

HOUSE COMMITTEE ON RULES AND ELECTIONS

June 13, 1997 Hearing Room D

8:30 AM Tapes 85-88

MEMBERS PRESENT:

Rep. Lynn Snodgrass, Chair

Rep. Peter Courtney, Vice-Chair

Rep. Lee Beyer

Rep. Bill Markham

Rep. Ken Messerle

Rep. Jim Welsh

Rep. Kitty Piercy

STAFF PRESENT:

Janet Adkins, Policy Analyst

Cara Filsinger, Committee Administrator

Kellie Shoemaker, Committee Clerk

Erik Deitz, Administrative Support

MEASURE/ISSUES HEARD:

SB 5 Public Hearing and Work Session

SB 1117 Work Session

SB 1179 Work Session

SB 143 Public Hearing

SB 44 Public Hearing and Work Session

SB 434 Work Session

SJR 34 Work Session

HB 3742 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 85, A		
005	Chair Snodgrass	Calls the meeting to order at 8:10 a.m., opens a public hearing on SB 44.
<u>SB 44 PUBLIC HEARING</u>		
010	Cara Filsinger	Committee Administrator, summarizes the bill.
020	Betsy Earls	Associated Oregon Industries, introduces Mari James to committee (EXHIBIT E) .
025	Mari James	Attorney, testifies in favor of SB 44. Explains the origin of SB 44 and how the bill parallels the Federal Americans with Disabilities Act (ADA). Explains that drug addiction is a disability, so on-the-job accommodations must be made available if they are required.
075	James	Explains each section of SB 44 to committee. Explains the proposed -A3 amendments to committee.
098	Rep. Markham	Asks about the confidentiality requirements in SB 44.
102	James	Responds about the separation of medical records from personnel files for employees at companies with six or less employees.
123	Rep. Markham	Asks if the federal government covers this or will there be two layers of law.
130	James	Responds no, the new law will drop the requirement to six employees.
145	Jack Roberts	Commissioner of Bureau of Labor and Industries (BOLI) testifies in favor of SB 44. Explains that SB 44 is an attempt to conform with the ADA. Explains that he is concerned with Section 14, regarding HIV testing. Explains how transsexuals will be excluded from reasonable accommodation.
200	Rep. Markham	Asks if SB 44 takes care of the problem or are the -A3 amendments needed.
221	Roberts	Responds that he supports SB 44 A engrossed.
235	Margaret Deirdre O'Hartigan	Citizen, testifies in opposition to SB 44 (EXHIBIT F) . Explains that she has been denied insurance claims because she is a transsexual. Explains that SB 44 will exclude her from her civil rights protections because she is a transsexual.
285	O'Hartigan	Explains that she will be denied health coverage if she acquires breast cancer. Explains that the only reason she has breasts is because of her sex change. She asks to be treated the same as all other Oregonians.
		Asks about breast cancer and if she could be denied health coverage.

315	Chair Snodgrass	Asks if both males and females can get breast cancer.
330	O'Hartigan	Responds yes, both sexes can get breast cancer. Explains that insurance companies will deny health coverage.
350	Rep. Markham	Asks what the cost would be to her employer for health coverage.
358	O'Hartigan	Responds that she does not think it would raise the health insurance rates. Explains that other women in the office have coverage. Explains that her prescription costs about \$400 per year.
388	Ken Morris	Multnomah County resident, female to male transsexual (EXHIBIT G). States that he is here to ask for his civil rights. Explains that SB 44 would allow work conditions to be so bad that he would be forced to quit.
420	Morris	Explains what transsexuality is and that it cannot be changed, he does not have a choice to be the way he is.
TAPE 86, A		
040	Morris	Explains that it is possible to have a male brain in a female body or vice-versa. Explains that transsexuality is the only exclusion in SB 44.
063	Ceileigh Maxwell	Washington County resident, states that she is a male to female transsexual. Explains she will be without health insurance if SB 44A is passed.
090	Jo Ann McNamarra	Attorney, testifies in opposition to SB 44. Explains that going into a locked bathroom you protect yourself from being in the bathroom with a transsexual. States that is a reasonable accommodation.
135	Vice-Chair Courtney	Asks if BOLI could deal with this under current law.
148	McNamarra	Responds affirmatively.
155	Chair Snodgrass	Asks Commissioner Roberts about the health care denial.
162	Roberts	Responds that a decision has not been made yet. Explains he has not established exactly what reasonable accommodation is. Explains that the non-discrimination law prohibits anybody from saying that transsexuals cannot be covered.
200	Roberts	States that transsexuals cannot be discriminated against although current law does not require them to be reasonably accommodated.
213	Vice-Chair Courtney	Asks if transsexuals are disabled in regard to this legislation.
220	Roberts	Responds that under BOLI's definition they are disabled but that has not been tested in a court of law.
235	Rep. Piercy	Explains that she has a problem with the allowance for equal medical coverage. States by passing SB 44 transsexuals will be excluded from equal medical coverage.

