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SENATE COMMITTEE ON BUSINESS, LAW, & GOVERNMENT

May 16, 1997 Hearing Room A

1:00 PM Tapes 231 - 232

MEMBERS PRESENT:

Sen. Neil Bryant, Chair

Sen. Randy Miller, Vice-Chair

Sen. Gene Derfler

Sen. Randy Leonard

Sen. David Nelson

MEMBER EXCUSED:

Sen. Kate Brown

STAFF PRESENT:

Jan Nordlund, Administrator

Brian Krieg, Administrator

Lori Hayhurst, Administrative Support

MEASURE/ISSUES HEARD:

SB 143 - Work Session

SB 815 - Work Session

HB 3465 - Public Hearing and Work Session

SB 876 - 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.

Tape/#	Speaker	Comments
TAPE 231, A		
003	Chair Bryant	Opens meeting at 1:13 and public hearing on HB 3465.
<u>HB 3465 - PUBLIC HEARING</u>		
013	Rep. Mark Simmons	District 58, co-sponsor of HB 3465 testifies in support of HB 3465.
026	Terry Edvalson	Director of Regional Services Institute at Eastern Oregon University and spokesperson for the Rural Oregon Telecommunications Consortium (ROTC), testifies in support of HB 3465 (EXHIBIT A).
066	Edvalson	Discusses potential savings.
090	Edvalson	States no objections to the amendments which will be proposed by Department of Administrative Services, Information Resources Management Division (DAS IRMD) and ATT Wireless.
096	Chair Bryant	Asks who is going to present those changes.
097	Edvalson	States Pat Middelburg will.
124	Dr. Kathy Phipps	Executive Director, Oregon Pacific Area Health Education Center (AHEC), testifies in support of HB 3465.
137	Phipps	Describes the functions and goals of Oregon Pacific AHEC.
147	Phipps	Explains the importance of satellite transmissions to rural communities.
170	Sen. Derfler	Questions Middelburg regarding page 2, line 32, if private schools would also benefit from the submitted amendments (EXHIBIT B).
177	Pat Middelburg	Assistant Division Administrator, DAS IRM Division, explains that if a private school is a 501 (C) (3) tax exempt entity and is providing educational services, yes it would qualify.
	Cathy	

195	Britain	Rodeo Net, testifies in support of HB 3465.
216	Britain	Discusses tele-medicine. Problems related to getting the equipment.
254	Britain	Continues testimony on the benefits of tele-medicine.
282	Tim Kral	Executive Director, Oregon Rehabilitation Association, testifies in support of HB 3465 (EXHIBIT C) .
300	Dave Moss	Associated Oregon Industries (AOI), testifies in support of HB 3465 (EXHIBIT D) .
315	David Dowrie	Linn-Benton Lincoln ESD Board member testifies in support of HB 3465.
343	Chair Bryant	Closes public hearing and opens work session on HB 3465.
<u>HB 3465 - WORK SESSION</u>		
368	Chair Bryant	MOTION: Moves to AMEND HB 3465 conceptually as in (EXHIBIT B), page 1.
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
371	Sen. Derfler	Asks if Chair Bryant wants to add the AOI amendments to the ORS.
374	Moss	Advises that the bill does not address the specific section of the ORS needing amended. Suggests to place amendments into ORS 190.240 which allows the authority for DAS to enter into contracts not only with local governments but also with non-profits.
393	Chair Bryant	Asks Pat Middelburg if HB 3465 currently addresses the issues brought up by Mr. Moss.
410	Chair Bryant	Questions Middelburg about non-profits not receiving cable television services of legislative hearings because it is not specifically supported in ORS 190.240.
420	Middelburg	Responds that this has been presented several times from lobbyist organizations. Explains DAS is restricted from providing these services and it also gets into FCC rules.
435	Chair Bryant	Again questions Middelburg about providing services to non-profits.
437	Middelburg	Responds she would have to refer the specific question to their attorney.
440	Chair Bryant	Asks Moss his suggestions to fix this.
442	Moss	Explains the FCC issue is not an issue.
438	Chair Bryant	Recesses work session on HB 3465 and opens work session on SB 143.
<u>TAPE 232, A</u>		
<u>SB 143 - WORK SESSION</u>		
033	Brian Krieg	Administrator, discusses hand engrossed amendments for SB 143. (EXHIBIT E) .

