

**SENATE COMMITTEE ON RULES AND ELECTIONS**

**April 1, 1999 Hearing Room B**

**4:30 p.m. Tapes 31 -32**

**MEMBERS PRESENT: Sen. Charles Starr, Chair**

**Sen. Randy Miller, Vice-Chair**

**Sen. Lee Beyer**

**Sen. Neil Bryant**

**MEMBER EXCUSED: Sen. Kate Brown**

**STAFF PRESENT: Brian E. Smith, Administrator**

**Rachel E. Halupowski, Administrative Support**

**MEASURE/ISSUES HEARD: HB 2689 Public Hearing and Work Session**

**SB 867 Public Hearing and Work Session**

**Executive Appointments**

**Workers' Compensation Board**

**Land Use Board of Appeals**

**State Board of Parole and Post-Prison Supervision**

**SB 758, SB 768, SB 781 Public Hearing**

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 31, A		

004	Chair Starr	Opens meeting at 4:40 p.m. and opens public hearing on HB 2689.
<b><u>HB 2689 PUBLIC HEARING</u></b>		
017		Staff presents <b>(EXHIBITS A and B)</b> .
018	Don Cossitt	Wheeler County Assessor. Presents <b>(EXHIBIT C)</b> . Opposes HB 2689. States the language added to HB 2689 would result in the loss of local employment in areas that already have high unemployment. States that county tax dollars would be used to employ non-county residents. States it has been alleged that it is difficult to find qualified employees locally to fill the county surveyors' positions. Discusses the differences between county surveyors and county assessors.
085	Vice-Chair Miller	Asks if Cossitt was aware of HB 2689 while it was being passed in the House.
087	Cossitt	States he was first aware of HB 2689 one week ago.
095	Vice-Chair Miller	States HB 2689 was reasonably successful in the House, but no one on the witness sheet today is testifying in favor of the bill.
098	Cossitt	States there was no opportunity to debate the issue on behalf of the Assessors Association or the individual assessors.
100	Vice-Chair Miller	Asks if Cossitt knows Mr. Courtney from the Dalles.
101	Cossitt	States he does not know Mr. Courtney.
103	Vice-Chair Miller	Explains that Mr. Courtney had written a letter to Rep. Montgomery in which he stated that the Wasco County Surveyor is secure in not having contested election races. States in the last 20 years there was only one filing in 1998 because the incumbent chose to retire. States the current surveyor has a suspended Oregon Drivers' License.
113	Pat Shaw	Gilliam County Assessor. Presents <b>(EXHIBIT D)</b> . States that surveyors are currently allowed to be non-residents. States that HB 2689 would allow assessors to be non-residents. States the county assessors oppose this portion of HB 2689. States the duty of the assessor is to be knowledgeable of all aspects of the county. Explains that in smaller counties there is a strong rapport between the assessors and the public. Believes the public would not accept an assessor who lived outside of the county. States the assessors' duties include knowing property characteristics and economic history, setting values for property, and knowing the trends and history of the county. States in small counties it is imperative to possess personal knowledge of those counties.
163	Shaw	Believes that non-resident assessors may start a trend toward centralizing county government. Believes the public will feel loss of local control and the office may become less responsive to the local system of government. States the change in

		the residency requirement from populations of 20,000 to 30,000 would impact slightly less than 50 percent of the counties in Oregon. Believes HB 2689 was written to correct a problem that does not exist.
199	Vice-Chair Miller	Asks where the new District Attorney for Gilliam County resides.
204	Shaw	States that he currently resides in Multnomah County, but is planning on retiring and moving to his hometown in Gilliam County.
222	Vice-Chair Miller	States that by keeping things the way they are, residents would have no choice but to elect officials from the county even though there may be qualified applicants who are non-residents.
233	Shaw	Explains that earlier conversations with some of her local residents revealed that those residents would not vote for an assessor who did not live in the county.
234	Herbert Crook	Wasco County Assessor. Presents <b>(EXHIBIT E)</b> . Opposes HB 2689. States that elected officials inside the county can make better decisions about the economic process.
281	Chair Starr	Closes public hearing and opens work session on HB 2689.
<b><u>HB 2689 WORK SESSION</u></b>		
<b>306</b>	<b>Sen. Miller</b>	<b>MOTION: Moves to TABLE HB 2689.</b>
		<b>VOTE: 4-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 1 ñ Brown</b>
<b>Chair Starr</b>		<b>The motion CARRIES.</b>
319	Chair Starr	Closes work session and opens public hearing on SB 867.
<b><u>SB 867 PUBLIC HEARING</u></b>		
347	Bill Sizemore	Executive Director, Oregon Taxpayers United. Supports SB 867. States SB 867 needs an amendment to delete portions of the bill. Believes there need to be improvements made to the ballot title process using everyday language the public can understand. States there is a tendency to state issues in the "no vote results in" portion of the ballot title that are not included in the "yes vote results in"

