

HOUSE COMMITTEE ON
LEGISLATIVE RULES

May 26, 1995 Hearing Room 50
7:30 a.m. Tapes 92-93

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

STAFF PRESENT:

Aaron Felton, Committee Administrator
Cynthia Charrey, Committee Assistant

MEASURES HEARD:

SB 1128 - Work Session
SB 1121 - Work Session
SB 696 - Work Session
SB 475 - Work Session
SB 49 - Work Session
HB 2892 - Public hearing

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 92 , Side A

003 CHAIR BAUM: Calls meeting to order at 7:35 a.m.

005 CHAIR BAUM: SB 467 will be brought back at a later date for reconsideration.

WORK SESSION ON SB 1128

Witnesses: Lindsay Ball, Captain, Oregon State Police

025 AARON FELTON, COMMITTEE ADMINISTRATOR: Explains the purpose of the -A4 conflict amendments.

031 REP. LUNDQUIST: To question new bail structures.

038 LINDSAY BALL, OREGON STATE POLICE: Testifies in support of the -A4 amendment.

067 BALL: Continues to explain the bail structures under the -A4 amendment.

076 REP. LUNDQUIST: Can District Attorney's could charge a higher amount, and yet keep the bail amounts down on the bill?

080 BALL: Raise the maximum amount of the fine, so that the Judge and District Attorney have more latitude in sentencing.

103 REP. WATT: We're adding a section 1A which is exactly the same as Section 1. Why?

110 BALL: To make SB 853 and SB 1128 identical under 1.520.

143 CHAIR BAUM: Requests that Rep. Lundquist make a motion to reconsider SB 1128.

148 MOTION: REP. LUNDQUIST: Moves to ADOPT the A-4 amendments to SB 1128.

157 VOTE: CHAIR BAUM: Hearing no objections the motion passes.

165 MOTION: REP. WATT: Moves that SB 1128, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, Reps. Corcoran, Lundquist, Markham, Milne, Roberts, Watt, and Baum vote AYE. Reps. Courtney and Beyer vote NAY. All members are present.

CHAIR BAUM: The motion CARRIES.

REP. Lundquist will lead discussion on the Floor.

CLOSES WORK SESSION ON SB 1128

OPENS PUBLIC HEARING AND WORK SESSION ON SB 1121

221 MOTION: REP. CORCORAN: Moves SB 1121A to be sent to the Floor with a DO PASS recommendation.

240 Committee discussion on SB 1121 and the proposed fines and penalties for the desecration of archaeological sites.

270 The committee continues discussing the various elements of the bill with concerns about the level of fines.

295 REP. MILNE: Is this the same bill we passed last session but with stronger fine?

301 REP. ROBERTS: The Committee did address this issue last session, however this bill has differences.

334 REP. WATT: Questions the bail levels on the bill.

360 VOTE: In a roll call vote, all members present vote AYE. The motion CARRIES. All members are present.

365 Rep. Courtney will lead the discussion on the floor.

OPENS PUBLIC HEARING ON SB 814.

372 The committee lacks the necessary amendments for discussion.

CLOSES PUBLIC HEARING ON SB 814.

OPEN PUBLIC HEARING ON SB 696

Witnesses: Randall Edwards, Oregon State Treasury
Jim Craven, Oregon Council, American Electronics Association
Tape 93, Side A

036 RANDALL EDWARDS, OREGON STATE TREASURY. Testifies in support of SB 696-B (EXHIBITS A and D).

065 REP. BEYER: Does the treasury need the authority to set up fund to make these investments?

070 EDWARDS: It would be very helpful.

104 REP. WATT: This bill is about accountability. I don't see why, when someone has the expertise they have to come before this committee and ask permission to do what they should be doing all along.

