

HOUSE COMMITTEE ON  
LEGISLATIVE RULES

Hearing Room  
Tapes -120

MEMBERS PRESENT:

Rep. Ray Baum, Chair  
Rep. Lee Beyer, Vice-Chair  
Rep. Tony Corcoran  
Rep. Peter Courtney  
Rep. Lynn Lundquist  
Rep. Bill Markham  
Rep. Patti Milne  
Rep. Lonnie Roberts  
Rep. John Watt

STAFF PRESENT:

Aaron Felton, Committee Counsel  
Sarah Watson, Committee Assistant

MEASURES HEARD:

SB 771- Work Session  
SB 130- Public Hearing and Work Session  
SJR37- Work Session  
SB 1112- Public Hearing and Work Session  
SB 178- Work Session  
HB 3465- Public Hearing and Work Session  
SB 7- Work Session  
SB 843- Public Hearing and 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 , SIDE A

CHAIR BAUM: Calls the meeting to order at 1:43 p.m.

OPENS WORK SESSION ON SB 771

RECESSES WORK SESSION ON SB 771

OPENS PUBLIC HEARING ON SB 130

Witnesses: Roger Bassett, Office of the Governor  
Representative Carolyn Oakley, District  
Donald Bassist, Bassist College  
Marjorie Hunter, Concerned Citizen  
James Horner, ITT Technical Institute  
Robert Nosse, Oregon Student Lobby

045 ROGER BASSETT, Office of the Governor: Testifies and submits proposed amendments and written testimony in support of SB 130 (EXHIBIT A & B).

070 REP. BEYER: Is that part of the review that we authorized?

BASSETT: Not sure if it was specifically mentioned there, however it was specified in a budget note.

082 REP. MILNE: What is left in the Office of Educational Policy and Planning?

BASSETT: Explains what the office does and is in charge of. Discusses

amendments.

101 REP. MILNE: You are asking to make a major change, but you aren't sure of what all of these functions are?

BASSETT: I am sure of the function, but I am not sure of the list of the remaining schools that are affected by it.

REP. MILNE: By moving this, you are taking the higher education people and putting that authorization under K-12.

BASSETT: Yes, within the Department of Education.

REP. MILNE: Currently, I thought they were still under the OEPP.

BASSETT: There is a difference between private proprietary and private higher education schools.

129 REP. CAROLYN OAKLEY, DISTRICT 36: Testifies in support of SB 130.

130 REP. MILNE: Have there been any hearings to discuss this? This is a major policy decision change.

BASSETT: There were hearings on the original bill.

REP. MILNE: Was the -10 amendment discussed in the senate?

BASSETT: I don't know.

158 REP. MILNE: I am getting feedback that there were no hearings.

REP. BEYER: It appears that all we are doing is moving the office from the governor's office to the Education department.

BASSETT: It does not do more than that.

REP. BEYER: Can you elaborate on that.

BASSETT: There is a worry that the private institutions should not be reviewed by the same organization that is directly responsible for public education.

REP. BEYER: Where is that function now?

BASSETT: It is within the Office of Educational Planning and Policy.

REP. BEYER: Historically, it used to be part of the Governor's office.

BASSETT: I don't believe so.

REP. BEYER: So we would be moving it to be part of the educational structure.

CHAIR BAUM: What are the -Alls?

REP. OAKLEY: Basically the same amendments for SB 271.

CHAIR BAUM: What do these amendments do?

REP. OAKLEY: Discusses what the -11 amendments would do.

CHAIR BAUM: Do they conflict with the -10 amendments?

REP. OAKLEY: No.

REP. BEYER: Are the -All's consistent with the relating clause, they don't appear to be.

REP. OAKLEY: Legislative Counsel drafted these.

CHAIR BAUM: Never seen a relating clause this broad before.

REP. BEYER: Beyond the relating clause, it must be consistent with the content of the bill.

CHAIR BAUM: In addition to the relating clause issue, the substance of the bill. We dealt with that earlier. Discusses what the -11 amendments are.

230 REP. WATT: Would this prohibit the Oregon Student Lobby from continuing the efforts that they have?

REP. OAKLEY: This would give the students the right to choose the opportunity to get funds.

REP. WATT: Would this prohibit the OSL from functioning as they are today?

REP. OAKLEY: Not if they could raise money as everyone else.

REP. WATT: This restricts or could possible restrict their ability to raise funds.

REP. OAKLEY: Yes.

248 REP. LUNDQUIST: Are we referring to page 2, line 18?

REP. OAKLEY: It isn't an automatic check-off, the option is there for them.

REP. LUNDQUIST: Is that the section that we are looking at?

