SENATE COMMITTEE ON RULES

July 30, 2005 2:00 P.M.

Hearing Room HR B Tapes 183 - 184

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 Patricia Nielsen, Committee Assistant

MEASURE/ISSUES HEARD:

RD: HB 2490A – Work Session SB 787 – Public Hearing HB 2070A – Work Session HB 2157C – Work Session HB 3316A – Work Session HB 3469A – Work Session HB 3184A – Work Session SB 1094 – Work Session HB 2169 – Work Session HB 3474A – Work Session HB 2450B – Work Session Approval of Drafting Request and Introduction of Committee Measure – Work Session

These minutes are in compliance with Senate and House Rules. <u>Only text enclosed in quotation marks reports a speaker's exact words.</u> For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 183,	Α	
005	Chair Brown	Calls the meeting to order at 5:03 p.m. Opens work session on HB 2490A.
HB 2490A -	- WORK SESSION	
010	Tiffany Harris	Committee Administrator. Presents overview of HB 2490A.
015	Sen. Alan Bates	District 3; physician. Testifies in support of HB 2490A. Discusses need for a Podiatrist on the Board of Medical Examiners when podiatry issues are before the Board. Describes –A5 amendments (EXHIBIT A) which add a podiatrist only to consider podiatry issues.
025	Chair Brown	Comments on the compromise created by the –A5 amendments. Expresses concern over the possibility of tied votes with an even number of members.
040	Chair Brown	Closes work session on HB 2490A. Opens public hearing on SB 787.
SB 787 – Pl	UBLIC HEARING	
045	Sen. C. Starr	District 13. Testifies in support of SB 787. Discusses need to recognize the birth of a child, even if stillborn, and bring closure for parents of stillborn babies.
065	Shawna Lapp	Sherwood; Oregon State Director, National Stillbirth Society;

		mother of a stillborn child. Describes her experience delivering her stillborn baby girl. Asks for the measure to be effective
110		retroactively.
110	Ben Lapp	Sherwood; National Stillbirth Society. Introduces himself.
115	Chair Brown	Closes public hearing on SB 787. Opens work session on HB 2070A.
	<u>A – WORK SESSION</u>	
130	Tiffany Harris	Committee Administrator. Presents overview of HB 2070A with the –A10 amendments (EXHIBIT B).
140	Sen. Ringo	Asks whether, if a school district wants to take advantage of the additional gap, it will do so by a vote of the people.
145	Chair Brown	Explains it would not.
147	Chair Brown	MOTION: Moves to ADOPT HB 2070-A10 amendments dated 7/28/05.
149		VOTE: 5-0-0
	Chair Brown	Hearing no objection, declares the motion CARRIED.
150	Chair Brown	MOTION: Moves HB 2070A to the floor with a DO PASS AS
100		AMENDED recommendation.
152	Chair Brown	Withdraws motion, to allow Sen. Deckert to testify.
155	Sen. Ryan Deckert	District 14. Appears to testify in support of the –A11
		amendments (EXHIBIT C). Discusses high health care costs in
		the Portland school district.
165	Chair Brown	Comments it is an appropriate issue to consider, but there is
		insufficient time remaining to finish working on it.
170	Chair Brown	MOTION: Moves HB 2070A to the floor with a DO PASS AS AMENDED recommendation.
175	Chair Brown	VOTE: 3-2-0
		AYE: 3 - Ringo, Shields, Brown
		NAY: 2 - Atkinson, Ferrioli
	Chair Brown	The motion CARRIES.
		SEN. CARTER will lead discussion on the floor.
180	Chair Brown	Closes work session on HB 2070A. Opens work session on HB 2157C.
HB 2157C	C – WORK SESSION	
185	Tiffany Harris	Committee Administrator. Presents overview of HB 2157C.
	,	Reviews –C23 conflict amendments (EXHIBIT D).
190	Chair Brown	MOTION: Moves to ADOPT HB 2157-C23 amendments dated 7/29/05.
192		VOTE: 5-0-0
	Chair Brown	Hearing no objection, declares the motion CARRIED.
195	Chair Brown	MOTION: Moves HB 2157C to the floor with a DO PASS AS AMENDED recommendation.
197		VOTE: 5-0-0
		AYE: In a roll call vote, all members present vote Aye.
	Chair Brown	The motion CARRIES.
200		SEN. RINGO will lead discussion on the floor.
200	Chair Brown	Closes work session on HB 2157C. Opens work session on HB 2316A.
<u>HB 2316A</u>	- WORK SESSION	
205	Heidi Moawad	Committee Counsel. Presents overview of HB 2316 with the –A3 amendments (EXHIBIT E).
215	Chair Brown	Discusses Deschutes county case.
220	Chair Brown	MOTION: Moves to ADOPT HB 2316-A3 amendments

