

## SENATE COMMITTEE ON RULES

May 18, 2005  
3:00 P.M.

Hearing Room HR B  
Tapes 77 – 78  
Corrected 11/08/05

**MEMBERS PRESENT:** Sen. Kate Brown, Chair  
Sen. Ted Ferrioli, Vice-Chair  
Sen. Jason Atkinson  
Sen. Charlie Ringo

**MEMBER EXCUSED:** Sen. Frank Shields

**MEMBER VISITING:** Sen. Vicki Walker

**STAFF PRESENT:** Tiffany Harris, Committee Administrator  
Katie Lowry, Committee Assistant

**MEASURE/ISSUES HEARD:**

HCR 15 – Public Hearing  
Executive Appointments – Public Hearing  
Oregon Board of Dentistry  
Darren Huddleston  
Oregon Government Standards and Practices Commission  
Thomas Bruner  
Oregon Investment Council  
Katy Durant  
Public Employees’ Benefit Board  
Rich Peppers  
State Plumbing Board  
Kathryn Mattimore  
Executive Appointments – Public Hearing on Waived Appearances  
State Board of Parole and Post-Prison Supervision  
Michael Washington  
Long Term Care Advisory Committee  
Marian Anderson  
William Leiken  
Oregon International Board of Commissioners Port of Coos Bay  
Jerry Hampel  
Caddy McKeown  
Daniel Smith  
State Board of Psychologist Examiners  
Rosemary Berdine  
HCR 15 – Work Session  
SB 1028 – Public Hearing  
Executive Appointments – Work Session  
Board of Directors of State Accident Insurance Fund Corporation  
Catherine Travis  
Robb Van Cleave  
Water Resources Commission  
Charles Barlow

**John Jackson**  
**Mary Meloy**  
**Jay Rasmussen**  
**Gary Reed**  
**Susie Smith**

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 77, A</b>		
005	Chair Brown	Calls committee to order at 3:06 p.m. as a sub-committee. Opens public hearing on HCR 15.
<b><u>HCR 15 – PUBLIC HEARING</u></b>		
010	Chair Brown	Closes public hearing on HCR 15 and opens public hearing on executive appointments.
<b><u>EXECUTIVE APPOINTMENTS – PUBLIC HEARING</u></b>		
<b><u>OREGON BOARD OF DENTISTRY – APPOINTMENT OF DARREN HUDDLESTON (EXHIBIT A)</u></b>		
017	Darren Huddleston	Explains his qualifications and interest in appointment to the Oregon Board of Dentistry (OBD).
023	Chair Brown	Asks how long witness has practiced in Grants Pass.
024	Huddleston	Replies five years.
025	Chair Brown	Asks where witness practiced prior to Grants Pass.
026	Huddleston	Replies Gainesville, Florida.
027	Chair Brown	Asks if witness has any concerns about his ability to participate on the OBD with regards to his location.
029	Huddleston	Replies no. Makes comments.
031	Chair Brown	Remarks she is the only member here. Thanks witness.
<b><u>OREGON GOVERNMENT STANDARDS AND PRACTICES COMMISSION – APPOINTMENT OF THOMAS BRUNER (EXHIBIT B)</u></b>		
037	Thomas Bruner	Explains his qualifications and interest in appointment to the Oregon Government Standards and Practices Commission (GSPC).
053	Chair Brown	Asks if witness has served on a board or commission for the state of Oregon previously.
054	Bruner	Replies not for the state of Oregon.
055	Chair Brown	Asks if witness has served in the state of Texas.
056	Bruner	Replies yes.
057	Chair Brown	Asks what witness did for the state of Texas.
058	Bruner	Responds.
060	Chair Brown	Discusses lack of funding to the GSPC and how that affects commissioners. Asks if witness has any concerns about ability to fulfill commission requirements.
062	Bruner	Replies no. Discusses lack of dedicated funding source to the GSPC. (Note: The committee is now meeting as a full committee.)
076	Sen. Atkinson	Asks when witness mobilized 1.7 million people.
078	Bruner	Asks for clarification.
079	Sen. Atkinson	Asks when witness did his community grassroots work.
080	Bruner	Replies Fort Worth, Texas.
083	Sen. Atkinson	Verifies that witness has been in Oregon seven years.
084	Bruner	Confirms this.
091	Sen. Atkinson	Asks if any of the positions he has held could be seen as partisan.

