

SENATE COMMITTEE ON RULES AND ELECTIONS

February 23, 1999 Hearing Room B

4:30 p.m. Tapes 18 - 19

MEMBERS PRESENT: Sen. Charles Starr, Chair

Sen. Randy Miller, Vice-Chair

Sen. Lee Beyer

Sen. Kate Brown

Sen. Neil Bryant

MEMBER EXCUSED:

STAFF PRESENT: Brian E. Smith, Administrator

Rachel E. Halupowski, Administrative Support

MEASURE/ISSUES HEARD: Consideration of Drafting and Measure Introduction Requests

Executive Appointments:

Coastal Salmon Restoration and Production Task Force

Electrical and Elevator Board

Environmental Quality Commission

Oregon Board of Maritime Pilots

Oregon Racing Commission

Teacher Standards & Practices Commission

Appraiser Certification and Licensure Board

Commission for Women

Oregon Government Standards & Practices Commission

Physical Therapist Licensing Board

State Board of Tax Service Examiners

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 18, A		
000	Chair Starr	Opens meeting at 4:35 p.m. and opens work session to consider drafting and measure introduction requests
<u>INTRODUCTION OF COMMITTEE BILLS</u>		
011	Chair Starr	Asks the committee administrator to explain draft requests and LCs for possible introduction.
012	Brian E. Smith	Committee Administrator. Explains LC 516 establishes public right to recreational use of certain types of waterways.
018	Chair Starr	MOTION: Moves LC 516 dated 2/19/99 BE INTRODUCED as a committee bill.
		VOTE: 3-0 EXCUSED: 2 - Beyer, Bryant
		Chair Starr Hearing no objection, declares the motion CARRIED. LC 516 is introduced as SB 832.
020	Smith	Explains LC 2288 prohibits school districts from charging tuition to non-resident students.
024	Chair Starr	MOTION: Moves LC 2288 dated 2/8/99 BE INTRODUCED as a committee bill.
		VOTE: 3-0 EXCUSED: 2 - Beyer, Bryant

	Chair Starr	<p>Hearing no objection, declares the motion CARRIED.</p> <p>LC 2288 is introduced as SB 829.</p>
031	Smith	Explains LC 2602 would transfer all terrain vehicles programs and regulations from the Department of Transportation to the Department of Parks and Recreation.
035	Chair Starr	MOTION: Moves LC 2602 dated 1/28/99 BE INTRODUCED.
		<p>VOTE: 3-0</p> <p>EXCUSED: 2 - Beyer, Bryant</p>
	Chair Starr	<p>Hearing no objection, declares the motion CARRIED.</p> <p>LC 2602 is introduced as SB 833.</p>
040	Smith	Explains LC 2860 proposes an amendment to the Oregon Constitution relating to time limits for office for statewide elected officials and legislators.
043	Chair Starr	MOTION: Moves LC 2860 dated 2/17/99 BE INTRODUCED.
		<p>VOTE: 3-0</p> <p>EXCUSED: 2 - Beyer, Bryant</p>
	Chair Starr	<p>Hearing no objection, declares the motion CARRIED.</p> <p>LC 2860 is introduced as SJR 23.</p>
060	Smith	Explains LC 2892 would delete the requirement that a disabled veteran have a specified disability rating in order to obtain preferences on civil services examinations.
064	Chair Starr	MOTION: Moves LC 2892 dated 2/16/99 BE INTRODUCED as a committee bill.

		VOTE: 4-0 EXCUSED: 1 ñ Bryant
	Chair Starr	Hearing no objection, declares the motion CARRIED. LC 2892 is introduced as SB 831.
069	Smith	Explains President Adamís drafting request is related to usage guidelines for vacuum extractors in baby deliveries.
074	Chair Starr	MOTION: Moves drafting and introduction request from President Adams BE APPROVED.
		VOTE: 4-0 EXCUSED: 1 ñ Bryant
	Chair Starr	Hearing no objection, declares the motion CARRIED.
078	Smith	Explains Sen. Derflerís drafting request is related to Section 15a of the Oregon Constitution, requiring the legislature to refer Section 15 of the Constitution to the people for a vote.
084	Chair Starr	MOTION: Moves drafting and introduction request from Sen. Derfler BE APPROVED.
		VOTE: 4-0 EXCUSED: 1 ñ Bryant
	Chair Starr	Hearing no objection, declares the motion CARRIED.
090	Smith	Explains Sen. Starrís drafting request is related to the use of gill nets on the Columbia River.
092	Chair Starr	MOTION: Moves drafting and introduction request from Sen. Starr BE APPROVED.

