

HOUSE COMMITTEE ON
GENERAL GOVERNMENT AND REGULATORY REFORM

April 26, 1995 Hearing Room 357
1:30 pm Tapes 114 - 117

MEMBERS PRESENT:

Rep. Bob Tiernan, Chair
Rep. Mike Lehman, Vice Chair
Rep. Bev Clarno
Rep. Jerry Grisham
Rep. Cedric Hayden
Rep. Bryan Johnston
Rep. Bill Markham
Rep. Lonnie Roberts
Rep. Barbara Ross
Rep. Charles Starr
Rep. Ken Strobeck
Rep. Sharon Wylie

STAFF PRESENT:

Greg Moore, Committee Counsel
Anne Tweedt, Committee Counsel
Kay C. Shaw, Committee Assistant

MEASURES HEARD:

HB 2001 - Work Session
HB 2105 - Work Session
HB 2187 - Reconsideration & Work Session
HB 2385 - Work Session
HB 2476 - Work Session
HB 2477 - Work Session
HB 2486 - Work Session
HB 2761 - Work Session
HB 2902 - Work Session
HB 3060 - Work Session
HB 3217 - Work Session
HB 3284 - Work Session
HB 3285 - Work Session
HB 3324 - Work Session
HB 3413 - Work Session
HJR 43 - 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 114, A

015 CHAIR TIERNAN: Calls the meeting to order at 1 30 pm. All members are
present.

CHAIR TIERNAN: Opens work session on HB 2105.

HB 2105 - WORK SESSION

018 ANNE TWEEDT, Committee Counsel: Reviews the Preliminary Staff Measure
Summary. The Preliminary Staff Measure Summary, including proposed HB
2105-2 amendments, is hereby made a part of these Minutes (EXHIBIT A).

MOTION: REP. GRISHAM moves to amend the HB 2105-2 amendments on Page 1 of
the original bill, Line 9, and Page 2 of the original bill, Line 13, to
delete the words "insofar as practicable".

CHAIR TIERNAN: Hearing no objection from ALL MEMBERS PRESENT, declares
MOTION ADOPTED.

039 MOTION: REP. GRISHAM moves ADOPTION of HB 2105-2 amendments, as
amended.

CHAIR TIERNAN: Hearing no objection, declares MOTION ADOPTED.

041 MOTION: REP. MARKHAM moves HB 2105, as amended, be sent to the Floor
with a DO PASS recommendation.

VOTE: In a roll call vote, REPS. CLARNO, GRISHAM, HAYDEN, JOHNSTON,
LEHMAN, MARKHAM, ROBERTS, ROSS, STARR, STROBECK, WYLIE and CHAIR TIERNAN
vote AYE.

CHAIR TIERNAN declares the MOTION PASSED. Carrier of the bill is REP.
LONNIE ROBERTS.

050 CHAIR TIERNAN: Closes work session on HB 2105 and opens work session on
HB 2476.

HB 2476 - WORK SESSION

Witness: Fred McDonnal, Public Employes Retirement System (PERS)

060 GREG MOORE, Committee Counsel: Submits the proposed HB 2476-3
amendments (EXHIBIT B).

> Explains the history regarding HB 2476 and the proposed HB 2476-3
amendments that replace the bill which are based on Option A from the
working group less the cost of living adjustment (COLA).
> Explains the previous review of HB 2558 and the similarities of sections.
> Reviews the proposed HB 2476-3 amendments:
Section 2 - eligibility criteria.
Section 3 - how the benefit is to be calculated.
Section 4 - Tier 1 sections that allow some credit for additional
accumulation of benefits under PERS Tier 1.
Section 5 - Page 10, Line 6, provides effective date for retirement age
based on whether or not it is before or after the effective date of the
Act.
Section 7, Page 12-13, details the service retirement allowance.

112 REP. ROBERTS: What is it now -- .5 percent?

COUNSEL MOORE: .85 percent.

REP. ROBERTS: Is that new language?

CHAIR TIERNAN: Don't believe that it is changed from the current
calculation.

130 COUNSEL MOORE: Continues explanation of amendments:

Section 8, Page 15, Line 14, early retirement section.
Section 12, Page 17, death benefit.
Section 13, Page 19, disability retirement allowances.
Section 17, Page 27, Line 11, unused sick leave for community college
employees.

162 CHAIR TIERNAN: Clarifies confusion about action last week that the
committee passed out a PERS Tier 2 program that was strictly a defined
benefit program with a cost of 9.3 percent. This was the alternative
program. The bottom line result will be an increase in the total
percentage of payroll from 9.2 to 11.1. Asks Rep. Strobeck to comment on
the benefits of Plan A?

180 REP. STROBECK: Acknowledges being a proponent of Plan A since the work
group felt that it offered a couple of advantages. First, it was closer in

terms of the current contribution level from the employer whether it's the
state or other public entity. Rather than go down to the 3.2 percent level

which would have made the contribution of the State's half the lowest in
the nation (i.e., going from one of the highest to the lowest). The other
part that is most attractive is the fact that the employee's contribution
goes entirely to a defined contribution plan which is portable with the
employee and it accrues interest at a higher rate than the defined benefit
plan; therefore, the incentive, once a person is hired in at a public
position, is not to stay for lifetime, but to have people move back and
forth between the public and the private sectors without penalty when it
comes to the ability to transfer money in their retirement program.

195 CHAIR TIERNAN: Requests explanation from PERS experts, Fred McDonnal
and Bob Andrews regarding the difference between the defined benefit and
the defined contribution programs insofar as withdrawing of moneys.

204 FRED MCDONNAL, Director, Public Employes Retirement System (PERS): From

the defined contribution standpoint Ballot Measure 8 requires employees now

to contribute six percent of salary - no more, no less. This design, which

appealed to the work group, was because of that six percent being a
required contribution from the employee, would allow that employee's
contribution to go into an account which PERS would track, including
interest earnings on that amount year-to-year.

230 CHAIR TIERNAN: If an employee leaves after three years in a defined
contribution, the employee can take their six percent plus their interest.

Correct?

MR. MCDONNAL: That's correct.

CHAIR TIERNAN: If they leave after three years under defined benefit, what
happens?

MR. MCDONNAL: Explains that PERS would have kept track of that account and

the employee would have taken at least some of their contribution with them. The main difference was that when the employee retired, the employee would be forfeiting a good deal of the interest earnings on the money they themselves contributed.

CHAIR TIERNAN: Continues inquiries about benefit plan differences.

MOTION: REP. STROBECK moves ADOPTION of HB 2476-3 amendments.

CHAIR TIERNAN: Hearing no objections from ALL MEMBERS PRESENT, declares the MOTION ADOPTED.

258 MOTION: REP. STROBECK moves HB 2476, as amended, to the Floor with a DO PASS recommendation.

262 REP. JOHNSTON: Explains intent to vote "no" and urges a "no" vote.

282 REP. GRISHAM: Explains intent to vote "yes" to move it out of Committee

and allow for a debate on the Floor so that all 60 members can participate in debate. States opposition to this plan.

VOTE: In a roll call vote, REPS. CLARNO, GRISHAM, HAYDEN, MARKHAM, STARR, STROBECK and CHAIR TIERNAN vote AYE. REP. GRISHAM changes vote to AYE (see

tape at 316). REPS. JOHNSTON, LEHMAN, ROBERTS, ROSS and WYLIE vote NAY. See REP. ROSS' vote on Tape 117, A at 367.

