

**Monday, January 13, 2003 – Morning Session**

House was called to order at 8:30 a.m. by Mr. Bob Jensen. The roll was called by Mr. Billy Dalto. All present.

Posting of the Colors by the Oregon State Police Honor Guard.

Opening Ceremony presented by Marian Morton, Portland.

Invocation by Reverend Dick Iverson, City Bible Church, Portland; President of Ministers, Fellowship International.

Mr. Alan Brown moved the House proceed to organize by electing a Temporary Speaker. Motion carried on viva voce vote.

Mr. Jeff Merkley nominated Mr. Lane Shetterly as Temporary Speaker.

Mr. Bill Garrard moved the nominations be closed and Mr. Lane Shetterly be elected Temporary Speaker by acclamation.

Motion carried and Mr. Lane Shetterly was declared Temporary Speaker.

Temporary Speaker in Chair.

Ms. Patti Smith moved that a three member Committee on Credentials be appointed. Motion carried on viva voce vote. Mr. Jeff Kruse, Chair; Ms. Betsy Close and Ms. Elaine Hopson appointed.

Mr. Jerry Krummel moved that a three member Committee on Permanent Organization and Order of Business be appointed. Motion carried on viva voce vote. Mr. Vic Backlund, Chair; Mr. Phil Barnhart and Ms. Susan Morgan appointed.

House stood at ease.

House called to order.

Mr. Jeff Kruse read the following report by the Committee on Credentials.

**REPORT BY COMMITTEE ON CREDENTIALS**

We, your Committee on Credentials, recommend that the following members are entitled to seats in the House of Representatives for the Seventy-second Legislative Assembly of the State of Oregon:

Robert Ackerman	Gordon Anderson
Brad Avakian	Vic Backlund
Jeff Barker	Phil Barnhart
Alan C. Bates	Vicki Berger
Elizabeth (Terry) Beyer	Alan Brown
R. Thomas (Tom) Butler	Betsy L. Close
Billy Dalto	Jackie Dingfelder
Dan Doyle	Pat Farr
Linda Flores	Mary Gallegos
Bill Garrard	George Gilman

Mitch Greenlick	Gary D. Hansen
Mark Hass	Elaine M. Hopson
Dave Hunt	Bob Jensen
Elizabeth (Betsy) Johnson	Deborah Kafoury
Derrick Kitts	Tim Knopp
Wayne Krieger	Jeff Kropf
Jerry Krummel	Jeff Kruse
John Mabrey	Greg Macpherson
Steve March	Jeff Merkley
Randy Miller	Karen Minnis
Laurie Monnes Anderson	Susan Morgan
Donna G. Nelson	Mary Nolan
Rob Patridge	Floyd Prozanski
Dennis Richardson	Diane Rosenbaum
Mike Schaufler	Wayne Scott
Lane Shetterly	Greg Smith
Patti Smith	Tootie Smith
Carolyn Tomei	Joanne Verger
Ben Westlund	Max Williams
Kelley Wirth	Cliff Zauner

Mr. Jeff Kruse, Chair  
Ms. Betsy Close  
Ms. Elaine Hopson

Mr. Jeff Kruse moved adoption of the report by the Committee on Credentials. Motion carried on viva voce vote. Report adopted.

Mr. Wayne Krieger moved that a committee be appointed to escort the Honorable Wallace P. Carson, Jr., Chief Justice of the Supreme Court, to the rostrum. Motion carried on viva voce vote. Mr. Greg Smith, Ms. Joanne Verger and Mr. Steve March appointed.

Oaths of office administered to members by the Honorable Wallace P. Carson, Jr., Chief Justice of the Supreme Court.

Backlund read the following report by the Committee on Permanent Organization and Order of Business.

**REPORT OF COMMITTEE ON PERMANENT ORGANIZATION AND ORDER OF BUSINESS**

We, your Committee on Permanent Organization and Order of Business recommend that the House proceed to permanent organization by election of the following officers: Speaker, Speaker Pro Tempore and Chief Clerk, and that the Speaker be empowered to appoint such additional help as in their judgment shall be necessary for the transaction of business.

We further recommend that the Committee on Rules be appointed to establish the rules of the House.

Vic Backlund, Chair  
Phil Barnhart  
Susan Morgan

Backlund moved the report of the Committee on Permanent Organization and Order of Business be adopted. Motion carried on viva voce vote. Report adopted.

Shetterly declared that nominations were in order for the office of Speaker of the House of Representatives.

Scott nominated Karen Minnis for the office of Speaker of the House of Representatives.

Kafoury moved that an unanimous ballot be cast for Karen Minnis for the office of Speaker of the House of Representatives.

Shetterly declared nominations closed.

The roll was called by Flores.

Minnis received the vote of 60 members as follows: Ackerman, Anderson, Avakian, Backlund, Barker, Barnhart, Bates, Berger, Beyer, Brown, Butler, Close, Dalto, Dingfelder, Doyle, Farr, Flores, Gallegos, Garrard, Gilman, Greenlick, Hansen, Hass, Hopson, Hunt, Jenson, Johnson, Kafoury, Kitts, Knopp, Krieger, Kropf, Krummel, Kruse, Mabrey, Macpherson, March, Merkley, Miller, Minnis, Monnes Anderson, Morgan, Nelson, Nolan, Patridge, Prozanski, Richardson, Rosenbaum, Schaufler, Scott, Shetterly, Smith G., Smith P., Smith T., Tomei, Verger, Westlund, Williams, Wirth, Zauner.

Minnis was elected Speaker of the House of Representatives of the Seventy-second Legislative Assembly and the oath of office for Speaker was administered by the Honorable Wallace P. Carson, Jr., Chief Justice of the Supreme Court.

Speaker in Chair.

Speaker declared nominations were in order for the office of Speaker Pro Tempore of the House of Representatives.

Williams nominated Lane Shetterly for the office of Speaker Pro Tempore of the House of Representatives.

Speaker declared nominations closed.

The roll was called by Dingfelder.

Shetterly received the vote of 60 members as follows: Ackerman, Anderson, Avakian, Backlund, Barker, Barnhart, Bates, Berger, Beyer, Brown, Butler, Close, Dalto, Dingfelder, Doyle, Farr, Flores, Gallegos, Garrard, Gilman, Greenlick, Hansen, Hass, Hopson, Hunt, Jenson, Johnson, Kafoury, Kitts, Knopp, Krieger, Kropf, Krummel, Kruse, Mabrey, Macpherson, March, Merkley, Miller, Monnes Anderson, Morgan, Nelson, Nolan, Patridge, Prozanski, Richardson, Rosenbaum, Schaufler, Scott, Shetterly, Smith G., Smith P., Smith T., Tomei, Verger, Westlund, Williams, Wirth, Zauner, Speaker Minnis.

Shetterly was elected Speaker Pro Tempore of the House of Representatives of the Seventy-second Legislative Assembly and the oath of office was

administered by the Honorable Wallace P. Carson, Jr., Chief Justice of the Supreme Court.

Speaker declared nominations were in order for the office of Chief Clerk of the House of Representatives.

Westlund nominated Ramona Kenady for the office of Chief Clerk of the House of Representatives.

Speaker declared nominations closed.

The roll was called by Schaufler.

Kenady received the vote of 60 members as follows: Ackerman, Anderson, Avakian, Backlund, Barker, Barnhart, Bates, Berger, Beyer, Brown, Butler, Close, Dalto, Dingfelder, Doyle, Farr, Flores, Gallegos, Garrard, Gilman, Greenlick, Hansen, Hass, Hopson, Hunt, Jenson, Johnson, Kafoury, Kitts, Knopp, Krieger, Kropf, Krummel, Kruse, Mabrey, Macpherson, March, Merkley, Miller, Monnes Anderson, Morgan, Nelson, Nolan, Patridge, Prozanski, Richardson, Rosenbaum, Schaufler, Scott, Shetterly, Smith G., Smith P., Smith T., Tomei, Verger, Westlund, Williams, Wirth, Zauner, Speaker Minnis.

Ramona Kenady was elected Chief Clerk of the House of Representatives of the Seventy-second Legislative Assembly and the oath of office was administered by the Honorable Wallace P. Carson, Jr., Chief Justice of the Supreme Court.

The Honorable Wallace P. Carson, Jr., Chief Justice of the Supreme Court was escorted from the chamber by Wirth, Zauner and Monnes Anderson.

Speaker appointed the Committee on Rules. Doyle, Chair; Rosenbaum and Smith T. appointed.

House stood at ease.

House called to order.

The following report of the Committee on Rules was read:

#### **REPORT BY COMMITTEE ON RULES**

We, your Committee on Rules, recommend that the House of Representatives adopt the Rules of the Seventy-first Legislative Assembly as amended.

Dan Doyle, Chair  
Diane Rosenbaum  
Tootie Smith

#### **PROPOSED RULES OF THE HOUSE OF REPRESENTATIVES**

**Seventy-[first] second Legislative Assembly**

**200[1] 3 - 200[2] 4**

#### **DEFINITIONS**

**1.01 Definitions.** (1) "Measure" means bill, resolution or memorial, but does not include amendments.

- (2) "Member" means member of the House.
- (3) "Printing" includes printing and other means of reproducing copy.
- (4) "Remonstrance" shall be considered as a "protest" under Article IV, section 26 of the Oregon Constitution.
- (5) "Rule" means a rule and "rules" means the rules of the House of Representatives of the Seventy-[first] second Legislative Assembly.
- (6) "Within the bar" means within the area in the chambers that is enclosed by waist-high partitions and that contains the members' desks and the rostrum and the east and west walls of the chambers.

## RULES

**2.01 Use of Mason's Manual.** Mason's Manual of Legislative Procedures shall apply to cases not provided for in the Oregon Constitution or the rules.

**2.05 Procedure for Amending Rules.** Thirty-one votes are required to adopt, amend or rescind any rule. However, forty votes are required to amend or rescind Rule 9.30. The adoption, amendment or rescission of any rule must be proposed in writing, read at a regular business session under the order of business "Other Business of the House," referred to the Committee on Rules[, Redistricting] and Public Affairs by the Speaker, and if reported from the Committee on Rules[, Redistricting] and Public Affairs, allowed to lie on the table for at least one day prior to any vote thereon.

**2.10 Procedure for Suspending Rules.** (1) Forty votes are required to suspend any rule.

(2) When a motion to suspend the rules is defeated, the motion shall not be renewed until after an intervening recess or adjournment.

**2.20 Rules of the House.** Except as modified or rescinded under Rule 2.05, the rules shall be in effect for the entire term of the Legislative Assembly, whether the House is in session or has adjourned sine die.

## CONVENING

**3.01 Quorum.** (1) A quorum of the House is forty members.

(2) If a quorum is present, the House shall proceed to transact its business. If there is no quorum present, a lesser number of members may adjourn from day to day and compel the attendance of absent members.

**3.03 Attendance.** (1) A member shall attend all sessions of the House unless excused by the Speaker, and all meetings of the committees of the House of which he or she is a member unless excused by the [chairperson] chair. No member shall be considered excused, however, unless the Speaker or [chairperson] chair has announced the excuse at the opening of the House session or committee meeting, or at the earliest possible time thereafter. No excuse may be announced while the House is under a call of the House.

(2) If members of the House invoke the provisions of Article IV, Section 12 of the Oregon Constitution compelling the attendance of absent members, and said members do not report to the session at the time set by motion, they shall be fined \$1000 payable to the House of Representatives for each session day or part of a session day that the member does not attend. Such fine may be automatically deducted from their per diem allowance or services and supplies account.

**3.05 Session Hour.** Unless otherwise ordered by the presiding officer or a majority of the members present, the regular hour of meeting shall be 11:00 a.m.

**3.07 Open Sessions.** All deliberations and meetings of the House shall be open to the press and public.

**3.08 Daily Session Length.** (1) A session day begins with the initial convening of the House that calendar day, and ends with the adjournment of that session. The House shall not meet for more than twelve hours on any session day, including time used in recess,

unless a majority of those members present vote to suspend this provision.

(2) [When the twelve-hour period described in subsection (1) of this rule has elapsed, the Speaker shall adjourn the House for a period of not less than eight hours.] The convening of a session after adjournment constitutes the beginning of a new session day.

## VOTING

**3.12 Electronic Roll Call System.** The electronic voting system shall be under the control of the presiding officer and shall be operated by the Chief Clerk. The names of the members shall be listed on the electronic roll call board in alphabetical order, except that the name of the Speaker shall be last.

**3.15 Roll Call.** (1) A roll call vote of "yeas" and "nays" shall be taken and recorded on the final passage of all bills and joint and concurrent resolutions. Except as otherwise provided in the rules, the vote shall be recorded by the electronic voting system.

(2) Upon demand of two members, a roll call shall be taken and recorded on any question using the electronic voting system with the question being appropriately identified, except that upon the demand of six members an oral roll call shall be taken and recorded. The clerk shall call the roll of the membership, alternating between alphabetical order, and reverse alphabetical order. The Speaker's name shall be called last.

(3) If the presiding officer is in doubt on any motion or a division is called for on a motion, a roll call shall be taken and recorded by the electronic voting system on the motion. On all other questions to be voted upon, unless otherwise provided in these rules, the presiding officer may order the "yeas" and "nays" taken by the electronic voting system.

(4) The electronic voting system shall not be used for election of officers.

(5) Individual votes shall not be displayed until the time for voting has expired and the electronic voting system has been closed.

(6) In the event the electronic voting system is not in operating order when voting on any question, the presiding officer shall order all "yea" and "nay" votes be taken by [calling the] oral roll call. The clerk shall call the roll of the membership in alphabetical order[, except the name of the Speaker shall be last]. The Speaker's name shall be called last.

(7) The vote of any member which has not been recorded because of malfunction of the electronic voting system shall be entered into the record if that member was [in] within the bar of the House chamber at the time of the vote and attempted to cast their vote at the appropriate time, and the fact of such malfunction is reported to the presiding officer prior to the announcement of the result of the vote.

**3.20 Requirements for Voting.** (1) Each member within the bar when the question is stated and their name is called shall vote. No member shall be allowed to abstain from voting.

(2) No member, except by unanimous consent, shall be permitted to vote upon any question unless he or she is within the bar before the last name on an oral roll call was called or is within the bar before the electronic voting system is closed. No member shall vote or be allowed to change their vote after the presiding officer announces the result of the roll call by declaring the question has passed or failed to pass.

**3.21 Announcement of Conflict of Interest.** (1) When involved in an actual or potential conflict of interest, as defined by ORS 244.020, a member shall announce, on the floor or in the committee meeting, the nature of the potential conflict prior to voting on the issue giving rise to the potential conflict.

(2) The member's announcement of an actual or potential conflict of interest shall be recorded in the Journal or in the committee minutes. If the member desires to have any more than the announcement recorded, the member shall file in writing a statement of the nature of the potential conflict with the Chief Clerk or the committee assistant within one hour following adjournment of the session or the committee meeting. The statement shall be limited to

the substance of the oral explanation given on the floor or in committee.

**3.26 Electronic Roll Call; Time, Changes.** When a vote is taken using the electronic voting system, the members shall be allowed at least thirty seconds to vote [or if all members have voted, the Speaker may direct] at the end of which time, the clerk [to] will display the vote. After the individual votes have been displayed any member desiring to change his or her vote may so announce. The presiding officer shall direct the Chief Clerk to make the proper entry into the electronic voting system.

**3.28 Electronic Roll Call; Misuse, Penalties.** No member shall vote for another member using the electronic voting system. No member shall tamper with, alter or attempt to alter the electronic voting system, or cause the electronic voting system to register a vote without the member personally depressing a voting button during each roll call vote. Any member who violates this rule may be punished as determined by the vote of 31 members. If a person not a member votes or attempts to vote for any member or violates a provision of this rule, he or she shall be barred from the floor of the House for the remainder of the session, and he or she may be punished further as determined by the vote of 31 members.

**3.30 Voting by Presiding Officer.** The Speaker shall vote whenever a roll call is required[, the] The Speaker's name [being] shall be called last on an oral roll call vote.

**3.35 Explanation of Vote.** (1) Any member who wishes to explain their vote shall file the written explanation with the Chief Clerk by 5:00 p.m. the next session day following the vote on the measure. The vote explanation filed under this subsection must comply with subsection (2) of this Rule. If the explanation does not meet those requirements, the Speaker may refuse to cause the explanation to be printed in the Journal.

(2) The vote explanation shall be germane to the subject and shall not reflect on the honor or integrity of any other member. If the explanation does not meet the requirements of this subsection, the Speaker may call the member violating this subsection to order.

**3.45 Printed Measures Required for Voting.** No measure or amendment to a measure shall be finally voted on until it has been printed and placed on the desks of the members.

**3.50 Third Reading Requirement.** (1) No bill shall pass the House until after third reading and no measure shall be read more than once in any one day.

(2) A bill may be referred or re-referred to committee on third reading.

**3.55 Call of the House.** (1) Six members may demand a call of the House at any time before a roll call has begun.

(2) Upon a call of the House, the doors shall be closed until proceedings under the call have been terminated. No other business shall be transacted until the proceedings are so terminated.

(3) Upon a call of the House, the Sergeant at Arms shall cause all members who are not excused to come to the floor. If the Sergeant at Arms cannot locate any unexcused member, the Sergeant at Arms shall so report to the Speaker who shall announce the fact to the members.

(4) All members must remain within the bar of the House until the vote is taken for which the call was made. However, when the House is waiting for an unexcused member and the presiding officer has announced the House is "at ease," the members may have access to [the north aisle, the room west of the north aisle, and] the area behind the rostrum included in the Speaker's office until the presiding officer calls the House to order. Members must then return to within the bar.

(5) A call of the House shall be considered terminated when the question for which the call was invoked has been voted upon or when a motion to terminate the call is approved by forty members. The motion to terminate the call shall be in order when the Sergeant at Arms has reported that unexcused members cannot be returned within a reasonable time. Termination of the call under this subsection terminates the requirement that the Sergeant at Arms search for unexcused members. In the absence of a quorum after the

report of the Sergeant at Arms is received, the House may terminate the call by the unanimous consent of the members present.

(6) Upon a call and until the proceedings are terminated, the presiding officer may direct the Sergeant at Arms to authorize members of the Senate, representatives of the news media and staff to leave or enter the chambers.

(7) Subsection (2) of this rule does not apply to the third floor gallery.

## ORDER OF BUSINESS

**4.01 Order of Business.** (1) The general order of business shall be:

- (a) Roll call.
- (b) Opening ceremony, prayer and/or inspirational message. At the opening session of the day only.
- (c) Courtesies.
- (d) Verification of Quorum.
- (e) Messages from the Governor.
- (f) Messages from the Senate.
- (g) Introduction and first reading of memorials and resolutions.
- (h) Reports from standing committees.
- (i) Reports from special committees.
- (j) Propositions and motions.
- (k) Introduction and first reading of House bills.
- (l) Second reading of House bills.
- (m) Consent Calendar.
- (n) Third reading of House bills.
- (o) Final reading of memorials and resolutions.
- (p) Bills, reports and other business lying on the table.
- (q) First reading of Senate bills.
- (r) Second reading of Senate bills.
- (s) Third reading of Senate bills.
- (t) Other business of the House.
- (u) Other business of the Senate.
- (v) Announcements.
- (w) Remonstrances.

(2) The presiding officer, under the order of business *Reports from Standing Committees* and *Reports from Special Committees*, may announce the distribution of the committee report file to the members' desks. No reading of such reports will then take place.

(3) Messages from the Governor, the Senate or any state official may be read at any time.

(4) A quorum is not required under the order of business of Opening Ceremony, prayer and/or inspirational message, courtesies and the order of business of Remonstrances.

(5) Under the order of business Remonstrances, no member may speak for longer than three minutes, or for a second time, or yield time to another member. The motives or integrity of any member of the House or the Senate shall not be impugned.

(6) Questions relating to the priority of business shall be decided without debate.

(7) The general order of business shall not be varied except upon suspension of the rules. However, any subject before the House may be made a special order of business upon the vote of a majority of the members present and, when the time fixed for consideration of the subject arrives, the Speaker shall take up the subject.

(8) Appropriation bills shall take precedence over all other measures on the third reading calendar.

**4.05 Consent Calendar.** (1) Each session day, a consent calendar of measures shall be presented for consideration and vote of the House. Copies of the consent calendar shall be printed and distributed to members prior to consideration.

(2) (a) Any measure reported out of committee unanimously, with or without amendments, may be placed on the consent calendar if the committee reporting the bill so recommends.

(b) Any measure reported out of committee with the recommendation that it be placed on the consent calendar shall be placed on the second reading calendar under subsection (1) and (2) of House Rule 9.32.

(3) Any measure recommended for the consent calendar shall be placed on the calendar but held at the Desk for two days after the day on which the committee report is read. During that period, members may submit written objection to the placing of the measure on the consent calendar. If four objections signed by members of the House are received at the Desk within the two-day period, the measure shall be removed from the consent calendar and placed in its proper order on the third reading calendar for the next session day. The measure may also be removed by order of the Speaker.

(4) If no objections or an insufficient number are filed within the two-day period, the measure shall be placed in numerical order on the next consent calendar. When the order of business "Consent Calendar" is reached, the Speaker shall announce the calendar. The clerk shall read each measure by number, title, and short summary. Immediately following the reading, the Speaker shall place the question of third reading and final passage and call for the vote. Only a Call of the House shall be in order prior to a roll call being taken. No measure which has been made the subject of a motion to reconsider shall be placed on the consent calendar.

(5) Notwithstanding the provisions of this rule if the Speaker has reasonable cause to believe that the session will adjourn sine die within three weeks after the time a measure is recommended for the consent calendar, the Speaker may order the measure to be placed in its proper order on the third reading calendar.

## MOTIONS

**5.01 Making Motion.** (1) When a motion is made, it shall be stated by the presiding officer.

(2) A motion shall be reduced to writing upon a request of the presiding officer or of any member.

(3) No second to a motion is required.

**5.05 Motion in Possession of the House.** After a motion is stated by the presiding officer, it is in the possession of the House. The motion may be withdrawn only with the affirmative vote of a majority of the members present and at a time before decision is made on the motion or the motion is amended.

**5.10 Precedence of Motions.** (1) When a question is under debate, no motion shall be received except the following:

- (a) To adjourn.
- (b) To recess.
- (c) To lay on the table.
- (d) For the previous question.
- (e) To postpone to a certain day.
- (f) To refer or re-refer.
- (g) To amend.
- (h) To postpone indefinitely.
- (i) To reconsider.

(2) The motions listed in subsection (1) of this section shall have precedence in the order in which they are listed.

**5.15 Nondebatable Motions.** Motions to adjourn, to recess, to lay on the table and for the previous question are not debatable. Pending a decision on any of those motions, all incidental questions of order, whether or not on appeal, shall be decided without debate.

**5.20 Votes on Motions.** If the presiding officer is in doubt of the outcome on any motion, the vote on the question shall be conducted as provided under H.R. 3.15 (3).

**5.30 Division of the Question.** Any member may call for a division of a question if it comprehends propositions in substance so distinct that, if one is taken away, a substantive proposition remains for the decision of the House. The question of final passage or adoption of any measure is not subject to division.

**5.35 Amendments to be Germane.** No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

**5.37 Amendments to the Title of a Bill.** No title ("*Relating to*" clause) of a bill shall be amended by the House. If a title of a House bill is amended by the Senate, the bill upon return shall be held at the desk and no further consideration of the bill shall occur.

**5.40 Amendments from Floor.** (1) No measure shall be amended upon the floor unless unanimous consent is given and a written statement of the proposed amendment is filed with the Chief Clerk.

(2) In the absence of unanimous consent, if a majority of the members present desires a change in any measure, the measure shall be referred by the Speaker to committee in accordance with Rule 9.01(2).

## DEBATE AND DECORUM

**6.01 Decorum During Session and Committee Proceedings.** (1) No one shall be disruptive during proceedings of the House.

(2) To maintain professionalism in the legislative process, members and employees should dress according to standards of contemporary business attire.

**6.05 Use of Electronic Devices.** (1) The use of cellular phones is prohibited during official legislative business.

(2) Any use of electronic equipment that distracts from the proceedings of the House is prohibited during official legislative business.

**6.07 Recognition of Members.** When a member seeks to be recognized by the presiding officer, the member shall use the appropriate electrical signal device at the member's desk.

The device labeled "to speak" shall be used when a member seeks recognition for purposes of debate or making motions.

The device labeled "personal privilege" shall be used only for purposes requiring immediate consideration by the House as described under Mason's Manual Section 92.

The only exceptions to this rule shall be when demanding a Call of the House or a roll call.

**6.10 Conduct in Debate.** (1) When a member is recognized by the presiding officer, the member shall arise from his or her seat, unless this requirement is waived by the presiding officer, and respectfully address the presiding officer.

(2) In speaking the member must confine discussion to the question under debate, avoid personalities and not impugn the motives of another member's vote or argument.

(3) (a) All questions asked of a member shall be addressed to the member through the presiding officer.

(b) In speaking, a member shall address another member by using the title of Representative and the member's district number or other description of district, or the title of Representative and their surname.

(4) A member may refer to discussions or actions that have taken place in committee.

**6.20 Interrupting a Member.** Only the presiding officer is authorized to interrupt without consent, a member who is speaking.

**6.25 Frequency with Which Member May Speak.** (1) The author of a motion or the member designated to carry a measure

shall have the privilege of closing the debate on the motion or the measure.

(2) Except as authorized by subsection (1) of this rule, no member shall speak more than once on any question until every member wishing to speak on the question has spoken.

(3) If a pending question is lost by reason of adjournment and is revived on the following day, a member who has spoken on the question on the preceding day shall not be permitted to speak again until every member wishing to speak on the question has spoken.

(4) No member may speak more than twice on any question.

**6.30 Limitation on Duration of Debate.** The following rules apply to the length of debate:

(1) On the final passage of a measure, the author thereof or the [chairperson] chair of the committee that reports the measure or a member designated by the [chairperson] chair may speak for ten minutes and other members may speak for five minutes.

(2) On the motion to adopt a committee report or substitute a minority report, the member who makes either motion may speak for ten minutes and other members may speak for five minutes.

(3) The member closing debate on final passage of a measure or on a motion to adopt a committee report or substitute a minority report may speak for ten minutes.

(4) On other debatable motions, no member shall speak longer than five minutes.

(5) Any member may yield the time allowed under subsection (2) of this rule to another member. However, no member may yield time to a member closing debate.

**6.35 Call to Order.** (1) The presiding officer shall call to order any member who violates the rules of the House. The member who is called to order shall cease speaking and shall be seated immediately unless the presiding officer permits him or her to explain.

(2) If the member who is called to order appeals the ruling of the presiding officer, the House shall decide the appeal without debate. If the House decides the appeal in favor of the member, the member may proceed with the debate. If the House decides the appeal against the member, the member may be liable to a motion of censure of the House.

**6.40 Discipline.** If a member objects to words spoken in debate, the member shall immediately depress the electrical device labeled "personal privilege." The presiding officer shall recognize the member prior to any other member. Once recognized, the member shall repeat the words to which the objection is taken and they shall be recorded by the desk personnel. However, if any other member has spoken or other business has intervened after the words were spoken and before the objection to them was made, the member shall not be held answerable or subject to censure therefor.

#### PRESIDING OFFICER

**7.01 Election of Presiding Officer; Pro Tempore Presiding Officer.** The members shall elect a presiding officer who shall be Speaker of the House. They shall also elect a Speaker *Pro Tempore* of the House. Officers of the House of Representatives must receive the affirmative vote of a majority of the members elected.

**7.05 Temporary Presiding Officer.** (1) The Speaker may designate a member other than the Speaker *Pro Tempore* to act temporarily as the presiding officer. The designation shall not extend beyond the daily adjournment of the day of appointment. The member does not lose the right to vote while presiding. The Speaker may resume the chair at the Speaker's pleasure.

(2) If at any time the office of Speaker becomes vacant because of the removal from office, death, resignation, or other disability of the person holding that office, then the Speaker *Pro Tempore* shall become Speaker until the disability is removed or a new Speaker is elected. The Speaker *Pro Tempore* shall not be considered the Speaker within the meaning of Article V, section 8 of the Oregon Constitution providing for succession to the Governorship.

**7.10 Duties of Presiding Officer.** (1) [To] The Speaker shall enforce all rules, laws and regulations applicable to the body.

(2) The Speaker, or in the Speaker's absence the person acting as Speaker, shall take the chair every day at the hour as provided in these rules or the hour to which the body adjourned the preceding daily session, immediately call the members to order and cause the roll to be called.

(3) The Speaker shall preside over deliberations of the House, preserve order and decorum and decide questions of order subject to appeal by any two members.

(4) The Speaker shall have general control and direction of all employees of the Legislative Assembly when they are on the floor of the House.

(5) The Speaker shall have control of the area set aside for use by the House and the ways adjacent thereto.

#### COMMITTEES

**8.01 Names of Committees.** There shall be the following 15 standing committees to which shall be referred all measures [relating to the subject matters described herein]:

(1) [Advancing E-Government, relating generally to technology and utility regulation;] Agriculture and Natural Resources;

(2) [Agriculture and Forestry, relating generally to agriculture and forestry;] Audit and Human Services Budget Reform;

(3) Business, Labor and Consumer Affairs[, relating generally to business, labor and consumer affairs];

(4) [Government Efficiency, relating generally to government operations;] Education;

(5) [Health and Public Advocacy, relating generally to human resources and health care issues;] Environment and Land Use;

(6) [Judiciary, relating generally to civil and criminal law and administration of justice;] General Government;

(7) [Land Use and Regulatory Fairness, relating generally to regulatory takings and property compensation;] Health and Human Services;

(8) [Rules, Redistricting and Public Affairs, relating generally to the rules and operations of the House and the Legislative Assembly, elections, redistricting; and public affairs;] Judiciary;

(9) [School Funding and Tax Fairness/Revenue, relating generally to taxation and the finance of elementary and secondary education;] Public Employee Retirement System (PERS);

(10) [Smart Growth and Commerce, relating generally to commerce and economic development;] Revenue;

(11) [Stream Restoration and Species Recovery, relating generally to stream restoration and species recovery;] Rules and Public Affairs;

(12) [Student Achievement and School Accountability, relating generally to all levels of education and their administration, but excluding finance of elementary and secondary education;] Trade and Economic Development;

(13) Transportation[, relating generally to vehicles, mass transit, highways and other aspects of transportation];

(14) Water [and Environment, relating generally to water law, natural resources and the environment];

(15) Ways and Means to which will be referred all measures relating generally to appropriations [, relating generally to appropriations].

The Speaker may appoint special committees.

**8.05 Committee Appointments.** (1) Except as otherwise provided by law or resolution, members of all standing committees, statutory committees, special committees and task forces, and the [chairpersons] chairs and vice-[chairpersons] chairs thereof, shall be appointed by the Speaker.

(2) The Speaker shall appoint majority party and minority party members to all standing committees and statutory committees, in the same proportion as the number of majority party members and the number of minority party members in the House bear respectively to

the total membership of the House. Except as otherwise provided by law, the Speaker shall determine the number of members of each committee.

(3) Within the standing committee structure provided for in House Rule 8.01, the Speaker may designate such subcommittees as deemed necessary and shall appoint the chair of each subcommittee. The Chair of any standing committee under which a subcommittee is created shall appoint the other members of the subcommittee.

(4) The Standing Committee on Ways and Means and committees established by the Oregon Constitution shall be exempt from provisions under subsection (2) of Rule 8.05.

**8.10 Committee Quorum; Rules.** (1) A majority of the members of a standing or special committee shall constitute a quorum for the transaction of business before the committee; provided, however, that each committee may by rule designate a lesser number of its members as a quorum for receiving public testimony.

(2) Except as otherwise provided in these rules, all standing and special committees of the House shall be governed by *Mason's Manual of Legislative Procedures*.

**8.15 Committee Meetings.** (1) All committees shall meet at the call of the [chairperson] chair, or upon the request of a majority of the members of the committee directed to and with the approval of the Speaker.

(2) No committee shall meet during the time the House is in session without leave of the Speaker. Any member attending such a meeting shall be considered excused to attend business of the House subject to a call of the House.

(3) (a) Meetings of the House and its committees shall be open to the public. No quorum of any committee shall meet in private for the purpose of deliberating or taking collective action on any matter.

(b) For purposes of this subsection, "deliberate" means to discuss for the purpose of taking collective action, whether or not collective action is actually taken; and "collective action" means a joint decision, commitment or promise made between two or more persons.

(4) The House and its committees shall not hold a meeting in any building where discrimination on the basis of race, creed, color, sex, age, disability or national origin is practiced.

(5) The House and its committees shall provide for and give public notice, reasonably calculated to give actual notice to interested persons, of the time, place and subject matter of regular and special meetings. Meetings shall not be held without at least 24 hours notice to members or House committees and the general public. In case of an actual emergency, a meeting may be held upon notice appropriate to the circumstances.

(6) When the Speaker has reason to believe that adjournment sine die of the session is imminent or that the public interest would be seriously prejudiced by delay, the Speaker may invoke the provisions of subsection (5) relating to emergencies by declaring that an emergency exists. If the House is in session, the Speaker shall announce the emergency and the reasons why it is declared to exist. If the House is not in session, the Speaker shall notify members that an emergency exists and the reasons therefor by distributing such information to the desks of the members. For any meeting called under this emergency provision, notice shall be posted outside the House chambers and any other suitable and conspicuous place. If the meeting scheduled is for the purpose of taking public testimony, at least 24 hours notice must be given by posting the notice outside the House chambers and any other suitable and conspicuous place. A majority of the members may invoke this subsection and notice shall be given as described in this subsection.

(7) In determining the hours of notice required, Saturday, Sunday and holidays are excluded unless the House is in session on those days.

(8) All meetings of House committees shall be recorded and the minutes transcribed. Minutes shall be available to the public within a reasonable time after the meeting and shall contain at least the following information:

(a) Members present, excused or absent;

(b) All motions and their disposition;

(c) The results of all votes; and

(d) References to the recording log, sufficient to serve as an index to the original sound recording.

(9) Testimony and exhibits submitted in writing shall be attached to the minutes and considered as part of the official record.

(10) Any meeting of a House committee held through the use of telephone or other electronic communication shall be conducted in accordance with this rule.

(11) Whenever any person has cause to believe that either the declared purpose or the procedure specified in this rule has been violated by the House, by any committee or by any member, the person is entitled to file a complaint with the Committee on Rules[, Redistricting] and Public Affairs. The committee shall conduct a hearing on the matter and shall, if it concludes that the complaint is justified, recommend to the House that censure or other action be taken.

(12) As used in this rule:

(a) "Committee" includes standing and special committees, any subcommittee thereof and conference committees.

(b) "Notice" includes but is not limited to posting of written notice on a bulletin board immediately outside the House chambers.

**8.20 Committee Action Required.** (1) A [chairperson] chair shall schedule a hearing or work session on a measure in possession of the committee upon receipt of a written request signed by a majority of committee members. The request must be filed with the [committee] chair and the Chief Clerk. The hearing or work session shall be held only after notice as required by Rule 8.15(5), but shall be held within three session days after the date of the request.

(2) A committee may act on each measure in its possession: (a) by tabling the measure in committee; or (b) by reporting the measure out of the committee (A) with the recommendation that it be referred to another committee, (B) favorably as to passage, or (C) without recommendation.

(3) In reporting a measure out, a committee shall include in its report: (a) the measure in the form reported out; (b) the recommendation of the committee; (c) an identification of all substantive changes made by the committee in the measure; (d) an analysis of the measure; (e) fiscal impact statement, if any, prepared by the Legislative Fiscal Officer; (f) revenue impact statement, if any, prepared by the Legislative Revenue Officer; and (g) budget notes, if any, as adopted by a majority of the Joint Committee on Ways and Means.

(4) When the [presiding officer] Speaker determines that sine die adjournment may impinge on the operations of standing committees, the [presiding officer] Speaker shall announce an estimated date for sine die adjournment. Commencing 14 calendar days before the estimated date, a committee shall schedule a hearing or work session only with the consent of the [presiding officer] Speaker.

(5) Measures reported out by a committee shall be delivered to the Chief Clerk of the House within three session days after the committee action reporting the measure out.

**8.22 Limitation on Committee Amendments.** Whenever a measure has a subsequent referral to the Ways and Means Committee or the [School Funding and Tax Fairness/Revenue Committee, neither of those committees shall propose to amend the measure in a manner that affects the substance with any other than a fiscal or revenue impact unless the chair of the House committee to which the initial referral was made consents to the amendments. The proposed amendment must be consistent with House Rule 5.35.

**8.25 Committee Actions to be Recorded and Reported.** (1) Motions on measures before a committee shall be voted on by roll call vote of the members of the committee, and the vote of each member shall be recorded in the committee minutes. All motions on measures shall be adopted only on the affirmative vote of a majority of the members of the committee.

(2) The report of committee action on each measure must be made to the Chief Clerk who shall cause the report to be entered

appropriately in the status report and journal as a part of the history of the measure.

**8.30 Committee of the Whole Prohibited.** (1) No motion to dissolve into the committee of the whole shall be allowed.

#### REFERRAL OF MEASURES; COMMITTEE REPORTS

**9.01 Referral to Committee.** (1) Upon first reading of any measure, the measure shall be referred to the Speaker's desk. Not later than [five] seven session days following such referral, the measure shall be referred by the Speaker in accordance with the provisions of subsections (2) - (3) of this rule. Notice of referral shall be in writing and shall be distributed to the desks of the members.

[(2) Referrals of measures shall be to the committee whose jurisdiction, as defined in Rule 8.01, most closely relates to the principal subject matter addressed by the measure.]

[(3)] (2) In carrying out the provisions of this rule, the Speaker may make a subsequent referral of any measure to the Joint Committee on Ways and Means or the Committee on [School Funding and Tax Fairness/Revenue effective after the measure is reported out of the committee to which it was initially referred.

[(4)] (3) At the request of a committee reporting on a measure, the Speaker may rescind or add a subsequent referral to another committee.

[(5)] (4) The [chairperson] chair of the committee having jurisdiction of a measure by referral or subsequent referral under this rule may request the [chairperson] chair of any other standing or special committee to review the measure. Upon acceptance of the measure by the [chairperson] chair of the reviewing committee, and with the consent of the Speaker, the reviewing committee may conduct hearings, hold work sessions and forward a recommendation, including proposed amendments, to the original committee, which shall retain jurisdiction over the measure.

[(6) When the Speaker determines that sine die adjournment is imminent and referral of measures to committees under Rule 8.01 will unnecessarily delay the orderly process of legislative business, the Speaker may refer a measure to an appropriate committee notwithstanding the subject matter designations described in Rule 8.01.]

**9.05 Committee Reports.** After it is submitted to the desk, every committee report recommending an amendment to a measure shall be sent by the Chief Clerk to the Word Processing unit of Legislative Counsel for examination in the same manner as bills are examined by the unit. Any change in the recommended amendments must be approved by the [chairperson] chair of the committee.

**9.10 Consideration of Committee Reports.** (1) Reports from standing committees shall be read in the numerical order of the measure except that reports on appropriation measures shall precede reports of other measures.

(2) Except for reports [recommending do not pass or referral to another committee, or reports] accompanied by a minority report, no motion is required to adopt a committee report.

**9.15 Minority Reports; Dissents.** (1) If a minority report, subscribed to by at least two members, accompanies the committee report, both shall be filed and placed on the calendar under the order of business of Propositions and Motions [of] the [first] second session day after distribution of amendments[, if any]. No member may sign on to more than one report.

(2) When the report comes up for consideration, it shall be in order to move adoption of the committee report and, upon explanation of the committee report without debate on that report, for the carrier of the minority report to move immediately that the minority report be substituted therefor. After the motion to substitute has been decided, the measure if a bill, shall be further considered as provided by Rule [9.32(3)] 9.37(2) or, if other [that] than a bill, as provided by Rule 9.35(3).

(3) Any member of a committee who dissents from the committee report shall be listed in the committee report as not concurring therein. The names of members dissenting shall be recorded in the Journal and Daily Status Report.

(4) A minority report must be filed with the committee staff not later than the session day next following the day on which notice is given to the committee of intent to file the report, if the presiding officer has ruled that adjournment sine die is imminent.

(5) The minority report is subject to the requirements of House Rule 5.35.

**9.30 Withdrawing Measure from Committee.** A measure, including one referred by the Speaker to a joint committee, may be withdrawn from a committee by 31 members upon a motion to withdraw.

**9.32 When a Bill Goes to Second Reading.** (1) When a bill is reported favorably without amendments, the report shall be filed and the bill placed on the calendar of the following session day for second reading. No motion affecting the status of the bill will be in order.

(2) When a bill is reported favorably with amendments, the amendments must be printed and distributed to the desks of the members before the measure [comes up] is placed on the calendar for second reading. The bill, whether printed engrossed or not, shall be placed on the calendar for second reading the next session day after distribution of the printed amendments or engrossed bill is delivered to the desks of the members.

(3) When a bill is reported with a minority report the bill shall be placed on the calendar for second reading on the [same] next session day [on which the minority report was substituted or rejected.] after distribution of the printed amendments or engrossed bills are delivered to the desks of the members.

[(4) The Speaker may order a bill printed with amendments engrossed. If a bill is printed engrossed it shall not be considered placed on the calendar for second reading sooner than the session day following distribution of the printed engrossed bill to desks of the members.]

**9.35 When a Measure Other Than a Bill Goes to Final Reading.** (1) When a measure other than a bill is reported favorably and without amendments, the report shall be filed and the measure placed on the calendar for final reading [of] the session day next following receipt.

(2) When a measure other than a bill is reported favorably with amendments, the amendments must be printed and distributed to the desks of the members before the measure [comes up] is placed on the calendar for final reading. The measure other than a bill, whether printed engrossed or not, shall be placed on the calendar for final reading [on] the session day next following the day of distribution of the printed amendments.

(3) When a measure other than a bill is reported with a minority report, the measure shall be placed on the calendar, for final reading on the same session day [next following the day] on which the minority report was substituted or rejected.

[(4) Upon the recommendation of the chairperson of the committee reporting a measure with amendments, or at the Speaker's discretion, the Speaker may order a measure printed with the amendments engrossed therein. If the measure other than a bill is printed engrossed, it shall not be considered for final reading sooner than the session day following distribution of the printed engrossed measures to the desks of the members.]

**9.37 When a Bill Goes to Third Reading.** (1) A bill shall be placed on the third reading calendar on the session day following its second reading.

(2) When a bill is reported with a minority report the bill shall be placed on the calendar for third reading the same session day on which the minority report was substituted or rejected.

#### RECONSIDERATION

**10.01 Reconsideration.** (1) When a measure has passed or failed to pass or a motion has been adopted or defeated, any member voting on the prevailing side may move for reconsideration of the measure or motion. The motion for reconsideration is not in order on a vote whereby a measure is indefinitely postponed.



(2) The member who intends to move for reconsideration must state their intent orally prior to adjournment on the same day on which the vote to be reconsidered was taken.

(3) A motion to reconsider may be debated together with the main question if the subject of the main question is debatable and the vote on the main question was not ordered by a motion for the previous question. If the vote on the main question was ordered by the previous question, neither the motion to reconsider nor the main question is debatable. However, a debatable motion to refer shall be allowed if the vote on the main question is reconsidered.

(4) The motion to reconsider shall be voted on the first session day after that on which the vote to be reconsidered was taken. The motion for reconsideration has precedence over any other motion.

(5) Thirty-one votes are required to reconsider the final vote on a measure.

(6) There shall be only one motion for reconsideration of any final vote even though the action of the House reverses its previous action.

**10.05 Transmitting Measures on Which Reconsideration Moved.** When a member has given notice of intention to move for reconsideration of the final vote passing a measure, the Chief Clerk shall not thereafter transmit that measure to the Senate until the motion for reconsideration has been disposed of or time for making the motion has expired. However, if the measure subject to reconsideration was passed so late in the session that the Speaker has reasonable cause to believe that its retention will unnecessarily delay the orderly process of legislative business, the Speaker shall immediately lay the motion for reconsideration before the House.

**10.10 Recall of Measure.** (1) If a measure has been transmitted to the Senate before the motion to reconsider is made, the motion must be preceded by a motion to recall the measure. The motion to recall a measure is subject to the same time limit as the motion to reconsider.

(2) A motion to recall a measure shall be acted upon immediately and without debate on the merits of the measure.

(3) If a measure has been transmitted to the Governor before the motion to reconsider is made, the bill may be recalled from the Governor without regard to which house originated the bill and at any time prior to the signing and filing of the bill by the Governor.

## CONCURRENCE; CONFERENCE

**11.01 Vote to Concur in Amendments of Other House.** (1) Upon the return to the House of a House measure amended in the Senate, the vote to concur and repass the measure or not to concur in the Senate amendments shall not be taken sooner than the first session day after the message from the Senate has been read.

(2) A motion to concur and repass the measure or not to concur in the Senate amendments shall come under the order of business *Propositions and Motions* and is not subject to referral to committee.

(3) A majority of the members present may order that the questions of concurrence and repassage be divided.

(4) Thirty-one votes on a roll call are required to adopt a motion to concur and repass a measure.

**11.05 Conference Committee.** (1) When the House fails to concur in an amendment made to one of its measures by the Senate, or when the House is notified that the Senate has failed to concur in an amendment made to one of its measures by the House, the Speaker shall appoint a conference committee of not less than two members to represent the House to meet with a similar committee of the Senate.

(2) If a measure is referred to a conference committee and the committee proposes to report substantive amendments to the measure, the committee must inform the chair of the House Committee to which the measure was initially referred before reporting the measure to the desk.

(3) As used in this rule "substantive amendment" means any amendment that does more than reconcile the differences between the House and Senate versions.

**11.10 Authority of Conference Committee.** (1) The conference committee has authority to propose any amendments within the scope of the issue between the houses.

(2) As soon as practicable after appointment, the House conferees shall meet with the Senate conferees at a time and place agreed upon by a majority of all the conferees, and shall immediately notify the Speaker of such time and place. The Speaker shall immediately cause notice of the meeting to be given to the public and to be posted on a bulletin board outside the House chambers, and notice of the meeting shall be announced on the floor if the House is in session.

**11.15 Adoption of Conference Committee Report.** (1) If a majority of the members of the House conference committee and a majority of the members of the Senate conference committee agree to an amendment, or otherwise resolves the issue between the houses, each shall file its report in triplicate with both houses. All conferees shall sign the report.

(2) No motion is required to adopt the conference committee report if repassage of the measure is not required. A motion is required to adopt the conference committee report if repassage of the measure is required. If the motion to adopt the report prevails, it shall be in order to repass the measure. A motion to adopt a conference committee report shall not be made sooner than the first session day after the conference committee report has been printed and distributed to the members.

(3) It shall not be in order to refer or re-refer or to amend a conference committee report.

**11.20 Discharge of Conferees.** (1) If the House conferees cannot agree with the Senate conferees within a reasonable time, the House conferees shall so advise the Speaker and request discharge. The Speaker shall then discharge the House conferees and may appoint a new conference committee to represent the House.

(2) If a conference committee does not report within a reasonable period of time after its appointment, the Speaker may discharge the House conferees and appoint a new conference committee to represent the House.

## SPONSORSHIP

**12.00 Pre-session Filing and Printing.** (1) Any member or member-elect of the House may, on or after November 18 of the even years to January 1 of the odd years, pre-file any measure with the Chief Clerk for introduction.

(2) Every measure so pre-filed shall be signed by the member or members offering it and shall be delivered in person or by certified mail to the Chief Clerk.

(3) When authorized in writing by the member the Chief Clerk shall order the measure printed; however, no printed pre-filed measure shall be withdrawn or distributed until the House is convened, organized and ready for the business of the session.

(4) Every measure introduced at the request of a person, state agency or legislative interim committee shall indicate that it is introduced by request and the identity of the requester.

(5) In lieu of bearing the name of member or members sponsoring it, a measure that is pre-session filed and prepared for printing or printed pursuant to this rule shall bear a statement that introduction is by order of the Speaker and by request, indicating the identity of the requester.

(6) Any measure pre-filed and not ordered printed may be withdrawn by the sponsor or sponsors prior to the first reading upon written request to the Chief Clerk.

**12.05 Presession Drafting Requests.** Members, members-elect, and committees may not request drafting services from the Legislative Counsel for an agency or officer of the executive or judicial departments unless the agency or officer has arranged to pay any charges the Legislative Counsel imposes under ORS 173.130.

**12.10 Sponsorship.** (1) Every measure introduced in the House shall bear the name of the member or special, standing or joint committee sponsoring the measure.

(2) Every measure introduced at the request of a person, state agency or legislative interim committee shall indicate that it is introduced by request and the identity of the requester.

(3) Upon written request, filed with the Chief Clerk, a member may be added to any measure as a sponsor, after first reading and prior to final consideration.

(4) A member may be withdrawn from any measure as a sponsor by filing a written request with the Chief Clerk by 5:00 p.m. the next session day following final consideration of the measure. If a committee, through the amendment process, changes the original intent of a measure, the original sponsor(s) may request to be withdrawn as sponsor(s) by filing a written request with the Chief Clerk by 5:00 p.m. the next session day following final consideration of the measure[.]. If all of the original sponsors are withdrawn, the committee shall become the sponsor of the measure.

**12.20 Committee Sponsorship.** (1) Any measure introduced by a committee must be approved by a majority of the members of the committee.

(2) The [chairperson] chair shall sign the proposed measure for presentation at the desk.

### INTRODUCTION OF MEASURES

**13.01 Requirements of Presentation of Measures for Introduction.** (1) The sponsor of a measure shall present to the Chief Clerk for introduction one copy of the measure with a backing signed by the member(s) or chair. Such presentation may be made only by a member, an authorized person of the member's staff or, in the case of a committee, by the [chairperson] chair or an authorized member of the committee staff. The Chief Clerk or a person authorized by the Chief Clerk shall upon request provide a receipt to the person presenting the measure.

(2) Immediately after presentation to the desk, the measure shall be sent by the Chief Clerk to the Publications unit of Legislative Counsel for examination and any corrections as to accuracy of form and style to conform substantially to the *Form and Style Manual for Legislative Measures* and preparation of a copy for the State Printer. No corrections that might affect the substance of the measure shall be made without the consent of the sponsor of the measure.

(3) An original bill folder shall be created for each measure introduced. The original backed copy of the measure shall be placed in the folder along with all amendments, reports and other official papers including a recording of all actions taken on the measure.

**13.05 Deadline on Introductions.** No measure shall be accepted by the desk for introduction in the House after 5 p.m. on the 50<sup>th</sup> calendar day of the session except:

(1) Measures approved by the Speaker and so identified for introduction by a committee.

(2) Appropriation or fiscal measures sponsored by the Joint Committee on Ways and Means.

(3) Measures drafted by the Legislative Counsel and introduced as provided in Rule 13.15.

**13.10 Legislative Counsel Drafting Services.** (1) Between 5 p.m. on the 29<sup>th</sup> calendar day and 5 p.m. on the 36<sup>th</sup> calendar day of the session, the Legislative Counsel shall only accept five non-transferable drafting requests from each member.

(2) After 5 p.m. on the 36<sup>th</sup> calendar day of the session, the Legislative Counsel shall discontinue accepting requests for drafting of all measures except:

(a) Appropriation or fiscal measures approved for drafting by the Joint Committee on Ways and Means.

(b) Committee proposals approved for drafting by the Speaker.

(c) A proposal requested for drafting by a member under Rule 13.15.

**13.15 Priority Drafting Requests.** (1) Every member shall be entitled to not more than two priority drafting requests of the Legislative Counsel.

(2) Every measure bearing a priority designation of the Legislative Counsel must be presented at the desk for introduction within three session days after delivery of the measure to the member by the Legislative Counsel. The desk shall not accept any measure showing that it was delivered by Legislative Counsel to the member more than three session days before it is presented to the desk.

### PUBLICATIONS

**14.01 Journal; Status Report.** (1) The House shall cause a journal of its proceedings to be maintained. The journal shall contain a full, true and correct chronological record of all proceedings of the House.

(2) The House shall cause a status report to be revised and printed daily. The status report shall be arranged by the number of each measure and shall contain a synopsis of the actions taken in each house on the measure.

**14.05 Other Legislative Publications.** (1) Unless otherwise directed by resolution or Rule 14.10, the provisions of ORS 171.206 shall govern.

(2) All orders for printing and distribution of publications printed for the House, except those publications the printing or distribution of which are governed specifically by statute or otherwise, shall be signed by the Speaker or by a person authorized by the Speaker.

**14.10 Distribution of Legislative Publications.** (1) There shall be delivered to the Chief Clerk and Secretary of the Senate the numbers of copies of measures, daily and weekly status reports, the legislative schedule, and the legislative index as ordered by them for the requirements of each house of the Legislative Assembly.

(2) (a) There may be distributed free of charge to any person one copy of any measure with amendments, corrections or engrossment, the daily or weekly status report, legislative schedule, and weekly cumulative index. Additional copies may be obtained upon payment pursuant to the schedule adopted by the Legislative Administrator and posted in the Distribution Center.

(b) Members of the House are authorized up to 50 additional copies without charge.

(3) Any person, agency or organization wishing a complete set of measures, status reports, calendars, legislative schedules and indexes may obtain it according to the following procedures:

(a) Rental of a shelf deposit service from the Distribution Center, at a cost of \$734.00 per session, or mailed at a cost of \$1083.00 per session.

(b) Members of the House are authorized up to 15 mailings of weekly status reports, legislative schedules and indexes without charge.

(c) Legislative Schedules will be mailed daily upon request at a cost of \$182.00 or on Friday only at a cost of \$109.00.

(d) Rental of a shelf deposit service from the Distribution Center for the legislative status report only is \$127.00 per session or for Monday only at a cost of \$43.00.

(e) Rental of a shelf deposit service from the Distribution Center for the legislative schedule only is \$60.00 per session or for Friday only at a cost of \$11.00.

(4) Charges that may be imposed pursuant to this rule do not apply to the Chief Clerk and the Secretary of the Senate for the proper functioning of each house, the Legislative Fiscal and Revenue Officers, the Legislative Counsel, the Legislative Administrator, the Governor, the Attorney General, the Secretary of State, the State Treasurer, the Director of the Administrative Services Department, the Clerk of the Supreme Court, the State Librarian, the Library of Congress, public libraries, law school libraries, the Circuit, District, and County Courts and commissions, and accredited members of the news media.

(a) The Legislative Administrator shall furnish such copies as the Legislative Administrator considers necessary to these agencies,

and shall provide authorization forms to be executed by them when obtaining copies of legislative publications.

(b) The Legislative Administrator shall make available in the Capitol Guide Office a complete set of measures, status reports, calendars, legislative schedules, and indexes during the session for the use of agencies, organizations, and the general public.

**14.15 Measure Summaries.** (1) No measure shall be accepted at the desk for introduction unless it is accompanied by an impartial summary of the measure's content, describing new law and changes in existing law proposed by the measure. Any measure presented to the Chief Clerk which does not comply with this subsection shall be returned to the member who presented it.

(2) The summary shall be printed on the first page of the measure.

(3) If a material error in a printed summary is brought to the attention of the Legislative Counsel, Counsel shall cause to be prepared a corrected summary which shall show the changes made in the summary in the same manner as amendments to existing law are shown. Counsel shall deliver the corrected summary to the Chief Clerk. The [Speaker may] Chief Clerk shall order a printing of the corrected summary for distribution.

(4) Whenever a measure is amended, the person who edits the measure summaries shall prepare an amended summary. The amended summary may be printed on the first page of the measure if printed engrossed or may be made a part of the printed amendment. The summary shall be amended to show changes in the measure proposed by the amendment thereto with changes in the summary shown in the same manner as amendments to existing law are shown.

**14.25 Financial and Revenue Impact Statements.** (1) A copy of every measure introduced shall be transmitted by the Chief Clerk to the Legislative Fiscal and Revenue Officers. The Legislative Fiscal and Revenue Officers shall review each measure except appropriation measures which implement the Governor's printed budget recommendations, and make an estimate of the anticipated change in state, county, and municipal expenditures and revenues under the provisions of the measure. The Legislative Fiscal Officer shall prepare a statement to be known as a financial impact statement to be attached to each measure which will outline the changes in expenditures. The Legislative Revenue Officer shall prepare a statement known as a revenue impact statement to be attached to each measure which will outline the changes in revenues. The financial and revenue impact statements shall set forth the fiscal and revenue impact of the measure and the governmental subdivision affected by the fiscal and/or revenue impact as determined by the Legislative Fiscal and Revenue Officers.

(2) The fiscal and revenue impact statements shall be delivered by the Legislative Fiscal and Revenue Officers to the committee to which the measure has been referred. When amendments to a measure are adopted by a committee, the appropriate changes shall be made in the fiscal and/or revenue impact statements.

(3) When a measure is reported out of committee the fiscal and/or revenue impact statements shall be filed with the committee's recommendation and forwarded to the Chief Clerk. The Chief Clerk shall attach the fiscal and revenue impact statements to the original measure and shall prepare and distribute copies to each member.

**14.30 Legislative Newsletters.** (1) Each member may issue legislative newsletters or other informational material to their constituents. Costs for newsletters and informational material may be billed to the member's individual expense account. Such newsletters or other informational material charged in whole or in part against a member's individual expense account may be distributed at any time during a member's term with the following exception:

(a) The period commencing 60 days before the primary election until the day following the election if the member is a candidate for any election or reelection at the primary election.

(b) The period commencing 60 days before the regular general election until the day following the election if the member is a candidate for any election or reelection at the general election.

(2) As used in this rule "legislative newsletter" and "informational material" means material suitable for distribution to members of the public informing them of official activities of a legislator and/or concerning legislative related issues. Such material shall not be campaign material, serve partisan political purposes, or take a position on a citizen initiative.

(3) As used in this rule "distributed" means that the legislative newsletter or informational material has left the possession and control of the member.

(4) As used in this rule "constituent" means an individual that lives within a member's legislative district.

## PERSONNEL RULES AND PROCEDURES

**15.01 Personnel Rules and Procedures.** (1) Except as otherwise provided by law the Speaker may establish such rules of employment for employees of the House that are deemed necessary. Such rules and procedures shall be made available in the House Procedures Handbook.

(2) All salaries for legislative officers and legislative personnel elected or appointed shall be fixed by the appointing authority as provided in the current Legislative Assembly budget.

(3) Employees of the House are at-will employees; therefore they serve at the pleasure of the appointing authority and shall be appointed or discharged by written notice to the Chief Clerk and the Legislative Administrator.

## OFFICERS; PERSONNEL; ALLOWANCES

**15.05 Chief Clerk; Election and Duties.** (1) There shall be a Chief Clerk who shall be elected by the members and shall be an officer of the House.

(a) The Chief Clerk shall perform the following duties:

(A) Appoint a Sergeant at Arms in consultation with the Speaker.

(B) Appoint such other non-partisan employees deemed necessary for the effective operations of the House of Representatives in compliance with the House Procedures Handbook.

(C) Serve as parliamentarian of the House.

(D) Keep the measures, papers and records of the proceedings and actions of the House and have charge of the publication and distribution of publications related thereto, except as otherwise provided by law.

(E) Prepare all measures, histories, journals and related publications for printing.

(F) Retain all measures and official papers or records in the Chief Clerk's office or in the Chief Clerk's custody except on duly signed receipts from persons authorized to receive custody.

(G) Perform such other duties as directed by the Speaker or prescribed by law.

(b) The Sergeant at Arms shall perform the following duties:

(A) Under direction of the Speaker and/or the Chief Clerk, the Sergeant at Arms, assisted by Security Personnel when directed by the Speaker, shall maintain order in the chambers and other areas assigned to the House.

(B) Permit such ingress and egress to the chambers during sessions as may be directed by the Speaker or allowed by the rules.

(C) Execute all processes issued by authority of the House or any of its committees.

(D) Perform such other duties as the Chief Clerk or Speaker may direct.

**15.10 Member's Personal Staff.** (1) (a) A member may appoint personal staff for the session or the interim or both, according to the allowance provided in H.R. 15.25.

(b) A member shall establish salaries payable to persons appointed under subsection 1(a) of this rule.

(c) For purposes of computing fringe benefits, persons appointed under subsection (1)(a) of this rule who are paid less than \$600 per month shall be considered to be working less than half time and shall not be eligible for such benefits. A member shall not appoint more than two persons eligible for fringe benefits in any month.

(d) The time of service for all employees begins to run from the date of filing their appointment with the Legislative Administrator but not sooner than the date set forth in the House Procedures Handbook.

**15.15 Leadership Office Personnel.** (1) The Speaker may appoint personnel necessary to perform the functions of the Speaker's office.

(2) In compliance with the House Procedures Handbook the Republican and Democratic leaders may each appoint such employees deemed necessary to perform the functions of the caucus offices.

**15.20 Other Personnel.** (1) In compliance with the House Procedures Handbook the Legislative Administrator, in consultation with each [chairperson] chair of a standing or special committee and the Speaker, shall appoint such personnel as deemed necessary in the operations of the committees.

(2) In addition to personnel otherwise authorized, the Speaker may appoint such other personnel, as the Speaker considers necessary.

(3) No personnel employed by the House of Representatives shall for the duration of such employment serve as a lobbyist or be employed by a lobbyist; serve as a reporter, commentator or editorialist on legislative matters or be employed by a radio station, television station, newspaper or magazine. All such personnel are subject to ORS 260.432.

**15.25 Expense Allowance.** (1) Each member has an allowance of [~~\$26,083.00~~] ~~\$27,439.00~~ during the regular session for personal staff, services and supplies as defined in H.R. 16.01, and legislative newsletters as defined in H.R. 14.30.

(2) Any amount remaining unexpended or unobligated in a member's individual expense account at the end of the regular session may be used during the interim for expenses as described under subsection (1) of this rule.

## SERVICES AND SUPPLIES

**16.01 Services and Supplies.** (1) Each member shall have an individual services and supplies account. New members will receive a one time allowance of \$200.00 for start-up expenses.

(2) A member may obtain services and supplies necessary to conduct legislative business by submitting a requisition to personnel responsible for supplying the services or supplies. The requisition shall be signed by the member or by a person authorized by the member. The costs of requisitioned services and supplies shall be charged against the member's individual services and supplies account.

(3) Services and supplies that may be obtained under this rule include:

- (a) Postage (all classes).
- (b) Subscriptions to newspapers and periodicals.
- (c) Stationery.
- (d) Office supplies.
- (e) Copying.
- (f) Communications with constituents in compliance with H.R. 14.30.
- (g) Rental expenses incurred for a town hall meeting.
- (h) Establishment and maintenance of a district office.
- (i) Billings from state agencies for services and supplies.
- (j) Reasonable travel expenses incurred by members while on official legislative business. Does not include in-district travel.

(k) Reasonable travel expenses incurred by member's personal staff while on official legislative business as authorized by the member.

(l) Any other service or supply authorized by the Speaker.

(4) Any member who exceeds their allowance as provided under House Rules or the adopted Legislative Assembly budget will have the overage deducted from their personal monthly expense allowance and any additional indebtedness will be prohibited.

(5) All equipment, furniture, unused supplies, and stationery are the property of the Legislative Assembly and shall be returned at the end of a member's legislative service in compliance with ORS 171.136.

**16.05 Attorney General Opinions.** (1) Requests by majority party members for opinions of the Attorney General require approval of the Speaker as a condition of authorizing payment from legislative appropriations. Requests by minority party members for opinions of the Attorney General require approval of the minority leader as a condition of authorizing payment from legislative appropriations. Any legislative appropriation specifically intended for payment of costs for Attorney General opinions shall be divided in the same proportion as the number of majority party members and the number of minority party members in the House. This rule takes precedence over ORS 180.060(2).

(2) The Legislative Counsel shall provide legal advice and opinions to members without approval of the Speaker or the minority leader.

## PRIVILEGES

**17.01 Floor Privileges.** (1) When the House is in session, no person shall be permitted within the bar except: (a) members of the Legislative Assembly; (b) floor personnel of the House; (c) one individual from the member's personal staff employed under 15.05 or receiving credit in the intern program; or a member of the staff of a House standing committee, statutory committee, special committee, the majority office or minority office; or a family member may be seated at a member's desk; or persons authorized by the Speaker; and (d) accredited members of the news media.

(2) Courtesies of the floor may be extended only to special dignitaries and former members of the Legislative Assembly with permission of the body. However, courtesies shall not be extended to any former member who is a lobbyist.

(3) Seating in the side aisles beyond the bar shall be reserved for the families and guests of members and such other persons as may be authorized by the Speaker. However, the privilege shall not be granted to any person actively engaged in seeking the passage or defeat of any measure.

(4) While the House is in daily session, the center aisle of the floor shall be kept clear of all persons except members and the Chief Clerk or someone acting under the Chief Clerk's direction in conduct of the business of the House. Access to the chambers during a daily session shall be by the side doors and side aisles.

(5) During the period beginning thirty minutes before the opening of each session and ending thirty minutes after the session, no person shall be permitted in the House chambers except those authorized to be in the chambers under this rule.

(6) No person who is a lobbyist as defined in ORS 171.725 shall be permitted on the floor or side aisles of the House during its daily session.

(7) The Sergeant at Arms shall enforce this rule.

**17.05 Lounge Privileges.** The privilege of using the House lounge shall be limited to members of the House and the Chief Clerk except as otherwise authorized by the Speaker.

**17.10 Assembly Transition.** Those members not returning to serve in the next legislative assembly shall vacate their office space in the state capitol 20 days prior to the convening of that assembly.

### ACCREDITATION OF NEWS MEDIA

**18.01 Accreditation of News Media.** (1) As used in these rules, "accredited representatives of the news media" means bona fide representatives of publications of general circulation and of news wire services and bona fide representatives of radio and television facilities.

(2) In order to obtain accreditation, representatives of the news media shall register in the office of the Chief Clerk, indicating the publication, news, wire service, radio or television station represented. However, any representative of a news media who is also attending the session as a lobbyist as defined in ORS 171.725 shall not be entitled to accreditation or the privileges of the floor.

(3) If a member of the media disrupts the proceedings of the House or its committees, the presiding officer may call the individual to order and direct the individual to leave the chamber or meeting room.

(4) The Speaker may revoke or suspend the credentials of a member of the media who disrupts the proceedings of the House or its committees.

### LOBBYISTS

**19.01 Regulation of Lobbyists.** (1) It is the intention of the House to provide opportunity for all citizens who comply with the requirements of ORS 171.725 to 171.785 and subsection (2) of this rule to appear before members and committees of the House on behalf of or in opposition to any measures before the Legislative Assembly.

(2) The Committee on Rules, Redistricting and Public Affairs may, and on the complaint of five members of the House, shall investigate and report on any alleged violation of ORS 171.725 to 171.785 or any alleged improper conduct or wrongdoing by any lobbyist. The committee may as an incident of the investigation require such additional information about the alleged violation, improper conduct or wrongdoing as the majority of the committee considers pertinent and necessary.

If the committee determines that the lobbyist has violated ORS 171.725 to 171.785 or is guilty of improper conduct or wrongdoing it shall report its findings and recommendations to the House. The House may take such action as it deems proper.

### CAMPAIGN CONTRIBUTIONS, PROHIBITED ACTIONS

**19.10 Statement of Philosophy.** The House of Representatives is committed to open deliberations. Prompt, thorough and accurate reporting of any campaign contribution is an integral factor in maintaining open government.

**19.20 Campaign Contributions During Session.** All statements received by the Chief Clerk from the Secretary of State, in compliance with Enrolled Senate Bill 215 (Seventy-first Legislative Assembly), shall be available for review by any member or persons of the public, shall be entered in the Journal and notice to the membership shall be read under the order of business of "Other Business of the House" announcing the entry into the Journal.

### [SEXUAL] WORKPLACE HARASSMENT

**20.01 Policy on [Sexual] Workplace Harassment.** (1) The House of Representatives is committed to providing a healthy and appropriate work environment for legislators, legislative employees, interns and other state employees which is free from [sexual] workplace harassment. [Sexual] Workplace harassment in any manner will not be tolerated.

(2) [Sexual] Workplace harassment includes all conduct prohibited by Federal and State Law and the following unwelcome conduct:

- (a) verbal abuse of a sexual nature,
- (b) graphic verbal comment about a person's body,
- (c) physical touching of a sexual nature,

(d) sexual advances and propositions,

(e) sexually degrading words used to describe an individual,

(f) display in the work place of any sexually suggestive object or picture, and

(g) any threat or insinuation, either explicitly or implicitly, that a person's refusal to submit to a sexual advance will adversely affect that person's employment, evaluation, wages, duties, work shifts, or any other condition of employment or career advancement.

(3) The formal and informal procedures provided for in House Resolution 1 (1993 Regular Session) shall apply only to complaints brought against House Members or the personal staff of a House Member. House personal staff includes: Legislative Assistants, Secretaries, Interns, Volunteers, and other staff working in the individual offices of the members including the Speaker's office and the majority and minority offices. This does not include committee staff and house staff employees of all other categories who shall be subject to Legislative Administration Committee policies and procedures.

(4) Any recommended action resulting from a formal complaint against a House member shall be recommended to the floor by a committee consisting of equal representation of the Majority and Minority caucuses. Any formal sanctions recommended against a House member shall be referred to the floor for approval by a 2/3 majority vote of the House before final action is taken against a House Member. Any formal sanctions recommended against a House personal staff member shall be resolved under House Resolution 1 (1993 Regular Session).

(5) At the convening of each Regular Session the Speaker shall appoint members of the majority and minority parties in equal numbers to the House Committee on [Sexual] Workplace Harassment for the purpose of deliberations regarding [Sexual] Workplace Harassment complaints only. The [chairperson] chair shall be a member of the majority party and the vice [chairperson] chair shall be a member of the minority party.

(6) The House shall provide education concerning [sexual] workplace harassment and procedures to implement this Rule in compliance with House Resolution 1 (1993 Regular Session).

Doyle moved adoption of the report by the Committee on Rules. Motion carried, the vote being: Yeas, 50; Nays, 10 – Ackerman, Barnhart, Dingfelder, Merkley, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Wirth. Rules adopted.

Nelson moved that the Chief Clerk be instructed to notify the Senate and the Governor that the House has organized and is ready for the business of the Seventy-second Legislative Assembly. Motion carried on viva voce vote.

Tomei moved that the members of the Senate be invited to sit in Joint Session with the members of the House at 10:30 a.m. today for the purpose of receiving the Farewell Address of the Honorable John A. Kitzhaber, Governor of the State of Oregon, hearing from the Speaker of the House the result of the canvass of votes cast for Oregon's thirty-sixth Governor, and receiving the inaugural address of the Honorable Ted Kulongoski, Governor-elect of the State of Oregon. Motion carried on viva voce vote.

Message from the Senate announcing Senate has completed its temporary organization.

Message from the Senate announcing Senate elected Senator Lenn Hannon as Temporary

Presiding Officer and Judy Hall as Temporary Secretary of the Senate.

Message from the Senate announcing Senate accepts invitation from the House to meet in Joint Session at 10:30 a.m. for the purpose of receiving the Farewell Address of the Honorable John A. Kitzhaber, Governor of the State of Oregon, hearing from the Speaker of the House the result of the canvass of votes cast for Oregon's thirty-sixth Governor, and receiving the inaugural address of the Honorable Ted Kulongoski, Governor-elect of the State of Oregon.

House recessed until 10:30 a.m. on motion of Jenson.

#### **Monday, January 13, 2003 – Joint Session**

The Senate and the House met in Joint Session for the purpose of receiving the Farewell Address of the Honorable John A. Kitzhaber, Governor of the State of Oregon, hearing from the Speaker of the House the result of the canvass of votes cast for Oregon's thirty-sixth Governor, and receiving the inaugural address of the Honorable Ted Kulongoski, Governor-elect of the State of Oregon.

Temporary Presiding Officer Hannon presiding.

The Secretary of the Senate called the roll of the Senate. All present.

The Chief Clerk of the House of Representatives called the roll of the House. All present.

By unanimous consent, Hannon appointed Representatives Butler and Johnson and Senators Gordly and Winters to escort the Honorable Victor Atiyeh, former Governor of Oregon, within the bar of the House.

By unanimous consent, Hannon appointed Senators Minnis and Corcoran and Representatives Kropf and Hass to escort the Honorable Neil Goldschmidt, former Governor of Oregon, within the bar of the House.

By unanimous consent, Hannon appointed Representatives Miller and Nolan and Senators Brown and Nelson to escort the Honorable Barbara Roberts, former Governor of Oregon, within the bar of the House.

By unanimous consent, Hannon appointed Senators Burdick and Fisher and Representatives Patridge and Hansen to escort the State Elective Officers within the bar of the House.

By unanimous consent, Hannon appointed Representatives Shetterly and Prozanski and Senators Harper and Metsger to escort the Chief Judge and the Judges of the Court of Appeals and Tax Court Judge within the bar of the House.

By unanimous consent, Hannon appointed Senators Courtney and Ferrioli and Representatives Williams and Ackerman to escort the Chief Justice and the Associate Justices of the Supreme Court within the bar of the House.

By unanimous consent, Hannon appointed Representatives Westlund and Bates and Senators Morse and Carter to escort the Honorable John A. Kitzhaber, Governor of Oregon, within the bar of the House.

By unanimous consent, Hannon appointed Senators Messerle and Shields and Representatives Knopp and Kafoury to escort the Honorable Ted Kulongoski, Governor-elect of Oregon, within the bar of the House.

The former Governors of the State of Oregon; the State Elective Officers; the Chief Judge and the Judges of the Court of Appeals and the Tax Court Judge; the Chief Justice and the Associate Justices of the Supreme Court; the Honorable John A. Kitzhaber, Governor of Oregon; and the Honorable Ted Kulongoski, Governor-elect of Oregon were escorted within the bar of the House.

"Clap Your Hands" was sung by The Expressions, Reynolds High School, director Lee Frick, Portland.

The colors were posted by the U.S. Marines, Headquarters and Service Company, 6<sup>th</sup> Engineer Support Battalion; and the Oregon State Police Honor Guard.

The National Anthem was sung by Lessie Williams, Portland.

Invocation by Reverend Matt Hennessee, St. Paul Missionary Baptist Church, Portland.

"Let's All Work Together," a Washut prayer song, was sung by Olivia and Fred Wallulatum, Warm Springs Reservation.

Speaker Minnis addressed the joint assembly.

The Honorable John A. Kitzhaber, Governor of Oregon, delivered the following Farewell Address:

My fellow Oregonians, first let me offer my heartfelt congratulations to my good friend, Ted Kulongoski, who, in just a few minutes, will be sworn in as Oregon's thirty-sixth Governor. Ted is a man of great integrity and vast experience, and I know that he will be a great leader for our state, and that Ted and his administration will prove worthy stewards of this special place.

Let me also offer my congratulations to Representative Minnis on her election as Speaker of the House of Representatives, surely one of the most important positions in state government. And I wish the Senate early success in the selection of their leadership.

For the past eight years, this has been perhaps the single-most challenging and exciting and tiring and frustrating and also most rewarding experiences of my life. I want to thank the people of the state of Oregon for giving me the opportunity and the honor to serve in this position, and indeed, the opportunity to serve in these chambers for

most of the last twenty-four years. I've spent most of my adult life in public service, and I can think of no higher calling than giving back to the state that gives us so much.

I also want to thank my wife Sharon for her outstanding service as First Lady. She set the goal standard on how that should be done, and left a legacy of caring and compassion for Oregon's children through the scholar's program and the Safe Kids Coalition and in other ways.

To my parents, who have no one to blame but themselves, who stood with me when I was sworn in, in 1995, I thank you for your love and support through the years.

And to my son, Logan, I simply want to say, Dad is coming home.

Finally, I want to thank my incredible staff, who have given so much of themselves to me and to Oregon over the years, I want you to know that I will always be grateful to you and to the contribution that you made, and I will never, ever forget you.

These, as we know, are very challenging times for our state, but we are blessed with a strong leader as our new Governor. We are blessed with a Legislature with many returning veterans of both parties, and many new faces all eager to tackle the challenges facing our state. It is my hope that this wealth of experience and energy and creativity will coalesce in that strange and sometimes chaotic alchemy we call the legislative process to create the policies that reflect the basic goodness of Oregonians. To me, Oregon is still the last, best place on the North American continent. It's a place of opportunity. It's a place of promise. It's a place of hope. It's a place where individuals acting from courage and conviction can still shape the world in which they live.

Into your hands, we have placed the stewardship of this special place. Into your hands, we have placed our trust, and our confidence, and our future. I am confident that you are worthy of this responsibility, and I wish you every success in your endeavors.

God bless each and every one of you. God bless Oregon.

In compliance with Article V, Section 4 of the Oregon Constitution, Speaker Minnis canvassed the vote cast for Governor of the State of Oregon at the General Election held November 5, 2002, and announced that the Honorable Ted Kulongoski had received a majority of the votes cast and declared him duly elected Governor of the State of Oregon.

The Honorable Wallace P. Carson, Jr., Chief Justice of the Supreme Court, administered the Oath of Office to the Honorable Ted Kulongoski, Governor-elect.

"Elijah Rock" was sung by The Expressions, Reynolds High School, director Lee Frick, Portland.

The Honorable Ted Kulongoski, Governor of Oregon, delivered the following Inaugural Address:

Madame Speaker, Mr. President, legislators, elected officials, Senators Wyden and Smith, members of the Oregon Congressional delegation, former governors, honored guests, and citizens of Oregon: Thank you for allowing me to share this remarkable day with you.

I also want to give a special thanks to my wonderful wife, Mary. And to my children: Ted, Kristen and Justin, and their mother, Lynn. And a special thanks to my mother-in-law, Elizabeth Oberst, and my late father-in-law, Professor Paul Oberst. Long before I was blessed with the opportunity to lead this great state, I was blessed with a

family animated by love and committed to supporting each other through thick and thin.

In the words of Robert Frost: That has made all the difference.

Elections are about choosing sides, but inaugurations are about closing ranks. Two months ago, I was elected Governor of Oregon by a majority of those voting – but today I take the oath of office in service to all of our citizens.

I do not come bearing a party label on my sleeve – or a quick fix in my back pocket. I do not come with a rigid ideology in my heart – or a soul that tells me to go it alone. I do not come to uproot tradition – or to be imprisoned by it. But I do come with this promise: As long as the sun rises over Ontario and sets over the Pacific, I will dedicate myself to bringing the people of Oregon what they want and need most – an era of hope, change and economic renewal.

Too often Oregonians have heard little from their leaders in Salem except the discord of partisan rancor and stalemate. So it is not surprising that many have tuned out and lost faith in the ability of government to serve their needs. The time has come for our citizens to hear a different sound. The time has come for more harmony – and less counterpoint. For a chorus, not a battle of the bands.

So I pledge to legislators of both parties to set a new tone. To work with you and negotiate in good faith. To practice the skills of friendship and cooperation that I learned growing up. And to share with you the optimism and belief in the future that are as much a part of my nature as smiling when I see happy children.

The point is not that we should walk in lockstep with each other. That's not necessary. It's not even healthy. The point is, we must not walk away from the table until we finish the work that the people of Oregon sent us here to do: To work with each other and for the greater good. To bind up the wounds of our state, in just the way that the hard rains of January in Oregon bring green and rebirth in June.

To the people of Oregon I make a second pledge. This day – and the next four years – will be about trust and building. Trust that your government will hold itself accountable; will live within its means; and will be a partner for business, a catalyst for the creation of living wage jobs, a champion for working families, and a steward for our environment.

And with trust must come – and will come – building.

Building our economy that has lost none of its fundamental strengths – a high quality of life, an educated workforce, a growing community of young entrepreneurs – but has lost its ability to provide hope and financial security for thousands of Oregon families.

Building our timber and agricultural communities – rural communities that after previous times of economic hardship were often left at the starting line while urban Oregon raced towards recovery.

Building a better future for our children who suffer higher rates of hunger and poverty than any other state in the country – and whose schools face economic collapse.

And building our self-confidence, so that we know in our hearts that although these are challenging times, we are not adrift in an economic storm beyond our control.

The power to shape Oregon's future remains where it has always been – in our collective hands. Five short days from this inauguration will be the 200th anniversary of the inauguration of the Lewis and Clark expedition, which ended at the intersection of an untamed river, a continent, an ocean and the setting sun.

We are extraordinarily fortunate to be co-heirs, with our Native brothers and sisters, of this beautiful and blessed place – and heirs to the pioneer spirit that brought Lewis and Clark here. That spirit carries with it a

willingness to make difficult choices. To sacrifice. To see beyond the mountain to the fertile valley on the other side. And to know that the right path and the easy path are rarely one and the same.

This is where we are today: At a moment of great sacrifice because our economy does not provide all the opportunities our citizens need – or all of the revenues our public services require. But I am determined that as we go into the next biennium, we will neither surrender to our fears – nor surrender to the illusion that there is an easy and painless way to balance the budget. There isn't.

Hundreds of millions have already been cut from the current budget. Even if Measure 28 – which I strongly support and urge Oregonians to support – passes in two weeks, we still must find a long-term solution for providing a fair and reliable revenue source for essential government services.

But the budgetary tremors that are shaking the ground beneath our feet are also our best hope for shaking up the status quo. As Governor, I intend to use this challenging time as an opportunity to set new priorities and make government a more reliable partner for business, a better friend for Oregon's families – and a more trusted watchdog for taxpayers.

My budget will ask for many sacrifices from public servants and taxpayers. But the place to start is at the top. That's why as my first act as watchdog for taxpayers will be to reduce the base salary of the Governor by 5-percent. And I will direct that this money go to the Common School Fund.

As I said last Friday, my budget is guided by four principles: One, government will live within its means. Two, children are our first priority. Three, we must rebuild our economy and create new job opportunities for Oregon families. And, four, the days of business as usual in state government are over.

The first principle is self-explanatory. After the vote on January 28th, I'm not going to ask the Legislature, and I'm not going to ask the citizens of Oregon to raise taxes for the General Fund in this biennium. We will make do with what we have. And I mean what we really have. In my budget, the creative accounting and one-time borrowing that have been so prevalent in previous budgets are gone.

The second principle is both an economic imperative and a moral necessity. In my administration, when times are tough – as they are now – children go to the head of the line. My budget protects Healthy Start and Crisis Relief Nurseries. But most important, it halts the downward spiral of state support for our public schools.

Oregon has a long history of having one of the best public school systems in the country. It is a sad commentary that today we face a choice between having schools that are a monument to our past – or schools that will be the lifeblood of our future. But since that is our choice, let us resolve to choose wisely. Public education is a resource that is every bit as important to Oregon's economy as our other resources, like our forests and our position on the Pacific Rim. That means we shortchange our schools at our peril – and our shame. Yet that is exactly where we're heading.

One Oregon student said it best when she told a reporter, "They're stripping our schools for parts." This cannot – and must not – go on. Instead of being chop-shops for disassembling Oregon's economy, our educational system must be retooled to produce a generation of high-performing students with the skills to compete anywhere – but the desire and opportunity to live and work here. The only way to do that is to come up with stable long-term funding for K-12 education and to guarantee that the money ends up in the classroom where it belongs – not diverted into administrative overhead. These will be difficult goals to reach. But in education – as in all

government services – we must always choose the right path, not the easy one.

My third principle is tied to the second. We cannot provide for our children's future when Oregon families are out of work, getting by on part-time work, or fearful that their next paycheck will be their last. For these families, the recession isn't something to read about in the newspaper or argue about on talk-radio. It is the nightmare of bills unpaid. Health care needs unmet. Retirement savings lost. And college dreams put out of reach.

That's why my budget focuses on business retention, expansion and recruitment. I'm going to promote Oregon to businesses around the world because the private sector is the greatest source of living wage jobs. And when opportunities arise to bring jobs and businesses to Oregon, I won't be sending a delegation – I'll be leading one.

Government must be a partner with business. So not only will I devote a lot of my time to promoting Oregon, I'm also calling for a major public investment in transportation. Oregon's economy needs new roads and bridges to move what we produce – everything from wood chips to silicon chips – into the global marketplace. And Oregon's unemployed need the jobs that will come from new investment in transportation. We must put our people to work, and building our transportation infrastructure is a way to do just that. Our displaced workers do not belong at home or standing in unemployment lines. They belong in the workplace. I will not forget Oregon's unemployed! Today, I'm asking you not to forget them either. Their untapped contributions to our economy are wealth we may never recover. And any unwillingness on our part to stand with them is grace we may never recover.

My fourth budgetary principle is that there will be no more business as usual in state government. For starters, budgeting based on the current level of services is over. The baseline for agencies will not be last year's budget, or even the previous year's budget. It will be what we can afford – with the core functions of government being our only priority. One of those core functions is public safety. I will restore some of the funding that's been cut from the Oregon State Police. And under my budget we will not close any adult correctional facilities or release prisoners before they have served their sentences.

Another core responsibility is health care. One of the best ways to control the rising cost of health care is to better control the cost of prescription drugs for government – and for people. There's no easy answer. But the future of the Oregon Health Plan may well depend on our ability to find a solution to this problem.

Ending business as usual for the state also means forging a stronger partnership between business and the state. We're going to make it easier and faster to get a permit; measure the performance of agencies; and increase the availability of industrial lands without changing Oregon's long tradition of protecting our environment for future generations. I will be a steward for our environment. Oregon's environment is not only critical to our economy. It defines who we are. It is an eternal good – even when times are not good. We cannot afford to let our environment slip from our hearts – or our environmental laws slip from tough enforcement. As long as I'm governor – they won't.

Putting an end to business as usual is little more than an empty slogan if it does not include reforming PERS. I want to say something about our public employees. These men and women have chosen public service. Without them, the rest of us could not enjoy the beautiful and unique way of life we have in Oregon. Many public employees have already borne the burden of this recession, and, yes, I am asking them to sacrifice even more. But I will never lose sight of how hard they work, and their value to our children, families and state.



The debate we're having over PERS is creating real uncertainty for our public employees. I know that. I also know that PERS – as it is currently structured – is creating financial uncertainty, bordering on crisis, for Oregon. We need to go back to the drawing board and come up with a retirement system that is fair, sustainable and affordable. This is a test of leadership for both the Legislature and me. It is also a test of leadership for those who speak on behalf of public employees. We are duty-bound to get this job done.

Both before and after the election, I spent a lot of time traveling around the state. I've talked to thousands of Republicans and Independents, as well as Democrats. Let me tell you what is not on peoples' minds: Politics. They don't care about who's up and who's down. They don't care about who gets the credit and who gets the blame. What they care about is their children's education, the safety of their communities, and whether – when they wake up tomorrow – they'll still have their job.

And what do they want from us – their Governor and Legislators? They want to know that we put them first. They want to know that we can rise above parochial interests and make the economic future of rural Oregon as important as urban Oregon. They want to know that we understand their daily struggles to educate their children and afford basic health care. And they want to know that we recognize their commitment to their communities – and their willingness to volunteer to make their communities better places for them and their families. That's why on each of your desks, you will find a copy of the Oregon Owners Manual – from the Oregon Community Foundation and SOLV – which is filled with great ideas for people who want to volunteer.

Looking forward, I have one worry: I worry that many Oregonians fear that this state that we love so much for its natural beauty, and respect so much for its tradition of tolerance and social justice – will have less to offer our children than it has already offered us. I am going to spend the next four years proving that these fears are unfounded – because I believe at the core of my being that they are unfounded.

For me, optimism about Oregon and our future comes as naturally as breathing. I know from personal experience that the toughest challenges are no match for an unwavering belief in hard work, personal responsibility, and the power of family and community. I know from personal experience that one life can be turned around. That one community can be turned around. And that one state can be turned around. That's what we will do. We will turn Oregon around and earn lasting rewards for our economy – and our collective spirit.

The Bible says, "The last shall be first." In many ways we already are first. Oregon is the New World's Promised Land. The place Lewis and Clark journeyed to find – and Thomas Jefferson impatiently waited to hear about.

The journey continues – to remain first in quality of life, environmental stewardship, and protection of fundamental civil and human rights. And the journey continues to become first in economic growth, job creation, education, research, health care coverage, and high tech manufacturing.

We will get there. Not because I say so. But because if we stick together, listen to each other, and build our common future in this most uncommon place – we cannot fail to do so.

Whether we were born in Oregon or came from someplace else, we – like Lewis and Clark – have reached our destination.

Working as one – we will also reach our dreams.

Thank you very much.

"Oregon My Oregon" and "This Land is Your Land" were sung by the Portland Gay Men's Chorus quintet.

The guests were escorted from the House Chamber.

Speaker Minnis declared the Joint Session adjourned.

House recessed until 3:00 p.m. on motion of Jensen.

### **Monday, January 13, 2003 – Afternoon Session**

House reconvened at 3:00 p.m. Speaker in Chair. All present except: Excused, 2 – Hansen, Krummel.

Speaker announced appointment of members to the following committees:

AGRICULTURE AND NATURAL RESOURCES COMMITTEE – Kropf, Chair; Gilman, Vice-Chair; Wirth, Vice-Chair; Beyer, Hunt, Nelson, Smith P.

AUDIT AND HUMAN SERVICES BUDGET REFORM COMMITTEE – Westlund, Chair; March, Vice-Chair; Morgan, Vice-Chair; Bates, Kruse, Merkley, Miller.

BUSINESS, LABOR AND CONSUMER AFFAIRS COMMITTEE – Close, Chair; Kitts, Vice-Chair; Rosenbaum, Vice-Chair; Gallegos, Garrard, Merkley, Schaufler.

EDUCATION COMMITTEE – Backlund, Chair; Farr, Vice-Chair; Hopson, Vice-Chair; Avakian, Dalto, Nolan, Scott.

ENVIRONMENT AND LAND USE COMMITTEE – Garrard, Chair; Richardson, Vice-Chair; Zauner, Vice-Chair; Ackerman, Doyle, Greenlick, Rosenbaum.

GENERAL GOVERNMENT COMMITTEE – Krummel, Chair; Prozanski, Vice-Chair; Nelson, Vice-Chair; Avakian, Kitts, Mabrey, Wirth.

HEALTH AND HUMAN SERVICES COMMITTEE – Kruse, Chair; Dalto, Vice-Chair; Tomei, Vice-Chair; Anderson, Barker, Monnes Anderson, Westlund.

JUDICIARY COMMITTEE – Williams, Chair; Ackerman, Vice-Chair; Anderson, Vice-Chair; Barker, Jensen, Krummel, Macpherson, Prozanski, Shetterly.

PUBLIC EMPLOYEES RETIREMENT SYSTEM COMMITTEE – Knopp, Chair; Brown, Vice-Chair; Kafoury, Vice-Chair; Macpherson, Nolan, Richardson, Scott.

REVENUE COMMITTEE – Shetterly, Chair; Scott, Vice-Chair; Verger, Vice-Chair; Barnhart, Berger, Farr, Hass, Hopson, Williams.

RULES AND PUBLIC AFFAIRS COMMITTEE – Doyle, Chair; Monnes Anderson, Vice-Chair; Flores, Vice-Chair; Backlund, Barnhart, Close, Verger.

TRADE AND ECONOMIC DEVELOPMENT COMMITTEE – Smith P., Chair; Berger, Vice-Chair; Gallegos, Vice-Chair; Hass, Hunt, March, Richardson.

TRANSPORTATION COMMITTEE – Brown, Chair; Beyer, Vice-Chair; Mabrey, Vice-Chair; Dingfelder, Gilman, Greenlick, Zauner.

WATER COMMITTEE – Jenson, Chair; Dingfelder, Vice-Chair; Kropf, Vice-Chair; Flores, Kruse, Schaufler, Tomei.

WAYS AND MEANS COMMITTEE – Miller, Co-Chair; Bates, Butler, Hansen, Johnson, Krieger, Morgan, Patridge, Smith G., Smith T.

WAYS AND MEANS SUBCOMMITTEE ON EDUCATION – Morgan, Chair; Bates, Smith T.

WAYS AND MEANS SUBCOMMITTEE ON GENERAL GOVERNMENT – Butler, Chair; Johnson, Patridge.

WAYS AND MEANS SUBCOMMITTEE ON HUMAN SERVICES – Bates, Smith G., Smith T., Westlund.

WAYS AND MEANS SUBCOMMITTEE ON NATURAL RESOURCES – Krieger, Johnson, Morgan.

WAYS AND MEANS SUBCOMMITTEE ON PUBLIC SAFETY – Patridge, Chair; Butler, Hansen.

WAYS AND MEANS SUBCOMMITTEE ON TRANSPORTATION AND ECONOMIC DEVELOPMENT – Hansen, Krieger, Smith G.

COMMITTEE ON WORKPLACE HARASSMENT – Morgan, Chair; Tomei, Vice-Chair; Jenson, March.

HB 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146 – Read first time and passed to Speaker's desk for referral.

House adjourned until 11:30 a.m., Tuesday, January 14, 2003 on motion of Jenson.

#### **Tuesday, January 14, 2003 – Morning Session**

House convened at 11:30 a.m. Speaker in Chair. All present except: Excused, 4 – Close, Dalto, Monnes Anderson, Wirth.

Opening Ceremony presented by Chaplain Frank Carpenter, Capitol Ministries, Hillsboro.

HB 2064, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295 – Read first time and passed to Speaker's desk for referral.

HB 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2035, 2036, 2037, 2038, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2077, 2078, 2079, 2080, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146 – Referred from Speaker's desk to the following committees: 2127 – Audit and Human Services Budget Reform with subsequent referral to Ways and Means; 2055, 2056, 2077, 2096, 2105, 2130 – Business, Labor and Consumer Affairs; 2100, 2137 – Environment and Land Use; 2036, 2037 – Environment and Land Use with subsequent referral to Ways and Means; 2052, 2131, 2132 – General Government; 2097, 2140 – General Government with subsequent referral to Ways and Means; 2021, 2120, 2122 – Health and Human Services; 2129 – Health and Human Services with subsequent referral to Revenue; 2121, 2123, 2125, 2126, 2128 – Health and Human Services with subsequent referral to Ways and Means; 2032, 2047, 2048, 2049, 2050, 2051, 2053, 2054, 2057, 2059, 2060, 2061, 2062, 2063, 2075, 2080, 2082, 2084, 2086, 2089, 2091, 2092, 2093, 2095, 2098, 2099, 2101, 2102, 2103, 2106, 2110, 2111, 2112, 2113, 2114, 2116, 2117, 2118, 2119 – Judiciary; 2045, 2046, 2058, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2078, 2079, 2083, 2085, 2087, 2088, 2090, 2094, 2104, 2115 – Judiciary with subsequent referral to Ways and Means; 2065 – Public Employees Retirement System; 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2043, 2133, 2134, 2136 – Revenue; 2135 – Revenue with subsequent referral to Ways and Means; 2044, 2141, 2142 – Rules and Public Affairs; 2143, 2144, 2145, 2146 – Rules and Public Affairs with subsequent referral to Ways and

Means; 2022 – Trade and Economic Development; 2042 – Transportation; 2041, 2139 – Transportation with subsequent referral to Revenue; 2035, 2038 – Transportation with subsequent referral to Ways and Means; 2033, 2138 – Water.

Message from the Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contributions received during Seventy-second Regular Session, filed on January 13, 2003 by Representatives Gordon Anderson, Jeff Barker, Vicki Berger, Pat Farr, Linda Flores, Mary Gallegos, Betsy Johnson, Tim Knopp, Jeff Kropf, Greg Macpherson, Karen Minnis, Dennis Richardson and Ben Westlund.

House adjourned until 11:30 a.m., Wednesday, January 15, 2003 on motion of Jenson.

### **Wednesday, January 15, 2003 – Morning Session**

House convened at 11:30 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 3 – Nolan, Smith P., Wirth.

Opening Ceremony presented by Representative Tom Butler, District 60, Ontario.

Message from the Senate announcing the Senate has organized and is ready for the business of the Regular Session of the Seventy-second Legislative Assembly. The elected officers are: Senator Peter Courtney, President of the Senate; Senator Lenn Hannon, President Pro Tempore; Judy Hall, Secretary of the Senate.

HB 5001, 5003, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 2001, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342 – Read first time and passed to Speaker's desk for referral.

HB 5001, 5003, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 2001, 2064, 2149, 2150, 2151, 2153, 2154, 2156, 2157, 2158, 2161, 2163, 2165, 2166, 2167, 2168, 2170, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179 – Referred from Speaker's desk to the following committees: 2179 – Agriculture and Natural Resources with subsequent referral to Ways and Means; 2149, 2161, 2163, 2178 – Business, Labor and Consumer Affairs; 2166 – Business, Labor and Consumer Affairs with subsequent referral to Revenue; 2154, 2172 – Business, Labor and Consumer Affairs with subsequent referral to Ways and Means; 2158 – Environment and Land Use with subsequent referral to Ways and Means; 2167 –

General Government; 2170, 2175 – General Government with subsequent referral to Ways and Means; 2157 – Health and Human Services; 2151, 2153, 2165 – Health and Human Services with subsequent referral to Ways and Means; 2064, 2150, 2177 – Judiciary; 2156, 2174 – Judiciary with subsequent referral to Ways and Means; 2001 – Public Employees Retirement System; 2168 – Revenue; 2173, 2176 – Transportation; 5001, 5003, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029 – Ways and Means.

Message from the Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contributions received during Seventy-second Regular Session, filed on January 14, 2003 by Representatives Brad Avakian, Pat Farr, Bill Garrard, Derrick Kitts, Jeff Kropf, Karen Minnis, Mary Nolan, Wayne Scott and Ben Westlund.

House adjourned until 11:30 a.m., Thursday, January 16, 2003 on motion of Jenson.

### **Thursday, January 16, 2003 – Morning Session**

House convened at 11:30 a.m. Patridge in Chair. All present except: Excused, 3 – Gilman, Shetterly, Wirth.

Opening Ceremony presented by Representative Gordon Anderson, District 3, Grants Pass.

HCR 1 – Introduced, read and passed to Speaker's desk for referral.

HJR 1, 2, 3, 4, 5 – Introduced, read and passed to Speaker's desk for referral.

HB 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5058, 5059, 5060, 5061, 5062, 5063, 5064, 5065, 5066, 5067, 5068, 5069, 5070, 5071, 5072, 5073, 5074, 2004, 2005, 2006, 2007, 2400, 2401, 2402, 2403, 2404, 2405, 2407, 2408 – Read first time and passed to Speaker's desk for referral.

HB 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5058, 5059, 5060, 5061, 5062, 5063, 5064, 5065, 5066, 5067, 5068, 5069, 5070, 5071, 5072, 5073, 5074, 2004, 2005, 2006, 2007, 2400, 2401, 2402, 2403, 2404, 2405, 2407, 2408 – Referred from Speaker's desk to the following committees: 2004, 2005, 2006, 2007, 2400, 2401, 2402, 2405, 2407, 2408 – Public Employees Retirement System; 2404 – Public Employees Retirement System with subsequent referral to Revenue; 2403 – Public Employees Retirement System with subsequent referral to Ways

and Means; 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5058, 5059, 5060, 5061, 5062, 5063, 5064, 5065, 5066, 5067, 5068, 5069, 5070, 5071, 5072, 5073, 5074 – Ways and Means.

Message from the Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contributions received during Seventy-second Regular Session, filed on January 15, 2003 by Representatives Vic Backlund, Linda Flores, Donna Nelson and Dennis Richardson.

House adjourned until 11:30 a.m., Friday, January 17, 2003 on motion of Jenson.

#### **Friday, January 17, 2003 – Morning Session**

House convened at 11:30 a.m. Speaker in Chair. All present except: Excused, 6 – Ackerman, Hass, Hopson, Jenson, Patridge, Shetterly; Excused for business of the House, 3 – Krummel, Miller, Williams.

Opening Ceremony presented by Representative Dennis Richardson, District 38, Central Point.

HJR 6 – Introduced, read and passed to Speaker's desk for referral.

HB 2343, 2344, 2345, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373 – Read first time and passed to Speaker's desk for referral.

House adjourned until 11:30 a.m., Monday, January 20, 2003 on motion of Brown.

#### **Monday, January 20, 2003 – Morning Session**

House convened at 11:30 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 3 – Hansen, Scott, Smith P.

Opening Ceremony presented by Representative Max Williams, District 35, Tigard.

Opening Ceremony presented by Senator Margaret Carter, District 22, Portland.

HJR 8, 9 – Introduced, read and passed to Speaker's desk for referral.

HJR 6 – Referred from Speaker's desk to the following committee: Health and Human Services.

HB 2374, 2375, 2376, 2377, 2378, 2410, 2411, 2412, 2413, 2414 – Read first time and passed to Speaker's desk for referral.

HB 2034, 2039, 2040, 2076, 2081, 2107, 2108, 2109, 2124, 2147, 2148, 2152, 2164, 2171, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200,

2201, 2202, 2203, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2236, 2237, 2238, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2251, 2252, 2253, 2254, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2274, 2275, 2277, 2278, 2279, 2280, 2281, 2282, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295 – Referred from Speaker's desk to the following committees: 2200, 2202, 2203, 2205, 2209, 2241, 2258 – Agriculture and Natural Resources; 2188, 2195, 2197 – Agriculture and Natural Resources with subsequent referral to Revenue; 2254, 2256, 2260 – Agriculture and Natural Resources with subsequent referral to Ways and Means; 2189 – Audit and Human Services Budget Reform with subsequent referral to Ways and Means; 2107, 2108, 2109, 2224, 2228, 2229, 2230, 2231, 2233, 2234, 2285, 2292 – Business, Labor and Consumer Affairs; 2181, 2183, 2271, 2291 – Business, Labor and Consumer Affairs with subsequent referral to Revenue; 2147, 2196, 2198, 2212, 2232, 2248, 2249 – Business, Labor and Consumer Affairs with subsequent referral to Ways and Means; 2193 – Education with subsequent referral to Ways and Means; 2208, 2257 – Environment and Land Use; 2148, 2278, 2281 – General Government; 2246 – General Government with subsequent referral to Ways and Means; 2152, 2190, 2191, 2192, 2240, 2245, 2251 – Health and Human Services; 2171 – Health and Human Services with subsequent referral to Revenue; 2124, 2164, 2225, 2242, 2243, 2244, 2287, 2288 – Health and Human Services with subsequent referral to Ways and Means; 2034, 2199, 2206, 2207, 2236, 2237, 2238, 2262, 2263, 2264, 2266, 2269, 2270, 2272, 2274, 2275, 2277, 2279, 2280, 2284, 2294 – Judiciary; 2286 – Judiciary with subsequent referral to Ways and Means; 2182, 2184, 2185, 2186, 2187 – Revenue; 2076, 2081 – Rules and Public Affairs; 2252, 2282 – Trade and Economic Development; 2267 – Trade and Economic Development with subsequent referral to Revenue; 2295 – Trade and Economic Development with subsequent referral to Ways and Means; 2039, 2040, 2211, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2261, 2265 – Transportation; 2213 – Transportation with subsequent referral to Revenue; 2201, 2289 – Transportation with subsequent referral to Ways and Means; 2210, 2226, 2227, 2259, 2268, 2293 – Water; 2247, 2253, 2290 – Water with subsequent referral to Ways and Means; 2194 – Ways and Means.

House adjourned until 11:30 a.m., Tuesday, January 21, 2003 on motion of Jenson.

#### **Tuesday, January 21, 2003 – Morning Session**

House convened at 11:30 a.m. Smith T. in Chair. All present except: Excused, 5 – Beyer, Kafoury, Merkley, Nolan, Scott; Excused for business of the House, 2 – Westlund, Speaker Minnis.

Speaker Pro Tempore in Chair.

Opening Ceremony presented by Representative Joanne Verger, District 9, Coos Bay.

Courtesies of the House and floor were extended to Lonnie Roberts, former Representative from District 21.

HB 2347, 2348, 2353, 2361, 2363, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2393, 2394, 2415 – Read first time and passed to Speaker's desk for referral.

HB 2159, 2160, 2180, 2273, 2283, 2296, 2297, 2341 – Referred from Speaker's desk to the following committees: 2341 – Business, Labor and Consumer Affairs with subsequent referral to Ways and Means; 2273 – Environment and Land Use with subsequent referral to Ways and Means; 2159, 2160 – Health and Human Services with subsequent referral to Ways and Means; 2180, 2283 – Revenue; 2296, 2297 – Trade and Economic Development.

Message from the Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contributions received during Seventy-second Regular Session, filed on January 17, 2003 by Representative Wayne Krieger and Chuck Riley, candidate for office of State Representative.

House adjourned until 11:30 a.m., Wednesday, January 22, 2003 on motion of Jenson.

#### **Wednesday, January 22, 2003 – Morning Session**

House convened at 11:30 a.m. Patridge in Chair. All present except: Excused, 3 – Butler, Jenson, Wirth; Excused for business of the House, 7 – Anderson, Dalto, Doyle, Kruse, Monnes Anderson, Tomei, Westlund.

Speaker Pro Tempore in Chair.

Opening Ceremony presented by Representative Vic Backlund, District 25, Keizer.

HJR 7 – Introduced, read and passed to Speaker's desk for referral.

HB 2390, 2391, 2392, 2395, 2396, 2397, 2398, 2399, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427 – Read first time and passed to Speaker's desk for referral.

HB 2155, 2162, 2169, 2204, 2235, 2239, 2250, 2255, 2276 – Referred from Speaker's desk to the following committees: 2162 – Business, Labor and Consumer Affairs; 2169, 2239 – General Government; 2250 – General Government with subsequent referral to Ways and Means; 2155, 2204, 2235, 2276 – Judiciary; 2255 – Water with subsequent referral to Ways and Means.

House adjourned until 11:30 a.m., Thursday, January 23, 2003 on motion of Miller.

#### **Thursday, January 23, 2003 – Morning Session**

House convened at 11:30 a.m. Verger in Chair. All present except: Excused, 3 – Farr, Jenson, Wirth; Excused for business of the House, 1 – Morgan.

Speaker Pro Tempore in Chair.

Opening Ceremony presented by Wesley West, Keizer Faith Center, Assembly of God, Salem.

HJM 1 – Introduced, read and passed to Speaker's desk for referral.

HB 5004, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445 – Read first time and passed to Speaker's desk for referral.

HB 2298, 2299, 2300, 2301, 2302, 2303, 2310, 2311, 2314, 2315, 2317, 2318, 2319, 2320, 2321, 2322, 2324, 2326, 2327, 2328, 2329, 2330 – Referred from Speaker's desk to the following committees: 2303, 2315, 2320 – Business, Labor and Consumer Affairs; 2326 – Business, Labor and Consumer Affairs with subsequent referral to Ways and Means; 2327 – Environment and Land Use; 2311, 2317, 2321 – General Government; 2324 – Health and Human Services; 2310, 2314, 2318, 2319, 2322 – Judiciary; 2328, 2330 – Public Employees Retirement System; 2329 – Public Employees Retirement System with subsequent referral to Ways and Means; 2298, 2299 – Trade and Economic Development with subsequent referral to Revenue; 2300, 2302 – Trade and Economic Development with subsequent referral to Ways and Means; 2301 – Ways and Means.

Message from the Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contributions received during Seventy-second Regular Session, filed on January 21, 2003 by Representative Derrick Kitts; and Chuck Riley, candidate for office of State Representative.

Message from the Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contribution received during Seventy-second Regular Session, filed on January 22, 2003 by Chuck Riley, candidate for office of State Representative.

House adjourned until 8:30 a.m., Friday, January 24, 2003 on motion of Miller.

#### **Friday, January 24, 2003 – Morning Session**

House convened at 8:30 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 15 – Ackerman, Anderson, Butler, Jenson, Johnson,

Kafoury, Kropf, Miller, Morgan, Nelson, Patridge, Prozanski, Smith P., Williams, Wirth.

Opening Ceremony presented by Representative Cliff Zauner, District 22, Woodburn.

HJR 10 – Introduced, read and passed to Speaker's desk for referral.

HCR 1 – Referred from Speaker's desk to the following committee: Ways and Means.

HJR 1, 2, 3, 4, 5 – Referred from Speaker's desk to the following committees: 3, 5 – Business, Labor and Consumer Affairs; 4 – Health and Human Services; 1, 2 – Rules and Public Affairs.

HB 2001 – Report by Committee on Public Employees Retirement System recommending passage with amendments and be printed A-Engrossed.

HB 5002, 2446, 2447 – Read first time and passed to Speaker's desk for referral.

HB 5002, 5004, 2304, 2305, 2306, 2307, 2308, 2309, 2312, 2313, 2316, 2323, 2325, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2342, 2343, 2344, 2345, 2365, 2366, 2367, 2369, 2371 – Referred from Speaker's desk to the following committees: 2344 – Agriculture and Natural Resources; 2304, 2313, 2331, 2333 – Business, Labor and Consumer Affairs; 2334 – Business, Labor and Consumer Affairs with subsequent referral to Revenue; 2335 – Business, Labor and Consumer Affairs with subsequent referral to Ways and Means; 2371 – Education; 2336, 2337, 2369 – Environment and Land Use; 2305 – Health and Human Services; 2325 – Health and Human Services with subsequent referral to Ways and Means; 2306, 2307, 2308, 2309, 2316, 2332, 2342 – Judiciary; 2340 – Judiciary with subsequent referral to Ways and Means; 2343 – Public Employees Retirement System; 2312, 2339 – Revenue; 2338, 2365 – Transportation; 2367 – Transportation with subsequent referral to Revenue; 2366 – Water with subsequent referral to Ways and Means; 2323, 2345, 5002, 5004 – Ways and Means.

House adjourned until 11:30 a.m., Monday, January 27, 2003 on motion of Krummel.

#### **Monday, January 27, 2003 – Morning Session**

House convened at 11:30 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 3 – Hass, Jenson, Patridge; Excused for business of the House, 1 – Westlund.

Moment of silence observed.

HJR 8, 9 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HB 2052 – Report by Committee on General Government recommending passage.

HB 2072 – Report by Committee on Judiciary without recommendation as to passage. Bill referred to Committee on Ways and Means by prior reference.

HB 2132 – Report by Committee on General Government recommending passage with amendments and be printed A-Engrossed.

HB 2140 – Report by Committee on General Government recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 2170 – Report by Committee on General Government recommending passage and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 2175 – Report by Committee on General Government recommending passage and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 2200 – Report by Committee on Agriculture and Natural Resources recommending passage.

HB 2215 – Report by Committee on Transportation recommending passage.

HB 2265 – Report by Committee on Transportation recommending passage.

HB 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455 – Read first time and passed to Speaker's desk for referral.

HB 2368, 2372, 2373, 2374, 2375, 2377, 2378, 2410, 2411, 2412, 2413, 2414 – Referred from Speaker's desk to the following committees: 2372 – Agriculture and Natural Resources with subsequent referral to Revenue; 2368 – Business, Labor and Consumer Affairs with subsequent referral to Revenue; 2373 – Education; 2410 – General Government; 2374 – Health and Human Services; 2411, 2412, 2413, 2414 – Judiciary; 2375 – Public Employees Retirement System; 2377, 2378 – Rules and Public Affairs.

Message from the Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contribution received during Seventy-second Regular Session, filed on January 23, 2003 by Representative Bill Garrard.

House adjourned until 11:00 a.m., Tuesday, January 28, 2003 on motion of Miller.

**Tuesday, January 28, 2003 – Morning Session**

House convened at 11:00 a.m. Speaker in Chair. All present except: Excused, 4 – Close, Jenson, Patridge, Wirth.

Posting of the Colors by Clatsop County Honor Guard, Clatsop Sheriff's Department, Astoria.

SB 133 – Message from the Senate announcing passage.

HB 2035 – Report by Committee on Transportation recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 2064 – Report by Committee on Judiciary recommending passage.

HJR 6 – Report by Committee on Health and Human Services recommending adoption.

HB 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474 – Read first time and passed to Speaker's desk for referral.

HB 2347, 2348, 2353, 2361, 2363, 2370, 2376, 2379, 2380, 2381, 2382, 2386, 2387, 2388, 2389, 2393, 2394, 2415 – Referred from Speaker's desk to the following committees: 2387, 2389 – Business, Labor and Consumer Affairs; 2415 – Education; 2370 – Education with subsequent referral to Ways and Means; 2348, 2381, 2386 – Judiciary; 2379, 2380, 2394 – Revenue; 2353 – Rules and Public Affairs; 2347, 2363 – Trade and Economic Development; 2361 – Trade and Economic Development with subsequent referral to Ways and Means; 2382, 2388, 2393 – Transportation; 2376 – Water with subsequent referral to Ways and Means.

HB 2001, 2052, 2170, 2175, 2200, 2215, 2265 – Read second time and passed to third reading.

SB 133 – Read first time and passed to Speaker's desk for referral.

House adjourned until 11:00 a.m., Wednesday, January 29, 2003 on motion of Miller.

**Wednesday, January 29, 2003 – Morning Session**

House convened at 11:00 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 5 – Jenson, Mabrey, Merkley, Smith P., Wirth.

Opening Ceremony presented by Representative Brad Avakian, District 34, Portland.

SB 35, 39, 148, 149, 150, 151, 152 – Message from the Senate announcing passage.

HJM 2 – Introduced, read and passed to Speaker's desk for referral.

HJR 11 – Introduced, read and passed to Speaker's desk for referral.

HJR 7 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HB 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498 – Read first time and passed to Speaker's desk for referral.

HB 2383, 2384, 2385, 2390, 2391, 2392, 2395, 2396, 2397, 2398, 2399, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427 – Referred from Speaker's desk to the following committees: 2396, 2416, 2418 – Agriculture and Natural Resources; 2383, 2385, 2391, 2420 – Business, Labor and Consumer Affairs; 2395 – Education; 2417 – General Government; 2427 – Health and Human Services; 2390, 2397, 2422, 2425, 2426 – Judiciary; 2421 – Public Employees Retirement System; 2423, 2424 – Revenue; 2399 – Rules and Public Affairs; 2384, 2392, 2398, 2419 – Transportation.

HB 2064, 2132, 2140 – Read second time and passed to third reading.

Knopp moved that in compliance with Article IV, Section 19 of the Oregon Constitution, and notwithstanding any provision of the Rules of the House of Representatives of the Seventy-second Legislative Assembly, the requirement that on its final passage each bill shall be read section by section, is suspended this Regular Session of the Seventy-second Legislative Assembly, and that all bills pending before the House for final passage during this Session be read by title only. Motion carried on viva voce vote. Provision suspended.

HB 2001 (A-Engrossed) – Read third time. Carried by Knopp. On passage of the bill the vote was: Yeas, 55; Excused, 5 – Jenson, Mabrey, Merkley, Smith P., Wirth. Bill passed.

HB 2052 – Read third time. Carried by Avakian. On passage of the bill the vote was: Yeas, 55; Excused, 5 – Jenson, Mabrey, Merkley, Smith P., Wirth. Bill passed.

HB 2170 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill taken from today's Third Reading of House Bills and placed in its proper order on Thursday's, January 30, 2003 Calendar.

HB 2175 – Read third time. Carried by Nelson. On passage of the bill the vote was: Yeas, 55; Excused, 5 – Jenson, Mabrey, Merkley, Smith P., Wirth. Bill passed.

HB 2200 – Read third time. Carried by Nelson. On passage of the bill the vote was: Yeas, 54; Excused, 5 – Jenson, Mabrey, Merkley, Smith P., Wirth; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 2215 – Read third time. Carried by Gilman. On passage of the bill the vote was: Yeas, 54; Excused, 5 – Jenson, Mabrey, Merkley, Smith P., Wirth; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 2265 – Read third time. Carried by Greenlick. On passage of the bill the vote was: Yeas, 56; Excused, 4 – Jenson, Mabrey, Merkley, Smith P. Bill passed.

HJR 6 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and resolution taken from today's Final Reading of Memorials and Resolutions and placed in its proper order on Thursday's, January 30, 2003 Calendar.

SB 35, 39, 148, 149, 150, 151, 152 – Read first time and passed to Speaker's desk for referral.

Message from the Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contribution received during Seventy-second Regular Session, filed on January 24, 2003 by Representative Billy Dalto.

Message from the Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contribution received during Seventy-second Regular Session, filed on January 27, 2003 by Representative Wayne Krieger.

Message from the Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contribution received during Seventy-second Regular Session, filed on January 28, 2003 by Representatives Mary Gallegos and Pat Farr.

House adjourned until 11:00 a.m., Thursday, January 30, 2003 on motion of Miller.

#### **Thursday, January 30, 2003 – Morning Session**

House convened at 11:00 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 2 – Jenson, Merkley.

Opening Ceremony presented by Representative Betsy Close, District 15, Albany.

Courtesies of the House and floor were extended to Mike Ragsdale, former Representative from District 6.

SB 85, 153 – Message from the Senate announcing passage.

HCR 2 – Introduced, read and passed to Speaker's desk for referral.

HCR 2 – Referred from Speaker's desk to the following committee: Trade and Economic Development.

HJM 1 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HJR 10 – Referred from Speaker's desk to the following committee: Trade and Economic Development.

HB 2114 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2157 – Report by Committee on Health and Human Services recommending passage.

HB 2185 – Report by Committee on Revenue recommending passage.

HB 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2526 – Read first time and passed to Speaker's desk for referral.

HB 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2445, 2446, 2447 – Referred from Speaker's desk to the following committees: 2436 – Agriculture and Natural Resources; 2429, 2433, 2437, 2438, 2439, 2440, 2447 – Business, Labor and Consumer Affairs; 2430 – Education; 2431 – Environment and Land Use; 2445 – Health and Human Services; 2435 – Judiciary; 2446 – Rules and Public Affairs; 2428, 2432, 2434, 2441 – Transportation.

HB 2035 – Read second time and passed to third reading.

HB 2170 – Read third time. Carried by Mabrey. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Jenson, Merkley. Bill passed.

HB 2064 – Read third time. Carried by Barker. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Jenson, Merkley. Bill passed.

HB 2132 (A-Engrossed) – Read third time. Carried by Kitts. On passage of the bill the vote was: Yeas, 56; Nays, 1 – Wirth; Excused, 2 – Jenson, Merkley; Excused for business of the House, 1 – Gallegos. Bill passed.

HB 2140 (A-Engrossed) – Read third time. Carried by Wirth. On passage of the bill the vote was: Ayes, 58; Excused, 2 – Jenson, Merkley. Bill passed.

HJR 6 – Read. Carried by Monnes Anderson. On adoption of the resolution the vote was: Yeas, 49; Nays, 7 – Anderson, Close, Flores, Richardson, Scott,



Smith T., Zauner; Excused, 2 – Jenson, Merkley; Excused for business of the House, 2 – Doyle, Speaker Minnis. Resolution adopted.

SB 85, 153 – Read first time and passed to Speaker's desk for referral.

Message from the Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contribution received during Seventy-second Regular Session, filed on January 29, 2003 by Chuck Riley, candidate for office of State Representative.

Speaker announced appointment of members to the following committee:

PUBLIC EMPLOYEES RETIREMENT SYSTEM – Butler, Barker.

HB 2001 (A-Engrossed) – By unanimous consent, on request of Knopp, rules suspended and Wirth allowed to be recorded as voting “aye” on passage of bill.

HB 2001 (A-Engrossed) – By unanimous consent, on request of Kafoury, rules suspended and Smith P. allowed to be recorded as voting “aye” on passage of bill.

HB 2001 (A-Engrossed) – By unanimous consent, on request of Kafoury, rules suspended and Mabrey allowed to be recorded as voting “aye” on passage of bill.

House adjourned until 8:30 a.m., Friday, January 31, 2003 on motion of Miller.

#### **Friday, January 31, 2003 – Morning Session**

House convened at 8:30 a.m. Doyle in Chair. All present except: Excused, 7 – Hass, Jenson, Kropf, Merkley, Nolan, Wirth, Zauner; Excused for business of the House, 3 – Kafoury, Knopp, Speaker Minnis.

Opening Ceremony presented by Mari Pat Brooks, Principal, St. Joseph School, Salem.

SB 41, 42, 157 – Message from the Senate announcing passage.

HJM 2 – Referred from Speaker's desk to the following committee: Health and Human Services.

HJR 11 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HB 2055 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 2087 – Report by Committee on Judiciary recommending passage and subsequent referral to Committee on Ways and Means be rescinded.

Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 2127 – Report by Committee on Audit and Human Services Budget Reform without recommendation as to passage, be referred to Committee on Health and Human Services and then Committee on Ways and Means by prior reference. Bill referred to Committee on Health and Human Services by order of Speaker, then Committee on Ways and Means by prior reference.

HB 2152 – Report by Committee on Health and Human Services without recommendation as to passage and be referred to Committee on Revenue. Bill referred to Committee on Revenue by order of the Speaker.

HB 2214 – Report by Committee on Transportation recommending passage with amendments and be printed A-Engrossed.

HB 2261 – Report by Committee on Transportation recommending passage with amendments and be printed A-Engrossed.

HB 2002, 2008, 2020, 2409, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536 – Read first time and passed to Speaker's desk for referral.

HB 2002, 2008, 2020, 2409, 2444, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474 – Referred from Speaker's desk to the following committees: 2469, 2470, 2471, 2474 – Business, Labor and Consumer Affairs; 2450 – Education with subsequent referral to Ways and Means; 2458, 2466, 2468 – Environment and Land Use; 2454 – General Government with subsequent referral to Revenue; 2448, 2453, 2463 – Health and Human Services; 2451, 2452, 2462 – Health and Human Services with subsequent referral to Ways and Means; 2449, 2461, 2465, 2467 – Judiciary; 2002, 2008, 2020, 2409 – Public Employees Retirement System; 2444, 2472 – Rules and Public Affairs; 2455 – Transportation; 2464 – Transportation with subsequent referral to Revenue; 2456, 2457, 2459, 2460, 2473 – Water.

HB 2157, 2185 – Read second time and passed to third reading.

HB 2035 – By unanimous consent, on request of Chair, rules suspended and bill taken from today's Third Reading of House Bills and placed in its proper order on Monday's, February 3, 2003 Calendar.

SB 41, 42, 157 – Read first time and passed to Speaker's desk for referral.

SB 133 – Referred from Speaker's desk to the following committee: General Government.

Speaker announced appointment of members to the following committee:

LEGISLATIVE COUNCIL COMMITTEE – Williams, Chair; Speaker Minnis, Ackerman, Garrard, Prozanski, Richardson, Berger (alternate for Speaker Minnis).

House adjourned until 11:30 a.m., Monday, February 3, 2003 on motion of Patridge.

**Monday, February 3, 2003 – Morning Session**

House convened at 11:30 a.m. Speaker in Chair. All present except: Excused, 2 – Miller, Zauner.

Opening Ceremony presented by Pastor Ray Jones, Soul's Harbor Church of the Nazarene, Woodburn.

SCR 1 – Message from the Senate announcing adoption.

SCR 1 – Read first time.

SCR 1 – By unanimous consent, on request of Speaker, rules suspended to permit final consideration immediately. By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of Final Reading of Memorials and Resolutions.

SCR 1 – Read. Carried by Farr, Nolan.

By unanimous consent, on request of Nelson, rules suspended to permit use of visual aid during presentation of resolution.

SCR 1 – On adoption of the resolution the vote was: Yeas, 58; Excused, 2 – Miller, Zauner. Resolution adopted.

HB 2005 – Report by Committee on Public Employees Retirement System recommending passage with amendments and be printed A-Engrossed.

HB 2145 – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2169 – Report by Committee on General Government recommending passage.

HB 2195 – Report by Committee on Agriculture and Natural Resources recommending passage. Bill referred to Committee on Revenue by prior reference.

HB 2197 – Report by Committee on Agriculture and Natural Resources recommending passage. Bill referred to Committee on Revenue by prior reference.

HB 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548 – Read first time and passed to Speaker's desk for referral.

HB 2442, 2443, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2499, 2500, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2526 – Referred from Speaker's desk to the following committees: 2507 – Agriculture and Natural Resources with subsequent referral to Ways and Means; 2476, 2478, 2480 – Business, Labor and Consumer Affairs with subsequent referral to Revenue; 2485 – Education with subsequent referral to Revenue; 2481, 2484, 2509 – Education with subsequent referral to Ways and Means; 2482 – General Government with subsequent referral to Ways and Means; 2487 – Health and Human Services; 2500 – Health and Human Services with subsequent referral to Revenue; 2483 – Health and Human Services with subsequent referral to Ways and Means; 2490, 2508 – Judiciary; 2479, 2526 – Judiciary with subsequent referral to Ways and Means; 2486, 2488, 2489, 2503, 2505, 2506 – Revenue; 2442, 2443, 2477, 2504 – Rules and Public Affairs; 2499 – Rules and Public Affairs with subsequent referral to Ways and Means; 2475, 2491 – Water.

HB 2087, 2114 – Read second time and passed to third reading.

HB 2035, 2157, 2185 – By unanimous consent, on request of Speaker, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Tuesday's, February 4, 2003 Calendar.

SB 35, 39, 85, 148, 149, 150, 151, 152, 153 – Referred from Speaker's desk to the following committees: 85, 149, 151, 152 – Business, Labor and Consumer Affairs; 148, 150, 153 – General Government; 35, 39 – Judiciary.

HB 2409 – In compliance with House Rule 9.01, subsection (5), bill sent for review by Committee on Judiciary.

House adjourned until 11:00 a.m., Tuesday, February 4, 2003 on motion of Jensen.

**Tuesday, February 4, 2003 – Morning Session**

House convened at 11:00 a.m. Backlund in Chair. All present except: Excused, 4 – Hunt, Scott, Shetterly, Wirth; Excused for business of the House, 5 – Doyle, Kafoury, Knopp, Williams, Speaker Minnis.

Opening Ceremony presented by Representative Pat Farr, District 14, Eugene.

SB 209 – Message from the Senate announcing passage.

SCR 1 – Message from the Senate announcing President signed on February 3, 2003.

HJR 12, 13 – Introduced, read and passed to Speaker's desk for referral.

HB 2171 – Report by Committee on Health and Human Services recommending passage. Bill referred to Committee on Revenue by prior reference.

HB 2192 – Report by Committee on Health and Human Services recommending passage.

HB 2216 – Report by Committee on Transportation recommending passage.

HCR 2 – Report by Committee on Trade and Economic Development recommending adoption with amendments and be printed A-Engrossed.

HB 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564 – Read first time and passed to Speaker's desk for referral.

HB 2055, 2169, 2214, 2261 – Read second time and passed to third reading.

HB 2035 (A-Engrossed) – Read third time. Carried by Brown. On passage of the bill the vote was: Yeas, 52; Excused, 4 – Butler, Hunt, Shetterly, Wirth; Excused for business of the House, 4 – Doyle, Kafoury, Miller, Williams. Bill passed.

HB 2157 – Read third time. Carried by Barker. On passage of the bill the vote was: Yeas, 53; Excused, 4 – Butler, Hunt, Shetterly, Wirth; Excused for business of the House, 3 – Kafoury, Miller, Williams. Bill passed.

HB 2185 – Read third time. Carried by Farr. On passage of the bill the vote was: Yeas, 53; Excused, 4 – Butler, Hunt, Shetterly, Wirth; Excused for business of the House, 3 – Kafoury, Miller, Williams. Bill passed.

HB 2087 – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 54; Excused, 4 – Butler, Hunt, Shetterly, Wirth; Excused for business of the House, 2 – Kafoury, Williams. Bill passed.

HB 2114 (A-Engrossed) – Read third time. Carried by Anderson. On passage of the bill the vote was: Yeas, 54; Nays, 2 – Nelson, Smith G.; Excused, 3 – Butler, Hunt, Shetterly; Excused for business of the House, 1 – Williams. Bill passed.

SB 209 – Read first time and passed to Speaker's desk for referral.

Message from the Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contribution received during Seventy-second Regular

Session, filed on January 30, 2003 by Representative Gordon Anderson.

Message from the Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contribution received during Seventy-second Regular Session, filed on February 3, 2003 by Chuck Riley, candidate for office of State Representative.

HB 2001 (A-Engrossed) – By unanimous consent, on request of Knopp, rules suspended and Merkley allowed to be recorded as voting "aye" on passage of bill.

HB 2001 (A-Engrossed) – By unanimous consent, on request of Kafoury, rules suspended and Jenson allowed to be recorded as voting "aye" on passage of bill.

SCR 1 – Speaker signed.

House adjourned until 11:00 a.m., Wednesday, February 5, 2003 on motion of Jenson.

#### **Wednesday, February 5, 2003 – Morning Session**

House convened at 11:00 a.m. Speaker in Chair. All present except: Excused, 3 – Hansen, Shetterly, Wirth.

Opening Ceremony presented by Mayor Richard Kidd, Forest Grove.

SB 160, 45, 108, 110, 117, 123, 170, 171, 210, 211 – Message from the Senate announcing passage.

HB 2166 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Revenue by prior reference.

HB 2179 – Report by Committee on Agriculture and Natural Resources recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2317 – Report by Committee on General Government recommending passage.

HB 2321 – Report by Committee on General Government recommending passage.

HB 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575 – Read first time and passed to Speaker's desk for referral.

HB 2501, 2502, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536 – Referred from Speaker's desk to the following committees: 2521 – Agriculture and Natural Resources; 2524 – Business, Labor and Consumer Affairs; 2528 – Business, Labor and

Consumer Affairs with subsequent referral to Revenue; 2525, 2527, 2529 – Business, Labor and Consumer Affairs with subsequent referral to Ways and Means; 2533 – Environment and Land Use; 2530, 2531 – General Government with subsequent referral to Ways and Means; 2517, 2519, 2520 – Health and Human Services; 2511, 2522 – Health and Human Services with subsequent referral to Ways and Means; 2523 – Judiciary; 2535 – Revenue; 2536 – Revenue with subsequent referral to Ways and Means; 2502 – Rules and Public Affairs; 2510 – Trade and Economic Development with subsequent referral to Ways and Means; 2501, 2514, 2518 – Transportation; 2513, 2515, 2516 – Water; 2512 – Water with subsequent referral to Ways and Means; 2532, 2534 – Ways and Means.

HB 2005, 2192, 2216 – Read second time and passed to third reading.

HB 2055 (A-Engrossed) – Read third time. Carried by Gallegos. On passage of the bill the vote was: Yeas, 56; Nays, 1 – Ackerman; Excused, 3 – Hansen, Shetterly, Wirth. Bill passed.

HB 2169 – Read third time. Carried by Mabrey. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Hansen, Shetterly. Bill passed.

HB 2214 (A-Engrossed) – Read third time. Carried by Dingfelder. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Hansen, Shetterly. Bill passed.

HB 2261 (A-Engrossed) – Read third time. Carried by Beyer. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Hansen, Shetterly. Bill passed.

SB 45, 108, 110, 117, 123, 160, 170, 171, 210, 211 – Read first time and passed to Speaker's desk for referral.

SB 41, 42, 157 – Referred from Speaker's desk to the following committees: 157 – General Government; 41, 42 – Judiciary.

House Rule 8.01 – By unanimous consent, on request of Speaker, rules suspended to dispense with the requirement to read the proposed amendment.

**8.01 Names of Committees.** There shall be the following [15] 16 standing committees to which shall be referred all measures [relating to the subject matters described herein]:

- (1) Agriculture and Natural Resources;
- (2) Audit and Human Services Budget Reform;
- (3) Business, Labor and Consumer Affairs;
- (4) Education;
- (5) Environment and Land Use;
- (6) General Government;
- (7) Health and Human Services;
- (8) Judiciary;
- (9) Public Employees Retirement System (PERS);
- (10) Revenue;

(11) Rules and Public Affairs;

(12) Trade and Economic Development;

(13) Transportation;

(14) Water;

(15) Ways and Means to which will be referred all measures relating generally to appropriations notwithstanding measures relating generally to the 2001-2003 Legislatively Approved Budget;

(16) Special Committee on Budget.

The Speaker may appoint special committees.

House Rule 8.01 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

House adjourned until 11:00 a.m., Thursday, February 6, 2003 on motion of Jenson.

#### **Thursday, February 6, 2003 – Morning Session**

House convened at 11:00 a.m. Smith T. in Chair. All present except: Excused, 1 – Shetterly.

Opening Ceremony presented by Portland Christian High School Ensemble, Principal Kevin Barrows, Portland.

SB 182, 192, 193 – Message from the Senate announcing passage.

HJR 14 – Introduced, read and passed to Speaker's desk for referral.

HB 2027 – Report by Committee on Revenue recommending passage.

HB 2176 – Report by Committee on Transportation recommending passage with amendments and be printed A-Engrossed.

HB 2254 – Report by Committee on Agriculture and Natural Resources recommending passage. Bill referred to Committee on Ways and Means by prior reference.

HB 2257 – Report by Committee on Environment and Land Use recommending passage.

HB 2295 – Report by Committee on Trade and Economic Development recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584 – Read first time and passed to Speaker's desk for referral.

HB 2317, 2321 – Read second time and passed to third reading.

HB 2005 (A-Engrossed) – Read third time. Carried by Macpherson.

Potential conflict of interest declared by Nolan.

HB 2005 (A-Engrossed) – On passage of the bill the vote was: Yeas, 58; Nays, 1 – Nelson; Excused, 1 – Shetterly. Bill passed.

HB 2192 – Read third time. Carried by Westlund. On passage of the bill the vote was: Yeas, 59; Excused, 1 – Shetterly. Bill passed.

HB 2216 – Read third time. Carried by Zauner. On passage of the bill the vote was: Yeas, 59; Excused, 1 – Shetterly. Bill passed.

HCR 2 (A-Engrossed) – Read. Carried by Knopp. On adoption of the resolution the vote was: Yeas, 52; Absent, 7 – Barnhart, Dingfelder, Kafoury, Merkley, Monnes Anderson, Prozanski, Tomei; Excused, 1 – Shetterly. Resolution adopted.

SB 182, 192, 193 – Read first time and passed to Speaker's desk for referral.

House adjourned until 8:30 a.m., Friday, February 7, 2003 on motion of Jenson.

#### **Friday, February 7, 2003 – Morning Session**

House convened at 8:30 a.m. Speaker in Chair.

Speaker Pro Tempore in Chair.

Call of the House demanded by Doyle, joined by Barnhart, Smith P., Zauner, Brown and Butler. All present except: Excused (not subject to Call), 5 – Ackerman, Hopson, Kropf, Scott, Wirth.

Opening Ceremony presented by Trina Palmer, Salem.

SB 244, 163, 199, 200, 234 – Message from the Senate announcing passage.

HJR 6 – Message from the Senate announcing adoption.

HJR 12, 13 – Referred from Speaker's desk to the following committees: 13 – Revenue; 12 – Rules and Public Affairs.

HB 2213 – Report by Committee on Transportation recommending passage. Bill referred to Committee on Revenue by prior reference.

SB 133 – Report by Committee on General Government recommending passage and be placed on the Consent Calendar.

SB 148 – Report by Committee on General Government recommending passage and be placed on the Consent Calendar.

SB 150 – Report by Committee on General Government recommending passage and be placed on the Consent Calendar.

SB 153 – Report by Committee on General Government recommending passage.

House Rule 8.01 – Report by Committee on Rules and Public Affairs recommending adoption as amended.

**8.01 Names of Committees.** There shall be the following [15] 16 standing committees to which shall be referred all measures [relating to the subject matters described herein]:

- (1) Agriculture and Natural Resources;
- (2) Audit and Human Services Budget Reform;
- (3) Business, Labor and Consumer Affairs;
- (4) Education;
- (5) Environment and Land Use;
- (6) General Government;
- (7) Health and Human Services;
- (8) Judiciary;
- (9) Public Employees Retirement System (PERS);
- (10) Revenue;
- (11) Rules and Public Affairs;
- (12) Trade and Economic Development;
- (13) Transportation;
- (14) Water;

(15) Ways and Means to which will be referred all measures relating generally to appropriations notwithstanding measures relating generally to the 2001-2003 Legislatively Approved Budget;

(16) Special Committee on Budget to which may be referred measures relating generally to the 2001-2003 Legislatively Approved Budget.

The Speaker may appoint special committees.

House Rule 8.01 – Doyle moved proposed amendment be adopted. Motion carried, the vote being: Yeas, 54; Nays, 1 – Nolan; Excused, 5 – Ackerman, Hopson, Kropf, Scott, Wirth. Amendment adopted.

Speaker announced appointment of members to the following committee:

SPECIAL COMMITTEE ON BUDGET – Miller, Chair; Morgan, Vice-Chair; Bates, Butler, Hansen, Johnson, Patridge.

HB 5075, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594 – Read first time and passed to Speaker's desk for referral.

HB 5075 – Referred from Speaker's desk to the following committee: Budget.

HB 2538, 2539, 2540, 2541, 2542, 2543, 2545, 2546, 2547, 2548, 2549, 2550, 2552, 2553, 2554, 2556, 2557, 2558, 2563, 2564, 2565, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575 – Referred from Speaker's desk to the following committees: 2574 – Agriculture and Natural Resources; 2570 – Business, Labor and Consumer Affairs; 2567 – Business, Labor and Consumer Affairs with subsequent referral to Revenue; 2564 – Business, Labor and Consumer Affairs with subsequent referral to Ways and Means; 2575 – Education with subsequent referral to Ways and Means; 2545, 2546 – Environment and Land Use; 2548 – General Government; 2558 – Health and Human Services; 2539, 2543, 2553, 2554, 2569, 2572

– Judiciary; 2556 – Revenue; 2538, 2547, 2550, 2552, 2557, 2563 – Rules and Public Affairs; 2549, 2565 – Trade and Economic Development; 2540, 2541, 2542, 2573 – Transportation; 2571 – Transportation with subsequent referral to Ways and Means; 2568 – Ways and Means.

HB 2027, 2257 – Read second time and passed to third reading.

HB 2317, 2321 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Monday's, February 10, 2003 Calendar.

SB 163, 199, 200, 234, 244 – Read first time and passed to Speaker's desk for referral.

SB 209 – Referred from Speaker's desk to the following committee: Business, Labor and Consumer Affairs.

House adjourned until 11:00 a.m., Monday, February 10, 2003 on motion of Miller.

#### **Monday, February 10, 2003 – Morning Session**

House convened at 11:00 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 1 – Dingfelder; Excused for business of the House, 7 – Bates, Butler, Hansen, Johnson, Miller, Morgan, Patridge.

Opening Ceremony presented by Representative Mitch Greenlick, District 33, Portland.

SB 130, 158, 191 – Message from the Senate announcing passage.

HJR 15 – Introduced, read and passed to Speaker's desk for referral.

HJR 14 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HB 2044 – Report by Committee on Rules and Public Affairs recommending passage with amendments, be printed A-Engrossed, and be placed on the Consent Calendar.

HB 2098 – Report by Committee on Judiciary recommending passage.

HB 2595, 2596, 2597, 2598, 2599, 2601, 2602, 2603, 2604, 2605, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615 – Read first time and passed to Speaker's desk for referral.

HB 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2537, 2544, 2551, 2555, 2577, 2579, 2580, 2581, 2582, 2583 – Referred from Speaker's desk to the following committees: 2537 – Audit and Human Services Budget Reform; 2555, 2577, 2580 – Business, Labor and Consumer Affairs with subsequent referral to

Ways and Means; 2544 – Health and Human Services with subsequent referral to Ways and Means; 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2581, 2583 – Judiciary; 2582 – Rules and Public Affairs with subsequent referral to Ways and Means; 2579 – Transportation; 2551 – Water with subsequent referral to Ways and Means.

HB 2176, 2295 – Read second time and passed to third reading.