126 REP. CORCORAN: How did the 10% investment in Oregon from the Education Endowment Fund develop?

130 EDWARDS: Trade and Economic Development added the Oregon investment to the bill.

136 REP. COURTNEY: Explains his support of the bill.

160 REP. BEYER: It contains confusing language with various uncertainties throughout the bill.

171 REP. ROBERTS: Requests clarification on who the Investment Council is?

178 EDWARDS: Explains Investment Council.

250 JIM CRAVEN, OREGON COUNCIL, AMERICAN ELECTRONICS ASSOCIATION: Testifies
in support of SB 696 B.

261 REP. ROBERTS: You support the B Engrossed. Were you involved in the
amendment process?

267 EDWARDS: Yes.

291 CLOSSES PUBLIC HEARING ON SB 696B

OPENS WORK SESSION ON SB 696B

299 MOTION: REP. ROBERTS: Move SB 696B be sent to the Floor with a DO PASS
recommendation.

VOTE: In a roll call vote, all members present vote AYE. The motion
CARRIES. All members are present.

REP. BEYER will lead discussion on the Floor.

CLOSE WORK SESSION on SB 696B

OPEN PUBLIC HEARING ON SB 979

332 CHAIR BAUM: Will be held over until this afternoon.

CLOSSES PUBLIC HEARING ON SB 979

OPENS PUBLIC HEARING ON SB 475

381 CHAIR BAUM: Anyone here for discussion on SB 475?

CLOSSES PUBLIC HEARING ON SB 475

OPENS WORK SESSION ON SB 475

400 MOTION: REP. BEYER: Move that SB 475 be sent to the Floor with a DO
PASS Recommendation.

VOTE: In a roll call vote, all members present vote AYE. The motion
CARRIES. All members are present.

REP. ROBERTS will lead discussion on the Floor.

CLOSSES WORK SESSION ON SB 475

OPEN PUBLIC HEARING ON SB 49

Witnesses: Carolyn Young, Department of Environmental Quality (DEQ)
Patricia Sullivan, Department of Administrative Services (DAS)
Diana Godwin, representing Steve Wirt of Roseburg

Tape 92, Side B

035 CAROLYN YOUNG, DEQ: Testifies in support of SB 49.

055 PATRICIA SULLIVAN, DAS: Testifies in support of SB 49.

062 REP. ROBERTS: Did anyone oppose the bill?

064 SULLIVAN: No.

067 DIANA GODWIN, REPRESENTING STEVE WIRT: speaks in support of SB 49.

103 REP. ROBERTS: Who sets the general standards to qualify for sanitation?

110 GODWIN: That is set out in statutes. The new section of bill also
specifies qualifications for who qualifies for certification..

118 REP. WATT: Mentions an amendment to the bill that would put all of the
health related licensing boards under the Health Department.

130 MOTION: REP BEYER: Move SB 49 be sent to the Floor with a DO PASS
recommendation.

132 VOTE: In a roll call vote, all members present vote AYE. The motion
CARRIES. All members present.

REP. MARKHAM will lead discussion on the Floor.

closes work session on SB 49

OPENS PUBLIC HEARING ON HB 2892

Witnesses: Representative John Meek, District 5

163 REP. JOHN MEEK: Testifies in support of HB 2892 and the -A28 amendment
(Exhibits B, C, E).

215 REP. ROBERTS: Someone can't start out at a charter school?

219 REP. MEEK: Kindergarten or 1st grade is not included. A 3rd grader
from a private school would not be eligible for funding because they were
not a member of a public school.

231 REP. ROBERTS: Are we talking about tax dollars supporting a non-public
school?

235 REP. MEEK: Responds to Rep Robert's question.

251 REP. LUNDQUIST: The resident pupil; they can go to a charter school but
they must be enrolled the school 90 days before the funding can be given
the charter school.

253 REP. MEEK: Yes, since both charter and public schools are public.

270 REP. MEEK: Continues testimony on HB 2892.

304 REP. ROBERTS: Don't you have to be within the school district?

320 REP. MEEK: Responds to the question from Rep. Roberts.

355 REP. CORCORAN: Can charter schools teach religion in school?

360 REP. MEEK: Yes, just the same as any public school is allowed to.

Tape 93, Side B

003 REP. MEEK: Testimony continues on HB 2892.

014 REP. CORCORAN: My concern is that a charter school can be created that
does not represent the surrounding demographics of the area.

