

HOUSE OF REPRESENTATIVES

THIRD READING ALERT

PROJECTED THIRD READINGS FOR TUESDAY, JUNE 21, 2011

HOUSE CONVENES AT 9:30 A.M.

BILL# COMM RECOMMENDATION Filed CARRIER

PROPOSITIONS AND MOTIONS:

Jules	Bailey	D		503-986-1442	rep.julesbailey@state.or.us
Jeff	Barker	D		503-986-1428	rep.jeffbarker@state.or.us
Phil	Barnhart	D		503-986-1411	rep.philbarnhart@state.or.us
Cliff	Bentz	R		503-986-1460	rep.philbarnhart@state.or.us
Vicki	Berger	R		503-986-1420	rep.vickiberger@state.or.us
E. Terry	Beyer	D		503-986-1412	rep.vickiberger@state.or.us
Deborah	Boone	D		503-986-1432	rep.deborahboone@state.or.us
Peter	Buckley	D		503-986-1405	rep.peterbuckley@state.or.us
Kevin	Cameron	R		503-986-1400	rep.kevincameron@state.or.us
Ben	Cannon	D		503-986-1446	rep.bencannon@state.or.us
Brian	Clem	D		503-986-1421	rep.brianclem@state.or.us
Jason	Conger	R		503-986-1454	rep.jasonconger@state.or.us
Jean	Cowan	D		503-986-1410	rep.jeancowan@state.or.us
Michael	Dembrow	D		503-986-1445	rep.michaeldembrow@state.or.us
Margaret	Doherty	D		503-986-1435	rep.margaretdoherty@state.or.us
Sal	Esquivel	R		503-986-1406	rep.salesquivel@state.or.us
Katie	Eyre Brewer	R		503-986-1429	rep.katieeyrebrewer@state.or.us

Lew	Frederick	D		503-986-1443	rep.lewfrederick@state.or.us
Tim	Freeman	R		503-986-1402	rep.timfreeman@state.or.us
Bill	Garrard	R		503-986-1456	rep.billgarrard@state.or.us
Chris	Garrett	D		503-986-1438	rep.chrisgarrett@state.or.us
Sara	Gelser	D		503-986-1416	rep.saragelser@state.or.us
Vic	Gilliam	R		503-986-1418	rep.vicgilliam@state.or.us
Mitch	Greenlick	D		503-986-1433	rep.mitchgreenlick@state.or.us
Bruce	Hanna	R		503-986-1200	rep.brucehanna@state.or.us
Chris	Harker	D		503-986-1434	rep.chrisharker@state.or.us
Wally	Hicks	R		503-986-1403	rep.wallyhicks@state.or.us
Paul	Holvey	D		503-986-1408	rep.paulholvey@state.or.us
Val	Hoyle	D		503-986-1414	rep.valhoyle@state.or.us
John	Huffman	R		503-986-1459	rep.johnhuffman@state.or.us
Dave	Hunt	D		503-986-1900	rep.davehunt@state.or.us
Bob	Jenson	R		503-986-1458	rep.bobjenson@state.or.us
Mark	Johnson	R		503-986-1452	rep.markjohnson@state.or.us
Bill	Kennemer	R		503-986-1439	rep.billkennemer@state.or.us
Betty	Komp	D		503-986-1422	rep.bettykomp@state.or.us
Tina	Kotek	D		503-986-1444	rep.tinakotek@state.or.us
Wayne	Krieger	R		503-986-1401	rep.waynekrieger@state.or.us
Shawn	Lindsay	D		503-986-1430	rep.shawnlindsay@state.or.us
Greg	Matthews	D		503-986-1450	rep.gregmatthews@state.or.us
Mike	McLane	R		503-986-1455	rep.mikemclane@state.or.us
Nancy	Nathanson	D		503-986-	rep.nancynathanson@state.or.us

