

SENATE COMMITTEE ON RULES

August 22, 2003
4:15 PM

Hearing Room B
Tapes 128 – 129

MEMBERS PRESENT: **Sen. Kate Brown, Co-chair, Presiding**
 Sen. Roger Beyer, Co-chair
 Sen. Jason Atkinson, Vice-chair
 Sen. Ginny Burdick, Vice-chair
 Sen. Tony Corcoran
 Sen. Bill Fisher

VISITING MEMBER: **Senate President Peter Courtney**

STAFF PRESENT: **Jim Stembridge, Committee Administrator**
 Jeana Harrington, Committee Assistant

MEASURES HEARD: **HB 3651 – Public Hearing and Work Session**
 HJR 42A – Public Hearing and Work Session
 SJM 7 – Work Session
 HB 3668A – Public Hearing and Work Session
 HB 3669 – Public Hearing and Work Session
 SJM 4 – 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 128, A		
003	Co-chair Brown	Calls meeting to order at 4:19 PM. Opens public hearing on HB 3651.
005	Jan McComb	Committee Administrator. Summarizes HB 3651, which if specified conditions are met, considers students who are citizens of United States or legal resident aliens to be residents for purpose of determining tuition and fees at state institution of higher education. Notes the -1 amendments (EXHIBIT A).
<u>PUBLIC HEARING – HB 3651</u>		
010	Bob Castagna	Oregon Catholic Conference. Testifies in support of HB 3651 with the –1 amendment.
024	Father Philip Waibel	Priest, St. Mary's Parish, Mt. Angel. Testifies in support of HB 3651 with the –1 amendment. Speaks on the importance of education to all. States the bill does not affects taxpayers. Speaks on the projected contributions those allowed to receive a college education could make to society.
050	Father Robert Krueger	Priest, St. Andrews Parish. Testifies in support of HB 3651 with the –1 amendment. Voices concern with students who cannot receive a college education due to the status of their parents. Points out their parents have paid taxes, and adds the issue is one of fairness. Speaks on the dilemmas Oregon could face if the bill is not passed.
083	Bob Castagna	Explains the issue before the committee is a "moral and economic justice issue." Believes those affected perform

unwanted tasks that all Oregonians benefit from. Thinks the in-state versus out-of-state cost decides the future of students. Urges support.

123 Joseph Bosquez Latinos Unidos Siempre. Testifies in support of HB 3651 with the -1 amendment. Thinks HB 3651 is a “baby step” in comparison to SB 10 (2003), which he also supported. Notes the visible support of SB 10 around the building by students. Informs of the recent passage of a like bill in Washington State.

164 Jasmin Thana Oregon Students of Color Coalition; University of Oregon student. Testifies in support of HB 3651 with the -1 amendment **(EXHIBIT B)**. Believes HB 3651 does not address the issue of fairness and “simply does not go far enough.”

198 Co-chair Brown

203 Sen. Corcoran
210 Thana
246 Grattan Kerans
303 Sen. Burdick
307 Kerans
336 Sen. Burdick

Recesses the committee due to call of the Senate at 4:37 PM.

RECESS *****

Reconvenes meeting at 4:43 PM.

Continues overview of written testimony. Believes that passage of HB 3651 with the -1 amendments will provide a solution that benefits students and the state.

Oregon University System (OUS). Informs OUS endorses HB 3651 with the -1 amendments as well as SB 10. Informs of OUS stance that parental status should not affect the college education of students who seek one. Speaks on the past testimony of others. Believes the said group of students can be absorbed and will impact positively the fiscal future of Oregon.

Asks if the bill would change admissions standards.

Affirms and explains that the academic and financial standards will be maintained for all students. Provides prior written testimony before the House Education Committee **(EXHIBITS C & D)**.

Notes the Ecumenical Ministries of Oregon join the Oregon Catholic Conference in support of HB 3651 with the -1 amendments. Closes public hearing on HB 3651. Opens public hearing on HJR 42A.

HJR 42A – PUBLIC HEARING

355 Sen. Burdick

359 Sen. Burdick

Recesses public hearing on HJR 42A and recesses meeting at 4:53 PM.

RECESS *****

Reconvenes meeting at 4:56 PM. Reopens public hearing on HB 3651.

HB 3651 – PUBLIC HEARING

361 Sen. Fisher
394 Sen. Corcoran
397 Sen. Fisher
404 Grattan Kerans
411 Sen. Fisher
TAPE 129, A
001 Kerans

Explains his research and states the issue does not require a law, but an administrative rule can be used instead. States he will not support the amendments due to this. Offers to assist all students seeking the change.

