

**SENATE COMMITTEE ON RULES AND ELECTIONS**

**June 18, 1997 Hearing Room E**

**8:45 A.M. Tapes 108 - 110**

**MEMBERS PRESENT:**

**Sen. Randy Miller, Chair**

**Sen. Gene Derfler, Vice-Chair**

**Sen. Neil Bryant**

**Sen. Randy Leonard**

**Sen. Cliff Trow**

**MEMBER EXCUSED:**

**none**

**STAFF PRESENT:**

**Jan Nordlund, Administrator**

**Shirley Spendal, Administrative Support**

**MEASURES/ISSUES HEARD:**

**SB 2201 - Work Session**

**SB 1212 - Public Hearing, Work Session**

**HB 3730A - Public Hearing, Work Session**

**HB 2320A - Work Session, Reconsideration**

**HB 2245A - Work Session, Reconsideration**

**SB 1218 - Public Hearing, Work Session**

**HB 3048A - Public Hearing, Work Session**

**HB 2924A - Public Hearing, Work Session**

**HB 3009A - Public Hearing, Work Session, Reconsideration**

**HB 1221 - Public Hearing, Work Session**

**HB 3730A - Public Hearing, Work Session**

**HB 3672A - Public Hearing,**

**HB 3657A - Public Hearing, Work Session**

**HB 3456B - Work Session**

**HB 3672A - Public Hearing, 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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 108, A</b>		
004	Chair Miller	Calls meeting to order, 9:15 a.m. Opens work session, SB 2201.
<b><u>SB 2201 - WORK SESSION</u></b>		
005	Chair Miller	States intention to advise of amendments. Will bring bill back to committee to discuss. Closes work session, SB 2201; opens public hearing, SB 1212.
<b><u>SB 1212 - PUBLIC HEARING</u></b>		
017	Sen. Bob Kintigh	District 22. Presents testimony in support of SB 1212.
049	Sen. Derfler	Questions about setting value on property.
052	Sen. Kintigh	Responds cannot answer.
059	Sen. Trow	Asks if bill has been at Revenue Committee.
068	Sen. Miller	Discusses value of property.
081	Sen. Trow	Asks if all 2,000 cemeteries are county owned.
088	Sen. Miller	Question regarding definition.
096	Sen. Trow	Asks if cemeteries basically there as cemeteries, not for any other use.
105	Chair Miller	Closes public hearing on SB 1212; opens work session, SB 1212.
<b><u>SB 1212 - WORK SESSION</u></b>		
108	<b>Chair Miller</b>	<b>MOTION: Moves SB 1212 to the floor with a DO PASS recommendation.</b>
109	Sen. Trow	Discusses looking for more information.
112	<b>Chair Miller</b>	<b>VOTE: Hearing no objection, declares the motion CARRIED.</b> <b>EXCUSED: 1-Bryant.</b>

115	Chair Miller	<b>Sen. Kintigh will lead discussion on the floor.</b> Closes work session, SB 1212; opens public hearing, HB 3740A.
<b><u>HB 3740A - PUBLIC HEARING</u></b>		
121	Sen. David Nelson	District 29. Presents testimony in support of HB 3740A.
139	Sen. Trow	Asks why need bill that allows you to do something you obviously can do.
142	Sen. Nelson	Discusses statutory authority of federal government.
146	Sen. Leonard	Asks reason "required" deleted, "more permissive" allowed.
148	Chair Miller	Closes public hearing, HB 3740A; opens work session, HB 3740A.
<b><u>HB 3740A - WORK SESSION</u></b>		
153	Sen. Trow	<b>MOTION: Moves HB 3740A to the floor with a DO PASS recommendation.</b>
155	Chair Miller	<b>VOTE: Hearing no objection, declares the motion CARRIED.</b> <b>EXCUSED: 1-Bryant</b>
156	Chair Miller	<b>Sen. Nelson will lead discussion on the floor.</b> Closes work session, HB 3740A; opens work session, HB 2320A.
<b><u>HB 2320A - WORK SESSION AND POSSIBLE RECONSIDERATION</u></b>		
162	Chair Miller	<b>MOTION: Moves to RECONSIDER HB 2320A.</b>
164	Chair Miller	<b>VOTE: Hearing no objection, declares the motion CARRIED.</b> <b>EXCUSED: 1-Bryant.</b>
168	Anne Tweedt	Committee Administrator, discusses HB 2320-A7 conflict amendments ( <b>EXHIBIT A</b> ).
169	Chair Miller	<b>MOTION: Moves to ADOPT HB 2320-A7 amendments dated 6/16/97 (EXHIBIT A).</b>
172	Chair Miller	<b>VOTE: Hearing no objection, declares the motion CARRIED.</b> <b>EXCUSED: 1-Bryant</b>
		<b>MOTION: Moves HB 2320A to the floor with a DO</b>

