

## SENATE COMMITTEE ON RULES

August 02, 2005  
11:00 A.M.

Hearing Room B  
Tapes 186 - 187

Corrected 11/16/05

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

**MEMBER EXCUSED:**     **Sen. Charlie Ringo**

**STAFF PRESENT:**       **Tiffany Harris, Committee Administrator**  
                                  **Katie Lowry, Committee Assistant**

**MEASURE/ISSUES HEARD:**

**Executive Appointments - Public Hearing and Work Session**  
                                  **State Workforce Investment Board**  
                                  **Cynthia Risan**  
                                  **Gilbert Hayes**  
**Workers' Compensation Board**  
                                  **Abigail Herman**  
**Environmental Quality Commission**  
                                  **Donalda Dodson**  
**Board on Public Safety Standards and Training**  
                                  **David Schutt**  
                                  **Mark Prince**  
**Commission on Asian Affairs**  
                                  **Massoud Saberian**  
                                  **Carol Suzuki**  
**Long Term Care Advisory Committee**  
                                  **Jean Williams**  
**HB 3463 - Public Hearing and Work Session**  
**HB 3108B - Public Hearing**  
**SB 1079 - Work Session**  
**SCR 11 - Public Hearing and 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 186, A</b>		
005	Chair Brown	Calls the meeting to order at 11:11 a.m. and opens a public hearing on executive appointments.
<b><u>EXECUTIVE APPOINTMENTS - PUBLIC HEARING</u></b>		
<b><u>STATE WORKFORCE INVESTMENT BOARD - APPOINTMENT OF CYNTHIA RISAN</u></b>		
<b><u>(EXHIBIT A)</u></b>		
012	Cynthia Risan	Explains her qualifications and interests in the appointment.
028	Chair Brown	Wonders what the witness would do differently if she were in charge to better prepare high school students for the workforce.
034	Risan	Discusses educational connection to the workplace.
<b><u>WORKERS' COMPENSATION BOARD - APPOINTMENT OF ABIGAIL HERMAN (EXHIBIT B)</u></b>		

045	Abigail Herman	Explains her qualifications and interests in the appointment.
060	Chair Brown	Asks witness to discuss her management experience and how that is relevant to the appointment.
062	Herman	Discusses management experience.
074	Sen. Shields	Asks about her duties as commander of the 83 <sup>rd</sup> Aerial Port Squadron.
078	Herman	Explains daily responsibilities.
083	Sen. Shields	Makes comments.

**ENVIRONMENTAL QUALITY COMMISSION - APPOINTMENT OF DONALDA DODSON (EXHIBIT C)**

105	Donalda Dodson	(Appears by telephone.) Explains her qualifications and interests in the appointment to the Environmental Quality Commission.
110	Chair Brown	Clarifies her background has been in public health and related fields.
112	Dodson	Replies yes and explains background.
116	Sen. Shields	Comments witness has also been a part of the Hunger Relief Task Force. Makes additional remarks.
118	Chair Brown	Suggests she will be a valuable addition to the commission.

**BOARD ON PUBLIC SAFETY STANDARDS AND TRAINING - APPOINTMENT OF DAVID SCHUTT AND MARK PRINCE (EXHIBIT D)**

140	David Schutt	(Appears by telephone.) Explains his qualifications and interests in the appointment to the Board on Public Safety Standards and Training.
157	Chair Brown	Asks if witness grew up in Oregon.
158	Schutt	Replies no.
160	Chair Brown	Wonders how witness ended up in Lakeview.
161	Schutt	Responds.
168	Chair Brown	Makes closing remarks. Calls Mark Prince.
185	Mark Prince	(Appears by telephone.) Explains his qualifications and interests in the appointment to the Board on Public Safety Standards and Training.
202	Chair Brown	Appreciates witness' willingness to serve on the Board.

