

HOUSE COMMITTEE ON RULES AND PUBLIC AFFAIRS

August 26, 2003 Hearing Room HR E
9:00 A.M. Tapes 144 - 145

MEMBERS PRESENT: Rep. Dan Doyle, Chair
Rep. Linda Flores, Vice-Chair
Rep. Laurie Monnes Anderson Vice-Chair
Rep. Vic Backlund
Rep. Phil Barnhart
Rep. Betsy Close
Rep. Joanne Verger

STAFF PRESENT: Cara Filsinger, Committee Administrator
David Peffley, Committee Assistant

MEASURES HEARD: SB 875 B – Work Session
SB 904 B – Work Session
SB 937 B – Work Session
SB 450 A – Work Session
SB 709 A – Work Session
SB 360 A – Work Session
SB 655 A – Work Session
SB 620 A – Work Session
SB 360 A – Work Session
SB 139 B – 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.

TAPE/#	Speaker	Comments
TAPE 144, A		
003	Chair Doyle	Calls the meeting to order at 10:14 and opens a work session on SB 875.
<u>SB 875 B – WORK SESSION</u>		
011	Rep. Greenlick	HD 33. Testifies in favor of SB 875 B. Notes widespread support for the legislation which will allow for bulk purchasing of prescription medication. Also states that the bill has met the concerns of the pharmaceutical companies.
068	Rep. Verger	Asks if this program will work along with some of the other programs already in place or whether it will supercede those programs.
073	Rep. Greenlick	Notes that the current programs will remain in place. Affirms that SB 875 B will add to those who can receive more affordable medication.
081	Rep. Flores	MOTION: Moves SB 875B to the floor with a DO PASS recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.

088 **VOTE: 7-0**

089 **Chair Doyle** **AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.**

091 Chair Doyle **REP. GREENLICK will lead discussion on the floor.**
Closes the work session on SB 875 B and opens a work session on SB 904.

SB 904 B – WORK SESSION

095 Bill Taylor Judiciary Committee Council. Speaks on behalf of Senators Minnis, Burdick, and Walker, in support of SB 904. Addresses the effects of the proposed abolishment of the Dispute Abolishment Commission.

133 Rep. Verger Asks for clarification on the B-engrossed bill. Asks if the bill is a sunset provision

138 Taylor Confirms that it is a sunset provision.

145 **Rep. Flores** **MOTION: Moves to RESCIND the SUBSEQUENT REFERRAL for SB 904 B to the committee on Ways and Means.**

147 **VOTE: 7-0**

148 **Chair Doyle** **Hearing no objection, declares the motion CARRIED.**

150 **Rep. Flores** **MOTION: Moves SB 904B to the floor with a DO PASS recommendation.**

152 Rep. Verger Comments that the bill seems very fiscally responsible.

158 **VOTE: 7-0**

159 **Chair Doyle** **AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.**

161 Chair Doyle **REP. VERGER will lead discussion on the floor.**
Closes the work session on SB 904 B and opens a work session on SB 937 A.

The following prepared testimony is submitted for the record without public testimony for SB 904 B.
Staff Submits (EXHIBIT A).

SB 937 A – WORK SESSION

164 Marshall Cobra American Council of Engineering Companies (ACEC) of Oregon. Submits (EXHIBIT B) and testifies in support of SB 937 A, clarifying the definition of an engineer.

185 **Rep. Flores** **MOTION: Moves SB 937A to the floor with a DO PASS recommendation.**

191 Rep. Barnhart Refers to jurisdiction of the new board and expresses support for the bill.

198 **VOTE: 7-0**

201 **Chair Doyle** **AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.**

203 Chair Doyle **REP. BARNHART will lead discussion on the floor.**
Closes the work session on SB 937 A and opens a work session on SB 450 B.

SB 450 B – WORK SESSION

207 Chair Doyle Addresses the voter’s pamphlet statement issue raised by SB 450 B.

231 Rep. Barnhart Asks for clarification on the effects of the bill.

239 Chair Doyle Clarifies the language in the bill.

242 John Lindback Director of Elections, Secretary of State’s office. Expresses support for the legislation to allow the Elections Division more leeway.

