

SENATE COMMITTEE ON RULES

**June 16, 2005
8:30 A.M.**

**Hearing Room B
Tapes 107 -108**

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
 Linda K. Gatto, Committee Assistant**

MEASURE/ISSUES HEARD:

- HB 2754A – Public Hearing and Work Session**
- Executive Appointments – Public Hearing**
- Oregon Tourism Commission**
- Jeffery Jobe**
- Oregon Watershed Enhancement Board**
- Jim Nakano**
- Helen Westbrook**
- Robert Brunoe**
- Commission for the Blind**
- Donald Dartt**
- Construction Contractors Board**
- Dennis Schad**
- State Board of Direct Entry Midwifery**
- Michele Bouche**
- Outdoor Youth Program Advisory Board**
- Robert Cooley**
- Peter Green**
- Oregon Patient Safety Commission Board of Directors**
- Judith Hibbard**
- Bruce Johnson**
- George Miller**
- Board on Public Safety Standards and Training**
- Harold Burke-Sivers**
- Robert King**
- Robert Tardiff**
- Oregon Transportation Commission**
- Randall Pape'**
- HB 3127 – Public Hearing and Work Session**
- HB 2840A – Public Hearing and Work Session**
- HB 3415A – Public Hearing and Work Session**
- Executive Appointment – Public Hearing**
- Commission for Women**
- Ellie McPeak**

MEASURE/ISSUES HEARD:

- HB 2174A – Public Hearing**
- HB 2537 – Public Hearing**

TAPE/#	Speaker	Comments
TAPE 107, A		
004	Chair Brown	Calls the meeting to order at 8:30 a.m. Announces that HB 2389A has been taken off the agenda. Opens the public hearing and work session on HB 2754.
<u>HB 2754A- PUBLIC HEARING</u>		
016	Tiffany Harris	Committee Administrator. Explains the provisions of HB 2754A.
019	Senator Doug Whitsett	Senate District 28. Testifies in support of HB 2754A explaining the need to educate allied health care professionals.
044	Denise Honzel	Submits and reads prepared testimony in support of HB 2754A (EXHIBIT A) .
100	Rep. Bill Garrard	House District 56. Testifies in support of HB 2754A and Oregon Institute of Technology (OIT).
107	Chair Brown	Announces that Jo Bell has submitted prepared testimony in support of HB 2754A for the record (EXHIBIT B) .
109	Chair Brown	Closes the public hearing on HB 2754A and opens the work session on HB 2754A.
<u>HB 2754A – WORK SESSION</u>		
111	Rep. Atkinson	MOTION: Moves HB 2754A to the floor with a DO PASS recommendation.
113		VOTE: 5-0-0
	Chair Brown	Hearing no objection, declares the motion CARRIED.
		SEN. WHITSETT will lead discussion on the floor.
117	Chair Brown	Closes the work session on HB 2754A and opens the public hearing on executive appointments.
<u>EXECUTIVE APPOINTMENTS – PUBLIC HEARING</u>		
<u>OREGON TOURISM COMMISSION – APPOINTMENT OF JEFF JOBE (EXHIBIT C)</u>		
126	Jeff Jobe	Explains his qualifications and interest in the appointment to the Oregon Tourism Commission.
136	Sen. Ferrioli	Comments on Oregon's diversity and asks Mr. Jobe to discuss rodeos.
141	Jobe	Responds he is from Oklahoma and grew up in the backyard of the national finals, he knows very much about rodeos.
<u>OREGON WATERSHED ENHANCEMENT BOARD – APPOINTMENT OF HELEN WESTBROOK (EXHIBIT D, Page 1)</u>		
157	Helen Westbrook	Explains her qualifications and interest in the appointment to the Oregon Watershed Enhancement Board (OWEB).
169	Sen. Shields	Notes that OWEB can be difficult at times.
<u>COMMISSION FOR WOMEN – APPOINTMENT OF ELLIE MCPEAK (EXHIBIT S)</u>		
220	Chair Brown	Closes the public hearing on executive appointment to the Commission for Women due to difficulty in reaching Ms. McPeak.*(see tape 108, B #066)
<u>OREGON WATERSHED ENHANCEMENT BOARD – APPOINTMENT OF JIM NAKANO (EXHIBIT D, Page 6)</u>		
242	Jim Nakano	Explains his qualifications and interest in the appointment to the Oregon Watershed Enhancement Board (OWEB).
275	Chair Brown	Closes the public hearing on the executive appointment of Jim Nakano to the Oregon Watershed Enhancement Board.
275	Chair Brown	Opens a public hearing on reappointments.
<u>COMMISSION FOR THE BLIND - REAPPOINTMENT OF DONALD DARTT (EXHIBIT E, Page 1)</u>		

