

SENATE COMMITTEE ON PUBLIC AFFAIRS

July 22, 1999 Hearing Room B

9:00 a.m. Tapes 110 - 111

MEMBERS PRESENT: Sen. Charles Starr, Chair

Sen. Joan Dukes, Vice-Chair

Sen. Marilyn Shannon

Sen. Veral Tarno

Sen. Thomas Wilde

STAFF PRESENT: Brian Smith, Administrator

Marjorie Taylor, Administrator

Sandy Thiele-Cirka, Administrator

Patrick Brennan, Administrative Support

MEASURES HEARD: HB 2154 Public Hearing and Work Session

HB 3537-A Public Hearing and Work Session

HJR 4-A Work Session

HB 2199 Work Session

HB 3607 Work Session

HB 3628 Public Hearing and Work Session

HB 2001 Public Hearing and 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 110, A		

004	Chair Tarno	Calls the meeting to order at 9:14 a.m. Opens a public hearing on HB 2154.
<u>HB 2154 PUBLIC HEARING</u>		
009	Brian Smith	Committee Administrator. Discusses provisions of the measure. States that the bill needs a subsequent referral to Ways and Means since the funds are already accounted for in the budget.
017	Jack Roberts	Commissioner, Bureau of Labor and Industries (BOLI). Testifies in support of HB 2154. Explains that the issue has been handled as a part of BOLI General Fund funding in the past. States that the positions this will fund are needed and the funding mechanism is for the legislature and the Governor to decide. Explains that the Governor supports funding the positions through workers' compensation. Indicates that Oregon's workers' compensation rates were high at one time, but they have been decreasing every year.
056	Sen. Dukes	Asks if the vote of MLAC on this issue was unanimous.
059	Roberts	Suggests that the manager representatives were in favor of the funding mechanism.
071	Lisa Trussell	Representative, Association of Oregon Industries. Testifies in support of HB 2154. Expresses support for the recommendations of MLAC. Suggests that funding could come from General Fund, as opposed to the worker benefit fund, because workers should not need to pay for their own investigations.
096	Chair Tarno	Closes the public hearing and opens a work session on HB 2154.
<u>HB 2154 WORK SESSION</u>		
099	Sen. Dukes	MOTION: Moves HB 2154 to the floor with a DO PASS recommendation.
102	Sen. Shannon	Asks if the bill is related to workers' compensation attorneys.
105	Sen. Dukes	Indicates that it is not.
		VOTE: 3-0 AYE: 3 - Dukes, Shannon, Tarno EXCUSED: 2 - Wilde, Starr

112	Chair Tarno	<p>The motion CARRIES.</p> <p>SEN. TARNO will lead discussion on the floor.</p>
120	Chair Tarno	Closes the work session on HB 2154. Opens a public hearing on HB 3537.
<u>HB 3537-A PUBLIC HEARING</u>		
125	Brian Smith	Committee Administrator. Discusses provisions of the bill. Indicates that this measure established the ballot title for the proposed constitutional amendment in SJR 23-A.
138	Sen. Tarno	Asks for clarification on location of the ballot title in the measure.
140	Smith	Continues to discuss the measure a process of changing the ballot title.
147	Sen. Dukes	Asks what the normal process is for ballot titles and appeals.
152	Smith	Explains that the legislature commonly prepares ballot titles for measures that are referred to the people. Indicates that other processes are similar, but the deadlines are established by the Secretary of State.
157	Sen. Dukes	Asks if a person would go directly to court to challenge a ballot title.
159	Smith	Answers affirmatively.
163	Sen. Dukes	Comments on her opposition to referring measures to the people, but indicates that she will assist in helping this measure reach the Senate floor.
168	Chair Tarno	Closes the public hearing and opens a work session on HB 3537.
<u>HB 3537 WORK SESSION</u>		
169	Sen. Shannon	MOTION: Moves HB 3537 to the floor with a DO PASS recommendation.
		<p>VOTE: 3-0</p> <p>AYE: 3 - Dukes, Shannon, Tarno</p> <p>EXCUSED: 2 - Wilde, Starr</p>

