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SENATE COMMITTEE ON RULES AND ELECTIONS

May 1, 1997 Hearing Room 343

3:00 PM Tapes 52 - 53

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:

HCR 6 Public Hearing and Work Session

SCR 5 Public Hearing and Work Session

SB 702 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
TAPE 52, A		
003	Chair Miller	Opens meeting at 3:10 p.m. and opens public hearing on HCR 6.
<u>HCR 6</u> <u>PUBLIC</u> <u>HEARING</u>		
008	Sen. Shirley Stull	Senate District 17. Supports HCR 6. Explains her personal background and describes the importance of patriotism. States the American flag is the most symbolic item for the United States of America.
066	Sen. Stull	Reads a section from HCR 6 and reads from an article concerning the U.S. flag.
111	Sen. Stull	Comments on the armed forces defending their country.
127	Sen. Trow	Comments on current laws.
145	Sen. Stull	Explains court decisions rendered some of the flag laws invalid. States this is an issue of conduct, not free speech.
170	Grover Simmons	Oregon State Elks Association. Supports HCR 6. States this is an issue which the Elks Association works on nationwide. Reads a letter from Mark Hatfield.
224	Don Stephens	Chairman, Government Relations Committee, Oregon State Elks Association, Oregon. Supports HCR 6. Explains that to many the flag is not simply a symbol from the textile industry.
247	Jesus Montes	Elks Lodge 2472. Supports HCR 6. States the flag represents any military personnel.
264	Sen. Leonard	Asks about the definition of "desecration of the flag."
274	Stephens	Explains his views on what could be considered desecration of the flag.
290	Sen. Leonard	States that the armed forces defended the country, not the flag.
303		Discussion of the perception of the flag.
320	David Fidanque	Executive Director, American Civil Liberties Union of Oregon. Opposes HCR 6. States this debate is not about flag burning.
370	Fidanque	Reads excerpts from the Congressional record which emphasize the First Amendment.
420	Fidanque	Explains that the First Amendment has not changed through all of the national and international conflicts of the United States.
TAPE 53, A		
002	Sen. Stull	Refers to Sen. Leonard's questions. Comments on defining

		"desecration."
044	Sen. Leonard	Explains the questions which he asked. Comments on symbols as compared to what they symbolize.
066	Chair Miller	Asks about amendments to the U.S. Constitution on the issue of Equal Rights Amendments.
075	Sen. Stull	Responds.
085	Sen. Leonard	Comments on the system of government.
094	Ed Hughes	Oregon's Veterans. Supports HCR 6. Describes a Westpoint chapel where flags are displayed. Explains there is a ceremony for the burning of worn-out flags.
135	Sen. Trow	States the flag is a symbol for something greater.
146	Hughes	Defines the term "desecration."
154		Discussion of the significance of the flag.
162	Chair Miller	Closes public hearing on HCR 6 and opens work session on HCR 6.
<u>HCR 6 WORK SESSION</u>		
164	Chair MILLER:	MOTION: Moves HCR 6 be sent to the floor with a BE ADOPTED recommendation.
		VOTE: 3-2 AYE: 3 - Bryant, Derfler, Miller NAY: 2 - Leonard, Trow
	Chair Miller	The motion CARRIES. SEN. STULL will lead discussion on the floor.
174	Chair Miller	Closes work session on HCR 6 and opens public hearing on SCR 5.
<u>SCR 5 PUBLIC HEARING</u>		
176	Sen. Shirley Stull	Senate District 17. Supports SCR 5. Comments on the national debt for the future generations.
200	Sen. Bryant	Asks to which money Sen. Stull is referring.
202	Sen. Stull	States there is money which gets returned to the federal government.
216	Sen. Bryant	Cites an example of what the effects would be.
225	Chair Miller	Closes public hearing on SCR 5 and opens work session on SCR 5.
<u>SCR 5 WORK SESSION</u>		

230	Chair MILLER:	MOTION: Moves SCR 5 be sent to the floor with a BE ADOPTED recommendation.
	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. STULL will lead discussion on the floor.
246	Chair Miller	Closes work session on SCR 5 and opens public hearing on SB 702. Recesses meeting for one minute.
SB 702 PUBLIC HEARING		
253		Staff presents a public letter received prior to the meeting (EXHIBIT A).
254	Sen. Bill Dwyer	Senate District 21. Supports SB 702. Explains SB 702.
312	Sen. Bob Kintigh	Senate District 22. Presents and reads testimony in support of SB 702 (EXHIBIT B). Comments on taxation without representation.
379	Sen. Bryant	Asks why the board was originally set up as it is now.
388	Sen. Dwyer	Explains that the transit board does not have rules to follow and are insulated as they make public or tax policy.
446	Sen. Bryant	Asks if there are any other transit districts which have appointed boards.
452	Sen. Dwyer	States Tri-Met is the only one.
455		Discussion of elected boards.
TAPE 52, B		
008	Sen. Bryant	Asks if this is an identical bill to one which was passed before.
009	Sen. Dwyer	States it is.
010	Sen. Derfler	Comments on Salem's elected board. States the businesses should have input since they have money involved in the process.
019	Sen. Kintigh	Comments on limits of the Lane Transit District (LTD).
028	Sen. Dwyer	Comments on the business tax.
038	Jack Roberts	Former, Lane County Commissioner. Opposes SB 702. States he understands the theory of taxation without representation, but states that despite full representation people seem to think the taxation is excessive. Comments on public concerns around transportation.
085	Roberts	States there is a strong interest in keeping the system the way it is.
107	Sen. Derfler	Comments on his service on the Salem transit board.
110	Gary Conkling	Presents testimony in support of SB 702 (EXHIBIT E). Describes the testimony Suzanne and George Cole will present. States the goal is to restore the rights of citizens.