**CONSTRUCTION CONTRACTORS BOARD – REAPPOINTMENT OF DENNIS SCHAD
(EXHIBIT V)**

**STATE BOARD OF DIRECT ENTRY MIDWIFERY – REAPPOINTMENT OF MICHELE
BOUCHE (EXHIBIT W)**

**OUTDOOR YOUTH PROGRAM ADVISORY BOARD – REAPPOINTMENT OF ROBERT
COOLEY AND PETER GREEN (EXHIBIT X)**

**OREGON PATIENT SAFETY COMMISSION BOARD OF DIRECTORS – REAPPOINTMENT OF
JUDITH HIBBARD , BRUCE JOHNSON AND GEORGE MILLER (EXHIBIT Y)**

**BOARD ON PUBLIC SAFETY STANDARDS AND TRAINING – REAPPOINTMENT OF HAROLD
BURKE-SIVERS, ROBERT KING, AND ROBERT TARDIFF (EXHIBIT Z)**

**OREGON TRANSPORTATION COMMISSION – REAPPOINTMENT OF RANDALL
PAPE’ (EXHIBIT AA)**

**OREGON WATERSHED ENHANCEMENT BOARD – REAPPOINTMENT OF ROBERT BRUNOE
(EXHIBIT D)**

286	Chair Brown	Seeing no requests for public testimony closes the public hearing on executive reappointments. Opens the public hearing on HB 3127.
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HB 3127 – PUBLIC HEARING

290	Tiffany Harris	Explains the provisions of HB 3127.
298	Sandy Flicker	Executive Director, Oregon Rural Electric Cooperative Association. Submits prepared testimony and the -1 amendments (EXHIBIT F) . States that the bill is sponsored by Rep. Bob Jenson.
309	Shaun Jillions	Legislative Assistant to Rep. Bob Jenson, House District 58. States that Rep. Jenson is in support of the -1 amendments.
319	Justin Burns	Attorney, Oregon Trail Electric Company. States the bill requests to align the definition of non-profit corporations for the purpose of the ethics statutes. Adds there is no known opposition.
337	Vice-Chair Ferrioli	Refers to the -1 amendments and invites an overview.
336	Burns	Responds that Rep. Merkley requested the amendments to clarify that the language applies only to the directors on boards of non-profits; not executive directors of non-profits.
358	Chair Brown	Closes the public hearing on HB 3127 and opens the work session on HB 3127.

HB 3127 – WORK SESSION

360	Sen. Ferrioli	MOTION: Moves to ADOPT HB 3127-1 amendments dated 04/25/05.
362		VOTE: 4-0-1
		EXCUSED: 1 - Shields
	Chair Brown	Hearing no objection, declares the motion CARRIED.
366	Sen. Ferrioli	MOTION: Moves HB 3127 to the floor with a DO PASS AS AMENDED recommendation.
372		VOTE: 4-0-1
		EXCUSED: 1 - Shields
	Chair Brown	Hearing no objection, declares the motion CARRIED.
		SEN. FERRIOLI will lead discussion on the floor.
383	Chair Brown	Closes the work session on HB 3127 and opens the public hearing on HB 2840A.

HB 2840A – PUBLIC HEARING

391	Tiffany Harris	Committee Administrator. Explains the provisions of HB 2840A.
410	Rep. Vicki Berger	House District 20. States that she sponsored legislation to repeal the school zone law enacted two years ago. Expresses the concerns raised by her constituency; inconsistency and the 24