172	Chair Tarno	<p>The motion CARRIES.</p> <p>SEN. MILLER will lead discussion on the floor.</p>
175	Sen. Tarno	Closes the work session on HB 3537 and declares the meeting to be in recess at 9:40 a.m.
----- RECESS -----		
177	Chair Starr	Reconvenes the meeting at 11:48 a.m. and declares the meeting to be in recess until 3:00 p.m.
----- RECESS -----		
180	Chair Starr	Opens a work session on HJR 4.
<u>HJR 4-A WORK SESSION</u>		
182	Sen. Bryant	<p>Senate District 27. Testifies in support of the amendment to HJR 4-A.</p> <p>(EXHIBIT A) Discusses the <u>Tanner</u> case. Describes the testimony given by Greg Chaimov and David Schuman before the House Civil Judiciary Committee. Discusses the House version of the bill. Explains that provisions of the ñA6 amendments do not place the definition of marriage in the Constitution, but allows the legislature the opportunity to define marriage. Mentions that the House will agree to concur with the amendments.</p>
237	Sen. Dukes	Asks why provisions of marriage need to be included in the Constitution.
239	Sen. Bryant	Explains that the <u>Tanner</u> decision has given authority to the legislature to define "marriage at risk".
250	Sen. Dukes	Confirms that Legislative Counsel has suggested that a court ruling may allow anyone to marry anyone.
255	Sen. Bryant	Explains that the <u>Tanner</u> case has called into question the constitutionality of the statute addressing marriage. Explains that OHSU did not intend to discriminate when it developed its practice. However, there were violations of Article I, Section XX of the Constitution. Continues to discuss legal ramifications of the <u>Tanner</u> decision.
294	Sen. Dukes	Asks what decisions are to be avoided by this measure: extension of benefits to a broader category of employees; or prohibition of same-sex marriages.
300	Sen. Bryant	States that it is not his intent to avoid either decision. Discusses options for benefit coverage. Suggests that the legislature should determine who can be

		legally married. Indicates that the measure is a good compromise.
343	Sen. Tarno	MOTION: Moves to ADOPT HJR 4-A6 amendments dated //99.
345	Chair Starr	Hearing no objection, declares the motion CARRIED.
349	Sen. TARNO:	MOTION: Moves HJR 4 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.
		VOTE: 3-2 AYE: 3 - Shannon, Tarno, Starr NAY: 2 - Dukes, Wilde
353	Chair Starr	The motion CARRIES. SEN. BRYANT will lead discussion on the floor.
357	Sen. Shannon	Asks if there was discussion about why HJR 4 is needed at this time and issues related to Vermont.
360	Sen. Dukes	States that there was discussion about why the bill is needed, but not about Vermont.
362	Sen. Shannon	Suggests that Vermont might approve same-sex marriages this summer.
365	Sen. Dukes	Serves notice of possible minority report.
377	Sen. Wilde	Concurs with Sen. Dukes.
380	Chair Starr	Closes the work session on HJR 4 and opens a work session on HB 2199.
<u>HB 2199 WORK SESSION</u>		
383	Chair Starr	Explains that the bill was referred back to committee for a variety of reasons, but it is ready to be sent to the floor as is.
387	Sen. Tarno	MOTION: Moves HB 2199 to the floor with a DO PASS recommendation.
390	Sen. Dukes	Expresses support for the bill.

		VOTE: 5-0
415	Chair Starr	Hearing no objection, declares the motion CARRIED. SEN. DUKES will lead discussion on the floor.
430	Chair Starr	Declares the meeting to be in recess at 4:15 p.m.
-----RECESS-----		
TAPE 111, A		
002	Chair Starr	Reconvenes the committee and opens a work session on HB 3607.
<u>HB 3607 WORK SESSION</u>		
006	Sen. Tarno	MOTION: Moves HB 3607 to the floor with a DO PASS recommendation.
008	Chair Starr	Explains that the bill was rereferred to the committee at the request of House members, but no amendments will be made, therefore the bill can be sent back to the floor.
		VOTE: 3-0 AYE: 3 - Tarno, Wilde, Starr EXCUSED: 2 - Dukes, Shannon
010	Chair Starr	The motion CARRIES. SEN. STARR will lead discussion on the floor.
013	Chair Starr	Closes the work session on HB 3607 and opens a public hearing on HB 3628.
<u>HB 3628 PUBLIC HEARING</u>		
020	Brian Smith	Committee Administrator. Provides a brief description of the bill.
030	Marjorie Taylor	Committee Administrator. Provides a brief description of the bill.
042	Chair Starr	Closes the public hearing on HB 3628 and opens a work session on HB 3628.