REP. OAKLEY: Yes.

REP. LUNDQUIST: What do you mean about how to obtain money?

REP. OAKLEY: This lets the students choose where to put the money.

274 DONALD BASSIST, BASSIST COLLEGE: Testifies in opposition to SB 130.

TAPE 119, SIDE A

009 MARJORIE HUNTER, SELF: Testifies in opposition to SB 130.

045 JAMES HORNER, ITT TECHNICAL INSTITUTE: Testifies in opposition to SB 130.

099 REP. BEYER: Are you saying that the movement of the office that oversees the private college is going to change the process into the education is a compromise of the private sector.

HORNER: It is a compromise of the private sector colleges. The amendment that was made now is totally contradictory to what we wanted. If we want to do away with OEPP, lets work together over the interim.

130 REP. MARKHAM: You have to get reauthorized every two years?

HORNER: Yes.

REP. MARKHAM: What about the community colleges and higher-ed. schools.

HORNER: They have all be exempt from that.

REP. MARKHAM: What is the rational of you going through that review?

Bassist: I don't know. We are reviewed thoroughly every five years. We get no state or federal money, discusses. The fact that there are private colleges in Oregon saves money.

159 CHAIR BAUM: They oppose any amendments for the fear that the -10 amendments would put them in the hands of the Department of Education. The governors office have asked us to move the -10 amendments.

176 REP. BEYER: The A engrossed seems to have one function. What would happen if we did not pass your amendment?

BASSETT: It would be to exempt a group of institutions from the program review process.

REP. BEYER: Is there anything wrong with that?

BASSETT: No.

REP. BEYER: What happens with the -10s. It would leave the function in the governor's office.

BASSETT: It is basically the status quo.

REP. BEYER: What are the negative aspects of that?

BASSETT: The effect of that is to bring this under the State Board of Education. Discusses why this bill was brought about and why it is needed.

Discusses how the amendments would effect the bill.

228 REP. ROBERTS: I'm not sure what the problem was with the OEPP?

Hunter: Explains why she is testifying on behalf of her daughter.

262 BASSETT: That whole function moves over.

REP. ROBERTS: That is the first time that someone told me that they are in support of OEPP.

CLOSES PUBLIC HEARING ON SB 130

OPENS WORK SESSION ON SB 130

MOTION: REP. BEYER: Moves that SB 130 be sent to the Floor with a DO PASS recommendation.

MOTION: REP. LUNDQUIST: Moves to ADOPT SB 130-11 amendments.

311 REP. BEYER: Questions the germaneness of the amendments.

ROBERT NOSSE, OREGON STUDENT LOBBY: Testifies in opposition to -11 amendments.

359 REP. WATT: Would you be barred from raising funds in a different manner and still exist.

NOSSE: Yes, we would still be able to exist, but the manner in which we exist would change.

REP. ROBERTS: How much money do you spend lobbying the legislature in one session?

NOSSE: Explains how the money is spent.

REP. ROBERTS: Just a rough figure.

NOSSE: Maybe \$30,000.

TAPE 118, SIDE B

012 CHAIR BAUM: The chair rules that this is germane.

REP. CORCORAN: It broadly relates to educational policy, there is no relationship between higher ed. and the rest of this bill.

REP. ROBERTS: If -11 passes through, the Governor will veto it.

CHAIR BAUM: I will look into that for sure.

047 REP. WATT: I will support the amendment with the idea that this student lobby will be able to continue to address this body in the same manner as before.

062 REP. LUNDQUIST: I agree with Rep. Watt.

VOTE: In a roll call vote, REPS. LUNDQUIST, MARKHAM, MILNE, ROBERTS, WATT and BAUM vote AYE. REPS. CORCORAN, COURTNEY and BEYER vote NAY. All members are present.

CHAIR BAUM: The amendment is ADOPTED.

MOTION: REP. COURTNEY: Moves to ADOPT SB 130-A10 amendments.

VOTE: REPS. CORCORAN, COURTNEY, ROBERTS and BEYER vote AYE. REPS. LUNDQUIST, MARKHAM, MILNE, WATT and BAUM vote NAY. All members are present.

CHAIR BAUM: The motion FAILS.

MOTION: REP. COURTNEY: Moves to TABLE SB 130.

VOTE: REPS. CORCORAN, COURTNEY, ROBERTS and BEYER vote AYE. REPS. LUNDQUIST, MARKHAM, MILNE, WATT and BAUM vote NAY. All members are present.

CHAIR BAUM: The motion FAILS.

MOTION: REP. BEYER: Moves to ADJOURN meeting.