		<p>portion. States this causes voters to be confused. Explains he filed a ballot measure that required contracting-out of government services. Explains the ballot title in the "yes vote results in" portion stated government services can be contracted-out, if specified conditions exist. Explains the "no vote results in" portion states that competitive bidding would be allowed at the choice of the government entity providing the service. States the options in both portions should have been the same.</p>
<b>TAPE 32, A</b>		
022	Sizemore	<p>States the statute needs to be changed to specify that the Attorney General cannot introduce something new in the "no vote" portion that does not contrast with the "yes vote." Believes an amendment should be introduced to specify that a "no vote" cannot simply state that a "no vote" keeps existing law. Explains this approach does not tell the voter what the existing law is. States the "no vote" should show how it contrasts with a "yes vote." States that Section 3 of SB 867 eliminates the ballot title completely for measures with 250 words or less. Supports the idea of this section, but is not sure if it will always work to the voters' benefit. Prefers to amend Section 3 by deleting it from SB 867. States Section 11 repeals ORS 254.175. States the provision allows the county clerks to post language in the ballot box without printing the language on the ballot. States this is an issue when voting by mail. States the information should be available, not necessarily on the ballot, but inserted in the envelopes so the language is accessible.</p>
077	Hardy Myers	<p>Attorney General. Supports proposed expansion of the number of words permitted in ballot titles. States the present limits are extremely severe. States consideration needs to be taken in the amount of work required from the Department of Justice, should expansion be approved. States the more words used in ballot titles, the more issues will be raised and contested. States there may be fewer disputes about matters being omitted, but the disputes will center around the way in which the issues are being described. States that the Department of Justice has prepared an initial fiscal impact statement. States the Committee on Ways and Means should have the opportunity to review this part of the measure, should it advance, because it is a non-funded obligation of the Department of Justice.</p>
125	Myers	<p>Disagrees with the provisions in Section 1 which relates to articles, conjunctions, and parts of speech. States by requiring the use of these articles for clarity, it will use up the total number of words allowed in ballot titles. Disagrees with the requirement that the "no vote" directly oppose the "yes vote." Believes that if the "no vote" changes an existing law the result should be stated. Recommends the committee not approve the provisions of Section 1, subsection 7, which purport to define "simple and understandable" for an average elector. States if there is to be a standard of readability, rules must be subject to measurement testing. States, in Section 1, if changes are made in ballot title length and other elements effective immediately upon the enactment of the bill, this may become an invitation to shop for ballot titles. Recommends, that if the committee approves the expansion of the number of words permitted for the ballot title, to make those effective for measures which are being proposed for elections occurring after the general election of 2000.</p>
226	Vice-Chair Miller	<p>States ballot titles should be used to help the elector. Explains that stating a "no vote" results in keeping the present law is a wasted effort. States that space</p>

		should be utilized to "say something."
244	Myers	States it may not be possible to describe, in detail, what the current law is because of the word count permitted. States an expansion will enhance the likelihood for that to occur. States the need to continue to dialogue with Sizemore and others, to formulate a provision for the committee that would address the issue.
268	Lynn Rosik	Assistant Attorney General. States the "yes/no results in" is appreciated by electors. States her department is willing to work toward making the "yes/no results in" as useful as possible within the perimeters set out by this legislation. States her department is interested in expanding the word length of the summary portion of the state measures.
305	Sen. Beyer	Asks if Myers supports the increase in words including replacing the ballot title if it is shorter than 250 words.
311	Myers	Opposes that provision.
320	Chair Starr	Recesses hearing on SB 867 and opens public hearing on Workersí Compensation Board.
<b><u>EXECUTIVE APPOINTMENTS ñ WORKERSí COMPENSATION BOARD</u></b>		
332		Staff presents <b>(EXHIBIT F)</b> .
333	Jodie Phillips Polich	Attorney. Gives reasons she is qualified and wants to serve on the board. States she has represented injured workers and is extremely committed to the workersí compensation system.
378	Vice-Chair Miller	Asks, given her background with injured workers, if she will be able to "Öcheck in those biases at the door."
380	Polich	States it is difficult because she enjoyed being a claimantsí worker.
387	Vice-Chair Miller	Asks what her opinions are on the most recent resolutions of the Management Labor Advisory Committee (MLAC) in relation to workersí compensation.
389	Polich	States she is impressed how MLAC has operated and supports the recommendations MLAC has provided to the legislature.
395	Chair Starr	Asks if anyone would like to speak in support of or in opposition to this appointment. Closes public hearing and opens work session.

