

## **SENATE COMMITTEE ON RULES AND ELECTIONS**

**May 13, 1999 Hearing Room B**

**4:30 p.m. Tapes 55 - 56**

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

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

**Sen. Lee Beyer**

**Sen. Kate Brown**

**Sen. Neil Bryant**

**MEMBER EXCUSED:**

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

**Rachel E. Halupowski, Administrative Support**

**MEASURE/ISSUES HEARD: Executive Appointments**

**State Board of Tax Service Examiners**

**Oregon Government Standards and Practices Commission**

**SB 1117 Public Hearing and Possible Work Session**

**SJR 7 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
<b>TAPE 55, A</b>		
000	Chair Starr	Opens meeting at 4:36 p.m. and opens work session on the State Board of Tax Service Examiners.
<b><u>EXECUTIVE APPOINTMENTS ñ STATE BOARD OF TAX SERVICE EXAMINERS</u></b>		

013		Staff presents <b>(EXHIBIT A)</b> .
014	Mike Cook	Technical and Executive Assistant, Senior Disabled Services Division. Explains why he is applying for the State Board of Tax Examiners.
037	Chair Starr	Asks how his past experience has prepared him for this service.
040	Cook	States he has been an Oregonian all his life. States he has a degree from Lewis and Clark Northwestern School of Law. States he has a strong background in statutory interpretation and understanding rules and policies.
052	Vice-Chair Miller	Asks if he ever awarded anyone a perfect 10 as a gymnastic judge.
057	Cook	States he has.
066	Chair Starr	Invites David Schreffler to testify.
070	David Schreffler	Explains why he would like to be on the board and what he brings to the board. States that he has 14 years of experience as an accountant. States he is interested in promoting the Oregon system to other states and to the IRS.
097	Vice-Chair Miller	States there has been legislation that clarifies the need to use articles in the ballot title. Asks if he would support that bill.
111	Schreffler	States he would support it. States he is currently working on rewriting accounting documents with archaic language.
128	Vice-Chair Miller	States he does not do his own taxes.
142	Schreffler	States his business has published a book on tax laws to help professionals.
151	Chair Starr	Closes work session and opens work session on the Oregon Government Standards and Practices Commission.
<b><u>EXECUTIVE APPOINTMENTS to OREGON GOVERNMENT STANDARDS AND PRACTICES COMMISSION</u></b>		
		Staff presents <b>(EXHIBIT B)</b> .
155	Katherine Tennyson	Attorney. Explains why she would like to be appointed to the board. Explains that she believes in community service.
174	Vice-Chair Miller	Asks how she views the relationships between contributors and elected officials.

186	Tennyson	Believes that people who are elected to office pass laws that their constituents would like passed. Believes that sometimes legislators are unduly influenced because of the contributions they receive.
199	Vice-Chair Miller	Asks what is undue influence.
200	Tennyson	States that is when people sacrifice what is best for their constituents to serve special interests.
205	Vice-Chair Miller	Believes that is in the eyes of the observers. Hopes that she will be more optimistic about people. Believes that cynicism breeds unfounded results.
227	Tennyson	Believes one of the problems in the country is that people are too quick to criticize simply because someone is a Democrat or a Republican. Believes that everyone needs to work together. Relates that with her law background she came to this awareness.
244	Vice-Chair Miller	States that her brother is the Mayor of Durham. States that if he is offered tickets to a Duke game there will be people who would believe that he took the tickets as contributions.
253	Tennyson	States he is a Duke graduate and goes to the games often and he has taken heat in that arena in the past.
273	Chair Starr	Closes public hearing and opens work session on the Oregon Government Standards and Practices Commission and the State Board of Tax Examiners.
<b><u>EXECUTIVE APPOINTMENTS n OREGON GOVERNMENT STANDARDS AND PRACTICES COMMISSION, STATE BOARD OF TAX EXAMINERS</u></b>		
274	Vice-Chair Miller	<b>MOTION: Moves the appointment of Katherine Tennyson to the Oregon Government Standards and Practices Commission 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 n Beyer, Bryant</b>
276	Chair Starr	<b>The motion CARRIES.</b>  <b>SEN. STARR will lead discussion on the floor.</b>

