

HOUSE COMMITTEE ON STATE AND FEDERAL AFFAIRS

July 14, 2005 Hearing Room 357

10:00 A.M. Tapes 30 - 33

Corrected 09/20/05

MEMBERS PRESENT: Rep. Wayne Krieger, Chair

Rep. Jeff Barker, Vice-Chair

Rep. Brian Boquist, Vice- Chair

Rep. Linda Flores

Rep. Greg Macpherson

STAFF PRESENT: Janet Adkins, Committee Administrator

Jim Keller, Committee Administrator

Joe O’Leary, Counsel

Bill Taylor, Counsel

Sandy Thiele-Cirka, Committee Administrator

Erin Seiler, Committee Assistant

MEASURES/ISSUES HEARD:

SB 300A – Public Hearing and Work Session

SB 815B – Public Hearing and Work Session

SB 765A – Public Hearing

SB 704B – Public Hearing

SB 1074A – Public Hearing

SB 1071A – Public Hearing

SB 173 – Public Hearing

SB 358A – 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 30, A

001	Chair Krieger	Opens the meeting at 10:10 a.m. Opens a public hearing and work session on SB 300A.
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SB 300A – PUBLIC HEARING AND WORK SESSION

012	Sen. Avel Gordly	Senate District 23. Testifies in support of SB 300A. Explains the provisions of Expanded Options Program.
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071	Sen. Gordly	Discusses the funding for the Expanded Options Program.
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114	Chuck Bennett	Governmental Relations Director, Confederation of Oregon School Administrators (COSA). Testifies in support of SB 300A. Discusses the ability to utilize and further develop the Expanded Option Program to assist at-risk students in high schools.
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141	Harvey Matthews	Legislative Representative Associated Oregon Industries (AOI). Testifies in support of SB 300A (EXHIBIT A).
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158	Laurie Wimmer Whelen	Government Relations Associate, Oregon Education Association (OEA). Testifies in support of SB 300A.
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167	Rep. Macpherson	Reads from the bill, questioning the impact on the flow of dollars per student utilizing the program.
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184	Bennett	Explains funding scheme for the program.
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186	Rep. Macpherson	Asks how the bill addresses students who have exhausted all the educational options in their high school and want to go to a local community college for less than half-time.
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193	Wimmer Whelan	Explains that the Expanded Education Program would not compete with existing educational resources, but it may require the pooling of financial resources to implement it.
212	Sen. Gordly	Emphasizes that the intention of the program is to provide students with concurrent opportunities to complete high school and earn college credits.
222	Rep. Macpherson	Questions whether a student can take one class at a community college.
232	Janet Adkins	Committee Administrator. Explains that the average program expenditure needs to be 50 percent, each student does not need to expend 50 percent.
241	Rep. Flores	States support for the program, but expresses concern that at-risk students could arbitrarily drop-out of high school, yet be guaranteed a free higher education.
256	Matthews	States that the goal of the program is to “recapture” students who have dropped out and identifies the filters designed to prevent students not ready for post-secondary education from utilizing the program.
277	Rep. Flores	Asks whether a student is automatically re-enrolled in high school.
285	Bennett	Summarizes the requirements that a student must meet and maintain to participate in the Expanded Education Program.
320	John Marshall	Director of Legislative Services, Oregon School Boards Association (OSBA). Summarizes the language relating to the participation criteria, identifying that a returning student is required to develop and submit a learning plan.
353	Wimmer Whelan	Acknowledges that students leave high school for different reasons and the Expanded Education Program is tool that could keep students enrolled in high school.
367	Rep. Flores	Asks for data on the high school drop out.
380	Marshall	

Discusses the importance of bringing “real-life” relevance to high school classes and why schools need to allocate resources for programs that keep students in school.

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030	Sen. Gordly	Discusses the public policy contribution that this program makes in the movement towards a seamless educational system.
041	Rep. Flores	Comments as to the “real” relevancy of the senior year of high school.
048	Sen. Gordly	Acknowledges the efforts of Rep. Dallum in moving SB 300A forward.
056	Rep. Boquist	MOTION: Moves SB 300A to the floor with a DO PASS recommendation.
		VOTE: 5-0-0
		AYE: In a roll call vote, all members present vote Aye.
	Chair Krieger	The motion CARRIES.
		REP. DALLUM will lead discussion on the floor.
064	Chair Krieger	Closes the public hearing and work session on SB 300A. Opens a public hearing and work session on SB 815B.