		VOTE: 4-0 EXCUSED: 1 n Bryant
	Chair Starr	Hearing no objection, declares the motion CARRIED .
096	Smith	Explains LC 3403 relates to the requirement that elector lists that county clerks deliver to political parties contain telephone numbers of the electors.
100	Chair Starr	MOTION: Moves LC 3403 dated 2/19/99 BE INTRODUCED as a committee bill.
		VOTE: 4-0 EXCUSED: 1 n Bryant
	Chair Starr	Hearing no objection, declares the motion CARRIED. LC 3403 is introduced as SB 830.
106	Chair Starr	Closes the work session and opens public hearing on Coastal Salmon Restoration and Production Task Force.
<u>EXECUTIVE APPOINTMENTS n COASTAL SALMON RESTORATION AND PRODUCTION TASK FORCE</u>		
116		Staff presents (EXHIBIT A) .
117	Donald Barth	Siletz resident. Explains why he is qualified for this position and why he would like to serve on the board.
182	Vice-Chair Miller	Ask whether harbor seals need to be removed from Newport beach.
187	Barth	States there are a lot more predators than just seals and sea lions that exhaust the salmon supply in Newport. States the increase of dead birds in the area is due to low smelt production and food sources have become scarce. States seals and sea lions in Alsea, positioned above the tide level, are stealing fish from fishing nets. States the seals and sea lions are becoming more belligerent.
208	Chair Starr	Explains, during a salmon run, seals would follow the run up to 100 miles inland, feeding on the run. Asks if Barth has knowledge of this type of occurrence.

214	Barth	States he has no knowledge of that because the coastal streams he is familiar with do not run that far north. States the issue is difficult to solve because seals and sea lions are protected species.
228	Chair Starr	States the National Marine Fisheries are apprehensive about the seals and sea lions, and the effect the animals will have, while working for the recovery of the salmon species.
235	Barth	States, originally, there was worry about the depletion of seals and sea lions. States the pendulum has swung the other way, where now, the seals are endangering other species. States the animals will die from lack of food and resources.
247	Chair Starr	Closes public hearing and opens work session.
248	Vice-Chair Miller	MOTION: Moves the appointment of Donald Barth to the Coastal Salmon Restoration and Production Task Force to the floor with the recommendation that the appointment be confirmed.
		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 ñ Bryant
	Chair Starr	The motion CARRIES. SEN. BROWN will lead discussion on the floor.
261	Chair Starr	Closes the work session and opens public hearing on Electrical and Elevator Board.
<u>EXECUTIVE APPOINTMENTS ñ ELECTRICAL AND ELEVATOR BOARD</u>		
279		Staff presents (EXHIBIT B) .
280	Clint Hilman	Explains why he is qualified for this position and why he would like to serve on the board.
323		Staff presents (EXHIBIT C) .

324	Stacie Strauss	Explains why she is qualified for this position and why she would like to serve on the board.
347	Chair Starr	Closes public hearing and opens work session.
348	Sen. Brown	MOTION: Moves the appointments of Clint Hilman and Stacie Strauss to the Electrical and Elevator Board to the floor with the recommendation that the appointments be confirmed en bloc.
		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 ñ Bryant
	Chair Starr	The motion CARRIES. SEN. BROWN will lead discussion on the floor.
369	Chair Starr	Closes the work session and opens public hearing on the Environmental Quality Commission.
<u>EXECUTIVE APPOINTMENTS ñ ENVIRONMENTAL QUALITY COMMISSION</u>		
381		Staff presents (EXHIBIT D) .
382	Chair Starr	Turns gavel over to Vice-Chair Miller.
387	Rose Marie Davis	Water Quality Education Outreach. Explains why she is qualified for this position and why she would like to serve on the board.
TAPE 19, A		
006	Vice-Chair Miller	Asks if she has any experience in the private sector.
009	Davis	States she runs a small beef operation.
014	Vice-Chair Miller	Asks about the type of education children are receiving in respect to environmental concerns.

