

SENATE COMMITTEE ON RULES

April 03, 2003
3:00 pm

Hearing Room 343
Tapes 33 - 35

MEMBERS PRESENT: **Sen. Kate Brown, Co-chair, Presiding**
 Sen. Jason Atkinson, Vice-chair
 Sen. Ginny Burdick, Vice-chair
 Sen. Roger Beyer
 Sen. Tony Corcoran

MEMBER EXCUSED: **Sen. Bev Clarno, Co-chair**

STAFF PRESENT: **Jim Stembridge, Committee Administrator**
 Pam Cox, Committee Assistant

MEASURE/ISSUES HEARD: **SJR 29 – Public Hearing**
 SB 722 – Public Hearing
 SJR 8 – Public Hearing
 Executive Appointments
 Land Conservation and Development Commission
 Office for Oregon Health Policy & Research
 Oregon State Board of Nursing
 Introduction of Committee Measures – 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 33, A		
005	Co-chair Brown	Calls meeting to order at 3:03 pm. Opens a public hearing on SJR 29.
<u>SJR 29 – PUBLIC HEARING</u>		
021	Steve Doell	President, Crime Victims United of Oregon. Testifies in support of SJR 29, which proposes amendment to Oregon Constitution relating to election of Supreme Court judges. Informs the committee it is all about fair representation and a respect of regional interests (EXHIBIT A).
106	Sen. Corcoran	Asks for a list of monies that were spent in all the Supreme Court races in the last twenty years.
110	Doell	States he is presenting Mr. Meek's testimony and they are not his statements.
111	Sen. Corcoran	Reiterates the interest to know the amounts that were spent on other races.
113	Doell	Answers information received from other states show universally the costs were cut on campaign finance.
134	Justice Gillette	Testifies in opposition to SJR 29 and suggests to the committee reasons why it does not make someone more qualified for a judgeship if they were to -live in that district.
278	Sen. Ted Ferrioli	District 30. Testifies in support of SJR 29 and offers information about activism on the bench.
321	Co-chair Brown	States women are not fairly represented in the Supreme Court.

340	Sen. Ferrioli	Answers he would be sympathetic to this and continues to inform the committee on redistricting not being a great burden in other forms of government so why for the judiciary.
301	Sen. Corcoran	Asks who he sees as activists in the Oregon Supreme Court.
303	Sen. Ferrioli	States his comment was directed to William Dwyer from the 9 th Circuit Court of Appeals.
423	Sen. Corcoran	Notes Sen. Ferrioli does not have an example in the Oregon Supreme Court yet he wants to redistrict them.
423	Sen. Ferrioli	States if we are going to elect judges they should require residency.
435	Co-chair Brown	Asks why he feels you could better serve an area if you live in it.
453	Sen. Ferrioli	Answers and offers background of his residence in his district.
TAPE 34, A		
005	Doell	States experiences to judicial activism.
011	Sen. Beyer	Asks for clarification on where judges have to live.
021	Sen. Ferrioli	Answers the resident must live in the district one year before the election.
034	Sen. Corcoran	Asks why there isn't a provision in the amendment for the election to be partisan.
035	Sen. Ferrioli	Answers the judiciary is currently enjoined from discussing partisanship in their elections.
059	Co-chair Brown	Closes public hearing on SJR 29 and opens a public hearing on SB 722.

SB 722 – PUBLIC HEARING

060	Jim Stembridge	Committee Administrator. Summarizes SB 722, which prohibits smoking in bowling centers and certain restaurants, effective January 1, 2004.
063	Rep. Carolyn Tomei	District 41. Testifies in support of SB 722 and discusses HB 2828 which passed two years ago regarding no smoking in restaurants.
111	Rep. Floyd Prozanski	District 8. Offers testimony in support of SB 722 and submits written testimony regarding banning smoking (EXHIBIT B).
131	Sen. Vicki Walker	District 7. Testifies in support of SB 722 and explains HB 2828 stating there were people that worked long and hard on this bill and it was not totally effective but hopes SB 722 will take care of this problem.
141	Sen. Bill Morrisette	District 6. Submits written testimony offering information regarding the written document from Ireland submitted by Rep. Prozanski.
195	Co-chair Brown	Closes public hearing on SB 722 and opens a public hearing on SJR 8.

SJR 8 – PUBLIC HEARING

197	Jim Stembridge	Committee Administrator. Summarizes SJR 8, which proposes amendment to Oregon Constitution to prohibit Legislative Assembly from preempting or restricting, by general civil law, local legislation that relates to matters of predominantly city or county concern and that are within scope of powers granted by city or county charter.
204	Sen. Bill Morrisette	District 6. Introduces Ken Tollenaar and offers information on preemptions and how cities have the right to pass laws that predominantly pertain to local government.
255	Ken Tollenaar	Eugene. Submits written testimony informing the committee on preemptions and continues to offer interpretations on matters of powers granted by city and county charters (EXHIBIT C).

