

SENATE COMMITTEE ON RULES AND ELECTIONS

June 5, 1997 Hearing Room C

8:30 AM Tapes 79-82

MEMBERS PRESENT:

Sen. Randy Miller, Chair

Sen. Gene Derfler, Vice-Chair

Sen. Neil Bryant

Sen. Randy Leonard

Sen. Cliff Trow

MEMBER EXCUSED:

STAFF PRESENT:

Jan Nordlund, Committee Administrator

Jim Stembridge, Policy Analyst

Glen Stonebrink, Committee Administrator

Anne Tweedt, Policy Analyst

Jennifer Peck, Administrative Support

MEASURES HEARD: HB 2650 Public Hearing and Work Session

HB 2041 Public Hearing

HB 3182 Public Hearing and Work Session

HB 2091 Public Hearing and Work Session

HB 2123 Public Hearing and Work Session

SB 485 Work Session

HB 2898 Public Hearing

HB 2388 Public Hearing and Work Session

HB 3416 Public Hearing

HB 2168 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 79, A		
002	Chair Miller	Calls meeting to order at 8:50 am, explains the agenda for the meeting. Opens public hearing on HB 2650.
<u>HB 2650 - PUBLIC HEARING</u>		
018	Rep. Steve Harper	District 53, testifies in support of HB 2650 and the proposed -A5 amendments (EXHIBIT A).
024	Chair Miller	Asks Rep. Harper to explain provisions of HB 2650.
025	Rep. Harper	Explains.
032	Sen. Leonard	Asks what the purpose of a foreign trade zone is.
034	Sheryl Torres	Klamath International Trade & Transportation Services (KITTS), explains purpose of foreign trade zone, and testifies in support of HB 2650 (EXHIBIT B).
045	Sen. Trow	Asks which agency has authority in this area and if that agency wants to give up that authority.
048	Rep. Harper	States the City of Klamath Falls is the current owner, and explains details.
055	Sen. Trow	Asks how this foreign trade zone would be used once it is marketed.
059	Torres	States they are working to move companies into the zone from out of state that will employ local employees and do their own manufacturing.
073	Sen. Leonard	Asks where this property is located.
075	Torres	Explains they have 150 acres near the airport that have been designated foreign trade zone, but the boundaries are flexible. Clarifies what she means by stating the property is not part of the United States.
088	Rep. Harper	Explains the House amended the original bill, but their amendments would not suffice with the federal lawyers, and the proposed -A5 amendments contain the necessary wording.
089	Chair Miller	Closes public hearing on HB 2650, opens work session on HB 2650.
<u>HB 2650 - WORK SESSION</u>		
095	Sen. Bryant	MOTION: Moves to ADOPT HB 2560-A5 amendments dated 5/30/97.
	Chair Miller	Hearing no objection, declares the motion CARRIED.

098	Sen. Trow	Asks for and receives verification that all the laws within the United States apply within that zone.
103	Sen. Bryant	MOTION: Moves HB 2650A to the floor with a DO PASS AS AMENDED recommendation.
	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. BRYANT will lead discussion on the floor.
109	Chair Miller	Closes work session on HB 2650, opens public hearing on HB 2041.
<u>HB 2041 - PUBLIC HEARING</u>		
110	Jim Stemberge	Policy Analyst, explains provisions of HB 2041.
113	Ken Keudell	Construction Contractors Board, testifies in support of HB 2041 (EXHIBIT C).
147	Chair Miller	Asks what the dollar amount for the new rates would be.
148	Keudell	States they would be \$80.00 per year for residential rates and \$95.00 per year for commercial rates, so it would be twice that amount in order to register for two years.
153	Chair Miller	Asks if he has heard from contractors about this change.
156	Stephen Kafoury	Oregon Remodelers Association, and Oregon Homebuilders Association, states the contractors support this bill very strongly. Introduces proposed amendments to HB 2041 (EXHIBIT D) and explains intent. Explains HB 2040 was similar to this bill, but it got stalled in the Judiciary Committee.
179	Chair Miller	Asks for and receives verification that Keudell supports these amendments.
215	Sen. Bryant	Asks for and receives clarification as to what happens to a claim when a contractor's registration lapses.
224	Sen. Trow	Asks if Keudell is aware of anyone who opposes Kafoury's proposed amendment.
227	Keudell	States there may be a few Representatives who oppose this bill, explains.
238	Chair Miller	States he intends to have these amendments drafted by Legislative Counsel, and closes public hearing on HB 2041. Opens public hearing on HB 3182.
<u>HB 3182 - PUBLIC HEARING</u>		
252	Rep. Liz VanLeeuwen	District 37, explains provisions and testifies in favor of HB 3182. Explains House votes.
293	Chair Miller	Asks who currently makes the appointments.