263	Roberts	Responds that non-discrimination law includes transsexuals.
281	Rep. Piercy	Asks if the transsexual section can be removed from SB 44.
289	Roberts	Responds that he will enforce SB 44 however it is passed. Explains that at BOLI women were concerned because transsexuals were using the women's restroom. The women were not sure if they were transsexuals or men dressing up as women just to use the women's restroom.
320	Chair Snodgrass	Closes the public hearing on SB 44, opens a work session on SB 44.
<u>SB 44 WORK SESSION</u>		
350	Rep. Welsh	MOTION: Moves SB 44 to the floor with a DO PASS recommendation.
343	Rep. Piercy	Requests to remove the transsexual section of the bill.
344	Chair Snodgrass	Asks if she is making a motion.
345	Rep. Piercy	Responds that she would just like the committee's feedback.
345	Rep. Markham	Requests a vote.
350		VOTE: 5-1 AYE: 5 - Courtney, Markham, Messerle, Welsh, Snodgrass NAY: 1 - Piercy EXCUSED: 1 - Beyer
	Chair Snodgrass	The motion CARRIES. REP. WELSH will lead discussion on the floor.
360	Chair Snodgrass	Recesses meeting at 9:04 am.
361	Chair Snodgrass	Reconvenes meeting at 1:00 p.m. Opens public hearing on SB 143.
<u>SB 143 PUBLIC HEARING</u>		
365	Cara Filsinger	Committee Administrator, summarizes the bill. Submits additional written testimony (EXHIBITS J, N).
379	Cam Bernie	Department of Administrative Services, testifies in favor of SB 143. Explains that current law requires the State of Oregon to pay time and a half on Saturdays, Sundays, seven holidays, and for employees that work over forty hours per week.

TAPE 85, B		
025	Bernie	Explains that SB 143 is an attempt to make public employees and employees in the private sector similar.
035	Pat O'Sullivan	Testifies in favor of SB 143. Explains that this bill will not take any rights away from employees that they had prior to SB 750 (1995). This bill takes care of some things that were overlooked.
085	O'Sullivan	Explains that there is a class action suit against the State of Oregon and if this bill does not pass there could be a potential for more litigation.
086	Rich Peppers	Oregon Public Employees Union, testifies in opposition to SB 143. Explains that this bill eliminates the eight hour work day standard and makes it a ten hour work day.
125	Rep. Beyer	Asks if this bill parallels the Fair Labor Standards Act.
132	Peppers	Responds that it is close.
138	Carol Dolan	Service Employees Union Local 49, testifies in opposition to SB 143.
148	Rep. Beyer	Asks about the -B7 amendments dated 06/12/97 (EXHIBIT K).
165	Peppers	Responds that the -B7 amendments would cause him to withdraw his opposition.
180	Bennett Johnson	Deputy Director, St. Vincent dePaul Rehabilitation Services Inc., testifies in favor of SB 143 (EXHIBIT L). Explains that some employees work four ten-hour days and they need to be paid overtime for two hours each day.
230	Johnson	Continues testimony.
250	Rep. Beyer	Asks if she has seen the -B7 amendments.
260	Johnson	Responds yes but she does not have them with her. States that she is in favor of the -B7 amendments.
272	Alan Willis	Port of Portland, submits and presents written testimony in favor of SB 143 (EXHIBIT M).
286	Chair Snodgrass	Closes the public hearing, opens a work session on SB 434.
<u>SB 434</u> <u>WORK</u> <u>SESSION</u>		
288	Janet Adkins	Policy Analyst, submits additional written testimony (EXHIBIT H).
290	Rep. Courtney	MOTION: Moves SB 434 to the floor with a DO PASS recommendation.
295		VOTE: 4-2 AYE: 4 - Courtney, Markham, Piercy, Snodgrass NAY: 2 - Messerle, Welsh

