

SENATE COMMITTEE ON RULES

May 31, 2005
3:00 P.M.

Hearing Room 343
Tapes 86 - 87

MEMBERS PRESENT: **Sen. Kate Brown, Chair**
 Sen. Ted Ferrioli, Vice-Chair
 Sen. Jason Atkinson
 Sen. Charlie Ringo
 Sen. Frank Shields

STAFF PRESENT: **Tiffany Harris, Committee Administrator**
 Brittany Kenison, Committee Assistant

MEASURE/ISSUES HEARD:

- HB 2999 – Public Hearing and Work Session**
- HB 3151A – Public Hearing**
- SB 1054 – Public Hearing and Work Session**
- HB 3017 – Public Hearing and Work Session**
- SB 1062 – Public Hearing**
- HB 3465 – Public Hearing and Work Session**
- HB 2026A – Public Hearing and Work Session**
- HB 2099 – Public Hearing and Work Session**
- HB 3219A – Public Hearing and Work Session**
- HB 2207 – Work Session**

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 86, A		
003	Chair Brown	Calls the meeting to order at 3:02 p.m. Opens a public hearing on HB 2999 and HB 3151A. Notes that they are meeting as a sub committee.
HB 2999, HB 3151A – PUBLIC HEARING		
010	Tiffany Harris	Committee Administrator. Provides an overview of HB 2999 and HB 3151A.
018	Rep. Debbie Farr	House District 14. Introduces Heidi McGowan.
030	Heidi McGowan	Oregon Commission for Child Care. Testifies in support of HB 2999 and submits written testimony on behalf of Rosetta Wangerin, Chair, Oregon Commission for Child Care (EXHIBIT A) , Teresa Williams, Owner, Country Daycare (EXHIBIT B) and Philip Anderson, Business Representative, Oregon Commission for Child Care (EXHIBIT C) in support of HB 2999.
045	Tom Olson	Administrator, Child Care Division. States that he is available to answer questions.
048	Chair Brown	Thanks the witnesses and Rep. Farr for their work on HB 2999.
052	Rep. Farr	Testifies in support of HB 3151A.
085	Heidi Depute	Nutrition Program, Oregon Department of Education. States that she will be available for questions.
092	Rep. Brian Boquist	House District 23. Testifies in opposition to HB 3151.

118	Rep. Farr	Speaks to Rep. Boquist's concerns.
152	Chair Brown	Asks Rep. Farr to list the four school districts affected by the bill. (Note: the committee is now a full committee.)
153	Rep. Farr	Responds.
155	Rep. Boquist	Discusses the funds that are needed to support the program in HB 3151.
163	Sen. Shields	Asks if meals can only be contracted out by other schools.
165	Rep. Farr	Replies no and that any facility that meets state requirements, can be contracted out.
169	Sen. Shields	Asks if there are any restaurants who could serve the food.
171	Rep. Boquist	Responds that there are volunteers that come three days a week. States that there is no place to eat or clean up. Explains that a solution is needed.
185	Chair Brown	Asks about voluntary requirements.
195	Rep. Boquist	Responds.
197	Rep. Farr	Interjects that schools can opt out of the USDA program if an alternative program is provided five days a week
200	Rep. Boquist	States that he is not opposed to the school lunch program, but states there is a problem with no solution.
205	Chair Brown	States that the issue is not just in Oregon, but nationwide.
210	Sen. Shields	Discusses the need to find a solution from the Department of Education.
222	Rep. Farr	States that the Department of Education is willing to assist the school districts to implement a school meal program, as well as herself.
225	William Gehling	Superintendent, Powers School District 31. Submits and presents written testimony in opposition to HB 3151A (EXHIBIT D).
332	Chair Brown	Asks how many students are in the Powers School District.
333	Gehling	Replies 145.
334	Chair Brown	Asks Gehling if the budget plan for the Powers School District has been planned for next year.
335	Gehling	Replies yes.
336	Chair Brown	Asks how much money they have planned for.
337	Gehling	Responds a little more than one million dollars.
340	Chair Brown	Asks if the budget was based on the legislature budgeting 5.2 or 5.3 billion dollars for education
341	Gehling	Responds, 5.2 billion.
343	Sen. Shields	Asks about the demographics in Powers School District.
350	Gehling	Responds that most of the students go home for lunch or bring a sack lunch.
352	Sen. Shields	Asks how students would qualify if the free/reduced lunch program was implemented.
357	Gehling	Responds that 60% of children would qualify.
360	Sen. Shields	Refers to Gehling's statement that there are not any parents who have requested the USDA program. Asks if the reason the program does not have support is due to the lack of awareness.
364	Gehling	Responds that there have been many discussions regarding lunch programs. Notes that when Powers was a larger community, a lunch facility was built, but was later torn down.
374	Sen. Shields	Asks when the facility was torn down.
376	Gehling	Responds that he is not sure. Speculates about 35 years ago.
377	Sen. Shields	Questions whether all 60% of the students who would now