Asks if he would support amendments to return the bill to its original form, SB 10 (2003).

Speaks on Mr. Kerans and believes the administrative rule standing in the way of an education, not a law change.

OUS. States his understanding of Sen. Fisher’s comments.

Concurs.

Explains the strict nature of administrative rules within OUS and explains that standing is due to the Legislature. States the Chancellor and Board would not wish to determine a political

		issue in the area without legislative approval and guidance. Explains the Board and Chancellor have endorsed both bills, HB 3651 as amended and SB 10 (2003).
023	Sen. Fisher	Disagrees with Mr. Kerans's statements.
027	Kerans	Explains OUS has not brought the issue on itself and adds it has arisen nationally.
034	Sen. Fisher	States the bill is not something that is legislative required and disagrees with the passivity of Mr. Kerans towards the issue.
042	Sen. Corcoran	Clarifies Mr. Kerans's statement that guidelines are strict due to the Legislature.
045	Kerans	Affirms and explains a political change could be reason for scrutiny, including areas of Ways and Means and budget. Explains OUS seeks direction from the Legislature. Highly unlikely for board and chancellor to
079	Sen. Fisher	Maintains the OUS should have the prerogative.
083	Co-chair Brown	Closes public hearing and opens a work session on HB 3651.
<u>HB 3651 – WORK SESSION</u>		
093		
093	Sen. Burdick	MOTION: Moves to ADOPT HB 3651-1 amendments dated 8/8/03.
096	Sen. Burdick	States belief a compelling case has been made and that clear legislative direction should be given those who wish to educate themselves and contribute to the state of Oregon.
102		VOTE: 3-3 AYE: 3 - Burdick, Corcoran, Brown NAY: 3 - Atkinson, Fisher, Beyer The motion FAILS.
	Co-chair Brown	
105	Co-chair Brown	Closes work session on HB 3651. Opens public hearing on HJR 42A
<u>HJR 42A – PUBLIC HEARING</u>		
110	Marjorie Taylor	Committee Administrator. Summarizes HJR 42A, which proposes amendment to Oregon Constitution to make subject to Senate confirmation persons appointed by the Governor to serve as judges of Supreme Court, Court of Appeals or circuit court. Notes the –A6 amendments (EXHIBIT E). Closes public hearing and opens work session on HJR 42A.
120	Co-chair Brown	
<u>HJR 42A – WORK SESSION</u>		
122	Co-chair Brown	Recesses work session on HJR 42A. Recesses meeting at 5:12 PM.
***** RECESS *****		
123	Co-chair Brown	Reconvenes meeting at 5:13 PM. Reopens work session on HJR 42A.
<u>HJR 42A – WORK SESSION</u>		
140	Sen. Burdick	MOTION: Moves to ADOPT HJR 42A-A6 amendments dated 8/22/03.
143		VOTE: 4-3 AYE: 4 - Burdick, Corcoran, Brown, President Courtney NAY: 3 - Atkinson, Fisher, Beyer The motion CARRIES.
	Co-chair Brown	
145	Sen. Burdick	MOTION: Moves HJR 42A be sent to the floor with a BE ADOPTED AS AMENDED recommendation.
147	Co-chair Brown	Acknowledges Sens. Atkinson and Beyer serve notice of a

