

SENATE COMMITTEE ON RULES AND ELECTIONS

June 10, 1997 Hearing Room C

8:30 AM Tapes 83 - 88

MEMBERS PRESENT:

Sen. Randy Miller, Chair

Sen. Gene Derfler, Vice-Chair

Sen. Neil Bryant

Sen. Randy Leonard

Sen. Cliff Trow

MEMBER EXCUSED:

STAFF PRESENT:

Jan Nordlund, Administrator

Christin Smith, Administrator

Jim Stenbridge, Administrator

Jan McComb, Administrator

Anne Tweedt, Administrator

Jennifer Peck, Administrative Support

MEASURE/ISSUES HEARD:

SB 1220 Public Hearing and Work Session

HB 3638 Public Hearing and Work Session

HJR 88 Public Hearing and Work Session

HB 3722 Public Hearing and Work Session

SB 1214 Public Hearing and Work Session

HB 3282 Public Hearing and Work Session

HB 3275 Public Hearing and Work Session

HB 2569 Public Hearing and Work Session

HB 2701 Public Hearing and Work Session

HB 3063 Work Session

HB 2909 Work Session

SB 540 Work Session

HB 2642 Public Hearing and Work Session

HB 2174 Public Hearing and Work Session

SB 1222 Public Hearing

HB 3428 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.

Tape/#	Speaker	Comments
TAPE 83, A		
001	Chair Miller	Opens the meeting at 8:30 a.m. and opens public hearing on SB 1220.
<u>SB 1220 PUBLIC HEARING</u>		
018	Sen. Verne Duncan	District 12. Supports SB 1220. States SB 1220 has the support of the Legislative Administration Committee and Capitol Information Services. States it sets up a foundation for the capitol building, to be controlled by the Legislative Administration Committee for making repairs and improvements to the building. Explains the foundation board would be appointed by the President and Speaker.
043	Sen. Trow	Supports SB 1220 and clarifies only the money raised is to be appropriated.
047	Sen. Duncan	Responds affirmatively.
050	Chair Miller	Closes the public hearing on SB 1220 and opens a public hearing on HB 3638.
<u>HB 3638 PUBLIC HEARING</u>		
064	Sen. Trow	Acting as Chair.
068	Rep. Larry Sowa	District 26. Supports HB 3638. Comments on harmonizing Oregon statutes and the Metro Charter. States all parties involved have reached

		an agreement.
076	Sen. Trow	Asks if HB 3638 is ready as it stands or if it needs further amendments.
077	Rep. Sowa	States HB 3638 is ready for the floor as it stands.
075	Jon Egge	Metro Charter Committee member. Supports HB 3638. Concurs with the testimony of Rep. Sowa.
085	Dan Cooper	Metro General Counsel. Supports HB 3638.
087	Sen. Trow	Asks if there has been any opposition or if Metro has problems with the bill.
088	Cooper	States there has not been opposition and Metro has no problems with the bill.
098	Sen. Trow	Closes the public hearing on HB 3638 and opens a public hearing on HJR 88 and HB 3722.
<u>HJR 88 and HB 3722 PUBLIC HEARING</u>		
110	Sen. Trow	Explains HJR 88 and HB 3722 will be heard together since they are related.
115	Rep. Ron Sunseri	District 22. Supports HJR 88 and HB 3722. States Multnomah County and City of Portland studied the issue of consolidation and explains discussions with other cities in east Multnomah County created an "opt out" option. States HJR 88 alters Oregon's constitution by changing the requirements to establish a new county. States HB 3722 establishes a committee to make final decisions regarding new counties. Explains the perimeters for counties.
160	Sen. Trow	Asks why the proponents of the bill felt there was a need for this legislation.
163	Rep. Sunseri	States the people in eastern Multnomah County may not want to be part of a consolidated government. States there may be financial costs to counties that consolidate (i.e. sewer expenditures, fire and safety retirement costs)
172	Sen. Ted Ferrioli	District 28. Supports HJR 88 and HB 3722. Concurs with the testimony of Rep. Sunseri. Discusses issues of self-determination. Discusses costs to counties and smaller municipalities related to consolidation. States HB 3722 allows citizens a forum for debate.
215	Rep. Sunseri	States there is no current opposition to the measures.
218	Sen. Trow	Asks how these measures were received in the House.
222	Rep.	States there was a unanimous vote in the House committees without a

	Sunseri	controversial debate.
230	Jan Nordlund	Committee Administrator. Notes the floor votes for the committee.
226	Gussie McRoberts	Mayor, City of Gresham. Submits and presents written testimony in support of HJR 88 (EXHIBIT A) and testifies in support of HB 3722. States these measures offer counties some options. Discusses the financial impact of consolidation on counties and smaller municipalities. States there is a portion of Lake Oswego in Multnomah County that would also be affected.
264	Roger Vonderharr	City of Fairview. Supports HJR 88 and HB 3722. Discusses consolidation is in an experimental phase. States cities and counties have a democratic right to self-determination. Comments on the financial obligations of Portland.
296	Paul Thalhofe	Mayor, City of Troutdale. Supports HJR 88 and HB 3722. States Troutdale does not want to consolidate with Multnomah County. Comments on consolidation and the concerns of small communities versus those of large cities.
360	Don Robertson	Mayor, City of Wood Village. Supports HJR 88 and HB 3722. States Wood Village is the smallest of four cities and supports the "opt out" option.
378	Patricia Smith	Corbett. Supports HJR 88 and HB 3722. Discusses the impact of consolidation on emergency services. States people in her area have met to express overwhelming support for these measures.
423	Bob Cantine	Association of Oregon Counties. Supports HJR 88 and HB 3722. Expresses concern with an unincorporated area having no government. States these measures are very permissive.
437	McRoberts	Refers to EXHIBIT A and discusses the options available to citizens to ensure they are not left ungoverned:

1. joining the consolidated county

2. forming a new county

3. joining an existing county

466 Chair Miller Asks if McRoberts thinks the measure would need any amendments.

468 McRoberts States she does not think so.

471 Sen. Trow Asks how the choice would be made if there were support for the to which McRoberts referred.

TAPE 84, A

007 Rep. Sunseri States the existing government of a municipal body would remain until one of the options was indicated by a majority vote.

017 Chair Miller Asks Rep. Sunseri and McRoberts if amendments are needed for HJR 88 and to return to the committee with their consensus.

028 Robert Trachtenberg Staff assistant to Sharon Kelly, County Commissioner, Multnomah County. Supports HJR 88 and HB 3722 on behalf of Commissioner Kelly. Discusses HB 3722 Section 6 (3) and surcharges on rural resident utilities.

063 Chair Miller Closes public hearing on HJR 88 and HB 3722 and opens public hearing on SB 1214.

SB 1214
PUBLIC
HEARING

069 Staff submits the -2 amendments to SB 1214 (**EXHIBIT B**).

074 Warren Banks Manager, International Division, Oregon Economic Development Department. Presents written testimony in support of SB 1214 -2 (**EXHIBIT C**). States SB 1214 is an extension of SB 980.

103 Chair Miller Closes public hearing on SB 1214 and opens public hearing on HB 3282.

HB 3282
PUBLIC
HEARING

112 Dave Barrows Chemical Waste Management (CWM). Supports HB 3282. Explains that since 1985 there have been fees for disposal of hazardous waste at the Arlington facility. Explains the 1995 legislative session adopted a mixed fee program with a sunset clause. Comments on Idaho legislation. Discusses the -A3 amendment (**EXHIBIT D**).

134 Steve Seed General Manager Hazardous Waste Disposal Facility, CWM. Supports HB 3282.

145 Chair Miller Asks if there is opposition to the bill.

146 Barrows States there is no opposition. Explains all interested parties have been kept well informed of discussions and developments.

158 Chair Miller Closes public hearing on HB 3282 and opens public hearing on HB 3275.

HB 3275
PUBLIC
HEARING

160 Rep. Lee Beyer District 42. Supports HB 3275. Explains the private pension plan Springfield has existed for 30 years and is no longer workable as a result, in part, of a requirement that public safety employees within public bodies have a retirement plan equal to or better than the Public Employee Retirement System (PERS).

203 Gino Grimaldi Assistant City Manager, City of Springfield. Presents written testimony in support of HB 3275 (**EXHIBIT E**).

Discusses two requirements which have been met:

1. there will be no negative impact on PERS
2. there will be agreement with an employee's bargaining unit

217 Brian Harrington PERS. Presents neutral testimony to HB 3275 (**EXHIBIT F**). Does not anticipate any administrative costs.

224 Sen. Trow Asks if opposition exists.

225 Rep. Beyer States no opposition exists.

229 Chair Miller Closes public hearing on HB 3275 and opens public hearing on HB 2569.

HB 2569
PUBLIC
HEARING

240 Rep. Sunseri Supports HB 2569. Explains HB 2569 places existing law in state statute. States there are inappropriate test questions for students. States HB 2569 protects tests regardless of funding sources.

300 Sen. Trow Asks who is administering the tests to which Rep. Sunseri refers.
Explains the tests came from Lake Oswego, Lake Grove, Eugene, Corvallis, Coos Bay, and other areas. States this law does not prohibit school psychologists from testing students. Explains permission slips signed by parents or guardians in the beginning of the year are not enough protection against this issue. States this issue appears to be predominantly in local schools.

303 Rep. Sunseri

341 Chair Miller Asks if the amendments that were requested by Rep. Sunseri reflect the federal law.

345 Rep. Sunseri Responds affirmatively. Explains Oregon Education Association and Oregon School Boards helped draft the language of the amendments. States a local school board will be appointed the review committee.

380 Chair Miller Asks about language and the intent of Section 3 (2) in terms of being potentially embarrassing.

400 Rep. Sunseri States there is no doubt any reasonable person could misconstrue what constitutes a "potentially embarrassing" test question.

425 Chair Miller Asks for clarification of wording such as "anti-social," "self-incriminating," and "demeaning behavior" found in Section 3 (4).

429 Rep. Sunseri Cites a sample question of this is "When was the last time you traded sex for drugs?"

440 Chair Miller Asks if the Education Committee had a full discussion of these sections.

446 Rep. Sunseri Responds affirmatively. States the only additions to federal law concerned religion.

451 Chair Miller Asks about the wording in subsection 5 regarding "critical appraisals of other individuals with whom respondents have close family relationships."

TAPE
83, B

004 Toni Sunseri Legislative Assistant to Rep. Sunseri. Supports HB 2569. Explains some of the questions which have been asked of students that delve too deeply into their personal and family life styles.

1. "Describe the contents of your medicine cabinet at home."
2. "Keep a log of your mother's emotional responses for one week."