384	Gehling	qualify for the program, have free lunch and how they could improve. Discusses possible improvements with program. Opines that the current lunch program meets the needs of the students better than the USDA program.
390	Del Coursey	Superintendent, Alsea School District. Submits and presents written testimony on behalf of Brian Leavitt, Chairperson, Alsea School District, in opposition to HB 3151A (EXHIBIT E).

TAPE 87, A

015	Chair Brown	Asks if there are criteria for children who do not have lunches.
016	Gehling	Responds. Continues testimony in opposition to HB 3151.
025	Chair Brown	Asks how much has been budgeted for Alsea School District.
027	Gwen Bruneau	Business Manager. Responds, 2.1 million. Testifies in opposition to HB 3151A.
035	Chair Brown	Clarifies that children are fed, no questions asked.
036	Bruneau	Replies yes. Continues testimony.
041	Chair Brown	Asks how many children would qualify for the free/reduced lunch program.
042	Bruneau	Responds.
042	Chair Brown	Clarifies that Alsea School District has 160 students.
048	Bruneau	Replies yes.
050	Sen. Ringo	Comments regarding school districts knowing what is best for the children in their communities.
057	Rep. Wayne Krieger	House District 1. Testifies in opposition to HB 3151A.
094	Sen. Jeff Kruse	Senate District 1. Testifies in opposition to HB 3151A.
113	Chair Brown	Discusses the funding between several Oregon school districts.
118	Gehling	Clarifies budget for Powers School District.
120	Sen. Kruse	States that it is prudent that funds be looked at to be examined during the interim. Questions additional mandates on schools and the districts doing what is best for the students.
145	Chair Brown	Discusses previous legislation that mandates certain laws.
150	Sen. Kruse	Clarifies previous statement.
155	Chair Brown	Closes the public hearing on HB 2999 and HB 3151A. Opens a public hearing on SB 1054.

SB 1054 – PUBLIC HEARING

166	Tiffany Harris	Committee Administrator. Provides an overview of SB 1054 and introduces the -1 amendments (EXHIBIT F).
175	Senate President Peter Courtney	Senate District 11. Submits and presents written testimony in support of SB 1054 (EXHIBIT G).
280	Sen. Ferrioli	States that his question was answered.
290	Chair Brown	Notes that the Emergency Board would be symmetrical and discusses how it reflects the Ways and Means process.
294	Sen. Courtney	States that it was the intent. Discusses why he increased the members to be equal from both chambers.
314	Sen. Ferrioli	Asks about giving the responsibility of the Emergency board to the Ways and Means committee members.
320	Sen. Courtney	Responds.
330	Chair Brown	Discusses why it is critical for leadership to serve on the Emergency board.
346	Sen. Ferrioli	Asks Sen. Courtney why he chose 11 members to serve on the Emergency board from each chamber.
380	Sen. Courtney	Responds.
414	Chair Brown	Closes public hearing on SB 1054. Opens public hearing on HB 3017.

HB 3017 – PUBLIC HEARING

437 Tiffany Harris Committee Administrator. Explains HB 3017.
446 Jerod Broadfoot National Electrical Contractors Association. Testifies in support of HB 3017.

TAPE 86, B

017 Harris Asks if a contractor, subject to an investigation, is excluded from public contracts.
020 Broadfoot Responds, no.
021 Chair Brown Clarifies that contractors are excluded if there has been a finding.
022 Broadfoot Responds, yes.
024 Chair Brown Closes public hearing on HB 3017. Opens public hearing SB 1062.

