

## SENATE COMMITTEE ON RULES

July 05, 2005  
9:00 A.M.

Hearing Room B  
Tapes 147 - 149

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

**MEMBER VISITING:** Sen. Richard Devlin

**STAFF PRESENT:** Tiffany Harris, Committee Administrator  
Katie Lowry, Committee Assistant

**MEASURE/ISSUES HEARD:**  
HB 2450B - Public Hearing

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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.

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 147, A</b>		
005	Chair Brown	Calls the meeting to order at 9:06 a.m. and opens a public hearing on HB 2450B.
<b><u>HB 2450B - PUBLIC HEARING</u></b>		
008	Tiffany Harris	Committee Administrator. Provides an overview of HB 2450B.
013	Sen. Avel Gordly	Senate District 23. Testifies in support of HB 2450B.
100	Sen. Gordly	Continues testimony in support of HB 2450B. Comments about legislation regarding school lunch program.
139	Chair Brown	Confirms that bill passed out of the Senate.
140	Sen. Gordly	Continues testimony in support of HB 2450B.
225	Speaker Karen Minnis	House District 49. Comments on Sen. Gordly's testimony. Makes observations regarding education funding. Submits and discusses written testimony in support of HB 2450B ( <b>EXHIBIT A</b> ).
300	Speaker Minnis	Continues testimony in support of HB 2450B.
400	Speaker Minnis	Continues testimony in support of HB 2450B.
423	Chair Brown	Wants to wait on Paul Warner's testimony until later this afternoon due to time.
427	Sen. Gordly	Discusses email received regarding teachers.
<b>TAPE 148, A</b>		
001	Sen. Gordly	Continues discussing email received.
020	Speaker Minnis	Explains why the Portland provision in the original bill was deleted.
028	Chair Brown	Explains that business leaders have told her that education is extremely important. States she has talked to several businesses who have expressed willingness to support an increase in the corporate income tax. Points out that, under this proposal, none of the corporate income tax goes to schools. Wonders if witnesses believe that businesses should be contributing to

		education in Oregon.
034	Speaker Minnis	Explains Paul Warner believes the most stable source will be personal income tax. Points out that a business tax is the most unstable tax source. Explains in detail.
045	Sen. Gordly	Believes businesses should contribute to school taxes. Points out that is not the proposal before the committee. Wants to make sure there is a stable funding source available for K-12 before the session is over.
056	Chair Brown	Comments on the budget appropriation discrepancies between the House and the Senate. Wonders about making everything a fixed percentage.
063	Speaker Minnis	Replies K-12 is the largest component of the budget. Believes if there is a stable funding source for K-12, there will be stability established for other programs.
076	Sen. Devlin	Comments regarding the School Revenue Forecast Committee. Wonders about the analysis done to arrive at the percentages in the B-engrossed bill to ensure adequacy.
093	Speaker Minnis	Comments on the subjectivity of adequacy. Comments on the need for stability.
116	Sen. Devlin	Wonders how witness arrived at the 4.5% per en number in the bill. Comments on PERS.
123	Speaker Minnis	Responds.
131	Sen. Ringo	Comments regarding adequacy and stability in schools. Mentions corporate tax revenues.
146	Speaker Minnis	States she would not object to adding corporate tax revenue dollars into the plan.
148	Sen. Ringo	Believes stability is easily achieved if we are willing to accept inadequacy.
151	Speaker Minnis	Wonders if Sen. Ringo believes that legislators could begin the 75 <sup>th</sup> legislative session and appropriate 5.8 million dollars to K-12.
153	Sen. Ringo	Replies he does not know what the forecast will be for next session.
154	Speaker Minnis	Believes the K-12 budget will be close to 5.8 million dollars next session if this plan is implemented.
155	Sen. Ringo	Reiterates that stability is important. Points out that stability is not the goal. Comments on the politics of K-12 funding.
171	Speaker Minnis	Makes comments.
174	Sen. Atkinson	Thanks witnesses for their testimony. Comments on the debate for K-12 funding.
193	Sen. Gordly	Comments she is not here as an advocate for inadequate funding. Believes there can be work done to improve HB 2450B.
208	Sen. Ferrioli	Thanks Chair Brown for holding a hearing on HB 2450B. Comments on the political debate on K-12 funding. Comments on the dedication of teachers. Comments the numbers may need to be adjusted, but points out there is no better alternative on the table.
247	Chair Brown	Comments on measures regarding K-12 funding passed by the Senate. Points out to say there are no competing proposals is inaccurate.
253	Sen. Ferrioli	Comments on a minority report that would have brought this proposal to the Senate. Points out that senators have not had an opportunity to vote on this proposal.