Explains these types of questions don't promote academic achievement. States the language being questioned is wording from federal code USC 1232 H. States the items added to this code included religion, having the school boards act as review committees, and Section 6.

029	Chair Miller	Asks if Sunseri did research into the federal law.
032	Toni Sunseri	Responds affirmatively.
034	Chair Miller	Asks if there was action taken on the people that administered some of the tests being discussed by the committee.
036	Rep. Sunseri	States no action is known to have been taken.
041	Chair Miller	Asks if hearings similar to today's hearing were conducted by the federal government when they were addressing this issue and if similar cases were brought before them.
048'	Rep. Sunseri	States there were similar hearings and federal legislation passed overwhelmingly in the House and Senate. Explains the President signed the legislation into law in 1994.
051	Sen. Trow	Comments on the tests which have been submitted to the members as being extreme and obviously problematic. Comments that the language in HB 2569 may be too vague regarding interpretation and asks if this has been considered by the proponents.
063	Rep. Sunseri	States parents need to know that their children can opt out of these exams. States parents need to be given advanced warning before each test is given and HB 2569 is protective in nature.
080	Sen. Trow	Asks about the process for warning parents of these tests.
084	Rep. Sunseri	Explains section 5 allows each schoolboard to create its own policy regarding parent/guardian notification. States parents would be notified in writing before the test is given.
089	Chair Miller	Asks if these tests are referred to as surveys and asks if HB 2569 has the support of the Department of Education.
095	Rep. Sunseri	States these tests are sometimes referred to as surveys and the Department of Education has not held a consistent stance. State Health Officer, Deputy Administrator, Oregon Health Division. Presents written testimony to HB 2569 (EXHIBIT G).
109	Dr. Grant Higginson	Comments on some of the useful surveys which have been conducted by the state and the notification parents receive a few weeks before surveys are given to students.
152	Sen. Trow	Asks if HB 2569 would change the Health Division's current practices.
153	Higginson	States it would not.
154	Chair Miller	Asks if surveys conducted by the state would require respondents to divulge personal information.
157	Higginson	States they could. Explains the state's practice conforms to Section 3 of

HB 2569.

163 Sen. Marylin Shannon District 15. Supports HB 2569. Comments these tests do not feel voluntary to students. States these tests should be sent home for the parents to review due to their content. States some questions can do more harm than the good they may intend.

202 Marsha Ackerlund Parent. Supports HB 2569. States the reality is inappropriate questions are often being asked of students. States HB 2569 simply provides protection to the students. States these tests do not help with academics.

257 Chair Miller Asks about the frequency of inappropriate tests.

264 Ackerlund States tests are given more often than "once is a while." Explains some of the tests are aimed at particular students.

270 Chair Miller Asks if the committee could see the files to those types of tests.

275 Ackerlund Responds affirmatively.

290 Chair Miller Asks how these tests are developed.

278 Ackerlund Explains sometimes a test will have a publishing date and often they come from the district (i.e. personality inventories). States that in Lake Ridge High School a one-hundred question survey was given in a health class taking inventory of personal values and habits to be scored and shared with fellow classmates. Discusses the tests being administered without parent consent.

330 Greg McMurdo Oregon Department of Education. Explains these surveys are not connected with the certificate of Mastery. States teachers have used old surveys year after year. States some districts will only allow new surveys which are approved. Explains these tests are not a common occurrence.

365 Chair Miller Asks if there is opposition from the Department of Education.

367 McMurdo States the department is neutral on this issue.

383 Sen. Trow Asks if there are negative consequences in HB 2569.

386 McMurdo Explains the Department remains neutral on HB 2569.

390 Jim Green Oregon School Board Association. Supports HB 2569. States there is no problem with the language in HB 2569. Comments on federal law concerning funding sources.

405 Sen. Trow Asks how HB 2569 could be enforced and what the penalties would look like.

420 Green States penalties would depend on the policies adopted by a school board. Explains school administrators, district administrators, teachers, and parents are going to have to work together. States penalties would not include teachers or administrators losing their jobs.

444 Sen. Trow Asks if the federal law includes penalties.

446 Green States the federal law includes the loss of federal funds.

450 Sen. Trow Asks if the federal government has withdrawn funds from any educational institutions.

452 Green States he is unaware if this has occurred.

465 Ackerlund Submits a 1993 test which was administered in Lake Oswego (**EXHIBIT H**).

TAPE 84, B

001 Chair Miller Closes the public hearing on HB 2569 and opens a public hearing on HB 2701.

HB 2701
PUBLIC
HEARING

005 Jan McComb Submits public information and written testimony (**EXHIBIT I**). Supports HB 2701 without amendments.

009 Rep. Sunseri States HB 2701 is not a mandate of methodology for teaching children to read. States HB 2701 will not add costs to schools, districts, or administrations.

033 Rep. Charles Starr District 3. Supports HB 2701. Comments on student reading levels in Oregon grade schools. States if students can learn to read at earlier ages it could save the state ten to twenty percent on education costs.

067 Sen. Shannon Supports HB 2701. States Oregon has stopped testing students against the national standard. Explains the language approach to reading has been found to be a substandard method for teaching reading. States phonics instruction has been found to have the highest rate of success for teaching reading.

108 Sen. Trow Asks if the individuals who are teaching phonics were trained in phonics.

110 Sen. Shannon Explains that phonics are easily understood by students and not difficult for teachers to learn how to teach.

