

SENATE SPECIAL SESSION COMMITTEE ON CRIME AND CORRECTIONS

February 2, 1996 Hearing Room HRA
09:00 A.M. Tape 10

MEMBERS PRESENT:

Sen. Neil Bryant, Chair
Sen. Shirley Stull, Vice Chair
Sen. Dick Springer

MEMBERS EXCUSED:

STAFF PRESENT:

Bill Taylor, Deputy Counsel
Annetta Mullins, Admin. Support
Steve Kosiewicz, Admin. Support

MEASURES HEARD:

SB1162, Work Session

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE 10A

SB1162 WORK SESSION

002 CHAIR BRYANT: Calls the meeting to order at 9:16 a.m.

003 MOTION: CHAIR BRYANT: Moves to SUSPEND the rules, and that the vote by which SB1162 was passed, BE RECONSIDERED.

VOTE: CHAIR BRYANT: Hearing no objection, the motion PASSES.

005 CHAIR BRYANT: Discusses changes to SB1162 with the committee. Presents -4 amendments [EXHIBIT A]. Explains that when the burden of proof was shifted to the school district, it didn't make sense when it was read later on.

010 BILL TAYLOR, DEPUTY COUNSEL: Explains proposed -4 amendments to SB 1162. References page 1, line 14, explaining that wording was changed to make it read better.

016 SEN. SPRINGER: Asks for clarification of language used on page 1, line 16.

019 CHAIR BRYANT: Clarifies that committee decided on using the word "substantial", and that "or significant" should be deleted. Referencing page 4, section 6, subsection 2, explains that after discussions with members of the House and the proponents of the bill, subsection 2 will be deleted. Asks Cindy Hunt from Legislative Counsel to explain the additional changes made in section 4 of the amendments.

034 CINDY HUNT, LEGISLATIVE COUNSEL: Section 4 allows a component school district which is certified to fall underneath the exemption from section 3, subsection 4 of the amendments, or is granted a waiver from the State Board of Education, to become a unified elementary school district on the date that the other union high school and component districts merge. This date, under ORS 331.03, is either May 31, 1996 or May 31, 1997. Continues explanation by discussing the tax levy element of section 4.

059 TERRY DRAKE, LEGISLATIVE REVENUE OFFICE: Explains further the tax levy element of section 4. Explains that discussions late yesterday involved trying to find a way to adjust the taxing authority so the same amount of money was coming from the same areas for the same services. The language proposed in the -4 amendments does this very, very closely, but not perfectly. This works, and its accuracy is very good as long as you don't have a very high percentage of the value being eligible for the waiver. The amendments do address the committee's policy goals.

096 CHAIR BRYANT: Explains to individuals in the audience that there will be a chance to comment further on the bill when it goes to the House side.

102 MOTION: CHAIR BRYANT: Moves to ADOPT the SB1162-4 amendments dated 2/2/96, and that the SB1162-4 AMENDMENTS be further amended on page 1, line 16, deleting "or significant"; on page 3, line 20, inserting "base" between "taxes" and "levy", on page 3, line 21, deleting "being collected" and inserting "levied for operations"; and on page 4, deleting subsection 2 of section 6 in its entirety.

VOTE: CHAIR BRYANT: Hearing no objection, the amendments are ADOPTED.

114 MOTION: CHAIR BRYANT: Moves SB1162, AS AMENDED, to the floor with a DO PASS recommendation.

VOTE: In a role call vote, SENS. BRYANT and STULL vote AYE. SEN. SPRINGER votes NO.

CHAIR BRYANT: The motion PASSES.

121 CHAIR BRYANT: Adjourns the meeting at 9:25 a.m.

Submitted by,

Steve Kosiewicz
Administrative Support

EXHIBIT SUMMARY:

A - SB1162-4 amendments, Staff, 4pp

SENATE SPECIAL SESSION COMMITTEE
ON
CRIME AND CORRECTIONS

February 2, 1996Hearing Room HRA
02:30 P.M.Tapes 11

MEMBERS PRESENT:
Sen. Neil Bryant, Chair
Sen. Dick Springer

MEMBERS EXCUSED: Sen. Stull, Vice Chair

STAFF PRESENT:
Bill Taylor, Deputy Counsel
Annetta Mullins, Admin. Support
Steve Kosiewicz, Admin. Support

MEASURES HEARD:
SB1162, Work Session

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE 11A

SB1162 WORK SESSION

002 CHAIR BRYANT: Calls the meeting to order at 2:33 p.m. Introduces SB1162-A7 amendment [EXHIBIT A]. States that a question was raised about whether this amendment violated a section of the Oregon Constitution.