181	Chair Miller	<b>PASS AS AMENDED</b> recommendation.
182	Chair Miller	<b>VOTE: Hearing no objection, declares the motion CARRIED.</b> <b>EXCUSED: 1-Bryant</b>
183	Chair Miller	Closes work session, HB 2320A; opens work session, HB 2245A.
<b><u>HB 2245A - WORK SESSION AND POSSIBLE RECONSIDERATION</u></b>		
185	Chair Miller	<b>MOTION: Moves to RECONSIDER HB 2245A.</b>
186	Chair Miller	<b>VOTE: Hearing no objection, declares the motion CARRIED.</b> <b>EXCUSED: 1-Bryant</b>
189	Mark Volmert	Committee Administrator, discusses conflict amendments ( <b>EXHIBIT B</b> ).
193	Chair Miller	<b>MOTION: Moves to ADOPT HB 2245-A5 amendments, dated 6/17/97 (EXHIBIT B).</b>
205	Chair Miller	<b>VOTE: Hearing no objection, declares the motion CARRIED.</b> <b>EXCUSED: 1-Bryant</b>
208	Chair Miller	<b>MOTION: Moves to send HB 2245A to the floor with a DO PASS AS AMENDED recommendation.</b>
210	Chair Miller	<b>VOTE: 3-1</b> <b>AYE: 3-Derfler, Leonard, Miller</b> <b>NAY: 1-Trow</b> <b>EXCUSED: 1-Bryant</b>
211	Chair Miller	<b>The motion is CARRIED.</b> Closes work session, HB 2245A; opens public hearing, SB 1218.
<b><u>SB 1218 - PUBLIC HEARING</u></b>		
223	Chair Miller	Discusses introducing bill. Discusses history of bill, effect of bill.
273	Chair Miller	Continues discussing effect of bill.
292	Sen. Bryant	Comments on linking safety to speeding.

299	Capt. James Stevenson	Oregon State Police. Presents testimony in opposition to SB 1218 ( <b>EXHIBIT C</b> ).
350	Capt. Stevenson	Continues testimony.
400	Capt. Stevenson	Continues testimony.
<b>TAPE 109, A</b>		
001	Sen. Trow	Questions about basic rule.
012	Capt. Stevenson	Responds.
021	Chair Miller	Comment about people driving reasonable and safe.
029	Sen. Bryant	Asks if SB 1218 same bill sent to House earlier.
033	Sen. Derfler	Asks about Washington changing speeds, accident rate going down.
040	Capt. Stevenson	Responds. States strong concern about this bill.
067	Chair Miller	Discusses other states' statistics when increasing speeds. Discusses drivers reacting responsibly given conditions.
092	Sen. Trow	Comments on enforcement.
104	Larry Christianson	Department of Transportation. Presents testimony in opposition to SB 1218 ( <b>EXHIBIT D</b> ).
140	Sen. Miller	Questions, discusses reasonable speed being in mind of driver.
149	Christianson	Responds.
163	Sen. Miller	Questions about confidence in enforcement.
167	Christianson	Responds.
210	Sen. Miller	Questions, discussion about maximum speed or basic rule.
221	Christianson	Responds.
236	Sen. Miller	Closes public hearing, SB 1218; opens public hearing, HB 3048A.
<b>HB 3048A - PUBLIC HEARING</b>		
247	Rep. Denny Jones	District 60. Presents testimony in support of HB 3048A. Discusses history, effect of bill.
294	Rep. Jones	Continues testimony.
323	Sen. Miller	Question about reimbursement.
325	Rep. Jones	Responds.
357	Doug Tindall	Presents testimony in support of HB 3048A ( <b>EXHIBIT E</b> ).

