

**SENATE COMMITTEE ON RULES AND ELECTIONS**

**June 29, 1999 Hearing Room B**

**1:00 p.m. Tapes 114 ñ 115**

**MEMBERS PRESENT: Sen. Charles Starr, Chair**

**Sen. Lee Beyer**

**Sen. Peter Courtney**

**Sen. Marylin Shannon**

**Sen. Veral Tarno**

**Pres. Brady Adams**

**STAFF PRESENT: Brian E. Smith, Administrator**

**Patrick Brennan, Administrative Support**

**MEASURE/ISSUES HEARD: HB 2583-A Work Session**

**Executive Appointment**

**Frank Spokas**

**Thomas Fitzpatrick**

**Walt Gamble**

**Di Lyn Larsen-Hill**

**Russell Williams**

**Misti Wittenberg**

**Geri Richmond**

**Grant Zadow**

**Drafting and Measure Introduction Requests**

**SJR 43 Work Session**

**HJR 59 Work Session**

**HB 2199 Work Session**

TAPE/#	Speaker	Comments
<b>TAPE 114, A</b>		
003	Chair Starr	Calls the meeting to order at 1:10 p.m. Opens a work session on HB 2583-A.
<b><u>HB 2583-A WORK SESSION</u></b>		
009	Brian E. Smith	<p>Committee Administrator. Indicates that the A4 amendments (<b>EXHIBITS A &amp; B</b>) have been submitted for consideration by the committee. Explains the amendments make two changes to the bill:</p> <ul style="list-style-type: none"> <li>• Substitute the term "fire service professional" for the terms "firefighter" or "volunteer firefighter"</li> <li>• Validates solicitation stipulations within the bill for all types of solicitations</li> </ul> <p>Mentions that the Oregon Department of Transportation (ODOT) has requested conceptual amendments to the A4 amendments that would make plural the term "fire service professional." Indicates the change would allow the issuance of a single permit upon request, rather than necessitating one permit per person. Describes the changes that would be made by the conceptual amendments.</p>
035	Sen. Tarno	<p><b>MOTION: Moves to ADOPT HB 2583-A4 amendments dated 6/8/99 and that the amendments be FURTHER AMENDED on line 11, by deleting "a" after "mit to" and on lines 11,12, &amp; 13, by inserting "s" after "professional" and on line 12, by deleting "s" after "show" and on line 13, by deleting "has" and adding "have".</b></p>
036		<p><b>VOTE: 3-0-2</b></p> <p><b>EXCUSED: 2 - Courtney, Shannon</b></p>
	Chair Starr	<b>Hearing no objection, declares the motion CARRIED.</b>
039	Sen. Tarno	<p><b>MOTION: Moves HB 2583-A to the floor with a DO PASS AS AMENDED recommendation.</b></p>
043		<p><b>VOTE: 4-0-1</b></p> <p><b>AYE: In a roll call vote, all members present vote Aye.</b></p> <p><b>EXCUSED: 1 - Courtney</b></p>

	Chair Starr	<p><b>The motion CARRIES.</b></p> <p><b>SEN. TARNO will lead discussion on the floor.</b></p>
		For Sen. Shannonis vote motion, please refer to TAPE 115, A @ 192 .
052	Chair Starr	Closes the work session on HB 2583-A and opens a work session on the Board of Medical Examiners.
<b><u>EXECUTIVE APPOINTMENT n BOARD OF MEDICAL EXAMINERS</u></b>		
		Staff presents <b>(EXHIBIT C)</b> .
058	Frank Spokas	Surgeon, City of Ontario. States that he has served on his hospital board of directors and executive committee, including a stint as chief of staff. Says he is a clinical instructor for the Department of Family Practice at Oregon Health Science University. Asserts his service has given him experience in a broad number of issues that impact practicing physicians.
090	Sen. Tarno	<b>MOTION: Moves the appointment of Frank Spokas to the Board of Medical Examiners to the floor with the recommendation that the appointment be confirmed.</b>
096		<p><b>VOTE: 3-0-2</b></p> <p><b>AYE: In a roll call vote, all members present vote Aye.</b></p> <p><b>EXCUSED: 2 - Courtney, Shannon</b></p>
	Chair Starr	<p><b>The motion CARRIES.</b></p> <p><b>SEN. COURTNEY will lead discussion on the floor.</b></p>
099	Chair Starr	Closes the work session on the Board of Medical Examiners and opens a work session on the Construction Contractors Board.
<b><u>EXECUTIVE APPOINTMENT n CONSTRUCTION CONTRACTORS BOARD</u></b>		

