

SENATE COMMITTEE ON GENERAL GOVERNMENT

April 30, 2003
3:00 P.M.

Hearing Room B
Tapes 50-51

MEMBERS PRESENT: Sen. Tony Corcoran, Chair
Sen. John Minnis, Vice-Chair
Sen. Bruce Starr
Sen. Vicki Walker

STAFF PRESENT: Mark Ellsworth, Committee Administrator
Heather Gravelle, Committee Assistant

MEASURE/ISSUES HEARD: HJR 41 – Public Hearing and Work Session
SB 861 – Public Hearing
SB 347 – Work Session
SB 543 – Public Hearing and Work Session
SB 494 – Public Hearing
HB 3068 A – Work Session
HB 3194 – Public Hearing and Work Session
HB 2407 B – Public Hearing
HB 2191 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<u>TAPE 50, A</u>		
005	Chair Corcoran	Calls the meeting to order at 3:10 p.m. Opens a public hearing on HJR 41.
<u>HJR 41 – PUBLIC HEARING</u>		
010	Mark Ellsworth	Committee Administrator. Provides an overview of HJR 41.
015	Rick Hanson	Executive Director, Oregon Public Affairs Network. Testifies in support of HJR 41. Provides written testimony (EXHIBIT A).
020	Chair Corcoran	Closes the public hearing on HJR 41. Opens a work session on HJR 41.
<u>HJR 41 – WORK SESSION</u>		
025	Sen. Minnis	MOTION: Moves HJR 41 to the floor with a BE ADOPTED recommendation. VOTE: 4-0
030	Chair Corcoran	Hearing no objection, declares the motion CARRIED. SEN. STARR will lead discussion on the floor.
030	Chair Corcoran	Closes the work session on HJR 41. Opens a public hearing on SB 861.

SB 861 – PUBLIC HEARING

045	Mark Ellsworth	Committee Administrator. Provides an overview of SB 861.
048	Chair Corcoran	Asks if there are any potential second amendment issues with SB 861.
050	Paul Snider	Lawyer. States he hasn't focused on the legal issues, needs to speak to counsel.
060	Chair Corcoran	Asks for further clarification.
065	Snider	States he would like to discuss the second amendment issues with legal counsel before responding.
067	Sen. Minnis	Inquires about first amendment issues.
070	Snider	Reiterates consulting general counsel regarding any constitutional issues.
075	Snider	States he would like to address subsection 5, where the amendment asks for the inclusion of children's names. Comments they may want to discuss placing children's names on the internet, as it relates to family members and sources of income.
080	Chair Corcoran	Asks if having the adult child's family disclose if they are contributing or have a conflict of interest would be of concern in terms of public interest.
085	Snider	Comments it depends on what the definition of adult children is.
120	Chair Corcoran	States there will be no action taken at this point. Closes the public hearing on SB 861. Opens a work session on SB 347.

SB 347 – WORK SESSION

130	Sen. Minnis	MOTION: Moves SB 347 to the Committee on Ways and Means WITHOUT RECOMMENDATION as to passage. VOTE: 4-0
155	Chair Corcoran	Hearing no objection, declares the motion CARRIED.
200	Chair Corcoran	Closes the work session on SB 347. Opens a public hearing on SB 543.

SB 543 – PUBLIC HEARING

215	Sen. Bill Morrisette	District 6. Testifies in support of SB 543. Provides written testimony (EXHIBIT B). Suggests amending lines 14 and 15 from "Human Services" to "Department of Human Services programs." Adds on page 2, delete (d) lines 3-4. Explains this change would make it clear that the statements need only be prepared for legislation affecting DHS services.
220	Sen. Frank Shields	District 24. Testifies in support of SB 543. Explains history and provides details on how the bill was crafted. Expresses when it comes to legislative decisions regarding human services, legislators tend to worry about the cost associated with the legislation, rather than the people who will be affected.
235	Phyllis Rand	Governor's Commission on Senior Services. Testifies in support of SB 543. Provides written testimony (EXHIBIT C).
240	Ken Rocco	Legislative Fiscal Office. Explains the fiscal impact to SB 543. States there was a fiscal impact submitted. States they have questions if the term "Human Services" extends further than just the Department of Human Services. Expresses the need for clarification on the phrase "Human Resources."
260	Sen. Minnis	Agrees with Rocco. Wonders if SB 543 has a subsequent referral to Ways and Means.
270	Chair Corcoran	Responds he doesn't want to see the bill go to Ways and Means and die. Provides an example of the medical needy program, and the cuts that were created.

295 Sen. Minnis States he disagrees with sending SB 543 going straight to the Senate floor. Believes issues such as these should be researched by the Committee on Ways and Means to clarify the current language.

340 Chair Corcoran Agrees with Sen. Minnis. States going to Ways and Means may clarify the fiscal issues.

350 Rocco Remarks it cannot be accomplished with existing staff. Adds it has been identified in the fiscal statement issued, suggests helping with lack of staffing.

365 Chair Corcoran Inquires if there is a way to fashion the bill to direct the Human Service Agencies to provide the fiscal impact information.

