

SENATE COMMITTEE ON RULES

June 9, 2005
8:30 A.M.

Hearing Room B
Tapes 99 - 100

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**
 Linda K. Gatto, Committee Assistant

MEASURE/ISSUES HEARD:
 SJR 34 – Public Hearing and Work Session
 SB 1067 – Public Hearing
 SJR 10 – Work Session
 SB 818A – Work Session
 HB 3329A – Public Hearing
 SB 578 – Work Session
 SB 1062 – Work Session

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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 99, A		
003	Chair Brown	Calls the meeting to order at 8:34 a.m. Announces that SB 578 will be a public hearing not a work session. Opens the public hearing on SJR 34.
<u>SJR 34 – PUBLIC HEARING</u>		
011	Tiffany Harris	Committee Administrator. Reviews the provisions of SJR 34.
018	Barbara Sam	Tribal Chairperson for the Burns Paiute Tribe. Submits prepared testimony in support of SJR 34 (EXHIBIT A). States that the tribe consists of 340 members and a land base of 770 acres.
034	Sam	Reviews the benefits the Burns Paiute Tribe would realize; tribal sovereignty, increase in tribal land, positive impact on annual funding from the Bureau of Indian Affairs, and increased opportunities to coordinate with state and local governments.
058	Wanda Johnson	Tribal Council. States this bill is very important to the tribal members.
067	Chair Brown	Comments that the Jones property is the former state representative Denny Jones family property.
070	Johnson	Confirms that it is.
074	Chair Brown	Closes the public hearing on SJR 34 and opens the work session on SJR 34.
<u>SJR 34 – WORK SESSION</u>		
075	Sen. Ferrioli	MOTION: Moves SJR 34 be sent to the floor with a BE ADOPTED recommendation.
080		VOTE: 4-0-1 EXCUSED: 1 - Ringo

	Chair Brown	Hearing no objection, declares the motion CARRIED.
087	Chair Brown	SEN. FERRIOLI will lead discussion on the floor. Closes the work session on SJR 34 and opens the public hearing on SB 1067.
<u>SB 1067 – PUBLIC HEARING</u>		
089	Tiffany Harris	Committee Administrator. Reviews the provisions of SB 1067.
096	Michael Dugan	District Attorney for Deschutes County. Testifies that this bill provides protection from unwanted context sent by telephone. Urges support of the bill.
114	Sen. Atkinson	Asks how this expansion would be enforced.
115	Dugan	Explains that with the technology available the text or photographs are preserved on the recipient’s phone.
124	Chair Brown	Closes the public hearing on SB 1067 and opens the work session on SJR 10 and invites testimony.
<u>SJR 10 – WORK SESSION</u>		
140	Ruth Bendl	Portland Resident. Submits prepared testimony in opposition to SJR 10 (EXHIBIT B). Explains that in a post 9/11 era of “trust and don’t verify” system devalues a persons vote.
175	Mike Balanesei	Hillsboro Resident. States that he and Ms. Bendl co-authored HB 2251 regarding the opening of secrecy envelopes.
216	Tim Hodges	Salem Resident. Testifies in opposition to SJR 10. States that voting registration rights should be protected.
258	Chair Brown	Asks if there are voting irregularities in the states that have same day registration.
263	Bendl	Answers that in Milwaukee Wisconsin there were 1500 illegal votes in one county.
270	Balanesei	Answers that in Pima County Arizona the county clerks rejected 59% of the voter registrations after the state, by initiative in November, required proof of citizenship to vote.
277	Sen. Atkinson	Notes that those states do not have vote by mail.
304	Chair Brown	Closes the invited testimony on SJR 10.
309	Sen. Brown	MOTION: Moves SJR 10 be sent to the floor with a BE ADOPTED recommendation.
311	Sen. Ferrioli	Discusses voter fraud and same day voter recruiting. States opposition to the bill and gives notice of a possible minority report.
363	Sen. Shields	States there are advantages to both sides and he does not believe there will be more fraud either way.
373	Chair Brown	Notes for the record that the six month residency requirement in Oregon was overridden by the United States Supreme Court.
378	Sen. Ringo	States he has concerns regarding engagement in voting. States he will be a courtesy vote.
391	Sen. Atkinson	States opposition and provides notice of a minority report.
405	Chair Brown	Discusses the burden of proof.
410		Notes for the record that the burden of proof is on the complainant and this bill does not change that. VOTE: 3-2-0 AYE: 3 - Ringo, Shields, Brown NAY: 2 - Atkinson, Ferrioli The motion CARRIES.
	Chair Brown	SEN. DECKERT will lead discussion on the floor.
415	Chair Brown	Closes the work session on SJR 10 and opens the work session on SB 818A.