092	Bruner	Replies in some sectors they could have been seen as partisan. States he has not been partisan in the exercise of his duties. Explains that he has worked hard both here and in Texas to be inclusive and not treat issues in a partisan way.
098	Sen. Atkinson	Asks when witness decided to get involved in non-profit work.
100	Bruner	Responds.
105	Sen. Atkinson	Asks if the GSPC is currently partisan or if it has been partisan in the recent past.
106	Bruner	Points out that he is not currently a member of the commission. Believes the task of the commission to be non-partisan. Believes that if the commission has been partisan then it should not be in the future.
111	Sen. Atkinson	Asks about paperwork sent in for review.
112	Bruner	Responds.
124	Sen. Atkinson	Asks if witness has ever looked at the form he is referring to.
125	Bruner	Replies yes, briefly.
<b><u>OREGON INVESTMENT COUNCIL – APPOINTMENT OF KATY DURANT (EXHIBIT C)</u></b>		
135	Katy Durant	Explains her qualifications and interest in appointment to the Oregon Investment Council (OIC).
157	Sen. Atkinson	Asks what graduate school witness went to.
158	Durant	Replies Willamette.
159	Sen. Atkinson	Asks for further clarification.
160	Durant	Replies Willamette University.
161	Sen. Atkinson	Asks what the name of the school was.
162	Durant	Replies Atkinson.
163	Sen. Atkinson	Verifies that witness works for Norris, Beggs and Simpson.
164	Durant	Responds.
165	Sen. Walker	Asks who recommended the witness for the council.
170	Durant	Replies Randall Edwards. Provides details.
173	Sen. Walker	Verifies that witness has worked on both of the mentioned boards for approximately a year.
174	Durant	Replies yes.
175	Sen. Walker	Asks if witness knows Neil or Diana Goldschmidt or is affiliated with them in any way.
176	Durant	Replies that she knows them both, but is not affiliated with them in a business sense.
177	Sen. Walker	Makes comment. Asks if witness is acquainted with or in business with any other member of the OIC.
178	Durant	Replies no.
181	Sen. Walker	Asks if witness is aware of any of the pending legislation that she has this session about the OIC.
182	Durant	Replies yes and says that Kate Richardson has informed her of the pending legislation.
183	Sen. Walker	Asks if witness has a position on any of the legislation.
184	Durant	Replies no. Explains that she is aware of conflicts of interest.
188	Sen. Walker	Makes comment on legislation. Asks if witness is familiar with the standard of ethics set by the OIC.
190	Durant	Replies yes. Provides further explanation. Emphasizes that she doesn't view any of it as a problem.
195	Sen. Walker	Explains that the mentioned pending legislation relates to the standards of ethics. Provides details. Asks if witness has seen the statement of fund governance for the Oregon Public Employees' Retirement Funds (PERS).
206	Durant	Believes she has them, but has not thoroughly read all of them.

207	Sen. Walker	Asks how long witness has known about the position.
208	Durant	States the nomination was last Thursday.
215	Sen. Walker	Asks when witness was first approached about possibly serving on the OIC.
217	Durant	Replies approximately a month and a half ago.
218	Sen. Walker	Verifies that witness was out of the country for a month, so she hasn't had much time to review.
219	Durant	Confirms this.
220	Chair Brown	Asks witness where she went.
221	Durant	Replies she went on a sabbatical to Mexico.
225	Sen. Walker	Asks if witness has followed the workings of the OIC prior to the invitation to participate.
226	Durant	Responds.
236	Sen. Walker	Asks if witness has regularly followed the meetings of the OIC.
237	Durant	Replies no.
238	Sen. Walker	Asks if witness understands the conflict of interest issues.
239	Durant	Replies yes.
240	Sen. Walker	States that witness does that in her own business.
241	Durant	Replies yes.
242	Chair Brown	Verifies that witness has a code of ethics in her own business that she is required to follow.
243	Durant	Replies yes and explains.
245	Sen. Walker	Asks if witness knows how well PERS is performing under the watchful eye of the OIC.
248	Durant	Responds.
257	Sen. Walker	Notes that the witness has many other activities she participates in.
260	Durant	Explains she will no longer participate in the mentioned activities.
266	Sen. Walker	Makes comment about time commitment.
270	Durant	Believes there to be a statutory conflict.
272	Sen. Ringo	Discusses suggestions that investments be placed in Oregon corporations or ventures to help spur business in Oregon. States that is somewhat inconsistent with the goal of maximizing revenue. Asks how witness weighs those two ideas.
281	Durant	Responds.
294	Sen. Ringo	States that was a diplomatic answer. Makes comment.