295	Rep. VanLeeuwen	States the Governor makes the appointments.
301	Sen. Trow	Asks if there is any significant opposition to this bill.
308	Rep. VanLeeuwen	States if there is any, it would be from the Governor's office, because he would rather appoint the members himself. Explains goal is to attain wellness for children and families.
360	Mickey Lansing	Deputy Director, Oregon Commission on Children and Families, testifies in opposition to HB 3182 (EXHIBIT E). States the Commission is beginning to make great progress and should therefore not be restructured.
410	Lansing	Continues testimony.
433	Chair Miller	Asks for and receives verification that Lansing raised these issues with the House.
435	Chair Miller	Notes House vote was 47-6, and asks why she believes her arguments were so "unpersuasive."
440	Lansing	States people may have a wrong impression of what the Commission does, and that local people have been persuasive in their arguments to their legislators.
470	Chair Miller	Notes that part of her argument against this is that the timing would be bad. Asks at what point she thinks the timing would be good.
472	Lansing	Explains the State Commission has said for the next two years, it would like to "stay the course," and not have any major changes or restructuring because it believes it has a group of people in place that will move the commission in the right direction.
489	Chair Miller	Closes public hearing on HB 3182, opens work session on HB 3182.
TAPE 80, A		
<u>HB 3182 - WORK SESSION</u>		
008	Sen. Miller	MOTION: Moves HB 3182A to the floor with a DO PASS recommendation.
013	Chair Miller	Questions the argument that they are "just on the verge of doing something really good," so they don't want any changes made now.
016	Sen. Leonard	States he will be voting no on this bill because of the "separation of powers and accountability issue."
024	Chair Miller	States the Legislature created this commission, and questions why the Legislature should not be able to affect changes on a commission that it both funded and created.
031		Discussion continues on issue of separation of powers.
041	Chair Miller	Closes work session on HB 3182, and states he may re-open it later in this meeting. Opens public hearing on HB 2091.
<u>HB 2091 -</u>		

<u>PUBLIC HEARING</u>		
050	Janis Elliot	Administrator, Oregon Childcare Division, testifies in support of HB 2091(EXHIBIT F).
064	Tom Barrows	Oregon Cluster of YMCAs, testifies in support of HB 2091.
074	Chair Miller	Closes public hearing on HB 2091, opens work session on HB 2091.
<u>HB 2091 - WORK SESSION</u>		
075	Sen. Leonard	MOTION: Moves HB 2091A to the floor with a DO PASS recommendation.
	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. TROW will lead discussion on the floor.
081	Chair Miller	Closes work session on HB 2091, opens public hearing on HB 2123.
<u>HB 2123 - PUBLIC HEARING</u>		
085	Anne Tweedt	Policy Analyst, explains provisions of HB 2123, and states the committee has the hand-engrossed version of the bill, along with the proposed -A4 and -A5 amendments (EXHIBITS G & H).
093	John Block	President, Oregon Board of Pharmacy, introduces Joe Schnabel, Assistant Director of Pharmacy, Salem Hospital, and testifies in support of HB 2123. States his opposition to proposed amendments.
130	Sen. Leonard	Asks for clarification as to why the board has not adopted a change in the ratio.
134	Block	Explains there is currently a three-to-one ratio in the institutional setting, and they have not been able to find out who these technicians are, because of a lack of registration system. States they tried to start this process two years ago, but were not allowed to introduce it.
143	Sen. Leonard	Asks for and receives verification that 33 states currently have a higher ratio than Oregon.
146	Sen. Leonard	Asks for and receives verification that if this bill were to pass in this form, Block would expect the ratio to change by rule.
154	Sen. Leonard	Asks why he opposes the amendment if the ratio will be changing anyway.
155	Block	States they would like the ability to vary the ratio depending on the situation.
161	Sen. Leonard	Asks for clarification about whether they might change it from a one-to-one ratio.
163	Block	States there could be a situation where they might not change it. States the regulatory board as it is charged to protect the public, should have that discretion.

