

SENATE COMMITTEE ON RULE AND ELECTIONS

June 18, 1999 Hearing Room B

8:30 a.m. Tapes 106 - 107

MEMBERS PRESENT: Sen. Charles Starr, Chair

Sen. Marylin Shannon, Vice-Chair

Sen. Lee Beyer

Sen. Peter Courtney

Sen. Veral Tarno

MEMBER EXCUSED:

STAFF PRESENT: Marjorie Taylor, Administrator

Ray Kelly, Administrator

Brian E. Smith, Administrator

Sandy Thiele-Cirka, Administrator

Gary Roulier, Administrative Support

MEASURE/ISSUES HEARD: SJR 21 Work Session

HB 3040A Public Hearing and Work Session

HB 2838A Work Session

HJR 21 Public Hearing and Work Session

HB 3393A Public Hearing and Work Session

HB 3131 Public Hearing and Work Session

HB 3408A Public Hearing and Work Session

HB 3346A Public Hearing and Work Session

HB 2792A Public Hearing and Work Session

HB 2881A 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 106, A		
000	Chair Starr	Opens the meeting at 8:08 a.m. and opens a work session on HJR 21.
<u>SJR 21 WORK SESSION</u>		
008	Sen. Courtney	MOTION: Moves SJR 21 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Judiciary.
		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Starr	The motion CARRIES.
012	Chair Starr	Closes the work session on SJR 21 and opens a work session on HB 3040A.
<u>HB 3040A PUBLIC HEARING</u>		
021	Rep. Jim Hill	House District 5. Testifies in support of HB 3040A which transfers the State Service Center for Geographic Information Systems (GIS) from the Oregon Department of Administrative Services to the Legislative Administration Committee. Notes that the GIS is not funded and is operated on a cost-recovery system.
046	Sen. Beyer	Asks if the bill refers to the GIS managed by the Department of Revenue.
050	Rep. Hill	Responds that the bill deals with the GIS in the Department of Energy. Discusses the GIS mission and budget with Sen. Beyer. Notes that transferring it to legislative administration will make services more available to the legislative branch.
093	Sen. Beyer	Asks if operating funds would have to be provided since the GIS department presently operates on a cost-recovery system.

096	Rep. Hill	Responds that funding will need to be provided.
104	Sen. Shannon	Comments that she does not see how taxpayer money will be saved.
109	Rep. Hill	Answers that the intent is to improve services to the legislative branch and not necessarily to save money.
124	Sen. Beyer	Expresses concern that the impression will be created that GIS services are available only to the legislature.
130	Rep. Hill	Responds that legislative administration provides many non-partisan services to state agencies.
138	Chair Starr	Closes the public hearing on HB 3040A and opens a work session on HB 3040A.
<u>HB 3040A WORK SESSION</u>		
141	Sen. Courtney	MOTION: Moves HB 3040A to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means by prior reference.
		VOTE: 3-1 AYE: 3 - Courtney, Tarno, Starr NAY: 1 - Beyer EXCUSED: 1 - Shannon
		Chair Starr The motion CARRIES.
148	Chair Starr	Closes the work session on HB 3040A and opens a work session for a possible reconsideration on HB 2838.

HB 2838A WORK SESSION

156

Sen. Tarno

MOTION: Moves to SUSPEND the rules for the purpose of reconsidering HB 2838B.

VOTE: 5-0

Chair Starr **Hearing no objection, declares the motion CARRIED.**

163 **Sen. Tarno** **MOTION: Moves to RECONSIDER the vote by which
"Moves HB 2838A to the floor with a DO PASS AS
AMENDED recommendation".**

VOTE: 5-0

Chair Starr **Hearing no objection, declares the motion CARRIED.**

172 **Ray Kelly** Administrator. Remarks that there are some proposed amendments that are not yet ready.

179 **Chair Starr** Recesses the work session on HB 2838B and opens a public hearing on HJR 21.

HJR 21 PUBLIC HEARING

211 **Rep. Lane Shetterly** House District 34. Testifies in support of HJR 21 which proposes an amendment to the Oregon Constitution to reduce the number of signatures required to propose initiative laws and to increase the number of signatures required to propose initiative amendments to Constitution.

250 **Rep. Shetterly** Notes the distinction between statutory and constitutional action. Presents **(EXHIBIT A)** and adds that the sponsors of the bill do not oppose the proposed amendments.

