

**SENATE COMMITTEE ON RULES AND ELECTIONS**

**June 19, 1997 Hearing Room E**

**1:30 PM Tapes 111 - 114**

**MEMBERS PRESENT:**

**Sen. Randy Miller, Chair**

**Sen. Gene Derfler, Vice-Chair**

**Sen. Neil Bryant**

**Sen. Randy Leonard**

**Sen. Cliff Trow**

**STAFF PRESENT:**

**Jan Nordlund, Administrator**

**Christin Smith, Administrator**

**Jan McComb, Administrator**

**Niki Jones, Administrator**

**Jim Stembridge, Administrator**

**Jennifer Peck, Administrative Support**

**MEASURE/ISSUES HEARD:**

**HB 3128 Public Hearing and Work Session**

**HB 3738 Public Hearing and Work Session**

**HB 3636 Public Hearing and Work Session**

**HB 3080 Public Hearing and Work Session**

**SB 1223 Public Hearing**

**HB 2222 Work Session**

**HB 3009 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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 111, A</b>		
001	Chair Miller	Opens meeting at 1:44 p.m. and opens public hearing on HB 3128.
<b><u>HB 3128 PUBLIC HEARING</u></b>		
007	Rep. Bill Markham	District 46. Supports HB 3128. Explains he supports the measure because it will save lives.
027	Linda Adlard	Chief of Staff, City of Beaverton. Supports HB 3128. Explains the way the traffic citations would be issued. Discusses public opinion on the issue.
080	Sen. Trow	Asks about the technology of the camera.
082	Adlard	States there is a slim margin of error.
088	Sen. Trow	Asks about testing of the traffic monitors.
093		Discussion of the same types of systems used in other areas of the country.
110	Adlard	States the entire city council and the mayor support HB 3128.
114	Chair Miller	Asks about citizen support.
117	Adlard	Explains the citizens supported the idea in a public opinion survey.
131	Rep. Markham	Comments on the lives which would be saved by HB 3128.
138	Chair Miller	Asks why local jurisdictions could not decide this type of issue for themselves on a city by city basis.
147	Rep. Markham	Comments on previous action on the issue of photo radar.
163	Dennis Doyle	Council President, City of Beaverton. Supports HB 3128. States this system would work. Describes citizen complaints about people who run red lights.
185	Chair Miller	Comments on speeds on freeways.
195	Adlard	States many of those who run red lights injure people in the process.
205	Chair Miller	Closes public hearing on HB 3128 and opens work session on HB 3128.
<b><u>HB 3128 WORK SESSION</u></b>		
214	Sen. Trow	<b>MOTION: Moves HB 3128 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 3-0</b>

		<b>AYE: 3 - Bryant, Trow, Miller</b>
		<b>EXCUSED: 2 - Derfler, Leonard</b>
	<b>Chair Miller</b>	<b>The motion CARRIES.</b> <b>SEN. TROW will lead discussion on the floor.</b>
220	Chair Miller	Closes work session on HB 3128 and opens public hearing on HB 3738.
<b><u>HB 3738</u></b> <b><u>PUBLIC</u></b> <b><u>HEARING</u></b>		
227		Staff presents proposed -A3 amendments to HB 3738 ( <b>EXHIBIT A</b> ).
228	Kevin Campbell	Oregon Association Chiefs of Police. Supports HB 3738. Explains the effects of HB 3738. States Oregon's public and safety training is a model for the nation. Discusses public safety interests in the state which can be helped by administrative changes.
280	Dave White	Assistant Director, Department of Administrative Services. Presents testimony in support of HB 3738 ( <b>EXHIBIT B</b> ).
283	Sen. Leonard	Asks about the composition of the board.
285	Campbell	Explains the relation of board members to HB 3738.
290	Sen. Bryant	Asks about any fiscal impacts to HB 3738.
297	Chair Miller	States there are none.
299	Sen. Trow	Asks what the advantages are for the changes.
305	Campbell	States the changes distinguish differences between the different positions.
315	Sen. Trow	Asks if the director becomes somewhat more directly responsible for decisions.
325	Campbell	Explains the director's role.
322	Dave Fidanque	American Civil Liberties Union. Supports HB 3738.
340	Chair Miller	Closes public hearing on HB 3738 and opens work session on HB 3738.
<b><u>HB 3738</u></b> <b><u>WORK</u></b> <b><u>SESSION</u></b>		
345	Sen. Trow	<b>MOTION: Moves to ADOPT HB 3738-A3 amendments dated 6/19/97.</b>
	<b>Chair Miller</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
350	Sen. Trow	<b>MOTION: Moves HB 3738 to the floor with a DO PASS AS AMENDED recommendation.</b>
	<b>Chair Miller</b>	<b>Hearing no objection, declares the motion CARRIED.</b>