**STATE WORKFORCE INVESTMENT BOARD - APPOINTMENT OF GILBERT HAYES (EXHIBIT A)**

222	Gilbert Hayes	(Appears by telephone.) Explains his qualifications and interests in the appointment to the State Workforce Investment Board.
238	Chair Brown	Notes that witness is currently a labor representative on the Region 9 Workforce Investment Board.
240	Hayes	Confirms.
241	Chair Brown	Believes that will provide synergy with this appointment. Asks if witness has any concerns about his ability to have time available to participate in the State Workforce Investment Board.
244	Hayes	Replies there is no conflict with the current meeting schedule.
248	Sen. Shields	Asks witness to explain his personal experience in the state-sponsored apprenticeship program.
255	Hayes	Responds.
264	Chair Brown	Appreciates witness' willingness to serve on the Board.

**COMMISSION ON ASIAN AFFAIRS – REAPPOINTMENTS OF MASSOUD SABERIAN AND CAROL SUZUKI (EXHIBIT E)**

266	Chair Brown	Notes no request for public testimony.
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**LONG TERM CARE ADVISORY COMMITTEE – REAPPOINTMENT OF JEAN WILLIAMS (EXHIBIT F)**

269	Chair Brown	Notes no request for public testimony.
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273	Sen. Shields	Remarks that David Schutt and Mark Prince both did tours of duty in Klamath Falls.
278	Chair Brown	Closes the public hearing on executive appointments and opens a public hearing on HB 3463.
<b><u>HB 3463 - PUBLIC HEARING</u></b>		
284	Tiffany Harris	Committee Administrator. Provides an overview of HB 3463.
310	Rep. Derrick Kitts	District 30. Provides an explanation of HB 3463. Presents visual aid.
349	Chair Brown	Wonders how much one of the cars shown in the visual aid cost.
351	Rep. Kitts	Replies \$6,500.
353	Chair Brown	Makes comment.
354	Rep. Kitts	Replies.
370	Chair Brown	Closes the public hearing and opens a work session on HB 3463.
<b><u>HB 3463 - WORK SESSION</u></b>		
372	<b>Chair Brown</b>	<b>MOTION: Moves HB 3463 to the floor with a DO PASS recommendation.</b>
380		<b>VOTE: 3-0-2</b>
	<b>Chair Brown</b>	<b>EXCUSED: 2 - Ferrioli, Ringo</b>
		<b>Hearing no objection, declares the motion CARRIED.</b>
		<b>SEN. BROWN will lead discussion on the floor.</b>
390	Chair Brown	Closes the work session on HB 3463 and opens a public hearing on HB 3108B.
<b><u>HB 3108B - PUBLIC HEARING</u></b>		
392	Tiffany Harris	Committee Administrator. Provides an overview of HB 3108B. Submits the -B26 amendments ( <b>EXHIBIT G</b> ). Submits the fiscal impact statement to HB 3108B ( <b>EXHIBIT H</b> ).
420	Bruce Bishop	Oregon Association of Hospitals and Health Systems (OAHHS). Expresses support for HB 3108B. States that he supports section 9 of the bill but offers objection to language in the Staff Measure Summary (SMS) and fiscal impact statement to HB 3108B. Submits written testimony ( <b>EXHIBIT I</b> ).
<b>TAPE 187, A</b>		
001	Bishop	Continues testimony.
031	Ed Patterson	Oregon Rural Health Association. Testifies in support of HB 3108B.
057	Tom Holt	Oregon State Pharmacy Association. Shares the concerns expressed by Mr. Bishop and explains in detail. Asks committee to revise the SMS and the fiscal impact statement to address their concerns. States that they would support the -B26 amendments if necessary.
098	Sen. Ferrioli	Wonders where in the SMS or the fiscal impact statement is the direction for specificity in limitation of hospital days or prescriptions.
101	Bishop	Refers to the fiscal analysis prepared by John Borden. Quotes language on page 2 and comments on mentioned language.
119	Sen. Ferrioli	Comments on budget reductions. Notes that this statement is essentially deputizing the Department of Human Services (DHS) to answer policy questions.
130	Bishop	Believes that to be true.
132	Sen. Ferrioli	States the testimony of this panel has made all the points he would have made with questions. Discusses concerns.
144	Sen. Shields	Comments on the SMS prepared by John Britton.
158	Chair Brown	Mentions that any changes need to comply with ORS 414.720.

