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SENATE COMMITTEE ON RULES AND ELECTIONS

March 25, 1997 Hearing Room 343

3:00 PM Tapes 24 - 26

MEMBERS PRESENT:

Sen. Randy Miller, Chair

Sen. Gene Derfler, Vice-Chair

Sen. Neil Bryant

Sen. Randy Leonard

Sen. Cliff Trow

MEMBER EXCUSED:

STAFF PRESENT:

Jan Nordlund, Administrator

Jennifer Peck, Administrative Support

MEASURE/ISSUES HEARD:

SJM 3 Public Hearing and Work Session

SB 680 Public Hearing and Work Session

HJM 1 Public Hearing and Work Session

SJM 2 Public Hearing and Work Session

SB 138 Work Session

Introduction of Committee Bills

SB 707 Public Hearing

SB 539 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 24, A		
002	Chair Miller	Opens meeting at 3:15 p.m. and opens public hearing on SJM 3.
<u>SJM 3 PUBLIC HEARING</u>		
003	Sen. Lenn Hannon	District 26. Discusses the memorial and Richard Groener.
010	Sen. Verne Duncan	District 12. Discusses Richard Groener.
030	Chair Miller	Recesses public hearing on SJM 3 and opens public hearing on SB 680.
<u>SB 680 PUBLIC HEARING</u>		
031	Sen. Verne Duncan	District 12. Supports SB 680. Declares conflict of interest because he is a retired Army colonel. States students should be aware of the military.
045	Chair Miller	Closes public hearing on SB 680 and reopens public hearing on SJM 3.
<u>SJM 3 PUBLIC HEARING</u>		
053	Chair Miller	Asks about line 17.
061	Sen. Hannon	Responds.
064	Chair Miller	Closes public hearing on SJM 3 and opens work session on SJM 3.
<u>SJM 3 WORK SESSION</u>		

069	Sen. TROW:	MOTION: Moves SJM 3 be sent to the floor with a BE ADOPTED recommendation.
	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. HANNON will lead discussion on the floor.
077	Chair Miller	Closes work session on SJM 3 and opens public hearing on SB 680.
<u>SB 680 PUBLIC HEARING</u>		
086	Ed Hughes	United Veteran's Groups of Oregon. Presents (EXHIBIT A) in support of SB 680. Explains students have not been aware of the opportunities for college scholarships or military services.
104	Dick Lucht	Supports SB 680. States recruiters should be allowed to present information to the students which can further their education.
116	Ron Harlan	Legislative Officer for Veterans of Foreign Wars. Supports SB 680.
124	Sen. Trow	Asks how many schools prohibit military access.
128	Hughes	Cites Portland School District 1.
146	Sen. Trow	Asks what reason is given for not allowing access.
151	Hughes	States it is an issue of discrimination.
161	Sen. Leonard	Comments on recruitment tactics.
179	Hughes	Comments on testing programs which could benefit high school students.
201	Sen. Miller	Cites an example.
215	Sen. Trow	States this issue has come up before and was considered to be a local decision.
249	Rep. Lonnie Roberts	District 21. Supports SB 680. Comments on giving students the opportunity to consider the armed forces. Explains the new policies of recruitment versus drafting.
282	Lieutenant Colonel Mike Caldwell	Oregon National Guard. Supports SB 680. States eight high schools in the state do not allow military recruiters. Describes the Armed Services Vocational Aptitude Battery, which is a test used by students in the Salem/Keizer area.
329	Rep. Roberts	Comments on students being helped through college monetarily by the armed forces.
356	Ozzie Rose	Confederation of Oregon School Administrators. States a conflict of interest for being in the infantry. Opposes SB 680 and comments on Junior ROTC as a local choice.