462	Rep. George Gillman	hour rule. States that the flashing yellow lights are effective. House District 55. States that it took four months to compromise on the language because there were a variety of viewpoints expressed. The final compromise was school zones 7-5, five days a week. Concurs that the flashing light in a school zone gives control to the school when they need it.
TAPE 108, A		
039	Rep. Deborah Boone	House District 32. Refers to the field hearing in Bend and the compromise of the end product. Comments on the effectiveness of flashing lights in school zones.
054	Rep. Chuck Burley	House District 54. Discusses the variety in viewpoints on the issue. Notes there is a Safe Routes to Schools bills in the Judiciary Committee as well as an appropriations bill in Congress; suggests that perhaps some of those dollars may be used to help install lights.
069	Chair Brown	States that the City of Portland recommends 7-7, seven days a week.
073	Rep. Berger	Responds that 5-7 is prime commuter time not prime school time. Relays her personal story about when she was hit by a car and states that irresponsibility cannot be legislated.
111	Rep. Gillman	Addresses the 24/7 proposal stating there is not statistical evidence that warrants a problem to be solved. Notes that most of the zones in Portland are proposing a change from 25 mph to 20 mph but in rural areas it is from 35 or 40 mph to 20 mph.
139	Sen. Ringo	Asks if local communities could raise money for the installation of flashing lights and then the lights could be activated by the school.
142	Rep. Berger	Interjects that in the absence of the flashing lights, the speed limit would be 20 mph, 7-5, on school days.
145	Rep. Gillman	Theorizes that the lights could be activated for a Saturday morning game. Asks if there are guidelines on who can activate the lights.
147	Rep. Berger	Rep. Berger nods her head.
151	Rep. Gillman	Comments that there are two issues; how does the general public know when it is a school day, and who controls the lights and under what authority.
160	Rep. Ringo	Asks why the authority was not specified in the bill.
164	Rep. Burley	Explains the question of authority did not come up and the question could be deferred to the school districts.
176	Sen. Ringo	States that schools are a place for kids evenings and weekends, safety is needed at those times. Offers that flexibility is needed.
185	Rep. Berger	Responds that is part of the legislation but not the authority or restrictions. Discusses the difference between a school zone around a school and crosswalk school zone.
207	Chair Brown	States that the authority for who controls the lights can be left to the school districts.
211	Rep. Gillman	Recommends an amendment for the emergency clause to be effective July 1, 2005.
242	Troy Costales	Oregon Department of Transportation (ODOT). Submits prepared testimony (EXHIBIT G) and states that this bill works out most of the inconsistencies. States that under current law the time can be changed.
242	Jon Oshel	Association of Oregon Counties (AOC). Supports this compromise. States that the public has expressed frustration over

282	Christine Munson	the hours being too extensive and inconsistencies, such as, what is a school day. League of Oregon Cities (LOC). States neutrality on the bill because elected officials, police chiefs and traffic engineers could not come to consensus. Emphasizes three points; expenses to local government each time the law is changed, the purchase and control of flashing lights are done in partnerships with the cities and school districts, and the delay of the implementation date.
309	Sen. Ringo	Asks who should activate the lights.
315	Munson	Reiterates that activation of the lights is a partnership with the cities and the school districts.
342	Chair Brown	Comments on the reduction in traffic when school is out.
360	Rep. Donna Nelson	House District 24. Testifies in support of HB 3415*. Testifies in support of HB 2840A stating that it is unnecessary to restrict speed zones at times when children are not in the vicinity of schools.
401	Mark Lear	Traffic Investigations Manager, City of Portland. Submits and summarizes prepared testimony in support of extending protection to adjacent school zones all days 7 a.m. – 7 p.m. (EXHIBIT H) . Discusses collision risks.

TAPE 107, B

003	Lear	Explains the revenue restrictions of schools and cities to expand the flashing beacon program.
013	Sen. Ferrioli	Confirms the proposal is 7 a.m. – 7 p.m. all day, 365 days a year.
016	Lear	Answers affirmatively.
017	Sen. Ferrioli	Asks what is meant by collision, vehicle to vehicle, or vehicle to child.
018	Lear	Answers cars hitting kids, walking or biking, within three blocks of a school zone.
030	Sen. Ringo	Asks how the flashing lights are activated.
032	Lear	Answers there is a pager device that is activated by code through the signal office. Adds that different communities may have different systems.
048	Chair Brown	Discusses that under current law there are three different school zones on Belmont Ave. Asks if he agrees that the bill addresses the inconsistencies under current statute.
055	Lear	Responds that some streets may have a number of school zones, some that are adjacent and some that are not. Proposes that a long term solution is to provide reasonable protection on 30 mph streets and place flashing beacons on the higher speed areas.
089	Chair Brown	Closes the public hearing on HB 2840A and opens the public hearing on HB 3415.