142	Suzanne Cole	Eugene, Oregon. Presents and reads testimony in support of SB 702 (EXHIBIT C). Explains her experiences with family-owned land being condemned by the transit system.
190	Suzanne Cole	States most people are amazed at the actions LTD has taken against her property.
240	Suzanne Cole	Comments on the lack of checks and balances in this system.
254	Sen. Bryant	Comments on the ability of any public body to condemn.
260		Discussion of the condemnation process.
268	Conkling	States there is no other recourse for this family.
278	Sen. Bryant	Comments on LTD's possible violation of the public meeting law.
281	Conkling	States that the process has not been appropriate.
296	Sen. Bryant	Asks if an appraiser has been chosen to value the property.
300	Suzanne Cole	States the process is being drawn out since there has been opposition to the process.
319	Sen. Bryant	States this is similar to an Oregon Department of Transportation (ODOT) process.
325		Discussion of legalities used by the transit district.
344	Sen. Derfler	Asks about the condemnation process.
347	Sen. Bryant	Explains the condemnation process.
355		Discussion of the process.
378	Sen. Bryant	States ODOT probably condemns more property than all other government bodies in Oregon combined.
402	George Cole	Eugene, Oregon. Presents and reads testimony in support of SB 702 (EXHIBIT D). Comments on LTD targeting his family's property for condemnation.
TAPE 53, B		
001	George Cole	States the public wants an elected board to administer their funds.
020	Pat Hocken	President, LTD, Board of Directors and Certified Public Accountant, Eugene, Oregon. Opposes SB 702. Gives history on LTD taxes. Comments on the issue of control the elected body has over the appointed board members.
070	Hocken	Explains agreements which the transit district must have with the citizens. Comments on the three jurisdictions in the area. States where the Cole family is in this process.
095	Sen. Trow	Asks Hocken to comment on the Cole's situation.
099	Hocken	Responds that she is surprised by many points of their testimony.
107	Roger Saydack	LTD board member and part owner of a law firm. Opposes SB 702. States that LTD must follow guidelines and the Coles will be given plenty of opportunities to be heard.

118	Hocken	Describes the district in general. Explains LTD's roles in the community.
157	Chair Miller	Asks who voted for the students to get bus passes.
165	Hocken	States the vote was by the student body. States the student participation saved the community money by eliminating the need to build parking structures.
173	Chair Miller	Asks if the LTD could survive without tax support.
175	Hocken	States they could not. Explains there are basic social services which LTD provides for the elderly and handicapped.
188	Chair Miller	Asks how much the fare is compared to the total cost of the ride.
190	Hocken	States the fare covers 20% of the total cost of the ride.
192	Sen. Derfler	Comments that in Salem the fares pay for about 17% of the costs and it appears LTD's fares are probably a higher percentage of cost than the national average.
200	Saydack	States the LTD is one of the best transit districts in the United States. Comments on the administration and how the members are appointed. States if members are elected, they should be elected by the business owners which pay the taxes.
250	Saydack	States the benefits of having appointed board members.
279	Roger Martin	Executive Director, Oregon Transit Association. Opposes SB 702. Reiterates LTD is one of the best run transit districts in the United States. Explains various models were considered for how to set up the transit districts and transportation districts.
334	Martin	Explains discussions concerning SB 702.
402	Chair Miller	Closes public hearing on SB 702 and adjourns the meeting at 5:07 p.m.

Submitted By, Reviewed By,

Jennifer Peck, Jan Nordlund,

Administrative Support Administrator

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EXHIBIT SUMMARY

A - SB 702, public letter submitted prior to meeting, staff, 1 p

B - SB 702, written testimony and news article, Sen. Bob Kintigh, 2 pp

C - SB 702, written testimony, Suzanne Cole, 2 pp

D - SB 702, written testimony and news article, George Cole, 3 pp

E - SB 702, chart, Gary Conkling, 1 p
