

SENATE COMMITTEE ON RULES AND REDISTRICTING

June 8, 2001 Hearing Room C
9:00 AM Tapes 107 - 109

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

STAFF PRESENT: Craig Allen, Administrator
Rick Berkobien, Administrator
Jan McComb, Administrator
Majorie Taylor, Administrator
Andrew Morris, Committee Assistant
Annetta Mullins, Committee Assistant

MEASURES HEARD: HB 3641A Work Session
SB 500 Work Session
HB 3908B Work Session
HB 3528 Work Session
HB 3363A Work Session
HB 2322A Work Session
HB 2895 Work Session
HB 3804A Work Session
HB 3619A Work Session
HB 2848A Work Session
HB 3363A Work Session
HJR 45 Work Session
HB 2004A Public Hearing and Work Session
HB 3953A 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>
TAPE 107, A		
004	Chair Harper	Calls the meeting to order at 9:12 a.m. and opens a work session on HB 3641A.
<u>HB 3641A RECONSIDERATION AND WORK SESSION</u>		
005	Sen. Courtney	MOTION: Moves to SUSPEND the rules for the purpose of reconsidering HB 3641A. VOTE: 5-0-2 EXCUSED: 2 - Beyer, Miller
005	Chair Harper	Hearing no objection, declares the motion CARRIED .
006	Sen. Courtney	MOTION: Moves to RECONSIDER the vote by which HB 3641A was sent to the floor DO PASS . VOTE: 5-0-2 EXCUSED: 2 - Beyer, Miller

- 010 Chair Harper Hearing no objection, declares the motion CARRIED.
012 Sen. Courtney MOTION: Moves to ADOPT HB 3641A-A3 amendments dated 6/7/01 (EXHIBIT I).
VOTE: 5-0-2
EXCUSED: 2 - Beyer, Miller
- 014 Chair Harper Hearing no objection, declares the motion CARRIED.
015 Sen. Courtney MOTION: Moves HB 3641A to the floor with a DO PASS AS AMENDED recommendation.
VOTE: 5-0-2
EXCUSED: 2 - Beyer, Miller
- 018 Chair Harper Hearing no objection, declares the motion CARRIED. SEN. BROWN will lead discussion on the floor.
- 021 Chair Harper Closes the work session on HB 3641A and opens a work session on SB 500.

SB 500 WORK SESSION

Chair Harper introduced (EXHIBITS A – H) at Tape 109, A #224.

- (EXHIBIT A) A map presented by staff.
(EXHIBIT B) An e-mail from Brian Boquist.
(EXHIBIT C) A Letter from Charles McLaren.
(EXHIBIT D) A Letter from John Helm.
(EXHIBIT E) A letter from Irving and Jeanette Stevens.
(EXHIBIT F) A letter from Irving and Jeanette Stevens.
(EXHIBIT G) A letter from Sally Stevens.
(EXHIBIT H) A letter from Sally Stevens.

- 024 Sen. Miller MOTION: Moves to ADOPT SB 500-1 amendments dated 6/7/01 (EXHIBIT J).
VOTE: 4-2-1
AYE: 4 – Atkinson, Miller, Minnis, Harper
NAY: 2 – Brown, Courtney
EXCUSED: 1 – Beyer L
- 028 Chair Harper Hearing two objections, declares the motion CARRIED.
034 Sen. Miller MOTION: Moves SB 500 to the floor with a DO PASS AS AMENDED recommendation.
- 046 Sen. Brown Comments on the redistricting process.
VOTE: 4-2-1
AYE: 4 – Atkinson, Miller, Minnis, Harper
NAY: 2 – Brown, Courtney
EXCUSED: 1 – Beyer L
- 070 Chair Harper Hearing two objections, declares the motion CARRIED. SEN. HARPER/SEN. ATKINSON will lead discussion on the floor.
- 074 Sen. Courtney Serves notice of minority report with Sen. Brown.
078 Chair Harper Closes the work session on SB 500 and opens a work session on HB 3980.

HB 3980B WORK SESSION

- 087 Sen. Courtney MOTION: Moves HB 3980B to the floor with a DO PASS recommendation.
VOTE: 6-0-1
AYE: 6 - Atkinson, Brown, Courtney, Miller, Minnis, Harper
EXCUSED: 1 - Beyer L

089 Chair Harper **Hearing no objection, declares the motion CARRIED.**
090 Chair Harper **SEN. ATKINSON will lead discussion on the floor.**
Closes the work session on HB 3980B and opens a work session on HB 3528.

