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SENATE COMMITTEE ON RULES AND ELECTIONS

April 15, 1997 Hearing Room 343

3:00 PM Tapes 42 - 43

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:

Executive Appointment - Workers' Compensation Board

SJM 2 Work Session

SB 764 Public Hearing and Work Session

SJM 6 Public Hearing and Work Session

SB 708 Public Hearing

SB 707 Work Session

SB 784 Public Hearing

SB 1151 Public Hearing

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 |
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| TAPE 42, A | | |
| 002 | Chair Miller | Opens meeting at 3:09 p.m. and opens public hearing on Workers' Compensation Board. |
| <u>EXECUTIVE APPOINTMENT - WORKERS' COMPENSATION BOARD</u> | | |
| 019 | | Staff presents (EXHIBIT A). |
| 020 | Chair Miller | Explains previous committee action on this appointment. Closes public hearing and opens work session. |
| 026 | Sen. Leonard | MOTION: Moves the appointment of Maureen Bock to the Workers' Compensation Board to the floor with the recommendation that the appointment be confirmed. |
| | Chair Miller | Hearing no objection, declares the motion CARRIED. SEN. LEONARD will lead discussion on the floor. |
| 032 | Chair Miller | Closes executive appointment and opens work session on SJM 2. |
| <u>SJM 2 WORK SESSION</u> | | |
| 036 | | Staff submits proposed -1 amendments to SJM 2 offered by Sen. Fisher (EXHIBIT B). |
| 037 | Jan Nordlund | Committee Administrator. Explains the proposed -1 amendments. |

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| 042 | Sen. Leonard | MOTION: Moves to ADOPT SJM 2-1 amendments dated 4/8/97. |
| | Chair Miller | Hearing no objection, declares the motion CARRIED. |
| 045 | Sen. LEONARD: | MOTION: Moves SJM 2 be sent to the floor with a BE ADOPTED AS AMENDED recommendation. |
| | Chair Miller | Hearing no objection, declares the motion CARRIED. SEN. FISHER will lead discussion on the floor. |
| 052 | Chair Miller | Closes work session on SJM 2 and opens public hearing on SB 764. |
| <u>SB 764 PUBLIC HEARING</u> | | |
| 056 | Sen. Leonard | Comments that it is good to see labor and management come together. |
| 058 | Hasina Cassim | Tualatin Valley Fire and Rescue. Supports SB 764. Discusses ORS 242.824. |
| 091 | George Dunkel | Assistant Chief, Tualatin Valley Fire and Rescue. Supports SB 764. States current law is probably unconstitutional. |
| 099 | Tom Chamberlain | Oregon State Firefighters Council. Supports SB 764. States SB 764 allows firefighters employed by fire districts to be involved in the political process. |
| 104 | Sen. Leonard | Comments SB 764 only applies to certain firefighters. |
| 116 | Chair Miller | Closes public hearing on SB 764 and opens work session on SB 764. |
| <u>SB 764 WORK SESSION</u> | | |
| 117 | Sen. Leonard | MOTION: Moves SB 764 to the floor with a DO PASS recommendation. |
| | Chair Miller | Hearing no objection, declares the motion CARRIED. SEN. LEONARD will lead discussion on the floor. |
| 121 | Chair Miller | Closes work session on SB 764 and opens public hearing on SJM 6. |
| <u>SJM 6 PUBLIC HEARING</u> | | |
| 130 | Sen. Bill Fisher | Senate District 23. Supports SJM 6. Discusses Kenneth Ford and his charitable work. Discusses the good programs with which he helped. |

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| 181 | Sen. Fisher | Continues to describe Ford's goodwill and generosity. |
| 211 | Jennifer Webber | Douglas County. Supports SJM 6. States she did not know Ford personally but he has had a big impact in her community. |
| 231 | Chair Miller | Closes public hearing on SJM 6 and opens work session on SJM 6. |
| SJM 6 WORK SESSION | | |
| 233 | Sen. MILLER: | MOTION: Moves SJM 6 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. |
| 239 | Chair Miller | Closes work session on SJM 6 and opens public hearing on SB 708. |
| SB 708 PUBLIC HEARING | | |
| 240 | | Staff submits public written testimony submitted prior to meeting (EXHIBIT H). |
| 241 | Sen. Ted Ferrioli | District 28. Explains reasons for SB 708. |
| 291 | Sen. Ferrioli | Comments on agreements between federal and state agencies for conservation of species. |
| 318 | Sen. Derfler | Asks how ratifications would occur since legislature only meets every other year. |
| 321 | Sen. Ferrioli | Responds that the agreements typically take a long time to reach, so that probably would not be a problem. |
| 325 | Sen. Derfler | Asks if timing would be a problem. |
| 327 | | Discussion of the Oregon Plan. |
| 351 | Chair Miller | Asks if he would want to use the Senate confirmation process instead of using the entire assembly. |
| 356 | Sen. Ferrioli | States he would like to see a more involved process where people feel they get representation. |
| 373 | Sen. Trow | Asks how many agreements are made every year and if SB 708 is constitutional. |
| 387 | Sen. Ferrioli | States there are hundreds of agreements each year and the constitutional issue has not been addressed. |
| 399 | Sen. Trow | Asks if he would be happy with something less than ratification, such as review. |
| 409 | Sen. Ferrioli | States he would and comments on current checks and balances. |