CHAIR TIERNAN: Declares MOTION PASSED. Carrier of the bill is REP. KEN STROBECK.

CHAIR TIERNAN: Closes work session on HB 2476 and opens work session on HB 3217.

HB 3217 - WORK SESSION

333 GREG MOORE, Committee Counsel: Reviews the Preliminary Staff Measure Summary and hand-engrossed HB 3217-13 amendments. The Preliminary Staff Measure Summary, including hand-engrossed proposed HB 3217-13 amendments, is hereby made a part of these Minutes (EXHIBIT C).

408 REP. HAYDEN: Explains intent to vote "no".

416 REP. JOHNSTON: Opines "these folks are not being fairly treated and should have some recompense for the good will they build in their store." Additionally, opines this is an asset of the State that should not be given away lightly. Prepared to offer an amendment.

CHAIR TIERNAN: What is the amendment?

REP. JOHNSTON: Allows them on separate contract to sell the goodwill and retain 50 percent of the sale's purchase of the goodwill, 50 percent would revert to the State. Each subsequent agent would have the same situation -- always able to sell their goodwill and always paying 50 percent of such a sale to the State. It would be a solution to accomplishing both goals -- the State would share an interest in encouraging the building of goodwill and they would share some compensation for their efforts.

CHAIR TIERNAN: Closes work session on HB 3217 and asks Rep. Johnston to "shop around your suggestion and see if we can reach a resolution in the next couple of hours."

TAPE 115, A

CHAIR TIERNAN: Closes work session on HB 3217 and opens works session on HB 2902.

HB 2902 - WORK SESSION

Witness: Blanca DeLeon Ruckert, Governor's Children's Ombudsman
Rep. Patti Milne (R - District 38)
May D. Dasch, Mary's Peak Chapter of the Alzheimer's Association
Citizens Jim Davis, D.Ed., Legislative Director, Oregon State Council of Senior
and Lobbyist, United Seniors and Gray Panthers

017 ANNE TWEEDT, Committee Counsel: Reviews the history of the bill. Explains proposed HB _2902-3 and HB _2902-4 amendments. Proposed HB 2902-3 and HB 2902-4 amendments are hereby made a part of these Minutes (EXHIBIT D).

MAY D. DASCH, Mary's Peak Chapter of the Alzheimer's Association: Submits prepared testimony in opposition to proposed HB 2902-3 amendments (EXHIBIT E).

JIM DAVIS, D.Ed., Legislative Director, Oregon State Council of Senior Citizens and Lobbyist, United Seniors and Gray Panthers: Submits prepared testimony in opposition to HB _2902 (EXHIBIT F).

CHAIR TIERNAN: What the are the latest amendments?

COUNSEL TWEEDT: HB 2902-4 amendments.

CHAIR TIERNAN: Announces discussion of the HB 2902-4 amendments only.

COUNSEL TWEEDT: Explains that Blanca DeLeon Ruckert, is the Governor's Children's Ombudsman. The position, created by statute, becomes incorporated into the Office of Inspector General in HB 2902-4 amendments, .

If the Inspector General were investigating cases involving children, that person would be relegated to the duties and powers of the Children's Ombudsman.

047 BLANCA DeLEON RUCKERT, Governor's Children's Ombudsman: Testifies from prepared testimony in support of HB 2902. Submits (EXHIBIT E).
> Supports HB 2902 insofar as concept and with the powers/authorities.
> Explains that the statute that created the position lacks the powers to access confidential records; therefore, any inquiries or investigations cannot be comprehensive in that the only information is that provided by the citizen complainant.

070 REP. PATTI MILNE (R - District 38): Testifies in support of HB 2902 and proposed HB 2902-4 amendments. This legislation has incorporated everything that is needed to take care of concerns raised. Urges support of proposed HB 2902-4 amendments.

083 REP. ROBERTS: What is the fiscal impact?

CHAIR TIERNAN: Fiscal impact has not yet been received. Explains that the office already exists; however, there is a need for the power and authority to actually do the investigations and provide proper oversight.

REP. ROBERTS: Concerned about creating more government.

CHAIR TIERNAN: Comments from personal experience and that nobody currently is able to effectively do the job.

REP. ROBERTS: Does this mean reorganization and providing more authority for what currently exists?

100 MS. RUCKERT: If the Inspector General becomes a different person, a Children's Ombudsman will not be needed, but the function needs to occur with powers/authority that are listed in this house bill.

REP. ROBERTS: The Inspector General and Children's Ombudsman are going to be one and the same, but with the authority to act?

MS. RUCKERT: Exactly.

106 REP. GRISHAM: Are we adding or moving FTEs? Are you staying in place and we are hiring an Inspector General or are you in fact going to be the new Inspector General?

MS. RUCKERT: Unable to answer.

CHAIR TIERNAN: Her position description would be changed? Explains intent to lobby Ways and Means to add some FTEs in order get some people to, for example, answer the 1-800 line and to provide services to families.

114 MOTION: REP. GRISHAM moves ADOPTION of HB 2902-4 amendments.

CHAIR TIERNAN: Hearing no objections from all members present, declares the MOTION ADOPTED. REP. MARKHAM is EXCUSED.

117 MOTION: REP. STARR moves HB 2902, as amended, to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, REPS. CLARNO, GRISHAM, HAYDEN, ROBERTS, ROSS, STARR, STROBECK, WYLIE and CHAIR TIERNAN vote AYE.
REPS. JOHNSTON and LEHMAN vote NAY. REP. MARKHAM is EXCUSED

CHAIR TIERNAN: Declares MOTION PASSED. Carriers of the bill are REPS. KEVIN MANNIX, PATTI MILNE and BOB TIERNAN.

136 CHAIR TIERNAN: Closes work session on HB 2902 and opens work session on HJR 43.

HJR 43 - WORK SESSION

ANNE TWEEDT, Committee Counsel: Reviews the Preliminary Staff Measure Summary and proposed HJR 43-5 and HJR 43-6 amendments. The Preliminary Staff Measure Summary, including proposed HJR 43-5 and HJR 43-6 amendments,

is hereby made a part of these Minutes (EXHIBIT H).

154 CHAIR TIERNAN: This is an attempt at conciliation to find "common ground" in this area. Basically, it states that for employees to make political contributions, they have to assertively check off and then they can collect those political contributions. It also defines "political activities" as stated in the amendment.

163 REP. STROBECK: Does this apply only to public employees or to all employees of any employer in the State?

CHAIR TIERNAN: It is only written for all public employees.

COUNSEL TWEEDT: It's written for all employees, but the HJR 43-5 amendments have specific language that limit it to a public employer. The HJR 43-5 amendments also delete the words "contrary to the beliefs of the employee".

173 REP. WYLIE: Requests background about why this requires a constitutional amendment.

CHAIR TIERNAN: Will again contact Legislative Counsel. The concept was drafted by Rep. Schoon and then Legislative Counsel returned with a constitutional amendment.

REP. WYLIE: Comments about familiarity with collective bargaining in Washington State.

CHAIR TIERNAN: No problem with an amendment that it apply to all employees. Doesn't see any reason that it should be segmented out to public employees. Unaware of any employer that does it besides public employees, but will take the amendment.

225 REP. STROBECK: Talks about union membership in a private sector job and the requirement to contribute due to an organization that does get involved in political activities. Opines that it does apply to both the public and private sectors.

REP. STROBECK: Opines the HJR 43-6 amendments would go as written, but the HJR 43-5 amendments would need to be modified.

