

SENATE COMMITTEE ON RULES AND ELECTIONS

June 23, 1997 Hearing Room 343

9:00 AM Tapes 115 - 118

MEMBERS PRESENT:

Sen. Randy Miller, Chair

Sen. Gene Derfler, Vice-Chair

Sen. Neil Bryant

Sen. Randy Leonard

Sen. Cliff Trow

STAFF PRESENT:

Jan Nordlund, Administrator

Christin Smith, Administrator

Jennifer Peck, Administrative Support

MEASURE/ISSUES HEARD:

HJM 10 Public Hearing and Work Session

Executive Appointments:

Appraiser Certification and Licensure Board

State Apprenticeship and Training Council

States Board of Chiropractic Examiners

Construction Contractors Board

Oregon Tourism Commission

Energy Facility Siting Council

Lane County Mass Transit District Board

Trustees of the State Library

Board of Examiners of Nursing Home Administrators

Occupational Therapy Licensing Board

Board of Directors of Oregon Resource and Technology Development Fund

State Board of Parole and Post-Prison Supervision

State Board of Pharmacy

State Board of Psychologist Examiners

Public Lands Advisory Committee

Director of Revenue Department

Sanitarians Registration Board

Tri-Met Board

Employment Relations Board

Water Resources Commission

HB 2963 Public Hearing and Work Session

SB 1223 Work Session

HB 3738 Work Session

HJR 90 Public Hearing and 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 115, A		
003	Chair Miller	Opens meeting at 9:16 a.m. and opens public hearing on HJM 10.
HJM 10 PUBLIC HEARING		
010	Rep. Randall Edwards	District 15. Supports HJM 10 and comments on the career and life of Keith Dexter Skelton.
028	Chair Miller	Closes public hearing on HJM 10 and opens public hearing on the Appraiser Certification and Licensure Board.
EXECUTIVE APPOINTMENTS		
- APPRAISER		
CERTIFICATION AND		

<u>LICENSURE BOARD</u>		
029		Staff presents EXHIBIT I and EXHIBIT J .
030	Chair Miller	Explains the reasons the appointees are requested to speak before the committee.
041	Ellen Bachman	Attorney, Preston and Gates, Portland. Explains her background and impartiality.
063	Sen. Trow	States Bachman's background is strong.
075	Roxanne Gillespie	Explains her background and accomplishments which help her to do well in the position on the board.
092	Sen. Trow	Asks what the board has accomplished in her last term.
093	Gillespie	Lists the accomplishments.
100	Chair Miller	Closes public hearing and opens public hearing on the State Apprenticeship and Training Council.
<u>EXECUTIVE APPOINTMENTS</u> <u>- STATE APPRENTICESHIP</u> <u>AND TRAINING COUNCIL</u>		
102		Staff presents EXHIBIT K .
103	Ed Gormley	Operations Manager for Gormley Plumbing and Heating. Explains his experience in the field of plumbing.
114	Sen. Trow	Comments on Gormley's experience as a mayor of the city of McMinnville.
124	Chair Miller	Closes public hearing and opens public hearing on the State Board of Chiropractic Examiners.
<u>EXECUTIVE APPOINTMENTS</u> <u>- STATE BOARD OF</u> <u>CHIROPRACTIC</u> <u>EXAMINERS</u>		
		Staff presents EXHIBIT L .
126	Kathleen Galligan	Explains her experience as a chiropractic physician and an educator.
155	Chair Miller	Asks about the possible conflict of interest.
168	Sen. Trow	Asks what issues could arise from the conflict of interest.
196	Galligan	States she is unaware of what the problems could be.
18	Dr. John Cafferty	Opposes the appointment of Dr. Galligan. Comments on the conflict of interest.
221	Chair Miller	Comments that this discussion should adhere to the appointment of Galligan and not other possible

		candidates.
235	Dr. Arthur Dobson	Retired Chiropractor. Explains his own experience on the State Board of Chiropractic Examiners. Explains the conflicts of a person who is both a faculty member of a school and a member of the board.
290	Dr. Dobson	States Galligan would have a conflict of interest.
316	Dr. Appa Anderson	Explains she and other faculty members were told they could not be on the board due to the conflict of interest. States Galligan is a fine chiropractor but she could have a perceived conflict of interest.
383	Chair Miller	Asks why the Governor would have overlooked this possible conflict.
386	Dr. Anderson	States the Governor may not have realized the ramifications of these conflicts of interest.
395	Dr. Cafferty	Describes times he has seen Dr. Galligan not be neutral on issues.
431	Sen. Trow	Asks if the chiropractic field is divided on the issue of drugs.
435	Dr. Cafferty	States there is a small percentage of the doctors who do not want drugs involved in the field of chiropractors.
452	Dr. Dobson	Comments on the practice of chiropractic medicine not needing the use of drugs.
TAPE 116, A		
004	Dr. Dobson	Continues to discuss the issue of drugs in chiropractic medicine.
033	Bob Hovenden	Supports Dr. Galligan's appointment.
081	William Dallas	Western States Chiropractic College. Supports Dr. Galligan's confirmation.
112	Chuck Bennett	Chiropractic Association of Oregon. Supports Dr. Galligan's appointment (EXHIBIT A).
141	Bennett	States chiropractor's prescription of drugs is not an immediate issue before the Legislature.
157	Catherine Wallace	Chiropractor. Supports Dr. Galligan's appointment.
175	Richard Hughes	Chiropractic Physician. Opposes Dr. Galligan's appointment, citing potential conflicts of interest. States she is probably well-qualified and capable, but is employed full-time at Western States Chiropractic College, which may affect her decisions.