115 Sen. Trow Asks if Sen. Shannon is stating that it is easy to learn to teach phonics.

117 Sen. Shannon Responds affirmatively.

122 Rep. Sunseri Most teachers are not taught to teach phonics which is why there is no mandate in the bill.

125 Sen. Trow Comments that many of California's students don't have English as a primary language which may be why their testing was so low compared to national standards. Asks if phonics works well with students of foreign language backgrounds.

134 Sen. Shannon Responds affirmatively. States children of low income, poverty level, non-English families have had dramatic results with phonics in school because it is a learning program that builds upon itself (i.e. learning sounds and then putting those sounds together).

147 Sen. Trow Asks if experts spoke on this issue in the house committee.

149 Rep. Sunseri Responds affirmatively. Comments on testimony given by Superintendent Norma Paulus.

159 Sen. Trow Asks if education is moving in this direction.

161 Rep. Sunseri Responds affirmatively. States HB 2701 will get phonics instruction to students at younger ages.

Elementary and Middle School teacher. Supports HB 2701. States grades K through 2 are the grades most affected by HB 2701. Explains third grade is the first bench mark for reading standards. States reading is

171 Charles Arthur complicated because it requires learning the printed code and the meanings carried by the code at the same time. Discusses past and current approaches to teaching and problems this style of teaching creates in early readers. States HB 2701 is inclusive of different learning styles.

298 Sen. Trow Asks if it could be a problem to expose all students to only the phonics method.

302 Arthur States all methodologies should be available to teachers.

315 Wilma Wells Confederation of Oregon School Administrators. Supports HB 2701A. Supports HB 2701. States many teachers are now using a combination of methods with success. Explains universities currently do not teach teachers phonics. States HB 2701 will encourage higher education to teach phonics instruction.

337 McMurdo Former teacher. Presents written testimony in support of HB 2701 (EXHIBIT I). Comments on a classroom in Arizona which has had many Hispanic students who learned to read with phonics. Supports the Department of Education's proposal for an independent adoption of phonics instruction. Comments on the savings to Oregon for teaching children to read at earlier ages.

365 Patricia Smith

430 Smith Continues presentation.

TAPE 85, A

020 Sen. Trow Asks why phonics has not been taught before now if it has been known for a long time to be the best form of reading instruction.

026 Smith Explains phonics has been taught for a long time and combining methods is probably the best approach.

042 Chair Miller Closes public hearing on HB 2701 and re-opens public hearing on HB 3722.

HB 3722
PUBLIC
HEARING

050 McRoberts Explains Sections 6 (3), 12, and 16 (1) and (2) of HB 3722. Discusses the consensus reached within these existing sections.

078 Chair Miller Asks if all parties feel this bill is ready for a floor vote.

089 McRoberts Responds affirmatively.

083 Chair Miller Closes the public hearing on HB 3722 and opens a work session on HB 2909.

HB 2909
WORK
SESSION

098 Bill Penhollow Association of Oregon Counties. Supports HB 2909. States concerns have been identified and work is being done to find resolutions.

121 Michael J. Hansen Legal Counsel, Marion County. Presents written testimony for HB 2909, including a conceptual amendment (EXHIBIT J).

170 Hansen Continues presentation.

252 Dan Jarman Associated General Contractors (AGC). Supports HB 2909. States contractors should be paid for the work they perform on a contract if the contract is voided. Explains discussions on the -A4 amendments **(EXHIBIT L)** included the Department of Justice, the Department of Administrative Services, the Cities, and the Ports.

278 Kevin Spellman President, Emerick Construction, Member, Board of Associated General Contractors. Discusses the state's involvement in a lawsuit and the effect the legal situation is now having on his company.

301 David Douthwaite Government Relations Manager, AGC. Supports the -A4 amendments. Explains the changes and who requested them.

330 Douthwaite Continues to explain the -A4 amendments.

363 Chair Miller Asks for clarification of Section 2 (a) and (b).

373 Douthwaite Explains how a contractor would be paid.

400 Jarman States agencies want warranties to not be voided even if the contract is voided.

420 Sen. Trow Asks what happens if there intentional versus accidental violations of the requirements.

435 Spellman States it is impossible to understand how a contractor could negligently violate these requirements. States "unintentional violation" is clear in HB 2909.

443 Sen. Trow Asks about the word "substantial" found in the -A4 amendments.

456 Douthwaite States "substantial" has a specific definition in contract law. Discusses the term "substantial injustice."

TAPE 86, A

001 Sen. Trow Asks if there is uniform agreement about the definition of the word "substantial."

005 Douthwaite Responds affirmatively.

017 Chair Miller **MOTION: Moves to ADOPT HB 2909-A4 amendments dated 6/9/97.**
VOTE: 3-0

AYE: 3 - Bryant, Trow, Miller

EXCUSED: 2 - Derfler, Leonard
Chair Miller **The motion CARRIES.**

029 Chair Miller **MOTION: Moves HB 2909 to the floor with a DO PASS AS AMENDED recommendation.**
VOTE: 3-0

AYE: 3 - Bryant, Trow, Miller

EXCUSED: 2 - Derfler, Leonard

The motion CARRIES.

Chair Miller SEN. BRYANT will lead discussion on the floor.

