

**SENATE SPECIAL COMMITTEE ON BUDGET – 2005 SESSION
EDUCATION SUBCOMMITTEE**

TAPE LOG

**Date: June 27, 2005
Tapes: 14B, 15, 16A**

This tape log summarizes committee proceedings. For complete content and intent, please refer to tapes.

Tape / Counter	Speaker	Comments
Members Present: Senator Devlin, chair; Senators Gordly, Nelson, Walker, Whitsett,		
Members Excused:		
TAPE 14B		
003	Chair Devlin	Calls the meeting to order at 1:10 p.m. Opens a Work Session on SB 5627 Health-Related Licensing Boards – fee bill. (Exhibit #1, Senate Bill 5627). (Refer to HB 5037 for prior Exhibits)
SB 5627 – HEALTH-RELATED LICENSING BOARDS – FEE BILL WORK SESSION		
006	Deborah Manthe, Legislative Fiscal Office (LFO)	Refers to (Exhibit #2, Memorandum from Deborah Manthe, subject: SB 5627) . Discusses the Occupational Therapy Licensing Board's fee increases.
021	Deborah Manthe	Comments on the State Mortuary and Cemetery Board found on page 2 of 3 in Exhibit #2.
030	Deborah Manthe	Reviews the new fees created by the State Board of Pharmacy. Indicates that LFO is recommending approval.
038	Sen. Gordly	Asks the Chair if he is ready for a motion.
039	Sen. Whitsett	Comments on the fee increases and asks for a justification of the large fee increases.
047	Deborah Manthe	Explains that the workgroup crafted the plan where the industry was represented.
053	Sen. Gordly	MOVES approval of the LFO recommendations to SB 5627.
054	Sen. Walker	Needs some help to understand they are working on,
062	Sen. Nelson	Indicates that he heard that there was some conflict with the State Mortuary Board.
070	Chair Devlin	Asks for the chair of the Mortuary Board to come forward and comment on Sen. Whitsett's question regarding the fees.
075	Kathy Wentz-Phelps, President of the State Mortuary and Cemetery Board	Responds that the Board members are somewhat voluntary. Comments on the fee increases.
094	Sen. Whitsett	Notes that there is a 320% increase for embalming, etc. Asks the reason for the large increases.
102	Chair Devlin	Asks that the executive director also come forward to respond.
107	David Koach, Executive Director of the Oregon Mortuary and Cemetery Board	Explains that the increases were made to establish some equity to bring the fees into balance. Also adds that that retaliation was fiction and not fact.
133	Sen. Nelson	Comments that a perception can become fact.

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136	Chair Devlin	Vote: 3 – 2 – 0 Ayes: Senators Gordly, Walker, Chair Devlin No: Senators Nelson, Whitsett. Declares the motion CARRIED . Closes the Work Session on SB 5627. Opens the Work Session SB 5626.
SB 5626 – HEALTH-RELATED LICENSING BOARDS – BUDGET BILL WORK SESSION		
		(Refer to HB 5036 for prior Exhibits)
150	Deborah Manthe	Refers to (Exhibit #3, Senate Bill 5626), (Exhibit #4, Memorandum from Deborah Manthe) . Reviews the Board of Examiners of Licensed Dietitians discussing Package 090 – Governor’s Reductions and Package 141 – Shared Client Services. Comments on the Budget Note which will be the same for the seven of the nine boards.
215	Sen. Gordly	MOVES approval of the LFO recommended budget for the Board of Examiners of Licensed Dietitians.
217	Chair Devlin	Vote: 5 – 0 – 0 Ayes: Senators Gordly, Nelson, Walker, Whitsett, Chair Devlin Hearing no objections, declares the motion CARRIED .
219	Deborah Manthe	Reviews the Performance Measures.
227	Sen. Gordly	MOVES approval of the LFO recommendations on the performance measures.
230	Chair Devlin	Vote: 5 – 0 – 0 Ayes: Senators Gordly, Nelson, Walker, Whitsett, Chair Devlin Hearing no objections, declares the motion CARRIED .
231	Deborah Manthe	Reviews the State Mortuary and Cemetery Board. Discusses Policy Package 070 – Revenue Shortfall, Package 171 – Death Certificate Filing Fee Increase and Package 172 – License Fee Increase.
269	Deborah Manthe	Comments on Package 173 – Shared Client Services. Reviews the two Budget notes found on page 3 of 5 in Exhibit #4 under the State Mortuary and Cemetery Board attachment.
303	Sen. Gordly	Indicates that she is aware of an e-mail from a Mayor Diane Pohl and has some concerns about budget note #1. Wants that concern to be put on the record.
318	Chair Devlin	Asks that she come forward and address Sen. Gordly’s comments.
323	Sen. Gordly	Clarifies the question regarding her opposition.
327	Mayor Diane Bassett-Pohl, Clatskanie, Oregon	Explains that she has been a member of the board for five years. Comments on their statutory charge which doesn’t include representing the funeral industry and then elaborates. Also asks under budget note #2, why we need to look at other states? She hopes that they won’t be bound by these budget notes.
417	Sen. Gordly	Comments on the second part to budget note #1 which asks that the Board work with DAS and LFO to quantify the type of facilities overseen by the Board. Asks her to address that concern.

