

## SENATE COMMITTEE ON RULES

June 15, 2005  
8:30 A.M.

Hearing Room B  
Tape 106  
Corrected 11/10/05

**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  
Katie Lowry, Committee Assistant

**MEASURE/ISSUES HEARD:**

Executive Appointments – Work Session  
Director Department of Revenue  
Elizabeth Harchenko  
Commission for the Blind  
Frank Armstrong  
Irvin Handelman  
Oregon Government Standards and Practices Commission  
Delna Jones  
Psychiatric Security Review Board  
Norwood Knight-Richardson  
Appointment to unexpired term  
Norwood Knight-Richardson  
Reappointment to new term  
Board on Public Safety Standards and Training  
Steven Piper  
Commission on Women  
Vicki Wegener  
V. Anna Willman  
SB 1037A – 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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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 106, A</b>		
005	Chair Brown	Calls the meeting to order at 8:37 a.m. Makes opening remarks. Comments on amendments to HB 3489. Opens a work session on executive appointments.

**EXECUTIVE APPOINTMENTS – WORK SESSION**

**DIRECTOR DEPARTMENT OF REVENUE – APPOINTMENT OF ELIZABETH HARCHENKO**

(See Exhibit A of June 8 Committee Minutes)

**016**                      **Chair Brown**                      **MOTION:** Moves the APPOINTMENT of Elizabeth Harchenko to the Director Department of Revenue to the floor with the recommendation that the appointment BE CONFIRMED.

017

Chair Brown

VOTE: 4-0-1

EXCUSED: 1 - Ferrioli

Hearing no objection, declares the motion CARRIED.

SEN. SHIELDS will lead discussion on the floor.

**COMMISSION FOR THE BLIND – REAPPOINTMENTS OF FRANK ARMSTRONG AND IRVIN  
HANDELMAN** (See Exhibit F of June 8 Committee Minutes)

018

Chair Brown

**MOTION:** Moves to waive the appearances and the  
REAPPOINTMENTS of Frank Armstrong and  
Irvin Handelman to the Commission for the Blind  
to the floor with the recommendation that the  
reappointments BE CONFIRMED EN BLOC.

020

Chair Brown

VOTE: 4-0-1

EXCUSED: 1 - Ferrioli

Hearing no objection, declares the motion CARRIED.

SEN. SHIELDS will lead discussion on the floor.

**OREGON GOVERNMENT STANDARDS AND PRACTICES COMMISSION – APPOINTMENT  
OF DELNA JONES** (See Exhibit G of June 8 Committee Minutes)

022

Chair Brown

**MOTION:** Moves the APPOINTMENT of Delna Jones to the  
Oregon Government Standards and Practices  
Commission to the floor with the recommendation  
that the appointment BE CONFIRMED.

024

Chair Brown

VOTE: 4-0-1

EXCUSED: 1 - Ferrioli

Hearing no objection, declares the motion CARRIED.

SEN. SHIELDS will lead discussion on the floor.

**PSYCHIATRIC SECURITY REVIEW BOARD – APPOINTMENT AND REAPPOINTMENT OF  
NORWOOD KNIGHT-RICHARDSON** (See Exhibit I of June 8 Committee Minutes)

026

Chair Brown

**MOTION:** Moves the APPOINTMENT and  
REAPPOINTMENT of Norwood Knight-  
Richardson to the Psychiatric Security Review  
Board to the floor with the recommendation that  
the appointments BE CONFIRMED EN BLOC.

030

Sen. Shields

Verifies that the committee spoke to Dr. Knight-Richardson on  
the telephone last week.

032

Chair Brown

Replies yes.

034

Chair Brown

VOTE: 4-0-1

EXCUSED: 1 - Ferrioli

Hearing no objection, declares the motion CARRIED.

SEN. ATKINSON will lead discussion on the floor.

**BOARD ON PUBLIC SAFETY STANDARDS AND TRAINING – APPOINTMENT OF STEVEN  
PIPER** (See Exhibit E of June 8 Committee Minutes)

036

Chair Brown

**MOTION:** Moves the APPOINTMENT of Steven Piper to  
the Board on Public Safety Standards and  
Training to the floor with the recommendation  
that the appointment BE CONFIRMED.

038

Chair Brown

VOTE: 4-0-1

EXCUSED: 1 - Ferrioli

Hearing no objection, declares the motion CARRIED.

SEN. SHIELDS will lead discussion on the floor.