405	Vice-Chair Miller	<b>MOTION: Moves the appointment of Jodie Phillips Polich to the Workers' Compensation Board to the floor with the recommendation that the appointment be confirmed.</b>
		<b>VOTE: 3-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 2 - Brown, Bryant</b>
	Chair Starr	<b>The motion CARRIES.</b>  <b>SEN. STARR will lead discussion on the floor.</b>
407	Chair Starr	Closes work session and reopens public hearing on SB 867.
<b><u>SB 867 PUBLIC HEARING</u></b>		
430	Colleen Sealock	Elections Director, Secretary of State. States that, given Sizemore's recommendation for deleting certain sections, she has no testimony to offer today.
<b>TAPE 31, B</b>		
007	Jeannie Berg-Rempel	Oregon State Council of Service Employees International Union (SEIU). Presents <b>(EXHIBIT G)</b> . States she was one of the authors of Ballot Measure 36 and managed the campaigns to qualify Measures 62 and 63 this last election cycle. Opposes SB 867.
022	Tim Nesbitt	Executive Director, SEIU. Supports increasing the number of words used in the ballot title's caption, "results in" statements, and summaries, but opposes mandating the use of articles and conjunctions because it is not the best use of the additional verbiage. States the existing language used in the "no vote results in" works well and does not suggest changing that provision.
051	Vicki Ervin	Director, Elections, Multnomah County. Presents <b>(EXHIBIT H)</b> . Supports amendments to repeal Sections 3 and 11 of SB 867. Concerned with the approval of Section 11. States Section 11, if approved, would increase the ballot size from one piece of paper per voter to three pieces. States the cost would be \$1.3 million which would exceed the cost specified by Ballot Measure 30, resulting in a state mandate with the state paying the cost.
083	Adrienne Sexton	Legislative Fiscal Officer. States that SB 867, if passed as introduced, could cause a fiscal impact by increasing printing costs. States the costs would be put into the relative impact of the local government's budget. States SB 867 can be

		construed as an increase in service.
141	Chair Starr	Closes public hearing SB 867 and opens public hearing on Land Use Board of Appeals.
<b><u>EXECUTIVE APPOINTMENTS to LAND USE BOARD OF APPEALS</u></b>		
155		Staff presents <b>(EXHIBIT I)</b> .
156	Anne Corcoran Briggs	Attorney. Gives reasons she is qualified and wants to serve on the board. States she has been a land use attorney, locally, for seven years. States she was planning director and county counsel for Baker County; and currently is assistant county counsel for Columbia County.
186	Vice-Chair Miller	Asks if Briggs follows legislative activities in respect to changes pursued in the land use area.
191	Briggs	States she familiarizes herself with bills that may impact a particular county she is working on.
195	Vice-Chair Miller	States the major daily newspaper in the area Briggs resides often prints headlines that the current majorities in the legislature are attacking land use planning. Asks for her view in the accuracy of those headlines.
226	Briggs	Believes the newspapers tend to sensationalize the issues. Believes that any state program needs to be constantly scrutinized and analyzed, and problems should be fixed. States it is the choice of the legislature whether to rework the entire system or just the problematic areas.
234	Vice-Chair Miller	Asks if she subscribes to the density requirements that seek to pack people into a small area and drive up the prices for the property.
241	Briggs	States she dislikes Portland. Believes economics in land use has not fully been utilized. States there needs to be a closer look at this issue.
260	Vice-Chair Miller	States SB 600 proposed that if the government took private property by regulation, some thought it fair that the landowner would be compensated. Asks her opinion on this issue.
270	Briggs	States that, from the counties' perspective, they were concerned that the burden would fall on the counties to deal fiscally with those compensations. States there is constitutional precedence for property the government takes. Believes there is a movement toward constitutional jurisprudence to address those issues.
274	Vice-Chair Miller	Asks if the government could prohibit affecting regulation and deprive the owner