266	Rep. Flores	MOTION: Moves SB 450 to the floor with a DO PASS recommendation.
281		VOTE: 7-0
283	Chair Doyle	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
285	Chair Doyle	REP. FLORES will lead discussion on the floor. Closes the work session on SB 450 B and opens a work session on SB 709 A.
<u>SB 709 A – WORK SESSION</u>		
289	Susan King	Oregon Nurses Association. Addresses the –A2 amendments (EXHIBIT C) and the –A3 amendments (EXHIBIT D), and expresses support for both amendments and the bill.
305	Rep. Monnes Anderson	Asks for an explanation how a clinical nurse specialist training compares to a nurse practitioner’s training and the difference in the ability to write prescriptions.
313	Teresa Goodell	Clinical nurse specialist. Explains the differences between a clinical nurse specialist and a nurse practitioner.
338	Rep. Verger	Expresses concern for a widening on scope. References the testimony from Dr. Rasmussen and the credible job performed by the nurse specialists.
358	Rep. Close	Asks about the education of the clinical nurse specialist.
360	King	Replies that a Master’s degree is required.
366	Rep. Close	Asks how extensive the training in chemistry and pharmacology is for clinical nurse specialists.
368	King	Replies that the training is the same as that of the nurse practitioner.
374	Chair Doyle	Recesses the meeting for a call of the house at 10:38 a.m.
RECESS		
375	Chair Doyle	Reconvenes the meeting at 10:52 and announces the intention to remain in recess until 1:00 p.m.
RECESS		
382	Chair Doyle	Reconvenes the hearing at 1:12 and resumes the hearing on SB 709 A.
389	Rep. Monnes Anderson	MOTION: Moves to ADOPT SB 709-A2 amendments dated 7/10/03.
393	Rep. Backlund	Addresses the educational requirements.
397		VOTE: 7-0
398	Chair Doyle	Hearing no objection, declares the motion CARRIED.
403	Rep. Monnes Anderson	MOTION: Moves to ADOPT SB 709-A3 amendments dated 7/11/03.
406		VOTE: 7-0
407	Chair Doyle	Hearing no objection, declares the motion CARRIED.
417	Rep. Monnes Anderson	MOTION: Moves SB 709A to the floor with a DO PASS AS AMENDED recommendation.
421	Rep. Close	Expresses constituent concerns regarding the potential inadequacies of nurses’ training and thus will vote nay on SB 139 A.
425	Rep. Flores	States that she still needs to speak with constituents and will vote nay in committee, but may change her vote on the floor.
433		VOTE: 5-2 AYE: 5 - Backlund, Barnhart, Monnes Anderson,

Verger, Doyle

NAY: 2 - Close, Flores

The motion CARRIES.

REP. MONNES ANDERSON will lead discussion on the floor.

437 Chair Doyle

439 Rep. Close

437 Chair Doyle

Serves notice of a possible minority report.

Closes the work session on SB 709 A and opens a work session on SB 360 A.

TAPE 145, A

SB 360A – WORK SESSION

011 Rep. Butler

HD 60. Speaks in favor of SB 360 A. Notes that this legislation is a job creation bill in order to bring high-technology jobs back to Oregon.

040 Rep. Verger

Speaks in favor of the concept of SB 360 A. Addresses the invisible competition with other states, noting that this bill will help us to be competitive.

050 Rep. Flores

MOTION: Moves SB 360A to the floor with a DO PASS recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.

057

VOTE: 7-0

AYE: In a roll call vote, all members present vote Aye.

059 Chair Doyle

EXCUSED: 1 – Barnhart*

The motion CARRIES.

REP. BUTLER will lead discussion on the floor.

060 Chair Doyle

Closes the work session on SB 360 A and opens a work session on SB 655 A.

SB 655 A – WORK SESSION

063 Senator Walker

SD 7. Addresses the –A7 amendments (**EXHIBIT E**) plus submits constituent letters (**EXHIBIT F**), (**EXHIBIT G**), and (**EXHIBIT H**) in support of the –A7 amendments to SB 655 A, relating to phone access for domestic violence victims.

091 Rep. Verger

Asks for clarification on why victims might lose telephone service.

093 Sen. Walker

Explains why that could be the case.

101 Rep. Verger

Comments on a similar potential problem, dealing with credit history.

107 Sen. Walker

Illustrates the potential with a personal anecdote.

113 Rep. Backlund

Concurs with Sen. Walker and Rep. Verger.

117 Sen. Walker

Addresses the additional language in the –A7 amendments.

126 Chair Doyle

Addresses that language – the second section, dealing with the “do not call registry.”

132 Kevin Neely

Attorney General’s office. Addresses the second section, dealing with the preemption vis-à-vis federal law enforcement. Notes growing support for the FCC preemption.

137 Rep. Flores

MOTION: Moves to ADOPT SB 655-A7 amendments dated 8/26/03.

141

VOTE: 7-0

142 Chair Doyle

Hearing no objection, declares the motion CARRIED.