CHAIR TIERNAN: Under consideration is the HJR 43-6 amendments. Explains the proposed new section.

244 REP. STROBECK: Why was the line "that are contrary to the beliefs of the employee" in the HJR 43-5 amendments deleted?

CHAIR TIERNAN: The language raised some problems with interpretation and Legislative Counsel.

MOTION: REP. STROBECK moves ADOPTION of HJR 43-6 amendments.

254 REP. LEHMAN: General statement about this being an attack on fair share.

278 CHAIR TIERNAN: This says that "before my dues can be used for political contributions, they need to have my consent." Gives an example.

288 REP. LEHMAN: Points out that the explanation is not what the bill says.

Refers to HJR 43-6 amendments that say "Money may not be held by an employer from an employee's pay for the purpose of paying membership dues or fees to any organization that engages in political activities unless . .

. prior written authorization". It doesn't say anything about withholding funds that are used to support those political activities. It says membership dues, if they are involved in a political activity. Opines that language is broader than the example given.

310 REP. ROBERTS: Joins with Rep. Lehman in questioning the term "political activity".

CHAIR TIERNAN: Rep. Lehman is correct -- this is too broad. Proposes narrowing change to -6. Opines that putting such language in the Constitution is "really clamping it down to where the people who want to be a part of organized labor are really going to be put at a disadvantage."

CHAIR TIERNAN: Acknowledges that Rep. Lehman is correct -- the wording is ambiguous and that it is too broad. Proposes narrowing the application by amending the HJR 43-6 amendments on Line 2 after "Money" to insert "used for political activities", on Line 3 after "paying" to delete "membership" and on Line 5 after "withholding" to insert "the dues for political activities". The intent is not to allow somebody to not pay dues, but to only pay the political part of those dues, if there is prior authorization.

354 REP. STROBECK: The proposed language helps clarify the issue. Agrees with Rep. Lehman that the language in HJR 43-6 amendments was ambiguous. Asks Committee Counsel about the insertion of this section, because it does

not delete on the bill the sections on Lines 5, 6 and 7. Aren't those words contradictory to the language presented by the Chair?

365 COUNSEL TWEEDT: Is the question, because Lines 5, 6 and 7 are not deleted?

REP. STROBECK: That's correct.

COUNSEL TWEEDT: Agrees the proposed amendment does not delete those lines.

REP. STROBECK: Isn't this saying the same thing twice? It's the same money to the same organization for the same reasons.

COUNSEL TWEEDT: For political activities?

REP. STROBECK: Yes.

COUNSEL TWEEDT: Yes.

376 CHAIR TIERNAN: Yes, it says a broader statement. Suggests also inserting on Line 6 "for political activities". The amendments would read:

"an employee may not be required as a condition of employment to make payments for political activities to an organization that is or has been involved in political activities that are contrary to beliefs of the employee."

REP. ROBERTS: Are you addressing the original bill or HJR -6 amendments?

CHAIR TIERNAN: Original bill, Lines 5-7, after "payments" to insert "for political activities". The amendments state what are "political activities"

and Lines 2-6 state they can do this, but the employee must authorize.

392 REP. STROBECK: Opines it may be more appropriate to use the language in the original bill with the suggested amendments just made and on the HJR 43-6 amendments to delete the first sentence in Line 2. Somehow add "unless the employee provides authorization" as part of the sentence in the bill.

403 COUNSEL TWEEDT: The amendment addresses the concern that an employer can actually withhold those funds, not that an employee actually pay them, but that the funds can actually be withheld by the employer. It addresses a different concern.

REP. STROBECK: Is there a legal difference between "paying" and "withheld"?

COUNSEL TWEEDT: Recalls on HB 2187 (DAS omnibus bill) that DAS actually had to request legislative authority to get a refund of salary overpayments from an employee.

TAPE 114, B

CHAIR TIERNAN: Assigns Rep. Strobeck to work with Chair Tiernan.

CHAIR TIERNAN: Closes work session on HJR 43 and opens work session on HB 2001.

HB 2001 - WORK SESSION

010 ANNE TWEEDT, Committee Counsel: Reviews the Preliminary Staff Measure Summary and proposed HB 2001-1, HB 2001-2 and HB 2001-3 amendments. The Preliminary Staff Measure Summary, including the proposed HB 2001-1, HB 2001-2 and HB 2001-3 amendments, is hereby made a part of these Minutes (EXHIBIT I).

050 REP. WYLIE: This bill seems to require a cumbersome pilot project to prove something that wasn't a good idea in the original bill. Apprehensive about whether governments shouldn't have state motor pools, because it sometimes puts governments in the position of requiring a person who works for them to have private car. Opines that it is not a proper role for public employers to require car ownership before somebody can work for them. Unconvinced this is a good use of taxpayers' money.

070 COUNSEL TWEEDT: The HB 2001-3 amendments propose a less cumbersome project than the original bill. This was an attempt to take a look at whether or not somebody could return with a lower bid. The Motor Pool, through DAS, believes that won't happen and that is specifically why the amendments are drafted to say "if they don't come back with a lower bid, then the contract won't be awarded." However, until it goes out to a private party, the proponents of the bill aren't convinced that it can't actually be operated at less cost.

081 REP. WYLIE: Not all bills are worth fixing. Doesn't think requiring another process, another pilot, makes sense. Intends to vote "no".

095 REP. GRISHAM: In light of Rep. Wylie comments, he is persuaded the bill is a good idea.

MOTION: REP. GRISHAM moves ADOPTION of HB 2001-3 amendments.

101 REP. LEHMAN: Refers to sentiments in the subcommittee. Rationale is based on complaints, mostly anecdotal, about inappropriate use of motor pool vehicles. This bill is not going to address that problem and may compound the problem. Bottom line about the motor complaints revolves around the issue of not having sufficient control by those who have access to the motor pools -- that is a management decision.

121 REP. GRISHAM: Responds to Rep. Lehman's comments. The HB 2001-3 amendments simply set up a pilot program to determine if it is less expensive and if not less expensive, it won't be done.

131 REP. STROBECK: Do the HB 2001-3 amendments say anything about "true costs". In other words, it cannot be a loss leader. Is there anything in the HB 2001-3 amendments that say the "private company bidding for this job

can't be bidding it at lower than true cost?"

137 COUNSEL TWEEDT: It delineates in language on Page 2, Lines 9-26, that "The total cost incurred by the department shall include, but not be limited to", but it doesn't specifically identify the details discussed.

145 REP. STROBECK: The concept of someone underbidding in order to capture the business for a short term is a loss leader and then recapturing it later at a higher cost.

COUNSEL TWEEDT: Regardless of the list delineated, that could still be a concern.

MOTION: REP. ROBERTS moves ADOPTION of HB 2001-2 amendments.

162 CHAIR TIERNAN: Hearing no objection from ALL MEMBERS PRESENT, declares MOTION ADOPTED. REP. CLARNO is EXCUSED.

CHAIR TIERNAN: Asks Committee Counsel to explain the difference between HB 2001-2 and HB 2001-3 amendments.

165 COUNSEL TWEEDT: HB 2001-2 amendments require that a state agency not pay to park a vehicle owned or operated by that agency at a location within three miles of a motor pool lot that has a shuttle service.

169 REP. ROSS: That means an individual who had business with other state agencies around town would have to use the shuttle, go to the motor pool lot, pick up the car and drive to the state agency. In Salem there are many state agencies that are not located in the mall area (i.e., within walking distance). Many executives and supervisory personnel who consult with other businesses. Would that amendment preclude an agency designating people who, as part of their regular business, had to come and go?

