

**OFFICERS OF THE SENATE**

PETER COURTNEY, President

MARGARET CARTER, President Pro Tempore

JUDY HALL, Secretary of the Senate

**SENATE CAUCUS LEADERS**

KATE BROWN, Majority Leader

ALAN BATES, Deputy Majority Leader

RICHARD DEVLIN, Deputy Majority Leader

CHARLIE RINGO, Majority Whip

AVEL GORDLY, Assistant Majority Leader

LAURIE MONNES ANDERSON, Assistant Majority  
Leader

FLOYD PROZANSKI, Assistant Majority Leader

FRANK SHIELDS, Assistant Majority Leader

JOANNE VERGER, Assistant Majority Leader

TED FERRIOLI, Republican Leader

JACKIE WINTERS, Deputy Republican Leader

BRUCE STARR, Assistant Deputy Republican Leader

CHARLES STARR, Assistant Deputy Republican Leader

FRANK MORSE, Assistant Deputy Republican Leader

**SENATE DESK PERSONNEL**

ROBIN WILTON, Publications Coordinator

CHRISTOPHER HAMPTON, Reading Clerk

CYNDY JOHNSTON, Calendar Composer

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**CERTIFICATE OF APPROVAL**

We, the undersigned, having supervised the revision of the Journal and Status Report of the Senate covering the Regular Session of the Seventy-third Legislative Assembly, hereby certify that such Journal and Status Report are correct to the best of our information and belief.

PETER COURTNEY  
President of the Senate

JUDY HALL  
Secretary of the Senate

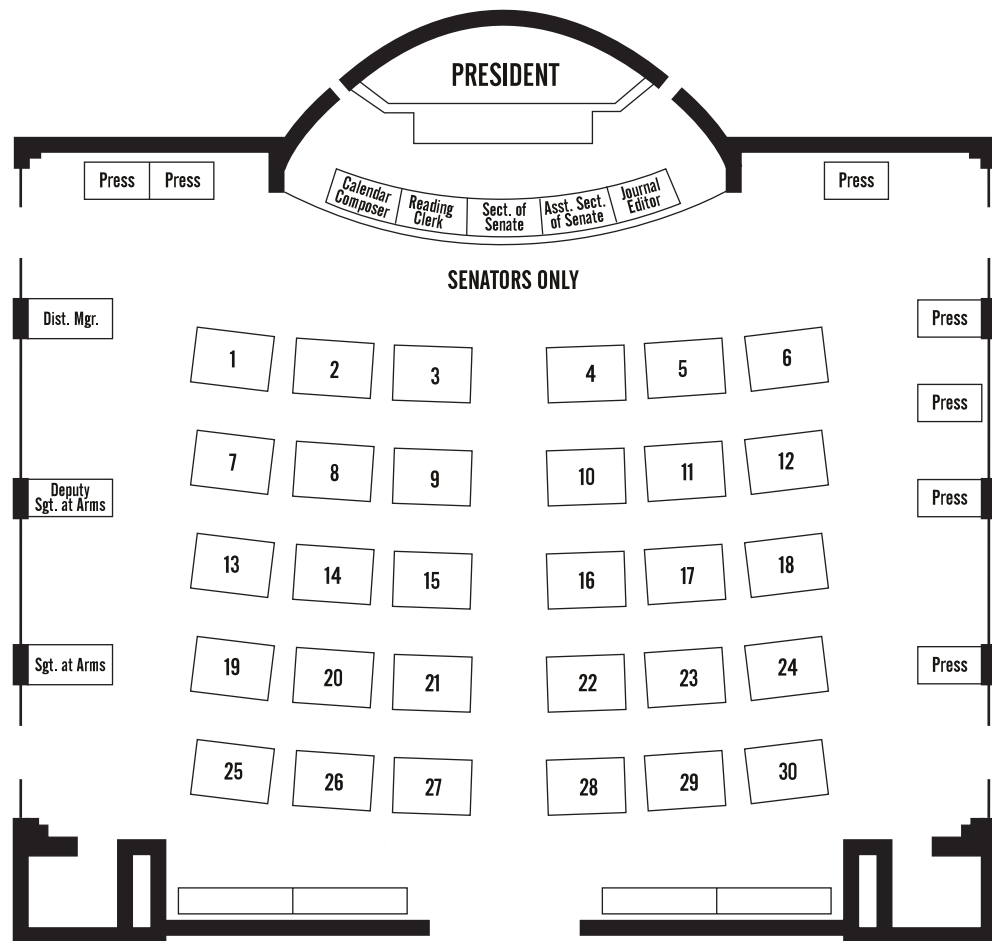
## SENATORS' ADDRESSES

|                              |   |           |    |
|------------------------------|---|-----------|----|
| Atkinson, Jason .....        | P.O. Box 1704, Grants Pass, OR 97528 .....                  | Rep ..... | 2  |
| Bates, Alan.....             | 344 E. Ashland Lane, Ashland, OR, 97520.....                | Dem ..... | 3  |
| Beyer, Roger.....            | 39486 S. Cooper Rd., Molalla, OR 97038 .....                | Rep ..... | 9  |
| Brown, Kate .....            | 900 Court St. NE, S-323, Salem, OR 97301 .....              | Dem ..... | 21 |
| Burdick, Ginny.....          | 4641 SW Dosch Rd., Portland, OR 97239 .....                 | Dem ..... | 18 |
| Carter, Margaret .....       | P.O. Box 3722, Portland, OR 97208 .....                     | Dem ..... | 22 |
| Courtney, Peter.....         | 900 Court St. NE, S-203, Salem, OR 97301.....               | Dem ..... | 11 |
| Deckert, Ryan .....          | P.O. Box 2247, Beaverton, OR 97075.....                     | Dem ..... | 14 |
| Devlin, Richard.....         | 10290 SW Anderson Ct., Tualatin, OR 97062 .....             | Dem ..... | 19 |
| (1) Dukes, Joan.....         | 900 Court St. NE, S-318, Salem, OR 97301.....               | Dem ..... | 16 |
| Ferrioli, Ted .....          | 900 Court St NE, S-223, Salem, OR 97301 .....               | Rep ..... | 30 |
| George, Gary .....           | 15195 NE Ribbon Ridge Rd., Newberg, OR 97132.....           | Rep ..... | 12 |
| Gordly, Avel .....           | 10809 NE Fremont, Portland, OR 97220.....                   | Dem ..... | 23 |
| (2) Johnson, Betsy.....      | P.O. Box R, Scappoose, OR, 97056.....                       | Dem.....  | 16 |
| Kruse, Jeff.....             | 636 Wild Iris Lane, Roseburg, OR, 97470 .....               | Rep.....  | 1  |
| Metsger, Rick .....          | P.O. Box 287, Welches, OR 97067 .....                       | Dem ..... | 26 |
| Monnes Anderson, Laurie..... | P.O. Box 1531, Gresham, OR, 97030.....                      | Dem.....  | 25 |
| Morrisette, Bill.....        | 348 G Street, Springfield, OR 97477.....                    | Dem ..... | 6  |
| Morse, Frank.....            | 221 NW 2 <sup>nd</sup> St., Corvallis, OR 97330 .....       | Rep ..... | 8  |
| Nelson, David.....           | 1407 NW Horn Avenue, Pendleton, OR 97801.....               | Rep ..... | 29 |
| Prozanski, Floyd.....        | P.O. Box 11511, Eugene, OR, 97440.....                      | Dem.....  | 4  |
| Ringo, Charlie .....         | 4085 SW 109 <sup>th</sup> Avenue, Beaverton, OR 97005 ..... | Dem ..... | 17 |
| Schrader, Kurt .....         | 900 Court St. NE., S-209, Salem, OR, 97301.....             | Dem ..... | 20 |
| Shields, Frank.....          | 7802 SE 111 <sup>th</sup> Avenue, Portland, OR 97266 .....  | Dem ..... | 24 |
| Starr, Bruce.....            | 22115 NW Imbrie Dr. #290, Hillsboro, OR 97124.....          | Rep ..... | 15 |
| Starr, Charles .....         | 8330 SW River Rd., Hillsboro, OR 97123.....                 | Rep ..... | 13 |
| Verger, Joanne.....          | 2285 N 13 <sup>th</sup> Ct., Coos Bay, OR, 97420.....       | Dem.....  | 5  |
| Walker, Vicki .....          | P.O. Box 10314, Eugene, OR 97440 .....                      | Dem ..... | 7  |
| Westlund, Ben.....           | 20590 Arrowhead Drive, Bend, OR 97701 .....                 | Rep ..... | 27 |
| Whitsett, Doug.....          | 23131 North Poe Valley Rd., Klamath Falls, OR, 97603.....   | Rep.....  | 28 |
| Winters, Jackie .....        | P.O. Box 126, Salem, OR 97308 .....                         | Rep ..... | 10 |

Democrats – 18  
 Republicans – 12

- (1) Resigned 1/16/05  
 (2) Sworn-in 1/20/05

## SENATE SESSION SEATING CHART



|                    |              |                   |
|--------------------|--------------|-------------------|
| 1-Courtney         | 11-Ringo     | 21-Devlin         |
| 2-Metsger          | 12-Shields   | 22-Beyer          |
| 3-Gordly           | 13-Schrader  | 23-Atkinson       |
| 4-Verger           | 14-Westlund  | 24-Morrisette     |
| 5-Burdick/Johnson* | 15-Prozanski | 25-Dukes/Burdick* |
| 6-Carter           | 16-Morse     | 26-George         |
| 7-Monnes Anderson  | 17-Kruse     | 27-Brown          |
| 8-Bates            | 18-Starr, B. | 28-Ferrioli       |
| 9-Whitsett         | 19-Deckert   | 29-Nelson         |
| 10-Winters         | 20-Walker    | 30-Starr, C.      |

\*Reassigned 1/20/05

**SENATE STANDING COMMITTEE MEMBERSHIP****BUSINESS AND ECONOMIC  
DEVELOPMENT—**

Rick Metsger, Chair  
Bruce Starr, Vice-Chair  
Jason Atkinson  
Ryan Deckert  
Laurie Monnes Anderson

**COMMERCE—**

Floyd Prozanski, Chair  
Roger Beyer, Vice-Chair  
Ginny Burdick  
Charlie Ringo  
Doug Whitsett

**EDUCATION AND WORKFORCE—**

Vicki Walker, Chair  
Charles Starr, Vice-Chair  
Ryan Deckert  
Jeff Kruse  
Bill Morrisette

**ENVIRONMENT AND LAND USE—**

Charlie Ringo, Chair  
Jason Atkinson, Vice-Chair  
Roger Beyer  
Ginny Burdick  
Frank Shields

**GENERAL GOVERNMENT—**

Frank Shields, Chair  
Gary George, Vice-Chair  
Bruce Starr  
Joanne Verger  
Vicki Walker

**HEALTH POLICY—**

Laurie Monnes Anderson, Chair  
Jeff Kruse, Vice-Chair  
Peter Courtney  
Gary George  
Bill Morrisette

**HUMAN SERVICES—**

Bill Morrisette, Chair  
Jeff Kruse, Vice-Chair  
Rick Metsger  
Laurie Monnes Anderson  
Charles Starr

**JUDICIARY—**

Ginny Burdick, Chair  
Charles Starr, Vice-Chair  
Roger Beyer  
Floyd Prozanski  
Charlie Ringo  
Vicki Walker  
Doug Whitsett

**REVENUE—**

Ryan Deckert, Chair  
Bruce Starr, Vice-Chair (discharged  
1/20/05)  
Charles Starr, Vice-Chair (appointed  
1/20/05)  
Gary George  
Rick Metsger  
Floyd Prozanski

**RULES—**

Kate Brown, Chair  
Ted Ferrioli, Vice-Chair  
Jason Atkinson  
Charlie Ringo  
Frank Shields

**TRANSPORTATION—**

Joanne Verger, Chair  
Doug Whitsett, Vice-Chair  
Rick Metsger  
Floyd Prozanski  
Bruce Starr

**SENATE STANDING COMMITTEE MEMBERSHIP****WAYS AND MEANS—**

Kurt Schrader, Co-Chair  
Margaret Carter, Vice-Chair  
Alan Bates  
Richard Devlin  
Joan Dukes (resigned 1/16/05)  
Avel Gordly  
Betsy Johnson (appointed 1/20/05)  
Frank Morse  
David Nelson  
Ben Westlund  
Jackie Winters

**Subcommittee on Education—**

Richard Devlin, Chair  
Avel Gordly  
David Nelson  
Vicki Walker  
Doug Whitsett

**Subcommittee on General Government—**

Joan Dukes, Chair (resigned 1/16/05)  
Betsy Johnson, Chair (appointed 1/20/05)  
Bill Morrisette  
Frank Morse

**Subcommittee on Human Services—**

Alan Bates  
Margaret Carter  
Laurie Monnes Anderson  
Ben Westlund  
Jackie Winters

**Subcommittee on Natural Resources—**

Alan Bates  
David Nelson  
Frank Shields

**Subcommittee on Public Safety—**

Avel Gordly, Chair  
Richard Devlin  
Jackie Winters

**Subcommittee on Transportation  
and Economic Development—**

Margaret Carter  
Joan Dukes (resigned 1/16/05)  
Betsy Johnson (appointed 1/20/05)  
Frank Morse  
Joanne Verger  
Ben Westlund

**SENATE SPECIAL COMMITTEE MEMBERSHIP****BUDGET** (appointed 5/3/05)—

Kurt Schrader, Chair  
Margaret Carter, Vice-Chair  
Alan Bates  
Richard Devlin  
Avel Gordly  
Betsy Johnson  
Frank Morse  
David Nelson  
Ben Westlund  
Jackie Winters

**Subcommittee on Education** (appointed 5/12/05)—

Richard Devlin, Chair  
Avel Gordly  
David Nelson  
Vicki Walker  
Doug Whitsett

**Subcommittee on General Government**

(appointed 5/12/05)—  
Betsy Johnson, Chair  
Bill Morrisette  
Frank Morse

**Subcommittee on Human Services** (appointed 5/12/05)—

Margaret Carter, Chair  
Alan Bates  
Laurie Monnes Anderson  
Ben Westlund  
Jackie Winters

**Subcommittee on Natural Resources** (appointed 5/12/05)—

Alan Bates, Chair  
David Nelson  
Frank Shields

**Subcommittee on Public Safety** (appointed 5/12/05)—

Avel Gordly, Chair  
Richard Devlin  
Jackie Winters

**Subcommittee on Transportation and  
Economic Development** (appointed 5/12/05)—

Kurt Schrader, Chair  
Betsy Johnson  
Frank Morse

Joanne Verger  
Ben Westlund

**CONDUCT—**

Margaret Carter, Co-Chair  
Laurie Monnes Anderson, Co-Chair  
Charles Starr

**CREDENTIALS—**

Ryan Deckert, Chair  
Bill Morrisette  
Bruce Starr

**PER DIEM—**

Richard Devlin, Chair  
Roger Beyer  
Vicki Walker

**PERMANENT ORGANIZATION AND  
ORDER OF BUSINESS—**

Avel Gordly, Chair  
Ginny Burdick  
David Nelson

**RULES (ORGANIZATION)—**

Kate Brown, Chair  
Jason Atkinson  
Ted Ferrioli  
Charlie Ringo  
Frank Shields

**COMMITTEE ASSIGNMENT BY SENATOR****ATKINSON —**

Business and Economic Development  
Environment and Land Use, Vice-Chair  
Rules

**BATES —**

Budget  
    General Government Subcommittee  
    Natural Resources Subcommittee, Chair  
Ways and Means  
    Human Services Subcommittee  
    Natural Resources Subcommittee

**BEYER —**

Commerce, Vice-Chair  
Environment and Land Use  
Judiciary  
Per Diem

**BROWN —**

Legislative Counsel Committee (appointed 1/27/05)  
Rules, Chair

**BURDICK —**

Commerce  
Environment and Land Use  
Judiciary, Chair  
Permanent Organization and Order of Business

**CARTER —**

Budget, Vice-Chair  
    Human Services Subcommittee, Chair  
Conduct, Co-Chair  
Ways and Means, Vice-Chair  
    Human Services Subcommittee  
    Transportation and Economic Development Subcommittee

**COURTNEY—**

Ex-officio member of all committees  
Health Policy  
Legislative Counsel Committee, Co-Chair  
    (appointed 1/27/05)

**DECKERT —**

Business and Economic Development  
Credentials, Chair  
Education and Workforce  
Revenue, Chair

**DEVLIN —**

Budget  
    Education Subcommittee, Chair  
    Public Safety Subcommittee  
Per Diem, Chair  
Ways and Means  
    Education Subcommittee, Chair  
    Public Safety Subcommittee

**DUKES —**

Ways and Means (resigned 1/16/05)  
    General Government Subcommittee, Chair  
    (resigned 1/16/05)  
Transportation and Economic Development  
    Subcommittee (resigned 1/16/05)

**FERRIOLI —**

Legislative Counsel Committee (appointed 1/27/05)  
Rules, Vice-Chair

**GEORGE —**

General Government, Vice-Chair  
Health Policy  
Revenue

**GORDLY —**

Budget  
    Education Subcommittee  
    Public Safety Subcommittee, Chair  
Permanent Organization and Order of Business,  
    Chair  
Ways and Means  
    Education Subcommittee  
    Public Safety Subcommittee, Chair

**COMMITTEE ASSIGNMENT BY SENATOR****JOHNSON—**

Budget  
General Government Subcommittee, Chair  
Transportation and Economic Development  
Subcommittee  
Ways and Means (appointed 1/20/05)  
General Government Subcommittee, Chair  
(appointed 1/20/05)  
Transportation and Economic Development  
Subcommittee (appointed 1/20/05)

**KRUSE—**

Education and Workforce  
Health Policy, Vice-Chair  
Human Services, Vice-Chair

**METSGER—**

Business and Economic Development, Chair  
Human Services  
Revenue  
Transportation

**MONNES ANDERSON—**

Budget  
Human Services Subcommittee  
Business and Economic Development  
Conduct, Co-Chair  
Health Policy, Chair  
Human Services  
Way and Means  
Human Services Subcommittee

**MORRISETTE—**

Budget  
General Government Subcommittee  
Credentials  
Education and Workforce  
Health Policy  
Human Services, Chair  
Way and Means  
General Government Subcommittee

**MORSE—**

Budget  
General Government Subcommittee  
Transportation and Economic Development  
Subcommittee  
Ways and Means  
General Government Subcommittee  
Transportation and Economic Development  
Subcommittee

**NELSON—**

Budget  
Education Subcommittee  
Natural Resources Subcommittee  
Legislative Counsel Committee (appointed 1/27/05)  
Permanent Organization and Order of Business  
Ways and Means  
Education Subcommittee  
Natural Resources Subcommittee

**PROZANSKI—**

Commerce, Chair  
Judiciary  
Revenue  
Transportation

**RINGO—**

Commerce  
Environment and Land Use, Chair  
Judiciary  
Legislative Counsel Committee (appointed 1/27/05)  
Rules

**SCHRADER—**

Budget, Chair  
Transportation and Economic Development  
Subcommittee, Chair  
Ways and Means, Co-Chair



**COMMITTEE ASSIGNMENT BY SENATOR****SHIELDS—**

Budget  
Natural Resources Subcommittee  
Environment and Land Use  
General Government, Chair  
Rules  
Ways and Means  
Natural Resources Subcommittee

**STARR, B.—**

Business and Economic Development, Vice-Chair  
Credentials  
General Government  
Revenue, Vice-Chair (discharged 1/20/05)  
Transportation

**STARR, C.—**

Conduct  
Education and Workforce, Vice-Chair  
Human Services  
Judiciary, Vice-Chair  
Revenue, Vice-Chair (appointed 1/20/05)

**VERGER—**

Budget  
Transportation and Economic Development Subcommittee  
General Government  
Transportation, Chair  
Ways and Means  
Transportation and Economic Development Subcommittee

**WALKER—**

Budget  
Education Subcommittee  
Education and Workforce, Chair  
General Government  
Judiciary  
Per Diem  
Ways and Means  
Education Subcommittee

**WESTLUND—**

Budget  
Human Services Subcommittee  
Transportation and Economic Development Subcommittee  
Ways and Means  
Human Services Subcommittee  
Transportation and Economic Development Subcommittee

**WHITSETT—**

Budget  
Education Subcommittee  
Commerce  
Judiciary  
Transportation, Vice-Chair  
Ways and Means  
Education Subcommittee

**WINTERS—**

Budget  
Human Services Subcommittee  
Public Safety Subcommittee  
Ways and Means  
Human Services Subcommittee  
Public Safety Subcommittee

## SENATE STANDING COMMITTEE REGULAR MEETING SCHEDULE

| Committee Name/Staff  | Office                           | Staff Phone  | Monday            | Tuesday           | Wednesday         | Thursday          | Friday |
|---|----------------------------------|--|-------------------|-------------------|-------------------|-------------------|--------|
| <b>Business and Economic Development</b><br>Theresa Van Winkle, Administrator<br>James Goulding, Assistant                              | 334<br>334<br>334                | 503-986-1991<br>503-986-1991<br>503-986-1747                 |                   | 1:00 P.M.<br>HR B |                   | 1:00 P.M.<br>HR B |        |
| <b>Commerce</b><br>Anna Braun, Administrator<br>Karen Scofield, Assistant   | 401B<br>401B<br>401              | 503-986-1643<br>503-986-1643<br>503-986-1656                 |                   | 3:00 P.M.<br>HR C |                   | 3:00 P.M.<br>HR C |        |
| <b>Education and Workforce</b><br>Marjorie Taylor, Administrator<br>Dawn Tuso, Assistant  | 401F<br>401F<br>401              | 503-986-1755<br>503-986-1755<br>503-986-1733                 | 3:00 P.M.<br>HR D |                   | 3:00 P.M.<br>HR D |                   |        |
| <b>Environment and Land Use</b><br>Matt Shields, Administrator<br>Chris Crean, Counsel<br>Katie Lowry, Assistant                        | 401C<br>401C<br>438<br>401       | 503-986-1640<br>503-986-1640<br>503-986-1649<br>503-986-1639 | 3:00 P.M.<br>HR B |                   | 3:00 P.M.<br>HR B |                   |        |
| <b>General Government</b><br>Judith Callens, Administrator<br>Linda Gatto, Assistant  | 332<br>332<br>453                | 503-986-1688<br>503-986-1688<br>503-986-1745                 |                   | 3:00 P.M.<br>HR B |                   | 3:00 P.M.<br>HR B |        |
| <b>Health Policy</b><br>Rick Berkobien, Administrator<br>Brittany Kenison, Assistant  | 401A<br>401A<br>401              | 503-986-1485<br>503-986-1485<br>503-986-1495                 | 1:00 P.M.<br>HR B |                   | 1:00 P.M.<br>HR B | 3:00 P.M.<br>HR D |        |
| <b>Human Services</b><br>Rick Berkobien, Administrator<br>Brittany Kenison, Assistant   | 401A<br>401A<br>401              | 503-986-1485<br>503-986-1485<br>503-986-1495                 |                   | 3:00 P.M.<br>HR D |                   | 3:00 P.M.<br>HR D |        |
| <b>Judiciary</b><br>Bill Taylor, Counsel<br>Joe O'Leary, Counsel<br>Dale W. Penn, Assistant   | 354<br>354<br>354<br>354         | 503-986-1750<br>503-986-1694<br>503-986-1666<br>503-986-1665 | 1:00 P.M.<br>343  | 1:00 P.M.<br>343  | 1:00 P.M.<br>343  | 1:00 P.M.<br>343  |        |
| <b>Revenue</b><br>Paul Warner, Legislative Revenue Officer<br>Kim Taylor James, Office Manager<br>Barbara Guardino, Committee Assistant | H-197<br>H-197<br>H-197<br>H-197 | 503-986-1266<br>503-986-1263<br>503-986-1264<br>503-986-1268 | 8:30 A.M.<br>HR A | 8:30 A.M.<br>HR A | 8:30 A.M.<br>HR A | 8:30 A.M.<br>HR A |        |
| <b>Rules</b><br>Tiffany Harris, Administrator<br>Patricia Nielson, Assistant  | 401D<br>401D<br>401              | 503-986-1496<br>503-986-1496<br>503-986-1086                 |                   | 8:30 A.M.<br>343  |                   | 8:30 A.M.<br>343  |        |
| <b>Transportation</b><br>Judith Callens, Administrator<br>James Goulding, Assistant   | 332<br>332<br>332                | 503-986-1688<br>503-986-1688<br>503-986-1747                 | 3:00 P.M.<br>HR C |                   | 3:00 P.M.<br>HR C |                   |        |

## SENATE SPECIAL COMMITTEE REGULAR MEETING SCHEDULE

| Committee Name/Staff  | Office | Staff Phone                                  | Monday                         | Tuesday            | Wednesday          | Thursday           | Friday |
|---|--------|--|--------------------------------|--------------------|--------------------|--------------------|--------|
| <b>Budget</b><br>Ken Rocco, Fiscal Officer<br>Gina Rumbaugh, Coordinator  | H-178  | 503-986-1828<br>503-986-1844<br>503-986-1829 | Meets at the Call of the Chair |                    |                    |                    |        |
| <b>Budget Subcommittee on Education</b><br>Steve Bender, Budget Analyst<br>Diane Myers, Assistant                                 | H-178  | 503-986-1828<br>503-986-1836<br>503-986-1547 | 1:00 P.M.<br>H-170             | 1:00 P.M.<br>H-170 |                    |                    |        |
| <b>Budget Subcommittee on General Government</b><br>Dallas Weyand, Budget Analyst<br>Annmarie Housley, Assistant                  | H-178  | 503-986-1828<br>503-986-1834<br>503-986-1010 | 1:00 P.M.<br>H-174             | 1:00 P.M.<br>H-174 |                    |                    |        |
| <b>Budget Subcommittee on Human Services</b><br>Sheila Baker, Budget Analyst<br>Kat Bell, Assistant                               | H-178  | 503-986-1828<br>503-986-1838<br>503-986-1398 | 1:00 P.M.<br>HR-F              | 1:00 P.M.<br>HR-F  |                    |                    |        |
| <b>Budget Subcommittee on Natural Resources</b><br>Sue MacGlashan, Budget Analyst<br>Annmarie Housley, Assistant                  | H-178  | 503-986-1828<br>503-986-1817<br>503-986-1010 |                                |                    | 1:00 P.M.<br>H-174 | 1:00 P.M.<br>H-174 |        |
| <b>Budget Subcommittee on Public Safety</b><br>Doug Wilson, Budget Analyst<br>Diane Myers, Assistant                              | H-178  | 503-986-1828<br>503-986-1837<br>503-986-1547 |                                |                    | 1:00 P.M.<br>H-170 | 1:00 P.M.<br>H-170 |        |
| <b>Budget Subcommittee on Transportation<br/>And Economic Development</b><br>Robin LaMonte, Budget Analyst<br>Kat Bell, Assistant | H-178  | 503-986-1828<br>503-986-1845<br>503-986-1398 |                                |                    | 1:00 P.M.<br>HR-F  | 1:00 P.M.<br>HR-F  |        |

## JOINT STANDING COMMITTEE REGULAR MEETING SCHEDULE

| Committee Name/Staff  | Office | Staff Phone                                  | Monday                         | Tuesday            | Wednesday          | Thursday           | Friday            |
|---|--------|--|--------------------------------|--------------------|--------------------|--------------------|-------------------|
| <b>Legislative Counsel Committee</b><br>Dave Heynderickx, Acting Legislative Counsel<br>Corrine Rollman, Committee Assistant                  | S-101  | 503-986-1243<br>503-986-1243<br>503-986-1229 | Meets at the Call of the Chair |                    |                    |                    |                   |
| <b>Ways and Means</b><br>Ken Rocco, Fiscal Officer<br>Gina Rumbaugh, Coordinator  | H-178  | 503-986-1828<br>503-986-1844<br>503-986-1829 |                                |                    |                    |                    | 9:00 A.M.<br>HR F |
| <b>Ways and Means<br/>Subcommittee On Education</b><br>Steve Bender, Budget Analyst<br>Diane Myers, Assistant                                 | H-178  | 503-986-1828<br>503-986-1836<br>503-986-1547 | 8:30 A.M.<br>HR E              | 8:30 A.M.<br>HR E  | 8:30 A.M.<br>HR E  | 8:30 A.M.<br>HR E  |                   |
| <b>Ways and Means<br/>Subcommittee On General Government</b><br>Dallas Weyand, Budget Analyst<br>Annmarie Housley, Assistant                  | H-178  | 503-986-1828<br>503-986-1834<br>503-986-1010 | 8:30 A.M.<br>H-174             | 8:30 A.M.<br>H-174 | 8:30 A.M.<br>H-174 | 8:30 A.M.<br>H-174 |                   |
| <b>Ways and Means<br/>Subcommittee On Human Services</b><br>Sheila Baker, Budget Analyst<br>Kat Bell, Assistant                               | H-178  | 503-986-1828<br>503-986-1838<br>503-986-1398 | 8:30 A.M.<br>HR F              | 8:30 A.M.<br>HR F  | 8:30 A.M.<br>HR F  | 8:30 A.M.<br>HR F  |                   |
| <b>Ways and Means<br/>Subcommittee On Natural Resources</b><br>Sue MacGlashan, Budget Analyst<br>Annmarie Housley, Assistant                  | H-178  | 503-986-1828<br>503-986-1817<br>503-986-1010 | 1:00 P.M.<br>H-174             | 1:00 P.M.<br>H-174 | 1:00 P.M.<br>H-174 | 1:00 P.M.<br>H-174 |                   |
| <b>Ways and Means<br/>Subcommittee On Public Safety</b><br>Doug Wilson, Budget Analyst<br>Diane Myers, Assistant                              | H-178  | 503-986-1828<br>503-986-1837<br>503-986-1547 | 1:00 P.M.<br>H-170             | 1:00 P.M.<br>H-170 | 1:00 P.M.<br>H-170 | 1:00 P.M.<br>H-170 |                   |
| <b>Ways and Means<br/>Subcommittee On Transportation and<br/>Economic Development</b><br>Robin LaMonte, Budget Analyst<br>Kat Bell, Assistant | H-178  | 503-986-1828<br>503-986-1845<br>503-986-1398 | 1:00 P.M.<br>HR F              | 1:00 P.M.<br>HR F  | 1:00 P.M.<br>HR F  | 1:00 P.M.<br>HR F  |                   |

**RULINGS BY THE CHAIR (SENATE)**

|          |              |  |        |
|----------|--------------|--|--------|
| August 1 | SR 11.10 (1) | Possible violation on amendments to a<br>Conference Committee Report | SJ-240 |
| August 4 | SR 5.05      | Appeal Chair ruling on SB 548  | SJ-247 |

**MESSAGES FROM THE GOVERNOR**

|             |   |        |
|-------------|---|--------|
| June 9      | Message that SB 718 became law without signature<br>(Seventy-Third Regular Session) | SJ-159 |
| July 21     | Veto Message on SB 671 (Seventy-Third Regular Session)                              | SJ-223 |
| July 22     | Veto Message on SB 1008 (Seventy-Third Regular Session)                             | SJ-226 |
| September 2 | Veto Message on SB 1083 (Seventy-Third Regular Session)                             | SJ-252 |

**Monday, January 10, 2005 -- Morning Session**

Senate convened at 9:15 a.m. Senator Dukes in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Courtney, Deckert, Devlin, Ferrioli, George, Gordly, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters. Colors were posted by members of The Oregon National Guard Color Guard and the Senate pledged allegiance to the flag. Ramona Treat from The Oregon National Guard sang the National Anthem. Invocation by Senator Margaret Carter, Portland. Musical performance by the Whiteaker Middle School Concert Choir, Salem.

Courtesies of the Senate were extended to former Senate Presidents: U.S. Senator Gordon H. Smith, Ed Fadeley, Bill Bradbury, Gene Derfler and Tom Hartung at the request of the Chair.

Verger moved that a committee of three be appointed by the Chair to serve as a Committee on Permanent Organization and Order of Business, seconded by Winters. Motion carried on voice vote.

The Chair appointed Gordly, Burdick and Nelson as the Committee on Permanent Organization and Order of Business.

Schrader moved that a committee of three be appointed by the Chair to serve as a Committee on Credentials, seconded by Westlund. Motion carried on voice vote.

The Chair appointed Senators Deckert, Morrisette and Bruce Starr as the Committee on Credentials.

Senate at ease while committees met. Senate reassembled.

The following report by the Committee on Permanent Organization and Order of Business was read and adopted by voice vote on motion of Senator Gordly, seconded by Senator Morse.

January 10, 2005

Presiding Officer:

We, your Committee on Permanent Organization and Order of Business, respectfully recommend that the Senate proceed to effect permanent organization of the Senate and that the following orders of business be adopted:

1. Appointment of Committees on Permanent Organization and Order of Business, and Credentials.
2. Adoption of reports of the Committees on Permanent Organization and Order of Business, and Credentials.
3. Administering Oath of Office to newly-elected Senators.
4. Election of Permanent Officers of the Senate and administering Oaths of Office.
5. Recess to attend Joint Session for the purpose of receiving the State-of-the-State Address from Governor Theodore R. Kulongoski.
6. Reconvene at 2:30 p.m.
7. Appointment of Special Committee on Rules.
8. Motion to adopt Permanent Regular Session and Interim Rules of the Senate as recommended by your Special Committee on Rules.

Respectfully submitted,  
Senator Avel Gordly, Chair  
Senator Ginny Burdick  
Senator David Nelson

The following report by the Committee on Credentials was read and adopted by voice vote on motion of Deckert, seconded by Kruse.

January 10, 2005

Presiding Officer:

We, your Committee on Credentials, after inspecting the official Proclamation from the Secretary of State, respectfully submit the following report:

That the following Senators are entitled to sit in this body until the second Monday in January 2007, to wit:

|                 |                |
|-----------------|----------------|
| Peter Courtney  | Kurt Schrader  |
| Richard Devlin  | Frank Shields  |
| Joan Dukes      | Bruce Starr    |
| Rick Metsger    | Charles Starr  |
| Bill Morrisette | Vicki Walker   |
| Frank Morse     | Jackie Winters |
| Charlie Ringo   |                |

That the following named Senators were elected on November 2, 2004 at the General Election for a term of four years beginning the second Monday in January, 2005 and are entitled to sit in this body until the second Monday in January, 2009, to wit:

|                 |                        |
|-----------------|------------------------|
| Jason Atkinson  | Avel Louise Gordly     |
| Alan C. Bates   | Jeff Kruse             |
| Roger Beyer     | Laurie Monnes Anderson |
| Kate Brown      | David Nelson           |
| Ginny Burdick   | Floyd Prozanski        |
| Margaret Carter | Joanne Verger          |
| Ryan Deckert    | Ben Westlund           |
| Ted Ferrioli    | Doug Whitsett          |
| Gary George     |                        |

Respectfully submitted,

Senator Ryan Deckert, Chair  
Senator Bill Morrisette  
Senator Bruce Starr

Brown and Ferrioli were appointed to escort The Honorable Wallace P. Carson, Jr., Chief Justice of the Oregon Supreme Court, to the Rostrum.

Chief Justice Carson administered the oath of office to the newly-elected senators.

Nominations for President of the Senate were declared open by unanimous consent at the request of the Chair.

Ferrioli nominated Courtney for President of the Senate, moved that nominations for President be closed and that a unanimous ballot be cast for Courtney. Motion carried on voice vote. Courtney elected President of the Senate.

The Chair appointed Carter and Nelson to escort Courtney to the rostrum. Bill Courtney, brother of Senator Peter Courtney, administered the oath of

office to the newly-elected President of the Senate. At this time the gavel was presented to the newly-elected President of the Senate. (President Courtney in Chair)

President Courtney made the following remarks to the Senate.

"My fellow Senators, I am humbled by your vote.

"To family, friends, citizens and fellow senators gathered here today, I wish to begin with some thanks and recognition. I want to thank my staff, Connie and Tanya, Jack and Margie, Debbie and Joe, Chris and Glenda, as well as Brian for all the hard work they have done to bring us to this day. Judy Hall, the Secretary of the Senate, and all her staff has worked very hard to put together this program and I am deeply grateful to them. I want to particularly thank two of our colleagues. Senator Kate Brown and her staff have worked 24/7 the last several weeks to put together the organizational structure of this great Senate. So I'm deeply grateful to you, Senator Brown. Senator Ted Ferrioli, you've been most gracious and most kind, and it's been a pleasure to work with you these last several weeks, as you also have worked hard to bring us to this day. And now I would like to recognize some special people. My sons, Peter and Adam, are here. Our middle son, Sean, could not be here. He is in a youth outreach ministry program in the southwestern United States. Margie, my wife, who works in my office, is an extraordinary human being. You probably know her. I simply cannot do what I do without Margie. And now, I also want to acknowledge Keith and Karen Swanson. They're sitting in the side aisle. When I came to "Oregon My Oregon" on July 9th, 1969, I didn't know anybody. Twenty-four hours later, I met a man named Keith Swanson. I didn't realize he and I would stay friends all these years. I'm very pleased Keith is here. That means a lot to me.

"There are two sentimental journeys you'll have to indulge me on. My brother Bill just swore me in. This is my 11th general session and no member of my family has ever been able to attend one of my swearing-in ceremonies, because of disease and sickness. My mother and father and my grandmother Courtney, who helped raise me because my mother had Parkinson's disease, they're all gone now. My older brother got off a plane at twelve o'clock last night and, right after this ceremony, he will have to leave. My dad used to say to the three Courtney boys, "I only have two wishes for you and only two things I'd ask of you, my sons: take care of your mother and take care of each other." Well dad, older brother Bill took care of brother Peter real well today.

"There's another sad thing for me. Every session my mother-in-law, Margie's mother, would be here. She lived a plain simple life in a 100-year-old home over in Mt. Angel. She took care of six children and her husband, Mr. Brenden. On Christmas Day, after we opened our gifts, Mrs. Brenden passed on. She always used to come to this ceremony and I always bought Mrs. Brenden a corsage. That meant a lot to her. She'd sit over there in the side aisle with Margie. From that great church, St. Mary's Church in Mt. Angel, we buried her in a little cemetery that overlooks the berry fields and rests in the shadow of the great mountain. Mrs. Brenden, wherever you are, I want you to know I have your corsage up here with me today so I can remember and be reminded of you.

"Thank you for indulging me, my fellow senators, for those little moments.

"Today, January 10th, 2005, it all begins—the 73rd Legislative Assembly. This century is only four years old. Our state is 146 years old. There have been 35 special sessions in Oregon during that time. Five of these special sessions—the most recent five—took place in the year 2002

to deal with a crumbling economy, falling state revenues and painful unemployment. The 2003 legislative session was the most grueling in Oregon history and, after 227 days, by far the longest. It wasn't easy. It wasn't fun. It wasn't hard or difficult. It was downright impossible. Historians now are just beginning to sort it all out, trying to figure out what happened and how those legislators prevailed and survived. My fellow Oregonians, my fellow senators, as I talk to you today, the role of government in Oregon is indefinite. We're uncertain exactly what role state government should play. Oregonians, sadly, are terribly divided by geography and generation. The Oregon legislature is no longer equal as a branch to the executive and judiciary. In spite of these troubled times, in spite of the things I have just said to you, I have faith. I believe because I believe in you, my fellow senators. You are special. You are so special. I believe that all of us have been asked to serve at this time, in these troubled times, to deal with these special situations in this special place.

"Let me talk about how special you are. On the Senate floor today we have 254 years of legislative experience. That is remarkable given the prevalence of term limits and declining interest in public service. The most veteran member is here today. Twenty-two of you have served in both the House and Senate. Many of you have heard me say, "I love the House. I revere the Senate." This is a bicameral legislature. There are only 30 of us. The state has 3.5 million people. Only six other states have fewer than 30 senators and every one of them has a population that is dramatically smaller than Oregon's. Only 30 of us for 3.5 million people. We have a lot of representing to do. We have a lot of looking out for the public's interest to do. If you look at the Ways and Means Committee and its subcommittees, every single major geographic area in this state is represented. This is not an accident, my fellow senators. This is the committee that will lead us in putting together the budget. In its membership—in its chairs, its vice-chairs and its subcommittee chairs—every major region, every single square inch of this state is represented and that was not by accident.

"Here is something I find fascinating. When I speak, I don't use many aids. I don't like to read when I give a speech, but I've got to read now because I don't want to make a mistake. On this floor today are three generations. Let us begin with those that are a little older, the Silent Generation: Senators Bates, Carter, Courtney, George, Monnes Anderson, Morrisette, Morse, Nelson, Shields, Charles Starr, Verger, Whitsett and Winters. I find it interesting they call us the "Silent" Generation. Then there are those who aren't quite as senior, the famous Baby Boomers: Senators Beyer, Brown, Burdick, Devlin, Dukes, Ferrioli, Gordly, Kruse, Metsger, Prozanski, Ringo, Schrader, Walker, and Westlund. But now to those young ones. Oh, those young ones. Oh, how I wish I was still one of them. There are three members of Generation X in the Senate: Senators Atkinson, Deckert, and Bruce Starr. But there is more. Many of you are parents and grandparents. Many of you are taking care of someone that is elderly. These older members of our families are members of the GI Generation. There are great-grandparents here. Senator Carter has four great-grandchildren. Senator Starr has one and another one is on the way, for all I know has already arrived. Senator Deckert has Macy, his 14-month-old daughter. Senator Atkinson has Perry, his two-year old son. They're all part of that echo boom millennium generation. That's five generations, directly, indirectly right here. That's extraordinary. You are extraordinary. That's special. You are special because we meet every two years for just a few months to deal with Oregon's problems. Forty-four other states meet every year to deal with their state struggles. And you've got to know that five of those that meet like we do, every other year, their population is less, much less.

"Most of you are going to serve on three, some of you on four committees. And with a special committee here and there before this is over, some of you are going to work even harder. I realize this statement does not endear me to some of you. This high level of effort is not the case in many bigger chambers. But one thing we are not: we are not slackers, we are not lazy. We are hard workers.

"You are special because 24 of you have done something that has never before been done in Oregon or, as far as we know, in the nation. In that 2003 session—the longest in state history—the Senate was tied, 15 Democrats, 15 Republicans. And 24 of you negotiated a memorandum of understanding, 24 of you found a way to remain civil and work across party lines to stay together during Oregon's most grueling legislative session. No other state has quite been able to do it the way you did it; 227 days. You put it together. You remained Democrats and Republicans but you did something that is unprecedented anywhere in the nation.

"I want to welcome a few of you in particular now. We have one—as they say in athletics—true freshman, Senator Doug Whitsett. He is here for the first time and his legislative service is but a few minutes old. We're mighty happy he's here. He is a veterinarian, an individual who's going to bring his perspective and his hard work. We're honored to have you here, Senator Whitsett. We look forward to serving with you. Now we've got some red-shirt freshmen. Senator Jeff Kruse has been around a while. He knows health care. He cares about health care. He's very civil. He's a team player. We're mighty glad he's here. Senator Laurie Monnes Anderson, a nurse, is chairing a committee I will be on. I await her orders. Senator Joanne Verger will chair transportation. We have a major transportation proposal before us and I am sure that, with her leadership, we'll get it done. Now there's Senator Alan Bates. He's a physician. By the way, I don't know if you've noticed this. I sit over there. I don't know how this worked out, but there's a nurse behind me and a doctor close to me. I don't quite know what that means, but I have a feeling they have me well surrounded by the medical community. Now, this is only Senator Bates' first term in the Senate. He is on the Ways and Means Committee. Senator Ben Westlund joined us in July and now is on Ways and Means. We look forward to his first full general session with us. He wanted to be on Ways and Means more than life itself. Well Senator, you're on Ways and Means, you and Senator Bates, and I'll tell you both something: You better be good. Finally, there's a very interesting person I have to talk about. He joined us in the interim, Senator Floyd Prozanski. He's a prosecutor and a Texan. Need I say more. He is one tough hombre. We're mighty proud that he's with us too. These seven individuals will help us continue the civility and bipartisanship that was set by that 2003 session, that session which will probably be the highlight of my career. You are special because 28 of you survived those special sessions. And 29 of you survived that 2003 Session.

"No other Senate in the history of Oregon has been so tested and is so prepared to handle the problems of its day. Because of who you are and what you have experienced, you are ready to lead the way, to define the role of state government, to close the many divides that separate our people and to begin to restore the credibility and stature of the Oregon Legislature. We are deep, we are experienced, and we are talented, we 30. A great deal is expected of us individually and collectively. We can do this. We must do this. We will do this. Because we are proud members of the Oregon State Senate, class of 2005. Thank you very much."

Nominations for President Pro Tempore of the Senate were declared open by unanimous consent at the request of the Chair.

Walker nominated Carter for President Pro Tempore of the Senate and moved that nominations be closed and that a unanimous ballot be cast for Carter. Motion carried on voice vote. Carter elected President Pro Tempore of the Senate.

The Chair appointed Gordly and Westlund to escort Carter to the rostrum. Lewis Robinson, Minister from the East County Church of Christ, Portland, administered the oath of office to the newly-elected President Pro Tempore of the Senate.

Nominations for Secretary of the Senate were declared open by unanimous consent at the request of the Chair.

Brown nominated Judy Hall for Secretary of the Senate. Ferrioli moved that nominations be closed and a unanimous ballot be cast for Judy Hall. Motion carried on voice vote. Hall elected Secretary of the Senate. Chief Justice Carson administered the oath of office to the newly-elected Secretary of the Senate.

Message from the House announcing that the House of Representatives has organized and elected the following officers: Speaker of the House, Representative Karen Minnis; Speaker Pro Tempore, Representative Dennis Richardson; Chief Clerk, Ramona J. Kenady; and is ready for the business of the Seventy-third Legislative Assembly.

Message from the House inviting members of the Senate to meet in Joint Session at 10:45 a.m. today for the purpose of receiving the State of the State Address from the Honorable Ted Kulongoski, Governor of Oregon.

Senate accepted the invitation from the House on motion of Prozanski, seconded by Whitsett.

Senate to recess following Joint Assembly until 2:30 p.m. on motion of Monnes Anderson, seconded by Bates. Members of the Senate proceeded to the House for Joint Assembly.

### **Monday, January 10, 2005--Afternoon Session**

Senate reconvened at 2:30 p.m. President Courtney in Chair. All present.

Senate, having recessed under the provisions of the Report of the Committee on Permanent Organization and Order of Business, resumed under the order of those provisions by unanimous consent at the request of the Chair.

Pursuant to the provisions of the Report of the Committee on Permanent Organization and Order of Business, the Chair made the following appointments to the Special Committee on Rules:

### **SPECIAL COMMITTEE ON RULES**

Senator Kate Brown, Chair  
 Senator Ted Ferrioli, Vice-Chair  
 Senator Jason Atkinson  
 Senator Charlie Ringo  
 Senator Frank Shields

Senate at ease while committee met. Senate reassembled.

Brown moved that the 2005 Regular Session and Interim Rules, as amended, be adopted as the Permanent Senate Rules for the 2005 Legislative



Session. On adoption of the motion the vote was: Ayes, 19; nays, 11—Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Starr, B., Starr, C., Whitsett, Winters. Permanent Rules and Interim Rules of the Senate adopted.

**RULES OF THE SENATE  
SEVENTY-~~SECOND~~<sup>THIRD</sup> LEGISLATIVE  
ASSEMBLY**

**DEFINITIONS**

**1.01 Definitions.**

- (1) “Chamber” means the entire area of the Senate Floor and the side aisles.
- (2) “Chamber area” includes the entire area of the Senate Floor including the areas immediately adjacent to the Senate Chamber, with the exception of Room 231.
- (3) “Constitutional majority (16)” means a majority of the members of the Senate except in the case of those measures requiring an otherwise constitutionally designated majority vote.
- (4) “Courtesy of the floor” means admittance within the bar granted upon request of a member in accordance with SR 17.01 (2).
- (5) “Majority” means a majority of those members present.
- (6) “Measure” means bill, resolution or memorial, but does not include amendments.
- (7) “Member” means member of the Senate.
- (8) “Printing” includes printing and other means of reproducing copy.
- (9) “Remonstrance” may be considered as a “protest” under section 26, Article IV of the Oregon Constitution.
- (10) “Within the bar” means within the area of the Chamber that is enclosed by waist-high partitions and that contains the members' desks and the rostrum.
- (11) Appendix A - Interim Rules identifies specific rules governing interim period.

**RULES**

**2.01 Use of *Mason's Manual of Legislative Procedure*.**

Mason's Manual of Legislative Procedure shall apply to cases not provided for in these rules or otherwise covered by

the Oregon Constitution, statute or custom.

**2.05 Procedure for Amending Rules.**

No standing rule of the Senate shall be adopted, amended or rescinded except upon the affirmative vote of a constitutional majority (16). After the organizational meeting of the Senate, the adoption, amendment or rescision of rules shall be proposed in writing, read at a regular business session, printed, distributed to members' desks, and allowed to lie on the table for at least one day prior to any vote thereon.

**2.10 Procedure for Suspending Rules.**

- (1) No rule of the Senate shall be suspended except by unanimous consent of the members or by the affirmative vote of two-thirds of the members (20). In suspending a provision of the Oregon Constitution, as provided by the Oregon Constitution, an affirmative vote of two-thirds of the members is required. The vote shall be a roll call vote.
- (2) When a motion to suspend the rules is defeated, the motion shall not be renewed until after an intervening recess or adjournment.

**2.20 Rules of the Senate.**

- (1) Except as modified or rescinded under Rule 2.05, these rules ~~and the memorandum of understanding attached and incorporated herein,~~ shall be in effect for the entire term of the Legislative Assembly whether the Senate is in session or has adjourned sine die.

**2.30 Policy for Open Caucus Meetings**

It is the policy of the Senate that the public have as much information as possible regarding matters relating to the conduct of Senate business. Consistent with that policy, caucus leaders are strongly encouraged to allow the presence of accredited representatives of the news media in caucus meetings, except during discussions of personnel matters, organizational meetings to elect officers of the caucus and the Senate, and other matters not involving deliberation of the business of the Senate.

**CONVENING**

**3.01 Quorum.**

- (1) A quorum of the Senate is 20 members.
- (2) If a quorum is present, the Senate shall proceed with the transaction of business. When there is no quorum present, a lesser number of members may adjourn from day to day and compel the attendance of absent members.

**3.05 Session Hour; Deliberations Open.**

(1) Unless otherwise ordered by a majority of the members present, the hour of meeting shall be designated by the President.

(2) All deliberations of the Senate and its committees shall be open to the public. However, this provision does not prohibit clearing the gallery or hearing room in the event of a disturbance, during which time deliberations shall be in recess.

**3.10 Attendance.**

(1) A member shall attend all sessions of the Senate unless excused by the President. The Journal Editor will record on each roll call all members "present," "excused," "attending legislative business," or "absent."

(2) The President or committee chair may excuse a member from committee meetings. The minutes of the committee shall record all committee members as "present," "excused," or "absent."

**VOTING****3.15 Roll Call.**

(1) A roll call vote of "ayes" and "nays" shall be taken and recorded on the final passage of all measures, with the exception of memorials and resolutions that affect only the Senate and do not appropriate money.

(2) Upon demand of two members, a roll call shall be taken and recorded on any question.

(3) If the presiding officer is in doubt on any motion considered on voice vote, the presiding officer shall order a roll call vote.

**3.20 Requirements for Voting.**

(1) Every member who is in attendance when the question is stated shall vote.

(2) Except by unanimous consent, no member shall be permitted to vote on any question unless in attendance at the time the question is put. A member shall be considered in attendance if the member is in the Chamber area. However, a member must be within the bar to vote.

**3.30 Voting by President.**

The President shall vote whenever a roll call is required. The President's name is called last.

**3.33 Announcement of Conflict of Interest.**

(1) When involved in a potential conflict of interest as defined by ORS 244.020, a member shall announce, on the Senate floor or in the committee meeting, the nature of the potential conflict prior to voting on the issue giving rise to the potential conflict.

(2) The member's announcement of a potential conflict of interest shall be recorded in the Journal or in the committee minutes. If the member desires to have more than the announcement recorded, the member shall reduce to writing the nature of the potential conflict as given in the oral explanation and file it with the Secretary of the Senate or the committee assistant. The written statement must be filed by 5 p.m. of the next session day following the vote on the measure.

(3) Failure to comply with section (1) of this rule may constitute improper conduct as determined by the Special Committee on Conduct appointed in accordance with Senate Rule 18.04 (1).

(4) A complaint against a Senate member alleging violation of section (1) of this rule must meet the following criteria:

(a) The complaint must be in writing;

(b) The complaint must be specific in its allegations and be accompanied by documentation supporting the allegations;

(c) The complaint must be signed by at least two persons who witnessed the conduct that is the subject of the complaint; and

(d) The complaint, in the manner prescribed by the Secretary of the Senate, must be filed with the Secretary's office within 10 days of the alleged violation.

(5) The Secretary shall transmit copies of the written and signed complaint to the President of the Senate and the Senate Caucus Leaders as soon as practicable.

(6) The President shall refer any written complaint that has been filed in accordance with section (4) of this rule to the Special Committee on Conduct within 30 days of receipt of the complaint.

(7) The committee shall investigate any written complaint to determine whether the alleged conduct constitutes violation of section (1) of this rule and shall conduct such investigation in accordance with procedures set forth in the committee rules.

(8) The committee must complete the investigation and report recommended sanctions, if any, to the full Senate within 45 days of receiving the complaint as referred by the President. The President may permit a reasonable extension of time at his or her discretion.

(9) Any recommended sanction resulting from a written complaint against a Senate member must be proportionate to the seriousness of the offense. The committee may recommend the following sanctions:

- (a) Reprimand;
- (b) Censure; or
- (c) Expulsion.

(10) In reporting to the full Senate, the committee shall include in its report:

- (a) A copy of the complaint;
- (b) Whether or not there was a violation of Section (1) of this rule;
- (c) Recommended sanctions, if any; and
- (d) The basis for the committee's recommendation.

(11) The committee report must be signed by the committee chair and submitted to the Secretary of the Senate within 3 days of final committee action.

(12) The report shall be placed on the calendar for final consideration on the session day following the reading and distribution of the report.

(13) Before taking action against a Senate member under this section, the Senate must approve the committee report recommending a sanction by a two-thirds majority vote (20).

(14) If the committee recommends no action, the formal procedure is concluded and the complaint shall be considered dismissed. The report shall be submitted in accordance with Section (11) of this rule and read under reports from special committees on the session day following distribution of the report.

### **3.35 Explanation of Vote.**

(1) Any member may explain a vote on any matter for which a roll call vote is taken. The member may make the oral explanation from the floor following completion of the roll call and announcement of the result or announce that he or she intends to submit a written explanation. Oral explanations shall not exceed two minutes.

(2) The vote explanation must be germane to the subject and shall not reflect on the honor or integrity of other members of the Legislative Assembly. If the explanation

offered from the floor does not meet the requirements of this subsection, the President may call the member to order. The President may direct the Secretary of the Senate to delete out-of-order material from the Journal.

(3) If the member wishes the explanation to be entered in the Journal, the member must indicate that request at the time the explanation is given. The member shall reduce to writing the substance of the oral explanation. The written explanation must be filed with the Secretary of the Senate by 5 p.m. of the day the vote was taken.

### **3.45 Printed Measures Required for Voting.**

(1) No measure, or amendment to a measure, shall be finally voted on until it has been printed and placed on the desks of the members, except as provided by Rule 5.40.

(2) A printing error in a printed measure or printed amendments to a measure under consideration of the Senate shall be considered corrected if the correction is made on the original copy and initialed by the appropriate member. The original measure is found in the original measure folder at the Senate Desk.

### **3.50 Third Reading Requirements.**

Except for resolutions and memorials that affect the Senate only, no measure shall pass the Senate until after third reading nor shall any measure be read more than once in any one day.

### **3.55 Call of the Senate.**

(1) Three members may demand a Call of the Senate at any time there is a pending question and before a roll call has commenced.

(2) Upon a Call of the Senate, the Chamber doors shall be closed until proceedings under the Call have been terminated. No other business shall be transacted until the proceedings under the Call are terminated. A member must remain in attendance until proceedings under the Call are terminated. A member shall be considered in attendance when in the Chamber area. However, a member must comply with the provisions of Senate Rule 3.20 for the purpose of voting.

(3) Upon a Call of the Senate, the Sergeant at Arms shall cause all members not excused to come to the floor. If the Sergeant at Arms cannot locate an unexcused member, that fact shall be reported to the President who shall announce the fact to the members.

(4) Proceedings under a Call of the Senate shall be considered terminated only when the question and

subsidiary motions for which the Call was invoked have been voted on, or when a motion to remove the Call is approved by at least two-thirds (20) of the members of the Senate.

(5) A motion to remove the Call shall be in order when the Sergeant at Arms reports that unexcused members cannot be located. If there is no quorum, after the report of the Sergeant at Arms is received, the Senate may remove the Call by the consent of the majority of the members present.

(6) Under the proceedings of a Call of the Senate:

(a) Senate guests may leave the Chamber at will; however, they shall not be permitted to return until the proceedings are terminated or the Call has been removed.

(b) Members of the House, the press and Senate staff on Senate business may leave the Chamber and return at will during the proceedings under the Call.

## ORDER OF BUSINESS

### 4.01 Order of Business.

(1) The general order of business shall be:

(a) Roll Call

(b) Honors to the Colors and the Pledge of Allegiance

(c) Invocation

(d) Courtesies of the Senate

(e) Remonstrances

(f) Reports from conference committees

(g) Reports from standing committees

(h) Reports from special committees

(i) Propositions and motions

(j) Action on Executive Appointments requiring Senate confirmation

(k) Introduction and first reading of Senate measures

(l) Second reading of Senate measures

(m) Third reading of Senate measures

(n) First reading of House measures

(o) Second reading of House measures

(p) Third reading of House measures

(q) Unanimous Consent Calendar

(r) Other business of the Senate

(s) Announcements

(2) Messages from the Governor or the House may be read at any time. Courtesies may be extended at any time.

(3) Questions relating to the priority of business shall be decided without debate.

(4) The general order of business shall not be varied except upon suspension of the rules. However, any subject before the Senate may be made a special order of business upon the vote of a majority of the members present. When the appropriate time for consideration of the subject arrives, the Senate shall take up the subject.

(5) When scheduled for third reading, appropriation bills shall take precedence over all other bills from the same house of origin.

(6) Under the order of business Remonstrances, no member may speak for longer than two minutes, or for a second time, or yield time to another member. The motives or integrity of any member of the House or Senate shall not be impugned.

### **4.05 Unanimous Consent Calendar**

~~(1) Each session day, a consent calendar of measures, if there are any so designated, shall be presented for consideration and vote of the Senate. Copies of the consent calendar shall be printed and distributed to members prior to consideration.~~

~~(2) Any measure reported out of committee unanimously to the Senate floor, with or without amendments, may be placed on the consent calendar with unanimous agreement of the committee reporting the bill.~~

~~(3) Any measure reported out of committee with the recommendation that it be placed on the consent calendar shall be placed on the second reading calendar under subsection (1) and (2) of Senate Rule 8.55.~~

~~(4) Any measure recommended for the consent calendar shall be placed on the calendar but held at the Desk for two days after the day on which the committee report is read.~~

~~During this period, Members may submit written objection to the placing of the measure on the consent calendar. If the objections of three members of the Senate are received at the Desk prior to adjournment of floor session on the second day, the measure shall be removed from the consent calendar and placed in its proper order on the third reading calendar for the following day. The measure may also be removed by order of the President with the agreement of the President pro Tempore.~~

~~(5) If no objections or an insufficient number are filed within the two-day period, the measure shall be placed in its proper order on the next consent calendar.~~

~~(6) When the order of business "unanimous consent calendar" is reached, the President shall announce the calendar. The clerk shall read each measure by number and title only. Following each reading, it shall be in order for the member designated to carry the measure to explain the measure. The member shall be allotted not to exceed five minutes for the explanation. Following the presentation, only a Call of the Senate is in order or the following motions may be made:~~

- ~~—— (a) to refer to committee~~
- ~~—— (b) to lay on the table~~
- ~~—— (c) to postpone indefinitely~~

~~(7) No measure which has been made the subject of a motion to reconsider shall be placed on the consent calendar.~~

~~(8) Notwithstanding the provisions of this rule, if the President and President pro Tempore have reasonable cause to believe sine die is imminent, the President, with the agreement of the President pro Tempore, may order any measure recommended for the consent calendar be placed in its proper order on the third reading calendar.~~

## MOTIONS

### 5.01 Moving a Motion.

(1) When a motion is moved, it shall be stated by the President. If the motion is in writing, it shall be handed to the Secretary of the Senate and read aloud before debate on the motion begins.

(2) A motion shall be reduced to writing upon request of any member.

(3) No second to a motion is required.

### 5.05 Motion in Possession of the Senate.

After a motion is stated by the President or read by the Secretary of the Senate or the Reading Clerk, it is in the possession of the Senate. The motion may be withdrawn only with the permission of the Senate and prior to a decision on the motion.

### 5.10 Precedence of Motions.

(1) When a question is under debate, only the following motions shall be made:

- (a) To adjourn
- (b) To recess
- (c) To lay on the table
- (d) To move the previous question
- (e) To postpone to a certain day
- (f) To refer or rerefer
- (g) To amend
- (h) To postpone indefinitely
- (i) To withdraw a motion.

(2) The motions listed in subsection (1) of this section shall have precedence in the order in which they are listed.

### 5.15 Undebatable Motions.

(1) The following motions are undebatable:

- (a) To adjourn
- (b) To recess
- (c) To suspend the Rules
- (d) To lay on the table
- (e) To move the previous question
- (f) To amend an undebatable motion
- (g) To take from the table.

(2) All incidental questions shall be decided without debate.

(3) An appeal to the committee chair or the President is undebatable, although the member making the appeal may state briefly the reason for the appeal, and the chair or the

President may state briefly the rationale for the ruling.

#### **5.17 Form of Previous Question.**

(1) The previous question shall be put in this form: "Shall the main question be now put?" The main question is the question immediately under consideration.

(2) The previous question shall only be admitted when demanded by a majority of the members present. Until it is decided, it shall preclude all amendments and further debate on the question, except for closing arguments.

#### **5.20 Form of Question on a Motion.**

The question on a motion shall be put in this form:

"Those in favor say, 'aye'" and after the response, "Those opposed say, 'no'."

#### **5.25 Effect of Motion to Indefinitely Postpone.**

(1) When a measure or question has been indefinitely postponed, no further action on the measure or question shall be allowed in the same session of the Legislative Assembly. The vote is not subject to a motion for reconsideration.

(2) When the motion to indefinitely postpone a measure or question fails, the motion shall not be allowed again on the same day or at the same stage of the measure or question.

#### **5.30 Division of the Question.**

(1) Any member may call for a division of a question if the question presents propositions so distinct in substance that if one is taken away, a substantive proposition remains for the decision of the Senate.

(2) The question of final passage or adoption of any measure is not subject to division.

#### **5.40 Amendments from the Floor.**

No measure shall be amended on the floor unless unanimous consent is given and a written statement of the proposed amendment is filed with the Secretary of the Senate.

### **DEBATE AND DECORUM**

#### **6.01 Decorum.**

When a member is speaking, no one shall walk between the member and the rostrum. No one shall leave the Chamber or hearing room in a manner disruptive of the proceedings. When the Senate is in daily session, or a hearing is being

conducted, no one in the Chamber, gallery or hearing room shall act in a manner disruptive of the proceedings.

#### **6.05 Recognition of Members.**

When a member seeks to be recognized by the chair, the member shall use the electrical signal device at the member's desk, or the member shall rise and respectfully address the chair. Exceptions to this rule are:

(a) When demanding a Call of the Senate or a roll call.

(b) When allowed to interrupt a speaker for one of the purposes listed in Mason's Manual of Legislative Procedures, section 92.

#### **6.10 Conduct in Debate.**

(1) In speaking, a member must confine remarks to the question under debate and shall avoid personalities. A member may refer to the actions of a committee if such actions are relevant to the debate, but a member shall not impugn the motives of another Senate or House member's vote or argument.

(2) In speaking, a member may address another member by using the appellation of Senator or the appellation of Senator and the member's district number or other description of district.

(3) A member's right to read from any paper or book as a part of a speech is subject to the will of the Senate. If any member objects to such reading, the matter shall be immediately put to a vote without debate.

(4) No member is permitted to use audio or video reproductions during debate. As used in this rule, "audio and video reproductions" include films, audio and video tapes or slides.

(5) No one other than a member may speak during debate.

#### **6.20 Questioning a Member.**

(1) All questions asked of a member shall be addressed through the chair.

(2) Members responding to a question shall confine remarks to the question only.

#### **6.25 Frequency with Which Member May Speak.**

(1) The mover of a motion or the member designated to carry a measure shall have the privilege of closing the debate on the motion or the measure.

(2) Except as authorized by subsection (1) of this rule, no member shall speak more than once on any question until every member wishing to speak has spoken.

(3) If a pending question is lost by reason of adjournment and is revived on the following day, a member who has previously spoken on the question shall not be permitted to speak again until every member wishing to speak on the question has spoken.

(4) No member may speak more than twice on any question.

### **6.30 Limitation on Duration of Debate.**

The following rules apply to the length of time a member shall have the floor in debate:

(1) On the final passage of a measure, the chair of the committee reporting the measure, or a member designated by the chair, may speak for ten minutes. In the case of multiple carriers, each member may speak for five minutes. Other members may speak for five minutes.

(2) On a motion to adopt or substitute a committee report, the member who moves the motion may speak for ten minutes. Other members may speak for five minutes.

(3) The member closing debate on final passage or moving to adopt or substitute a committee report, may speak for ten minutes. In the case of multiple carriers, one member shall be designated to close.

(4) On other debatable motions, a member may speak for five minutes.

(5) Any member may yield the time allowed under this rule to another member. However, no additional time can be yielded to a member closing debate.

(6) When a member who has the floor asks a question of another member, the time used in answering shall be taken from the questioning member.

### **6.35 Call to Order.**

(1) If a member transgresses the rules of the Senate, the President, or any member through the President, may call the member to order. Unless permitted by the President to explain, the member called to order shall be seated immediately.

(2) The member who is called to order may appeal the ruling of the President. If the Senate decides the appeal in favor of the member, the member may proceed with the debate. If the Senate decides the appeal against the

member, the member may proceed "in order" or be liable to a motion of censure of the Senate.

### **6.40 Discipline.**

If a member is called to order for words spoken in debate, the member objecting shall immediately repeat the words to which objection is taken and they shall be recorded by the Journal Editor. However, if any other member has spoken or other business has intervened after the words were spoken and before the objection was made, the member shall not be held answerable or subject to censure.

## **PRESIDING OFFICER**

### **7.01 Election of Presiding Officer; Pro Tempore Presiding Officer.**

(1) The members of the Senate shall elect by a roll call vote a President of the Senate. A constitutional majority (16) is required to elect a President.

(2) The members shall also elect by a roll call vote a President pro tempore of the Senate. A constitutional majority (16) is required to elect a President pro tempore.

### **7.05 Temporary Presiding Officer.**

(1) The President may designate a member other than the President pro tempore ~~if the President pro tempore declines~~ to act temporarily as the presiding officer. The designation shall not extend beyond adjournment on the day of the appointment. The member does not lose the right to vote while presiding. The President may resume the chair at his or her pleasure.

(2) If, at any time, the office of the President of the Senate becomes vacant, the President pro tempore shall become President until a new President is elected.

### **7.10 Duties of Presiding Officer.**

(1) The President shall take the chair every day at the hour as provided in Senate Rule 3.05.

(2) The President shall immediately call the members to order and have the roll called.

(3) The President shall preside over deliberations of the Senate, preserve order and decorum and decide questions of order, subject to appeal by any two members.

(4) The President, ~~in consultation with the President pro tempore~~, shall have general control and direction of all Senate employees and all employees of the Legislative Assembly when they are in the Senate Chamber.

(5) The President shall have control of the Senate Chamber and adjacent areas.

## COMMITTEES

### 8.01 Names of Committees.

(1) The following shall be the standing committees of the Senate:

- (a) ~~Agriculture and Natural Resources~~Business and Economic Development
- (b) ~~Business and Labor~~ Commerce
- (c) ~~Education~~Education and Workforce
- (d) ~~General Government~~ Environment and Land Use
- (e) ~~Health Policy~~General Government
- (f) ~~Human Resources~~ Health Policy
- (g) ~~Judiciary~~Human Services
- (h) ~~Revenue~~Judiciary
- (i) ~~Rules~~Revenue
- (j) ~~Transportation and Economic Development~~Rules
- (k) ~~Water and Land Use~~Transportation
- (l) Joint Ways and Means

### 8.05 Committee Appointments.

(1) The President may establish special committees and conference committees, but shall establish no additional standing committees, without the approval of a majority.

~~No committee with the exception of conference committees shall have less than four members.~~

(2) Members of all standing and special committees, and the chairs and vice-chairs thereof, shall be ~~set forth in the memorandum of understanding attached and incorporated herein~~ appointed by the President.

(3) The President shall appoint members to other committees as necessary or as required by law. ~~Each committee shall have an equal number of members from each party.~~

(4) ~~(a)~~ The President shall be an ex officio member of each

standing, special and statutory committee and have the power to vote. As an ex officio member on a standing committee the President does not increase the size of the respective committees. Ex officio membership does not increase the number of members required to provide a quorum.

~~\_\_\_\_\_ (b) The President shall not have the ex officio power to vote on a motion to rerefer a bill that is in the possession of the Rules Committee.~~

### 8.10 Committee Quorum; Rules.

(1) A majority of the members appointed to a standing or special committee shall constitute a quorum for the transaction of business before the committee.

(2) Final action on a measure in committee shall be taken only on the affirmative vote of a majority of the members.

(3) All standing and special committees shall be governed by committee rules adopted by a majority of committee members, the Senate Rules and Mason's Manual of Legislative Procedure and statute.

### 8.15 Committee Meetings.

(1) All committees shall meet at the call of the committee chair. The chair shall cause notice of the meeting to be given to the public. The chair may designate a time certain for an agenda item. The chair shall begin a time certain agenda item at the appointed time and accommodate witnesses wishing to testify to the extent practicable. Written notice is to be posted outside the Senate Chamber and in the lobby areas of the 2nd and 3rd floor wings at least ~~24-48~~ hours in advance of the meeting.

(2) In the event that the committee does not complete the scheduled agenda, the items may be carried over to the next scheduled meeting with the following guidelines:

\_\_\_\_\_ (a) The measure must have been initially scheduled with a 48-hour notice.

\_\_\_\_\_ (b) The measure must be carried over for the same type of meeting.

\_\_\_\_\_ (c) The chair announces in committee his/her intent to schedule the measure at the next meeting.

\_\_\_\_\_ (d) A revised agenda listing the measures that originally received 48-hour notice shall be posted as soon as possible following adjournment of the committee meeting.

~~(2)(3)~~ Meetings to resolve conflicts or inconsistencies between two or more measures may be called on shorter notice. Written notice to the public shall be given immediately upon call of such a meeting. The meeting shall be announced on the floor of the Senate if it is in session.



~~(3)(4)~~ No committee shall meet during the time the Senate is in session without approval of the President. Any member attending a meeting during a session shall be considered excused to attend business of the Senate and subject only to a Call of the Senate.

~~(4)(5)~~ Committee meetings held at a time or place not provided for in the Joint Legislative Schedule require the advance approval of the President, if the meeting time would cause a member to miss a regularly scheduled meeting of another committee.

~~(5)(6)~~ Approval of the President must be obtained if the location of a meeting will require the expenditure of state monies for travel.

(7) Any meeting of a Senate committee held through the use of telephone or other electronic communication shall be conducted in accordance with SR 8.15 and upon approval of the President.

#### **8.16 Committee Meeting--Less Than ~~24-48~~ Hours' Notice.**

When the President has reason to believe that adjournment sine die of the session is imminent, the President may invoke the following provisions by announcement from the rostrum during floor session:

Notwithstanding the provision of Senate Rule 8.15, the committee chair may call a meeting of a committee with less than ~~24-48~~ hours' notice if, at least one hour prior to the meeting, notice is given to the Secretary of the Senate's Office and posted outside the Senate Chamber, in the Press Room and in any other place reasonably designed to give notice to the public and interested persons. Written notice must also be delivered to all committee members' offices who have not been excused from attendance pursuant to Senate Rule 3.10. Whenever possible, such meetings shall be announced on the floor while the Senate is in session.

#### **8.20 Committee Action Required.**

(1) Each committee shall act upon referred measures as soon as practicable.

(2) Upon written request of a majority of committee members filed with the committee chairperson and the Secretary of the Senate, the chairperson shall order a hearing or work session on any measure in the possession of the committee. The hearing or work session shall be held only after notice as required by Rule 8.15(1), but shall be held within a reasonable time.

#### **8.25 Committee Meeting Records.**

(1) Each meeting of a committee or subcommittee shall be sound recorded. As soon as practicable after each meeting, written minutes of the meeting shall be prepared and distributed. The minutes shall contain at least the following information:

(a) Attendance of members and staff

(b) Names of all witnesses

(c) Recorded vote on all official actions

(d) Any announcements of conflicts of interest

(e) References to the recording log, sufficient to serve as an index to the original sound recording.

(2) Testimony and exhibits submitted in writing shall be attached to the minutes and considered as part of the official record.

### **REFERRAL OF MEASURES TO COMMITTEE**

#### **8.40 Referral to Committee.**

(1) Within seven calendar days following first reading of a measure, the President shall refer the measure to an appropriate committee and may refer it to not more than one additional committee. ~~When a bill is referred to a committee the President shall notify the President pro tempore. The President pro tempore shall have three calendar days to agree or disagree with the referral. In the event they do not agree, the bill will be referred to the committee on Rules.~~ Any measure appropriating money or requiring the expenditure of money may also be referred to the Joint Committee on Ways and Means. The referral may occur before or after it has been referred to and reported out of any other committee. The President ~~with the agreement of the President pro tempore~~ may, at any time, rescind a subsequent referral.

(2) At the request of a committee reporting on a measure, the President ~~with the agreement of the President pro tempore~~ may rescind or add a subsequent referral to another committee.

(3) The Secretary of the Senate shall publish and distribute to the members a current listing of measures referred. A list of measures referred shall be placed in the Journal. The President may either announce the referral decisions or order the referrals made in accordance with the printed list.

#### **8.42 Withdrawing Measure from Committee.**

A measure, including one referred by the President to a joint committee, may be withdrawn from a committee by a motion to withdraw, and by the affirmative vote of a constitutional majority (16) of the members of the Senate.

#### **8.43 Motion to Refer or Rerefer.**

A measure may be referred or rereferred to committee either under Propositions and Motions or on third reading. An affirmative vote of a majority of those present is necessary. A measure may be referred or rereferred with recommendations to a committee. These recommendations must be in writing and filed with the Secretary of the Senate before the vote is taken on the motion to refer with recommendations.

### **COMMITTEE REPORTS**

#### **8.50 Committee Reports.**

(1) All committee reports on measures shall be signed by the committee chair. Committee reports must be submitted to the Secretary of the Senate on or before the third session day following final committee action on the measure. When a committee requests a subsequent referral or requests a referral be rescinded, the request shall be in writing and accompany the committee report.

(2) If a minority report is to be filed, notice must be given to the committee on the day the report was adopted. The minority report, together with the committee report, shall be filed jointly no later than three session days following final committee action.

(3) All committee reports shall be filed in a manner prescribed by the Secretary of the Senate. Reports which are not in the proper form and style may be returned to the committee or corrected by the Secretary of the Senate and the President or their designees. Any substantive changes must be approved by the committee.

(4) In reporting a measure out, a committee shall include in its report:

(a) The measure in the form reported out

(b) The recommendation of the committee

(c) A staff measure summary for all measures except appropriation bills and joint memorials

(d) A fiscal impact statement, if applicable, prepared by the Legislative Fiscal Officer

(e) A revenue impact statement, if applicable,

prepared by the Legislative Revenue Officer

(f) Budget notes, if applicable, as adopted by a majority of the Committee on Ways and Means.

(5) If the committee is of the opinion that a fiscal impact statement or a revenue statement is not applicable, the report shall state that decision and be filed without such statements.

#### **8.52 Committee Reports--Read or Announced.**

(1) At the discretion of the President, committee reports at the Senate Desk may be either read or announced under the proper order of business. If reports are announced, the Secretary of the Senate shall distribute to the members a summary of all reports and measures passed to calendar.

(2) The Secretary of the Senate shall cause the committee report to be entered in the Status Report and Journal.

#### **8.55 Second Reading of Measures.**

(1) Measures reported favorably without amendments and having no subsequent referral shall be placed on the second reading calendar for the same session day on which the report is read or announced.

(2) Measures reported favorably with amendments and having no subsequent referral shall be placed on the Second reading calendar for the same session day on which printed amendments are distributed.

#### **8.60 Dissents; Minority Reports.**

(1) Any member of a committee who dissents from the committee recommendations may request to be listed in the committee report as not concurring. The names of members not concurring shall be recorded in the Status Report and Journal.

(2) If a minority report, subscribed to by at least two members dissenting from the committee report, accompanies the committee report, both reports shall be filed jointly. On the day next following distribution of amendments, it shall be in order under Propositions and Motions to move the adoption of the committee report and then to move that the minority report be substituted for the committee report. When action on the minority report is completed, the measure shall be read for the third time and considered immediately.

(3) No member of a committee may subscribe to more than one minority report respecting a given committee report.

(4) Committee members may subscribe to a minority

report only if present during committee meeting when action was taken.

### 8.65 Without Recommendation.

If a measure is reported without recommendation by a committee, the report shall be filed and the measure placed on the Second reading calendar for that day, and on the Third reading calendar the second session day following receipt. If the measure has amendments, second reading shall occur on the same day on which printed amendments are distributed. The measure shall be carried on the floor by the chief Senate sponsor, the committee chair, or committee member designated by the committee chair at the discretion of the committee chair.

### 8.70 Adverse Committee Report.

(1) When a measure is reported with a do not pass recommendation, the effect of the adoption of an adverse committee report is the indefinite postponement of the measure. A motion to adopt the report is required.

(2) The Secretary of the Senate must notify, in writing, the President, ~~President pro tempore~~ and the sponsors of the measure of an adverse report within 24 hours of receipt of the report by the Secretary of the Senate. No action shall be taken on any adverse report until 24 hours after the Secretary of the Senate has notified the President, ~~President pro tempore~~ and the sponsors of the measure.

### 8.75 Germaneness.

If, at any time after filing of a committee report, including a conference committee report, and before final action by the Senate on the measure, a member raises the question of the germaneness of the amendments, the President shall decide the question based on section 402 of *Mason's Manual of Legislative Procedure* and announce the decision from the rostrum.

### 8.80 Third Reading and Final Passage.

(1) Except as provided in Senate Rule 3.50, measures shall be placed on the calendar for third reading and final passage the next session day following second reading.

(2) When a measure is reported favorably but with amendments, the amendments must be printed and distributed to the desks of the members before the measure comes up for third reading and final passage. The measure shall be placed on the calendar for third reading and final passage on the session day following the day of distribution of the printed amendments.

(3) Upon the recommendation of the committee chair

reporting a measure with amendments, or at the President's discretion, the President may order a measure printed with the amendments engrossed therein. If the measure is printed engrossed, it shall not be considered for final reading sooner than the session day following distribution of the printed engrossed measure unless the amendments have been distributed to the desks of the members.

(4) Measures passed to the calendar in the regular order of business which, according to Legislative Counsel, conflict with measures previously passed in the current session, may be taken from the calendar for the purpose of resolving the conflict. A motion by the chair of the committee that considered the measure is in order for removal of the measure from the calendar.

(5) Notwithstanding the provisions of this rule, it shall be in order for the Secretary of the Senate to replace a measure on the calendar for third reading and final passage in the regular order of business immediately after the committee report resolving the conflict has been read. If changes other than resolving conflicts or minor corrections are made, consideration of the measure must comply with the regular procedure.

### 8.85 Order of Consideration for Final Passage.

(1) When placed on the calendar for final passage, measures shall be considered in their numerical order. However, appropriations measures shall precede other measures.

(2) Except as otherwise provided in these rules, no motion is required to adopt a committee report.

### 8.95 Substitute Measure.

A substitute measure shall be treated as a newly introduced measure providing it is relevant to the title and subject of the original measure. After first reading, the measure shall be placed on second reading, on the next session day, without referral to committee.

## RECONSIDERATION

### 10.01 Reconsideration.

(1) A motion for reconsideration may be made by a member who voted on the prevailing side when:

(a) A measure or executive appointment has passed or been confirmed;

(b) A measure or executive appointment has failed to pass or has been denied;

(c) A non-procedural motion has been adopted; or

(d) A non-procedural motion is defeated.

A motion for reconsideration is not in order on a vote whereby a measure was indefinitely postponed.

(2) Notice of intent to move for reconsideration must be given orally by the member who intends to move the motion. Notice must be given prior to adjournment on the day on which the vote to be reconsidered was taken.

(3) A motion to reconsider may be debated together with the main question, if the subject of the main question is debatable.

(4) The motion to reconsider may be voted on the day when the vote to be reconsidered was taken, or on the next session day.

(5) A majority affirmative vote of those present and voting is required to reconsider a vote, including a measure requiring an otherwise constitutionally designated majority vote. There shall be only one reconsideration of any final vote even though this action reverses the previous action.

#### **10.05 Transmitting Measures which may be Reconsidered.**

When a member has given notice of intention to move for reconsideration of the final vote passing a measure, the Secretary of the Senate shall not transmit that measure until a motion for reconsideration has been made or the time for making a motion has expired. However, if the measure subject to reconsideration was passed on what the President has reasonable cause to believe is one of the final days of the session, the Secretary of the Senate shall transmit the measure notwithstanding the fact that notice of reconsideration has been given.

#### **10.10 Recall of a Measure.**

In order to reconsider the vote on a measure no longer in possession of the Senate, a motion to recall the measure is in order. Measures originating in either the House or the Senate may be recalled from the Governor at any time prior to signing and filing of the measure by the Governor. A motion to request the return of a measure shall be acted upon immediately and without debate.

### **CONFERENCE**

#### **11.01 Vote to Concur in Amendments of Other House.**

(1) Upon return to the Senate of a Senate measure which

has been amended in the House, the vote to concur and repass the measure, or not to concur with the House amendments, shall not be taken before the next session day after the message from the House has been read.

(2) A motion to concur and repass the measure, or not to concur with the House amendments, shall come under the order of business of Propositions and Motions and is not subject to referral to a committee.

(3) On the motion to concur and repass the measure, a roll call vote is required and a constitutional majority (16) is needed for concurrence and repassage, except in the case of a measure requiring an otherwise constitutionally designated majority vote.

(4) On a motion not to concur, the affirmative votes of a majority of the members present is needed. If the motion not to concur is adopted, the President shall appoint a conference committee.

(5) If a motion not to concur is defeated, the President shall immediately order a roll call vote on the question of concurrence and repassage of the measure.

(6) If the motion to concur and repass the measure is defeated, the President shall appoint a conference committee.

#### **11.05 Conference Committee.**

Upon receipt of a message from the House that it has failed to concur with Senate amendments to a House measure, the President shall, ~~within five calendar days,~~ appoint a conference committee of two or more members to represent the Senate and meet with a similar committee of the House. ~~Each conference committee shall have equal numbers of members from each party.~~ At least one member appointed shall have served on the Senate committee that considered the measure. The President may request the committee chair to designate one of the members.

#### **11.10 Authority of Conference Committee.**

(1) The conference committee has authority to propose amendments only within the scope of the issue between the houses.

(2) The Senate conferees shall meet with the House conferees as soon as is practicable after appointment. The time and place shall be agreed upon by a majority of all the conferees. The committee shall immediately notify the President and the Secretary of the Senate of the time and place of the meeting. The Secretary of the Senate shall immediately cause notice of the meeting to be given to the public and posted outside the Senate Chambers. Notice of

the meeting shall be announced on the floor, if the Senate is in session.

### **11.15 Adoption of Conference Committee Report.**

(1) If a majority of conference committee members of each house agree to an amendment, or otherwise resolve the issue between the houses, the report shall be filed with both houses. A majority of conferees from each house shall sign the report. A dissenting conferee may indicate that fact when signing the report.

(2) No motion is required to adopt the conference committee report if repassage of the measure is not required. When repassage is required, a motion to adopt the conference committee report and repass the measure is necessary. A motion shall not be made sooner than the next session day after the conference committee report has been printed and then may be made at any time.

(3) On the motion to adopt the conference committee report and repass the measure, a roll call vote is required and the affirmative votes of a constitutional majority (16) is needed, except in the case of a measure requiring an otherwise constitutionally designated majority vote.

(4) If the motion to adopt the conference committee report and repass the measure fails, the President may appoint another conference committee.

(5) On a motion to refuse to adopt the conference committee report, the affirmative vote of a majority of those present is needed. If the motion is adopted, the President may appoint a conference committee.

(6) It shall not be in order to refer, rerefer or amend a conference committee report.

(7) When the conference committee report concerns a measure that originated in the House, the Senate may take action in accordance with subsections (1) and (2) without waiting for action by the House.

### **11.20 Discharge of Conferees.**

(1) If a majority of conference committee members cannot agree within a reasonable time, the Senate conferees shall advise the President of their inability to agree with the House conferees and request discharge. The President shall then discharge the Senate conferees and may appoint a new conference committee to represent the Senate.

(2) If a conference committee does not report within a reasonable period of time after its appointment, the President may discharge the Senate conferees and appoint new conference committee members to represent the

Senate.

## **SPONSORSHIP**

### **12.01 Sponsorship.**

(1) Every measure introduced in the Senate shall bear the name of the chief sponsor(s) and shall comply with ORS 171.127.

(2) Upon written request, filed with the Secretary of the Senate, a member may be added to any measure as a sponsor, after first reading and prior to final consideration.

(3) When the measure is in the possession of the Senate, the President may order the name of a sponsor deleted from a printed engrossed or enrolled measure if a sponsor requests in writing to have the name removed because it was placed on the measure by error or because the measure has been so substantially altered that the sponsor can no longer sponsor it. If the removal is so ordered, the name shall be removed from the list of sponsors at the next printing of the measure, and from the measure history in the Status Report at the next printing.

(4) If removal of the sponsor's name leaves the measure without sponsorship, the President may order the name of the committee that reported the measure to be named as sponsor.

### **12.02 Requester.**

(1) Every measure introduced at the request of an individual, organization, state agency, or legislative interim committee shall indicate that it is introduced by request and identify the requester.

(2) When the measure is in the possession of the Senate, the President may order the name of a requester added or deleted from a printed engrossed or enrolled measure if the chief sponsor or the requester asks in writing to have the name added or removed.

(3) A requester's name may be removed because it was placed on the measure by error or because the measure has been so substantially altered that the requester can no longer support the measure.

(4) If the addition or removal is so ordered, the requester's name shall also be added or removed from the measure at the next printing and from the measure history in the Status Report at the next printing.

### **12.05 Committee Sponsorship.**

Any measure to be sponsored by a committee must be

approved for such sponsorship by a majority of the committee members and must be signed by the committee chair.

## INTRODUCTION OF MEASURES

### 13.01 Requirements for Presentation of Measures for Introduction; Bill backs.

(1) The sponsor of a measure for introduction shall present to the Secretary of the Senate ~~one copy two copies~~ of the measure, one of which has a bill back initialed by the sponsor(s). Such presentation may be made only by a member, authorized staff of a member or, in the case of a committee, by the chair or authorized committee staff. The Secretary of the Senate or a person authorized by the Secretary of the Senate shall, upon request, provide a time-dated receipt to the person presenting the measure.

(2) A copy of the measure designated as the original shall be placed in the original measure folder. Copies of all amendments and reports, and a record of all actions on the measure shall be maintained with the original measure folder.

(3) Immediately after presentation to the Secretary of the Senate, the measure shall be sent to Legislative Counsel for examination and compliance with the "Form and Style Manual for Legislative Measures" and preparation of a copy for the State Printer. No corrections that might affect the substance of the measure shall be made without the consent of the sponsor of the measure.

### 13.02 Measure Summary.

(1) No measure shall be accepted by the Secretary of the Senate for introduction without an impartial summary of the measure's content, describing new law and changes in existing law proposed by the measure. Any measure presented to the Secretary of the Senate which does not comply with this requirement shall be returned to the member or committee that presented it.

(2) The summary may be edited by Legislative Counsel and must be printed on the first page of the measure. The summaries of measures may be compiled and published by the appropriate legislative agency.

(3) If a material error in a printed summary is brought to the attention of Legislative Counsel, Counsel shall cause a corrected summary to be prepared which shows the changes made in the summary. Changes shall be shown in the same manner as amendments to existing law are shown. Counsel shall deliver the corrected summary to the Secretary of the Senate. The President may order the corrected summary printed and distributed as directed by the Secretary of the

Senate.

(4) When a measure is amended, Legislative Counsel shall prepare an amended summary. The amended summary may be a part of the printed amendment. The summary shall be amended to show proposed changes in the measure in the same manner as amendments to existing law are shown.

(5) All summaries must comply with ORS 171.134.

### 13.05 Deadline on Introductions

No measure shall be accepted by the Secretary of the Senate for introduction in the Senate after 5 p.m. on the 36th calendar day of the session except:

(1) Measures approved for introduction by the Senate Committee on Rules and so identified by the initials of the chair on the original copy.

(2) Appropriation or fiscal measures sponsored by the Joint Committee on Ways and Means.

(3) Measures drafted by Legislative Counsel and introduced as provided in Senate Rule 13.15.

### 13.08 Introduction of Agency Bills.

A state agency that did not file a measure prior to the session pursuant to ORS 171.132 may request, in writing, to have the measure introduced by submitting the measure to the Senate Committee on Rules. If the committee concludes that the agency's reason for not filing the measure under ORS 171.132 is adequate, the committee may introduce the measure as a committee bill or with whatever other sponsorship is requested.

### 13.10 Legislative Counsel Drafting Services.

(1) ~~Between 5 p.m. on the 22nd calendar day of the session and 5 p.m. on the 29th calendar day of the session, the Legislative Counsel shall accept only five non-transferable drafting requests from each member. The Legislative Counsel shall cease accepting drafting requests from members at 5 p.m. on the 24th calendar day of the session.~~

(2) After 5 p.m. on the ~~29th-36th~~ calendar day of the session, the Legislative Counsel shall discontinue drafting of all measures except:

(a) Measures approved for drafting by the Senate Committee on Rules;

(b) Appropriation or fiscal measures approved for drafting by the Joint Committee on Ways and Means; or

(c) A proposal requested for drafting by a member under Senate Rule 13.15.

(3) Nothing in this rule prohibits Legislative Counsel from providing drafting services for amendments to measures, including substitute measures, at the request of a member or a committee.

### **13.11 Confidentiality; Consolidation of Requests.**

(1) A member may designate that a request for measure drafting services be treated as confidential in accordance with ORS 173.230. Requests from a committee may not be treated confidentially.

(2) Whenever a request is made for measure drafting services, Legislative Counsel shall inform the requester of all nonconfidential requests for similar measures and attempt to consolidate all such requests in one measure. Legislative Counsel shall also inform requesters of confidential drafts when similar but nonconfidential requests are made. This will be done in order to determine whether the requester wishes to consolidate the confidential request with similar but nonconfidential requests.