VOTE: REPS. CORCORAN, COURTNEY, ROBERTS and BEYER vote AYE. REPS. LUNDQUIST, MARKHAM, MILNE, WATT and BAUM vote NAY. All members are present.

CHAIR BAUM: The motion FAILS.

VOTE: In a roll call vote, REPS. LUNDQUIST, MARKHAM, MILNE, WATT and BAUM vote AYE. REPS. CORCORAN, COURTNEY ROBERTS and BEYER vote NAY. The motion

CARRIES. All members are present.

REP. OAKLEY will lead discussion on the Floor.

REPS. BEYER and COURTNEY serve notice of a minority report.

MOTION: REP. COURTNEY: Moves to ADJOURN meeting.

VOTE: REPS. CORCORAN, COURTNEY, ROBERTS and BEYER vote AYE. REPS. LUNDQUIST, MARKHAM, MILNE, WATT and BAUM vote NAY. All members are present.

CHAIR BAUM: The motion FAILS.

CLOSES WORK SESSION ON HB 3465

OPENS WORK SESSION ON SJR37

Witnesses: Senator Gregory Walden, District 28

133 Senator Gregory Walden, District 28: Testifies in support of SJR37.

MOTION: REP. COURTNEY: Moves that SJR37 be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. The motion CARRIES. REPS. MILNE, ROBERTS and BEYER are EXCUSED.

REP. LUNDQUIST will lead discussion on the Floor.

CLOSES WORK SESSION ON SJR37

OPENS PUBLIC HEARING ON SB 1112

Witnesses: Senator Joan Dukes, District 1  
Dr. Paul Stull, Lower Columbia Hospice  
Rich Murito, Oregon Hospice Association  
Scott Gallant, Oregon Medical Association  
Ed Patterson, Association of Oregon Hospitals

Bruce Bishop, Kaiser Permanente

157 SEN. JOAN DUKES, DISTRICT 1: Testifies and submits written testimony in support of SB 1112.

192 REP. ROBERTS: Can I get an explanation of what we are working on.

DR. PAUL STULL, LOWER COLUMBIA HOSPICE: Testifies and submits written testimony in support of SB 1112. (EXHIBIT D & E )

213 REP. ROBERTS: Do you believe that Measure 16 woke up the medical profession to the fact that they are not taking care of pain?

STULL: Yes, absolutely. Continues with testimony.

255 REP. ROBERTS: There are ways at this time to prevent it?

STULL: 95 % of patients can have their pain controlled.

REP. ROBERTS: Do you have a curriculum designed?

STULL: The Academy of Hospice Physicians is developing core courses.

282 SEN. DUKES: Discusses the fee that is paid and how that money would be apportioned.

REP. ROBERTS: Who is going to be the instructor of these courses?

STULL: Will be a multidisciplinary style. The nurses have their own program for teaching.

313 RICH MURITO, OREGON HOSPICE ASSOCIATION: Testifies in support of SB 1112.

337 REP. ROBERTS: What about funding?

SEN. DUKES: The Speakers office has indicated the rescinding the referral to Ways and Means.

REP. MARKHAM: Wouldn't it be better to put it into the Oregon State School of Pharmacy.

SEN. DUKES: That is part of the bill. We believe in the quality of care, so this will have those who haven't been taught it yet, will receive it.

369 REP. MARKHAM: Does your bill speak to others who come in from states?

SEN. DUKES: Yes, it does.

REP. MARKHAM: I am not too excited about forcing it on the ones who are already licensed.

SEN. DUKES: We don't know how else to get it.

STULL: The Oregon School of Medicine has started the program there. There will be people unnecessarily suffering.

393 REP. MARKHAM: Do you have a governing board?

SEN. DUKES: The bill states who is under it. The bill takes care of who must take the courses.

REP. MARKHAM: Have you approached the OMA?

SEN. DUKES: Opposition is because it is a mandate.

TAPE 119, SIDE B

021 REP. MARKHAM: Does this come into the trial lawyers area to come after doctors.

SEN. DUKES: No. It states that before you can be relicensed, you must

take the course.

REP. COURTNEY: Why didn't you put it into the other bill?

SEN. DUKES: We were both too far along by the time we discovered the other.

040 SCOTT GALLANT, OREGON MEDICAL ASSOCIATION: Testifies and submits written testimony in opposition to SB 1112 (EXHIBIT F).

061 ED PATTERSON, OREGON ASSOCIATED HOSPITALS: Testifies in opposition to SB 1112. Discusses section 1, line 7.

086 BRUCE BISHOP, KAISER PERMANENTE: Testifies in opposition to SB 1112.

093 REP. WATT: Isn't this something that your association should be responsible for?

GALLANT: We are now directed to put together a voluntary program between the health division and other interested parties.