		Staff presents <b>(EXHIBITS D &amp; E)</b> .
100	Thomas Fitzpatrick	Remodeler, City of Portland. Says he has been a sole proprietor since 1993. Asserts that he would like to serve on the board to help prevent consumers from being hurt by bad business practices.
120	Sen. Beyer	Inquires about the adequacy of bonds available to contractors. Indicates there is an attitude among the public that they are not high enough. Asks Mr. Fitzpatrick to comment on the enforcement of stricter consumer protection laws through the board.
128	Fitzpatrick	Acknowledges that bonds have recently been raised, adding that he is unsure as to the proper size for such bonds. Submits that most contractors registered with the board do their best to comply with regulations and satisfy bond requirements. Mentions that he has little experience with bond issues.
142	Chair Starr	Comments that the bonds in question are for licensing purposes.
145	Fitzpatrick	Reiterates that he has never seen a need for such a bond to be enforced.
151	Sen. Beyer	Says there is a sense that the board is not adequately fulfilling its role as an entity of consumer protection.
154	Fitzpatrick	Responds that the best the board can do is to educate consumers regarding proper contracting requirements. Asserts that consumer friendliness is important. States that contractors must also be made aware of their proper role and conduct.
195	Sen. Tarno	<b>MOTION: Moves the appointment of Thomas Fitzpatrick to the Construction Contractors Board to the floor with the recommendation that the appointment be confirmed.</b>
198		<b>VOTE: 4-0-1</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 1 - Courtney</b>
	Chair Starr	<b>The motion CARRIES.</b>  <b>SEN. COURTNEY will lead discussion on the floor.</b>
202	Walt Gamble	General Contractor, City of West Linn. States he has been a contractor since graduating from Oregon State University in 1969. Asserts that he has extensive experience in conflict resolution. Says he has served actively as president of the

		Associated General Contractors. Comments that he has the patience and enthusiasm to serve the board successfully.
230	Sen. Tarno	<b>MOTION: Moves the appointment of Walt Gamble to the Construction Contractors Board to the floor with the recommendation that the appointment be confirmed.</b>
232		<b>VOTE: 3-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 2 - Beyer, Courtney</b>
	Chair Starr	<b>The motion CARRIES.</b>  <b>SEN. COURTNEY will lead discussion on the floor.</b>
235	Sen. Shannon	States that the executive director of the Construction Contractors Board has been helpful in assisting with the needs of her constituents in the past. Expresses hope that Mr. Gamble will be a valuable addition to the board.
242	Chair Starr	Closes the work session on the Construction Contractors Board and opens a work session on the Government Standards and Practices Commission.
<b><u>EXECUTIVE APPOINTMENT to GOVERNMENT STANDARDS AND PRACTICES COMMISSION</u></b>		
		Staff presents <b>(EXHIBIT F)</b> .
245	Di Lyn Larsen-Hill	City Councilperson, La Grande. States that she served as president of the League of Oregon Cities in 1995 and is currently the chair of the Past Presidents of the League of Oregon Cities. Says she has utilized the services of the commission in the past as a city councilperson. Asserts that it is important for citizens from Eastern Oregon to represent their part of the state by serving on commissions.
280	Sen. Tarno	<b>MOTION: Moves the appointment of Di Lyn Larsen-Hill to the Government Standards and Practices Commission to the floor with the recommendation that the appointment be confirmed.</b>
284		<b>VOTE: 4-0-1</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 1 - Courtney</b>

	<b>Chair Starr</b>	<p><b>The motion CARRIES.</b></p> <p><b>SEN. COURTNEY will lead discussion on the floor.</b></p>
285	Chair Starr	Closes the work session on the Government Standards and Practices Commission and opens a work session on the Board of Boiler Rules.
<b><u>EXECUTIVE APPOINTMENT to BOARD OF BOILER RULES</u></b>		
		Staff presents <b>(EXHIBIT G)</b> .
288	Russell Williams	Employee, Oregon Health Sciences University. States that he has extensive experience as a boiler operator and engineer. Says he has also served as an instructor of boiler control systems at Portland Community College. Expresses a desire to bring his experience to the proper installation and operation of boiler systems.
315	<b>Sen. Tarno</b>	<b>MOTION: Moves the appointment of Russell Williams to the Board of Boiler Rules to the floor with the recommendation that the appointment be confirmed.</b>
318		<p><b>VOTE: 4-0-1</b></p> <p><b>AYE: In a roll call vote, all members present vote Aye.</b></p> <p><b>EXCUSED: 1 - Courtney</b></p>
	<b>Chair Starr</b>	<p><b>The motion CARRIES.</b></p> <p><b>SEN. COURTNEY will lead discussion on the floor.</b></p>
320	Chair Starr	Closes the work session on the Board of Boiler Rules and opens a work session on the Board of Examiners of Nursing Home Administrators.
<b><u>EXECUTIVE APPOINTMENT to</u></b>		
<b><u>BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS</u></b>		
		Staff presents <b>(EXHIBIT H)</b> .