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Tape / Counter	Speaker	Comments
TAPE 15A		
005	Diane Bassett-Pohl	Indicates that they have an eleven member board and then elaborates about the make-up of the board.
024	Sen. Gordly	Asks the Chair for the origin of the two budget notes.
026	Chair Devlin	Responds that they came from the two co-chairs.
028	Sen. Gordly	Indicates that they received the suggestion from somewhere.
030	Chair Devlin	Responds that the budget notes do not have the force of law and then elaborates about the purpose of the budget notes.
036	Sen. Gordly	Believes that what the chair just stated needs to be put on the record. Indicates she won't express opposition on the budget notes but wants the concerns of the mayor to be noted.
057	Sen. Gordly	MOVES to approve the LFO recommendations to the budget for the agency.
062	Chair Devlin	Vote: 4 – 1 – 0 Ayes: Senators Gordly, Walker, Whitsett, Chair Devlin No: Senator Nelson Declares the motion CARRIED .
064	Deborah Manthe	Reviews the performance measures.
073	Sen. Gordly	MOVES to approve the LFO recommendation on the Performance Measures.
076	Chair Devlin	Asks for any additional discussion.
077	Sen. Gordly	Restate what Mayor Pohl testified to.
085	Chair Devlin	Vote: 5 – 0 – 0 Ayes: Senators Gordly, Nelson, Walker, Whitsett, Chair Devlin Hearing no objections, declares the motion CARRIED .
087	Deborah Manthe	Reviews the Board of Naturopathic Examiners discussing Package 181 – Shared Client Services.
097	Deborah Manthe	Covers Package 182 – Administrative Support Increase and Package 183 – Staff and Storage Space. Discusses the budget note.
120	Sen. Walker	MOVES to approve the LFO recommendations to the budget for the agency.
123	Chair Gordly	Vote: 3 – 0 – 2 Ayes: Senators Walker, Whitsett, Chair Devlin Exc.: Senators Gordly, Nelson Hearing no objections, declares the motion CARRIED .
125	Deborah Manthe	Reviews the Performance Measures.
132	Sen. Walker	MOVES to approve the LFO recommendations on the Performance Measures.
133	Chair Devlin	Vote: 3 – 0 – 2 Ayes: Senators Walker, Whitsett, Chair Devlin Exc.: Senators Gordly, Nelson