REP. MILNE: You are doing this anyway, correct.

Patterson: Yes.

REP. WATT: Is it required training?

bishop: It is optional.

GALLANT: Discusses testimony about a training program.

127 REP. LUNDQUIST: Was this testimony given on the Senate side?

GallaNt: I don't recall.

REP. LUNDQUIST: Would it be fair to say that if this bill is implemented it would not increase the quality of care, over that of your volunteer program.

GALLANT: Yes.

140 SEN. DUKES: There is no requirement that any institution in the state provide any of this training. The idea of voluntary education is wonderful. Responds to the OMA testimony.

163 REP. ROBERTS: My concern is that on their license they should have some sort of a mark. If not everyone has taken the training, those that have should be able to have some way to identify it without having to go back for records.

SEN. DUKES: Yes, there is.

186 REP. ROBERTS: I would go with a Do Pass recommendation. There are expectations when a patient goes to the doctor.

CLOSES PUBLIC HEARING ON SB 1112

OPENS WORK SESSION ON SB 1112

MOTION: REP. COURTNEY: Moves that SB 1112, be sent to the Committee on Ways and Means with a DO PASS recommendation.

VOTE: All members present vote AYE. The motion carries. REPS. MARKHAM and BEYER are EXCUSED.

CLOSES WORK SESSION ON SB 1112

OPENS WORK SESSION ON SB 178

Witnesses: Ted Reutlinger, Legislative Counsel  
Colleen Sealock, Secretary of State's Office  
David Moss, Associated Oregon Industries

254 TED REUTLINGER, LEGISLATIVE COUNSEL: Discusses the -9 amendments to SB

178. (EXHIBIT G)

264 Colleen Sealock, Secretary of State's Office: Testifies in support of SB 178 and the -9 amendments.

270 DAVID MOSS, ASSOCIATED OREGON INDUSTRIES: Testifies in clarification to SB 178 and the -9 amendments.

380 REP. CORCORAN: Asks about where the disclaimer language is in the bill.

REUTLINGER: It has been removed from this bill.

REP. CORCORAN: Which is that a disclaimer is that is required?

REUTLINGER: Correct.

CHAIR BAUM: There are some public policy issues that need to be discussed, explains. Where in the language is that technical change?

MOSS: Section 3 and 24 refer to the recording requirement for any contributor contributing \$25 or more.

CHAIR BAUM: So the change would have to be on lines 3 and 4.

TAPE 120, SIDE A

CHAIR BAUM: If you wanted to make changes.

017 REUTLINGER: There may be some other statutes in there that relate to other reports that need to be changed.

CHAIR BAUM: We could amend those to \$50.

MOSS: The bill changes two things, explains. You may want to set the state wide rate at \$100. You may just want to give direction that they return to the previous statute.

MOTION: REP. LUNDQUIST: Moves to ADOPT SB 178-A9 amendments.

REP. CORCORAN objects.

VOTE: CHAIR BAUM: Hearing no other objections, the amendments are ADOPTED.

060 MOSS: You have many choices available.

CHAIR BAUM: So, Measure 9 is a flat \$50. What is the Secretary of State's preference.

SEALOCK: We have none.

CHAIR BAUM: So we could do a flat \$50 and be in line with Measure 9.

MOTION: CHAIR BAUM: Moves to ADOPT \$50 as the flat fee rate.

VOTE: CHAIR BAUM: Hearing only one objection, the amendment is adopted.

MOSS: There is another area you may want to consider. The vote referral time.

CHAIR BAUM: What is the position of the Secretary of State's office?

SEALOCK: Explains the differences between each election date.

095 REP. BEYER: Suggests that it be referred as the original. What is the percentage difference between primary and general election turnout?

SEALOCK: That is usually a large difference.

CHAIR BAUM: Chair is concerned about November as being too soon.



118 REP. ROBERTS: There is a bill up for vote by mail, does that have an effect?

SEALOCK: It would increase the turnout.

REP. ROBERTS: I wouldn't support March because it jams up everything.

CHAIR BAUM: Remove Section 65.

MOTION: CHAIR BAUM: Moves to AMEND SB 178 through the deletion of Section 65.

VOTE: CHAIR BAUM: Hearing only one objection, the amendment is adopted.

MOTION: REP. WATT: Moves that SB 178, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, REPS. LUNDQUIST, MARKHAM, MILNE, WATT and BAUM vote AYE. REPS. CORCORAN, COURTNEY, ROBERTS and BEYER vote NAY.