044	Chair Bryant	Explains SB 143. States parts one through three are no longer needed because of a bill that has been modified and passed in the House and is back to the Senate for concurrence. He will sign the concurrence so it coordinates with SB 234.
055	Krieg	Discusses basic changes in bill.
071	Chair Bryant	Questions if the hand engrossed includes the conceptual amendments.
072	Krieg	Responds yes.
076	Chair Bryant	MOTION: Moves to AMEND SB 143 with the -A5 amendments including the staff conceptual amendments to the -A5 amendments.
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
094	Chair Bryant	MOTION: Moves SB 143 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-1 AYE: 4 - Derfler, Miller, Nelson, Bryant NAY: 1 - Leonard EXCUSED: 1 - Brown
	Chair Bryant	The motion CARRIES.
		SEN. DERFLER will lead discussion on the floor.
100	Chair Bryant	Closes work session on SB 143 and opens work session on SB 815.
<u>SB 815 - WORK SESSION</u>		
105	Krieg	Explains the -3 amendments to SB 815.
141	Chair Bryant	Discusses the amendments to SB 815 further.
154	Sen. Joan Dukes	District 1, testifies in support of SB 815.
203	Chair Bryant	Asks Sen. Dukes if she heard his description of the amendments.
204	Sen. Dukes	Advises that she has seen the amendments.
210	Chair Bryant	MOTION: Moves to ADOPT SB 815-3 amendments dated 05/16/97.
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
212	Chair Bryant	MOTION: Moves SB 815 to the floor with a DO PASS AS AMENDED recommendation.
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. TARNO will lead discussion on the floor.

206	Chair Bryant	Closes work session on SB 815 and resumes work session on HB 3465.
HB 3465 - WORK SESSION		
218	Chair Bryant	Reports that AOI has worked out problems with DAS, so they no longer need an amendment to the bill.
220	Chair Bryant	MOTION: Moves HB 3465 to the floor with a DO PASS recommendation.
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. NELSON will lead discussion on the floor.
225	Chair Bryant	Closes work session on HB 3465 and opens work session on SB 876.
SB 876 - WORK SESSION		
227	Sen. Leonard	Asks about SB 876 being moved to Ways and Means.
228	Chair Bryant	Responds that amendments needed to be adopted.
231	Sen. Leonard	Asks if it needs to go to Ways and Means without a general fund impact.
233	Chair Bryant	Responds it has to go to Ways and Means because it had a referral when it was sent to the committee.
241	Jan Nordlund	Administrator, explains that the -1 amendments were adopted and further explains the two conceptual amendments to SB 876.
255	Nordlund	Continues with an explanation of the -2 amendments.
272	Nordlund	Asks if the committee wants the bill to read that the employee has to be retiring on or after the effective date of the bill.
278	Chair Bryant	Asks how the bill needs to read to accomplish that.
279	Nordlund	Replies that in the original bill on page 6, section 3 it would state the bill would apply only to members of PERS who retire on or after the effective date of this act.
289	Nordlund	Discusses that the bill does not require the person to return to work in order to get this PERS retirement allowance.
291	Chair Bryant	Asks what the effect of that would be.
293	Nordlund	Requests that Maria Keltner come forward to discuss this issue.
282	Maria Keltner	Executive Director, Local Government Personnel Institute, explains that the way the law is written and amended in HB 2036, it does not require someone to return to work to get account restored. A person could draw disability benefits for years, then get a determination to return to work, get their account restored, never come back to work and then start drawing a higher retirement benefit.
319	Chair Bryant	Asks if the way the bill is drafted with the -1 and -2 amendments, would

		this be a possibility.
323	Keltner	Discusses formula on computing retirement and being on disability for years.
346	Sen. Leonard	Questions if someone is on disability and then returns to work, they could retire getting the credits for the time they were on disability.
352	Keltner	Responds that it is computed at your earliest retirement date or age. States she does not see anything that would prevent someone from doing this.
367	Keltner	Suggests using the time off for all purposes as in amendment for determining specific number of years of service.
398	Keltner	Offers suggestions for changing wording on page 2, line 2 of the amendment.
440	Chair Bryant	Reads amendment changes per Keltner's suggestions.
460	Chair Bryant	Would like to run the amendments by L.C.
473	Nordlund	Explains wording of SB 916, where a lot of the ideas came from for SB 876.
TAPE 231, B		
039	Chair Bryant	MOTION: Moves to amend -2 amendments dated 05/14/97 by deleting on page 2, lines 1 through 3 and line 4 up to the comma and on line 8 before the period insert "for the purpose of service retirement".
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
040	Chair Bryant	MOTION: Moves to ADOPT SB 876-2 amendments dated 05/14/97 as amended.
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
051	Sen. Bryant	MOTION: Moves SB 876 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the Joint Committee on Ways and Means.
052	Sen. Derfler	States he will give a courtesy vote as long as he can be registered as a no vote later. He feels very strongly that someone else's money is being given away and that the PERS board should be making these decisions. Suggests a committee being set up to control PERS system.
	Chair Bryant	Hearing no objection, declares the motion CARRIED.
060	Chair Bryant	Closes work session on SB 876 and adjourns meeting at 2:12 PM.

Submitted By, Reviewed By, Reviewed By,

Lori Hayhurst, Jan Nordlund, Brian Krieg,

Administrative Support Administrator Administrator

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EXHIBIT SUMMARY

A - HB 3465, written testimony, Terry Edvalson, 5 pp

B - HB 3465, proposed amendments, Pat Middelburg, 3 pp

C - HB 3465, written testimony, Tim Kral, 1 p

D - HB 3465, written testimony and statutes, Dave Moss, 2 pp

E - SB 143, hand engrossed conceptual amendments, staff, 7 pp