SB 818A – WORK SESSION

421	Tiffany Harris	Committee Administrator. Reviews the provisions of SB 818A.
434	Brian Johnston	Interim Director, Department of Human Services. Testifies in support of SB 818A.
471	Sen. Shields	States that the ACLU was helpful in writing a report on what was needed in the Coos Bay pilot project which is what the -4 amendments address (EXHIBIT C).
489	Sen. Shields	MOTION: Moves to ADOPT SB 818A-4 amendments dated 6/3/05.
493		VOTE: 5-0-0
	Chair Brown	Hearing no objection, declares the motion CARRIED.
498	Sen. Shields	MOTION: Moves SB 818A to the floor with a DO PASS AS AMENDED recommendation.
499		VOTE: 5-0-0
	Chair Brown	Hearing no objection, declares the motion CARRIED. SEN. SHIELDS will lead discussion on the floor.

TAPE 100, A

508	Chair Brown	Closes the work session on SB 818A and opens the public hearing on HB 3329A.
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HB 3329A – PUBLIC HEARING

032	Tiffany Harris	Committee Administrator. Reviews the provisions of HB 3329A.
040	Martin Taylor	Oregon Nurses Association. Describes the work that has been done on the bill.
051	Deb Cassell	President of the Oregon Nurses Association and a Certified Registered Nurse First Assist (RNFA). Submits and reads prepared testimony in support of HB 3329A (EXHIBIT D).
079	Sen. Shields	Asks why insurance companies would want to get a second surgeon when it would cost more money.
088	Taylor	Responds that the question is competence and costs. There is a value to the insurance companies to have an RNFA.
109	Cassell	Comments that a second surgeon receives a 20% reimbursement of the original surgeon's fee and a RNFA or PA receives 13% to 20% of the 20% billed. Submits prepared testimony from Stephen Newsman for the record (EXHIBIT E).
118	Sen. Ferrioli	Speculates that this is a scope-of-practice issue and states it should be corrected. Declares a potential conflict of interest.
140	Taylor	States that the amendments will re-link the bill back to the insurance code.
147	Chair Brown	States this will go on the agenda next week after receiving the amendments. Closes the public hearing on HB 3329A and opens the work session on SB 578 and invites testimony.

SB 578 – WORK SESSION

151	Tiffany Harris	Committee Administrator. Reviews the provisions of SB 578.
165	Tim Nesbitt	President of the Oregon AFL/CIO. Explains the -1 amendments (EXHIBIT F). Asks to look at the international outsourcing of services funded by taxpayers on a case by case basis. Notes this does not pertain to public works or construction projects.
206	Chair Brown	Asks if the opponents have seen the -1 amendments.
224	Craven	Responds yes, the amendments have been out for over a month.
225	Sen. Floyd Prozanski	Senate District 4. Testifies in support of SB 578 and the -1 amendments. States this is an incentive based approach to get more investment in Oregon. Notes that there is concern about outsourcing.
243	Jim Craven	American Electronics Association. Provides prepared testimony

		in opposition to the -1 amendments (EXHIBIT G). States it is not clear what SB 578 is trying to address and the -1 amendments give in-state preference on complex bids.
319	Chair Brown	Asks if some industries have preferences already.
322	Craven	Answers yes, printing and license plates. Explains that the problem with in-state preferences is retaliation by other states. States that the other issue is the personnel deployment plan.
344	Craven	Explains there is also the new concept of minimum livable wage on private sector contracts.
359	Craven	Summarizes that they cannot support the -1 amendments as currently drafted, but are willing to continue to work on the issue.
406	Paul Cosgrove	Representing Hewlett Packard and the Oregon Financial Services Association. Seconds Mr. Craven's comments that this is of significant concern. Provides an example of determining a minimum commitment before the project is specified.
450	Cosgrove	Comments on Oregon being the in-sourcing place for a number of financial services. Discusses the invitation to bid and concerns with the minimum living wage concept.
477	Joe Schweinhart	Associated Oregon Industries (AOI). Concurs with former testimony and adds that this amendment would limit competition and they oppose the amendment.
491	Craven	States that in current public contracting law there is an in-state preference that says if all things being equal and a bidder is from Oregon, to give the contract to the Oregon bidder.