006 BILL TAYLOR, DEPUTY COUNSEL: Explains that the amendment does not violate Article 4, Section 3 of the Oregon Constitution.

010 CHAIR BRYANT: Explains to audience what constitutional provision they were referring to.

030 CHAIR BRYANT: Asks how many school districts this amendment could possibly affect.

033 TERRY DRAKE, LEGISLATIVE REVENUE OFFICE: I don't know.

036 OZZIE ROSE, CONFEDERATION OF SCHOOL ADMINISTRATORS: 26 to 28.

041 CHAIR BRYANT: Asks how many of these might request a waiver.

051 ROSE: Who knows how many might. They don't know the possibility is there now. It's clear that North Plains would. Two districts in Silverton might.

060 CHAIR BRYANT: Clarifies that there are 24 potential districts.

063 LINDA DUMAN, LINN COUNTY SCHOOL DISTRICT #124: States that the number will probably be lower than this. The Stayton area has already voted and submitted their resolutions. The Harrisburg school districts have already submitted their resolutions, so the bill doesn't deal with them either. The bill would deal with school districts in Sandy, Gold Beach, Linn County, Pratum, and Sauvie Island.

073 GREG MCMURDO, STATE DEPARTMENT OF EDUCATION: States that Riverdale should be included as well.

074 SEN. SPRINGER: Comments on Mr. McMurdo's response.

077 ROSE: Clarifies his previous response. There is the potential for 21, not 24.

087 Committee at ease to wait for Sen. Stull to arrive.

120 Sen. Stull arrives.

123 MOTION: CHAIR BRYANT: Moves that the vote by which SB1162 was passed, BE RECONSIDERED.

VOTE: CHAIR BRYANT: Hearing no objections, the motion PASSES.

128 MOTION: CHAIR BRYANT: Moves to ADOPT the SB1162-A7 amendments dated 2/2/96.

VOTE: CHAIR BRYANT: Hearing no objections, the motion PASSES.

131 MOTION: SEN. STULL: Moves SB1162, AS AMENDED, to the floor with a DO PASS
recommendation.

VOTE: In a roll call vote, SENS. BRYANT and STULL vote AYE. SEN. SPRINGER votes
NO.

CHAIR BRYANT: The motion PASSES.

137 CHAIR BRYANT: Adjourns the meeting at 2:45 p.m.

Submitted by,

Steve Kosiewicz
Administrative Support

EXHIBIT SUMMARY:

A - SB1162-A7 amendments, Staff, 1p

SENATE SPECIAL SESSION COMMITTEE ON CRIME AND CORRECTIONS

February 2, 1996 Hearing Room A
07:00 P.M. Tape 12

MEMBERS PRESENT:

Sen. Neil Bryant, Chair
Sen. Shirley Stull, Vice Chair
Sen. Dick Springer

STAFF PRESENT:

Larry Niswender, Fiscal Analyst
Annetta Mullins, Admin. Support
Steve Kosiewicz, Admin. Support
Adrienne Sexton, Chief Policy Analyst, Policy Research Office

MEASURES HEARD:

HB3488, Work Session

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE 12, SIDE A

002 CHAIR BRYANT: Calls the meeting to order at 7:00 p.m. and opens the work session on SB3488 A-Eng.

HB3488 A - Work Session

003 CHAIR BRYANT: Announces that the committee has previously heard testimony on the bill (SEE COMMITTEE MINUTES OF THE MEETING HELD JOINTLY WITH THE HOUSE SPECIAL COMMITTEE ON CRIME AND CORRECTIONS ON FEBRUARY 1, 1996).

009 LARRY NISWENDER, Legislative Counsel: Explains the amendments that were adopted in the House.

The Legislative Fiscal Analysis is hereby made a part of these minutes (EXHIBIT A)

019 MOTION: SEN. STULL moves that HB3488 A Engrossed be sent to the Floor with DO PASS recommendation

021 VOTE: CHAIR BRYANT declares the motion PASSED. SEN. SPRINGER VOTES NO.

022 CHAIR BRYANT: Adjourns the meeting at 7:02 p.m.

Submitted by,

Annetta Mullins
Administrative Support

EXHIBIT SUMMARY

A - HB3488, Legislative Fiscal Analysis, staff, 2 pp

SENATE SPECIAL SESSION COMMITTEE
ON
CRIME AND CORRECTIONS

February 2, 1996 Hearing Room A
09:50 P.M. Tape 13

MEMBERS PRESENT:

Sen. Neil Bryant, Chair
Sen. Shirley Stull, Vice Chair
Sen. Dick Springer

STAFF PRESENT:

Larry Niswender, Fiscal Analyst
Annetta Mullins, Admin. Support
Steve Kosiewicz, Admin. Support
Adrienne Sexton, Chief Policy Analyst, Policy & Research Office

MEASURES HEARD:

HB3489, Work Session

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE 13, SIDE A

002 CHAIR BRYANT: Calls the meeting to order at 9:55 p.m. and opens the work session on SB3489.

HB3489 - WORK SESSION

 The Budget Report and Measure Summary are hereby made a part of these minutes (EXHIBIT A)

003 REPS. TONY CORCORAN, FLOYD PROZANSKI AND KEVIN MANNIX: Appear as a panel before the committee.

008 REP. TONY CORCORAN: Submits and explains proposed amendments (EXHIBIT B). The proposed amendments are an attempt to craft a solution to the problem the Association of Oregon Counties had with the transfer of probation and parole officers. The amendment would apply to counties with populations of over 200,000. The only county over 200,000 that is not option 1 is Lane County. The amendment would provide for the transfer of parole and probation employees in the event of passage of HB3489.
 > respects law enforcement officers and parole and probation officers

> lack of protection for parole and probation officers in an extremely dangerous field
> gives example of parole officer who could be forced to locate; requests that officers be given transfer rights and bumping rights within their own classification

046 CHAIR BRYANT: Notes that the committee is being handed a letter from the Governor dated February 2
(EXHIBIT C).

053 SEN. LEONARD: Explains the letter from the Governor address the same concern stated by Rep. Corcoran.
Requests that Steve Marks explain for the record the intent of the letter.

059 STEVE MARKS, Governor's staff: Explains that the intent of the letter is to ensure that those employees in community corrections will remain state employees. Reads the letter from Governor Kitzhaber to Jon Yunker
(EXHIBIT C).

069 DAVE COOK: Comments the aspect of the letter that is most important, and was one of some contention with members of FOPPO, had to do with the last sentence, "determined at the sole discretion of the state". Thought it was important to allow the state institutions and other state departments to have some discretion about the placement of the employee. It may be the only positions at a given time could be at the Snake River facility. There maybe some geographic dislocation. The Governor has committed to ensuring there are state jobs with a good faith effort at a like salary and benefit available to the employees should they choose not to remain with the counties that go to the Option I format. It is our impression from discussions with the counties after the passage of SB1145 that most counties will begin to go to Option I, that the salary differentials in excess of 75 percent of those employees who will have to transfer will be so minimal there won't be any impact or a very small impact, and the provisions of this letter probably will not be taken advantage of by a substantial number of the state employees who choose to not go Option I.

092 CHAIR BRYANT: Comments he know this has been one of the contentious issues as SB1145 worked its way through the system; there were numerous discussions about it, and adds that he is happy the Governor has made his earlier representation in written form.

095 SEN. LEONARD: Adds that the Governor reiterated beyond the content of the letter, to make it work for the employees.

103 MOTION: REP. SPRINGER moves that the LC 333 amendments (EXHIBIT B) be ADOPTED.

VOTE: SEN. STULL AND CHAIR BRYANT OPPOSE THE MOTION. CHAIR BRYANT declares the motion FAILED.

110 MOTION: CHAIR BRYANT moves that HB3489 be sent to the Floor with a DO PASS recommendation.

110 VOTE: SEN. STULL OBJECTS to the motion. CHAIR BRYANT declares the motion PASSED.

113 SEN. STULL: Explains her opposition to the bill.

- as a former police officer it is awkward to be on the opposite side of this issue
- has been a strong public safety advocate during legislative career
- this is a bill about people, whether it is the citizens and victims of Oregon or the employees of Oregon
- has been consistent no on amendments to this bill
- happy to see reconciliation with Governor
- yesterday committee talked with Dave Cook about being a former sheriff and his communication with sheriffs around the state; what he has to say will have a lot to do with his intentions with good faith
- we have put on the record there is a good faith intention for everyone to work together

129 CHAIR BRYANT: Declares the meeting adjourned at 10:07 p.m.

Respectfully submitted,

Annetta Mullins
Admin. Support Specialist II

EXHIBIT SUMMARY

A - HB3489, Budget Report and Measure Summary, staff, 3 pp
B - HB3489, proposed amendments LC 333, Reps. Corcoran, Prozanski and Mannix, 2 pp
C - HB3489, Letter from Governor Kitzhaber to Jon Yunker, Rep. Corcoran and Steve Marks, 1 p