HB 3528 WORK SESSION

091 Chair Harper Explains HB 3528 to the committee.
098 Sen. Minnis Asks if HB 3528 is to resolve the issue of Portland making decisions for Burns, Oregon.
099 Chair Harper Responds affirmatively.
097 Sen. Brown Asks about allegations made that the development was illegal.
100 Chair Harper Responds the allegations were false.
114 **Sen. Miller** **MOTION: Moves to ADOPT HB 3528-2 amendments dated 6/8/01 (EXHIBIT K).**

VOTE: 4-2-1

AYE: 4 – Atkinson, Miller, Minnis, Harper

NAY: 2 - Brown, Courtney

EXCUSED: 1 - Beyer L

117 Chair Harper **Hearing two objections, declares the motion CARRIED.**
118 Sen. Miller **MOTION: Moves HB 3528 to the floor with a DO PASS AS AMENDED recommendation.**

VOTE: 4-2-1

AYE: 4 – Atkinson, Miller, Minnis, Harper

NAY: 2 - Brown, Courtney

EXCUSED: 1 - Beyer L

122 Chair Harper **Hearing two objections, declares the motion CARRIED.**
SEN. HARPER will lead discussion on the floor.

123 Chair Harper Closes the work session on HB 3528 and opens a work session on HB 3363A.

HB 3363A WORK SESSION

120 Sen. Brown Asks if the Governor's concerns have been addressed.
125 Chair Harper Responds the bill has not been amended in the Senate.
132 Katie Cate Oregon Cattleman's Association. Comments on the amendments made in the house.
141 Sen. Brown Asks if Cate has had any conversations with the Governor's office since the bill was amended in the house.
143 Cate Responds no.
145 Sen. Courtney States the governor will veto the bill in its current form.
151 Chair Harper Closes the work session on HB 3363A and opens a work session on HB 2322A.

HB 2322A WORK SESSION

158 Sen. Courtney **MOTION: Moves HB 2322A to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Ways and Means.**

VOTE: 6-0-1

AYE: 6 – Atkinson, Brown, Courtney, Miller, Minnis, Harper

EXCUSED: 1 - Beyer L

160 Chair Harper **Hearing no objection, declares the motion CARRIED.**
163 Chair Harper Closes the work session on HB 2322A and opens a work session on HB 2895.

HB 2895 WORK SESSION

165 Sen. Courtney **MOTION: Moves HB 2895 to the floor WITHOUT RECOMMENDATION as to passage and BE**

REFERRED to the committee on Ways and Means.

VOTE: 6-0-1

AYE: 6 – Atkinson, Brown, Courtney, Miller, Minnis, Harper

EXCUSED: 1 - Beyer L

Hearing no objection, declares the motion CARRIED.

Closes the work session on HB 2895 and opens a work session on HB 3804A.

173 Chair Harper
175 Chair Harper

HB 3804A WORK SESSION

179 Speaker Mark Simmons

Speaker of the House. Testifies in support of HB 3804A.

191 Sen. Courtney

MOTION: Moves to ADOPT HB 3804-A11 amendments dated 6/5/01 (EXHIBIT L).

VOTE: 6-0-1

EXCUSED: 1 – Miller

Hearing no objection, declares the motion CARRIED.

193 Chair Harper
194 Sen. Courtney

MOTION: Moves HB 3804A to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 6-0-1

EXCUSED: 1 – Miller

Hearing no objection, declares the motion CARRIED.

SEN. ATKINSON will lead discussion on the floor.

200 Chair Harper

207 Chair Harper

Closes the work session on HB 3804A and opens a work session on HB 3619A.

HB 3619A WORK SESSION

214 Jim Green

Oregon School Boards Association. Testifies in support of HB 3619A.

(EXHIBIT M) was entered post hearing by Rep. Dan Gardner.

226 Sen. Courtney

MOTION: Moves HB 3619A to the floor with a DO PASS recommendation.

VOTE: 6-0-1

EXCUSED: 1 – Miller

Hearing no objection, declares the motion CARRIED.

SEN. COURTNEY will lead discussion on the floor.

231 Chair Harper

234 Chair Harper

Closes the work session on HB 3619A and opens a work session on HB 2848A.

HB 2848A WORK SESSION

242 John Mangis

Oregon Department of Veteran's Affairs. Testifies in support of HB 2848A.

264 Bill Linden

Oregon Head Start Association. Explains the –A3 amendments **(EXHIBIT N)**.

293 Sen. L Beyer

States that the state tax form lacks the space to keep adding special interest groups.