259	Chair Brown	States that is correct.
260	Sen. Ferrioli	Hopes this bill will move to the Senate floor in order to be voted on.
261	Chair Brown	Clarifies the reason Sen. Ferrioli chose to withdraw the minority report was because she offered him a hearing on this bill. Points out he was given a choice. Believes he chose wisely.
266	Sen. Ferrioli	Hopes there is an opportunity to allow senators to vote on this proposal.
269	Sen. Shields	Comments on the meaning of invocation. Believes the legislature will need wisdom in order to come to a solution. Thanks witnesses for their time.
306	Tom Olson	Resident, Canby. Stand for Children. Submits and reads written testimony in opposition to HB 2450B <b>(EXHIBIT B)</b> .
400	Kathy Sansone	Resident, Salem. Stand for Children. Submits and reads written testimony in opposition to HB 2450B <b>(EXHIBIT C)</b> .
<b>TAPE 147, B</b>		
007	Zoë Walmer	Student, Lakeridge High School. Director of Outreach, the Youth Caucus. Submits and reads written testimony in opposition to HB 2450B <b>(EXHIBIT D)</b> .
049	Chair Brown	Thanks witness for her testimony. Recesses the meeting at 10:09 a.m. and states the meeting will reconvene at 1:00 p.m.
053	Chair Brown	Calls the meeting back to order at 1:06 p.m.
059	Rep. Jeff Merkley	House District 47. Discusses concerns with HB 2450B. Submits a letter from Legislative Counsel (LC) <b>(EXHIBIT E)</b> . Remarks on legislation introduced in the Senate. Mentions SB 1091 (2005).
100	Chair Brown	Remarks that Speaker Minnis expressed concerns after speaking with members of the Portland delegation that people would not support the gap proposal that was in the original bill. Wonders if witness has had any conversations with the Portland School Board regarding the gap bond issue.
106	Rep. Merkley	Replies yes. Explains in detail.
118	Sen. Shields	Wonders if the 14 members of the Portland delegation ever had a chance to discuss issues with the Portland School Board or superintendent as a group.
122	Rep. Merkley	Explains the caucus members did invite the superintendent, but she was unable to come. Explains they met with one member of the School Board and an individual representing the School Board. Explains each member of the caucus wrote a letter expressing their concerns regarding HB 2450B.
131	Chair Brown	Asks when those conversations with the Portland School Board member occurred.
132	Rep. Merkley	Replies approximately two weeks ago.
141	John Marshall	Oregon School Board Association. Testifies in support of HB 2450B.
233	Kent Hunsaker	Executive Director, Confederation of Oregon School Administrators (OSBA). Comments on funding for K-12 in previous biennia.
278	Chair Brown	States that the Senate Republican's plan was 53 percent.
280	Hunsaker	Replies.
288	Hunsaker	Submits and discusses analysis of HB 2450B <b>(EXHIBIT F)</b> .
291	Chair Brown	Believes the percentage for the K-12 numbers hasn't varied much over the last several sessions. Believes there may have been

295 Hunsaker about a one to three percent difference in the amount allocated. Explains that is on page three of his testimony. Continues discussing analysis of HB 2450B. Explains that HB 3460 is now HB 2450B.

392 Anthony Lanni Superintendent, North Central ESD and Grant County ESD. Submits and reads written testimony in support of HB 2450B **(EXHIBIT G)**.

**TAPE 148, B**

001 Lanni Continues reading written testimony in support of HB 2450B.

020 Chair Brown Refers to witness' statement that we are losing the bidding war. Comments on the figures on page two of the submitted analysis.

