

**HOUSE COMMITTEE ON RULES, ELECTIONS, AND PUBLIC AFFAIRS**

**June 15, 1999 Hearing Room D**

**3:00 P.M. Tapes 94 - 975**

**MEMBERS PRESENT: Rep. Mark Simmons, Chair**

**Rep. Richard Devlin, Vice-Chair**

**Rep. Bruce Starr, Vice-Chair**

**Rep. Roger Beyer**

**Rep. Randall Edwards**

**Rep. Dan Gardner**

**Rep. Kevin Mannix**

**STAFF PRESENT: Cletus B. Moore, Jr., Administrator**

**Janet Adkins, Policy Analyst**

**Keith Putman, Policy Analyst**

**Pat Zwick, Policy Analyst**

**Brad Daniels, Administrative Support**

**MEASURE/ISSUES HEARD:**

**HB 2670A Public Hearing and Work Session**

**SB 238A Public Hearing and Work Session**

**SB 363A Public Hearing and Work Session**

**HB 2332 Work Session**

**SB 16A Work Session**

**SB 487A Work Session**

**HJR 17 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.

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TAPE/#	Speaker	Comments
<b>TAPE 94, A</b>		
004	Chair Simmons	Opens the meeting at 3:40 p.m. Opens the public hearing on HB 2670A.
<b><u>HB 2670A PUBLIC HEARING</u></b>		
007	Moore	Introduces and explains the HB 2670A ñA2 and ñA3 amendments ( <b>EXHIBITS A &amp; B</b> ).
020	Sen. Charles Starr	District 5. Discusses the need to address the problem of school safety. Cites a 1929 law that directs Oregon schools to teach moral values. Explains the <i>Character First</i> education program, which is referred to in the ñA2 amendments. Notes that the bill does not mandate this particular program, but cites it as an example. States that the program is currently being used in Oregon. Indicates that <i>Character First</i> will save money in the future ( <b>EXHIBITS C &amp; D</b> ).
084	Rep. Edwards	Questions assigning schools responsibilities that are more often associated with parents or other role models.
100	Sen. Starr	Replies that parents, not just children, need to be trained in character. Notes that a reverse education will occur; children will educate their parents.
121	Rep. Starr	Introduces letters from the Clatskanie School District superintendant and editor of the <i>Clatskanie Chief</i> ( <b>EXHIBITS E &amp; F</b> ).
129	Rep. Edwards	Asks for a more specific description of <i>Character First</i> .
133	Sen. Starr	Responds that it was started as an education program by a CEO of a Fortune 500 company who saw a need for character training in his business. States that it is a family-owned and operated company out of Oklahoma. Stresses the positive effects of the program in Clatskanie.
159	Rep. Mannix	Refers to and explains HB 2437, which requires school districts to teach a variety of ethical and moral behaviors. States that HB 2670A is a re-energization of this concept.
188	Brad Paslay	Clatskanie Police Officer. Supports the ñA2 amendments. Explains his background with the <i>Character First</i> program. Discusses problems that may occur in daily life and the beneficial effects of character training. Describes his experience in the schools with the implementation of the <i>Character First</i> program ( <b>EXHIBIT G</b> ).
238	Paslay	Relates an example of <i>Character First</i> 's impact on young people.