**PUBLIC EMPLOYEES' BENEFIT BOARD – APPOINTMENT AND REAPPOINTMENT OF RICH PEPPERS (EXHIBIT D)**

303	Rich Peppers	Explains his qualifications and interest in working on the Public Employees' Benefit Board (PEBB).
328	Sen. Atkinson	Asks staff why Sen. Morisette's name is listed.
329	Tiffany Harris	Committee Administrator. Explains.
333	Sen. Atkinson	Asks if there are partisan slots on this board.
334	Chair Brown	Believes that the Speaker of the House and the Senate President each appoint one board member. Believes that for the last few years both representatives have been republican.

**STATE PLUMBING BOARD – APPOINTMENT OF KATHRYN MATTIMORE (EXHIBIT E)**

379	Kathryn Mattimore	Appears by telephone conference call. Explains her qualifications and interest in being appointed to the State Plumbing Board.
384	Chair Brown	Asks for details about the Backflow Cross Connection Program.
385	Mattimore	Gives details.
393	Chair Brown	Verifies that witness' interest in serving on the State Plumbing

394 Mattimore Board stems from her current employment.  
Replies yes.  
396 Sen. Ringo Thanks witness for willingness to serve.  
403 Mattimore Responds.  
404 Chair Brown Asks if witness has any experience dealing with waterless  
urinals.  
405 Mattimore Responds.  
415 Chair Brown Asks if witness would be willing to listen to information and look  
at the data from the pilot project as a member of the State  
Plumbing Board.  
418 Mattimore Responds.

**TAPE 78, A**

006 Sen. Atkinson Makes comment.  
007 Chair Brown Responds.  
008 Sen. Atkinson Makes comment.  
009 Chair Brown Responds.  
012 Chair Brown Closes public hearing on executive appointments and opens  
public hearing on executive appointments.

**EXECUTIVE APPOINTMENTS – PUBLIC HEARING ON WAIVED APPEARANCES**

**STATE BOARD OF PAROLE AND POST-PRISON SUPERVISION – REAPPOINTMENT OF  
MICHAEL WASHINGTON (EXHIBIT F)**

**LONG TERM CARE ADVISORY COMMITTEE – REAPPOINTMENTS OF MARIAN  
ANDERSON AND WILLIAM LEIKEN (EXHIBIT G)**

**OREGON INTERNATIONAL BOARD OF COMMISSIONERS PORT OF COOS BAY –  
REAPPOINTMENTS OF JERRY HAMPEL, CADDY McKEOWN, AND DANIEL SMITH  
(EXHIBIT H)**

**STATE BOARD OF PSYCHOLOGIST EXAMINERS – REAPPOINTMENT OF ROSEMARY  
BERDINE (EXHIBIT I)**

016 Chair Brown Asks if there is anyone who wishes to testify on any of the  
executive appointments.  
018 Chair Brown Seeing no witnesses, closes public hearing on executive  
appointments. Makes comments on executive appointments.  
027 Sen. Atkinson Asks if Mr. Bruner and Ms. Durant could come to see him before  
a work session is held on their appointments.  
030 Chair Brown Offers to allow Sen. Atkinson to meet with witnesses now.  
031 Chair Brown Opens work session on HCR 15.

**HCR 15 – WORK SESSION**

**033 Chair Brown MOTION: Moves HCR 15 be sent to the floor with a BE  
ADOPTED recommendation.**

039 Sen. Ringo Makes comment.

**042 VOTE: 3-0-2**

**EXCUSED: 2 - Ferrioli, Shields**

**Chair Brown Hearing no objection, declares the motion CARRIED.**

**SEN. FERRIOLI will lead discussion on the floor.**

048 Chair Brown Closes work session on HCR 15 and opens public hearing on SB  
1028.

**SB 1028 – PUBLIC HEARING**

063 Bill Sanderson Citizen. Testifies in opposition to SB 1028.  
068 Dick Blum Operators River Northwest Oregon. Submits and reads written  
testimony in opposition to SB 1028 (**EXHIBIT J**).  
123 Michael Greenbaum Riverfront and Property Owner. States opposition to SB 1028 and  
defers to his written testimony. Submits written testimony