SB 1062 – PUBLIC HEARING

026 Tiffany Harris Committee Administrator. Explains SB 1062 and introduces the - 1 amendments (**EXHIBIT H**).
035 Dave Heynderickx Legislative Counsel Office. Testifies in support of SB 1062.
055 Sen. Ringo Asks to clarify that there is no current law stating how lawmakers are to retain documents.
059 Heynderickx Responds.
060 Sen. Ringo Asks for clarification on the current law regarding record retention.
063 Heynderickx Responds.
070 Sen. Ringo Asks for a definition of a “record.”
072 Heynderickx Provides explanation.
075 Sen. Ringo Asks if a record would include an email.
076 Heynderickx Responds, yes. Explains the public record law.
085 Sen. Ringo Asks Heynderickx why they chose one year to be the time frame for keeping records.
088 Heynderickx Responds that it was a policy decision.
094 Chair Brown States that the decision was determined by the Senate Democratic leadership.
107 Sen. Ferrioli Asks for difference between a public record and private correspondence.
115 Heynderickx Responds.
124 Sen. Ferrioli Asks if his handwritten correspondence would be considered public record.
126 Heynderickx Responds that the form does not matter.
128 Sen. Ferrioli Assumes that hand written correspondence from others applies as well.
129 Heynderickx Responds to question.
141 Sen. Ferrioli Clarifies that memos to staff members regarding business would be protected under the public records law, but that memos to him would have to be retained.
149 Heynderickx Discusses exempts of internal communications.
152 Sen. Ferrioli Argues that if staff members receive a memo or note from himself, it should be retained.
160 Heynderickx Explains the difference between public record and retention.
175 Sen. Ferrioli Asks if a memorandum between a lobbyist and a legislator would have to be retained.
179 Heynderickx Responds.
185 Sen. Ferrioli Provides hypothetical situation and asks Heynderickx to comment.
195 Heynderickx Responds to statement.
205 Sen. Ferrioli Asks if a vote count performed by caucus would be public record.

210	Heynderickx	States that he does not know.
214	Sen. Ferrioli	Discusses how legislators choose whether or not to use correspondence.
224	Heynderickx	Clarifies that it makes a difference if correspondence is intended.
234	Sen. Ferrioli	Comments on Heynderickx's hypothetical situation.
238	Heynderickx	Provides recommendation.
240	Sen. Ferrioli	Asks what the penalty is for failure to retain records.
247	Heynderickx	Responds.
250	Sen. Ferrioli	Provides recommendations to the Chair.
257	Chair Brown	Assumes that the District Attorney will enforce the law.
266	Heynderickx	Discusses the problem that the bill would solve.
273	Chair Brown	Comments on policy discussions.
280	Sen. Ferrioli	Discusses all methods of public records. Comments on exempting all legislators from the public records law.
311	Chair Brown	Discusses the intent of the bill.
314	Sen. Ferrioli	States why an alternative method should be considered.
363	Sen. Shields	Asks if the bill would require lawmakers and staff to keep more records and members of congress on their staff.
372	Heynderickx	States that he is unaware of the federal laws for retention of documents.
380	Sen. Shields	Questions the complications of the bill's intent.
385	Heynderickx	Discusses what the bill addresses.
395	Sen. Shields	States technology has evolved and will continue to evolve.
405	Sen. Ferrioli	Questions how many legislators make mistakes. Notes that legislators will be required to keep records all year long.
433	Chair Brown	Closes public hearing on SB 1062. Opens public hearing on HB 3465.

HB 3465 – PUBLIC HEARING

437	Tiffany Harris	Committee Administrator. Provides overview of HB 3465 and introduces the -1 amendments (EXHIBIT I).
445	Jim Anderson	Oregon Chapter of the American College of Emergency Physicians (OCEP). Submits and presents written testimony in support of HB 3465 (EXHIBIT J) and written testimony on behalf of Scott Gallant, Director, Government Affairs, Oregon Medical Association, in support of HB 3465 (EXHIBIT K).

TAPE 87, B

020	Chair Brown	Closes the public hearing on HB 3465 and opens a public hearing on HB 2026A.
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HB 2026A – PUBLIC HEARING

020	Tiffany Harris	Committee Administrator. Explains the bill.
025	George Dunford	Department of Administrative Services. Submits and presents written testimony on behalf of Bob Repine, Director of Housing and Community Services (EXHIBIT L), and Debbie Ferguson, Assistant Vice President, Internal Auditing, Standard Insurance (EXHIBIT M), in support of HB 2026A
048	Jerl Cate	Institute of Internal Auditors. Testifies regarding HB 2026A.
065	Denise Teixeira	Internal Audit Administrator, Department of Corrections. Submits and presents written testimony in support of HB 2026A (EXHIBIT N).
087	Chair Brown	Closes the public hearing on HB 2026A. Opens a public hearing on HB 2099.