		<b>TROW will lead discussion on the floor.</b>
354	Chair Miller	Closes work session on HB 3738 and opens public hearing on HB 3636.
<b><u>HB 3636 PUBLIC HEARING</u></b>		
360	Rep. Mark Simmons	District 58. Supports and explains HB 3636. States the information available on computers would be greatly enhanced for public use.
410	Sen. Trow	Asks about opposition to HB 3636.
414	Rep. Simmons	States there has not been opposition.
415	Sen. Derfler	Comments on the importance of HB 3636.
421	Chair Miller	Closes public hearing on HB 3636 and opens work session on HB 3636.
<b><u>HB 3636 WORK SESSION</u></b>		
425	Sen. Derfler	<b>MOTION: Moves HB 3636 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 5-0</b>
		<b>AYE: 5 - Bryant, Derfler, Leonard, Trow, Miller</b>
	Chair Miller	<b>The motion CARRIES.</b> <b>SEN. DERFLER will lead discussion on the floor.</b>
435	Chair Miller	Closes work session on HB 3636 and opens public hearing on HB 3080.
<b><u>TAPE 112, A</u></b>		
<b><u>HB 3080 PUBLIC HEARING</u></b>		
001	Rep. Charles Starr	District 3. Supports HB 3080. Comments on home school students.
035	Sen. Derfler	Asks about alternative programs.
036	Rep. Starr	Discusses the participation requirements.
061	Sen. Trow	Asks about the evaluation referred to in HB 3080.
073	Rep. Starr	Explains the annual testing which is required.
078	Sen. Trow	Discusses monitoring the progress of home school students.
092	Rep. Starr	Comments on the strong achievement of home school students.
105		Discussion of home school performance.
125	Sen. Trow	Comments on students with learning difficulties and students who do

		not adjust well to home schooling.
141	Dennis Tuuri	Executive Director, Parents Education Association. Presents testimony in support of HB 3080 ( <b>EXHIBIT C</b> ). States annual standardized tests are not fully supported by the citizens of the state. Comments on testing versus evaluations.
179	Sen. Trow	Asks about the seriousness of the evaluations.
185	Tuuri	Responds it would be a thorough and serious evaluation.
199	Sen. Trow	States HB 3080 does not address the specifics of evaluation standards.
202	Tuuri	States HB 3080 promotes academic performance, equity and the disabled students. Discusses the variety of tests for evaluating students.
263	Leon Fuhrman	Oregon Department of Education. Opposes HB 3080.
280	Sen. Leonard	Acting Chair. Recesses for a call of the Senate at 2:30 p.m.
281	Chair Miller	Reconvenes meeting at 2:49 p.m.
283	Fuhrman	Explains the lack of definitions for evaluation standards in HB 3080. States the State Board should continue to have the authority to evaluate.
335	Chair Miller	Refers to section 1(4) and asks for a definition of the term "exemption."
340	Fuhrman	Discusses exemptions which would be available for home school or private students.
365	Chair Miller	Asks about Fuhrman's concerns.
370	Fuhrman	Discusses the percentage of students who are registered in home schooling. Discusses monitoring the education of all students statewide.
424	Chair Miller	Comments on the primary concerns of the students and the parents.
448	Fuhrman	Comments on the students who would fall through the cracks by having too many exemptions.
<b>TAPE 111, B</b>		
001	Fuhrman	States there are not strict rules with private schools in Oregon.
009	Chair Miller	Comments on the ability of home school students.
013	Sen. Trow	Asks about the education of privately educated students.
020		Discussion of the tracking of home school registration.
035	Jim Green	Oregon School Boards Association. Opposes HB 3080. States the main concern with HB 3080 is the evaluation process.
052	Sen. Bryant	Asks if there is some alternative language which would be acceptable for the parts relating to evaluations in subsection C.
059	Green	Comments on SB 494 which may relate to the language which would be appropriate.

