

# HOUSE FIFTH SPECIAL SESSION COMMITTEE ON BUDGET RESTORATION

September 2, 2002 Hearing Room H170  
4:05 p.m. Tapes 2 & 3

**MEMBERS PRESENT:**        **Rep. Ben Westlund, Chair**  
                                  **Rep. Richard Devlin**  
                                  **Rep. Cedric Hayden**  
                                  **Rep. Betsy Johnson**  
                                  **Rep. Susan Morgan**

**MEMBER EXCUSED:**    -

**STAFF PRESENT:**        **Paul Warner, Legislative Revenue Officer**  
                                  **Jim Stembridge, Administrative Support**

**MEASURE/ISSUES HEARD: HB 4070**  
                                  **HB 4071**

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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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Tape / Counter	Speaker	Comments
<b>TAPE 2A</b>		
003	Chair Westlund	Calls the meeting to order at 4:05 p.m.
<b><u>HB 4070 &amp; HB 4071—PUBLIC HEARING</u></b>		
005	Chair Westlund	Opens public hearing on HB 4070 and HB 4071.
007	Ken Rocco	Legislative Fiscal Officer. Briefly describes HB 4070 and HB 4071.
030	Al Soenneker	Coast Rehabilitation, Warrenton, Oregon. Expresses concern for proposed closure of over 100 group homes for people with developmental disabilities.
075	Rep. Johnson	Asks if there are other human services areas in which the committee should be cognizant.
085	Soenneker	Comments on seniors and people with mental disabilities. The proposed cuts are the most serious seen in 30 years of experience.
110	Christienne Pierce	Marion County. Expresses concern for proposed cuts in human services. Strongly urges new revenue instead of program cuts.
175	Jen Hefty	Washington County. Expresses concern for proposed cuts in early intervention/early childhood special education services.
235	Vivian Colvin	Multnomah County. States that comments are summarized in written testimony ( <b>EXHIBIT A</b> ). Calls for courage on the part of legislators.
265	Jane O'Keefe	Lake County Commissioner, President of Oregon Association of Counties. Asks for elevation above politics. Submits written testimony ( <b>EXHIBIT B</b> ) and memorandum on public safety and mental health issues ( <b>EXHIBIT C</b> ).
330	Rep. Johnson	Asks about profound affects of cuts in mental health programs on the local level.
345	O'Keefe	Responds, we need to go further in looking for revenue

enhancements.

355 Chair Westlund States that other funding needs to be addressed as well.

370 Bart Miller Multnomah County teacher. Thanks members for taking on this thankless task. Wants revenue options, even if it means borrowing. Discusses the hurting people who suffer due to cuts—young children especially.

410 Chair Westlund Asks for confirmation that this self-described conservative is supportive of revenue options.

Miller Responds, yes, would even support sales tax.

**TAPE 3A**

005 Kathryn Weit Oregon Developmental Disability Coalition, testifies in opposition to cuts. Says that the cuts will cause people to need higher levels of care.

065 Rep. Devlin Comments on legislatures' past actions of sending initiatives to the people for a vote. Asks if Ms. Weit's preference would be for the legislature to directly pass bills or continue to send them to the voters.

085 Weit Unable to answer that.

090 Rep. Devlin Don't you believe the public as a whole would prefer us acting rather than referring?

Ms. Weit Answers, absolutely.

095 Francisco Lopez Director, Support Services Brokerage. Testifies in opposition to the proposed legislation. Specifically discusses services for adults with developmental disabilities and the elimination of programs. States that if the proposed cuts occur, we lose what we value in the community.

145 Rep. Johnson Asks how services from the brokerage are accessed.

Lopez Responds and provides examples.

160 Sharon Lewis Multnomah County. Testifies in favor of revenue generation; the proposed cuts are too wide and deep. Specifically discusses early intervention/early childhood special education services. Concerned about families with children with developmental disabilities. As a small business owner, supports increased taxes. Submits publication on success of early intervention (**EXHIBIT D**).

210 Janna Starr Executive Director. Oregon Council on Developmental Disabilities. Testifies that she has not previously seen threats to close down homes, unconscionable actions, and that HB 4070 is a mediocre attempt to avoid the real issues – requests more work be done on it.

280 Ozzie Rose Confederation of Oregon school Administrators. Testifies in opposition to HB 4070. Does not believe the measure should be referred; states that the legislature is constitutionally able to pass this without referral. Some kind of borrowing, cuts, and revenue measures must be considered. Provides history of cuts taken thus far in K-12 education.

