it will be illegal for the couple to enter into a no-fault divorce?" Wonders if any church has the authority to require the type of divorce a couple may obtain. States that these questions are the reason that SB 1336 is necessary.
175	Rep. Beyer	Comments that there is no law requiring churches to marry anyone. States that a judge is the only entity that is required to marry people.
188	Rep. Gardner	Comments that if clergy refuse to sign marriage certificates that are not covenant marriage certificates, then the bill is no longer permissive or voluntary in nature.
198	Sen. Starr	Concurs and states that churches currently have the opportunity to restrict the nature of marriages they perform.
201	Rep. Mannix	Comments on restrictions for marriage in the Catholic church as an example of current restrictive practices by clergy. States that couples will continue to have choices about how they are married.
216	Rep. Beyer	MOTION: Moves to ADOPT SB 1336-1 amendments dated 7/19/99.
		VOTE: 7-0
221	Chair Simmons	Hearing no objection, declares the motion CARRIED.
222	Rep. Beyer	MOTION: Moves to ADOPT SB 1336-2 amendments dated 7/19/99.

		VOTE: 6-1 AYE: 6 - Beyer, Devlin, Edwards, Gardner, Starr, Simmons NAY: 1 - Mannix
228	Chair Simmons	The motion CARRIES.
229	Rep. Starr	MOTION: Moves to SUSPEND the rules for the purpose of conceptually amending SB 1336.
		VOTE: 7-0
251	Chair Simmons	Hearing no objection, declares the motion CARRIED.
253	Rep. Starr	MOTION: Moves to AMEND SB 1336 on page 3, in line 34, after "sexual," change "intercourse to relations".
259	Rep. Beyer	States his concern that the word "relations" can be broadly interpreted. Comments that the word "sexual" will maintain the bill's intention in section 4.
		VOTE: 7-0
283	Chair Simmons	Hearing no objection, declares the motion CARRIED.
284	Rep. Starr	MOTION: Moves SB 1336 to the floor with a DO PASS AS AMENDED recommendation.
287	Rep. Devlin	States his opposition to the bill and serves notice of possible minority report.
292	Rep. Edwards	States his support for the "personal choice" aspect of the bill. Explains his concern of legal guardians making the choice of covenant marriage for minors.
318	Rep. Mannix	Comments that statute allows 17-year-olds to marry. States that he is disappointed that there is opposition to SB 1336. Believes that SB 1336 is a turn toward rebuilding the meaning of marriage in Oregon. Supports premarital and divorce counseling provisions in the bill.
		VOTE: 5-2

		<p>AYE: 5 - Beyer, Edwards, Mannix, Starr, Simmons</p> <p>NAY: 2 - Devlin, Gardner</p>
361	Chair Simmons	<p>The motion CARRIES.</p> <p>REP. STARR will lead discussion on the floor.</p>
363	Chair Simmons	Closes the work session on SB 1336.
403	Chair Simmons	Opens a work session on SB 686A.
<u>SB 686A WORK SESSION</u>		
412	Rep. Devlin	<p>Discusses the ñA37 amendments dated 7/19/99 (EXHIBIT D). Explains that the ñA37 amendments call on the Department of Corrections (DOC) and the governor to:</p> <ul style="list-style-type: none"> • De-site the Dammasch facility. • Reopen the siting process and consider three sites. • Continue to use Columbia River Correctional facility. <p>Explains that the ñA37 amendments add criteria to site selection:</p> <ul style="list-style-type: none"> • Mandatory jurisdictional support. • No site that requires "eminent domain," unless no other site is available. • Defines a selection process shorter than the super siting process, but longer than processes proposed by the governor.
453	Rep. Devlin	<p>Discusses the ñA39 amendments (EXHIBIT E). States that the ñA39 amendments are slightly different from the ñA31 amendments and include:</p> <ul style="list-style-type: none"> • Day Rd. specified as a site for consideration. • Site selection process approximately thirty-five to forty days long. • Governor issues executive order for DOC to consider an "unspecified" site. • No new criteria added for site selection process.
TAPE 159, A		
019	Chair Simmons	Comments that there have been a number of sites that have undergone preliminary analysis. States that the ñA39 amendments do not bind the governor to Day Rd.