238	Hughes	Continues testimony.
242	Sen. Bryant	States that if there were a conflict, she could remove herself from the issue.
255	Hughes	States that is possible, but it would remove a voting member.
260	Sen. Bryant	Asks follow-up questions about conflicts of interest.
269	Dr. Howard Leighty	Chiropractor, Beaverton, Oregon. Opposes the appointment of Dr. Galligan. States he initially supported her appointment, and thinks she is still an outstanding candidate. Cites ORS 684.155, and comments on the powers of the board. Comments on Dr. Dallas' presence on campus.
358	Sen. Bryant	Asks for of the alumni association.
377	Leighty	Explains the organization. Continues testimony, explaining his frustrations in dealing with Board of Trustees. States he is afraid Dr. Galligan could succumb to pressure.
TAPE 115, B		
001	Leighty	States there needs to be a "firewall" between the college and the board.
020	Dr. Roger P. Setera	Chiropractic Physician, Portland. Opposes the appointment of Dr. Galligan. Cites a rule violation. Explains results of a survey he conducted, and results of his conferring with neighboring states about how they handle the issue of college employees serving on the board.
057	Setera	Comments on rules regarding administration or prescription of drugs in the industry.
094	Chair Miller	Asks if he has communicated his concerns with the Governor's Office.
096	Setera	States he has tried, but has not been able to get any response from the office.
114	Chair Miller	States he was led to believe that Governor Kitzhaber was aware of this issue.
119	Leighty	Comments that if Governor Kitzhaber had known this he would be shocked.
131	Setera	Adds that in the past they have tried to separate the association from the board to avoid a conflict of interest.
142	Sen. Trow	Asks if anyone from the Attorney General's Office is here to address the issue.
145	Chair Miller	States there is no one present, but it may be

		possible to consult with someone in that office.
154	Susan Ray	Chiropractic Physician, Western States Outreach Director. Supports the appointment of Dr. Galligan. States the board needs some exposure to the academic environment, and she does not believe Dr. Galligan will cause a problem on the board.
215	Raymond Clear	Western States Chiropractic College faculty member. Opposes the appointment of Dr. Galligan since there is a conflict of interest.
240	Chair Miller	Closes public hearing and opens work session on the Appraiser Certification and Licensure Board.
<u>EXECUTIVE APPOINTMENTS</u>		
<u>- APPRAISER</u>		
<u>CERTIFICATION AND</u>		
<u>LICENSURE BOARD</u>		
243	Chair Miller	MOTION: Moves the appointment of Ellen Bachman and the re-appointment of Roxanne Gillespie to the Appraiser Certification and Licensure Board to the floor with the recommendation that the appointments be confirmed en bloc.
	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. MILLER will lead discussion on the floor.
257	Chair Miller	Closes work session and opens work session on the State Apprenticeship and Training Council.
<u>EXECUTIVE APPOINTMENTS</u>		
<u>- STATE APPRENTICESHIP</u>		
<u>AND TRAINING COUNCIL</u>		
258	Chair Miller	MOTION: Moves the re-appointment of Ed Gormley to the State Apprenticeship and Training Council to the floor with the recommendation that the appointment be confirmed.
	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. MILLER will lead discussion on the floor.
263	Chair Miller	Closes work session.
265	Sen. Leonard	Comments on the qualifications of Dr. Galligan.

289	Chair Miller	Opens work session on the State Board of Chiropractic Examiners.
<u>EXECUTIVE APPOINTMENTS</u> <u>- STATE BOARD OF CHIROPRACTIC EXAMINERS</u>		
293	Sen. Leonard	MOTION: Moves the appointment of Kathleen Galligan to the State Board of Chiropractic Examiners to the floor with the recommendation that the appointment be confirmed.
290	Sen. Derfler	Comments on the appointment and issues of conflict of interest.
304	Chair Miller	States Galligan is well qualified but the conflicts need to be considered. Suggests voting on this appointment at a later date.
322	Sen. Trow	Comments that the appointment should not be disqualified if the rule concerning conflict is not a well-founded rule.
340	Chair Miller	Closes work session and opens public hearing on the Construction Contractors Board.
<u>EXECUTIVE APPOINTMENTS</u> <u>- CONSTRUCTION CONTRACTORS BOARD</u>		
		Staff presents EXHIBIT M and EXHIBIT N .
361	Michael Daly	Describes his experience as a construction contractor on the board.
379	Sen. Derfler	Comments that he hopes the board could work more closely with the legislature.
387	Daly	States the economy has grown at a pace which was faster than the capacity of the board, but the board is currently caught up on its tasks.
402	Sen. Derfler	Comments that people complain the board does not seem to accomplish many of its goals.
405	Daly	States sometimes problems arise in the processes of the board.
410	Sen. Derfler	Asks what suggestions have been made to help make the process smoother.
423	Daly	Does not have specific requests at this time.
436	Sen. Derfler	Suggests that ideas be considered which could be presented to the legislature to make the board more effective.
TAPE 116, B		