HB 3628 WORK SESSION

046	Sen. Wilde	MOTION: Moves HB 3628 to the floor with a DO PASS recommendation.
		VOTE: 3-0 AYE: 3 - Tarno, Wilde, Starr EXCUSED: 2 - Dukes, Shannon
049	Chair Starr	The motion CARRIES. SEN. WILDE will lead discussion on the floor.
058	Chair Starr	Closes the work session on HB 3628 and opens a public hearing on HB 2001.
<u>HB 2001 PUBLIC HEARING</u>		
060	Sandy Thiele-Cirka	Committee Administrator. Gives a brief description of the bill. Indicates that the amendments have been submitted. Explains provisions of the amendments. (EXHIBIT B)
070	Sen. Dukes	Wonders why polling booths are included in the bill, even though they are no longer required.
074	J.L. Wilson	Legislative Director. Speaker's Office. Explains that the bill requires counties over 35,000 in population to maintain a polling booth.
084	Sen. Dukes	Explains that County Clerks were required to have polling places for many years, and continues to wonder why poll booths are included in the bill.
092	Wilson	Indicates that discussions were held with county clerks to verify that they would be able to maintain a polling booth.
097	Sen. Dukes	Asks why there is a desire to maintain polling booths.
100	Wilson	Explains that the sponsor of the bill wants voters to be able to avoid situations of coercion or situations where people feel uncomfortable voting at home.
107	Sen. Wilde	Explains that he has voted at county elections offices and dropped a ballot off there, rather than returning home. States that he always drops ballots off in person.

116	Coleen Sealock	Director of Elections, Secretary of State. Indicates that the assumption is that clerks will always distribute ballots. Explains that the provision provides a place to take a ballot and cast it. Maintains that the bill does not recreate polling places except for clerks' offices.
131	Chair Starr	Asks if there has been review of the -C9 amendment.
133	Sealock	Expresses understanding and approval of the amendment.
138	Sen. Dukes	Discusses the fact the state votes by mail and wonders why language in the bill requires a poll book.
152	Sealock	Explains that county clerks have the option to hold a poll election for special elections. Provisions of the measure address those times when counties may choose a poll election.
167	Sen. Dukes	Asks if Clatsop County will be able to open and tally ballots before 8:00 p.m. on election night, but not release the information.
171	Sealock	States that ballots may be opened, but they cannot be tallied until election day. Results may not be released before 8:00 p.m. on election night.
185	Sen. Dukes	Continues to discuss Clatsop County elections.
197	Chair Starr	Closes the public hearing on HB 2001 and opens a work session on HB 2001.
<u>HB 2001 WORK SESSION</u>		
200	Sen. Tarno	MOTION: Moves to ADOPT HB 2001-C9 amendments dated 7/22/99.
		VOTE: 4-1 AYE: 4 - Shannon, Tarno, Wilde, Starr NAY: 1 - Dukes
206	Chair Starr	The motion CARRIES.
209	Sen. Tarno	MOTION: Moves HB 2001 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-1

		AYE: 4 - Shannon, Tarno, Wilde, Starr NAY: 1 - Dukes
215	Chair Starr	The motion CARRIES. SEN. WILDE will lead discussion on the floor.
220	Chair Starr	Closes the work session on HB 2001 and adjourns the meeting at 4:40 p.m.

Submitted By, Reviewed By,

Marjorie Taylor, Jennifer Peck,

Committee Administrator Senate Committee Coordinator

EXHIBIT SUMMARY

A - HJR 4, -A6 amendments, Staff, 1 pg.

B - HB 2001, -C9 amendments, Staff, 2 pp.

SENATE COMMITTEE ON PUBLIC AFFAIRS

July 22, 1999 Hearing Room B

5:30 p.m. Tapes 112 - 113

MEMBERS PRESENT: Sen. Charles Starr, Chair

Sen. Joan Dukes, Vice-Chair

Sen. Marylin Shannon

Sen. Veral Tarno

Sen. Thomas Wilde

STAFF PRESENT: Brian Smith, Administrator

Stephen Kosiewicz, Administrative Support

MEASURE/ISSUES HEARD: HB 3615B Public Hearing and 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 112, A		
005	Chair Starr	Calls the committee to order at 5:55 p.m. Opens the public hearing on HB 3615B.
<u>HB 3615B n PUBLIC HEARING</u>		
010	Rep. Tom Butler	House District 60. Testifies in support of HB 3615B.
074	Rep. Butler	Continues testimony in support of HB 3615B.
132	Rep. Butler	Continues testimony in support of HB 3615B.