HB 2317 – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 51; Absent, 1 – Kropf; Excused, 1 – Dingfelder; Excused for business of the House, 7 – Bates, Butler, Hansen, Johnson, Miller, Morgan, Patridge. Bill passed.

HB 2321 – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 51; Absent, 1 – Kropf; Excused, 1 – Dingfelder; Excused for business of the House, 7 – Bates, Butler, Hansen, Johnson, Miller, Morgan, Patridge. Bill passed.

HB 2027 – Read third time. Carried by Hass. On passage of the bill the vote was: Yeas, 52; Excused, 1 – Dingfelder; Excused for business of the House, 7 – Bates, Butler, Hansen, Johnson, Miller, Morgan, Patridge. Bill passed.

HB 2257 – Read third time. Carried by Zauner. On passage of the bill the vote was: Yeas, 52; Excused, 1 – Dingfelder; Excused for business of the House, 7 – Bates, Butler, Hansen, Johnson, Miller, Morgan, Patridge. Bill passed.

SB 130, 158, 191 – Read first time and passed to Speaker's desk for referral.

SB 153 – Read second time and passed to third reading.

HB 2317 – By unanimous consent, on request of Kafoury, rules suspended and Kropf allowed to be recorded as voting "aye" on passage of bill.

HB 2321 – By unanimous consent, on request of Kafoury, rules suspended and Kropf allowed to be recorded as voting "aye" on passage of bill.

House adjourned until 11:00 a.m., Tuesday, February 11, 2003 on motion of Jenson.

#### **Tuesday, February 11, 2003 – Morning Session**

House convened at 11:00 a.m. Patridge in Chair. All present except: Excused, 2 – Dingfelder, Krummel; Excused for business of the House, 2 – Miller, Speaker Minnis.

Speaker Pro Tempore in Chair.

Moment of silence observed.

SB 67, 111, 134, 135, 321 – Message from the Senate announcing passage.

HJR 16 – Introduced, read and passed to Speaker's desk for referral.

HB 5075 – Report by Committee on Budget recommending passage.

HB 2038 – Report by Committee on Transportation recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2129 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Revenue by prior reference.

HB 2260 – Report by Committee on Agriculture and Natural Resources without recommendation as to passage. Bill referred to Committee on Ways and Means by prior reference.

HB 2314 – Report by Committee on Judiciary recommending passage.

HB 2316 – Report by Committee on Judiciary recommending passage.

HB 2318 – Report by Committee on Judiciary recommending passage.

HB 2319 – Report by Committee on Judiciary recommending passage.

HB 2322 – Report by Committee on Judiciary recommending passage.

HB 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628 – Read first time and passed to Speaker's desk for referral.

HB 2098 – Read second time and passed to third reading.

HB 2176 (A-Engrossed) – Read third time. Carried by Greenlick. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Dingfelder, Krummel. Bill passed.

HB 2295 (A-Engrossed) – Read third time. Carried by March. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Dingfelder, Krummel. Bill passed.

SB 67, 111, 134, 135, 321 – Read first time and passed to Speaker's desk for referral.

SB 133, 148, 150 – Read second time and passed to third reading.

SB 153 – Read third time. Carried by Wirth. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Dingfelder, Krummel. Bill passed.

House adjourned until 11:00 a.m., Wednesday, February 12, 2003 on motion of Jenson.

### **Wednesday, February 12, 2003 – Morning Session**

House convened at 11:00 a.m. March in Chair. All present except: Excused, 2 – Dingfelder, Hopson.

Speaker Pro Tempore in Chair.

Opening Ceremony presented by Dr. Alice Scannel, St. Michael and All Angels Episcopal Church, Portland.

SB 13, HB 2001, SB 81, 222, 226 – Message from the Senate announcing passage.

HJR 17 – Introduced, read and passed to Speaker's desk for referral.

HB 2159 – Report by Committee on Health and Human Services recommending passage, subsequent referral to Committee on Ways and Means be rescinded, and bill be placed on the Consent Calendar. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 2173 – Report by Committee on Transportation recommending passage.

HB 2211 – Report by Committee on Transportation recommending passage.

HB 2223 – Report by Committee on Transportation recommending passage.

HB 2305 – Report by Committee on Health and Human Services without recommendation as to passage and be referred to Committee on Judiciary. Bill referred to Committee on Judiciary by order of the Speaker.

HB 2424 – Report by Committee on Revenue recommending passage.

HB 2454 – Report by Committee on General Government recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Revenue by prior reference.

HJR 4 – Report by Committee on Health and Human Services recommending adoption with amendments and be printed A-Engrossed.

House recessed on motion of Kafoury.

House reconvened at 11:50 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 1 – Dingfelder.

Having recessed under the order of business of Propositions and Motions, the House continued under that order of business.

Courtesies of the House and floor were extended to Norm Smith, former Representative from District 9.

HB 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642 – Read first time and passed to Speaker's desk for referral.

HB 2559, 2560, 2561, 2562, 2566, 2576, 2578, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2592, 2593, 2594, 2626 – Referred from Speaker's desk to the following committees: 2559, 2560, 2562 – Audit and Human Services Budget Reform with subsequent referral to Ways and Means; 2588 – Education; 2585 – Education with subsequent referral to Ways and Means; 2584 – Health and Human Services; 2561, 2566 – Health and Human Services with subsequent referral to Ways and Means; 2576, 2586, 2587, 2589, 2590, 2592, 2593, 2594 – Judiciary; 2626 – Revenue; 2578 – Transportation.

HB 5075, 2044, 2314, 2316, 2318, 2319, 2322 – Read second time and passed to third reading.

SB 133 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 59; Excused, 1 – Dingfelder. Bill passed.

SB 148 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 59; Excused, 1 – Dingfelder. Bill passed.

HB 2098 – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 59; Excused, 1 – Dingfelder. Bill passed.

HB 5075 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit third reading and final consideration immediately.

HB 5075 – Read third time. Carried by Speaker Minnis.

Call of the House demanded by Knopp, joined by Nelson, Flores, Smith T., Hansen and Prozanski. All present except: Excused (not subject to Call), 1 – Dingfelder.

HB 5075 – On passage of the bill the vote was: Yeas, 51; Nays, 8 – Hunt, Kafoury, March, Nolan, Rosenbaum, Schaufler, Tomei, Wirth; Excused, 1 – Dingfelder. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted for HB 5075 because:

"This is a terrible, inadequate deception and no real protection for our most vulnerable citizens. We must have real reform in our revenue system in order to adequately fund schools, health care and public safety.

"This bill will protect only some of those in dire need. Many of those in urgent need will die in the next few months without it. The Oregon State Police crime labs are essential to the administration of justice.

"But, this bill only makes the problems worse, short term, for our children and other citizens with health needs.

"On balance, I voted 'yes' on this bill in the hope that this legislation will lead the majority party to propose real reform in our revenue system and our budget system so that schools, human services and public safety are really funded.

"As was said today on the House floor, 'This bill is a bridge over troubled waters.' It is, but it does nothing to calm the troubled waters, nor will this bridge last long. We need to do much, much more."

March requested the following explanation of his vote be entered in the Journal:

"Would I vote against the needy and the vulnerable? No. I do have to vote against HB 5075 because it doesn't do enough or do it responsibly. I did not vote for the cuts that this bill attempts to backfill. I also voted for the legislature to raise the revenue necessary to fund these and other programs, including education. We should honestly re-look at all programs for the vulnerable within the context of the 2001-03 Budget and the expected remaining shortfall.

"The legislature has the responsibility to fund necessary services. The 71<sup>st</sup> Legislative Assembly consistently ducked that responsibility. Until we either raise the revenue necessary or identify other cuts in the budget I cannot give false hopes based on this incomplete package particularly in the face of even greater expected deficits."

Prozanski requested the following explanation of his vote be entered in the Journal:

"I supported HB 5075 because it may allow some medically needy individuals additional time to make different arrangements for continuous coverage. However, it is only a short-term fix from an inappropriate source.

"The funding source for HB 5075 is lottery funds. That revenue stream was dedicated by the voters to education, economic development, parks and salmon recovery; not social service programs. Even though steps were taken by leadership to sanitize the money by passing it through the education budget, I question the legality of that action and the failure to honor the will of the voters.

"My hopes are that the Senate will fund the bill with appropriate monies and will consider including additional medical needy individuals. Lastly, that the funding source is stable and long-term."

Schaufler requested the following explanation of his vote be entered in the Journal:

"Today, I opposed HB 5075 because it only offers false hope to the neediest citizens. It is unfair to dangle services over the heads of Oregonians who need them most, in order to create the appearance that we are helping them. It is cruel to tease seniors, patients with mental illnesses, patients who need life-saving medications, and people with disabilities with the services that they need to live; without providing a commitment to ensure that they can count on the funding. We need a real, long-term funding solution for these services.

"Today we made a promise to Oregonians that we cannot keep. We are telling Oregonians that we will spend \$15.5 million more when in reality we are being forced to cut \$344 million immediately. In order to cover this bill we would have to cut nearly \$360 million elsewhere. In light of our budget, I do not believe this is possible. We need to develop long term funding solutions before we can spend another dime. Once we do that, funding for these services should be the first thing we fund. That way Oregonians can count on the promises that we make to them.

"I will work to provide real solutions and to set priorities for this state that include full funding of these vital services for the long term. One of the main reasons that I ran for this office was to ensure adequate funding for the treatment of mental illness and other services for those citizens that need them most.

"It was a very hard decision for me to vote against a measure that seemingly would offer help to the very citizens that I came here to help, but I believe that it actually does more harm than good.

"My deep commitment to funding the most vulnerable comes from a very personal place. My mother suffers from schizophrenia and my brother also suffers from a mental illness. I could write a book on the pain and suffering that affects not only the patient, but



the patient's family as well. I understand the pain that Oregon families are facing. I have lived it."

Tomei requested the following explanation of her vote be entered in the Journal:

"As a Social Worker who has worked with our most vulnerable populations all my professional life, my 'no' vote on House Bill 5075 was especially difficult for me. My vote is in no way to be construed as a vote against helping the medically needy in our communities or against protecting the public safety.

"I voted against HB 5075 because it is yet another effort to plug the hole in a breaching dam through borrowing and applying Band-Aid solutions.

"These are the facts:

- This bill is a borrow-and-spend attempt to pad the general fund with lottery proceeds that the State Constitution earmarks for our school-aged children. Playing with dedicated lottery funds in this way may be legal in a technical sense, but I strongly question the ethics of it. How can we ever expect to regain the trust of voters if we use shell games to get around the spirit of the law?
- HB 5075 applies a very small Band-Aid to a gaping budgetary wound. It does nothing to heal the injury. Even for those constituents covered by these meager restorations, the bill gives no assurance that they will last beyond June 30. With respect to the larger picture, this particular Band-Aid Bill leaves tens of thousands of vulnerable Oregonians out in the cold.
- HB 5075 does not restore funds to the 'medically needier' people for whom the impact of omission may be catastrophic. Adults who are part of the Oregon Health Plan Standard will lose all prescription drug coverage on March 1, 2003. Nearly all of these people have incomes, from whatever source, that fall at or below the federal poverty level. It's believed that about 38 percent of them fall at or below 10 percent of the poverty level. Approximately 100,000 Oregonians will feel the impact of this omission. At least 8,000 people on General Assistance lost their benefits on February 1, 2003. These omissions from the 'Emergency Care Package' are disgraceful.
- This bill fails to address an additional projected revenue shortfall of at least \$300 million during the remainder of this biennium.

"We must begin a serious, bipartisan effort to deal with the looming budget crisis. I believe that we must restore and maintain state support to schools, public safety and every vulnerable Oregonian. The time for borrowing and Band-Aids is past. We need a new budget system that sustains quality education, creates jobs, promotes and protects healthy families, and cares for our seniors, disabled and medically needy citizens. We must move forward with thoughtful, constructive and compassionate dialogue in order to return to the greatness that was and again can be the Oregon we love.

"I could not, in all good conscience, support HB 5075, which does nothing to restore the public's trust in the legislative process and does everything to promote false hopes."

SB 13, 81, 222, 226 – Read first time and passed to Speaker's desk for referral.

SB 45, 108, 110, 117, 123, 160, 170, 171, 210, 211 – Referred from Speaker's desk to the following committees: 160, 210 – Business, Labor and Consumer Affairs; 211 – General Government; 45, 108, 110, 117, 123 – Judiciary; 170, 171 – Trade and Economic Development.

SB 150 – In compliance with House Rule 4.05, subsection (3), bill removed from Consent Calendar by

order of the Speaker, and placed in its proper order on the Third Reading Calendar.

SB 150 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill taken from today's Third Reading of Senate Bills and placed in its proper order on Thursday's, February 13, 2003 Calendar.

HB 2409 – In compliance with House Rule 9.01, subsection (5), bill returned to Committee on Public Employees Retirement System.

HB 2001 – Speaker signed.

House adjourned until 11:00 a.m., Thursday, February 13, 2003 on motion of Jenson.

#### **Thursday, February 13, 2003 – Morning Session**

House convened at 11:00 a.m. Close in Chair. All present except: Excused, 1 – Brown.

Posting of the Colors by Robbie Harding and Hamish MacLean, Caledonian Society of Bend.

Opening Ceremony presented by Pastor Paul Linnemann, Our Redeemer Lutheran Church, Tigard.

HB 2001 – Message from the Senate announcing President signed on February 12, 2003.

SB 153 – Message from the Senate announcing President signed on February 12, 2003.

SB 204, HB 2052, SB 59, 65, 68, 105, 227, 106 – Message from the Senate announcing passage.

HJR 15, 16 – Referred from Speaker's desk to the following committees: 16 – Education; 15 – Rules and Public Affairs.

HB 2033 – Report by Committee on Water recommending passage with amendments, be printed A-Engrossed, and be placed on the Consent Calendar.

HB 2133 – Report by Committee on Revenue recommending passage.

HB 2134 – Report by Committee on Revenue recommending passage.

HB 2135 – Report by Committee on Revenue recommending passage and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 2136 – Report by Committee on Revenue recommending passage.

HB 2643, 2644, 2645, 2646 – Read first time and passed to Speaker's desk for referral.

HB 2591, 2595, 2596, 2597, 2598, 2599, 2601, 2602, 2603, 2604, 2605, 2607, 2608, 2609, 2610, 2611,

2612, 2613, 2614, 2615, 2618, 2619, 2620, 2621, 2622, 2623, 2627, 2628 – Referred from Speaker's desk to the following committees: 2623, 2627 – Business, Labor and Consumer Affairs; 2595 – Business, Labor and Consumer Affairs with subsequent referral to Revenue; 2618 – Business, Labor and Consumer Affairs with subsequent referral to Ways and Means; 2621 – Education; 2628 – Education with subsequent referral to Ways and Means; 2607, 2610, 2611, 2612, 2614 – Environment and Land Use; 2609 – Health and Human Services; 2613 – Health and Human Services with subsequent referral to Ways and Means; 2591, 2619, 2620 – Judiciary; 2605 – Judiciary with subsequent referral to Ways and Means; 2598, 2599, 2601, 2602, 2603, 2604 – Revenue; 2596, 2597, 2608, 2615 – Rules and Public Affairs; 2622 – Trade and Economic Development with subsequent referral to Revenue.

HB 2173, 2211, 2223, 2424 – Read second time and passed to third reading.

HB 2044 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 58; Excused, 1 – Brown; Excused for business of the House, 1 – Nelson. Bill passed.

HB 2314 – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 59; Excused, 1 – Brown. Bill passed.

HB 2316 – Read third time. Carried by Krummel. On passage of the bill the vote was: Yeas, 59; Excused, 1 – Brown. Bill passed.

HB 2318 – Read third time. Carried by Macpherson. On passage of the bill the vote was: Yeas, 59; Excused, 1 – Brown. Bill passed.

HB 2319 – Read third time. Carried by Ackerman. On passage of the bill the vote was: Yeas, 59; Excused, 1 – Brown. Bill passed.

HB 2322 – Read third time. Carried by Anderson. On passage of the bill the vote was: Yeas, 59; Excused, 1 – Brown. Bill passed.

SB 59, 65, 68, 105, 106, 204, 227 – Read first time and passed to Speaker's desk for referral.

SB 134, 135, 182, 192, 193, 321 – Referred from Speaker's desk to the following committees: 321 – Business, Labor and Consumer Affairs; 192, 193 – Health and Human Services; 135 – Rules and Public Affairs; 134 – Rules and Public Affairs with subsequent referral to Ways and Means; 182 – Transportation.

SB 150 – Read third time. Carried by Krummel. On passage of the bill the vote was: Yeas, 57; Absent, 2 – Kruse, Westlund; Excused, 1 – Brown. Bill passed.

HB 2044 – By unanimous consent, on request of Kafoury, rules suspended and Nelson allowed to be recorded as voting "aye" on passage of bill.

House adjourned until 8:30 a.m., Friday, February 14, 2003 on motion of Jenson.

#### **Friday, February 14, 2003 – Morning Session**

House convened at 8:30 a.m. Speaker in Chair. All present except: Excused, 7 – Hass, Kropf, Smith G., Smith P., Smith T., Verger, Wirth.

Opening Ceremony presented by Representative Pat Farr, District 14, Eugene.

Opening Ceremony presented by Tracey Payne, Salem.

Opening Ceremony presented by Daniel Slosberg, Los Angeles, California.

SB 147, 180, 224, 34, 80, 187 – Message from the Senate announcing passage.

HB 2021 – Report by Committee on Health and Human Services recommending passage.

HB 2023 – Report by Committee on Revenue recommending passage with amendments and be printed A-Engrossed.

HB 2024 – Report by Committee on Revenue recommending passage.

HB 2025 – Report by Committee on Revenue recommending passage.

HB 2026 – Report by Committee on Revenue recommending passage.

HB 2160 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2193 – Report by Committee on Education recommending passage. Bill referred to Committee on Ways and Means by prior reference.

HB 2273 – Report by Committee on Environment and Land Use recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2274 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2284 – Report by Committee on Judiciary recommending passage.

HB 2339 – Report by Committee on Revenue recommending passage.

HB 2426 – Report by Committee on Judiciary recommending passage.

HB 2429 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

HB 2406, 2647, 2648, 2649, 2650, 2652, 2653, 2654, 2655, 2656 – Read first time and passed to Speaker's desk for referral.

HB 2645, 2646 – Referred from Speaker's desk to the following committee: Judiciary.

HB 2133, 2134, 2135, 2136, 2159 – Read second time and passed to third reading.

HB 2173, 2211, 2223, 2424 – By unanimous consent, on request of Speaker, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Monday's, February 17, 2003 Calendar.

HJR 4 – By unanimous consent, on request of Speaker, rules suspended and resolution remaining on today's Final Reading of Memorials and Resolutions carried over and placed in its proper order on Monday's, February 17, 2003 Calendar.

SB 34, 80, 147, 180, 187, 224 – Read first time and passed to Speaker's desk for referral.

SB 163, 199, 200, 234, 244 – Referred from Speaker's desk to the following committees: 199, 200, 234, 244 – Business, Labor and Consumer Affairs; 163 – Health and Human Services.

House adjourned until 11:00 a.m., Monday, February 17, 2003 on motion of Jenson.

#### **Monday, February 17, 2003 – Morning Session**

House convened at 11:00 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 4 – Garrard, Hopson, Miller, Wirth.

Opening Ceremony presented by Bishop Robert Vasa, Diocese of Baker, Baker.

Courtesies of the House and floor were extended to Earl Blumenauer, former Representative from District 11.

Courtesies of the House and floor were extended to Rod Johnson, former Representative from District 45.

SB 203 – Message from the Senate announcing passage.

HJR 18 – Introduced, read and passed to Speaker's desk for referral.

HJR 17 – Referred from Speaker's desk to the following committee: Environment and Land Use.

HB 2197 – Report by Committee on Revenue recommending passage with amendments and be printed A-Engrossed.

HB 2269 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2651, 2657, 2658, 2659, 2660, 2661, 2663, 2664 – Read first time and passed to Speaker's desk for referral.

HB 2616, 2625, 2631, 2633, 2635, 2638, 2639, 2640, 2641, 2642 – Referred from Speaker's desk to the following committees: 2641 – Audit and Human Services Budget Reform with subsequent referral to Ways and Means; 2616, 2639 – Business, Labor and Consumer Affairs; 2631, 2640, 2642 – Health and Human Services; 2638 – Judiciary with subsequent referral to Ways and Means; 2633, 2635 – Public Employees Retirement System; 2625 – Revenue.

HB 2021, 2024, 2025, 2026, 2033, 2284, 2339, 2426, 2429 – Read second time and passed to third reading.

HB 2159 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 56; Excused, 4 – Garrard, Hopson, Miller, Wirth. Bill passed.

HB 2173 – Read third time. Carried by Gilman. On passage of the bill the vote was: Yeas, 56; Excused, 4 – Garrard, Hopson, Miller, Wirth. Bill passed.

HB 2211 – Read third time. Carried by Beyer. On passage of the bill the vote was: Yeas, 56; Excused, 4 – Garrard, Hopson, Miller, Wirth. Bill passed.

HB 2223 – Read third time. Carried by Zauner. On passage of the bill the vote was: Yeas, 56; Excused, 4 – Garrard, Hopson, Miller, Wirth. Bill passed.

HB 2424 – Read third time. Carried by Farr. On passage of the bill the vote was: Yeas, 56; Excused, 4 – Garrard, Hopson, Miller, Wirth. Bill passed.

HB 2133 – Read third time. Carried by Williams. On passage of the bill the vote was: Yeas, 56; Excused, 4 – Garrard, Hopson, Miller, Wirth. Bill passed.

Williams in Chair.

HB 2134 – Read third time. Carried by Verger. On passage of the bill the vote was: Yeas, 56; Excused, 4 – Garrard, Hopson, Miller, Wirth. Bill passed.

HB 2135 – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 56; Excused, 4 – Garrard, Hopson, Miller, Wirth. Bill passed.

HB 2136 – Read third time. Carried by Verger. On passage of the bill the vote was: Yeas, 56;

Excused, 4 – Garrard, Hopson, Miller, Wirth. Bill passed.

HJR 4 (A-Engrossed) – Read. Carried by Tomei. On adoption of the resolution the vote was: Yeas, 55; Nays, 1 – Greenlick; Excused, 4 – Garrard, Hopson, Miller, Wirth. Resolution adopted.

SB 203 – Read first time and passed to Speaker's desk for referral.

SB 67, 111, 130, 158, 191 – Referred from Speaker's desk to the following committees: 130 – Education; 158, 191 – Health and Human Services; 67, 111 – Judiciary.

House adjourned until 11:00 a.m., Tuesday, February 18, 2003 on motion of Jenson.

#### **Tuesday, February 18, 2003 – Morning Session**

House convened at 11:00 a.m. Anderson in Chair. All present except: Excused, 2 – Smith G., Wirth; Excused for business of the House, 1 – Speaker Minnis.

Opening Ceremony presented by Representative Phil Barnhart, District 11, Eugene.

HB 2140, 2175 – Message from the Senate announcing passage.

HJR 19, 20 – Introduced, read and passed to Speaker's desk for referral.

HB 2535 – Report by Committee on Revenue recommending passage.

HB 2662, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674 – Read first time and passed to Speaker's desk for referral.

HB 2617, 2624, 2629, 2630, 2632, 2634, 2636, 2637 – Referred from Speaker's desk to the following committees: 2634 – Agriculture and Natural Resources; 2624, 2632 – Business, Labor and Consumer Affairs; 2617 – Environment and Land Use; 2636 – General Government with subsequent referral to Ways and Means; 2637 – Judiciary with subsequent referral to Ways and Means; 2629, 2630 – Revenue with subsequent referral to Ways and Means.

HB 2023, 2274 – Read second time and passed to third reading.

HB 2033 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 57; Excused, 2 – Smith G., Wirth; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 2021 – By unanimous consent, on request of Chair, rules suspended and bill placed immediately

following HB 2426 on today's Third Reading Calendar.

HB 2024 – Read third time. Carried by Scott. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Smith G., Wirth. Bill passed.

HB 2025 – Read third time. Carried by Hass. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Smith G., Wirth. Bill passed.

HB 2026 – Read third time. Carried by Berger. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Smith G., Wirth. Bill passed.

Greenlick in Chair.

HB 2284 – Read third time. Carried by Ackerman. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Smith G., Wirth. Bill passed.

HB 2339 – Read third time. Carried by Farr. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Smith G., Wirth. Bill passed.

HB 2426 – Read third time. Carried by Anderson. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Smith G., Wirth. Bill passed.

HB 2021 – Read third time. Carried by Anderson. On passage of the bill the vote was: Yeas, 39; Nays, 19 – Ackerman, Barnhart, Beyer, Dingfelder, Hansen, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nelson, Nolan, Prozanski, Rosenbaum, Tomei, Verger; Excused, 2 – Smith G., Wirth. Bill passed.

Hopson requested the following explanation of her vote be entered in the Journal:

"I voted NO on this bill and have provided my reasoning below.

"This bill was passed out of committee without proper review of all the facts. The Insurance Division sent a letter recommending opposition but it didn't reach the committee until after the bill passed from committee.

"The carrier said it could be fixed on the Senate side. It is too early to be doing that. Also, this bill was just passed last session and we're changing it already.

"It came from Revenue Interim with minimal scrutiny."

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted no on HB 2021 because the House Health & Human Services Committee failed to consider concerns raised by the Insurance Division. I disagree with the Chair that it was appropriate to send this bill over to the Senate without addressing those concerns. The House committee should have completed its work before sending the bill to the floor for a vote.

"Based on the real concerns that the public may be injured by the reduction in solvency requirements for health care service contractors, I could not in good faith vote to send the bill to the Senate without a full debate on those issues in the House committee."

HB 2429 – Read third time. Carried by Schaufler. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Smith G., Wirth. Bill passed.

SB 13, 81, 222, 226 – Referred from Speaker's desk to the following committees: 13 – Health and Human Services; 81 – Judiciary; 222, 226 – Revenue.

HB 2052, HJR 6, SB 153 – Speaker signed.

House adjourned until 11:00 a.m., Wednesday, February 19, 2003 on motion of Jenson.

### Wednesday, February 19, 2003 – Morning Session

House convened at 11:00 a.m. Avakian in Chair. All present.

Opening Ceremony presented by Pastor Rob Elder, First Presbyterian Church, Salem.

HB 5100 (2002 Fifth Special Session) – Message from Governor John A. Kitzhaber announcing he line-item vetoed on October 15, 2002.

October 15, 2002

The Honorable Bill Bradbury  
Secretary of State  
136 State Capitol  
Salem, OR 97301

Dear Secretary Bradbury:

I have signed Enrolled HB 5100, 2002 Fifth Special Session, but with the following line items in Section 1 disapproved:

- Administration, Page 1, DAS, General Fund, ch. 878 8, \$400,000; and
- Economic and Community Development, Page 3, Historical Society Grant, General Fund, ch. 471 1, \$468,374.

I am using my line item veto authority for these two items because both programs are important to the state's current and future economic development and recovery efforts.

The \$400,000 cut to the Community Solutions Office would result in the loss of 4 of 5 regional coordinators and one support staff position. These coordinators bring state staff and resources together to assist county and city governments implement priority local economic and community development projects. Several local governments have lauded this program for expediting important projects through agency review processes necessary for the projects to move forward.

The cut of \$468,374 to the Oregon Historical Society would make it impossible for the state to plan for the Lewis and Clark Bicentennial Celebration in Oregon. This major national event is expected to attract visitors from around the country and world to our state, bringing millions in tourism dollars to Oregon.

This action will reduce the ending balance by \$868,374.

Sincerely,  
John A. Kitzhaber, M.D.  
Governor

HB 4077 (2002 Fifth Special Session) – Message from Governor John A. Kitzhaber announcing he vetoed on October 25, 2002.

October 25, 2002

The Honorable Bill Bradbury  
Secretary of State  
136 State Capitol  
Salem, OR 97301

Dear Secretary Bradbury:

I am returning herewith House Bill (HB) 4077, 2002 Fifth Special Session, unsigned and disapproved.

HB 4077 would repeal Oregon's inheritance tax in 2005. In addition, the bill connects Oregon to certain provisions of federal estate tax law changes made in 1997 and 2001. In doing so, HB 4077 would result in a \$5.6 million loss to the state in the 2001-03 biennium, and an \$18.1 million loss in the 2003-05 biennium. Thereafter, when this bill repeals the inheritance tax, HB 4077 would result in more than a \$92 million loss for each subsequent biennium.

Not only would this bill result in an immediate and, over time, substantial decrease in revenues, HB 4077 is not real tax reform. The legislature enacted HB 4077 in isolation, and without exploring other tax reform measures. A decision whether to continue the inheritance tax must be a part of the larger debate on the appropriate balance of state spending to state revenue.

Because that debate did not occur, and given the substantial decrease in revenues that would result from this bill, I am compelled to veto HB 4077.

Sincerely,  
John A. Kitzhaber, M.D.  
Governor

HB 2001 – Message from the Governor announcing he signed on February 18, 2003.

SB 241, 242 – Message from the Senate announcing passage.

SB 133, 148 – Message from the Senate announcing President signed on February 18, 2003.

HB 2147 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2241 – Report by Committee on Agriculture and Natural Resources recommending passage and be placed on the Consent Calendar.

HB 2248 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

SB 85 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

HB 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2682, 2684, 2685, 2686, 2687, 2688, 2689, 2690, 2691, 2698 – Read first time and passed to Speaker's desk for referral.

HB 2406, 2643, 2644, 2647, 2648 – Referred from Speaker's desk to the following committees: 2643 – Environment and Land Use; 2644 – Environment and Land Use with subsequent referral to Ways and Means; 2647 – Judiciary; 2406 – Public Employees Retirement System; 2648 – Rules and Public Affairs.

Courtesies of the House and floor were extended to Darlene Hooley, former Representative from District 27.

HB 2197, 2269, 2535 – Read second time and passed to third reading.

HB 2023 (A-Engrossed) – Read third time. Carried by Barnhart. On passage of the bill the vote was: Yeas, 60. Bill passed.

Hunt in Chair.

HB 2274 (A-Engrossed) – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 60. Bill passed.

SB 241, 242 – Read first time and passed to Speaker's desk for referral.

SB 59, 65, 68, 105, 106, 204, 227 – Referred from Speaker's desk to the following committees: 204 – Agriculture and Natural Resources; 59, 65, 68, 105, 106 – Judiciary; 227 – Revenue.

SB 133, 148 – Speaker signed.

House adjourned until 11:00 a.m., Thursday, February 20, 2003 on motion of Jenson.

#### **Thursday, February 20, 2003 – Morning Session**

House convened at 11:00 a.m. Barker in Chair. All present except: Excused, 1 – Backlund.

Opening Ceremony presented by Cindy Lynden and William Warren, Phoenix Theater Company, Portland.

HJR 6, HB 2052 – Message from the Senate announcing President signed on February 19, 2003.

SB 251, 291, 247 – Message from the Senate announcing passage.

HB 2029 – Report by Committee on Revenue recommending passage.

HB 2030 – Report by Committee on Revenue recommending passage.

HB 2111 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2113 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2245 – Report by Committee on Health and Human Services recommending passage and be placed on the Consent Calendar.

HB 2252 – Report by Committee on Trade and Economic Development recommending passage with amendments and be printed A-Engrossed.

HB 2487 – Report by Committee on Health and Human Services recommending passage and be placed on the Consent Calendar.

HB 2683, 2692, 2693, 2694, 2695, 2696, 2697, 2701, 2702, 2703, 2704, 2705 – Read first time and passed to Speaker's desk for referral.

HB 2197 (A-Engrossed) – Read third time. Carried by Shetterly, Verger. On passage of the bill the vote was: Yeas, 59; Excused, 1 – Backlund. Bill passed, having received the required three-fifths constitutional majority.

Kitts in Chair.

HB 2269 (A-Engrossed) – Read third time. Carried by Macpherson. On passage of the bill the vote was: Yeas, 58; Excused, 1 – Backlund; Excused for business of the House, 1 – Miller. Bill passed.

HB 2535 – Read third time. Carried by Farr. On passage of the bill the vote was: Yeas, 59; Excused, 1 – Backlund. Bill passed.

SB 247, 251, 291 – Read first time and passed to Speaker's desk for referral.

SB 85 – Read second time and passed to third reading.

House adjourned until 9:00 a.m., Friday, February 21, 2003 on motion of Jenson.

#### **Friday, February 21, 2003 – Morning Session**

House convened at 9:00 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 3 – Kitts, Nelson, Wirth.

Posting of the Colors by the Oregon Fire Service Honor Guard.

Opening Ceremony presented by Tualatin Valley Fire and Rescue.

SB 150 – Message from the Senate announcing President signed on February 20, 2003.

SB 127, 188, 198, 220, 221, 250, 183 – Message from the Senate announcing passage.

HJR 18, 19, 20 – Referred from Speaker's desk to the following committees: 19 – General Government; 18 – Revenue with subsequent referral to Ways and Means; 20 – Rules and Public Affairs.

HB 2161 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

HB 2163 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

HB 2699, 2706, 2708, 2712, 2713, 2714, 2715, 2716, 2717, 2718, 2719, 2720, 2721, 2722, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2735, 2736 – Read first time and passed to Speaker's desk for referral.

HB 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2682, 2684, 2685, 2686, 2687, 2688, 2689, 2690, 2691, 2698 – Referred from Speaker's desk to the following committees: 2649, 2655, 2660, 2678, 2679, 2680, 2681, 2682 – Business, Labor and Consumer Affairs; 2665, 2677, 2690 – Business, Labor and Consumer Affairs with subsequent referral to Ways and Means; 2674 – Environment and Land Use; 2673 – Environment and Land Use with subsequent referral to Ways and Means; 2667, 2676 – General Government; 2684 – Health and Human Services; 2662 – Health and Human Services with subsequent referral to Ways and Means; 2658, 2672, 2687 – Judiciary; 2652, 2698 – Revenue; 2650, 2651, 2654, 2656, 2663, 2664 – Revenue with subsequent referral to Ways and Means; 2657, 2675 – Rules and Public Affairs; 2689, 2691 – Trade and Economic Development; 2653, 2671 – Trade and Economic Development with subsequent referral to Revenue; 2661, 2666, 2668, 2670, 2686 – Transportation; 2685 – Transportation with subsequent referral to Ways and Means; 2669, 2688 – Water; 2659 – Water with subsequent referral to Ways and Means.

HB 2029, 2030, 2241 – Read second time and passed to third reading.

SB 127, 183, 188, 198, 220, 221, 250 – Read first time and passed to Speaker's desk for referral.

SB 34, 80, 147, 180, 187, 203, 224, 241, 242 – Referred from Speaker's desk to the following committees: 203, 241 – Agriculture and Natural Resources; 242 – Agriculture and Natural Resources with subsequent referral to Ways and Means; 34, 80 – Business, Labor and Consumer Affairs; 147, 224 – Revenue; 187 – Transportation; 180 – Transportation with subsequent referral to Ways and Means.

SB 85 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill remaining on today's Third Reading of Senate Bills carried over and placed in its proper order on Monday's, February 24, 2003 Calendar.

Speaker Pro Tempore announced, in compliance with House Rule 20.01 and House Resolution 1 (Enrolled 1993), the House proceed to training on

Workplace Harassment Policies adopted by the House of Representatives.

Call of the House demanded by Morgan, joined by Hass, March, Verger, Jenson and Smith P. All present except: Excused (not subject to Call), 3 – Kitts, Nelson, Wirth.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended and floor privileges extended to Mary James, attorney, and Doug McKeen, Legislative Council.

Mary James and Doug McKeen, in compliance with House Rule 20.01, subsection 6, provided an educational seminar on workplace harassment.

SB 150 – Speaker signed.

House adjourned until 11:00 a.m., Monday, February 24, 2003 on motion of Jenson.

#### **Monday, February 24, 2003 – Morning Session**

House convened at 11:00 a.m. Berger in Chair. All present except: Excused for business of the House, 1 – Speaker Minnis.

Opening Ceremony presented by Representative Derrick Kitts, District 30, Hillsboro.

HJR 21, 23 – Introduced, read and passed to Speaker's desk for referral.

HB 2004 – Report by Committee on Public Employees Retirement System recommending passage with amendments and be printed A-Engrossed.

HB 2208 – Report by Committee on Environment and Land Use recommending passage with amendments, be printed A-Engrossed, and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 2259 – Report by Committee on Water recommending passage and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 2262 – Report by Committee on Judiciary recommending passage.

HB 2270 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2439 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

HB 2474 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

HB 2622 – Report by Committee on Trade and Economic Development recommending passage and subsequent referral to Committee on Revenue be rescinded. Subsequent referral to Committee on Revenue rescinded by order of the Speaker.

HB 2723, 2737, 2738, 2739, 2741, 2742, 2743, 2744, 2745, 2750, 2751, 2752, 2753, 2754, 2781, 2782, 2783 – Read first time and passed to Speaker's desk for referral.

HB 2111, 2113, 2161, 2163, 2245, 2252, 2487 – Read second time and passed to third reading.

HB 2241 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 59; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 2029 – Read third time. Carried by Scott.

Mabrey in Chair.

HB 2029 – On passage of the bill the vote was: Yeas, 60. Bill passed.

HB 2030 – Read third time. Carried by Berger. On passage of the bill the vote was: Yeas, 60. Bill passed.

SB 85 – Read third time. Carried by Close. On passage of the bill the vote was: Yeas, 60. Bill passed.

House adjourned until 10:30 a.m., Tuesday, February 25, 2003 on motion of Jenson.

#### **Tuesday, February 25, 2003 – Morning Session**

House convened at 10:30 a.m. Beyer in Chair. All present except: Absent, 2 – Patridge, Williams; Excused for business of the House, 1 – Miller.

Opening Ceremony presented by Rabbi Gary Ellison, Temple Beth Sholom, Salem.

SB 83, 228, 225, 238, 311, 353, HB 2169, 2185, SB 173 – Message from the Senate announcing passage.

HJR 24 – Introduced, read and passed to Speaker's desk for referral.

HB 2158 – Report by Committee on Environment and Land Use recommending passage, subsequent referral to Committee on Ways and Means be rescinded, and be placed on the Consent Calendar. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 2263 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2546 – Report by Committee on Environment and Land Use recommending passage and be placed on the Consent Calendar.

HB 2356, 2358, 2359, 2362, 2364, 2746, 2747, 2748, 2749, 2755, 2762, 2763, 2764, 2766, 2767, 2814 – Read first time and passed to Speaker's desk for referral.

HB 2358, 2362, 2692, 2693, 2694, 2695, 2697, 2699, 2706, 2708, 2712, 2713, 2714, 2715, 2716, 2717, 2718, 2719, 2720, 2723, 2737, 2738, 2739, 2744, 2752, 2753, 2755, 2762, 2763, 2766, 2767, 2814 – Referred from Speaker's desk to the following committees: 2699, 2713, 2714, 2717, 2718, 2719, 2720, 2737, 2767 – Business, Labor and Consumer Affairs; 2695, 2708, 2712, 2715, 2716, 2753, 2762 – Business, Labor and Consumer Affairs with subsequent referral to Ways and Means; 2744 – Education with subsequent referral to Ways and Means; 2362, 2738, 2755 – Environment and Land Use; 2739 – General Government; 2697 – Health and Human Services; 2692, 2766 – Health and Human Services with subsequent referral to Ways and Means; 2694, 2706 – Judiciary; 2723 – Public Employees Retirement System with subsequent referral to Ways and Means; 2358, 2693, 2752, 2763, 2814 – Rules and Public Affairs.

HB 2262, 2439, 2474, 2622 – Read second time and passed to third reading.

HB 2245 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 57; Absent, 2 – Patridge, Williams; Excused for business of the House, 1 – Miller. Bill passed.

HB 2487 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 57; Absent, 2 – Patridge, Williams; Excused for business of the House, 1 – Miller. Bill passed.

HB 2111 (A-Engrossed) – Read third time. Carried by Barker. On passage of the bill the vote was: Yeas, 57; Nays, 1 – Nelson; Absent, 1 – Patridge; Excused for business of the House, 1 – Miller. Bill passed.

HB 2113 (A-Engrossed) – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 59; Excused for business of the House, 1 – Miller. Bill passed.

Macpherson in Chair.

HB 2161 – Read third time. Carried by Garrard. On passage of the bill the vote was: Yeas, 59; Excused for business of the House, 1 – Miller. Bill passed.

HB 2163 – Read third time. Carried by Merkley. On passage of the bill the vote was: Yeas, 59; Excused for business of the House, 1 – Miller. Bill passed.

HB 2252 (A-Engrossed) – Read third time. Carried by Berger.

Previous question moved by Knopp, carried.



HB 2252 (A-Engrossed) – On passage of the bill the vote was: Yeas, 58; Nays, 1 – Kruse; Excused for business of the House, 1 – Miller. Bill passed.

SB 83, 173, 225, 228, 238, 311, 353 – Read first time and passed to Speaker's desk for referral.

House adjourned until 11:00 a.m., Wednesday, February 26, 2003 on motion of Jenson.

#### **Wednesday, February 26, 2003 – Morning Session**

House convened at 11:00 a.m. Dalto in Chair. All present except: Excused, 1 – Wirth; Excused for business of the House, 1 – Miller.

Opening Ceremony presented by Reverend Paul LaRue, Salem.

Courtesies of the House and floor were extended to Monroe Sweetland, former Representative from District 7.

SB 71, 167, 393, 232, HB 2170 – Message from the Senate announcing passage.

HJM 3, 4 – Introduced, read and passed to Speaker's desk for referral.

HJR 22 – Introduced, read and passed to Speaker's desk for referral.

HB 2247 – Report by Committee on Water recommending passage. Bill referred to Committee on Ways and Means by prior reference.

HB 2283 – Report by Committee on Revenue recommending passage.

HB 2332 – Report by Committee on Judiciary recommending passage.

HB 2576 – Report by Committee on Judiciary recommending passage.

HB 2740, 2756, 2757, 2758, 2759, 2760, 2761, 2765, 2768, 2769 – Read first time and passed to Speaker's desk for referral.

HB 2004, 2270 – Read second time and passed to third reading.

HB 2262 – Read third time. Carried by Jenson. On passage of the bill the vote was: Yeas, 59; Excused, 1 – Wirth. Bill passed.

HB 2439 – Read third time. Carried by Zauner. On passage of the bill the vote was: Yeas, 57; Nays, 2 – Barnhart, Verger; Excused, 1 – Wirth. Bill passed.

Richardson in Chair.

HB 2474 – Read third time. Carried by Rosenbaum. On passage of the bill the vote was: Yeas, 58; Excused, 1 – Wirth; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 2622 – Read third time. Carried by Patridge. On passage of the bill the vote was: Yeas, 57; Absent, 1 – Kitts; Excused, 1 – Wirth; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

SB 71, 167, 232, 393 – Read first time and passed to Speaker's desk for referral.

House adjourned until 11:00 a.m., Thursday, February 27, 2003 on motion of Jenson.

#### **Thursday, February 27, 2003 – Morning Session**

House convened at 11:00 a.m. Farr in Chair. All present.

Opening Ceremony presented by Pastor Lyle Wilson, Mid-Valley Community Church, Woodburn.

Courtesies of the House and floor were extended to Jane Lokan, former Representative from District 25.

HB 2052 – Message from the Governor announcing he signed on February 26, 2003.

SB 72, 161, 162, HB 2257 – Message from the Senate announcing passage.

HJM 5 – Introduced, read and passed to Speaker's desk for referral.

HB 2770, 2771, 2772, 2773, 2774, 2775, 2776, 2777, 2778, 2779, 2780, 2784, 2786 – Read first time and passed to Speaker's desk for referral.

HB 2683, 2696, 2701, 2702, 2703, 2704, 2705, 2721, 2722, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2735, 2736 – Referred from Speaker's desk to the following committees: 2683 – Business, Labor and Consumer Affairs with subsequent referral to Ways and Means; 2696, 2725, 2727, 2729, 2730, 2732, 2733, 2734, 2735, 2736 – Judiciary; 2726 – Judiciary with subsequent referral to Ways and Means; 2701, 2702, 2703, 2704, 2705, 2721 – Revenue; 2728, 2731 – Rules and Public Affairs; 2722 – Trade and Economic Development; 2724 – Transportation.

HB 2158, 2263, 2283, 2332, 2546, 2576 – Read second time and passed to third reading.

HB 2004 (A-Engrossed) – Read third time. Carried by Knopp.

Speaker Pro Tempore in Chair.

Call of the House demanded by Knopp, joined by Barnhart, Berger, Bates, Backlund and Butler. All present except: Excused (not subject to Call), 1 – Prozanski.

HB 2004 (A-Engrossed) – On passage of the bill the vote was: Yeas, 51; Nays, 8 – Greenlick, Hansen,

March, Nolan, Rosenbaum, Schaufler, Tomei, Wirth; Excused, 1 – Prozanski. Bill passed.

Ackerman requested the following explanation of his vote be entered in the Journal:

"I voted in favor of House Bill 2004-A and for the implementation of accurate, up-to-date mortality tables in the Public Employees Retirement System because I believe that this Legislature has an obligation to fix the problem created by previous PERS boards.

"By statute, it is the obligation of the PERS board to update the mortality tables. This has not been done since 1978. As a result of inaction by previous PERS boards, there is a four-year gap between the amount of funds available in a retiree's account, and the life expectancy of the retiree. This gap is a large part of the \$15 billion in unfunded liabilities facing the PERS system.

"The driving force behind the need for PERS reform is the recent circuit court decision by Marion County Circuit Court Presiding Judge Paul Lipscomb, in a case which was brought on by the City of Eugene and other local governmental entities. In his decision, Judge Lipscomb repeatedly found the PERS board to be in violation of their fiduciary responsibilities, among which was the failure to update the mortality tables. The recommendation was for an immediate implementation of up-to-date mortality tables without any 'look-back' feature.

"It is important to note that the failure of the PERS board to update the mortality tables is a governance issue, not a contractual right. The obligation is not a part of any collective bargaining agreement. The issue of contractual rights was never raised at trial.

"My position on PERS reform is simple. I do not hold public employees at fault with the problems facing the PERS system, and I will fight in this legislature to protect the contractual rights of PERS members earned through collective bargaining and state statute. However, the issue of up-to-date mortality tables is a governance issue. The PERS board failed in its fiduciary responsibilities to the members of the PERS system, and it is up to this body to fix this governance problem.

"I believe that HB 2004-A cures the problem by updating the mortality tables in a way that is fair and equitable to the taxpayers, public employers and the public employees who's commitment and dedication serves Oregonians well."

Dingfelder requested the following explanation of her vote be entered in the Journal:

"I voted for House Bill 2004-A for the following reasons: First, I support updating the PERS mortality tables. The PERS Board has failed to maintain current tables since 1978. This is an obligation of the Board. Second, this obligation is not part of any collective bargaining agreement. Accordingly, I do not believe that there is a contractual right regarding the mortality tables. Third, this bill will save hundreds of millions of dollars in General Funds over the next few years and it would reduce the PERS unfunded liability by nearly \$1.6 billion.

"On a policy level, I believe that House Bill 2004-A provides a fair and appropriate transition from the old mortality tables to more current ones. The look-back clause will ensure that no vested employee will receive anything less than the value of their account as reflected on June 30, 2003.

"It has been argued that the look-back clause should include interest for the transition period. Even though it would be legal, it would require the public to shoulder an additional \$1 billion obligation. Since the current mortality tables have been used for over twenty years, many retirees have received higher payouts than were appropriate. I do not believe this additional burden is acceptable.

"It has also been suggested that the new mortality tables should be applied retroactively. I would strongly oppose that approach since it would negatively impact individuals who have already retired and based their retirement on the amount of money they would receive upon their retirement.

"Again, I believe House Bill 2004-A is a fair and appropriate approach to deal with the failure of the PERS Board to maintain current mortality tables for the past twenty-five years."

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

"I voted in favor of HB 2004, which requires the PERS Board to adopt mortality tables, based on the best available actuarial information. The bill represents a compromise between employer groups that pressed for a retroactive adoption of updated mortality tables without a look back, and employee groups that wanted the out-of-date tables preserved for a segment of a member's benefit. I believe it represents a reasonable middle ground. It will save hundreds of millions of dollars from the General Fund over the next few years, as well as reducing PERS' unfunded liability by nearly \$1.6 billion dollars."

Tomei requested the following explanation of her vote be entered in the Journal:

"I strongly support the need to update the mortality tables used to calculate monthly benefits paid under the Public Employees Retirement System (PERS). Therefore, my decision to vote 'no' when HB 2004 came before the House for a vote on February 27, 2003, was a particularly difficult one.

"The mortality tables currently in use date back to 1978. On average, people live four years longer than they did even a generation ago. Thus, retirees have been collecting greater benefit payments than the system projected, creating a sizeable shortfall. HB 2004 corrects this flaw by implementing up-to-date mortality tables as of July 1, 2003. It also includes a 'look back' provision to ensure that no employee's benefit will ever be less than it would have been if the employee had retired on the day before the new tables take effect. It is estimated that HB 2004, in its current form, will reduce PERS unfunded liability by nearly \$1.6 billion over the next few years.

"On its surface, HB 2004 appears to be fiscally sound and good public policy. However, I question its fairness. HB 2004 contains a method of calculating benefits under the 'look back' provision that unfairly and unnecessarily costs senior workers to lose part of the pension they would otherwise have been entitled to. These workers have already had a cap placed on their pension earnings and their health insurance benefits. They expect to have their wages frozen for two years and many will experience work load increases because their co-workers have lost or soon will lose their jobs. There is no question that we must all help in balancing the books, but, in my opinion, HB 2004 asks too much of workers who have already given a great deal.

"In the alternative, I favored a proposal that would have saved nearly \$500 million over the next few years, including an immediate savings in the 2003-05 budget for school districts, cities, counties and state agencies and that also honored the commitment made to their teachers, police, firefighters, nurses and other public service workers. In my opinion, we should not take the path of least resistance by adopting a method of calculation that saves the greatest number of dollars. We must balance this with fairness and the honoring of commitments. HB 2004 fails to provide this balance."

HB 2270 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill remaining on today's Third Reading of House Bills carried over and placed in its proper order on Monday's, March 3, 2003 Calendar.

SB 72, 161, 162 – Read first time and passed to Speaker's desk for referral.

SB 127, 183, 188, 198, 220, 221, 247, 250, 251, 291 – Referred from Speaker's desk to the following committees: 291 – Agriculture and Natural Resources; 198 – Business, Labor and Consumer Affairs; 127 – Education; 251 – Environment and

Land Use; 250 – General Government; 220, 221 – Revenue; 188, 247 – Transportation; 183 – Transportation with subsequent referral to Ways and Means.

House adjourned until 8:30 a.m., Friday, February 28, 2003 on motion of Jenson.

#### **Friday, February 28, 2003 – Morning Session**

House convened at 8:30 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 9 – Flores, Hunt, Kafoury, Nelson, Prozanski, Smith G., Smith P., Williams, Wirth.

Opening Ceremony presented by Dr. Arvin Luchs, First Methodist Church, Portland.

SB 287, 174, 246 – Message from the Senate announcing passage.

HJR 27 – Introduced, read and passed to Speaker's desk for referral.

HJM 3, 4 – Referred from Speaker's desk to the following committee: Health and Human Services.

HJR 21, 22, 23, 24 – Referred from Speaker's desk to the following committees: 21 – Health and Human Services; 24 – Judiciary; 23 – Revenue; 22 – Rules and Public Affairs.

HB 2623 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 2791, 2792, 2793, 2794, 2795, 2796, 2797, 2798, 2799, 2818, 2819, 2820 – Read first time and passed to Speaker's desk for referral.

HB 2356, 2359, 2364, 2741, 2742, 2743, 2745, 2746, 2747, 2748, 2749, 2750, 2751, 2756, 2757, 2759, 2760, 2761, 2764, 2765, 2768, 2769, 2781, 2782, 2783 – Referred from Speaker's desk to the following committees: 2769 – Agriculture and Natural Resources with subsequent referral to Ways and Means; 2356, 2748, 2765 – Business, Labor and Consumer Affairs; 2359 – Business, Labor and Consumer Affairs with subsequent referral to Revenue; 2743 – General Government with subsequent referral to Ways and Means; 2741, 2742, 2751 – Health and Human Services with subsequent referral to Ways and Means; 2756, 2757, 2759, 2760, 2761, 2781, 2782, 2783 – Judiciary; 2746, 2750, 2764 – Revenue; 2749, 2768 – Transportation; 2747 – Transportation with subsequent referral to Revenue; 2364 – Water; 2745 – Ways and Means.

HB 2158, 2546 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Consent Calendar carried over and placed in their proper order on Monday's, March 3, 2003 Calendar.

HB 2263, 2283, 2332, 2576 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Monday's, March 3, 2003 Calendar.

SB 174, 246, 287 – Read first time and passed to Speaker's desk for referral.

SB 71, 83, 167, 173, 225, 228, 232, 238, 311, 353, 393 – Referred from Speaker's desk to the following committees: 311 – Agriculture and Natural Resources; 353 – Business, Labor and Consumer Affairs; 238 – Education; 393 – Health and Human Services; 71, 167 – Judiciary; 173, 225, 228, 232 – Revenue; 83 – Transportation with subsequent referral to Ways and Means.

House adjourned until 11:00 a.m., Monday, March 3, 2003 on motion of Jenson.

#### **Monday, March 3, 2003 – Morning Session**

House convened at 11:00 a.m. Flores in Chair. All present except: Excused, 3 – Prozanski, Smith T., Wirth; Excused for business of the House, 1 – Dalto.

Opening Ceremony presented by Seth Morgan and Bill Oliver, Arden Wald Elementary School, Milwaukie.

SB 374 – Message from the Senate announcing passage.

HJR 25, 26 – Introduced, read and passed to Speaker's desk for referral.

HB 2343 – Report by Committee on Public Employees Retirement System recommending passage.

HJR 17 – Report by Committee on Environment and Land Use recommending adoption.

HB 2606, 2785, 2787, 2788, 2789, 2790, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809, 2810, 2811, 2812, 2813, 2815, 2816, 2817, 2821, 2822, 2823, 2824, 2825, 2826 – Read first time and passed to Speaker's desk for referral.

HB 2158 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 56; Excused, 3 – Prozanski, Smith T., Wirth; Excused for business of the House, 1 – Dalto. Bill passed.

HB 2546 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 54; Nays, 2 – Patridge, Verger; Excused, 3 – Prozanski, Smith T., Wirth; Excused for business of the House, 1 – Dalto. Bill passed.

HB 2270 (A-Engrossed) – Read third time. Carried by Macpherson. On passage of the bill the

vote was: Yeas, 22; Nays, 34 – Anderson, Avakian, Barker, Barnhart, Beyer, Brown, Butler, Close, Dalto, Dingfelder, Flores, Gallegos, Garrard, Gilman, Greenlick, Hunt, Kafoury, Kitts, Krieger, Kropf, Kruse, Mabrey, March, Merkley, Monnes Anderson, Nelson, Nolan, Richardson, Rosenbaum, Scott, Smith P., Tomei, Zauner, Speaker Minnis; Excused, 3 – Prozanski, Smith T., Wirth; Excused for business of the House, 1 – Miller. Bill failed.

Scott in Chair.

HB 2263 (A-Engrossed) – Read third time. Carried by Ackerman. On passage of the bill the vote was: Yeas, 56; Excused, 3 – Prozanski, Smith T., Wirth; Excused for business of the House, 1 – Miller. Bill passed.

HB 2283 – Read third time. Carried by Morgan. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Prozanski, Smith T., Wirth. Bill passed.

HB 2332 – Read third time. Carried by Krummel. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Prozanski, Smith T., Wirth. Bill passed.

HB 2576 – Read third time. Carried by Barker. On passage of the bill the vote was: Yeas, 38; Nays, 18 – Anderson, Barnhart, Berger, Butler, Close, Dingfelder, Garrard, Gilman, Hansen, Hunt, Johnson, Mabrey, Merkley, Nolan, Richardson, Smith G., Verger, Zauner; Excused, 3 – Prozanski, Smith T., Wirth; Excused for business of the House, 1 – Miller. Bill passed.

SB 5548, 855, 856, 859, 862 – Message from the Senate announcing passage.

SB 5548, 374, 855, 856, 859, 862 – Read first time and passed to Speaker's desk for referral.

SB 5548, 855, 856, 859, 862 – Referred from Speaker's desk to following committee: Ways and Means.

Message from the Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contribution received during Seventy-second Regular Session, filed on February 27, 2003 by Chuck Riley, candidate for office of State Representative.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

SB 5548 – Report by Committee on Ways and Means recommending passage.

SB 855 – Report by Committee on Ways and Means recommending passage.

SB 856 – Report by Committee on Ways and Means recommending passage.

SB 859 – Report by Committee on Ways and Means recommending passage.

SB 862 – Report by Committee on Ways and Means recommending passage.

House adjourned until 11:00 a.m., Tuesday, March 4, 2003 on motion of Jenson.

#### **Tuesday, March 4, 2003 – Morning Session**

House convened at 11:00 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 1 – Prozanski.

Opening Ceremony presented by Second Chance, Blue Mountain Community College, Pendleton.

Courtesies of the House and floor were extended to Bill Markham, former Representative from District 46.

SB 164, HB 2133, 2134, 2157 – Message from the Senate announcing passage.

HJM 5 – Referred from Speaker's desk to the following committee: General Government.

HJR 27 – Referred from Speaker's desk to the following committee: Revenue.

HB 2219 – Report by Committee on Transportation recommending passage and be placed on the Consent Calendar.

HB 2221 – Report by Committee on Transportation recommending passage with amendments and be printed A-Engrossed.

HB 2366 – Report by Committee on Water recommending passage. Bill referred to Committee on Ways and Means by prior reference.

SB 81 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2871, 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879 – Read first time and passed to Speaker's desk for referral.

HB 2754, 2758, 2770, 2771, 2772, 2773, 2774, 2775, 2776, 2777, 2778, 2779, 2780, 2784, 2786, 2791, 2792, 2793, 2794, 2795, 2796, 2797, 2798, 2799, 2818, 2819, 2820 – Referred from Speaker's desk to the following committees: 2754, 2799 – Agriculture and Natural Resources; 2778, 2779, 2780 – Business, Labor and Consumer Affairs; 2792 – Education; 2791 – Environment and Land Use; 2820 – Environment and Land Use with subsequent referral to Ways and Means; 2818 – General Government; 2798 – Health and Human Services with subsequent referral to Ways and Means; 2758, 2770, 2775, 2784, 2793, 2796, 2797 – Judiciary; 2773, 2795 – Public Employees

Retirement System; 2819 – Revenue; 2776, 2786 – Revenue with subsequent referral to Ways and Means; 2771, 2772, 2794 – Rules and Public Affairs; 2777 – Transportation; 2774 – Transportation with subsequent referral to Ways and Means.

HB 2343, 2623 – Read second time and passed to third reading.

HJR 17 – Read. Smith G. moved resolution be rereferred to Committee on Environment and Land Use. Motion carried on viva voce vote. Resolution rereferred.

SB 164 – Read first time and passed to Speaker's desk for referral.

SB 72, 161, 162, 174, 246, 287 – Referred from Speaker's desk to the following committees: 287 – Education with subsequent referral to Ways and Means; 161 – General Government; 162 – Health and Human Services; 72 – Judiciary; 246 – Transportation; 174 – Water.

SB 5548, 855, 856, 859, 862 – Read second time and passed to third reading.

SB 5548, 855, 856, 859, 862 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit third reading and final consideration immediately.

SB 5548 (A-Engrossed) – Read third time. Carried by Butler. On passage of the bill the vote was: Yeas, 56; Nays, 3 – Nolan, Rosenbaum, Wirth; Excused, 1 – Prozanski. Bill passed.

Hunt requested the following explanation of his vote be entered in the Journal:

"I am voting yes today on SB 5548 to implement the final rebalancing of the 2001-03 budget. With updated revenue forecasts projecting additional budget shortfalls of \$344.5 million, these actions tap additional reserve funds, borrow from future tobacco settlement resources, and make additional budget cuts beyond the \$1 billion that has already been cut this biennium.

"This legislation also restored funding for a few critical **state services** cut due to the failure of Ballot Measure 28. Restorations include some adult mental health residential beds, OMAP levels 10 and 11, some help for the medically needy, some long-term care reimbursements, and some state troopers and forensics lab funding.

"This package has several differences from the 'emergency care package' that the House passed (over my objection) two weeks ago. For example, this package includes funding for emergency community mental health services for children and funding for critical prescription drug coverage under the Oregon Health Plan. This package also includes \$15.5 million in actual program cuts and an actual plan to re-balance the total budget for the biennium. This package is not perfect, but it's much improved from the House version that I opposed.

"Some of my concerns about this package include using the \$112 million remaining in the Education Stability 'Rainy Day' Fund and \$9 million from the Lottery Fund ending balance, but our action also prevented any further cuts to public schools for this biennium.

"Also, I am concerned about the reductions in Housing Trust Funds, county proceeds from video lottery, and local proceeds from

cigarette taxes, these particular cuts will only occur if the May revenue forecast shows significant additional revenue reductions.

"Sadly, this package also includes \$1.4 million to pay costs of the January 28 special election. This is a good reminder that Measure 28 never should have been referred to Oregon voters. Except when required by our state Constitution, ballot referrals are expensive and ineffective.

"Finally, even though I supported Measure 28 and I dislike many elements of this package, I believe that fiscal responsibility required me to support this rebalancing package including SB 855, SB 856, SB 859, SB 862, and SB 5548."

SB 855 (A-Engrossed) – Read third time. Carried by Bates.

Call of the House demanded by Knopp, joined by Rosenbaum, Dalto, Hansen, Morgan and Smith T. All present except: Excused (not subject to Call), 1 – Prozanski.

SB 855 (A-Engrossed) – On passage of the bill the vote was: Yeas, 57; Nays, 2 – Nelson, Wirth; Excused, 1 – Prozanski. Bill passed, having received the required three-fifths constitutional majority.

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

"I voted in favor of SB 855, which transfers money from the Education Stability Fund to the State School Fund. This bill provides a little more time for the most vulnerable Oregonians. Our state is in a budget crisis and taking dollars from our rainy day fund is needed to balance the 01-03 budget."

SB 856 (A-Engrossed) – Read third time. Carried by Smith G.

Call of the House demanded by Knopp, joined by Farr, Backlund, Dingfelder, Tomei and Hunt. All present except: Excused (not subject to Call), 1 – Prozanski.

SB 856 (A-Engrossed) – On passage of the bill the vote was: Yeas, 51; Nays, 8 – Ackerman, Dingfelder, Hass, March, Merkley, Nolan, Tomei, Wirth; Excused, 1 – Prozanski. Bill passed.

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

"I voted in favor of SB 856 with no great pleasure. This bill would allow the State Treasurer to issue revenue bonds to be paid from appropriated moneys. It forestalls bigger problems that could come in May. This is a temporary fix but one that needs to be made so that we can move on to the next biennium budget."

SB 859 (A-Engrossed) – Read third time. Carried by Miller.

Call of the House demanded by Knopp, joined by Patridge, Brown, Flores, Verger and Greenlick. All present except: Excused (not subject to Call), 1 – Prozanski.

SB 859 (A-Engrossed) – On passage of the bill the vote was: Yeas, 48; Nays, 11 – Ackerman, Barnhart, Butler, Dingfelder, Krummel, Merkley, Nelson, Nolan, Rosenbaum, Tomei, Wirth; Excused, 1 – Prozanski. Bill passed.

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

"I voted in favor of SB 859, which transfers revenue to the General Fund from various other funds. This bill provides a little more time for the most vulnerable Oregonians. Our state is in a budget crisis and taking dollars from these other funds is needed to balance the 01-03 budget."

SB 862 – Read third time. Carried by Patridge.

Call of the House demanded by Knopp, joined by Tomei, Barker, Brown, Backlund and Gallegos. All present except: Excused (not subject to Call), 1 – Prozanski.

SB 862 – On passage of the bill the vote was: Yeas, 36; Nays, 23 – Ackerman, Barnhart, Butler, Close, Dalto, Dingfelder, Farr, Flores, Gilman, Greenlick, Jenson, Kitts, Mabrey, March, Merkley, Nelson, Nolan, Richardson, Rosenbaum, Scott, Smith G., Tomei, Verger; Excused, 1 – Prozanski. Bill passed, having received the required three-fifths constitutional majority.

Kropf requested the following explanation of his vote be entered in the Journal:

"I wish to take a moment and explain my vote on SB 862. I did not want to vote in favor of this proposal for any reason. It damages essential services at the local government level and I do not support this concept. However, I have no choice but to hold my nose and vote yes for SB 862 because it solves our short term problem. The only saving grace for this measure is that it has a trigger that doesn't allow it to go into affect unless our situation with revenue gets worse. Hopefully that will not happen. This vote brings me no joy, but if we don't do this, a worse choice will have to be made later.

"We have a problem today because the legislature has consistently overspent and has not set aside any money in reserve. This issue of taking money from local governments is wrong and we should not be discussing this concept.

"I have long and loudly advocated for restraint in the growth of government and I will continue to be a voice of common sense and reason on financial matters.

"I am hopeful that my words will take hold and be well received by my colleagues so that we may never face this ugly choice again."

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

"I voted in favor of SB 862, which reduces appropriations of tobacco tax to cities, counties and the Department of Transportation and transfers funds to the General Fund. I voted for the disappropriation of the tobacco tax with no great pleasure. This disappropriation will happen if our May 2003 revenue forecast is more than \$150m below the March 2003 forecast. This bill provides a little more time for the most vulnerable Oregonians. Our state is in a budget crisis and taking these dollars from our communities is needed to balance the 01-03 budget."

Message from the Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contribution received during Seventy-second Regular Session, filed on February 28, 2003 by Representative Jeff Barker.

SB 5548, 855, 856, 859, 862 – Speaker signed.

House adjourned until 11:00 a.m., Wednesday, March 5, 2003 on motion of Jenson.

### Wednesday, March 5, 2003 – Morning Session

House convened at 11:00 a.m. Gilman in Chair. All present except: Excused, 4 – Kitts, Kropf, Miller, Prozanski.

Opening Ceremony presented by Pastor Gregg Sneller, Calvary Baptist Church, Salem.

SB 5548, 855, 856, 859, 862 – Message from the Senate announcing President signed on March 4, 2003.

SB 122, 256, 281, HB 2214, 2216, 2261, 2265 – Message from the Senate announcing passage.

HJM 6 – Introduced, read and passed to Speaker's desk for referral.

HJR 28, 29, 30 – Introduced, read and passed to Speaker's desk for referral.

HM 1 – Introduced, read and passed to Speaker's desk for referral.

HR 1 – Introduced, read and passed to Speaker's desk for referral.

HB 2099 – Report by Committee on Judiciary recommending passage.

HB 2312 – Report by Committee on Revenue recommending passage and be placed on the Consent Calendar.

HB 2379 – Report by Committee on Revenue recommending passage with amendments and be printed A-Engrossed.

HB 2380 – Report by Committee on Revenue recommending passage.

HB 2422 – Report by Committee on Judiciary recommending passage.

HB 2003, 2016, 2017, 2018, 2019, 2600, 2700, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847, 2848, 2849, 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869, 2870, 2880, 2881, 2882, 2883, 2884, 2885, 2886, 2887, 2888, 2889, 2890, 2891, 2892, 2893, 2894, 2895, 2896, 2897, 2898, 2899, 2900, 2901, 2902, 2903, 2928, 2929, 2930, 2931, 2932, 2933, 2934, 2935, 2936, 2937, 2938, 2941, 2946, 2947, 2948, 2949, 2951, 2952, 2956, 2957, 2958, 2960, 2961, 2963, 2964, 2965, 2966, 2990, 2991, 2992, 2993, 2994, 3000 – Read first time and passed to Speaker's desk for referral.

HB 2343 – Read third time. Carried by Jenson. On passage of the bill the vote was: Yeas, 56;

Excused, 4 – Kitts, Kropf, Miller, Prozanski. Bill passed.

Barnhart in Chair.

HB 2623 (A-Engrossed) – Read third time. Carried by Gallegos. On passage of the bill the vote was: Yeas, 56; Excused, 4 – Kitts, Kropf, Miller, Prozanski. Bill passed.

SB 122, 256, 281 – Read first time and passed to Speaker's desk for referral.

House adjourned until 11:30 a.m., Thursday, March 6, 2003 on motion of Jenson.

#### **Thursday, March 6, 2003 – Morning Session**

House convened at 11:30 a.m. Patridge in Chair. All present except: Excused, 8 – Doyle, Gallegos, Kitts, Kropf, Rosenbaum, Shetterly, Smith T., Speaker Minnis.

Moment of silence observed.

SB 2, 267, 388, HB 2176, SB 58, HB 2136 – Message from the Senate announcing passage.

HJR 26 – Referred from Speaker's desk to the following committees: Revenue with subsequent referral to Ways and Means.

HB 2130 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 2650 – Report by Committee on Revenue recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

SB 147 – Report by Committee on Revenue recommending passage and be placed on the Consent Calendar.

HB 2904, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2939, 2940, 2942, 2943, 2944, 2945, 2950, 2953, 2954, 2955, 2959, 2967, 2968, 2969, 2970, 2971, 2972, 2973, 2974, 2975, 2976, 2977, 2978, 2979, 2981, 2982, 2983, 2984, 2985, 2986, 2987, 2988, 2989, 2995, 2996, 2997, 2998, 2999, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3010, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3044, 3045, 3046, 3047, 3050, 3051, 3054, 3055 – Read first time and passed to Speaker's desk for referral.

HB 2606, 2740, 2785, 2787, 2788, 2789, 2790, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809, 2810, 2811, 2813, 2817, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2830, 2831, 2832, 2833, 2834, 2835, 2837, 2871, 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879

– Referred from Speaker's desk to the following committees: 2785, 2824 – Business, Labor and Consumer Affairs; 2807, 2817 – Education with subsequent referral to Ways and Means; 2790, 2808, 2809 – Environment and Land Use; 2833 – General Government; 2823, 2834 – Health and Human Services with subsequent referral to Ways and Means; 2802, 2803, 2810, 2811, 2821, 2871, 2872, 2875, 2876, 2877, 2878, 2879 – Judiciary; 2822, 2873 – Judiciary with subsequent referral to Ways and Means; 2787, 2789, 2806 – Revenue; 2788, 2804, 2837 – Revenue with subsequent referral to Ways and Means; 2740, 2813, 2825, 2826, 2827, 2830, 2831, 2832, 2835, 2874 – Rules and Public Affairs; 2801 – Transportation with subsequent referral to Ways and Means; 2606 – Water; 2805 – Ways and Means.

HB 2099, 2219, 2221, 2380, 2422 – Read second time and passed to third reading.

SB 2, 58, 267, 388 – Read first time and passed to Speaker's desk for referral.

SB 81 – Read second time and passed to third reading.

Message from the Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contribution received during Seventy-Second Regular Session, filed on March 5, 2003 by Chuck Riley, candidate for office of State Representative.

House adjourned until 8:30 a.m., Friday, March 7, 2003 on motion of Jenson.

#### **Friday, March 7, 2003 – Morning Session**

House convened at 8:30 a.m. Westlund in Chair. All present except: Excused, 9 – Barnhart, Hass, Kafoury, Kitts, Kropf, Rosenbaum, Smith P., Williams, Wirth; Excused for business of the House, 1 – Speaker Minnis.

Speaker Pro Tempore in Chair.

Opening Ceremony presented by Representative Dave Hunt, District 40, Oak Grove.

SB 237, 269, HB 2321 – Message from the Senate announcing passage.

HJR 31, 32, 33, 37 – Introduced, read and passed to Speaker's desk for referral.

HJM 6 – Referred from Speaker's desk to the following committee: Agriculture and Natural Resources.

HJR 25, 28, 29, 30 – Referred from Speaker's desk to the following committees: 30 – Revenue; 28, 29 – Rules and Public Affairs; 25 – Transportation with subsequent referral to Ways and Means.

HM 1 – Referred from Speaker's desk to the following committee: Environment and Land Use.

HR 1 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HB 2138 – Report by Committee on Water recommending passage.

HJM 2 – Report by Committee on Health and Human Services recommending adoption.

HB 2350, 2352, 2360, 2707, 2709, 2710, 2711, 2980, 3011, 3012, 3021, 3022, 3023, 3024, 3025, 3026, 3028, 3043, 3052, 3053, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3067, 3068, 3069, 3072, 3073, 3074, 3075, 3076, 3078, 3079, 3081, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3096, 3097, 3098, 3099, 3101, 3102, 3103, 3104, 3105, 3107, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3145, 3146, 3147, 3148, 3149, 3154, 3157, 3158, 3159, 3160, 3161, 3162, 3163, 3164 – Read first time and passed to Speaker's desk for referral.

HB 2003, 2016, 2017, 2018, 2019, 2600, 2700, 2812, 2815, 2816, 2829, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847, 2848, 2849, 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2858, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869, 2870, 2880, 2881, 2882, 2883, 2884, 2885, 2886, 2887, 2888, 2889, 2890, 2891 – Referred from Speaker's desk to the following committees: 2829 – Audit and Human Services Budget Reform with subsequent referral to Ways and Means; 2019, 2846, 2847, 2848, 2880, 2881, 2882 – Business, Labor and Consumer Affairs; 2016 – Business, Labor and Consumer Affairs with subsequent referral to Revenue; 2891 – Business, Labor and Consumer Affairs with subsequent referral to Ways and Means; 2843, 2850 – Education; 2600, 2816, 2855 – Education with subsequent referral to Ways and Means; 2812, 2849, 2856, 2860, 2862, 2886 – Environment and Land Use; 2844 – General Government with subsequent referral to Ways and Means; 2018, 2842, 2884 – Health and Human Services; 2700, 2888, 2889 – Health and Human Services with subsequent referral to Ways and Means; 2841, 2851, 2854, 2861, 2864, 2865, 2866, 2867, 2868, 2869, 2870, 2885 – Judiciary; 2003 – Public Employees Retirement System with subsequent referral to Ways and Means; 2017, 2840 – Revenue; 2852, 2863 – Revenue with subsequent referral to Ways and Means; 2838, 2839 – Rules and Public Affairs; 2858 – Rules and Public Affairs with subsequent referral to Revenue; 2815 – Trade and Economic Development; 2890 – Trade and Economic Development with subsequent referral to Revenue; 2853 – Transportation; 2887 – Water; 2845, 2883 – Ways and Means.

HB 2312, 2379 – Read second time and passed to third reading.

HB 2219 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill remaining on today's Consent Calendar carried over and placed in its proper order on Monday's, March 10, 2003 Calendar.

HB 2099, 2221, 2380, 2422 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Monday's, March 10, 2003 Calendar.

SB 237, 269 – Read first time and passed to Speaker's desk for referral.

SB 164, 374 – Referred from Speaker's desk to the following committees: 374 – Education; 164 – Health and Human Services.

SB 81 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill remaining on today's Third Reading of Senate Bills carried over and placed in its proper order on Monday's, March 10, 2003 Calendar.

House adjourned until 11:00 a.m., Monday, March 10, 2003 on motion of Jenson.

#### **Monday, March 10, 2003 – Morning Session**

House convened at 11:00 a.m. Gallegos in Chair. All present except: Excused, 4 – Bates, Kropf, Westlund, Speaker Minnis.

Opening Ceremony presented by Pastor Ralf Kalms, Bethesda Lutheran Church, Eugene.

SB 85 – Message from the Senate announcing President signed on March 7, 2003.

HB 2024, 2025, 2026, 2027, 2424 – Message from the Senate announcing passage.

HB 2050 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2086 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2187 – Report by Committee on Revenue recommending passage.

HB 2195 – Report by Committee on Revenue recommending passage and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 2222 – Report by Committee on Transportation recommending passage with amendments, be printed A-Engrossed, and be placed on the Consent Calendar.



HB 2249 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2277 – Report by Committee on Judiciary recommending passage.

HB 2305 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2306 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2307 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2309 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2526 – Report by Committee on Judiciary recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 2634 – Report by Committee on Agriculture and Natural Resources recommending passage and be placed on the Consent Calendar.

HB 2645 – Report by Committee on Judiciary recommending passage.

SB 222 – Report by Committee on Revenue recommending passage.

SB 224 – Report by Committee on Revenue recommending passage.

SB 321 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

HB 2009, 2010, 2011, 2012, 2013, 2014, 2857, 2962, 3008, 3027, 3049, 3070, 3080, 3082, 3095, 3106, 3114, 3133, 3143, 3144, 3150, 3151, 3152, 3153, 3155, 3156, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3188, 3189, 3190, 3191, 3192, 3194, 3195, 3196, 3197, 3198, 3201, 3202, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211, 3212, 3213, 3214, 3215, 3216, 3217, 3218, 3219, 3221, 3222, 3223, 3225, 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235, 3237, 3238, 3239, 3240, 3242, 3243, 3244, 3245, 3246, 3247, 3260, 3261, 3262, 3263, 3581 – Read first time and passed to Speaker's desk for referral.

HB 2893, 2894, 2895, 2896, 2897, 2898, 2899, 2900, 2901, 2902, 2903, 2928, 2929, 2930, 2931, 2932, 2933, 2934, 2935, 2936, 2937, 2938, 2941, 2946, 2993,

3138 – Referred from Speaker's desk to the following committees: 2893 – Agriculture and Natural Resources; 2934 – Business, Labor and Consumer Affairs; 2894 – Education; 2896, 2898 – Environment and Land Use; 2899 – Environment and Land Use with subsequent referral to Ways and Means; 2900, 2901, 2941, 2946 – Judiciary; 2928 – Public Employees Retirement System with subsequent referral to Ways and Means; 2902, 2903 – Revenue; 2897, 2929, 2930, 2931, 2932, 2935, 2936, 2937, 2938 – Rules and Public Affairs; 2933, 2993, 3138 – Transportation; 2895 – Water with subsequent referral to Ways and Means.

HB 2130, 2138 – Read second time and passed to third reading.

HB 2219 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Bates, Westlund, Speaker Minnis. Bill passed.

HB 2312 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 56; Nays, 1 – Gilman; Excused, 3 – Bates, Westlund, Speaker Minnis. Bill passed.

HB 2099 – Read third time. Carried by Williams. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Bates, Westlund, Speaker Minnis. Bill passed.

HB 2221 (A-Engrossed) – Read third time. Carried by Gilman. On passage of the bill the vote was: Yeas, 56; Nays, 1 – Close; Excused, 3 – Bates, Westlund, Speaker Minnis. Bill passed.

Schaufler in Chair.

HB 2380 – Read third time. Carried by Farr. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Bates, Westlund, Speaker Minnis. Bill passed.

HB 2422 – Read third time. Carried by Macpherson. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Bates, Westlund, Speaker Minnis. Bill passed.

HB 2379 (A-Engrossed) – Read third time. Carried by Williams. On passage of the bill the vote was: Yeas, 56; Excused, 3 – Bates, Westlund, Speaker Minnis; Excused for business of the House, 1 – Miller. Bill passed.

HJM 2 – Read. Carried by Nelson. On adoption of the memorial the vote was: Yeas, 54; Absent, 1 – Nolan; Excused, 3 – Bates, Westlund, Speaker Minnis; Excused for business of the House, 2 – Kafoury, Miller. Memorial adopted.

SB 2 – Referred from Speaker's desk to the following committees: Business, Labor and Consumer Affairs with subsequent referral to Ways and Means.

SB 147 – Read second time and passed to third reading.

SB 81 (A-Engrossed) – Read third time. Carried by Ackerman. On passage of the bill the vote was: Yeas, 55; Excused, 3 – Bates, Westlund, Speaker Minnis; Excused for business of the House, 2 – Kafoury, Miller. Bill passed.

House adjourned until 11:00 a.m., Tuesday, March 11, 2003 on motion of Jenson.

### **Tuesday, March 11, 2003 – Morning Session**

House convened at 11:00 a.m. Brown in Chair. All present except: Excused for business of the House, 7 – Butler, Knopp, Miller, Morgan, Patridge, Shetterly, Speaker Minnis.

Opening Ceremony presented by Representative Carolyn Tomei, District 41, Milwaukie.

SB 8 – Message from the Senate announcing passage.

HJR 36, 38, 40 – Introduced, read and passed to Speaker's desk for referral.

HM 3, 4, 5, 6, 7, 8 – Introduced, read and passed to Speaker's desk for referral.

HR 2, 3 – Introduced, read and passed to Speaker's desk for referral.

HB 2075 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2101 – Report by Committee on Judiciary recommending passage.

HB 2272 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2389 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

SB 173 – Report by Committee on Revenue recommending passage.

SB 220 – Report by Committee on Revenue recommending passage.

HB 2346, 2354, 2355, 2357, 3009, 3066, 3100, 3108, 3109, 3110, 3111, 3112, 3113, 3117, 3118, 3119, 3120, 3121, 3122, 3183, 3184, 3185, 3186, 3187, 3193, 3200, 3203, 3220, 3236, 3249, 3250, 3252, 3253, 3254, 3257, 3258, 3259, 3264, 3268, 3269, 3270, 3271, 3272, 3273, 3274, 3275, 3276, 3277, 3278, 3279, 3280, 3281, 3282, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, 3295, 3296, 3297, 3298, 3299, 3300, 3302, 3303, 3304, 3305, 3306, 3307, 3322, 3323, 3324, 3325, 3327, 3328, 3329, 3330, 3331, 3332, 3333,

3334, 3335, 3336, 3380, 3381, 3496 – Read first time and passed to Speaker's desk for referral.

HB 2009, 2010, 2011, 2012, 2013, 2014, 2828, 2859, 2904, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2916, 2917, 2918, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2939, 2940, 2942, 2943, 2944, 2947, 2948, 2949, 2950, 2951, 2952, 2953, 2956, 2957, 2958, 2960, 2961, 2963, 2964, 2965, 2966, 2983, 2990, 2991, 2992, 2994, 2997, 2998, 2999, 3000, 3198 – Referred from Speaker's desk to the following committees: 2957 – Agriculture and Natural Resources; 2859, 2906, 2908, 2918, 2925, 2926, 2952, 2965, 2966, 2983, 2998 – Business, Labor and Consumer Affairs; 2922 – Business, Labor and Consumer Affairs with subsequent referral to Revenue; 2948 – Business, Labor and Consumer Affairs with subsequent referral to Ways and Means; 2960 – Education with subsequent referral to Revenue; 2904 – Education with subsequent referral to Ways and Means; 2905, 2909, 2910, 2911 – Environment and Land Use; 2912 – Environment and Land Use with subsequent referral to Ways and Means; 2961 – General Government; 2828, 2907, 2939, 2940, 2943, 2944, 2964, 2992 – Health and Human Services; 2921 – Health and Human Services with subsequent referral to Revenue; 2920, 2963, 2994 – Health and Human Services with subsequent referral to Ways and Means; 2924, 2927 – Judiciary; 2949 – Public Employees Retirement System; 2923, 2950, 2951, 2953, 2990 – Revenue; 2942, 2956, 2958, 3000 – Rules and Public Affairs; 2009, 2010, 2011, 2012, 2013, 2014 – Trade and Economic Development; 3198 – Trade and Economic Development with subsequent referral to Ways and Means; 2947 – Transportation; 2997, 2999 – Transportation with subsequent referral to Revenue; 2916, 2917 – Water; 2991 – Water with subsequent referral to Revenue.

HB 2187, 2277, 2645 – Read second time and passed to third reading.

SB 147 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 59; Excused for business of the House, 1 – Patridge. Bill passed.

Monnes Anderson in Chair.

HB 2130 (A-Engrossed) – Read third time. Carried by Backlund. On passage of the bill the vote was: Yeas, 48; Nays, 12 – Ackerman, Avakian, Bates, Beyer, Dingfelder, Greenlick, Johnson, Kafoury, Macpherson, Nolan, Prozanski, Verger. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

"Unfortunately, I voted no HB 2130. I misunderstood the amendments to ORS 243.303 as set forth in the bill.

"After casting my vote and leaving the floor, I realized that I should have supported the bill and voted yes on HB 2130."

HB 2138 – Read third time. Jenson moved bill be rereferred to Committee on Water. Motion carried on viva voce vote. Bill rereferred.

SB 8 – Read first time and passed to Speaker's desk for referral.

SB 122, 256, 281 – Referred from Speaker's desk to the following committees: 256, 281 – Agriculture and Natural Resources; 122 – Judiciary.

SB 222, 224, 321 – Read second time and passed to third reading.

HB 2134, 2140, 2157, 2169, 2170, 2175, 2185, 2214, 2216, 2257, 2261, 2265, SB 85 – Speaker signed.

House adjourned until 11:00 a.m., Wednesday, March 12, 2003 on motion of Jenson.

### **Wednesday, March 12, 2003 – Morning Session**

House convened at 11:00 a.m. Butler in Chair. All present except: Excused for business of the House, 3 – Beyer, Brown, Mabrey.

Opening Ceremony presented by Emily Gottfried, Executive Director, American Jewish Committee, Oregon Chapter, Portland.

SB 306, 478, 245 – Message from the Senate announcing passage.

HB 2192 – Message from the Senate announcing passage as amended by the Senate.

HJM 7 – Introduced, read and passed to Speaker's desk for referral.

HM 2 – Introduced, read and passed to Speaker's desk for referral.

HB 2210 – Report by Committee on Water recommending passage and be placed on the Consent Calendar.

HB 2015, 3048, 3071, 3115, 3116, 3199, 3224, 3226, 3255, 3256, 3265, 3266, 3267, 3301, 3308, 3309, 3310, 3311, 3312, 3313, 3314, 3315, 3316, 3317, 3318, 3319, 3320, 3321, 3326, 3337, 3338, 3339, 3340, 3341, 3342, 3343, 3344, 3345, 3346, 3347, 3348, 3350, 3351, 3352, 3353, 3354, 3355, 3356, 3357, 3358, 3359, 3360, 3361, 3362, 3363, 3364, 3365, 3366, 3367, 3368, 3369, 3370, 3371, 3372, 3374, 3375, 3376, 3377, 3378, 3379, 3382, 3383, 3384, 3385, 3386, 3387, 3388, 3389, 3390, 3391, 3392, 3393, 3394, 3395, 3396, 3397, 3398, 3399, 3400, 3401, 3402, 3403, 3451, 3452, 3453, 3454, 3455, 3456, 3457, 3458, 3459, 3460, 3461 – Read first time and passed to Speaker's desk for referral.

HB 2836, 2913, 2914, 2915, 2919, 2954, 2955, 2959, 2967, 2968, 2969, 2970, 2971, 2972, 2973, 2974, 2975, 2976, 2977 – Referred from Speaker's desk to the following committees: 2914, 2915 – Agriculture

and Natural Resources with subsequent referral to Ways and Means; 2967, 2968, 2973 – Business, Labor and Consumer Affairs; 2969 – Business, Labor and Consumer Affairs with subsequent referral to Ways and Means; 2971 – Environment and Land Use with subsequent referral to Ways and Means; 2913, 2974 – General Government; 2919, 2970 – Health and Human Services with subsequent referral to Ways and Means; 2975 – Judiciary; 2836 – Judiciary with subsequent referral to Ways and Means; 2972 – Rules and Public Affairs; 2959 – Transportation; 2954 – Transportation with subsequent referral to Ways and Means; 2977 – Water; 2976 – Water with subsequent referral to Ways and Means; 2955 – Ways and Means.

HB 2050, 2086, 2101, 2222, 2305, 2306, 2307, 2309, 2526, 2634 – Read second time and passed to third reading.

HB 2187 – Read third time. Carried by Berger. On passage of the bill the vote was: Yeas, 60. Bill passed.

HB 2277 – Read third time. Carried by Ackerman. On passage of the bill the vote was: Yeas, 60. Bill passed.

HB 2645 – Read third time. Carried by Prozanski.

Morgan in Chair.

HB 2645 – On passage of the bill the vote was: Yeas, 59; Absent, 1 – Dalto. Bill passed.

SB 245, 306, 478 – Read first time and passed to Speaker's desk for referral.

SB 8 – Referred from Speaker's desk to the following committee: General Government.

SB 173, 220 – Read second time and passed to third reading.

SB 222 – Read third time. Carried by Farr. On passage of the bill the vote was: Yeas, 60. Bill passed.

SB 224 – Read third time. Carried by Williams. On passage of the bill the vote was: Yeas, 57; Nays, 3 – Bates, Nelson, Verger. Bill passed.

Nelson requested the following explanation of her vote be entered in the Journal:

"My 'No' vote for this measure is because I feel 3 years would be a more efficient period of time in which time the assessor could determine taxes due and more probably achieve positive results in recovery."

SB 321 – Read third time. Carried by Verger.

By unanimous consent, on request of Verger, rules suspended to permit use of visual aid during presentation of bill.

SB 321 – Carried by Krieger. On passage of the bill the vote was: Yeas, 59; Absent, 1 – Hunt. Bill passed.

HB 2133 – Speaker signed.

House adjourned until 11:00 a.m., Thursday, March 13, 2003 on motion of Jenson.

**Thursday, March 13, 2003 – Morning Session**

House convened at 11:00 a.m. Knopp in Chair. All present except: Excused, 1 – Morgan.

Close in Chair.

Opening Ceremony presented by Associate Pastor Dave Barnhart, Calvary Chapel, McMinnville.

Opening Ceremony presented by Shantae Knorr, Redmond.

HB 2098, 2426 – Message from the Senate announcing passage.

SB 81 – Message from the Senate announcing concurrence in House amendments and repassage.

HB 2175, 2170, 2169, 2157, 2140, 2134, 2214, 2216, 2257, 2261, 2265, 2185 – Message from the Senate announcing President signed on March 12, 2003.

HCR 4, 5, 6, 7 – Introduced, read and passed to Speaker's desk for referral.

HJR 34 – Introduced, read and passed to Speaker's desk for referral.

HB 2151 – Report by Committee on Health and Human Services recommending passage. Bill referred to Committee on Ways and Means by prior reference.

HB 2209 – Report by Committee on Agriculture and Natural Resources without recommendation as to passage and be referred to Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 2287 – Report by Committee on Health and Human Services recommending passage. Bill referred to Committee on Ways and Means by prior reference.

HB 2288 – Report by Committee on Health and Human Services recommending passage. Bill referred to Committee on Ways and Means by prior reference.

HB 2542 – Report by Committee on Transportation recommending passage with amendments, be printed A-Engrossed, and be placed on the Consent Calendar.

HB 2818 – Report by Committee on General Government recommending passage.

HJM 5 – Report by Committee on General Government recommending adoption.

SB 353 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

HB 2192 (A-Engrossed) – Kruse moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 59; Excused, 1 – Morgan. Bill repassed.

HB 3241, 3251, 3349, 3373, 3404, 3405, 3406, 3407, 3408, 3409, 3410, 3411, 3412, 3413, 3414, 3415, 3416, 3417, 3418, 3419, 3420, 3421, 3422, 3423, 3424, 3425, 3426, 3427, 3428, 3429, 3430, 3431, 3432, 3433, 3434, 3435, 3436, 3437, 3438, 3439, 3440, 3441, 3442, 3443, 3444, 3445, 3446, 3447, 3448, 3449, 3450, 3462, 3463, 3464, 3465, 3466, 3467, 3468, 3469, 3499, 3550, 3551, 3552, 3553, 3554, 3555, 3556, 3557, 3558, 3559, 3560, 3561, 3562, 3563, 3564, 3565, 3566, 3567, 3568, 3569, 3570, 3571, 3572, 3573, 3574, 3576, 3577, 3578, 3579, 3580, 3582, 3585, 3586, 3589, 3590, 3591, 3596 – Read first time and passed to Speaker's desk for referral.

HB 2892, 2945, 2978, 2979, 2981, 2982, 2984, 2985, 2986, 2987, 2988, 2989, 2995, 2996, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3010, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3044, 3045, 3046, 3047, 3050, 3051, 3054, 3055 – Referred from Speaker's desk to the following committees: 2989, 3003, 3004, 3007, 3010, 3039, 3051 – Business, Labor and Consumer Affairs; 3030, 3040, 3042 – Business, Labor and Consumer Affairs with subsequent referral to Ways and Means; 3037, 3044 – Education with subsequent referral to Ways and Means; 2945, 2984, 2985, 2988, 3013, 3016, 3017 – Environment and Land Use; 2892 – General Government with subsequent referral to Ways and Means; 2987, 2996, 3035 – Health and Human Services; 2995, 3018, 3019, 3036 – Health and Human Services with subsequent referral to Ways and Means; 3005, 3015, 3029, 3046 – Judiciary; 2978, 2979, 2981, 2982 – Public Employees Retirement System; 3020 – Public Employees Retirement System with subsequent referral to Ways and Means; 3045, 3050, 3054, 3055 – Revenue; 3033, 3034 – Revenue with subsequent referral to Ways and Means; 3031 – Trade and Economic Development with subsequent referral to Ways and Means; 2986, 3001, 3014, 3032 – Transportation; 3002 – Transportation with subsequent referral to Ways and Means; 3006 – Water; 3047 – Water with subsequent referral to Ways and Means; 3038, 3041 – Ways and Means.

HB 2075, 2272, 2389 – Read second time and passed to third reading.

HB 2222 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 59; Excused, 1 – Morgan. Bill passed.

HB 2634 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 59; Excused, 1 – Morgan. Bill passed.

HB 2050 (A-Engrossed) – Read third time. Carried by Barker. On passage of the bill the vote was: Yeas, 59; Excused, 1 – Morgan. Bill passed.

HB 2086 (A-Engrossed) – Read third time. Carried by Williams. On passage of the bill the vote was: Yeas, 46; Nays, 9 – Butler, Close, Doyle, Garrard, Jenson, Kropf, Richardson, Scott, Zauner; Absent, 4 – Anderson, Krieger, Kruse, Smith T.; Excused, 1 – Morgan. Bill passed.

HB 2101, 2305, 2306, 2307, 2309, 2526 – By unanimous consent, on request of Chair, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Monday's, March 17, 2003 Calendar.

SB 58, 267, 388 – Referred from Speaker's desk to the following committees: 58 – Business, Labor and Consumer Affairs with subsequent referral to Ways and Means; 388 – Education; 267 – Judiciary.

SB 173, 220 – By unanimous consent, on request of Chair, rules suspended and bills remaining on today's Third Reading of Senate Bills carried over and placed in their proper order on Monday's, March 17, 2003 Calendar.

House adjourned until 8:30 a.m., Friday, March 14, 2003 on motion of Jenson.

#### **Friday, March 14, 2003 – Morning Session**

House convened at 8:30 a.m. Gallegos in Chair. All present except: Excused, 5 – Barker, Garrard, Monnes Anderson, Wirth, Speaker Minnis; Excused for business of the House, 3 – Miller, Patridge, Nelson.

Speaker Pro Tempore in Chair.

Opening Ceremony presented by Bishop Kelly E. Thompson, The Church of Jesus Christ of Latter-Day Saints, Medford.

SB 205, 248, 253, 436, HB 2033 – Message from the Senate announcing passage.

HB 2295 – Message from the Senate announcing passage as amended by the Senate.

HB 2133 – Message from the Senate announcing President signed on March 13, 2003.

HCR 3 – Introduced, read and passed to Speaker's desk for referral.

HJR 35, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53 – Introduced, read and passed to Speaker's desk for referral.

HB 2428 – Report by Committee on Transportation recommending passage with amendments, be printed A-Engrossed, and be referred

to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 2489 – Report by Committee on Revenue recommending passage with amendments and be printed A-Engrossed.

HB 2564 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 2691 – Report by Committee on Trade and Economic Development recommending passage with amendments and be printed A-Engrossed.

HB 2743 – Report by Committee on General Government recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

SB 193 – Report by Committee on Health and Human Services recommending passage and be placed on the Consent Calendar.

HB 2349, 2800, 3077, 3470, 3471, 3472, 3473, 3474, 3475, 3476, 3477, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3486, 3487, 3488, 3489, 3490, 3491, 3492, 3493, 3494, 3495, 3497, 3498, 3500, 3501, 3502, 3503, 3504, 3505, 3506, 3507, 3508, 3509, 3510, 3511, 3512, 3513, 3514, 3515, 3516, 3517, 3518, 3519, 3520, 3521, 3522, 3523, 3524, 3525, 3526, 3527, 3528, 3529, 3530, 3531, 3532, 3533, 3534, 3535, 3536, 3537, 3538, 3539, 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3549, 3575, 3583, 3584, 3587, 3588, 3592, 3593, 3594, 3595, 3597, 3598, 3599, 3600 – Read first time and passed to Speaker's desk for referral.

HB 2210, 2818 – Read second time and passed to third reading.

HB 2075, 2272, 2389 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Monday's, March 17, 2003 Calendar.

HJM 5 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and memorial remaining on today's Final Reading of Memorials and Resolutions carried over and placed in its proper order on Monday's, March 17, 2003 Calendar.

SB 205, 248, 253, 436 – Read first time and passed to Speaker's desk for referral.

SB 353 – Read second time and passed to third reading.

Speaker announced appointment of members to the following committee:

SPECIAL JOINT COMMITTEE ON PUBLIC EDUCATION APPROPRIATION – Morgan, Hopson.

House adjourned until 11:00 a.m., Monday, March 17, 2003 on motion of Jenson.

### **Monday, March 17, 2003 – Morning Session**

House convened at 11:00 a.m. Dingfelder in Chair. All present except: Absent, 1 – Smith G.; Excused, 4 – Garrard, Monnes Anderson, Scott, Wirth; Excused for business of the House, 1 – Miller.

Opening Ceremony presented by Reverend James Wilson, Christ Lutheran Church and School, Coos Bay.

SB 11, 155, 434 – Message from the Senate announcing passage.

SJM 2 – Message from the Senate announcing adoption.

HB 2200 – Message from the Senate announcing passage as amended by the Senate.

SJM 2 – Read first time and passed to Speaker's desk for referral.

HJR 31, 32, 33, 37 – Referred from Speaker's desk to the following committees: 32 – General Government; 37 – Revenue; 31 – Rules and Public Affairs; 33 – Trade and Economic Development.

HR 2 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HB 2298 – Report by Committee on Trade and Economic Development recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Revenue by prior reference.

HB 2401 – Report by Committee on Public Employees Retirement System recommending passage.

HB 2671 – Report by Committee on Trade and Economic Development recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Revenue by prior reference.

HB 2295 (B-Engrossed) – March moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 54; Absent, 1 – Smith G.; Excused, 4 – Garrard, Monnes Anderson, Scott, Wirth; Excused for business of the House, 1 – Miller. Bill repassed.

HB 2350, 2352, 2360, 2707, 2709, 2710, 2711, 2980, 3011, 3012, 3021, 3022, 3023, 3024, 3025, 3026, 3028, 3043, 3052, 3053, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3067, 3068, 3069, 3072,

3073, 3074, 3075, 3076, 3078, 3079, 3081, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3096, 3097, 3098, 3099, 3101, 3102, 3103, 3104, 3105, 3107, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3134, 3135, 3136, 3137, 3139, 3140, 3141, 3142, 3145, 3146, 3147, 3148, 3149, 3154, 3157, 3158, 3159, 3160, 3161, 3162, 3163 – Referred from Speaker's desk to the following committees: 3026, 3075, 3102, 3123, 3125, 3126, 3132 – Agriculture and Natural Resources; 2710, 3021, 3063, 3069, 3076, 3087, 3088, 3092, 3096, 3145, 3159, 3161, 3163 – Business, Labor and Consumer Affairs; 3097, 3130, 3160 – Business, Labor and Consumer Affairs with subsequent referral to Revenue; 3043, 3086, 3090, 3141, 3142, 3147, 3148, 3149 – Business, Labor and Consumer Affairs with subsequent referral to Ways and Means; 3025, 3105, 3140 – Education; 3104 – Education with subsequent referral to Revenue; 3103 – Education with subsequent referral to Ways and Means; 2350, 3061, 3083, 3084, 3091, 3137 – Environment and Land Use; 3089 – Environment and Land Use with subsequent referral to Ways and Means; 3023, 3060, 3062, 3068, 3072, 3073, 3101, 3136, 3162 – General Government; 3124, 3154 – General Government with subsequent referral to Ways and Means; 3098, 3157 – Health and Human Services; 3011, 3012, 3024 – Health and Human Services with subsequent referral to Ways and Means; 2711, 3022, 3067, 3078, 3107, 3146 – Judiciary; 2707, 3028, 3065, 3074 – Judiciary with subsequent referral to Ways and Means; 2980 – Public Employees Retirement System; 3052, 3057, 3079, 3081, 3085, 3099, 3134 – Revenue; 3053, 3056, 3129 – Revenue with subsequent referral to Ways and Means; 3059, 3093, 3127, 3158 – Rules and Public Affairs; 3131 – Trade and Economic Development; 3128, 3139 – Trade and Economic Development with subsequent referral to Ways and Means; 3058, 3064 – Transportation; 3135 – Transportation with subsequent referral to Ways and Means; 2360, 3094 – Water; 2352, 2709 – Ways and Means.

HB 2857, 2962, 3008, 3027, 3049, 3070, 3080, 3082, 3095, 3106, 3114, 3133, 3143, 3144, 3150, 3151, 3152, 3153, 3155, 3156, 3164, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3188, 3189, 3190, 3191, 3192, 3194, 3195, 3196, 3197, 3201, 3202, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211, 3212, 3213, 3214, 3215, 3216, 3217, 3218, 3219, 3221, 3222, 3223, 3225, 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235, 3237, 3238, 3239, 3240, 3242, 3243, 3244, 3245, 3246, 3247, 3260, 3261, 3262, 3263, 3581 – Referred from Speaker's desk to the following committees: 3152 – Agriculture and Natural Resources; 3232 – Agriculture and Natural Resources with subsequent referral to Ways and Means; 3049, 3106, 3150, 3170, 3172, 3174, 3180, 3218, 3229, 3260 – Business, Labor and Consumer Affairs; 3070, 3143, 3178, 3192, 3246, 3262 – Business, Labor and Consumer Affairs with subsequent referral to Ways and Means; 3263 – Education; 3165, 3171, 3189, 3225, 3242 – Education

with subsequent referral to Ways and Means; 3144, 3164, 3181, 3195, 3197, 3207, 3211, 3213, 3223, 3228, 3235, 3245, 3247 – Environment and Land Use; 3175, 3176, 3244 – Environment and Land Use with subsequent referral to Ways and Means; 2857, 3114, 3194, 3206, 3212, 3581 – General Government; 3219, 3237 – General Government with subsequent referral to Ways and Means; 2962, 3156 – Health and Human Services; 3080, 3133, 3153, 3182, 3188 – Health and Human Services with subsequent referral to Ways and Means; 3095, 3155, 3179, 3196, 3214, 3221 – Judiciary; 3027, 3166, 3167, 3177 – Judiciary with subsequent referral to Ways and Means; 3191 – Public Employees Retirement System with subsequent referral to Revenue; 3169, 3230 – Public Employees Retirement System with subsequent referral to Ways and Means; 3082, 3208, 3210, 3222, 3233, 3234, 3239 – Revenue; 3168, 3227 – Revenue with subsequent referral to Ways and Means; 3173, 3190, 3238 – Rules and Public Affairs; 3151, 3209 – Transportation; 3231, 3240 – Transportation with subsequent referral to Ways and Means; 3202, 3204, 3205, 3215, 3216, 3217, 3261 – Water; 3201 – Water with subsequent referral to Ways and Means; 3008, 3243 – Ways and Means.

HB 2542 – Read second time and passed to third reading.

HB 2210 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 54; Absent, 1 – Smith G.; Excused, 4 – Garrard, Monnes Anderson, Scott, Wirth; Excused for business of the House, 1 – Miller. Bill passed.

HB 2101 – Read third time. Carried by Anderson. On passage of the bill the vote was: Yeas, 55; Excused, 4 – Garrard, Monnes Anderson, Scott, Wirth; Excused for business of the House, 1 – Miller. Bill passed.

HB 2305 (A-Engrossed) – Read third time. Carried by Williams. On passage of the bill the vote was: Yeas, 55; Excused, 4 – Garrard, Monnes Anderson, Scott, Wirth; Excused for business of the House, 1 – Miller. Bill passed.

HB 2306 (A-Engrossed) – Read third time. Carried by Barker.

Nelson in Chair.

HB 2306 (A-Engrossed) – On passage of the bill the vote was: Yeas, 55; Excused, 4 – Garrard, Monnes Anderson, Scott, Wirth; Excused for business of the House, 1 – Miller. Bill passed.

HB 2307 (A-Engrossed) – Read third time. Carried by Ackerman. On passage of the bill the vote was: Yeas, 56; Excused, 4 – Garrard, Monnes Anderson, Scott, Wirth. Bill passed.

HB 2309 (A-Engrossed) – Read third time. Carried by Macpherson. On passage of the bill the

vote was: Yeas, 56; Excused, 4 – Garrard, Monnes Anderson, Scott, Wirth. Bill passed.

HB 2526 (A-Engrossed) – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 56; Excused, 4 – Garrard, Monnes Anderson, Scott, Wirth. Bill passed.

HB 2075 (A-Engrossed) – Read third time. Carried by Macpherson. On passage of the bill the vote was: Yeas, 56; Excused, 4 – Garrard, Monnes Anderson, Scott, Wirth. Bill passed.

HB 2272, 2389, 2818 – By unanimous consent, on request of Chair, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Tuesday's, March 18, 2003 Calendar.

HJM 5 – By unanimous consent, on request of Chair, rules suspended and memorial remaining on today's Final Reading of Memorials and Resolutions carried over and placed in its proper order on Tuesday's, March 18, 2003 Calendar.

SB 11, 155, 434 – Read first time and passed to Speaker's desk for referral.

SB 237, 269 – Referred from Speaker's desk to the following committees: 237 – Business, Labor and Consumer Affairs with subsequent referral to Ways and Means; 269 – Judiciary.

SB 173, 220, 353 – By unanimous consent, on request of Chair, rules suspended and bills remaining on today's Third Reading of Senate Bills carried over and placed in their proper order on Tuesday's, March 18, 2003 Calendar.

House adjourned until 11:00 a.m., Tuesday, March 18, 2003 on motion of Jenson.

#### **Tuesday, March 18, 2003 – Morning Session**

House convened at 11:00 a.m. Gallegos in Chair. All present except: Excused, 2 – Monnes Anderson, Wirth.

Doyle in Chair.

Opening Ceremony presented by Pastor Chris Naranjo, Butte Creek Baptist Church, Eagle Point.

SB 37, 118, 154, 243 – Message from the Senate announcing passage.

HJM 7 – Referred from Speaker's desk to the following committee: Health and Human Services.

HJR 36, 38, 40 – Referred from Speaker's desk to the following committees: 40 – Business, Labor and Consumer Affairs with subsequent referral to Revenue; 38 – Revenue; 36 – Trade and Economic Development.

HM 2, 3, 4, 5, 6, 7, 8 – Referred from Speaker's desk to the following committee: General Government.

HR 3 – Referred from Speaker's desk to the following committee: Business, Labor and Consumer Affairs.

HB 2213 – Report by Committee on Revenue recommending passage.

HB 2398 – Report by Committee on Transportation recommending passage with amendments and be printed A-Engrossed.

HB 2454 (A-Engrossed) – Report by Committee on Revenue recommending passage.

HB 2456 – Report by Committee on Water recommending passage with amendments and be printed A-Engrossed.

HB 2491 – Report by Committee on Water recommending passage.

HB 2573 – Report by Committee on Transportation recommending passage and be placed on the Consent Calendar.

HB 2200 (A-Engrossed) – Nelson moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 57; Absent, 1 – Morgan; Excused, 2 – Monnes Anderson, Wirth. Bill repassed.

HB 2351 – Read first time and passed to Speaker's desk for referral.

HB 2346, 2354, 2355, 2357, 3009, 3066, 3100, 3108, 3109, 3110, 3111, 3112, 3113, 3117, 3118, 3119, 3120, 3121, 3122, 3183, 3184, 3185, 3186, 3187, 3193, 3200, 3203, 3220, 3236, 3249, 3250, 3252, 3253, 3254, 3257, 3258, 3259, 3264, 3268, 3269, 3270, 3271, 3272, 3273, 3274, 3275, 3276, 3277, 3278, 3279, 3280, 3281, 3282, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3294, 3295, 3296, 3297, 3298, 3299, 3300, 3302, 3303, 3304, 3305, 3306, 3307, 3322, 3323, 3324, 3325, 3327, 3328, 3329, 3330, 3331, 3332, 3333, 3334, 3335, 3336, 3380, 3381, 3496 – Referred from Speaker's desk to the following committees: 3264 – Agriculture and Natural Resources; 3252, 3269, 3270 – Agriculture and Natural Resources with subsequent referral to Ways and Means; 2346, 2355, 3100, 3117, 3200, 3254, 3274, 3292, 3299, 3300, 3305, 3334, 3381 – Business, Labor and Consumer Affairs; 3324, 3325 – Business, Labor and Consumer Affairs with subsequent referral to Revenue; 3276, 3284, 3289, 3322 – Business, Labor and Consumer Affairs with subsequent referral to Ways and Means; 3279 – Education with subsequent referral to Ways and Means; 3185, 3236, 3282, 3288, 3302 – Environment and Land Use; 3113, 3120 – Environment and Land Use with subsequent referral to Ways and Means; 3109, 3110, 3257, 3268, 3272, 3380, 3496 – General Government; 3122, 3186 – Health and Human

Services; 3184 – Health and Human Services with subsequent referral to Revenue; 2354, 2357, 3066, 3285, 3286, 3291, 3323 – Health and Human Services with subsequent referral to Ways and Means; 3193, 3203, 3250, 3259, 3273, 3275, 3277, 3287, 3290, 3296, 3306, 3329, 3330, 3331, 3332, 3333 – Judiciary; 3119, 3336 – Judiciary with subsequent referral to Ways and Means; 3118, 3183, 3271, 3278, 3283 – Revenue; 3258 – Revenue with subsequent referral to Ways and Means; 3112, 3294, 3304, 3328, 3335 – Rules and Public Affairs; 3327 – Rules and Public Affairs with subsequent referral to Ways and Means; 3280 – Trade and Economic Development with subsequent referral to Ways and Means; 3111, 3121, 3187, 3253, 3303 – Transportation; 3220, 3281, 3295, 3297, 3298 – Water; 3108, 3249 – Water with subsequent referral to Ways and Means; 3009, 3307 – Ways and Means.

HB 2015, 3048, 3071, 3115, 3116, 3199, 3224, 3226, 3255, 3256, 3265, 3266, 3267, 3293, 3301, 3308, 3309, 3310, 3311, 3312, 3313, 3314, 3315, 3316, 3317, 3318, 3319, 3320, 3321, 3326, 3337, 3338, 3339, 3340, 3341, 3342, 3343, 3344, 3345, 3346, 3347, 3348, 3352, 3353, 3354, 3355, 3356, 3357, 3358, 3359, 3360, 3361, 3362, 3363, 3364, 3365, 3366, 3367, 3369, 3370, 3371, 3372, 3374, 3375, 3376, 3377, 3378, 3379, 3382, 3383, 3384, 3385, 3386, 3387, 3388, 3389, 3390, 3391, 3392, 3393, 3394, 3395, 3396, 3397, 3398, 3399, 3400, 3401, 3402, 3403, 3451, 3452, 3453, 3454, 3455, 3456, 3457, 3458, 3459, 3460, 3461 – Referred from Speaker's desk to the following committees: 3308 – Agriculture and Natural Resources with subsequent referral to Ways and Means; 3048, 3312, 3313, 3316, 3354, 3369, 3376, 3379, 3392, 3400, 3458, 3461 – Business, Labor and Consumer Affairs; 3266, 3453 – Business, Labor and Consumer Affairs with subsequent referral to Revenue; 3374, 3384, 3460 – Business, Labor and Consumer Affairs with subsequent referral to Ways and Means; 3267 – Education; 3265, 3315, 3326, 3342, 3375, 3383, 3456, 3457, 3459 – Environment and Land Use; 3395 – Environment and Land Use with subsequent referral to Ways and Means; 3224 – General Government; 3226, 3319 – General Government with subsequent referral to Ways and Means; 3310, 3321, 3364, 3378, 3401, 3403 – Health and Human Services; 3293, 3382, 3393, 3394, 3396, 3402 – Health and Human Services with subsequent referral to Ways and Means; 3256, 3311, 3317, 3318, 3337, 3338, 3339, 3340, 3343, 3344, 3345, 3346, 3347, 3348, 3355, 3356, 3358, 3359, 3360, 3361, 3362, 3363, 3365, 3366, 3367, 3370, 3371, 3372, 3385, 3387, 3388, 3389 – Judiciary; 3341, 3357, 3386, 3390 – Judiciary with subsequent referral to Ways and Means; 3314, 3320 – Public Employees Retirement System; 3301, 3454 – Revenue; 3377, 3397, 3398, 3399, 3451, 3452 – Revenue with subsequent referral to Ways and Means; 3115, 3116, 3255, 3352, 3353 – Rules and Public Affairs; 3455 – Rules and Public Affairs with subsequent referral to Ways and Means; 2015, 3391 – Trade and Economic Development; 3071 – Trade and Economic Development with subsequent referral to



Ways and Means; 3309 – Water; 3199 – Ways and Means.

HB 2401, 2489, 2564, 2691, 2743 – Read second time and passed to third reading.

HB 2542 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Monnes Anderson, Wirth. Bill passed.

HB 2272 (A-Engrossed) – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Monnes Anderson, Wirth. Bill passed.

HB 2389 (A-Engrossed) – Read third time. Carried by Garrard. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Monnes Anderson, Wirth. Bill passed.

HB 2818 – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Monnes Anderson, Wirth. Bill passed.

HJM 5 – Read. Carried by Avakian. On adoption of the memorial the vote was: Yeas, 58; Excused, 2 – Monnes Anderson, Wirth. Memorial adopted.

SB 37, 118, 154, 243 – Read first time and passed to Speaker's desk for referral.

SB 245, 306, 478 – Referred from Speaker's desk to the following committees: 478 – Agriculture and Natural Resources with subsequent referral to Ways and Means; 245, 306 – Judiciary.

SB 193 – Read second time and passed to third reading.

SB 173 – Read third time. Carried by Berger. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Monnes Anderson, Wirth. Bill passed.

SB 220 – Read third time. Carried by Hass. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Monnes Anderson, Wirth. Bill passed.

SB 353 – Read third time. Carried by Rosenbaum. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Monnes Anderson, Wirth. Bill passed.

SB 81 – Speaker signed.

House adjourned until 11:00 a.m., Wednesday, March 19, 2003 on motion of Jenson.

### **Wednesday, March 19, 2003 – Morning Session**

House convened at 11:00 a.m. Garrard in Chair. All present except: Excused, 3 – Jenson, Kafoury, Wirth.

Opening Ceremony presented by Reverend Ted Berkthold, St. Mary's Episcopal Church, Eugene.

SB 81 – Message from the Senate announcing President signed on March 18, 2003.

SB 18, 315, 748, HB 2035 – Message from the Senate announcing passage.

HB 2317 – Message from the Senate announcing passage as amended by the Senate.

HB 2119 – Report by Committee on Judiciary recommending passage.

HB 2545 – Report by Committee on Environment and Land Use recommending passage with amendments and be printed A-Engrossed.

HB 2799 – Report by Committee on Agriculture and Natural Resources recommending passage.

HJM 4 – Report by Committee on Health and Human Services recommending adoption.

HR 2 – Report by Committee on Rules and Public Affairs recommending adoption with amendments and be printed A-Engrossed.

HB 3425, 3433, 3444, 3480, 3521, 3526, 3529, 3534, 3560, 3563, 3564, 3565, 3579, 3600 – Referred from Speaker's desk to the following committees: 3579 – Business, Labor and Consumer Affairs; 3480 – Education; 3564 – Education with subsequent referral to Ways and Means; 3521 – Environment and Land Use with subsequent referral to Revenue; 3563 – Environment and Land Use with subsequent referral to Ways and Means; 3600 – General Government; 3425, 3433 – Public Employees Retirement System with subsequent referral to Ways and Means; 3565 – Rules and Public Affairs; 3560 – Rules and Public Affairs with subsequent referral to Ways and Means; 3444 – Transportation with subsequent referral to Ways and Means; 3534 – Water; 3526, 3529 – Ways and Means.

HB 2213, 2454, 2491 – Read second time and passed to third reading.

SB 193 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Jenson, Kafoury, Wirth. Bill passed.

HB 2401 – Read third time. Carried by Butler. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Jenson, Kafoury, Wirth. Bill passed.

HB 2489 (A-Engrossed) – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 56; Excused, 3 – Jenson, Kafoury, Wirth; Excused for business of the House, 1 – Patridge. Bill passed.

HB 2564 (A-Engrossed) – Read third time. Carried by Schaufler.

Prozanski in Chair.

HB 2564 (A-Engrossed) – On passage of the bill the vote was: Yeas, 56; Excused, 3 – Jenson, Kafoury, Wirth; Excused for business of the House, 1 – Patridge. Bill passed.

HB 2691 (A-Engrossed) – Read third time. Carried by Smith P. On passage of the bill the vote was: Yeas, 46; Nays, 10 – Avakian, Barker, Barnhart, Bates, Dingfelder, Greenlick, Macpherson, Nolan, Prozanski, Rosenbaum; Excused, 3 – Jenson, Kafoury, Wirth; Excused for business of the House, 1 – Patridge. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted No on HB 2691-A because:

“The bill is defective because it has far too loose a definition of mill sites and would allow industrial development in clearly inappropriate locations. If the Senate is able to tighten up the definition, I will support the bill.

“Here, as in many land use bills, the problem is in the details. I support the idea. My district has a number of excellent mill sites and communities that need the economic development. I will support the bill allowing development in those communities.”

Tomei requested the following explanation of her vote be entered in the Journal:

“Although I voted for passage of HB 2691 on March 19, I continue to have concerns about the bill in its current form. I support the intent of HB 2691, the appropriate re-use of abandoned mill sites, particularly as it would promote rural economic development. I voted for its passage in the hope that this legislation will be amended in the Senate to ensure avoidance of unintended consequences that may arise if left in its present form.

“Concerted focus on economic development is pivotal to Oregon’s recovery. However, I believe that we must proceed in a way that is consistent with good planning, fiscal responsibility, and best use practices. House Bill 2691 can be amended to meet these criteria, and I will vote for its final passage ONLY if it returns to the House from the Senate appropriately amended.”

HB 2743 (A-Engrossed) – Read third time. Carried by Mabrey. On passage of the bill the vote was: Yeas, 53; Nays, 2 – March, Rosenbaum; Absent, 1 – Kitts; Excused, 3 – Jenson, Kafoury, Wirth; Excused for business of the House, 1 – Patridge. Bill passed.

SB 18, 315, 748 – Read first time and passed to Speaker’s desk for referral.

House adjourned until 11:00 a.m., Thursday, March 20, 2003 on motion of Patridge.

#### **Thursday, March 20, 2003 – Morning Session**

House convened at 11:00 a.m. Rosenbaum in Chair. All present except: Excused, 5 – Barnhart, Dalto, Monnes Anderson, Smith G., Wirth; Excused for business of the House, 5 – Hass, Hopson, Scott, Shetterly, Verger.

Opening Ceremony presented by Pastor Gordon DeArmond, Ponderosa Christian Fellowship, Crescent.

SB 10 – Message from the Senate announcing passage.

HCR 4, 5, 6, 7 – Referred from Speaker’s desk to the following committees: 7 – Health and Human Services; 6 – Revenue; 4, 5 – Rules and Public Affairs.

HJR 34 – Referred from Speaker’s desk to the following committee: General Government.

HB 2640 – Report by Committee on Health and Human Services without recommendation as to passage and be referred to Committee on Business, Labor and Consumer Affairs. Bill referred to Committee on Business, Labor and Consumer Affairs by order of the Speaker.

HR 2 – By unanimous consent, on request of Chair, rules suspended and resolution made a Special Order of Business immediately following the order of business of Special Committee Reports on Friday’s, March 21, 2003 Calendar.

HB 2317 (A-Engrossed) – Krummel moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 49; Nays, 1 – Butler; Excused, 5 – Barnhart, Dalto, Monnes Anderson, Smith G., Wirth; Excused for business of the House, 5 – Hass, Hopson, Scott, Shetterly, Verger. Bill repassed.

HB 3601 – Read first time and passed to Speaker’s desk for referral.

HB 3241, 3251, 3349, 3350, 3351, 3368, 3373, 3404, 3405, 3406, 3407, 3408, 3409, 3410, 3411, 3412, 3413, 3414, 3415, 3416, 3417, 3418, 3419, 3420, 3421, 3422, 3423, 3424, 3426, 3427, 3428, 3429, 3430, 3431, 3432, 3434, 3435, 3436, 3437, 3438, 3439, 3440, 3441, 3442, 3443, 3445, 3446, 3447, 3448, 3449, 3450, 3462, 3463, 3464, 3465, 3466, 3467, 3468, 3469, 3499, 3550, 3551, 3552, 3553, 3554, 3555, 3556, 3557, 3558, 3559, 3561, 3562, 3566, 3567, 3568, 3569, 3570, 3571, 3572, 3573, 3574, 3576, 3577, 3578, 3580, 3582, 3585, 3586, 3589, 3590, 3591, 3596 – Referred from Speaker’s desk to the following committees: 3551 – Agriculture and Natural Resources with subsequent referral to Revenue; 3552 – Agriculture and Natural Resources with subsequent referral to Ways and Means; 3415, 3416, 3420, 3421, 3422, 3429, 3441, 3464, 3465, 3468, 3469, 3553, 3567, 3572, 3589, 3590, 3591 – Business, Labor and Consumer Affairs; 3467 – Business, Labor and Consumer Affairs with subsequent referral to Revenue; 3373, 3568 – Business, Labor and Consumer Affairs with subsequent referral to Ways and Means; 3557 – Education; 3578 – Education with subsequent referral to Revenue; 3430 – Education with subsequent referral to Ways and Means; 3241, 3404, 3405, 3406, 3408, 3462, 3556, 3558, 3561, 3569, 3576 – Environment and Land Use; 3443 – Environment and Land Use with subsequent referral to Ways and Means; 3368, 3571 – General Government; 3573 – General Government with subsequent referral to Ways and Means; 3251, 3411,

3431, 3439, 3570, 3574, 3577, 3585 – Health and Human Services with subsequent referral to Ways and Means; 3349, 3350, 3409, 3410, 3412, 3413, 3424, 3426, 3428, 3550, 3562 – Judiciary; 3559 – Judiciary with subsequent referral to Ways and Means; 3414, 3417, 3423, 3432, 3448, 3449, 3450, 3466 – Revenue; 3418, 3419 – Revenue with subsequent referral to Ways and Means; 3351, 3427, 3434, 3435, 3436, 3437, 3446, 3499, 3586 – Rules and Public Affairs; 3447 – Rules and Public Affairs with subsequent referral to Revenue; 3442, 3463, 3596 – Rules and Public Affairs with subsequent referral to Ways and Means; 3554, 3580 – Trade and Economic Development with subsequent referral to Ways and Means; 3445 – Transportation with subsequent referral to Revenue; 3440, 3566, 3582 – Transportation with subsequent referral to Ways and Means; 3407 – Water; 3438, 3555 – Water with subsequent referral to Ways and Means.

HB 2119, 2398, 2456, 2573, 2799 – Read second time and passed to third reading.

HB 2213 – Read third time. Carried by Farr. On passage of the bill the vote was: Yeas, 47; Nays, 4 – Butler, Kropf, Nelson, Zauner; Excused, 5 – Barnhart, Dalto, Monnes Anderson, Smith G., Wirth; Excused for business of the House, 4 – Hass, Hopson, Scott, Shetterly. Bill passed.

HB 2454 (A-Engrossed) – Read third time. Carried by Verger.

Hansen in Chair.

HB 2454 (A-Engrossed) – On passage of the bill the vote was: Yeas, 51; Excused, 5 – Barnhart, Dalto, Monnes Anderson, Smith G., Wirth; Excused for business of the House, 4 – Hass, Hopson, Scott, Shetterly. Bill passed.

HB 2491 – Read third time. Carried by Flores. On passage of the bill the vote was: Yeas, 50; Excused, 5 – Barnhart, Dalto, Monnes Anderson, Smith G., Wirth; Excused for business of the House, 5 – Hass, Hopson, Scott, Shetterly, Verger. Bill passed.

HJM 4 – Read. Carried by Kruse. On adoption of the memorial the vote was: Yeas, 50; Excused, 5 – Barnhart, Dalto, Monnes Anderson, Smith G., Wirth; Excused for business of the House, 5 – Hass, Hopson, Scott, Shetterly, Verger. Memorial adopted.

SB 10 – Read first time and passed to Speaker's desk for referral.

House adjourned until 8:30 a.m., Friday, March 21, 2003 on motion of Jenson.

#### **Friday, March 21, 2003 – Morning Session**

House convened at 8:30 a.m. Speaker in Chair. All present except: Excused, 8 – Dalto, Hass, March,

Smith P., Smith T., Tomei, Williams, Wirth; Excused for business of the House, 2 – Johnson, Macpherson.

Speaker Pro Tempore in Chair.

Opening Ceremony presented by Ashley Wolff, Heppner.

Courtesies of the House and floor were extended to Carl Wilson, former Representative from District 49.

SB 233, 401, 549, HB 2211 – Message from the Senate announcing passage.

HCR 3 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HJR 35, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53 – Referred from Speaker's desk to the following committees: 41 – Education; 35 – Environment and Land Use; 48 – Health and Human Services; 44, 45, 46, 49 – Revenue; 43 – Revenue with subsequent referral to Ways and Means; 39, 42, 47 – Rules and Public Affairs; 53 – Rules and Public Affairs with subsequent referral to Revenue; 50, 51, 52 – Trade and Economic Development with subsequent referral to Ways and Means.

SJM 2 – Referred from Speaker's desk to the following committee: Agriculture and Natural Resources.

HB 2121 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2226 – Report by Committee on Water recommending passage with amendments and be printed A-Engrossed.

HB 2244 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2338 – Report by Committee on Transportation recommending passage with amendments and be printed A-Engrossed.

HB 2393 – Report by Committee on Transportation recommending passage with amendments and be printed A-Engrossed.

HB 2517 – Report by Committee on Health and Human Services recommending passage and be placed on the Consent Calendar.

HB 2558 – Report by Committee on Health and Human Services recommending passage.

HB 2682 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 2689 – Report by Committee on Trade and Economic Development recommending passage.

HR 2 (A-Engrossed) – Read as a Special Order of Business. Carried by Kropf. On adoption of the resolution the vote was: Yeas, 44; Nays, 5 – Dingfelder, Greenlick, Kafoury, Nolan, Rosenbaum; Excused, 8 – Dalto, Hass, March, Smith P., Smith T., Tomei, Williams, Wirth; Excused for business of the House, 3 – Johnson, Macpherson, Prozanski. Resolution adopted.

Ackerman requested the following explanation of his vote be entered in the Journal:

“I voted in favor of House Resolution 2 because I believe that it is important to support the men and women serving in our armed forces, who have been placed in harm’s way. I do not, however, support this war or the administration that forced it upon us.”

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted for HR 2 because:

“The resolution does not endorse the foreign policy of the United States. It does not say President Bush’s policy is correct or that this body supports the war. I voted for the resolution in order to endorse the support for those volunteers we sent to fight. I support this resolution while regretting the decisions of the President of the United States that occasion it.”

Dingfelder requested the following explanation of her vote be entered in the Journal:

“I fully support the courageous men and women of America’s armed forces, not only in the Persian Gulf, but also in Korea, Eastern Europe, Afghanistan and wherever they walk in harm’s way. My heart goes out to them, their families and their loved ones. I also sympathize with the view that America must vigorously promote free institutions and democratic values in the Middle East and throughout the world. Only by doing this can we hope to counter the violent and undemocratic ideologies that promote terrorism and brutal dictatorships.

“While I believe it is fitting for the Oregon House of Representatives to recognize our armed forces’ service to their country and to express our support for them, I could not vote for HR 2 because of the provision that ‘acknowledges’ the courage of the President in seeking the overthrow of Iraqi dictator Saddam Hussein. In my view, such an acknowledgement implies endorsement of an inept and unilateralist foreign policy that has severely damaged the international institutions and working relationships that have served America so well in the past.

“The President’s handling of the issues raised in the United Nations over arms inspections in Iraq, together with his ever-changing justifications of the threat of U.S.-led military operations against Iraq, suggest that war was a foregone conclusion in his mind, and that the process of sending UN arms inspectors and seeking UN resolutions amounted to little more than a charade. Like countless others throughout the world, I cannot help but believe that the invasion of Iraq would have occurred regardless of how Saddam Hussein responded to the UN arms inspectors and resolutions. Neither can I express support for an administration that blatantly disregards the value of the UN and casts aspersions on the Security Council simply because a majority of the members disagree with the President.

“Months of thorough searching by the inspectors turned up no evidence whatsoever that Iraq possesses either nuclear weapons or chemical-biological weapons. Moreover, Iraq’s neighboring states—the people who would face the imminent danger from such weapons

in the hands of a monster like Hussein—have expressed strong opposition to an American attack on Iraq. Indeed, despite the expedient support the President has received in this endeavor from the leaders of a handful of nations, polls reveal that the world overwhelmingly disapproves of this attack.

“The President’s actions have created deep divisions between America and such stalwart allies as Germany and France. Even in the United Kingdom, which has sent a substantial military contingent to participate in the war, public opinion runs strongly counter to the President’s policy.

“Finally, the President’s bullying of allies and other nations into accepting a novel, untried doctrine of ‘preemptive action’ could have grave repercussions throughout the world. To pursue such a policy outside the purview of the United Nations is hardly ‘courageous’ in my view—it is both reckless and dangerous. One can only wonder whether other nations will now seize upon this doctrine to settle disputes with neighboring states, or with regimes they don’t like.

“I want to reiterate my strong support of America’s armed forces, and my sincere hope that they all return to the safety of their homes as soon as possible.”

Rosenbaum requested the following explanation of her vote be entered in the Journal:

“While I believe it is fitting for the Oregon House of Representatives to recognize our armed forces’ service to their country and to express our support for them, I could not vote for HR 2 because of the provision that ‘acknowledges’ the courage of the President in seeking the overthrow of Iraqi dictator Saddam Hussein. In my view, such an acknowledgement implies endorsement of an inept and unilateralist foreign policy that has severely damaged the international institutions and working relationships that have served America so well in the past.

“The President’s handling of the issues raised in the United Nations over arms inspections in Iraq, together with his ever-changing justifications of the threat of U.S.-led military operations against Iraq, suggest that war was a foregone conclusion in his mind, and that the process of sending UN arms inspectors and seeking UN resolutions amounted to little more than a charade. Like countless others throughout the world, I cannot help but believe that the invasion of Iraq would have occurred regardless of how Saddam Hussein responded to the UN arms inspectors and resolutions. Neither can I express support for an administration that blatantly disregards the value of the UN and casts aspersions on the Security Council simply because a majority of the members disagree with the President.

“The President’s actions have created deep divisions between America and such stalwart allies as Germany and France. Even in the United Kingdom, which has sent a substantial military contingent to participate in the war, public opinion runs strongly counter to the President’s policy.

“Finally, the President’s bullying of allies and other nations into accepting a novel, untried doctrine of ‘preemptive action’ could have grave repercussions throughout the world. To pursue such a policy outside the purview of the United Nations is hardly ‘courageous’ in my view—it is both reckless and dangerous. One can only wonder whether other nations will now seize upon this doctrine to settle disputes with neighboring states, or with regimes they don’t like.

“I want to reiterate my strong support of America’s armed forces, and my sincere hope that they all return to the safety of their homes as soon as possible.”

HB 3602 – Read first time and passed to Speaker’s desk for referral.

HB 2349, 2351, 2800, 3077, 3470, 3471, 3472, 3473, 3474, 3475, 3476, 3477, 3478, 3479, 3481, 3482, 3483, 3484, 3485, 3486, 3487, 3488, 3489, 3490, 3491, 3492, 3493, 3494, 3495, 3497, 3498, 3500, 3501, 3502, 3503, 3504, 3505, 3506, 3507, 3508, 3509, 3510, 3511, 3512, 3513, 3514, 3515, 3516, 3517, 3518, 3519, 3520,

3522, 3523, 3524, 3525, 3527, 3528, 3530, 3531, 3532, 3533, 3535, 3536, 3537, 3538, 3539, 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3549, 3575, 3583, 3584, 3587, 3588, 3592, 3593, 3594, 3595, 3597, 3598, 3599, 3601 – Referred from Speaker's desk to the following committees: 3549, 3593 – Agriculture and Natural Resources with subsequent referral to Ways and Means; 3471, 3476, 3486, 3492, 3507, 3538, 3541, 3542, 3543, 3544, 3588 – Business, Labor and Consumer Affairs; 3491 – Business, Labor and Consumer Affairs with subsequent referral to Revenue; 2351, 3475, 3487, 3489, 3490, 3493, 3513, 3528, 3575, 3592 – Business, Labor and Consumer Affairs with subsequent referral to Ways and Means; 3504 – Education; 3470, 3478, 3501, 3525, 3532, 3533 – Education with subsequent referral to Ways and Means; 3514, 3516, 3527, 3536 – Environment and Land Use; 3511 – Environment and Land Use with subsequent referral to Ways and Means; 3488, 3530 – General Government; 3505, 3508, 3515 – Health and Human Services; 2349, 3479, 3483, 3502, 3506, 3599 – Health and Human Services with subsequent referral to Ways and Means; 3473, 3482, 3485, 3503, 3512, 3518, 3520, 3535, 3539 – Judiciary; 3472, 3474, 3481, 3484, 3537 – Judiciary with subsequent referral to Ways and Means; 3595 – Public Employees Retirement System with subsequent referral to Ways and Means; 3495, 3497, 3500, 3594 – Revenue with subsequent referral to Ways and Means; 3498, 3587, 3601 – Rules and Public Affairs; 3077 – Rules and Public Affairs with subsequent referral to Revenue; 3494, 3523, 3524, 3540 – Rules and Public Affairs with subsequent referral to Ways and Means; 3547 – Trade and Economic Development; 3545, 3546, 3548, 3584 – Trade and Economic Development with subsequent referral to Ways and Means; 3509, 3510, 3583 – Transportation; 3522 – Transportation with subsequent referral to Ways and Means; 3477, 3519 – Water; 2800, 3597, 3598 – Water with subsequent referral to Ways and Means; 3517, 3531 – Ways and Means.

HB 2545 – Read second time and passed to third reading.

HB 2573 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill remaining on today's Consent Calendar carried over and placed in its proper order on Monday's, March 24, 2003 Calendar.

HB 2119, 2398, 2456, 2799 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Monday's, March 24, 2003 Calendar.

SB 233, 401, 549 – Read first time and passed to Speaker's desk for referral.

SB 10, 11, 18, 37, 118, 154, 155, 205, 243, 248, 253, 315, 434, 436, 748 – Referred from Speaker's

desk to the following committees: 154, 205, 243, 248, 253 – Business, Labor and Consumer Affairs; 11 – Education; 10 – Education with subsequent referral to Ways and Means; 434, 436 – Health and Human Services; 155 – Health and Human Services with subsequent referral to Ways and Means; 18, 37, 118, 315 – Judiciary; 748 – Water.

Speaker announced appointment of members to the following task force:

HOUSE TASK FORCE ON INFORMATION TECHNOLOGY CONSOLIDATION – Gallegos, Hunt, Patridge.

HB 2024, 2025, 2026, 2027, 2098, 2136, 2176, 2321, 2424, 2426 – Speaker signed.

SB 147, 222, 224, 321, 353 – Speaker signed.

House adjourned until 11:00 a.m., Monday, March 24, 2003 on motion of Jenson.

#### **Monday, March 24, 2003 – Morning Session**

House convened at 11:00 a.m. Patridge in Chair. All present except: Excused, 4 – Barnhart, Kafoury, Mabrey, Wirth; Excused for business of the House, 1 – Butler.

Hass in Chair.

Opening Ceremony presented by Pastor Ken Brown, Elmira Open Bible Church, Elmira.

Opening Ceremony presented by Shari Dawn Brown, Sharon Burke and Theresa Burke, Elmira.

SB 222, 224, 321, 353, 147 – Message from the Senate announcing President signed on March 21, 2003.

SB 185, 229, 303, 667, 676, HB 2023, 2622 – Message from the Senate announcing passage.

SR 2 – Message from the Senate announcing adoption.

HB 2223 – Message from the Senate announcing passage as amended by the Senate.

HB 2152 – Report by Committee on Revenue recommending passage with amendments and be printed A-Engrossed.

HB 2256 – Report by Committee on Agriculture and Natural Resources recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2333 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 2547 – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed A-Engrossed.

HB 2566 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2676 – Report by Committee on General Government recommending passage with amendments and be printed A-Engrossed.

HB 2846 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

HB 3026 – Report by Committee on Agriculture and Natural Resources recommending passage.

HJR 16 – Report by Committee on Education recommending adoption.

HB 2558, 2689 – Read second time and passed to third reading.

HB 2573 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 55; Excused, 4 – Barnhart, Kafoury, Mabrey, Wirth; Excused for business of the House, 1 – Doyle. Bill passed.

HB 2119 – Read third time. Carried by Macpherson. On passage of the bill the vote was: Yeas, 55; Excused, 4 – Barnhart, Kafoury, Mabrey, Wirth; Excused for business of the House, 1 – Doyle. Bill passed.

HB 2398 (A-Engrossed) – Read third time. Carried by Close. On passage of the bill the vote was: Yeas, 55; Absent, 1 – Farr; Excused, 4 – Barnhart, Kafoury, Mabrey, Wirth. Bill passed.

HB 2456 (A-Engrossed) – Read third time. Carried by Jenson. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Barnhart, Kafoury, Mabrey. Bill passed.

HB 2799 – Read third time. Carried by Brown. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Barnhart, Kafoury, Mabrey. Bill passed.

HB 2545 (A-Engrossed) – Read third time. Carried by Zauner. On passage of the bill the vote was: Yeas, 56; Excused, 3 – Barnhart, Kafoury, Mabrey; Excused for business of the House, 1 – Miller. Bill passed.

SB 185, 229, 303, 667, 676 – Read first time and passed to Speaker's desk for referral.

HB 2033, 2192, 2295 – Speaker signed.

House adjourned until 11:00 a.m., Tuesday, March 25, 2003 on motion of Jenson.

#### **Tuesday, March 25, 2003 – Morning Session**

House convened at 11:00 a.m. Hopson in Chair. All present except: Excused, 3 – Barnhart, Smith T., Wirth.

Posting of the Colors by Boy Scout Troop 606, Portland.

Opening Ceremony presented by Representative Joanne Verger, District 9, Coos Bay.

HB 2424, 2321, 2176, 2136, 2098, 2027, 2026, 2025, 2024, 2426 – Message from the Senate announcing President signed on March 24, 2003.

SB 32, 145, 403, 404, 648, 213 – Message from the Senate announcing passage.

HB 2047 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2091 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2110 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2206 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2431 – Report by Committee on Environment and Land Use without recommendation as to passage and be referred to Committee on Water. Bill referred to Committee on Water by order of the Speaker.

HB 2475 – Report by Committee on Water recommending passage and be placed on the Consent Calendar.