### **13.15 Drafting Requests.**

(1) Every member shall be entitled to not more than two priority drafting requests of the Legislative Counsel.

(2) Every measure bearing a priority designation of the Legislative Counsel must be presented to the Secretary of the Senate for introduction within three session days after delivery of the measure to the member by the Legislative Counsel. The Secretary of the Senate shall not accept any measure showing that it was delivered by Legislative Counsel to the member more than three session days before it is presented to the Secretary of the Senate.

## **PUBLICATIONS AND RECORDS**

### **14.01 Journal; Status Report**

(1) The Senate shall cause a Journal of its proceedings to be maintained. The Journal shall contain a full, true and correct chronological record of all proceedings of the Senate.

(2) The Senate shall cause a Status Report to be composed and printed daily during the regular session of the Legislative Assembly. The measures shall be listed in numerical order and shall contain title, sponsor and a history of actions taken in each house.

(3) The President may direct publication of the Status Report on a weekly cumulative basis, with daily supplements reflecting the proceedings of the previous day.

### **14.03 Senate Records.**

(1) As used in this rule, "Senate record" means a measure or amendment of a measure, a document, book, paper, photograph, sound recording or other material produced by the Senate, a Senate committee or staff member, in connection with the exercise of legislative or investigatory functions, but does not include the record of an official act of the Legislative Assembly kept by the Secretary of State under section 2, Article VI of the Oregon Constitution.

(2) Subject to the needs of Senate members and Senate staff in the performance of official duties, Senate records in the possession of the Senate shall be available for public inspection, subject to such requirements as may be imposed by the President to insure their safety.

(3) Sound recordings shall be made of every floor session of the Senate and be kept in the custody and control of the Secretary of the Senate. Sound recordings shall be made of every committee meeting and be kept in the custody and control of the Legislative Administrator.

(4) A Senate committee or Senate staff member having possession of Senate records that are not required for the regular performance of official duties shall, within 10 days after the adjournment sine die of the session, deliver all such Senate records to the Legislative Administrator.

(5) Senate records shall not be loaned except to staff of the Legislative Assembly who require access to such records in the performance of official duties. Arrangements for having records copied may be made and an appropriate fee to meet costs may be imposed. All monies collected under this rule shall be promptly turned over to the Legislative Administrator or designee.

### **14.05 Other Legislative Publications.**

(1) Unless otherwise directed by resolution, the President is authorized to implement the powers vested in the Senate by ORS 171.206.

(2) All orders for printing and distribution of publications printed for the Senate, except those publications the printing or distribution of which are governed specifically by statute or otherwise, shall be signed by the President or by a designee.

### **14.10 Distribution of Legislative Publications.**



(1) In implementation of ORS 171.206, and for the proper functioning of the Senate, the Secretary of the Senate shall order from the Legislative Administrator a sufficient number of copies of all publications printed for either house of the Legislative Assembly.

(2) Unless otherwise directed by joint resolution or otherwise provided under ORS 171.206, 171.236 or 182.070, the Legislative Administration Committee shall, upon request, cause to be distributed, without charge, the publications of each session of the Legislative Assembly to boards of county commissioners, cities, public libraries, law schools in the state and accredited representatives of the news media as considered appropriate.

(3) Each member is authorized up to 15 mailings of weekly Status Reports, indexes and Legislative Schedules without charge.

(4) Each member is authorized a maximum of 50 additional copies of measures without charge.

(5) Mailings of legislative publications requested by members shall not be made to any person who is a lobbyist, as defined in ORS 171.725.

#### **14.20 Legislative Newsletters.**

(1) Each member may issue legislative newsletters or other informational material to constituents. Costs for newsletters and informational material may be billed to the member's individual expense account. Such newsletters or other informational material charged in whole or in part against a member's individual expense account may be distributed at any time during a member's term with the following exceptions:

(a) The period commencing 60 days before the primary election until the day following the election if the member is a candidate for election or reelection at the primary election.

(b) The period commencing 60 days before the regular general election until the day following the election if the member is a candidate for election or reelection at the general election.

(2) As used in this rule "legislative newsletter" and "informational material" means material suitable for distribution to members of the public informing them of official activities of a legislator or actions occurring before the Legislative Assembly or its committees or affecting its activities when such material is not campaign material and does not serve partisan political purposes.

(3) As used in this rule "distributed" means that the

legislative newsletter or informational material has left the possession and control of the member.

### **OFFICERS; PERSONNEL**

#### **15.01 Secretary of the Senate; Election and Duties.**

(1) The members shall elect a Secretary of the Senate who shall be considered an officer of the Senate and shall serve at its pleasure until the convening of the next regular session of the Legislative Assembly. In the event the office becomes vacant at a time when the Senate is not in session, the President may appoint an acting Secretary of the Senate to serve until the next regular or special session or meeting of the Senate to consider executive appointments, at which time the members shall elect a Secretary of the Senate.

(2) Under the direction of the President, the Secretary of the Senate, in addition to performing those duties provided by law or other provisions of these rules, shall:

(a) Authorize and supervise the preparation and distribution of all measures, Status Reports, Journals and related publications of the Senate.

(b) Be responsible for the keeping of the measures, papers and records of the proceedings and actions of the Senate and have charge of the publications and distribution of publications related thereto.

(c) Instruct and supervise staff of Senate committees in the preparation of official Senate records.

(d) Receipt for documents transmitted to the Senate and take receipts from persons, including Senate committees, receiving documents from the Senate.

(e) Serve as parliamentarian for the Senate.

(f) Instruct and supervise Senate employees engaged in carrying out the duties described in paragraphs (a), (b) and (c) herein, and employees, other than members' personal staff, assigned to duties in or related to the Chamber area.

#### **15.02 Sergeant at Arms; Appointment and Duties.**

(1) The Secretary of the Senate, in consultation with the President, shall appoint a Sergeant at Arms.

(2) Under direction of the President, the Sergeant at Arms, assisted by the Capitol Executive Security when directed by the President, shall maintain order in the chamber and other areas assigned to the Senate, execute all processes issued by authority of the Senate or any of its committees,



and perform such other duties as the President may direct. The Sergeant at Arms shall permit such ingress and egress to the chamber during sessions as may be directed by the President or allowed by the rules.

#### 15.04 Senate Desk and Floor Personnel.

(1) The Secretary of the Senate, in consultation with the President ~~and President pro tempore~~ of the Senate, shall appoint Senate desk staff, floor personnel and receptionists as necessary to conduct the business of the Senate and in accordance with the current Legislative Assembly budget.

(2) Personnel assigned to the Senate Desk and the Senate floor, including receptionists shall perform duties as directed by the Secretary of the Senate and the President.

#### 15.05 Other Personnel.

(1) (a) Subject to the provisions of this rule, a member may appoint personal staff for the session or the interim or both, according to the allowance provided in the current Legislative Assembly budget.

(b) A member shall establish salaries payable to persons appointed under subsection (1) (a) of this rule. If a member has a balance in his/her staff allowance account at adjournment sine die of the regular session, the member may use the balance during the interim for personnel or for legislative newsletters or other informational material.

(c) For purposes of computing fringe benefits, persons appointed under subsection (1) (a) of this rule who are paid less than \$600 per month shall be considered to be working less than half time and shall not be eligible for such benefits. A member shall not appoint more than two persons eligible for fringe benefits in any month.

(2) The caucus leaders may each appoint such staff as is necessary to conduct the business of the caucus as provided in the current Legislative Assembly budget.

(3) The President, ~~in consultation with the President pro tempore~~, may appoint such staff as is necessary to perform the duties of the offices of the President ~~and President pro tempore~~ or to assist the Senate.

(4) In consultation with each committee chair, the President may appoint a committee administrator and committee assistant to conduct the business of the committee and in accordance with the current Legislative Administration budget, may appoint other personnel as determined necessary for the proper operation of the committee.

(5) Employees of the Senate serve at the pleasure of the

appointing authority and shall be appointed or dismissed by written notice thereof to the Legislative Administrator.

(6) The time of service for all employees begins on the date contained in their letter of appointment, which shall be filed with the Legislative Administrator's office.

(7) To maintain professionalism in the legislative process, dress code policies may be established for positions which support decorum and protocol of the Senate.

#### 15.10 Salaries.

All salaries for Senate employees shall be fixed by the Per Diem Committee and reported to the Senate.

#### 15.20 Expense Allowance.

Each member has an allowance of ~~\$27,439-28,399~~ during the regular session for personal staff as defined in Senate Rule 15.05, services and supplies as defined in Senate Rule 16.01, and legislative newsletters as defined in Senate Rule 14.20.

### SERVICES AND SUPPLIES

#### 16.01 Office Supplies, Stationery and Equipment.

(1) The Legislative Administrator shall issue office supplies directly to Senate members and staff in accordance with the Rules of the Senate and policies of the Legislative Administration Committee. Members and staff shall comply with ORS 171.136.

(2) New members will receive a one-time allowance of \$200 for start-up expenses. The costs of requisitioned services and supplies shall be charged against the member's individual services and supplies account. ~~Weekly-Monthly~~ reports of the status of the member's services and supplies accounts shall be provided to each member.

(3) Services and supplies that may be obtained under this rule include:

(a) Postage (all classes)

(b) Subscriptions to newspapers and periodicals

~~(c) Out-of-state telephone toll charges~~

~~(d)~~ (c) Office supplies

~~(e)~~ (d) Copying, facsimile charges

~~(f)~~ (e) Newsletter printing, postage and labels

~~(g)~~(f) Any other service or supply authorized by the President.

(4) All orders for stationery and printing may be placed with the Secretary of the Senate.

(5) Each member's office in the Capitol Building and committee office in the Capitol Building shall be provided with office furniture and equipment necessary to assist in the conduct of Senate business. Requests for additional furniture or equipment shall be placed with the President.

(6) Any amount remaining unexpended or unobligated in the member's individual services and supplies account upon adjournment sine die of the regular session may be used during the interim for the following:

- (a) Postage (all classes)
- (b) Office supplies
- (c) Copying, facsimile charges
- (d) Newsletter printing, postage and labels
- (e) Interim staff.

(f) Any other service or supply authorized by the Senate President.

(7) Any member who spends in excess of the allowance provided under these rules shall reimburse the Legislative Assembly for the overdraft.

## **16.02 Assembly Transition**

Those members not returning to serve in the next regular legislative session shall have until December 1 of the even-numbered year to vacate their office space in the State Capitol.

## **16.05 Requests for Attorney General Opinions.**

Requests for opinions from the Attorney General require approval of the President as a necessary condition for authorizing payment from legislative funds. This rule takes precedence over subsection (2) of ORS 180.060. Legislative Counsel shall provide legal advice and opinions to the members of the Senate without prior approval of the President.

## **PRIVILEGES**

### **17.01 Floor Privileges.**

(1) When the Senate is in session, no person shall be

permitted within the bar except:

- (a) Members of the Senate;
- (b) Desk and floor personnel of the Senate;
- (c) Members of the House of Representatives;
- (d) Accredited representatives of the news media;
- (e) One member of the staff of caucus offices; and

(f) One member of a Senator's personal staff or a member of the staff of a Senate standing committee, statutory committee, special committee, caucus offices may be seated at a member's desk. Additional Senate staff members are permitted on the side aisles.

(2) Courtesies of the floor may be extended only to special dignitaries, former members of the Legislative Assembly and members of the family of a member to whom courtesies of the floor have been extended. However, courtesies shall not be extended to any former member who is a lobbyist.

(3) No person who is a lobbyist as defined in ORS 171.725 shall be permitted in the Senate Chamber area during its daily session. Any person transgressing this subsection shall be removed from the Chamber and shall be subject to the penalties provided by law for violation of lobbying regulations.

(4) Admission to the side aisles beyond the bar shall be reserved for the families and guests of members of the Senate, local and state-elected officials and such other persons as may be authorized by the President. However, the privilege shall not be granted to any person actively engaged in seeking the passage or defeat of any measure, except during consideration of Concurrent Resolutions as may be authorized by the President.

(5) No food, beverage or smoking is permitted on the side aisles or within the bar.

(6) While the Senate is in daily session, the center aisle of the floor shall be kept clear of all persons, except members and the Secretary of the Senate or someone acting under the direction of the Secretary of the Senate and conducting the business of the Senate. Access to the Chamber during a daily session shall be by the side doors and side aisles.

(7) Beginning 15 minutes before the opening of each session and ending 15 minutes after the session, no person shall be permitted in the Chamber area except those authorized to be in the Chamber under this rule.

### **17.02 Accreditation of News Media.**

(1) As used in these rules, "accredited representatives of the news media" means bona fide representatives of publications of general circulation and of news wire services and bona fide representatives of radio and television facilities.

(2) In order to obtain accreditation, representatives of the news media shall register in the office of the President, indicating the publication, news wire service, radio or television station represented. However, any representative of a news media who is attending the session as a lobbyist, as defined in ORS 171.125, shall not be entitled to accreditation or the privileges of the floor.

(3) Accredited representatives of the news media may use still cameras on the side aisles. The use of motion picture or television cameras in the Chamber, or still cameras within the bar, may be permitted by the President. The Secretary of the Senate shall provide adequate camera locations for accredited representatives of the news media in the Senate gallery. Personnel of Legislative Media Services are subject to this rule.

### **17.03 Distribution of Materials on Floor.**

(1) No materials on any measure which is on the third reading calendar or on the agenda may be distributed on the floor except materials prepared for, or by, a member of the Senate.

(2) No anonymous material shall be distributed to members on the floor at any time. A copy of any material distributed to members' desks must be filed with the Secretary of the Senate prior to distribution.

(3) Nothing in the rule prohibits a member from requesting and receiving specific material delivered by legislative staff.

(4) The Sergeant at Arms shall enforce this rule.

### **17.05 Lounge Privileges.**

The lounge is for the convenience of Senators. Supervision, operation and use of the Senate Lounge shall be directed through agreement of the Caucus Leaders.

## **IMPROPER CONDUCT**

### **18.01 Work Environment.**

(1) The Senate is committed to providing a work environment free from improper conduct, which includes any conduct, including workplace harassment that discredits the integrity of the Senate.

(2) "Workplace harassment" means treatment or behavior that to a reasonable person creates an intimidating, hostile or abusive work environment, and includes violent acts for which employers could be held liable. Harassment may be based on a person's sex, race, religion, age, disability, national origin or status as a member of a protected class.

(3) (a) "Sexual harassment" means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

(A) A person says or suggests that declining to submit to the conduct will affect a person's job, benefits or business before the Legislative Assembly;

(B) A person uses submission to or rejection of the conduct as the basis for decisions affecting another person's employment; or

(C) The conduct has the purpose or effect of unreasonably interfering with a person's performance or creating an intimidating, hostile or offensive environment in which the person works.

(b) "Sexual harassment" includes the following conduct:

(A) Verbal abuse of a sexual nature;

(B) Graphic comment about a person's body or attire;

(C) Touching of a sexual nature;

(D) Sexual advances and propositions;

(E) Sexually degrading words used to describe a person;

(F) Display in the workplace of any sexually suggestive object or picture; and

(G) Any threat or insinuation that a person's refusal to submit to a sexual advance will adversely affect that person's employment, evaluation, wages, duties, work shifts or any other condition of employment or business before the Legislative Assembly.

(4) A supervisor engages in improper conduct by failing to take appropriate action when the supervisor knows or should have known that improper conduct is or was occurring.

### **18.02 Scope.**

The Senate rules on improper conduct apply to complaints

brought against Senate members, Senate employees, Senate caucus employees, lobbyists or the personal staff of a Senate member. Senate personal staff includes legislative assistants, secretaries, interns, volunteers and other staff working in the offices of individual members, the President's office and the caucus offices.

### 18.03 Notice.

(1) When a legislative session commences, the President shall give the following notice to all Senate members and Senate employees:

(2) If you believe you have been a victim of improper conduct, you have options. You can tell the offender about the action that disturbed you and ask the offender to stop. You can communicate with the offender in person or in writing. You may also use the informal or formal procedures established by the Rules of the Senate as set forth in 18.05 and 18.06 to pursue a complaint of improper conduct if you:

(a) Do not want to confront the offender directly;

(b) Have talked to the offender and the offensive behavior has not stopped; or

(c) Believe your complaint has resulted in retaliation.

In addition, you have the right to file a complaint with administrative agencies and the courts.

(3) Notice of the Senate policy shall be posted in all work areas.

### 18.04 Special Committee on Conduct.

(1) The President shall appoint members of each party in equal numbers to the Special Committee on Conduct for the purpose of handling the formal procedure set forth in Rules 18.06 to 18.09. The chair shall be a member of the majority party and the vice chair shall be a member of the minority party. ~~from different parties.~~

(2) The committee shall adopt rules as necessary, including rules to govern the nature and scope of any investigation conducted pursuant to the Senate rules on improper conduct.

### 18.05 Informal Procedure.

Persons who believe they have been subjected to improper conduct may simply want the improper conduct to end; they may not want to go through a formal or legal procedure. The following informal procedure addresses this need.

However, a person making a complaint need not use this informal procedure before filing a formal complaint with the Senate, administrative agency or court. The informal and formal procedures in the Senate rules on improper conduct are optional; a person may or may not use them.

(1) The person making the complaint must submit the complaint to an intermediary designated pursuant to subsection (5) of this rule within 30 days of the improper conduct.

(2) The intermediary has two roles. First, the intermediary ensures that the person making the complaint has a safe and nonhostile work environment. The President or the Secretary of the Senate shall assist the intermediary in making the appropriate arrangements. Second, the intermediary listens, answers questions and explains options. The intermediary is not an advocate but a mediator who, with the permission of the person making the complaint, may explore various paths to resolution. An intermediary does not have authority to impose disciplinary action.

(3) The identities of the parties to the informal procedure shall be confidential. Any records related to the informal procedure shall be exempt from public disclosure under the provisions of ORS 192.501 and 192.502 without regard to the public's interest in their disclosure. Confidentiality shall extend until such time as a formal written complaint, if any, is filed with the Legislative Counsel as provided in Rule 18.06.

(4) After meeting with an intermediary, the person making the complaint may decide to take further action and institute formal complaint procedures.

(5) The Caucus Leaders shall designate as intermediaries a reasonable number of Senate members and staff of the Senate, including the Secretary, the Legislative Administrator and the Employee Services Manager. A description of the function of the intermediary shall be prepared by the Legislative Administrator and approved by the Special Committee on Conduct. Designated intermediaries shall be identified by name, with contact telephone number and office location, and a list of the designated intermediaries shall be given to all Senate members and Senate employees. The Senate shall save harmless and indemnify any intermediary against any tort claim or demand arising out of an alleged act or omission occurring in the performance of duty under these rules.

### 18.06 Formal Procedure.

A person may file a formal written complaint instead of participating in the informal complaint procedure described in Rule 18.05, or may file a formal written complaint if,

after participating in the informal procedure, the person is not satisfied with its resolution. The formal complaint procedure shall consist of the following steps:

(1) During a legislative session, the person must file a formal written complaint with the Caucus Leaders. If the person filing the complaint agrees, the Caucus Leaders may work to resolve the complaint informally. However, if there is no informal resolution, the formal written complaint shall be filed by the Caucus Leaders with Legislative Counsel within seven days of the determination that there is no consent or no resolution. During the interim between legislative sessions, the person must file a formal written complaint with the Legislative Counsel.

(2) The person must file the formal written complaint within 30 days of the improper conduct or, if the person has timely begun an informal procedure, within 14 days of the end of the informal procedure.

(3) Upon receipt of a complaint, the Caucus Leaders shall:

(a) Provide the person filing the complaint with a safe and nonhostile work environment with a comparable work assignment; and

(b) Notify the accused of the complaint, the name of the person making the complaint and the nature of the complaint.

(4) After the filing of a formal written complaint with Legislative Counsel, the Caucus Leaders shall appoint an investigator who is not an employee of the Legislative Assembly and who is experienced in investigating complaints of improper conduct of the type alleged. If the respondent is either Caucus Leader, or the Caucus Leaders are unable to agree on appointing an investigator within 10 days of the filing of the complaint, Legislative Counsel shall appoint the independent investigator.

(5) The investigator shall conduct an investigation and, within 14 days after being appointed, present findings of fact and recommendations to the President, ~~President pro tempore~~ and the Caucus Leaders, the person filing the complaint, the person who is the subject of the complaint and the members of the Special Committee on Conduct.

(6) If the person accused of improper conduct is a Caucus Leader, the obligations of that Caucus Leader under this rule shall be assumed by the President ~~or President pro tempore, whichever is of the same party as the accused caucus leader.~~

#### 18.07 Time Limits.

(1) The Special Committee on Conduct has jurisdiction over

conduct occurring from 30 days before the convening of a regular session of the Legislative Assembly to adjournment sine die. However, if the complaint is filed less than 10 days before adjournment, the President may refer the complaint to an interim committee on conduct.

(2) If a person files a formal complaint with Legislative Counsel during the interim between legislative sessions as provided in Rule 18.06, the President may appoint an interim committee on conduct for the sole purpose of hearing that complaint.

(3) Neither committee shall have jurisdiction over any complaint that is:

(a) Based on conduct that occurred before the effective date of these Senate rules on improper conduct; or

(b) Filed after the deadline prescribed by Rule 18.06.

#### 18.08 Hearing.

(1) Upon receipt of the formal written complaint and the investigator's report, the Special Committee on Conduct shall schedule a public hearing on the complaint. The committee shall notify the Caucus Leaders, the President, the person filing the complaint and the person who is the subject of the complaint of the hearing date, which shall be not sooner than 14 days after receipt of the complaint and report. The committee must complete its hearing and make its recommendations within 60 days of the filing of the formal written complaint with Legislative Counsel.

(2) At the hearing, only the members of the committee may ask questions of witnesses. The person who filed the complaint and the person who is the subject of the complaint, or a representative of either of them, shall be allowed to present evidence to the committee by suggesting witnesses and documents to be presented to the committee and by suggesting questions that the committee may address to the witnesses. Questions by committee members must be those that a court of law would deem relevant to a civil action involving the same conduct.

(3) Audio recordings of the committee hearing shall be made by committee staff and shall be made available on an expedited basis to the person filing the complaint and to the person who is the subject of the complaint. No television equipment or tape recording devices other than those used for official committee recording shall be permitted at the hearing.

(4) If the person filing the complaint or the person who is the subject of the complaint disagrees with the recommendations of the Special Committee on Conduct,

either person may request that the committee review the recommendations. The request must be made in writing within 10 days after receiving written notice of the committee's action. The committee must complete the review not later than 10 days after receiving the request.

#### **18.09 Sanctions.**

(1) (a) Any sanction the Special Committee on Conduct recommends must be proportionate to the seriousness of the offense.

(b) For Senate personal staff, recommended sanctions may include reprimand, suspension or termination. The supervising Senate member must impose the sanction recommended for personal staff.

(c) For Senate members, recommended sanctions may include reprimand, censure or expulsion.

(d) The President must impose any sanction recommended against persons other than Senate personal staff and members. Recommended sanctions may include, as appropriate, reprimand, censure or exclusion from part or all of the Senate.

(2) If the committee recommends no action, the formal procedure is concluded and the complaint shall be considered dismissed.

(3) Any recommended sanction resulting from a formal complaint against a Senate member must be recommended to the floor by the Special Committee on Conduct. Any formal sanctions recommended against a Senate member must be referred to the floor for approval by a two-thirds majority vote of the Senate before final action is taken against a Senate member.

(4) The person who filed the complaint may determine that no further action is necessary but is not precluded from pursuing other appropriate remedies, including court action.

#### **18.10 Malicious or Frivolous Claims.**

If, after a hearing, the Special Committee on Conduct determines that a complaint of improper conduct is frivolous, the person filing the complaint shall be subject to appropriate disciplinary action, including the sanctions set forth in Rule 18.09. A complaint is frivolous only if the complaint was not grounded in fact or warranted by existing law, or was brought forward solely to harass the accused person or to interfere with the work of the Senate.

#### **18.11 Retaliation Prohibited.**

Retaliatory action against any person who participates in any activity authorized or directed by Senate rules is prohibited and constitutes improper conduct within the meaning of Rule 18.01.

### **EXECUTIVE APPOINTMENTS**

#### **19.10 Referral to Committee.**

Following reading of the message from the Governor appointing a person to a position or office requiring confirmation by the Senate, the President shall refer the appointment to an appropriate standing or special committee and may refer it to not more than one additional committee~~the committee on Rules~~. The committee shall consider the appointment as soon as practicable.

#### **19.20 Committee Review of Appointees.**

(1) All persons initially appointed to boards, commissions or agencies, subject to the provisions of section 4, Article III of the Oregon Constitution, shall appear before the appropriate Senate committee prior to confirmation by the Senate.

(2) The chair of the Executive Appointments Committee, with the consent of the President of the Senate and a majority of the committee members, may waive appearance before the committee of persons appointed by the Governor.

#### **19.35 Committee Action.**

(1) The committee may, after public hearing, take action on the appointment and promptly file the report with the Secretary of the Senate. On final action the committee shall recommend that:

(a) the Senate confirm;

(b) the Senate refuse to confirm; or

(c) the appointment be reported to the Senate without recommendation.

#### **19.40 Additional Time for Consideration.**

(1) If any appointment submitted by the Governor and subject to Senate confirmation is submitted too late for the Senate to review the recommendation of the committee or otherwise consider the appointment, that appointment shall be carried over to the next convening of the Senate as required by section 4, Article III of the Oregon Constitution and ORS 171.562 and 171.565.

(2) The proposed appointment shall not be considered



rejected, or confirmation denied, if the appointment is carried over. The action of carrying over consideration of the appointment shall be duly recorded in the Journal.

### **19.55 Consideration of Committee Reports.**

(1) Action on a committee report recommending Senate confirmation shall be placed on the calendar for the session day immediately following reading or distribution of the report.

(2) If the committee recommendation is to refuse to confirm or no recommendation, action on the report shall take place on the second session day after the session day the report is read or distributed.

(3) The vote on confirmation shall be taken by roll call. The affirmative vote of a Constitutional majority (16) is necessary for confirmation.

### **19.60 Confirmation en bloc.**

(1) If a committee reports on nominees en bloc, the report shall be placed on the calendar for confirmation the next session day after reading or distribution of the list of appointments.

(2) When there is more than one appointee to an individual board, commission or agency, a motion to confirm en bloc, when recommended by the committee, shall be in order.

(3) Any member may require a separate vote by requesting that an appointee be considered separately. The request shall be submitted in writing to the Secretary of the Senate one hour before the session on the day that the confirmation is on the calendar. The request will be announced at the appropriate time and the appointee considered separately from the en bloc vote.

## **Appendix A**

### **INTERIM RULES OF THE SENATE Seventy-~~second~~-~~third~~ Legislative Assembly**

#### **202.01 Use of Mason's Manual of Legislative Procedure.**

*Mason's Manual of Legislative Procedure* shall apply to cases not provided for in these Interim Rules, the Rules of the Senate or otherwise covered by the Oregon Constitution, statute or custom.

#### **203.05 Session Hour; Deliberations Open.**

(1) The Senate shall meet at the call of the President, or

when requested by a Constitutional majority (16) of the members.

(2) All deliberations of the Senate and its committees shall be open to the public. However, nothing in this provision limits the procedures used for a Call of the Senate. This provision does not prohibit clearing the gallery in the event of a disturbance, during which time the Senate shall be in recess.

### **203.11 Interim Meetings.**

When the full Senate meets to consider executive appointments and other interim business, it shall not be considered to be in regular or special legislative session or meeting as a committee of the whole.

## **VOTING**

### **203.15 Roll Call.**

(1) A roll call vote of "ayes" and "nays" shall be taken.

(2) Upon the demand of two members, a roll call vote shall be taken and recorded on any question.

(3) If the presiding officer is in doubt on an oral vote, the presiding officer shall order a roll call vote.

(4) The affirmative vote of a Constitutional majority (16) is necessary for Senate confirmation of Executive Appointments.

## **ORDER OF BUSINESS**

### **204.01 Order of Business.**

(1) The general order of business shall be:

(a) Roll Call

(b) Honors to the Colors and the Pledge of Allegiance

(c) Invocation

(d) Courtesies of the Senate

(e) Remonstrances

(f) Reports from standing committees

(g) Reports from special committees

(h) Propositions and motions

(i) Action on Executive Appointments requiring Senate confirmation

(j) Reading of Senate petitions, memorials and resolutions

(k) Other business of the Senate

(l) Announcements

(2) Messages from the Governor may be read at any time. Courtesies may be extended at any time.

(3) Questions relating to the priority of business shall be decided without debate.

(4) The general order of business shall not be varied except upon suspension of the rules. However, any subject before the Senate may be made a special order of business by the vote of a majority of the members present. When the appropriate time for consideration of the subject arrives, the Senate shall take up the subject.

### **PRESIDING OFFICER**

#### **207.01 Presiding Officer; Other Officers.**

The officers of the Senate, during the interim, shall be those elected by the Senate for the ~~72nd~~ 73rd Legislative Assembly, under Senate Rules 7.01 and 15.01.

### **COMMITTEES**

#### **208.01 Names of Committees.**

(1) The following shall be the interim standing committees of the Senate:

(a) Committee on Rules and Executive Appointments

(b) Committee on Conduct

(2) The committee on Rules and Executive Appointments shall have at least ~~four~~five, but not more than ~~12~~11 members. The number of members must represent proportionally the makeup of the political parties of the full Senate, be an even number and shall have an equal number of members from each party.

~~(3) The makeup of all interim committees shall have an even number of members from each party.~~

~~(4)~~(3) The President may appoint special committees. Referral of executive appointments to special committees requires approval of a majority of the members of the Senate.

### **EXECUTIVE APPOINTMENTS**

#### **209.15 Transmittal of Executive Appointments.**

(1) Upon receipt of a message from the Governor appointing a person to a position or office requiring the confirmation by the Senate, the Secretary of the Senate shall transmit the message to the chair of the Rules and Executive Appointments Committee.

(2) A summary list of executive appointments received by the Secretary of the Senate and transmitted to committee shall be distributed to members at least 72 hours in advance of the scheduled convening of the Senate.

#### **209.20 Committee Review of Appointees.**

The chair of the Executive Appointments Committee, with the consent of the President of the Senate and a majority of the committee members, may waive appearance before the committee of persons appointed by the Governor.

#### **209.35 Committee Action Required.**

(1) The committee shall, after public hearing, take action on the appointment and promptly file its report with the Secretary of the Senate. The committee shall recommend that:

(a) The Senate confirm;

(b) The Senate refuse to confirm;

(c) Report the appointment to the Senate without recommendation; or

(d) Report that no final action was taken and that the appointment shall be carried over.

(2) The committee may include material in its report that the committee deems appropriate.

#### **209.40 Additional Time for Consideration.**

(1) If any appointment submitted by the Governor and subject to Senate confirmation does not receive final action by the committee, the appointment shall be carried over to the next convening of the Senate or shall be considered at the next special session.

(2) The proposed appointment shall not be considered rejected or confirmation denied if the appointment is carried over. The action of carrying over consideration of the appointment shall be recorded in the Journal.



**209.45 Dissents.**

Upon request, any member of the committee who dissents from the committee recommendation shall be listed in the committee report as not concurring therein. The names of the members not concurring shall be recorded in the Journal and Status Report.

**ACTION ON COMMITTEE REPORTS****209.50 Reading of Committee Reports.**

At the discretion of the President, committee reports at the Senate Desk may be either read or announced under the proper order of business. If reports are announced, the Secretary of the Senate shall distribute to the members' desks a Status Report with the pertinent information included. Committee reports shall be recorded in the Journal.

**209.55 Consideration of Committee Reports.**

(1) Reports from committees shall be considered in appropriate order at the next convening of the Senate. The Status Report for such meeting shall be delivered to each Senator at least 72 hours prior to the convening of the Senate.

(2) The vote on confirmation shall be taken by roll call. The affirmative vote of a Constitutional majority (16) is necessary for confirmation.

**209.60 Confirmation en bloc.**

(1) When there is more than one appointee to an individual board, commission, or agency, a motion to confirm en bloc, when recommended by the committee, shall be in order. Individuals whose appearance before the committee has been waived under Senate Interim Rule 209.20, may be considered en bloc upon recommendation of the committee.

(2) Any member may require a separate vote by requesting that an appointee be considered separately. The request shall be submitted in writing to the Senate Desk one hour before the session on the day that the confirmation is on the calendar. The request shall be announced at the appropriate time and the appointee separated from the en bloc vote.

**209.65 Withdrawing Appointment from Committee.**

(1) An appointment by the Governor requiring Senate confirmation, may be withdrawn from a committee by a motion to withdraw the appointment. The motion requires a Constitutional majority (16) for adoption.

(2) The effect of withdrawal shall be the same as if the committee had reported the appointment to the Senate without recommendation.

(3) A motion to withdraw shall not be in order if the committee has been granted additional time to consider the appointment pursuant to Interim Rule 209.40.

**RECONSIDERATION****210.01 Reconsideration of Executive Appointments.**

(1) When an executive appointment has been confirmed, or the Senate has refused to confirm, it shall be in order for any member voting on the prevailing side to move for reconsideration of the vote. A motion for reconsideration is not in order on a vote which indefinitely postponed an appointment.

(2) Notice of intent to move for reconsideration must be given orally by the member who intends to move the motion.

(3) The motion to reconsider shall be moved and voted upon before final adjournment of the Senate meeting during which the vote being reconsidered was taken.

(4) A motion to reconsider may be debated together with the main question, providing the subject of the main question is debatable. There shall be only one reconsideration of any final vote, even though this action may reverse the previous action.

(5) The affirmative vote of a Constitutional majority (16) is required to adopt a motion to reconsider the vote.

**PRESESSION FILING****213.06 Presession Filing.**

Presession filing and printing of measures shall be in accordance with the rules and practices of the preceding sessions, customs of the Senate, and statutes. Members, members-elect, and committees may not request drafting services from the Legislative Counsel for an agency or officer of the executive or judicial departments unless the agency or officer has arranged to pay any charge the Legislative Counsel imposes under ORS 173.130.

**213.07 Measure Drafting and Filing by the Executive and Judicial Branches of State Government.**

(1) The Executive Department, administrative agencies, boards and commissions, and the Judicial Branch, shall have all measures for presession filing with the Senate drafted by Legislative Counsel.

(2) All pre-session filing requests shall be submitted in the manner prescribed by the Secretary of the Senate and shall include, but not be limited to:

- (a) One backed copy of the proposed measure;
- (b) Measure Summary;
- (c) Agency name;
- (d) Signature of agency director or designee; and
- (e) Contact person and telephone number.

(3) All pre-session filed drafts must be submitted to the Secretary of the Senate by 5:00 p.m. on December 15 of the even numbered years. If the 15th falls on a weekend, the following Monday shall apply.

#### **213.09 Measure Drafting and Filing by Statutory Committees, Interim Committees and Task Forces of the Legislative Assembly.**

(1) All measures for pre-session filing must be drafted by Legislative Counsel.

(2) All pre-session filing requests shall be submitted in the manner prescribed by the Secretary of the Senate and shall include, but not be limited to:

- (a) One backed copy of the proposed measure;
- (b) Measure Summary;
- (c) Name of committee or task force;
- (d) Signature of Committee Chair; and
- (e) Contact person and telephone number.

(3) All pre-session filed drafts must be submitted to the Secretary of the Senate by 5:00 p.m. on December 31 of the even numbered years. If the 31st falls on a weekend, the following Monday shall apply.

#### **213.15 Measure Drafting and Pre-session Filing by Members Who Will Serve in the Session and Newly Elected Statewide Officials.**

(1) Drafting requests may be filed after the 2nd Monday in November of the even-numbered year, or following certification of election if a recount is required, or has been requested, under ORS 258.150 to 258.300.

(2) All pre-session filing requests shall be submitted in the

manner prescribed by the Secretary of the Senate, and shall include, but not be limited to:

- (a) One backed copy of the proposed measure;
- (b) Measure Summary;
- (c) Name of the Requester;
- (d) Signature of the member or newly-elected official; and
- (e) Contact person and telephone number.

(3) All pre-session filed drafts must be submitted to Secretary of the Senate by 5:00 p.m. on December 31 of the even numbered years. If the 31st falls on a weekend, the following Monday shall apply.

#### **213.28 Introduction Ordered by the President.**

(1) A pre-session filed measure may be introduced by order of the President. The measure shall bear a statement that introduction is by order of the President and by request. The measure must identify the sponsor and indicate neither advocacy nor opposition on the part of the President.

(2) The measure must be filed in conformance with Interim Rules 213.07, 213.09, 213.15.

#### **213.30 Confidentiality; Consolidation of Requests.**

(1) A requester may designate that a request for a Legislative Counsel draft be considered confidential in accordance with ORS 173.230. Requests from a legislative committee shall not be treated confidentially.

(2) When a request is made for measure drafting services, Legislative Counsel shall inform the requester of all nonconfidential requests of a similar nature previously submitted. An attempt shall be made to consolidate all such requests in one measure.

### **PUBLICATIONS**

#### **214.01 Journal.**

(1) The Senate shall maintain a Journal of its proceedings. The Journal shall contain a full, true and correct chronological record of all proceedings.

(2) At the discretion of the President, the Secretary of the Senate shall publish such information as may be required to inform the public of Senate actions and proceedings.

(3) Newsletters may be distributed in accordance with

Senate Rule 14.20.

### **PERSONNEL**

#### **215.07 Interim Staff.**

A member may employ interim staff subject to the provisions of Senate Rule 15.05 and as limited by the Legislative Assembly budget. Funds allocated for interim staff salaries may also be used to reimburse a member for vouchered in-district travel expense and vouchered services and supplies.

### **SERVICES AND SUPPLIES**

#### **216.01 Services and Supplies.**

(1) Any amount remaining unexpended or unobligated in the member's individual services and supplies account upon adjournment sine die of the regular session may be used during the interim for the following:

- (a) Postage (all classes);
- (b) Office supplies;
- (c) Copying, facsimile charges;
- (d) Newsletter printing, postage and labels;
- (e) Interim staff; and

(f) Any other service and supply approved by the Senate President.

(2) Any member who spends in excess of the allowance provided under Senate Rule 216.01 shall reimburse the Legislative Assembly for the overdraft.

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President Courtney announced the following committee assignments:

### **SENATE STANDING COMMITTEES**

#### **BUSINESS & ECONOMIC DEVELOPMENT**

Rick Metsger, Chair  
Bruce Starr, Vice-Chair  
Jason Atkinson  
Ryan Deckert  
Laurie Monnes Anderson

#### **COMMERCE**

Floyd Prozanski, Chair  
Roger Beyer, Vice-Chair

Ginny Burdick  
Charlie Ringo  
Doug Whitsett

#### **EDUCATION & WORKFORCE**

Vicki Walker, Chair  
Charles Starr, Vice-Chair  
Ryan Deckert  
Jeff Kruse  
Bill Morrisette

#### **ENVIRONMENT & LAND USE**

Charlie Ringo, Chair  
Jason Atkinson, Vice-Chair  
Roger Beyer  
Ginny Burdick  
Frank Shields

#### **HEALTH POLICY**

Laurie Monnes Anderson, Chair  
Jeff Kruse, Vice-Chair  
Peter Courtney  
Gary George  
Bill Morrisette

#### **HUMAN SERVICES**

Bill Morrisette, Chair  
Jeff Kruse, Vice-Chair  
Rick Metsger  
Laurie Monnes Anderson  
Charles Starr

#### **JUDICIARY**

Ginny Burdick, Chair  
Charles Starr, Vice-Chair  
Roger Beyer  
Floyd Prozanski  
Charlie Ringo  
Vicki Walker  
Doug Whitsett

#### **REVENUE**

Ryan Deckert, Chair  
Bruce Starr, Vice-Chair  
Gary George  
Rick Metsger  
Floyd Prozanski

#### **RULES**

Kate Brown, Chair  
 Ted Ferrioli, Vice-Chair  
 Jason Atkinson  
 Charlie Ringo  
 Frank Shields

#### **TRANSPORTATION**

Joanne Verger, Chair  
 Doug Whitsett, Vice-Chair  
 Rick Metsger  
 Floyd Prozanski  
 Bruce Starr

#### **JOINT WAYS & MEANS**

Kurt Schrader, Co-Chair  
 Margaret Carter, Vice-Chair  
 Alan Bates  
 Richard Devlin  
 Joan Dukes  
 Avel Gordly  
 Frank Morse  
 David Nelson  
 Ben Westlund  
 Jackie Winters

#### **SENATE COMMITTEE ON WAYS AND MEANS SUBCOMMITTEES**

##### **Subcommittee on Education**

Richard Devlin, Chair  
 Avel Gordly  
 David Nelson  
 Vicki Walker  
 Doug Whitsett

##### **Subcommittee on General Government**

Joan Dukes, Chair  
 Bill Morrisette  
 Frank Morse

##### **Subcommittee on Human Services**

Alan Bates  
 Margaret Carter  
 Laurie Monnes Anderson  
 Ben Westlund  
 Jackie Winters

##### **Subcommittee on Public Safety**

Avel Gordly, Chair  
 Richard Devlin  
 Jackie Winters

#### **Subcommittee on Transportation & Economic Development**

Margaret Carter  
 Joan Dukes  
 Frank Morse  
 Joanne Verger  
 Ben Westlund

The following messages from the Governor were read and referred to the President's desk:

January 6, 2005

#### **TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 469.805 provides that the Governor shall appoint the members of the Pacific Northwest Electric Power and Conservation Planning Council, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Joan Dukes of Astoria as a member of the Pacific Northwest Electric and Conservation Planning Council for a three-year term beginning January 16, 2005, and ending January 15, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
 Ted Kulongoski  
 Governor

Starr, B., having voted on the prevailing side, moved that the vote whereby the Senate adopted the 2005 Credentials Report today be reconsidered immediately. Motion carried on voice vote. Credentials Report, as amended, adopted by voice vote on motion of Starr, B.

January 10, 2005

Presiding Officer:

We, your Committee on Credentials, after inspecting the official Proclamation from the Secretary of State, respectfully submit the following report:

That the following Senators are entitled to sit in this body until the second Monday in January 2007, to wit:

|                 |                |
|-----------------|----------------|
| Peter Courtney  | Kurt Schrader  |
| Richard Devlin  | Frank Shields  |
| Joan Dukes      | Bruce Starr    |
| Rick Metsger    | Charles Starr  |
| Bill Morrisette | Vicki Walker   |
| Frank Morse     | Jackie Winters |
| Charlie Ringo   |                |

That the following named Senators were elected on November 2, 2004 at the General Election for a term of four years beginning the second Monday in January, 2005 and

are entitled to sit in this body until the second Monday in January, 2009, to wit:

That the following Senators were elected on November 2, 2004 at the General Election for a term of two years beginning the second Monday in January, 2005 and are entitled to sit in this body until the second Monday in January 2007, to wit:

Alan C. Bates

Floyd Prozanski

Respectfully submitted,  
Senator Ryan Deckert, Chair  
Senator Bill Morrisette  
Senator Bruce Starr

SCR 2 -- Introduced, read first time and referred to Committee on Rules.

SB 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210 -- Introduced, read first time and referred to President's desk.

Senate adjourned until 11:30 a.m. Thursday by unanimous consent at the request of the Chair.

#### **Thursday, January 13, 2005 -- Morning Session**

Senate convened at 11:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Brown, Burdick, Carter, Deckert, Devlin, Dukes, Ferrioli, George, Gordly, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Schrader, Shields, Starr, B., Starr, C., Walker, Westlund, Whitsett, Winters; excused -- Ringo, Verger; attending legislative business -- Bates, Beyer. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Neil Lathan, Stake President, The Church of Jesus Christ of Latter-Day Saints, Salem.

Committee Report Summary No. 1 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SCR 2 -- Report by Committee on Rules recommending adoption.

Report by Committee on Rules recommending that the Governor's appointment of Joan Dukes to the

Pacific Northwest Electric Power and Conservation Planning Council be confirmed.

SCR 1; SJR 1, 2; SB 5501, 5502, 5503, 5504, 5505, 5506, 5507, 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516, 5517, 5518, 5519, 5520, 5521, 5522, 5523, 5524, 5525, 5526, 5527, 5528, 5529, 5530, 5531, 5532, 5533, 5534, 5535, 5536, 5537, 5538, 5539, 5540, 5541, 5542, 5543, 5544, 5545, 5546, 5547, 5548; 211, 212, 213, 214, 215, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313 -- Introduced, read first time and referred to President's desk. (Carter in Chair)

SCR 2 -- Read second time and passed to third reading.

The Chair announced the following committee assignments effective January 1, 2005.

#### **LEGISLATIVE COMMISSION ON INDIAN SERVICES (ORS 172.110)**

Senator Kate Brown

The Chair announced the following committee assignments effective January 10, 2005.

#### **COMMITTEE ON PERMANENT ORGANIZATION AND ORDER OF BUSINESS**

Senator Avel Gordly, Chair  
Senator Ginny Burdick  
Senator David Nelson

#### **COMMITTEE ON CONDUCT**

Senator Margaret Carter, Chair  
Senator Laurie Monnes Anderson  
Senator Charles Starr

#### **COMMITTEE ON CREDENTIALS**

Senator Ryan Deckert, Chair  
Senator Bill Morrisette  
Senator Bruce Starr

#### **COMMITTEE ON PER DIEM**

Senator Richard Devlin, Chair  
Senator Roger Beyer  
Senator Vicki Walker

Senate adjourned until 9:00 a.m. Friday by unanimous consent at the request of the Chair.

**Friday, January 14, 2005 -- Morning Session**

Senate convened at 9:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Carter, Devlin, Dukes, Ferrioli, Gordly, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- Burdick, Deckert; attending legislative business -- George. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Patrick McConahay, counselor with Department of Human Services and a teacher of sign language, Knappa.

Senate proceeded to the order of Third Reading of Senate Measures by unanimous consent at the request of the Chair.

SCR 2 -- Read third time. Carried by Dukes. On adoption of resolution, the vote was: Ayes, 26; excused, 3 -- Brown, Burdick, Deckert; attending legislative business, 1 -- George. Resolution adopted.

Senate resumed under the general order of business by unanimous consent at the request of the Chair.

Shields moved that the Senate confirm the Governor's appointment of Joan Dukes to the Pacific Northwest Electric Power and Conservation Planning Council. On confirmation the vote was: Ayes, 26; excused, 2 -- Burdick, Deckert; attending legislative business, 2 -- Dukes, George. Confirmed.

SB 314, 315, 316, 500 -- Introduced, read first time and referred to President's desk.

The following measures were referred to committee on January 13 and recorded on Committee Referral List No. 1 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 11 Revenue  
 SB 13 Business & Economic Development  
 SB 14 Business & Economic Development  
 SB 15 Business & Economic Development  
 SB 16 Business & Economic Development  
 SB 17 Business & Economic Development; Ways and Means  
 SB 20 Human Services  
 SB 21 Revenue  
 SB 22 Revenue  
 SB 23 Revenue  
 SB 24 Revenue  
 SB 25 Revenue  
 SB 26 Judiciary  
 SB 27 Rules  
 SB 28 Revenue  
 SB 29 Revenue  
 SB 30 Revenue  
 SB 31 Revenue  
 SB 32 Revenue  
 SB 33 Revenue  
 SB 34 Revenue  
 SB 35 Commerce  
 SB 36 Judiciary  
 SB 37 Commerce  
 SB 38 Education & Workforce; Ways and Means

SB 39 Judiciary  
 SB 40 Judiciary  
 SB 41 Judiciary  
 SB 42 Environment & Land Use  
 SB 43 Environment & Land Use  
 SB 46 Education & Workforce  
 SB 47 Education & Workforce  
 SB 48 Education & Workforce  
 SB 49 Education & Workforce  
 SB 50 Education & Workforce  
 SB 51 Education & Workforce  
 SB 52 Education & Workforce  
 SB 55 Business & Economic Development  
 SB 56 Transportation  
 SB 57 Judiciary  
 SB 58 Human Services  
 SB 59 Human Services  
 SB 60 Human Services  
 SB 61 Judiciary  
 SB 62 Judiciary  
 SB 63 Judiciary  
 SB 64 Environment & Land Use  
 SB 65 Judiciary  
 SB 66 Environment & Land Use  
 SB 67 General Government  
 SB 68 Environment & Land Use  
 SB 69 Environment & Land Use  
 SB 70 Transportation  
 SB 72 Transportation  
 SB 73 Transportation  
 SB 74 Transportation  
 SB 75 Transportation  
 SB 76 Transportation  
 SB 77 Transportation  
 SB 78 Transportation  
 SB 79 General Government  
 SB 80 General Government  
 SB 81 Business & Economic Development  
 SB 82 Environment & Land Use; Ways and Means  
 SB 83 Business & Economic Development  
 SB 84 Business & Economic Development  
 SB 85 Education & Workforce  
 SB 86 Business & Economic Development  
 SB 89 Judiciary  
 SB 90 General Government; Ways and Means  
 SB 91 Environment & Land Use; Ways and Means  
 SB 92 Environment & Land Use  
 SB 94 Judiciary  
 SB 95 Judiciary  
 SB 96 Environment & Land Use  
 SB 97 Human Services  
 SB 98 Human Services  
 SB 101 Transportation  
 SB 102 Transportation  
 SB 103 Environment & Land Use  
 SB 104 Human Services  
 SB 106 Judiciary  
 SB 112 Judiciary  
 SB 113 Judiciary  
 SB 114 Judiciary  
 SB 115 Judiciary

SB 116 Business & Economic Development  
 SB 118 Commerce  
 SB 119 Commerce  
 SB 120 Business & Economic Development  
 SB 121 Business & Economic Development  
 SB 124 Judiciary  
 SB 125 Environment & Land Use  
 SB 126 Environment & Land Use; Ways and Means  
 SB 127 Judiciary  
 SB 128 Judiciary  
 SB 129 Business & Economic Development  
 SB 130 Business & Economic Development  
 SB 131 Commerce  
 SB 132 Commerce  
 SB 133 Commerce  
 SB 134 Commerce  
 SB 135 Commerce  
 SB 136 Commerce  
 SB 137 Commerce  
 SB 138 Commerce  
 SB 139 Commerce  
 SB 140 Commerce  
 SB 141 Commerce  
 SB 142 Commerce  
 SB 143 Commerce  
 SB 144 Commerce  
 SB 145 Commerce  
 SB 146 Commerce  
 SB 147 Commerce  
 SB 148 Commerce  
 SB 149 Commerce

President Courtney announced the following committee assignment effective January 14.

**PACIFIC FISHERIES LEGISLATIVE TASK FORCE  
 (ORS 171.865)**

Senator Joanne Verger

Senate adjourned until 11:00 a.m. Monday by unanimous consent at the request of the Chair.

**Monday, January 17, 2005 -- Morning Session**

Senate convened at 11:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Beyer, Brown, Burdick, Deckert, Devlin, Ferrioli, George, Gordly, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Prozanski, Ringo, Schrader, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- Bates, Carter, Nelson, Shields. Colors were posted and the Senate pledged allegiance to the flag. Invocation by J. W. Matt Hennessee, Pastor of the Vancouver Avenue First Baptist Church, Portland. Musical performance by Julianne Johnson, Portland, accompanied by Michael Allen Harrison, Portland.

SB 317, 318, 319, 320, 321 -- Introduced, read first time and referred to President's desk.

The following measures were referred to committee on January 14 and recorded on Committee Referral List No. 2 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 5501 Ways and Means  
 SB 5502 Ways and Means  
 SB 5503 Ways and Means  
 SB 5504 Ways and Means  
 SB 5505 Ways and Means  
 SB 5506 Ways and Means  
 SB 5507 Ways and Means  
 SB 5508 Ways and Means  
 SB 5509 Ways and Means  
 SB 5510 Ways and Means  
 SB 5511 Ways and Means  
 SB 5512 Ways and Means  
 SB 5513 Ways and Means  
 SB 5514 Ways and Means  
 SB 5515 Ways and Means  
 SB 5516 Ways and Means  
 SB 5517 Ways and Means  
 SB 5518 Ways and Means  
 SB 5519 Ways and Means  
 SB 5520 Ways and Means  
 SB 5521 Ways and Means  
 SB 5522 Ways and Means  
 SB 5523 Ways and Means  
 SB 5524 Ways and Means  
 SB 5525 Ways and Means  
 SB 5526 Ways and Means  
 SB 5527 Ways and Means  
 SB 5528 Ways and Means  
 SB 5529 Ways and Means  
 SB 5530 Ways and Means  
 SB 5531 Ways and Means  
 SB 5532 Ways and Means  
 SB 5533 Ways and Means  
 SB 5534 Ways and Means  
 SB 5535 Ways and Means  
 SB 5536 Ways and Means  
 SB 5537 Ways and Means  
 SB 5538 Ways and Means  
 SB 5539 Ways and Means  
 SB 5540 Ways and Means  
 SB 5541 Ways and Means  
 SB 5542 Ways and Means  
 SB 5543 Ways and Means  
 SB 5544 Ways and Means  
 SB 5545 Ways and Means  
 SB 5546 Ways and Means  
 SB 5547 Ways and Means  
 SB 5548 Ways and Means  
 SB 151 Business & Economic Development  
 SB 154 Business & Economic Development  
 SB 158 Business & Economic Development  
 SB 159 Business & Economic Development  
 SB 160 Rules  
 SB 161 Rules  
 SB 162 Rules  
 SB 163 Rules  
 SB 164 Rules  
 SB 165 Education & Workforce  
 SB 166 Education & Workforce  
 SB 167 Education & Workforce  
 SB 168 Education & Workforce; Ways and Means  
 SB 169 Education & Workforce

SB 170 Environment & Land Use  
 SB 171 Business & Economic Development  
 SB 172 Commerce  
 SB 173 Business & Economic Development; Ways and Means  
 SB 174 Human Services  
 SB 177 Environment & Land Use  
 SB 178 Transportation  
 SB 179 Environment & Land Use  
 SB 181 Judiciary  
 SB 182 Judiciary  
 SB 183 Judiciary  
 SB 184 Environment & Land Use  
 SB 185 Environment & Land Use  
 SB 189 Health Policy  
 SB 194 Commerce; Ways and Means  
 SB 196 Business & Economic Development  
 SB 197 Rules  
 SB 198 Judiciary  
 SB 199 Judiciary  
 SB 200 Judiciary  
 SB 201 Rules  
 SB 202 Judiciary  
 SB 203 Judiciary  
 SB 204 Judiciary  
 SB 205 Business & Economic Development  
 SB 209 Business & Economic Development  
 SB 210 Business & Economic Development  
 SB 310 General Government

President Courtney announced that the Senate is in receipt of a copy of the following letter and ordered that it be placed in the Journal:

July 11, 2005

The Honorable Bill Bradbury  
 Secretary of State  
 136 State Capitol Building  
 Salem, OR

Secretary Bradbury,

This letter is formal notification of my resignation from my State Senate seat, district 16, effective January 16, 2005.

I have accepted the Governor's appointment on the Northwest Power Planning Council.

Sincerely,

Joan M. Dukes  
 State Senator

Senate adjourned until 11:30 a.m. Tuesday by unanimous consent at the request of the Chair.

#### **Tuesday, January 18, 2005 -- Morning Session**

Senate convened at 11:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused --

Kruse, Shields, Starr, B; attending legislative business -- Brown. Colors were posted by the Deschutes County Sheriff's Honor Guard and the Senate pledged allegiance to the flag. Invocation by Sheriff Mark Metcalf of Curry County.

Courtesies of the Senate were extended to former Secretary of State Phil Keisling at the request of Ringo.

SB 322, 323, 324, 325, 326, 327, 328, 329 -- Introduced, read first time and referred to President's desk.

The following measures were referred to committee on January 17 and recorded on Committee Referral List No. 3 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 12 Business & Economic Development; Revenue  
 SB 18 General Government; Revenue  
 SB 19 General Government; Revenue  
 SB 44 Environment & Land Use; Ways and Means  
 SB 45 Environment & Land Use; Ways and Means  
 SB 53 Human Services; Ways and Means  
 SB 54 Rules  
 SB 71 Transportation; Ways and Means  
 SB 87 Environment & Land Use; Ways and Means  
 SB 88 Ways and Means  
 SB 93 Commerce  
 SB 99 Judiciary  
 SB 105 Rules  
 SB 107 Revenue; Ways and Means  
 SB 108 Rules  
 SB 109 Rules  
 SB 110 Rules  
 SB 111 Rules  
 SB 117 Business & Economic Development  
 SB 122 Business & Economic Development  
 SB 123 Business & Economic Development  
 SB 150 General Government  
 SB 152 Transportation; Ways and Means  
 SB 153 Transportation  
 SB 155 General Government  
 SB 156 General Government  
 SB 157 General Government  
 SB 175 Education & Workforce; Ways and Means  
 SB 176 General Government  
 SB 180 Human Services; Ways and Means  
 SB 186 Education & Workforce; Ways and Means  
 SB 187 Education & Workforce  
 SB 188 Rules  
 SB 190 Commerce  
 SB 191 General Government  
 SB 192 Human Services  
 SB 193 Education & Workforce  
 SB 195 Health Policy  
 SB 206 Business & Economic Development  
 SB 207 Business & Economic Development  
 SB 208 Judiciary

Senate adjourned until 11:30 a.m. Wednesday by unanimous consent at the request of the Chair.



**Wednesday, January 19, 2005 -- Morning Session**

Senate convened at 11:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, Gordly, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Starr, B., Starr, C., Walker, Westlund, Whitsett, Winters; excused -- George, Kruse, Shields, Verger. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pastor Rick Smith of Silverton First Baptist Church, Silverton.

Courtesies of the Senate were extended to former State Representative Chris Beck at the request of Atkinson.

SB 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341 -- Introduced, read first time and referred to President's desk.

Senate adjourned until 11:15 a.m. Thursday by unanimous consent at the request of the Chair.

**Thursday, January 20, 2005 -- Morning Session**

Senate convened at 11:15 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Ringo, Schrader, Shields, Starr, B., Starr, C., Walker, Westlund, Whitsett, Winters; excused -- Kruse, Prozanski, Verger. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Melissa Hayden, Christian Science Church, Salem.

Brown moved that the swearing-in of newly-appointed Senator Betsy Johnson be made a Special Order of Business at 11:30 a.m. today. Motion carried by unanimous consent.

The following report by the Committee on Credentials was read and adopted by voice vote on motion of Starr, B.

January 20, 2005

President Courtney:

We, your Committee on Credentials, after inspecting the official certificate from the Secretary of State, respectfully submit the following report:

That Joan Dukes, a duly-elected Senator from the 16th Senatorial District for a term of four years beginning the second Monday in January 2003 and terminating the second Monday in January 2007, resigned on January 16, 2005.

That Betsy Johnson, a qualified elector from Senate District 16 was duly appointed on January 19, 2005 to the office of State Senator by the Boards of Commissioners for the Counties of Clatsop, Columbia, Multnomah, Tillamook and Washington until the second Monday in January 2007. The certificate of appointment is attached.

That Betsy Johnson will be sworn into office on January 20, 2005.

Respectfully submitted,  
Senator Ryan Deckert, Chair  
Senator Bill Morrisette  
Senator Bruce Starr

(Certificate of appointment included in Original Documents File)

Senate proceeded to the Special Order of Business at 11:30 a.m. by unanimous consent at the request of the Chair.

Brown and Ferrioli were appointed to escort the Honorable Theodore R. Kulongoski, Governor of Oregon, to the rostrum to administer the oath of office.

Schrader and Morse were appointed to escort the newly-appointed senator to the rostrum. Governor Kulongoski administered the oath of office to the newly-appointed Senator Betsy Johnson.

Senate resumed under the general order of business by unanimous consent at the request of the Chair.

The following messages from the Governor were read and referred to the President's desk:

January 19, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 673.410 provides that the Governor shall appoint the members of the Oregon Board of Accountancy, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint T. Lynn Klimowicz of Roseburg to the Oregon Board of Accountancy for a three-year term beginning January 1, 2005, and ending December 31, 2007, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

January 19, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 326.021 provides that the Governor shall appoint the members of the State Board of Education, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Brenda Frank of Klamath Falls to the State Board of Education for a partial four-year term beginning February 15, 2005, and ending June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

January 19, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 326.021 provides that the Governor shall appoint the members of the State Board of Education, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Vanessa Gaston of Portland to the State Board of Education for a partial four-year term beginning February

15, 2005, and ending June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

January 19, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 455.138&144 provides that the Governor shall appoint the members of the Electrical and Elevator Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Karen Hale of Salem to the Electrical and Elevator Board for an unexpired four-year term beginning February 15, 2005, and ending June 30, 2007, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

January 19, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 565.020 provides that the Governor shall appoint the members of the Oregon State Fair Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Jerry Underwood of Garibaldi to the Oregon State Fair Commission for a four-year term beginning October 1, 2004, and ending September 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

January 19, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 197.030 provides that the Governor shall appoint the members of the Land Conservation and Development Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Margaret Kirkpatrick of Portland to the Land Conservation and Development Commission for a four-year term beginning December 1, 2004, and ending November 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

January 19, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 357.010 provides that the Governor shall appoint the members of the Trustees of the State Library, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Richard Turner of Lake Oswego to the Trustees of the State Library for a partial four-year term beginning February 15, 2005, and ending June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

January 19, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 830.105 provides that the Governor shall appoint the members of the State Marine Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Russell Sadler of Eugene to the State Marine Board for a four-year term beginning February 7, 2005, and ending February 6, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

January 19, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 418.243 provides that the Governor shall appoint the members of the Outdoor Youth Program Advisory Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint James Brown of Salem to the Outdoor Youth Program Advisory Board for a four-year term beginning July 1, 2004, and ending June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

January 19, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 418.243 provides that the Governor shall appoint the members of the Outdoor Youth Program Advisory Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Larry Solie of Bend to the Outdoor Youth Program Advisory Board for a four-year term beginning July 1, 2004, and ending June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

January 19, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

Chapter 918, Section 2, Oregon Laws 2001 provides that the Governor shall appoint the members of the Sustainability Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint William Blosser of Portland to the Sustainability Board for a four-year term beginning January 1, 2005, and ending December 31, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

January 19, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 342.350 provides that the Governor shall appoint the members of the Teacher Standards and Practices Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Greg Bell of Portland to the Teacher Standards and Practices Commission for a three-year term beginning February 15, 2005, and ending December 31, 2007, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

January 19, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 342.350 provides that the Governor shall appoint the members of the Teacher Standards and Practices Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Patricia Evenson-Brady of Hood River to the Teacher Standards and Practices Commission for a three-year term beginning January 1, 2005, and ending December 31, 2007, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

January 19, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 342.350 provides that the Governor shall appoint the members of the Teacher Standards and Practices Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Karen Weiseth of Medford to the Teacher Standards and Practices Commission for a three-year term beginning February 15, 2005, and ending December 31, 2007, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

January 19, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 561.010 provides that the Governor shall appoint the Director of the Watershed Enhancement Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Thomas Byler of Salem as the Director of the Watershed Enhancement Board for a four-year term beginning February 1, 2005, and ending January 31, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

January 19, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 185.520 provides that the Governor shall appoint the members of the Commission for Women, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Tammi Paul of Shedd to the Commission for Women for a three-year term beginning February 15, 2005, and ending February 14, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

Committee Report Summary No. 2 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 40 -- Report by Committee on Judiciary recommending passage.

SB 204 -- Report by Committee on Judiciary recommending passage.

SJM 1; SJR 3; SB 216, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367 -- Introduced, read first time and referred to President's desk.

SB 40, 204 -- Read second time and passed to third reading.

President Courtney announced the following committee assignments effective January 20, 2005.

**Full Ways and Means Committee Chair,  
Subcommittee on General Government,  
Transportation and Economic Development**

Senator Betsy Johnson

**Senate Revenue Committee**

Senator Charles Starr, Vice-Chair

The following measures were referred to committee on January 19, 2005 and recorded on Committee Referral List No. 4 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SCR 1 Health Policy  
SJR 1 Revenue  
SJR 2 Revenue  
SB 211 Business and Economic Development  
SB 212 Business and Economic Development  
SB 213 Business and Economic Development  
SB 214 Business and Economic Development  
SB 215 Judiciary  
SB 217 Judiciary  
SB 218 Judiciary  
SB 219 Judiciary  
SB 220 Judiciary  
SB 221 Judiciary  
SB 222 Health Policy  
SB 223 General Government  
SB 224 Human Services  
SB 225 Health Policy  
SB 226 Judiciary  
SB 227 Judiciary  
SB 228 Education and Workforce; Ways and Means  
SB 229 Judiciary  
SB 230 Judiciary  
SB 231 Judiciary  
SB 232 Judiciary; Ways and Means  
SB 233 Judiciary  
SB 234 Judiciary  
SB 235 Judiciary  
SB 236 Judiciary  
SB 237 Judiciary  
SB 238 Judiciary  
SB 239 Judiciary  
SB 240 Judiciary; Ways and Means  
SB 241 Judiciary  
SB 242 Judiciary  
SB 243 Judiciary  
SB 244 Judiciary  
SB 245 Environment and Land Use  
SB 246 Judiciary  
SB 247 Judiciary; Ways and Means  
SB 248 Judiciary  
SB 249 Judiciary  
SB 250 Judiciary  
SB 251 Judiciary  
SB 252 Judiciary

SB 253 Judiciary  
SB 254 Judiciary  
SB 255 Judiciary  
SB 256 Judiciary  
SB 257 Judiciary  
SB 258 Judiciary  
SB 259 Business and Economic Development  
SB 260 Judiciary  
SB 261 Judiciary  
SB 262 Judiciary  
SB 263 Judiciary  
SB 264 Judiciary  
SB 265 Judiciary  
SB 266 Judiciary  
SB 267 Revenue  
SB 268 Revenue  
SB 269 Revenue  
SB 270 Revenue  
SB 271 Rules  
SB 272 Judiciary  
SB 273 Judiciary  
SB 274 Judiciary  
SB 275 Judiciary  
SB 276 Judiciary  
SB 277 Judiciary  
SB 278 Judiciary  
SB 279 Judiciary  
SB 280 Judiciary  
SB 283 Revenue  
SB 284 Judiciary  
SB 285 Human Services  
SB 286 Business and Economic Development  
SB 287 Judiciary  
SB 288 Judiciary  
SB 289 Human Services; Ways and Means  
SB 290 Environment and Land Use; Ways and Means  
SB 291 Environment and Land Use  
SB 292 Judiciary  
SB 293 Judiciary  
SB 294 Environment and Land Use; Ways and Means  
SB 295 Judiciary  
SB 296 Transportation  
SB 297 Judiciary  
SB 298 Health Policy  
SB 299 Judiciary; Revenue  
SB 300 Education and Workforce; Ways and Means  
SB 301 Judiciary  
SB 302 Revenue  
SB 303 Human Services; Ways and Means  
SB 304 Judiciary  
SB 305 Education and Workforce; Ways and Means  
SB 306 Judiciary  
SB 307 Environment and Land Use  
SB 308 Environment and Land Use; Revenue  
SB 309 Business and Economic Development  
SB 311 Commerce  
SB 312 Commerce  
SB 313 Commerce

Senate adjourned until 11:30 a.m. Monday by unanimous consent at the request of the Chair.

**Monday, January 24, 2005 -- Morning Session**

Senate convened at 11:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; attending legislative business -- Devlin. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pastor Greg Brothers Seventh-Day Adventist Church, Lincoln City.

Senate at ease. Senate reassembled.

HB 2245 -- Message from the House announcing passage.

Brown moved that in compliance with Article IV, section 19 of the Oregon Constitution, and notwithstanding any provision of the Permanent Rules of the Senate for the Seventy-Third Legislative Assembly, the requirement that on its final passage each bill shall be read section by section be suspended for the duration of the regular session of the Seventy-Third Legislative Assembly and the requirement that every bill shall be read by title only on three several days in each house be suspended.

On suspension of the constitutional provisions, the vote was: Ayes, 28; nays, 2—Atkinson, Beyer. Constitutional provisions suspended.

SJR 4; SB 368, 369, 370, 371, 372, 373, 374 -- Introduced, read first time and referred to President's desk.

SB 40 -- Read third time. Carried by Whitsett. On passage of bill the vote was: Ayes, 29; nays, 1 -- Gordly. Bill passed.

SB 204 -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 29; nays, 1 -- Schrader. Bill passed.

HB 2245 -- Read first time and referred to President's desk.

The following measures were referred to committee on January 20 and recorded on Committee Referral List No. 5 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 281 Environment and Land Use  
 SB 282 Environment and Land Use  
 SB 314 Judiciary; Ways and Means  
 SB 315 Revenue  
 SB 316 General Government  
 SB 317 Transportation  
 SB 318 Business and Economic Development  
 SB 319 Commerce  
 SB 320 Commerce  
 SB 321 Commerce  
 SB 500 General Government

Senate adjourned until 11:30 a.m. Tuesday by unanimous consent at the request of the Chair.

**Tuesday, January 25, 2005 -- Morning Session**

Senate convened at 11:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick,

Carter, Deckert, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; attending legislative business -- Devlin. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Frank Shields, Portland.

Committee Report Summary No. 3 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 26 -- Report by Committee on Judiciary recommending passage.

SJR 5; SB 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388 -- Introduced, read first time and referred to President's desk.

SB 26 -- Read second time and passed to third reading.

The following measures were referred to committee on January 24 and recorded on Committee Referral List No. 6 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SJM 1 General Government  
 SB 216 Judiciary  
 SB 322 Judiciary  
 SB 323 Business and Economic Development  
 SB 324 Judiciary  
 SB 325 Education and Workforce; Revenue  
 SB 326 Judiciary  
 SB 327 Business and Economic Development  
 SB 328 Business and Economic Development  
 SB 329 Human Services  
 SB 332 Judiciary  
 SB 333 Judiciary  
 SB 334 Commerce  
 SB 335 Judiciary  
 SB 339 Commerce; Ways and Means  
 SB 340 Judiciary  
 SB 341 Revenue  
 SB 342 Education and Workforce  
 SB 343 Revenue  
 SB 344 Environment and Land Use  
 SB 345 Environment and Land Use  
 SB 346 Environment and Land Use  
 SB 347 Environment and Land Use  
 SB 348 Environment and Land Use  
 SB 349 Environment and Land Use  
 SB 350 Environment and Land Use  
 SB 351 Environment and Land Use; Ways and Means  
 SB 352 Environment and Land Use  
 SB 353 Environment and Land Use  
 SB 354 Environment and Land Use; Ways and Means

**Oregon Board of Accountancy (ORS 673.410)**

T. Lynn Klimowicz (r) Rules

**State Board of Education (ORS 326.021)**

Brenda Frank Rules  
 Vanessa Gaston Rules

**Electrical and Elevator Board (ORS 455.138 & 144)**

Karen Hale Rules

**Land Conservation and Development Commission (ORS 197.030)**

Margaret Kirkpatrick (r) Rules

**Trustees of the State Library (ORS 357.010)**

Richard Turner Rules

**State Marine Board (ORS 830.105)**

Russell Sadler Rules

**Outdoor Youth Program Advisory Board (ORS 418.243)**

James Brown (r) Rules

Larry Solie (r) Rules

**Oregon State Fair Commission (ORS 565.020)**

Jerry Underwood (r) Rules

**Sustainability Board (Ch 918 S 2 OR Laws 2001)**

William Blosser (r) Rules

**Teacher Standards and Practices Commission (ORS 342.350)**

Greg Bell Rules

Karen Weiseth Rules

Patricia Evenson-Brady (r) Rules

**Executive Director of the Oregon Watershed Enhancement Board (ORS 541.362)**

Thomas Byler Rules

**Commission for Women (ORS 656.712)**

Tammi Paul Rules

Senate adjourned until 11:30 a.m. Wednesday by unanimous consent at the request of the Chair.

**Wednesday, January 26, 2005 -- Morning Session**

Senate convened at 11:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Reverend Charlie Wallace, Willamette University Chaplain, Salem.

SCR 2 -- Message from the House announcing adoption.

Committee Report Summary No. 4 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 179 -- Report by Committee on Environment and Land Use recommending passage.

SB 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408 -- Introduced, read first time and referred to President's desk.

SB 179 -- Read second time and passed to third reading.

SB 26 -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 29; nays, 1 -- Schrader. Bill passed.

The following measures were referred to committee today and recorded on Committee Referral List No. 7 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SJR 3 Rules

SB 330 Judiciary

SB 331 Judiciary

SB 336 Business and Economic Development

SB 337 Judiciary

SB 338 Judiciary; Ways and Means

SB 356 Judiciary

SB 357 General Government

SB 360 Judiciary

SB 361 Health Policy

SB 362 General Government

SB 364 Education and Workforce; Ways and Means

SB 365 Business and Economic Development; Revenue

SB 366 Education and Workforce; Ways and Means

SB 367 Business and Economic Development

Senate adjourned until 11:30 a.m. Thursday by unanimous consent at the request of the Chair.

**Thursday, January 27, 2005 -- Morning Session**

Senate convened at 11:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Monnes Anderson, Morrisette, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- Morse; attending legislative business -- Metsger. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pastor Gordon Bergman, Kingwood Bible Church, Salem.

Courtesies of the Senate were extended to former State Representative Ron Adams at the request of Nelson.

Committee Report Summary No. 5 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 46 -- Report by Committee on Education and Workforce recommending passage.

SB 47 -- Report by Committee on Education and Workforce recommending passage.

SB 49 -- Report by Committee on Education and Workforce recommending passage and requesting referral to Committee on Ways and Means. Referred to Committee on Ways and Means by order of the President.

SB 162 -- Report by Committee on Rules recommending passage.

SB 197 -- Report by Committee on Rules recommending passage.

SB 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 426, 427 -- Introduced, read first time and referred to President's desk.

SB 46, 47, 162, 197 -- Read second time and passed to third reading.

SB 179 -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 26; nays, 2 -- Johnson, Verger; excused, 1 -- Morse; attending legislative business, 1 -- Metsger. Bill passed.

President Courtney announced the following committee assignments effective January 27, 2005.

#### **LEGISLATIVE COUNSEL COMMITTEE (ORS 173.191)**

Senator Kate Brown  
Senator Ted Ferrioli  
Senator David Nelson  
Senator Charlie Ringo

SCR 2 -- President Courtney signed on January 27.

Senate adjourned until 11:15 a.m. Monday by unanimous consent at the request of the Chair.

#### **Monday, January 31, 2005 -- Morning Session**

Senate session was cancelled by order of the President due to an emergency security situation in the Senate Chamber.

Senate to convene at 11:15 a.m. Tuesday by order of the President.

#### **Tuesday, February 1, 2005 -- Morning Session**

Senate convened at 11:15 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; attending legislative business -- Schrader. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Chaplain Russ Guppy, Washington County Sheriff's Office.

Courtesies of the Senate were extended to former State Senator Eileen Qutub at the request of Ferrioli.

HB 2075, 2085, 2093, 2258 -- Message from the House announcing passage.

SCR 2 -- Message from the House announcing the Speaker signed on January 31.

Committee Report Summary No. 6 listing the following reports was distributed to members January 31. Summary list recorded in Journal and Status Report by order of the President.

SB 29 -- Report by Committee on Revenue recommending passage.

SB 136 -- Report by Committee on Commerce recommending passage.

SB 137 -- Report by Committee on Commerce recommending passage.

SB 138 -- Report by Committee on Commerce recommending passage.

SB 268 -- Report by Committee on Revenue recommending passage.

Committee Report Summary No. 7 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SCR 1 -- Report by Committee on Health Policy recommending adoption.

SB 58 -- Report by Committee on Human Services recommending passage.

SB 59 -- Report by Committee on Human Services recommending passage.

SB 60 -- Report by Committee on Human Services recommending passage.

SB 222 -- Report by Committee on Health Policy recommending passage with amendments.

SCR 6; SB 425, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445 -- Introduced, read first time and referred to President's desk.

SCR 1; 58, 59, 60 -- Read second time and passed to third reading.

SB 29, 136, 137, 138, 268 -- Under rules suspension and implied consent, read second time and passed to third reading.

SB 46 -- Read third time. Carried by Kruse. On passage of bill the vote was: Ayes, 29; attending legislative business, 1 -- Schrader. Bill passed.

SB 47 -- Read third time. Carried by Deckert. On passage of bill the vote was: Ayes, 28; nays, 1 -- Nelson; attending legislative business, 1 -- Schrader. Bill passed.

SB 162 -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 17; nays, 11 -- Atkinson, Beyer, Ferrioli, Gordly, Johnson, Kruse, Nelson, Starr, B., Starr, C., Whitsett, Winters; excused, 1 -- Burdick; attending legislative business, 1 -- Schrader. Bill passed.

SB 197 -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 28; excused, 1 – Burdick; attending legislative business, 1 – Schrader. Bill passed.

HB 2075, 2085, 2093, 2258 -- Read first time and referred to President's desk.

The following measures were referred to committee on January 27 and recorded on Committee Referral List No. 8 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SJR 4 Education and Workforce  
 SJR 5 Rules  
 SB 355 Commerce  
 SB 358 Environment and Land Use; Ways and Means  
 SB 359 General Government; Ways and Means  
 SB 363 General Government  
 SB 368 Judiciary  
 SB 369 Education and Workforce  
 SB 370 Judiciary  
 SB 371 Judiciary  
 SB 372 Judiciary  
 SB 373 Transportation  
 SB 374 Human Services  
 SB 375 Judiciary  
 SB 376 Judiciary  
 SB 377 Judiciary  
 SB 378 Judiciary  
 SB 379 Judiciary; Ways and Means  
 SB 380 Environment and Land Use  
 SB 381 Business and Economic Development; Ways and Means  
 SB 382 Revenue  
 SB 383 Education and Workforce  
 SB 384 Transportation  
 SB 385 Business and Economic Development  
 SB 386 Commerce  
 SB 387 General Government  
 SB 388 General Government  
 HB 2245 Judiciary

Senate adjourned until 11:00 a.m. Wednesday by unanimous consent at the request of the Chair.

### Wednesday, February 2, 2005 -- Morning Session

Senate convened at 11:00 a.m. President Courtney in Chair. The following members were present: Bates, Brown, Carter, Deckert, Devlin, George, Gordly, Kruse, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, C., Verger, Walker, Westlund, Winters; excused -- Burdick, Johnson, Metsger, Whitsett; attending legislative business -- Atkinson, Beyer, Ferrioli, Starr, B. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Charles Starr, Hillsboro.

Senate at ease. Senate reassembled.

HB 2071, 2073, 2074 -- Message from the House announcing passage.

Committee Report Summary No. 8 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 259 -- Report by Committee on Business and Economic Development recommending passage.

SJM 2; SB 1, 446, 447, 450 -- Introduced, read first time and referred to President's desk.

SB 222, 259 -- Read second time and passed to third reading.

SCR 1 -- Moved to the foot of today's third reading calendar by unanimous consent at the request of the Chair.

SB 29 -- Read third time. Carried by Westlund. On passage of bill the vote was: Ayes, 24; nays, 1 – Schrader; excused, 4 – Burdick, Johnson, Metsger, Whitsett; attending legislative business, 1 – Atkinson. Bill passed.

SB 58 -- Read third time. Carried by Monnes Anderson. On passage of bill the vote was: Ayes, 26; excused, 4 – Burdick, Johnson, Metsger, Whitsett. Bill passed.

SB 59 -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 25; nays, 1 – Schrader; excused, 4 – Burdick, Johnson, Metsger, Whitsett. Bill passed.

SB 60 -- Read third time. Carried by Morrisette. On passage of bill the vote was: Ayes, 26; excused, 4 – Burdick, Johnson, Metsger, Whitsett. Bill passed.

SB 136 -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 23; nays, 1 – Verger; excused, 6 – Burdick, Johnson, Metsger, Ringo, Westlund, Whitsett. Bill passed.

SB 137 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 24; excused, 6 – Burdick, Johnson, Metsger, Ringo, Westlund, Whitsett. Bill passed.

SB 138 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 23; nays, 1 – Nelson; excused, 6 – Burdick, Johnson, Metsger, Ringo, Westlund, Whitsett. Bill passed.

SB 268 -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 24; excused, 6 – Burdick, Johnson, Metsger, Ringo, Westlund, Whitsett. Bill passed.

SCR 1 -- Read final time. Carried by Brown, Winters. On adoption of resolution, the vote was: Ayes, 23; excused, 7 – Atkinson, Burdick, Johnson, Metsger, Ringo, Westlund, Whitsett. Resolution adopted.

HB 2071, 2073, 2074 -- Read first time and referred to President's desk.

The following measures were referred to committee on February 1 and recorded on Committee Referral List No. 9 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.



SCR 6 Rules  
 SB 389 Environment and Land Use  
 SB 390 Business and Economic Development  
 SB 391 Rules  
 SB 392 Judiciary  
 SB 393 Rules  
 SB 394 Education and Workforce; Revenue  
 SB 395 Transportation  
 SB 396 Judiciary  
 SB 397 Commerce  
 SB 398 Business and Economic Development  
 SB 399 Education and Workforce  
 SB 400 Health Policy; Ways and Means  
 SB 401 Judiciary; Ways and Means  
 SB 402 General Government  
 SB 403 Human Services; Revenue  
 SB 404 Human Services  
 SB 405 General Government  
 SB 406 Environment and Land Use; Revenue  
 SB 407 Health Policy; Ways and Means  
 SB 408 Business and Economic Development  
 SB 409 Judiciary  
 SB 410 Environment and Land Use; Ways and Means  
 SB 411 Transportation  
 SB 412 Revenue  
 SB 413 Business and Economic Development  
 SB 414 Education and Workforce; Revenue  
 SB 415 Education and Workforce; Revenue  
 SB 416 Education and Workforce  
 SB 417 Human Services  
 SB 418 Human Services; Revenue  
 SB 419 Human Services  
 SB 420 General Government  
 SB 421 Business and Economic Development  
 SB 422 Judiciary  
 SB 423 Environment and Land Use; Revenue  
 SB 424 Judiciary  
 SB 426 Commerce  
 SB 427 Revenue

Senate adjourned until 11:00 a.m. Thursday by unanimous consent at the request of the Chair.

#### **Thursday, February 3, 2005 -- Morning Session**

Senate convened at 11:00 a.m. President Courtney in Chair. The following members were present: Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Schrader, Shields, Starr, C., Verger, Walker, Westlund; excused -- Whitsett; attending legislative business -- Atkinson, Bates, Kruse, Prozanski, Ringo, Starr, B., Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Father Coleman of St. Joseph's Parish, Salem.

Call of the Senate demanded by Brown joined by Devlin and Ferrioli. All present except Bates, Carter, Prozanski, Ringo, Westlund, absent; Whitsett, excused; Atkinson, Kruse, Starr, B., Winters, attending legislative business. Pending arrival of members subject to the Call, Senate at ease. Members subject to the Call arrived. Further proceedings under

the Call terminated by implied consent at the request of the Chair. Senate reassembled. All present except Whitsett, excused; Atkinson, Kruse, Starr, B., Winters, attending legislative business. Donna Bennett, from the Attorney General's office, gave a presentation clarifying the Senate Rules regarding workplace harassment awareness.

HB 2072, 2078 -- Message from the House announcing passage.

Committee Report Summary No. 9 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 50 -- Report by Committee on Education and Workforce recommending passage.

SB 51 -- Report by Committee on Education and Workforce recommending passage.

SB 66 -- Report by Committee on Environment and Land Use recommending passage.

SB 185 -- Report by Committee on Environment and Land Use recommending passage with amendments.

SB 203 -- Report by Committee on Judiciary recommending passage.

SJR 6, 7, 8; SB 448, 449, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469 -- Introduced, read first time and referred to President's desk.

SB 50, 51, 66, 203 -- Read second time and passed to third reading.

SB 222 A-Eng. -- Read third time. Carried by Monnes Anderson. On passage of bill the vote was: Ayes, 23; excused, 1 -- Whitsett; attending legislative business, 6 -- Atkinson, Bates, Kruse, Prozanski, Starr, B., Winters. Bill passed.

SB 259 -- Read third time. Carried by Monnes Anderson. On passage of bill the vote was: Ayes, 21; nays, 1 -- Schrader; excused, 1 -- Whitsett; attending legislative business, 7 -- Atkinson, Bates, Kruse, Prozanski, Starr, B., Westlund, Winters. Bill passed.

HB 2072, 2078 -- Read first time and referred to President's desk.

Senate adjourned until 11:30 a.m. Monday by unanimous consent at the request of the Chair.

#### **Monday, February 7, 2005 -- Morning Session**

Senate convened at 11:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Westlund, Whitsett, Winters; excused -- George, Walker. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pastor Erwin Wichner, Zion Lutheran Church, Hillsboro. Special performance by "Teeming Acres," a senior class project by Lindsay Easom,

Drama coach Jess Turner of Wallowa High School, Wallowa.

HB 2063, 2153, 2255, 2263 -- Message from the House announcing passage.

HCR 3 -- Message from the House announcing adoption.

Committee Report Summary No. 10 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 35 -- Report by Committee on Commerce recommending passage.

SB 42 -- Report by Committee on Environment and Land Use recommending passage.

SB 44 -- Report by Committee on Environment and Land Use recommending passage. Referred to Committee on Ways and Means by prior reference.

SB 53 -- Report by Committee on Human Services recommending passage. Referred to Committee on Ways and Means by prior reference.

SB 80 -- Report by Committee on General Government recommending passage.

SB 93 -- Report by Committee on Commerce recommending passage.

SB 97 -- Report by Committee on Human Services recommending passage.

SB 117 -- Report by Committee on Business and Economic Development recommending passage.

SB 122 -- Report by Committee on Business and Economic Development recommending passage.

SB 123 -- Report by Committee on Business and Economic Development recommending passage.

SB 130 -- Report by Committee on Business and Economic Development recommending passage with amendments.

SB 167 -- Report by Committee on Education and Workforce recommending passage with amendments.

SB 172 -- Report by Committee on Commerce recommending passage.

SB 215 -- Report by Committee on Judiciary recommending passage.

SB 225 -- Report by Committee on Health Policy recommending passage.

SB 348 -- Report by Committee on Environment and Land Use recommending passage.

SB 8, 9, 10, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 515 -- Introduced, read first time and referred to President's desk.

SB 35, 42, 80, 93, 97, 117, 122, 123, 172, 185, 215, 225, 348 -- Read second time and passed to third reading.

SB 50 -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 25; nays, 3 -- Beyer, Nelson, Whitsett; excused, 2 -- George, Walker. Bill passed.

SB 51 -- Read third time. Carried by Morrisette. Taken from today's third reading calendar and placed on February 8 by unanimous consent on motion of Morrisette.

SB 66 -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 27; nays, 1 -- Schrader; excused, 2 -- George, Walker. Bill passed.

SB 203 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 27; excused, 3 -- George, Gordly, Walker. Bill passed.

HCR 3; HB 2063, 2153, 2255, 2263 -- Read first time and referred to President's desk.

The following measures were referred to committee on February 4 and recorded on Committee Referral List No. 10 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SJM 2 Business and Economic Development

SB 1 Health Policy

SB 425 General Government

SB 428 Judiciary

SB 429 Health Policy; Ways and Means

SB 430 Human Services

SB 431 Environment and Land Use

SB 432 Environment and Land Use; Ways and Means

SB 433 Commerce

SB 434 Commerce

SB 435 Judiciary

SB 436 Judiciary

SB 437 Judiciary

SB 438 Revenue

SB 439 Revenue

SB 441 Judiciary

SB 442 Judiciary

SB 443 Human Services; Ways and Means

SB 444 Judiciary

SB 445 Transportation

SB 450 Health Policy

HB 2071 Business and Economic Development

HB 2072 Business and Economic Development

HB 2073 Business and Economic Development

HB 2074 Business and Economic Development

HB 2075 Business and Economic Development

HB 2078 Business and Economic Development

HB 2085 Business and Economic Development

HB 2093 Commerce

HB 2258 Environment and Land Use

Senate adjourned until 11:00 a.m. Tuesday by unanimous consent at the request of the Chair.

**Tuesday, February 8, 2005 -- Morning Session**

Senate convened at 11:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Carter, Deckert, Ferrioli, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- Burdick, George, Gordly; attending legislative business -- Devlin. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pastor Greg Allen, Bethany Bible Church, Portland.

Courtesies of the Senate were extended to former State Senator Bill Fisher at the request of Kruse.

HB 2055, 2352 -- Message from the House announcing passage.

HJM 1 -- Message from the House announcing adoption.

Committee Report Summary No. 11 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 31 -- Report by Committee on Revenue recommending passage.

SB 33 -- Report by Committee on Revenue recommending passage.

SB 43 -- Report by Committee on Environment and Land Use recommending passage with amendments.

SB 83 -- Report by Committee on Business and Economic Development recommending passage.

SB 104 -- Report by Committee on Human Services recommending passage.

SB 121 -- Report by Committee on Business and Economic Development recommending passage.

SB 157 -- Report by Committee on General Government recommending passage.

SB 224 -- Report by Committee on Human Services recommending passage.

SB 511, 512, 513 -- Introduced, read first time and referred to President's desk.

SB 31, 33, 83, 104, 121, 130, 157, 167, 224 -- Read second time and passed to third reading.

SB 35 -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 26; excused, 3 -- Burdick, George, Gordly; attending legislative business, 1 -- Devlin. Bill passed.

SB 42 -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 25; nays, 1 -- Schrader; excused, 3 -- Burdick, George, Gordly; attending legislative business, 1 -- Devlin. Bill passed.

SB 51 -- Bill read. Carried by Morrisette. On passage of bill the vote was: Ayes, 20; nays, 4 -- Bates, Beyer, Ferrioli, Schrader; excused, 4 -- Burdick,

George, Gordly, Winters; attending legislative business, 2 -- Atkinson, Devlin. Bill passed.

SB 80 -- Read third time. Carried by Verger. On passage of bill the vote was: Ayes, 23; nays, 1 -- Schrader; excused, 4 -- Burdick, George, Gordly, Winters; attending legislative business, 2 -- Atkinson, Devlin. Bill passed.

SB 93 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 24; nays, 1 -- Shields; excused, 4 -- Burdick, George, Gordly, Winters; attending legislative business, 1 -- Devlin. Bill passed.

SB 97 -- Read third time. Carried by Kruse. On passage of bill the vote was: Ayes, 25; excused, 4 -- Burdick, George, Gordly, Winters; attending legislative business, 1 -- Devlin. Bill passed.

SB 117 -- Read third time. Carried by Monnes Anderson. On passage of bill the vote was: Ayes, 23; nays, 2 -- Beyer, Ferrioli; excused, 4 -- Burdick, George, Gordly, Winters; attending legislative business, 1 -- Devlin. Bill passed.

SB 122 -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 22; nays, 3 -- Beyer, Ferrioli, Whitsett; excused, 4 -- Burdick, George, Gordly, Winters; attending legislative business, 1 -- Devlin. Bill passed.

SB 123 -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 23; nays, 2 -- Beyer, Ferrioli; excused, 4 -- Burdick, George, Gordly, Winters; attending legislative business, 1 -- Devlin. Bill passed.

SB 172 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 24; nays, 1 -- Schrader; excused, 4 -- Burdick, George, Gordly, Winters; attending legislative business, 1 -- Devlin. Bill passed.

SB 185 A-Eng. -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 25; excused, 4 -- Burdick, George, Gordly, Winters; attending legislative business, 1 -- Devlin. Bill passed.