TAPE 99, B

035	Chair Brown	Cites the license plate bill as an example and asks where the fine line is.
043	Craven	Agrees it is a difficult issue. Discusses the Oregon Trail card.
054	Sen. Ferrioli	Comments on the transition to a global economy and cost of labor as the dominant driver. States that trade barriers fail; competition cannot be eliminated by building an imaginary wall.
084	Sen. Shields	Agrees that the issue is complex, emotional and political. Asks if the political issues can be dealt with.
103	Craven	Responds that the issue is that this country needs to get serious about competition. Notes that China leads the world in graduating electrical engineers at four times the rate of the United States. Notes that Oregon is one of the few states graduating more technology workers than it did ten years ago.
132	Craven	Discusses the federal disinvestment in technology.
152	Cosgrove	Comments that companies make these decisions for a reason.
154	Schweinhart	Comments that the problem is how to stop the outsourcing.
171	Sen. Ferrioli	Refers to the book <i>The World is Flat</i> noting that the author observed that in the past people came to America for more money. Today other economies are expanding and people do not have to move anymore. Agrees that competition is the question.
191	Chair Brown	States that the legislature is under extreme pressure to increase efficiency and reduce costs while still providing current service levels.
210	Dianne Lancaster	Chief Procurement Officer, State Procurement Office, Department of Administrative Services (DAS). Submits and reviews a prepared statement on SB 578 (EXHIBIT H).

235	Vice-Chair Ferrioli	Closes the work session on SB 578 and puts the committee at ease for the purpose of assembling a quorum for SB 1062.
252	Chair Brown	Opens the work session on SB 1062.
<u>SB 1062 – WORK SESSION</u>		
253	Tiffany Harris	Committee Administrator. Explains the provisions of SB 1062 and the -1 amendments (EXHIBIT I).
260	Sen. Ferrioli	Expresses that this is complex and notes the need for clear definition of what a public record is and is not. Provides examples of what could be considered public record subject to disclosure or retention and the possibility of prosecution if an error on whether a document is subject to disclosure or retention is made by staff members.
311	Chair Brown	States that Senate leadership felt it was inappropriate for the legislative assembly to be exempted from the Public Records Act.
320	Chair Brown	MOTION: Moves to ADOPT SB 1062-1 amendments dated 5/31/05.
322		VOTE: 4-0-1
		EXCUSED: 1 - Atkinson
	Chair Brown	Hearing no objection, declares the motion CARRIED.
324	Chair Brown	MOTION: Moves SB 1062 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 3-1-1
		AYE: 3 - Ringo, Shields, Brown
		NAY: 1 - Ferrioli
		EXCUSED: 1 - Atkinson
	Chair Brown	The motion CARRIES.
		SEN. BROWN will lead discussion on the floor.
337	Chair Brown	Closes the work session on SB 1062 and adjourns the meeting at 10:00 a.m.

EXHIBIT SUMMARY

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- A. SJR 34, prepared testimony, Barbara Sam, 4 pp
- B. SJR 10, prepared testimony, Ruth Benal, 1 p
- C. SB 818, -A4 amendments, Sen. Frank Shields, 4 pp
- D. HB 3329, prepared testimony, Deb Cassell, 3 pp
- E. HB 3329, prepared testimony of Stephen Newsman, Deb Cassell, 2 pp
- F. SB 578, -1 amendments, Sen. Floyd Prozanski, 6 pp
- G. SB 578, -1 amendments, Jim Craven, 1 p
- H. SB 578, prepared statement, Dianne Lancaster, 1 p
- I. SB 1062, -1 amendments, staff, 2 pp