225		dated 7/21/05.
225	Chain Duann	VOTE: 5-0-0
230	Chair Brown Chair Brown	Hearing no objection, declares the motion CARRIED. MOTION: Moves HB 2316A to the floor with a DO PASS AS AMENDED recommendation.
235		VOTE: 5-0-0
	Chair Brown	Hearing no objection, declares the motion CARRIED. SEN. ATKINSON will lead discussion on the floor.
240	Chair Brown	Closes work session on HB 2316A. Opens work session on HB 3469A.
HB 3469A	– WORK SESSION	
245	Heidi Moawad	Committee Counsel. Presents overview of HB 3469A with the –A4 amendments (EXHIBIT F).
255	Sen. Ringo	Clarifies there is no opposition to the bill as amended.
260	Moawad	Responds neither the Oregon Criminal Defense Lawyers Association (OCDLA) nor the American Civil Liberties Union (ACLU) will write a floor letter.
265	John Hummel	OCDLA. Opposes adding a new crime, but concedes that if the policy decision is to make the activity a crime the bill is properly drafted and has taken OCDLA concerns into consideration.
275	Andrea Meyer	ACLU. Concurs.
280	Chair Brown	MOTION: Moves to ADOPT HB 3469-A4 amendments
• • • •		dated 7/29/05.
283		VOTE: 5-0-0
205	Chair Brown	Hearing no objection, declares the motion CARRIED.
285	Chair Brown	MOTION: Moves HB 3469A to the floor with a DO PASS AS AMENDED recommendation.
287		VOTE: 5-0-0
	Chair Brown	Hearing no objection, declares the motion CARRIED. SEN. BURDICK will lead discussion on the floor.
290	Chair Brown	Closes work session on HB 3469A. Opens work session on HB 2327B.
	- WORK SESSION	
295	Tiffany Harris	Committee Administrator. Presents overview of HB 2327B. Discusses –B4 amendments (EXHIBIT G).
300	Chair Brown	Explains the environmental community has no objection to the amendments.
305	Chair Brown	MOTION: Moves to ADOPT HB 2327-B4 amendments dated 7/1/05.
308		VOTE: 5-0-0
	Chair Brown	Hearing no objection, declares the motion CARRIED.
310	Chair Brown	MOTION: Moves HB 2327B to the floor with a DO PASS AS AMENDED recommendation.
312	Chair Brown	VOTE: 4-1-0 AYE: 4 - Atkinson, Ferrioli, Shields, Brown NAY: 1 - Ringo,
	Chair Brown	The motion CARRIES. SEN. FERRIOLI will lead discussion on the floor.
315	Chair Brown	Closes work session on HB 2327B. Reopens work session on HB 2490A.
	<u>– WORK SESSION</u>	
320	Chair Brown	MOTION: Moves to ADOPT HB 2490-A5 amendments dated 7/28/05 (EXHIBIT A).