SB 215 -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 24; nays, 1 -- Schrader; excused, 4 -- Burdick, George, Gordly, Winters; attending legislative business, 1 -- Devlin. Bill passed.

SB 225 -- Read third time. Carried by Kruse. On passage of bill the vote was: Ayes, 24; nays, 1 -- Schrader; excused, 4 -- Burdick, George, Gordly, Winters; attending legislative business, 1 -- Devlin. Bill passed.

SB 348 -- Read third time. Carried by Ringo. Call of the Senate demanded by Ringo joined by Brown and Ferrioli. All present except Deckert, absent; Burdick, George, Gordly, Winters, excused; Devlin, attending legislative business. Pending arrival of members subject to the Call, Senate at ease. Further proceedings under the Call terminated by implied consent at the request of the Chair. All present except Burdick, George, Gordly, Winters, excused; Devlin, attending legislative business.

Senate reassembled. On passage of bill the vote was: Ayes, 19; nays, 6 – Carter, Johnson, Metsger, Monnes Anderson, Morrisette, Westlund; excused, 4 – Burdick, George, Gordly, Winters; attending legislative business, 1 – Devlin. Bill passed.

SB 348 -- Prozanski requested the following explanation of vote be entered into the journal:

"I voted for SB 348 because I believe that Multnomah County has not properly handled the land use decision involving this particular property. This situation has been on-going for a number of years. I had previously supported allowing the county the opportunity to deal with this issue, but it has not.

"I also believe that Dorothy English has been victimized by the authors of Measure 37. She was mislead to believe that she would be able to seek relief for her situation upon the passage of Measure 37. She cannot! Mrs. English is 92 years old and I find it unconscionable that her situation was used for political gain when the measure failed to give her any relief.

"Even though I normally do not support piece-meal land use legislation, I consider this to be an exception to that general rule."

HJM 1; HB 2055, 2352 -- Read first time and referred to President's desk.

The following measures were referred to committee today and recorded on Committee Referral List No. 11 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

|        |   |
|--------|---|
| SJR 6  | Rules                                   |
| SJR 7  | Rules                                   |
| SJR 8  | Rules                                   |
| SB 8   | General Government; Ways and Means      |
| SB 9   | General Government; Ways and Means      |
| SB 10  | General Government; Ways and Means      |
| SB 440 | Rules                                   |
| SB 446 | Commerce                                |
| SB 447 | Education and Workforce; Ways and Means |
| SB 448 | Transportation                          |
| SB 449 | Revenue                                 |
| SB 451 | Commerce                                |
| SB 452 | Commerce                                |
| SB 453 | Revenue                                 |
| SB 454 | Education and Workforce; Revenue        |
| SB 455 | Commerce                                |
| SB 456 | Revenue                                 |
| SB 457 | Environment and Land Use                |
| SB 458 | Health Policy                           |
| SB 459 | Commerce                                |
| SB 460 | Health Policy                           |
| SB 461 | Business and Economic Development       |
| SB 462 | Business and Economic Development       |
| SB 463 | Business and Economic Development       |
| SB 464 | Business and Economic Development       |
| SB 465 | Business and Economic Development       |
| SB 466 | Rules                                   |
| SB 467 | Education and Workforce; Ways and Means |
| SB 468 | General Government                      |
| SB 469 | Commerce                                |

|         |  |
|---------|--|
| SB 472  | General Government                         |
| SB 473  | Environment and Land Use                   |
| SB 474  | General Government; Ways and Means         |
| SB 475  | Judiciary                                  |
| SB 476  | Judiciary                                  |
| SB 478  | Revenue                                    |
| SB 479  | Business and Economic Development; Revenue |
| SB 480  | Revenue                                    |
| SB 481  | Transportation                             |
| HCR 3   | General Government                         |
| HB 2063 | Health Policy                              |
| HB 2153 | Commerce                                   |
| HB 2255 | General Government                         |
| HB 2263 | General Government                         |

Senate adjourned until 11:00 a.m. Wednesday by unanimous consent at the request of the Chair.

### Wednesday, February 9, 2005 -- Morning Session

Senate convened at 11:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Carter, Deckert, Devlin, Ferrioli, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Starr, B., Starr, C., Verger, Whitsett; excused -- Burdick, George, Gordly, Shields, Westlund, Winters; attending legislative business -- Walker. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Frank Morse, Corvallis.

Committee Report Summary No. 12 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 270 -- Report by Committee on Revenue recommending passage.

Report by Committee on Rules recommending that the Governor's reappointment of T. Lynn Klimowicz (appearance waived) to the Oregon Board of Accountancy be confirmed.

Report by Committee on Rules recommending that the Governor's appointments of Brenda Frank (appearance waived) and Vanessa Gaston (appearance waived) to the State Board of Education be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's appointment of Karen Hale (appearance waived) to the Electrical and Elevator Board be confirmed.

Report by Committee on Rules recommending that the Governor's reappointment of Margaret Kirkpatrick (appearance waived) to the Land Conservation and Development Commission be confirmed.

Report by Committee on Rules recommending that the Governor's appointment of Richard Turner (appearance waived) to the Trustees of the State Library be confirmed.

Report by Committee on Rules recommending that the Governor's appointment of Russell Sadler

(appearance waived) to the State Marine Board be confirmed.

Report by Committee on Rules recommending that the Governor's reappointments of James Brown (appearance waived) and Larry Solie (appearance waived) to the Outdoor Youth Program Advisory Board be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's reappointment of Jerry Underwood (appearance waived) to the Oregon State Fair Commission be confirmed.

Report by Committee on Rules recommending that the Governor's reappointment of William Blosser (appearance waived) to the Sustainability Board be confirmed.

Report by Committee on Rules recommending that the Governor's appointments of Greg Bell (appearance waived), Patricia Evenson-Brady (r) (appearance waived) and Karen Weiseth (appearance waived) to the Teacher Standards and Practices Commission be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's appointment of Thomas Byler as the Executive Director of the Oregon Watershed Enhancement Board be confirmed.

Report by Committee on Rules recommending that the Governor's appointment of Tammi Paul (appearance waived) to the Commission for Women be confirmed.

SB 514, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 712 -- Introduced, read first time and referred to President's desk.

SB 43, 270 -- Read second time and passed to third reading.

SB 31 -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 18; nays, 4 -- Atkinson, Beyer, Ferrioli, Nelson; excused, 7 -- Burdick, George, Gordly, Johnson, Shields, Westlund, Winters; attending legislative business, 1 -- Walker. Bill passed.

SB 33 -- Read third time. Carried by Deckert. Ayes, 18; nays, 5 -- Atkinson, Ferrioli, Kruse, Nelson, Whitsett; excused, 6 -- Burdick, George, Gordly, Shields, Westlund, Winters; attending legislative business, 1 -- Walker.

SB 83 -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 23; excused, 6 -- Burdick, George, Gordly, Shields, Westlund, Winters; attending legislative business, 1 -- Walker. Bill passed.

SB 104 -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 22; excused, 6 -- Burdick, George, Gordly, Shields, Westlund, Winters; attending legislative business, 2 -- Starr, B., Walker. Bill passed.

SB 121 -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 21; nays, 1 -- Nelson; excused, 6 -- Burdick, George, Gordly, Shields,

Westlund, Winters; attending legislative business, 2 -- Starr, B., Walker. Bill passed.

SB 130 A-Eng. -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 22; excused, 6 -- Burdick, George, Gordly, Shields, Westlund, Winters; attending legislative business, 2 -- Starr, B., Walker. Bill passed.

SB 157 -- Read third time. Carried by Verger. On passage of bill the vote was: Ayes, 16; nays, 6 -- Atkinson, Beyer, Ferrioli, Kruse, Morse, Whitsett; excused, 6 -- Burdick, George, Gordly, Shields, Westlund, Winters; attending legislative business, 2 -- Starr, B., Walker. Bill passed.

SB 157 -- Ferrioli and Whitsett requested the following explanation of vote be entered into the journal:

"On February 9, 2005 I voted against final passage of Senate Bill 157. Because the legislation ultimately received a majority of votes in favor of passage, I feel obliged to file an explanation of my vote. I have a fundamental objection to voting for a measure without a full understanding of the fiscal implications. In this case, the Senate was not provided with sufficient information regarding the fiscal impact of Senate Bill 157.

"Senate Bill 157 would expand the definition of persons who may be investigated by the Secretary of State Audits Division for loss of public funds or property. The bill could constitute a sizeable increase in the number of investigations conducted by the Secretary of State by authorizing investigations of any "public official." Public official is broadly defined and would include any person who serves a state agency as an officer, employee, member or agent.

"The fiscal analysis that accompanied Senate Bill 157 provided only the slimmest insight into the potential consequences of passage, asserting only that the impact was "indeterminate." I find this analysis to be wholly inadequate for a piece of legislation that will vastly increase the investigatory activities of the Secretary of State. Floor debate revealed that the legislation would likely result in at least six additional positions. Furthermore, the fiscal analysis states that a complex investigation can cost as much as \$73,000. Certainly, the potential for a sizeable increase in this type of investigation is worthy of a more searching fiscal analysis.

"This bill should not have been voted on until such an analysis had been completed. In the alternative it should have been referred to the Joint Committee on Ways and Means for further discussion. I am not opposed to providing the Audits Division with the tools they need to investigate waste in our state agencies, but I will continue to vote against any measure that is not accompanied by a thorough analysis of the fiscal impact."

SB 167 A-Eng. -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 19; nays, 3 -- Beyer, Ferrioli, Nelson; excused, 6 -- Burdick, George, Gordly, Shields, Westlund, Winters; attending legislative business, 2 -- Starr, B., Walker. Bill passed.

SB 167 -- Beyer requested the following explanation of vote be entered into the journal:

"I am writing to provide an explanation for my voting no on SB 167 which had its Third Reading on February 9, 2005.

"SB 167 allows for children with 'traumatic brain injuries' to receive special education services. However, it fails to adequately and precisely define such a condition, leaving it up to broad interpretation. Without a concrete definition, I am concerned that the number of people added to the program will be more than projected and this will not reflect the true objective of the bill.

"While I agree children who have traumatic brain injuries necessitate special services, I do not believe SB 167 properly addresses the issue. The bill is subject to many unintended costs associated with an increase in program participants. Given the current state of Oregon's budget resources, I believe SB 167 will not conform to the objective of balancing the state budget within existing resources.

"Furthermore, members of the Senate Committee on Education and Workforce also requested a definition of 'traumatic brain injury,' but were not provided with one that satisfactorily answered their questions. Committee hearings are a means to address potential ambiguities in senate and house bills, yet questions still arise regarding the intended definitions within SB 167 even after its hearing.

"In lacking a detailed definition of 'traumatic brain injury,' I could not in good conscience support SB 167."

SB 224 -- Read third time. Carried by Monnes Anderson. On passage of bill the vote was: Ayes, 22; excused, 6 -- Burdick, George, Gordly, Shields, Westlund, Winters; attending legislative business, 2 -- Starr, B., Walker. Bill passed.

Senate adjourned until 11:30 a.m. Thursday by unanimous consent at the request of the Chair.

#### **Thursday, February 10, 2005 -- Morning Session**

Senate convened at 11:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Brown, Carter, Deckert, Devlin, Ferrioli, George, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Verger, Whitsett; excused -- Gordly, Westlund, Winters; attending legislative business -- Beyer, Burdick, Starr, C., Walker. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Paul Lyda, Minister of Youth at St. Matthew Lutheran Church, Beaverton.

HB 2051, 2095, 2135, 2185, 2185 -- Message from the House announcing passage.

Committee Report Summary No. 13 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SJM 1 -- Report by Committee on General Government recommending adoption.

SB 18 -- Report by Committee on General Government recommending passage. Referred to Committee on Revenue by prior reference.

SB 19 -- Report by Committee on General Government recommending passage. Referred to Committee on Revenue by prior reference.

SB 21 -- Report by Committee on Revenue recommending passage.

SB 24 -- Report by Committee on Revenue recommending passage.

SB 124 -- Report by Committee on Judiciary recommending passage.

SB 269 -- Report by Committee on Revenue recommending passage.

Consideration of the Governor's appointment of Russell Sadler to the State Marine Board taken from today's third reading calendar and placed on February 14 calendar by voice vote on motion of Brown.

SB 43 -- Taken from today's third reading calendar and placed on February 14 calendar by unanimous consent on motion of Atkinson.

Rules suspended by unanimous consent in order that the Senate may take en bloc action on the confirmation of the following appointments on motion of Shields.

#### **Oregon Board of Accountancy**

T. Lynn Klimowicz (r)

#### **State Board of Education**

Brenda Frank

Vanessa Gaston

#### **Electrical and Elevator Board**

Karen Hale

#### **Land Conservation and Development Commission**

Margaret Kirkpatrick (r)

#### **Trustees of the State Library**

Richard Turner

#### **Outdoor Youth Program Advisory Board**

James Brown (r)

Larry Solie (r)

#### **Oregon State Fair Commission**

Jerry Underwood (r)

#### **Sustainability Board**

William Blosser (r)

#### **Teacher Standards and Practices Commission**

Greg Bell

Patricia Evenson-Brady (r)

Karen Weiseth

**Commission for Women**

Tammi Paul

Under rules suspension, Shields moved that the Senate confirm en bloc the Governor's appointments as listed in the motion to suspend the rules. On confirmation the vote was: Ayes, 22; excused, 3 – Gordly, Westlund, Winters; attending legislative business, 5 – Beyer, Burdick, Ringo, Starr, C., Walker. Confirmed en bloc.

Brown moved that the Senate confirm the Governor's appointment of Thomas Byler as the Executive Director of the Oregon Watershed Enhancement Board. On confirmation the vote was : Ayes, 22; excused, 3 – Gordly, Westlund, Winters; attending legislative business, 5 – Beyer, Burdick, Ringo, Starr, C., Walker. Confirmed.

SB 489, 527, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 555 -- Introduced, read first time and referred to President's desk.

SJM 1; SB 21, 24, 124, 269 -- Read second time and passed to third reading.

SB 270 -- Read third time. Carried by George. On passage of bill the vote was: Ayes, 19; nays, 3 – Nelson, Schrader, Starr, B.; excused, 3 – Gordly, Westlund, Winters; attending legislative business, 5 – Beyer, Burdick, Ringo, Starr, C., Walker. Bill passed.

HB 2051, 2095, 2135, 2185 -- Read first time and referred to President's desk.

The following measures were referred to committee on February 10 and recorded on Committee Referral List No. 12 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 470 Revenue  
 SB 471 General Government  
 SB 477 General Government  
 SB 482 Transportation  
 SB 483 Transportation  
 SB 484 Education and Workforce; Revenue  
 SB 485 Education and Workforce  
 SB 486 General Government  
 SB 487 Transportation  
 SB 488 Transportation  
 SB 490 Health Policy  
 SB 491 General Government  
 SB 492 Judiciary  
 SB 493 Judiciary  
 SB 494 Judiciary  
 SB 495 Judiciary  
 SB 496 Environment and Land Use  
 SB 497 Rules  
 SB 498 General Government  
 SB 499 Rules  
 SB 501 Health Policy; Ways and Means  
 SB 502 Health Policy; Ways and Means  
 SB 503 Health Policy  
 SB 504 Health Policy; Ways and Means  
 SB 505 Human Services  
 SB 506 Rules

SB 507 General Government  
 SB 508 Rules  
 SB 509 Judiciary  
 SB 510 Health Policy  
 SB 512 Human Services  
 SB 513 Judiciary  
 SB 515 Education and Workforce  
 HJM 1 Revenue  
 HB 2055 General Government  
 HB 2352 General Government

President Courtney announced the following committee assignments effective February 9, 2005.

**Trust for Cultural Development Board (HB 2923, Chapter 954, Oregon Laws 2001)**

Senator Ben Westlund

Senate adjourned until 10:00 a.m. Monday by unanimous consent at the request of the Chair.

**Monday, February 14, 2005 -- Morning Session**

Senate convened at 10:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Prozanski, Ringo, Schrader, Shields, Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- Gordly; attending legislative business -- Starr, B., Nelson. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Margaret Carter, Portland.

The following messages from the Governor were read and referred to the President's desk.

February 10, 2005

**TO THE HONORABLE PRESIDENT OF THE SENATE  
 OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 835.106 provides that the Governor shall appoint the Director of the Oregon Department of Aviation, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Robert Hidley, of Murrieta, CA, as the Director of the Department of Aviation for a four-year term beginning February 17, 2005, and ending February 16, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
 Ted Kulongoski  
 Governor

February 10, 2005

**TO THE HONORABLE PRESIDENT OF THE SENATE  
 OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 417.730 provides that the Governor shall appoint the members of the State Commission on Children and Families, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Joshua Kardon of Portland to the State Commission on Children and Families for an unexpired four-year term, as provided by statute, beginning March 1,

2005, and ending September 30, 2007, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

February 10, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 468.010 provides that the Governor shall appoint the members of the Environmental Quality Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Judy Uherbelau of Ashland to the Environmental Quality Commission for a partial four-year term, as provided by statute, beginning March 1, 2005 and ending on June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

February 10, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 471.705 provides that the Governor shall appoint the members of the Oregon Liquor Control Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Lindy Fisker of Portland to the Oregon Liquor Control Commission for a four-year term, as provided by statute, beginning April 1, 2005 and ending on March 31, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

February 10, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 471.705 provides that the Governor shall appoint the members of the Oregon Liquor Control Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Christine Lewandowski of Eugene to the Oregon Liquor Control Commission for a four-year term, as provided by statute, beginning April 1, 2005 and ending on March 31, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

HB 2204, 2206, 2214 -- Message from the House announcing passage.

HCR 5 -- Message from the House announcing adoption by the House.

Committee Report Summary No. 14 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 56 -- Report by Committee on Transportation recommending passage with amendments.

SB 72 -- Report by Committee on Transportation recommending passage.

SB 73 -- Report by Committee on Transportation recommending passage.

SB 74 -- Report by Committee on Transportation recommending passage.

SB 341 -- Report by Committee on Revenue recommending passage.

Courtesies of the Senate were extended to former State Senator Randy Leonard at the request of Shields.

Consideration of the Governor's appointment of Russell Sadler to the State Marine Board taken from today's third reading calendar and placed on February 15 calendar by voice vote on motion of Shields.

SJM 3; SB 2, 3, 550, 551, 552, 553, 554, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592 -- Introduced, read first time and referred to President's desk.

SB 72, 73, 74, 341 -- Read second time and passed to third reading.

SJM 1 -- Read final time. Carried by Shields. On adoption of memorial, the vote was: Ayes, 27; excused, 1 -- Gordly; attending legislative business, 2 -- Nelson, Starr, B. Memorial adopted.

SB 21 -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 21; nays, 6 -- Beyer, Ferrioli, George, Johnson, Kruse, Westlund; excused, 1 -- Gordly; attending legislative business, 2 -- Nelson, Starr, B. Bill passed.

SB 24 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 26; nays, 1 -- Whitsett; excused, 1 -- Gordly; attending legislative business, 2 -- Nelson, Starr, B. Bill passed.

SB 43 A-Eng. -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 27; excused, 1 -- Gordly; attending legislative business, 2 -- Nelson, Starr, B. Bill passed.

SB 124 -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 27; excused, 1 -- Gordly; attending legislative business, 2 -- Nelson, Starr, B. Bill passed.

SB 269 -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 24; nays, 3 -- Beyer, Kruse, Whitsett; excused, 1 -- Gordly; attending legislative business, 2 -- Nelson, Starr, B. Bill passed.



HCR 5; HB 2204, 2206, 2214 -- Read first time and referred to President's desk.

The following measures were referred to committee on February 11 and recorded on Committee Referral List No. 13 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 489 Judiciary  
 SB 511 General Government  
 SB 514 Business and Economic Development  
 SB 516 Judiciary  
 SB 517 Judiciary  
 SB 518 Judiciary  
 SB 519 General Government  
 SB 520 Judiciary  
 SB 521 Judiciary  
 SB 522 Judiciary  
 SB 523 Judiciary  
 SB 524 Judiciary  
 SB 525 Judiciary  
 SB 526 General Government  
 SB 527 Environment and Land Use; Ways and Means  
 SB 528 Judiciary  
 SB 529 Environment and Land Use; Ways and Means  
 SB 530 Environment and Land Use  
 SB 531 Environment and Land Use  
 SB 532 Environment and Land Use  
 SB 533 Environment and Land Use  
 SB 534 Environment and Land Use  
 SB 535 Environment and Land Use  
 SB 536 Environment and Land Use  
 SB 537 Environment and Land Use  
 SB 538 Environment and Land Use  
 SB 540 Human Services; Ways and Means  
 SB 541 Health Policy; Ways and Means  
 SB 542 Environment and Land Use; Ways and Means  
 SB 543 Education and Workforce  
 SB 544 Judiciary  
 SB 545 Commerce  
 SB 546 Judiciary  
 SB 547 Judiciary  
 SB 548 Judiciary  
 SB 549 Judiciary  
 SB 555 Environment and Land Use  
 SB 712 Rules  
 HB 2051 Judiciary  
 HB 2095 General Government  
 HB 2135 General Government  
 HB 2185 Judiciary

Senate adjourned until 11:00 a.m. Tuesday by unanimous consent at the request of the Chair.

#### **Tuesday, February 15, 2005 -- Morning Session**

Senate convened at 11:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund,

Winters; excused -- George, Whitsett. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pastor Steve Hopkins of Calvary Chapel, Salem.

Committee Report Summary No. 15 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 258 -- Report by Committee on Judiciary recommending passage.

SB 284 -- Report by Committee on Judiciary recommending passage.

SB 371 -- Report by Committee on Judiciary recommending passage.

Shields moved that the Senate confirm the Governor's appointment of Russell Sadler to the State Marine Board. On confirmation the vote was: Ayes, 20; nays, 8 -- Beyer, Ferrioli, Kruse, Morse, Nelson, Starr, B., Starr, C., Westlund; excused, 2 -- George, Whitsett. Confirmed.

SJR 9, 10, 11; SB 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605 -- Introduced, read first time and referred to President's desk.

SB 56, 258, 284, 371 -- Read second time and passed to third reading.

SB 72 -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 22; nays, 6 -- Atkinson, Beyer, Ferrioli, Kruse, Schrader, Winters; excused, 2 -- George, Whitsett. Bill passed.

SB 73 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 28; excused, 2 -- George, Whitsett. Bill passed.

SB 74 -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 28; excused, 2 -- George, Whitsett. Bill passed.

SB 341 -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 28; excused, 2 -- George, Whitsett. Bill passed.

Senate adjourned until 11:00 a.m. Wednesday by unanimous consent at the request of the Chair.

#### **Wednesday, February 16, 2005 -- Morning Session**

Senate convened at 11:00 a.m. President Pro Tempore Carter in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, President Courtney, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters. Colors were posted by members of the Canby Post #122 American Legion Color Guard and the Senate pledged allegiance to the flag. Flag folding ceremony presented by the Color Guard immediately followed. Invocation by Senator Gary George, Newberg.

HB 2031, 2032, 2041, 2067, 2133, 2256, 2286, 2287, 2290, 2323 -- Message from the House announcing passage.

Committee Report Summary No. 16 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 20 -- Report by Committee on Human Services recommending passage.

SB 289 -- Report by Committee on Human Services recommending passage. Referred to Committee on Ways and Means by prior reference.

HCR 3 -- Report by Committee on General Government recommending adoption.

SJR 12, 13; SB 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 667, 668, 669, 677, 678, 679, 680 -- Introduced, read first time and referred to President's desk.

SB 20 -- Read second time and passed to third reading.

SB 56 A-Eng. -- Read third time. Carried by Whitsett. On passage of bill the vote was: Ayes, 25; nays, 5 -- Beyer, George, Johnson, Schrader, Winters. Bill passed.

SB 258 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 27; nays, 3 -- Ferrioli, Kruse, Schrader. Bill passed.

SB 284 -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 25; nays, 5 -- Atkinson, Beyer, Ferrioli, George, Schrader. Bill passed.

SB 371 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 28; nays, 2 -- Ferrioli, Schrader. Bill passed.

HB 2031, 2032, 2041, 2067, 2133, 2256, 2286, 2287, 2290, 2323 -- Read first time and referred to President's desk.

HCR 3 -- Read second time and passed to third reading.

The following measures were referred to committee on February 15 and recorded on Committee Referral List No. 14 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 2 General Government; Ways and Means  
 SB 3 General Government; Ways and Means  
 SB 551 Commerce  
 SB 552 Environment and Land Use  
 SB 553 Human Services  
 SB 554 Business and Economic Development  
 SB 556 General Government  
 SB 557 General Government; Ways and Means  
 SB 558 Transportation  
 SB 559 Education and Workforce; Ways and Means  
 SB 560 Education and Workforce  
 SB 561 Education and Workforce  
 SB 562 General Government; Ways and Means  
 SB 563 General Government

SB 564 Rules  
 SB 565 Commerce; Ways and Means  
 SB 566 Transportation  
 SB 567 Judiciary  
 SB 568 Judiciary  
 SB 569 Environment and Land Use; Ways and Means  
 SB 570 Environment and Land Use  
 SB 571 General Government; Revenue  
 SB 573 Commerce  
 SB 574 Business and Economic Development  
 SB 575 Education and Workforce  
 SB 576 Commerce  
 SB 577 General Government  
 SB 578 General Government  
 SB 580 Education and Workforce  
 SB 581 Judiciary  
 SB 582 Judiciary  
 SB 583 Business and Economic Development  
 SB 584 Commerce  
 SB 585 Business and Economic Development  
 SB 586 Judiciary  
 SB 587 Rules  
 SB 588 Judiciary  
 SB 589 General Government  
 SB 590 General Government  
 SB 591 Judiciary  
 SB 592 Judiciary  
 HCR 5 General Government  
 HB 2204 General Government  
 HB 2206 General Government  
 HB 2214 General Government

#### **Director of the Oregon Department of Aviation (ORS 835.106)**

Robert Hidley Rules

#### **State Commission on Children and Families (ORS 417.730)**

Joshua Kardon Rules

#### **Environmental Quality Commission (ORS 468.010)**

Judy Uherbelau Rules

#### **Oregon Liquor Control Commission (ORS 471.705)**

Lindy Fisker (r) Rules  
 Christine Lewandowski (r) Rules

Senate adjourned until 11:00 a.m. Thursday by unanimous consent at the request of the Chair.

#### **Thursday, February 17, 2005 -- Morning Session**

Senate convened at 11:00 a.m. President Pro Tempore Carter in Chair. The following members were present: Bates, Beyer, Brown, Burdick, President Courtney, Deckert, Devlin, Ferrioli, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused --

George; attending legislative business -- Atkinson. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Dr. Dennis Lynn, President of Cascade College, Portland. Musical performance by Cascade College Choir, Portland.

HB 2087, 2261, 2291, 2448 -- Message from the House announcing passage.

Committee Report Summary No. 17 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 101 -- Report by Committee on Transportation recommending passage.

SB 370 -- Report by Committee on Judiciary recommending passage with amendments.

SB 445 -- Report by Committee on Transportation recommending passage.

HB 2255 -- Report by Committee on General Government recommending passage.

HB 2263 -- Report by Committee on General Government recommending passage.

Senate recessed by unanimous consent on motion of Ferrioli.

Senate reconvened at 11:40 a.m. President Pro Tempore Carter in Chair. All present except George, excused; Atkinson, attending legislative business.

Senate, having recessed following the order of Reports from Special Committees, resumed under the general order of business by unanimous consent at the request of the Chair.

SCR 3, 4; SJM 5; SJR 14, 15, 16, 17, 18, 22; SR 1; SB 4, 5, 6, 100, 640, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 670, 671, 672, 673, 674, 675, 676, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 713, 714, 716, 717, 718, 719, 720, 721, 722, 725, 726, 727, 728, 729, 732, 738, 744, 756 -- Introduced, read first time and referred to President's desk.

SB 101, 445 -- Read second time and passed to third reading.

SB 20 -- Read third time. Carried by Bates. Conflict of interest declared by Westlund. On passage of bill the vote was: Ayes, 27; nays, 1 -- Morse; excused, 1 -- George; attending legislative business, 1 -- Atkinson. Bill passed.

HB 2087, 2261, 2291, 2448 -- Read first time and referred to President's desk.

HB 2255, 2263 -- Read second time and passed to third reading.

HCR 3 -- Read final time. Carried by Metsger. On adoption of resolution, the vote was: Ayes, 27; excused, 1 -- George; attending legislative business, 2 -- Atkinson, Beyer. Resolution adopted.

The following measures were referred to committee on February 16 and recorded on

Committee Referral List No. 15 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SJM 3 Rules  
 SJR 9 Rules  
 SJR 10 Rules  
 SJR 11 Rules  
 SB 539 Environment and Land Use; Ways and Means  
 SB 550 General Government  
 SB 593 Environment and Land Use; Revenue  
 SB 594 Environment and Land Use  
 SB 595 Transportation  
 SB 596 Commerce  
 SB 597 Judiciary  
 SB 598 Human Services; Ways and Means  
 SB 599 Judiciary  
 SB 600 Business and Economic Development  
 SB 601 Health Policy  
 SB 602 Rules  
 SB 603 Rules  
 SB 604 Rules  
 SB 605 Human Services; Ways and Means

HCR 3 -- President Courtney signed on February 17.

Senate adjourned until 11:00 a.m. Monday by unanimous consent at the request of the Chair.

#### **Monday, February 21, 2005 -- Morning Session**

Senate convened at 11:00 a.m. Winters in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, President Courtney, Deckert, Devlin, Ferrioli, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett; excused -- George, Shields. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Archbishop John G. Vlazny of the Portland Diocese, Portland.

HCR 4 -- Message from the House announcing adoption.

HCR 3 -- Message from the House announcing the Speaker signed on February 18.

Committee Report Summary No. 18 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 22 -- Report by Committee on Revenue recommending passage.

SB 45 -- Report by Committee on Environment and Land Use recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

SB 62 -- Report by Committee on Judiciary recommending passage.

SB 68 -- Report by Committee on Environment and Land Use recommending passage.

SB 103 -- Report by Committee on Environment and Land Use recommending passage.

SB 189 -- Report by Committee on Health Policy recommending passage.

SB 267 -- Report by Committee on Revenue recommending passage.

SB 281 -- Report by Committee on Environment and Land Use recommending passage.

SB 293 -- Report by Committee on Judiciary recommending passage.

HB 2153 -- Report by Committee on Commerce recommending passage.

SCR 5, 7, 8, 9; SJM 4, 6; SJR 19, 20, 21, 23, 24, 25, 26, 27, 28, 29; SB 715, 723, 724, 730, 731, 733, 734, 735, 736, 737, 739, 740, 741, 742, 743, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994 -- Introduced, read first time and referred to President's desk.

SB 22, 62, 68, 103, 189, 267, 281, 293, 370 -- Read second time and passed to third reading.

SB 101 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 26; excused, 2 -- George, Shields; attending legislative business, 2 -- Atkinson, Ringo. Bill passed.

SB 445 -- Read third time. Carried by Verger. On passage of bill the vote was: Ayes, 24; absent, 1 -- Burdick; excused, 2 -- George, Shields; attending legislative business, 3 -- Atkinson, Gordly, Ringo. Bill passed.

HCR 4 -- Read first time and referred to President's desk.

HB 2153 -- Read second time and passed to third reading.

HB 2255 -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 25; nays, 1 -- Schrader; excused, 2 -- George, Shields; attending legislative business, 2 -- Gordly, Ringo. Bill passed.

HB 2263 -- Read third time. Carried by Verger. Potential conflict of interest declared by Verger. On passage of bill the vote was: Ayes, 25; nays, 1 -- Schrader; excused, 2 -- George, Shields; attending legislative business, 2 -- Gordly, Ringo. Bill passed.

Senate adjourned until 11:00 a.m. Tuesday by unanimous consent at the request of the Chair.

### **Tuesday, February 22, 2005 -- Morning Session**

Senate convened at 11:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pastor Adele Hustis, First United Methodist Church, Coos Bay.

HB 2054, 2064, 2141, 2144, 2223, 2225, 2226, 2243, 2244, 2275, 2279, 2289, 2297, 2299, 2305, 2439, 2446 -- Message from the House announcing passage.

Committee Report Summary No. 19 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 57 -- Report by Committee on Judiciary recommending passage.

SB 223 -- Report by Committee on General Government recommending passage.

SB 247 -- Report by Committee on Judiciary recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

SB 362 -- Report by Committee on General Government recommending passage.

The Chair announced that the Per Diem Committee report for the Seventy-third Legislative Assembly is at the Senate Desk and is available for review by the members. Chair ordered report recorded in the Journal.

February 22, 2005

Mr. President:

The Per Diem Committee has fixed the salaries of the Senate employees as shown in the attached listing. The Legislative Administration Committee is directed to issue paychecks to all Senate employees at the customary time, payable from the appropriation for the expenses of the regular session of the Seventy-third Legislative Assembly.

Richard Devlin, Chair

Roger Beyer

Vicki Walker

(Per Diem Report filed in original documents file.)

SB 57, 223, 362 -- Read second time and passed to third reading.

SB 22 -- Read third time. Carried by Starr, C. Taken from today's third reading calendar and placed on February 23 calendar by unanimous consent on motion of Deckert.

SB 62 -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 29; attending legislative business, 1 – Starr, B. Bill passed.

SB 68 -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 28; nays, 1 – Schrader; attending legislative business, 1 – Starr, B. Bill passed.

SB 103 -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 29; attending legislative business, 1 – Starr, B. Bill passed.

SB 189 -- Read third time. Carried by Morrisette. On passage of bill the vote was: Ayes, 28; nays, 1 – Carter; attending legislative business, 1 – Starr, B. Bill passed.

SB 267 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 26; nays, 2 – Beyer, Kruse; excused, 1 – Verger; attending legislative business, 1 – Starr, B. Bill passed.

SB 281 -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 29; attending legislative business, 1 – Starr, B. Bill passed.

SB 293 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 30. Bill passed.

SB 370 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 28; nays, 2 – Kruse, Schrader. Bill passed.

HB 2054, 2064, 2141, 2144, 2223, 2225, 2226, 2243, 2244, 2275, 2279, 2289, 2297, 2299, 2305, 2439, 2446 -- Read first time and referred to President's desk.

HB 2153 -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 29; excused, 1 – Starr, B. Bill passed.

The following measures were referred to committee on February 21 and recorded on Committee Referral List No.16 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SJR 12 General Government  
 SJR 13 Rules  
 SB 572 Business and Economic Development  
 SB 579 Business and Economic Development  
 SB 606 Rules  
 SB 607 Health Policy  
 SB 608 Health Policy; Ways and Means  
 SB 609 Human Services  
 SB 610 Commerce  
 SB 611 Health Policy  
 SB 612 Human Services  
 SB 613 Health Policy; Ways and Means

SB 614 Health Policy; Ways and Means  
 SB 615 Health Policy; Ways and Means  
 SB 616 Health Policy; Ways and Means  
 SB 617 Health Policy  
 SB 618 Health Policy  
 SB 619 Health Policy; Ways and Means  
 SB 620 Human Services  
 SB 621 Human Services; Ways and Means  
 SB 622 Human Services; Ways and Means  
 SB 623 Human Services  
 SB 624 Commerce  
 SB 625 Judiciary  
 SB 631 General Government  
 SB 633 Judiciary  
 SB 634 Commerce  
 SB 635 Commerce  
 SB 636 General Government; Ways and Means  
 SB 637 Education and Workforce; Ways and Means  
 SB 638 General Government  
 SB 639 Revenue; Ways and Means  
 SB 641 Judiciary  
 SB 643 Education and Workforce  
 SB 644 Commerce  
 SB 645 Judiciary  
 SB 646 Business and Economic Development; Ways and Means  
 SB 647 Business and Economic Development  
 SB 648 Environment and Land Use  
 SB 649 Environment and Land Use  
 SB 650 Environment and Land Use  
 SB 667 General Government  
 SB 668 Human Services  
 SB 669 Commerce  
 SB 677 Environment and Land Use  
 SB 678 Human Services  
 SB 679 General Government  
 SB 756 Human Services  
 HB 2031 Revenue  
 HB 2032 Revenue  
 HB 2041 Revenue  
 HB 2067 Transportation  
 HB 2087 General Government  
 HB 2133 General Government  
 HB 2256 Judiciary  
 HB 2261 Judiciary  
 HB 2286 Judiciary  
 HB 2287 Judiciary  
 HB 2290 Judiciary  
 HB 2291 Judiciary  
 HB 2323 Judiciary  
 HB 2448 Revenue

Senate adjourned until 11:00 a.m. Wednesday by unanimous consent at the request of the Chair.

### Wednesday, February 23, 2005 -- Morning Session

Senate convened at 11:00 a.m. Whitsett in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, President Courtney, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields,

Starr, B., Starr, C., Verger, Walker, Westlund, Winters; excused -- Metsger. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Frank Carpenter of Capitol Ministries. Special performance by Thurston Theatre of Thurston High School, Springfield.

HB 2104, 2227, 2296, 2314, 2371, 2442 -- Message from the House announcing passage.

Committee Report Summary No. 20 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 78 -- Report by Committee on Transportation recommending passage.

SB 98 -- Report by Committee on Human Services recommending passage with amendments.

SB 178 -- Report by Committee on Transportation recommending passage.

SB 283 -- Report by Committee on Revenue recommending passage.

SB 487 -- Report by Committee on Transportation recommending passage.

HJM 1 -- Report by Committee on Revenue recommending adoption.

Report by Committee on Rules recommending that the Governor's appointment of Judy Uherbelau to the Environmental Quality Commission be confirmed.

SB 995 -- Introduced, read first time and referred to President's desk.

SB 78, 178, 283, 487 -- Read second time and passed to third reading.

SB 22 -- Bill read. Carried by Starr, C. Call of the Senate demanded by Brown joined by Westlund and Atkinson. All present except Metsger, excused. On passage of bill the vote was: Ayes, 21; nays, 8 -- Atkinson, George, Gordly, Johnson, Kruse, Morse, Verger, Winters; excused, 1 -- Metsger. Bill passed.

SB 57 -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 26; nays, 3 -- George, Kruse, Starr, B.; excused, 1 -- Metsger. Bill passed.

SB 223 -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 28; excused, 1 -- Metsger; attending legislative business, 1 -- Verger. Bill passed.

SB 362 -- Read third time. Carried by Brown, Ferrioli. On passage of bill the vote was: Ayes, 24; nays, 4 -- Beyer, George, Kruse, Nelson; excused, 1 -- Metsger; attending legislative business, 1 -- Verger. Bill passed.

HB 2104, 2227, 2296, 2314, 2371, 2442 -- Read first time and referred to President's desk.

HJM 1 -- Read second time and passed to third reading.

The following measures were referred to committee on January 22 and recorded on Committee Referral List No. 17 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

|        |  |
|--------|--|
| SCR 3  | Rules                                    |
| SCR 4  | Education and Workforce                  |
| SCR 5  | Education and Workforce                  |
| SCR 7  | Health Policy                            |
| SCR 8  | Rules                                    |
| SCR 9  | Rules                                    |
| SJM 4  | Environment and Land Use                 |
| SJM 5  | Environment and Land Use                 |
| SJM 6  | General Government                       |
| SJR 14 | Revenue                                  |
| SJR 15 | Commerce                                 |
| SJR 16 | Judiciary                                |
| SJR 17 | Rules                                    |
| SJR 18 | Rules                                    |
| SJR 22 | Education and Workforce                  |
| SR 1   | Rules                                    |
| SB 4   | General Government; Ways and Means       |
| SB 5   | General Government; Ways and Means       |
| SB 6   | Education and Workforce                  |
| SB 100 | Environment and Land Use; Ways and Means |
| SB 626 | Commerce                                 |
| SB 627 | Commerce                                 |
| SB 628 | Commerce                                 |
| SB 629 | Commerce                                 |
| SB 630 | Commerce                                 |
| SB 632 | Business and Economic Development        |
| SB 640 | Transportation; Ways and Means           |
| SB 642 | Revenue; Ways and Means                  |
| SB 651 | Environment and Land Use                 |
| SB 652 | Environment and Land Use; Ways and Means |
| SB 653 | Environment and Land Use; Ways and Means |
| SB 654 | Environment and Land Use                 |
| SB 655 | Environment and Land Use                 |
| SB 656 | Environment and Land Use                 |
| SB 657 | Environment and Land Use                 |
| SB 658 | Environment and Land Use                 |
| SB 659 | Environment and Land Use                 |
| SB 660 | General Government                       |
| SB 661 | Environment and Land Use                 |
| SB 662 | Environment and Land Use                 |
| SB 663 | Environment and Land Use                 |
| SB 664 | Rules; Ways and Means                    |
| SB 665 | Revenue                                  |
| SB 666 | Human Services                           |
| SB 670 | Commerce                                 |
| SB 671 | Business and Economic Development        |
| SB 672 | Business and Economic Development        |
| SB 673 | Ways and Means                           |
| SB 674 | Education and Workforce; Ways and Means  |
| SB 675 | Health Policy                            |
| SB 676 | Environment and Land Use                 |
| SB 680 | Transportation; Ways and Means           |
| SB 681 | Environment and Land Use                 |
| SB 682 | Judiciary                                |
| SB 683 | Business and Economic Development        |
| SB 684 | Education and Workforce                  |

SB 685 Transportation; Ways and Means  
 SB 686 Revenue  
 SB 687 Education and Workforce; Revenue  
 SB 688 Environment and Land Use  
 SB 689 Health Policy; Ways and Means  
 SB 690 General Government  
 SB 691 General Government  
 SB 692 General Government  
 SB 693 General Government  
 SB 694 Environment and Land Use  
 SB 695 Commerce  
 SB 696 Environment and Land Use  
 SB 697 Health Policy  
 SB 698 Health Policy  
 SB 699 Environment and Land Use  
 SB 700 Judiciary  
 SB 701 Rules  
 SB 702 Judiciary  
 SB 703 Education and Workforce  
 SB 704 Health Policy  
 SB 705 Judiciary; Ways and Means  
 SB 706 General Government  
 SB 707 General Government  
 SB 708 Environment and Land Use; Ways and Means  
 SB 709 Health Policy; Ways and Means  
 SB 710 Environment and Land Use  
 SB 711 Environment and Land Use; Ways and Means  
 SB 713 Commerce  
 SB 714 General Government  
 SB 716 Environment and Land Use  
 SB 717 Human Services  
 SB 718 Revenue  
 SB 719 Education and Workforce; Ways and Means  
 SB 720 Environment and Land Use  
 SB 721 Environment and Land Use  
 SB 722 Environment and Land Use  
 SB 725 General Government  
 SB 726 Transportation; Ways and Means  
 SB 727 Business and Economic Development  
 SB 728 Environment and Land Use  
 SB 729 Environment and Land Use  
 SB 732 Environment and Land Use  
 SB 744 Commerce; Ways and Means  
 HCR 4 General Government

Senate adjourned until 11:00 a.m. Thursday by unanimous consent at the request of the Chair.

#### Thursday, February 24, 2005 -- Morning Session

Senate convened at 11:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Carter, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, C., Verger, Walker, Westlund, Whitsett, Winters; absent -- Burdick; excused -- Starr, B.; attending legislative business -- Deckert. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Frank Morse, Corvallis.

SB 204; HB 2155, 2169, 2231, 2438 -- Message from the House announcing passage.

Committee Report Summary No. 21 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 23 -- Report by Committee on Revenue recommending passage with amendments.

SB 262 -- Report by Committee on Judiciary recommending passage with amendments.

SB 414 -- Report by Committee on Education and Workforce without recommendation as to passage. Referred to Committee on Revenue by prior reference.

Atkinson moved that the Senate confirm the Governor's appointment of Judy Uherbelau to the Environmental Quality Commission. On confirmation the vote was: Ayes, 21; nays, 6 -- Beyer, Ferrioli, George, Kruse, Starr, C., Whitsett; absent, 1 -- Burdick; excused, 1 -- Starr, B.; attending legislative business, 1 -- Deckert. Confirmed.

SB 996, 997 -- Introduced, read first time and referred to President's desk.

SB 98 -- Read second time and passed to third reading.

SB 78 -- Read third time. Carried by Whitsett. On passage of bill the vote was: Ayes, 23; nays, 5 -- Beyer, Ferrioli, George, Kruse, Schrader; excused, 1 -- Starr, B.; attending legislative business, 1 -- Deckert. Bill passed.

SB 178 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 26; nays, 2 -- George, Schrader; excused, 1 -- Starr, B.; attending legislative business, 1 -- Deckert. Bill passed.

SB 283 -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 27; nays, 1 -- Ferrioli; excused, 1 -- Starr, B.; attending legislative business, 1 -- Deckert. Bill passed.

SB 487 -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 28; excused, 1 -- Starr, B.; attending legislative business, 1 -- Deckert. Bill passed.

HB 2155, 2169, 2231, 2438 -- Read first time and referred to President's desk.

HJM 1 A-Eng. -- Read final time. Carried by Ferrioli. On adoption of memorial, the vote was: Ayes, 28; excused, 1 -- Starr, B.; attending legislative business, 1 -- Deckert. Memorial adopted.

The following measures were referred to committee on February 23 and recorded on Committee Referral List No. 18 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SJR 19 Revenue  
 SJR 20 Rules  
 SJR 21 Rules  
 SJR 23 Revenue  
 SJR 24 Rules  
 SJR 25 Revenue  
 SJR 28 Rules

SJR 29 Revenue  
 SB 715 Environment and Land Use; Ways and Means  
 SB 723 Environment and Land Use  
 SB 724 Environment and Land Use  
 SB 731 Environment and Land Use  
 SB 733 Environment and Land Use  
 SB 734 Environment and Land Use; Ways and Means  
 SB 735 Environment and Land Use  
 SB 736 Environment and Land Use  
 SB 737 Environment and Land Use  
 SB 738 Commerce; Ways and Means  
 SB 739 Environment and Land Use  
 SB 741 Commerce  
 SB 742 Environment and Land Use  
 SB 743 Environment and Land Use  
 SB 745 Environment and Land Use  
 SB 746 Environment and Land Use; Ways and Means  
 SB 747 Education and Workforce; Ways and Means  
 SB 748 Education and Workforce; Ways and Means  
 SB 749 Education and Workforce; Ways and Means  
 SB 750 Human Services  
 SB 751 Commerce; Ways and Means  
 SB 752 General Government  
 SB 753 Commerce  
 SB 754 Commerce; Ways and Means  
 SB 755 Education and Workforce  
 SB 757 Transportation  
 SB 758 General Government; Revenue  
 SB 759 General Government; Revenue  
 SB 760 General Government; Ways and Means  
 SB 761 General Government  
 SB 762 General Government; Ways and Means  
 SB 763 General Government; Ways and Means  
 SB 765 Education and Workforce; Revenue  
 SB 766 Education and Workforce  
 SB 767 Rules  
 SB 768 Education and Workforce  
 SB 769 Education and Workforce  
 SB 770 Ways and Means  
 SB 771 Health Policy; Ways and Means  
 SB 772 Human Services; Ways and Means  
 SB 773 Business and Economic Development  
 SB 774 Health Policy; Ways and Means  
 SB 775 Judiciary  
 SB 776 Human Services; Ways and Means  
 SB 777 Transportation; Ways and Means  
 SB 778 Human Services; Ways and Means  
 SB 779 Education and Workforce; Ways and Means  
 SB 780 Rules  
 SB 781 Human Services  
 SB 782 Human Services  
 SB 785 Environment and Land Use; Ways and Means  
 SB 786 Environment and Land Use; Ways and Means  
 SB 787 Rules  
 SB 788 General Government  
 SB 789 Education and Workforce  
 SB 790 Judiciary  
 SB 791 Education and Workforce; Revenue  
 SB 792 General Government  
 SB 793 Judiciary

SB 794 Business and Economic Development; Ways and Means  
 SB 795 Rules  
 SB 796 Rules; Ways and Means  
 SB 797 Business and Economic Development; Ways and Means  
 SB 798 General Government; Ways and Means  
 SB 799 Rules  
 SB 800 Education and Workforce

Senate adjourned until 11:00 a.m. Monday by unanimous consent at the request of the Chair.

#### **Monday, February 28, 2005 -- Morning Session**

Senate convened at 11:00 a.m. Walker in Chair. The following members were present: Atkinson, Beyer, Brown, Burdick, Carter, President Courtney, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Whitsett, Winters; excused -- Bates, Westlund. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Reverend T. Allen Bethel of the Maranatha Church of God, Portland.

The following message from the Governor was read and referred to the Committee on Rules.

February 24, 2005

#### **TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY**

This is to notify you that our request sent to you February 10, 2005, to consider the appointment of Joshua Kardon to the State Commission on Children and Families, is hereby withdrawn.

Sincerely,  
Ted Kulongoski  
Governor

HB 2453, 2454 -- Message from the House announcing passage.

Committee Report Summary No. 22 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 131 -- Report by Committee on Commerce recommending passage.

SB 134 -- Report by Committee on Commerce recommending passage.

SB 147 -- Report by Committee on Commerce recommending passage.

SB 193 -- Report by Committee on Education and Workforce recommending passage.

SB 458 -- Report by Committee on Health Policy recommending passage.

SB 462 -- Report by Committee on Business and Economic Development recommending passage.

HCR 5 -- Report by Committee on General Government recommending adoption.



Report by Committee on Rules recommending that the Governor's appointment of Robert Hidley as the Director of the Oregon Department of Aviation be confirmed.

Report by Committee on Rules recommending that the Governor's reappointments of Lindy Fisker and Christine Lewandowski to the Oregon Liquor Control Commission be confirmed en bloc.

SJM 7; SJR 30; SB 998, 999, 1001, 1002, 1003 -- Introduced, read first time and referred to President's desk.

SB 23, 131, 134, 147, 193, 262, 458, 462 -- Read second time and passed to third reading.

SB 98 A-Eng. -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 24; nays, 1 – Schrader; absent, 1 – Burdick; excused, 2 – Bates, Westlund; attending legislative business, 2 – Brown, Ringo. Bill passed.

HB 2453, 2454 -- Read first time and referred to President's desk.

HCR 5 -- Read second time and passed to third reading.

The following measures were referred to committee on February 24 and recorded on Committee Referral List No. 19 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SJR 26 Judiciary  
 SJR 27 Judiciary  
 SB 730 Environment and Land Use  
 SB 764 Health Policy; Ways and Means  
 SB 801 Revenue  
 SB 802 Judiciary  
 SB 803 Environment and Land Use  
 SB 804 Commerce  
 SB 805 Environment and Land Use  
 SB 806 Judiciary  
 SB 807 General Government  
 SB 808 Education and Workforce; Ways and Means  
 SB 809 Human Services; Ways and Means  
 SB 810 Human Services  
 SB 811 Human Services  
 SB 812 Judiciary  
 SB 813 Human Services; Ways and Means  
 SB 814 Human Services  
 SB 815 Human Services  
 SB 816 Judiciary; Ways and Means  
 SB 817 General Government  
 SB 818 Human Services; Ways and Means  
 SB 819 Health Policy; Ways and Means  
 SB 820 Health Policy; Ways and Means  
 SB 821 Judiciary  
 SB 822 Rules  
 SB 823 Health Policy  
 SB 824 Health Policy  
 SB 826 Judiciary  
 SB 828 Judiciary  
 SB 829 Revenue  
 SB 830 Revenue  
 SB 831 Revenue

SB 832 Revenue  
 SB 833 Revenue  
 SB 834 Environment and Land Use; Ways and Means  
 SB 835 General Government; Ways and Means  
 SB 837 General Government  
 SB 838 Education and Workforce; Ways and Means  
 SB 839 Revenue  
 SB 840 Revenue  
 SB 841 Revenue  
 SB 842 Transportation; Ways and Means  
 SB 843 Rules  
 SB 844 Judiciary  
 SB 845 Revenue  
 SB 846 General Government; Ways and Means  
 SB 847 General Government; Revenue  
 SB 848 Environment and Land Use  
 SB 850 Judiciary; Ways and Means  
 SB 851 Environment and Land Use  
 SB 852 Environment and Land Use  
 SB 853 Education and Workforce; Revenue  
 SB 854 General Government; Ways and Means  
 SB 855 Health Policy  
 SB 856 General Government  
 SB 857 Environment and Land Use  
 SB 858 Rules  
 SB 859 Transportation  
 SB 860 Education and Workforce  
 SB 861 Environment and Land Use  
 SB 862 Environment and Land Use; Ways and Means  
 SB 863 Environment and Land Use  
 SB 864 Judiciary  
 SB 865 Transportation; Ways and Means  
 SB 866 Business and Economic Development; Revenue  
 SB 867 Revenue  
 SB 868 Transportation  
 SB 869 Environment and Land Use  
 SB 870 Human Services; Ways and Means  
 SB 871 Environment and Land Use; Revenue  
 SB 872 Human Services  
 SB 873 Judiciary; Ways and Means  
 SB 874 Rules  
 SB 875 Judiciary  
 SB 876 Health Policy; Ways and Means  
 SB 877 Health Policy; Ways and Means  
 SB 878 Business and Economic Development  
 SB 879 Business and Economic Development  
 SB 880 Health Policy  
 SB 881 Judiciary; Ways and Means  
 SB 882 Health Policy; Ways and Means  
 SB 883 Health Policy  
 SB 884 Commerce  
 SB 885 Human Services  
 SB 886 Environment and Land Use  
 SB 887 Environment and Land Use  
 SB 888 Environment and Land Use  
 SB 889 General Government; Ways and Means  
 SB 890 Environment and Land Use; Revenue  
 SB 891 General Government; Revenue  
 SB 892 Human Services; Revenue  
 SB 893 Rules  
 SB 894 Transportation  
 SB 895 Human Services

SB 896 Business and Economic Development; Revenue  
 SB 897 Environment and Land Use  
 SB 898 Rules  
 SB 899 Revenue  
 SB 900 Environment and Land Use  
 SB 901 Judiciary  
 SB 902 Judiciary  
 SB 903 Education and Workforce; Ways and Means  
 SB 904 General Government  
 SB 905 Rules  
 SB 906 Judiciary  
 SB 907 Judiciary  
 SB 908 Judiciary  
 SB 909 Judiciary  
 SB 910 Judiciary  
 SB 911 Judiciary  
 SB 912 Commerce  
 SB 913 Judiciary  
 SB 914 Judiciary  
 SB 915 Judiciary  
 SB 916 Judiciary  
 SB 917 Judiciary  
 SB 918 Judiciary  
 SB 919 Judiciary  
 SB 920 Judiciary  
 SB 921 Judiciary  
 SB 927 Judiciary  
 SB 928 Judiciary  
 SB 929 General Government; Ways and Means  
 SB 930 Commerce  
 SB 931 Commerce; Ways and Means  
 SB 932 Judiciary  
 SB 933 Rules  
 SB 934 Environment and Land Use  
 SB 935 Commerce  
 SB 936 Health Policy  
 SB 937 Judiciary

The following measures were referred to committee on February 25 and recorded on Committee Referral List No. 20 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 825 Health Policy  
 SB 827 Health Policy  
 SB 836 General Government  
 SB 849 Rules  
 SB 922 Business and Economic Development  
 SB 923 Business and Economic Development  
 SB 924 Business and Economic Development  
 SB 925 Business and Economic Development  
 SB 926 Business and Economic Development  
 SB 938 Judiciary  
 SB 939 Judiciary  
 SB 940 Judiciary  
 SB 941 Rules  
 SB 942 Judiciary  
 SB 943 Judiciary  
 SB 944 Commerce  
 SB 945 Judiciary  
 SB 947 Judiciary

SB 948 Judiciary  
 SB 949 Business and Economic Development  
 SB 950 Business and Economic Development  
 SB 951 Business and Economic Development  
 SB 952 Business and Economic Development  
 SB 953 Judiciary  
 SB 954 Ways and Means  
 SB 955 Business and Economic Development  
 SB 956 Judiciary  
 SB 957 Judiciary  
 SB 958 Education and Workforce; Revenue  
 SB 959 Judiciary  
 SB 960 Judiciary  
 SB 961 Transportation; Ways and Means  
 SB 962 Health Policy; Ways and Means  
 SB 963 General Government  
 SB 964 General Government; Ways and Means  
 SB 965 Judiciary  
 SB 966 Judiciary  
 SB 967 Health Policy  
 SB 968 Commerce  
 SB 969 General Government; Ways and Means  
 SB 970 Commerce  
 SB 971 Human Services  
 SB 972 Business and Economic Development  
 SB 973 Human Services  
 SB 974 Revenue  
 SB 975 Commerce  
 SB 976 Health Policy; Ways and Means  
 SB 977 Judiciary  
 SB 978 Judiciary  
 SB 979 Judiciary  
 SB 980 Rules  
 SB 981 Judiciary  
 SB 982 Judiciary  
 SB 983 Business and Economic Development  
 SB 984 General Government  
 SB 985 Human Services  
 SB 986 General Government  
 SB 987 Health Policy  
 SB 988 Judiciary  
 SB 989 Judiciary  
 SB 990 Judiciary  
 SB 991 Rules  
 SB 992 Rules; Ways and Means  
 SB 993 Judiciary; Ways and Means  
 SB 994 Revenue  
 SB 995 General Government  
 SB 996 Revenue  
 SB 997 Business and Economic Development

Senate adjourned until 11:00 a.m. Tuesday by unanimous consent at the request of the Chair.

### **Tuesday, March 1, 2005 -- Morning Session**

Senate convened at 11:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields,

Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett; excused -- Bates, Winters;. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pastor Stephen Lewis of the Evergreen Presbyterian Church, Salem.

Senate at ease. Senate reassembled.

The following message from the Governor was read and referred to the President's desk:

February 28, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 72nd LEGISLATIVE ASSEMBLY

ORS 526.009 provides that the Governor shall appoint the State Board of Forestry subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Les AuCoin of Ashland to the State Board of Forestry for a four-year term beginning May 1, 2005, and ending April 30, 2009 effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

HB 2083, 2251, 2281, 2311, 2451, 2497, 2498, 2537 -- Message from the House announcing passage.

Committee Report Summary No. 23 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 135 -- Report by Committee on Commerce recommending passage with amendments.

SB 207 -- Report by Committee on Business and Economic Development recommending passage.

SB 235 -- Report by Committee on Judiciary recommending passage with amendments.

SB 236 -- Report by Committee on Judiciary recommending passage.

SB 237 -- Report by Committee on Judiciary recommending passage with amendments.

Ferrioli moved that the Senate confirm the Governor's appointment of Robert Hidley as the Director of the Oregon Department of Aviation. On confirmation the vote was: Ayes, 26; nays, 1 -- Atkinson; excused, 2 -- Bates, Winters; attending legislative business, 1 -- Starr, B. Confirmed.

Shields moved that the Senate confirm en bloc the Governor's reappointments of Lindy Fisker and Christine Lewandowski to the Oregon Liquor Control Commission. On confirmation the vote was: Ayes, 28; excused, 2 -- Bates, Winters. Confirmed en bloc.

SB 1004, 1005, 1006, 1007 -- Introduced, read first time and referred to President's desk.

SB 207, 236 -- Read second time and passed to third reading.

SB 23 A-Eng. -- Read third time. Carried by Deckert. On passage of bill the vote was: Ayes, 28; excused, 2 -- Bates, Winters. Bill passed.

SB 131 -- Read third time. Carried by Whitsett. On passage of bill the vote was: Ayes, 27; nays, 1 -- Schrader; excused, 2 -- Bates, Winters. Bill passed.

SB 134 -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 28; excused, 2 -- Bates, Winters. Bill passed.

SB 147 -- Read third time. Carried by Ringo. Call of the Senate demanded by Ringo joined by Brown and Gordly. All present except, Bates, Winters, excused. On passage of bill the vote was: Ayes, 17; nays, 11 -- Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Starr, B., Starr, C., Westlund, Whitsett; excused, 2 -- Bates, Winters. Bill passed.

SB 193 -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 26; nays, 2 -- Gordly, Metsger; excused, 2 -- Bates, Winters. Bill passed.

SB 262 A-Eng. -- Read third time. Carried by Ringo. Burdick declared a potential conflict of interest. On passage of bill the vote was: Ayes, 25; nays, 3 -- Gordly, Metsger, Walker; excused, 2 -- Bates, Winters. Bill passed.

SB 458 -- Read third time. Carried by Morrisette. On passage of bill the vote was: Ayes, 25; nays, 3 -- Gordly, Nelson, Verger; excused, 2 -- Bates, Winters. Bill passed.

SB 462 -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 27; nays, 1 -- Morse; excused, 2 -- Bates, Winters. Bill passed.

HB 2083, 2251, 2281, 2311, 2451, 2497, 2498, 2537 -- Read first time and referred to President's desk.

HCR 5 -- Read final time. Carried by Monnes Anderson. On adoption of resolution, the vote was: Ayes, 28; excused, 2 -- Bates, Winters. Resolution adopted.

The following measures were referred to committee on February 28 and recorded on Committee Referral List No. 21 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 740 Environment and Land Use; Ways and Means  
SB 783 Health Policy; Ways and Means  
SB 784 Health Policy; Ways and Means  
SB 946 Judiciary; Ways and Means  
HB 2054 Revenue  
HB 2064 Health Policy  
HB 2104 Rules  
HB 2141 Judiciary  
HB 2144 Judiciary  
HB 2155 General Government  
HB 2169 Rules  
HB 2223 Transportation  
HB 2225 Judiciary  
HB 2226 Judiciary  
HB 2227 Judiciary  
HB 2231 Judiciary  
HB 2243 Health Policy  
HB 2244 Human Services  
HB 2275 Judiciary

HB 2279 Judiciary  
 HB 2289 Judiciary  
 HB 2296 Judiciary  
 HB 2297 Judiciary  
 HB 2299 Judiciary  
 HB 2305 Judiciary  
 HB 2314 Judiciary  
 HB 2371 Business and Economic Development  
 HB 2438 Environment and Land Use  
 HB 2439 Business and Economic Development  
 HB 2442 Human Services  
 HB 2446 Revenue

Parliamentary inquiry by Ferrioli asking the procedure of referring executive appointments to committees before the message from the Governor has been read on the floor. President Courtney deferred his response to the inquiry until March 2.

SB 204 -- President Courtney signed on March 1.

Senate adjourned until 11:00 a.m. Wednesday by unanimous consent at the request of the Chair.

### **Wednesday, March 2, 2005 -- Morning Session**

Senate convened at 11:00 a.m. Starr, C. in Chair. The following members were present: Atkinson, Beyer, Brown, Burdick, Carter, President Courtney, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Verger, Walker, Westlund, Whitsett; excused -- Bates, Winters. Colors were posted by the Junior Girl Scout Troop 768 from Bend. The Senate pledged allegiance to the flag. Invocation by Pastor Mark Knutson from Augustana Lutheran Church, Portland.

HB 2084, 2161, 2177, 2216, 2219, 2254, 2267 -- Message from the House announcing passage.

Committee Report Summary No. 24 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 318 -- Report by Committee on Business and Economic Development recommending passage with amendments.

Ferrioli withdrew his parliamentary inquiry regarding executive appointments from March 1 session.

SB 135, 235, 237 -- Read second time and passed to third reading.

SB 207 -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 27; nays, 1 -- Schrader; excused, 2 -- Bates, Winters. Bill passed.

SB 236 -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 29; excused, 1 -- Winters. Bill passed.

HB 2084, 2161, 2177, 2216, 2219, 2254, 2267 -- Read first time and referred to President's desk.

The following measures were referred to committee on March 1 and recorded on Committee Referral List No. 22 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

### **State Board of Forestry (ORS 526.009)**

Les AuCoin Rules

Senate adjourned until 11:00 a.m. Thursday by unanimous consent at the request of the Chair.

### **Thursday, March 3, 2005 -- Morning Session**

Senate convened at 11:00 a.m. Starr, B. in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, President Courtney, Deckert, Devlin, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- George, Ferrioli. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pastor Dan Bryant of the First Christian Church, Eugene.

HB 2053, 2127, 2173, 2201, 2443 -- Message from the House announcing passage.

SB 204; HJM 1; HB 2153, 2255, 2263 -- Message from the House announcing the Speaker signed on March 2.

Committee Report Summary No. 25 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 120 -- Report by Committee on Business and Economic Development recommending passage.

SB 332 -- Report by Committee on Judiciary recommending passage.

SB 450 -- Report by Committee on Health Policy recommending passage with amendments.

SB 468 -- Report by Committee on General Government recommending passage.

SB 496 -- Report by Committee on Environment and Land Use recommending passage.

SB 1008 -- Introduced, read first time and referred to President's desk.

SB 120, 318, 332, 468, 496 -- Read second time and passed to third reading.

SB 135 A-Eng. -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 28; excused, 2 -- Ferrioli, George. Bill passed.

SB 235 A-Eng. -- Read third time. Carried by Walker. Call of the Senate demanded by Walker joined by Brown and Burdick. All present except Ferrioli, George, excused. On passage of bill the vote was: Ayes, 17; nays, 11 -- Atkinson, Beyer, Johnson, Kruse, Morse, Nelson, Schrader, Starr, B., Westlund, Whitsett, Winters; excused, 2 -- Ferrioli, George. Bill passed.

SB 235 -- Schrader requested the following explanation of vote be entered into the journal:

1. "We already have Federal ADA regulations for public accommodations that are sufficient and complete.
2. "There is no need to add another layer of bureaucracy or complexity for employers.
3. "The agencies already have rulemaking ability as does BOLI to implement those Federal requirements.
4. "A new more restrictive layer of regulation would require more money from State and Local government. Money that otherwise could go into services for disabled Oregonians. Not a wise tradeoff in tough budget times.
5. "We will continue to be responsive to changes in Federal ADA regulatory changes.

"I am a strong supporter of removing barriers for disabled Oregonians, against added complexities and costs for public employers, that would siphon off precious dollars that could provide services."

SB 237 A-Eng. -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 28; excused, 2 – Ferrioli, George. Bill passed.

HB 2053, 2127, 2173, 2201, 2443 -- Read first time and referred to President's desk.

HJM 1; HB 2153, 2255, 2263 -- President Courtney signed on March 3.

Senate adjourned until 11:00 a.m. Monday by unanimous consent at the request of the Chair.

#### **Monday, March 7, 2005 -- Morning Session**

Senate convened at 11:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Emily Gottfried, the Area Executive Director of the Oregon Chapter for the American Jewish Committee, Portland.

SB 222 -- Message from the House announcing passage.

SCR 1 -- Message from the House announcing adoption as amended by the House.

Committee Report Summary No. 26 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 17 -- Report by Committee on Business and Economic Development recommending passage with amendments and requesting subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the President.

SB 148 -- Report by Committee on Commerce recommending passage.

SB 367 -- Report by Committee on Business and Economic Development recommending passage with amendments.

HB 2067 -- Report by Committee on Transportation recommending passage.

SB 148, 450 -- Read second time and passed to third reading.

SB 120 -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 27; nays, 2 – Kruse, Whitsett; attending legislative business, 1 – Starr, B. Bill passed.

SB 318 A-Eng. -- Read third time. Carried by Schrader. On passage of bill the vote was: Ayes, 30. Bill passed.

SB 332 -- Read third time. Carried by Ringo. Potential conflict of interest declared by Westlund. On passage of bill the vote was: Ayes, 30. Bill passed.

SB 468 -- Read third time. Carried by George. On passage of bill the vote was: Ayes, 30. Bill passed.

SB 496 -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 24; nays, 6 – Beyer, Ferrioli, George, Kruse, Starr, C., Whitsett. Bill passed.

HB 2067 -- Read second time and passed to third reading.

The following measures were referred to committee on March 4 and recorded on Committee Referral List No. 23 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

|         |                                    |
|---------|------------------------------------|
| SJM 7   | Transportation                     |
| SJR 30  | General Government                 |
| SB 998  | Transportation                     |
| SB 999  | Business and Economic Development  |
| SB 1001 | Commerce                           |
| SB 1002 | Business and Economic Development  |
| SB 1003 | General Government; Ways and Means |
| SB 1004 | Human Services                     |
| SB 1005 | Human Services; Ways and Means     |
| SB 1006 | General Government                 |
| SB 1007 | Transportation                     |
| HB 2053 | General Government                 |
| HB 2083 | Environment and Land Use           |
| HB 2084 | Business and Economic Development  |
| HB 2127 | Commerce                           |
| HB 2161 | General Government                 |
| HB 2173 | General Government                 |
| HB 2177 | Health Policy                      |
| HB 2201 | Health Policy                      |
| HB 2216 | General Government                 |
| HB 2219 | General Government                 |
| HB 2251 | Human Services                     |
| HB 2254 | Human Services                     |
| HB 2267 | Transportation                     |
| HB 2281 | Judiciary                          |
| HB 2311 | Commerce                           |

HB 2443 Education and Workforce  
 HB 2451 Revenue  
 HB 2453 Revenue  
 HB 2454 Revenue  
 HB 2497 Human Services  
 HB 2498 Human Services  
 HB 2537 Environment and Land Use

Senate adjourned until 11:00 a.m. Tuesday by unanimous consent at the request of the Chair.

**Tuesday, March 8, 2005 -- Morning Session**

Senate convened at 11:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Burdick, Carter, Deckert, George, Gordly, Johnson, Metsger, Monnes, Anderson, Morrisette, Morse, Nelson, Prozanski, Schrader, Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- Devlin, Kruse; attending legislative business -- Brown, Ferrioli, Ringo, Starr, B., Shields. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Frank Carpenter of Capitol Ministries, Hillsboro.

The following messages from the Governor were read and referred to the President's desk:

March 7, 2005

**TO THE HONORABLE PRESIDENT OF THE SENATE  
 OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 496.090 provides that the Governor shall appoint the members of the State Fish and Wildlife Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Zane Smith of Springfield to the State Fish and Wildlife Commission for a four-year term, as provided by statute, beginning February 16, 2005 and ending on February 15, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
 Ted Kulongoski  
 Governor

March 7, 2005

**TO THE HONORABLE PRESIDENT OF THE SENATE  
 OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 414.715 provides that the Governor shall appoint the members of the Health Services Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Leda Garside of Hillsboro to the Health Services Commission for a four-year term, as provided by statute, beginning March 31, 2005 and ending on March 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
 Ted Kulongoski  
 Governor

March 7, 2005

**TO THE HONORABLE PRESIDENT OF THE SENATE**

**OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 414.715 provides that the Governor shall appoint the members of the Health Services Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Brayn Sohl of Ashland to the Health Services Commission for a four-year term, as provided by statute, beginning December 1, 2004 and ending on November 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
 Ted Kulongoski  
 Governor

March 7, 2005

**TO THE HONORABLE PRESIDENT OF THE SENATE  
 OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 390.114 provides that the Governor shall appoint the members of the State Parks and Recreation Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint James Brown of Salem to the State Parks and Recreation Commission for a four-year term, as provided by statute, beginning April 1, 2005 and ending on March 31, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
 Ted Kulongoski  
 Governor

March 7, 2005

**TO THE HONORABLE PRESIDENT OF THE SENATE  
 OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 390.114 provides that the Governor shall appoint the members of the State Parks and Recreation Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint William Gregory of Gleneden Beach to the State Parks and Recreation Commission for a four-year term, as provided by statute, beginning April 1, 2005 and ending on March 31, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
 Ted Kulongoski  
 Governor

March 7, 2005

**TO THE HONORABLE PRESIDENT OF THE SENATE  
 OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 390.114 provides that the Governor shall appoint the members of the State Parks and Recreation Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Sharon Rudi of Baker City to the State Parks and Recreation Commission for an unexpired four-year term, as provided by statute, beginning April 1, 2005 and ending on December 31, 2005, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,

Ted Kulongoski  
Governor

March 7, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 688.160 provides that the Governor shall appoint the members of the Physical Therapist Licensing Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Cindy Cunningham of Portland to the Physical Therapist Licensing Board for a four-year term, as provided by statute, beginning June 1, 2005 and ending on May 31, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 7, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 688.160 provides that the Governor shall appoint the members of the Physical Therapist Licensing Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Charles Moore of Portland to the Physical Therapist Licensing Board for a four-year term, as provided by statute, beginning April 1, 2005 and ending on March 31, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 7, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 327.500 provides that the Governor shall appoint the members of the Quality Education Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Yvonne Curtis of Springfield to the Quality Education Commission for a four-year term, as provided by statute, beginning April 1, 2005 and ending on March 31, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 7, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 327.500 provides that the Governor shall appoint the members of the Quality Education Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Lynn Lundquist of Beaverton to the Quality Education Commission for a four-year term, as provided by

statute, beginning April 1, 2005 and ending on March 31, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 7, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 327.500 provides that the Governor shall appoint the members of the Quality Education Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Susan Massey of Coos Bay to the Quality Education Commission for a four-year term, as provided by statute, beginning August 2, 2004 and ending on August 1, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 7, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 327.500 provides that the Governor shall appoint the members of the Quality Education Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Lorenzo Poe of Portland to the Quality Education Commission for a four-year term, as provided by statute, beginning April 1, 2005 and ending on March 31, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 7, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 673.725 provides that the Governor shall appoint the members of the State Board of Tax Practitioners, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Michael Addington of Bend to the State Board of Tax Practitioners for a three-year term, as provided by statute, beginning March 31, 2005 and ending on March 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 7, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 673.725 provides that the Governor shall appoint the members of the State Board of Tax Practitioners, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Donna Gilmour of Salem to the State Board of Tax Practitioners for a three-year term, as provided by statute, beginning June 1, 2005 and ending on May 31, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

SB 59, 60, 80, 124; HB 2015, 2068, 2106, 2114, 2118, 2288, 2426 -- Message from the House announcing passage.

Committee Report Summary No. 27 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 54 -- Report by Committee on Rules recommending passage.

SB 108 -- Report by Committee on Rules recommending passage.

SB 109 -- Report by Committee on Rules recommending passage.

SB 110 -- Report by Committee on Rules recommending passage.

SB 111 -- Report by Committee on Rules recommending passage with amendments.

SB 460 -- Report by Committee on Health Policy recommending passage with amendments.

SB 17, 54, 108, 109, 110, 367 -- Read second time and passed to third reading.

SB 148 -- Moved to the foot of today's calendar by unanimous consent at the request of the Chair.

SB 450 A-Eng. -- Read third time. Carried by Monnes Anderson. On passage of bill the vote was: Ayes, 24; excused, 2 -- Devlin, Kruse; attending legislative business, 4 -- Brown, Ferrioli, Shields, Starr, B. Bill passed.

HB 2015, 2068, 2106, 2114, 2118, 2288, 2426 -- Read first time and referred to President's desk.

HB 2067 -- Read third time. Carried by Whitsett. On passage of bill the vote was: Ayes, 23; nays, 1 -- Schrader; excused, 2 -- Devlin, Kruse; attending legislative business, 4 -- Brown, Ferrioli, Shields, Starr, B. Bill passed.

Senate reverted to the order of Third Reading of Senate Measures by unanimous consent at the request of the Chair.

SB 148 -- Read third time. Carried by Prozanski. Call of the Senate demanded by Prozanski joined by Verger and Ringo. All present except Devlin, Kruse, excused; Brown, Ferrioli, Ringo, Starr, B., Shields, attending legislative business. Further proceedings under the Call terminated by implied consent at the request of the Chair. All

present except Devlin, Kruse, excused; Starr, B., attending legislative business. On passage of bill the vote was: Ayes, 20; nays, 7 -- Atkinson, Beyer, Ferrioli, George, Nelson, Starr, C., Whitsett; excused, 2 -- Devlin, Kruse; attending legislative business, 1 -- Starr, B. Bill passed.

Senate adjourned until 11:00 a.m. Wednesday by unanimous consent at the request of the Chair.

### Wednesday, March 9, 2005 -- Morning Session

Senate convened at 11:00 a.m. Schrader in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, President Courtney, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett; excused -- Carter, Ringo, Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pastor Skip Heiney of Dayspring Christian Fellowship, Banks. Special dance performance by Anne Mueller and Brian Simcoe of the Oregon Ballet Theatre, Portland.

SB 204 -- Message from the Governor announcing he signed on March 8.

HB 2092, 2116, 2126, 2198 -- Message from the House announcing passage.

Committee Report Summary No. 28 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 217 -- Report by Committee on Judiciary recommending passage with amendments.

SB 218 -- Report by Committee on Judiciary recommending passage with amendments.

SB 325 -- Report by Committee on Education and Workforce recommending passage. Referred to Committee on Revenue by prior reference.

SB 383 -- Report by Committee on Education and Workforce recommending passage.

SB 467 -- Report by Committee on Education and Workforce recommending passage. Referred to Committee on Ways and Means by prior reference.

SB 553 -- Report by Committee on Human Services recommending passage with amendments.

SB 756 -- Report by Committee on Human Services, signed by Morrisette, Chair, recommending passage. Minority Report, signed by Kruse, Starr, C., recommending passage with amendments.

HB 2055 -- Report by Committee on General Government recommending passage.

Report by Committee on Rules recommending that the Governor's appointment of Les AuCoin to the State Board of Forestry be confirmed.

SB 111, 383, 460 -- Read second time and passed to third reading.



SB 17 A-Eng. -- Read third time. Carried by Nelson. On passage of bill the vote was: Ayes, 26; excused, 4 -- Carter, Ringo, Verger, Winters. Bill passed.

SB 54 -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 27; excused, 3 -- Carter, Ringo, Winters. Bill passed.

SB 108 -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 27; excused, 3 -- Carter, Ringo, Winters. Bill passed.

SB 109 -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 26; nays, 1 -- Schrader; excused, 3 -- Carter, Ringo, Winters. Bill passed.

SB 110 -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 26; absent, 1 -- Deckert; excused, 3 -- Carter, Ringo, Winters. Bill passed.

SB 367 A-Eng. -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 23; nays, 4 -- Atkinson, Beyer, Kruse, Whitsett; excused, 3 -- Carter, Ringo, Winters. Bill passed.

HB 2092, 2116, 2126, 2198 -- Read first time and referred to President's desk.

HB 2055 -- Read second time and passed to third reading.

The following measure was referred to committee on March 8 and recorded on Committee Referral List No. 24 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 1008 Business and Economic Development; General Government; Ways and Means

The following measures were referred to committee on March 8 and recorded on Committee Referral List No. 25 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

#### **State Fish and Wildlife Commission (ORS 496.090)**

Zane Smith (r) Rules

#### **Health Services Commission (ORS 414.715)**

Leda Garside Rules

Bryan Sohl (r) Rules

#### **State Parks and Recreation Commission (ORS 390.114)**

James Brown Rules

William Gregory (r) Rules

Sharon Rudi Rules

#### **Physical Therapist Licensing Board (ORS 688.160)**

Cindy Cunningham (r) Rules

Charles Moore (r) Rules

#### **Quality Education Commission (ORS 327.500)**

Yvonne Curtis Rules

Lorenzo Poe Rules

Susan Massey (r) Rules

Lynn Lundquist Rules

#### **State Board of Tax Practitioners (ORS 673.725)**

Michael Addington Rules

Donna Gilmour (r) Rules

Senate adjourned until 11:00 a.m. Thursday by unanimous consent at the request of the Chair.

#### **Thursday, March 10, 2005 -- Morning Session**

Convening of the Senate delayed until 11:15 a.m. by implied consent at the request of President Pro Tempore Carter. Senate convened at 11:35 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, C., Verger, Walker, Westlund, Whitsett; excused -- Winters; attending legislative business -- Starr, B. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Nate Krupp, Salem.

HB 2196, 2253, 2259 -- Message from the House announcing passage.

Committee Report Summary No. 29 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 169 -- Report by Committee on Education and Workforce recommending passage.

SB 191 -- Report by Committee on General Government recommending passage.

SB 228 -- Report by Committee on Education and Workforce recommending passage. Referred to Committee on Ways and Means by prior reference.

SB 373 -- Report by Committee on Transportation recommending passage with amendments.

Brown moved that consideration of the Governor's appointment of Les AuCoin to the State Board of Forestry be taken from today's calendar and placed on March 14 calendar. Senate at ease. Senate reassembled. Motion carried by voice vote.

SB 1009, 1010, 1011, 1012 -- Introduced, read first time and referred to President's desk.

SB 169, 191, 217, 218, 553, 756 -- Read second time and passed to third reading.

SB 111 A-Eng. -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 28; excused, 1 -- Winters; attending legislative business, 1 -- Starr, B. Bill passed.

SB 383 -- Read third time. Carried by Deckert. On passage of bill the vote was: Ayes, 27; nays, 1 -- Whitsett; excused, 1 -- Winters; attending legislative business, 1 -- Starr, B. Bill passed.

SB 460 A-Eng. -- Read third time. Carried by Kruse. On passage of bill the vote was: Ayes, 28; excused, 1 -- Winters; attending legislative business, 1 -- Starr, B. Bill passed.

HB 2196, 2253, 2259 -- Read first time and referred to President's desk.

HB 2055 -- Read third time. Carried by George. On passage of bill the vote was: Ayes, 28; excused, 1 -- Winters; attending legislative business, 1 -- Starr, B. Bill passed.

Senate adjourned until 11:00 a.m. Monday by unanimous consent at the request of the Chair.

### **Monday, March 14, 2005 -- Morning Session**

Senate convened at 11:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Schrader, Shields, Starr, B., Starr, C., Verger, Whitsett; excused -- Bates, Walker, Winters; attending legislative business -- Ringo, Westlund. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pastor Elbert Mondaine of the Celebration Tabernacle, Portland.

The following message from the Governor was read and referred to the Committee on Rules.

March 11, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

In light of the attached letter, this is to notify you that our request sent to you February 28, 2005, to consider the appointment of Les AuCoin to the State Board of Forestry, is hereby withdrawn.

Sincerely,  
Ted Kulongoski  
Governor

The Honorable Ted Kulongoski  
Governor, State of Oregon  
State Capital  
Salem, Oregon

Re: Withdrawal of appointment to the Board of Forestry

Dear Ted:

I write to request that you withdraw my nomination to the Board of Forestry. It seems clear that the vitriolic confirmation process- and intemperate words I wrote in frustrated response--have caused divisions within the party. Therefore, it is best for all concerned for me to return to private life and the work I was engaged in when you asked me to resume public service.

I would have enjoyed helping you strengthen the board. I respect your confidence in me and wish I could have performed this service for you and for the state I love. I send every best wish that your next nomination will give you the leadership you seek on the Board of Forestry. You

deserve to have boards and commissions that help advance your vision.

Sincerely yours,

Les AuCoin

SB 341; HB 5068; 2595 -- Message from the House announcing passage.

Committee Report Summary No. 30 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 13 -- Report by Committee on Business and Economic Development recommending passage with amendments.

SB 84 -- Report by Committee on Business and Economic Development recommending passage.

SB 219 -- Report by Committee on Judiciary recommending passage.

SB 248 -- Report by Committee on Judiciary recommending passage.

SB 252 -- Report by Committee on Judiciary recommending passage with amendments.

SB 278 -- Report by Committee on Judiciary recommending passage with amendments.

SB 302 -- Report by Committee on Revenue recommending passage with amendments.

SB 595 -- Report by Committee on Transportation recommending passage with amendments.

SB 735 -- Report by Committee on Environment and Land Use recommending passage.

SB 736 -- Report by Committee on Environment and Land Use recommending passage.

SB 737 -- Report by Committee on Environment and Land Use recommending passage.

SB 859 -- Report by Committee on Transportation recommending passage.

Senate recessed until 11:40 a.m. by unanimous consent on motion of Brown.

Senate reconvened at 11:40 a.m. President Courtney in Chair. All present except Bates, Walker, Winters, excused; Ringo, Westlund, attending legislative business.

Senate, having recessed following the order of Reports from Standing Committees, resumed under the general order of business by unanimous consent at the request of the Chair.

SB 84, 219, 248, 373, 735, 736, 737, 859 -- Read second time and passed to third reading.

SB 756 -- Consideration of Committee and Minority Reports taken from today's calendar and placed on March 23 calendar by unanimous consent on motion of Brown.

SB 169 -- Read third time. Carried by Morrisette. On passage of bill the vote was: Ayes, 22; nays, 3 – Beyer, Ferrioli, George; excused, 3 – Bates, Walker, Winters; attending legislative business, 2 – Ringo, Westlund. Bill passed.

SB 191 -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 20; nays, 5 – Atkinson, Beyer, Ferrioli, George, Kruse; excused, 3 – Bates, Walker, Winters; attending legislative business, 2 – Ringo, Westlund. Bill passed.

SB 217 -- Read third time. Carried by Burdick. Taken from today's third reading calendar and placed on March 15 calendar by unanimous consent on motion of Burdick.

SB 218 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 25; nays, 1 – Kruse; excused, 2 – Bates, Winters; attending legislative business, 2 – Ringo, Westlund. Bill passed.

SB 553 A-Eng. -- Read third time. Carried by Morse. On passage of bill the vote was: Ayes, 24; nays, 2 – Beyer, Kruse; excused, 2 – Bates, Winters; attending legislative business, 2 – Ringo, Westlund. Bill passed.

HB 5068; 2595 -- Read first time and referred to President's desk.

The following measures were referred to committee on March 11 and recorded on Committee Referral List No. 26 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 1009 Judiciary  
 SB 1010 Rules  
 SB 1011 Judiciary  
 SB 1012 Judiciary  
 HB 2015 Judiciary  
 HB 2068 Transportation  
 HB 2092 General Government  
 HB 2106 Transportation  
 HB 2114 Transportation  
 HB 2116 Transportation  
 HB 2118 General Government  
 HB 2126 Commerce  
 HB 2196 Environment and Land Use  
 HB 2198 Environment and Land Use  
 HB 2253 General Government  
 HB 2259 General Government  
 HB 2288 Judiciary  
 HB 2426 Health Policy

SB 59, 60, 80, 124, 222 -- President Courtney signed on March 14.

Senate adjourned until 11:00 a.m. Tuesday by unanimous consent at the request of the Chair.

### **Tuesday, March 15, 2005 -- Morning Session**

Senate convened at 11:00 a.m. Nelson in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, President Courtney, Deckert, Devlin, Ferrioli, George, Gordly,

Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Prozanski, Schrader, Starr, B., Starr, C., Verger, Walker, Whitsett; absent -- Westlund; excused -- Shields, Winters; attending legislative business -- Ringo. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pastor Steve Mitchell of Inglewood United Methodist Church, Salem. Musical performance by Bailey Schmidt on the trombone accompanied by Jennifer Garrett on the piano, Salem.

HB 2124, 2395, 2422, 2460, 2547, 2548, 2582 -- Message from the House announcing passage.

Committee Report Summary No. 31 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SCR 5 -- Report by Committee on Education and Workforce recommending adoption.

SB 85 -- Report by Committee on Education and Workforce recommending passage.

SB 272 -- Report by Committee on Judiciary recommending passage with amendments.

SB 394 -- Report by Committee on Education and Workforce recommending passage. Referred to Committee on Revenue by prior reference.

SB 600 -- Report by Committee on Business and Economic Development recommending passage with amendments.

SB 691 -- Report by Committee on General Government recommending passage with amendments.

SB 692 -- Report by Committee on General Government recommending passage.

SB 693 -- Report by Committee on General Government recommending passage.

HCR 4 -- Report by Committee on General Government recommending adoption of the A-Engrossed resolution.

HB 5068 -- Report by Committee on Ways and Means recommending passage of the A-Engrossed bill.

HB 2087 -- Report by Committee on General Government recommending passage.

HB 2095 -- Report by Committee on General Government recommending passage.

HB 2155 -- Report by Committee on General Government recommending passage.

HB 2204 -- Report by Committee on General Government recommending passage.

HB 2206 -- Report by Committee on General Government recommending passage.

SCR 1 A-Eng. -- Monnes Anderson moved that the Senate concur in House amendments and readopt resolution. On concurrence and readoption the vote was: Ayes, 26; absent, 1 – Westlund; excused, 2 – Shields, Winters; attending legislative business, 1 – Ringo. Resolution readopted.

SB 1013 -- Introduced, read first time and referred to President's desk.

SCR 5; SB 13, 85, 252, 278, 302, 595, 692, 693 -- Read second time and passed to third reading.

SB 84 -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 26; absent, 1 -- Westlund; excused, 2 -- Shields, Winters; attending legislative business, 1 -- Ringo. Bill passed.

SB 217 A-Eng. -- Bill read. Carried by Burdick. Call of the Senate demanded by Burdick joined by Walker and Devlin. All present except Carter, absent; Shields, Winters, excused; Ringo, attending legislative business. Pending arrival of members subject to the Call, Senate at ease. Further proceedings under the Call terminated by unanimous consent at the request of Burdick. All present except Carter, absent; Shields, Winters, excused; Ringo, attending legislative business. Senate reassembled. On passage of bill the vote was: Ayes, 18; nays, 8 -- Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C., Whitsett; absent, 1 -- Carter; excused, 2 -- Shields, Winters; attending legislative business, 1 -- Ringo. Bill passed.

SB 219 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 21; nays, 5 -- Atkinson, Gordly, Kruse, Schrader, Starr, B.; absent, 1 -- Carter; excused, 2 -- Shields, Winters; attending legislative business, 1 -- Ringo. Bill passed.

SB 248 -- Read third time. Carried by Burdick. Taken from today's third reading calendar and placed on March 16 calendar by unanimous consent on motion of Burdick.

SB 373 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 26; nays, 1 -- Atkinson; excused, 2 -- Shields, Winters; attending legislative business, 1 -- Ringo. Bill passed.

SB 735 -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 27; excused, 2 -- Shields, Winters; attending legislative business, 1 -- Ringo. Bill passed. Deckert, absent when roll called, granted unanimous consent to vote aye.

SB 736 -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 27; excused, 2 -- Shields, Winters; attending legislative business, 1 -- Ringo. Bill passed.

SB 737 -- Read third time. Carried by Atkinson. Senate at ease. Senate reassembled. Taken from today's third reading calendar and placed on March 16 calendar by unanimous consent at the request of the Chair.

SB 859 -- Read third time. Carried by Verger. On passage of bill the vote was: Ayes, 25; nays, 2 -- Beyer, Kruse; excused, 2 -- Shields, Winters; attending legislative business, 1 -- Ringo. Bill passed.

HB 2124, 2395, 2422, 2460, 2547, 2548, 2582 -- Read first time and referred to President's desk.

HCR 4; HB 5068; 2087, 2095, 2155, 2204, 2206 -- Read second time and passed to third reading.

The following measures were referred to committee on March 14 and recorded on Committee Referral List No. 27 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

HB 5068 Ways and Means

HCR 5 -- President Courtney signed on March 15.

Senate adjourned until 11:00 a.m. Wednesday by unanimous consent at the request of the Chair.

### **Wednesday, March 16, 2005 -- Morning Session**

Senate convened at 11:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett; excused -- Winters. Colors were posted and the Senate pledged allegiance to the flag. (Ferrioli in Chair) Invocation by Pastor Leo Schlegel of Living Hope Fellowship, Aloha.

HB 2030, 2268, 2458 -- Message from the House announcing passage.

HCR 5 -- Message from the House announcing the Speaker signed on March 15.

Committee Report Summary No. 32 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SJM 4 -- Report by Committee on Environment and Land Use recommending adoption.

SJM 6 -- Report by Committee on General Government recommending adoption.

SJR 12 -- Report by Committee on General Government recommending adoption.

SB 1 -- Report by Committee on Health Policy, signed by Monnes Anderson, Chair, recommending passage. Minority Report, signed by Kruse, George, recommending passage with amendments.

SB 75 -- Report by Committee on Transportation recommending passage.