016	Davis	States that natural resources systems are built into teacher certification on the high school level, but each system depends on administration, the school district, and the schools. Believes there is more that can be done to educate Oregonis youth.
035	Vice-Chair Miller	Asks if, relating to the beef industry, she had a position on Ballot Measure 38 (Donit Fence Oregon).
049	Davis	States she did not take a position on the issue. States she has no frontage property along a stream. States there are other ways, besides massive fencing, to keep cattle out of streams. States she did not support Ballot Measure 38 "Öin blanket."
052	Vice-Chair Miller	Asks if she had a position on Ballot Measure 64.
056	Davis	Stated she has attended forums, read literature on the issue, and believes Ballot Measure 64 was too extreme.
059	Vice-Chair Miller	Asks, as a writer of the Southwest Oregon Salmon Restoration Initiative, what the term "best achievable conditions" means.
072	Davis	States the term implies that Oregon habitats will never be restored to their original state (prior to European settlement), but Oregon can restore habitats through repairing damages from cattle and livestock.
076	Vice-Chair Miller	States in this initiative there is reference to limited forest harvests in and near riparian areas.
079	Davis	States it is generally accepted because of stabilization of the area.
091	Vice-Chair Miller	Asks if she can see herself "Öadvocating any further set asides."
094	Davis	States those in place are sufficient at this time, but she would defer to the Oregon Department of Forestry for additional issues.
103	Vice-Chair Miller	Asks if she is convinced there is a need for additional set asides. Asks if she would be in favor of compensating the property owners.
123	Davis	States she cannot answer at this time, without more information. States she needs to know the costs involved, and the reasons for reimbursement, but does not want to see people lose their investments.
148	Vice-Chair Miller	Asks for her general thoughts on pesticides.

150	Davis	States she needs to learn more about the safety of pesticides for aquatic species.
162	Vice-Chair Miller	States the chair has asked not to move on this appointment at this time. Closes the public hearing and opens public hearing on Oregon Board of Maritime Pilots.
<u>EXECUTIVE APPOINTMENTS ñ OREGON BOARD OF MARITIME PILOTS</u>		
169		Staff presents (EXHIBIT E) .
170	Katy Eymann	Explains why she is qualified for this position and why she would like to serve on the board. Presents (EXHIBIT F) .
208	Sen. Brown	Asks how many marine women pilots there currently are.
211	Eymann	States there is a plan to include more women, but she does not know the number of women currently serving.
214	Vice-Chair Miller	Closes public hearing and opens work session.
216	Sen. Brown	MOTION: Moves the appointment of Katy Eymann to the Oregon Board of Maritime Pilots to the floor with the recommendation that the appointment be confirmed.
		VOTE: 4-0 EXCUSED: 1 ñ Starr
Vice-Chair Miller		Hearing no objection, declares the motion CARRIED. SEN. BROWN will lead discussion on the floor.
222	Vice-Chair Miller	Closes work session and opens public hearing on the Oregon Racing Commission.
<u>EXECUTIVE APPOINTMENT ñ OREGON RACING COMMISSION</u>		
223		Staff presents (EXHIBIT G) .
224	David Price	Explains why he is qualified for this position and why he would like to serve on the board. Presents (EXHIBIT H) .