001	Sen. Leonard	Asks what the reaction was to a recent measure related to construction contractors.
014	Daly	States there are bad contractors in the field, and he would like to protect the consumer from them.
032	Sen. Leonard	Asks if there are any concerns Daly has internally with the members of the board.
042	Daly	States he could more easily answer specific questions concerning the board.
055	Sen. Derfler	States legislators can help to make the board more effective, but they need input from the members in order to do so effectively.
065	Daly	Comments on complaints of the board.
080	Chair Miller	Closes public hearing and opens work session.
088	Sen. Leonard	MOTION: Moves the re-appointments of James Chaney and Michael Daly to the Construction Contractors Board to the floor with the recommendation that the appointments be confirmed en bloc.
		VOTE: 5-0 AYE: 5 - Bryant, Derfler, Leonard, Trow, Miller
	Chair Miller	The motion CARRIES. SEN. LEONARD will lead discussion on the floor.
092	Chair Miller	Closes work session and opens work session on HJM 10.
<u>HJM 10 WORK SESSION</u>		
094	Chair MILLER:	MOTION: Moves HJM 10 be sent to the floor with a BE ADOPTED recommendation.
	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. TROW will lead discussion on the floor.
101	Chair Miller	Closes work session on HJM 10 and opens public hearing on Oregon Tourism Council.
<u>EXECUTIVE APPOINTMENTS</u> <u>- OREGON TOURISM</u> <u>COUNCIL</u>		
102		Staff presents EXHIBIT O and EXHIBIT P .
103	Gerald Frank	Explains his qualifications for the council.
113	Chair Miller	Closes public hearing and opens work session.

115	Sen. Derfler	MOTION: Moves the re-appointments of Susan Pickell and Gerald Frank to the Oregon Tourism Council to the floor with the recommendation that the appointments be confirmed en bloc.
	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. DERFLER will lead discussion on the floor.
134	Chair Miller	Closes work session and opens public hearing on the Energy Facility Siting Council.
<u>EXECUTIVE APPOINTMENTS</u> <u>- ENERGY FACILITY SITING COUNCIL</u>		
		Staff presents EXHIBIT Q.
135	Diana Bodtker	Describes her experience on the council.
145	Sen. Trow	Asks if she has any investments which could be a conflict.
150	Bodtker	States there are none.
155	Chair Miller	Closes public hearing and opens work session.
158	Sen. Trow	MOTION: Moves the re-appointment of Diana Bodtker to the Energy Facility Siting Board to the floor with the recommendation that the appointment be confirmed.
	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. TROW will lead discussion on the floor.
	Chair Miller	Closes work session and opens public hearing on Lane County Mass Transit District Board.
<u>EXECUTIVE APPOINTMENTS</u> <u>- LANE COUNTY MASS TRANSIT DISTRICT BOARD</u>		
163		Staff presents EXHIBIT R.
164	Hillary Larsen-Wylie	Explains her background in community service and interest in serving on the board.
190	Sen. Leonard	Asks if Larsen-Wylie is aware of a recent issue.
197	Larsen-Wylie	Comments on the issue.
201	Sen. Derlfer	Asks about the transit district's right to condemn property.
		Comments on projects which must be coordinated

208	Larsen-Wylie	with the cities involved.
230	Sen. Derfler	Asks about the condemnation process.
231	Larsen-Wylie	Comments on the process.
234	Chair Miller	Closes public hearing and opens work session.
239	Chair Miller	MOTION: Moves the appointment of Hillary Larsen-Wylie to the Lane County Mass Transit District Board to the floor with the recommendation that the appointment be confirmed.
		VOTE: 4-1 AYE: 4 - Bryant, Leonard, Trow, Miller NAY: 1 - Derfler
	Chair Miller	The motion CARRIES. SEN. MILLER will lead discussion on the floor.
246	Chair Miller	Closes work session and opens work session on the Trustees of the State Library.
<u>EXECUTIVE APPOINTMENTS</u> <u>- TRUSTEES OF THE STATE LIBRARY</u>		
257		Staff presents EXHIBIT S and EXHIBIT T .
258	Chair Miller	MOTION: Moves the re-appointments of Evelyn Crowell and Sheila Burns to the Trustees of the State Library to the floor with the recommendation that the appointments be confirmed en bloc.
	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. MILLER will lead discussion on the floor.
268	Chair Miller	Closes work session and opens public hearing on Board of Examiners of Nursing Home Administrators.
<u>EXECUTIVE APPOINTMENTS</u> <u>- BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS</u>		
267		Staff presents EXHIBIT U , EXHIBIT V , EXHIBIT W and a letter from Rep. Bob Jenson EXHIBIT B .