380 Rocco Agrees and adds it would still need to be evaluated by staff, and it would need to be placed in a format the legislature could utilize.

TAPE 51, A

005 Sen. Avel Gordly District 23. Testifies in support of SB 543. Explains the question that keeps coming up, is what will be the human impact, and how many people will lose services. Adds the decisions the legislature makes impacts many lives. Feels SB 543 needs to pass, so we always know what the human impact will be.

045 Chair Corcoran Agrees with Sen. Gordly.

050 Don Bishoff Legislative Assistant to Sen. Morrisette. States he is here to answer any questions and to provide information regarding SB 543.

055 Bishoff Explains SB 543 does have an extensive fiscal impact. Offers how it could be changed to narrow it to specific programs. Continues expressing how it could be modified. Adds he is happy to work with staff to draft amendments.

065 Chair Corcoran Suggest sending SB 543 as is to the Committee on Ways and Means. Asks Mr. Rocco to work with Mr. Hazelwood and Mr. Bishoff to work on drafting amendments. Closes the public hearing on SB 543. Opens a work session on SB 543.

SB 543 – WORK SESSION

075 Sen. Minnis **MOTION: Moves SB 543 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means by prior reference.**

VOTE: 4-0

080 Chair Corcoran **Hearing no objection, declares the motion CARRIED.**

080 Chair Corcoran Closes the work session on SB 543. Opens a public hearing on SB 494.

SB 494 – PUBLIC HEARING

100	Mark Ellsworth	Committee Administrator. Provides an overview of SB 494. Presents the -1 and the -2 amendments (EXHIBITS D & E).
105	Chair Corcoran	Provides description of a specific piece of testimony inserted within their packets.
125	Jim Craven	ACA. Testifies as neutral on SB 494. Expresses there are several sections of the bill where the intent is unclear.
175	Chair Corcoran	States some of the questions he posed were addressed previously.
200	Linn Marie Kryder	Research Director. Testifies in support of SB 494. Explains she is the proponent of SB 494. States there are three basic prohibitions to SB 494: <ul style="list-style-type: none">➤ Section 3, prohibits an employer who receive states funds under a contract with a public body from trying to influence the decisions of employees to support or oppose a union.➤ Section 4, 5, 7 & 8 prohibit the use of state funds by certain employers.➤ Section 6 prohibits an employer who conducts business on state property from holding a meeting for the purpose of influencing.
225	Kryder	Provides the intent of the -1 amendments. Describes what the language means. Provides detailed examples.
275	Sen. Minnis	Asks for clarification on Legislative Counsel’s opinion.
280	Kryder	Explains Legislative Counsel opinion was that the bill as drafted would not have the effect of precluding an employer from having an event on non- work time at his own expense.
285	Sen. Minnis	Disagrees with Legislative Counsel.
290	Kryder	Continues explaining the -1 amendments, section by section. Outlines the -2 amendments.
310	Chair Corcoran	Asks Kryder if she prefers the -1 amendments.
315	Kryder	Responds yes.
320	Sen. Minnis	Prefers the -2 amendments. Adds even with the amendments, the bill still has issues. Explains specific language he has concerns with. Questions if the Attorney General should have exclusive authority to file the action. Suggest forwarding the bill to the Judiciary for review.
375	Chair Corcoran	Asks how he would like to address the issue.
380	Minnis	States a staff measure summary will suffice.
400	Kryder	States she would be happy to raise the issues and have them addressed on the House side.

TAPE 50, B

005	Sen. Starr	Raises concerns with Section 8. Adds he would like to work on it further before proceeding. States there is too much ambiguity at this stage. Concludes he is not comfortable supporting the bill as it is.
010	Chair Corcoran	Expresses he wants the full support of the committee before moving forward.
020	Sen. Minnis	Agrees with Sen. Starr. States he thinks it’s a wise move to have it reviewed by Judiciary.
040	Chair Corcoran	Closes the public hearing on SB 494. Opens a work session on HB 3068 A.

