

## SENATE COMMITTEE ON RULES

June 28, 2005  
1:00 P.M.

Hearing Room B  
Tapes 133 – 136

Corrected 10/27/05

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

**GUEST MEMBER:**        **Sen. Peter Courtney**

**STAFF PRESENT:**        **Tiffany Harris, Committee Administrator**  
                                  **James Goulding, Committee Assistant**

**MEASURE/ISSUES HEARD:**

**HB 2507A – Public Hearing and Work Session**  
**HB 2050A – Reconsideration and Work Session**  
**HB 2247A – Public Hearing and Work Session**  
**HB 2340 – Public Hearing and Work Session**  
**HB 2911A – Public Hearing**  
**SB 1083 – Work Session**  
**HB 2113A – Work Session**  
**HB 2800A – Work Session**  
**HB 2429A – Public Hearing and Work Session**  
**HB 2833A – Public Hearing and Work Session**  
**HB 3073A – Public Hearing and Work Session**  
**HB 3151A – Work Session**  
**HB 3075A – Public Hearing and Work Session**  
**SB 1011A – Work Session**  
**SB 1068 – Work Session**  
**HB 3044 – Work Session**  
**HB 2537 – Work Session**  
**SB 1000 – Reconsideration and Work Session**  
**HB 3262 – Public Hearing**

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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 133, A</b>		
003	Chair Brown	Calls the committee to order at 1:14 p.m. Opens a public hearing on HB 2507A.
<b><u>HB 2507A – PUBLIC HEARING</u></b>		
015	Tiffany Harris	Committee Administrator. Explains the provisions of the measure.
020	Rep. Mitch Greenlick	House District 33. Presents testimony in favor of HB 2507A. Discusses the dangerous properties of sodium azide, released from auto vehicles during the dismantling process.

060 Rep. Greenlick Relates the need to remove dangerous compounds from vehicle airbags before they are wrecked or dismantled.

083 Sen. Shields Considers if there is an alternative compound for deploying airbags.

087 Rep. Greenlick Describes alternate methods already being used to deploy airbags. Notes there is an international standard being developed.

096 Chair Brown Closes the public hearing on HB 2507A. Opens a work session on HB 2507A.

**HB 2507A – WORK SESSION**

105 Sen. Ringo **MOTION: Moves HB 2507A to the floor with a DO PASS recommendation.**

109 **VOTE: 4-0-1**  
**EXCUSED: 1 - Ferrioli**  
 Chair Brown **Hearing no objection, declares the motion CARRIED.**  
**SEN. RINGO will lead discussion on the floor.**

111 Chair Brown Closes work session on HB 2507A. Opens a work session on HB 2050 for the purpose of possible reconsideration.

**HB 2050A – RECONSIDERAION AND WORK SESSION**

113 Chair Brown **MOTION: Moves to SUSPEND the rules for the purpose of reconsidering HB 2050A.**

114 Chair Brown Notes this is to adopt the –A7 conflict amendments (EXHIBIT A).

115 **VOTE: 4-0-1**  
**EXCUSED: 1 - Ferrioli**  
 Chair Brown **Hearing no objection, declares the motion CARRIED.**

117 Chair Brown **MOTION: Moves to RECONSIDER the vote by which "HB 2050A was moved to the floor with a do pass as amended recommendation".**

118 **VOTE: 4-0-1**  
**EXCUSED: 1 - Ferrioli**  
 Chair Brown **Hearing no objection, declares the motion CARRIED.**

120 Chair Brown **MOTION: Moves to ADOPT HB 2050A-A7 amendments dated 6/28/05.**

121 **VOTE: 4-0-1**  
**EXCUSED: 1 - Ferrioli**  
 Chair Brown **Hearing no objection, declares the motion CARRIED.**

122 Chair Brown **MOTION: Moves HB 2050A to the floor with a DO PASS AS AMENDED recommendation.**

123 **VOTE: 4-0-1**  
**EXCUSED: 1 - Ferrioli**  
 Chair Brown **Hearing no objection, declares the motion CARRIED.**  
**SEN. RINGO will lead discussion on the floor.**

125 Chair Brown Closes the work session on HB 2050A. Opens a public hearing on HB 2247A.

**HB 2247A - PUBLIC HEARING**

126 Tiffany Harris Committee Administrator. Provides a brief overview of HB 2247A.

128 John VanLandingham Lane County Law and Advocacy Center. Testifies in support of HB 2247A. Notes this measure is identical to SB 636, which was approved by the committee earlier in the session.

151 Pat Schwock Executive Director, Manufactured Homeowners of Oregon. Testifies in support of HB 2247A.

157	Chuck Carpenter	Executive Director, Manufactured Housing Communities of Oregon. Provides his support for the measure.
159	Chair Brown	States that SB 636 has passed out of the Senate Budget committee. Feels it is necessary to move this measure forward in the interest of time.
161	Sen. Ringo	Asks if there is a fiscal impact statement.
163	Chair Brown	Points out it has a minimal fiscal and it does not need to move to the Budget committee. Closes the public hearing on HB 2247A. Opens a work session on HB 2247A.