018 REP. MEEK: I'm not sure that I can relieve your fears of that.

CLOSES PUBLIC HEARING ON HB 2892

026 chair Baum: Recesses the committee until 1:00 p.m.

EXHIBIT SUMMARY:

A- Testimony on SB 696- Randall Edwards- 6 pages
B- Amendments on HB 2892- Rep. Meek- 5 pages
C- Amendments on HB 2892- Rep. Meek- 8 pages
D- Testimony on SB 696- Randall Edwards- 1 page
E- Amendments on HB 2892- Rep. Meek- 13 pages

HOUSE COMMITTEE ON
LEGISLATIVE RULES

Hearing Room
Tapes -95

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

STAFF PRESENT:

Aaron Felton, Committee Counsel
Sarah Watson, Committee Assistant

MEASURES HEARD:

SB 462 Public Hearing and Work Session
Introduction of Committee Bill
SB 567 Public Hearing and Work Session
SB 568 Public Hearing and Work Session
SB 644 Public Hearing and Work Session
SB 683 Work Session
SB 467 Work Session
HB 3466 Work Session

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statements made during this session. Only text enclosed in quotation marks

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please refer to the tapes.

TAPE , SIDE A

004 Chair Baum: Calls the meeting to order at 1:45 p.m.

PUBLIC HEARING ON SB 462

Witnesses: Senator Ron Cease, District 10

013 SEN. RON CEASE, DISTRICT 10: Testifies in submits written testimony in
support of SB 462 (EXHIBITS A,B,C & D).

061 WORK SESSION ON SB 462

MOTION: REP. WATT: Move to ADOPT the SB 462 B6 amendments.

VOTE: CHAIR BAUM: Hearing no objection, the amendments are ADOPTED.

MOTION: REP. WATT: Move that SB 462, AS AMENDED, be sent to the Floor
with a DO PASS recommendation.

099 VOTE: In a roll call vote, all members present vote AYE. The motion
CARRIES. REPS. CORCORAN and ROBERTS are EXCUSED.

REPS. NAITO and OAKLEY will lead discussion on the Floor.

CLOSE WORK SESSION ON SB 462

OPEN WORK SESSION ON COMMITTEE BILL

110 MOTION: REP. WATT: Moves to introduce HCR18 as a committee bill.

VOTE: CHAIR BAUM: Hearing no objections, the motion CARRIES.

CLOSES WORK SESSION ON COMMITTEE BILL

OPENS PUBLIC HEARING ON SB 567

Witnesses: Scott Gallant, Oregon Medical Association

131 SCOTT GALLANT, OREGON MEDICAL ASSOCIATION: Testifies in support of SB 567.

CLOSES WORK SESSION ON SB 567

OPENS WORK SESSION ON SB 567

145 MOTION: REP. LUNDQUIST: Moves that SB 567 be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. The motion CARRIES. REPS. CORCORAN and ROBERTS are EXCUSED.

REP. MONTGOMERY will lead the discussion on the Floor.

CLOSES WORK SESSION ON SB 567

OPENS PUBLIC HEARING ON SB 568

Witnesses: John Chandler, Portland Home Builders Association

164 JOHN CHANDLER, PORTLAND HOME BUILDERS ASSOCIATION: Testifies in support of SB 568.

CLOSES PUBLIC HEARING ON SB 568

OPENS WORK SESSION ON SB 568

MOTION: REP. BEYER: Move to adopt the SB 956-A10 amendments.

VOTE: CHAIR BAUM: Hearing no objection, the amendments are ADOPTED.