144 Rep. Flores

MOTION: Moves SB 655A to the floor with a DO PASS AS AMENDED recommendation.

159

VOTE: 7-0

161 Chair Doyle **AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.**

165 Chair Doyle **REP. BACKLUND will lead discussion on the floor.**
Closes the work session on SB 655 A and opens a work session on SB 620 A.

The following prepared testimony is submitted for the record without public testimony for SB 655 A.
Cheryl Pellegrini Attorney-in-Charge, Department of Justice. Submits **(EXHIBIT D)**.

SB 620 A – WORK SESSION

172 Teresa Miller Oregon Trial Lawyers’ Association. Testifies in support of SB 620 A, relating to workers’ compensation. Asserts no known opposition to the bill.

192 Rep. Monnes **MOTION: Moves SB 620A to the floor with a DO PASS recommendation.**
Anderson

208 **VOTE: 7-0**

216 Chair Doyle **AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.**

221 Chair Doyle **REP. CLOSE will lead discussion on the floor.**
Closes the hearing on SB 620 A and reopens a work session on SB 360 A.

SB 360 A – WORK SESSION

217 Rep. Doyle **MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. BARNHART to BE RECORDED as voting AYE on SB 360.**

219 **VOTE: 7-0**

220 Chair Doyle **AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.**

221 Chair Doyle Closes the work session on SB 360 A and recesses the hearing at 1:31 p.m.

RECESS

222 Chair Doyle Reconvenes the meeting at 6:11 p.m. and opens a work session on SB 139 B.

SB 139 B – WORK SESSION

224 Chair Doyle Addresses SB 139 B regarding the voters’ pamphlet. Comments that this bill would pay for the voters’ pamphlet. Introduces the –A7 amendments **(EXHIBIT J)** and the –A8 amendments **(EXHIBIT K)** to deal with concerns of the Secretary of State regarding the funding of the voters’ pamphlet. Explains the implications of the bill.

321 Chair Doyle Continues with the process of amending of SB 139 B has taken, noting Rep. Shetterly’s participation as well as that of the Secretary of State’s office, the Speaker’s office, and other concerned parties.

TAPE 144, B

002 Chair Doyle Begins the explanation of the bill itself, noting where the various prior bills have been inserted. Points out conflict, which was addressed and dealt with in the –A8 amendments.

053 Rep. Monnes Asks for clarification why a section dealing with prohibited contributions is being deleted.
Anderson

055 Chair Doyle Replies that the Secretary of State’s office has advised Legislative Council that the cited provision is unconstitutional. Continues explaining the various provisions of the bill.

093	Rep. Barnhart	Asks about the inclusion of Section 50.
094	Rep. Verger	Also expresses concern about Section 50.
095	Chair Doyle	States that Section 50 was an amendment included by the Chair as a result of a previous hearing on HB 2142.
098	Rep. Verger	Asks about the removal of judicial candidates.
099	Chair Doyle	Affirms Rep. Verger's assumption.
104	Rep. Barnhart	Asks if Sections 51 and 52 were also submitted by the Chair.
112	Chair Doyle	Affirms that they were. Continues dissection of the bill from Page 59. Continues noting inclusions from various interests.
205	Rep. Barnhart	Asks for clarification on reporting in-kind contributions.
208	Chair Doyle	Clarifies the intent and continues with Sections 71 through 76.
245	Rep. Verger	Asks where Section 77 and 78 came from.
248	Chair Doyle	Replies that they were requested by the Secretary of State. Concludes the overview of the bill.
257	Ted Reutlinger	Legislative Council. Addresses the minor changes in the –B8 amendments from the –B7 amendments.
269	Cara Filsinger	Committee Administrator. Confirms the difference between the –B7 and the –B8 amendments.
283	Chair Doyle	Asserts that a conceptual amendment will probably be required.
291	Reutlinger	Confirms that a conceptual amendment will be required to fix Sections 77 and 78. Details the 10-15 changes required for the conceptual amendments.
381	Chair Doyle	Asks for a rule suspension to deal with the conceptual amendments.
393	Rep. Verger	Asks about incumbency and the rationale for removing it from the voters pamphlet.
394	Chair Doyle	Asserts that Oregon is the only stat in the union which allows the incumbency and removing the provision would put Oregon on par with the other states in the union.
403	Rep. Doyle	MOTION: Moves to SUSPEND the rules for the purpose of considering a conceptual amendment to SB 139.
406		VOTE: 7-0
407	Chair Doyle	Hearing no objection, declares the motion CARRIED.
414	Filsinger	Asks Reutlinger for the changes to the conceptual amendments.
421	Reutlinger	Confirms the language for the conceptual amendments.
441	Rep. Doyle	MOTION: Moves to ADOPT SB 139-A8 amendments dated 8/26/03 and that the measure be FURTHER AMENDED on page 67, line 24, by replacing "effective date" after "on or after the" with "operative date specified in Section 79" and also on page 67, line 26, page 68, line 1, line 4, line 7, line 10, line 21, line 22, line 25, line 28, and line 29; page 69, line 1, line 4, line 6, and line 9.
462		VOTE: 7-0
464	Chair Doyle	Hearing no objection, declares the motion CARRIED.
TAPE 145, B 004	Rep. Flores	MOTION: Moves SB 139B to the floor with a DO PASS AS AMENDED recommendation.
014	Rep. Barnhart	Expresses concern about moving such a large piece of legislation with such little time for consideration. Addresses his concerns with the legislation, itself.
076	Chair Doyle	Notes that the change was made that if you are there before 8:00