252	Carissa Gay	<i>Character First</i> . Describes her experience with the program in Oklahoma and Clatskanie. Describes some elements of the <i>Character First</i> curriculum. States that the average cost is \$3-7 per student. Stresses the flexibility and applicability of the program.
309	Gay	Describes the "character coaches" portion of the program. Emphasizes the program's effect on the children and their enthusiasm, including sharing lessons with their families at home. Repeats comments from children about character.
373	Chair Simmons	Asks how long the <i>Character First</i> program has been used in Clatskanie.
375	Paslay	Replies that it has been implemented during the last six months.
376	Chair Simmons	Asks if there has been any demonstrable reduction in vandalism or other crimes.
381	Paslay	Replies that it is being taught in the 1 <sup>st</sup> through 5 <sup>th</sup> grades. Adds that it may be too soon to tell, but he has noticed a difference in children's attitudes when engaged in wrongdoing.
403	Rep. Edwards	Asks if any parents expressed concerns about the program.
406	Paslay	Answers no.
413	Sen. Ferrioli	District 28. Supports and explains the ñA3 amendments, which allow the Mitchell High School to consider dormitory costs in lieu of their transportation costs. Describes the Mitchell School District and the dormitory program at Mitchell High School. States that the amendments would apply to just one school district in Oregon.
<b>TAPE 95, A</b>		
033	Sen. Ferrioli	Outlines the ñA3 amendments. Relates the number of students who go to Mitchell High School and how the amendments will allow the school to continue functioning.
043	Jessica Harris	Legislative Aide to Rep. Lynn Lundquist. Supports the ñA3 amendments ( <b>EXHIBIT H</b> ).
055	Sen. Ferrioli	States that the ñA3 amendments should not have a fiscal impact.
058	Rep. Mannix	Asks if the legislation was in another bill.
060	Sen. Ferrioli	Replies that they were aware of the issue earlier, but waited to find the right bill.

063	Rep. Mannix	Asks if anyone is opposed to the ñA3 amendment.
064	Sen. Ferrioli	Replies no.
067	Rep. Gardner	Asks if a fiscal impact statement has been requested.
068	Moore	Replies no.
072	Rep. Chris Beck	District 12. Supports the ñA4 amendments. Refers to page 3 of the amendments, which direct the Oregon Department of Education to apply for a federal grant to develop a curriculum for character education. Prefers this approach over endorsing one particular program. Reviews past action taken on the issue of character education. Stresses that the bill is not a new idea, but a re-emphasis of an established concept.
127	Rep. Beck	Supports directing the state to research various programs rather than sanctioning one particular program.
157	Rep. Beyer	Asks if the ñA4 amendments would become a minority report if they are not passed by the committee.
160	Rep. Beck	Replies yes.
171	Rep. Mannix	States that both amendments can be accommodated. Suggests combining the ñA2 amendments with portions ñA4 amendments. Asks if this compromise is appropriate.
188	Rep. Beck	Replies yes, but objects to the principle of favoring and sanctioning one program over any other.
202	Rep. Mannix	Asks if the difference is more of style rather than substance.
209	Rep. Beck	Replies that the permissive nature of the ñA2 is better than a mandate. Repeats that it is unnecessary to outline a specific curriculum.
226	Rep. Edwards	Suggests combining the two amendments.
240	Rep. Starr	Closes the public hearing on HB 2670A. Opens the work session on HB 2670A.
<b><u>HB 2670A WORK SESSION</u></b>		
247	Rep. Devlin	Asks about opinions concerning the ñA3 amendments.

250	Rep. Starr	Supports the ñA3 amendments.
<b>251</b>	<b>Rep. Mannix</b>	<b>MOTION: Moves to ADOPT HB 2670A-A2 amendments dated 06/01/99 and that the measure be FURTHER AMENDED by adding page 3, lines 6-11 and 19-21 of the ñA4 amendments.</b>
268	Rep. Edwards	Clarifies that the intent is not to encourage one program over any other, but simply to provide an example of one curriculum.
<b>288</b>		<b>VOTE: 6-0</b> <b>EXCUSED: 1 - Rep. Simmons</b>
	<b>Rep. Starr</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>289</b>	<b>Rep. Mannix</b>	<b>MOTION: Moves to ADOPT HB 2670A-A3 amendments dated 06/15/99.</b>
290	Rep. Mannix	States that the ñA3 amendments have no fiscal impact.
301	Rep. Gardner	Cites lines 9 ñ11 and the phrase or "equal or less expense."
303	Rep. Devlin	Requests a fiscal impact on the bill before it comes to the floor.
312	Rep. Starr	Indicates that a fiscal impact statement will be issued before it comes to the floor.
315	Rep. Beyer	Adds that the bill is a House bill and can be amended in the Senate if there are any problems.
<b>320</b>		<b>VOTE: 6-0</b> <b>EXCUSED: 1 - Rep. Simmons</b>
	<b>Rep. Starr</b>	<b>Hearing no objection, declares the motion CARRIED.</b>