030 Hunsaker Comments on numbers.

036 Chair Brown Comments that if this bill had been in place in the '03-'05 biennium, the percentage would have been approximately \$329 million less than what the legislature actually gave K-12 schools. Asks if that gives the witness concerns about this proposal.

045 Hunsaker Reiterates he believes 51 percent is not adequate. Recommends 55 percent. Explains in detail. Encourages committee to change the numbers.

054 Chair Brown Wonders if the debate would change from a numbers debate to a percentage debate if this legislation is passed.

061 Marshall Responds. Believes the stability HB 2450B will provide is valuable.

077 Chair Brown Comments on testimony regarding rising cost of health insurance and the concern about dollars not getting into the classrooms. Asks for comments regarding SB 639 (2005) and SB 766 (2005).

085 Marshall States the OSBA is on record as opposing both bills.

088 Hunsaker States COSA is on record as opposing both bills. Explains reasons for opposition.

097 Sen. Ferrioli Discusses concerns with the Quality Education Model (QEM). Wonders if any of the witnesses have studied the QEM.

105 Chair Brown Wonders if Sen. Ferrioli means less expensive.

106 Sen. Ferrioli Responds. Discusses the adequacy and affordability of education. Asks if witnesses have formed an opinion of what should happen with the QEM. Wonders if we have made expectations that are unreachable.

119 Marshall Remarks on the need for a definition on adequacy that can be agreed upon. Believes the QEM attempts to answer the wrong question. Explains in detail.

147 Hunsaker Comments on the QEM.

162 Sen. Ferrioli States the Speaker's plan resets the number in the out years to 5.318. Wonders what affect that number has on this proposal.

165 Hunsaker Explains the affect.

176 Chair Brown Points out the bill presumes that we will fund schools at 5.318 this biennium. Asks why that number was chosen.

180 Hunsaker Explains it was chosen because it was the number given by the Revenue Forecasting Committee for the roll-up costs for education.

183 Chair Brown Verifies it was essentially a no-cuts number.

184 Hunsaker Replies yes.

185	Sen. Ferrioli	Discusses reasons for choosing 5.318.
198	Sen. Ferrioli	Discusses the percentage points in HB 2450B and the minority report offered. Asks Mr. Marshall how long he has been involved with the OSBA.
210	Marshall	Replies his first session for the OSBA was 1983.
211	Sen. Ferrioli	Asks what he was doing before that.
212	Marshall	Replies he was with Oregon Tax Research for five years previous to that.
213	Sen. Ferrioli	Wonders what the total time is.
214	Marshall	Replies 28 years.
215	Sen. Ferrioli	Asks Mr. Lanni how long he has been involved with education.
216	Lanni	Replies he has lived in Oregon for 10 years.
217	Sen. Ferrioli	Asks what his profession was prior to coming to Oregon.
218	Lanni	Replies 36 years in education.
219	Sen. Ferrioli	Asks how long he has been involved in crafting budgets.
220	Lanni	Replies 25 years.
221	Sen. Ferrioli	Discusses Mr. Hunsaker's career. Asks Mr. Hunsaker what his aggregate experience is.
229	Hunsaker	Replies 36 years in education.
232	Sen. Ferrioli	Points out there is an aggregate of over 100 years of experience here.
234	Chair Brown	Wonders if the OSBA is supporting 5.318 billion dollars for schools out of the general fund this session.
236	Marshall	Replies yes. Explains they have consistently supported the highest number possible. Explains.
240	Chair Brown	Notes that Andi Jordan had to leave and has submitted written testimony for the record <b>(EXHIBIT H)</b> .
252	Kathryn Firestone	Executive Director, Coalition for Schools. Submits and reads written testimony in opposition to HB 2450B <b>(EXHIBIT I)</b> .
296	Tricia Smith	Oregon School Employees Association. Submits and reads written testimony in opposition to HB 2450B <b>(EXHIBIT J)</b> .
350	Smith	Continues reading submitted testimony.