HB 2533 – Report by Committee on Environment and Land Use recommending passage with amendments, be printed A-Engrossed, and be placed on the Consent Calendar.

HB 2551 – Report by Committee on Water recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2812 – Report by Committee on Environment and Land Use without recommendation as to passage and be referred to Committee on Water. Bill referred to Committee on Water by order of the Speaker.

HB 2853 – Report by Committee on Transportation recommending passage with amendments, be printed A-Engrossed, and be placed on the Consent Calendar.

HB 3014 – Report by Committee on Transportation recommending passage and be placed on the Consent Calendar.

HB 3231 – Report by Committee on Transportation recommending passage. Bill referred to Committee on Ways and Means by prior reference.

HM 1 – Report by Committee on Environment and Land Use recommending adoption with amendments and be printed A-Engrossed.

HB 2223 (A-Engrossed) – Brown moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 57; Excused, 3 – Barnhart, Smith T., Wirth. Bill repassed.

HB 3603 – Read first time and passed to Speaker's desk for referral.

HB 3602, 3603 – Referred from Speaker's desk to the following committees: 3603 – Education with subsequent referral to Ways and Means; 3602 – Rules and Public Affairs.

HB 2226, 2338, 2393, 2517, 2682, 2846, 3026 – Read second time and passed to third reading.

Smith P. in Chair.

HB 2558 – Read third time. Carried by Anderson. On passage of the bill the vote was: Yeas, 53; Nays, 4 – Greenlick, Macpherson, Rosenbaum, Tomei; Excused, 3 – Barnhart, Smith T., Wirth. Bill passed.

HB 2689 – By unanimous consent, on request of Chair, rules suspended and bill taken from today's Third Reading of House Bills and placed in its proper order on Thursday's, March 27, 2003 Calendar.

HJR 16 – Read. Carried by Backlund. On adoption of the resolution the vote was: Yeas, 57; Excused, 3 – Barnhart, Smith T., Wirth. Resolution adopted.

SB 32, 145, 213, 403, 404, 648 – Read first time and passed to Speaker's desk for referral.

SB 32, 145, 185, 213, 229, 233, 303, 401, 403, 404, 549, 648, 667, 676 – Referred from Speaker's desk to the following committees: 185 – Education with subsequent referral to Ways and Means; 667 – Environment and Land Use; 676 – General Government; 403, 404, 648 – Health and Human Services; 401 – Health and Human Services with subsequent referral to Ways and Means; 32, 213, 303 – Judiciary; 229 – Revenue; 233 – Rules and Public Affairs; 145 – Rules and Public Affairs with subsequent referral to Ways and Means; 549 – Transportation with subsequent referral to Revenue.

Speaker announced appointment of member to the following committee:

HOUSE TASK FORCE ON INFORMATION TECHNOLOGY  
CONSOLIDATION – Gallegos, Chair.

HB 2035, 2200, 2211, 2317 – Speaker signed.

House adjourned until 11:00 a.m., Wednesday, March 26, 2003 on motion of Jenson.

### **Wednesday, March 26, 2003 – Morning Session**

House convened at 11:00 a.m. Jenson in Chair. All present except: Excused, 2 – Barnhart, Smith T.

Opening Ceremony presented by Chaplain Frank Carpenter, Capitol Ministries, Hillsboro.

HB 2133, 2134, 2140, 2157, 2169, 2170, 2185, 2214, 2216, 2257, 2261, 2265 – Message from the Governor announcing he signed on March 25, 2003.

SB 173, 193, 220, HB 2033, 2192, 2295 – Message from the Senate announcing President signed on March 25, 2003.

SB 584, 673, HB 2158, 2487 – Message from the Senate announcing passage.

HB 2049 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2061 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2063 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2325 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2671 (A-Engrossed) – Report by Committee on Revenue recommending passage.

HB 2997 – Report by Committee on Transportation recommending passage with amendments, be printed A-Engrossed, rescind subsequent referral to Committee on Revenue, and be placed on the Consent Calendar. Subsequent referral to Committee on Revenue rescinded by order of the Speaker.

HB 3002 – Report by Committee on Transportation recommending passage. Bill referred to Committee on Ways and Means by prior reference.

HB 3121 – Report by Committee on Transportation without recommendation as to passage and be referred to Committee on Environment and Land Use. Bill referred to

Committee on Environment and Land Use by order of the Speaker.

HJM 3 – Report by Committee on Health and Human Services recommending adoption.

HB 3604, 3605 – Read first time and passed to Speaker's desk for referral.

HB 2152, 2333, 2547, 2676 – Read second time and passed to third reading.

HB 2517 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 57; Absent, 1 – Avakian; Excused, 2 – Barnhart, Smith T. Bill passed.

HB 2226 (A-Engrossed) – Read third time. Carried by Dingfelder. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Barnhart, Smith T. Bill passed.

HB 2338 (A-Engrossed) – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 57; Excused, 2 – Barnhart, Smith T.; Excused for business of the House, 1 – Miller. Bill passed.

HB 2393 (A-Engrossed) – Read third time. Carried by Backlund. On passage of the bill the vote was: Yeas, 55; Nays, 2 – Beyer, Nolan; Excused, 2 – Barnhart, Smith T.; Excused for business of the House, 1 – Miller. Bill passed.

HB 2682 (A-Engrossed) – Read third time. Carried by Kitts. On passage of the bill the vote was: Yeas, 56; Nays, 1 – Butler; Excused, 2 – Barnhart, Smith T.; Excused for business of the House, 1 – Miller. Bill passed.

Backlund in Chair.

HB 2846 – By unanimous consent, on request of Chair, rules suspended and bill taken from today's Third Reading of House Bills and placed in its proper order on Thursday's, March 27, 2003 Calendar.

HB 3026 – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 56; Absent, 1 – Kitts; Excused, 2 – Barnhart, Smith T.; Excused for business of the House, 1 – Miller. Bill passed.

SB 584, 673 – Read first time and passed to Speaker's desk for referral.

SB 173, 193, 220 – Speaker signed.

House adjourned until 10:30 a.m., Thursday, March 27, 2003 on motion of Jenson.

#### **Thursday, March 27, 2003 – Morning Session**

House convened at 10:30 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 3 – Barnhart, Jenson, Merkley; Excused for business of

the House, 7 – Avakian, Kitts, Krummel, Mabrey, Nelson, Prozanski, Wirth.

Opening Ceremony presented by Oregon Coast Lab Band, directed by Greg Young, Coos Bay.

HB 2175 – Message from the Governor announcing he signed on March 25, 2003.

SB 9 – Message from the Senate announcing passage.

SJR 11, 38 – Message from the Senate announcing adoption.

SJR 11, 38 – Read first time and passed to Speaker's desk for referral.

SJR 11, 38 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HB 2624 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

HB 2650 (A-Engrossed) – Report by Committee on Ways and Means recommending passage with amendments and be printed B-Engrossed.

HB 2763 – Report by Committee on Rules and Public Affairs recommending passage.

HB 3151 – Report by Committee on Transportation recommending passage and be placed on the Consent Calendar.

SB 2 – Report by Committee on Business, Labor and Consumer Affairs recommending passage and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

SB 2 – By unanimous consent, on request of Chair, rules suspended and bill made a Special Order of Business immediately following the order of business of Special Committee Reports on Monday's, March 31, 2003 Calendar.

HB 3607, 3608 – Read first time and passed to Speaker's desk for referral.

HB 3604, 3605, 3607, 3608 – Referred from Speaker's desk to the following committees: 3605 – Judiciary; 3604 – Judiciary with subsequent referral to Ways and Means; 3607 – Revenue; 3608 – Revenue with subsequent referral to Ways and Means.

HB 2047, 2091, 2110, 2206, 2475, 2533, 2671, 2853, 3014 – Read second time and passed to third reading.

HB 2689 – Read third time. Carried by Smith T.

Call of the House demanded by Smith T., joined by Farr, Brown, Gilman, Hansen and Kitts. All present except: Excused (not subject to Call), 3 – Barnhart, Jenson, Merkley.



Potential conflict of interest declared by Smith G.

HB 2689 – On passage of the bill the vote was: Yeas, 36; Nays, 21 – Ackerman, Avakian, Barker, Bates, Dingfelder, Greenlick, Hansen, Hass, Hopson, Johnson, Kafoury, Macpherson, March, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Shetterly, Tomei, Williams, Wirth; Excused, 3 – Barnhart, Jenson, Merkley. Bill passed.

Knopp requested the following explanation of his vote be entered in the Journal:

“After meeting with groups that support and oppose HB 2689, I cast an aye vote on the House floor today for the bill. For the record, let me briefly explain why I support this legislation.

“First, as our state continues to experience staggering unemployment as a result of the recession, it is extremely important that we look for ways to create and sustain jobs in Oregon. HB 2689 is an important first step in this endeavor. The bill allows counties to comprehensively plan for economic development on their rural exception lands. It gives the counties the tools they need to help small businesses create jobs.

“Second, the new jobs that are created as a result of HB 2689 will generate revenue for the state through increased income and corporate taxes. They will also generate new revenue to local governments and school districts through increased property taxes. During this difficult financial time at all levels of government, this new source of revenue is sorely needed.

“Third, HB 2689 is completely optional. As one of my Democratic colleagues stated on the House floor, this bill ‘allows counties to consider designating sites on up to 3% of all the private lands in our state. Three percent of the private lands outside the UGB. It gives the counties the option.’ The Representative went on to say that he believes counties want this option, because the bill has the unanimous support of the Association of Oregon Counties. I completely agree with him. As the Representative so correctly noted, ‘This bill is about giving our counties some of the tools they need to comprehensively plan for industrial lands that will create real economic development and real jobs that can be sited for real Oregonians. This bill is not about abolishing our land use system, but about amending it.’

“HB 2689 is a significant economic development bill that will be of great benefit to our counties.”

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on HB 2689 because I believe it is contrary to Oregon’s land use laws and will cause urban sprawl. Further, HB 2689 fails to include appropriate safeguards and is overly broad.”

HB 2846 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill taken from today’s Third Reading of House Bills and placed in its proper order on Monday’s, March 31, 2003 Calendar.

HB 2152 (A-Engrossed) – Read third time. Carried by Verger. On passage of the bill the vote was: Yeas, 51; Nays, 5 – Butler, Garrard, Kitts, Nelson, Zauner; Excused, 4 – Barnhart, Hunt, Jenson, Merkley. Bill passed, having received the required three-fifths constitutional majority.

HB 2333 (A-Engrossed) – Read third time. Carried by Butler. On passage of the bill the vote was: Yeas, 55; Absent, 1 – Ackerman; Excused, 4 – Barnhart, Hunt, Jenson, Merkley. Bill passed.

HB 2547 (A-Engrossed) – Read third time. Carried by Backlund.

Call of the House demanded by Backlund, joined by Butler, Nelson, Anderson, Close and Flores. All present except: Excused (not subject to Call), 4 – Barnhart, Hunt, Jenson, Merkley.

HB 2547 (A-Engrossed) – On passage of the bill the vote was: Yeas, 34; Nays, 22 – Ackerman, Avakian, Barker, Bates, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Johnson, Kafoury, Macpherson, March, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Verger, Wirth; Excused, 4 – Barnhart, Hunt, Jenson, Merkley. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on HB 2547 because I do not believe such governmental regulations are appropriate. A young woman who finds herself facing the difficult decision of seeking an abortion does not need state regulations interfering with her decision.

“Currently, a medical provider has a duty to fully inform their patient concerning any medical procedure. Why do we need to put an additional (government) burden on this particular procedure? If so, maybe we should do the same for other medical procedures such as a man seeking to have a vasectomy.”

Verger requested the following explanation of her vote be entered in the Journal:

“I voted against HB 2547 in Rules Committee, the Mandatory 24 Hour Delay, for the following reasons.

“1. ORS677.097 already requires a physician to obtain informed consent of a patient before doing any medical procedure.

“2. I believe women give serious and thoughtful consideration to major decisions in their life and to suggest mandating a woman 24 hours implies that government must make sure her decisions are well thought out.

“3. I heard nothing in the public hearing that convinced me that we need to address the informed consent law to strengthen it.

“4. I found the bill unnecessary.”

HB 2676 (A-Engrossed) – Read third time. Carried by Nelson. On passage of the bill the vote was: Yeas, 54; Absent, 1 – March; Excused, 4 – Barnhart, Hunt, Jenson, Merkley; Excused for business of the House, 1 – Williams. Bill passed.

HJM 3, HM 1 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and memorials remaining on today’s Final Reading of Memorials and Resolutions carried over and placed in their proper order on Monday’s, March 31, 2003 Calendar.

SB 9 – Read first time and passed to Speaker’s desk for referral.

SB 9, 584 – Referred from Speaker’s desk to the following committee: General Government.

SB 2 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit second reading immediately.

SB 2 – Read second time and passed to third reading.

HB 2023, 2622 – Speaker signed.

House adjourned until 11:00 a.m., Monday, March 31, 2003 on motion of Mabrey.

**Monday, March 31, 2003 – Morning Session**

House convened at 11:00 a.m. Ackerman in Chair. All present except: Excused, 2 – Barnhart, Miller.

Opening Ceremony presented by Trio Voronezh, Eugene.

HB 2035, 2200, 2211, 2317, SR 2 – Message from the Senate announcing President signed on March 27, 2003.

SB 19, 33, 46, 112, 252, 328, 739, 803, 74, 101, 310 – Message from the Senate announcing passage.

HB 2055 – Message from the Senate announcing passage as amended by the Senate.

HB 2095 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2124 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2126 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2131 – Report by Committee on General Government recommending passage with amendments and be printed A-Engrossed.

HB 2207 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2240 – Report by Committee on Health and Human Services recommending passage.

HB 2417 – Report by Committee on General Government recommending passage with amendments and be printed A-Engrossed.

HB 2425 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2449 – Report by Committee on Judiciary recommending passage.

HB 2455 – Report by Committee on Transportation recommending passage with amendments and be printed A-Engrossed.

HB 2501 – Report by Committee on Transportation recommending passage with amendments and be printed A-Engrossed.

HB 2518 – Report by Committee on Transportation without recommendation as to passage, with amendments, be printed A-Engrossed, and be referred to Committee on Judiciary. Bill referred to Committee on Judiciary by order of the Speaker.

HB 2873 – Report by Committee on Judiciary recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 3062 – Report by Committee on General Government recommending passage.

HB 3194 – Report by Committee on General Government recommending passage.

SB 2 – Read third time as a Special Order of Business. Carried by Close, Rosenbaum. On passage of the bill the vote was: Yeas, 57; Absent, 1 – Macpherson; Excused, 2 – Barnhart, Miller. Bill passed.

HB 3606 – Read first time and passed to Speaker's desk for referral.

HB 3606 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HB 2049, 2061, 2063, 2624, 2763, 2997 – Read second time and passed to third reading.

HB 2475 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 57; Absent, 1 – Beyer; Excused, 2 – Barnhart, Miller. Bill passed.

HB 2533 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Barnhart, Miller. Bill passed.

HB 2853 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Barnhart, Miller. Bill passed.

HB 3014 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Barnhart, Miller. Bill passed.

HB 2846 – Read third time. Carried by Smith T.

By unanimous consent, on request of Smith T., rules suspended to permit use of visual aid during presentation of bill.

HB 2846 – On passage of the bill the vote was: Yeas, 53; Nays, 4 – Doyle, Gilman, Nelson, Westlund; Absent, 1 – Bates; Excused, 2 – Barnhart, Miller. Bill passed.

Nelson requested the following explanation of her vote be entered in the Journal:

“While I believe the consideration of economic impact is a critical part of purchasing, to specifically require this of only license plates, and further to not have better consideration of not only the lowest bidder, but also of quality, seems inadequate.”

Vergier in Chair.

HB 2047 (A-Engrossed) – Read third time. Carried by Macpherson. On passage of the bill the vote was: Yeas, 55; Nays, 3 – Butler, Garrard, Zauner; Excused, 2 – Barnhart, Miller. Bill passed.

Butler requested the following explanation of his vote be entered in the Journal:

“My ‘nay’ vote of 3/31/03 reflects my concern over the fiscal impact to local governments of a state mandate to teach and enforce international law issues to Oregon’s public safety personnel.”

HB 2091 (A-Engrossed) – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Barnhart, Miller. Bill passed.

HB 2110 (A-Engrossed) – Read third time. Carried by Jenson. On passage of the bill the vote was: Yeas, 57; Nays, 1 – Wirth; Excused, 2 – Barnhart, Miller. Bill passed.

HB 2206 (A-Engrossed) – Read third time. Carried by Barker. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Barnhart, Miller. Bill passed.

HB 2671 (A-Engrossed) – Read third time. Carried by Garrard. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Barnhart, Miller. Bill passed.

HJM 3 – Read. Carried by Butler. On adoption of the memorial the vote was: Yeas, 56; Nays, 1 – Hansen; Excused, 2 – Barnhart, Miller; Excused for business of the House, 1 – Nolan. Memorial adopted.

HM 1 (A-Engrossed) – Read. Carried by Richardson.

Call of the House demanded by Richardson, joined by Nelson, Gilman, Anderson, Brown and Mabrey. All present except: Excused (not subject to Call), 2 – Barnhart, Miller.

HM 1 (A-Engrossed) – On adoption of the memorial the vote was: Yeas, 35; Nays, 23 – Ackerman, Avakian, Barker, Bates, Beyer,

Dingfelder, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Smith P., Tomei, Wirth; Excused, 2 – Barnhart, Miller. Memorial adopted.

SB 19, 33, 46, 74, 101, 112, 252, 310, 328, 739, 803 – Read first time and passed to Speaker’s desk for referral.

SB 19, 33, 46, 74, 101, 112, 252, 310, 739, 803 – Referred from Speaker’s desk to the following committees: 252, 739, 803 – Business, Labor and Consumer Affairs; 310 – Environment and Land Use; 74 – Health and Human Services; 19, 33, 46, 101, 112 – Judiciary.

Speaker announced appointment of members to the following committee:

LEGISLATIVE ADMINISTRATION COMMITTEE – Speaker Minnis, Co-Chair; Doyle, Hass, Kafoury, Knopp, Scott (alternate for Speaker Minnis).

House adjourned until 11:00 a.m., Tuesday, April 1, 2003 on motion of Jenson.

#### **Tuesday, April 1, 2003 – Morning Session**

House convened at 11:00 a.m. Kropf in Chair. All present except: Excused, 2 – Barnhart, Farr; Excused for business of the House, 8 – Dingfelder, Flores, Jenson, Johnson, Kruse, Miller, Schaufler, Tomei.

Opening Ceremony presented by Representative Alan Bates, District 5, Ashland.

HB 2023, 2622 – Message from the Senate announcing President signed on March 31, 2003.

SB 94, 137, 179, 181, 319, 327, 692, HB 2546 – Message from the Senate announcing passage.

SB 2 – Message from the Senate announcing President signed on April 1, 2003.

HB 2177 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2186 – Report by Committee on Revenue recommending passage with amendments and be printed A-Engrossed.

HB 2227 – Report by Committee on Water recommending passage with amendments, be printed A-Engrossed, and be placed on the Consent Calendar.

HB 2230 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 2275 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2276 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2300 – Report by Committee on Trade and Economic Development recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2407 – Report by Committee on Public Employees Retirement System recommending passage with amendments and be printed A-Engrossed.

HB 2639 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 2674 – Report by Committee on Environment and Land Use recommending passage and be placed on the Consent Calendar.

HB 2866 – Report by Committee on Judiciary recommending passage.

HB 3107 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 3198 – Report by Committee on Trade and Economic Development recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HCR 4 – Report by Committee on Rules and Public Affairs recommending adoption with amendments and be printed A-Engrossed.

HCR 5 – Report by Committee on Rules and Public Affairs recommending adoption.

HJM 6 – Report by Committee on Agriculture and Natural Resources recommending adoption.

HR 1 – Report by Committee on Rules and Public Affairs recommending adoption.

SJM 2 (A-Engrossed) – Report by Committee on Agriculture and Natural Resources recommending adoption.

HB 2055 (B-Engrossed) – Close moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 56; Nays, 1 – Ackerman; Excused, 2 – Barnhart, Farr; Excused for business of the House, 1 – Miller. Bill repassed.

HB 3609, 3610 – Read first time and passed to Speaker's desk for referral.

HB 3609, 3610 – Referred from Speaker's desk to the following committees: 3609 – General

Government; 3610 – Rules and Public Affairs with subsequent referral to Revenue.

HB 2240, 2449, 2650, 3062, 3151, 3194 – Read second time and passed to third reading.

HB 2997 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 57; Excused, 2 – Barnhart, Farr; Excused for business of the House, 1 – Miller. Bill passed.

HB 2049 (A-Engrossed) – Read third time. Carried by Ackerman. On passage of the bill the vote was: Yeas, 57; Excused, 2 – Barnhart, Farr; Excused for business of the House, 1 – Miller. Bill passed.

HB 2061 (A-Engrossed) – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 57; Excused, 2 – Barnhart, Farr; Excused for business of the House, 1 – Miller. Bill passed.

Speaker Pro Tempore in Chair.

HB 2063 (A-Engrossed) – Read third time. Carried by Macpherson. On passage of the bill the vote was: Yeas, 57; Excused, 2 – Barnhart, Farr; Excused for business of the House, 1 – Miller. Bill passed.

HB 2624 – Read third time. Carried by Garrard.

By unanimous consent, on request of Prozanski, rules suspended to permit use of visual aid during debate of bill.

Call of the House demanded by Garrard, joined by Hansen, Rosenbaum, Backlund, Brown and Krummel. All present except: Excused (not subject to Call), 2 – Barnhart, Farr.

HB 2624 – On passage of the bill the vote was: Yeas, 34; Nays, 24 – Ackerman, Avakian, Barker, Bates, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Nolan, Prozanski, Rosenbaum, Schaufler, Shetterly, Tomei, Verger, Wirth; Excused, 2 – Barnhart, Farr. Bill passed.

Knopp requested the following explanation of his vote be entered in the Journal:

"This morning, I cast an aye vote for HB 2624, which stops the annual adjustment of the minimum wage to the Portland CPI.

"Although I do not generally support passing legislation which changes a law that was enacted by a vote of the people, I do believe that there are certain instances when this action is necessary. For example, if the law has a significant impact on vital services, or if it impacts the safety of Oregonians or our state's economic stability, I believe that legislative action to amend that law is warranted.

"This bill leaves intact the reason that a bare majority of Oregonians voted for Measure 25, which increased the minimum wage for Oregon's lowest paid workers. If the only question on the ballot was indexing the minimum wage to the Portland CPI, it is my belief the measure would have failed, and that was the question before the legislature in HB 2624.

"Based on information from a variety of sources, which I have reviewed, there is credible evidence that job creation in Oregon will be curtailed by the annual indexing of the minimum wage. There is

no doubt that there will be fewer jobs created because of the Portland CPI for minimum wage. For rural Oregon, in particular, indexing is economically counter-productive and will lead to job losses, not job gains. During the tough economic times that our state is facing, the legislature simply cannot allow this to happen.

“Oregon has one of the highest minimum wages in the nation. The state also has the highest unemployment rate in the country. If we allow the annual indexing to occur, more Oregonians will become unemployed and fewer of the unemployed will be hired. A repeal of this provision is needed to stop forced layoffs and hour reductions.

“Finally, in order for Oregon to rebound from the recession, we must look at ways to create and sustain family wage jobs. If annual indexing is allowed to occur, businesses will simply bypass Oregon and take their jobs to other states. I am confident the people of District 54 do not want this to happen, and that is why I voted in favor of HB 2624.”

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

“I voted in favor of HB 2624, which deletes the annual adjustment of minimum wage. I have heard from small businesses and farm workers in my district that are very worried about the annual adjustment of the consumer price index tied to the minimum wage rate. I support the voter’s decision to raise the minimum wage but I am not willing to put future undue burden on our small businesses and farm owners. We must continue to focus on workforce development that does not require so much sacrifice from our businesses.”

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on HB 2624 because it overturns the decision that Oregon voters made in November 2002 without any justification for disregarding their decision.

“The special interest groups that opposed Ballot Measure 25 are the proponents of HB 2624. Those groups started their attack on Ballot Measure 25 shortly after losing at the polls.

“Nothing has been demonstrated to show a need to overturn the will of the voters. Accordingly, I refused to support HB 2624.”

HB 2763 – Read third time. Carried by Doyle.

Previous question moved by Krummel, carried.

HB 2763 – On passage of the bill the vote was: Yeas, 42; Nays, 14 – Beyer, Dingfelder, Greenlick, Hass, Hopson, Johnson, Macpherson, March, Merkley, Monnes Anderson, Nelson, Nolan, Prozanski, Rosenbaum; Excused, 4 – Barnhart, Farr, Kafoury, Smith T. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on HB 2763 because the bill will limit some counties from providing candidate information to voters. It is not good public policy.”

SB 94, 137, 179, 181, 319, 327, 692 – Read first time and passed to Speaker’s desk for referral.

SB 94, 137, 179, 181, 319, 327, 673, 692 – Referred from Speaker’s desk to the following committees: 673 – Agriculture and Natural Resources; 94 – Environment and Land Use; 692 – General Government; 327 – Revenue; 137, 319 – Rules and Public Affairs; 179, 181 – Transportation.

SB 2 – Speaker signed.

House adjourned until 11:00 a.m., Wednesday, April 2, 2003 on motion of Jenson.

### Wednesday, April 2, 2003 – Morning Session

House convened at 11:00 a.m. Krummel in Chair. All present except: Excused, 5 – Anderson, Barnhart, Farr, Smith T., Wirth; Excused for business of the House, 3 – Miller, Verger, Speaker Minnis.

Opening Ceremony presented by Reverend Jerry Propst, First Baptist Church, Hillsboro.

HB 2024, 2025, 2026, 2027, 2033, 2098, 2136, 2176, 2192, 2295, 2321, 2424, 2426 – Message from the Governor announcing he signed on April 1, 2003.

HB 2115 – Report by Committee on Judiciary recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 2372 – Report by Committee on Agriculture and Natural Resources recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Revenue be rescinded. Subsequent referral to Committee on Revenue rescinded by order of the Speaker.

HB 2589 – Report by Committee on Judiciary recommending passage.

HB 2747 – Report by Committee on Transportation recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Revenue by prior reference.

HB 2770 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2783 – Report by Committee on Judiciary recommending passage with amendments, be printed A-Engrossed, and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 2784 – Report by Committee on Judiciary recommending passage.

HB 2969 – Report by Committee on Business, Labor and Consumer Affairs recommending passage. Bill referred to Committee on Ways and Means by prior reference.

HB 3001 – Report by Committee on Transportation recommending passage with amendments and be printed A-Engrossed.

HB 3522 – Report by Committee on Transportation recommending passage. Bill referred to Committee on Ways and Means by prior reference.

HB 2095, 2131, 2207, 2417, 2425, 2455, 2501, 2866, 2873 – Read second time and passed to third reading.

HB 3151 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 49; Absent, 3 – Kropf, Macpherson, Tomei; Excused, 5 – Anderson, Barnhart, Farr, Smith T., Wirth; Excused for business of the House, 3 – Miller, Verger, Speaker Minnis. Bill passed.

HB 2240 – Read third time. Carried by Monnes Anderson. On passage of the bill the vote was: Yeas, 52; Excused, 5 – Anderson, Barnhart, Farr, Smith T., Wirth; Excused for business of the House, 3 – Miller, Verger, Speaker Minnis. Bill passed.

HB 2449 – Read third time. Carried by Jenson. On passage of the bill the vote was: Yeas, 53; Excused, 5 – Anderson, Barnhart, Farr, Smith T., Wirth; Excused for business of the House, 2 – Verger, Speaker Minnis. Bill passed.

HB 2650 (B-Engrossed) – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 52; Nays, 1 – Nolan; Excused, 5 – Anderson, Barnhart, Farr, Smith T., Wirth; Excused for business of the House, 2 – Verger, Speaker Minnis. Bill passed.

HB 3062 – By unanimous consent, on request of Chair, rules suspended and bill taken from today's Third Reading of House Bills and placed in its proper order on Monday's, April 7, 2003 Calendar.

Williams in Chair.

HB 3194 – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 53; Excused, 5 – Anderson, Barnhart, Farr, Smith T., Wirth; Excused for business of the House, 2 – Verger, Speaker Minnis. Bill passed.

HCR 5 – Read. Carried by Krummel. On adoption of the resolution the vote was: Yeas, 50; Absent, 3 – Dingfelder, Merkley, Prozanski; Excused, 5 – Anderson, Barnhart, Farr, Smith T., Wirth; Excused for business of the House, 2 – Nolan, Verger. Resolution adopted.

HJM 6 – Read. Carried by Nelson. On adoption of the memorial the vote was: Yeas, 49; Nays, 3 – Dingfelder, Prozanski, Tomei; Absent, 1 – March; Excused, 5 – Anderson, Barnhart, Farr, Smith T., Wirth; Excused for business of the House, 2 – Nolan, Verger. Memorial adopted.

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted no on HJM 6 because the preamble was not supported by substantiated facts. Instead, it uses innuendo to support its position. Accordingly, I was not comfortable with supporting the memorial."

HR 1 – Read. Carried by Butler. On adoption of the resolution the vote was: Yeas, 52; Absent, 1 – Mabrey; Excused, 5 – Anderson, Barnhart, Farr, Smith T., Wirth; Excused for business of the House, 2 – Nolan, Verger. Resolution adopted.

SJM 2 (A-Engrossed) – Read. Carried by Gilman. On adoption of the memorial the vote was: Yeas, 49; Nays, 4 – Dingfelder, March, Prozanski, Tomei; Excused, 5 – Anderson, Barnhart, Farr, Smith T., Wirth; Excused for business of the House, 2 – Nolan, Verger. Memorial adopted.

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted no on SJM 2 because it calls for supporting President George W. Bush's Healthy Forest Initiative. I do not support that initiative because it calls for contractors who provide clean-up services to be paid with healthy standing timber.

"The President's initiative does not state where the standing timber will come from or who will determine its value. (Will timber in roadless areas be available for payment? Will old growth or ancient forest stands be considered for payment?) I do not agree with this approach. Instead, those services should be paid for with cash, not trees.

"Further, the memorial calls for a team of smoke jumpers to be established in Southern Oregon. My only reservation to this provision is that it might displace the smoke jumpers currently located in Redmond. If that occurred, it would decentralize Oregon's only smoke jumping team."

House adjourned until 10:15 a.m., Thursday, April 3, 2003 on motion of Jenson.

#### **Thursday, April 3, 2003 – Morning Session**

House convened at 10:15 a.m. Kruse in Chair. All present except: Excused, 4 – Anderson, Barnhart, Berger, Merkley; Excused for business of the House, 1 – Miller.

Opening Ceremony presented by Amy Casterline, Salem.

HB 2035, 2211, 2317 – Message from the Governor announcing he signed on April 2, 2003.

SB 286, 487, 688 – Message from the Senate announcing passage.

SCR 4, SJM 3, 5 – Message from the Senate announcing adoption.

SCR 4 – Read first time and passed to Speaker's desk for referral.

SJM 3, 5 – Read first time and passed to Speaker's desk for referral.

HB 2340 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2996 – Report by Committee on Health and Human Services recommending passage and be placed on the Consent Calendar.

HB 3123 – Report by Committee on Agriculture and Natural Resources recommending passage.

HB 3232 – Report by Committee on Agriculture and Natural Resources recommending passage. Bill referred to Committee on Ways and Means by prior reference.

HB 2177, 2186, 2227, 2230, 2275, 2276, 2407, 2589, 2639, 2674, 2784, 3107 – Read second time and passed to third reading.

HB 2095 (A-Engrossed) – Read third time. Carried by Williams. On passage of the bill the vote was: Yeas, 55; Excused, 4 – Anderson, Barnhart, Berger, Merkley; Excused for business of the House, 1 – Miller. Bill passed.

HB 2131 (A-Engrossed) – Read third time. Carried by Kitts. On passage of the bill the vote was: Yeas, 55; Excused, 4 – Anderson, Barnhart, Berger, Merkley; Excused for business of the House, 1 – Miller. Bill passed.

HB 2207 (A-Engrossed) – Read third time. Carried by Ackerman. On passage of the bill the vote was: Yeas, 55; Excused, 4 – Anderson, Barnhart, Berger, Merkley; Excused for business of the House, 1 – Miller. Bill passed.

HB 2417 (A-Engrossed) – Read third time. Carried by Close. On passage of the bill the vote was: Yeas, 31; Nays, 24 – Ackerman, Avakian, Barker, Bates, Beyer, Butler, Dingfelder, Doyle, Gallegos, Greenlick, Hansen, Hunt, Johnson, Kafoury, Macpherson, March, Monnes Anderson, Nolan, Patridge, Prozanski, Rosenbaum, Tomei, Verger, Wirth; Excused, 4 – Anderson, Barnhart, Berger, Merkley; Excused for business of the House, 1 – Miller. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on HB 2417-A because it is not needed and represents bad public policy.

“Currently, there are numerous parking options available at no or reduced cost to the public. These include a free park and ride shuttle service and nearby parking lots that charge less than the \$5.00 the state would pay for a parking pass. We do not know how much it will cost the state to implement this legislation since any person who comes to the Capitol for the purpose of ‘lobbying’ is covered by the bill. It is possible that the state could be paying hundreds of dollars per day for free parking! Further, there was no testimony that individuals who wanted to drive to the Capitol to lobby were prevented from doing so because of the cost of parking.

“Based on the state’s current financial situation, the state should not be using its precious limited revenue to pay for free parking for someone who wants to drive and park next to the Capitol to lobby on a bill. Instead, we should be using the revenue to pay for prescription drugs for seniors, the medically needy, or for housing the disabled, or food for hungry kids, or extending unemployment benefits to unemployed Oregonians.”

Wirth in Chair.

HB 2425 (A-Engrossed) – Read third time. Carried by Williams. On passage of the bill the vote was: Yeas, 53; Absent, 2 – Close, Smith P.; Excused, 4 – Anderson, Barnhart, Berger, Merkley; Excused for business of the House, 1 – Miller. Bill passed.

HB 2455 – Read third time. Brown moved bill be rereferred to Committee on Transportation. Motion carried on viva voce vote. Bill rereferred.

HB 2501 – By unanimous consent, on request of Chair, rules suspended and bill taken from today’s Third Reading of House Bills and placed in its proper order on Monday’s, April 7, 2003 Calendar.

HB 2866 – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 55; Excused, 4 – Anderson, Barnhart, Berger, Merkley; Excused for business of the House, 1 – Miller. Bill passed.

HB 2873 (A-Engrossed) – Read third time. Carried by Krummel. On passage of the bill the vote was: Yeas, 55; Excused, 4 – Anderson, Barnhart, Berger, Merkley; Excused for business of the House, 1 – Miller. Bill passed.

HCR 4 – By unanimous consent, on request of Chair, rules suspended and resolution made a Special Order of Business immediately following the order of business of Special Committee Reports on Monday’s, April 7, 2003 Calendar.

SB 286, 487, 688 – Read first time and passed to Speaker’s desk for referral.

House adjourned until 8:30 a.m., Friday, April 4, 2003 on motion of Jenson.

#### **Friday, April 4, 2003 – Morning Session**

House convened at 8:30 a.m. Williams in Chair. All present except: Excused, 10 – Anderson, Barnhart, Berger, Farr, Hansen, Kafoury, Knopp, Smith P., Smith T., Wirth; Excused for business of the House, 4 – Miller, Patridge, Shetterly, Speaker Minnis.

Opening Ceremony presented by Representative Cliff Zauner, District 22, Woodburn.

SB 43, 304, 331, 425, 687, HB 2312 – Message from the Senate announcing passage.

HJR 54 – Introduced, read and passed to Speaker’s desk for referral.

HJR 54 – Referred from Speaker’s desk to the following committee: Rules and Public Affairs.

SCR 4 – Referred from Speaker’s desk to the following committee: Rules and Public Affairs.

SJM 3, 5 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HB 2054 – Report by Committee on Judiciary recommending passage.

HB 2267 – Report by Committee on Trade and Economic Development without recommendation as to passage. Bill referred to Committee on Revenue by prior reference.

HB 2268 – Report by Committee on Water without recommendation as to passage, with amendments, be printed A-Engrossed, and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 2683 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2807 – Report by Committee on Education without recommendation as to passage. Bill referred to Ways and Means by prior reference.

HB 3010 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

HB 3370 – Report by Committee on Judiciary recommending passage.

HB 3371 – Report by Committee on Judiciary recommending passage.

SB 170 – Report by Committee on Trade and Economic Development recommending passage and be placed on the Consent Calendar.

SB 171 – Report by Committee on Trade and Economic Development recommending passage and be placed on the Consent Calendar.

HB 3611 – Read first time and passed to Speaker's desk for referral.

HB 3611 – Referred from Speaker's desk to the following committee: Rules and Public Affairs with subsequent referral to Revenue.

HB 2115, 2372, 2770, 3001, 3123 – Read second time and passed to third reading.

HB 2227, 2674 – By unanimous consent, on request of Chair, rules suspended and bills remaining on today's Consent Calendar carried over and placed in their proper order on Monday's, April 7, 2003 Calendar.

HB 2177, 2186, 2230, 2275, 2276, 2407, 2589, 2639, 2784, 3107 – By unanimous consent, on request of Chair, rules suspended and bills remaining on today's Third Reading of House Bills carried over and

placed in their proper order on Monday's, April 7, 2003 Calendar.

SB 43, 304, 331, 425, 687 – Read first time and passed to Speaker's desk for referral.

SB 43, 286, 304, 328, 331, 425, 487, 687, 688 – Referred from Speaker's desk to the following committees: 286 – Business, Labor and Consumer Affairs; 331 – Business, Labor and Consumer Affairs with subsequent referral to Revenue; 328 – General Government; 43, 304, 487 – Judiciary; 425, 687, 688 – Transportation.

HB 2158, 2223, 2487 – Speaker signed.

House adjourned until 10:30 a.m., Monday, April 7, 2003 on motion of Jenson.

#### **Monday, April 7, 2003 – Morning Session**

House convened at 10:30 a.m. March in Chair. All present except: Excused, 3 – Barnhart, Monnes Anderson, Wirth; Excused for business of the House, 4 – Bates, Miller, Morgan, Smith T.

Posting of the Colors by Air Force and Army ROTC Color Guard, Oregon State University.

Opening Ceremony presented by Lynn Kelly, Oregon State University.

Courtesies of the House and floor were extended to Terry Thompson, former Representative from District 4.

SB 606, 716 – Message from the Senate announcing passage.

SR 1 – Message from the Senate announcing adoption.

HB 2057 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2059 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2060 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2150 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2190 – Report by Committee on Health and Human Services recommending passage and be placed on the Consent Calendar.

HB 2642 – Report by Committee on Health and Human Services recommending passage with



amendments, be printed A-Engrossed, and be placed on the Consent Calendar.

HB 2727 – Report by Committee on Judiciary recommending passage.

HB 2761 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2885 – Report by Committee on Judiciary recommending passage.

HB 3050 – Report by Committee on Revenue recommending passage.

HB 3162 – Report by Committee on General Government recommending passage.

HB 3176 – Report by Committee on Environment and Land Use recommending passage. Bill referred to Committee on Ways and Means by prior reference.

HB 3213 – Report by Committee on Environment and Land Use recommending passage.

HB 3372 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 3375 – Report by Committee on Environment and Land Use recommending passage.

HB 3559 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 3581 – Report by Committee on General Government recommending passage with amendments and be printed A-Engrossed.

HCR 4 (A-Engrossed) – Read as a Special Order of Business. Carried by Nolan. On adoption of the resolution the vote was: Yeas, 56; Excused, 3 – Barnhart, Monnes Anderson, Wirth; Excused for business of the House, 1 – Miller. Resolution adopted.

Zauner in Chair.

HB 3612, 3613 – Read first time and passed to Speaker's desk for referral.

HB 3612, 3613 – Referred from Speaker's desk to the following committees: 3612 – General Government; 3613 – Trade and Economic Development.

HB 2054, 2996, 3010, 3370, 3371 – Read second time and passed to third reading.

HB 2227 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 56; Excused, 3 – Barnhart, Monnes Anderson, Wirth; Excused for business of the House, 1 – Miller. Bill passed.

HB 2674 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 56; Nays, 1 – March; Excused, 3 – Barnhart, Monnes Anderson, Wirth. Bill passed.

HB 3062 – Read third time. Carried by Krummel. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Barnhart, Monnes Anderson, Wirth. Bill passed.

Speaker in Chair.

HB 2501 (A-Engrossed) – Read third time. Carried by Miller. On passage of the bill the vote was: Yeas, 43; Nays, 14 – Ackerman, Avakian, Backlund, Barker, Dingfelder, Greenlick, Hass, Macpherson, March, Nelson, Rosenbaum, Schaufler, Tomei, Verger; Excused, 3 – Barnhart, Monnes Anderson, Wirth. Bill passed.

HB 2177 (A-Engrossed) – Read third time. Carried by Barker. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Barnhart, Monnes Anderson, Wirth. Bill passed.

HB 2186 – By unanimous consent, on request of Speaker, rules suspended and bill taken from today's Third Reading of House Bills and placed in its proper order on Tuesday's, April 8, 2003 Calendar.

HB 2230 (A-Engrossed) – Read third time. Carried by Merkley.

Potential conflict of interest declared by Rosenbaum.

HB 2230 (A-Engrossed) – On passage of the bill the vote was: Yeas, 57; Excused, 3 – Barnhart, Monnes Anderson, Wirth. Bill passed.

HB 2275 (A-Engrossed) – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Barnhart, Monnes Anderson, Wirth. Bill passed.

HB 2276 (A-Engrossed) – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Barnhart, Monnes Anderson, Wirth. Bill passed.

HB 2407 – Read third time. Knopp moved bill be rereferred to Committee on Public Employees Retirement System. Motion carried on viva voce vote. Bill rereferred.

HB 2589 – Read third time. Carried by Macpherson. On passage of the bill the vote was: Yeas, 56; Nays, 1 – Hass; Excused, 3 – Barnhart, Monnes Anderson, Wirth. Bill passed.

HB 2639 (A-Engrossed) – Read third time. Carried by Krummel. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Barnhart, Monnes Anderson, Wirth. Bill passed.

HB 2784 – Read third time. Carried by Mabrey.

Potential conflict of interest declared by Backlund.

HB 2784 – On passage of the bill the vote was: Yeas, 57; Excused, 3 – Barnhart, Monnes Anderson, Wirth. Bill passed.

HB 3107 (A-Engrossed) – Read third time. Carried by Williams.

Potential conflict of interest declared by Rosenbaum.

HB 3107 (A-Engrossed) – On passage of the bill the vote was: Yeas, 57; Excused, 3 – Barnhart, Monnes Anderson, Wirth. Bill passed.

HB 2115 (A-Engrossed) – Read third time. Carried by Barker. On passage of the bill the vote was: Yeas, 56; Nays, 1 – Close; Excused, 3 – Barnhart, Monnes Anderson, Wirth. Bill passed.

HB 2372 (A-Engrossed) – Read third time. Carried by Smith T. On passage of the bill the vote was: Yeas, 35; Nays, 20 – Ackerman, Avakian, Barker, Bates, Butler, Dingfelder, Greenlick, Hansen, Hass, Jenson, Johnson, Kafoury, Macpherson, March, Merkley, Nolan, Prozanski, Rosenbaum, Tomei, Verger; Excused, 5 – Barnhart, Monnes Anderson, Shetterly, Williams, Wirth. Bill passed.

Verger requested the following explanation of her vote be entered in the Journal:

“I voted ‘no’ on HB 2372-A for the following reasons:

“HB 2372-A is not about offering a tax expenditure to loggers and logging operations when buying environmentally sensitive equipment. They already have that until 2008 (and if they didn’t I would try to help them get it).

“But this no vote is about process or the lack of. This expenditure sunsets in 2008 which should have at that time, a review to see if the expenditure has accomplished what was intended. You may well find it does and then you can decide.

“But this bill treats one group in a preferential way by repealing the sunset 5 years before it’s due, without a review, and without adhering to the process set up in the body.

“HB 2372 A relates to taxation but the Revenue Committee where I serve did not hear testimony on this bill. The Revenue Committee is trying to evaluate all tax expenditures as we should to be accountable to our taxpayers. I oppose a process that treats one group differently. This bill may well prove its expenditure doesn’t need a Sunset but that should be after a review and a recommendation from your Revenue Committee.”

HB 2770, 3001, 3123 – By unanimous consent, on request of Speaker, rules suspended and bills remaining on today’s Third Reading of House Bills carried over and placed in their proper order on Tuesday’s, April 8, 2003 Calendar.

SB 606, 716 – Read first time and passed to Speaker’s desk for referral.

SB 606, 716 – Referred from Speaker’s desk to the following committees: 606 – Health and Human Services; 716 – Judiciary.

HB 3610 – In compliance with House Rule 9.01, subsection (5), bill sent for review by Committee on Revenue.

House adjourned until 10:45 a.m., Tuesday, April 8, 2003 on motion of Jenson.

### **Tuesday, April 8, 2003 – Morning Session**

House convened at 10:45 a.m. Krieger in Chair. All present except: Excused, 1 – Richardson; Excused for business of the House, 9 – Avakian, Close, Dingfelder, Kitts, Krummel, Mabrey, Miller, Nelson, Wirth.

Opening Ceremony presented by Dr. Don Baham, American Humanist Association, Portland.

SB 259, 435, 641, 795 – Message from the Senate announcing passage.

HB 2158, 2223, 2487 – Message from the Senate announcing President signed on April 7, 2003.

HB 2191 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed.

HB 2374 – Report by Committee on Health and Human Services recommending passage with amendments, be printed A-Engrossed, and be placed on the Consent Calendar.

HB 2450 – Report by Committee on Education recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 2773 – Report by Committee on Public Employees Retirement System recommending passage and be placed on the Consent Calendar.

HB 2801 – Report by Committee on Transportation recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2933 – Report by Committee on Transportation recommending passage.

HB 2957 – Report by Committee on Agriculture and Natural Resources recommending passage with amendments and be printed A-Engrossed.

HB 3063 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 3351 – Report by Committee on Rules and Public Affairs recommending passage.

HCR 7 – Report by Committee on Health and Human Services recommending adoption.

HB 3614, 3615 – Read first time and passed to Speaker's desk for referral.

HB 3614, 3615 – Referred from Speaker's desk to the following committees: 3614 – Judiciary with subsequent referral to Ways and Means; 3615 – Transportation.

HB 2727, 2885, 3050, 3162, 3213, 3375 – Read second time and passed to third reading.

HB 2996 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 49; Excused, 1 – Richardson; Excused for business of the House, 10 – Avakian, Close, Dingfelder, Kitts, Krummel, Kruse, Mabrey, Miller, Nelson, Wirth. Bill passed.

HB 2186 (A-Engrossed) – Read third time. Carried by Shetterly.

Kruse in Chair.

Call of the House demanded by Shetterly, joined by Morgan, Dalto, Verger, Hunt and Anderson. All present except: Excused (not subject to Call), 1 – Richardson.

HB 2186 (A-Engrossed) – On passage of the bill the vote was: Yeas, 47; Nays, 12 – Anderson, Barker, Butler, Close, Doyle, Flores, Garrard, Kropf, Kruse, Nelson, Scott, Zauner; Excused, 1 – Richardson. Bill passed.

Courtesies of the House and floor were extended to Cynthia Wooten, former Representative from District 41.

HB 2770 (A-Engrossed) – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 55; Excused, 1 – Richardson; Excused for business of the House, 4 – Doyle, Miller, Scott, Speaker Minnis. Bill passed.

HB 3001 (A-Engrossed) – Read third time. Carried by Greenlick. On passage of the bill the vote was: Yeas, 54; Nays, 1 – Close; Excused, 1 – Richardson; Excused for business of the House, 4 – Doyle, Miller, Scott, Speaker Minnis. Bill passed.

HB 3123 – Read third time. Carried by Smith P. On passage of the bill the vote was: Yeas, 55; Excused, 1 – Richardson; Excused for business of the House, 4 – Doyle, Miller, Scott, Speaker Minnis. Bill passed.

HB 2054 – Read third time. Carried by Krummel. On passage of the bill the vote was: Yeas, 54; Nays, 1 – Wirth; Excused, 1 – Richardson; Excused for business of the House, 4 – Doyle, Miller, Scott, Speaker Minnis. Bill passed.

HB 3010 – Read third time. Carried by Merkley.

By unanimous consent, on request of Merkley, rules suspended to permit use of visual aid during presentation of bill.

HB 3010 – On passage of the bill the vote was: Yeas, 50; Nays, 5 – Flores, Hunt, Macpherson, March, Nolan; Excused, 1 – Richardson; Excused for business of the House, 4 – Doyle, Miller, Scott, Speaker Minnis. Bill passed.

HB 3370, 3371 – By unanimous consent, on request of Chair, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Wednesday's, April 9, 2003 Calendar.

SB 259, 435, 641, 795 – Read first time and passed to Speaker's desk for referral.

SB 259, 435, 641, 795 – Referred from Speaker's desk to the following committees: 435 – Health and Human Services; 259, 641 – Judiciary; 795 – Transportation.

SB 170, 171 – Read second time and passed to third reading.

House adjourned until 10:45 a.m., Wednesday, April 9, 2003 on motion of Jenson.

#### **Wednesday, April 9, 2003 – Morning Session**

House convened at 10:45 a.m. Merkley in Chair. All present except: Excused, 2 – Kropf, Monnes Anderson; Excused for business of the House, 2 – Miller, Speaker Minnis.

Opening Ceremony presented by Lee Stromquist, Dennis Hale, Bob Joiner and Brian Bergman, Astoria Tuba Quartet, Astoria.

SB 70, 136, 255, 397, 724, 822, 833, HB 2130 – Message from the Senate announcing passage.

HJR 4 – Message from the Senate announcing adoption.

HJM 8 – Introduced, read and passed to Speaker's desk for referral.

HJM 8 – Referred from Speaker's desk to the following committee: General Government.

HB 3068 – Report by Committee on General Government recommending passage with amendments and be printed A-Engrossed.

HJR 41 – Report by Committee on Education recommending adoption.

SJR 38 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending adoption.

HB 3616 – Read first time and passed to Speaker's desk for referral.

HB 3616 – Referred from Speaker's desk to the following committees: Water with subsequent referral to Revenue.

HB 2057, 2059, 2060, 2150, 2190, 2642, 2761, 2933, 3351, 3372, 3581 – Read second time and passed to third reading.

SB 170 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 55; Excused, 2 – Kropf, Monnes Anderson; Excused for business of the House, 3 – Bates, Miller, Westlund. Bill passed.

SB 171 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 54; Absent, 1 – Wirth; Excused, 2 – Kropf, Monnes Anderson; Excused for business of the House, 3 – Bates, Miller, Westlund. Bill passed.

HB 3370 – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 55; Excused, 2 – Kropf, Monnes Anderson; Excused for business of the House, 3 – Bates, Miller, Westlund. Bill passed.

HB 3371 – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 56; Excused, 2 – Kropf, Monnes Anderson; Excused for business of the House, 2 – Bates, Westlund. Bill passed.

HB 2727 – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 57; Excused, 1 – Monnes Anderson; Excused for business of the House, 2 – Bates, Westlund. Bill passed.

HB 2885 – Read third time. Carried by Barker. On passage of the bill the vote was: Yeas, 57; Excused, 1 – Monnes Anderson; Excused for business of the House, 2 – Bates, Westlund. Bill passed.

Miller in Chair.

HB 3050 – Read third time. Carried by Verger. On passage of the bill the vote was: Yeas, 57; Excused, 1 – Monnes Anderson; Excused for business of the House, 2 – Bates, Westlund. Bill passed.

HB 3162 – Read third time. Carried by Kitts. On passage of the bill the vote was: Yeas, 48; Nays, 8 – Butler, Dingfelder, Hass, Johnson, Kafoury, Kruse, Rosenbaum, Verger; Excused, 1 – Monnes Anderson; Excused for business of the House, 3 – Bates, Nolan, Westlund. Bill passed.

HB 3213 – By unanimous consent, on request of Chair, rules suspended and bill taken from today's Third Reading of House Bills and placed in its proper order on Thursday's, April 10, 2003 Calendar.

HB 3375 – Read third time. Carried by Garrard. On passage of the bill the vote was: Yeas, 59; Excused, 1 – Monnes Anderson. Bill passed.

HCR 7 – Read. Carried by Merkley. On adoption of the resolution the vote was: Yeas, 59; Excused, 1 – Monnes Anderson. Resolution adopted.

SB 70, 136, 255, 397, 724, 822, 833 – Read first time and passed to Speaker's desk for referral.

SB 70, 136, 255, 397, 724, 822 – Referred from Speaker's desk to the following committees: 822 – Business, Labor and Consumer Affairs; 724 – General Government; 70, 136, 255, 397 – Judiciary.

House adjourned until 10:45 a.m., Thursday, April 10, 2003 on motion of Jenson.

#### **Thursday, April 10, 2003 – Morning Session**

House convened at 10:45 a.m. Speaker in Chair. All present except: Absent, 1 – Hansen; Excused, 1 – Dalto; Excused for business of the House, 15 – Ackerman, Avakian, Dingfelder, Flores, Garrard, Jenson, Kropf, Krummel, Kruse, Mabrey, Prozanski, Schaufler, Tomei, Wirth, Zauner.

Williams in Chair.

Opening Ceremony presented by Rabbi Joey Wolf, Havurah Shalom, Portland.

SB 104, 355, 550 – Message from the Senate announcing passage.

SM 1 – Message from the Senate announcing adoption.

HB 2349 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2594 – Report by Committee on Judiciary recommending passage.

HB 2908 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

HB 3160 – Report by Committee on Business, Labor and Consumer Affairs without recommendation as to passage. Bill referred to Committee on Revenue by prior reference.

HB 3184 – Report by Committee on Health and Human Services without recommendation as to passage. Bill referred to Committee on Revenue by prior reference.

HB 3317 – Report by Committee on Judiciary recommending passage.

HB 3361 – Report by Committee on Judiciary recommending passage.

HB 3366 – Report by Committee on Judiciary recommending passage.

HB 3248, 3617, 3618, 3619, 3620 – Read first time and passed to Speaker's desk for referral.

HB 3620 – Referred from Speaker's desk to the following committee: Water with subsequent referral to Ways and Means.

HB 3248, 3617, 3618, 3619 – Referred from Speaker's desk to the following committees: 3618 – General Government with subsequent referral to Revenue; 3248, 3617 – General Government with subsequent referral to Ways and Means; 3619 – Rules and Public Affairs.

HB 2191, 2374, 2450, 2773, 2957, 3063 – Read second time and passed to third reading.

HB 2190 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 42; Nays, 1 – Nelson; Absent, 1 – Hansen; Excused, 1 – Dalto; Excused for business of the House, 15 – Ackerman, Avakian, Dingfelder, Flores, Garrard, Jenson, Kropf, Krummel, Kruse, Mabrey, Prozanski, Schaufler, Tomei, Wirth, Zauner. Bill passed.

HB 2642 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 44; Absent, 1 – Hansen; Excused, 1 – Dalto; Excused for business of the House, 14 – Avakian, Dingfelder, Flores, Garrard, Jenson, Kropf, Krummel, Kruse, Mabrey, Prozanski, Schaufler, Tomei, Wirth, Zauner. Bill passed.

HB 3213 – Read third time. Carried by Westlund. On passage of the bill the vote was: Yeas, 37; Nays, 23 – Avakian, Barker, Barnhart, Dalto, Dingfelder, Farr, Greenlick, Hansen, Hass, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Nolan, Prozanski, Rosenbaum, Schaufler, Smith P., Tomei, Verger, Wirth. Bill passed.

Speaker Pro Tempore in Chair.

HB 2057 (A-Engrossed) – Read third time. Carried by Ackerman. On passage of the bill the vote was: Yeas, 58; Nays, 1 – Miller; Absent, 1 – Westlund. Bill passed.

HB 2059 (A-Engrossed) – Read third time. Carried by Williams. On passage of the bill the vote was: Yeas, 60. Bill passed.

HB 2060 (A-Engrossed) – Read third time. Carried by Jenson. On passage of the bill the vote was: Yeas, 60. Bill passed.

HB 2150 (A-Engrossed) – Read third time. Carried by Macpherson. On passage of the bill the vote was: Yeas, 58; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

HB 2761 (A-Engrossed) – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 58; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

Kruse in Chair.

HB 2933 – Read third time. Carried by Doyle. On passage of the bill the vote was: Yeas, 42; Nays, 17 – Barker, Beyer, Close, Dingfelder, Gilman, Hansen, Hopson, Johnson, Kafoury, Kitts, March, Merkley, Nolan, Prozanski, Schaufler, Scott, Tomei; Excused for business of the House, 1 – Macpherson. Bill passed.

HB 3351, 3372 – By unanimous consent, on request of Chair, rules suspended and bills taken from today's Third Reading of House Bills and placed in their proper order on Friday's, April 11, 2003 Calendar.

HB 3581 (A-Engrossed) – Read third time. Carried by Smith T., Kitts. On passage of the bill the vote was: Yeas, 59; Excused for business of the House, 1 – Macpherson. Bill passed, having received the required three-fifths constitutional majority.

HJR 41 – Read. Carried by Farr. On adoption of the resolution the vote was: Yeas, 56; Nays, 1 – Miller; Absent, 1 – Nolan; Excused for business of the House, 2 – Macpherson, Speaker Minnis. Resolution adopted.

SJR 38 (A-Engrossed) – Read. Carried by Westlund. On adoption of the resolution the vote was: Yeas, 58; Absent, 1 – Nolan; Excused for business of the House, 1 – Macpherson. Resolution adopted.

SB 104, 355, 550 – Read first time and passed to Speaker's desk for referral.

SB 104, 355, 550, 833 – Referred from Speaker's desk to the following committees: 355, 833 – Business, Labor and Consumer Affairs; 104 – Judiciary; 550 – Revenue.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

HB 2092 – Report by Committee on Judiciary without recommendation as to passage and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 2995 – Report by Committee on Health and Human Services recommending passage. Bill referred to Committee on Ways and Means by prior reference.

HB 3111 – Report by Committee on Transportation without recommendation as to passage and be referred to Committee on Judiciary. Bill referred to Committee on Judiciary by order of the Speaker.

HB 3603 – Report by Committee on Education without recommendation as to passage, be referred to Committee on Health and Human Services, and then Committee on Ways and Means by prior reference.

Bill referred to Committee on Health and Human Services by order of the Speaker.

House adjourned until 11:00 a.m., Friday, April 11, 2003 on motion of Jenson.

#### **Friday, April 11, 2003 – Morning Session**

House convened at 11:00 a.m. Williams in Chair. All present except: Excused, 5 – Dingfelder, Doyle, Scott, Smith G., Verger; Excused for business of the House, 9 – Anderson, Barker, Bates, Kruse, Miller, Monnes Anderson, Morgan, Tomei, Speaker Minnis.

Opening Ceremony presented by Gary Randall, Lake Oswego.

HB 2158, 2223, 2487 – Message from the Governor announcing he signed on April 10, 2003.

SB 102 – Message from the Senate announcing passage.

HB 2299 – Report by Committee on Trade and Economic Development recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 3177 – Report by Committee on Judiciary recommending passage. Bill referred to Committee on Ways and Means by prior reference.

HJR 42 – Report by Committee on Rules and Public Affairs recommending adoption with amendments and be printed A-Engrossed.

HJR 48 – Report by Committee on Health and Human Services recommending adoption.

HB 2594, 2908, 3068, 3317, 3361, 3366 – Read second time and passed to third reading.

HB 2374 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 46; Excused, 5 – Dingfelder, Doyle, Scott, Smith G., Verger; Excused for business of the House, 9 – Anderson, Barker, Bates, Kruse, Miller, Monnes Anderson, Morgan, Tomei, Speaker Minnis. Bill passed.

HB 2773 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 47; Excused, 5 – Dingfelder, Doyle, Scott, Smith G., Verger; Excused for business of the House, 8 – Anderson, Barker, Bates, Kruse, Miller, Morgan, Tomei, Speaker Minnis. Bill passed.

HB 3351 – Read third time. Carried by Flores. On passage of the bill the vote was: Yeas, 49; Excused, 5 – Dingfelder, Doyle, Scott, Smith G., Verger; Excused for business of the House, 6 – Anderson, Barker, Bates, Kruse, Miller, Tomei. Bill passed.

HB 3372 (A-Engrossed) – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 47; Excused, 5 – Dingfelder, Doyle, Scott, Smith G., Verger; Excused for business of the House, 8 – Anderson, Barker, Bates, Kruse, Miller, Morgan, Tomei, Speaker Minnis. Bill passed.

Speaker Pro Tempore in Chair.

HB 2191 (A-Engrossed) – Read third time. Carried by Monnes Anderson. On passage of the bill the vote was: Yeas, 43; Nays, 4 – Close, Richardson, Smith T., Zauner; Excused, 5 – Dingfelder, Doyle, Scott, Smith G., Verger; Excused for business of the House, 8 – Anderson, Barker, Bates, Kruse, Miller, Morgan, Tomei, Speaker Minnis. Bill passed.

HB 2450 (A-Engrossed) – Read third time. Carried by Kafoury. On passage of the bill the vote was: Yeas, 54; Excused, 5 – Dingfelder, Doyle, Scott, Smith G., Verger; Excused for business of the House, 1 – Miller. Bill passed.

HB 2957 (A-Engrossed) – Read third time. Carried by Kropf. On passage of the bill the vote was: Yeas, 43; Nays, 8 – Ackerman, Barnhart, Greenlick, Kafoury, Merkley, Prozanski, Rosenbaum, Wirth; Excused, 5 – Dingfelder, Doyle, Scott, Smith G., Verger; Excused for business of the House, 4 – Miller, Morgan, Tomei, Speaker Minnis. Bill passed.

HB 3063 (A-Engrossed) – Read third time. Carried by Krummel. On passage of the bill the vote was: Yeas, 52; Excused, 5 – Dingfelder, Doyle, Scott, Smith G., Verger; Excused for business of the House, 3 – Miller, Morgan, Speaker Minnis. Bill passed.

SB 102 – Read first time and passed to Speaker's desk for referral.

SB 102 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

Message from the Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contribution received during Seventy-second Regular Session, filed on April 10, 2003 by John Scruggs, candidate for office of State Representative.

Speaker announced appointment of members to the following task force:

OREGON HEALTH AND SCIENCE UNIVERSITY OREGON OPPORTUNITY REVIEW TASK FORCE – Butler, Johnson.

House adjourned until 11:00 a.m., Monday, April 14, 2003 on motion of Krummel.

#### **Monday, April 14, 2003 – Morning Session**

House convened at 11:00 a.m. Johnson in Chair. All present except: Absent, 3 – Krummel, Nelson, Wirth; Excused, 3 – Backlund, Barker, Nolan;

Excused for business of the House, 2 – Miller, Williams.

Posting of the Colors by Boy Scout Troop 70, Rogue River.

Opening Ceremony presented by President R. Dane Stewart, The Church of Jesus Christ of Latter-Day Saints, Rogue River.

SB 554, 602, 216, 223, 276, 832 – Message from the Senate announcing passage.

SJR 7 – Message from the Senate announcing adoption.

HB 2005, 2135 – Message from the Senate announcing passage as amended by the Senate.

SJM 2 – Message from the Senate announcing President signed on April 11, 2003.

HCR 8, 9 – Introduced, read and passed to Speaker's desk for referral.

SJR 7 – Read first time and passed to Speaker's desk for referral.

HB 2034 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2237 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2258 – Report by Committee on Agriculture and Natural Resources recommending passage.

HB 2278 – Report by Committee on General Government recommending passage with amendments and be printed A-Engrossed.

HB 2407 (A-Engrossed) – Report by Committee on Public Employees Retirement System recommending passage with amendments and be printed B-Engrossed.

HB 2407 (A-Engrossed) – Report by Minority of Committee on Public Employees Retirement System, signed by Nolan and Kafoury, recommending passage with amendments and be printed B-Engrossed.

HB 2416 – Report by Committee on Agriculture and Natural Resources recommending passage with amendments and be printed A-Engrossed.

HB 2736 – Report by Committee on Judiciary recommending passage.

HB 2811 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2821 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2844 – Report by Committee on General Government recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2849 – Report by Committee on Environment and Land Use recommending passage.

HB 2925 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

HB 2999 – Report by Committee on Transportation recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Revenue by prior reference.

HB 3084 – Report by Committee on Environment and Land Use recommending passage with amendments and be printed A-Engrossed.

HB 3094 – Report by Committee on Water recommending passage with amendments and be printed A-Engrossed.

HB 3130 – Report by Committee on Business, Labor and Consumer Affairs without recommendation as to passage. Bill referred to Committee on Revenue by prior reference.

HB 3164 – Report by Committee on Environment and Land Use recommending passage with amendments and be printed A-Engrossed.

HB 3224 – Report by Committee on General Government recommending passage with amendments and be printed A-Engrossed.

HB 3249 – Report by Committee on Water recommending passage. Bill referred to Committee on Ways and Means by prior reference.

HB 3261 – Report by Committee on Water recommending passage and be placed on the Consent Calendar.

HB 3265 – Report by Committee on Environment and Land Use recommending passage and be placed on the Consent Calendar.

HB 3339 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 3363 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 3551 – Report by Committee on Agriculture and Natural Resources without recommendation as to passage. Bill referred to Committee on Revenue by prior reference.

HB 3601 – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed A-Engrossed.

HJM 1 – Report by Committee on Rules and Public Affairs recommending adoption.

HB 2594 – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 52; Absent, 3 – Krummel, Nelson, Wirth; Excused, 3 – Backlund, Barker, Nolan; Excused for business of the House, 2 – Miller, Williams. Bill passed.

HB 2908 – Read third time. Carried by Dalto. On passage of the bill the vote was: Yeas, 51; Absent, 2 – Nelson, Wirth; Excused, 3 – Backlund, Barker, Nolan; Excused for business of the House, 4 – Kafoury, Miller, Williams, Speaker Minnis. Bill passed.

HB 3068 (A-Engrossed) – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 52; Absent, 1 – Wirth; Excused, 3 – Backlund, Nelson, Nolan; Excused for business of the House, 4 – Kafoury, Miller, Williams, Speaker Minnis. Bill passed.

HB 3317 – Read third time. Carried by Prozanski.

Speaker Pro Tempore in Chair.

HB 3317 – On passage of the bill the vote was: Yeas, 52; Absent, 1 – Wirth; Excused, 3 – Backlund, Nelson, Nolan; Excused for business of the House, 4 – Kafoury, Miller, Williams, Speaker Minnis. Bill passed.

HB 3361 – Read third time. Carried by Macpherson. On passage of the bill the vote was: Yeas, 55; Excused, 3 – Backlund, Nolan, Wirth; Excused for business of the House, 2 – Miller, Williams. Bill passed.

HB 3366 – Read third time. Carried by Krummel. On passage of the bill the vote was: Yeas, 52; Nays, 3 – Garrard, Gilman, Jenson; Excused, 3 – Backlund, Nolan, Wirth; Excused for business of the House, 2 – Miller, Williams. Bill passed.

HJR 48 – Read. Carried by Monnes Anderson. On adoption of the resolution the vote was: Yeas, 55; Excused, 3 – Backlund, Nolan, Wirth; Excused for business of the House, 2 – Miller, Williams. Resolution adopted.

SB 216, 223, 276, 554, 602, 832 – Read first time and passed to Speaker's desk for referral.

HR 1, 2, HM 1, HB 2312, 2546, SJM 2 – Speaker signed.

House adjourned until 11:15 a.m., Tuesday, April 15, 2003 on motion of Jenson.

#### **Tuesday, April 15, 2003 – Morning Session**

House convened at 11:15 a.m. Tomei in Chair. All present except: Excused, 2 – Nolan, Wirth; Excused for business of the House, 1 – Miller.

Opening Ceremony presented by Stephen Loaiza, National Alliance of Mental Illness, Salem.

SM 1, SJR 38, SB 170, 171 – Message from the Senate announcing President signed on April 14, 2003.

HCR 8, 9 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

SJR 7 – Referred from Speaker's desk to the following committee: Revenue with subsequent referral to Ways and Means.

HB 2153 – Report by Committee on Health and Human Services recommending passage. Bill referred to Committee on Ways and Means by prior reference.

HB 2340 (A-Engrossed) – Report by Committee on Ways and Means recommending passage with amendments and be printed B-Engrossed.

HB 2432 – Report by Committee on Transportation recommending passage.

HB 2600 – Report by Committee on Education recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2666 – Report by Committee on Transportation recommending passage with amendments, be printed A-Engrossed, and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 3036 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 3066 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 3442 – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HCR 3 – Report by Committee on Rules and Public Affairs recommending adoption with amendments and be printed A-Engrossed.

HB 2005 (B-Engrossed) – Knopp moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 57; Excused, 2 – Nolan, Wirth; Excused for business of the House, 1 – Miller. Bill repassed.



HB 2135 (A-Engrossed) – Shetterly moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 57; Absent, 1 – Anderson; Excused, 2 – Nolan, Wirth. Bill repassed.

HB 3621 – Read first time and passed to Speaker's desk for referral.

HB 2258, 2736, 2849, 2925 – Read second time and passed to third reading.

HJM 1 – Read. Carried by Zauner. On adoption of the memorial the vote was: Yeas, 36; Nays, 18 – Ackerman, Avakian, Barker, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Rosenbaum, Schaufler, Tomei; Absent, 1 – Richardson; Excused, 2 – Nolan, Wirth; Excused for business of the House, 3 – Miller, Prozanski, Speaker Minnis. Memorial adopted.

Kruse in Chair.

HJR 42 (A-Engrossed) – Read. Carried by Patridge.

Call of the House demanded by Patridge, joined by Gallegos, Nelson, Butler, Backlund and Zauner. All present except: Excused (not subject to Call), 2 – Nolan, Wirth.

HJR 42 (A-Engrossed) – On adoption of the resolution the vote was: Yeas, 31; Nays, 27 – Ackerman, Avakian, Barker, Barnhart, Bates, Berger, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Prozanski, Rosenbaum, Schaufler, Shetterly, Smith G., Tomei, Verger, Williams; Excused, 2 – Nolan, Wirth. Resolution adopted.

SB 216, 223, 276, 554, 602, 832 – Referred from Speaker's desk to the following committees: 832 – Agriculture and Natural Resources; 602 – Business, Labor and Consumer Affairs; 554 – Health and Human Services; 216 – Judiciary; 223 – Revenue; 276 – Transportation.

Message from the Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contribution received during Seventy-second Regular Session, filed on April 11, 2003 by Representative Mike Schaufler.

House adjourned until 11:00 a.m., Wednesday, April 16, 2003 on motion of Jenson.

### **Wednesday, April 16, 2003 – Morning Session**

House convened at 11:00 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 1 –

Nolan; Excused for business of the House, 5 – Miller, Monnes Anderson, Tomei, Westlund, Speaker Minnis.

Opening Ceremony presented by Pastor Gordon Bergman, Kingwood Bible Church, Salem.

Opening Ceremony presented by Tom and Melissa Wettlaufer, Salem.

SB 387, 525, 575, 749, 761 – Message from the Senate announcing passage.

SM 3 – Message from the Senate announcing adoption.

HB 2312, 2546 – Message from the Senate announcing President signed on April 15, 2003.

HB 2019 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 2043 – Report by Committee on Revenue recommending passage with amendments and be printed A-Engrossed.

HB 2168 – Report by Committee on Revenue recommending passage with amendments and be printed A-Engrossed.

HB 2188 – Report by Committee on Agriculture and Natural Resources recommending passage. Bill referred to Committee on Revenue by prior reference.

HB 2331 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

HB 2436 – Report by Committee on Agriculture and Natural Resources recommending passage with amendments and be printed A-Engrossed.

HB 2521 – Report by Committee on Agriculture and Natural Resources recommending passage with amendments and be printed A-Engrossed.

HB 2717 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 2732 – Report by Committee on Judiciary recommending passage.

HB 2847 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 2887 – Report by Committee on Water recommending passage with amendments, be printed A-Engrossed, and be placed on the Consent Calendar.

HB 2922 – Report by Committee on Business, Labor and Consumer Affairs without recommendation as to passage. Bill referred to Committee on Revenue by prior reference.

HB 3163 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 3183 – Report by Committee on Revenue recommending passage.

HB 3297 – Report by Committee on Water recommending passage.

HB 3621 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HB 2034, 2237, 2278, 2416, 2432, 2811, 2821, 3084, 3094, 3164, 3224, 3261, 3265, 3339, 3363, 3601 – Read second time and passed to third reading.

HB 2258 – Read third time. Carried by Gilman. On passage of the bill the vote was: Yeas, 54; Excused, 1 – Nolan; Excused for business of the House, 5 – Miller, Monnes Anderson, Tomei, Westlund, Speaker Minnis. Bill passed.

HB 2736 – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 56; Excused, 1 – Nolan; Excused for business of the House, 3 – Miller, Tomei, Speaker Minnis. Bill passed.

HB 2849 – Read third time. Zauner moved bill be rereferred to Committee on Environment and Land Use. Motion carried on viva voce vote. Bill rereferred.

HB 2925 – Read third time. Carried by Schaufler. On passage of the bill the vote was: Yeas, 56; Nays, 1 – Smith T.; Excused, 1 – Nolan; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

SB 387, 525, 575, 749, 761 – Read first time and passed to Speaker's desk for referral.

SB 387, 525, 575, 749, 761 – Referred from Speaker's desk to the following committees: 575, 749 – Business, Labor and Consumer Affairs; 525, 761 – Education; 387 – Transportation.

HJR 4, HB 2130, SB 170, 171, SJR 38 – Speaker signed.

House adjourned until 10:30 a.m., Thursday, April 17, 2003 on motion of Jensen.

#### **Thursday, April 17, 2003 – Morning Session**

House convened at 10:30 a.m. Gallegos in Chair. All present except: Excused, 2 – Nolan, Rosenbaum; Excused for business of the House, 16 – Berger, Butler, Flores, Hass, Jensen, Kropf, Krummel, Kruse, Miller, Morgan, Patridge, Prozanski, Scott, Shetterly, Verger, Wirth.

Williams in Chair.

Opening Ceremony presented by Valerie Daniel, Salem.

House stood at ease.

House called to order.

SB 828, 870, 235, 341, 444, 445, 446, 514, 878, HB 2159, 2215, 2226, 2309, 2393 – Message from the Senate announcing passage.

HB 2073 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2298 (A-Engrossed) – Report by Committee on Revenue recommending passage.

HB 2302 – Report by Committee on Trade and Economic Development recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2368 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Revenue by prior reference.

HB 2625 – Report by Committee on Revenue recommending passage.

HB 2631 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed.

HB 2729 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2733 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2803 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 3145 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 3174 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 3218 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 3313 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

HB 3446 – Report by Committee on Rules and Public Affairs recommending passage.

HB 3508 – Report by Committee on Health and Human Services recommending passage.

HB 2407 – By unanimous consent, on request of Chair, rules suspended and consideration of Committee and Minority Reports taken from today's Propositions and Motions and placed in their proper order on Friday's, April 18, 2003 Calendar.

HB 2331, 2340, 2732, 3183, 3297 – Read second time and passed to third reading.

HB 3261, 3265 – By unanimous consent, on request of Chair, rules suspended and bills remaining on today's Consent Calendar carried over and placed in their proper order on Friday's, April 18, 2003 Calendar.

HB 2034, 2237, 2278, 2416, 2432, 2811, 2821, 3084, 3094, 3164, 3224, 3339, 3363, 3601 – By unanimous consent, on request of Chair, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Friday's, April 18, 2003 Calendar.

HCR 3 – By unanimous consent, on request of Chair, rules suspended and resolution made a Special Order of Business immediately following the order of business of Special Committee Reports on Friday's, April 18, 2003 Calendar.

SB 235, 341, 444, 445, 446, 514, 828, 870, 878 – Read first time and passed to Speaker's desk for referral.

House adjourned until 11:00 a.m., Friday, April 18, 2003 on motion of Smith T.

#### **Friday, April 18, 2003 – Morning Session**

House convened at 11:00 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 2 – Nolan, Verger.

Opening Ceremony presented by Edmonde Coutan-Bayard, Gilkey Middle School, Portland.

HB 2130, HJR 4 – Message from the Senate announcing President signed on April 17, 2003.

SCR 3, 5 – Message from the Senate announcing adoption.

SB 159, 215, 119, 230, 231, 289, 390, 516, 734, HB 2634, 2799, 2075, 2343, 2533, 2161, 2676, 2558, 3026 – Message from the Senate announcing passage.

HB 2305, 2306, 2526, 2307 – Message from the Senate announcing passage as amended by the Senate.

SCR 3, 5 – Read first time and passed to Speaker's desk for referral.

SCR 3, 5 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HB 2103 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2174 – Report by Committee on Judiciary recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 2308 – Report by Committee on Judiciary without recommendation as to passage and be referred to Committee on Health and Human Services. Bill referred to Committee on Health and Human Services by order of the Speaker.

HB 2383 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 2627 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

HB 2644 – Report by Committee on Environment and Land Use recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2670 – Report by Committee on Transportation recommending passage with amendments and be printed A-Engrossed.

HB 2725 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2859 – Report by Committee on Business, Labor and Consumer Affairs without recommendation as to passage and be referred to Committee on Health and Human Services. Bill referred to Committee on Health and Human Services by order of the Speaker.

HB 2877 – Report by Committee on Judiciary recommending passage.

HB 2945 – Report by Committee on Environment and Land Use recommending passage with amendments and be printed A-Engrossed.

HB 2965 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 3016 – Report by Committee on Environment and Land Use recommending passage with amendments, be printed A-Engrossed, and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 3048 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

HB 3122 – Report by Committee on Health and Human Services recommending passage with amendments, be printed A-Engrossed, and be placed on the Consent Calendar.

HB 3159 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 3211 – Report by Committee on Environment and Land Use recommending passage.

HB 3476 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

HB 3603 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 3615 – Report by Committee on Transportation recommending passage and be placed on the Consent Calendar.

SB 130 – Report by Committee on Education recommending passage.

SB 388 (A-Engrossed) – Report by Committee on Education recommending passage.

HCR 3 (A-Engrossed) – Read as a Special Order of Business. Carried by Gilman. On adoption of the resolution the vote was: Yeas, 57; Excused, 2 – Nolan, Verger; Excused for business of the House, 1 – Miller. Resolution adopted.

HB 2407 (A-Engrossed) – Knopp moved House adopt Committee Report.

Call of the House demanded by Knopp, joined by Prozanski, Butler, Anderson, Gallegos and Hansen. All present except: Excused (not subject to Call), 2 – Nolan, Verger.

HB 2407 (A-Engrossed) – Kafoury moved Minority Report be substituted for the Committee Report. Motion failed, the vote being: Yeas, 23; Nays, 35 – Anderson, Backlund, Berger, Brown, Butler, Close, Dalto, Doyle, Farr, Flores, Gallegos, Garrard, Gilman, Jenson, Kitts, Knopp, Krieger, Kropf, Krummel, Kruse, Mabrey, Miller, Morgan, Nelson, Patridge, Richardson, Scott, Shetterly, Smith G., Smith P., Smith T., Westlund, Williams, Zauner, Speaker Minnis; Excused, 2 – Nolan, Verger. Motion failed.

HB 2407 (A-Engrossed) – Motion to adopt Committee Report carried, the vote being: Yeas, 44; Nays, 14 – Avakian, Barnhart, Bates, Dingfelder, Hansen, Hass, Hunt, Kafoury, Macpherson, March, Prozanski, Rosenbaum, Schaufler, Tomei; Excused, 2 – Nolan, Verger. Committee Report adopted.

HB 2407 (B-Engrossed) – Read. Carried by Knopp. On passage of the bill the vote was: Yeas, 45; Nays, 13 – Avakian, Barnhart, Bates, Dingfelder, Hansen, Hass, Hunt, Kafoury, March, Prozanski, Rosenbaum, Schaufler, Tomei; Excused, 2 – Nolan, Verger. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on HB 2407-B because the legislative branch should not be treated differently than other state workers and put into a separate retirement plan. Instead, legislators should be placed into the same class as general state workers and removed from the enhanced plan which covers public safety personnel. Clearly, the job we do as legislators is not as hazardous as police officers and firefighters.

“Although the bill’s proponents say that there is a conflict of interest for legislative members to be in PERS, the same could be said for members of the judicial and executive branch. The judicial branch is required to interpret and decide public pension issues. The executive branch is required to regulate and enforce PERS.

“The minority report should have been adopted and passed by the House.”

HB 3622 – Read first time and passed to Speaker’s desk for referral.

HB 3622 – Referred from Speaker’s desk to the following committee: Business, Labor and Consumer Affairs.

HB 2019, 2043, 2168, 2298, 2436, 2521, 2625, 2717, 2847, 2887, 3163, 3313, 3446, 3508 – Read second time and passed to third reading.

HB 3261 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 57; Excused, 2 – Nolan, Verger; Excused for business of the House, 1 – Westlund. Bill passed.

HB 3265 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 55; Nays, 2 – Nelson, Smith G.; Excused, 2 – Nolan, Verger; Excused for business of the House, 1 – Westlund. Bill passed.

HB 2278 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit third reading and final consideration immediately.

HB 2278 – Read third time. Krummel moved bill be rereferred to Committee on General Government. Motion carried on viva voce vote. Bill rereferred.

HB 2034, 2237, 2416, 2432, 2811, 2821, 3084, 3094, 3164, 3224, 3339, 3363, 3601, 2331, 2340, 2732, 3183, 3297 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today’s Third Reading of House Bills carried over and placed in their proper order on Monday’s, April 21, 2003 Calendar.

SB 119, 159, 215, 230, 231, 289, 390, 516, 734 – Read first time and passed to Speaker’s desk for referral.

SB 235, 341, 444, 445, 446, 514, 828, 870, 878 – Referred from Speaker's desk to the following committees: 235, 341, 444, 445, 446, 514, 828 – Business, Labor and Consumer Affairs; 870 – Education; 878 – Health and Human Services.

SB 119, 159, 215, 230, 231, 289, 390, 516, 734 – Referred from Speaker's desk to the following committees: 159, 734 – Business, Labor and Consumer Affairs; 516 – Environment and Land Use; 390 – Health and Human Services; 119 – Judiciary; 230, 231 – Revenue; 215 – Trade and Economic Development; 289 – Transportation.

House adjourned until 11:00 a.m., Monday, April 21, 2003 on motion of Jenson.

#### **Monday, April 21, 2003 – Morning Session**

House convened at 11:00 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 2 – Beyer, Miller; Absent, 2 – Hansen, Wirth.

Moment of silence observed.

HJR 55, 56 – Introduced, read and passed to Speaker's desk for referral.

HB 2444 – Report by Committee on Rules and Public Affairs recommending passage.

HB 2499 – Report by Committee on Rules and Public Affairs recommending passage. Bill referred to Committee on Ways and Means by prior reference.

HB 2665 – Report by Committee on Business, Labor and Consumer Affairs without recommendation as to passage. Bill referred to Committee on Ways and Means by prior reference.

HB 2961 – Report by Committee on General Government recommending passage.

HB 3033 – Report by Committee on Revenue without recommendation as to passage, with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 3060 – Report by Committee on General Government recommending passage with amendments and be printed A-Engrossed.

HB 3072 – Report by Committee on General Government recommending passage with amendments and be printed A-Engrossed.

HB 3196 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 3206 – Report by Committee on General Government recommending passage with amendments and be printed A-Engrossed.

HB 3212 – Report by Committee on General Government recommending passage with amendments and be printed A-Engrossed.

HB 3272 – Report by Committee on General Government recommending passage with amendments and be printed A-Engrossed.

HB 3276 – Report by Committee on Business, Labor and Consumer Affairs without recommendation as to passage. Bill referred to Committee on Ways and Means by prior reference.

HB 3309 – Report by Committee on Water recommending passage with amendments, be printed A-Engrossed, and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 3422 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 3577 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2305 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 54; Absent, 2 – Hansen, Wirth; Excused, 2 – Beyer, Miller; Excused for business of the House, 2 – Monnes Anderson, Speaker Minnis. Bill repassed.

HB 2306 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 54; Absent, 2 – Hansen, Wirth; Excused, 2 – Beyer, Miller; Excused for business of the House, 2 – Monnes Anderson, Speaker Minnis. Bill repassed.

HB 2307 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 55; Absent, 1 – Wirth; Excused, 2 – Beyer, Miller; Excused for business of the House, 2 – Monnes Anderson, Speaker Minnis. Bill repassed.

HB 2526 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 53; Nays, 2 – Butler, Close; Absent, 1 – Wirth; Excused, 2 – Beyer, Miller; Excused for business of the House, 2 – Monnes Anderson, Speaker Minnis. Bill repassed.

HB 2627, 2631, 2729, 2733, 2803, 2877, 3048, 3145, 3174, 3211, 3218, 3476 – Read second time and passed to third reading.

HB 2887 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill removed from Consent Calendar and placed in its proper order on the Third Reading Calendar.

HB 2887 – Read third time. Jenson moved bill be rereferred to Committee on Water. Motion carried on viva voce vote. Bill rereferred.

HB 2034 (A-Engrossed) – Read third time. Carried by Macpherson. On passage of the bill the vote was: Yeas, 55; Absent, 1 – Wirth; Excused, 2 – Beyer, Miller; Excused for business of the House, 2 – Monnes Anderson, Speaker Minnis. Bill passed.

HB 2237 (A-Engrossed) – Read third time. Carried by Barker. On passage of the bill the vote was: Yeas, 56; Excused, 2 – Beyer, Miller; Excused for business of the House, 2 – Monnes Anderson, Speaker Minnis. Bill passed.

HB 2416 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill taken from today's Third Reading of House Bills and placed in its proper order on Tuesday's, April 22, 2003 Calendar.

Kruse in Chair.

HB 2432 – Read third time. Carried by Kropf. On passage of the bill the vote was: Yeas, 31; Nays, 27 – Ackerman, Backlund, Barker, Barnhart, Bates, Berger, Dalto, Dingfelder, Gallegos, Gilman, Greenlick, Hansen, Hass, Hopson, Hunt, Jenson, Krummel, Macpherson, March, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Shetterly, Tomei, Wirth; Excused, 2 – Beyer, Miller. Bill passed.

HB 2811 (A-Engrossed) – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Beyer, Miller. Bill passed.

HB 2821 (A-Engrossed) – Read third time. Carried by Anderson. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Beyer, Miller. Bill passed.

Speaker Pro Tempore in Chair.

HB 3084 (A-Engrossed) – Read third time. Carried by Krummel. On passage of the bill the vote was: Yeas, 33; Nays, 24 – Avakian, Barker, Barnhart, Bates, Dingfelder, Doyle, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Verger, Wirth; Excused, 2 – Beyer, Miller; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 3094 (A-Engrossed) – Read third time. Carried by Johnson. On passage of the bill the vote was: Yeas, 56; Excused, 2 – Beyer, Miller; Excused for business of the House, 2 – Williams, Speaker Minnis. Bill passed.

HB 3164 (A-Engrossed) – Read third time. Carried by Kitts.

By unanimous consent, on request of Kitts, rules suspended to permit use of visual aid during presentation of bill.

HB 3164 (A-Engrossed) – On passage of the bill the vote was: Yeas, 41; Nays, 11 – Bates, Butler, Dingfelder, Doyle, Hass, Macpherson, March, Monnes Anderson, Morgan, Rosenbaum, Schaufler; Absent, 4 – Close, Flores, Kropf, Kruse; Excused, 2 – Beyer, Miller; Excused for business of the House, 2 – Johnson, Speaker Minnis. Bill passed.

HB 3224, 3339, 3363, 3601, 2331, 2340, 2732, 3183, 3297, 2019, 2043, 2168, 2298, 2436, 2521, 2625, 2717, 2847, 3163, 3313, 3446, 3508 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Tuesday's, April 22, 2003 Calendar.

SB 130, 388 – Read second time and passed to third reading.

House adjourned until 11:00 a.m., Tuesday, April 22, 2003 on motion of Jenson.

#### **Tuesday, April 22, 2003 – Morning Session**

House convened at 11:00 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 1 – Morgan.

Opening Ceremony presented by Pastor Rob Elder, First Presbyterian Church, Salem.

SB 471, 764, HB 2222, 2398, 2997 – Message from the Senate announcing passage.

HJR 55, 56 – Referred from Speaker's desk to the following committees: 56 – Education with subsequent referral to Ways and Means; 55 – General Government.

HB 2145 (A-Engrossed) – Report by Committee on Ways and Means recommending passage with amendments and be printed B-Engrossed.

HB 2148 – Report by Committee on General Government recommending passage with amendments and be printed A-Engrossed.

HB 2235 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2238 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2279 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2324 – Report by Committee on Health and Human Services recommending passage and be placed on the Consent Calendar.

HB 2344 – Report by Committee on Agriculture and Natural Resources recommending passage with amendments and be printed A-Engrossed.

HB 2369 – Report by Committee on Environment and Land Use recommending passage.

HB 2388 – Report by Committee on Transportation recommending passage with amendments and be printed A-Engrossed.

HB 2581 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2661 – Report by Committee on Transportation recommending passage with amendments, be printed A-Engrossed, and be placed on the Consent Calendar.

HB 2711 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2765 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 2785 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 2843 – Report by Committee on Education recommending passage.

HB 2881 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 2905 – Report by Committee on Environment and Land Use recommending passage with amendments and be printed A-Engrossed.

HB 2910 – Report by Committee on Environment and Land Use recommending passage.

HB 2939 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed.

HB 3144 – Report by Committee on Environment and Land Use recommending passage.

HB 3152 – Report by Committee on Agriculture and Natural Resources recommending passage with amendments and be printed A-Engrossed.

HB 3153 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 3228 – Report by Committee on Environment and Land Use recommending passage with amendments and be printed A-Engrossed.

HB 3245 – Report by Committee on Environment and Land Use recommending passage with amendments and be printed A-Engrossed.

HB 3266 – Report by Committee on Business, Labor and Consumer Affairs without recommendation as to passage. Bill referred to Committee on Revenue by prior reference.

HB 3316 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

HB 3318 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 3623, 3624 – Read first time and passed to Speaker's desk for referral.

HB 3623, 3624 – Referred from Speaker's desk to the following committees: 3624 – Audit and Human Services Budget Reform with subsequent referral to Ways and Means; 3623 – Rules and Public Affairs.

HB 2103, 2174, 2383, 2444, 2670, 2725, 2945, 2961, 2965, 3122, 3159, 3615 – Read second time and passed to third reading.

HB 2416 (A-Engrossed) – Read third time. Carried by Close.

Call of the House demanded by Close, joined by Nelson, Brown, Gallegos, Flores and Backlund. All present except: Excused (not subject to Call), 1 – Morgan.

HB 2416 (A-Engrossed) – On passage of the bill the vote was: Yeas, 32; Nays, 27 – Ackerman, Avakian, Barker, Barnhart, Bates, Berger, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Shetterly, Tomei, Williams, Wirth; Excused, 1 – Morgan. Bill passed.

HB 3224 (A-Engrossed) – Read third time. Carried by Avakian. On passage of the bill the vote was: Yeas, 57; Nays, 1 – Prozanski; Excused, 1 – Morgan; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 3339 (A-Engrossed) – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 58; Excused, 1 – Morgan; Excused for

business of the House, 1 – Speaker Minnis. Bill passed.

HB 3363 (A-Engrossed) – Read third time. Carried by Barker. On passage of the bill the vote was: Yeas, 58; Excused, 1 – Morgan; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 3601 (A-Engrossed) – Read third time. Carried by Smith P. On passage of the bill the vote was: Yeas, 59; Excused, 1 – Morgan. Bill passed.

HB 2331 – Read third time. Carried by Butler. On passage of the bill the vote was: Yeas, 58; Absent, 1 – Jensen; Excused, 1 – Morgan. Bill passed.

HB 2340 (B-Engrossed) – Read third time. Carried by Patridge. On passage of the bill the vote was: Yeas, 58; Absent, 1 – Barker; Excused, 1 – Morgan. Bill passed.

HB 2732 – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 59; Excused, 1 – Morgan. Bill passed.

HB 3183, 3297 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills taken from today's Third Reading of House Bills and placed in their proper order on Wednesday's, April 23, 2003 Calendar.

HB 2019 (A-Engrossed) – Read third time. Carried by Close. On passage of the bill the vote was: Yeas, 59; Excused, 1 – Morgan. Bill passed.

HB 3211 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit third reading and final consideration immediately.

HB 3211 – Read third time. Zauner moved bill be rereferred to Committee on Environment and Land Use. Motion carried on viva voce vote. Bill rereferred.

2043, 2168, 2298, 2436, 2521, 2625, 2717, 2847, 3163, 3313, 3446, 3508, 2627, 2631, 2729, 2733, 2803, 2877, 3048, 3145, 3174, 3218, 3476 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Wednesday's, April 23, 2003 Calendar.

SB 471, 764 – Read first time and passed to Speaker's desk for referral.

SB 471, 764 – Referred from Speaker's desk to the following committees: 764 – Judiciary; 471 – Transportation.

SB 130, 388 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of Senate Bills carried over and placed in their proper order on Wednesday's, April 23, 2003 Calendar.

HB 2055 – Speaker signed.

House adjourned until 11:00 a.m., Wednesday, April 23, 2003 on motion of Jensen.

### **Wednesday, April 23, 2003 – Morning Session**

House convened at 11:00 a.m. Gallegos in Chair. All present except: Absent, 1 – Nelson; Excused, 3 – Hunt, Kruse, Morgan; Excused for business of the House, 1 – Speaker Minnis.

Williams in Chair.

Opening Ceremony presented by Sonshine School second grade class, teacher Mr. Sayre, Salem.

HB 2312, 2546 – Message from the Governor announcing he signed on April 21, 2003.

SB 47, 129, 426, 858, HB 2517 – Message from the Senate announcing passage.

HJM 3, HJR 16 – Message from the Senate announcing adoption.

HB 2069 – Report by Committee on Judiciary recommending passage and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 2410 – Report by Committee on General Government recommending passage with amendments and be printed A-Engrossed.

HB 2658 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2664 – Report by Committee on Revenue recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 2694 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2744 – Report by Committee on Education recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 2864 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2888 – Report by Committee on Health and Human Services recommending passage. Bill referred to Committee on Ways and Means by prior reference.



HB 2904 – Report by Committee on Education recommending passage. Bill referred to Committee on Ways and Means by prior reference.

HB 2915 – Report by Committee on Agriculture and Natural Resources recommending passage, subsequent referral to Committee on Ways and Means be rescinded, and be placed on the Consent Calendar. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 3024 – Report by Committee on Health and Human Services without recommendation as to passage. Bill referred to Committee on Ways and Means by prior reference.

HB 3061 – Report by Committee on Environment and Land Use recommending passage with amendments, be printed A-Engrossed, and be placed on the Consent Calendar.

HB 3108 – Report by Committee on Water recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 3118 – Report by Committee on Revenue recommending passage and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 3172 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

HB 3175 – Report by Committee on Environment and Land Use recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 3184 – Report by Committee on Revenue recommending passage with amendments and be printed A-Engrossed.

HB 3219 – Report by Committee on General Government recommending passage. Bill referred to Committee on Ways and Means by prior reference.

HB 3274 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 3376 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 3570 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 3609 – Report by Committee on General Government recommending passage.

HB 3613 – Report by Committee on Trade and Economic Development recommending passage.

HJR 35 – Report by Committee on Environment and Land Use without recommendation as to adoption and be referred to Committee on Revenue. Bill referred to Committee on Revenue by order of the Speaker.

HM 4 – Report by Committee on General Government recommending adoption.

HM 4 – Report by Minority of Committee on General Government, signed by Prozanski and Wirth, recommending adoption with amendments and be printed A-Engrossed.

HM 5 – Report by Committee on General Government recommending adoption.

HM 5 – Report by Minority of Committee on General Government, signed by Prozanski and Wirth, recommending adoption with amendments and be printed A-Engrossed.

HM 6 – Report by Committee on General Government recommending adoption.

HB 3625, 3626 – Read first time and passed to Speaker's desk for referral.

HB 2369, 2843, 2910, 3060, 3072, 3144, 3196, 3206, 3212, 3272, 3316, 3422 – Read second time and passed to third reading.

HB 3122 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 55; Absent, 1 – Nelson; Excused, 3 – Hunt, Kruse, Morgan; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 3615 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 54; Nays, 1 – March; Absent, 1 – Nelson; Excused, 3 – Hunt, Kruse, Morgan; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 3183 – Read third time. Carried by Scott.

Speaker Pro Tempore in Chair.

HB 3183 – On passage of the bill the vote was: Yeas, 38; Nays, 18 – Ackerman, Barker, Barnhart, Bates, Beyer, Dingfelder, Greenlick, Kafoury, Macpherson, March, Merkley, Nolan, Prozanski, Rosenbaum, Schaufler, Smith G., Tomei, Wirth; Absent, 1 – Nelson; Excused, 2 – Kruse, Morgan; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted against HB 3183 because:

"Upon further reflection, this bill is premature. The major change in corporate taxes from 2001 should be allowed to work before additional expensive changes are made."

HB 3297 – Read third time. Carried by Flores. On passage of the bill the vote was: Yeas, 42; Nays, 15 – Ackerman, Barnhart, Dingfelder, Greenlick, Hass, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Tomei, Wirth; Absent, 1 – Nelson; Excused, 2 – Kruse, Morgan. Bill passed.

HB 2043 (A-Engrossed) – Read third time. Carried by Williams. On passage of the bill the vote was: Yeas, 41; Nays, 16 – Anderson, Butler, Close, Doyle, Garrard, Gilman, Jenson, Krieger, Miller, Richardson, Smith G., Smith P., Smith T., Verger, Westlund, Zauner; Absent, 1 – Kropf; Excused, 2 – Kruse, Morgan. Bill passed.

HB 2168 (A-Engrossed) – Read third time. Carried by Farr. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Kruse, Morgan. Bill passed.

HB 2298 (A-Engrossed) – Read third time. Carried by Butler. On passage of the bill the vote was: Yeas, 57; Absent, 1 – Mabrey; Excused, 2 – Kruse, Morgan. Bill passed.

HB 2436 (A-Engrossed) – Read third time. Carried by Kropf.

By unanimous consent, on request of Prozanski, rules suspended to permit use of visual aid during debate of bill.

Previous question moved by Krummel, carried.

Call of the House demanded by Kropf, joined by Brown, Smith G., Hansen, Merkley and Hunt. All present except: Excused (not subject to Call), 2 – Kruse, Morgan.

HB 2436 (A-Engrossed) – On passage of the bill the vote was: Yeas, 35; Nays, 23 – Ackerman, Avakian, Barker, Barnhart, Bates, Dalto, Dingfelder, Greenlick, Hansen, Hass, Kafoury, Kitts, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Shetterly, Tomei, Williams, Wirth; Excused, 2 – Kruse, Morgan. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted against HB 2436 because:

"This measure does not increase public safety. It does allow sport hunters to hunt with dogs for sport. The voters have twice said they oppose sport hunting of bear or cougar with dogs. Under existing law any bear or cougar which behaves in a dangerous manner may be killed without a permit."

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted against HB 2436 because it does not address public safety issues. Instead, it overturns the will of the voters to eliminate sport hunting of cougars with dogs and baiting. The voters have voted twice to ban such sport hunting practices.

"Currently, dogs may be used to track cougars that are deemed to be a risk to public safety and property. HB 2436 does not provide ODFW with any additional 'tools' to deal with problem cougars. It only re-opens trophy hunting for large male cougars.

"If we truly wanted to give an additional tool to ODFW to deal with the increased population of cougars, HB 2436 should have provided the ODFW the authority to conduct controlled hunts in areas where the cougar population has increased above an acceptable level. Further, the bill should have required any male cougar treed, including and especially juveniles, be killed.

"Unfortunately, I anticipate that the sport hunting industry will use HB 2436 as a means to hunt trophy-size cats. In my opinion, this will not effectively deal with over population concerns and circumvents the intent of the voters when Measure 18 was passed."

House recessed until 3:30 p.m. on motion of Jenson.

### Wednesday, April 23, 2003 – Afternoon Session

House reconvened at 3:30 p.m. Speaker Pro Tempore in Chair. All present except: Excused, 2 – Kruse, Morgan; Excused for business of the House, 7 – Dingfelder, Jenson, Krummel, Miller, Prozanski, Williams, Speaker Minnis.

Having recessed under the order of business of Third Reading of House Bills, the House continued under that order of business.

HB 2145 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit second reading, and third reading and final consideration immediately.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily return to the order of business of Second Reading of House Bills.

HB 2145 – Read second time and passed to third reading.

HB 2145 (B-Engrossed) – Read third time. Carried by Doyle. On passage of the bill the vote was: Yeas, 51; Excused, 2 – Kruse, Morgan; Excused for business of the House, 7 – Dingfelder, Jenson, Krummel, Miller, Prozanski, Williams, Speaker Minnis. Bill passed.

HB 2521 (A-Engrossed) – Read third time. Carried by Kropf. On passage of the bill the vote was: Yeas, 55; Excused, 2 – Kruse, Morgan; Excused for business of the House, 3 – Dingfelder, Jenson, Miller. Bill passed.

HB 2625 – Read third time. Carried by Berger. On passage of the bill the vote was: Yeas, 54; Nays, 1 – Nolan; Excused, 2 – Kruse, Morgan; Excused for business of the House, 3 – Dingfelder, Jenson, Miller. Bill passed.

HB 2717 (A-Engrossed) – Read third time. Carried by Rosenbaum. On passage of the bill the vote was: Yeas, 55; Excused, 2 – Kruse, Morgan;

Excused for business of the House, 3 – Dingfelder, Jenson, Miller. Bill passed.

HB 2847 (A-Engrossed) – Read third time. Carried by Smith T. On passage of the bill the vote was: Yeas, 55; Excused, 2 – Kruse, Morgan; Excused for business of the House, 3 – Dingfelder, Doyle, Jenson. Bill passed.

HB 3163 (A-Engrossed) – Read third time. Carried by Kitts.

Potential conflict of interest declared by Rosenbaum.

HB 3163 (A-Engrossed) – On passage of the bill the vote was: Yeas, 56; Excused, 2 – Kruse, Morgan; Excused for business of the House, 2 – Dingfelder, Jenson. Bill passed.

HB 3313 – Read third time. Carried by Garrard.

By unanimous consent, on request of Garrard, rules suspended to permit use of a visual aid during presentation of bill.

HB 3313 – On passage of the bill the vote was: Yeas, 52; Nays, 3 – Barker, Barnhart, Prozanski; Excused, 2 – Kruse, Morgan; Excused for business of the House, 3 – Dingfelder, Jenson, Speaker Minnis. Bill passed.

HB 3446 – Read third time. Carried by Doyle. On passage of the bill the vote was: Yeas, 48; Nays, 9 – Dingfelder, Hansen, Hass, Johnson, March, Prozanski, Tomei, Verger, Wirth; Excused, 2 – Kruse, Morgan; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 3508 – Read third time. Carried by Anderson.

Doyle in Chair.

HB 3508 – On passage of the bill the vote was: Yeas, 47; Nays, 10 – Avakian, Barnhart, Beyer, Greenlick, March, Monnes Anderson, Nolan, Rosenbaum, Smith P., Wirth; Excused, 2 – Kruse, Morgan; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 2627 – Read third time. Carried by Rosenbaum. On passage of the bill the vote was: Yeas, 57; Excused, 2 – Kruse, Morgan; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 2631 (A-Engrossed) – Read third time. Carried by Jenson. On passage of the bill the vote was: Yeas, 50; Nays, 7 – Ackerman, Avakian, Hunt, Monnes Anderson, Nolan, Rosenbaum, Verger; Excused, 2 – Kruse, Morgan; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 2729 (A-Engrossed) – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 57; Excused, 2 – Kruse, Morgan; Excused

for business of the House, 1 – Speaker Minnis. Bill passed.

HB 2733 (A-Engrossed) – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 56; Absent, 1 – Jenson; Excused, 2 – Kruse, Morgan; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 2803 (A-Engrossed) – Read third time. Carried by Barker. On passage of the bill the vote was: Yeas, 57; Excused, 2 – Kruse, Morgan; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 2877 – Read third time. Carried by Ackerman. On passage of the bill the vote was: Yeas, 35; Nays, 22 – Avakian, Barnhart, Beyer, Dingfelder, Farr, Greenlick, Hansen, Hunt, Kafoury, Kitts, March, Merkley, Nelson, Nolan, Prozanski, Rosenbaum, Schaufler, Shetterly, Smith P., Tomei, Verger, Wirth; Excused, 2 – Kruse, Morgan; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 3048 – Read third time. Carried by Kitts. On passage of the bill the vote was: Yeas, 57; Excused, 2 – Kruse, Morgan; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 3145 (A-Engrossed) – Read third time. Carried by Gallegos. On passage of the bill the vote was: Yeas, 43; Nays, 13 – Barker, Barnhart, Bates, Dingfelder, Greenlick, Hansen, Kafoury, March, Merkley, Monnes Anderson, Prozanski, Tomei, Wirth; Excused, 2 – Kruse, Morgan; Excused for business of the House, 2 – Shetterly, Speaker Minnis. Bill passed.

HB 3174 (A-Engrossed) – Read third time. Carried by Schaufler. On passage of the bill the vote was: Yeas, 56; Excused, 2 – Kruse, Morgan; Excused for business of the House, 2 – Shetterly, Speaker Minnis. Bill passed.

HB 3218 (A-Engrossed) – Read third time. Carried by Kitts. On passage of the bill the vote was: Yeas, 56; Excused, 2 – Kruse, Morgan; Excused for business of the House, 2 – Shetterly, Speaker Minnis. Bill passed.

HB 3476 – Read third time. Carried by Merkley.

Speaker Pro Tempore in Chair.

HB 3476 – On passage of the bill the vote was: Yeas, 57; Excused, 2 – Kruse, Morgan; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 2103 (A-Engrossed) – Read third time. Carried by Krummel. On passage of the bill the vote was: Yeas, 51; Nays, 6 – Butler, Close, Garrard, Gilman, Nelson, Smith P.; Excused, 2 – Kruse, Morgan; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 2174 (A-Engrossed) – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 57; Excused, 2 – Kruse, Morgan; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 2383 (A-Engrossed) – Read third time. Carried by Garrard. On passage of the bill the vote was: Yeas, 55; Nays, 1 – Butler; Excused, 2 – Kruse, Morgan; Excused for business of the House, 2 – Bates, Speaker Minnis. Bill passed.

HB 2444 – Read third time. Carried by Backlund. On passage of the bill the vote was: Yeas, 56; Excused, 2 – Kruse, Morgan; Excused for business of the House, 2 – Bates, Speaker Minnis. Bill passed.

HB 2670 (A-Engrossed) – Read third time. Carried by Greenlick. On passage of the bill the vote was: Yeas, 55; Nays, 1 – Nelson; Excused, 2 – Kruse, Morgan; Excused for business of the House, 2 – Bates, Speaker Minnis. Bill passed.

HB 2725, 2945, 2961, 2965, 3159 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Thursday's, April 24, 2003 Calendar.

SB 47, 129, 426, 858 – Read first time and passed to Speaker's desk for referral.

SB 130, 388 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of Senate Bills carried over and placed in their proper order on Thursday's, April 24, 2003 Calendar.

HB 3446 – By unanimous consent, on request of Knopp, rules suspended to allow Kafoury to change her vote from "aye" to "nay" on passage of bill.

HB 3446 – By unanimous consent, on request of Knopp, rules suspended to allow Nolan to change her vote from "aye" to "nay" on passage of bill.

HB 2877 – By unanimous consent, on request of Knopp, rules suspended to allow Monnes Anderson to change her vote from "aye" to "nay" on passage of bill.

House adjourned until 11:00 a.m., Thursday, April 24, 2003 on motion of Jensen.

#### **Thursday, April 24, 2003 – Morning Session**

House convened at 11:00 a.m. Gallegos in Chair. All present except: Excused, 3 – Dalto, Kruse, Zauner.

Opening Ceremony presented by The Hanson Family Singers, Elmira.

HB 2055 – Message from the Senate announcing President signed on April 23, 2003.

SB 212, 260, 628, 876, HB 2219, 2252, 2333 – Message from the Senate announcing passage.

HB 2240, 2338 – Message from the Senate announcing passage as amended by the Senate.

HB 2020 – Report by Committee on Public Employees Retirement System recommending passage with amendments and be printed A-Engrossed.

HB 2020 – Report by Minority of Committee on Public Employees Retirement System, signed by Kafoury and Macpherson, recommending passage with amendments and be printed A-Engrossed.

HB 2233 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 2278 (A-Engrossed) – Report by Committee on General Government recommending passage with amendments and be printed B-Engrossed.

HB 2433 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 2455 (A-Engrossed) – Report by Committee on Transportation recommending passage with amendments and be printed B-Engrossed.

HB 2574 – Report by Committee on Agriculture and Natural Resources recommending passage with amendments and be printed A-Engrossed.

HB 2739 – Report by Committee on General Government recommending passage with amendments and be printed A-Engrossed.

HB 2893 – Report by Committee on Agriculture and Natural Resources recommending passage with amendments and be printed A-Engrossed.

HB 2912 – Report by Committee on Environment and Land Use recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2964 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed.

HB 3157 – Report by Committee on Health and Human Services recommending passage with amendments, be printed A-Engrossed, and be placed on the Consent Calendar.

HB 3187 – Report by Committee on Transportation recommending passage with amendments, be printed A-Engrossed, and be placed on the Consent Calendar.

HB 3240 – Report by Committee on Transportation recommending passage with

amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 3557 – Report by Committee on Education recommending passage.

HB 3583 – Report by Committee on Transportation recommending passage with amendments and be printed A-Engrossed.

HCR 8 – Report by Committee on Rules and Public Affairs recommending adoption.

HCR 9 – Report by Committee on Rules and Public Affairs recommending adoption.

SB 238 – Report by Committee on Education recommending passage.

SB 403 – Report by Committee on Health and Human Services recommending passage and be placed on the Consent Calendar.

SB 404 – Report by Committee on Health and Human Services recommending passage and be placed on the Consent Calendar.

SB 648 – Report by Committee on Health and Human Services recommending passage and be placed on the Consent Calendar.

HB 3627, 3628 – Read first time and passed to Speaker's desk for referral.

HB 2069, 2148, 2235, 2238, 2279, 2324, 2344, 2388, 2581, 2661, 2711, 2765, 2785, 2881, 2905, 2939, 3152, 3172, 3228, 3245, 3318, 3609, 3613 – Read second time and passed to third reading.

Speaker Pro Tempore in Chair.

HB 2725 (A-Engrossed) – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 56; Excused, 3 – Dalto, Kruse, Zauner; Excused for business of the House, 1 – Miller. Bill passed.

HB 2945 (A-Engrossed) – Read third time. Carried by Richardson. On passage of the bill the vote was: Yeas, 53; Nays, 2 – Barnhart, Wirth; Absent, 1 – Farr; Excused, 3 – Dalto, Kruse, Zauner; Excused for business of the House, 1 – Miller. Bill passed.

HB 2961 – Read third time. Carried by Mabrey. On passage of the bill the vote was: Yeas, 40; Nays, 16 – Barker, Barnhart, Dingfelder, Hansen, Hass, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Tomei, Wirth; Excused, 3 – Dalto, Kruse, Zauner; Excused for business of the House, 1 – Williams. Bill passed.

HB 2965 (A-Engrossed) – Read third time. Carried by Kitts.

Potential conflict of interest declared by Kitts.

Potential conflict of interest declared by Flores.

HB 2965 (A-Engrossed) – On passage of the bill the vote was: Yeas, 56; Nays, 1 – Verger; Excused, 3 – Dalto, Kruse, Zauner. Bill passed.

HB 3159 (A-Engrossed) – Read third time. Carried by Kitts. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Dalto, Kruse, Zauner. Bill passed.

HB 2369 – Read third time. Carried by Smith T. On passage of the bill the vote was: Yeas, 33; Nays, 24 – Avakian, Barker, Barnhart, Berger, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Shetterly, Verger, Wirth; Excused, 3 – Dalto, Kruse, Zauner. Bill passed.

HB 2843, 2910, 3060, 3072, 3144, 3196, 3206, 3212, 3272, 3316, 3422 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Monday's, April 28, 2003 Calendar.

HM 6 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and memorial remaining on today's Final Reading of Memorials and Resolutions carried over and placed in its proper order on Monday's, April 28, 2003 Calendar.

SB 212, 260, 628, 876 – Read first time and passed to Speaker's desk for referral.

SB 130, 388 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of Senate Bills carried over and placed in their proper order on Monday's, April 28, 2003 Calendar.

HB 2369 – By unanimous consent, on request of Knopp, rules suspended to permit Tomei to change her vote from "aye" to "nay" on passage of bill.

House adjourned until 11:00 a.m., Monday, April 28, 2003 on motion of Jenson.

#### **Monday, April 28, 2003 – Morning Session**

House convened at 10:45 a.m. Speaker Pro Tempore in Chair. All present except: Absent, 2 – Kropf, Nelson; Excused, 3 – Farr, Garrard, Monnes Anderson; Excused for business of the House, 5 – Bates, Kruse, Miller, Westlund, Speaker Minnis.

Opening Ceremony presented by Stephens Middle School Folk Dancers, teacher Stuart Charleston, Salem.

HB 2130 – Message from the Governor announcing he signed on April 24, 2003.

SB 14, 17, 56, 115, 292, 325, 391, 499, 617, 618, 807, 882, HB 2429, 2439, 2054, 2061, 2087, 2269, 2489, 2650, 3001 – Message from the Senate announcing passage.

HB 2646 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2647 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2696 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2706 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2749 – Report by Committee on Transportation recommending passage with amendments and be printed A-Engrossed.

HB 2768 – Report by Committee on Transportation recommending passage with amendments and be printed A-Engrossed.

HB 2860 – Report by Committee on Environment and Land Use recommending passage with amendments and be printed A-Engrossed.

HB 2898 – Report by Committee on Environment and Land Use recommending passage.

HB 2970 – Report by Committee on Health and Human Services recommending passage. Bill referred to Committee on Ways and Means by prior reference.

HB 2999 (A-Engrossed) – Report by Committee on Revenue recommending passage.

HB 3011 – Report by Committee on Health and Human Services recommending passage. Bill referred to Committee on Ways and Means by prior reference.

HB 3012 – Report by Committee on Health and Human Services recommending passage. Bill referred to Committee on Ways and Means by prior reference.

HB 3259 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 3330 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 3346 – Report by Committee on Judiciary recommending passage.

HB 3539 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 3584 – Report by Committee on Trade and Economic Development recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

SB 182 – Report by Committee on Transportation recommending passage and be placed on the Consent Calendar.

SB 187 – Report by Committee on Transportation recommending passage and be placed on the Consent Calendar.

SB 188 – Report by Committee on Transportation recommending passage and be placed on the Consent Calendar.

SB 246 – Report by Committee on Transportation recommending passage and be placed on the Consent Calendar.

SB 247 – Report by Committee on Transportation recommending passage and be placed on the Consent Calendar.

SB 276 (A-Engrossed) – Report by Committee on Transportation recommending passage and be placed on the Consent Calendar.

SB 525 (A-Engrossed) – Report by Committee on Education recommending passage with amendments and be printed B-Engrossed.

HB 2338 (B-Engrossed) – Brown moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 49; Nays, 1 – Butler; Absent, 2 – Kropf, Nelson; Excused, 3 – Farr, Garrard, Monnes Anderson; Excused for business of the House, 5 – Bates, Kruse, Miller, Westlund, Speaker Minnis. Bill repassed.

HM 4 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and Committee and Minority Reports along with memorial rereferred to Committee on General Government.

HM 5 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and Committee and Minority Reports along with memorial rereferred to Committee on General Government.

HCR 9 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and resolution made a Special Order of Business immediately following the order of business of Special Committee Reports on Monday's, May 12, 2003 Calendar.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 2410, 2658, 2664, 2694, 2744, 2864, 2915, 3061, 3175, 3184, 3274, 3376, 3557 – Read second time and passed to third reading.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of Consent Calendar.

HB 2324 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 51; Absent, 1 – Nelson; Excused, 3 – Farr, Garrard, Monnes Anderson; Excused for business of the House, 5 – Bates, Kruse, Miller, Westlund, Speaker Minnis. Bill passed.

HB 2661 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 49; Nays, 2 – Anderson, Close; Absent, 1 – Nelson; Excused, 3 – Farr, Garrard, Monnes Anderson; Excused for business of the House, 5 – Bates, Kruse, Miller, Westlund, Speaker Minnis. Bill passed.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 2843 – Read third time. Carried by Dalto. On passage of the bill the vote was: Yeas, 52; Nays, 1 – Richardson; Excused, 3 – Farr, Garrard, Monnes Anderson; Excused for business of the House, 4 – Bates, Miller, Westlund, Speaker Minnis. Bill passed.

Richardson requested the following explanation of his vote be entered in the Journal:

“I have great respect and concern for Oregon’s talented and gifted students. Nevertheless, I voted against HB 2843 because it requires schools to bear additional record keeping duties without justifying the need for this additional responsibility. This bill also does not specify how the collected data would be used, or what the anticipated costs would be to our already-overburdened schools.”

HB 2240 (A-Engrossed) – Kruse moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 52; Nays, 1 – Close; Excused, 3 – Farr, Garrard, Monnes Anderson; Excused for business of the House, 4 – Bates, Miller, Westlund, Speaker Minnis. Bill repassed.

HB 3625, 3626, 3627, 3628 – Referred from Speaker’s desk to the following committees: 3626 – Environment and Land Use; 3625 – General Government; 3627 – Rules and Public Affairs; 3628 – Transportation with subsequent referral to Ways and Means.

HB 2910 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill taken from today’s Third Reading of House Bills and placed

in its proper order on Tuesday’s, April 29, 2001 Calendar.

HB 3060 (A-Engrossed) – Read third time. Carried by Nelson. On passage of the bill the vote was: Yeas, 53; Excused, 3 – Farr, Garrard, Monnes Anderson; Excused for business of the House, 4 – Bates, Miller, Westlund, Speaker Minnis. Bill passed.

HB 3072 (A-Engrossed) – Read third time. Carried by Butler. On passage of the bill the vote was: Yeas, 44; Nays, 9 – Avakian, Close, Greenlick, Hunt, Kafoury, March, Nolan, Richardson, Verger; Excused, 3 – Farr, Garrard, Monnes Anderson; Excused for business of the House, 4 – Bates, Miller, Westlund, Speaker Minnis. Bill passed.

HB 3144 – Read third time. Carried by Rosenbaum. On passage of the bill the vote was: Yeas, 48; Nays, 4 – Dingfelder, Nolan, Tomei, Wirth; Excused, 3 – Farr, Garrard, Monnes Anderson; Excused for business of the House, 5 – Bates, Butler, Miller, Westlund, Speaker Minnis. Bill passed.

HB 3196 (A-Engrossed) – Read third time. Carried by Macpherson.

Williams in Chair.

HB 3196 (A-Engrossed) – On passage of the bill the vote was: Yeas, 44; Nays, 2 – Close, Kruse; Excused, 3 – Farr, Garrard, Monnes Anderson; Excused for business of the House, 11 – Bates, Butler, Hansen, Johnson, Krieger, Miller, Morgan, Smith G., Smith T., Westlund, Speaker Minnis. Bill passed.

HB 3206 (A-Engrossed) – Read third time. Carried by Kitts. On passage of the bill the vote was: Yeas, 46; Excused, 3 – Farr, Garrard, Monnes Anderson; Excused for business of the House, 11 – Bates, Butler, Hansen, Johnson, Krieger, Miller, Morgan, Smith G., Smith T., Westlund, Speaker Minnis. Bill passed.

HB 3212 (A-Engrossed) – Read third time. Carried by Mabrey. On passage of the bill the vote was: Yeas, 42; Nays, 2 – Macpherson, Verger; Absent, 1 – Kruse; Excused, 3 – Farr, Garrard, Monnes Anderson; Excused for business of the House, 12 – Bates, Butler, Doyle, Hansen, Johnson, Krieger, Miller, Morgan, Smith G., Smith T., Westlund, Speaker Minnis. Bill passed.

HB 3272 (A-Engrossed) – Read third time. Carried by Kitts.

By unanimous consent, on request of Kitts, rules suspended to permit use of visual aid during presentation of bill.

Call of the House demanded by Krummel, joined by Kropf, Backlund, Knopp, Nelson and Barnhart. All present except: Excused (not subject to Call), 3 – Farr, Garrard, Monnes Anderson.

HB 3272 (A-Engrossed) – On passage of the bill the vote was: Yeas, 40; Nays, 17 – Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Kafoury, March, Merkley, Nolan, Prozanski, Rosenbaum, Shetterly, Tomei, Verger, Wirth; Excused, 3 – Farr, Garrard, Monnes Anderson. Bill passed.

HB 3316 – Read third time. Carried by Knopp. On passage of the bill the vote was: Yeas, 48; Nays, 1 – Nolan; Excused, 3 – Farr, Garrard, Monnes Anderson; Excused for business of the House, 8 – Butler, Krieger, Macpherson, Miller, Morgan, Patridge, Smith G., Smith T. Bill passed.

HB 3422 (A-Engrossed) – Read third time. Carried by Gallegos. On passage of the bill the vote was: Yeas, 49; Excused, 3 – Farr, Garrard, Monnes Anderson; Excused for business of the House, 8 – Butler, Krieger, Macpherson, Miller, Morgan, Patridge, Smith G., Smith T. Bill passed.

HB 2069, 2148, 2235, 2238, 2279, 2344, 2388, 2581, 2711, 2765, 2785, 2881, 2939, 3152, 3172, 3228, 3245, 3318, 3609, 3613 – By unanimous consent, on request of Chair, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Tuesday's, April 29, 2003 Calendar.

HB 2905 – Read third time. Greenlick moved bill be rereferred to Committee on Environment and Land Use. Motion carried on viva voce vote. Bill rereferred.

HM 6, HCR 8 – By unanimous consent, on request of Chair, rules suspended and measures remaining on today's Final Reading of Memorials and Resolutions carried over and placed in their proper order on Tuesday's, April 29, 2003 Calendar.

SB 14, 17, 56, 115, 292, 325, 391, 499, 617, 618, 807, 882 – Read first time and passed to Speaker's desk for referral.

SB 47, 129, 212, 260, 426, 628, 858, 876 – Referred from Speaker's desk to the following committees: 260 – Business, Labor and Consumer Affairs; 129 – Education with subsequent referral to Ways and Means; 876 – General Government; 47, 426, 628 – Judiciary; 858 – Revenue; 212 – Rules and Public Affairs.

SB 238 – Read second time and passed to third reading.

SB 130, 388 – By unanimous consent, on request of Chair, rules suspended and bills remaining on today's Third Reading of Senate Bills carried over and placed in their proper order on Tuesday's, April 29, 2003 Calendar.

House adjourned until 11:00 a.m., Tuesday, April 29, 2003 on motion of Jenson.

#### **Tuesday, April 29, 2003 – Morning Session**

House convened at 11:00 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 1 – Westlund.

Opening Ceremony presented by Stephanie Shankland, Lake Oswego.

HB 2145, SB 38, 69, 308, 332, 348, 515 – Message from the Senate announcing passage.

HB 2003 – Report by Committee on Public Employees Retirement System recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 2094 – Report by Committee on Judiciary recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 2172 – Report by Committee on Business, Labor and Consumer Affairs recommending passage. Bill referred to Committee on Ways and Means by prior reference.

HB 2296 – Report by Committee on Trade and Economic Development recommending passage with amendments, be printed A-Engrossed, and be referred to Committee on Revenue. Bill referred to Committee on Revenue by order of the Speaker.

HB 2356 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 2447 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 2523 – Report by Committee on Judiciary recommending passage and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 2575 – Report by Committee on Education recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 2578 – Report by Committee on Transportation without recommendation as to passage and be referred to Committee on Judiciary. Bill referred to Committee on Judiciary by order of the Speaker.



HB 2607 – Report by Committee on Environment and Land Use recommending passage with amendments and be printed A-Engrossed.

HB 2737 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 2824 – Report by Committee on Business Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 2865 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2884 – Report by Committee on Health and Human Services recommending passage with amendments, be printed A-Engrossed, and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 2894 – Report by Committee on Education recommending passage with amendments and be printed A-Engrossed.

HB 2943 – Report by Committee on Health and Human Services recommending passage with amendments, be printed A-Engrossed, and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 3013 – Report by Committee on Environment and Land Use recommending passage.

HB 3017 – Report by Committee on Environment and Land Use recommending passage with amendments and be printed A-Engrossed.

HB 3021 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 3093 – Report by Committee on Rules and Public Affairs recommending passage with amendments, be printed A-Engrossed, and be placed on the Consent Calendar.

HB 3126 – Report by Committee on Agriculture and Natural Resources recommending passage with amendments and be printed A-Engrossed.

HB 3170 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 3247 – Report by Committee on Environment and Land Use recommending passage with amendments and be printed A-Engrossed.

HB 3252 – Report by Committee on Agriculture and Natural Resources recommending passage with amendments and be printed A-Engrossed. Bill

referred to Committee on Ways and Means by prior reference.

HB 3264 – Report by Committee on Agriculture and Natural Resources recommending passage with amendments and be printed A-Engrossed.

HB 3304 – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed A-Engrossed.

HB 3315 – Report by Committee on Environment and Land Use recommending passage.

HB 3354 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 3380 – Report by Committee on General Government recommending passage with amendments and be printed A-Engrossed.

HB 3396 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 3408 – Report by Committee on Environment and Land Use recommending passage with amendments and be printed A-Engrossed.

HB 3431 – Report by Committee on Health and Human Services recommending passage with amendments, be printed A-Engrossed, subsequent referral to Committee on Ways and Means be rescinded, and be placed on the Consent Calendar. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 3458 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

HB 3548 – Report by Committee on Trade and Economic Development recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 3561 – Report by Committee on Environment and Land Use recommending passage.

HB 3606 – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed A-Engrossed.

SB 9 (A-Engrossed) – Report by Committee on General Government recommending passage.

SB 157 – Report by Committee on General Government recommending passage.

SB 211 – Report by Committee on General Government recommending passage.

SB 221 – Report by Committee on Revenue recommending passage.

SB 225 – Report by Committee on Revenue recommending passage with amendments, be printed A-Engrossed, and be placed on the Consent Calendar.

SB 226 – Report by Committee on Revenue recommending passage with amendments and be printed A-Engrossed.

SB 310 – Report by Committee on Environment and Land Use recommending passage.

SB 328 (A-Engrossed) – Report by Committee on General Government recommending passage.

SB 374 (A-Engrossed) – Report by Committee on Education recommending passage.

SB 584 – Report by Committee on General Government recommending passage.

SB 667 (A-Engrossed) – Report by Committee on Environment and Land Use recommending passage.

SB 795 (A-Engrossed) – Report by Committee on Transportation recommending passage.

HB 2020, 2233, 2433, 2574, 2739, 2893, 2898, 2964, 2999, 3157, 3187, 3346, 3583 – Read second time and passed to third reading.

HB 2915 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 58; Nays, 1 – Prozanski; Excused, 1 – Westlund. Bill passed.

HB 3061 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 57; Absent, 2 – Dingfelder, Kitts; Excused, 1 – Westlund. Bill passed.

HB 2910 – Read third time. Garrard moved bill be rereferred to Committee on Environment and Land Use. Motion carried on viva voce vote. Bill rereferred.

HB 2069 – Read third time. Carried by Ackerman. On passage of the bill the vote was: Yeas, 59; Excused, 1 – Westlund. Bill passed.

HB 2148 (A-Engrossed) – Read third time. Carried by Krummel. On passage of the bill the vote was: Yeas, 43; Nays, 14 – Barker, Barnhart, Dingfelder, Greenlick, Hansen, Hass, Johnson, Kafoury, March, Monnes Anderson, Nolan, Rosenbaum, Tomei, Wirth; Excused, 1 – Westlund; Excused for business of the House, 2 – Verger, Speaker Minnis. Bill passed.

HB 2235 (A-Engrossed) – Read third time. Carried by Anderson. On passage of the bill the vote was: Yeas, 56; Absent, 1 – Close; Excused, 1 – Westlund; Excused for business of the House, 2 – Verger, Speaker Minnis. Bill passed.

HB 2238 (A-Engrossed) – Read third time. Carried by Jenson. On passage of the bill the vote was: Yeas, 57; Excused, 1 – Westlund; Excused for business of the House, 2 – Verger, Speaker Minnis. Bill passed.

HB 2279 (A-Engrossed) – Read third time. Carried by Barker. On passage of the bill the vote was: Yeas, 57; Excused, 1 – Westlund; Excused for business of the House, 2 – Verger, Speaker Minnis. Bill passed.

HB 2344 (A-Engrossed) – Read third time. Carried by Jenson, Kropf. On passage of the bill the vote was: Yeas, 58; Excused, 1 – Westlund; Excused for business of the House, 1 – Nolan. Bill passed.

HB 2388, 2581, 2711, 2765, 2785, 2881, 2939, 3152, 3172, 3228, 3245, 3318, 3609, 3613, 2278, 2410, 2455, 2658, 2664, 2694, 2744, 2864, 3175, 3184, 3274, 3376, 3557 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Wednesday's, April 30, 2003 Calendar.

HM 6, HCR 8 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and measures remaining on today's Final Reading of Memorials and Resolutions carried over and placed in their proper order on Wednesday's, April 30, 2003 Calendar.

SB 38, 69, 308, 332, 348, 515 – Read first time and passed to Speaker's desk for referral.

SB 403, 404, 648 – Read second time and passed to third reading.

SB 130, 388, 238 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of Senate Bills carried over and placed in their proper order on Wednesday's, April 30, 2003 Calendar.

HB 2145 – Speaker signed.

House adjourned until 10:45 a.m., Wednesday, April 30, 2003 on motion of Jenson.

#### **Wednesday, April 30, 2003 – Morning Session**

House convened at 10:45 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 3 – Bates, Nelson, Wirth.

Doyle in Chair.

Opening Ceremony presented by Pastor Lynne Smouse Lopez, Ainsworth United Church of Christ, Portland.

Opening Ceremony presented by Richmond Elementary School second grade class, teacher Jim Hicks, Salem.

Speaker Pro Tempore in Chair.

HB 2023, 2145, 2622 – Message from the Governor announcing he signed on April 29, 2003.

HB 2145 – Message from the Senate announcing President signed on April 29, 2003.

SB 457, 564, 787, 82, 206, 588, 711, 713, 714, 715 – Message from the Senate announcing passage.

HJR 48 – Message from the Senate announcing adoption.

HB 2342 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2378 – Report by Committee on Rules and Public Affairs recommending passage.

HB 2490 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2590 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2592 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2754 – Report by Committee on Agriculture and Natural Resources recommending passage.

HB 3120 – Report by Committee on Environment and Land Use recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 3156 – Report by Committee on Health and Human Services recommending passage with amendments, be printed A-Engrossed, and be placed on the Consent Calendar.

HB 3344 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 3411 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 3510 – Report by Committee on Transportation recommending passage and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 3520 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 3564 – Report by Committee on Education recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

SB 223 (A-Engrossed) – Report by Committee on Revenue recommending passage.

SB 229 (A-Engrossed) – Report by Committee on Revenue recommending passage.

SB 327 – Report by Committee on Revenue recommending passage.

HB 2020 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and consideration of Committee and Minority Reports taken from today's Propositions and Motions and placed in their proper order on Friday's, May 2, 2003 Calendar.

HB 3264 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill made a Special Order of Business as the first item on this afternoon's Third Reading Calendar.

HB 2003 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill made a Special Order of Business immediately following the order of business of Special Committee Reports on Friday's, May 2, 2003 Calendar.

HB 2646, 2647, 2696, 2706, 2749, 2768, 2860, 3013, 3259, 3315, 3330, 3458, 3539, 3561 – Read second time and passed to third reading.

HB 3157 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 53; Nays, 1 – Schaufler; Absent, 1 – Krummel; Excused, 3 – Bates, Nelson, Wirth; Excused for business of the House, 2 – Williams, Speaker Minnis. Bill passed.

HB 3187 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 53; Nays, 1 – Nolan; Absent, 1 – Krummel; Excused, 3 – Bates, Nelson, Wirth; Excused for business of the House, 2 – Williams, Speaker Minnis. Bill passed.

SB 403 – Read third time under Consent Calendar.

Gallegos in Chair.

SB 403 – On passage of the bill the vote was: Yeas, 54; Absent, 1 – Krummel; Excused, 3 – Bates, Nelson, Wirth; Excused for business of the House, 2 – Williams, Speaker Minnis. Bill passed.

SB 404 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas,

54; Absent, 1 – Krummel; Excused, 3 – Bates, Nelson, Wirth; Excused for business of the House, 2 – Williams, Speaker Minnis. Bill passed.

SB 648 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 49; Nays, 4 – Close, Kruse, Smith P., Smith T.; Absent, 1 – Macpherson; Excused, 3 – Bates, Nelson, Wirth; Excused for business of the House, 3 – Krummel, Williams, Speaker Minnis. Bill passed.

Speaker Pro Tempore in Chair.

HB 2388 (A-Engrossed) – Read third time. Carried by Beyer.

Potential conflict of interest declared by Verger.

HB 2388 (A-Engrossed) – On passage of the bill the vote was: Yeas, 54; Excused, 3 – Bates, Nelson, Wirth; Excused for business of the House, 3 – Krummel, Miller, Speaker Minnis. Bill passed.

HB 2581 (A-Engrossed) – Read third time. Carried by Ackerman. On passage of the bill the vote was: Yeas, 43; Nays, 12 – Avakian, Close, Dalto, Doyle, Jenson, Kruse, Nolan, Richardson, Shetterly, Smith G., Smith P., Westlund; Excused, 3 – Bates, Nelson, Wirth; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

HB 2711 (A-Engrossed) – Read third time. Carried by Jenson. On passage of the bill the vote was: Yeas, 54; Nays, 1 – Garrard; Excused, 3 – Bates, Nelson, Wirth; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

HB 2765 (A-Engrossed) – Read third time. Carried by Backlund. On passage of the bill the vote was: Yeas, 55; Excused, 3 – Bates, Nelson, Wirth; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

HB 2785 (A-Engrossed) – Read third time. Carried by Schaufler. On passage of the bill the vote was: Yeas, 55; Excused, 3 – Bates, Nelson, Wirth; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

HB 2881 (A-Engrossed) – Read third time. Carried by Hansen. On passage of the bill the vote was: Yeas, 54; Excused, 3 – Bates, Nelson, Wirth; Excused for business of the House, 3 – Miller, Williams, Speaker Minnis. Bill passed.

HB 2939 (A-Engrossed) – Read third time. Carried by Kruse. On passage of the bill the vote was: Yeas, 35; Nays, 19 – Ackerman, Barnhart, Beyer, Butler, Dingfelder, Greenlick, Hansen, Hass, Hunt, Kafoury, Macpherson, Merkley, Nolan, Prozanski, Rosenbaum, Schaufler, Smith P., Tomei, Wirth; Absent, 1 – Richardson; Excused, 2 – Bates, Nelson; Excused for business of the House, 3 – Westlund, Williams, Speaker Minnis. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on HB 2939-A because it will allow the Department of Human Services (DHS) to deny a person a medical marijuana registration permit card based on the person’s criminal history. The bill does not provide any guideline for when DHS should exercise its discretion. Would a twenty year-old drug conviction keep an individual from receiving a permit?

“It is my understanding that DHS does not have the authority to deny a person access to any other medicine based on their criminal history. If there is a concern that individuals might be abusing the program to gain access to medical marijuana, I would suggest that information be forwarded to the person’s health provider to allow the doctor to decide if the individual should have access to medical marijuana.”

HB 3152 (A-Engrossed) – Read third time. Carried by Knopp. On passage of the bill the vote was: Yeas, 51; Excused, 5 – Bates, Berger, Dalto, Doyle, Nelson; Excused for business of the House, 4 – Miller, Westlund, Williams, Speaker Minnis. Bill passed.

HB 3172 – Read third time. Carried by Patridge. On passage of the bill the vote was: Yeas, 51; Excused, 5 – Bates, Berger, Dalto, Doyle, Nelson; Excused for business of the House, 4 – Miller, Westlund, Williams, Speaker Minnis. Bill passed.

HB 3228 (A-Engrossed) – Read third time. Carried by Brown.

Kruse in Chair.

HB 3228 (A-Engrossed) – On passage of the bill the vote was: Yeas, 26; Nays, 26 – Ackerman, Avakian, Barker, Barnhart, Beyer, Brown, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Krieger, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Verger, Wirth; Excused, 5 – Bates, Berger, Dalto, Doyle, Nelson; Excused for business of the House, 3 – Miller, Williams, Speaker Minnis.

HB 3228 (A-Engrossed) – Brown changed his vote from “aye” to “nay” and served notice of possible reconsideration.

HB 3228 (A-Engrossed) – Bill failed.

HB 3245 (A-Engrossed) – Read third time. Carried by Smith G.

Potential conflict of interest declared by Verger.

HB 3245 (A-Engrossed) – On passage of the bill the vote was: Yeas, 51; Nays, 1 – Wirth; Excused, 5 – Bates, Berger, Dalto, Doyle, Nelson; Excused for business of the House, 3 – Miller, Williams, Speaker Minnis. Bill passed.

HB 3318 (A-Engrossed) – Read third time. Carried by Barker. On passage of the bill the vote was: Yeas, 54; Excused, 5 – Bates, Berger, Dalto, Doyle, Nelson; Excused for business of the House, 1 – Miller. Bill passed.

HB 3609 – Read third time. Carried by Farr, Gallegos, Smith P. On passage of the bill the vote was: Yeas, 53; Excused, 5 – Bates, Berger, Dalto, Doyle, Nelson; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

House recessed until 3:00 p.m. on motion of Jenson.

### **Wednesday, April 30, 2003 – Afternoon Session**

House reconvened at 3:00 p.m. Kruse in Chair. All present except: Excused, 2 – Bates, Nelson.

Having recessed under the order of business of Third Reading of House Bills, by unanimous consent, on request of Chair, rules suspended to temporarily return to the order of business of Second Reading of House Bills.

HB 3264 – By unanimous consent, on request of Chair, rules suspended to permit second reading immediately.

HB 3264 – Read second time and passed to third reading.

HB 3264 (A-Engrossed) – Read third time as a Special Order of Business. Carried by Kropf.

Call of the House demanded by Kropf, joined by Gallegos, Gilman, Brown, Backlund and Zauner. All present except: Excused (not subject to Call), 2 – Bates, Nelson.

HB 3264 (A-Engrossed) – On passage of the bill the vote was: Yeas, 44; Nays, 14 – Ackerman, Avakian, Barker, Barnhart, Dingfelder, Greenlick, Hass, Macpherson, March, Merkley, Monnes Anderson, Prozanski, Rosenbaum, Tomei; Excused, 2 – Bates, Nelson. Bill passed.

HB 3613 – Read third time. Carried by Greenlick.