028 Chair Miller Closes the work session on HB 2909 and opens a public hearing on HB 2569.

HB 2569
PUBLIC
HEARING

036 Jan Meekcoms Parent. Presents written testimony in support of HB 2569 (**EXHIBIT M**).

081 Meekcoms Continues presentation.

127 Chair Miller Closes public hearing on HB 2569 and opens work session on HB 2569.

HB 2569
WORK
SESSION

128 Sen. Bryant Comments on his absence from the public testimony during this meeting.

137 Sen. Trow Supports HB 2569's passage out of committee to the Senate floor and reserves the right to oppose it on the floor if he is provided with additional information. Comments on the Department of Education's neutral stance on HB 2569.

150 Chair Miller Notes that the Department of Education testified that they were tracking the federal law and that they did not find the HB 2569 offensive.

157 **Chair Miller MOTION: Moves HB 2569 to the floor with a DO PASS recommendation.**

VOTE: 3-0

AYE: 3 - Bryant, Trow, Miller

EXCUSED: 2- Derfler, Leonard

The motion CARRIES.

165 **Chair Miller**

SEN. SHANNON will lead discussion on the floor.

166 Chair Miller Closes work session on HB 2569 and opens work session on HB 3722.

HB 3722
WORK
SESSION

183 **Sen. Bryant MOTION: Moves SB 3722 to the floor with a DO PASS recommendation.**

VOTE: 3-0

EXCUSED: 2 - Derfler, Leonard

Hearing no objection, declares the motion CARRIED.

Chair Miller

SEN. FERRIOLI will lead discussion on the floor.

186 Chair Miller Closes work session on HB 3722 and opens work session on HJR 88.

HJR 88

**WORK
SESSION**

- 188 Chair MILLER: **MOTION: Moves HJR 88 be sent to the floor with a BE ADOPTED recommendation.
Hearing no objection, declares the motion CARRIED.**
- 192 Chair Miller
- 194 Chair Miller Closes work session on HJR 88 and opens work session on SB 1214.

**SB 1214
WORK
SESSION**

- 202 Sen. Trow **MOTION: Moves to ADOPT SB 1214-2 amendments dated 06/03/97.**
- 206 Sen. Bryant Asks for clarification of the -2 amendments.
States there was no opposition to the amendments. Comments that
- 208 Chair Miller Warren Banks from the Economic Development Department testified before the committee.
- 211 Chair Miller **Hearing no objection, declares the motion CARRIED.**
- 212 Sen. Trow **MOTION: Moves HB 1214 to the floor with a DO PASS AS AMENDED recommendation.
Hearing no objection, declares the motion CARRIED.**
- 217 Chair Miller
- 218 Chair Miller **SEN. DUKES will lead discussion on the floor.**
Closes work session on HB 1214 and opens work session on HB 3638.

**HB 3638
WORK
SESSION**

- 223 Chair Miller Summarizes previous testimony of HB 3638.
- 229 Chair Miller **MOTION: Moves HB 3638 to the floor with a DO PASS recommendation.
The motion CARRIES.**
- 237 Chair Miller
- Chair Miller **SEN. MILLER will lead discussion on the floor.**
Closes work session on HB 3638 and re-opens work session on HJR 88.

**HJR 88
WORK
SESSION**

- 241 Chair Miller **MOTION: Moves HJR 88 to the floor with a BE ADOPTED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.**
- 244 Chair Miller **Hearing no objection, declares the motion CARRIED.**
- 247 Chair Miller Closes work session on HJR 88 and opens work session on HB 3275.

**HB 3275
WORK**

SESSION

- 250 Sen. Trow **MOTION: Moves HB 3275 to the floor with a DO PASS recommendation.**
Hearing no objection, declares the motion CARRIED.
- 254 Chair Miller **SEN. DWYER will lead discussion on the floor.**
- 256 Chair Miller Closes work session on HB 3275 and opens work session on HB 3282.

HB 3282
WORK
SESSION

- 260 Chair Miller Summarizes the -A3 amendments
- 270 Chair Miller **MOTION: Moves to ADOPT HB 3282-A3 amendments dated 6/9/97.**
Chair Miller **Hearing no objection, declares the motion CARRIED.**
- 272 Chair Miller **MOTION: Moves HB 3282 to the floor with a DO PASS AS AMENDED recommendation.**
Hearing no objection, declares the motion CARRIED.
- 274 Chair Miller **SEN. FERRIOLI will lead discussion on the floor.**
- 282 Chair Miller Closes work session on HB 3282 and opens work session on HB 1220.

SB 1220
WORK
SESSION

- 275 Sen. Trow **MOTION: Moves SB 1220 to the floor with a DO PASS recommendation.**
Hearing no objection, declares the motion CARRIED.
- 295 Chair Miller **SEN. DUNCAN will lead discussion on the floor.**
- 299 Chair Miller Closes work session on HB 1220 and opens work session on HB 2701.

HB 2701
WORK
SESSION

- 301 Sen. Derfler **MOTION: Moves HB 2701 to the floor with a DO PASS recommendation.**
- 310 Sen. Bryant Asks for a review of the previous testimony.
Hearing no objection, declares the motion CARRIED.
- 326 Chair Miller **SEN. SHANNON will lead discussion on the floor.**
- 327 Chair Miller Closes work session on HB 2701 and opens work session on HB 3063.

HB 3063
WORK
SESSION

- 344 Dave Fiskum Oregon Media Production Association. Presents the -5 amendments to HB 3063 (EXHIBIT N). States agreements have been reached by all

parties concerning the amendments and the Association of Oregon Counties is supportive. Discusses land zoned for exclusive farm use.