**(EXHIBIT K).**

138	Donna Lane	Property Owner, Tillamook County. Testifies in opposition to SB 1028. Submits written testimony <b>(EXHIBIT L)</b> .
176	A.D. "Gus" Meyer	Resident, Tillamook. Testifies in opposition to SB 1028.
250	Meyer	Continues testimony in opposition to SB 1028.
299	Sen. Ferrioli	Believes the McKenzie River was one of the adjudicated navigable rivers in Oregon. Asks if that means that the beds and banks are already owned by the state of Oregon and that they are public.
305	Greenbaum	Replies yes.
307	Sen. Ferrioli	Verifies that witness believes that SB 1028 expands access beyond the declaration of navigability.
308	Greenbaum	Asks for clarification.
310	Sen. Ferrioli	Opines the issue in SB 1028 is recreational use and the description of rights under the Attorney General's (AG) opinion that was recently released. Believes that both are less broad than the declaration of navigability to the high water mark. Reiterates that the McKenzie River's beds and banks are already public land to the high water mark. Wonders if witness thinks that SB 1028 will increase recreational use of the McKenzie River.
320	Greenbaum	Replies no. Believes SB 1028 has very negligible effects on the McKenzie River.
330	Greenbaum	Discusses intention of SB 1028 in regards to the registration of boats and the use of law enforcement.
337	Sen. Ferrioli	Believes that is not the intention of SB 1028. Explains the intention of SB 1028 is to attempt to reduce conflict on the rivers. Discusses issues of conflict.
360	Greenbaum	Believes that SB 1028 will create conflict rather than reduce it. Provides an example.
378	Sen. Ferrioli	Understands what the witness is saying. Believes it is not any different than automobiles license plates.
388	Greenbaum	Discusses accounts that the collected money under SB 1028 will go into.
<b>TAPE 77, B</b>		
002	Chair Brown	States that the McKenzie River has been declared navigable, so the witness currently has the ability to call the local law enforcement if he sees someone breaking the law.
005	Greenbaum	Makes comments about the assignment of numbers.
006	Sen. Ferrioli	States the only difference is that the witness will have the means to identify the lawbreaker.
007	Greenbaum	Asserts that people will fabricate things that did not happen.
008	Chair Brown	Points out rivers are being used without adequate sanitation services. Asks if witness sees that as an issue.
010	Greenbaum	Replies no. States that where he lives trash cans are being pulled.
011	Chair Brown	Asks for clarification of pulling trash cans.
012	Greenbaum	Explains that trash cans are disappearing.
013	Chair Brown	Asks witness why he thinks that is.
014	Greenbaum	Responds.
018	Chair Brown	Discusses potential increase in law enforcement. Discusses priorities of law enforcement. Provides an example.
030	Greenbaum	Replies.
031	Sen. Ferrioli	Discusses purpose of registration fee.
040	Chair Brown	Discusses boating registration in Minnesota.
047	Greenbaum	Discusses money given to the Oregon Marine Board. States that

		the Oregon Marine Board is known for being pro-motorized boating. Discusses who will receive benefits.
060	Chair Brown	Discusses appointees to the Oregon Marine Board. Asks witness to name another authority he prefers if he believes that the Oregon Marine Board is not the appropriate board of jurisdiction.
065	Greenbaum	Believes the committee should create a non-motorized board.
069	Chair Brown	States for the record that she is a kayaker.
071	Sen. Ferrioli	States that the AG's opinion about recreational use of Oregon's rivers is very broad. States there is not a clear definition of floatage in statute, and SB 1028 is an attempt to clarify this. Points out that it seems like the concerns that the other witnesses have would be addressed in SB 1028. Believes SB 1028 benefits landowners.
106	Meyer	Discusses the AG's opinion.
125	Sen. Ferrioli	Agrees. States that SB 1028 is an attempt to clarify the rights of recreational users and property owners. Reiterates that he understands and agrees with witness. States that SB 1028 is an attempt to put clarity into statute.
135	Meyer	Discusses responsibilities of landowners. Discusses portage.
152	Sen. Ferrioli	Verifies that the portage issue needs to be clarified.
153	Meyer	Replies yes. States support for local solutions.
162	Chair Brown	Thanks witnesses for their testimony.
165	Chair Brown	Recesses public hearing on SB 1028 and opens work session on executive appointments.

**EXECUTIVE APPOINTMENTS – WORK SESSION**

**BOARD OF DIRECTORS OF STATE ACCIDENT INSURANCE FUND CORPORATION – APPOINTMENT OF CATHERINE TRAVIS AND ROBB VAN CLEAVE**(See Exhibit A of May 9 Committee Minutes)

**WATER RESOURCES COMMISSION – APPOINTMENTS OF CHARLES BARLOW, JOHN JACKSON, MARY MELOY, GARY REED AND REAPPOINTMENTS OF JAY RASMUSSEN AND SUSIE SMITH** (See Exhibit B of May 9 Committee Minutes)