322		VOTE: 5-0-0
	Chair Brown	Hearing no objection, declares the motion CARRIED.
325	Chair Brown	MOTION: Moves HB 2490A to the floor with a DO PASS AS AMENDED recommendation.
327		VOTE: 5-0-0
	Chair Brown	Hearing no objection, declares the motion CARRIED. SEN. SHIELDS will lead discussion on the floor.
330	Chair Brown	Closes work session on HB 2490A. Opens work session on HB 3184A.
<u>HB 3184A – W</u>	ORK SESSION	
335	Tiffany Harris	Committee Administrator. Presents overview of HB 3184A. Discusses the –A6 amendments (EXHIBIT H).
345	Chair Brown	Further discusses the –A6 amendments.
350	Chair Brown	MOTION: Moves to ADOPT HB 3184-A6 amendments dated 7/29/05.
352		VOTE: 5-0-0
	Chair Brown	Hearing no objection, declares the motion CARRIED.
355	Chair Brown	MOTION: Moves HB 3184A to the floor with a DO PASS AS AMENDED recommendation.
357		VOTE: 5-0-0
	Chair Brown	Hearing no objection, declares the motion CARRIED. SEN. DEVLIN will lead discussion on the floor.
360	Chair Brown	Closes work session on HB 3184A. Opens work session on SB 1094.
<u>SB 1094 – WOI</u>		
370	Sen. David Nelson	District 29. Testifies in support of SB 1094 and the -1 amendments (EXHIBIT I).
405	Chair Brown	Compares the project to the professional baseball legislation.
410	Sen. Ringo	Clarifies the opportunity to develop a Morrow County Speedway depends entirely on private investments.
415	Chair Brown	MOTION: Moves to ADOPT SB 1094-1 amendments dated 7/30/05.
420		VOTE: 5-0-0
	Chair Brown	Hearing no objection, declares the motion CARRIED.
425	Chair Brown	MOTION: Moves SB 1094 to the floor with a DO PASS AS AMENDED recommendation.
430		VOTE: 5-0-0
	Chair Brown	Hearing no objection, declares the motion CARRIED. SEN. NELSEN will lead discussion on the floor.
435	Chair Brown	Closes work session on SB 1094. Opens work session on HB 2169.
<u>HB 2169 – WO</u>	RK SESSION	
440 TAPE 184, A	Tiffany Harris	Committee Administrator. Presents overview of HB 2169.
010	Jesse Cornett	Secretary of State's Office. Introduces Brenda Bayes, Manager, Elections Division. Testifies in support of HB 2169. Submits written analysis (EXHIBIT J) . Offers to answer questions.
015	Chair Brown	MOTION: Moves HB 2169 to the floor with a DO PASS recommendation.
020		VOTE: 5-0-0
	Chair Brown	Hearing no objection, declares the motion CARRIED. SEN. FERRIOLI will lead discussion on the floor.
022	Chair Brown	Closes work session on HB 2169. Opens work session on HB

