

HOUSE COMMITTEE ON
LEGISLATIVE RULES

January 26, 1995 Hearing Room D
4:00 p.m. Tapes 5- ?

MEMBERS PRESENT:

Rep. Ray Baum, Chair
Rep. Lee Beyer, Vice-Chair
Rep. Tony Corcoran
Rep. Peter Courtney
Rep. Lynn Lundquist
Rep. Bill Markham
Rep. Patti Milne
Rep. Lonnie Roberts
Rep. John Watt

MEMBER EXCUSED:

STAFF PRESENT:

Katherine Epley, Committee Administrator
Gretchen Haber, Committee Assistant

MEASURES HEARD:

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE 5- A

003 CHAIR called the meeting to order at 4:07.

004 Opens work session on HJR 15.

008 CHAIR: refers to HJR 15-1 amendments into 15 and replace its contents entirely with the language in the 15-1 amendment.

019 COURTNEY: MOVES TO ADOPT. HEARING NO OBJ. AMENDMENT IS ADOPTED

025 MARKHAM: requests clarification on terms "or" and "and" and the use in context of the amendments. Discussion.

034 BEYER: moves to replace the "in Oregon" language from line 23, page 1

of 15-1, to line 24.

036 HEARING NO OBJECTION, THE MOTION CARRIES.

045 CORCORAN: comments on language used.

048 COURTNEY: "or" allows for more flexibility.

056 ROBERTS: I read it the exact reverse. Discussion.

063 WENDY ROBINSION, Asst. Atty. General. Clarifies use of the terms "and" and "or" in legal terms.

069 ROBERTS: so then, we have the flexibility of choice.

074 MARKHAM: comments.

082 COURTNEY moves the vote on HJR 15.

all members vote "aye". MOTION CARRIES.

114 Opens public hearing on HB 2491.

150 Bill Scott, Director, OR Econ. Dev. Dept. Suggests placing "services" or "financial assistance" consistently. on line 29 of the bill, lines.

189 ROBERTS: shouldn't the language be consistent throughout?

193 ROBERTS: asks Robinson if she is in agreement with Scott. She answers "yes."

195 COURTNEY: This is on lines 29, 2, and 4.

201 CHAIR: refers the committee to page two of the bill. Clarifies suggested amendment with Scott.

204 SCOTT: Same change on page 2: "services or financial assistance to business or industry associations."

210 CHAIR: So it'll just take out ans services and put in services or in front of financial assistance. And then C is probablyok.

223 SCOTT: It's important to place "services" first, to make clear that the adjective "financial"doesn't modify "services.

217 Opens work session on HB 2491.

222 ROBERTS: moves the following amendments: Line four, page two would also be amended. Page 1, line 29 Page 2 line 2, to reverse the order again "services or financial assistance..." line 12, page 2 "services or financial assistance for infrastructure as defined by ORS...and.."

220 CHAIR: the motion is to amend Page 1, Line 29 to read : "services or financial assistance for profit"

241 HEARING NO OBJECTION, THE MOTION IS ADOPTED.

245 SCOTT: Line four of page two: suggests adding "facilities, physical

environments, or" by inserting that phrase after the word "for".

255 COURTNEY: asks for the intent of the amendment.

258 CHAIR: clarifies: prisons, water screens, and other such things, and defers to Scott.

262 SCOTT: we don't recommend against these ideas, but do want to recommend items which are not necessarily infrastructure. Perhaps industrial buildings or tourist facilities could be included under this general term "physical environments."

273 COURTNEY: requests Robinson to the witness table.

280 ROBINSON: yes, it would be broad enough to include prisons.

289 ROBERTS: that would be sufficiently broad.

294 WATT: rather than work through the definitions, why not state a general provision allowing for anything the legislature determines?

306 COURTNEY: we can be very general, which allows the courts to then interpret as they see fit, or to be specific, which again allows for legal interpretations.

318 ROBERTS: this bill is going to the approval to the voters. The language needs to be clear, and if it is too broad, it may not be perceived appropriately.

337 WATT: I did not state support for a broad general statement; I merely asked if that was possible.

347 SCOTT: suggests further amendment: "services or financial assistance. for facilities, physical environments, or infrastructure projects that benefit Oregon's economy; or " There should be "or" after "environments"

(Page 2 Line 4, Paragraph C) Delete the phrase "as defined by ORS.

368 BEYERS moves the adoption of the amendment.

382 MARKHAM: who drafted this bill? Where did the term "physical environment" originate

393 STEVE MARKS, Governor's policy advisor

Tape 6-A

006 MARKS: the intent of the term "physical environment" was to be as limited as possible. The governor requested to fund the items the legislature continually funded, but also specify a particular category.

019 MARKHAM: would that include planting trees?

023 LUNDQUIST:

025 ROBINSON: physical environment is a very general term.

029 ROBERTS:

035 CHAIR: requested a brief recess.

005 CHAIR: members return.

007 ROBERTS: arer there additions to these amendments?

012 SCOTT: yes, there are additions. Next amendment would be to , on Line 6, Page 2, add a period and strike the final paragraph. It would be include this here and leave it out elsewhere.

027 BEYER: moves the amendment as stated.

030 ROBERTS: requests that these changes be submitted in writing.

041 WATT: asks for clarification from Chair Baum.

047 COURTNEY: asks for clarification from Chair Baum. When lottery dollars were earmarked for gambling addiction, that was struck down from the courts.

061 ROBINSON: treating gambling addiction is not an administrative cost of the lottery. Explains court decision.

067 COURTNEY: by making this amendmend, will we have similar difficulties?

070 ROBINSON: does not think so.

074 ROBERTS: am concerned about the

078 HEARING NO OBJECTIONS, MOTION CARRIES

081 SCOTT: delete "and" and insert "or"

083 CHAIR: would there be similar amendments elsewhere?

089 SCOTT: "expand or protect businesses;or" is how it would read

091 ROBINSON: as long as there is an and

100 CORCORAN: clarifies amendment.

104 MARKHAM: requests clarification from Robinson.

109 ROBINSON: By placing an "or" in a string of statements, it will apply to the entire string of statements, legally.

119 CHAIR: motion to adopt amendment as above.

120 ROBERTS MOVED. HEARING NO OBJECTIONS, MOTION CARRIES

129 BEYER: suggests

140 CHAIR: by adding Beyer's amendments, it is inclusive of any item, even those items outside of education

152 ROBINSON:

155 CHAIR: CLARIFIES

159 Motion to amend to be inclusive of student lobby, on line 27, add words
"financial assistance to Oregon students" and remove "or" from line 26

182 HARING NO OBJECTIONS, MOTION CARRIES.

185 ROBERTS: if reprint of changes is not correct, we may need to discuss
again. Chair Baum supports

194 CORCORAN; spoke with Dick Reiten and clarified the purpose of
definitions of terms "economic development

203 COURTNEY: moves the adoption of JB 2491 as amended.

216 MOTION PASSES, UNANIMOUS

222 CHAIR: regarding May 16, 1995: suggests the deletion of May 25, 1995.

240 ROBERTS: moves the adoption of the above election date.

242 ROBINSON: line 11 needs to be amended; line 10 is fine as written.

250 ROBERTS: withdraws previous motion, Moves to adopt as amended by
Robinson

258 CHAIR: clarifies use of "or" Who makes the decision as to the date of
the election? Language on line 10.

273 hearing no objections, motion carries

280 COURTNEY; moves to change line #21 to #15.

286 hearing no objections, motion carries

291 SEXTON: suggests a new motion

319 CHAIR adjourns meeting at 5:07 p.m.