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Tape / Counter	Speaker	Comments
		Hearing no objections, declares the motion CARRIED .
135	Deborah Manthe	Covers the Board of Examiners of Nursing Home Administrators. Discusses package 191 – Shared Client Services, Package 192 – National Meeting Representation and Package 193 – Attorney General/Legal Consultation Costs. Discusses the budget note.
159	Sen. Gordly	MOVES to approve the LFO recommendations to the budget for the agency.
160	Chair Devlin	Vote: 4 – 0 – 1 Ayes: Senators Gordly, Walker, Whitsett, Chair Devlin Exc.: Senator Nelson
		Hearing no objections, declares the motion CARRIED .
161	Deborah Manthe	Covers the Performance Measures.
168	Sen. Gordly	MOVES to approve the LFO recommendations on the performance measures.
170	Chair Devlin	Vote: 4 – 0 – 1 Ayes: Senators Gordly, Walker, Whitsett, Chair Devlin Exc.: Senator Nelson
		Hearing no objections, declares the motion CARRIED .
173	Deborah Manthe	Reviews the Occupational Therapy Licensing Board. Discusses Package 201 – Shared Client Services, Package 202 – Employee and Board Education, Package 203 – Professional Services and Package 205 – Fee Revenue Restoration. Also discusses the budget note and the LFO recommendations.
200	Sen. Gordly	MOVES to approve the LFO recommendations to the budget for the agency.
201	Chair Devlin	Vote: 4 – 0 – 1 Ayes: Senators Gordly, Walker, Whitsett, Chair Devlin Exc.: Senator Nelson
		Hearing no objections, declares the motion CARRIED .
202	Deborah Manthe	Discusses the Performance Measures.
205	Sen. Gordly	MOVES to approve the LFO recommendations to the performance measures.
207	Chair Devlin	Vote: 4 – 0 – 1 Ayes: Senators Gordly, Walker, Whitsett, Chair Devlin Exc.: Senator Nelson
		Hearing no objections, declares the motion CARRIED .
208	Deborah Manthe	Reviews the State Board of Pharmacy's policy packages beginning with Package 231 – Permanent Position and Reclass, Package 232 – Facilities Space, Package 234 – Shared Client Services, and Package 235 – Prescription Drug Monitoring Program.
278	Sen. Gordly	Asks what happens to the \$350,000 that is in hand if SB 180 isn't approved.
282	Deborah Manthe	Responds it would have to be returned to the Federal government.

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284	Sen. Gordly	Asks about the co-chairs awareness of that problem.
288	Chair Devlin	Indicates that he believes they are aware but wonders if the legislation is necessary since they already have the grant funds.
290	Deborah Manthe	Responds yes and then elaborates.
303	Sen. Gordly	Assumes that there was approval to go after the grant.
305	Deborah Manthe	Responds yes.
306	Sen. Gordly	Asks where SB 180 is now sitting.
308	Chair Devlin	Agrees to find that information out.
313	Sen. Gordly	Wants the record to note that it is a priority.
322	Sen. Gordly	NOTES THAT THE COMMITTEE STANDS AT EASE.
335	Chair Devlin	Provides the status of SB 180 indicating that it died in committee.
340	Sen. Gordly	Suggests that they make the motion. Doesn't want this bill to slip through the cracks.
352	Chair Devlin	Replies that he understands her concerns and they will have to take it up with the Senate President.
359	Sen. Walker	Indicates she is waiting for Ms. Manthe to finish.
366	Deborah Manthe	Reviews Package 237 – International Drug Outlet Licensing. Comments on the lack of action on SB 192.
378	Sen. Gordly	Speaks as chair of the Public Safety Committee and discusses the requirements of SB 192. Raises the same concern as on the previous bill.
397	Sen. Walker	Comments that this is a bill that relates to methamphetamine.
414	Chair Devlin	Indicates that they will go through the final information on this agency.
417	Deborah Manthe	Comments on licensing rules and discusses SB 1004.
TAPE 16A		
002	Deborah Manthe	Explains the LFO recommendations to the budget.
007	Chair Devlin	Agrees to accept a motion.
008	Sen. Gordly	MOVES to approve the LFO recommendations to the budget for the agency.
011	Sen. Walker	Asks Mr. Schnabel to come forward and address the wholesaler issue. Comments on HB 2485. She wants to know what they are doing by administrative rule. Believes it should be addressed from the front end in the distribution center.
049	Chair Devlin	Asks that Mr. Schnabel respond to those items in regards to their budget approval.
052	Sen. Walker	Agrees he can probably do that.
055	Gary Schnabel, Executive Director, Board of Pharmacy	Indicates he is a bit confused.
057	Sen. Walker	Asks what the Board of Pharmacy is doing about administrative rules in regards to wholesale pharmacies.
062	Chair Devlin	Understands that there must be a fiscal impact if they are bringing it