**TAPE 149, A**

001	Laurie Wimmer Whelan	Oregon Education Association. Discusses concerns with HB 2450B. Submits written testimony in opposition to HB 2450B <b>(EXHIBIT K)</b> .
107	Wimmer Whelan	Comments on legislation passed by the Senate. Reiterates opposition to HB 2450B.
116	Sen. Ringo	Asks Ms. Firestone how long she has been in education.
118	Firestone	Replies she has been an advocate for public schools in Oregon since 1991 primarily as a volunteer.
120	Sen. Ringo	Verifies that witness was the head of the Parent Teacher Association (PTA).
121	Firestone	Replies she is the past president of the Oregon PTA, past vice-president for legislation for the Oregon PTA, and a former commissioner for the QEM as well as a best practices panel member.
122	Sen. Ringo	Makes comments.
131	Marcia Kelley	American Association of University Women of Oregon. Submits

		written testimony on behalf of Chris Coughlin, Executive Director of Our Oregon, in opposition to HB 2450B ( <b>EXHIBIT L</b> ). Testifies in opposition to HB 2450B.
200	Kelley	Continues testimony in opposition to HB 2450B.
243	Sen. Shields	Asks if witness has written testimony.
244	Kelley	Replies she will submit it. Submits written testimony for the record ( <b>EXHIBIT M</b> ).
255	Tim Nesbitt	Oregon AFL-CIO. Testifies in opposition to HB 2450B.
309	Jim Craven	American Electronics Association. States they do not have a firm position on HB 2450B. Testifies regarding HB 2450B.
365	Vice-Chair Ferrioli	Closes the public hearing on HB 2450B and adjourns the meeting at 2:26 p.m.

### EXHIBIT SUMMARY

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- A. HB 2450B, written testimony, Speaker Karen Minnis, 2 pp**
- B. HB 2450B, written testimony, Tom Olson, 1 p**
- C. HB 2450B, written testimony, Kathy Sansone, 1 p**
- D. HB 2450B, written testimony, Zoë Walmer, 2 pp**
- E. HB 2450B, letter, Rep. Jeff Merkley, 2 pp**
- F. HB 2450B, analysis of HB 2450B, Kent Hunsaker, 5 pp**
- G. HB 2450B, written testimony, Anthony Lanni, 2 pp**
- H. HB 2450B, written testimony, Andi Jordan, 1 p**
- I. HB 2450B, written testimony, Kathryn Firestone, 1 p**
- J. HB 2450B, written testimony, Tricia Smith, 3 pp**
- K. HB 2450B, written testimony, Laurie Wimmer Whelan, 2 pp**
- L. HB 2450B, written testimony of Chris Coughlin, Marcia Kelley, 1 p**
- M. HB 2450B, written testimony, Marcia Kelley, 3 pp**

## SENATE COMMITTEE ON RULES

July 05, 2005  
3:30 P.M.

Hearing Room B  
Tapes 150 - 151

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**  
                                  **Katie Lowry, Committee Assistant**

**MEASURE/ISSUES HEARD:**

**HB 3092B - Work Session**  
                                  **HB 2103A – Public Hearing and Work Session**  
                                  **HB 2130A – Public Hearing**  
**HB 2238 – Public Hearing and Work Session**  
                                  **HB 2265B – Public Hearing**  
                                  **HB 2510A – Public Hearing**  
                                  **HB 2561A – Public Hearing and Work Session**  
                                  **HB 3491A – Public Hearing and Work Session**  
                                  **HB 3495A – Public Hearing and Work Session**  
                                  **HB 3238A – Public Hearing**

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 150, A</b>		
005	Chair Brown	Calls the meeting to order at 3:38 p.m. and opens a work session on HB 3092B.
<b><u>HB 3092B - WORK SESSION</u></b>		
007	Tiffany Harris	Committee Administrator. States that Legislative Counsel (LC) will provide an explanation of the -B7 amendments which resolve conflicts ( <b>EXHIBIT A</b> ).
013	Chuck Taylor	LC. Explains the conflict with HB 3092B. Explains the conflict with HB 3304 is a policy choice that LC cannot make. Provides an explanation of the options available to the committee.
041	Chair Brown	Verifies that the –B7 amendments are the same as the original bill except they include an emergency clause.
042	Taylor	States they are similar to HB 3304, but they make a modification to it.
044	Chair Brown	Wonders if that is on lines 11 and 12.
046	Taylor	Explains that because the amendments contain an emergency clause, they can repeal section two of HB 3304 without having to further amend the language.