374	Fallie Calder	Oregon School Boards Association. Presents (EXHIBIT B) in opposition to SB 680. Comments on regulating how students will be recruited within the school.
423	Sen. Bryant	Comments that SB 680 does not prohibit school boards or administrators from setting limits on access to students.
433	Calder	Explains methods like this have not worked in previous situations.
437	Sen. Bryant	Suggests there could be other ways to get recruiters to cooperate.
444	Sen. Trow	Asks about tolerance for discrimination among recruiters.
TAPE 25, A		
002	Calder	Responds any individual would have access to the military.
015	Sen. Trow	Asks if a gay person could be recruited.
017	Col. Caldwell	Responds they could not.
018	Chair Miller	Closes public hearing on SB 680 and opens work session on SB 680.
<u>SB 680 WORK SESSION</u>		
019	Sen. Leonard	Suggests an amendment which would allow schools to adopt rules which would allow reasonable access between students and recruiters.
026	Sen. Bryant	Suggests a conceptual amendment to Sections 1-7, which states nothing in these sections would limit the ability of schools from developing reasonable rules concerning access to students for recruitments.
036	Sen. Bryant	MOTION: Moves TO ADOPT conceptual amendment of SB 680 as stated by Sen. Bryant concerning schools' abilities to develop reasonable rules concerning access to students for recruitments in Sections 1-7 of the bill.
	Chair Miller	Hearing no objection, declares the motion CARRIED.
044	Chair Miller	Closes work session on SB 680 and opens public hearing on HJM 1.
<u>HJM 1 PUBLIC HEARING</u>		
053	Sen. Trow	Comments on HJM 1.
057	Rep. Lane Shetterly	District 34. Supports HJM 1, and explains its intent. Comments on the definition of a first citizen.
085	Sen. Miller	Asks what happened during the last season.
086	Shetterly	States they got into the playoffs.
091	Chair Miller	Closes public hearing on HJM 1 and opens work session on HJM 1.

<u>HJM 1 WORK SESSION</u>		
100	Sen. TROW:	MOTION: Moves HJM 1 be sent to the floor with a BE ADOPTED recommendation.
	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. TROW will lead discussion on the floor.
106	Chair Miller	Closes work session on HJM 1 and opens public hearing on SJM 2.
<u>SJM 2 PUBLIC HEARING</u>		
119	Chair Miller	Discusses SJM 2. States Sen. Fisher submitted (EXHIBIT C) as testimony in his absence.
124	Chair Miller	Closes public hearing on SJM 2 and opens work session on SJM 2.
<u>SJM 2 WORK SESSION</u>		
130	Sen. TROW:	MOTION: Moves SJM 2 be sent to the floor with a BE ADOPTED recommendation.
	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. FISHER will lead discussion on the floor.
137	Chair Miller	Closes work session on SJM 2 and opens work session on SB 138.
<u>SB 138 WORK SESSION</u>		
147	Chair Miller	Discusses confirmation lists submitted by staff (EXHIBIT D). Asks for suggestions.
153	Sen. Derfler	Makes suggestions for changes to the confirmation lists.
168	Sen. Bryant	Makes further suggestions to the list.
173	Sen. Trow	Asks if the boards have been asked if they wish to continue receiving Senate Confirmations for appointments.
178	Sen. Derfler	States they have been notified and some of them responded.
183		Discussion of the confirmation list.
186	Sen. Trow	States confirmations allow mutual education for legislators and appointees.
205	Chair Miller	Suggests continuing confirmations with additions of Advisory Council on Podiatry, Appraisers Certification and Licensure