COUNSEL TWEEDT: Believe so.

REP. ROSS: It would preclude that unless they use their personal car. Illustrates the problem.

184 COUNSEL TWEEDT: The reasoning is that if there weren't so many agency cars parked in those structures, there would be a place for the personal cars.

REP. ROSS: If an individual has a job where they must come and go, that individual would not be allowed to use a state car for that legitimate business?

COUNSEL TWEEDT: This doesn't restrict that at all. It just says the car will be out at the Motor Pool lot.

REP. ROSS: Provides an example. Comments "not sure that's efficient."

208 CHAIR TIERNAN: Acknowledges that Rep. Ross is correct that it does seem somewhat cumbersome. Opines that the intent of the bill was to not have state agency personnel using the cars and use up all of the parking spaces in a particular parking lot when there is another place to park (i.e., freeing up those spaces). Suggests insertion into the bill that "they can't be operated by a state agency in a state-owned parking lot." If the state individual wanted to park out on the street or they wanted to park where any private individual has a right to park, they could do that, but it would be prohibited to use a state car and park in a state-provided parking slot.

225 REP. ROSS: Explains intent to vote "no" if that is the status of the bill.

CHAIR TIERNAN: Intends to close the work session on HB 2001 and assigns Rep. Ross to contact the Speaker to work out some language.

REP. ROSS: Does not object to such an application for people who are at their work stations all day.

245 REP. STROBECK: Proposes in HB 2001-3 amendments adopted by the Committee to also insert on Page 2, Line 4, some language "that reflects the true annual cost of the contract" to address the issue raised about it not being a less than cost amount.

254 CHAIR TIERNAN: Closes work session on HB 2001.

CHAIR TIERNAN: Announces that HB 3217 is put over until Friday to allow Rep. Johnston and interested parties to attempt some agreement.

CHAIR TIERNAN: Opens work session on HB 3060.

HB 3060 - WORK SESSION

Witnesses: Rep. Michael Fahey (D - District 17)
Steve Doell (Lake Oswego)
Jerry Cooper, Legislative Chair of the Governor's Advisory Committee on

DUII:

278 GREG MOORE, Committee Counsel: Summarizes the bill and proposed HB 3060-4 amendments.

REP. ROBERTS: It doesn't have to be intentional, if a person uses a vehicle that results in murder?

303 COUNSEL MOORE: Explains the levels for murder.

REP. ROBERTS: If there is an accident and someone dies, that shouldn't necessarily mean incarceration for eight years.

310 REP. LEHMAN: There is no crime of murder that is without an intentional element of caused death. There are some manslaughter provisions that have negligence or gross negligence.

COUNSEL MOORE: Refers to Page 1, Line 13, and the language about murder, manslaughter, criminally negligent homicide or assault. Those types drop to eight years revocation. Felony assault results in a one year revocation. Failure to perform the duties of a driver at an accident is one year, but is five years if a death results.

322 REP. ROBERTS: Expresses concern, particularly if someone is involved in an accident and may be so shaken "they cannot think straight enough to perform . . . call the police . . . attempt to make certain the individual is comfortable and make sure you get an ambulance there." Some people would "totally freeze."

343 REP. MICHAEL FAHEY (D - District 17). Testifies in support:
> Introductory comments, including history of last session.
> Bottom line is that driving is a privilege?
> Reviews statistics between 1993 and 1994.
> Summary statement.

385 REP. ROBERTS: Refers to testimony by Rep. Fahey about accepting responsibility if it is hit and run. Do the HB 3060-4 amendments mention hit and run as a basis or evidence for determining guilt or responsibility?

409 COUNSEL MOORE: HB 3060-4 amendments do address the issue of failure to perform the duties of a driver at a scene of an accident.

REP. ROBERTS: Basically, is this about hit and run?

COUNSEL MOORE: Yes.

CHAIR TIERNAN: Asks Committee Counsel to describe the different offenses and penalty.

COUNSEL MOORE: Intentional homicide, Page 14 of HB 3060-4 amendments, results in the driver's license being permanently revoked (see Line 16).

CHAIR TIERNAN: It is like when a car is used to kill somebody (e.g., like a gun).

426 COUNSEL MOORE: Continues explanation of amendments:
> On Page 14, Line 20, an exception allows in 10 years after the license has been permanently revoked, the person can petition the Circuit Court for return of the license.

> On Page 1, Line 13, the language indicates "murder, manslaughter, criminally negligent homicide" results in revocation which at the top of Page 2 is eight years.

> On Page 2, Line 6, felony assault is one year revocation.

CHAIR TIERNAN: Is it correct that a felony assault is DUI?

TAPE 115, B

011 REP. LEHMAN: Felony assault could be an Assault 3 under the provisions for reckless disregard for human life.

COUNSEL MOORE: Failure to perform the duties of a driver at the scene of an accident is one year, except that if the person dies, it is five years.

STEVE DOELL (Lake Oswego) : Testifies in support of HB 3060.

> Wants a law that stops the return of a driver's license to someone who murders someone in an intentional manner.

> Explains history of last session and the changes made to a similar bill.

> Joins with Rep. Fahey in addressing the problem of a person who fails to perform the duties of a driver. This will address the problem of the drunken driver. Provides an example.

040 JERRY COOPER, Staff Attorney for the Board on Public Safety, Standards and Training (Monmouth). Testifies as Legislative Chair of the Governor's Advisory Committee on DUII:

> 99% of persons who commit manslaughter are drunk drivers who cause the accident and death.

> Assaults, whether Assault 4 which is a misdemeanor, or Felony Assault 3 and 2, are reckless driving by drunk drivers.

> Intent of the bill is particularly to people who are driving under the influence, kill or seriously injure other human beings.

> Notes that hit and run operators are trying to leave the scene, are usually drunk, suspended, uninsured, or wanted on a warrant and don't want to be identified or held accountable.

056 COUNSEL MOORE: On Page 1, Line 13 of the HB 3060-4 amendments, the reference to "any degree of murder, manslaughter, criminally negligent homicide" and such results in eight years?

MR. COOPER: Correct.

COUNSEL MOORE: Refers to the discussion on Page 14, Section 2, that the license is going to be permanently revoked for conviction of any degree of murder or manslaughter in the first degree and if the court finds the person intentionally used the motor vehicle as a dangerous weapon. Requests distinction between the two sections.

064 MR. COOPER: The person who again commits intentional murder would come under the 10-year rule. "If it is someone fleeing the scene of a robbery or a burglary and they accidentally cause an accident while in immediate flight from that felony, that's what we call 'felony murder', no intent required. Manslaughter 1 is reckless, extreme indifference to the value of

human life, but it also can be intentionally, while under the influence of an extreme emotional disturbance, in the heat of passion. That person would come under the 10 year rule, intentionally, but for an extreme emotional disturbance, reducing it to Manslaughter 1."

074 REP. LEHMAN: The concepts are all here, but the bill still needs to be cleaned up on the Senate side. Opines that it doesn't read or follow very well in terms of the sections.

077 MOTION: REP. LEHMAN moves ADOPTION of HB 3060-4 amendments

CHAIR TIERNAN: Hearing no objection from ALL MEMBERS PRESENT, declares MOTION ADOPTED. REPS. CLARNO, HAYDEN and JOHNSTON are EXCUSED.

MOTION: REP. LEHMAN moves HB 3060, as amended, to the Floor with a DO PASS recommendation.