**HB 2247A - WORK SESSION**

166	Sen. Ringo	<b>MOTION: Moves HB 2247A to the floor with a DO PASS recommendation.</b>
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168	Chair Brown	<b>VOTE: 4-0-1 EXCUSED: 1 - Ferrioli Hearing no objection, declares the motion CARRIED. SEN. SHIELDS will lead discussion on the floor.</b>
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170	Chair Brown	Closes the work session on HB 2247A. Opens a public hearing on HB 2340.
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**HB 2340 – PUBLIC HEARING**

172	Tiffany Harris	Committee Administrator. Provides an overview of HB 2340. Oregon Fire Districts Association. Presents testimony in favor of HB 2340 with the proposed -1 amendments ( <b>EXHIBIT B</b> ).
180	Genoa Ingram	
217	Bob Blackmore	Attorney, representing Tualatin Valley Fire and Rescue. Testifies in regard to the importance of this measure for local fire districts.

233	Ingram	Notes the support of the Oregon Fire Chief's Association.
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237	Chair Brown	Expresses her concern over duplication of fund raising authority. Discusses the possibility that this could lead to the authority to charge fees to provide more revenue.
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247	Ingram	Remarks that districts do not charge their own residents. Notes that their funding comes from other taxes.
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265	Chair Brown	Closes the public hearing on HB 2340. Opens a work session on HB 2340.
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**HB 2340 - WORK SESSION**

275	Chair Brown	<b>MOTION: Moves to ADOPT HB 2340-1 amendments dated 6/2/05.</b>
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277	Chair Brown	<b>VOTE: 4-0-1 EXCUSED: 1 - Ferrioli Hearing no objection, declares the motion CARRIED.</b>
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279	Chair Brown	<b>MOTION: Moves HB 2340 to the floor with a DO PASS AS AMENDED recommendation.</b>
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281	Chair Brown	<b>VOTE: 4-0-1 EXCUSED: 1 - Ferrioli Hearing no objection, declares the motion CARRIED. SEN. ATKINSON will lead discussion on the floor.</b>
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283	Chair Brown	Closes work session on HB 2340. Opens a public hearing on HB 2911A.
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**HB 2911A - PUBLIC HEARING**

285	Harris	Describes the provisions of the measure. McMinnville Rural Fire Protection District (MRFPD). Presents written testimony in favor of HB 2911A ( <b>EXHIBIT C</b> ).
290	Ray Fields	
330	Fields	Continues describing how streamlining between counties can save money.

370	Fields	Advocates the passage of the measure and further explains the changes to rural fire district audits.
410	Fields	Requests changing the effective date to this year, rather than next.
<b>TAPE 134, A</b>		
003	Michelle Deister	League of Oregon Cities. Offers support for the measure.
005	Hasina Squires	Special Districts Association of Oregon. Provides additional support for the measure.
010	Sen. Ringo	Observes changes to receipt of money from all sources and borrowing practices. Wonders what the rationale behind the changes is.
015	Squires	Replies that the removal of receipts is related to the money being received, but not necessarily spent.
023	Sen. Ringo	Relates that he is not sure this will save money, but does not oppose the measure.
027	Squires	Offers that they are asking for a moderate increasing in the inflationary index.
030	Sen. Ringo	Wonders why these numbers are better than the ones already in statute.
032	Fields	Explains that it combines processes to reduce costs.
036	Squires	Relays that it is a negotiated number.
037	Sen. Ringo	Asks who was negotiating.
038	Squires	States that Certified Public Accountants (CPAs) were involved.
040	Sen. Ringo	Wonders what the argument was in relation to setting the limit.
043	Squires	Responds that rural fire districts do not provide service themselves but contract out the work.
049	Sen. Ringo	Considers who was at the table arguing for regular audits.
053	Deister	Observes that they do not want to reduce accountability, but that they have a combined total.
057	Chair Brown	Closes the public hearing on HB 2911A. Opens a work session SB 1083.

**SB 1083 – WORK SESSION**

069	Chair Brown	<b>MOTION: Moves SB 1083 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Revenue by prior reference.</b>
073	Chair Brown	<b>VOTE: 4-0-1 EXCUSED: 1 - Ferrioli Hearing no objection, declares the motion CARRIED.</b>
075	Chair Brown	Closes the work session on SB 1083. Opens a work session on HB 2113A.

**HB 2113A – WORK SESSION**

080	Chair Brown	States the –A4 amendments ( <b>EXHIBIT D</b> ) were drafted to address concerns brought up by Sen. Bruce Starr.
090	Chair Brown	<b>MOTION: Moves to ADOPT HB 2113A-A4 amendments dated 6/28/05.</b>
092	Chair Brown	<b>VOTE: 4-0-1 EXCUSED: 1 - Ferrioli Hearing no objection, declares the motion CARRIED.</b>
094	Chair Brown	<b>MOTION: Moves HB 2113A to the floor with a DO PASS AS AMENDED recommendation.</b>
096		<b>VOTE: 4-0-1 EXCUSED: 1 - Ferrioli</b>