373	Sen. Bryant	Question, discussion about what happens when charges contested.
387	Vice Chair Derfler	Closes public hearing; HB 3048A; opens work session, HB 3048A.
<b><u>HB 3048A - WORK SESSION</u></b>		
392	Sen. Leonard	<b>MOTION: Moves HB 3048A to the floor with a DO PASS recommendation.</b>
396	Vice Chair Derfler	<b>VOTE: Hearing no objection, declares the motion CARRIED.</b> <b>EXCUSED: 1-Miller</b>
399	Vice Chair Derfler	<b>Sen. Leonard will lead discussion on the floor.</b> Closes work session, HB 3048A; opens public hearing, HB 2924A.
<b><u>HB 2924A - PUBLIC HEARING</u></b>		
423	Robert Meinen	Presents testimony in support of HB 2924A ( <b>EXHIBIT F</b> ).
<b>TAPE 108, B</b>		
001	Meinen	Continues presentation.
020	Sen. Derfler	Question.
047	Bob Rindy	Department of Land Conservation and Development. Presents testimony in support of HB 2924A.
068	Sen. Bryant	Questions about creating new zone for parks.
088	Dave Hunnicutt	Oregonians in Action. Discusses concern with bill, Section 3, lines 18 through 21, page 2.
116	Meinen	Responds. Discusses leased lands in boundaries of state parks. Master plan focuses on land owned by state. Discusses why language put in bill.
132	Sen. Bryant	Asks if master plan relates to owned, leased land.
138	Chair Miller	Closes public hearing, HB 2924A; opens work session, HB 2924A.
<b><u>HB 2924A - WORK SESSION</u></b>		
142	Sen. Bryant	<b>MOTION: Moves HB 2924A to the floor with a DO PASS recommendation.</b>
143	Chair Miller	<b>VOTE: Hearing no objection, declares the motion carried.</b> <b>EXCUSED: Trow</b>

144	Chair Miller	<b>Sen. Bryant will lead discussion on the floor.</b> Closes work session, HB 2924A; opens work session, SB 1218.
<b><u>SB 1218 - WORK SESSION</u></b>		
148	Chair Miller	<b>MOTION: Moves SB 1218 to the floor with a DO PASS recommendation.</b>
149	Chair Miller	<b>VOTE: Hearing no objection, declares the motion CARRIED.</b> <b>EXCUSED: 1-Trow</b>
150	Chair Miller	<b>Chair Miller will lead discussion on the floor.</b> Closes work session, SB 1218; opens public hearing, HB 3009A.
<b><u>HB 3009A - PUBLIC HEARING</u></b>		
155	Rep. Lonnie Roberts	District 21. Presents testimony in support of HB 3009A. Discusses history of bill.
172	John Nichols	Oregon Bar Owners. Gives testimony in support of bill.
188	Ross Laybourn	Assistant Attorney General, Oregon Department of Justice. Presents testimony in support of bill. Supports, discusses A7 amendments ( <b>EXHIBIT G</b> ). Discusses all parties concurring. States no negative impact on any other legislation.
216	Greg Willeford	Oregon State Police, Gaming Enforcement. Supports bill.
237	Justin Martin	Confederated Tribes of Grand Ronde. Gives testimony in support of HB 3009A.
246	Sen. Miller	Question about cheating.
257	Willeford	Responds regarding cheating.
268	Bill Cross	Wild Bill's NW, Inc. Presents testimony in support of HB 3009A and the -7 amendments. ( <b>EXHIBIT G</b> ).
284	Chair Miller	Closes public hearing, HB 3009A; opens work session, HB 3009A.
<b><u>HB 3009A - WORK SESSION</u></b>		
286	Chair Miller	<b>MOTION: Moves to ADOPT HB 3009-A7 amendments dated 6/17/97 (EXHIBIT G).</b>
287	Chair Miller	<b>VOTE: Hearing no objection, the motion is CARRIED.</b> <b>EXCUSED: 2-Leonard, Trow</b>
		<b>MOTION: Moves HB 3009A to the floor with a DO</b>

288	Chair Miller	<b>PASS AS AMENDED recommendation.</b>
289	Chair Miller	<b>VOTE: Hearing no objection, the motion is CARRIED.</b> <b>EXCUSED: 2-Leonard, Trow</b>
291	Chair Miller	<b>Chair Miller lead discussion on the floor.</b> Closes work session, HB 3009A; opens public hearing, SB 1221.
<b><u>SB 1221 - PUBLIC HEARING</u></b>		
297	Chair Miller	Discusses effect of bill.
318	Sen. Bryant	Asks what happens if Governor, Department of Corrections, wishes to cite and jurisdiction is not interested. Asks if this bill would end superciting authority.
353	Sen. Bryant	Discusses concern with bill.
365	Sen. Derfler	Asks for clarification of "demonstrated interest."
376	Sen. Trow	Comment on Multnomah County getting medium-security prison in 1980's.
400	Terry Withers	President, Oregonians for Responsible Prison Siting. Gives testimony in support of bill. Outlines history of legislation.
<b>TAPE 109, B</b>		
001	Withers	Continues testimony.
042	Withers	Continues presenting testimony. Discusses Arizona.
055	Sen. Leonard	Discusses supporting other legislation regarding placing near schools, neighborhoods. Asks how bill different than having statute saying state wide taxes can only be imposed on communities if they agree to that.
063	Withers	Responds.
082	Sen. Leonard	Comment on analysis of imposing taxes on community.
086	Sen. Miller	Discusses no shortage of those that desire this. States should not go into resisting community.
104	Sen. Leonard	Asks about communities not cited.
106	Withers	Responds.
122	Sen. Miller	Discusses Jackson County situation. Discusses other legislation, those that want facilities.
148	Sen. Trow	Question, discussion about "demonstrated interest."
160	Withers	Responds.