020	Rep. Devlin	Agrees in theory. States that the governor has made his intentions clear.
022	Rep. Mannix	Comments that the committee cannot bind the governor to Day Rd. or any other action in the matter.
025	Rep. Starr	Comments that the ñA37 amendments seem to provide for a more defined framework.
027	Rep. Mannix	States that the ñA39 amendments provide for a more expeditious process.
030	Rep. Starr	Comments that "expeditiousness" should not be the goal. States that siting a facility of this magnitude and complexity takes time and thought.
033	Rep. Mannix	Comments that there has been enough time spent in thought. States that it is time for the governor to take responsibility for his own actions. Maintains that the ñA39 amendments provide appropriate circumstances for site selection.
050	Rep. Devlin	States that SB 686A does not create a long arduous trail. Comments that the ñA37 amendments ask the governor to take one-hundred-days to make a decision that could last one-hundred-years
066	Rep. Mannix	Discusses compromises he has made regarding SB 686A.
069	Chair Simmons	States that objections have come forward for proposals that do not de-site and preclude Dammasch and Day Rd. Comments that legislative colleagues have approached him with objections to both sites. Concurs that this is a process that requires a considerable amount of compromise. Reminds the committee that the super siting process does not require surrounding communities to provide approval for siting in their community.
088	Rep. Devlin	States that compromise may lie somewhere between the ñA37 and ñA39 amendments.
097	Rep. Mannix	MOTION: Moves to ADOPT SB 686-A39 amendments dated 7/19/99.
098	Chair Simmons	Puts the committee at ease at 7:32 PM.
100	Chair Simmons	Calls the meeting to order at 7:40 PM.
102	Rep. Mannix	MOTION: Moves to WITHDRAW the Motion to ADOPT SB 686-A39 amendments dated 7/19/99.
104	Chair Simmons	Closes the work session on 686A.

140	Chair Simmons	Opens a work session on SB 325.
<u>SB 325A WORK SESSION</u>		
145	Cara Filsinger	Explains that SB 325 has been through the Ways and Means Committee. States that fiscal and revenue statements have been issued.
149	Steve Delaney	Manager, Government Relations, Public Employees Retirement System (PERS), submits and presents written testimony in support of SB 325A (EXHIBIT F). States that there is no cost to employer or PERS, and all administrative costs are absorbed by purchasing member. Discusses an example of why a member would take advantage of a full cost purchase.
182	Chair Simmons	Comments that the revenue impact statement has based its numbers on the assumption that one-thousand participants will purchase. Asks how many eligible members will it take to make this work.
192	Delaney	Responds that PERS has had about one-thousand requests for estimates per year. Explains that approximately one-hundred people begin making the purchase for full cost services each year. Explains that SB 325A will make this option more available to members because they will be able to begin their purchase during their career, and will not be restricted to ninety days prior to their retirement.
199	Chair Simmons	Asks about the \$200,000 cost.
201	Delaney	Responds that he is not familiar with the revenue impact. Explains that PERS supplied information on the fiscal impact. Defines "full cost" to mean that the purchaser pays for administrative fees.
208	Chair Simmons	Discusses SB 722-A20 amendments dated 7/15/99 (EXHIBIT G), submitted by Rep. Ben Westlund, that could be engrossed into SB 325A. Explains that these amendments allow people who have held elective offices to purchase retirement credit for the time they served in office. Asks Delaney if he has seen this amendment before.
224	Delaney	Responds negatively. Explains that he is aware that this concept has been around awhile.
228	Chair Simmons	Discusses the ninety-day window of opportunity for purchasing retirement credit.
230	Delaney	Refers to SB 722-A20, page 2, lines 10 and 11, and comments that the current PERS interest rate is 8%.
237	Dave Heynderickx	Legislative Counsel (LC), responds that SB 722-A20 amendments are not drafted for full cost purchase provisions, but are similar to PERS thirteen other purchase provisions that are "on the books."