Written testimony submitted by Tom Chatterton in opposition to HB 2840A **(EXHIBIT I)**.

HB 3415 – PUBLIC HEARING

098	Rep. Dave Hunt	House District 40. Submits and summarizes prepared testimony in support of HB 3415 (EXHIBIT J) .
122	Sen. Rick Metsger	Senate District 26. States the intent of HB 3415 is, if it is apparent that OTIA III funds are not absolutely required to meet repair requirements the monies can be allocated differently.
145	Rep. Kim Thatcher	House District 25. States this is an opportunity to reallocate monies toward projects of statewide significance.
157	Rep. George Gilman	House District 55 and Chair of the House Transportation Committee. Explains that there appears to be savings from OTIA

		III and how those savings should be used is specified in HB 3415.
169	Sen. Gary George	Senate District 12. Comments on Highway 30 traffic backups, Highway 99 W gridlock and roads that are in complete disrepair in Lincoln City.
217	Leslie Lewis	Commissioner, Yamhill County. Submits prepared testimony in support of HB 3415 and states that this bill will help move projects of statewide significance forward (EXHIBIT K) .
269	Bill Kennemer	Commissioner, Clackamas County. Submits prepared testimony in support of HB 3415 (EXHIBIT L) and prepared testimony in support from Washington County and the Oregon Home Builders Association (EXHIBIT M) . Discusses the growth projections of Damascus
299	Jeff Bennett	Chair, Clackamas County Development Commission. Submits prepared testimony in support of HB 3415 and discusses the Sunrise Corridor as a critical link between the Portland region and eastern Oregon (EXHIBIT N) .
332	Art Schlack	Policy Manager, Association of Oregon Counties (AOC). Submits prepared testimony in support of HB 3415 (EXHIBIT O) . States that the funding of projects identified by the Oregon Transportation Commission is of major importance to further economic development.
357	Wilda Parks	President and CEO North Clackamas County Chamber of Commerce. Submits prepared testimony in support of HB 3415 (EXHIBIT P) .
378	Greg DeGrazia	Member, North Clackamas Chamber of Commerce. Reiterates the Chamber's support of HB 3415.
397	Randy Tucker	Legislative Affairs Manager for Metro. Refers to correspondence to the Legislative Assembly and notes support from JPACT on page two (EXHIBIT Q) .
	Rep. Donna Nelson	Provided testimony in support earlier in the meeting *(See Tape 108 #360).
		Prepared testimony submitted for the record from David Marks, Clackamas County Business Alliance; Bob Stewart, Mayor, City of Newberg; C. Diane Ragsdale, Mayor, City of Dundee; Eric Wright and Brent Adams, McMinnville Area Chamber of Commerce; and Sheryl Kelsh, Chehalem Valley Chamber of Commerce (EXHIBIT R) .
427	Chair Brown	Closes the public hearing on HB 3415 and opens the work session on HB 3415.

HB 3415 – WORK SESSION

430	Chair Brown	MOTION: Moves HB 3415 to the floor with a DO PASS recommendation.
433		VOTE: 3-0-2
		EXCUSED: 2 - Ringo, Shields
	Chair Brown	Hearing no objection, declares the motion CARRIED.
		SEN. METSGER will lead discussion on the floor.
438	Chair Brown	Closes the work session on HB 3415 and opens the work session on HB 2840.

TAPE 108, B

HB 2840A – WORK SESSION

038	Chair Brown	Expresses concern about changing the bill in light of numerous conversations with House members.
049	Chair Brown	MOTION: Moves HB 2840A to the floor with a DO PASS recommendation.
050		VOTE: 3-0-2

EXCUSED: 2 - Ringo, Shields

Chair Brown

**Hearing no objection, declares the motion CARRIED.
SEN. ATKINSON will lead discussion on the floor.**

054

Chair Brown

Closes the work session on HB 2840A and opens the public hearing on the executive appointment to the Commission for Women.