324	Rep. Mannix	<b>MOTION: Moves HB 2670A to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 6-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 1 - Rep. Simmons</b>
	Rep. Starr	<b>The motion CARRIES.</b>  <b>REP. STARR will lead discussion on the floor.</b>
337	Rep. Starr	Closes the work session on HB 2670A.
373	Chair Simmons	Opens the public hearing on SB 238A.
<b><u>SB 238A PUBLIC HEARING</u></b>		
389	Putman	Explains SB 238A, which transfers specified duties to the Oregon State Boxing and Wrestling Commission.
<b>TAPE 94, B</b>		
008	Bob Miller	Gaming Enforcement Division, Oregon State Police. Supports SB 238A. Reviews the history of the Boxing and Wrestling Commission, the results of an audit of the commission and changes prompted by the audit's findings. States that a final step has not been taken because it requires legislative action to modify of the authority of the commission ( <b>EXHIBIT I</b> ).
050	Miller	Explains the shift of power from the superintendent to the commission under the bill. Notes the addition of Sections 11 and 12 to the original bill in an effort to attract the World Wrestling Federation (WWF) and World Championship Wrestling (WCW) to Oregon. Discusses the state of professional wrestling in Oregon and criticism of wrestling in the media. Mentions the prevalence of sex and violence in wrestling, but stresses that Oregon does not suffer from similar problems in its professional wrestling industry.
107	Miller	Expresses discomfort with Section 12 of SB 238A, but does not oppose this section outright.
113	Rep. Starr	Asks if no legal barrier prevents WWF and WCW from touring in Oregon.

115	Miller	Replies yes.
118	Rep. Starr	Asks why the bill is needed to attract their business.
119	Miller	States his position that the Senate amendments are unnecessary, but he can live with them. Expresses confusion about the purpose of the amendment.
133	Rep. Devlin	Asks about the lack of professional boxing in Oregon.
144	Miller	Agrees that there is virtually no professional boxing in Oregon. Reports the number of boxing and wrestling matches that have been staged in Oregon during the previous and current legislative sessions. States that Oregon is a leader in the number of wrestling matches.
164	Rep. Beyer	Asks how the commission is funded.
165	Miller	Replies that it is funded through a pay-per-view tax, live gate tax and licensing fees.
174	Rep. Beyer	Asks about a judicial decision barring the pay-per-view tax in California and the commission's response to a similar challenge in Oregon.
179	Miller	Answers that the current funding scheme was developed legislatively. States that the cure would also come from the legislature.
189	Rep. Mannix	Cites page 9, line 40 of SB 238A. Expresses concern that a 12-month-old physical exam is not accurate.
198	Miller	Replies that the language in the bill is consistent with the current language in the Oregon Administrative Rules.
213	Rep. Mannix	Notes that documentation, not an actual exam, is all that is required before a match.
215	Miller	Replies that there has not been a lot of discussion on this point. Adds that the commission has the ability to bar a person from participating. Expresses concern about Section 2, lines 9-11.
237	Rep. Mannix	Asks if the exam could be required within three months before the match.
242	Miller	Replies that it would be an option.
243	Rep. Gardner	Asks if the difference between wrestling and boxing is that wrestling is mostly