174	Joe Schnabel	Pharmacy Board member, states there is a concern among practicing pharmacists that they might have to supervise more technicians than they are capable of, and explains position.
191	Sen. Leonard	Asks when Schnabel thinks they would adopt a rule allowing a two-to-one ratio if this bill becomes law.
193	Block	Explains they meet about ten times a year, with rules hearings twice a year, so it would possibly come up at the meeting this fall.
199	Sen. Leonard	Asks when the pharmacy rule may expect to be changed.
207	Block	Explains process and states it will possibly be in November.
210		Discussion continues on the board's philosophy pertaining to technicians' responsibilities.
242	Ruth Vandever	Executive Director, Oregon Board of Pharmacy, testifies in support of HB 2123 (EXHIBIT I) .
262	Sen. Leonard	Asks for and receives verification that she expects the board to adopt something by the November meeting.
272	Gary Schnabel	Pharmacist, Compliance Director, Oregon Board of Pharmacy, testifies in support of HB 2123. States he is disappointed with the "watered down version," but adds they can live with it. Explains position regarding criminal background checks for those suspected of narcotics theft.
291	Sen. Trow	States he is sorry they can't do background checks on pharmacy technicians.
298	G. Schnabel	Clarifies they can do background checks, they just cannot do anything with the information.
300	Vandever	Adds they can require the drug outlets to check with the Board of Pharmacy before they hire the technicians.
308	Gary Oxley	Rite Aid Corporation and United Grocers, introduces Ken Wells, and testifies in support of HB 2123. States they agree with the concept of registering technicians. Explains intent of proposed -A4 amendments (see exhibit G).
358	Oxley	Continues testimony, and shares his concerns about quality assurance and liability issues.
388	Sen. Trow	Asks if the 38 states which have changed the ratio did it through the legislation, or if the board made the change itself.
390	Oxley	Clarifies it is 33 states, and he does not know how the board made the change.
395	Sen. Trow	Asks for and receives clarification that the proposed -A4 amendments address the quality assurance issue.
424	Sen. Trow	Asks if the security criminal check detects those technicians which have had previous drug problems.
430	Oxley	Defers question to Wells.
		Rite Aid Corporation, states they do have an extensive security

433	Ken Wells	program. Testifies in support of HB 2123, and explains technician training and qualification requirements.
TAPE 79, B		
001	Wells	Continues testimony, explaining the use of technicians enables their pharmacists to spend the necessary time in patient-care consultations and drug intervention.
025	Sen. Trow	Asks if hospitals in other states have changed their ratios through legislation, or via the Board of Pharmacy.
029	Wells	States he does not know, but he thinks it was done by the board.
034	Sen. Trow	Asks follow-up question.
036	Wells	Clarifies, and adds that the person ultimately responsible for the safety of a prescription is the registered pharmacist.
044	Oxley	Addresses proposed -A5 amendments and explains intent. Urges committee to adopt both the proposed -A4 and -A5 amendments.
051	Sen. Leonard	Asks Oxley which amendments he would prefer if he had to choose between the two.
054	Oxley	States with all due respect, he would like to see both adopted.
056	Bridget Flanagan	Public Affairs Director, Safeway Inc. Testifies in support of HB 2123, and the proposed -A4 and -A5 amendments.
079	Sen. Trow	Asks if she knows if the states which have changed their ratios have done so via their Legislature, or through their Board of Pharmacy.
081	Flanagan	States she does not know.
083	Ed Patterson	Oregon Organization of Hospitals and Health Systems, testifies in support of HB 2123. Adds they like the bill which passed the House and are opposed to any amendments. Explains position.
114	Sen. Trow	Asks if the flexibility given to hospitals for the three-to-one ratio in certain situations was given by the board.
116	Patterson	States it was given by the board, and that flexibility is desirable to them. Explains details.
122	Sen. Bryant	Recesses public hearing on HB 2123. Re-opens work session on HB 3182.
<u>HB 3182 - WORK SESSION</u>		
129	Sen. Bryant	MOTION: Moves HB 3182A to the floor with a DO PASS recommendation.
135	Sen. Trow	States he will be a "no" vote.
137	Sen. Leonard	States he, too, will vote "no."
		VOTE: 3-2 AYE: 3 - Bryant, Derfler, Miller

