

SENATE COMMITTEE ON JUDICIARY

July 13, 1999 Hearing Room C

9:00 a.m. Tape 270

MEMBERS PRESENT: Sen. Bryant, Chair

Sen. Courtney, Vice-Chair

Sen. Adams

Sen. Burdick

Sen. Nelson

Sen. Duncan

Sen. Tarno

MEMBER EXCUSED: Sen. Brown

STAFF PRESENT: Bill Taylor, Counsel

Anne Tweedt, Counsel

Judith Minnich, Administrative Support

MEASURE/ISSUES HEARD: HB 3489A Work Session

HB 2353A 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 270, A		

003	Chair Bryant	Calls meeting to order at 9:10 a.m.
<u>HB 2353A WORK SESSION</u>		
007	Pete Shepherd	Special Counsel, Attorney General's Office Submits testimony and testifies in support of HB 2353A as amended with the ñA8 amendments (EXHIBITS A & B). HB 2353A establishes ballot titles for the HJR 87 through HJR 94 referrals to the ballot. Indicates that on page 3, line 4 of the ñA8 amendments, "jury" should be replaced by "court." Indicates that they are unaware of any opposition to the ballot titles.
062	Chair Bryant	Thanks the workgroup for their hard work and states that the version of HB 2353 that the committee is working on is the HB 2353A engrossed version.
063	Counsel Taylor	For the record, the wrong date is on the ñA8 amendments. The date has been entered as 7/14/99, rather than today's date, 7/13/99.
068	Shepherd	Agrees that the correct version of the bill is A rather than B engrossed.
071	Sen. Nelson	Discusses the writing of ballot titles by the legislature.
076	Chair Bryant	Discusses the other ways in which ballot titles get written.
085	Sen. Nelson	Will we get ourselves in a situation where the legislature will have to write all these ballot titles?
087	Chair Bryant	Probably not, although the proponents would probably like that.
095	Sen. Nelson	Will we perhaps avoid some court battles if we adopt these?
096	Chair Bryant	I think we might.
104	Shepherd	Existing statute does provide that the legislative assembly may prepare the ballot title for those measures they refer to the ballot.
106	Sen. Burdick	Asks about the use of "public" instead of "prosecutor" in HJR 88.
115	Shepherd	Explains why "public" was used instead of "prosecutor".
128	Sen. Burdick	Discusses the difference between the prosecutor and the public.

134	Sen. Duncan	The prosecutor is the elected official representing the public in the prosecution of crimes.
150	Sen. Bryant	MOTION: Moves to ADOPT HB 2353A-A10 amendments dated 7/14/99 and that the measure be FURTHER AMENDED on page 3, line 4, by changing "jury" to "court".
		VOTE: 5-0 EXCUSED: 2 - Brown, Courtney
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
157	Sen. Bryant	MOTION: Moves HB 2353A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0 EXCUSED: 2 - Brown, Courtney
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN BRYANT will lead discussion on the floor.
<u>HB 3489A WORK SESSION</u>		
162	Chair Bryant	Indicates that HB 3489A would establish land divisions for non-farm uses in exclusive farm use zones in certain circumstances. Indicates the A10 amendments are available (EXHIBITS C & D). Discusses the status of the negotiations on the bill.
176	Rep. Lynn Lundquist	State Representative, House District 59 Testifies in support of the A10 amendments to HB 3489A. Discusses the changes made by the A10 amendments.
228	Rep. Susan Morgan	State Representative, House District 46 Testifies in opposition to the A10 amendments to HB 3489A and discusses her concerns. Lists three specific areas of the bill that are of concern. Indicates she

		<p>has a philosophical resistance to splitting the different regions of the state. Discusses a policy statement in the bill</p> <p>that is at odds with the provisions of the bill. Indicates her opposition to both the A-engrossed version and the ñA10 amendments.</p>
294	Chair Bryant	Asks whether changes could be made which could gain Rep. Morganís support.
302	Rep. Morgan	Indicates that she doesnít see a solution.
335	Chair Bryant	Asks if section 2 was added in response to PGE v BOLI lawsuit?
340	Rep. Lindquist	Thatís part of it. One of the concerns of everyone in the land use arena is trying to be more specific in regard to the intent of the legislation.
374	Chair Bryant	Indicates that his preference is to pass the ñA10 amendments although this is not a perfect solution to the situation.
411	Sen. Bryant	MOTION: Moves to ADOPT HB 3489A-A10 amendments dated 7/12/99.
412	Sen. Tarno	Indicates he will give a courtesy vote although he will be a no vote on the floor.
418	Sen. Duncan	Indicates he will be a courtesy vote at this point.
421	Sen. Nelson	Iím sorry, Iím not going to give a courtesy vote.
423	Sen. Burdick	Iím sorry, I canít give you a courtesy vote.
425	Chair Bryant	Well, weíll have to come back this afternoon then, when we have at least one of the other members. Recesses until 1:00 p.m.
	Chair Bryant	Reconvenes the hearing at 1:00 p.m. (This portion of the meeting was not recorded).
<u>HB 3489A WORK SESSION</u>		
	Chair Bryant	Indicates that for the purposes of HB 3489A Sen. Adams will be taking Sen. Brownís place on the committee.
	Sen. Bryant	MOTION: Moves to ADOPT HB 3489A-A10 amendments dated 7/12/99.