300 Linden

Insists that placing more groups on the tax form is plausible.

312 Chair Harper

Asks why the amendment was not presented in the House Revenue Committee.

314 Linden

Responds the idea to add Head Start came after the bill had passed out of committee.

317 Sen. Brown

Comments on donating tax refunds.

322 Sen. Minnis

Relates that Head Start is already in the tax guide.

328 Sen. L Beyer

States that if Head Start were added to the tax form, a new page would have to be added. Comments on concerns of the

343	Chair Harper	Department of Revenue. Comments on introducing amendments at the last minute without any previous discussions.
349	Sen. Courtney	MOTION: Moves HB 2848A to the floor with a DO PASS recommendation.
		VOTE: 6-0
		AYE: 6 - Atkinson, Beyer L, Brown, Courtney, Minnis, Harper
		EXCUSED: 1 – Miller
366	Chair Harper	The motion CARRIES. SEN. HARPER/SEN. COURTNEY will lead discussion on the floor.
378	Chair	Closes the work session on HB 2848A and opens a work session on HB 3363A.
<u>HB 3363A WORK SESSION</u>		
379	Louise Soliday	Governor’s Office. Explains that the Governor is concerned with HB 3363A.
413	Sen. Courtney	Asks for difference in appearances between wolves and wolf hybrids.
416	Soliday	Responds the only way to distinguish the difference is by the size of the skull.
420	Sen. L Beyer	Asks what would happen if a rancher shot a wolf because they thought it was a dog.
TAPE 108, A		
002	Soliday	Responds the Fish and Wildlife Service would take care of the issue.
007	Sen. L Beyer	Reiterates the previous question.
008	Soliday	Responds that no one would know if a rancher shot a wolf or hybrid.
009	Sen. Courtney	Asks if it is okay to shoot a dog, but not okay to shoot a wolf.
012	Soliday	Responds by explaining current law.
021	Cate	Explains why the bill was brought forward. Comments on current law. Relates an example.
039	Sen. Brown	Asks what problem the bill would fix.
044	Cate	Explains that changing the hybrid to a predatory status would allow for ranchers to shoot the hybrids on sight.
046	Sen. L Beyer	Asks about a current case.
048	Cate	Explains the case. Comments on killing dogs, which hybrids are listed as.
075	Sen. Courtney	Asks how many wolves are in Oregon.
083	Cate	Responds that there are not any wolves left in Oregon. Adds there are 20,000 hybrids.
096	Sen. Brown	Asks about the Governor’s concerns.
100	Soliday	Relates the Governor’s concerns. Comments on the reintroduction of wolves into Idaho.
109	Cate	Comments on the wolves in Idaho.
120	Sen. Miller	MOTION: Moves HB 3363A to the floor with a DO PASS recommendation.
		VOTE: 4-3
		AYE: 4 - Atkinson, Miller, Minnis, Harper
		NAY: 3 - Beyer L, Brown, Courtney
125	Chair Harper	Hearing three objections, declares the motion CARRIED. SEN. HARPER will lead discussion on the floor.
129	Chair Harper	Closes the work session on HB 3363A and opens a work session

on HJR 45.

HJR 45 WORK SESSION

131 Rep. Tim Knopp

House District 54. Testifies in support of HJR 45. Enters a letter from Legislative Counsel (**EXHIBIT U**). Explains HJR 45.

150 Sen. Courtney

MOTION: Moves to ADOPT HJR 45-1 amendments dated 5/31/01 (EXHIBIT O).

VOTE: 5-0-2

AYE: 5 – Atkinson, Beyer L, Courtney, Miller, Harper

EXCUSED: 2 – Brown, Minnis

Hearing no objection, declares the motion CARRIED.

151 Chair Harper

152 Sen. Courtney

MOTION: Moves HJR 45 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.

VOTE: 5-0-2

AYE: 5 – Atkinson, Beyer L, Courtney, Miller, Harper

EXCUSED: 2 – Brown, Minnis

Hearing no objections, declares the motion CARRIED.

163 Chair Harper

SEN. CLARNO will lead discussion on the floor.

166 Chair Harper

Closes the work session on HJR 45 and opens a public hearing on HB 2004A.

HB 2004A PUBLIC HEARING

172 Sen. Avel Gordly

Senate District 10. Testifies in support of HB 2004A. Explains HB 2004 with the –A14 amendments (**EXHIBIT P**).

215 Sen. Brown

Asks if there will be an impact on the budget this biennium.

217 Julie Brandis

Associated Oregon Industries. Responds the bill would be implemented in the next biennium.