		NAY: 2 - Leonard, Trow
	Chair Miller	The motion CARRIES. SEN. MILLER will lead discussion on the floor.
138	Chair Miller	Closes work session on HB 3182 and opens work session on SB 485.
<u>SB 485 - WORK SESSION</u>		
140	Sen. Bryant	States the committee has the proposed -12 amendments (EXHIBIT J), and explains provisions. States his intent to amend the proposed -12 amendments on page three, to add a sub-paragraph "q" which reads, "any state officer who serves without compensation or whose compensation is limited to those amounts provided under ORS 292.495."
160	Sen. Bryant	MOTION: Moves to ADOPT SB 485-12 amendments dated 6/4/97 and that the measure be FURTHER AMENDED on page 3, line 9, by inserting "(q) Any state officer who serves without compensation or whose compensation is limited to the amounts provided under ORS 292.495." after "without compensation."
165	Sen. Trow	States he does not object to putting the amendments in the bill, but he will be opposing the bill.
	Chair Miller	Hearing no objection, declares the motion CARRIED.
166	Sen. Bryant	Asks John DiLorenzo to come forward and clarify a previous question.
168	John DiLorenzo	Oregon Small Business Coalition, explains the Chair had asked if this bill would prohibit the practice of agencies hiring lobbying services. States his original answer was that it would, but explains that if an agency is exempted, then it is for the entire prohibition in section two of the bill. Provides details.
184	Sen. Trow	Asks if a "corporation that lobbies," is a single person.
185	DiLorenzo	States he will have to check the definition and make sure the meaning they intend is clear.
199	Sen. Bryant	MOTION: Moves SB 485 to the floor with a DO PASS AS AMENDED recommendation.
203		VOTE: 3-2 AYE: 3 - Bryant, Derfler, Miller NAY: 2 - Leonard, Trow
	Chair Miller	The motion CARRIES. SEN. BRYANT will lead discussion on the floor.
204	Sen. Trow	Serves notice of a possible minority report.
	Chair Miller	Closes work session on SB 485 and opens public hearing on HB 2898.

<u>HB 2898 - PUBLIC HEARING</u>		
223	Rep. Tim Josi	District 2, explains the A-engrossed version of the bill is his, and the proposed -A3 amendments are Sen. Ferrioli's (EXHIBIT K). States he and Sen. Ferrioli both believe the bill should pass. Explains differences between Ferrioli's bill and his A-engrossed bill. States why he believes the bill is important with regard to the salmon plan and navigability issues.
273	Rep. Josi	Continues testimony.
302	Paul Cleary	Director, Division of State Lands, testifies in support of HB 2898 (EXHIBIT L).
311	Rep. Josi	Explains why the State Land Board should be at the negotiating table.
330	Sen. Leonard	Asks for and receives verification that Cleary does not support the proposed -A3 amendments, but would accept it in amended form.
350	Chair Miller	Recesses public hearing on HB 2898 and re-opens public hearing on HB 2123.
<u>HB 2123 - PUBLIC HEARING</u>		
356	Mike Dewey	Oregon State Pharmacy Association, testifies in support of the original bill, and states if the ratios are going to be changed, it should be done by the Board of Pharmacy through the rule-making process. States they would oppose the bill if ratios were included, but there should be some flexibility as it relates to the retail side.
394	Sen. Leonard	Asks why Dewey opposes the change in the ratio.
401	Dewey	Explains he believes the board should go through the rule-making process, instead of having the Legislature make the decision.
419	Chair Miller	Asks if Dewey is suggesting that the Board of Pharmacy would reach some other conclusion after going through the rule-making process.
424	Dewey	States he does not know exactly what they will come up with, but it appears to him that they want to move forward with changing the ratios. States again that it should be a process where they receive comments, and can look at all the different environments, which will allow them to provide flexibility. States yesterday was the first time they saw these proposed amendments.
467	Sen. Trow	Asks again whether the Board of Pharmacy has made the decision to change the ratios in the other 33 states, or if the change was made by the Legislature.
<u>TAPE 80, B</u>		
001	Dewey	States he has been told that it is a mix, that in some states it has been changed by the board, and in others it has been done by the Legislature.