HB 2099 – PUBLIC HEARING

092	Chair Brown	Provides overview of the bill.
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095	David Plunkett	Executive Director, Oregon Board of Optometry. Submits and presents written testimony in support of HB 2099 (EXHIBIT O).
115	Chair Brown	Closes public hearing on HB 2099. Opens public hearing on HB 3219A.

HB 3219A – PUBLIC HEARING

120	Tiffany Harris	Committee Administrator. Provides an overview of HB 3219A Oregon State Denturist Association. United Seniors of Oregon. Submits and presents written testimony in support of HB 3219 (EXHIBIT P). Submits written testimony in support of HB 3219 on behalf of Susan Wilson, Director, Oregon Health Licensing Office (EXHIBIT Q), Jane Myers, Director, Government Affairs, Oregon Dental Association (EXHIBIT R) and Joe Coss, Chair, Board of Denture Technology (EXHIBIT S).
123	Jim Davis	
180	Chair Brown	Asks to explain the neutral position of the Oregon Dental Association.
182	Davis	Responds.
195	Chair Brown	Asks about Denturists’ position on the use of fluoride.
196	Davis	Explains that Denturist has not taken a position regarding fluoride. Refers to additional testimony submitted.
205	Chair Brown	Closes public hearing on HB 3219A. Opens a work session on HB 2207.

HB 2207 – WORK SESSION

Tiffany Harris	Tiffany Harris	Committee Administrator. Submits the -1 amendments to HB 3465 (EXHIBIT T).
206	Chair Brown	Explains the -1 amendments are conflict amendments.
207	Sen. Ferrioli	Asks for the vote count from 5/26/2005 for HB 2207.
208	Harris	States that she will retrieve that information.
210	Chair Brown	States that she will allow Harris to obtain that information. Recesses the work session on HB 2207 and opens a work session on HB 2999.

HB 2999 – WORK SESSION

235	Chair Brown	Discusses the intent of the bill and the issues of the opponents.
237	Sen. Brown	MOTION: Moves HB 2999 to the floor with a DO PASS recommendation.
		VOTE: 4-0-1
		EXCUSED: 1 - Atkinson
	Chair Brown	Hearing no objection, declares the motion CARRIED. SEN. SHIELDS will lead discussion on the floor.
240	Sen. Ringo	Discusses testimony of HB 2999.
243	Chair Brown	Closes work session on HB 2999. Opens work session on HB 3017.

HB 3017 – WORK SESSION

245	Sen. Brown	MOTION: Moves HB 3017 to the floor with a DO PASS recommendation.
		VOTE: 4-0-1
		EXCUSED: 1 - Atkinson
	Chair Brown	Hearing no objection, declares the motion CARRIED. SEN. RINGO will lead discussion on the floor.
	Chair Brown	Closes work session on HB 3017. Opens work session on HB 3465.