SB 815B – PUBLIC HEARING AND WORK SESSION

068	Joe O’Leary	Explains SB 815B, which establishes foster parents rights.
083	Sen. Gary George	Senate District 12. Submits and summarizes <i>The New York Times</i> newspaper article relating to Oregon’s foster care system (EXHIBIT B).
095	Sen. George	Speaks in support of SB 815B and the establishment of the foster parents bill of rights (EXHIBIT C).
114	Jim Thompson	

Policy Advisor, Office of Senator Gary George. Clarifies several legal issues related to the foster care system in Oregon and acknowledges that the bill does not create a formal grievance process.

- 157 Terry Fennell Chair, Oregon Foster Parent Association Legislative Committee. Submits and summarizes written testimony in support of SB 815B **(EXHIBIT D)**.
- 180 Kevin George Foster Care Program Manager, Oregon Department of Human Services. Submits and summarizes written testimony in support of SB 815B **(EXHIBIT E)**.
- 208 Rep. Macpherson Asks for clarification as to what issues are resolved during juvenile dependency proceedings and what it means to be an intervener.
- 211 K. George Explains the issues resolved in juvenile matters and the role of an intervener in juvenile hearings.
- 232 Rep. Barker Asks how the removal of foster parents and caregivers from the priority list of eligible adoptive parents will affect the foster care system.
- 242 K. George Explains that SB 815B does not prohibit family members from being the first sought after foster placement; it does allow foster parents to petition for intervener status earlier in the case.
- 269 Joyce Padilla Foster Parent, Polk County. Testifies in support of SB 815B. Submits written testimony in support of SB 815B **(EXHIBIT F)**.
- 278 Ruth Johnson Foster Parent, Polk County. Testifies in support of SB 815B. Discusses personal experience as a foster parent.
- 300 Rep. Boquist **MOTION: Moves SB 815B to the floor with a DO PASS recommendation.**

VOTE: 5-0-0

AYE: In a roll call vote, all members present vote Aye.

Chair Krieger The motion CARRIES.

REP. MACPHERSON will lead discussion on the floor.

305	Chair Krieger	Closes the public hearing and work session on SB 815B.
322	Chair Boquist	Opens a public hearing on SB 765A.

SB 765A – PUBLIC HEARING

324	Jim Keller	Committee Administrator. Explains SB 765A, which directs State Board of Education to designate education service districts as regional education service agencies. Submits fiscal analysis of SB 765A (EXHIBIT G) . Submits revenue impact of SB 765A (EXHIBIT H) .
386	Keller	Submits and summarizes –A5 amendments (EXHIBIT I) .
405	Rep. Greg Smith	House District 57. Testifies in support of SB 765A with –A5 amendments. Discusses concerns regarding the consolidation of rural Educational Service Districts (ESD).

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012	Rep. G. Smith	Acknowledges the administrative difficulties experienced by the Union-Baker ESD, adding that the five smallest ESD are operating effectively and efficiently.
020	Rep. G. Smith	Speaks, as a parent, to the positive experience and quality educational services delivered by rural ESD.
048	Ozzie Rose	Representative, Oregon Association of Education Service Districts (OAESA). Testifies in opposition to SB 765A and –A5 amendments. Discusses the importance of creating strong ESD and why SB 765A is not an effective tool to achieve this goal.
070	Rose	Explains why the issue is how to establish a strong network of ESD that effectively deliver services to schools and students.
100	Rob Myers	Representative, 5 Frontier Rural ESD. Testifies in opposition to SB 765A. Summarizes the negative impact that the bill will have on the quality and quantity of educational services provided to rural students.
116	Myers	

Cites data related to the “uniqueness” of delivering educational services to students in rural ESD.

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| 150 | Myers | Restates opposition to the bill and what the negative effect would be on the quality of educational services provided to rural students. |
| 167 | Tricia Smith | Representative, Oregon School Employees Association (OSEA). Submits and summarizes written testimony in opposition to SB 765A (EXHIBIT J) . |
| 230 | T. Smith | Summarize opposition to –A5 amendments (EXHIBIT J, Page 2) . |
| 297 | Chair Boquist | Verifies who testified at previous hearings on SB 765A. |
| 310 | Julie Suchanek | Representative, Oregon Community College Association (OCCA). Asks that the phrase “and community colleges” be removed for the bill. |
| 327 | James Sager | Education and Workforce Policy Advisor, Office of Governor Kulongoski. Testifies in support of SB 765A. Discusses the formation and purpose of SB 765A. |
| 370 | Sager | Explains why delivery of educational services must be coordinated and identifies the type of services that are necessary for children to be successful. |
| | Sager | Addresses the process that the Oregon Department of Education will utilize to attain public input and craft ESD coordination plan. |
| 399 | Rep. Macpherson | Asks if it makes sense to exclude rural ESD from a comprehensive review of ESD. |