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| 431 | Sen. Bryant | Comments on statutes and budgeting which are considered by the Governor's office. |
| TAPE 43, A | | |
| 004 | Sen. Bryant | Asks if he would want a process involving the legislature's involvement. |
| 011 | Sen. Ferrioli | States he thinks there should be a point at which the legislature is brought into the process. Comments on gambling and the lottery decisions. |
| 034 | Sen. Derfler | Comments on the Oregon Health Plan. |
| 043 | Sen. Ferrioli | Makes final comments on the agreements. |
| 060 | Pat O'Sullivan | Department of Administrative services. Speaks on behalf of many agencies. Gives example of Oregon Occupational Safety and Health Administration (OSHA). States that there could be problems with federal funding due to timing issues. |
| 128 | Sen. Derfler | Comments on federal OSHA fines which impact the states in various ways. |
| 132 | | Discussion of OSHA's impact on the state. |
| 148 | Sen. Trow | Asks about fiscal impact on the state. |
| 150 | | Discussion of communication to more people in a timely manner. |
| 170 | O'Sullivan | States more information should be available in the budget reports. |
| 174 | Chair Miller | Comments that we do have an E-Board, a Senate confirmation process and meetings where many rules may be approved. States SB 708 could attempt to get legislators into a greater position of authority. |
| 199 | Jim Neely | Deputy Administrator, Adult and Family Services Division, Department of Human Resources. Presents and reads testimony (EXHIBIT C) that is neutral to SB 708. Comments on the recent state plans which were mandated nation wide. |
| 221 | Jerry Fuller | Manager, Policy Unit, Office of Medical Assistance, Department of Human Resources. Presents testimony (EXHIBIT D) that is neutral to SB 708. States that waiting for ratification would make operation of the Oregon Health Plan more difficult. |
| 249 | Chair Miller | Asks what their reactions would be to meetings not less than every two months. |
| 264 | Neely | States that if they were allowed to have emergency meetings his concerns on that point would be met. |
| 269 | O'Sullivan | States that there still may be some inherent problems with SB 708. |

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| 280 | Sen. Derfler | States he would need to identify the problem and asks if SB 708 would help the government work better. |
| 292 | Chair Miller | Discusses how the process would work. |
| 303 | Roger Martin | Represents the Confederated Tribes of the Umatilla Indian Reservation. Opposes SB 708. Comments on the language of "the North American tribes" and states the tribes have lost a great deal over the past few hundred years. |
| 364 | Martin | Comments on revenue which has not been given to tribes. States this legislature has an opportunity to deal with issues concerning the tribes. |
| 405 | Don Charlton | Chief Financial Officer, Department of Human Resources. States there are 700 to 1,000 grant agreements per year. Comments on concerns for the magnitude of paperwork. |
| 452 | Elinor Hall | Health Division. Presents testimony (EXHIBIT E) that is neutral to SB 708. |
| TAPE 42, B | | |
| 002 | Hall | Explains how her department deals with grants and the E-Board. Comments that there have been frequent requests from the legislature for a wealth of information from her department. Urges committee consideration of Health and Human Service contracts. |
| 031 | Charlton | Comments that there is a broad base of grants. |
| 042 | Vice-Chair Derfler | Acting Chair. Closes public hearing on SB 708 and opens work session on SB 707. Recesses meeting for 1 minute. |
| <u>SB 707 WORK SESSION</u> | | |
| 054 | | Staff presents proposed -4 amendments offered by Sen. Wilde (EXHIBIT F). |
| 055 | Sen. Thomas Wilde | District 8. Explains the proposed -4 amendments and states it addresses the double majority. |
| 076 | Vice-Chair Derfler | Asks if land use laws could be changed without going to a vote of the people. |
| 078 | Sen. Wilde | States it would not need to go out to a vote if land remained a park. |
| 080 | Sen. Trow | Asks if this would be retroactive. |
| 083 | Sen. Wilde | States it would not be retroactive due to legal difficulties. |
| 090 | Phillip Fell | League of Oregon Cities. Opposes SB 707. Commends Sen. Wilde on his adjustments to SB 707. States that SB 707 proposes a lengthy delay from when a measure is filed to when the primary or general election would |

