

House Committee on Rules
June 3, 1991 - Page

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SENATE COMMITTEE ON
RULES

June 3, 1991Hearing Room 454
12:00 p.m. Tape 20
Salem, Oregon

MEMBERS PRESENT:Sen. Frank Roberts, Chair
Sen. John Brenneman
Sen. Jane Cease
Sen. Joyce Cohen
Sen. Joan Dukas
Sen. Lenn Hannon

MEMBERS ABSENT:Sen. Bill Bradbury, Vice-Chair

STAFF PRESENT: Jose Mata, Committee Administrator
Bernadette Williams, Committee Assistant

MEASURES

CONSIDERED:EXECUTIVE APPOINTMENT AND REAPPOINTMENTS:

Construction Contractors Board, Woody Dow
Board on Police Standards and Training, Edwin S. Taber
Board on Police Standards and Training, Darrell Davidson

SJM21 - Urges Congress to establish Steens Mountain National
Conservation Area, PUB

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TAPE 20, SIDE A

005 CHAIR ROBERTS: Calls the meeting to order at 12:30 p.m..

Submits and summarizes request for approval of late drafting of a measure. (EXHIBIT A) Indicates that Sen. Cease had objected to this measure.

013 CEASE: I objected because of the workload on Legislative

Counsel; apparently they feel they can do it.

014 MOTION: SEN. ROBERTS asked if there was objection to approval of late drafting of the measure (Exhibit A) relating to the drafting of an initiative petition.

014 COHEN: Would like to send a note to Legislative Counsel indicating that this has a very low priority and drafting should only be done if time is available.

018 ROBERTS: There would be no objection to that. Legislative Counsel has already received assurance that this would be a minor drafting issue.

020 VOTE: Hearing no objection, the motion was approved. Senators Bradbury, Breneman and Hannon were absent.

022 ROBERTS: Submits and summarizes the Executive Appointment of Woody Dow to the Construction Contractors Board. (EXHIBIT B)

Asks why Mr. Dow thinks he would be qualified and why he would be willing to serve.

031 WOODY DOW, CONSTRUCTION CONTRACTORS BOARD EXECUTIVE APPOINTEE: Has been in the construction business since 1979 and have been involved in the Home Builders Association and the Oregon Remodelers Association. This would be an opportunity to be involved in a group that is making an impact in the construction industry and works directly with the consumers that we want to professionally deal with.

038 ROBERTS: Do you know how much time this takes?

039 DOW: Yes I do, but I am ready to be on the board and serve.

043 ROBERTS: One of the continuing issues is how effective it is to intercede in the interest of the consumer. Have you had any experience along this line?

047 DOW: I haven't had to resort to that in my years in the business. I see it as a very valuable service; I would like to be able to initiate the process myself as a general contractor, as well as what the consumer can do. The enforcement part is good, but the education aspect of it is important for consumers and contractors.

054 ROBERTS: I would personally hope that the board would investigate that point; supply more standard information to the people when they do contract.

I also hope that the Board will encourage the Commission, when they find improvements that ought to be made into law, that they make those recommendations to the Legislature.

070 DUKES: A couple of years ago, a constituent had a problem. There was a written contract signed by both parties that said that if there was a dispute it would go to binding arbitration. The Contractors Board had one of the parties sign away their right to binding arbitration and take it before the Contractors Board. It was a matter of the ability

to appeal. Asks what Mr. Dow's thoughts are on that.

081 DOW: As long as there is a contract in place that says that both parties have the ability to use the arbitration process, they are saying that they are willing to agree to whatever the outcome of that is. I would prefer to go with that route and not have one party or another sign away any of their rights until they have gone through that process and settle up the outcome.

089 DUKES: It was a Contractors Board hearing officer, who after the process had already begun, then produced a form that one party could sign giving up their right to binding arbitration and therefore nullifying that part of the contract.

096 MOTION: SEN. ROBERTS asked if there was objection to sending the Executive Appointment of Woody Dow to the Constructors Contractors Board to the floor with a recommendation of confirmation.

VOTE: There being no objection, the motion was approved. Senator Bradbury was absent.

102 ROBERTS: Submits and summarizes the Executive Reappointments of Edwin S. Taber and Darrell Davidson to the Board on Police Standards and Training. (EXHIBIT C)

107 MOTION: SEN. ROBERTS asked if there was objection to sending the Executive Reappointments of Edwin S. Taber and Darrell Davidson to the Board on Police Standards and Training to the floor with a recommendation of confirmation and that they be considered en bloc.

VOTE: There being no objection, the motion was approved. Senator Bradbury was absent.

111 ROBERTS: Senator Cohen will carry the Board on Police Standards and Training Executive Reappointments.

Opens public hearing on SJM21.