006	Chair Miller	Closes public hearing on HB 2123, opens work session on HB 2123.
<u>HB 2123 - WORK SESSION</u>		
009	Sen. Leonard	MOTION: Moves to ADOPT HB 2123-A4 amendments dated 6/4/97.
		VOTE: 4-1 AYE: 4 - Bryant, Derfler, Leonard, Miller NAY: 1 - Trow
	Chair Miller	The motion CARRIES.
017	Sen. Miller	MOTION: Moves to ADOPT HB 2123-A5 amendments dated 6/4/97.
		VOTE: 4-1 AYE: 4 - Bryant, Derfler, Trow, Miller NAY: 1 - Leonard
	Chair Miller	The motion CARRIES.
026	Sen. Bryant	MOTION: Moves HB 2123 to the floor with a DO PASS AS AMENDED recommendation.
	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. LEONARD will lead discussion on the floor.
034	Chair Miller	Closes work session on HB 2123, opens public hearing on HB 2388.
<u>HB 2388 - PUBLIC HEARING</u>		
059	Kathleen Huntington	Child Development Rehabilitation Center, Oregon Health Sciences University, testifies in support of HB 2388 (EXHIBIT M). Explains reasons for bill, gives history of genetic disease Phenylketonuria (PKU), and explains how PKU-affected children rely on medical foods for their basic nutrition.
100	Huntington	Continues testimony, and explains why the special foods are not covered by insurance companies.
150	Huntington	Continues testimony.
174	Tim Kelsh, Jr.	Testifies in support of HB 2388 (EXHIBIT N). Explains his daughter has PKU and thus relies on the protein-specific diet. Explains the problems his family has encountered in trying to get their daughter medical coverage for her condition.
224	Kelsh, Jr.	Continues testimony, and states the bill passed the House on a vote of 58 - 0.

264	Sen. Leonard	Asks if this is a condition which changes as the child grows older.
273	Kelsh, Jr.	Explains there are varying opinions on this issue, but the prevailing thought now is that it is a lifelong condition.
291	Grant Higginson	State Health Officer, Oregon Health Division, testifies in support of HB 2388 (EXHIBIT O), and explains history of newborn screening program and how it has helped many children live healthy lives.
332	Sen. Trow	Compliments Oregon Health Division for its efforts regarding screening program.
340	Kristi Bacon	Legislative Assistant to Rep. Patty Milne, District 38. Testifies in support of HB 2388. Reads letter from constituent whose child has had similar experiences with another metabolic disease, homocystinuria (EXHIBIT P).
400	Chair Miller	States he believes the committee is prepared to move this bill, but would like to hear from anyone who is opposed to it in order to give them an equal opportunity.
410	Bruce Bishop	Kaiser Permanente, states they are not in opposition to the bill, but wants to point out that this is a mandated benefit. States he wants the committee to be aware that some of the denials for coverage may be due to self-insured health plans which are not the same as state coverage.
466	Sen. Derfler	Acknowledges HB 2388 may well not cover everyone.
TAPE 81, A		
008	Chair Miller	Explains provisions of -A5 amendments (EXHIBIT Q), which propose a review and evaluation of the impact of insurance mandates. States his desire to take up the concept in a separate bill, or for an interim task force to review.
024	Lori Arnold	Introduces son with PKU and testifies in support of HB 2388, stating the bill is necessary to keep him healthy. Shares her experience with her insurance company, and explains research shows PKU children will likely be better off if they remain on this special diet throughout their lives.
081	Sen. Trow	Asks if she knows if the "working poor" who are not covered by any insurance would have access to this medical food.
082	Arnold	States Oregon Health Sciences University would turn the case over to Children's Services Division (CSD) if the parents were not using these medical foods. Adds these foods are covered under the Oregon Health Plan.
093	Melanie van der Veen	Testifies in support of HB 2388 (EXHIBIT R).
106	Mary Jo Mann	Testifies in support of HB 2388 (EXHIBIT S). Explains although her family received coverage for her daughter, the process was extremely difficult and rigorous, and HB 2388 could enhance the lives of these families.
132	Chair Miller	Closes public hearing on HB 2388, opens work session on HB 2388.