	<b>Chair Brown</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
098	Chair Brown	<b>SEN. B. STARR will lead discussion on the floor.</b> Closes the work session on HB 2113A. Opens a work session on HB 2800A.
<b><u>HB 2800A – WORK SESSION</u></b>		
104	Martin Taylor	Oregon Nurses Association. Testifies in favor of HB 2800A. Expresses favor for –A6 amendments ( <b>EXHIBIT E</b> ). Notes the support of the Hospital Association and Speaker Minnis.
135	Taylor	Notes the –A7 amendment contains elements of SB 450 ( <b>EXHIBIT F</b> ) and is supported by Rep. Dalto.
149	<b>Chair Brown</b>	<b>MOTION: Moves to ADOPT HB 2800-A6 amendments dated 6/27/05.</b> <b>VOTE: 5-0-0</b>
153	<b>Chair Brown</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
155	<b>Chair Brown</b>	<b>MOTION: Moves to ADOPT HB 2800A-A7 amendments dated 6/28/05.</b> <b>VOTE: 5-0-0</b>
157		<b>VOTE: 5-0-0</b>
	<b>Chair Brown</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
158	<b>Chair Brown</b>	<b>MOTION: Moves HB 2800A to the floor with a DO PASS AS AMENDED recommendation.</b> <b>VOTE: 5-0-0</b>
160		<b>VOTE: 5-0-0</b>
	<b>Chair Brown</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
		<b>SEN. SHIELDS will lead discussion on the floor.</b>
163	Chair Brown	Closes the work session on HB 2800A. Opens a public hearing on HB 2429A.
<b><u>HB 2429A – PUBLIC HEARING</u></b>		
182	Barbara Crest	Executive Director, Northwest Automotive Trades Association (NATA). Presents written testimony in favor of HB 2429A ( <b>EXHIBIT G</b> ).
205	Robert Anderson	AJ's Auto Repair in Salem, President of NATA. Testifies in favor of HB 2429A.
244	Sen. Ringo	Wonders who was involved in the drafting of this legislation.
250	Crest	Replies that this measure originated in the 2003 legislative session. Notes the consensus reached among members of the industry.
<b>The following material is submitted for the record without public testimony:</b>		
	Robin Freeman	Oregon Department of Transportation (ODOT). Submits written testimony for the record ( <b>EXHIBIT H</b> )
255	Chair Brown	Closes the public hearing on HB 2429A. Opens a public hearing on HB 2833A.
<b><u>HB 2833A – PUBLIC HEARING</u></b>		
262	Tiffany Harris	Committee Administrator. Provides an overview of the measure.
265	Mark Nelson	Representing Deschutes County. Testifies in favor of HB 2833A. Explains the particulars of the measure.
283	Ken Armstrong	Oregon Juvenile Department Directors Association (OJDDA). Offers his support for the measure.
289	Steven Dye	Director, Juvenile Department, Linn County. Testifies in favor of HB 2833A.
300	Sen. Shields	Comments on differentiating job titles.
302	Dye	Discusses the use of different titles for “probation officers”.
307	Chair Brown	Considers why this is not being done elsewhere if it has been so successful in Deschutes County.

310 Nelson Replies that they are allowing other counties to evaluate their program first.

318 Sen. Ringo Observes they are removing the sunset clause.

323 Nelson Replies yes.

325 Sen. Ringo Offers that the program has been successful enough to warrant removal of the sunset.

330 Nelson Concurs with Sen. Ringo.

331 Sen. Ringo States that the sunset clause occurs in two days. Notes this measure does not have an emergency clause. Asks what will happen while they are waiting for this measure to take effect.

337 Nelson Responds that is a good question.

350 Chair Brown Indicates they need to move on at this time. Informs Mr. Nelson that he can return later. Closes the public hearing on HB 2833A. Opens a public hearing on HB 3073A.

**HB 3073A – PUBLIC HEARING**

356 Harris Explains the provisions of the measure. Notes there is a –A4 amendment to the measure (**EXHIBIT I**).

370 Chair Brown Summarize her understanding of the –A4 amendments. Closes the public hearing on HB 3073A. Opens a work session on HB 3073A.

**HB 3073A – WORK SESSION**

**390 Chair Brown MOTION: Moves to ADOPT HB 3073A-A4 amendments dated 6/28/05.**

391 Sen. Shields Wonders about the uses of “physical force” included in the definition of “self defense”.

393 Harris Clarifies the “self defense” provision of the measure.

395 Sen. Ringo Further clarifies the appropriate use of “self defense”.

405 Chair Brown Appreciates all the clarification.

**408 VOTE: 4-0-1**

**EXCUSED: 1 - Atkinson**

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

**TAPE 133, B**

**003 Chair Brown MOTION: Moves HB 3073A to the floor with a DO PASS AS AMENDED recommendation.**

**005 VOTE: 4-0-1**

**EXCUSED: 1 - Atkinson**

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

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

007 Chair Brown Closes the work session on HB 3073A. Opens a work session on HB 3151A.

**HB 3151A – WORK SESSION**

017 Rep. Debi Farr House District 14. Testifies in favor of HB 3151A. Discusses the various changes made to the measure so far.