EXECUTIVE APPOINTMENT – PUBLIC HEARING

COMMISSION FOR WOMEN – APPOINTMENT OF ELLIE MCPEAK (EXHIBIT S)

066	Ellie McPeak	Testifies via conference call. Explains her interest in serving on the Commission For Women. Provides an overview on the economic and educational challenges of women in Oregon. Discusses how the commission can promote confidence in women and provide information on where women can go for help.
119	Chair Brown	Responds that the advocacy commissions are struggling for funding this session and anticipates needing letters and phone calls to help move a bill that combines the administrative functions of the advocacy commissions.
126	Chair Brown	Closes the public hearing on executive appointments and opens the public hearing on HB 2174A.

HB 2174A – PUBLIC HEARING

130	Tiffany Harris	Committee Administrator. Explains the provisions of HB 2174A. Policy and Program Coordinator, Oregon Economic and Community Development Department (OECD). States support for HB 2174A and explains the purpose is to organize and streamline the statutes for the special public works fund.
140	Gary Whitney	
193	Whitney	Describes the streamlining efforts that are planned.
230	Rep. Brad Avakian	House District 34. Submits and discusses the -8 amendments and supports HB 2174 as it is. Explains that page 11 of the amendments add to the definition of a business development project (EXHIBIT T).
257	Sen. Laurie Monnes Anderson	Senate District 25. Submits prepared testimony on efforts for building a cultural arts center, (EXHIBIT U). Supports adding a center for arts to the definition.
300	Rep. Avakian	Acknowledges the sensitivity to adding new language.
315	Victoria Pruett	OECD. States the department supports infrastructure projects in communities. States neutrality on the bill and suggests that the addition to the language opens up broad interpretation and provides examples.
379	Chair Brown	Closes the public hearing on HB 2174A. Opens the public hearing on HB 2537.

HB 2537 – PUBLIC HEARING

384	Chair Brown	States the bill will not be moved today. Closes the public hearing on HB 2537. States that HB 3179 will need more time. Opens the public hearing on the executive appointment to the Commission for the Blind.
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EXECUTIVE APPOINTMENT – PUBLIC HEARING

COMMISSION FOR THE BLIND – JOYCE GREEN (EXHIBIT E, Page 6)

420	Chair Brown	Unable to make contact, Chair Brown leaves a message and closes the public hearing for executive appointment on the Commission for the Blind. Adjourns the meeting at 3:15 p.m.
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EXHIBIT SUMMARY

- A. HB 2754A, prepared testimony, Denise Honzel, 2 pp
B. HB 2754, prepared testimony, Jo Bell, 2 pp
C. Tourism Commission, Oregon, Governor's office and staff, 7 pp
D. Watershed Enhancement Board, Oregon, Governor's office and staff, 17 pp
E. Blind, Oregon Commission for the, staff, 8 pp
F. HB 3127, prepared testimony and -1 amendments, Sandy Flicker, 4 pp
G. HB 2840A, prepared testimony, Troy Costales, 1 p
H. HB 2840A, prepared testimony, Mark Lear, 6 pp
J. HB 3415A, prepared testimony, Representative Dave Hunt, 2 pp
K. HB 3415A, prepared testimony, Leslie Lewis, 1 p
L. HB 3415A, prepared testimony, Bill Kennemer, 8 pp
M. HB 3415A, prepared testimony, Bill Kennemer, 2 pp
N. HB 3415A, prepared testimony, Jeff Bennett, 3 pp
O. HB 3415, prepared testimony, Arthur Schlack, 1 p
P. HB 3415A, prepared testimony, Wilda Parks, 2 pp
Q. HB 3415A, prepared testimony, Randy Tucker, 2 pp
S. Women, Commission for, staff and Governor's Office, 8 pp
T. HB 2174A, -A8 amendments, Representative Brad Avakian, 12 pp
U. HB 2174, Gresham Center for the Arts, Senator Laurie Monnes Anderson, 1 p
V. Construction Contractors Board, staff, 6 pp
W. Midwifery, State Board of Direct Entry, staff, 7 pp
X. Outdoor Youth Program Advisory Board, staff, 12 pp
Y. Patient Safety Commission Board of Directors, Oregon, staff, 25 pp
Z. Public Safety Standards and Training, Board on, staff, 25 pp
AA. Transportation Commission, Oregon, staff, 7 pp

Testimony submitted without public testimony

- I. HB 2840A, written testimony, Tom Chatterton, 1 p
R. HB 3415A, prepared testimony submitted for the record by David Marks, Bob Stewart, C. Tourism Commission, Oregon, staff, 5 pp