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| 015 | Sager | States preference for a more “holistic review of process”, but the lack of success in coordinating delivery of educational services to ESD necessitates this approach. |
| 025 | Rep. Flores | Questions whether The Governor’s Office has anticipated the depth of involvement that a comprehensive review process requires, particularly when trying to include community input. |

030	Sager	Explains how establishing community dialogue has brought forward issues and information regarding the delivery of educational services that has been suppressed.
040	Rep. Flores	Expresses concern with ability to have legislation prepared by the effective date.
045	Sager	States that the tight schedule will require focus from the Oregon Department of Education and school districts.
055	Rep. Flores	Questions the intent to merge or divide ESD.
060	Sager	Explains why the bill includes language that allows for ESD to be merged or divided.
065	Rep. Flores	Citing language from the bill, asks whether there is list of the amount of dollars that could potentially be distributed to a consolidated ESD.
075	Sager	Explains the legal necessity for the funding language related to consolidated ESD.
085	Rep. Dave Hunt	House District 40. Testifies in support of SB 765A. Discusses the important role of ESD and why ESD suffer from public perception problems.
105	Rep. Hunt	Explains how the bill attempts to reduce gaps in services, while increasing efficiencies and bringing consistence to the application of ESD standards.
120	Rep. Flores	Agrees that ESD have public perception issues, but questions whether it is the best public policy approach to increase administrative costs by dividing ESD.
130	Rep. Hunt	Responds that specific issues could be addressed with amendments, but asks that the whole focus “not be lost” and to allow the bill to move forward.
146	Chair Boquist	Closes the public hearing on SB 765A. Opens a public hearing on SB 704B.

SB 704B – PUBLIC HEARING

- 153 Sandy Thiele-Cirka Committee Administrator. Explains SB 704B, which requires that Department of Human Services or Department of Corrections dispense as written prescription for brand-name mental health drug for person in state institution if prescription specifies “dispense as written” or contains notation “D.A.W.” or other words of similar meaning.
- 163 John Christenson Chief of Staff, Office of Senator Margaret Carter. Submits and summarizes written testimony of Senator Margaret Carter in support of SB 704B (**EXHIBIT K**).
- 190 Dr. Arthur Tolan Counseling and Treatment Services Administrator, Oregon Department of Corrections (ODC). Submits and summarizes written testimony in support of SB 704B (**EXHIBIT L**).
- 215 Rep. Macpherson Verifies that ODC supports SB 704B because ODC already dispenses prescription drugs in the proscribed manner.
- 220 Rep. Boquist Closes the public hearing on SB 704B. Opens a public hearing on SB 1074A.

SB 1074A – PUBLIC HEARING

- 230 Bill Taylor Committee Administrator. Explains SB 1074A, which limits amount of moneys City of Coburg may retain for certain traffic offenses occurring on any portion of Interstate Highway 5 during fiscal year.
- 245 Sen. Floyd Prozanski Senate District 4. Testifies in support of SB 1074A. Summarizes the history, purpose, and budgetary effect of SB 1074A.
- 290 Sen. Prozanski Submits and summarizes the contents of an information packet in support of SB 1074A which includes *The Register-Guard* newspaper article, *The Oregonian* newspaper article, written statement of Tillamook Chief of Police Terry Wright, and written statement of D.E. Bridges (**EXHIBIT M**).
- 330 Sen. Prozanski Submits and summarizes the results of the League of Oregon Cities Traffic Citation Revenues Survey (**EXHIBIT N**).
- 365 Sen. Prozanski

Submits and summarizes *The Oregonian* newspaper article in support of SB 1074A **(EXHIBIT O)**.

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008	Daniel Swift	President, Oregon State Police Officers Association (OSPOA). Submits and summarizes written testimony in support of SB 1074A (EXHIBIT P) .
050	Rep. Macpherson	Citing language from the bill, questions the timing and mechanics of SB 1074A.
065	Sen. Prozanski	Explains that the intention is to limit the amount of revenue that Coburg can receive from traffic citations.
077	Rep. Macpherson	Verifies the budgetary implications and administrative timeline imposed on the City of Coburg by SB 1074A.
090	Rep. Jeff Kropf	House District 17. Testifies in opposition to SB 1074A. Discusses why it is “bad policy” to single out one city for a policy decision.
125	Rep. Kropf	Cites Coburg Police Department data as evidence that the police department is not abusing its authority or the court system.
160	Rep. Kropf	Addresses the positive impacts of the Coburg Police Department on public safety along Interstate-5.
175	Sen. Bill Morrisette	Senate District 6. Testifies in opposition to SB 1074A. Speaks to the speeding problem along Interstate-5 and the efforts of Coburg Police Department to protect public safety.
200	Sen. Morrisette	Speaks in support of the Oregon State Police efforts to patrol Interstate-5.
245	David Landrum	City Recorder/Finance Director, City of Coburg. Submits and summarizes written testimony in opposition to SB 1074A (EXHIBIT Q) .
350	John Bosley	Interim Chief of Police, City of Coburg. Submits and summarizes written testimony in opposition to SB 1074A (EXHIBIT R) .