285	Chair Simmons	Asks about conceptually amending the 722ñA20 amendments to bring them in line with full cost provisions.
288	Delaney	Refers to SB 325A, page 2, lines 27 and 28, and states that this is the language used for "full cost purchases."
294	Chair Simmons	Asks for discussion regarding the adoption on SB 722-A20 amendments into SB 325A.
298	Rep. Starr	Comments that he would like to know why the concepts in SB 722-A20 have not been previously implemented. States his support for SB 325A.
309	Rep. Edwards	Would like to talk to Rep. Westlund before he votes on the 722ñA20 amendments. Asks about fiscal or revenue impacts attached to these amendments.
300	Chair Simmons	Comments that amending the SB 722ñA20 to be brought in line with full cost purchases will have similar fiscal and revenue impacts to SB 325A.
335	Rep. Edwards	States his support for conceptually amending SB 722-A20 amendments and adopting them into SB 325A.
350	Filsinger	Asks Heynderickx to provide the committee with exact wording for the conceptual amendment converting SB 722-A20 to full cost purchase.
357	Rep. Simmons	MOTION: Moves to SUSPEND the rules for the purpose of conceptually amending SB 722-A20 amendments and adopting them into SB 325A.
		VOTE: 5-0 EXCUSED: 2 - Devlin, Edwards
361	Chair Simmons	Hearing no objection, declares the motion CARRIED.
367	Heynderickx	Suggests the committee delete SB 722-A20, page 2, lines 4-11, and insert, "Paying to the board in a lump sum for credit to the account of the employee in the Public Employees Retirement Fund, within 90 days after the effective date of this 1999 Act, the full cost service credit applied for."
400	Heynderickx	Asks Chair Simmons if he wants to keep the provision in SB 325A, allowing the purchase of credits over a long period of time. States that the definition of "service credit purchase" will require amending. Refers to SB 325A, page 1, after line 16, insert (d) indicating "purchase of retirement credit under section 14." Comments that this can be done conceptually.

418	Chair Simmons	Asks for confirmation that a credit can be applied for in a ninety-day window but need not be paid-in-full in a ninety-day window.
422	Heynderickx	Responds affirmatively. Explains that the language will stipulate that "payments be made in the manner provided by sections 2-10 of this 1999 act."
TAPE 158, B		
008	Rep. Starr	Asks if there are others who hold office, beside legislative members, who would be effected by SB 722-A20 amendments.
011	Delaney	Responds affirmatively. Explains that city, state, and county elected officials fall into the provisionis definition.
016	Rep. Starr	Comments that this bill will effect more than just legislators.
018	Rep. Mannix	Asks if it would be more equitable to require that the payment include, instead of interest, an amount equivalent to the annual rate of growth in the fund for each year that the member would have contributed.
021	Heynderickx	Responds that in a full cost credit, the member pays the actuarially determined cost of what it takes to provide benefits. States that the full cost is paid by the member.
028	Rep. Mannix	Suggests the example of an individual who has paid \$500 into his account in one year plus 7.5 percent interest. Suggests that the investments that year returned 20%. Asks if this legislation rewards people with a twenty percent return at a 7.5 percent interest rate.
040	Heynderickx	Responds that the 7.5 percent specified in SB 722-A20 will be removed. States that there is no interest.
043	Mannix	Asks if members will be required to pay costs of growth and will only benefit by receiving a state and federal tax advantages.
048	Delaney	Responds affirmatively. States that purchasers of full credit purchases will not be paying less than other PERS members.
051	Chair Simmons	Asks if payment should be over a period of time or in a ninety-day window.
054	Heynderickx	Comments that under SB 325A, payment is made in a lump sum amount.
057	Chair Simmons	Asks for the best way the bill should provide for payment options.