SB 102 -- Report by Committee on Transportation recommending passage with amendments.

SB 231 -- Report by Committee on Judiciary recommending passage with amendments.

SB 232 -- Report by Committee on Judiciary recommending passage. Referred to Committee on Ways and Means by prior reference.

SB 233 -- Report by Committee on Judiciary recommending passage with amendments.

SB 239 -- Report by Committee on Judiciary recommending passage.

SB 328 -- Report by Committee on Business and Economic Development recommending passage with amendments.

SB 448 -- Report by Committee on Transportation recommending passage with amendments.

SB 623 -- Report by Committee on Human Services recommending passage with amendments.

HB 2083 -- Report by Committee on Environment and Land Use recommending passage.

HB 2261 -- Report by Committee on Judiciary recommending passage with amendments.

SJM 4, 6; SJR 12; SB 75, 239, 272, 600, 691 -- Read second time and passed to third reading.

SCR 5 -- Read final time. Carried by Walker. Taken from today's third reading calendar and placed on March 24 calendar by voice vote on motion of Walker.

SB 13 A-Eng. -- Read third time. Carried by Nelson. On passage of bill the vote was: Ayes, 29; excused, 1 – Winters. Bill passed.

SB 85 -- Read third time. Carried by Kruse. On passage of bill the vote was: Ayes, 29; excused, 1 – Winters. Bill passed.

SB 248 -- Bill read. Carried by Burdick. On passage of bill the vote was: Ayes, 24; nays, 5 – Atkinson, Beyer, George, Kruse, Starr, B.; excused, 1 – Winters. Bill passed.

SB 252 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 29; excused, 1 – Winters. Bill passed.

SB 278 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 29; excused, 1 – Winters. Bill passed.

SB 302 A-Eng. -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 27; nays, 2 – Monnes Anderson, Schrader; excused, 1 – Winters. Bill passed.

SB 737 -- Moved to head of calendar by unanimous consent at the request of the Chair.

SB 737 -- Bill read. Carried by Atkinson. Rereferred to Committee on Environment and Land Use by voice vote on motion of Atkinson.

SB 595, 692, 693 -- Carried over to March 17 calendar by unanimous consent at the request of the Chair.

HB 2030, 2268, 2458 -- Read first time and referred to President's desk.

HB 2083 -- Read second time and passed to third reading.

HB 5068 A-Eng. -- Moved to the head of the calendar by unanimous consent at the request the Chair.

HB 5068 A-Eng. -- Read third time. Carried by Carter. On passage of bill the vote was: Ayes, 21; nays, 7 – Atkinson, Burdick, George, Ringo, Starr, B.,

Starr, C., Whitsett; excused, 1 – Winters; attending legislative business, 1 – Deckert. Bill passed.

HB 5068 -- Prozanski requested the following explanation of vote be entered into the journal:

"I supported HB 5068 only after learning that the elderly rental assistance program had provided all of the revenue necessary to assist those who were eligible and who requested rental assistance during the biennium.

"I understand that the current balance of the elderly rental assistance program would revert back to the general fund on June 30, 2005. Since that money would not be used for its intended purpose, it was appropriate to shift some of that idle revenue to the other immediate needs of the state.

"HB 5068 will shift money to the State Forestry Department for the purpose of purchasing catastrophic fire suppression cost insurance for the 2005 fire season. Under the current weather conditions and circumstances, I believe that it is imperative that we take this necessary step to assist the state in preparing to suppress fires during the 2005 fire season. Accordingly, I vote for HB 5068."

HCR 4; HB 2087, 2095, 2155, 2204, 2206 -- Carried over to March 17 calendar by unanimous consent at the request of the Chair.

Senate adjourned until 11:00 a.m. Thursday by unanimous consent at the request of the Chair.

#### **Thursday, March 17, 2005 -- Morning Session**

Senate convened at 11:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Brown, Carter, Deckert, Devlin, Ferrioli, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morse, Ringo, Schrader, Shields, Starr, B., Verger, Westlund; excused – George, Winters; attending legislative business – Beyer, Burdick, Morrisette, Nelson, Prozanski, Starr, C., Walker, Whitsett. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Ted Kooser, United States Poet Laureate, Garland, Nebraska. In observance of St. Patrick's Day, Bradford McKeown sang "When Irish Eyes are Smiling" accompanied by Lorian Schmidt of St. Paul's Episcopal Church, Salem.

HB 2178, 2549 -- Message from the House announcing passage.

HCR 7 -- Message from the House announcing adoption.

Committee Report Summary No. 33 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SCR 3 -- Report by Committee on Rules recommending adoption.

SB 2 -- Report by Committee on General Government recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

SB 3 -- Report by Committee on General Government recommending passage with

amendments. Referred to Committee on Ways and Means by prior reference.

SB 79 -- Report by Committee on General Government recommending passage.

SB 404 -- Report by Committee on Human Services recommending passage with amendments.

SB 547 -- Report by Committee on Judiciary recommending passage with amendments.

SB 837 -- Report by Committee on General Government recommending passage with amendments.

SB 840 -- Report by Committee on Revenue recommending passage with amendments.

SB 847 -- Report by Committee on General Government recommending passage. Referred to Committee on Revenue by prior reference.

SB 848 -- Report by Committee on Environment and Land Use recommending passage with amendments.

SB 75 -- Taken from today's third reading calendar and placed on March 21 calendar by voice vote on motion of Verger.

SJM 4; SB 239, 272 -- Taken from today's third reading calendar and placed on March 21 calendar by voice vote on motion of Ringo.

SB 600 -- Taken from today's third reading calendar and placed on March 21 calendar by voice vote on motion of Brown.

HB 2095 -- Taken from today's third reading calendar and placed on March 21 calendar by voice vote on motion of Carter.

SCR 3; SB 1, 79, 102, 231, 233, 328, 448, 623 -- Read second time and passed to third reading.

SB 595 A-Eng. -- Read third time. Carried by Johnson. On passage of bill the vote was: Ayes, 20; excused, 2 -- George, Winters; attending legislative business, 8 -- Beyer, Burdick, Morrisette, Nelson, Prozanski, Starr, C., Walker, Whitsett. Bill passed.

SB 692 -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 19; nays, 1 -- Schrader; excused, 2 -- George, Winters; attending legislative business, 8 -- Beyer, Burdick, Morrisette, Nelson, Prozanski, Starr, C., Walker, Whitsett. Bill passed.

SB 693 -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 19; nays, 1 -- Schrader; excused, 2 -- George, Winters; attending legislative business, 8 -- Beyer, Burdick, Morrisette, Nelson, Prozanski, Starr, C., Walker, Whitsett. Bill passed.

SJM 6 -- Read final time. Carried by Brown, Ferrioli. On adoption of memorial, the vote was: Ayes, 20; excused, 2 -- George, Winters; attending legislative business, 8 -- Beyer, Burdick, Morrisette, Nelson, Prozanski, Starr, C., Walker, Whitsett. Memorial adopted.

SJR 12 -- Read final time. Carried by Brown, Ferrioli. On adoption of resolution, the vote was: Ayes, 20; excused, 2 -- George, Winters; attending legislative business, 8 -- Beyer, Burdick, Morrisette, Nelson, Prozanski, Starr, C., Walker, Whitsett. Resolution adopted.

SB 691 A-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 19; nays, 1 -- Schrader; excused, 2 -- George, Winters; attending legislative business, 8 -- Beyer, Burdick, Morrisette, Nelson, Prozanski, Starr, C., Walker, Whitsett. Bill passed.

HCR 7; HB 2178, 2549 -- Read first time and referred to President's desk.

HB 2261 -- Read second time and passed to third reading.

HCR 4 A-Eng. -- Read final time. Carried by Verger. On adoption of resolution, the vote was: Ayes, 20; excused, 2 -- George, Winters; attending legislative business, 8 -- Beyer, Burdick, Morrisette, Nelson, Prozanski, Starr, C., Walker, Whitsett. Resolution adopted.

HB 2087 -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 20; excused, 2 -- George, Winters; attending legislative business, 8 -- Beyer, Burdick, Morrisette, Nelson, Prozanski, Starr, C., Walker, Whitsett. Bill passed.

HB 2155 -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 20; excused, 2 -- George, Winters; attending legislative business, 8 -- Beyer, Burdick, Morrisette, Nelson, Prozanski, Starr, C., Walker, Whitsett. Bill passed.

HB 2204 -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 19; nays, 1 -- Atkinson; excused, 2 -- George, Winters; attending legislative business, 8 -- Beyer, Burdick, Morrisette, Nelson, Prozanski, Starr, C., Walker, Whitsett. Bill passed.

HB 2206 -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 16; nays, 4 -- Atkinson, Kruse, Schrader, Verger; excused, 2 -- George, Winters; attending legislative business, 8 -- Beyer, Burdick, Morrisette, Nelson, Prozanski, Starr, C., Walker, Whitsett. Bill passed.

HB 2083 -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 19; nays, 1 -- Kruse; excused, 2 -- George, Winters; attending legislative business, 8 -- Beyer, Burdick, Morrisette, Nelson, Prozanski, Starr, C., Walker, Whitsett. Bill passed.

Senate adjourned until 10:30 a.m. Monday by unanimous consent at the request of the Chair.

#### **Monday, March 21, 2005 -- Morning Session**

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson,

Morrisette, Morse, Nelson, Prozanski, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett; excused -- Winters; attending legislative business -- Ringo. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pastor Jerry Hay of Dayspring Fellowship, Keizer. Special performance by Chelsea Hymes performing excerpts from Shakespeare's Two Gentlemen of Verona and Sonnet 61, Sherwood.

HB 2111, 2145, 2170, 2317 -- Message from the House announcing passage.

HJR 8 -- Message from the House announcing adoption.

SCR 1; SB 341 -- Message from the House announcing the Speaker signed on March 18.

Committee Report Summary No. 34 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SCR 7 -- Report by Committee on Health Policy recommending adoption.

SCR 8 -- Report by Committee on Rules recommending adoption with amendments.

SB 153 -- Report by Committee on Transportation recommending passage with amendments.

SB 230 -- Report by Committee on Judiciary recommending passage with amendments.

SB 238 -- Report by Committee on Judiciary recommending passage with amendments.

SB 298 -- Report by Committee on Health Policy recommending passage with amendments.

SB 410 -- Report by Committee on Environment and Land Use recommending passage and requesting subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the President.

SB 480 -- Report by Committee on Revenue recommending passage with amendments.

SB 697 -- Report by Committee on Health Policy recommending passage with amendments.

SB 718 -- Report by Committee on Revenue recommending passage with amendments.

SB 921 -- Report by Committee on Judiciary recommending passage with amendments.

SB 1 -- Committee report and minority report read. Monnes Anderson moved that the Senate adopt the committee report. Kruse moved that the minority report be substituted for the committee report. Call of the Senate demanded by Brown joined by Devlin and Verger. All present except Winters, excused; Ringo, attending legislative business.

SB 1 -- Motion to substitute minority report failed. The vote was: Ayes, 10; nays, 18 -- Bates, Brown, Burdick, Carter, Deckert, Devlin, Gordly, Johnson, Metsger, Monnes Anderson, Morrisette,

Prozanski, Schrader, Shields, Verger, Walker, Westlund, President Courtney; excused, 1 -- Winters; attending legislative business, 1 -- Ringo. Motion failed.

SB 1 -- Bill, as amended by committee report, read third time. Carried by Monnes Anderson.

SB 1 -- Ferrioli moved to refer to Committee on Ways and Means. Call of the Senate demanded by Ferrioli joined by Brown and Nelson. All present except Winters, excused; Ringo, attending legislative business. The vote was: Ayes, 9; nays, 19 -- Bates, Brown, Burdick, Carter, Deckert, Devlin, Gordly, Johnson, Metsger, Monnes Anderson, Morrisette, Morse, Prozanski, Schrader, Shields, Verger, Walker, Westlund, President Courtney; excused, 1 -- Winters; attending legislative business, 1 -- Ringo. Motion failed. (Carter in Chair)

SB 1 -- Debate resumed on third reading. Call of the Senate demanded by Monnes Anderson joined by Brown and Devlin. All present except Winters, excused. On passage of bill the vote was: Ayes, 23; nays, 6 -- Beyer, Ferrioli, George, Kruse, Nelson, Starr, C.; excused, 1 -- Winters. Bill passed. (Courtney in Chair)

SCR 3; SJM 4; SB 75, 79, 102, 231, 233, 239, 272, 328, 448, 600, 623 -- Carried over to March 22 calendar by unanimous consent at the request of the Chair.

SB 1014, 1015, 1016, 1017 -- Introduced, read first time and referred to President's desk.

SCR 7; SB 404, 410, 547, 837, 840, 848 -- Read second time and passed to third reading.

HJR 8; HB 2111, 2145, 2170, 2317 -- Read first time and referred to President's desk.

HB 2095, 2261 -- Carried over to March 22 calendar by unanimous consent at the request of the Chair.

The following measures were referred to committee on March 18 and recorded on Committee Referral List No. 28 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 1013 Education and Workforce

HCR 7 Judiciary

HB 2030 General Government

HB 2124 Commerce

HB 2178 Environment and Land Use

HB 2268 Judiciary

HB 2395 General Government

HB 2422 Transportation

HB 2458 Environment and Land Use

HB 2460 Business and Economic Development

HB 2547 Judiciary

HB 2548 Judiciary

HB 2549 Environment and Land Use

HB 2582 Environment and Land Use

HB 2595 Environment and Land Use

SCR 1; SB 341 -- President Courtney signed on March 18.

Senate adjourned until 10:30 a.m. Tuesday by unanimous consent at the request of the Chair.

**Tuesday, March 22, 2005 -- Morning Session**

Senate convened at 10:30 a.m. Monnes Anderson in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, President Courtney, Deckert, Devlin, Ferrioli, Gordly, Johnson, Kruse, Metsger, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Starr, B., Starr, C., Verger, Walker, Westlund; excused -- George, Shields, Whitsett, Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Professor Marty Trammel, Chair of the Humanities Department, Western Baptist College, Salem.

The following messages from the Governor were read and referred to the President's desk:

March 21, 2005

**TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 137.654 provides that the Governor shall appoint the members of the Oregon Criminal Justice Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Joshua Marquis of Astoria to the Oregon Criminal Justice Commission for an unexpired four-year term, as provided by statute, beginning April 20, 2005 and ending on April 19, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 21, 2005

**TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 137.654 provides that the Governor shall appoint the members of the Oregon Criminal Justice Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Eva Temple of Pendleton to the Oregon Criminal Justice Commission for a four-year term, as provided by statute, beginning April 20, 2005 and ending on April 19, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

HB 2025, 2405 -- Message from the House announcing passage.

Committee Report Summary No. 35 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 32 -- Report by Committee on Revenue recommending passage.

SB 38 -- Report by Committee on Education and Workforce recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

SB 48 -- Report by Committee on Education and Workforce recommending passage.

SB 52 -- Report by Committee on Education and Workforce recommending passage with amendments.

SB 67 -- Report by Committee on General Government recommending passage with amendments.

SB 152 -- Report by Committee on Transportation recommending passage. Referred to Committee on Ways and Means by prior reference.

SB 276 -- Report by Committee on Judiciary recommending passage.

SB 277 -- Report by Committee on Judiciary recommending passage.

SB 285 -- Report by Committee on Human Services recommending passage.

SB 364 -- Report by Committee on Education and Workforce recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

SB 418 -- Report by Committee on Human Services recommending passage. Referred to Committee on Revenue by prior reference.

SB 577 -- Report by Committee on General Government recommending passage with amendments.

SB 856 -- Report by Committee on General Government recommending passage.

SCR 8; SB 32, 48, 153, 230, 238, 276, 277, 285, 298, 480, 697, 718, 856, 921 -- Read second time and passed to third reading.

SCR 3 -- Read final time. Carried by Atkinson. On adoption of resolution, the vote was: Ayes, 24; nays, 2 -- Johnson, Verger; excused, 4 -- George, Shields, Whitsett, Winters. Resolution adopted.

SJM 4 -- Read final time. Carried by Ringo. On adoption of memorial, the vote was: Ayes, 26; excused, 4 -- George, Shields, Whitsett, Winters. Memorial adopted.

SB 75 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 26; excused, 4 -- George, Shields, Whitsett, Winters. Bill passed.

SB 79 -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 26; excused, 4 -- George, Shields, Whitsett, Winters. Bill passed.

SB 102 A-Eng. -- Read third time. Carried by Verger. On passage of bill the vote was: Ayes, 25; excused, 4 -- George, Shields, Whitsett, Winters; attending legislative business, 1 -- Ferrioli. Bill passed.



SB 231 A-Eng. -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 24; excused, 4 – George, Shields, Whitsett, Winters; attending legislative business, 2 – Bates, Ferrioli. Bill passed.

SB 233 A-Eng. -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 24; excused, 4 – George, Shields, Whitsett, Winters; attending legislative business, 2 – Bates, Ferrioli. Bill passed.

SB 239 -- Read third time. Carried by Walker. Call of the Senate demanded by Brown joined by Burdick and Devlin. All present except George, Shields, Whitsett, Winters, excused; Bates, Ferrioli, attending legislative business. Pending arrival of members subject to the Call, Senate at ease. All present except George, Shields, Whitsett, Winters, excused. Senate reassembled. On passage of bill the vote was: Ayes, 22; nays, 4 – Atkinson, Beyer, Ferrioli, Kruse; excused, 4 – George, Shields, Whitsett, Winters. Bill passed.

SB 272 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 23; nays, 1 – Schrader; excused, 4 – George, Shields, Whitsett, Winters; attending legislative business, 2 – Bates, Starr, B. Bill passed.

SB 328 A-Eng. -- Read third time. Carried by Morse. On passage of bill the vote was: Ayes, 26; excused, 4 – George, Shields, Whitsett, Winters. Bill passed.

SB 448 A-Eng. -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 25; nays, 1 – Schrader; excused, 4 – George, Shields, Whitsett, Winters. Bill passed.

SB 600 A-Eng. -- Read third time. Carried by Nelson. On passage of bill the vote was: Ayes, 25; nays, 1 – Schrader; excused, 4 – George, Shields, Whitsett, Winters. Bill passed. (President Courtney in Chair)

SB 623 A-Eng. -- Read third time. Carried by Morrisette. On passage of bill the vote was: Ayes, 26; excused, 4 – George, Shields, Whitsett, Winters. Bill passed.

SCR 7 -- Read final time. Carried by Monnes Anderson. On adoption of resolution, the vote was: Ayes, 25; nays, 1 – Schrader; excused, 4 – George, Shields, Whitsett, Winters. Resolution adopted. (Monnes Anderson in Chair)

SB 404 A-Eng. -- Read third time. Carried by Kruse. On passage of bill the vote was: Ayes, 25; excused, 4 – George, Shields, Whitsett, Winters; attending legislative business, 1 – Westlund. Bill passed.

SB 410 -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 25; excused, 4 – George, Shields, Whitsett, Winters; attending legislative business, 1 – Westlund. Bill passed.

SB 547 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 25; excused, 4 – George, Shields, Whitsett, Winters;

attending legislative business, 1 – Westlund. Bill passed.

SB 837 A-Eng. -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 24; nays, 1 – Schrader; excused, 4 – George, Shields, Whitsett, Winters; attending legislative business, 1 – Westlund. Bill passed.

SB 840 A-Eng. -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 25; excused, 4 – George, Shields, Whitsett, Winters; attending legislative business, 1 – Westlund. Bill passed.

SB 848 A-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 25; excused, 4 – George, Shields, Whitsett, Winters; attending legislative business, 1 – Westlund. Bill passed.

HB 2025, 2405 -- Read first time and referred to President's desk.

HB 2095 -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 21; nays, 4 – Gordly, Metsger, Schrader, Verger; excused, 4 – George, Shields, Whitsett, Winters; attending legislative business, 1 – Westlund. Bill passed.

HB 2261 A-Eng. -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 23; nays, 2 – Atkinson, Schrader; excused, 4 – George, Shields, Whitsett, Winters; attending legislative business, 1 – Westlund. Bill passed.

Senate adjourned until 10:30 a.m. Wednesday by unanimous consent at the request of the Chair.

### Wednesday, March 23, 2005 -- Morning Session

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund; excused -- George, Whitsett, Winters. (Metsger in Chair) Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pastor C. T. Wells of Emmanuel Temple Church, Portland.

HB 2115, 2160, 2356, 2590, 2632, 2674, 2738 -- Message from the House announcing passage.

SB 59, 60, 80, 124, 222; HCR 4; HB 5068; 2055, 2067, 2083, 2087, 2155, 2204, 2206 -- Message from the House announcing the Speaker signed on March 22.

Committee Report Summary No. 36 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 365 -- Report by Committee on Business and Economic Development recommending passage. Referred to Committee on Revenue by prior reference.

SB 479 -- Report by Committee on Business and Economic Development recommending passage. Referred to Committee on Revenue by prior reference.

SB 510 -- Report by Committee on Health Policy recommending passage with amendments.

SB 512 -- Report by Committee on Human Services recommending passage with amendments.

SB 617 -- Report by Committee on Health Policy recommending passage.

SB 768 -- Report by Committee on Education and Workforce recommending passage. Referred to Committee on Ways and Means by order of the President.

SB 866 -- Report by Committee on Business and Economic Development recommending passage. Referred to Committee on Revenue by prior reference.

SB 896 -- Report by Committee on Business and Economic Development recommending passage. Referred to Committee on Revenue by prior reference.

SCR 8 -- Taken from today's third reading calendar and placed on April 7 calendar by voice vote on motion of Atkinson.

SB 298 -- Taken from today's third reading calendar and rereferred to Committee on Health Policy by voice vote on motion of Monnes Anderson.

SB 1018 -- Introduced, read first time and referred to President's desk.

SB 52, 67, 577, 617 -- Read second time and passed to third reading.

SB 32 -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 27; excused, 3 – George, Whitsett, Winters. Bill passed. (President Courtney in Chair)

SB 48 -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 27; excused, 3 – George, Whitsett, Winters. Bill passed.

SB 153 A-Eng. -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 25; nays, 2 – Atkinson, Walker; excused, 3 – George, Whitsett, Winters. Bill passed.

SB 230 -- Read third time. Carried by Prozanski. Taken from today's third reading calendar and placed on March 24 calendar by voice vote on motion of Prozanski. (Metsger in Chair)

SB 238 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 25; nays, 2 – Schrader, Westlund; excused, 3 – George, Whitsett, Winters. Bill passed.

SB 276 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 26; nays, 1 – Schrader; excused, 3 – George, Whitsett, Winters. Bill passed.

SB 277 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 25; nays, 1 – Schrader; excused, 3 – George, Whitsett, Winters; attending legislative business, 1 – Shields. Bill passed.

SB 285 -- Read third time. Carried by Kruse. On passage of bill the vote was: Ayes, 25; nays, 1 – Schrader; excused, 3 – George, Whitsett, Winters; attending legislative business, 1 – Shields. Bill passed.

SB 480 A-Eng. -- Read third time. Carried by Deckert. On passage of bill the vote was: Ayes, 23; nays, 3 – Beyer, Ferrioli, Kruse; excused, 3 – George, Whitsett, Winters; attending legislative business, 1 – Shields. Bill passed.

SB 697 A-Eng. -- Read third time. Carried by Morrisette. On passage of bill the vote was: Ayes, 26; excused, 3 – George, Whitsett, Winters; attending legislative business, 1 – Shields. Bill passed.

SB 718 A-Eng. -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 26; excused, 3 – George, Whitsett, Winters; attending legislative business, 1 – Shields. Bill passed.

SB 756 -- Minority report, signed by Kruse and Starr, C. recommending passage with amendments, withdrawn.

SB 756 -- Read third time. Carried by Brown. Call of the Senate demanded by Brown joined by Gordly and Johnson. All present except George, Whitsett, Winters, excused; Shields, attending legislative business. Pending arrival of members subject to the Call, Senate at ease. All present except George, Whitsett, Winters, excused. Senate reassembled. On passage of bill the vote was: Ayes, 20; nays, 7 – Atkinson, Beyer, Ferrioli, Kruse, Nelson, Starr, B., Starr, C.; excused, 3 – George, Whitsett, Winters. Bill passed.

SB 856, 921 -- Carried over to March 24 calendar by unanimous consent at the request of the Chair.

HB 2115, 2160, 2356, 2590, 2632, 2674, 2738 -- Read first time and referred to President's desk.

Senate adjourned until 10:30 a.m. Thursday by unanimous consent at the request of the Chair.

#### **Thursday, March 24, 2005 -- Morning Session**

Senate convened at 10:30 a.m. Kruse in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, President Courtney, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett; excused -- Winters; attending legislative business -- Carter. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pastor John Wild of Sherwood Bible Fellowship, Sherwood. Musical performance by Amy Wu from the Corvallis Youth Symphony, Corvallis.

SB 223; HB 2192, 2195, 2415, 2452, 2469, 2633 -- Message from the House announcing passage.

Committee Report Summary No. 37 listing the following reports was distributed to members today.

Summary list recorded in Journal and Status Report by order of the President.

SR 1 -- Report by Committee on Rules recommending adoption.

SB 82 -- Report by Committee on Environment and Land Use recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

SB 184 -- Report by Committee on Environment and Land Use recommending passage.

SB 359 -- Report by Committee on General Government recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

HB 2196 -- Report by Committee on Environment and Land Use recommending passage of the A-Engrossed bill.

SCR 5 -- Taken from today's third reading calendar and placed on March 30 calendar by voice vote on motion of Devlin.

SR 1; SB 184, 510, 512 -- Read second time and passed to third reading.

SB 856 -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 25; nays, 2 -- Beyer, Schrader; excused, 2 -- Monnes Anderson, Winters; attending legislative business, 1 -- Carter. Bill passed.

SB 921 A-Eng. -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 27; excused, 2 -- Monnes Anderson, Winters; attending legislative business, 1 -- Carter. Bill passed.

SB 52 A-Eng. -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 25; nays, 2 -- Beyer, Nelson; excused, 2 -- Monnes Anderson, Winters; attending legislative business, 1 -- Carter. Bill passed.

SB 67 A-Eng. -- Read third time. Carried by George. On passage of bill the vote was: Ayes, 25; nays, 2 -- Beyer, Kruse; excused, 2 -- Monnes Anderson, Winters; attending legislative business, 1 -- Carter. Bill passed.

SB 230 A-Eng. -- Bill read. Carried by Prozanski. Call of the Senate demanded by Prozanski joined by Brown and Burdick. All present except Winters, Monnes Anderson, excused; Carter, attending legislative business. Pending arrival of members subject to the Call, Senate at ease. All present except Winters, excused. Senate reassembled.

SB 230 A-Eng. -- On passage of bill the vote was: Ayes, 18; nays, 11 -- Atkinson, Beyer, Ferrioli, George, Kruse, Monnes Anderson, Morse, Nelson, Starr, B., Starr, C., Whitsett; excused, 1 -- Winters. Bill passed.

SB 577 A-Eng. -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 28; nays, 1 -- Atkinson; excused, 1 -- Winters. Bill passed.

SB 617 -- Read third time. Carried by Courtney. On passage of bill the vote was: Ayes, 29; excused, 1 -- Winters. Bill passed.

HB 2192, 2195, 2415, 2452, 2469, 2633 -- Read first time and referred to President's desk.

HB 2196 -- Read second time and passed to third reading.

HCR 4; HB 5068; 2055, 2067, 2083, 2087, 2155, 2204, 2206 -- President Courtney signed on March 24.

Senate adjourned until 10:30 a.m. Monday by unanimous consent at the request of the Chair.

### **Monday, March 28, 2005 -- Morning Session**

Senate convened at 10:30 a.m. Prozanski in Chair. The following members were present: Bates, Beyer, Brown, Burdick, Carter, President Courtney, Deckert, Devlin, Ferrioli, George, Gordly, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Whitsett; excused -- Atkinson, Winters; attending legislative business -- Johnson, Westlund. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Dylan Gilder, Eugene. Musical Performance by students of Liberty Elementary School singing "Oregon, My Oregon," Salem.

The following messages from the Governor were read and referred to the President's desk:

March 24, 2005

#### **TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 196.438 provides that the Governor shall appoint the members of the Ocean Policy Advisory Council, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Jim Bergeron of Astoria to the Ocean Policy Advisory Council for a partial four-year term, as provided by statute, beginning April 4, 2005 and ending on June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 24, 2005

#### **TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 196.438 provides that the Governor shall appoint the members of the Ocean Policy Advisory Council, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Paul Engelmeyer of Yachats to the Ocean Policy Advisory Council for a partial four-year term, as provided by statute, beginning April 4, 2005 and ending on June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,

Ted Kulongoski  
Governor

March 24, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 196.438 provides that the Governor shall appoint the members of the Ocean Policy Advisory Council, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Robin Hartmann of Roseburg to the Ocean Policy Advisory Council for a partial four-year term, as provided by statute, beginning April 4, 2005 and ending on June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 24, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 196.438 provides that the Governor shall appoint the members of the Ocean Policy Advisory Council, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint David Hatch of Portland to the Ocean Policy Advisory Council for a partial four-year term, as provided by statute, beginning April 4, 2005 and ending on June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 24, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 196.438 provides that the Governor shall appoint the members of the Ocean Policy Advisory Council, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Onno Husing of Newport to the Ocean Policy Advisory Council for a partial four-year term, as provided by statute, beginning April 4, 2005 and ending on June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 24, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 196.438 provides that the Governor shall appoint the members of the Ocean Policy Advisory Council, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Scott McMullen of Astoria to the Ocean Policy Advisory Council for a partial four-year term, as provided by statute, beginning April 4, 2005 and ending on June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 24, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 196.438 provides that the Governor shall appoint the members of the Ocean Policy Advisory Council, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Bradley Pettinger of Brookings to the Ocean Policy Advisory Council for a partial four-year term, as provided by statute, beginning April 4, 2005 and ending on June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 24, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 196.438 provides that the Governor shall appoint the members of the Ocean Policy Advisory Council, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint James Pex of North Bend to the Ocean Policy Advisory Council for a partial four-year term, as provided by statute, beginning April 4, 2005 and ending on June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 24, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 196.438 provides that the Governor shall appoint the members of the Ocean Policy Advisory Council, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Fred Sickler of Lincoln City to the Ocean Policy Advisory Council for a partial four-year term, as provided by statute, beginning April 4, 2005 and ending on June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 24, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE

## OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 196.438 provides that the Governor shall appoint the members of the Ocean Policy Advisory Council, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Frank Warrens of Portland to the Ocean Policy Advisory Council for a partial four-year term, as provided by statute, beginning April 4, 2005 and ending on June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

SB 341 -- Message from the Governor announcing he signed on March 24.

HB 2033, 2034, 2091, 2722 -- Message from the House announcing passage.

HB 2261 -- Message from the House announcing concurrence in Senate amendments and repassage.

Committee Report Summary No. 38 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SCR 4 -- Report by Committee on Education and Workforce recommending adoption with amendments.

SB 6 -- Report by Committee on Education and Workforce recommending passage.

SB 63 -- Report by Committee on Judiciary recommending passage with amendments.

SB 64 -- Report by Committee on Environment and Land Use recommending passage with amendments.

SB 115 -- Report by Committee on Judiciary recommending passage.

SB 177 -- Report by Committee on Environment and Land Use recommending passage with amendments.

SB 330 -- Report by Committee on Judiciary recommending passage with amendments.

SB 421 -- Report by Committee on Business and Economic Development recommending passage with amendments and requesting referral to Committee on Ways and Means. Referred to Committee on Ways and Means by order of the President.

SB 645 -- Report by Committee on Judiciary recommending passage with amendments.

SB 6, 115 -- Read second time and passed to third reading.

SR 1 -- Read final time. Carried by Brown and Ferrioli. Taken from today's third reading calendar and placed on March 31 calendar by unanimous consent on motion of Brown.

SB 184 -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 25; absent, 1 – Ringo; excused, 2 – Atkinson, Winters; attending

legislative business, 2 – Johnson, Westlund. Bill passed.

SB 510 A-Eng. -- Read third time. Carried by Bates. On passage of bill the vote was: Ayes, 24; nays, 1 – George; absent, 1 – Ringo; excused, 2 – Atkinson, Winters; attending legislative business, 2 – Johnson, Westlund. Bill passed.

SB 512 A-Eng. -- Read third time. Carried by Kruse. On passage of bill the vote was: Ayes, 25; absent, 1 – Ringo; excused, 2 – Atkinson, Winters; attending legislative business, 2 – Johnson, Westlund. Bill passed.

HB 2033, 2034, 2091, 2722 -- Read first time and referred to President's desk.

HB 2196 A-Eng. -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 24; nays, 1 – Schrader; absent, 1 – Ringo; excused, 2 – Atkinson, Winters; attending legislative business, 2 – Johnson, Westlund. Bill passed.

The following measures were referred to committee on March 24 and recorded on Committee Referral List No. 29 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 1014 Environment and Land Use; Ways and Means

SB 1015 Rules

SB 1016 Health Policy; Ways and Means

SB 1017 Business and Economic Development

SB 1018 Rules

HJR 8 Business and Economic Development

HB 2111 Environment and Land Use

HB 2115 Transportation

HB 2145 Judiciary

HB 2160 Business and Economic Development

HB 2170 Environment and Land Use

HB 2192 General Government

HB 2195 Business and Economic Development

HB 2317 Judiciary

HB 2356 Environment and Land Use

HB 2405 Commerce

HB 2415 Judiciary

HB 2452 Revenue

HB 2469 Revenue

HB 2590 Business and Economic Development

HB 2632 Judiciary

HB 2633 Judiciary

HB 2674 General Government

HB 2738 Transportation

### **Oregon Criminal Justice Commission (ORS 137.654)**

Joshua Marquis

Rules

Eva Temple

Rules

Senate adjourned until 10:30 a.m. Tuesday by unanimous consent at the request of the Chair.

### **Tuesday, March 29, 2005 -- Morning Session**

Senate convened at 10:30 a.m. Gordly in Chair. The following members were present: Bates, Beyer, Brown, Burdick, Carter, President Courtney, Deckert,

Ferrioli, George, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund; excused -- Atkinson, Winters; attending legislative business -- Devlin, Nelson, Whitsett. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Reverend Millie Salt, volunteer Chaplain for the Oregon Department of Corrections, Salem. Musical performance by Calvin Shadley of Salt of the Earth Ministries.

HJM 6, 8, 10 -- Message from the House announcing adoption.

HB 2222, 2230, 2474, 2599, 2666, 2723, 2724, 3097 -- Message from the House announcing passage.

Committee Report Summary No. 39 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 76 -- Report by Committee on Transportation recommending passage with amendments.

SB 90 -- Report by Committee on General Government recommending passage with amendments and referred to Committee on Ways and Means by prior. Subsequent referral to Committee on Ways and Means rescinded by order of the President.

SB 331 -- Report by Committee on Judiciary recommending passage with amendments.

SB 398 -- Report by Committee on Business and Economic Development recommending passage.

SB 405 -- Report by Committee on General Government recommending passage with amendments.

SB 493 -- Report by Committee on Judiciary recommending passage with amendments.

SB 515 -- Report by Committee on Education and Workforce recommending passage with amendments.

SB 585 -- Report by Committee on Business and Economic Development recommending passage with amendments.

SB 599 -- Report by Committee on Judiciary recommending passage with amendments.

SB 674 -- Report by Committee on Education and Workforce recommending passage. Referred to Committee on Ways and Means by prior reference.

SB 749 -- Report by Committee on Education and Workforce recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

SB 755 -- Report by Committee on Education and Workforce recommending passage with amendments.

SB 938 -- Report by Committee on Judiciary recommending passage with amendments.

SB 983 -- Report by Committee on Business and Economic Development recommending passage.

SB 1019, 1020, 1021, 1022, 1023, 1024, 1025 -- Introduced, read first time and referred to President's desk.

SCR 4; SB 63, 64, 177, 330, 398, 645, 983 -- Read second time and passed to third reading.

SB 6 -- Read third time. Carried by Courtney. On passage of bill the vote was: Ayes, 23; nays, 2 -- Ferrioli, George; excused, 2 -- Atkinson, Winters; attending legislative business, 3 -- Devlin, Nelson, Whitsett. Bill passed.

Senate at ease. Senate reassembled.

SB 115 -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 25; excused, 2 -- Atkinson, Winters; attending legislative business, 3 -- Devlin, Nelson, Whitsett. Bill passed.

HJM 6, 8, 10; HB 2222, 2230, 2474, 2599, 2666, 2723, 2724, 3097 -- Read first time and referred to President's desk.

SB 223 -- President Courtney signed on March 29.

Senate adjourned until 10:30 a.m. Wednesday by unanimous consent at the request of the Chair.

### **Wednesday, March 30, 2005 -- Morning Session**

Senate convened at 10:30 a.m. Monnes Anderson in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, President Courtney, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett; excused -- Winters. (Beyer in Chair) Colors were posted and the Senate pledged allegiance to the flag. Invocation by Reverend Orle Trier, Pastor at St. Michael's Lutheran Church and Campus Pastor at Concordia University, Portland. Musical Performance by the Christi Crux Vocal Ensemble of Concordia University directed by Kurt Berentsen, Portland.

SB 59, 60, 80, 124, 222 -- Message from the Governor announcing he signed on March 29.

HB 2176, 2522, 2667 -- Message from the House announcing passage.

HJR 3 -- Message from the House announcing adoption.

Committee Report Summary No. 40 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SJM 2 -- Report by Committee on Business and Economic Development recommending adoption.

SB 25 -- Report by Committee on Revenue recommending passage with amendments.

SB 36 -- Report by Committee on Judiciary recommending passage with amendments.

SB 323 -- Report by Committee on Business and Economic Development recommending passage.

SB 403 -- Report by Committee on Human Services recommending passage with amendments. Referred to Committee on Revenue by prior reference.

SB 580 -- Report by Committee on Education and Workforce recommending passage.

SB 835 -- Report by Committee on General Government recommending passage. Referred to Committee on Ways and Means by prior reference.

SB 838 -- Report by Committee on Education and Workforce recommending passage. Referred to Committee on Ways and Means by prior reference.

SB 853 -- Report by Committee on Education and Workforce recommending passage with amendments. Referred to Committee on Revenue by prior reference.

SB 1002 -- Report by Committee on Business and Economic Development recommending passage with amendments.

SJM 2; SB 76, 90, 323, 331, 405, 493, 515, 580, 585, 599, 755, 938 -- Read second time and passed to third reading.

SCR 4 A-Eng. -- Read final time. Carried by Carter. On adoption of resolution, the vote was: Ayes, 29; excused, 1 – Winters. Resolution adopted.

SCR 5 -- Resolution read. Carried by Devlin. On adoption of resolution, the vote was: Ayes, 27; excused, 1 – Winters; attending legislative business, 2 – Carter, Walker. Resolution adopted.

SB 63 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 25; nays, 2 – Schrader, Westlund; excused, 1 – Winters; attending legislative business, 2 – Carter, Walker. Bill passed. (President Courtney in Chair)

SB 64 A-Eng. -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 24; nays, 4 – George, Kruse, Starr, B., Whitsett; excused, 1 – Winters; attending legislative business, 1 – Devlin. Bill passed.

SB 177 A-Eng. -- Read third time. Carried by Beyer. Beyer declared a potential conflict of interest. On passage of bill the vote was: Ayes, 28; excused, 1 – Winters; attending legislative business, 1 – Devlin. Bill passed.

SB 330 A-Eng. -- Read third time. Carried by Walker. Walker declared a potential conflict of interest. On passage of bill the vote was: Ayes, 28; nays, 1 – Kruse; excused, 1 – Winters. Bill passed.

SB 398 -- Read third time. Carried by Westlund. On passage of bill the vote was: Ayes, 28; nays, 1 – Kruse; excused, 1 – Winters. Bill passed.

SB 645 A-Eng. -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 28; nays, 1 – Kruse; excused, 1 – Winters. Bill passed. (Beyer in Chair)

SB 983 -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 29; excused, 1 – Winters. Bill passed.

HJR 3; HB 2176, 2522, 2667 -- Read first time and referred to President's desk.

The following measures were referred to committee on March 29 and recorded on Committee Referral List No. 30 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

HB 2025 Environment and Land Use

HB 2033 Revenue

HB 2034 Revenue

HB 2091 Commerce

HB 2722 Environment and Land Use

#### **Ocean Policy Advisory Council (ORS 196.438)**

Jim Bergeron Rules

Paul Engelmeyer Rules

Robin Hartmann Rules

David Hatch Rules

Onno Husing Rules

Scott McMullen Rules

Bradley Pettinger Rules

James Pex Rules

Fred Sickler Rules

Frank Warrens Rules

Senate adjourned until 10:30 a.m. Thursday by unanimous consent at the request of the Chair.

#### **Thursday, March 31, 2005 -- Morning Session**

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, Gordly, Johnson, Kruse, Metsger, Morrisette, Morse, Nelson, Prozanski, Schrader, Shields, Starr, B., Starr, C., Verger, Westlund, Whitsett; excused -- George, Ringo, Walker, Winters; attending legislative business -- Monnes Anderson. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Father Jose Luis Gonzalez of St. Joseph's Church, Salem. Musical performance by Rondalla Infantil Alma Latina from the Mano a Mano Family Center, directed by Amador Aguilar, Salem.

HB 2213, 2668, 2719 -- Message from the House announcing passage.

HCR 1 -- Message from the House announcing adoption by the House.

Committee Report Summary No. 41 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 8 -- Report by Committee on General Government recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

SB 9 -- Report by Committee on General Government recommending passage with

amendments. Referred to Committee on Ways and Means by prior reference.

SB 10 -- Report by Committee on General Government recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

SB 132 -- Report by Committee on Commerce recommending passage with amendments.

SB 133 -- Report by Committee on Commerce recommending passage with amendments.

SB 181 -- Report by Committee on Judiciary recommending passage with amendments.

SB 275 -- Report by Committee on Judiciary recommending passage with amendments.

SB 386 -- Report by Committee on Commerce recommending passage with amendments.

SB 431 -- Report by Committee on Environment and Land Use recommending passage with amendments.

SB 434 -- Report by Committee on Commerce recommending passage with amendments.

SB 486 -- Report by Committee on General Government recommending passage.

SB 567 -- Report by Committee on Judiciary recommending passage.

SB 738 -- Report by Committee on Commerce recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

SB 758 -- Report by Committee on General Government recommending passage. Referred to Committee on Revenue by prior reference.

SB 792 -- Report by Committee on General Government recommending passage.

SB 891 -- Report by Committee on General Government recommending passage. Referred to Committee on Revenue by prior reference.

SB 912 -- Report by Committee on Commerce recommending passage with amendments.

SJM 2; SB 323, 585 -- Taken from today's third reading calendar and placed on April 4 calendar by voice vote on motion of Metsger.

SB 331, 599 -- Taken from today's third reading calendar and placed on April 4 calendar by voice vote on motion of Burdick.

SB 580, 755 -- Taken from today's third reading calendar and placed on April 4 calendar by voice vote on motion of Starr, C.

SB 405 -- Taken from today's third reading calendar and placed on April 4 calendar by voice vote on motion of Starr, B.

SB 1026, 1027 -- Introduced, read first time and referred to President's desk.

SB 25, 36, 486, 567, 792, 1002 -- Read second time and passed to third reading.

SR 1 -- Resolution read. Carried by Brown, Ferrioli. On adoption of resolution, the vote was: Ayes, 22; nays, 1 – Beyer; excused, 4 – George, Ringo, Walker, Winters; attending legislative business, 3 – Johnson, Kruse, Monnes Anderson. Resolution adopted.

SB 76 A-Eng. -- Read third time. Carried by Whitsett. On passage of bill the vote was: Ayes, 23; excused, 4 – George, Ringo, Walker, Winters; attending legislative business, 3 – Brown, Kruse, Monnes Anderson. Bill passed.

SB 90 A-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 23; excused, 4 – George, Ringo, Walker, Winters; attending legislative business, 3 – Brown, Kruse, Monnes Anderson. Bill passed.

SB 493 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 18; nays, 6 – Beyer, Ferrioli, Schrader, Starr, B., Westlund, Whitsett; excused, 4 – George, Ringo, Walker, Winters; attending legislative business, 2 – Kruse, Monnes Anderson. Bill passed.

SB 515 A-Eng. -- Read third time. Carried by Bates. On passage of bill the vote was: Ayes, 24; excused, 4 – George, Ringo, Walker, Winters; attending legislative business, 2 – Kruse, Monnes Anderson. Bill passed.

SB 938 A-Eng. -- Read third time. Carried by Prozanski.

Senate at ease. Senate reassembled.

SB 938 -- Debate resumed. On passage of bill the vote was: Ayes, 19; nays, 5 – Beyer, Ferrioli, Johnson, Starr, B., Westlund; excused, 4 – George, Ringo, Walker, Winters; attending legislative business, 2 – Kruse, Monnes Anderson. Bill passed.

HCR 1; HB 2213, 2668, 2719 -- Read first time and referred to President's desk.

Senate adjourned until 10:30 a.m. Monday by unanimous consent at the request of the Chair.

#### **Monday, April 4, 2005 -- Morning Session**

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Brown, Burdick, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Walker, Whitsett; absent -- Carter, Deckert; excused -- Beyer, Winters; attending legislative business -- Verger, Westlund. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pamela Verne Dell, Salem.

The following messages from the Governor were read and referred to the President's desk:

March 31, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY



ORS 660.110 provides that the Governor shall appoint the members of the State Apprenticeship and Training Council, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Kenneth Fry of Portland to the State Apprenticeship and Training Council for a four-year term, as provided by statute, beginning December 1, 2004 and ending on November 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 31, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 660.110 provides that the Governor shall appoint the members of the State Apprenticeship and Training Council, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Larry Jones of Silverton to the State Apprenticeship and Training Council for a four-year term, as provided by statute, beginning March 1, 2005 and ending on February 28, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 31, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 660.110 provides that the Governor shall appoint the members of the State Apprenticeship and Training Council, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Jason Landon of Portland to the State Apprenticeship and Training Council for a four-year term, as provided by statute, beginning April 20, 2005 and ending on April 19, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 31, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 679.230 provides that the Governor shall appoint the members of the Oregon Board of Dentistry, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Melissa Grant of Lake Oswego to the Oregon Board of Dentistry for a four-year term, as provided by statute, beginning April 1, 2005 and ending on March 31, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 31, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 679.230 provides that the Governor shall appoint the members of the Oregon Board of Dentistry, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Jill Mason of Portland to the Oregon Board of Dentistry for a four-year term, as provided by statute, beginning March 4, 2005 and ending on March 31, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 31, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 830.105 provides that the Governor shall appoint the members of the State Marine Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Bob Montgomery of Cascade Locks to the State Marine Board for a four-year term, as provided by statute, beginning July 1, 2005 and ending on June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 31, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 830.105 provides that the Governor shall appoint the members of the State Marine Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint George Tinker of Coos Bay to the State Marine Board for a four-year term, as provided by statute, beginning April 21, 2005 and ending on February 6, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 31, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 677.235 provides that the Governor shall appoint the members of the Board of Medical Examiners, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Douglas Kirkpatrick of Medford to the Board of Medical Examiners for a partial three-year term, as provided by statute, beginning April 21, 2005 and ending on February 28, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 31, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 677.235 provides that the Governor shall appoint the members of the Board of Medical Examiners, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint John Stiger of Milwaukie to the Board of Medical Examiners for a three-year term, as provided by statute, beginning March 1, 2005 and ending on February 28, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 31, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 442.830 provides that the Governor shall appoint the members of the Oregon Patient Safety Commission Board of Directors, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Nancy Chi of Portland to the Oregon Patient Safety Commission Board of Directors for an unexpired four-year term, as provided by statute, beginning April 20, 2005 and ending on July 1, 2007, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 31, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 161.385 provides that the Governor shall appoint the members of the Psychiatric Security Review Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Julia Hurlburt of Salem to the Psychiatric Security Review Board for a partial four-year term, as provided by statute, beginning April 20, 2005 and ending on June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 31, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 181.620 provides that the Governor shall appoint the members of the Board on Public Safety Standards and

Training, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Andrew Bentz of Vale to the Board on Public Safety Standards and Training for a partial three-year term, as provided by statute, beginning April 20, 2005 and ending on June 30, 2005, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 31, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 181.620 provides that the Governor shall appoint the members of the Board on Public Safety Standards and Training, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Andrew Bentz of Vale to the Board on Public Safety Standards and Training for a three-year term, as provided by statute, beginning July 1, 2005 and ending on June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 31, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 756.014 provides that the Governor shall appoint the members of the Public Utility Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint John Savage of Salem to the Public Utility Commission for a four-year term, as provided by statute, beginning April 1, 2005 and ending on March 31, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 31, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 342.350 provides that the Governor shall appoint the members of the Teacher Standards and Practices Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Francis Charbonnier of McMinnville to the Teacher Standards and Practices Commission for a partial three-year term, as provided by statute, beginning April 20, 2005 and ending on December 31, 2007, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 31, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 660.321 provides that the Governor shall appoint the members of the State Workforce Investment Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint C. Carl Califano of Albany to the State Workforce Investment Board for a three-year term, as provided by statute, beginning April 21, 2005 and ending on April 20, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 31, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 660.321 provides that the Governor shall appoint the members of the State Workforce Investment Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Bob Craft of Roseburg to the State Workforce Investment Board for a three-year term, as provided by statute, beginning December 10, 2004 and ending on December 9, 2007, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 31, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 660.321 provides that the Governor shall appoint the members of the State Workforce Investment Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Charles Karns of Klamath Falls to the State Workforce Investment Board for a three-year term, as provided by statute, beginning April 21, 2005 and ending on April 20, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 31, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 660.321 provides that the Governor shall appoint the members of the State Workforce Investment Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Linda Mock of Portland to the State Workforce Investment Board for a three-year term, as provided by statute, beginning December 10, 2004 and ending on December 9, 2007, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

March 31, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 660.321 provides that the Governor shall appoint the members of the State Workforce Investment Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint James Paulson of Portland to the State Workforce Investment Board for a three-year term, as provided by statute, beginning April 21, 2005 and ending on April 20, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

SB 223; HB 2095, 2261 -- Message from the House announcing the Speaker signed on April 1.

Committee Report Summary No. 42 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 37 -- Report by Committee on Commerce recommending passage with amendments.

SB 92 -- Report by Committee on Environment and Land Use recommending passage.

SB 119 -- Report by Committee on Commerce recommending passage with amendments.

SB 346 -- Report by Committee on Environment and Land Use recommending passage with amendments.

SB 454 -- Report by Committee on Education and Workforce recommending passage. Referred to Committee on Revenue by prior reference.

SB 576 -- Report by Committee on Commerce recommending passage with amendments.

SB 594 -- Report by Committee on Environment and Land Use recommending passage.

SB 694 -- Report by Committee on Environment and Land Use recommending passage.

SB 839 -- Report by Committee on Revenue recommending passage with amendments.

SB 858 -- Report by Committee on Rules recommending passage with amendments.

SB 924 -- Report by Committee on Business and Economic Development recommending passage.

SB 925 -- Report by Committee on Business and Economic Development recommending passage.

SB 926 -- Report by Committee on Business and Economic Development recommending passage.

SCR 10; SB 7, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040 --

Introduced, read first time and referred to President's desk.

SB 92, 132, 133, 181, 275, 386, 431, 434, 594, 694, 912, 924, 925, 926 -- Read second time and passed to third reading.

SJM 2; SB 25, 36, 323, 331, 405, 486, 567, 580, 585, 599, 755, 792, 1002 -- Carried over to April 5 calendar by unanimous consent at the request of the Chair.

HB 2095, 2261 -- President Courtney signed on April 1.

Senate adjourned until 10:30 a.m. Tuesday by unanimous consent at the request of the Chair.

### **Tuesday, April 5, 2005 -- Morning Session**

Senate convened at 10:30 a.m. Metsger in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, President Courtney, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett; excused -- Winters; attending legislative business -- Shields. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Dr. Amir Badiei, Salem Baha'I Community, Salem.

The following messages from the Governor were read and referred to the President's desk:

April 4, 2005

#### **TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 414.715 provides that the Governor shall appoint the members of the Health Services Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Kevin Olson of Tualatin to the Health Services Commission for a four-year term, as provided by statute, beginning May 2, 2005 and ending on May 1, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

April 4, 2005

#### **TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 414.715 provides that the Governor shall appoint the members of the Health Services Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Laurie Theodorou of Medford to the Health Services Commission for a four-year term, as provided by statute, beginning May 2, 2005 and ending on May 1, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski

Governor

April 4, 2005

#### **TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 414.715 provides that the Governor shall appoint the members of the Health Services Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Kathryn Weit of Eugene to the Health Services Commission for a four-year term, as provided by statute, beginning May 2, 2005 and ending on May 1, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

HB 2005, 2117, 2119, 2372, 2637 -- Message from the House announcing passage.

HCR 8; HJR 16, 27 -- Message from the House announcing adoption.

Committee Report Summary No. 43 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 61 -- Report by Committee on Judiciary recommending passage with amendments.

SB 240 -- Report by Committee on Judiciary recommending passage with amendments and requesting subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the President.

SB 489 -- Report by Committee on Judiciary recommending passage with amendments.

SB 636 -- Report by Committee on General Government recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

SB 778 -- Report by Committee on Human Services recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

SB 779 -- Report by Committee on Education and Workforce recommending passage. Referred to Committee on Ways and Means by prior reference.

SB 923 -- Report by Committee on Business and Economic Development recommending passage with amendments.

SB 995 -- Report by Committee on General Government recommending passage with amendments.

SB 37, 119, 346, 576, 839, 858 -- Read second time and passed to third reading.

SJM 2 -- Read final time. Carried by Walker. On adoption of memorial, the vote was: Ayes, 26;

excused, 1 – Winters; attending legislative business, 3 – Brown, Ferrioli, Shields. Memorial adopted.

SB 25 A-Eng. -- Moved to the foot of today's third reading calendar by unanimous consent at the request of the Chair.

SB 36 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 26; excused, 1 – Winters; attending legislative business, 3 – Brown, Ferrioli, Shields. Bill passed.

Senate resumed under the order of Third Reading of Senate Measures by unanimous consent at the request of the Chair.

SB 25 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 26; excused, 1 – Winters; attending legislative business, 3 – Brown, Ferrioli, Shields. Bill passed.

SB 323 -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 27; nays, 1 – Schrader; excused, 1 – Winters; attending legislative business, 1 – Shields. Bill passed.

SB 331 A-Eng. -- Read third time. Carried by Walker. Walker declared a potential conflict of interest. On passage of bill the vote was: Ayes, 26; nays, 2 – Kruse, Starr, B.; excused, 1 – Winters; attending legislative business, 1 – Shields. Bill passed.

SB 405 A-Eng. -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 25; nays, 3 – Carter, Johnson, Metsger; excused, 1 – Winters; attending legislative business, 1 – Shields. Bill passed.

SB 486 -- Read third time. Carried by George. On passage of bill the vote was: Ayes, 28; excused, 1 – Winters; attending legislative business, 1 – Starr, B. Bill passed.

SB 567 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 23; nays, 6 – Beyer, George, Kruse, Schrader, Starr, B., Whitsett; excused, 1 – Winters. Bill passed.

SB 580 -- Read third time. Carried by Devlin. On passage of bill the vote was: Ayes, 20; nays, 9 – Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Schrader, Starr, B.; excused, 1 – Winters. Bill passed.

SB 585 A-Eng. -- Read third time. Carried by Monnes Anderson. On passage of bill the vote was: Ayes, 25; nays, 3 – Johnson, Kruse, Schrader; excused, 1 – Winters; attending legislative business, 1 – Beyer. Bill passed.

SB 599 A-Eng. -- Read third time. Carried by Monnes Anderson. On passage of bill the vote was: Ayes, 28; excused, 1 – Winters; attending legislative business, 1 – Beyer. Bill passed.

SB 755 A-Eng. -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 29; excused, 1 – Winters. Bill passed.

SB 792 -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 29; excused, 1 – Winters. Bill passed.

SB 1002 A-Eng. -- Read third time. Carried by Schrader. On passage of bill the vote was: Ayes, 24; nays, 5 – Beyer, George, Gordly, Kruse, Whitsett; excused, 1 – Winters. Bill passed.

SB 92 -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 29; excused, 1 – Winters. Bill passed.

SB 132 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 26; nays, 3 – Kruse, Nelson, Starr, C.; excused, 1 – Winters. Bill passed.

SB 133 A-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 25; nays, 4 – Atkinson, Nelson, Starr, B., Starr, C.; excused, 1 – Winters. Bill passed.

SB 181 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 29; excused, 1 – Winters. Bill passed.

SB 275 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 27; nays, 2 – Atkinson, Schrader; excused, 1 – Winters. Bill passed.

SB 386 A-Eng. -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 29; excused, 1 – Winters. Bill passed. Walker, absent when roll called, granted unanimous consent to vote aye.

SB 431 A-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 29; excused, 1 – Winters. Bill passed.

SB 434, 594, 694, 912, 924, 925, 926 -- Carried over to April 6 third reading calendar by unanimous consent at the request of the Chair.

HCR 8; HJR 16, 27; HB 2005, 2117, 2119, 2372, 2637 -- Read first time and referred to President's desk.

The following measures were referred to committee on April 4 and recorded on Committee Referral List No. 31 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

|         |                          |
|---------|--------------------------|
| SCR 10  | Rules                    |
| SB 7    | Commerce                 |
| SB 1019 | Rules                    |
| SB 1020 | Rules                    |
| SB 1021 | Rules                    |
| SB 1022 | Rules                    |
| SB 1023 | Rules                    |
| SB 1024 | Rules                    |
| SB 1025 | Judiciary                |
| SB 1026 | Human Services           |
| SB 1027 | Transportation           |
| SB 1028 | Rules; Ways and Means    |
| SB 1037 | Environment and Land Use |
| HCR 1   | Education and Workforce  |
| HJM 6   | General Government       |
| HJM 8   | Health Policy            |
| HJM 10  | General Government       |
| HJR 3   | Rules                    |

HB 2176 Environment and Land Use  
 HB 2213 Judiciary  
 HB 2222 Judiciary  
 HB 2230 Judiciary  
 HB 2474 General Government  
 HB 2522 Environment and Land Use  
 HB 2599 Judiciary  
 HB 2666 Judiciary  
 HB 2667 Judiciary  
 HB 2668 Environment and Land Use  
 HB 2719 Business and Economic Development  
 HB 2723 Judiciary  
 HB 2724 Judiciary  
 HB 3097 Business and Economic Development

**State Apprenticeship and Training Council (ORS 660.110)**

Kenneth Fry (r) Rules  
 Larry Jones (r) Rules  
 Jason Landon Rules

**Oregon Board of Dentistry (ORS 679.230)**

Melissa Grant (r) Rules  
 Jill Mason Rules

**State Marine Board (ORS 830.105)**

Bob Montgomery (r) Rules  
 George Tinker Rules

**Board of Medical Examiners (ORS 677.235)**

Douglas Kirkpatrick Rules  
 John Stiger (r) Rules

**Oregon Patient Safety Commission Board of Directors (ORS 442.830)**

Nancy Chi Rules

**Psychiatric Security Review Board (ORS 161.385)**

Julia Hurlburt Rules

**Board on Public Safety Standards and Training (ORS 181.620)**

Andrew Bentz Rules  
 Andrew Bentz (r) Rules

**Public Utility Commission (ORS 756.014)**

John Savage (r) Rules

**Teacher Standards and Practices Commission (ORS 342.350)**

Francis Charbonnier Rules

**State Workforce Investment Board (ORS 660.321)**

C. Carl Califano Rules  
 Bob Craft (r) Rules  
 Charles Karns Rules  
 Linda Mock (r) Rules  
 James Paulson Rules

Senate adjourned until 10:30 a.m. Wednesday by unanimous consent at the request of the Chair.

**Wednesday, April 6, 2005 -- Morning Session**

Senate convened at 10:30 a.m. Morse in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, President Courtney, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Monnes Anderson, Morrisette, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Whitsett, Winters; attending legislative business -- Metsger, Westlund. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Chris Anderson, Professor of English at Oregon State University and an ordained Deacon in Parish and Campus Ministries, Corvallis. Musical performance by the OSU Meistersingers, directed by Steven Zielke, Corvallis.

HB 3324 -- Message from the House announcing passage.

Committee Report Summary No. 44 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SJR 14 -- Report by Committee on Revenue recommending adoption.

SB 55 -- Report by Committee on Business and Economic Development recommending passage with amendments.

SB 96 -- Report by Committee on Environment and Land Use recommending passage.

SB 118 -- Report by Committee on Commerce recommending passage with amendments.

SB 125 -- Report by Committee on Environment and Land Use recommending passage with amendments.

SB 303 -- Report by Committee on Human Services recommending passage and requesting subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the President.

SB 413 -- Report by Committee on Business and Economic Development recommending passage with amendments.

SB 737 -- Report by Committee on Environment and Land Use recommending passage with amendments.

SB 847 -- Report by Committee on Revenue recommending passage.

SB 857 -- Report by Committee on Environment and Land Use recommending passage with amendments.

SB 996 -- Report by Committee on Revenue recommending passage with amendments.

SJR 14; SB 61, 96, 240, 303, 489, 847, 923, 995 -- Read second time and passed to third reading.

SB 434 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 23; nays, 4 -- Atkinson, Ferrioli, George, Kruse; excused, 1 -- Shields; attending legislative business, 2 -- Metsger, Westlund. Bill passed.

SB 594 -- Read third time. Carried by Johnson. On passage of bill the vote was: Ayes, 27; excused, 1 -- Shields; attending legislative business, 2 -- Metsger, Westlund. Bill passed.

SB 694 -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 26; excused, 1 -- Shields; attending legislative business, 3 -- Gordly, Metsger, Westlund. Bill passed.

SB 912 A-Eng. -- Read third time. Carried by Beyer, Prozanski. On passage of bill the vote was: Ayes, 28; excused, 1 -- Shields; attending legislative business, 1 -- Westlund. Bill passed.

SB 924 -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 28; excused, 1 -- Shields; attending legislative business, 1 -- Westlund. Bill passed.

SB 925 -- Read third time. Carried by Deckert. On passage of bill the vote was: Ayes, 28; excused, 1 -- Shields; attending legislative business, 1 -- Westlund. Bill passed.

SB 926 -- Read third time. Carried by Monnes Anderson. On passage of bill the vote was: Ayes, 28; excused, 1 -- Shields; attending legislative business, 1 -- Westlund. Bill passed.

SB 37 -- Read third time. Carried by Beyer. Taken from today's third reading calendar and placed on April 7 calendar by voice vote on motion of Beyer.

SB 119 A-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 27; excused, 2 -- Shields, Winters; attending legislative business, 1 -- Westlund. Bill passed.

SB 346 A-Eng. -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 27; excused, 2 -- Shields, Winters; attending legislative business, 1 -- Westlund. Bill passed.

SB 576 A-Eng. -- Read third time. Carried by Whitsett. On passage of bill the vote was: Ayes, 26; nays, 1 -- Schrader; excused, 2 -- Shields, Winters; attending legislative business, 1 -- Westlund. Bill passed.

SB 839 A-Eng. -- Read third time. Carried by Deckert. On passage of bill the vote was: Ayes, 25; nays, 2 -- Beyer, Kruse; excused, 2 -- Shields, Winters; attending legislative business, 1 -- Westlund. Bill passed.

SB 858 A-Eng. -- Read third time. Carried by Verger. On passage of bill the vote was: Ayes, 25; nays, 2 -- Beyer, Kruse; excused, 2 -- Shields, Winters; attending legislative business, 1 -- Westlund. Bill passed.

HB 3324 -- Read first time and referred to President's desk.

Senate adjourned until 10:30 a.m. Thursday by unanimous consent at the request of the Chair.

#### **Thursday, April 7, 2005 -- Morning Session**

Senate convened at 10:30 a.m. Atkinson in Chair. The following members were present: Bates, Beyer, Brown, Burdick, Carter, President Courtney, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- Shields. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Reverend Dr. Wilber Hardy, Jr. of Highland United Church of Christ, Portland.

SB 223 -- Message from the Governor announcing he signed on April 6.

HB 2080, 2542, 2926 -- Message from the House announcing passage.

HJM 5 -- Message from the House announcing adoption.

Committee Report Summary No. 45 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 89 -- Report by Committee on Judiciary recommending passage with amendments.

SB 91 -- Report by Committee on Environment and Land Use recommending passage with amendments and requesting subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the President.

SB 155 -- Report by Committee on General Government recommending passage with amendments and requesting referral to Committee on Ways and Means. Referred to Committee on Ways and Means by order of the President.

SB 156 -- Report by Committee on General Government recommending passage with amendments and requesting referral to Committee on Ways and Means. Referred to Committee on Ways and Means by order of the President.

SB 214 -- Report by Committee on Business and Economic Development recommending passage with amendments.

SB 430 -- Report by Committee on Human Services recommending passage with amendments.

SB 776 -- Report by Committee on Human Services without recommendation as to passage, but with amendments. Referred to Committee on Ways and Means by prior reference.

SB 781 -- Report by Committee on Human Services recommending passage with amendments.

SB 892 -- Report by Committee on Human Services recommending passage. Referred to Committee on Revenue by prior reference.

SJR 14 -- Taken from today's third reading calendar and placed on April 12 calendar by voice vote on motion of Ringo.

SB 37 -- Taken from today's third reading calendar and rereferred to Committee on Commerce by voice vote on motion of Beyer.

SJR 31; SB 1041 -- Introduced, read first time and referred to President's desk. (Beyer in Chair)

SB 55, 118, 125, 413, 737, 857, 996 -- Read second time and passed to third reading.

SCR 8 A-Eng. -- Read final time. Carried by Atkinson. On adoption of resolution, the vote was: Ayes, 25; excused, 1 – Shields; attending legislative business, 4 – Brown, Carter, Schrader, President Courtney. Resolution adopted. (Atkinson in Chair)

SB 61 A-Eng. -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 17; nays, 7 – Atkinson, Beyer, Ferrioli, George, Kruse, Whitsett, Winters; excused, 1 – Shields; attending legislative business, 5 – Brown, Carter, Schrader, Starr, B., President Courtney. Bill passed.

SB 96 -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 24; excused, 1 – Shields; attending legislative business, 5 – Brown, Carter, Schrader, Starr, B., President Courtney. Bill passed.

SB 240 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 24; excused, 1 – Shields; attending legislative business, 5 – Brown, Carter, Schrader, Starr, B., President Courtney. Bill passed.

SB 303 -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 19; nays, 6 – Atkinson, Beyer, Ferrioli, George, Morse, Starr, B.; excused, 1 – Shields; attending legislative business, 4 – Brown, Carter, Schrader, President Courtney. Bill passed.

SB 489 A-Eng. -- Moved to the foot of today's third reading calendar by unanimous consent at the request of the Chair.

SB 847 -- Taken from today's third reading calendar and placed on April 11 calendar by unanimous consent at the request of the Chair.

SB 923 A-Eng. -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 25; excused, 1 – Shields; attending legislative business, 4 – Brown, Carter, Schrader, President Courtney. Bill passed.

SB 995 A-Eng. -- Read third time. Carried by George. On passage of bill the vote was: Ayes, 22; nays, 3 – Atkinson, Beyer, Kruse; excused, 1 – Shields; attending legislative business, 4 – Brown, Carter, Schrader, President Courtney. Bill passed.

SB 489 A-Eng. -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 25;

excused, 1 – Shields; attending legislative business, 4 – Brown, Carter, Schrader, President Courtney. Bill passed.

HJM 5; HB 2080, 2542, 2926 -- Read first time and referred to President's desk.

Senate adjourned until 10:30 a.m. Monday by unanimous consent at the request of the Chair.

#### **Monday, April 11, 2005 -- Morning Session**

Senate convened at 10:30 a.m. Devlin in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, President Courtney, Deckert, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Schrader, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- Shields; attending legislative business -- Ringo. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pastor John Dennis of First Presbyterian Church, Corvallis.

HB 2629 -- Message from the House announcing passage.

Committee Report Summary No. 46 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 70 -- Report by Committee on Transportation recommending passage.

SB 94 -- Report by Committee on Judiciary recommending passage with amendments.

SB 114 -- Report by Committee on Judiciary recommending passage.

SB 353 -- Report by Committee on Environment and Land Use recommending passage with amendments.

SB 443 -- Report by Committee on Human Services recommending passage with amendments and requesting subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the President.

SB 605 -- Report by Committee on Human Services recommending passage with amendments and requesting subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the President.

SB 771 -- Report by Committee on Health Policy recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

SB 855 -- Report by Committee on Health Policy recommending passage with amendments.

SB 876 -- Report by Committee on Health Policy recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.



SB 914 -- Report by Committee on Judiciary recommending passage with amendments.

SB 919 -- Report by Committee on Judiciary recommending passage with amendments.

SB 953 -- Report by Committee on Judiciary recommending passage.

SB 1016 -- Report by Committee on Health Policy recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

HB 2115 -- Report by Committee on Transportation recommending passage with amendments to the A-Engrossed bill.

SB 70, 89, 91, 114, 214, 430, 781, 953 -- Read second time and passed to third reading.

SB 55 A-Eng. -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 25; nays, 2 – Beyer, Kruse; absent, 1 – Nelson; excused, 1 – Shields; attending legislative business, 1 – Ringo. Bill passed.

Courtesies of the Senate were extended to former State Senator Ron Grensky at the request of Atkinson.

SB 118 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 28; excused, 2 – Shields, Ringo. Bill passed.

SB 125 -- Read third time. Carried by Atkinson. Taken from today's third reading calendar and placed on April 12 calendar by voice vote on motion of Atkinson.

SB 413 A-Eng. -- Read third time. Carried by Metsger. Johnson declared a potential conflict of interest. On passage of bill the vote was: Ayes, 23; nays, 5 – Atkinson, George, Schrader, Westlund, Whitsett; excused, 1 – Shields; attending legislative business, 1 – Ringo. Bill passed.

SB 737 -- Bill read. Carried by Atkinson. Taken from today's third reading calendar and placed on April 12 calendar by voice vote on motion of Atkinson.

SB 847 -- Read third time. Carried by Carter. On passage of bill the vote was: Ayes, 26; nays, 1 – Nelson; excused, 1 – Shields; attending legislative business, 2 – Ringo, Starr, B. Bill passed.

SB 857 A-Eng. -- Read third time. Carried by Verger. Call of the Senate demanded by Brown joined by Nelson and Metsger. All present except Shields, excused; Ringo, attending legislative business. Call terminated at the request of the President.

SB 857 -- Debate resumed. Call of the Senate demanded by Brown joined by Burdick and Courtney. All present except Shields, excused; Ringo, attending legislative business. On passage of bill the vote was: Ayes, 21; nays, 7 – Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C., Whitsett; excused, 1 – Shields; attending legislative business, 1 – Ringo. Bill passed.

SB 996 A-Eng. -- Read third time. Carried by Deckert. On passage of bill the vote was: Ayes, 25; nays, 2 – Morse, Nelson; excused, 2 – Shields,

Winters; attending legislative business, 1 – Ringo. Bill passed.

HB 2629 -- Read first time and referred to President's desk.

The following measures were referred to committee on April 8 and recorded on Committee Referral List No. 32 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

|         |                                    |
|---------|------------------------------------|
| SJR 31  | Rules                              |
| SB 1029 | Commerce; Ways and Means           |
| SB 1030 | Revenue; Ways and Means            |
| SB 1031 | General Government                 |
| SB 1032 | Environment and Land Use           |
| SB 1033 | Rules                              |
| SB 1034 | Judiciary                          |
| SB 1035 | Health Policy                      |
| SB 1036 | Revenue; Ways and Means            |
| SB 1038 | Transportation                     |
| SB 1039 | Education and Workforce            |
| SB 1040 | Health Policy                      |
| SB 1041 | Judiciary                          |
| HCR 8   | Rules                              |
| HJM 5   | Environment and Land Use           |
| HJR 16  | Rules                              |
| HJR 27  | Rules                              |
| HB 2005 | General Government; Ways and Means |
| HB 2080 | Human Services                     |
| HB 2117 | Business and Economic Development  |
| HB 2119 | General Government                 |
| HB 2372 | Business and Economic Development  |
| HB 2542 | Revenue                            |
| HB 2637 | Business and Economic Development  |
| HB 2926 | Environment and Land Use           |
| HB 3324 | Judiciary                          |

#### **Health Services Commission (ORS 414.715)**

|                  |       |
|------------------|-------|
| Kevin Olson      | Rules |
| Laurie Theodorou | Rules |
| Kathryn Weit     | Rules |

Senate adjourned until 10:30 a.m. Tuesday by unanimous consent at the request of the Chair.

#### **Tuesday, April 12, 2005 -- Morning Session**

Senate convened at 10:30 a.m. Deckert in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, President Courtney, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Prozanski, Ringo, Schrader, Shields, Starr, C., Verger, Walker, Westlund, Whitsett, Winters; attending legislative business -- Nelson, Starr, B. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Charles Starr, Hillsboro.

HB 2096, 2189, 2328, 2680, 2825, 2983, 3015, 3145, 3305 -- Message from the House announcing passage.

SJM 6; HCR 11 -- Message from the House announcing adoption.

Committee Report Summary No. 47 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 15 -- Report by Committee on Business and Economic Development recommending passage.

SB 16 -- Report by Committee on Business and Economic Development recommending passage with amendments and requesting referral to Committee on Ways and Means. Referred to Committee on Ways and Means by order of the President.

SB 81 -- Report by Committee on Business and Economic Development recommending passage.

SB 171 -- Report by Committee on Business and Economic Development recommending passage with amendments and requesting referral to Committee on Revenue. Referred to Committee on Revenue by order of the President.

SB 212 -- Report by Committee on Business and Economic Development recommending passage.

SB 321 -- Report by Committee on Commerce recommending passage.

SB 374 -- Report by Committee on Human Services recommending passage with amendments.

SB 412 -- Report by Committee on Revenue recommending passage with amendments.

SB 470 -- Report by Committee on Revenue recommending passage with amendments and requesting referral to Committee on Ways and Means. Referred to Committee on Ways and Means by order of the President.

SB 574 -- Report by Committee on Business and Economic Development recommending passage with amendments.

SB 696 -- Report by Committee on Environment and Land Use recommending passage.

SB 879 -- Report by Committee on Business and Economic Development recommending passage with amendments.

SB 969 -- Report by Committee on General Government recommending passage. Referred to Committee on Ways and Means by prior reference.

SB 998 -- Report by Committee on Transportation recommending passage with amendments. Referred to Committee on Ways and Means by order of the President.

SB 1012 -- Report by Committee on Judiciary recommending passage with amendments.

SB 15, 81, 94, 212, 321, 353, 443, 605, 696, 855, 914, 919 -- Read second time and passed to third reading.

SJR 14 -- Moved to the foot of today's third reading calendar by unanimous consent at the request of the Chair.

SB 70 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 24; nays, 1 – Kruse; absent, 1 – Beyer; attending legislative business, 4 – Bates, Nelson, Starr, B., Westlund. Bill passed.

SB 89 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 25; absent, 1 – Beyer; attending legislative business, 4 – Bates, Nelson, Starr, B., Westlund. Bill passed.

Senate at ease. Senate reassembled.

SB 91 A-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 22; nays, 5 – Atkinson, Ferrioli, George, Kruse, Whitsett; attending legislative business, 3 – Bates, Nelson, Starr, B. Bill passed.

SB 114 -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 24; nays, 4 – Beyer, Ferrioli, Kruse, Verger; attending legislative business, 2 – Nelson, Starr, B. Bill passed.

SB 125 -- Rereferred to Committee on Environment and Land Use by voice vote on motion of Ringo.

SB 214 A-Eng. -- Read third time. Carried by Kruse. On passage of bill the vote was: Ayes, 27; nays, 1 – Schrader; attending legislative business, 2 – Nelson, Starr, B. Bill passed.

SB 430 A-Eng. -- Read third time. Carried by Morrisette. On passage of bill the vote was: Ayes, 27; nays, 1 – Schrader; attending legislative business, 2 – Nelson, Starr, B. Bill passed.

SB 737 A-Eng. -- Bill read. Carried by Ringo. On passage of bill the vote was: Ayes, 27; nays, 1 – Schrader; attending legislative business, 2 – Nelson, Starr, B. Bill passed.

SB 781 A-Eng. -- Read third time. Carried by Morrisette. On passage of bill the vote was: Ayes, 25; nays, 3 – Beyer, Ferrioli, Schrader; attending legislative business, 2 – Nelson, Starr, B. Bill passed.

SB 953 -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 26; nays, 2 – Metsger, Schrader; attending legislative business, 2 – Nelson, Starr, B. Bill passed.

SJR 14 -- Read final time. Carried by Devlin. Call of the Senate demanded by Devlin joined by Brown and Bates. All present except Nelson, Starr, B., attending legislative business. On adoption of resolution, the vote was: Ayes, 20; nays, 8 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, C., Whitsett, Winters; attending legislative business, 2 – Nelson, Starr, B. Resolution adopted.

HCR 11; HB 2096, 2189, 2328, 2680, 2825, 2983, 3015, 3145, 3305 -- Read first time and referred to President's desk.

HB 2115 -- Read second time and passed to third reading.

SJM 6 -- President Courtney signed on April 12.

Senate adjourned until 10:30 a.m. Wednesday by unanimous consent at the request of the Chair.

**Wednesday, April 13, 2005 -- Morning Session**

Senate convened at 10:30 a.m. Brown in Chair. The following members were present: Atkinson, Bates, Beyer, Burdick, Carter, President Courtney, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, C., Verger, Walker, Westlund, Whitsett, Winters; attending legislative business -- Starr, B. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Bishop H.B. Daniels, Jr., of Daniels Memorial Church of God in Christ, Portland. Musical performance by Cletus Moore, Salem, accompanied by Yovanny Perez, Vancouver, Washington.

Courtesies of the Senate were extended to former State Representative Bill Markham at the request of Westlund.

HB 2499, 2581, 2604, 2634, 2687, 2755, 2978, 3119 -- Message from the House announcing passage.

SJM 6; HB 2196 -- Message from the House announcing the Speaker signed on April 12.

Committee Report Summary No. 48 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SJM 7 -- Report by Committee on Transportation recommending adoption.

SB 139 -- Report by Committee on Commerce recommending passage.

SB 141 -- Report by Committee on Commerce recommending passage with amendments.

SB 142 -- Report by Committee on Commerce recommending passage with amendments.

SB 150 -- Report by Committee on General Government recommending passage with amendments.

SB 210 -- Report by Committee on Business and Economic Development recommending passage with amendments.

SB 327 -- Report by Committee on Business and Economic Development recommending passage with amendments.

SB 389 -- Report by Committee on Environment and Land Use recommending passage with amendments.

SB 402 -- Report by Committee on General Government recommending passage with amendments.

SB 490 -- Report by Committee on Health Policy recommending passage with amendments.

SB 498 -- Report by Committee on General Government recommending passage with amendments.

SB 557 -- Report by Committee on General Government recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

SB 562 -- Report by Committee on General Government recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

SB 573 -- Report by Committee on Commerce recommending passage with amendments.

SB 660 -- Report by Committee on General Government recommending passage.

SB 669 -- Report by Committee on Commerce recommending passage.

SB 675 -- Report by Committee on Health Policy recommending passage.

SB 690 -- Report by Committee on General Government recommending passage with amendments.

SB 834 -- Report by Committee on Environment and Land Use recommending passage. Referred to Committee on Ways and Means by prior reference.

SB 896 -- Report by Committee on Revenue recommending passage with amendments.

SB 899 -- Report by Committee on Revenue recommending passage with amendments.

SB 949 -- Report by Committee on Business and Economic Development recommending passage with amendments.

HJR 8 -- Report by Committee on Business and Economic Development recommending adoption.

SB 1000 -- Introduced, read first time and referred to President's desk.

SJM 7; SB 139, 374, 412, 574, 660, 669, 675, 879, 1012 -- Read second time and passed to third reading.

SB 15 -- Read third time. Carried by Nelson. On passage of bill the vote was: Ayes, 27; attending legislative business, 3 -- Carter, Johnson, Starr, B. Bill passed.

SB 81 -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 22; nays, 5 -- Atkinson, Beyer, Ferrioli, George, Kruse; attending legislative business, 3 -- Carter, Johnson, Starr, B. Bill passed.

SB 94 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 28; attending legislative business, 2 -- Johnson, Starr, B. Bill passed.

Senate recessed by unanimous consent on motion of Ferrioli.

Senate reconvened at 11:40 a.m. President Courtney in Chair. All present except Winters,

excused; Johnson, Starr, B., attending legislative business.

Senate, having recessed under the order of Third Readings of Senate Measures, resumed under that order by unanimous consent at the request of the Chair.

SB 212 -- Read third time. Carried by Metsger. Call of the Senate demanded by Brown joined by Bates and Gordly. All present except Winters, excused; Johnson, Starr, B., attending legislative business. On passage of bill the vote was: Ayes, 16; nays, 11 -- Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Starr, C., Verger, Walker, Westlund, Whitsett; excused, 1 -- Winters; attending legislative business, 2 -- Johnson, Starr, B. Bill passed.

SB 321 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 16; nays, 11 -- Atkinson, Beyer, Ferrioli, George, Kruse, Monnes Anderson, Morse, Nelson, Starr, C., Verger, Whitsett; excused, 1 -- Winters; attending legislative business, 2 -- Johnson, Starr, B. Bill passed.

SB 353 A-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 27; excused, 1 -- Winters; attending legislative business, 2 -- Johnson, Starr, B. Bill passed.

SB 443 A-Eng. -- Read third time. Carried by Kruse. On passage of bill the vote was: Ayes, 27; excused, 1 -- Winters; attending legislative business, 2 -- Johnson, Starr, B. Bill passed.

SB 605 A-Eng. -- Read third time. Carried by Bates. On passage of bill the vote was: Ayes, 26; excused, 1 -- Winters; attending legislative business, 3 -- Johnson, Starr, B., Starr, C. Bill passed.

SB 696 -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 26; excused, 1 -- Winters; attending legislative business, 3 -- Johnson, Starr, B., Starr, C. Bill passed.

SB 855, 914, 919 -- Carried over to April 14 calendar by unanimous consent at the request of the Chair.

HB 2499, 2581, 2604, 2634, 2687, 2755, 2978, 3119 -- Read first time and referred to President's desk.

HJR 8 -- Read second time and passed to third reading.

HB 2115 -- Carried over to April 14 calendar by unanimous consent at the request of the Chair.

HB 2196 -- President Courtney signed on April 13.

Senate adjourned until 10:30 a.m. Thursday by unanimous consent at the request of the Chair.

#### **Thursday, April 14, 2005 -- Morning Session**

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Bates, Beyer, Brown, Burdick, Carter, Deckert, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse,

Nelson, Prozanski, Ringo, Schrader, Shields, Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- Devlin; attending legislative business -- Atkinson, Starr, B. (Burdick in Chair) Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Frank Morse, Corvallis. Musical performance by Gale Hazel and Paul Pritchard of Oregon State University, Corvallis.

Courtesies of the Senate were extended to former Governor Barbara Roberts at the request of Brown.

HB 2028, 2029, 2094, 2139, 2140, 2143, 2312, 2370, 2578, 2741, 2916, 3043, 3044, 3067, 3157, 3206 -- Message from the House announcing passage.

Committee Report Summary No. 49 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 71 -- Report by Committee on Transportation recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

SB 106 -- Report by Committee on Judiciary recommending passage with amendments.

SB 194 -- Report by Committee on Commerce without recommendation as to passage, but with amendments. Referred to Committee on Ways and Means by prior reference.

SB 300 -- Report by Committee on Education and Workforce recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

SB 351 -- Report by Committee on Environment and Land Use recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

SB 355 -- Report by Committee on Commerce recommending passage with amendments.

SB 385 -- Report by Committee on Business and Economic Development recommending passage with amendments.

SB 415 -- Report by Committee on Education and Workforce without recommendation as to passage. Referred to Committee on Revenue by prior reference.

SB 579 -- Report by Committee on Business and Economic Development recommending passage with amendments.

SB 589 -- Report by Committee on General Government recommending passage and requesting referral to Committee on Ways and Means. Referred to Committee on Ways and Means by order of the President.

SB 593 -- Report by Committee on Environment and Land Use recommending passage with amendments. Referred to Committee on Revenue by prior reference.

SB 637 -- Report by Committee on Education and Workforce recommending passage with

amendments. Referred to Committee on Ways and Means by prior reference.

SB 638 -- Report by Committee on General Government recommending passage.

SB 703 -- Report by Committee on Education and Workforce recommending passage with amendments.

SB 748 -- Report by Committee on Education and Workforce recommending passage. Referred to Committee on Ways and Means by prior reference.

SB 766 -- Report by Committee on Education and Workforce recommending passage with amendments.

SB 773 -- Report by Committee on Business and Economic Development recommending passage with amendments.

SB 817 -- Report by Committee on General Government recommending passage with amendments and requesting referral to Committee on Ways and Means. Referred to Committee on Ways and Means by order of the President.

SB 950 -- Report by Committee on Business and Economic Development recommending passage with amendments.

SB 958 -- Report by Committee on Education and Workforce without recommendation as to passage. Referred to Committee on Revenue by prior reference.

SJR 32, 33; SM 1; SB 1042, 1043, 1044, 1045 -- Introduced, read first time and referred to President's desk.

SB 141, 142, 150, 210, 327, 389, 402, 490, 498, 573, 638, 690, 896, 899, 949 -- Read second time and passed to third reading. (President Courtney in Chair)

SB 855 A-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 22; nays, 2 -- Beyer, Verger; excused, 1 -- Devlin; attending legislative business, 5 -- Atkinson, Deckert, George, Metsger, Starr, B. Bill passed.

SB 914 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 25; excused, 1 -- Devlin; attending legislative business, 4 -- Atkinson, Deckert, George, Starr, B. Bill passed.

SB 919 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 23; nays, 4 -- George, Kruse, Nelson, Schrader; excused, 1 -- Devlin; attending legislative business, 2 -- Atkinson, Starr, B. Bill passed.

SJM 7 -- Read final time. Carried by Verger. On adoption of memorial, the vote was: Ayes, 26; absent, 1 -- Carter; excused, 1 -- Devlin; attending legislative business, 2 -- Atkinson, Starr, B. Memorial adopted.

Senate recessed by unanimous consent on motion of Brown.

Senate reconvened at 12:00 p.m. President Courtney in Chair. All present except Devlin,

excused; Atkinson, Starr, B., attending legislative business. (Burdick in Chair)

Senate, having recessed under the order of Third Readings of Senate Measures, resumed under that order by unanimous consent at the request of the Chair.

SB 139 -- Read third time. Carried by Ringo. Taken from today's third reading calendar and placed on April 18 calendar by voice vote on motion of Ringo.

SB 374 A-Eng. -- Read third time. Carried by Courtney. Call of the Senate demanded by Brown joined by Metsger and Ringo. All present except Devlin, excused; Atkinson, Starr, B., attending legislative business. On passage of bill the vote was: Ayes, 22; nays, 5 -- Beyer, Ferrioli, George, Kruse, Whitsett; excused, 1 -- Devlin; attending legislative business, 2 -- Atkinson, Starr, B. Bill passed.

SB 412 -- Read third time. Carried by Deckert. Rereferred to Committee on Revenue by voice vote on motion of Deckert.

SB 574 A-Eng. -- Read third time. Carried by Deckert. On passage of bill the vote was: Ayes, 25; excused, 2 -- Devlin, Gordly; attending legislative business, 3 -- Atkinson, Metsger, Starr, B. Bill passed.

SB 660 -- Read third time. Carried by Shields. Taken from today's third reading calendar and placed on April 18 calendar by voice vote on motion of Shields.

SB 669 -- Read third time. Carried by Prozanski. Rereferred to Committee on Commerce by voice vote on motion of Prozanski.

SB 675 -- Read third time. Carried by Monnes Anderson. On passage of bill the vote was: Ayes, 24; nays, 2 -- Beyer, Ferrioli; excused, 2 -- Devlin, Gordly; attending legislative business, 2 -- Atkinson, Starr, B. Bill passed.

SB 879 A-Eng. -- Read third time. Carried by Monnes Anderson. On passage of bill the vote was: Ayes, 24; nays, 2 -- Burdick, Johnson; excused, 2 -- Devlin, Gordly; attending legislative business, 2 -- Atkinson, Starr, B. Bill passed.

SB 1012 -- Carried over to April 18 calendar by unanimous consent at the request of the Chair.

HB 2028, 2029, 2094, 2139, 2140, 2143, 2312, 2370, 2578, 2741, 2916, 3043, 3044, 3067, 3157, 3206 -- Read first time and referred to President's desk.

HJR 8; HB 2115 -- Carried over to April 18 calendar by unanimous consent at the request of the Chair.

Senate adjourned until 10:30 a.m. Monday by unanimous consent at the request of the Chair.

#### **Monday, April 18, 2005 -- Morning Session**

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Bates, Beyer, Brown, Burdick, Carter,

Deckert, Devlin, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Schrader, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- Ferrioli, Shields; attending legislative business -- Atkinson, Ringo. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Avel Gordly, Portland. Musical performance by Cantus Ensemble conducted by Emil Sokach, Uzhgorod, Ukraine.

HB 2260, 2649, 3038 -- Message from the House announcing passage.

Committee Report Summary No. 50 listing the following reports was distributed to members April 15. Summary list recorded in Journal and Status Report by order of the President.

SB 173 -- Report by Committee on Business and Economic Development recommending passage. Referred to Committee on Ways and Means by prior reference.

SB 187 -- Report by Committee on Education and Workforce recommending passage with amendments.

SB 209 -- Report by Committee on Business and Economic Development recommending passage with amendments.

SB 287 -- Report by Committee on Judiciary recommending passage with amendments.

SB 311 -- Report by Committee on Commerce recommending passage with amendments. Referred to Committee on Ways and Means by order of the President.

SB 316 -- Report by Committee on General Government recommending passage with amendments.

SB 368 -- Report by Committee on Judiciary recommending passage with amendments.

SB 408 -- Report by Committee on Business and Economic Development recommending passage with amendments.

SB 433 -- Report by Committee on Commerce recommending passage with amendments.

SB 529 -- Report by Committee on Environment and Land Use without recommendation as to passage. Referred to Committee on Ways and Means by prior reference.

SB 575 -- Report by Committee on Education and Workforce recommending passage with amendments.

SB 598 -- Report by Committee on Human Services recommending passage with amendments and requesting subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the President.

SB 618 -- Report by Committee on Health Policy recommending passage with amendments.

SB 620 -- Report by Committee on Human Services recommending passage with amendments.

SB 706 -- Report by Committee on General Government recommending passage with amendments.

SB 783 -- Report by Committee on Health Policy recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

SB 784 -- Report by Committee on Health Policy recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

SB 887 -- Report by Committee on Environment and Land Use recommending passage with amendments.

SB 936 -- Report by Committee on Health Policy recommending passage with amendments.

SB 940 -- Report by Committee on Judiciary recommending passage with amendments.

SB 946 -- Report by Committee on Judiciary recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

SB 962 -- Report by Committee on Health Policy recommending passage with amendments and requesting subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the President.

SB 997 -- Report by Committee on Business and Economic Development recommending passage with amendments.