**COMMISSION FOR WOMEN – APPOINTMENTS OF VICKI WEGENER AND V. ANNA  
WILLMAN** (See Exhibit H of June 8 Committee Minutes)

040

Chair Brown

**MOTION:** Moves the APPOINTMENTS of Vicki Wegner  
and V. Anna Willman to the Commission for

		<b>Women to the floor with the recommendation that the appointments BE CONFIRMED EN BLOC.</b>
042		<b>VOTE: 4-0-1</b>
	<b>Chair Brown</b>	<b>EXCUSED: 1 - Ferrioli</b>
		<b>Hearing no objection, declares the motion CARRIED.</b>
		<b>SEN. SHIELDS will lead discussion on the floor.</b>
045	Chair Brown	Closes work session on executive appointments and opens a work session on approval of drafting requests.
<b><u>APPROVAL OF DRAFTING REQUESTS – WORK SESSION</u></b>		
	Tiffany Harris	Committee Administrator. Submits memo explaining the drafting requests ( <b>EXHIBIT A</b> ).
050	<b>Chair Brown</b>	<b>MOTION: Moves two drafting requests be approved for drafting by Legislative Counsel and BE INTRODUCED as committee bills.</b>
058		<b>VOTE: 4-0-1</b>
	<b>Chair Brown</b>	<b>EXCUSED: 1 - Ferrioli</b>
		<b>Hearing no objection, declares the motion CARRIED.</b>
067	Chair Brown	Closes work session on drafting of legislative concepts and introduction of committee measures.
<b><u>SB 1037A – WORK SESSION</u></b>		
	Tiffany Harris	Committee Administrator. Submits revenue impact statement ( <b>EXHIBIT B</b> ) and fiscal impact statement ( <b>EXHIBIT C</b> ) to SB 1037. Submits overview of the –A11 amendments prepared by committee staff ( <b>EXHIBIT D</b> ).
070	Chris Crean	Assistant County Attorney, Multnomah County. Refers to the amendment summary prepared by committee staff ( <b>EXHIBIT E</b> ).
085	Crean	Discusses the –A11 amendments ( <b>EXHIBIT F</b> ).
097	Crean	Discusses the –A10 amendments ( <b>EXHIBIT G</b> ).
107	Crean	Discusses the –A9 amendments ( <b>EXHIBIT H</b> ).
128	Chair Brown	Verifies that it is the Attorney General’s opinion that Measure 37 (2004) claims are not transferable under the language of the measure as drafted.
131	Crean	Replies yes.
132	Crean	Discusses the –A8 amendments ( <b>EXHIBIT I</b> ).
141	Chair Brown	Asks about the benefit of a tract of record provision.
144	Crean	Points out that tract of record is only an alternative, and is not a sole remedy for someone with a Measure 37 claim. Explains how a tract of record provision works. Discusses benefits of the tract of record alternative.
163	Chair Brown	Verifies that tract of record is not intended to subvert, delay, or deny a person with a Measure 37 claim.
165	Crean	Confirms this. Explains in detail.
168	Chair Brown	Asks witness what advice he would give as a lawyer.
169	Crean	Comments about the tract of record provision.
174	Crean	Summarizes briefly each of the previous amendments.
185	<b>Sen. Ringo</b>	<b>MOTION: Moves to ADOPT SB 1037-A8 amendments dated 06/14/05.</b>
196	Sen. Ferrioli	Inquires when the –A8 amendments were available for distribution to the general public and interested parties.
197	Chair Brown	Believes the –A8 amendments were available this morning.
198	Sen. Ferrioli	Points out that Chair Brown has not normally moved amendments before people have had a chance to adequately review the contents. Remarks he has two pages of questions that have come