332	Sen. Burdick	Asks if SJR 8 passes would the preemptions be rescinded.
333	Tollenaar	States he sees nothing in the bill that talks to this issue.
334	Co-chair Brown	Closes public hearing on SJR 8 and opens a public hearing on the appointment of Bruce Goldberg as the Administrator of the Office of Oregon Health Policy and Research.

PUBLIC HEARING

EXECUTIVE APPOINTMENT

ADMINISTRATOR OF THE OFFICE OF OREGON HEALTH POLICY AND RESEARCH – BRUCE GOLDBERG (EXHIBITS D, E)

370	Bruce Goldberg	Discusses his background and qualifications for this appointment.
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TAPE 33, B

003	Co-chair Brown	Closes public hearing and opens a work session.
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WORK SESION

ADMINISTRATOR OF THE OFFICE OF OREGON HEALTH POLICY AND RESEARCH – BRUCE GOLDBERG (EXHIBITS D, E)

005	Sen. Burdick	MOTION: Moves the APPOINTMENT of Bruce Goldberg to the Administrator of the Office of Oregon Health Policy & Research to the floor with the recommendation that the appointment BE CONFIRMED.
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VOTE: 5-0

EXCUSED: 1 - Sen. Clarno

Co-chair Brown Hearing no objection, declares the motion CARRIED.

SEN. ATKINSON will lead discussion on the floor.

007	Co-chair Brown	Closes a work session and opens a public hearing on the appointment of John Van Landingham to the appointment of Land Conservation and Development Commission.
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PUBLIC HEARING

EXECUTIVE APPOINEMENT

LAND CONSERVATION AND DEVELOPMENT COMMISSION (LCDC) – JOHN VAN LANDINGHAM (EXHIBITS F, G, H)

008	John Van Landingham	Discusses his background and qualifications for this appointment.
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060	Gary Harris	LCDC. Offers information on Mr. Van Landingham and states he fully supports his appointment.
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070	John Chandler	Offers personal and professional information regarding Mr. Van Landingham.
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098	Co-chair Brown	Closes the public hearing and opens a work session on the appointment of John Van Landingham.
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WORK SESSION

LAND CONSERVATION AND DEVELOPMENT COMMISSION – JOHN VAN LANDINGHAM (EXHIBITS F, G, H)

100	Sen. Beyer	MOTION: Moves the REAPPOINTMENT of John Van Landingham to the Land Conservation and Development Commission to the floor with the recommendation that the appointment BE CONFIRMED.
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VOTE: 5-0

EXCUSED: 1 - Sen. Clarno

Co-chair Brown Hearing no objection, declares the motion CARRIED.

105	Co-chair Brown	Closes a work session on executive appointment and re-opens public hearing on SB 722.
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SB 722 – PUBLIC HEARING

- 114 Rep. Kelly Wirth District 16. Testifies in support of SB 722 representing the City of Corvallis and states there city was the first to ban smoking in bars **(EXHIBIT I)**.
- 145 Marie Hudson Bend. Testifies in support of SB 722 being a non-smoking consumer and a nurse, offers her concerns.
- 178 Co-chair Brown Closes public hearing on SB 722 and opens a public hearing on the executive appointments of Sandy Theis, Marguerite Gutierrez, Beverly Shields, Janet Wright and Rolf Olson.

PUBLIC HEARING

EXECUTIVE APPOINTMENTS

OREGON STATE BOARD OF NURSING – SANDY THEIS, MARGUERITE GUTIERREZ, BEVERLY SHIELDS, JANET WRIGHT AND ROLF OLSON (EXHIBITS J, K)

- 179 Jim Stembridge Committee Administrator. Summarizes executive appointments.

WORK SESSION

OREGON STATE BOARD OF NURSING – SANDY THEIS, MARGUERITE GUTIERREZ, BEVERLY SHIELDS, JANET WRIGHT AND ROLF OLSON (EXHIBITS J, K)

- 180 Sen. Atkinson **MOTION: Moves the APPOINTMENTS of Sandy Theis, Marguerite Gutierrez, Beverly Shields, Janet Wright and Rolf Olson to the Oregon State Board of Nursing to the floor with the recommendation that the appointments BE CONFIRMED EN BLOC.**
- 182 **VOTE: 4-0**
EXCUSED: 2 - Sen. Clarno, Sen. Corcoran
Hearing no objection, declares the motion CARRIED.
SEN. ATKINSON will lead discussion on the floor.
- 209 Co-chair Brown Closes work session on executive appointments and opens a work session for the purpose of introducing committee measures.

INTRODUCTION OF COMMITTEE MEASURES – WORK SESSION

- 211 Jim Stembridge Committee Administrator. Summarizes LC 3544.
- 212 Sen. Atkinson **MOTION: Moves LC 3544 BE INTRODUCED as a committee bill.**
- 213 **VOTE: 4-0**
EXCUSED: 2 - Sen. Clarno, Sen. Corcoran
Hearing no objection, declares the motion CARRIED.
- 245 Co-chair Brown Closes work session on LC 3544 and re-opens a public hearing on SB 722.