233 Sen. Brown

Asks if the program is “means” tested.

238 Brandis

Responds that “means” testing is not included in the –A14 amendments. Explains the fiscal impact. Continues testimony.

274 Sen. Minnis

Asks how the bill would help young people who want to dropout of high school.

282 Sen. Gordly

Responds that the bill would help teenagers who are ready to move past high school do so.

297 Sen. Minnis

Asks if the bill would help students to transition into college level courses.

304 Sen. Gordly

Responds affirmatively.

316 Sen. Courtney

Asks about the program at South Salem High School.

322 Brandis

Responds she is unfamiliar with South Salem High School’s program.

336 Sen. Gordly

Comments on existing programs.

359 Sen. Courtney

Asks if money is an inhibiting factor

363 Brandis

Responds that it depends on the districts.

370 Sen. Minnis

Comments on school attendance in urban areas.

393 Sen. Gordly

States the bill incorporates rural areas and distance learning.

404 Sen. Minnis

Comments on the future of educational services.

TAPE 107, B

004 Sen. Brown

Asks if the bill is based on the program in Minnesota.

012 Brandis

Comments on previous legislation, which was vetoed by the Governor.

025 Sen. Gordly

States that NCSL has released a report on how similar programs are working (**EXHIBIT Q**).

045 Sen. L Beyer

Asks about issues the interim committee will discuss.

052 Brandis

Responds the committee will discuss a variety of issues.

060	Sen. Gordly	Comments on opposition to the bill.
077	Rep. Bill Morrisette	House District 42. Testifies in opposition to HB 2004A. States concerns with the bill.
115	Rep. Vic Backlund	House District 33. Testifies in opposition to HB 2004A. States that appropriate education can be achieved in a public school. States a need for an interim study to take place.
186	Sen. L Beyer	Asks if Backlund would support the bill if concerns were addressed.
212	Rep. Backlund	Responds by relating personal concerns.
231	Sen. Brown	Asks about Section 19 and if it means that schools will have to comply with the –A14 amendments.
241	Sen. Gordly	Responds affirmatively.
262	Sen. Minnis	Asks about having high school teachers teach college courses at high schools.
272	Sen. Gordly	Responds that could be an option. States the national trend is to ask what the student needs.
290	Amy Hunter	American Federation of Teachers (AFT). Testifies in opposition to HB 2004A. Outlines objections to HB 2004A.
334	Sen. Minnis	Asks if instructors have degrees that would let them teach college coursework.
340	Hunter	Responds affirmatively. Comments on funding sources.
348	Sen. Minnis	States a need for school districts to reexamine their thinking.
382	Hunter	States there is a lack of funding.
394	Sen. Minnis	Reiterates a need to change the old school style of thinking.
413	Sen. L Beyer	Asks if the bill did not endanger public funding, would AFT support the bill.
427	Hunter	Responds that the AFT would be willing to look at a proposal.
TAPE 108, B		
002	Lori Wimmer-Whelan	Oregon Education Association. Testifies in opposition to the –A14 amendments. Outlines concerns.
108	Sen. L Beyer	Asks about the rural school impact.
111	Wimmer-Whelan	Responds that if enough students left a rural school, the school would have to cut classes.
128	Sen. L Beyer	Comments on distance learning.
132	Wimmer-Whelan	Points out current programs.
140	Ozzie Rose	Confederation of School Administrators (COSA). Testifies in opposition to the –A14 amendments.
200	Rose	Continues testimony.
225	Sen. L Beyer	Asks if the confederation would support the idea if the funding for the –A14 amendments were not taken from the K through 12 budget.
230	Rose	Responds affirmatively. Comments on the delivery of educational services.
245	Sen. Courtney	Asks what a “means” test is.
247	Rose	Explains means testing.
259	Sen. L Beyer	Explains a program in his district.
265	Rose	Comments on Advanced Placement (AP) programs.
284	Tricia Smith	Oregon School Employee Associations. Testifies in opposition to the –A14 amendments. Provides personal opinion on Section 19 of the –A14 amendments.
382	John Marshall	Oregon School Boards Association. Testifies in opposition to the –A14 amendments.
TAPE 109, A		
004	Andrea Meyer	Oregon American Civil Liberties Union (ACLU). Presents

