

## SENATE COMMITTEE ON RULES

May 26, 2005  
3:00 P.M.

Hearing Room B  
Tapes 84 - 85

Corrected 10/27/05

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

**STAFF PRESENT:**       **Tiffany Harris, Committee Administrator**  
                                  **Brittany Kenison, Committee Assistant**

**MEASURE/ISSUES HEARD:**  
                                  **SCR 9 – Public Hearing and Work Session**  
                                  **HB 2189A – Public Hearing**  
                                  **SB 1028 – Work Session**

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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.

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 84, A</b>		
003	Chair Brown	Calls the meeting to order at 3:09 p.m. Opens a public hearing and work session on SCR 9. Notes that they are meeting as a sub committee.
<b><u>SCR 9 –PUBLIC HEARING AND WORK SESSION</u></b>		
015	Tiffany Harris	Committee Administrator. Presents an overview of SCR 9. Submits article from The Register-Guard, entitled "Clay Myers, Oregonian: Can we recapture his optimism?" ( <b>EXHIBIT A</b> ).
020	Chair Brown	Discusses article.  Note: The committee is now meeting as a full committee.
023	Carolyn Lindback	Daughter of Clay Myers. Testifies in support of SCR 9.
032	Sen. Ringo	Shares his support of SCR 9.
040	John Lindback	Son-in-Law of Clay Myers. Testifies in support of SCR 9.
065	Sen. Shields	Shares his experience with Clay Myers.
<b>070</b>	<b>Chair Brown</b>	<b>MOTION: Moves SCR 9 be sent to the floor with a BE ADOPTED recommendation.</b> <b>VOTE: 4-0-1</b> <b>EXCUSED: 1 - Ferrioli</b> <b>Chair Brown</b> <b>Hearing no objection, declares the motion CARRIED.</b> <b>SEN. CARTER will lead discussion on the floor.</b>
077	Chair Brown	Closes the public hearing and work session on SCR 9. Opens a public hearing on HB 2189A.
<b><u>HB 2189A – PUBLIC HEARING</u></b>		
080	Tiffany Harris	Committee Administrator. Presents an overview of HB 2189A and submits the –A2 amendments ( <b>EXHIBIT B</b> ) and the –A3 amendments ( <b>EXHIBIT C</b> ).
090	BethAnne Darby	Oregon Education Association. Member, Public Employees Retirement System (PERS) Coalition. Testifies in support of HB

2189A.  
105 Robert Duehmig Representative, Oregon Health and Science University (OHSU). Testifies in support of HB 2189A.  
125 Darby Explains the -A3 amendments to HB 2189A.  
164 Chair Brown Ask Darby to explain the phrase “geographical distinctions,” as used in the bill.  
165 Darby Responds. Continues to explain the –A3 amendments.  
187 Chair Brown Asks if the amendments will resolve the community colleges issue regarding PERS.  
190 Darby Responds, yes.  
195 Jim Green Oregon School Board Association. Public Employees. Testifies in support of HB 2189A with the –A2 amendments and the –A3 amendments. Provides additional explanation of the Chair’s question. Discusses the issue of part-time employees under PERS.  
236 Chair Brown Clarifies that Darby and Green were speaking to the -A3 amendments and Duehmig was speaking to the –A2 amendments.  
245 Sharon McKeehan Oregon Department of Administrative Services (DAS). Submits and presents written testimony in support of HB 2189A **(EXHIBIT D)**.  
280 Chair Brown States that a work session will not be held today. Closes the public hearing on HB 2189A and opens a work session on SB 1028.