166	Chair Brown	Clarifies that witnesses need to distinguish between the fiscal analysis and the budget summary.
168	Sen. Jeff Kruse	District 1. Reviews his involvement with these issues since 1997. Believes the rural health piece of the bill is a valuable piece of legislation. Discusses section 9 and recommends it be removed by adopting the -B26 amendments.
217	Jim Gardner	Pharmaceutical Researchers and Manufacturers of America (PhRMA). Notes he helped revise this bill in the House. Relates surprise over the SMS and fiscal analysis. Mentions HB 2511 (2003) which directs the legislative assembly to adjust health services funded under the Oregon Health Plan (OHP). Discusses the intent of section 9.
250	Gardner	Continues and discusses the Legislative Fiscal Office (LFO) opinion on the Governor's recommended budget. Reiterates that the statute directs the legislature, not the agency, to make the policy decisions on health care benefit levels. Points out that the numbers in the fiscal analysis are placeholders. Remarks the hearings process never occurred. Discusses the effects of deleting section 9 of HB 3108B.
300	Ellen Lowe	Oregon Law Center. Notes her experience with the OHP. Expresses concerns regarding the implications of HB 3108B.
380	Chair Brown	Notes that section 9 requires that the agency comply with ORS 414.720. Wonders if witness disagrees with that analysis.
386	Lowe	Believes that is true.
388	Chair Brown	Verifies that the witness believes that the legislature should be making these decisions and not the agency.
390	Lowe	Replies yes and explains that the framework of those decisions needs to be a funding level that allows those services to be delivered. Explains that is a question that has not been dealt with well.
398	Gardner	States that the reason this issue surfaced is because someone realized ORS 414.707(6) requires the legislature to make an affirmative decision about the level of health services provided.
406	Chair Brown	Verifies the legislature has the authority and the ability to allow DHS to do this, but cannot do it because of a particular statutory reference.
411	Gardner	Replies that the legislature has to make the specific benefit package decision. Believes that they cannot lawfully make that decision by deferring to the implicit Governor's budget that has not had a hearing.
418	Chair Brown	Invites someone from DHS to provide input.
003	Lynne Reed	Interim Administrator, Office of Medical Assistance Programs, DHS. Discusses section 9 of HB 3108B. Mentions proposed reductions in the Governor's recommended budget included in the fiscal analysis.
010	Chair Brown	Verifies that witness is saying we have already done this.
012	Reed	Concurs with previous testimony that there was no substantive discussion on this. States it was part of the LFO analysis of the Governor's recommended budget. Explains some of the things contained in the reduction package have been specifically brought back by the legislative budget process, such as dental benefits. Points out that vision benefits have not been restored.
018	Chair Brown	Wonders if there were specific conversations about dental