Call of the House demanded by Greenlick, joined by March, Barker, Verger, Knopp and Brown. All present except: Excused (not subject to Call), 2 – Bates, Nelson.

HB 3613 – On passage of the bill the vote was: Yeas, 32; Nays, 26 – Anderson, Barnhart, Berger, Beyer, Close, Dingfelder, Farr, Garrard, Hopson, Johnson, Kafoury, Krummel, Kruse, Macpherson, March, Merkley, Monnes Anderson, Morgan, Nolan, Patridge, Prozanski, Rosenbaum, Shetterly, Smith T., Tomei, Westlund; Excused, 2 – Bates, Nelson. Bill passed.

Merkley requested the following explanation of his vote be entered in the Journal:

“I support the purpose of HB 3613: to promote the growth of new companies in Oregon.

“I voted against this bill, however, because it eliminates the ‘prudent person’ guidelines for managing investments.

“This guideline is designed to protect the funds the state holds in trust for the people of Oregon. The guidelines say that the Oregon Investment Council must manage the funds entrusted to it with the care expected of a prudent professional.

“I cannot support a bill, however noble its intent, that eliminates the ‘prudent person’ investment standard.”

HB 2278 (B-Engrossed) – Read. Carried by Shetterly. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Bates, Nelson. Bill passed.

HB 2410 (A-Engrossed) – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 56; Absent, 1 – Smith T.; Excused, 3 – Bates, Nelson, Speaker Minnis. Bill passed.

HB 2455 (B-Engrossed) – Read. Carried by Beyer. On passage of the bill the vote was: Yeas, 56; Absent, 1 – Gilman; Excused, 3 – Bates, Nelson, Speaker Minnis. Bill passed.

HB 2658 (A-Engrossed) – Read third time. Carried by Macpherson. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Bates, Nelson, Speaker Minnis. Bill passed.

HB 2664 (A-Engrossed) – Read third time. Carried by Hass. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Bates, Nelson, Speaker Minnis. Bill passed.

HB 2694 (A-Engrossed) – Read third time. Carried by Zauner. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Bates, Nelson, Speaker Minnis. Bill passed.

HB 2744 (A-Engrossed) – Read third time. Carried by Backlund.

Speaker Pro Tempore in Chair.

Previous question moved by Knopp, carried.

Call of the House demanded by Backlund, joined by Brown, Merkley, Barnhart, Gilman and Jenson. All present except: Excused (not subject to Call), 3 – Bates, Nelson, Speaker Minnis.

HB 2744 (A-Engrossed) – On passage of the bill the vote was: Yeas, 48; Nays, 9 – Close, Doyle, Flores, Garrard, Kropf, Kruse, Miller, Smith T., Zauner; Excused, 3 – Bates, Nelson, Speaker Minnis. Bill passed.

Kropf requested the following explanation of his vote be entered in the Journal:

“I am explaining my reason for voting no on HB 2744 with this letter.

“It simply does not go far enough in eliminating what I consider to be an unnecessary, costly and unsuccessful teaching theory. While we must comply with the No Child Left Behind Federal Mandate, we can choose a more fruitful method as other states have done. I do recognize that this bill does have merit in simplifying and eliminating some of the provisions of CIM/CAM that have been unworkable and troublesome. However, I believe we can have very high standards, compete nationally and internationally, reduce costs and simplify education with a different process.”

HB 2433 (A-Engrossed) – Read third time. Close moved bill be rereferred to Committee on Business, Labor and Consumer Affairs. Motion carried on viva voce vote. Bill rereferred.

HB 2964 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill taken from today's Third Reading of House Bills and placed in its proper order on Monday's, May 5, 2003 Calendar.

HB 2864, 3175, 3184, 3274, 3376, 3557, 2233, 2574, 2739, 2893, 2898, 2999, 3346, 3583 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Thursday's, May 1, 2003 Calendar.

HM 6, HCR 8 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and measures remaining on today's Final Reading of Memorials and Resolutions carried over and placed in their proper order on Thursday's, May 1, 2003 Calendar.

SB 82, 206, 457, 564, 588, 711, 713, 714, 715, 787 – Read first time and passed to Speaker's desk for referral.

SB 14, 38, 69, 115, 292, 308, 325, 332, 348, 391, 499, 617, 807, 882 – Referred from Speaker's desk to the following committees: 14, 38, 69, 115, 308, 348, 391, 617, 882 – Judiciary; 325 – Public Employees Retirement System; 292, 807 – Revenue; 332 – Rules and Public Affairs; 499 – Water with subsequent referral to Ways and Means.

SB 9, 157, 182, 187, 188, 211, 221, 246, 247, 276, 310, 328, 374, 525, 584, 667, 795 – Read second time and passed to third reading.

SB 130, 388, 238 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of Senate Bills carried over and placed in their proper order on Thursday's, May 1, 2003 Calendar.

HB 3093 – In compliance with House Rule 4.05, subsection (3), bill removed from Consent Calendar at the request of Nolan, Dingfelder, Prozanski and Hass, and placed in its proper order on the Third Reading Calendar.

House adjourned until 10:45 a.m., Thursday, May 1, 2003 on motion of Jensen.

#### **Thursday, May 1, 2003 – Morning Session**

House convened at 10:45 a.m. Kruse in Chair. All present except: Excused, 4 – Bates, Close, Nelson, Zauner; Excused for business of the House, 2 – March, Smith T.

Speaker Pro Tempore in Chair.

Opening Ceremony presented by Rescue, Portland.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of Propositions and Motions.

HB 3228 (A-Engrossed) – Pursuant to notice given yesterday, Brown moved House reconsider the vote by which bill failed to pass.

Call of the House demanded by Patridge, joined by Kitts, Gallegos, Gilman, Farr and Merkley. All present except: Excused (not subject to Call), 4 – Bates, Close, Nelson, Zauner.

HB 3228 (A-Engrossed) – Motion to reconsider the vote by which bill failed to pass, carried, the vote being: Yeas, 32; Nays, 24 – Ackerman, Avakian, Barker, Barnhart, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Verger, Wirth; Excused, 4 – Bates, Close, Nelson, Zauner. Vote reconsidered.

In compliance with Mason's Manual of Legislative Procedure, Section 468, subsection 3, the question immediately recurs on third reading and final consideration of bill.

HB 3228 (A-Engrossed) – On passage of the bill the vote was: Yeas, 32; Nays, 24 – Ackerman, Avakian, Barker, Barnhart, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Verger, Wirth; Excused, 4 – Bates, Close, Nelson, Zauner. Bill passed.

SB 124, 285, 372, 470, 508, 611, 771, 783, 819 – Message from the Senate announcing passage.

HB 2253 – Report by Committee on Water recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2255 – Report by Committee on Water recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2381 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2459 – Report by Committee on Water recommending passage with amendments and be printed A-Engrossed.

HB 2887 (A-Engrossed) – Report by Committee on Water recommending passage and be placed on the Consent Calendar.

HB 2906 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 2983 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 2986 – Report by Committee on Transportation recommending passage with amendments and be printed A-Engrossed.

HB 2991 – Report by Committee on Water recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Revenue by prior reference.

HB 3015 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 3215 – Report by Committee on Water recommending passage with amendments and be printed A-Engrossed.

HB 3250 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 3329 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 3349 – Report by Committee on Judiciary recommending passage.

HB 3400 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

HB 3459 – Report by Committee on Environment and Land Use recommending passage.

HB 3462 – Report by Committee on Environment and Land Use recommending passage with amendments, be printed A-Engrossed, and be placed on the Consent Calendar.

HB 3467 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Revenue by prior reference.

HB 3552 – Report by Committee on Agriculture and Natural Resources recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 3579 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

HB 3602 – Report by Committee on Rules and Public Affairs recommending passage.

HB 3622 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

SB 8 – Report by Committee on General Government recommending passage with amendments and be printed A-Engrossed.

SB 70 (A-Engrossed) – Report by Committee on Judiciary recommending passage.

SB 71 – Report by Committee on Judiciary recommending passage.

SB 72 (A-Engrossed) – Report by Committee on Judiciary recommending passage.

SB 94 (A-Engrossed) – Report by Committee on Environment and Land Use recommending passage and be placed on the Consent Calendar.

SB 127 – Report by Committee on Education recommending passage.

SB 161 (A-Engrossed) – Report by Committee on General Government recommending passage.

SB 167 – Report by Committee on Judiciary recommending passage.

SB 181 (A-Engrossed) – Report by Committee on Transportation recommending passage with amendments, be printed B-Engrossed, and be placed on the Consent Calendar.

SB 203 (A-Engrossed) – Report by Committee on Agriculture and Natural Resources recommending passage and be placed on the Consent Calendar.

SB 204 – Report by Committee on Agriculture and Natural Resources recommending passage and be placed on the Consent Calendar.

SB 215 (B-Engrossed) – Report by Committee on Trade and Economic Development recommending passage and be placed on the Consent Calendar.

SB 241 (A-Engrossed) – Report by Committee on Agriculture and Natural Resources recommending passage.

SB 250 (A-Engrossed) – Report by Committee on General Government recommending passage.

SB 251 (A-Engrossed) – Report by Committee on Environment and Land Use recommending passage and be placed on the Consent Calendar.

SB 341 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage and be placed on the Consent Calendar.

SB 425 (A-Engrossed) – Report by Committee on Transportation recommending passage and be placed on the Consent Calendar.

SB 602 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

SB 692 (A-Engrossed) – Report by Committee on General Government recommending passage.

SB 724 (A-Engrossed) – Report by Committee on General Government recommending passage.

SB 739 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

SCR 3 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending adoption.

SCR 4 – Report by Committee on Rules and Public Affairs recommending adoption.

SCR 5 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending adoption.

HB 2003, 2094, 2356, 2378, 2447, 2575, 2607, 2737, 2754, 2824, 2865, 2894, 3017, 3021, 3093, 3126, 3170, 3247, 3304, 3354, 3380, 3408, 3431, 3548, 3606 – Read second time and passed to third reading.

SB 182, 187, 188, 246, 247, 276 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Consent Calendar carried over and placed in their proper order on Friday's, May 2, 2003 Calendar.

HB 2864 (A-Engrossed) – Read third time. Carried by Krummel. On passage of the bill the vote was: Yeas, 52; Excused, 4 – Bates, Close, Nelson, Zauner; Excused for business of the House, 4 – March, Miller, Morgan, Smith T. Bill passed.

HB 3175 (A-Engrossed) – Read third time. Carried by Knopp. On passage of the bill the vote was: Yeas, 51; Absent, 1 – Ackerman; Excused, 4 – Bates, Close, Nelson, Zauner; Excused for business of the House, 4 – March, Miller, Morgan, Smith T. Bill passed.

HB 3184 (A-Engrossed) – Read third time. Carried by Kafoury. On passage of the bill the vote was: Yeas, 52; Excused, 4 – Bates, Close, Nelson, Zauner; Excused for business of the House, 4 – March, Miller, Morgan, Smith T. Bill passed.

HB 3346 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill taken from today's Third Reading of House Bills and placed in its proper order on Friday's, May 2, 2003 Calendar.

HB 3274 (A-Engrossed) – Read third time. Carried by Kropf. On passage of the bill the vote was: Yeas, 51; Nays, 1 – Gilman; Excused, 4 – Bates, Close, Nelson, Zauner; Excused for business of the House, 4 – March, Miller, Morgan, Smith T. Bill passed.

HB 3376 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill taken

from today's Third Reading of House Bills and placed in its proper order on Friday's, May 2, 2003 Calendar.

HB 3557 – Read third time. Carried by Hopson. On passage of the bill the vote was: Yeas, 39; Nays, 15 – Avakian, Barker, Dingfelder, Greenlick, Hunt, Kafoury, Macpherson, March, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Verger, Wirth; Excused, 4 – Bates, Close, Nelson, Zauner; Excused for business of the House, 2 – Miller, Morgan. Bill passed.

HB 2233 (A-Engrossed) – Read third time. Carried by Merkley. On passage of the bill the vote was: Yeas, 55; Excused, 4 – Bates, Close, Nelson, Zauner; Excused for business of the House, 1 – Miller. Bill passed.

2574, 2739, 2893, 2898, 2999, 3346, 3583, 2646, 2647, 2696, 2706, 2749, 2768, 2860, 3013, 3259, 3315, 3330, 3458, 3539, 3561 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Friday's, May 2, 2003 Calendar.

HM 6, HCR 8 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and measures remaining on today's Final Reading of Memorials and Resolutions carried over and placed in their proper order on Friday's, May 2, 2003 Calendar.

SB 124, 285, 372, 470, 508, 611, 771, 783, 819 – Read first time and passed to Speaker's desk for referral.

SB 17, 56, 82, 206, 285, 457, 470, 508, 515, 564, 588, 611, 618, 711, 713, 714, 715, 771, 783, 787, 819 – Referred from Speaker's desk to the following committees: 206, 285, 515, 588, 711, 713, 714, 715 – Business, Labor and Consumer Affairs; 783 – Business, Labor and Consumer Affairs with subsequent referral to Ways and Means; 470 – Health and Human Services; 56 – Health and Human Services with subsequent referral to Ways and Means; 17, 564, 611, 618 – Judiciary; 819 – Revenue with subsequent referral to Ways and Means; 457 – Rules and Public Affairs; 508, 771, 787 – Transportation; 82 – Water.

SB 223, 225, 226, 229, 327 – Read second time and passed to third reading.

SB 130, 388, 238, 9, 157, 211, 221, 310, 328, 374, 525, 584, 667, 795 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of Senate Bills carried over and placed in their proper order on Friday's, May 2, 2003 Calendar.

HB 3610 – In compliance with House Rule 9.01, subsection (5), bill returned to Committee on Rules and Public Affairs.



House adjourned until 10:45 a.m., Friday, May 2, 2003 on motion of Jenson.

**Friday, May 2, 2003 – Morning Session**

House convened at 10:45 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 2 – Bates, Dalto; Excused for business of the House, 5 – Anderson, Kruse, Monnes Anderson, Tomei, Westlund.

Opening Ceremony presented by Reverend Glenna Shipherd, Metropolitan Community Church, Portland.

SB 207, 258, 362, 596, 661, 663, 723, HB 2047, 2210, 2564, 2639, 2996, 2091, 2245, 2274, 2374, 2456, 2475 – Message from the Senate announcing passage.

HB 2066 – Report by Committee on Judiciary recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 2120 – Report by Committee on Health and Human Services recommending passage with amendments, be printed A-Engrossed, and be placed on the Consent Calendar.

HB 2246 – Report by Committee on General Government recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 2473 – Report by Committee on Water recommending passage with amendments and be printed A-Engrossed.

HB 2515 – Report by Committee on Water recommending passage and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 2609 – Report by Committee on Health and Human Services recommending passage with amendments, be printed A-Engrossed, and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 2802 – Report by Committee on Judiciary recommending passage with amendments, be printed A-Engrossed, and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 2825 – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed A-Engrossed.

HB 2828 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed.

HB 2987 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed.

HB 3006 – Report by Committee on Water recommending passage.

HB 3389 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 3460 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 3534 – Report by Committee on Water recommending passage with amendments, be printed A-Engrossed, and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 3549 – Report by Committee on Agriculture and Natural Resources recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HJR 18 – Report by Committee on Revenue recommending adoption with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

SB 32 (A-Engrossed) – Report by Committee on Judiciary recommending passage.

SB 33 (A-Engrossed) – Report by Committee on Judiciary recommending passage.

SB 118 (A-Engrossed) – Report by Committee on Judiciary recommending passage.

SB 119 (A-Engrossed) – Report by Committee on Judiciary recommending passage.

SB 174 – Report by Committee on Water recommending passage and be placed on the Consent Calendar.

SB 192 – Report by Committee on Health and Human Services recommending passage and be placed on the Consent Calendar.

SB 748 – Report by Committee on Water recommending passage and be placed on the Consent Calendar.

SB 878 – Report by Committee on Health and Human Services recommending passage and be placed on the Consent Calendar.

HB 2003 (A-Engrossed) – Read third time as a Special Order of Business. Carried by Knopp.

Previous question moved by Gallegos, carried.

Call of the House demanded by Knopp, joined by Flores, Brown, Hansen, Dalto and Berger. All present except: Excused (not subject to Call), 2 – Bates, Nelson.

HB 2003 (A-Engrossed) – On passage of the bill the vote was: Yeas, 38; Nays, 20 – Ackerman, Avakian, Barnhart, Beyer, Dalto, Dingfelder, Greenlick, Hansen, Hunt, Jenson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Smith G., Tomei, Wirth; Excused, 2 – Bates, Nelson. Bill passed.

Ackerman requested the following explanation of his vote be entered in the Journal:

“I have advocated the need to reform PERS for over three years. I followed with interest the court case dealing with PERS (City of Eugene, et al v. PERS), and I agree with the Lipscomb decision that the PERS board did, in fact, violate its fiduciary responsibility by over-crediting accounts and failing to update the mortality tables. As a result, I originally advocated reducing the PERS board membership from its current 12 members to five members who are not members of PERS. My proposal, contained in LC 1445, was the basis for the drafting of what became HB 2005 by the House Committee on PERS Reform. I also supported HB 2004, which would update the mortality tables from 1978 to the most recent version.

“However, I cannot support HB 2003 in its current form because I believe that this bill is unconstitutional, unfair to working class public employees, and will not provide the financial relief expected for the Public Employee Retirement System in state and local budgets.

“I believe that HB 2003 is unconstitutional, in that it violates the contractual rights of public employees. Legislative Counsel, citing the 1996 OSP case, stated that according to the Oregon Supreme Court the statutory pension system and the relationship between the state and its employees clearly established a contractual obligation to provide an undiminished level of benefits. I believe that the Supreme Court will apply this standard and find that the most crucial component of HB 2003, the 6% contribution to employee accounts, as well as others, will be voided.

“HB 2003 is unfair to working class employees in that it unfairly punishes them for a decline in the economy and bad decisions made by the PERS board. I am not concerned for the losses incurred by managers, administrators and professionals who make the upper end of the salary spectrum, as they are quite able to absorb any losses in retirement funds and still retire comfortably. I am referring to the vast majority of classified employees—the janitors, secretaries, receptionists, food service workers, security guards, etc.—who make less than living wages. While professionals are able to augment their PERS retirement with IRA's and other investments, working class employees will see PERS and their social security as their only chance to save for retirement. We, as legislators, owe the promise past legislatures have made to keep the retirement system in tact for the working class employees.

“Finally there are fiscal consequences in passing HB 2003. The state budget is already one negative forecast out of balance. I believe that if HB 2003 passes, there will be a rush by this legislature to use the savings to balance the budget and adjourn the session before the Supreme Court declares the law

unconstitutional. As a result, discussions regarding closing tax loopholes and real tax reform will be ignored.

“HB 2003 is unconstitutional, unfair to working class public employees, and will not provide the financial relief expected.”

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted against HB 2003 because:

“This bill is very likely unconstitutional. If it is found to be unconstitutional, costs to the state and other public employees will increase, not decrease.

“I support legislation to reduce PERS costs to provide a fair, not excessive, pension for retirees. We must use only constitutionally acceptable methods to get there.

“In addition, this bill treats PERS members quite differently depending upon the time they began work. A fair bill would result in similar pensions for similar work over a similar period of time regardless of when the employee began work.”

Beyer requested the following explanation of her vote be entered in the Journal:

“The financial shortfall in the PERS system needs attention. Unfortunately, HB 2003 misses the mark.

“Oregon's budget is in need of quick action. Action that will address problems in a realistic and meaningful way. Action that treats public employees fairly and removes the threat of lawsuits. We have been told by Legislative Counsel that HB 2003 is unconstitutional and likely will be reversed by the courts. That means the budget savings we are claiming as a result of HB 2003 will not occur and, as a result, school budgets and other vital public services will be shortchanged.

“To date I have voted for three meaningful and constitutional PERS changes that do address the problems in our public retirement system. I am willing to support other constitutional changes that will move us in a legal and fiscally responsible direction. I am gravely disappointed that HB 2003 is the change that the Legislative leadership has chosen to put before us.

“Having sworn an oath to uphold the Oregon and United States constitutions, I find myself in the position of being unable to support what I have been told by legal counsel is an unconstitutional act. I therefore must vote No on HB 2003.”

Dingfelder requested the following explanation of her vote be entered in the Journal:

“I voted no on House Bill 2003-A because this bill is unfair. Public employees have settled for lower salaries and wages in return for a decent retirement. Now the proponents of the bill want to take that guarantee away, with no offer to increase compensation to make up for the loss.

“If HB 2003 passes, schools and public agencies will experience an exodus of their best workers to other states and to the private sector. They will also find themselves at a disadvantage as they try to attract capable, high-quality applicants for public-sector jobs.

“Many legal analysts believe this bill is unconstitutional. Oregon courts have already turned back attempts to reduce accrued pension benefits. The Legislature should not pass a bill that will likely draw lawsuits and a reversal in the courts. Undoing the mistake could prove costly.”

Doyle requested the following explanation of his vote be entered in the Journal:

“The vote today on HB 2003 has been the most difficult decision for me to make as a State Representative. I voted ‘yes’ today, trying to balance the arguments of fiscal responsibility with the concerns of the legal and moral obligations to our valued state employees.

“As has been widely reported in the news media, Oregon's Public Employees Retirement System (PERS) currently faces a staggering Unfunded Actuarial Liability (UAL) of \$16.4 billion. Unless the legislature takes action to reduce this debt, public employers will face skyrocketing retirement costs. In order to cover

these expenses, employers will undoubtedly be forced to lay off workers and, in some instances, possibly declare bankruptcy.

"HB 2003 is a crucial component to reform PERS and significantly reduces the UAL by \$6.6 billion. There are actually several components that will bring substantial reductions to the UAL. First, the bill corrects an over-crediting that the PERS Board made to Tier 1 member accounts. In a recent court case (*City of Eugene et al v. State of Oregon*), Marion County Circuit Court Judge Paul Lipscomb ruled that the PERS Board over-credited Tier 1 members' accounts in 1999. Despite the 8% guarantee, the PERS Board credited 20% to members' accounts, which the judge felt was not prudent. Such over-crediting of Tier 1 accounts has contributed to the creation of a deficit, and therefore it is important that we correct the Board's error. In order to do this, HB 2003 stipulates that, beginning with calendar year 2003, Tier 1 regular accounts will receive no yearly earnings until the Tier 1 deficit account has been eliminated. Section 8 of the bill, however, specifies that for purposes of computing retirement benefits, the regular account balance of a member will be no less than it would have been had the earnings of the 8% guarantee been credited to the account annually.

"HB 2003 also contains a provision which requires PERS to freeze a retired Tier 1 member's benefit without any additional Cost of Living Adjustment (COLA) until the benefit equals what it would have been had the over-crediting not occurred in 1999. Once this has happened, members will once again receive their COLA. This provision of HB 2003 applies only to members who retired after February 1, 2000, but before February 1, 2004.

"It is important to note that under these provisions of the bill, members maintain the accrued benefits that they have earned to date. No money is taken out of their accounts.

"HB 2003 also reduces the UAL by moving the 6% member contribution out of PERS and placing it in a new transition account, which will be similar to a 401(k). As of July 1, 2003, members will be required to make the six percent contribution to the new account. If an employer currently 'picks up' the member contribution, the employer will be required to make the payment, but only until June 30, 2005. Before and after that time, the employer may agree to 'pick up' the contribution through a collective bargaining agreement. This change will result in substantial savings, as eliminating employee contributions to PERS will slow the growth of PERS accounts. Over time, this will mean that more PERS members will retire under the full formula rather than under the more expensive money match. I should point out that this bill in no way eliminates money match. For those members who are currently within a few years of retirement, they will still be able to retire under the money match formula.

"According to our Legislative Fiscal Office, HB 2003 saves employers an estimated \$677.6 million in the 2003-05 biennium. This means a savings of \$269 million for the General Fund, \$243.7 million for school districts, \$183.2 million for state agencies, \$29 million for community colleges, and \$221.7 million for local employers.

"The vote was 38-20. It was supported by both Democrats and Republicans. Although this bill will not solve the current financial crisis in our state, this spending limitation will be an important component of our economic recovery."

Hunt requested the following explanation of his vote be entered in the Journal:

"My decision to vote no on HB 2003-A was difficult because Oregon's revenue crisis requires action to reduce the cost of PERS to school districts, local governments, and state agencies. However, I believe that public employees did not create the PERS crisis and the budget should not be balanced solely on their backs. Many mid-career public servants will suffer substantial reductions in their pensions as a result of the passage of this bill.

"Since my election last fall, I have tried to use four criteria to evaluate proposed PERS reform legislation: 1) Fiscal Responsibility, 2) Sustainability, 3) Fairness, and 4) Legal Defensibility. While HB 2003-A may fulfill the first two tests, I believe this bill fails the tests of fairness and legal defensibility.

"I believe this bill is a breach of collective bargaining agreements between public employees and employers. I also have serious doubts about whether it will survive certain legal challenges. Many legal analysts and the Legislative Counsel believe this bill is unconstitutional, since Oregon courts have already turned back attempts to reduce accrued pension benefits.

"The cost to mid-career public servants caused by this bill is staggering—many of them will see their anticipated pensions reduced by a third or more. Many public employees have settled for lower salaries and wages in return for a decent retirement. Now this bill would take that guarantee away, with no offer to increase compensation to make up for the loss.

"If HB 2003-A passes, schools and public agencies may experience an exodus of their best workers to other states and to the private sector. They will also find themselves at a disadvantage as they try to attract capable, high-quality applicants for public-sector jobs.

"My votes today were not because I lack concern about our Oregon's serious budget crisis or because I do not believe that the PERS system needs to be reformed. During the past four months I have voted for PERS reform legislation that will save public employers almost \$500 million, a substantial sum. I anticipate that I will support other reasonable reform proposals in the future that are fiscally responsible, sustainable, fair, and legally defensible.

**"Oregon's public employees are already doing their part** to resolve our state's budget crisis by taking pay cuts, sacrificing cost of living increases, accepting larger workloads, and paying more for health insurance. HB 2003-A and HB 2020 simply ask for too much from public employees."

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

"I voted no on HB 2003. My prediction is this bill will cost Oregonians more money than it saves because of the litigation that will result. The PERS statutes are clear. They provide for an employee's contribution (and for employer pickup), the Tier 1 annual guarantee, and the retiree COLA. To pass a bill that is blatantly in violation of these laws is unconscionable. We are more willing to break a contractual agreement with our public employees rather than putting forward a credible revenue package or tax reform package. Capping the 8% and pegging it at 0% and eliminating the COLA for retirees is a good concept but went too far. Ideas on a successor system that will save money are being ignored even though a substantial amount of money will be saved and litigation would be minimal.

"Legal arguments have been made as to why this bill will not hold up in court. I cannot vote for a bill that will cost Oregon taxpayers millions of dollars in court costs. The cost to unwinding the damage resulting from HB 2003 will be more than the saving to the system."

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted no on HB 2003-A because it has constitutional problems and violates contracts between public employers and employees.

"Yes, the current system has significant financial problems, but HB 2003-A is only a short-term fix. It saves money today, but it will cost more in the future. When the Oregon Supreme Court rules that HB 2003-A violates contract rights, the public employers will have to pay back the 'savings' with interest! This is not fixing the problem. It is setting up a time bomb that will go off in the future.

"Besides the financial pitfalls of the bill, HB 2003-A will break the promises government employers made to employees when they were hired. Public employees have settled for lower salaries in return for a decent retirement plan. PERS is a 'back loaded' plan which rewards workers who stay longer. Now proponents of HB 2003-A want to change the rules and not offset the losses that will occur to longtime employees who will be retiring in the near future. I believe it will be extremely detrimental to the good-faith built between the employers and employees. I also believe that employee morale will be negatively impacted."

Tomei requested the following explanation of her vote be entered in the Journal:

"I strongly support the need to reform PERS. Therefore, my decision to vote 'no' when HB 2003 came before the full House for consideration on May 2, 2003, was a particularly difficult one for me. I am terribly concerned about the revenue crisis for our cities, counties and school districts, as well as for our state, a crisis certainly exacerbated by employers' current PERS costs and unfunded liability. Many of my colleagues and I agonized over the issues involved and proposals made in this bill. In the end, however, I voted 'no' on HB 2003. In brief, my decision to cast a 'no' vote boiled down to unresolved questions of fairness and constitutionality. I believe HB 2003 may go too far too fast, all under a shadow of doubt as to the Legislature's authority to fashion reform in this manner."

HB 2020 – Richardson moved House adopt Committee Report.

In the absence of a motion to substitute the Minority Report for the Committee Report, by order of the Speaker Pro Tempore, bill advanced to third reading.

HB 2020 (A-Engrossed) – Read third time. Carried by Richardson.

Call of the House demanded by Richardson, joined by Flores, Hansen, Anderson, Zauner and Kruse. All present except: Excused (not subject to Call), 2 – Bates, Nelson.

HB 2020 (A-Engrossed) – On passage of the bill the vote was: Yeas, 32; Nays, 26 – Ackerman, Avakian, Barker, Barnhart, Berger, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Jenson, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Verger, Wirth; Excused, 2 – Bates, Nelson. Bill passed.

Dingfelder requested the following explanation of her vote be entered in the Journal:

"I voted no on House Bill 2020 because it does not offer a replacement pension plan. Rather, it puts in place a supplemental savings plan to augment retirement income.

"The bill deprives public employees of any guaranteed retirement income. It subjects them to the ups and downs of the stock market, which means that they could retire with no income at all.

"Eliminating a pension program for public employees will cause an exodus from public service. School districts and public agencies will encounter difficulty in recruiting qualified teachers and other professionals, as well as skilled and semi-skilled workers. More vacancies will require increased spending to train replacements."

Hunt requested the following explanation of his vote be entered in the Journal:

"The second PERS reform legislation on the House floor today was HB 2020, a 401k defined contribution plan. I opposed this bill.

"This is the more egregious of the two bills proposed today. HB 2020 is not a pension plan. The purpose of a 401(k) is to provide a supplemental savings plan to augment retirement income. The bill deprives Oregon's public employees of any guaranteed retirement income. It leaves them entirely dependent on the ups and downs of the stock market, which means that they could retire with no income at all. It contains a provision that enables employees to borrow up to 50 percent of their account balance. That borrowing

provision could entice some employees to jeopardize their retirement savings accounts.

"I oppose setting a precedent that defined contribution plans are sufficient for employees' retirements. Two weeks ago, I voted against the bill to remove legislators from PERS and create a completely separate defined-contribution plan for legislators. I believe that bill was an attempt to trick the Legislature into voting for a defined-contribution plan rather than a defined-benefit or hybrid plan, enabling that principle to extend to other public employees. I also believe that legislators should be treated like all public employees, nothing more and nothing less.

"My votes today were not because I lack concern about our Oregon's serious budget crisis or because I do not believe that the PERS system needs to be reformed. During the past four months, I have voted for PERS reform legislation that will save public employers almost \$500 million, a substantial sum. I anticipate that I will support other reasonable reform proposals in the future that are fiscally responsible, sustainable, fair, and legally defensible.

"Oregon's public employees are already doing their part to resolve our state's budget crisis by taking pay cuts, sacrificing cost of living increases, accepting larger workloads, and paying more for health insurance. HB 2003-A and HB 2020 simply ask for too much from public employees."

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted no on HB 2020-A because it is not a pension plan. It is a 401(k) plan. The purpose of the 401(k) is to provide a supplemental savings plan to augment retirement income. I do not support a defined contribution plan. It should be a defined benefit plan.

"The bill deprives public employees of any guaranteed retirement income. It subjects them to the ups and downs of the stock market, which means that they could retire with no income at all.

"Eliminating a pension program for public employees will cause an exodus from public service. School districts and public agencies will encounter difficulty in recruiting qualified teachers and other professionals, as well as skilled and semi-skilled workers. More vacancies will require increased spending to train replacements."

HB 3629 – Read first time and passed to Speaker's desk for referral.

HB 2342, 2490, 2590, 2592, 3120, 3156, 3344, 3349, 3400, 3459, 3520, 3579, 3602, 3622 – Read second time and passed to third reading.

SB 182, 187, 188, 246, 247, 276, HB 3431, SB 225 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Consent Calendar carried over and placed in their proper order on Monday's, May 5, 2003 Calendar.

HB 3376, 2574, 2739, 2893, 2898, 2999, 3346, 3583, 2646, 2647, 2696, 2706, 2749, 2768, 2860, 3013, 3259, 3315, 3330, 3458, 3539, 3561, 2094, 2356, 2378, 2447, 2575, 2607, 2737, 2754, 2824, 2865, 2894, 3017, 3021, 3093, 3126, 3170, 3247, 3304, 3354, 3380, 3408, 3548, 3606 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Monday's, May 5, 2003 Calendar.

HM 6, HCR 8, SCR 3, 4, 5 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and measures remaining on today's Final

Reading of Memorials and Resolutions carried over and placed in their proper order on Monday's, May 5, 2003 Calendar.

SB 207, 258, 362, 596, 661, 663, 723 – Read first time and passed to Speaker's desk for referral.

SB 124, 207, 258, 596, 661, 663, 723 – Referred from Speaker's desk to the following committees: 207 – Business, Labor and Consumer Affairs; 124 – Education; 723 – Health and Human Services; 258 – Public Employees Retirement System; 596, 661, 663 – Transportation.

SB 70, 71, 72, 127, 161, 167, 241, 250, 602, 692, 724, 739 – Read second time and passed to third reading.

SB 130, 388, 238, 9, 157, 211, 221, 310, 328, 374, 525, 584, 667, 795, 223, 226, 229, 327 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of Senate Bills carried over and placed in their proper order on Monday's, May 5, 2003 Calendar.

House adjourned until 10:45 a.m., Monday, May 5, 2003 on motion of Jenson.

#### **Monday, May 5, 2003 – Morning Session**

House convened at 10:45 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 3 – Nelson, Williams, Wirth; Excused for business of the House, 1 – Miller.

Opening Ceremony presented by Pat Burnet, Humanist Minister, Portland.

SB 563, 603, HB 2542, 2573, 2623, 2674, 3123, 2029, 2115, 2642, 2119, 2339, 2784, 2853, 3014, 3151, 3581, 2262, 2277, 2401, 2645, 3375, 2454, SB 194 – Message from the Senate announcing passage.

HB 2004, 2021, 2272, 2450, 2474, 2691, 3063, 2163 – Message from the Senate announcing passage as amended by the Senate.

HB 2138 – Report by Committee on Water recommending passage with amendments and be printed A-Engrossed.

HB 2166 (A-Engrossed) – Report by Committee on Revenue recommending passage with amendments and be printed B-Engrossed.

HB 2209 – Report by Committee on Ways and Means recommending passage.

HB 2468 – Report by Committee on Environment and Land Use recommending passage with amendments and be printed A-Engrossed.

HB 2849 – Report by Committee on Environment and Land Use recommending passage with

amendments, be printed A-Engrossed, and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 3023 – Report by Committee on General Government recommending passage with amendments, be printed A-Engrossed, and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 3044 – Report by Committee on Education recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 3069 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 3119 – Report by Committee on Judiciary recommending passage. Bill referred to Committee on Ways and Means by prior reference.

HB 3136 – Report by Committee on General Government recommending passage with amendments and be printed A-Engrossed.

HB 3296 – Report by Committee on Judiciary recommending passage.

HB 3300 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 3480 – Report by Committee on Education recommending passage with amendments, be printed A-Engrossed, and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 3544 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

SB 198 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

SB 205 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

SB 228 – Report by Committee on Revenue recommending passage with amendments and be printed A-Engrossed.

SB 230 (A-Engrossed) – Report by Committee on Revenue recommending passage.

SB 233 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage and be placed on the Consent Calendar.

SB 245 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

SB 256 (A-Engrossed) – Report by Committee on Agriculture and Natural Resources recommending passage and be placed on the Consent Calendar.

SB 281 (A-Engrossed) – Report by Committee on Agriculture and Natural Resources recommending passage and be placed on the Consent Calendar.

SB 286 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed B-Engrossed.

SB 311 – Report by Committee on Agriculture and Natural Resources recommending passage.

SB 387 – Report by Committee on Transportation recommending passage and be placed on the Consent Calendar.

SB 575 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

SB 803 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

SJM 3 – Report by Committee on Rules and Public Affairs recommending adoption.

SJM 5 – Report by Committee on Rules and Public Affairs recommending adoption.

HB 3630, 3631, 3636 – Read first time and passed to Speaker's desk for referral.

HB 3629, 3630, 3631, 3636 – Referred from Speaker's desk to the following committees: 3629 – Health and Human Services with subsequent referral to Ways and Means; 3630 – Judiciary; 3631 – Rules and Public Affairs; 3636 – Ways and Means.

HB 2381, 2459, 2906, 2983, 2986, 3006, 3015, 3215, 3250, 3329, 3462 – Read second time and passed to third reading.

SB 182, 187, 188, 246, 247, 276, 225 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and Senate bills on today's Consent Calendar carried over and placed in their proper order on Tuesday's, May 6, 2003 Calendar.

HB 3431 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 56; Excused, 3 – Nelson, Williams, Wirth; Excused for business of the House, 1 – Miller. Bill passed.

HB 3156 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 56; Excused, 3 – Nelson, Williams, Wirth;

Excused for business of the House, 1 – Miller. Bill passed.

HB 2964 (A-Engrossed) – Read third time. Carried by Bates.

Potential conflict of interest declared by Schaufler.

Potential conflict of interest declared by Anderson.

Potential conflict of interest declared by Jenson.

HB 2964 (A-Engrossed) – On passage of the bill the vote was: Yeas, 14; Nays, 42 – Avakian, Backlund, Barker, Barnhart, Beyer, Brown, Butler, Close, Dalto, Dingfelder, Doyle, Farr, Flores, Gallegos, Gilman, Hansen, Jenson, Johnson, Kitts, Knopp, Krieger, Kropf, Krummel, Mabrey, Macpherson, Miller, Morgan, Nolan, Patridge, Prozanski, Richardson, Rosenbaum, Schaufler, Scott, Shetterly, Smith G., Smith P., Smith T., Verger, Westlund, Zauner, Speaker Minnis; Absent, 1 – Anderson; Excused, 3 – Nelson, Williams, Wirth. Bill failed.

HB 3376 (A-Engrossed) – Read third time. Carried by Close. On passage of the bill the vote was: Yeas, 51; Nays, 6 – Beyer, Dingfelder, Hansen, Kafoury, Merkley, Prozanski; Excused, 3 – Nelson, Williams, Wirth. Bill passed.

HB 2574 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill taken from today's Third Reading of House Bills and placed in its proper order on Tuesday's, May 6, 2003 Calendar.

HB 2739 (A-Engrossed) – Read third time. Carried by Gilman. On passage of the bill the vote was: Yeas, 49; Nays, 8 – Barker, Barnhart, Dingfelder, Greenlick, Kafoury, Macpherson, Monnes Anderson, Rosenbaum; Excused, 3 – Nelson, Williams, Wirth. Bill passed.

HB 2893 (A-Engrossed) – Read third time. Carried by Barnhart. On passage of the bill the vote was: Yeas, 44; Nays, 11 – Close, Gilman, Krieger, Kropf, Kruse, Miller, Morgan, Patridge, Richardson, Smith P., Smith T.; Excused, 3 – Nelson, Williams, Wirth; Excused for business of the House, 2 – Westlund, Speaker Minnis. Bill passed.

HB 2898 – Read third time. Carried by Butler. On passage of the bill the vote was: Yeas, 54; Excused, 3 – Nelson, Williams, Wirth; Excused for business of the House, 3 – Miller, Westlund, Speaker Minnis. Bill passed.

HB 2999 (A-Engrossed) – Read third time. Carried by Scott. On passage of the bill the vote was: Yeas, 52; Nays, 5 – Garrard, Hansen, Jenson, Mabrey, Tomei; Excused, 3 – Nelson, Williams, Wirth. Bill passed.

HB 3346 – Read third time. Carried by Macpherson. On passage of the bill the vote was: Yeas, 52; Nays, 2 – Close, Smith T.; Excused, 3 – Nelson, Williams, Wirth; Excused for business of the House, 3 – Kruse, Westlund, Speaker Minnis. Bill passed.

HB 3583 – Read third time. Carried by Hunt. On passage of the bill the vote was: Yeas, 23; Nays, 31 – Backlund, Barker, Bates, Brown, Butler, Close, Dalto, Doyle, Flores, Gallegos, Garrard, Gilman, Hansen, Jenson, Johnson, Kitts, Krieger, Kropf, Mabrey, Miller, Morgan, Patridge, Prozanski, Richardson, Schaufler, Scott, Shetterly, Smith P., Smith T., Verger, Zauner; Excused, 3 – Nelson, Williams, Wirth; Excused for business of the House, 3 – Kruse, Westlund, Speaker Minnis. Bill failed.

HB 2646, 2696 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills taken from today's Third Reading of House Bills and placed in their proper order on Tuesday's, May 6, 2003 Calendar.

HB 2647 (A-Engrossed) – Read third time. Carried by Anderson. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Nelson, Williams, Wirth. Bill passed.

HB 2706 (A-Engrossed) – Read third time. Carried by Barker. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Nelson, Williams, Wirth. Bill passed.

HB 2749 (A-Engrossed) – Read third time. Miller moved bill be rereferred to Committee on Transportation. Motion carried on viva voce vote. Bill rereferred.

HB 2768 (A-Engrossed) – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 47; Nays, 9 – Butler, Close, Flores, Garrard, Krieger, Morgan, Smith P., Smith T., Zauner; Excused, 3 – Nelson, Williams, Wirth; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 2860 (A-Engrossed) – Read third time. Carried by Richardson. On passage of the bill the vote was: Yeas, 56; Excused, 3 – Nelson, Williams, Wirth; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 3013 – Read third time. Carried by Richardson.

Potential conflict of interest declared by Butler.

HB 3013 – On passage of the bill the vote was: Yeas, 41; Nays, 16 – Avakian, Barker, Barnhart, Dingfelder, Greenlick, Hansen, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Tomei; Excused, 3 – Nelson, Williams, Wirth. Bill passed.

HB 3408 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit third reading and final consideration immediately.

HB 3408 (A-Engrossed) – Read third time. Garrard moved bill be rereferred to Committee on Environment and Land Use. Motion carried on viva voce vote. Bill rereferred.

HB 3259, 3315, 3330, 3458, 3539, 3561, 2094, 2356, 2378, 2447, 2575, 2607, 2737, 2754, 2824, 2865, 2894, 3017, 3021, 3093, 3126, 3170, 3247, 3304, 3354, 3380, 3548, 3606, 2342, 2490, 2590, 2592, 3120, 3344, 3349, 3400, 3459, 3520, 3579, 3602, 3622 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Tuesday's, May 6, 2003 Calendar.

HM 6, HCR 8, SCR 3, 4, 5 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and measures remaining on today's Final Reading of Memorials and Resolutions carried over and placed in their proper order on Tuesday's, May 6, 2003 Calendar.

SB 194, 563, 603 – Read first time and passed to Speaker's desk for referral.

SB 194, 362, 372, 563, 603 – Referred from Speaker's desk to the following committees: 563, 603 – Business, Labor and Consumer Affairs; 194 – Judiciary; 362 – Revenue; 372 – Rules and Public Affairs.

SB 8, 32, 33, 94, 118, 119, 181, 203, 204, 215, 251, 341, 425 – Read second time and passed to third reading.

SB 130, 388, 238, 9, 157, 211, 221, 310, 328, 374, 525, 584, 667, 795, 223, 226, 229, 327, 70, 71, 72, 127, 161, 167, 241, 250, 602, 692, 724, 739 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of Senate Bills carried over and placed in their proper order on Tuesday's, May 6, 2003 Calendar.

HB 2003 (A-Engrossed) – By unanimous consent, on request of Knopp, rules suspended and Bates allowed to be recorded as voting "aye" on passage of bill.

HB 2005, 2558, 2634 – Speaker signed.

House adjourned until 10:45 a.m., Tuesday, May 6, 2003 on motion of Jenson.

#### **Tuesday, May 6, 2003 – Morning Session**

House convened at 10:45 a.m. Speaker Pro Tempore in Chair. All present except: Absent, 1 – Wirth; Excused, 1 – Nelson.

Posting of the Colors by Boy Scout Troop 581 and Cub Scout Pack 581, Banks.

Opening Ceremony presented by Boy Scout Troop 581, Banks.

SB 342, HB 2187, 2263, 2332, 2589, 2535, 2908, 2925 – Message from the Senate announcing passage.

HCR 4 – Message from the Senate announcing adoption.

HB 2050, 2818 – Message from the Senate announcing passage as amended by the Senate.

HB 2167 – Report by Committee on General Government recommending passage with amendments and be printed A-Engrossed.

HB 2364 – Report by Committee on Water without recommendation as to passage and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 2431 – Report by Committee on Water recommending passage with amendments and be printed A-Engrossed.

HB 2516 – Report by Committee on Water recommending passage with amendments, be printed A-Engrossed, and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 2688 – Report by Committee on Water recommending passage with amendments and be printed A-Engrossed.

HB 2756 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2817 – Report by Committee on Education recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 3020 – Report by Committee on Public Employees Retirement System recommending passage with amendments, be printed A-Engrossed, rescind subsequent referral to Committee on Ways and Means, and be placed on the Consent Calendar. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 3051 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 3217 – Report by Committee on Water recommending passage with amendments and be printed A-Engrossed.

HB 3597 – Report by Committee on Water recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

SB 162 (A-Engrossed) – Report by Committee on Health and Human Services recommending passage and be placed on the Consent Calendar.

SB 163 – Report by Committee on Health and Human Services recommending passage and be placed on the Consent Calendar.

SB 164 (A-Engrossed) – Report by Committee on Health and Human Services recommending passage and be placed on the Consent Calendar.

SB 185 – Report by Committee on Education recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

SB 292 – Report by Committee on Revenue recommending passage.

SB 478 – Report by Committee on Agriculture and Natural Resources recommending passage, subsequent referral to Committee on Ways and Means be rescinded, and be placed on the Consent Calendar. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

SB 807 (A-Engrossed) – Report by Committee on Revenue recommending passage.

SB 822 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

SB 858 (A-Engrossed) – Report by Committee on Revenue recommending passage with amendments and be printed B-Engrossed.

SB 876 – Report by Committee on General Government recommending passage.

SJR 7 (A-Engrossed) – Report by Committee on Revenue recommending adoption. Resolution referred to Committee on Ways and Means by prior reference.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 2574 (A-Engrossed) – Read third time. Carried by Butler.

Call of the House demanded by Knopp, joined by Patridge, Kruse, Hansen, Westlund and Flores. All present except: Absent (not subject to Call), 1 – Wirth; Excused (not subject to Call), 1 – Nelson.

HB 2574 (A-Engrossed) – On passage of the bill the vote was: Yeas, 31; Nays, 27 – Ackerman, Avakian, Barker, Barnhart, Bates, Beyer, Dalto,



Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Shetterly, Tomei, Verger, Williams; Absent, 1 – Wirth; Excused, 1 – Nelson. Bill passed.

HB 2646 (A-Engrossed) – Read third time. Carried by Williams. On passage of the bill the vote was: Yeas, 58; Absent, 1 – Wirth; Excused, 1 – Nelson. Bill passed.

HB 2696 (A-Engrossed) – Read third time. Carried by Williams. On passage of the bill the vote was: Yeas, 58; Absent, 1 – Wirth; Excused, 1 – Nelson. Bill passed.

Williams in Chair.

HB 3259 (A-Engrossed) – Read third time. Carried by Dingfelder.

By unanimous consent, on request of Dingfelder, rules suspended to permit use of visual aid during presentation of bill.

HB 3259 (A-Engrossed) – On passage of the bill the vote was: Yeas, 57; Absent, 1 – Wirth; Excused, 1 – Nelson; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

Courtesies of the House and floor were extended to Randy Leonard, former Representative from District 21.

HB 3315 – Read third time. Carried by Richardson.

Call of the House demanded by Richardson, joined by Butler, Backlund, Zauner, Morgan and Dalto. All present except: Excused (not subject to Call), 1 – Nelson.

HB 3315 – On passage of the bill the vote was: Yeas, 32; Nays, 27 – Ackerman, Avakian, Barker, Barnhart, Bates, Beyer, Dingfelder, Farr, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Kitts, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Verger, Wirth; Excused, 1 – Nelson. Bill passed.

HB 3330 (A-Engrossed) – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 59; Excused, 1 – Nelson. Bill passed.

HB 3458 – Read third time. Carried by Kruse.

Call of the House demanded by Kruse, joined by Gilman, Butler, Miller, Kropf and Merkley. All present except: Excused (not subject to Call), 1 – Nelson.

HB 3458 – On passage of the bill the vote was: Yeas, 44; Nays, 15 – Ackerman, Avakian, Barker, Bates, Dingfelder, Greenlick, Hansen, Hass, Kafoury,

March, Nolan, Prozanski, Rosenbaum, Tomei, Wirth; Excused, 1 – Nelson. Bill passed.

HB 3539 (A-Engrossed) – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 55; Nays, 3 – Garrard, Mabrey, Richardson; Excused, 1 – Nelson; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of Senate Bills.

SB 229 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

SB 229 (A-Engrossed) – Read third time. Verger moved bill be rereferred to Committee on Revenue. Motion carried on viva voce vote. Bill rereferred.

House recessed until 4:30 p.m. on motion of Jensen.

#### **Tuesday, May 6, 2003 – Afternoon Session**

House reconvened at 4:30 p.m. Kruse in Chair. All present except: Excused, 2 – Miller, Nelson.

Having recessed under the order of business of Propositions and Motions, the House continued under that order of business.

HB 2004 (C-Engrossed) – Knopp moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 49; Nays, 4 – Hansen, March, Rosenbaum, Tomei; Absent, 5 – Close, Hunt, Krummel, Macpherson, Nolan; Excused, 2 – Miller, Nelson. Bill repassed.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of First Reading of House Bills.

HB 3632, 3633, 3634 – Read first time and passed to Speaker's desk for referral.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of First Reading of Senate Bills.

SB 342 – Read first time and passed to Speaker's desk for referral.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 3561 – Read third time. Carried by Dalto. On passage of the bill the vote was: Yeas, 49; Nays, 5 – Kafoury, Macpherson, March, Rosenbaum, Verger; Absent, 2 – Nolan, Smith G.; Excused, 2 – Miller,

Nelson; Excused for business of the House, 2 – Krummel, Speaker Minnis. Bill passed.

HB 2094 (A-Engrossed) – Read third time. Carried by Ackerman. On passage of the bill the vote was: Yeas, 57; Excused, 2 – Miller, Nelson; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 2356 – By unanimous consent, on request of Chair, rules suspended and bill taken from today's Third Reading of House Bills and placed in its proper order on Tuesday's, May 13, 2003 Calendar.

HB 2378 – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 57; Excused, 2 – Miller, Nelson; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 2447 (A-Engrossed) – Read third time. Carried by Hansen. On passage of the bill the vote was: Yeas, 52; Nays, 4 – Gilman, Kruse, Richardson, Scott; Absent, 1 – Bates; Excused, 2 – Miller, Nelson; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 2575 (A-Engrossed) – Read third time. Carried by Farr.

Speaker Pro Tempore in Chair.

Potential conflict of interest declared by Krummel.

HB 2575 (A-Engrossed) – On passage of the bill the vote was: Yeas, 51; Nays, 6 – Dingfelder, Hansen, Hopson, March, Schaufler, Tomei; Excused, 2 – Miller, Nelson; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 2607 (A-Engrossed) – Read third time. Carried by Greenlick. On passage of the bill the vote was: Yeas, 56; Nays, 1 – Richardson; Excused, 2 – Miller, Nelson; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

Richardson requested the following explanation of his vote be entered in the Journal:

"I was the sole negative vote on House Bill 2607. House Bill 2607-A was presented in Committee and on the House Floor as a technical correction bill which adds the names of two counties, Lane and Washington. These two counties were inadvertently left out of H.B. 3171, from the 2001 legislative session. In actuality, H.B. 2607 again fails to mention the two counties. Without the intended corrections, this technical corrections bill accomplishes nothing, and should have been amended before going to a floor vote."

HB 2737 (A-Engrossed) – Read third time. Carried by Merkley, Hass. On passage of the bill the vote was: Yeas, 57; Excused, 2 – Miller, Nelson; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 2754 – Read third time. Carried by Wirth. On passage of the bill the vote was: Yeas, 50; Nays, 6 – Anderson, Close, Garrard, Gilman, Scott, Smith T.;

Absent, 1 – Smith P.; Excused, 2 – Miller, Nelson; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 2824 (A-Engrossed) – Read third time. Carried by Garrard. On passage of the bill the vote was: Yeas, 44; Nays, 13 – Barnhart, Bates, Beyer, Dingfelder, Greenlick, Hansen, Hass, Kafoury, Macpherson, March, Nolan, Prozanski, Wirth; Excused, 3 – Avakian, Miller, Nelson. Bill passed.

HB 2865 (A-Engrossed) – Read third time. Carried by Barker. On passage of the bill the vote was: Yeas, 50; Nays, 7 – Dingfelder, Garrard, Greenlick, Hansen, Kafoury, March, Wirth; Excused, 3 – Avakian, Miller, Nelson. Bill passed.

HB 2894 (A-Engrossed) – Read third time. Carried by Barnhart. On passage of the bill the vote was: Yeas, 52; Nays, 5 – Garrard, Kafoury, Schaufler, Wirth, Zauner; Excused, 3 – Avakian, Miller, Nelson. Bill passed.

HB 3017 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill taken from today's Third Reading of House Bills and placed in its proper order on Wednesday's, May 7, 2003 Calendar.

HB 3021 (A-Engrossed) – Read third time. Carried by Berger. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Avakian, Miller, Nelson. Bill passed.

HB 3093 (A-Engrossed) – Read third time. Carried by Doyle. On passage of the bill the vote was: Yeas, 44; Nays, 11 – Barker, Dingfelder, Hansen, Hass, Macpherson, March, Prozanski, Rosenbaum, Schaufler, Tomei, Wirth; Excused, 3 – Avakian, Miller, Nelson; Excused for business of the House, 2 – Morgan, Speaker Minnis. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted 'no' on HB 3093-A because it includes the names of individuals who are engaged in or providing goods or services for medical research using animals.

"HB 3093-A would be the first time that the legislature has allowed the names of individuals to be exempted from public records disclosure. Other exemption statutes only apply to addresses of those individuals, not their names.

"Police officers can use their business address instead of their home address, but their name is still subject to public disclosure. HB 3093-A would establish a new public policy that would allow a level of secrecy that I cannot support.

"I recognize that there is a serious concern in protecting individuals involved in medical research that uses animals, but I do not agree with allowing the actual name of public employees or individuals conducting business with public entities from not being disclosed."

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of Announcements.

HB 2824 (A-Engrossed) – By unanimous consent, on request of Knopp, rules suspended to permit Hass

to change his vote from “nay” to “aye” on passage of bill.

House recessed for 5 minutes on motion of Kafoury.

### **Tuesday, May 6, 2003 – Evening Session**

House reconvened at 6:10 p.m. Gallegos in Chair. All present except: Excused, 5 – Avakian, Barker, Hass, Miller, Nelson.

Speaker Pro Tempore in Chair.

Having recessed under the order of business of Propositions and Motions, by unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 3304 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit third reading and final consideration immediately.

HB 3304 (A-Engrossed) – Read third time. Carried by Flores. On passage of the bill the vote was: Yeas, 47; Nays, 7 – Ackerman, Beyer, Hansen, March, Monnes Anderson, Prozanski, Wirth; Excused, 5 – Avakian, Barker, Hass, Miller, Nelson; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 3126 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill taken from today’s Third Reading of House Bills and placed in its proper order on Wednesday’s, May 7, 2003 Calendar.

HB 3170 (A-Engrossed) – Read third time. Carried by Patridge, Johnson.

Call of the House demanded by Patridge, joined by Johnson, Hansen, Brown, Backlund and Richardson. All present except: Excused (not subject to Call), 5 – Avakian, Barker, Hass, Miller, Nelson.

HB 3170 (A-Engrossed) – On passage of the bill the vote was: Yeas, 35; Nays, 20 – Ackerman, Barnhart, Beyer, Dalto, Dingfelder, Greenlick, Hansen, Hopson, Hunt, Kafoury, Mabrey, Macpherson, March, Merkley, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Wirth; Excused, 5 – Avakian, Barker, Hass, Miller, Nelson. Bill passed.

HB 2066, 2120, 2209, 2246, 2473, 2825, 2828, 2987, 3296, 3389, 3460 – Read second time and passed to third reading.

SB 182, 187, 188, 246, 247, 276, 225, HB 2887, 3462, SB 94, 181, 203, 204, 215, 251, 341, 425 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today’s Consent Calendar carried over and placed in

their proper order on Wednesday’s, May 7, 2003 Calendar.

HB 3247, 3354, 3380, 3548, 3606, 2342, 2490, 2590, 2592, 3120, 3344, 3349, 3400, 3459, 3520, 3579, 3602, 3622, 2381, 2459, 2906, 2983, 2986, 3006, 3015, 3215, 3250, 3329 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today’s Third Reading of House Bills carried over and placed in their proper order on Wednesday’s, May 7, 2003 Calendar.

HM 6, HCR 8, SCR 3, 4, 5, HJR 18, SJM 3, 5 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and measures remaining on today’s Final Reading of Memorials and Resolutions carried over and placed in their proper order on Wednesday’s, May 7, 2003 Calendar.

SB 174, 192, 205, 230, 311, 575, 748, 803, 878 – Read second time and passed to third reading.

SB 130, 388, 238, 9, 157, 211, 221, 310, 328, 374, 525, 584, 667, 795, 223, 226, 327, 70, 71, 72, 127, 161, 167, 241, 250, 602, 692, 724, 739, 8, 32, 33, 118, 119 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today’s Third Reading of Senate Bills carried over and placed in their proper order on Wednesday’s, May 7, 2003 Calendar.

HB 2004 (C-Engrossed) – By unanimous consent, on request of Knopp, rules suspended and Schaufler allowed to change his vote from “aye” to “nay” on concurrence in Senate amendments and repassage of bill.

HB 2754 – By unanimous consent, on request of Kafoury, rules suspended and Butler allowed to change his vote from “aye” to “nay” on passage of bill.

HB 3315 – By unanimous consent, on request of Kafoury, rules suspended and Kitts allowed to change his vote from “nay” to “aye” on passage of bill.

House adjourned until 10:45 a.m., Wednesday, May 7, 2003 on motion of Jenson.

### **Wednesday, May 7, 2003 – Morning Session**

House convened at 10:45 a.m. Gallegos in Chair. All present except: Excused, 2 – Nelson, Scott.

Speaker Pro Tempore in Chair.

Moment of silence observed.

SB 534, 590, HB 2576, 2314, 2316, 2319, 2322 – Message from the Senate announcing passage.

HB 2131, 2132, 2227 – Message from the Senate announcing passage as amended by the Senate.

HB 2005, 2634, 2558 – Message from the Senate announcing President signed on May 6, 2003.

HB 2304 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 2606 – Report by Committee on Water recommending passage with amendments and be printed A-Engrossed.

HB 2659 – Report by Committee on Water recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2909 – Report by Committee on Environment and Land Use recommending passage with amendments and be printed A-Engrossed.

HB 3193 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 3220 – Report by Committee on Water recommending passage with amendments and be printed A-Engrossed.

HB 3268 – Report by Committee on General Government without recommendation as to passage and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 3555 – Report by Committee on Water recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 3620 – Report by Committee on Water recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 3628 – Report by Committee on Transportation recommending passage. Bill referred to Committee on Ways and Means by prior reference.

SB 11 (A-Engrossed) – Report by Committee on Education recommending passage.

SB 35 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

SB 37 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

SB 129 – Report by Committee on Education recommending passage. Bill referred to Committee on Ways and Means by prior reference.

SB 154 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed B-Engrossed.

SB 179 (A-Engrossed) – Report by Committee on Transportation recommending passage with amendments and be printed B-Engrossed.

SB 199 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

SB 242 (A-Engrossed) – Report by Committee on Agriculture and Natural Resources recommending passage. Bill referred to Committee on Ways and Means by prior reference.

SB 248 – Report by Committee on Business, Labor and Consumer Affairs recommending passage and be placed on the Consent Calendar.

SB 291 – Report by Committee on Agriculture and Natural Resources recommending passage with amendments, be printed A-Engrossed, and be placed on the Consent Calendar.

SB 393 – Report by Committee on Health and Human Services recommending passage.

SB 434 (A-Engrossed) – Report by Committee on Health and Human Services recommending passage.

SB 436 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed.

SB 734 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

HB 3635 – Read first time and passed to Speaker's desk for referral.

HB 3632, 3633, 3634 – Referred from Speaker's desk to the following committees: 3634 – Business, Labor and Consumer Affairs with subsequent referral to Ways and Means; 3632, 3633 – Revenue.

HB 2166, 2468, 3069, 3136, 3300, 3544 – Read second time and passed to third reading.

HB 2887, 3462, 2120 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit third reading and final consideration immediately.

HB 2887 (A-Engrossed) – Read under Consent Calendar. On passage of the bill the vote was: Yeas, 55; Absent, 1 – Kropf; Excused, 2 – Nelson, Scott; Excused for business of the House, 2 – Westlund, Speaker Minnis. Bill passed.

HB 3462 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 56; Excused, 2 – Nelson, Scott; Excused for business of the House, 2 – Westlund, Speaker Minnis. Bill passed.

HB 2120 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 56; Nays, 1 – Close; Excused, 2 – Nelson,

Scott; Excused for business of the House, 1 – Westlund. Bill passed.

SB 182, 187, 188, 246, 247, 276, 225, 94, 181, 203, 204, 215, 251, 341, 425, 174, 192, 748, 878 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Consent Calendar carried over and placed in their proper order on Thursday's, May 8, 2003 Calendar.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of Third Reading of Senate Bills.

SB 9 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit third reading and final consideration immediately.

SB 9 (A-Engrossed) – Read third time. Carried by Kitts. On passage of the bill the vote was: Yeas, 56; Excused, 2 – Nelson, Scott; Excused for business of the House, 2 – Westlund, Speaker Minnis. Bill passed.

HB 3017 (A-Engrossed) – Read third time. Carried by Close.

Call of the House demanded by Close, joined by Merkley, Farr, Zauner, Dalto and Verger. All present except: Excused (not subject to Call), 2 – Nelson, Scott.

HB 3017 (A-Engrossed) – On passage of the bill the vote was: Yeas, 31; Nays, 27 – Avakian, Barker, Barnhart, Bates, Berger, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Kropf, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Shetterly, Tomei, Verger, Wirth; Excused, 2 – Nelson, Scott. Bill passed.

HB 3126 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill taken from today's Third Reading of House Bills carried over and placed in its proper order on Thursday's, May 8, 2003 Calendar.

HB 3247 (A-Engrossed) – Read third time. Carried by Ackerman.

By unanimous consent, on request of Miller, rules suspended to permit use of visual aid during debate of bill.

HB 3247 (A-Engrossed) – On passage of the bill the vote was: Yeas, 38; Nays, 18 – Avakian, Barker, Barnhart, Beyer, Dingfelder, Hansen, Hass, Johnson, Kafoury, Macpherson, March, Merkley, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Wirth; Absent, 1 – Close; Excused, 2 – Nelson, Scott; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 3354 (A-Engrossed) – Read third time. Carried by Kitts. On passage of the bill the vote was: Yeas, 57; Excused, 2 – Nelson, Scott; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 3380 (A-Engrossed) – Read third time. Carried by Butler. On passage of the bill the vote was: Yeas, 56; Nays, 1 – Wirth; Excused, 2 – Nelson, Scott; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 3548 (A-Engrossed) – Read third time. Carried by Richardson.

Previous question moved by Gallegos, carried.

HB 3548 (A-Engrossed) – On passage of the bill the vote was: Yeas, 43; Nays, 12 – Avakian, Barker, Barnhart, Beyer, Close, Dingfelder, Hass, Kafoury, Macpherson, March, Tomei, Wirth; Excused, 2 – Nelson, Scott; Excused for business of the House, 3 – Hansen, Johnson, Speaker Minnis. Bill passed.

HB 3606 (A-Engrossed) – Read third time. Carried by Backlund.

By unanimous consent, on request of Backlund, rules suspended to permit use of visual aid during presentation of bill.

Previous question moved by Garrard, carried.

Call of the House demanded by Backlund, joined by Macpherson, Barnhart, Flores, Brown and Gallegos. All present except: Excused (not subject to Call), 2 – Nelson, Scott.

HB 3606 (A-Engrossed) – On passage of the bill the vote was: Yeas, 33; Nays, 25 – Ackerman, Avakian, Bates, Beyer, Butler, Close, Dingfelder, Gilman, Hopson, Johnson, Kafoury, Kropf, Krummel, Kruse, Monnes Anderson, Morgan, Nolan, Patridge, Richardson, Rosenbaum, Shetterly, Smith P., Smith T., Verger, Williams; Excused, 2 – Nelson, Scott. Bill passed.

Ackerman requested the following explanation of his vote be entered in the Journal:

"I voted against House Bill 3606-A, the 'Baseball Bill,' because I believe that this bill is the most misplaced piece of legislation to come out of this legislature.

"I cannot, in clear conscience, look my constituents in the eye and tell them that we were unable to fully fund our schools, take care of all of our senior and disabled citizens, fix our roads and bridges, and ensure our public safety, but hey, 'we got baseball!'"

"Baseball may be our national pastime, but I believe that we should treat the citizens of our state first."

Dingfelder requested the following explanation of her vote be entered in the Journal:

"I voted no on House Bill 3606 because I believe that state approval and participation of this venture represents a misdirected set of priorities. I question why we should give the state's blessing to baseball instead of schools, seniors, or the medically needy. A new baseball stadium in Portland would cost \$300 million. The

question of the state's ultimate liability for the construction bonds has not yet received a satisfactory answer.

"Furthermore, I am concerned about potential liability falling on the City of Portland. In good conscience, I simply cannot support any proposal that carries even the slightest risk of increased debt obligation for the taxpayers of Oregon."

Knopp requested the following explanation of his vote be entered in the Journal:

"Considering the tough economic times that our state is currently facing, it is very important that the legislature do all it can to create and promote jobs. Earlier today, I joined with a bipartisan majority of my House colleagues in voting in favor of a bill that could create over 1,000 new construction and service-oriented jobs. My vote in favor of HB 3606, facilitating the possibility of a baseball stadium in Portland, is cast knowing that this bill has been pitched as a work in progress.

"Recognizing that, according to assurances by the committee and floor testimony, this bill won't take revenue from state services and won't negatively affect the credit rating of the state, I am able to support HB 3606. This initial vote is to give proponents the opportunity to prove the bill's worth throughout the process. Many Metro area legislators want a chance to convince the legislature and budget writers that this is a priority that will benefit Portland and the State of Oregon.

"One of the top priorities of the House Republicans this session is to stimulate the economy by creating jobs. If enacted, HB 3606 could provide an economic shot in the arm for all of Oregon."

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

"I voted against HB 3606, relating to MLB in Portland. I sat on the Rules and Public Affairs Committee where this bill was heard and voted no on it. There were, however some agreeable amendments and I was very happy to see the State's responsibility on the bonding go away. Even with the new amendments there are many concerns. My priorities lie with education, health care, and workforce issues. The public demands that these issues are dealt with first. Many more constituents find it disgusting that we are dealing with baseball over education and health care. I also find it frustrating that we spend so little time on these issues compared to other topics.

"We have a very volatile tax structure in Oregon and the Legislature has to address this problem. If we have significant tax reform, the impact on paying off the stadium bonds could be jeopardized. A stadium will be tax exempt from property taxes. More real estate taxes will not be coming into the general fund because of this. I do not like the idea of starting a precedent of using income taxes from player's salaries to fund a private stadium. I also still have questions about the 'ultimate' guarantor and grantee for the bonding."

HB 2342, 2490, 2590, 2592, 3120, 3344, 3349, 3400, 3459, 3520, 3579, 3602, 3622, 2381, 2459, 2906, 2983, 2986, 3006, 3015, 3215, 3250, 3329, 2066, 2209, 2246, 2473, 2825, 2828, 2987, 3296, 3389, 3460 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Thursday's, May 8, 2003 Calendar.

HM 6, HCR 8, SCR 3, 4, 5, HJR 18, SJM 3, 5 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and measures remaining on today's Final Reading of Memorials and Resolutions carried over and placed in their proper order on Thursday's, May 8, 2003 Calendar.

SB 534, 590 – Read first time and passed to Speaker's desk for referral.

SB 342, 534, 590 – Referred from Speaker's desk to the following committees: 534 – Business, Labor and Consumer Affairs; 342 – Judiciary; 590 – Water.

SB 198, 228, 233, 245, 256, 281, 286, 292, 387, 807, 822, 876 – Read second time and passed to third reading.

SB 130, 388, 238, 157, 211, 221, 310, 328, 374, 525, 584, 667, 795, 223, 226, 327, 70, 71, 72, 127, 161, 167, 241, 250, 602, 692, 724, 739, 8, 32, 33, 118, 119, 205, 230, 311, 575, 803 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of Senate Bills carried over and placed in their proper order on Thursday's, May 8, 2003 Calendar.

HB 2120 (A-Engrossed) – By unanimous consent, on request of Knopp, rules suspended to permit Monnes Anderson to change her vote from "aye" to "nay" on passage of bill.

HB 2004 – Speaker signed.

House adjourned until 10:45 a.m., Thursday, May 8, 2003 on motion of Jenson.

#### **Thursday, May 8, 2003 – Morning Session**

House convened at 10:45 a.m. Dalto in Chair. All present except: Excused for business of the House, 3 – Close, Miller, Speaker Minnis.

Speaker Pro Tempore in Chair.

Opening Ceremony presented by Pastor Del Anderson, Faith Lutheran Church, Keizer.

SB 40 – Message from the Senate announcing passage.

HB 2004 – Message from the Senate announcing President signed on May 7, 2003.

HCR 10, 11 – Introduced, read and passed to Speaker's desk for referral.

HCR 10, 11 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HB 2118 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2299 (A-Engrossed) – Report by Committee on Revenue recommending passage with amendments and be printed B-Engrossed.

HB 3519 – Report by Committee on Water recommending passage with amendments and be printed A-Engrossed.

HB 3573 – Report by Committee on General Government recommending passage with amendments and be printed A-Engrossed. Bill

referred to Committee on Ways and Means by prior reference.

HB 3574 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

SB 39 – Report by Committee on Judiciary recommending passage.

SB 42 – Report by Committee on Judiciary recommending passage.

SB 43 (A-Engrossed) – Report by Committee on Judiciary recommending passage.

SB 45 – Report by Committee on Judiciary recommending passage.

SB 67 – Report by Committee on Judiciary recommending passage.

SB 212 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage and be placed on the Consent Calendar.

SB 289 (A-Engrossed) – Report by Committee on Transportation recommending passage.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 3126 (A-Engrossed) – Read third time. Carried by Smith G.

Call of the House demanded by Smith G., joined by Butler, Farr, Hansen, Jenson and Mabrey. All present.

HB 3126 (A-Engrossed) – On passage of the bill the vote was: Yeas, 35; Nays, 25 – Ackerman, Avakian, Barker, Barnhart, Bates, Beyer, Dalto, Dingfelder, Farr, Greenlick, Hansen, Hass, Hopson, Johnson, Kafoury, Macpherson, March, Merkley, Nolan, Prozanski, Rosenbaum, Shetterly, Tomei, Williams, Wirth. Bill passed.

HB 2342 (A-Engrossed) – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 59; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 2490 (A-Engrossed) – Read third time. Carried by Williams. On passage of the bill the vote was: Yeas, 58; Absent, 1 – Macpherson; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 2590 (A-Engrossed) – Read third time. Carried by Ackerman. On passage of the bill the vote was: Yeas, 57; Absent, 2 – Close, Farr; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 2592 (A-Engrossed) – Read third time. Carried by Jenson. On passage of the bill the vote was: Yeas, 57; Excused for business of the House, 3 – Smith P., Zauner, Speaker Minnis. Bill passed.

HB 3120 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill taken from today's Third Reading of House Bills and placed in its proper order on Friday's, May 9, 2003 Calendar.

HB 3344 (A-Engrossed) – Read third time. Carried by Macpherson. On passage of the bill the vote was: Yeas, 56; Absent, 1 – Gallegos; Excused for business of the House, 3 – Smith P., Zauner, Speaker Minnis. Bill passed.

HB 3349 – Read third time. Carried by Jenson. On passage of the bill the vote was: Yeas, 57; Excused for business of the House, 3 – Smith P., Zauner, Speaker Minnis. Bill passed.

HB 3400 – Read third time. Carried by Garrard. On passage of the bill the vote was: Yeas, 56; Absent, 1 – Farr; Excused for business of the House, 3 – Smith P., Zauner, Speaker Minnis. Bill passed.

HB 3459 – Read third time. Carried by Smith G. On passage of the bill the vote was: Yeas, 54; Nays, 3 – Barnhart, March, Wirth; Excused for business of the House, 3 – Smith P., Zauner, Speaker Minnis. Bill passed.

HB 3520 (A-Engrossed) – Read third time. Carried by Anderson. On passage of the bill the vote was: Yeas, 59; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 3579 – Read third time. Carried by Scott. On passage of the bill the vote was: Yeas, 41; Nays, 19 – Avakian, Barnhart, Bates, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Monnes Anderson, Nolan, Prozanski, Tomei, Wirth. Bill passed.

HB 2906, 3329 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit third reading and final consideration immediately.

HB 2906 (A-Engrossed) – Read third time. Williams moved bill be rereferred to Committee on Business, Labor and Consumer Affairs. Motion carried on viva voce vote. Bill rereferred.

HB 3329 (A-Engrossed) – Read third time. Williams moved bill be rereferred to Committee on Judiciary. Motion carried on viva voce vote. Bill rereferred.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of Consent Calendar.

SB 341 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to remove bill from Consent Calendar.

SB 341 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit third reading and final consideration immediately.

SB 341 (A-Engrossed) – Read third time. Close moved bill be rereferred to Committee on Business, Labor and Consumer Affairs. Motion carried on viva voce vote. Bill rereferred.

HB 2003 – Message from the Senate announcing passage as amended by the Senate.

House recessed until 1:00 p.m. on motion of Jenson.

#### **Thursday, May 8, 2003 – Afternoon Session**

House reconvened at 1:00 p.m. Kruse in Chair. All present except: Absent, 1 – Wirth; Excused, 1 – Nelson; Excused for business of the House, 11 – Barnhart, Bates, Doyle, Flores, Garrard, Johnson, Krieger, Krummel, Morgan, Verger, Speaker Minnis.

Speaker Pro Tempore in Chair.

Having recessed under the order of business of Propositions and Motions, the House continued under that order of business.

HB 2340 – Message from the Senate announcing passage as amended by the Senate.

HB 2021 (A-Engrossed) – Kruse moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 32; Nays, 15 – Ackerman, Beyer, Dingfelder, Hansen, Hass, Hopson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Tomei; Absent, 1 – Wirth; Excused, 1 – Nelson; Excused for business of the House, 11 – Barnhart, Bates, Doyle, Flores, Garrard, Johnson, Krieger, Krummel, Morgan, Verger, Speaker Minnis. Bill repassed.

HB 2050 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 48; Absent, 1 – Merkley; Excused, 1 – Nelson; Excused for business of the House, 10 – Barnhart, Doyle, Flores, Garrard, Johnson, Krieger, Monnes Anderson, Morgan, Verger, Speaker Minnis. Bill repassed.

HB 2131 (B-Engrossed) – Krummel moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 49; Excused, 1 – Nelson; Excused for business of the House, 10 – Barnhart, Doyle, Flores, Garrard, Johnson, Krieger, Monnes Anderson, Morgan, Verger, Speaker Minnis. Bill repassed.

HB 2132 (B-Engrossed) – Krummel moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 49; Excused, 1 – Nelson; Excused for business of the House, 10 – Barnhart, Doyle, Flores, Garrard, Johnson, Krieger, Monnes Anderson, Morgan, Verger, Speaker Minnis. Bill repassed.

HB 2163 (A-Engrossed) – Close moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 49; Excused, 1 – Nelson; Excused for business of the House, 10 – Barnhart, Doyle, Flores, Garrard, Johnson, Krieger, Monnes Anderson, Morgan, Verger, Speaker Minnis. Bill repassed.

HB 2227 (B-Engrossed) – Jenson moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 49; Nays, 1 – Miller; Excused, 1 – Nelson; Excused for business of the House, 9 – Barnhart, Doyle, Flores, Johnson, Krieger, Monnes Anderson, Morgan, Verger, Speaker Minnis. Bill repassed.

HB 2272 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 50; Excused, 1 – Nelson; Excused for business of the House, 9 – Barnhart, Doyle, Flores, Johnson, Krieger, Monnes Anderson, Morgan, Verger, Speaker Minnis. Bill repassed.

HB 2450 (B-Engrossed) – Backlund moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 49; Excused, 1 – Nelson; Excused for business of the House, 10 – Barnhart, Doyle, Flores, Johnson, Krieger, Monnes Anderson, Morgan, Verger, Westlund, Speaker Minnis. Bill repassed.

HB 2474 (A-Engrossed) – Close moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 48; Excused, 1 – Nelson; Excused for business of the House, 11 – Backlund, Barnhart, Doyle, Flores, Johnson, Krieger, Monnes Anderson, Morgan, Verger, Westlund, Speaker Minnis. Bill repassed.

HB 2691 (B-Engrossed) – Smith P. moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 47; Excused, 1 – Nelson; Excused for business of the House, 12 – Backlund, Barnhart, Doyle, Flores, Hass, Johnson, Krieger, Monnes Anderson, Morgan, Verger, Westlund, Speaker Minnis. Bill repassed.

HB 2818 (A-Engrossed) – Prozanski moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 44; Nays, 2 – Close, Smith T.; Excused, 1 – Nelson; Excused for business of the



House, 13 – Backlund, Barnhart, Bates, Doyle, Flores, Hass, Johnson, Krieger, Monnes Anderson, Morgan, Verger, Westlund, Speaker Minnis. Bill repassed.

HB 3063 (B-Engrossed) – Close moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 45; Nays, 1 – Barker; Excused, 1 – Nelson; Excused for business of the House, 13 – Backlund, Barnhart, Bates, Doyle, Flores, Hass, Johnson, Krieger, Monnes Anderson, Morgan, Verger, Westlund, Speaker Minnis. Bill repassed.

HB 3635 – Referred from Speaker's desk to the following committee: General Government.

HB 2167, 2431, 2688, 2756, 2817, 3020, 3051, 3217 – Read second time and passed to third reading.

SB 182 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 45; Nays, 1 – Kafoury; Excused, 1 – Nelson; Excused for business of the House, 13 – Backlund, Barnhart, Bates, Doyle, Flores, Hass, Johnson, Krieger, Monnes Anderson, Morgan, Verger, Westlund, Speaker Minnis. Bill passed.

SB 187 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 46; Excused, 1 – Nelson; Excused for business of the House, 13 – Backlund, Barnhart, Bates, Doyle, Flores, Hass, Johnson, Krieger, Monnes Anderson, Morgan, Verger, Westlund, Speaker Minnis. Bill passed.

SB 188 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 44; Nays, 2 – Kafoury, Nolan; Excused, 1 – Nelson; Excused for business of the House, 13 – Backlund, Barnhart, Bates, Doyle, Flores, Hass, Johnson, Krieger, Monnes Anderson, Morgan, Verger, Westlund, Speaker Minnis. Bill passed.

SB 246 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 46; Excused, 1 – Nelson; Excused for business of the House, 13 – Backlund, Barnhart, Bates, Doyle, Flores, Hass, Johnson, Krieger, Monnes Anderson, Morgan, Verger, Westlund, Speaker Minnis. Bill passed.

SB 247 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 46; Excused, 1 – Nelson; Excused for business of the House, 13 – Backlund, Barnhart, Bates, Doyle, Flores, Hass, Johnson, Krieger, Monnes Anderson, Morgan, Verger, Westlund, Speaker Minnis. Bill passed.

SB 276 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 45; Excused, 1 – Nelson; Excused for business of the House, 14 – Backlund, Barnhart,

Bates, Close, Doyle, Flores, Hass, Johnson, Krieger, Monnes Anderson, Morgan, Verger, Westlund, Speaker Minnis. Bill passed.

SB 225 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 45; Excused, 1 – Nelson; Excused for business of the House, 14 – Backlund, Barnhart, Bates, Close, Doyle, Flores, Hass, Johnson, Krieger, Monnes Anderson, Morgan, Verger, Westlund, Speaker Minnis. Bill passed.

SB 94 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 45; Excused, 1 – Nelson; Excused for business of the House, 14 – Backlund, Barnhart, Bates, Close, Doyle, Flores, Hass, Johnson, Krieger, Monnes Anderson, Morgan, Verger, Westlund, Speaker Minnis. Bill passed.

SB 181 (B-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 45; Excused, 1 – Nelson; Excused for business of the House, 14 – Backlund, Barnhart, Bates, Close, Doyle, Flores, Hass, Johnson, Krieger, Monnes Anderson, Morgan, Verger, Westlund, Speaker Minnis. Bill passed.

SB 203 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 44; Excused, 1 – Nelson; Excused for business of the House, 15 – Backlund, Barnhart, Bates, Close, Doyle, Flores, Hass, Johnson, Krieger, Miller, Monnes Anderson, Morgan, Verger, Westlund, Speaker Minnis. Bill passed.

SB 204 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 46; Excused, 1 – Nelson; Excused for business of the House, 13 – Backlund, Barnhart, Bates, Close, Doyle, Flores, Johnson, Krieger, Monnes Anderson, Morgan, Verger, Westlund, Speaker Minnis. Bill passed.

SB 215 (B-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 46; Excused, 1 – Nelson; Excused for business of the House, 13 – Backlund, Barnhart, Bates, Close, Doyle, Flores, Johnson, Krieger, Monnes Anderson, Morgan, Verger, Westlund, Speaker Minnis. Bill passed.

SB 251 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 47; Excused, 1 – Nelson; Excused for business of the House, 12 – Backlund, Barnhart, Bates, Close, Doyle, Flores, Johnson, Krieger, Monnes Anderson, Morgan, Verger, Westlund. Bill passed.

SB 425 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 46; Excused, 1 – Nelson; Excused for business of the House, 13 – Backlund, Barnhart, Bates, Close, Doyle, Flores, Johnson, Krieger, Miller,

Monnes Anderson, Morgan, Verger, Westlund. Bill passed.

SB 174 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 46; Excused, 1 – Nelson; Excused for business of the House, 13 – Backlund, Barnhart, Bates, Close, Doyle, Flores, Johnson, Krieger, Miller, Monnes Anderson, Morgan, Verger, Westlund. Bill passed.

SB 192 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 45; Excused, 1 – Nelson; Excused for business of the House, 14 – Backlund, Barnhart, Bates, Close, Doyle, Flores, Johnson, Krieger, Miller, Monnes Anderson, Morgan, Verger, Westlund, Speaker Minnis. Bill passed.

SB 748 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 39; Nays, 7 – Brown, Garrard, Kitts, Kruse, Mabrey, Richardson, Scott; Excused, 1 – Nelson; Excused for business of the House, 13 – Backlund, Barnhart, Bates, Close, Doyle, Flores, Johnson, Krieger, Monnes Anderson, Morgan, Verger, Westlund, Speaker Minnis. Bill passed.

SB 878 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 46; Excused, 1 – Nelson; Excused for business of the House, 13 – Backlund, Barnhart, Bates, Close, Doyle, Flores, Johnson, Krieger, Monnes Anderson, Morgan, Verger, Westlund, Speaker Minnis. Bill passed.

SB 233 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 46; Excused, 1 – Nelson; Excused for business of the House, 13 – Backlund, Barnhart, Bates, Close, Doyle, Flores, Johnson, Krieger, Monnes Anderson, Morgan, Verger, Westlund, Speaker Minnis. Bill passed.

SB 256 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 39; Nays, 7 – Garrard, Kitts, Mabrey, Miller, Richardson, Scott, Zauner; Excused, 1 – Nelson; Excused for business of the House, 13 – Backlund, Barnhart, Bates, Close, Doyle, Flores, Johnson, Krieger, Monnes Anderson, Morgan, Verger, Westlund, Speaker Minnis. Bill passed.

SB 281 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 43; Nays, 3 – Butler, Smith T., Zauner; Excused, 1 – Nelson; Excused for business of the House, 13 – Backlund, Barnhart, Bates, Close, Doyle, Flores, Johnson, Krieger, Monnes Anderson, Morgan, Verger, Westlund, Speaker Minnis. Bill passed.

SB 387 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 41; Nays, 5 – Butler, Miller, Smith P., Smith T., Zauner; Excused, 1 – Nelson; Excused for business of the House, 13 – Backlund, Barnhart, Bates, Close,

Doyle, Flores, Johnson, Krieger, Monnes Anderson, Morgan, Verger, Westlund, Speaker Minnis. Bill passed.

HB 3602, 3622, 2381, 2459, 2983, 2986, 3006, 3015, 3215, 3250, 2066, 2209, 2246, 2473, 2825, 2828, 2987, 3296, 3389, 3460, 2138, 2166, 2468, 3069, 3136, 3300, 3544 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Friday's, May 9, 2003 Calendar.

HM 6, HCR 8, SCR 3, 4, 5, HJR 18, SJM 3, 5 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and measures remaining on today's Final Reading of Memorials and Resolutions carried over and placed in their proper order on Friday's, May 9, 2003 Calendar.

SB 40 – Read first time and passed to Speaker's desk for referral.

SB 11, 162, 163, 164, 185, 199, 393, 434, 478, 734, 858 – Read second time and passed to third reading.

SB 130, 388, 238, 157, 211, 221, 310, 328, 374, 525, 584, 667, 795, 223, 226, 327, 70, 71, 72, 127, 161, 167, 241, 250, 602, 692, 724, 739, 8, 32, 33, 118, 119, 205, 230, 311, 575, 803, 198, 228, 245, 286, 292, 807, 822, 876 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of Senate Bills carried over and placed in their proper order on Friday's, May 9, 2003 Calendar.

Message from the Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contribution received during Seventy-second Regular Session, filed on May 6, 2003 by Chuck Riley, candidate for office of State Representative.

SB 9 – Speaker signed.

House adjourned until 8:30 a.m., Friday, May 9, 2003 on motion of Jenson.

#### **Friday, May 9, 2003 – Morning Session**

House convened at 8:30 a.m. Speaker Pro Tempore in Chair. All present except: Absent, 1 – Wirth; Excused, 2 – Close, Kafoury; Excused for business of the House, 5 – Brown, Miller, Morgan, Patridge, Speaker Minnis.

Opening Ceremony presented by Cletus Moore and Yovanny Perez, Portland.

SB 9 – Message from the Senate announcing President signed on May 8, 2003.

SB 604, 609, 646, 647, 765, 885, 189, 272, 538, 576, 896, HB 2060, 2086 – Message from the Senate announcing passage.

HCR 7, HJR 41 – Message from the Senate announcing adoption.

HB 2165 – Report by Committee on Health and Human Services recommending passage with amendments, be printed A-Engrossed, rescind subsequent referral to Committee on Ways and Means, and be placed on the Consent Calendar. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 2577 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2638 – Report by Committee on Judiciary recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 3047 – Report by Committee on Water recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 3058 – Report by Committee on Transportation recommending passage with amendments, be printed A-Engrossed, and be placed on the Consent Calendar.

HB 3270 – Report by Committee on Agriculture and Natural Resources without recommendation as to passage, with amendments, and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 3338 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 3616 – Report by Committee on Water recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Revenue by prior reference.

SB 74 (A-Engrossed) – Report by Committee on Health and Human Services recommending passage with amendments and be printed B-Engrossed.

SB 80 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage and be placed on the Consent Calendar.

SB 155 – Report by Committee on Health and Human Services recommending passage with

amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

SB 200 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

SB 234 – Report by Committee on Business, Labor and Consumer Affairs recommending passage and be placed on the Consent Calendar.

SB 235 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed B-Engrossed.

SB 243 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage and be placed on the Consent Calendar.

SB 244 – Report by Committee on Business, Labor and Consumer Affairs recommending passage and be placed on the Consent Calendar.

SB 287 – Report by Committee on Education recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

SB 499 (A-Engrossed) – Report by Committee on Water recommending passage with amendments and be printed B-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

SB 514 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage and be placed on the Consent Calendar.

SB 516 (A-Engrossed) – Report by Committee on Environment and Land Use recommending passage with amendments and be printed B-Engrossed.

SB 832 (A-Engrossed) – Report by Committee on Agriculture and Natural Resources recommending passage and be placed on the Consent Calendar.

HB 2340 (C-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 52; Absent, 1 – Wirth; Excused, 2 – Close, Kafoury; Excused for business of the House, 5 – Brown, Miller, Morgan, Patridge, Speaker Minnis. Bill repassed.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 2304, 2606, 2909, 3193, 3220 – Read second time and passed to third reading.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of First Reading of Senate Bills.

SB 189, 272, 538, 576, 604, 609, 646, 647, 765, 885, 896 – Read first time and passed to Speaker's desk for referral.

SB 189, 538, 576, 604, 646, 647, 765, 885, 896 – Referred from Speaker's desk to the following committees: 604, 896 – Business, Labor and Consumer Affairs; 646, 647, 885 – Health and Human Services; 189 – Judiciary; 538 – Rules and Public Affairs; 765 – Transportation; 576 – Water.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of Second Reading of Senate Bills.

SB 35, 37, 39, 42, 43, 45, 67, 154, 179, 248, 289, 291, 436 – Read second time and passed to third reading.

Call of the House demanded by Knopp, joined by Backlund, Merkley, Macpherson, Nelson and Kropf. All present except: Excused (not subject to Call), 1 – Close.

HB 2003 (B-Engrossed) – Knopp moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 39; Nays, 20 – Ackerman, Avakian, Barnhart, Beyer, Dalto, Dingfelder, Greenlick, Hansen, Hunt, Jenson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Smith G., Tomei, Wirth; Excused, 1 – Close. Bill repassed.

Hopson requested the following explanation of her vote be entered in the Journal:

"I voted for HB 2003-A for two reasons:

"1) something has to be done about the PERS obligation and

"2) this gets the issue to the courts in an expedited manner so we can possibly move forward.

"The bill is not fair or right but it does move the issue forward rather than continuing the quagmire in which we found ourselves. Schools, counties, cities and all other state employees need some certainty as soon as possible."

House recessed until 10:45 a.m. on motion of Jenson.

HB 2003, 2340 – Speaker signed.

House reconvened at 10:45 a.m. Gallegos in Chair. All present except: Excused, 2 – Close, Speaker Minnis.

Speaker Pro Tempore in Chair.

Having recessed under the order of business of Propositions and Motions, by implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

SB 13 – Report by Committee on Health and Human Services recommending passage and be placed on the Consent Calendar.

SB 158 – Report by Committee on Health and Human Services recommending passage and be placed on the Consent Calendar.

SB 258 (A-Engrossed) – Report by Committee on Public Employees Retirement System recommending passage.

SB 554 (A-Engrossed) – Report by Committee on Health and Human Services recommending passage and be placed on the Consent Calendar.

SB 606 – Report by Committee on Health and Human Services recommending passage and be placed on the Consent Calendar.

HB 2003, 2340 – Message from the Senate announcing President signed on May 9, 2003.

HB 3020 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 55; Nays, 1 – March; Excused, 3 – Close, Zauner, Speaker Minnis; Excused for business of the House, 1 – Verger. Bill passed.

SB 162 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 56; Excused, 3 – Close, Zauner, Speaker Minnis; Excused for business of the House, 1 – Verger. Bill passed.

SB 163 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 56; Excused, 3 – Close, Zauner, Speaker Minnis; Excused for business of the House, 1 – Verger. Bill passed.

SB 164 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 56; Excused, 3 – Close, Zauner, Speaker Minnis; Excused for business of the House, 1 – Verger. Bill passed.

SB 478 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 56; Excused, 3 – Close, Zauner, Speaker Minnis; Excused for business of the House, 1 – Verger. Bill passed.

HB 3120 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill taken from today's Third Reading of House Bills and placed in its proper order on Monday's, May 12, 2003 Calendar.

HB 3602 – Read third time. Carried by Macpherson.

Kruse in Chair.

HB 3602 – On passage of the bill the vote was: Yeas, 55; Absent, 1 – Farr; Excused, 3 – Close,

Zauner, Speaker Minnis; Excused for business of the House, 1 – Verger. Bill passed.

HB 3622 – By unanimous consent, on request of Chair, rules suspended and bill taken from today's Third Reading of House Bills and placed in its proper order on Monday's, May 12, 2003 Calendar.

HB 2381 (A-Engrossed) – Read third time. Carried by Anderson. On passage of the bill the vote was: Yeas, 55; Nays, 1 – Jenson; Excused, 3 – Close, Zauner, Speaker Minnis; Excused for business of the House, 1 – Verger. Bill passed.

HB 2459, 2983 – By unanimous consent, on request of Chair, rules suspended and bills taken from today's Third Reading of House Bills and placed in their proper order on Monday's, May 12, 2003 Calendar.

HB 2986 (A-Engrossed) – Read third time. Carried by Greenlick. On passage of the bill the vote was: Yeas, 56; Excused, 3 – Close, Zauner, Speaker Minnis; Excused for business of the House, 1 – Verger. Bill passed.

HB 3006 – By unanimous consent, on request of Chair, rules suspended and bill taken from today's Third Reading of House Bills and placed in its proper order on Monday's, May 12, 2003 Calendar.

HB 3015 (A-Engrossed) – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 55; Excused, 4 – Close, Tomei, Zauner, Speaker Minnis; Excused for business of the House, 1 – Verger. Bill passed.

HB 3215 (A-Engrossed) – Read third time. Carried by Westlund. On passage of the bill the vote was: Yeas, 54; Nays, 1 – Wirth; Excused, 4 – Close, Tomei, Zauner, Speaker Minnis; Excused for business of the House, 1 – Verger. Bill passed.

HB 3250 (A-Engrossed) – Read third time. Carried by Anderson. On passage of the bill the vote was: Yeas, 53; Nays, 1 – Wirth; Absent, 1 – Patridge; Excused, 4 – Close, Tomei, Zauner, Speaker Minnis; Excused for business of the House, 1 – Verger. Bill passed.

HB 2066 (A-Engrossed) – Read third time. Carried by Williams. On passage of the bill the vote was: Yeas, 55; Excused, 4 – Close, Tomei, Zauner, Speaker Minnis; Excused for business of the House, 1 – Verger. Bill passed.

HB 2209 – Read third time. Carried by Johnson.

Speaker Pro Tempore in Chair.

HB 2209 – On passage of the bill the vote was: Yeas, 54; Nays, 1 – Rosenbaum; Excused, 4 – Close, Tomei, Zauner, Speaker Minnis; Excused for business of the House, 1 – Verger. Bill passed.

HB 2246 (A-Engrossed) – Read third time. Carried by Avakian. On passage of the bill the vote was: Yeas, 55; Excused, 4 – Close, Tomei, Zauner, Speaker Minnis; Excused for business of the House, 1 – Verger. Bill passed.

HB 2473, 2825, 2828 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills taken from today's Third Reading of House Bills and placed in their proper order on Monday's, May 12, 2003 Calendar.

HB 2987 (A-Engrossed) – Read third time. Carried by Kruse. On passage of the bill the vote was: Yeas, 54; Excused, 5 – Close, Monnes Anderson, Tomei, Zauner, Speaker Minnis; Excused for business of the House, 1 – Patridge. Bill passed.

HB 3296 – Read third time. Carried by Barker.

Kruse in Chair.

HB 3296 – On passage of the bill the vote was: Yeas, 54; Excused, 5 – Close, Monnes Anderson, Tomei, Zauner, Speaker Minnis; Excused for business of the House, 1 – Patridge. Bill passed.

HB 3389 – By unanimous consent, on request of Chair, rules suspended and bill taken from today's Third Reading of House Bills and placed in its proper order on Monday's, May 12, 2003 Calendar.

HB 3460 (A-Engrossed) – Read third time. Carried by Smith G. On passage of the bill the vote was: Yeas, 53; Nays, 1 – Wirth; Excused, 5 – Close, Monnes Anderson, Tomei, Zauner, Speaker Minnis; Excused for business of the House, 1 – Patridge. Bill passed.

HB 2138 (A-Engrossed) – Read. Carried by Jenson. On passage of the bill the vote was: Yeas, 52; Excused, 5 – Close, Monnes Anderson, Tomei, Zauner, Speaker Minnis; Excused for business of the House, 3 – Bates, Patridge, Williams. Bill passed.

HB 2166 (B-Engrossed) – Read third time. Carried by Farr. On passage of the bill the vote was: Yeas, 50; Nays, 1 – Nolan; Absent, 1 – Hansen; Excused, 5 – Close, Monnes Anderson, Tomei, Zauner, Speaker Minnis; Excused for business of the House, 3 – Bates, Patridge, Williams. Bill passed.

HB 2468, 3069, 3136 – By unanimous consent, on request of Chair, rules suspended and bills taken from today's Third Reading of House Bills and placed in their proper order on Monday's, May 12, 2003 Calendar.

HB 3300 (A-Engrossed) – Read third time. Carried by Garrard. On passage of the bill the vote was: Yeas, 51; Absent, 1 – Kropf; Excused, 5 – Close, Monnes Anderson, Tomei, Zauner, Speaker Minnis; Excused for business of the House, 3 – Bates, Patridge, Williams. Bill passed.

HB 3544 (A-Engrossed) – Read third time. Carried by Kitts. On passage of the bill the vote was: Yeas, 52; Excused, 5 – Close, Monnes Anderson, Tomei, Zauner, Speaker Minnis; Excused for business of the House, 3 – Bates, Patridge, Williams. Bill passed.

HB 2167, 2431 – By unanimous consent, on request of Chair, rules suspended and bills taken from today's Third Reading of House Bills and placed in their proper order on Monday's, May 12, 2003 Calendar.

HB 2688 (A-Engrossed) – Read third time. Carried by Schaufler. On passage of the bill the vote was: Yeas, 52; Nays, 1 – Beyer; Excused, 5 – Close, Monnes Anderson, Tomei, Zauner, Speaker Minnis; Excused for business of the House, 2 – Bates, Patridge. Bill passed.

HB 2756 (A-Engrossed) – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 54; Excused, 5 – Close, Monnes Anderson, Tomei, Zauner, Speaker Minnis; Excused for business of the House, 1 – Patridge. Bill passed.

HB 2817 – By unanimous consent, on request of Chair, rules suspended and bill taken from today's Third Reading of House Bills and placed in its proper order on Monday's, May 12, 2003 Calendar.

HB 3051 (A-Engrossed) – Read third time. Carried by Garrard. On passage of the bill the vote was: Yeas, 53; Excused, 5 – Close, Monnes Anderson, Tomei, Zauner, Speaker Minnis; Excused for business of the House, 2 – Miller, Patridge. Bill passed, having received the required three-fifths constitutional majority.

HB 3217 (A-Engrossed) – Read third time. Carried by Westlund. On passage of the bill the vote was: Yeas, 54; Excused, 5 – Close, Monnes Anderson, Tomei, Zauner, Speaker Minnis; Excused for business of the House, 1 – Patridge. Bill passed.

HM 6 – Read. Carried by Knopp. On adoption of the memorial the vote was: Yeas, 38; Nays, 13 – Avakian, Barker, Barnhart, Beyer, Dingfelder, Greenlick, Hansen, Macpherson, March, Merkley, Rosenbaum, Schaufler, Wirth; Absent, 1 – Nolan; Excused, 7 – Berger, Close, Monnes Anderson, Shetterly, Tomei, Zauner, Speaker Minnis; Excused for business of the House, 1 – Patridge. Memorial adopted.

HCR 8, SCR, 3, 4 – By unanimous consent, on request of Chair, rules suspended and measures taken from today's Final Reading of Memorials and Resolutions and placed in their proper order on Monday's, May 12, 2003 Calendar.

SCR 5 (A-Engrossed) – Read. Carried by Butler. On adoption of the resolution the vote was: Yeas, 51; Absent, 1 – Dingfelder; Excused, 7 – Berger, Close,

Monnes Anderson, Shetterly, Tomei, Zauner, Speaker Minnis; Excused for business of the House, 1 – Patridge. Resolution adopted.

HJR 18, SJM 3, 5 – By unanimous consent, on request of Chair, rules suspended and measures remaining on today's Final Reading of Memorials and Resolutions carried over and placed in their proper order on Monday's, May 12, 2003 Calendar.

SB 130, 388, 238, 157, 211, 221, 310, 328, 374, 525, 584, 667, 795, 223, 226, 327, 70, 71, 72, 127, 161, 167, 241, 250, 602, 692, 724, 739, 8, 32, 33, 118, 119, 205, 230, 311, 575, 803, 198, 228, 245, 286, 292, 807, 822, 876, 11, 185, 199, 393, 434, 734, 858 – By unanimous consent, on request of Chair, rules suspended and bills remaining on today's Third Reading of Senate Bills carried over and placed in their proper order on Monday's, May 12, 2003 Calendar.

HM 6 – By unanimous consent, on request of Knopp, rules suspended and Barker allowed to change his vote from “nay” to “aye” on adoption of memorial.

House adjourned until 10:45 a.m., Monday, May 12, 2003 on motion of Jenson.

#### **Monday, May 12, 2003 – Morning Session**

House convened at 10:45 a.m. Gallegos in Chair. All present except: Absent, 1 – Wirth.

Speaker Pro Tempore in Chair.

Moment of silence observed.

Courtesies of the House and floor were extended to Kevin Mannix, former Representative from District 32.

HB 2003, 2004, 2005, 2558, 2634 – Message from the Governor announcing he signed on May 9, 2003.

HB 2340 – Message from the Governor announcing he signed on May 10, 2003.

SB 64, 785, 820, 893, HB 2331, 2491, 3163, 3062, 2150, 2258, 2625, 3261, 2190 – Message from the Senate announcing passage.

HCR 5, HJM 5 – Message from the Senate announcing adoption.

HB 2230, 2761, 2059, 2030 – Message from the Senate announcing passage as amended by the Senate.

HB 2251 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed.

HB 2341 – Report by Committee on Business, Labor and Consumer Affairs recommending passage

with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 3394 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 3617 – Report by Committee on General Government without recommendation as to passage, be referred to Committee on Rules and Public Affairs, and then Committee on Ways and Means by prior reference. Bill referred to Committee on Rules and Public Affairs by order of the Speaker.

SB 14 (A-Engrossed) – Report by Committee on Judiciary recommending passage.

SB 17 (A-Engrossed) – Report by Committee on Judiciary recommending passage.

SB 38 (A-Engrossed) – Report by Committee on Judiciary recommending passage.

SB 136 (A-Engrossed) – Report by Committee on Judiciary recommending passage.

SB 137 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage and be placed on the Consent Calendar.

SB 194 – Report by Committee on Judiciary recommending passage.

SB 216 – Report by Committee on Judiciary recommending passage.

SB 253 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed B-Engrossed.

SB 255 (A-Engrossed) – Report by Committee on Judiciary recommending passage.

SB 397 (A-Engrossed) – Report by Committee on Judiciary recommending passage.

SB 457 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage.

SB 716 (A-Engrossed) – Report by Committee on Judiciary recommending passage with amendments and be printed B-Engrossed.

SB 833 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

HCR 9 – Read as a Special Order of Business. Carried by Smith P. On adoption of the resolution the vote was: Yeas, 58; Absent, 1 – Wirth; Excused for business of the House, 1 – Miller. Resolution adopted.

Courtesies of the House and floor were extended to Greg Walden, former Representative from District 56.

HB 3637 – Read first time and passed to Speaker's desk for referral.

HB 2118, 2299, 3519 – Read second time and passed to third reading.

SB 248 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 58; Absent, 1 – Wirth; Excused for business of the House, 1 – Miller. Bill passed.

SB 291 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 55; Nays, 2 – Avakian, Dingfelder; Absent, 1 – Wirth; Excused for business of the House, 2 – Westlund, Speaker Minnis. Bill passed.

HB 3120 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill moved to bottom of today's Third Reading Calendar.

HB 3622 – Read third time. Carried by Brown.

By unanimous consent, on request of Brown, rules suspended to permit use of visual aid during presentation of bill.

Call of the House demanded by Brown, joined by Kruse, Kropf, Gallegos, Ackerman and Merkley. All present.

HB 3622 – On passage of the bill the vote was: Yeas, 37; Nays, 23 – Avakian, Barker, Barnhart, Bates, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozenski, Rosenbaum, Schaufler, Tomei, Verger, Wirth. Bill passed.

Ackerman requested the following explanation of his vote be entered in the Journal:

"I supported this bill because it is one of the few bills which passed the House that provides jobs and economic development for rural Oregon.

"The uniqueness of rural manufacturing situations lends issue to this approach. Most, if not all of the independent contractors have their own businesses. Decentralized manufacturing allows for smaller impact on the rural environment. More importantly, this approach allows seniors, single parents, the disabled and those employed at other occupations an opportunity to be productive while retaining the home environment."

HB 2459 (A-Engrossed) – Read third time. Carried by Kruse.

Call of the House demanded by Kruse, joined by Dalto, Brown, Gilman, Mabrey and Scott. All present.

HB 2459 (A-Engrossed) – On passage of the bill the vote was: Yeas, 31; Nays, 29 – Ackerman, Avakian, Barker, Barnhart, Bates, Berger, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley,

Monnes Anderson, Morgan, Nolan, Prozanski, Rosenbaum, Schaufler, Shetterly, Smith P., Tomei, Verger, Wirth. Bill passed.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of First Reading of Senate Bills.

SB 64, 785, 820, 893 – Read first time and passed to Speaker's desk for referral.

SB 40, 64, 272, 609, 785, 820 – Referred from Speaker's desk to the following committees: 40 – Business, Labor and Consumer Affairs; 785 – Health and Human Services; 64, 609 – Judiciary; 272 – Rules and Public Affairs; 820 – Water.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of Second Reading of Senate Bills.

SB 212, 258 – Read second time and passed to third reading.

House recessed until 3:00 p.m. on motion of Jenson.

#### **Monday, May 12, 2003 – Afternoon Session**

House reconvened at 3:00 p.m. Smith T. in Chair. All present except: Excused for business of the House, 1 – Speaker Minnis.

Speaker Pro Tempore in Chair.

Having recessed under the order of business of Third Reading of House Bills, the House continued under that order of business.

HB 2983 (A-Engrossed) – Read third time. Carried by Close. On passage of the bill the vote was: Yeas, 47; Nays, 8 – Barnhart, Dingfelder, Hass, Kafoury, Mabrey, March, Prozanski, Wirth; Absent, 2 – Flores, Krummel; Excused for business of the House, 3 – Smith T., Westlund, Speaker Minnis. Bill passed.

HB 3006 – Read third time. Carried by Kruse.

Call of the House demanded by Kruse, joined by Brown, Backlund, Kropf, Verger and Gallegos. All present.

HB 3006 – On passage of the bill the vote was: Yeas, 35; Nays, 25 – Ackerman, Avakian, Barker, Barnhart, Bates, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Shetterly, Tomei, Wirth. Bill passed.

HB 2473 (A-Engrossed) – Read third time. Carried by Butler.

Call of the House demanded by Butler, joined by Zauner, Gilman, Garrard, Barker and Hansen. All present.

HB 2473 (A-Engrossed) – On passage of the bill the vote was: Yeas, 47; Nays, 13 – Barnhart, Dingfelder, Hansen, Hass, Hopson, Johnson, Kafoury, Merkley, Monnes Anderson, Morgan, Prozanski, Tomei, Verger. Bill passed.

HB 2825 (A-Engrossed) – Read third time. Carried by Backlund.

Call of the House demanded by Backlund, joined by Knopp, Smith P., Brown, Prozanski and Flores. All present.

HB 2825 (A-Engrossed) – On passage of the bill the vote was: Yeas, 31; Nays, 29 – Ackerman, Avakian, Barker, Barnhart, Bates, Beyer, Dingfelder, Farr, Garrard, Gilman, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nelson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Verger, Wirth. Bill passed.

Ackerman requested the following explanation of his vote be entered in the Journal:

"I voted against this bill because it is an unfunded mandate imposed upon our already financially strapped counties.

"It is not sound fiscal policy by this legislative body to impose mandates upon local jurisdictions."

HB 2828 (A-Engrossed) – Read third time. Carried by Monnes Anderson. On passage of the bill the vote was: Yeas, 58; Nays, 2 – Dingfelder, Nolan. Bill passed.

HB 3389 (A-Engrossed) – Read third time. Carried by Barker.

Call of the House demanded by Barker, joined by Backlund, Mabrey, Anderson, Merkley and Hass. All present.

HB 3389 (A-Engrossed) – On passage of the bill the vote was: Yeas, 43; Nays, 17 – Avakian, Barnhart, Beyer, Dalto, Dingfelder, Greenlick, Hansen, Hunt, Jenson, Kafoury, March, Merkley, Nolan, Prozanski, Rosenbaum, Tomei, Wirth. Bill passed.

HB 2468 (A-Engrossed) – Read third time. Carried by Jenson.

Previous question moved by Gallegos, carried.

Call of the House demanded by Jenson, joined by Knopp, Krummel, Kitts, Prozanski and Schaufler. All present except: Excused for business of the House (subject to Call), 2 – Bates, Westlund.

By unanimous consent, on request of Jenson, rules suspended to dispense with further proceedings under the Call of the House.



HB 2468 (A-Engrossed) – On passage of the bill the vote was: Yeas, 40; Nays, 18 – Avakian, Barker, Barnhart, Dingfelder, Greenlick, Hansen, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Shetterly, Tomei, Wirth; Excused for business of the House, 2 – Bates, Westlund. Bill passed.

HB 3069 (A-Engrossed) – Read third time. Carried by Close.

Potential conflict of interest declared by Verger.

HB 3069 (A-Engrossed) – On passage of the bill the vote was: Yeas, 58; Excused for business of the House, 2 – Bates, Westlund. Bill passed.

HB 3136 (A-Engrossed) – Read third time. Carried by Zauner. On passage of the bill the vote was: Yeas, 55; Nays, 3 – Barnhart, March, Wirth; Absent, 1 – Doyle; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 2167 (A-Engrossed) – Read third time. Carried by Gilman. On passage of the bill the vote was: Yeas, 57; Absent, 2 – Doyle, Smith T.; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 2431 (A-Engrossed) – Read third time. Carried by Kropf.

Kruse in Chair.

HB 2431 (A-Engrossed) – On passage of the bill the vote was: Yeas, 33; Nays, 24 – Ackerman, Avakian, Barker, Barnhart, Bates, Beyer, Dingfelder, Farr, Greenlick, Hansen, Hass, Hopson, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Wirth; Absent, 2 – Doyle, Mabrey; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 2817 (A-Engrossed) – Read third time. Carried by Backlund.

Call of the House demanded by Backlund, joined by Knopp, Hansen, Anderson, Brown and Gallegos. All present.

HB 2817 (A-Engrossed) – On passage of the bill the vote was: Yeas, 39; Nays, 21 – Ackerman, Avakian, Barker, Barnhart, Beyer, Dingfelder, Greenlick, Hansen, Hopson, Kafoury, Krummel, Macpherson, March, Miller, Nolan, Prozanski, Rosenbaum, Tomei, Verger, Westlund, Wirth. Bill passed.

HB 2304 (A-Engrossed) – Read third time. Carried by Rosenbaum.

Potential conflict of interest declared by Rosenbaum.

HB 2304 (A-Engrossed) – On passage of the bill the vote was: Yeas, 60. Bill passed.

HB 2606 (A-Engrossed) – Read third time. Carried by Dingfelder. On passage of the bill the vote was: Yeas, 60. Bill passed.

HB 2909 (A-Engrossed) – Read third time. Carried by Garrard. On passage of the bill the vote was: Yeas, 52; Nays, 8 – Barnhart, Dingfelder, Hass, Kafoury, Macpherson, Nolan, Prozanski, Wirth. Bill passed.

HB 3193 (A-Engrossed) – Read third time. Carried by Avakian. On passage of the bill the vote was: Yeas, 59; Absent, 1 – Close. Bill passed.

HB 3220 (A-Engrossed) – Read third time. Carried by Jenson.

Call of the House demanded by Jenson, joined by Flores, Nelson, Verger, Brown and Backlund. All present.

HB 3220 (A-Engrossed) – On passage of the bill the vote was: Yeas, 37; Nays, 23 – Ackerman, Avakian, Barker, Barnhart, Bates, Beyer, Dingfelder, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Wirth. Bill passed.

HB 3120 (A-Engrossed) – Read third time. Carried by Garrard. On passage of the bill the vote was: Yeas, 60. Bill passed.

HCR 8, SCR 3, 4, HJR 18, SJM 3, 5 – By unanimous consent, on request of Chair, rules suspended and measures remaining on today's Final Reading of Memorials and Resolutions carried over and placed in their proper order on Tuesday's, May 13, 2003 Calendar.

SB 228 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

SB 228 (A-Engrossed) – Read third time. Barnhart moved bill be rereferred to Committee on Revenue. Motion carried on viva voce vote. Bill rereferred.

SB 130, 388, 238, 157, 211, 221, 310, 328, 374, 525, 584, 667, 795, 223, 226, 327, 70, 71, 72, 127, 161, 167, 241, 250, 602, 692, 724, 739, 8, 32, 33, 118, 119, 205, 230, 311, 575, 803, 198, 245, 286, 292, 807, 822, 876, 11, 185, 199, 393, 434, 734, 858, 35, 37, 39, 42, 43, 45, 67, 154, 179, 289, 436 – By unanimous consent, on request of Chair, rules suspended and bills remaining on today's Third Reading of Senate Bills carried over and placed in their proper order on Tuesday's, May 13, 2003 Calendar.

HB 2828 (A-Engrossed) – By unanimous consent, on request of Knopp, rules suspended and Dingfelder

allowed to change her vote from “nay” to “aye” on passage of bill.

HB 2054, 2061, 2075, 2135, 2226, 2269, 2274, 2305, 2306, 2307, 2309, 2343, 2374, 2393, 2401, 2456, 2475, 2526, 2533, 2650, 2676, 2799, 2997, 3001, 3026, HJM 3, HJR 16, 48 – Speaker signed.

House adjourned until 10:30 a.m., Tuesday, May 13, 2003 on motion of Jenson.

#### **Tuesday, May 13, 2003 – Morning Session**

House convened at 10:30 a.m. Kruse in Chair. All present except: Absent, 3 – Dalto, Rosenbaum, Wirth; Excused, 3 – Doyle, Garrard, Westlund; Excused for business of the House, 3 – Bates, Miller, Speaker Minnis.

Opening Ceremony presented by Pastor Monte Wing, Chapel in the Pines, Church of the Nazarene, Prospect.

SB 7, 542, HB 2213 – Message from the Senate announcing passage.

SJR 13, HCR 3 – Message from the Senate announcing adoption.

HB 2191 – Message from the Senate announcing passage as amended by the Senate.

SJR 13 – Read first time and passed to Speaker’s desk for referral.

SJR 13 – Referred from Speaker’s desk to the following committee: Rules and Public Affairs.

HB 5002 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 2074 – Report by Committee on Judiciary recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 2368 (A-Engrossed) – Report by Committee on Revenue recommending passage with amendments and be printed B-Engrossed.

HB 2791 – Report by Committee on Environment and Land Use recommending passage and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 3130 – Report by Committee on Revenue without recommendation as to passage and be referred to Committee on Rules and Public Affairs. Bill referred to Committee on Rules and Public Affairs by order of the Speaker.

SB 34 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed B-Engrossed.

SB 82 (A-Engrossed) – Report by Committee on Water recommending passage with amendments, be printed B-Engrossed, and be placed on the Consent Calendar.

SB 183 – Report by Committee on Transportation without recommendation as to passage, with amendments, and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

SB 191 – Report by Committee on Health and Human Services recommending passage with amendments, be printed A-Engrossed, and be placed on the Consent Calendar.

SB 229 (A-Engrossed) – Report by Committee on Revenue recommending passage with amendments and be printed B-Engrossed.

SB 303 – Report by Committee on Judiciary recommending passage.

SB 306 – Report by Committee on Judiciary recommending passage.

SB 315 – Report by Committee on Judiciary recommending passage.

SB 390 – Report by Committee on Health and Human Services recommending passage.

SB 401 (A-Engrossed) – Report by Committee on Health and Human Services recommending passage, subsequent referral to Committee on Ways and Means be rescinded, and be placed on the Consent Calendar. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

SB 487 – Report by Committee on Judiciary recommending passage.

SB 641 – Report by Committee on Judiciary recommending passage.

SB 661 (A-Engrossed) – Report by Committee on Transportation recommending passage and be placed on the Consent Calendar.

SB 663 (A-Engrossed) – Report by Committee on Transportation recommending passage and be placed on the Consent Calendar.

SB 711 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed B-Engrossed.

SB 713 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

SB 714 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

SB 715 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed B-Engrossed.

SB 870 – Report by Committee on Education recommending passage with amendments and be printed A-Engrossed.

HB 2030 (A-Engrossed) – Shetterly moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 51; Absent, 3 – Dalto, Rosenbaum, Wirth; Excused, 3 – Doyle, Garrard, Westlund; Excused for business of the House, 3 – Bates, Miller, Speaker Minnis. Bill repassed.

HB 2059 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 52; Absent, 3 – Dalto, Rosenbaum, Wirth; Excused, 3 – Doyle, Garrard, Westlund; Excused for business of the House, 2 – Bates, Speaker Minnis. Bill repassed.

HB 2761 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 51; Nays, 1 – Monnes Anderson; Absent, 3 – Dalto, Rosenbaum, Wirth; Excused, 3 – Doyle, Garrard, Westlund; Excused for business of the House, 2 – Bates, Speaker Minnis. Bill repassed.

HB 3637 – Referred from Speaker's desk to the following committee: Environment and Land Use.

HB 2165, 2638, 3047, 3058, 3338 – Read second time and passed to third reading.

SB 212 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 51; Absent, 3 – Dalto, Rosenbaum, Wirth; Excused, 3 – Doyle, Garrard, Westlund; Excused for business of the House, 3 – Bates, Miller, Speaker Minnis. Bill passed.

HB 2356 (A-Engrossed) – Read third time. Smith G. moved bill be rereferred to Committee on Business, Labor and Consumer Affairs. Motion carried on viva voce vote. Bill rereferred.

HB 2118 (A-Engrossed) – Read third time. Carried by Williams. On passage of the bill the vote was: Yeas, 53; Excused, 3 – Doyle, Garrard, Westlund; Excused for business of the House, 4 – Bates, Kropf, Miller, Speaker Minnis. Bill passed.

HB 2299 (B-Engrossed) – Read third time. Carried by Berger.

Speaker Pro Tempore in Chair.

HB 2299 (B-Engrossed) – On passage of the bill the vote was: Yeas, 55; Nays, 1 – Wirth; Excused, 2 – Garrard, Westlund; Excused for business of the House, 2 – Dalto, Miller. Bill passed.

HB 3519 (A-Engrossed) – Read third time. Carried by Anderson. On passage of the bill the vote was: Yeas, 55; Absent, 1 – Anderson; Excused, 2 – Garrard, Westlund; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

HCR 8 – Read. Carried by Patridge. On adoption of the resolution the vote was: Yeas, 55; Excused, 2 – Garrard, Westlund; Excused for business of the House, 3 – Avakian, Miller, Speaker Minnis. Resolution adopted.

SCR 3 (A-Engrossed) – Read. Carried by Monnes Anderson. On adoption of the resolution the vote was: Yeas, 56; Excused, 2 – Garrard, Westlund; Excused for business of the House, 2 – Miller, Speaker Minnis. Resolution adopted.

SCR 4 – Read. Carried by Monnes Anderson. On adoption of the resolution the vote was: Yeas, 56; Excused, 2 – Garrard, Westlund; Excused for business of the House, 2 – Miller, Speaker Minnis. Resolution adopted.

HJR 18 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and resolution taken from today's Final Reading of Memorials and Resolutions and placed in its proper order on Wednesday's, May 14, 2003 Calendar.

SJM 3 – Read. Carried by Monnes Anderson. On adoption of the memorial the vote was: Yeas, 56; Excused, 2 – Garrard, Westlund; Excused for business of the House, 2 – Miller, Speaker Minnis. Memorial adopted.

SJM 5 – Read. Carried by Barnhart.

Williams in Chair.

SJM 5 – On adoption of the memorial the vote was: Yeas, 53; Absent, 1 – Kropf; Excused, 2 – Garrard, Westlund; Excused for business of the House, 4 – Miller, Morgan, Shetterly, Speaker Minnis. Memorial adopted.

SB 7, 542 – Read first time and passed to Speaker's desk for referral.

SB 7, 893 – Referred from Speaker's desk to the following committees: 893 – Business, Labor and Consumer Affairs; 7 – Rules and Public Affairs.

SB 13, 14, 17, 38, 74, 80, 136, 158, 194, 200, 216, 234, 235, 243, 244, 255, 287, 397, 457, 514, 516, 554, 606, 832, 833 – Read second time and passed to third reading.

SB 130 – Read third time. Carried by Dalto. On passage of the bill the vote was: Yeas, 54; Excused, 2

– Garrard, Westlund; Excused for business of the House, 4 – Miller, Morgan, Shetterly, Speaker Minnis. Bill passed.

SB 388 (A-Engrossed) – Read third time. Carried by Avakian. On passage of the bill the vote was: Yeas, 53; Nays, 1 – Gilman; Excused, 2 – Garrard, Westlund; Excused for business of the House, 4 – Morgan, Shetterly, Smith G., Speaker Minnis. Bill passed.

SB 238 – Read third time. Carried by Avakian. On passage of the bill the vote was: Yeas, 55; Excused, 2 – Garrard, Westlund; Excused for business of the House, 3 – Hunt, Morgan, Speaker Minnis. Bill passed.

SB 157 – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 55; Excused, 2 – Garrard, Westlund; Excused for business of the House, 3 – Hunt, Morgan, Speaker Minnis. Bill passed.

SB 211 – Read third time. Carried by Wirth. On passage of the bill the vote was: Yeas, 54; Nays, 1 – Richardson; Absent, 1 – Hass; Excused, 2 – Garrard, Westlund; Excused for business of the House, 2 – Hunt, Speaker Minnis. Bill passed.

SB 221 – Read third time. Carried by Barnhart. On passage of the bill the vote was: Yeas, 55; Absent, 1 – Wirth; Excused, 2 – Garrard, Westlund; Excused for business of the House, 2 – Hunt, Speaker Minnis. Bill passed.

SB 310, 328, 374, 525, 584, 667, 795, 223, 226, 327, 70, 71, 72, 127, 161, 167, 241, 250, 602, 692, 724, 739, 8, 32, 33, 118, 119, 205, 230, 311, 575, 803, 198, 245, 286, 292, 807, 822, 876, 11, 185, 199, 393, 434, 734, 858, 35, 37, 39, 42, 43, 45, 67, 154, 179, 289, 436, 258 – By unanimous consent, on request of Chair, rules suspended and bills remaining on today's Third Reading of Senate Bills carried over and placed in their proper order on Wednesday's, May 14, 2003 Calendar.

Message from the Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contribution received during Seventy-second Regular Session, filed on May 12, 2003 by Representative Vic Backlund.

House adjourned until 10:30 a.m., Wednesday, May 14, 2003 on motion of Jenson.

#### **Wednesday, May 14, 2003 – Morning Session**

House convened at 10:30 a.m. Gallegos in Chair. All present except: Absent, 2 – Williams, Wirth; Excused, 3 – Garrard, Rosenbaum, Westlund; Excused for business of the House, 1 – Speaker Minnis.

Kruse in Chair.

Opening Ceremony presented by Pastor Mark Beatty, Faith Lutheran Church, Keizer.

SB 313, 419, 678, 752, 886, HB 3339, 2057 – Message from the Senate announcing passage.

HB 3068, 3194, 3224 – Message from the Senate announcing passage as amended by the Senate.

HB 2011 – Report by Committee on Trade and Economic Development recommending passage with amendments and be printed A-Engrossed.

HB 2011 – Report by Minority of Committee on Trade and Economic Development, signed by Hass and Hunt, recommending passage with amendments and be printed A-Engrossed.

HB 2080 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2144 – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2188 – Report by Committee on Revenue recommending passage.

HB 2813 – Report by Committee on Rules and Public Affairs recommending passage with amendments, be printed A-Engrossed, and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 3073 – Report by Committee on General Government without recommendation as to passage and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 3171 – Report by Committee on Education recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 3201 – Report by Committee on Water recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 3298 – Report by Committee on Water recommending passage with amendments and be printed A-Engrossed.

HB 3631 – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed A-Engrossed.

SB 206 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending

passage with amendments and be printed B-Engrossed.

SB 471 (A-Engrossed) – Report by Committee on Transportation recommending passage and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

SB 515 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

SB 588 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage and be placed on the Consent Calendar.

SB 618 (A-Engrossed) – Report by Committee on Judiciary recommending passage.

SB 764 (A-Engrossed) – Report by Committee on Judiciary recommending passage.

SB 771 (A-Engrossed) – Report by Committee on Transportation recommending passage and be placed on the Consent Calendar.

SB 787 (A-Engrossed) – Report by Committee on Transportation recommending passage.

HB 2230 (B-Engrossed) – Close moved House not concur in Senate amendments and a Conference Committee be appointed. Motion carried on viva voce vote. Conference Committee to be appointed.

Speaker Pro Tempore in Chair.

HB 2251 – Read second time and passed to third reading.

HB 2165 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 49; Absent, 5 – Jenson, Macpherson, Merkley, Williams, Wirth; Excused, 3 – Garrard, Rosenbaum, Westlund; Excused for business of the House, 3 – Doyle, Miller, Speaker Minnis. Bill passed.

HB 3058 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 50; Absent, 4 – Jenson, Macpherson, Williams, Wirth; Excused, 3 – Garrard, Rosenbaum, Westlund; Excused for business of the House, 3 – Doyle, Miller, Speaker Minnis. Bill passed.

SB 13 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 51; Absent, 3 – Jenson, Williams, Wirth; Excused, 3 – Garrard, Rosenbaum, Westlund; Excused for business of the House, 3 – Doyle, Miller, Speaker Minnis. Bill passed.

SB 80 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 50; Absent, 4 – Farr, Jenson, Williams, Wirth; Excused, 3 – Garrard, Rosenbaum, Westlund; Excused for business of the House, 3 – Doyle, Miller, Speaker Minnis. Bill passed.

SB 158 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 51; Absent, 3 – Jenson, Williams, Wirth; Excused, 3 – Garrard, Rosenbaum, Westlund; Excused for business of the House, 3 – Doyle, Miller, Speaker Minnis. Bill passed.

SB 234 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 52; Absent, 3 – Jenson, Williams, Wirth; Excused, 3 – Garrard, Rosenbaum, Westlund; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

SB 243 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 52; Absent, 3 – Merkley, Williams, Wirth; Excused, 3 – Garrard, Rosenbaum, Westlund; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

SB 244 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 53; Absent, 2 – Williams, Wirth; Excused, 3 – Garrard, Rosenbaum, Westlund; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

SB 514 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 54; Absent, 1 – Wirth; Excused, 3 – Garrard, Rosenbaum, Westlund; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

SB 554 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 54; Absent, 1 – Wirth; Excused, 3 – Garrard, Rosenbaum, Westlund; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

SB 606 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 54; Absent, 1 – Wirth; Excused, 3 – Garrard, Rosenbaum, Westlund; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

SB 832 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 35; Nays, 18 – Avakian, Barker, Barnhart, Dalto, Greenlick, Hansen, Hass, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Shetterly, Tomei, Williams; Absent, 2 – Anderson, Wirth; Excused, 3 – Garrard, Rosenbaum, Westlund; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

HB 2638 (A-Engrossed) – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 54; Absent, 1 – Wirth; Excused, 3 – Garrard, Rosenbaum, Westlund; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

HB 3047 (A-Engrossed) – Read third time. Carried by Dingfelder. On passage of the bill the vote was: Yeas, 54; Absent, 1 – Wirth; Excused, 3 –

Garrard, Rosenbaum, Westlund; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

HB 3338 (A-Engrossed) – Read third time. Carried by Krummel. On passage of the bill the vote was: Yeas, 53; Nays, 1 – Close; Absent, 1 – Wirth; Excused, 3 – Garrard, Rosenbaum, Westlund; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

HJR 18 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and resolution taken from today's Final Reading of Memorials and Resolutions and placed in its proper order on Thursday's, May 15, 2003 Calendar.

SB 313, 419, 678, 752, 886 – Read first time and passed to Speaker's desk for referral.

SB 137, 253, 303, 306, 315, 390, 487, 641, 713, 714, 716 – Read second time and passed to third reading.

SB 310 – Read third time. Carried by Ackerman. On passage of the bill the vote was: Yeas, 52; Nays, 1 – Nolan; Absent, 1 – Wirth; Excused, 3 – Garrard, Rosenbaum, Westlund; Excused for business of the House, 3 – Krummel, Miller, Speaker Minnis. Bill passed.

Courtesies of the House and floor were extended to Gretchen Kafoury, former Representative from District 13.

SB 328 (A-Engrossed) – Read third time. Carried by Avakian. On passage of the bill the vote was: Yeas, 52; Nays, 1 – Backlund; Absent, 1 – Wirth; Excused, 3 – Garrard, Rosenbaum, Westlund; Excused for business of the House, 3 – Krummel, Miller, Speaker Minnis. Bill passed.

SB 374 (A-Engrossed) – Read third time. Carried by Dalto. On passage of the bill the vote was: Yeas, 51; Nays, 1 – Nolan; Absent, 2 – Monnes Anderson, Wirth; Excused, 3 – Garrard, Rosenbaum, Westlund; Excused for business of the House, 3 – Krummel, Miller, Speaker Minnis. Bill passed.

SB 525 (B-Engrossed) – Read third time. Carried by Brown. On passage of the bill the vote was: Yeas, 52; Absent, 2 – Farr, Wirth; Excused, 3 – Garrard, Rosenbaum, Westlund; Excused for business of the House, 3 – Krummel, Miller, Speaker Minnis. Bill passed.

SB 584 – Read third time. Carried by Nelson. On passage of the bill the vote was: Yeas, 53; Absent, 1 – Wirth; Excused, 3 – Garrard, Rosenbaum, Westlund; Excused for business of the House, 3 – Krummel, Miller, Speaker Minnis. Bill passed.

SB 667 (A-Engrossed) – Read third time. Carried by Scott.

Potential conflict of interest declared by Scott.

Call of the House demanded by Patridge, joined by Scott, Miller, Anderson, Krieger and Backlund. All present except: Absent (not subject to Call), 1 – Wirth; Excused (not subject to Call), 3 – Garrard, Rosenbaum, Westlund.

SB 667 (A-Engrossed) – On passage of the bill the vote was: Yeas, 44; Nays, 12 – Ackerman, Barnhart, Beyer, Dingfelder, Hansen, Hass, Hopson, Kafoury, Nolan, Prozanski, Schaufler, Tomei; Absent, 1 – Wirth; Excused, 3 – Garrard, Rosenbaum, Westlund. Bill passed.

SB 795 (A-Engrossed) – Read third time. Carried by Greenlick. On passage of the bill the vote was: Yeas, 48; Nays, 7 – Butler, Dalto, Doyle, Kruse, Miller, Richardson, Smith G.; Absent, 1 – Wirth; Excused, 3 – Garrard, Rosenbaum, Westlund; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

SB 223, 226, 327, 70, 71, 72, 127, 161, 167, 241, 250, 602, 692, 724, 739, 8, 32, 33, 118, 119, 205, 230, 311, 575, 803, 198, 245, 286, 292, 807, 822, 876, 11, 185, 199, 393, 434, 734, 858, 35, 37, 39, 42, 43, 45, 67, 154, 179, 289, 436, 258, 14, 17, 38, 74, 136, 194, 200, 216, 235, 255, 287, 397, 457, 516, 833 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of Senate Bills carried over and placed in their proper order on Thursday's, May 15, 2003 Calendar.

SB 832 (A-Engrossed) – By unanimous consent, on request of Kafoury, rules suspended to permit Farr to change his vote from "aye" to "nay" on passage of bill.

SB 328 (A-Engrossed) – By unanimous consent, on request of Kafoury, rules suspended to permit Backlund to change his vote from "nay" to "aye" on passage of bill.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

HB 3624 – Report by Committee on Audit and Human Services Budget Reform recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

SB 372 – Report by Committee on Rules and Public Affairs recommending passage.

House adjourned until 10:30 a.m., Thursday, May 15, 2003 on motion of Jenson.

**Thursday, May 15, 2003 – Morning Session**

House convened at 10:30 a.m. Knopp in Chair. All present except: Excused, 3 – Butler, Hansen, Westlund; Excused for business of the House, 3 – Miller, Shetterly, Speaker Minnis.

Gallegos in Chair.

Opening Ceremony presented by Sound Jubilee, home-school choir, director George Callen, Salem.

Kruse in Chair.

HJM 3, HJR 16, 48, HB 2054, 2061, 2075, 2135, 2226, 2269, 2274, 2305, 2306, 2307, 2309, 2343, 2374, 2393, 2401, 2456, 2475, 2526, 2533, 2650, 2676, 2799, 2997, 3001, 3026, SB 403, 404, 648 – Message from the Senate announcing President signed on May 14, 2003.

SB 27, 706, 708, 709, HB 2064 – Message from the Senate announcing passage.

HB 2186 – Message from the Senate announcing passage as amended by the Senate.

HB 2967 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

HB 3281 – Report by Committee on Water recommending passage with amendments, be printed A-Engrossed, and be placed on the Consent Calendar.

HCR 11 – Report by Committee on Rules and Public Affairs recommending adoption.

HB 3068 (B-Engrossed) – Prozanski moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 52; Nays, 1 – Gilman; Excused, 3 – Butler, Hansen, Westlund; Excused for business of the House, 4 – Farr, Miller, Shetterly, Speaker Minnis. Bill repassed.

HB 3194 (A-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 52; Nays, 1 – Beyer; Excused, 3 – Butler, Hansen, Westlund; Excused for business of the House, 4 – Farr, Miller, Shetterly, Speaker Minnis. Bill repassed.

HB 3224 (B-Engrossed) – Krummel moved House concur in Senate amendments and repass bill as amended by the Senate.

Speaker Pro Tempore in Chair.

HB 3224 (B-Engrossed) – On repassage of the bill the vote was: Yeas, 52; Nays, 1 – Nelson; Excused, 3 – Butler, Hansen, Westlund; Excused for business of the House, 4 – Farr, Miller, Morgan, Speaker Minnis. Bill repassed.

HB 5002, 2074, 2188, 2368 – Read second time and passed to third reading.

SB 137 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 53; Excused, 3 – Butler, Hansen, Westlund; Excused for business of the House, 4 – Farr, Miller, Morgan, Speaker Minnis. Bill passed.

HB 2251 (A-Engrossed) – Read third time. Carried by Kruse.

Williams in Chair.

House stood at ease.

House called to order.

HB 2251 (A-Engrossed) – On passage of the bill the vote was: Yeas, 43; Nays, 9 – Ackerman, Close, Flores, Gallegos, Kitts, Kropf, Richardson, Scott, Zauner; Absent, 2 – Krummel, Wirth; Excused, 4 – Butler, Hansen, Nelson, Westlund; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

Kropf requested the following explanation of his vote be entered in the Journal:

“I wish to explain my no vote on HB 2251. It is important in this new age of terrorism in America for us to have the tools available to handle a public health crisis. HB 2251 does a great deal to help us achieve that goal.

“However, Section 11 specifically grants the Health Department the ability to detain someone as long as necessary without civil liberty protections. I strongly object to this provision and without further amendments, I cannot accept this as in keeping with our constitutional rights.”

HJR 18 – By unanimous consent, on request of Chair, rules suspended and resolution taken from today's Final Reading of Memorials and Resolutions and placed in its proper order on Wednesday's, May 21, 2003 Calendar.

SB 27, 706, 708, 709 – Read first time and passed to Speaker's desk for referral.

SB 419, 542, 752 – Referred from Speaker's desk to the following committees: 752 – Judiciary; 419, 542 – Rules and Public Affairs.

SB 34, 82, 191, 372, 401, 515, 618, 661, 663, 711, 715, 764, 787, 870 – Read second time and passed to third reading.

SB 223 (A-Engrossed) – Read third time. Carried by Verger. On passage of the bill the vote was: Yeas, 53; Absent, 1 – Wirth; Excused, 4 – Butler, Hansen, Nelson, Westlund; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

SB 226 (A-Engrossed) – Read third time. Carried by Farr. On passage of the bill the vote was: Yeas, 55; Absent, 1 – Wirth; Excused, 4 – Butler, Hansen, Nelson, Westlund. Bill passed.

SB 327 – Read third time. Carried by Verger.

By unanimous consent, on request of Tomei, rules suspended to permit use of visual aid during debate of bill.

Speaker Pro Tempore in Chair.

SB 327 – On passage of the bill the vote was: Yeas, 53; Absent, 1 – Wirth; Excused, 4 – Butler, Hansen, Nelson, Westlund; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

SB 516 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit third reading and final consideration immediately.

SB 516 (B-Engrossed) – Read third time. Richardson moved bill be referred to Committee on Rules and Public Affairs. Motion carried on viva voce vote. Bill referred.

HB 3624 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill made a Special Order of Business immediately following the order of business of Special Committee Reports on Friday's, May 16, 2003 Calendar.

SB 70, 71, 72, 127, 161, 167, 241, 250, 602, 692, 724, 739, 8, 32, 33, 118, 119, 205, 230, 311, 575, 803, 198, 245, 286, 292, 807, 822, 876, 11, 185, 199, 393, 434, 734, 858, 35, 37, 39, 42, 43, 45, 67, 154, 179, 289, 436, 258, 14, 17, 38, 74, 136, 194, 200, 216, 235, 255, 287, 397, 457, 833, 253, 303, 306, 315, 390, 487, 641, 713, 714, 716 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of Senate Bills carried over and placed in their proper order on Friday's, May 16, 2003 Calendar.

HB 2029, 2047, 2087, 2091, 2119, 2159, 2161, 2210, 2215, 2219, 2222, 2240, 2245, 2252, 2262, 2277, 2333, 2339, 2398, 2429, 2439, 2454, 2489, 2517, 2564, 2639, 2996 – Speaker signed.

House adjourned until 10:30 a.m., Friday, May 16, 2003 on motion of Jenson.

#### **Friday, May 16, 2003 – Morning Session**

House convened at 10:30 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 3 – Hansen, Nelson, Westlund.

Kruse in Chair.

Opening Ceremony presented by Shenanigans, Heppner.

Speaker Pro Tempore in Chair.

Williams in Chair.

Speaker Pro Tempore in Chair.

SB 5549, HB 2063, 2207, 2449, 2664 – Message from the Senate announcing passage.

HB 2238 – Message from the Senate announcing passage as amended by the Senate.

HB 2156 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2617 – Report by Committee on Environment and Land Use recommending passage with amendments and be printed A-Engrossed.