082 REP. GRISHAM: Understands there are reasons the bill cannot be made retroactive; however, do those reasons apply to driving privileges other than for conviction of felonies?

MR. COOPER: There is an ex post facto problem, because it is a form of punishment (i.e., a collateral effect). There is the possibility that it could not be retroactively applied to someone who was not committing the crime on the effective date of the legislation.

REP. GRISHAM: It's a possibility, but is there also a possibility that it might be found to be valid? The objective is to see that the person no longer gets a driver's license even if the bill requires more specificity.

You don't believe that's possible?

MR. COOPER: Unsure.

CHAIR TIERNAN: Suggests working that aspect of the bill on the Senate side.

VOTE: In a roll call vote, REPS. GRISHAM, LEHMAN, MARKHAM, ROBERTS, ROSS, STARR, STROBECK, WYLIE and CHAIR TIERNAN vote AYE. REPS. CLARNO, HAYDEN and JOHNSTON are EXCUSED.

CHAIR TIERNAN: Declares MOTION PASSED. Carrier of the bill is REP. JERRY GRISHAM.

CHAIR TIERNAN: Closes work session on HB 3060 and opens work session on HB

2385.

HB 2385 - WORK SESSION

115 GREG MOORE, Committee Counsel: Provides an explanation of the bill, including the HB _2385-5 amendments. Submits HB 2385-5 Amendments (EXHIBIT K).

MOTION: REP. MARKHAM moves ADOPTION of HB 2385-5 amendments.

145 REP. STROBECK: What is the difference between the current language to be deleted of "any county, court or board of county commissioners may appoint a service officer, etc."? How does this change?

COUNSEL MOORE: Has not yet reviewed or compared the HB 2385-5 amendments.

155 REP. JOHNSTON: The tax was originally levied to protect the veterans of the Indian Wars and it is time to update it.

COUNSEL MOORE: Seeks clarification of Rep. Strobeck's questions. Was the question "Why go to a voluntary language in this bill? What does that change from existing law?"

REP. STROBECK: Yes. It seems that existing law was voluntary anyway except for the Indian Wars portion.

COUNSEL MOORE: Explains the existing law contained in two separate sections of the statutes.

REP. STROBECK: Do the HB 2385-5 amendments still allow the use of 1/80th of one percent property tax?

180 COUNSEL MOORE: The county isn't required to collect the tax or to appoint a Veterans' Service Officer.

MOTION: REP. ROSS also moves ADOPTION of HB 2385-5 amendments.

CHAIR TIERNAN: Hearing no objection from ALL MEMBERS PRESENT, declares the

MOTION ADOPTED. REPS. CLARNO and HAYDEN are EXCUSED.

189 MOTION: REP. MARKHAM moves HB 2385, as amended, to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, REPS. GRISHAM, JOHNSTON, LEHMAN, MARKHAM, ROBERTS, ROSS, STARR, STROBECK, WYLIE and CHAIR TIERNAN vote AYE. REPS. CLARNO and HAYDEN are EXCUSED.

CHAIR TIERNAN: Declares MOTION PASSED. Carriers of the bill are REPS. LONNIE ROBERTS and BARBARA ROSS.

CHAIR TIERNAN: Closes work session on HB 2385 and opens work session on HB

2477.

HB 2477 - WORK SESSION

214 GREG MOORE, Committee Counsel: Provides an explanation of the bill and the proposed HB 2477-1 amendments. The HB 2477-1 amendments are hereby made a part of these Minutes (EXHIBIT L).

CHAIR TIERNAN: This is one of the vehicles that could be used for resolution of the retiree issue regarding pension benefits. This bill is being maintained, including the proposed amendments.

CHAIR TIERNAN: Closes work session on HB 2477 and opens work session on HB

2761.

HB 2761 - WORK SESSION

Witnesses: Jim Carlson, Oregon Health Care Association and Oregon Association of Homes for the Aging
Ed Hughes, Coalition for Veterans Issues

262 GREG MOORE, Committee Counsel: Reviews the Preliminary Staff Measure Summary and the proposed HB 2761-1 amendments. The Preliminary Staff Measure Summary, including the proposed HB 2761-1 amendments, is hereby made a part of these Minutes (EXHIBIT M).

323 COUNSEL MOORE: Reviews proposed conceptual amendments:
> The Oregon Department of Veterans Affairs (ODVA) would provide no more than one full-time equivalent to provide state management oversight of the home.
> Requires operations and staffing of the home be performed by a private contractor.
> Requires that no non-veteran patients be allowed at the home; therefore, the conflict with private facilities wouldn't be as great.

338 REP. ROBERTS: That would be contingent on federal moneys and is safeguarded by what the Federal Government will contribute to. Non-veterans would not be allowed in the home.

345 COUNSEL MOORE: Continues review of proposed conceptual amendments:
> The fourth blank would require that no additional veteran's nursing homes be allowed in Oregon until the first two are completed and operations stabilized/studied.

REP. ROBERTS: Because the first home has yet to be built and operated, Oregon is still at the top of the list and is able to "cash in on" and let the Federal Government save the state some money.

CHAIR TIERNAN: Intends to amend the bill and move it to Friday. Explains the intent of the proposed HB 2761-1 amendments is to resolve some concerns by allowing the contracting out of this services, to provide the state oversight with one FTE, to only have patients in the veteran's home that are in fact veterans and that no additional nursing homes will be built until studies have been done.

377 REP. ROSS: Was there ever an opportunity for a real public hearing on this bill?

REP. STROBECK: This bill was assigned to the Subcommittee on Regulatory Reform. Provides history of the work done by the subcommittee.

CHAIR TIERNAN: Explains intent to adopt the amendments, hold the bill until Friday and allow people to provide brief testimony on the bill.

REP. STROBECK: Point of order. The bill is assigned to the Subcommittee on Regulatory Reform.

409 REP. GRISHAM: Speaks to his recollection about the hearing held on the bill.

TAPE 116, A

016 MOTION: CHAIR TIERNAN moves for unanimous consent to suspend the rules for the purpose of reassignment of HB 2761 from the Subcommittee on Regulatory Reform to the Full Committee.

CHAIR TIERNAN: Hearing no objection from ALL MEMBERS PRESENT, declares the MOTION PASSED. REP. CLARNO is EXCUSED.

MOTION: CHAIR TIERNAN moves to reassign HB 2761 from the Subcommittee on Regulatory Reform to the Full Committee.

CHAIR TIERNAN: Hearing no objection from ALL MEMBERS PRESENT, declares the MOTION PASSED. REP. CLARNO is EXCUSED.

023 JAMES A. CARLSON, represents the Oregon Health Care Association and the Oregon Association of Homes for the Aging: Testifies from prepared testimony in opposition to HB 2761. Submits (EXHIBIT N).
> Introductory comments.
> Discusses concern about the bill (i.e., there is not a need for one additional nursing facility bed to be added into the state).
> Objects to the concept that "because this is federal money to build this,

that it doesn't matter. This has absolutely no ramifications to the taxpayers in Oregon." Inefficient use of taxpayer resources, whether federal or state funds, is not what this legislature is all about.

FOR THE RECORD: Inalterably opposed to this bill and the proposed HB 2761-1 amendments unless there is an amendment to the bill that requires this veteran's home would be subject to all the applicable rules and regulations that the private sector must abide, including review through the certificate of need review process.

069 REP. JOHNSTON: Did you say you would be supportive if there is a requirement to undergo the same certificate of need process?

