

SENATE COMMITTEE ON RULES

July 28, 2005
1:00 P.M.

Hearing Room B
Tapes 181 - 182

Corrected 10/28/05

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
Dawn Tusso, Committee Assistant

MEASURE/ISSUES HEARD:
HB 3129A – Public Hearing and Work Session
HB 3469A – Work Session
SB 680A - Work Session
HB 2316A - Work Session
HB 2122B - Public Hearing and Work Session
HB 2327B - Public Hearing
SB 1041 – Work Session
HB 2070A - 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
TAPE 181, A		
003	Chair Brown	Calls meeting to order at 1:08 p.m. and opens a public hearing on HB 3129A.
<u>HB 3129A – PUBLIC HEARING</u>		
	Tiffany Harris	Committee Administrator. Submits HB 3129A –A2 amendments (EXHIBIT A).
009	Rep. John Lim	Represents House District 50. Testifies in support of HB 3129A.
042	Sen. Vicki Walker	Represents Senate District 7. Testifies in support of HB 3129A with the –A2 amendments.
076	Sen. Ringo	Expresses concerns with HB 3129A.
090	Rep. Lim	Responds to Sen. Ringo's concerns.
100	Sen. Walker	Responds that the –A2 amendments do not allow students to opt out of the 24 credit requirement. Clarifies that it allows students to opt out of the additional Math and English credits.
120	Chair Brown	Clarifies that the change would be 24 credit hours plus three years of Math and four years of English.
123	Sen. Walker	Replies yes.
125	Chair Brown	Recesses public hearing on HB 3129A and opens work session on HB 3469A.
<u>HB 3469A – WORK SESSION</u>		

	Tiffany Harris	Committee Administrator. Submits the -A2 (EXHIBIT B) and -A3 (EXHIBIT C) amendments to HB 3469A.
129	Sen. Ginny Burdick	Represents House District 18. Testifies in support of HB 3469A with the -A3 amendments.
133	Sen. Ferrioli	Says the issue is protecting children from unwanted attention by individuals who have indicated by their behavior that they are not to be trusted around children. Discusses restrictions placed on sex offenders regarding limitations on where they can live. Asks if Sen. Burdick delved into any of those issues.
144	Sen. Burdick	Explains that they delved into the issue in connection with Sen. Ringo's bill in Senate Judiciary.
145	Chair Brown	Clarifies that she is talking about HB 2050 (2005).
146	Sen. Ringo	Replies yes.
147	Sen. Burdick	Continues discussing issue.
156	Chair Brown	Recesses work session and opens work session on SB 680A.
<u>SB 680A – WORK SESSION</u>		
160	Tiffany Harris	Committee Administrator. Gives overview of SB 680A.
164	Sen. Shields	Clarifies that it is an aviation program with a pilot project.
171	Sen. Betsy Johnson	Senate District 16. Testifies in support of SB 680A.
187	Sen. Shields	MOTION: Moves SB 680A to the floor with a DO PASS recommendation.
	Chair Brown	VOTE: 5-0-0
		Hearing no objection, declares the motion CARRIED.
		SEN. JOHNSON will lead discussion on the floor.
202	Chair Brown	Closes work session and re-opens public hearing on HB 3129A.
<u>HB 3129A- PUBLIC HEARING</u>		
207	Kent Hunsaker	Confederation of Oregon School Administrators (COSA). Testifies in support of HB 3129A.
266	BethAnne Darby	Oregon Education Association. Testifies in support of HB 3129A.
287	Pat Burk	Chief Policy Officer, Department of Education. Testifies in support of HB 3129A. Supports the HB 3129A -A2 amendments.
323	Chair Brown	Closes public hearing on HB 3129A and opens work session on HB 3469A.
<u>HB 3469A – WORK SESSION</u>		
339	Pat Schreiner	Commander, Marion County Parole and Probation Division. Testifies on HB 3469A. Expresses concerns with HB 3469A.
384	Chair Brown	Asks if he has any specific language for an amendment.
386	Schreiner	Says they could prepare the language.
393	Sen. Ferrioli	Comments that it is a question of logistics.
410	Schreiner	Responds that the amendments could be drafted. Expresses additional concern with HB 3469A.
TAPE 182, A		
003	Chair Brown	Says that council does not think that the situation discussed arises in section two but that section one is broader. Clarifies Mr. Schreiner's concern.
010	Schreiner	Replies that it would be part of his concern. Explains concern in detail.
018	Chair Brown	Asks what percentage of sex offenders are allowed access to their children under supervision.
022	Schreiner	Replies that he does not have the answer but explains that he is not talking about the sexually violent dangerous offender.