MOTION: REP. MARKHAM: Moves that SB 956, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, REPS. COURTNEY, LUNDQUIST, MARKHAM, MILNE, WATT, BEYERS and BAUM vote AYE. REP. ROBERTS votes NAY. The motion CARRIES. REP. CORCORAN is EXCUSED.

210 REP. LEWIS will lead discussion on the Floor.

PUBLIC HEARING ON SB 644

Witnesses: Colleen Sealock, Secretary of State's office

221 COLLEEN SEALOCK, ELECTIONS DIRECTOR: Testifies in support of SB 644 (EXHIBIT E).

REP. Roberts: Is there some kind of fiscal impact?

SEALOCK: This has a minimal impact on the State. There will be more impact on the counties.

REP. Roberts: It could add up to a fair amount of money.

247 REP. LUNDQUIST: Could someone explain the -A2 amendments?

REP. Watt: There should be a fiscal impact to the Secretary of State's Office.

266 SEALOCK: It would be a very minimal one.

276 REP. COURTNEY: With the new campaign reform laws, \$2,000 would be a campaign, and there will be no way of knowing from where it came.

CLOSE OPEN HEARING ON SB 644

OPEN WORK SESSION ON SB 644

MOTION: REP. WATT: Moves to ADOPT the SB 644A2 amendments.

VOTE: CHAIR BAUM: Hearing no objection, the amendments are ADOPTED. REP. CORCORAN is EXCUSED.

MOTION: REP. WATT: Moves that SB 644, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, REPS. LUNDQUIST, MARKHAM, MILNE, ROBERTS, WATT, BEYER, and BAUM vote AYE. REP. COURTNEY vote NAY. REP. CORCORAN is EXCUSED.

REP. ROBERTS will lead discussion on the Floor.

WORK SESSION ON SB 683

Witnesses: Linc Cannon, Oregon Forest Industries Council
Kevin Birch, Department of Forestry
Mike Evans, Concerned Citizen

364 LINC CANNON, OFIC: Testifies in support of the -4 amendments to SB 683 (EXHIBIT F).

396 Cannon: Discusses conceptual amendment.

401 REP. roberts: The parcel size is eighty acres, am I correct?.

Cannon: Yes, that is correct.

chair Baum: What is the impact of that change on the rest of the bill?

Cannon: It preclude someone with less than eighty acres from dividing the parcel.

TAPE 95, SIDE A

020 Kevin bIRCH, Department of Forestry: Testifies in support of the -4 amendments.

026 Mike Evans, concerned citizen: Testifies in support of the -4 amendments.

rep. Roberts: What about the language change on page 2?

030 Cannon: That is from the work copy of what we discussed yesterday.

rep. Roberts: Discusses problems with size of acreage.

034 Cannon: We prefer 35 acres. However, it has been suggested that 40 acres is more common.

REP. Roberts: Where is 35 at on the -A4 amendments?

Cannon: On page 2, line 28.

MOTION: CHAIR BAUM: Moves to amend SB 683 through the deletion on the -A2 and the -A3 amendments.

VOTE: CHAIR BAUM: Hearing no objection, the Amendments are ADOPTED.

MOTION: REP. MARKHAM: Moves to ADOPT the SB 683-A4 amendments.

VOTE: CHAIR BAUM: Hearing no objection, the Amendments are ADOPTED.

MOTION: REP. WATT: Moves that SB 683, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. The motion carries. All members are present.

CHAIR BAUM will lead discussion on the Floor.

CLOSE WORK SESSION ON SB 683

OPENS WORK SESSION ON SB 467

Witnesses: Roger Bassett, Governors Board
Norma Paulus, Superintendent of Public Instruction
Rep. Liz VanLeeuwen, District 37
Rep. Larry Sowa, District 26
Greg McMurdo, Department of Education
Rep. Chuck Carpenter, District 7
Ralph Fisher, Concerned Citizen

MOTION: CHAIR BAUM: Move to RECONSIDER the vote by which we sent SB 467 to the Floor.

VOTE: CHAIR BAUM: Hearing no objection the motion carries.