		choreographed.
246	Miller	Replies yes.
247	Rep. Gardner	Asks if theater groups or other performance artists are tested for drugs.
252	Miller	Expresses uncertainty. States that in traditional theater the blood is fake, while in wrestling the violence and blood are real. Comments on the high incidence of painkillers and barbiturates due to the physical nature of the activity.
278	Rep. Edwards	Asks if wrestling is a sport or entertainment. Questions the necessity of the testing entertainers, citing a circus as one example.
303	Miller	Replies that he was in the same position years ago. Defines wrestling as "part theater, part sport, part con-game." Stresses that the industry does need to be regulated, and regulation has widespread support. Relates what he characterized as an example of a disgusting incident that underlines the need for regulation.
361	Rep. Edwards	Asks about the difference between incidents like the one just described and asking for a health exam.
368	Miller	Responds that he was commenting on the need for regulation as a whole.
372	Rep. Edwards	Refers to the recent death of a wrestler. Asks if SB 238A will provide for increased safety regulation.
386	Miller	Replies that the current rules would cover these types of dangerous situations.
407	Rep. Mannix	Acknowledges that the bill allows touring groups to enter Oregon and be exempt from the licensing requirement. Indicates that the exemption reduces the power of the licensing authority. Questions the logic behind the 12 month testing requirement.
434	Miller	Replies that he does not have any information concerning this decision.
<b>TAPE 95, B</b>		
008	Rep. Starr	Asks if he would support the bill without reservations if Section 12 was removed.
009	Miller	Replies that the original bill did not include Sections 11 and 12.
011	Rep. Starr	Asks if touring groups can come to Oregon under current statute.



012	Miller	Replies yes.
016	Jay E. Issac	Oregon Arena Corporation. Supports SB 238A. Describes the function and character of the OAC. Discusses the difference between wrestling and other competitive sports. Explains the provisions of the bill that ensure the safety of the wrestlers and guard against drug use ( <b>EXHIBIT J</b> ).
061	Isaac	Addresses some earlier questions of the committee. Reports that the 12 month provision was implemented to correlate with the WWF and WCW physicals. Discusses the status of professional wrestling in Oregon, the increase in attendance and the number of people who enjoy professional wrestling.
089	Rep. Mannix	Emphasizes page 9, lines 5-8 of the bill and the limitation to a specific form of wrestling.
102	Isaac	Agrees with Rep. Mannix's analysis. Replies that the language was drafted to address a specific type of entertainment.
110	Rep. Mannix	States that a parallel example would be stunt doubles in Hollywood.
116	Isaac	Agrees with Rep. Mannix.
120	Rep. Edwards	Asks about the potential revenue impact.
123	Isaac	Replies that the gross economic impact will be approximately \$7.5 million per year.
134	Ivan Kafoury	Wrestling Promoter. Supports the WWF and WCW coming to Oregon. States that he is asking for the same treatment. Suggests an amendment to the bill: on page 9, line 3, delete the term "incorporated or organized under a law other than an Oregon law." Notes that independent wrestlers should be subject to the same tests as WWF and WCW wrestlers.
152	Rep. Edwards	Asks if he raised the same issue while the bill was in the Senate.
153	Kafoury	Replies no.
156	Chair Simmons	Closes the public hearing on SB 238A. Opens the work session on SB 238A.
<b><u>SB 238A WORK SESSION</u></b>		
158	Rep. Gardner	<b>MOTION: Moves SB 238A to the floor with a DO PASS recommendation.</b>

168	Rep. Mannix	<b>MOTION: Moves to AMEND the motion "Moves SB 238A to the floor with a DO PASS recommendation" by inserting the ñA6 amendment.</b>
170	Rep. Mannix	Explains that the ñA6 amendment refers to a narrow class of entertainment, and an Oregon promoter should enjoy the same status as an out-of-state promoter.
181	Rep. Starr	<b>MOTION: Moves to AMEND the motion "Moves to AMEND the motion "Moves SB 238A to the floor with a DO PASS recommendation" by inserting the ñA6 amendment" by deleting Sections 11 and 12 of the A-engrossed bill.</b>
195	Rep. Mannix	States that Rep. Starr's motion should be considered separately.
203	Miller	States that, under the current definition and the ñA6 amendments, all current wrestling events would be exempted from licensing requirements. Compares Oregon wrestlers to independent contractors. States that the regulatory power of the commission would be diminished.
235	Rep. Mannix	Gives a hypothetical example of an easy way to get around the law. Explains that the problem is not with the corporation, but the touring group.
254	Miller	Clarifies that it is not the position of the police or the commission to prohibit the WWF and WCW from coming into the state.
271	Rep. Devlin	Discusses the effect of the amendment on Kafoury's organization, agreeing with Rep. Mannix that it would be easy to elude the incorporation restriction.
297	Miller	Replies that the intent was to allow only the WWF and WCW to operate as touring groups within Oregon.
311	Rep. Mannix	Asks if a quick solution would be to add, on page 9, line 8 after "or exhibition" the phrase "provided each such tour group does not exceed a total of 30 days in Oregon in any calendar year."
349	Miller	Expresses concern about expanding the bill beyond the WWF and WCW through the ñA6 amendments
363	Rep. Mannix	Questions why out-of-state companies are given exemptions not afforded to Oregon companies.
368	Miller	Acknowledges his previous concern that Oregon was establishing a double standard. Describes his contact with Jeff Kafoury and Kafoury's lack of opposition to the separate standards.