268 **Rep. Max Williams** House District 9. Testifies in support of HJR 21 and has no objection to the proposed amendments.

275 **Phil Kiesling** Secretary of State. Presents **(EXHIBIT B)** and testifies in support of HJR 21 and the proposed amendments. Notes that because of low voter turnout it is easier to qualify an initiative for the ballot.

288 **Bill Sizemore** Executive Director, Oregon Taxpayers United. Testifies in opposition to HJR 21. Notes that the bill will not make the Oregon Constitution more difficult to amend, just more expensive.

328 **Sizemore** Remarks that the provisions of the bill should be implemented through the initiative process. Adds that he would not support an initiative process for the United States Constitution.

373	Sen. Shannon	Asks if any of the original colony states have an initiative process. Comments on the differences between a democracy and a republic.
394	Sizemore	Answers that the state of Massachusetts has an initiative process. Emphasizes that the U.S. Constitution protects the people's right to petition the government.

TAPE 107, A

007	Andy Anderson	Executive Vice President, Oregon Farm Bureau. Testifies in support of HJR 21 and the proposed amendments. Notes that the original intent of the state's founders was to make the constitution a difficult document to amend.
029	Chair Starr	Asks for a response to the assertion that HJR 21 would make the initiative process more expensive.
031	Anderson	Answers that if it is more costly it is more difficult.
033	Don Loving	Public Affairs Director, Oregon American Federation of State, County & Municipal Employees. Presents (EXHIBIT C) and testifies in support of HJR 21. Notes that the Oregon Constitution is not the place to argue issues dealing with public employees.
054	Ray Wilkeson	Oregon Forest Industries Council. Testifies in support of HJR 21 and the proposed amendment. Notes that it has been much too easy to qualify poorly-crafted initiatives for the ballot.
074	Dan Meek	Coalition for Initiative Rights. Presents (EXHIBIT D) and testifies in opposition to HJR 21 and notes that the purpose of the bill is to reduce the number of initiatives of the ballot. Stresses that HJR 21 will not prevent well-financed initiative movements, but could prohibit low-funded, grass-roots efforts.
128	Chair Starr	Closes the public hearing on HJR 21 and opens a work session on HJR 21.

HJR 21 WORK SESSION

134	Sen. Beyer	Comments that the Oregon Constitution is a "framework" document.
138	Sen. Beyer	MOTION: Moves to ADOPT HJR 21-1 amendments dated 6/16/99 (EXHIBIT A).
	Chair Starr	Hearing no objections, declares the motion carried.

MOTION: Moves HJR 21 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.

MOTION: Moves HJR 21 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.

VOTE: 4-0

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 1 - Courtney

Chair Starr

The motion CARRIES.

SEN. BEYER will lead discussion on the floor.

156 Chair Starr

Closes the work session on HJR 21 and opens a public hearing on HB 3393A.

HB 3393A PUBLIC HEARING

158 Rep. Elaine Hopson

House District 2. Testifies in support of HB 3393 which prohibits the removal of large woody debris except in specified situations.

176 Ken Bierly

Watershed Coordinator, Governor's Office. Presents (**EXHIBIT E**) and explains the provisions of the ñA5 amendments. Notes that agencies have indicated that there would be no fiscal impact with the proposed study.

197 Chair Starr

Closes the public hearing on HB 3393A and opens a work session on HB 3393A.

HB 3393A WORK SESSION

202 Sen. Tarno

MOTION: Moves to ADOPT HB 3393A-5 amendments dated 5/25/99 (EXHIBIT E).

Chair Starr

Hearing no objections, declares the motion CARRIED.

217 Sen. Tarno

MOTION: Moves HB 3393A to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 3-0

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 2 - Beyer, Courtney

Chair Starr

The motion CARRIES.

SEN. TARNO will lead discussion on the floor.

214 Chair Starr Closes the work session on HB 3393A and reopens a work session on HB 2838.

HB 2838A WORK SESSION

224 Rep. Jason Atkinson House District 51. Presents (**EXHIBIT F**) and explains the provisions of the ñA6 amendments.

233 Katy Koba Director of Executive Appointments, Governorís Office. Explains that the provisions of the amendments will clear up the appointment process for the Land Conservation and Development Commission.

259 Sen. Tarno **MOTION: Moves to ADOPT HB 2838A-6 amendments dated 6/16/99 (EXHIBIT F).**

Chair Starr

Hearing no objection, declares the motion CARRIED.