149		minority report. VOTE: 4-3 AYE: 4 - Burdick, Corcoran, Brown, President Courtney NAY: 3 - Atkinson, Fisher, Beyer The motion CARRIES. SEN. SCHRADER will lead discussion on the floor.
	Co-chair Brown	
155	Co-chair Brown	Closes work session on HJR 42A. Opens work session on SJM 7.
<u>SJM7 – WORK SESSION</u>		
158	Sen. Beyer	MOTION: Moves SJM 7 be sent to the floor with a BE ADOPTED recommendation.
160		VOTE: 5-1 AYE: 5 - Burdick, Corcoran, Fisher, Beyer, Brown NAY: 1 - Atkinson The motion CARRIES. SEN. CORCORAN will lead discussion on the floor.
	Co-chair Brown	
164	Co-chair Brown	Closes work session on SJM 7. Opens public hearing on HB 3668A.
<u>HB 3668A – PUBLIC HEARING</u>		
170	Jim Stembridge	Committee Administrator. Summarizes HB 3668A, which increases motor vehicle liability coverage required for personal injury protection benefits. Notes the –A2 amendments (EXHIBIT F) .
198	Jim Anderson	Oregon Chapter, American College of Emergency Physicians. Testifies in support of HB 3668A. Speaks on personal injury protection (PIP). Notes no opposition to the measure. Lists associations in support.
219	John Powell	State Farm Insurance. Explains -A2 amendments and the purpose. Explains the workers' compensation fee schedule relating to PIP. Addresses the cost issue. Notes the considerations being granted towards cost. Informs the Insurance Division may have concerns with the fee schedule. Explains the insurer and provider would work together to determine regulations.
296	Sen. Corcoran	Remarks.
298	Shawn Baird	Woodburn Ambulance service; President, Oregon State Ambulance Association. Testifies in support of HB 3668A (EXHIBIT G) .
310	John Shilts	Workers' Compensation Division, Department of Consumer and Business Services (DCBS). Testifies as neutral on HB 3668A. Speaks on the stakeholders' potential concerns.
335	Carl Lundberg	DCBS. Testifies as neutral on HB 3668A.
360	Sen. Fisher	Asks about rate-setting involvement.
373	Lundberg	Concurs it is a concern.
383	Sen. Fisher	Comments.
391	Co-chair Brown	Closes public hearing and opens work session on HB 3668A.
<u>HB 3668A – WORK SESSION</u>		
420	Sen. Fisher	MOTION: Moves to ADOPT HB 3668A-A2 amendments dated 8/22/03.
422		VOTE: 4-0-2 EXCUSED: 2 - Burdick, Brown Hearing no objection, declares the motion CARRIED.
	Sen. Beyer	
424	Sen. Fisher	MOTION: Moves HB 3668A to the floor with a DO PASS

426 AS AMENDED recommendation.
VOTE: 4-0-2
EXCUSED: 2 - Burdick, Brown
Hearing no objection, declares the motion CARRIED.
SEN. ATKINSON will lead discussion on the floor.

427 Sen. Beyer Closes work session on HB 3668A. Opens public hearing on HB 3669.

HB 3669 – PUBLIC HEARING

435 Brian John Oregon Nurses Association (ONA). Testifies in support of HB 3669 (**EXHIBIT H**). Appreciates the work of Legislative Counsel on the measure. Notes the -1 amendments (**EXHIBIT I**) include no substantive changes and overviews changes made.

TAPE 128, B

020 John Shilts DCBS. Testifies in support of HB 3669 and the -1 amendments (**EXHIBIT J**).

045 Co-chair Brown Closes public hearing and opens work session on HB 3669.

HB 3669 – WORK SESSION

050 Sen. Beyer **MOTION: Moves to ADOPT HB 3669-1 amendments dated 8/21/03.**

053 **VOTE: 5-0-1**
EXCUSED: 1 - Burdick
Hearing no objection, declares the motion CARRIED.

056 Co-chair Brown **MOTION: Moves HB 3669 to the floor with a DO PASS AS AMENDED recommendation.**
Sen. Beyer

058 **VOTE: 5-0-1**
EXCUSED: 1 - Burdick
Hearing no objection, declares the motion CARRIED.
SEN. CORCORAN will lead discussion on the floor.

059 Co-chair Brown Closes work session on HB 3669. Opens public hearing on SJM 4.

SJM 4 – PUBLIC HEARING

082 Jim Stenbridge Committee Administrator. Summarizes SJM 4, which urges Congress to amend Internal Revenue Code to allow individual taxpayers to deduct payments for health insurance premiums.

095 Co-chair Beyer Notes -1 amendments (**EXHIBIT K**).

100 Sen. Brown Thinks the bill should be carried over.

113 Co-chair Beyer Closes public hearing on SJM 4. Adjourns meeting at 5:38 PM.

EXHIBIT SUMMARY

- A – HB 3651, -1 amendments (8/8/03), Staff, 1 p
- B – HB 3651, written testimony, Jasmin Thana, 1 p
- C – HB 3651, letter, Grattan Kerans, 2 pp.
- D – HB 3651, written information, Grattan Kerans, 2 pp.
- E – HJR 42A, -A6 amendments (8/22/03), Staff, 3 pp.
- F – HB 3668A, -A2 amendments (8/22/03), Staff, 1 p
- G – HB 3668A, written testimony, Shawn Baird, 1 p
- H – HB 3668A, written testimony, Brian John, 1 p
- I – HB 3669, -1 amendments (8/21/03), Staff, 21 pp.
- J – HB 3669, written testimony, John Shilts, 2 pp.
- K – SJM 4, -1 amendments (6/13/03), Staff, 2 pp.