

SENATE COMMITTEE ON RULES AND REDISTRICTING

May 15, 2001 Hearing Room C
3:00 PM Tapes 86 - 88

MEMBERS PRESENT: Sen. Steve Harper, Chair
Sen. Peter Courtney, Vice-Chair
Sen. Jason Atkinson
Sen. Lee Beyer
Sen. Randy Miller
Sen. John Minnis

MEMBER EXCUSED: Sen. Kate Brown

STAFF PRESENT: Craig Allen, Committee Administrator
Annetta Mullins, Committee Assistant

MEASURE/ISSUES HEARD: Public Hearing
SB 971
HB 2004 A
Executive appointment
Director, Department of Human Services
Public Hearing and Work Session
HJM 5 A
Work Session
HCR 1
HB 3885

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 86, A		
003	Chair Harper	Calls meeting to order at 3:06 p.m. and opens a public hearing on SB 971.
<u>SB 971 – PUBLIC HEARING</u>		
007	Michael Mills	Ombudsman for the City of Portland and also representing U. S. Ombudsman Association as president. Submits statement for City of Portland (EXHIBIT A) and statement for United States Ombudsman Association (EXHIBIT B). Presents statement (EXHIBIT A).
057	Rep. Jackie Winters	House District 31. Testifies in support of SB 971 (EXHIBIT C).
133	Chair Harper	Announces that it is his intention to move the bill to the Ways and Means Committee because there is an unknown fiscal impact.
146	Sen. Fisher	Comments that is he proposing the SB 971-1 amendment (EXHIBIT D) that changes "shall" to "may" on page 1 in line 19. Explains that in case there should be a problem with the ombudsman it would mean there could be some changes made on the transfer rather than having to wait. Supports the bill.

162	Catherine Haas	Legislative Assistant to Senator Vern Duncan. States that Sen. Duncan is very supportive of the bill and echoes Rep. Winters' sentiments and agrees with them.
171	Sen. Fisher	Adds that he has checked with Sen. Duncan on the SB 971-1 amendment and Sen. Duncan approves of it.
172	Chair Harper	Asks if Rep. Winters is in agreement with the SB 970-1 amendment.
179	Rep. Winters Rep. Jerry Krummel	Responds affirmatively. House District 27. States he is appearing in support of SB 971. Advises committee that a bill is in the House Committee on Government Efficiency that deals with a government efficiency ombudsman. The committee will put HB 2963 into HB 3877. Hopes the action is not objectionable to the Senate side. Suggests that perhaps one of the bills will get through. States he has used the services of an ombudsman and found it very helpful with the issue he was dealing with. Thinks an ombudsman in the legislative branch is the right place for it to be.
203	Rep. T. Smith	House District 28. Testifies in support of SB 971. Reads statement (EXHIBIT E) .
252	Rep. Kurt Schrader	House District 23. Explains that SB 971 originated out of a conversation between himself and Rep. Winters in Ways and Means Human Resources Subcommittee and then with Sen. Duncan about the multiplicity of different advocacy and ombudsmen offices and their efforts to see if there is a better way to deliver services and let people know there is a one-stop system. Comments he hopes the legislature advertises this office to a great degree and makes sure people understand the benefits of having the office. Also hopes the office will better serve the people and cut down duplication. Concerns were raised that existing ombudsmen would go away. Tried to balance it and make sure it is as independent as possible and that it would not be a part of the executive branch.
291	Chair Harper Rep. Schrader	Asks what the fiscal impact of the bill is. Responds it is \$500,000 to set up the new ombudsperson office. The remainder of the money would follow from the other ombudspersons already in statute. Adds that the Long Term Care Ombudsman is federally mandated to be independent. Issues discussed.
310		<ul style="list-style-type: none"> • Whether all ombudspersons would be centralized or if just the legislative office would be centralized.
293		<ul style="list-style-type: none"> • Investigative powers. • Mediation.
369	Rep. Jeff Kruse	House District 45. Testifies in support of SB 971. Contends that the office will lessen the workload of legislators because of time spent with constituents. A point of contact allows citizens into state government. Believes it is the kind of accountability the people are looking for. It is a great idea and we should move forward with it.
409	Eve Ford	Oregon Dispute Resolution Commission. Requests that the reference to manufactured dwelling park ombudsman be removed from SB 971. Explains history of the Oregon Dispute Resolution Commission working with Community Dispute Resolution Centers. States it is their understanding that the