042	Chair Brown	Closes work session and opens work session on HB 2316A.
<u>HB 2316A – WORK SESSION</u>		
046	Heidi Moawad	Committee Administrator. Gives overview of HB 2316A.
064	John Hummel	Submits HB 2316A –A3 amendments (EXHIBIT D). Oregon Criminal Defense Lawyers Association. Testifies on HB 2316A.
126	Michael Washington	Chair, Board of Parole and Post Prison Supervision. Testifies on HB 2316A without the –A3 amendments. Proposes changes to HB 2316A.
176	Pat Schreiner	Commander, Marion County Parole and Probation Division. Testifies on HB 2316A.
202	Sen. Shields	Offers scenario and asks question regarding the designation of the offender based on the risk assessment scale approved by the department.
227	Schreiner	Responds to scenario and explains in detail.
260	Sen. Shields	Says that it attempts to be as objective as possible.
261	Schreiner	Replies yes.
263	Washington	Adds that during the course of the incarceration of the offenders, they do not receive any sex offender treatment.
267	Chair Brown	Clarifies that is because the Oregon Legislature does not fund sex offender treatment programs in the Oregon State Prison System.
269	Washington	Replies yes. Says there are no sex offender treatment programs in the Department of Corrections at this time.
277	Chair Brown	Refers to the –A3 amendments to HB 2316A. Asks question regarding Mr. Hummel’s testimony.
291	Hummel	Explains.
313	Chair Brown	Refers to Mr. Hummel’s testimony and asks clarifying question.
325	Hummel	Agrees and explains. Offers concern regarding arbitrary age limits.
340	Chair Brown	Responds to comments.
353	David Fidanque	ACLU of Oregon. Testifies on HB 2316A as drafted.
405	Vice Chair Ferrioli	Closes work session and opens public hearing on HB 2122B.
<u>HB 2122B – PUBLIC HEARING</u>		
TAPE 181, B		
	Tiffany Harris	Committee Administrator. Submits the revenue impact statement for HB 2122B (EXHIBIT E).
001	Charlie Stone	Department of Forestry. Testifies on HB 2122B.
014	Sen. Ringo	Asks about the revenue impact statement.
016	Stone	Replies that he is not sure because he has not seen it.
020	Sen. Ringo	Asks if there is an updated revenue impact statement.
022	Stone	Clarifies that under the agreement on the budget there is an additional reduction made to the forest practices program under and below the Governor’s recommended budget. Clarifies that instead of fifty-nine cents, it would be fifty-five cents.
029	Sen. Ringo	Asks if the tax rate is set for a short amount of time.
032	Stone	Explains that each legislative session it is set for the next two years.
036	Sen. Ringo	Asks if the reason the relating clause requires a three-fifths majority is because it is in essence a new tax.
039	Stone	Replies yes.
042	Mari Anne Gest	Wild Salmon Center. Testifies on HB 2122B. Discusses HB 2327B. Offers suggestions.
053	Vice Chair Ferrioli	Closes public hearing and opens public hearing on HB 2327B.