HB 2388 - WORK SESSION		
134	Sen. Trow	MOTION: Moves HB 2388A to the floor with a DO PASS recommendation.
	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. TROW will lead discussion on the floor.
153	Chair Miller	Notes arrival of Sen. Bryant, who asks to be on record as voting "aye" on HB 2388.
158	Chair Miller	Closes work session on HB 2388, opens public hearing on HB 3416.
HB 3416 - PUBLIC HEARING		
175	Jim Green	Oregon School Boards Association, testifies in support of HB 3416. Explains position.
205	Green	Continues testimony.
218	Chair Miller	Asks if the state of Oregon should believe it is a likely target of a lawsuit by Portland Public Schools after hearing the comments by Portland Schools Superintendent Jack Bierwirth.
221	Green	Explains his understanding was that Bierwirth did not say he was going to file suit but that it was an option he may have at some point.
235	Sen. Leonard	Asks question regarding hypothetical situation involving the news media.
250	Green	Urges committee to look at the Attorney General's model code on public meetings, because it specifies what you can discuss in executive sessions and what you cannot discuss. Explains all you can discuss is possible legal strategies with counsel.
262	Sen. Leonard	Continues with follow up question.
275	Gail Ryder	Oregon Newspaper Publishers Association, testifies in opposition to HB 3416 (EXHIBIT T), and explains history of how bill came about.
321	Ryder	Urges committee to take no further action on this proposed bill, but states if HB 3416 were to pass, she urges committee to delete the words "or litigation likely to be filed" on line 27 of page two. Explains position.
347	Sen. Leonard	Asks for clarification as to whether editor Linda Sloane indeed removed herself from any future Beaverton School Board executive sessions after she published her intent to cease attending them.
373	Jeanne Arana	Beaverton School District, explains the school board chose not to conduct an executive session because they had no power to bar her attendance, and had received no official word that she would not be attending.
		Asks why the board could not have just held the executive session and

385	Sen. Trow	canceled if she showed up.
389	Arana	States she appreciates the question, but states it would be dangerous to leave itself open to the possibility that she would attend.
410		Discussion held on possible alternatives to not holding the meeting.
419	Green	States possible problems with the advent of desktop publishing on the internet, the definition of "news media representative," and ethical considerations involving the two.
449	Chair Miller	Asks if HB 3416 would be worth pursuing if the committee were to adopt the proposed amendment.
452	Green	States they oppose the amendments, but they would still support the passage of HB 3416.
462	Chair Miller	Asks if there is some way they can improve the language regarding "litigation likely to be filed."
473	Green	States he would be happy to work with Legislative Counsel to come up with more definitive language.
485	Chair Miller	States they will set this issue aside until Green meets with Legislative Counsel. Closes public hearing on HB 3416.
TAPE 82, A		
006	Chair Miller	Opens public hearing on HB 2168.
<u>HB 2168 - PUBLIC HEARING</u>		
010	Barry Kast	Mental Health and Developmental Disabilities Services Division, testifies in support of HB 2168 (EXHIBIT U). Explains amendments made to the bill in the House committee.
042	Sen. Leonard	Asks for clarification that someone ordered to Oregon State Hospital for an evaluation can walk out of the facility without being arrested.
049	Stan Mazur-Hart	Oregon State Hospital, clarifies the person could be arrested and brought back in the state of Oregon, but when the person flees out of the state, in order for them to be returned, authorities must get a warrant to re-arrest them.
056	Sen. Leonard	Asks for and receives further clarification that their main concern is the amount of time it takes to go through the grand jury process in order to get the warrant issued.
069		Discussion continues on issue of allowing the superintendent to issue the warrant within 72 hours.
082	Sen. Leonard	Asks for and receives clarification that this change would not apply to a person who admitted himself or herself voluntarily and then tried to walk out. It only applies to people who are involuntarily being held in relation to committing a crime.
087	Mazur-Hart	Explains statutes which designate who may or may not be held by authorities for treatment.