052 Chair Brown Asks if there is anyone present on behalf of HB 3092B.  
055 J.L. Wilson Oregon Association of Plumbing, Heating and Cooling Contractors. Explains HB 3092B adds to HB 3304. Provides details. Explains the -B7 amendments repeal HB 3304 but re-implements the language of HB 3304.

068 Chair Brown Makes comments.  
070 Chair Brown **MOTION: Moves to ADOPT HB 3092-B7 amendments dated 07/01/05.**

072 **VOTE: 4-0-1**  
**EXCUSED: 1 - Atkinson**  
Chair Brown **Hearing no objection, declares the motion CARRIED.**

074 Chair Brown **MOTION: Moves HB 3092B to the floor with a DO PASS AS AMENDED recommendation.**

075 **VOTE: 4-0-1**  
**EXCUSED: 1 - Atkinson**  
Chair Brown **Hearing no objection, declares the motion CARRIED. SEN. FERRIOLI will lead discussion on the floor.**

082 Chair Brown Closes the work session on HB 3092B and opens a public hearing on HB 2103A.

**HB 2103A - PUBLIC HEARING**

084 Tiffany Harris Committee Administrator. Provides an overview of HB 2103A. Submits the -A2 amendments to HB 2103A which are amendments to resolve conflicts (**EXHIBIT B**).

091 Susan Wilson Director, Oregon Health Licensing Office. Testifies in support of HB 2103A. Submits written testimony (**EXHIBIT C**). Discusses conflict amendments.

113 Chair Brown Closes the public hearing on HB 2103A and opens a work session on HB 2103A.

**HB 2103A - WORK SESSION**

115 Chair Brown **MOTION: Moves to ADOPT HB 2103-A2 amendments dated 07/01/05.**

117 **VOTE: 4-0-1**  
**EXCUSED: 1 - Atkinson**  
Chair Brown **Hearing no objection, declares the motion CARRIED.**

118 Chair Brown **MOTION: Moves HB 2103A to the floor with a DO PASS AS AMENDED recommendation.**

120 **VOTE: 4-0-1**  
**EXCUSED: 1 - Atkinson**  
Chair Brown **Hearing no objection, declares the motion CARRIED. SEN. BROWN will lead discussion on the floor.**

121 Chair Brown Closes the work session on HB 2103A and opens a public hearing on HB 2130A.

**HB 2130A - PUBLIC HEARING**

124 Tiffany Harris Committee Administrator. Provides an overview of HB 2130A.  
131 Jim McCauley Department of Environmental Quality (DEQ). Testifies regarding HB 2130A.

140 Chair Brown Wonders if it is easier for people to ascertain what the fees are if they are in statute.

141 McCauley Explains why the fees should be placed in statute.  
153 Sen. Shields Wonders about term "larger scale suction dredge operations".  
155 McCauley Explains.  
170 Sen. Shields Asks for clarification about the process of suction dredge mining.  
174 McCauley Replies correct and provides further explanation.