MR. CARLSON: If there is a certificate of need to put in an additional nursing home in Oregon, "more power to them." They should be subject to all the same rules and regulations.

REP. JOHNSTON: You would support it under those circumstances?

MR. CARLSON: Would not support it, but would withdraw opposition if they were subject to certificate of need review.

CHAIR TIERNAN: Comments about the confrontational aspect of this issue.

083 REP. ROSS: Sometimes it is important to vote your conscience. This is a time when Oregon has an opportunity to say "We don't need this big blob of federal money and we are going to support the idea of a balanced budget and of not stealing money from our children and our grandchildren by not investing in 'pork' in Oregon." Urges a true look at the motivation for voting about this bill and a test of ethics in terms of whether or not to

support it.

108 ED HUGHES, Coalition for Veterans Issues: The certificate of need program in Oregon is in trouble. There has been talk before this assembly about eliminating the program. The Nursing Home Association and the members have been unable for 10 years to build a new nursing home in this state; therefore, by their forcing the requirement of the certificate of need process that essentially "kills our effort."

120 MOTION: REP. MARKHAM moves ADOPTION of HB 2761-1 amendments.

CHAIR TIERNAN: Hearing no objection from ALL MEMBERS PRESENT, declares MOTION ADOPTED. REPS. CLARNO and STROBECK are EXCUSED. REP. WYLIE is ABSENT.

REP. STROBECK: Was there a request to draw up an amendment for consideration on Friday that would require the certificate of need process?

CHAIR TIERNAN: No.

REP. STROBECK: Requests Committee Counsel prepare such an amendment.

MOTION: REP. ROBERTS moves HB 2761 to the Floor with a DO PASS recommendation.

REP. ROBERTS: Withdraws motion.

CHAIR TIERNAN: Closes work session on HB 2761 and opens work session on HB 3284.

HB 3284 - WORK SESSION

151 ANNE TWEEDT, Committee Counsel: Reviews the Preliminary Staff Measure Summary. The Preliminary Staff Measure Summary is hereby made a part of these Minutes (EXHIBIT O).

REP. ROSS: Speaks in opposition to the bill.

168 REP. JOHNSTON: Opposes the bill. It unnecessarily fuels the flames of division in the state.

170 REP. LEHMAN: Concurs with the testimony in opposition.

REP. STROBECK: Discusses prior debate about the bill and perceptions about discrimination.

REP. JOHNSTON: Points out that when you couple the driver's license requirement with the existing SAVE program, this facilitates the movement toward a national identification system -- something everyone should oppose.

193 CHAIR TIERNAN: Comments about problems with providing false documentation or driver's licenses to people who do not have a legal right to be here (i.e., providing documentation and providing an encouragement to

drive which is a privilege in this State with perhaps a lack of demonstration of performing all the rights and responsibilities of a driver). Gives an example of a person using illegal drugs. Provides details about discussion with the Immigration and Naturalization Service.

210 MOTION: REP. MARKHAM moves HB 3294 to the Floor with a DO PASS recommendation.

REP. ROBERTS: Supports sending the bill out of the Committee, but does not intend to support the bill on the Floor of the House.

VOTE: In a roll call vote, REPS. GRISHAM, HAYDEN, MARKHAM, ROBERTS, STARR, STROBECK and CHAIR TIERNAN vote AYE. REPS. JOHNSTON, LEHMAN and ROSS vote NAY. REP. CLARNO is EXCUSED. REP. WYLIE is ABSENT.

CHAIR TIERNAN: Declares MOTION PASSED. Carrier of the bill is CHAIR BOB TIERNAN.

CHAIR TIERNAN: Closes work session on HB 3284 and opens work session on HB 2486.

[See Tape 117, A at 057 for suspension of rules]

HB 2486 - WORK SESSION

Witness: Rep. Peter Courtney (D - District 33)
Wayne Shuyler, Oregon State Marine Board
Joan Plank, Governmental Relations Section, Oregon Department of

Transportation

230 ANNE TWEEDT, Committee Counsel: Reviews the Preliminary Staff Measure Summary and proposed HB 2486-2 amendments. The Preliminary Staff Measure

Summary, including the proposed HB 2486-2 amendments, is hereby made a part of these Minutes (EXHIBIT P).

WAYNE SHUYLER, Assistant Director, Oregon State Marine Board. Submits prepared testimony in support of proposed HB 2486-2 amendments (EXHIBIT Q).

250 REP. PETER COURTNEY (D - District 33): Testifies in support of HB 2486.

Submits prepared testimony (EXHIBIT R:).

> Introductory comments about when a seaplane would be considered a vessel versus a plane.

> Refers to key language in proposed HB 2486-2 amendments, Page 1, Lines 5 and 6. "'In flight' means from the moment a seaplane starts its takeoff run until the end of a normal power-off landing run."

> Introduces Sue Hanna, Legislative Counsel, and comments about the work on exemptions with the Seaplane Association Pilots.

> References April 25, 1995, letter by Dave Wiley, Columbia Seaplane Pilots Association (see Exhibit S, Page 2).

281 CHAIR TIERNAN: What is the intent of the amendments?

REP. ROBERTS: References HB 2486-1 and HB 2486-2 amendments. Which amendment is being addressed?

REP. COURTNEY: HB 2486-2 amendments. The HB 2486-1 amendments are gone.

295 SUE HANNA, LEGISLATIVE COUNSEL: Testifies on HB 2486:

> Says the crux of the issue is when is a seaplane able to be regulated as a boat.

> Provides that the HB 2486-2 amendments resulted from working with Mr. Wiley.

> Gives definition of "boat" that allows regulation by the State Marine Board of seaplanes.

CHAIR TIERNAN: What is the meaning of "in flight"?

MS. HANNA: Reviews discussion with Dave Wiley. The term "in flight" means

"the moment a seaplane starts its takeoff run until the end of the normal power-off landing run." In other words, when the pilot is taxiing out and hasn't started the run.

CHAIR TIERNAN: When the seaplane is taxiing, then it would be considered, under this amendment, as a boat?

342 MS. HANNA: As long as it has finished its landing or has not yet started the taking off procedure.

CHAIR TIERNAN: Reviews right-of-way rights on the water. How would the Marine Board regulate where a plane could/could not taxi?

MS. HANNA: The analysis of right-of-way issues are the premise on which the collision regulations are based. Explains collision regulations.

CHAIR TIERNAN: Between a canoe and a seaplane, who would have the right-of-way?

MS. HANNA: Unsure.

392 REP. COURTNEY: It wouldn't apply now, because it is not a vessel or boat. There is no way to regulate that situation.

CHAIR TIERNAN: Continues discussion and inquiry about right-of-way.

450 CHAIR TIERNAN: Would this bill give authority to the Marine Board to say that "you couldn't land on the Willamette River?"

MS. HANNA: The current phraseology in the amendments provides a phase-in time when the Marine Board won't have any authority at all, but then when they do assume the authority after the date in the amendments, they will do

it in cooperation with ODOT -- there will be a joint procedure.

REP. COURTNEY: Reiterates that language was required in order to reach agreement.

TAPE 117, A

018 MS. HANNA: The agreement is the HB 2486-2 amendments on Page 4, Lines 10-12, and the date is on Page 1, Line 22.

027 CHAIR TIERNAN: Regardless of whether or not it is done in conjunction with/without the Marine Board or Aeronautics Division, will they have the ability to define a waterway as being off limits for seaplanes over and above what the Federal Government would say?

MS. HANNA: Yes.