		EXCUSED: 1 - Beyer
	Chair Snodgrass	The motion CARRIES. REP. COURTNEY will lead discussion on the floor.
315	Chair Snodgrass	Closes the work session on SB 434, opens a public hearing on SB 5.
<u>SB 5 PUBLIC HEARING</u>		
327	Filsinger	Explains SB 5 to committee and audience.
360	Dave Hooper	Oregon State Lottery, testifies in favor of SB 5.
375	Chair Snodgrass	Closes public hearing on SB 5, opens work session on SB 5.
<u>SB 5 WORK SESSION</u>		
380	Rep. Markham	MOTION: Moves to ADOPT SB 5-3 amendments dated 06/12/97 (EXHIBIT O).
385	Chair Snodgrass	Hearing no objection, declares the motion CARRIED.
390	Rep. Piercy	MOTION: Moves SB 5 to the floor with a DO PASS AS AMENDED recommendation.
395		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Beyer
	Chair Snodgrass	The motion CARRIES. REP. MESSERLE will lead discussion on the floor.
<u>TAPE 86, B</u>		
010	Chair Snodgrass	Closes work session on SB 5, opens work session on SB 1117.
<u>SB 1117 WORK SESSION</u>		
020	Filsinger	Summarizes the bill. Submits additional testimony regarding SB 1117 (EXHIBIT C).
038	Katy Coba	Director of Executive Appointments, Governor's Office, testifies about the appointing of committee and board members.
060	Rep. Markham	Explains that the report should go to Katy Coba.
070	Rep. Messerle	Asks about specific wording in the bill.

072	Coba	Responds that some appointments are made by the Speaker of the House and Senate President.
080	Rep. Messerle	Asks how often appointments are made.
095	Coba	Responds.
100	Chair Snodgrass	Asks Filsinger to explain the -2 amendments.
104	Filsinger	The -2 amendments come from the Disabilities Commission, Eugene, Oregon. Adds disabilities to the list of "factors to consider" when appointing an individual.
106	Rep. Piercy	Asks for clarification on the list of things that are taken into consideration. Asks if the list is a guide or a goal.
117	Rep. Markham	States that's why the report needs to go to Cobra's office instead of to the Director of Affirmative Action.
131	Coba	Recommends that the bill say "report to the Governor's Office."
140	Chair Snodgrass	Asks if that would eliminate duplication.
142	Rep. Welsh	Asks if the councils need to report to the Governor's Office then to Affirmative Action.
149	Coba	Responds yes. Explains what statistics are kept.
162	Rep. Piercy	States the reason is not that they can't do it but to give some direction or a layer of intent.
165	Rep. Beyer	MOTION: Moves to SUSPEND the rules for the purpose of conceptually amending SB 1117.
170		VOTE: 6-1 AYE: 6 - Beyer, Courtney, Markham, Messerle, Piercy, Snodgrass NAY: 1 - Welsh
	Chair Snodgrass	The motion CARRIES.
175	Rep. Markham	MOTION: Moves to AMEND SB 1117 on page 1, in line 16, after "the" delete "Director of Affirmative Action," insert "Governor's Office."
	Chair Snodgrass	Hearing no objection, declares the motion CARRIED.
180	Rep. Piercy	MOTION: Moves SB 1117 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-1 AYE: 6 - Beyer, Courtney, Markham, Messerle, Piercy,