380 Rep. Johnson Re-states the cuts thus far to K-12 education. Ballpark figure without the proposed legislation is \$500 million.

410 Rep. Westlund States that the precise number is \$202 million for K-12.

435 Rep. Devlin Asks if Mr. Rose was in support of bonding measure and then in support of overriding the bonding measure and now you believe part of the final solution involves a bonding measure.

455 Mr. Rose Answers, yes, bonding, cuts, and revenues, some of which must be taxes.

**TAPE 2B**

	Lee Hazelwood	Senior advocate. Testifies regarding governor's proposed cut and the legislature's proposed restoration of Oregon Project Independence.
070	Phyllis Lissman	Chair, Governor's Commission on Senior Services.
075	Rep. Johnson	Asks about funding for Commission on Senior Services.
	Lissman	Answers.
090	Chair Westlund	Closes public hearing on HB 4070 and HB 4071.
	Chair Westlund	Recesses meeting at 5:05 p.m.
092	Chair Westlund	Reconvenes meeting at 6:35 p.m.; opens work session on HB 4070
	<b><u>WORK SESSION, HB 4070</u></b>	
	Dick Yates	Legislative Revenue Office, describes measure and amendments 4070-1, dated 9/2/02 ( <b>EXHIBIT E</b> ) and HB 4070-2, dated 9/2/02, ( <b>EXHIBIT F</b> ).
146	Yates	Continues presentation, refers to revenue impact statement ( <b>EXHIBIT G</b> ).
164	Yates	Describes amendment, as well as Legislative Fiscal's recommended changes to amendment HB 4070-1 ( <b>EXHIBIT H</b> ).
	Rep. Morgan	<b>MOTION: Moves to conceptually amend HB 4070-1</b>
		<b>VOTE: 5 – 0 – 0</b>
	Chair Westlund	<b>Without objection declares motion CARRIED.</b>
181	Yates	Continues description of HB 4070-1 amendment.
210	Harrison Conley	Legislative Counsel, provides further clarification.
	Yates	Asks question of Conley.
	Conley	Responds.
223	Yates	Continues presentation on HB 4070-1 amendment.
235	Conley	Clarifies term "net proceeds".
242	Yates	Continues presentation.
	Rep. Morgan	<b>MOTION: Moves additional conceptual amendment to HB 4070-1.</b>
	Chair Westlund	Clarifies wording of motion
		<b>VOTE: 5 – 0 – 0</b>
	Chair Westlund	<b>Without objection declares motion CARRIED.</b>
283	Yates	Continues presentation on HB 4070–1 amendment.
	Conley	Clarifies "continuous appropriation" language.
	Rep. Morgan	<b>MOTION: Moves additional conceptual amendment to HB 4070-1</b>
		<b>VOTE: 5 – 0 – 0</b>
	Chair Westlund	<b>Without objection declares motion CARRIED.</b>
	Morgan	<b>MOTION: Moves adoption of the HB 4070-1 amendment, as conceptually amended.</b>
		<b>VOTE: 5 – 0 – 0</b>
	Chair Westlund	<b>Without objection declares motion CARRIED.</b>
340	Yates	Begins presentation on HB4070–2 amendment ( <b>EXHIBIT F</b> ).
359	Conley	Clarifies language.
364	Yates	Continues presentation.
395	Conley	Clarifies.
410	Rep. Morgan	<b>MOTION: Moves adoption of the HB4070-2 amendments.</b>
		<b>VOTE: 5 – 0 – 0</b>