		contracts with the Community Dispute Resolution Centers would be discontinued if SB 971 is not changed. States that losing the mediation services would be a major concern to the commission and the manufactured parks owners and residents.
460	Chair Harper Ford	Asks if they are proposing an amendment. Explains that they have not requested an amendment and are willing to work with the committee to have an amendment drafted.
435	Lee Hazelwood	Advocate for Seniors and Disabled. Testifies in support of SB 971 (EXHIBIT F) with the –1 amendment (EXHIBIT D) .
TAPE 87, A		
025	Bob Repine	Director, Oregon Housing and Community Services Department. Submits prepared statement, a paper, "Review of Oregon's Ombudsman Functions," and list of contact issues and results in the Manufactured Dwelling Park Ombudsman Program (EXHIBIT G) . Presents statement and list of contact issues.
00		Explains how the Manufactured Dwelling Park Ombudsman Program works. States that the program is running well and asks that the committee consider a name change in those sections dealing with the name of the Manufactured Dwelling Park Ombudsman. States that their department is not in the true sense an ombudsman and does not perform other activities usually involved with ombudsman programs.
093		Issues discussed: <ul style="list-style-type: none"> • Whether the suggested change was proposed to the sponsors.
114	Pat Schwock	Executive Director, Manufactured Homeowners of Oregon. Reads statement in support of moving their ombudsman (EXHIBIT H) .
145	Teresa May	President, Northwest Chapter Professional Employers Association and business person in Salem. Testifies in opposition to SB 971. Bill would be harmful to their industry. Speaks in favor of their ombudsman located in the Department of Consumer and Business Services (DCBS). Believes removing the position of Small Business Ombudsman from DCBS would turn the position into a reactive position rather than a proactive position.
175	Emily Cedarleaf	Multifamily Housing Council of Oregon. Presents prepared statement (EXHIBIT I) proposing two alternative options.
262	Chair Harper	Advises that the fiscal statement on the bill will determine what happens to it but he does want to get the bill to Ways and Means.
277	Phyllis Rand	Governor's Commission on Senior Services. Testifies in support of SB 971 (EXHIBIT J) .
305	Don Miner	Oregon Manufactured Housing Association. Comments that he agrees with Bob Repine's and Emily Cedarleaf's remarks. Does not believe their ombudsman belongs in this bill.
330	Ernest Delmazzo	Co-Founder Injured Workers Alliance and President of Dell Information Services. Testifies in opposition to SB 971 (EXHIBIT K) .
449	Brad Witt	Oregon AFL-CIO. Testifies in opposition to SB 971 (EXHIBIT L) .
TAPE 86, B		

048 Chair Harper Closes the public hearing on SB 971 and opens a public hearing on executive appointment of Bobby Mink to Director, Department of Human Services.

DIRECTOR, DEPARTMENT OF HUMAN SERVICES – BOBBY MINK (EXHIBIT M) - PUBLIC HEARING

040 Bobby Mink Comments that it is a great honor and privilege to be asked and considered for the job. States he has been in the Department of Human Services since 1988 and has realized they can do a better job in the department. States the department has a great opportunity with the right leadership to make some significant differences and he is prepared to lead the state to those changes.

075 Adds that he has served as Deputy Director for almost nine years and in the last two months has been acting as Director.

076 Chair Harper Asks Mink what his vision is for the reorganization of the department.

Mink Responds the impact on their department is probably bigger than anybody realizes. Contractors in the department serve nearly 950,000 Oregonians every year. A significant part of that is the number of services people utilize. Seventy percent of the 950,000 people receive more than one service. Nearly 60 percent receive three or more services. They are currently configured as though one person receives one service and then goes away. Needs to configure department for the clients' needs. The vision around the reorganization is to have their case managers in the field work in multi-disciplinary teams so the clients can go to one location and get their needs met rather than searching all over the community. It is a client-focused vision. Believes that clients who are able to get off the department caseloads can get off faster if they get the services at the right time in the right dosage.

096 This reorganization has not been done any other place. It was started in Jackson County and other locations and they are prepared after experimenting for a number of years to move it to scale statewide. Adds that the new administration in Washington, D. C. and the Secretary of the Department of Human Services is going to reorganize that department very similarly to try to get rid of the fragmentation in the system, to make it a non-stigmatizing place to go for services, and to get people well sooner so they can get off the caseloads.

118 Chair Harper Comments he is behind them 100 percent and asks for thoughts on how to make the changes so they are successful.