**TAPE 186, B**

		benefits. Wonders why there was a distinction made between dental and vision.
019	Reed	States there was discussion about dental. Suggests it may come down to a dollars discussion. Discusses options available regarding this issue. Talks about how DHS would respond to this legislation.
039	Chair Brown	Asks about earlier testimony that this contradicts ORS 414.707 (6). Mentions intent of HB 2511.
045	Reed	Agrees that the intent was to give that authority to the legislature. Understands that Legislative Counsel's Office (LC) believed that the language in section 9 would address that issue.
050	Sen. Shields	Wonders if the bill itself gives DHS the authority to do this.
052	Chair Brown	Replies yes, that section 9 does.
053	Sen. Shields	Wonders why nobody saw this coming.
054	Reed	Agrees that it was a surprise.
056	Chair Brown	Understands that this approach has been fairly consistent throughout the session.
058	Reed	Agrees. States that it was in the Governor's recommended budget and in the LFO analysis of the Governor's budget. Remarks that they did not have the full discussion that has happened in previous years in the Senate and House Budget Committees.
063	Sen. Shields	Asks about the effect on DHS if section 9 is deleted from HB 3108B.
065	Reed	Believes it would take away some of the items identified in the Governor's proposed budget as options for how the agency would function with a \$5 million budget reduction.
068	Chair Brown	Asks about the net effect and how DHS would balance the budget.
070	Reed	Discusses other reductions and ideas to compensate. Comments they do not yet have additional ideas for this \$5 million reduction.
076	Sen. Ferrioli	Wonders about the liability of DHS.
086	Reed	Defers to the Department of Justice.
090	Chair Brown	Observes the legislature often makes decisions that result in people not getting what they need, which explains why the question is hard to answer. Provides examples. Opines the OHP is about making difficult choices. Remarks DHS is required to comply with ORS 414.720.
100	Sen. Ferrioli	Agrees that the OHP does draw a red line. Believes this is different because we are deciding that there will be limitations on services that are currently covered for those who are above the line of coverage.
114	Chair Brown	Believes that is an incorrect analysis.
115	Holly Robinson	Deputy Legislative Counsel. Believes the intent of section 9 is not to move the line of health care services provided, so there is no conflict between the adoption of covered services and the intent of section 9.
124	Chair Brown	Asks why witness does not believe that is a conflict. Wonders about a situation where someone is having surgery to remove brain tumor under OHP and DHS cuts off funding. Believes that could not happen but remarks that audience members are indicating it could happen.
133	Robinson	Comments the dilemma facing this committee is the lack of process up to this point. Explains that section 9 depends on what is in the legislatively-adopted budget. Believes that nothing in the

legislatively-adopted budget attempts to move the line of services provided. Believes that the legislature cannot move the line of services provided without the approval of the federal government. Remarks that DHS attempted to move the line of services provided during the last session.

144 Chair Brown Remarks the federal government said no.

145 Robinson Believes the line of services provided cannot be moved without the approval of the federal government. Remarks about the legislatively adopted budget.

151 Sen. Ferrioli Believes there is nothing in this legislation that moves the line of services provided. Expresses concerns about diminishing services provided for those individuals above the line of coverage.

160 Robinson Agrees that is potentially correct and the legislature is responsible for making that decision within the legislatively-adopted budget.

165 Chair Brown Clarifies that the legislature has done it implicitly, but not explicitly by what is funded in the budget.

166 Robinson Replies unfortunately yes. Remarks there were no multiple-day hearings on the subject. Comments on previous testimony.

201 Sen. Shields Remarks this legislation makes the line of coverage a dotted line. Wonders if this is a subtle way to move the line without moving it.

210 Robinson Responds.

220 Sen. Ferrioli Thanks Ms. Robinson for her response. Makes additional comments.

233 Robinson Discusses intent of ORS 414.707(6).

**The following material is submitted for the record without public testimony:**

Amanda Rich Western Advocates Incorporated. Submits written testimony in support of HB 3108B with the –A14 amendments (**EXHIBIT J**).

238 Chair Brown Closes public hearing on HB 3108B and opens work session SB 1079.

**SB 1079 - WORK SESSION**

255 Chair Brown Closes the work session on SB 1079 and opens a work session on executive appointments.

**EXECUTIVE APPOINTMENTS - WORK SESSION**

**COMMISSION ON ASIAN AFFAIRS – REAPPOINTMENTS OF MASSOUD SABERIAN AND CAROL SUZUKI (EXHIBIT E)**

258 Chair Brown **MOTION: Moves to waive the appearances of and the REAPPOINTMENTS of Massoud Saberian and Carol Suzuki to the Commission on Asian Affairs to the floor with the recommendation that the reappointments BE CONFIRMED EN BLOC.**