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Mary	Nolan	D		503-986-1436	rep.marynolan@state.or.us
Andy	Olson	R		503-986-1415	rep.andyolson@state.or.us
Julie	Parrish	R		503-986-1437	rep.julieparrish@state.or.us
Tobias	Read	D		503-986-1427	rep.tobiasread@state.or.us
Dennis	Richardson	R		503-986-1404	rep.dennisrichardson@state.or.us
Arnie	Roblan	D		503-986-1300	rep.arnieroblan@state.or.us
Mike	Schaufler	D		503-986-1448	rep.mikeschaufler@state.or.us
Patrick	Sheehan	R		503-986-1451	rep.patricksheehan@state.or.us
Greg	Smith	R		503-986-1457	rep.gregsmith@state.or.us
Jefferson	Smith	D		503-986-1447	rep.jeffersonsmith@state.or.us
Sherrie	Sprenger	R		503-986-1417	rep.sherriesprenger@state.or.us
Kim	Thatcher	R		503-986-1425	rep.kimthatcher@state.or.us
Jim	Thompson	R		503-986-1423	rep.jimthompson@state.or.us
Carolyn	Tomei	D		503-986-1441	rep.carolyntomei@state.or.us
Matt	Wand	R		503-986-1449	rep.mattwand@state.or.us
Jim	Weidner	R		503-986-1424	rep.jimweidner@state.or.us
Gene	Whisnant	R		503-986-1453	rep.genewhisnant@state.or.us
Matt	Wingard	R		503-986-1426	rep.mattwingard@state.or.us
Brad	Witt	D		503-986-1431	rep.bradwitt@state.or.us

(Possible Reconsideration)

HB 2301 A-Eng WM failed 29 to 31 06/20/11 J. Smith, Cameron, Clem

Modifies the provisions related to virtual charter schools, board structure, instructional hours, and enrollment requirements. The measure requires that students receive approval from their resident school district to enroll in a virtual charter school that is not sponsored by the district if more than 3% of the resident students are already enrolled. If the school district does not provide approval, the student may appeal the decision to the State Board of Education, who must issue a decision within 30 days of submission of the appeal. (Committee Vote: Ayes, 12 – Cowan, Freeman, Garrard, Komp, Kotek, McLane, Nathanson, G. Smith, Thatcher, Whisnant, Buckley, Richardson,; Nays, 2 – Beyer, Nolan)

Please note: Has Fiscal Impact Statement

(Possible Consideration of Senate Amendments)

HB 2244 B-Eng GGCP 06/13/11 Holvey/Whisnant

Amends definition of “public record” in ORS 192.005 to include information that meets the following criteria: prepared, owned, used or retained by a state agency or political subdivision; relates to an activity, transaction or function of a state agency or political subdivision; and is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the state agency or political subdivision. Clarifies that “public record” does not include records of the Judicial Department, its officers or subdivisions, or spoken communication that is not recorded. **Requires state agencies to have a written policy that sets forth the agency’s use, retention and ownership of public records and to submit the written policy to the State Archivist for approval before the policy takes effect. Allows each agency to come up with their own policies.** Requires state agencies to maintain a public record without regard to the technology or medium used to create or communicate the record. Exempts from disclosure records of domestic violence service or resource center that concern individuals affected by domestic or sexual violence who visit center for referrals, resource information or related services, or individuals’ family members. Declares emergency, effective on passage Senate amendments replace the A-engrossed measure. (Senate vote: 27-0)

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Note:

Allows each state agency to have its own public records policy.

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Please note: Has minimal fiscal impact, no statement issued.

HB 3204 A-Eng JUD CONCUR 06/17/11 Krieger

Requires reporting by a sex offender convicted or adjudicated in Oregon court who does not reside in Oregon, within specified time of beginning or changing school attendance or employment in Oregon. Declares emergency, effective on passage. Senate amendments replace the measure. Adds contingent conflict amendments. (Senate vote: 30-0)

HB 3323 A-Eng JUD 06/17/11 Barker/Krieger

Repeals ORS 167.045, furnishing sexually explicit material to a minor, and repeals most of ORS 167.057, the luring of minors, with the exception of the inducing provision (ORS 167.057(1)(b)(B) because the United States Court of Appeals for the 9th Circuit found these provisions unconstitutional. See Powell's Books Inc. v. Kroger, 622 F.3d 1202 (2010). Senate amendments replace the measure. (Senate vote: Ayes, 28; Nays, 2 – Boquist, Girod)

