

HOUSE COMMITTEE ON RULES AND PUBLIC AFFAIRS

June 03, 2003 Hearing Room E
1:00 PM Tapes 70 -71

MEMBERS PRESENT: **Rep. Dan Doyle, Chair**
 Rep. Linda Flores, Vice-Chair
 Rep. Laurie Monnes Anderson, Vice Chair
 Rep. Vic Backlund
 Rep. Phil Barnhart
 Rep. Betsy L. Close
 Rep. Joanne Verger

STAFF PRESENT: **Cara Filsinger, Administrator**
 Megan Palau, Administrator
 Patrick Brennan, Administrator
 Annetta Mullins, Committee Assistant

MEASURE/ISSUES HEARD: **SB 103 B – Public Hearing and Work Session**
 HB 2857 A – Public Hearing and Work Session
 SB 456 A – Public Hearing and 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 70, A		
004	Chair Doyle	Calls meeting to order at 1:07 p.m. and announces order agenda items will be considered. Comments on staffing for the remainder of the session.
018	Chair Doyle	Opens a work session on introduction of Speaker-approved committee bills.
<u>INTRODUCTION OF SPEAKER-APPROVED COMMITTEE BILLS</u>		
022	Rep. Flores	MOTION: Moves LC 3659 (EXHIBIT A) BE INTRODUCED as a committee bill.
	Chair Doyle	Comments that LC 3659 is the Sine Die resolution.
040	Chair Doyle	VOTE: 7-0-0 Hearing no objection, declares the motion CARRIED.
037	Chair Doyle	Closes the work session on introduction of Speaker-approved committee bills and opens a public hearing on SB 103 B.
<u>SB 103 B – PUBLIC HEARING</u>		
043	Cheryl Pellegrini	Oregon Department of Justice. Testifies in support of SB 103 B. Explains why the bill was introduced by the Department of Justice. Explains the provisions of the bill (EXHIBIT B).
100	Rep Verger	States she is part of an auto dealership. Asks if “bushing” is a widespread problem.
	Pellegrini	Explains history of problem.
	Rep. Verger	States she has no objection to putting in restrictions that keep people honest.
139	Darrell Fuller	Oregon Auto Dealers Association. Testifies in support of SB

180	Fuller	103 B (EXHIBIT C). Explains they wanted to remove the incentive for the dealer to keep the customer in the car for a long period of time in order to collect the cost of mileage.
193	Chair Doyle	Closes the public hearing and opens a work session on SB 103 B.
<u>SB 103 B – WORK SESSION</u>		
215	Rep. Flores	MOTION: Moves SB 103 B to the floor with a DO PASS recommendation.
		VOTE: 7-0-0
221	Chair Doyle	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
222	Chair Doyle	MOTION: Moves SB 103 B be placed on the CONSENT CALENDAR.
223	Chair Doyle	VOTE: 7-0-0 Hearing no objection, declares the motion CARRIED.
225	Chair Doyle	Closes the work session on SB 103 B and opens a public hearing on HB 2857 A.
<u>HB 2857 A – PUBLIC HEARING</u>		
234	Rep. Alan Bates	District 55. Testifies in support of HB 2857 A. Explains there is a war in Southern Oregon over taxation without representation. Explains history of the transportation district in the Rogue Valley, and the lack of authority for the assessor and the transit board to make changes in the district boundaries to exclude those who do not receive services from the taxing district.
290	Chair Doyle	Explains that the committee wants to focus on the technical change that is needed because the merits of the bill were heard and discussed in another committee.
299	Rep. Bates	Explains that the bill as originally written was too broad and would have affected other districts; the amendments (EXHIBIT D) specifically name Rogue Valley and the measure could not affect anyone else.
310	Rep. Barnhart	Comments that the HB 2857 A4 amendments (EXHIBIT D) do not amend the statute that deals with the general issue; they just take care of this problem and then go away in 2006.
323	Chair Doyle	Closes the public hearing and opens a work session on HB 2857 A.
<u>HB 2857 A – WORK SESSION</u>		
333	Rep. Monnes Anderson	MOTION: Moves to ADOPT HB 2857-A4 amendments dated 6/3/03.
338		VOTE: 6-0-1
340	Chair Doyle	EXCUSED: 1 - Rep. Flores Hearing no objection, declares the motion CARRIED.
342	Rep. Monnes Anderson	MOTION: Moves HB 2857 A to the floor with a DO PASS AS AMENDED recommendation.
345		VOTE: 6-0-1 (SEE TAPE 70, B AT 319)
		AYE: In a roll call vote, all members present vote Aye.
348	Chair Doyle	EXCUSED: 1 - Rep. Flores The motion CARRIES.
336	Chair Doyle	REP. GILMAN will lead discussion on the floor. Closes the work session on HB 2857 A and opens a public