387	Rep. Mannix	Asks if out-of-state companies can be allowed the exemption only for 30 days per year.
395	Chair Simmons	Requests that all motions be withdrawn and the bill be re-scheduled.
410	Rep. Starr	Comments on the ironic juxtaposition between teaching children character one moment and supporting professional wrestling the next.
<b>TAPE 96, A</b>		
015	Chair Simmons	Closes work session on SB 238A and opens public hearing on SB 363A.
<b><u>SB 363A PUBLIC HEARING</u></b>		
030	Adkins	Explains SB 363A, the exemptions and clarifications included in the bill. Introduces that explains the ñA6 and ñA7 amendments ( <b>EXHIBITS K &amp; L</b> ).
065	Cathy Osborne	Juvenile Rights Project (JRP). Describes JRP.
070	Brian Baker	JRP. States that JRP is officially neutral on the bill, but opines that it is a good bill. Expresses concern about Section 1 (3) and the identification of incarcerated juveniles with disabilities. Supports the ñA7 amendments. Notes a certain level of arbitrariness in the opt out provision. Cites statistics concerning the identification and number of students with disabilities. Indicates that JRP will work with the Department of Corrections to address the issue of identification.
118	Rep. Beyer	Asks about the effect of not passing the bill.
121	Baker	Explains the response to the Individuals with Disabilities Education Act, which was passed by Congress in 1997. Notes the confusion of local districts surrounding federal law, administrative rules and regulations
132	Rep. Beyer	Asks if the money will be disbursed to the local school districts.
142	Baker	Replies yes.
147	Steve Johnson	Associate Superintendent, Oregon Department of Education. Supports SB 363A and the amendments. Notes the broad-based support for the bill. States that the legislation adheres closely to federal requirements, adding that bringing Oregon into compliance with federal requirements releases \$94 million of federal funds for the next biennium.
177	Rep. Mannix	Asks about the age requirement under federal law for special education.

180	Johnson	Replies that the federal requirement is ages 3-18.
184	Rep. Mannix	States that Oregon traditionally has provided additional service beyond the age of 18, which is not required by federal law. Notes that conforming amendments establishing that prisoners' right to special education after the age of 18 are not required.
188	Johnson	Replies that, without SB 353A, Oregon can not act in a discriminatory fashion.
193	Rep. Mannix	Asks if Oregon can act in a discriminatory fashion if the person is incarcerated in an adult correctional facility. Asks if the bill retreat from this stance.
194	Johnson	Replies yes to the first question. Adds that the bill amendments would continue to provide education for those students who already involved in education.
199	Suzy Harris	Legal Specialist, Oregon Department of Education. Reports that the bill amendments originated in response to concerns about fairness to students who are currently on the road to graduation.
206	Rep. Mannix	States that he is not extremely concerned about being fair toward people who have committed crimes.
210	Rep. Beyer	Asks if any other portion of the bill goes beyond federal regulations.
215	Harris	Replies that she is not aware of any other part which exceeds federal regulations; however, the federal law does allow for some flexibility, and the bill does take advantage of that in certain situations.
231	Rep. Beyer	Asks if school districts would receive federal money without SB 353A. Expresses concern about the effect of federal funding on school policy.
252	Johnson	Replies that failure to pass SB 363A will not allow Oregon to assure compliance to the federal government, thus jeopardizing federal funding and opening districts to liability.
268	Harris	Adds that nothing in the bill precludes school districts from making referrals to law enforcement agencies concerning children with disabilities.
273	Rep. Beyer	Asks if the federal money is enough to pay for private education needs of special education students.
275	Johnson	Expresses uncertainty because it depends on the number of students who will require this type of service.