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Note:

This bill is designed to remove some current laws after Powell's books and a grandmother filed suit because of the first amendment as there are some laws that do not allow individuals to show sexually explicit materials to people under the age of 18 and separate rules for those under 13. These provisions were put in place to make it harder for adults who prey on children and to start the grooming process and get children used to seeing sexually explicit materials and hearing about sexually explicit things. I'm not sure the senate provisions I have seen cover these

FROM THE OPINION OF THE 9TH CIRCUIT COURT OF APPEALS regarding the lawsuit behind this bill:
"OPINION

McKEOWN, Circuit Judge: We consider here the constitutionality of a pair of Oregon statutes intended to stop child sexual abuse in its early stages. The statutes broadly take aim at practices of "luring" and "grooming" that expose minors to sexually explicit materials

in the hopes of lowering their inhibitions against engaging in

sexual conduct. The "furnishing" statute, Oregon Revised

Statutes § 167.054 ("section 054"), criminalizes providing

children under the age of thirteen with sexually explicit material.

The "luring" statute, § 167.057 ("section 057"), criminalizes

providing minors under the age of eighteen with visual,

verbal, or narrative descriptions of sexual conduct for the purpose of sexually arousing the minor or the furnisher, or inducing the minor to engage in sexual conduct.

Appellants, a broad cross-section of booksellers; non-profit literary, legal, and health organizations; and a concerned grandmother (together, "Powell's Books"), argue that these statutes violate the First Amendment. In particular, Powell's Books claims, among other things, that the statutes are facially overbroad and criminalize a substantial amount of constitutionally protected speech. We agree

HJR 7 C-Eng GGCP CONCUR 06/21/11 Cowan

Proposes amendment of Oregon constitution to provide for government action in event of catastrophic disaster. **Grants governor temporary authority to redirect general fund and lottery monies for thirty days following declaration of disaster, unless legislature extends or passes law specifying use of funds. Permits extension of time limit with approval of three-fifths of each chamber able to attend and requires bill establishing termination date.** Permits legislative operation in location other than Capitol and with quorum of two-thirds of members able to attend, rather than two-thirds of total members. Permits legislator attendance via electronic means. Restricts governor to one-time invocation per catastrophic disaster. Refers proposed amendment for vote in special election on same date as next general election. Senate amendments limit governor's authority to redirect general fund appropriations and lottery allocations to thirty days after declaration of disaster, unless legislature extends, or passes law specifying use of funds, whichever is sooner. (Senate vote: 30-0)

Please note: Has Fiscal Impact Statement

SPECIAL ORDERS OF BUSINESS

HB 3362 B-Eng WM w/o rec w/a PE 06/20/11 Dembrow

Bill has about 50 sponsors

Allows a sponsor and a public charter school to enter into a cooperative agreement with other school districts for the purpose of forming a partnership to provide educational services. The measure allows

for a public charter school to provide admission priority to students that reside in a school district that is a sponsor or is a party to the cooperative agreement. (Committee vote: 14-0)

Please note: Has Budget Report.

HB 3417 A-Eng WM w/o rec w/a PE 06/20/11 Hunt

Specifies requirements of financial management systems for public charter schools. Requires district extended weighted average daily membership (ADMw) to be calculated separately for students in public charter schools and students in district schools. Removes requirement that school districts transfer a portion of ADMw to school districts of students who are not residents. (Committee Vote: 14-0)

Please note: Has Revenue Impact Statement

HB 3474 B-Eng WM w/o rec w/a PE 06/20/11 Komp

Bill does several things to improve preparation of teachers and administrators. (Committee vote: 14-0)

Please note: Has Budget Report.