HB 2327B – PUBLIC HEARING

057	Mari Anne Gest	Wild Salmon Center. Testifies on HB 2327B. Submits written testimony (EXHIBIT F).
100	Charlie Stone	Department of Forestry. Testifies on HB 2327B. Submits written testimony (EXHIBIT G). Supports the –B4 amendments to HB 2327B.
163	Ray Wilkeson	Oregon Forest Industries Council. Testifies on HB 2327B.
170	Kristina McNit	Oregon Small Woodlands Association. Testifies on HB 2327B. Submits the –B4 amendments to HB 2327B (EXHIBIT H). Explains the –B4 amendments to HB 2327B.
197	Sen. Ringo	Asks who was on the workgroup.
199	Stone	Offers names of members on the workgroup.
205	Sen. Ringo	Asks why the language change was agreed upon by the workgroup.
208	Stone	Replies that it was not agreed upon by the workgroup and explains.
220	Sen. Ringo	Responds that the concept sounds fine. Asks what the impact will be if the language “they must balance the value to the public interest” is deleted.
225	Stone	Explains impact.
234	Sen. Ringo	Comments that it seems that landowners are being empowered which is a good thing but that there is an issue as to balancing the public interest. Clarifies that the balance is being removed.
243	Stone	Responds to Sen. Ringo’s comment and question.
258	Sen. Ringo	Clarifies that if there is a severe fire season, this bill will create a ten million dollar hit to the general fund.
264	Wilkeson	Explains.
268	Sen. Ringo	Asks if the obligation to the general fund triggers automatically on the costs exceeding fifteen million dollars.
270	Wilkeson	Replies yes.
273	Sen. Ringo	Wonders why the management costs would be subsidized.
278	Wilkeson	Responds to comments.
286	Stone	Responds to Sen. Ringo’s comments.
299	Sen. Shields	Asks how much has come out of the general fund over the years.
303	Stone	Explains.
327	Sen. Shields	Clarifies that the average was three million dollars a year in 1989, 1990, and 1991.
330	Stone	Replies no and explains that they were following the 1992, 1994, and 2001 fire seasons.
336	Sen. Shields	Asks if there has been another year other than 1991 where ten million dollars was spent.
343	Stone	Replies no.
360	Sen. Ferrioli	Says that the exposure to the general fund in some of the lower fire danger years has been zero. Asks if ten million dollars is the amount discussed annually to be set aside from the emergency fund for fire fighting emergency services.
371	Stone	Replies that he has not been involved in the number setting but he has been told that they do not spend emergency board money until they know what the fire season is going to be like.
395	Sen. Ferrioli	Asks about obligations under the cooperative fire management agreements with federal special districts and other agencies.
399	Stone	Discusses mutual aide agreements.
TAPE 182, B		
001	Sen. Ferrioli	Comments on public purpose issues regarding HB 2327B.

010	Chair Brown	Closes public hearing and opens public hearing on HB 2122B.
<u>HB 2122B – PUBLIC HEARING</u>		
012	Sen. Ringo	Asks about the revenue impact of HB 2122B.
016	Mary Ayala	Legislative Revenue. Explains revenue impact of HB 2122B.
027	Sen. Ringo	Says that there was testimony that it is changing to fifty-five cents.
030	Ayala	Says that it could be a technical error.
032	Charlie Stone	Department of Forestry. Explains that it is changing to fifty-five cents because of the budget agreement.
042	Sen. Ringo	Says the revenue impact statement seems to be slightly inaccurate.
046	Chair Brown	Closes public hearing. Makes announcements. Opens work session on SB 1041.
<u>SB 1041 – WORK SESSION</u>		
	Tiffany Harris	Committee Administrator. Submits the SB 1041 -10 amendments (EXHIBIT I). Submits written testimony of Merle Weiner (EXHIBIT J).
060	Chair Brown	Committee stands at ease at 2:39 p.m.
061	Chair Brown	Calls meeting back to order at 2:48 p.m. Announces that the committee is meeting as a sub-committee.
070	Sybil Hebb	Oregon Law Center. Explains the -10 amendments to SB 1041.
089	Shawn Cruz	Legislative Assistant, Sen. Avel Gordly’s office. Testifies on SB 1041.
102	Chair Brown	Offers comments on the bill. Announces that the committee is now meeting as a full committee.
103	Chair Brown	MOTION: Moves to ADOPT SB 1041-10 amendments dated 7/28/05.
		VOTE: 3-0-2
		EXCUSED: 2 - Sen. Atkinson, Sen. Ringo
		Hearing no objection, declares the motion CARRIED.
108	Chair Brown	MOTION: Moves SB 1041 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 3-0-2
		EXCUSED: 2 - Sen. Atkinson, Sen. Ringo
		Hearing no objection, declares the motion CARRIED.
		SEN. GORDLY will lead discussion on the floor.
112	Chair Brown	Closes work session and opens work session on HB 3129A.
<u>HB 3129A – WORK SESSION</u>		
114	Chair Brown	MOTION: Moves to ADOPT HB 3129A-A2 amendments dated 7/25/05.
		VOTE: 3-0-2
		EXCUSED: 2 - Sen. Atkinson, Sen. Ringo
		Hearing no objection, declares the motion CARRIED.
115	Chair Brown	MOTION: Moves HB 3129A to the floor with a DO PASS AS AMENDED recommendation.
116	Sen. Ferrioli	Comments that he does not usually support mandates on curriculum to school districts but that he will be voting yes on the measure to assist the Chair in moving the bill forward.
120		VOTE: 3-0-2
		EXCUSED: 2 - Sen. Atkinson, Sen. Ringo
		Hearing no objection, declares the motion CARRIED.
		SEN. WALKER will lead discussion on the floor.
123	Chair Brown	Closes work session.