SB 722 – PUBLIC HEARING

- 316 Richard Jacobus Columbia County. Testifies in support of SB 722 and states this bill is about a health issue.
- 365 John Valley Advocacy Director, American Heart Association. Offers written testimony informing the committee on the elements of second hand smoke and urges support of SB 722 **(EXHIBIT L)**.

TAPE 34, B

- 022 Courtni Dresser Advocacy Manager, American Cancer Society. Offers written testimony in support of SB 722 informing the committee about supporting a smoke free ordinance **(EXHIBIT M, N, O)**.
- 065 Ron Tabb Sports Bar Owner, Tigard. Testifies in support of SB 722 and offers information on dangerous effects of second-hand smoke.
- 127 Tracy Tabb Sports Bar Owner, Tigard. Testifies in support of SB 722 and submits written testimony **(EXHIBIT P)**.
- 179 John Adams Testifies in support of SB 722 and explains Oregon needs to be the next state to pass this smoke free law in bars.

179	Co-chair Brown	Asks Mr. Tabb if he has tried to prohibit smoking in their establishment.
181	Tabb	States with the competition he would lose business unless it was prohibited by law.
197	Lauren Goche	Bar Waitress, Portland. Testifies in support of SB 722 offers written testimony and explains the physical effect second-hand smoke has on her (EXHIBIT Q) .
245	Jennifer Hale	Waitress, Portland. Testifies in support of SB 722 and offers written testimony informing the committee she is asthmatic and could not work in a smoking environment and explains the physical effects (EXHIBIT R) .
311	David Ray	Restaurant Manager, Portland. Testifies in support of SB 722 and informs the committee on his history of working for smoking and non-smoking restaurants (EXHIBIT S) .
380	Debbie Kaufman	Portland. Testifies in support of SB 722, submits written testimony and informs the committee on a personal incident of trying to find a smoke free bowling alley for a birthday party (EXHIBIT T) .
TAPE 35, A		
001	Dr. Mel Kohn	Department of Human Services. Testifies in support of SB 722 and offers written testimony summarizing from a doctor's view and notes this is a very important health issue and urges support (EXHIBIT U) .
015	Co-chair Brown	Closes public hearing on SB 722 and re-opens a public hearing on SJR 8.

SJR 8 – PUBLIC HEARING

018	Ken Strobeck	Executive Director, League of Oregon Cities (LOC). Testifies in support of SJR 8 and states this measure is similar to the tenth amendment of the Constitution which states that powers which are not specifically delegated to the federal government, belong to the state.
050	Bill Pennhollow	Association of Oregon Counties (AOC). Testifies in support of SJR 8 submitting written testimony explaining this bill will restore the balance between state responsibility and local control (EXHIBITS V, W) .

The following prepared testimony is submitted for the record without public testimony for SJR 8:

	Jason P. Heuser	Submits written testimony (EXHIBIT X)
082	Co-chair Brown	Closes public hearing on SJR 8. Adjourns committee meeting at 5:15 p.m.

EXHIBIT SUMMARY

- A – SJR 29, written testimony of Daniel Meek, Steve Doell, 1 p**
- B – SB 722, prepared material, Rep. Prozanski, 2 pp**
- C – SJR 8, written testimony, Ken Tollenaar, 3 pp**
- D – Office for Oregon Health Policy & Research, Appointment of Bruce Goldberg, Governor's office, 2 pp**
- E – Executive Appointment, prepared material, Bruce Goldberg, staff, 18 pp**
- F – Land Conservation and Development Commission, Appointment of John Van Landingham, Governor's office, 4 pp**
- G – Executive Appointment, prepared material, staff, 12 pp**
- H – Executive Appointment, written testimony of John Van Landingham, Burton West, 1 p**
- I – SB 722, written testimony, Rep. Wirth, 1 p**

J – Oregon State Board of Nursing, Governor’s office, 2 pp
K – Executive appointment, prepared material, Sandy Theis, Marguerite Gutierrez, Bev Shields, Janet Wright, and Rolf Olson, staff, 39 pp
L – SB 722, written testimony, John Valley, 1 p
M – SB 722, written testimony and prepared materials, Courtni Dresser, 23 pp
N – SB 722, written testimony, Courtni Dresser, 1 p
O – SB 722, written testimony, Courtni Dresser, 1 p
P – SB 722, written testimony, Tracy Tabb, 17 pp
Q – SB 722, written testimony, Lauren Goche, 1 p
R – SB 722, written testimony, Jennifer Hale, 2 pp
S – SB 722, written testimony, David Ray, 1 p
T – SB 722, written testimony, Debbie Kaufman, 1 p
U – SB 722, written testimony, Melvin Kohn, MD, MPH, 2 pp
V – SJR 8, written testimony, Bill Penhollow, 2 pp
W – SJR 8, brochure, Bill Penhollow, 36 pp
X – SJR 8, written testimony, Jason P. Heuser, 1 p