CHAIR BAUM: The motion CARRIES.

REP. BAUM will lead discussion on the Floor.

CLOSES WORK SESSION ON SB 178

OPENS PUBLIC HEARING ON HB 3465

Witnesses: Joe Gilliam, National Federation of Independent Businesses  
Chris Davies, SAIF Corporation

183 JOE GILLIAM, NATIONAL FEDERATION OF Independent Businesses: Testifies and submits -4 proposed amendments to HB 3465 (EXHIBIT H).

195 CHRIS DAVIES, SAIF CORPORATION: Testifies in opposition of the -4 amendments. Suggests alternative conceptual amendment.

228 REP. CORCORAN: Have you had this discussion with Mr. Gilliam?

DAVIES: No.

Gilliam: We believe that you need an audit of both the fund and the expenses.

244 REP. WATT: Is it your intention to reamend the bill, or do you intend to leave it as it is here today?

Gilliam: It will stay as it is.

REP. WATT: You will not change it to go back to the original bill.

Gilliam: Given the opposition and time, it will stay the same.

266 DAVIES: This is an issue of expense, explains.

CLOSES PUBLIC HEARING ON HB 3465

OPENS WORK SESSION ON HB 3465

MOTION: REP. COURTNEY: Moves to ADOPT HB 3465-4 amendments.

VOTE: In a roll call vote, REPS. COURTNEY, MARKHAM, MILNE, ROBERTS, WATT, BEYER and BAUM vote AYE. REPS. CORCORAN and LUNDQUIST vote NAY. All members are present.

CHAIR BAUM: The amendments are ADOPTED.

VOTE: REP. COURTNEY, MILNE, WATT, BEYER and BAUM vote AYE. REPS. CORCORAN, LUNDQUIST, MARKHAM and ROBERTS vote NAY. All members are present.

CHAIR BAUM: The motion CARRIES.

REP. BAUM will lead discussion on the Floor.

CLOSES WORK SESSION ON HB 3465

OPENS WORK SESSION ON SB 771

JOHN GERVAIS, OREGON OSTEOPATHIC PHYSICIANS: Testifies in support of SB 771 and the proposed amendments (EXHIBITS I, J, & K)

MOTION: REP. ROBERTS: Moves to ADOPT SB 771-4 amendments.

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

MOTION: REP. BEYER: Moves to ADOPT SB 771-5 amendments.

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

MOTION: REP. BEYER: Moves that SB 771, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. The motion CARRIES. All members are present.

REP. CORCORAN will lead discussion on the Floor.

CLOSES WORK SESSION ON SB 771

OPENS PUBLIC HEARING AND WORK SESSION ON SB 7

MOTION: REP. BEYER: Moves that SB 7, be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. The motion CARRIES. All members are present.

REP. LUNDQUIST will lead discussion on the Floor.

CLOSES PUBLIC HEARING AND WORK SESSION ON SB 7

OPENS PUBLIC HEARING ON SB 843

Witnesses: John Gervais, National Electrical Contractors Association  
Vicki McLain, Building Codes Division

429 JOHN GERVAIS, NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION: Testifies in support of SB 843.

VICKI MCLAIN, BUILDING CODES DIVISION: Testifies in support of SB 843 (EXHIBIT L).

CLOSES PUBLIC HEARING ON SB 843

OPENS WORK SESSION ON SB 843

MOTION: REP. BEYER: Moves that SB 843, be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. The motion CARRIES. All members are present.

REP. BEYER will lead discussion on the Floor.

CLOSES WORK SESSION ON SB 843

CHAIR BAUM: Adjourns the hearing at 4:20 p.m.

EXHIBIT SUMMARY

A- Amendments to SB 130- Submitted by Roger Bassett- 23 pages  
B- Testimony on SB 130- Submitted by Roger Bassett- 1 page  
C- Amendments to SB 130- Submitted by Roger Bassett- 3 pages  
D- Testimony on SB 1112- Submitted by Paul Stull- 15 pages  
E- Testimony on SB 1112- Submitted by Paul Stull- 3 pages  
F- Testimony on SB 1112- Submitted by Scott Gallant- 2 pages

G- Amendments to SB 178- Submitted by Ted Reutlinger- 84 pages  
H- Amendments to HB 3465- Submitted by Joe Gilliam- 2 pages  
I- Testimony on SB 771- Submitted by John Gervais- 1 page  
J- Amendments to SB 771- Submitted by John Gervais- 1 page  
K- Amendments to SB 771- Submitted by John Gervais- 2 pages  
L- Testimony on SB 843- Submitted by Vicki McLain- 1 page