120 Mink Responds they are trying to change the fabric of the department that has existed for 30 years in separate divisions. Those divisions are almost like separate state agencies. The proposed reorganization abolishes the divisions and moves the staff into multi-disciplinary teams. Some staff are worried about that and some are excited about doing something different with clients and about working in teams. Thinks the rumbles are from middle management and some clients who have been agitated by middle management. The reorganization in the field system alone will eliminate 50 managers in the field and some in the main office. The emphasis will be on case management and multi-disciplinary teams. People who have been served in those kinds of environments like it. They think they get better service

and get well sooner. Adds that to him it is a leadership challenge. The legislature will hear rumblings but must persevere through it because he believes the vision is strong enough and the experiences they have had in places where it has been done are positive enough that we must do it. Thinks it will also happen in other places in the country once it is running.

137 Rep. Jackie Winters Comments in support of Bobby Mink. States she has been working with him on the reorganization and the vision and knows he has been with the agency for a number of years. He does bring some experience to the job and brings knowledge and believes he will bring leadership and strength that will be needed in order to get the reorganization completed.

158 Sen. Courtney Mink Asks if Mink graduated from Willamette University. Responds affirmatively. States he was born in Oklahoma and moved to Oregon when he was two. Comments his family is a family of public servants.

185 Sen. L. Beyer Comments on Mink's well-handled response to the publicity about offensive training materials provided to clients.

206 Mink Comments that unknown to the administrator of Adult and Family Services and himself, approximately four years ago one of their contractors put offensive material into a training package. They received a complaint about it and took it out but neglected to purge the file so it remained in another file. They had three complaints, maybe more. The point is that the department made a bad mistake and did not respect their clients the way he expects. States he is using the situation as an opportunity to explain to their staff how they want the staff to treat the clients. States it is an opportunity for everyone in their department. Adds that he talked with all the administrators and put it in a weekly message to all staff. States that his e-mail goes to every one of their 9,500 employees.

242 Chair Harper Closes the public hearing and opens a work session on the executive appointment of Bobby Mink.

DIRECTOR, DEPARTMENT OF HUMAN SERVICES – BOBBY MINK (EXHIBIT M) - WORK SESSION

244 Sen. Courtney **MOTION: Moves the APPOINTMENT of Bobby Mink to the Director, Department of Human Services to the floor with the recommendation that the appointment BE CONFIRMED.**

250 **VOTE: 5-0**
EXCUSED: 2 - Brown, Minnis

Chair Harper Hearing no objection, declares the motion CARRIED.

SEN. HARPER will lead discussion on the floor.

257 Chair Harper Announces that the committee will not consider SJR 31 today.
261 Chair Harper Opens a public hearing on HB 2004-A.

HB 2004 -A – PUBLIC HEARING

243 Brian Reeder Department of Education. Testifies in support of HB 2004-A as passed by the House (**EXHIBIT N**). Opposes the HB 2004-A10 amendments (**EXHIBIT O**) that would restore the overall rating to the statute. Does not think the overall rating is useful to

357	Chair Harper	anyone and urges committee to not adopt the amendment. Asks if it is possible for a school to get an "Excellent" in all areas and have an "Average" overall.
	Reeder	Responds it is possible to get a strong rating in all three categories and get one rating downward. It is a statistical anomaly of combining three separate scores and putting bounds on where the lines of the categories start and stop. Believes HB 2004 A would get away from trying to take averages of averages and focus more on the individual categories, which would be more useful to parents and schools.
389	Sen. Miller	Asks what the view of a district would be if they have excellent math and average English ratings.
403	Reeder	Responds that they do not rate individual subjects. Categories are student performance, student behavior, and school characteristics. Explains that under current law they take the rating in the three categories and combine them to develop the overall rating. Thinks by having overall rating we divert our attention from those categories that should be focused on.
442	Sen. Miller	Asks what falls in the categories of student behavior and school characteristics.
	Reeder	Responds that student behavior rating is based almost entirely on attendance. School characteristics category is based on the participation rate on the benchmark tests. HB 2004 A would add additional information to the report card in those areas to give parents a better understanding of what is going on.
TAPE 87, B		
021	Sen. Courtney	Asks if all the items in HB 2004-A in (3) on page 2 will be shown on the report cards.
	Reeder	Responds affirmatively. Adds that there would be increased information on the cards.
051	Sen. L. Beyer	Comments he believes Former Senate President Brady Adams' desire was to have something simple that would tell parents the overall performance of the school. Believes the idea was to put the intent out there and let the Department of Education deal with it through administrative rule with the understanding that the Superintendent of Public Instruction is supposed to be the leader in education. Asks why we would want to move away from that and put more specificity and more details in it.
	Reeder	States that as HB 2004 was introduced it included additional items and they worked closely with the Speaker's staff to come to what they felt was a compromise and which met the Speaker's needs to get more information to parents and at the same time not hamstringing the department in their ability to provide what they thought was accurate information. Notes language that says data "...that are available to the Department of Education..." and states that if the department cannot get the data or if it is of such poor quality that the department feels it is not comparable across the districts, then it would not be required to put on the report card immediately. States the department views HB 2004 A as a compromise between the two goals. An important part of that compromise is eliminating the overall rating that has, for some schools, represented a black listing.
105	Sen. Beyer	Asks Reeder to share comments in response to the report cards.