268	Kathryn Gustaveson	Explains her experience as a nurse, administrator, and as a regional director. Comments on the interests she has in improving the actions of the board.
290	James Scarborough	States he is interested in serving another term.
297	Sen. Trow	Asks what their opinions are of the board.
307	Scarborough	Comments that overall the board is doing a good job.
319	Sen. Trow	Asks how the nursing home gets along with the ombudsman.
322	Scarborough	States they do not work with them directly.
326	Gustaveson	Reiterates Scarborough's comments.
330		Discussion of the ombudsman.
336	Chair Miller	Closes public hearing and opens work session.
341	Chair Miller	MOTION: Moves the appointments of Kathryn Gustaveson and Kathleen Mace and the re-appointment of James Scarborough to the Board of Examiners of Nursing Home Administrators to the floor with the recommendation that the appointments be confirmed en bloc.
		EXCUSED: 1 - Derfler
	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. MILLER will lead discussion on the floor.
345	Chair Miller	Closes work session and opens public hearing on Occupational Therapy Licensing Board.
<u>EXECUTIVE APPOINTMENTS - OCCUPATIONAL THERAPY LICENSING BOARD</u>		
		Staff presents EXHIBIT X .
350	Gregory Thielen	Licensed Occupational Therapist. Describes his experience in the field which would relate to the board.
	Chair Miller	Closes public hearing and opens work session.
388	Chair Miller	MOTION: Moves the appointment of Gregory Thielen to the Occupational Therapy Licensing Board to the floor with the recommendation that the appointment be confirmed.
		EXCUSED: 1 - Derfler

	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. MILLER will lead discussion on the floor.
390	Chair Miller	Closes work session and re-opens public hearing.
		Staff presents EXHIBIT Y.
393	Kai Gaylen	Occupational Therapist, Canby. Explains her interests in protecting consumers by serving on the board.
418	Sen. Leonard	Asks for a definition of "COTA."
422	Gaylen	Explains it is a Certified Occupational Therapy Assistant.
424	Chair Miller	Closes public hearing and opens work session.
425	Chair Miller	MOTION: Moves the appointment of Kai Galyen to the Occupational Therapy Licensing Board to the floor with the recommendation that the appointment be confirmed.
		EXCUSED: 1 - Derfler
	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. MILLER will lead discussion on the floor.
445	Chair Miller	Closes work session and opens public hearing on Board of Directors of Oregon Resource and Technology Development Fund.
<u>EXECUTIVE APPOINTMENTS</u> <u>- BOARD OF DIRECTORS OF</u> <u>OREGON RESOURCE AND</u> <u>TECHNOLOGY</u> <u>DEVELOPMENT FUND</u>		
439		Staff presents EXHIBIT Z, EXHIBIT AA, EXHIBIT BB, EXHIBIT CC, EXHIBIT DD, and EXHIBIT EE.
440	Stanley Timmermann	Explains the personnel of the board and describes the duties of the board.
<u>TAPE 117, A</u>		
001	Timmermann	Continues describing the board.
012	John Firkins	Manager, Technology Development for Boise Cascade, Lake Oswego. States he could increase the success rate of the board.
030	Sen. Trow	Asks how the board is doing.

037	Timmermann	States the board has been able to be self-sufficient.
054	Chair Miller	Closes public hearing and opens work session.
056	Sen. Trow	MOTION: Moves the re-appointments of John Webber, Stanley Timmermann, Mary Olson, James Hurd and Lesley Hallick and the appointment of John Firkins to the Board of Directors of Oregon Resource and Technology Development Fund to the floor with the recommendation that the appointments be confirmed en bloc.
		EXCUSED: 1 - Derfler
	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. TROW will lead discussion on the floor.
068	Chair Miller	Closes work session and opens public hearing on State Board of Parole and Post-Prison Supervision.
<u>EXECUTIVE APPOINTMENTS</u> <u>- STATE BOARD OF PAROLE</u> <u>AND POST-PRISON</u> <u>SUPERVISION</u>		
		Staff presents EXHIBIT FF.
072	Michael Washington	Explains his experience as a deputy district attorney. Comments on the actions of the board.
084	Chair Miller	Comments on current issues which may come before the board.
103	Sen. Leonard	Asks about statutes.
106	Diane Middle	Chair of the board. Explains recent U.S. Supreme Court decisions.
124	Chair Miller	Asks if Middle was recently interviewed concerning early release of certain inmates in order to have closer supervision.
127	Middle	Comments on a current issue concerning parole.
140	Chair Miller	Asks if parolees have the option to leave early without supervision.
148	Middle	Responds.
155	Sen. Trow	Asks about Washington's experience as a prosecutor.
163	Washington	States he learned defender's role when working as a prosecutor.
174	Chair Miller	Closes public hearing and opens work session.