		Board, Board of Optometry, and the Board of Psychologist Examiners.
220	Sen. Trow	Suggests addition of continuing confirmation of Trustees of the State Library.
237	Chair Miller	States the amendments will be drafted and SB 138 will be considered later. Closes work session on SB 138 and opens work session for introduction of measures for drafts and approvals.
<u>INTRODUCTION OF COMMITTEE BILLS</u>		
270	Jan Nordlund	Committee Administrator. Lists LCs for introduction and approvals.
300	Chair Miller	MOTION: Moves LC 4250 dated 3/19/97 BE APPROVED and that draft and introduction requests from Paul Romain and Senator Stull, and two draft and introduction requests from the Senate Majority Office be approved.
	Chair Miller	Hearing no objection, declares the motion CARRIED.
309	Chair Miller	Closes work session and opens public hearing on SB 707.
<u>SB 707 PUBLIC HEARING</u>		
310	Sen. Thomas Wilde	District 8. Supports and explains SB 707. Defines open spaces and explains the reasons for SB 707. States SB 707 only covers the Portland metropolitan service district.
361	Sen. Wilde	Comments it is essential to keep the parks as open space areas.
399	Rep. Mike Fahey	District 17. Supports SB 707. Comments on protecting open spaces.
407	Sen. Bryant	Asks about line 9-10 concerning registered electors.
415	Sen. Wilde	Explains the wish is not to have a double majority situation, but to make it more difficult to remove open spaces.
422	Sen. Bryant	Asks about the metropolitan service district.
425	Sen. Wilde	Explains Portland is the only region affected by SB 707.
<u>TAPE 24, B</u>		
003	Sen. Bryant	Comments on the definition of the term "open spaces."
007	Sen. Wilde	Explains city commissioners' decisions do not necessarily reflect the will of the people. States the people would have input if a vote were taken.
038	Rep. Fahey	States that administrative rule under home rule charter prevents an initiative petition.
046	Sen. Derfler	Asks if a historic building would need to be registered if it were downtown, in reference to "scenic historic areas."
		States Legislative Counsel put in the specific wording of

048	Sen. Wilde	"scenic historic areas" and "natural resources." Suggests eliminating the wording of "historic areas" and leaving in "scenic areas."
063	Sen. Derfler	Asks for an example of "natural resources" in the context of SB 707.
066	Sen. Wilde	States water would be considered a natural resource.
074	Sen. Trow	Discussion of the goal of SB 707 versus the zoning designation.
081	Sen. Leonard	Asks how the Johnswood Park was zoned.
085	Sen. Wilde	States it was zoned as an open space and was changed to an R-2 zoning.
084	Sen. Derfler	Asks if the land must be zoned.
090	Sen. Wilde	Suggests dropping "historic areas" and "natural resources."
099	Ruth Spetter	City of Portland. Presents (EXHIBIT E) in opposition to SB 707. States the language is too vague, definitions are missing and decisions will be left to the courts if SB 707 passes in its current form. Explains the phrases could be read to mean different things.
156	Spetter	Restates the problem of double majority voting. States there could be a constitutional problem with SB 707 due to lack of clarity. States people could not get land-use changes they desire.
194	Chair Miller	Explains the double majority clause would be removed.
205	Spetter	Explains people who have a high interest in land use matters should be allowed to give their opinions, whereas a group of uninterested voters should not be encouraged to vote for an issue which does not interest them.
224	Chair Miller	Asks who would be considered to have an interest in a land use issue.
228	Spetter	States the standard varies as to who is affected by a land use vote.
239	Chair Miller	Asks for an explanation of how much input citizens should have on these issues.
246	Spetter	Explains she wishes to keep the system as it is.
256	Sen. Leonard	States he does not foresee that the city would use the parks for housing.
304	Phillip Fell	League of Oregon Cities. Opposes SB 707. States the time delay between elections could create problems. States this is a Ballot Measure 30 issue since elections would be required.
337	Bob Rindy	Department of Land Conservation and Development. Presents (EXHIBIT F) in opposition to SB 707. Comments on a similar issue concerning "significant wetlands." States "zoning" includes a lot of issues and requirements of its own,