178	Sen. Shields	Asks about turbidity.
180	McCauley	Responds.
187	Sen. Shields	Comments this is a step in the right direction.
189	Sen. Ringo	Verifies that witness said without this legislation a certain type of mining cannot take place.
192	McCauley	Discusses permit renewal during the previous year. Explains they do not have a rule which allows them to write an individual permit to deal with the suction dredges that do not qualify under the general permit. Explains how the fee will allow them to write an individual permit.
204	Sen. Ringo	Wonders how much work it is to write an individual permit.
205	McCauley	Responds.
213	Sen. Ringo	Wonders about a fiscal analysis.
214	McCauley	Discusses fiscal analysis.
223	Sen. Ringo	Verifies that witness said they expect to receive around \$73,000 and that would not cover the cost of issuing the permits.
226	McCauley	Replies not entirely. Explains in detail.
230	Sen. Ringo	Wonders what the expected cost of supporting this will be.
231	McCauley	Replies he does not have a specific number. Offers to return the information to Sen. Ringo.
235	Sen. Ringo	Understands that the state of Washington has a fee program that supports itself for some permits.
241	McCauley	States he is not very familiar with the process in Washington.
245	Sen. Ringo	Comments he would like to see permits be self-sustaining.
251	Sen. Ferrioli	Asks if suction miners were allowed to enter the stream for recreational mining without permits previously.
256	McCauley	Explains they have had a fee permit requirement for the last two decades.
260	Sen. Ferrioli	Asks what the fee was.
261	McCauley	Replies \$40-60. Provides further explanation.
269	Sen. Ferrioli	Wonders if the fee went from \$40-60 for a site permit to a \$300 general permit.
270	McCauley	Explains the general permit is \$25 per year. Explains the \$300 fee is for an individual suction dredge permit.
276	Sen. Ferrioli	Discusses increase of fees.
283	Chair Brown	Recesses the public hearing on HB 2130A and opens a public hearing on HB 2238.

**HB 2238 - PUBLIC HEARING**

285	Tiffany Harris	Committee Administrator. Provides an overview of HB 2238.
291	Rep. Jerry Krummel	House District 26. Expresses support for HB 2238. States he is here to answer questions.
301	Bill Linden	Oregon Restaurant Association. Testifies in support of HB 2238.
318	Chair Brown	Closes the public hearing on HB 2238 and re-opens the public hearing on HB 2130A.

**HB 2130A – PUBLIC HEARING**

325	David Moskowitz	Wild Salmon Center. Discusses section one of HB 2130A which would repeal ORS 196.840. Reads language that would be repealed. Believes this section should not be repealed.
364	Chair Brown	Verifies that witness has no concerns with the rest of the bill.
365	Moskowitz	Confirms this.
366	Chair Brown	Asks Mr. McCauley to tell the committee why ORS 196.840 is being repealed.
368	Jim McCauley	Department of Environmental Quality (DEQ). Believes that was at the request of the Water Resources Department (WRD).

378 John Lilly Assistant Director, Department of State Lands (DSL). Discusses reasons for repealing ORS 196.840.

407 Sen. Shields Verifies that they do not use this tool and therefore don't need it available to them anymore.

411 Lilly Explains the tools they have are sufficient at this point. Points out it is hard to argue that this provision needs to remain in statute since it hasn't been used.

420 Sen. Ringo Asks if the WRD suggested that this be removed.

421 Lilly Explains the amendment was made in the House Water Committee. Believes it didn't emanate from the WRD.

426 Sen. Ringo Wonders who offered this amendment.

428 Lilly Responds.

**TAPE 151, A**

005 Brendan McCarthy Legislative Counsel (LC). Explains reasons why he suggested that the provision be deleted from statute.

017 Chair Brown Asks if Mr. Moskowitz is satisfied with this explanation.

018 Moskowitz Replies yes.

020 Chair Brown Closes the public hearing on HB 2130A and opens a work session on HB 2238.

**HB 2238 – WORK SESSION**

025 Chair Brown **MOTION: Moves HB 2238 to the floor with a DO PASS recommendation.**

026 **VOTE: 4-0-1**  
**EXCUSED: 1 - Atkinson**  
**Hearing no objection, declares the motion CARRIED.**  
**SEN. RINGO will lead discussion on the floor.**

029 Chair Brown Closes the work session on HB 2238 and opens a public hearing on HB 2265B.

**HB 2265B - PUBLIC HEARING**

030 Sen. Shields Comments on the -B6 amendments. Submits -B6 amendments to HB 2265B (**EXHIBIT D**).

038 Chair Brown States the amendments were just distributed, so the committee will not move them today.

040 Ann Hanus Department of State Lands (DSL). Explains the -B6 amendments. Submits written testimony (**EXHIBIT E**).

079 Sen. Shields Verifies that they have been talking about this in the budget committee.

081 Hanus Replies yes and explains.

084 Sen. Shields Explains everything in this bill that DSL wanted was removed in the House. Verifies these amendments restore the bill to its original intent.