176	Chair Miller	MOTION: Moves the re-appointment of Michael Washington to the State Board of Parole and Post-Prison Supervision to the floor with the recommendation that the appointment be confirmed.
	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. MILLER will lead discussion on the floor.
	Chair Miller	Closes work session and opens public hearing on the State Board of Pharmacy.
<u>EXECUTIVE APPOINTMENTS</u> <u>- STATE BOARD OF PHARMACY</u>		
		Staff presents EXHIBIT GG .
185	Joseph Schnabel	Pharmacist and Assistant Director of Pharmacy at Salem Hospital. Explains his experience on the board and their accomplishments. Details his experience in various groups in Oregon.
217	Sen. Bryant	Comments on the board's position on a recent issue.
232	Schnabel	Explains the board's position on the issue.
245	Chair Miller	Closes public hearing and opens work session.
	Sen. Trow	MOTION: Moves the re-appointment of Joseph Schnabel to the State Board of Pharmacy to the floor with the recommendation that the appointment be confirmed.
	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. DERFLER will lead discussion on the floor.
254	Chair Miller	Closes work session and opens public hearing on State Board of Psychologist Examiners.
<u>EXECUTIVE APPOINTMENTS</u> <u>- STATE BOARD OF PSYCHOLOGIST EXAMINERS</u>		
256		Staff presents EXHIBIT HH and EXHIBIT II .
257	John Socolofsky	Explains his experience which relates to the board and explains how he was asked to be on the board.
280	Sen. Leonard	Comments on the time Socolofsky served on the Department of Justice.

286	Sen. Trow	Asks about the experience his job provided which related to the board.
290	Socolofsky	States the board seems to be conscientious towards the public.
309	Chair Miller	Closes public hearing and opens work session.
310	Chair Miller	MOTION: Moves the appointment of John Socolofsky to the State Board of Psychologist Examiners to the floor with the recommendation that the appointment be confirmed.
		VOTE: 5-0 AYE: 5 - Bryant, Derfler, Leonard, Trow, Miller
	Chair Miller	The motion CARRIES. SEN. MILLER will lead discussion on the floor.
320	Chair Miller	Closes work session and opens public hearing on Public Lands Advisory Committee.
<u>EXECUTIVE APPOINTMENTS</u> <u>- PUBLIC LANDS ADVISORY</u> <u>COMMITTEE</u>		
323		Staff presents EXHIBIT JJ, EXHIBIT KK, and EXHIBIT LL.
324	Bob Stutte	Explains he looks forward to serving the community.
330	Paul Cleary	States he has reasonable background and experience for the position.
339	Chair Miller	Closes public hearing and opens work session.
343	Chair Miller	MOTION: Moves the appointments of Bob Stutte and Paul Cleary and the re-appointment of Richard Elfering to the Public Lands Advisory Committee to the floor with the recommendation that the appointments be confirmed en bloc.
		EXCUSED: 1 - Trow
	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. MILLER will lead discussion on the floor.
352	Chair Miller	Closes work session and opens public hearing on the Director of the Revenue Department.

EXECUTIVE APPOINTMENTS - DIRECTOR OF REVENUE DEPARTMENT		
354		Staff presents EXHIBIT MM.
355	Elizabeth Harchenko	Acting Director of the Department of Revenue. Explains her experience in the Attorney General's office.
383	Sen. Derfler	States Harchenko has done a great job in the department of Revenue.
399	Chair Miller	Closes public hearing and opens work session.
	Sen. Derfler	MOTION: Moves the appointment of Elizabeth Harchenko to the Director of Revenue Department to the floor with the recommendation that the appointment be confirmed.
		EXCUSED: 1 - Trow
	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. DERFLER will lead discussion on the floor.
405	Chair Miller	Closes work session and opens public hearing on Sanitarians Registration Board.
EXECUTIVE APPOINTMENTS - SANITARIANS REGISTRATION BOARD		
407		Staff presents EXHIBIT NN and EXHIBIT OO.
408	Diane Hall	Explains her background in the restaurant industry.
420	Ronald Baker	Explains his experience in the profession of public health.
TAPE 118, A		
001	Chair Miller	Asks what are the largest issues the board is facing.
004	Baker	Explains a recent issue.
010	Hall	States the continual changes are a big issue for the board.
019	Chair Miller	Closes public hearing and opens work session.
020	Sen. Leonard	MOTION: Moves the re-appointments of Ronald Baker and Diane Hall to the Sanitarians Registration Board to the floor with the recommendation that the appointments be confirmed en bloc.