SB 1005 -- Report by Committee on Human Services without recommendation as to passage, but with amendments. Referred to Committee on Ways and Means by prior reference.

Committee Report Summary No. 51 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 39 -- Report by Committee on Judiciary recommending passage with amendments.

SB 769 -- Report by Committee on Education and Workforce recommending passage and requesting referral to Committee on Ways and Means. Referred to Committee on Ways and Means by order of the President.

SB 1006 -- Report by Committee on General Government recommending passage.

Report by Committee on Rules recommending that the Governor's appointments of Joshua Marquis and Eva Temple to the Oregon Criminal Justice Commission be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's reappointment of Zane Smith (appearance waived) to the State Fish and Wildlife Commission be confirmed.

Report by Committee on Rules recommending that the Governor's appointments of Leda Garside (appearance waived) and Bryan Sohl (r) (appearance waived) to the Health Services Commission be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's appointments of James Brown, William Gregory (r) (appearance waived) and Sharon Rudi to the State Parks and Recreation Commission be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's reappointments of Cindy Cunningham (appearance waived) and Charles Moore (appearance waived) to the Physical Therapist Licensing Board be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's appointments of Yvonne Curtis, Lynn Lundquist, Susan Massey (r) (appearance waived) and Lorenzo Poe to the Quality Education Commission be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's appointments of Michael Addington (appearance waived) and Donna Gilmour (r) (appearance waived) to the State Board of Tax Practitioners be confirmed en bloc.

SB 139, 142, 150, 402, 490, 498, 660, 896, 899 -- Taken from today's third reading calendar and placed on April 19 calendar by voice vote on motion of Brown.

SB 210 -- Taken from today's third reading calendar and rereferred to Committee on Business and Economic Development by voice vote on motion of Metsger.

SM 2; SB 1046, 1047, 1048 -- Introduced, read first time and referred to President's desk.

SB 106, 187, 209, 287, 316, 355, 368, 385, 408, 433, 575, 579, 598, 618, 620, 703, 706, 766, 773, 887, 936, 940, 950, 962, 997, 1006 -- Read second time and passed to third reading.

SB 1012 A-Eng. -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 23; nays, 3 – Beyer, Kruse, Nelson; excused, 2 – Ferrioli, Shields; attending legislative business, 2 – Atkinson, Ringo. Bill passed.

SB 141 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 23; nays, 3 – Johnson, Starr, B., Verger; excused, 2 – Ferrioli, Shields; attending legislative business, 2 – Atkinson, Ringo. Bill passed.

SB 327 A-Eng. -- Read third time. Carried by Morse. On passage of bill the vote was: Ayes, 26; excused, 2 – Ferrioli, Shields; attending legislative business, 2 – Atkinson, Ringo. Bill passed.

SB 389 A-Eng. -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 26; excused, 2 – Ferrioli, Shields; attending legislative business, 2 – Atkinson, Ringo. Bill passed.

SB 573 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 23; nays, 4 – George, Kruse, Monnes Anderson, Verger;

excused, 2 – Ferrioli, Shields; attending legislative business, 1 – Atkinson. Bill passed.

SB 638 -- Read third time. Carried by Deckert. On passage of bill the vote was: Ayes, 27; excused, 2 – Ferrioli, Shields; attending legislative business, 1 – Atkinson. Bill passed.

SB 690 A-Eng. -- Read third time. Carried by Verger. On passage of bill the vote was: Ayes, 27; excused, 2 – Ferrioli, Shields; attending legislative business, 1 – Atkinson. Bill passed.

SB 949 A-Eng. -- Read third time. Carried by Deckert. On passage of bill the vote was: Ayes, 27; excused, 2 – Ferrioli, Shields; attending legislative business, 1 – Atkinson. Bill passed.

HB 2260, 2649, 3038 -- Read first time and referred to President's desk.

HB 2115 B-Eng. -- Read third time. Carried by Whitsett. On passage of bill the vote was: Ayes, 27; excused, 2 – Ferrioli, Shields; attending legislative business, 1 – Atkinson. Bill passed.

HJR 8 A-Eng. -- Read final time. Carried by Metsger. On adoption of resolution, the vote was: Ayes, 25; nays, 2 – Beyer, Kruse; excused, 2 – Ferrioli, Shields; attending legislative business, 1 – Atkinson. Resolution adopted.

The following measures were referred to committee on April 15 and recorded on Committee Referral List No. 33 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

|         |                                   |
|---------|-----------------------------------|
| SJR 32  | Rules                             |
| SJR 33  | Rules                             |
| SM 1    | Rules                             |
| SB 1000 | Rules                             |
| SB 1042 | Business and Economic Development |
| SB 1044 | Environment and Land Use          |
| SB 1045 | Judiciary                         |
| HCR 11  | Judiciary                         |
| HB 2028 | Rules                             |
| HB 2029 | Rules                             |
| HB 2094 | Rules                             |
| HB 2096 | Business and Economic Development |
| HB 2139 | Judiciary                         |
| HB 2140 | Judiciary                         |
| HB 2143 | Judiciary                         |
| HB 2189 | Rules                             |
| HB 2312 | Judiciary                         |
| HB 2328 | Environment and Land Use          |
| HB 2370 | Judiciary                         |
| HB 2499 | Judiciary                         |
| HB 2578 | Business and Economic Development |
| HB 2581 | Environment and Land Use          |
| HB 2604 | Business and Economic Development |
| HB 2629 | Revenue                           |
| HB 2634 | Judiciary                         |
| HB 2680 | Transportation                    |
| HB 2687 | Rules                             |

HB 2741 Transportation  
 HB 2755 Environment and Land Use  
 HB 2825 Transportation  
 HB 2916 Rules  
 HB 2978 Judiciary  
 HB 2983 Judiciary  
 HB 3015 Rules  
 HB 3043 Rules  
 HB 3044 Rules  
 HB 3067 Rules  
 HB 3119 Judiciary  
 HB 3145 Rules  
 HB 3157 Judiciary  
 HB 3206 Rules  
 HB 3305 Commerce

Senate adjourned until 10:30 a.m. Tuesday by unanimous consent at the request of the Chair.

### **Tuesday, April 19, 2005 -- Morning Session**

Senate convened at 10:30 a.m. George in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, President Courtney, Deckert, Devlin, Ferrioli, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- Shields. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pastor Steve Hopkins of Calvary Chapel, Salem.

HB 2257, 2718, 2774, 2979, 2980, 2981, 3117, 3232 -- Message from the House announcing passage.

HCR 10 -- Message from the House announcing adoption.

Committee Report Summary No. 52 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 151 -- Report by Committee on Business and Economic Development recommending passage with amendments.

SB 543 -- Report by Committee on Education and Workforce recommending passage with amendments. Referred to Committee on Ways and Means by order of the President.

SB 845 -- Report by Committee on Revenue recommending passage with amendments.

SB 880 -- Report by Committee on Health Policy recommending passage with amendments.

HB 2244 -- Report by Committee on Human Services recommending passage.

HB 2251 -- Report by Committee on Human Services recommending passage.

HB 2442 -- Report by Committee on Human Services recommending passage.

SB 139 -- Taken from today's third reading calendar and rereferred to Committee on Commerce by voice vote on motion of Ringo.

SB 490 -- Taken from today's third reading calendar and rereferred to Committee on Health Policy by voice vote on motion of Monnes Anderson.

SB 402 -- Taken from today's third reading calendar and rereferred to Committee on General Government by voice vote on motion of Westlund.

SB 660 -- Taken from today's third reading calendar and referred to Committee on Rules by voice vote on motion of Brown.

Brown moved that the Senate confirm en bloc the Governor's appointments of Joshua Marquis and Eva Temple to the Oregon Criminal Justice Commission. On confirmation the vote was: Ayes, 28; absent, 1 -- Burdick; excused, 1 -- Shields. Confirmed en bloc.

Ringo moved that the Senate confirm the Governor's reappointment of Zane Smith to the State Fish and Wildlife Commission. On confirmation the vote was: Ayes, 27; nays, 2 -- Beyer, Kruse; excused, 1 -- Shields. Confirmed.

Brown moved that the Senate confirm en bloc the Governor's appointments of Leda Garside and Bryan Sohl (r) to the Health Services Commission. On confirmation the vote was: Ayes, 29; excused, 1 -- Shields. Confirmed en bloc.

Ferrioli moved that the Senate confirm en bloc the Governor's appointments of James Brown, William Gregory (r) and Sharon Rudi to the State Parks and Recreation Commission. On confirmation the vote was: Ayes, 29; excused, 1 -- Shields. Confirmed en bloc.

Ferrioli moved that the Senate confirm en bloc the Governor's reappointments of Cindy Cunningham and Charles Moore to the Physical Therapist Licensing Board. On confirmation the vote was: Ayes, 29; excused, 1 -- Shields. Confirmed en bloc.

Brown moved that the Senate confirm en bloc the Governor's appointments of Yvonne Curtis, Lynn Lundquist, Susan Massey (r) and Lorenzo Poe to the Quality Education Commission. On confirmation the vote was: Ayes, 22; nays, 7 -- Atkinson, Beyer, Ferrioli, Kruse, Starr, B., Starr, C., Whitsett; excused, 1 -- Shields. Confirmed en bloc.

Atkinson moved that the Senate confirm en bloc the Governor's appointments of Michael Addington and Donna Gilmour (r) to the State Board of Tax Practitioners. On confirmation the vote was: Ayes, 29; excused, 1 -- Shields. Confirmed en bloc.

SB 39 -- Read second time and passed to third reading.

SB 887 -- Moved to the head of today's third reading calendar by unanimous consent at the request of the Chair.

SB 887 A-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 27;



nays, 2 – Schrader, Verger; excused, 1 – Shields. Bill passed.

SB 887 -- Schrader requested the following explanation of vote be entered into the journal:

“I firmly believe under no circumstances, unless it be for health and safety reasons, should anyone be annexed against their will.

“This bill is too narrow.

“I am sympathetic to NIKE. I realize this form of annexation has been done in the past, however, the ‘little people’ are being left behind; disregarded, and I have serious concerns about that inequity.

“I hope through further discussion and study that uniform annexation guidelines come to fruition, but this is not the vehicle that will accomplish that.”

SB 106 A-Eng. -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 29; excused, 1 – Shields. Bill passed.

SB 142 A-Eng. -- Read third time. Carried by Prozanski. Call of the Senate demanded by Prozanski joined by Courtney and Walker. All present except Shields, excused. On passage of bill the vote was: Ayes, 19; nays, 10 – Atkinson, Beyer, Ferrioli, Kruse, Morse, Nelson, Schrader, Starr, B., Starr, C., Whitsett; excused, 1 – Shields. Bill passed.

SB 142 -- Schrader requested the following explanation of vote be entered into the journal:

1) “Currently an employer is required by law to pay amounts withheld from an employee’s wages.

“Why do we need another remedy? BOLI doesn’t have the money to do enforcement. There is already a solution. BOLI has limited money that should be spent on existing missions, and let the courts handle employers that are breaking the laws.”

SB 150 A-Eng. -- Read third time. Carried by Walker. Call of the Senate demanded by Walker joined by Brown and Carter. All present except Shields, excused. On passage of bill the vote was: Ayes, 18; nays, 11 – Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Starr, C., Westlund, Whitsett, Winters; excused, 1 – Shields. Bill passed.

SB 187 A-Eng. -- Read third time. Carried by Morrisette. On passage of bill the vote was: Ayes, 27; nays, 2 – Atkinson, Starr, B.; excused, 1 – Shields. Bill passed.

SB 209 A-Eng. -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 24; nays, 5 – Atkinson, Beyer, Kruse, Nelson, Schrader; excused, 1 – Shields. Bill passed.

SB 287 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 29; excused, 1 – Shields. Bill passed. (President Courtney in Chair)

SB 316, 355, 368, 385, 408, 433, 498, 575, 579, 598, 618, 620, 703, 706, 766, 773, 896, 899, 936, 940, 950, 962, 997, 1006 -- Carried over to April 20 calendar by unanimous consent at the request of the Chair.

HCR 10; HB 2257, 2718, 2774, 2979, 2980, 2981, 3117, 3232 -- Read first time and referred to President’s desk.

HB 2244, 2251, 2442 -- Read second time and passed to third reading.

Senate adjourned until 10:30 a.m. Wednesday by unanimous consent at the request of the Chair.

### Wednesday, April 20, 2005 -- Morning Session

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett; excused -- Shields; attending legislative business -- Bates, Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Father Gray Zeer of St. Edward’s Parish, Keizer.

HB 2179, 2806, 2982, 3061, 3127, 3349 -- Message from the House announcing passage.

Committee Report Summary No. 53 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 273 -- Report by Committee on Judiciary recommending passage with amendments.

SB 541 -- Report by Committee on Health Policy recommending passage with amendments and requesting subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the President.

SB 641 -- Report by Committee on Judiciary recommending passage with amendments.

SB 815 -- Report by Committee on Human Services recommending passage with amendments. Referred to Committee on Ways and Means by order of the President.

HJM 8 -- Report by Committee on Health Policy recommending adoption.

HB 2177 -- Report by Committee on Health Policy recommending passage.

HB 2201 -- Report by Committee on Health Policy recommending passage.

HB 2243 -- Report by Committee on Health Policy recommending passage.

HB 2426 -- Report by Committee on Health Policy recommending passage of the A-Engrossed bill.

HB 3305 -- Report by Committee on Commerce recommending passage of the A-Engrossed bill.

SB 498 -- Taken from today’s third reading calendar and placed on April 21 calendar by voice vote on motion of Brown.

HB 3305 -- Consideration of bill made a Special Order of Business immediately by unanimous consent on motion of Prozanski.

HB 3305 -- Under rules suspension and Special Order of Business, read second time and passed to third reading.

HB 3305 A-Eng. -- Under rules suspension and Special Order of Business, read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 26; excused, 1 – Shields; attending legislative business, 3 – Carter, Ferrioli, Winters. Bill passed. Burdick, Devlin, Monnes Anderson, attending legislative business when roll called, were granted unanimous consent to be recorded as voting aye.

SB 1049 -- Introduced, read first time and referred to President's desk.

SB 151, 845, 880 -- Read second time and passed to third reading.

SB 316 A-Eng. -- Read third time. Carried by Gordly. On passage of bill the vote was: Ayes, 24; nays, 2 – Beyer, Kruse; excused, 1 – Shields; attending legislative business, 3 – Ferrioli, Monnes Anderson, Winters. Bill passed.

SB 355 A-Eng. -- Read third time. Carried by Nelson. On passage of bill the vote was: Ayes, 25; excused, 1 – Shields; attending legislative business, 4 – Bates, Ferrioli, Westlund, Winters. Bill passed.

SB 368 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 26; excused, 1 – Shields; attending legislative business, 3 – Bates, Westlund, Winters. Bill passed.

SB 385 A-Eng. -- Read third time. Carried by Monnes Anderson. On passage of bill the vote was: Ayes, 24; nays, 2 – Atkinson, Kruse; excused, 1 – Shields; attending legislative business, 3 – Bates, Westlund, Winters. Bill passed.

SB 408 -- Taken from today's third reading calendar and rereferred to Committee on Business and Economic Development by voice vote on motion of Metsger.

SB 433 -- Moved to the foot of today's third reading calendar by unanimous consent at the request of the Chair.

SB 575 A-Eng. -- Read third time. Carried by Devlin. On passage of bill the vote was: Ayes, 28; excused, 1 – Shields; attending legislative business, 1 – Winters. Bill passed.

SB 579 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 26; nays, 2 – Beyer, Kruse; excused, 1 – Shields; attending legislative business, 1 – Winters. Bill passed.

SB 598 A-Eng. -- Read third time. Carried by Bates. On passage of bill the vote was: Ayes, 28; excused, 1 – Shields; attending legislative business, 1 – Winters. Bill passed.

SB 618 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 22;

nays, 6 – Beyer, Ferrioli, Kruse, Morse, Nelson, Whitsett; excused, 1 – Shields; attending legislative business, 1 – Winters. Bill passed.

SB 620 A-Eng. -- Read third time. Carried by Kruse. On passage of bill the vote was: Ayes, 25; nays, 3 – Beyer, Nelson, Whitsett; excused, 1 – Shields; attending legislative business, 1 – Winters. Bill passed.

SB 703 -- Read third time. Carried by Carter. Rereferred to Committee on Education and Workforce by voice vote on motion of Carter.

SB 706 A-Eng. -- Read third time. Carried by Carter. On passage of bill the vote was: Ayes, 24; nays, 4 – Beyer, George, Kruse, Whitsett; excused, 1 – Shields; attending legislative business, 1 – Winters. Bill passed. Westlund, having been recorded as voting nay, granted unanimous consent to be recorded as voting aye.

SB 766 A-Eng. -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 19; nays, 8 – Atkinson, Ferrioli, Kruse, Morse, Nelson, Starr, B., Starr, C., Westlund; excused, 1 – Shields; attending legislative business, 2 – Prozanski, Winters. Bill passed. Burdick, absent when roll called, granted unanimous consent to be recorded as voting aye.

SB 773 A-Eng. -- Read third time. Carried by Morrisette. On passage of bill the vote was: Ayes, 17; nays, 10 – Atkinson, Beyer, Carter, Ferrioli, George, Kruse, Nelson, Schrader, Westlund, Whitsett; excused, 1 – Shields; attending legislative business, 2 – Prozanski, Winters. Bill passed.

SB 896 A-Eng. -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 26; nays, 1 – Verger; excused, 1 – Shields; attending legislative business, 2 – George, Winters. Bill passed.

SB 899 A-Eng. -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 20; nays, 7 – Atkinson, Beyer, Ferrioli, Johnson, Kruse, Starr, B., Verger; excused, 1 – Shields; attending legislative business, 2 – George, Winters. Bill passed. Ferrioli, Verger, having been recorded as voting aye, were granted unanimous consent to be recorded as voting nay.

SB 936 A-Eng. -- Read third time. Carried by Morrisette. On passage of bill the vote was: Ayes, 27; excused, 1 – Shields; attending legislative business, 2 – George, Winters. Bill passed.

SB 940 A-Eng. -- Read third time. Carried by Whitsett. On passage of bill the vote was: Ayes, 27; excused, 1 – Shields; attending legislative business, 2 – George, Winters. Bill passed.

SB 950 A-Eng. -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 25; nays, 2 – Beyer, Kruse; excused, 1 – Shields; attending legislative business, 2 – George, Winters. Bill passed.

SB 962 A-Eng. -- Read third time. Carried by Monnes Anderson. (Carter in Chair) (President Courtney in Chair) Call of the Senate demanded by

Monnes Anderson joined by Brown and Devlin. All present except Gordly, absent; Shields, excused; George, Winters, attending legislative business. Pending arrival of members subject to the Call, Senate at ease. All present except Shields, excused; George, Winters, attending legislative business. On passage of bill the vote was: Ayes, 25; nays, 2 – Beyer, Ferrioli; excused, 1 – Shields; attending legislative business, 2 – George, Winters. Bill passed.

SB 997 A-Eng. -- Read third time. Carried by Starr, B. Potential conflict of interest declared by Verger. On passage of bill the vote was: Ayes, 26; excused, 1 – Shields; attending legislative business, 3 – George, Gordly, Winters. Bill passed.

SB 1006 -- Taken from today's third reading calendar and placed on April 21 calendar by unanimous consent at the request of the Chair.

SB 39 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 26; excused, 1 – Shields; attending legislative business, 3 – George, Gordly, Winters. Bill passed.

SB 433 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 26; excused, 1 – Shields; attending legislative business, 3 – George, Gordly, Winters. Bill passed.

HB 2179, 2806, 2982, 3061, 3127, 3349 -- Read first time and referred to President's desk.

HJM 8; HB 2177, 2201, 2243, 2426 -- Read second time and passed to third reading.

HB 2244, 2251, 2442 -- Carried over to April 21 calendar by unanimous consent at the request of the Chair.

HB 3305 -- President Courtney signed on April 20.

Senate adjourned until 10:30 a.m. Thursday by unanimous consent at the request of the Chair.

#### **Thursday, April 21, 2005 -- Morning Session**

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Deckert, Devlin, Ferrioli, George, Gordly, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- Shields; attending legislative business -- Carter, Johnson. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pastor John Moa of Grace Christian Fellowship, Corvallis. Musical performance by Laura Kemp, a singer and songwriter, Eugene.

Courtesies of the Senate were extended to former State Senator Verne Duncan at the request of Nelson.

HB 2197, 2294, 2500, 2579, 2740, 2881, 3262, 3359 -- Message from the House announcing passage.

HJM 28 -- Message from the House announcing adoption.

HB 2115 -- Message from the House announcing concurrence in Senate amendments and repassage.

HB 3305 -- Message from the House announcing the Speaker signed on April 20.

Committee Report Summary No. 54 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 358 -- Report by Committee on Environment and Land Use recommending passage and requesting subsequent referral to Committee on Ways and Means be rescinded. Rescinding of subsequent referral denied by Order of the President.

SB 363 -- Report by Committee on General Government recommending passage with amendments.

SB 477 -- Report by Committee on General Government recommending passage with amendments.

SB 563 -- Report by Committee on General Government recommending passage with amendments.

SB 643 -- Report by Committee on Education and Workforce recommending passage with amendments.

SB 688 -- Report by Committee on Environment and Land Use recommending passage with amendments.

SB 861 -- Report by Committee on Environment and Land Use recommending passage with amendments.

SB 890 -- Report by Committee on Environment and Land Use recommending passage with amendments. Referred to Committee on Revenue by prior reference.

SB 1033 -- Report by Committee on Rules recommending passage.

HB 2178 -- Report by Committee on Environment and Land Use recommending passage of the A-Engrossed bill.

HB 2453 -- Report by Committee on Revenue recommending passage.

HB 2454 -- Report by Committee on Revenue recommending passage.

HB 2497 -- Report by Committee on Human Services recommending passage.

SB 1050 -- Introduced, read first time and referred to President's desk.

SB 273, 541, 641, 1033 -- Read second time and passed to third reading.

SB 151 A-Eng. -- Read third time. Carried by Bates. On passage of bill the vote was: Ayes, 26; nays, 2 – Beyer, Kruse; attending legislative business, 2 – Carter, Johnson. Bill passed.

SB 498 -- Taken from today's third reading calendar and rereferred to Committee on General Government by voice vote on motion of Shields.

Senate recessed until 11:25 a.m. by unanimous consent on motion of Brown.

Senate reconvened at 11:25 a.m. President Courtney in Chair. All present except Shields, excused; Carter, Johnson, attending legislative business.

Senate, having recessed under the order of Third Reading of Senate Measures, resumed under the general order of business by unanimous consent at the request of the Chair.

SB 845 -- Taken from today's third reading calendar and placed on April 25 calendar by voice vote on motion of Brown.

SB 1006 -- Rules suspended by implied consent. Taken from today's third reading calendar and placed on April 25 calendar by voice vote on motion of Brown.

SB 880 A-Eng. -- Read third time. Carried by Monnes Anderson. On passage of bill the vote was: Ayes, 20; nays, 7 -- Atkinson, Beyer, Ferrioli, George, Kruse, Starr, C., Whitsett; excused, 1 -- Shields; attending legislative business, 2 -- Carter, Johnson. Bill passed.

HJM 28; HB 2197, 2294, 2500, 2579, 2740, 2881, 3262, 3359 -- Read first time and referred to President's desk.

HB 2178, 2453, 2454, 2497 -- Read second time and passed to third reading.

HB 2244 -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 27; excused, 1 -- Shields; attending legislative business, 2 -- Carter, Johnson. Bill passed.

HB 2251 -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 27; excused, 1 -- Shields; attending legislative business, 2 -- Carter, Johnson. Bill passed.

HB 2442 -- Read third time. Carried by Morrisette. On passage of bill the vote was: Ayes, 27; excused, 1 -- Shields; attending legislative business, 2 -- Carter, Johnson. Bill passed.

HJM 8 -- Read final time. Carried by Monnes Anderson. On adoption of memorial, the vote was: Ayes, 23; nays, 3 -- Beyer, Ferrioli, Kruse; excused, 1 -- Shields; attending legislative business, 3 -- Carter, Johnson, Starr, B. Memorial adopted.

HB 2177 -- Read third time. Carried by George. On passage of bill the vote was: Ayes, 26; excused, 1 -- Shields; attending legislative business, 3 -- Carter, Johnson, Starr, B. Bill passed.

HB 2201 -- Read third time. Carried by Morrisette. On passage of bill the vote was: Ayes, 27; excused, 1 -- Shields; attending legislative business, 2 -- Carter, Johnson. Bill passed.

HB 2243 -- Read third time. Carried by Kruse. On passage of bill the vote was: Ayes, 27; excused, 1 --

Shields; attending legislative business, 2 -- Carter, Johnson. Bill passed.

HB 2426 A-Eng. -- Read third time. Carried by Courtney. Potential conflict of interest declared by Atkinson. On passage of bill the vote was: Ayes, 27; excused, 1 -- Shields; attending legislative business, 2 -- Carter, Johnson. Bill passed.

Senate adjourned until 10:30 a.m. Monday by unanimous consent at the request of the Chair.

#### **Monday, April 25, 2005 -- Morning Session**

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Bishop Robert Hoshibata of the Oregon-Idaho United Methodist Church Conference, Portland.

HB 2937 -- Message from the House announcing passage.

HJM 2; HJR 29, 50 -- Message from the House announcing adoption.

Committee Report Summary No. 55 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 4 -- Report by Committee on General Government recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

SB 5 -- Report by Committee on General Government recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

SB 198 -- Report by Committee on Judiciary recommending passage with amendments.

SB 211 -- Report by Committee on Business and Economic Development recommending passage with amendments.

SB 566 -- Report by Committee on Transportation recommending passage with amendments.

SB 733 -- Report by Committee on Environment and Land Use recommending passage with amendments and requesting referral to Committee on Revenue. Referred to Committee on Revenue by order of the President.

SB 850 -- Report by Committee on Judiciary recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

SB 920 -- Report by Committee on Judiciary recommending passage with amendments.

HB 2422 -- Report by Committee on Transportation recommending passage of the A-Engrossed bill.

HB 2448 -- Report by Committee on Revenue recommending passage.

HB 2451 -- Report by Committee on Revenue recommending passage of the A-Engrossed bill.

Report by Committee on Rules recommending that the Governor's appointments of Kenneth Fry (r) (appearance waived), Larry Jones (r) (appearance waived) and Jason Landon to the State Apprenticeship and Training Council be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's appointments of Melissa Grant (r) (appearance waived) and Jill Mason to the Oregon Board of Dentistry be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's appointments of Bob Montgomery (r) (appearance waived) and George Tinker to the State Marine Board be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's appointments of Douglas Kirkpatrick and John Stiger (r) (appearance waived) to the Board of Medical Examiners be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's appointments of Jim Bergeron, Paul Engelmeyer, Robin Hartmann, David Hatch, Onno Husing, Scott McMullen, Bradley Pettinger, James Pex, Fred Sickler, and Frank Warrens to the Ocean Policy Advisory Council be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's appointment of Nancy Chi to the Oregon Patient Safety Commission Board of Directors be confirmed.

Report by Committee on Rules recommending that the Governor's appointment of Julia Hurlburt to the Psychiatric Security Review Board be confirmed.

Report by Committee on Rules recommending that the Governor's appointment and reappointment of Andrew Bentz to the Board on Public Safety Standards and Training be confirmed.

Report by Committee on Rules recommending that the Governor's reappointment of John Savage to the Public Utility Commission be confirmed.

Report by Committee on Rules recommending that the Governor's appointment of Francis Charbonnier to the Teacher Standards and Practices Commission be confirmed.

Report by Committee on Rules recommending that the Governor's appointments of C. Carl Califano, Bob Craft (r) (appearance waived), Charles Karns, Linda Mock (r) (appearance waived) and James Paulson to the State Workforce Investment Board be confirmed en bloc.

HB 2497 -- Taken from today's third reading calendar and placed on April 28 calendar by voice vote on motion of Brown.

SB 541 -- Rereferred to Committee on Health Policy by voice vote on motion of Monnes Anderson.

SB 1051, 1052, 1053, 1054, 1055 -- Introduced, read first time and referred to President's desk.

SB 363, 477, 563, 643, 688, 861 -- Read second time and passed to third reading.

Senate at ease. Senate reassembled.

SB 273 A-Eng. -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 19; nays, 10 -- Atkinson, Beyer, Ferrioli, George, Kruse, Nelson, Starr, B., Verger, Whitsett, Winters; attending legislative business, 1 -- Ringo. Bill passed.

SB 641 A-Eng. -- Read third time. Carried by Deckert. On passage of bill the vote was: Ayes, 24; nays, 4 -- Beyer, George, Kruse, Nelson; attending legislative business, 2 -- Atkinson, Ringo. Bill passed.

SB 845 A-Eng. -- Read third time. Carried by Brown. Call of the Senate demanded by Brown joined by Verger and Shields. All present except Carter, absent; Atkinson, Ringo, attending legislative business. Pending arrival of members subject to the Call, Senate at ease. All present. Senate reassembled. On passage of bill the vote was: Ayes, 18; nays, 12 -- Atkinson, Beyer, Ferrioli, George, Johnson, Kruse, Morse, Nelson, Starr, B., Starr, C., Whitsett, Winters. Bill passed.

SB 1006 -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 16; nays, 13 -- Atkinson, Beyer, Deckert, George, Johnson, Kruse, Morse, Nelson, Starr, C., Verger, Westlund, Whitsett, Winters; attending legislative business, 1 -- Ringo. Bill passed.

SB 1033 -- Read third time. Carried by Brown. Taken from today's third reading calendar and placed on April 26 calendar by voice vote on motion of Brown.

HJM 2; HJR 29, 50; HB 2937 -- Read first time and referred to President's desk.

HB 2422, 2448, 2451 -- Read second time and passed to third reading.

HB 2178 A-Eng. -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 28; absent, 1 -- Burdick; attending legislative business, 1 -- Ringo. Bill passed.

HB 2453 -- Read third time. Carried by George. On passage of bill the vote was: Ayes, 29; attending legislative business, 1 -- Ringo. Bill passed.

HB 2454 -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 29; attending legislative business, 1 -- Ringo. Bill passed.

The following measures were referred to committee on April 21 and recorded on Committee Referral List No. 34 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SM 2 Rules

SB 1043 Revenue; Ways and Means

SB 1046 Rules

SB 1047 Judiciary  
 SB 1048 Rules  
 HCR 10 Rules  
 HB 2260 Rules  
 HB 2649 Rules  
 HB 3038 Environment and Land Use

Senate adjourned until 10:30 a.m. Tuesday by unanimous consent at the request of the Chair.

### **Tuesday, April 26, 2005 -- Morning Session**

Senate convened at 10:30 a.m. Morrisette in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, President Courtney, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Prozenski, Ringo, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- Shields; attending legislative business -- Carter, Morse, Nelson, Schrader. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Greg Trull, Associate Professor of Biblical Studies at Western Baptist College and Senior Pastor at Valley Baptist, Perrydale. Musical performance by Tim Birr of Tualatin Valley Fire and Rescue Pipe Band.

The following messages from the Governor were read and referred to the President's desk:

April 25, 2005

#### **TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 684.130 provides that the Governor shall appoint the members of the State Board of Chiropractic Examiners, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Joyce McClure of Portland to the State Board of Chiropractic Examiners for a three-year term, as provided by statute, beginning May 20, 2005 and ending on May 19, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
 Ted Kulongoski  
 Governor

April 25, 2005

#### **TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 684.130 provides that the Governor shall appoint the members of the State Board of Chiropractic Examiners, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Estelle Parker-Kent of Silverton to the State Board of Chiropractic Examiners for a three-year term, as provided by statute, beginning May 20, 2005 and ending on May 19, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
 Ted Kulongoski  
 Governor

April 25, 2005

#### **TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 684.130 provides that the Governor shall appoint the members of the State Board of Chiropractic Examiners, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Michael Visser of Canby to the State Board of Chiropractic Examiners for a three-year term, as provided by statute, beginning May 20, 2005 and ending on May 19, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
 Ted Kulongoski  
 Governor

April 25, 2005

#### **TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 678.800 provides that the Governor shall appoint the members of the Board of Examiners of Nursing Home Administrators, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Jim Bagley of Portland to the Board of Examiners of Nursing Home Administrators for a three-year term, as provided by statute, beginning July 1, 2005 and ending on June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
 Ted Kulongoski  
 Governor

April 25, 2005

#### **TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 678.800 provides that the Governor shall appoint the members of the Board of Examiners of Nursing Home Administrators, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Margaret Clark of Portland to the Board of Examiners of Nursing Home Administrators for a three-year term, as provided by statute, beginning July 1, 2005 and ending on June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
 Ted Kulongoski  
 Governor

April 25, 2005

#### **TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 678.800 provides that the Governor shall appoint the members of the Board of Examiners of Nursing Home Administrators, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Larry Davy of Enterprise to the Board of Examiners of Nursing Home Administrators for a three-year term, as provided by statute, beginning July 1, 2005 and ending on June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

April 25, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 678.800 provides that the Governor shall appoint the members of the Board of Examiners of Nursing Home Administrators, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Kathleen Elias of Philomath to the Board of Examiners of Nursing Home Administrators for an unexpired three-year term, as provided by statute, beginning May 20, 2005 and ending on June 30, 2005, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

April 25, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 678.800 provides that the Governor shall appoint the members of the Board of Examiners of Nursing Home Administrators, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Kathleen Elias of Philomath to the Board of Examiners of Nursing Home Administrators for a three-year term, as provided by statute, beginning July 1, 2005 and ending on June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

April 25, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 656.751 provides that the Governor shall appoint the members of the Board of Directors of State Accident Insurance Fund Corporation, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Catherine Travis of Portland to the Board of Directors of State Accident Insurance Fund Corporation for a four-year term, as provided by statute, beginning May 10, 2005 and ending on May 9, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

April 25, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 656.751 provides that the Governor shall appoint the members of the Board of Directors of State Accident Insurance Fund Corporation, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Robb Van Cleave of The Dalles to the Board of Directors of State Accident Insurance Fund Corporation for a four-year term, as provided by statute, beginning May 10, 2005 and ending on May 9, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

April 25, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 536.022 provides that the Governor shall appoint the members of the Water Resources Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Charles Barlow of Nyssa to the Water Resources Commission for a four-year term, as provided by statute, beginning July 1, 2005 and ending on June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

April 25, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 536.022 provides that the Governor shall appoint the members of the Water Resources Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint John Jackson of Cornelius to the Water Resources Commission for a four-year term, as provided by statute, beginning July 1, 2005 and ending on June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

April 25, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 536.022 provides that the Governor shall appoint the members of the Water Resources Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Mary Meloy of Bend to the Water Resources Commission for a four-year term, as provided by statute, beginning July 1, 2005 and ending on June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski

Governor

April 25, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 536.022 provides that the Governor shall appoint the members of the Water Resources Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Jay Rasmussen of Newport to the Water Resources Commission for a four-year term, as provided by statute, beginning July 1, 2005 and ending on June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

April 25, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 536.022 provides that the Governor shall appoint the members of the Water Resources Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Gary Reed of Hermiston to the Water Resources Commission for a four-year term, as provided by statute, beginning July 1, 2005 and ending on June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

April 25, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 536.022 provides that the Governor shall appoint the members of the Water Resources Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Susie Smith of Springfield to the Water Resources Commission for a four-year term, as provided by statute, beginning July 1, 2004 and ending on June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

April 25, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 660.321 provides that the Governor shall appoint the members of the State Workforce Investment Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint David Williams of Portland to the State Workforce Investment Board for a three-year term, as provided by

statute, beginning May 20, 2005 and ending on May 19, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

HB 2008, 2125, 2246, 2490, 2882, 3016, 3088, 3089 -- Message from the House announcing passage.

Committee Report Summary No. 56 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 229 -- Report by Committee on Judiciary recommending passage with amendments.

SB 304 -- Report by Committee on Judiciary recommending passage with amendments.

SB 747 -- Report by Committee on Education and Workforce recommending passage with amendments and requesting subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the President.

SB 782 -- Report by Committee on Human Services recommending passage with amendments.

SB 870 -- Report by Committee on Human Services recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

SB 929 -- Report by Committee on General Government recommending passage with amendments and requesting subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the President.

HB 2030 -- Report by Committee on General Government recommending passage of the A-Engrossed bill.

HB 2053 -- Report by Committee on General Government recommending passage.

HB 2085 -- Report by Committee on Business and Economic Development recommending passage.

HB 2091 -- Report by Committee on Commerce recommending passage of the A-Engrossed bill.

HB 2092 -- Report by Committee on General Government recommending passage of the A-Engrossed bill.

HB 2093 -- Report by Committee on Commerce recommending passage.

HB 2118 -- Report by Committee on General Government recommending passage.

HB 2119 -- Report by Committee on General Government recommending passage of the A-Engrossed bill.

HB 2124 -- Report by Committee on Commerce recommending passage of the A-Engrossed bill.



HB 2192 -- Report by Committee on General Government recommending passage of the A-Engrossed bill.

HB 2195 -- Report by Committee on Business and Economic Development recommending passage of the B-Engrossed bill.

HB 2216 -- Report by Committee on General Government recommending passage of the A-Engrossed bill.

HB 2219 -- Report by Committee on General Government recommending passage.

HB 2253 -- Report by Committee on General Government recommending passage.

HB 2311 -- Report by Committee on Commerce recommending passage of the A-Engrossed bill.

HB 2371 -- Report by Committee on Business and Economic Development recommending passage with amendments to the A-Engrossed bill.

HB 2372 -- Report by Committee on Business and Economic Development recommending passage of the A-Engrossed bill.

HB 2405 -- Report by Committee on Commerce recommending passage of the A-Engrossed bill.

HB 3097 -- Report by Committee on Business and Economic Development recommending passage.

Ringo moved that the Senate confirm en bloc the Governor's appointments of Kenneth Fry (r), Larry Jones (r) and Jason Landon to the State Apprenticeship and Training Council. On confirmation the vote was: Ayes, 25; excused, 1 – Shields; attending legislative business, 4 – Carter, Morse, Nelson, Schrader. Confirmed en bloc.

Ferrioli moved that the Senate confirm en bloc the Governor's appointments of Melissa Grant (r) and Jill Mason to the Oregon Board of Dentistry. On confirmation the vote was: Ayes, 25; excused, 1 – Shields; attending legislative business, 4 – Carter, Morse, Nelson, Schrader. Confirmed en bloc.

Verger moved that the Senate confirm en bloc the Governor's appointments of Bob Montgomery (r) and George Tinker to the State Marine Board. On confirmation the vote was: Ayes, 25; excused, 1 – Shields; attending legislative business, 4 – Carter, Morse, Nelson, Schrader. Confirmed en bloc.

Ferrioli moved that the Senate confirm en bloc the Governor's appointments of Douglas Kirkpatrick and John Stiger (r) to the Board of Medical Examiners. On confirmation the vote was: Ayes, 25; excused, 1 – Shields; attending legislative business, 4 – Carter, Morse, Nelson, Schrader. Confirmed en bloc.

Verger moved that the Senate confirm en bloc the Governor's appointments of Jim Bergeron, Paul Engelmeyer, Robin Hartmann, David Hatch, Onno Husing, Scott McMullen, Bradley Pettinger, James Pex, Fred Sickler, and Frank Warrens to the Ocean Policy Advisory Council. On confirmation the vote was: Ayes, 23; nays, 2 – Ferrioli, Kruse; excused, 1 –

Shields; attending legislative business, 4 – Carter, Morse, Nelson, Schrader. Confirmed en bloc.

Atkinson moved that the Senate confirm the Governor's appointment of Nancy Chi to the Oregon Patient Safety Commission Board of Directors. On confirmation the vote was: Ayes, 25; excused, 1 – Shields; attending legislative business, 4 – Carter, Morse, Nelson, Schrader. Confirmed.

Courtney moved that the Senate confirm the Governor's appointment of Julia Hurlburt to the Psychiatric Security Review Board. On confirmation the vote was: Ayes, 25; excused, 1 – Shields; attending legislative business, 4 – Carter, Morse, Nelson, Schrader. Confirmed.

Ferrioli moved that the Senate confirm the Governor's appointment and reappointment of Andrew Bentz to the Board on Public Safety Standards and Training. On confirmation the vote was: Ayes, 25; excused, 1 – Shields; attending legislative business, 4 – Carter, Morse, Nelson, Schrader. Confirmed.

Atkinson moved that the Senate confirm the Governor's reappointment of John Savage to the Public Utility Commission. On confirmation the vote was: Ayes, 25; excused, 1 – Shields; attending legislative business, 4 – Carter, Morse, Nelson, Schrader. Confirmed.

Atkinson moved that the Senate confirm the Governor's appointment of Francis Charbonnier to the Teacher Standards and Practices Commission. On confirmation the vote was: Ayes, 23; nays, 2 – Beyer, Kruse; excused, 1 – Shields; attending legislative business, 4 – Carter, Morse, Nelson, Schrader. Confirmed.

Ringo moved that the Senate confirm en bloc the Governor's appointments of C. Carl Califano, Bob Craft (r), Charles Karns, Linda Mock (r) and James Paulson to the State Workforce Investment Board. On confirmation the vote was: Ayes, 25; excused, 1 – Shields; attending legislative business, 4 – Carter, Morse, Nelson, Schrader. Confirmed en bloc.

SB 198, 211, 566, 920 -- Read second time and passed to third reading.

SB 363 A-Eng. -- Read third time. Carried by George. On passage of bill the vote was: Ayes, 25; excused, 1 – Shields; attending legislative business, 4 – Carter, Morse, Nelson, Schrader. Bill passed.

SB 477 A-Eng. -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 16; nays, 9 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C., Whitsett, Winters; excused, 1 – Shields; attending legislative business, 4 – Carter, Morse, Nelson, Schrader. Bill passed.

Senate at ease. Senate reassembled.

SB 563 A-Eng. -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 23; nays, 1 – Johnson; excused, 1 – Shields; attending legislative business, 5 – Carter, Morse, Nelson, Schrader, Starr, B. Bill passed.

SB 643 A-Eng. -- Read third time. Carried by Deckert. On passage of bill the vote was: Ayes, 23; nays, 1 – Whitsett; excused, 1 – Shields; attending legislative business, 5 – Carter, Morse, Nelson, Schrader, Starr, B. Bill passed.

SB 688 A-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 25; excused, 1 – Shields; attending legislative business, 4 – Carter, Nelson, Schrader, Starr, B. Bill passed. Morse, attending legislative business when roll called, granted unanimous consent to be recorded as voting aye.

SB 861 A-Eng. -- Read third time. Carried by Whitsett. Call of the Senate demanded by Verger joined by Gordly and Burdick. All present except Shields, excused; Carter, Morse, Nelson, Schrader, attending legislative business. Potential conflict of interest declared by Winters. On passage of bill the vote was: Ayes, 18; nays, 8 – Atkinson, Beyer, Ferrioli, Kruse, Starr, B., Starr, C., Westlund, Winters; excused, 1 – Shields; attending legislative business, 3 – Morse, Nelson, Schrader. Bill passed. Carter, attending legislative business when roll called, granted unanimous consent to be recorded as voting aye.

SB 1033 -- Carried over to April 27 calendar by unanimous consent at the request of the Chair.

HB 2008, 2125, 2246, 2490, 2882, 3016, 3088, 3089 -- Read first time and referred to President's desk.

HB 2030, 2053, 2085, 2091, 2092, 2093, 2118, 2119, 2124, 2192, 2195, 2216, 2219, 2253, 2311, 2372, 2405, 3097 -- Read second time and passed to third reading.

HB 2422, 2448, 2451 -- Carried over to April 27 calendar by unanimous consent at the request of the Chair.

Senate adjourned until 10:30 a.m. Wednesday by unanimous consent at the request of the Chair.

### **Wednesday, April 27, 2005 -- Morning Session**

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Deckert, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Prozanski, Ringo, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- Burdick, Shields; attending legislative business -- Carter, Devlin, Morse, Nelson, Schrader. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pastor Paul Teyler of Gloria Dei Lutheran Church, Coos Bay.

HB 2199, 2449, 3151, 3266, 3441 -- Message from the House announcing passage.

HCR 15; HJR 32 -- Message from the House announcing adoption.

Committee Report Summary No. 57 listing the following reports was distributed to members today.

Summary list recorded in Journal and Status Report by order of the President.

SB 208 -- Report by Committee on Judiciary recommending passage with amendments.

SB 216 -- Report by Committee on Judiciary recommending passage with amendments.

SB 352 -- Report by Committee on Environment and Land Use recommending passage with amendments and requesting referral to Committee on Ways and Means. Referred to Committee on Ways and Means by order of the President.

SB 492 -- Report by Committee on Judiciary recommending passage with amendments.

SB 670 -- Report by Committee on Commerce recommending passage with amendments.

SB 882 -- Report by Committee on Health Policy recommending passage with amendments and requesting subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the President.

SB 1011 -- Report by Committee on Judiciary recommending passage.

HCR 7 -- Report by Committee on Judiciary recommending adoption.

HB 2259 -- Report by Committee on General Government recommending passage.

HB 2438 -- Report by Committee on Environment and Land Use recommending passage.

HB 2498 -- Report by Committee on Human Services recommending passage with amendments to the A-Engrossed bill.

SB 1056, 1057, 1058 -- Introduced, read first time and referred to President's desk.

SB 229, 304, 747, 782, 929, 1011 -- Read second time and passed to third reading.

SB 1033 -- Taken from today's third reading calendar and placed on April 28 calendar by unanimous consent on motion of Brown.

SB 198 -- Moved to the foot of today's third reading calendar by unanimous consent at the request of the Chair.

SB 211 A-Eng. -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 18; nays, 6 – Beyer, Ferrioli, George, Kruse, Starr, C., Whitsett; excused, 2 – Burdick, Shields; attending legislative business, 4 – Carter, Devlin, Nelson, Schrader. Bill passed.

SB 566 A-Eng. -- Read third time. Carried by Morrisette. On passage of bill the vote was: Ayes, 20; nays, 4 – Atkinson, Beyer, Ferrioli, Kruse; excused, 2 – Burdick, Shields; attending legislative business, 4 – Carter, Devlin, Nelson, Schrader. Bill passed.

SB 920 A-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 23; nays, 1 – Starr, B.; excused, 2 – Burdick, Shields;

attending legislative business, 4 – Carter, Devlin, Nelson, Schrader. Bill passed.

SB 198 A-Eng. -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 23; excused, 3 – Burdick, Deckert, Shields; attending legislative business, 4 – Carter, Devlin, Nelson, Schrader. Bill passed.

HCR 15; HJR 32; HB 2199, 2449, 3151, 3266, 3441 -- Read first time and referred to President's desk.

HCR 7; HB 2259, 2371, 2438 -- Read second time and passed to third reading.

HB 2422 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 24; nays, 1 – Ringo; excused, 2 – Burdick, Shields; attending legislative business, 3 – Carter, Nelson, Schrader. Bill passed.

HB 2448 -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 25; excused, 2 – Burdick, Shields; attending legislative business, 3 – Carter, Nelson, Schrader. Bill passed.

HB 2451 A-Eng. -- Read third time. Carried by George. On passage of bill the vote was: Ayes, 25; excused, 2 – Burdick, Shields; attending legislative business, 3 – Carter, Nelson, Schrader. Bill passed.

HB 2030 A-Eng. -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 25; excused, 2 – Burdick, Shields; attending legislative business, 3 – Carter, Nelson, Schrader. Bill passed.

HB 2053 -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 22; nays, 2 – Atkinson, Beyer; excused, 2 – Burdick, Shields; attending legislative business, 4 – Carter, Gordly, Nelson, Schrader. Bill passed.

HB 2085 -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 24; excused, 2 – Burdick, Shields; attending legislative business, 4 – Carter, Gordly, Nelson, Schrader. Bill passed.

HB 2091 A-Eng. -- Read third time. Carried by Whitsett. On passage of bill the vote was: Ayes, 23; nays, 1 – Verger; excused, 2 – Burdick, Shields; attending legislative business, 4 – Atkinson, Carter, Nelson, Schrader. Bill passed.

HB 2092 A-Eng. -- Read third time. Carried by Verger. On passage of bill the vote was: Ayes, 24; excused, 2 – Burdick, Shields; attending legislative business, 4 – Atkinson, Carter, Nelson, Schrader. Bill passed.

HB 2093 -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 23; excused, 2 – Burdick, Shields; attending legislative business, 5 – Atkinson, Carter, Nelson, Ringo, Schrader. Bill passed.

HB 2118 -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 25; excused, 2 – Burdick, Shields; attending legislative business, 3 – Nelson, Ringo, Schrader. Bill passed.

HB 2119 A-Eng. -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 25; excused, 2 – Burdick, Shields; attending legislative business, 3 – Nelson, Ringo, Schrader. Bill passed.

HB 2124 A-Eng. -- Read third time. Carried by Whitsett. On passage of bill the vote was: Ayes, 26; excused, 2 – Burdick, Shields; attending legislative business, 2 – Nelson, Ringo. Bill passed.

HB 2192 A-Eng. -- Read third time. Carried by Verger. On passage of bill the vote was: Ayes, 24; excused, 3 – Burdick, Shields, Winters; attending legislative business, 3 – Johnson, Nelson, Ringo. Bill passed.

HB 2195 B-Eng. -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 23; absent, 1 – Carter; excused, 3 – Burdick, Shields, Winters; attending legislative business, 3 – Johnson, Nelson, Ringo. Bill passed.

HB 2216 A-Eng. -- Read third time. Carried by Verger. Potential conflict of interest declared by Verger. On passage of bill the vote was: Ayes, 24; excused, 3 – Burdick, Shields, Winters; attending legislative business, 3 – Johnson, Nelson, Ringo. Bill passed.

HB 2219 -- Read third time. Carried by Verger. Potential conflict of interest declared by Verger. On passage of bill the vote was: Ayes, 25; excused, 3 – Burdick, Shields, Winters; attending legislative business, 2 – Johnson, Nelson. Bill passed.

HB 2253 -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 25; excused, 3 – Burdick, Shields, Winters; attending legislative business, 2 – Johnson, Nelson. Bill passed.

HB 2311 A-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 24; nays, 1 – Verger; excused, 3 – Burdick, Shields, Winters; attending legislative business, 2 – Johnson, Nelson. Bill passed.

HB 2372 A-Eng. -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 25; excused, 3 – Burdick, Shields, Winters; attending legislative business, 2 – Johnson, Nelson. Bill passed.

HB 2405 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 25; excused, 3 – Burdick, Shields, Winters; attending legislative business, 2 – Johnson, Nelson. Bill passed.

HB 3097 -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 25; excused, 3 – Burdick, Shields, Winters; attending legislative business, 2 – Johnson, Nelson. Bill passed.

The following measures were referred to committee on April 26 and recorded on Committee Referral List No. 35 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 1049 Revenue

SB 1050 Judiciary

HJM 28 Environment and Land Use

HB 2179 Business and Economic Development

HB 2197 Revenue  
 HB 2257 Revenue  
 HB 2294 Commerce  
 HB 2500 Rules  
 HB 2579 Business and Economic Development  
 HB 2718 Commerce  
 HB 2740 Commerce  
 HB 2774 Rules  
 HB 2806 Rules  
 HB 2881 Environment and Land Use  
 HB 2979 Business and Economic Development  
 HB 2980 Judiciary  
 HB 2981 Business and Economic Development  
 HB 2982 Judiciary  
 HB 3061 Business and Economic Development  
 HB 3117 Environment and Land Use  
 HB 3127 Rules  
 HB 3232 Revenue  
 HB 3262 Rules  
 HB 3349 Environment and Land Use  
 HB 3359 Revenue

**State Board of Chiropractic Examiners (ORS 684.130)**

|                     |       |
|---------------------|-------|
| Joyce McClure       | Rules |
| Estelle Parker-Kent | Rules |
| Michael Viissers    | Rules |

**Board of Examiners of Nursing Home Administrators (ORS 678.800)**

|                    |       |
|--------------------|-------|
| Jim Bagley (r)     | Rules |
| Margaret Clark     | Rules |
| Larry Davy         | Rules |
| Kathleen Elias (r) | Rules |
| Kathleen Elias     | Rules |

**Board of Directors of State Accident Insurance Fund Corporation (ORS 656.751)**

|                  |       |
|------------------|-------|
| Catherine Travis | Rules |
| Robb Van Cleave  | Rules |

**Water Resources Commission (ORS 536.022)**

|                   |       |
|-------------------|-------|
| Charles Barlow    | Rules |
| Mary Meloy        | Rules |
| Gary Reed         | Rules |
| Susie Smith (r)   | Rules |
| Jay Rasmussen (r) | Rules |
| John Jackson      | Rules |

**State Workforce Investment Board (ORS 660.321)**

|                |       |
|----------------|-------|
| David Williams | Rules |
|----------------|-------|

Senate adjourned until 10:30 a.m. on Thursday by unanimous consent at the request of the Chair.

**Thursday, April 28, 2005 -- Morning Session**

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Kruse, Metsger, Monnes Anderson, Morrisette, Prozanski, Schrader, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- Shields; attending legislative business -- Johnson, Morse, Nelson, Ringo. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Bruce Starr, Aloha.

HB 2282, 2739, 2878, 3047, 3273, -- Message from the House announcing passage.

SCR 3 -- Message from the House announcing adoption.

Committee Report Summary No. 58 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 27 -- Report by Committee on Rules, signed by Brown, Chair, recommending passage with amendments. Minority Report, signed by Ferrioli, Atkinson, recommending passage with different amendments.

SB 128 -- Report by Committee on Judiciary recommending passage.

SB 844 -- Report by Committee on Judiciary recommending passage with amendments.

HB 2034 -- Report by Committee on Revenue recommending passage.

HB 2114 -- Report by Committee on Transportation recommending passage of the A-Engrossed bill.

HB 2223 -- Report by Committee on Transportation recommending passage.

HB 2460 -- Report by Committee on Business and Economic Development recommending passage.

HB 2590 -- Report by Committee on Business and Economic Development recommending passage of the A-Engrossed bill.

HB 2738 -- Report by Committee on Transportation recommending passage.

HB 2825 -- Report by Committee on Transportation recommending passage.

Report by Committee on Rules recommending that the Governor's appointments of Kathryn Weit, Laurie Theodorou and Kevin Olson to the Health Services Commission be confirmed en bloc.

SB 128, 208, 216, 492, 670, 882 -- Read second time and passed to third reading.

SB 304, 1011; HB 2497 -- Taken from today's third reading calendar and placed on May 2 calendar by voice vote on motion of Brown.

SB 1033 -- Taken from today's third reading calendar and rereferred to Committee on Rules by voice vote on motion of Brown.

SB 229 A-Eng. -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 25; excused, 1 -- Shields; attending legislative business, 4 -- Johnson, Morse, Nelson, Ringo. Bill passed.

SB 747 A-Eng. -- Read third time. Carried by Deckert. Call of the Senate demanded by Deckert joined by Brown and Metsger. All present except, Shields, excused; Morse, Nelson, Ringo, attending legislative business. Pending arrival of members subject to the Call, Senate at ease. All present except Morse, Nelson, Ringo, attending legislative business. Senate reassembled. On passage of bill the vote was: Ayes, 18; nays, 9 -- Atkinson, Beyer, Ferrioli, George, Gordly, Kruse, Starr, B., Whitsett, Winters; attending legislative business, 3 -- Morse, Nelson, Ringo. Bill passed.

SB 782 A-Eng. -- Read third time. Carried by Morrisette. On passage of bill the vote was: Ayes, 23; nays, 3 -- Beyer, Monnes Anderson, Schrader; excused, 1 -- Shields; attending legislative business, 3 -- Ferrioli, Morse, Nelson. Bill passed.

SB 929 A-Eng. -- Read third time. Carried by Starr, B. Call of the Senate demanded by Starr, B. joined by Verger and Gordly. All present except, Morse, Nelson, attending legislative business. Pending arrival of members subject to the Call, Senate at ease. All present. Senate reassembled. On passage of bill the vote was: Ayes, 23; nays, 7 -- Atkinson, Burdick, Deckert, Gordly, Ringo, Shields, Walker. Bill passed.

HB 2282, 2739, 2878, 3047, 3273 -- Read first time and referred to President's desk.

HB 2034, 2114, 2223, 2460, 2498, 2590, 2738, 2825 -- Read second time and passed to third reading.

HCR 7 -- Read final time. Carried by Burdick. On adoption of resolution, the vote was: Ayes, 26; nays, 2 -- Kruse, Schrader; excused, 1 -- Shields; attending legislative business, 1 -- Atkinson. Resolution adopted.

HB 2259, 2371, 2438 -- Carried over to May 2 calendar by unanimous consent at the request of the Chair.

President Courtney announced that the following committees are deactivated effective April 29.

#### **Business and Economic Development**

#### **Commerce**

#### **Education and Workforce**

#### **Environment and Land Use**

#### **General Government**

#### **Health Policy**

#### **Human Services**

#### **Transportation**

Senate adjourned until 10:30 a.m. Monday by unanimous consent at the request of the Chair.

#### **Monday, May 2, 2005 -- Morning Session**

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Devlin, Gordly, Johnson, Kruse, Monnes Anderson, Morrisette, Morse, Nelson, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; attending legislative business -- Deckert, Ferrioli, George, Metsger, Prozanski. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Joanne Verger, Coos Bay. Musical performance by Aaron Johnson of Sunset Middle School, Coos Bay, and Dustin Dillon of Myrtle Point Junior High, Myrtle Point.

HB 2389, 2484, 2705, 2969, 3091, 3304, 3318 -- Message from the House announcing passage.

Committee Report Summary No. 59 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 234 -- Report by Committee on Judiciary recommending passage with amendments.

SB 333 -- Report by Committee on Judiciary, signed by Burdick, Chair, recommending passage with amendments. Minority Report, signed by Beyer, Whitsett, recommending passage with different amendments.

SB 471 -- Report by Committee on General Government recommending passage. Referred to Committee on Ways and Means by order of the President.

SB 548 -- Report by Committee on Judiciary recommending passage with amendments.

SB 824 -- Report by Committee on Health Policy without recommendation as to passage, but with amendments and requesting referral to Committee on Ways and Means. Referred to Committee on Ways and Means by order of the President.

SB 1027 -- Report by Committee on Transportation recommending passage.

SB 1035 -- Report by Committee on Health Policy recommending passage.

SB 1039 -- Report by Committee on Education and Workforce recommending passage.

HCR 1 -- Report by Committee on Education and Workforce recommending adoption of the A-Engrossed resolution.

HCR 8 -- Report by Committee on Rules recommending adoption of the A-Engrossed resolution.

HJR 3 -- Report by Committee on Rules recommending adoption.

HJR 16 -- Report by Committee on Rules recommending adoption.

HJR 27 -- Report by Committee on Rules recommending adoption.

HB 2106 -- Report by Committee on Transportation recommending passage of the A-Engrossed bill.

HB 2111 -- Report by Committee on Environment and Land Use recommending passage.

HB 2170 -- Report by Committee on Environment and Land Use recommending passage of the A-Engrossed bill.

HB 2267 -- Report by Committee on Transportation recommending passage.

HB 2443 -- Report by Committee on Education and Workforce recommending passage with amendments.

HB 2741 -- Report by Committee on Transportation recommending passage with amendments to the A-Engrossed bill.

SB 1011 -- Taken from today's third reading calendar and rereferred to Committee on Judiciary by voice vote on motion of Burdick.

Brown moved that the Senate confirm en bloc the Governor's appointments of Kevin Olson, Laurie Theodorou and Kathryn Weit to the Health Services Commission. On confirmation the vote was: Ayes, 23; nays, 2 -- Beyer, Kruse; attending legislative business, 5 -- Deckert, Ferrioli, George, Metsger, Prozanski. Confirmed en bloc.

SB 1059 -- Introduced, read first time and referred to President's desk.

SB 27, 844, 1027, 1035, 1039 -- Read second time and passed to third reading.

Senate recessed by unanimous consent on motion of Brown.

Senate reconvened at 11:20 a.m. President Courtney in Chair. All present except Ferrioli, attending legislative business.

Senate, having recessed following the order of Second Readings of Senate Measures, resumed under the general order of business by unanimous consent at the request of the Chair.

SB 128 -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 29; attending legislative business, 1 -- Ferrioli. Bill passed.

SB 208 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 21; nays, 7 -- Atkinson, Beyer, George, Kruse, Nelson, Starr, B., Whitsett; attending legislative business, 2 -- Ferrioli, Walker. Bill passed.

SB 216 -- Rereferred to Committee on Judiciary by voice vote on motion of Burdick.

SB 304 -- Read third time. Carried by Ringo. Taken from today's third reading calendar and

placed on May 3 calendar by voice vote on motion of Ringo.

SB 492 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 24; nays, 4 -- Beyer, George, Kruse, Schrader; attending legislative business, 2 -- Ferrioli, Walker. Bill passed.

SB 670 -- Taken from today's third reading calendar and placed on May 3 calendar by voice vote on motion of Prozanski.

SB 882 -- Moved to the foot of today's third reading calendar by unanimous consent at the request of Monnes Anderson.

HB 2389, 2484, 2705, 2969, 3091, 3304, 3318 -- Read first time and referred to President's desk.

HCR 1, 8; HJR 3, 16, 27; HB 2106, 2111, 2170, 2267 -- Read second time and passed to third reading.

HB 2259 -- Read third time. Carried by George. On passage of bill the vote was: Ayes, 27; nays, 1 -- Schrader; attending legislative business, 2 -- Ferrioli, Walker. Bill passed.

HB 2371 B-Eng. -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 28; attending legislative business, 2 -- Ferrioli, Walker. Bill passed.

HB 2438 -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 27; excused, 1 -- Winters; attending legislative business, 2 -- Ferrioli, Walker. Bill passed.

HB 2034 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 25; nays, 2 -- Beyer, Kruse; excused, 1 -- Winters; attending legislative business, 2 -- Ferrioli, Walker. Bill passed.

HB 2114 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 27; excused, 1 -- Winters; attending legislative business, 2 -- Ferrioli, Walker. Bill passed.

HB 2223 -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 23; nays, 4 -- Atkinson, George, Ringo, Shields; excused, 1 -- Winters; attending legislative business, 2 -- Ferrioli, Walker. Bill passed.

HB 2460 -- Read third time. Carried by Deckert. On passage of bill the vote was: Ayes, 27; excused, 1 -- Winters; attending legislative business, 2 -- Ferrioli, Walker. Bill passed.

HB 2497, 2498 -- Taken from today's third reading calendar and placed on May 3 calendar by unanimous consent on motion of Brown.

HB 2590 A-Eng. -- Read third time. Carried by Monnes Anderson. On passage of bill the vote was: Ayes, 27; excused, 1 -- Winters; attending legislative business, 2 -- Ferrioli, Walker. Bill passed.

HB 2738, 2825 -- Carried over to May 3 calendar by unanimous consent at the request of the Chair.

SB 882 -- Carried over to May 3 calendar by unanimous consent at the request of the Chair.

The following measures were referred to committee on April 29 and recorded on Committee Referral List No. 36 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 1051 Rules; Ways and Means  
 SB 1052 Rules  
 SB 1053 Ways and Means  
 SB 1054 Rules  
 SB 1055 Environment and Land Use  
 SB 1056 Commerce  
 SB 1057 Commerce  
 SB 1058 Business and Economic Development  
 HCR 15 Rules  
 HJM 2 Rules  
 HJR 29 Business and Economic Development  
 HJR 32 Rules  
 HJR 50 Rules  
 HB 2008 Business and Economic Development  
 HB 2125 Commerce  
 HB 2199 Rules  
 HB 2246 Rules  
 HB 2282 Judiciary  
 HB 2449 Revenue  
 HB 2490 Rules  
 HB 2739 Rules  
 HB 2878 Rules  
 HB 2882 Environment and Land Use  
 HB 2937 Rules  
 HB 3016 Business and Economic Development  
 HB 3047 Rules  
 HB 3088 Business and Economic Development  
 HB 3089 Business and Economic Development  
 HB 3151 Rules  
 HB 3266 Judiciary  
 HB 3273 Business and Economic Development  
 HB 3441 Rules

Senate adjourned until 10:30 a.m. Tuesday by unanimous consent at the request of the Chair.

### **Tuesday, May 3, 2005 -- Morning Session**

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Devlin, Gordly, Johnson, Kruse, Monnes Anderson, Morrisette, Morse, Nelson, Ringo, Schrader, Starr, B., Verger, Walker, Whitsett, Winters; excused -- Westlund; attending legislative business -- Deckert, Ferrioli, George, Metsger, Prozanski, Shields, Starr, C. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pastor Dave Pederson of Trinity Lutheran Church, Dallas.

HB 2105, 2283, 2545, 2946, 3223, 3459 -- Message from the House announcing passage.

Committee Report Summary No. 60 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 37 -- Report by Committee on Commerce recommending passage with amendments to the A-Engrossed bill.

SB 490 -- Report by Committee on Health Policy recommending passage with amendments to the A-Engrossed bill.

SB 495 -- Report by Committee on Judiciary recommending passage.

SB 541 -- Report by Committee on Health Policy recommending passage with amendments to the A-Engrossed bill.

SB 542 -- Report by Committee on Environment and Land Use recommending passage with amendments and requesting subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the President.

SB 644 -- Report by Committee on Commerce, signed by Prozanski, Chair, recommending passage. Minority Report, signed by Whitsett, Beyer, recommending passage with amendments.

SB 659 -- Report by Committee on Environment and Land Use recommending passage with amendments and requesting referral to Committee on Ways and Means. Referred to Committee on Ways and Means by order of the President.

SB 740 -- Report by Committee on Environment and Land Use recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

SB 765 -- Report by Committee on Education and Workforce recommending passage with amendments and requesting subsequent referral to Committee on Revenue be rescinded, and be referred to Committee on Ways and Means. Subsequent referral to Committee on Revenue rescinded and referred to Committee on Ways and Means by order of the President.

SB 818 -- Report by Committee on Human Services recommending passage with amendments and requesting subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the President.

SB 819 -- Report by Committee on Health Policy recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

SB 895 -- Report by Committee on Human Services recommending passage with amendments.

SB 913 -- Report by Committee on Judiciary recommending passage with amendments.

SB 944 -- Report by Committee on Commerce recommending passage with amendments.

SB 970 -- Report by Committee on Commerce recommending passage.

SB 1007 -- Report by Committee on Transportation recommending passage.

SB 1044 -- Report by Committee on Environment and Land Use recommending passage.

HB 2176 -- Report by Committee on Environment and Land Use recommending passage of the A-Engrossed bill.

HB 2328 -- Report by Committee on Environment and Land Use recommending passage of the A-Engrossed bill.

HB 2370 -- Report by Committee on Judiciary recommending passage of the A-Engrossed bill.

HB 2439 -- Report by Committee on Business and Economic Development recommending passage.

HB 2578 -- Report by Committee on Business and Economic Development recommending passage of the A-Engrossed bill.

HB 2595 -- Report by Committee on Environment and Land Use recommending passage.

HB 2637 -- Report by Committee on Business and Economic Development recommending passage of the A-Engrossed bill.

HB 2719 -- Report by Committee on Business and Economic Development recommending passage of the A-Engrossed bill.

SB 27 -- Consideration of Committee and Minority Reports taken from today's calendar and placed on May 9 calendar by voice vote on motion of Brown.

SB 304 -- Taken from today's third reading calendar and rereferred to Committee on Judiciary by voice vote on motion of Burdick.

SB 234, 333, 495, 548, 970, 1007, 1044 -- Read second time and passed to third reading.

SB 882 A-Eng. -- Read third time. Carried by Monnes Anderson. On passage of bill the vote was: Ayes, 26; excused, 1 – Westlund; attending legislative business, 3 – Ferrioli, Metsger, Shields. Bill passed.

SB 670 A-Eng. -- Bill read. Carried by Walker. On passage of bill the vote was: Ayes, 27; excused, 1 – Westlund; attending legislative business, 2 – Ferrioli, Shields. Bill passed.

SB 844 A-Eng. -- Read third time. Carried by Deckert. On passage of bill the vote was: Ayes, 23; nays, 4 – Beyer, Kruse, Nelson, Whitsett; excused, 1 – Westlund; attending legislative business, 2 – Ferrioli, Shields. Bill passed.

SB 1027 -- Read third time. Carried by Walker. Potential conflict of interest declared by Kruse, Nelson. On passage of bill the vote was: Ayes, 21; nays, 6 – Atkinson, Beyer, Johnson, Kruse, Morse, Nelson; excused, 1 – Westlund; attending legislative business, 2 – Ferrioli, Shields. Bill passed.

SB 1035 -- Read third time. Carried by Kruse. On passage of bill the vote was: Ayes, 27; excused, 1 – Westlund; attending legislative business, 2 – Ferrioli, Shields. Bill passed.

SB 1039 -- Read third time. Carried by Morrisette. On passage of bill the vote was: Ayes, 24; nays, 3 – Johnson, Starr, B., Verger; excused, 1 – Westlund; attending legislative business, 2 – Ferrioli, Shields. Bill passed.

HB 2105, 2283, 2545, 2946, 3223, 3459 -- Read first time and referred to President's desk.

HB 2176, 2328, 2370, 2439, 2443, 2578, 2595, 2637, 2719, 2741 -- Read second time and passed to third reading.

HB 2738 -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 24; nays, 3 – Beyer, Kruse, Schrader; excused, 1 – Westlund; attending legislative business, 2 – Ferrioli, Shields. Bill passed.

HB 2825 -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 27; excused, 1 – Westlund; attending legislative business, 2 – Ferrioli, Shields. Bill passed.

HCR 1 A-Eng. -- Read final time. Carried by Starr, C. On adoption of resolution, the vote was: Ayes, 27; nays, 1 – Schrader; excused, 1 – Westlund; attending legislative business, 1 – Ferrioli. Resolution adopted.

HCR 8 A-Eng. -- Read final time. Carried by Beyer. On adoption of resolution, the vote was: Ayes, 26; nays, 1 – Schrader; excused, 2 – Carter, Westlund; attending legislative business, 1 – Ferrioli. Resolution adopted.

HJR 3 -- Read final time. Carried by Atkinson. On adoption of resolution, the vote was: Ayes, 25; nays, 3 – Beyer, George, Schrader; excused, 1 – Westlund; attending legislative business, 1 – Ferrioli. Resolution adopted.

HJR 16 -- Read final time. Carried by Brown. On adoption of resolution, the vote was: Ayes, 24; nays, 3 – Beyer, Kruse, Schrader; excused, 1 – Westlund; attending legislative business, 2 – Ferrioli, Ringo. Resolution adopted.

HJR 27 -- Read final time. Carried by Whitsett. On adoption of resolution, the vote was: Ayes, 26; nays, 1 – Schrader; excused, 1 – Westlund; attending legislative business, 2 – Ferrioli, Ringo. Resolution adopted.

HB 2106 A-Eng. -- Read third time. Carried by Whitsett. On passage of bill the vote was: Ayes, 26; absent, 1 – Deckert; excused, 1 – Westlund; attending legislative business, 2 – Ferrioli, Ringo. Bill passed.

HB 2111 -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 27; excused, 1 – Westlund; attending legislative business, 2 – Ferrioli, Ringo. Bill passed.

HB 2170 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 27;



excused, 1 – Westlund; attending legislative business, 2 – Ferrioli, Ringo. Bill passed.

HB 2267 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 27; excused, 1 – Westlund; attending legislative business, 2 – Ferrioli, Ringo. Bill passed.

HB 2497 -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 26; nays, 1 – George; excused, 1 – Westlund; attending legislative business, 2 – Ferrioli, Ringo. Bill passed.

HB 2498 B-Eng. -- Read third time. Carried by Winters. On passage of bill the vote was: Ayes, 26; excused, 1 – Westlund; attending legislative business, 3 – Ferrioli, Ringo, Shields. Bill passed.

President Courtney announced the following committee assignments effective immediately.

### **SPECIAL COMMITTEE ON BUDGET**

Senator Kurt Schrader, Chair  
 Senator Margaret Carter, Vice-Chair  
 Senator Alan Bates  
 Senator Richard Devlin  
 Senator Avel Gordly  
 Senator Betsy Johnson  
 Senator Frank Morse  
 Senator David Nelson  
 Senator Ben Westlund  
 Senator Jackie Winters

Senate adjourned until 10:30 a.m. Wednesday by unanimous consent at the request of the Chair.

### **Wednesday, May 4, 2005 -- Morning Session**

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Carter, Deckert, Devlin, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused – Burdick; attending legislative business – Ferrioli, George. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pastor Josh Adams of Woodburn Evangelical, Woodburn. Musical performance by the Abiqua Singers accompanied by Deborah Butler.

HB 2605, 2875 -- Message from the House announcing passage.

HCR 7; HJR 8; HJM 8; HM 1; HB 2030, 2053, 2085, 2091, 2092, 2093, 2115, 2118, 2119, 2124, 2177, 2178, 2192, 2195, 2201, 2216, 2219, 2243, 2244, 2251, 2253, 2311, 2372, 2405, 2422, 2426, 2442, 2448, 2451, 2453, 2454, 3097 -- Message from the House announcing the Speaker signed on May 3.

Committee Report Summary No. 61 listing the following reports was distributed to members May 3. Summary list recorded in Journal and Status Report by order of the President.

HB 2005 -- Report by Committee on General Government without recommendation as to passage, and requesting referral to Committee on Rules.

Referred to Committee on Rules by order of the President and then to Committee on Ways and Means by prior reference.

Committee Report Summary No. 62 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 171 -- Report by Committee on Revenue recommending passage with amendments to the A-Engrossed bill.

SB 324 -- Report by Committee on Judiciary recommending passage with amendments.

SB 640 -- Report by Committee on Transportation without recommendation as to passage and requesting referral to Committee on Rules. Referred to Committee on Rules by order of the President and then to Committee on Ways and Means by prior reference.

SB 947 -- Report by Committee on Judiciary recommending passage with amendments.

SB 965 -- Report by Committee on Judiciary recommending passage with amendments.

SB 1008 -- Report by Committee on Business and Economic Development, signed by Metsger, Chair, recommending passage with amendments and requesting subsequent referrals to Committee on General Government and Committee on Ways and Means be rescinded. Subsequent referral to Committee on General Government and Ways and Means rescinded by order of the President. Minority Report, signed by Atkinson, Starr, B., recommending passage with different amendments.

HB 2068 -- Report by Committee on Transportation recommending passage of the A-Engrossed bill.

HB 2116 -- Report by Committee on Transportation recommending passage.

Senate recessed by unanimous consent on motion of Brown.

Senate reconvened at 11:20 a.m. President Courtney in Chair. All present except Burdick, excused; Ferrioli, George, attending legislative business.

Senate, having recessed following the order of Reports From Standing Committees, resumed under the general order of business by unanimous consent at the request of the Chair.

SB 1007 -- Taken from today's third reading calendar and referred to Special Committee on Budget by voice vote on motion of Starr, B.

SB 333 -- Committee report and minority report read. Ringo moved that the Senate adopt the committee report. Beyer moved that the minority report be substituted for the committee report.

SB 333 -- Motion to substitute minority report failed. The vote was: Ayes, 10; nays, 17 – Bates, Brown, Carter, Deckert, Devlin, Gordly, Johnson, Metsger, Monnes Anderson, Morrisette, Prozanski,

Ringo, Schrader, Shields, Verger, Walker, President Courtney; excused, 1 – Burdick; attending legislative business, 2 – Ferrioli, George. Motion failed.

SB 333 -- Bill, as amended by committee report, read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 19; nays, 8 – Atkinson, Beyer, Kruse, Nelson, Starr, B., Starr, C., Whitsett, Winters; excused, 1 – Burdick; attending legislative business, 2 – Ferrioli, George. Bill passed.

SB 5549, 5550, 5551, 5552, 5553 -- Introduced, read first time and referred to President's desk.

SB 37, 490, 541, 542, 644, 818, 895, 913, 944 -- Read second time and passed to third reading.

SB 234 A-Eng. -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 26; excused, 2 – Burdick, Winters; attending legislative business, 2 – Ferrioli, George. Bill passed. (Carter in Chair)

SB 495 -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 23; nays, 3 – Beyer, Kruse, Nelson; excused, 2 – Burdick, Winters; attending legislative business, 2 – Ferrioli, George. Bill passed.

SB 548 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 26; excused, 2 – Burdick, Winters; attending legislative business, 2 – Ferrioli, George. Bill passed.

SB 970 -- Read third time. Carried by Whitsett. On passage of bill the vote was: Ayes, 26; excused, 2 – Burdick, Winters; attending legislative business, 2 – Ferrioli, George. Bill passed.

SB 1044 -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 26; excused, 2 – Burdick, Winters; attending legislative business, 2 – Ferrioli, George. Bill passed.

HB 2605, 2875 -- Read first time and referred to President's desk.

HB 2068, 2116 -- Read second time and passed to third reading.

HB 2176, 2328, 2370, 2439, 2443, 2578, 2595, 2637, 2719, 2741 -- Carried over to May 5 calendar by unanimous consent at the request of the Chair.

Senate adjourned until 10:30 a.m. Thursday by unanimous consent at the request of the Chair.

#### Thursday, May 5, 2005 -- Morning Session

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Carter, Deckert, Devlin, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Verger, Walker, Westlund, Whitsett, Winters; excused -- Burdick, Morse, Starr, C.; attending legislative business -- Ferrioli, George. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Steve Kilpatrick, the Northwest Regional Director of Youth with a Mission, Salem. Musical performance by

Darrell Grant, Professor of Jazz at Portland State University and Director of Leroy Vinnegar Jazz Institute, Portland.

HB 2518, 2932, 2999 -- Message from the House announcing passage.

HB 2371 -- Message from the House announcing concurrence in Senate amendments and repassage.

Committee Report Summary No. 63 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 243 -- Report by Committee on Judiciary recommending passage with amendments.

SB 342 -- Report by Committee on Education and Workforce recommending passage with amendments.

SB 481 -- Report by Committee on Transportation recommending passage with amendments.

SB 545 -- Report by Committee on Commerce recommending passage with amendments.

SB 885 -- Report by Committee on Human Services recommending passage with amendments.

HJM 10 -- Report by Committee on General Government recommending adoption.

HB 2133 -- Report by Committee on General Government recommending passage.

HB 2135 -- Report by Committee on General Government recommending passage.

HB 2161 -- Report by Committee on General Government recommending passage.

HB 2173 -- Report by Committee on General Government recommending passage with amendments.

HB 2256 -- Report by Committee on Judiciary recommending passage.

HB 2279 -- Report by Committee on Judiciary recommending passage.

HB 2287 -- Report by Committee on Judiciary recommending passage.

HB 2288 -- Report by Committee on Judiciary recommending passage.

HB 2291 -- Report by Committee on Judiciary recommending passage.

HB 2352 -- Report by Committee on General Government recommending passage.

HB 2395 -- Report by Committee on General Government recommending passage of the A-Engrossed bill.

HB 2674 -- Report by Committee on General Government recommending passage.

Senate at ease. Senate reassembled.

SB 541 -- Taken from today's third reading calendar and placed on May 9 calendar by voice vote on motion of Monnes Anderson.

HB 2370 -- Taken from today's third reading calendar and placed on May 6 calendar by voice vote on motion of Beyer.

SB 644 -- Committee report and minority report read. Ringo moved that the Senate adopt the committee report. Beyer moved that the minority report be substituted for the committee report.

SB 644 -- Motion to substitute minority report failed. The vote was: Ayes, 8; nays, 17 -- Bates, Brown, Carter, Deckert, Devlin, Gordly, Johnson, Metsger, Monnes Anderson, Morrisette, Prozanski, Ringo, Schrader, Shields, Verger, Walker, President Courtney; excused, 3 -- Burdick, Morse, Starr, C.; attending legislative business, 2 -- Ferrioli, George. Motion failed.

SB 644 -- Bill, as amended by committee report, read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 18; nays, 7 -- Atkinson, Beyer, Kruse, Nelson, Starr, B., Whitsett, Winters; excused, 3 -- Burdick, Morse, Starr, C.; attending legislative business, 2 -- Ferrioli, George. Bill passed.

SB 5554, 5555, 5556, 5557, 5558, 5559, 5560, 5561, 5562, 5563, 5564, 5565, 5566, 5567, 5568, 5569, 5570, 5571, 5572, 5573, 5574, 5575, 5576, 5577, 5578, 5579, 5580, 5581, 5582, 5583, 5584, 5585, 5586, 5587, 5588 -- Introduced, read first time and referred to President's desk.

SB 171, 324, 947, 965, 1008 -- Read second time and passed to third reading.

SB 37 B-Eng. -- Bill read. Carried by Beyer. On passage of bill the vote was: Ayes, 25; excused, 3 -- Burdick, Morse, Starr, C.; attending legislative business, 2 -- Ferrioli, George. Bill passed.

SB 490 B-Eng. -- Read third time. Carried by Monnes Anderson. On passage of bill the vote was: Ayes, 25; excused, 3 -- Burdick, Morse, Starr, C.; attending legislative business, 2 -- Ferrioli, George. Bill passed. (Carter in Chair)

SB 542 A-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 21; nays, 4 -- Beyer, Kruse, Nelson, Whitsett; excused, 3 -- Burdick, Morse, Starr, C.; attending legislative business, 2 -- Ferrioli, George. Bill passed.

SB 818, 895, 913, 944 -- Carried over to May 6 calendar by unanimous consent at the request of the Chair.

HB 2518, 2932, 2999 -- Read first time and referred to President's desk.

HJM 10; HB 2133, 2135, 2161, 2256, 2279, 2287, 2288, 2291, 2352, 2395, 2674 -- Read second time and passed to third reading.

HB 2116, 2176, 2328, 2370, 2439, 2443, 2578, 2595, 2637, 2719, 2741, 2068, -- Carried over to May 6 calendar by unanimous consent at the request of the Chair.

The following measures were referred to committee on May 4 and recorded on Committee Referral List No. 37 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 5549 Budget

SB 5550 Budget

SB 5551 Budget

SB 5552 Budget

SB 5553 Budget

Senate adjourned until 8:30 a.m. Friday by unanimous consent at the request of the Chair.

### Friday, May 6, 2005 -- Morning Session

Senate convened at 8:30 a.m. Monnes Anderson in Chair. The following members were present: Atkinson, Beyer, Brown, Carter, President Courtney, Deckert, Devlin, Gordly, Johnson, Kruse, Metsger, Morrisette, Nelson, Prozanski, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- Burdick, Morse, Ringo; attending legislative business -- Bates, Ferrioli, George. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pastor Marc Shaw of the Foursquare Church "Evergreen Christian Center," Hillsboro.

HB 2050, 2059, 2061, 2102, 2142, 2306, 2416, 2577, 2840, 3159, 3183, 3461 -- Message from the House announcing passage.

Committee Report Summary No. 64 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 420 -- Report by Committee on General Government without recommendation as to passage and requesting referral to Committee on Rules. Referred to Committee on Rules by order of the President.

SB 500 -- Report by Committee on General Government without recommendation as to passage and requesting referral to Committee on Rules. Referred to Committee on Rules by order of the President.

SB 501 -- Report by Committee on Health Policy recommending passage with amendments and requesting subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the President.

SB 578 -- Report by Committee on General Government without recommendation as to passage and requesting referral to Committee on Rules. Referred to Committee on Rules by order of the President.

SB 680 -- Report by Committee on Transportation recommending passage with amendments and requesting subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the President.

SB 860 -- Report by Committee on Education and Workforce recommending passage with amendments.

SB 1031 -- Report by Committee on General Government without recommendation as to passage and requesting referral to Committee on Rules. Referred to Committee on Rules by order of the President.

HJM 6 -- Report by Committee on General Government without recommendation as to adoption and requesting referral to Committee on Rules. Referred to Committee on Rules by order of the President.

HB 2214 -- Report by Committee on General Government recommending passage with amendments.

HB 2275 -- Report by Committee on Judiciary recommending passage.

HB 2474 -- Report by Committee on General Government without recommendation as to passage and requesting referral to Committee on Rules. Referred to Committee on Rules by order of the President.

HB 2687 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 3015 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 3067 -- Report by Committee on Rules recommending passage.

SB 944 -- Taken from today's third reading calendar and placed on May 9 calendar by voice vote on motion of Prozanski.

SB 1008 -- Committee report and minority report read. Deckert, Nelson moved that the Senate adopt the committee report. Starr, B., Atkinson moved that the minority report be substituted for the committee report.

SB 1008 -- Motion to substitute minority report failed. The vote was: Ayes, 9; nays, 15 – Brown, Carter, Deckert, Devlin, Johnson, Metsger, Monnes Anderson, Morrisette, Nelson, Prozanski, Schrader, Shields, Verger, Walker, President Courtney; excused, 3 – Burdick, Morse, Ringo; attending legislative business, 3 – Bates, Ferrioli, George. Motion failed.

SB 1008 -- Bill, as amended by committee report, read third time. Carried by Deckert, Nelson. Call of the Senate demanded by Deckert joined by Schrader and Devlin. All present except Burdick, Morse, Ringo, excused; Bates, Ferrioli, George, attending legislative business. On passage of bill the vote was: Ayes, 17; nays, 7 – Atkinson, Beyer, Kruse, Starr, B., Starr, C., Whitsett, Winters; excused, 3 – Burdick, Morse, Ringo; attending legislative business, 3 – Bates, Ferrioli, George. Bill passed.

SB 1008 -- Prozanski requested the following explanation of vote be entered into the journal:

"I voted in support of SB 1008 on the assurance that this entity, Oregon Community Power, will not be able to

access preference priced power through the Bonneville Power Administration ("BPA").

"I want to ensure that current recipients of BPA preference priced power, consumer-owned utilities including municipal owned utilities, are not adversely impacted. Many of these entities rely exclusively on BPA for power since they do not have their own generation facilities or access power from other generation facilities.

"I also understand that Oregon Community Power will still be able to purchase BPA power at the residential exchanged rate."

SB 1008 -- Verger requested the following explanation of vote be entered into the journal:

"I voted 'yes' on SB 1008 A only after being assured that Oregon Community Power may not purchase or accept electric energy or capacity sold by the Bonneville Power Administration. I voted 'yes' on SB 1008 A only to give an opportunity for public ownership of PGE if that should be desired by Oregon Community Power. I voted in favor of an option."

SB 243, 342, 481, 545, 885 -- Read second time and passed to third reading.

SB 818 -- Read third time. Carried by Shields. Referred to Committee on Rules by voice vote on motion of Shields.

SB 895 A-Eng. -- Read third time. Carried by Kruse. On passage of bill the vote was: Ayes, 22; nays, 1 – Monnes Anderson; excused, 4 – Burdick, Morrisette, Morse, Ringo; attending legislative business, 3 – Bates, Ferrioli, George. Bill passed. Johnson, Winters, were granted unanimous consent to change vote to aye.

SB 913 A-Eng. -- Read third time. Carried by Whitsett. On passage of bill the vote was: Ayes, 22; excused, 5 – Burdick, Kruse, Morrisette, Morse, Ringo; attending legislative business, 3 – Bates, Ferrioli, George. Bill passed.

SB 171 -- Read third time. Carried by Metsger. Taken from today's third reading calendar and placed on May 10 calendar by voice vote on motion of Metsger.

SB 324 A-Eng. -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 22; excused, 5 – Burdick, Kruse, Morrisette, Morse, Ringo; attending legislative business, 3 – Bates, Ferrioli, George. Bill passed.

SB 947 A-Eng. -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 22; excused, 5 – Burdick, Kruse, Morrisette, Morse, Ringo; attending legislative business, 3 – Bates, Ferrioli, George. Bill passed.

SB 965 A-Eng. -- Read third time. Carried by Johnson. On passage of bill the vote was: Ayes, 22; excused, 5 – Burdick, Kruse, Morrisette, Morse, Ringo; attending legislative business, 3 – Bates, Ferrioli, George. Bill passed.

HB 2050, 2059, 2061, 2102, 2142, 2306, 2416, 2577, 2840, 3159, 3183, 3461 -- Read first time and referred to President's desk.

HB 2173, 2275, 2687, 3015, 3067 -- Read second time and passed to third reading.

HB 2176 A-Eng. -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 22; excused, 5 – Burdick, Kruse, Morrisette, Morse, Ringo; attending legislative business, 3 – Bates, Ferrioli, George. Bill passed. Metsger, absent when roll called, granted unanimous consent to be recorded as voting aye.

HB 2328 A-Eng. -- Read third time. Carried by Atkinson. (President Courtney in Chair) On passage of bill the vote was: Ayes, 22; excused, 5 – Burdick, Kruse, Morrisette, Morse, Ringo; attending legislative business, 3 – Bates, Ferrioli, George. Bill passed.

HB 2439 -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 21; excused, 5 – Burdick, Kruse, Morrisette, Morse, Ringo; attending legislative business, 4 – Bates, Ferrioli, George, Gordly. Bill passed.

HB 2443 A-Eng. -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 20; nays, 1 – Whitsett; excused, 5 – Burdick, Kruse, Morrisette, Morse, Ringo; attending legislative business, 4 – Bates, Ferrioli, George, Gordly. Bill passed.

HB 2578 A-Eng. -- Read third time. Carried by Monnes Anderson. Potential conflict of interest declared by Metsger. On passage of bill the vote was: Ayes, 22; excused, 5 – Burdick, Kruse, Morrisette, Morse, Ringo; attending legislative business, 3 – Bates, Ferrioli, George. Bill passed.

HB 2595 -- Read third time. Carried by Westlund. On passage of bill the vote was: Ayes, 22; excused, 5 – Burdick, Kruse, Morrisette, Morse, Ringo; attending legislative business, 3 – Bates, Ferrioli, George. Bill passed.

HB 2637 A-Eng. -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 22; excused, 5 – Burdick, Kruse, Morrisette, Morse, Ringo; attending legislative business, 3 – Bates, Ferrioli, George. Bill passed. (Metsger in Chair)

HB 2719 A-Eng. -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 21; nays, 1 – Schrader; excused, 5 – Burdick, Kruse, Morrisette, Morse, Ringo; attending legislative business, 3 – Bates, Ferrioli, George. Bill passed.

HB 2741 B-Eng. -- Read third time. Carried by Whitsett. Potential conflict of interest declared by Verger, President Courtney. On passage of bill the vote was: Ayes, 20; nays, 2 – Monnes Anderson, Schrader; excused, 5 – Burdick, Kruse, Morrisette, Morse, Ringo; attending legislative business, 3 – Bates, Ferrioli, George. Bill passed.

HB 2741 -- Monnes Anderson requested the following explanation of vote be entered into the journal:

“I voted against HB 2741 because at this time of decreased revenue, now is not the time to pass legislation that takes money away from the State coffers.”

HB 2068 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 21;

nays, 1 – Schrader; excused, 5 – Burdick, Kruse, Morrisette, Morse, Ringo; attending legislative business, 3 – Bates, Ferrioli, George. Bill passed.

HB 2116 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 22; excused, 5 – Burdick, Kruse, Morrisette, Morse, Ringo; attending legislative business, 3 – Bates, Ferrioli, George. Bill passed.

HJM 10 -- Read final time. Carried by Verger. On adoption of memorial, the vote was: Ayes, 22; excused, 5 – Burdick, Kruse, Morrisette, Morse, Ringo; attending legislative business, 3 – Bates, Ferrioli, George. Memorial adopted.