262 Sen. Tarno **MOTION: Moves HB 2838A to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 3-0

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 2 - Beyer, Courtney

Chair Starr

The motion CARRIES.

SEN. SHANNON will lead discussion on the floor.

272 Chair Starr Closes the work session on HB 2838A and opens a public hearing on HB 3131.

HB 3131 PUBLIC HEARING

278 Rep. Jeff Kruse House District 45. Testifies in support of HB 3131 which grants a waiver of fishway requirements to Milltown Hill project on Elk Creek tributary of Umpqua

River. Notes that the purpose of the bill is to direct the State Fish and Wildlife Commission to reconsider the Milltown Hill project.

- 322 Rep. Kruse Notes that the bill would provide both an economic development benefit and help the fish.
- 346 Roy Elicker Program Manager, Fish Screening and Passage Program. Oregon Department of Fish and Wildlife. Presents (**EXHIBIT G**) and testifies in opposition to HB 3131. Notes that the project can be revisited by the commission without the bill.
- 362 Char Starr Closes the public hearing on HB 3131 and opens a work session on HB 3131.

HB 3131 WORK SESSION

- 368 Sen. Tarno **MOTION: Moves HB 3131 to the floor with a DO PASS recommendation.**

VOTE: -0

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 2 - Beyer, Courtney

Chair

The motion CARRIES.

SEN. TARNO will lead discussion on the floor.

- 376 Chair Starr Closes the work session on HB 3131 and opens a public hearing on HB 3408A.

HB 3408A PUBLIC HEARING

- 399 Irene Fisher-Davidson Director of Human Resources, Clackamas County. Presents (**EXHIBIT H**) and testifies in support of HB 3408A.

TAPE 106, A

- 008 Fisher-Davidson Explains that the bill requires the provisions of mental health services through the Oregon Health Plan to support, and be consistent with, community mental health and developmental disabilities programs.
- 025 Chair Starr Closes the public hearing on HB 3408A and opens a work session on HB 3408A.

HB 3408A WORK SESSION

027 Sen. Tarno MOTION: Moves HB 3408A to the floor with a DO PASS recommendation.

VOTE: 3-0

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 2 - Beyer, Courtney

Chair Starr **The motion CARRIES.**

SEN. METSGER will lead discussion on the floor.

042 Chair Starr Closes the work session on HB 3408A and opens a public hearing on HB 3346A.

HB 3346A PUBLIC HEARING

052 Martha Pagel Director, Water Resources Department. Presents (**EXHIBIT I**) and testifies in opposition to HB 3346A which requires a sediment study for removal of certain dams or artificial obstructions.

071	Doug Myers	Waterwatch. Presents (EXHIBIT J) and testifies in opposition to HB 3346A. Remarks that the legislation is unnecessary and may compromise public safety by requiring a sediment study prior to removal of an unsafe dam.
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079	Sen. Tarno	Relates a situation involving Savage Rapids and mercury accumulation in the sediment behind the dam. Adds that sediment studies may be valuable.
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092	Page1	Responds that removal projects are extremely rare. Agrees that sediments need to be evaluated but comprehensive studies are not necessary in every case.
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118	Myers	Adds that the legislation would require a study behind every dam prior to removal, to include illegal dams.
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125 Chair Starr Recesses the public hearing on HB 3346A.

142	Chair Starr	Reconvenes the public hearing on HB 3346A.
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153	Rep. Carl Wilson	House District 49. Testifies in support of HB 3346A. Notes that it is critical for the protection of the environment to know what sediment contains prior to the removal of a dam.
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180 Chair Starr Closes the public hearing on HB 3346A and opens a work session on HB 3346A.

HB 3346A WORK SESSION

182 Sen. Tarno **MOTION: Moves HB 3346A to the floor with a DO PASS recommendation.**

VOTE: 3-0

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 2 - Beyer, Courtney

Chair Starr The motion CARRIES.

SEN. TARNO will lead discussion on the floor.

201 Chair Starr Closes the work session on HB 3346A and opens a public hearing on HB 2792A.

HB 2792A PUBLIC HEARING

207 Rep. Betsy Close House District 36. Testifies in support of HB 2792A which establishes a property tax rebate of three percent for senior citizens who meet specified requirements.

212 Marjorie Taylor Administrator. Presents (**EXHIBIT K**) and (**EXHIBIT L**) and explains the provisions of the proposed amendments.