		EXCUSED: 2 - Bryant, Trow
	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. LEONARD will lead discussion on the floor.
024	Chair Miller	Closes work session and opens public hearing on Tri-Met Board.
<u>EXECUTIVE APPOINTMENTS</u> <u>- TRI-MET BOARD</u>		
026		Staff presents EXHIBIT PP.
027	Bob Williams	Explains his reasons for wanting to be a member of the board.
039	Chair Miller	Asks what issues he expects to encounter as a member of the board.
043	Williams	States he sees that people and businesses need to work together.
054	Chair Miller	Asks if William's uses public transportation.
055	Williams	States he and his family do on occasion.
068	Chair Miller	Asks if Williams would suggest adding lanes to freeways in Oregon.
079	Williams	Explains rapid transit would decrease that need.
078	Chair Miller	Asks about money being spent on buses.
094	Williams	States being raised in Chicago he has noticed if there are good feeders from bus to rail, ridership will increase.
100		Discussion of mass transit versus automobile travel.
114	Sen. Leonard	Asks about Metro and the Tri-Met Board.
116	Williams	States Metro has plenty to do.
125	Chair Miller	Closes public hearing and opens work session.
131	Sen. Leonard	MOTION: Moves the appointment of Bob Williams to the Tri-Met Board to the floor with the recommendation that the appointment be confirmed.
		EXCUSED: 1 - Trow
	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. LEONARD will lead discussion on the floor.
		Closes work session and opens public hearing on

145	Chair Miller	Employment Relations Board.
<u>EXECUTIVE APPOINTMENTS - EMPLOYMENT RELATIONS BOARD</u>		
		Staff presents EXHIBIT QQ .
147	Sen. Derfler	Comments on Thomas's qualifications.
152	Sen. Leonard	Supports the appointment.
152	Chair Miller	Closes public hearing and opens work session.
155	Sen. Derfler	MOTION: Moves the appointment of Rita Thomas to the Employment Relations Board to the floor with the recommendation that the appointment be confirmed.
		EXCUSED: 1 - Trow
	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. DERFLER will lead discussion on the floor.
159	Chair Miller	Closes work session and opens public hearing on Water Resources Commission.
<u>EXECUTIVE APPOINTMENTS - WATER RESOURCES COMMISSION</u>		
		Staff presents EXHIBIT RR .
160	Andy Anderson	Executive Vice-President, Oregon Farm Bureau. Presents testimony in support of the appointment of Dan Thorndike (EXHIBIT E).
180	Chair Miller	Closes the public hearing and opens public hearing on HJR 90.
<u>HJR 90 PUBLIC HEARING</u>		
190	Chair Miller	Explains the purpose of HJR 90.
205	Chair Miller	Closes work session on HJR 90 and opens public hearing on HB 2963.
<u>HB 2963 PUBLIC HEARING</u>		
		Staff presents public testimony and letters submitted prior to the meeting (EXHIBIT C).
214	Dianne Middle	Chair of the Board of Parole and Post-Prison Supervision. Supports HB 2963. Explains the effects of HB 2963.
240	Lon Holston	Supports HB 2963 and the -3 amendments (EXHIBIT G).
249	Sen. Leonard	Asks for an explanation of the -3 amendments.

251	Holston	Explains the effects of the amendments.
266	Paul Cosgrove	American Forest Paper Association. Explains the -3 amendments.
296	Sen. Leonard	Asks if the amendments fall under the relating clause.
298	Jan Nordlund	Committee Administrator. States legislative counsel finds that they do.
312	John Gervais	National Electrical Contractors Association. Opposes the -3 amendments to HB 2963.
372	Sen. Leonard	Asks how this is different from SB 7.
390	Gervais	States the goals are generally the same.
414	Chair Miller	Asks about the laws prior to 1996.
416	Gervais	Explains procedures prior to 1996.
430		Discussion of electrical training.
TAPE 117, B		
001	Chair Miller	Comments on previous testimony on this issue.
013		Discussion of changes of a rule of the board.
031	Denise McPhail	Portland General Electric (PGE). Presents and explains the proposed -1 amendments to HB 2963 (EXHIBIT D). Comments on altering the entire service territory for PGE. Explains there is a long appeal process which they wish to shorten.
071	Gardner	Discusses agency appeals and explains the essence of HB 2963.
092	Gary Conkling	Industrial Customers of Northwest Utilities. Opposes the -1 amendments to HB 2963.
126	Doug Meyers	Fair and Clean Energy Coalition. Opposes the -1 amendments to HB 2963.
140	Sen. Leonard	Asks how this issue will be interpreted by the courts in a lawsuit.
149	Conkling	Comments on the various points of view.
166		Discussion of the appellate process.
194	Meyers	Comments that stranded costs should be considered very carefully.
200		Discussion of appellate legal reviews.
227	McPhail	Comments on taking cases through the circuit courts.
251	Chair Miller	Closes public hearing on HB 2963 at 12:35 p.m. and recesses until 2:00 p.m.
259	Chair Miller	Reconvenes meeting at 2:44 p.m. and recesses again briefly to await a quorum.