405 Sen. Trow Asks why Fiskum's association felt the need to include so many organizations in supporting HB 3063.

410 David Woolson Director, Oregon Film and Video Office. Supports HB 3063 and the -5 amendments. States a previous bill should have covered the content of HB 3063, but it was not complete enough. States it was important to make sure issues were clear and understood.

450 Don Schellenberg Oregon Farm Bureau. Supports HB 3063 and the -5 amendments. States the bureau will watch to see how the HB 3063 is implemented.

466 Rep. Lane Shetterly District 34. Presents written testimony in support of HB 3063 **(EXHIBIT O)**.

TAPE 85, B

001 Shetterly Continues presentation. District 54.

013 Rep. Dennis Luke HB 2466 related to land use died in committee when the committee shut down. HB 3063 has the correct relating clause for amendments to include aspects of HB 2466.

032 Sen. Trow discusses the intent of HB 2466 and the areas it effects. Asks why the bill didn't get a vote in the House Committee.

035 Rep. Luke Explains it took a while for the measure to work through committee.

045 Sen. Trow Comments that this addition to HB 3063 may cause controversy from various land use people.

047 Rep. Luke States 1000 Friends of Oregon, Oregon Farm Bureau and the Department of Land Conservation and Development supported and signed off on HB 2466.

052 Ron Eber Agricultural Land Specialist, Department of Land Conservation and Development. Supports HB 3063. Supports the incorporation of HB 2466 into HB 3063.

069 Sen. Trow Asks if this HB 3063 will conflict with other legislation or land use provisions currently in existence.

082 Eber Comments on existing law from HB 3661 (1993) which does not allow new parcels for non-farm dwellings in the Willamette Valley. Explains cross references in statute caused interpretations that precluded partitions that were appropriate under certain land use standards. States HB 2466 was to fix this ambiguity in statute.

085 Chair Miller Closes public hearing on HB 3063 and opens work session on SB 540.

SB 540
WORK
SESSION

Staff submits SB 540-3 amendments **(EXHIBIT P)**.

088 Chair Miller Summarizes SB 540 and comments on the -3 amendments.

123 Sen. Derfler Asks about the loss of \$7 million in revenue as stated in the revenue statement.

128 Chair Miller States the committee is waiting for fiscal and revenue statements on the amendments.

142 Chair Miller Closes work session on SB 540 and recesses the meeting at 11:55 a.m. until 1:30 p.m.

143 Chair Miller Reconvenes meeting at 1:43 p.m. and opens public hearing on HB 2642.

HB 2642
PUBLIC
HEARING

149 Rich Angstrom Executive Director, Oregon Concrete Aggregate Producers Association. Supports HB 2642. States fees for Land Use Board of Appeals (LUBA) will increase from \$50 to \$175. Discusses board requirements under HB 2642.

187 Christine Cook 1000 Friends of Oregon. Presents testimony in opposition to HB 2642 **(EXHIBIT Q)**.

280 Sen. Derfler Comments that when the process is held up the cost to developers is far greater than the raise in fees being proposed in HB 2642.

276 Cook States she has not seen any suits which have been filed with the intent of delaying a process. Explains that in most cases the appellants have legitimate cases.

309 Chair Miller Comments that a solution to the problem might be "loser pays."

306 Cook Disagrees that "loser pays" is a viable or fair solution.

319 Chair Miller Asks how many times an appellant should be given the opportunity to lose.

320 Cook States that over the past five or six years the number of appeals has remained basically the same. States there has not been a rise in the number of appeals being filed.

337 Sen. Derfler Comments that the word frivolous is open to interpretation. Comments on filing appeals as delay tactics, however honorable the cause, could be considered frivolous.

342 Cook States that if a decision is made without valid, legal, evidence then there would be a good reason for filing an appeal and delaying development.

364 Cook Continues presentation. States 1000 Friends of Oregon supports the 60-day time frame. Comments on the language for decisions being made from legal and factual evidence.

392 Chair Miller Asks when a person can challenge a decision.

395 Cook States one may challenge if they have participated at the local level.

405 Chair Miller Asks if an individual can file an appeal.

407 Cook States under ORS 197.83 anyone may appeal if they participated at the local level. Comments on appeal changes in 1989.

455 Angstrom States the Governor's Office supports HB 2642. States compromises have been made by all parties.

TAPE 86, B

- 001 Angstrom Comments on the number of delay tactics used to shut down developments that were not based on facts. States the language of HB 2642 is vague, yet it will suffice.
- 022 Cook Notes that if there were meetings of interest groups 1000 Friends of Oregon was not invited.
- 028 Chair Miller Closes public hearing on HB 2642 and opens work session on HB 2642.

HB 2642
WORK
SESSION

- 032 Sen. Trow States he is not comfortable with the diverse testimony presented in committee.
- 039 Chair Miller Recesses work session on HB 2642 and opens public hearing on HB 2174.

HB 2174
PUBLIC
HEARING

- 041 Sen. Eileen Qutub District 4. Supports HB 2174. States HB 2174 is for housekeeping.
- 058 Sen. Trow Asks why HB 2174 is necessary.
- 059 Sen. Qutub Explains the Health Department handles the statistical data referred to in HB 2174. Comments on the amendment which came from her office.
- 064 Sen. Trow Asks what Sen. Qutub's amendment added to HB 2174.
- 069 Sen. Qutub Refers to page 21 of the A-engrossed bill, Section 46 (2), regarding the recording and reporting of complications due to abortion procedures.
- 080 Sen. Trow Asks who provides the reported information.
- 081 Sen. Qutub States the Health Division drafted the language in HB 2174 stating an abortion provider shall include the follow up-provider, if any, when reporting complications discovered after a procedure.
- 112 Chair Miller Closes public hearing on HB 2174 and opens work session on HB 2642.