170	Sen. Bryant	Reads ORS 421.623(5).
177	Sen. Trow	Asks about local jurisdiction demonstrating interest, getting site, and then changing mind.
185	Chair Miller	States under call of Senate. States committee in recess.
191	Chair Miller	Reconvenes hearing, 11:55 a.m. Closes public hearing, SB 1221; opens work session, SB 1221.
<b><u>SB 1221 - WORK SESSION</u></b>		
195	Chair Miller	<b>MOTION: Moves SB 1221 to the floor with a DO PASS recommendation.</b>
196	Chair Miller	<b>VOTE: Hearing no objection, declares the motion CARRIED.</b> <b>EXCUSED: 2-Leonard, Trow</b>
198	Chair Miller	<b>Chair Miller will lead discussion on the floor.</b> Closes work session, SB 1221; opens work session, HB 3009A.
<b><u>HB 3009A - WORK SESSION</u></b>		
219	Chair Miller	<b>MOTION: Moves to RECONSIDER HB 3009A.</b>
220	Chair Miller	<b>VOTE: Hearing no objection, declares the motion CARRIED.</b> <b>EXCUSED: Leonard, Trow</b>
221	Chair Miller	Closes work session, HB 3009A; recesses committee until 1:30 p.m.
243	Sen. Bryant	Opens hearing 1:45 p.m. as subcommittee on HB 3730A.
<b><u>HB 3730A - PUBLIC HEARING</u></b>		
249	Ray Gribling	Oregon Bankers Association. Presents testimony in support of HB 3730A ( <b>EXHIBIT I</b> ).
299	Gribling	Continues testimony.
311	Chair Miller	Closes public hearing, HB 3730A; opens public hearing, HB 3672A.
<b><u>HB 3672A - PUBLIC HEARING</u></b>		
329	Ingrid Swenson	Oregon Criminal Defense Lawyers Association. Presents testimony in opposition to bill.
364	Sen. Bryant	Asks about treatment, is it chemical castration.
368	Swenson	Responds.
		American Civil Liberties Union of Oregon. Opposed to

376	Dave Fidanque	bill because of Subsection 2, section 1. Discusses being unconstitutional.
393	Sen. Bryant	Asks if it is true board makes condition of release parolee goes through this treatment if appropriate.
398	Swenson	Responds routinely used under current law.
403	Sen. Bryant	Asks if after released they have to continue treatment.
406	Swenson	Responds. Discusses being long-term treatment.
420	Chair Miller	Closes public hearing, HB 3672A; opens work session, HB 3730A.
<b><u>HB 3730A - WORK SESSION</u></b>		
426	Sen. Bryant	<b>MOTION: Moves HB 3730A to the floor with a DO PASS recommendation.</b>
427	Chair Miller	<b>VOTE: Hearing no objection, declares the motion CARRIED.</b> <b>EXCUSED: Leonard, Trow</b>
430	Chair Miller	<b>Sen. Bryant to lead discussion on the floor.</b> Opens work session, HB 3009A.
<b><u>TAPE 110, A</u></b>		
<b><u>HB 3009A - WORK SESSION</u></b>		
009	Mike Dewey	Multnomah Greyhound Park. Discusses amendment to bill, which is not yet available. Discusses conversation with Sen. Nelson. Outlines amendment.
048	Dewey	Continues testimony.
059	Sen. Trow	Asks about amendment requiring majority vote.
062	Dewey	Response. States may require three-fifths majority.
069	Sen. Miller	Closes work session, HB 3009A; opens public hearing, HB 3657A.
<b><u>HB 3657 - PUBLIC HEARING</u></b>		
084	Mike McCracken	Association of Community Mental Health Programs. Gives testimony in support of HB 3657A.
110	Sen. Miller	Closes public hearing, HB 3657A; opens work session, HB 3657A.
<b><u>HB 3657A- WORK SESSION</u></b>		
114	Sen. Trow	<b>MOTION: Moves HB 3657A to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means.</b>