254	Sen. Brown	Asks about the position of state support for the Oregon dog and horse racing industry.
258	Price	States the industry should stand on its own.
266	Sen. Brown	Asks if the equine facilities are adequate at the Salem Fairgrounds.
271	Price	States he is not an expert on the facilities, but he does not believe the dogs or Portland Meadows should support the Fairgrounds.
279	Vice-Chair Miller	Closes public hearing and opens work session.
280	Sen. Bryant	MOTION: Moves the appointment of David Price to the Oregon Racing Commission to the floor with the recommendation that the appointment be confirmed.
		VOTE: 4-0 EXCUSED: 1 ñ Starr
Vice-Chair Miller		Hearing no objection, declares the motion CARRIED. SEN. BROWN will lead discussion on the floor.
285	Vice-Chair Miller	Closes work session and opens public hearing on the Teacher Standards and Practices Commission.
<u>EXECUTIVE APPOINTMENTS ñ TEACHER STANDARDS AND PRACTICES COMMISSION</u>		
288		Staff presents (EXHIBIT I) .
289	Linda Samek	Explains why she is qualified for this position and why she would like to serve on the board.
315	Sen. Brown	Asks her thoughts on basing teacher pay on the teacher's ability to increase student grades on standardized tests.
323	Samek	States her students have asked this question. States there are many factors about standardized testing, so she would oppose basing salary on the outcome of those assessments.

346	Vice-Chair Miller	Asks how difficult it is to acquire a teaching certificate in Oregon.
355	Samek	States, in general, it is not easy to get a teaching license in Oregon. Explains a new license law is coming into effect where anyone with a baccalaureate degree and a request made by a particular district could be issued a license. States all Oregon teachers must have attended a teacher education program.
383	Vice-Chair Miller	Asks if she believes everything that is required is needed.
384	Samek	Responds she believes a teaching license should be difficult to obtain.
392	Vice-Chair Miller	Closes public hearing and opens work session.
393	Sen. Beyer	MOTION: Moves the appointment of Linda Samek to the Teacher Standards and Practices Commission to the floor with the recommendation that the appointment be confirmed.
		VOTE: 4-0 EXCUSED: 1 ñ Starr
		Vice-Chair Miller Hearing no objection, declares the motion CARRIED. SEN. BROWN will lead discussion on the floor.
400	Vice-Chair Miller	Closes the work session and opens work session on appearance waivers beginning with the Appraiser Certification and Licensure Board.
<u>EXECUTIVE APPOINTMENTS ñ APPRAISER CERTIFICATION AND LICENSURE BOARD</u>		
410		Staff presents (EXHIBIT J) .
411	Sen. Brown	MOTION: Moves the reappointment of Roger Hansen to the Appraiser Certification and Licensure Board to the floor with the recommendation that the appointment be confirmed.
		VOTE: 4-0 EXCUSED: 1 ñ Starr

	Vice-Chair Miller	<p>Hearing no objection, declares the motion CARRIED.</p> <p>SEN. BROWN will lead discussion on the floor.</p>
413	Vice-Chair Miller	Closes work session and opens work session on the Coastal Salmon Restoration and Production Task Force.
<u>EXECUTIVE APPOINTMENTS ñ COASTAL SALMON RESTORATION AND PRODUCTION TASK FORCE</u>		
415		Staff presents (EXHIBITS K, L, M, and N).
416	Sen. Brown	<p>MOTION: Moves the reappointments of Daniel Bergeron, Scott Boley, Liz Hamilton, and Paul Heikkila to the Coastal Salmon Restoration and Production Task Force to the floor with the recommendation that the appointments be confirmed en bloc.</p>
		<p>VOTE: 4-0</p> <p>EXCUSED: 1 ñ Starr</p>
	Vice-Chair Miller	<p>Hearing no objection, declares the motion CARRIED.</p> <p>SEN. BROWN will lead discussion on the floor.</p>
418		Closes work session and opens work session on the Commission for Women.
<u>EXECUTIVE APPOINTMENTS ñ COMMISSION FOR WOMEN</u>		
432		Staff presents (EXHIBIT O).
450	Sen. Brown	<p>MOTION: Moves the reappointment of Karen Rutan to the Commission for Women to the floor with the recommendation that the appointment be confirmed.</p>
		<p>VOTE: 4-0</p> <p>EXCUSED: 1 ñ Starr</p>