090 Hanus Replies correct.

091 Sen. Ringo Verifies the House amendments added the part about submersibles.

095 Hanus Replies yes and explains they have no objection to that addition.

097 Sen. Ferrioli Asks for an explanation for the three percent automatic fee increases.

098 Hanus Explains.

102 Sen. Ferrioli Asks if there would be any need for further legislative authority to increase those fees.

104 Hanus Responds.

106 Sen. Ferrioli Asks if this is an automatic fee increase for which no further legislative authority would be needed.

108 Hanus Explains there is a section that allows a three percent per year

109	Sen. Ferrioli	adjustment for permits beginning in 2007.
110	Hanus	Asks if there is a sunset on the bill.
113	Chair Brown	Replies no. Closes the work session on HB 2265B and opens a public hearing on HB 2510A.
<b><u>HB 2510A - PUBLIC HEARING</u></b>		
117	Tiffany Harris	Committee Administrator. Provides an overview of HB 2510A.
124	Chair Brown	Closes the public hearing on HB 2510A and opens a public hearing on HB 2561A.
<b><u>HB 2561A - PUBLIC HEARING</u></b>		
129	Tiffany Harris	Committee Administrator. Provides an overview of HB 2561A.
134	Harry Gilmore	Manager, Technical Assistance Unit, Children, Adults and Family Section, Department of Human Services. Testifies in support of HB 2561A.
147	Chair Brown	Remarks the transfer probably should have happened 10 years ago.
148	Gilmore	Replies it probably should have happened at the time the Youth Authority was created. Continues testimony.
154	Chair Brown	Closes the public hearing on HB 2561A and opens a work session on HB 2561A.
<b><u>HB 2561A - WORK SESSION</u></b>		
157	Chair Brown	<b>MOTION: Moves HB 2561A to the floor with a DO PASS recommendation.</b>
158	Chair Brown	<b>VOTE: 3-0-2</b> <b>EXCUSED: 2 - Atkinson, Ringo</b> <b>Hearing no objection, declares the motion CARRIED.</b> <b>SEN. SHIELDS will lead discussion on the floor.</b>
159	Chair Brown	Closes the work session on HB 2561A and opens a public hearing on HB 3491A.
<b><u>HB 3491A - PUBLIC HEARING</u></b>		
164	Tiffany Harris	Committee Administrator. Provides an overview of HB 3491A.
172	Julie Suchanek	Oregon Community College Association. Testifies in support of HB 3491A. Believes it will deter people from making false threats. Relates story.
197	Sen. Shields	Believes witness' testimony makes the case for the bill.
203	Sen. Ferrioli	Remarks on the enactment of stiffer penalties for simulating an explosive device. Wonders if there are other statutes for a threat of this nature besides menacing. Remarks menacing and disorderly conduct do not seem like serious enough charges.
213	Suchanek	Replies she does not know.
224	Sen. Ferrioli	Reiterates question to Counsel.
225	Joe O'Leary	Senate Judiciary Committee Counsel. Believes there are other statutes. Points out change to the juvenile court statute which lists the type of charges for which a juvenile court can order the pre-adjudication detention of a youth. Provides further explanation. Comments on testimony in the House committee.
242	Sen. Ferrioli	Clarifies his understanding of the measure.
<b>The following material is submitted for the record without public testimony:</b>		
	Rep. Dave Hunt	House District 40. Submits written testimony ( <b>EXHIBIT F</b> ).
250	Chair Brown	Closes public hearing on HB 3491A and opens a work session on HB 3491A.
<b><u>HB 3491A - WORK SESSION</u></b>		
255	Sen. Shields	<b>MOTION: Moves HB 3491A to the floor with a DO PASS</b>

257 Sen. Shields **recommendation.**  
Comments he has part of the North Clackamas School District in his district. Explains he identifies with Superintendent Naso's testimony included in **(EXHIBIT F)**.