		of the value because it would have been a financial hardship for the county.
278	Briggs	States that in the counties she has worked for, they have been acutely conscious of property owner rights and when there have been concerns in that area, they have chosen not to adopt the local legislation.
280	Vice-Chair Miller	Explains he does not understand how Briggs was appointed when the person making the appointment is at odds with her philosophy.
291	Chair Starr	Closes public hearing and opens public hearing on the State Board of Parole and Post-Prison Supervision.
<b><u>EXECUTIVE APPOINTMENTS to STATE BOARD OF PAROLE AND POST-PRISON SUPERVISION</u></b>		
296		Staff presents <b>(EXHIBIT J)</b> .
297	Cindy Hanners	Parole and Probation Officer. Gives reasons she is qualified and wants to serve on the board. States she has worked with county corrections for the last 18 years and has been a parole and probation officer for the last 15 years. Desires to share her practical experience with the other board members. States she is a licensed polygraph examiner and specializes in sex crimes which brings experience to issues dealing with victimization.
339	Vice-Chair Miller	Asks how effective is the "sex offender risk assessment tool." Asks if citizens are being protected from sex offenders who have been released into the community.
349	Hanners	States the assessment tool is a model tool developed in Oregon, and is currently being used in Colorado. States this tool "Öhas been worth its weight in gold." States a five year study, close to ending, will determine the reliability of this tool.
372	Vice-Chair Miller	Asks what the drug treatment is for sex offenders.
376	Hanners	States it is Depo Provera.
402	Vice-Chair Miller	Asks which direction to take in that arena.
412	Hanners	States she has used Depo Provera with some of her offenders. States that Depo Provera helps an offender who is locked in deviate fantasies to drive those fantasies down. States Depo Provera helps them concentrate on their therapy and other issues. States it may not be for everyone.
425	Vice-Chair Miller	Asks how critical is it to place female felons near their family during incarceration.



**TAPE 32, B**

003	Hanners	States she has never supervised female offenders unless they were sex offenders. States she has not read the study, but has heard about it from television.
006	Vice-Chair Miller	States there is the issue of putting a women's prison in Umatilla to save the state \$100 million, or to put the prison closer in to have the offenders closer to their families. Asks if a closer prison is worth \$100 million.
010	Hanners	States if she had an expert opinion to offer she would. States she only knows what she has heard from television.
013	Chair Starr	States he is interested in having a truly restorative justice model in place and that restitution is a necessary part of restorative justice. Asks for her opinion on this issue.
018	Hanners	Agrees with Starr and supports restorative justice to citizens, victims, and the rehabilitation of the offender.
027	Chair Starr	Closes public hearing and opens public hearing on Workers' Compensation Board.

**EXECUTIVE APPOINTMENTS to WORKERS' COMPENSATION BOARD**

038		Staff presents <b>(EXHIBIT K)</b> .
039	Sandra Haynes	Gives reasons she is qualified and wants to serve on the board. States she seeks reappointment to the board to continue working on current projects.
075	Chair Starr	Closes public hearing and opens public hearing on SB 758, SB 768, and SB 781.

**SB 758, 768, 781 PUBLIC HEARING**

095	Vice-Chair Miller	Asks the witness if it would be possible to hear these issues when there are more committee members available.
093	Karla Leary	States she is flexible and willing to wait.
095	Chair Starr	States the other committee members should be allowed to hear Leary's testimony.
097	Leary	States she is willing to wait for a future date.

Submitted By, Reviewed By,

Rachel E. Halupowski, Brian E. Smith,  
Administrative Support Administrator

#### **EXHIBIT SUMMARY**

**A ñ HB 2689, written testimony, staff, 1 p**

**B ñ HB 2689, written testimony, staff, 1 p**

**C ñ HB 2689, written testimony, Don Cossitt, 2 pp**

**D ñ HB 2689, written testimony, Pat Shaw, 1 p**

**E ñ HB 2689, written testimony, Herbert Crook, 3 pp**

**F ñ Executive Appointments, interest form, staff, 3 pp**

**G ñ SB 867, written testimony, Jeannie Berg-Rempel, 1 p**

**H ñ SB 867, votersí ballot, envelop, and measure 30 explanation, Vicki Ervin, 15 pp**

**I ñ Executive Appointments, interest form, staff, 5 pp**

**J ñ Executive Appointments, interest form, staff, 12 pp**

**K ñ Executive Appointments, interest form, staff, 4 pp**