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		back to the E-board.
067	Mr. Schnabel	Responds that they do register wholesale drug outlets currently under the administrative rules. They require certain information from them and they have to comply with some minimum standards. Informs that he wasn't there to hear the comments of the Past President. Doesn't believe any of their licensees are operating out of their garages and then elaborates about revoking a license.
102	Sen. Walker	Asks what they are going to be doing in the interim that would require them to come before the E-Board.
106	Mr. Schnabel	Indicates that they aren't going to come before the E-Board to ask for money related to regulated rules. Explains that the Board is in the process of currently writing administrative rules. Understands that they are only being asked to report to the E-Board on that process and not to come asking for money.
118	Sen. Walker	Asks for a timeline.
120	Mr. Schnabel	Indicates he wish he did. Believes that they are over half way. Hesitates to put a timeline on it.
128	Sen. Walker	Ask if they allow wholesalers to sell direct to consumers.
130	Mr. Schnabel	Responds no.
132	Sen. Walker	Asks why it isn't in a budget note and why are they reporting to the E-Board and not a policy committee.
136	Deborah Manthe	Indicates that it wasn't a fiscal matter so it couldn't be a budget note. Comments that she makes a good point about the E-Board but doesn't have an answer for that.
142	Sen. Walker	Requests that it be done that way and will have a deep discussion with Sen. Schrader about the issue. Doesn't want it to take months.
151	Chair Devlin	Confirms that there is a motion on the floor. Vote: 4 – 0 – 1 Ayes: Senators Gordly, Walker, Whitsett, Chair Devlin Exc.: Senator Nelson Hearing no objections, declares the motion CARRIED .
154	Deborah Manthe	Reviews the Performance Measures.
161	Sen. Gordly	MOVES to approve the LFO recommendations on the Performance Measures.
162	Chair Devlin	Vote: 4 – 0 – 1 Ayes: Senators Gordly, Walker, Whitsett, Chair Devlin Exc.: Senator Nelson Hearing no objections, declares the motion CARRIED .
164	Deborah Manthe	Reviews the Board of Radiologic Technology's budget. Comments on the four policy packages beginning with Package 261 – Shared Client Services.
174	Deborah Manthe	Covers Package 263 – Safety – LEDS Funding, Package 265 – Customer Service Enhancement and Package 266 – Legal Services Increase. Also discusses the budget note and the LFO recommendations on the appropriation bill amendments.