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

**ENVIRONMENTAL QUALITY COMMISSION – APPOINTMENT OF DONALDA DODSON (EXHIBIT C)**

260 Chair Brown **MOTION: Moves the APPOINTMENT of Donalda Dodson to the Environmental Quality Commission to the floor with the recommendation that the appointment BE CONFIRMED.**

262 **VOTE: 4-0-1  
EXCUSED: 1 - Ringo**

Chair Brown

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

**LONG TERM CARE ADVISORY COMMITTEE – REAPPOINTMENT OF JEAN WILLIAMS  
(EXHIBIT F)**

264 Chair Brown MOTION: Moves to waive the appearances of and the REAPPOINTMENT of Jean Williams to the Long Term Care Advisory Committee to the floor with the recommendation that the reappointment BE CONFIRMED.

265 VOTE: 4-0-1

EXCUSED: 1 - Ringo

Chair Brown

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

**BOARD ON PUBLIC SAFETY STANDARDS AND TRAINING – APPOINTMENTS OF DAVID  
SCHUTT AND MARK PRINCE (EXHIBIT D)**

268 Chair Brown MOTION: Moves the APPOINTMENTS of David Schutt and Mark Prince to the Board on Public Safety Standards and Training to the floor with the recommendation that the appointments BE CONFIRMED EN BLOC.

270 VOTE: 4-0-1

EXCUSED: 1 - Ringo

Chair Brown

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

**STATE WORKFORCE INVESTMENT BOARD – APPOINTMENTS OF GILBERT HAYES AND  
CYNTHIA RISAN (EXHIBIT A)**

272 Chair Brown MOTION: Moves the APPOINTMENTS of Gilbert Hayes and Cynthia Risan to the State Workforce Investment Board to the floor with the recommendation that the appointments BE CONFIRMED EN BLOC.

274 VOTE: 4-0-1

EXCUSED: 1 - Ringo

Chair Brown

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

**WORKERS' COMPENSATION BOARD – APPOINTMENT OF ABIGAIL HERMAN (EXHIBIT B)**

275 Chair Brown MOTION: Moves the APPOINTMENT of Abigail Herman to the Workers' Compensation Board to the floor with the recommendation that the appointment BE CONFIRMED.

276 VOTE: 4-0-1

EXCUSED: 1 - Ringo

Chair Brown

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

278 Vice-Chair Ferrioli Closes the work session on executive appointments and opens a work session on SB 1079.

**SB 1079 - WORK SESSION**

286 E. M. Easterly

Land Use Chair, West Salem Neighborhood Association. Testifies in opposition to SB 1079 unless amended. Explains the measure as drafted applies to only one parcel of property in West Salem. Asks that all property parcels formerly removed from the Salem urban growth boundary (UGB) be incorporated back within the boundary, not just one. Supports local control of land use decisions. Suggests the measure allows the legislature to

		make individual land use decisions.
341	Vice-Chair Ferrioli	Makes closing comments.
<b>The following material is submitted for the record without public testimony:</b>		
	Staff	Submits written testimony of Ted Hughes and Associates in support of SB 1079 ( <b>EXHIBIT K</b> ).
343	Vice-Chair Ferrioli	Recesses the meeting at 12:33 p.m. until after the Senate floor session at the call of the chair.
349	Chair Brown	Reconvenes the meeting at 4:19 p.m. Opens public hearing on SCR 11.
<b><u>SCR 11 - PUBLIC HEARING</u></b>		
352	Tiffany Harris	Committee Administrator. Provides an overview of SCR 11.
365	Chair Brown	Closes public hearing on SCR 11 and opens work session on SCR 11.
<b><u>SCR 11 - WORK SESSION</u></b>		
366	Sen. Atkinson	<b>MOTION: Moves SCR 11 be sent to the floor with a BE ADOPTED recommendation.</b>
370		<b>VOTE: 3-0-2</b>
	Chair Brown	<b>EXCUSED: 2 - Ringo, Shields</b>
		<b>Hearing no objection, declares the motion CARRIED.</b>
		<b>SEN. BROWN will lead discussion on the floor.</b>
377	Chair Brown	Closes the work session on SCR 11. Announces that the other items on the agenda will be carried over until the meeting scheduled at 4:45 p.m. Adjourns the meeting at 4:21 p.m.