HB 3645 A-Eng WM w/o rec w/a PE 06/20/11 Parrish

Allows for community colleges, public institutions of higher education within the Oregon University System or the Oregon Health and Sciences University to sponsor a public charter school. The measure provides that public charter schools must initially apply to the school district in which the school is located and may apply with the State Board of Education or an institution of higher education for sponsorship. The measure outlines the sponsorship requirements of a higher education institution and provides a similar funding mechanism as current school district sponsorship of charter schools. (Committee Vote: Ayes, 13 – Beyer, Cowan, Freeman, Garrard, Komp, Kotek, McLane, Nathanson, G. Smith, Thatcher, Whisnant, Buckley, Richardson; Nays, 1 – Nolan)\

Please note: Has Fiscal Impact Statement

HB 3681 A-Eng WM w/o rec w/a PE 06/20/11 Johnson

Allows students to attend school in districts of which they are not legal residents with the written consent of the district in which the school is located. (Committee Vote: Ayes, 12 – Cowan, Freeman,

Garrard, Komp, Kotek, McLane, Nathanson, G. Smith, Thatcher, Whisnant, Buckley, Richardson; Nays, 2
– Beyer, Nolan)

Please note: Has minimal fiscal impact, no statement issued.

SB 248 Extends applicability of law that requires school districts to offer half-day kindergarten and allows school districts and public charter schools to offer supplemental kindergarten.

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Note:

From bill summary: “Requires school districts to offer full-day kindergarten, beginning with 2015-2016 school year.” The summary also says “The fiscal impact is indeterminate. The measure requires school districts to offer full-day kindergarten, but the manner in which those services will be offered can and may be unique district by district.the potential for a gap in resources versus the necessary expenditures to deliver services will be unknown.”

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(Committee Vote: Ayes, 14 -0)

Please note: Has Fiscal Impact Statement

Please note: Has Revenue Impact Statement

HB 5055 A-Eng WM w/o rec w/a PE 06/20/11 Richardson, Buckley

Directs the transfer of \$178,664,000 from the ESF in two phases and postpones the \$100 million transfer previously authorized in Senate Bill 5553 (2011). On passage of the measure, the State Treasurer will transfer \$96,425,000 to the State School Fund (SSF) for the 2009-11 biennium. On June 1, 2012, rather than October 1, 2011, \$100 million will be transferred to the SSF, and finally, on May 1, 2013, \$82,239,000 would transfer to the SSF. Transfers from the ESF allow for the redistribution of General Fund resources to other services, eliminates the projected 2009-11 General Fund deficit, and provides an estimated \$18.2 million ending balance for the 2009-11 biennium. (Committee vote: 14-0)

Please note: Has Budget Report.

SB 253 A-Eng WM w/o rec 06/20/11 Dembrow

Revises mission of higher education to meet numerical goals for adult Oregonians. Repeals existing legislative intent and declaration of public purpose for higher education. (Committee Vote: 14-0)

Please note: Has Fiscal Impact Statement

SB 552 A-Eng WM w/o rec 06/20/11 Komp

Designates Governor as Superintendent of Public Instruction upon the expiration of term of the currently-elected Superintendent of Public Instruction or if a vacancy occurs. Requires Governor to appoint Deputy Superintendent of Public Instruction. Specifies qualifications of Deputy Superintendent. Declares emergency, effective on passage. (Committee Vote: Ayes, 13 – Beyer, Cowan, Freeman, Garrard, Komp, Kotek, McLane, Nathanson, G. Smith, Thatcher, Whisnant, Buckley, Richardson; Nays, 1 – Nolan)\

Please note: Has Fiscal Impact Statement

HOUSE BILLS:

(Carried over from Monday, June 20, 2011 Calendar)

HB 5030 A-Eng WM dpa PE 06/10/11 Kotek

Budget: Department of Human Services (Committee vote: Ayes, 13 – Beyer, Cowan, Freeman, Garrard, Komp, Kotek, McLane, Nathanson, G. Smith, Thatcher, Whisnant, Buckley, Richardson; Nays, 1 – Nolan)

Please note: Has Budget Report.