HB 2133 -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 22; excused, 5 – Burdick, Kruse, Morrisette, Morse, Ringo; attending legislative business, 3 – Bates, Ferrioli, George. Bill passed.

HB 2135 -- Read third time. Carried by Verger. On passage of bill the vote was: Ayes, 22; excused, 5 – Burdick, Kruse, Morrisette, Morse, Ringo; attending legislative business, 3 – Bates, Ferrioli, George. Bill passed.

HB 2161 -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 21; excused, 5 – Burdick, Kruse, Morrisette, Morse, Ringo; attending legislative business, 4 – Bates, Brown, Ferrioli, George. Bill passed.

HB 2256 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 20; nays, 1 – Schrader; excused, 5 – Burdick, Kruse, Morrisette, Morse, Ringo; attending legislative business, 4 – Bates, Brown, Ferrioli, George. Bill passed.

HB 2279 -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 21; excused, 6 – Burdick, Kruse, Morrisette, Morse, Ringo, Westlund; attending legislative business, 3 – Bates, Ferrioli, George. Bill passed.

HB 2287 -- Rules suspended by implied consent. Taken from today's third reading calendar and placed on May 9 calendar by voice vote at the request of the Chair.

HB 2288 -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 20; nays, 1 – Schrader; excused, 6 – Burdick, Kruse, Morrisette, Morse, Ringo, Westlund; attending legislative business, 3 – Bates, Ferrioli, George. Bill passed.

HB 2291 -- Read third time. Carried by Whitsett. On passage of bill the vote was: Ayes, 21; excused, 6 – Burdick, Kruse, Morrisette, Morse, Ringo, Westlund; attending legislative business, 3 – Bates, Ferrioli, George. Bill passed.

HB 2352 -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 21; excused, 6 – Burdick, Kruse, Morrisette, Morse, Ringo, Westlund; attending legislative business, 3 – Bates, Ferrioli, George. Bill passed.

HB 2370 A-Eng. -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 21; excused, 6 – Burdick, Kruse, Morrisette, Morse, Ringo, Westlund; attending legislative business, 3 – Bates, Ferrioli, George. Bill passed.

HB 2395 A-Eng. -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 21; excused, 6 – Burdick, Kruse, Morrisette, Morse, Ringo, Westlund; attending legislative business, 3 – Bates, Ferrioli, George. Bill passed.

HB 2674 -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 19; nays, 2 – Beyer, Whitsett; excused, 6 – Burdick, Kruse, Morrisette, Morse, Ringo, Westlund; attending legislative business, 3 – Bates, Ferrioli, George. Bill passed. (President Courtney in Chair)

The following measures were referred to committee on May 5 and recorded on Committee Referral List No. 38 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 5554 Budget  
 SB 5555 Budget  
 SB 5556 Budget  
 SB 5557 Budget  
 SB 5558 Budget  
 SB 5559 Budget  
 SB 5560 Budget  
 SB 5561 Budget  
 SB 5562 Budget  
 SB 5563 Budget  
 SB 5564 Budget  
 SB 5565 Budget  
 SB 5566 Budget  
 SB 5567 Budget  
 SB 5568 Budget  
 SB 5569 Budget  
 SB 5570 Budget  
 SB 5571 Budget  
 SB 5572 Budget  
 SB 5573 Budget  
 SB 5574 Budget  
 SB 5575 Budget  
 SB 5576 Budget  
 SB 5577 Budget  
 SB 5578 Budget  
 SB 5579 Budget  
 SB 5580 Budget  
 SB 5581 Budget  
 SB 5582 Budget  
 SB 5583 Budget  
 SB 5584 Budget  
 SB 5585 Budget  
 SB 5586 Budget  
 SB 5587 Budget  
 SB 5588 Budget

HCR 7; HJM 8; HJR 8; HB 2030, 2053, 2085, 2091, 2092, 2093, 2115, 2118, 2119, 2124, 2177, 2178, 2192, 2195, 2201, 2216, 2219, 2243, 2244, 2251, 2253, 2311, 2372, 2405, 2422, 2426, 2442, 2448, 2451, 2453, 2454, 3097 -- President Courtney signed on May 5.

Senate adjourned until 10:30 a.m. Monday by unanimous consent at the request of the Chair.

### Monday, May 9, 2005 -- Morning Session

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- Shields;. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Gary George, McMinnville. Musical performance by The Krayon Kids, Oregon City.

HB 2156, 2207, 2911, 2951, 3453, 3464 -- Message from the House announcing passage.

Committee Report Summary No. 65 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 2029 -- Report by Committee on Rules recommending passage with amendments.

HB 2054 -- Report by Committee on Revenue recommending passage.

HB 2094 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 2446 -- Report by Committee on Revenue recommending passage.

Senate at ease. Senate reassembled.

HB 2687 -- Taken from today's third reading calendar and placed on May 10 calendar by voice vote on motion of Brown.

SB 27 -- Committee report and minority report read. Brown moved that the Senate adopt the committee report. Ferrioli moved that the minority report be substituted for the committee report.

SB 27 -- Motion to substitute minority report failed. The vote was: Ayes, 12; nays, 17 – Bates, Brown, Burdick, Carter, Deckert, Devlin, Gordly, Johnson, Metsger, Monnes Anderson, Morrisette, Prozanski, Ringo, Schrader, Verger, Walker, President Courtney; excused, 1 – Shields. Motion failed.

SB 27 -- Bill, as amended by committee report, read third time. Carried by Brown. On passage of bill the vote was: Ayes, 19; nays, 10 – Atkinson, Beyer, Ferrioli, George, Kruse, Nelson, Starr, B., Starr, C., Whitsett, Winters; excused, 1 – Shields. Bill passed.

SB 501, 680, 860 -- Read second time and passed to third reading.

SB 243 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 29; excused, 1 – Shields. Bill passed.

SB 342 A-Eng. -- Read third time. Carried by Schrader. On passage of bill the vote was: Ayes, 28;

excused, 1 – Shields; attending legislative business, 1 – Starr, C. Bill passed.

SB 481 A-Eng. -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 27; nays, 1 – Schrader; excused, 1 – Shields; attending legislative business, 1 – Starr, C. Bill passed.

SB 541 B-Eng. -- Read third time. Carried by Morse. On passage of bill the vote was: Ayes, 28; excused, 1 – Shields; attending legislative business, 1 – Starr, C. Bill passed.

SB 545 -- Read third time. Carried by Prozanski. Taken from today's third reading calendar and placed on May 11 calendar by voice vote on motion of Prozanski.

SB 885 A-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 17; nays, 11 – Atkinson, Beyer, Ferrioli, George, Gordly, Kruse, Monnes Anderson, Morse, Starr, B., Whitsett, Winters; excused, 1 – Shields; attending legislative business, 1 – Starr, C. Bill passed.

SB 944 A-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 27; nays, 1 – Schrader; excused, 1 – Shields; attending legislative business, 1 – Starr, C. Bill passed.

HB 2156, 2207, 2911, 2951, 3453, 3464 -- Read first time and referred to President's desk.

HB 2054, 2094, 2214, 2446 -- Read second time and passed to third reading.

HB 2173 A-Eng. -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 28; excused, 1 – Shields; attending legislative business, 1 – Starr, C. Bill passed.

HB 2275 -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 28; excused, 1 – Shields; attending legislative business, 1 – Starr, C. Bill passed.

HB 2287 -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 27; nays, 1 – Schrader; excused, 1 – Shields; attending legislative business, 1 – Starr, C. Bill passed.

HB 3015 A-Eng. -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 27; excused, 1 – Shields; attending legislative business, 2 – Metsger, Starr, C. Bill passed.

HB 3067 -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 25; nays, 3 – Beyer, Ferrioli, Kruse; excused, 1 – Shields; attending legislative business, 1 – Starr, C. Bill passed.

The following measures were referred to committee on May 6 and recorded on Committee Referral List No. 39 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 1059 Judiciary  
HB 2105 Rules  
HB 2283 Judiciary  
HB 2389 Business and Economic Development  
HB 2484 Environment and Land Use

HB 2518 Judiciary  
HB 2545 Judiciary  
HB 2605 Rules  
HB 2705 Environment and Land Use  
HB 2875 Environment and Land Use  
HB 2932 Rules  
HB 2946 Rules  
HB 2969 Judiciary  
HB 2999 Rules  
HB 3091 Business and Economic Development  
HB 3223 Rules  
HB 3304 Business and Economic Development  
HB 3318 Rules  
HB 3459 Judiciary

Senate adjourned until 10:30 a.m. Tuesday by unanimous consent at the request of the Chair.

### **Tuesday, May 10, 2005 -- Morning Session**

Senate convened at 10:30 a.m. Shields in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, President Courtney, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; attending legislative business -- Kruse. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Rev. Becca Shields, United Methodist Clergywoman, Portland. Dance presentation by Kasey Ha, Portland. The following messages from the Governor were read and referred to the President's desk:

May 9, 2005

#### **TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 441.137 provides that the Governor shall appoint the members of the Long Term Care Advisory Committee, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Marian Anderson of Albany to the Long Term Care Advisory Committee for a four-year term, as provided by statute, beginning July 1, 2005 and ending on June, 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

May 9, 2005

#### **TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 441.137 provides that the Governor shall appoint the members of the Long Term Care Advisory Committee, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint William Leiken of Grants Pass to the Long Term Care Advisory Committee for a four-year term, as provided by statute, beginning July 1, 2005 and ending on June, 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

May 9, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 144.005 and 144.001 provides that the Governor shall appoint the members of the State Board of Parole and Post-Prison Supervision, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Michael Washington of Salem to the State Board of Parole and Post-Prison Supervision for a four-year term, as provided by statute, beginning July 1, 2005 and ending on June, 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

May 9, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 693.115 provides that the Governor shall appoint the members of the State Plumbing Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Kathryn Mattimore of Portland to the State Plumbing Board for an unexpired four-year term, as provided by statute, beginning June 1, 2005 and ending on June, 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

May 9, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 777.925 provides that the Governor shall appoint the members of the Board of Commissioners of the Oregon International Port of Coos Bay, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Jerry Hampel of Charleston to the Board of Commissioners of the Oregon International Port of Coos Bay for a four-year term, as provided by statute, beginning July 1, 2005 and ending on June, 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

May 9, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 777.925 provides that the Governor shall appoint the members of the Board of Commissioners of the Oregon International Port of Coos Bay, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Caddy McKeown of Coos Bay to the Board of Commissioners of the Oregon International Port of Coos Bay for a four-year term, as provided by statute, beginning July 1, 2005 and ending on June, 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

May 9, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 777.925 provides that the Governor shall appoint the members of the Board of Commissioners of the Oregon International Port of Coos Bay, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Daniel Smith of Coos Bay to the Board of Commissioners of the Oregon International Port of Coos Bay for a four-year term, as provided by statute, beginning July 1, 2005 and ending on June, 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

May 9, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 675.100 provides that the Governor shall appoint the members of the State Board of Psychologist Examiners, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Rosemary Berdine of Astoria to the State Board of Psychologist Examiners for a three-year term, as provided by statute, beginning July 1, 2005 and ending on June, 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

May 9, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 243.061 provides that the Governor shall appoint the members of the Public Employees Benefit Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Rich Peppers of Salem to the Public Employees Benefit Board for an unexpired four-year term, as provided by statute, beginning July 2, 2005 and ending on September 14, 2005, effective upon Senate confirmation.



This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

May 9, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 243.061 provides that the Governor shall appoint the members of the Public Employees Benefit Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Rich Peppers of Salem to the Public Employees Benefit Board for a four-year term, as provided by statute, beginning September 15, 2005 and ending on September 14, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

HB 2046, 2332 -- Message from the House announcing passage.

HB 2590 -- Message from the House announcing the Speaker signed on May 10.

Committee Report Summary No. 66 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 221 -- Report by Committee on Judiciary recommending passage with amendments.

SB 973 -- Report by Committee on Human Services recommending passage with amendments.

SB 1046 -- Report by Committee on Rules recommending passage.

HB 2257 -- Report by Committee on Revenue recommending passage.

HB 2289 -- Report by Committee on Judiciary recommending passage with amendments to the A-Engrossed bill.

HB 2290 -- Report by Committee on Judiciary recommending passage with amendments.

HB 3359 -- Report by Committee on Revenue recommending passage.

SB 1046 -- Read second time and passed to third reading.

SB 171 -- Bill read. Carried by Metsger. Rereferred to Committee on Revenue by voice vote on motion of Metsger.

SB 501 A-Eng. -- Read third time. Carried by Monnes Anderson. On passage of bill the vote was: Ayes, 17; nays, 10 -- Atkinson, Beyer, Ferrioli, George, Morse, Nelson, Starr, B., Starr, C., Whitsett, Winters; absent, 1 -- Westlund; excused, 1 -- Gordly; attending legislative business, 1 -- Kruse. Bill passed. Ringo, attending legislative business when roll called, granted unanimous consent to vote aye.

SB 680 -- Read third time. Carried by Johnson. Taken from today's third reading calendar and referred to Committee on Rules by voice vote on motion of Johnson.

SB 860 A-Eng. -- Read third time. Carried by Walker. Atkinson declared a potential conflict of interest. Call of the Senate demanded by Walker joined by Brown and Ferrioli. All present except Kruse, attending legislative business. On passage of bill the vote was: Ayes, 20; nays, 9 -- Atkinson, Beyer, Ferrioli, George, Morrisette, Morse, Nelson, Starr, B., Winters; attending legislative business, 1 -- Kruse. Bill passed.

HB 2046, 2332 -- Read first time and referred to President's desk.

HB 2029, 2257, 3359 -- Read second time and passed to third reading.

HB 2054 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 22; nays, 6 -- Atkinson, Beyer, Ferrioli, Morse, Starr, C., Whitsett; attending legislative business, 2 -- Kruse, Nelson. Bill passed. (President Courtney in Chair)

HB 2094 A-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 25; nays, 2 -- Beyer, Whitsett; attending legislative business, 3 -- Kruse, Nelson, Ringo. Bill passed.

HB 2214 A-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 27; attending legislative business, 3 -- Kruse, Nelson, Ringo. Bill passed.

HB 2446 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 26; nays, 1 -- Beyer; attending legislative business, 3 -- Kruse, Nelson, Ringo. Bill passed.

HB 2687 A-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 27; attending legislative business, 3 -- Kruse, Nelson, Ringo. Bill passed.

HB 2590 -- President Courtney signed on May 10.

Senate adjourned until 10:30 a.m. Wednesday by unanimous consent at the request of the Chair.

**Wednesday, May 11, 2005 -- Morning Session**

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- Gordly; attending legislative business -- Carter. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Christine Meyers, Lincoln City. Musical performance by Seth Robert Morgan on the violin, Milwaukie.

HB 2373 -- Message from the House announcing passage.

HCR 6 -- Message from the House announcing adoption.

HB 2443 -- Message from the House announcing concurrence in Senate amendments and repassage.

HB 2741 -- Message from the House announcing refusal to concur in Senate amendments. Conferees to be announced.

HCR 1, 8; HJR 3, 16, 27; HB 2034, 2106, 2111, 2114, 2170, 2223, 2259, 2267, 2371, 2438, 2460, 2497, 2738, 2825 -- Message from the House announcing the Speaker signed on May 10.

Committee Report Summary No. 67 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SM 1 -- Report by Committee on Rules recommending adoption.

SB 849 -- Report by Committee on Rules recommending passage with amendments.

SB 1026 -- Report by Committee on Human Services recommending passage with amendments.

SB 1048 -- Report by Committee on Rules recommending passage with amendments.

HJR 32 -- Report by Committee on Rules recommending adoption.

HB 2005 -- Report by Committee on Rules recommending passage and requesting subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the President.

SB 5589, 5590, 5591, 5592, 5593, 5594, 5595, 5596, 5597, 5598, 5599, 5600, 5601, 5602, 5603, 5604, 5605, 5606, 5607, 5608, 5609, 5610, 5611, 5612, 5613, 5614, 5615, 5616, 5617, 5618, 5619, 5620, 5621, 5622, 5623, 5624, 5625, 5626, 5627, 5628 -- Introduced, read first time and referred to President's desk.

SM 1; SB 221, 973 -- Read second time and passed to third reading.

SB 545 -- Taken from today's third reading calendar and placed on May 12 calendar by voice vote on motion of Prozanski.

SB 1046 -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 16; nays, 8 -- Beyer, Ferrioli, George, Kruse, Nelson, Starr, C., Whitsett, Winters; excused, 2 -- Atkinson, Gordly; attending legislative business, 4 -- Carter, Johnson, Schrader, Starr, B. Bill passed.

HCR 6; HB 2373 -- Read first time and referred to President's desk.

HJR 32; HB 2005, 2289, 2290 -- Read second time and passed to third reading.

HB 2029 A-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 23; excused, 3 -- Atkinson, Gordly, Morse; attending legislative business, 4 -- Carter, Johnson, Schrader, Starr, B. Bill passed.

HB 2257 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 23; absent, 1 -- Burdick; excused, 2 -- Gordly, Morse; attending legislative business, 4 -- Carter, Johnson, Schrader, Starr, B. Bill passed.

HB 3359 -- Read third time. Carried by Deckert. On passage of bill the vote was: Ayes, 24; excused, 2 -- Gordly, Morse; attending legislative business, 4 -- Carter, Johnson, Schrader, Starr, B. Bill passed.

HCR 1, 8; HJR 3, 16, 27; HB 2034, 2106, 2111, 2114, 2170, 2223, 2259, 2267, 2371, 2438, 2460, 2497, 2738, 2825 -- President Courtney signed on May 11.

Senate adjourned until 10:30 Thursday by unanimous consent at the request of the Chair.

#### Thursday, May 12, 2005 -- Morning Session

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Brown, Burdick, Deckert, Devlin, Ferrioli, George, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- Beyer, Carter, Gordly, Starr, B. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Father David Humphrey, St. Matthew's Episcopal Church, Portland. Musical performance by St. Matthew's Episcopal Church Choir, directed by Tim Nickel, Portland.

HB 2266, 2511, 2568, 3017, 3158, 3257 -- Message from the House announcing passage.

HB 2173 -- Message from the House announcing concurrence in Senate amendments and repassage.

Committee Report Summary No. 68 listing the following reports was distributed to members May 11. Summary list recorded in Journal and Status Report by order of the President.

SB 5549 -- Report by Special Committee on Budget recommending passage with amendments.

Committee Report Summary No. 69 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 2031 -- Report by Committee on Revenue recommending passage.

HB 2032 -- Report by Committee on Revenue recommending passage.

HB 2033 -- Report by Committee on Revenue recommending passage of the A-Engrossed bill.

HB 2041 -- Report by Committee on Revenue recommending passage.

HB 2075 -- Report by Committee on Business and Economic Development recommending passage.

HB 2084 -- Report by Committee on Business and Economic Development recommending passage of the A-Engrossed bill.

HB 2096 -- Report by Committee on Business and Economic Development recommending passage of the A-Engrossed bill.

HB 2469 -- Report by Committee on Revenue recommending passage.

HB 2632 -- Report by Committee on Judiciary recommending passage.

HB 2633 -- Report by Committee on Judiciary recommending passage.

HB 2980 -- Report by Committee on Judiciary recommending passage.

HB 2982 -- Report by Committee on Judiciary recommending passage.

HB 2983 -- Report by Committee on Judiciary recommending passage.

HB 3088 -- Report by Committee on Business and Economic Development recommending passage.

HB 3089 -- Report by Committee on Business and Economic Development recommending passage of the A-Engrossed bill.

HB 3324 -- Report by Committee on Judiciary recommending passage.

Report by Committee on Rules recommending that the Governor's appointments of Joyce McClure, Estelle Parker-Kent and Michael Vissers to the State Board of Chiropractic Examiners be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's appointments of Jim Bagley (r) (appearance waived), Margaret Clark, Larry Davy and Kathleen Elias (a) to the Board of Examiners of Nursing Home Administrators be confirmed en boc.

Report by Committee on Rules recommending that the Governor's appointment of David Williams to the State Workforce Investment Board be confirmed.

HB 2290 -- Taken from today's third reading calendar and placed on May 13 calendar by voice vote on motion of Burdick.

SM 1 -- Taken from today's third reading calendar and placed on May 13 calendar by voice vote on motion of Shields.

SB 545 -- Taken from today's third reading calendar and placed on May 13 calendar by voice vote on motion of Prozanski.

SB 1061, 1062, 1063, 1064 -- Introduced, read first time and referred to President's desk.

SB 5549; 849, 1026, 1048 -- Read second time and passed to third reading.

SB 221 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 25; nays, 1 -- Schrader; excused, 4 -- Carter, Deckert, Gordly, Starr, B. Bill passed.

SB 973 A-Eng. -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 26; excused, 4 -- Carter, Deckert, Gordly, Starr, B. Bill passed.

HB 2266, 2511, 2568, 3017, 3158, 3257 -- Read first time and referred to President's desk.

HB 2031, 2032, 2033, 2041, 2075, 2084, 2096, 2469, 2632, 2633, 2980, 2982, 2983, 3088, 3089, 3324 -- Read second time and passed to third reading.

HJR 32 -- Read final time. Carried by Atkinson. On adoption of resolution, the vote was: Ayes, 23; nays, 3 -- Beyer, Kruse, Schrader; excused, 4 -- Carter, Deckert, Gordly, Starr, B. Resolution adopted.

HB 2005 -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 26; excused, 4 -- Carter, Deckert, Gordly, Starr, B. Bill passed.

HB 2289 B-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 25; nays, 1 -- Schrader; excused, 4 -- Carter, Deckert, Gordly, Starr, B. Bill passed.

President Courtney announced the following committee assignments effective May 12.

#### **Subcommittee on Education**

Senator Richard Devlin, Chair  
 Senator Avel Gordly  
 Senator David Nelson  
 Senator Vicki Walker  
 Senator Doug Whitsett

#### **Subcommittee on General Government**

Senator Betsy Johnson, Chair  
 Senator Bill Morrisette  
 Senator Frank Morse

#### **Subcommittee on Human Services**

Senator Margaret Carter, Chair  
 Senator Alan Bates  
 Senator Laurie Monnes Anderson  
 Senator Ben Westlund  
 Senator Jackie Winters

#### **Subcommittee on Natural Resources**

Senator Alan Bates, Chair  
 Senator David Nelson  
 Senator Frank Shields

#### **Subcommittee on Public Safety**

Senator Avel Gordly, Chair  
 Senator Richard Devlin  
 Senator Jackie Winters

#### **Subcommittee on Transportation and Economic Development**

Senator Kurt Schrader, Chair  
 Senator Betsy Johnson  
 Senator Frank Morse  
 Senator Joanne Verger  
 Senator Ben Westlund

Senate adjourned until 10:00 a.m. Friday by unanimous consent at the request of the Chair.

**Friday, May 13, 2005 -- Morning Session**

Senate convened at 10:00 a.m. President Courtney in Chair. The following members were present: Ferrioli, Kruse, Morse, Nelson, Shields, Starr, C., Westlund, Winters; absent -- Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, George, Gordly, Johnson, Metsger, Monnes Anderson, Morrisette, Prozanski, Ringo, Schrader, Verger, Walker, Whitsett; excused -- Starr, B.

Call of the Senate demanded by Nelson joined by Ferrioli and Starr, C. All present except Atkinson, Burdick, Carter, Deckert, Johnson, Kruse, Metsger, Prozanski, Ringo, Schrader, Walker, absent; Starr, B., excused. Pending arrival of members subject to the Call, Senate at ease. Further proceedings under the Call terminated by unanimous consent at the request of the Chair. All present except Starr, B., excused. Senate reassembled.

Colors were posted and the Senate pledged allegiance to the flag. Invocation by Deacon Ron Jarvis of the 5th Street Church of Christ, Beaverton. Musical performance by Jordan Jarvis of Westside Christian School joined by his father Ron and sister Evyan, accompanied by Sandy Ralston on the piano.

The following messages from the Governor were read and referred to the President's desk:

May 12, 2005

**TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 679.230 provides that the Governor shall appoint the members of the Oregon Board of Dentistry, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Darren Huddleston of Grants Pass to the Oregon Board of Dentistry for a four-year term, as provided by statute, beginning June 11, 2005 and ending on March 31, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

May 12, 2005

**TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 244.250 provides that the Governor shall appoint the members of the Government Standards and Practices Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Thomas Bruner of Portland to the Government Standards and Practices Commission for a four-year term, as provided by statute, beginning June 1, 2005 and ending on May 31, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,

Ted Kulongoski  
Governor

May 12, 2005

**TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 293.706 provides that the Governor shall appoint the members of the Oregon Investment Council, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Katy Durant of Portland to the Oregon Investment Council for an unexpired four-year term, as provided by statute, beginning June 1, 2005 and ending on September 19, 2006, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

HB 2020, 2099, 2200, 2524, 2529, 2662, 2730, 2950, 2977, 3197, 3310, 3329, 3358, 3454, 3465 -- Message from the House announcing passage.

Committee Report Summary No. 70 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SJR 31 -- Report by Committee on Rules recommending adoption.

SB 5550 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5551 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5552 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5553 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5554 -- Report by Special Committee on Budget recommending passage with amendments.

SB 1040 -- Report by Committee on Health Policy, signed by Monnes Anderson, Chair, recommending passage with amendments. Minority Report, signed by George, Kruse, recommending passage with different amendments.

SB 5549 -- Under rules suspension and Special Order of Business, bill moved to the top of today's calendar for immediate consideration on motion of Schrader.

SB 5549 -- Ferrioli moved to rerefer to Special Committee on Budget. Call of the Senate demanded by Brown joined by Devlin and Schrader. All present except Starr, B., excused. The vote was: Ayes, 12; nays, 17 -- Bates, Brown, Burdick, Carter, Deckert, Devlin, Johnson, Metsger, Monnes Anderson, Morrisette, Prozanski, Ringo, Schrader, Shields, Verger, Walker, President Courtney; excused, 1 -- Starr, B. Motion failed.

SB 5549 A-Eng. -- Read third time. Carried by Schrader, Devlin. Call of the Senate demanded by Brown joined by Walker and Devlin. All present

except Starr, B., excused. On passage of bill the vote was: Ayes, 17; nays, 12 – Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Prozanski, Starr, C., Westlund, Whitsett, Winters; excused, 1 – Starr, B. Bill passed.

SB 5549 -- Prozanski requested the following explanation of vote be entered into the journal:

"I voted against SB 5549 because it is time to invest more state funding in our K-12 schools. Since the late 1990's, severe budget cuts to K-12 have forced a reduction in the number of school days, increased classroom sizes, the loss of valuable educational programs such as art, music, and sports, and even the dismissal of teachers and other staff. Oregon's class sizes are now the second highest in the nation. Given the two most recent revenue forecasts, I believe we have the resources to invest \$5.4 Billion in K-12 education without cutting other vital programs and services. This is an investment which our kids deserve and one that would pay dividends to all Oregonians.

"The May revenue forecast provided an extra \$224 million in revenue. I believe that our state would be best served by investing this revenue in our children, providing a reserve fund to provide stability, and ensuring that we protect vital services to protect the public and our most vulnerable citizens. All of these priorities are possible with a K-12 expenditure of \$5.4 Billion.

"Studies continue to show that investing in education is good for the entire state. For every dollar spent on education, the state saves between \$7-14 dollars on future public safety costs, and health and human services costs. Investing more in schools today will save us millions of dollars in the future.

"A \$5.4 Billion K-12 school budget does not require the state to cut other vital programs and services. We have sufficient revenue to fully fund Oregon Project Independence, in-home foster care and long term care for seniors and the disabled. We also have sufficient revenue to increase investments in four-year colleges and community colleges. Finally, our tumultuous budget history should teach us the importance of dedicating funds to a reserve fund.

"For these reasons, I drew a line on the chalkboard and voted against SB 5549. Education should be our top priority."

Consideration of the Governor's appointments of Joyce McClure, Estelle Parker-Kent, and Michael Vissers to the State Board of Chiropractic Examiners; Jim Bagley (r), Margaret Clark, Larry Davy, and Kathleen Elias (a) and (r) to the Board of Examiners of Nursing Home Administrators; and David Williams to the State Workforce Investment Board taken from today's third reading calendar and placed on May 16 calendar by unanimous consent at the request of the Chair.

SJR 31 -- Read second time and passed to third reading.

SM 1; SB 545, 849, 1026, 1048 -- Carried over to May 16, calendar by unanimous consent at the request of the Chair.

HB 2020, 2099, 2200, 2524, 2529, 2662, 2730, 2950, 2977, 3197, 3310, 3329, 3358, 3454, 3465 -- Read first time and referred to President's desk.

HB 2031, 2032, 2033, 2041, 2075, 2084, 2096, 2290, 2469, 2632, 2633, 2980, 2982, 2983, 3088, 3089, 3324 -- Carried over to May 16 calendar by unanimous consent at the request of the Chair.

Senate adjourned until 10:30 a.m. Monday by unanimous consent at the request of the Chair.

### **Monday, May 16, 2005 -- Morning Session**

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Beyer, Brown, Burdick, Carter, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Westlund, Whitsett, Winters; excused -- Bates, Deckert, Verger; attending legislative business -- Metsger, Walker. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Gordon Bettles of the Klamath Tribes. Musical performance by Senator Margaret Carter, Portland.

HB 2017, 2026, 2069, 2167, 2224, 2361, 2729, 2927, 3081, 3463 -- Message from the House announcing passage.

HR 4 -- Message from the House announcing adoption.

HB 2029 -- Message from the House announcing concurrence in Senate amendments and repassage.

Committee Report Summary No. 71 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SJR 2 -- Report by Committee on Revenue recommending adoption.

SB 5555 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5556 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5557 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5558 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5559 -- Report by Special Committee on Budget recommending passage with amendments.

SB 538 -- Report by Committee on Environment and Land Use recommending passage with amendments.

SB 841 -- Report by Committee on Revenue recommending passage with amendments.

SB 881 -- Report by Committee on Judiciary recommending passage with amendments and requesting subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to

Committee on Ways and Means rescinded by order of the President.

SB 1011 -- Report by Committee on Judiciary recommending passage with amendments.

SB 1045 -- Report by Committee on Judiciary recommending passage.

SJR 31 -- Taken from today's third reading calendar and placed on May 19 calendar by voice vote on motion of Gordly.

Ringo moved that the Senate confirm en bloc the Governor's appointments of Joyce McClure, Estelle Parker-Kent and Michael Vissers to the State Board of Chiropractic Examiners. (Atkinson in Chair) On confirmation the vote was: Ayes, 21; nays, 4 -- Atkinson, Beyer, George, Kruse; excused, 3 -- Bates, Deckert, Verger; attending legislative business, 2 -- Metsger, Walker. Confirmed en bloc.

Shields moved that the Senate confirm en bloc the Governor's appointments of Jim Bagley (r), Margaret Clark, Larry Davy and Kathleen Elias (a) and (r) to the Board of Examiners of Nursing Home Administrators. On confirmation the vote was: Ayes, 23; nays, 2 -- Beyer, Kruse; excused, 3 -- Bates, Deckert, Verger; attending legislative business, 2 -- Metsger, Walker. Confirmed en bloc.

Brown moved that the Senate confirm the appointment of David Williams to the State Workforce Investment Board. On confirmation the vote was: Ayes, 23; nays, 2 -- Beyer, Kruse; excused, 3 -- Bates, Deckert, Verger; attending legislative business, 2 -- Metsger, Walker. Confirmed.

SJR 2; SB 5550, 5551, 5552, 5553, 5554; 1040, 1045 -- Read second time and passed to third reading.

SM 1 -- Read final time. Carried by Shields. Taken from today's third reading calendar and placed on May 17 calendar by voice vote on motion of Shields.

SB 545 -- Bill read. Carried by Prozanski. Taken from today's third reading calendar and placed on May 17 calendar by voice vote on motion of Prozanski.

SB 849 -- Carried by Devlin. Taken from today's third reading calendar and placed on May 17 calendar by voice vote on motion of Devlin.

SB 1026 A-Eng. -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 21; nays, 4 -- Beyer, Ferrioli, Kruse, Monnes Anderson; excused, 3 -- Bates, Deckert, Verger; attending legislative business, 2 -- Metsger, Walker. Bill passed.

SB 1048 -- Carried by Shields. Referred to Special Committee on Budget by voice vote on motion of Shields.

HB 2017, 2026, 2069, 2167, 2224, 2361, 2729, 2927, 3081, 3463 -- Read first time and referred to President's desk.

HB 2031 -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 25; excused, 3 -- Bates, Deckert, Verger; attending legislative business, 2 -- Metsger, Walker. Bill passed.

Senate at ease. Senate reassembled.

HB 2032 -- Read third time. Carried by George. On passage of bill the vote was: Ayes, 25; excused, 3 -- Bates, Deckert, Verger; attending legislative business, 2 -- Metsger, Walker. Bill passed.

HB 2033, 2041 -- Moved to the foot of today's third reading calendar by unanimous consent at the request of the Chair.

HB 2075, 2096 -- By implied consent, taken from today's third reading calendar and placed on May 17 calendar by voice vote on motion of Starr, B.

HB 2084 A-Eng. -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 24; nays, 1 -- Kruse; excused, 3 -- Bates, Deckert, Verger; attending legislative business, 2 -- Metsger, Walker. Bill passed.

HB 2290 A-Eng. -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 24; nays, 1 -- Schrader; excused, 3 -- Bates, Deckert, Verger; attending legislative business, 2 -- Metsger, Walker. Bill passed.

HB 2469 -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 23; absent, 1 -- Westlund; excused, 3 -- Bates, Deckert, Verger; attending legislative business, 3 -- Metsger, Ringo, Walker. Bill passed.

HB 2632 -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 24; excused, 3 -- Bates, Deckert, Verger; attending legislative business, 3 -- Metsger, Ringo, Walker. Bill passed.

HB 2980 -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 22; nays, 1 -- Schrader; excused, 3 -- Bates, Deckert, Verger; attending legislative business, 4 -- Brown, Metsger, Ringo, Walker. Bill passed.

HB 2982 -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 23; excused, 3 -- Bates, Deckert, Verger; attending legislative business, 4 -- Brown, Metsger, Ringo, Walker. Bill passed.

HB 2983 -- Read third time. Carried by Prozanski. Kruse declared a potential conflict of interest. On passage of bill the vote was: Ayes, 21; nays, 2 -- Schrader, Starr, B.; excused, 3 -- Bates, Deckert, Verger; attending legislative business, 4 -- Brown, Metsger, Ringo, Walker. Bill passed.

HB 3088 -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 23; excused, 3 -- Bates, Deckert, Verger; attending legislative business, 4 -- Brown, Metsger, Ringo, Walker. Bill passed.

HB 3089 A-Eng. -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 23; excused, 3 -- Bates, Deckert, Verger; attending

legislative business, 4 – Brown, Metsger, Ringo, Walker. Bill passed.

HB 3324 -- Read third time. Carried by Whitsett. On passage of bill the vote was: Ayes, 25; nays, 1 – Schrader; excused, 3 – Bates, Deckert, Verger; attending legislative business, 1 – Ringo. Bill passed.

HB 2633 -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 26; excused, 3 – Bates, Deckert, Verger; attending legislative business, 1 – Ringo. Bill passed.

HB 2033 A-Eng. -- Read third time. Carried by Metsger. Metsger declared a potential conflict of interest. On passage of bill the vote was: Ayes, 26; excused, 3 – Bates, Deckert, Verger; attending legislative business, 1 – Ringo. Bill passed.

HB 2041 -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 24; nays, 2 – Schrader, President Courtney; excused, 3 – Bates, Deckert, Verger; attending legislative business, 1 – Ringo. Bill passed.

The following measures were referred to committee on May 13 and recorded on Committee Referral List No. 40 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 5589 Budget  
 SB 5590 Budget  
 SB 5591 Budget  
 SB 5592 Budget  
 SB 5593 Budget  
 SB 5594 Budget  
 SB 5595 Budget  
 SB 5596 Budget  
 SB 5597 Budget  
 SB 5598 Budget  
 SB 5599 Budget  
 SB 5600 Budget  
 SB 5601 Budget  
 SB 5602 Budget  
 SB 5603 Budget  
 SB 5604 Budget  
 SB 5605 Budget  
 SB 5606 Budget  
 SB 5607 Budget  
 SB 5608 Budget  
 SB 5609 Budget  
 SB 5610 Budget  
 SB 5611 Budget  
 SB 5612 Budget  
 SB 5613 Budget  
 SB 5614 Budget  
 SB 5615 Budget  
 SB 5616 Budget  
 SB 5617 Budget  
 SB 5618 Budget  
 SB 5619 Budget

SB 5620 Budget  
 SB 5621 Budget  
 SB 5622 Budget  
 SB 5623 Budget  
 SB 5624 Budget  
 SB 5625 Budget  
 SB 5626 Budget  
 SB 5627 Budget  
 SB 5628 Budget  
 SB 1061 Environment and Land Use; Revenue  
 SB 1062 Rules  
 SB 1063 Judiciary  
 SB 1064 Health Policy  
 HCR 6 Rules  
 HB 2046 Revenue  
 HB 2050 Judiciary  
 HB 2059 Rules  
 HB 2061 Rules  
 HB 2102 Rules  
 HB 2142 Judiciary  
 HB 2156 Judiciary  
 HB 2207 Rules  
 HB 2266 Rules  
 HB 2306 Judiciary  
 HB 2332 Revenue; Ways and Means  
 HB 2373 Judiciary  
 HB 2416 Judiciary  
 HB 2511 Revenue  
 HB 2568 Judiciary  
 HB 2577 Environment and Land Use  
 HB 2840 Rules  
 HB 2911 Rules  
 HB 2951 Revenue  
 HB 3017 Rules  
 HB 3158 Judiciary  
 HB 3159 Judiciary  
 HB 3183 Revenue  
 HB 3257 Rules  
 HB 3453 Revenue  
 HB 3461 Environment and Land Use  
 HB 3464 Rules

#### **Oregon Board of Dentistry (ORS 679.230)**

Darren Huddleston Rules

#### **Oregon Government Standards and Practices Commission (ORS 244.250)**

Thomas Bruner Rules

#### **Oregon Investment Council (ORS 293.706)**

Katy Durant Rules

#### **Long Term Care Advisory Committee (ORS 441.137)**

Marian Anderson (r) Rules  
 William Leiken (r) Rules

**State Board of Parole and Post-Prison Supervision  
(ORS 144.005)**

Michael Washington (r) Rules

**State Plumbing Board (ORS 693.115)**

Kathryn Mattimore Rules

**Oregon International Board of Commissioners Port  
of Coos Bay (ORS 777.925)**

Jerry Hampel (r) Rules

Caddy McKeown (r) Rules

Daniel Smith (r) Rules

**State Board of Psychologist Examiners (ORS 675.100)**

Rosemary Berdine (r) Rules

**Public Employees' Benefit Board (ORS 243.061)**

Rich Peppers (r) Rules

Rich Peppers Rules

Senate adjourned until 10:30 a.m. Tuesday by unanimous consent at the request of the Chair.

**Tuesday, May 17, 2005 -- Morning Session**

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Winters; excused -- Whitsett; attending legislative business - - Morrisette. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Kathryn Harrison, Former Chairwoman of the Confederated Tribes of Grand Ronde.

SB 929; HB 2237, 2569, 2706, 2862, 2958, 3087, 3162, 3174, 3184, 3219, 3240, 3258, 3313, 3352 -- Message from the House announcing passage.

HB 2289 -- Message from the House announcing concurrence in Senate amendments and repassage.

Committee Report Summary No. 72 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 190 -- Report by Committee on Commerce recommending passage with amendments and requesting referral to Committee on Ways and Means. Referred to Special Committee on Budget by order of the President.

SB 329 -- Report by Committee on Human Services, signed by Morrisette, Chair, recommending passage with amendments. Minority Report, signed by Kruse, Starr, C., recommending passage with different amendments.

SB 639 -- Report by Committee on Revenue recommending passage with amendments, be printed A-Engrossed. Subsequent referral to Committee on Ways and Means rescinded by order of the President. Referred to Special Committee on Budget by order of the President.

SB 669 -- Report by Committee on Commerce recommending passage with amendments and requesting referral to Committee on Ways and Means. Referred to Special Committee on Budget by order of the President.

SB 704 -- Report by Committee on Health Policy recommending passage with amendments and requesting referral to Committee on Ways and Means. Referred to Special Committee on Budget by order of the President.

SB 922 -- Report by Committee on Business and Economic Development recommending passage with amendments.

HB 2105 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 2127 -- Report by Committee on Commerce recommending passage.

HB 2139 -- Report by Committee on Judiciary recommending passage of the A-Engrossed bill.

HB 2160 -- Report by Committee on Business and Economic Development recommending passage with amendments to the A-Engrossed bill.

HB 2199 -- Report by Committee on Rules recommending passage of the B-Engrossed bill.

HB 2260 -- Report by Committee on Rules recommending passage.

HB 2774 -- Report by Committee on Rules recommending passage.

HB 2916 -- Report by Committee on Rules recommending passage.

Senate at ease. Senate reassembled.

SB 1040 -- Committee report and minority report read. Monnes Anderson moved the Senate adopt the committee report. Kruse moved the minority report be substituted for the committee report. Call of the Senate demanded by Brown joined by Gordly and Kruse. All present except Whitsett, excused; Morrisette, attending legislative business.

SB 1040 -- Motion to substitute minority report failed. The vote was: Ayes, 11; nays, 17 -- Bates, Brown, Burdick, Carter, Deckert, Devlin, Gordly, Johnson, Metsger, Monnes Anderson, Prozanski, Ringo, Schrader, Shields, Verger, Walker, President Courtney; excused, 1 -- Whitsett; attending legislative business, 1 -- Morrisette. Motion failed.

SB 1040 -- Bill, as amended by committee report, read third time. Carried by Monnes Anderson. Call of the Senate demanded by Brown joined by Kruse and Devlin. All present except Whitsett, excused; Morrisette, attending legislative business. On passage of bill the vote was: Ayes, 19; nays, 9 -- Atkinson, Beyer, Ferrioli, George, Kruse,



Nelson, Starr, B., Starr, C., Winters; excused, 1 – Whitsett; attending legislative business, 1 – Morrisette. Bill passed.

SJR 2 -- Taken from today's third reading calendar and placed on May 18 calendar by voice vote on motion of Schrader.

SM 1 -- Taken from today's third reading calendar and placed on May 20 calendar by voice vote on motion of Shields.

SB 545 -- Taken from today's third reading calendar and placed on May 20 calendar by voice vote on motion of Prozanski.

SB 1060, 1065 -- Introduced, read first time and referred to President's desk.

SB 5555, 5556, 5557, 5558, 5559; 538, 841, 881, 1011 -- Read second time and passed to third reading.

SB 5550 A-Eng. -- Read third time. Carried by Westlund. On passage of bill the vote was: Ayes, 22; nays, 6 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B.; excused, 1 – Whitsett; attending legislative business, 1 – Morrisette. Bill passed.

SB 5551 A-Eng. -- Read third time. Carried by Morse. On passage of bill the vote was: Ayes, 22; nays, 6 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B.; excused, 1 – Whitsett; attending legislative business, 1 – Morrisette. Bill passed.

SB 5552 A-Eng. -- Read third time. Carried by Bates. On passage of bill the vote was: Ayes, 21; nays, 6 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B.; excused, 1 – Whitsett; attending legislative business, 2 – Morrisette, Winters. Bill passed.

SB 5553 A-Eng. -- Read third time. Carried by Westlund. On passage of bill the vote was: Ayes, 21; nays, 6 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B.; excused, 2 – Whitsett, Winters; attending legislative business, 1 – Morrisette. Bill passed.

SB 5554 A-Eng. -- Read third time. Carried by Nelson. On passage of bill the vote was: Ayes, 21; nays, 6 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B.; excused, 2 – Whitsett, Winters; attending legislative business, 1 – Morrisette. Bill passed.

SB 849 A-Eng. -- Read third time. Carried by Devlin. Call of the Senate demanded by Devlin joined by Burdick and Starr, C. All present except Whitsett, excused; Morrisette, attending legislative business. On passage of bill the vote was: Ayes, 22; nays, 6 – Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C.; excused, 1 – Whitsett; attending legislative business, 1 – Morrisette. Bill passed.

SB 849 -- Prozanski requested the following explanation of vote be entered into the journal:

"I voted for SB 849 because I believe that a woman who has been raped should have access to emergency contraception pills. SB 849 will permit a woman to access these pills through an authorized pharmacy when she is not able to contact her health provider.

"I understand that women who have not been raped also will be able to access emergency contraception pills. In

those circumstances, I believe that the women who are facing these situations are in the best position to decide what is the best alternative for themselves, not politicians."

SB 1045 -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 28; excused, 1 – Whitsett; attending legislative business, 1 – Morrisette. Bill passed.

HB 2237, 2569, 2706, 2862, 2958, 3087, 3162, 3174, 3184, 3219, 3240, 3258, 3313, 3352 -- Read first time and referred to President's desk.

HB 2105, 2127, 2139, 2199, 2260, 2774, 2916 -- Read second time and passed to third reading.

HB 2075 -- Read third time. Carried by Deckert. On passage of bill the vote was: Ayes, 23; nays, 5 – Atkinson, Beyer, George, Kruse, Monnes Anderson; excused, 1 – Whitsett; attending legislative business, 1 – Morrisette. Bill passed.

HB 2096 A-Eng. -- Read third time. Carried by Deckert. On passage of bill the vote was: Ayes, 28; excused, 1 – Whitsett; attending legislative business, 1 – Morrisette. Bill passed.

SB 929; HJM 10; HB 2054, 2068, 2094, 2116, 2133, 2135, 2161, 2176, 2256, 2275, 2279, 2287, 2288, 2291, 2328, 2352, 2370, 2395, 2439, 2443, 2446, 2578, 2595, 2637, 2674, 2687, 2719, 3015, 3067 -- President Courtney signed on May 17.

Senate adjourned until 10:30 a.m. Wednesday by unanimous consent at the request of the Chair.

### Wednesday, May 18, 2005 -- Morning Session

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused – Burdick; attending legislative business – Johnson, Schrader. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Ed Ben of the Confederated Tribes of Siletz.

HB 2113, 2203, 2221, 2303, 2322, 2359, 2360, 2429, 2614, 2681, 2754, 2776, 2803, 3050, 3090, 3092, 3093, 3121, 3272, 3312 -- Message from the House announcing passage.

HR 5 -- Message from the House announcing adoption.

HB 2214 -- Message from the House announcing concurrence in Senate amendments and repassage.

SB 929; HJM 10; HB 2054 2068, 2094, 2116, 2133, 2135, 2161, 2176, 2256, 2275, 2279, 2287, 2288, 2291, 2328, 2352, 2370, 2395, 2439, 2443, 2446, 2578, 2595, 2637, 2674, 2687, 2719, 3015, 3067 -- Message from the House announcing the Speaker signed on May 17.

Committee Report Summary No. 73 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 161 -- Report by Committee on Rules, signed by Brown, Chair, recommending passage with amendments. Minority Report, signed by Ringo, Atkinson, recommending passage with different amendments.

SB 301 -- Report by Committee on Judiciary recommending passage with amendments and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

HB 2246 -- Report by Committee on Rules recommending passage with amendments.

SB 1011 -- Taken from today's third reading calendar and placed on May 20 calendar by voice vote on motion of Ringo.

HB 2139 -- Taken from today's third reading calendar and placed on May 20 calendar by voice vote on motion of Brown.

SJR 2; SB 841 -- Taken from today's third reading calendar and placed on May 20 calendar by voice vote on motion of Deckert.

SB 329, 922 -- Read second time and passed to third reading.

SB 5555 A-Eng. -- Read third time. Carried by Westlund. On passage of bill the vote was: Ayes, 24; nays, 5 -- Atkinson, Beyer, Ferrioli, Kruse, Starr, B.; excused, 1 -- Burdick. Bill passed.

SB 5556 A-Eng. -- Read third time. Carried by Whitsett. On passage of bill the vote was: Ayes, 22; nays, 6 -- Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B.; excused, 1 -- Burdick; attending legislative business, 1 -- Johnson. Bill passed.

SB 5557 A-Eng. -- Read third time. Carried by Gordly. On passage of bill the vote was: Ayes, 23; nays, 5 -- Atkinson, Beyer, Ferrioli, Kruse, Starr, B.; excused, 1 -- Burdick; attending legislative business, 1 -- Johnson. Bill passed.

SB 5558 A-Eng. -- Read third time. Carried by Morse. On passage of bill the vote was: Ayes, 23; nays, 5 -- Atkinson, Beyer, Ferrioli, Kruse, Starr, B.; excused, 1 -- Burdick; attending legislative business, 1 -- Johnson. Bill passed.

SB 5559 A-Eng. -- Read third time. Carried by Morse. On passage of bill the vote was: Ayes, 22; nays, 6 -- Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B.; excused, 1 -- Burdick; attending legislative business, 1 -- Johnson. Bill passed.

SB 538 A-Eng. -- Read third time. Carried by Westlund. Potential conflict of interest declared by Beyer. On passage of bill the vote was: Ayes, 25; nays, 3 -- Monnes Anderson, Schrader, Walker; excused, 1 -- Burdick; attending legislative business, 1 -- Johnson. Bill passed.

SB 881 A-Eng. -- Read third time. Carried by Monnes Anderson. On passage of bill the vote was: Ayes, 28; excused, 1 -- Burdick; attending legislative business, 1 -- Johnson. Bill passed.

HB 2113, 2203, 2221, 2303, 2322, 2359, 2360, 2429, 2614, 2681, 2754, 2776, 2803, 3050, 3090, 3092, 3093, 3121, 3272, 3312 -- Read first time and referred to President's desk.

HB 2160 -- Read second time and passed to third reading.

HB 2105 A-Eng. -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 26; nays, 2 -- Schrader, Whitsett; excused, 1 -- Burdick; attending legislative business, 1 -- Johnson. Bill passed.

HB 2127 -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 28; excused, 1 -- Burdick; attending legislative business, 1 -- Johnson. Bill passed.

HB 2199 B-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 27; nays, 1 -- Schrader; excused, 1 -- Burdick; attending legislative business, 1 -- Johnson. Bill passed.

HB 2260 -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 27; nays, 1 -- Schrader; excused, 1 -- Burdick; attending legislative business, 1 -- Johnson. Bill passed.

HB 2774 -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 28; excused, 1 -- Burdick; attending legislative business, 1 -- Johnson. Bill passed.

HB 2916 -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 28; excused, 1 -- Burdick; attending legislative business, 1 -- Johnson. Bill passed.

Senate adjourned until 10:30 a.m. Thursday by unanimous consent at the request of the Chair.

#### Thursday, May 19, 2005 -- Morning Session

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- Burdick; attending legislative business -- Johnson. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Les Minthorn, Treasurer of the Board of Trustees for the Confederated Tribes of the Umatilla Indian Reservation. Special music from selected recordings of Native American Jazz musician Jim Pepper.

SB 73, 177, 207, 398, 410; HB 2060, 2077, 2166, 2205, 2339, 2404, 2408, 2480, 2507, 2513, 2669, 2742, 2772, 2811, 2868, 2915, 3129, 3256, 3301, 3319, 3350, 3350, 3415, 3458 -- Message from the House announcing passage.

SJM 7 -- Message from the House announcing adoption.

HB 2290 -- Message from the House announcing concurrence in Senate amendments and repassage.

HB 2005 -- Message from the House announcing the Speaker signed on May 18.

Committee Report Summary No. 74 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 5560 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5561 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5562 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5563 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5564 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5565 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5566 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5567 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5568 -- Report by Special Committee on Budget recommending passage with amendments.

SB 568 -- Report by Committee on Judiciary recommending passage with amendments.

HCR 10 -- Report by Committee on Rules recommending adoption.

HB 2072 -- Report by Committee on Business and Economic Development recommending passage with amendments.

HB 2197 -- Report by Committee on Revenue recommending passage of the A-Engrossed bill.

SB 329 -- Consideration of the Committee and Minority Reports taken from today's calendar and placed on May 20 calendar by voice vote on motion of Morrisette.

SJR 34 -- Introduced, read first time and referred to President's desk.

SB 161 -- Read second time and passed to third reading.

SJR 31 -- Read final time. Carried by Gordly. On adoption of resolution, the vote was: Ayes, 28; excused, 1 – Burdick; attending legislative business, 1 – Johnson. Resolution adopted.

SB 922 A-Eng. -- Read third time. Carried by Metsger. Potential conflict of interest declared by Verger. On passage of bill the vote was: Ayes, 25; nays, 3 – Beyer, Ferrioli, Kruse; excused, 1 – Burdick; attending legislative business, 1 – Johnson. Bill passed.

HB 2060, 2077, 2166, 2205, 2339, 2404, 2408, 2480, 2507, 2513, 2669, 2742, 2772, 2811, 2868, 2915, 3129, 3256, 3301, 3319, 3350, 3415, 3458 -- Read first time and referred to President's desk.

Courtesies of the Senate were extended to former Governor Victor Atiyeh at the request of Ferrioli.

HCR 10; HB 2197, 2246 -- Read second time and passed to third reading.

HB 2160 B-Eng. -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 27; absent, 1 – Ringo; excused, 1 – Burdick; attending legislative business, 1 – Johnson. Bill passed.

Senate adjourned until 8:30 a.m. Friday by unanimous consent at the request of the Chair.

### **Friday, May 20, 2005 -- Morning Session**

Senate convened at 8:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- Deckert. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Bill White Eagle Wilson.

SB 929 -- Message from the Governor announcing he signed on May 19.

SB 42; HB 2202, 2276, 2340, 2583, 3252 -- Message from the House announcing passage.

SJR 12; HCR 9; HJM 14, 15, 16, 21, 25, 31, 32, 33, 36, 39; HJR 7 -- Message from the House announcing adoption.

Committee Report Summary No. 75 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HCR 15 -- Report by Committee on Rules recommending adoption.

HB 2979 -- Report by Committee on Business and Economic Development recommending passage.

HB 2981 -- Report by Committee on Business and Economic Development recommending passage.

HB 3091 -- Report by Committee on Business and Economic Development recommending passage.

HCR 10 -- Made a Special Order of Business immediately under final consideration by unanimous consent on motion of Prozanski.

HCR 10 -- Under Special Order of Business, read final time. Carried by Prozanski. On adoption of resolution, the vote was: Ayes, 29; excused, 1 – Deckert. Resolution adopted. Burdick, absent when roll called, granted unanimous consent to be recorded as voting aye.

SB 161 -- Committee report and minority report read. Brown moved the Senate adopt the committee report. Ringo moved the minority report be substituted for the committee report. Call of the Senate demanded by Brown joined by Gordly and Starr, C. All present except Prozanski, absent. Pending arrival of Prozanski, Senate at ease. Prozanski returned. All present. Senate reassembled.

SB 161 -- Motion to substitute minority report carried. The vote was: Ayes, 18; nays, 12 – Bates, Brown, Carter, Deckert, Devlin, George, Johnson, Monnes Anderson, Nelson, Schrader, Walker, President Courtney. Motion carried.

SB 161 A-Eng. -- Bill, as amended by minority report, read third time. Carried by Ringo. Call of the Senate demanded by Ringo joined by Starr, C. and Atkinson. All present. On passage of bill the vote was: Ayes, 20; nays, 10 – Beyer, Brown, Carter, George, Kruse, Nelson, Starr, B., Starr, C., Walker, President Courtney. Bill passed.

SB 161 -- Prozanski requested the following explanation of vote be entered into the journal:

"I voted for SB161 to show my support for a process that would allow the legislature to shed the heavy influence of party politics during the legislative session.

"I spoke with a Senator from Nebraska, the only state that now has a non-partisan legislature who stated that his state has benefited from this form of representation. Further, most of Oregon's elected offices (cities, school boards, special districts, and some county commissions) are non-partisan.

"Many citizens complain that the partisanship of the legislature has created an unhealthy atmosphere for conducting the state's business. I supported SB161 with the hope that it will allow members of all political parties to work together without the burdens of a partisan process."

SB 329 -- Committee report and minority report read. Morrisette moved the Senate adopt the committee report. Kruse moved the minority report be substituted for the committee report. Call of the Senate demanded by Brown joined by Atkinson and Ringo. All present.

SB 329 -- Motion to substitute minority report failed. The vote was: Ayes, 12; nays, 18 – Bates, Brown, Burdick, Carter, Deckert, Devlin, Gordly, Johnson, Metsger, Monnes Anderson, Morrisette, Prozanski, Ringo, Schrader, Shields, Verger, Walker, President Courtney. Motion failed.

SB 329 A-Eng. -- Bill, as amended by committee report, read third time. Carried by Morrisette. Call of the Senate demanded by Brown joined by Bates and Nelson. All present.

SB 329 -- Kruse moved to refer to Special Committee on Budget. Senate at ease. Senate reassembled. Motion to refer to Special Committee on Budget failed. The vote was: Ayes, 12; nays, 18 – Bates, Brown, Burdick, Carter, Deckert, Devlin, Gordly, Johnson, Metsger, Monnes Anderson, Morrisette, Prozanski, Ringo, Schrader, Shields, Verger, Walker, President Courtney. Motion failed.

SB 329 -- Debate resumed. On passage of bill the vote was: Ayes, 19; nays, 11 – Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Starr, B., Starr, C., Whitsett, Winters. Bill passed.

SB 329 -- Verger requested the following explanation of vote be entered into the journal:

"I voted "yes" on SB 329 only to force something to be done for affordable health care and prescription drug cost.

This bill should have a waiting period; it should not offer benefits to the wealthy. It needs further work."

SB 5560, 5561, 5562, 5563, 5564, 5565, 5566, 5567, 5568; 568 -- Read second time and passed to third reading.

SJR 2; SM 1; SB 545, 841, 1011 -- Carried over to May 23 calendar by unanimous consent at the request of the Chair.

HCR 9; HJM 14, 15, 16, 21, 25, 31, 32, 33, 36; HJR 7, 20, 39; HB 2202, 2276, 2340, 2583, 3252 -- Read first time and referred to President's desk.

HCR 15; HB 2072, 2979, 2981, 3091 -- Read second time and passed to third reading.

HB 2139, 2197, 2246 -- Carried over to May 23 calendar by unanimous consent at the request of the Chair.

The following measures were referred to committee on May 19 and recorded on Committee Referral List No. 41 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

|         |                                   |
|---------|-----------------------------------|
| SB 1065 | Rules; Budget                     |
| HB 2017 | Business and Economic Development |
| HB 2020 | Rules; Budget                     |
| HB 2026 | Rules                             |
| HB 2069 | Business and Economic Development |
| HB 2099 | Rules                             |
| HB 2167 | Rules                             |
| HB 2200 | Business and Economic Development |
| HB 2224 | Judiciary                         |
| HB 2237 | Revenue                           |
| HB 2361 | Judiciary                         |
| HB 2524 | Rules                             |
| HB 2529 | Environment and Land Use          |
| HB 2569 | Judiciary                         |
| HB 2662 | Commerce                          |
| HB 2706 | Rules                             |
| HB 2729 | Environment and Land Use          |
| HB 2730 | Judiciary                         |
| HB 2862 | Rules                             |
| HB 2927 | Environment and Land Use          |
| HB 2950 | Revenue                           |
| HB 2958 | Business and Economic Development |
| HB 2977 | Judiciary                         |
| HB 3081 | Environment and Land Use          |
| HB 3087 | Revenue                           |
| HB 3162 | Rules                             |
| HB 3174 | Rules                             |
| HB 3184 | Rules                             |
| HB 3197 | Rules                             |
| HB 3219 | Rules                             |
| HB 3240 | Rules                             |
| HB 3258 | Commerce                          |
| HB 3310 | Environment and Land Use          |
| HB 3313 | Environment and Land Use          |
| HB 3329 | Rules                             |

HB 3352 Judiciary  
 HB 3358 Revenue  
 HB 3454 Revenue  
 HB 3463 Rules  
 HB 3465 Rules

HB 2005 -- President Courtney signed on May 20.

Senate adjourned until 10:30 a.m. Monday by unanimous consent at the request of the Chair.

### **Monday, May 23, 2005 -- Morning Session**

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Carter, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- Burdick, Deckert. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Alan Bittel, Family Studies Program Chair of Corban College, Salem.

Courtesies of the Senate were extended to former State Representative Bill Markham at the request of Westlund.

SB 32, 43, 67, 70, 72, 75, 84, 96, 97, 104, 197, 218, 233, 234, 259, 285, 302, 318, 330, 362, 363, 433, 575, 595, 645, 718, 839, 840, 879; HB 2228, 3466, 3468 -- Message from the House announcing passage.

HCR 14, HJM 13, 18, 35; HJR 25 -- Message from the House announcing adoption.

SB 694 -- Message from the House announcing passage as amended by the House.

Committee Report Summary No. 76 listing the following reports was distributed to members May 20. Summary list recorded in Journal and Status Report by order of the President.

SB 467 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

Committee Report Summary No. 77 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HJM 6 -- Report by Committee on Rules recommending adoption.

HJR 50 -- Report by Committee on Rules recommending adoption.

HB 2125 -- Report by Committee on Commerce recommending passage.

HB 2126 -- Report by Committee on Commerce recommending passage.

HB 2179 -- Report by Committee on Business and Economic Development recommending passage of the A-Engrossed bill.

HB 2294 -- Report by Committee on Commerce recommending passage.

HB 2449 -- Report by Committee on Revenue recommending passage with amendments to the A-Engrossed bill.

HB 2718 -- Report by Committee on Commerce recommending passage.

HB 2740 -- Report by Committee on Commerce recommending passage of the A-Engrossed bill.

HB 3016 -- Report by Committee on Business and Economic Development recommending passage.

HB 3459 -- Report by Committee on Judiciary recommending passage with amendments to the A-Engrossed bill.

Report by Committee on Rules recommending that the Governor's appointments of Catherine Travis and Robb Van Cleave to the Board of Directors of State Accident Insurance Fund Corporation be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's appointments of Charles Barlow, John Jackson, Mary Meloy, Jay Rasmussen (r) (appearance waived), Gary Reed and Susie Smith (r) (appearance waived) to the Water Resources Commission be confirmed en bloc.

SJR 2; SM 1; SB 841, 1011 -- Brown moved to take from today's third reading calendar and place on May 31 calendar. Roll call vote requested by Ferrioli and Beyer. Call of the Senate demanded by Brown joined by Devlin and Ringo. All present except Burdick, Deckert, excused; Walker, attending legislative business. Pending arrival of members subject to the Call. Senate at ease. Walker returned. All present except Burdick, Deckert, excused. Senate reassembled. The vote was: Ayes, 17; nays, 11 -- Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Starr, B., Starr, C., Whitsett, Winters; excused, 2 -- Burdick, Deckert. Motion carried.

HB 2139 -- Taken from today's third reading calendar and placed on May 24 calendar by voice vote on motion of Starr, C.

SB 545 -- Taken from today's third reading calendar and placed on May 24 calendar by voice vote on motion of Prozanski.

SB 1066, 1067, 1068 -- Introduced, read first time and referred to President's desk.

SB 5560 A-Eng. -- Read third time. Carried by Westlund. On passage of bill the vote was: Ayes, 23; nays, 5 -- Beyer, Ferrioli, George, Kruse, Starr, B.; excused, 2 -- Burdick, Deckert. Bill passed.

SB 5561 A-Eng. -- Read third time. Carried by Morrisette. On passage of bill the vote was: Ayes, 22; nays, 6 -- Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B.; excused, 2 -- Burdick, Deckert. Bill passed.

SB 5562 A-Eng. -- Read third time. Carried by Morrisette. On passage of bill the vote was: Ayes, 22; nays, 6 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B.; excused, 2 – Burdick, Deckert. Bill passed.

SB 5563 A-Eng. -- Read third time. Carried by Gordly. On passage of bill the vote was: Ayes, 21; nays, 6 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B.; excused, 2 – Burdick, Deckert; attending legislative business, 1 – Ringo. Bill passed.

SB 5564 A-Eng. -- Read third time. Carried by Devlin. On passage of bill the vote was: Ayes, 21; nays, 6 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B.; excused, 2 – Burdick, Deckert; attending legislative business, 1 – Ringo. Bill passed.

SB 5565 A-Eng. -- Read third time. Carried by Nelson. On passage of bill the vote was: Ayes, 19; nays, 8 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C., Whitsett; excused, 2 – Burdick, Deckert; attending legislative business, 1 – Ringo. Bill passed.

SB 5566 A-Eng. -- Read third time. Carried by Carter. On passage of bill the vote was: Ayes, 27; excused, 2 – Burdick, Deckert; attending legislative business, 1 – Ringo. Bill passed.

SB 5567 A-Eng. -- Read third time. Carried by Gordly. On passage of bill the vote was: Ayes, 22; nays, 6 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B.; excused, 2 – Burdick, Deckert. Bill passed.

SB 5568 A-Eng. -- Read third time. Carried by Devlin. On passage of bill the vote was: Ayes, 22; nays, 6 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B.; excused, 2 – Burdick, Deckert. Bill passed.

SB 568 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 27; nays, 1 – Schrader; excused, 2 – Burdick, Deckert. Bill passed.

HCR 14; HJM 13, 18, 35; HJR 25; HB 2228, 3466, 3468 -- Read first time and referred to President's desk.

HJM 6; HJR 50; HB 2125, 2126, 2179, 2294, 2718, 2740, 3016 -- Read second time and passed to third reading.

Senate at ease. Senate reassembled.

HB 2197 -- Read third time. Taken from today's third reading calendar and placed on May 25 calendar by unanimous consent at the request of the Chair.

HB 2246 A-Eng. -- Read third time. Carried by Ferrioli. On passage of bill the vote was: Ayes, 27; nays, 1 – Schrader; excused, 2 – Burdick, Deckert. Bill passed.

HCR 15 -- Read final time. Carried by Ferrioli. On adoption of resolution, the vote was: Ayes, 28; excused, 2 – Burdick, Deckert. Resolution adopted.

HB 2072 A-Eng. -- Read third time. Carried by Monnes Anderson. On passage of bill the vote was: Ayes, 28; excused, 2 – Burdick, Deckert. Bill passed.

HB 2979 -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 27;

nays, 1 – Schrader; excused, 2 – Burdick, Deckert. Bill passed.

HB 2981 -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 28; excused, 2 – Burdick, Deckert. Bill passed.

HB 3091 -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 28; excused, 2 – Burdick, Deckert. Bill passed.

SJM 7; SB 73, 177, 207, 398, 410 -- President Courtney signed on May 23.

Senate adjourned until 10:30 a.m. Tuesday by unanimous consent at the request of the Chair.

### **Tuesday, May 24, 2005 -- Morning Session**

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Carter, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- Burdick, Deckert; attending legislative business -- Schrader. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Don Boderman, Director of the Student Enrichment Program at Western Oregon University, Monmouth. Musical performance by The Western Oregon University Chamber Singers, directed by Dr. Solveig Holmquist.

SB 92, 103, 179; HB 2136, 2236, 2596, 2659, 2831, 3419, 3471 -- Message from the House announcing passage.

SB 431 -- Message from the House announcing passage as amended by the House.

HB 2741 -- Message from the House announcing Boone, Burley, Gilman appointed House conferees.

Committee Report Summary No. 78 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 290 -- Report by Committee on Environment and Land Use recommending passage with amendments and requesting subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the President.

SB 306 -- Report by Committee on Judiciary recommending passage with amendments.

SB 569 -- Report by Committee on Environment and Land Use recommending passage with amendments and requesting subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the President.

SB 731 -- Report by Committee on Environment and Land Use recommending passage with amendments. Minority Report, signed by Atkinson,

Beyer, recommending passage with different amendments.

SB 863 -- Report by Committee on Environment and Land Use recommending passage.

SB 1043 -- Report by Committee on Revenue recommending passage, requesting subsequent referral to Committee on Ways and Means be rescinded and be referred to Special Committee on Budget. Subsequent referral to Committee on Ways and Means rescinded and referred to Special Committee on Budget by order of the President.

HCR 11 -- Report by Committee on Judiciary recommending adoption with amendments.

HB 2139 -- Taken from today's third reading calendar and placed on May 25 calendar by voice vote on motion of Starr, C.

SB 545 -- Taken from today's third reading calendar and placed on May 31 calendar by voice vote on motion of Prozanski.

Ferrioli moved that the Senate confirm en bloc the Governor's appointments of Catherine Travis and Robb Van Cleave to the Board of Directors of State Accident Insurance Fund Corporation. On confirmation the vote was: Ayes, 26; excused, 2 -- Burdick, Deckert; attending legislative business, 2 -- Schrader, Starr, B. Confirmed en bloc.

Ringo moved that the Senate confirm en bloc the Governor's appointments of Charles Barlow, John Jackson, Mary Meloy, Jay Rasmussen (r), Gary Reed, and Susie Smith (r) to the Water Resources Commission. On confirmation the vote was: Ayes, 23; nays, 3 -- Beyer, Kruse, Whitsett; excused, 2 -- Burdick, Deckert; attending legislative business, 2 -- Schrader, Starr, B. Confirmed en bloc.

SB 863 -- Read second time and passed to third reading.

HB 2136, 2236, 2596, 2659, 2831, 3419, 3471 -- Read first time and referred to President's desk.

HB 2449, 3459 -- Read second time and passed to third reading.

HJM 6 -- Read final time. Carried by Atkinson. On adoption of memorial, the vote was: Ayes, 27; excused, 2 -- Burdick, Deckert; attending legislative business, 1 -- Schrader. Memorial adopted.

HJR 50 -- Read final time. Carried by Shields. On adoption of resolution, the vote was: Ayes, 27; excused, 2 -- Burdick, Deckert; attending legislative business, 1 -- Schrader. Resolution adopted.

HB 2125 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 27; excused, 2 -- Burdick, Deckert; attending legislative business, 1 -- Schrader. Bill passed.

HB 2126 -- Read third time. Carried by Whitsett. On passage of bill the vote was: Ayes, 27; excused, 2 -- Burdick, Deckert; attending legislative business, 1 -- Schrader. Bill passed.

HB 2179 A-Eng. -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 27;

excused, 2 -- Burdick, Deckert; attending legislative business, 1 -- Schrader. Bill passed.

HB 2294 -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 27; excused, 2 -- Burdick, Deckert; attending legislative business, 1 -- Schrader. Bill passed.

HB 2718 -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 27; excused, 2 -- Burdick, Deckert; attending legislative business, 1 -- Schrader. Bill passed.

HB 2740 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 27; excused, 2 -- Burdick, Deckert; attending legislative business, 1 -- Schrader. Bill passed.

HB 3016 -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 27; excused, 2 -- Burdick, Deckert; attending legislative business, 1 -- Schrader. Bill passed.

HB 2741 -- Metsger, Verger, Whitsett appointed Senate conferees.

HJR 32; HB 2029, 2031, 2032, 2033, 2041, 2075, 2084, 2096, 2105, 2127, 2173, 2199, 2214, 2257, 2260, 2289, 2290, 2469, 2632, 2633, 2774, 2916, 2980, 2982, 2983, 3088, 3089, 3324, 3359 -- President Courtney signed on May 24.

Senate adjourned until 10:30 a.m. Wednesday by unanimous consent at the request of the Chair.

### Wednesday, May 25, 2005 -- Morning Session

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- Deckert. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Reverend Lynne Smoose Lopez, Ainsworth United Church of Christ, Portland.

SB 54, 76, 83, 101, 108, 136, 137, 178, 563, 574, 576, 690, 837, 859; HB 5077; 2191, 2733, 3363, 3479 -- Message from the House announcing passage.

SB 58 -- Message from the House announcing passage as amended by the House.

SJM 7; SB 73, 177, 207, 398, 410; HJR 32; HB 2029, 2031, 2032, 2033, 2041, 2075, 2084, 2096, 2105, 2127, 2173, 2199, 2214, 2257, 2260, 2289, 2290, 2469, 2632, 2633, 2774, 2916, 2980, 2982, 2983, 3088, 3089, 3324, 3359 -- Message from the House announcing the Speaker signed on May 24.

Committee Report Summary No. 79 listing the following reports was distributed to members May 24. Summary list recorded in Journal and Status Report by order of the President.

SB 5526 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget.





Referred to Special Committee on Budget by order of the President.

SB 194 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 228 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 232 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 247 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 289 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 300 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 311 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 351 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 352 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 358 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 359 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 364 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget.



Referred to Special Committee on Budget by order of the President.

SB 779 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 783 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 784 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 815 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 817 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 819 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 824 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 834 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 835 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 838 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 850 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 870 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget.

Referred to Special Committee on Budget by order of the President.

SB 876 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 946 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 954 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 969 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 998 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 1005 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 1016 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 1053 -- Report by Committee on Ways and Means without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

Committee Report Summary No. 80 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 199 -- Report by Committee on Judiciary recommending passage with amendments.

SB 806 -- Report by Committee on Judiciary recommending passage with amendments.

HB 3304 -- Report by Committee on Business and Economic Development recommending passage with amendments to the A-Engrossed bill.

SB 290, 306, 569, 731 -- Read second time and passed to third reading.

SB 863 -- Moved to the foot of today's third reading calendar by unanimous consent on motion of Ferrioli.

HB 5077; 2191, 2733, 3363, 3479 -- Read first time and referred to President's desk.

HCR 11 -- Read second time and passed to third reading.

HB 2139 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 27; nays, 1 – Schrader; excused, 1 – Deckert; attending legislative business, 1 – Ringo. Bill passed.

HB 2197 A-Eng. -- Bill read. Carried by Prozanski. Call of the Senate demanded by Brown joined by Walker and Prozanski. All present except Deckert, excused. On passage of bill the vote was: Ayes, 16; nays, 13 – Atkinson, Beyer, Devlin, Ferrioli, George, Johnson, Kruse, Morse, Nelson, Starr, B., Starr, C., Whitsett, Winters; excused, 1 – Deckert. Bill passed.

HB 2449 B-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 27; nays, 1 – Schrader; excused, 1 – Deckert; attending legislative business, 1 – Ringo. Bill passed.

HB 3459 B-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 27; nays, 1 – George; excused, 1 – Deckert; attending legislative business, 1 – Ringo. Bill passed.

Senate reverted to the order of Third Reading of Senate Measures by unanimous consent at the request of the Chair.

SB 863 -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 27; nays, 1 – Schrader; excused, 1 – Deckert; attending legislative business, 1 – Ringo. Bill passed.

The following measures were referred to committee on May 24 and recorded on Committee Referral List No. 42 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

|         |               |
|---------|---------------|
| SJR 34  | Rules         |
| SB 1060 | Rules; Budget |
| HB 2060 | Rules         |
| HB 2077 | Rules         |
| HB 2113 | Rules         |
| HB 2166 | Rules         |
| HB 2203 | Judiciary     |
| HB 2205 | Judiciary     |
| HB 2221 | Judiciary     |
| HB 2303 | Rules         |
| HB 2322 | Judiciary     |
| HB 2339 | Rules         |
| HB 2359 | Judiciary     |
| HB 2360 | Judiciary     |
| HB 2404 | Rules         |
| HB 2408 | Rules         |
| HB 2429 | Rules         |
| HB 2480 | Rules         |
| HB 2507 | Rules         |
| HB 2513 | Rules         |
| HB 2614 | Rules         |

|         |           |
|---------|-----------|
| HB 2669 | Rules     |
| HB 2681 | Rules     |
| HB 2742 | Judiciary |
| HB 2754 | Rules     |
| HB 2772 | Rules     |
| HB 2776 | Revenue   |
| HB 2803 | Judiciary |
| HB 2811 | Judiciary |
| HB 2868 | Revenue   |
| HB 2915 | Rules     |
| HB 3050 | Rules     |
| HB 3090 | Rules     |
| HB 3092 | Rules     |
| HB 3093 | Rules     |
| HB 3121 | Rules     |
| HB 3129 | Rules     |
| HB 3256 | Rules     |
| HB 3272 | Rules     |
| HB 3301 | Rules     |
| HB 3312 | Rules     |
| HB 3319 | Rules     |
| HB 3350 | Revenue   |
| HB 3415 | Rules     |
| HB 3458 | Rules     |

Senate adjourned until 10:30 a.m. Thursday by unanimous consent at the request of the Chair.

#### Thursday, May 26, 2005 -- Morning Session

Senate convened at 10:30 a.m. President Pro Tempore Carter in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, President Courtney, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Verger, Walker, Westlund, Whitsett, Winters; excused -- Burdick, Deckert; attending legislative business -- Starr, C. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Reverend Marilyn Sewell of the First Unitarian Church, Portland.

SB 78, 193, 219, 237, 238, 405, 735, 882, 953, 983, 1044; HB 2174, 2525, 2800, 3179 -- Message from the House announcing passage.

SJM 1; HM 3, 7 -- Message from the House announcing adoption.

SB 55, 109, 458 -- Message from the House announcing passage as amended by the House.

HB 2072, 2246 -- Message from the House announcing concurrence in Senate amendments and repassage.

HCR 10 -- Message from the House announcing the Speaker signed on May 25.

Committee Report Summary No. 81 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 5569 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5570 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5571 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5572 -- Report by Special Committee on Budget recommending passage with amendments.

HB 2198 -- Report by Committee on Environment and Land Use recommending passage.

Senate at ease. Senate reassembled.

SB 306; HCR 11 -- Taken from today's third reading calendar and placed on May 27 calendar by voice vote on motion of Brown.

SB 569 -- Taken from today's third reading calendar and referred to Committee on Rules by voice vote on motion of Prozanski.

SB 731 -- Committee report and minority report read. Shields moved that the Senate adopt the committee report. Beyer moved that the minority report be substituted for the committee report. Call of the Senate demanded by Brown joined by Courtney and Nelson. All present except Burdick, Deckert, excused; Bates, Starr, C., attending legislative business. Pending arrival of members subject to the Call, Senate at ease. All present except Burdick, Deckert, excused; Starr, C., attending legislative business. Senate reassembled.

SB 731 -- Motion to substitute minority report failed. The vote was: Ayes, 11; nays, 16 -- Bates, Brown, Carter, Devlin, Gordly, Johnson, Metsger, Monnes Anderson, Morrisette, Prozanski, Ringo, Schrader, Shields, Verger, Walker, President Courtney; excused, 2 -- Burdick, Deckert; attending legislative business, 1 -- Starr, C. Motion failed.

SB 731 A-Eng. -- Bill, as amended by committee report, read third time. Call of the Senate demanded by Brown joined by Verger and Gordly. All present except Burdick, Deckert, excused; Starr, C., attending legislative business. On passage of bill the vote was: Ayes, 16; nays, 11 -- Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Starr, B., Westlund, Whitsett, Winters; excused, 2 -- Burdick, Deckert; attending legislative business, 1 -- Starr, C. Bill passed.

SB 731 -- Verger requested the following explanation of vote be entered into the journal:

"I voted for SB 731 with the understanding that this is a Voluntary Program and the Department will in no way make any changes to the reading of this bill by Rules or otherwise.

"I also hope that some change can be made in the House to re-enforce the voluntary aspect of this bill."

SB 731 -- Schrader requested the following explanation of vote be entered into the journal:

"I voted for the Majority Report on SB 731 because I gave my word based on what I believe to be faulty information.

"It was explained as an innocuous watered down, voluntary, encouraging-to-use program. Minimal cost!

"I have since checked with our fiscal office and find there is likely to be a significant fiscal, unless the Water Resources Board has extra staff and time available.

"The words in the bill are very prescriptive. It says Water Resources Department 'shall develop and implement a program for increasing statewide water use measurement.' Monitoring and tracking all water use will be costly to the state and to agriculture. This may lead to more inappropriate restrictions on valid struggling agricultural enterprises.

"I will lobby hard in the House to change the wording to voluntary or kill the bill."

SB 1069, 1070 -- Introduced, read first time and referred to President's desk.

SB 199, 806 -- Read second time and passed to third reading.

SB 290 A-Eng. -- Read third time. Carried by Shields. Potential conflict of interest declared by Beyer, Kruse, Nelson. Call of the Senate demanded by Brown joined by Devlin and Kruse. All present except Burdick, Deckert, excused; Starr, C., attending legislative business. On passage of bill the vote was: Ayes, 16; nays, 11 -- Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Starr, B., Westlund, Whitsett, Winters; excused, 2 -- Burdick, Deckert; attending legislative business, 1 -- Starr, C. Bill passed.

SB 290 -- Verger requested the following explanation of vote be entered into the journal:

"In sessions past, I have supported the Agriculture Department, farmers, and other groups in trying to ward off the threat to privacy that pesticide reporting could bring.

"This bill has been an effort to negotiate and compromise on this issue and other concerns.

"It is time to have some reporting. By having this reporting come through the watersheds, it satisfies my concerns. I would have liked to have kept the 2009 sunset, but it was not enough to keep me from voting for this reasonable compromise."

HB 2174, 2525, 2800, 3179 -- Read first time and referred to President's desk.

HB 2198, 3304 -- Read second time and passed to third reading.

HCR 10 -- President Courtney signed on May 26.

Senate adjourned until 8:30 a.m. Friday by unanimous consent at the request of the Chair.

#### Friday, May 27, 2005 -- Morning Session

Senate convened at 8:30 a.m. President Pro Tempore Carter in Chair. The following members were present: Brown, Burdick, President Courtney, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett; excused -- Atkinson, Beyer, Deckert, Winters;

attending legislative business -- Bates. Colors were posted by Larry Coffman, Jeff Bodenweiser and Rachel Crawford, representing US Marines and US Army. Senate pledged allegiance to the flag. Invocation by Mac McDonald, retired Marine Corps officer, Salem.

The following messages from the Governor were read and referred to the President's desk:

May 26, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 346.130 provides that the Governor shall appoint the members of the Commission for the Blind, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Frank Armstrong of Newport to the Commission for the Blind for a two-year term, as provided by statute, beginning July 1, 2005 and ending on June 30, 2007, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

May 26, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 346.130 provides that the Governor shall appoint the members of the Commission for the Blind, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Irvin Handelsman of Portland to the Commission for the Blind for a two-year term, as provided by statute, beginning July 1, 2005 and ending on June 30, 2007, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

May 26, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 244.250 provides that the Governor shall appoint the members of the Government Standards and Practices Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Delna Jones of Tigard to the Government Standards and Practices Commission for a four-year term, as provided by statute, beginning May 1, 2005 and ending on April 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

May 26, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE

OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 161.385 provides that the Governor shall appoint the members of the Psychiatric Security Review Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Norwood Knight-Richardson of Portland to the Psychiatric Security Review Board for an unexpired four-year term, as provided by statute, beginning June 15, 2005 and ending on June 30, 2005, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

May 26, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 161.385 provides that the Governor shall appoint the members of the Psychiatric Security Review Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Norwood Knight-Richardson of Portland to the Psychiatric Security Review Board for a four-year term, as provided by statute, beginning July 1, 2005 and ending on June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

May 26, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 181.620 provides that the Governor shall appoint the members of the Board on Public Safety Standards and Training, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Steven Piper of Gresham to the Board on Public Safety Standards and Training for an unexpired three-year term, as provided by statute, beginning July 1, 2005 and ending on June 30, 2007, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

May 26, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 305.035 provides that the Governor shall appoint the Director of the Department of Revenue, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Elizabeth Harchenko of Salem as the Director of the Department of Revenue for a four-year term, as provided by statute, beginning May 12, 2005 and ending on May 11, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

May 26, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 185.520 provides that the Governor shall appoint the members of the Commission for Women, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Ellie McPeak of Lake Oswego to the Commission for Women for a three-year term, as provided by statute, beginning June 10, 2005 and ending on June 9, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

May 26, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 185.520 provides that the Governor shall appoint the members of the Commission for Women, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Vicki Wegner of Portland to the Commission for Women for a three-year term, as provided by statute, beginning May 1, 2005 and ending on April 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

May 26, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 185.520 provides that the Governor shall appoint the members of the Commission for Women, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint V. Anna Willman of Roseburg to the Commission for Women for a three-year term, as provided by statute, beginning May 1, 2005 and ending on April 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

SB 29, 90, 468, 486, 858, 923, 925; HB 2995, 3268 -- Message from the House announcing passage.

SCR 4, 5 -- Message from the House announcing adoption.

SB 110, 281, 600, 856 -- Message from the House announcing passage as amended by the House.

Committee Report Summary No. 82 listing the following report was distributed to members May 26. Summary list recorded in Journal and Status Report by order of the President.

SB 1037 -- Report by Committee on Environment and Land Use recommending passage with amendments.

Committee Report Summary No. 83 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 2063 -- Report by Committee on Health Policy recommending passage.

HB 2225 -- Report by Committee on Judiciary recommending passage.

HB 2545 -- Report by Committee on Judiciary recommending passage of the A-Engrossed bill.

HB 2548 -- Report by Committee on Judiciary recommending passage.

HB 3157 -- Report by Committee on Judiciary recommending passage of the A-Engrossed bill.

SB 1071 -- Introduced, read first time and referred to President's desk.

SB 5569, 5570, 5571, 5572; 1037 -- Read second time and passed to third reading.

SB 199 A-Eng. -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 25; excused, 4 -- Atkinson, Beyer, Deckert, Winters; attending legislative business, 1 -- Bates. Bill passed.

SB 306 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 24; nays, 1 -- Schrader; excused, 4 -- Atkinson, Beyer, Deckert, Winters; attending legislative business, 1 -- Bates. Bill passed.

SB 806 A-Eng. -- Read third time. Carried by George. On passage of bill the vote was: Ayes, 25; excused, 4 -- Atkinson, Beyer, Deckert, Winters; attending legislative business, 1 -- Bates. Bill passed.

HB 2995, 3268 -- Read first time and referred to President's desk.

HB 2063, 2225, 2545, 2548, 3157 -- Read second time and passed to third reading.

HCR 11 A-Eng. -- Read final time. Carried by Burdick. On adoption of resolution, the vote was: Ayes, 25; excused, 4 -- Atkinson, Beyer, Deckert, Winters; attending legislative business, 1 -- Bates. Resolution adopted.

HB 2198 -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 25; excused, 4 -- Atkinson, Beyer, Deckert, Winters; attending legislative business, 1 -- Bates. Bill passed.

HB 3304 B-Eng. -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 25; excused, 4 -- Atkinson, Beyer, Deckert, Winters; attending legislative business, 1 -- Bates. Bill passed. Prozanski, absent when roll called, granted unanimous consent to be recorded as voting aye.

SB 32, 42, 43, 67, 70, 72, 75, 84, 92, 96, 97, 103, 104, 179, 197, 218, 233, 234, 259, 285, 302, 318, 330, 362, 363, 433, 575, 595, 645, 718, 839, 840, 879 -- President Courtney signed on May 26.

Senate adjourned until 10:30 a.m. Tuesday by unanimous consent at the request of the Chair.

### **Tuesday, May 31, 2005 -- Morning Session**

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pastor Marcus Elmer, West Hills Community Church, Salem.

SB 73, 177, 207, 398, 410 -- Message from the Governor announcing he signed on May 31.

SB 185, 445, 448, 620; HB 5092 -- Message from the House announcing passage.

SB 68, 74 -- Message from the House announcing passage as amended by the House.

HB 2449, 3459 -- Message from the House announcing concurrence in Senate amendments and repassage.

Committee Report Summary No. 84 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 5574 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5575 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5578 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5579 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5580 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5582 -- Report by Special Committee on Budget recommending passage with amendments.

HB 2064 -- Report by Committee on Health Policy recommending passage.

HB 2213 -- Report by Committee on Judiciary recommending passage of the A-Engrossed bill.

HB 2266 -- Report by Committee on Rules recommending passage.

HB 2547 -- Report by Committee on Judiciary recommending passage.

HB 3464 -- Report by Committee on Rules recommending passage.

Report by Committee on Rules recommending that the Governor's appointment of Darren Huddleston to the Oregon Board of Dentistry be confirmed.

Report by Committee on Rules recommending that the Governor's appointment of Thomas Bruner to the Oregon Government Standards and Practices Commission be confirmed.

Report by Committee on Rules recommending that the Governor's appointment of Katy Durant to the Oregon Investment Council be confirmed.

Report by Committee on Rules recommending that the Governor's reappointments of Marian Anderson (appearance waived) and William Leiken (appearance waived) to the Long Term Care Advisory Committee be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's reappointment of Michael Washington (appearance waived) to the State Board of Parole and Post-Prison Supervision be confirmed.

Report by Committee on Rules recommending that the Governor's appointment of Kathryn Mattimore to the State Plumbing Board be confirmed.

Report by Committee on Rules recommending that the Governor's reappointments of Jerry Hampel (appearance waived), Caddy McKeown (appearance waived) and Daniel Smith (appearance waived) to the Oregon International Board of Commissioners Port of Coos Bay be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's reappointment of Rosemary Berdine (appearance waived) to the State Board of Psychologist Examiners be confirmed.

Report by Committee on Rules recommending that the Governor's appointment and reappointment of Rich Peppers to the Public Employees' Benefit Board be confirmed.

SB 55 -- Senate refused to concur in House amendments by voice vote on motion of Metsger. Conferees to be appointed.

SB 58 A-Eng. -- Morrisette moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 28; absent, 1 – Burdick; excused, 1 – Bates. Bill repassed.

SB 458 A-Eng. -- Monnes Anderson moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 28; absent, 1 – Burdick; excused, 1 – Bates. Bill repassed.

SB 600 B-Eng. -- Metsger moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 27; nays, 2 – Johnson, Schrader; excused, 1 – Bates. Bill repassed.

SB 856 A-Eng. -- Shields moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 27; nays, 2 – Beyer, Kruse; excused, 1 – Bates. Bill repassed.



SB 1072, 1073 -- Introduced, read first time and referred to President's desk.

SJR 2 -- Read final time. Carried by Schrader. On adoption of resolution, the vote was: Ayes, 26; nays, 3 – Beyer, Kruse, Whitsett; excused, 1 – Bates. Resolution adopted.

SM 1 -- Read final time. Carried by Shields. Call of the Senate demanded by Brown joined by Kruse and Monnes Anderson. All present. On adoption of memorial, the vote was: Ayes, 18; nays, 12 – Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Starr, B., Starr, C., Westlund, Whitsett, Winters. Memorial adopted.

SB 5569 A-Eng. -- Read third time. Carried by Monnes Anderson. On passage of bill the vote was: Ayes, 23; nays, 7 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Whitsett. Bill passed.

SB 5570 A-Eng. -- Read third time. Carried by Monnes Anderson. On passage of bill the vote was: Ayes, 22; nays, 8 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C., Verger. Bill passed.

SB 5571 A-Eng. -- Read third time. Carried by Westlund. On passage of bill the vote was: Ayes, 24; nays, 6 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B. Bill passed.

SB 5572 A-Eng. -- Read third time. Carried by Carter. On passage of bill the vote was: Ayes, 23; nays, 7 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Whitsett. Bill passed.

SB 545 A-Eng. -- Bill read. Carried by Prozanski. Call of the Senate demanded by Prozanski joined by Devlin and Verger. All present. On passage of bill the vote was: Ayes, 17; nays, 13 – Atkinson, Beyer, Carter, Ferrioli, George, Kruse, Morse, Nelson, Starr, B., Starr, C., Westlund, Whitsett, Winters. Bill passed.

SB 841, 1011, 1037 -- Carried over to June 1 calendar by unanimous consent at the request of the Chair.

HB 5092 -- Read first time and referred to President's desk.

HB 2064, 2213, 2266, 2547, 3464 -- Read second time and passed to third reading.

HB 2063, 2225, 2545, 2548, 3157 -- Carried over to June 1 calendar by unanimous consent at the request of the Chair.