p.m., the individuals involved are allowed to complete filling out their ballot. Confirms that this bill does not prohibit this action. Reaffirms his concern for clean and honest elections.

083 Rep. Barnhart

100 Chair Doyle Asks Reutlinger about concerns regarding Section 16 relating to special elections and whether this language would apply to the upcoming September special election.

107 Reutlinger Explains the provisions necessary to be added into the bill in order for it to apply in September.

123 Chair Doyle Asks if the committee members think this bill should apply to the September election.

134 Rep. Barnhart Inquires as to whether this election has already been paid for.

137 Chair Doyle Affirms that Rep. Barnhart is correct and it has been provided for.

141 Rep. Monnes Anderson Expresses concern over shortening the time to vote.

159 Rep. Backlund Asserts that the current amount of time, according to the –A8 amendments is a good compromise.

167 Chair Doyle Concurs that SB 139 B was a compromise, intended to allow for at least two weekends.

175 Rep. Monnes Anderson Expresses concern that passage of this bill would allow for only one weekend for vote by mail, due to the time required for mailing.

179 Chair Doyle Cites a high percentage of people who generally hand in their ballot on the last day.

181 Rep. Barnhart Also expresses concern that problems with postal delivery could hinder people’s ability to have two weekends to return their ballot.

216 Rep. Close States that the amount of time is reasonable, given that the rest of the country has one day to vote.

221 Rep. Verger Comments that two weeks seems like a reasonable amount of time.

224 Rep. Barnhart Reiterates concern about the mail delivery.

226 Rep. Verger Restates that she is comfortable with the timing.

228 Rep. Barnhart Notes that the chief election officer is available for comments.

232 Chair Doyle States that the committee will not hear any additional invited testimony.

244 VOTE: 5-2

AYE: 5 - Backlund, Close, Flores, Verger, Doyle

NAY: 2 - Barnhart, Monnes Anderson

248 Chair Doyle The motion CARRIES.

253 Rep. Flores MOTION: Moves SB 139B to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.

257 Rep. Barnhart Reiterates his concerns as to the fee.

263 VOTE: 5-2

AYE: 5 - Backlund, Close, Flores, Verger, Doyle

NAY: 2 - Barnhart, Monnes Anderson

266 Chair Doyle The motion CARRIES.

REP. DOYLE will lead discussion on the floor.

269 Rep. Monnes Serves notice of a possible minority report.

271 Anderson
Chair Doyle Closes the work session on SB 139 B and recesses the meeting
at 7:14 p.m .

The following prepared testimony is submitted for the record without public testimony for SB 139 B. `

Margaret Noel Submits (**EXHIBIT L**).

RECESS

272 Chair Doyle Reconvenes the meeting at 8:19 p.m. and adjourns the meeting at
8:19 p.m.

EXHIBIT SUMMARY

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- A – SB 904 B, written materials, staff, 3 pp.**
- B – SB 937 A, written testimony, Marshall Coba, 1 p.**
- C – SB 709 A, -A2 amendments, staff, 1 p.**
- D – SB 709 A, -A3 amendments, staff, 5 pp.**
- E – SB 655 A, -A7 amendments, staff, 2 pp.**
- F – SB 655 A, written testimony, Senator Walker, 1 p.**
- G – SB 655 A, written testimony, Senator Walker, 2 pp.**
- H – SB 655 A, written testimony, Senator Walker, 1 p.**

- I – SB 655 A, written testimony, Cheryl Pellegrini, 3 pp.**
- J – SB 139 B, -B7 amendments, staff, 69 pp.**
- K – SB 139 B, -B8 amendments, staff, 69 pp.**
- L – SB 139 B, written testimony, Margaret Noel, 1 p.**