059	Heynderickx	Discusses options that the committee has in order to handle the issue of payment.
068	Rep. Mannix	States that he doesn't want to create the situation that allows members to drag out payments. Supports the concept of a ninety-day window of opportunity for a member to lock in and then make payments over time.
076	Chair Simmons	Asks LC to draft amendments regarding payment options.
080	Heynderickx	Responds that amendment can be drafted by morning.
087	Chair Simmons	Closes the work session on SB 325A and opens a work session on SJR 11A.
<u>SJR 11A WORK SESSION</u>		
107	Rep. Julie Gianella	House District 38, submits written information in support of SJR 11A (EXHIBIT H) and testifies in support of the resolution. States that SJR 11 is similar in concept to HJR 59 (1999). Explains that SJR 11A includes funding for city and county sheriffs. Reports that Oregon needs more state troopers. Discusses the problem of population increases and decreases in patrol services. Explains that SJR 11A has no fiscal or revenue impact.
139	Captain Greg Willeford	Director, Department of Oregon State Police Patrol Services Division, submits and presents written testimony in support of SJR 11A (EXHIBIT I).
166	Chair Simmons	Asks if troopers were taken out of the trust fund in 1981.
169	Willeford	Responds affirmatively.
172	Chair Simmons	Comments that this proposal was brought forward and voted on in 1992. Asks about specifics regarding the defeat of legislation in 1992.
178	Janet Adkins	Committee Administrator, explains that the 1992 vote for allowing future fuel taxes to fund state police was Ayes--244,173 to Nays-- 451,715.
184	Willeford	Comments that the 1992 vote was also tied to a surcharge of \$15 for vehicle registration fees.
188	Chair Simmons	Comments on the present debate regarding the increase of fuel taxes and registration fees. Asks if there are other options for funding state police.
200	Willeford	Responds that having a portion of highway fund revenues available for state police is good policy. Lists three components of highway strategy: <ul style="list-style-type: none"> • Enforcement is sorely lacking at the state level

		<ul style="list-style-type: none"> • Engineering ñ continually required • Education <p>Reports that the general fund is unstable and inadequate for uniformed state troopers. Explains that there are serious service concerns regarding responding to emergency service calls.</p>
215	Chair Simmons	Asks about funding in the current biennium budget that provides for one-hundred new troopers.
219	Willeford	Responds that reports indicate the total need for additional troopers is 416. States that one-hundred new officers is welcome. Reports that over the last 19-years there has been a 37 percent decrease in officers.
255	Chair Simmons	Asks about traffic fatality statistics.
258	Willeford	Responds that 1998 traffic fatality statistics went up from 1997.
260	Chair Simmons	Asks Willeford to provide the committee with statistics that go back eight to ten years.
262	Willeford	Responds that fatality trends show a decline in traffic fatalities; however, the actual numbers of people being killed on state and interstate highways is increasing.
272	Chair Simmons	Asks if fatalities "per miles traveled" have declined.
276	Chair Simmons	Responds affirmatively. States that technology in automobile manufacturing and medical response is better.
300	Rep. Starr	Asks about current budget.
308	Willeford	Responds that for this current biennium, with one-hundred additional troopers funded by \$5 million, there is a budget of \$70.9 million general fund for the patrol division.
307	Rep. Starr	Comments that Oregon Department of Transportation (ODOT) budget is \$2.8 billion.
324	Chair Simmons	Asks for specifics of the overall Oregon State Patrol (OSP) budget.
325	Willeford	<p>Responds that \$82.7 million is total fund for 492.75 FTE. Reports that the overall total agency budget is approximately \$352 million per biennium.</p> <p>Reminds the committee that state police troopers are full force law enforcement</p>