MOTION: REP BEYER: Moves to ADOPT the SB 467 -A16 amendments.

118 REP. Roberts: Yesterday is null and void. Do we need Markham back in here?

138 REP. Milne: To clarify where we are, are the -B28 amendments in place?

140 CHAIR BAUM: This is the same way it went out without any amendments. The -28s got kicked out.

VOTE: In a roll call vote, REPS. CORCORAN, COURTNEY, ROBERTS, and BEYER vote AYE. REPS. LUNDQUIST, MARKHAM, MILNE, WATT and BAUM vote NAY. The motion FAILS. All members are present.

MOTION: REP. MILNE: Moves to ADOPT the SB 467-A32 amendments.

196 ROGER BASSETT, GOVERNORS BOARD: Testifies in support of the -32 amendments (EXHIBIT G).

204 CHAIR BAUM: What does the substitute for section 2 do?

208 Basset: The substitute provides a process that enables the Superintendent to establish the criteria. It does not put the criteria into the statute.

220 CHAIR BAUM: What is the Governor's office's position on those amendments?

226 Basset: The Governor's Office supports the amendments.

228 CHAIR BAUM: What about the Superintendent?

230 Norma Paulus, SUPERINTENDENT OF PUBLIC INSTRUCTION: Discusses -32 amendments. I would like to be able to leave this room today and agree with you so that no more lobbying will be necessary. I am willing to accept the political responsibility and the political mayhem it will create. I want to go on the record as to how great the problem will be logistically.

249 REP. LIZ VANLEEUEWEN, District : Discusses -32 amendments. It does have the Sowa amendment and the 12 miles in it.

280 CHAIR Baum: These amendments have the Sowa amendments that we just failed.

REP. VANLEEUEWEN: Then you will just have to strike out that language in the bill.

291 REPRESENTATIVE LARRY SOWA, DISTRICT 26 : I don't choose to have my amendments in the bill.

300 REP. ROBERTS: Are section 5 and the -32 amendments the same as the original -16 amendments.

MOTION: REP. ROBERTS: Moves to AMEND SB 467 -A32 amendments through the deletion section 5 of page 3.

311 VOTE: CHAIR BAUM: Hearing no objection, the amendment is ADOPTED.

314 PAULUS: I will continue to resist the 12 mile rule. The 15 mile rule is better from my office's standpoint.

323 REP. ROBERTS: How long does it take to crunch the numbers.

328 GREG McMURDO, DEPARTMENT OF EDUCATION: Not enough time before you go home.

332 REP. ROBERTS: Can we make an and/or where it will go to 15 instead of the 12 mile per the Superintendent's decision.

REP. LUNDQUIST: I think we need to look at the 15 mile part.

MCMURDO: The 12 is as arbitrary as 20. There is nothing in the statutes.

VOTE: In a roll call vote, REPS. LUNDQUIST, MARKHAM, MILNE and BAUM vote AYE. REPS. CORCORAN, COURTNEY, ROBERTS and BEYER vote NAY. The motion FAILS. REP. WATT is EXCUSED.

MOTION: REP. BEYER: Moves that SB 467 be sent to the Floor with a DO PASS recommendation.

416 REP. CHUCK CARPENTER, DISTRICT 7: Testifies in support of the 12 mile districts.

RALPH FISHER, CONCERNED CITIZEN: Discusses the 12-15 mile districts.

VOTE: In a roll call vote, REPS. CORCORAN, COURTNEY, LUNDQUIST, BAUM vote AYE. REPS. MARKHAM, MILNE, and WATT vote NAY. The motion CARRIES. REP. ROBERTS is EXCUSED. BEYER and

REP. CORCORAN will lead discussion on the Floor.