HB 2900 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2901 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 3329 (A-Engrossed) – Report by Committee on Judiciary recommending passage with amendments and be printed B-Engrossed.

HB 3385 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 3426 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 3528 – Report by Committee on Business, Labor and Consumer Affairs without recommendation as to passage. Bill referred to Committee on Ways and Means by prior reference.

SB 534 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

SB 603 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage and be placed on the Consent Calendar.

SB 761 – Report by Committee on Education recommending passage with amendments and be printed A-Engrossed.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 3624 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit second reading immediately.

HB 3624 – Read second time and passed to third reading.

HB 3624 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit third reading and final consideration immediately.



By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit Representatives Bates and Kruse to use Representative Westlund's microphone during presentation of bill.

HB 3624 – Read third time as a Special Order of Business. Carried by Bates, Kruse. On passage of the bill the vote was: Yeas, 56; Absent, 1 – Flores; Excused, 3 – Hansen, Nelson, Westlund. Bill passed.

HB 2011, 2080, 3298, 3631 – Read second time and passed to third reading.

SB 82 (B-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 55; Excused, 3 – Hansen, Nelson, Westlund; Excused for business of the House, 2 – Barnhart, Speaker Minnis. Bill passed.

SB 191 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 54; Absent, 1 – Mabrey; Excused, 3 – Hansen, Nelson, Westlund; Excused for business of the House, 2 – Barnhart, Speaker Minnis. Bill passed.

SB 401 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 55; Excused, 3 – Hansen, Nelson, Westlund; Excused for business of the House, 2 – Barnhart, Speaker Minnis. Bill passed.

SB 661 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 54; Excused, 4 – Bates, Hansen, Nelson, Westlund; Excused for business of the House, 2 – Barnhart, Speaker Minnis. Bill passed.

SB 663 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 55; Excused, 4 – Bates, Hansen, Nelson, Westlund; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 5002 (A-Engrossed) – Read third time. Carried by Johnson. On passage of the bill the vote was: Yeas, 41; Nays, 15 – Ackerman, Barnhart, Beyer, Dingfelder, Flores, Gallegos, Garrard, Hass, Kropf, March, Merkley, Nolan, Prozanski, Rosenbaum, Wirth; Excused, 4 – Bates, Hansen, Nelson, Westlund. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted against HB 5002 because:

“I voted against this measure which spends general funds. The bill is premature because we do not have a revenue plan to pay for general fund needs. Nor do we have an overall general fund plan for the biennium. Funds actually available for this function may be higher or lower than those contained in the bill.”

HB 2074 (A-Engrossed) – Read third time. Carried by Williams. On passage of the bill the vote was: Yeas, 56; Excused, 4 – Bates, Hansen, Nelson, Westlund. Bill passed.

HB 2188 – Read third time. Carried by Scott. On passage of the bill the vote was: Yeas, 56; Excused, 4 – Bates, Hansen, Nelson, Westlund. Bill passed.

HB 2368 (B-Engrossed) – Read third time. Carried by Barnhart. On passage of the bill the vote was: Yeas, 55; Nays, 1 – Garrard; Excused, 4 – Bates, Hansen, Nelson, Westlund. Bill passed.

HCR 11 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and resolution made a Special Order of Business immediately following the order of business of Special Committee Reports on Thursday's, May 22, 2003 Calendar.

SB 5549 – Read first time and passed to Speaker's desk for referral.

SB 5549, 27, 313, 678, 706, 708, 709, 886 – Referred from Speaker's desk to the following committees: 27 – Business, Labor and Consumer Affairs; 313 – Revenue with subsequent referral to Ways and Means; 678, 706, 708, 709, 886 – Rules and Public Affairs; 5549 – Ways and Means.

SB 206, 588, 771 – Read second time and passed to third reading.

SB 70 (A-Engrossed) – Read third time. Carried by Jenson. On passage of the bill the vote was: Yeas, 56; Excused, 4 – Bates, Hansen, Nelson, Westlund. Bill passed.

SB 71 – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 55; Excused, 4 – Bates, Hansen, Nelson, Westlund; Excused for business of the House, 1 – Dalto. Bill passed.

SB 72 (A-Engrossed) – Read third time. Carried by Barker. On passage of the bill the vote was: Yeas, 55; Excused, 4 – Bates, Hansen, Nelson, Westlund; Excused for business of the House, 1 – Dalto. Bill passed.

SB 127 – Read third time. Carried by Hopson. On passage of the bill the vote was: Yeas, 52; Nays, 4 – Flores, Gallegos, Richardson, Wirth; Excused, 4 – Bates, Hansen, Nelson, Westlund. Bill passed.

SB 161 (A-Engrossed) – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 56; Excused, 4 – Bates, Hansen, Nelson, Westlund. Bill passed.

SB 167 – Read third time. Carried by Ackerman. On passage of the bill the vote was: Yeas, 56; Excused, 4 – Bates, Hansen, Nelson, Westlund. Bill passed.

SB 241 (A-Engrossed) – Read third time. Carried by Hunt. On passage of the bill the vote was: Yeas, 55; Excused, 4 – Bates, Hansen, Nelson, Westlund; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

SB 250 (A-Engrossed) – Read third time. Carried by Wirth. On passage of the bill the vote was: Yeas, 55; Excused, 4 – Bates, Hansen, Nelson, Westlund; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

SB 602, 692, 724, 739, 8, 32, 33, 118, 119, 205, 230, 311, 575, 803, 198, 245, 286, 292, 807, 822, 876, 11, 185, 199, 393, 434, 734, 858, 35, 37, 39, 42, 43, 45, 67, 154, 179, 289, 436, 258, 14, 17, 38, 74, 136, 194, 200, 216, 235, 255, 287, 397, 457, 833, 253, 303, 306, 315, 390, 487, 641, 713, 714, 716, 34, 229, 372, 515, 618, 711, 715, 764, 787, 870 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of Senate Bills carried over and placed in their proper order on Monday's, May 19, 2003 Calendar.

Kropf announced that the Committee on Agriculture and Natural Resources has finished its work and will meet only at the call of the Speaker.

Backlund announced that the Committee on Education has finished its work and will meet only at the call of the Speaker.

Jenson announced that the Committee on Water has finished its work and will meet only at the call of the Speaker.

March announced that the Committee on Audit and Human Services Budget Reform has finished its work and will meet only at the call of the Speaker.

Garrard announced that the Committee on Environment and Land Use has finished its work and will meet only at the call of the Speaker.

Smith P. announced that the Committee on Trade and Economic Development has finished its work and will meet only at the call of the Speaker.

Speaker announced the following sine die preparations:

The following House committees are closed effective at close of business today, May 16, 2003:

- Agriculture and Natural Resources
- Audit and Human Services Budget Reform
- Education
- Environment and Land Use
- Trade and Economic Development
- Water

Speaker announced the following sine die preparations:

I declare that in order to complete the work of the Seventy-second Legislative Assembly and to provide for an orderly move toward sine die adjournment, in compliance with House Rules, I am invoking House Rule 8.15 (Subsection 6) which suspends the requirement that 24 hours notice must be given for work sessions during committee meetings, effective Monday, May 19, 2003 at 8:00 a.m.

HB 3063 – Speaker signed.

HB 2115, 2314, 2338, 2542, 2573, 2623, 2642, 2645, 2674, 2784, 2853, 3014, 3123, 3151, 3375, 3581, HJR 41, SB 403, 404, 648 – Speaker signed.

House adjourned until 10:30 a.m., Monday, May 19, 2003 on motion of Jenson.

#### **Monday, May 19, 2003 – Morning Session**

House convened at 10:30 a.m. Speaker Pro Tempore in Chair. All present except: Absent, 1 – Wirth; Excused, 3 – Butler, Garrard, Westlund.

Opening Ceremony presented by Pastor Jeff Hurr, Church of Christ, Shady Cove.

HB 3063 – Message from the Governor announcing he signed on May 16, 2003.

HB 2240 – Message from the Senate announcing President signed on May 16, 2003.

HB 3063 – Message from the Senate announcing President signed on May 16, 2003.

SB 621, 801, HB 2034, 2111, 2380 – Message from the Senate announcing passage.

HB 2409 – Report by Committee on Public Employees Retirement System recommending passage with amendments and be printed A-Engrossed.

HB 3408 (A-Engrossed) – Report by Committee on Environment and Land Use without recommendation as to passage, with amendments, be printed B-Engrossed, and be referred to Committee on Rules and Public Affairs. Bill referred to Committee on Rules and Public Affairs by order of the Speaker.

SB 104 (A-Engrossed) – Report by Committee on Judiciary recommending passage.

SB 105 – Report by Committee on Judiciary recommending passage.

SB 106 – Report by Committee on Judiciary recommending passage.

SB 110 – Report by Committee on Judiciary recommending passage.

SB 111 – Report by Committee on Judiciary recommending passage.

SB 112 (A-Engrossed) – Report by Committee on Judiciary recommending passage.

SB 115 (A-Engrossed) – Report by Committee on Judiciary recommending passage.

SB 117 – Report by Committee on Judiciary recommending passage.

SB 122 – Report by Committee on Judiciary recommending passage.

SB 123 – Report by Committee on Judiciary recommending passage.

SB 159 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

SB 159 (A-Engrossed) – Report by Minority of Committee on Business, Labor and Consumer Affairs, signed by Merkley, Rosenbaum and Schaufler, recommending passage with amendments and be printed B-Engrossed.

SB 252 (B-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed C-Engrossed.

SB 252 (B-Engrossed) – Report by Minority of Committee on Business, Labor and Consumer Affairs, signed by Rosenbaum and Schaufler, recommending passage with amendments and be printed C-Engrossed.

HB 2238 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 55; Absent, 1 – Wirth; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 1 – Miller. Bill repassed.

HB 2011 – Gallegos moved House adopt Committee Report.

In the absence of a motion to substitute the Minority Report for the Committee Report, by order of the Speaker Pro Tempore, bill advanced to third reading.

HB 2011 – Read third time. Carried by Gallegos. On passage of the bill the vote was: Yeas, 56; Absent, 1 – Wirth; Excused, 3 – Butler, Garrard, Westlund. Bill passed.

HB 2967, 3281 – Read second time and passed to third reading.

SB 588 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Butler, Garrard, Westlund. Bill passed.

SB 771 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Butler, Garrard, Westlund. Bill passed.

HB 2080, 3298 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills taken from today's Third Reading of House Bills and placed in their proper order on Tuesday's, May 20, 2003 Calendar.

HB 3631 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill taken from today's Third Reading of House Bills and placed in its proper order on Wednesday's, May 21, 2003 Calendar.

SB 621, 801 – Read first time and passed to Speaker's desk for referral.

SB 534 – Read second time and passed to third reading.

SB 602 – Read third time. Carried by Rosenbaum. On passage of the bill the vote was: Yeas, 56; Absent, 1 – Jenson; Excused, 3 – Butler, Garrard, Westlund. Bill passed.

SB 692 (A-Engrossed) – Read third time. Carried by Avakian. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Butler, Garrard, Westlund. Bill passed.

SB 724 (A-Engrossed) – Read third time. Carried by Mabrey. On passage of the bill the vote was: Yeas, 56; Absent, 1 – Smith T.; Excused, 3 – Butler, Garrard, Westlund. Bill passed.

SB 739 – Read third time. Carried by Kitts. On passage of the bill the vote was: Yeas, 56; Nays, 1 – Hansen; Excused, 3 – Butler, Garrard, Westlund. Bill passed.

SB 8 (A-Engrossed) – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 55; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 2 – Morgan, Williams. Bill passed.

SB 32 (A-Engrossed) – Read third time. Carried by Anderson. On passage of the bill the vote was: Yeas, 55; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 2 – Morgan, Williams. Bill passed.

SB 33 (A-Engrossed) – Read third time. Carried by Barker. On passage of the bill the vote was: Yeas, 54; Absent, 1 – Kitts; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 2 – Morgan, Williams. Bill passed.

SB 118 (A-Engrossed) – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 55; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 2 – Morgan, Williams. Bill passed.

SB 119 (A-Engrossed) – Read third time. Carried by Macpherson. On passage of the bill the vote was: Yeas, 55; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 2 – Morgan, Williams. Bill passed.

SB 205 (A-Engrossed) – Read third time. Carried by Rosenbaum. On passage of the bill the vote was: Yeas, 54; Excused, 3 – Butler, Garrard, Westlund;

Excused for business of the House, 3 – Morgan, Nolan, Williams. Bill passed.

SB 230 (A-Engrossed) – Read third time. Carried by Berger. On passage of the bill the vote was: Yeas, 55; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 2 – Morgan, Williams. Bill passed.

SB 311 – Read third time. Carried by Beyer. On passage of the bill the vote was: Yeas, 55; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 2 – Morgan, Williams. Bill passed.

SB 575 (A-Engrossed) – Read third time. Carried by Gallegos. On passage of the bill the vote was: Yeas, 55; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 2 – Morgan, Williams. Bill passed.

SB 803 – Read third time. Carried by Kitts. On passage of the bill the vote was: Yeas, 54; Nays, 1 – Greenlick; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 2 – Morgan, Williams. Bill passed.

SB 198 (A-Engrossed) – Read third time. Carried by Schaufler. On passage of the bill the vote was: Yeas, 55; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 2 – Morgan, Williams. Bill passed.

SB 245 (A-Engrossed) – Read third time. Carried by Jenson. On passage of the bill the vote was: Yeas, 55; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 2 – Morgan, Williams. Bill passed.

SB 286 (B-Engrossed) – Read third time. Carried by Merkley. On passage of the bill the vote was: Yeas, 54; Nays, 1 – Avakian; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 2 – Morgan, Williams. Bill passed.

SB 292 – Read third time. Carried by Hass. On passage of the bill the vote was: Yeas, 55; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 2 – Morgan, Williams. Bill passed.

SB 807 (A-Engrossed) – Read third time. Carried by Verger. On passage of the bill the vote was: Yeas, 55; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 2 – Morgan, Williams. Bill passed.

SB 822 – By unanimous consent, on request of Close, rules suspended and bill placed at the bottom of today's Third Reading Calendar.

SB 876 – Read third time. Carried by Avakian. On passage of the bill the vote was: Yeas, 55; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 2 – Morgan, Williams. Bill passed.

SB 11 (A-Engrossed) – Read third time. Carried by Hopson. On passage of the bill the vote was: Yeas, 49; Nays, 5 – Barnhart, Dingfelder, Kafoury, Prozanski, Wirth; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 3 – Morgan, Nolan, Williams. Bill passed.

SB 185 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill placed at the bottom of today's Third Reading Calendar.

SB 199 – Read third time. Carried by Rosenbaum. On passage of the bill the vote was: Yeas, 56; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 1 – Morgan. Bill passed.

SB 393 – Read third time. Carried by Tomei. On passage of the bill the vote was: Yeas, 24; Nays, 32 – Anderson, Backlund, Barnhart, Bates, Beyer, Brown, Close, Dalto, Farr, Gallegos, Gilman, Greenlick, Hunt, Johnson, Kitts, Knopp, Krieger, Krummel, Mabrey, Macpherson, Merkley, Miller, Morgan, Patridge, Prozanski, Schaufler, Shetterly, Smith G., Smith P., Smith T., Tomei, Williams; Excused, 4 – Berger, Butler, Garrard, Westlund.

SB 393 – Tomei changed her vote from “aye” to “nay” and served notice of possible reconsideration.

SB 393 – Bill failed.

House recessed until 3:00 p.m. on motion of Jenson.

#### **Monday, May 19, 2003 – Afternoon Session**

House reconvened at 3:00 p.m. Kruse in Chair. All present except: Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 3 – Barnhart, Miller, Morgan.

Having recessed under the order of business of Third Reading of Senate Bills, the House continued under that order of business.

SB 434 (A-Engrossed) – Read third time. Carried by Tomei. On passage of the bill the vote was: Yeas, 53; Absent, 1 – Merkley; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 3 – Barnhart, Miller, Morgan. Bill passed.

SB 734 – By unanimous consent, on request of Chair, rules suspended and bill taken from today's Third Reading of Senate Bills and placed in its proper order on Wednesday's, May 21, 2003 Calendar.

SB 858 (B-Engrossed) – Read third time. Carried by Berger. On passage of the bill the vote was: Yeas, 53; Nays, 1 – Wirth; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 3 – Barnhart, Miller, Morgan. Bill passed.

SB 35 (A-Engrossed) – Read third time. Carried by Macpherson. On passage of the bill the vote was: Yeas, 52; Nays, 1 – Close; Absent, 1 – Zauner; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 3 – Barnhart, Miller, Morgan. Bill passed.

SB 37 (A-Engrossed) – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 53; Absent, 1 – Smith T.; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 3 – Barnhart, Miller, Morgan. Bill passed.

SB 39 – Read third time. Carried by Krummel. On passage of the bill the vote was: Yeas, 53; Nays, 1 – Wirth; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 3 – Barnhart, Miller, Morgan. Bill passed.

SB 42 – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 54; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 3 – Barnhart, Miller, Morgan. Bill passed.

SB 43 (A-Engrossed) – Read third time. Carried by Ackerman. On passage of the bill the vote was: Yeas, 54; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 3 – Barnhart, Miller, Morgan. Bill passed.

SB 45 – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 55; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 2 – Miller, Morgan. Bill passed.

SB 67 – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 55; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 2 – Miller, Morgan. Bill passed.

SB 154 (B-Engrossed) – Read third time. Carried by Kitts. On passage of the bill the vote was: Yeas, 54; Nays, 1 – Mabrey; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 2 – Miller, Morgan. Bill passed.

SB 179 (B-Engrossed) – Read third time. Carried by Gilman. On passage of the bill the vote was: Yeas, 52; Nays, 3 – Barker, Close, Smith P.; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 2 – Miller, Morgan. Bill passed.

SB 289 (A-Engrossed) – Read third time. Carried by Greenlick. On passage of the bill the vote was: Yeas, 23; Nays, 30 – Ackerman, Avakian, Backlund, Barker, Barnhart, Bates, Beyer, Dalto, Doyle, Flores, Gallegos, Gilman, Hass, Hopson, Hunt, Jenson, Kafoury, Krieger, Kropf, Krummel, Kruse, Mabrey, Macpherson, Merkley, Monnes Anderson, Prozanski, Richardson, Schaufler, Scott, Tomei; Absent, 1 – Berger; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 3 – Miller, Morgan, Speaker Minnis. Bill failed.

SB 436 (A-Engrossed) – Read third time. Carried by Barker. On passage of the bill the vote was: Yeas, 53; Absent, 1 – Anderson; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 3 – Miller, Morgan, Speaker Minnis. Bill passed.

SB 258 (A-Engrossed) – Read third time. Carried by Barker. On passage of the bill the vote was: Yeas, 52; Nays, 1 – Hansen; Absent, 1 – Patridge; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 3 – Miller, Morgan, Speaker Minnis. Bill passed.

SB 14 (A-Engrossed) – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 52; Nays, 1 – Verger; Absent, 1 – Patridge; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 3 – Miller, Morgan, Speaker Minnis. Bill passed.

SB 17 (A-Engrossed) – Read third time. Carried by Barker. On passage of the bill the vote was: Yeas, 52; Nays, 2 – Close, Smith T.; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 3 – Miller, Morgan, Speaker Minnis. Bill passed.

SB 38 (A-Engrossed) – Read third time. Carried by Anderson. On passage of the bill the vote was: Yeas, 53; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 4 – Miller, Morgan, Williams, Speaker Minnis. Bill passed.

SB 74 (B-Engrossed) – Read third time. Carried by Dalto. On passage of the bill the vote was: Yeas, 52; Nays, 1 – Gilman; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 4 – Miller, Morgan, Williams, Speaker Minnis. Bill passed.

SB 136 (A-Engrossed) – Read third time. Carried by Ackerman. On passage of the bill the vote was: Yeas, 54; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 3 – Miller, Morgan, Speaker Minnis. Bill passed.

SB 194 – Read third time. Carried by Macpherson. On passage of the bill the vote was: Yeas, 54; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 3 – Miller, Morgan, Speaker Minnis. Bill passed.

SB 200 (A-Engrossed) – Read third time. Carried by Schaufler. On passage of the bill the vote was: Yeas, 55; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 2 – Morgan, Speaker Minnis. Bill passed.

SB 216 – Read third time. Carried by Jenson. On passage of the bill the vote was: Yeas, 54; Absent, 1 – Kafoury; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 2 – Morgan, Speaker Minnis. Bill passed.

SB 235 (B-Engrossed) – Read third time. Carried by Gallegos. On passage of the bill the vote was: Yeas, 54; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 3 – Kropf, Morgan, Speaker Minnis. Bill passed.

SB 255 (A-Engrossed) – Read third time. Carried by Anderson. On passage of the bill the vote was: Yeas, 54; Nays, 1 – Gilman; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 2 – Morgan, Speaker Minnis. Bill passed.

SB 287 (A-Engrossed) – Read third time. Backlund moved bill be referred to Committee on Ways and Means. Motion carried on viva voce vote. Bill referred.

SB 397 (A-Engrossed) – Read third time. Carried by Barker.

Speaker Pro Tempore in Chair.

SB 397 (A-Engrossed) – On passage of the bill the vote was: Yeas, 55; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 2 – Morgan, Speaker Minnis. Bill passed.

SB 457 (A-Engrossed) – Read third time. Carried by Miller. On passage of the bill the vote was: Yeas, 55; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 2 – Morgan, Speaker Minnis. Bill passed.

SB 833 (A-Engrossed) – Read third time. Carried by Schaufler. On passage of the bill the vote was: Yeas, 55; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 2 – Morgan, Speaker Minnis. Bill passed.

SB 253 (B-Engrossed) – Read third time. Carried by Rosenbaum. On passage of the bill the vote was: Yeas, 55; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 2 – Morgan, Speaker Minnis. Bill passed.

SB 303 – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 54; Absent, 1 – Kruse; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 2 – Morgan, Speaker Minnis. Bill passed.

SB 306 – Read third time. Carried by Williams. On passage of the bill the vote was: Yeas, 54; Nays, 1 – Nolan; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 2 – Morgan, Speaker Minnis. Bill passed.

SB 315 – Read third time. Carried by Macpherson. On passage of the bill the vote was: Yeas, 53; Nays, 3 – Hansen, Miller, Zauner; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 1 – Morgan. Bill passed.

SB 390 – Read third time. Carried by Anderson. On passage of the bill the vote was: Yeas, 55; Nays, 1

– March; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 1 – Morgan. Bill passed.

SB 487 – Read third time. Carried by Barker. On passage of the bill the vote was: Yeas, 56; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 1 – Morgan. Bill passed.

SB 641 – Read third time. Carried by Jenson. On passage of the bill the vote was: Yeas, 56; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 1 – Morgan. Bill passed.

SB 713 (A-Engrossed) – Read third time. Carried by Schaufler.

Potential conflict of interest declared by Schaufler.

SB 713 (A-Engrossed) – On passage of the bill the vote was: Yeas, 56; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 1 – Kafoury. Bill passed.

SB 714 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill taken from today's Third Reading of Senate Bills and placed in its proper order on Wednesday's, May 21, 2003 Calendar.

SB 716 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill taken from today's Third Reading of Senate Bills and placed in its proper order on Tuesday's, May 20, 2003 Calendar.

SB 34 (B-Engrossed) – Read third time. Carried by Rosenbaum. On passage of the bill the vote was: Yeas, 55; Nays, 1 – Kruse; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 1 – Kafoury. Bill passed.

SB 229 (B-Engrossed) – Read. Carried by Verger. On passage of the bill the vote was: Yeas, 56; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 1 – Kafoury. Bill passed.

SB 372 (A-Engrossed) – Read third time. Carried by Smith G.

Kruse in Chair.

Gallegos moved the previous question. Motion carried, the vote being: Yeas, 36; Nays, 20 – Avakian, Barker, Barnhart, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Macpherson, March, Merkley, Monnes Anderson, Nolan, Rosenbaum, Schaufler, Tomei, Wirth; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 1 – Kafoury. Debate closed.

SB 372 (A-Engrossed) – On passage of the bill the vote was: Yeas, 39; Nays, 17 – Avakian, Barker, Barnhart, Berger, Dingfelder, Greenlick, Hansen,

Hass, Hopson, Macpherson, March, Merkley, Nolan, Prozanski, Rosenbaum, Williams, Wirth; Excused, 3 – Butler, Garrard, Westlund; Excused for business of the House, 1 – Kafoury. Bill passed.

SB 515 (A-Engrossed) – Read third time. Carried by Close. On passage of the bill the vote was: Yeas, 55; Excused, 4 – Butler, Garrard, Schaufler, Westlund; Excused for business of the House, 1 – Kafoury. Bill passed.

SB 618 (A-Engrossed) – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 55; Excused, 4 – Butler, Garrard, Schaufler, Westlund; Excused for business of the House, 1 – Kafoury. Bill passed.

SB 711 (B-Engrossed) – Read third time. Carried by Kitts. On passage of the bill the vote was: Yeas, 55; Excused, 4 – Butler, Garrard, Schaufler, Westlund; Excused for business of the House, 1 – Kafoury. Bill passed.

SB 715 (B-Engrossed) – Read third time. Carried by Gallegos. On passage of the bill the vote was: Yeas, 56; Excused, 4 – Butler, Garrard, Schaufler, Westlund. Bill passed.

SB 764 (A-Engrossed) – Read third time. Carried by Barker. On passage of the bill the vote was: Yeas, 41; Nays, 14 – Brown, Close, Doyle, Flores, Jenson, Kitts, Krieger, Kropf, Kruse, Merkley, Miller, Smith P., Smith T., Zauner; Excused, 4 – Butler, Garrard, Schaufler, Westlund; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

SB 787 (A-Engrossed) – Read third time. Carried by Greenlick. On passage of the bill the vote was: Yeas, 52; Nays, 3 – Close, Smith P., Verger; Excused, 4 – Butler, Garrard, Schaufler, Westlund; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

SB 870 (A-Engrossed) – Read third time. Carried by Smith G. On passage of the bill the vote was: Yeas, 36; Nays, 20 – Avakian, Barker, Barnhart, Bates, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Johnson, Kafoury, Macpherson, March, Miller, Monnes Anderson, Prozanski, Rosenbaum, Tomei, Verger; Excused, 4 – Butler, Garrard, Schaufler, Westlund. Bill passed.

SB 206 (B-Engrossed) – Read third time. Carried by Merkley. On passage of the bill the vote was: Yeas, 54; Absent, 1 – Bates; Excused, 4 – Butler, Garrard, Schaufler, Westlund; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

SB 822 – Read third time. Carried by Close. On passage of the bill the vote was: Yeas, 55; Excused, 4 – Butler, Garrard, Schaufler, Westlund; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

SB 185 (A-Engrossed) – Read third time. Carried by Nolan. On passage of the bill the vote was: Yeas, 49; Nays, 7 – Close, Miller, Smith P., Smith T., Verger, Wirth, Zauner; Excused, 4 – Butler, Garrard, Schaufler, Westlund. Bill passed.

SB 289 (A-Engrossed) – Having voted on the prevailing side, Beyer served notice of possible reconsideration.

Close announced that the Committee on Business, Labor and Consumer Affairs has finished its work and will meet only at the call of the Speaker.

Speaker announced the following sine die preparations:

The House Committee on Business, Labor and Consumer Affairs is closed effective at close of business today, May 19, 2003.

Speaker announced appointment of members to the following committees:

BIOSCIENCE TASK FORCE – Kropf, Hunt.

CAPITOL PLANNING COMMISSION – Berger.

COLUMBIA RIVER RESOURCE TASK FORCE – Jenson, Smith P.

COMMISSION FOR WOMEN – Tomei.

COMMISSION ON BLACK AFFAIRS – Dingfelder.

EDUCATION COMMISSION OF THE STATES – Backlund, Hopson.

GOVERNOR'S COUNCIL ON ALCOHOL & DRUG ABUSE PROGRAMS – Barnhart.

GOVERNOR'S COMMISSION ON SENIOR SERVICES – Zauner.

HUNGER RELIEF TASK FORCE – Nelson.

INTERNATIONAL TRADE COMMISSION – Butler.

JOINT TASK FORCE ON WATER SUPPLY AND CONSERVATION – Jenson.

MULTI-STATE HIGHWAY TRANSPORTATION AGREEMENT – Brown.

OHSU PRESIDENT'S ADVISORY COMMITTEE ON THE CENTER FOR RESEARCH ON OCCUPATIONAL AND ENVIRONMENTAL TOXICOLOGY – Bates, Gallegos.

OREGON CHARITABLE CHECK OFF COMMISSION – Farr.

OREGON COMMISSION FOR CHILD CARE – Farr, Scott.

OREGON ECONOMIC DEVELOPMENT COOPERATIVE COUNCIL – Richardson.

OREGON HANFORD WASTE BOARD – Flores, Jenson, March.

OREGON PASSENGER RAIL ADVISORY COUNCIL – Mabrey, Tomei.

OREGON STATE CAPITOL FOUNDATION – Shetterly.

OREGON STATE COUNCIL FOR INTERSTATE ADULT OFFENDER SUPERVISION – Anderson.

OREGON YOUTH CONSERVATION CORPS ADVISORY COMMITTEE – Backlund.

PACIFIC FISHERIES LEGISLATIVE TASK FORCE – Krieger, Verger.

PACIFIC MARINE FISHERIES COMMISSION – Krieger.

PACIFIC NORTHWEST ECONOMIC REGION COMPACT – Butler, Hansen; Alternates: Berger, Schaufler.

PACIFIC OCEAN RESOURCES COMPACT – Brown.

PAIN MANAGEMENT COMMISSION – Hansen.

PUBLIC EMPLOYEES BENEFIT BOARD – Doyle.

SISTER STATE COMMITTEE – Minnis, Morgan, Verger.

STATE COMMISSION ON CHILDREN AND FAMILIES – Merkley.

STATE WORKFORCE INVESTMENT BOARD – Beyer, Dalto.

VETERANS MEMORIAL COUNCIL – Nelson.

WESTERN STATES LEGISLATIVE FORESTRY TASK FORCE – Krieger, Morgan.

WILLAMETTE RESTORATION INITIATIVE BOARD – Morgan.

House adjourned until 10:30 a.m., Tuesday, May 20, 2003 on motion of Jenson.

### **Tuesday, May 20, 2003 – Morning Session**

House convened at 10:30 a.m. Gallegos in Chair. All present except: Excused, 3 – Butler, Monnes Anderson, Westlund; Excused for business of the House, 9 – Barnhart, Berger, Hass, Hopson, Miller, Scott, Shetterly, Verger, Speaker Minnis.

Opening Ceremony presented by Bill White Eagle Wilson, Spiritual Leader, Oregon Indian Education Association, Tribal Elder of the Year, Salem.

Williams in Chair.

HB 2115, 2314, 2338, 2542, 2573, 2623, 2642, 2645, 2674, 2784, 2853, 3014, 3123, 3151, 3375, 3581, 2029, 2047, 2087, 2091, 2119, 2159, 2161, 2210, 2215, 2219, 2222, 2245, 2252, 2262, 2277, 2333, 2339, 2398, 2429, 2439, 2454, 2489, 2517, 2564, 2996, 2639, HJR 41 – Message from the Senate announcing President signed on May 19, 2003.

SB 52, 103, 808, HB 2103, 2206, 2233, 2999, 3145, 3218, 3316 – Message from the Senate announcing passage.

HB 2101, 2177 – Message from the Senate announcing passage as amended by the Senate.

SB 525 – Message from the Senate announcing concurrence in House amendments and repassage.

HB 5007 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 5032 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 5033 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 5043 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 5053 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 2002 – Report by Committee on Public Employees Retirement System without recommendation as to passage and be referred to Committee on Rules and Public Affairs. Bill referred to Committee on Rules and Public Affairs by order of the Speaker.

HB 2217 – Report by Committee on Transportation recommending passage with amendments and be printed A-Engrossed.

HB 3130 – Report by Committee on Rules and Public Affairs recommending passage with amendments, be printed A-Engrossed, and be placed on the Consent Calendar.

HB 3616 (A-Engrossed) – Report by Committee on Revenue recommending passage with amendments and be printed B-Engrossed.

SB 41 – Report by Committee on Judiciary recommending passage.

SB 64 (A-Engrossed) – Report by Committee on Judiciary recommending passage.

SB 68 – Report by Committee on Judiciary recommending passage and be placed on the Consent Calendar.

SB 213 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

SB 259 – Report by Committee on Judiciary recommending passage.



SB 508 (A-Engrossed) – Report by Committee on Transportation recommending passage with amendments, be printed B-Engrossed, and be placed on the Consent Calendar.

SB 596 (A-Engrossed) – Report by Committee on Transportation recommending passage with amendments, be printed B-Engrossed, and be placed on the Consent Calendar.

SB 611 (A-Engrossed) – Report by Committee on Judiciary recommending passage.

SB 820 (A-Engrossed) – Report by Committee on Water recommending passage with amendments and be printed B-Engrossed.

SB 289 (A-Engrossed) – Pursuant to notice given yesterday, Beyer moved House reconsider the vote by which bill failed to pass.

Call of the House demanded by Beyer, joined by Rosenbaum, Greenlick, March, Brown and Backlund. All present except: Excused (not subject to Call), 3 – Butler, Monnes Anderson, Westlund.

SB 289 (A-Engrossed) – Motion to reconsider vote by which bill failed to pass, carried, the vote being: Yeas, 51; Nays, 6 – Gallegos, Krummel, Kruse, Miller, Smith P., Verger; Excused, 3 – Butler, Monnes Anderson, Westlund. Vote reconsidered.

In compliance with Mason's Manual of Legislative Procedure, Section 468, subsection 3, the question immediately recurs on third reading and final consideration of bill.

Call of the House demanded by Greenlick, joined by Hansen, Schaufler, Nelson, Backlund and Brown. All present except: Excused (not subject to Call), 3 – Butler, Monnes Anderson, Westlund.

SB 289 (A-Engrossed) – On passage of the bill the vote was: Yeas, 51; Nays, 6 – Beyer, Gilman, Hunt, Krummel, Kruse, Miller; Excused, 3 – Butler, Monnes Anderson, Westlund. Bill passed.

SB 393 – Pursuant to notice given yesterday, Tomei moved House reconsider the vote by which bill failed to pass.

Call of the House demanded by Dalto, joined by Kafoury, Hansen, Ackerman, Backlund and Kruse. All present except: Excused (not subject to Call), 3 – Butler, Monnes Anderson, Westlund.

SB 393 – Motion to reconsider vote by which bill failed to pass, carried, the vote being: Yeas, 37; Nays, 20 – Anderson, Backlund, Barnhart, Bates, Brown, Dalto, Gallegos, Gilman, Johnson, Knopp, Krieger, Krummel, Miller, Patridge, Scott, Smith G., Smith P., Smith T., Zauner, Speaker Minnis; Excused, 3 – Butler, Monnes Anderson, Westlund. Vote reconsidered.

In compliance with Mason's Manual of Legislative Procedure, Section 468, subsection 3, the question immediately recurs on third reading and final consideration of bill.

Call of the House demanded by Tomei, joined by Backlund, Brown, Richardson, Barker and Ackerman. All present except: Excused (not subject to Call), 3 – Butler, Monnes Anderson, Westlund.

SB 393 – On passage of the bill the vote was: Yeas, 33; Nays, 24 – Anderson, Backlund, Barnhart, Bates, Beyer, Brown, Close, Dalto, Gallegos, Gilman, Hunt, Johnson, Krieger, Krummel, Macpherson, Merkley, Miller, Patridge, Shetterly, Smith G., Smith P., Smith T., Williams, Zauner; Excused, 3 – Butler, Monnes Anderson, Westlund. Bill passed.

HB 2186 (B-Engrossed) – Shetterly moved House concur in Senate amendments and repass bill as amended by the Senate.

Call of the House demanded by Shetterly, joined by Nolan, Brown, Gallegos, Hunt and Greenlick. All present except: Excused (not subject to Call), 3 – Butler, Monnes Anderson, Westlund.

HB 2186 (A-Engrossed) – On repassage of the bill the vote was: Yeas, 42; Nays, 15 – Anderson, Brown, Close, Doyle, Flores, Garrard, Jenson, Kropf, Miller, Nelson, Richardson, Scott, Smith G., Smith P., Zauner; Excused, 3 – Butler, Monnes Anderson, Westlund. Bill repassed.

HB 2191 (B-Engrossed) – Kruse moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 53; Nays, 1 – Zauner; Absent, 2 – Close, Jenson; Excused, 3 – Butler, Monnes Anderson, Westlund; Excused for business of the House, 1 – Miller. Bill repassed.

HB 3638 – Read first time and passed to Speaker's desk for referral.

HB 3638 – Referred from Speaker's desk to the following committee: Rules and Public Affairs with subsequent referral to Ways and Means.

HB 2617, 2900, 2901, 3385, 3426 – Read second time and passed to third reading.

Speaker Pro Tempore in Chair.

HB 3281 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Butler, Monnes Anderson, Westlund. Bill passed.

HB 2080 (A-Engrossed) – Read third time. Carried by Williams. On passage of the bill the vote was: Yeas, 56; Excused, 3 – Butler, Monnes Anderson, Westlund; Excused for business of the House, 1 – Morgan. Bill passed.

HB 3298 (A-Engrossed) – Read third time. Carried by Flores.

Previous question moved by Gallegos, carried.

Call of the House demanded by Dalto, joined by Gallegos, Gilman, Schaufler, Hansen and Backlund. All present except: Excused (not subject to Call), 3 – Butler, Monnes Anderson, Westlund.

HB 3298 (A-Engrossed) – On passage of the bill the vote was: Yeas, 35; Nays, 22 – Anderson, Avakian, Barker, Barnhart, Bates, Berger, Beyer, Dingfelder, Greenlick, Hansen, Hunt, Macpherson, March, Merkley, Nolan, Patridge, Prozanski, Rosenbaum, Smith P., Tomei, Williams, Wirth; Excused, 3 – Butler, Monnes Anderson, Westlund. Bill passed.

HB 2967 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill remaining on today's Third Reading of House Bills carried over and placed in its proper order on Wednesday's, May 21, 2003 Calendar.

SB 52, 103, 808 – Read first time and passed to Speaker's desk for referral.

SB 52, 103, 621, 801, 808 – Referred from Speaker's desk to the following committees: 621, 801, 808 – Judiciary; 52, 103 – Rules and Public Affairs.

SB 104, 105, 106, 110, 111, 112, 115, 117, 122, 123, 603, 761 – Read second time and passed to third reading.

SB 716, 534 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of Senate Bills carried over and placed in their proper order on Wednesday's, May 21, 2003 Calendar.

HB 2186 (B-Engrossed) – By unanimous consent, on request of Kafoury, rules suspended to permit Kruse to change his vote from "aye" to "nay" on concurrence in Senate amendments and repassage of bill.

Krummel announced that the Committee on General Government has finished its work and will meet only at the call of the Speaker.

Speaker announced the following sine die preparations:

The House Committee on General Government is closed effective at close of business today, May 20, 2003.

House adjourned until 10:30 a.m., Wednesday, May 21, 2003 on motion of Jenson.

#### **Wednesday, May 21, 2003 – Morning Session**

House convened at 10:30 a.m. Gallegos in Chair. All present except: Absent, 4 – Close, Doyle, Scott, Wirth; Excused, 3 – Beyer, Butler, Westlund; Excused

for business of the House, 6 – Bates, Miller, Morgan, Patridge, Smith G., Speaker Minnis.

Speaker Pro Tempore in Chair.

Opening Ceremony presented by Chief James Lott, Confederated Tribes of Coos, Lower Umpqua and Siuslaw.

HB 2069, 2324, 2410, 2729, 2732, 2866, 3122, 3156 – Message from the Senate announcing passage.

SB 191, 226 – Message from the Senate announcing concurrence in House amendments and repassage.

HB 2230 – Senators Nelson and Walker appointed Senate conferees.

HB 2189 – Report by Committee on Audit and Human Services Budget Reform without recommendation as to passage, be referred to Committee on Health and Human Services, and then to Committee on Ways and Means by prior reference. Bill referred to Committee on Health and Human Services by order of the Speaker.

HB 2247 – Report by Committee on Ways and Means recommending passage.

HB 2494 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2498 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2537 – Report by Committee on Audit and Human Services Budget Reform without recommendation as to passage and be referred to Committee on Health and Human Services. Bill referred to Committee on Health and Human Services by order of the Speaker.

HB 2614 – Report by Committee on Environment and Land Use recommending passage with amendments and be printed A-Engrossed.

HB 2641 – Report by Committee on Audit and Human Services Budget Reform without recommendation as to passage, be referred to Committee on Health and Human Services, and then to Committee on Ways and Means by prior reference. Bill referred to Committee on Health and Human Services by order of the Speaker.

HB 2899 – Report by Committee on Environment and Land Use recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 3637 – Report by Committee on Environment and Land Use recommending passage.

SB 83 (A-Engrossed) – Report by Committee on Transportation recommending passage with amendments and be printed B-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

SB 285 – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed A-Engrossed.

SB 341 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments, be printed B-Engrossed, and be placed on the Consent Calendar.

SB 673 (A-Engrossed) – Report by Committee on Agriculture and Natural Resources recommending passage with amendments and be printed B-Engrossed.

SB 749 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

HB 2409 – Read second time and passed to third reading.

SB 603 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 47; Absent, 4 – Close, Doyle, Scott, Wirth; Excused, 3 – Beyer, Butler, Westlund; Excused for business of the House, 6 – Bates, Miller, Morgan, Patridge, Smith G., Speaker Minnis. Bill passed.

HB 3631 (A-Engrossed) – Read third time. Carried by Garrard.

Call of the House demanded by Garrard, joined by Brown, Krummel, Dalto, Hansen and Schaufler. All present except: Absent (not subject to Call), 1 – Wirth; Excused (not subject to Call), 3 – Beyer, Butler, Westlund.

HB 3631 (A-Engrossed) – On passage of the bill the vote was: Yeas, 35; Nays, 21 – Avakian, Barker, Barnhart, Bates, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei; Absent, 1 – Wirth; Excused, 3 – Beyer, Butler, Westlund. Bill passed.

HB 2967 (A-Engrossed) – Read third time. Carried by Gallegos. On passage of the bill the vote was: Yeas, 55; Nays, 1 – Barnhart; Absent, 1 – Wirth; Excused, 3 – Beyer, Butler, Westlund. Bill passed.

HB 2617 (A-Engrossed) – Read third time. Carried by Garrard.

Call of the House demanded by Garrard, joined by Backlund, Flores, Smith P., Anderson and Knopp. All present except: Excused (not subject to Call), 3 – Beyer, Butler, Westlund.

HB 2617 (A-Engrossed) – On passage of the bill the vote was: Yeas, 35; Nays, 22 – Avakian, Barker, Barnhart, Bates, Dingfelder, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Nolan, Prozanski, Rosenbaum, Shetterly, Tomei, Verger, Williams, Wirth; Excused, 3 – Beyer, Butler, Westlund. Bill passed.

HB 2900 (A-Engrossed) – Read third time. Carried by Williams. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Beyer, Butler, Westlund. Bill passed.

HB 2901 (A-Engrossed) – Read third time. Carried by Anderson.

By unanimous consent, on request of Anderson, rules suspended to permit use of visual aid during presentation of bill.

Kruse in Chair.

HB 2901 (A-Engrossed) – On passage of the bill the vote was: Yeas, 57; Excused, 3 – Beyer, Butler, Westlund. Bill passed.

HB 3329 (B-Engrossed) – Read. Carried by Prozanski.

Call of the House demanded by Prozanski, joined by Macpherson, Barnhart, Brown, Zauner and Backlund. All present except: Excused (not subject to Call), 3 – Beyer, Butler, Westlund.

HB 3329 (B-Engrossed) – On passage of the bill the vote was: Yeas, 39; Nays, 18 – Anderson, Brown, Close, Flores, Garrard, Gilman, Jenson, Kitts, Krieger, Kropf, Kruse, Mabrey, Miller, Scott, Smith G., Smith P., Wirth, Zauner; Excused, 3 – Beyer, Butler, Westlund. Bill passed.

HB 3385 (A-Engrossed) – Read third time. Carried by Ackerman. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Beyer, Butler, Westlund. Bill passed.

HB 3426 (A-Engrossed) – Read third time. Carried by Barker. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Beyer, Butler, Westlund. Bill passed.

HJR 18 – By unanimous consent, on request of Chair, rules suspended and resolution remaining on today's Final Reading of Memorials and Resolutions carried over and placed in its proper order on Thursday's, May 22, 2003 Calendar.

SB 41, 64, 159, 252, 259, 611 – Read second time and passed to third reading.

SB 734, 716, 714, 534, 104, 105, 106, 110, 111, 112, 115, 117, 122, 123, 761 – By unanimous consent, on request of Chair, rules suspended and bills remaining on today's Third Reading of Senate Bills

carried over and placed in their proper order on Thursday's, May 22, 2003 Calendar.

HB 3329 (B-Engrossed) – By unanimous consent, on request of Knopp, rules suspended and Rosenbaum allowed to change her vote from “nay” to “aye” on passage of bill.

Speaker announced appointment of member to the following committee:

WAYS AND MEANS SUBCOMMITTEE ON HUMAN SERVICES – Scott.

SB 878 – Speaker signed.

House adjourned until 10:30 a.m., Thursday, May 22, 2003 on motion of Jenson.

#### **Thursday, May 22, 2003 – Morning Session**

House convened at 10:30 a.m. Smith T. in Chair. All present except: Absent, 1 – Wirth; Excused, 2 – Butler, Westlund.

Speaker Pro Tempore in Chair.

Opening Ceremony presented by Chief Delvis Heath, Confederated Tribes of Warm Springs.

SB 878 – Message from the Senate announcing President signed on May 21, 2003.

HB 2284, 2873 – Message from the Senate announcing passage.

HB 2114, 2631, 2717, 2821, 2885, 3157 – Message from the Senate announcing passage as amended by the Senate.

SB 291 – Message from the Senate announcing Senate refused to concur in House amendments. Conferees to be appointed.

HB 2522 – Report by Committee on Health and Human Services without recommendation as to passage, with amendments, and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 3322 – Report by Committee on Business, Labor and Consumer Affairs recommending passage. Bill referred to Committee on Ways and Means by prior reference.

HB 3629 – Report by Committee on Health and Human Services recommending passage. Bill referred to Committee on Ways and Means by prior reference.

HCR 10 – Report by Committee on Rules and Public Affairs recommending adoption with amendments and be printed A-Engrossed.

SB 5549 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 47 – Report by Committee on Judiciary recommending passage.

SB 69 (A-Engrossed) – Report by Committee on Judiciary recommending passage with amendments and be printed B-Engrossed.

SB 207 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed B-Engrossed.

SB 227 – Report by Committee on Revenue recommending passage with amendments, be printed A-Engrossed, and be placed on the Consent Calendar.

SB 237 – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

SB 304 – Report by Committee on Judiciary recommending passage.

SB 419 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage and be placed on the Consent Calendar.

SB 765 (A-Engrossed) – Report by Committee on Transportation recommending passage and be placed on the Consent Calendar.

SB 885 (A-Engrossed) – Report by Committee on Health and Human Services recommending passage.

HCR 11 – Read as a Special Order of Business. Carried by Gilman. On adoption of the resolution the vote was: Yeas, 57; Absent, 1 – Wirth; Excused, 2 – Butler, Westlund. Resolution adopted.

HB 2101 (A-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 57; Absent, 1 – Wirth; Excused, 2 – Butler, Westlund. Bill repassed.

HB 2177 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 57; Absent, 1 – Wirth; Excused, 2 – Butler, Westlund. Bill repassed.

SB 159 (A-Engrossed) – Gallegos moved House adopt Committee Report.

SB 159 (B-Engrossed) – Merkley moved Minority Report be substituted for Committee Report. Motion failed, the vote being: Yeas, 26; Nays, 30 – Backlund, Berger, Brown, Close, Dalto, Doyle, Farr, Flores, Gallegos, Garrard, Gilman, Jenson, Kitts, Knopp, Krieger, Kropf, Krummel, Kruse, Mabrey, Morgan, Patridge, Richardson, Scott, Shetterly, Smith G., Smith P., Smith T., Williams, Zauner, Speaker Minnis; Absent, 1 – Wirth; Excused, 2 – Butler, Westlund; Excused for business of the House, 1 – Miller. Motion failed.

SB 159 (A-Engrossed) – Motion to adopt Committee Report carried, the vote being: Yeas, 53; Nays, 3 – Avakian, Macpherson, March; Absent, 1 – Wirth; Excused, 2 – Butler, Westlund; Excused for business of the House, 1 – Miller. Committee Report adopted.

SB 159 (A-Engrossed) – Read third time. Carried by Gallegos. On passage of the bill the vote was: Yeas, 57; Excused, 2 – Butler, Westlund; Excused for business of the House, 1 – Miller. Bill passed.

SB 252 (C-Engrossed) – Garrard moved House adopt Committee Report.

SB 252 (C-Engrossed) – Rosenbaum moved Minority Report be substituted for Committee Report.

Zauner moved the previous question. Motion carried, the vote being: Yeas, 30; Nays, 25 – Ackerman, Avakian, Barker, Barnhart, Bates, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Verger, Wirth; Absent, 3 – Gilman, Kropf, Kruse; Excused, 2 – Butler, Westlund. Debate closed.

Call of the House demanded by Rosenbaum, joined by Greenlick, Schaufler, Barnhart, Smith P. and Kitts. All present except: Excused (not subject to Call), 2 – Butler, Westlund.

SB 252 (C-Engrossed) – Motion to substitute Minority Report for Committee Report failed, the vote being: Yeas, 26; Nays, 32 – Anderson, Backlund, Brown, Close, Dalto, Doyle, Farr, Flores, Gallegos, Garrard, Gilman, Jenson, Kitts, Knopp, Krieger, Kropf, Krummel, Kruse, Mabrey, Miller, Morgan, Nelson, Patridge, Richardson, Scott, Shetterly, Smith G., Smith P., Smith T., Williams, Zauner, Speaker Minnis; Excused, 2 – Butler, Westlund. Motion failed.

SB 252 (C-Engrossed) – Motion to adopt Committee Report carried, the vote being: Yeas, 46; Nays, 12 – Ackerman, Barnhart, Bates, Beyer, Farr, Hansen, Macpherson, March, Nolan, Prozanski, Tomei, Wirth; Excused, 2 – Butler, Westlund. Committee Report adopted.

SB 252 (C-Engrossed) – Read third time. Garrard moved bill be referred to Committee on Rules and Public Affairs. Motion carried on viva voce vote. Bill referred.

Knopp requested the following explanation of his vote be entered in the Journal:

“Earlier today, I joined with my colleagues in voting against the minority report to SB 252.

“The new proposals contained in the minority report were never brought before the Business, Labor and Consumer Affairs committee for discussion or debate. They were simply proposed by the opponents to the bill after it was voted out of committee. In so doing, the opponents tried to do an end run around the committee and the public process and put their proposal on the House floor for

a vote. As a result, there was no opportunity to assess the issue in detail in regard to its policy or fiscal implications.

“I voted to sent SB 252 back to committee because, as was discovered during the floor debate, the bill contains flawed language that would end up hurting the very people that we are trying to help by passing this legislation.”

HB 5007, 5032, 5033, 5043, 5053, 2217, 2247, 3130, 3616, 3637 – Read second time and passed to third reading.

HB 2409 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill remaining on today’s Third Reading of House Bills carried over and placed in its proper order on Friday’s, May 23, 2003 Calendar.

HJR 18 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and resolution remaining on today’s Final Reading of Memorials and Resolutions carried over and placed in its proper order on Friday’s, May 23, 2003 Calendar.

SB 68, 213, 508, 596, 749, 820 – Read second time and passed to third reading.

SB 734, 714, 716, 534, 104, 105, 106, 110, 111, 112, 115, 117, 122, 123, 761, 41, 64, 259, 611 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today’s Third Reading of Senate Bills carried over and placed in their proper order on Friday’s, May 23, 2003 Calendar.

HB 2050, 2187, 2263, 2272, 2316, 2319, 2322, 2332, 2474, 2535, 2589, 2691, 2908, 2925, HCR 4, 7 – Speaker signed.

HB 2060, 2086, 2131, 2132, 2150, 2163, 2190, 2227, 2258, 2331, 2450, 2491, 2576, 2625, 2818, 3062, 3163, 3261, HCR 5, HJM 5 – Speaker signed.

HB 2186 – Speaker signed.

HB 2030, 2057, 2059, 2064, 2207, 2213, HCR 3, SB 13, 80, 94, 130, 157, 158, 162, 163, 164, 174, 181, 182, 187, 188, 192, 203, 204, 211, 212, 215, 221, 225, 233, 234, 238, 244, 246, 247, 248, 251, 256, 276, 281, 310, 374, 388, 425, 478, 606, 748, SCR 3, 5 – Speaker signed.

SB 387, HB 2449 – Speaker signed.

House adjourned until 10:00 a.m., Friday, May 23, 2003 on motion of Jenson.

#### **Friday, May 23, 2003 – Morning Session**

House convened at 10:00 a.m. Gallegos in Chair. All present except: Excused, 6 – Butler, Close, Farr, Garrard, Westlund, Wirth; Excused for business of the House, 5 – Beyer, Brown, Mabrey, Miller, Shetterly.

Opening Ceremony presented by Jay Minthorn, Chair, Legislative Commission on Indian Services; Board of Trustees, Confederated Tribes of Umatilla.

HB 2526 – Message from the Governor announcing he signed on May 22, 2003.

SB 13, 80, 94, 130, 157, 158, 162, 163, 164, 174, 181, 182, 187, 188, 192, 203, 204, 211, 212, 215, 221, 225, 233, 234, 238, 244, 246, 247, 248, 251, 256, 388, 276, 281, 310, 374, 387, 425, 478, 606, 748, SCR 3, 5 – Message from the Senate announcing President signed on May 22, 2003.

SB 880, HB 2743 – Message from the Senate announcing passage.

SJM 6 – Message from the Senate announcing adoption.

HB 2670 – Message from the Senate announcing passage as amended by the Senate.

SB 8, 74, 229 – Message from the Senate announcing concurrence in House amendments and repassage.

SB 291 – Message from the Senate announcing Senators Shields and Ferrioli appointed Senate conferees.

HB 2186 – Message from the Senate announcing President signed on May 22, 2003.

House recessed for 5 minutes on motion of Kafoury.

House reconvened at 10:30 a.m. Gallegos in Chair. All present except: Excused, 6 – Butler, Close, Farr, Garrard, Westlund, Wirth; Excused for business of the House, 4 – Beyer, Brown, Mabrey, Miller.

Speaker Pro Tempore in Chair.

Having recessed under the order of business of Messages from the Senate, the House proceeded to the next order of business.

SJM 6 – Read first time and passed to Speaker's desk for referral.

HB 2356 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage and be referred to Committee on Rules and Public Affairs. Bill referred to Committee on Rules and Public Affairs by order of the Speaker.

HB 2857 – Report by Committee on General Government recommending passage with amendments and be printed A-Engrossed.

HB 3169 – Report by Committee on Public Employees Retirement System without recommendation as to passage, be referred to Committee on Rules and Public Affairs, and then to Committee on Ways and Means by prior reference.

Bill referred to Committee on Rules and Public Affairs by order of the Speaker.

HJR 55 – Report by Committee on General Government recommending adoption with amendments and be printed A-Engrossed.

SB 56 (A-Engrossed) – Report by Committee on Health and Human Services recommending passage with amendments and be printed B-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

SB 260 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments, be printed B-Engrossed, and be referred to Committee on Rules and Public Affairs. Bill referred to Committee on Rules and Public Affairs by order of the Speaker.

SB 549 (A-Engrossed) – Report by Committee on Transportation recommending passage, subsequent referral to Committee on Revenue be rescinded, and be referred to Committee on Rules and Public Affairs. Subsequent referral to Committee on Revenue rescinded by order of the Speaker. Bill referred to Committee on Rules and Public Affairs by order of the Speaker.

SB 604 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage.

SB 676 – Report by Committee on General Government recommending passage with amendments and be printed A-Engrossed.

HB 2114 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 51; Excused, 6 – Butler, Close, Farr, Garrard, Westlund, Wirth; Excused for business of the House, 3 – Brown, Miller, Speaker Minnis. Bill repassed.

House recessed for 5 minutes on motion of Knopp.

House reconvened at 10:55 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 6 – Butler, Close, Farr, Garrard, Westlund, Wirth.

Having recessed under the order of business of Propositions and Motions, the House continued under that order of business.

HB 2631 (B-Engrossed) – Kruse moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 51; Nays, 3 – Avakian, Greenlick, Monnes Anderson; Excused, 6 – Butler, Close, Farr, Garrard, Westlund, Wirth. Bill repassed.

HB 2821 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the

vote was: Yeas, 54; Excused, 6 – Butler, Close, Farr, Garrard, Westlund, Wirth. Bill repassed.

HB 2885 (A-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 54; Excused, 6 – Butler, Close, Farr, Garrard, Westlund, Wirth. Bill repassed.

HB 3157 (B-Engrossed) – Kruse moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 54; Excused, 6 – Butler, Close, Farr, Garrard, Westlund, Wirth. Bill repassed.

HB 3636 – Hopson moved bill be withdrawn from Committee on Ways and Means.

Kruse moved the previous question.

Call of the House demanded by Patridge, joined by Tomei, Dalto, Zauner, Williams and Scott. All present except: Excused (not subject to Call), 6 – Butler, Close, Farr, Garrard, Westlund, Wirth.

Motion to close debate carried, the vote being: Yeas, 30; Nays, 24 – Ackerman, Avakian, Barker, Barnhart, Bates, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Verger; Excused, 6 – Butler, Close, Farr, Garrard, Westlund, Wirth. Debate closed.

Call of the House demanded by Kafoury, joined by Bates, Nolan, Brown, Greenlick and Krieger. All present except: Excused (not subject to Call), 6 – Butler, Close, Farr, Garrard, Westlund, Wirth.

HB 3636 – Motion to withdraw bill from Committee on Ways and Means failed, the vote being: Yeas, 24; Nays, 30 – Anderson, Backlund, Berger, Brown, Dalto, Doyle, Flores, Gallegos, Gilman, Jenson, Kitts, Knopp, Krieger, Kropf, Krummel, Kruse, Mabrey, Miller, Morgan, Nelson, Patridge, Richardson, Scott, Shetterly, Smith G., Smith P., Smith T., Williams, Zauner, Speaker Minnis; Excused, 6 – Butler, Close, Farr, Garrard, Westlund, Wirth. Motion failed.

HB 2494, 2498, 2614 – Read second time and passed to third reading.

HB 3130 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 53; Nays, 1 – March; Excused, 6 – Butler, Close, Farr, Garrard, Westlund, Wirth. Bill passed.

SB 68 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 54; Excused, 6 – Butler, Close, Farr, Garrard, Westlund, Wirth. Bill passed.

SB 508 (B-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote

was: Yeas, 52; Nays, 2 – Johnson, Krummel; Excused, 6 – Butler, Close, Farr, Garrard, Westlund, Wirth. Bill passed.

SB 596 (B-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 54; Excused, 6 – Butler, Close, Farr, Garrard, Westlund, Wirth. Bill passed.

HB 2409 (A-Engrossed) – Read third time. Carried by Knopp. On passage of the bill the vote was: Yeas, 52; Absent, 1 – Hass; Excused, 6 – Butler, Close, Farr, Garrard, Westlund, Wirth; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 5007 (A-Engrossed) – Read third time. Carried by Smith T. On passage of the bill the vote was: Yeas, 52; Nays, 2 – Nelson, Zauner; Excused, 6 – Butler, Close, Farr, Garrard, Westlund, Wirth. Bill passed.

HB 5032 (A-Engrossed) – Read third time. Carried by Patridge. On passage of the bill the vote was: Yeas, 47; Nays, 5 – Doyle, Flores, Mabrey, Nelson, Zauner; Absent, 1 – Bates; Excused, 7 – Butler, Close, Farr, Garrard, Miller, Westlund, Wirth. Bill passed.

HB 5033, 5043, 5053, 2217, 2247, 3616, 3637 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Tuesday's, May 27, 2003 Calendar.

HJR 18 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and resolution remaining on today's Final Reading of Memorials and Resolutions carried over and placed in its proper order on Tuesday's, May 27, 2003 Calendar.

SB 880 – Read first time and passed to Speaker's desk for referral.

SB 5549, 47, 237, 285, 304, 673, 885 – Read second time and passed to third reading.

SB 734, 714, 716, 534, 104, 105, 106, 110, 111, 112, 115, 117, 122, 123, 761, 41, 64, 259, 611, 213, 749, 820 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of Senate Bills carried over and placed in their proper order on Tuesday's, May 27, 2003 Calendar.

Speaker announced appointment of members to the following committees:

COMMISSION ON HISPANIC AFFAIRS – Flores.

PUBLIC EMPLOYEE BENEFITS BOARD – Doyle discharged; Kropf appointed.

SISTER STATE COMMITTEE – Morgan discharged; Richardson appointed.

House adjourned until 10:30 a.m., Tuesday, May 27, 2003 on motion of Jenson.

**Tuesday, May 27, 2003 – Morning Session**

House convened at 10:30 a.m. Speaker Pro Tempore in Chair. All present except: Absent, 1 – Wirth; Excused, 2 – Butler, Westlund; Excused for business of the House, 1 – Morgan.

Opening Ceremony presented by Bill Markham, former Representative from District 46.

HB 2186 – Message from the Governor announcing he signed on May 23, 2003.

SB 456, HB 2744, 3557, 3212 – Message from the Senate announcing passage.

HB 2765, 3363, 3601 – Message from the Senate announcing passage as amended by the Senate.

SB 37, 154 – Message from the Senate announcing concurrence in House amendments and repassage.

SB 205 – Message from the Senate announcing President signed on May 23, 2003.

SJM 6 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HB 3154 – Report by Committee on General Government without recommendation as to passage, be referred to Committee on Rules and Public Affairs, and then to Committee on Ways and Means by prior reference. Bill referred to Committee on Rules and Public Affairs by order of the Speaker.

HB 3328 – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed A-Engrossed.

HM 2 – Report by Committee on General Government without recommendation as to adoption and be referred to Committee on Rules and Public Affairs. Memorial referred to Committee on Rules and Public Affairs by order of the Speaker.

HM 3 – Report by Committee on General Government without recommendation as to adoption and be referred to Committee on Rules and Public Affairs. Memorial referred to Committee on Rules and Public Affairs by order of the Speaker.

HM 7 – Report by Committee on General Government without recommendation as to adoption and be referred to Committee on Rules and Public Affairs. Memorial referred to Committee on Rules and Public Affairs by order of the Speaker.

HM 8 – Report by Committee on General Government without recommendation as to adoption and be referred to Committee on Rules and Public Affairs. Memorial referred to Committee on Rules and Public Affairs by order of the Speaker.

SB 180 (A-Engrossed) – Report by Committee on Transportation recommending passage. Bill referred to Committee on Ways and Means by prior reference.

SB 444 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs without recommendation as to passage and be referred to Committee on Rules and Public Affairs. Bill referred to Committee on Rules and Public Affairs by order of the Speaker.

SB 445 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs without recommendation as to passage and be referred to Committee on Rules and Public Affairs. Bill referred to Committee on Rules and Public Affairs by order of the Speaker.

SB 446 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs without recommendation as to passage and be referred to Committee on Rules and Public Affairs. Bill referred to Committee on Rules and Public Affairs by order of the Speaker.

SB 516 (B-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed C-Engrossed.

SB 590 (A-Engrossed) – Report by Committee on Water recommending passage with amendments and be printed B-Engrossed.

SB 882 (A-Engrossed) – Report by Committee on Judiciary recommending passage.

HCR 10 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and resolution made a Special Order of Business immediately following the order of business of Special Committee Reports on Wednesday's, May 28, 2003 Calendar.

HB 2670 (B-Engrossed) – Brown moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 55; Absent, 1 – Wirth; Excused, 2 – Butler, Westlund; Excused for business of the House, 2 – Miller, Morgan. Bill repassed.

HB 2717 (B-Engrossed) – Close moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 55; Absent, 1 – Wirth; Excused, 2 – Butler, Westlund; Excused for business of the House, 2 – Miller, Morgan. Bill repassed.

HB 3639 – Read first time and passed to Speaker's desk for referral.



SB 341 (B-Engrossed) – Read under Consent Calendar. On passage of the bill the vote was: Yeas, 54; Nays, 1 – Krummel; Absent, 1 – Wirth; Excused, 2 – Butler, Westlund; Excused for business of the House, 2 – Miller, Morgan. Bill passed.

HB 5033 (A-Engrossed) – Read third time. Carried by Patridge. On passage of the bill the vote was: Yeas, 47; Nays, 8 – Close, Kropf, Krummel, Merkley, Nelson, Smith P., Verger, Zauner; Absent, 1 – Wirth; Excused, 2 – Butler, Westlund; Excused for business of the House, 2 – Miller, Morgan. Bill passed.

HB 5043 (A-Engrossed) – Read third time. Carried by Hansen. On passage of the bill the vote was: Yeas, 35; Nays, 21 – Ackerman, Barnhart, Beyer, Dingfelder, Flores, Gallegos, Garrard, Kitts, Kropf, Krummel, Mabrey, March, Merkley, Nelson, Nolan, Prozanski, Richardson, Scott, Tomei, Wirth, Zauner; Excused, 2 – Butler, Westlund; Excused for business of the House, 2 – Williams, Speaker Minnis. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

“I am not willing to support HB 5043-A at this time. It is a general fund budget that totals over \$3 million. I am not comfortable supporting budgets that rely on this amount of general funds until we have an overall budget plan. Based on our current economic forecast for the 2003-05 biennium, I want to know how the legislature plans on funding all of our general funded programs and services.”

HB 5053 (A-Engrossed) – Read third time. Carried by Johnson. On passage of the bill the vote was: Yeas, 50; Nays, 5 – Garrard, Krummel, Nelson, Smith P., Zauner; Absent, 1 – Kruse; Excused, 2 – Butler, Westlund; Excused for business of the House, 2 – Williams, Speaker Minnis. Bill passed.

HB 2217 (A-Engrossed) – Read third time. Carried by Beyer. On passage of the bill the vote was: Yeas, 44; Nays, 12 – Avakian, Doyle, Flores, Garrard, Gilman, Kropf, Kruse, Nelson, Richardson, Scott, Smith G., Smith P.; Excused, 2 – Butler, Westlund; Excused for business of the House, 2 – Williams, Speaker Minnis. Bill passed.

HB 2247 – Read third time. Carried by Krieger.

Doyle in Chair.

HB 2247 – On passage of the bill the vote was: Yeas, 45; Nays, 10 – Close, Garrard, Gilman, Kropf, Nelson, Richardson, Scott, Smith P., Smith T., Zauner; Absent, 1 – Beyer; Excused, 2 – Butler, Westlund; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

HB 3616 (B-Engrossed) – Read third time. Carried by Dingfelder. On passage of the bill the vote was: Yeas, 48; Nays, 7 – Close, Garrard, Kruse, Morgan, Nelson, Smith T., Zauner; Absent, 1 – Smith P.; Excused, 2 – Butler, Westlund; Excused for

business of the House, 2 – Miller, Speaker Minnis. Bill passed.

HB 3637 – Read third time. Richardson moved bill be referred to Committee on Rules and Public Affairs. Motion carried on viva voce vote. Bill referred.

HB 2494 (A-Engrossed) – Read third time. Carried by Williams.

Call of the House demanded by Williams, joined by Nelson, Brown, Backlund, Barker and Hansen. All present except: Excused (not subject to Call), 2 – Butler, Westlund.

HB 2494 (A-Engrossed) – On passage of the bill the vote was: Yeas, 37; Nays, 21 – Ackerman, Avakian, Barnhart, Beyer, Dingfelder, Hansen, Hass, Jenson, Kafoury, Kitts, Macpherson, March, Merkley, Nolan, Prozanski, Richardson, Rosenbaum, Scott, Tomei, Verger, Wirth; Excused, 2 – Butler, Westlund. Bill passed.

HB 2498 (A-Engrossed) – Read third time. Carried by Ackerman. On passage of the bill the vote was: Yeas, 58; Excused, 2 – Butler, Westlund. Bill passed.

HB 2614 (A-Engrossed) – Read third time. Carried by Zauner. On passage of the bill the vote was: Yeas, 31; Nays, 27 – Ackerman, Avakian, Barker, Barnhart, Bates, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Shetterly, Tomei, Verger, Williams, Wirth; Excused, 2 – Butler, Westlund. Bill passed.

HJR 18 (A-Engrossed) – Read. Carried by Shetterly.

Previous question moved by Gallegos, carried.

Call of the House demanded by Shetterly, joined by Flores, Gallegos, Nelson, Verger and Anderson. All present except: Excused (not subject to Call), 2 – Butler, Westlund.

HJR 18 (A-Engrossed) – On adoption of the resolution the vote was: Yeas, 34; Nays, 24 – Ackerman, Barnhart, Bates, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Johnson, Kafoury, Kropf, Macpherson, March, Merkley, Miller, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Scott, Tomei, Verger, Wirth; Excused, 2 – Butler, Westlund. Resolution failed, having not received the required two-thirds constitutional majority.

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted against HJR 18-A because it is not timely. The resolution attempts to establish a capital cost matching fund based on general obligation bonds.

"Our current focus must be on funding schools today, not providing a mechanism to obtain capital cost funds for sometime in the future. HJR 18-A does not state when the bonds will be available; which school districts will qualify to participate in the program; or how the state will be able to take on this new debt financing obligation when our bonding rating is so low. Adding an additional general obligation bonding program at this time could undercut the confidence level of the bonding industry.

"Even though I support the concept, I believe that we should wait until better economic times and when we actually have the framework for establishing this new bonding program."

SB 456 – Read first time and passed to Speaker's desk for referral.

SB 880 – Referred from Speaker's desk to the following committee: Judiciary.

SB 69, 207, 227, 419, 604, 765 – Read second time and passed to third reading.

SB 734, 714, 716, 534, 104, 105, 106, 110, 111, 112, 115, 117, 122, 123, 761, 41, 64, 259, 611, 213, 749, 5549, 47, 237, 285, 304, 673, 885 – By unanimous consent, on request of Chair, rules suspended and bills remaining on today's Third Reading of Senate Bills carried over and placed in their proper order on Wednesday's, May 28, 2003 Calendar.

SB 820 (B-Engrossed) – Read third time. Williams moved bill be referred to Committee on Judiciary. Motion carried on viva voce vote. Bill referred.

HJR 18 (A-Engrossed) – Miller served notice of possible reconsideration.

House adjourned until 10:30 a.m., Wednesday, May 28, 2003 on motion of Jenson.

### **Wednesday, May 28, 2003 – Morning Session**

House convened at 10:30 a.m. Gallegos in Chair. All present except: Excused, 3 – Bates, Butler, Westlund.

Kruse in Chair.

Opening Ceremony presented by The Tide Guys, Glencoe High School, Hillsboro.

HB 2401 – Message from the Governor announcing he signed on May 27, 2003.

HB 2054, 2061, 2075, 2135, 2226, 2240, 2269, 2274, 2305, 2306, 2307, 2309, 2343, 2374, 2393, 2456, 2475, 2533, 2650, 2676, 2799, 2997, 3001, 3026 – Message from the Governor announcing he signed on May 24, 2003.

HB 2030, 2057, 2059, 2064, 2207, 2213, 2449, 3261, 3163, 3062, 2925, 2908, 2818, 2625, 2589, 2576, 2535, 2491, 2474, 2450, 2332, 2331, 2322, 2319, 2316, 2272, 2263, 2258, 2227, 2190, 2187, 2163, 2150, 2132, 2131, 2086, 2060, 2050, 2691, HCR 3, 4, 5, 7, HJM 5 – Message from the Senate announcing President signed on May 23, 2003.

SB 11, 32, 42, 70, 71, 72, 137, 167, 223, 241, 243, 250, 327, 328, 401, 514, 525, 554, 584, 661, 663, 667, 795, 832 – Message from the Senate announcing President signed on May 23, 2003.

SB 5504, 5510, 5511, 5532, 5538, 5540, 5544 – Message from the Senate announcing passage.

SB 34, 185, 198, 200, 206, 235, 253, 286, 711, 715, 870 – Message from the Senate announcing concurrence in House amendments and repassage.

HB 2747 (A-Engrossed) – Report by Committee on Revenue recommending passage with amendments and be printed B-Engrossed.

Speaker Pro Tempore in Chair.

HCR 10 (A-Engrossed) – Read as a Special Order of Business. Carried by Speaker Minnis. On adoption of the resolution the vote was: Yeas, 54; Absent, 1 – Wirth; Excused, 3 – Bates, Butler, Westlund; Excused for business of the House, 2 – Beyer, Morgan. Resolution adopted.

Kruse in Chair.

HJR 18 (A-Engrossed) – Pursuant to notice given yesterday, Miller moved House reconsider the vote by which resolution failed to be adopted. Motion carried, the vote being: Yeas, 51; Nays, 6 – Ackerman, Kropf, Nolan, Prozanski, Rosenbaum, Verger; Excused, 3 – Bates, Butler, Westlund. Vote reconsidered.

In compliance with Mason's Manual of Legislative Procedure, Section 468, subsection 3, the question immediately recurs on final consideration of resolution.

HJR 18 (A-Engrossed) – Shetterly moved resolution be rereferred to Committee on Revenue. Motion carried on viva voce vote. Resolution rereferred.

HB 2765 (B-Engrossed) – Close moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 56; Excused, 3 – Bates, Butler, Westlund; Excused for business of the House, 1 – Speaker Minnis. Bill repassed.

HB 3363 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 54; Excused, 3 – Bates, Butler, Westlund; Excused for business of the House, 3 – Miller, Patridge, Speaker Minnis. Bill repassed.

HB 3601 (B-Engrossed) – Smith P. moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 54; Excused, 3 – Bates, Butler, Westlund; Excused for business of the House, 3 – Miller, Patridge, Speaker Minnis. Bill repassed.

HB 2857 – Read second time and passed to third reading.

SB 227 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 40; Nays, 14 – Close, Dalto, Flores, Greenlick, Jenson, Krieger, Kropf, Kruse, Morgan, Nelson, Richardson, Smith P., Smith T., Zauner; Excused, 3 – Bates, Butler, Westlund; Excused for business of the House, 3 – Miller, Patridge, Speaker Minnis. Bill passed.

SB 419 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 54; Absent, 1 – Anderson; Excused, 3 – Bates, Butler, Westlund; Excused for business of the House, 2 – Miller, Patridge. Bill passed.

SB 765 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 52; Nays, 1 – Wirth; Absent, 1 – Anderson; Excused, 3 – Bates, Butler, Westlund; Excused for business of the House, 3 – Miller, Patridge, Speaker Minnis. Bill passed.

HJR 55 (A-Engrossed) – Read. Carried by Mabrey. On adoption of the resolution the vote was: Yeas, 54; Nays, 1 – Barnhart; Excused, 3 – Bates, Butler, Westlund; Excused for business of the House, 2 – Patridge, Speaker Minnis. Resolution adopted.

SB 5504, 5510, 5511, 5532, 5538, 5540, 5544 – Read first time and passed to Speaker's desk for referral.

SB 676, 882 – Read second time and passed to third reading.

SB 734 (A-Engrossed) – Read third time. Carried by Garrard.

Speaker Pro Tempore in Chair.

SB 734 (A-Engrossed) – On passage of the bill the vote was: Yeas, 54; Excused, 3 – Bates, Butler, Westlund; Excused for business of the House, 3 – Miller, Patridge, Speaker Minnis. Bill passed.

SB 714 (A-Engrossed) – Read third time. Carried by Garrard. On passage of the bill the vote was: Yeas, 53; Absent, 1 – Kruse; Excused, 3 – Bates, Butler, Westlund; Excused for business of the House, 3 – Miller, Patridge, Speaker Minnis. Bill passed.

SB 716 (B-Engrossed) – Read third time. Carried by Macpherson. On passage of the bill the vote was: Yeas, 47; Nays, 8 – Close, Gallegos, Kafoury, Merkley, Richardson, Smith P., Smith T., Tomei; Excused, 3 – Bates, Butler, Westlund; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

SB 534 (A-Engrossed) – Read third time. Carried by Rosenbaum. On passage of the bill the vote was: Yeas, 55; Absent, 1 – Patridge; Excused, 3 – Bates,

Butler, Westlund; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

SB 104 (A-Engrossed) – Read third time. Carried by Krummel. On passage of the bill the vote was: Yeas, 55; Absent, 1 – Patridge; Excused, 3 – Bates, Butler, Westlund; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

SB 105 – Read third time. Carried by Jenson.

Dalto in Chair.

SB 105 – On passage of the bill the vote was: Yeas, 55; Excused, 3 – Bates, Butler, Westlund; Excused for business of the House, 2 – Patridge, Speaker Minnis. Bill passed.

SB 106 – Read third time. Carried by Macpherson. On passage of the bill the vote was: Yeas, 49; Excused, 3 – Bates, Butler, Westlund; Excused for business of the House, 8 – Doyle, Krummel, Miller, Patridge, Scott, Shetterly, Williams, Speaker Minnis. Bill passed.

SB 110 – Read third time. Carried by Ackerman.

Kruse in Chair.

SB 110 – On passage of the bill the vote was: Yeas, 49; Excused, 3 – Bates, Butler, Westlund; Excused for business of the House, 8 – Doyle, Krummel, Miller, Patridge, Scott, Shetterly, Williams, Speaker Minnis. Bill passed.

SB 111 – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 46; Nays, 3 – Flores, Mabrey, Richardson; Excused, 3 – Bates, Butler, Westlund; Excused for business of the House, 8 – Doyle, Krummel, Miller, Patridge, Scott, Shetterly, Williams, Speaker Minnis. Bill passed.

SB 112 (A-Engrossed) – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 49; Excused, 3 – Bates, Butler, Westlund; Excused for business of the House, 8 – Doyle, Krummel, Miller, Patridge, Scott, Shetterly, Williams, Speaker Minnis. Bill passed.

SB 115 (A-Engrossed) – Read third time. Carried by Williams. On passage of the bill the vote was: Yeas, 49; Nays, 4 – Close, Kropf, Nelson, Zauner; Excused, 3 – Bates, Butler, Westlund; Excused for business of the House, 4 – Doyle, Krummel, Patridge, Speaker Minnis. Bill passed.

SB 117 – Read third time. Carried by Anderson.

Speaker Pro Tempore in Chair.

SB 117 – On passage of the bill the vote was: Yeas, 53; Excused, 4 – Bates, Berger, Butler, Westlund; Excused for business of the House, 3 – Krummel, Patridge, Speaker Minnis. Bill passed.

SB 122 – Read third time. Carried by Barker. On passage of the bill the vote was: Yeas, 51; Nays, 1 – Close; Absent, 1 – Nolan; Excused, 4 – Bates, Berger, Butler, Westlund; Excused for business of the House, 3 – Krummel, Patridge, Speaker Minnis. Bill passed.

SB 123 – Read third time. Carried by Macpherson. On passage of the bill the vote was: Yeas, 53; Absent, 1 – Nolan; Excused, 4 – Bates, Berger, Butler, Westlund; Excused for business of the House, 2 – Patridge, Speaker Minnis. Bill passed.

SB 761, 41, 64, 259, 611, 213, 749, 5549, 47, 237, 285, 304, 673, 885, 69, 207, 604 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of Senate Bills carried over and placed in their proper order on Thursday's, May 29, 2003 Calendar.

HB 2230 – Speaker appointed Representatives Close, Chair; Gallegos and Schaufler House Conferees.

SB 328, 795 – Speaker signed.

House adjourned until 10:30 a.m., Thursday, May 29, 2003 on motion of Jenson.

#### **Thursday, May 29, 2003 – Morning Session**

House convened at 10:30 a.m. Kruse in Chair. All present except: Excused, 1 – Westlund.

Opening Ceremony presented by Patti Whitney-Wise, Portland.

HB 2029, 2047, 2087, 2091, 2115, 2119, 2159, 2161, 2210, 2215, 2219, 2222, 2245, 2252, 2262, 2277, 2314, 2333, 2338, 2339, 2398, 2429, 2439, 2454, 2489, 2517, 2542, 2564, 2573, 2623, 2642, 2645, 2674, 2784, 2853, 2996, 3014, 3123, 3151, 3375, 3581 – Message from the Governor announcing he signed on May 28, 2003.

HB 2639 – Message from the Governor announcing he filed with Secretary of State without signature on May 28, 2003.

SB 757, 5503, 5520, 415, 552, HB 5002, 2893, 3061, 2298, 3615 – Message from the Senate announcing passage.

SJR 19, HCR 8, 9 – Message from the Senate announcing adoption.

HB 2894, 3184 – Message from the Senate announcing passage as amended by the Senate.

SB 82 – Message from the Senate announcing concurrence in House amendments and repassage.

HJM 9 – Introduced, read and passed to Speaker's desk for referral.

HM 9 – Introduced, read and passed to Speaker's desk for referral.

SJR 19 – Read first time and passed to Speaker's desk for referral.

HJM 9 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HM 9 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

SJR 19 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HB 5001 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 5005 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 5006 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 5017 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 5047 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 5054 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 2208 (A-Engrossed) – Report by Committee on Ways and Means recommending passage with amendments and be printed B-Engrossed.

HB 2256 (A-Engrossed) – Report by Committee on Ways and Means recommending passage with amendments and be printed B-Engrossed.

HB 2390 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

SB 18 (A-Engrossed) – Report by Committee on Judiciary recommending passage with amendments and be printed B-Engrossed.

SB 59 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

SB 65 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

SB 628 (A-Engrossed) – Report by Committee on Judiciary recommending passage.

HB 3640 – Read first time and passed to Speaker's desk for referral.

HB 3639 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HB 2857 – Read third time. Krummel moved bill be referred to Committee on Rules and Public Affairs. Motion carried on viva voce vote. Bill referred.

SB 5503, 5520, 415, 552, 757 – Read first time and passed to Speaker's desk for referral.

SB 5503, 5504, 5510, 5511, 5520, 5532, 5538, 5540, 5544, 415, 456, 552, 757 – Referred from Speaker's desk to the following committees: 415 – Revenue; 456, 757 – Rules and Public Affairs; 552 – Rules and Public Affairs with subsequent referral to Ways and Means; 5503, 5504, 5510, 5511, 5520, 5532, 5538, 5540, 5544 – Ways and Means.

SB 590 – Read second time and passed to third reading.

SB 761 (A-Engrossed) – Read third time. Carried by Farr.

Potential conflict of interest declared by Knopp.

Call of the House demanded by Farr, joined by Gilman, Backlund, Verger, Greenlick and Anderson. All present except: Excused (not subject to Call), 1 – Westlund.

SB 761 (A-Engrossed) – On passage of the bill the vote was: Yeas, 34; Nays, 25 – Ackerman, Barker, Barnhart, Bates, Beyer, Dingfelder, Gilman, Greenlick, Hansen, Hass, Hopson, Hunt, Jenson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Verger, Wirth; Excused, 1 – Westlund. Bill passed.

Dingfelder requested the following explanation of her vote be entered in the Journal:

"Oregon law reflects a societal consensus that every child must receive an education. ORS 339.020 requires attendance at a public school. The State of Oregon has had a compulsory education law, in some form or another, since 1889. An exemption exists for students who attend private schools, if the private school is teaching the courses of study which are usually taught in grades 1 through 12 and that the time of attendance is equivalent to that at public schools. ORS 330.030(1)(a).

"There is also an exemption for home schooling, but the exemption is qualified by a testing requirement of ORS 339.035. In the case of home schooling, the testing requirement is the only mechanism we have for ensuring that home-schooled children are getting an education equivalent to that offered in public schools, or for that matter, that they are receiving any sort of education.

"I recognize that the vast majority of parents who choose to home-school their children are very responsible people who are dedicated to ensuring that their children receive a quality education. The compulsory education law, however, is designed to ensure that all children are entitled to an education.

"For all practical purposes, eliminating the testing requirement would transform the home school exemption into a blanket exemption from the whole idea of mandatory education. The schools are not going to send truant officers to conduct

impromptu inspections of children's homes to see if they are really being educated.

"If SB 761 passes, there will be nothing to prevent an irresponsible or incompetent parent from simply keeping a child out of school and providing no education at all. For instance, a parent engaged in criminal activity might fear that if the child went to school, the criminal activity might be discovered, and such a parent might also be unable or unwilling to provide that child an education.

"I voted no on SB 761 not in opposition to home schooling, but as a vote in favor of a 114-year-old consensus that education is mandatory and that every child is entitled to an education."

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted against SB 761-A because it would have eliminated all testing requirements for home schooled children. Even though I support a parent's right to home school their child, I believe that the state has a duty to ensure that every child in Oregon is receiving a quality education.

"Current law only requires parents to register their children for home schooling and to test them in the 3<sup>rd</sup>, 5<sup>th</sup>, 8<sup>th</sup> and 10<sup>th</sup> grades. I do not believe these requirements are unreasonable."

Verger requested the following explanation of her vote be entered in the Journal:

"I voted 'no' on SB 761 for the following reasons:

"Compulsory education in Oregon has been modified to include home-schooling. This has been proven to work very successfully for many families and their children.

"SB 761 would repeal the mandatory testing of home schooled children in the 3<sup>rd</sup>, 5<sup>th</sup>, 8<sup>th</sup> and 10<sup>th</sup> grades. I do not agree that this minimum testing is a costly inconvenience for parents or that it is government intervention. While most home schoolers are excellent students, as a legislator I must answer to all children and that includes those whose parents could be incapable of teaching or was not committed to seeing to it that their children were adequately educated. It is for those children that I oppose SB 761 to assure them that they will receive adequate education and that our public school professionals care about their progress. I also think parents should want to make sure their children are at their grade level."

SB 41 – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 56; Nays, 1 – Smith P.; Excused, 1 – Westlund; Excused for business of the House, 2 – Brown, Mabrey. Bill passed.

SB 64 (A-Engrossed) – Read third time. Carried by Macpherson. On passage of the bill the vote was: Yeas, 50; Nays, 6 – Close, Flores, Gallegos, Nelson, Smith P., Zauner; Excused, 1 – Westlund; Excused for business of the House, 3 – Beyer, Brown, Mabrey. Bill passed.

SB 259 – Read third time. Carried by Ackerman.

Kropf in Chair.

SB 259 – On passage of the bill the vote was: Yeas, 52; Nays, 4 – Flores, Gallegos, Garrard, Zauner; Excused, 1 – Westlund; Excused for business of the House, 3 – Beyer, Brown, Mabrey. Bill passed.

SB 611 (A-Engrossed) – Read third time. Carried by Macpherson.

Potential conflict of interest declared by Tomei.

SB 611 (A-Engrossed) – On passage of the bill the vote was: Yeas, 55; Nays, 1 – Greenlick; Excused, 1 – Westlund; Excused for business of the House, 3 – Beyer, Brown, Mabrey. Bill passed.

SB 213 (A-Engrossed) – Read third time. Carried by Barker. On passage of the bill the vote was: Yeas, 54; Excused, 2 – Berger, Westlund; Excused for business of the House, 4 – Beyer, Brown, Mabrey, Miller. Bill passed.

SB 749 – Read third time. Carried by Merkley. On passage of the bill the vote was: Yeas, 55; Excused, 2 – Berger, Westlund; Excused for business of the House, 3 – Beyer, Brown, Mabrey. Bill passed.

SB 5549 (A-Engrossed) – Read third time. Carried by Bates. On passage of the bill the vote was: Yeas, 44; Nays, 11 – Dingfelder, Garrard, Greenlick, Hansen, Hunt, Krummel, Nelson, Prozanski, Rosenbaum, Tomei, Wirth; Excused, 2 – Berger, Westlund; Excused for business of the House, 3 – Beyer, Brown, Mabrey. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted against SB 5549-A out of protest because I did not agree with the previous Legislative Assembly referring Measure 28 to the voters. As a backup, it passed HB 5100 that implemented across the board cuts when Measure 28 failed. Further, HB 5100 caused the state to lose at least \$62 million in federal funds.

“The previous legislature should have passed either a revenue bill that would have retained the current state services or should have made the cuts back in September 2002. It should not have referred its legislative obligation to the voters!”

SB 47, 237, 285, 304, 673, 885, 69, 207, 604, 676, 882 – By unanimous consent, on request of Chair, rules suspended and bills remaining on today’s Third Reading of Senate Bills carried over and placed in their proper order on Friday’s, May 30, 2003 Calendar.

Speaker announced the following sine die preparations:

The House Committee on Health and Human Services is closed effective at close of business today, May 29, 2003.

HB 2021, 2063, 2664, 2761, 3068, 3145, 3194, 3218, 3224, 3339, SB 11, 32, 42, 70, 71, 72, 137, 167, 205, 223, 241, 243, 250, 327, 401, 514, 525, 554, 584, 661, 663, 667, 832 – Speaker signed.

House adjourned until 10:30 a.m., Friday, May 30, 2003 on motion of Jenson.

#### **Friday, May 30, 2003 – Morning Session**

House convened at 10:30 a.m. Kruse in Chair. All present except: Excused, 3 – Hass, Kafoury, Westlund; Excused for business of the House, 3 – Bates, Morgan, Smith T.

Speaker Pro Tempore in Chair.

Opening Ceremony presented by Sherry Andrus, Sandy.

SB 14, 17, 33, 37, 38, 39, 43, 45, 67, 74, 118, 119, 127, 136, 161, 191, 194, 199, 216, 226, 229, 255, 258, 289, 292, 303, 306, 311, 315, 372, 390, 393, 397, 434, 457, 487, 515, 575, 588, 602, 603, 618, 641, 692, 713, 724, 739, 764, 803, 822, 833, 876 – Message from the Senate announcing President signed on May 29, 2003.

HB 2592, 3015, 3058, 3107, 3317, 3361, 3366 – Message from the Senate announcing passage.

SB 341, 436 – Message from the Senate announcing concurrence in House amendments and repassage.

HB 2462 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2641 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 3582 – Report by Committee on Transportation recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

SB 331 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage and subsequent referral to Committee on Revenue be rescinded. Subsequent referral to Committee on Revenue rescinded by order of the Speaker.

SB 470 (A-Engrossed) – Report by Committee on Health and Human Services recommending passage and be placed on the Consent Calendar.

HB 3184 (B-Engrossed) – Kruse moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 53; Absent, 1 – Wirth; Excused, 3 – Hass, Kafoury, Westlund; Excused for business of the House, 3 – Bates, Morgan, Smith T. Bill repassed.

HB 2747, 3328 – Read second time and passed to third reading.

SB 628 – Read second time and passed to third reading.

SB 47 – Read third time. Carried by Macpherson. On passage of the bill the vote was: Yeas, 51; Nays, 1 – Hansen; Absent, 1 – Wirth; Excused, 3 – Hass, Kafoury, Westlund; Excused for business of the

House, 4 – Bates, March, Morgan, Smith T. Bill passed.

SB 237 – Read third time. Carried by Schaufler. On passage of the bill the vote was: Yeas, 53; Absent, 1 – Wirth; Excused, 3 – Hass, Kafoury, Westlund; Excused for business of the House, 3 – March, Morgan, Smith T. Bill passed.

SB 285 (A-Engrossed) – Read third time. Carried by Schaufler. On passage of the bill the vote was: Yeas, 46; Nays, 6 – Ackerman, Avakian, Dingfelder, Hansen, Johnson, Prozanski; Absent, 1 – Wirth; Excused, 3 – Hass, Kafoury, Westlund; Excused for business of the House, 4 – Jenson, March, Morgan, Smith T. Bill passed.

SB 304 – Read third time. Carried by Krummel. On passage of the bill the vote was: Yeas, 52; Absent, 1 – Wirth; Excused, 3 – Hass, Kafoury, Westlund; Excused for business of the House, 4 – Jenson, March, Morgan, Smith T. Bill passed.

SB 673 (B-Engrossed) – Read third time. Carried by Krieger. On passage of the bill the vote was: Yeas, 52; Absent, 1 – Wirth; Excused, 3 – Hass, Kafoury, Westlund; Excused for business of the House, 4 – Jenson, March, Morgan, Smith T. Bill passed.

SB 885 (A-Engrossed) – Read third time. Carried by Tomei. On passage of the bill the vote was: Yeas, 52; Absent, 1 – Wirth; Excused, 3 – Hass, Kafoury, Westlund; Excused for business of the House, 4 – Jenson, March, Morgan, Smith T. Bill passed.

SB 69 (B-Engrossed) – Read third time. Carried by Krummel. On passage of the bill the vote was: Yeas, 53; Absent, 1 – Wirth; Excused, 3 – Hass, Kafoury, Westlund; Excused for business of the House, 3 – March, Morgan, Smith T. Bill passed.

SB 207 (B-Engrossed) – Read third time. Carried by Merkley. On passage of the bill the vote was: Yeas, 53; Absent, 1 – Wirth; Excused, 3 – Hass, Kafoury, Westlund; Excused for business of the House, 3 – March, Morgan, Smith T. Bill passed.

SB 604 (A-Engrossed) – Read third time. Carried by Gallegos. On passage of the bill the vote was: Yeas, 53; Absent, 1 – Gilman; Excused, 3 – Hass, Kafoury, Westlund; Excused for business of the House, 3 – March, Morgan, Smith T. Bill passed.

SB 676 (A-Engrossed) – Read third time. Krummel moved bill be referred to Committee on Rules and Public Affairs. Motion carried on viva voce vote. Bill referred.

SB 882 (A-Engrossed) – Read third time. Carried by Jenson. On passage of the bill the vote was: Yeas, 54; Excused, 3 – Hass, Kafoury, Westlund; Excused for business of the House, 3 – March, Morgan, Smith T. Bill passed.

SB 516 (C-Engrossed) – Read. Carried by Richardson. On passage of the bill the vote was: Yeas, 42; Nays, 10 – Avakian, Barker, Barnhart, Dingfelder, Hansen, Macpherson, Merkley, Monnes Anderson, Tomei, Wirth; Excused, 3 – Hass, Kafoury, Westlund; Excused for business of the House, 5 – March, Miller, Morgan, Smith T., Speaker Minnis. Bill passed.

SB 590 (B-Engrossed) – Read third time. Jenson moved bill be referred to Committee on Rules and Public Affairs. Motion carried on viva voce vote. Bill referred.

SB 285 (A-Engrossed) – By unanimous consent, on request of Knopp, rules suspended and Johnson allowed to change her vote from “nay” to “aye” on passage of bill.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

HB 5055 – Report by Committee on Ways and Means recommending passage.

SB 801 (A-Engrossed) – Report by Committee on Judiciary recommending passage.

House adjourned until 10:30 a.m., Monday, June 2, 2003 on motion of Jenson.

#### **Monday, June 2, 2003 – Morning Session**

House convened at 10:30 a.m. Kruse in Chair. All present except: Excused, 1 – Tomei.

Speaker Pro Tempore in Chair.

Moment of silence observed.

SB 613, HB 2606, 2138 – Message from the Senate announcing passage.

HB 2661 – Message from the Senate announcing passage as amended by the Senate.

SB 35, 179, 245, 508, 596, 716 – Message from the Senate announcing concurrence in House amendments and repassage.

SB 46 (A-Engrossed) – Report by Committee on Judiciary recommending passage with amendments and be printed B-Engrossed.

HB 2894 (B-Engrossed) – Backlund moved House concur in Senate amendments and repass bill as amended by the Senate.

By unanimous consent, on request of Hunt, rules suspended to permit use of visual aid during debate of motion.

Call of the House demanded by Backlund, joined by Barnhart, Farr, Verger, Nelson and Zauner. All

present except: Excused (not subject to Call), 1 – Tomei.

HB 2894 (B-Engrossed) – On repassage of the bill the vote was: Yeas, 45; Nays, 14 – Beyer, Dalto, Dingfelder, Greenlick, Hansen, Hass, Hunt, Kafoury, Kitts, Merkley, Prozanski, Rosenbaum, Schaufler, Wirth; Excused, 1 – Tomei. Bill repassed.

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted against HB 2894-B because it does not solve the problem of funding Oregon K-12 schools. Instead, it will allow the legislature to continue to underfund school districts and not be accountable for this failure.

“The real losers are Oregon children. This year, 90 school districts shortened their school year when the legislature cut funding. Over 30 of those districts fell below the minimum number of instructional hours required under state rules. HB 2894-B will allow school districts to not be out of compliance with current law that requires a minimum of 175 days of instruction. (It should be noted that Oregon already requires the least number of instructional days!)

“Hopefully, the legislature will realize that it is prudent to fully fund schools. Students would receive the quality education they deserve and the state would no longer be featured in the newspapers’ comic pages across the country as a bad place for kids to get an education. Further, a quality public education system is good for business.”

HB 3641 – Read first time and passed to Speaker’s desk for referral.

HB 5001, 5005, 5006, 5017, 5047, 5054, 5055, 2208, 2256, 2390 – Read second time and passed to third reading.

HB 2747 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill taken from today’s Third Reading of House Bills and placed in its proper order on Tuesday’s, June 3, 2003 Calendar.

HB 3328 (A-Engrossed) – Read third time. Carried by Flores. On passage of the bill the vote was: Yeas, 56; Nays, 2 – Merkley, Schaufler; Absent, 1 – Close; Excused, 1 – Tomei. Bill passed.

Merkley requested the following explanation of his vote be entered in the Journal:

“This bill has good points and was highly recommended by individuals and groups that I respect. It clarifies some of the rules regulating gifts to legislators and provides a ‘safe harbor’ for candidates for elective office.

“I voted ‘no’ on HB 3328 today, however, because of concerns about a provision that allows a lobbyist to pay for expenses for a legislator’s family. There is no apparent cap on this provision and it appears to allow a lobbyist to take a legislator, his/her spouse and children on an all-expense-paid trip to Florida or Hawaii or some other exotic location.

“The ability of a lobbyist to legally pay for a legislator’s expensive family vacation is an inappropriate form of largesse that corrupts the public policy making process.”

SB 613 – Read first time and passed to Speaker’s desk for referral.

SB 18, 59, 65, 331, 801 – Read second time and passed to third reading.

SB 628 (A-Engrossed) – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 58; Absent, 1 – Close; Excused, 1 – Tomei. Bill passed.

SB 291 – Speaker appointed Representatives Kropf, Beyer and Gilman House conferees.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

HB 5025 – Report by Committee on Ways and Means recommending passage.

HB 2325 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

HB 2978 – Report by Committee on Public Employees Retirement System without recommendation as to passage and be referred to Committee on Rules and Public Affairs. Bill referred to Committee on Rules and Public Affairs by order of the Speaker.

HB 2979 – Report by Committee on Public Employees Retirement System without recommendation as to passage and be referred to Committee on Rules and Public Affairs. Bill referred to Committee on Rules and Public Affairs by order of the Speaker.

HB 2980 – Report by Committee on Public Employees Retirement System without recommendation as to passage and be referred to Committee on Rules and Public Affairs. Bill referred to Committee on Rules and Public Affairs by order of the Speaker.

HB 2981 – Report by Committee on Public Employees Retirement System without recommendation as to passage and be referred to Committee on Rules and Public Affairs. Bill referred to Committee on Rules and Public Affairs by order of the Speaker.

SB 5503 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 5504 – Report by Committee on Ways and Means recommending passage.

SB 5510 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 5511 – Report by Committee on Ways and Means recommending passage.

SB 5520 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 5532 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 5538 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.



SB 5540 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 5544 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

House adjourned until 10:30 a.m., Tuesday, June 3, 2003 on motion of Jenson.

### **Tuesday, June 3, 2003 – Morning Session**

House convened at 10:30 a.m. Gallegos in Chair. All present except: Absent, 2 – Hunt, Wirth; Excused, 1 – Nolan.

Speaker in Chair.

Moment of silence observed.

HB 2021, 2063, 2664, 2761, 3068, 3145, 3194, 3218, 3224, 3339, SJM 3, 5, SB 8, 68, 154, 230, 771, 787, SCR 4, SB 807 – Message from the Senate announcing President signed on June 2, 2003.

SB 5519, 5521, 5524, 5536, 5539, 5545, 24, 385, HB 2074, 2113, 2118, 2381, 2521 – Message from the Senate announcing passage.

SB 213 – Message from the Senate announcing concurrence in House amendments and repassage.

HB 5010 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 5024 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 5026 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 5037 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 2189 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2308 – Report by Committee on Health and Human Services recommending passage with amendments, be printed A-Engrossed, and be placed on the Consent Calendar.

HB 2537 – Report by Committee on Health and Human Services recommending passage.

SB 19 (A-Engrossed) – Report by Committee on Judiciary recommending passage with amendments and be printed B-Engrossed.

SB 348 (A-Engrossed) – Report by Committee on Judiciary recommending passage with amendments and be printed B-Engrossed.

SB 646 (A-Engrossed) – Report by Committee on Health and Human Services recommending passage and be placed on the Consent Calendar.

SB 647 (A-Engrossed) – Report by Committee on Health and Human Services recommending passage and be placed on the Consent Calendar.

HB 3641 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HB 5025, 2325, 3582 – Read second time and passed to third reading.

HB 2747 – Read third time. Carried by Hass.

House stood at ease.

House called to order.

HB 2747 – Shetterly moved bill be postponed to a date certain, Friday, June 6, 2003, under its proper order of business. Motion carried on viva voce vote. Bill postponed to a date certain.

HB 5001 (A-Engrossed) – Read third time. Carried by Johnson.

Kruse in Chair.

Potential conflict of interest declared by Butler.

HB 5001 (A-Engrossed) – On passage of the bill the vote was: Yeas, 56; Nays, 1 – Nelson; Absent, 2 – Hunt, Wirth; Excused, 1 – Nolan. Bill passed.

HB 5005 (A-Engrossed) – Read third time. Carried by Smith T. On passage of the bill the vote was: Yeas, 52; Nays, 7 – Close, Garrard, Kitts, Kropf, Nelson, Smith P., Zauner; Excused, 1 – Nolan. Bill passed.

HB 5006 (A-Engrossed) – Read third time. Carried by Smith T. On passage of the bill the vote was: Yeas, 49; Nays, 8 – Butler, Close, Garrard, Kitts, Kropf, Nelson, Smith P., Zauner; Excused, 1 – Nolan; Excused for business of the House, 2 – Farr, Speaker Minnis. Bill passed.

HB 5017 (A-Engrossed) – Read third time. Carried by Johnson. On passage of the bill the vote was: Yeas, 51; Nays, 6 – Close, Garrard, Kitts, Nelson, Scott, Zauner; Excused, 1 – Nolan; Excused for business of the House, 2 – Farr, Speaker Minnis. Bill passed.

HB 5047 (A-Engrossed) – Read third time. Carried by Smith T.

Potential conflict of interest declared by Barnhart.

HB 5047 (A-Engrossed) – On passage of the bill the vote was: Yeas, 51; Nays, 6 – Close, Kropf, Nelson, Richardson, Scott, Zauner; Excused, 1 – Nolan; Excused for business of the House, 2 – Farr, Speaker Minnis. Bill passed.

HB 5054 (A-Engrossed) – Read third time. Carried by Smith T.

Potential conflict of interest declared by Krummel.

HB 5054 (A-Engrossed) – On passage of the bill the vote was: Yeas, 49; Nays, 10 – Close, Dalto, Flores, Garrard, Kitts, Kropf, Nelson, Richardson, Scott, Zauner; Excused, 1 – Nolan. Bill passed.

HB 5055 – Read third time. Carried by Smith T.

Potential conflict of interest declared by Krummel.

HB 5055 – On passage of the bill the vote was: Yeas, 48; Nays, 11 – Close, Dalto, Farr, Flores, Garrard, Kitts, Kropf, Monnes Anderson, Nelson, Scott, Zauner; Excused, 1 – Nolan. Bill passed.

HB 2208 (B-Engrossed) – Read third time. Carried by Morgan. On passage of the bill the vote was: Yeas, 59; Excused, 1 – Nolan. Bill passed.

HB 2256 (B-Engrossed) – Read third time. Carried by Krieger. On passage of the bill the vote was: Yeas, 52; Nays, 5 – Close, Garrard, Nelson, Richardson, Verger; Absent, 1 – Anderson; Excused, 1 – Nolan; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 2390 (A-Engrossed) – Read third time. Carried by Ackerman.

Potential conflict of interest declared by Garrard.

HB 2390 (A-Engrossed) – On passage of the bill the vote was: Yeas, 44; Nays, 13 – Berger, Gallegos, Garrard, Gilman, Kitts, Kropf, Krummel, Kruse, Mabrey, Richardson, Scott, Westlund, Zauner; Excused, 1 – Nolan; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

SB 5519, 5521, 5524, 5536, 5539, 5545, 24, 385 – Read first time and passed to Speaker's desk for referral.

SB 5519, 5521, 5524, 5536, 5539, 5545, 24, 385, 613 – Referred from Speaker's desk to the following committees: 24, 385, 613 – Judiciary; 5519, 5521, 5524, 5536, 5539, 5545 – Ways and Means.

SB 5503, 5504, 5510, 5511, 5520, 5532, 5538, 5540, 5544, 470 – Read second time and passed to third reading.

SB 18 (B-Engrossed) – Read third time. Carried by Jenson. On passage of the bill the vote was: Yeas,

57; Excused, 1 – Nolan; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

SB 59 (A-Engrossed) – Read third time. Williams moved bill be rereferred to Committee on Judiciary. Motion carried on viva voce vote. Bill rereferred.

SB 65 (A-Engrossed) – Read third time. Carried by Patridge. On passage of the bill the vote was: Yeas, 55; Nays, 2 – Backlund, Greenlick; Excused, 1 – Nolan; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

SB 331 (A-Engrossed) – Read third time. Carried by Garrard. On passage of the bill the vote was: Yeas, 51; Nays, 5 – Berger, Kropf, Kruse, Scott, Westlund; Absent, 1 – Kitts; Excused, 1 – Nolan; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

SB 801 (A-Engrossed) – Read third time. Carried by Ackerman.

SB 801 – Nelson moved bill be rereferred to Committee on Judiciary. Motion failed on viva voce vote. Motion failed.

SB 801 (A-Engrossed) – On passage of the bill the vote was: Yeas, 54; Nays, 5 – Close, Nelson, Smith P., Wirth, Zauner; Excused, 1 – Nolan. Bill passed.

HB 2390 (A-Engrossed) – By unanimous consent, on request of Kafoury, rules suspended to permit Westlund to change his vote from “nay” to “aye” on passage of bill.

SB 65 (A-Engrossed) – By unanimous consent, on request of Kafoury, rules suspended to permit Backlund to change his vote from “nay” to “aye” on passage of bill.

SB 801 (A-Engrossed) – By unanimous consent, on request of Kafoury, rules suspended to permit Jenson to change his vote from “aye” to “nay” on passage of bill.

HB 2069, 2103, 2191, 2206, 2233, 2238, 2324, 2410, 2729, 2732, 2866, 2873, 2999, 3122, 3156, 3316, SB 14, 17, 33, 37, 38, 39, 43, 45, 67, 74, 118, 119, 127, 136, 161, 191, 194, 199, 216, 226, 229, 255, 258, 289, 292, 303, 306, 311, 315, 372, 390, 393, 397, 434, 457, 487, 515, 575, 588, 602, 603, 618, 641, 692, 713, 724, 739, 764, 803, 822, 833, 876 – Speaker signed.

HB 2101, 2177, 2284, 2717, 2743, 2744, 2821, 3157, 3212, 3557, SJM 3, 5, SB 8, 68, 154, 230, 771, 787, 807, SCR 4 – Speaker signed.

House adjourned until 10:30 a.m., Wednesday, June 4, 2003 on motion of Jenson.

### Wednesday, June 4, 2003 – Morning Session

House convened at 10:30 a.m. Speaker Pro Tempore in Chair. All present except: Absent, 1 –

Wirth; Excused for business of the House, 8 – Hansen, Kafoury, Kruse, March, Morgan, Patridge, Westlund, Speaker Minnis.

Opening Ceremony presented by Pastor Ray Cotton, Senior Pastor, New Hope Community Church, Portland.

Courtesies of the House and floor were extended to Al Densmore, former Representative from District 50.

SB 34, 82, 104, 105, 106, 110, 111, 112, 115, 117, 122, 123, 159, 185, 198, 200, 235, 253, 286, 534, 711, 714, 715, 734, 765, 870 – Message from the Senate announcing President signed on June 3, 2003.

HB 2638, 2711, 2803, 2915, 3048, 3152, 3175 – Message from the Senate announcing passage.

HB 3296 – Message from the Senate announcing passage as amended by the Senate.

SB 227, 761 – Message from the Senate announcing concurrence in House amendments and repassage.

HB 2859 – Report by Committee on Health and Human Services without recommendation as to passage and be referred to Committee on Rules and Public Affairs. Bill referred to Committee on Rules and Public Affairs by order of the Speaker.

HB 2661 (B-Engrossed) – Brown moved House not concur in Senate amendments and a Conference Committee be appointed. Motion carried on viva voce vote. Conference Committee to be appointed.

HB 2537 – Read second time and passed to third reading.

SB 470 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 50; Absent, 1 – Wirth; Excused for business of the House, 9 – Barker, Hansen, Kafoury, Kruse, March, Morgan, Patridge, Westlund, Speaker Minnis. Bill passed.

HB 5025 – Read third time. Carried by Smith T. On passage of the bill the vote was: Yeas, 45; Nays, 5 – Close, Kropf, Nelson, Verger, Zauner; Absent, 1 – Wirth; Excused for business of the House, 9 – Barker, Hansen, Kafoury, Kruse, March, Morgan, Patridge, Westlund, Speaker Minnis. Bill passed.

HB 2325 (A-Engrossed) – Read third time. Carried by Smith T.

Potential conflict of interest declared by Krummel.

HB 2325 (A-Engrossed) – On passage of the bill the vote was: Yeas, 48; Nays, 4 – Barnhart, Close, Nelson, Smith P.; Absent, 2 – Macpherson, Wirth; Excused for business of the House, 6 – Hansen,

Kruse, Morgan, Patridge, Westlund, Speaker Minnis. Bill passed.

HB 3582 (A-Engrossed) – Read third time. Carried by Hunt. On passage of the bill the vote was: Yeas, 51; Nays, 3 – Garrard, March, Tomei; Absent, 1 – Wirth; Excused for business of the House, 5 – Kruse, Patridge, Smith G., Westlund, Speaker Minnis. Bill passed.

SB 46 – Read second time and passed to third reading.

SB 5503 (A-Engrossed) – Read third time. Carried by Hansen. On passage of the bill the vote was: Yeas, 54; Absent, 1 – Wirth; Excused for business of the House, 5 – Kruse, Patridge, Smith G., Westlund, Speaker Minnis. Bill passed.

SB 5504 – Read third time. Carried by Hansen. On passage of the bill the vote was: Yeas, 51; Nays, 1 – Kropf; Absent, 1 – Wirth; Excused for business of the House, 7 – Close, Flores, Kruse, Patridge, Smith G., Westlund, Speaker Minnis. Bill passed.

SB 5510 (A-Engrossed) – Read third time. Carried by Bates.

Kropf in Chair.

SB 5510 (A-Engrossed) – On passage of the bill the vote was: Yeas, 51; Nays, 4 – Garrard, Kitts, Kropf, Zauner; Absent, 1 – Wirth; Excused for business of the House, 4 – Kruse, Patridge, Smith G., Westlund. Bill passed.

SB 5511 – Read third time. Carried by Bates. On passage of the bill the vote was: Yeas, 49; Nays, 5 – Flores, Garrard, Kitts, Kropf, Zauner; Absent, 2 – Nolan, Wirth; Excused for business of the House, 4 – Kruse, Patridge, Smith G., Westlund. Bill passed.

SB 5520 (A-Engrossed) – Read third time. Carried by Hansen. On passage of the bill the vote was: Yeas, 31; Nays, 22 – Ackerman, Barker, Barnhart, Bates, Beyer, Dingfelder, Gallegos, Garrard, Greenlick, Hass, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Tomei, Williams; Absent, 1 – Wirth; Excused for business of the House, 6 – Dalto, Flores, Kruse, Patridge, Westlund, Speaker Minnis. Bill passed.

SB 5532, 5538, 5540, 5544 – By unanimous consent, on request of Chair, rules suspended and bills remaining on today's Third Reading of Senate Bills carried over and placed in their proper order on Thursday's, June 5, 2003 Calendar.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

HB 2041 – Report by Committee on Transportation recommending passage with

amendments and be printed A-Engrossed. Bill referred to Committee on Revenue by prior reference.

House adjourned until 10:30 a.m., Thursday, June 5, 2003 on motion of Jenson.

#### **Thursday, June 5, 2003 – Morning Session**

House convened at 10:30 a.m. Gallegos in Chair. All present except: Absent, 1 – Wirth; Excused, 1 – Verger; Excused for business of the House, 3 – Brown, Miller, Morgan.

Speaker Pro Tempore in Chair.

Opening Ceremony presented by Representative Dennis Richardson, District 4, Central Point.

HB 2030, 2050, 2057, 2059, 2064, 2131, 2150, 2163, 2187, 2190, 2207, 2213, 2227, 2258, 2263, 2272, 2316, 2319, 2322, 2331, 2332, 2449, 2450, 2474, 2491, 2535, 2576, 2589, 2625, 2818, 2925, 3062, 3163, 3261 – Message from the Governor announcing he signed on June 4, 2003.

HB 3316, 3156, 3122, 2999, 2873, 2866, 2732, 2729, 2410, 2324, 2238, 2233, 2206, 2191, 2103, 2069, 3557, 3212, 3157, 2821, 2744, 2743, 2717, 2284, 2177, 2101 – Message from the Senate announcing President signed on June 4, 2003.

SB 69, 285, 207, 858 – Message from the Senate announcing concurrence in House amendments and repassage.

HCR 12 – Introduced, read and passed to Speaker's desk for referral.

SB 103 (B-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage and be placed on the Consent Calendar.

SB 228 (A-Engrossed) – Report by Committee on Revenue recommending passage with amendments and be printed B-Engrossed.

SB 808 (A-Engrossed) – Report by Committee on Judiciary recommending passage with amendments and be printed B-Engrossed.

HB 5010, 5024, 5026, 5037, 2308 – Read second time and passed to third reading.

HB 2537 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill taken from today's Third Reading of House Bills and placed in its proper order on Monday's, June 9, 2003 Calendar.

SB 19, 348, 646, 647 – Read second time and passed to third reading.

SB 5532 (A-Engrossed) – Read third time. Carried by Krieger. On passage of the bill the vote was: Yeas, 52; Nays, 3 – Close, Kropf, Zauner; Absent, 1 –

Anderson; Excused, 1 – Verger; Excused for business of the House, 3 – Brown, Miller, Morgan. Bill passed.

SB 5538 (A-Engrossed) – Read third time. Carried by Patridge. On passage of the bill the vote was: Yeas, 55; Nays, 1 – Zauner; Excused, 1 – Verger; Excused for business of the House, 3 – Brown, Miller, Morgan. Bill passed.

SB 5540 (A-Engrossed) – Read third time. Carried by Butler. On passage of the bill the vote was: Yeas, 50; Nays, 6 – Close, Garrard, Kitts, Kropf, Nelson, Zauner; Excused, 1 – Verger; Excused for business of the House, 3 – Brown, Miller, Morgan. Bill passed.

SB 5544 (A-Engrossed) – Read third time. Carried by Butler. On passage of the bill the vote was: Yeas, 55; Nays, 2 – Kropf, Nelson; Excused, 1 – Verger; Excused for business of the House, 2 – Brown, Miller. Bill passed.

SB 46 (B-Engrossed) – Read third time. Carried by Barker. On passage of the bill the vote was: Yeas, 57; Excused, 1 – Verger; Excused for business of the House, 2 – Brown, Miller. Bill passed.

HB 5002, 2114, 2298, 2592, 2631, 2670, 2765, 2885, 2893, 3015, 3058, 3061, 3107, 3317, 3361, 3363, 3366, 3615, 3601, HCR 8, 9, SB 34, 82, 104, 105, 106, 110, 111, 112, 115, 117, 122, 123, 159, 185, 198, 200, 235, 253, 286, 534, 711, 714, 715, 734, 765, 870 – Speaker signed.

House adjourned until 8:30 a.m., Friday, June 6, 2003 on motion of Jenson.

#### **Friday, June 6, 2003 – Morning Session**

House convened at 8:30 a.m. Kruse in Chair. All present except: Absent, 4 – Dalto, Flores, Hunt, Wirth; Excused, 3 – Jenson, Nelson, Verger; Excused for business of the House, 4 – Ackerman, Farr, Miller, Westlund.

Doyle in Chair.

Opening Ceremony presented by Chaplain Frank Carpenter, Capitol Ministries, Hillsboro.

SB 5537, HB 2344, 2647, 2887, 2945, 3376, 5007, 5032, 5033, 5043, 5053, 2754, 3371 – Message from the Senate announcing passage.

HB 3351, 2388, 2455, 2933 – Message from the Senate announcing passage as amended by the Senate.

SB 65 – Message from the Senate announcing concurrence in House amendments and repassage.

HCR 12 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HB 2982 – Report by Committee on Public Employees Retirement System without

recommendation as to passage and be referred to Committee on Rules and Public Affairs. Bill referred to Committee on Rules and Public Affairs by order of the Speaker.

HB 3632 – Report by Committee on Revenue recommending passage with amendments and be printed A-Engrossed.

SB 5519 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 5521 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 5524 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 5536 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 5539 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 5545 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

HB 3640 – Referred from Speaker's desk to the following committee: Rules and Public Affairs with subsequent referral to Ways and Means.

HB 2308 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 48; Nays, 1 – Barnhart; Absent, 4 – Dalto, Flores, Hunt, Wirth; Excused, 3 – Jenson, Nelson, Verger; Excused for business of the House, 4 – Ackerman, Farr, Miller, Westlund. Bill passed.

SB 646 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 52; Absent, 1 – Wirth; Excused, 3 – Jenson, Nelson, Verger; Excused for business of the House, 4 – Ackerman, Farr, Miller, Westlund. Bill passed.

SB 647 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 54; Absent, 1 – Wirth; Excused, 3 – Jenson, Nelson, Verger; Excused for business of the House, 2 – Miller, Westlund. Bill passed.

HB 2747 (B-Engrossed) – Read. Carried by Hass.

Call of the House demanded by Hass, joined by Rosenbaum, Gallegos, Krieger, Ackerman and Macpherson. All present except: Absent (not subject to Call), 1 – Wirth; Excused (not subject to Call), 4 – Jenson, Nelson, Verger, Westlund.

HB 2747 (B-Engrossed) – On passage of the bill the vote was: Yeas, 46; Nays, 9 – Butler, Close, Kropf, Kruse, Miller, Richardson, Smith G., Smith T., Zauner; Absent, 1 – Wirth; Excused, 4 – Jenson, Nelson, Verger, Westlund. Bill passed, having received the required three-fifths constitutional majority.

HB 5010 (A-Engrossed) – Read third time. Carried by Patridge. On passage of the bill the vote was: Yeas, 52; Nays, 2 – Kropf, Zauner; Absent, 1 – Wirth; Excused, 4 – Jenson, Nelson, Verger, Westlund; Excused for business of the House, 1 – Krieger. Bill passed.

HB 5024 (A-Engrossed) – Read third time. Carried by Smith T. On passage of the bill the vote was: Yeas, 44; Nays, 4 – Close, Kropf, Smith P., Zauner; Absent, 1 – Wirth; Excused, 4 – Jenson, Nelson, Verger, Westlund; Excused for business of the House, 7 – Butler, Hansen, Johnson, Krieger, Miller, Morgan, Patridge. Bill passed.

HB 5026 (A-Engrossed) – Read third time. Carried by Bates.

Potential conflict of interest declared by Krummel.

HB 5026 (A-Engrossed) – On passage of the bill the vote was: Yeas, 35; Nays, 10 – Close, Flores, Gallegos, Garrard, Kitts, Kropf, Richardson, Scott, Smith P., Zauner; Absent, 2 – Kruse, Wirth; Excused, 4 – Jenson, Nelson, Verger, Westlund; Excused for business of the House, 9 – Butler, Hansen, Johnson, Krieger, Miller, Morgan, Patridge, Smith G., Smith T. Bill passed.

HB 5037 (A-Engrossed) – Read third time. Carried by Bates.

Potential conflict of interest declared by Bates.

HB 5037 (A-Engrossed) – On passage of the bill the vote was: Yeas, 40; Nays, 7 – Close, Flores, Garrard, Kitts, Kropf, Scott, Zauner; Excused, 4 – Jenson, Nelson, Verger, Westlund; Excused for business of the House, 9 – Butler, Hansen, Johnson, Krieger, Miller, Morgan, Patridge, Smith G., Smith T. Bill passed.

SB 5537 – Read first time and passed to Speaker's desk for referral.

SB 5537 – Referred from Speaker's desk to the following committee: Ways and Means.

SB 19 (B-Engrossed) – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 47; Excused, 4 – Jenson, Nelson, Verger, Westlund; Excused for business of the House, 9 – Butler, Hansen, Johnson, Krieger, Miller, Morgan, Patridge, Smith G., Smith T. Bill passed.

SB 348 (B-Engrossed) – Read third time. Carried by Anderson. On passage of the bill the vote was: Yeas, 47; Excused, 4 – Jenson, Nelson, Verger, Westlund; Excused for business of the House, 9 – Butler, Hansen, Johnson, Krieger, Miller, Morgan, Patridge, Smith G., Smith T. Bill passed.

Brown announced that the Committee on Transportation has finished its work and will meet only at the call of the Speaker.

Speaker announced the following sine die preparations:

The House Committee on Transportation is closed effective at close of business today, June 6, 2003.

House adjourned until 10:30 a.m., Monday, June 9, 2003 on motion of Kruse.

### **Monday, June 9, 2003 – Morning Session**

House convened at 10:30 a.m. Doyle in Chair. All present except: Absent, 1 – Wirth; Excused, 3 – Jenson, Nelson, Scott; Excused for business of the House, 4 – Miller, Patridge, Shetterly, Speaker Minnis.

Opening Ceremony presented by Reverend J.R. Wheeler, Lower Highland Bible Church, Beaver Creek.

HB 2908, 2132, 2060 – Message from the Governor announcing he signed on June 5, 2003.

HB 3058 – Message from the Governor announcing he signed on June 6, 2003.

HB 2247, 3094, 2688, 2174, 2342, 3318, 3349 – Message from the Senate announcing passage.

HB 2407, 2694, 2986, 3372, 3422, 2197, 2575, 2763 – Message from the Senate announcing passage as amended by the Senate.

HB 3058 – Message from the Senate announcing President signed on June 6, 2003.

HB 2089 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2857 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed B-Engrossed.

SB 456 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage.

HB 2388 (B-Engrossed) – Brown moved House not concur in Senate amendments and a Conference Committee be appointed. Motion carried on viva voce vote. Conference Committee to be appointed.

HB 2455 (C-Engrossed) – Brown moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 55; Absent, 1 – Wirth; Excused, 3 – Jenson, Nelson, Scott; Excused for business of the House, 1 – Miller. Bill repassed.

HB 2933 (A-Engrossed) – Brown moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 51; Nays, 4 – Barnhart, Beyer, March, Schaufler; Absent, 1 – Wirth; Excused, 3 – Jenson, Nelson, Scott; Excused for business of the House, 1 – Miller. Bill repassed.

HB 3296 (A-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate.

Speaker in Chair.

HB 3296 (A-Engrossed) – On repassage of the bill the vote was: Yeas, 54; Nays, 1 – Nolan; Absent, 1 – Wirth; Excused, 3 – Jenson, Nelson, Scott; Excused for business of the House, 1 – Miller. Bill repassed.

HB 3351 (A-Engrossed) – Doyle moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 54; Absent, 1 – Wirth; Excused, 3 – Jenson, Nelson, Scott; Excused for business of the House, 2 – Johnson, Miller. Bill repassed.

Doyle in Chair.

HB 2537 – Read third time. Carried by Kruse.

Call of the House demanded by Kruse, joined by Brown, Backlund, Gilman, Barker and Hansen. All present except: Excused (not subject to Call), 3 – Jenson, Nelson, Scott.

HB 2537 – On passage of the bill the vote was: Yeas, 32; Nays, 25 – Ackerman, Avakian, Barker, Barnhart, Bates, Beyer, Dingfelder, Farr, Greenlick, Hansen, Hass, Hopson, Hunt, Kafoury, Kitts, Macpherson, March, Merkley, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Williams, Wirth; Excused, 3 – Jenson, Nelson, Scott. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted no on HB 2537 because it will delete numerous benefits currently required in health insurance plans offered in Oregon. Some of the benefits that would be excluded are:

"1) Prescription drugs,

"2) Mental health coverage,

"3) Alcohol and drug treatment, and

"4) Coverage of outpatient services provided by non-physician providers.

"I do not believe it is in the best interests of Oregonians to limit and exclude these benefits. Many of the individuals affected by these limitations will not be able to afford basic health care services. Without preventative health care services, individuals will be forced to go to an emergency room for those services. The cost of health services will increase.

"Even though HB 2537 is attempting to provide more people with health insurance, I believe it is shortsighted and will cause more problems. HB 2537 will actually rollback health care services to many Oregonians."

SB 5519, 5521, 5524, 5536, 5539, 5545, 103, 808 – Read second time and passed to third reading.

House adjourned until 10:30 a.m., Tuesday, June 10, 2003 on motion of Miller.

**Tuesday, June 10, 2003 – Morning Session**

House convened at 10:30 a.m. Kruse in Chair. All present except: Absent, 1 – Wirth; Excused, 5 – Beyer, Flores, Jenson, Nelson, Scott; Excused for business of the House, 3 – Bates, Miller, Morgan.

Speaker Pro Tempore in Chair.

Opening Ceremony presented by Brody Hess, Young Life, Keizer.

SB 5549, 35, 41, 47, 64, 69, 179, 206, 213, 227, 237, 245, 259, 304, 331, 341, 419, 436, 508, 596, 604, 611, 628, 716, 749, 761, 801, 882, 885 – Message from the Senate announcing President signed on June 9, 2003.

HCR 8, 9, HB 3601, 3615, 3366, 3363, 3361, 3317, 3107, 3061, 3015, 2893, 2885, 2765, 2670, 2631, 2592, 2298, 2114, 5002, 2784 – Message from the Senate announcing President signed on June 9, 2003.

HCR 11 – Message from the Senate announcing adoption.

HB 3245, 3250, 3370 – Message from the Senate announcing passage as amended by the Senate.

SB 18, 46 – Message from the Senate announcing concurrence in House amendments and repassage.

SB 516 – Message from the Senate announcing Senate refused to concur in House amendments.

HB 2661 – Message from the Senate announcing Senators Metsger and Starr B. appointed Senate conferees.

HB 2637 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 3630 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

SB 564 (A-Engrossed) – Report by Committee on Judiciary recommending passage with amendments and be printed B-Engrossed.

SB 880 (A-Engrossed) – Report by Committee on Judiciary recommending passage with amendments and be printed B-Engrossed.

SB 880 (A-Engrossed) – Report by Minority of Committee on Judiciary, signed by Prozanski and Ackerman, recommending passage with amendments and be printed B-Engrossed.

HB 2197 (B-Engrossed) – Kropf moved House concur in Senate amendments and repass bill as amended by the Senate.

Potential conflict of interest declared by Smith P.

HB 2197 (B-Engrossed) – On repassage of the bill the vote was: Yeas, 46; Absent, 5 – Berger, Close, Doyle, Nolan, Wirth; Excused, 5 – Beyer, Flores, Jenson, Nelson, Scott; Excused for business of the House, 4 – Bates, Miller, Morgan, Patridge. Bill repassed.

HB 2575 (B-Engrossed) – Backlund moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 50; Nays, 1 – Dalto; Absent, 1 – Wirth; Excused, 5 – Beyer, Flores, Jenson, Nelson, Scott; Excused for business of the House, 3 – Miller, Morgan, Patridge. Bill repassed.

HB 2694 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 52; Absent, 1 – Wirth; Excused, 5 – Beyer, Flores, Jenson, Nelson, Scott; Excused for business of the House, 2 – Miller, Patridge. Bill repassed.

HB 2763 (A-Engrossed) – Doyle moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 50; Nays, 2 – Monnes Anderson, Nolan; Absent, 1 – Wirth; Excused, 5 – Beyer, Flores, Jenson, Nelson, Scott; Excused for business of the House, 2 – Miller, Patridge. Bill repassed.

HB 2986 (B-Engrossed) – Brown moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 52; Absent, 1 – Wirth; Excused, 5 – Beyer, Flores, Jenson, Nelson, Scott; Excused for business of the House, 2 – Miller, Patridge. Bill repassed.

HB 3372 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 50; Nays, 2 – Close, Smith P.; Absent, 1 – Wirth; Excused, 5 – Beyer, Flores, Jenson, Nelson, Scott; Excused for business of the House, 2 – Miller, Patridge. Bill repassed.

HB 3422 (B-Engrossed) – Close moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 52; Absent, 1 – Wirth; Excused, 5 – Beyer, Flores, Jenson, Nelson, Scott; Excused for business of the House, 2 – Miller, Patridge. Bill repassed.

HB 3632 – Read second time and passed to third reading.

SB 103 (B-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 52; Absent, 1 – Wirth; Excused, 5 – Beyer, Flores, Jenson, Nelson, Scott; Excused for business of the House, 2 – Miller, Patridge. Bill passed.

SB 456 – Read second time and passed to third reading.

SB 5519 (A-Engrossed) – Read third time. Carried by Butler. On passage of the bill the vote was: Yeas, 41; Nays, 12 – Ackerman, Barnhart, Dingfelder, Garrard, Kitts, Mabrey, March, Monnes Anderson, Prozanski, Tomei, Wirth, Zauner; Excused, 5 – Beyer, Flores, Jenson, Nelson, Scott; Excused for business of the House, 2 – Miller, Patridge. Bill passed.

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

“I voted no on SB 5519-A because we do not yet have a plan for funding public education, public safety, and human services.”

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on SB 5519-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that sets forth how it will pay for all general fund programs including public education, public safety and human services.”

SB 5521 (A-Engrossed) – Read third time. Carried by Krieger. On passage of the bill the vote was: Yeas, 39; Nays, 14 – Ackerman, Barnhart, Garrard, Greenlick, Kitts, Kropf, March, Monnes Anderson, Prozanski, Richardson, Rosenbaum, Tomei, Wirth, Zauner; Excused, 5 – Beyer, Flores, Jenson, Nelson, Scott; Excused for business of the House, 2 – Miller, Patridge. Bill passed.

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

“I voted no on SB 5521-A because we do not yet have a plan for funding public education, public safety, and human services.”

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on SB 5521-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that sets forth how it will pay for all general fund programs including public education, public safety and human services.”

SB 5524 (A-Engrossed) – Read third time. Carried by Butler. On passage of the bill the vote was: Yeas, 40; Nays, 12 – Ackerman, Barnhart, Garrard, Kitts, Kropf, March, Monnes Anderson, Prozanski, Richardson, Tomei, Verger, Zauner; Excused, 5 – Beyer, Flores, Jenson, Nelson, Scott; Excused for business of the House, 3 – Miller, Patridge, Westlund. Bill passed.

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

“I voted no on SB 5524-A because we do not yet have a plan for funding public education, public safety, and human services.”

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on SB 5524-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that sets forth how it will pay for all general fund programs including public education, public safety and human services.”

SB 5536 (A-Engrossed) – Read third time. Carried by Krieger. On passage of the bill the vote was: Yeas, 49; Nays, 3 – Kropf, Smith P., Zauner; Excused, 5 – Beyer, Flores, Jenson, Nelson, Scott; Excused for business of the House, 3 – Miller, Patridge, Westlund. Bill passed.

SB 5539 (A-Engrossed) – Read third time. Carried by Smith G. On passage of the bill the vote was: Yeas, 51; Nays, 2 – Kropf, Zauner; Excused, 5 – Beyer, Flores, Jenson, Nelson, Scott; Excused for business of the House, 2 – Miller, Westlund. Bill passed.

SB 5545 (A-Engrossed) – Read third time. Carried by Krieger. On passage of the bill the vote was: Yeas, 42; Nays, 9 – Ackerman, Barnhart, Macpherson, March, Nolan, Prozanski, Rosenbaum, Tomei, Wirth; Excused, 5 – Beyer, Flores, Jenson, Nelson, Scott; Excused for business of the House, 4 – Miller, Patridge, Westlund, Speaker Minnis. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on SB 5545-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that sets forth how it will pay for all general fund programs including public education, public safety and human services.”

SB 228 (B-Engrossed) – Read. Carried by Barnhart. On passage of the bill the vote was: Yeas, 45; Nays, 6 – Close, Garrard, Kitts, Krummel, Smith G., Smith P.; Excused, 5 – Beyer, Flores, Jenson, Nelson, Scott; Excused for business of the House, 4 – Miller, Patridge, Westlund, Speaker Minnis. Bill passed.

SB 808 (B-Engrossed) – Read third time. Carried by Ackerman. On passage of the bill the vote was: Yeas, 31; Nays, 21 – Backlund, Barker, Close, Doyle, Garrard, Kafoury, Krieger, Kropf, Kruse, Mabrey, Merkley, Monnes Anderson, Morgan, Richardson, Smith G., Smith P., Smith T., Tomei, Verger, Wirth, Zauner; Excused, 5 – Beyer, Flores, Jenson, Nelson, Scott; Excused for business of the House, 3 – Miller, Patridge, Speaker Minnis. Bill passed.

Merkley requested the following explanation of his vote be entered in the Journal:

“I voted ‘no’ today on SB 808. This bill provides a process through which children as young as 14 can be emancipated (allowed to live independently).”

“I am concerned that children at the age of 14 are far too young to transition to living independently without some form of guardianship. At 14 a child is unlikely to be able to pass the GED, get a job, or even drive a car legally. Moreover, one legislator shared her experience that children living independently, at that



age, are highly vulnerable to ending up on the street or in prostitution.

"I voted 'no' in the belief that this issue merits more serious consideration before new legislation is adopted."

HB 2388 – Speaker appointed Representatives Brown, Chair; Beyer and Mabrey House conferees.

HB 2661 – Speaker appointed Representatives Brown, Chair; Greenlick and Miller House conferees.

SB 5545 (A-Engrossed) – By unanimous consent, on request of Knopp, rules suspended to permit Macpherson to change his vote from "nay" to "aye" on passage of bill.

SB 5549, 35, 41, 47, 64, 69, 179, 206, 213, 227, 237, 245, 259, 304, 331, 341, 419, 436, 508, 596, 604, 611, 628, 716, 749, 761, 801, 882, 885, HB 2111, 2638, 2711, 2803, 2915, 3152, 3175 – Speaker signed.

HB 2074, 2113, 2118, 2138, 2381, 2521, 2606, 2894, 3184 – Speaker signed.

House adjourned until 10:30 a.m., Wednesday, June 11, 2003 on motion of Farr.

#### **Wednesday, June 11, 2003 – Morning Session**

House convened at 10:30 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 3 – Jenson, Nelson, Wirth.

Doyle in Chair.

Opening Ceremony presented by Representative Mitch Greenlick, District 33, Portland.

HB 2691, 2063, 2664, 2761, 3068, 3145, 3194, 3218, 3224, 3339 – Message from the Governor announcing he signed on June 10, 2003.

HB 2055 – Message from the Governor announcing he filed with Secretary of State without signature on April 29, 2003.

HB 2275, 2276, 2425, 2490 – Message from the Senate announcing passage.

SB 19, 348 – Message from the Senate announcing concurrence in House amendments and repassage.

SB 189 (A-Engrossed) – Report by Committee on Judiciary recommending passage with amendments and be printed B-Engrossed.

HB 2407 (C-Engrossed) – Knopp moved House not concur in Senate amendments and a Conference Committee be appointed.

Call of the House demanded by Knopp, joined by Richardson, Gallegos, Garrard, Berger and Hansen. All present except: Excused (not subject to Call), 3 – Jenson, Nelson, Wirth.

HB 2407 (C-Engrossed) – Motion that the House not concur in Senate amendments and a Conference Committee be appointed, carried, the vote being: Yeas, 43; Nays, 14 – Barker, Barnhart, Bates, Dingfelder, Greenlick, Hansen, Hass, Hunt, Kafoury, Macpherson, March, Nolan, Rosenbaum, Tomei; Excused, 3 – Jenson, Nelson, Wirth. Conference Committee to be appointed.

HB 3245 (B-Engrossed) – Garrard moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 56; Excused, 3 – Jenson, Nelson, Wirth; Excused for business of the House, 1 – Morgan. Bill repassed.

HB 3250 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 56; Excused, 3 – Jenson, Nelson, Wirth; Excused for business of the House, 1 – Morgan. Bill repassed.

HB 3370 (A-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 56; Excused, 3 – Jenson, Nelson, Wirth; Excused for business of the House, 1 – Morgan. Bill repassed.

HB 2089 – Read second time and passed to third reading.

HB 3632 (A-Engrossed) – Read third time. Carried by Shetterly.

Call of the House demanded by Shetterly, joined by Brown, Backlund, Verger, Merkley and Flores. All present except: Excused (not subject to Call), 3 – Jenson, Nelson, Wirth.

HB 3632 (A-Engrossed) – On passage of the bill the vote was: Yeas, 44; Nays, 13 – Avakian, Barnhart, Dingfelder, Greenlick, Hopson, Kafoury, Macpherson, March, Merkley, Nolan, Prozanski, Rosenbaum, Tomei; Excused, 3 – Jenson, Nelson, Wirth. Bill passed.

Merkley requested the following explanation of his vote be entered in the Journal:

"HB 3632, which changes state policy regarding the management of Tillamook Forest, is designed to replace the management practices being developed by the Board of Forestry.

"I have several concerns about this bill. First, the current management and planning process is working well. The Board of Forestry is developing and implementing a long-term plan for the Tillamook Forest that balances consumptive and non-consumptive values of the forest.

"Secondly, HB 3632 changes the definition of 'greatest permanent value' to match that of the Forest Practices Act. That Act is designed to manage harvesting practices on private land. The Tillamook State Forest should not be turned into the Tillamook State Tree Farm.

"Thirdly, in treating the Tillamook Forest like a tree farm, HB 3632 would establish the management practice of cutting the forest on a 35-45 year rotation. Any healthy Northwest forest ecosystem

is going to have sections of old-growth at least ten times that age. And any responsible plan is going to ensure that the forest will have significant sections of median-age and old-growth forest.

"The Tillamook Forest has been revived by a generation of Oregon citizens who volunteered to plant trees. The forest is an asset belonging to all the people of this state and must be managed accordingly. In the long-term, such responsible management means more jobs, more revenue, and more environmental diversity."

SB 456 (A-Engrossed) – Read third time. Carried by Barnhart.

Call of the House demanded by Kruse, joined by Barnhart, Farr, Gallegos, Krieger and Zauner. All present except: Excused (not subject to Call), 3 – Jenson, Nelson, Wirth.