260 Chair Brown Agrees.

262 **VOTE: 4-0-1**  
**EXCUSED: 1 - Atkinson**  
**Chair Brown**  
**Hearing no objection, declares the motion CARRIED.**  
**SEN. SHIELDS will lead discussion on the floor.**

264 Chair Brown Closes the work session on HB 3491A and opens a public hearing on HB 3495A.

**HB 3495A - PUBLIC HEARING**

270 Tiffany Harris Committee Administrator. Provides an overview of HB 3495A.

275 Bill Linden Oregon Restaurant Association. Testifies in support of HB 3495A.

310 Sen. Ringo Wonders if HB 3495A promotes brew making in Oregon.

312 Linden Believes it does.

314 Sen. Ringo States he wants to promote brew making in Oregon.

325 Chair Brown Closes the public hearing on HB 3495A and opens a work session on HB 3495A.

**HB 3495A - WORK SESSION**

330 Sen. Ringo **MOTION: Moves HB 3495A to the floor with a DO PASS recommendation.**

333 **VOTE: 3-0-2**  
**EXCUSED: 2 - Atkinson, Ferrioli**  
**Chair Brown**  
**Hearing no objection, declares the motion CARRIED.**  
**SEN. RINGO will lead discussion on the floor.**

338 Chair Brown Suggests Mr. Linden inform Sen. Ferrioli that the committee passed the bill. Suggests he provide Sen. Ferrioli with his testimony.

342 Chair Brown Closes the work session on HB 3495A and opens a public hearing on HB 3238A.

**HB 3238A – PUBLIC HEARING**

344 Tiffany Harris Committee Administrator. Provides an overview of HB 3238A.

354 Patrick Allen Office of Regulatory Streamlining. Testifies in support of HB 3238A. Submits informational packet **(EXHIBIT G)**.

392 Tom Gallagher Vice-Chair of the Advisory Committee on Agency Rule Streamlining. Provides background information on the committee.

**TAPE 150, B**

001 Gallagher Continues testimony regarding HB 3238A. Provides an example of a rule which results in an absurd outcome.

023 Allen States he will summarize what the waiver section says.

025 Sen. Ringo Asks if this is currently in the A-engrossed version.

026 Allen Replies yes.

027 Sen. Ringo Asks where it is in the A-engrossed version.

028 Allen Replies section four. Provides explanation of section four.

043 Sen. Ringo Points out that line 11 uses the language absurd *or* undesirable results. Remarks it says *or* not *and*.

044 Allen Replies correct.

045 Chair Brown Clarifies it is either, not both.

046 Allen Replies correct.

047 Sen. Ringo Verifies that it is not just an absurd result, that if it is undesirable in someone's judgment then it can be waived.

048	Gallagher	Believes an undesirable result which is getting the opposite of what you are trying to do, is the essence of absurd.
050	Sen. Ringo	Expresses uncertainty. Remarks on the subjectivity of a desirable result.
054	Gallagher	Responds. Provides an example.
070	Allen	Explains the language in section 4 (c) operates interchangeably with the language in section 4 (b). Provides details.
082	Liz Frenkel	League of Women Voters of Oregon. Testifies in opposition to HB 3238A.
124	Chair Brown	States this bill will not be moved today. Believes the framework and parameters are there for a good proposal.
129	Chair Brown	Closes public hearing on HB 3238A and adjourns the meeting at 4:47 p.m.

### **EXHIBIT SUMMARY**

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- A. HB 3092B, -B7 amendments, staff, 2 pp**
- B. HB 2103A, -A2 amendments, staff, 3 pp**
- C. HB 2103A, written testimony, Susan Wilson, 2 pp**
- D. HB 2265B, -B6 amendments, Sen. Frank Shields, 45 pp**
- E. HB 2265B, written testimony, Ann Hanus, 2 pp**
- F. HB 3491A, written testimony, Rep. Dave Hunt, 4 pp**
- G. HB 3238A, informational packet, Patrick Allen, 24 pp**