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220	Sen. Walker	MOVES to approve the LFO recommendations to the budget for the agency.
221	Sen. Whitsett	Asks about the MRI regulations and questions why the delay exists.
234	Sen. Walker	Doesn't remember a fluoroscope in her drug store.
239	Chair Devlin	Vote: 4 – 0 – 1 Ayes: Senators Gordly, Walker, Whitsett, Chair Devlin Exc.: Senator Nelson Hearing no objections, declares the motion CARRIED .
241	Deborah Manthe	Reviews the performance measures.
246	Sen. Gordly	MOVES to approve the LFO recommendations on the Performance Measures.
247	Chair Devlin	Vote: 4 – 0 – 1 Ayes: Senators Gordly, Walker, Whitsett, Chair Devlin Exc.: Senator Nelson Hearing no objections, declares the motion CARRIED .
251	Deborah Manthe	Reviews the Board of Examiners for Speech-Language Pathology and Audiology. Discusses Package 281 – Funding Critical Work, and Package 282 – Shared Client Services, Package 283 – Administrative Support Increase.
287	Sen. Walker	Indicates that they ask more of their employees.
292	Deborah Manthe	Covers Package 284 – Attorney General Expenditure Increase. Also discusses the budget note and the LFO recommendation to the appropriation bill amendments.
305	Sen. Gordly	MOVES to approve the LFO recommendations to the budget for the agency.
306	Chair Devlin	Asks for any discussion.
308	Sen. Walker	Recognizes the LFO staff for their hard work.
311	Sen. Whitsett	Notes that approximately 60,000 for a half time employee is quite a lot.
317	Chair Devlin	Indicates that it is half time for two years.
320	Sen. Walker	States it is more than Sen. Whitsett makes.
323	Chair Devlin	Vote: 4 – 0 – 1 Ayes: Senators Gordly, Walker, Whitsett, Chair Devlin Exc.: Senator Nelson Hearing no objections, declares the motion CARRIED .
325	Deborah Manthe	Covers the Performance Measures.
329	Sen. Gordly	MOVES to approve the LFO recommendations to the Performance Measures.
331	Chair Devlin	Asks for any discussion.
332	Sen. Gordly	Commends the agency for being very explicit in stating the agency's goals.
348	Chair Devlin	Vote: 4 – 0 – 1

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		Ayes: Senators Gordly, Walker, Whitsett, Chair Devlin Exc.: Senator Nelson Hearing no objections, declares the motion CARRIED .
352	Deborah Manthe	Reviews the Oregon State Veterinary Medical Examining Board. Comments on the policy Package 191 – Shared Client Services.
369	Deborah Manthe	Discusses the budget note and the LFO appropriation bill amendments recommendations.
377	Sen. Gordly	MOVES to approve the LFO recommendations to the budget for the agency.
378	Chair Devlin	Asks for any discussion.
380	Sen. Whitsett	Points out that they are receiving only a 7% biannual increase.
386	Chair Devlin	Believes the Senate co-chair would concur with him.
390	Sen. Walker	Comments on the budget note assuming that the Mortuary Board and Pharmacy Board aren't looking at that because they are much larger agencies.
398	Chair Devlin	Agrees she is correct.
405	Chair Devlin	Vote: 4 – 0 – 1 Ayes: Senators Gordly, Walker, Whitsett, Chair Devlin Exc.: Senator Nelson Hearing no objections, declares the motion CARRIED .
412	Deborah Manthe	Reviews the Performance Measures.
425	Sen. Gordly	MOVES to approve the LFO recommendations to the Performance Measures.
426	Chair Devlin	Vote: 4 – 0 – 1 Ayes: Senators Gordly, Walker, Whitsett, Chair Devlin Exc.: Senator Nelson Hearing no objections, declares the motion CARRIED .
428	Chair Devlin	Agrees to accept a motion.
432	Sen. Gordly	MOVES SB 5626 to the Full Senate Budget Committee with a Do Pass recommendation.
434	Chair Devlin	Vote: 4 – 0 – 1 Ayes: Senators Gordly, Walker, Whitsett, Chair Devlin Exc.: Senator Nelson Hearing no objections, declares the motion CARRIED .
TAPE 15B		
010	Sen. Gordly	Asks for unanimous consent to cast a vote on SB 5626 Board of Naturopathic Examiners as she was out of the room.
012	Chair Devlin	Asks whether there is any objection. Seeing none, questions what her vote would have been.
013	Sen. Gordly	Responds aye and aye.
014	Chair Devlin	Asks that that be noted for the record. Also indicates that Sen.

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Tape / Counter	Speaker	Comments
		Nelson is excused for any votes that took place in his absence.
		Closes the work session for SB 5626.
		Notifies the committee members regarding the upcoming schedule.
		Adjourns the meeting at 2:38 p.m.