**EXHIBIT SUMMARY**

- A. Workforce Investment Board, State, staff and Governor’s office, 13 pp**
- B. Workers’ Compensation Board, staff and Governor’s office, 12 pp**
- C. Environmental Quality Commission, staff and Governor’s office, 6 pp**
- D. Public Safety Standards and Training, Board on, staff and Governor’s office, 18 pp**
- E. Asian Affairs, Commission on, staff and Governor’s office, 9 pp**
- F. Long Term Care Advisory Committee, staff and Governor’s office, 5 pp**
- G. HB 3108, -B26 amendments (8-1-05), staff, 1 p**
- H. HB 3108, fiscal impact statement, staff, 3 pp**
- I. HB 3108, written testimony, Bruce Bishop, 1 p**
- J. HB 3108, written testimony, Amanda Rich, 3 pp**
- K. SB 1079, written testimony of Ted Hughes and Associates, staff, 1 p**



## SENATE COMMITTEE ON RULES

August 02, 2005  
4:45 P.M.

Hearing Room B  
Tape 188

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

**MEMBER EXCUSED:**     **Sen. Charlie Ringo**

**STAFF PRESENT:**       **Tiffany Harris, Committee Administrator**  
                                  **Katie Lowry, Committee Assistant**

**MEASURE/ISSUES HEARD:**  
                                  **HB 2285A - Work Session**  
                                  **HB 2828A - Work Session**

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 188, A</b>		
005	Chair Brown	Calls the meeting to order at 4:50 p.m. Announces that the committee will not move forward on HB 3108B. Announces that HB 3184B will be moved to a meeting tomorrow. Opens a work session on HB 2285A.
<b><u>HB 2285A - WORK SESSION</u></b>		
021	Tiffany Harris	Committee Administrator. Provides an overview of HB 2285A. Submits the -A7 amendments ( <b>EXHIBIT A</b> ). Submits the fiscal impact statement for HB 2285A ( <b>EXHIBIT B</b> ).
026	Susan Gravy	Administrative Law Section, Oregon State Bar. Testifies in support of HB 2285A. Discusses need for disclosure of evidence in licensing suspension cases. Explains protections for confidential information.
055	Damiana Merryweather	Oregon Psychological Association. Testifies in support of HB 2285A. Discusses amendments adopted in the House.
088	Nan Heim	Board of Medical Examiners. Discusses concerns with HB 2285A: <ul style="list-style-type: none"><li>• Recovery of costs of providing information</li><li>• Investigators may have trouble assuring corroborative sources that information provided will be kept confidential.</li></ul> Explains the statutorily-defined mission of the Board of Medical Examiners is to protect the public.
106	Chair Brown	Asks about money held in reserves to pay for cost recovery.
109	Heim	Responds there is a reserve of \$2 million, but it is not designated for cost recovery.
113	Warren Foot	Assistant Attorney General; Counsel, Board of Medical Examiners and Board of Nursing. Notes the Department of