185		Snodgrass NAY: 1 - Welsh
	Chair Snodgrass	The motion CARRIES. REP. BEYER will lead discussion on the floor.
267	Chair Snodgrass	Closes the work session on SB 1117, opens a work session on SB 1179.
<u>SB 1179</u> <u>WORK</u> <u>SESSION</u>		
278	Janet Adkins	Policy Analyst, summarizes the bill (EXHIBIT D).
300	Rep. Piercy	Asks about specific wording in the bill.
303	Adkins	Responds.
309	Rep. Markham	Asks why trucks driving on logging roads out in the woods need to jump through bureaucratic hoops.
326	Adkins	Responds that Oregon Department of Transportation (ODOT) requires them to have the proper insurance if they are on public roads.
340	Chair Snodgrass	Explains that Rep. Bob Montgomery's concern was that anybody could claim to be an emergency vehicle.
350	Rep. Beyer	MOTION: Moves to ADOPT SB 1179-1 amendments dated 06/12/97.
	Chair Snodgrass	Hearing no objection, declares the motion CARRIED.
400	Chair Snodgrass	Closes the work session on SB 1179, opens a work session on SJR 34.
<u>SJR 34</u> <u>WORK</u> <u>SESSION</u>		
430	Adkins	Summarizes the bill and explains the -A5 amendments dated 06/12/97 (EXHIBIT A).
455	Colleen Sealock	Director of Elections, Secretary of State, speaks to the -A5 amendments.
TAPE 87, A		
050	Adkins	Continues explanation of the bill.
060	Chair Snodgrass	Clarifies the -A5 amendments and that they combine the -A3 and -A4 amendments.
065	Rep. Beyer	MOTION: Moves to ADOPT SJR 34-A5 amendments dated 06/12/97.
	Chair Snodgrass	Hearing no objection, declares the motion CARRIED.

075	Rep. BEYER:	MOTION: Moves SJR 34 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.
085		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Snodgrass	The motion CARRIES. REP. BEYER AND CHAIR SNODGRASS will lead discussion on the floor.
080	Chair Snodgrass	Closes the work session on SJR 34, opens a public hearing HB 3742.
<u>HB 3742</u> <u>PUBLIC</u> <u>HEARING</u>		
095	Adkins	Summarizes the bill.
123	Rep. Welsh	Asks who requested the -3 amendments dated 06/12/97 (EXHIBIT B).
128	Chair Snodgrass	Explains that they were drafted at her request.
133	Diana Godwin	Representing the chief petitioners of Measure 16 (Death with Dignity Act), explains that she is concerned with the -3 amendments. States that current law does not apply with the -3 amendments. Explains that some statements are intended to soften the impact of the statement on the ballot.
183	Godwin	Continues testimony. Explains that the election is on a short timeline. Explains that the ballot title needs to be impartial and concise.
220	Godwin	Continues testimony. Asks that the language in Section 3 be restored and objects to the -3 amendments.
241	Rep. Beyer	Asks about terms used in the Measure 16 ballot title.
255	Godwin	Responds she is unsure exactly what was on the title.
271	Chair Snodgrass	Asks for a definition of the word "impartial."
279	Godwin	Answers a statement that is not intended to sway a person in regard to opinion one way or the other.
289	Chair Snodgrass	Asks if the term "death with dignity" is impartial.
296	Godwin	Responds it is not impartial.
323	Chair Snodgrass	Closes the public hearing on HB 3742. Recesses the meeting at 2:31 p.m. Reconvenes the meeting at 2:52 p.m. Opens a public hearing on HB 3742.
<u>HB 3742</u> <u>PUBLIC</u> <u>HEARING</u>		