		to him regarding the amendments.
204	Chair Brown	Mentions she does not intend to move the bill today. Points out the amendments are deleting provisions rather than adding them.
216	Vice-Chair Ferrioli	States that he will submit his questions in writing but will read them for the record. Reads questions in regards to SB 1037A.
240	Sen. Ringo	Suggests Vice-Chair Ferrioli ask one question at a time if he wishes for Mr. Crean to respond.
242	Vice-Chair Ferrioli	Explains his intention is to read his questions into the record. States that Mr. Crean doesn't really need to be at the witness stand.
244	Sen. Shields	Verifies that Mr. Crean will receive a copy of the questions later and will have a chance to respond.
245	Vice-Chair Ferrioli	Confirms this. Points out this amendment hasn't been distributed. Comments about moving amendments on the same day they were published.
253	Crean	Mentions that the -A11 amendments were the only amendments that came out this morning, and all the other amendments were available yesterday. Notes it may be a distinction without a difference.
257	Sen. Ferrioli	Verifies that Sen. Ringo's motion was on the -A11 amendments.
258	Sen. Ringo	States his motion was on the -A8 amendments. Points out the -A11 amendments were simply to resolve a conflict between two other amendments. States the -A11 amendments do not add anything, but only conform the existing amendments.
262	Vice-Chair Ferrioli	Asks which amendments Sen. Ringo's motion is on.
263	Sen. Ringo	Replies -A8 amendments.
264	Vice-Chair Ferrioli	Verifies the -A8 amendments were distributed earlier.
265	Sen. Ringo	Replies yes. Points out the language in the amendments is language that was part of a discussion among the work group for several months.
267	Vice-Chair Ferrioli	Asks if anyone else testified on the -A8 amendments.
268	Sen. Ringo	Explains Chair Brown opened a work session on SB 1037A and then asked Mr. Crean to present the amendments.
269	Vice-Chair Ferrioli	Asks if there is anyone present who would like to testify on the -A8 amendments. States that he sees no one who wishes to testify. States intention to submit his questions to make them part of the public record. Comments about date of amendments. Recesses the meeting at 8:58 a.m.
288	Chair Brown	Calls the meeting back to order at 9:01 a.m.
289	Sen. Ferrioli	Submits his questions regarding SB 1037A ( <b>EXHIBIT J</b> ).
290	Chair Brown	Understands Sen. Ferrioli does not want the questions answered.
291	Sen. Ferrioli	Explains he does want the questions answered, but did not think it was fair to ask Mr. Crean to answer the questions without having a chance to look at them. Reiterates that he wanted them to be a part of the record. Comments there is a motion on the table and understands the -A8 amendments were available yesterday.
299		<b>VOTE: 3-1-1</b> <b>AYE: 3 - Ringo, Shields, Brown</b> <b>NAY: 1 - Ferrioli</b> <b>EXCUSED: 1 - Atkinson</b> <b>The motion CARRIES.</b>
305	Sen. Ringo	<b>MOTION: Moves to ADOPT SB 1037-A9 amendments dated 06/14/05.</b>

308		<b>VOTE: 3-1-1</b> <b>AYE: 3 - Ringo, Shields, Brown</b> <b>NAY: 1 - Ferrioli</b> <b>EXCUSED: 1 - Atkinson</b> <b>The motion CARRIES.</b>
	<b>Chair Brown</b>	
310	<b>Sen. Ringo</b>	<b>MOTION: Moves to ADOPT SB 1037-A10 amendments dated 06/14/05.</b>
311		<b>VOTE: 3-1-1</b> <b>AYE: 3 - Ringo, Shields, Brown</b> <b>NAY: 1 - Ferrioli</b> <b>EXCUSED: 1 - Atkinson</b> <b>The motion CARRIES.</b>
	<b>Chair Brown</b>	
312	<b>Sen. Ringo</b>	<b>MOTION: Moves to ADOPT SB 1037-A11 amendments dated 06/15/05.</b>
313	Sen. Ferrioli	Asks if the –A11 amendments were published this morning.
314	Sen. Ringo	Reiterates the –A11 amendments resolve conflicts between the –A4 and the –A7 amendments. Explains the –A4 and the –A7 amendments were available yesterday. Points out the –A11 amendments only delete language from the bill that has been there for several months.
325	Sen. Ferrioli	Appreciates the clarification. Comments that sometimes parsing a sentence changes its meaning. Points out that what is deleted may be just as important as what is added. Urges Chair Brown to not move amendments that were posted the same morning.
332	Chair Brown	Appreciates Sen. Ferrioli’s comments.
331		<b>VOTE: 3-1-1</b> <b>AYE: 3 - Ringo, Shields, Brown</b> <b>NAY: 1 - Ferrioli</b> <b>EXCUSED: 1 - Atkinson</b> <b>The motion CARRIES.</b>
	<b>Chair Brown</b>	
336	Chair Brown	Closes work session on SB 1037 and adjourns meeting at 9:04 a.m.

## **EXHIBIT SUMMARY**

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- A. Approval of drafting and introduction requests, memorandum, staff, 8 pp**
- B. SB 1037A, revenue impact statement, staff, 6 pp**
- C. SB 1037A, fiscal impact statement, staff, 3 pp**
- D. SB 1037A, overview of –A11 amendments, staff, 2 pp**
- E. SB 1037A, amendment summary, staff, 1 p**
- F. SB 1037A, -A11 amendments, staff, 2 pp**
- G. SB 1037A, -A10 amendments, staff, 1 p**
- H. SB 1037A, -A9 amendments, staff, 1 p**
- I. SB 1037A, -A8 amendments, staff, 1 p**
- J. SB 1037A, questions, Sen. Ted Ferrioli, 1 p**