047 Rep. Farr Discusses current school lunch programs and volunteer programs in various districts.

058 Sen. Ringo Offers his support for the measure.

062 Rep. Farr Provides additional comments in regard to school districts contracting out for lunches.

073 Sen. Ringo Comments on the –A3 (**EXHIBIT J**) amendments. Wonders where they originated.

075 Rep. Farr Does not know where the –A3 amendments came from.

078 Sen. Ferrioli Suspects the –A3 amendments were drafted by the school districts. States that some school districts are handling this

083	Sen. Ringo	themselves and may not want additional legislative direction.
087	Sen. Ferrioli	Asks which districts he is referring to.
089	Sen. Ringo	Points out the measure only impacts four school districts.
091	Rep. Farr	Feels the other districts have been accommodated.
		Notes two districts would be exempt under the –A3 amendments. Further discusses potential volunteer programs.
107	Sen. Ferrioli	Remarks that the school districts don't appear to be asking for this help.
109	Chair Brown	Closes the work session on HB 3151A. Reopens the public hearing on HB 2429A.

**HB 2429A – PUBLIC HEARING**

115	Tom Gallagher	Schnitzer Steel Industries. States strong support for the measure. Indicates his only concern is that they adopt the –A3 amendments ( <b>EXHIBIT K</b> ) to better allow the recycling process to move forward.
127	Sen. Ringo	Expresses support.
128	Chair Brown	Asks about support for the amendment.
133	Gallagher	Replies the other chamber expressed desire to concur.
135	Chair Brown	Closes the public hearing on HB 2429A. Opens a work session on HB 2429A.

**HB 2429A – WORK SESSION**

137	Chair Brown	<b>MOTION: Moves to ADOPT HB 2429A-A3 amendments dated 6/28/05.</b>
139		<b>VOTE: 3-0-2</b>
		<b>EXCUSED: 2 - Atkinson, Shields</b>
	Chair Brown	<b>Hearing no objection, declares the motion CARRIED.</b>
141	Chair Brown	<b>MOTION: Moves HB 2429A to the floor with a DO PASS AS AMENDED recommendation.</b>
143		<b>VOTE: 3-0-2</b>
		<b>EXCUSED: 2 - Atkinson, Shields</b>
	Chair Brown	<b>Hearing no objection, declares the motion CARRIED.</b>
		<b>SEN. RINGO will lead discussion on the floor.</b>
145	Chair Brown	Closes the work session on HB 2429A. Opens a public hearing HB 3075A.

**HB 3075A – PUBLIC HEARING**

149	Harris	Explains the provisions of the measure.
153	Angela Sherbo	Senior Attorney, Juvenile Rights Project. Offers testimony in favor of HB 3075A.
169	Brian Baker	Staff Attorney, Juvenile Rights Project. Testifies in favor of HB 3075A. Submits written testimony ( <b>EXHIBIT L</b> ).
180	Kevin George	Manager, Foster Care Program, Department of Human Services. Express support for the measure before the committee. Notes there will be additional spending resulting from this program.
195	Chair Brown	Clarifies that this is coming from existing funds.
198	George	Agrees. Provides additional details.
205	Sherbo	Elaborates on Mr. George's comments.
212	Chair Brown	Remarks on the prior hearing of a related measure and the need for changes in the Foster Care Program. Closes the public hearing on HB 3075A. Opens a work session on HB 3075A.

**HB 3075A – WORK SESSION**

230	Chair Brown	<b>MOTION: Moves HB 3075A to the floor with a DO PASS recommendation.</b>
232	Chair Brown	Summarizes the methods by which the program will be funded.

245

Chair Brown

**VOTE: 3-0-2**

**EXCUSED: 2 - Atkinson, Ferrioli**

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

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

247

Chair Brown

Closes the work session on HB 3075A. Opens a work session SB 1011A.

**SB 1011A – WORK SESSION**

255

Brad Higbee

Vioxx Victims United. Testifies in support of SB 1011A. Explains the provisions of the measure.

290

Higbee

Provides an overview of the legal proceedings surrounding Vioxx cases in Oregon. (**EXHIBIT M**)

330

Higbee

Explains the problems experienced by individuals who may not have realized it was caused by the medication.

345

Jim Gardner

Pharmaceutical Research and Manufacturers of America (Pharma). Presents a Staff Measure Summary (SMS) for HB 2080A from the 2003 legislative session (**EXHIBIT N**). Offers a description of the previous legislative debate and the action taken in regard to this issue.

380

Gardner

Continues to detail the particulars of previous legislation that decided not to make the ruling fully retroactive.

**TAPE 134, B**

003

Gardner

Concludes his testimony.

010

Sen. Ringo

Considers who the potential defendants might be.

012

Gardner

States the potential defendants.

014

Sen. Ringo

Observes the choice is between out of state pharmaceutical companies as opposed to injured citizens.

020

Gardner

Feels it is a choice of following previous legislative action.

023

Sen. Ringo

Discusses the previous decision making process. Wonders if a deal made between lobbyists is reason enough to deny claims of injured citizens.

027

Gardner

Concedes that a statute of repose generally has a harsh impact on citizens who fall on the wrong side of it.

035

Sen. Ringo

Remarks that the legal decision was surprising to many.