116	Chair Miller	<b>VOTE: Hearing no objection, declares the motion CARRIED.</b>  <b>EXCUSED: Bryant, Leonard</b>
117	Chair Miller	Closes work session, HB 3657A; opens work session, HB 3456B.
<b><u>HB 3456B- WORK SESSION</u></b>		
121	Jon Christenson	Representing Senator Wilde. Presents hand engrossed amendment to B14 amendment ( <b>EXHIBIT J</b> ). States only changes name of task force.
134	Chair Miller	Asks if amendment alters membership.
136	Christin Smith	Committee Administrator, outlines amendments.
147	Chair Miller	<b>MOTION: Moves to AMEND HB 3456-B14 amendment dated 6/17/97, by striking the quotation mark after the word "Joint" on line 2, and inserting "Interim Task Force on Commercial Recycling and Recycled Product Market Development." (EXHIBIT J).</b>
149	Chair Miller	<b>VOTE: Hearing no objection, declares the motion CARRIED.</b>  <b>EXCUSED: Bryant, Leonard</b>
153	Chair Miller	<b>MOTION: Moves to ADOPT HB 3456-B14 amendments as amended dated 6/17/97 (EXHIBIT J).</b>
158	Chair Miller	<b>VOTE: Hearing no objection, declares the motion CARRIED.</b>  <b>EXCUSED: Bryant, Leonard</b>
159	Chair Miller	<b>MOTION: Moves to send HB 3456B to the floor with a DO PASS AS AMENDED recommendation.</b>
160	Chair Miller	<b>VOTE: Hearing no objection, declares the motion CARRIED.</b>  <b>EXCUSED: Bryant, Leonard</b>
153	Chair Miller	<b>Sen. Leonard will lead discussion on the floor.</b> Closes work session, HB 3456B; opens public hearing, HB 3762A.
<b><u>HB 3672A, PUBLIC HEARING</u></b>		
171	Rep. Kurt Schrader	District 23. Gives testimony in support of HB 3672A.

197	Sen. Trow	Asks about flexibility, treatment being appropriate.
202	Rep. Schrader	Responds.
211	Ingrid Swenson	Oregon Criminal Lawyers Defense Association. Subsection 2 says board must require medication for second-time offender. Believes board does not need additional authority, does not need mandate.
230	Sen. Trow	Asks about mandate.
237	Chair Miller	Closes public hearing, HB 3672A; opens work session, HB 3672A.
<b>HB 3672A - WORK SESSION</b>		
238	Chair Miller	States not intention to move bill today.
239	Swenson	Responds to question regarding mandate.
240	Rep. Schrader	Discusses department lacking clear direction. Discusses who treatment is appropriate for. States goal is to help these people succeed.
278	Swenson	Discusses appropriate treatment.
297	Rep. Schrader	Discusses medical safeguards, risk assessment skill.
315	Sen. Trow	Question about other states using this method.
324	Chair Miller	Closes work session, HB 3672A; adjourns, 2:18 p.m.
		Written testimony of Michelle Kennedy on HB 2201A submitted into record ( <b>EXHIBIT K</b> ); written testimony of Daniel W. Meek on HB 2201A submitted into record ( <b>EXHIBIT L</b> ).

Submitted By, Reviewed By,

Shirley Spendal, Jan Nordlund,

Administrative Support Administrator

Reviewed by, Reviewed by,

Anne Tweedt Christin Smith

Administrator Administrator

Reviewed by, Reviewed by,

Jim Stembridge Mark Volmert

Administrator Administrator

## **EXHIBIT SUMMARY**

**A - HB 2320A, -7 Amendments, staff, 4 pg.**

**B - HB 2245A, -5 Amendments, staff, 12 pg.**

**C - SB 1218, Written testimony, Capt. James Stevenson, 7 pg.**

**D - SB 1218, Written testimony, Larry Christianson, 1 pg.**

**E - HB 3048A, Written testimony, Doug Tindall, 1 pg.**

**F - HB 2924A, Written testimony, Robert Meinen, 3 pg.**

**G - HB 3009A, -7 Amendments, staff, 30 pg.**

**H - HB 3009A, Written Testimony, Bill Cross, 1 pg.**

**I - HB 3730A, Written Testimony, Ray Gribling, 5 pg.**

**J - HB 3456B, Hand Engrossed -14 amendment, Jon Christenson**

**K - HB 2201, Written testimony, Michelle Kennedy, 5 pg.**

**L - HB 2201, Written testimony, Daniel W. Meek, 7 pg.**

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