301	Vice-Chair Miller	<b>MOTION: Moves the appointment of Michael Cook and David Schreffler to the State Board of Tax Examiners to the floor with the recommendation that the appointments be confirmed en bloc.</b>
		<b>VOTE: 3-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 2 - Beyer, Bryant</b>
	Chair Starr	<b>The motion CARRIES.</b>  <b>SEN. STARR will lead discussion on the floor.</b>
326	Vice-Chair Miller	States he is not prepared to move Cheryl Perrin to the Port of Portland.
337	Chair Starr	Closes work session and opens public hearing on SB 1117.
<b><u>SB 1117 PUBLIC HEARING</u></b>		
370	Scott Barrie	Oregon Building Industry Association. Presents <b>(EXHIBIT D)</b> . States current architect statute offers exemption for buildings under 4,000 square feet and single family homes. States SB 1117 takes that statute and duplicates it in the engineering statute.
391	Chair Starr	Asks if statute remains an architectis statute.
393	Barrie	Answers yes it does but it will also be listed in the engineering statute.
397	Joe Brewer	Building Codes Division. States the Division is neutral on SB 1117. States it is his understanding that is codifies what is current practice. States that he does not see anything in SB 1117 that would restrict a building official or local inspector from requiring calculations if needed to demonstrate the integrity of a structure.
417	Chair Starr	Closes public hearing and recesses at 5:04 p.m. Re-opens meeting at 5:10 p.m. and opens work session on SB 1117.
<b><u>SB 1117 WORK SESSION</u></b>		
420	Vice-Chair Miller	<b>MOTION: Moves SB 1117 to the floor with a DO PASS recommendation.</b>

		<p><b>VOTE: 3-0</b></p> <p><b>AYE: In a roll call vote, all members present vote Aye.</b></p> <p><b>EXCUSED: 2 ñ Brown, Bryant</b></p>
	Chair Starr	<p><b>The motion CARRIES.</b></p> <p><b>SEN. STARR will lead discussion on the floor.</b></p>
433	Chair Starr	Closes work session and recesses at 5:12 p.m. Re-opens meeting at 5:17 p.m. Opens work session on SJR 7.
<b><u>SJR 7 WORK SESSION</u></b>		
456	Brian E. Smith	Committee Administrator. Explains SJR 7 ñ3 amendments would provide for a five member nominating commission, with two members appointed by the Senate President, two members appointed by the Speaker of the House, and one appointed by the Supreme Court Chief Justice. States the members would serve four years.
467	Sen. Bryant	States he and Sen. Derfler proposed SJR 7. Explains it is rare for appointed judges to be opposed for election.
<b>TAPE 56, A</b>		
001	Sen. Bryant	Recommends passing SJR 7 with the ñ3 amendments. Explains that certain judges and members of the State Bar have suggested recommendations for the ñ3 amendments, and Sen. Bryant is willing to listen to those recommendations. States his intention is to pass the ñ3 amendments today.
016	Sen. Beyer	Asks if there is an initiative presently to deal with the ñ3 amendments.
018	Sen. Bryant	States there was an initiative started last session, but it was withdrawn.
029	Sen. Beyer	Asks if he has given thought that SJR 7 might politicize the appointment process for judges.
031	Sen. Bryant	States no because the appointments will be qualified choices. States the judiciary appointments are political, but it currently only involves one branch of government. States SJR 7 would involve two branches of government instead of one.

041	Sen. Beyer	Asks if he has looked into the frequency in which the Governor has appointed off of the list provided by the Oregon State Bar.
042	Sen. Bryant	States he has not.
048	Chair Starr	Asks if SJR 7 would diminish the opportunity to seek the advice of the Bar.
051	Sen. Bryant	States it does not.
057	Sen. Brown	Asks if he is anticipating per diems for nominating commission members.
065	Sen. Bryant	Believes they should be paid a per diem.
068	Sen. Bryant	<b>MOTION: Moves to ADOPT SJR 7-3 amendments dated 05/06/99.</b>
		<b>VOTE: 5-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>
	Chair Starr	<b>The motion CARRIES.</b>
078	Sen. Beyer	<b>MOTION: Moves SJR 7 be sent to the floor with a BE ADOPTED recommendation.</b>
		<b>VOTE: 3-2</b> <b>AYE: 3 - Bryant, Miller, Starr</b> <b>NAY: 2 - Brown, Beyer</b>
	Chair Starr	<b>The motion Carries.</b>  <b>SEN. BRYANT will lead discussion on the floor.</b>
087	Chair Starr	Closes work session and adjourns meeting at 5:25 p.m.

Submitted By, Reviewed By,

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

**EXHIBIT SUMMARY**

**A ñ Executive Appointments, interest form, staff, 2 pp**

**B ñ Executive Appointments, interest form, staff, 2 pp**

**C ñ Executive Appointments, interest form, staff, 9 pp**

**D ñ SB 1117, written testimony, Scott Barrie, 6 pp**