266 Chair Starr Comments on the revenue impact statements.

271 Sen. Beyer Remarks that he supports the bill in the original form.

274 Rep. Close States her support for the ñA12 amendments.

297 Chair Starr Closes the public hearing on HB 2792A and opens a work session on HB 2792A.

HB 2792A WORK SESSION

303 Sen. Tarno **MOTION: Moves to ADOPT HB 2792A-10 amendments dated 6/8/99 (EXHIBIT K).**

Chair Starr **Hearing no objections, declares the motion CARRIED.**

305 **Sen. Tarno** **MOTION: Moves to ADOPT HB 2792A-12 amendments dated 6/17/99 (EXHIBIT L).**

VOTE: 3-1

AYE: 3 - Shannon, Tarno, Starr

NAY: 1 - Beyer

EXCUSED: 1 - Courtney

Chair Starr **The motion CARRIES.**

308 **Sen. Tarno** **MOTION: Moves HB 2792A to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.**

VOTE: 3-1

AYE: 3 - Shannon, Tarno, Starr

NAY: 1 - Beyer

EXCUSED: 1 - Courtney

Chair Starr **The motion CARRIES.**

SEN. SHANNON will lead discussion on the floor.

323 **Chair Starr** **Closes the work session on HB 2792A and opens a work session on SB 2181A.**

HB 2881A WORK SESSION

333 **Sen. Tarno** **MOTION: Moves to SUSPEND the rules for the purpose of reconsidering HB 2881A.**

VOTE: 4-0

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 1 - Courtney

Chair Starr **The motion CARRIES.**

343 **Sen. Tarno** **MOTION: Moves to RECONSIDER the vote by which
"Moves HB 2881A to the floor WITHOUT
RECOMMENDATION as to passage and BE REFERRED
to the committee on Ways and Means ".**

VOTE: 4-0

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 1 - Courtney

Chair Starr **The motion CARRIES.**

355 **Kelly** Outlines the provisions of HB 2881A which directs the President of the Senate and Speaker of the House to direct an interim committee to study management of storm water and sediment control. Presents (EXHIBIT M) and explains the provisions of the ñA4 amendments.

373 **Jon Chandler** Oregon Building Association. Notes that the amendments remove the Department of Environmental Quality from the bill.

397 **Kelly** States that legislative administration staff will be utilized.

TAPE 107, B

004 **Sen. Beyer** **MOTION: Moves to ADOPT HB 2881A-4 amendments
dated 6/15/99 (EXHIBIT M).**

Chair Starr **Hearing no objection, declares the motion CARRIED.**

007 **Sen. Beyer** **MOTION: Moves HB 2881A to the floor with a DO PASS
AS AMENDED recommendation.**

VOTE: 4-0

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 1 - Courtney

Chair Starr

The motion CARRIES.

SEN. STARR will lead discussion on the floor.

015

Chair Starr

Closes the work session on HB 2881A and adjourns the meeting at 10:03 a.m.

Submitted By, Reviewed By,

Gary Roulier, Brian Smith,

Administrative Support Administrator

Reviewed by, Reviewed by,

Sandy Thiele-Cirka Marjorie Taylor

Administrator Administrator

Reviewed by,

Ray Kelly

Administrator

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EXHIBIT SUMMARY

B ñ HJR 21, written testimony, Phil Keisling, 1 p

C ñ HJR 21, written testimony, Don Loving, 2 pp

D ñ HJR 21, written testimony, Dan Meek, 1 p

E ñ HB 3393A, amendments, staff, 2 pp

F ñ HB 2838A, amendments, staff, 2 pp

G ñ HB 3131, written testimony, Roy Elicker, 1 p

H ñ HB 3408, written testimony and letters, Irene Fisher-Davidson, 25 pp

I ñ HB 3346A, written testimony, Martha Pagel, 4 pp

J ñ HB 3346A, written testimony, Doug Myers, 1 p

K ñ HB 2792A, amendments, staff, 1 p

L ñ HB 2792A, amendments, staff, 1 p

M ñ HB 2881, amendments, staff, 1 p

N ñ HB 3040A, letter submitted prior to meeting, staff, 1 p

O ñ HB 3040A, letter submitted prior to meeting, staff, 2 pp

P ñ HB 3393A, letter submitted prior to meeting, staff, 3 pp

Q ñ HB 3131, letter submitted prior to meeting, staff, 2 pp

R ñ HB 3131, letter submitted prior to meeting, staff, 1 p