287	Wilma Wells	Confederation of Oregon School Administrators. Supports SB 353A. Stresses that the committee did its best to not exceed the federal mandates.
311	Rep. Starr	Closes the public hearing on SB 353A.
316	Chair Simmons	Opens the work session on HB 2332.
<b><u>HB 2332 WORK SESSION</u></b>		
<b>330</b>	<b>Rep. Beyer</b>	<b>MOTION: Moves to ADOPT HB 2332-2 amendments dated 06/15/99.</b>
332	Rep. Beyer	Explains the ñ2 amendments, which would establish a pilot program in four counties requiring the Employment Department to keep the number of illegal immigrant referrals to the absolute minimum.
357	Rep. Gardner	Asks about the fiscal impact of the amendments.
360	Putman	Explains that, due to the indeterminate nature of the waivers, there is no way to price the program. Discusses the involvement of the Emergency Board. Notes that there is no fixed time frame for the pilot project.
413	Ned Talbot	Employment Department. States that the task force option would be preferable way to address the problems. States that the pilot program would require about \$500,000. Expresses concern about the reference to "establish" in the context of authenticating documents.
<b>TAPE 97, A</b>		
026	Rep. Beyer	Notes that the bill is a House bill and needs to move. Adds that the concerns can be addressed in the Senate. States that the bill will have an emergency clause.
040	Rep. Gardner	Supports moving the bill.
<b>046</b>		<b>VOTE: 7-0</b>
	<b>Chair Simmons</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>048</b>	<b>Rep. Beyer</b>	<b>MOTION: Moves HB 2332 to the floor with a DO PASS AS AMENDED recommendation.</b>

		<b>VOTE: 7-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>
	<b>Chair Simmons</b>	<b>The motion CARRIES.</b>  <b>REP. BEYER will lead discussion on the floor.</b>
053	Chair Simmons	Closes the work session on HB 2332. Opens the work session on SB 16.
<b><u>SB 16 WORK SESSION</u></b>		
059	Rep. Beyer	Describes his meeting with proponents and opponents of the bill. Stresses that emergency services would include the services defined in ORS 743.699. States that the bill is sufficient as is.
075	Rep. Beyer	<b>MOTION: Moves SB 16 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 7-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>
	<b>Chair Simmons</b>	<b>The motion CARRIES.</b>  <b>REP. STARR will lead discussion on the floor.</b>
082	Chair Simmons	Closes work session on SB 16and opens work session on SB 363A.
<b><u>SB 363A WORKSESSION</u></b>		
088	Rep. Starr	<b>MOTION: Moves to ADOPT SB 363-A6 amendments dated 06/15/99.</b>
		<b>VOTE: 7-0</b>

	Chair Simmons	Hearing no objection, declares the motion CARRIED.
093	Rep. Starr	MOTION: Moves to ADOPT SB 363-A7 amendments dated 06/15/99.
096	Jim Green	States that lines 11-15 of the ñA7 are needed to comply with federal law.
104	Rep. Mannix	MOTION: Moves to AMEND SB 363A with the language of lines 11-15 of the ñA7 amendments.
		VOTE: 7-0
	Chair Simmons	Hearing no objection, declares the motion CARRIED.
108	Rep. Starr	MOTION: Moves SB 363A to the floor with a DO PASS AS AMENDED recommendation.
112	Rep. Beyer	Expresses concern about discipline in schools and the relation to federal funding.
130		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Simmons	The motion CARRIES.  REP. EDWARDS will lead discussion on the floor.
137	Chair Simmons	Closes work session on SB 363A and opens work session on SB 487A.
<b><u>SB 487A WORK SESSION</u></b>		