The following measures were referred to committee on May 27 and recorded on Committee Referral List No. 43 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 1066 Rules  
SB 1067 Rules  
SB 1068 Rules  
SB 1069 Rules  
SB 1070 Rules; Budget  
SB 1071 Rules; Budget  
HCR 9 Rules

HCR 14 Rules  
HJM 13 Rules  
HJM 14 Rules  
HJM 15 Rules  
HJM 16 Rules  
HJM 18 Rules  
HJM 21 Rules  
HJM 25 Rules  
HJM 31 Rules  
HJM 32 Rules  
HJM 33 Rules  
HJM 35 Rules  
HJM 36 Rules  
HJR 7 Rules  
HJR 20 Rules  
HJR 25 Rules  
HJR 39 Rules  
HB 2136 Rules  
HB 2174 Rules  
HB 2191 Revenue  
HB 2202 Rules  
HB 2228 Rules  
HB 2236 Rules  
HB 2276 Rules  
HB 2340 Rules  
HB 2525 Rules  
HB 2583 Rules  
HB 2596 Rules  
HB 2659 Revenue  
HB 2733 Rules  
HB 2800 Rules  
HB 2831 Rules  
HB 2995 Rules  
HB 3179 Rules  
HB 3252 Rules  
HB 3268 Rules  
HB 3363 Rules  
HB 3419 Rules  
HB 3466 Rules; Budget  
HB 3468 Rules  
HB 3471 Rules  
HB 3479 Rules

#### **Commission for the Blind (ORS 346.130)**

Frank Armstrong (r) Rules  
Irvin Handelman (r) Rules

#### **Oregon Government Standards and Practices Commission (ORS 244.250)**

Delna Jones (r) Rules

#### **Psychiatric Security Review Board (ORS 161.385)**

Norwood Knight-Richardson (a) & (r) Rules

#### **Board on Public Safety Standards and Training (ORS**

181.620)

Steven Piper

Rules

**Director Department of Revenue (ORS 305.035)**

Elizabeth Harchenko

Rules

**Commission for Women (ORS 185.520)**

Ellie McPeak

Rules

Vicki Wegener (r)

Rules

V. Anna Willman (r)

Rules

SB 54, 76, 83, 101, 108, 136, 137, 178, 563, 574, 576, 690, 837, 859 -- President Courtney signed on May 31.

Senate adjourned until 10:30 a.m. Wednesday by unanimous consent at the request of the Chair.

**Wednesday, June 1, 2005 -- Morning Session**

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- Nelson. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Reverend Cynthia O'Brien, Smith Memorial Presbyterian Church, Fairview. Musical performance by The Sam Barlow Saxophone Quartet, directed by Paul Nickolas, Gresham.

SB 37, 85, 93, 98, 169, 172, 214, 267, 269, 430; HB 2212, 2390, 2945, 3379, 3443, 3482 -- Message from the House announcing passage.

HCR 13 -- Message from the House announcing adoption.

SB 924, 926 -- Message from the House announcing passage as amended by the House.

Committee Report Summary No. 85 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 245 -- Report by Committee on Environment and Land Use recommending passage with amendments.

SB 1018 -- Report by Committee on Rules recommending passage with amendments.

SB 1064 -- Report by Committee on Health Policy recommending passage with amendments.

HJM 5 -- Report by Committee on Environment and Land Use recommending adoption of the A-Engrossed memorial.

HB 2145 -- Report by Committee on Judiciary recommending passage.

HB 2356 -- Report by Committee on Environment and Land Use recommending passage with amendments to the A-Engrossed bill.

HB 2415 -- Report by Committee on Judiciary recommending passage of the A-Engrossed bill.

HB 2500 -- Report by Committee on Rules recommending passage.

HB 2723 -- Report by Committee on Judiciary recommending passage.

HB 2926 -- Report by Committee on Environment and Land Use recommending passage.

HB 2927 -- Report by Committee on Environment and Land Use recommending passage of the A-Engrossed bill.

HB 2978 -- Report by Committee on Judiciary recommending passage of the A-Engrossed bill.

HB 3266 -- Report by Committee on Judiciary recommending passage.

SB 74 A-Eng. -- Verger moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 29; excused, 1 -- Nelson. Bill repassed.

Rules suspended by unanimous consent in order that the Senate may take en bloc action on the confirmation of the following appointments on motion of Atkinson.

**Oregon Board of Dentistry**

Darren Huddleston

**Oregon Government Standards and Practices Commission**

Thomas Bruner

**Oregon Investment Council**

Katy Durant

**Long Term Care Advisory Committee**

Marian Anderson (r)

William Leiken (r)

**State Board of Parole and Post-Prison Supervision**

Michael Washington (r)

**State Plumbing Board**

Kathryn Mattimore

**Oregon International Board of Commissioners Port of Coos Bay**

Jerry Hampel (r)

Caddy McKeown (r)

Daniel Smith (r)

**State Board of Psychologist Examiners**

Rosemary Berdine (r)

**Public Employees' Benefit Board**

Rich Peppers (a) and (r)

Under rules suspension, Atkinson moved that the Senate confirm en bloc the Governor's appointments as listed in the motion to suspend the rules. On confirmation the vote was: Ayes, 27; nays, 2 – Beyer, Kruse; excused, 1 – Nelson. Confirmed en bloc.

SB 5574, 5575, 5578, 5579, 5580, 5582 -- Read second time and passed to third reading.

SB 841 A-Eng. -- Read third time. Carried by Deckert. Call of the Senate demanded by Deckert joined by Brown and Devlin. All present except Nelson, excused. On passage of bill the vote was: Ayes, 24; nays, 5 – Beyer, Ferrioli, Kruse, Morse, Whitsett; excused, 1 – Nelson. Bill passed.

SB 1011 -- Read third time. Carried by Ringo. Taken from today's third reading calendar and placed on June 2 calendar by voice vote on motion of Ringo.

SB 1037 -- Read third time. Carried by Ringo.

SB 1037 -- Ringo moved that bill be rereferred to Rules. The vote was: Ayes, 22; nays, 7 – Atkinson, Beyer, George, Kruse, Starr, B., Starr, C., Whitsett; excused, 1 – Nelson. Motion carried.

HCR 13; HB 2212, 2390, 2945, 3379, 3443, 3482 -- Read first time and referred to President's desk.

HJM 5; HB 2145, 2415, 2500, 2723, 2926, 2927, 2978, 3266 -- Read second time and passed to third reading.

HB 2063 -- Read third time. Carried by Morrisette. On passage of bill the vote was: Ayes, 29; excused, 1 – Nelson. Bill passed.

HB 2225 -- Read third time. Carried by Whitsett. On passage of bill the vote was: Ayes, 28; nays, 1 – Schrader; excused, 1 – Nelson. Bill passed.

HB 2545 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 28; nays, 1 – Verger; excused, 1 – Nelson. Bill passed.

HB 2548 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 29; excused, 1 – Nelson. Bill passed.

HB 3157 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 29; excused, 1 – Nelson. Bill passed.

HB 2064 -- Read third time. Carried by Kruse. On passage of bill the vote was: Ayes, 28; nays, 1 – George; excused, 1 – Nelson. Bill passed.

HB 2213 A-Eng. -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 29; excused, 1 – Nelson. Bill passed.

HB 2266 -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 29; excused, 1 – Nelson. Bill passed.

HB 2547 -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 29; excused, 1 – Nelson. Bill passed.

HB 3464 -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 28; nays, 1 – Schrader; excused, 1 – Nelson. Bill passed.

SJM 1; SB 78, 193, 219, 237, 238, 405, 486, 735, 882, 953, 983, 1044; HCR 15; HJM 6; HJR 50; HB 2125, 2126, 2139, 2160, 2179, 2197, 2294, 2718, 2740, 2979, 2981, 3016, 3091 -- President Courtney signed June 1.

Senate adjourned until 10:30 a.m. Thursday by unanimous consent at the request of the Chair.

**Thursday, June 2, 2005 -- Morning Session**

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Devlin, Ferrioli, Gordly, Johnson, Kruse, Morrisette, Morse, Nelson, Ringo, Schrader, Shields, Starr, B., Verger, Walker, Westlund, Whitsett, Winters; attending legislative business -- Deckert, George, Metsger, Monnes Anderson, Prozanski, Starr, C. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Frank Morse, Corvallis.

SB 187, 367; HB 5093, 5094, 5095, 5096, 5097, 5098, 5099, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5108, 5109, 5110, 5111, 5112, 5114, 5115, 5116, 5117; 3037 -- Message from the House announcing passage.

HJR 34 -- Message from the House announcing adoption.

SB 385 -- Message from the House announcing passage as amended by the House.

HCR 11; HB 3304 -- Message from the House announcing concurrence in Senate amendments and repassage.

SB 32, 42, 43, 54, 67, 70, 72, 75, 76, 83, 84, 92, 96, 97, 101, 103, 104, 108, 136, 137, 178, 179, 197, 218, 233, 234, 259, 285, 302, 318, 330, 362, 363, 433, 563, 574, 575, 576, 595, 645, 690, 718, 837, 839, 840, 859, 879; HCR 15; HJM 6; HJR 50; HB 2125, 2126, 2139, 2160, 2179, 2197, 2294, 2718, 2740, 2979, 2981, 3016, 3091 -- Message from the House announcing the Speaker signed on June 1.

Committee Report Summary No. 86 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SCR 9 -- Report by Committee on Rules recommending adoption.

SB 426 -- Report by Committee on Commerce recommending passage with amendments.

SB 503 -- Report by Committee on Health Policy recommending passage with amendments. Minority Report, signed by George, Kruse, recommending passage with different amendments.

SB 948 -- Report by Committee on Judiciary recommending passage with amendments.

SB 955 -- Report by Committee on Business and Economic Development recommending passage with amendments.

SB 1057 -- Report by Committee on Commerce recommending passage with amendments.

HB 2017 -- Report by Committee on Business and Economic Development recommending passage of the A-Engrossed bill.

HB 2071 -- Report by Committee on Business and Economic Development recommending passage.

HB 2237 -- Report by Committee on Revenue recommending passage.

HB 2579 -- Report by Committee on Business and Economic Development recommending passage of the A-Engrossed bill.

HB 2662 -- Report by Committee on Commerce recommending passage of the A-Engrossed bill.

HB 2881 -- Report by Committee on Environment and Land Use recommending passage with amendments.

SB 281 A-Eng. -- Ringo moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 23; attending legislative business, 7 – Carter, Deckert, George, Metsger, Monnes Anderson, Prozanski, Starr, C. Bill repassed.

SB 431 B-Eng. -- Ringo moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 23; attending legislative business, 7 – Carter, Deckert, George, Metsger, Monnes Anderson, Prozanski, Starr, C. Bill repassed.

SB 924 A-Eng. -- Brown moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 23; attending legislative business, 7 – Carter, Deckert, George, Metsger, Monnes Anderson, Prozanski, Starr, C. Bill repassed.

SB 926 A-Eng. -- Brown moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 23; attending legislative business, 7 – Carter, Deckert, George, Metsger, Monnes Anderson, Prozanski, Starr, C. Bill repassed.

SB 1011 -- Ringo moved that bill be referred to Committee on Rules. Motion carried on voice vote.

SR 2; SB 1074, 1075 -- Introduced, read first time and referred to President's desk.

SCR 9; SB 245, 1018, 1064 -- Read second time and passed to third reading.

SB 5574 A-Eng. -- Read third time. Carried by Devlin. Call of the Senate demanded by Schrader joined by Devlin and Ringo. All present except Deckert, George, Metsger, Monnes Anderson, Prozanski, attending legislative business. Pending arrival of members subject to the Call, Senate at ease. Further proceedings under the Call terminated by unanimous consent at the request of Schrader. All present except Deckert, George, Metsger, Monnes Anderson, Prozanski, attending legislative business. Senate reassembled.

SB 5574 A-Eng. -- On passage of bill the vote was: Ayes, 18; nays, 7--Atkinson, Beyer, Ferrioli, Kruse, Starr, B., Starr, C., Whitsett; attending legislative business, 5--Deckert, George, Metsger, Monnes Anderson, Prozanski. Bill passed.

SB 5575 A-Eng. -- Read third time. Carried by Bates. Call of the Senate demanded by Schrader joined by Ringo and Gordly. All present except Deckert, George, Metsger, Monnes Anderson, Prozanski, attending legislative business. On passage of bill the vote was: Ayes, 19; nays, 6 – Atkinson, Beyer, Ferrioli, Kruse, Starr, B., Starr, C.; attending legislative business, 5 – Deckert, George, Metsger, Monnes Anderson, Prozanski. Bill passed.

SB 5578 A-Eng. -- Read third time. Carried by Nelson. On passage of bill the vote was: Ayes, 23; nays, 5 – Atkinson, Beyer, Ferrioli, Kruse, Starr, B.; attending legislative business, 2 – George, Monnes Anderson. Bill passed.

SB 5579 A-Eng. -- Read third time. Carried by Westlund. On passage of bill the vote was: Ayes, 21; nays, 7 – Atkinson, Beyer, Ferrioli, Kruse, Starr, B., Starr, C., Whitsett; attending legislative business, 2 – George, Monnes Anderson. Bill passed.

SB 5580 A-Eng. -- Read third time. Carried by Devlin. On passage of bill the vote was: Ayes, 21; nays, 8 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C., Whitsett; attending legislative business, 1 – Monnes Anderson. Bill passed.

SB 5582 A-Eng. -- Read third time. Carried by Westlund. On passage of bill the vote was: Ayes, 21; nays, 8 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C., Whitsett; attending legislative business, 1 – Monnes Anderson. Bill passed.

HJR 34; HB 5093, 5094, 5095, 5096, 5097, 5098, 5099, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5108, 5109, 5110, 5111, 5112, 5114, 5115, 5116, 5117; 3037 -- Read first time and referred to President's desk.

HB 2017, 2071, 2237, 2356, 2579, 2662 -- Read second time and passed to third reading.

HJM 5 A-Eng. -- Read final time. Carried by Atkinson. On adoption of memorial, the vote was: Ayes, 29; attending legislative business, 1 – Monnes Anderson. Memorial adopted.

HB 2145 -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 26; nays, 1 – Johnson; attending legislative business, 3 – Monnes Anderson, Nelson, Westlund. Bill passed.

HB 2415 A-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 27; attending legislative business, 3 – Monnes Anderson, Nelson, Westlund. Bill passed.

HB 2500 -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 28; attending legislative business, 2 – Monnes Anderson, Nelson. Bill passed. Bates, absent when roll called, granted unanimous consent to be recorded as voting aye. Westlund, attending legislative business when roll called, granted unanimous consent to be recorded as voting aye.

HB 2723 -- Read third time. Carried by Whitsett. On passage of bill the vote was: Ayes, 25; nays, 3 – Johnson, Schrader, Verger; attending legislative business, 2 – Monnes Anderson, Nelson. Bill passed. Bates, absent when roll called, granted unanimous consent to be recorded as voting aye. Westlund, attending legislative business when roll called, granted unanimous consent to be recorded as voting aye.

HB 2926 -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 28; attending legislative business, 2 – Monnes Anderson, Nelson. Bill passed. Bates, absent when roll called, granted unanimous consent to be recorded as voting aye. Westlund, attending legislative business when roll called, granted unanimous consent to be recorded as voting aye.

HB 2927 A-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 26; attending legislative business, 4 – Bates, Monnes Anderson, Nelson, Westlund. Bill passed.

HB 2978 A-Eng. -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 26; attending legislative business, 4 – Bates, Monnes Anderson, Nelson, Westlund. Bill passed.

HB 3266 -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 28; attending legislative business, 2 – Monnes Anderson, Nelson. Bill passed.

Senate adjourned until 8:30 a.m. Friday by unanimous consent at the request of the Chair.

#### **Friday, June 3, 2005 -- Morning Session**

Senate convened at 8:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Morse, Nelson, Prozanski, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- Ringo; attending legislative business -- Monnes Anderson, Morrisette. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Megan Flora, student of Willamette University, North Bend.

SB 122, 327, 328, 353, 643, 970; HB 5118, 5119, 5120, 5121, 5122, 5123, 5125, 5127; 2833, 2933, 2976, 3096 -- Message from the House announcing passage.

SJM 4 -- Message from the House announcing adoption.

SB 81, 225, 346, 512, 688 -- Message from the House announcing passage as amended by the House.

HB 2498 -- Message from the House announcing House refusal to concur in Senate amendments.

HB 2498 -- Message from the House announcing Berger, Dalto, Greenlick appointed House conferees.

Committee Report Summary No. 87 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 5588 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5591 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5592 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5596 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5597 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5598 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5599 -- Report by Special Committee on Budget recommending passage with amendments.

SB 467 -- Report by Special Committee on Budget recommending passage.

SB 528 -- Report by Committee on Judiciary recommending passage with amendments.

SB 978 -- Report by Committee on Judiciary recommending passage with amendments.

SB 1028 -- Report by Committee on Rules recommending passage with amendments and requesting subsequent referral to Committee on Ways and Means be rescinded, and be referred to Special Committee on Budget, be printed A-Engrossed. Subsequent referral to Committee on Ways and Means rescinded. Referred to Special Committee on Budget by order of the President.

HB 5077 -- Report by Committee on Ways and Means recommending passage of the A-Engrossed bill.

HB 2051 -- Report by Committee on Judiciary recommending passage with amendments.

HB 2069 -- Report by Committee on Business and Economic Development recommending passage with amendments to the A-Engrossed bill.

HB 2305 -- Report by Committee on Judiciary recommending passage of the A-Engrossed bill.

HB 2568 -- Report by Committee on Judiciary recommending passage.

HB 2634 -- Report by Committee on Judiciary recommending passage of the A-Engrossed bill.

HB 2724 -- Report by Committee on Judiciary recommending passage with amendments.

HB 2977 -- Report by Committee on Judiciary recommending passage.

HB 3081 -- Report by Committee on Environment and Land Use recommending passage of the A-Engrossed bill.

HB 3461 -- Report by Committee on Environment and Land Use recommending passage.

SB 245 -- Taken from today's third reading calendar and placed on June 7 calendar by voice vote on motion of Brown.

SB 426, 467, 503, 948, 955, 1057 -- Read second time and passed to third reading.

SCR 9 -- Read final time. Carried by Carter. On adoption of resolution, the vote was: Ayes, 26; excused, 3 -- Atkinson, Morrisette, Ringo; attending legislative business, 1 -- Monnes Anderson. Resolution adopted. (Carter in Chair)

SB 1018 -- Moved to the foot of today's third reading calendar by unanimous consent at the request of the Chair.

SB 1064 A-Eng. -- Read third time. Carried by Courtney. On passage of bill the vote was: Ayes, 26; excused, 3 -- Atkinson, Morrisette, Ringo; attending legislative business, 1 -- Monnes Anderson. Bill passed.

HB 5118, 5119, 5120, 5121, 5122, 5123, 5125, 5127; 2833, 2933, 2976, 3096 -- Read first time and referred to President's desk.

HB 5077; 2305, 2568, 2634, 2881, 2977, 3081, 3461 -- Read second time and passed to third reading.

HB 2017 A-Eng. -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 26; excused, 3 -- Atkinson, Morrisette, Ringo; attending legislative business, 1 -- Monnes Anderson. Bill passed.

HB 2071 -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 25; excused, 3 -- Atkinson, Morrisette, Ringo; attending legislative business, 2 -- Monnes Anderson, President Courtney. Bill passed.

HB 2237 -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 25; excused, 3 -- Atkinson, Morrisette, Ringo; attending legislative business, 2 -- Monnes Anderson, President Courtney. Bill passed.

HB 2356 B-Eng. -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 25; excused, 3 -- Atkinson, Morrisette, Ringo; attending legislative business, 2 -- Monnes Anderson, President Courtney. Bill passed.

HB 2579 A-Eng. -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 26; excused, 3 -- Atkinson, Morrisette, Ringo; attending legislative business, 1 -- Monnes Anderson. Bill passed.

HB 2662 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 26; excused, 3 -- Atkinson, Morrisette, Ringo; attending legislative business, 1 -- Monnes Anderson. Bill passed.

Senate reverted to the order of Third Reading of Senate Measures by unanimous consent at the request of the Chair.

SB 1018 A-Eng. -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 24; nays, 2 -- Beyer, Kruse; excused, 3 -- Atkinson, Morrisette, Ringo; attending legislative business, 1 -- Monnes Anderson. Bill passed. (President Courtney in Chair)

President Courtney announced that he is invoking the provisions of the one-hour notice rule in accordance with Senate Rule 8.16.

"The committee chair may call a meeting of the committee with less than 24 hours' notice if, at least one hour prior to the meeting, notice is given to the Secretary of the Senate's office, posted outside the Senate Chamber, in the press room, and in any other place reasonably designed to give notice to the public and interested persons."

"Written notice must also be delivered to all committee members' offices who have not been excused from attendance pursuant to Senate Rule 3.10. Whenever possible, such meetings shall be announced on the floor while the Senate is in session."

The following measures were referred to committee on June 2 and recorded on Committee Referral List No. 44 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 1072 Rules

SB 1073 Rules

HB 5077 Ways and Means

HB 5092 Budget

SCR 4, 5; SB 29, 37, 58, 85, 90, 93, 98, 169, 172, 185, 214, 267, 269, 430, 445, 448, 458, 468, 600, 620, 856, 858, 923, 925; HM 3,7; HB 2072, 2198, 2246, 2249, 3459 -- President Courtney signed June 3.

Senate adjourned until 10:30 a.m. Monday by unanimous consent at the request of the Chair.

#### **Monday, June 6, 2005 -- Morning Session**

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- Beyer; attending legislative business -- Brown. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pastor Glen Hossler, Oak Park Community Church of God, Salem.

SB 135, 221, 579; HB 2974, 3469 -- Message from the House announcing passage.

SCR 7 -- Message from the House announcing adoption.

SJM 1; SB 78, 193, 219, 237, 238, 405, 486, 735, 882, 953, 983, 1044; HM 3,7; HB 2072, 2198, 2246, 2449, 3459 -- Message from the House announcing the Speaker signed on June 3.

Committee Report Summary No. 88 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 408 -- Report by Committee on Business and Economic Development recommending passage with amendments to the A-Engrossed bill. Minority Report, signed by Starr, B., Atkinson recommending passage with different amendments to the A-Engrossed bill.

SB 672 -- Report by Committee on Business and Economic Development recommending passage with amendments.

HB 2258 -- Report by Committee on Environment and Land Use recommending passage.

HB 2577 -- Report by Committee on Environment and Land Use recommending passage with amendments to the A-Engrossed bill.

HB 2950 -- Report by Committee on Revenue recommending passage to the A-Engrossed bill.

HB 3273 -- Report by Committee on Business and Economic Development recommending passage with amendments to the A-Engrossed bill.

HB 3313 -- Report by Committee on Environment and Land Use recommending passage of the A-Engrossed bill.

SB 503 -- Consideration of Committee and Minority Reports taken from today's calendar and placed on June 7 calendar by voice vote on motion of Monnes Anderson.

SB 426, 1057 -- Taken from today's third reading calendar and placed on June 7 calendar by voice vote on motion of Prozanski.

SB 5588, 5591, 5592, 5596, 5597, 5598, 5599; 528, 978 -- Read second time and passed to third reading.

SB 467 -- Read third time. Carried by Devlin, Deckert. On passage of bill the vote was: Ayes, 25; nays, 3 -- Ferrioli, George, Kruse; excused, 1 -- Beyer; attending legislative business, 1 -- Brown. Bill passed.

SB 948 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 25; nays, 2 -- Kruse, Walker; excused, 2 -- Beyer, Metsger; attending legislative business, 1 -- Brown. Bill passed.

SB 955 A-Eng. -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 28; excused, 1 -- Beyer; attending legislative business, 1 -- Brown. Bill passed.

HB 2974, 3469 -- Read first time and referred to President's desk.

HB 2051, 2069, 2258, 2724, 2950, 3313 -- Read second time and passed to third reading.

HB 5077 -- Moved to the foot of today's third reading calendar by unanimous consent at the request of the Chair.

HB 2305 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 28; excused, 1 -- Beyer; attending legislative business, 1 -- Brown. Bill passed.

HB 2568 -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 27; nays, 1 -- Kruse; excused, 1 -- Beyer; attending legislative business, 1 -- Brown. Bill passed.

HB 2634 A-Eng. -- Read third time. Carried by Whitsett. On passage of bill the vote was: Ayes, 28; excused, 1 -- Beyer; attending legislative business, 1 -- Brown. Bill passed.

HB 2881 A-Eng. -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 28; excused, 1 -- Beyer; attending legislative business, 1 -- Brown. Bill passed.

HB 2977 -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 28; excused, 1 -- Beyer; attending legislative business, 1 -- Brown. Bill passed.

HB 3081 A-Eng. -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 27; nays, 1 -- Verger; excused, 1 -- Beyer; attending legislative business, 1 -- Brown. Bill passed.

HB 3461 -- Read third time. Carried by Ringo. Taken from today's third reading calendar and placed on June 7 calendar by voice vote on motion of Ringo.

HB 5077 A-Eng. -- Read third time. Carried by Schrader. (Devlin in Chair) (President Courtney in Chair) Call of the Senate demanded by Schrader joined by Kruse and Devlin. All present except Beyer, excused; Brown, attending legislative business. On passage of bill the vote was: Ayes, 18; nays, 10 -- Atkinson, Ferrioli, George, Kruse, Morrisette, Prozanski, Starr, B., Starr, C., Walker, Whitsett; excused, 1 -- Beyer; attending legislative business, 1 -- Brown. Bill passed.

HB 5077 -- Prozanski requested the following explanation of vote be entered into the journal:

"I voted against HB 5077 because I do not support taking dedicated funding collected for specific programs and using it to offset other expenses of an agency. When funds are collected for a specific program, we should use them on that program. We should not use those funds to backfill the expenses of other programs or other agency expenses. This type of practice causes Oregonians to question the credibility of the legislature."

The following measures were referred to committee on June 3 and recorded on Committee Referral List No. 45 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SR 2 Rules

SB 1074 Rules  
 SB 1075 Rules; Revenue  
 HCR 13 Rules  
 HJR 34 Rules  
 HB 5093 Budget  
 HB 5094 Budget  
 HB 5095 Budget  
 HB 5096 Budget  
 HB 5097 Budget  
 HB 5098 Budget  
 HB 5099 Budget  
 HB 5100 Budget  
 HB 5101 Budget  
 HB 5102 Budget  
 HB 5103 Budget  
 HB 5104 Budget  
 HB 5105 Budget  
 HB 5106 Budget  
 HB 5107 Budget  
 HB 5108 Budget  
 HB 5109 Budget  
 HB 5110 Budget  
 HB 5111 Budget  
 HB 5112 Budget  
 HB 5114 Budget  
 HB 5115 Budget  
 HB 5116 Budget  
 HB 5117 Budget  
 HB 5118 Budget  
 HB 5119 Budget  
 HB 5120 Budget  
 HB 5121 Budget  
 HB 5122 Budget  
 HB 5123 Budget  
 HB 5125 Budget  
 HB 5127 Budget  
 HB 2212 Rules  
 HB 2390 Rules  
 HB 2833 Rules  
 HB 2933 Revenue  
 HB 2945 Revenue  
 HB 2976 Rules  
 HB 3037 Rules  
 HB 3096 Revenue  
 HB 3379 Rules  
 HB 3443 Rules  
 HB 3482 Rules

SB 55 -- Metsger, Burdick, Starr, B., appointed Senate conferees.

HB 2498 -- Brown, Monnes Anderson, Winters appointed Senate conferees.

SJR 12 -- President Courtney signed on June 6.

Senate adjourned until 10:30 a.m. Tuesday by unanimous consent at the request of the Chair.

#### **Tuesday, June 7, 2005 -- Morning Session**

Senate convened at 10:30 a.m. Metsger in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, President

Courtney, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters. (President Courtney in Chair) Colors were posted and the Senate pledged allegiance to the flag. Invocation by Bishop Peter Storey, retired Bishop in the Methodist Church of South Africa.

SB 79, 131, 462, 481, 487, 594, 1002; HB 2315, 2335, 3083, 3143, 3374 -- Message from the House announcing passage.

SB 13, 130, 268, 373, 389, 848, 938, 940 -- Message from the House announcing passage as amended by the House.

Committee Report Summary No. 89 listing the following reports was distributed to members June 6. Summary list recorded in Journal and Status Report by order of the President.

HB 2741 B-Eng. -- Report by Conference Committee, signed by Senators Metsger, Verger, Whitsett and Representatives Boone, Burley, Gilman, recommending the House concur in Senate amendments dated May 2 and that the bill be repassed. (No Senate action necessary)

Committee Report Summary No. 90 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 171 -- Report by Committee on Revenue recommending passage with amendments to the B-Engrossed bill.

SB 392 -- Report by Committee on Judiciary recommending passage.

SB 446 -- Report by Committee on Commerce without recommendation as to passage and requesting referral to Committee on Rules. Referred to Committee on Rules by order of the President.

SB 532 -- Report by Committee on Environment and Land Use recommending passage with amendments and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 587 -- Report by Committee on Rules recommending passage.

SB 699 -- Report by Committee on Environment and Land Use recommending passage with amendments.

SB 968 -- Report by Committee on Commerce recommending passage with amendments.

SB 1032 -- Report by Committee on Environment and Land Use recommending passage with amendments.

SB 1054 -- Report by Committee on Rules recommending passage with amendments.

HB 2026 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.



HB 2203 -- Report by Committee on Judiciary recommending passage.

HB 2205 -- Report by Committee on Judiciary recommending passage of the A-Engrossed bill.

HB 2207 -- Report by Committee on Rules recommending passage with amendments.

HB 2254 -- Report by Committee on Human Services recommending passage with amendments.

HB 2868 -- Report by Committee on Revenue recommending passage of the A-Engrossed bill.

HB 3047 -- Report by Committee on Rules recommending passage with amendments.

HB 3183 -- Report by Committee on Revenue recommending passage.

SB 385 B-Eng. -- Metsger moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 25; nays, 4 – Beyer, Ferrioli, George, Kruse; absent, 1 – Carter. Bill repassed.

SB 503 -- Minority report, signed by George and Kruse, recommending passage with amendments, withdrawn.

SB 503 -- Taken from today's third reading calendar and rereferred to Committee on Health Policy by voice vote on motion of Monnes Anderson.

SB 1076 -- Introduced, read first time and referred to President's desk.

SB 392, 408, 587, 672 -- Read second time and passed to third reading.

SB 5588 A-Eng. -- Read third time. Carried by Johnson. On passage of bill the vote was: Ayes, 20; nays, 10 – Atkinson, Beyer, Ferrioli, George, Kruse, Nelson, Starr, B., Starr, C., Whitsett, Winters. Bill passed.

SB 5591 A-Eng. -- Read third time. Carried by Gordly. On passage of bill the vote was: Ayes, 24; nays, 6 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B. Bill passed.

SB 5592 A-Eng. -- Read third time. Carried by Gordly. On passage of bill the vote was: Ayes, 22; nays, 8 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Verger, Whitsett. Bill passed.

SB 5596 A-Eng. -- Read third time. Carried by Devlin. On passage of bill the vote was: Ayes, 23; nays, 6 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B.; absent, 1 – Westlund. Bill passed.

SB 5597 A-Eng. -- Read third time. Carried by Devlin. On passage of bill the vote was: Ayes, 22; nays, 8 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Verger, Whitsett. Bill passed.

SB 5598 A-Eng. -- Read third time. Carried by Gordly. On passage of bill the vote was: Ayes, 24; nays, 6 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B. Bill passed.

SB 5599 A-Eng. -- Read third time. Carried by Nelson. On passage of bill the vote was: Ayes, 24;

nays, 6 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B. Bill passed.

SB 245 A-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 26; nays, 3 – Atkinson, Beyer, Kruse; absent, 1 – Metsger. Bill passed.

SB 426 A-Eng. -- Read third time. Carried by Ringo. Ferrioli moved to rerefer to Committee on Commerce. Call of the Senate demanded by Brown joined by Devlin and Monnes Anderson. All present. Motion failed; the vote was: Ayes, 12; nays, 18 – Bates, Brown, Burdick, Carter, Deckert, Devlin, Gordly, Johnson, Metsger, Monnes Anderson, Morrisette, Prozanski, Ringo, Schrader, Shields, Verger, Walker, President Courtney. Motion failed.

SB 426 A-Eng. -- Brown moved to take from today's third reading calendar and place on June 8 calendar. The vote was: Ayes, 20; nays, 10-- Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Starr, C., Whitsett, Winters. Motion carried.

SB 528 -- Read third time. Carried by Burdick. Taken from today's third reading calendar and placed on June 8 calendar by voice vote on motion of Burdick.

SB 978 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 29; excused, 1 – Bates. Bill passed.

SB 1057 -- Moved to the foot of today's third reading calendar by unanimous consent at the request of the Chair.

HB 2315, 2335, 3083, 3143, 3374 -- Read first time and referred to President's desk.

HB 2026, 2203, 2205, 2577, 2868, 3183, 3273 -- Read second time and passed to third reading.

HB 2051 -- Moved to the foot of today's third reading calendar by unanimous consent at the request of the Chair.

HB 2069 B-Eng. -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 29; excused, 1 – Bates. Bill passed.

HB 2258 -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 29; excused, 1 – Bates. Bill passed.

HB 2724 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 29; excused, 1 – Bates. Bill passed.

HB 2950 A-Eng. -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 29; excused, 1 – Bates. Bill passed.

HB 3313 A-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 29; excused, 1 – Bates. Bill passed.

HB 3461 -- Bill read. Carried by Beyer. On passage of bill the vote was: Ayes, 29; excused, 1 – Bates. Bill passed.

HB 2051 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 29; excused, 1 – Bates. Bill passed.

Senate reverted to the order of Third Reading of Senate Measures by unanimous consent at the request of the Chair.

SB 1057 -- Read third time. Taken from today's third reading calendar and placed on June 8 calendar by voice vote on motion of Brown.

Senate adjourned until 10:30 a.m. Wednesday by unanimous consent at the request of the Chair.

### Wednesday, June 8, 2005 -- Morning Session

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pastor Taft Mitchell, Valley Christian Church, Wilsonville.

SB 302 --Message from the Governor announcing he signed on June 8.

The following messages from the Governor were read and referred to the President's desk:

June 7, 2005

#### TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 346.130 provides that the Governor shall appoint the members of the Commission for the Blind, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Donald Dartt of Portland to the Commission for the Blind for a two-year term, as provided by statute, beginning July 1, 2005 and ending on June, 30, 2007, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 7, 2005

#### TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 346.130 provides that the Governor shall appoint the members of the Commission for the Blind, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Joyce Green of Portland to the Commission for the Blind for a two-year term, as provided by statute, beginning July 1, 2005 and ending on June, 30, 2007, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 7, 2005

#### TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 541.360 provides that the Governor shall appoint the members of the Oregon Watershed Enhancement Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Bobby Brunoe of Bend to the Oregon Watershed Enhancement Board for a four-year term, as provided by statute, beginning July 1, 2005 and ending on June, 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 7, 2005

#### TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 541.360 provides that the Governor shall appoint the members of the Oregon Watershed Enhancement Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Jim Nakano of Ontario to the Oregon Watershed Enhancement Board for a four-year term, as provided by statute, beginning July 1, 2005 and ending on June, 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 7, 2005

#### TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 541.360 provides that the Governor shall appoint the members of the Oregon Watershed Enhancement Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Patricia Smith of Bend to the Oregon Watershed Enhancement Board for a four-year term, as provided by statute, beginning July 1, 2005 and ending on June, 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 7, 2005

#### TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 541.360 provides that the Governor shall appoint the members of the Oregon Watershed Enhancement Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Helen Westbrook of Cannon Beach to the Oregon Watershed Enhancement Board for a four-year term, as provided by statute, beginning July 1, 2005 and ending on June, 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,

Ted Kulongoski  
Governor

SB 33, 39, 94, 203, 278, 316, 324, 404, 443, 538, 547, 605; HB 2234, 2514 -- Message from the House announcing passage.

SJR 31; HR 3 -- Message from the House announcing adoption.

SB 962, 997 -- Message from the House announcing passage as amended by the House.

HB 2356 -- Message from the House announcing concurrence in Senate amendments and repassage.

HB 2741 -- Message from the House announcing Conference Committee Report adopted and bill repassed.

SCR 4, 5; SJR 12; SB 29, 37, 58, 85, 90, 93, 98, 169, 172, 185, 214, 267, 269, 430, 445, 448, 458, 468, 600, 620, 856, 858, 923, 925; HCR 11; HB 2063 -- Message from the House announcing the Speaker signed on June 7.

Committee Report Summary No. 91 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 479 -- Report by Committee on Revenue recommending passage with amendments.

SB 1052 -- Report by Committee on Rules recommending passage with amendments.

HB 2061 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 2099 -- Report by Committee on Rules recommending passage.

HB 2102 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

HB 2513 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 2524 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 2875 -- Report by Committee on Environment and Land Use recommending passage.

HB 2937 -- Report by Committee on Rules recommending passage.

HB 2946 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 2999 -- Report by Committee on Rules recommending passage.

HB 3017 -- Report by Committee on Rules recommending passage.

HB 3219 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

SB 68 A-Eng. -- Ringo moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 29; nays, 1 – Schrader. Bill repassed.

SB 389 B-Eng. -- Ringo moved that the Senate refuse to concur in House amendments.

SB 389 B-Eng. -- Atkinson moved to substitute with a motion to concur in House amendments and repass bill. Call of the Senate demanded by Brown joined by Ringo and Walker. All present. The vote was: Ayes, 12; nays, 18 – Bates, Brown, Burdick, Carter, Deckert, Devlin, Gordly, Johnson, Metsger, Monnes Anderson, Morrisette, Prozanski, Ringo, Schrader, Shields, Verger, Walker, President Courtney. Motion failed.

SB 389 B-Eng. -- Senate refused to concur in House amendments on motion of Ringo; the vote was: Ayes, 18; nays, 12 – Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Starr, B., Starr, C., Westlund, Whitsett, Winters. Motion carried.

SB 389 -- Schrader requested the following explanation of vote be entered into the journal:

“My yes vote to not concur on SB 389 was a ‘procedural’ vote to protect the original ‘internet hunting’ ban. The idea to allow counties to vote their own conscience on cougar hunting has merit.

“We will have another opportunity, to vote on language in this bill to give rural Oregonians a voice to decide on the governance of hunting in their counties when the bill comes back from conference committee.”

SB 389 -- Verger requested the following explanation of vote be entered into the journal:

“I am in support of good management of our wildlife, certainly with the safety of our communities in mind.

“But, I oppose the amended SB 389 as it was brought without proper process of public testimony, giving counties the opt out position to a law passed by the majority of Oregonians.

“While my District is split on their support and opposition to this bill, I must vote against counties being allowed to supersede the judgment of Oregon Voters. If it would be appropriate for this issue, it could be used for any other law passed by initiative or referendum.

“This is a poor precedent and poor public policy.”

SB 688 B-Eng. -- Ringo moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 28; nays, 2 – Schrader, Whitsett. Bill repassed.

SB 848 B-Eng. -- Ringo moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 30. Bill repassed.

SB 408 -- Committee report and minority report read. Walker moved that the Senate adopt the committee report. Atkinson moved that the minority report be substituted for the committee report. Call of the Senate demanded by Brown joined by Devlin and Gordly. All present.

SB 408 -- Motion to substitute minority report failed. The vote was: Ayes, 13; nays, 17 – Bates, Brown, Burdick, Carter, Deckert, Devlin, Gordly, Metsger, Monnes Anderson, Morrisette, Prozanski,

Ringo, Schrader, Shields, Verger, Walker, President Courtney. Motion failed.

SB 408 A-Eng. -- Bill, as amended by committee report, read third time. Carried by Walker, Metsger. Potential conflict of interest declared by Burdick. Call of the Senate demanded by Metsger joined by Brown and Walker. All present. On passage of the bill the vote was: Ayes, 26; nays, 4 – Atkinson, Beyer, Kruse, Nelson. Bill passed.

SB 1077 -- Introduced, read first time and referred to President's desk.

SB 699, 968, 1032, 1054 -- Read second time and passed to third reading.

SB 392 -- Moved to the foot of today's third reading calendar by unanimous consent at the request of the Chair.

SB 426 A-Eng. -- Read third time. Carried by Ringo. Call of the Senate demanded by Brown joined by Devlin and Ringo. All present. On passage of bill the vote was: Ayes, 17; nays, 13 – Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Schrader, Starr, B., Starr, C., Verger, Whitsett, Winters. Bill passed.

SB 426 -- Schrader requested the following explanation of vote be entered into the journal:

"Senate Bill 426, while well intentioned, undermines the free secret ballot election process. It allows for undue backroom coercion that could subject an employee to undue influence to vote for a union shop or non-union shop.

"It also opens up the potential for fraud. There will be members under pressure to get signatures that will be put in a position to draft signatures on their own.

"There have been only 12 cases where employees have been guilty of coercion in an election. 12 cases! I do not see a need for a card check process that would be so susceptible to intimidation.

"The secret budget election is the foundation of our political process.

"Both sides should have an equal chance to present their case so that individuals can make a well-informed decision based on the merits of the proposal.

"I want our working men and women to have all the rights, protections, and opportunities they deserve as Oregonians and Americans."

SB 426 -- Verger requested the following explanation of vote be entered into the journal:

"I believe the process used in this bill does not provide a better, open and free environment than we have today. Workers need a free and open environment to make decisions about forming a union. Elections provide that for those who favor forming a union and have protected this democratic process in the future.

"I do not believe that SB 426A should be substituted for this good public policy that we have had for a very long time.

"I simply am not convinced the present is broken or that we have a problem that needs to be solved.

"I strongly believe the election process is better for workers than the card check in order to defend their position without fear of pressure."

SB 392, 528, 587, 672, 1057 -- Carried over to June 9 calendar by unanimous consent at the request of the Chair.

HB 2234, 2514 -- Read first time and referred to President's desk.

HB 2061, 2099, 2207, 2254, 2513, 2524, 2875, 2937, 2946, 2999, 3017, 3047, 3219 -- Read second time and passed to third reading.

HB 2026, 2203, 2205, 2577, 2868, 3183, 3273 -- Carried over to June 9 calendar by unanimous consent at the request of the Chair.

SB 74, 187, 281, 367, 431, 924, 926; HCR 11; HB 2063 -- President Courtney signed on June 8.

Senate adjourned until 10:30 a.m. Thursday by unanimous consent at the request of the Chair.

#### Thursday, June 9, 2005 -- Morning Session

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Devlin, Ferrioli, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Verger, Walker, Westlund, Whitsett, Winters; excused -- Starr, B.; attending legislative business -- Deckert, George, Starr, C. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pastor Glenna Shepherd, Metropolitan Community Church, Portland.

SB 32, 42, 54, 67, 70, 72, 75, 76, 83, 84, 92, 96, 97, 101, 103, 104, 108, 136, 137, 178, 179, 197, 218, 233, 234, 259, 285, 318, 330, 362, 363, 433, 563, 574, 575, 576, 595, 645, 690, 837, 839, 840, 859 -- Message from the Governor announcing he signed on June 7.

SB 718 -- Message from the Governor announcing bill became law without his signature on June 8.

June 8, 2005

The Honorable Bill Bradbury  
Secretary of State  
900 Court Street NE--Room 136  
Salem, OR 97301

Dear Secretary Bradbury:

I am returning Enrolled Senate Bill 718 unsigned, but not disapproved, for the reasons below:

The Oregon Investment Council is charged with the important task of managing the investment funds of the State of Oregon for the benefit of all Oregonians and for future generations. I agree that members of the Oregon Investment Council must be held to the highest standards of integrity, ethics and professionalism. Conflicts of interest must be publicly disclosed and penalties must exist for failing to make necessary disclosures.

I am not signing SB 718 because I am concerned that the standard established by the bill is ambiguous. SB 718 states that a council member must disclose, in writing, any "potential or actual conflict of interest" within three business days of becoming "aware of the possibility" of a potential or actual conflict of interest. Violation of this requirement could result in the imposition of civil penalties. I have no disagreement with the phrase "potential or actual conflict of interest," but do not understand what standard of conduct the state is attempting to regulate under the phrase "aware of the possibility of a potential or actual conflict of interest." I am concerned that this standard is ambiguous and will prove unworkable for members of the council. A council member has no objective standard for knowing what a "possibility" that triggers this requirement is. Nor is it clear how to establish when a council member becomes aware of a "possibility" of a "potential" conflict. The ambiguities embodied in this standard, coupled with civil penalties, may expose our citizen volunteers to unreasonable demands and liability. As such, I am concerned that SB 718 will have a chilling effect on the willingness of qualified persons to serve on the council.

Because I agree with the underlying goals of this legislation, I have allowed SB 718 to become law without signature. But, I request that the Legislature remedy this problem to provide an objective and working definition of the standards of conduct we want to impose upon our citizens who volunteer to serve as members of the council. It is important to strike the proper balance between high ethical standards and full disclosure, on one hand, and the need for a fair and workable standard for the Oregon Investment Council and the dedicated public servants who serve on the council, on the other hand.

Sincerely,

Theodore R. Kulongoski,  
Governor

SB 302 -- Message from the Governor announcing he signed on June 8.

SB 78, 193, 219, 237, 238, 486, 735, 882, 953, 983, 1044 -- Message from the Governor announcing he signed on June 9.

SB 35, 120, 121, 272, 277, 293, 370, 371, 623, 936; HB 5078, 5079, 5080, 5088, 5089, 5090, 5091, 5124; 2210, 2269, 2316, 3284 -- Message from the House announcing passage.

SB 224, 697 -- Message from the House announcing passage as amended by the House.

HB 2881 -- Message from the House announcing concurrence in Senate amendments and repassage.

SB 134 -- Message from the House announcing failure to pass.

Committee Report Summary No. 92 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 5533 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5534 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5535 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5577 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5585 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5587 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5589 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5595 -- Report by Special Committee on Budget recommending passage with amendments.

SB 44 -- Report by Special Committee on Budget recommending passage.

SB 45 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

SB 310 -- Report by Committee on General Government recommending passage with amendments.

SB 344 -- Report by Committee on Environment and Land Use without recommendation as to passage and requesting referral to Committee on Rules. Referred to Committee on Rules by order of the President.

SB 527 -- Report by Committee on Environment and Land Use recommending passage with amendments and requesting subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the President.

SB 785 -- Report by Committee on Environment and Land Use without recommendation as to passage. Requesting referral to Committee on Rules. Referred to Committee on Rules by order of the President and then to Committee on Ways and Means by prior reference.

SB 786 -- Report by Committee on Environment and Land Use without recommendation as to passage. Requesting referral to Committee on Rules. Referred to Committee on Rules by order of the President and then to Committee on Ways and Means by prior reference.

SB 1003 -- Report by Committee on General Government recommending passage with amendments, be printed A-engrossed, requesting subsequent referral to Committee on Ways and Means be rescinded, and requesting referral to Special Committee on Budget. Subsequent referral to Committee on Ways and Means rescinded and referred to Special Committee on Budget by order of the President.

HJR 29 -- Report by Committee on Business and Economic Development without recommendation as to adoption and requesting referral to Committee on Revenue. Referred to Committee on Revenue by order of the President.

HB 2059 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 2074 -- Report by Committee on Business and Economic Development without recommendation as to passage and requesting referral to Committee on Rules. Referred to Committee on Rules by order of the President.

HB 2078 -- Report by Committee on Business and Economic Development without recommendation as to passage and requesting referral to Committee on Rules. Referred to Committee on Rules by order of the President.

HB 2189 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

HB 2222 -- Report by Committee on Judiciary recommending passage of the A-Engrossed bill.

HB 2389 -- Report by Committee on Business and Economic Development without recommendation as to passage and requesting referral to Committee on Rules. Referred to Committee on Rules by order of the President.

HB 2452 -- Report by Committee on Revenue recommending passage with amendments to the A-Engrossed bill.

HB 2484 -- Report by Committee on Environment and Land Use recommending passage.

HB 2511 -- Report by Committee on Revenue recommending passage with amendments.

HB 2537 -- Report by Committee on Environment and Land Use without recommendation as to passage and requesting referral to Committee on Rules. Referred to Committee on Rules by order of the President.

HB 2581 -- Report by Committee on Environment and Land Use without recommendation as to passage and requesting referral to Committee on Rules. Referred to Committee on Rules by order of the President.

HB 2582 -- Report by Committee on Environment and Land Use without recommendation as to passage and requesting referral to Committee on Rules. Referred to Committee on Rules by order of the President.

HB 2668 -- Report by Committee on Environment and Land Use without recommendation as to passage and requesting referral to Committee on Rules. Referred to Committee on Rules by order of the President.

HB 2669 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 2705 -- Report by Committee on Environment and Land Use without recommendation as to passage and requesting referral to Committee on Rules. Referred to Committee on Rules by order of the President.

HB 2729 -- Report by Committee on Environment and Land Use without recommendation

as to passage and requesting referral to Committee on Rules. Referred to Committee on Rules by order of the President.

HB 2739 -- Report by Committee on Rules recommending passage.

HB 2755 -- Report by Committee on Environment and Land Use recommending passage with amendments to the A-Engrossed bill to resolve conflicts.

HB 2969 -- Report by Committee on Judiciary recommending passage.

HB 3117 -- Report by Committee on Environment and Land Use without recommendation as to passage and requesting referral to Committee on Rules. Referred to Committee on Rules by order of the President.

HB 3349 -- Report by Committee on Environment and Land Use without recommendation as to passage and requesting referral to Committee on Rules. Referred to Committee on Rules by order of the President.

SB 13 B-Eng. -- Metsger moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 26; excused, 1 – Starr, B.; attending legislative business, 3 – Deckert, George, Starr, C. Bill repassed.

SB 81 -- Metsger moved that the Senate refuse to concur in House amendments. Call of the Senate demanded by Brown joined by Devlin and Metsger. All present except Starr, B., excused; Deckert, George, Starr, C., attending legislative business. Pending arrival of members subject to the Call, Senate at ease. Further proceedings under the Call terminated by unanimous consent at the request of the Chair. All present except Starr, B., excused; Deckert, George, Starr, C., attending legislative business. Senate reassembled. The vote was: Ayes, 19; nays, 7 – Atkinson, Beyer, Ferrioli, Kruse, Morse, Westlund, Whitsett; excused, 1 – Starr, B.; attending legislative business, 3 – Deckert, George, Starr, C. Motion carried.

SB 130 B-Eng. -- Metsger moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 26; excused, 1 – Starr, B.; attending legislative business, 3 – Deckert, George, Starr, C. Bill repassed.

SB 512 B-Eng. -- Morrisette moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 27; excused, 1 – Starr, B.; attending legislative business, 2 – Deckert, George. Bill repassed.

SB 938 B-Eng. -- Burdick moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 24; nays, 5 – Beyer, George, Kruse, Metsger, Whitsett; excused, 1 – Starr, B. Bill repassed.

SB 268 A-Eng. -- Deckert moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 29; excused, 1 – Starr, B. Bill repassed.

SB 44, 45, 479, 1052 -- Read second time and passed to third reading.

SB 392 -- Read third time. Carried by Westlund. On passage of bill the vote was: Ayes, 29; excused, 1 – Starr, B. Bill passed.

SB 528 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 28; nays, 1 – Nelson; excused, 1 – Starr, B. Bill passed. Gordly, attending legislative business when roll called, granted unanimous consent to vote aye.

SB 587 -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 24; nays, 4 – Beyer, Ferrioli, George, Kruse; excused, 1 – Starr, B.; attending legislative business, 1 – Gordly. Bill passed.

SB 672 A-Eng. -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 27; nays, 2 – Atkinson, Whitsett; excused, 1 – Starr, B. Bill passed.

SB 1057 -- Bill read. Carried by Prozanski. Referred to Rules by voice vote on motion of Prozanski.

SB 171 C-Eng. -- Bill read. Carried by Metsger. On passage of bill the vote was: Ayes, 28; nays, 1 – Kruse; excused, 1 – Starr, B. Bill passed.

SB 699 A-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 29; excused, 1 – Starr, B. Bill passed.

SB 968 -- Read third time. Carried by Prozanski. Referred to Rules by voice vote on motion of Prozanski.

SB 1032 -- Read third time. Taken from today's third reading calendar and placed on June 10 calendar by voice vote on motion of Brown.

SB 1054 -- Taken from today's third reading calendar and placed on June 10 calendar by voice vote on motion of Brown.

HB 5078, 5079, 5080, 5086, 5088, 5089, 5090, 5091, 5124; 2210, 2269, 2316, 3284 -- Read first time and referred to President's desk.

HB 2059, 2102, 2222, 2484, 2669, 2739, 2969 -- Read second time and passed to third reading.

HB 2026 A-Eng. -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 29; excused, 1 – Starr, B. Bill passed.

HB 2203 -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 24; nays, 5 – Atkinson, Beyer, George, Kruse, Whitsett; excused, 1 – Starr, B. Bill passed.

HB 2205 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 27; nays, 2 – Kruse, Schrader; excused, 1 – Starr, B. Bill passed.

HB 2577 B-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 29; excused, 1 – Starr, B. Bill passed.

HB 2061, 2099, 2207, 2254, 2513, 2524, 2868, 2875, 2937, 2946, 2999, 3017, 3047, 3183, 3219, 3273 -- Carried over to June 10 calendar by unanimous consent at the request of the Chair.

Senate adjourned until 8:30 a.m. Friday by unanimous consent at the request of the Chair.

### Friday, June 10, 2005 -- Morning Session

Senate convened at 8:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Walker, Westlund, Whitsett, Winters; absent -- Beyer; excused -- Verger. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Lawton Verger, Coos Bay.

SB 43 -- Message from the Governor announcing he signed on June 9.

SB 405 -- Message from the Governor announcing he vetoed on June 9:

June 9, 2005

The Honorable Peter Courtney  
President of the Senate  
Oregon State Senate  
900 Court Street NE, S-203  
Salem, OR 97301

Dear President Courtney:

I am returning Enrolled Senate Bill 405 unsigned and disapproved for the reasons below.

SB 405 would grant to semi-independent state agencies, such as the State Board of Massage Therapists, the State Board of Architect Examiners and the Oregon Board of Optometry, among others, the independent authority to borrow money. Such authorization would include, but not be limited to, the ability to borrow money to finance the acquisition of real property. Under SB 405, such borrowing by semi-independent state agencies would not be subject to approval by the Department of Administrative Services or the State Treasurer.

I have vetoed SB 405 because I do not believe it is consistent with my principle of accountability in government. Semi-independent state agency budgets are not currently subject to legislative review. Under SB 405 these agencies would now be allowed to issue debt without the oversight of legislative review or management by the executive branch. The Department of Administrative Services and the State Treasurer are the appropriate state agencies to oversee the financial status and obligations of state entities and to safeguard the state's assets and the state's financial credibility. Although provisions of SB 405 are intended to legally protect the state and the General Fund from obligations incurred by semi-independent agencies, I am concerned that any default by a semi – independent state agency would not only reflect badly on the state of Oregon and create considerable pressure on the state to assist such agency, but it further disengages government from the links needed to responsibly manage the programs and services the state offers and resulting fiscal impacts. Government needs more accountability not less.

I support the state's semi-independent agencies and appreciate the hard work they perform for the people of Oregon. However, my obligation to ensure government is accountable to the citizens of Oregon, particularly with respect to state assets and its financial credibility requires me to veto SB 405. I expect the state's semi-independent agencies and the Department of Administrative Services to work together, with the State Treasurer, to address the needs of the semi-independent agencies within the existing framework for incurring debt.

Sincerely,

Theodore R. Kulongoski,  
Governor

The following messages from the Governor were read and referred to the Committee on Rules.

June 9, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 701.205 provides that the Governor shall appoint the members of the Construction Contractors Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Dennis Schad of North Bend to the Construction Contractors Board for a four-year term, as provided by statute, beginning July 1, 2005 and ending on June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 9, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 687.470 provides that the Governor shall appoint the members of the State Board of Direct Entry Midwifery, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Michele Bouche of Springfield to the State Board of Direct Entry Midwifery for a three-year term, as provided by statute, beginning July 1, 2005 and ending on June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 9, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 418.243 provides that the Governor shall appoint the members of the Outdoor Youth Program Advisory Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Robert Cooley of Albany to the Outdoor Youth Program Advisory Board for a four-year term, as provided by statute, beginning July 1, 2005 and ending on June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 9, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 418.243 provides that the Governor shall appoint the members of the Outdoor Youth Program Advisory Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Peter Green of Portland to the Outdoor Youth Program Advisory Board for a four-year term, as provided by statute, beginning July 1, 2005 and ending on June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 9, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 442.830 provides that the Governor shall appoint the members of the Oregon Patient Safety Commission Board of Directors, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Judith Hibbard of Portland to the Oregon Patient Safety Commission Board of Directors for a four-year term, as provided by statute, beginning July 2, 2005 and ending on July 1, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 9, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 442.830 provides that the Governor shall appoint the members of the Oregon Patient Safety Commission Board of Directors, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Bruce Johnson of Salem to the Oregon Patient Safety Commission Board of Directors for a four-year term, as provided by statute, beginning July 2, 2005 and ending on July 1, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 9, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 442.830 provides that the Governor shall appoint the members of the Oregon Patient Safety Commission Board of



Directors, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint George Miller of Salem to the Oregon Patient Safety Commission Board of Directors for a four-year term, as provided by statute, beginning July 2, 2005 and ending on July 1, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 9, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 181.620 provides that the Governor shall appoint the members of the Board on Public Safety Standards and Training, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Harold Burke-Sivers of Portland to the Board on Public Safety Standards and Training for a three-year term, as provided by statute, beginning July 1, 2005 and ending on June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 9, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 181.620 provides that the Governor shall appoint the members of the Board on Public Safety Standards and Training, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Robert King of Portland to the Board on Public Safety Standards and Training for a three-year term, as provided by statute, beginning July 1, 2005 and ending on June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 9, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 181.620 provides that the Governor shall appoint the members of the Board on Public Safety Standards and Training, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Robert Tardiff of Newberg to the Board on Public Safety Standards and Training for a three-year term, as provided by statute, beginning July 1, 2005 and ending on June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 9, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 285A.261 provides that the Governor shall appoint the members of the Oregon Tourism Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Jeffery Jobe of Portland to the Oregon Tourism Commission for an unexpired four-year term, as provided by statute, beginning July 1, 2005 and ending on June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 9, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 184.612 provides that the Governor shall appoint the members of the Oregon Transportation Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Randall Papé of Eugene to the Oregon Transportation Commission for a four-year term, as provided by statute, beginning July 1, 2005 and ending on June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

HB 3333, 3334 -- Message from the House announcing passage.

SB 270 -- Message from the House announcing passage as amended by the House.

HB 2051, 2724 -- Message from the House announcing concurrence in Senate amendments and repassage.

HB 2069 -- Message from the House announcing House refusal to concur in Senate amendments. Conferees to be announced.

Committee Report Summary No. 93 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 570 -- Report by Committee on Environment and Land Use recommending passage with amendments. Referred to Special Committee on Budget by order of the President.

SB 592 -- Report by Committee on Judiciary recommending passage with amendments.

SB 671 -- Report by Committee on Business and Economic Development without recommendation as to passage and requesting referral to Committee on Rules. Referred to Committee on Rules by order of the President.

SB 734 -- Report by Committee on Environment and Land Use without recommendation as to passage. Requesting referral to Committee on Rules. Referred to Committee on Rules by order of the President and

then to Committee on Ways and Means by prior reference.

SB 984 -- Report by Committee on General Government recommending passage with amendments.

HB 2281 -- Report by Committee on Judiciary recommending passage with amendments.

SB 225 A-Eng. -- Monnes Anderson moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 27; absent, 2 – Beyer, Deckert; excused, 1 – Verger. Bill repassed. Westlund, absent when roll called, granted unanimous consent to vote aye.

SB 346 B-Eng. -- Ringo moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 26; absent, 3 – Beyer, Burdick, Deckert; excused, 1 – Verger. Bill repassed. Westlund, absent when roll called, granted unanimous consent to vote aye.

SB 694 A-Eng. -- Ringo moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 27; absent, 2 – Beyer, Deckert; excused, 1 – Verger. Bill repassed. Westlund absent when roll called, granted unanimous consent to vote aye.

SB 940 B-Eng. -- Burdick moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 27; absent, 2 – Beyer, Deckert; excused, 1 – Verger. Bill repassed. Westlund absent when roll called, granted unanimous consent to vote aye.

SB 997 B-Eng. -- Metsger moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 28; absent, 1 – Beyer; excused, 1 – Verger. Bill repassed. Westlund absent when roll called, granted unanimous consent to vote aye.

SB 1078 -- Introduced, read first time and referred to President's desk.

SB 5533, 5534, 5535, 5577, 5585, 5587, 5589, 5595; 310, 527 -- Read second time and passed to third reading.

SB 44 -- Read third time. Carried by Bates. (Carter in Chair) On passage of bill the vote was: Ayes, 27; nays, 1 – Starr, C.; absent, 1 – Beyer; excused, 1 – Verger. Bill passed. Westlund absent when roll called, granted unanimous consent to vote aye.

SB 45 A-Eng. -- Read third time. Carried by Bates. On passage of bill the vote was: Ayes, 26; nays, 2 – George, Whitsett; absent, 1 – Beyer; excused, 1 – Verger. Bill passed. Westlund absent when roll called, granted unanimous consent to vote aye.

SB 479 -- Moved to the foot of today's calendar by unanimous consent at the request of the Chair.

SB 1032 -- Bill read. Carried by Ringo. Taken from today's third reading calendar and placed on June 13 calendar by voice vote on motion of Ringo.

SB 1052 A-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 25; nays, 3 – Kruse, Nelson, Prozanski; absent, 1 – Beyer; excused, 1 – Verger. Bill passed. Westlund absent when roll called, granted unanimous consent to vote aye.

SB 1052 -- Prozanski requested the following explanation of vote be entered into the journal:

"I voted no on SB 1052 because it is not clear whether these new "peace officers" will receive police and fire fighter status in the Public Employee Retirement System (PERS).

"Even though I support the work that human special agents do and think special training through DPSST is appropriate, I do not believe that these individuals should be given police and fire fighter status in PERS."

SB 1054 A-Eng. -- Read third time. Carried by Courtney. On passage of bill the vote was: Ayes, 26; nays, 2 – Ferrioli, Kruse; absent, 1 – Beyer; excused, 1 – Verger. Bill passed.

HB 3333, 3334 -- Read first time and referred to President's desk.

HB 2189, 2452, 2511, 2755 -- Read second time and passed to third reading.

HB 2868 A-Eng. -- Read third time. Carried by George. On passage of bill the vote was: Ayes, 28; absent, 1 – Beyer; excused, 1 – Verger. Bill passed.

HB 3183 -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 28; absent, 1 – Beyer; excused, 1 – Verger. Bill passed.

HB 3273 B-Eng. -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 28; absent, 1 – Beyer; excused, 1 – Verger. Bill passed.

HB 2061 A-Eng. -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 20; nays, 6 – Atkinson, George, Kruse, Morse, Starr, B., Starr, C.; absent, 1 – Beyer; excused, 1 – Verger; attending legislative business, 2 – Burdick, Nelson. Bill passed.

HB 2099 -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 24; nays, 2 – George, Starr, B.; absent, 1 – Beyer; excused, 1 – Verger; attending legislative business, 2 – Burdick, Nelson. Bill passed.

HB 2207 A-Eng. -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 19; nays, 7 – Ferrioli, George, Kruse, Morse, Starr, C., Whitsett, Winters; absent, 1 – Beyer; excused, 1 – Verger; attending legislative business, 2 – Burdick, Nelson. Bill passed. Ferrioli, absent when roll called, granted unanimous consent to change from aye to nay.

HB 2254 A-Eng. -- Read third time. Carried by Monnes Anderson. On passage of bill the vote was: Ayes, 26; absent, 1 – Beyer; excused, 1 – Verger; attending legislative business, 2 – Burdick, Nelson. Bill passed.

HB 2513 A-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 26;

absent, 1 – Beyer; excused, 1 – Verger; attending legislative business, 2 – Atkinson, Burdick. Bill passed.

HB 2524 A-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 26; absent, 1 – Beyer; excused, 1 – Verger; attending legislative business, 2 – Atkinson, Burdick. Bill passed.

HB 2875 -- Moved to the foot of today's third reading calendar by unanimous consent at the request of the Chair.

HB 2937 -- Read third time. Carried by Shields. Potential conflict of interest declared by George. On passage of bill the vote was: Ayes, 22; nays, 4 – George, Gordly, Johnson, Prozanski; absent, 1 – Beyer; excused, 1 – Verger; attending legislative business, 2 – Atkinson, Burdick. Bill passed.

HB 2937 -- Prozanski requested the following explanation of vote be entered into the journal:

"I voted no on HB 2937 because I do not believe that the proposed driver's license suspension period of six months is proportional to other driver's license suspension periods. For example, a person who fails a breath test receives a three month suspension of their driving privileges. I would support a suspension period of thirty to sixty days with the opportunity to receive a hardship permit."

HB 2946 A-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 25; nays, 1 – Metsger; absent, 1 – Beyer; excused, 1 – Verger; attending legislative business, 2 – Atkinson, Burdick. Bill passed.

HB 2999 -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 24; nays, 2 – Gordly, Schrader; absent, 1 – Beyer; excused, 1 – Verger; attending legislative business, 2 – Atkinson, Burdick. Bill passed.

HB 2999 -- Schrader requested the following explanation of vote be entered into the journal:

"HB 2999 raises a number of troubling issues that I feel merit opposing the bill. Firstly, I am concerned that there is no extra money to hire staff to fulfill the intent of this bill. I also feel we have far too many children in a home.

"These homes are not equipped with the equipment or the staff necessary to safely oversee these children. Their safety and well being should be our paramount concern.

"This bill allows for an inappropriate expansion of a home's use in a residential zone.

"I firmly believe this bill puts children at risk and opens the door for abuse."

HB 3017 -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 23; nays, 2 – Carter, Gordly; absent, 2 – Beyer, President Courtney; excused, 1 – Verger; attending legislative business, 2 – Atkinson, Burdick. Bill passed.

HB 3047 A-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 25; absent, 2 – Beyer, President Courtney; excused, 1 –

Verger; attending legislative business, 2 – Atkinson, Burdick. Bill passed.

HB 3219 A-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 24; nays, 1 – Gordly; absent, 2 – Beyer, President Courtney; excused, 1 – Verger; attending legislative business, 2 – Atkinson, Burdick. Bill passed.

HB 2059 A-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 20; nays, 5 – George, Kruse, Metsger, Morse, Starr, B.; absent, 2 – Beyer, President Courtney; excused, 2 – Verger, Winters; attending legislative business, 1 – Burdick. Bill passed. Morse, granted unanimous consent to change from aye to nay.

HB 2102 B-Eng. -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 20; nays, 6 – Atkinson, George, Kruse, Metsger, Morse, Starr, B.; absent, 2 – Beyer, President Courtney; excused, 1 – Verger; attending legislative business, 1 – Burdick. Bill passed.

HB 2222 -- Moved to the foot of today's third reading calendar by unanimous consent at the request of the Chair.

HB 2484 -- Read third time. Carried by Ringo. Call of the Senate demanded by Ringo joined by Brown and Starr, C. All present except Beyer, President Courtney, absent; Verger, excused; Burdick, attending legislative business. On passage of bill the vote was: Ayes, 23; nays, 3 – Gordly, Nelson, Westlund; absent, 2 – Beyer, President Courtney; excused, 1 – Verger; attending legislative business, 1 – Burdick. Bill passed.

HB 2669 A-Eng. -- Read third time. Carried by Ferrioli. On passage of bill the vote was: Ayes, 25; absent, 2 – Beyer, President Courtney; excused, 2 – Gordly, Verger; attending legislative business, 1 – Burdick. Bill passed.

HB 2739 -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 26; absent, 2 – Beyer, President Courtney; excused, 1 – Verger; attending legislative business, 1 – Burdick. Bill passed.

HB 2969 -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 26; absent, 3 – Beyer, Morrisette, President Courtney; excused, 1 – Verger. Bill passed.

HB 2875 -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 26; absent, 3 – Beyer, Morrisette, President Courtney; excused, 1 – Verger. Bill passed.

SB 479; HB 2222 -- Carried over to June 13 calendar by unanimous consent at the request of the Chair.

SB 81 -- Metsger, Verger, Whitsett appointed Senate conferees.

SB 389 -- Ringo, Bates, Nelson appointed Senate conferees.

SCR 7; SJM 4; SB 79, 94, 122, 131, 135, 203, 221, 278, 327, 328, 353, 385, 462, 481, 487, 538, 547, 579, 594, 643, 970, 1002; HJM 5; HB 5077; 2017, 2064,

2071, 2145, 2213, 2225, 2237, 2266, 2305, 2356, 2415, 2500, 2545, 2547, 2548, 2568, 2579, 2634, 2662, 2723, 2741, 2926, 2927, 2950, 2977, 2978, 3157, 3266, 3304, 3313, 3461, 3464, 3081 -- President Courtney signed on June 10.

Senate adjourned until 10:30 a.m. Monday by unanimous consent at the request of the Chair.

### **Monday, June 13, 2005 -- Morning Session**

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; absent -- Atkinson, Bates. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Charles Starr, Hillsboro.

SB 78, 193, 219, 237, 238, 486, 735, 882, 953, 983, 1044 -- Message from the Governor announcing he signed on June 9.

HB 2591, 2828, 3457 -- Message from the House announcing passage.

SB 275 -- Message from the House announcing passage as amended by the House.

SB 55 -- Message from the House announcing Anderson, Jenson, Nolan appointed House conferees.

SB 389 -- Message from the House announcing Boquist, P. Smith, Roblan appointed House conferees.

HB 2069 -- Message from the House announcing Brown, Kitts, Schaufler appointed House conferees.

SB 74, 187, 281, 367, 431, 924, 926; HJM 5; HB 5077; 2017, 2064, 2071, 2145, 2213, 2225, 2237, 2266, 2305, 2356, 2415, 2500, 2545, 2547, 2548, 2568, 2579, 2634, 2662, 2723, 2741, 2926, 2927, 2950, 2977, 2978, 3081, 3157, 3266, 3304, 3313, 3461, 3464 -- Message from the House announcing the Speaker signed on June 10.

Committee Report Summary No. 94 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 1050 -- Report by Committee on Judiciary recommending passage with amendments.

SB 1059 -- Report by Committee on Judiciary recommending passage with amendments.

HB 2113 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 2200 -- Report by Business and Economic Development recommending passage with amendments to the A-Engrossed bill to resolve conflicts.

HB 2228 -- Report by Committee on Rules recommending passage.

HB 2458 -- Report by Committee on Environment and Land Use recommending passage with amendments to the A-Engrossed bill.

HB 2604 -- Report by Business and Economic Development recommending passage with amendments to the A-Engrossed bill to resolve conflicts.

HB 2722 -- Report by Committee on Environment and Land Use recommending passage with amendments.

HB 3038 -- Report by Committee on Environment and Land Use recommending passage with amendments to the A-Engrossed bill.

HB 3268 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 3465 -- Report by Committee on Rules recommending passage with amendments.

SB 224 A-Eng. -- Morrisette moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 28; absent, 2 -- Atkinson, Bates. Bill repassed.

SB 373 B-Eng. -- Verger moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 29; absent, 1 -- Bates. Bill repassed.

SB 310 -- Taken from today's calendar and rereferred to Committee on General Government by voice vote on motion of Brown.

SB 592, 984 -- Read second time and passed to third reading.

SB 479 A-Eng. -- Read third time. Carried by Beyer. Potential conflict of interest declared by George. On passage of bill the vote was: Ayes, 30. Bill passed.

SB 5533 A-Eng. -- Read third time. Carried by Gordly. On passage of bill the vote was: Ayes, 23; nays, 7 -- Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C. Bill passed.

SB 5534 A-Eng. -- Read third time. Carried by Verger. On passage of bill the vote was: Ayes, 22; nays, 8 -- Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C., Whitsett. Bill passed.

SB 5535 A-Eng. -- Read third time. Carried by Morse. On passage of bill the vote was: Ayes, 21; nays, 8 -- Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C., Whitsett; attending legislative business, 1 -- Nelson. Bill passed.

SB 5577 A-Eng. -- Read third time. Carried by Gordly. On passage of bill the vote was: Ayes, 23; nays, 7 -- Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C. Bill passed.

SB 5585 A-Eng. -- Read third time. Carried by Morse. On passage of bill the vote was: Ayes, 23; nays, 7 -- Atkinson, Beyer, Carter, Ferrioli, George, Kruse, Starr, B. Bill passed.

SB 5587 A-Eng. -- Read third time. Carried by Bates. On passage of bill the vote was: Ayes, 21; nays, 9 -- Atkinson, Beyer, Ferrioli, George, Kruse, Nelson, Starr, B., Starr, C., Whitsett. Bill passed.

SB 5589 A-Eng. -- Read third time. Carried by Gordly. On passage of bill the vote was: Ayes, 23; nays, 7 -- Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C. Bill passed.

SB 5595 A-Eng. -- Read third time. Carried by Morrisette. On passage of bill the vote was: Ayes, 24;

nays, 6 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B. Bill passed.

SB 527 A-Eng. -- Read third time. Carried by Morrisette. On passage of bill the vote was: Ayes, 29; attending legislative business, 1 – Burdick. Bill passed.

SB 1032 A-Eng. -- Bill read. Carried by Ringo. On passage of bill the vote was: Ayes, 25; nays, 5 – Atkinson, Beyer, George, Kruse, Metsger. Bill passed.

HB 2591, 2828, 3457 -- Read first time and referred to President's desk.

HB 2113, 2228, 2281, 3268 -- Read second time and passed to third reading.

HB 2222 A-Eng. -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 2189 B-Eng. -- Read third time. Carried by Ringo. Call of the Senate demanded by Brown joined by Ringo and Starr, C. All present. On passage of bill the vote was: Ayes, 21; nays, 9 – Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Starr, C., Whitsett, Winters. Bill passed.

HB 2452 B-Eng. -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 2511 B-Eng. -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 2755 B-Eng. -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 30. Bill passed.

The following measures were referred to committee on June 10 and recorded on Committee Referral List No. 46 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 1076 Rules  
 SB 1077 Budget  
 SB 1078 Rules  
 HB 5078 Budget  
 HB 5079 Budget  
 HB 5080 Budget  
 HB 5086 Budget  
 HB 5088 Budget  
 HB 5089 Budget  
 HB 5090 Budget  
 HB 5091 Budget  
 HB 5124 Budget  
 HB 2210 Rules  
 HB 2234 Rules; Revenue  
 HB 2269 Rules  
 HB 2315 Rules  
 HB 2316 Rules  
 HB 2335 Rules  
 HB 2514 Rules; Revenue  
 HB 2974 Rules  
 HB 3083 Rules  
 HB 3143 Rules; Revenue

HB 3284 Rules  
 HB 3333 Budget  
 HB 3334 Revenue  
 HB 3374 Rules  
 HB 3469 Rules

#### **Commission for the Blind (ORS 346.130)**

Donald Dartt (r) Rules  
 Joyce Green Rules

#### **Construction Contractors Board (ORS 701.205)**

Dennis Schad (r) Rules

#### **State Board of Direct Entry Midwifery (ORS 687.470)**

Michele Bouche (r) Rules

#### **Outdoor Youth Program Advisory Board (ORS 418.243)**

Robert Cooley (r) Rules  
 Peter Green (r) Rules

#### **Oregon Patient Safety Commission Board of Directors (ORS 442.830)**

Judith Hibbard (r) Rules  
 Bruce Johnson (r) Rules  
 George Miller (r) Rules

#### **Board on Public Safety Standards and Training (ORS 181.620)**

Harold Burke-Sivers (r) Rules  
 Robert King (r) Rules  
 Robert Tardiff (r) Rules

#### **Oregon Tourism Commission (ORS 285A.261)**

Jeffery Jobe Rules

#### **Oregon Transportation Commission (ORS 184.612)**

Randall Pape' (r) Rules

#### **Oregon Watershed Enhancement Board (ORS 541.360)**

Bobby Brunoe (r) Rules  
 Jim Nakano Rules  
 Patricia Smith Rules  
 Helen Westbrook Rules

Senate adjourned until 10:30 a.m. Tuesday by unanimous consent at the request of the Chair.

#### **Tuesday, June 14, 2005 -- Morning Session**

Senate convened at 10:30 a.m. President Pro Tempore Carter in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, President Courtney, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes, Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett; excused --

Shields, Winters. Colors were posted by the 1<sup>st</sup> Oregon Battalion Young Marines and the Senate pledged allegiance to the flag. Invocation by Frank Carpenter, Capitol Ministries, Hillsboro.

Courtesies of the Senate were extended to former State Senators Bill Fisher and Verne Duncan at the request of Ferrioli.

SB 21, 22, 24, 25, 36, 56, 114, 167, 490; HB 2787, 3085, 3474 -- Message from the House announcing passage.

SCR 8; HJM 7 -- Message from the House announcing adoption.

SB 15, 151, 460, 477, 755, 847, 921, 1006, 1039 -- Message from the House announcing passage as amended by the House.

HB 2577 -- Message from the House announcing concurrence in Senate amendments and repassage.

SB 79, 94, 131, 203, 278, 385, 462, 481, 487, 538, 547, 594, 1002 -- Message from the House announcing the Speaker signed on June 13.

Committee Report Summary No. 95 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SJR 34 -- Report by Committee on Rules recommending adoption.

SB 412 -- Report by Committee on Revenue recommending passage with amendments to the A-Engrossed bill.

SB 1025 -- Report by Committee on Judiciary recommending passage with amendments.

SB 1034 -- Report by Committee on Judiciary recommending passage with amendments.

SB 1071 -- Report by Committee on Rules recommending passage. Referred to Special Committee on Budget by prior reference.

HJM 2 -- Report by Committee on Rules recommending adoption with amendments to the A-Engrossed memorial.

HB 2276 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 2303 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

HB 2416 -- Report by Committee on Judiciary recommending passage with amendments to the A-Engrossed bill to resolve conflicts.

HB 2569 -- Report by Committee on Judiciary recommending passage with amendments to the A-Engrossed bill.

HB 2995 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

HB 3363 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

SB 405 -- Brown moved that the vetoed bill, together with Governor's message be laid on the

table. Motion carried. The vote was: Ayes, 24; nays, 4 -- Beyer, George, Starr, B., Starr, C.; excused, 2 -- Shields, Winters. Motion carried.

SB 275 B-Eng. -- Burdick moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 26; nays, 2 -- Atkinson, Schrader; excused, 2 -- Shields, Winters. Bill repassed.

SB 697 B-Eng. -- Monnes Anderson moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 28; nays, 1 -- Schrader; excused, 1 -- Winters. Bill repassed.

SB 592 -- Taken from today's third reading calendar and placed on June 16 calendar by voice vote on motion of Prozanski.

SJR 34; SB 1050, 1059 -- Read second time and passed to third reading.

SB 984 A-Eng. -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 27; nays, 1 -- Johnson; excused, 1 -- Winters; attending legislative business, 1 -- Burdick. Bill passed.

HJM 7; HB 2787, 3085, 3474 -- Read first time and referred to President's desk.

HB 2200, 2276, 2458, 2604, 2722, 3038, 3465 -- Read second time and passed to third reading.

HB 2113 -- Read third time. Carried by Atkinson.

Senate at ease. Senate reassembled.

HB 2113 -- Rereferred to Committee on Rules by voice vote on motion of Brown.

HB 2228 -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 28; nays, 1 -- Beyer; excused, 1 -- Winters. Bill passed.

HB 2281 A-Eng. -- Read third time. Carried by Whitsett. On passage of bill the vote was: Ayes, 29; excused, 1 -- Winters. Bill passed.

HB 3268 A-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 28; nays, 1 -- Whitsett; excused, 1 -- Winters. Bill passed.

SJR 31; SB 13, 33, 35, 39, 68, 120, 121, 130, 268, 270, 272, 277, 293, 316, 324, 370, 371, 404, 443, 512, 605, 623, 688, 848, 936, 938 -- President Courtney signed June 14.

Senate adjourned until 10:30 a.m. Wednesday by unanimous consent at the request of the Chair.

### Wednesday, June 15, 2005 -- Morning Session

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Verger, Walker, Westlund, Whitsett; excused -- Starr, C., Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pastor John Stumbo, Salem Alliance Church, Salem.

SB 29, 37, 58, 85, 90, 93, 98, 169, 172, 185, 214, 267, 269, 430, 445, 448, 458, 468, 600, 620, 856, 858,

923, 925 -- Message from the Governor announcing he signed on June 14. (Metsger in Chair)

SB 332, 355, 670 -- Message from the House announcing passage.

HCR 17 -- Message from the House announcing adoption.

SB 573 -- Message from the House announcing passage as amended by the House.

HB 2102, 2207, 2254, 3047, 3273 -- Message from the House announcing concurrence in Senate amendments and repassage.

Committee Report Summary No. 96 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SJR 10 -- Report by Committee on Rules, signed by Brown, Chair, recommending adoption. Minority Report, signed by Atkinson, Ferrioli, recommending adoption with amendments.

SB 1047 -- Report by Committee on Judiciary recommending passage with amendments.

SB 1062 -- Report by Committee on Rules recommending passage with amendments.

HJM 2 -- Rules suspension by unanimous consent in order that memorial be made a Special Order of Business immediately on motion of Courtney.

HJM 2 -- Under rules suspension and Special Order of Business, read second time and passed to final reading.

HJM 2 B-Eng. -- Under rules suspension and Special Order of Business, read final time. Carried by Courtney. On adoption of memorial, the vote was: Ayes, 28; excused, 2 – Starr, C., Winters. Memorial adopted.

Senate at ease. Senate reassembled.

SB 109 A-Eng. -- Brown moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 27; nays, 1 – Schrader; excused, 2 – Starr, C., Winters. Bill repassed.

SB 110 -- Senate refused to concur in House amendments by voice vote on motion of Brown. Conferees to be appointed.

SB 755 B-Eng. -- Walker moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 28; excused, 2 – Starr, C., Winters. Bill repassed.

SB 1039 -- Senate refused to concur in House amendments by voice vote on motion of Walker. Conferees to be appointed.

SJR 34 -- Taken from today's third reading calendar and placed on June 24 calendar by voice vote on motion of Ferrioli.

SB 1079, 1080 -- Introduced, read first time and referred to President's desk.

SB 1025, 1034 -- Read second time and passed to third reading.

SB 1050 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 24; nays, 4 – Atkinson, Beyer, George, Starr, B.; excused, 2 – Starr, C., Winters. Bill passed.

SB 1059 A-Eng. -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 28; excused, 2 – Starr, C., Winters. Bill passed.

HCR 17 -- Read first time and referred to President's desk.

HB 2303, 2416, 2569, 2995, 3363 -- Read second time and passed to third reading.

HB 2200 B-Eng. -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 28; excused, 2 – Starr, C., Winters. Bill passed.

HB 2276 A-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 27; excused, 2 – Starr, C., Winters; attending legislative business, 1 – Atkinson. Bill passed.

HB 2458 B-Eng. -- Read third time. Carried by Ringo. Call of the Senate demanded by Brown joined by Walker and Gordly. All present except Starr, C., Winters, excused. On passage of bill the vote was: Ayes, 24; nays, 4 – Atkinson, Beyer, Brown, Deckert; excused, 2 – Starr, C., Winters. Bill passed.

HB 2604 B-Eng. -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 28; excused, 2 – Starr, C., Winters. Bill passed.

HB 2722 A-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 17; nays, 11 – Burdick, Carter, Deckert, Devlin, Gordly, Johnson, Metsger, Monnes Anderson, Nelson, Verger, President Courtney; excused, 2 – Starr, C., Winters. Bill passed.

HB 3038 B-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 26; nays, 1 – Beyer; excused, 2 – Starr, C., Winters; attending legislative business, 1 – Burdick. Bill passed.

HB 3465 A-Eng. -- Read third time. Carried by Ferrioli. On passage of bill the vote was: Ayes, 27; excused, 2 – Starr, C., Winters; attending legislative business, 1 – Burdick. Bill passed. (President Courtney in Chair)

Senate adjourned until 10:30 a.m. Thursday by unanimous consent at the request of the Chair.

#### Thursday, June 16, 2005 -- Morning Session

Senate convened at 10:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Verger, Walker, Westlund, Whitsett; excused -- Starr, C., Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Jim Asleson, Director of the YMCA, Albany.

President Courtney announced that he is invoking the provisions of the one-hour notice rule in accordance with Senate Rule 8.16.

"The committee chair may call a meeting of the committee with less than 24 hours' notice if, at least one hour prior to the meeting, notice is given to the Secretary of

the Senate's office, posted outside the Senate Chamber, in the press room, and in any other place reasonably designed to give notice to the public and interested persons."

"Written notice must also be delivered to all committee members' offices who have not been excused from attendance pursuant to Senate Rule 3.10. Whenever possible, such meetings shall be announced on the floor while the Senate is in session."

SB 879 -- Message from the Governor announcing he signed on June 16.

SB 115, 599, 947; HB 5084, 5113, 5129; 2070, 2233, 2566, 2593, 3029 -- Message from the House announcing passage.

SB 20, 118, 231, 284, 323, 383, 386, 585, 638, 880 -- Message from the House announcing passage as amended by the House.

HJM 2; HB 2452, 2511, 2755 -- Message from the House announcing concurrence in Senate amendments and repassage.

HJM 2 -- Message from the House announcing the Speaker signed on June 15.

Committee Report Summary No. 97 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 2498 -- Report by Conference Committee, signed by Senators Brown, Monnes Anderson, Winters and Representatives Dalto, Berger, Greenlick, recommending that the House concur in Senate amendments dated April 27 and that the B-Engrossed bill be further amended and repassed.

SB 5536 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5541 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5542 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5543 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5590 -- Report by Special Committee on Budget recommending passage with amendments.

SB 424 -- Report by Committee on Judiciary recommending passage with amendments.

HB 2141 -- Report by Committee on Judiciary recommending passage with amendments.

HB 2518 -- Report by Committee on Judiciary recommending passage of the A-Engrossed bill.

HB 2659 -- Report by Committee on Revenue recommending passage of the A-Engrossed bill.

HB 3206 -- Report by Committee on Rules recommending passage.

HB 3310 -- Report by Committee on Environment and Land Use, signed by Ringo, Chair, recommending passage with amendments to the A-Engrossed bill. Minority Report, signed by Atkinson, Beyer, recommending passage with different amendments to the A-Engrossed bill.

HB 3441 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

Report by Committee on Rules recommending that the Governor's reappointments of Frank Armstrong (appearance waived) and Irvin Handelman (appearance waived) to the Commission for the Blind be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's reappointment of Delna Jones (appearance waived) to the Oregon Government Standards and Practices Commission be confirmed.

Report by Committee on Rules recommending that the Governor's appointment and reappointment of Norwood Knight-Richardson to the Psychiatric Security Review Board be confirmed.

Report by Committee on Rules recommending that the Governor's appointment of Steven Piper to the Board on Public Safety Standards and Training be confirmed.

Report by Committee on Rules recommending that the Governor's appointment of Elizabeth Harchenko as the Director Department of Revenue be confirmed.

Report by Committee on Rules recommending that the Governor's reappointments of Vicki Wegener (appearance waived) and V. Anna Willman (appearance waived) to the Commission for Women be confirmed en bloc.

Senate at ease. Senate reassembled.

SB 15 A-Eng. -- Metsger moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 28; excused, 2 -- Starr, C., Winters. Bill repassed.

SB 151 B-Eng. -- Metsger moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 26; nays, 2 -- Beyer, Kruse; excused, 2 -- Starr, C., Winters. Bill repassed.

SB 477 B-Eng. -- Shields moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 28; excused, 2 -- Starr, C., Winters. Bill repassed.

SB 921 B-Eng. -- Burdick moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 28; excused, 2 -- Starr, C., Winters. Bill repassed.

SB 1006 A-Eng. -- Shields moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 25; nays, 1 -- Whitsett; absent, 2 -- Bates, Burdick; excused, 2 -- Starr, C., Winters. Bill repassed.

SB 1081 -- Introduced, read first time and referred to President's desk.

SJR 10; SB 1047, 1062 -- Read second time and passed to third reading.

SB 412 B-Eng. -- Bill read. Carried by Prozanski. On passage of bill the vote was: Ayes, 22; nays, 6 -- Johnson, Kruse, Morse, Nelson, Schrader, Verger; excused, 2 -- Starr, C., Winters. Bill passed.

SB 592 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 21; nays, 7 -- Atkinson, Beyer, Ferrioli, George, Kruse, Nelson, Whitsett; excused, 2 -- Starr, C., Winters. Bill passed.



SB 1025 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 25; nays, 2 -- Atkinson, George; excused, 3 -- Carter, Starr, C., Winters. Bill passed.

SB 1034 A-Eng. -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 20; nays, 5 -- Beyer, Ferrioli, Kruse, Nelson, Whitsett; excused, 3 -- Carter, Starr, C., Winters; attending legislative business, 2 -- Bates, Starr, B. Bill passed.

HB 5084, 5113, 5129; 2070, 2233, 2566, 2593, 3029 -- Read first time and referred to President's desk.

HB 2518, 2659, 3206, 3441 -- Read second time and passed to third reading.

HB 2303 B-Eng. -- Read third time. Carried by Ferrioli. On passage of bill the vote was: Ayes, 27; excused, 3 -- Carter, Starr, C., Winters. Bill passed.

HB 2416 B-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 27; excused, 3 -- Carter, Starr, C., Winters. Bill passed.

HB 2569 B-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 27; excused, 3 -- Carter, Starr, C., Winters. Bill passed.

HB 2995 B-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 25; nays, 2 -- Nelson, Verger; excused, 3 -- Carter, Starr, C., Winters. Bill passed.

HB 3363 B-Eng. -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 20; nays, 6 -- Beyer, Ferrioli, George, Kruse, Morse, Nelson; excused, 3 -- Carter, Starr, C., Winters; attending legislative business, 1 -- Ringo. Bill passed.

SB 225, 346, 694, 940, 997; HJM 2 -- President Courtney signed on June 16.

Senate adjourned until 8:30 a.m. Friday by unanimous consent at the request of the Chair.

#### **Friday, June 17, 2005 -- Morning Session**

Senate convened at 8:30 a.m. President Courtney in Chair. The following members were present: Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes, Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Verger, Walker, Westlund, Whitsett; absent -- Atkinson; excused -- Starr, C., Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Dr. Toulon from Portland State University, Portland. (Carter in Chair) (President Courtney in Chair)

SB 74, 187, 281, 367, 431, 924, 926 -- Message from the Governor announcing he signed on June 16. (Carter in Chair)

The following messages from the Governor were read and referred to the President's desk.