HB 3068 A – WORK SESSION

070	Mary Botkin	AFSME. Presents the –A4 amendments to HB 3068 A
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		(EXHIBIT F) . Explains they address all the problems previously expressed by the Department of Corrections and the Department of Motor Vehicles. Adds the bill is now more narrow and simplified.
075	Sen. Minnis	MOTION: Moves to ADOPT HB 3068 –A4 amendments dated 4/29/03. VOTE: 4-0
080	Chair Corcoran	Hearing no objection, declares the motion CARRIED.
085	Sen. Minnis	MOTION: Moves HB 3068 A to the floor with a DO PASS AS AMENDED recommendation. VOTE: 4-0
090	Chair Corcoran	Hearing no objection, declares the motion CARRIED.
095	Chair Corcoran	SEN. CORCORAN will lead discussion on the floor. Closes the work session on HB 3068. Opens the public hearing on HB 3194.
<u>HB 3194 – PUBLIC HEARING</u>		
100	Rep. Lane Shetterly	District 23. Testifies in support of HB 3194. Explains the -1 amendments (EXHIBIT G) .
105	Chair Corcoran	Closes the public hearing on HB 3194. Opens a work session on HB 3164.
<u>HB 3194 – WORK SESSION</u>		
106	Sen. Minnis	MOTION: Moves to ADOPT HB 3194 -1 amendments dated 4/28/03. VOTE: 4-0
110	Chair Corcoran	Hearing no objection, declares the motion CARRIED.
115	Sen. Minnis	MOTION: Moves HB 3194 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 4-0
120	Chair Corcoran	Hearing no objection, declares the motion CARRIED.
140	Chair Corcoran	SEN. WALKER will lead discussion on the floor. Closes the work session on HB 3194. Opens a public hearing on HB 2407 B.
<u>HB 2407 B – PUBLIC HEARING</u>		
165	Chair Corcoran	Provides information on HB 2407 B. Suggests those who have served less than 10 years would be moved out of police and fire. Those who have 10 years or more experience in the Capital will be left in. States he is open to suggestions.
185	Sen. Walker	Comments, she feels it is silly to put legislators in a different retirement plan.
200	Sen. Minnis	Expresses he feels that both legislators and judges should be taken out of the PERS system.
225	Sen. Minnis	Suggests holding onto the bill, there needs to be major discussions with leadership.
230	Chair Corcoran	Agrees with Sen. Minnis. Closes the public hearing on HB 2407 B. Opens a public hearing on HB 2191 A.
<u>HB 2191 A – PUBLIC HEARING</u>		
250	Mark Ellsworth	Committee Administrator. Provides an overview of HB 2191 A. Submits the -3 amendments (EXHIBIT H) .
300	Rep. Laurie Monnes-Anderson	District 50. Testifies in support of HB 2191 A Provides written testimony (EXHIBIT I) . Explains that HB 2191 A comes from recommendations made by the Task Force on Financing Quality Child Care, which came out of the Child Care Commission.
315	Rep. Monnes-	Expresses Oregon needs to start developing voluntary statewide

	Anderson	early childhood systems in conjunction with the Commission for Children and Families. States HB 2191 A starts the process and adds there is no fiscal impact.
325	Kitty Piercy	Oregon Commission for Child Care. Testifies in support of HB 2191 A. Provides written testimony (EXHIBIT J). Explains it is their statutory responsibility to make recommendations that support the provision of high quality child care for all the children and families of Oregon.
334	Piercy	States with budgetary limitations, the task force recommends that additional support can best be made available to those valuable agencies through the reduction of the current 50% local matching requirement.
340	Sen. Minnis	Asks for clarification on section 10, line 37-38.
TAPE 51, B		
005	Tom Olson	Administrator, Child Care Division. Testifies in support of HB 2191 A. Provides written testimony (EXHIBIT K). States how Oregon childcare currently works. Provides intent of language. States the current statutes. Mentions specific exemptions.
035	Piercy	States how much support they have for HB 2191 A.
060	Olson	Proposes to exempt classes of specific childcare facilities from regulation, such as where the parents are on site. States there is no need to regulate that environment.
065	Sen. Minnis	Asks why we need an emergency clause.
070	Olson	States it was at the request of Rep. Dingfelder who had a similar bill. Explains they have merged that bill into HB 2191 A. States the emergency clause is to allow the cooperative childcare to start operating as soon as possible.
075	Donna Middleton	Director, State Commission on Children and Families. Testifies as neutral on HB 2191 A. Explains position. Explains they do support the relationship that the State Commission has with the Child Care Commission and the Child Care Division. Adds she supports whatever can be done to help childcare in Oregon.
080	Chair Corcoran	Closes the public hearing on HB 2191 A. Opens a work session on HB 2191 A.

HB 2191 A – WORK SESSION

085	Sen. Minnis	MOTION: Moves to ADOPT HB 2191 A -3 amendments dated 4/30/03. VOTE: 4-0
095	Chair Corcoran	Hearing no objection, declares the motion CARRIED.
100	Sen. Minnis	MOTION: Moves HB 2191 A to the floor with a DO PASS AS AMENDED recommendation. VOTE: 4-0
105	Chair Corcoran	Hearing no objection, declares the motion CARRIED SEN. WALKER will lead discussion on the floor.
115	Chair Corcoran	Closes the work session on HB 2191 A. Adjourns the committee at 4:45 p.m.

EXHIBIT SUMMARY

A – HJR 41, written testimony, Rick Hanson, 4 pp
B – SB 543, written testimony, Sen. Bill Morrisette, 2 pp

C – SB 543, written testimony, Phyllis Rand, 2 pp
D – SB 494, -1 amendments, dated 4/18/03, staff, 1 p
E – SB 494, -2 amendments, dated 4/18/03, staff, 1 p
F – HB 3068 A, -A4 amendments, dated 4/29/03, staff, 1 p
G – HB 3194, -1 amendments, dated 4/28/03, staff 1 p
H – HB 2191 A, -A3 amendments, dated 4/30/03, staff, 1 p
I – HB 2191 A, written testimony, Rep. Laurie Monnes Anderson, 1 p
J – HB 2191 A, written testimony, Kitty Piercy, 1 p
K – HB 2191 A, written testimony, Tom Olson, 2 pp