120 SENATOR EUGENE TIMMS, DISTRICT 30:
Submits and summarizes written testimony supporting SJM21.
(EXHIBIT D, E, F and G)

127 DANIEL R. BARNHART, SOIL:
Asks for the Committee's support on SJM21. The homes and livelihood of the people of Harney county are at stake. SJM 21 is a broad bill that will effectively balance the many uses on the Steens Mountain (i.e. wilderness, environmental protection, and agricultural opportunities; native American Indian's rights; and hunting) SJM21 will enable wise decisions to be made for the Steens Mountain through wise management and enable individual concerns to be addressed to come up with the best management practices for concerns such as over grazing, hunting, etc.

SJM21 contains a research component that will provide for a site study of items pertinent to these concerns; this will provide a system of credibility. The Bureau of Land

Management (BLM) has done a thorough study to come up with the wilderness areas and they were mandated by Congress to consider all the lands acceptable for wilderness.

175 STEVEN F. GRASTY, CITY OF BURNS:

Speaks to the economics of SJM21. May 29 and 30, 1991, the Oregon Rural Development Council met in Burns, Oregon. Harney County has done much work towards building economic diversity and stability there. SJM21 would help us to insure economic stability down the road. The Oregon Rural Development Council spoke highly of what was done so far; we are afraid to lose that base.

This also speaks directly to the Oregon statewide planning goals of Land Conservation and Development Commission (LCDC); there are 19 goals and nine are directly addressed by this National Conservation Area. This also keeps us away from being totally dependent upon tourism in the future.

SJM21 also preserves Oregon's western and cowboy heritage that is prevalent in Southwestern Oregon.

205 LARRY TUTTLE, OREGON WILDERNESS SOCIETY, ET AL:
Submits and summarizes written testimony on SJM21. (EXHIBIT H, I and J)

235 LIZ FRENKLE, OREGON CHAPTER OF SIERRA CLUB:

We oppose SJM21, but support protection for Steens Mountain. However, the Oregon Legislature is not in a position to negotiate what Washington's legislation is going to be like; it is a very limited ability. We have to deal with the proposal before us today and we oppose it.

Grazing is the biggest threat to the protection of Steens Mountain; this does not include all the National Conservation Area (NCA). Sierra Club is requesting of Representative Smith that there be a proposal to ban grazing on Steens Mountain itself, that there will be some kind of restriction on new roads and that there be some kind of control for off road vehicles. These are issues that the committee can't deal with.

270 DUKES: You are not opposed to the national status, but it is what form that bill might take?

273 FRENKLE: What is most important is to get what we want for Steens Mountain.

276 DUKES: SJM21 currently says "to enact the legislation". Would it be better if we took out the word "the" and just say "to enact legislation", which gives Congress the full authority to go back and hold the hearings and you can lobby for what version should come out. That would be the State of Oregon saying that this is an important area and we think it ought to be preserved.

287 FRENKLE: The problem is that there is now some boundaries on maps that talk about what this legislation means. This is a huge area.

294 ROBERTS: We are concerned with protecting this area and with the people who live there. Suggests that Ms. Frenkle meet with Senator Timms to work on a proposal that would urge Congress to pay attention to this area and make clear that we want it protected. We are not in the position to study the details of the proposal. Is this possible?

308 TIMMS: Congressman Smith introduced this H.R. 2080 to Congress and Senator Hatfield and Packwood have introduced companion legislation on the Senate side.

331 ROBERTS: I don't want to dispose of this quickly; it needs more attention.

332 TIMMS: All the parties could get together and look at the proposals under H.R. 2080 and adapt a proposal to that.

360 FRED I. OTLEY, STEENS MOUNTAIN MULTIPLE USE COMMITTEE: We want this committee and the state to know how important this issue is to our area. This is a broad public interest and issue. H.R. 2080 is a bill of balance; balancing the biological needs of the land and the people that depend on that land. It is a way of life and holds opportunities for the future; it is also a family issue. It is an opportunity for Oregon to participate in the process of meeting the needs of the lands and the people who live there.

420 ROBERTS: Adjourns the meeting at 12:55 p.m..

Submitted by: Reviewed by:

Bernadette Williams Jose Mata
Assistant Administrator

EXHIBIT LOG:

A - Late Measure Request - Sen. Jolin - 2 pages
B - Executive Appointment - Governor Roberts - 9 pages
C - Executive Reappointments - Governor Roberts - 15 pages
D-Testimony on SJM21 - Sen. Timms - 1 page
E-Testimony on SJM21 - Sen. Timms - 1 page
F-Testimony on SJM21 - Sen. Timms - 1 page
G-Testimony on SJM21 - Sen. Timms - 5 pages
H-Testimony on SJM21 - Larry Tuttle, Wilderness Society - 3 pages
I-Testimony on SJM21 - Larry Tuttle, Wilderness Society - 3 pages
J-Testimony on SJM21 - Larry Tuttle, Wilderness Society - 1 page