125 Chair Brown Recesses committee meeting at 2:55 p.m. until 5:30 p.m.
127 Chair Brown Re-convenes meeting at 5:45 p.m. Makes opening remarks.
 Opens public hearing on HB 2070A.

HB 2070A – PUBLIC HEARING

 Tiffany Harris Committee Administrator. Submits HB 2070A –A10
 amendments (**EXHIBIT K**).
143 Dexter Johnson Legislative Counsel. Provides overview of HB 2070A –A10
 amendments.
231 Paul Warner Legislative Revenue. Discusses the revenue impact of HB
 2070A.
240 Sen. Margaret Carter Senate District 22. Testifies in support of HB 2070A.
275 Chair Brown Clarifies that the proposal would not impact any other school
 district.
278 Sen. Carter Replies correct.
280 Sen. Atkinson Asks if leadership in the House knows about the bill.
281 Sen. Carter Replies yes.
282 Sen. Atkinson Asks if they support the bill.
283 Sen. Carter Replies yes.
289 Sen. Atkinson Clarifies that many individuals in the House of Representatives
 were not supportive of the portion of the Speaker’s bill that is in
 HB 2070A.
291 Sen. Carter Replies yes and explains.
295 Sen. Atkinson Asks how long it would last if the bill was passed.
296 Sen. Carter Replies two years.
301 Sen. Ferrioli Comments on HB 2070A.
336 Chair Brown Responds to Sen. Ferrioli’s comments.
339 Sen. Carter Responds to Sen. Ferrioli’s comments.
343 Sen. Ferrioli Clarifies that he was referring to the action of the whole
 legislature.
348 Sen. Carter Comments on the action that needs to be taken.
360 Sen. Ferrioli Says that he brought the issue up because there seems to be an
 element of irony. Salutes Sen. Carter and Chair Brown for their
 efforts.
368 Sen. Ringo Offers comments regarding HB 2070A.
402 Chair Brown Closes public hearing and opens work session on HB 2122B.

HB 2122B – WORK SESSION

405 Chair Brown **MOTION: Moves HB 2122B to the floor with a DO PASS
 recommendation and BE REFERRED to the
 committee on Senate Budget.**
407 Sen. Ferrioli Offers alternative to the Chair’s motion.
410 Chair Brown Withdraws previous motion.
415 Sen. Ferrioli **MOTION: Moves HB 2122B to the floor with a DO PASS
 recommendation.**
 VOTE: 5-0-0
 Hearing no objection, declares the motion CARRIED.
420 Chair Brown Closes work session. Makes announcements.
 Sen. Ferrioli Responds to Sen. Ringo’s earlier comments.
 Chair Brown Adjourns meeting at 6:05 p.m.

EXHIBIT SUMMARY

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- A. HB 3129A, -A2 amendments, staff, 1 p**
- B. HB 3469A, -A2 amendments, staff, 1 p**

- C. HB 3469A, -A3 amendments, staff, 1 p**
- D. HB 2316A, -A3 amendments, staff, 4 pp**
- E. HB 2122B, revenue impact statement, staff, 1 p**
- F. HB 2327B, written testimony, Mari Anne Gest, 2 pp**
- G. HB 2327B, written testimony, Charlie Stone, 14 pp**
- H. HB 2327B, -B4 amendments, Kristina McNit, 2 pp**
- I. SB 1041, -10 amendments, staff, 4 pp**
- J. SB 1041, written testimony of Merle Weiner, staff, 3 pp**
- K. HB 2070A, -A10 amendments, staff, 12 pp**