	Vice-Chair Miller	<p>Hearing no objection, declares the motion CARRIED.</p> <p>SEN. BROWN will lead discussion on the floor.</p>
458	Vice-Chair Miller	Closes work session and opens work session on the Oregon Board of Maritime Pilots.
<u>EXECUTIVE APPOINTMENTS ñ OREGON BOARD OF MARITIME PILOTS</u>		
459		Staff presents (EXHIBIT P).
460	Sen. Brown	MOTION: Moves the reappointment of Michael Dillon to the Oregon Board of Maritime Pilots to the floor with the recommendation that the appointment be confirmed.
		<p>VOTE: 4-0</p> <p>EXCUSED: 1 ñ Starr</p>
	Vice-Chair Miller	<p>Hearing no objection, declares the motion CARRIED.</p> <p>SEN. BROWN will lead discussion on the floor.</p>
465	Vice-Chair Miller	Closes work session and opens work session on the Oregon Government Standards and Practices Commission.
<u>EXECUTIVE APPOINTMENTS ñ OREGON GOVERNMENT STANDARDS AND PRACTICES COMMISSION</u>		
466		Staff presents (EXHIBIT Q).
468	Vice-Chair Miller	MOTION: Moves the reappointment of Alice Schlenker to the Oregon Government Standards and Practices Commission to the floor with the recommendation that the appointment be confirmed.
		<p>VOTE: 4-0</p> <p>EXCUSED: 1 ñ Starr</p>

	Vice-Chair Miller	<p>Hearing no objection, declares the motion CARRIED.</p> <p>SEN. BROWN will lead discussion on the floor.</p>
470	Vice-Chair Miller	Closes work session and opens work session on the Physical Therapist Licensing Board.
<u>EXECUTIVE APPOINTMENTS ñ PHYSICAL THERAPIST LICENSING BOARD</u>		
471		Staff presents (EXHIBIT R).
473	Sen. Brown	MOTION: Moves the reappointment of Linda Barbee to the Physical Therapist Licensing Board to the floor with the recommendation that the appointment be confirmed.
		<p>VOTE: 4-0</p> <p>EXCUSED: 1 ñ Starr</p>
	Vice-Chair Miller	<p>Hearing no objection, declares the motion CARRIED.</p> <p>SEN. BROWN will lead discussion on the floor.</p>
475	Vice-Chair Miller	Closes work session and opens work session on the State Board of Tax Service Examiners.
<u>EXECUTIVE APPOINTMENTS ñ STATE BOARD OF TAX SERVICE EXAMINERS</u>		
476		Staff presents (EXHIBIT S).
478	Sen. Brown	MOTION: Moves the reappointment of Cheryl Brown to the State Board of Tax Service Examiners to the floor with the recommendation that the appointment be confirmed.
		<p>VOTE: 4-0</p> <p>EXCUSED: 1 ñ Starr</p>

	Vice-Chair Miller	<p>Hearing no objection, declares the motion CARRIED.</p> <p>SEN. BROWN will lead discussion on the floor.</p>
480	Vice-Chair Miller	Closes work session and adjourns meeting at 5:30 p.m.

Submitted By, Reviewed By,

Rachel E. Halupowski, Brian E. Smith,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ Executive Appointments, application forms, staff, 10 pp

B ñ Executive Appointments, application forms, staff, 8 pp

C ñ Executive Appointments, application forms, staff, 5 pp

D ñ Executive Appointments, application forms, staff, 7 pp

E ñ Executive Appointments, application forms, staff, 4 pp

F ñ Executive Appointments, written testimony, Katy Eymann, 2 pp

G ñ Executive Appointments, application forms, staff, 4 pp

H ñ Executive Appointments, written testimony, David Price, 1 p

I ñ Executive Appointments, application forms, staff, 8 pp

J ñ Executive Appointments, application forms, staff, 5 pp

K ñ Executive Appointments, application forms, staff, 5 pp

L ñ Executive Appointments, application forms, staff, 8 pp

M ñ Executive Appointments, application forms, staff, 8 pp

N ñ Executive Appointments, application forms, staff, 5 pp

O -- Executive Appointments, application forms, staff, 4 pp

P ñ Executive Appointments, application forms, staff, 5 pp

Q -- Executive Appointments, application forms, staff, 12 pp

R -- Executive Appointments, application forms, staff, 4 pp

S -- Executive Appointments, application forms, staff, 4 pp