037

Gardner

Concurs that it surprised many on both sides.

042

Sen. Shields

Comments on the concerns and input he has received from constituents.

045

Higbee

References the statute of ultimate repose. Observes that the problem is with the statute of limitation.

**065**

**Sen. Ringo**

**MOTION: Moves SB 1011A to the floor with a DO PASS recommendation.**

**067**

**VOTE: 3-1-1**

**AYE: 3 - Brown, Ringo, Shields**

**NAY: 1 - Ferrioli**

**EXCUSED: 1 - Atkinson**

**Chair Brown**

**The motion CARRIES.**

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

073

Chair Brown

Closes the work session on SB 1011A. Reopens the work session on HB 2833A.

**HB 2833A – WORK SESSION**

080

Mark Nelson

Representing Deschutes County. Returns to answer Sen. Ringo's earlier questions. States they can place an emergency clause on the measure or allow it to go through as is.

085

Chair Brown

Remarks on the need to keep bills moving through the process.

087

Sen. Ringo

States he is fine with moving this forward.



090 Chair Brown **MOTION: Moves HB 2833A to the floor with a DO PASS recommendation.**

092 Chair Brown **VOTE: 5-0-0**  
**Hearing no objection, declares the motion CARRIED.**  
**SEN. WESTLUND will lead discussion on the floor.**

095 Chair Brown Closes the work session at HB 2833A. Opens a work session on SB 1068.

**SB 1068 – WORK SESSION**

107 Nancy Miller Oregon Judicial Department. Testifies that there are -1 amendments proposed to remove the felony provision of the measure to minimize the fiscal impact (**EXHIBIT O**). Points out the basis of the fiscal is based upon a single criminal charge. Cautions that if there is a second criminal charge added it would create a large fiscal impact.

130 Kelly Skye Oregon Criminal Defense Lawyers Association. Feels they should resist creating a new crime every time a problem is found in the criminal justice system.

165 Skye Notes alternative steps they could take to address this problem. Offers this will be attributed as a subsequent offense. Advocates the consideration of the -2 amendment that is currently being drafted.

182 Jean Kunkle Marion County, Oregon District Attorneys Association. Refers to the creation of new crimes. Notes that this is meant to address the specific problem of criminals who continue to violate release agreements.

216 Chair Brown Wonders what happens if the crime has already been prosecuted and the additional charge occurs.

225 Kunkle Provides that in Marion County the additional contempt would not be charged unless the victim is in great danger.

235 Chair Brown Asks for Ms. Skye’s interpretation.

239 Skye Offers that in Multnomah County, they often don’t learn of the contact until the trial is under way.

255 Chair Brown States she is concerned with the amount of time remaining in the session. Observes this measure still has to move through the budget process.

260 Sen. Ringo Requests to see the release agreement forms from various counties.

264 Skye Presents sample release agreements from various counties (**EXHIBIT P**). Feels defendants are not properly informed by the written agreement alone.

285 Sen. Ringo Observes the non-contact agreement is precisely stated on the form.

290 Skye Clarifies the forms vary from county to county.

295 Chair Brown Articulates her understanding of Ms. Skye’s position.

300 Skye Notes the statute that allows for mandatory arrest for violation of the non-contact agreement. Clarifies the statute.

320 Kunkle Discusses the “non-contact” portion of the form she provided. Notes that when contact occurs victims usually recant their testimony.

338 Sen. Ringo Feels this is a difficult issue to decide on. Feels both are right on this issue.

356 Chair Brown Points out this primarily affects domestic violence cases.

363 Skye States this measure would affect more than just those cases.

375	Sybil Hebb	Oregon Law Center. Offers her perspective on the measure.
400	Hebb	Elaborates on the problem of the accused having contact with victims and convincing them to drop charges.
<b>TAPE 135, A</b>		
007	Chair Brown	Comments on the options available to committee. Notes the variety of amendments proposed.
021	Sen. Ringo	Wonders about the amendments impact on the fiscal statement for the measure.
027	Nancy Miller	Notes that the -1 amendments should alleviate the fiscal impact.
029	Sen. Ferrioli	Offers that some district attorneys may feel it is needed to prosecute this offense as a separate crime.
037	Miller	Replies that it is likely that some of these cases will be charged separately. Feels that most cases will not be.
045	Chair Brown	Proposes making the “non-contact” portion of the agreement printed larger, to prevent it being overlooked on the form.
047	Miller	States that would not have much of a fiscal impact.
055	Sen. Ringo	Remarks he would like a chance to see the forthcoming -2 amendments.
061	Chair Brown	Offers they will set this measure over until tomorrow. Restates her interest in reformatting the agreement forms.
074	Sen. Ringo	Notes he will speak with Ms. Kunkle about the -1 amendments.
076	Chair Brown	Closes the work session on SB 1068. Opens a work session HB 3044.