HB 2642
WORK
SESSION

- 129 Sen. Derfler **MOTION: Moves HB 2642 to the floor with a DO PASS recommendation.**
VOTE: 3-1

AYE: 3 - Bryant, Derfler, Miller

NAY: 1 - Trow

EXCUSED: 1 - Leonard
The motion CARRIES.
- 147 Chair Miller **SEN. DERFLER will lead discussion on the floor.**

146 Chair Miller Closes work session on HB 2642 and opens work session on SB 540.

SB 540
WORK
SESSION

160 Chair Miller **MOTION: Moves to ADOPT SB 540-3 amendments dated 6/9/97.**

180 Sen. Trow Requests a revenue statement be made available on the -3 amendments.

184 Chair Miller **Hearing no objection, declares the motion CARRIED.**

186 Chair Miller **MOTION: Moves SB 540 to the floor with a DO PASS AS AMENDED recommendation.**

189 Sen. Trow Comments that SB 540 will take too much from the General Fund.

VOTE: 4-1

AYE: 4 - Bryant, Derfler, Leonard, Miller

NAY: 1 - Trow

The motion CARRIES.

200 Chair Miller

SEN. MILLER will lead discussion on the floor.

198 Chair Miller Closes work session on SB 540 and opens public hearing on SB 1222.

SB 1222
PUBLIC
HEARING

200 Sen. Mae Yih District 19. Presents written testimony in support of SB 1222 (**EXHIBIT R**).

222 William F. Hoelscher Attorney at Law. Supports SB 1222. Explains he served in the Department of Justice from 1972 until retirement in 1984 and advised the state in labor relations and was primary counsel for PERS. Discusses SB 82 (1995) and explains the intent of SB 1222. States PERS operates on an actuarial basis.

315 Sen. Leonard Asks about the amounts that will be paid to buy back the credits.

321 Hoelscher Refers to percentages used to determine the formula benefit. States the contribution of employees is at 6 percent of their payroll during the time that is being bought back, plus, 8 percent compounded on that contribution.

328 Sen. Leonard Comments that these numbers are different from the employers' contributions and asks if one will be buying service back in respect to the employers contribution based on the yearly figures.

335 Hoelscher States he does not know because it depends on the employer and the employee group they have working for them. States rates depend upon counties.

410 Sen. Derfler Asks who will make up the difference for the benefits that will arise for others.

421 Hoelscher States the effects of the payment will be reflected in the actuarial experience of the employer.

424 Sen. Leonard Expresses similar concerns.

450 Hoelscher Discusses employer contributions and a PERS actuary determining the amount to be paid.

475 Chair Miller Comments Sen. Yih is proposing an amendment that will need to be drafted by Legislative Counsel. Explains the committee will consider SB 1222 at a later time.

461 Sen. Derfler Requests information on the investment.

TAPE 87, A

003 Sen. Yih States she will provide the committee with information on the employer's share.

025 Chair Miller Closes public hearing on SB 1222 and re-opens public hearing on HB 2174.

HB 2174
PUBLIC
HEARING

037 Dr. Grant Higginson State Health Officer, Deputy Administrator, Oregon Health Division. Presents written testimony in support of HB 2174 (**EXHIBIT S**). States this is a vital statistics housekeeping bill.

049 Sen. Derfler Asks Higginson to define "vital statistics."

050 Higginson Vital statistics are the certificates issued by the state concerning birth, death, and marriage certificates. States the information from these documents is used for statistical analyses.

078 Sen. Leonard Asks if there is a time when the information on a death certificate becomes a matter of public record.

092 Carol Sanders Vital Statistics, Oregon Health Division. Explains that after 50 years any individual may request a death certificate and prior to the 50-year time limit any family member may order a death certificate as long as they submit written requests and proof of relation.

100 Sen. Trow Asks about Section 46 regarding pregnancy termination.

102 Higginson Comments on the abortion statistics issue.

130 Sen. Trow Asks if the reporting of "complications" is considered a vital statistic.

138 Higginson Responds affirmatively. Comments on health complications. Discusses the current practice of reporting complications

160 Sen. Trow Asks if there is a standard mandate for follow-ups for women with abortions.

164 Higginson States there is not but explains there is generally a follow-up visit. Explains the follow-up may be performed by a woman's family doctor or other health provider that did not conduct the abortion.

172 Sen. Trow Asks which health care provider would report to the Health Division.

Higginson Explains the person who performed the abortion submits the report. Explains Sen. Qutub's amendment allows a separate provider, conducting a follow-up, to report to the abortion provider any complications that may have occurred.

180 Sen. Trow Expresses concern for privacy of the individual and asks how this information is used by the Division.

183 Higginson States not all information is public record and much information is considered confidential. States most of the statistical and factual information is available for legitimate research purposes.

192 Sen. Trow Asks who decides what is "legitimate research."

193 Higginson States this is a decision of the Health Officer. Discusses the Information Review Board (IRB) and the process for a request for information.

218 Sen. Leonard Asks about naming the father on a birth certificate if the mother is not married to him.

226 Sanders Discusses the choices a mother has in naming the father of the child. Discusses the terminology regarding legal and biological fatherhood.