166	Chair Brown	<b>MOTION: Moves the APPOINTMENTS of Catherine Travis and Robb Van Cleave to the Board of Directors of State Accident Insurance Fund Corporation to the floor with the recommendation that the appointments BE CONFIRMED EN BLOC.</b>
168	Chair Brown	<b>VOTE: 3-0-2 EXCUSED: 2 - Atkinson, Shields Hearing no objection, declares the motion CARRIED. SEN. FERRIOLI will lead discussion on the floor.</b>
189	Chair Brown	<b>MOTION: Moves to waive the appearances of Jay Rasmussen and Susie Smith, and the APPOINTMENTS of Charles Barlow, John Jackson, Mary Meloy, Gary Reed, and the REAPPOINTMENTS of Jay Rasmussen and Susie Smith to the Water Resources Commission to the floor with the recommendation that the appointments and reappointments BE CONFIRMED EN BLOC.</b>
190	Chair Brown	<b>VOTE: 3-0-2 EXCUSED: 2 - Atkinson, Shields Hearing no objection, declares the motion CARRIED.</b>

**SEN. RINGO will lead discussion on the floor.**

184 Chair Brown Closes work session on executive appointments and re-opens public hearing on SB 1028.

**SB 1028 – PUBLIC HEARING**

190 Art Israelson River Access Director, Northwest Steelheaders. Discusses concerns with section 2(3) of SB 1028.

215 Chair Brown Asks witness for suggestions.

216 Israelson Suggests committee retain state wide plan and avoid local control. Discusses letter submitted at the last public hearing on SB 1028 (5/16/2005). Discusses pollution on the land in Tillamook County.

249 Heather McNeill Citizen. Discusses the Oregon Beach Law. Discusses Oregon Supreme Court case *Trullinger v. Howe* (1909).

293 Lawrence Edwards Resident, Marion County. Submits written testimony on SB 1028 **(EXHIBIT M)**. Remarks on earlier testimony. Makes correction to testimony made on Monday, 05/16/2005 regarding the McKenzie River. Discusses floatage. Discusses right of portage. Makes suggestion to committee.

385 Israelson States some deeds go to the high water mark, the low water mark, the center of the river, across the river, or the thread of the river. Discusses recent court case regarding the navigability of the John Day River and opinion of the Court of Appeals.

402 Sen. Ferrioli Believes the issue of ownership is less important than the question of how to manage. States that SB 1028 does not address the issue of ownership but does address the issues of management.

411 Chair Brown Provides an analogy. Believes the intent of SB 1028 is to ensure that everyone is abiding by the same set of guidelines.

416 Edwards Comments that is what the laws that were on the books in 1940 did. Explains in detail.

426 Chair Brown Remarks that she does not disagree with witness' suggestions. Believes the difficulties faced today are different than those faced in the early 1900s in regards to the number of people.

439 Edwards States it was 1957 when those laws were repealed.

440 Chair Brown Remarks the population has changed substantially since 1957 and river use has changed substantially also.

443 Edwards Makes comment.

**The following prepared testimony is submitted for the record without public testimony:**

Bryon Madsen Citizen. Submits written testimony in opposition to SB 1028 **(EXHIBIT N)**.

445 Chair Brown Closes public hearing on SB 1028 and adjourns meeting at 4:31 p.m.

**EXHIBIT SUMMARY**

- A. Executive Appointments, Oregon Board of Dentistry, staff and Governor's office, 10 pp**
- B. Executive Appointments, Oregon Government Standards and Practices Commission, staff and Governor's office , 8 pp**
- C. Executive Appointments, Oregon Investment Council, staff and Governor's office, 6 pp**
- D. Executive Appointments, Public Employees' Benefit Board, staff and Governor's office, 6 pp**
- E. Executive Appointments, State Plumbing Board, staff and Governor's office, 4 pp**
- F. Executive Appointments, State Board of Parole and Post-Prison Supervision, staff and**

**Governor's office, 8 pp**

**G. Executive Appointments, Long Term Care Advisory Committee, staff and Governor's office, 9 pp**

**H. Executive Appointments, Oregon International Board of Commissioners Port of Coos Bay, staff and Governor's office, 14 pp**

**I. Executive Appointments, State Board of Psychologist Examiners, staff and Governor's office, 8 pp**

**J. SB 1028, written testimony, Dick Blum, 1 p**

**K. SB 1028, written testimony, Michael Greenbaum, 6 pp**

**L. SB 1028, written testimony, Donna Lane, 1 p**

**M. SB 1028, written testimony, Lawrence Edwards, 8 pp**

**N. SB 1028, written testimony, Bryon Madsen, 2 pp**