		testimony in opposition to the –A14 amendments (EXHIBIT R). Comments on the constitutionality of the –A14 amendments.
045	Sen. Minnis	States that the Oregon Constitution cannot provide less than the federal Constitution.
057	Meyer	States that an individual has the right to enroll in whichever public school they want.
027	Ken Strobeck	Oregon Independent College Association. Testifies in support of the –A14 amendments.
113	Patricia O’Sullivan	Portland Public Schools. Testifies in opposition to the –A14 amendments. Comments on existing programs in the Portland Public Schools.
142	Sen. Minnis	Asks if the ACLU would be supportive if religious schools accepted people who did not have the same faith.
148	Meyer	Responds affirmatively.
156	Sen. Miller	Asks if funds from the State Scholarship Commission go to students who attend religious schools.
160	Meyer	Responds that the ACLU challenged that in the early 80’s, and a settlement was reached.
183	Chair Harper	Closes the work session on HB 2004A and opens a work session on HB 2004A.

HB 2004A WORK SESSION

184	Sen. Miller	MOTION: Moves to ADOPT HB 2004-A14 amendments dated 06/07/01.
		VOTE: 4-1-2
		AYE: 4 – Atkinson, Miller, Minnis, Harper
		NAY: 1 – Courtney
		EXCUSED: 2 – Beyer L, Brown
188	Chair Harper	Hearing one objection, declares the motion CARRIED.
190	Sen. Miller	MOTION: Moves HB 2004A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-1-2
		AYE: 4 – Atkinson, Miller, Minnis, Harper
		NAY: 1 – Courtney
		EXCUSED: 2 – Beyer L, Brown
191	Chair Harper	Hearing one objection, declares the motion CARRIED.
		SEN. GORDLY will lead discussion on the floor.
200	Chair Harper	Closes the work session on HB 2004A and opens a work session on HB 3953A.

HB 3953A WORK SESSION

201	Bill Perry	Oregon Restaurant Association. Explains HB 3953A and the –A7 amendments. Comments on youth tobacco use reduction. (EXHIBIT S) was submitted post hearing by the City of Eugene.
205	Sen. Miller	MOTION: Moves to ADOPT HB 3953A-A7 amendments dated 6/8/01 (EXHIBIT T).
		VOTE: 5-0-2
		AYE: 5 – Atkinson, Courtney, Miller, Minnis, Harper
		EXCUSED: 2 – Beyer L, Brown
208	Chair Harper	Hearing no objection, declares the motion CARRIED.
210	Sen. Miller	MOTION: Moves HB 3953A to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Ways and Means.

216 Chair Harper
224 Chair Harper

VOTE: 5-0-2

**AYE: 5 – Atkinson, Courtney, Miller, Minnis,
Harper**

EXCUSED: 2 – Beyer L, Brown

The motion CARRIES.

Closes the work session on HB 3953. Enters letters regarding SB 500 (EXHIBITS A-H) and adjourns the meeting at 11:22 a.m.

Submitted By,

Reviewed By,

Andrew Morris,
Committee Assistant

Craig Allen,
Administrator

EXHIBIT SUMMARY

- A – SB 500, Map, Staff, Oversized.**
- B – SB 500, E-mail, Brian Boquist, 2 pp.**
- C – SB 500, Letter, Charles McLaren, 1 p.**
- D – SB 500, Letter, John Helm, 3 pp.**
- E – SB 500, Letter, Irving and Jeanette Stevens, 1 p.**
- F – SB 500, Letter, Irving and Jeanette Stevens, 1p.**
- G – SB 500, Letter, Sally Stevens, 1 p.**
- H – SB 500, Letter, Sally Stevens, 1 p.**
- I – HB 3641, -A3 Amendments, Staff, 1 p.**
- J – SB 500, -1 Amendments, Staff, 25 pp.**
- K – HB 3528, -2 Amendments, Sen. Harper, 2 pp.**
- L – HB 3804, -A11 Amendments, Speaker Simmons, 2 pp.**
- M – HB 3619, Written testimony, Rep. Dan Gardner, 2 pp.**
- N – HB 2848, -A3 Amendments, Bill Linden, 2 pp.**
- O – HJR 45, -1 Amendments, Staff, 1 p.**
- P – HB 2004, -A14 Amendments, Sen. Avel Gordly, 13 pp.**
- Q – HB 2004, Report from NSCL, Sen. Avel Gordly, 32 pp.**
- R – HB 2004, Written testimony, Andrea Meyer, 5 pp.**
- S – HB 3953, Written testimony, Phillip Fell, 1 p.**
- T – HB 3953, -A7 Amendments, Bill Perry, 1 p.**
- U – HJR 45, Letter from Legislative Counsel, Rep. Tim Knopp, 1 p.**