070	Sen. Bryant	Acting Chair. Recesses until 4:15 p.m. for a call to the Senate.
073	Chair Miller	Reconvenes meeting at 3:21 p.m.
076	Chair Miller	Recesses public hearing on HB 3080 and opens public hearing on SB 1223.
<b><u>SB 1223</u></b> <b><u>PUBLIC</u></b> <b><u>HEARING</u></b>		
078	Diana Godwin	Oregon Onsite Waste Water Association. Supports SB 1223. Lists the benefits of SB 1223, such as better training and standards. Refers to sections 4 and 5 of SB 1223. Refers to some possible amendments.
146	Carolyn Young	Department of Environmental Quality. Presents testimony in support of SB 1223 ( <b>EXHIBIT D</b> ).
162	Chair Miller	Asks about the blank on page 8 section 16.
165	Young	Suggests inserting "three years" in the blank.
	Chair Miller	Explains the amendments will be drafted and then considered in a future meeting.
181	Sen. Bill Fisher	District 23. Supports SB 1223.
191	Cliff Porter	Northwest Sanitation Association. Supports the proposed amendments to SB 1223.
230	Bruce Phillips	Former Board member of Portland Sanitation Association. Comments on the number of people served by portable sanitation providers. Supports the amendments to SB 1223.
240	Chair Miller	Comments on future action the amendments to SB 1223. Closes the public hearing on SB 1223 and re-opens the public hearing on HB 3080.
<b><u>HB 3080</u></b> <b><u>PUBLIC</u></b> <b><u>HEARING</u></b>		
260	Wilma Wells	Oregon School Administrators. Opposes HB 3080. Comments on home schooling in other states. Discusses the changes in the assessment process.
312	Wells	Comments on teachers who are not licensed being allowed to assess a child's progress.
341	Sen. Derfler	Asks about the good scores of children in private schools versus those in public schools.
356	Wells	Comments on qualified teachers conducting evaluations.
383	Jim Green	Oregon School Boards Administrators. Comments on annual testing of students across the state.
419	Sen. Trow	Asks about substituting the evaluation for the examination.
431	Green	Refers to page 2, lines 18-22 concerning a parent's right to choose the method of student evaluation.

449	Sen. Derfler	Asks if the process is the same as in public schools.
<b>TAPE 112, B</b>		
000	Wells	Comments on learning disabled students taking state tests.
010	Dennis Tuuri	Parents Education Association.
011	Sen. Derfler	Asks about public versus private student evaluations.
016	Tuuri	Comments on evaluations of students.
028	Sen. Bryant	Asks about standardized tests for private students at grades three, five, eight, and ten.
031	Tuuri	Discusses statewide assessment.
038	Sen. Bryant	Asks about the purpose of those standardized tests.
040	Green	Explains the testing is for the assessment of the students' skill levels.
054	Wells	Comments on the state standards which are set by the state board.
058	Sen. Trow	Comments on home scholars.
067	Green	Comments on statewide assessments.
071	Sen. Bryant	Asks if special needs children are defined in state statute.
072	Green	States Oregon tends to use national definitions of terms.
077	Sen. Bryant	Asks if the examination section in lines 18-22 refers to the special needs students.
		Discussion of evaluations.
090	Sen. Derfler	Comments on the solid standing of the home school students.
096	Green	Comments on student disabilities.
104	Sen. Derfler	Asks if Green would object to applying lines 18-22 to only special needs students.
106	Green	Explains there is also a problem with the fifteenth percentile cut-off.
112	Tuuri	Discussion of the percentile.
123	Wells	Comments on students who fall behind.
133	Tuuri	Explains his comments.
137	Susan Farmer	Licensed teacher and homeschool test administrator. Presents testimony in support of HB 3080 ( <b>EXHIBIT E</b> ). Comments on section 2(3)(c) and the fifteenth percentile which is required for students scores.
190	Farmer	Comments on tests she has given students who have been in public schools who cannot do well on tests lower than their grade level.
240	Farmer	Refers to section 2(3)(c).
274	Dorothy Karman	Homeschool mother, Multnomah County. Presents testimony in support of HB 3080 ( <b>EXHIBIT F</b> ). Comments on the solid status of homeschool children.
320	Karman	Comments that the standard tests are not accurate. States homeschooling deserves to be left alone by state education.