**SB 1028 – WORK SESSION**

Tiffany Harris Committee Administrator. Submits the -3 amendments **(EXHIBIT E)**, the -4 amendments **(EXHIBIT F)**, and the -5 amendments **(EXHIBIT G)** to SB 1028.  
285 Brendan McCarthy Legislative Counsel Office. Provides an explanation of the -5 amendments.  
337 Sen. Ringo Asks McCarthy which section he is referring to regarding waterway obstructions.  
340 McCarthy Answers that it is page 7, section 7, subsection 2 of the -5 amendments to SB 1028. Continues to explain the -5 amendments to SB 1028.  
375 Chair Brown Asks to clarify that lakes, such as Lake Oswego, are not included in the bill.  
379 McCarthy Responds.  
385 Sen. Ringo Asks about the impact of natural lakes.  
387 McCarthy Responds.  
397 Sen. Ringo Asks for clarification regarding the navigability of rivers and streams.  
400 McCarthy Responds.  
408 Sen. Shields Asks if the bill will restrict public access.  
415 McCarthy Responds.  
435 Inga Deckert Director, Legislative and Public Affairs, Oregon State Treasury. Asks Sen. Shields to clarify “access.”  
447 Sen. Shields Responds.  
450 Deckert Responds to Sen. Shields question regarding public access.  
**TAPE 85, A**  
020 McCarthy Provides further information regarding Sen. Shield’s concern of public access.  
027 Sen. Shields Discusses the issue of fairness for public access in the bill.  
033 Chair Brown States that the opinion of fairness is subjective. Asks McCarthy to comment.

038	McCarthy	Responds to the Chair's statement.
045	Sen. Ringo	Asks for clarification of the phrase "at any time" and "floatable" used in the bill.
058	McCarthy	Responds.
060	Sen. Ringo	Asks McCarthy to define "ephemeral."
061	McCarthy	Responds.
065	Sen. Ringo	Clarifies the term "floatable."
069	McCarthy	Responds.
078	Sen. Ringo	Refers to page two (2) of SB 1028. Asks if the State Land Board can reduce the public access.
085	Deckert	Responds.
097	Sen. Ringo	Asks a question regarding restrictions and navigability.
103	Deckert	States that she is unaware of the State Land Board's restrictions.
111	McCarthy	Provides opinion regarding Sen. Ringo's question.
125	Sen. Ringo	Asks if there is a possibility for unintended restrictions of public access in the bill.
132	Deckert	Answers that it is not the intent of the bill.
145	Ernie Kuntz	Citizen, Oregon. Testifies regarding SB 1028.
162	Chair Brown	Asks Kuntz which river he lives on.
164	Kuntz	Responds that it is the Clackamas River. Continues testimony.
194	Chair Brown	Asks Kuntz if he knows who his legislature member is.
200	Kuntz	Believes that it is Sen. Rick Metsger.
203	Chair Brown	Advises that she contact him regarding his concerns.
208	Kuntz	Concludes testimony.
230	Chair Brown	Instructs Kuntz to leave his contact information. Discusses recommendation from Brad Swank for fine collections.
<b>233</b>	<b>Sen. Ferrioli</b>	<b>MOTION: Moves to ADOPT SB 1028-5 amendments dated 5/26/05.</b>
		<b>VOTE: 4-0-1</b>
		<b>EXCUSED: 1 - Ringo</b>
	<b>Chair Brown</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>237</b>	<b>Sen. Ferrioli</b>	<b>MOTION: Moves SB 1028 AS AMENDED to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Budget by prior reference.</b>
240	Sen. Ferrioli	Discusses current issues that SB 1028 with the -5 amendments will address.
335	Sen. Shields	Discusses SB 1028.
345	Sen. Atkinson	States why he opposes the bill.
<b>410</b>		<b>VOTE: 3-1-1</b>
		<b>AYE: 3 - Ferrioli, Shields, Brown</b>
		<b>NAY: 1 - Atkinson</b>
		<b>EXCUSED: 1 - Ringo</b>
	<b>Chair Brown</b>	<b>The motion CARRIES.</b>
412	Chair Brown	Closes the work session on SB 1028 and adjourns the meeting at 4:06 p.m. knowledgeable

## EXHIBIT SUMMARY

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- A. SCR 9, article, staff, 2 pp**
- B. HB 2189, -A2 amendments, staff, 1 p**
- C. HB 2189, -A3 amendments, staff, 30 pp**
- D. HB 2189, written testimony, Sharon McKeehan, 2 pp**

- E. SB 1028, -3 amendments, staff, 1 p**
- F. SB 1028, -4 amendments, staff, 20 pp**
- G. SB 1028, -5 amendments, staff, 17 pp**