	Reeder	Responds that comments have come from parents of the schools that received low grades.
143	Sen. Miller	Asks if parent volunteering and community involvement are considered.
	Reeder	Comments that most schools do keep track of volunteer hours. Does not think data is very good. Adds that the information does not change the formula but the report has additional information.
221	Rep. Mark Simmons	Speaker of the House of Representatives and representing House District 58. Explains he sponsored HB 2004 because report cards have not been utilized to their fullest potential. States the genesis of SB 1329 (1999) was to give each school in Oregon an annual report card so the public, the schools, and the parents would have an opportunity to compare the educational opportunities offered in their community to the rest of the state. It was to create a common set of data so everyone could discuss their school's efforts to achieve excellence.
243		States that in a short period of time the department gathered data statewide and developed a template for every school to use. The shortcomings of the current report card came to light at Cornelius Grade School after receiving a very low score on their report card and then in January 2001 received an excellent score. Sixty-four of the 151 students were exempted from taking the test; most of them were English language learners and students with disabilities in order to create a higher grade for the school. Currently 80 percent of a school's performance is graded on tests. Believes it is too high a burden and will only cause schools to sacrifice assessment of their troubled students who need the assessments the most. The intent of HB 2004 is to change the weighting that is given assessments and put an increased focus on other highly relative data. An extensive work group amended HB 2004 in the House. The goal of the report card is stated in line 7 of HB 2004. Other information that will be included is participation rates, English as a second language enrollment, school attendance rates, school safety, drop out rates, volunteer hours, teachers teaching classes outside their expertise, availability of distance learning facilities, expenditures in categories of school staff. Believes the bill was negatively impacted by deletion of the overall school grade as it was required under SB 1139 (1999). As originally written it gave schools a letter grade of A, B, C, D, or F. At the insistence of public school lobbyists a rating system was developed that instead identified schools as "Unacceptable," "Low," "Satisfactory," "Strong," or "Exceptional." Now the interest groups want to further water down the rating system by eliminating the overall school grade. Believes overall grade is good because parents need information that is as condensed as possible.
308	Speaker Simmons	Asks that the committee give the HB 2004-A10 amendments (EXHIBIT O) positive consideration and pass the bill.
314	Speaker Simmons	Comments that he has delegated most of the development to Harvey Matthews and Matthews is here for technical support.
285	Sen. Minnis	Comments he appreciates the Speaker bringing up attendance.
332	Chair Harper	Asks Matthews to explain what the complaints were about the overall grade.

334	Harvey Matthews	Speaker's Office. Comments he was a member of the work group. States there are two schools of thought. Comments on development of process to arrive at a "grade." States there is a great fear from administrators and others that they will be labeled something they don't feel they are. Thinks the challenge is for the public education system to adapt to the report card.
374	Chair Harper	Asks who requested the HB 2004-A10 amendments.
375	Speaker Simmons	Responds that a member in the House requested the amendment and he is happy to support it.
379	Chair Harper	Temporarily closes the public hearing on HB 2004 A and opens a public hearing on HJM 5-A.