CHAIR TIERNAN: Was that part of the discussion?

REP. COURTNEY: Yes, absolutely. Explains the considerations about the language.

048 MOTION: REP. ROBERTS moves ADOPTION of the HB 2486-2 amendments.

REP. HAYDEN: Requests to propose an amendment.

REP. ROBERTS: Withdraws motion.

REP. STROBECK: Point of order. The bill is currently assigned to the Subcommittee on Transportation.

057 MOTION: CHAIR TIERNAN moves for unanimous consent to suspend the rules for the purpose of reassignment of HB 2486 from the Subcommittee on Transportation to the Full Committee.

CHAIR TIERNAN: Hearing no objection from ALL MEMBERS PRESENT, declares the MOTION PASSED. REPS. CLARNO and MARKHAM are EXCUSED.

MOTION: CHAIR TIERNAN moves to reassign HB 2486 from the Subcommittee on Transportation to the Full Committee.

CHAIR TIERNAN: Hearing no objection from ALL MEMBERS PRESENT, declares the MOTION PASSED. REPS. CLARNO and MARKHAM are EXCUSED.

063 REP. HAYDEN:

>Proposes amendment to the original bill. On Page 1, Line 8, delete the bold type; on Page 2, Line 2, delete the word "not"; Line 3, delete the word "State Marine Board" and insert "Department of Aeronautics"; on Line 4

after "state." delete "This review shall be conducted in consultation with the Aeronautics Division of the Department of Transportation."; on Line 7 after "the" insert "Aeronautics"; on Line 10 after "The" delete "State Marine Board" and insert "Department of Aeronautics"; and on Line 23 after "the" delete "State Marine Board" and insert "State Department of Aeronautics".

> Notes that the original bill summary statement "Regulates the activities of aircraft on the waters of this state", not the activities of boats. The

bill purports to define aircrafts as boats, but the relating clause says "aircraft on the waters in this state."

> Purpose of the amendment is to be consistent with the relating clause and to put the control of these regulations under the State Department of Aeronautics.

> Opines FFA will agree with the proposed amendment. Reads excerpt from letter (see Subcommittee on Transportation Minutes dated April 4, 1995, Exhibit H).

> Prepared to see tightening of controls, identification of places where seaplanes can in fact takeoff, land and taxi. Opines that should be done under the administration of the FAA and the State Department of Aeronautics.

100 MOTION: REP. HAYDEN moves ADOPTION of above-stated amendments.

REP. JOHNSTON: Requests comments on the pre-emption issue.

107 MS. HANNA: Discusses the pre-emption issue. Comments that amendments can no longer refer to the Aeronautics Division, because they are no longer

a legal entity in the State. Reference can only be made to ODOT.

CHAIR TIERNAN: Why?

MS. HANNA: The Aeronautics Division is no longer a legal entity after action last session -- the statutory division was eliminated.

CHAIR TIERNAN: Inquires about the legal status of the Department of Aeronautics.

131 JOAN PLANK, Interim Manager, Governmental Relations Section, Oregon Department of Transportation. Testifies in support of HB 2486. Submits (EXHIBIT S). Explains the reference in the statute would need to be the Department of Transportation. There are statutory references that give the

aeronautics function and the Department of Transportation powers when they were called a division -- powers are intact, function is still there, but they have a new name.

REP. HAYDEN: Conceptually, then ODOT should be the reference in the statute.

143 REP. COURTNEY: Responds to Rep. Hayden's proposed amendments.

VOTE: In a roll call vote, REPS. HAYDEN, STROBECK and CHAIR TIERNAN vote AYE. REPS. GRISHAM, JOHNSTON, LEHMAN, ROBERTS, ROSS, STARR and WYLIE vote NAY. REPS. CLARNO and MARKHAM are EXCUSED

CHAIR TIERNAN: Declares MOTION FAILS.

205 MOTION: REP. ROBERTS moves ADOPTION of the HB 2486-2 amendments.

CHAIR TIERNAN: Hearing no objection from ALL MEMBERS PRESENT, declares MOTION ADOPTED. REPS. CLARNO and MARKHAM are EXCUSED.

MOTION: REP. GRISHAM moves HB 2486, as amended, to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, REPS. GRISHAM, HAYDEN, JOHNSTON, LEHMAN, ROBERTS, ROSS, STARR, STROBECK, WYLIE and CHAIR TIERNAN vote AYE. REPS. CLARNO and MARKHAM are EXCUSED.

CHAIR TIERNAN: Declares MOTION PASSED. Carrier of the bill is REP. PETER COURTNEY.

223 CHAIR TIERNAN: Declares a recess at 4:05 pm.

CHAIR TIERNAN: Reconvenes at 4:10 pm and opens work session on HB 2187.

HB 2187 - RECONSIDERATION

229 MOTION: CHAIR TIERNAN moves for unanimous consent to suspend the rules for the purpose of reconsideration of the vote on HB 2187.

CHAIR TIERNAN: Hearing no objection from ALL MEMBERS PRESENT, declares the MOTION PASSED. REPS. CLARNO, GRISHAM, HAYDEN and MARKHAM are EXCUSED.

MOTION: CHAIR TIERNAN moves for reconsideration of the vote on HB 2187 for the purpose of rescinding the referral to Ways and Means.

CHAIR TIERNAN: Hearing no objection from ALL MEMBERS PRESENT, declares the MOTION PASSED. REPS. CLARNO, GRISHAM, HAYDEN and MARKHAM are EXCUSED.

MOTION: REP. JOHNSTON moves HB 2187, as amended, to the Floor with a DO PASS recommendation and that the referral to the Committee on Ways and Means be rescinded.

VOTE: In a roll call vote, REPS. JOHNSTON, LEHMAN, ROBERTS, ROSS, STARR, STROBECK, WYLIE and CHAIR TIERNAN vote AYE. REPS. CLARNO, GRISHAM, HAYDEN and MARKHAM are EXCUSED.

245 CHAIR TIERNAN: Declares the MOTION PASSED. Carrier of the bill is REP._KEN STROBECK.

CHAIR TIERNAN: Closes work session on HB 2187 and opens work session on HB 3413.

HB 3413 == WORK SESSION

Witnesses: Kingsley W. Click, Judicial Department
Tom Wrosch, Office of the Secretary of State
Dieter Waiblinger, School of Languages, World Trade Center Portland
Beth Ann Baughman, Community Ambulance (Portland)
Ion Vladutu (Portland)
Costel Dragulin (Portland)
Ion Petru Voin (Portland)

GREG MOORE, Committee Counsel: Preliminary Staff Measure Summary is hereby made a part of these Minutes (EXHIBIT T).

KINGSLEY W. CLICK, Acting State Court Administrator, Judicial Department: Submits prepared testimony (EXHIBIT U).

TOM WROSCH, Legislation Coordinator, Office of the Secretary of State: Submits prepared testimony and proposed HB 3413 amendments (EXHIBIT V).

274 DIETER WAIBLINGER, Director, School of Languages, Word Trade Center Portland: Testifies from prepared testimony in support of HB 3413. Submits (EXHIBIT W).

286 BETH ANN BAUGHMAN, Community Ambulance (Portland): Testifies in support of HB _3413. Submits prepared testimony (EXHIBIT X).

ION VLADUTU (Portland): Testifies in support of HB 3413. Submits prepared testimony (EXHIBIT Y).

COSTEL DRAGULIN (Portland): Submits prepared testimony in support of HB 3413 (EXHIBIT Z).