108	Sen. Trow	Asks for and receives clarification that this would not apply to someone picked up because of an apparent mental disorder, but who has not committed any crime.
114	Chair Miller	Closes public hearing on HB 2168, opens work session on HB 2168.
<u>HB 2168 - WORK SESSION</u>		
118	Sen. Leonard	MOTION: Moves HB 2168 to the floor with a DO PASS recommendation.
	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. LEONARD will lead discussion on the floor.
122	Chair Miller	Closes work session on HB 2168, re-opens public hearing on HB 2898.
133	Chair Miller	Asks for and receives verification that there is no one present who wishes to testify on HB 3558. Informs committee that bill will be before them on June 12.
<u>HB 2898 - PUBLIC HEARING</u>		
156	Jerry Schmidt	Oregon Association of Realtors, Oregon Association of Water Utilities, and Oregon Groundwater Association, testifies in support of HB 2898. Explains he tried to reach agreement between landowners and users over navigability issue, but was not successful. Explains history and position. Explains provisions of proposed -A3 amendments (see exhibit I).
210	Sen. Trow	Suggests possible change in wording of amendments.
222	Greg Leo	Riverfront Property Owners, testifies in support of HB 2898 (EXHIBIT V), and proposed -A3 amendments. Explains position in favor of an interim committee compiled of legislators to further examine issue.
280	Gary Benson	Association of Northwest Steelheaders, urges committee to give the public their "lawful easement of riverfront property," which was the language contained in HB 2904. States position regarding titles, and testifies in support of the HB 2898 process.
319	Joe Rohleder	Oregon Outdoors Association, Association of Northwest Steelheaders, testifies in favor of HB 2898 and its House amendments, but expresses concern about the proposed -A3 amendments. Urges committee to make sure there is a balance on the interim committee.
343	Sen. Leonard	Asks if it would be considered trespassing if a jet boater were to go up the river past the portions of the property that go out to the middle of the river.
		States that is one of the main issues of concern to them, which they hope to talk about. Explains he believes there is an easement by the

353	Rohleder	Federal Government for floatage, or navigation, allowing someone to pass up and down on the surface of the water, but does not know if that applies to rivers that are not commercially navigable.
373	Sen. Leonard	Clarifies question and receives verification that it would likely be trespassing if Benson's assessment is correct.
383		Discussion continues on issue of river manageability with regard to jet boaters and possible restrictions.
398	Leo	States over 90 percent of the land along the Sandy river is in public ownership, and the public should have access to that, but not to the remaining five to ten percent that is privately owned.
424	Dodge	States he simply wants to echo Benson's and Rohleder's testimony.
443	Jay McCaulley	Legislative Assistant to Rep. Mike Fahey, District 17, and small business owner, testifies in support of HB 2898 (EXHIBIT W).
TAPE 81, B		
001	McCaulley	Continues testimony and discusses the determination of navigability.
038	Larry Beaver	Association of Northwest Steelheaders and Coalition of River Users, testifies in opposition to SB 1140 with the -3 amendments, and states his support for legislation passed in Montana, which allows river users rights to the beds and banks of the rivers with restrictions.
070	Sen. Trow	Asks if the Montana solution to similar issues has been tested in the courts.
071	Beaver	States it has withheld numerous challenges.
081	Lara Smith	Oregon Cluster of YMCAs, Multnomah County, testifies in support of HB 2898. Comments on possible amendments.
099	Chair Miller	Closes public hearing on HB 2898 and adjourns meeting at 11:59 a.m.

Submitted By, Reviewed By,

Jennifer Peck, Jan Nordlund,

Administrative Support Administrator

Transcribed By, Jim Stenbridge,

Policy Analyst

Julie Havel, Glen Stonebrink,

Administrative Support Committee Administrator

Anne Tweedt,

EXHIBIT SUMMARY Policy Analyst

A - HB 2650, proposed -A5 amendments, staff, 1 p.

B - HB 2650, written testimony, Sheryl Torres, 15 pp.

C - HB 2041, written testimony, Ken Keudell, 1 p.

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