SB 456 (A-Engrossed) – On passage of the bill the vote was: Yeas, 35; Nays, 22 – Avakian, Berger, Beyer, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Krummel, Macpherson, March, Merkley, Monnes Anderson, Morgan, Nolan, Prozanski, Shetterly, Tomei, Verger, Westlund; Excused, 3 – Jenson, Nelson, Wirth. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted against SB 456-A because it is an unnecessary bill. The bill would limit school personnel, including nurses, from 'recommending' that a student may need a prescription drug to address a behavior or mood problem!

"Besides raising free speech issues, this bill will not accomplish anything. School staff do not write prescriptions for medication. Doctors do. Physicians do not and should not rely upon 'recommendations' to write a prescription. Doctors make an assessment based on a medical examination to determine if medication is necessary and appropriate.

"This bill may have a chilling effect on school personnel communicating with parents. Since the bill is silent about what the ramifications would be to school staff, they may decide not to say anything to parents. I do not believe this legislation represents good public policy.

"If there is a problem of over medicating children, it is not the fault of educators and staff. SB 456-A does not address this problem."

HB 2407 – Speaker appointed Representatives Knopp, Chair; Brown and Macpherson House conferees.

Speaker made appointments to the following committee:

OREGON LAW COMMISSION – Shetterly, Williams.

HB 2407 (C-Engrossed) – By unanimous consent, on request of Knopp, rules suspended to permit Barker to change his vote from "nay" to "aye" on motion to not concur in Senate amendments and a Conference Committee be appointed.

House adjourned until 8:00 a.m., Thursday, June 12, 2003 on motion of Butler.

#### Thursday, June 12, 2003 – Morning Session

House convened at 8:00 a.m. Speaker Pro Tempore in Chair. All present except: Absent, 5 –

Hass, Kropf, Macpherson, Tomei, Wirth; Excused, 3 – Butler, Jenson, Nelson; Excused for business of the House, 2 – Richardson, Westlund.

Opening Ceremony presented by Pastor Steve Hopkins, Calvary Chapel, Salem.

HB 2069, 2101, 2103, 2177, 2206, 2233, 2238, 2284, 2324, 2410, 2717, 2729, 2732, 2743, 2744, 2821, 2866, 2873, 2999, 3122, 3156, 3157, 3212, 3316, 3557, 2191 – Message from the Governor announcing he signed on June 11, 2003.

HB 2200 – Message from the Governor announcing he filed with Secretary of State without signature on April 4, 2003.

HB 3175, 3152, 2915, 2803, 2711, 2638, 2111, 2894, SB 65, 207, 285, 470, 858, 5503, 5504, 5510, 5511, 5520, 5532, 5538, 5540, 5544 – Message from the Senate announcing President signed on June 11, 2003.

SB 5542, HB 2682, 2733, 2736 – Message from the Senate announcing passage.

HB 2388 – Message from the Senate announcing Senators Metsger and Starr B. appointed Senate conferees.

HB 5011 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 5019 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 5035 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 5059 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 5062 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 2254 – Report by Committee on Ways and Means recommending passage.

HB 3177 – Report by Committee on Ways and Means recommending passage.

SB 5537 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 129 – Report by Committee on Ways and Means recommending passage.

SJR 19 (B-Engrossed) – Report by Committee on Rules and Public Affairs recommending adoption.

HB 3642 – Read first time and passed to Speaker's desk for referral.

HB 3642 – Referred from Speaker's desk to the following committee: Revenue.

HB 3630 – Read second time and passed to third reading.

HB 2089 (A-Engrossed) – Read third time. Carried by Williams. On passage of the bill the vote was: Yeas, 47; Nays, 4 – Barker, Kitts, Schaufler, Smith P.; Absent, 5 – Hass, Kropf, Macpherson, Tomei, Wirth; Excused, 3 – Butler, Jenson, Nelson; Excused for business of the House, 1 – Westlund. Bill passed.

HB 2857 (B-Engrossed) – Read. Carried by Gilman. On passage of the bill the vote was: Yeas, 49; Absent, 5 – Hass, Kropf, Macpherson, Tomei, Wirth; Excused, 3 – Butler, Jenson, Nelson; Excused for business of the House, 3 – Miller, Smith T., Westlund. Bill passed.

SB 5542 – Read first time and passed to Speaker's desk for referral.

SB 564, 880 – Read second time and passed to third reading.

House adjourned until 8:30 a.m., Friday, June 13, 2003 on motion of Mabrey.

#### **Friday, June 13, 2003 – Morning Session**

House convened at 8:30 a.m. Doyle in Chair. All present except: Excused, 7 – Brown, Farr, Jenson, Nelson, Smith T., Williams, Wirth; Excused for business of the House, 3 – Morgan, Patridge, Speaker Minnis.

Posting of the Colors by Boy Scout Troop 514, La Grande.

Opening Ceremony presented by Boy Scout Troop 514, La Grande.

HB 2021 – Message from the Governor announcing he vetoed on June 10, 2003.

June 10, 2003

The Honorable Karen Minnis  
Speaker of the House  
Oregon State House of Representatives  
Oregon State Capitol – Room 269  
Salem OR 97301

Dear Speaker Minnis:

I am returning Enrolled House Bill 2021 unsigned and disapproved, for the reasons below.

HB 2021 would decrease minimum capital requirements for new limited health care service providers (e.g., dentists, optometrists and providers of alternative medical care). The current limits were just established in 2001. These requirements were put in place in order to ensure the solvency of insurers and health care providers

and, in the event of insolvency, to provide for the payment of claims against such insurers and health care providers.

The minimum capital requirements established in 2001 are important consumer protection requirements. These requirements are particularly important in light of SB 353. Enacted earlier this session, SB 353 expanded the category of limited health care providers to include chiropractors, naturopaths, massage therapists and acupuncturists.

I believe that HB 2021 would set a bad precedent in an area with important public policy implications. Minimum capital requirements for insurers and health care providers are important safeguards for the people of Oregon. I do not believe that these protections should be weakened.

Sincerely,  
Theodore R. Kulongsoski  
Governor

SB 5, 610 – Message from the Senate announcing passage.

SJR 2 – Message from the Senate announcing adoption.

HB 2066 – Message from the Senate announcing passage as amended by the Senate.

SB 673 – Message from the Senate announcing concurrence in House amendments and repassage.

SJR 2 – Read first time and passed to Speaker's desk for referral.

SJR 2 – Referred from Speaker's desk to the following committee: Rules and Public Affairs with subsequent referral to Revenue.

SB 391 (A-Engrossed) – Report by Committee on Judiciary recommending passage with amendments and be printed B-Engrossed.

SB 552 (B-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

SJM 6 – Report by Committee on Rules and Public Affairs recommending adoption.

SB 880 (B-Engrossed) – Shetterly moved Committee Report be adopted.

SB 880 (B-Engrossed) – Prozanski moved Minority Report be substituted for the Committee Report.

Call of the House demanded by Prozanski, joined by Backlund, Westlund, Tomei, Kafoury and Macpherson. All present except: Absent (not subject to Call), 1 – Smith G.; Excused (not subject to Call), 7 – Brown, Farr, Jenson, Nelson, Smith T., Williams, Wirth.

SB 880 (B-Engrossed) – Motion to substitute Minority Report for Committee Report failed, the vote

being: Yeas, 24; Nays, 28 – Anderson, Backlund, Berger, Butler, Close, Dalto, Doyle, Flores, Gallegos, Garrard, Gilman, Kitts, Knopp, Krieger, Kropf, Krummel, Kruse, Mabrey, Miller, Morgan, Patridge, Richardson, Scott, Shetterly, Smith P., Westlund, Zauner, Speaker Minnis; Absent, 1 – Smith G.; Excused, 7 – Brown, Farr, Jenson, Nelson, Smith T., Williams, Wirth. Motion failed.

SB 880 (B-Engrossed) – Motion to adopt Committee Report carried, the vote being: Yeas, 33; Nays, 19 – Ackerman, Avakian, Barker, Barnhart, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hunt, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Tomei; Absent, 1 – Smith G.; Excused, 7 – Brown, Farr, Jenson, Nelson, Smith T., Williams, Wirth. Committee Report adopted.

SB 880 (B-Engrossed) – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 26; Nays, 27 – Ackerman, Avakian, Barker, Barnhart, Bates, Beyer, Dalto, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Kitts, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Richardson, Rosenbaum, Shetterly, Smith P., Tomei; Absent, 1 – Smith G.; Excused, 6 – Brown, Jenson, Nelson, Smith T., Williams, Wirth.

Shetterly changed his vote from “aye” to “nay” and served notice of possible reconsideration.

SB 880 (B-Engrossed) – Bill failed.

HB 2254, 3177 – Read second time and passed to third reading.

HB 3630 – By unanimous consent, on request of Chair, rules suspended and bill remaining on today’s Third Reading of House Bills carried over and placed in its proper order on Monday’s, June 16, 2003 Calendar.

SJR 19 – By unanimous consent, on request of Chair, rules suspended and resolution remaining on today’s Final Reading of Memorials and Resolutions carried over and placed in its proper order on Tuesday’s, June 17, 2003 Calendar.

SB 5, 610 – Read first time and passed to Speaker’s desk for referral.

SB 5542, 5, 610 – Referred from Speaker’s desk to the following committees: 610 – Judiciary; 5 – Rules and Public Affairs; 5542 – Ways and Means.

SB 5537, 129, 189 – Read second time and passed to third reading.

SB 564 (B-Engrossed) – Read third time. Carried by Barker. On passage of the bill the vote was: Yeas, 44; Absent, 1 – Smith G.; Excused, 7 – Brown, Jenson, Nelson, Smith T., Westlund, Williams, Wirth; Excused for business of the House, 8 – Bates, Butler,

Hansen, Johnson, Krieger, Miller, Morgan, Patridge. Bill passed.

House adjourned until 10:30 a.m., Monday, June 16, 2003 on motion of Gilman.

### **Monday, June 16, 2003 – Morning Session**

House convened at 10:30 a.m. Doyle in Chair. All present except: Absent, 1 – Tomei; Excused, 2 – Mabrey, Nelson.

Moment of silence observed.

HB 2885 – Message from the Governor announcing he signed on June 13, 2003.

SB 895, HB 2727, 2756, 5001, 5005, 5006, 5017, 5025, 5047, 5054, 5055, 2208 – Message from the Senate announcing passage.

HCR 10 – Message from the Senate announcing adoption.

HB 3389 – Message from the Senate announcing passage as amended by the Senate.

HB 2407 – Message from the Senate announcing Senators Corcoran and Minnis appointed Senate conferees.

SB 646, 647 – Message from the Senate announcing President signed on June 13, 2003.

SB 880 (B-Engrossed) – Pursuant to notice given Friday, June 13, Shetterly moved House reconsider the vote by which bill failed to pass.

Call of the House demanded by Knopp, joined by Butler, Jenson, Close, Berger and Farr. All present except: Absent (not subject to Call), 1 – Tomei; Excused (not subject to Call), 2 – Mabrey, Nelson.

SB 880 (B-Engrossed) – Motion to reconsider the vote by which bill failed to pass, carried, the vote being: Yeas, 34; Nays, 23 – Ackerman, Avakian, Barker, Barnhart, Bates, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Kitts, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Wirth; Absent, 1 – Tomei; Excused, 2 – Mabrey, Nelson. Vote reconsidered.

In compliance with Mason’s Manual of Legislative Procedure, Section 468, subsection 3, the question immediately recurs on third reading and final consideration of bill.

Call of the House demanded by Shetterly, joined by Berger, Anderson, Gallegos, Backlund and Brown. All present except: Absent (not subject to Call), 1 – Tomei; Excused (not subject to Call), 2 – Mabrey, Nelson.

SB 880 (B-Engrossed) – On passage of the bill the vote was: Yeas, 34; Nays, 23 – Ackerman, Avakian, Barker, Barnhart, Bates, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Kafoury, Kitts, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Richardson, Rosenbaum, Wirth; Absent, 1 – Tomei; Excused, 2 – Mabrey, Nelson. Bill passed.

Speaker Pro Tempore in Chair.

HB 2066 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 57; Absent, 1 – Tomei; Excused, 2 – Mabrey, Nelson. Bill repassed.

HB 5011, 5019, 5035, 5059, 5062 – Read second time and passed to third reading.

HB 3630 (A-Engrossed) – Read third time. Carried by Williams.

Previous question moved by Kruse, carried.

HB 3630 (A-Engrossed) – On passage of the bill the vote was: Yeas, 57; Absent, 1 – Tomei; Excused, 2 – Mabrey, Nelson. Bill passed.

HB 2254, 3177 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Tuesday's, June 17, 2003 Calendar.

SJM 6 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and memorial remaining on today's Final Reading of Memorials and Resolutions carried over and placed in its proper order on Tuesday's, June 17, 2003 Calendar.

SB 895 – Read first time and passed to Speaker's desk for referral.

SB 552 – Read second time and passed to third reading.

SB 5537, 129, 189 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of Senate Bills carried over and placed in their proper order on Tuesday's, June 17, 2003 Calendar.

HB 5007, 5032, 5033, 5043, 5053, 2034, 2174, 2247, 2344, 2380, 2647, 2688, 2754, 2887, 2945, 3048, 3094, 3318, 3349, 3371, 3376, SB 5503, 5504, 5510, 5511, 5520, 5532, 5538, 5540, 5544, 65, 207, 285, 470, 858 – Speaker signed.

House adjourned until 10:30 a.m., Tuesday, June 17, 2003 on motion of Jenson.

### **Tuesday, June 17, 2003 – Morning Session**

House convened at 10:30 a.m. Berger in Chair. All present except: Absent, 1 – Wirth; Excused, 2 – Nelson, Westlund; Excused for business of the House, 1 – Miller.

Morgan in Chair.

Opening Ceremony presented by Reverend Howard Johnson, Bethany Bible Fellowship, Roseburg.

Kruse in Chair.

HB 2114, 2298, 2592, 2631, 2670, 2765, 2893, 3015, 3061, 3107, 3317, 3361, 3363, 3366, 3601, 3615, 5002 – Message from the Governor announcing he signed on June 16, 2003.

SB 5505, 5541, HB 2256 – Message from the Senate announcing passage.

HB 2581, 2221, 2811, 3093 – Message from the Senate announcing passage as amended by the Senate.

SB 808 – Message from the Senate announcing concurrence in House amendments and repassage.

SB 18, 19, 46, 348, HB 2074, 2113, 2118, 2138, 2381, 2521, 2606, 3184 – Message from the Senate announcing President signed on June 16, 2003.

HB 5039 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 5040 – Report by Committee on Ways and Means recommending passage.

HB 2153 – Report by Committee on Ways and Means recommending passage.

HB 2193 – Report by Committee on Ways and Means recommending passage.

HB 2244 (A-Engrossed) – Report by Committee on Ways and Means recommending passage with amendments and be printed B-Engrossed.

HB 2268 (A-Engrossed) – Report by Committee on Ways and Means recommending passage with amendments and be printed B-Engrossed.

HB 2522 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

HB 2783 (A-Engrossed) – Report by Committee on Ways and Means recommending passage with amendments and be printed B-Engrossed.

HB 3231 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 3522 – Report by Committee on Ways and Means recommending passage.

SB 5542 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 267 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

SB 287 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

HB 3389 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 54; Nays, 2 – Greenlick, Nolan; Absent, 1 – Wirth; Excused, 2 – Nelson, Westlund; Excused for business of the House, 1 – Miller. Bill repassed.

HB 2254 – Read third time. Carried by Morgan. On passage of the bill the vote was: Yeas, 57; Excused, 2 – Nelson, Westlund; Excused for business of the House, 1 – Miller. Bill passed.

HB 3177 – Read third time. Carried by Smith G. On passage of the bill the vote was: Yeas, 57; Excused, 2 – Nelson, Westlund; Excused for business of the House, 1 – Miller. Bill passed.

HB 5011 (A-Engrossed) – Read third time. Carried by Smith G.

Speaker Pro Tempore in Chair.

HB 5011 (A-Engrossed) – On passage of the bill the vote was: Yeas, 51; Nays, 7 – Anderson, Close, Kropf, Richardson, Scott, Smith P., Zauner; Excused, 2 – Nelson, Westlund. Bill passed.

HB 5019 (A-Engrossed) – Read third time. Carried by Bates. On passage of the bill the vote was: Yeas, 50; Nays, 8 – Close, Flores, Garrard, Kitts, Kropf, Richardson, Scott, Zauner; Excused, 2 – Nelson, Westlund. Bill passed.

HB 5035 (A-Engrossed) – Read third time. Carried by Johnson. On passage of the bill the vote was: Yeas, 34; Nays, 22 – Ackerman, Anderson, Barnhart, Beyer, Brown, Butler, Close, Flores, Garrard, Gilman, Kropf, Krummel, Mabrey, Prozanski, Richardson, Schaufler, Scott, Smith G., Smith P., Tomei, Wirth, Zauner; Excused, 2 – Nelson, Westlund; Excused for business of the House, 2 – Kruse, Morgan. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on HB 5035-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that sets forth how it will pay for all general fund programs including public education, public safety and human services.”

HB 5059 (A-Engrossed) – Read third time. Carried by Smith G. On passage of the bill the vote was: Yeas, 43; Nays, 10 – Anderson, Close, Flores, Garrard, Kropf, Mabrey, Richardson, Scott, Smith P., Zauner; Excused, 2 – Nelson, Westlund; Excused for business of the House, 5 – Backlund, Kitts, Kruse, Morgan, Speaker Minnis. Bill passed.

HB 5062 (A-Engrossed) – Read third time. Carried by Krieger. On passage of the bill the vote was: Yeas, 44; Nays, 13 – Ackerman, Barnhart, Dingfelder, Greenlick, Hass, Kafoury, Kropf, Macpherson, March, Monnes Anderson, Nolan, Rosenbaum, Tomei; Excused, 2 – Nelson, Westlund; Excused for business of the House, 1 – Morgan. Bill passed.

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

“I voted no on HB 5062-A because Oregon is in a budget crisis and priorities need to be on public education, public safety and human services.”

SJR 19 (B-Engrossed) – Read. Carried by Backlund. On adoption of the resolution the vote was: Yeas, 46; Nays, 10 – Close, Dalto, Garrard, Jenson, Krieger, Krummel, Kruse, Miller, Smith P., Zauner; Absent, 1 – Farr; Excused, 2 – Nelson, Westlund; Excused for business of the House, 1 – Morgan. Resolution adopted.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of Third Reading of Senate Bills.

SB 552 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit third reading and final consideration immediately.

SB 552 (B-Engrossed) – Read third time. Carried by Backlund. On passage of the bill the vote was: Yeas, 46; Nays, 10 – Close, Garrard, Jenson, Krieger, Krummel, Kruse, Miller, Smith P., Smith T., Zauner; Absent, 1 – Kropf; Excused, 2 – Nelson, Westlund; Excused for business of the House, 1 – Morgan. Bill passed.

SJM 6 – Read. Carried by Flores. On adoption of the memorial the vote was: Yeas, 54; Absent, 1 – Wirth; Excused, 2 – Nelson, Westlund; Excused for business of the House, 3 – Morgan, Patridge, Speaker Minnis. Memorial adopted.

SB 5505, 5541 – Read first time and passed to Speaker's desk for referral.

SB 5505, 5541, 895 – Referred from Speaker's desk to the following committees: 895 – Judiciary; 5505, 5541 – Ways and Means.

SB 391 – Read second time and passed to third reading.

SB 5537 (A-Engrossed) – Read third time. Carried by Smith T. On passage of the bill the vote was: Yeas,

41; Nays, 15 – Ackerman, Anderson, Barnhart, Beyer, Close, Flores, Garrard, Kitts, Kropf, Mabrey, March, Prozanski, Richardson, Scott, Zauner; Excused, 2 – Nelson, Westlund; Excused for business of the House, 2 – Morgan, Patridge. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on SB 5537-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that sets forth how it will pay for all general fund programs including public education, public safety and human services.”

SB 129 – Read third time. Carried by Smith T. On passage of the bill the vote was: Yeas, 56; Excused, 2 – Nelson, Westlund; Excused for business of the House, 2 – Morgan, Patridge. Bill passed.

SB 189 (B-Engrossed) – Read third time. Carried by Krummel. On passage of the bill the vote was: Yeas, 56; Excused, 2 – Nelson, Westlund; Excused for business of the House, 2 – Morgan, Patridge. Bill passed.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

HB 5064 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 5064 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to make bill a Special Order of Business as the first item on Wednesday's, June 18, 2003 Calendar.

House Rule 2.05, 8.01 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to dispense with the requirement to read the proposed amendments.

**2.05 Procedure for Amending Rules.** Thirty-one votes are required to adopt, amend or rescind any rule. However, forty votes are required to amend or rescind Rule 9.30. The adoption, amendment or rescission of any rule must be proposed in writing, read at a regular business session under the order of business "Other Business of the House," referred to the Committee on Rules and Public Affairs by the Speaker, and if reported from the Committee on Rules and Public Affairs, [allowed to lie on the table for at least one day prior to any vote thereon] upon distribution of the report, it shall be in order to vote on the proposed amendment immediately.

**8.01 Names of Committees.** There shall be the following 16 standing committees to which shall be referred all measures:

- (1) Agriculture and Natural Resources;
- (2) Audit and Human Services Budget Reform;
- (3) Business, Labor and Consumer Affairs;
- (4) Education;
- (5) Environment and Land Use;
- (6) General Government;
- (7) Health and Human Services;
- (8) Judiciary;

(9) Public Employees Retirement System (PERS);

(10) Revenue;

(11) Rules and Public Affairs;

(12) Trade and Economic Development;

(13) Transportation;

(14) Water;

(15) Ways and Means [to which will be referred all measures relating generally to appropriations notwithstanding measures relating generally to the 2001-2003 Legislatively Approved Budget.]

(16) Special Committee on Budget.

The Speaker may appoint special committees.

House Rule 2.05, 8.01 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HB 5062 (A-Engrossed) – By unanimous consent, on request of Kafoury, rules suspended to permit Kropf to change his vote from “nay” to “aye” on passage of bill.

HB 5011 (A-Engrossed) – By unanimous consent, on request of Kafoury, rules suspended to permit Flores to change her vote from “aye” to “nay” on passage of bill.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

House Rule 2.05 – Report by Committee on Rules and Public Affairs recommending adoption.

HB 2197, 2455, 2490, 2694, 2763, 2986, 3245, 3372, HCR 11, SB 18, 19, 46, 348, 646, 647 – Speaker signed.

House adjourned until 10:30 a.m., Wednesday, June 18, 2003 on motion of Jenson.

### Wednesday, June 18, 2003 – Morning Session

House convened at 10:30 a.m. Kruse in Chair. All present except: Absent, 2 – Kropf, Wirth; Excused, 3 – Kitts, Westlund, Williams.

Opening Ceremony presented by Pamela Guerra, Salem.

HB 2894 – Message from the Governor announcing he filed with Secretary of State without signature on June 18, 2003.

SB 5545, 5539, 5524, 5521, 5519, 673, 456, 103, HB 2647, 2380, 2344, 2247, 2174, 2034, 5053, 5043, 5033, 5032, 5007, 3376, 3371, 3349, 3048, 3318, 3094, 2945, 2887, 2754, 2688 – Message from the Senate announcing President signed on June 17, 2003.

SB 751, 899 – Message from the Senate announcing passage.

SB 228, 564 – Message from the Senate announcing concurrence in House amendments and repassage.

HB 2041 (A-Engrossed) – Report by Committee on Revenue recommending passage with amendments and be printed B-Engrossed.

HB 3642 – Report by Committee on Revenue recommending passage.

SB 886 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage with amendments, be printed B-Engrossed, and be placed on the Consent Calendar.

HB 5064 – By unanimous consent, on request of Chair, rules suspended to permit second and third reading and final consideration immediately.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 5064 – Read second time and passed to third reading.

HB 5064 (A-Engrossed) – Read third time as a Special Order of Business. Carried by Morgan. On passage of the bill the vote was: Yeas, 53; Nays, 1 – Nelson; Absent, 2 – Kropf, Wirth; Excused, 3 – Kitts, Westlund, Williams; Excused for business of the House, 1 – Barnhart. Bill passed.

House recessed for 5 minutes on motion of Kafoury.

House reconvened at 11:10 a.m. Kruse in Chair. All present except: Excused, 3 – Kitts, Westlund, Williams.

Having recessed under the order of business of Special Orders of Business, the House proceeded to the order of business of Propositions and Motions.

House Rule 2.05 – Doyle moved proposed amendment be adopted.

Zauner moved the previous question.

Call of the House demanded by Knopp, joined by Gallegos, Brown, Backlund, Morgan and Zauner. All present except: Excused (not subject to Call), 3 – Kitts, Westlund, Williams.

Motion to close debate carried, the vote being: Yeas, 32; Nays, 25 – Ackerman, Avakian, Barker, Barnhart, Bates, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Verger, Wirth; Excused, 3 – Kitts, Westlund, Williams. Debate closed.

Call of the House demanded by Doyle, joined by Gilman, Brown, Nelson, Gallegos and Smith T. All

present except: Excused (not subject to Call), 3 – Kitts, Westlund, Williams.

Oral roll call vote demanded by March, joined by Tomei, Barnhart, Greenlick, Monnes Anderson and Macpherson.

House Rule 2.05 – Motion to adopt proposed amendment carried, the vote being: Yeas, 32; Nays, 25 – Ackerman, Avakian, Barker, Barnhart, Bates, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Verger, Wirth; Excused, 3 – Kitts, Williams, Westlund. Amendment adopted.

HB 2221 (B-Engrossed) – Brown moved House not concur in Senate amendments and a Conference Committee be appointed.

Speaker Pro Tempore in Chair.

HB 2221 (B-Engrossed) – Motion to not concur in Senate amendments carried on viva voce vote. Conference Committee to be appointed.

HB 3093 (B-Engrossed) – Doyle moved House not concur in Senate amendments and a Conference Committee be appointed. Motion carried on viva voce vote. Conference Committee to be appointed.

HB 5040, 2153, 2193, 2522, 3522 – Read second time and passed to third reading.

SB 751, 899 – Read first time and passed to Speaker's desk for referral.

SB 5542 – Read second time and passed to third reading.

SB 391 (B-Engrossed) – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 49; Nays, 8 – Butler, Close, Dalto, Knopp, Miller, Smith G., Smith P., Zauner; Excused, 3 – Kitts, Westlund, Williams. Bill passed.

Message from the Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contribution received during Seventy-second Regular Session, filed on June 16, 2003 by Representative Phil Barnhart.

House adjourned until 10:30 a.m., Thursday, June 19, 2003 on motion of Gallegos.

#### **Thursday, June 19, 2003 – Morning Session**

House convened at 10:30 a.m. Kruse in Chair. All present except: Absent, 5 – Close, Kropf, Monnes Anderson, Nolan, Wirth; Excused, 2 – Rosenbaum, Westlund; Excused for business of the House, 5 – Bates, March, Morgan, Patridge, Smith T.



Opening Ceremony presented by Representative Dave Hunt, District 40, Oak Grove.

HB 2111, 2638, 2711, 2803, 2915, 3152, 3175 – Message from the Governor announcing he signed on June 18, 2003.

HB 2197, 2455, 2490, 2694, 2763, 2986, 3245, 3372, HCR 11, SB 5536 – Message from the Senate announcing President signed on June 18, 2003.

SB 12, 190, HB 5010, 5024, 5026, 5037, 2325, 3616, 2235, 2409 – Message from the Senate announcing passage.

HB 2422, 3259, 2671 – Message from the Senate announcing passage as amended by the Senate.

Speaker Pro Tempore in Chair.

SB 308 (A-Engrossed) – Report by Committee on Judiciary recommending passage with amendments, be printed B-Engrossed, and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 2581 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 45; Nays, 2 – Avakian, Shetterly; Absent, 5 – Close, Kropf, Monnes Anderson, Nolan, Wirth; Excused, 2 – Nelson, Rosenbaum; Excused for business of the House, 6 – Bates, March, Miller, Morgan, Patridge, Smith T. Bill repassed.

HB 2811 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 50; Absent, 3 – Kropf, Nolan, Wirth; Excused, 2 – Nelson, Rosenbaum; Excused for business of the House, 5 – March, Miller, Morgan, Patridge, Smith T. Bill repassed.

HB 3643 – Read first time and passed to Speaker's desk for referral.

HB 5039, 2244, 2268, 2783, 3642 – Read second time and passed to third reading.

HB 5040 – Read third time. Carried by Bates. On passage of the bill the vote was: Yeas, 50; Nays, 1 – Close; Absent, 3 – Kropf, Nolan, Wirth; Excused, 2 – Nelson, Rosenbaum; Excused for business of the House, 4 – March, Miller, Morgan, Smith T. Bill passed.

HB 2153 – Read third time. Carried by Bates. On passage of the bill the vote was: Yeas, 52; Nays, 2 – Close, Richardson; Absent, 2 – Nolan, Wirth; Excused, 2 – Nelson, Rosenbaum; Excused for business of the House, 2 – March, Morgan. Bill passed.

HB 2193 – Read third time. Carried by Smith T. On passage of the bill the vote was: Yeas, 54; Absent,

2 – Nolan, Wirth; Excused, 2 – Nelson, Rosenbaum; Excused for business of the House, 2 – March, Morgan. Bill passed.

HB 2522 (A-Engrossed) – Read third time. Carried by Smith G. On passage of the bill the vote was: Yeas, 53; Nays, 1 – Zauner; Absent, 2 – Nolan, Wirth; Excused, 2 – Nelson, Rosenbaum; Excused for business of the House, 2 – March, Morgan. Bill passed.

HB 3522 – Read third time. Carried by Johnson. On passage of the bill the vote was: Yeas, 53; Absent, 2 – Nolan, Wirth; Excused, 2 – Nelson, Rosenbaum; Excused for business of the House, 3 – March, Morgan, Smith T. Bill passed.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily return to the order of business of Second Reading of House Bills.

HB 3231 – Read second time and passed to third reading.

SB 12, 190 – Read first time and passed to Speaker's desk for referral.

SB 267 – Read second time and passed to third reading.

SB 5542 (A-Engrossed) – Read third time. Carried by Patridge. On passage of the bill the vote was: Yeas, 34; Nays, 20 – Anderson, Barnhart, Beyer, Close, Dingfelder, Flores, Garrard, Greenlick, Kitts, Kropf, Kruse, Mabrey, Nelson, Prozanski, Richardson, Scott, Smith P., Tomei, Verger, Zauner; Absent, 2 – Nolan, Wirth; Excused, 1 – Rosenbaum; Excused for business of the House, 3 – March, Morgan, Smith T. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted no on SB 5542-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that sets forth how it will pay for all general fund programs including public education, public safety and human services."

SB 287 (A-Engrossed) – Read. Carried by Bates. On passage of the bill the vote was: Yeas, 54; Absent, 2 – Kropf, Nolan; Excused, 1 – Rosenbaum; Excused for business of the House, 3 – March, Morgan, Smith T. Bill passed.

HB 2581 (B-Engrossed) – By unanimous consent, on request of Kafoury, rules suspended to permit Jenson to change his vote from "aye" to "nay" on concurrence in Senate amendments and repassage of bill.

House adjourned until 10:30 a.m., Friday, June 20, 2003 on motion of Jenson.

**Friday, June 20, 2003 – Morning Session**

House convened at 10:30 a.m. Doyle in Chair. All present except: Absent, 1 – Wirth; Excused, 4 – Close, Nelson, Rosenbaum, Smith T.; Excused for business of the House, 1 – Miller.

Speaker Pro Tempore in Chair.

Opening Ceremony presented by Pat Burnet, Portland.

HB 5064, SB 5508, 5518, 5529, 5531, 5546, HB 2043 – Message from the Senate announcing passage.

HB 2652 – Report by Committee on Revenue recommending passage with amendments and be printed A-Engrossed.

SB 5505 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 5541 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

HB 2422 (A-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 51; Absent, 3 – Bates, Patridge, Wirth; Excused, 4 – Close, Nelson, Rosenbaum, Smith T.; Excused for business of the House, 2 – Johnson, Miller. Bill repassed.

HB 2671 (B-Engrossed) – Smith P. moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 53; Nays, 1 – Smith G.; Absent, 1 – Wirth; Excused, 4 – Close, Nelson, Rosenbaum, Smith T.; Excused for business of the House, 1 – Johnson. Bill repassed.

HB 3259 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 55; Excused, 4 – Close, Nelson, Rosenbaum, Smith T.; Excused for business of the House, 1 – Johnson. Bill repassed.

HB 5076 – Read first time and passed to Speaker's desk for referral.

HB 5076 – Referred from Speaker's desk to the following committee: Ways and Means.

HB 2041 – Read second time and passed to third reading.

House recessed for 5 minutes on motion of Kafoury.

House reconvened at 11:25 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 3 – Close, Rosenbaum, Smith T.

Having recessed under the order of business of Third Reading of House Bills, the House continued under that order of business.

HB 5039 (A-Engrossed) – Read third time. Carried by Bates. On passage of the bill the vote was: Yeas, 54; Nays, 1 – Gilman; Absent, 1 – Westlund; Excused, 3 – Close, Rosenbaum, Smith T.; Excused for business of the House, 1 – Miller. Bill passed.

HB 3642 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit third reading and final consideration immediately.

HB 3642 – Read third time. Carried by Scott.

Williams in Chair.

Call of the House demanded by Scott, joined by Backlund, Brown, Knopp, March and Barnhart. All present except: Absent (subject to Call), 1 – Miller; Excused (not subject to Call), 3 – Close, Rosenbaum, Smith T.

By unanimous consent, on request of Scott, rules suspended to dispense with further proceedings under the Call of the House.

HB 3642 – On passage of the bill the vote was: Yeas, 56; Absent, 1 – Miller; Excused, 3 – Close, Rosenbaum, Smith T. Bill passed, having received the required three-fifths constitutional majority.

HB 2244, 2268, 2783, 3231 – By unanimous consent, on request of Chair, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Monday's, June 23, 2003 Calendar.

SB 5508, 5518, 5529, 5531, 5546 – Read first time and passed to Speaker's desk for referral.

SB 5508, 5518, 5529, 5531, 5546, 12, 190, 751, 899 – Referred from Speaker's desk to the following committees: 751, 899 – Rules and Public Affairs; 190 – Rules and Public Affairs with subsequent referral to Ways and Means; 12, 5508, 5518, 5529, 5531, 5546 – Ways and Means.

SB 886 – Read second time and passed to third reading.

SB 267 – By unanimous consent, on request of Chair, rules suspended and bill remaining on today's Third Reading of Senate Bills carried over and placed in its proper order on Monday's, June 23, 2003 Calendar.

Speaker announced the following sine die preparations:

The House Committee on Health and Human Services is reopened for a 9:30 a.m. meeting on Monday, June 23, 2003.

HB 5064 – Speaker signed.

HCR 10, HB 5001, 5005, 5006, 5017, 5025, 5047, 5054, 5055, 2066, 2208, 2256, 2275, 2276, 2342, 2425, 2575, 2682, 2727, 2733, 2736, 2756, 2933, 3250, 3296, 3351, 3370, 3422, SB 5519, 5521, 5524, 5536, 5539, 5545, 103, 456, 673 – Speaker signed.

House adjourned until 10:30 a.m., Monday, June 23, 2003 on motion of Jenson.

### Monday, June 23, 2003 – Morning Session

House convened at 10:30 a.m. Speaker Pro Tempore in Chair. All present except: Absent, 4 – Flores, Kropf, Smith G., Wirth; Excused, 1 – Hunt; Excused for business of the House, 10 – Anderson, Johnson, Kafoury, Kruse, March, Miller, Morgan, Patridge, Westlund, Speaker Minnis.

Opening Ceremony presented by Bishop Mark Carver, The Church of Jesus Christ of Latter-Day Saints, Cornelius Ward, Hillsboro.

HB 5064 – Message from the Governor announcing he signed on June 20, 2003.

SB 891, HB 3548, 2120, 2251, 2304, 3476 – Message from the Senate announcing passage.

HB 2865, 3330, 2049, 2165 – Message from the Senate announcing passage as amended by the Senate.

SB 189, 880 – Message from the Senate announcing concurrence in House amendments and repassage.

SB 132 – Message from the Senate announcing bill failed.

HB 3644 – Read first time and passed to Speaker's desk for referral.

HB 3643, 3644 – Referred from Speaker's desk to the following committees: 3643 – Rules and Public Affairs; 3644 – Ways and Means.

SB 886 (B-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 45; Absent, 4 – Flores, Kropf, Smith G., Wirth; Excused, 1 – Hunt; Excused for business of the House, 10 – Anderson, Johnson, Kafoury, Kruse, March, Miller, Morgan, Patridge, Westlund, Speaker Minnis. Bill passed.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of First Reading of Senate Bills.

SB 891 – Read first time and passed to Speaker's desk for referral.

SB 891 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HB 2244 (B-Engrossed) – Read third time. Carried by Bates. On passage of the bill the vote was: Yeas, 46; Nays, 7 – Close, Jenson, Krieger, Krummel, Merkley, Smith P., Zauner; Absent, 2 – Flores, Wirth; Excused, 1 – Hunt; Excused for business of the House, 4 – Miller, Morgan, Patridge, Westlund. Bill passed.

Merkley requested the following explanation of his vote be entered in the Journal:

"HB 2244 allows sharing of private medical information without permission of the individual. Although such sharing was presented as occurring only in the event of a catastrophic disease outbreak, the bill allows such sharing as part of a standard routine of preparing for such an emergency.

"This bill could easily have achieved its purpose while presenting stronger protections of personal information either by utilizing a consent system or by protecting the privacy of personal information except in the event of an actual emergency.

"Thus, I voted against the bill to help draw attention to such privacy issues."

HB 2268 (B-Engrossed) – Read third time. Carried by Krieger. On passage of the bill the vote was: Yeas, 44; Nays, 10 – Butler, Close, Garrard, Kitts, Kropf, Kruse, Richardson, Scott, Smith P., Smith T.; Absent, 2 – Flores, Wirth; Excused, 1 – Hunt; Excused for business of the House, 3 – Miller, Morgan, Patridge. Bill passed.

HB 2783 (B-Engrossed) – Read third time. Carried by Hansen. On passage of the bill the vote was: Yeas, 48; Nays, 9 – Close, Garrard, Kitts, Kropf, Krummel, Richardson, Scott, Smith P., Zauner; Absent, 1 – Flores; Excused, 1 – Hunt; Excused for business of the House, 1 – Miller. Bill passed.

HB 3231 (A-Engrossed) – Read third time. Carried by Hansen. On passage of the bill the vote was: Yeas, 53; Nays, 5 – Butler, Flores, Garrard, Kruse, Scott; Excused, 1 – Hunt; Excused for business of the House, 1 – Miller. Bill passed, having received the required three-fifths constitutional majority.

HB 2041 (B-Engrossed) – Read third time. Carried by Brown.

Dalto in Chair.

Call of the House demanded by Brown, joined by Backlund, Verger, Anderson, Barnhart and Jenson. All present except: Excused (not subject to Call), 1 – Hunt.

Speaker Pro Tempore in Chair.

HB 2041 (B-Engrossed) – On passage of the bill the vote was: Yeas, 48; Nays, 11 – Butler, Close, Doyle, Garrard, Gilman, Kruse, Miller, Nelson, Richardson, Smith T., Zauner; Excused, 1 – Hunt. Bill passed, having received the required three-fifths constitutional majority.

Kruse requested the following explanation of his vote be entered in the Journal:

"I voted no on HB 2041 not because of the construction schedule that is in the bill, but because of the way that construction is funded. At no point did the committee even make an attempt to explore bonding existing resources to do this construction, instead they immediately went to new revenues through increasing virtually every fee that ODOT has jurisdiction over. This is a tax increase under different terms. I would have supported this measure under a different funding structure and with significantly higher levels of accountability from ODOT."

Richardson requested the following explanation of his vote be entered in the Journal:

"House Bill 2041 provides a well-considered plan to repair Oregon's bridges while generating Oregon jobs. Unfortunately, it was passed without careful consideration of three consequences.

"First, the cost should not have been placed on the backs of Oregon's citizens. Oregon Department of Transportation has a \$2.1 billion budget. Of that \$2.1 billion budget, \$1.9 billion is available for road and bridge repair. With the vastness of ODOT's ever-increasing budget some or all of the costs for the bridge repairs should have been allocated to ODOT and not solely by raising vehicle registration fees. House Bill 2041 assumes the importance of needed bridge repair automatically justifies an 80% increase in the registration fee paid by every family on each of their cars and every fixed income widow who lives in her single-wide mobile home. If only 4% of ODOT's road and bridge funds could have been allocated to the projects proposed in HB 2041, the fee increases to Oregon citizens could have been cut in half.

"Second, without justification, this bill also increases by 50% the registration fees on all camp trailers, family fishing boats and R.V.'s. These fee increases do not go to repairing our bridges and highways, but will funnel \$22 million to Parks and Recreation over the next two biennia. Oregon's parks are important to all of us, but the Parks and Recreation department already receives more than \$130 million of lottery profits and other funds in the next two years. There was no justification given for raising \$22 million of increased recreational vehicle and vessel fees. Tax and fee increases come directly from the pocketbooks of the taxpayers and should not be passed merely because they are part of an otherwise important piece of legislation.

"Finally, House Bill 2041 contained a \$3 million direct subsidy to replace diesel engines in large commercial trucks. Although it might be appropriate to replace existing engines with more efficient ones, it is inappropriate, in my opinion, to divert tax dollars to do so. Tax dollars needed for education, public safety and human services should not be spent to subsidize one lucky industry at the expense of essential government services.

"I believe in the importance of repairing our roads and bridges, but not when the enabling legislation could have been amended to accomplish the desired results without 80% fee increases to the citizens, without 50% fee increases on RV.'s with no justification, and without bestowing special subsidies on a favored industry."

SB 5505, 5541 – Read second time and passed to third reading.

SB 267 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill remaining on today's Third Reading of Senate Bills carried over and placed in its proper order on Tuesday's, June 24, 2003 Calendar.

House adjourned until 10:30 a.m., Tuesday, June 24, 2003 on motion of Jenson.

#### **Tuesday, June 24, 2003 – Morning Session**

House convened at 10:30 a.m. Kruse in Chair. All present except: Excused, 2 – Hunt, Wirth; Excused for business of the House, 7 – Hopson, Johnson, Macpherson, March, Morgan, Patridge, Shetterly.

Opening Ceremony presented by Chaplain Frank Carpenter, Capitol Ministries, Hillsboro.

Doyle in Chair.

HB 5064 – Message from the Senate announcing President signed on June 20, 2003.

SB 297, 494, 620, HB 3346, 3508 – Message from the Senate announcing passage.

HB 2209, 2696 – Message from the Senate announcing passage as amended by the Senate.

SB 287 – Message from the Senate announcing concurrence in House amendments and repassage.

SB 516 – Message from the Senate announcing Senators Atkinson, Chair; and Metsger appointed Senate conferees.

HB 2221 – Message from the Senate announcing Senators Minnis and Burdick appointed Senate conferees.

HB 3093 – Message from the Senate announcing Senators Minnis and Ringo appointed Senate conferees.

HM 10 – Introduced, read and passed to Speaker's desk for referral.

HM 10 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HB 5020 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 2151 – Report by Committee on Ways and Means recommending passage.

HB 2341 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

HB 2644 (A-Engrossed) – Report by Committee on Ways and Means recommending passage with amendments and be printed B-Engrossed.

HB 3232 – Report by Committee on Ways and Means recommending passage.

HB 2049 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 45; Nays, 7 – Ackerman, Avakian, Barnhart, Beyer, Butler, Nelson, Tomei; Excused, 2 – Hunt, Wirth; Excused for business of the House, 6 – Hopson, Johnson, Macpherson, Morgan, Patridge, Shetterly. Bill repassed.

HB 2165 (B-Engrossed) – Kruse moved House concur in Senate amendments and repass bill as amended by the Senate.

Gallegos in Chair.

HB 2165 (B-Engrossed) – On repassage of the bill the vote was: Yeas, 50; Nays, 2 – Close, Nelson; Excused, 2 – Hunt, Wirth; Excused for business of the House, 6 – Hopson, Johnson, Macpherson, Morgan, Patridge, Shetterly. Bill repassed.

HB 2865 (B-Engrossed) – Williams moved House not concur in Senate amendments and a Conference Committee be appointed. Motion carried on viva voce vote. Conference Committee to be appointed.

HB 3330 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate.

Kruse in Chair.

HB 3330 (B-Engrossed) – On repassage of the bill the vote was: Yeas, 49; Nays, 1 – Close; Excused, 2 – Hunt, Wirth; Excused for business of the House, 8 – Doyle, Hopson, Macpherson, Morgan, Patridge, Scott, Shetterly, Speaker Minnis. Bill repassed.

HB 2652 – Read second time and passed to third reading.

SB 297, 494, 620 – Read first time and passed to Speaker's desk for referral.

SB 297, 494, 620 – Referred from Speaker's desk to the following committees: 297 – Judiciary; 620 – Rules and Public Affairs; 494 – Rules and Public Affairs with subsequent referral to Ways and Means.

SB 267 (A-Engrossed) – Read third time. Carried by Williams. On passage of the bill the vote was: Yeas, 47; Nays, 6 – Butler, Kropf, Krummel, Miller, Scott, Zauner; Excused, 2 – Hunt, Wirth; Excused for business of the House, 5 – Hopson, Macpherson, Morgan, Shetterly, Speaker Minnis. Bill passed.

SB 5505 (A-Engrossed) – Read third time. Carried by Westlund. On passage of the bill the vote was: Yeas, 44; Nays, 8 – Ackerman, Barnhart, Beyer, Mabrey, Prozanski, Richardson, Tomei, Zauner; Excused, 2 – Hunt, Wirth; Excused for business of the House, 6 – Hopson, Macpherson, Morgan, Patridge, Shetterly, Speaker Minnis. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted no on SB 5505, despite my support for the Commission on the Blind. I will not support budgets which spend General Funds until we know our funding plan for education, human services, and public safety. I oppose piecemeal budgeting."

Prozanski requested the following explanation of his vote be entered in the Journal:

"I support the work of this Commission, but I voted no on SB 5505-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that sets forth how it will pay for all general fund programs including public education, public safety and human services."

SB 5541 (A-Engrossed) – Read third time. Carried by Hansen. On passage of the bill the vote was: Yeas,

45; Nays, 7 – Close, Flores, Kropf, Nelson, Richardson, Scott, Zauner; Excused, 2 – Hunt, Wirth; Excused for business of the House, 6 – Hopson, Macpherson, Morgan, Patridge, Shetterly, Speaker Minnis. Bill passed.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

HB 5065 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 3644 – Report by Committee on Ways and Means recommending passage.

HB 5010, 5037, 2409, 3389, 3616 – Speaker signed.

House adjourned until 10:30 a.m., Wednesday, June 25, 2003 on motion of Jenson.

### **Wednesday, June 25, 2003 – Morning Session**

House convened at 10:30 a.m. Zauner in Chair. All present except: Excused, 4 – Hunt, Smith P., Westlund, Wirth; Excused for business of the House, 5 – Hass, Miller, Morgan, Patridge, Speaker Minnis.

Doyle in Chair.

Opening Ceremony presented by Representative Gordon Anderson, District 3, Grants Pass.

Courtesies of the House and floor were extended to Clayton Klein, former Representative from District 50.

HB 2986 – Message from the Governor announcing he filed with Secretary of State without signature on June 24, 2003.

HB 2034, 2074, 2113, 2118, 2138, 2174, 2197, 2247, 2344, 2380, 2381, 2455, 2490, 2521 – Message from the Governor announcing he signed on June 24, 2003.

HB 2606, 2647, 2688, 2694, 2754, 2763, 2887, 2945, 3048, 3094, 3184, 3245, 3349, 3371, 3372, 3376, 5007, 5032, 5033, 5043, 5053 – Message from the Governor announcing he signed on June 24, 2003.

HCR 10, HB 5001, 5005, 5006, 5017, 5025, 5047, 5054, 5055, 2066, 2208, 2256, 2275, 2276, 2342, 2425, 2575, 2682, 2727, 2733, 2736, 2756, 2933, 3250, 3296, 3351, 3370, 3422, SB 5537, 129, 228, 552, 564, 808, SJM 6, SJR 19 – Message from the Senate announcing President signed on June 24, 2003.

SB 356, HB 3130 – Message from the Senate announcing passage.

HB 3013, 3329, 3385 – Message from the Senate announcing passage as amended by the Senate.

HB 3154 – Report by Committee on Rules and Public Affairs recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 2209 (A-Engrossed) – Johnson moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 40; Nays, 11 – Barnhart, Dalto, Dingfelder, Greenlick, Mabrey, March, Merkley, Prozanski, Rosenbaum, Shetterly, Tomei; Excused, 4 – Hunt, Smith P., Westlund, Wirth; Excused for business of the House, 5 – Kruse, Miller, Morgan, Patridge, Speaker Minnis. Bill repassed.

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on HB 2209-A because the Senate amended the bill to include the ability to designate wolves as a ‘game mammal’ under ORS 496.004. I do not support such a designation.”

HB 2696 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 51; Excused, 4 – Hunt, Smith P., Westlund, Wirth; Excused for business of the House, 5 – Kruse, Miller, Morgan, Patridge, Speaker Minnis. Bill repassed.

HB 2151, 2341, 3232, 3644 – Read second time and passed to third reading.

House recessed for 15 minutes on motion of Kafoury.

House reconvened at 11:30 a.m. Kruse in Chair. All present except: Excused, 3 – Hunt, Smith P., Westlund; Excused for business of the House, 2 – Patridge, Speaker Minnis.

Having recessed under the order of business of Third Reading of House Bills, the House continued under that order of business.

HB 2652 (A-Engrossed) – Read third time. Carried by Shetterly.

HB 2652 – Hass moved bill be rereferred to Committee on Revenue.

Previous question moved by Kitts, carried.

Call of the House demanded by Knopp, joined by Morgan, Nelson, Hansen, Merkley and Dalto. All present except: Excused (not subject to Call), 3 – Hunt, Smith P., Westlund.

HB 2652 (A-Engrossed) – Motion to rerefer bill to Committee on Revenue failed, the vote being: Yeas, 24; Nays, 33 – Anderson, Backlund, Berger, Brown, Butler, Close, Dalto, Doyle, Farr, Flores, Gallegos, Garrard, Gilman, Jenson, Kitts, Knopp, Krieger, Kropf, Krummel, Kruse, Mabrey, Miller, Morgan,

Nelson, Patridge, Richardson, Scott, Shetterly, Smith G., Smith T., Williams, Zauner, Speaker Minnis; Excused, 3 – Hunt, Smith P., Westlund. Motion failed.

Dalto moved the previous question.

Call of the House demanded by Kropf, joined by Brown, Backlund, Zauner, Dalto and Anderson. All present except: Excused (not subject to Call), 3 – Hunt, Smith P., Westlund.

Motion to close debate carried, the vote being: Yeas, 32; Nays, 25 – Ackerman, Avakian, Barker, Barnhart, Bates, Beyer, Butler, Dingfelder, Greenlick, Hansen, Hass, Hopson, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Verger, Wirth; Excused, 3 – Hunt, Smith P., Westlund. Debate closed.

Call of the House demanded by Knopp, joined by Zauner, Backlund, Gallegos, Flores and Dalto. All present except: Excused (not subject to Call), 3 – Hunt, Smith P., Westlund.

Oral roll call vote demanded by Barnhart, joined by Avakian, March, Tomei, Dingfelder and Nolan.

HB 2652 (A-Engrossed) – On passage of the bill the vote was: Yeas, 35; Nays, 22 – Ackerman, Avakian, Barker, Barnhart, Bates, Dingfelder, Greenlick, Hansen, Hass, Johnson, Kafoury, Macpherson, March, Merkley, Miller, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Wirth; Excused, 3 – Hunt, Smith P., Westlund. Bill passed.

Ackerman requested the following explanation of his vote be entered in the Journal:

“I voted against House Bill 2652 because it is the continuation of another tax giveaway designed to profit a select special interest at the expense of working Oregon taxpayers and small businesses. This bill is the clearest example of corporate welfare and fiscal irresponsibility as I have seen come out of this legislature.

“I find the argument from supporters that this bill will create jobs to be flawed and unproven. This tax credit was in effect long before the current recession and it did absolutely nothing in preventing Oregon from attaining the highest unemployment rate in the nation. In fact, there is a provision in this bill that allows the Enron Corporation to continue to collect tax credits even though this corporation has eliminated the jobs of hundreds of its employees and gutted the pensions of thousands more!

“We had the chance to send this bill back to committee and simply fix it. Instead, we sent a clearly defective bill over to the Senate, thus ignoring our responsibility in the House to pass carefully crafted legislation. When it came time to discuss this bill on the floor, supporters quickly closed all debate.

“This bill is so bad that even the supporters refused to debate its merits.”

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted against HB 2652 because:

“We send a very flawed bill to the Senate. This bill continues tax giveaways to certain special interests at the expense of working

Oregon taxpayers and small businesses. It is a clear example of corporate welfare and demonstrates serious fiscal irresponsibility.

"The supporters of this bill claim it will create jobs. This is an unproven and hackneyed claim. The tax credit this bill intends to extend was in effect long before the current recession and was no deterrent to Oregon's current high unemployment rate. In reality, a provision in this bill allows Enron Corporation to continue to collect tax credits in spite of their having eliminated hundreds of jobs and reduced the pensions of thousands more employees.

"Having been denied the opportunity to return this bill to committee to be fixed, we chose instead to deliver the Senate a clearly flawed piece of legislation. Our responsibility to craft legislation through careful discussion of merits and arrive at consensus was not carried out. The time to debate this bill on the floor was cut short by its supporters. Were they afraid the public might hear the truth about this bill?"

Dalto requested the following explanation of his vote be entered in the Journal:

"I am writing to offer an explanation for my aye vote on HB 2652. I support the continued reduction of air, water and noise pollution in Oregon, and I believe that HB 2652 helps move us closer to these objectives while providing continued incentives for businesses to both relocate to and stay in Oregon.

"I support expanding the sunset date clause of the bill from December 31, 2007, to January 1, 2014, because I believe in order for us to sustain a long-term 'Clean Oregon,' we need to be proactive in our steps to reduce pollution. Extending this date and offering an increase in the credit percentage for the lower and higher tiers should accomplish these objectives. Secondly, with Oregon's current economic climate, including high unemployment rate, I believe it is important that we offer business incentives to help grow the economy.

"In closing, I believe HB 2652 offers a significant step toward our current legislative goals of protecting our natural resources while encouraging business activity and growth."

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

"I voted no on HB 2652-A because in these financially difficult times with Oregon's revenue losses eclipsing all previous years of shortfall, it is in the State's interest to hold the line on tax credits and loopholes.

"HB 2652-A would undercut the compromise reached last session by pushing the sunset from 2009 to 2014, eliminating the reduction on tax credits for items that only meet federal environmental requirements; and expanding the credit levels for qualifying items from 35% to 50%. This would increase the program's cost of \$40 million per biennium by \$1.7 million in the 05-07 biennium and \$12.7 million in the 07-09 biennium.

"I support parts of the bill that would help animal feeding operations and put in place renewable solar energy and bio diesel fuel credits, which would provide incentives for these businesses to expand but not at the overall detrimental revenue impact to the state."

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted against HB 2652-A because it is not necessary at this time. The current Pollution Control and Business Energy Tax Credit (PCBETC) law is not scheduled to sunset until December 31, 2007. The bill would extend it to January 1, 2014! Why? This decision is premature.

"Further, I see and smell pork for large companies such as Enron and PGE. Last year, Enron only paid \$10 in corporate income tax! It would have paid \$1.5 million, but PGE used the PCBETC to retain this money. HB 2652-A expands the application of this tax credit. Many of these new items are suspect at best when it comes to pollution reductions. Examples of these items include recycling bins, paper recycling carts, forklifts and straw storage bins. Do these items really reduce pollution or are they just capital expenditures for doing business?"

"Due to our current revenue shortfall which is over \$3 billion, I question the wisdom of expanding and extending this tax credit at this time.

"Lastly, the Republican majority used a parliamentary procedure to not allow any Democratic member to speak on the bill. There was absolutely no debate on the bill. This is wrong; just on the principle of good government and the democratic process, the bill should have been defeated."

SB 356 – Read first time and passed to Speaker's desk for referral.

HB 2652 – Beyer served notice of possible reconsideration.

HB 2221 – Speaker appointed Representatives Brown, Chair; Greenlick and Mabrey House conferees.

HB 2865 – Speaker appointed Representatives Williams, Chair; Anderson and Ackerman House conferees.

HB 3093 – Speaker appointed Representatives Doyle, Chair; Flores and Schaufler House conferees.

SB 516 – Speaker appointed Representatives Garrard, Ackerman and Richardson House conferees.

HB 5065, 3644 – By unanimous consent, on request of Chair, rules suspended to make bills Special Orders of Business immediately following the order of business of Special Committee Reports on Thursday's, June 26, 2003 Calendar.

In compliance with Oregon Constitution Article IV, Section 26, Merkley requested the following protest be entered in the Journal:

"I hereby protest an action of the House and ask that this protest be 'entered on the journal' in accordance with Article IV, Section 26, of the Oregon State Constitution.

"Fair and open debate on legislation is a fundamental aspect of deliberative democracy. On June 25th, however, the presiding officer of the Legislative Assembly precluded such debate on HB 2652.

"Specifically, the presiding officer, after allowing one member to speak in favor of the bill, precluded any members from speaking in opposition to the bill by entertaining a motion to call the previous question. This occurred when at least half a dozen opponents of the bill were in the queue seeking to be recognized.

"This action by the presiding officer may have been within the rules of the House. These rules allow the presiding officer to call on a member in the order the presiding officer chooses. The rules also allow a member to 'move the previous question' at any point in the debate.

***"The action, however, was clearly inconsistent with the purpose of the rules, which is to protect the process of orderly debate, not to block debate.*** Indeed, debate is a fundamental right and responsibility of members of the legislature and is at the core of deliberative democracy. Therefore, using rules to block debate disrespects the rights and responsibilities of members and undermines the institution of deliberative democracy.

"This understanding of the role of debate as a core feature of democracy is woven throughout the Mason's Manual of Legislative Procedure.

"Section 60, for example, lays out the right to debate as follows:

*Before the members of any group can reach intelligent decisions, it is necessary that they understand the subject upon which they are making a decision and the effect of any*

*decisions they are making. To accomplish these purposes, an opportunity is given for debate on all questions of business to be decided.*

*As an essential part of free discussion, every person must have a right to present that person's own view for the consideration of other members of the group, to have the opportunity to persuade them to that person's way of thinking and to be able to listen to the arguments of others.*

*As a necessary part of this free discussion, the rule is well established that, when authority is given to a group to make decisions, those decisions must be made at a meeting at which the matter can be discussed.*

"Indeed, debate is so central to the functioning of democracy that a substantial portion of Mason's (Part II, 'Debate') is devoted to discussing the topic. That section begins as follows:

*The purpose of legislative bodies is to reach their best joint judgment on the questions presented to them for decision. The decision is the decision of the group, not of the individual members. To reach the joint judgment of the body, the exchange of thought and the reasons of the members are essential. That exchange of thought is through debate. Every member has the right to present his thoughts and opinions and to argue and attempt to convince the other members of the group. Debate is one of the most fundamental characteristics of a legislative body.*

"Mason's goes on to note (Chapter 10, Section 90) that the right to debate is so fundamental that the majority should not be allowed to take away the right of debate from the minority:

*It is a fundamental rule of parliamentary practice governing all deliberative assemblies that the opportunity to deliberate--and, if possible convince their fellows--is the right of the minority, which right they cannot be deprived of by the arbitrary will of the majority.*

"Finally, Mason's warns about the misuse of rules and dedicates a paragraph to the topic of 'Equality of Members in Debate' (Section 120). This section comments:

*Every member has the same right as any other member to present questions for the consideration of the house and has the same right to be heard. Members must not be permitted by their conduct to deny to others that which they may claim for themselves. It is the duty of all members to conduct themselves so as not to obstruct the like rights of other members. Freedom of speech involves obedience to all the rules of the debate.*

"Certainly the right to debate must be balanced by the exigencies of time. We have, like all legislative bodies, rules and practices to balance debate and time. Some bodies allocate a specific amount of time and a floor manager to allocate that time between opposing sides of an issue. In Oregon we have not adopted that practice but we have, upon occasion, agreed to limit debate to a certain number of speakers on each side. This is an appropriate strategy that honors debate and the limitations of time. We also entertain the motion to close debate by calling the previous question. This motion has a long history as an instrument to contain the length of a debate within reasonable bounds. When this motion is used to preclude minority viewpoints from being presented, however, it is a flagrant misuse of the rule.

"There are times when the enthusiasms of the moment lead us to neglect or trample the principles of deliberative democracy that lie at the heart of the great institution to which we have each been elected. The decision to preclude debate on HB 2652 was such a moment. I ask my colleagues of both parties to work together to protect the deliberative democracy we cherish as we address the profound issues before us."

HB 2652 (A-Engrossed) – By unanimous consent, on request of Kafoury, rules suspended to permit Farr to change his vote from "aye" to "nay" on passage of bill.

Krummel moved House adjourn until 10:30 a.m., Thursday, June 26, 2003.

Call of the House demanded by Greenlick, joined by Macpherson, Barker, Schaufler, Hansen and Nolan. All present except: Absent (subject to Call), 16 – Anderson, Brown, Close, Dalto, Doyle, Garrard, Hopson, Krieger, Kropf, Richardson, Scott, Smith G., Smith T., Tomei, Verger, Zauner; Excused (not subject to Call), 3 – Hunt, Smith P., Westlund; Excused for business of the House (subject to Call), 4 – Knopp, Miller, Morgan, Speaker Minnis.

By unanimous consent, on request of Greenlick, rules suspended to dispense with further proceedings under the Call of the House.

Motion to adjourn carried on viva voce vote.

House adjourned until 10:30 a.m., Thursday, June 26, 2003 on motion of Krummel.

#### Thursday, June 26, 2003 – Morning Session

House convened at 10:30 a.m. Doyle in Chair. All present except: Absent, 5 – Kropf, March, Nelson, Smith G., Wirth; Excused, 1 – Hunt; Excused for business of the House, 3 – Johnson, Kafoury, Patridge.

Speaker Pro Tempore in Chair.

Opening Ceremony presented by Pastor Dave Shimeall, Judson Baptist Church, Salem.

HB 2086 – Message from the Governor announcing he signed on June 25, 2003.

HB 3051 – Message from the Senate announcing passage.

SB 886 – Message from the Senate announcing concurrence in House amendments and repassage.

HB 2511 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

HB 2742 – Report by Committee on Health and Human Services recommending passage with amendments and be printed A-Engrossed. Bill referred to Committee on Ways and Means by prior reference.

SB 5508 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 5518 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 5529 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 5531 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.



SB 5546 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 12 – Report by Committee on Ways and Means recommending passage.

House recessed for 10 minutes on motion of Knopp.

House reconvened at 11:05 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 1 – Hunt; Excused for business of the House, 15 – Backlund, Barker, Bates, Doyle, Hass, Kafoury, Kruse, March, Morgan, Nolan, Rosenbaum, Smith G., Tomei, Verger, Speaker Minnis.

Having recessed under the order of business of Special Committee Reports, the House proceeded to the order of business of Special Orders of Business.

HB 5065 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit second and third reading and final consideration immediately.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 5065 – Read second time and passed to third reading.

HB 5065 (A-Engrossed) – Read third time as a Special Order of Business. Carried by Butler.

Call of the House demanded by Greenlick, joined by Williams, Brown, Gallegos, Barnhart and Berger. All present except: Excused (not subject to Call), 1 – Hunt.

HB 5065 (A-Engrossed) – On passage of the bill the vote was: Yeas, 58; Nays, 1 – Nelson; Excused, 1 – Hunt. Bill passed.

HB 3644 – Read third time as a Special Order of Business. Carried by Miller. On passage of the bill the vote was: Yeas, 59; Excused, 1 – Hunt. Bill passed.

HB 3329 (C-Engrossed) – Williams moved House not concur in Senate amendments and a Conference Committee be appointed. Motion carried on viva voce vote. Conference Committee to be appointed.

HB 3385 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 51; Excused, 1 – Hunt; Excused for business of the House, 8 – Backlund, Barker, Doyle, Kafoury, Nolan, Rosenbaum, Tomei, Speaker Minnis. Bill repassed.

HB 5020, 2644 – Read second time and passed to third reading.

HB 2151 – Read third time. Carried by Bates. On passage of the bill the vote was: Yeas, 53; Excused, 1 – Hunt; Excused for business of the House, 6 – Backlund, Barker, Kafoury, Nolan, Rosenbaum, Tomei. Bill passed.

HB 2341 (A-Engrossed) – Read third time. Carried by Garrard.

By unanimous consent, on request of Garrard, rules suspended to permit use of visual aid during presentation of bill.

HB 2341 (A-Engrossed) – On passage of the bill the vote was: Yeas, 59; Excused, 1 – Hunt. Bill passed.

HB 3232 – Read third time. Carried by Krieger. On passage of the bill the vote was: Yeas, 58; Excused, 1 – Hunt; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

SB 356 – Referred from Speaker's desk to the following committee: Judiciary.

Speaker announced the following sine die preparations:

The House Committee on Environment and Land Use is reopened for a 10:00 a.m. meeting on Friday, June 27, 2003.

HB 5024, 5026, 2043, 2235, 2325, 2581, 2811, SB 5537, 129, 228, 552, 564, 808, SJM 6, SJR 19 – Speaker signed.

House adjourned until 8:30 a.m., Friday, June 27, 2003 on motion of Jenson.

#### **Friday, June 27, 2003 – Morning Session**

House convened at 8:30 a.m. Speaker Pro Tempore in Chair. All present except: Absent, 2 – Rosenbaum, Wirth; Excused, 5 – Barnhart, Hunt, Monnes Anderson, Westlund, Speaker Minnis.

Opening Ceremony presented by Jim Jenson, Ontario.

HB 5010, 5037, 2409, 3389, 3616, SB 5542, 189, 287, 880 – Message from the Senate announcing President signed on June 25, 2003.

SB 5505, 5541 – Message from the Senate announcing President signed on June 26, 2003.

SB 666, 854, HB 5011, 5019, 5035, 5059, 5062 – Message from the Senate announcing passage.

HB 2299 – Message from the Senate announcing passage as amended by the Senate.

SB 391 – Message from the Senate announcing concurrence in House amendments and repassage.

HB 2865 – Message from the Senate announcing Senators Minnis and Burdick appointed Senate conferees.

HB 3515 – Report by Committee on Health and Human Services recommending passage with amendments, be printed A-Engrossed, and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 3154 – Read second time and passed to third reading.

HB 5020 (A-Engrossed) – Read third time. Carried by Morgan.

Call of the House demanded by Morgan, joined by Flores, Brown, Kitts, Hansen and Berger. All present except: Absent (not subject to Call), 2 – Rosenbaum, Wirth; Excused (not subject to Call), 5 – Barnhart, Hunt, Monnes Anderson, Westlund, Speaker Minnis.

HB 5020 (A-Engrossed) – On passage of the bill the vote was: Yeas, 39; Nays, 14 – Ackerman, Butler, Dingfelder, Gilman, Greenlick, Hass, Kafoury, March, Merkley, Nelson, Nolan, Prozanski, Tomei, Zauner; Absent, 2 – Rosenbaum, Wirth; Excused, 5 – Barnhart, Hunt, Monnes Anderson, Westlund, Speaker Minnis. Bill passed.

Dingfelder requested the following explanation of her vote be entered in the Journal:

“I voted no on House Bill 5020, the budget bill for the Oregon Department of Fish and Wildlife, because it includes a Measure 66 backfill provision that I feel causes considerable concern. I did not vote against the measure for the fee increases included in the bill.

“The Fall Creek Hatchery provision of the bill has never been reviewed by the appropriate committee with the experience and expertise to evaluate this proposal. Measure 66, and as a result the Oregon Constitution, directs OWEB to review proposals on their merits to determine suitability for funding with restoration dollars. This legislation circumvents this constitutional requirement – the project should be reviewed by OWEB through their normal process prior to any funding decision concerning Fall Creek.

“This provision was never heard by the appropriate policy committee prior to referral to Ways and Means. The public has never had the opportunity to provide comment, which is unprecedented in our legislative system. Indeed, at public hearings regarding HB 5020, ODFW represented to the Ways and Means Committee that no state funding would be used to construct this facility. No public discussion of funding this facility with Measure 66 funds ever occurred in committee and this is reflected by the record.

“There is no plan for future research and no goals have been established. As such, the proposal amounts to a ship sailing at sea with no course charted and no destination in mind. Furthermore, funding sources for actual projects have not been identified although it is clear that diverting constitutionally dedicated Measure 66 funds for capital construction projects and ‘backfilling’ agency budgets will leave little if any OWEB funds available for this purpose. Ultimately, the value of the Oregon Plan along with our recovery efforts will be significantly diminished due to a severe lack of funding.”

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on HB 5020-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that sets forth how it will pay for all general fund programs including public education, public safety and human services.”

HB 2644 (B-Engrossed) – Read third time. Carried by Krieger. On passage of the bill the vote was: Yeas, 53; Absent, 2 – Rosenbaum, Wirth; Excused, 5 – Barnhart, Hunt, Monnes Anderson, Westlund, Speaker Minnis. Bill passed.

SB 666, 854 – Read first time and passed to Speaker’s desk for referral.

SB 666, 854 – Referred from Speaker’s desk to the following committee: Rules and Public Affairs.

SB 5508, 5518, 5529, 5531, 5546, 12 – Read second time and passed to third reading.

SB 5505, 5541, 5542, 189, 287, 880 – Speaker signed.

House adjourned until 10:30 a.m., Monday, June 30, 2003 on motion of Jenson.

#### **Monday, June 30, 2003 – Morning Session**

House convened at 10:30 a.m. Speaker Pro Tempore in Chair. All present except: Absent, 1 – Wirth; Excused, 4 – Brown, Hunt, Patridge, Smith T.; Excused for business of the House, 1 – Speaker Minnis.

Moment of silence observed.

HB 2811, 2581, 2325, 2235, 2043, 5026, 5024 – Message from the Senate announcing President signed on June 27, 2003.

HB 2254, 3177, 3344, 5040, 5065, 3644, 2193, 2153, 2522 – Message from the Senate announcing passage.

HB 2279, 2594, 2217, 2166, 2770, 3431, 2110, 2646, 3338 – Message from the Senate announcing passage as amended by the Senate.

HB 2759 – Report by Committee on Judiciary recommending passage with amendments, be printed A-Engrossed, and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

SB 272 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed B-Engrossed.

HB 2299 (C-Engrossed) – Smith P. moved House not concur in Senate amendments and a Conference Committee be appointed. Motion carried on viva voce vote. Conference Committee to be appointed.

HB 3645 – Read first time and passed to Speaker's desk for referral.

HB 3645 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HB 3154 (A-Engrossed) – Read third time. Carried by Doyle. On passage of the bill the vote was: Yeas, 55; Absent, 1 – Wirth; Excused, 4 – Brown, Hunt, Patridge, Smith T. Bill passed.

SB 5508 (A-Engrossed) – Read third time. Carried by Morgan.

By unanimous consent, on request of Krieger, rules suspended to permit use of visual aid during debate of bill.

Call of the House demanded by Morgan, joined by Gilman, Nolan, Kitts, Mabrey and Gallegos. All present except: Excused (not subject to Call), 4 – Brown, Hunt, Patridge, Smith T.

SB 5508 (A-Engrossed) – On passage of the bill the vote was: Yeas, 32; Nays, 24 – Ackerman, Anderson, Backlund, Barnhart, Butler, Close, Dalto, Farr, Flores, Garrard, Gilman, Kitts, Krieger, Kropf, Krummel, Kruse, Nelson, Prozanski, Richardson, Schaufler, Scott, Smith G., Verger, Zauner; Excused, 4 – Brown, Hunt, Patridge, Smith T. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted no on SB 5508 despite my support for the Columbia River Gorge Commission. I will not support budgets which spend General Funds until we know our funding plan for education, human services, and public safety. I oppose piecemeal budgeting."

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted no on SB 5508-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that sets forth how it will pay for all general fund programs including public education, public safety and human services."

SB 903, HB 3642 – Message from the Senate announcing passage.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily return to the order of business of First Reading of Senate Bills.

SB 903 – Read first time and passed to Speaker's desk for referral.

SB 903 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

Courtesies of the House and floor were extended to Bill Dwyer, former Representative from District 42.

SB 5518 (A-Engrossed) – Read third time. Carried by Hansen.

Doyle in Chair.

SB 5518 (A-Engrossed) – On passage of the bill the vote was: Yeas, 41; Nays, 15 – Barnhart, Beyer, Close, Flores, Garrard, Kitts, Kropf, Kruse, Monnes Anderson, Nelson, Prozanski, Richardson, Scott, Tomei, Zauner; Excused, 4 – Brown, Hunt, Patridge, Smith T. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted no on SB 5518 despite my support for the Oregon Employment Department. I will not support budgets which spend General Funds until we know our funding plan for education, human services, and public safety. I oppose piecemeal budgeting."

Mannes Anderson requested the following explanation of her vote be entered in the Journal:

"I voted no on SB 5518-A because we do not yet have a plan for funding public education, public safety, and human services."

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted no on SB 5518-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that sets forth how it will pay for all general fund programs including public education, public safety and human services."

SB 5529, 5531, 5546, 12 – By unanimous consent, on request of Chair, rules suspended and bills remaining on today's Third Reading of Senate Bills carried over and placed in their proper order on Tuesday's, July 1, 2003 Calendar.

HB 5011, 5019, 5035, 5059, 5062, 5065, 3644 – Speaker signed.

HB 3642 – Speaker signed.

HB 2049, 2120, 2165, 2251, 2304, 2422, 2671, 3130, 3259, 3330, 3346, 3476, 3508, 3548 – Speaker signed.

House adjourned until 10:30 a.m., Tuesday, July 1, 2003 on motion of Jenson.

#### **Tuesday, July 1, 2003 – Morning Session**

House convened at 10:30 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 2 – Brown, Hunt.

Opening Ceremony presented by Representative Tom Butler, District 60, Ontario.

HB 5024, 5001, 5005, 5006, 5010, 5017, 5025, 5026, 5037, 5047, 5054, 5055, 5011, 5019, 5035, 5059, 5065, 3642, 3644 – Message from the Governor announcing he signed on June 30, 2003.

HB 5062 – Message from the Governor announcing he signed on June 30, 2003.

HB 3644, 5065 – Message from the Senate announcing President signed on June 30, 2003.

HB 5011, 5019, 5035, 5059, 5062 – Message from the Senate announcing President signed on June 30, 2003.

HB 2828, 2987, 3010 – Message from the Senate announcing passage as amended by the Senate.

SB 820 (B-Engrossed) – Report by Committee on Judiciary recommending passage with amendments and be printed C-Engrossed.

HB 2388 (B-Engrossed) – Report by Conference Committee, signed by Representatives Beyer, Brown and Mabrey and Senators Metsger and Starr B., recommending that the House concur in the Senate amendments dated June 2, 2003 and that the bill be further amended and repassed.

HB 2110 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 57; Absent, 1 – Wirth; Excused, 2 – Brown, Hunt. Bill repassed.

HB 2279 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 58; Excused, 2 – Brown, Hunt. Bill repassed.

Courtesies of the House and floor were granted to Delna Jones, former Representative from District 6.

HB 2166 (C-Engrossed) – Close moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 58; Excused, 2 – Brown, Hunt. Bill repassed.

HB 2646 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 57; Absent, 1 – Krummel; Excused, 2 – Brown, Hunt. Bill repassed.

HB 2770 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 57; Excused, 2 – Brown, Hunt; Excused for business of the House, 1 – Speaker Minnis. Bill repassed.

HB 3013 (A-Engrossed) – Garrard moved House not concur in Senate amendments and a Conference Committee be appointed. Motion carried on viva voce vote. Conference Committee to be appointed.

HB 3338 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 57; Excused, 2 – Brown, Hunt; Excused for business of the House, 1 – Speaker Minnis. Bill repassed.

HB 3431 (B-Engrossed) – Kruse moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 57; Excused, 2 – Brown, Hunt; Excused for business of the House, 1 – Speaker Minnis. Bill repassed.

HB 2594 (A-Engrossed) – Williams moved House not concur in Senate amendments and a Conference Committee be appointed. Motion carried on viva voce vote. Conference Committee to be appointed.

SB 5529 (A-Engrossed) – Read third time. Carried by Smith T. On passage of the bill the vote was: Yeas, 46; Nays, 11 – Ackerman, Barnhart, Close, Kitts, Kropf, March, Nelson, Prozanski, Richardson, Tomei, Zauner; Excused, 2 – Brown, Hunt; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted no on SB 5529 despite my support for the State Library.

“This vote is particularly difficult for me because I agree with the need for the budget and Florence Barnhart will be most upset.

“However, we must not pass this or other general fund budgets until we have an overall plan to fund public education, public safety and human services. It is irresponsible to pass general fund budgets in such a piecemeal fashion without an overall plan.”

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on SB 5529-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that sets forth how it will pay for all general fund programs including public education, public safety and human services.”

SB 5531 (A-Engrossed) – Read third time. Carried by Smith G. On passage of the bill the vote was: Yeas, 54; Nays, 4 – Barnhart, Prozanski, Tomei, Zauner; Excused, 2 – Brown, Hunt. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted no on SB 5531 despite my support for the Long Term Care Ombudsman.

“We must not pass this or other general fund budgets until we have an overall plan to fund public education, public safety and human services. It is irresponsible to pass general fund budgets in such a piecemeal fashion without an overall plan.”

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on SB 5531-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that sets forth how it will pay for all general fund programs including public education, public safety and human services.”

SB 5546 (A-Engrossed) – Read third time. Carried by Krieger. On passage of the bill the vote was: Yeas, 44; Nays, 13 – Anderson, Barnhart, Garrard, Greenlick, Kropf, Kruse, Monnes Anderson, Nelson,

Prozanski, Richardson, Tomei, Verger, Zauner; Excused, 3 – Brown, Hunt, Scott. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted no on SB 5546 despite my support for the Water Resources Department.

“We must not pass this or other general fund budgets until we have an overall plan to fund public education, public safety and human services. It is irresponsible to pass general fund budgets in such a piecemeal fashion without an overall plan.”

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

“I voted no on SB 5546-A because we do not yet have a plan for funding public education, public safety, and human services.”

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on SB 5546-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that sets forth how it will pay for all general fund programs including public education, public safety and human services.”

SB 12 – Read third time. Carried by Smith T. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Brown, Hunt, Scott. Bill passed.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

SB 903 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage.

SB 903 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to make bill a Special Order of Business immediately following the order of business of Special Committee Reports on Wednesday's, July 2, 2003 Calendar.

Courtesies of the House and floor were extended to Bill Markham, former Representative from District 46.

HB 2209, 2696, 3051, 3385 – Speaker signed.

House adjourned until 10:30 a.m., Wednesday, July 2, 2003 on motion of Jenson.

### **Wednesday, July 2, 2003 – Morning Session**

House convened at 10:30 a.m. Gallegos in Chair. All present except: Absent, 1 – Kropf; Excused, 2 – Close, Westlund; Excused for business of the House, 3 – Bates, Kruse, Patridge.

Speaker Pro Tempore in Chair.

Moment of silence observed.

HB 2066, 2208, 2256, 2275, 2276, 2342, 2425, 2575, 2682, 2727, 2733, 2736, 2756, 2933, 3250, 3351, 3370, 3422 – Message from the Governor announcing he signed on July 1, 2003.

SB 391, 886, HB 2049, 2120, 2165, 2251, 2304, 2422, 2671, 3130, 3259, 3330, 3346, 3476, 3508, 3548 – Message from the Senate announcing President signed on July 1, 2003.

HB 2089 – Message from the Senate announcing passage.

HB 2246 – Message from the Senate announcing passage as amended by the Senate.

HB 2299 – Message from the Senate announcing Senators Deckert and Starr B. appointed Senate conferees.

HB 3642 – Message from the Senate announcing President signed on June 30, 2003.

HB 2458 – Report by Committee on Environment and Land Use recommending passage with amendments and be printed A-Engrossed.

SB 610 (A-Engrossed) – Report by Committee on Judiciary recommending passage with amendments and be printed B-Engrossed.

SB 617 (A-Engrossed) – Report by Committee on Judiciary recommending passage with amendments and be printed B-Engrossed.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of Second Reading of Senate Bills.

SB 903 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit second reading immediately.

SB 903 – Read second time and passed to third reading.

SB 903 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit third reading and final consideration immediately.

SB 903 (A-Engrossed) – Read third time as a Special Order of Business. Carried by Doyle. On passage of the bill the vote was: Yeas, 54; Absent, 1 – Kropf; Excused, 2 – Close, Westlund; Excused for business of the House, 3 – Bates, Kruse, Patridge. Bill passed.

HB 2217 (B-Engrossed) – Brown moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 50; Nays, 3 – Gilman, Nelson, Smith G.; Absent, 1 – Kropf; Excused, 2 – Close, Westlund; Excused for business of the House, 4 – Bates, Kruse, Miller, Patridge. Bill repassed.

SB 272 – Read second time and passed to third reading.

HB 2299 – Speaker appointed Representatives Smith P., Chair; Shetterly and Verger House conferees.

House adjourned until 8:30 a.m., Thursday, July 3, 2003 on motion of Jenson.

**Thursday, July 3, 2003 – Morning Session**

House convened at 8:30 a.m. Speaker in Chair. All present except: Absent, 3 – Flores, Kropf, Wirth; Excused, 2 – Close, Westlund; Excused for business of the House, 3 – Bates, Morgan, Smith T.

Speaker Pro Tempore in Chair.

Opening Ceremony presented by Representative Jeff Kruse, District 7, Roseburg.

SB 903 – Message from the Senate announcing President signed on July 3, 2003.

SB 655, 763 – Message from the Senate announcing passage.

HB 5048 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 5058 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 2259 – Report by Committee on Ways and Means recommending passage.

HB 2260 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HM 10 – Report by Committee on Rules and Public Affairs recommending adoption.

SB 752 (A-Engrossed) – Report by Committee on Judiciary recommending passage with amendments and be printed B-Engrossed.

SB 752 (A-Engrossed) – Report by Minority of Committee on Judiciary, signed by Barker and Macpherson, recommending passage with amendments and be printed B-Engrossed.

HB 2246 (B-Engrossed) – Krummel moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 52; Absent, 3 – Flores, Kropf, Wirth; Excused, 2 – Close, Westlund; Excused for business of the House, 3 – Bates, Morgan, Smith T. Bill repassed.

HB 2987 (B-Engrossed) – Kruse moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 52; Absent, 3 – Flores, Kropf, Wirth; Excused, 2 – Close, Westlund; Excused for business of the House, 3 – Bates, Morgan, Smith T. Bill repassed.

HB 2388 (B-Engrossed) – Beyer moved Conference Committee Report be adopted. Motion carried on viva voce vote. Conference Committee Report adopted.

HB 2388 (B-Engrossed) – Beyer moved bill be repassed. On repassage of the bill the vote was: Yeas, 54; Absent, 2 – Flores, Wirth; Excused, 1 – Close; Excused for business of the House, 3 – Bates, Morgan, Smith T. Bill repassed.

HB 3646 – Read first time and passed to Speaker's desk for referral.

HB 3646 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

SB 655, 763 – Read first time and passed to Speaker's desk for referral.

SB 655, 763 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

SB 272 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill remaining on today's Third Reading of Senate Bills carried over and placed in its proper order on Monday's, July 7, 2003 Calendar.

Speaker appointed members to the following committee:

RULES AND PUBLIC AFFAIRS – Smith P. appointed. Close discharged. For July 2, 2003 only.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

House Rule 8.01 – Report by Committee on Rules and Public Affairs recommending adoption.

SB 903 – Speaker signed.

House adjourned until 10:30 a.m., Monday, July 7, 2003 on motion of Jenson.

**Monday, July 7, 2003 – Morning Session**

House convened at 10:30 a.m. Smith T. in Chair. All present except: Absent, 1 – Wirth; Excused, 1 – Garrard; Excused for business of the House, 6 – Doyle, Miller, Morgan, Patridge, Westlund, Speaker Minnis.

Speaker Pro Tempore in Chair.

Opening Ceremony presented by Representative Dave Hunt, District 40, Oak Grove.

HB 2409, 3389, 3616, 2043 – Message from the Governor announcing he signed on July 3, 2003.

HB 2235, 2325, 2581, 2811 – Message from the Governor announcing he signed on July 3, 2003.

HB 3120, 3304 – Message from the Senate announcing passage as amended by the Senate.

HB 3013 – Message from the Senate announcing Senators Shields and Morse appointed Senate conferees.

HB 3329 – Message from the Senate announcing Senators Minnis and Burdick appointed Senate conferees.

HB 2594 – Message from the Senate announcing Senators Minnis and Walker appointed Senate conferees.

HB 3051, 2696, 2209, 3385 – Message from the Senate announcing President signed on July 3, 2003.

SB 59 (A-Engrossed) – Report by Committee on Judiciary recommending passage with amendments and be printed B-Engrossed.

SB 708 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage with amendments, be printed B-Engrossed, and be placed on the Consent Calendar.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of First Reading of House Bills.

HB 3647 – Read first time and passed to Speaker's desk for referral.

HB 3647 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of Third Reading of Senate Bills.

SB 820 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit reading and final consideration immediately.

SB 820 (C-Engrossed) – Read. Williams moved bill be rereferred to Committee on Judiciary. Motion carried on viva voce vote. Bill rereferred.

House recessed until 3:00 p.m. on motion of Jenson.

#### **Monday, July 7, 2003 – Afternoon Session**

House reconvened at 3:00 p.m. Speaker Pro Tempore in Chair. All present except: Excused, 3 – Bates, Nolan, Westlund.

Having recessed under the order of business of Propositions and Motions, the House continued under that order of business.

HB 2828 (B-Engrossed) – Kruse moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the

vote was: Yeas, 51; Absent, 6 – Beyer, Gilman, Kropf, Krummel, Merkley, Wirth; Excused, 3 – Bates, Nolan, Westlund. Bill repassed.

House Rule 8.01 – Doyle moved adoption of proposed amendment.

Call of the House demanded by Doyle, joined by Backlund, Zauner, Morgan, Smith T. and Flores. All present except: Excused (not subject to Call), 3 – Bates, Nolan, Westlund.

House Rule 8.01 – Motion to adopt proposed amendment carried, the vote being: Yeas, 34; Nays, 23 – Ackerman, Avakian, Barker, Barnhart, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Prozanski, Rosenbaum, Schaufler, Tomei, Verger, Wirth; Excused, 3 – Bates, Nolan, Westlund. Amendment adopted.

Ackerman requested the following explanation of his vote be entered in the Journal:

"I voted against House Rule 8.01 because I believe that it is a poor attempt to circumvent the budget process and an even poorer attempt to stifle discussion and debate. This rule, if enacted, will add three to six weeks to the session, resulting in the longest running legislative session in modern Oregon history.

"I will not support this attempt at legislative gridlock."

HB 2259, 2458 – Read second time and passed to third reading.

HM 10 – Read. Carried by Smith G. On adoption of the memorial the vote was: Yeas, 55; Nays, 1 – Prozanski; Absent, 1 – March; Excused, 3 – Bates, Nolan, Westlund. Memorial adopted.

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted no on HM 10 because the memorial is not necessary and is a waste of taxpayers' money.

"The proponents should have sent a letter to the President of the United States and the U.S. Congress. It would have the same amount of influence as the memorial at a fraction of the cost.

"It is estimated that each legislative concept costs approximately \$1,000 to be drafted by Legislative Counsel. Further, that cost does not include procedural expenses as the bill moves from the committee to the floor.

"We should stop sending meaningless memorials to Congress and focus on Oregon's current economic crisis. Schools are closing early, courts are not open on Fridays and some seniors are not receiving health services.

"We should be working to ensure that vital services and programs are available to Oregonians!"

SB 610, 617 – Read second time and passed to third reading.

SB 272 (B-Engrossed) – Read third time. Carried by Close.

Call of the House demanded by Close, joined by Nelson, Gilman, Brown, Doyle and Backlund. All present except: Excused (not subject to Call), 3 – Bates, Nolan, Westlund.

SB 272 (B-Engrossed) – On passage of the bill the vote was: Yeas, 32; Nays, 25 – Ackerman, Avakian, Barker, Barnhart, Beyer, Dingfelder, Farr, Greenlick, Hansen, Hass, Hopson, Hunt, Jenson, Johnson, Kafoury, Macpherson, March, Merkley, Prozanski, Rosenbaum, Schaufler, Shetterly, Tomei, Verger, Wirth; Excused, 3 – Bates, Nolan, Westlund. Bill passed.

Ackerman requested the following explanation of his vote be entered in the Journal:

“Senate Bill 272 is an attempt to further erode public education in Oregon.

“This bill would allow groups of privately-educated home schooled children to become eligible for public funding, as well as allow small school districts to charter all but one of their schools. Because it costs less to educate elementary school-age students than it does high-school students, and because reimbursement for charter school students is based upon the statewide average, the result of this legislation will be the siphoning off of public funds away from schools that need it and create a windfall to those who don’t.

“I believe that this bill only furthers the goals of those who are working to see that education become a private, for-profit institution.”

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted against SB 272-B because the second part of the bill establishes a bad public policy. To allow charter schools to be established with less than 25 students will create a school voucher system.

“I oppose voucher programs because they drain resources from public education. I hope the Senate will not concur and strip this portion out of the bill; if not, hopefully the Governor will veto the entire bill.”

HB 2594 – Speaker appointed Representatives Williams, Chair; Ackerman and Krummel House conferees.

HB 3013 – Speaker appointed Representatives Garrard, Chair; Morgan and Schaufler House conferees.

Speaker announced the following sine die preparations:

The House Committee on Judiciary is closed effective at close of business today, July 7, 2003.

House adjourned until 10:30 a.m., Tuesday, July 8, 2003 on motion of Jenson.

### **Tuesday, July 8, 2003 – Morning Session**

House convened at 10:30 a.m. Kruse in Chair. All present except: Excused for business of the House, 10 – Barnhart, Berger, Hass, Hopson, Miller, Patridge, Scott, Shetterly, Verger, Williams.

Opening Ceremony presented by Representative Vic Backlund, District 25, Keizer.

SB 501, 500, HB 5039, 2244, 2268 – Message from the Senate announcing passage.

HB 2020, 3020 – Message from the Senate announcing passage as amended by the Senate.

HB 2388 – Message from the Senate announcing adoption of Conference Committee Report and repassage.

SB 854 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage.

HB 3010 (A-Engrossed) – Close moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 43; Nays, 5 – Flores, Hunt, Macpherson, March, Nolan; Absent, 3 – Dalto, Nelson, Wirth; Excused for business of the House, 9 – Barnhart, Berger, Hass, Hopson, Miller, Patridge, Shetterly, Verger, Williams. Bill repassed.

HB 3120 (B-Engrossed) – Garrard moved House not concur in Senate amendments and a Conference Committee be appointed. Motion carried on viva voce vote. Conference Committee to be appointed.

HB 3304 (B-Engrossed) – Doyle moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 53; Nays, 3 – Monnes Anderson, Prozanski, Wirth; Excused for business of the House, 4 – Hopson, Kafoury, Williams, Speaker Minnis. Bill repassed.

HB 5048, 5058, 2260 – Read second time and passed to third reading.

HB 2259 – Read third time. Carried by Krieger. On passage of the bill the vote was: Yeas, 55; Nays, 3 – Butler, Close, Nelson; Excused for business of the House, 2 – Kafoury, Speaker Minnis. Bill passed.

HB 2458 (A-Engrossed) – Read third time. Carried by Jenson.

Call of the House demanded by Jenson, joined by Anderson, Gallegos, Nelson, Backlund and Smith T. All present.

HB 2458 (A-Engrossed) – On passage of the bill the vote was: Yeas, 38; Nays, 22 – Ackerman, Avakian, Barker, Barnhart, Bates, Dingfelder, Farr, Greenlick, Hansen, Hass, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Shetterly, Tomei, Wirth. Bill passed.

SB 500, 501 – Read first time and passed to Speaker’s desk for referral.

SB 752 – Read second time and passed to third reading.

SB 610 (B-Engrossed) – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 56; Nays, 3 – Butler, Verger, Zauner; Absent, 1 – Doyle. Bill passed.



SB 617 (B-Engrossed) – Read third time. Carried by Barker. On passage of the bill the vote was: Yeas, 49; Nays, 11 – Barnhart, Farr, Gallegos, Garrard, Greenlick, March, Shetterly, Tomei, Verger, Westlund, Wirth. Bill passed.

Speaker announced the following changes in committee membership:

SPECIAL COMMITTEE ON BUDGET – Bates, Butler, Johnson discharged.

House adjourned until 10:30 a.m., Wednesday, July 9, 2003 on motion of Jenson.

### **Wednesday, July 9, 2003 – Morning Session**

House convened at 10:30 a.m. Doyle in Chair. All present except: Absent, 1 – Kropf; Excused, 1 – Westlund; Excused for business of the House, 4 – Miller, Patridge, Shetterly, Speaker Minnis.

Opening Ceremony presented by Representative Brad Avakian, District 34, Beaverton.

HB 2049, 2120, 2165, 2251, 2304, 2422, 2671, 3259, 3330, 3346, 3476, 3548, 3130 – Message from the Governor announcing he signed on July 8, 2003.

SB 5506, 5516, 5533, 184, HB 3231 – Message from the Senate announcing passage.

HB 3613, 3522 – Message from the Senate announcing passage as amended by the Senate.

SB 267 – Message from the Senate announcing Senate refused to concur in House amendments, and Senators Corcoran and Minnis appointed Senate conferees.

HB 5004 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 5057 – Report by Committee on Ways and Means recommending passage.

HB 2156 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

HB 2194 – Report by Committee on Ways and Means recommending passage.

HB 2797 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 3629 – Report by Committee on Ways and Means recommending passage.

SB 108 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

SB 232 – Report by Committee on Revenue recommending passage with amendments and be printed A-Engrossed.

SB 242 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 613 (A-Engrossed) – Report by Committee on Judiciary recommending passage with amendments and be printed B-Engrossed.

HB 2020 (B-Engrossed) – Knopp moved House not concur in Senate amendments and a Conference Committee be appointed. Motion carried on viva voce vote. Conference Committee to be appointed.

HB 3020 (B-Engrossed) – Knopp moved House not concur in Senate amendments and a Conference Committee be appointed. Motion carried on viva voce vote. Conference Committee to be appointed.

House recessed for 15 minutes on motion of Knopp.

House reconvened at 11:30 a.m. Doyle in Chair. All present except: Absent, 1 – Zauner; Excused, 1 – Westlund.

Speaker Pro Tempore in Chair.

Having recessed under the order of business of Propositions and Motions, the House continued under that order of business.

Speaker announced the following sine die preparations:

The House Judiciary Committee is reopened for a 12:45 p.m. meeting on Wednesday, July 9, 2003 to consider amendments to SB 752. Upon completion of this work, the committee is closed.

SB 752 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and Committee and Minority Reports along with bill rereferred to Committee on Judiciary. Committee and Minority Reports along with bill rereferred.

HB 5048 (A-Engrossed) – Read third time. Carried by Patridge. On passage of the bill the vote was: Yeas, 49; Nays, 9 – Barnhart, Flores, Kropf, Mabrey, March, Prozanski, Scott, Smith P., Tomei; Absent, 1 – Zauner; Excused, 1 – Westlund. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted no on HB 5048 despite my support for the Public Defense Service Commission.

“We must not pass this or other general fund budgets until we have an overall plan to fund public education, public safety and human services. It is irresponsible to pass general fund budgets in such a piecemeal fashion without an overall plan.”

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted no on HB 5048-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that sets forth how it will pay for all general fund programs including public education, public safety and human services.

"HB 5048-A also includes \$7 million to backfill the cost of legal services for the estimated 27,000 new crimes not prosecuted during the last quarter of the 2001-03 biennium. It is unfortunate that these crimes were not prosecuted when they occurred. Swift resolution would hold the offender accountable earlier and would help victims to reach closure sooner."

HB 5058 (A-Engrossed) – Read third time. Carried by Butler. On passage of the bill the vote was: Yeas, 52; Nays, 5 – Barnhart, Brown, March, Prozanski, Tomei; Absent, 2 – Close, Zauner; Excused, 1 – Westlund. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted no on HB 5058 despite my support for the Oregon Youth Authority.

"We must not pass this or other general fund budgets until we have an overall plan to fund public education, public safety and human services. It is irresponsible to pass general fund budgets in such a piecemeal fashion without an overall plan."

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted no on HB 5058-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that sets forth how it will pay for all general fund programs including public education, public safety and human services.

"HB 5058-A will reopen two youth offender facilities that were forced to be closed when the previous legislature failed to fully fund the OYA. It is good that these additional facilities will be operations, but two other facilities are still closed. The House Leadership needs to put forth a complete budget and revenue plan that the legislature can approve to restore services to all affected general funded programs and agencies."

HB 2260 (A-Engrossed) – Read third time. Carried by Krieger. On passage of the bill the vote was: Yeas, 54; Nays, 3 – Butler, Doyle, Gilman; Absent, 1 – Zauner; Excused, 1 – Westlund; Excused for business of the House, 1 – Rosenbaum. Bill passed.

SB 5506, 5516, 5533, 184 – Read first time and passed to Speaker's desk for referral.

SB 5506, 5516, 5533, 184, 500, 501 – Referred from Speaker's desk to the following committees: 500, 501 – Rules and Public Affairs; 184 – Rules and Public Affairs with subsequent referral to Ways and Means; 5506, 5516, 5533 – Ways and Means.

SB 708, 854 – Read second time and passed to third reading.

SB 59 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill remaining on today's Third Reading of Senate Bills carried over and placed in its proper order on Thursday's, July 10, 2003 Calendar.

Message from the Secretary of State, in compliance with Enrolled SB 215 (2001 Regular Session) and House Rule 19.20, announcing campaign contribution received during Seventy-second Regular Session, filed on July 7, 2003 by Representative Pat Farr.

HB 3120 – Speaker appointed Representatives Garrard, Chair; Zauner and Greenlick House conferees.

HB 5040, 2089, 2110, 2153, 2193, 2254, 2522, 2646, 2770, 3177, 3338, 3344, SB 391, 886 – Speaker signed.

House adjourned until 10:30 a.m., Thursday, July 10, 2003 on motion of Jenson.

#### **Thursday, July 10, 2003 – Morning Session**

House convened at 10:30 a.m. Smith T. in Chair. All present except: Absent, 2 – Close, Wirth; Excused, 2 – Rosenbaum, Verger; Excused for business of the House, 5 – Bates, Kruse, Miller, Patridge, Westlund.

Speaker Pro Tempore in Chair.

Opening Ceremony presented by Representative John Mabrey, District 59, The Dalles.

HB 3508 – Message from the Governor announcing he vetoed on July 8, 2003.

July 8, 2003

The Honorable Karen Minnis  
Speaker of the House  
Oregon State House of Representatives  
Oregon State Capitol – Room 269  
Salem OR 97301

Dear Speaker Minnis:

I am returning Enrolled House Bill 3508 unsigned and disapproved, for the reasons below.

Under current law, the Department of Human Services is required to promulgate standards and to make reasonable regulations regarding the registration of X-ray machines, the proper use of X-ray machines and the training necessary for operators of X-ray machines. These standards and regulations apply across the spectrum of X-ray usage, including use in hospitals and universities and by medical doctors, dentists, osteopaths, veterinarians, podiatrists, chiropractors, naturopaths, radiologists, and industrial users. Oregon's public health authority has been responsible for assuring radiation safety since the 1940s.

House Bill 3508 would remove the practice of dentistry from DHS's regulatory authority in the area of X-ray technology and would shift this oversight responsibility to the Oregon Board of Dentistry. I have vetoed House Bill 3508 because I believe that this would be an unwise policy shift.

Radiation safety, including the proper use and maintenance of X-ray technology, depends upon the proper functioning of machines and on the proper training of operators. DHS has considerable experience in both areas and possesses the training and experience necessary to

perform this important function. Since 1977, when dental operator training was formalized within the Oregon Administrative Rules, radiation exposure has dropped 75%. I do not believe that DHS's responsibility in this important area should be diminished.

In addition to my public health and worker safety concerns with House Bill 3508, this bill is also contrary to my regulatory streamlining initiatives. House Bill 3508 would sever a longstanding policy of centralized oversight in this area and singles out the practice of dentistry for preferential treatment. The current statutory framework provides fair, comprehensive and integrated oversight of all operators of X-ray equipment. This framework should be retained.

Sincerely,  
Theodore R. Kulongoski  
Governor

SB 12, 5508, 5518, 5529, 5531, 5546 – Message from the Senate announcing President signed on July 9, 2003.

SB 5514, 909, HB 5020 – Message from the Senate announcing passage.

HJM 10 – Introduced, read and passed to Speaker's desk for referral.

HJM 10 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

SB 190 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage with amendments, be printed B-Engrossed, rescind subsequent referral to Committee on Ways and Means, and be placed on the Consent Calendar. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HB 3522 (A-Engrossed) – Brown moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 51; Absent, 2 – Close, Wirth; Excused, 2 – Rosenbaum, Verger; Excused for business of the House, 5 – Bates, Kruse, Miller, Patridge, Westlund. Bill repassed.

HB 3613 (A-Engrossed) – Smith P. moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 55; Excused, 2 – Rosenbaum, Verger; Excused for business of the House, 3 – Bates, Miller, Patridge. Bill repassed.

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted for HB 3613-A since it now uses the 'prudent person' test in making investment decisions. The original version of this bill did not."

HB 5077, 5078, 5079, 5080, 5081, 5082, 5083, 5084, 5085, 5086, 3648 – Read first time and passed to Speaker's desk for referral.

HB 5077, 5078, 5079, 5080, 5081, 5082, 5083, 5084, 5085, 5086, 3648 – Referred from Speaker's

desk to the following committees: 5077, 5078, 5079, 5080, 5081, 5082, 5083, 5084, 5085, 5086 – Budget; 3648 – Rules and Public Affairs.

HB 5057, 2156, 2194, 3629 – Read second time and passed to third reading.

SB 708 (B-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 54; Excused, 2 – Rosenbaum, Verger; Excused for business of the House, 4 – Bates, Doyle, Patridge, Speaker Minnis. Bill passed.

SB 5514, 909 – Read first time and passed to Speaker's desk for referral.

SB 909 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

SB 242 – Read second time and passed to third reading.

SB 59 (B-Engrossed) – Read. Carried by Jenson. On passage of the bill the vote was: Yeas, 53; Nays, 1 – March; Excused, 2 – Rosenbaum, Verger; Excused for business of the House, 4 – Bates, Farr, Patridge, Speaker Minnis. Bill passed.

SB 854 (A-Engrossed) – Read third time. Carried by Doyle.

Call of the House demanded by Monnes Anderson, joined by Merkley, Brown, Hansen, Berger and Gallegos. All present except: Excused (not subject to Call), 2 – Rosenbaum, Verger.

SB 854 (A-Engrossed) – On passage of the bill the vote was: Yeas, 47; Nays, 11 – Ackerman, Anderson, Johnson, Kropf, Monnes Anderson, Morgan, Nelson, Richardson, Smith G., Zauner, Speaker Minnis; Excused, 2 – Rosenbaum, Verger. Bill passed.

HB 3020 – Speaker appointed Representatives Knopp, Chair; Brown and Barker House conferees.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

HB 2651 – Report by Committee on Revenue recommending passage with amendments, be printed A-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

HJR 18 (A-Engrossed) – Report by Committee on Revenue recommending adoption with amendments and be printed B-Engrossed.

House adjourned until 8:30 a.m., Friday, July 11, 2003 on motion of Jenson.

**Friday, July 11, 2003 – Morning Session**

House convened at 8:30 a.m. Speaker Pro Tempore in Chair. All present except: Absent, 3 – Hansen, Hunt, Prozanski; Excused, 3 – Ackerman, Butler, Westlund.

Opening Ceremony presented by Representative Greg Smith, District 57, Heppner.

HB 2157, 2644, 3232, 2783, 2857, 2900 – Message from the Senate announcing passage.

HJR 55 – Message from the Senate announcing adoption.

HB 2188, 3272 – Message from the Senate announcing passage as amended by the Senate.

SB 610 – Message from the Senate announcing concurrence in House amendments and repassage.

SB 617 – Message from the Senate announcing Senate refused to concur in House amendments, and Senators Minnis and Burdick appointed Senate conferees.

HB 3120 – Message from the Senate announcing Senators Corcoran and Starr B. appointed Senate conferees.

HB 2020 – Message from the Senate announcing Senators Corcoran and Minnis appointed Senate conferees.

HB 3020 – Message from the Senate announcing Senators Corcoran and Minnis appointed Senate conferees.

HB 5040, 2153, 2089, 2110, 2193, 2254, 2522, 2646, 2770, 3177, 3338, 3344 – Message from the Senate announcing President signed on July 10, 2003.

SB 609 (A-Engrossed) – Report by Committee on Judiciary recommending passage with amendments and be printed B-Engrossed.

SB 820 (C-Engrossed) – Report by Committee on Judiciary recommending passage with amendments and be printed D-Engrossed.

HB 5004, 2797 – Read second time and passed to third reading.

HB 5057 – Read third time. Carried by Smith G. On passage of the bill the vote was: Yeas, 41; Nays, 8 – Close, Garrard, Kitts, Krieger, Nelson, Smith P., Smith T., Zauner; Absent, 6 – Farr, Flores, Hansen, Hunt, Kropf, Prozanski; Excused, 3 – Ackerman, Butler, Westlund; Excused for business of the House, 2 – Jenson, Patridge. Bill passed.

HB 2156 (A-Engrossed) – Read third time. Carried by Bates. On passage of the bill the vote was: Yeas, 51; Absent, 4 – Hansen, Hunt, Kropf, Prozanski; Excused, 3 – Ackerman, Butler, Westlund;

Excused for business of the House, 2 – Jenson, Patridge. Bill passed.

HB 2194 – Read third time. Carried by Krieger. On passage of the bill the vote was: Yeas, 51; Absent, 4 – Hansen, Hunt, Kropf, Prozanski; Excused, 3 – Ackerman, Butler, Westlund; Excused for business of the House, 2 – Jenson, Patridge. Bill passed.

HB 3629 – Read third time. Carried by Bates. On passage of the bill the vote was: Yeas, 54; Absent, 3 – Hansen, Hunt, Prozanski; Excused, 3 – Ackerman, Butler, Westlund. Bill passed.

SB 108, 232, 613 – Read second time and passed to third reading.

SB 242 (A-Engrossed) – Read third time. Carried by Johnson. On passage of the bill the vote was: Yeas, 54; Absent, 3 – Hansen, Hunt, Prozanski; Excused, 3 – Ackerman, Butler, Westlund. Bill passed.

HJR 18, HB 2651 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to make measures Special Orders of Business immediately following the order of business of Special Committee Reports on Monday's, July 14, 2003 Calendar.

SB 267 – Speaker appointed Representatives Williams, Ackerman and Patridge House conferees.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

HB 3645 – Report by Committee on Rules and Public Affairs recommending passage and be placed on the Consent Calendar.

SB 291 (A-Engrossed) – Report by Conference Committee, signed by Representatives Beyer, Gilman and Kropf and Senators Ferrioli and Shields, recommending that the Senate concur in House amendments dated May 7, 2003 and that the bill be further amended and repassed.

HB 2166, 2217, 2279, 3431, SB 5508, 5518, 5529, 5546, 12 – Speaker signed.

House adjourned until 10:30 a.m., Monday, July 14, 2003 on motion of Scott.

**Monday, July 14, 2003 – Morning Session**

House convened at 10:30 a.m. Williams in Chair. All present except: Excused, 4 – Avakian, Jenson, Prozanski, Smith G.; Excused for business of the House, 1 – Speaker Minnis.

Opening Ceremony presented by Gary Wilhelms, Chief of Staff, Speaker's office.

SCR 8 – Message from the Senate announcing adoption.

SCR 8 – Read first time and passed to Speaker’s desk for referral.

HJR 18 (B-Engrossed) – Read as a Special Order of Business. Carried by Shetterly.

Call of the House demanded by Shetterly, joined by Brown, Gilman, Gallegos, Rosenbaum and Berger. All present except: Excused (not subject to Call), 4 – Avakian, Jenson, Prozanski, Smith G.

HJR 18 (B-Engrossed) – On adoption of the resolution the vote was: Yeas, 45; Nays, 11 – Anderson, Butler, Close, Krieger, Kropf, Kruse, March, Nolan, Richardson, Smith T., Zauner; Excused, 4 – Avakian, Jenson, Prozanski, Smith G. Resolution adopted.

HB 2651 – By unanimous consent, on request of Chair, rules suspended to permit second and third reading and final consideration immediately.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 2651 – Read second time and passed to third reading.

HB 2651 (A-Engrossed) – Read third time as a Special Order of Business. Carried by Hass. On passage of the bill the vote was: Yeas, 48; Nays, 8 – Butler, Close, Kropf, Kruse, Nolan, Richardson, Smith T., Zauner; Excused, 4 – Avakian, Jenson, Prozanski, Smith G. Bill passed.

HB 2188 (A-Engrossed) – Kropf moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 55; Excused, 4 – Avakian, Jenson, Prozanski, Smith G.; Excused for business of the House, 1 – Speaker Minnis. Bill repassed.

HB 3272 (B-Engrossed) – Krummel moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 45; Nays, 10 – Beyer, Dingfelder, Hansen, Hunt, March, Merkley, Nolan, Rosenbaum, Verger, Wirth; Excused, 4 – Avakian, Jenson, Prozanski, Smith G.; Excused for business of the House, 1 – Speaker Minnis. Bill repassed.

HB 5004 (A-Engrossed) – Read third time. Carried by Johnson.

Speaker Pro Tempore in Chair.

HB 5004 (A-Engrossed) – On passage of the bill the vote was: Yeas, 53; Nays, 2 – Garrard, Nelson; Excused, 4 – Avakian, Jenson, Prozanski, Smith G.; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

HB 2797 (A-Engrossed) – Read third time. Carried by Krummel. On passage of the bill the vote

was: Yeas, 55; Excused, 4 – Avakian, Jenson, Prozanski, Smith G.; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

SB 190 – Read second time and passed to third reading.

SB 108 (A-Engrossed) – Read third time. Carried by Ackerman. On passage of the bill the vote was: Yeas, 55; Excused, 4 – Avakian, Jenson, Prozanski, Smith G.; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

SB 232 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill taken from today’s Third Reading of Senate Bills and placed in its proper order on Wednesday’s, July 16, 2003 Calendar.

SB 613 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill remaining on today’s Third Reading of Senate Bills carried over and placed in its proper order on Tuesday’s, July 15, 2003 Calendar.

HB 5039, 2244, 2246, 2268, 2388, 2828, 2987, 3010, 3231, 3304 – Speaker signed.

SB 5531 – Speaker signed.

House adjourned until 10:30 a.m., Tuesday, July 15, 2003 on motion of Miller.

#### **Tuesday, July 15, 2003 – Morning Session**

House convened at 10:30 a.m. Speaker Pro Tempore in Chair. All present except: Absent, 1 – Wirth; Excused, 4 – Avakian, Barnhart, Dalto, Flores; Excused for business of the House, 3 – Kafoury, Patridge, Speaker Minnis.

Opening Ceremony presented by Representative Jeff Kropf, District 17, Sublimity.

HB 2209, 2696, 3051, 3385 – Message from the Governor announcing he signed on July 14, 2003.

HB 2166, 2217, 2279, 3431 – Message from the Senate announcing President signed on July 14, 2003.

SB 908 – Message from the Senate announcing passage.

SCR 7 – Message from the Senate announcing adoption.

SB 59, 708 – Message from the Senate announcing concurrence in House amendments and repassage.

SB 291 – Message from the Senate announcing adoption of Conference Committee Report and repassage.

SCR 7 – Read first time and passed to Speaker's desk for referral.

SCR 7, 8 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HB 2172 – Report by Committee on Ways and Means recommending passage.

HB 2179 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

HB 3322 – Report by Committee on Ways and Means recommending passage.

HB 3646 – Report by Committee on Rules and Public Affairs recommending passage and be placed on the Consent Calendar.

SB 5516 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 5533 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 155 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

HB 3645 – Read second time and passed to third reading.

SB 190 (B-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 51; Nays, 1 – Johnson; Absent, 1 – Wirth; Excused, 4 – Avakian, Barnhart, Dalto, Flores; Excused for business of the House, 3 – Kafoury, Patridge, Speaker Minnis. Bill passed.

SB 908 – Read first time and passed to Speaker's desk for referral.

SB 5514, 908 – Referred from Speaker's desk to the following committees: 908 – Rules and Public Affairs; 5514 – Ways and Means.

SB 609 – Read second time and passed to third reading.

SB 613 (B-Engrossed) – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 34; Nays, 20 – Brown, Butler, Close, Doyle, Farr, Flores, Garrard, Gilman, Kitts, Krieger, Kruse, Mabrey, Miller, Nelson, Richardson, Scott, Smith G., Smith P., Smith T., Zauner; Absent, 1 – Wirth; Excused, 3 – Avakian, Barnhart, Dalto; Excused for business of the House, 2 – Morgan, Speaker Minnis. Bill passed.

SB 820 (D-Engrossed) – Read. Carried by Jenson. On passage of the bill the vote was: Yeas, 54; Absent, 1 – Wirth; Excused, 3 – Avakian, Barnhart, Dalto; Excused for business of the House, 2 – Morgan, Speaker Minnis. Bill passed.

HB 3646 – In compliance with House Rule 4.05, subsection (3), bill removed from Consent Calendar at

the request of Kafoury, Nolan, Hass and Bates and placed in its proper order on the Third Reading Calendar.

House adjourned until 10:30 a.m., Wednesday, July 16, 2003 on motion of Jenson.

### **Wednesday, July 16, 2003 – Morning Session**

House convened at 10:30 a.m. Doyle in Chair. All present except: Excused, 4 – Avakian, Johnson, Tomei, Westlund; Excused for business of the House, 4 – Jenson, Morgan, Shetterly, Speaker Minnis.

Kruse in Chair.

Opening Ceremony presented by Representative Randy Miller, District 37, West Linn.

HB 5039, 2244, 2246, 2268, 2388, 2828, 2987, 3010, 3231, 3304, SB 242, 610, 854 – Message from the Senate announcing President signed on July 15, 2003.

SB 450 – Message from the Senate announcing passage.

HB 2378 – Message from the Senate announcing passage as amended by the Senate.

HB 2399 – Report by Committee on Rules and Public Affairs recommending passage with amendments, be printed A-Engrossed, and be placed on the Consent Calendar.

SB 297 (A-Engrossed) – Report by Committee on Judiciary recommending passage with amendments and be printed B-Engrossed.

SB 752 (B-Engrossed) – Report by Committee on Judiciary recommending passage with amendments and be printed C-Engrossed.

House recessed for 10 minutes on motion of Kafoury.

House reconvened at 11:45 a.m. Kruse in Chair. All present except: Excused, 4 – Avakian, Johnson, Tomei, Westlund; Excused for business of the House, 1 – Patridge.

Having recessed under the order of business of Propositions and Motions, the House continued under that order of business.

SB 291 (A-Engrossed) – Beyer moved Conference Committee Report be adopted. Motion carried on viva voce vote. Conference Committee Report adopted.

SB 291 (A-Engrossed) – Beyer moved bill be repassed. On repassage of the bill the vote was: Yeas, 55; Excused, 4 – Avakian, Johnson, Tomei, Westlund; Excused for business of the House, 1 – Patridge. Bill repassed.

HB 3649 – Read first time and passed to Speaker's desk for referral.

HB 3649 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HB 2172, 2179, 3322 – Read second time and passed to third reading.

HB 3645 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 53; Nays, 1 – Nelson; Excused, 4 – Avakian, Johnson, Tomei, Westlund; Excused for business of the House, 2 – Patridge, Shetterly. Bill passed.

SB 450 – Read first time and passed to Speaker's desk for referral.

SB 450 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

SB 5516, 5533, 155 – Read second time and passed to third reading.

SB 232 (A-Engrossed) – Read third time. Carried by Williams.

Call of the House demanded by Knopp, joined by Backlund, Brown, Richardson, Flores and Gilman. All present except: Excused (not subject to Call), 4 – Avakian, Johnson, Tomei, Westlund.

SB 232 (A-Engrossed) – On passage of the bill the vote was: Yeas, 31; Nays, 25 – Ackerman, Barker, Barnhart, Bates, Beyer, Dalto, Dingfelder, Farr, Greenlick, Hansen, Hass, Hunt, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nelson, Nolan, Prozanski, Rosenbaum, Schaufler, Smith G., Wirth, Zauner; Excused, 4 – Avakian, Johnson, Tomei, Westlund. Bill passed.

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

"I voted no on SB 232-A because the newly-amended Section 4 of Senate Bill 232-A attempts to weaken tax withholding requirements and potentially result in a decline in income compliance thereby reducing the amount of income tax to the state. If enacted, the amended bill will blur the distinction between workers and independent contractors in ways that will burden workers, independent contractors and businesses with multiple tests for withholding taxes and, ultimately, encourage tax evasion.

"SB 232-A sets up a system of hybrid workers who will be considered employees for payment of workers comp and UI, but are treated as independent contractors for the purposes of tax withholding. The change proposed will require employers to apply additional criteria, above and beyond those now applicable for state workers' comp and unemployment insurance coverage and IRS tax compliance, in order to determine appropriate tax treatment for those they employ."

SB 609 (B-Engrossed) – Read third time. Carried by Macpherson. On passage of the bill the vote was: Yeas, 56; Absent, 1 – Verger; Excused, 3 – Avakian, Tomei, Westlund. Bill passed.

House Rule 2.20, 8.20, 9.01, 9.15, 13.05, 13.10 – By unanimous consent, on request of Chair, rules

suspended to dispense with requirement to read amendments.

**2.20 Rules of the House.** Except as modified or rescinded under Rule 2.05, the rules shall be in effect for the entire term of the Legislative Assembly, whether the House is in session or has adjourned sine die. However, the amendments to House Rules 2.20, 8.20, 9.01, 9.15, 13.05 and 13.10 adopted on (date) shall sunset upon adjournment sine die of the Regular Session of the Seventy-second Legislative Assembly.

**8.20 Committee Action Required.** (1) A chair shall schedule a hearing or work session on a measure in possession of the committee upon receipt of a written request signed by a majority of committee members. The request must be filed with the chair and the Chief Clerk. The hearing or work session shall be held only after notice as required by Rule 8.15 (5), but shall be held within three session days after the date of the request.

(2) A committee may act on each measure in its possession: (a) by tabling the measure in committee; or (b) by reporting the measure out of the committee (A) with the recommendation that it be referred to another committee, (B) favorably as to passage, or (C) without recommendation.

(3) In reporting a measure out, a committee shall include in its report: (a) the measure in the form reported out; (b) the recommendation of the committee; (c) an identification of all substantive changes made by the committee in the measure; (d) an analysis of the measure; (e) fiscal impact statement, if any, prepared by the Legislative Fiscal Officer; (f) revenue impact statement, if any, prepared by the Legislative Revenue Officer; and (g) budget notes, if any, as adopted by a majority of the Joint Committee on Ways and Means or the Special Committee on Budget.

(4) When the Speaker determines that sine die adjournment may impinge on the operations of standing committees, the Speaker shall announce an estimated date for sine die adjournment. Commencing 14 calendar days before the estimated date, a committee shall schedule a hearing or work session only with the consent of the Speaker.

(5) Measures reported out by a committee shall be delivered to the Chief Clerk of the House within three session days after the committee action reporting the measure out.

(6) The Speaker shall designate either the Joint Committee on Ways and Means or the Special Committee on Budget to fulfill the obligations of the House of Representatives which are assigned by statute to the Joint Committee on Ways and Means.

**9.01 Referral to Committee.** (1) Upon first reading of any measure, the measure shall be referred to the Speaker's desk. Not later than seven session days following such referral, the measure shall be referred by the Speaker in accordance with the provisions of subsections (2) – (3) of this rule. Notice of referral shall be in writing and shall be distributed to the desks of the members.

(2) In carrying out the provisions of this rule, the Speaker may make a subsequent referral of any measure to the Joint Committee on Ways and Means, Special Committee on Budget or the Committee on Revenue effective after the measure is reported out of the committee to which it was initially referred.

(3) At the request of a committee reporting on a measure, the Speaker may rescind or add a subsequent referral to another committee.

(4) Upon adoption of these amendments to House Rules all measures previously referred to the Joint Committee on Ways and Means shall be returned to the Speaker's desk for referral to the appropriate committee.

(5) Upon adoption of these amendments to House Rules all measures referred to a standing committee which has a subsequent referral to the Ways and Means Committee shall be returned to the Speaker's desk when reported out of the standing committee for subsequent referral to the appropriate committee.

[(4)] (6) The chair of the committee having jurisdiction of a measure by referral or subsequent referral under this rule may

request the chair of any other standing or special committee to review the measure. Upon acceptance of the measure by the chair of the reviewing committee, and with the consent of the Speaker, the reviewing committee may conduct hearings, hold work sessions and forward a recommendation, including proposed amendments, to the original committee, which shall retain jurisdiction over the measure.

**9.15 Minority Reports; Dissents.** (1) If a minority report, subscribed to by at least two members, accompanies the committee report, both shall be filed and placed on the calendar under the order of business of Propositions and Motions the second session day after distribution of amendments. No member may sign on to more than one report.

(2) The Special Committee on Budget shall be exempt from the provisions of House Rule 9.15 and no minority reports shall be accepted.

[(2)] (3) When the report comes up for consideration, it shall be in order to move adoption of the committee report and, upon explanation of the committee report without debate on that report, for the carrier of the minority report to move immediately that the minority report be substituted therefor. After the motion to substitute has been decided, the measure if a bill, shall be further considered as provided by Rule 9.37 (2) or, if other than a bill, as provided by Rule 9.35 (3).

[(3)] (4) Any member of a committee who dissents from the committee report shall be listed in the committee report as not concurring therein. The names of members dissenting shall be recorded in the Journal and Daily Status Report.

[(4)] (5) A minority report must be filed with the committee staff not later than the session day next following the day on which notice is given to the committee of intent to file the report, if the presiding officer has ruled that adjournment sine die is imminent.

[(5)] (6) The minority report is subject to the requirements of House Rule 5.35.

**13.05 Deadline on Introductions.** No measure shall be accepted by the desk for introduction in the House after 5 p.m. on the 50<sup>th</sup> calendar day of the session except:

(1) Measures approved by the Speaker and so identified for introduction by a committee.

(2) Appropriation or fiscal measures sponsored by the Joint Committee on Ways and Means or Special Committee on Budget.

(3) Measures drafted by the Legislative Counsel and introduced as provided in Rule 13.15.

**13.10 Legislative Counsel Drafting Services.** (1) Between 5 p.m. on the 29<sup>th</sup> calendar day and 5 p.m. on the 36<sup>th</sup> calendar day of the session, Legislative Counsel shall only accept five non-transferable drafting requests from each member.

(2) After 5 p.m. on the 36<sup>th</sup> calendar day of the session, the Legislative Counsel shall discontinue accepting requests for drafting of all measures except:

(a) Appropriation or fiscal measures approved for drafting by the Joint Committee on Ways and Means or Special Committee on Budget.

(b) Committee proposals approved for drafting by the Speaker.

(c) A proposal requested for drafting by a member under Rule 13.15.

House Rule 2.20, 8.20, 9.01, 9.15, 13.05, 13.10 – Referred from Speaker's desk to the Committee on Rules and Public Affairs.

HB 5020, 2151, 2644, 2783, 2857, 2900, 3232, 3522, 3613, HJR 55, SB 242, 610, 854 – Speaker signed.

House adjourned until 10:30 a.m., Thursday, July 17, 2003 on motion of Jenson.

#### Thursday, July 17, 2003 – Morning Session

House convened at 10:30 a.m. Kruse in Chair. All present except: Excused, 2 – Avakian, Barnhart; Excused for business of the House, 3 – Miller, Morgan, Speaker Minnis.

Speaker Pro Tempore in Chair.

Opening Ceremony presented by Representative Tom Butler, District 60, Ontario.

SB 910 – Message from the Senate announcing passage.

SB 108 – Message from the Senate announcing concurrence in House amendments and repassage.

HB 5045 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 5046 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 5049 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 2248 (A-Engrossed) – Report by Committee on Ways and Means recommending passage with amendments and be printed B-Engrossed.

HB 3597 (A-Engrossed) – Report by Committee on Ways and Means recommending passage with amendments and be printed B-Engrossed.

SB 5506 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 5514 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 342 – Report by Committee on Judiciary recommending passage with amendments and be printed A-Engrossed.

HB 2378 (A-Engrossed) – Doyle moved House not concur in Senate amendments and a Conference Committee be appointed. Motion carried on viva voce vote. Conference Committee to be appointed.

HB 3646 – Read second time and passed to third reading.

HB 2172 – Read third time. Carried by Johnson. On passage of the bill the vote was: Yeas, 52; Absent, 1 – Hopson; Excused, 2 – Avakian, Barnhart; Excused for business of the House, 5 – Krummel, Miller, Morgan, Patridge, Speaker Minnis. Bill passed.

HB 2179 (A-Engrossed) – Read third time. Carried by Johnson. On passage of the bill the vote was: Yeas, 53; Absent, 1 – Hopson; Excused, 2 – Avakian, Barnhart; Excused for business of the



House, 4 – Krummel, Morgan, Patridge, Speaker Minnis. Bill passed.

HB 3322 – Read third time. Carried by Krieger. On passage of the bill the vote was: Yeas, 54; Excused, 2 – Avakian, Barnhart; Excused for business of the House, 4 – Krummel, Morgan, Patridge, Speaker Minnis. Bill passed.

SB 910 – Read first time and passed to Speaker's desk for referral.

SB 5516 (A-Engrossed) – Read third time. Carried by Hansen.

Potential conflict of interest declared by Rosenbaum.

SB 5516 (A-Engrossed) – On passage of the bill the vote was: Yeas, 46; Nays, 12 – Close, Flores, Greenlick, Kropf, Nolan, Prozanski, Richardson, Scott, Smith G., Smith P., Tomei, Zauner; Excused, 2 – Avakian, Barnhart. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

"I support the funding of this budget, but I voted no on SB 5516-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that sets forth how it will pay for all general fund programs including public education, public safety and human services.

"Hopefully, leadership will put forth its plan soon. The legislature needs to complete its work and allow state agencies and recipients of state money to know how much money they have available to perform their work."

Smith G. requested the following explanation of his vote be entered in the Journal:

"Due to a mistake by my office staff Senate Bill 5516 was misfiled. The bill I had before me on the House Floor related to a Department of Environmental Quality fee increase. I fully intended to vote in favor of Senate Bill 5516, the appropriations bill for District Attorneys and their deputies. My strong support is reflected by my 'Aye' vote in the Joint Committee of Ways and Means on July 15, 2003."

SB 5533 (A-Engrossed) – Read third time. Carried by Patridge. On passage of the bill the vote was: Yeas, 50; Nays, 8 – Ackerman, Greenlick, March, Nolan, Prozanski, Tomei, Wirth, Zauner; Excused, 2 – Avakian, Barnhart. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

"I support the funding of this budget, but I voted no on SB 5533-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that sets forth how it will pay for all general fund programs including public education, public safety and human services.

"Hopefully, leadership will put forth its plan soon. The legislature needs to complete its work and allow state agencies and recipients of state money to know how much money they have available to perform their work."

HJR 18 – Message from the Senate announcing adoption as amended by the Senate.

HB 2651 – Message from the Senate announcing passage as amended by the Senate.

SB 155 (A-Engrossed) – Read third time. Carried by Smith T.

Williams in Chair.

SB 155 (A-Engrossed) – On passage of the bill the vote was: Yeas, 57; Absent, 1 – Krummel; Excused, 2 – Avakian, Barnhart. Bill passed.

By unanimous consent, on request of Chair, rules suspended to temporarily return to the order of business of Propositions and Motions.

HJR 18, HB 2651 – By unanimous consent, on request of Chair, rules suspended to permit consideration of concurrence in Senate amendments immediately.

HJR 18 (C-Engrossed) – Shetterly moved House concur in Senate amendments and readopt resolution as amended by the Senate.

House recessed for 5 minutes on motion of Knopp.

House reconvened at 11:40 a.m. Williams in Chair. All present except: Excused, 2 – Avakian, Barnhart.

Having recessed under the order of business of Propositions and Motions, the House continued under that order of business.

HJR 18 (C-Engrossed) – On readoption of the resolution the vote was: Yeas, 58; Excused, 2 – Avakian, Barnhart. Resolution readopted.

HB 2651 (B-Engrossed) – Shetterly moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 58; Excused, 2 – Avakian, Barnhart. Bill repassed.

SB 617 – Speaker appointed Representatives Williams, Anderson and Ackerman House conferees.

HB 2020 – Speaker appointed Representatives Knopp, Chair; Brown and Macpherson House conferees.

HJR 18, HB 2651 – Speaker signed.

House adjourned until 9:00 a.m., Friday, July 18, 2003 on motion of Jenson.

#### **Friday, July 18, 2003 – Morning Session**

House convened at 9:00 a.m. Speaker Pro Tempore in Chair. All present except: Absent, 3 – Anderson, Hass, Miller; Excused, 3 – Avakian, Barnhart, Smith P.; Excused for business of the House, 3 – Johnson, Morgan, Patridge.

Opening Ceremony presented by Representative Dennis Richardson, District 4, Central Point.

HJR 18, HB 2651 – Message from the Senate announcing President signed on July 17, 2003.

HB 2041 – Message from the Senate announcing passage as amended by the Senate.

SB 190 – Message from the Senate announcing concurrence in House amendments and repassage.

SB 820 – Message from the Senate announcing Senate refused to concur in House amendments.

HCR 13 – Introduced, read and passed to Speaker's desk for referral.

HCR 13 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HJR 57 – Introduced, read and passed to Speaker's desk for referral.

HB 3650, 3651 – Read first time and passed to Speaker's desk for referral.

HB 3650, 3651 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HB 2399 – Read second time and passed to third reading.

HB 3646 – Read third time. Carried by Doyle. On passage of the bill the vote was: Yeas, 39; Nays, 12 – Beyer, Dingfelder, Greenlick, Hansen, Kafoury, Macpherson, March, Merkley, Prozanski, Richardson, Rosenbaum, Tomei; Absent, 3 – Anderson, Hass, Miller; Excused, 3 – Avakian, Barnhart, Smith P.; Excused for business of the House, 3 – Johnson, Morgan, Patridge. Bill passed.

SB 910 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

SB 5506, 5514, 297 – Read second time and passed to third reading.

House recessed for 5 minutes on motion of Kafoury.

House reconvened at 9:30 a.m. Speaker Pro Tempore in Chair. All present except: Absent, 1 – Miller; Excused, 3 – Avakian, Barnhart, Smith P.; Excused for business of the House, 3 – Jenson, Johnson, Morgan.

Having recessed under the order of business of Third Reading of Senate Bills, the House continued under that order of business.

SB 752 (C-Engrossed) – Read third time. Carried by Williams. On passage of the bill the vote was: Yeas, 49; Nays, 4 – Close, Smith G., Smith T., Zauner; Absent, 1 – Miller; Excused, 3 – Avakian, Barnhart, Smith P.; Excused for Business of the House, 3 – Jenson, Johnson, Morgan. Bill passed.

HB 3646 – By unanimous consent, on request of Kafoury, rules suspended and Williams permitted to change his vote from “aye” to “nay” on passage of bill.

HB 2188, 3272 – Speaker signed.

House adjourned until 10:30 a.m., Monday, July 21, 2003 on motion of Greenlick.

#### **Monday, July 21, 2003 – Morning Session**

House convened at 10:30 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 3 – Barnhart, Rosenbaum, Williams; Excused for business of the House, 1 – Patridge.

Opening Ceremony presented by Representative Patti Smith, District 52, Corbett.

HJM 10 – Report by Committee on Rules and Public Affairs recommending adoption.

HB 2221 (B-Engrossed) – Report by Conference Committee, signed by Representatives Brown, Greenlick and Mabrey and Senators Burdick and Minnis, recommending that the House concur in the Senate amendments dated June 11, 2003 and that the bill be further amended and repassed.

HB 2865 (B-Engrossed) – Report by Conference Committee, signed by Representatives Williams, Ackerman and Anderson and Senators Minnis and Burdick, recommending that the House concur in the Senate amendments dated June 17, 2003 and that the bill be further amended and repassed.

HB 3652 – Read first time and passed to Speaker's desk for referral.

HB 5045, 5046, 5049, 2248, 3597 – Read second time and passed to third reading.

HB 2399 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 55; Absent, 1 – Kropf; Excused, 3 – Barnhart, Rosenbaum, Williams; Excused for business of the House, 1 – Patridge. Bill passed.

SB 342 – Read second time and passed to third reading.

SB 5506 (A-Engrossed) – Read third time. Carried by Butler.

By unanimous consent, on request of Dalto, rules suspended to permit use of visual aid during debate of bill.

SB 5506 (A-Engrossed) – On passage of the bill the vote was: Yeas, 34; Nays, 22 – Anderson, Avakian, Backlund, Barker, Bates, Berger, Beyer, Dalto, Dingfelder, Greenlick, Hansen, Hass, Hunt, Kafoury, Kitts, Kropf, Macpherson, March, Nolan, Prozanski, Schaufler, Verger; Excused, 4 – Barnhart, Flores, Rosenbaum, Williams. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted no on SB 5506-A because I do not support suspending the operation of the Capitol Planning Commission."

Courtesies of the House and floor were extended to Tom Bessonette, former Representative from District 25.

SB 5514 (A-Engrossed) – Read third time. Carried by Bates. On passage of the bill the vote was: Yeas, 43; Nays, 13 – Avakian, Barker, Beyer, Dingfelder, Greenlick, Hass, Hunt, Kafoury, March, Merkley, Nelson, Schaufler, Smith P.; Excused, 4 – Barnhart, Flores, Rosenbaum, Williams. Bill passed.

SB 297 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill taken from today's Third Reading of Senate Bills and placed in its proper order on Wednesday's, July 23, 2003 Calendar.

SB 59, 291, 708 – Speaker signed.

House adjourned until 10:30 a.m., Tuesday, July 22, 2003 on motion of Jenson.

#### **Tuesday, July 22, 2003 – Morning Session**

House convened at 10:30 a.m. Speaker Pro Tempore in Chair.

Opening Ceremony presented by Chaplain Frank Carpenter, Capitol Ministries, Hillsboro.

House recessed until 3:00 p.m. by order of Speaker Pro Tempore.

#### **Tuesday, July 22, 2003 – Afternoon Session**

House reconvened at 3:00 p.m. Berger in Chair. All present except: Excused, 5 – Beyer, Brown, Hass, Rosenbaum, Williams; Excused for business of the House, 6 – Doyle, Johnson, Miller, Verger, Westlund, Speaker Minnis.

Speaker Pro Tempore in Chair.

House recessed for 5 minutes on motion of Knopp.

House reconvened at 4:00 p.m. Speaker Pro Tempore in Chair. All present except: Absent, 1 – Nolan; Excused, 5 – Beyer, Brown, Hass, Rosenbaum, Williams; Excused for business of the House, 3 – Johnson, Morgan, Patridge.

Having recessed under the order of business of Courtesies, the House proceeded to the order of business of Messages from the Governor.

HB 2089, 2110, 2153, 2193, 2254, 2646, 2770, 3177, 3338, 3344, 5040, 2166, 2217, 3431, 2522, 2651 – Message from the Governor announcing he signed on July 17, 2003.

HB 2244, 2268, 3010, 3304, 5039 – Message from the Governor announcing he signed on July 21, 2003.

HB 2279, 2987 – Message from the Governor announcing he signed on July 21, 2003.

SB 291 – Message from the Senate announcing President signed on July 21, 2003.

SB 272 – Message from the Senate announcing Senate refused to concur in House amendments.

HB 3613, 3232, 2900, 2783, 2644, 2151, 5020, 2857, 3522, HJR 55, SB 59, 708 – Message from the Senate announcing President signed on July 17, 2003.

HB 3648 – Report by Committee on Rules and Public Affairs recommending passage with amendments, be printed A-Engrossed, and be placed on the Consent Calendar.

HB 3020 (B-Engrossed) – Report by Conference Committee, signed by Representatives Knopp, Brown and Barker and Senators Corcoran and Minnis, recommending that the House concur in the Senate amendments dated July 2, 2003 and that the bill be further amended and repassed.

House Rule 2.20, 8.20, 9.01, 9.15, 13.05, 13.10 – Report by Committee on Rules and Public Affairs recommending adoption.

House Rule 2.20, 8.20, 9.01, 9.15, 13.05, 13.10 – Doyle moved proposed amendments be adopted.

Call of the House demanded by Knopp, joined by Nelson, Verger, Anderson, Morgan and Jenson. All present except: Absent (not subject to Call), 1 – Nolan; Excused (not subject to Call), 5 – Beyer, Brown, Hass, Rosenbaum, Williams.

House Rule 2.20, 8.20, 9.01, 9.15, 13.05, 13.10 – Motion to adopt proposed amendments carried, the vote being: Yeas, 33; Nays, 21 – Ackerman, Avakian, Barker, Barnhart, Bates, Dingfelder, Greenlick, Hansen, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Prozanski, Schaufler, Tomei, Verger, Wirth; Absent, 1 – Nolan; Excused, 5 – Beyer, Brown, Hass, Rosenbaum, Williams. Amendments adopted.

HB 5003, 5008, 5009, 5012, 5013, 5014, 5015, 5016, 5018, 5021, 5022, 5023, 5027, 5028, 5030, 5034, 5036, 5038, 5041, 5042, 5044, 5050, 5051, 5052, 5056, 5060, 5063, 5066, 5067, 5068, 5069, 5070, 5071, 5072, 5073, 5074, 5076, 2038, 2072, 2073, 2092, 2121, 2124, 2126, 2144, 2147, 2249, 2253, 2255, 2273, 2287, 2288, 2300, 2302, 2323, 2345, 2352, 2364, 2366, 2428, 2462, 2499, 2511, 2515, 2516, 2523, 2532, 2534, 2551, 2566, 2568, 2577, 2600, 2609, 2637, 2641, 2659, 2665, 2666, 2683, 2709, 2742, 2745, 2759, 2791, 2801, 2802, 2805, 2807, 2813, 2844, 2845, 2849, 2883, 2884, 2888, 2904, 2912, 2943, 2955, 2969, 2970, 2995, 3002, 3008, 3009, 3011, 3012, 3016, 3024, 3033, 3036, 3038, 3041, 3066, 3073, 3108, 3118, 3119, 3153, 3171, 3176, 3198, 3199,

3219, 3240, 3243, 3249, 3252, 3268, 3270, 3307, 3309, 3394, 3396, 3411, 3442, 3480, 3510, 3515, 3517, 3526, 3528, 3529, 3531, 3534, 3549, 3552, 3555, 3559, 3564, 3570, 3573, 3574, 3577, 3584, 3603, 3636, HCR 1, SB 56, 83, 180, 183, 308, 471, 499, SJR 7 – Returned to the Speaker's desk for referral in compliance with House Rule 9.01.