372	Roger Williams	Homeschooling father. Supports HB 3080. Explains there is a sharp distinction between truant parents and those who administer home schooling.
418	Williams	Comments on the variance between his two children in homeschooling.
<b>TAPE 113, A</b>		
001	Williams	States the children with more learning challenges benefit from more from the style of teaching offered in home schools.
014	Sen. Trow	Asks if the truant parents could masquerade as home school parents.
016	Williams	Responds that truant parents would not find that beneficial.
035	Sen. Derfler	Comments on students with difficulties being able to learn more easily under a home schooling system.
040	Williams	Comments on the deep impacts of the fiftieth percentile criteria.
064	Sen. Derfler	Asks about William's feeling towards public schools.
070	Williams	Comments on the priorities of his family and the reasons he wants his children to be taught at home.
083	Chair Miller	Asks if Williams thinks he has the best interests of his children in mind.
085	Williams	States he does.
097	Danny Santos	Governor's office. Opposes HB 3080 in its current form. Comments on the state not being able to assess the progress of the students.
115	Sen. Bryant	Asks to which section Santos is referring.
124	Santos	Discusses the statewide tests and the term of "equity." Comments on page 2, lines 18-20, section 2(3)(c).
156	Chair Miller	Asks what the Governor would do if HB 3080 were to pass in its current form.
158	Santos	States the Governor would probably veto HB 3080.
170	Sen. Derfler	Comments that it is odd there is not more concern about the percentile the public school students must achieve.
173	Santos	Comments on standards.
185		Discussion of statewide assessments.
196	Sen. Trow	Comments on students who have rigorous standards.
216	Sen. Derfler	Comments on William's children learning better at home.
219	Santos	Comments on the choice parents have among testing systems.
237	Sen. Derfler	Comments on students who will be harmed if HB 3080 is vetoed.
241	Chair Miller	Comments that he does not hear complaints about home school children. States it may be a better system of education, since the parents care more for their children than the state.
263	Santos	Comments on the reasons the Governor would veto HB 3080.
269		Discussion of these reasons.

279	Chair Miller	Closes public hearing on HB 3080 and opens work session on HB 3080.
<b><u>HB 3080</u></b> <b><u>WORK</u></b> <b><u>SESSION</u></b>		
283	Sen. Bryant	<b>MOTION: Moves to AMEND HB 3080 on page 2, in lines 18-22, to delete subsection 2 (c).</b>
		<b>VOTE: 3-1</b>  <b>AYE: 3 - Bryant, Derfler, Trow</b>  <b>NAY: 1 - Miller</b>  <b>EXCUSED: 1 - Leonard</b>
	Chair Miller	<b>The motion CARRIES.</b>
311	Chair Miller	<b>MOTION: Moves HB 3080 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 3-1</b>  <b>AYE: 3 - Bryant, Derfler, Miller</b>  <b>NAY: 1 - Trow</b>  <b>EXCUSED: 1 - Leonard</b>
	Chair Miller	<b>The motion CARRIES.</b>  <b>SEN. HARTUNG will lead discussion on the floor.</b>
315	Chair Miller	Closes work session on HB 3080 and opens work session on HB 2222.
<b><u>HB 2222</u></b> <b><u>WORK</u></b> <b><u>SESSION</u></b>		
		Staff presents the -A9 amendments to HB 2222 ( <b>EXHIBIT G</b> ).
320	Jan Nordlund	Committee Administrator. Explains the amendments which resolve conflicts.
368	Sen. Trow	Asks if there is opposition to these amendments.
375	Jack Munro	American Insurance Association. Reiterates these are conflict amendments.
390	Brian DeLashmutt	Oregon Council of Police Associations and Association of Oregon Corrections Employees. States no opposition to the conflict amendments.
400	Alan Tressider	Tressider and Associates. Comments on the conflict amendments.