**HB 3044 – WORK SESSION**

087	Harris	Explains the provisions of the measure.
093	Sen. Shields	Notes the complication of defining a “disabled” person. References the example of “disabled” parking spaces being abused.
103	Chair Brown	References the definition in the measure.
110	Sen. Ferrioli	Observes Oregon is a vote-by-mail state.
117	Chair Brown	States they are awaiting the testimony of the bill’s sponsor. Places the committee at ease for a few moments.
127	Chair Brown	Concurs that this measure was not written to reflect Oregon’s vote-by-mail system. Observes that there are -1 amendments to the measure ( <b>EXHIBIT Q</b> ). Closes the work session on HB 3044. Opens a work session on HB 2537.

**HB 2537 – WORK SESSION**

133	Chair Brown	Observes there are -2 amendments before the committee ( <b>EXHIBIT R</b> ). Asks Senator Verger to explain the amendments.
147	Sen. Joanne Verger	Senate District 5. Testifies in favor of HB 2537. Explains the provisions of the -2 amendments.
164	Sen. Ringo	Notes the complex political dynamics of the south coast.
168	Sen. Verger	Concurs.
175	Chair Brown	Asks about “through-the-fence” operations.
177	Sen. Verger	Talks about previous work on “through-the-fence” operations at airports.
<b>180</b>	<b>Chair Brown</b>	<b>MOTION: Moves to ADOPT HB 2537-2 amendments dated 6/28/05.</b>
<b>182</b>		<b>VOTE: 4-0-1</b> <b>EXCUSED: 1 - Ferrioli</b> <b>Hearing no objection, declares the motion CARRIED.</b>
<b>184</b>	<b>Chair Brown</b>	<b>MOTION: Moves HB 2537 to the floor with a DO PASS AS</b>

**AMENDED recommendation.**

186

Chair Brown

**VOTE: 4-0-1**

**EXCUSED: 1 - Ferrioli**

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

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

198

Chair Brown

Closes the work session on HB 2537. Notes they have not yet heard from the sponsor on HB 3044. Calls for a recess at 3:23 p.m.

**RECESS**

200

Chair Brown

Calls the committee back to order at 3:54 p.m. Opens a work session for purpose of reconsidering SB 1000.

**SB 1000 – RECONSIDRATION AND WORK SESSION**

203

Chair Brown

**MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote on SB 1000.**

207

Sen. Ferrioli

Asks that they discuss the procedure by which this motion is being brought before them.

213

Chair Brown

Observes that in her previous sessions as a minority leader she never denied rules suspensions. Notes that it had not been an issue until now.

217

Sen. Peter Courtney

President of the Senate, Representing Senate District 11. Discusses the guidelines by which this action is occurring. Comments that he has discussed it with Judy Hall, Secretary of the Senate.

233

Sen. Ferrioli

Wonders if there is a precedence for moving a bill from the president's desk back to a committee.

237

Chair Brown

Points out it has occurred in previous sessions.

240

Sen. Ferrioli

Notes the measure barely arrived at the president's desk before being returned to committee.

244

Chair Brown

Responds that it would not have been an issue in prior session because she would not have denied the ability to suspend the rules.

250

Sen. Ferrioli

Relates that this is a precedent setting activity.

253

**VOTE: 4-2-0**

**AYE: 4 – Courtney, Ringo, Shields, Brown**

**NAY: 2 - Atkinson, Ferrioli**

Chair Brown

**The motion CARRIES.**

257

Chair Brown

**MOTION: Moves to RECONSIDER the vote by which "SB 1000 was sent to the floor with a do pass recommendation".**

260

Sen. Ferrioli

Considers how this will affect the minority report.

262

Chair Brown

Observes they will still be able to file the minority report.

264

Sen. Ferrioli

Relates that they can draft a different minority report.

267

Chair Brown

States that further discussion will occur at another time.

269

Sen. Atkinson

Wonders if this vote requires a simple majority.

275

Chair Brown

Replies it requires a super majority vote.

280

Sen. Ferrioli

Comments on the deliberations of their caucus in regards to suspending the rules on this motion.

290

**VOTE: 4-2-0**

**AYE: 4 – Courtney, Ringo, Shields, Brown**

**NAY: 2 - Atkinson, Ferrioli**

Chair Brown

**The motion CARRIES.**

293

Chair Brown

Notes the measure is now back before the committee. Closes the work session on SB 1000. States that before they go into a

public hearing on HB 3263, they will need to reconsider HB 2429 as conflicts have been discovered with the measure. Inquirers if Sen. Ferrioli will allow a rules suspension. Replies he will not.

310 Sen. Ferrioli  
312 Chair Brown  
317 Sen. Ferrioli  
320 Chair Brown  
322 Sen. Ferrioli  
325 Chair Brown

Asks that they have the Senate President return to the committee.  
Clarifies that his caucus had not yet made a decision on allowing the rules suspension, which is why he is denying it at this time.  
Asks if they will need to reconsider the vote on HB 2050 since Sen. Ferrioli was out of the room.  
Replies that they do not need to reconsider it.  
Opens a public hearing on HB 3262 while they await the Senate President.

**HB 3262 – PUBLIC HEARING**

337 Sen. Ben Westlund  
339 Chair Brown

Senate District 27. Observes that Sen. Courtney has arrived.  
Closes the public hearing on HB 3262. Opens a work session for the possible reconsideration of HB 2429 and HB 2247.