FINAL READING, MEMORIALS AND RESOLUTIONS:

HCR 43 A RULES 06/17/11 Doherty, Witt

Honors Philip Lang for his dedication to public service. (Committee Vote: 6 - 0 - 2)

SENATE BILLS:

(Carried over from Monday, June 20, 2011 Calendar)

SB 829 A-Eng RULES dp 06/15/11 Holvey

Increases maximum annual production to 150,000 gallons for winery to be established as outright permitted use on exclusive farm use (EFU) land when grapes produced on at least 40 contiguous acres. Requires winery to provide on-site parking. Requires setback of at least 100 feet for winery and all public gathering places. Adds authorization for winery to be established as outright permitted use on EFU lands, or any area zoned for agricultural use on a parcel of land at least 80 contiguous acres if at least 50 acres of parcel have vineyards planted at least five years before winery is qualified to operate; owner owns at least 80 additional acres in Oregon of contiguous planted vineyards; and winery has produced at least 150,000 gallons of wine in at least three of last five years before qualifying. Authorizes winery established under Act to sell wines produced by the winery; items directly related to sale and promotion

of wine produced by the winery; and services related to sale and promotion of wine including catered dinners, weddings, charitable or political events and other private events. Authorizes winery established under Act to operate full service restaurant. Authorizes local government to approve sale or delivery of other items or services. Prohibits person from having substantial ownership interest in more than one winery operating a full service restaurant. Requires local government to adopt findings on standards to limit conflicts with accepted farming or forest practices on adjacent lands, limited to establishment of setback of at least 100 foot from all property lines for winery and all public gathering places and provisions for direct road access, internal circulation and parking. Requires winery to provide on-site parking. Declares emergency, effective upon passage. (Committee Vote: 7 - 0 - 1)

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Note:

We need to get the government out of so much land use regulation and allow the private sector to create jobs and industry for the state of Oregon.

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Please note: Has minimal fiscal impact, no statement issued.

Please note: Has Revenue Impact Statement

SB 5520 A-Eng WM dp 06/16/11 Brewer

Budget: Legislative Agencies (Committee vote: Ayes, 12 – Beyer, Cowan, Freeman, Garrard, Kotek, McLane, Nathanson, G. Smith, Thatcher, Whisnant, Buckley, Richardson; Nays, 1- Komp)

Please note: Has Budget Report.

SB 5528 A-Eng WM dp 06/16/11 Huffman

Budget: Oregon Business Development Department (Committee vote: Ayes, 12 – Beyer, Cowan, Freeman, Garrard, Komp, Kotek, McLane, Nathanson, G. Smith, Whisnant, Buckley, Richardson; Nays, 1 – Thatcher)

Please note: Has Budget Report.

SB 5529 A-Eng WM dp 06/16/11 Freeman

Budget: Oregon Health Authority (Committee vote: Ayes, 12 – Beyer, Cowan, Freeman, Garrard, Komp, Kotek, McLane, Nathanson, G. Smith, Whisnant, Buckley, Richardson; Nays, 1 – Thatcher)

Please note: Has Budget Report.

SB 5530 WM dp 06/16/11 Kotek

Ratifies fee changes adopted administratively by the Oregon Health Authority and approved by the Department of Administrative Services during the 2009-11 interim. **Fees were established or adjusted for the Emergency Medical Services program, the Medical Marijuana program, the Lead Based Paint program, the Radiation Protection program, and the Drinking Water program. The fee changes are expected to generate a total of \$506,097 in new revenue during the 2011-13 biennium.** (Committee Vote: Ayes, 11 – Beyer, Cowan, Freeman, Komp, Kotek, McLane, Nathanson, G. Smith, Whisnant, Buckley, Richardson; Nays, 2 – Garrard, Thatcher)

Please note: Has Fiscal Impact Statement

SB 5532 A-Eng WM dp 06/16/11 Sprenger

Budget: Oregon University System (Committee vote: Ayes, 13 – Beyer, Cowan, Freeman, Garrard, Komp, Kotek, McLane, Nathanson, G. Smith, Thatcher, Whisnant, Buckley, Richardson)

Please note: Has Budget Report.

SB 5549 A-Eng WM dp 06/16/11 Nolan

Budget: Oregon Youth Authority (Committee vote: Ayes, 13 – Beyer, Cowan, Freeman, Garrard, Komp, Kotek, McLane, Nathanson, G. Smith, Thatcher, Whisnant, Buckley, Richardson)

Please note: Has Budget Report.