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| | | happen. |
| 110 | Vice-Chair Derfler | Comments on acquisition of parks. |
| 112 | Fell | Comments on land use designations. |
| 120 | Sen. Wilde | Explains the wording concerning housing development. |
| 130 | Sen. Trow | Asks about the metropolitan service districts and the amount of local governments and about changes in a park's status and where the votes would take place. |
| 134 | Sen. Wilde | Responds there are three counties and 24 cities and the voting areas would vary. |
| 144 | Fell | States this would seem to apply to any metropolitan service district. |
| 150 | Sen. Wilde | Agrees and explains the determination of where the elections would take place. |
| 158 | Vice-Chair Derfler | Closes work session on SB 707 and opens public hearing on SB 784. |
| SB 784 PUBLIC HEARING | | |
| 162 | Sen. Bob Kintigh | District 22. Explains the reasons for SB 784. Explains the problems which have arisen due to taxation without representation. |
| 193 | Vice-Chair Derfler | States SB 784 seems to affect only Eugene. Asks about districts which could have elected boards in the future. |
| 199 | Sen. Kintigh | States his belief that boards should be elected in the future. |
| 202 | Sen. Trow | Asks about transit districts with an elected board and voter-approved taxes. |
| 208 | Sen. Kintigh | Responds that issue is in his other bill, SB 702. |
| 210 | Nordlund | Explains the counties which would be included. |
| 213 | | Discussion of the areas which would be affected. |
| 224 | Roger Martin | Oregon Transit Association. Presents (EXHIBIT G) in opposition to SB 707. Comments on the transportation districts and the forms of transportation available. Comments on the exhibit. |
| 305 | Phyllis Loobey | General Manager, Lane Transit. Comments on payroll tax and gives history on the self-employment tax. Discusses the offset of taxes. |
| 360 | Loobey | Continues to discuss the two taxes. Estimates the costs which would be incurred by trying to service the entire county. States the transit board is very aware of the tax burden. Comments on the Chamber of Commerce and the status of the current transit system. |
| | | States the rate has remained quite consistent over the |

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| 415 | Loobey | years. Comments on ORS 267 and transit legal authority. |
| TAPE 43, B | | |
| 001 | Vice-Chair Derfler | Asks how many times the tax has been raised and lowered. |
| 005 | Loobey | Explains the rates have been raised and lowered five times and refers to the chart in (EXHIBIT G) . |
| 017 | Vice-Chair Derfler | Asks how she can justify taxation without representation. |
| 020 | Loobey | Responds that that authority was given through the legislature and that it has not been abused. |
| 044 | Sen. Leonard | Asks if the implementation of legislation affected the ability to tax up to six-tenths of one percent. |
| 054 | Martin | States it did and comments on taxing a limited variety of people, such as employers. |
| 063 | Vice-Chair Derfler | Asks how Salem ended up with an elected board. |
| 072 | Martin | Responds that former Senator L. B. Day had a part in that decision. |
| 085 | Vice-Chair Derfler | Closes public hearing on SB 784 and opens public hearing on SB 1151. |
| <u>SB 1151 PUBLIC HEARING</u> | | |
| 088 | | Staff submits proposed -1 amendments to SB 1151 offered by Sen. Wilde (EXHIBIT I) . |
| 089 | Sen. Thomas Wilde | District 8. Supports the -1 amendments. Explains the proposed -1 amendments. States the amendments address the issue of Metro not being able to take over Tri-Met. |
| 129 | Roger Martin | Oregon Transit Association. Opposes SB 1151. States he would prefer it if Metro could not have the option to take over Tri-Met. Comments on other cities' transportation systems, very few of which have elected boards. |
| 181 | Sen. Leonard | States he agrees with Martin, and states Tri-Met is efficient and has high ridership. |
| 195 | Sen. Trow | Comments on problems Tri-Met had in the past, which are better now. |
| 199 | Vice-Chair Derfler | Closes public hearing on SB 1151 and adjourns meeting at 4:50 p.m. |

Submitted By, Reviewed By,

Jennifer Peck, Jan Nordlund,

Administrative Support Administrator

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EXHIBIT SUMMARY

A - Executive appointment of Maureen Bock, staff, 15 pp

B - SJM 2, proposed -1 amendments, Sen. Fisher, 2 pp

C - SB 708, written testimony, Jim Neely, 1 p

D - SB 708, written testimony, Jerry Fuller, 2 pp

E - SB 708, written testimony, Elinor Hall, 2 pp

F - SB 707, proposed -4 amendments, Sen. Wilde, 1 p

G - SB 784, written testimony and charts, Roger Martin, 5 pp

H - SB 708, public written testimony submitted prior to meeting, staff, 2 pp

I - SB 1151, proposed -1 amendments, Sen. Wilde, 1 p