HB 5045, 5046, 5049, 2248, 3597 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Wednesday's, July 23, 2003 Calendar.

HJM 10 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and memorial remaining on today's Final Reading of Memorials and Resolutions carried over and placed in its proper order on Wednesday's, July 23, 2003 Calendar.

SB 342 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill remaining on today's Third Reading of Senate Bills carried over and placed in its proper order on Wednesday's, July 23, 2003 Calendar.

SB 5516, 5533, 108, 190 – Speaker signed.

House adjourned until 10:30 a.m., Wednesday, July 23, 2003 on motion of Jenson.

### **Wednesday, July 23, 2003 – Morning Session**

House convened at 10:30 a.m. Dalto in Chair. All present except: Absent, 1 – Wirth; Excused, 2 – Kafoury, Westlund; Excused for business of the House, 2 – Bates, Patridge.

Speaker Pro Tempore in Chair.

Moment of silence observed.

Opening Ceremony presented by Representative Donna Nelson, District 24, McMinnville.

HB 2388, 3231, 2246 – Message from the Governor announcing he signed on July 22, 2003.

HB 2828 – Message from the Governor announcing he vetoed on July 22, 2003.

July 22, 2003

The Honorable Karen Minnis  
Speaker of the House  
Oregon State House of Representatives  
Oregon State Capitol – Room 269  
Salem OR 97301

Dear Speaker Minnis:

I am returning Enrolled House Bill 2828 unsigned and disapproved, for the reasons below.

House Bill 2828 would expand the role of nurse practitioners in the treatment of injured workers within the workers' compensation system.

Various reforms to the workers' compensation system grew out of my work with the "Mahonia Hall Group" in the 1990s. Those reforms addressed various important substantive and procedural issues within the system. Under legislation that grew out of that effort, nurse practitioners may treat injured workers for up to 30 days from the date of the workers' injury or for 12 visits, whichever occurs first. In addition, nurse practitioners in certain rural areas may authorize benefit payments to injured workers for up to 30 days from the date of the first visit. The limits in current law help to assure that seriously injured workers receive necessary medical attention from doctors trained in occupational medicine. House Bill 2828 makes substantial changes to these provisions by allowing nurse practitioners to treat injured workers and to authorize temporary disability benefits for up to 90 days from the date of the first visit.

Although I agree that it may be worthwhile for the stakeholders in the workers' compensation system to revisit some of the restrictions and time limits found in current law, I do not believe that House Bill 2828 is an appropriate way to do so. First, I do not believe that the role of nurse practitioners should be expanded without also considering the role of other health care providers who are not medical doctors. Reconsideration of the classes of professionals who are authorized to provide services to injured workers requires a universal, comprehensive analysis. Second, I believe that such reforms should be considered by and through the Management-Labor Advisory Committee (MLAC) and should result in a consensus recommendation in support of such revisions.

The creation of MLAC was an important reform adopted in the 1990s. MLAC is made up of an equal number of management and labor representatives and is charged with making fair and balanced recommendations regarding changes to the workers' compensation system. Previous legislatures and governors recognized the importance of MLAC's role by working with MLAC to develop legislation acceptable to all of the primary stakeholders in the workers' compensation system. In this case, however, MLAC's offer to reach a compromise on the terms of House Bill 2828 was rejected and MLAC remains opposed to the bill.

In May, I sent a letter to the House floor stating my opposition to HB 2828. I have now vetoed House Bill 2828 because I remain unconvinced that it is wise policy on its merits, because I do not believe that the role of nurse practitioners should be considered in isolation, and because I respect and value MLAC's role in reviewing and reaching consensus on proposed legislation regarding the workers' compensation system.

Sincerely,  
Theodore R. Kulongoski  
Governor

SB 108, 190, 5516, 5533, HB 2188, 3272 – Message from the Senate announcing President signed on July 22, 2003.

SB 5512, 5525, 302, 918, 919, 923, 927, HB 5048, 5057, 5058, 2156 – Message from the Senate announcing passage.

HB 2094, 2095 – Message from the Senate announcing passage as amended by the Senate.

SB 609, 613 – Message from the Senate announcing concurrence in House amendments and repassage.

HB 2378 – Message from the Senate announcing Senators Walker and Atkinson appointed Senate conferees.

HB 5029 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 5031 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 2160 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

HB 2301 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 3044 (A-Engrossed) – Report by Committee on Ways and Means recommending passage with amendments and be printed B-Engrossed.

HB 3201 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

HB 2299 (C-Engrossed) – Report by Conference Committee, signed by Representatives Smith P., Shetterly and Verger and Senators Deckert and Starr B., recommending that the House concur in the Senate amendments dated June 23, 2003 and that the bill be further amended and repassed.

SB 267 (A-Engrossed) – Report by Conference Committee, signed by Senators Corcoran and Minnis and Representatives Ackerman, Patridge and Williams, recommending that the Senate concur in the House amendments dated June 17, 2003 and that the bill be further amended and repassed.

HB 2041 (C-Engrossed) – Brown moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 45; Nays, 10 – Butler, Close, Doyle, Garrard, Kruse, Miller, Nelson, Richardson, Smith T., Zauner; Absent, 1 – Wirth; Excused, 2 – Kafoury, Westlund; Excused for business of the House, 2 – Bates, Patridge. Bill repassed, having received the required three-fifths constitutional majority.

House recessed for 30 minutes on motion of Hass.

House reconvened at 11:20 a.m. Williams in Chair. All present except: Excused, 1 – Westlund; Excused for business of the House, 2 – Miller, Speaker Minnis.

Having recessed under the order of business of Propositions and Motions, the House continued under that order of business.

Doyle in Chair.

HB 2221 (B-Engrossed) – Brown moved Conference Committee Report be adopted. Motion failed, the vote being: Yeas, 8; Nays, 50 – Ackerman, Anderson, Avakian, Backlund, Barker, Barnhart, Bates, Beyer, Butler, Close, Dalto, Dingfelder, Farr, Flores, Gallegos, Garrard, Gilman, Greenlick, Hansen, Hass, Hopson, Hunt, Jenson, Johnson, Kafoury, Kitts, Krieger, Krummel, Kruse, Mabrey, Macpherson, March, Merkley, Monnes Anderson, Morgan, Nelson, Nolan, Prozanski, Richardson, Rosenbaum, Schaufler, Scott, Shetterly, Smith G., Smith P., Tomei, Verger, Williams, Wirth, Zauner; Excused, 1 – Westlund; Excused for business of the House, 1 – Patridge. Conference Committee No. 2 to be appointed.

HB 2865 (B-Engrossed) – Williams moved Conference Committee Report be adopted. Motion carried on viva voce vote. Conference Committee Report adopted.

HB 2865 (B-Engrossed) – Williams moved bill be repassed. On repassage of the bill the vote was: Yeas, 55; Nays, 3 – Avakian, Dingfelder, March; Excused, 1 – Westlund; Excused for business of the House, 1 – Patridge. Bill repassed.

HB 5060, 2288, 2943 – Referred from Speaker's desk to the following committee: Ways and Means.

HB 5045 (A-Engrossed) – Read third time. Carried by Butler. On passage of the bill the vote was: Yeas, 44; Nays, 14 – Ackerman, Barnhart, Garrard, Greenlick, Kropf, Mabrey, March, Prozanski, Schaufler, Smith G., Smith P., Tomei, Verger, Zauner; Excused, 1 – Westlund; Excused for business of the House, 1 – Miller. Bill passed.

Ackerman requested the following explanation of his vote be entered in the Journal:

"I voted against House Bill 5045-A, the budget for the Oregon Department of State Police, because it does not fund this department at an adequate level.

"Because of position cuts and massive layoffs, there simply are not enough troopers and support staff available to enforce the laws that Oregonians expect to have enforced. Anybody who has driven along Interstate 5 or any other state highway knows first hand that there are not enough State Troopers on the roads regulating hazardous driving by cars and trucks who are violating driving laws. The same situation is true for criminal investigations, fish and wildlife enforcement, and forensic services.

"I have a tremendous respect for the troopers, investigators, and staff of the Oregon Department of State Police, who are some of the most diligent, loyal and hard working public employees in the state. The budget cuts enacted by this legislature have decimated the ranks of the Oregon State Police. The result is reduced enforcement of critical state laws, slower response times, and an increasing backlog of services provided to local law enforcement agencies. More important, by cutting patrols we run the risk of exposing our troopers to greater risks of life and injury because there is no back-up available or that back-up has to come from great distances.

"All of this has led to reduced morale and an exodus of our most qualified officers to other law enforcement agencies, and the cost of training replacements when revenues improve will be astronomical.

"At a time when the bad economy, domestic insecurity and an uncertain future have the potential to drive crime rates up, it makes no sense to cut the very program that is the first line of defense against this potentially increasing crime rate."

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted no on HB 5045-A, despite my strong support for the Oregon State Police. I will not support budgets which spend General Funds until we know our overall funding plan for public safety as well as education and human services. I oppose piecemeal budgeting.

"Moreover, this budget is entirely insufficient. It does not fund our state police at a level which will adequately provide for public safety. Most notably, the budget eliminates forensic labs and funds the patrol division inadequately."

Prozanski requested the following explanation of his vote be entered in the Journal:

"I support the funding of this budget, but I voted no on HB 5045-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that sets forth how it will pay for all general fund programs including public education, public safety and human services.

"Hopefully, leadership will put forth its plan soon. The legislature needs to complete its work and allow state agencies and recipients of state money to know how much money they have available to perform their work.

"Additionally, I question the wisdom of cutting vital regional state police services. The state police labs are essential components of state-wide public safety. I believe that the budget must include funding for all of these labs."

Tomei requested the following explanation of her vote be entered in the Journal:

"I strongly support our Department of State Police and public safety programs. Therefore, my decision to vote 'no' on HB 5045 (State Police general fund budget) was a particularly difficult one.

"I have dual, yet related reasons for casting my 'no' vote on this proposed budget. First, I acknowledge the Joint Committee on Ways and Means good intentions in presenting this general fund package. However, I believe it underfunds the Department of State Police in critical areas, thereby compromising the safety of Oregonians.

"Secondly, until we have responsible and adequate budgets for schools, human services, and public safety, I will continue to vote 'no' on any budget bills coming to the full House for a vote that commit general funds. I cannot support piecemeal budgeting when we do not yet know what the larger picture looks like, specifically, what critical services will be funded and at what level."

HB 5046 (A-Engrossed) – Read third time. Carried by Hansen. On passage of the bill the vote was: Yeas, 55; Nays, 3 – Doyle, Gilman, Nelson; Excused, 1 – Westlund; Excused for business of the House, 1 – Miller. Bill passed.

HB 5049 (A-Engrossed) – Read third time. Carried by Hansen. On passage of the bill the vote was: Yeas, 48; Nays, 10 – Ackerman, Garrard, Johnson, Kropf, Kruse, Nelson, Nolan, Verger, Wirth, Zauner; Excused, 1 – Westlund; Excused for business of the House, 1 – Miller. Bill passed.

Ackerman requested the following explanation of his vote be entered in the Journal:

"I voted against House Bill 5049-A, the budget for the Oregon Department of Public Safety Standards and Training, because it does not fund this department at an adequate level while providing

\$2,229,981 in debt service payments for facilities that should not have been built at this time.

"At its October 2002 meeting, the Emergency Board authorized the construction of a brand-new, \$73.2 million training facility. This decision was made after the Legislature just went through five grueling special sessions attempting to rebalance a budget decimated by sharp reductions in revenues. While I support the need for improved training facilities for our law enforcement officers, I find the action of the Emergency Board in authorizing such a massive expenditure to be totally irresponsible, especially when so many vital state programs are being slashed to pieces in the rush to provide a balanced state budget.

"The Governor's proposed budget provided for the temporary suspension of construction until the state revenue and budget situation became stable. I believe that state revenues would be better spent in retaining the 100-plus police officers who were laid-off, rather than on expenditures for a new facility at a time when the state really cannot afford it."

HB 2248, 3597 – By unanimous consent, on request of Chair, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Thursday's, July 24, 2003 Calendar.

HJM 10 – By unanimous consent, on request of Chair, rules suspended and memorial remaining on today's Final Reading of Memorials and Resolutions carried over and placed in its proper order on Thursday's, July 24, 2003 Calendar.

SB 5512, 5525, 302, 918, 919, 923, 927 – Read first time and passed to Speaker's desk for referral.

SB 297, 342 – By unanimous consent, on request of Chair, rules suspended and bills remaining on today's Third Reading of Senate Bills carried over and placed in their proper order on Thursday's, July 24, 2003 Calendar.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

HB 5078 – Report by Committee on Budget recommending passage with amendments and be printed A-Engrossed.

House adjourned until 10:30 a.m., Thursday, July 24, 2003 on motion of Jenson.

#### Thursday, July 24, 2003 – Morning Session

House convened at 10:30 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 1 – Knopp.

Opening Ceremony presented by Senator Charles Starr, District 13, Hillsboro.

HB 3613 – Message from the Governor announcing he signed on July 23, 2003.

HB 2194, 2259, 2260, 3154, 3629, 5004 – Message from the Senate announcing passage.

HB 3631 – Message from the Senate announcing passage as amended by the Senate.

SB 155 – Message from the Senate announcing concurrence in House amendments and repassage.

SB 232 – Message from the Senate announcing Senate refused to concur in House amendments.

HCR 1 – Referred from Speaker's desk to the following committee: Ways and Means.

HJR 57 – Referred from Speaker's desk to the following committee: Revenue with subsequent referral to Ways and Means.

SJR 7 – Referred from Speaker's desk to the following committee: Ways and Means.

SB 516 (C-Engrossed) – Report by Conference Committee, signed by Senators Atkinson and Metsger and Representatives Garrard, Ackerman and Richardson, recommending that the Senate concur in the House amendments dated May 9, 2003 and May 27, 2003 and that the bill be further amended and repassed.

HB 5078 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit second and third reading and final consideration immediately.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 5078 – Read second time and passed to third reading.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 5078 (A-Engrossed) – Read third time. Carried by Miller. On passage of the bill the vote was: Yeas, 54; Nays, 3 – Nelson, Verger, Zauner; Absent, 1 – Dingfelder; Excused, 1 – Knopp; Excused for business of the House, 1 – Morgan. Bill passed.

HB 2095 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 56; Excused, 1 – Knopp; Excused for business of the House, 3 – Miller, Morgan, Speaker Minnis. Bill repassed.

HB 3020 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and consideration of Conference Committee Report taken from today's Propositions and Motions and placed in its proper order on Friday's, July 25, 2003 Calendar.

HB 5003, 5009, 5012, 5013, 5014, 5016, 5022, 5023, 5027, 5028, 5030, 5056, 2038, 2072, 2073, 2092, 2121, 2124, 2126, 2144, 2147, 2249, 2253, 2255, 2273,

2287, 2300, 2302, 2323, 2345, 2352, 2364, 2366, 2428, 2462, 2499, 2511, 2515, 2516, 2523, 2532, 2534, 2551, 2566, 2568, 2577, 2600, 2609, 2637, 2641, 2659, 2665, 2683, 2709, 2742, 2745, 2791, 2801, 2802, 2805, 2807, 2813, 2844, 2845, 2849, 2883, 2884, 2888, 2904, 2912, 2955, 2969, 2970, 2995, 3002, 3008, 3009, 3011, 3012, 3016, 3024, 3033, 3036, 3038, 3041, 3066, 3073, 3108, 3118, 3119, 3153, 3171, 3176, 3198, 3199, 3219, 3240, 3243, 3249, 3252, 3307, 3309, 3394, 3396, 3411, 3442, 3510, 3515, 3517, 3526, 3528, 3529, 3531, 3534, 3552, 3555, 3559, 3564, 3570, 3573, 3574, 3577, 3584, 3603, 3636, 3652 – Referred from Speaker's desk to the following committees: 5009, 5012, 5013, 5014, 5016, 5022, 5023, 5027, 5028, 5030, 2092, 2253, 2287, 2300, 2302, 2323, 2345, 2566, 2600, 2683, 3108, 3171, 3176, 3531, 3534, 3574, 3577, 3603, 3652 – Budget; 2038, 2255, 2273, 2364, 2523, 2577, 2637, 2802, 2813, 2849, 2912, 2969, 3016, 3309, 3394, 3442, 3510, 3526, 3528, 3584 – Rules and Public Affairs; 5003, 5056, 2072, 2073, 2121, 2124, 2126, 2144, 2147, 2249, 2352, 2366, 2428, 2462, 2499, 2511, 2515, 2516, 2532, 2534, 2551, 2568, 2609, 2641, 2659, 2665, 2709, 2742, 2745, 2791, 2801, 2805, 2807, 2844, 2845, 2883, 2884, 2888, 2904, 2955, 2970, 2995, 3002, 3008, 3009, 3011, 3012, 3024, 3033, 3036, 3038, 3041, 3066, 3073, 3118, 3119, 3153, 3198, 3199, 3219, 3240, 3243, 3249, 3252, 3307, 3396, 3411, 3515, 3517, 3529, 3552, 3555, 3559, 3564, 3570, 3573, 3636 – Ways and Means.

HB 2160, 3201, 3648 – Read second time and passed to third reading.

HB 2248 (B-Engrossed) – Read third time. Carried by Hansen. On passage of the bill the vote was: Yeas, 55; Nays, 1 – Gilman; Excused, 1 – Knopp; Excused for business of the House, 3 – Miller, Morgan, Speaker Minnis. Bill passed.

HB 3597 (B-Engrossed) – Read third time. Carried by Butler. On passage of the bill the vote was: Yeas, 31; Nays, 26 – Ackerman, Avakian, Backlund, Barker, Barnhart, Bates, Berger, Beyer, Dalto, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Verger, Wirth; Excused, 1 – Knopp; Excused for business of the House, 2 – Miller, Morgan. Bill passed.

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

"I voted no on HB 3597 because the bill should have been sent back to committee for work. The cost of closing down the Capitol Planning Commission nearly equals the general fund support for two years of operation. I did vote to de-commission the Capitol Planning Commission, in SB 5506, but there needs to be further discussion on how to deal with the suspension of the operations so that it is not so costly."

HJM 10 – Read. Carried by Hopson. On adoption of the memorial the vote was: Yeas, 56; Excused, 1 – Knopp; Excused for business of the House, 3 – Miller, Morgan, Speaker Minnis. Memorial adopted.

SB 5512, 5525, 56, 83, 180, 183, 302, 308, 471, 499, 918, 919, 923, 927 – Referred from Speaker's desk to the following committees: 499 – Budget; 183, 302, 308, 471, 918, 919, 923, 927 – Rules and Public Affairs; 5512, 5525, 56, 83, 180 – Ways and Means.

SB 297 (B-Engrossed) – Read third time. Carried by Ackerman.

Potential conflict of interest declared by Macpherson.

Call of the House demanded by Ackerman, joined by Barnhart, Macpherson, Brown, Greenlick and Gilman. All present except: Excused (not subject to Call), 1 – Knopp.

SB 297 (B-Engrossed) – On passage of the bill the vote was: Yeas, 43; Nays, 16 – Anderson, Barker, Butler, Close, Doyle, Gilman, Krieger, Kropf, Krummel, Kruse, Morgan, Nelson, Patridge, Smith P., Wirth, Zauner; Excused, 1 – Knopp. Bill passed.

SB 342 (A-Engrossed) – Read third time. Carried by Prozanski. On passage of the bill the vote was: Yeas, 57; Nays, 2 – Close, Flores; Excused, 1 – Knopp. Bill passed.

HB 2248 (B-Engrossed) – By unanimous consent, on request of Kafoury, rules suspended to permit Nelson to change her vote from “aye” to “nay” on passage of bill.

HB 2378 – Speaker appointed Representatives Doyle, Chair; Flores and Verger House conferees.

SB 272 – Speaker appointed Representatives Close, Smith T. and Monnes Anderson House conferees.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

HB 5077 – Report by Committee on Budget recommending passage with amendments and be printed A-Engrossed.

House adjourned until 8:30 a.m., Friday, July 25, 2003 on motion of Jensen.

#### **Friday, July 25, 2003 – Morning Session**

House convened at 8:30 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 2 – Westlund, Zauner; Excused for business of the House, 1 – Butler.

Moment of silence observed.

SB 63, 912, 914, 916 – Message from the Senate announcing passage.

SB 267 – Message from the Senate announcing adoption of Conference Committee Report and repassage.

SB 232 – Message from the Senate announcing Senators Deckert and Ferrioli appointed Senate conferees.

SB 820 – Message from the Senate announcing Senators Ferrioli and Ringo appointed Senate conferees.

HB 5061 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 2189 (A-Engrossed) – Report by Committee on Ways and Means recommending passage with amendments and be printed B-Engrossed.

HB 2195 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 2349 (A-Engrossed) – Report by Committee on Ways and Means recommending passage with amendments and be printed B-Engrossed.

HB 2899 (A-Engrossed) – Report by Committee on Ways and Means recommending passage with amendments and be printed B-Engrossed.

HB 3023 (A-Engrossed) – Report by Committee on Ways and Means recommending passage with amendments and be printed B-Engrossed.

HB 3276 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 3620 (A-Engrossed) – Report by Committee on Ways and Means recommending passage with amendments and be printed B-Engrossed.

HB 3628 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

House recessed for 30 minutes on motion of Knopp.

House reconvened at 10:50 a.m. Speaker Pro Tempore in Chair. All present except: Excused, 3 – Greenlick, Westlund, Zauner.

Having recessed under the order of business of Propositions and Motions, the House continued under that order of business.

HB 5077 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit second and third reading and final consideration immediately.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to



the order of business of Second Reading of House Bills.

HB 5077 – Read second time and passed to third reading.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 5077 (A-Engrossed) – Read third time. Carried by Morgan.

Doyle in Chair.

Speaker Pro Tempore in Chair.

Call of the House demanded by Morgan, joined by Tomei, Backlund, Brown, Krummel and Knopp. All present except: Excused (not subject to Call), 2 – Greenlick, Zauner.

Potential conflict of interest declared by Krummel.

HB 5077 (A-Engrossed) – On passage of the bill the vote was: Yeas, 32; Nays, 26 – Ackerman, Avakian, Barker, Barnhart, Bates, Beyer, Dingfelder, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nelson, Nolan, Prozanski, Rosenbaum, Schaufler, Smith G., Tomei, Verger, Wirth; Excused, 2 – Greenlick, Zauner. Bill passed.

Ackerman requested the following explanation of his vote be entered in the Journal:

“I voted against House Bill 5077-A, the budget for the Oregon Department of Education for the State School Fund, because it does not fund our public schools at anywhere near an adequate level, puts our children’s education in jeopardy, and contributes to our jobs and economic downturn now and in the future.

“Proponents of this bill claim it will provide \$5.05 billion in education funding. It does not. This bill only provides for \$4.78 billion in General Fund and Lottery Fund dollars. The rest has to come from funds that may or may not be real.

“Proponents also claim that if the economy improves, there is a trigger mechanism that will add \$250 million to the budget. However, \$781 million in new revenue will have to be realized in one year before our schools will see the full \$250 million. Given the past performance of our economy and the best forecasts from state and national economists, this is highly unlikely.

“Cutting funding for our public schools and then relying on ‘Enron-style’ bookkeeping to make up the difference is no way to run a government. This is fiscal irresponsibility at its worst.”

Farr requested the following explanation of his vote be entered in the Journal:

“House Bill 5077 establishes the kindergarten through grade 12 (K-12) education budget at \$5.05 billion after certain triggers. I voted yes on the bill.

“\$5.05 billion is not enough to halt the slide of K-12 education that began with the passage of Ballot Measure 5. Indeed, even \$5.3 billion doesn’t fill the needs of our schools.

“I believe that schools in Oregon are among the finest in the nation, but are in jeopardy of losing much of the infrastructure that has characterized their excellence. We have some of the highest standards in the nation for teachers, but we are losing our most experienced educators at a record rate. Our curriculum and testing

standards are second to none, but with record high class size our kids are at risk more than ever of ‘falling through the cracks.’

“I voted yes on HB 5077 because we needed to pass a bill along to the Senate and start the process of adopting the budget. It establishes \$5.05 billion as the *minimum* number we are willing to consider and will allow for a carefully deliberated adjustment as the process moves forward. If we had not started the process by the passage of the bill we might be negotiating for weeks with no promise of a conclusion.

“I can assure my friends in education that I will continue to fight for stable and adequate school funding.”

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

“I voted against HB 5077, an inadequate K-12 education budget for the 2003-05 Biennium. HB 5077 may only provide about \$4.9 billion for the State School Fund in the upcoming biennium; that will not ensure that every Oregon child has a quality education.

“By voting against HB 5077 I am opposing a schools budget that will require dozens of districts around the state to lay off teachers, increase class sizes, and cut programs. State Superintendent of Public Instruction Susan Castillo recently pointed out what some school districts could expect with the schools budget contained in HB 5077:

*At \$5.05 billion, Coos Bay will cut 8 days off the school year – and make \$1.5 million in program cuts...At \$5.05 billion, the Greater Albany school district will cut 17 teachers and 6 support staff...Klamath Falls schools will not buy new textbooks with a \$5.05 billion budget...At \$5.05 billion, Tigard-Tualatin will not restore teaching positions (64 teachers laid off in the last two years). – Susan Castillo, July 24, 2003*

“Our schoolchildren need and deserve to have reasonable class sizes, a full school year, and teachers who have the tools at their disposal to ensure that every child has access to a quality education. I came to the Legislature to protect every school in Oregon and make sure every child gets a good education; HB 5077 is not adequate to meet the needs of the school districts around the state of Oregon.

“Additionally, the voters of Multnomah County recently passed a county income tax for schools and other social services. The tax measure contained a clause allowing for a tax decrease, depending on how much the Legislature allocates for K-12 education. The schools budget contained in HB 5077 will not provide needed tax relief for my constituents.

“I will continue to fight for an education budget that provides real relief for our beleaguered public school system. I will not support a school budget that uses smoke and mirrors to trick parents and voters into thinking that we have done right by our schoolchildren.”

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on HB 5077-A because it fails to provide adequate funding for all of Oregon’s schools. House leadership said that the bill would give public schools a base of \$5.05 billion in funding with some triggers that would bring the total to \$5.3 billion.

“What the bill actually provides is a base appropriation of \$4.56 billion from the general fund with another \$222 million of lottery funds bringing the total base budget for K-12 to \$4.78 billion. Additional monies for K-12 assume increased lottery proceeds going into the School Stability Fund (\$131 million) and a \$50 million appropriation from the E-board. With those additional monies, the appropriation would be \$4.966 billion.

“To get to the \$5.05 billion mark, the legislature would need to pass another bill that would cap the early payment discount on property taxes at 1.5% which is projected to bring in an additional \$83 million. To get to the \$5.3 billion mark, revenue forecasts would need to dramatically increase (\$781 million over the close of session forecast) to trigger the release of another \$250 million.

“This bill amounts to nothing more than fuzzy math. Even if we get to the \$5.05 billion level, that figure still falls far below what

is needed to ensure that schools throughout Oregon do not cut more school days, fire more teachers, eliminate additional extracurricular activities, and increase class sizes. Two school districts in my area, Crow-Applegate-Lorane and Fernridge, will continue the cuts they began last biennium because they need at least \$5.3 billion in school funding. Eugene 4J can manage with a smaller appropriation only because they will be receiving local funding. This is wrong.

"If we really want to rely on local funding for schools, we should ask voters to repeal Measure 5! That measure requires the state, through the legislature, to fund schools. Today, we did not do our job. Hopefully, the voters will hold those legislators who supported this inadequate budget accountable.

"For weeks, I have been voting no on budget bills that require general fund dollars because I was waiting for House leadership to put forth a plan as to how we would be paying for public education, public safety and human service programs. What we ended up getting is a plan that is totally inadequate to fund schools and other vital services and programs throughout Oregon."

**Verger requested the following explanation of her vote be entered in the Journal:**

"Today I voted against HB 5077, an inadequate K-12 education budget for the 2003-05 biennium. HB 5077 only guarantees a maximum of \$5.05 billion for the State School Fund in the upcoming biennium.

"I am particularly dismayed by the so-called 'trigger' mechanisms contained in HB 5077. These 'triggers' hold out the false promise that our schools may receive \$5.3 billion for the next two years. In order for these 'triggers' to be set into motion, our own Legislative Fiscal Officer estimates that our economy would need to grow by almost \$800 million over the next year. The likelihood of this happening is infinitesimally small and creates false hope for parents, teachers and students around the state.

"It is disingenuous to call HB 5077 an adequate schools budget because dozens of districts around the state will be forced to lay off teachers, increase class sizes, and cut programs. It hit particularly close to home when I heard State Superintendent of Public Instruction Susan Castillo note what a \$5.05 billion education budget would do for the largest school district in my community:

*At \$5.05 billion, Coos Bay will cut 8 days off the school year – and make \$1.5 million in program cuts. At \$5.3 billion, Coos Bay would have a full school year. – Susan Castillo, July 24, 2003*

"Our school-children need and deserve to have reasonable class sizes, a full school year, and teachers who have the tools at their disposal to ensure that every child has access to a quality education. HB 5077 is not adequate to meet the needs of the school districts in my district and around the state of Oregon.

"I will continue to fight for an education budget that contains \$5.3 billion in real money and provides real relief for our beleaguered public school system. I will not support a school budget that uses smoke and mirrors to make the public believe we have funded schools at an adequate level."

**HB 3020 (B-Engrossed) – Knopp moved Conference Committee Report be adopted. Motion carried on viva voce vote. Conference Committee Report adopted.**

**HB 3020 (B-Engrossed) – Knopp moved bill be repassed. On repassage of the bill the vote was: Yeas, 52; Nays, 6 – March, Nelson, Nolan, Richardson, Scott, Wirth; Excused, 2 – Greenlick, Zauner. Bill repassed.**

**Richardson requested the following explanation of his vote be entered in the Journal:**

"House Bill 3020-B, with its Conference Committee Amendments, contains 3 provisions that are harmful to Oregon.

"First, HB 3020-B conference committee amendments include a loophole that could effectively circumvent the 1,040-hour rule. Presently, Oregon PERS statutes provide that in most instances a retired PERS worker cannot continue to work for a PERS employer after retirement for 1,040 hours or more in any year, and still collect full retirement benefits. Section 33a (4) would now enable individuals to be employed 'in a position that is in a class of employees that was not designated by the public employer' without affecting their status as retired members or prevent the continued receipt of PERS retirement benefits. Under this section, many public employees may now have the opportunity to merely designate their PERS retirees in capacities that do not qualify for PERS benefits, then allow them to circumvent the 1,040 rule indefinitely. Without limiting the language of HB 3020 B, it may now be possible for creative PERS members with cooperating PERS employers to enable a qualifying PERS member to retire at 57, then continue working for years thereafter, while collecting full pay checks and full retirement benefit checks—"double dipping". Such potential abuses of the Public Employees Retirement System are unfair to Oregon taxpayers and a violation of the goal of providing a reasonable retirement plan for Oregon's PERS members at the end of their working careers.

"Second, HB 3020-B substantially expands 'double-dipping' to the detriment of Oregon taxpayers. The bill virtually eliminates the 1,040 hour limit for many public employees in counties with less than 75,000 residents—which is the majority of Oregon's counties. This provision applies to employees of sheriff's departments, corrections institutions and the state police as well as county commissioners and county judges. By passing HB 3020-B the Legislature has expanded this practice with no explanation or justification, and at great expense to Oregon taxpayers. This expansion of 'double dipping' codified in HB 3020-B is without a sunset provision, and therefore cannot be justified for current economic reasons.

"Third, HB 3020-B contains in Section 16 provisions that will substantially increase the cost of PERS administration and the cost of PERS retirement benefits. Under current PERS law when PERS members apply for retirement, the PERS department calculates each retiring members retirement benefit in three ways—money match, full formula, or full formula plus annuity. The PERS member then is given the highest retirement benefit resulting from the 3 calculations. This referred to as the 'Best of 3' calculations. Under the provisions of HB 2004 the 'Best of 3' calculations will be made on each member's retirement account using the old mortality tables as of June 30, 2003. HB 3020-B provides for a 'second bite at the apple' by requiring an additional recalculation this 'best of three' at the subsequent retirement date which now makes it a 'best of six.' The consequence of the second set of calculations will be additional costs to PERS employers in many instances. These 'Best of 6' provisions were passed without first obtaining an estimate of what the costs and consequences will be for PERS employers and Oregon taxpayers. It is a bad practice to pass laws without knowing or even estimating the financial consequences. One member of the PERS staff indicated to me that the financial consequences should not go above \$100 million, but the actual numbers are unknown.

"In conclusion, the Legislature passed PERS reforms to balance the system abuses which occurred in past years. As a result, the Legislature has been able to significantly reduce the system's unfunded actuarial liability. The conference committee amendments to HB 3020-B lessen these reforms and open loopholes that will cause benefit creep and additional expenditures in the future. For these reasons, I opposed the conference committee amendments to and passing of HB 3020-B."

**HB 2299 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and consideration of Conference Committee Report taken from today's Propositions and Motions and placed in its proper order on Monday's, July 28, 2003 Calendar.**

**HB 5029, 5031, 2301, 3044 – Read second time and passed to third reading.**

HB 3648 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill remaining on today's Consent Calendar carried over and placed in its proper order on Monday's, July 28, 2003 Calendar.

HB 2160, 3201 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of House Bills carried over and placed in their proper order on Monday's, July 28, 2003 Calendar.

SB 63, 912, 914, 916 – Read first time and passed to Speaker's desk for referral.

SB 63, 912, 914, 916 – Referred from Speaker's desk to the following committees: 912, 914, 916 – Rules and Public Affairs; 63 – Ways and Means.

HB 5048, 5057, 5058, 2041, 2156 – Speaker signed.

SB 5506, 5514, 609, 613 – Speaker signed.

House adjourned until 10:30 a.m., Monday, July 28, 2003 on motion of Jenson.

#### **Monday, July 28, 2003 – Morning Session**

House convened at 10:30 a.m. Kruse in Chair. All present except: Excused, 3 – Hunt, Westlund, Williams; Excused for business of the House, 5 – Beyer, Brown, Krummel, Mabrey, Tomei.

Moment of silence observed.

HB 5020, 2151, 2644, 2783, 2857, 3232, 3522 – Message from the Governor announcing he signed on July 25, 2003.

HB 2156, 5048, 5057, 5058, 2041 – Message from the Senate announcing President signed on July 25, 2003.

SB 5506, 5514, 609, 613 – Message from the Senate announcing President signed on July 25, 2003.

SB 906 – Message from the Senate announcing passage.

HB 2898, 2167 – Message from the Senate announcing passage as amended by the Senate.

SB 516 – Message from the Senate announcing adoption of Conference Committee Report and repassage.

HB 2865 – Message from the Senate announcing adoption of Conference Committee Report and repassage.

SB 272 – Message from the Senate announcing Senators Starr C. and Morrisette appointed Senate conferees.

HB 2572 – Report by Committee on Judiciary without recommendation as to passage and be referred to Committee on Rules and Public Affairs. Bill referred to Committee on Rules and Public Affairs by order of the Speaker.

HCR 13 – Report by Committee on Rules and Public Affairs recommending adoption.

HB 2299 (C-Engrossed) – Shetterly moved Conference Committee Report be adopted.

Call of the House demanded by Shetterly, joined by Nelson, Gilman, Butler, Backlund and Kitts. All present except: Excused (not subject to Call), 3 – Hunt, Westlund, Williams.

HB 2299 (C-Engrossed) – Motion to adopt Conference Committee Report carried, the vote being: Yeas, 40; Nays, 17 – Barker, Barnhart, Bates, Beyer, Dingfelder, Hansen, Hass, Johnson, Kafoury, Macpherson, March, Merkley, Prozanski, Rosenbaum, Schaufler, Tomei, Wirth; Excused, 3 – Hunt, Westlund, Williams. Conference Committee Report adopted.

HB 2299 (C-Engrossed) – Shetterly moved bill be repassed. On repassage of the bill the vote was: Yeas, 40; Nays, 17 – Avakian, Barker, Barnhart, Bates, Beyer, Dingfelder, Hansen, Johnson, Kafoury, Macpherson, March, Merkley, Prozanski, Rosenbaum, Schaufler, Tomei, Wirth; Excused, 3 – Hunt, Westlund, Williams. Bill repassed.

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted against HB 2299-C because it eliminated the prevailing wage provisions where construction, additions, modifications or installations are being performed in specific enterprise zones.

"I believe prevailing wages should be required to be paid in these enterprise zones."

HB 2230 – By unanimous consent, on request of Chair, rules suspended to permit immediate reconsideration of the motion to not concur in Senate amendments and a Conference Committee be appointed.

HB 2230 (B-Engrossed) – Close moved the House reconsider the vote by which it adopted the motion to not concur in Senate amendments and a Conference Committee be appointed.

Speaker Pro Tempore in Chair.

HB 2230 (B-Engrossed) – Motion to reconsider the vote by which House adopted the motion to not concur in Senate amendments and a Conference Committee be appointed, carried, the vote being: Yeas, 56; Absent, 1 – Smith T.; Excused, 3 – Hunt, Westlund, Williams. Vote reconsidered.

In compliance with Mason's Manual of Legislative Procedure, Section 468, subsection 3, the question immediately recurs on the motion to not concur in

Senate amendments and a Conference Committee be appointed.

HB 2230 (B-Engrossed) – Close moved the motion to concur in Senate amendments and repass the bill be substituted for the motion to not concur in Senate amendments and a Conference Committee be appointed. Motion carried on viva voce vote. Motion to concur in Senate amendments and repass bill substituted.

HB 2230 (B-Engrossed) – Motion to concur in Senate amendments and repass bill carried, the vote being: Yeas, 57; Excused, 3 – Hunt, Westlund, Williams. Bill repassed.

SB 267 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and consideration of Conference Committee Report taken from today's Propositions and Motions and placed in its proper order on Tuesday's, July 29, 2003 Calendar.

HB 3653, 3654, 3656 – Read first time and passed to Speaker's desk for referral.

HB 5008, 5018, 5021, 5038, 5041, 5044, 5050, 5051, 3653, 3654, 3656 – Referred from Speaker's desk to the following committees: 5018, 5021 – Budget; 3656 – Revenue; 3653, 3654 – Rules and Public Affairs; 5008, 5038, 5041, 5044, 5050, 5051 – Ways and Means.

HB 3648 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Hunt, Westlund, Williams. Bill passed.

HB 2160 (A-Engrossed) – Read third time. Carried by Bates. On passage of the bill the vote was: Yeas, 55; Nays, 2 – Close, Richardson; Excused, 3 – Hunt, Westlund, Williams. Bill passed.

HB 3201 (A-Engrossed) – Read third time. Carried by Johnson. On passage of the bill the vote was: Yeas, 57; Excused, 3 – Hunt, Westlund, Williams. Bill passed.

HB 5029 (A-Engrossed) – Read third time. Carried by Hansen. On passage of the bill the vote was: Yeas, 43; Nays, 13 – Barnhart, Beyer, Dingfelder, Greenlick, Kafoury, March, Merkley, Prozanski, Rosenbaum, Tomei, Verger, Wirth, Zauner; Excused, 3 – Hunt, Westlund, Williams; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted no on HB 5029-A despite my support for the Housing and Community Services Department.

"We must not pass this or other general fund budgets until we have an overall plan to fund public education, public safety and human services. It is irresponsible to pass general fund budgets in such a piecemeal fashion without an overall plan."

Prozanski requested the following explanation of his vote be entered in the Journal:

"I support funding this budget, but I voted no on HB 5029-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that adequately funds all general fund programs including public education, public safety and human services.

"For weeks, I have been voting no on budget bills that require general fund dollars because I was waiting for House leadership to put forth a plan as to how we would be paying for public education, public safety and human service programs. What we ended up getting is a plan that is totally inadequate to fund schools and other vital services and programs throughout Oregon. Accordingly, I will not support this budget at this time."

Tomei requested the following explanation of her vote be entered in the Journal:

"I strongly support our Housing and Community Services Department and its programs. This department provides financing and support for the development of affordable housing in the state and for delivery of services for economically needy Oregonians. Therefore, my decision to vote 'no' on HB 5029 was a particularly difficult one.

"I have dual, yet related reasons for casting my 'no' vote on this proposed budget. First, one component of the bill provides for borrowing against the lottery to fund the Housing Trust Fund. While pumping in lottery dollars through the front door, we're asked to take general funds from the Trust out the back door. This undermines the Housing Trust Fund. Additionally, the proposed budget underfunds the housing programs. Having affordable housing is a key to stability in our communities and, therefore, our economic growth.

"Secondly, until we have responsible and adequate budgets for schools, human services, and public safety, I will continue to vote 'no' on any budget bills coming to the full House for a vote that commit general funds. I cannot support piecemeal budgeting when we do not yet know what the larger picture looks like, specifically, what critical services will be funded and at what level."

HB 5031 (A-Engrossed) – Read third time. Carried by Smith G. On passage of the bill the vote was: Yeas, 43; Nays, 14 – Barnhart, Close, Flores, Garrard, Kitts, Kropf, March, Merkley, Prozanski, Richardson, Scott, Smith P., Tomei, Zauner; Excused, 3 – Hunt, Westlund, Williams. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted no on HB 5031 despite my support for the Insurance Pool Governing Board.

"We must not pass this or other general fund budgets until we have an overall plan to fund public education, public safety and human services. It is irresponsible to pass general fund budgets in such a piecemeal fashion without an overall plan."

Prozanski requested the following explanation of his vote be entered in the Journal:

"I support funding this budget, but I voted no on HB 5031-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that adequately funds all general fund programs including public education, public safety and human services.

"For weeks, I have been voting no on budget bills that require general fund dollars because I was waiting for House leadership to put forth a plan as to how we would be paying for public education, public safety and human service programs. What we ended up getting is a plan that is totally inadequate to fund schools and other vital services and programs throughout Oregon. Accordingly, I will not support this budget at this time."

Tomei requested the following explanation of her vote be entered in the Journal:

"It goes without saying that I strongly support our Insurance Pool Governing Board and its programs. Therefore, my decision to vote 'no' on HB 5031 was a particularly difficult one.

"However, until we have responsible and adequate budgets for schools, human services, and public safety, I will continue to vote 'no' on any budget bills coming to the full House for a vote that commit general funds. I cannot support piecemeal budgeting when we do not yet know what the larger picture looks like, specifically, what critical services will be funded and at what level."

HB 2301 (A-Engrossed) – Read third time. Carried by Morgan. On passage of the bill the vote was: Yeas, 56; Nays, 1 – Nolan; Excused, 3 – Hunt, Westlund, Williams. Bill passed.

HB 3044 (B-Engrossed) – Read third time. Carried by Backlund, Smith T. On passage of the bill the vote was: Yeas, 44; Nays, 13 – Avakian, Beyer, Greenlick, Hansen, Hopson, Kafoury, Merkley, Nelson, Prozanski, Rosenbaum, Schaufler, Tomei, Wirth; Excused, 3 – Hunt, Westlund, Williams. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted against HB 3044-B because I question the wisdom and legal authority to withhold grade reports, diplomas and records of students or former students who are believed to owe a debt of \$50 or more to the school district.

"School districts should use either the legal or the debt collection process to resolve these issues. I do not believe HB 3044-B represents good public policy and may be illegal."

SB 906 – Read first time and passed to Speaker's desk for referral.

SB 906 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

SB 232 – Speaker appointed Representatives Shetterly, Verger and Williams House conferees.

SB 820 – Speaker appointed Representatives Jenson, Dingfelder and Westlund House conferees.

HB 5004 – Speaker signed.

House adjourned until 10:30 a.m., Tuesday, July 29, 2003 on motion of Jenson.

#### **Tuesday, July 29, 2003 – Morning Session**

House convened at 10:30 a.m. Kruse in Chair. All present except: Excused for business of the House, 3 – Miller, Patridge, Shetterly.

Opening Ceremony presented by Representative Gordon Anderson, District 3, Grants Pass.

HB 2041 – Message from the Governor announcing he signed on July 28, 2003.

HB 5004 – Message from the Senate announcing President signed on July 28, 2003.

HB 3187 – Message from the Senate announcing passage.

SJR 14 – Message from the Senate announcing adoption.

HB 2368 – Message from the Senate announcing passage as amended by the Senate.

HB 3020 – Message from the Senate announcing adoption of Conference Committee Report and repassage.

SJR 14 – Read first time and passed to Speaker's desk for referral.

HB 5060 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 3651 – Report by Committee on Rules and Public Affairs recommending passage.

HB 2898 (B-Engrossed) – Garrard moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 54; Absent, 3 – Hopson, Kropf, Rosenbaum; Excused for business of the House, 3 – Miller, Patridge, Shetterly. Bill repassed.

HB 2167 (C-Engrossed) – Krummel moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 54; Absent, 1 – Kropf; Excused for business of the House, 5 – Miller, Morgan, Patridge, Shetterly, Speaker Minnis. Bill repassed.

SB 267 (A-Engrossed) – Williams moved Conference Committee Report be adopted. Motion carried on viva voce vote. Conference Committee Report adopted.

SB 267 (A-Engrossed) – Williams moved bill be repassed. On repassage of the bill the vote was: Yeas, 47; Nays, 6 – Butler, Kropf, Krummel, Kruse, Scott, Zauner; Excused for business of the House, 7 – Doyle, Knopp, Miller, Morgan, Patridge, Shetterly, Speaker Minnis. Bill repassed.

SB 516 (C-Engrossed) – Garrard moved Conference Committee Report be adopted. Motion carried on viva voce vote. Conference Committee Report adopted.

SB 516 (C-Engrossed) – Garrard moved bill be repassed. On repassage of the bill the vote was: Yeas, 54; Excused for business of the House, 6 – Doyle, Miller, Morgan, Patridge, Shetterly, Speaker Minnis. Bill repassed.

HB 3655 – Read first time and passed to Speaker's desk for referral.

HB 5061, 2189, 2195, 2349, 2899, 3023, 3276, 3620, 3628 – Read second time and passed to third reading.

HCR 13 – By unanimous consent, on request of Chair, rules suspended and resolution made a Special Order of Business immediately following the order of business of Special Committee Reports on Thursday's, July 31, 2003 Calendar.

HB 3020, 3154 – Speaker signed.

House adjourned until 10:30 a.m., Wednesday, July 30, 2003 on motion of Jenson.

### **Wednesday, July 30, 2003 – Morning Session**

House convened at 10:30 a.m. Kruse in Chair. All present except: Excused, 1 – Westlund; Excused for business of the House, 7 – Hopson, Miller, Morgan, Patridge, Shetterly, Williams, Speaker Minnis.

Moment of silence observed.

HB 2188, 3272, 5004 – Message from the Governor announcing he signed on July 29, 2003.

SB 5530, 196, 468, 597, 922, HB 2172, 2179, 3645 – Message from the Senate announcing passage.

HB 2221 – Message from the Senate announcing Senators Minnis and Burdick appointed Senate conferees.

HB 3020, 3154 – Message from the Senate announcing President signed on July 29, 2003.

SB 155 – Message from the Senate announcing President signed on July 29, 2003.

SJR 14 – Referred from Speaker's desk to the following committee: Ways and Means.

SB 5512 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 5525 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 63 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

HB 2368 (C-Engrossed) – Close moved House not concur in Senate amendments and a Conference Committee be appointed. Motion carried on viva voce vote. Conference Committee to be appointed.

HB 5015, 2759, 3655 – Referred from Speaker's desk to the following committees: 3655 – Rules and Public Affairs with subsequent referral to Ways and Means; 2759, 5015 – Ways and Means.

HB 5034, 2666 – Referred from Speaker's desk to the following committees: 2666 – Budget; 5034 – Ways and Means.

HB 3651 – Read second time and passed to third reading.

HB 5061 (A-Engrossed) – Read third time. Carried by Bates. On passage of the bill the vote was: Yeas, 48; Nays, 4 – Close, Flores, Richardson, Scott; Absent, 2 – Kropf, Wirth; Excused, 1 – Westlund; Excused for business of the House, 5 – Hopson, Miller, Patridge, Shetterly, Williams. Bill passed.

HB 2189 (B-Engrossed) – Read third time. Carried by Bates.

Speaker Pro Tempore in Chair.

HB 2189 (B-Engrossed) – On passage of the bill the vote was: Yeas, 47; Nays, 8 – Butler, Close, Flores, Kropf, Richardson, Scott, Smith T., Zauner; Absent, 1 – Wirth; Excused, 1 – Westlund; Excused for business of the House, 3 – Hopson, Morgan, Speaker Minnis. Bill passed.

HB 2195 (A-Engrossed) – Read third time. Carried by Morgan. On passage of the bill the vote was: Yeas, 56; Nays, 2 – Nolan, Zauner; Excused, 1 – Westlund; Excused for business of the House, 1 – Hopson. Bill passed, having received the required three-fifths constitutional majority.

HB 2349 (B-Engrossed) – Read third time. Carried by Bates. On passage of the bill the vote was: Yeas, 54; Nays, 2 – Garrard, Mabrey; Excused, 1 – Westlund; Excused for business of the House, 3 – Hopson, Patridge, Speaker Minnis. Bill passed.

HB 2899 (B-Engrossed) – Read third time. Carried by Krieger. On passage of the bill the vote was: Yeas, 56; Excused, 1 – Westlund; Excused for business of the House, 3 – Berger, Hopson, Speaker Minnis. Bill passed.

HB 3023 (B-Engrossed) – Read third time. Carried by Johnson. On passage of the bill the vote was: Yeas, 41; Nays, 15 – Avakian, Beyer, Dalto, Dingfelder, Greenlick, Hansen, Hunt, March, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Wirth; Excused, 1 – Westlund; Excused for business of the House, 3 – Barker, Hopson, Patridge. Bill passed.

Dingfelder requested the following explanation of her vote be entered in the Journal:

"I voted no on House Bill 3023-B because I believe this bill is unnecessary for the following reasons:

"There is insufficient evidence that the year timeline needs to be reduced to 90 days.

"State agencies have a significantly higher collection rate than private collection agencies.

"Oregon can not afford to lose more revenue."

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

"I voted no on HB 3023 because there is no evidence of need to turn over delinquent accounts of state agencies to a private collection agency after 90 days. Private collection agencies have not shown that they can do a better or even comparable job at collecting on delinquent accounts.

"The use of private collection agencies for public debt collection creates risks of privacy violations and civil rights abuses. In the

public health arena, many low income individuals are diagnosed and/or treated for medical conditions including sexually transmitted diseases, HIV and other communicable diseases that are highly sensitive and confidential. Many times these patients can not pay. More safeguards need to be in place to protect the confidentiality of these individuals.

"I am concerned that in Oregon, collection agencies made the Attorney General's Top Ten list of Consumer Complaints. The State agencies have the advantage of being able to deliver warrants, enact wage garnishments and access wage records including new hires.

"Finally the revenue impact statement is misleading. We stand to lose several million dollars in revenue by making this a legislative change."

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted no on HB 3023-B because I generally do not support using private collection agencies to collect public debts. The state will lose a portion of the debt to the collection agency.

"Further, HB 3023-B has an accelerated collection schedule which I believe will be a disservice to the state agencies attempting to collect outstanding debts. State agencies only have 90 days to take action on delinquent accounts, and due to cutbacks in personnel, this timeframe may not be sufficient.

"Once the account has been assigned to a private agency, it can retain the account for a 'reasonable' period of time. What is reasonable? 60 days? 90 days? 180 days? A year? Lastly, the account is returned to the state agency for further collection efforts if the private agency is not successful. Huh?"

Tomei requested the following explanation of her vote be entered in the Journal:

"House Bill 3023 requires state agencies to provide delinquent accounts to the Department of Revenue or to private collection agencies no later than 90 days following the delinquency or liquidation. Although I certainly agree that we need to collect monies owed to the state, I have a real concern about shortening the period from one year to 90 days for turning delinquent accounts over to the Department of Revenue or private collection agencies. This concern required that I vote 'no' on HB 3023.

"Oregon state agencies have a significantly greater collection rate than do private collection agencies. Figures show that for every dollar the state spends on collection, there is a return of \$12. It takes an investment of \$2 of state money for private collection agencies to return \$10. This difference is largely due to the fact that state agencies possess the ability to deliver warrants, enact wage garnishments, and access wage records, abilities that are not available to private collection agencies. Taking these steps, however, requires, in most cases, longer than 90 days to complete. Paying a private agency to step in after only 90 days is far more costly than spending the funds to maintain an in-house agency staff to manage the collection process."

HB 3276 (A-Engrossed) – Read third time. Carried by Hansen. On passage of the bill the vote was: Yeas, 44; Nays, 13 – Barnhart, Beyer, Dingfelder, Hass, Hunt, Kafoury, Krummel, Merkley, Prozanski, Rosenbaum, Schaufler, Tomei, Wirth; Excused, 1 – Westlund; Excused for business of the House, 2 – Hopson, Miller. Bill passed.

Dingfelder requested the following explanation of her vote be entered in the Journal:

"Section 8 of House Bill 3276-A transfers \$5.53 million from the Housing Development and Guarantee Account to the General Fund to be used for general government purposes.

"Although I support other provisions of this bill, I voted no because of the above mentioned clause in Section 8."

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted against HB 3276-A because it removes \$5.5 million from the Housing Development and Guarantee Account. This money would then be placed in the state's general fund 'to be used for general governmental purposes'! I see this provision as a robbing Peter to pay Paul clause. This is wrong.

"I support the other provisions of HB 3276, but I could not support the bill with the abovementioned clause."

Tomei requested the following explanation of her vote be entered in the Journal:

"I strongly support our Housing and Community Services Department and its programs. House Bill 3276 provides changes to accommodate budget provisions for this Department, whose budget was passed by the House on July 28, 2003 (HB 5029). On the surface, HB 3276 has many good aspects. However, Section 8 of the bill, an amendment to the original bill, facilitates the transfer of \$5.53 million from the Housing Trust Fund to the General Fund to help resolve the current budget shortfall. This is unacceptable to me and is why I voted 'no' on HB 3276.

"As I stated in my Vote Explanation on HB 5029, while pumping lottery dollars in through the front door, we're asked to take general funds from the Trust out the back door. This undermines the Housing Trust Fund. Robbing the Fund of one-third of its current revenues and taking nearly a decade to replace those revenues with lottery funds also robs those who need these vital services today. Again, having affordable housing is a key to stability in our communities and, thereby, our economic growth."

HB 3620 (B-Engrossed) – Read third time. Carried by Johnson. On passage of the bill the vote was: Yeas, 57; Excused, 1 – Westlund; Excused for business of the House, 2 – Hopson, Miller. Bill passed.

HB 3628 (A-Engrossed) – Read third time. Carried by Krieger. On passage of the bill the vote was: Yeas, 56; Nays, 1 – Gilman; Excused, 1 – Westlund; Excused for business of the House, 2 – Hopson, Miller. Bill passed.

SB 5530, 196, 468, 597, 922 – Read first time and passed to Speaker's desk for referral.

SB 196, 468, 597, 922 – Referred from Speaker's desk to the following committees: 922 – Rules and Public Affairs; 196, 468, 597 – Ways and Means.

HB 3023 (B-Engrossed) – By unanimous consent, on request of Knopp, rules suspended to permit Merkley to change his vote from "aye" to "nay" on passage of bill.

HB 5078 – Speaker signed.

SB 155 – Speaker signed.

House adjourned until 10:30 a.m., Thursday, July 31, 2003 on motion of Mabrey.

#### Thursday, July 31, 2003 – Morning Session

House convened at 10:30 a.m. Kitts in Chair. All present except: Excused for business of the House, 4 – Johnson, Kafoury, Morgan, Patridge.

Opening Ceremony presented by Pastor Dan Russell, East Hill Four Square Church, Gresham.

Speaker Pro Tempore in Chair.

HB 3020 – Message from the Governor announcing he signed on July 30, 2003.

HB 5078 – Message from the Senate announcing passage.

HB 2299 – Message from the Senate announcing adoption of Conference Committee Report and repassage.

HB 5078 – Message from the Senate announcing President signed on July 30, 2003.

HJR 58, 59 – Introduced, read and passed to Speaker's desk for referral.

HM 11 – Introduced, read and passed to Speaker's desk for referral.

HJR 58, 59 – Referred from Speaker's desk to the following committees: 58 – Budget; 59 – Rules and Public Affairs.

HM 11 – Referred from Speaker's desk to the following committee: Budget.

HB 5009 – Report by Committee on Budget without recommendation as to passage and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 5018 – Report by Committee on Budget without recommendation as to passage and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 5022 – Report by Committee on Budget without recommendation as to passage and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 5028 – Report by Committee on Budget without recommendation as to passage and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 3108 (A-Engrossed) – Report by Committee on Budget without recommendation as to passage and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 3534 (A-Engrossed) – Report by Committee on Budget without recommendation as to passage and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

SB 757 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage.

SB 908 – Report by Committee on Rules and Public Affairs recommending passage and be placed on the Consent Calendar.

SB 909 – Report by Committee on Rules and Public Affairs recommending passage and be placed on the Consent Calendar.

SB 919 – Report by Committee on Rules and Public Affairs recommending passage and be placed on the Consent Calendar.

HCR 13 – Read as a Special Order of Business. Carried by Rosenbaum. On adoption of the resolution the vote was: Yeas, 58; Excused for business of the House, 2 – Patridge, Speaker Minnis. Resolution adopted.

HB 3657, 3658 – Read first time and passed to Speaker's desk for referral.

HB 5052, 3657, 3658 – Referred from Speaker's desk to the following committees: 3658 – Revenue; 3657 – Rules and Public Affairs; 5052 – Ways and Means.

HB 5060 – Read second time and passed to third reading.

HB 3651 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill taken from today's Third Reading of House Bills and placed in its proper order on Friday's, August 1, 2003 Calendar.

SB 5530 – Referred from Speaker's desk to the following committee: Ways and Means.

SB 5512, 5525, 63 – Read second time and passed to third reading.

House adjourned until 8:30 a.m., Friday, August 1, 2003 on motion of Jenson.

#### **Friday, August 1, 2003 – Morning Session**

House convened at 8:30 a.m. Speaker Pro Tempore in Chair. All present except: Absent, 1 – Bates; Excused, 2 – Merkley, Westlund; Excused for business of the House, 3 – Morgan, Patridge, Speaker Minnis.

Moment of silence observed.

HB 5078 – Message from the Governor announcing he signed on July 31, 2003.

SB 5502 – Message from the Senate announcing passage.

HB 3638 – Report by Committee on Rules and Public Affairs recommending passage with amendments, be printed A-Engrossed, rescind subsequent referral to Committee on Ways and Means, and be placed on the Consent Calendar.



Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

SB 196 (B-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 468 (B-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 597 (B-Engrossed) – Report by Committee on Ways and Means recommending passage.

SJR 14 – Report by Committee on Ways and Means recommending adoption.

HB 2594 (A-Engrossed) – Report by Conference Committee, signed by Representatives Williams, Ackerman and Krummel and Senators Minnis and Walker, recommending that the House concur in the Senate amendments dated June 23, 2003 and that the bill be further amended and repassed.

HB 3659, 3660, 3661 – Read first time and passed to Speaker's desk for referral.

HB 5036, 5042, 5063, 5066, 5067, 5068, 5069, 5070, 5071, 5072, 5073, 5074, 5076, 3659, 3660, 3661 – Referred from Speaker's desk to the following committees: 3660, 3661, 5036, 5042, 5063, 5066, 5067, 5068, 5069, 5070, 5071, 5072, 5073, 5074, 5076 – Budget; 3659 – Revenue with subsequent referral to Ways and Means.

HB 3651 – Read third time. Carried by Dalto.

By unanimous consent, on request of Flores, rules suspended to permit use of visual aid during debate of bill.

Call of the House demanded by Dalto, joined by Gallegos, Flores, Mabrey, Barnhart and Hansen. All present except: Absent (not subject to Call), 1 – Bates; Excused (not subject to Call), 2 – Merkley, Westlund.

HB 3651 – On passage of the bill the vote was: Yeas, 42; Nays, 15 – Anderson, Avakian, Close, Garrard, Gilman, Hass, Hopson, Johnson, Kropf, Kruse, Morgan, Smith G., Smith T., Verger, Zauner; Absent, 1 – Bates; Excused, 2 – Merkley, Westlund. Bill passed.

Anderson requested the following explanation of his vote be entered in the Journal:

"I am greatly torn on HB 3651!

"As a Republican and a legislator, I would love to support immigrating families, Asian, Arabic, or Hispanic, hoping they would see the strength of our Republican platform that is so strongly pro-family and join our crusade. Immigrant families bring those highly commendable traits that are extremely valuable to our nation ... family-oriented, hard-working and religious.

"At the same time, however, I am concerned that we are establishing a bad precedent with HB 3651. I appreciate that this bill attempts to provide higher education for an American citizen. But the ones who benefit are illegal parents of the students who are paying the tuition costs. If the student were to declare independence from their parents and work to support themselves (as I did through 12 years of higher ed), the student would qualify.

If they were to serve in the Armed Forces before college, they would qualify for free education. But to give privileges to their parents, who have not sought citizenship, is to treat those parents who have become citizens unfairly. We need to be fair with poor families who gained citizenship and are struggling to support college costs for their children.

"While the costs of this program are said to be minimal, I can easily imagine that this bill could become a magnet to our colleges and universities for out of state student/citizens with illegal parents. As in the escalating costs of health care as out of states have moved here for better care, we may well see many more illegal families move here for breaks on educational costs.

"Difficult as this decision is, I will vote No on HB 3651."

Kropf requested the following explanation of his vote be entered in the Journal:

"I am explaining my reason for voting no on HB 3651 with this letter.

"I regrettably can not support this bill for the following reason. I agree fully that a child born in America should receive all of the rights and privileges of being an American citizen. I support that concept totally and I wish that issue were the single focus of this bill, for I would easily be a yes vote.

"The issue that causes me to vote no is the extension of citizenship rights be extended to a legal resident alien, a non-US citizen.

"For our states and nations laws are to be valid and truly worth the paper they are written on, then we should not be abrogating their function for a small group of individuals. This is precisely what HB 3651 accomplishes. I strongly oppose the notion that we should extend rights and privileges of citizenship to a person who comes to America legally, but is not yet a citizen. This creates a disincentive to becoming a US citizen for it provides no reward for working through our system achieving citizenship. We should and do reward those who come to America, and follow our laws and procedures to become an American citizen.

"HB 3651 removes this incentive by granting it unilaterally and dismisses the millions of American's such as my family who laboriously did it right by following our laws to obtain US Citizenship.

"A non-resident alien here legally should not receive the full rights and privileges of US citizenship until they have followed the process and have become a US Citizen.

"This is why I cannot support this legislation at this time."

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted yes for HB 3651 because I support every Oregon child's opportunity to pursue higher education.

"I believe that any student who has attended high school in Oregon for three years (as required by HB 3651) should have the right to in-state tuition.

"I do not believe a child who meets the criteria set forth in HB 3651 should be denied in-state tuition based on their parents' residency status.

"I also realize that the bill may cause some problems for parents if they are residing in the United States illegally, but I feel I must support their children's desire to attend college. Further, I have been assured that the bill will be reviewed in the Senate to ensure that parents will not become targets for immigration violations.

"Specifically, I do not want to see the information provided by the students regarding their parents' immigration status to be accessible to federal authorities when Oregon has adopted statutes prohibiting Oregon law enforcement agencies from assisting federal authorities in certain immigration matters. (ORS 181.850)"

Richardson requested the following explanation of his vote be entered in the Journal:

"HB 3651 offers in-state tuition for individuals who are citizens of the United States or have legal resident status, and were

raised and educated in Oregon. This bill does not allow students who are non-citizens or who are illegal aliens to establish residency for purposes of determining tuition status.

"HB 3651 provides for more stringent provisions compared to SB 10. For purposes of determining in-state tuition, a citizen or legal (documented) resident alien must have resided in Oregon with a parent or legal guardian for at least three consecutive years while attending a secondary school and received a high school diploma or its equivalent from an Oregon secondary school.

"The bill has virtually no fiscal impact. It does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution. The Legislative Fiscal Office states the impact will be minimal because few students will qualify for tuition under the measure."

Verger requested the following explanation of her vote be entered in the Journal:

"I voted against HB 3651 because I cannot vote for a bill that allows students of parents who are not US citizens to pay in-state tuition. If I supported HB 3651, I believe that I would be voting to disobey Federal law.

"I encourage parents to seek US citizenship. I support a legislative fix that focuses on the real disconnect between the Federal financial aide reporting guidelines and Oregon students' access to higher education. I believe in the right for a person to better themselves. I just don't think that HB 3651 is the right fix to this problem."

HB 5060 (A-Engrossed) – Read third time. Carried by Johnson. On passage of the bill the vote was: Yeas, 49; Nays, 8 – Close, Flores, Kropf, Nelson, Richardson, Scott, Smith P., Zauner; Absent, 1 – Bates; Excused, 2 – Merkley, Westlund. Bill passed.

SB 5502 – Read first time and passed to Speaker's desk for referral.

SB 757 – Read second time and passed to third reading.

SB 5512 (A-Engrossed) – Read third time. Carried by Butler.

Kruse in Chair.

SB 5512 (A-Engrossed) – On passage of the bill the vote was: Yeas, 54; Nays, 2 – Beyer, March; Absent, 1 – Bates; Excused, 2 – Merkley, Westlund; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

SB 5525 (A-Engrossed) – Read third time. Carried by Patridge.

Potential conflict of interest declared by Rosenbaum.

SB 5525 (A-Engrossed) – On passage of the bill the vote was: Yeas, 40; Nays, 13 – Ackerman, Barnhart, Close, Dingfelder, Flores, Kitts, Kropf, Mabrey, Prozanski, Richardson, Scott, Tomei, Zauner; Absent, 1 – Bates; Excused, 2 – Merkley, Westlund; Excused for business of the House, 4 – Shetterly, Verger, Williams, Speaker Minnis. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted no on HB 5525 despite my support for the Department of Justice.

"We must not pass this or other general fund budgets until we have an overall plan to fund public education, public safety and human services. It is irresponsible to pass general fund budgets in such a piecemeal fashion without an overall plan."

Prozanski requested the following explanation of his vote be entered in the Journal:

"I support funding this budget, but I voted no on SB 5525-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that adequately funds all general fund programs including public education, public safety and human services.

"For weeks, I have been voting no on budget bills that require general fund dollars because I was waiting for House leadership to put forth a plan as to how we would be paying for public education, public safety and human service programs. What we ended up getting is a plan that is totally inadequate to fund schools and other vital services and programs throughout Oregon. Accordingly, I will not support this budget at this time.

"Lastly, I question the defunding of the Consumer Protection section of the Civil Enforcement Division. This section provides legal services and assistance for many Oregonians. I believe it is a disservice to citizens and extremely shortsighted to defund it."

Tomei requested the following explanation of her vote be entered in the Journal:

"I strongly support Oregon's Department of Justice, its activities and programs. Therefore, my decision to vote 'no' on SB 5525 was a particularly difficult one.

"However, until we have responsible and adequate budgets for schools, human services, and public safety, I will continue to vote 'no' on any budget bills coming to the full House for a vote that commit general funds. I cannot support piecemeal budgeting when we do not yet know what the larger picture looks like, specifically, what critical services will be funded and at what level."

SB 63 (A-Engrossed) – Read third time. Carried by Krieger. On passage of the bill the vote was: Yeas, 53; Absent, 1 – Bates; Excused, 2 – Merkley, Westlund; Excused for business of the House, 4 – Shetterly, Verger, Williams, Speaker Minnis. Bill passed.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

HB 5018 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 5022 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 5034 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 3108 (A-Engrossed) – Report by Committee on Ways and Means recommending passage with amendments and be printed B-Engrossed.

HB 3534 (A-Engrossed) – Report by Committee on Ways and Means recommending passage with amendments and be printed B-Engrossed.

HB 5030 – Report by Committee on Budget recommending passage with amendments and be printed A-Engrossed.

HB 5066 – Report by Committee on Budget recommending passage with amendments and be printed A-Engrossed.

HB 2095, 2194, 2259, 2260, 2865, 3629 – Speaker signed.

House adjourned until 10:30 a.m., Monday, August 4, 2003 on motion of Jenson.

**Monday, August 4, 2003 – Morning Session**

House convened at 10:30 a.m. Kruse in Chair. All present except: Excused for business of the House, 8 – Doyle, Hass, Johnson, Macpherson, Morgan, Prozanski, Scott, Shetterly.

Moment of silence observed.

SB 924, 932, HB 5045, 5046, 5049, 2248, 2399 – Message from the Senate announcing passage.

HB 2356 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed B-Engrossed.

HB 2759 (A-Engrossed) – Report by Committee on Ways and Means recommending passage with amendments and be printed B-Engrossed.

HB 3442 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage with amendments, be printed B-Engrossed, and be placed on the Consent Calendar.

HB 3654 – Report by Committee on Rules and Public Affairs recommending passage.

SB 751 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed B-Engrossed.

SB 912 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage and be placed on the Consent Calendar.

SB 918 – Report by Committee on Rules and Public Affairs recommending passage and be placed on the Consent Calendar.

HB 3108, 3534 – By unanimous consent, on request of Chair, rules suspended to permit second reading immediately.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 3108, 3534 – Read second time and passed to third reading.

HB 3108, 3534 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 3108 (B-Engrossed) – Read third time. Carried by Krieger. On passage of the bill the vote was: Yeas, 51; Absent, 1 – Smith G.; Excused for business of the House, 8 – Doyle, Hass, Johnson, Macpherson, Morgan, Prozanski, Scott, Shetterly. Bill passed.

HB 3534 (B-Engrossed) – Read third time. Carried by Krieger.

Speaker Pro Tempore in Chair.

HB 3534 (B-Engrossed) – On passage of the bill the vote was: Yeas, 55; Nays, 4 – March, Merkley, Prozanski, Tomei; Absent, 1 – Smith G. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on HB 3534-B because I am not certain if the changes provided for in the bill are good public policy.

“Specifically, I disagree that the Oregon Coastal Zone Management Association does not have a voting member on the council. Based on the information provided to me, I believe this decision is short-sighted.”

Tomei requested the following explanation of her vote be entered in the Journal:

“I strongly support the Ocean Policy Advisory Council (OPAC). However, I continue to have concerns about HB 3534 in its current form. The proposed legislation changes the composition of OPAC in a manner that will reduce the representation of public interests on the council and place a disproportionate emphasis on coastal local officials and the fishing industry. This unbalanced composition will limit the expertise of the council and jeopardize the long-term protection of our living ocean resources. Although I voted ‘no’ on HB 3534, I am hopeful that this legislation will be amended in the Senate to ensure avoidance of these consequences.”

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 5018, 5022, 5034 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit second reading immediately.

HB 5018, 5022, 5034 – Read second time and passed to third reading.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 5018, 5022, 5034 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit third reading and final consideration immediately.

HB 5018 (A-Engrossed) – Read third time. Carried by Morgan.

Potential conflict of interest declared by Dingfelder.

HB 5018 (A-Engrossed) – On passage of the bill the vote was: Yeas, 43; Nays, 16 – Ackerman, Barnhart, Dalto, Flores, Gilman, Hass, Jenson, Kafoury, March, Merkley, Nelson, Prozanski, Rosenbaum, Tomei, Wirth, Zauner; Absent, 1 – Smith G. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted ‘No’ on HB 5018 despite my support for the Department of Environmental Quality.

“This is a severely flawed bill. It raids Measure 66 funds as a way to meet basic operating expenses. These funds should go to parks.

“Moreover, the fund amounts in this bill are too low to pay for basic services. This puts road blocks in the way of normal development and will result in continued degradation of permitting and other services to the detriment of our environment, and the health of Oregonians.

“In addition to these grave flaws, we simply must not pass this or other general fund budgets until we have an acceptable overall plan to fund public education, public safety and human services. It is irresponsible to pass general fund budgets in such a piecemeal fashion without an acceptable plan.”

Prozanski requested the following explanation of his vote be entered in the Journal:

“I support funding this budget, but I voted no on HB 5018-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that adequately funds all general fund programs including public education, public safety and human services.

“For weeks, I have been voting no on budget bills that require general fund dollars because I was waiting for House leadership to put forth a plan as to how we would be paying for public education, public safety and human service programs. What we ended up getting is a plan that is totally inadequate to fund schools and other vital services and programs throughout Oregon. Accordingly, I will not support this budget at this time.

“The Department of Environmental Quality provides many important services for citizens across the state. This budget is inadequate and extremely short-sighted.”

Tomei requested the following explanation of her vote be entered in the Journal:

“Until we have responsible, adequate and fair budgets for schools, human services, and public safety, I will continue to vote ‘no’ on any budget bills coming to the full House for a vote that commit general funds. I cannot support piecemeal budgeting when we do not yet know what the larger picture looks like, specifically, what critical services will be funded and at what levels.

“Specifically regarding HB 5018, I strongly support Oregon’s Department of Environmental Quality, its activities and programs. However, HB 5018, the Department’s 2003-05 biennium budget, contains a one-time shift of \$4.367 million in general funds from the budget which will negatively impact the Department’s development of clean water and air plans. I cannot support this shift since I believe that clean water and air are vital to the health of Oregon’s citizens, economy, and environment.”

HB 5022 (A-Engrossed) – Read third time. Carried by Morgan. On passage of the bill the vote was: Yeas, 41; Nays, 16 – Barnhart, Bates, Beyer,

Dingfelder, Greenlick, Hansen, Hass, Johnson, Kafoury, March, Merkley, Nolan, Prozanski, Rosenbaum, Tomei, Zauner; Absent, 1 – Avakian; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted no on HB 5022 despite my support for the Department of Forestry.

“This budget bill contains notes that could force the sale of the Elliott State Forest. Such a sale, without statutory requirement, is an abuse of the budget process and would be terrible state policy.

“Moreover, we simply must not pass this or other general fund budgets until we have an acceptable overall plan to fund public education, public safety and human services. It is irresponsible to pass general fund budgets in such a piecemeal fashion without an acceptable plan.”

Prozanski requested the following explanation of his vote be entered in the Journal:

“I support funding this budget, but I voted no on HB 5022-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that adequately funds all general fund programs including public education, public safety and human services.

“For weeks, I have been voting no on budget bills that require general fund dollars because I was waiting for House leadership to put forth a plan as to how we would be paying for public education, public safety and human service programs. What we ended up getting is a plan that is totally inadequate to fund schools and other vital services and programs throughout Oregon. Accordingly, I will not support this budget at this time.”

Tomei requested the following explanation of her vote be entered in the Journal:

“Until we have responsible, adequate and fair budgets for schools, human services, and public safety, I will continue to vote ‘no’ on any budget bills coming to the full House for a vote that commit general funds. I cannot support piecemeal budgeting when we do not yet know what the larger picture looks like, specifically, what critical services will be funded and at what levels.

“Specifically regarding HB 5022, I strongly support Oregon’s Department of Forestry, its activities and programs. However, HB 5022, the Department’s 2003-05 biennium budget, contains a significant cut (14.3%) in the general fund budget, above and beyond the cuts contained in the rebalanced 2001-03 budget. These cuts may seriously impact the Department’s abilities in the areas of state and private forest land fire protection, management of our forest lands, and administration of the Forest Practices Act.”

HB 5034 (A-Engrossed) – Read third time. Carried by Morgan. On passage of the bill the vote was: Yeas, 36; Nays, 22 – Anderson, Barnhart, Beyer, Butler, Dalto, Dingfelder, Hass, Jenson, Kafoury, Kropf, Krummel, Kruse, March, Merkley, Nelson, Prozanski, Schaufler, Smith P., Tomei, Verger, Wirth, Zauner; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted ‘No’ on HB 5034 despite my support for the Department of Land Conservation and Development.

“This budget is entirely inadequate to pay for necessary work. The reduction of funded positions in this bill requires the Department to do more with less. We must either fund this agency adequately or adopt reasonable goals for its reduced size and

capabilities. To require more with less funding sets the agency up for failure.

"Furthermore, this budget is highly politicized. It will allow those politically opposed to this agency to claim that it is a failure for not doing what it cannot possibly do. Budgetary notes in the bill restrict Emergency Board funds by requiring a demonstration of 'reasonable progress,' a term that is undefined and subject to political manipulation.

"Moreover, we must not pass this or other general fund budgets until we have an overall plan to fund public education, public safety and human services. It is irresponsible to pass general fund budgets in such a piecemeal fashion without an overall plan."

Prozanski requested the following explanation of his vote be entered in the Journal:

"I support funding this budget, but I voted no on HB 5034-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that adequately funds all general fund programs including public education, public safety and human services.

"For weeks, I have been voting no on budget bills that require general fund dollars because I was waiting for House leadership to put forth a plan as to how we would be paying for public education, public safety and human service programs. What we ended up getting is a plan that is totally inadequate to fund schools and other vital services and programs throughout Oregon. Accordingly, I will not support this budget at this time."

Tomei requested the following explanation of her vote be entered in the Journal:

"Until we have responsible, adequate and fair budgets for schools, human services, and public safety, I will continue to vote 'no' on any budget bills coming to the full House for a vote that commit general funds. I cannot support piecemeal budgeting when we do not yet know what the larger picture looks like, specifically, what critical services will be funded and at what levels.

"Specifically regarding HB 5034, I strongly support Oregon's Department of Land Conservation and Development, its activities and programs. However, HB 5034, the Department's 2003-05 biennium budget, contains a significant cut (19.3%) in its general fund budget, above and beyond the cuts contained in the rebalanced 2001-03 budget. These cuts translate into a scenario where Department personnel will be required to manage a much greater work load with far fewer human resources."

HB 3268, 3270, 3480, 3549 – Referred from Speaker's desk to the following committees: 3268, 3480, 3549 – Budget; 3270 – Rules and Public Affairs.

HB 5030, 5066 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit second reading immediately.

HB 5030, 5066 – Read second time and passed to third reading.

HB 5030, 5066 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit third reading and final consideration immediately.

HB 5030 (A-Engrossed) – Read third time. Carried by Patridge.

Potential conflict of interest declared by Hansen.

Hansen questioned the presence of a quorum. All present except: Absent, 4 – Brown, Richardson, Scott, Zauner; Excused for business of the House, 6 –

Kafoury, Miller, Smith T., Tomei, Williams, Speaker Minnis. Quorum present.

Kruse in Chair.

Jenson moved the previous question. Motion failed, the vote being: Yeas, 18; Nays, 30 – Ackerman, Avakian, Barker, Barnhart, Bates, Berger, Beyer, Butler, Dalto, Dingfelder, Farr, Gallegos, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Westlund, Wirth; Absent, 7 – Brown, Close, Kitts, Nelson, Richardson, Smith G., Smith P.; Excused for business of the House, 5 – Doyle, Miller, Morgan, Shetterly, Speaker Minnis. Debate continued.

Speaker Pro Tempore in Chair.

Call of the House demanded by Patridge, joined by Hansen, Knopp, Flores, Zauner and Gilman. All present.

HB 5030 (A-Engrossed) – On passage of the bill the vote was: Yeas, 32; Nays, 28 – Ackerman, Avakian, Barker, Barnhart, Bates, Beyer, Dingfelder, Farr, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nelson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Verger, Wirth, Zauner. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted 'No' on HB 5030 despite my support for the Department of Human Services. This is a grossly irresponsible budget. It is too small, and is rife with misallocations.

"This bill cuts small, low-cost programs that help sick and disabled people stay in their own homes. When the people cut off from these programs become even more ill, the state will spend much more money in residential care facilities than it would have otherwise.

"This error is repeated over and over again throughout this budget in different programs.

"This bill also breaks faith with Oregonians who voted for cigarette tax increases with the understanding that some of the increased revenue to the state would be spent on smoking prevention and cessation programs. Those funds are gone in this budget.

"Additionally, the cost shift to private insurers contained in this bill will be astronomical and cause a hidden 'tax' through increased premiums on those fortunate enough to have health insurance.

"This budget is inadequate, inhumane and dangerous. It is ghastly for many Oregonians and may actually result in higher costs, not lower, and it will happen sooner than the bill's supporters think."

Prozanski requested the following explanation of his vote be entered in the Journal:

"I support funding this budget, but I voted no on HB 5030-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that adequately funds all general fund programs including public education, public safety and human services.

"For weeks, I have been voting no on budget bills that require general fund dollars because I was waiting for House leadership to

put forth a plan as to how we would be paying for public education, public safety and human service programs. What we ended up getting is a plan that is totally inadequate to fund schools and other vital services and programs throughout Oregon. Accordingly, I will not support this budget at this time.

"Department of Human Services provides assistance to citizens across the state. This budget is inadequate and will result in many Oregonians, including children and seniors, not being able to make ends meet. Some will go without food while others will not be able to obtain health care or medication. This is wrong and extremely shortsighted.

"Unfortunately, the House leadership must have forgotten the fallout when Measure 28 failed and HB 5100 (2002 Special Session 5) was implemented. Oregonians failed to get medical care or medication. Some of those individuals became seriously ill while others died."

Tomei requested the following explanation of her vote be entered in the Journal:

"Until we have responsible, adequate and fair budgets for schools, human services, and public safety, I will continue to vote 'no' on any budget bills coming to the full House for a vote that commit general funds. I cannot support piecemeal budgeting when we do not yet know what the larger picture looks like, specifically, what critical services will be funded and at what levels.

"Specifically regarding HB 5030, as a retired mental health professional, it goes without question that I strongly support Oregon's Department of Human Services, its activities and programs. However, HB 5030, the Department's proposed 2003-05 biennium budget, contains significant flaws. It is underfunded by a minimum of \$50 million and contains the reduction or elimination of funding for vital services, such as Oregon Project Independence, school based health clinics, prenatal and perinatal programs, health care safety net clinics, juvenile diabetes programs, mental health residential beds, and tobacco prevention and cessation programs – to name just a few of the programs severely impacted by this irresponsible budget proposal. In any event, I had no choice but to cast a 'no' vote on HB 5030."

HB 5066 (A-Engrossed) – Read third time.  
Carried by Patridge.

Call of the House demanded by Patridge, joined by Kruse, Anderson, Flores, Gallegos and Verger. All present.

HB 5066 (A-Engrossed) – On passage of the bill the vote was: Yeas, 32; Nays, 28 – Ackerman, Avakian, Barker, Barnhart, Bates, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nelson, Nolan, Prozanski, Rosenbaum, Schaufler, Smith P., Tomei, Verger, Wirth, Zauner. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted no on HB 5066 because this budget is seriously inadequate to care for families and children.

"The cuts in the Healthy Start Program are especially egregious. We should be increasing, not decreasing, the voluntary program to screen and then aid the families who need it most. When we give young parents the help they need to be successful as parents, we also help raise healthy children and reduce the state's costs in schools, public safety, welfare, and other areas.

"Also, the funding for Crisis Relief Nurseries remains inadequate. The elimination of program evaluation is foolhardy because such evaluation allows for program improvements which subsequently increase efficiency."

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

"My no vote on HB 5066-A is due to the \$55,586,542 from general fund given to the State Commission on Children and Families. My first funding priorities are to the Department of Health Services budget and K-16 budgets. Although I believe that the State Commission on Children and Families is important for the development of our children it is imperative that we direct more general fund to the DHS and K-16 budgets."

Prozanski requested the following explanation of his vote be entered in the Journal:

"I support funding this budget, but I voted no on HB 5066-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that adequately funds all general fund programs including public education, public safety and human services.

"For weeks, I have been voting no on budget bills that require general fund dollars because I was waiting for House leadership to put forth a plan as to how we would be paying for public education, public safety and human service programs. What we ended up getting is a plan that is totally inadequate to fund schools and other vital services and programs throughout Oregon. Accordingly, I will not support this budget at this time.

"This budget is not sufficient and will negatively impact children and families."

Tomei requested the following explanation of her vote be entered in the Journal:

"Until we have responsible, adequate and fair budgets for schools, human services, and public safety, I will continue to vote 'no' on any budget bills coming to the full House for a vote that commit general funds. I cannot support piecemeal budgeting when we do not yet know what the larger picture looks like, specifically, what critical services will be funded and at what levels.

"Specifically regarding HB 5066, as a mental health professional, I worked with children and families my entire career. It goes without question that I strongly support Oregon's Commission on Children and Families, its activities and programs. However, HB 5066, the Commission's proposed 2003-05 biennium budget, contains significant flaws. It underfunds the vital Healthy Start program by a minimum of \$4 million and contains the reduction or elimination of funding for other vital services, such as the Basic Capacity grant to local commissions, the Youth Investment grant to local commissions, and the Oregon Children's Plan – to name just a few of the programs severely impacted by this irresponsible budget proposal. In any event, I had no choice but to cast a 'no' vote on HB 5066."

SJR 14 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and resolution remaining on today's Final Reading of Memorials and Resolutions carried over and placed in its proper order on Tuesday's, August 5, 2003 Calendar.

SB 924, 932 – Read first time and passed to Speaker's desk for referral.

SB 5502, 924, 932 – Referred from Speaker's desk to the following committees: 924, 932 – Rules and Public Affairs; 5502 – Ways and Means.

SB 196, 468, 597, 908, 909, 919 – Read second time and passed to third reading.

SB 757 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill remaining on today's Third Reading of Senate Bills

carried over and placed in its proper order on Tuesday's, August 5, 2003 Calendar.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

HB 5067 – Report by Committee on Budget recommending passage with amendments and be printed A-Engrossed.

HB 2167, 2172, 2230, 2898, 3187, 3645 – Speaker signed.

House adjourned until 3:00 p.m., Tuesday, August 5, 2003 on motion of Richardson.

#### **Tuesday, August 5, 2003 – Afternoon Session**

House convened at 3:00 p.m. Gallegos in Chair. All present except: Excused, 1 – Westlund; Excused for business of the House, 7 – Bates, Doyle, Kafoury, Kruse, Miller, Patridge, Speaker Minnis.

Moment of silence observed.

SB 5550, 437, 800, 926 – Message from the Senate announcing passage.

HB 2379 – Message from the Senate announcing passage as amended by the Senate.

SB 913 – Message from the Senate announcing passage.

HB 5013 – Report by Committee on Budget without recommendation as to passage and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 5014 – Report by Committee on Budget without recommendation as to passage and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 5042 – Report by Committee on Budget without recommendation as to passage and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 3659 – Report by Committee on Revenue recommending passage with amendments, be printed A-Engrossed, and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 3120 (B-Engrossed) – Report by Conference Committee, signed by Representatives Garrard, Greenlick and Zauner and Senators Corcoran and Starr B., recommending that the House concur in the Senate amendments dated June 30, 2003 and that the bill be further amended and repassed.

SB 617 (B-Engrossed) – Report by Conference Committee signed by Senators Minnis and Burdick and Representatives Williams, Anderson and Ackerman, recommending that the Senate concur in the House amendments dated July 2, 2003 and that the bill be repassed.

SB 820 (D-Engrossed) – Report by Conference Committee, signed by Senators Ferrioli and Ringo and Representatives Jenson, Westlund and Dingfelder, recommending that the Senate concur in the House amendments dated May 20, 2003, July 1, 2003 and July 11, 2003 and that the bill be further amended and repassed.

HB 5009 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 5052 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 2594 (A-Engrossed) – Ackerman moved Conference Committee Report be adopted.

Speaker Pro Tempore in Chair.

HB 2594 (A-Engrossed) – Motion to adopt Conference Committee Report carried on viva voce vote. Conference Committee Report adopted.

HB 2594 (A-Engrossed) – Ackerman moved bill be repassed. On repassage of the bill the vote was: Yeas, 50; Nays, 1 – Nelson; Absent, 1 – Kropf; Excused, 1 – Westlund; Excused for business of the House, 7 – Bates, Doyle, Kafoury, Kruse, Miller, Patridge, Speaker Minnis. Bill repassed.

HB 3638, 3654 – Read second time and passed to third reading.

HB 5067 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit second reading immediately.

HB 5067 – Read second time and passed to third reading.

SB 908 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 50; Absent, 1 – Kropf; Excused, 1 – Westlund; Excused for business of the House, 8 – Bates, Doyle, Kafoury, Kruse, Miller, Patridge, Scott, Speaker Minnis. Bill passed.

SB 909 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 50; Absent, 1 – Kropf; Excused, 1 – Westlund; Excused for business of the House, 8 – Bates, Doyle, Kafoury, Kruse, Miller, Patridge, Scott, Speaker Minnis. Bill passed.

SB 919 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas,

50; Absent, 1 – Kropf; Excused, 1 – Westlund; Excused for business of the House, 8 – Bates, Doyle, Kafoury, Kruse, Miller, Patridge, Scott, Speaker Minnis. Bill passed.

HB 5067 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit third reading and final consideration immediately.

HB 5067 (A-Engrossed) – Read third time. Carried by Krieger.

Williams in Chair.

Speaker Pro Tempore in Chair.

HB 5067 (A-Engrossed) – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit Kitts and Close to be recorded as voting “aye” on passage of bill.

HB 5067 (A-Engrossed) – On passage of the bill the vote was: Yeas, 31; Nays, 25 – Ackerman, Avakian, Barker, Barnhart, Berger, Beyer, Dingfelder, Greenlick, Hansen, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nelson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Verger, Wirth; Excused, 1 – Westlund; Excused for business of the House, 3 – Bates, Hass, Kruse. Bill passed.

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

“Although there are many good parts to House Bill 5067, I voted no for 2 reasons:

“1) This bill did not have adequate public input and bipartisan input. Compromise is imperative in the legislative process and it did not happen.

“2) It eliminates the subsidy to the Cascade Railway Service.

“Trains are important to the transportation system in the State of Oregon. The Cascade trains and connecting services promote tourism and economic development. They generate over \$6 million annually directly to Oregon businesses, for Oregon products and services, and for Oregon based family wage jobs.

“This bill needs work before I will vote yes.”

Prozanski requested the following explanation of his vote in the Journal:

“I voted no on HB 5067-A because it eliminates funding for the Cascades passenger train and Thruway bus services in Oregon. This is poor public policy and is extremely shortsighted.

“The train and bus services have been very successful and have offered Oregonians throughout the state an alternative mode of transportation. Ridership continues to increase and it reduces the number of motor vehicles using our highways. I hope we are able to convince House leadership to continue funding these services.”

Tomei requested the following explanation of her vote be entered in the Journal:

“Until we have responsible, adequate and fair budgets for schools, human services, and public safety, I will continue to vote ‘no’ on any budget bills coming to the full House for a vote that commit general funds. I cannot support piecemeal budgeting when we do not yet know what the larger picture looks like, specifically, what critical services will be funded and at what levels.

“Regarding HB 5067, this was a particularly difficult ‘no’ vote for me because I strongly support the Oregon Department of

Transportation and the 2003-05 proposed budget as perhaps the most responsible, adequate and fair budget to pass through the House for a vote to date – except for one VERY significant flaw, which even the Republicans acknowledge: it eliminates completely the Willamette Valley Passenger Rail train service (the ‘Cascades Train’). This service provides an environmentally friendly alternative mode of transportation for thousands of Oregonians, both in the Willamette Valley corridor and between 30 connecting Oregon communities. Customer use has steadily increased. It is proving to be an important part of the transportation infrastructure, promoting tourism and economic development to the tune of \$6 million annually going directly into Oregon businesses, products, services, and family-wage jobs. Its service record is exemplary and accessibility is improving as new stations come on line.

“This is NOT the time to whine about road congestion and the need for additional highways out of one side of our mouths and complain about insufficient alternative modes of transportation out of the other and then eliminate the Cascades trains service. I remain hopeful that the Senate will see the light at the end of the tunnel and put the Willamette Valley Passenger Rail train service back into the ODOT budget.”

Verger requested the following explanation of her vote in the Journal:

“I voted against HB 5067 not because I have any problem with the Department of Transportation or the majority of the budget. But I am not comfortable with this budget bill going to a small four-member committee (without equal representation) rather than going to the Ways and Means Committee.

“I also support the Cascade train service which is not included. I reluctantly voted no on HB 5067.”

SJR 14 – Read. Carried by Smith G. On adoption of the resolution the vote was: Yeas, 57; Excused, 1 – Westlund; Excused for business of the House, 2 – Bates, Kruse. Resolution adopted.

SB 5550, 437, 800, 913, 926 – Read first time and passed to Speaker’s desk for referral.

SB 757 (A-Engrossed) – Read third time. Carried by Doyle. On passage of the bill the vote was: Yeas, 57; Excused, 1 – Westlund; Excused for business of the House, 2 – Bates, Kruse. Bill passed.

SB 196 (B-Engrossed) – Read third time. Carried by Johnson. On passage of the bill the vote was: Yeas, 56; Nays, 1 – Nelson; Excused, 1 – Westlund; Excused for business of the House, 2 – Bates, Kruse. Bill passed.

SB 468 (B-Engrossed) – Read third time. Carried by Smith G. On passage of the bill the vote was: Yeas, 57; Excused, 1 – Westlund; Excused for business of the House, 2 – Bates, Kruse. Bill passed.

SB 597 (B-Engrossed) – Read third time. Carried by Johnson. On passage of the bill the vote was: Yeas, 44; Nays, 13 – Butler, Close, Doyle, Flores, Gilman, Jenson, Kitts, Nelson, Richardson, Smith G., Smith P., Smith T., Verger; Excused, 1 – Westlund; Excused for business of the House, 2 – Bates, Kruse. Bill passed.

HB 5067 – On parliamentary inquiry, Kafoury questioned whether the Chair had granted an opportunity for a member to object to the question of unanimous consent which allowed the absent



members to vote as outlined in Mason's Manual of Legislative Procedures, Section 537, subsections 2 and 4.

HB 5067 – The Chair ruled that the custom and practice of the House had been followed in placing a question of unanimous consent and without objection being voiced prior to the gavel, the absent members were allowed to vote.

Kafoury, joined by Hass, appealed the ruling of the Chair.

Call of the House demanded by Knopp, joined by Patridge, Merkley, Tomei, Morgan and Nelson. All present except: Excused (not subject to Call), 1 – Westlund.

Motion to sustain the ruling of the Chair carried, the vote being: Yeas, 33; Nays, 26 – Ackerman, Avakian, Barker, Barnhart, Bates, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nelson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Verger, Wirth; Excused, 1 – Westlund. Motion carried.

Chair sustained.

HB 2179, 2299 – Speaker signed.

House adjourned until 10:30 a.m., Wednesday, August 6, 2003 on motion of Jenson.

### **Wednesday, August 6, 2003 – Morning Session**

House convened at 10:30 a.m. Speaker Pro Tempore in Chair. All present except: Absent, 1 – Hopson; Excused, 1 – Westlund; Excused for business of the House, 4 – Barker, Knopp, Miller, Morgan.

Opening Ceremony presented by Representative Mark Hass, District 27, Portland.

HB 2095, 2167, 2172, 2194, 2230, 2259, 2260, 2865, 2898, 3187, 3645 – Message from the Senate announcing President signed on August 5, 2003.

SB 63, 267, 516, 5512, 5525, HB 2179, 2299, 3629 – Message from the Senate announcing President signed on August 5, 2003.

HB 3631 (B-Engrossed) – Doyle moved House concur in Senate amendments and repass bill as amended by the Senate.

Call of the House demanded by Doyle, joined by Dalto, Merkley, Backlund, Butler and Mabrey. All present except: Absent (subject to Call), 1 – Hopson; Excused (not subject to Call), 1 – Westlund.

By unanimous consent, on request of Doyle, rules suspended to dispense with further proceedings under the Call of the House.

HB 3631 (B-Engrossed) – On repassage of the bill the vote was: Yeas, 35; Nays, 23 – Ackerman, Avakian, Barker, Barnhart, Bates, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Wirth; Absent, 1 – Hopson; Excused, 1 – Westlund. Bill repassed.

HB 3662, 3663 – Read first time and passed to Speaker's desk for referral.

HB 3662, 3663 – Referred from Speaker's desk to the following committees: 3662 – Revenue with subsequent referral to Ways and Means; 3663 – Ways and Means.

HB 2759, 3442 – Read second time and passed to third reading.

HB 5009, 5052 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit second reading immediately.

HB 5009, 5052 – Read second time and passed to third reading.

HB 3638 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill removed from Consent Calendar and placed in its proper order on Thursday's, August 7, 2003 Calendar.

HB 5009, 5052 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit third reading and final consideration immediately.

HB 5009 (A-Engrossed) – Read third time. Carried by Morgan.

Potential conflict of interest declared by Berger.

Call of the House demanded by Morgan, joined by Berger, Speaker Minnis, Nelson, Mabrey and Scott. All present except: Absent (not subject to Call), 1 – Hopson; Excused (not subject to Call), 1 – Westlund.

HB 5009 (A-Engrossed) – On passage of the bill the vote was: Yeas, 39; Nays, 19 – Ackerman, Anderson, Avakian, Barker, Barnhart, Beyer, Flores, Greenlick, Jenson, March, Nelson, Nolan, Prozanski, Schaufler, Smith G., Smith P., Tomei, Wirth, Zauner; Absent, 1 – Hopson; Excused, 1 – Westlund. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted no on HB 5009 despite my support for the Department of Community Colleges and Workforce Development Committee.

"This bill dramatically under funds Oregon's community colleges. In doing so, it undercuts an engine of this state's economic growth at a time when our economy is already sputtering, and will deny access to higher education for many Oregonians.

"Moreover, we must not pass this or other general fund budgets until we have an adequate plan to fund public education, public safety and human services. It is irresponsible to pass general

fund budgets in such a piecemeal fashion without an acceptable plan.”

Flores requested the following explanation of her vote be entered in the Journal:

“I wish to provide for the record an explanation of my ‘no’ vote on HB 5009, the Department of Community Colleges and Workforce Development budget.

“It is my view that community colleges took a significant financial ‘hit’ during the past year. The declining revenue and overall economic decline in Oregon are, indeed, contributing factors. However, community colleges are a valuable resource for workforce development and retraining, and I am concerned about an adequate funding level for that important training to continue. While the committee recommendation is a significant improvement on the Governor’s budget level, the recommended budget still does not recognize the valuable resource that community colleges are to this state.

“Businesses in my district have been instrumental in partnering with Clackamas Community College to provide training opportunities. Yet, to underfund the community colleges is not a wise decision, in my opinion. Opportunities for higher education and vocational training should be promoted, not discouraged.”

Prozanski requested the following explanation of his vote in the Journal:

“I support funding this budget, but I voted no on HB 5009-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the Legislature with a plan that adequately funds all general fund programs including public education, public safety and human services.

“For weeks, I have been voting no on budget bills that require general fund dollars because I was waiting for House leadership to put forth a plan as to how we would be paying for public education, public safety and human service programs. What we ended up getting is a plan that is totally inadequate to fund schools and other vital services and programs throughout Oregon. Accordingly, I will not support this budget at this time.

“Further, this budget is unacceptable because it fails to adequately fund Oregon’s community colleges.”

Tomei requested the following explanation of her vote be entered in the Journal:

“Until we have responsible, adequate and fair budgets for schools, human services, and public safety, I will continue to vote ‘no’ on any budget bills coming to the full House for a vote that commit general funds. I cannot support piecemeal budgeting when we do not yet know what the larger picture looks like, specifically, what critical services will be funded and at what levels.

“Specifically regarding HB 5009, I strongly support the Department of Community Colleges and Workforce Development. However, we cannot continue to whittle away at our nationally recognized system of community colleges. This proposed budget simply continues that trend of shortchanging vital programs that serve as an affordable, transitional path from high school to university level, to technical institutes, or directly to the workforce, not to mention the re-training and adult education program components. Our community college and workforce development programs are pivotal to the State’s educational backbone and economic development and stability. I voted ‘no’ on HB 5009, but remain hopeful that the Senate will find fairness in its deliberations and begin to counter the trend of gradual defunding of this Department.”

HB 5052 (A-Engrossed) – Read third time. Carried by Smith T.

Call of the House demanded by Smith T., joined by Hansen, March, Flores, Gilman and Krieger. All present except: Absent (not subject to Call), 1 – Hopson; Excused (not subject to Call), 1 – Westlund.

HB 5052 (A-Engrossed) – On passage of the bill the vote was: Yeas, 45; Nays, 13 – Barnhart, Beyer, Farr, Greenlick, Hunt, March, Merkley, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Wirth; Absent, 1 – Hopson; Excused, 1 – Westlund. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted no on HB 5052 despite my support for the Oregon Student Assistance Commission.

“This bill dramatically under funds the Commission. In doing so, it will deny access to higher education for many Oregonians.

“Moreover, we must not pass this or other general fund budgets until we have an acceptable overall plan to fund public education, public safety and human services. It is irresponsible to pass general fund budgets in such a piecemeal fashion without an acceptable plan.”

Prozanski requested the following explanation of his vote in the Journal:

“I support funding this budget, but I voted no on HB 5052-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that adequately funds all general fund programs including public education, public safety and human services.

“For weeks, I have been voting no on budget bills that require general fund dollars because I was waiting for House leadership to put forth a plan as to how we would be paying for public education, public safety and human service programs. What we ended up getting is a plan that is totally inadequate to fund schools and other vital services and programs throughout Oregon. Accordingly, I will not support this budget at this time.

“Further, this budget does not provide adequate funds to the Commission. Many individuals will not be able to access funds from the Commission even though they qualify for assistance. We should not continue to limit students’ access to education based on financial barriers.”

Tomei requested the following explanation of her vote be entered in the Journal:

“Until we have responsible, adequate and fair budgets for schools, human services, and public safety, I will continue to vote ‘no’ on any budget bills coming to the full House for a vote that commit general funds. I cannot support piecemeal budgeting when we do not yet know what the larger picture looks like, specifically, what critical services will be funded and at what levels.

“Specifically regarding HB 5052, I strongly support the Oregon Student Assistant Commission, its activities and programs. House Bill 5052 provides a rather sizeable increase (12.5%) in the general fund allocation for the Commission. Under other circumstances, I would have voted to approve this budget. However, until we can fulfill our legislative responsibility by producing the larger picture noted above, I regretfully voted ‘no’ on HB 5052.”

HB 3654 – Read third time. Carried by Flores. On passage of the bill the vote was: Yeas, 57; Nays, 1 – Krummel; Absent, 1 – Hopson; Excused, 1 – Westlund. Bill passed.

SB 5550, 437, 800, 913, 926 – Referred from Speaker’s desk to the following committees: 913, 926 – Rules and Public Affairs; 437, 800, 5550 – Ways and Means.

SB 751, 912, 918 – Read second time and passed to third reading.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

HB 3526 – Report by Committee on Rules and Public Affairs without recommendation as to passage and be referred to Committee on Budget. Bill referred to Committee on Budget by order of the Speaker.

House adjourned until 10:30 a.m., Thursday, August 7, 2003 on motion of Jenson.

#### **Thursday, August 7, 2003 – Morning Session**

House convened at 10:30 a.m. Farr in Chair. All present except: Excused, 1 – Hunt; Excused for business of the House, 8 – Bates, Doyle, Johnson, Miller, Morgan, Scott, Shetterly, Smith T.

Kruse in Chair.

Moment of silence observed.

HB 3296, 3318 – Message from the Governor announcing he signed on August 6, 2003.

SB 5551, HB 5029, 5031, 2160, 2189, 2301, 2349, 3044, 3201, 3620, 3628, SB 933, 934, 929 – Message from the Senate announcing passage.

SB 906 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage.

SCR 8 – Report by Committee on Rules and Public Affairs recommending adoption.

SB 232 (A-Engrossed) – Report by Conference Committee, signed by Senators Deckert and Ferrioli and Representatives Shetterly, Verger and Williams, recommending that the Senate concur in the House amendments dated July 9, 2003 and that the bill be further amended and repassed.

HB 3120 (B-Engrossed) – Greenlick moved Conference Committee Report be adopted.

By unanimous consent, on request of Greenlick, rules suspended to permit use of visual aid during presentation of motion.

HB 3120 (B-Engrossed) – Motion to adopt Conference Committee Report carried on viva voce vote. Conference Committee Report adopted.

HB 3120 (B-Engrossed) – Greenlick moved bill be repassed. On repassage of the bill the vote was: Yeas, 52; Nays, 3 – Close, Nelson, Smith P.; Excused, 1 – Hunt; Excused for business of the House, 4 – Bates, Miller, Morgan, Smith T. Bill repassed.

HB 3664 – Read first time and passed to Speaker's desk for referral.

HB 3664 – Referred from Speaker's desk to the following committee: Budget.

HB 3442 (B-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 55; Excused, 1 – Hunt; Excused for business of the House, 4 – Bates, Miller, Morgan, Smith T. Bill passed.

SB 912 (A-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 56; Nays, 1 – Nolan; Excused, 1 – Hunt; Excused for business of the House, 2 – Morgan, Smith T. Bill passed.

SB 918 – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 56; Nays, 1 – Nelson; Excused, 1 – Hunt; Excused for business of the House, 2 – Morgan, Smith T. Bill passed.

HB 2356 (B-Engrossed) – Read. Carried by Doyle.

Speaker Pro Tempore in Chair.

By unanimous consent, on request of Gallegos, rules suspended to permit use of visual aid during debate of bill.

Call of the House demanded by Doyle, joined by Farr, Verger, Patridge, Backlund and Garrard. All present except: Excused (not subject to Call), 1 – Hunt.

HB 2356 (B-Engrossed) – On passage of the bill the vote was: Yeas, 37; Nays, 22 – Ackerman, Barker, Barnhart, Bates, Dingfelder, Greenlick, Hansen, Hass, Hopson, Johnson, Kafoury, Kitts, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Wirth; Excused, 1 – Hunt. Bill passed.

Potential conflict of interest declared by Greenlick.

Beyer requested the following explanation of her vote be entered in the Journal:

"I voted in support of HB 2356 which prohibits a city with population of more than 500,000 from acquiring a property by condemnation if the property belongs to an electric company and the acquisition is for the purpose of providing electricity services. This was a difficult decision for me to come to.

"As someone who served 6 years on a City Council, local control is a value I hold dearly. At the heart of the issue of local control is the right of the citizens of a community to make decisions about services they desire. Unfortunately, in the issue at hand, these issues are confused.

"The discussion we heard concerns the City of Portland's right to condemn a utility which services portions of 8 counties and numerous cities including Portland. I have absolutely no problem with the citizens of Portland choosing to condemn a portion of PGE that serves them and operating it as their public utility.

"I would have no problem with all of the citizens in PGE's service area forming a public utility district and taking control of the utility. What I can't support is the city council of one of those communities taking control and making decisions for citizens outside of their jurisdiction who do not have a voice in electing them. I believe that is undemocratic."

HB 2759 (B-Engrossed) – Read third time. Carried by Patridge.

House recessed for 5 minutes on motion of Kafoury.

**Thursday, August 7, 2003 – Afternoon Session**

House reconvened at 12:20 p.m. Doyle in Chair. All present except: Excused, 1 – Hunt; Excused for business of the House, 2 – Morgan, Williams.

Having recessed under the order of business of Third Reading of House Bills, the House continued under that order of business.

Speaker Pro Tempore in Chair.

Call of the House demanded by Patridge, joined by Hansen, Brown, Gilman, Flores and Jenson. All present except: Excused (not subject to Call), 1 – Hunt; Excused for business of the House (subject to Call), 2 – Morgan, Williams.

By unanimous consent, on request of Patridge, rules suspended to dispense with further proceedings under the Call of the House.

HB 2759 (B-Engrossed) – On passage of the bill the vote was: Yeas, 52; Nays, 7 – Close, Flores, Garrard, Kropf, Scott, Smith P., Zauner; Excused, 1 – Hunt. Bill passed, having received the required three-fifths constitutional majority.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

SB 5502 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 5530 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 5550 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 437 (B-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 800 (B-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 923 – Report by Committee on Rules and Public Affairs recommending passage.

SB 924 – Report by Committee on Rules and Public Affairs recommending passage.

SB 932 – Report by Committee on Rules and Public Affairs recommending passage.

HB 3638 (A-Engrossed) – Read third time. Carried by Barnhart. On passage of the bill the vote was: Yeas, 54; Nays, 3 – Avakian, Greenlick, Nolan; Excused, 1 – Hunt; Excused for business of the House, 2 – Morgan, Williams. Bill passed.

SB 5551, 929, 933, 934 – Read first time and passed to Speaker's desk for referral.

SB 5551, 929, 933, 934 – Referred from Speaker's desk to the following committees: 929, 933, 934 – Rules and Public Affairs; 5551 – Ways and Means.

SB 751 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bill remaining on today's Third Reading of Senate Bills carried over and placed in its proper order on Friday's, August 8, 2003 Calendar.

Speaker announced appointment of members to the following committee:

JOINT WAYS AND MEANS SUBCOMMITTEE ON CAPITAL CONSTRUCTION BONDING – Miller, Co-Chair; Hansen, Krieger.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

HB 2577 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed B-Engrossed.

SB 666 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage with amendments, be printed B-Engrossed, and be placed on the Consent Calendar.

HB 5042 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 3653 – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed A-Engrossed.

HB 3659 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

HB 5045, 5046, 5049, 2248, 2399 – Speaker signed.

House adjourned until 1:30 p.m., Friday, August 8, 2003 on motion of Jenson.

**Friday, August 8, 2003 – Afternoon Session**

House convened at 1:30 p.m. Speaker in Chair. All present except: Excused, 2 – Ackerman, Hunt.

Speaker Pro Tempore in Chair.

Opening Ceremony presented by Muhammad A. Najib, Imam and Director, Muslim Community Center, Portland.

SB 196, 597, 757, 908, 909, 919, SJR 14 – Message from the Senate announcing President signed on August 7, 2003.

SB 468 – Message from the Senate announcing President signed on August 7, 2003.

HB 5045, 5046, 5049, 2248, 2399 – Message from the Senate announcing President signed on August 8, 2003.

SB 5501, 5527, 5547 – Message from the Senate announcing passage.

HB 2537, 2614 – Message from the Senate announcing passage as amended by the Senate.

SB 617, 820, HB 2594 – Message from the Senate announcing adoption of Conference Committee Report and repassage.

HB 2368 – Message from the Senate announcing Senators Minnis and Brown appointed Senate conferees.

SB 5522, 867, 920, HB 5018, 5022, 5034, 5060, 2195, 3276 – Message from the Senate announcing passage.

HB 2797, 5061 – Message from the Senate announcing passage as amended by the Senate.

SB 232, HB 3120 – Message from the Senate announcing adoption of Conference Committee Report and repassage.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 3659 – Read second time and passed to third reading.

HB 5042, 2577, 3653 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit second reading immediately.

HB 5042, 2577, 3653 – Read second time and passed to third reading.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of Second Reading of Senate Bills.

SB 5502, 5530, 5550, 437, 800, 906, 923, 924, 932 – Read second time and passed to third reading.

SB 666 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit second reading immediately.

SB 666 – Read second time and passed to third reading.

SB 666 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of Consent Calendar and permit third reading and final consideration immediately.

SB 666 (B-Engrossed) – Read third time under Consent Calendar. On passage of the bill the vote was: Yeas, 53; Absent, 1 – Wirth; Excused, 2 – Ackerman, Hunt; Excused for business of the House, 4 – Hansen, Miller, Westlund, Speaker Minnis. Bill passed.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 5042, 2577, 3653, 3659 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit third reading and final consideration immediately.

HB 5042 (A-Engrossed) – Read third time. Carried by Bates.

Kruse in Chair.

Potential conflict of interest declared by Greenlick.

HB 5042 (A-Engrossed) – On passage of the bill the vote was: Yeas, 48; Nays, 6 – Barnhart, Kropf, Krummel, Prozanski, Tomei, Zauner; Excused, 2 – Ackerman, Hunt; Excused for business of the House, 4 – Hansen, Knopp, Scott, Speaker Minnis. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

“I support funding this budget, but I voted no on HB 5042-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that adequately funds all general fund programs including public education, public safety and human services.

“For weeks, I have been voting no on budget bills that require general fund dollars because I was waiting for House leadership to put forth a plan as to how we would be paying for public education, public safety and human service programs. What we ended up getting is a plan that is totally inadequate to fund schools and other vital services and programs throughout Oregon. Accordingly, I will not support this budget at this time.”

Tomei requested the following explanation of her vote be entered in the Journal:

“Until we have responsible, adequate and fair budgets for schools, human services, and public safety, I will continue to vote ‘no’ on any budget bills coming to the full House for a vote that commit general funds. I cannot support piecemeal budgeting when we do not yet know what the larger picture looks like, specifically, what critical services will be funded and at what levels.

“I proudly support Oregon Health and Science University (OHSU), not only for its academic programs, research endeavors and exemplary health services, but also for its contribution to economic development through employment opportunities and its commitment to addressing our nursing shortages. However, there is one very significant flaw in the University’s proposed budget; i.e., it transfers \$9,645,977 from the Tobacco Settlement Funds to pay a portion of the debt service on Oregon Opportunity Program bonds. I continue to oppose the robbing of the Tobacco Settlement Funds to balance our general fund budget. This practice must end.”

HB 2577 (B-Engrossed) – Read third time. Carried by Monnes Anderson.

Doyle in Chair.

HB 2577 (B-Engrossed) – On passage of the bill the vote was: Yeas, 47; Nays, 1 – Nelson; Excused, 2 – Ackerman, Hunt; Excused for business of the House, 10 – Berger, Dalto, Farr, Hansen, Jenson, Patridge, Shetterly, Westlund, Williams, Speaker Minnis. Bill passed.

HB 3653 (A-Engrossed) – Read third time. Carried by Kruse. On passage of the bill the vote was: Yeas, 37; Nays, 11 – Barker, Bates, Beyer, Hass, Kafoury, March, Merkley, Nolan, Prozanski, Schaufler, Wirth; Absent, 1 – Kropf; Excused, 2 – Ackerman, Hunt; Excused for business of the House, 9 – Berger, Dalto, Farr, Hansen, Jenson, Patridge, Shetterly, Westlund, Williams. Bill passed.

HB 3659 (A-Engrossed) – Read third time. Carried by Butler.

Kruse in Chair.

HB 3659 (A-Engrossed) – On passage of the bill the vote was: Yeas, 40; Nays, 9 – Close, Flores, Garrard, Kropf, Richardson, Scott, Smith P., Smith T., Zauner; Excused, 2 – Ackerman, Hunt; Excused for business of the House, 9 – Berger, Dalto, Farr, Jenson, Patridge, Shetterly, Westlund, Williams, Speaker Minnis. Bill passed.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Final Reading of Memorials and Resolutions.

SCR 8 – Read. Carried by Flores. On adoption of the resolution the vote was: Yeas, 49; Excused, 2 – Ackerman, Hunt; Excused for business of the House, 9 – Berger, Dalto, Farr, Jenson, Patridge, Shetterly, Westlund, Williams, Speaker Minnis. Resolution adopted.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of First Reading of Senate Bills.

SB 5501, 5522, 5527, 5547, 867, 920 – Read first time and passed to Speaker's desk for referral.

SB 5501, 5522, 5527, 5547, 867, 920 – Referred from Speaker's desk to the following committees: 920 – Rules and Public Affairs; 867, 5501, 5522, 5527, 5547 – Ways and Means.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of Senate Bills.

SB 751 (B-Engrossed) – Read third time. Carried by Monnes Anderson. On passage of the bill the vote was: Yeas, 39; Nays, 18 – Anderson, Avakian, Barker, Bates, Dingfelder, Garrard, Greenlick, Kafoury, Kitts, Macpherson, March, Merkley, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Wirth; Excused, 2 –

Ackerman, Hunt; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted no on SB 751-B because I disagree with the public policy established by this bill.

"I am not convinced that the polluter will be held accountable for the actual costs of the clean-up. It appears that polluters will be able to dodge responsibility under SB 751-B."

SB 5502, 5530, 5550, 437, 800, 906, 923, 924, 932 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

SB 5502 (A-Engrossed) – Read third time. Carried by Morgan.

Potential conflict of interest declared by Smith T.

SB 5502 (A-Engrossed) – On passage of the bill the vote was: Yeas, 45; Nays, 10 – Close, Dalto, Doyle, Flores, Garrard, Nolan, Richardson, Scott, Smith P., Zauner; Excused, 2 – Ackerman, Hunt; Excused for business of the House, 3 – Berger, Patridge, Westlund. Bill passed.

SB 5530 (A-Engrossed) – Read third time. Miller moved bill be rereferred to Committee on Ways and Means. Motion carried on viva voce vote. Bill rereferred.

SB 5550 (A-Engrossed) – Read third time. Carried by Krieger. On passage of the bill the vote was: Yeas, 40; Nays, 13 – Barnhart, Dingfelder, Garrard, Hass, Kafoury, Macpherson, March, Merkley, Nolan, Prozanski, Rosenbaum, Tomei, Wirth; Excused, 2 – Ackerman, Hunt; Excused for business of the House, 5 – Patridge, Shetterly, Westlund, Williams, Speaker Minnis. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted no on SB 5550-A because I do not agree with the policy of using lottery funds to pay for the building of the Fall Creek Fish Hatchery."

SB 437 (B-Engrossed) – Read third time. Carried by Morgan. On passage of the bill the vote was: Yeas, 52; Excused, 2 – Ackerman, Hunt; Excused for business of the House, 6 – Jenson, Patridge, Shetterly, Westlund, Williams, Speaker Minnis. Bill passed.

SB 800 (B-Engrossed) – Read third time. Carried by Smith T.

Potential conflict of interest declared by Greenlick.

SB 800 (B-Engrossed) – On passage of the bill the vote was: Yeas, 52; Excused, 2 – Ackerman, Hunt; Excused for business of the House, 6 – Jenson, Patridge, Shetterly, Westlund, Williams, Speaker Minnis. Bill passed.

SB 906 (A-Engrossed) – Read third time. Carried by Close. On passage of the bill the vote was: Yeas, 51; Excused, 2 – Ackerman, Hunt; Excused for business of the House, 7 – Berger, Jenson, Patridge, Shetterly, Westlund, Williams, Speaker Minnis. Bill passed.

SB 923 – Read third time. Carried by Barnhart. On passage of the bill the vote was: Yeas, 51; Excused, 2 – Ackerman, Hunt; Excused for business of the House, 7 – Berger, Jenson, Patridge, Shetterly, Westlund, Williams, Speaker Minnis. Bill passed.

SB 924 – Read third time. Carried by Macpherson. On passage of the bill the vote was: Yeas, 52; Excused, 2 – Ackerman, Hunt; Excused for business of the House, 6 – Jenson, Patridge, Shetterly, Westlund, Williams, Speaker Minnis. Bill passed.

SB 932 – Read third time. Carried by Barnhart. On passage of the bill the vote was: Yeas, 52; Excused, 2 – Ackerman, Hunt; Excused for business of the House, 6 – Jenson, Patridge, Shetterly, Westlund, Williams, Speaker Minnis. Bill passed.

House recessed until 4:30 p.m. on motion of Patridge.

House reconvened at 4:30 p.m. Kruse in Chair. All present except: Excused, 3 – Ackerman, Hunt, Shetterly.

Having recessed under the order of business of Propositions and Motions, the House continued under that order of business.

SB 751 (B-Engrossed) – By unanimous consent, on request of Knopp, rules suspended to permit Barker to change his vote from “nay” to “aye” on passage of bill.

SB 196, 468, 597, 757, 908, 909, 919, SJR 14 – Speaker signed.

House adjourned until 1:00 p.m., Monday, August 11, 2003 on motion of Jenson.

#### **Monday, August 11, 2003 – Afternoon Session**

House convened at 1:00 p.m. Kruse in Chair. All present except: Excused, 3 – Mabrey, Smith P., Smith T.; Excused for business of the House, 2 – Doyle, Speaker Minnis.

Speaker Pro Tempore in Chair.

Moment of silence observed.

SB 421, 474, HB 3648 – Message from the Senate announcing passage.

HCR 13 – Message from the Senate announcing adoption.

SB 7 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed B-Engrossed.

SCR 7 – Report by Committee on Rules and Public Affairs recommending adoption.

HB 2797 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 52; Excused, 3 – Mabrey, Smith P., Smith T.; Excused for business of the House, 4 – Doyle, Scott, Smith G., Speaker Minnis. Bill repassed.

HB 5061 (B-Engrossed) – Bates moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 45; Nays, 7 – Close, Flores, Knopp, Kropf, Nelson, Richardson, Zauner; Excused, 3 – Mabrey, Smith P., Smith T.; Excused for business of the House, 4 – Doyle, Scott, Smith G., Speaker Minnis. Bill repassed.

SB 232 (A-Engrossed) – Williams moved Conference Committee Report be adopted. Motion carried on viva voce vote. Conference Committee Report adopted.

SB 232 (A-Engrossed) – Williams moved bill be repassed. On repassage of the bill the vote was: Yeas, 37; Nays, 18 – Avakian, Barker, Beyer, Dingfelder, Farr, Greenlick, Hansen, Hunt, Kafoury, Krummel, March, Merkley, Monnes Anderson, Nelson, Prozanski, Rosenbaum, Schaufler, Tomei; Excused, 2 – Smith P., Smith T.; Excused for business of the House, 2 – Bates, Smith G. Bill repassed.

HB 2614 (B-Engrossed) – Garrard moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 38; Nays, 15 – Avakian, Barker, Dingfelder, Greenlick, Hansen, Kafoury, Krummel, Macpherson, Merkley, Nelson, Nolan, Prozanski, Rosenbaum, Tomei, Wirth; Excused, 2 – Smith P., Smith T.; Excused for business of the House, 4 – Doyle, Smith G., Williams, Speaker Minnis. Bill repassed.

SB 820 (D-Engrossed) – Jenson moved Conference Committee Report be adopted. Motion carried on viva voce vote. Conference Committee Report adopted.

SB 820 (D-Engrossed) – Jenson moved bill be repassed. On repassage of the bill the vote was: Yeas, 52; Nays, 1 – Wirth; Excused, 2 – Smith P., Smith T.; Excused for business of the House, 4 – Doyle, Smith G., Williams, Speaker Minnis. Bill repassed.

SB 421, 474 – Read first time and passed to Speaker's desk for referral.

SB 421, 474 – Referred from Speaker's desk to the following committee: Ways and Means.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

HB 5021 – Report by Committee on Budget without recommendation as to passage and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 2345 – Report by Committee on Budget without recommendation as to passage and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

SB 5501 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 5522 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 5527 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 5547 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 5551 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 867 (B-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 272 (B-Engrossed) – Report by Conference Committee, signed by Senators Starr C. and Morrisette and Representatives Close, Monnes Anderson and Smith T., recommending that the Senate concur in the House amendments dated June 30, 2003 and that the bill be further amended and repassed.

HB 5013 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 5014 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 2532 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 2551 (A-Engrossed) – Report by Committee on Ways and Means recommending passage with amendments and be printed B-Engrossed.

HB 2955 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 3631 – Speaker signed.

SB 5512, 5525, 63, 267, 516 – Speaker signed.

House adjourned until 1:00 p.m., Tuesday, August 12, 2003 on motion of Jenson.

#### **Tuesday, August 12, 2003 – Afternoon Session**

House convened at 1:00 p.m. Speaker Pro Tempore in Chair. All present except: Excused, 1 – Smith P.

Kruse in Chair.

Moment of silence observed.

HB 5058 – Message from the Governor announcing he signed on August 11, 2003.

SB 617, 912, 918, HB 3631 – Message from the Senate announcing President signed on August 11, 2003.

SB 5513 – Message from the Senate announcing passage.

SB 342, 751 – Message from the Senate announcing concurrence in House amendments and repassage.

SB 297 – Message from the Senate announcing the Senate refused to concur in House amendments.

HB 2379 (C-Engrossed) – Shetterly moved House not concur in Senate amendments and a Conference Committee be appointed. Motion carried on viva voce vote. Conference Committee to be appointed.

HB 3665 – Read first time and passed to Speaker's desk for referral.

HB 3665 – Referred from Speaker's desk to the following committee: Budget.

HB 5013, 5014, 2532, 2551, 2955 – By unanimous consent, on request of Chair, rules suspended to permit second reading immediately.

HB 5013, 5014, 2532, 2551, 2955 – Read second time and passed to third reading.

HB 5013, 5014, 2532, 2551, 2955 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 5013 (A-Engrossed) – Read third time. Carried by Smith G.

Potential conflict of interest declared by Hunt.

Speaker Pro Tempore in Chair.

HB 5013 (A-Engrossed) – On passage of the bill the vote was: Yeas, 50; Nays, 8 – Ackerman, Barnhart, Farr, Kruse, Nelson, Prozanski, Tomei, Zauner; Excused, 1 – Smith P. Bill passed.



Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted no on HB 5013 despite my support for the Economic and Community Development Department because this budget provides insufficient funds to promote real economic development.

"Moreover, we must not pass this or other general fund budgets until we have an acceptable overall plan to fund public education, public safety and human services. It is irresponsible to pass general fund budgets in such a piecemeal fashion without an acceptable plan."

Prozanski requested the following explanation of his vote be entered in the Journal:

"I support funding this budget, but I voted no on HB 5013-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that adequately funds all general fund programs including public education, public safety and human services.

"For weeks, I have been voting no on budget bills that require general fund dollars because I was waiting for House leadership to put forth a plan as to how we would be paying for public education, public safety and human service programs. What we ended up getting is a plan that is totally inadequate to fund schools and other vital services and programs throughout Oregon. Accordingly, I will not support this budget at this time."

Tomei requested the following explanation of her vote be entered in the Journal:

"I strongly support Oregon's Department of Economic and Community Development, its activities and programs. Therefore, my decision to vote 'no' on HB 5013 was a particularly difficult one.

"However, until we have responsible, adequate and fair budgets for schools, human services, and public safety, I will continue to vote 'no' on any budget bills coming to the full House for a vote that commit general funds. I cannot support piecemeal budgeting when we do not yet know what the larger picture looks like, specifically, what critical services will be funded and at what levels."

HB 5014 (A-Engrossed) – Read third time. Carried by Morgan.

Call of the House demanded by Morgan, joined by Gilman, Brown, Backlund, March and Nolan. All present except: Excused (not subject to Call), 1 – Smith P.

HB 5014 (A-Engrossed) – On passage of the bill the vote was: Yeas, 37; Nays, 21 – Ackerman, Anderson, Barnhart, Beyer, Butler, Close, Dalto, Doyle, Farr, Flores, Garrard, Kitts, Kropf, Krummel, Kruse, March, Nolan, Prozanski, Schaufler, Tomei, Zauner; Excused, 1 – Smith P. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted no on HB 5014 despite my support for the Department of Education.

"The funds in this budget are insufficient for pre-kindergarten, children with disabilities, OPEN, Youth Connections Education Program, SMART, TESA, TAG and early childhood education.

"Moreover, we must not pass this or other general fund budgets until we have an acceptable overall plan to fund public education, public safety and human services. It is irresponsible to pass general fund budgets in such a piecemeal fashion without an acceptable plan."

Prozanski requested the following explanation of his vote be entered in the Journal:

"I support funding this budget, but I voted no on HB 5014-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the legislature with a plan that adequately funds all general fund programs including public education, public safety and human services.

"For weeks, I have been voting no on budget bills that require general fund dollars because I was waiting for House leadership to put forth a plan as to how we would be paying for public education, public safety and human service programs. What we ended up getting is a plan that is totally inadequate to fund schools and other vital services and programs throughout Oregon. Accordingly, I will not support this budget at this time."

"Lastly, this budget is inadequate. It fails to appropriate sufficient funds to the Department of Education."

Tomei requested the following explanation of her vote be entered in the Journal:

"Until we have responsible, adequate and fair budgets for schools, human services, and public safety, I will continue to vote 'no' on any budget bills coming to the full House for a vote that commit general funds. I cannot support piecemeal budgeting when we do not yet know what the larger picture looks like, specifically, what critical services will be funded and at what levels.

"With regard to HB 5014, the Department of Education's expertise and leadership are invaluable in curriculum, finances, and measurement. All of these areas take money to provide adequate equipment and experienced personnel. The proposed budget in HB 5014 is inadequate. It eliminates positions of expertise and leadership and reclasses others to lower salary steps; it decreases opportunities for special students; it reduces programs such as Technology Enhanced Student Assessment (TESA); it reduces early intervention programs; and it gravely tampers with Grant-in-Aid programs. The Department of Education is the vital link between the State and our school districts and between the federal government and the districts. It deserves and requires a responsible, adequate and fair budget."

HB 2532 (A-Engrossed) – Read third time. Carried by Krieger.

HB 2532 – Nelson moved bill be referred to Committee on Rules and Public Affairs. Motion failed on viva voce vote. Motion failed.

HB 2532 (A-Engrossed) – On passage of the bill the vote was: Yeas, 33; Nays, 24 – Barnhart, Beyer, Butler, Dingfelder, Farr, Garrard, Greenlick, Hansen, Kafoury, Kitts, Krummel, Mabrey, March, Monnes, Anderson, Nelson, Nolan, Prozanski, Rosenbaum, Schaufler, Scott, Smith G., Tomei, Verger, Zauner; Excused, 1 – Smith P.; Excused for business of the House, 1 – Williams. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted no on HB 2532 because this bill reduces funds for local government through the back door. It uses a formula to convert tobacco funds – part of which are distributed to cities and counties – to money which supports the collection services of the state."

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

"I voted no on HB 2532-A because this bill reduces funds for local government through the back door. It uses a formula to convert tobacco funds – part of which are distributed to cities and counties – to money which supports the collection services of the state."

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted no on HB 2532-A because I disagree with the public policy established by this bill.

"HB 2532-A establishes a new formula for disbursement of tobacco tax revenue. It diverts the money from local government to the state general fund. I believe this violates our agreement with local government."

Tomei requested the following explanation of her vote be entered in the Journal:

"Until we have responsible, adequate and fair budgets for schools, human services, and public safety, I will continue to vote 'no' on any budget bills coming to the full House for a vote that commit general funds. I cannot support piecemeal budgeting when we do not yet know what the larger picture looks like, specifically, what critical services will be funded and at what levels.

"With regard to HB 2532, the 2003-05 general fund dollars have been reduced by \$25 million in this proposed budget and replaced with up to \$30 million in increased collection of cigarette and other tobacco products taxes. The taxes on tobacco are dedicated 'shared revenue' funds, to be shared with cities, counties and special needs transportation. House Bill 2532 robs this account in yet another effort to bolster the State's general fund to help balance the budget. This practice directly impacts the budgets of cities, counties and the special needs transportation program and robs them of monies they sorely need. This practice is becoming habitual and must end."

HB 2551 (B-Engrossed) – Read third time. Carried by Morgan. On passage of the bill the vote was: Yeas, 49; Nays, 8 – Bates, Butler, Garrard, Johnson, Kafoury, March, Nolan, Prozanski; Excused, 1 – Smith P.; Excused for business of the House, 1 – Williams. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted no on HB 2551-B because I disagree with the public policy established by this bill.

"HB 2551-B allows the Oregon Water Resource Department to enter into voluntary agreements with private parties and to set fees for services. This bill will establish a dual system. Those with money who are willing to pay for staffing positions will be able to get their application processed earlier than others. I disagree with this policy. The Legislature should fund the Department adequately rather than allowing only those private parties with enough money to pay for and receive services.

"I also question the ethics of this policy. Will the Department staff maintain its neutrality and objectivity? Even though I believe it will, the public perception will be 'money talks' and the rich are buying access to government!"

HB 2955 (A-Engrossed) – Read third time. Miller moved bill be referred to Committee on Rules and Public Affairs. Motion carried on viva voce vote. Bill referred.

SCR 7 – Read. Carried by Monnes Anderson. On adoption of the resolution the vote was: Yeas, 57; Excused, 1 – Smith P.; Excused for business of the House, 1 – Williams. Resolution adopted.

SB 5513 – Read first time and passed to Speaker's desk for referral.

SB 5513 – Referred from Speaker's desk to the following committee: Ways and Means.

SB 5501, 5522, 5527, 5547, 5551, 867 – Read second time and passed to third reading.

SB 7 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit second reading immediately.

SB 7 – Read second time and passed to third reading.

SB 5501, 5522, 5527, 5547, 5551, 7, 867 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit third reading and final consideration immediately.

SB 5501 (A-Engrossed) – Read third time. Carried by Morgan.

Call of the House demanded by Morgan, joined by March, Berger, Anderson, Nelson and Scott. All present except: Absent (subject to Call), 1 – Williams; Excused (not subject to Call), 1 – Smith P.

By unanimous consent, on request of Morgan, rules suspended to dispense with further proceedings under the Call of the House.

SB 5501 (A-Engrossed) – On passage of the bill the vote was: Yeas, 31; Nays, 26 – Ackerman, Avakian, Barker, Barnhart, Bates, Beyer, Dalto, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Verger, Wirth; Absent, 1 – Williams; Excused, 1 – Smith P. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

"I voted no on SB 5501 despite my support for the Department of Agriculture.

"There is no funding in this bill for the Pesticide Use Reporting Program. This is an important program which the state should continue to fund.

"Moreover, we must not pass this or other general fund budgets until we have an acceptable overall plan to fund public education, public safety and human services. It is irresponsible to pass general fund budgets in such a piecemeal fashion without an acceptable plan."

Dingfelder requested the following explanation of her vote be entered in the Journal:

"I support the Department of Agriculture and the work it does, but I voted no on SB 5501 because it all but eliminates Oregon's Pesticide Use Reporting System. The proponents of this bill say it is because there are not adequate resources given the current budget climate. However, they leave intact the cumbersome reporting requirements.

"Under SB 5501 Oregonians will get the worst of both worlds: no information on pesticide use in Oregon to help ensure public and environmental health and a standing statutory requirement that pesticide users report their use to a non-existent tracking system."

"I voted no because I want Oregon workers to know if there are any health threats from pesticides; I want them to know if pesticides are part of the pollution that is fouling the Willamette river and other rivers across Oregon; I care enough to ensure that the data is available to track threats to endangered salmon; I care if workers are at risk for pesticide exposure; and I don't want to waste their time by filling out useless paperwork."

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

"I voted no on SB 5501-A because it eliminates funding for the Pesticide Use Reporting System (PURS), effectively ending the development and implementation of this landmark program. The law was designed to ensure access to detailed information about pesticide use in our communities – information that will be extremely useful for health researchers, drinking water providers and others working to protect human and environmental health. The public expects Oregon's pesticide tracking program to meet its statutory mandates of enabling better protection of water quality, fish habitat and the public's health. Without accurate information on pesticide use in Oregon, we risk spending even more time and money understanding how patterns of pesticide use in Oregon affect human health and environment. Pesticides, toxic substances need to be monitored to protect the health of Oregonians."

Prozanski requested the following explanation of his vote be entered in the Journal:

"I support funding this budget, but I voted no on SB 5501-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the Legislature with a plan that adequately funds all general fund programs including public education, public safety and human services.

"For weeks, I have been voting no on budget bills that require general fund dollars because I was waiting for House leadership to put forth a plan as to how we would be paying for public education, public safety and human service programs. What we ended up getting is a plan that is totally inadequate to fund schools and other vital services and programs throughout Oregon. Accordingly, I will not support this budget at this time.

"Lastly, I do not agree with the defunding of the Pesticide Use Reporting System. It is said that the Legislature has decided to walk away from the \$1 million investment it has made since 1999."

Tomei requested the following explanation of her vote be entered in the Journal:

"Until we have responsible, adequate and fair budgets for schools, human services, and public safety, I will continue to vote 'no' on any budget bills coming to the full House for a vote that commit general funds. I cannot support piecemeal budgeting when we do not yet know what the larger picture looks like, specifically, what critical services will be funded and at what levels.

"I fully support Oregon's Department of Agriculture, its activities and programs. However, there is one very significant flaw in the Department's 2003-05 proposed budget; i.e., it fails to fund the Pesticide Use Reporting System (PURS), effectively ending its development and implementation. The 1999 Legislature, by an overwhelming majority in both chambers, mandated the creation of PURS, but has failed to fund it in two subsequent sessions. Pesticides are linked to a range of health problems, including cancer and birth defects. Recent studies have found 50 different pesticides in water tested for 86 chemicals throughout the Willamette River Basin. Without accurate information on pesticide use in Oregon, we risk spending even more time and money understanding how patterns of pesticide use affect human health and our environment. In 1999, we saw the benefits in tracking this information and gaining an understanding of the patterns. What has changed? We must fund PURS for the health and safety of Oregonians."

SB 5522, 5527, 5547, 5551, 7, 867 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended and bills remaining on today's Third Reading of Senate Bills carried over and placed in their proper order on Wednesday's, August 13, 2003 Calendar.

HB 2368 – Speaker appointed Close, Chair; Verger and Patridge House conferees.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

HB 5021 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 5028 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

HB 2288 – Report by Committee on Ways and Means recommending passage with amendments and be printed A-Engrossed.

SB 5 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed B-Engrossed.

SB 617, 912, 918 – Speaker signed.

House adjourned until 1:00 p.m., Wednesday, August 13, 2003 on motion of Gallegos.

#### **Wednesday, August 13, 2003 – Afternoon Session**

House convened at 1:00 p.m. Speaker Pro Tempore in Chair. All present except: Absent, 1 – Smith G.; Excused, 1 – Smith P.

Opening Ceremony presented by Representative Tom Butler, District 60, Ontario.

HB 5048, 5057, 2095, 2156, 2167, 2172, 2194, 2230, 2259, 2260, 2865, 2898, 3154, 3187, 3645 – Message from the Governor announcing he signed on August 12, 2003.

SB 437, 906, 923, 924, 5550 – Message from the Senate announcing President signed on August 13, 2003.

SB 5513 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 421 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 474 – Report by Committee on Ways and Means recommending passage.

HB 2537 (A-Engrossed) – Kruse moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 56; Nays, 1 – Nelson; Absent, 1 – Smith G.; Excused, 1 – Smith P. Bill repassed.

HB 3666 – Read first time and passed to Speaker's desk for referral.

HB 3666 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HB 5021, 5028, 2288 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit second reading immediately.

HB 5021, 5028, 2288 – Read second time and passed to third reading.

HB 5021, 5028, 2288 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit third reading and final consideration immediately.

HB 5021 (A-Engrossed) – Read third time. Carried by Morgan.

Call of the House demanded by Morgan, joined by Greenlick, Berger, Dalto, Smith T. and Zauner. All present except: Absent (not subject to Call), 1 – Smith G.; Excused (not subject to Call), 1 – Smith P.

HB 5021 (A-Engrossed) – On passage of the bill the vote was: Yeas, 36; Nays, 21 – Ackerman, Avakian, Barker, Barnhart, Beyer, Dingfelder, Farr, Greenlick, Hass, Hopson, Hunt, Kafoury, March, Merkley, Nelson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Wirth; Absent, 1 – Smith G.; Excused, 1 – Smith P. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted no on HB 5021 despite my support for the Department of Higher Education.

“This bill is the downward mobility bill for 2003. It reduces the appropriation for Higher Education by 11%. This will subsequently raise tuition 21% and FTEs by 7%. We are asking students and their families to pay exorbitant tuition precisely at a time when that money is not available. We can and must do better for young people.

“Moreover, we must not pass this or other general fund budgets until we have an acceptable overall plan to fund public education, public safety and human services. It is irresponsible to pass general fund budgets in such a piecemeal fashion without an acceptable plan.”