SB 456 A – PUBLIC HEARING

340	Sen.. Morrisette	hearing on SB 456 A. District 6. Testifies in support of SB 456 A. Explains that SB 456 A makes it clear that teachers should meet with the parents and discuss the behavior of the child. Comments on incidents of child behavior. Asks that this be enacted as statutory language instead of administrative rule, as will be suggested by other witnesses.
TAPE 71 A		
006	Rep. Barnhart Sen. Morrisette	Notes that federal legislation H.R. 1170 is pending and is similar to SB 456 A. Asks if SB 456 would establish Oregon’s compliance with the federal legislation States that a bill did pass Congress requiring states to have this kind of direction. Adds that 16 states have either passed a similar stature or are in the process of passing it. This would be in compliance with the federal legislation.
023	Rep. Close Sen. Morrisette	Asks if the Kip Kinkle incident influenced this legislation. Responds negatively. Comments on the Kinkle case.
033	Rep. Close Sen. Morrisette	Asks if it has been confirmed that Kinkle was on drugs. Comments on article in the <u>Register Guard</u> .
050	Rep. Monnes Anderson Sen. Morrisette	Asks if Sen. Morrisette is aware of specific instance where a teacher has told a parent the child needs to be on medication. States there will be witnesses who will tell of incidents. States they do not want teachers diagnosing; they want teachers to describe the behavior of the child. It must be a non-threatening discussion by the teacher. Comments on experience as a teacher.
083	Rep. Monnes Anderson	Asks if Sen. Morrisette is saying SB 456 A is needed because teachers are not aware of what they should be doing.
080	Sen. Morrisette	States he thinks there is a tendency to perhaps assume that the problem is attention deficit which requires a drug to fix the problem. The case could be a misdiagnosis of the child’s inattention because of boredom.
093	Rep. Monnes Anderson	Comments that a prescription could not be given to a parent and is surprised that this bill is needed.
133	Rep. Barnhart Sen. Morrisette	States he is concerned because he is aware of the complexity of the diagnosis of ADHD and the proper treatment. Comments it is not always easy to determine the causes. Comments that a teacher and school personnel must describe the behavior of the student and not assign a cause to the behavior. They are limited to explaining what the child is doing and let the parent know they need to deal with the problem.
167	Laurie Wimmer-Whelan	Oregon Education Association (OEA). Testifies in opposition to SB 456 A. Comments on H. R. 1170 in Congress. Feels the language in SB 456 A may have a chilling effect on communication between a parent and the faculty or school nurse, not only about the behavior but also academic issues. They feel the language in Section 1(1) explicitly says the teacher could not have contact with the parent about those issues.. Believes the federal legislation more fairly contemplated the contact and they prefer the federal legislation, and that the Oregon Department of Education could write administrative rules.
216	Chuck Bennett	Confederation of School Administrators (COSA) and Oregon School Boards Association (OSBA). Supports comments by

Wimmer-Whelan. Thinks there would be a chilling effect on conversations. They prefer the federal legislation and resulting administrative rules.

246 Angie DeRouchie Citizens Commission on Human Rights of Oregon. Testifies in support of SB 456 A (**EXHIBIT E**).

357 DeRouchie Comments she does not know that we want to wait for the federal legislation.

382 Jim Whittenburg Retired pharmacists. Testifies in support of SB 456 A. Submits information on drugs (**EXHIBIT F**). Asks the committee to note the side effects of drugs (**EXHIBIT F, page 3**).

TAPE 70, B

022 Whittenburg Continues testimony in support of SB 456 A.

098 Don Stecher Novartis Pharmaceutical and a certified teacher. Testifies in support of SB 456 A. Believes the bill is reasonable and modest and teachers should teach and doctors should doctor. They believe if a teacher recommends that a parent have a student see a physician in regard to specific behavior the teacher is seeing in school, it would then be reasonable and prudent for the physician to prescribe medication to take care of the patient's problem. They think the drugs are not for everyone but do help some very much.

127 Sen. Morrisette Comments he thinks there is an appropriate diagnosis and application of the medication; it is the inappropriate use they are concerned about.

136 Chair Doyle Closes the public hearing and asks the committee to stand at ease at 2:10 p.m.

137 Chair Doyle Reconvenes the meeting at 2:16 p.m. and opens a work session on SB 456 A.

SB 456 A – WORK SESSION

142 Rep. Flores MOTION: Moves SB 456 A to the floor with a DO PASS recommendation.

Rep. Barnhart Speaks in support of SB 456 A.

181 Rep. Monnes Explains why she will vote no on the bill.
Anderson

190 Rep. Verger Explains why she will vote no on the bill.
Rep. Backlund Explains why he will vote yes.

271 Chair Doyle Explains why he supports the bill.

305 VOTE: 5-2-0
AYE: 5 - Backlund, Barnhart, Close, Flores, Doyle
NAY: 2 - Monnes Anderson, Verger

309 Chair Doyle The motion CARRIES.
REP. BARNHART will lead discussion on the floor.

313 Chair Doyle Closes the work session on SB 456 A and asks for unanimous consent to return to HB 2857 A for the purpose of allowing Rep. Flores to vote on passage of the bill.

HB 2857 A – WORK SESSION

318 Rep. Doyle MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. FLORES to BE RECORDED as voting AYE on the motion on passage of HB 2857 A to the floor with a DO PASS AS AMENDED recommendation.

319

Chair Doyle

VOTE: 7-0-0

**AYE: In a roll call vote, all members present vote Aye.
The motion CARRIES.**

REP. GILMAN will lead discussion on the floor.

323

Chair Doyle

Closes the work session on HB 2857 A and adjourns the meeting at 2:28 p.m.

EXHIBIT SUMMARY

A – Introduction of committee bills, introduction request, staff, 2 pp

B – SB 103, prepared statement, Cheryl Pellegrini, 2 pp

C – SB 103, prepared statement, Darrell Fuller, 1 p

D – HB 2857, HB 2857-A4 amendments, Rep. Bates, 1 p

E – SB 456, prepared statement, Angie DeRouchie, 2 pp

F – SB 456, prepared statement, Jim Whittenburg, 4 pp