**HB 2247, HB 2429 – RECONSIDERATION AND WORK SESSION**

343 Chair Brown  
345 Chair Brown  
347 Sen. Ferrioli  
349  
352 Sen. Ferrioli  
355 Chair Brown  
357 Chair Brown  
359 Chair Brown  
363  
369 Chair Brown  
371  
374 Chair Brown

**MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on HB 2247 and HB 2429.**  
Clarifies the reconsideration is for purposes of addressing conflicts.  
Requests a roll call.  
**VOTE: 3-2-0**  
**AYE: 3 - Ringo, Shields, Brown**  
**NAY: 2 - Atkinson, Ferrioli**  
Observes that the Sen. Courtney did not cast a vote before the gavel had fallen.  
Withdraws the motion. Places the committee at ease at 4:04 p.m.  
Calls the committee back to order at 4:08 p.m.  
**MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on HB 2247 and HB 2429.**  
**VOTE: 4-2-0**  
**AYE: 4 – Courtney, Ringo, Shields, Brown**  
**NAY: 2 – Atkinson, Ferrioli**  
**The motion CARRIES.**  
**MOTION: Moves to RECONSIDER the vote by which "HB 2247 and HB 2429 were sent to the floor with a do pass recommendation".**  
**VOTE: 4-2-0**  
**AYE: 4 – Courtney, Ringo, Shields, Brown**  
**NAY: 2 – Atkinson, Ferrioli**  
**The motion CARRIES.**  
States the conflict amendments are not yet ready. Closes the work session on HB 2247 and HB 2429. Opens a public hearing on HB 3262.

**HB 3262 – PUBLIC HEARING**

407 Sen. Ben Westlund  
430 Chair Brown

Testifies in favor of HB 3262. Describes the -2 amendments (**EXHIBIT S**) and advocates that they be adopted.  
Observes there are many amendments being proposed. Offers

they will hear all the arguments today, and then act on the bill tomorrow.

**TAPE 136, A**

010	Elizabeth Poecker	Air Force Veteran, employee of the Department of Justice, representing herself. Presents written testimony in favor of HB 3262 ( <b>EXHIBIT T</b> ).
050	Sen. Ringo	Asks for additional clarification on the “buyback” provision of the measure.
053	Poecker	Defers to Mr. Delaney to explain the particulars.
056	Sen. Ferrioli	Asks which amendment she is referring to.
058	Poecker	Replies she does not know the specific amendment number.
060	Chair Brown	Clarifies that the provision is in the -2 amendment.
062	Sen. Ferrioli	States that his office also received a -1 amendment.
064	Steve Delaney	Deputy Director, Public Employees Retirement System (PERS). Discusses the calculation of benefits and payments for retirees with prior military service.
083	Sen. Ringo	Wonders which class this benefit would apply to.
086	Delaney	Replies that it only applies to those with military service prior to entering into PERS.
091	Poecker	Voices that it only applies to military personal who will not receive a retirement from their prior service.
100	Jim Green	Oregon School Board. Discusses the -8 amendments ( <b>EXHIBIT U</b> ). Discusses differences between “earn when earned” and “earn when paid”.
132	Chair Brown	Clarifies that the -8 amendments add to the existing measure, and do not replace it.
134	Green	Continues to discuss the need for corrected payroll calculations.
135	Beth Anne Darby	Oregon Education Association. Offers that the -1 amendments were the original set and were not widely distributed.
137	Sen. Ferrioli	Requests that staff copy and distribute the -1 amendments ( <b>EXHIBIT V</b> ).
140	Darby	Describes the provisions of her -6 amendments ( <b>EXHIBIT W</b> ). Voices additional support for the -8 amendments.
170	Green	Reiterates previous discussion of PERS tier requirements for school employments. Voices support of the -6 and -8 amendments.
174	Sen. Ringo	Asks if they have written testimony.
176	Darby	Replies she does not, but could provide him with an outline at a later time.
179	Brian Delashmutt	Representing the Oregon Council of Police Associations, Federation of Oregon Parole and Probation Officers, and the Association of Oregon Corrections Employees. Explains the provisions of the forthcoming -10 amendments.
205	Delashmutt	Describes the complications of “blended services” and resolving payroll issues.
230	Delaney	Responds briefly to Mr. Delashmutt’s testimony
235	Jesse Villarreal Jr.	CEO, PERS Help. Testifies in favor of the -7 amendments ( <b>EXHIBIT X</b> ).
255	Villarreal	Presents his written testimony to the committee including a PERS statement ( <b>EXHIBIT Y</b> ).
312	Sen. Ringo	Requests that those testifying write down their key points to assist in sorting through the multitude of amendments.
320	Delaney	Elaborates on the changes the -10 amendments would make.
328	Chair Brown	Asks if he is okay with -10 amendments.