		Justice is neutral but testifies in opposition to HB 2285A on behalf of the clients. Explains due process protection now in place. Discusses chilling effect if Boards cannot guarantee anonymity. Explains possible shift from review of professional conduct to targeting of investigator methodology. Agrees cost recovery is important. Discusses cases settled before hearing.
152	Sen. Ferrioli	Believes the thrust of this is to find the exculpatory information. Wonders if the information can be made available without compromising confidentiality or protection of the public.
159	Foot	Responds the redaction provisions do protect identities of complainants, and the review is by professional peers with no interest in running licensees out of practice. Explains the Department of Justice must see justice done in every case.
169	Sen. Ferrioli	States that every board has the same charge if they have investigative powers. Refers to anecdotes about cases where discovery is not provided.
184	Foot	Offers to investigate specific cases where complaints have been filed.
189	Heim	Believes the Board of Medical Examiners does provide exculpatory information.
191	Foot	Adds the Board of Medical Examiners releases exculpatory documents before hearings but cannot speak for other boards.
195	Sen. Ferrioli	Believes that the heart of the issue is the need for a reliable procedure.
198	Heim	Notes that it can be difficult to identify poor health-care practitioners, and this may make the situation worse. Discusses conflicting policies of fairness to licensees versus investigators' concern that investigations will be more difficult.
216	Scott Gallant	Oregon Medical Association. States that this issue has arisen in previous sessions. Provides background information on the issue. Expresses belief that HB 2285A will not discourage complaints.
260	Vice-Chair Ferrioli	Closes the work session on HB 2285A. Recesses the committee at 5:10 p.m.
		***** RECESS *****
269	Chair Brown	Reconvenes the meeting at 5:11 p.m. Asks for testimony regarding the
278	Gravy	-A7 amendments, which were drafted at the Governor's request. Encourages committee to pass HB 2285A out in its current form. Explains in detail.
293	Chair Brown	Verifies that the bill applies to all licensing boards. Expresses her greater concern that the smaller boards may not have reserves. Explains the Governor's staff reviewed the amendment.
302	Gravy	Explains concern raised by the amendments that other boards license professionals who earn less, and who may not be able to provide funds before hearing to cover cost recovery.
317	Gallant	Believes it would be best to accept the amendments.
325	Heim	Expresses support for the -A7 amendments.
329	Chair Brown	Asks if the boards will support the bill in the House.
332	Heim	States she will make that recommendation.
		The following material is submitted for the record without public testimony:
	Lori Makinen	Board of Veterinary Examiners. Submits written testimony

(EXHIBIT C).

339 Chair Brown MOTION: Moves to ADOPT HB 2285-A7 amendments dated 8/2/05.

341 Chair Brown VOTE: 3-1-1  
 AYE: 3 - Ferrioli, Shields, Brown  
 NAY: 1 - Atkinson  
 EXCUSED: 1 - Ringo  
 Chair Brown The motion CARRIES.

343 Chair Brown MOTION: Moves HB 2285A to the floor with a DO PASS AS AMENDED recommendation.

345 Chair Brown VOTE: 4-0-1  
 AYE: 4 - Atkinson, Ferrioli, Shields, Brown  
 EXCUSED: 1 - Ringo  
 Chair Brown The motion CARRIES. SEN. BROWN will lead discussion on the floor.

352 Chair Brown Closes work session on HB 2285A. Opens work session on HB 2828A.

**HB 2828A – WORK SESSION**

360 Marjorie Taylor Committee Services. Explains there is a conflict with the –A10 amendment, and Legislative Counsel is preparing the –A11 amendments.

377 Sen. Atkinson Asks about the conflict.

378 Chair Brown Explains the conflict is with SB 548, which may be going to conference committee, so the conflict amendments may not be needed.

393 Sen. Shields Asks whether HB 2828A expands the death penalty.

394 Chair Brown Replies it does not. Presents overview of the -A10 amendments (EXHIBIT D). Discusses new crime of aggravated vehicular homicide.

422 Chair Brown Recesses the meeting at 5:20 p.m.  
 \*\*\*\*\* RECESS \*\*\*\*\*

423 Chair Brown Reconvenes the meeting at 5:31 p.m.

425 Chair Brown MOTION: Moves to ADOPT HB 2828-A10 amendments dated 8/2/05.

427 Chair Brown VOTE: 3-0-2  
 EXCUSED: 2 - Ringo, Ferrioli  
 Hearing no objection, declares the motion CARRIED.

429 Chair Brown MOTION: Moves HB 2828A to the floor with a DO PASS AS AMENDED recommendation.

431 Chair Brown VOTE: 3-0-2  
 EXCUSED: 2 - Ringo, Ferrioli  
 Hearing no objection, declares the motion CARRIED.