375 Bosley Submits and summarizes email correspondences from the Lane County Sheriff's Office that confirm the authority of the Coburg Municipal Court to hear citations from traffic violations along Interstate-5 (**EXHIBIT S**).

400 Bosley Submits and summarizes Citation Summary Report (**EXHIBIT T**).

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018 Bosley Submits and summarizes copies of an Oregon Uniform Traffic Citation (**EXHIBIT U**).

040 Bosley Defines a speed trap and refers to aerial map of the stretch of Interstate-5 freeway going through Coburg.

055 Bosley Speaks to the "strides" made to bring down the cities' reliance on ticket citation revenue. Cites City of Coburg IAMP Existing Conditions report (**EXHIBIT V**).

090 Rep. Barker Asks how many officers are employed in the City of Coburg and what the salary of the Chief of Police is.

095 Bosley States how many full time and reserve officers the city employees and points out the reduction in the Chiefs' salary.

103 Rep. Barker Asks how long it takes for an officer to reach top step pay and what the pay rate is at the top step.

107 Bosley Responds that it takes four years to reach the top step pay and the pay rate is \$45,000 dollars.

112 Rep. Macpherson Citing *The Oregonian* article (**EXHIBIT O**), verifies the accuracy of salary that was reported for the former Coburg Police Chief.

120 Rep. Macpherson Citing *The Register Guard* article (**EXHIBIT M, Page 1**), asks if it is accurate that 30 percent of Coburg's 2005-06 General Fund was assumed from ticket revenue and whether that would be considered over reliance.

130 Landrum Acknowledges the over reliance on ticket revenues and summarizes current efforts to stabilize the cities' budget and reserves funds.

153	Sen. Prozanski	Cites the action taken against Jordan Valley as precedence for imposing similar restrictions on Coburg.
170	Sen. Prozanski	Identifies and explains why the stretch of Interstate-5 through Coburg does constitute a speed trap.
185	Rep. Barker	Comments on the situation in Jordan Valley.
196	Rep. Flores	Asks how many complaints have been lodged against the actions of the Coburg Police Department.
200	Sen. Prozanski	Identifies the number of complaints that have been received by his office.

The following written testimony is submitted for the record without public testimony:

	Rep. Phil Barnhart	House District 11. Submits written testimony in opposition to SB 1074A (EXHIBIT W).
213	Chair Boquist	Closes the public hearing on SB 1074A. Opens a public hearing on SB 1071A.

SB 1071A – PUBLIC HEARING

215	Jim Keller	Committee Administrator. Explains SB 1071A, which creates Oregon Virtual School District within Department of Education to provide online courses to public school students. Submits –A3 amendments (EXHIBIT X). Submits –A5 amendments (EXHIBIT Y). Submits –A6 amendments (EXHIBIT Z).
220	Sen. Richard Devlin	Senate District 19. Testifies in support of SB 1071A. Discusses the benefits of e-learning and importance of creating a Virtual School District in Oregon.
294	Sen. Frank Morse	Senate District 8. Submits and summarizes written testimony in support of SB 1071A (EXHIBIT AA). Submits –A7 amendments (EXHIBIT BB).
350	Rep. Macpherson	Verifies who brought forward each of the amendments.

360	Rep. Barker	Asks how the removal of word “public” in –A6 amendments affects religious schools.
370	Sen. Devlin	Explains how the bill is designed to mirror current basic state requirements for instruction in a public or charter school.
405	Laurie Wimmer Whelan	Government Relations Associate, Oregon Education Association (OEA). Testifies in support of SB 1071A, noting that OEA does oppose –A6 amendments and –A5 amendments.