323	Misti Wittenberg	Employee, Keizer Retirement Health Care Village. States she has served for 19 years at Keizer, holding every available position in a "voluntary labor" capacity. Asserts that it is important that those who choose a career in nursing homes receive proper training. Lists several traits that an administrator must have to be successful, and the problems that can result if an administrator fails in their duties.
390	Sen. Shannon	<b>MOTION: Moves the appointment of Misti Wittenberg to the Board of Examiners of Nursing Home Administrators to the floor with the recommendation that the appointment be confirmed.</b>
397		<b>VOTE: 5-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>
	Chair Starr	<b>The motion CARRIES.</b>  <b>SEN. COURTNEY will lead discussion on the floor.</b>
402	Chair Starr	Closes the work session on the Board of Examiners of Nursing Home Administrators and opens a work session on the State Board of Higher Education.
<b><u>EXECUTIVE APPOINTMENT to STATE BOARD OF HIGHER EDUCATION</u></b>		
		Staff presents <b>(EXHIBIT I)</b> .
405	Geri Richmond	Professor of Chemical Physics, University of Oregon. Describes her duties as a professor and her work setting policy agendas for science in the United States. Expresses encouragement regarding recent policy changes toward higher education.
<b>TAPE 115, A</b>		
013	Sen. Beyer	Comments that Ms. Richmond was recruited to the University of Oregon by lottery funds allocated to Centers of Excellence. Applauds Ms. Richmond's efforts at the University of Oregon and for her decision to serve on the board.
021	Sen. Beyer	<b>MOTION: Moves the appointment of Geri Richmond to the State Board of Higher Education to the floor with the recommendation that the appointment be confirmed.</b>
027		<b>VOTE: 5-0</b>

		<b>AYE: In a roll call vote, all members present vote Aye.</b>
	<b>Chair Starr</b>	<p><b>The motion CARRIES.</b></p> <p><b>SEN. COURTNEY will lead discussion on the floor.</b></p>
034	Chair Starr	Closes the work session on the State Board of Higher Education and opens a work session on the Port of Portland Board of Commissioners.
<b><u>EXECUTIVE APPOINTMENT to PORT OF PORTLAND BOARD OF COMMISSIONERS</u></b>		
		Staff presents <b>(EXHIBIT J)</b> .
035	Brian E. Smith	Committee Administrator. Explains that Mr. Zadow is being appointed to two separate positions on the board. Says the first appointment is for the period from 7-1-99 to 9-30-99, the second being a reappointment for 10-1-99 to 9-30-03.
043	Grant Zadow	Business Representative, International Brotherhood of Electrical Workers Local 48. States he has served in the local union in several capacities, as both staff and volunteer. Says he has been a member of many committees where consensus was important.
062	Sen. Shannon	Inquires whether Mr. Zadow would continue to serve after 2003, should the Senate choose not to confirm his reappointment at that time.
069	Zadow	Acknowledges that the Governor has the ability to retain those who have served less than two full terms. Says it would be unfortunate to continue if he were rejected. Suggests he probably would not serve if his appointment were rejected.
<b>088</b>	<b>Sen. Tarno</b>	<b>MOTION: Moves the appointment and reappointment of Grant Zadow to the Port of Portland Board of Commissioners to the floor with the recommendation that the appointments be confirmed en bloc.</b>
<b>091</b>		<p><b>VOTE: 5-0</b></p> <p><b>AYE: In a roll call vote, all members present vote Aye.</b></p>
	<b>Chair Starr</b>	<b>The motion CARRIES.</b>