	Chair Westlund	<b>Without objection declares motion CARRIED.</b>
430	Chair Westlund	Begins discussion of –4 amends ( <b>EXHIBIT I</b> ).
446	Steve Bender	Legislative Fiscal Office, begins presentation.
	Joan Robinson	Legislative Counsel, explains that –4 amends contain the –1 and –2 amends, without the conceptual amendments just made to the –1 amendments. Explains section changes.
<b>TAPE 3B</b>		
003	Robinson	Continues explanation.
024	Ted Reutlinger	Legislative Counsel, explains that the –4 amendment moves HB 4071 into HB 4070.
039	Rep. Devlin	Asks about historic precedent.
	Greg Chaimov	Legislative Counsel, explains historic precedent.
053	Rep. Devlin	Asks if there has ever been challenge.
	Chaimov	Answers.
061	Rep. Johnson	Asks questions regarding Ballot Measure 20.
	Chaimov	Explains, if both pass, the later Constitutional amendment would control.
	Rep. Johnson	Comments.
084	Chair Westlund	Comments.
	Rep. Devlin	Explains disagreement between measures.
	Rep. Johnson	Asks relationship with Ballot Measure 20.
	Chaimov	Explains.
	Rep. Devlin	Asks for clarification about encumbrances of existing cigarette taxes, if Ballot Measure 20 fails and the ballot Measure proposed in HB 4070 passes.
112	Kate Richardson	State Treasurer’s Office, clarifies that HB 4070 applies only to new cigarette tax revenue.
	Rep. Johnson	Asks further clarification on validity of Ballot Measure 20 if the present Ballot Measure passes.
	Chaimov	Clarifies.
	Richardson	Clarifies earlier remarks.
150	Chair Westlund	Additional question.
	Rep. Morgan	<b>MOTION: Moves to conceptually amend HB 4070-4</b>
		<b>VOTE: 4 – 1 – 0 (Rep. Johnson voting “no”.)</b>
	Chair Westlund	<b>Noting Rep. Johnson’s objection, declares the motion CARRIED.</b>
	Rep. Morgan	<b>MOTION: Moves adoption of HB 4070-4 as conceptually amended.</b>
		<b>VOTE: 3 – 2 – 0 (Reps. Devlin and Johnson voting “no”.)</b>
	Chair Westlund	<b>Noting two objections, declares the motion CARRIED.</b>
	Rep. Morgan	<b>MOTION: Moves HB 4070 to floor “do pass” as conceptually amended.</b>
205	Rep. Devlin	Clarifies previous votes on bonding.
		<b>VOTE: 3 – 2 – 0 (Reps. Devlin and Johnson voting “no”.)</b>
223	Chair Westlund	<b>Noting two objections, declares the motion CARRIED.</b> (Rep. Westlund will lead floor debate.)
		Closes work session on HB 4070, opens work session on HB 4071

## WORK SESSION, HB 4071

238	Adrienne Sexton	LFO, describes measure
253	Rep Johnson	Asks "Why we are doing this?"
	Rep. Morgan	<b>MOTION: Moves HB 4071 to the floor with a "do pass" recommendation.</b>
	Rep. Johnson	States objection.
	Rep. Devlin	States objection.
	Reutlinger	Clarifies language differences between HB 4070 and HB 4071, may need conflict amendment.
	Chair Westlund	Suggests amending on Senate side.
	Todd Kenady	Reports progress on floor
	Rep. Morgan	<b>Withdraws motion</b>
322	Steve Bender	Legislative Fiscal Office. Provides further explanation.
	Rep. Hayden	Recommends making language identical in both bills
335	Westlund	Asks if such a conceptual amendment could be made?
350	Reutlinger	Suggests wording
	Chair Westlund	<b>MOTION: Moves conceptual amendment to HB 4071</b>
		<b>VOTE 4 – 1 – 0 (Johnson voting "no")</b>
	Chair Westland	<b>Noting two objections, declares the motion CARRIED.</b>
		<b>MOTION: Moves HB 4071 to the floor "do pass" as amended</b>
		<b>VOTE: 3 – 2 – 0 (Devlin, Johnson voting "no")</b>
	Chair Westlund	<b>Noting two objections, declares the motion CARRIED.</b> Rep. Hayden will lead floor debate.
412	Chair Westlund	Recesses meeting until further notice at 7:26 p.m.

Submitted By,

Reviewed By,

Jim Stenbridge,  
Administrative Support

Marjorie Taylor  
Committee Services

## EXHIBITS

**A – Written testimony from Vivian Colvin, 1 page**

**B – Written testimony from Jane O’Keefe, 1 page**

**C – Written testimony from the Association of Oregon Counties, submitted by Jane O’Keefe, 3 pages**

**D – “Early Intervention Works” submitted by Sharon Lewis, 66 pages**

**E – Amendment HB 4070-1, dated 9/2/02, 1 page**

**F – Amendment HB 4070-2, dated 9/2/02, 1 page**

**G – Revenue Impact Statement, HB 4070, 1 page**

**H – Amendment HB 4070-1, with Legislative Fiscal Office recommended changes hand-engrossed, 1 page**

**I – Amendment HB 4070-4, dated 9/2/02, 6 pages**

**J – Written testimony from Bruce Bishop, Oregon Association of Hospital and Health Systems (not presented orally), 2 pages**