	VOTE: 4-1 AYE: 4 - Adams, Duncan, Tarno, Bryant NAY: 1 - Courtney EXCUSED: 2 - Burdick, Nelson
Chair Bryant	The motion CARRIES.
Sen. Bryant	MOTION: Moves HB 3489A to the floor with a DO PASS AS AMENDED recommendation.
	VOTE: 4-1 AYE: 4 - Adams, Duncan, Tarno, Bryant NAY: 1 - Courtney EXCUSED: 2 - Burdick, Nelson
Chair Bryant	The motion CARRIES. SEN. BRYANT will lead discussion on the floor.
Chair Bryant	Adjourns the meeting at 1:10 p.m.

Submitted By, Reviewed By,

Judith Minnich, Anne Tweedt,
Administrative Support Counsel

EXHIBIT SUMMARY

A ñ HB 2353A, written testimony from Pete Shepherd, 3 pp

B ñ HB 2353A, -A8 amendments dated 7/14/99, 8 pp

C ñ HB 3489A, -A10 amendments dated 7/12/99, 6 pp

D ñ HB 3489A, hand-engrossed HB 3489A with the ñA10 amendments, 10 pp

E ñ HB 3489A, written testimony from Richard Benner, Land Conservation and Development, 1 pp

SENATE COMMITTEE ON JUDICIARY

July 13, 1999 Hearing Room C

3:55 p.m. Tape 271

MEMBERS PRESENT: Sen. Bryant, Chair

Sen. Courtney, Vice-Chair

Sen. Adams

Sen. Burdick

Sen. Nelson

Sen. Duncan

Sen. Tarno

STAFF PRESENT: Anne Tweedt, Counsel

Judith Minnich, Administrative Support

MEASURE/ISSUES HEARD: HB 3489A Reconsideration and Work Session

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TAPE/#	Speaker	Comments
TAPE 271, A		
003	Chair Bryant	Calls meeting to order at 4:15 p.m. Notes that Sen. Adams has appointed himself to the Senate Judiciary Committee to replace Sen. Brown for the purpose of reconsidering HB 3489A.
010	Sen. Bryant	MOTION: Moves to SUSPEND the rules for the purpose

		of reconsidering HB 3489A and recording the vote.
		VOTE: 6-0 EXCUSED: 1 - Courtney
012	Chair Bryant	Hearing no objection, declares the motion CARRIED.
	Sen. Bryant	MOTION: Moves to RECONSIDER the vote by which HB 3489A was sent to the floor DO PASS as amended.
		VOTE: 6-0 EXCUSED: 1 - Courtney
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
<u>HB 3489A WORK SESSION</u>		
016	Chair Bryant	Notes that he previously declared a conflict of interest on HB 3489A and would like to repeat that for the record.
024	Sen. Bryant	MOTION: Moves to ADOPT HB 3489A-A10 amendments dated 7/13/99.
		VOTE: 6-0 EXCUSED: 1 - Courtney
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
026	Sen. Bryant	MOTION: Moves HB 3489A to the floor with a DO PASS

		AS AMENDED recommendation.
029	Sen. Nelson	Declares a conflict as a landowner.
		VOTE: 4-3 AYE: 4 - Brown, Duncan, Tarno, Bryant NAY: 3 - Burdick, Courtney, Nelson
	Chair Bryant	The motion CARRIES. SEN. BRYANT will lead discussion on the floor.
031	Chair Bryant	Adjourns the meeting at 4:20 p.m.

Submitted By, Reviewed By,

Judith Minnich, Anne Tweedt,
Administrative Support Counsel

EXHIBIT SUMMARY

A ñ HB 3489A, -A10 amendments dated 7/12/99, 6 pp