		and therefore suggests the removal of zoning language in SB 707.
396	Rindy	Explains cities may stop zoning areas as "parks" if areas so labeled carried restrictions. States he is willing to help with language changes.
TAPE 25, B		
001	Rosemary Seminora	Portland, Oregon. Supports SB 707. States citizens were not aware of what defined public land during the Johnswood Park issue. Explains the loss of open spaces in the Portland area. Comments on the difference between zone changes versus land changes.
053	Seminora	States the people need to know what areas are public lands.
068	Sen. Leonard	Explains the political structure in the city must change in order to have citizens' input influence city commissioners.
100		Discussion on the voting structure of SB 680.
115	Sen. Trow	States that SB 707 should probably be reworked with new wording.
124	Seminora	Restates problems with the wording concerning zoning.
134	Paul Richmond	Portland, Oregon. Supports SB 707. Explains his background in the media. States he has witnessed hundreds of witnesses who came to speak to the city board whose wishes were ignored by the commissioners.
181	Richmond	Urges rewording of SB 707 while keeping its general ideas.
196	Liz Callison	Portland, Oregon. Supports SB 707. Encourages additions to lines 6-7 of SB 707. Explains public disillusionment after seeing the negative effects of ballots which were supposed to save city parks yet caused further problems. Comments on department overlay zones versus base zones.
256	Callison	Explains open space designation is difficult to attain. States that the city council did not seem to consider public testimony in the recent Johnswood Park issue.
273	Jim Squires	Portland, Oregon. Supports SB 707. Suggests considering wording changes. Restates citizens' concerns which he has received concerning environmental zones. States the language, not the intent, will be considered by the courts, so the language should be carefully worded.
352	Chair Miller	Asks about contributors to the members of the city council.
385	Richmond	States he will provide the information.
392	Chair Miller	States the intent of SB 707 may be clarified by rewording.
396	Dennis Keepes	Chair, St. John's Neighborhood Association, Portland, Oregon. Supports SB 707.
TAPE 26, A		

002	Keepes	Explains people bought houses because Johnswood Park was nearby and then it was taken away. States the intent is to keep open space parks protected.
023	Sen. Leonard	Restates the intent of Spetter's comments.
031	Keepes	Explains distinction between surplus territories and parks.
048	Sen. Leonard	States Spetter commented that people from areas outside of the park areas would be less aware or interested in the issues specific to those areas if votes were taken.
076	Keepes	Requests that SB 707 be reworded.
078	Jim Robison	Chair, University Park Neighborhood Association, Portland, Oregon. Supports SB 707. Makes further suggestions for wording changes.
111	Larry George	Executive Director, Oregonians in Action. Supports SB 707. States he has requested amendments and explains those amendments.
156	Sen. Leonard	Asks how the proposals would affect public versus private property.
160	George	Explains zoning and public versus private property.
172	Sen. Trow	States that George appears to be broadening the scope of the measure.
186	George	Comments on citizen involvement.
196	Sen. Trow	Would like to consider different versions of amendments in committee to compare the overall possible impacts.
205	Sen. Leonard	States he would like to see residents have more say about land use.
212	George	States SB 707 could benefit the entire state.
225	Dave Honeycutt	Staff Attorney, Oregonians in Action. Supports SB 707. Discusses the goal 5 overlay zones. Explains there would probably not be problems between the people and the state.
259	Seminora	Asks about an ordinance which could affect the Johnswood Park issue.
273	Sen. Leonard	Comments on amendments which could affect that issue.
280	Seminora	Asks if there is a window of change for the ordinance.
289	Sen. Bryant	States that it depends on the city charter.
295	Chair Miller	Closes public hearing on SB 707 and opens work session on SB 539.
<u>SB 539 WORK SESSION</u>		
300	Chair Miller	Summarizes the effects of SB 539.
305	Sen. Trow	States he will oppose SB 539.
307	Sen. Leonard	States he would like SB 539 amended to repeal the corporate

		tax kicker.
310	Chair Miller	MOTION: Moves SB 539 to the floor with a DO PASS recommendation.
		VOTE: 3-2 AYE: 3 - Bryant, Derfler, Miller NAY: 2 - Leonard, Trow
	Chair Miller	The motion CARRIES. SEN. MILLER will lead discussion on the floor.
334	Chair Miller	Closes work session on SB 539 and adjourns meeting at 5:31 p.m.

Submitted By, Reviewed By,

Jennifer Peck, Jan Nordlund,

Administrative Support Administrator

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EXHIBIT SUMMARY

A - SB 680, written testimony, Ed Hughes, 2 pp

B - SB 680, written testimony, Fallie Calder, 1 p

C - SJM 2, submitted public letter, staff, 1 p

D - SB 138, confirmation chart, staff, 1 p

E - SB 707, written testimony, Ruth Spetter, 2 pp

F - SB 707, written testimony, Bob Rindy, 1 p