		3474A.
HB 3474A – Y	WORK SESSION	
025	Tiffany Harris	Committee Administrator. Presents overview of HB 3474A. Discusses series of amendments dealing with exemptions to Ballot Measure 37. Describes –A7 amendments (EXHIBIT K).
035	Katy Coba	Director, Department of Agriculture. Testifies in support of HB 3474A and the –A7 amendments. Explains the bill exempts from Ballot Measure 37 several regulatory measures over which the Department has authority. Describes examples of regulation of bio-fuels and growing canola in the Willamette Valley.
050	Sen. Shields	Asks about the right to farm.
055	Coba	Explains farming is exempt from complaints of nuisance about noise, dust, and odor.
068	Sen. Shields	Asks about the idea of coming to a nuisance.
070	Coba	Discusses examples.
075	Dave Hunnicutt	Oregonians In Action. Explains the bill with the amendments is probably harmless. Neither supports nor opposes.
078	Chair Brown	Closes work session on HB 3474A. Opens work session on HB 2450B.
	WORK SESSION	
080	Chair Brown	Comments the Speaker volunteered her bill as a vehicle for the school funding formula. Explains the –B16 amendments are the focus of the current discussion (EXHIBIT L).
090	John Marshall	Oregon School Boards Association. Provides background on the measure and explains two changes to the state school fund distribution formula made in 2003:
		• Adding the Small School District Supplement Fund of \$2.5 million per year, to assist small school districts operating high schools
		• Adding the High Cost Disabilities Grant, under which every school district pays into the fund, and \$12 million per year is used to assist school districts with low-incidence high-cost students with disabilities
		Explains the two components were packaged together in 2003, because the High Cost Disabilities Grant generally helps larger, more urban school districts and the Small School District Supplement Fund generally helps small school districts in less urban areas. Discusses the previous sunset on June 30, 2005, and explains the –B16 amendments make the changes permanent.
125	Sen. Ringo	Asks if there is an analysis of the fiscal impact on all districts.
127	Chair Brown	Explains the intent is to continue what was started last session.
130	Sen. Ringo	Comments the Beaverton School District loses funds with the proposal.
132	Chair Brown	Responds the Portland School District is not harmed.
135	Sen. Ringo	Comments the policy of supporting small schools only helps small schools, and those who favor school consolidation disagree with the funding policy.
140	Chair Brown	MOTION: Moves to ADOPT HB 2450-B16 amendments dated 7/30/05.
142		VOTE: 5-0-0
	Chair Brown	Hearing no objection, declares the motion CARRIED.
145	Chair Brown	MOTION: Moves HB 2450B to the floor with a DO PASS AS

		AMENDED recommendation.	
148		VOTE: 4-1-0	
		AYE: 4 - Atkinson, Ferrioli, Shields, Brown	
		NAY: 1 – Ringo	
	Chair Brown	The motion CARRIES.	
		SEN. DECKERT will lead discussion on the floor.	
150	Chair Brown	Closes work session on HB 2450B. Advises HB 3474A will be	
		held over until Monday, August 1. Recesses the meeting at 5:45	
		p.m.	
152	Chair Brown	Reconvenes the meeting at 5:52 p.m. Advises SB 787 will be	
		considered with an amendment on Monday, August 1. Opens	
		work session for consideration of request for drafting and	
		introduction.	

<u>APPROVAI</u>	L OF DRAFTING REQ	<u> UEST AND INTRODUCTION OF COMMITTEE MEASURE –</u>
WORK SES	<u>SSION</u>	
160	Chair Brown	MOTION: Moves one drafting request relating to judges BE
		APPROVED FOR DRAFTING by Legislative
		Counsel and BE INTRODUCED as a committee
		bill
		(EXHIBIT M).
162		VOTE: 3-0-2
		EXCUSED: 2 – Atkinson, Ferrioli
	Chair Brown	Hearing no objection, declares the motion CARRIED.
165	Chair Brown	Closes work session. Adjourns the meeting at 5:53 p.m.

EXHIBIT SUMMARY

- A. HB 2490A, -A5 amendments (7-28-05), staff, 1 p
- B. HB 2070A, -A10 amendments (7-28-05), staff, 12 pp
- C. HB 2070A, -A11 amendments (7-29-05), Sen. Deckert, 12 pp
- D. HB 2157C, -C23 amendments (7-29-05), staff, 23 pp
- E. HB 2316A, -A3 amendments (7-21-05), staff, 4 pp
- F. HB 3469A, -A4 amendments (7-29-05), staff, 1 p
- G. HB 2327B, -B4 amendments (7-1-05), staff, 1 p
- H. HB 3184A, -A6 amendments (7-29-05), staff, 4 pp
- I. SB 1094, -1 amendments (7-30-05), staff, 4 pp
- J. HB 2169, written analysis, Jesse Cornett, 2 pp
- K. HB 3474A, -A7 amendments (7-28-05), staff, 5 pp
- L. HB 2450B, -B16 amendments (7-30-05), staff, 13 pp
- M. Approval of drafting request and introduction, memo, staff, 1 p