HJM 5 A - PUBLIC HEARING

355	Speaker Simmons	Testifies in support of HJM 5-A. States he support the measure. There is an on-going problem at Hanford. They have started off in one direction to clean up the problems and then stopping short of completion of the job and heading in a new direction. States he was part of the Hanford cleanup panel representing Oregon. Thinks anything that Oregon can do to encourage cleanup of that facility is a step in the right direction. There is contamination in the ground toward the Columbia River and there are a lot of very major problems associated with Hanford Nuclear Reservation. Closes the public hearing on HJM 5 and reopens the public hearing on HB 2004 A.
-----	-----------------	--

HB 2004 A – PUBLIC HEARING

389	Ozzie Rose	Confederation of School Administrators (COSA). Comments that COSA supports the bill and opposes the amendments. Believes the member who proposed them is no longer interested in them. COSA supports report cards but they did object to the concept of A, B, C, and F. States that the purpose of the report card is to communicate with the public and believes they are doing what they are supposed to do. When you average things together you obscure what is in the average. Agrees with the new information and COSA is encouraging districts. Adds that districts are adding local data. COSA believes it is a plus to focus on student performance, student behavior, and school characteristics so when they are communicating to the community the community knows what they are talking about.
-----	------------	---

509
TAPE 88, A
Believes it would be better to pass the bill as currently written.

043
Issues discussed:

- Accurate media coverage.
- Averaging data.

078	John Marshall	Oregon School Boards Association. Comments that if one looks at the characteristics on which schools are graded, student performance, student behavior, and school characteristics, it is possible to come up with very objective criteria by which to judge each of the factors. But when it comes to the overall grade, you are taking three relatively different factors and using subjective kinds of judgements to come up with an overall grade for the school. If, because of a very subjective kind of judgement made by the department and the school is given a lower grade than they otherwise would get in one of the
-----	---------------	---

categories, then there is a stigma attached to it. Thinks that is unfair to the staff and the people who are trying to make that school a better place for student learning.

Makes comparison of interests groups rating legislators on their performances. Thinks it is unfair for a single word to describe a school and would encourage committee to pass HB 2004 A as is. Comments that the report cards have been good for the schools and most of the school people will say that.

107 Rose

111 Chair Harper

Closes the public hearing on HB 2004 A and opens a work session on HCR 1.

HCR 1 - WORK SESSION

117 Sen. Courtney

MOTION: Moves HCR 1 be sent to the floor with a BE ADOPTED recommendation.

121

VOTE: 4-0

EXCUSED: 3 - L. Beyer, Miller, Minnis

Chair Harper

Hearing no objection, declares the motion CARRIED.

SEN. DECKER will lead discussion on the floor.

122 Chair Harper

Opens a work session on HJM 5 A.

HJM 5 A - WORK SESSION

124 Sen. Courtney

MOTION: Moves HJM 5 A be sent to the floor with a BE ADOPTED recommendation.

VOTE: 4-0

EXCUSED: 3 - L. Beyer, Brown, Minnis

Chair Harper

Hearing no objection, declares the motion CARRIED.

SEN. COURTNEY will lead discussion on the floor.

128 Chair Harper

Opens a work session on HM 3885.

HB 3885 - WORK SESSION

128 Lyle Ahrens

Bike-Pac. States they appreciate the committee hearing the bill and looks forward to an affirmative vote.

138 Sen. Courtney

MOTION: Moves HB 3885 to the floor with a DO PASS recommendation.

139

VOTE: 7-0

Chair Harper

Hearing no objection, declares the motion CARRIED.

SEN. MILLER will lead discussion on the floor.

142 Chair Harper

Closes the work session on HB 3885 and adjourns meeting at 5:10 p.m.

Submitted By,

Reviewed By,

Annetta Mullins,
Committee Assistant

Craig Allen,
Committee Administrator

EXHIBIT SUMMARY

- A - SB 971, prepared statement, Michael Mills, 1 p**
- B - SB 971, prepared statement, Michael Mills, 1 p**
- C - SB 971 prepared statement, Rep. Winters, 3 pp**
- D - SB 971, SB 971-1 amendments, Sen. Fisher, 1 p**
- E - SB 971, prepared statement, Rep. T. Smith, 2 pp**
- F - SB 971, prepared statement, Lee Hazelwood, 1 p**
- G - SB 971, prepared statement, report, and list of contact issues, Bob Repine, 29 pp**
- H - SB 971, prepared statement, Pat Schwoch, 2 pp**
- I - SB 971, prepared statement, Emily Cedarleaf, 5 pp**
- J - SB 971, prepared statement, Phyllis Rand, 1 p**
- K - SB 971, prepared statement, Ernest Demazzo, 2 pp**
- L - SB 971, prepared statement, Brad Witt, 2 pp**
- M - Department of Human Services, Director, Governor's office and staff, 4 pp**
- N - HB 2004, prepared statement, Brian Reeder, 1 p**
- O - HB 2004, HB 2004-A10 amendments, Speaker Simmons, 1 p**