		<b>SEN. COURTNEY will lead discussion on the floor.</b>
100	Chair Starr	Closes the work session on the Port of Portland Board of Commissioners. Declares the meeting to be in recess until 2:30 p.m.
-----RECESS-----		
103	Chair Starr	Reconvenes the meeting at 3:00. Opens a work session for the consideration of drafting and measure introduction requests.
<b><u>DRAFTING AND MEASURE INTRODUCTION REQUESTS</u></b>		
104	Sen. Shannon	<b>MOTION: Moves requests for drafting and subsequent introduction BE APPROVED.</b>
110	Sen. Shannon	Describes the two measure drafting and introduction requests: <ul style="list-style-type: none"> <li>• Covenant Marriage Bill, dated 6-24-99.</li> <li>• Constitutional Referral relating to cost responsibility for transportation funding, dated 6-29-99.</li> </ul>
123		<b>VOTE: 3-0-2</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 2 - Beyer, Courtney</b>
	Chair Starr	<b>The motion CARRIES.</b>
127	Chair Starr	Closes the work session and opens a work session on SJR 43.
<b><u>SJR 43 WORK SESSION</u></b>		
128	Sen. Tarno	<b>MOTION: Moves SJR 43 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the Committee on Public Affairs.</b>
131		<b>VOTE: 3-0-2</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 2 - Beyer, Courtney</b>

	Chair Starr	The motion CARRIES.
137	Chair Starr	Closes the work session on SJR 43 and opens a work session on HJR 59-B.
<b><u>HJR 59-B WORK SESSION</u></b>		
144	Sen. Tarno	<b>MOTION: Moves HJR 59-B to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the Committee on Ways and Means.</b>
146		<b>VOTE: 4-0-2</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 2 - Beyer, Courtney</b>
	Chair Starr	The motion CARRIES.
		Additional testimony was submitted regarding HJR 59-B for the consideration of the committee (EXHIBITS K & L).
153	Chair Starr	Closes the work session on HJR 59-B and opens a work session on HB 2199-A.
<b><u>HB 2199-A WORK SESSION</u></b>		
155	Sen. Tarno	<b>MOTION: Moves to SUSPEND the rules for the purpose of reconsidering HB 2199-A.</b>
159		<b>VOTE: 4-0-2</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 2 - Beyer, Courtney</b>
	Chair Starr	The motion CARRIES.
164	Sen. Tarno	<b>MOTION: Moves to RECONSIDER the vote by which HB 2199-A was sent to the floor with a DO PASS recommendation.</b>
168		<b>VOTE: 4-0-2</b>

		<p><b>AYE: In a roll call vote, all members present vote Aye.</b></p> <p><b>EXCUSED: 2 - Beyer, Courtney</b></p>
	<b>Chair Starr</b>	<b>The motion CARRIES.</b>
<b>179</b>	<b>Sen. Tarno</b>	<b>MOTION: Moves HB 2199-A to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the Committee on Public Affairs.</b>
<b>181</b>		<p><b>VOTE: 4-0-2</b></p> <p><b>AYE: In a roll call vote, all members present vote Aye.</b></p> <p><b>EXCUSED: 2 - Beyer, Courtney</b></p>
	<b>Chair Starr</b>	<b>The motion CARRIES.</b>
<b>191</b>	<b>Chair Starr</b>	Closes the work session on HB 2199-A and reopens the work session on HB 2583-A.
<b><u>HB 2583-A WORK SESSION</u></b>		
<b>192</b>	<b>Sen. Shannon</b>	<b>MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. SHANNON to BE RECORDED as voting AYE on the MOTION to move HB 2583-A to the floor with a DO PASS AS AMENDED recommendation.</b>
		<p><b>VOTE: 4-0-2</b></p> <p><b>EXCUSED: 2 - Beyer, Courtney</b></p>
	<b>Chair Starr</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
		The vote count from TAPE 114, A @ 042 has been edited to reflect the AYE vote of Sen. Shannon.
<b>194</b>	<b>Chair Starr</b>	Closes the work session on HB 2583-A and adjourns the meeting at 3:15 p.m.

Submitted By, Reviewed By,

Patrick Brennan, Brian E. Smith,

Administrative Support Administrator

**EXHIBIT SUMMARY**

**A ñ HB 2583, -A4 amendments, staff, 1 p.**

**B ñ HB 2583, -A4 hand-engross, staff, 2 pp.**

**C ñ Board of Medical Examiners, Frank Spokas, 5 pp.**

**D ñ Construction Contractors Board, Thomas Fitzpatrick, 4 pp.**

**E ñ Construction Contractors Board, Walt Gamble, 5 pp.**

**F ñ Government Standards and Practices Commission, Di Lyn Larsen-Hill, 4 pp.**

**G ñ Board of Boiler Rules, Russell Williams, 2 pp.**

**H ñ Board of Examiners of Nursing Home Administrators, Misti Wittenberg, 2 pp.**

**I ñ State Board of Higher Education, Geri Richmond, 5 pp.**

**J ñ Port of Portland Board of Commissioners, Grant Zadow, 8 pp.**

**K ñ HJR 59-B, testimony, staff, 1 p.**

**L ñ HJR 59-B, testimony, staff, 1 p.**