342	Phil Keisling	Secretary of State, submits and presents written testimony regarding HB 3742 (EXHIBIT P) and states he would like to amend HB 3742 so it might be voted on in the Senate. Explains that the committee has acted in good faith on this piece of legislation.
392	Keisling	Continues testimony. Explains that he would like to send a message to the Senate that it must deal with this issue.
TAPE 88, A		
002	Chair Snodgrass	Asks Keisling to provide the committee with a specific definition of how "dealing with an issue" should manifest within the legislature.
006	Keisling	Within the legislature "dealing with an issue" is putting forth discussion and voting on the issue.
025	Chair Snodgrass	Closes the public hearing on HB 3742, opens a work session on HB 3742.
<u>HB 3742</u> <u>WORK</u> <u>SESSION</u>		
031	Adkins	Summarizes the bill and amendments.
035	Rep. Welsh	MOTION: Moves to ADOPT HB 3742-3 amendments dated 6/12/97.
036	Rep. Piercy	MOTION: Moves to AMEND the motion to ADOPT HB 3742-3 amendments dated 6/12/97 by deleting lines 19-22.
037		VOTE: 3-4 AYE: 3 - Beyer, Courtney, Piercy NAY: 4 - Markham, Messerle, Welsh, Snodgrass
	Chair Snodgrass	The motion FAILS.
038	Rep. Beyer	MOTION: Moves to AMEND the motion to ADOPT HB 3742-3 amendments dated 6/12/97 by substituting "commits suicide" with "terminate life."
039		VOTE: 3-4 AYE: 3 - Beyer, Courtney, Piercy NAY: 4 - Markham, Messerle, Welsh, Snodgrass
	Chair Snodgrass	The motion FAILS.
055	Rep. Piercy	States that the -3 amendments will ruin the bill.
070	Rep. Beyer	Asks about the specific wording in the -3 amendments.
083	Adkins	Responds.
086	Chair Snodgrass	Explains that a great deal of work went into the -3 amendments.

090	Rep. Welsh	MOTION: Moves to ADOPT HB 3742-3 amendments dated 06/12/97.
095		VOTE: 4-3 AYE: 4 - Markham, Messerle, Welsh, Snodgrass NAY: 3 - Beyer, Courtney, Piercy
	Chair Snodgrass	The motion CARRIES.
100	Rep. Beyer	MOTION: Moves to ADOPT HB 3742-4 amendments dated 06/13/97 (EXHIBIT I).
105		VOTE: 3-4 AYE: 3 - Beyer, Courtney, Piercy NAY: 4 - Markham, Messerle, Welsh, Snodgrass
	Chair Snodgrass	The motion FAILS.
106	Rep. Welsh	MOTION: Moves HB 3742 to the floor with a DO PASS AS AMENDED recommendation.
107		VOTE: 4-3 AYE: 4 - Markham, Messerle, Welsh, Snodgrass NAY: 3 - Beyer, Courtney, Piercy
	Chair Snodgrass	The motion CARRIES.
110	Rep. Messerle	Asks for a recess at 3:06 p.m.
114	Chair Snodgrass	Recesses meeting at 3:07 p.m. Reconvenes meeting at 3:10 p.m.
140	Chair Snodgrass	Asks if this is typical language for ballot titles.
150	Adkins	Responds.
155	Chair Snodgrass	States that she would like to change her vote to nay on the motion to move HB 3742 to the floor DO PASS AS AMENDED. Without objection, Chair Snodgrass changes her vote to no. Serves notice for possible reconsideration.
160		VOTE: 3-4 AYE: 3 - Markham, Messerle, Welsh NAY: 4 - Beyer, Courtney, Piercy, Snodgrass

	Chair Snodgrass	The motion FAILS.
260	Chair Snodgrass	Closes the work session, adjourns the meeting at 3:22 p.m.

Submitted By, Reviewed By,

Erik Deitz, Janet Adkins,

Administrative Support Policy Analyst

Reviewed By,

Cara Filsinger,

Committee Administrator

EXHIBIT SUMMARY

A - SJR 34, -A5 amendments dated 06/12/97, staff, 3 pp.

B - HB 3742, -3 amendments dated 06/12/97, staff, 3 pp.

C - SB 1117, written testimony, Margaret Drummond, 1 p.

D - SB 1179, -1 amendments dated 06/12/97, staff, 1 p.

E - SB 44, written testimony, Betsy Earls, 2 pp.

F - SB 44, written testimony, Margaret Deirdre, 8 pp.

G - SB 44, written testimony, Ken Morris, 3 pp.

H - SB 434, written testimony, Robert Schlesinger, 1 p.

I - HB 3742, -4 amendments 06/13/97, staff, 1 p.

J - SB 143, written information, staff, 3 pp.

K - SB 143 -B7 amendments dated 06/12/97, staff, 1 p.

L - SB 143, written testimony, Bennett Johnson, 1 p.

M - SB 143, written testimony, Allan Willis, 1 p.

N - SB 143, written testimony, Paul Reich, 2 pp.

O - SB 5 -3 amendments dated 06/12/97, staff, 2 pp.

P - HB 3742, written testimony, Phil Keisling, 2 pp.