248 Chair Miller Closes public hearing on HB 2174 and opens work session on HB 2174.

HB 2174
WORK
SESSION

Staff presents the proposed -A13 amendments to HB 2174 (**EXHIBIT T**).

253 Anne Tweedt Committee Administrator. Explains the -A13 amendments to HB 2174.

266 **Sen. Leonard MOTION: Moves to ADOPT HB 2174-A13 amendments dated 6/11/97.**

269 **Chair Miller Hearing no objection, declares the motion CARRIED.**

270 **Sen. Leonard MOTION: Moves HB 2174 to the floor with a DO PASS AS AMENDED recommendation.**

272 **Chair Miller Hearing no objection, declares the motion CARRIED.**

276 **Chair Miller SEN. QUTUB will lead discussion on the floor.**

276 Chair Miller Closes work session on HB 2174 and opens public hearing on HB 3428.

HB 3428
PUBLIC
HEARING

285 Kristina Oregon Farm Bureau. Presents testimony in support of HB 3428 and the McNitt -1 amendments (**EXHIBIT U**).

345 Sen. Derfler Asks about current laws concerning drop axles on trucks.

355 McNitt Explains drop axles may be for farm use but people may not be paid for their use at this time. States the cargo to be hauled is limited to farm commodities.

380 Sen. Trow Asks if a person could go into the business of hauling instead of farming.

390 McNitt States the vehicle may only be used for farm use and hauling for hire requires PUC registration, a commercial drivers license, paying weight - mile tax, and safety inspections.

412 Ric Listella Salem Motor Carrier Services Manager, Oregon Department of Transportation. Presents testimony in opposition to HB 3428 (**EXHIBIT V**).

443 Sen. Derfler Asks if Listella would support HB 3428 if the drop axle were taken out.

445 Listella Explains the reasons for opposition are tied into the drop axle. States the fourth axle would carry more weight but would be exempt from the weight-mile tax.

TAPE 88, A

001 Listella States HB 3428 does not address the specific uses of a drop axle.

012 Sen. Derfler Asks about the number of drop axles.

015 Listella Explains the difference between the number of axles. Lists the reasons for which HB 3428 is being opposed. Discusses the exemption of safety requirements. Comments on the inconsistency.

040 Sen. Derfler Asks about exemptions and contractors' use of trucks.

046 Listella States HB 3428 increases exemptions for farm trucks.

064 McNitt Explains the regulations which the farm vehicles must meet. Explains the taxes which must be paid by farmers.

096 Sen. Trow Asks how many trucks this would affect in Oregon.

099 McNitt States very few trucks would be impacted.

104 Discussion of the total impact on the state if HB 3428 were to pass.

130 Chair Miller Closes public hearing on HB 3428 and opens work session on HB 3428.

HB 3428
WORK
SESSION

133 **Sen. Derfler MOTION: Moves to ADOPT HB 3428-1 amendments dated 5/27/97.**

Chair Miller Hearing no objection, declares the motion CARRIED.

146 **Sen. Derfler MOTION: Moves HB 3428 to the floor with a DO PASS AS AMENDED recommendation.**

Hearing no objection, declares the motion CARRIED.

Chair Miller

SEN. FERRIOLI will lead discussion on the floor.

158 Chair Miller Closes work session on HB 3428 and adjourns the meeting at 3:15 p.m.

Submitted By, Reviewed By,

Jennifer Peck, Jan Nordlund,

Administrative Support Administrator

Reviewed By, Reviewed By,

Jim Stembridge, Jan McComb,

Administrator Administrator

Transcribed By, Reviewed By,

Diane M. Quinones Christin Smith,

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EXHIBIT SUMMARY

A - HJR 88 and HB 3722, data and written testimony, Gussie McRoberts, 6 pp

B - SB 1214, proposed -2 amendments, staff, 1 p

C - SB 1214, written testimony, Warren Banks, 1 p

D - HB 3282, proposed -A3 amendments, Dave Barrows, 1 p

E - HB 3275, written testimony, Gino Grimaldi, 1 p

F - HB 3275, written testimony, Brian Harrington, 1 p

G - HB 2569, written testimony, Dr. Grant Higginson, 1 p

H - HB 2569, sample tests, Marsha Ackerlund, 6 pp

I - HB 2701, public written testimony and article submitted prior to meeting, staff, 16 pp

J - HB 2701, written testimony and article, Patricia Smith, 5 pp

K - HB 2909, written testimony and proposed amendments, Michael Hansen, 6 pp

L - HB 2909, proposed -A4 amendments, David Douthwaite, 2 pp

M - HB 2569, written testimony, proposed amendments, and sample tests, Jan Meekcoms, 47 pp

N - HB 3063, proposed -A5 amendments, Dave Fiskum, 2 pp

O - HB 3063, written testimony, Rep. Lane Shetterly, 1 p

P - SB 540, proposed -3 amendments, staff, 2 pp

Q - HB 2642, written testimony, Christine Cook, 2 pp

R - SB 1222, written testimony, Sen. Mae Yih, 2 pp

S - HB 2174, written testimony, Dr. Grant Higginson, 3 pp

T - HB 2174, proposed -A13 amendments, staff, 1 p

U - HB 3428, written testimony and proposed -1 amendments, Kristina McNitt, 2 pp

V - HB 3428, written testimony, Listella, 2 pp