404	Mary Botkin	American Federation of State, County, and Municipal Employees. States no opposition to the amendments.
442	Sen. Bryant	<b>MOTION: Moves to ADOPT HB 2222-A9 amendments dated 6/18/97.</b>
		<b>VOTE: 4-0</b>  <b>AYE: 4 - Bryant, Derfler, Trow, Miller</b>  <b>EXCUSED: 1 - Leonard</b>
	Chair Miller	The motion <b>CARRIES</b> .
447	Sen. Bryant	<b>MOTION: Moves HB 2222 to the floor with a DO PASS AS AMENDED recommendation and rescind the prior referral to Ways and Means.</b>
		<b>VOTE: 3-1</b>  <b>AYE: 3 - Bryant, Derfler, Miller</b>  <b>NAY: 1 - Trow</b>  <b>EXCUSED: 1 - Leonard</b>
	Chair Miller	The motion <b>CARRIES</b> .  <b>SEN. BRYANT will lead discussion on the floor.</b>
459	Chair Miller	Closes work session on HB 2222 and opens work session on HB 3009.
<b><u>TAPE 114, A</u></b>		
<b><u>HB 3009</u></b>		
<b><u>WORK</u></b>		
<b><u>SESSION</u></b>		
		Staff presents the proposed -8 amendments to HB 3009 ( <b>EXHIBIT H</b> ).
001	Jim Stembridge	Committee Administrator. Explains the -8 amendments.
008	Mike Dewey	Multnomah Greyhound Park. Explains the effects of the amendments.
031	Chair Miller	<b>MOTION: Moves to ADOPT HB 3009-8 amendments dated 6/18/97.</b>
		<b>VOTE: 3-0</b>  <b>AYE: 3 - Derfler, Trow, Miller</b>  <b>EXCUSED: 2 - Bryant, Leonard</b>
	Chair Miller	The motion <b>CARRIES</b> .
036	Chair Miller	<b>MOTION: Moves HB 3009 to the floor with a DO PASS AS</b>

		<b>AMENDED recommendation.</b>
		<b>VOTE: 3-0</b> <b>AYE: 3 - Derfler, Trow, Miller</b> <b>EXCUSED: 2 - Bryant, Leonard</b>
	<b>Chair Miller</b>	<b>The motion CARRIES.</b> <b>SEN. NELSON will lead discussion on the floor.</b>
042	Chair Miller	Closes work session on HB 3009 and adjourns meeting at 5:50 p.m.

Submitted By, Reviewed By,

Jennifer Peck, Jan Nordlund,

Administrative Support Administrator

Reviewed By, Reviewed By,

Christin Smith, Jan McComb,

Administrator Administrator

Reviewed By, Reviewed By,

Jim Stembridge, Niki Jones,

Administrator Administrator

### **EXHIBIT SUMMARY**

**A - HB 3738, proposed -A3 amendments, staff, 6 pp**

**B - HB 3738, written testimony, Dave White, 4 pp**

**C - HB 3080, pamphlet and written testimony, Dennis Tuuri, 17 pp**

**D - SB 1223, written testimony, Carolyn Young, 2 pp**

**E - HB 3080, written testimony, Susan Farmer, 1 p**

**F - HB 3080, research report, Dorothy Karman, 4 pp**

**G - HB 2222, proposed -A9 amendments, staff, 20 pp**

**H - HB 3009, proposed -8 amendments, staff, 1 p**

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