182	Sen. Shannon	Asks why the people who were using Sprint and having trouble getting a line did not just switch to some other company.
186	Rep. Butler	Responds that this is what will happen. Notes that current regulations do not require Sprint to buy additional lines to serve the people they are collecting the fees from.
192	Sen. Shannon	Asks if this issue is similar to the legislation she was trying to get through regarding the situation between PUC and Beaver Creek Telephone Company.
198	Gary Bower	Oregon Telecommunications Association. Responds that HB 3615B is not related to Sen. Shannon's earlier bill.
207	Sen. Shannon	Asks for clarification that this bill would not solve their problems.
210	Bower	Responds that the issues Beaver Creek Telephone Company had were related to some of the rulemaking and interpretation of those statutes and rules.
229	Sen. Dukes	Asks how the specific situations that Rep. Butler mentioned in his testimony would be addressed by passing HB 3615B.
233	Rep. Butler	Responds that some of the antiquated rules and regulations need to be addressed.
247	Sen. Dukes	Notes that this does not mean that the commissioners will give the PUC employees any different direction than they are receiving now and that the same things that are going on now could continue to go on.
254	Rep. Butler	Acknowledges that the things happening now could continue to go on. States that the rules they are talking about have not been substantially changed during the last 10 years when they felt like they needed three commissioners.
266	Sen. Dukes	Comments that HB 3615B does not seem to address the concerns Rep. Butler has raised.
285	Rep. Butler	Expresses confidence in present PUC staff. Comments on what present staff needs in terms of direction from the commissioners.
338	Rep. Jim Hill	House District 5. Testifies in support of HB 3615B.
393	Rep. Hill	Continues testimony in support of HB 3615B.
TAPE 113, A		

014	Sen. Shannon	Asks Rep. Hill who made the statement regarding U.S. West that he mentioned in his testimony.
016	Rep. Hill	Responds that he was paraphrasing remarks made by Mr. Eachus that were quoted in an article in <i>The Oregonian</i> .
032	Gary Conkling	Representing Industrial Customers of Northwest Utilities. Submits written material (EXHIBIT A) and testifies in opposition to HB 3615B and in support of the proposed ñB8 amendments.
100	Sen. Tarno	Asks who should draft the policies for conduct of PUC employees.
103	Conkling	Responds that the PUC currently has policies in place.
123	Bob Jenks	Executive Director, Citizens Utility Board. Submits written testimony of Diane Royse, representing the International Brotherhood of Electrical Workers Local 125, in opposition to HB 3615B (EXHIBIT B). Testifies in opposition to HB 3615B and in support of the proposed ñB8 amendments.
170	Jenks	Continues testimony in opposition to HB 3615B.
237	Jenks	Continues testimony in opposition to HB 3615B and in support of the ñB8 amendments. Submits written material (EXHIBIT C).
253	John Glascock	Representing American Association of Retired Persons (AARP). Testifies in opposition to HB 3615B.
309	Glascock	Continues testimony in opposition to HB 3615B.
318	Sen. Shannon	Notes that she received an invitation to join the AARP awhile back. Asks if she had joined would she have been one of the 430,000 seniors that Mr. Glascock represented, or is this just the number of people who agree with him on this issue.
325	Glascock	Responds that AARP has national policies with respect to utility issues. Notes that not every single member may agree with what he is saying today.
342	Sen. Shannon	Asks for clarification that Mr. Glascock did not poll all AARP members in Oregon.
343	Glascock	Responds that it would not be possible for him to do this.
353	Lee Hazelwood	Citizen, Stayton. Testifies in support of HB 3615B and in support of the ñB7 amendments.

383	Chair Starr	Closes the public hearing and opens the work session on HB 3615B.
<u>HB 3615B ñ WORK SESSION</u>		
385	Sen. Tarno	MOTION: Moves to ADOPT HB 3615B-B7 amendments dated 7/21/99.
389	Sen. Shannon	Asks where the ñB7 amendments come from.
392	Chair Starr	Responds that Sen. Derfler requested them.
402	Sen. Dukes	Comments that there should be two from each chamber, and at least one from each political party, in terms of the legislative representation on the task force created in the bill.
TAPE 112, B		
		VOTE: 3-2 AYE: 3 - Tarno, Wilde, Starr NAY: 2 - Dukes, Shannon
010	Chair Starr	The motion CARRIES.
012	Sen. Tarno	MOTION: Moves HB 3615B to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 3-2 AYE: 3 - Shannon, Tarno, Starr NAY: 2 - Dukes, Wilde
017	Chair Starr	The motion CARRIES. SEN. STARR will lead discussion on the floor.
022	Sen. Dukes	Gives notice of a possible minority report.
023	Sen. Wilde	Gives notice of a possible minority report.
027	Chair Starr	Adjourns the committee at 6:51 p.m.

Submitted By, Reviewed By,

Stephen Kosiewicz, Brian Smith,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ HB 3615B, written material, Gary Conkling, 3 pp.

B ñ HB 3615B, written testimony of Diane Royse, Bob Jenks, 1 p

C ñ HB 3615B, written material, Bob Jenks, 27 pp.