155	Rep. Mannix	States that the ñA3, -A4 and ñA5 amendments were adopted earlier.
160	Rep. Mannix	<b>MOTION: Moves SB 487A to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 6-1</b> <b>AYE: 6 - Devlin, Edwards, Gardner, Mannix, Starr, Simmons</b> <b>NAY: 1 - Beyer</b>
	Chair Simmons	<b>The motion CARRIES.</b>  <b>REP. WILLIAMS will lead discussion on the floor.</b>
172	Chair Simmons	Closes the work session on SB 487A. Opens the work session on HJR 17.
<b><u>HJR 17 PUBLIC HEARING</u></b>		
175	Rep. Westlund	Supports HJR 17, which is intended to constitutionalize the kicker. Explains that if past legislatures kept the kicker, the current legislature would be faced with a \$1.2 billion shortfall and would need to raise taxes.
204	Rep. Edwards	Expresses concern about amending the constitution. Asks about threats to the current law.
209	Rep. Westlund	Replies that unnecessary debate occurs every session about the kicker.
212	Rep. Mannix	Asks if there is a provision for a legislative override.
214	Rep. Westlund	Replies no.
220	Rep. Knopp	Agrees with Rep. Westlund. Stresses the popularity of the kicker and the need to ensure the safety of the kicker.
232	Rep. Mannix	Asks if a legislative override would be appropriate.
236	Rep. Knopp	Supports the measure in its current form.



243	Rep. Mannix	Notes that a 3/5 legislative override would make it more difficult to tamper with the kicker.
252	Chair Simmons	Closes public hearing on HJR 17 and opens work session on HJR 17.
<b><u>HJR 17 WORK SESSION</u></b>		
275	Rep. Simmons	<b>MOTION: Moves HJR 17 to the floor with a BE ADOPTED recommendation and the SUBSEQUENT REFERRAL to the committee on Revenue BE RESCINDED.</b>
280	Rep. Gardner	Opposes another referral to the Oregon Constitution. Serves notice of a possible minority report.
285	Rep. Mannix	Supports the malleability and accessibility of the Oregon Constitution. Asks about the wisdom of a legislative override.
290	Rep. Westlund	States that, if Rep. Gardner will withdraw his minority report, then they will include an override provision.
310	Rep. Devlin	States that the minority report will be withdrawn if a 2/3 override provision is included.
320	Rep. Mannix	<b>MOTION: Moves to SUSPEND the rules for the purpose of making a conceptual amendment to HJR 17.</b>
		<b>VOTE: 7-0</b>
Chair Simmons		<b>Hearing no objection, declares the motion CARRIED.</b>
325	Rep. Mannix	<b>MOTION: Moves to AMEND HJR 17 to include a provision that the Legislative Assembly, by a vote of a 2/3 majority of the House and a 2/3 majority of the Senate, may determine that an emergency exists and may override all or any portion of the kicker provisions for the immediate biennium to which it will apply.</b>
		<b>VOTE: 5-2</b> <b>AYE: 5 - Beyer, Devlin, Mannix, Starr, Simmons</b>

		<b>NAY: 2 - Edwards, Gardner</b>
	<b>Chair Simmons</b>	<b>The motion CARRIES.</b>
<b>350</b>	<b>Rep. Starr</b>	<b>MOTION: Moves HJR 17 to the floor with a BE ADOPTED AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Revenue BE RESCINDED.</b>
		<b>VOTE: 5-2</b>  <b>AYE: 5 - Beyer, Devlin, Mannix, Starr, Simmons</b>  <b>NAY: 2 - Edwards, Gardner</b>
		<b>Chair Simmons</b>  <b>The motion CARRIES.</b>  <b>REP. KNOPP will lead discussion on the floor.</b>
<b>365</b>	<b>Chair Simmons</b>	<b>Adjourns the meeting at 7:10 p.m.</b>

Submitted By, Reviewed By,

Brad Daniels, Cletus B. Moore, Jr.,

Administrative Support Administrator

### **EXHIBIT SUMMARY**

**A ñHB 2670A, -A2 amendments, staff, 3 pp.**

**B ñHB 2670A, -A3 amendments, staff, 4 pp.**

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