CLOSE WORK SESSION ON SB 467

TAPE 94, SIDE B

OPENS PUBLIC HEARING ON HB 3466

Witnesses: Rep. Jerry Grisham, District 23
Ingrid Swenson, Oregon Criminal Defense Lawyers
David Fidanque, American Civil Liberties Union
Rep. Floyd Prozanski, District 40
Stephen Kafoury, Concerned Citizen

078 REP. JERRY GRISHAM, DISTRICT 23: Testifies and submits written testimony in support of HB 3366 (EXHIBIT H).

102 REP. GRISHAM: Begins video exhibit.

138 REP. GRISHAM: Presents overview of videos.

175 REP. GRISHAM: Begins second video exhibit.

221 REP. LundQUIST: What is a gram?

REP. Grisham: A gram is 1/28th of an ounce.

REP. Grisham: Continues with testimony.

255 CHAIR BAUM: There will probably be a fiscal impact. That will be negated though if the ballot measure passes to bring representation in accordance with the federal standard. I expect that ballot measure to pass.

266 REP. WATT: With the deletion of the jail time, the cost should go down.

CHAIR BAUM: Because the fines are high enough it would still require to have counsel.

277 REP. Grisham: Isn't that bill only appointed where there are cases of incarceration.

HOLLY BECKER, LEGISLATIVE FISCAL: Discusses what bill and language actually is.

289 INGRID SWENSON, OREGON CRIMINAL DEFENSE LAWYERS ASSOCIATION: Testifies in opposition to HB 3466.

346 DAVID FIDANQUE, ACLU: Testifies in opposition to HB 3466.

TAPE 95, SIDE B

025 CHAIR BAUM: Does section 3 have to be in here?

REP. Grisham: That was introduced on behalf of the Association of Police Chiefs. It is a crime to have possession by consumption. Oregon is one of the few states without such a law.

CHAIR BAUM: I don't have a problem with the process. The problem is that we haven't defined what under the influence is.

CHAIR BAUM: It makes it more defensible, with a concrete definition. We could also make it contingent on the passage of the ballot measure.

050 REP. Grisham: Whatever would make the committee comfortable.

053 FLOYD PROZANSKI, DISTRICT 40: Testifies in opposition to HB 3466. There would still be a financial impact on the counties, explains.

CLOSES PUBLIC HEARING ON HB 3466

OPENS WORK SESSION ON HB 3466

119 REP. BEYER: If sections 2 & 3 were taken out, it appears to me it makes a larger fine.

CHAIR BAUM: It makes it a crime, which leaves the search and seizure option.

127 REP. ProZANSKI: Correct. Also discusses how the proportionality is placed based on the schedule of the substance. Discusses problems of person not compiling with a court order.

198 CHAIR BAUM: Any time a person does not pay, you are subject to contempt proceedings.

233 STEPHEN KAFOURY, CONCERNED CITIZEN: Testifies in support of HB 3466.

CLOSE PUBLIC HEARING ON HB 3466

OPENS WORK SESSION ON HB 3466

MOTION: CHAIR BAUM: Moves to AMEND HB 3466 through the deletion of lines 27-33 on page 2.

VOTE: CHAIR BAUM: Hearing no objection, the motion passes.

MOTION: REP LUNDQUIST: Moves that HB 3466, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. The motion CARRIES.
REPS. CORCORAN, COURTNEY, ROBERTS and BEYER are EXCUSED.

REP. GRISHAM will lead discussion on the Floor.

CHAIR BAUM: Adjourns the hearing 3:34 p.m.

EXHIBIT SUMMARY

A- Amendments to SB 462- Submitted by Senator Cease- 1 page
B- Amendments to SB 462- Submitted by Senator Cease- 1 page
C- Testimony on SB 462- Submitted by Representative Naito- 1 page
D- Testimony on SB 462- Submitted by Eileen Rasmussen- 2 pages
E- Amendments to SB 644- Submitted by Colleen Seaback- 1 page
F- Amendments to SB 683- Submitted by Linc Cannon- 4 pages
G- Amendments to SB 467- Submitted by Roger Bassett- 6 pages
H- Testimony on HB 3466- Submitted by Representative Grisham- 14 pages