HB 3465 – WORK SESSION

248	Sen. Brown	MOTION: Moves HB 3465 to the floor with a DO PASS
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		recommendation.
		VOTE: 4-0-1
		EXCUSED: 1 - Atkinson
	Chair Brown	Hearing no objection, declares the motion CARRIED.
		SEN. FERRIOLI will lead discussion on the floor.
	Chair Brown	Closes work session on HB 3465. Opens work session on HB 2026A.
<u>HB 2026A – WORK SESSION</u>		
255	Sen. Brown	MOTION: Moves HB 2026A to the floor with a DO PASS recommendation.
		VOTE: 4-0-1
		EXCUSED: 1 - Atkinson
	Chair Brown	Hearing no objection, declares the motion CARRIED.
		SEN. BROWN will lead discussion on the floor.
260	Chair Brown	Closes work session on HB 2026A. Opens work session on HB 2099.
<u>HB 2099 – WORK SESSION</u>		
265	Sen. Brown	MOTION: Moves HB 2099 to the floor with a DO PASS recommendation.
		VOTE: 4-0-1
		EXCUSED: 1 - Atkinson
	Chair Brown	Hearing no objection, declares the motion CARRIED.
		SEN. SHIELDS will lead discussion on the floor.
268	Chair Brown	Closes work session on HB 2099. Opens work session on HB 3219A
<u>HB 3219A – WORK SESSION</u>		
270	Chair Brown	States that she received a note from Andrea Meyers, Oregon Dental Association in support of HB 3219A.
273	Sen. Brown	MOTION: Moves HB 3219 to the floor with a DO PASS recommendation.
		VOTE: 4-0-1
		EXCUSED: 1 - Atkinson
	Chair Brown	Hearing no objection, declares the motion CARRIED.
		SEN. RINGO will lead discussion on the floor.
277	Chair Brown	Closes work session on HB 3219A. States that a work session will not be held on SB 1062. Opens work session on SB 1054.
<u>SB 1054 – WORK SESSION</u>		
283	Chair Brown	Asks committee staff to confirm that the bill would make the total number of members twenty two.
284	Tiffany Harris	Committee Administrator. Replies yes.
290	Sen. Brown	MOTION: Moves to ADOPT SB 1054-1 amendments dated 5/31/05.
		VOTE: 3-1-1
		AYE: 3 - Ringo, Shields, Brown
		NAY: 1 - Ferrioli
		EXCUSED: 1 - Atkinson
	Chair Brown	The motion CARRIES.
295	Sen. Brown	MOTION: Moves SB 1054 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 3-1-1
		AYE: 3 - Ringo, Shields, Brown
		NAY: 1 - Ferrioli
		EXCUSED: 1 - Atkinson

	Chair Brown	The motion CARRIES.
310	Chair Brown	SEN. COURTNEY will lead discussion on the floor. Closes work session on SB 1054. Reconvenes work session on HB 2207.
<u>HB 2207 – WORK SESSION</u>		
330	Chair Brown	Asks if the vote count has been obtained.
335	Sen. Ferrioli	Informs that the vote was 4-0-1.
345	Sen. Brown	MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote for HB 2207. VOTE: 4-0-1 EXCUSED: 1 - Atkinson Hearing no objection, declares the motion CARRIED.
350	Chair Brown Sen. Brown	MOTION: Moves to RECONSIDER the vote by which "HB 2207 was sent to the floor with a DO PASS recommendation". VOTE: 4-0-1 EXCUSED: 1 - Atkinson Hearing no objection, declares the motion CARRIED.
353	Chair Brown Sen. Brown	MOTION: Moves to ADOPT HB 2207-7 amendments dated 5/26/05. VOTE: 4-0-1 EXCUSED: 1 - Atkinson Hearing no objection, declares the motion CARRIED.
357	Chair Brown Sen. Brown	MOTION: Moves HB 2207 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 4-0-1 EXCUSED: 1 - Atkinson Hearing no objection, declares the motion CARRIED.
365	Chair Brown Chair Brown	SEN. BROWN will lead discussion on the floor. Closes work session on HB 2207. Adjourns the meeting at 4:59 p.m.

EXHIBIT SUMMARY

- A. HB 2999, written testimony of Rosetta Wangerin, Heidi McGown, 1 p
- B. HB 2999, written testimony of Teresa Williams, Heidi McGown, 1 p
- C. HB 2999, written testimony of Philip Anderson, Heidi McGown, 1 p
- D. HB 3151A, written testimony, William Gehling, 2 pp
- E. HB 3151A, written testimony of Brian Leavitt, Del Coursey , 8 pp
- F. SB 1054, -1 amendments, staff, 1 p
- G. SB 1054, written testimony, Sen. Peter Courtney, 3 pp
- H. SB 1062, -1 amendments, staff, 2 pp
- I. HB 3465, -1 amendments, staff, 1 p
- J. HB 3465, written testimony, Jim Anderson, 3 pp
- K. HB 3465, written testimony of Scott Gallant, Jim Anderson, 1 p

- L. HB 2026A, written testimony of Bob Repine, George Dunford, 1 p**
- M. HB 2026A, written testimony of Debbie Ferguson, George Dunford, 2 pp**
- N. HB 2026A, written testimony, Denise Teixeira, 1 p**
- O. HB 2099, written testimony, David Plunkett, 1 p**
- P. HB 3219A, written testimony, Jim Davis, 1 p**
- Q. HB 3219A, written testimony, Susan Wilson, 1 p**
- R. HB 3219A, written testimony, Jane Myers, 1 p**
- S. HB 3219A, written testimony, Joe Coss, 4 pp**
- T. HB 2207, -1 amendments, staff, 1 p**