287	Chair Miller	Opens work session on SB 1223.
SB 1223 WORK SESSION		
289	Diana Godwin	Oregon Onsite Waste Water Association. Presents the proposed -2 amendments (EXHIBIT F).
302	Porter	Comments on the language concerning treatment.
323	Godwin	Comments on treatment.
329	Chair Miller	MOTION: Moves to ADOPT SB 1223-2 amendments dated 6/20/97.
		EXCUSED: 2 - Derfler, Trow
	Chair Miller	Hearing no objection, declares the motion CARRIED.
333	Chair Miller	MOTION: Moves SB 1223 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 3-0 AYE: 3 - Bryant, Leonard, Miller EXCUSED: 2 - Derfler, Trow
	Chair Miller	The motion CARRIES. SEN. FISHER will lead discussion on the floor.
	Chair Miller	Closes work session on SB 1223.
	Chair Miller	MOTION: Moves to RECONSIDER the vote by which HB 3738 was passed out of committee with the -A3 amendments.
		EXCUSED: 2 - Derfler, Trow
	Chair Miller	Hearing no objection, declares the motion CARRIED.
HB 3738 WORK SESSION		
346		Staff presents proposed -A4 amendments to HB 3738 (EXHIBIT H).
347	Jan Nordlund	Committee Administrator. Explains the conflict amendments.
360	Chair Miller	MOTION: Moves to ADOPT HB 3738-A4 amendments dated 6/20/97.
		EXCUSED: 2 - Derfler, Trow
	Chair Miller	Hearing no objection, declares the motion CARRIED.
369	Chair Miller	MOTION: Moves HB 3738 to the floor with a DO PASS AS AMENDED recommendation.
		EXCUSED: 2 - Derfler, Trow

	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. TROW will lead discussion on the floor.
374	Chair Miller	Closes work session on HB 3738 and opens work session on HB 2963.
HB 2963 WORK SESSION		
377	Chair Miller	Explains the -3 amendments.
406	Sen. Bryant	Asks about the order of appeals.
415	Denise McPhail	Explains the process. Explains the purpose of skipping the interim courts.
435	Sen. Bryant	States he wants the appeals to skip only the Court of Appeals.
TAPE 118, B		
001	McPhail	States the multiple levels of appeals can cause too much of a time delay.
011	Sen. Bryant	Suggests an amendment.
014	Sen. Trow	Comments on amending HB 2963.
012		Discussion of the possible conceptual amendments.
022	Sen. Trow	Asks if the PUC is opposed to this idea.
024	McPhail	States they do not have an official position on this issue.
034	Sen. Leonard	Comments on supporting the amendments.
031	Chair Miller	MOTION: Moves to ADOPT HB 2963-3 amendments dated 6/23/97.
		VOTE: 3-1 AYE: 3 - Bryant, Leonard, Miller NAY: 1 - Trow EXCUSED: 1 - Derfler
	Chair Miller	The motion CARRIES.
040	Sen. Bryant	Suggests eliminating only the Court of Appeals and preserving the Circuit Court from the judicial process within the context of HB 2963.
049		Discussion of the ramifications of such an amendment.
		MOTION: Moves to FURTHER AMEND the proposed -1 amendments dated 6/16/97 (EXHIBIT D) to HB 2963 to reinstate the

061	Sen. Bryant	Circuit Court after the PUC hearing, but to eliminate the Court of Appeals before the Supreme Court review and TO ADOPT the -1 amendments dated 6/16/97 as amended.
		VOTE: 3-1 AYE: 3 - Bryant, Leonard, Trow NAY: 1 - Miller EXCUSED: 1 - Derfler
	Chair Miller	The motion CARRIES.
069	Chair Miller	MOTION: Moves HB 2963 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0 AYE: 4 - Bryant, Leonard, Trow, Miller EXCUSED: 1 - Derfler
	Chair Miller	The motion CARRIES. SEN. MILLER will lead discussion on the floor.
073	Chair Miller	Closes work session on HB 2963 and opens work session on the Water Resources Commission.
<u>EXECUTIVE APPOINTMENTS</u>		
<u>- WATER RESOURCES</u>		
<u>COMMISSION</u>		
076	Chair Miller	MOTION: Moves the appointment of Dan Thorndike to the Water Resources Commission to the floor with the recommendation that the appointment be confirmed.
		VOTE: 4-0 AYE: 4 - Bryant, Leonard, Trow, Miller EXCUSED: 1 - Derfler
	Chair Miller	The motion CARRIES. SEN. MILLER will lead discussion on the floor.
	Chair Miller	Closes work session and opens work session on HJR 90.
<u>HJR 90 WORK SESSION</u>		

080	Chair MILLER:	MOTION: Moves HJR 90 be sent to the floor with a BE ADOPTED recommendation.
		VOTE: 4-0 AYE: 4 - Bryant, Leonard, Trow, Miller EXCUSED: 1 - Derfler
	Chair Miller	The motion CARRIES. SEN. LEONARD will lead discussion on the floor.
083	Chair Miller	Closes work session on HJR 90 and adjourns meeting at 3:07 p.m.