SB 5550 A-Eng WM dp 06/16/11 Kotek

Budget: State Commission on Children and Families (Committee vote: Ayes, 12 – Beyer, Cowan, Garrard, Komp, Kotek, McLane, Nathanson, G. Smith, Thatcher, Whisnant, Buckley, Richardson; Nays, 1 – Freeman)

Please note: Has Budget Report.

SENATE BILLS:

SB 372 A-Eng REV dp 06/17/11 Cowan

Removes ambulance services from the list of fee schedules used to calculate provider charges for personal injury protection benefits. Declares an emergency and takes effect on September 1, 2011. (Committee Vote: 5-0-3)

SENATE BILLS:

(Requires Rule Suspension)

SB 250 C-Eng WM w/o rec 06/20/11 Komp

Allows certain school districts of an education service district to withdraw from the education service district. Requires the education service district to distribute to school districts that withdraw, the school district's prorated amount of specified funds available to the education service district. The measure reduces the amount of distribution to ESD's in 2011-12 and again in 2012-13. Clarifies the scope of prorated funds to be distributed to a school district upon its withdrawal from an education service district. Directs that a withdrawing school district receive 90 percent of the district's prorated share of specified funds available to an education service district. Excludes, from the pool of funds to be distributed to withdrawing school districts, funds that an education service district receives for energy audit purpose. (Committee vote: Ayes, 13 - Beyer, Buckley, Cowan, Freeman, Garrard, Komp, Kotek, McLane, Nathanson, Richardson, G. Smith, Thatcher, Whisnant; Nays, 1 – Nolan)

Please note: Has Fiscal Impact Statement

Please note: Has Revenue Impact Statement

SB 252 B-Eng WM w/o rec 06/20/11 Komp

Establishes the School District Collaboration Grant Program, administered by the Department of Education (ODE), to provide funding for school districts to improve student achievement. Allows voluntary collaboration of teachers and administrators to design and implement new approaches to evaluation, professional development, compensation and career paths. Establishes and provides funding for School District Collaboration Grant Account in the State Treasury, separate and distinct from the General Fund. Continuously appropriates moneys in the account to ODE. Declares emergency, effective July 1, 2011. Adds "professional development" to approaches. Deletes request for Education Service District (ESD) funding. Modifies the grant distribution method for each school district based on ADMw, total school districts receiving a grant, and available funds for distribution. Clarifies that the grant

distribution process mirrors the School Improvement Fund (SIF) for purposes of equity and availability
(Committee vote: 14-0)

SB 453 B-Eng WM w/o rec 06/20/11 Hanna

Allows a small elementary school to qualify as a remote small elementary school for additional student weights in the State School Fund distribution formula if the school is not within eight miles of another elementary school in the same school district. Allows a small elementary school to qualify as a remote small elementary school if the location of the school has not changed since January 1, 1995, and if the school is a remote small school on the effective date of this bill. Directs the State School Fund distribution to reflect the changes in weights starting with the 2011-12 distribution. Declares an emergency and takes effect on July 1, 2011. (Committee vote: 14-0)

Please note: Has minimal fiscal impact, no statement issued.

Please note: Has Revenue Impact Statement

SB 909 B-Eng WM w/o rec 06/20/11 Komp

Establishes the Oregon Education Investment Board (OEIB) to oversee a unified public education system. Defines OEIB membership, governance and duties. Establishes Early Learning Council (ELC) and ELC purposes. Establishes Oregon Education Investment Fund in the State Treasury. Requires ELC to conduct analysis of plans to merge, redesign or improve coordination of early childhood services and to align childhood services with child-centered outcomes. Requires ELC to submit information gathered to OEIB for its report to the interim legislative committees on education before December 15, 2011. Allows OEIB to file proposed legislative measures to carry out duties, merge or redesign state programs and services. Directs OEIB to provide, modify and maintain integrated, statewide student-based data system before June 30, 2012. Declares emergency, effective on passage. (Committee vote: 14-0)

Please note: Has Fiscal Impact Statement