Dingfelder requested the following explanation of her vote be entered in the Journal:

“I voted no on House Bill 5021-A because it further shifts the burden of funding for Oregon’s higher education system on to the students. In 1999 the state funded 51 percent of educational costs for higher education. With House Bill 5021-A the state will pay less than 38 percent of educational costs, students will now be paying over 62 percent. Since fall of 2002, tuition has increased an average of 21 percent. In four short years the state has shifted to students the burden of being the primary sources of funding for higher education in Oregon.

“House Bill 5021-A sends a message to parents, businesses, and students that Oregon does not value higher education. With continued disinvestments in higher education, businesses will not want to locate and grow in Oregon and parents will not see Oregon’s public universities as viable options for their children to further their education.

“With reductions in General Fund allocations and the increases in tuition proposed in House Bill 5021-A it is estimated that over 10,000 students will be shut out of a higher education.”

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

“With reluctance I voted yes on HB 5021-A. The revenue in Oregon this biennium year is extremely low with no indication of

any significant increase in the near future. My first priority is to fund K-12 and services for the health and well being of our seniors, disabled and low income working Oregonians. Hopefully, in the next biennium, revenue will have increased to a level so that we can adequately fund our university system so that every student will be able to afford college and will have the opportunity to further his/her education.

“HB 5021-A is the best we can do under the current economic conditions.”

Prozanski requested the following explanation of his vote be entered in the Journal:

“I support funding this budget, but I voted no on HB 5021-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the Legislature with a plan that adequately funds all general fund programs including public education, public safety and human services.

“For weeks, I have been voting no on budget bills that require general fund dollars because I was waiting for House leadership to put forth a plan as to how we would be paying for public education, public safety and human service programs. What we ended up getting is a plan that is totally inadequate to fund schools and other vital services and programs throughout Oregon. Accordingly, I will not support this budget at this time.

“Further, this budget will force students to pay higher tuition to cover the shortfall created by the Legislature’s failure to adequately fund the budget. This in turn will cause some individuals to not be able to have access to a college education. This is wrong and extremely shortsighted.”

Tomei requested the following explanation of her vote be entered in the Journal:

“Until we have responsible, adequate and fair budgets for schools, human services, and public safety, I will continue to vote ‘no’ on any budget bills coming to the full House for a vote that commit general funds. I cannot support piecemeal budgeting when we do not yet know what the larger picture looks like, specifically, what critical services will be funded and at what levels.

“Regarding HB 5021, this was a particularly difficult ‘no’ vote for me because I strongly support Oregon’s Department of Higher Education. However, the Department’s proposed budget for the 2003-05 biennium cuts general fund support by another nine percent over the 2001-2003 biennium, further shifting the burden of funding for our public universities to the students and their families. Under HB 5021, the State will now pay less than 38 percent of educational costs, while students will pay more than 62 percent. Students who can afford the increases will be forced to pay more for less as sections are cut, services reduced, and faculty-student ratios increase. Other students who cannot afford the increases will be forced to reduce their load of classes or to drop out completely. It is estimated that 10,000 students will find the door to higher education in Oregon slammed shut.

“Some have called this a ‘downward mobility bill,’ proposing a budget that drives a stake into the aspirations of parents to provide affordable higher education for their children. The message? We as a Legislature no longer aspire to the upward mobility of our children and all it brings to us in terms of an educated work force, economic development, and pride in accomplishment. This is an abysmal budget proposal.”

HB 5028 (A-Engrossed) – Read third time. Carried by Smith T.

Call of the House demanded by Smith T., joined by Merkley, Backlund, Gilman, Morgan and Krummel. All present except: Absent (not subject to Call), 2 – Jenson, Smith G.; Excused (not subject to Call), 1 – Smith P.

HB 5028 (A-Engrossed) – On passage of the bill the vote was: Yeas, 44; Nays, 12 – Ackerman,

Avakian, Barker, Barnhart, Dingfelder, Merkley, Nelson, Nolan, Prozanski, Tomei, Verger, Zauner; Absent, 2 – Jenson, Smith G.; Excused, 1 – Smith P. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted no on HB 5028 despite my support for the Department of Higher Education.

“This budget is insufficient because it lacks Capitol Construction funds for ETIC and for Community Colleges.

“Moreover, we must not pass this or other general fund budgets until we have an acceptable overall plan to fund public education, public safety and human services. It is irresponsible to pass general fund budgets in such a piecemeal fashion without an acceptable plan.”

Dingfelder requested the following explanation of her vote be entered in the Journal:

“I voted no on House Bill 5028-A because I believe that Oregon is not making an appropriate commitment to either higher education operations or to capital construction. Enrollment is up at our universities. Tuition is up at our universities, yet, support for higher education is down. We need more funding for Oregon University System (OUS) operations and we need a long-range commitment to supporting OUS facilities.

“Right now students are paying more and getting less in terms of academic programs and services. They are also studying in overcrowded classrooms and in buildings that are deteriorating due to deferred maintenance.

“Additionally, this bill does not include investments in economic development initiatives developed by industry and higher education. This includes a request by Portland State University for \$5 million in lottery backed bonds for a Northwest Center for Engineering, Science, and Technology. This building project will provide jobs, support expanded research, and will allow more students to prepare for high-wage jobs.

“I hope this initiative, called the Engineering Technology Industry Council (ETIC) Plan, is included in the end-of-session bill.”

Prozanski requested the following explanation of his vote be entered in the Journal:

“I support funding this budget, but I voted no on HB 5028-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the Legislature with a plan that adequately funds all general fund programs including public education, public safety and human services.

“For weeks, I have been voting no on budget bills that require general fund dollars because I was waiting for House leadership to put forth a plan as to how we would be paying for public education, public safety and human service programs. What we ended up getting is a plan that is totally inadequate to fund schools and other vital services and programs throughout Oregon. Accordingly, I will not support this budget at this time.

“This budget is inadequate and it does not include capital funds for ETIC or community college capital projects.

“Further, we have failed to properly fund the Higher Education basic budget (HB 5021-A). This will result in denying access to students who have limited financial means.”

Tomei requested the following explanation of her vote be entered in the Journal:

“Until we have responsible, adequate and fair budgets for schools, human services, and public safety, I will continue to vote ‘no’ on any budget bills coming to the full House for a vote that commit general funds. I cannot support piecemeal budgeting when we do not yet know what the larger picture looks like, specifically, what critical services will be funded and at what levels.”

Courtesies of the House and floor were extended to Jane Lokan, former Representative from District 25.

HB 2288 (A-Engrossed) – Read third time. Carried by Bates. On passage of the bill the vote was: Yeas, 54; Absent, 2 – Jenson, Smith G.; Excused, 1 – Smith P.; Excused for business of the House, 2 – Miller, Speaker Minnis. Bill passed.

SB 5522 (A-Engrossed) – Read third time. Carried by Butler. On passage of the bill the vote was: Yeas, 38; Nays, 14 – Barnhart, Beyer, Dalto, Dingfelder, Kafoury, Kruse, Merkley, Nelson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Verger; Absent, 2 – Jenson, Smith G.; Excused, 1 – Smith P.; Excused for business of the House, 4 – Hansen, Johnson, Miller, Speaker Minnis. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted no on SB 5522 despite my support for the Government Standards and Practices Commission.

“This budget is inadequate to fund the operations of the Commission. Moreover, we must not pass this or other general fund budgets until we have an acceptable overall plan to fund public education, public safety and human services. It is irresponsible to pass general fund budgets in such a piecemeal fashion without an acceptable plan.”

Dingfelder requested the following explanation of her vote be entered in the Journal:

“I voted no on Senate Bill 5522-A because I believe that this budget is inadequate for the Government Standards and Practices Commission to do its’ job. The commission’s mission is to fairly and impartially administer the regulatory provision of Oregon’s Government Standards and Practices laws, Lobby Regulations, and Oregon Public Meetings laws. In short, the commission helps ensure integrity in Oregon’s legislative system. It is a good government initiative that deserves our full support. Underfunding this commission could compromise the trust that Oregon’s citizens have of public bodies and of their elected officials.”

Prozanski requested the following explanation of his vote be entered in the Journal:

“I support funding this budget, but I voted no on SB 5522-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the Legislature with a plan that adequately funds all general fund programs including public education, public safety and human services.

“For weeks, I have been voting no on budget bills that require general fund dollars because I was waiting for House leadership to put forth a plan as to how we would be paying for public education, public safety and human service programs. What we ended up getting is a plan that is totally inadequate to fund schools and other vital services and programs throughout Oregon. Accordingly, I will not support this budget at this time.”

Tomei requested the following explanation of her vote be entered in the Journal:

“I strongly support the need for and work of the Government Standards and Practices Commission. However, until we have responsible, adequate and fair budgets for schools, human services, and public safety, I will continue to vote ‘no’ on any budget bills coming to the full House for a vote that commit general funds. I cannot support piecemeal budgeting when we do not yet know what the larger picture looks like, specifically, what critical services will be funded and at what levels.”

SB 5527 (A-Engrossed) – Read third time. Carried by Morgan.

Call of the House demanded by Morgan, joined by March, Anderson, Verger, Brown and Patridge. All present except: Absent (not subject to Call), 2 – Jenson, Smith G.; Excused (not subject to Call), 1 – Smith P.

SB 5527 (A-Engrossed) – On passage of the bill the vote was: Yeas, 44; Nays, 12 – Avakian, Barker, Barnhart, Beyer, Dingfelder, Garrard, March, Merkley, Nelson, Prozanski, Rosenbaum, Tomei; Absent, 2 – Jenson, Smith G.; Excused, 1 – Smith P. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted no on SB 5527 despite my support for the Division of State Lands.

“This budget is inadequate to fund the operations of the Division. Moreover, we must not pass this or other general fund budgets until we have an acceptable overall plan to fund public education, public safety and human services. It is irresponsible to pass general fund budgets in such a piecemeal fashion without an acceptable plan.”

Dingfelder requested the following explanation of her vote be entered in the Journal:

“I voted no on SB 5527-A because this budget represents a major reduction in General Fund support for the Division of State lands. This budget is a 35.9 percent decrease from the 2001-2003 legislatively approved budget for this agency. What little backfill there is comes from ‘other,’ non-limited funds.

“I object to the budget note found at the top of page 4 of the budget report for SB 5527, which stipulates that \$750,000 is to be unscheduled from Division of State Land’s budget and that those funds can be rescheduled by the E-Board in January if reasonable progress towards implementing the agency’s 2003-05 work plan has been made. My concern is use of ambiguous criteria such as ‘reasonable progress.’

“These are the same conditions and stipulations that were put in the Department of Land Conservation and Development’s budget. I am concerned that we are setting these agencies up for failure by not giving them the resources they need to satisfactorily do their jobs.

“I also have reservations about the bottom two budget notes found on page 3 of the budget report regarding the Department of Forestry and the State Land Board laying the groundwork for selling the Elliot State Forest.

“If we are to direct the Department of Forestry and the Land Board to start down this road, we should first have discussion and debate about whether or not this is something that we, as a legislative body, want to do. In short, this is a decision that the Legislature should make, not a state agency and the Land Board.”

Prozanski requested the following explanation of his vote be entered in the Journal:

“I support funding this budget, but I voted no on SB 5527-A because it requires general fund dollars. I am not willing to support any budget bills that use general fund money until the House leadership provides the Legislature with a plan that adequately funds all general fund programs including public education, public safety and human services.

“For weeks, I have been voting no on budget bills that require general fund dollars because I was waiting for House leadership to put forth a plan as to how we would be paying for public education, public safety and human service programs. What we ended up getting is a plan that is totally inadequate to fund schools and

other vital services and programs throughout Oregon. Accordingly, I will not support this budget at this time.

“This budget also includes an unconstitutional budget note. The Legislature cannot request an agency to unschedule an ‘other fund expenditure limitation’ and require the agency to go before the E-Board to demonstrate ‘reasonable progress’ has been made toward their work plan before additional money is released.

“Further, a budget note directs the Board of Forestry to work with the State Land Board to do a cost-benefit analysis on selling the Elliott State Forest. I do not agree with this policy decision. It is not in the best interest of the state or its citizens to sell its public forest lands for private development. Instead, the state should continue to manage this forest for Oregonians to enjoy in the future and to provide long-term revenue for the Common School Fund.”

Tomei requested the following explanation of her vote be entered in the Journal:

“Until we have responsible, adequate and fair budgets for schools, human services, and public safety, I will continue to vote ‘no’ on any budget bills coming to the full House for a vote that commit general funds. I cannot support piecemeal budgeting when we do not yet know what the larger picture looks like, specifically, what critical services will be funded and at what levels.

“Regarding SB 5527, this proposed legislation slashes the Division of State Lands’ budget by 77 percent of the 2001-03 biennium rebalanced budget. It is an unjust, inadequate and totally irresponsible proposal, which mandates demonstration of ‘reasonable progress’ without defining what that looks like. This type of mandate unfairly sets agencies up for failure.”

SB 5547 (A-Engrossed) – Read third time. Carried by Morgan.

Call of the House demanded by Morgan, joined by Verger, Gilman, Williams, Zauner and Knopp. All present except: Absent (not subject to Call), 2 – Jenson, Smith G.; Excused (not subject to Call), 1 – Smith P.

SB 5547 (A-Engrossed) – On passage of the bill the vote was: Yeas, 42; Nays, 14 – Anderson, Avakian, Barnhart, Dingfelder, Garrard, Hass, Kruse, March, Merkley, Nelson, Prozanski, Rosenbaum, Tomei, Zauner; Absent, 2 – Jenson, Smith G.; Excused, 1 – Smith P. Bill passed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted no on SB 5547 despite my support for the Watershed Enhancement Board.

“This budget is inadequate to fund the operations of the Board. It takes money that should be used for enhancing the operations of the board, and instead uses it for hatchery construction.

“Moreover, we must not pass this or other general fund budgets until we have an acceptable overall plan to fund public education, public safety and human services. It is irresponsible to pass general fund budgets in such a piecemeal fashion without an acceptable plan.”

Dingfelder requested the following explanation of her vote be entered in the Journal:

“I voted no on SB 5547 because once again I must object to the transfer of Measure 66 dollars and federal funds to other agencies to backfill General Fund monies.

“In SB 5547, 60 percent of lottery and federal funds dedicated to local watershed enhancement efforts were diverted by the Ways and Means Committee to support state agency programs that had been supported by the general fund. These local funds were diverted to create a new program. Only 40 percent of the dedicated

funds remain with OWEB to invest in a science-based, competitive grant program that funds locally-driven watershed restoration efforts.

"It's unfortunate because voluntary, local decision making is accomplishing results on the ground. Moreover, this process builds community consensus about how natural resources should be managed within communities. This is an important alternative to top-down regulation."

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted no on SB 5547-A because it is inadequate. Further it uses Measure 66 money to backfill this general fund budget. I do not agree with this policy since it appears to violate the intention of the voters who supported Measure 66 by diverting those funds for other purposes."

Tomei requested the following explanation of her vote be entered in the Journal:

"I am proud of my support for the Oregon Watershed Enhancement Board (OWEB), its activities and programs. Within that context, I am very concerned that Senate Bill 5547 reduces the general fund allocation to OWEB by 100 percent of the rebalanced 2001-03 biennium budget. Of even greater concern, however, is yet another abrogation of public trust evident in this proposed legislation.

"In 1998, Oregon taxpayers passed Ballot Measure 66 to fund Salmon Habitat Restoration. With SB 5547, legislators are asked to help backfill other state agency budgets by passing the OWEB budget using Ballot Measure 66 and federal funds dedicated to Salmon Restoration programs. This is more than robbing Peter to pay Paul; it is also robbing the public of their trust in this Legislature and the legislative process. The practice of abrogating the will of the people must stop."

SB 5551 (A-Engrossed) – Read third time. Carried by Butler. On passage of the bill the vote was: Yeas, 43; Nays, 9 – Barnhart, Dingfelder, Flores, March, Merkley, Prozanski, Richardson, Rosenbaum, Tomei; Absent, 3 – Jenson, Smith G., Williams; Excused, 1 – Smith P.; Excused for business of the House, 3 – Gallegos, Hansen, Krieger. Bill passed.

Dingfelder requested the following explanation of her vote be entered in the Journal:

"I voted no on SB 5551-A because I am opposed to spending tobacco bond dollars to fund basic state programs and services and to cover operational costs. I believe that it is the responsibility of the legislature to fund these budget items with real revenue dollars, not by borrowing."

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted no on SB 5551-A because I disagree with the decision of the previous legislature to use Tobacco Settlement Funds Account money to rebalance the 2001-'03 budget. This money should be used to address health issues caused by tobacco products and for the prevention of tobacco usage by Oregon kids."

SB 7 (B-Engrossed) – Read third time. Carried by Verger. On passage of the bill the vote was: Yeas, 52; Absent, 3 – Jenson, Smith G., Williams; Excused, 1 – Smith P.; Excused for business of the House, 3 – Gallegos, Hansen, Krieger. Bill passed.

SB 867 (B-Engrossed) – Read third time. Carried by Dingfelder. On passage of the bill the vote was: Yeas, 42; Nays, 9 – Flores, Garrard, Kitts, Kruse, Mabrey, Morgan, Richardson, Scott, Zauner; Absent, 3 – Close, Jenson, Smith G.; Excused, 1 – Smith P.;

Excused for business of the House, 4 – Gallegos, Hansen, Krieger, Speaker Minnis. Bill passed.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

HB 2267 – Report by Committee on Revenue recommending passage with amendments and be printed A-Engrossed.

SB 260 (B-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed C-Engrossed.

SB 899 – Report by Committee on Rules and Public Affairs recommending passage.

House adjourned until 1:00 p.m., Thursday, August 14, 2003 on motion of Brown.

#### **Thursday, August 14, 2003 – Afternoon Session**

House convened at 1:00 p.m. Kruse in Chair. All present except: Absent, 1 – Smith G.; Excused, 2 – Miller, Smith P.

Speaker Pro Tempore in Chair.

Opening Ceremony presented by Representative Dave Hunt, District 40, Oak Grove.

HB 5009, 5052, 5066, 3534, SB 911 – Message from the Senate announcing passage.

HJM 10 – Message from the Senate announcing adoption as amended by the Senate.

HB 3646, 5030 – Message from the Senate announcing passage as amended by the Senate.

SB 272 – Message from the Senate announcing adoption of Conference Committee Report and repassage.

SB 297 – Message from the Senate announcing Senators Minnis and Ringo appointed Senate conferees.

HB 3667 – Read first time and passed to Speaker's desk for referral.

HB 3667 – Referred from Speaker's desk to the following committee: Rules and Public Affairs with subsequent referral to Ways and Means.

SB 911 – Read first time and passed to Speaker's desk for referral.

SB 911 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

SB 5513, 5, 421, 474, 899 – Read second time and passed to third reading.

SB 260 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit second reading immediately.

SB 260 – Read second time and passed to third reading.

SB 5513, 899 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit third reading and final consideration immediately.

SB 5513 (A-Engrossed) – Read third time. Carried by Patridge.

Potential conflict of interest declared by Greenlick.

SB 5513 (A-Engrossed) – On passage of the bill the vote was: Yeas, 50; Nays, 5 – Doyle, Flores, Garrard, Scott, Zauner; Absent, 2 – Berger, Smith G.; Excused, 2 – Miller, Smith P. Bill passed.

SB 421 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit third reading and final consideration immediately.

SB 421 (A-Engrossed) – Read third time. Carried by Patridge. On passage of the bill the vote was: Yeas, 56; Absent, 1 – Smith G.; Excused, 2 – Miller, Smith P. Bill passed.

SB 899 – Read third time. Carried by Smith T. On passage of the bill the vote was: Yeas, 53; Nays, 2 – Doyle, Kruse; Absent, 2 – Monnes Anderson, Smith G.; Excused, 2 – Miller, Smith P. Bill passed.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

SB 914 – Report by Committee on Rules and Public Affairs recommending passage.

SB 926 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage.

SB 933 – Report by Committee on Rules and Public Affairs recommending passage.

HB 5029, 5031, 2160, 2189, 2301, 2349, 2594, 3044, 3201, 3620, 3628 – Speaker signed.

HB 5022, 5034, 5060, 2614, 2797, 3648, HCR 13, SB 5550, 437, 906, 923, 924 – Speaker signed.

House adjourned until 1:00 p.m., Friday, August 15, 2003 on motion of Jenson.

#### **Friday, August 15, 2003 – Afternoon Session**

House convened at 1:00 p.m. Speaker in Chair. All present except: Absent, 1 – Smith G.; Excused, 1 – Rosenbaum; Excused for business of the House, 7 – Hass, Kafoury, Macpherson, Miller, Morgan, Patridge, Shetterly.

Moment of silence observed.

HB 5045 – Message from the Governor announcing he signed on August 15, 2003.

HB 5046, 5049, 2248, 2399, 2179, 2299, 3629 – Message from the Governor announcing he signed on August 14, 2003.

SB 5509, 5523, 5553, 139, 467, 915, 939, HB 5013, 5014, 5042, 2532, 2551, 3659 – Message from the Senate announcing passage.

SJR 18 – Message from the Senate announcing adoption.

HB 2372, 3328, 3108 – Message from the Senate announcing passage as amended by the Senate.

HB 2379 – Message from the Senate announcing Senators Carter and Hannon appointed Senate conferees.

HB 3654 – Message from the Senate announcing passage.

HB 2168, 2341 – Message from the Senate announcing passage as amended by the Senate.

SJR 18 – Read first time and passed to Speaker's desk for referral.

SB 471 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage.

HB 2661 (B-Engrossed) – Report by Conference Committee, signed by Representatives Brown, Miller and Greenlick and Senators Metsger and Starr B., recommending that the House concur in the Senate amendments dated May 28, 2003 and that the bill be further amended and repassed.

HB 3646 (A-Engrossed) – Doyle moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 39; Nays, 10 – Avakian, Beyer, Dingfelder, Greenlick, March, Merkley, Richardson, Smith P., Tomei, Williams; Absent, 2 – Anderson, Smith G.; Excused, 1 – Rosenbaum; Excused for business of the House, 7 – Hass, Kafoury, Macpherson, Miller, Morgan, Patridge, Shetterly. Bill repassed.

HJM 10 (A-Engrossed) – Hopson moved House concur in Senate amendments and readopt memorial as amended by the Senate. On readoption of the memorial the vote was: Yeas, 50; Absent, 1 – Smith G.; Excused, 1 – Rosenbaum; Excused for business of the House, 7 – Hass, Kafoury, Macpherson, Miller, Morgan, Patridge, Shetterly. Memorial readopted.

SB 272 (B-Engrossed) – Close moved Conference Committee Report be adopted. Motion carried on viva voce vote. Conference Committee Report adopted.



SB 272 (B-Engrossed) – Close moved bill be repassed. On repassage of the bill the vote was: Yeas, 49; Absent, 2 – Doyle, Smith G.; Excused, 1 – Rosenbaum; Excused for business of the House, 7 – Hass, Kafoury, Macpherson, Miller, Morgan, Patridge, Shetterly. Bill repassed.

HB 2267 – Read second time and passed to third reading.

SB 5509, 5523, 5553, 139, 467, 915, 939 – Read first time and passed to Speaker's desk for referral.

SB 467, 915, 939 – Referred from Speaker's desk to the following committees: 467 – Budget; 915, 939 – Rules and Public Affairs.

SB 914, 926, 933 – Read second time and passed to third reading.

SB 5 – By unanimous consent, on request of Speaker, rules suspended and bill taken from today's Third Reading of Senate Bills and placed in its proper order on Monday's, August 18, 2003 Calendar.

SB 260 (C-Engrossed) – Read third time. Carried by Close. On passage of the bill the vote was: Yeas, 51; Absent, 1 – Smith G.; Excused, 1 – Rosenbaum; Excused for business of the House, 6 – Hass, Kafoury, Macpherson, Morgan, Patridge, Shetterly. Bill passed.

SB 474 – Read third time. Carried by Butler. On passage of the bill the vote was: Yeas, 50; Nays, 1 – Verger; Absent, 1 – Smith G.; Excused, 1 – Rosenbaum; Excused for business of the House, 6 – Hass, Kafoury, Macpherson, Morgan, Patridge, Shetterly. Bill passed.

SB 297 – Speaker appointed Representatives Williams, Anderson and Barker House conferees.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

HB 3666 – Report by Committee on Rules and Public Affairs recommending passage.

HM 11 – Report by Committee on Budget recommending adoption.

HB 3627 – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed A-Engrossed.

HB 3627 – Report by Minority of Committee on Rules and Public Affairs, signed by Barnhart and Monnes Anderson, recommending passage with amendments and be printed A-Engrossed.

SB 180 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

House adjourned until 1:00 p.m., Monday, August 18, 2003 on motion of Jenson.

### **Monday, August 18, 2003 – Afternoon Session**

House convened at 1:00 p.m. Dalto in Chair. All present except: Excused, 1 – Greenlick; Excused for business of the House, 4 – Hass, Miller, Morgan, Patridge.

Speaker in Chair.

Opening Ceremony presented by Representative Donna Nelson, District 24, McMinnville.

SB 5501, 800, 751, 342, SCR 7, HB 5029, 5031, 2160, 2189, 2301, 2349, 2594, 3044, 3201, 3620, 3628 – Message from the Senate announcing President signed on August 15, 2003.

HB 5022, 3648, 2797, 2614, 5060, 5034, HCR 13 – Message from the Senate announcing President signed on August 15, 2003.

SJR 18 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HB 2372 (B-Engrossed) – Smith T. moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 39; Nays, 14 – Ackerman, Avakian, Barnhart, Dingfelder, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Tomei; Excused, 1 – Greenlick; Excused for business of the House, 5 – Bates, Hass, Miller, Morgan, Patridge. Bill repassed.

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

"I voted no on HB 2372-A, which removes the July 1, 2008 sunset date, thus making a temporary tax exemption permanent. There has been no review of whether the current statutes are serving the purpose intended. There is no evidence presented that more environmentally sensitive equipment was purchased and used as a result of this tax expenditure nor is there evidence about the effect this equipment is having on the landscape. Now is not the time to lock in an untested program, and thereby spend county, special district, and city property tax revenues to pursue an unconfirmed state policy."

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted no on HB 2372-B because it is not necessary at this time. The current credit is not scheduled to sunset until July 1, 2008. The bill would extend it to July 1, 2012! Why? This decision is premature. Due to our current revenue shortfall, which is over \$3 billion, I question the wisdom of expanding and extending this tax credit at this time."

HB 3108 (C-Engrossed) – Jenson moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 49; Nays, 2 – Close, Nelson; Excused, 1 – Greenlick; Excused for business of the House, 7 – Bates, Kafoury, Macpherson, Miller, Morgan, Patridge, Shetterly. Bill repassed.

HB 3328 (B-Engrossed) – Flores moved House concur in Senate amendments and repass bill as amended by the Senate. Motion failed, the vote being:

Yeas, 29; Nays, 21 – Ackerman, Anderson, Barnhart, Dingfelder, Flores, Garrard, Hopson, Hunt, March, Merkley, Nelson, Nolan, Prozanski, Richardson, Rosenbaum, Schaufler, Scott, Smith G., Tomei, Verger, Wirth; Excused, 1 – Greenlick; Excused for business of the House, 8 – Bates, Hass, Kafoury, Macpherson, Miller, Morgan, Patridge, Shetterly.

Flores changed her vote from “aye” to “nay” and served notice of possible reconsideration.

HB 3328 (B-Engrossed) – Motion failed.

Dingfelder requested the following explanation of her vote be entered in the Journal:

“House Bill 3328-B contains many valuable clarifications to Oregon’s ethics statutes, however, two important amendments were not adopted by the Senate and are not reflected in the B-Engrossed version of this bill.

“I voted no on House Bill 3328-B because Section 1(7) of the bill includes a provision that allows lobbyists and other interest groups to pay for relatives of public officials to accompany those officials on public business. I feel that this loophole creates the potential for actual or perceived corruption.

“My preference is to send this bill to Conference Committee to adopt amendments that address two key points:

“1) Allowing relatives to accompany a public official and receive food, lodging, and travel without any expenditure limits is too broad and should be narrowed.

“2) Allowing gifts of unlimited value to public officials, given because of their position, if there is no legislative or administrative intent, is too broad and should be narrowed. An appropriate amendment would be to set a \$100 cap on all gifts and eliminate the need for anyone to figure out whether or not he or she has a legislative interest. Because the gift definition pertains only to gifts given to public officials due to their office of position, this does not affect personal gifts.”

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on HB 3328-B because I disagree with the public policy established by this bill.

“HB 3328-B would allow a public official or the official’s family member to accept certain types of gifts. Why? It also would allow a candidate who received a complaint to delay the Preliminary Review Phase until after the election. This is wrong.

“I agree with supporters of the bill that reforms should be made to clarify any confusion regarding current statutes or administrative rules, but HB 3328-B is not the direction we should be going.”

Tomei requested the following explanation of her vote be entered in the Journal:

“House Bill 3328 revises laws administered by the Oregon Government Standards and Practices Commission (GSPC). This proposed legislation, in general, provides clarification of existing ethics statutes. However, it contains one very significant flaw which prompted my ‘no’ vote. Section 1, subsection 8(c), of the bill, labeled by several of my colleagues as the ‘free family vacation clause,’ would allow lobbyists to give public officials and/or their relatives food, lodging and/or travel when the public official or relative participates in an event that is related to the public official’s office and when the public official appears in an official capacity. Additionally, there would be no cap to the dollar figure of that gift. Section 1, Subsection 16 defines *relative* as ‘the spouse of the public official, any children of the public official or of the public official’s spouse, and brothers, sisters or parents of the public official or of the public official’s spouse.’

“The practice promoted in this clause is bad public policy. The public has a right to expect their public officials to be free from

conflicts of interest, perceived or real, and free from the influence of special interest groups. This new provision in the statute clearly paves the way for abuse of power and can only lead to further disintegration of public trust in public officials.

“I am hopeful that the Governor will strongly suggest that the Legislature revisit this provision before making his final decision on HB 3328.”

HB 3668, 3669 – Read first time and passed to Speaker’s desk for referral.

HB 3668, 3669 – Referred from Speaker’s desk to the following committee: Rules and Public Affairs.

Kruse in Chair.

HB 3666 – Read second time and passed to third reading.

HB 2267 – By unanimous consent, on request of Chair, rules suspended and bill taken from today’s Third Reading of House Bills and placed in its proper order on Tuesday’s, August 19, 2003 Calendar.

HM 11 – Read. Carried by Gallegos.

Call of the House demanded by Gallegos, joined by Brown, Gilman, Backlund, Butler and Krummel. All present except: Excused (not subject to Call), 1 – Greenlick.

HM 11 – On adoption of the memorial the vote was: Yeas, 34; Nays, 24 – Ackerman, Avakian, Barker, Barnhart, Bates, Beyer, Dingfelder, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Verger, Wirth; Excused, 1 – Greenlick. Memorial adopted.

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on HM 11 because I do not believe that it is appropriate for the Oregon House of Representatives to spend its resources on a Memorial, unless there is a direct connection between that individual or issue and the state.”

SB 139 – Referred from Speaker’s desk to the following committee: Rules and Public Affairs with subsequent referral to Ways and Means.

SB 180, 471 – Read second time and passed to third reading.

SB 5 – By unanimous consent, on request of Chair, rules suspended and bill placed at the bottom of today’s Third Reading Calendar.

SB 914 – Read third time. Carried by Verger. On passage of the bill the vote was: Yeas, 58; Excused, 1 – Greenlick. Bill passed.

SB 926 (A-Engrossed) – Read third time. Carried by Close. On passage of the bill the vote was: Yeas, 57; Excused, 1 – Greenlick; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

SB 933 – Read third time. Carried by Flores. On passage of the bill the vote was: Yeas, 51; Nays, 6 –

Dalto, Dingfelder, March, Merkley, Rosenbaum, Wirth; Excused, 1 – Greenlick; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

Sincerely,  
Theodore R. Kulongoski  
Governor

SB 5 – By unanimous consent, on request of Chair, rules suspended and bill taken from today's Third Reading of Senate Bills and placed in its proper order on Tuesday's, August 19, 2003 Calendar.

House adjourned until 1:00 p.m., Tuesday, August 19, 2003 on motion of Jenson.

#### **Tuesday, August 19, 2003 – Afternoon Session**

House convened at 1:00 p.m. Speaker in Chair. All present.

Opening Ceremony presented by Senator Margaret Carter, District 22, Portland.

HB 3631 – Message from the Governor announcing he vetoed on August 18, 2003.

August 18, 2003

The Honorable Karen Minnis  
Speaker of the House  
Oregon State House of Representatives  
Oregon State Capitol – Room 269  
Salem, OR 97301

Dear Speaker Minnis:

I am returning Enrolled House Bill 3631 unsigned and disapproved for the reasons below.

The primary purpose of House Bill 3631 is to carve out a legislative exception to existing land use rules for the benefit of a single Multnomah County landowner whose property is zoned for commercial forest use. On Friday, I had the opportunity to meet with that landowner and I sympathize with her dilemma.

However, I have nonetheless vetoed House Bill 3631 because I believe it would undermine Oregon's land use system by interjecting the Legislative Assembly into individual county land use decisions. The legislative process should not be used to trump general land use laws or regulations for the benefit of an individual landowner. Approval of such legislation would set an unwise precedent for similar legislative attempts in the future. Individual land use decisions should be made at the county level.

I believe that all counties – including Multnomah County – should allow exceptions to general land use rules when appropriate on a case-by-case basis. This may indeed be an appropriate case for such an exception. However, I firmly believe that such individual decisions must be left to the counties' processes. I stated these concerns to the members of the Senate in my floor letter dated July 23, 2003. I hope that Multnomah County will be able to work with this landowner in order to reach a mutually agreeable resolution.

I would support a comprehensive attempt by all stakeholders to address longstanding land use issues. For instance, House Bill 2912, if adequately staffed and funded, would authorize a comprehensive four-year study of Oregon's land use system to assess the strengths and weaknesses of the system. Whether there should be more flexibility in the zoning process would be an issue best addressed in such a forum.

SB 752 – Message from the Senate announcing concurrence in House amendments and repassage.

SB 7 – Message from the Senate announcing Senate refused to concur in House amendments.

SB 5513, 5502, 5522, 5527, 5547, 5551, 232, 820, 867, 932, SCR 8 – Message from the Senate announcing President signed on August 19, 2003.

HB 2152 – Message from the Senate announcing passage as amended by the Senate.

SB 772, 931 – Message from the Senate announcing passage.

HB 2759 – Message from the Senate announcing passage as amended by the Senate.

SB 7 – Message from the Senate announcing Senators Winters and Walker appointed Senate conferees.

HB 2912 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage with amendments, be printed B-Engrossed, and be referred to Committee on Ways and Means. Bill referred to Committee on Ways and Means by order of the Speaker.

HB 3328 (B-Engrossed) – Pursuant to notice given yesterday, Flores moved House reconsider the vote by which House refused to concur in Senate amendments and repass bill.

Call of the House demanded by Flores, joined by Brown, Garrard, Backlund, Richardson and Krummel. All present.

HB 3328 (B-Engrossed) – Motion to reconsider the vote by which House failed to concur in Senate amendments and repass bill, carried, the vote being: Yeas, 37; Nays, 22 – Ackerman, Barnhart, Bates, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Verger, Wirth. Vote reconsidered.

In compliance with Mason's Manual of Legislative Procedure, Section 468, subsection 3, the question immediately recurs on repassage of bill.

Call of the House demanded by Flores, joined by Gilman, Krieger, Krummel, Morgan and Brown. All present.

HB 3328 (B-Engrossed) – On repassage of the bill the vote was: Yeas, 32; Nays, 27 – Ackerman, Barker, Barnhart, Bates, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson,

Nelson, Nolan, Prozanski, Richardson, Rosenbaum, Schaufler, Smith G., Tomei, Verger, Wirth. Bill repassed.

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted no for a second time on HB 3328-B for the same reasons stated in my first vote explanation dated August 18. Instead of concurring with the Senate, the House of Representatives should have sent the bill to conference committee to fix these problems."

HB 2661 (B-Engrossed) – Brown moved Conference Committee Report be adopted. Motion carried on viva voce vote. Conference Committee Report adopted.

HB 2661 (B-Engrossed) – Brown moved bill be repassed. On repassage of the bill the vote was: Yeas, 46; Nays, 13 – Ackerman, Avakian, Backlund, Barker, Barnhart, Dingfelder, Macpherson, March, Monnes Anderson, Nelson, Rosenbaum, Tomei, Wirth. Bill repassed.

HB 3627 – Read second time and passed to third reading.

HB 2267 (A-Engrossed) – Read third time. Carried by Scott.

Potential conflict of interest declared by Scott.

Call of the House demanded by Scott, joined by Mabrey, Flores, Nelson, Anderson and Farr. All present.

HB 2267 (A-Engrossed) – On passage of the bill the vote was: Yeas, 51; Nays, 8 – Brown, Butler, Close, Kruse, Macpherson, Morgan, Richardson, Smith G. Bill passed, having received the required three-fifths constitutional majority.

HB 3666 – Read third time. Carried by Doyle. On passage of the bill the vote was: Yeas, 57; Absent, 1 – Kropf; Excused for business of the House, 1 – Verger. Bill passed.

SB 772, 931 – Read first time and passed to Speaker's desk for referral.

SB 5 – By unanimous consent, on request of Speaker, rules suspended and bill taken from today's Third Reading of Senate Bills and placed in its proper order on Wednesday's, August 20, 2003 Calendar.

SB 180 (A-Engrossed) – Read third time. Carried by Hansen. On passage of the bill the vote was: Yeas, 53; Nays, 3 – Gilman, Richardson, Smith G.; Excused for business of the House, 3 – Bates, Patridge, Verger. Bill passed.

SB 471 (A-Engrossed) – Read third time. Carried by Barnhart. On passage of the bill the vote was: Yeas, 44; Nays, 8 – Anderson, Close, Garrard, Kruse, Nelson, Nolan, Smith P., Smith T.; Absent, 4 – Beyer,

Doyle, Farr, Smith G.; Excused for business of the House, 3 – Bates, Patridge, Verger. Bill passed.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

HB 3656 – Report by Committee on Revenue recommending passage with amendments and be printed A-Engrossed.

HB 5009, 5013, 5018, 5052, 5061, 5066, 2195, 2537, 3120, 3276, 3534, SB 5501, 342, 751, 800, SCR 7 – Speaker signed.

SB 5502, 5513, 5522, 5527, 5547, 5551, 232, 820, 867, 932, SCR 8 – Speaker signed.

House adjourned until 1:00 p.m., Wednesday, August 20, 2003 on motion of Jenson.

#### **Wednesday, August 20, 2003 – Afternoon Session**

House convened at 1:00 p.m. Speaker in Chair. All present except: Absent, 1 – Zauner.

Farr in Chair.

Opening Ceremony presented by Pastor Ralph Ablin, Faith Community Church, Seguinte, Texas.

Speaker in Chair.

HB 5028, 2288 – Message from the Senate announcing passage.

HB 5067, 3446, 2318 – Message from the Senate announcing passage as amended by the Senate.

SB 260 – Message from the Senate announcing concurrence in House amendments and repassage.

HB 2300 (A-Engrossed) – Report by Committee on Budget recommending passage with amendments and be printed B-Engrossed.

SB 5530 (A-Engrossed) – Report by Committee on Ways and Means recommending passage with amendments and be printed B-Engrossed.

SJR 2 (A-Engrossed) – Report by Committee on Rules and Public Affairs without recommendation as to adoption, subsequent referral to Committee on Revenue be rescinded, and be referred to Committee on Budget. Subsequent referral to Committee on Revenue rescinded by order of the Speaker. Resolution referred to Committee on Budget by order of the Speaker.

HB 3510 – Report by Committee on Rules and Public Affairs recommending passage.

SB 920 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage.

SB 934 – Report by Committee on Rules and Public Affairs recommending passage.

HB 2094 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate.

Oral roll call demanded by Prozanski, joined by Hass, Hansen, Macpherson, Greenlick and Barnhart.

HB 2094 (B-Engrossed) – On repassage of the bill the vote was: Yeas, 56; Nays, 2 – Berger, March; Absent, 1 – Zauner. Bill repassed.

HB 2152 (B-Engrossed) – Shetterly moved House concur in Senate amendments and repass bill as amended by the Senate.

Call of the House demanded by Shetterly, joined by Mabrey, Gilman, Morgan, Backlund and Berger. All present except: Absent (not subject to Call), 1 – Zauner.

Oral roll call demanded by Prozanski, joined by Nolan, Hass, Hansen, Bates and Macpherson.

HB 2152 (B-Engrossed) – On repassage of the bill the vote was: Yeas, 36; Nays, 22 – Anderson, Brown, Butler, Close, Doyle, Flores, Garrard, Gilman, Kitts, Knopp, Krieger, Kropf, Krummel, Kruse, Miller, Nelson, Richardson, Scott, Smith G., Smith P., Smith T., Speaker Minnis; Absent, 1 – Zauner. Bill repassed, having received the required three-fifths constitutional majority.

Ackerman requested the following explanation of his vote be entered in the Journal:

“I voted for HB 2152 in order to restore vital services for education, human services and public safety through an affordable tax surcharge. The average tax payer, filing a joint return, will pay \$36.00 per year.

“My vote fulfills my commitment to fund essential state services. The modest tax increase meets my test of tax affordability.”

Beyer requested the following explanation of her vote be entered in the Journal:

“Today's vote was one of the most difficult of the 72<sup>nd</sup> Legislative Session. No one wanted to increase taxes during a time when our fellow Oregonians are facing economic hard times. Likewise, we find it difficult to allow further deterioration of our children's schools, eliminate health services for the elderly and disabled, or further reduce Oregonians safety by letting felons out of prison or taking state police officers off the street. Choices ranged from bad to worse.

“Today we slightly increased taxes on Oregonians. Most Oregon families will see an increase in their state income taxes by less than \$10 a month. Actually, the amount they will pay will be less than they received in savings from the recent federal income tax cut. Therefore, when looked at together, Oregon families will actually still pay less in combined state and federal taxes than they did in the past year. Also, while families will pay slightly more in state taxes, those taxes are deductible from federal taxes.

“But what do we get for this small increase? We ensure that Oregon children will get a full-year of education. We also ensure that most schools will not face further cuts. We also ensure that prisoners stay in prison, and that many laid-off police officers come back to the job. We stabilized the Oregon Health Plan and help

most vulnerable low-income seniors get assistance as well as provide help for poor children and those with disabilities that cannot care for themselves.

“This Legislature faced the most severe fiscal crisis ever encountered by an Oregon Legislature. In the past year, we met in special session five times to rebalance a budget thrown out of balance by a national economic recession. We cut deeply into programs that people had long deemed essential services. Then, when we met in January, we found that we must cut even further. Our projected revenues were almost a quarter less than needed to maintain what was left... a reduction of almost \$3 billion!

“We met the challenge. We paired service further, gained greater efficiencies. We cut staff positions, froze salaries and held the line on benefits. We reformed PERS. And, we maximized federal grant opportunities and made accounting adjustments to gain fiscal flexibility. And yet, we were still short. This revenue package fills the gap.

“The Legislature's response was measured and balanced. I didn't want to vote for taxes, but balancing the state budget is a constitutional requirement of the job. I have fulfilled my oath of office and served my constituents well during difficult times with this vote.”

Johnson requested the following explanation of her vote be entered in the Journal:

“Over the strong objections of many Oregonians, the Oregon Legislature has voted to place a surcharge on Oregon income taxes for the next three years. Reluctantly, I supported that decision and you deserve to know why I did.

“The easy answer is that given the situation Oregon is in today I had no responsible choice but to support a temporary tax increase. The real question is how did Oregon get into this financial mess.

“Nearly every state in the nation is facing the consequences of the serious downturn in the national and international economies. To meet the financial reality facing them, most state legislatures have focused on cutting nonessential programs and expenditures and tapping into various non-tax resources. Oregon has been engaged in this process for the last two years and five special sessions. Many programs have seen drastic reductions; others have been eliminated totally. We have used money ‘owed’ to Oregon now rather than wait until it is received. A prime example is using planned receipts from the national tobacco settlement now. With all the reductions and the creative revenue schemes, however, Oregon finds itself still short of meeting minimum standards for public education and human resource services by several hundred million dollars.

“On the one hand Oregon is in the same fix as the rest of the 49 states. However, Oregon has several unique problems that have been known for years but has decided to deal with them later. ‘Later’ arrived at the State Capital this year.

“The first problem was identified in the mid 1980's – the Public Employee Retirement System or PERS. The system, which was a contractual arrangement entered into in 1946, had evolved into a program that, if left unattended, threatened to bankrupt nearly every public body in the state. For nearly twenty years after the first warning signs appeared, we delayed. This year the Legislature had to face reality and make significant changes. These changes, which are being challenged in state and federal courts, will save Oregon taxpayers millions of dollars.

“In 1990, Oregonians voted to transfer the primary responsibility for funding local schools from the property tax to the state general fund by passing Ballot Measure 5. Ballot Measure 5, however, did not provide any additional funding to pay for this transfer. As long as the economy was booming, as it did during the ‘90's, the state could manage this obligation. However, at the first sign of bad economic times, everyone knew the state would be in deep financial trouble. That time is now.

“Another decision was to adopt a minimum sentencing regimen. Ballot Measure 11 prescribes fixed prison sentences for certain crimes. As a result, Oregon began building new prisons all over Oregon to accommodate the increased prison population. Building prisons is one thing; maintaining and staffing them is

another. Some questioned how this decision would be paid for, but the vast majority simply said we will figure that out later. Now we have to pay the bill.

“The Oregon general fund relies almost solely on the personal, and to a much lesser degree, the corporate income tax. In healthy economic times the revenue generated by these income taxes is also robust. When the economy sours the receipts go down proportionately. When receipts are not sufficient to meet the agreed upon level of expenditures the legislature has essentially three choices.

“One is to further reduce expenditures. Having suffered through this session and the five special sessions that preceded it, I truly believe we have cut as much as a majority of legislators will support.

“A second option is to borrow money and repay it when times are better. This is the preferred approach of the House leadership, which proposed borrowing \$100,000,000 to be repaid somehow, with interest, later.

“The third option is to bite the bullet, admit that we have been living on borrowed time and approve a modest surcharge to our personal and corporate income tax obligation.

“Politically we can’t cut any more from our budgets; there are simply not enough votes in this Legislature to support additional cuts. Borrowing and paying ‘later’ is doing more of the same thing that got us into this mess. A temporary tax increase is the best of bad alternatives. Oregonians have made choices over the years that have had consequences. It is time to meet our collective obligations now. Not later.”

**Monnes Anderson requested the following explanation of her vote be entered in the Journal:**

“I voted yes on HB 2152 because this compromise budget package – a carefully crafted compromise – accommodates the minimum requirements to keep our Oregon children in school for a full year, protect low income seniors, the working poor, and the disabled. It will make sure that Oregon’s seniors and disabled receive the medication and health care that they need. With this bill, we will close no more prisons, and our courts can begin prosecuting dangerous criminals who have been free to roam our streets and neighborhoods.

“HB 2152 is an honest plan that has no Enron style accounting tricks, bonding, or borrowing. I will not mortgage the future of our children, and I will not pay for services with smoke and mirrors. This temporary measure will assist in maintaining our public schools at a high standard. Businesses and business leaders want high quality education that is essential to business growth and sustained prosperity.

“I voted for HB 2152 because I am not willing to decimate services that all Oregonians depend on. I will not turn my back on children, the working poor, or our seniors and disabled.”

**Prozanski requested the following explanation of his vote be entered in the Journal:**

“I voted for HB 2152-A because we needed a revenue package to pay for public education, public safety and human services. Although this plan will not provide for every child, senior and disabled person in this state, it does provide real money rather than false promises.

“During the floor debate, Republican opponents of this bill argued that there were other ways to pay for vital services and more trimming was needed in state government. But despite having an overwhelming majority in the House with control over every committee, these same opponents have never come forward with their ‘secret’ plan to avoid implementing an income tax surcharge. Other Republican opponents argued for borrowing the money and raiding state coffers to pay for services. Oregon’s cupboards are bare, and I believe that it is irresponsible for us to continue to bond and borrow for our children’s future.

“HB 2152-A is expected to generate \$800 million over this biennium by adding a graduated income tax surcharge. In Lane County, an individual filing a single return whose income is \$39,885 (County average) will pay an increased net tax of \$76 or about \$6 a month. For joint returns with the same income of

\$39,885, the net tax increase will be \$13 or about \$1 more a month. According to the Legislative Fiscal Office, unless that person moves into a higher tax bracket or loses significant tax credits, HB 2152-A will not cause any Oregon taxpayer to pay more in total taxes than in the previous tax year. Here are some other tax numbers to consider:

“Taxpayers who earn \$10,000-\$20,000 and file a joint return will actually pay \$17 less in total taxes than they did in the previous tax year. Joint filers who earn between \$20,000 and \$30,000 will pay \$86 less in total taxes. If a family earns between \$30,000 and \$40,000, they will pay \$212 less in total taxes. And those fortunate Oregonians who earn \$200,000 or more, and file a joint return, will actually pay at least \$9,000 less in total taxes with the passage of HB 2152-A.

“The reason for the decrease in total taxes is that the surtax will be offset by the recently passed Federal Stimulus Package. Although individuals will still be receiving a federal tax refund, it will be less due to the tax surcharge.

“Schools have lost hundreds of teachers and support staff, cut curriculum and — in some districts — shortened the school year. I refuse to make further cuts to schools that would result in the continued elimination of teaching positions and increase in class sizes.

“Due to public safety cuts, 28,000 new crimes were not prosecuted. State courts were forced to close one day a week and state troopers and lab technician positions were eliminated. This resulted in impeding the state’s ability to collect and examine criminal evidence. One opponent of HB 2152-A said that we should continue to keep courts closed one day a week to save money. How do we tell crime victims that we cannot afford to prosecute these offenders? I refuse to have a backlogged criminal justice system that cannot hold criminals accountable.

“Human services have sustained major reductions in budgets and services. I did not want to read about another person who ended up in a coma because he could not afford the \$13 a month in anti-seizure medication or about someone who suffered a debilitating stroke or committed suicide because they were not able to pay for their medication.

“Since the beginning of January, many state and local programs and services have been cut or eliminated. The Legislature has enacted PERS reform. The governor has frozen state wages and salaries. We also have continued to streamline government and demand additional accountability from state agencies, but that by itself was not enough to maintain adequate levels of funding for education, public safety and human services. That is why I supported HB 2152-A.”

**Tomei requested the following explanation of her vote be entered in the Journal:**

“With a ‘yes’ vote on HB 2152, I have kept my pledge to my constituents to responsibly, fairly, and as adequately as possible fund our schools, human services and public safety programs. I have also kept my pledge to my constituents to listen to their voices.

“Since the beginning of this legislative session, a vast majority of constituents who have taken the time to respond to my outreach or who have contacted me independently have indicated their willingness to sacrifice in order to fund the services they need and want for themselves, their families, neighbors, friends and total strangers. These constituents have asked that the Legislature do the right thing and raise the revenue necessary to pay for these services, including everything from raising personal income taxes to totally restructuring our tax system.

“My vote on HB 2152 is a reflection of my commitment to honor the oath I took to faithfully discharge the duties of Oregon State Representative – the greatest of which is to my constituents.”

**By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of Third Reading of Senate Bills.**

**SB 5 (B-Engrossed) – Read third time. Carried by Doyle.**

SB 5 (B-Engrossed) – On parliamentary inquiry, Nolan questioned whether sections 1, 2, 3 and 7 of the bill triggered the provisions of Article IV Section 25, subsection 2 of the Oregon Constitution and therefore required an affirmative vote of three-fifths majority for passage.

SB 5 (B-Engrossed) – The Chair ruled that the bill does not trigger Article IV, Section 25, subsection 2 of the Oregon Constitution, and only a constitutional majority of 31 affirmative votes are required to pass the bill.

Call of the House demanded by Doyle, joined by Brown, Mabrey, Flores, Barnhart and Berger. All present except: Absent (not subject to Call), 1 – Zauner.

SB 5 (B-Engrossed) – On passage of the bill the vote was: Yeas, 33; Nays, 25 – Ackerman, Avakian, Brown, Butler, Close, Dingfelder, Garrard, Gilman, Hopson, Johnson, Kafoury, Kropf, Krummel, Kruse, Monnes Anderson, Morgan, Nolan, Patridge, Richardson, Shetterly, Smith G., Smith P., Smith T., Verger, Williams; Absent, 1 – Zauner. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted for SB 5-B because it is a good economic stimulus bill that will not cost the state any money, except for an administrative fee. Further, the state can offset some of those costs.

“Specifically, the bill states that the Department of Revenue will collect the income tax of ball players and executives and disburse it to the Major League Stadium Grant Fund. The bill also provides that the state is not liable to any party for not disbursing such funds.

“If Portland is chosen by Major League Baseball as the site for a team, it is expected that building a stadium will create about 1,500 family-wage construction jobs. After that, another 1,500 permanent part-time jobs, whose pay and benefits should exceed the standards for similar jobs in the tourism and entertainment sector, will be created.

“If Major League Baseball is brought to Portland, I believe it will benefit all of Oregon with additional tourism and convention business.”

HB 3627 – By unanimous consent, on request of Speaker, rules suspended and consideration of Committee and Minority Reports taken from today's Propositions and Motions and placed in their proper order on Friday's, August 22, 2003 Calendar.

HB 3670 – Read first time and passed to Speaker's desk for referral.

HB 5014, 5042, 2532, 2551, 3659 – Speaker signed.

HB 3654 – Speaker signed.

House adjourned until 8:00 a.m., Thursday, August 21, 2003 on motion of Jenson.

#### Thursday, August 21, 2003 – Morning Session

House convened at 8:00 a.m. Speaker in Chair. All present except: Absent, 7 – Anderson, Brown, Hass, Kafoury, Macpherson, Tomei, Zauner; Excused, 3 – Flores, Monnes Anderson, Smith P.

Moment of silence observed.

HB 2168 (B-Engrossed) – Shetterly moved House not concur in Senate amendments and a Conference Committee be appointed.

Call of the House demanded by Knopp, joined by Patridge, Backlund, Gallegos, Nelson and Gilman. All present except: Absent (subject to Call), 2 – Kropf, Smith G.; Absent (not subject to Call), 7 – Anderson, Brown, Hass, Kafoury, Macpherson, Tomei, Zauner; Excused (not subject to Call), 3 – Flores, Monnes Anderson, Smith P.

By unanimous consent, on request of Knopp, rules suspended to dispense with further proceedings under the Call of the House.

HB 2168 (B-Engrossed) – Motion to not concur in Senate amendments and a Conference Committee be appointed carried on viva voce vote. Conference Committee to be appointed.

HB 2318 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 44; Nays, 5 – Butler, Garrard, Kropf, Kruse, Miller; Absent, 7 – Anderson, Brown, Hass, Kafoury, Macpherson, Tomei, Zauner; Excused, 3 – Flores, Monnes Anderson, Smith P. Bill repassed.

HB 3670, SB 5509, 5523, 5553, 931 – Referred from Speaker's desk to the following committees: 3670 – Budget; 5509, 5523, 5553, 931 – Ways and Means.

HB 3510, 3656 – Read second time and passed to third reading.

SB 920, 934 – Read second time and passed to third reading.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

HB 2666 (A-Engrossed) – Report by Committee on Budget recommending passage with amendments and be printed B-Engrossed.

SB 550 (A-Engrossed) – Report by Committee on Revenue recommending passage with amendments and be printed B-Engrossed.

HB 3668 – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed A-Engrossed.

HB 3669 – Report by Committee on Rules and Public Affairs recommending passage.

SB 5509 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 5523 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 5553 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 500 – Report by Committee on Rules and Public Affairs recommending passage.

SB 501 – Report by Committee on Rules and Public Affairs recommending passage.

SB 910 – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed A-Engrossed.

SB 931 (B-Engrossed) – Report by Committee on Ways and Means recommending passage.

HB 2152 – Speaker signed.

House adjourned until 10:00 a.m., Friday, August 22, 2003 on motion of Jenson.

#### **Friday, August 22, 2003 – Morning Session**

House convened at 10:00 a.m. Speaker in Chair. All present except: Absent, 3 – Miller, Tomei, Zauner; Excused 1 – Brown.

Opening Ceremony presented by Reverend Margaret Marcuson, Marcuson Leadership Circle, Portland.

Opening Ceremony presented by Representative Lane Shetterly, District 23, Dallas; and Jas Adams, Portland.

HB 5022, 5029, 5031, 5034, 5060, 2160, 2189, 2301, 2349, 2594, 2614, 2797, 3044, 3201, 3620, 3628, 3648 – Message from the Governor announcing he signed on August 21, 2003.

SB 469, HB 2283, 2577 – Message from the Senate announcing passage.

SB 666 – Message from the Senate announcing Senate refused to concur in House amendments.

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of Second Reading of Senate Bills.

SB 5509, 5523, 5553, 500, 501, 931 – Read second time and passed to third reading.

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of Third Reading of Senate Bills.

SB 5509, 5523, 5553 – By unanimous consent, on request of Speaker, rules suspended to permit third reading and final consideration immediately.

SB 5509 (A-Engrossed) – Read third time. Carried by Patridge. On passage of the bill the vote was: Yeas, 55; Absent, 3 – Miller, Tomei, Zauner; Excused, 1 – Brown. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

“Now that we have a revenue package to show how we will pay for general fund budgets, I voted for SB 5509-A.

“The bill provides full funding for the Community Corrections caseload anticipated in the April 2003 OEA forecast. This will help local governments pay for the incarceration of offenders serving sentences of 12 months or less. The bill also will fund the creation of an intensive alternative incarceration addiction program (HB 2647 – 2003).”

SB 5523 (A-Engrossed) – Read third time. Carried by Patridge. On passage of the bill the vote was: Yeas, 51; Nays, 1 – Kropf; Absent, 4 – Miller, Nolan, Tomei, Zauner; Excused, 1 – Brown; Excused for business of the House, 2 – Hansen, Krieger. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

“Now that we have a revenue package to show how we will pay for general fund budgets, I voted for SB 5523-A.

“When cuts were made to the Judicial Department after the failure of Measure 28, state courts were forced to close one day a week and 28,000 new crimes were not prosecuted. SB 5523-A will allow courts to be open five days a week and provide the necessary resources to hold offenders accountable.”

SB 5553 (A-Engrossed) – Read third time. Carried by Patridge.

Doyle in Chair.

SB 5553 (A-Engrossed) – On passage of the bill the vote was: Yeas, 52; Absent, 3 – Miller, Tomei, Zauner; Excused, 1 – Brown; Excused for business of the House, 3 – Morgan, Shetterly, Speaker Minnis. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

“Now that we have a revenue package to show how we will pay for general fund budgets, I voted for SB 5553-A. Although I supported the budget and the work of the Criminal Justice Commission, I do have some concerns with the reduction in Juvenile Crime Prevention grant funds.

“The Ways and Means Subcommittee noted that severe reductions were made to the program, but that in the overall public safety plan, OYA would be able to reopen facilities that had closed after the failure of Measure 28. I believe our public safety efforts are best served when we make investments in not just incarceration but prevention as well.”

HB 2759 (C-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 49; Nays, 3 – Butler, Kropf, Kruse; Absent, 3 – Miller, Tomei, Zauner; Excused, 1 – Brown; Excused for business of the House, 3 – Morgan, Shetterly, Speaker Minnis. Bill repassed, having received the required three-fifths constitutional majority.



HB 3627 – By unanimous consent, on request of Chair, rules suspended and consideration of Committee and Minority Reports taken from today's Propositions and Motions and placed in their proper order on Monday's, August 25, 2003 Calendar.

HB 2300, 3669 – Read second time and passed to third reading.

HB 3668 – By unanimous consent, on request of Chair, rules suspended to permit second reading immediately.

HB 3668 – Read second time and passed to third reading.

HB 3510 – Read third time. Carried by Anderson. On passage of the bill the vote was: Yeas, 40; Nays, 9 – Barker, Barnhart, Beyer, Hansen, Hass, March, Monnes Anderson, Nelson, Prozanski; Absent, 5 – Kafoury, Krummel, Miller, Tomei, Zauner; Excused, 1 – Brown; Excused for business of the House, 4 – Morgan, Nolan, Shetterly, Speaker Minnis. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

"I voted no on HB 3510 because of how some of these projects have been handled by ODOT. I understand that the Department has not always worked mutually with local government entities in making these transfers of roadways and bridges."

HB 3668, 3669 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 3668 (A-Engrossed) – Read third time. Carried by Smith T. On passage of the bill the vote was: Yeas, 47; Nays, 4 – Close, Garrard, Mabrey, Nelson; Absent, 4 – Backlund, Miller, Tomei, Zauner; Excused, 1 – Brown; Excused for business of the House, 3 – Morgan, Shetterly, Speaker Minnis. Bill passed.

HB 3669 – Read third time. Carried by Monnes Anderson. On passage of the bill the vote was: Yeas, 51; Absent, 3 – Miller, Tomei, Zauner; Excused, 1 – Brown; Excused for business of the House, 4 – Morgan, Patridge, Shetterly, Speaker Minnis. Bill passed.

HB 3656 – By unanimous consent, on request of Chair, rules suspended and bill placed at the bottom of today's Third Reading Calendar.

SB 469 – Read first time and passed to Speaker's desk for referral.

SB 550, 910 – By unanimous consent, on request of Chair, rules suspended to permit second reading immediately.

SB 550, 910 – Read second time and passed to third reading.

SB 5530 (B-Engrossed) – Read. Carried by Johnson.

Williams in Chair.

SB 5530 (B-Engrossed) – On passage of the bill the vote was: Yeas, 44; Nays, 8 – Close, Flores, Kropf, Krummel, Kruse, Nelson, Richardson, Scott; Absent, 3 – Miller, Tomei, Zauner; Excused, 1 – Brown; Excused for business of the House, 3 – Morgan, Shetterly, Speaker Minnis. Bill passed.

SB 920 (A-Engrossed) – Read third time. Carried by Doyle. On passage of the bill the vote was: Yeas, 51; Nays, 1 – Wirth; Absent, 3 – Miller, Tomei, Zauner; Excused, 1 – Brown; Excused for business of the House, 3 – Morgan, Shetterly, Speaker Minnis. Bill passed.

Doyle in Chair.

SB 934 – Read third time. Carried by Backlund. On passage of the bill the vote was: Yeas, 50; Nays, 2 – Anderson, Nelson; Absent, 3 – Miller, Tomei, Zauner; Excused, 1 – Brown; Excused for business of the House, 3 – Morgan, Shetterly, Speaker Minnis. Bill passed.

SB 500, 501, 550, 910, 931 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

SB 500 – Read third time. Carried by Verger. On passage of the bill the vote was: Yeas, 51; Absent, 4 – Kruse, Miller, Tomei, Zauner; Excused, 1 – Brown; Excused for business of the House, 3 – Morgan, Shetterly, Speaker Minnis. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

"I supported SB 500 because it will finally allow WIC money to be used to purchase Oregon produced fresh fruits and vegetables at Farmers' Markets.

"I also appreciate that the bill has an emergency clause, but it is unfortunate that the bill was not passed earlier this session."

SB 501 – Read third time. Carried by Backlund. On passage of the bill the vote was: Yeas, 53; Absent, 4 – Kruse, Miller, Tomei, Zauner; Excused, 1 – Brown; Excused for business of the House, 1 – Shetterly. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

"I supported SB 501 for the same reasons stated in my vote explanation for SB 500.

"It is appropriate to allow eligible seniors to access fresh fruits and vegetables from Oregon Farmers' Markets."

SB 550 (B-Engrossed) – Read third time. Carried by Hopson.

Call of the House demanded by Hopson, joined by Macpherson, Barker, Greenlick, Nelson and Smith T. All present except: Absent (not subject to Call), 3 –

Miller, Tomei, Zauner; Excused (not subject to Call), 1 – Brown.

SB 550 (B-Engrossed) – On passage of the bill the vote was: Yeas, 44; Nays, 11 – Anderson, Butler, Close, Doyle, Farr, Garrard, Kropf, Krummel, Kruse, Smith P., Williams; Absent, 3 – Miller, Tomei, Zauner; Excused, 1 – Brown. Bill passed.

SB 910 (A-Engrossed) – Read third time. Carried by Merkley. On passage of the bill the vote was: Yeas, 50; Nays, 1 – Kruse; Absent, 7 – Gilman, Jenson, Kropf, Miller, Smith P., Tomei, Zauner; Excused, 1 – Brown. Bill passed.

SB 931 (B-Engrossed) – Read third time. Carried by Smith G. On passage of the bill the vote was: Yeas, 53; Nays, 1 – Kruse; Absent, 4 – Kropf, Miller, Tomei, Zauner; Excused, 1 – Brown. Bill passed.

HB 3656 (A-Engrossed) – Read third time. Carried by Shetterly.

Call of the House demanded by Shetterly, joined by Smith P., Backlund, Nelson, Bates and March. All present except: Absent (not subject to Call), 4 – Kropf, Miller, Tomei, Zauner; Excused (not subject to Call), 1 – Brown.

HB 3656 (A-Engrossed) – On passage of the bill the vote was: Yeas, 37; Nays, 17 – Anderson, Butler, Close, Doyle, Flores, Garrard, Gilman, Kitts, Knopp, Krieger, Krummel, Kruse, Nelson, Richardson, Scott, Smith P., Speaker Minnis; Absent, 4 – Kropf, Miller, Tomei, Zauner; Excused, 1 – Brown. Bill passed, having received the required three-fifths constitutional majority.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

HB 2511 (A-Engrossed) – Report by Committee on Ways and Means recommending passage with amendments and be printed B-Engrossed.

SB 302 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage.

SB 911 (B-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage.

SB 911 (B-Engrossed) – Report by Minority of Committee on Rules and Public Affairs, signed by Barnhart and Verger, recommending passage with amendments and be printed C-Engrossed.

SB 939 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed B-Engrossed.

House adjourned until 10:00 a.m., Saturday, August 23, 2003 on motion of Butler.

### **Saturday, August 23, 2003 – Morning Session**

House convened at 10:00 a.m. Kruse in Chair. All present except: Absent, 3 – Miller, Tomei, Zauner; Excused, 1 – Brown.

Moment of silence observed.

SB 943, 938, 946, HB 3582, 3597, 3638, SB 360, 875, 904, 947 – Message from the Senate announcing passage.

SCR 9 – Message from the Senate announcing adoption.

HB 3630, 2825, 3264, 3442, 3539, 2011, 2267, 3653, 3666, 3624 – Message from the Senate announcing passage as amended by the Senate.

SB 550, 910 – Message from the Senate announcing concurrence in House amendments and repassage.

SB 666 – Message from the Senate announcing Senators Minnis and Dukes appointed Senate conferees.

HB 2661 – Message from the Senate announcing adoption of Conference Committee Report and repassage.

SCR 9 – Read first time and passed to Speaker's desk for referral.

SCR 9 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of First Reading of Senate Bills.

SB 360, 875, 904, 938, 943, 946, 947 – Read first time and passed to Speaker's desk for referral.

SB 469, 772, 938, 943, 946 – Referred from Speaker's desk to the following committees: 469 – Revenue; 772, 938, 943, 946 – Rules and Public Affairs.

HB 5030 (B-Engrossed) – Patridge moved House concur in Senate amendments and repass bill as amended by the Senate.

Call of the House demanded by Patridge, joined by Nelson, March, Verger, Prozanski and Hansen. All present except: Absent (not subject to Call), 3 – Miller, Tomei, Zauner; Excused (not subject to Call), 1 – Brown.

HB 5030 (B-Engrossed) – On repassage of the bill the vote was: Yeas, 38; Nays, 17 – Anderson, Butler, Close, Doyle, Flores, Garrard, Gilman, Kitts, Knopp, Krieger, Kropf, Kruse, Nelson, Richardson, Scott, Smith G., Speaker Minnis; Absent, 3 – Miller, Tomei, Zauner; Excused, 1 – Brown. Bill repassed.

Nelson requested the following explanation of her vote be entered in the Journal:

"The cut to OPI is not acceptable for our seniors who owe our state nothing but to whom we are indebted for their services and provisioning for our future and freedom.

"Further, we should be giving more to mental illness, which would reduce medical expense.

"And, the elimination of funding for the Family Resource Centers which have benefited their communities greatly is unacceptable to me."

Prozanski requested the following explanation of his vote be entered in the Journal:

"Now that we have a revenue package to show how we will pay for general fund budgets, I voted for HB 5030-B.

"This budget is an improvement from the House version – HB 5030-A which I did not support – and goes much further in protecting the lives of many Oregonians, including children and seniors."

HB 5067 (B-Engrossed) – Patridge moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 41; Nays, 14 – Anderson, Butler, Close, Doyle, Gilman, Krieger, Kropf, Krummel, Kruse, Merkley, Monnes Anderson, Nelson, Richardson, Scott; Absent, 3 – Miller, Tomei, Zauner; Excused, 1 – Brown. Bill repassed.

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

"I voted no on HB 5067-B because of the \$2,530,173 Lottery Funds expenditure limitation for special payments to the County Fair Account. My priorities are education, human services and public safety. Their programs should be funded adequately before we fund county fairs."

Nelson requested the following explanation of her vote be entered in the Journal:

"This bill, through Section 17, tends to restrict counties' funding from lottery sources, and I disagree with that restriction."

HB 3446 (A-Engrossed) – Patridge moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 50; Nays, 5 – Close, Doyle, Kropf, Kruse, Speaker Minnis; Absent, 3 – Miller, Tomei, Zauner; Excused, 1 – Brown. Bill repassed.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of House Bills.

HB 2666 – Read second time and passed to third reading.

HB 2511 – By unanimous consent, on request of Chair, rules suspended to permit second reading immediately.

HB 2511 – Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 2300 (B-Engrossed) – Read third time. Carried by Smith G.

Potential conflict of interest declared by Smith G.

HB 2300 (B-Engrossed) – On passage of the bill the vote was: Yeas, 54; Absent, 4 – Miller, Rosenbaum, Tomei, Zauner; Excused, 1 – Brown. Bill passed.

HB 2511 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

HB 2511 (B-Engrossed) – Read third time. Carried by Bates.

Speaker in Chair.

Kruse in Chair.

HB 2511 (B-Engrossed) – On passage of the bill the vote was: Yeas, 45; Nays, 10 – Anderson, Butler, Close, Garrard, Knopp, Krieger, Kropf, Krummel, Richardson, Smith P.; Absent, 3 – Miller, Tomei, Zauner; Excused, 1 – Brown. Bill passed.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of Senate Bills.

SB 302 – Read second time and passed to third reading.

SB 939 – By unanimous consent, on request of Chair, rules suspended to permit second reading immediately.

SB 939 – Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of Senate Bills.

SB 302, 939 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

SB 302 (A-Engrossed) – Read third time. Carried by Flores.

Call of the House demanded by Flores, joined by Anderson, Backlund, Gilman, Nelson and Kropf. All present except: Absent (not subject to Call), 3 – Miller, Tomei, Zauner; Excused (not subject to Call), 1 – Brown.

SB 302 (A-Engrossed) – On passage of the bill the vote was: Yeas, 45; Nays, 10 – Avakian, Farr, Greenlick, Hunt, Kafoury, Krummel, Nolan, Rosenbaum, Shetterly, Smith G.; Absent, 3 – Miller, Tomei, Zauner; Excused, 1 – Brown. Bill passed.

SB 939 (B-Engrossed) – Read third time. Carried by Close. On passage of the bill the vote was: Yeas,

54; Nays, 1 – Wirth; Absent, 3 – Miller, Tomei, Zauner; Excused, 1 – Brown. Bill passed.

Speaker announced the following sine die preparations:

Effective immediately, I am invoking the provision of House Rule 9.15 (4) which requires minority reports to be filed the session day following the notice of intent to file.

Speaker announced appointment of member to the following committee:

AUDIT AND HUMAN SERVICES BUDGET REFORM – Kruse, Chair.

Speaker announced appointment of member to the following committee:

SPECIAL COMMITTEE ON BUDGET – Miller, discharged; Knopp, Chair.

House recessed until 3:00 p.m. on motion of Morgan.

#### **Saturday, August 23, 2003 – Afternoon Session**

House reconvened at 3:00 p.m. Speaker in Chair. All present except: Absent, 3 – Miller, Tomei, Zauner; Excused, 1 – Brown.

Having recessed under the order of business of Propositions and Motions, the House continued under that order of business.

HB 2011, 2267, 2825, 3264, 3442, 3539, 3624, 3630, 3653, 3666 – By unanimous consent, on request of Speaker, rules suspended to permit consideration of Senate amendments immediately.

HB 2011 (C-Engrossed) – Smith P. moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 52; Absent, 6 – Close, Kropf, Miller, Smith G., Tomei, Zauner; Excused, 1 – Brown. Bill repassed.

SB 5 – Message from the Senate announcing Senators Deckert and Starr B. appointed Senate conferees.

SB 5 – Speaker appointed Representatives Doyle, Backlund and Schaufler House conferees.

HB 2267 (B-Engrossed) – Scott moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 47; Nays, 5 – Butler, Close, Kruse, Morgan, Richardson; Absent, 6 – Kropf, Miller, Patridge, Smith G., Tomei, Zauner; Excused, 1 – Brown. Bill repassed, having received the required three-fifths constitutional majority.

HB 2825 (B-Engrossed) – Shetterly moved House concur in Senate amendments and repass bill as amended by the Senate.

Call of the House demanded by Shetterly, joined by Gallegos, Mabrey, Flores, Garrard and Barker. All present except: Absent (not subject to Call), 5 – Kropf, Miller, Smith G., Tomei, Zauner; Excused (not subject to Call), 1 – Brown.

HB 2825 (B-Engrossed) – On repassage of the bill the vote was: Yeas, 50; Nays, 3 – Beyer, Hunt, March; Absent, 5 – Kropf, Miller, Smith G., Tomei, Zauner; Excused, 1 – Brown. Bill repassed.

HB 3264 (B-Engrossed) – Kruse moved House concur in Senate amendments and repass bill as amended by the Senate.

Call of the House demanded by Kruse, joined by Nelson, Gallegos, Gilman, Mabrey and Williams. All present except: Absent (not subject to Call), 5 – Kropf, Miller, Smith G., Tomei, Zauner; Excused (not subject to Call), 1 – Brown.

HB 3264 (B-Engrossed) – On repassage of the bill the vote was: Yeas, 37; Nays, 16 – Ackerman, Avakian, Barnhart, Bates, Dingfelder, Greenlick, Hansen, Hunt, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum; Absent, 5 – Kropf, Miller, Smith G., Tomei, Zauner; Excused, 1 – Brown. Bill repassed.

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

“I voted no on HB 3264 because this bill weakens state oversight of forestry operations in the most ecologically sensitive areas and does nothing to restore conflict between forestry and fishery restoration. Oregon should work to ensure that state approvals of forestry operations meet federal law - a policy that better serves all forest landowners (particularly the smaller ones), our wild fisheries, and all Oregonians.”

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on HB 3264-B because it will allow the Department of Forestry to side-step a legal action based on a violation of the Oregon Forest Practices Act. I disagree with this approach. If the Department violated the Act, the legislature should not change the rules to protect it from liability based on previous actions.”

HB 3442 (C-Engrossed) – Doyle moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 52; Absent, 6 – Kropf, Miller, Patridge, Smith G., Tomei, Zauner; Excused, 1 – Brown. Bill repassed.

HB 3539 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 52; Absent, 5 – Kropf, Miller, Smith G., Tomei, Zauner; Excused, 1 – Brown; Excused for business of the House, 1 – Krummel. Bill repassed.

HB 3624 (C-Engrossed) – Kruse moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 53; Absent, 5 – Kropf, Miller, Smith G., Tomei, Zauner; Excused, 1 – Brown. Bill repassed.

HB 3630 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 51; Nays, 2 – Close, Kruse; Absent, 5 – Kropf, Miller, Smith G., Tomei, Zauner; Excused, 1 – Brown. Bill repassed.

HB 3653 (B-Engrossed) – Kruse moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 52; Nays, 1 – Nolan; Absent, 5 – Kropf, Miller, Smith G., Tomei, Zauner; Excused, 1 – Brown. Bill repassed.

HB 3666 (A-Engrossed) – Doyle moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 53; Absent, 5 – Kropf, Miller, Smith G., Tomei, Zauner; Excused, 1 – Brown. Bill repassed.

HB 3656 – Message from the Senate announcing passage.

HB 3159 – Message from the Senate announcing passage as amended by the Senate.

HB 3264 (B-Engrossed) – By unanimous consent, on request of Knopp, rules suspended to permit Hunt to change his vote from “nay” to “aye” on concurrence in Senate amendments and repassage of bill.

SB 297 – Speaker discharged Representative Barker as House conferee, and appointed Representative Macpherson House conferee.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

SB 494 (A-Engrossed) – Report by Committee on Rules and Public Affairs without recommendation as to passage, subsequent referral to Committee on Ways and Means be rescinded, and be referred to Committee on Budget. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker. Bill referred to Committee on Budget by order of the Speaker.

SB 943 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage.

House adjourned until 1:00 p.m., Monday, August 25, 2003 on motion of Jenson.

#### **Monday, August 25, 2003 – Afternoon Session**

House convened at 1:00 p.m. Speaker in Chair. All present except: Absent, 3 – Hunt, Miller, Zauner;

Excused for business of the House, 2 – Morgan, Prozanski.

Opening Ceremony presented by Chaplain Frank Carpenter, Capitol Ministries, Hillsboro.

HB 2148 – Message from the Senate announcing passage as amended by the Senate.

SB 5530 – Message from the Senate announcing concurrence in House amendments and repassage.

SB 5 – Message from the Senate announcing adoption of Conference Committee Report and repassage.

SB 928, 937 – Message from the Senate announcing passage.

SJM 4, 7 – Message from the Senate announcing adoption.

HB 5077 – Message from the Senate announcing passage as amended by the Senate.

SB 939 – Message from the Senate announcing concurrence in House amendments and repassage.

SJM 4, 7 – Read first time and passed to Speaker's desk for referral.

SJM 4, 7 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HB 3670 – Report by Committee on Budget recommending passage with amendments and be printed A-Engrossed.

SB 183 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed B-Engrossed.

SB 231 (A-Engrossed) – Report by Committee on Revenue recommending passage with amendments and be printed B-Engrossed.

SB 772 (B-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed C-Engrossed.

SB 913 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed B-Engrossed.

SB 916 – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed A-Engrossed.

SJR 2 (A-Engrossed) – Report by Committee on Budget recommending adoption with amendments and be printed B-Engrossed.

HB 3093 (B-Engrossed) – Report by Conference Committee, signed by Representatives Doyle, Flores and Schaufler and Senators Minnis and Ringo, recommending that the House concur in the Senate

amendments dated June 11, 2003 and that the bill be further amended and repassed.

SB 5 (B-Engrossed) – Report by Conference Committee, signed by Senators Deckert and Starr B. and Representatives Doyle, Backlund and Schaufler, recommending that the Senate concur in the House amendments dated August 12, 2003 and that the bill be further amended and repassed.

SB 5 – By unanimous consent, on request of Speaker, rules suspended to permit consideration of Conference Committee Report immediately.

SB 5 (B-Engrossed) – Doyle moved Conference Committee Report be adopted. Motion carried, the vote being: Yeas, 34; Nays, 21 – Ackerman, Avakian, Brown, Butler, Close, Dingfelder, Garrard, Gilman, Hopson, Johnson, Kafoury, Kropf, Krummel, Kruse, Monnes Anderson, Richardson, Shetterly, Smith G., Smith P., Verger, Williams; Absent, 3 – Hunt, Miller, Zauner; Excused for business of the House, 1 – Prozanski. Conference Committee Report adopted.

SB 5 (B-Engrossed) – Doyle moved bill be repassed. On repassage of the bill the vote was: Yeas, 31; Nays, 24 – Ackerman, Avakian, Brown, Butler, Close, Dingfelder, Garrard, Gilman, Hopson, Johnson, Kafoury, Kropf, Krummel, Kruse, Monnes Anderson, Morgan, Nolan, Patridge, Richardson, Shetterly, Smith G., Smith P., Verger, Williams; Absent, 3 – Hunt, Miller, Zauner; Excused for business of the House, 1 – Prozanski. Bill repassed.

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of First Reading of Senate Bills.

SB 928, 937 – Read first time and passed to Speaker's desk for referral.

SB 360, 875, 904, 928, 937, 947 – Referred from Speaker's desk to the following committees: 947 – Budget; 928, 937 – Rules and Public Affairs; 360, 875, 904 – Rules and Public Affairs with subsequent referral to Ways and Means.

HB 2341 (B-Engrossed) – Close moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 52; Nays, 2 – Close, Smith T.; Absent, 4 – Hunt, Kitts, Miller, Zauner; Excused for business of the House, 1 – Prozanski. Bill repassed.

HB 3159 (B-Engrossed) – Close moved House concur in Senate amendments and repass bill as amended by the Senate.

HB 3159 (B-Engrossed) – Close declared her intent to vote “nay” on concurrence in Senate amendments and repassage of bill.

Call of the House demanded by Patridge, joined by Berger, Butler, Backlund, Nelson and Kruse. All

present except: Absent (not subject to Call), 3 – Hunt, Miller, Zauner.

HB 3159 (B-Engrossed) – On repassage of the bill the vote was: Yeas, 32; Nays, 24 – Avakian, Butler, Close, Dingfelder, Doyle, Flores, Gilman, Greenlick, Kitts, Knopp, Krieger, Kropf, Krummel, Kruse, Merkley, Prozanski, Richardson, Rosenbaum, Scott, Smith P., Smith T., Verger, Williams, Speaker Minnis; Absent, 3 – Hunt, Miller, Zauner. Bill repassed.

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted against HB 3159-B because I disagree with increasing the number of lottery terminals in order to raise revenue.

“In the bill's staff measure summary under ‘Issues Discussed’ in committee, it states, ‘Need to increase lottery revenue to the state in order to provide funding for education and other important services.’ A Senator called this ‘slots for tots!’ I call it bad public policy.

“Studies have consistently shown that those who gamble the most are usually those individuals with lower-income levels. In other words, those with the least to lose are often the ones losing the most money. The state should not be increasing gambling and its potential for financial harm to families throughout Oregon in order to raise money for programs that require a stable source of revenue.”

HB 3093 – By unanimous consent, on request of Speaker, rules suspended to permit consideration of Conference Committee Report immediately.

HB 3093 (B-Engrossed) – Flores moved Conference Committee Report be adopted. Motion carried on viva voce vote. Conference Committee Report adopted.

HB 3093 (B-Engrossed) – Flores moved bill be repassed.

Kruse in Chair.

HB 3093 (B-Engrossed) – On repassage of the bill the vote was: Yeas, 45; Nays, 10 – Avakian, Barker, Dingfelder, Hass, March, Merkley, Nolan, Prozanski, Rosenbaum, Tomei; Absent, 3 – Hunt, Miller, Zauner; Excused for business of the House, 1 – Speaker Minnis. Bill repassed.

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted against the Conference Committee amendments to HB 3093-B for the same reasons I voted against HB 3093-A back in May. The bill continues to exclude the names of individuals who are engaged in or providing goods or services for medical research using animals from public records disclosure.

“HB 3093-B would be the first time that the legislature has allowed the names of individuals to be exempted from public records disclosure. Other exemption statutes only apply to addresses of those individuals, not their names.

“HB 3093-B would establish a new public policy that would allow a level of secrecy that I cannot support.

“I recognize that there is a serious concern in protecting individuals involved in medical research that uses animals, but I continue to disagree with exempting the names of public employees or individuals conducting business with OHSU from public records disclosure.”

Tomei requested the following explanation of her vote be entered in the Journal:

“My ‘no’ vote on HB 3093 was premised on the simple fact that we continue to dilute what were and remained for many years the premiere public records laws in the United States. Updating to reflect changes in technology is sound policy and practice, such as provided for in HB 3093. Beyond that, however, I find this bill to be yet another effort to grant exemptions and make individual concessions that continue to weaken the clarity, intent and integrity of our public records laws.”

HB 3627 – By unanimous consent, on request of Chair, rules suspended and consideration of Committee and Minority Reports taken from today’s Propositions and Motions and placed in their proper order on Tuesday’s, August 26, 2003 Calendar.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of House Bills.

HB 2666 (B-Engrossed) – Read third time. Carried by Kropf.

Call of the House demanded by Kropf, joined by Flores, Krummel, Brown, Backlund and Butler. All present except: Absent (not subject to Call), 3 – Hunt, Miller, Zauner.

HB 2666 (B-Engrossed) – On passage of the bill the vote was: Yeas, 37; Nays, 19 – Barnhart, Berger, Dingfelder, Farr, Gallegos, Greenlick, Johnson, Kafoury, March, Merkley, Nelson, Nolan, Prozanski, Rosenbaum, Shetterly, Smith P., Smith T., Tomei, Wirth; Absent, 3 – Hunt, Miller, Zauner. Bill passed.

Tomei requested the following explanation of her vote be entered in the Journal:

“In voting ‘no’ on this piece of legislation, my concern was not with the provision that requires an individual applying for the issuance or renewal of a driver’s license or permit to sign a statement acknowledging the risks of driving under the influence of intoxicants.

“My concerns are with the provision in the bill that mandates that any person applying for issuance or renewal of a driver’s license, permit, or identification card consents by signature on that application to being registered with the U.S. Selective Service System, if eligible, and not previously registered. First, this provision puts the State in the role of enforcing the federal selective service registration by forcing consent to registration when an individual wants to obtain a state-issued driver’s license, permit, or identification card. Under this provision, a person who chooses not to register with the Selective Service System will be denied access to a state program.

“Second, and of equal importance, is my concern that HB 2666 is unconstitutional under the provisions of Article I, Section 20, of the Oregon Constitution which mandates that *no law shall be passed granting to any citizen or class of citizens privileges, or immunities, which, upon the same terms, shall not equally belong to all citizens*. Since young men of age 18 are the only class required to register with the Selective Service, HB 2666 is clearly unconstitutional in that it omits an entire class – women – from the mandate.”

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Announcements.

SB 297 – Speaker discharged Representative Macpherson as House conferee, and appointed Representative Ackerman House conferee.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of Senate Bills.

SB 911, 943 – Read second time and passed to third reading.

SB 183, 231, 772, 913, 916 – By unanimous consent, on request of Chair, rules suspended to permit second reading immediately.

SB 183, 231, 772, 913, 916 – Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of Senate Bills.

SB 183, 231, 772, 913, 916, 943 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

SB 183 (B-Engrossed) – Read third time. Doyle moved bill be rereferred to Committee on Rules and Public Affairs. Motion carried on viva voce vote. Bill rereferred.

SB 231 (B-Engrossed) – Read third time. Carried by Shetterly.

Call of the House demanded by Hass, joined by Hansen, Nolan, Farr, Macpherson and Barnhart. All present except: Absent (not subject to Call), 3 – Hunt, Miller, Zauner.

SB 231 (B-Engrossed) – On passage of the bill the vote was: Yeas, 43; Nays, 13 – Anderson, Butler, Close, Doyle, Flores, Garrard, Kitts, Knopp, Kruse, Richardson, Scott, Smith G., Speaker Minnis; Absent, 3 – Hunt, Miller, Zauner. Bill passed.

SB 772 (C-Engrossed) – Read third time. Carried by Flores. On passage of the bill the vote was: Yeas, 54; Absent, 4 – Hunt, Miller, Nolan, Zauner; Excused for business of the House, 1 – Kafoury. Bill passed.

SB 913 (B-Engrossed) – Read third time. Carried by Backlund. On passage of the bill the vote was: Yeas, 42; Nays, 4 – Anderson, Krieger, Krummel, Smith T.; Absent, 5 – Garrard, Hunt, Miller, Nolan, Zauner; Excused for business of the House, 8 – Johnson, Kafoury, Knopp, Morgan, Patridge, Prozanski, Shetterly, Speaker Minnis. Bill passed.

SB 916 (A-Engrossed) – Read third time. Carried by Close. On passage of the bill the vote was: Yeas, 44; Nays, 7 – Bates, Beyer, Dingfelder, Hansen, March, Nelson, Wirth; Absent, 4 – Hunt, Miller, Nolan, Zauner; Excused for business of the House, 4 –

Johnson, Kafoury, Prozanski, Speaker Minnis. Bill passed.

SB 943 (A-Engrossed) – Read third time. Carried by Close. On passage of the bill the vote was: Yeas, 52; Absent, 3 – Hunt, Miller, Zauner; Excused for business of the House, 4 – Johnson, Kafoury, Prozanski, Speaker Minnis. Bill passed.

House recessed until 6:00 p.m. on motion of Jensen.

### **Monday, August 25, 2003 – Evening Session**

House reconvened at 6:00 p.m. Kruse in Chair.

Call of the House demanded by Garrard, joined by Mabrey, Hunt, Farr, March and Bates. All present except: Absent (subject to Call), 6 – Barnhart, Close, Flores, Greenlick, Hansen, Smith P.; Absent (not subject to Call), 2 – Miller, Zauner; Excused for business of the House (subject to Call), 1 – Speaker Minnis.

By unanimous consent, on request of Garrard, rules suspended to dispense with further proceedings under the Call of the House.

Having recessed under the order of business of Propositions and Motions, by implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

SB 590 (B-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed C-Engrossed.

HB 2368 (C-Engrossed)- Report by Conference Committee, signed by Representatives Close, Patridge and Verger and Senators Brown and Minnis, recommending that the House concur in the Senate amendments dated July 24, 2003 and that the bill be further amended and repassed.

HB 2368 – By unanimous consent, on request of Chair, rules suspended to permit consideration of Conference Committee Report immediately.

HB 2368 (C-Engrossed) – Patridge moved Conference Committee Report be adopted. Motion carried on viva voce vote. Conference Committee Report adopted.

HB 2368 (C-Engrossed) – Patridge moved bill be repassed. On repassage of the bill the vote was: Yeas, 39; Nays, 11 – Avakian, Beyer, Gilman, Kafoury, Macpherson, March, Nolan, Prozanski, Rosenbaum, Tomei, Wirth; Absent, 8 – Barnhart, Close, Flores, Greenlick, Hansen, Miller, Smith P., Zauner; Excused for business of the House, 1 – Speaker Minnis. Bill repassed.

Prozanski requested the following explanation of his vote be entered in the Journal:

“Although I support the sections of the bill that make it more difficult for minors to purchase tobacco products, I voted against the Conference Committee amendments to HB 2368-C because I disagree with tobacco manufacturers receiving special treatment in court cases.

“HB 2368-C establishes a cap on the size of a supersedeas undertaking. A supersedeas undertaking is a bond that prohibits a plaintiff’s ability to seize a defendant’s assets during the appeal period. Under current law, the trial judge has discretion regarding how large the bond must be. I disagree with removing a judge’s discretion and treating tobacco companies differently than other defendants.”

SB 590 (C-Engrossed) – Read. Carried by Flores.

Call of the House demanded by Flores, joined by Backlund, Mabrey, Kitts, Smith G. and Krummel. All present except: Absent (subject to Call), 3 – Greenlick, Johnson, Smith P.; Absent (not subject to Call), 2 – Miller, Zauner.

By unanimous consent, on request of Flores, rules suspended to dispense with further proceedings under the Call of the House.

SB 590 (C-Engrossed) – On passage of the bill the vote was: Yeas, 34; Nays, 20 – Avakian, Barker, Barnhart, Bates, Beyer, Dingfelder, Hansen, Hass, Hopson, Hunt, Macpherson, March, Merkley, Monnes Anderson, Nolan, Patridge, Prozanski, Rosenbaum, Tomei, Wirth; Absent, 5 – Greenlick, Johnson, Miller, Smith P., Zauner. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted against SB 590-C because it establishes a presumption that the owner of the land to which the water right is appurtenant is also the owner of the water right.

“Currently, the state is involved in the ongoing Klamath Basin Adjudication. SB 590-C, which would create a presumption of water ownership, will probably affect the question of ownership in the adjudication and could adversely impact the proceedings. The state may also end up paying more money in litigation costs should this bill cause delay or further litigation.”

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

HB 2523 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage.

SB 102 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed B-Engrossed.

SB 308 (B-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed C-Engrossed.

SB 308 (B-Engrossed) – Report by Minority of Committee on Rules and Public Affairs, signed by Barnhart and Monnes Anderson, recommending passage with amendments and be printed C-Engrossed.



SB 332 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed B-Engrossed.

SB 469 (A-Engrossed) – Report by Committee on Revenue recommending passage with amendments and be printed B-Engrossed.

SB 946 – Report by Committee on Rules and Public Affairs recommending passage.

SCR 9 – Report by Committee on Rules and Public Affairs recommending adoption.

House adjourned until 10:00 a.m., Tuesday, August 26, 2003 on motion of Jenson.

#### **Tuesday, August 26, 2003 – Morning Session**

House convened at 10:00 a.m. Speaker in Chair. All present except: Absent, 1 – Zauner; Excused for business of the House, 8 – Backlund, Barnhart, Close, Doyle, Flores, Greenlick, Monnes Anderson, Verger.

Kruse in Chair.

Moment of silence observed.

HB 2237, 2300, 3668, 3669 – Message from the Senate announcing passage as amended by the Senate.

SB 180, 471, 752, 914, 926, 933, HB 2532, 2537, 2551, 3120, 3276, 3534, 3654, 3659 – Message from the Senate announcing President signed on August 26, 2003.

SB 938 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage.

HB 2020 (B-Engrossed) – Report by Conference Committee, signed by Representatives Knopp, Brown and Macpherson and Senators Corcoran and Minnis, recommending that the House concur in the Senate amendments dated July 2, 2003 and that the bill be further amended and repassed.

SB 297 (B-Engrossed) – Report by Conference Committee, signed by Senators Minnis and Ringo and Representatives Williams, Ackerman and Anderson, recommending that the Senate concur in the House amendments dated July 16, 2003 and that the bill be further amended and repassed.

HB 2237, 2300, 3668, 3669 – By unanimous consent, on request of Chair, rules suspended to permit consideration of Senate amendments immediately.

Speaker announced the following sine die preparations:

Effective at 11:00 a.m. today, I am reopening the House Committee on Business, Labor and Consumer Affairs for work

sessions on House Resolution 3 and SB 355. Once this work is completed, the committee is closed.

Effective at 11:00 a.m. today, I am reopening the House Committee on Health and Human Services for a work session on HB 3393. Once this work is completed, the committee is closed.

HB 2300 (C-Engrossed) – Smith P. moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 48; Absent, 3 – Bates, Kropf, Zauner; Excused for business of the House, 8 – Backlund, Barnhart, Close, Doyle, Flores, Greenlick, Monnes Anderson, Verger. Bill repassed.

HB 2237 (C-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 48; Nays, 1 – Scott; Absent, 2 – Hansen, Zauner; Excused for business of the House, 8 – Backlund, Barnhart, Close, Doyle, Flores, Greenlick, Monnes Anderson, Verger. Bill repassed.

HB 3668 (B-Engrossed) – Smith T. moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 48; Nays, 3 – Garrard, Mabrey, Nelson; Absent, 1 – Zauner; Excused for business of the House, 7 – Backlund, Barnhart, Close, Doyle, Flores, Monnes Anderson, Verger. Bill repassed.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Second Reading of Senate Bills.

SB 946 – Read second time and passed to third reading.

SB 469 – By unanimous consent, on request of Chair, rules suspended to permit second reading immediately.

SB 469 – Read second time and passed to third reading.

By unanimous consent, on request of Chair, rules suspended to temporarily advance to the order of business of Third Reading of Senate Bills.

SB 469 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

SB 469 (B-Engrossed) – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 47; Nays, 3 – Kruse, Nelson, Speaker Minnis; Absent, 2 – Krummel, Zauner; Excused for business of the House, 7 – Backlund, Barnhart, Close, Doyle, Flores, Monnes Anderson, Verger. Bill passed.

HB 5077 (B-Engrossed) – Patridge moved House concur in Senate amendments and repass bill as amended by the Senate.

Garrard in Chair.

Kruse in Chair.

Call of the House demanded by Patridge, joined by Farr, Hansen, Macpherson, Bates and Kitts. All present except: Absent (not subject to Call), 1 – Zauner.

HB 5077 (B-Engrossed) – On repassage of the bill the vote was: Yeas, 40; Nays, 18 – Anderson, Brown, Butler, Close, Doyle, Flores, Garrard, Knopp, Kropf, Kruse, Merkley, Miller, Nelson, Prozanski, Richardson, Rosenbaum, Scott, Speaker Minnis; Absent, 1 – Zauner. Bill repassed.

Nelson requested the following explanation of her vote be entered in the Journal:

“This bill had absolutely No public hearing in the committees of the House of Representatives, and I object to that and to the \$800 million of disproportionment to schools and human services should HB 2152 fail at the ballot box.

“I am for all line items receiving increases as the bill depicts but feel Head Start should have been funded.

“I don’t feel senior issues were fairly served.

“I feel the overhead of agencies should have been reduced should HB 2152 fail.

“More medical assistance and housing should have been included for veterans.

“I further feel GED dollars and Family Resource Centers should have been restored.

“I further feel assistance for hunger ending and mental illness should have been included.”

Prozanski requested the following explanation of his vote be entered in the Journal:

“My no vote on HB 5077-B was out of protest. I believe there are some good elements of the bill but I think we could have done more to take care of the basic needs of Oregonians who will receive services from the agencies listed in this omnibus budget bill.

“I am not satisfied that the legislature has provided K-12 education \$5.2 billion hard money. I understand that this amount of money is more than what was originally provided for in HB 5077 (\$4.78 billion), but it is not at a level that would allow all school districts to be open for a full school year. Further, it is not adequate to address overcrowded classrooms.

“I appreciate that an additional \$11 million has been allocated to higher education, but again I question why the legislature would continue to defund opportunity need grants. We give more to the institutions, but we deny low income students access to these schools.

“On the positive side, the following programs received additional monies:

“\$3.9 million to ODOT for passenger trains

“\$2 million to DHS for Oregon Project Independence and \$500,000 for Independent Living Centers

“\$1 million to the DOE for the Oregon Pre-Kindergarten program and \$100,000 for the SMART reading program

“\$100,000 to the Department of Veterans’ Affairs for payments to counties for services to veterans

“While I appreciate the effort taken to restore some if not all the funding to these programs, I remain concerned that we continue to underfund the basic needs of many Oregonians.”

HB 2148 (C-Engrossed) – Krummel moved House concur in Senate amendments and repass bill as amended by the Senate.

Call of the House demanded by Krummel, joined by Gilman, Brown, Mabrey, Patridge and Richardson.

All present except: Absent (not subject to Call), 1 – Zauner.

HB 2148 (C-Engrossed) – Motion to concur in Senate amendments and repass bill as amended by the Senate failed, the vote being: Yeas, 24; Nays, 34 – Anderson, Avakian, Barker, Brown, Butler, Close, Dingfelder, Doyle, Flores, Garrard, Gilman, Hopson, Kitts, Knopp, Krieger, Kropf, Kruse, Mabrey, Merkley, Miller, Monnes Anderson, Nelson, Nolan, Patridge, Prozanski, Richardson, Rosenbaum, Scott, Smith G., Smith P., Smith T., Verger, Wirth, Speaker Minnis; Absent, 1 – Zauner.

Butler served notice of possible reconsideration.

Patridge changed his vote from “aye” to “nay” and served notice of possible reconsideration.

HB 2148 (C-Engrossed) – Motion failed.

Hunt requested the following explanation of his vote be entered in the Journal:

“Although I oppose many aspects of HB 2148, I voted for it because it was part of the overall bipartisan budget/revenue package that ensured a full school year, a base level of health and human services, and core public safety services for Oregonians.

“I would have much preferred that we had reduced some of the \$7 Billion in tax breaks that Oregon gives away each biennium, but I am willing to support the bipartisan budget/revenue compromise that includes HB 2148.”

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted against HB 2148-C because I disagree with shifting monies from the Tobacco Use Reduction Account (TURA) and DHS’s gambling addiction programs for other purposes.

“HB 2148-C would transfer \$10 million in dedicated revenues for tobacco prevention and cessation programs from TURA to the Oregon Health Plan. TURA would be left with \$5.7 million; about \$14 million less than the \$20.1 million in the account from last biennium. Over the past six years, Oregon’s tobacco prevention and cessation programs have resulted in about 25,000 fewer young smokers and about 75,000 less adult smokers. If we shift funding from TURA and programs that are proven to reduce smoking, the state will simply wind up paying more money in future health costs.

“I also question the public policy behind shifting \$1.3 million in dedicated monies from gambling addiction programs while simultaneously increasing gambling opportunities (HB 3159-B).

“Due to these concerns, I decided to vote no even though I knew the bill included funding for passenger train service in Oregon.

“I realized that HB 2148-C had to pass before the legislature could sine die. Accordingly, I knew that I would be able to recast a yes vote after getting additional information on these two issues.”

HB 3669 (A-Engrossed) – Monnes Anderson moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 58; Absent, 1 – Zauner. Bill repassed.

HB 3627 – By unanimous consent, on request of Chair, rules suspended and Committee and Minority Reports together with bill rereferred to Committee on Rules and Public Affairs.

SB 911 (B-Engrossed) – Monnes Anderson moved House adopt Committee Report.

SB 911 (C-Engrossed) – Barnhart moved Minority Report be substituted for the Committee Report.

Call of the House demanded by Smith T., joined by Brown, Backlund, Nelson, Scott and Verger. All present except: Absent (not subject to Call), 1 – Zauner.

SB 911 (C-Engrossed) – Motion to substitute Minority Report for Committee Report failed, the vote being: Yeas, 25; Nays, 33 – Ackerman, Anderson, Backlund, Berger, Brown, Close, Dalto, Doyle, Farr, Flores, Gallegos, Garrard, Gilman, Jenson, Kitts, Knopp, Krieger, Kropf, Krummel, Kruse, Mabrey, Miller, Monnes Anderson, Morgan, Patridge, Richardson, Scott, Shetterly, Smith G., Smith P., Smith T., Williams, Speaker Minnis; Absent, 1 – Zauner. Motion failed.

SB 911 (B-Engrossed) – Motion to adopt Committee Report carried on viva voce vote. Committee Report adopted.

SB 911 (B-Engrossed) – Read third time. Carried by Monnes Anderson.

Call of the House demanded by Knopp, joined by Nelson, Mabrey, Kitts, Backlund and Krieger. All present except: Absent (not subject to Call), 1 – Zauner.

SB 911 (B-Engrossed) – On passage of the bill the vote was: Yeas, 41; Nays, 17 – Avakian, Barker, Barnhart, Beyer, Dingfelder, Johnson, Kafoury, Macpherson, March, Merkley, Nolan, Prozenski, Rosenbaum, Smith P., Tomei, Verger, Wirth; Absent, 1 – Zauner. Bill passed.

HJR 42 – Message from the Senate announcing adoption as amended by the Senate.

SB 772, 913, 916 – Message from the Senate announcing concurrence in House amendments and repassage.

HB 2368 – Message from the Senate announcing adoption of Conference Committee Report and repassage.

HB 3093 – Message from the Senate announcing adoption of Conference Committee Report and repassage.

House recessed until 3:00 p.m. on motion of Jenson.

#### **Tuesday, August 26, 2003 – Afternoon Session**

House reconvened at 3:00 p.m. Speaker Pro Tempore in Chair.

Call of the House demanded by Kitts, joined by Close, Dalto, Backlund, Smith T. and Morgan. All present except: Absent (not subject to Call), 1 – Zauner.

Having recessed under the order of business of Propositions and Motions, by implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

SB 450 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage.

SB 763 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed B-Engrossed.

SB 904 (B-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

SB 937 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage.

SB 875 (B-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of Other Business of the House.

HB 2020 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit consideration of Conference Committee Report immediately.

HB 2020 (B-Engrossed) – Macpherson moved Conference Committee Report be adopted.

Call of the House demanded by Macpherson, joined by Anderson, Smith P., Gilman, Barker and Hass. All present except: Absent (not subject to Call), 1 – Zauner.

HB 2020 (B-Engrossed) – Motion to adopt Conference Committee Report carried, the vote being: Yeas, 42; Nays, 16 – Anderson, Butler, Close, Doyle, Flores, Garrard, Gilman, Jenson, Kropf, Krummel, Kruse, Mabrey, Nelson, Richardson, Scott, Smith G.; Absent, 1 – Zauner. Conference Committee Report adopted.

HB 2020 (B-Engrossed) – Macpherson moved bill be repassed.

Call of the House demanded by Gallegos, joined by Tomei, Berger, Smith P., Kitts and Brown. All

present except: Absent (not subject to Call), 1 – Zauner.

HB 2020 (B-Engrossed) – On repassage of the bill the vote was: Yeas, 43; Nays, 15 – Anderson, Butler, Close, Doyle, Flores, Garrard, Gilman, Kropf, Krummel, Kruse, Mabrey, Nelson, Richardson, Scott, Smith G.; Absent, 1 – Zauner. Bill repassed.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

HB 2683 (A-Engrossed) – Report by Committee on Budget recommending passage with amendments and be printed B-Engrossed.

SB 355 (A-Engrossed) – Report by Committee on Business, Labor and Consumer Affairs recommending passage with amendments and be printed B-Engrossed.

SB 362 (A-Engrossed) – Report by Committee on Revenue recommending passage with amendments and be printed B-Engrossed.

SB 362 (A-Engrossed) – Report by Minority of Committee on Revenue, signed by Barnhart and Hass, recommending passage with amendments and be printed B-Engrossed.

SB 467 (B-Engrossed) – Report by Committee on Budget recommending passage with amendments and be printed C-Engrossed.

SB 620 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage.

SJR 12 – Message from the Senate announcing adoption.

SB 500, 501 – Message from the Senate announcing President signed on August 26, 2003.

House recessed until 7:00 p.m. on motion of Jenson.

House continued in recess until 8:00 p.m.

#### **Tuesday, August 26, 2003 – Evening Session**

House reconvened at 8:00 p.m. Speaker in Chair.

Call of the House demanded by Knopp, joined by Dalto, Mabrey, Scott, Farr and Kruse. All present except: Absent (subject to Call), 4 – Bates, March, Morgan, Smith T.; Absent (not subject to Call), 1 – Zauner.

Speaker Pro Tempore in Chair.

Having recessed under the order of business of Propositions and Motions, by implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

HB 3528 – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed A-Engrossed.

SB 655 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed B-Engrossed.

SB 915 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed B-Engrossed.

SB 915 (A-Engrossed) – Report by Minority of Committee on Rules and Public Affairs, signed by Barnhart and Monnes Anderson, recommending passage with amendments and be printed B-Engrossed.

SB 5554, 737, HB 2080 – Message from the Senate announcing passage.

HB 2278, 2511, 2658, 2725, 3544, 3183 – Message from the Senate announcing passage as amended by the Senate.

HB 2020, SB 297 – Message from the Senate announcing adoption of Conference Committee Report and repassage.

HB 2498, 3023, 2747, 2899 – Message from the Senate announcing passage as amended by the Senate.

SB 469, 7, 666 – Message from the Senate announcing concurrence in House amendments and repassage.

HB 2152 – Message from the Senate announcing President signed on August 26, 2003.

SCR 9, SJR 2 – By implied consent, rules suspended and resolutions remaining on today's Final Reading of Memorials and Resolutions carried over and placed in their proper order on Wednesday's, August 27, 2003 Calendar.

House adjourned until 10:30 a.m., Wednesday, August 27, 2003 on motion of Jenson.

#### **Wednesday, August 27, 2003 – Morning Session**

House convened at 10:30 a.m. Speaker Pro Tempore in Chair.

Williams in Chair.

House continued in recess until 1:00 p.m.

House continued in recess until 2:00 p.m.

#### **Wednesday, August 27, 2003 – Afternoon Session**

House reconvened at 2:00 p.m. Speaker in Chair. All present except: Absent, 1 – Zauner.

Moment of silence observed.

HB 2152 – Message from the Governor announcing he signed on August 27, 2003.

SB 719 – Message from the Senate announcing passage.

HB 3072 – Message from the Senate announcing passage as amended by the Senate.

SCR 6 – Message from the Senate announcing adoption.

SCR 6 – Read first time and passed to Speaker's desk for referral.

SCR 6 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

SJR 12 – Read first time and passed to Speaker's desk for referral.

SJR 12 – Referred from Speaker's desk to the following committee: Rules and Public Affairs.

HB 2502 – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed A-Engrossed.

HB 2502 – Report by Minority of Committee on Rules and Public Affairs, signed by Barnhart and Monnes Anderson, recommending passage with amendments and be printed A-Engrossed.

SB 538 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed B-Engrossed.

SB 538 (A-Engrossed) – Report by Minority of Committee on Rules and Public Affairs, signed by Barnhart and Monnes Anderson, recommending passage with amendments and be printed B-Engrossed.

By unanimous consent, on request of Speaker, rules suspended to temporarily advance to the order of business of First Reading of Senate Bills.

SB 5554, 719, 737 – Read first time and passed to Speaker's desk for referral.

SB 5554, 719, 737 – Referred from Speaker's desk to the following committees: 719 – Budget; 737 – Rules and Public Affairs; 5554 – Ways and Means.

HB 2148 (C-Engrossed) – Pursuant to notice given yesterday, Patridge moved House reconsider the vote by which the House failed to concur in Senate amendments and repass bill.

Call of the House demanded by Patridge, joined by Gallegos, Brown, Backlund, Verger and Dalto. All present except: Absent (not subject to Call), 1 – Zauner.

HB 2148 (C-Engrossed) – Motion to reconsider vote by which the House failed to concur in Senate amendments and repass bill, carried, the vote being: Yeas, 40; Nays, 18 – Anderson, Brown, Butler, Close, Doyle, Flores, Garrard, Kitts, Kropf, Krummel, Kruse, Mabrey, Miller, Nelson, Richardson, Scott, Smith G., Smith P.; Absent, 1 – Zauner. Vote reconsidered.

In compliance with Mason's Manual of Legislative Procedure, Section 468, subsection 3, the question immediately recurs on repassage of bill.

HB 2148 (C-Engrossed) – On repassage of the bill the vote was: Yeas, 33; Nays, 25 – Anderson, Barker, Brown, Butler, Close, Doyle, Flores, Garrard, Gilman, Hopson, Kitts, Knopp, Kropf, Krummel, Kruse, Mabrey, Miller, Monnes Anderson, Nelson, Richardson, Scott, Smith G., Smith P., Verger, Speaker Minnis; Absent, 1 – Zauner. Bill repassed.

HB 2148 (C-Engrossed) – Nolan requested unanimous consent the rules be suspended and she be allowed to change her vote to "nay" on repassage of bill.

Tomei objected. Request denied.

Hunt requested the following explanation of his vote be entered in the Journal:

"Although I oppose many aspects of HB 2148, I voted for it because it was part of the overall bipartisan budget/revenue package that ensured a full school year, a base level of health and human services, and core public safety services for Oregonians.

"I would have much preferred that we had reduced some of the \$7 Billion in tax breaks that Oregon gives away each biennium, but I am willing to support the bipartisan budget/revenue compromise that includes HB 2148."

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

"I voted against HB 2148, which takes \$40 million paid by employers for specific purposes to backfill the general fund. There dollars are not for general fund purposes but instead used for specific needs. Example: \$15 million from the premium assessment tax paid to fund workers' compensation programs and OR-OSHA. \$15 million from employer paid funds to the Employment Department for employment services and \$2.5 million from the JOBS Plus employment programs. Also earmarked will be \$5.5 million from penalties collected from employers and \$2 million from employer taxes to cover payroll expenses for a company that goes bankrupt. This bill will increase the cost of doing business in Oregon at a time when businesses are struggling to survive."

Prozanski requested the following explanation of his vote be entered in the Journal:

"Even though I still question the wisdom of shifting money from the gambling addiction programs, I changed my vote on HB 2148-C and voted to support it today after receiving information from DHS that they will maximize tobacco prevention dollars in the Tobacco Use Reduction Account and seek out federal monies to sustain the program's efforts.

"HB 2148-C also provides state funding for the Cascade trains. As a supporter of passenger train service in Oregon, I voted yes for this bill. It is important to maintain our current train service."

HB 2278 (C-Engrossed) – Krummel moved House concur in Senate amendments and repass bill as

amended by the Senate. On repassage of the bill the vote was: Yeas, 58; Absent, 1 – Zauner. Bill repassed.

HB 2498 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate.

Speaker Pro Tempore in Chair.

Speaker in Chair.

HB 2498 (B-Engrossed) – On repassage of the bill the vote was: Yeas, 55; Nays, 3 – Ackerman, Avakian, Kitts; Absent, 1 – Zauner. Bill repassed.

HB 3183 (B-Engrossed) – Shetterly moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 44; Nays, 14 – Ackerman, Avakian, Barnhart, Dingfelder, Greenlick, Mabrey, Macpherson, March, Merkley, Nolan, Prozanski, Rosenbaum, Verger, Wirth; Absent, 1 – Zauner. Bill repassed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted ‘No’ on HB 3183 because this bill reduces state income from business taxes without adequate return, during a time when this state is already very short of funds.”

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted against HB 3183-B because I disagree with the expansion of the single sales factor at this time. At a time when we are asking individuals to pay a surtax to help balance a budget that provides only basic needs for Oregonians, I do not believe that we should be giving additional tax relief to corporations.”

Speaker Pro Tempore in Chair.

HB 2511 (C-Engrossed) – Kruse moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 51; Nays, 6 – Butler, Doyle, Flores, Kropf, Krummel, Kruse; Absent, 1 – Zauner; Excused for business of the House, 1 – Speaker Minnis. Bill repassed.

HB 2747 (C-Engrossed) – Patridge moved House concur in Senate amendments and repass bill as amended by the Senate.

Call of the House demanded by Patridge, joined by Farr, Brown, Gallegos, Berger and Backlund. All present except: Absent (not subject to Call), 1 – Zauner.

HB 2747 (C-Engrossed) – On repassage of the bill the vote was: Yeas, 46; Nays, 12 – Butler, Close, Doyle, Flores, Kitts, Knopp, Kropf, Miller, Nelson, Richardson, Scott, Smith T.; Absent, 1 – Zauner. Bill repassed, having received the required three-fifths constitutional majority.

HB 2899 (D-Engrossed) – Garrard moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the

vote was: Yeas, 56; Nays, 2 – Flores, Richardson; Absent, 1 – Zauner. Bill repassed.

HB 3023 (C-Engrossed) – Krummel moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 41; Nays, 17 – Avakian, Barker, Barnhart, Beyer, Dingfelder, Greenlick, Hunt, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Wirth; Absent, 1 – Zauner. Bill repassed.

Barnhart requested the following explanation of his vote be entered in the Journal:

“I voted ‘No’ on HB 3023 because this bill will reduce revenue and make government less efficient, not more efficient as some have contended.”

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted against HB 3023-C for the same reasons stated in my vote explanation dated July 30, 2003.”

HB 3544 (B-Engrossed) – Kitts moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 58; Absent, 1 – Zauner. Bill repassed.

HB 2658 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 54; Absent, 1 – Zauner; Excused for business of the House, 4 – Hansen, Knopp, Morgan, Patridge. Bill repassed.

HB 2725 (B-Engrossed) – Williams moved House concur in Senate amendments and repass bill as amended by the Senate. On repassage of the bill the vote was: Yeas, 53; Nays, 3 – Greenlick, Krummel, Rosenbaum; Absent, 1 – Zauner; Excused for business of the House, 2 – Hansen, Speaker Minnis. Bill repassed.

HJR 42 (B-Engrossed) – Williams moved House concur in Senate amendments and readopt resolution as amended by the Senate.

HJR 42 – Kitts moved House postpone resolution indefinitely.

Call of the House demanded by Williams, joined by Dalto, Berger, Farr, Gilman and Prozanski. All present except: Absent (not subject to Call), 1 – Zauner.

HJR 42 – Kitts moved to withdraw his motion to postpone resolution indefinitely. Motion carried on viva voce vote. Motion withdrawn.

By unanimous consent, on request of Kropf, rules suspended to permit use of visual aid during debate of motion.

Call of the House demanded by Dalto, joined by Morgan, Greenlick, Patridge, Gallegos and Mabrey.

All present except: Absent (not subject to Call), 1 – Zauner.

HJR 42 (B-Engrossed) – On readoption of the resolution the vote was: Yeas, 39; Nays, 19 – Anderson, Butler, Close, Doyle, Flores, Hansen, Kafoury, Kitts, Kropf, Kruse, March, Merkley, Miller, Nelson, Nolan, Richardson, Rosenbaum, Tomei, Verger; Absent, 1 – Zauner. Resolution readopted.

Tomei requested the following explanation of her vote be entered in the Journal:

“My ‘no’ vote on HJR 42 reflects my concern that the proposed interim committee to study tax reform would be a total waste of taxpayers’ dollars. I’m sure the introduction of this resolution was well-intentioned, but I fear that the proposed process will likely fail, due to an unwieldy structure and lack of political will.

“This late-date attempt to address tax reform does not represent real progress toward that end. If real potential existed in the Legislature for genuine reform, it would have materialized much earlier in this marathon session, and would have taken the form of specific legislation that we could have voted up or down.”

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

SB 5554 (A-Engrossed) – Report by Committee on Ways and Means recommending passage.

SB 297 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit consideration of Conference Committee Report immediately.

SB 297 (B-Engrossed) – Ackerman moved Conference Committee Report be adopted.

SB 297 (B-Engrossed) – Anderson moved bill be tabled.

Call of the House demanded by Anderson, joined by Morgan, Brown, Nelson, Richardson and Scott. All present except: Absent (not subject to Call), 1 – Zauner.

SB 297 (B-Engrossed) – Motion to table bill failed, the vote being: Yeas, 21; Nays, 37 – Ackerman, Avakian, Backlund, Barnhart, Bates, Berger, Beyer, Brown, Dingfelder, Doyle, Farr, Greenlick, Hansen, Hass, Hopson, Hunt, Jenson, Johnson, Kafoury, Kruse, Mabrey, Macpherson, March, Merkley, Monnes Anderson, Nolan, Patridge, Prozanski, Rosenbaum, Schaufler, Scott, Shetterly, Smith G., Smith T., Tomei, Williams, Speaker Minnis; Absent, 1 – Zauner. Motion failed.

Speaker in Chair.

Call of the House demanded by Ackerman, joined by Greenlick, Macpherson, March, Prozanski and Johnson. All present except: Absent (not subject to Call), 1 – Zauner.

Speaker Pro Tempore in Chair.

SB 297 (B-Engrossed) – Motion to adopt Conference Committee Report carried, the vote being: Yeas, 36; Nays, 22 – Anderson, Barker, Butler, Close, Doyle, Flores, Garrard, Kitts, Knopp, Krieger, Kropf, Krummel, Kruse, Miller, Morgan, Nelson, Patridge, Smith P., Smith T., Verger, Wirth, Speaker Minnis; Absent, 1 – Zauner. Conference Committee Report adopted.

SB 297 (B-Engrossed) – Ackerman moved bill be repassed. On repassage of the bill the vote was: Yeas, 37; Nays, 21 – Anderson, Barker, Butler, Close, Doyle, Flores, Garrard, Kitts, Knopp, Krieger, Kropf, Krummel, Kruse, Miller, Morgan, Nelson, Patridge, Smith P., Verger, Wirth, Speaker Minnis; Absent, 1 – Zauner. Bill repassed.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

HB 2302 (A-Engrossed) – Report by Committee on Budget recommending passage with amendments and be printed B-Engrossed.

SB 719 (A-Engrossed) – Report by Committee on Budget recommending passage.

SB 928 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage.

SB 947 (A-Engrossed) – Report by Committee on Budget recommending passage with amendments and be printed B-Engrossed.

SJR 12 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending adoption.

SB 915 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit consideration of Committee Report immediately.

SB 915 (B-Engrossed) – Dalto moved House adopt Committee Report.

In the absence of a motion to substitute the Minority Report for the Committee Report, by order of the Speaker Pro Tempore, bill advanced to third reading.

By unanimous consent, on request of Speaker Pro Tempore, rules suspended to temporarily advance to the order of business of Second Reading of Senate Bills.

SB 915 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit second reading immediately.

SB 915 – Read second time and passed to third reading.

SB 915 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit third reading and final consideration immediately.

SB 915 (B-Engrossed) – Read third time. Carried by Dalto.

Call of the House demanded by Dalto, joined by Gallegos, Knopp, Brown, Greenlick and Mabrey. All present except: Absent (not subject to Call), 1 – Zauner.

Speaker in Chair.

SB 915 (B-Engrossed) – On passage of the bill the vote was: Yeas, 21; Nays, 37 – Ackerman, Avakian, Barker, Barnhart, Beyer, Butler, Close, Dingfelder, Doyle, Garrard, Greenlick, Hansen, Hass, Hopson, Hunt, Kafoury, Kitts, Krieger, Kropf, Kruse, Mabrey, Macpherson, March, Merkley, Miller, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Scott, Shetterly, Smith G., Smith P., Tomei, Verger, Wirth; Absent, 1 – Zauner. Bill failed.

HB 3072 – By unanimous consent, on request of Speaker, rules suspended to permit consideration of Senate amendments immediately.

HB 3072 (B-Engrossed) – Shetterly moved House concur in Senate amendments and repass bill as amended by the Senate.

Potential conflict of interest declared by Gilman.

HB 3072 (B-Engrossed) – On repassage of the bill the vote was: Yeas, 53; Nays, 5 – Close, Kropf, March, Nolan, Prozanski; Absent, 1 – Zauner. Bill repassed.

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on HB 3072-B out of protest. It is my understanding that this technical fix will address a problem in the future, but that the Department of Revenue is not going to reopen the affected estates to correct the amounts previously paid.”

Speaker Pro Tempore in Chair.

HB 2523, 3670 – Read second time and passed to third reading.

HB 2683, 3528 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit second reading immediately.

HB 2683, 3528 – Read second time and passed to third reading.

HB 2683 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit third reading and final consideration immediately.

HB 2683 (B-Engrossed) – Read third time. Carried by Knopp. On passage of the bill the vote was: Yeas, 57; Absent, 2 – Farr, Zauner. Bill passed.

HB 3528 – By unanimous consent, on request of Speaker Pro Tempore, rules suspended to permit third reading and final consideration immediately.

HB 3528 (A-Engrossed) – Read third time. Carried by Gallegos.

Call of the House demanded by Gallegos, joined by Verger, Merkley, Backlund, Brown and Flores. All present except: Absent (not subject to Call), 1 – Zauner.

HB 3528 (A-Engrossed) – On passage of the bill the vote was: Yeas, 28; Nays, 30 – Ackerman, Anderson, Avakian, Barker, Barnhart, Beyer, Dingfelder, Farr, Garrard, Greenlick, Hansen, Hass, Hopson, Hunt, Kafoury, Kitts, Kropf, Kruse, Macpherson, March, Merkley, Miller, Monnes Anderson, Nolan, Prozanski, Rosenbaum, Schaufler, Tomei, Verger, Wirth; Absent, 1 – Zauner. Bill failed.

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on HB 3528-A because I do not believe that the sponsor of the bill demonstrated a need to shift the oversight duties from the PUC to the Office of Energy.”

SCR 9 – Read. Carried by Backlund.

Kruse in Chair.

Speaker Pro Tempore in Chair.

SCR 9 – On adoption of the resolution the vote was: Yeas, 56; Absent, 3 – Anderson, Rosenbaum, Zauner. Resolution adopted.

House stood at ease.

House called to order.

SJR 2 (B-Engrossed) – Read. Carried by Knopp.

Doyle in Chair.

Call of the House demanded by Knopp, joined by Smith P., Morgan, Mabrey, Kropf and Johnson. All present except: Absent (subject to Call), 1 – Wirth; Absent (not subject to Call), 2 – Rosenbaum, Zauner.

By unanimous consent, on request of Knopp, rules suspended to dispense with further proceedings under the Call of the House.

SJR 2 (B-Engrossed) – On adoption of the resolution the vote was: Yeas, 39; Nays, 17 – Avakian, Barnhart, Berger, Dingfelder, Greenlick, Hunt, Kafoury, Macpherson, March, Merkley, Nelson, Nolan, Patridge, Prozanski, Tomei, Verger, Williams; Absent, 3 – Rosenbaum, Wirth, Zauner. Resolution adopted.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

SB 737 – Report by Committee on Rules and Public Affairs recommending passage.

SB 927 – Report by Committee on Rules and Public Affairs recommending passage.

SJR 13 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending adoption.



House recessed for 10 minutes on motion of Kafoury.

House reconvened at 7:10 p.m. Doyle in Chair. All present except: Absent, 2 – Rosenbaum, Zauner.

SB 5554, 355, 467, 655, 763 – By unanimous consent, on request of Chair, rules suspended to permit second reading immediately.

SB 5554, 355, 467, 655, 763 – Read second time and passed to third reading.

SB 102, 308, 332, 450, 620, 875, 904, 937, 938 – Read second time and passed to third reading.

By implied consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

SB 139 (B-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage with amendments, be printed C-Engrossed, and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

SB 139 (B-Engrossed) – Report by Minority of Committee on Rules and Public Affairs, signed by Monnes Anderson and Barnhart, recommending passage and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

SB 360 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage and subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the Speaker.

SB 709 (A-Engrossed) – Report by Committee on Rules and Public Affairs recommending passage with amendments and be printed B-Engrossed.

SB 709 (A-Engrossed) – Report by Minority of Committee on Rules and Public Affairs, signed by Close and Flores, recommending passage with amendments and be printed B-Engrossed.

SB 946 – Read third time. Carried by Flores. On passage of the bill the vote was: Yeas, 50; Nays, 3 – Miller, Nolan, Verger; Absent, 6 – Beyer, Krummel, Monnes Anderson, Rosenbaum, Smith G., Zauner. Bill passed.

SB 5554, 355, 450, 467, 620, 655, 763, 875, 904, 937, 938 – By unanimous consent, on request of Chair, rules suspended to permit third reading and final consideration immediately.

SB 5554 (A-Engrossed) – Read third time. Carried by Morgan. On passage of the bill the vote was: Yeas,

52; Nays, 1 – Nolan; Absent, 5 – Close, Hansen, Krummel, Rosenbaum, Zauner; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

SB 355 (B-Engrossed) – Read third time. Carried by Kitts. On passage of the bill the vote was: Yeas, 41; Nays, 12 – Barnhart, Bates, Dingfelder, Greenlick, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Prozanski, Verger, Wirth; Absent, 5 – Close, Krummel, Rosenbaum, Tomei, Zauner; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on SB 355-B because it would preempt local governments. The original bill (HB 2957) also included a state preemption. My concern at this time is that the sponsors have not demonstrated a need to enact this legislation.”

SB 450 (A-Engrossed) – Read third time. Carried by Flores. On passage of the bill the vote was: Yeas, 54; Absent, 4 – Jenson, Krummel, Rosenbaum, Zauner; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

SB 467 (C-Engrossed) – Read third time. Carried by Shetterly. On passage of the bill the vote was: Yeas, 42; Nays, 13 – Avakian, Barnhart, Dingfelder, Greenlick, Hopson, Johnson, Kafoury, March, Merkley, Nolan, Prozanski, Tomei, Wirth; Absent, 2 – Rosenbaum, Zauner; Excused for business of the House, 2 – Patridge, Speaker Minnis. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted against SB 467-C for the same reasons I voted against the original bill, HB 3264 (see my vote explanation dated August 23, 2003).”

SB 620 (A-Engrossed) – Read third time. Carried by Close. On passage of the bill the vote was: Yeas, 54; Absent, 3 – Rosenbaum, Shetterly, Zauner; Excused for business of the House, 2 – Patridge, Speaker Minnis. Bill passed.

SB 655 (B-Engrossed) – Read third time. Carried by Backlund. On passage of the bill the vote was: Yeas, 55; Nays, 2 – Nolan, Wirth; Absent, 2 – Rosenbaum, Zauner. Bill passed.

SB 763 (B-Engrossed) – Read third time. Carried by Backlund. On passage of the bill the vote was: Yeas, 35; Nays, 20 – Ackerman, Anderson, Avakian, Barker, Barnhart, Bates, Dingfelder, Doyle, Greenlick, Johnson, Kafoury, Kruse, Macpherson, March, Merkley, Monnes Anderson, Nolan, Prozanski, Tomei, Wirth; Absent, 2 – Rosenbaum, Zauner; Excused for business of the House, 2 – Farr, Speaker Minnis. Bill passed.

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on SB 763-B because the legislature is attempting to require Metro to expand the UGB on a sub-regional basis. This

approach is wrong and in direct contradiction to our current land use planning system.”

SB 875 (B-Engrossed) – Read third time. Carried by Greenlick. On passage of the bill the vote was: Yeas, 55; Absent, 2 – Rosenbaum, Zauner; Excused for business of the House, 2 – Farr, Speaker Minnis. Bill passed.

SB 904 (B-Engrossed) – Read third time. Carried by Verger. On passage of the bill the vote was: Yeas, 56; Absent, 2 – Rosenbaum, Zauner; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

SB 937 (A-Engrossed) – Read third time. Carried by Barnhart. On passage of the bill the vote was: Yeas, 56; Absent, 2 – Rosenbaum, Zauner; Excused for business of the House, 1 – Speaker Minnis. Bill passed.

SB 938 (A-Engrossed) – Read third time. Carried by Close. On passage of the bill the vote was: Yeas, 27; Nays, 27 – Ackerman, Avakian, Barker, Barnhart, Bates, Beyer, Dingfelder, Garrard, Gilman, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Mabrey, Macpherson, March, Merkley, Monnes Anderson, Nelson, Prozanski, Shetterly, Tomei, Verger, Wirth; Absent, 3 – Nolan, Rosenbaum, Zauner; Excused for business of the House, 2 – Backlund, Speaker Minnis. Bill failed.

Monnes Anderson requested the following explanation of her vote be entered in the Journal:

“I voted against SB 938, which would allow an increase in the height and footprint of cell towers without public notice or land use review in all land use zones, including exclusive farm use zones and rural residential zones.

“The siting and placement of cell towers are governed by the local land use process, and are subject to public notice. In many cases, particularly in Exclusive Farm Use zones, approval of such applications are conditioned to assure that the cell tower will not conflict with adjacent farm and forest operations. SB 938, however, allows the modifications of cell towers without any land use review, evaluation, or public input.”

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on SB 938-A because it would preempt county land use ordinances involving the siting of cell towers. The sponsors failed to demonstrate why the state should take this action.”

Speaker in Chair.

HB 3072 (B-Engrossed) – By unanimous consent, on request of Kafoury, rules suspended to permit Kropf to change his vote from “nay” to “aye” on repassage of bill.

HB 3023 (C-Engrossed) – By unanimous consent, on request of Kafoury, rules suspended to permit Dalto change his vote from “aye” to “nay” on repassage of bill.

HB 2899 (D-Engrossed) – By unanimous consent, on request of Kafoury, rules suspended to permit

Flores to change her vote from “nay” to “aye” on repassage of bill.

HB 2899 (D-Engrossed) – By unanimous consent, on request of Kafoury, rules suspended to permit Richardson to change his vote from “nay” to “aye” on repassage of bill.

SB 915 (B-Engrossed) – By unanimous consent, on request of Kafoury, rules suspended to permit Richardson to change his vote from “aye” to “nay” on passage of bill.

Pursuant to ORS 291.330, Speaker announced the following appointments to the Emergency Board: Minnis, Co-Chair; Bates, Butler, Doyle, Hansen, Knopp, Miller, Morgan, Scott.

Knopp moved Emergency Board appointments be approved en bloc. Motion carried, the vote being: Yeas, 31; Nays, 25 – Ackerman, Avakian, Barker, Barnhart, Bates, Beyer, Dingfelder, Greenlick, Hansen, Hass, Hopson, Hunt, Johnson, Kafoury, Macpherson, March, Merkley, Monnes Anderson, Nolan, Patridge, Prozanski, Schaufler, Tomei, Verger, Wirth; Absent, 3 – Nelson, Rosenbaum, Zauner. Appointees approved en bloc.

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on this motion because it was neither fair nor appropriate. The number of House members on the E-Board is nine. The Speaker selected five Republican and two Democratic members. (The Speaker and the House Co-Chair of Ways and Means are statutory members.) Accordingly, seven Republicans and two Democrats will make-up the House membership to the E-Board.

“That means there is one Republican member for every five Republican Representatives and one Democratic member for every 12.5 Democratic Representatives. This is not appropriate. The Speaker should have appointed at least one additional Democrat. That would have been more balanced and that would still allow the Republican majority to retain two-thirds of the House E-Board positions.

“It is unfortunate that the Speaker did not consider balancing her appointments to the E-Board. It would have reflected the bi-partisanship she has articulated since the first day of our session.”

SCR 6 – By unanimous consent, rules suspended to temporarily return to the order of business of Standing Committee Reports.

SCR 6 – Report by Committee on Rules and Public Affairs recommending adoption.

By unanimous consent, on request of Speaker, rules suspended to temporarily return to the order of business of Final Reading of Memorials and Resolutions.

SCR 6 – By unanimous consent, on request of Speaker, rules suspended to permit final consideration immediately.

SCR 6 (A-Engrossed) – Read in entirety and carried by Doyle. On adoption of the resolution the vote was: Yeas, 46; Nays, 11 – Avakian, Barker,

Barnhart, Beyer, Dalto, Dingfelder, Kropf, March, Merkley, Nolan, Prozanski; Absent, 2 – Rosenbaum, Zauner. Resolution adopted.

Prozanski requested the following explanation of his vote be entered in the Journal:

“I voted no on SCR 6-A out of protest. I do not believe that the legislature adequately addressed the various issues facing state government.

“The legislature should have worked on tax reform. We could have reduced some of our tax expenditures which would have captured lost revenue. We also should have referred kicker reform to the voters. That would have established a rainy day fund.

“The education budgets should have been increased. This would have served two purposes. First, at a time that we are seeking an economic recovery, the state should be fully funding all levels of education. K-12 students need to be offered a broad range of classes. These students also need to be in classrooms with a reasonable number of classmates.

“Access to a higher education or community colleges is also important. Businesses rely on an educated workforce and most will not relocate to a state that fails to value education for children and adults.

“Second, education is the best crime prevention program. The higher the level of education a young person achieves, the less likely they will be involved in criminal conduct.

“I am extremely concerned that we will see many more Oregonians suffer and die as a direct result of the legislature's failure to fully fund the Department of Human Services.

“The legislature failed to address long-term dedicated funding for state police. It should have referred SJR 13 to the voters. If approved, that resolution would have allowed the state police to receive funding through state highway funds. (Prior to 1980, OSP was included in this funding source.)

“I must acknowledge that the legislature took an initial step to address our need to repair state highways and bridges. We also addressed some of the PERS issues. I also was happy that the legislature passed a temporary revenue plan that will provide basic services to many children, seniors and disabled Oregonians who are not able to provide for themselves. (Previously, it has referred this decision to the voters.)

“Lastly, the 72<sup>nd</sup> Legislative Assembly failed to complete its work in a timely fashion. Instead of working with the minority party, the House leadership maintained its partisan view that was only broken when moderate members decided to break away from the conservative right and work with the moderate Democrats.”

House adjourned sine die at 9:00 p.m., Wednesday, August 27, 2003.

HB 2021, 2828, 3508, 3631 – Veto sustained in accordance with Oregon Constitution, Article V, Section 15b.

SB 5509, 5523, 5553, 272, 421, 474, 899, 931, 934, HB 5009, 5013, 5014, 5018, 5042, 5052, 5061, 5066, 2195 – Message from the Senate announcing President signed on August 27, 2003.

HB 5028, 5030, 5067, 5077, SB 500, 501 – Speaker signed on August 28, 2003.

SB 5530, 7, 260, 302, 469, 550, 666, 772, 910, 911, 913, 916, 920, 939, 943 – Message from the Senate announcing President signed on August 28, 2003.

SB 5554, 875 – Message from the Senate announcing President signed on August 28, 2003.

HB 2020, 2148, 2511, 2747, 2759, 2825, 2899, 3183, 3264, SB 5509, 5523, 5530, 5553, 5554, 550, 875, 931 – Speaker signed on August 29, 2003.

HJM 10, HB 2011, 2080, 2094, 2237, 2267, 2283, 2288, 2318, 2341, 2368, 2372, 2577, 2661, 3093, 3108, 3159, 3328, 3442, 3446, 3539, 3582, 3597, 3624, 3630, 3638, 3646, 3653, 3656, 3666, SB 7, 180, 260, 272, 302, 421, 469, 471, 474, 666, 752, 772, 899, 910, 911, 913, 914, 916, 920, 926, 933, 934, 939, 943 – Speaker signed on August 29, 2003.

HB 2020, 2148, 2511, 2747, 2759, 2825, 2899, 3183, 3264, 5028, 5030, 5067, 5077, 3446 – Message from the Senate announcing President signed on August 29, 2003.

HB 2825 – Message from the Governor announcing he signed on August 29, 2003.

HB 5077, 5009, 5013, 5014, 5018, 5028, 5030, 5042, 5052, 5061, 5066, 5067, 2020, 2148, 2511, 2747, 2759, 2899, 3183, 3264, 3446 – Message from the Governor announcing he signed on August 29, 2003.

HB 2278, 2300, 2498, 2658, 2725, 3023, 3072, 3544, 3668, 3669, HJR 42 – Speaker signed on September 2, 2003.

HB 2537, 3276, 3534, 2551, 3659, 2532, 3654, 3120 – Message from the Governor announcing he signed on September 2, 2003.

SB 297, 450, 620, 904, 937, 946, SCR 6, 9, HB 2011, 2080, 2094, 2195, 2237, 2267, 2278, 2288, 2300, 2318, 2341, 2368, 2372, 2498, 2577, 2658, 2661, 2725, 3023, 3072, 3093, 3108, 3159, 3328, 3442, 3539, 3544, 3582, 3597, 3624, 3630, 3638, 3646, 3653, 3656, 3666, 3668, 3669, HJM 10, HJR 42 – Message from the Senate announcing President signed on September 8, 2003.

HB 2283 – Message from the Senate announcing President signed on September 11, 2003.

SB 297, 450, 620, 904, 937, 946, SCR 6, SCR 9 – Speaker signed on September 12, 2003.

SB 5 – Message from the Senate announcing President signed on September 17, 2003.

HB 2080, 2195, 2237, 2283, 2288, 2300, 2498, 2577, 2658, 2725, 3539, 3544, 3582, 3630, 3638, 3646, 3653, 3656, 3666, 3159 – Message from the Governor announcing he signed on September 17, 2003.

HB 2341, 2372, 3597 – Message from the Governor announcing he signed on September 22, 2003.

SB 5 – Speaker signed on September 23, 2003.

HB 3442 – Message from the Governor announcing he signed on September 23, 2003.

HB 2011, 2094, 2278, 2318, 2368, 3023, 3072, 3093, 3108, 3624, 3669, 3668 – Message from the Governor announcing he signed on September 24, 2003.

HB 2900 – Message from the Governor announcing he signed on September 25, 2003.

HB 3328 – Message from the Governor announcing he vetoed on September 25, 2003.

HB 2267, 2661 – Message from the Governor announcing he signed on September 26, 2003.