TAPE 32, B

020	Amy Grant	Legislative Liaison, Oregon Home Education Network. Testifies in support of SB 1071A with –A5 amendments. Submits written testimony in support of SB 1071A (EXHIBIT CC).
060	Grant	Speaks in opposition to mandatory testing.
075	Grant	Speaks to the failings of standardized testing.
100	Grant	Speaks to the issue of truancy and home education.
125	Rodger Williams	Member, Oregon Christian Home Education Association Network. Submits and summarizes Home Education Scholastic Outcomes report in support of SB 1071A with –A5 amendments (EXHIBIT DD).
170	Rep. Macpherson	Asks how anyone knows what level a child is performing at without standardized testing.
180	Rep. Macpherson	Asks what is the downside of testing and what harm does it do to the child.
193	Williams	Cites familial experience as evidence of the negative effect of standardized tests.
215	Rep. Macpherson	Questions how would a parent even know what percentile their child is at without the testing requirement.
220	Williams	

		Explains why standardized tests are not necessary for home school students.
240	Grant	Suggests that to help at-risk children, the state should increase availability of services to parents and eliminate punitive measures imposed on home school educators who do not comply with standardized testing requirements.
270	Wimmer Whelan	Explains why OEA supports standardized testing and the establishment of minimal standards of accountability for home school students.
297	Joyce Padilla	Member, Oregon Christian Home Education Association Network. Testifies in support of SB 1071A with –A5 amendments. Discusses how standardized testing is an ineffective method of evaluating children who are educated at home.
355	Chair Boquist	Closes the public hearing on SB 1071A. Opens a public hearing on SB 173.

SB 173 – PUBLIC HEARING

370	Janet Adkins	Committee Administrator. Explains SB 173, which modifies eligibility requirements for certification of business as emerging small business.
398	Mike Marsh	Deputy Director, Oregon Department of Transportation (ODOT). Submits and summarizes written testimony in support of SB 173 (EXHIBIT EE) .

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035	Jessica Adams	Representative, Associated General Contractors. Testifies in support of SB 173. Speaks to the positive effect that SB 173 will have for new, small subcontractors.
072	Chair Boquist	Closes the public hearing on SB 173. Opens a public hearing on SB 358A.

SB 358A – PUBLIC HEARING

075	Janet Adkins	Committee Administrator. Explains SB 358A, which creates Oregon Quality Jobs Task Force.
089	Bill Kluting	Legislative Affairs Representative, Western Council of Industrial Workers. Testifies in support of SB 358A.
115	Ed Glad	Representative, Pacific Northwest Regional Council of Carpenters. Testifies in support of SB 358A.
149	Chair Boquist	Closes the public hearing on SB 358A. Adjourns the meeting at 1:30 p.m.

EXHIBIT SUMMARY

A. SB 300, prepared statement, Harvey Matthews, 1 p

B. 815, The New York Time Newspaper Article, Sen. Gary George, 4 pp

C. SB 815, written material, Sen. Gary George, 1 p

D, SB 815, written testimony, Terry Fennell, 1 p

E. SB 815, written testimony, Kevin George, 2 pp

F. SB 815, written testimony, Joyce Padilla, 1 p

G. SB 765, fiscal statement, staff, 1 p

H. SB 765, revenue impact, staff, 1 p

I. SB 765, -A5 amendments, staff, 2 pp

J. SB 765, written testimony, Tricia Smith, 3 pp

K. SB 704, written testimony of Senator Margaret Carter, John Christensen, 3 pp

L. SB 704, written testimony, Dr. Arthur Tolan, 1 p

M. SB 1074, information packet, Sen. Floyd Prozanski, 5 pp

N. SB 1074, League of Oregon Cities Traffic Citation Revenues Survey, Sen. Floyd Prozanski, 1 p

O. SB 1074, *The Oregonian* Newspaper Article, Sen. Floyd Prozanski, 2 pp

P. SB 1074, written testimony, Daniel Swift, 2 pp

Q. SB 1074, written testimony, David Landrum, 2 pp

R. SB 1074, written testimony, John Bosley, 3 pp

S. SB 1074, Email Correspondence, John Bosley, 2 pp

T. SB 1074, Citation Summary Report, John Bosley, 32 pp

U. SB 1074, Oregon Uniform Traffic Citation, John Bosley, 4 pp

V. SB 1074, City of Coburg IAMP Existing Conditions Report, John Bosley, 27 pp

W. SB 1074, written testimony, Rep. Phil Barnhart, 1 p

X. SB 1071, -A3 amendments, staff, 1 p

Y. SB 1071, -A5 amendments, staff, 5 pp

Z. SB 1071, -A6 amendments, staff, 1 p

AA. SB 1071, written testimony, Sen. Frank Morse, 2 pp

BB. SB 1071, -A7 amendments, Sen. Frank Morse, 6 pp

CC. SB 1071, -written testimony, Amy Grant, 1 p

DD. SB 1071, Home Education Scholastic Outcome Report, Rodger Williams, 4 pp

EE. SB 173, written testimony, Mike Marsh, 2 pp