		and provide emergency response services. Underscores the fact that there are 2,000 drunk driving reports that go unanswered.
336	Chair Simmons	Asks for definition of "emergency response."
340	Willeford	Replies that these are calls that come in to the state police dispatch center or are referred to state police by other law enforcement agencies.
364	Chair Simmons	Asks about troopers responding to situations outside of life threatening or imminent danger, i.e. responding to the person on the side of the road with their hood up.
375	Willeford	Responds that state troopers provide "motorist assist" services. Maintains that the majority of all criminal investigations and arrests occur within the patrol services division.
398	Chair Simmons	Thanks Captain Willeford for his testimony.
405	Bill Penhollow	Association of Oregon Counties, testifies in opposition to SJR 11. Explains that counties are in difficult positions to fund road systems. Reports that loss of revenue has seriously impacted eastern Oregon counties. Maintains the importance of preserving the highway fund for road system purposes.
TAPE 159, B		
014	Rep. Starr	Asks Penhollow if the counties are supporting the proposed fuel tax increase.
016	Penhollow	Responds affirmatively.
017	Rep. Starr	Asks how much money the counties would receive from the increased fuel tax.
018	Penhollow	Responds that the counties would receive approximately \$22-24 million dollars.
027	Rep. Starr	Asks if the counties oppose SJR 11 because it uses state highway funds.
030	Penhollow	Responds that counties are concerned with the impact that SJR 11 could have on road system funds.
051	Rep. Starr	Closes the work session on SJR 11.
055	Chair Simmons	Opens a work session for the possible consideration of LC 4332.

LC 4332 WORK SESSION

068	Ed Hughes	Coalition for Veterans Issues, testifies in support of LC 4332. Discusses the deterioration of services to veterans due to funding cuts. Explains that veterans have been complaining on the poor quality of services. States that the Oregon Department of Veteran Affairs supports this memorial. Discusses concerns for the elimination of several hundred jobs at the Portland Veteran Association (VA) Hospital in the near future.
112	Rep. Starr	Reports that the Senate is taking action on this issue by drafting, signing, and sending a letter to Congress.
116	Rep. Beyer	Asks if a letter from the House of Representatives, signed by all members, would suffice.
123	Hughes	Responds that he will leave the decision regarding a letter with the committee.
120	Chair Simmons	Discusses the successful responses he has received after sending letters to Congressional Delegates in Congress.
136	Hughes`	Comments that a letter signed by all members would gain more attention in Congress.
150	Chair Simmons	Concurs.
155	Rep. Mannix	Supports the concept of a letter signed by all sixty members and believes it sends the most powerful message.
160	Rep. Starr	Supports the action of a letter.
170	Chair Simmons	Would like a letter drafted by tomorrow, Tuesday, July 20, 1999.
178	Chair Simmons	Closes the work session on LC 4332 and adjourns the meeting at 8:45 PM.

Diane M. Lewis, Cletus B. Moore, Jr.,
Administrative Support Administrator

Reviewed By, Reviewed By,

Cara Filsinger, Pat Zwick,
Policy Analyst Policy Analyst

Reviewed By,

Janet Adkins,

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EXHIBIT SUMMARY

A ñ SB 1336, written testimony, Sen. Marylin Shannon, 2pp.

B ñ SB 1336-1 amendments dated 7/19/99, Sen. Charles Starr, 1 p.

C ñ SB 1336-2 amendments dated 7/19/99, Sen. Charles Starr, 1 p.

D ñ SB 686-A37 amendments dated 7/19/99, Rep. Richard Devlin, 13 pp.

E ñ SB 686-A39 amendments dated 7/19/99, Rep. Kevin Mannix, 11 pp.

F ñ SB 325, written testimony, Steve Delaney, 2 pp.

G ñ SB 325, SB 722-A20 amendments dated 7/15/99, Rep. Ben Westlund, 2 pp.

H- SJR 11A , written testimony, Rep. Juley Gianella, 2 pp.

I ñ SJR 11A, written testimony, Captain Greg Willeford, 2 pp.