330	Delaney	Replies that the PERS board has not rendered an opinion. Offers that they could administrate the changes.
335	Chair Brown	Wonders if Mr. Delaney would care to state his opinion on the other amendments.
340	Delaney	Replies that they have no problems with the -1 and -2 amendments. Opposes the -3 amendments. Offers that the -4 amendment is from PERS and make minor clarifications. Comments he has not seen the -5 amendments.
373	Delaney	States that he does not have a position on the -6 amendments. Defers to Mr. Cleary to discuss the -7 amendments.
378	Paul Cleary	Executive Director, PERS. Comments on the remediation of funds in response to Mr. Villarreal's remarks.
405	Cleary	Discusses administrative costs and financial practices of PERS.
<b>TAPE 135, B</b>		
005	Cleary	Talks about the statement submitted by Mr. Villarreal. Discusses reconciling earnings.
037	Sen. Shields	Wonders if after the start up costs have been paid; further costs will be reduced as the program gets going.
041	Cleary	Relates there are one time start up costs. Considers where those costs fit into the payment schedule.
050	Sen. Shields	Hopes that over time the administrative costs would be reduced.
055	Cleary	Relates their intent to minimize administrative costs. Considers the -7 amendment would make them go from a monthly buy system to a daily buy, increasing administrative expenses.
065	Sen. Shields	Asks how it would force them into a daily buying system.
067	Cleary	Replies.
071	Sen. Atkinson	Wonders about his reference to the "clean up" of accounts.
075	Cleary	Talks about checking account balances to see if they match contributions.
080	Sen. Atkinson	Wonders how long the process will take.
082	Cleary	Responds that they are looking at a two year period.
087	Sen. Atkinson	Asks how quickly money coming in is invested.
091	Cleary	Replies that it goes immediately into short term earnings.
099	Sen. Ferrioli	Notes the administrative fees on accounts. Asks if all charges made were appropriate.
105	Cleary	States there is a statutory mandate to recover costs.
109	Sen. Ferrioli	Comments on Mr. Villarreal's statement that "the math is wrong".
115	Cleary	Points out he will get him the third party formula for personal investment calculation that they use.
117	Sen. Ferrioli	Observes the stated earnings and what an account should be credited.
130	Cleary	Notes it is based on how long the money is in the account.
135	Sen. Ferrioli	Considers that there should be additional information on the statement.
140	Cleary	Replies in regard to the earnings summary on the statement.
150	Sen. Ferrioli	Offers that what was initially invested was absorbed by administrative expenses.
154	Cleary	States that it defrayed administrative expenses.
159	Sen. Ringo	Supports the need to simplify the statement so people can better understand their investments.
170	Sen. Ferrioli	Voices his difficulty with the rates being based annually and not accurately reflecting the actual return.
176	Villarreal	Reintroduces himself.

178	Sen. Ringo	Asks what group he represents.
180	Villarreal	Comments on the creation of PERS Help to assist state employees facing retirement problems. Talks about how he got started.
185	Sen. Ringo	Observes that he is overseeing the PERS process.
190	Villarreal	Details the struggles he has had in finding out how PERS was managing its money. Discussing the lack of explanation for how they calculate returns.
230	Villarreal	Shares his findings of retirement plan management by PERS. Contends that Oregon is among the worst states for handling retirements.
240	Sen. Ringo	Seeks additional clarification on why Oregon is among the worst.
245	Villarreal	Elaborates on the problems being experienced with the plans. Comments on the gaps in percentages.
280	Villarreal	Breaks down the various financial elements involved. Notes ways costs could be reduced.
310	Sen. Ferrioli	Comments on the -7 amendments. States that they will likely take this issue up again soon. Adjourns the committee at 5:02 p.m.

## **EXHIBIT SUMMARY**

- A. HB 2050A, -A7 amendments, staff, 14 pp**
- B. HB 2340, -1 amendments, staff, 1 p**
- C. HB 2911A, Written testimony, Ray Fields, 2pp**
- D. HB 2113A, -A4 amendments, staff, 1 p**
- E. HB 2800A, -A6 amendments, staff, 1 p**
- F. HB 2800A, -A7 amendments, staff, 2 pp**
- G. HB 2429A, Written testimony, Barbara Crest, 7 pp**
- H. HB 2429A, Written testimony, Robin Freeman, 1 p**
- I. HB 3073A, -A4 amendments, staff, 1 p**
- J. HB 3151, -A3 amendments, staff, 1 p**
- K. HB 2429A, -A3 amendments, staff, 1 p**
- L. HB 3075A, Written testimony, Brian Baker, 3 pp**
- M. SB 1011A, Written testimony packet, Brad Higbee, 6 pp**
- N. SB 1011A, SMS on HB 2080A from 2003, Jim Gardner, 1 p**
- O. SB 1068, -1 amendments, staff, 1 p**
- P. SB 1068, Sample Release Forms, Kelly Skye, 7 pp**
- Q. HB 3044, -1 amendments, staff, 2 pp**
- R. HB 2537, -2 amendments, staff, 8 pp**
- S. HB 3262, -2 amendments, staff, 3 pp**
- T. HB 3262, Written testimony, Elizabeth Poecker, 2 pp**
- U. HB 3262, -8 amendments, staff, 3 pp**
- V. HB 3262, -1 amendments, staff, 1 p**
- W. HB 3262, -6 amendments, staff, 3 pp**
- X. HB 3262, -7 amendments, staff, 1 p**
- Y. HB 3262, PERS statement, Jesse Villarreal, 1 p**