ION PETRU VOIN (Portland): Submits prepared testimony in support of HB 3413 (EXHIBIT_AA).

323 REP. ROSS: How can this be done without costs?

CHAIR TIERNAN: There is a substantial legislative fiscal; therefore, the referral to Ways and Means.

MOTION: REP. ROBERTS moves HB 3413 to the Floor with a DO PASS recommendation and that it be referred to the Committee on Ways and Means in accordance with its prior referral.

VOTE: In a roll call vote, REPS. JOHNSTON, LEHMAN, ROBERTS, ROSS, STARR, STROBECK, WYLIE and CHAIR TIERNAN vote AYE. REP. GRISHAM votes NAY. REPS.

CLARNO, HAYDEN and MARKHAM are EXCUSED.

CHAIR TIERNAN: Declares MOTION PASSED.

354 CHAIR TIERNAN: Closes work session on HB 3413.

356 MOTION: REP. STARR moves for unanimous consent to suspend the rules to allow REP. ROSS to vote on HB 2476.

CHAIR TIERNAN: Hearing no objection from ALL MEMBERS PRESENT, declares the MOTION PASSED. REPS. CLARNO, HAYDEN and MARKHAM are EXCUSED.

CHAIR TIERNAN: Calls for Rep. Ross' vote on HB 2476.

367 REP. ROSS: Votes NAY.

CHAIR TIERNAN: Opens work session on HB 3285.

HB 3285 - WORK SESSION

373 CHAIR TIERNAN: Gives brief summary of the bill.

COUNSEL MOORE: Reviews committee work on the bill.

MOTION: CHAIR TIERNAN moves HB 3285 to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, REPS. ROBERTS, STARR, STROBECK, WYLIE and CHAIR

TIERNAN vote AYE. REPS. GRISHAM, JOHNSTON, LEHMAN and ROSS vote NAY. REPS. CLARNO, HAYDEN and MARKHAM are EXCUSED

CHAIR TIERNAN: Declares MOTION FAILED.

399 CHAIR TIERNAN: Closes work session on HB 3285 and opens work session on HB 3324.

HB 3324 - WORK SESSION

Witnesses: Daniel C. Robertson, Douglas County Museum of History and Natural History

Oregon Parks and Recreation Department
William R. Lewis, Benton County Historical Society & Museum
Jim Renner, Oregon Trail Coordinating Council
James L. Edmunson, Attorney (Eugene)

CHAIR TIERNAN: Gives brief summary of the bill.

409 REP. SHARON WYLIE (D - District 22): Testifies in support of HB 3324.

DANIEL C. ROBERTSON, Director, Douglas County Museum of History and Natural

History; Member, State Task Force on Oregon's Heritage; Member, Board of Directors, Oregon Museums Association; Co-Chair, American Association for State and Local History Membership Committee: Submits prepared testimony on HB 3324 (EXHIBIT BB).

OREGON PARKS AND RECREATION DEPARTMENT: Submits prepared testimony on HB _3324 (EXHIBIT CC).

WILLIAM R. LEWIS, Director, Benton County Historical Society & Museum; President, Oregon Museums Association; Oregon Representation, Western Museums Associations: Submits prepared testimony on HB 3324 (EXHIBIT DD).

JIM RENNER, Executive Director, Oregon Trail Coordinating Council: Submits prepared testimony on HB 3324 (EXHIBIT EE).

JAMES L. EDMUNSON, Attorney at Law (Eugene): Submits prepared testimony on HB _3324 (EXHIBIT FF).

MOTION: REP. ROBERTS moves HB 3324 to the Floor with a DO PASS recommendation and that it be referred to the Committee on Ways and Means.

TAPE 116, B

037 REP. GRISHAM: Explains intentions on the vote.

VOTE: In a roll call vote, REPS. GRISHAM, JOHNSTON, LEHMAN, ROBERTS, ROSS, STARR, STROBECK, WYLIE and CHAIR TIERNAN vote AYE.
REPS. CLARNO, HAYDEN and MARKHAM are EXCUSED.

055 CHAIR TIERNAN: Declares the MOTION PASSED.

CHAIR TIERNAN: Adjourns the meeting at 4:30 pm.

Submitted by, Reviewed by, Reviewed by,

Kay C. Shaw Gregory G. Moore Anne E. Tweedt
Committee Assistant Committee Counsel Committee Counsel

EXHIBIT SUMMARY:

A - Preliminary Staff Measure Summary on HB 2105 -- Staff -- 4 Pages
B - Proposed HB 2476-3 Amendments -- Staff -- 27 Pages
C - Preliminary Staff Measure Summary on HB 3217 -- Staff -- 17 Pages
D - Proposed HB 2902-3 and HB 2902-4 Amendments -- Staff -- 15 Pages
E - Prepared Testimony on HB 2902 -- Mary A. Dasch -- 2 Pages
F - Prepared Testimony on HB 2902 -- Jim Davis -- 2 Pages
G - Prepared Testimony on HB 2902 -- Blanca DeLeon Ruckert -- 4 Pages
H - Preliminary Staff Measure Summary on HJR 43, including Proposed HJR 43-5 and HJR _43-6 Amendments -- Staff -- 3 Pages
I - Preliminary Staff Measure Summary on HB 2001, including Proposed HB 2001-1, HB 2001-2 and HB 2001-3 Amendments -- Staff -- 7 Pages
J - Proposed HB 3060-4 Amendments -- Staff -- 20 Pages
K - Proposed HB 2385-5 Amendments -- Staff -- 1 Page
L - Proposed HB 2477-1 Amendments -- Staff -- 19 Pages
M - Preliminary Staff Measure Summary on HB 2761, including Proposed HB 2761-1 Amendments -- Staff -- 8 Pages
N - Prepared Testimony on HB 2761 -- James A. Carlson -- 3 Pages
O - Preliminary Staff Measure Summary on HB 3284 -- Staff -- 4 Pages
P - Preliminary Staff Measure Summary on HB 2486, including Proposed HB 2486-2 Amendments -- Staff -- 7 Pages
Q - Prepared Testimony on HB 2486 -- Wayne Shuyler -- 1 Page
R - Prepared Testimony on HB 2486 --Rep. Peter Courtney -- 2 Pages
S - Prepared Statement on HB 2486 -- Joan Plank -- 1 Page
T - Preliminary Staff Measure Summary on HB 3413 -- Staff -- 2 Pages
U - Prepared Testimony on HB 3413 -- Kingsley W. Click -- 2 Pages
V - Prepared Testimony on HB 3413 -- Tom Wrosch -- 5 Pages
W - Prepared Testimony on HB 3413 -- Dieter Waiblinger -- 2 Pages
X - Prepared Testimony on HB 3413 -- Beth Ann Baughman -- 3 Pages
Y - Prepared Testimony on HB 3413 -- Ion Vladutu -- 3 Pages
Z - Prepared Testimony on HB 3413 -- Costel Dragulin -- 2 Pages
AA - Prepared Testimony on HB 3413 -- Ion Petric Voin -- 2 Pages
BB - Prepared Testimony on HB 3324 -- Daniel C. Robertson -- 1 Page
CC - Prepared Testimony on HB 3324 -- Oregon Parks and Recreation Department -- 1 Page
DD - Prepared Testimony on HB 3324 -- William R. Lewis -- 1 Page
EE - Prepared Testimony on HB 3324 -- Jim Renner -- 3 Pages
FF - Prepared Testimony on HB 3324 -- James L. Edmunson -- 2 Pages