Submitted By, Reviewed By,

Jennifer Peck, Jan Nordlund,

Administrative Support Administrator

Reviewed By,

Christin Smith,

Administrator

EXHIBIT SUMMARY

A - State Board of Chiropractic Examiners, written testimony, Chuck Bennett, 2 pp

B - Board of Examiners of Nursing Home Administrators, letter, Rep. Bob Jenson, 2 pp

C - HB 2963, public letter and data presented prior to the meeting, staff, 3 pp

D - HB 2963, proposed -1 amendments, Denise McPhail, 1 p

E - Water Resources Commission, written testimony, Andy Anderson, 1 p

F - SB 1223, proposed -2 amendments, staff, 1 p

G - HB 2963, proposed -3 amendments, staff, 2 pp

H - HB 3738, proposed -A4 amendments, staff 7 pp

I - Appraiser Certification and Licensure Board, executive appointment of Ellen Bachman, staff, 10 pp

J - Appraiser Certification and Licensure Board, executive appointment of Roxanne Gillespie, staff, 7 pp

K - State Apprenticeship and Training Council, executive appointment of Ed Gormley, staff, 7 pp

L - State Board of Chiropractic Examiners, executive appointment of Kathleen Galligan, staff, 17 pp

M - Construction Contractors Board, executive appointment of James Chaney, staff 8 pp

N - Construction Contractors Board, executive appointment of Michael Daly, staff, 7 pp

O - Oregon Tourism Commission, executive appointment of Susan Pickell, staff, 9 pp

P - Oregon Tourism Commission, executive appointment of Gerald Frank, staff 9 pp

Q - Energy Facility Siting Council, executive appointment of Diana Bodtker, staff, 16 pp

R - Lane Transit District Board, executive appointment of Hillary Larsen-Wylie, staff, 17 pp

S - Trustees of the State Library Board, executive appointment of Evelyn Crowell, staff, 8 pp

T - Trustees of the State Library Board, executive appointment of Sheila Burns, staff, 7 pp

U - Board of Examiners of Nursing Home Administrators, executive appointment of Kathryn Gustaveson, staff, 8 pp

V - Board of Examiners of Nursing Home Administrators, executive appointment of James Scarborough, staff, 8 pp

W - Board of Examiners of Nursing Home Administrators, executive appointment of Kathleen Mace, staff, 8 pp

X - Occupational Therapy Licensing Board, executive appointment of Gregory Thielen, staff, 6 pp

Y - Occupational Therapy Licensing Board, executive appointment of Kai Galyen, staff, 6 pp

Z - Oregon Resource and Technology Development Fund Board, executive appointment of John Webber, staff, 16 pp

AA - Oregon Resource and Technology Development Fund Board, executive appointment of Stanley Timmermann, staff, 9 pp

BB - Oregon Resource and Technology Development Fund Board, executive appointment of Mary Olson, staff, 8 pp

CC - Oregon Resource and Technology Development Fund Board, executive appointment of James Hurd, staff, 8 pp

DD - Oregon Resource and Technology Development Fund Board, executive appointment of Lesley Hallick, staff, 8 pp

EE - Oregon Resource and Technology Development Fund Board, executive appointment of John Firkins, staff, 12 pp

FF - State Board of Parole and Post-Prison Supervision, executive appointment of Michael Washington, staff, 7 pp

GG - State Board of Pharmacy, executive appointment of Joseph Schnabel, staff, 7 pp

HH - State Board of Psychologist Examiners, executive appointment of Michelle Whitehead, staff, 9 pp

II - State Board of Psychologist Examiners, executive appointment of John Socolofsky, staff, 7 pp

JJ - Public Lands Advisory Committee, executive appointment of Richard Elfering, staff, 7 pp

KK - Public Lands Advisory Committee, executive appointment of Bob Stutte, staff, 7 pp

LL - Public Lands Advisory Committee, executive appointment of Paul Cleary, staff, 7 pp

MM - Director of the Department of Revenue, executive appointment of Elizabeth Harchenko, staff, 17 pp

NN - Sanitarians Registration Board, executive appointment of Ronald Baker, staff, 11 pp

OO - Sanitarians Registration Board, executive appointment of Diane Hall, staff, 8 pp

PP - Tri-Met Board, executive appointment of Bob Williams, staff, 14 pp

QQ - Employment Relations Board, executive appointment of Rita Thomas, staff, 8 pp

RR - Water Resources Commission, executive appointment of Dan Thorndike, staff, 14 pp