June 16, 2005

#### **TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 285A.040 provides that the Governor shall appoint the members of the Oregon Economic and Community Development Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Pamela Hulse Andrews of Bend to the Oregon Economic and Community Development Commission for a four-year term beginning July 1, 2005, and ending June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 16, 2005

#### **TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 285A.040 provides that the Governor shall appoint the members of the Oregon Economic and Community Development Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Carl Talton of Portland to the Oregon Economic and Community Development Commission for a four-year term beginning July 1, 2005, and ending June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 16, 2005

#### **TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 285A.040 provides that the Governor shall appoint the members of the Oregon Economic and Community Development Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Walter Van Valkenburg of Portland to the Oregon Economic and Community Development Commission for a four-year term beginning July 1, 2005, and ending June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 16, 2005

#### **TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 351.020 provides that the Governor shall appoint the members of the State Board of Higher Education, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Bridget Burns of Corvallis to the State Board of Higher Education for a two-year term beginning July 1, 2005, and ending June 30, 2007, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 16, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 351.020 provides that the Governor shall appoint the members of the State Board of Higher Education, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Adriana Mendoza of La Grande to the State Board of Higher Education for a two-year term beginning July 1, 2005, and ending June 30, 2007, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 16, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 351.020 provides that the Governor shall appoint the members of the State Board of Higher Education, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Howard Sohn of Roseburg to the State Board of Higher Education for a four-year term beginning July 1, 2005, and ending June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 16, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 351.020 provides that the Governor shall appoint the members of the State Board of Higher Education, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Tony Van Vliet of Corvallis to the State Board of Higher Education for a four-year term beginning July 1, 2005, and ending June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 16, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 687.470 provides that the Governor shall appoint the members of the State Board of Direct Entry Midwifery, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Betty Griffith of Salem to the State Board of Direct Entry Midwifery for a three-year term beginning July 1, 2005, and ending June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 16, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 689.115 provides that the Governor shall appoint the members of the State Board of Pharmacy, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Cathryn Lew of Eugene to the State Board of Pharmacy for a four-year term beginning July 1, 2005, and ending June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 16, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 181.620 provides that the Governor shall appoint the members of the Board on Public Safety Standards and Training, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Larry Goff of Wilsonville to the Board on Public Safety Standards and Training for a three-year term beginning July 1, 2005, and ending June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 16, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 181.620 provides that the Governor shall appoint the members of the Board on Public Safety Standards and Training, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Erik Kvarsten of Portland to the Board on Public Safety Standards and Training for a three-year term beginning July 1, 2005, and ending June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 16, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 181.620 provides that the Governor shall appoint the members of the Board on Public Safety Standards and

Training, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Eric Meyer of White City to the Board on Public Safety Standards and Training for a three-year term beginning July 1, 2005, and ending June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 16, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 181.620 provides that the Governor shall appoint the members of the Board on Public Safety Standards and Training, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Wanda Sorenson of Redmond to the Board on Public Safety Standards and Training for a three-year term beginning July 1, 2005, and ending June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 16, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 181.620 provides that the Governor shall appoint the members of the Board on Public Safety Standards and Training, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Eric Swanson of Tillamook to the Board on Public Safety Standards and Training for a three-year term beginning July 1, 2005, and ending June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 16, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 285A.261 provides that the Governor shall appoint the members of the Oregon Tourism Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Katy Coba of Salem to the Oregon Tourism Commission for a four-year term beginning July 1, 2005, and ending June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

June 16, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 285A.261 provides that the Governor shall appoint the members of the Oregon Tourism Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Joe D'Alessandro of Portland to the Oregon Tourism Commission for a four-year term beginning July 1, 2005, and ending June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

HB 5087, 5130, 5132, 5133, 5134, 5135, 5141; 3073, 3104 -- Message from the House announcing passage.

SB 23, 618, 855 -- Message from the House announcing passage as amended by the House.

HB 2189, 2281 -- Message from the House announcing concurrence in Senate amendments and repassage.

Committee Report Summary No. 98 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 427 -- Report by Committee on Revenue, signed by Deckert, Chair, recommending passage with amendments. Minority Report, signed by Starr, C., George, recommending passage with different amendments.

SB 572 -- Report by Committee on Business and Economic Development recommending passage with amendments.

SB 785 -- Report by Committee on Rules recommending passage and requesting subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the President.

SB 786 -- Report by Committee on Rules recommending passage with amendments and requesting subsequent referral to Committee on Ways and Means be rescinded. Subsequent referral to Committee on Ways and Means rescinded by order of the President.

HB 2142 -- Report by Committee on Judiciary recommending passage of the A-Engrossed bill.

HB 2268 -- Report by Committee on Judiciary recommending passage of the A-Engrossed bill.

HB 2297 -- Report by Committee on Judiciary recommending passage.

HB 2361 -- Report by Committee on Judiciary recommending passage of the A-Engrossed bill.

HB 2951 -- Report by Committee on Revenue recommending passage with amendments to the A-Engrossed bill.

SJR 10 -- Consideration of Committee and Minority Reports taken from today's calendar and

placed on June 20 calendar by voice vote on motion of Brown.

Rules suspended by unanimous consent in order that the Senate may take en bloc action on the confirmation of the following appointments on motion of Shields.

#### **Commission for the Blind**

Frank Armstrong (r)

Irvin Handelman (r)

#### **Oregon Government Standards and Practices Commission**

Delna Jones (r)

#### **Board on Public Safety Standards and Training**

Steven Piper

#### **Director Department of Revenue**

Elizabeth Harchenko

#### **Commission for Women**

Vicki Wegener (r)

V. Anna Willman (r)

Senate at ease. Senate reassembled.

Under rules suspension, Shields moved that the Senate confirm en bloc the Governor's appointments as listed in the motion to suspend the rules. On confirmation the vote was: Ayes, 26; absent, 1 – Atkinson; excused, 2 – Starr, C., Winters; attending legislative business, 1 – Walker. Confirmed en bloc.

Gordly moved that the Senate confirm the Governor's appointment and reappointment of Norwood Knight-Richardson to the Psychiatric Security Review Board. On confirmation the vote was: Ayes, 26; absent, 1--Atkinson; excused, 2--Starr, C., Winters; attending legislative business, 1--Walker. Confirmed.

SB 1082 -- Introduced, read first time and referred to President's desk.

SB 5536, 5541, 5542, 5543, 5590; 424, 785 -- Read second time and passed to third reading.

SB 1047 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 26; nays, 1 – Beyer; absent, 1 – Atkinson; excused, 2 – Starr, C., Winters. Bill passed.

SB 1062 A-Eng. -- Read third time. Carried by Brown. Call of the Senate demanded by Brown joined by Walker and Burdick. All present except Atkinson, absent; Starr, C., Winters, excused. On passage of bill the vote was: Ayes, 21; nays, 6 – Beyer, Ferrioli, George, Kruse, Nelson, Whitsett; absent, 1 – Atkinson; excused, 2 – Starr, C., Winters. Bill passed.

HB 5087, 5130, 5132, 5133, 5134, 5135, 5141; 3073, 3104 -- Read first time and referred to President's desk.

HB 2141, 2142, 2268, 2297, 2361, 3310 -- Read second time and passed to third reading.

HB 2518 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 26; absent, 1 – Atkinson; excused, 2 – Starr, C., Winters; attending legislative business, 1 – Walker. Bill passed.

HB 2659 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 26; absent, 1 – Atkinson; excused, 2 – Starr, C., Winters; attending legislative business, 1 – Walker. Bill passed.

HB 3206 -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 24; nays, 2 – Kruse, Schrader; absent, 1 – Atkinson; excused, 2 – Starr, C., Winters; attending legislative business, 1 – Walker. Bill passed.

HB 3441 A-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 26; absent, 1 – Atkinson; excused, 2 – Starr, C., Winters; attending legislative business, 1 – Walker. Bill passed.

Senate reverted to the order of Propositions and Motions by unanimous consent at the request of the Chair.

SB 383 A-Eng. -- Deckert moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 23; nays, 3 – Beyer, Kruse, Whitsett; absent, 1 – Atkinson; excused, 2 – Starr, C., Winters; attending legislative business, 1 – Walker. Bill repassed.

SB 110 -- Brown, Deckert, Ferrioli appointed Senate conferees.

SB 1039 -- Walker, Kruse, Ringo appointed Senate conferees.

HB 2069 -- Gordly, Metsger, Morse appointed Senate conferees.

SCR 8; SB 21, 22, 24, 25, 36, 56, 109, 114, 115, 167, 224, 275, 332, 355, 373, 490, 599, 670, 697, 755, 947 -- President Courtney signed June 17.

Senate adjourned until 9:00 a.m. Monday by unanimous consent at the request of the Chair.

#### **Monday, June 20, 2005 -- Morning Session**

Senate convened at 9:00 a.m. President Pro Tempore Carter in Chair. The following members were present: Brown, Deckert, Devlin, Gordly, Johnson, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Starr, B., Verger, Walker, Whitsett, Winters, President Courtney; absent -- Atkinson, Bates, Beyer, Burdick, Ferrioli, George, Kruse, Ringo, Schrader, Shields, Westlund; excused -- Starr, C.

Call of the Senate demanded by Brown joined by Prozanski and Devlin. All present except Atkinson, Bates, Beyer, Burdick, Ferrioli, George, Kruse, Ringo, Schrader, Shields, Westlund, absent; Starr, C., excused. Pending arrival of members subject to the Call, Senate at ease. Further proceedings under the Call terminated by unanimous consent at the request of the Chair. All present except Bates, Burdick, Ringo, Schrader, Shields, Westlund, absent; Starr, C., excused. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Imam Mikal

Hammad Shabazz, former Resident Imam of the Muslim Community Center, Portland.

SB 5551, 5556, 5557, 5558, 5559, 5561, 5563, 5591, 5592, 5596, 5597, 5598, 5599; 52, 61, 63, 229, 258, 1064; HB 5136, 5138, 5140; 2089, 2123, 2186, 3075, 3494 -- Message from the House announcing passage.

SB 106, 230, 240, 368, 887, 913, 1012 -- Message from the House announcing passage as amended by the House.

HB 2416, 2569, 2604, 2722, 2995, 3038, 3465 -- Message from the House announcing concurrence in Senate amendments and repassage.

HB 2498 -- Message from the House announcing Conference Committee Report adopted and bill repassed.

SB 1039 -- Message from the House announcing Flores, Dallum, Rolblan appointed House conferees.

HB 2458 -- Message from the House announcing House refusal to concur in Senate amendments.

HB 2458 -- Message from the House announcing Garrard, Ackerman, Jenson appointed House conferees.

HB 2026, 2051, 2059, 2061, 2099, 2102, 2203, 2205, 2207, 2222, 2228, 2513, 2524, 2577, 2669, 2724, 2739, 2868, 2875, 2881, 2937, 2946, 2969, 3017, 3047, 3268, 3273 -- Message from the House announcing the Speaker signed on June 17.

Committee Report Summary No. 99 listing the following reports was distributed to members June 17. Summary list recorded in Journal and Status Report by order of the President.

SB 5625 -- Report by Special Committee on Budget recommending passage with amendments.

Committee Report Summary No. 100 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 591 -- Report by Committee on Judiciary recommending passage.

HB 5086 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 5095 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 5098 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 5099 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 5100 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 5101 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 5105 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 5106 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 5107 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 5110 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 5117 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 5123 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 2156 -- Report by Committee on Judiciary recommending passage.

HB 2227 -- Report by Committee on Judiciary recommending passage.

HB 2323 -- Report by Committee on Judiciary recommending passage.

HB 2667 -- Report by Committee on Judiciary recommending passage.

HB 2730 -- Report by Committee on Judiciary recommending passage of the A-Engrossed bill.

HB 2742 -- Report by Committee on Judiciary recommending passage of the A-Engrossed bill.

Senate at ease. Senate reassembled.

SB 231 B-Eng. -- Burdick moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 28; absent, 1 – Ringo; excused, 1 – Starr, C. Bill repassed.

SB 284 A-Eng. -- Burdick moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 24; nays, 4 – Atkinson, Beyer, Kruse, Schrader; absent, 1 – Ringo; excused, 1 – Starr, C. Bill repassed.

SB 460 B-Eng. -- Monnes Anderson moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 28; absent, 1 – Ringo; excused, 1 – Starr, C. Bill repassed.

SB 585 B-Eng. -- Metsger moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 21; nays, 7 – Beyer, Ferrioli, George, Johnson, Kruse, Schrader, Verger; absent, 1 – Ringo; excused, 1 – Starr, C. Bill repassed.

SB 847 A-Eng. -- Deckert moved that the Senate concur in House amendments and repass bill.

On concurrence and repassage the vote was: Ayes, 28; absent, 1 – Ringo; excused, 1 – Starr, C. Bill repassed.

SJR 10 -- Committee report and minority report read. Deckert moved that the Senate adopt the committee report. Atkinson moved that the minority report be substituted for the committee report. Call of the Senate demanded by Atkinson joined by Ferrioli and Starr, C. All present except Ringo, absent.

SJR 10 -- Motion to substitute minority report failed. The vote was: Ayes, 12; nays, 17 – Bates, Brown, Burdick, Carter, Deckert, Devlin, Gordly, Johnson, Metsger, Monnes Anderson, Morrisette, Prozanski, Schrader, Shields, Verger, Walker, President Courtney; absent, 1 – Ringo. Motion failed.

SJR 10 A-Eng. -- Bill, as amended by committee report, read final time. Call of the Senate demanded by Deckert joined by Brown and Devlin. All present except Ringo, absent. On passage of bill the vote was: Ayes, 16; nays, 13 – Atkinson, Beyer, Ferrioli, George, Johnson, Kruse, Morse, Nelson, Starr, B., Starr, C., Westlund, Whitsett, Winters; absent, 1 – Ringo. Resolution adopted.

SJR 10 -- Prozanski requested the following explanation of vote be entered into the journal:

“I voted against the motion to substitute the minority report for SJR 10 because it would replace the majority report which I support. Further, there are other bills that could accomplish the goal of the minority report. I also question the need to amend the state constitution.”

SJR 10 -- Verger requested the following explanation of vote be entered into the journal:

“I voted for SJR 10 only because it gives the people of Oregon a chance to decide if they want to change the deadline for voter registration from 21 days before the election to the day of the election.

“While this issue can certainly be debatable, I would be willing to allow Oregon voters to have their say on this issue.”

HB 3310 -- Consideration of Committee and Minority Reports taken from today's calendar and placed on June 21 calendar by voice vote on motion of Brown.

SB 5625; 427, 572, 591, 786 -- Read second time and passed to third reading.

SB 5536 A-Eng. -- Read third time. Carried by Bates. Potential conflict of interest declared by Verger, Winters. Call of the Senate demanded by Brown joined by Walker and Burdick. All present except Ringo, absent. On passage of bill the vote was: Ayes, 16; nays, 13 – Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Starr, B., Starr, C., Verger, Westlund, Whitsett, Winters; absent, 1 – Ringo. Bill passed.

SB 5536 -- Prozanski requested the following explanation of vote be entered into the journal:

“I voted for SB 5536 because it represents the DEQ's Budget for 2005-07.

“Some members questioned the need to place a budget note in the bill to prohibit the DEQ from implementing the California Emission Standard. Even though I question the impact of such a standard in Oregon, I understand such a budget note would be unconstitutional. I am not willing to vote for an unconstitutional provision. Further if DEQ did want to adopt any emission standard it would have to do so through rulemaking and would have to hold public hearings to consider such a rule change.”

SB 5541 A-Eng. -- Read third time. Carried by Johnson. On passage of bill the vote was: Ayes, 22; nays, 7 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C.; absent, 1 – Ringo. Bill passed.

SB 5542 A-Eng. -- Read third time. Carried by Bates. On passage of bill the vote was: Ayes, 19; nays, 10 – Atkinson, Beyer, Ferrioli, George, Kruse, Nelson, Starr, B., Starr, C., Verger, Whitsett; absent, 1 – Ringo. Bill passed.

SB 5543 A-Eng. -- Read third time. Carried by Devlin. On passage of bill the vote was: Ayes, 20; nays, 9 – Atkinson, Beyer, Ferrioli, George, Kruse, Nelson, Starr, B., Starr, C., Whitsett; absent, 1 – Ringo. Bill passed.

SB 5590 A-Eng. -- Read third time. Carried by Bates. On passage of bill the vote was: Ayes, 18; nays, 11 – Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Starr, B., Starr, C., Whitsett, Winters; absent, 1 – Ringo. Bill passed.

SB 424 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 29; absent, 1 – Ringo. Bill passed.

SB 785 -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 29; absent, 1 – Ringo. Bill passed.

HB 5136, 5138, 5140; 2089, 2123, 2186, 3075, 3494 -- Read first time and referred to President's desk.

HB 5086, 5095, 5098, 5099, 5100, 5101, 5105, 5106, 5107, 5110, 5117, 5123; 2156, 2227, 2323, 2667, 2730, 2742, 2951 -- Read second time and passed to third reading.

HB 2141 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 28; nays, 1 – Brown; absent, 1 – Ringo. Bill passed.

HB 2142 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 27; nays, 2 – Carter, Gordly; absent, 1 – Ringo. Bill passed.

HB 2268 A-Eng. -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 29; absent, 1 – Ringo. Bill passed.

HB 2297 -- Read third time. Carried by Whitsett. On passage of bill the vote was: Ayes, 29; absent, 1 – Ringo. Bill passed.

HB 2361 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 29; absent, 1 – Ringo. Bill passed.

The following measures were referred to committee on June 17 and recorded on Committee Referral List No. 47 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 1079 Rules  
 SB 1080 Rules  
 SB 1081 Rules  
 SB 1082 Rules  
 HCR 17 Rules  
 HJM 7 Rules  
 HB 5084 Budget  
 HB 5087 Budget  
 HB 5113 Budget  
 HB 5129 Budget  
 HB 5130 Budget  
 HB 5132 Budget  
 HB 5133 Budget  
 HB 5134 Budget  
 HB 5135 Budget  
 HB 5141 Budget  
 HB 2070 Rules  
 HB 2233 Rules  
 HB 2566 Rules  
 HB 2591 Rules  
 HB 2593 Budget  
 HB 2787 Revenue  
 HB 2828 Rules  
 HB 3029 Rules  
 HB 3073 Rules  
 HB 3085 Rules  
 HB 3104 Rules  
 HB 3457 Rules  
 HB 3474 Rules

#### **State Board of Direct Entry Midwifery (ORS 687.470)**

Betty Griffith (r) Rules

#### **Oregon Economic & Community Development Commission (ORS 285A.040)**

Pamela Hulse Andrews (r) Rules  
 Carl Talton (r) Rules  
 Walter Van Valkenburg (r) Rules

#### **State Board of Higher Education (ORS 351.020)**

Bridget Burns (r) Rules  
 Adriana Mendoza (r) Rules  
 Howard Sohn (r) Rules  
 Tony Van Vliet (r) Rules

#### **State Board of Pharmacy (ORS 689.115)**

Cathryn Lew (r) Rules

#### **Board on Public Safety Standards and Training (ORS 181.620)**

Larry Goff Rules  
 Erik Kvarsten (r) Rules  
 Eric Meyer (r) Rules  
 Wanda Sorenson Rules  
 Eric Swanson (r) Rules

#### **Oregon Tourism Commission (ORS 285A.261)**

Katy Coba (r) Rules  
 Joe D'Alessandro (r) Rules

HB 2026, 2051, 2059, 2061, 2099, 2102, 2203, 2205, 2207, 2222, 2228, 2484, 2513, 2524, 2577, 2669, 2724, 2739, 2868, 2875, 2881, 2937, 2946, 2969, 3017, 3047, 3268, 3273 -- President Courtney signed on June 20.

Senate adjourned until 9:00 a.m. Tuesday by unanimous consent at the request of the Chair.

#### **Tuesday, June 21, 2005 -- Morning Session**

Senate convened at 9:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Rick Metsger, Welches.

SB 79, 94, 131, 203, 278, 385, 462, 481, 487, 538, 547, 594, 1002 -- Message from the Governor announcing he signed on June 20.

SB 1026, 1045 -- Message from the House announcing passage.

SB 896, 996 -- Message from the House announcing passage as amended by the House.

HB 2200, 2303, 3363 -- Message from the House announcing concurrence in Senate amendments and repassage.

SCR 7,8; SJM 4; SJR 31; SB 13, 21, 22, 24, 25, 33, 35, 36, 39, 56, 68, 109, 114, 115, 120, 121, 122, 130, 135, 167, 221, 224, 225, 268, 270, 272, 275, 277, 293, 316, 324, 327, 328, 332, 346, 353, 355, 370, 371, 373, 404, 443, 490, 512, 579, 599, 605, 623, 643, 670, 688, 694, 697, 755, 848, 936, 938, 940, 947, 970, 997; HB 2999, 3183, 3219 -- Message from the House announcing the Speaker signed on June 20.

Committee Report Summary No. 101 listing the following reports was distributed to members June 20. Summary list recorded in Journal and Status Report by order of the President.

SB 315 -- Report by Committee on Revenue recommending passage with amendments.

SB 853 -- Report by Committee on Revenue recommending passage with amendments to the A-Engrossed bill.

Committee Report Summary No. 102 listing the following reports was distributed to members today.

Summary list recorded in Journal and Status Report by order of the President.

SB 71 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

SB 289 -- Report by Special Committee on Budget recommending passage.

Senate recessed until 9:30 a.m. by unanimous consent on motion of Brown.

Recess extended until 10:30 a.m. by unanimous consent at the request of the Chair.

Senate reconvened at 10:30 a.m. President Courtney in Chair. All present.

Senate, having recessed following the order of Propositions and Motions, resumed under the general order of business by unanimous consent at the request of the Chair.

Senate at ease. Senate reassembled.

SB 5625 -- Made a Special Order of Business immediately under final consideration by unanimous consent on motion of Schrader.

SB 5625 A-Eng. -- Under Special Order of Business, read third time. Carried by Schrader. On passage of bill the vote was: Ayes, 25; nays, 5 – Beyer, Ferrioli, George, Kruse, Whitsett. Bill passed.

SB 20 A-Eng. -- Morrisette moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 30. Bill repassed.

SB 230 B-Eng. -- Burdick moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 29; nays, 1 – Atkinson. Bill repassed.

SB 240 B-Eng. -- Burdick moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 30. Bill repassed.

SB 368 B-Eng. -- Burdick moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 30. Bill repassed.

SB 618 B-Eng. -- Monnes Anderson moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 29; attending legislative business, 1 – Nelson. Bill repassed.

SB 638 -- Senate refused to concur in House amendments by voice vote on motion of Shields. Conferees to be appointed.

SB 880 B-Eng. -- Monnes Anderson moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 30. Bill repassed.

SB 887 -- Senate refused to concur in House amendments by voice vote on motion of Ringo. Conferees to be appointed.

HB 2498 B-Eng.\* -- Conference Committee report adopted and bill repassed on motion of Winters. The vote was: Ayes, 30. Bill repassed.

SB 427 -- Starr, C. rose to a point of order and stated that he did not intend to move the minority report.

SB 427 -- Rereferred to Committee on Revenue by voice vote on motion of Brown.

HB 3310 -- Consideration of Committee and Minority Reports taken from today's calendar and placed on June 22 calendar by voice vote on motion of Ringo.

SB 1083 -- Introduced, read first time and referred to President's desk.

SB 71, 289, 315, 853 -- Read second time and passed to third reading.

SB 572 A-Eng. -- Read third time. Carried by Monnes Anderson. On passage of bill the vote was: Ayes, 29; attending legislative business, 1 – Burdick. Bill passed. Metsger, attending legislative business when roll called, granted unanimous consent to vote aye. Potential conflict of interest declared by Metsger.

SB 591 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 26; nays, 3 – Beyer, Kruse, Starr, B.; attending legislative business, 1 – Metsger. Bill passed.

SB 786 A-Eng. -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 29; attending legislative business, 1 – Metsger. Bill passed.

HB 5086 A-Eng. -- Read third time. Carried by Johnson. On passage of bill the vote was: Ayes, 28; nays, 1 – George; attending legislative business, 1 – Metsger. Bill passed.

HB 5095 A-Eng. -- Read third time. Carried by Johnson. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 5098 A-Eng. -- Read third time. Carried by Nelson. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 5099 A-Eng. -- Read third time. Carried by Westlund. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 5100 A-Eng. -- Read third time. Carried by Westlund. On passage of bill the vote was: Ayes, 29; nays, 1 – Whitsett. Bill passed.

HB 5101 A-Eng. -- Read third time. Carried by Westlund. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 5105 A-Eng. -- Read third time. Carried by Carter. On passage of bill the vote was: Ayes, 26; nays, 4 – Beyer, Kruse, Starr, B., Verger. Bill passed.

HB 5106 A-Eng. -- Read third time. Carried by Westlund. On passage of bill the vote was: Ayes, 30. Bill passed.



HB 5107 A-Eng. -- Read third time. Carried by Carter. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 5110 A-Eng. -- Read third time. Carried by Bates. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 5117 A-Eng. -- Read third time. Carried by Devlin. On passage of bill the vote was: Ayes, 25; nays, 5 – Beyer, Kruse, Starr, C., Whitsett, Winters. Bill passed.

HB 5123 A-Eng. -- Read third time. Carried by Nelson. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 2156, 2227, 2323, 2667, 2730, 2742, 2951 -- Carried over to June 22 calendar by unanimous consent at the request of the Chair.

HB 2458 -- Nelson, Ringo, Shields appointed Senate conferees.

SB 15, 151, 477, 921, 1006; HB 2999, 3183, 3219 -- President Courtney signed on June 21.

Senate adjourned until 9:00 a.m. Wednesday by unanimous consent at the request of the Chair.

### **Wednesday, June 22, 2005 -- Morning Session**

Senate convened at 9:00 a.m. President Pro Tempore Carter in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, President Courtney, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett; excused -- Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Steve Bryant, City Manager of Albany.

SB 691, 692; HB 5162 -- Message from the House announcing passage.

Committee Report Summary No. 103 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 55 B-Eng. -- Report by Conference Committee, signed by Senators Metsger, Starr, B., Burdick and Representatives Anderson, Jenson, Nolan, recommending the Senate concur in House amendments dated May 20 and that the bill be repassed.

SB 5545 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5573 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5576 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5583 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5602 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5606 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5610 -- Report by Special Committee on Budget recommending passage with amendments.

SB 152 -- Report by Special Committee on Budget recommending passage with amendments.

SB 304 -- Report by Committee on Judiciary without recommendation as to passage and requesting referral to Committee on Rules. Referred to Committee on Rules by order of the President.

SB 311 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

SB 364 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

SB 421 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

SB 593 -- Report by Committee on Revenue recommending passage of the A-Engrossed bill.

SB 815 -- Report by Special Committee on Budget without recommendation as to passage and requesting referral to Committee on Rules. Referred to Committee on Rules by order of the President.

HB 2050 -- Report by Committee on Judiciary without recommendation as to passage and requesting referral to Committee on Rules. Referred to Committee on Rules by order of the President.

HB 3159 -- Report by Committee on Judiciary without recommendation as to passage and requesting referral to Committee on Rules. Referred to Committee on Rules by order of the President.

HB 3415 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

Senate at ease. Senate reassembled.

SB 106 -- Senate refused to concur in House amendments by voice vote on motion of Burdick. Conferees to be appointed.

SB 386 B-Eng. -- Prozanski moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 29; excused, 1 – Winters. Bill repassed.

SB 573 B-Eng. -- Prozanski moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 29; excused, 1 – Winters. Bill repassed.

SB 996 B-Eng. -- Deckert moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 29; excused, 1 – Winters. Bill repassed.

SB 23 B-Eng. -- Deckert moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 29; excused, 1 – Winters. Bill repassed.

HB 3310 -- Committee report and minority report read. Ringo moved that the Senate adopt the

committee report. Beyer moved that the minority report be substituted for the committee report.

HB 3310 -- Motion to substitute minority report failed. The vote was: Ayes, 12; nays, 17 – Bates, Brown, Burdick, Carter, Deckert, Devlin, Gordly, Metsger, Monnes Anderson, Morrisette, Prozanski, Ringo, Schrader, Shields, Verger, Walker, President Courtney; excused, 1 – Winters. Motion failed.

HB 3310 B-Eng. -- Bill, as amended by committee report, read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 16; nays, 13 – Atkinson, Beyer, Carter, Deckert, Ferrioli, George, Kruse, Morse, Nelson, Schrader, Starr, B., Starr, C., Whitsett; excused, 1 – Winters. Bill passed.

SJM 8; SB 5629, 5630, 5631, 5632, 5633, 5634, 5635, 5636, 5637, 5638, 5639, 5640, 5641, 5642, 5643; 1084, 1086, 1087, 1088 -- Introduced, read first time and referred to President's desk.

SB 593 -- Read second time and passed to third reading.

SB 71 A-Eng. -- Read third time. Carried by Schrader. Call of the Senate demanded by George joined by Ferrioli, Starr, C. All present except Bates, Westlund, absent; Winters, excused. Pending arrival of members subject to the Call, Senate at ease. All present except Winters, excused. Senate reassembled. Potential conflict of interest declared by Morse. On passage of bill the vote was: Ayes, 30. Bill passed. Winters excused when roll called, granted unanimous consent to vote aye.

SB 289 -- Read third time. Carried by Shields. Potential conflict of interest declared by Kruse. On passage of bill the vote was: Ayes, 30. Bill passed. Winters excused when roll called, granted unanimous consent to vote aye.

SB 315 A-Eng. -- Read third time. Carried by Deckert, Gordly. On passage of bill the vote was: Ayes, 21; nays, 8 – Atkinson, Beyer, Ferrioli, George, Kruse, Nelson, Starr, B., Whitsett; excused, 1 – Winters. Bill passed.

SB 853 B-Eng. -- Read third time. Carried by Morse. On passage of bill the vote was: Ayes, 30. Bill passed. Winters excused when roll called, granted unanimous consent to vote aye.

HB 5162 -- Read first time and referred to President's desk.

HB 3415 -- Read second time and passed to third reading.

HB 2156 -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 28; excused, 1 – Winters; attending legislative business, 1 – Gordly. Bill passed.

HB 2227 -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 2323 -- Read third time. Carried by Whitsett. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 2667 -- Read third time. Carried by Beyer. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 2730 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 2742 A-Eng. -- Read third time. Carried by Devlin. Call of the Senate demanded by Devlin joined by Walker and Burdick. All present. On passage of bill the vote was: Ayes, 22; nays, 8 – Beyer, George, Kruse, Morse, Starr, B., Starr, C., Verger, Whitsett. Bill passed.

HB 2951 B-Eng. -- Read third time. Carried by George. On passage of bill the vote was: Ayes, 30. Bill passed.

SB 106 -- Burdick, Beyer, Prozanski appointed Senate conferees.

SB 638 -- Deckert, Beyer, Shields appointed Senate conferees.

HB 2189, 2276, 2281, 2416, 2452, 2511, 2518, 2569, 2604, 2659, 2722, 2755, 2995, 3038, 3206, 3441, 3465 -- President Courtney signed on June 22.

Senate adjourned until 9:00 a.m. Thursday by unanimous consent at the request of the Chair.

#### Thursday, June 23, 2005 -- Morning Session

Senate convened at 9:00 a.m. President Pro Tempore Carter in Chair. The following members were present: Bates, Brown, President Courtney, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Westlund, Whitsett, Winters; absent -- Atkinson; attending legislative business -- Beyer, Burdick, Walker. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pastor Jim Holm, New Hope Foursquare Church, Salem.

SB 57, 236, 273, 287, 641, 881, 973; HB 2159, 2588, 3168 -- Message from the House announcing passage.

HB 2141 -- Message from the House announcing concurrence in Senate amendments and repassage.

SB 15, 151, 477, 921, 1006; HB 2189, 2276, 2281, 2416, 2452, 2511, 2518, 2569, 2604, 2659, 2722, 2755, 2995, 3038, 3206, 3441, 3465 -- Message from the House announcing the Speaker signed on June 22.

Committee Report Summary No. 104 listing the following reports was distributed to members June 22. Summary list recorded in Journal and Status Report by order of the President.

SB 65 -- Report by Committee on Judiciary recommending passage with amendments.

SB 420 -- Report by Committee on Rules recommending passage with amendments and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

SB 818 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

HB 2167 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

HB 2221 -- Report by Committee on Judiciary recommending passage with amendments to the B-Engrossed bill.

HB 2282 -- Report by Committee on Judiciary recommending passage with amendments to the A-Engrossed bill.

HB 2359 -- Report by Judiciary recommending passage with amendments to the A-Engrossed bill to resolve conflicts.

HB 2599 -- Report by Committee on Judiciary, signed by Burdick, Chair, recommending passage with amendments to the A-Engrossed bill. Minority Report, signed by Beyer, Whitsett, recommending passage with different amendments to the A-Engrossed bill.

HB 2811 -- Report by Committee on Judiciary recommending passage with amendments to the A-Engrossed bill.

HB 3127 -- Report by Committee on Rules recommending passage with amendments.

HB 3458 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

Committee Report Summary No. 105 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 1073 -- Report by Committee on Rules recommending passage with amendments. Referred to Special Committee on Budget by order of the President.

HB 2212 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 2269 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 2306 -- Report by Committee on Judiciary recommending passage with amendments to the A-Engrossed bill.

HB 2840 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 3466 -- Report by Committee on Rules recommending passage with amendments. Referred to Special Committee on Budget by prior reference.

SB 323 -- Senate refused to concur in House amendments by voice vote on motion of Metsger. Conferees to be appointed.

SB 896 -- Senate refused to concur in House amendments by voice vote on motion of Starr, B. Conferees to be appointed.

SB 55 B-Eng.\* -- Conference Committee report adopted and bill repassed on motion of Metsger. The vote was: Ayes, 25; nays, 1 – Kruse; absent, 1 – Atkinson; attending legislative business, 3 – Beyer, Burdick, Walker. Bill repassed.

SB 1085 -- Introduced, read first time and referred to President's desk.

SB 5545, 5573, 5576, 5583, 5602, 5606, 5610; 65, 152, 311, 364, 421, 818 -- Read second time and passed to third reading.

SB 593 A-Eng. -- Read third time. Carried by Schrader. Call of the Senate demanded by Schrader joined by Brown and Shields. All present except Beyer, Burdick, Walker, attending legislative business. Pending arrival of members subject to the Call, Senate at ease. All present. Senate reassembled. On passage of bill the vote was: Ayes, 22; nays, 8 – Beyer, Ferrioli, George, Kruse, Nelson, Starr, C., Westlund, Whitsett. Bill passed.

HB 2159, 2588, 3168 -- Read first time and referred to President's desk.

HB 2167, 2212, 2221, 2269, 2282, 2359, 2599, 2811, 2840, 3127, 3458 -- Read second time and passed to third reading.

HB 3415 A-Eng. -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 26; attending legislative business, 4 – Beyer, Burdick, Walker, Whitsett. Bill passed.

The following measures were referred to committee on June 22 and recorded on Committee Referral List No. 48 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SJM 8 Rules  
 SB 5629 Budget  
 SB 5630 Budget  
 SB 5631 Budget  
 SB 5632 Budget  
 SB 5633 Budget  
 SB 5634 Budget  
 SB 5635 Budget  
 SB 5636 Budget  
 SB 5637 Budget  
 SB 5638 Budget  
 SB 5639 Budget  
 SB 5640 Budget  
 SB 5641 Budget  
 SB 5642 Budget  
 SB 5643 Budget  
 SB 1083 Rules; Revenue  
 SB 1084 Budget  
 SB 1086 Rules  
 SB 1087 Rules  
 SB 1088 Budget  
 HB 5136 Budget  
 HB 5138 Budget  
 HB 5140 Budget  
 HB 5162 Budget  
 HB 2089 Rules  
 HB 2123 Budget  
 HB 2186 Budget  
 HB 3075 Rules  
 HB 3494 Rules

SB 1064 -- President Courtney signed on June 22.

Senate adjourned until 9:00 a.m. Friday by unanimous consent at the request of the Chair.

**Friday, June 24, 2005 -- Morning Session**

Senate convened at 9:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett; absent -- Carter, Nelson; excused -- Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Charles Starr, Hillsboro.

The following messages from the Governor were read and referred to the President's desk:

June 23, 2005

**TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 674.305 provides that the Governor shall appoint the members of the Appraiser Certification and Licensure Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Sara Fraser of Eugene to the Appraiser Certification and Licensure Board for a four-year term beginning July 1, 2005, and ending June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

June 23, 2005

**TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 357.010 provides that the Governor shall appoint the members of the Trustees of the State Library, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Sue Burkholder of Ashland to the Trustees of the State Library for a four-year term beginning August 1, 2005, and ending June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

June 23, 2005

**TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 357.010 provides that the Governor shall appoint the members of the Trustees of the State Library, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Yvonne Williams of Portland to the Trustees of the State Library for a four-year term beginning July 1,

2005, and ending June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

June 23, 2005

**TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 461.100 provides that the Governor shall appoint the members of the Oregon State Lottery Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Pamela Fogg of Boring to the Oregon State Lottery Commission for an unexpired four-year term beginning July 1, 2005, and ending December 19, 2007, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

June 23, 2005

**TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 461.100 provides that the Governor shall appoint the members of the Oregon State Lottery Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Kerry Tymchuk of Portland to the Oregon State Lottery Commission for a four-year term beginning January 14, 2005, and ending January 13, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

June 23, 2005

**TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 778.215 provides that the Governor shall appoint the members of the Board of Commissioners of Port of Portland, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Steve Corey of Pendleton to the Board of Commissioners of Port of Portland for a four-year term beginning April 1, 2005, and ending March 31, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

June 23, 2005

**TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 778.215 provides that the Governor shall appoint the members of the Board of Commissioners of Port of Portland, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Judith Johansen of Lake Oswego to the Board of Commissioners of Port of Portland for a four-year term beginning September 15, 2005, and ending September 14, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

June 23, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 778.215 provides that the Governor shall appoint the members of the Board of Commissioners of Port of Portland, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Junki Yoshida of Portland to the Board of Commissioners of Port of Portland for a four-year term beginning October 1, 2003, and ending September 30, 2007, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

June 23, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

Chapter 918, Sec. 2 Oregon Laws 2001 provides that the Governor shall appoint the members of the Sustainability Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Trey Senn of Klamath Falls to the Sustainability Board for an unexpired four-year term beginning July 2, 2005, and ending December 31, 2006, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

June 23, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

Chapter 918, Sec. 2 Oregon Laws 2001 provides that the Governor shall appoint the members of the Sustainability Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Sara Vickerman of Lake Oswego to the Sustainability Board for a four-year term beginning July 2, 2005, and ending December 31, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

June 23, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 267.090 provides that the Governor shall appoint the members of the Tri-Met Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint George Richardson of Portland to the Tri-Met Board for a four-year term beginning September 10, 2005, and ending September 9, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

June 23, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 267.090 provides that the Governor shall appoint the members of the Tri-Met Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Tiffany Sweitzer of Portland to the Tri-Met Board for a four-year term beginning July 1, 2005, and ending June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

SB 198, 262, 528, 568, 914, 919; HB 5083, 5146, 5157; 2120, 2247, 2717, 3230, 3260 -- Message from the House announcing passage.

SB 89, 693 -- Message from the House announcing passage as amended by the House.

HB 2951 -- Message from the House announcing concurrence in Senate amendments and repassage.

SB 106 -- Message from the House announcing Barker, Krieger, and Olson appointed House Conferees.

SB 110 -- Message from the House announcing Brown, Esquivel and Macpherson appointed House Conferees.

Committee Report Summary No. 106 listing the following reports was distributed to members June 23. Summary list recorded in Journal and Status Report by order of the President.

HB 2230 -- Report by Committee on Judiciary recommending passage with amendments to the A-Engrossed bill.

Committee Report Summary No. 107 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HJM 35 -- Report by Committee on Rules recommending adoption.

HB 2202 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 2315 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 2335 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 2596 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 2729 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 2831 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 2976 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 3029 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 3050 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 3197 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 3223 -- Report by Committee on Rules recommending passage.

HB 3252 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 3257 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 3272 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 3301 -- Report by Committee on Rules recommending passage of the B-Engrossed bill.

HB 3318 -- Report by Committee on Rules recommending passage.

HB 3468 -- Report by Committee on Rules recommending passage.

HB 3482 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

SB 1012 A-Eng. -- Burdick moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 24; nays, 3--Beyer, Kruse, Nelson; absent, 2--Carter, Schrader; excused, 1--Winters. Bill repassed. Westlund, attending legislative business when roll called, granted unanimous consent to vote aye.

Senate recessed until 9:35 a.m. by unanimous consent on motion of Brown.

Senate reconvened at 9:35 a.m. President Courtney in Chair. All present except Carter, absent; Winters, excused.

Senate, having recessed under the order of Propositions and Motions, resumed under the general order of business by unanimous consent at the request of the Chair.

HB 2167 -- Taken from today's third reading Calendar and rereferred to Committee on Rules by voice vote on motion of Brown.

HB 2599 -- Committee report and minority report read. Burdick moved the Senate adopt the committee report. Beyer moved the minority report be substituted for the committee report. Call of the Senate demanded by Beyer joined by Gordly and George. All present except Carter, Nelson, absent; Winters, excused.

HB 2599 -- Motion to substitute minority report carried. The vote was: Ayes, 14; nays, 13 -- Bates, Brown, Burdick, Deckert, Devlin, Metsger, Monnes Anderson, Ringo, Schrader, Shields, Verger, Walker, President Courtney; absent, 2 -- Carter, Nelson; excused, 1 -- Winters. Motion carried.

HB 2599 A-Eng. -- Bill, as amended by minority report, read third time. Carried by Beyer.

Senate at ease. Senate reassembled.

HB 2599 A-Eng. -- Brown moved that bill be referred to Rules. The vote was: Ayes, 17; nays, 10--Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Starr, B., Starr, C., Westlund, Whitsett; absent, 2--Carter, Nelson; excused, 1--Winters. Motion carried.

SCR 11 -- Introduced, read first time and referred to President's desk.

SJR 34 -- Read final time. Carried by Ferrioli. On adoption of resolution, the vote was: Ayes, 25; nays, 2 -- Beyer, Whitsett; absent, 2 -- Carter, Nelson; excused, 1 -- Winters. Resolution adopted.

SB 5545 A-Eng. -- Read third time. Carried by Gordly. On passage of bill the vote was: Ayes, 20; nays, 7 -- Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C.; absent, 2 -- Carter, Nelson; excused, 1 -- Winters. Bill passed.

SB 152 -- Moved to the head of today's third reading calendar by unanimous consent at the request of the Chair.

SB 152 A-Eng. -- Read third time. Carried by Verger. On passage of bill the vote was: Ayes, 27; absent, 2 -- Carter, Nelson; excused, 1 -- Winters. Bill passed.

SB 5573 A-Eng. -- Read third time. Carried by Johnson. On passage of bill the vote was: Ayes, 20; nays, 6 -- Atkinson, Beyer, George, Kruse, Starr, B., Whitsett; absent, 2 -- Carter, Nelson; excused, 1 -- Winters; attending legislative business, 1 -- Ferrioli. Bill passed.

SB 5576 A-Eng. -- Read third time. Carried by Westlund. On passage of bill the vote was: Ayes, 19; nays, 7 -- Atkinson, Beyer, George, Kruse, Starr, B., Starr, C., Whitsett; absent, 2 -- Carter, Nelson; excused, 1 -- Winters; attending legislative business, 1 -- Ferrioli. Bill passed.

SB 5583 A-Eng. -- Read third time. Carried by Gordly. Call of the Senate demanded by Brown joined by Prozanski and Monnes Anderson. All present except Carter, Ferrioli, Nelson, absent; Winters, excused. Pending arrival of members subject to the

Call, Senate at ease. Further proceedings under the Call terminated by unanimous consent at the request of the Chair. All present except Carter, Ferrioli, Nelson, absent; Winters, excused. Senate reassembled. On passage of bill the vote was: Ayes, 17; nays, 10 – Atkinson, Beyer, Ferrioli, George, Kruse, Metsger, Morse, Starr, B., Starr, C., Whitsett; absent, 2 – Carter, Nelson; excused, 1 – Winters. Bill passed. Ferrioli, absent when roll called, granted unanimous consent to vote no.

SB 5602 A-Eng. -- Read third time. Carried by Morrisette. Call of the Senate demanded by Brown joined by Gordly and Monnes Anderson. All present except Carter, Nelson, absent; Winters, excused. On passage of bill the vote was: Ayes, 19; nays, 8 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C., Whitsett; absent, 2 – Carter, Nelson; excused, 1 – Winters. Bill passed.

SB 5606 A-Eng. -- Read third time. Carried by Gordly. Call of the Senate demanded by Brown joined by Johnson and Ferrioli. All present except Carter, Nelson, absent; Winters, excused. On passage of bill the vote was: Ayes, 20; nays, 7 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C.; absent, 2 – Carter, Nelson; excused, 1 – Winters. Bill passed.

SB 5610 A-Eng. -- Read third time. Carried by Schrader. On passage of bill the vote was: Ayes, 19; nays, 8 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C., Whitsett; absent, 2 – Carter, Nelson; excused, 1 – Winters. Bill passed.

SB 65, 311, 364, 421, 818 -- Carried over to June 27 calendar by unanimous consent at the request of the Chair.

HB 5083, 5146, 5157; 2120, 2247, 2717, 3230, 3260 -- Read first time and referred to President's desk.

HJM 35; HB 2202, 2230, 2306, 2315, 2335, 2596, 2729, 2831, 2976, 3029, 3050, 3197, 3223, 3252, 3257, 3272, 3301, 3318, 3468, 3482 -- Read second time and passed to third reading.

HB 2212, 2221, 2269, 2282, 2359, 2811, 2840, 3127, 3458 -- Carried over to June 27 calendar by unanimous consent at the request of the Chair.

SB 5551, 5556, 5557, 5558, 5559, 5561, 5563, 5591, 5592, 5596, 5597, 5598, 5599; 52, 61, 63, 229, 231, 258, 284, 383, 460, 585, 847, 1026, 1045 -- President Courtney signed on June 23.

Senate adjourned until 9:00 a.m. Monday by unanimous consent at the request of the Chair.

### **Monday, June 27, 2005 -- Morning Session**

Senate convened at 9:00 a.m. Metsger in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, President Courtney, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Rebecca

Ewing, an 8<sup>th</sup> grader from Damascus Middle School, singing "Amazing Grace", Portland.

Courtesies of the Senate were extended to former State Representative Lonnie Roberts at the request of George.

SB 1064; HB 2142, 2200, 2268, 2297, 2303, 2361, 3363 -- Message from the House announcing the Speaker signed on June 23.

Committee Report Summary No. 108 listing the following reports was distributed to members June 24. Summary list recorded in Journal and Status Report by order of the President.

SB 1076 -- Report by Committee on Rules recommending passage with amendments.

HB 2077 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

HB 2144 -- Report by Committee on Judiciary recommending passage with amendments.

HB 2210 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

HB 2224 -- Report by Committee on Judiciary recommending passage with amendments to the A-Engrossed bill.

HB 2404 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

HB 2614 -- Report by Committee on Rules recommending passage with amendments.

HB 2772 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

HB 3352 -- Report by Committee on Judiciary recommending passage with amendments to the A-Engrossed bill.

Senate recessed until 9:45 a.m. by unanimous consent on motion of Brown.

Senate reconvened at 9:45 a.m. Metsger in Chair. All present except Morrisette, excused; Bates, Carter, Schrader, attending legislative business.

Senate, having recessed under the order of Propositions and Motions, resumed under the general order of business by unanimous consent at the request of the Chair.

SB 89 B-Eng. -- Burdick moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 26; excused, 1 – Morrisette; attending legislative business, 3 – Bates, Carter, Schrader. Bill repassed.

SB 855 B-Eng. -- Monnes Anderson moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 25; excused, 1 – Morrisette; attending legislative business, 4 – Atkinson, Bates, Carter, Schrader. Bill repassed.

SB 962 B-Eng. -- Monnes Anderson moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 29; attending legislative business, 1 – Gordly. Bill repassed.

SB 1089, 1090 -- Introduced, read first time and referred to President's desk.

SB 1076 -- Read second time and passed to third reading.

SB 65 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 17; nays, 12 – Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Schrader, Starr, B., Verger, Westlund, Whitsett, Winters; attending legislative business, 1 – Gordly. Bill passed.

SB 311 B-Eng. -- Read third time. Carried by Westlund. On passage of bill the vote was: Ayes, 29; attending legislative business, 1 – Gordly. Bill passed.

SB 364 B-Eng. -- Read third time. Carried by Schrader. On passage of bill the vote was: Ayes, 27; nays, 2 – Beyer, Ferrioli; attending legislative business, 1 – Gordly. Bill passed.

SB 421 B-Eng. -- Read third time. Carried by Johnson. On passage of bill the vote was: Ayes, 28; nays, 1 – George; attending legislative business, 1 – Gordly. Bill passed.

SB 818 B-Eng. -- Bill read. Carried by Shields. On passage of bill the vote was: Ayes, 29; attending legislative business, 1 – Gordly. Bill passed.

HB 2077, 2144, 2210, 2224, 2404, 2614, 2772, 3352 -- Read second time and passed to third reading.

HB 2212 A-Eng. -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 30. Bill passed.

Courtesies of the Senate were extended to former Governor Barbara Roberts at the request of Brown.

HB 2221 C-Eng. -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 29; excused, 1 – Carter. Bill passed.

HB 2269 A-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 28; nays, 2 – George, Schrader. Bill passed.

HB 2282 B-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 28; nays, 2 – Schrader, Verger. Bill passed.

HB 2359 B-Eng. -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 29; nays, 1 – Schrader. Bill passed.

HB 2811 B-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 2840 A-Eng. -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 28; nays, 2 – Carter, Schrader. Bill passed.

HB 3127 A-Eng. -- Read third time. Carried by Ferrioli. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 3458 -- Moved to the foot of today's third reading calendar by unanimous consent at the request of the Chair.

HJM 35 -- Read final time. Carried by Ferrioli. On adoption of memorial, the vote was: Ayes, 29; nays, 1 – Verger. Memorial adopted.

HB 2202 A-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 27; nays, 1 – Verger; attending legislative business, 2 – Atkinson, Ringo. Bill passed.

HB 2202 -- Verger requested the following explanation of vote be entered into the journal:

"I voted No on HB 2202 as a protest vote. We do not adequately fund the local commissions, and yet, we want to add to their workload.

"We must put a higher budget priority on our local commissions on Children and Families who are so successful in their local communities, and who work so very hard with limited staff and inadequate resources.

"Homelessness is a major problem in our metropolitan areas, particularly. But if we want to add this to the responsibilities of the commissions, we must give them what they need to address the problem and provide solutions.

"Budgets are a Moral Document"

HB 2230 B-Eng. -- Read third time. Carried by Whitsett. On passage of bill the vote was: Ayes, 26; attending legislative business, 4 – Atkinson, Nelson, Prozanski, Ringo. Bill passed.

HB 2306 B-Eng. -- Read third time. Carried by Burdick. Call of the Senate demanded by Ferrioli joined by Starr, C., Starr, B. All present except Atkinson, Prozanski, Ringo, attending legislative business. Pending arrival of members subject to the Call, Senate at ease. All present. Senate reassembled. On passage of bill the vote was: Ayes, 28; nays, 2 – Schrader, Verger. Bill passed.

HB 2315 A-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 2335 A-Eng. -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 2596 A-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 29; nays, 1 – Schrader. Bill passed.

HB 2729 A-Eng. -- Read third time. Carried by Westlund. On passage of bill the vote was: Ayes, 25; nays, 4 – Beyer, Ferrioli, George, Kruse; absent, 1 – Nelson. Bill passed.

SB 323 -- Metsger, Beyer, Walker appointed Senate conferees.

SB 887 -- Ringo, Devlin, Starr, B. appointed Senate conferees.



SB 896 -- Deckert, Metsger, Starr, B. appointed Senate conferees.

Senate recessed until 3:00 p.m. by unanimous consent at the request of the Chair.

### **Monday, June 27, 2005 -- Afternoon Session**

Senate reconvened at 3:00 p.m. President Courtney in Chair. All present except Devlin, Gordly, attending legislative business; Winters, excused.

SB 373 -- Message from the Governor announcing he signed on June 24.

HB 2510, 3486 -- Message from the House announcing passage.

HB 3310 -- Message from the House announcing refusal to concur in Senate amendments. House conferees to be appointed.

Senate, having recessed under the order of Third Reading of House Measures, reverted to the order of Reports from Standing Committees by unanimous consent at the request of the Chair.

Committee Report Summary No. 109 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 2458 B-Eng. -- Report by Conference Committee, signed by Senators Nelson, Ringo, Shields and Representatives Garrard, Ackerman, Jenson recommending the House concur in Senate amendments dated June 13 and that the bill be further amended and repassed.

SB 907 -- Report by Committee on Judiciary recommending passage with amendments and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

HB 5162 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 2299 -- Report by Committee on Judiciary recommending passage with amendments.

HB 2312 -- Report by Committee on Judiciary recommending passage with amendments to the A-Engrossed bill.

HB 3419 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill to resolve conflicts.

Senate reverted to the order of First Reading of House Measures by unanimous consent at the request of the Chair.

HB 2510, 3486 -- Read first time and referred to President's desk.

Senate reverted to the order of Second Reading of House Measures by unanimous consent at the request of the Chair.

HB 5162 -- Read second time and passed to third reading.

Senate resumed under the order of Third Reading of House Measures by unanimous consent at the request of the Chair.

HB 2831 A-Eng. -- Read third time. Carried by Ferrioli. On passage of bill the vote was: Ayes, 27; excused, 2 -- Devlin, Winters; attending legislative business, 1 -- Gordly. Bill passed.

HB 2976 A-Eng. -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 26; excused, 1 -- Winters; attending legislative business, 3 -- Devlin, Gordly, Prozanski. Bill passed.

HB 3029 A-Eng. -- Read third time. Carried by Ferrioli. On passage of bill the vote was: Ayes, 26; excused, 1 -- Winters; attending legislative business, 3 -- Devlin, Gordly, Prozanski. Bill passed.

HB 3050 A-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 26; excused, 1 -- Winters; attending legislative business, 3 -- Devlin, Gordly, Prozanski. Bill passed.

HB 3197 A-Eng. -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 26; nays, 1 -- George; excused, 1 -- Winters; attending legislative business, 2 -- Gordly, Prozanski. Bill passed.

HB 3223 -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 26; nays, 1 -- Schrader; excused, 1 -- Winters; attending legislative business, 2 -- Gordly, Prozanski. Bill passed.

HB 3252 A-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 25; nays, 2 -- Carter, Schrader; excused, 1 -- Winters; attending legislative business, 2 -- Gordly, Prozanski. Bill passed.

HB 3257 A-Eng. -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 26; absent, 1 -- Metsger; excused, 1 -- Winters; attending legislative business, 2 -- Gordly, Prozanski. Bill passed.

HB 3272 A-Eng. -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 26; nays, 2 -- Carter, Schrader; excused, 1 -- Winters; attending legislative business, 1 -- Gordly. Bill passed.

HB 3301 B-Eng. -- Read third time. Carried by Morrisette. On passage of bill the vote was: Ayes, 27; nays, 1 -- Schrader; excused, 1 -- Winters; attending legislative business, 1 -- Gordly. Bill passed.

HB 3318 -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 28; excused, 1 -- Winters; attending legislative business, 1 -- Gordly. Bill passed.

HB 3468 -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 28; excused, 1 -- Winters; attending legislative business, 1 -- Gordly. Bill passed.

HB 3482 A-Eng. -- Read third time. Carried by Bates. On passage of bill the vote was: Ayes, 26; nays, 2 -- Beyer, Kruse; excused, 1 -- Winters; attending legislative business, 1 -- Gordly. Bill passed.

HB 3458 B-Eng. -- Read third time. Carried by Kruse. Call of the Senate demanded by Brown joined by Verger and Kruse. All present except Schrader, Walker, absent; Gordly, attending legislative business; Winters, excused. Pending arrival of members subject to the Call, Senate at ease. All present except Winters, excused. Senate reassembled. On passage of bill the vote was: Ayes, 29; excused, 1 – Winters. Bill passed.

Senate adjourned until 9:00 a.m. Tuesday by unanimous consent at the request of the Chair.

### **Tuesday, June 28, 2005 -- Morning Session**

Senate convened at 9:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; attending legislative business -- Burdick, Schrader. (Carter in Chair) Colors were posted and the Senate pledged allegiance to the flag. Invocation by Reverend Patricia Evans, First Christian Church, Albany.

Committee Report Summary No. 110 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 738 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

SB 1080 -- Report by Committee on Rules recommending passage.

HB 2754 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

SB 118 B-Eng. -- Prozanski moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 25; absent, 2 – Bates, Ringo; attending legislative business, 3 – Burdick, Schrader, Shields. Bill repassed. Westlund, absent when roll called, granted unanimous consent to vote aye.

Senate recessed until 9:45 a.m. by unanimous consent on motion of Brown.

Senate reconvened at 9:45 a.m. President Pro Tempore Carter in Chair. All present except Schrader, attending legislative business; Walker, excused.

Senate, having recessed under the order of Propositions and Motions, resumed under the general order of business by unanimous consent at the request of the Chair.

SB 693 A-Eng. -- Shields moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 28; excused, 1 – Walker; attending legislative business, 1 – Schrader. Bill repassed. Morrisette, absent when roll called, granted unanimous consent to vote aye.

SB 738, 1080 -- Read second time and passed to third reading.

SB 1076 A-Eng. -- Read third time. Carried by Devlin. On passage of bill the vote was: Ayes, 24; nays, 4 – Beyer, George, Kruse, Nelson; excused, 1 – Walker; attending legislative business, 1 – Schrader. Bill passed.

HB 2299, 2312, 3419 -- Read second time and passed to third reading.

HB 5162 -- Moved to the foot of today's third reading calendar by unanimous consent at the request of the Chair.

HB 2077 B-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 27; nays, 1 – Ringo; excused, 1 – Walker; attending legislative business, 1 – Schrader. Bill passed.

HB 2144 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 28; excused, 1 – Walker; attending legislative business, 1 – Schrader. Bill passed.

HB 2210 B-Eng. -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 29; excused, 1 – Walker. Bill passed.

HB 2224 B-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 28; nays, 1 – Schrader; excused, 1 – Walker. Bill passed.

HB 2404 B-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 29; excused, 1 – Walker. Bill passed.

HB 2614 -- Read third time. Carried by Brown. Taken from today's third reading calendar and placed on June 29 calendar by unanimous consent on motion of Brown.

HB 2772 B-Eng. -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 29; excused, 1 – Walker. Bill passed.

HB 3352 -- Read third time. Carried by Ringo. Taken from today's third reading calendar and placed on June 29 calendar by unanimous consent on motion of Ringo.

HB 5162 A-Eng. -- Read third time. Carried by Schrader. On passage of bill the vote was: Ayes, 29; excused, 1 – Walker. Bill passed.

The following measures were referred to committee on June 27 and recorded on Committee Referral List No. 49 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

|         |               |
|---------|---------------|
| SCR 11  | Rules         |
| SB 1085 | Rules; Budget |
| SB 1089 | Rules         |
| SB 1090 | Budget        |
| HB 5083 | Budget        |
| HB 5146 | Budget        |
| HB 5157 | Budget        |
| HB 2120 | Budget        |
| HB 2159 | Budget        |

HB 2247 Rules  
 HB 2588 Rules; Budget  
 HB 2717 Budget  
 HB 3168 Rules  
 HB 3230 Budget  
 HB 3260 Rules

**Appraiser Certification and Licensure Board (ORS 674.305)**

Sara Fraser Rules

**Trustees of the State Library (ORS 357.010)**

Sue Burkholder Rules  
 Yvonne Williams (r) Rules

**Oregon State Lottery Commission (ORS 461.100)**

Pamela Fogg Rules  
 Kerry Tymchuk (r) Rules

**Board of Commissioners of the Port of Portland (ORS 778.215)**

Steve Corey (r) Rules  
 Junki Yoshida (r) Rules  
 Judith Johansen (r) Rules

**Sustainability Board (Ch 918 S 2 OR Laws 2001)**

Trey Senn Rules  
 Sara Vickerman (r) Rules

**Tri-Met Board (ORS 267.090)**

George Richardson (r) Rules  
 Tiffany Sweitzer (r) Rules

HB 3310 -- Beyer, Burdick, Ringo appointed Senate conferees.

SB 20, 23, 57, 230, 236, 240, 273, 287, 368, 386, 573, 618, 641, 691, 692, 880, 881, 973, 996; HB 2142, 2200, 2268, 2297, 2303, 2361, 3363 -- President Courtney signed on June 28.

Senate adjourned until 9:00 a.m. Wednesday by unanimous consent at the request of the Chair.

**Wednesday, June 29, 2005 -- Morning Session**

Senate convened at 9:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett; excused -- Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Dr. David Wilson, President of Northwest Christian College, Eugene.

SB 5551, 5556, 5557, 5558, 5559, 5561, 5563, 5591, 5592, 5596, 5597, 5598, 5599; 13, 21, 22, 24, 25, 36, 56, 68, 109, 114, 115, 122, 130, 167, 224, 293, 327, 328, 353, 490, 512, 623, 688, 938, 947 -- Message from the Governor announcing he signed on June 28.

HB 5625; 3481 -- Message from the House announcing passage.

HB 2458 -- Message from the House announcing adoption of conference committee report and repassage.

SB 323 -- Message from the House announcing Brown, Esquivel, Holvey appointed House conferees.

SB 5551, 5556, 5557, 5558, 5559, 5561, 5563, 5591, 5592, 5596, 5597, 5598, 5599; 52, 61, 63, 229, 231, 258, 284, 460, 585, 847, 1026 -- Message from the House announcing the Speaker signed on June 28.

Committee Report Summary No. 111 listing the following reports was distributed to members June 28. Summary list recorded in Journal and Status Report by order of the President.

SB 5547 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5593 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5594 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5603 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5605 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5607 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5608 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5609 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5613 -- Report by Special Committee on Budget recommending passage with amendments.

SB 704 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

SB 838 -- Report by Special Committee on Budget recommending passage with amendments.

SB 1041 -- Report by Committee on Judiciary without recommendation as to passage and requesting referral to Committee on Rules. Referred to Committee on Rules by order of the President.

SB 1053 -- Report by Special Committee on Budget recommending passage with amendments.

SB 1071 -- Report by Special Committee on Budget recommending passage with amendments.

HB 5125 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

HB 2089 -- Report by Committee on Rules without recommendation as to passage and requesting referral to Committee on Revenue. Referred to Committee on Revenue by order of the President.

HB 2234 -- Report by Committee on Rules without recommendation as to passage. Referred to Committee on Revenue by prior reference.

HB 2322 -- Report by Committee on Judiciary recommending passage with amendments to the A-Engrossed bill.

HB 2514 -- Report by Committee on Rules without recommendation as to passage. Referred to Committee on Revenue by prior reference.

HB 2945 -- Report by Committee on Revenue recommending passage with amendments to the A-Engrossed bill.

HB 3143 -- Report by Committee on Rules without recommendation as to passage. Referred to Committee on Revenue by prior reference.

Committee Report Summary No. 112 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 300 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

SB 499 -- Report by Committee on Rules recommending passage with amendments.

SB 636 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

SB 639 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

SB 1048 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

SB 1067 -- Report by Committee on Rules recommending passage.

HCR 13 -- Report by Committee on Rules recommending adoption.

HCR 17 -- Report by Committee on Rules recommending adoption.

HJM 7 -- Report by Committee on Rules recommending adoption.

HJR 25 -- Report by Committee on Rules recommending adoption.

HB 5084 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 5138 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 5141 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 2191 -- Report by Committee on Revenue recommending passage of the B-Engrossed bill.

HB 3350 -- Report by Committee on Revenue recommending passage of the B-Engrossed bill.

HB 3358 -- Report by Committee on Revenue recommending passage.

Senate recessed until 9:50 a.m. by unanimous consent on motion of Brown.

Senate reconvened at 9:50 a.m. President Courtney in Chair. All present except Winters, excused.

Senate, having recessed under the order of Propositions and Motions, resumed under the general order of business by unanimous consent at the request of the Chair.

HB 2458 -- Brown moved that the Senate refuse to adopt the Conference Committee Report.

Senate at ease. Senate reassembled.

HB 2458 B-Eng. -- Debate resumed. Senate refused to adopt Conference Committee Report. The vote was: Ayes, 19; nays, 10 -- Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Starr, B., Starr, C., Whitsett; excused, 1 -- Winters. Motion carried.

HB 3352 -- Taken from today's third reading calendar and placed on June 30 calendar by voice vote on motion of Brown.

SB 5547, 5593, 5594, 5603, 5605, 5607, 5608, 5609, 5613; 300, 636, 639, 704, 838, 1048, 1053, 1067, 1071 -- Read second time and passed to third reading.

SB 738 A-Eng. -- Read third time. Carried by Devlin. Call of the Senate demanded by Brown joined by Devlin and Ringo. All present except Westlund, absent; Winters, excused. Pending arrival of members subject to the Call, Senate at ease. All present except Winters, excused. Senate reassembled. On passage of bill the vote was: Ayes, 21; nays, 8 -- Beyer, Ferrioli, George, Johnson, Kruse, Nelson, Verger, Whitsett; excused, 1 -- Winters. Bill passed.

SB 1080 -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 20; nays, 8 -- Atkinson, Beyer, George, Johnson, Kruse, Nelson, Schrader, Westlund; excused, 1 -- Winters; attending legislative business, 1 -- Starr, B. Bill passed.

HB 3481 -- Read first time and referred to President's desk.

HCR 13, 17; HJM 7; HJR 25; HB 5084, 5125, 5138, 5141; 2191, 2322, 2754, 2945, 3350, 3358 -- Read second time and passed to third reading.

HB 2299 A-Eng. -- Read third time. Carried by Walker. On passage of bill the vote was: Ayes, 28; excused, 1 -- Winters; attending legislative business, 1 -- Gordly. Bill passed.

HB 2312 B-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 25; nays, 2 -- Beyer, Kruse; absent, 1 -- Westlund; excused, 1 -- Winters; attending legislative business, 1 -- Gordly. Bill passed.

HB 2614 A-Eng. -- Read third time. Carried by Brown. Call of the Senate demanded by Brown joined by Johnson and Devlin. All present except Burdick, absent; Winters, excused. Pending arrival of members subject to the Call, Senate at ease. All present except Winters, excused. Senate reassembled. On passage of bill the vote was: Ayes, 17; nays, 12 -- Atkinson, Beyer, Ferrioli, Gordly, Kruse, Metsger, Nelson, Schrader, Starr, B., Starr, C., Westlund, Whitsett; excused, 1 -- Winters. Bill passed.

HB 3419 B-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 29; excused, 1 -- Winters. Bill passed.

SB 55, 262, 528, 914, 919 -- President Courtney signed on June 28.

SB 5625; 1012; HB 5086, 5095, 5098, 5099, 5100, 5101, 5105, 5106, 5107, 5110, 5117, 5123 -- President Courtney signed on June 29.

Senate adjourned until 9:00 a.m. Thursday by unanimous consent at the request of the Chair.

#### **Thursday, June 30, 2005 -- Morning Session**

Senate convened at 9:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett; excused -- Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Reverend Karen Crooch, Morningside United Methodist Church, Salem.

SB 5625; 15, 33, 35, 39, 120, 121, 135, 151, 221, 225, 268, 270, 272, 275, 277, 316, 324, 332, 346, 355, 370, 371, 404, 443, 477, 599, 605, 643, 670, 694, 697, 755, 848, 921, 936, 940, 970, 997, 1006 -- Message from the Governor announcing he signed on June 29.

HB 2052, 2056, 2103, 2238, 2450 -- Message from the House announcing passage.

HB 2221, 2230, 2282, 2359, 2811, 3127 -- Message from the House announcing concurrence in Senate amendments and repassage.

HB 2306, 3458 -- Message from the House announcing refusal to concur in Senate amendments. Conferees to be announced.

SB 5625; 20, 23, 55, 57, 230, 236, 240, 262, 273, 287, 368, 383, 386, 528, 573, 618, 641, 691, 692, 880, 881, 914, 919, 973, 996, 1045; HB 5086, 5095, 5098, 5099, 5100, 5101, 5105, 5106, 5107, 5110, 5117, 5123; 2141, 2156, 2227, 2323, 2498, 2667, 2730, 2742, 2951, 3415 -- Message from the House announcing the Speaker signed on June 29.

Committee Report Summary No. 113 listing the following reports was distributed to members June 29. Summary list recorded in Journal and Status Report by order of the President.

SB 660 -- Report by Committee on Rules recommending passage with amendments.

SB 671 -- Report by Committee on Rules recommending passage with amendments.

SB 1051 -- Report by Committee on Rules recommending passage with amendments. Referred to Committee on Ways and Means by prior reference.

HB 2104 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

HB 2117 -- Report by Committee on Business and Economic Development recommending passage with amendments to the A-Engrossed bill.

HB 2776 -- Report by Committee on Revenue recommending passage with amendments to the A-Engrossed bill.

HB 2933 -- Report by Committee on Revenue recommending passage with amendments to the B-Engrossed bill.

HB 3092 -- Report by Rules recommending passage with amendments to the A-Engrossed bill to resolve conflicts.

HB 3174 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

HB 3179 -- Report by Committee on Rules recommending passage with amendments.

HB 3443 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

HB 3479 -- Report by Committee on Rules recommending passage with amendments.

Committee Report Summary No. 114 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 1039 -- Report by Conference Committee, signed by Senators Walker, Kruse, Ringo and Representatives Dallum, Flores, Roblan, recommending that the Senate concur in House amendments dated June 6 and that the A-engrossed bill be further amended and repassed.

SJR 9 -- Report by Committee on Rules recommending adoption.

SB 1011 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 2480 -- Report by Committee on Rules recommending passage.

HB 2507 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 2706 -- Report by Committee on Rules recommending passage.

HB 2833 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 3075 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

Senate recessed until 9:55 a.m. by unanimous consent on motion of Brown. (Carter in Chair)

Senate reconvened at 9:55 a.m. President Pro Tempore Carter in Chair. All present except Winters, excused.

Senate, having recessed under the order of Propositions and Motions, resumed under the general order of business by unanimous consent at the request of the Chair.

SB 913 B-Eng. -- Burdick moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 28; absent, 1 – Morrisette; excused, 1 – Winters. Bill repassed.

SJR 9; SB 499, 660, 671, 1011 -- Read second time and passed to third reading.

SB 5547 A-Eng. -- Read third time. Carried by Johnson. On passage of bill the vote was: Ayes, 24; nays, 5 – Atkinson, Beyer, Ferrioli, George, Kruse; excused, 1 – Winters. Bill passed.

SB 5593 A-Eng. -- Read third time. Carried by Morse. On passage of bill the vote was: Ayes, 24; nays, 5 – Atkinson, Beyer, George, Kruse, Starr, B.; excused, 1 – Winters. Bill passed.

SB 5594 A-Eng. -- Read third time. Carried by Morse. On passage of bill the vote was: Ayes, 23; nays, 6 – Atkinson, Beyer, George, Kruse, Starr, B., Verger; excused, 1 – Winters. Bill passed.

SB 5603 A-Eng. -- Read third time. Carried by Devlin. Call of the Senate demanded by Devlin joined by Brown and Bates. All present except Winters, excused. On passage of bill the vote was: Ayes, 18; nays, 11 – Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Starr, B., Starr, C., Westlund, Whitsett; excused, 1 – Winters. Bill passed.

SB 5605 A-Eng. -- Read third time. Carried by Gordly. Call of the Senate demanded by Devlin joined by Walker and Shields. All present except Winters, excused. On passage of bill the vote was: Ayes, 19; nays, 10 – Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Starr, B., Starr, C., Whitsett; excused, 1 – Winters. Bill passed.

SB 5607 A-Eng. -- Read third time. Carried by Bates. Call of the Senate demanded by Brown joined by Bates and Devlin. All present except Burdick, attending legislative business; Winters, excused. Pending arrival of member subject to the Call, Senate at ease. All present except Winters, excused.

Senate at ease. Senate reassembled.

SB 5607 A-Eng. -- Debate resumed. On passage of bill the vote was: Ayes, 18; nays, 11 – Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Starr, B., Starr, C., Westlund, Whitsett; excused, 1 – Winters. Bill passed.

SB 5608 A-Eng. -- Read third time. Carried by Bates. Call of the Senate demanded by Brown joined by Monnes Anderson and Bates. All present except Nelson, absent; Winters, excused. Pending arrival of member subject to the Call, Senate at ease. All

present except Winters, excused. Senate reassembled. On passage of bill the vote was: Ayes, 22; nays, 7 – Atkinson, Beyer, George, Kruse, Starr, B., Verger, Whitsett; excused, 1 – Winters. Bill passed.

SB 5609 A-Eng. -- Read third time. Carried by Johnson. On passage of bill the vote was: Ayes, 27; nays, 1 – Atkinson; excused, 1 – Winters; attending legislative business, 1 – Ringo. Bill passed.

SB 5613 A-Eng. -- Read third time. Carried by Nelson. On passage of bill the vote was: Ayes, 21; nays, 6 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B.; excused, 1 – Winters; attending legislative business, 2 – Brown, Ringo. Bill passed.

SB 300 A-Eng. -- Read third time. Carried by Gordly. Call of the Senate demanded by Kruse joined by George and Morse. All present except Brown, Burdick, Starr, B., attending legislative business; Winters, excused. Pending arrival of members subject to the Call, Senate at ease. All present except Winters, excused. Senate reassembled. On passage of bill the vote was: Ayes, 29; excused, 1 – Winters. Bill passed.

SB 636 A-Eng. -- Read third time. Carried by Westlund. On passage of bill the vote was: Ayes, 27; excused, 1 – Winters; attending legislative business, 2 – Metsger, Starr, B. Bill passed.

SB 639 A-Eng. -- Read third time. Carried by Deckert, Devlin. (President Courtney in Chair) Call of the Senate demanded by Deckert joined by Brown and Devlin. All present except Westlund, absent; Winters, excused. Pending arrival of member subject to the Call, Senate at ease. All present except Winters, excused. Senate reassembled. On passage of bill the vote was: Ayes, 18; nays, 11 – Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Starr, B., Starr, C., Westlund, Whitsett; excused, 1 – Winters. Bill passed.

SB 704 B-Eng. -- Read third time. Carried by Carter. On passage of bill the vote was: Ayes, 29; excused, 1 – Winters. Bill passed.

SB 838 A-Eng. -- Read third time. Carried by Morse, Deckert. On passage of bill the vote was: Ayes, 29; excused, 1 – Winters. Bill passed.

Senate recessed until 3:30 p.m. by unanimous consent at the request of the Chair.

#### Thursday, June 30, 2005 -- Afternoon Session

Senate reconvened at 3:30 p.m. President Courtney in Chair. All present except Deckert, Winters, excused. (Carter in Chair)

SB 81 -- Message from the House announcing Brown, Garrard, Schaufler appointed House conferees.

HB 2312 -- Message from the House announcing Barker, Krieger, Olson appointed House conferees.

HB 2458 -- Message from the House announcing Ackerman, Garrard, Jenson appointed House No. 2 conferees.

Senate, having recessed under the order of Third Reading of Senate Measures, reverted to the order of Reports from Standing Committees by unanimous consent at the request of the Chair.

Committee Report Summary No. 115 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 1083 -- Report by Committee on Rules recommending passage. Referred to Committee on Revenue by prior reference.

HB 2233 -- Report by Rules Committee recommending passage with amendments to the A-Engrossed bill to resolve conflicts.

HB 3329 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

Senate proceeded to the order of Third Reading of Senate Measures by unanimous consent at the request of the Chair.

SB 1048 A-Eng. -- Bill read. Carried by Westlund. On passage of bill the vote was: Ayes, 23; nays, 4 -- Beyer, Ferrioli, Kruse, Nelson; excused, 2 -- Deckert, Winters; attending legislative business, 1 -- Ringo. Bill passed.

SB 1053 A-Eng. -- Read third time. Carried by Courtney. Call of the Senate demanded by Brown joined by Kruse and Devlin. All present except Metsger, Prozanski, Starr, B., attending legislative business; Deckert, Winters, excused. Pending arrival of members subject to the Call, Senate at ease. All present except Deckert, Winters, excused. Senate reassembled. On passage of the bill the vote was: Ayes, 19; nays, 9 -- Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Star, B., Starr, C.; excused, 2 -- Deckert, Winters. Bill passed.

SB 1067 -- Taken from today's third reading calendar and placed on July 1 calendar by voice vote on motion of Brown.

SB 1071 A-Eng. -- Read third time. Carried by Devlin. Call of the Senate demanded by Devlin joined by Brown and Verger. All present except Deckert, Winters, excused. On passage of bill the vote was: Ayes, 21; nays, 7 -- Atkinson, Beyer, George, Kruse, Starr, B., Starr, C., Whitsett; excused, 2 -- Deckert, Winters. Bill passed.

HB 2052, 2056, 2103, 2238, 2450 -- Read first time and referred to President's desk.

HB 2104, 2117, 2480, 2507, 2706, 2776, 2833, 2933, 3075, 3092, 3174, 3179, 3443, 3479 -- Read second time and passed to third reading.

HCR 13 -- Read final time. Carried by George. On adoption of resolution, the vote was: Ayes, 24; nays, 1 -- Schrader; excused, 2 -- Deckert, Winters; attending legislative business, 3 -- Metsger, Ringo, Walker. Resolution adopted.

HCR 17 -- Read final time. Carried by Brown. On adoption of resolution, the vote was: Ayes, 26; excused, 2 -- Deckert, Winters; attending legislative business, 2 -- Metsger, Walker. Resolution adopted.

Kruse, absent when roll called, granted unanimous consent to vote aye.

HJM 7 -- Read final time. Carried by George. On adoption of memorial, the vote was: Ayes, 24; nays, 1 -- Schrader; excused, 3 -- Deckert, Westlund, Winters; attending legislative business, 2 -- Metsger, Walker. Memorial adopted. Kruse, absent when roll called, granted unanimous consent to vote aye.

HJR 25 -- Read final time. Carried by Ringo. On adoption of resolution, the vote was: Ayes, 24; nays, 1 -- Beyer; excused, 3 -- Deckert, Westlund, Winters; attending legislative business, 2 -- Metsger, Walker. Resolution adopted.

HB 5084 A-Eng. -- Read third time. Carried by Gordly. On passage of bill the vote was: Ayes, 25; excused, 3 -- Deckert, Westlund, Winters; attending legislative business, 2 -- Metsger, Walker. Bill passed.

HB 5125 B-Eng. -- Read third time. Carried by Devlin. On passage of bill the vote was: Ayes, 26; excused, 3 -- Deckert, Westlund, Winters; attending legislative business, 1 -- Walker. Bill passed.

HB 5138 A-Eng. -- Read third time. Carried by Johnson. On passage of bill the vote was: Ayes, 26; excused, 3 -- Deckert, Westlund, Winters; attending legislative business, 1 -- Walker. Bill passed.

HB 5141 A-Eng. -- Read third time. Carried by Bates. On passage of bill the vote was: Ayes, 19; nays, 7 -- Atkinson, Beyer, George, Kruse, Starr, B., Verger, Whitsett; excused, 3 -- Deckert, Westlund, Winters; attending legislative business, 1 -- Walker. Bill passed.

HB 2191 B-Eng. -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 23; nays, 3 -- Beyer, Ferrioli, Kruse; excused, 3 -- Deckert, Westlund, Winters; attending legislative business, 1 -- Walker. Bill passed.

HB 2322 B-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 23; nays, 2 -- Ringo, Shields; excused, 3 -- Deckert, Westlund, Winters; attending legislative business, 2 -- Metsger, Walker. Bill passed.

HB 2754 B-Eng. -- Read third time. Carried by Whitsett. On passage of bill the vote was: Ayes, 25; excused, 3 -- Deckert, Westlund, Winters; attending legislative business, 2 -- Metsger, Walker. Bill passed.

HB 2945 B-Eng. -- Read third time. Carried by George. On passage of bill the vote was: Ayes, 25; excused, 3 -- Deckert, Westlund, Winters; attending legislative business, 2 -- Metsger, Walker. Bill passed.

HB 3350 -- Read third time. Taken from today's third reading calendar and placed on July 1 calendar by unanimous consent at the request of the Chair.

HB 3352 -- Moved to the foot of today's third reading calendar by unanimous consent at the request of the Chair.

HB 3358 -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 25; excused, 3 -- Deckert, Westlund, Winters; attending legislative business, 2 -- Metsger, Walker. Bill passed.

HB 3352 -- Taken from today's third reading calendar and placed on July 1 calendar by unanimous consent on motion of Ringo.

HB 2312 -- Burdick, Gordly, Whitsett appointed Senate conferees.

HB 2458 -- Nelson, Ringo, Shields appointed Senate conferees #2.

HB 2141, 2156, 2227, 2323, 2498, 2667, 2730, 2742, 2951, 3415 -- President Courtney signed on June 30.

Senate adjourned until 10:00 a.m. Friday by unanimous consent at the request of the Chair.

#### Friday, July 1, 2005 -- Morning Session

Senate convened at 10:00 a.m. President Pro Tempore Carter in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, President Courtney, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett; excused -- Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Connie Hayes of the Pacific Gospel Music Association, Salem.

SB 5534, 5535; 199, 577, 786, 978; HB 5081, 5082, 5137, 5142, 5143, 5153, 5156, 5158, 5159, 5161; 2107, 2122, 2130, 2265, 2327, 2539, 2561, 2693, 2930, 3021, 3124, 3238, 3491, 3492, 3495 -- Message from the House announcing passage.

SCR 9 -- Message from the House announcing adoption.

SB 62, 128, 181, 243, 392, 781, 782, 863, 965 -- Message from the House announcing passage as amended by the House.

HB 2077, 2144, 2210, 2224, 2299, 2404, 2614, 2772, 3419 -- Message from the House announcing concurrence in Senate amendments and repassage.

HB 2312 -- Message from the House announcing refusal to concur in Senate amendments. House conferees to be appointed.

SB 887 -- Message from the House announcing Ackerman, Garrard, Smith, P. appointed House conferees.

HB 3458 -- Message from the House announcing Kitts, Smith, G., Wirth appointed House conferees.

Committee Report Summary No. 116 listing the following reports was distributed to members June 30. Summary list recorded in Journal and Status Report by order of the President.

SB 5544 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5612 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5614 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5620 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5622 -- Report by Special Committee on Budget recommending passage with amendments.

HB 2588 -- Report by Committee on Rules without recommendation as to passage. Referred to Special Committee on Budget by prior reference.

Committee Report Summary No. 117 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SJM 8 -- Report by Committee on Rules recommending adoption.

SB 173 -- Report by Special Committee on Budget recommending passage.

SB 765 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

SB 1084 -- Report by Special Committee on Budget recommending passage.

HCR 9 -- Report by Committee on Rules recommending adoption of the A-Engrossed resolution.

HJM 13 -- Report by Committee on Rules recommending adoption of the A-Engrossed memorial.

HJM 15 -- Report by Committee on Rules recommending adoption.

HJM 16 -- Report by Committee on Rules recommending adoption.

HJM 18 -- Report by Committee on Rules recommending adoption of the A-Engrossed memorial.

HJM 25 -- Report by Committee on Rules recommending adoption of the A-Engrossed memorial.

HB 5109 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 2089 -- Report by Committee on Revenue recommending passage.

HB 2136 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 2167 -- Report by Committee on Rules recommending passage of the B-Engrossed bill.

HB 2681 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 2862 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.



HB 2878 -- Report by Committee on Rules recommending passage.

SB 1039 A-Eng.\* -- Conference Committee report adopted and bill repassed on motion of Walker. The vote was: Ayes, 29; excused, 1 – Winters. Bill repassed.

SB 1091 -- Introduced, read first time and referred to President's desk.

SJM 8; SB 5544, 5612, 5614, 5620, 5622; 173, 765, 1084 -- Read second time and passed to third reading.

Senate recessed until 10:50 a.m. by unanimous consent on motion of Brown.

Senate reconvened at 10:50 a.m. President Pro Tempore Carter in Chair. All present except Winters, excused.

Senate, having recessed under the order of Third Reading of Senate Measures, resumed under the general order of business by unanimous consent at the request of the Chair.

SJR 9 -- Read final time. Carried by Devlin. Call of the Senate demanded by Brown joined by Morse and Verger. All present except Winters, excused. On adoption of resolution, the vote was: Ayes, 25; nays, 4 – Deckert, Kruse, Nelson, Schrader; excused, 1 – Winters. Resolution adopted. Westlund granted unanimous consent to change from nay to aye.

SB 1011 -- Moved to the head of today's third reading calendar by unanimous consent at the request of the Chair.

SB 1011 A-Eng. -- Read third time. Carried by Ringo. Call of the Senate demanded by Brown joined by Ferrioli and Ringo. All present except Deckert, Metsger, absent; Winters, excused. Pending arrival of members subject to the Call, Senate at ease. All present except Winters, excused. Senate reassembled. On passage of bill the vote was: Ayes, 16; nays, 13 – Atkinson, Bates, Beyer, Ferrioli, George, Johnson, Kruse, Schrader, Starr, B., Starr, C., Verger, Westlund, Whitsett; excused, 1 – Winters. Bill passed.

SB 499 A-Eng. -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 23; nays, 5 – Atkinson, Beyer, Kruse, Starr, C., Whitsett; excused, 2 – Nelson, Winters. Bill passed.

SB 660 A-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 27; nays, 1 – Schrader; excused, 2 – Nelson, Winters. Bill passed.

HB 5081, 5082, 5137, 5142, 5143, 5153, 5156, 5158, 5159, 5161; 2107, 2122, 2130, 2265, 2327, 2539, 2561, 2693, 2930, 3021, 3124, 3238, 3491, 3492, 3495 -- Read first time and referred to President's desk.

Senate recessed until 3:00 p.m. by unanimous consent at the request of the Chair.

## Friday, July 1, 2005 -- Afternoon Session

Senate reconvened at 3:00 p.m. President Courtney in Chair. All present except Atkinson, Brown, Burdick, Deckert, Ferrioli, Kruse, Monnes Anderson, Morrisette, Prozanski, Ringo, Shields, Walker, absent; Bates, Carter, Devlin, Gordly, Johnson, Morse, Schrader, Westlund, attending legislative business; Nelson, Winters, excused.

Call of the Senate demanded by Beyer joined by Starr, B. and George. All present except Atkinson, Brown, Burdick, Deckert, Ferrioli, Kruse, Monnes Anderson, Morrisette, Prozanski, Ringo, Shields, Walker, absent; Bates, Carter, Devlin, Gordly, Johnson, Morse, Schrader, Westlund, attending legislative business; Nelson, Winters, excused. Pending arrival of members subject to the Call, Senate at ease. All present except Bates, Carter, Devlin, Gordly, Johnson, Morse, Schrader, Westlund, attending legislative business; Nelson, Winters, excused. Senate reassembled.

SB 579 -- Message from the Governor announcing he signed on July 1.

Senate, having recessed under the order of Third Reading of Senate Measures, reverted to the order of Reports from Standing Committees by unanimous consent at the request of the Chair.

Committee Report Summary No. 118 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 323 -- Report by Conference Committee signed by Senators Metsger, Beyer, Walker and Representatives Brown, Esquivel, Holvey recommending that the Senate concur in House amendments dated June 8 and that the A-Engrossed bill be further amended and repassed.

SB 1057 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

HB 2113 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

HB 2247 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

HB 2340 -- Report by Committee on Rules recommending passage with amendments.

HB 3044 -- Report by Committee on Rules recommending passage with amendments.

HB 3145 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

HB 3374 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

Senate resumed under the order of Third Reading of Senate Measures by unanimous consent at the request of the Chair.

SB 671 A-Eng. -- Read third time. Carried by Starr, B. Call of the Senate demanded by Starr, B. joined by Beyer and Brown. All present except Bates, Carter, Devlin, Gordly, Johnson, Morse, Schrader, Westlund, attending legislative business; Nelson, Winters, excused. Pending arrival of members subject to the Call, Senate at ease. Further proceedings under the Call terminated by unanimous consent at the request of the Chair. All present except Schrader, attending legislative business; Nelson, Winters, excused. Senate reassembled. On passage of bill the vote was: Ayes, 19; nays, 9 – Atkinson, Burdick, Deckert, Gordly, Johnson, Monnes Anderson, Shields, Verger, Westlund; excused, 2 – Nelson, Winters. Bill passed.

SB 1067 -- Read third time. Carried by Johnson. On passage of bill the vote was: Ayes, 28; excused, 2 – Nelson, Winters. Bill passed.

HCR 9; HJM 13, 15, 16, 18, 25; HB 5109; 2089, 2136, 2167, 2233, 2681, 2862, 2878, 3329 -- Read second time and passed to third reading.

HB 2104 B-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 18; nays, 2 – Beyer, Kruse; excused, 2 – Nelson, Winters; attending legislative business, 8 – Bates, Carter, Devlin, Gordly, Johnson, Morse, Schrader, Westlund. Bill passed.

HB 2117 B-Eng. -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 18; nays, 2 – Beyer, Kruse; excused, 2 – Nelson, Winters; attending legislative business, 8 – Bates, Carter, Devlin, Gordly, Johnson, Morse, Schrader, Westlund. Bill passed.

HB 2480 -- Moved to the foot of today's third reading calendar by unanimous consent on motion of Brown.

HB 2507 A-Eng. -- Read third time. Carried by Ringo. Call of the Senate demanded by Brown joined by Ringo and George. All present except Bates, Carter, Devlin, Gordly, Johnson, Morse, Schrader, Westlund, attending legislative business; Nelson, Winters, excused. Pending arrival of members subject to the Call, Senate at ease. All present except Nelson, Winters, excused. Senate reassembled. On passage of bill the vote was: Ayes, 20; nays, 8 – Beyer, Deckert, Ferrioli, George, Kruse, Schrader, Westlund, Whitsett; excused, 2 – Nelson, Winters. Bill passed.

Senate reverted to the order of Propositions and Motions by unanimous consent at the request of the Chair.

SJM 8; SB 5544, 5612, 5614, 5620, 5622; 173, 765, 1084; HCR 9; HJM 13, 15, 16, 18, 25; HB 5109; 2136, 2167, 2681, 2862, 2878 -- Rules suspended by unanimous consent in order that the Senate may take final action on Supplemental Agenda No. 1 on motion of Brown, Ferrioli.

SJM 8 -- Under rules suspension, read final time. Carried by Brown. On adoption of memorial, the vote was: Ayes, 28; excused, 2 – Nelson, Winters. Memorial adopted. Bates, Devlin, Gordly, Johnson, Morse, attending legislative business when roll was

called, granted unanimous consent to be recorded as voting aye.

SB 5544 -- Moved to the foot of today's third reading calendar by unanimous consent at the request of the Chair.

Senate at ease. Senate reassembled.

Senate proceeded to the order of Third Reading of House Measures by unanimous consent at the request of the Chair.

HCR 9 A-Eng. -- Under rules suspension, read final time. Carried by Ferrioli. On adoption of resolution, the vote was: Ayes, 28; excused, 2 – Nelson, Winters. Resolution adopted. Bates, Carter, Devlin, Gordly, Johnson, Morse, Schrader, Westlund, attending legislative business when roll called unanimous consent to be recorded as voting aye.

HJM 13 A-Eng. -- Under rules suspension, read final time. Carried by Brown. On adoption of memorial, the vote was: Ayes, 28; excused, 2 – Nelson, Winters. Memorial adopted. Bates, Carter, Devlin, Gordly, Johnson, Morse, Schrader, Westlund, attending legislative business when roll called, granted unanimous consent to vote aye.

HJM 15 -- Under rules suspension, read final time. Carried by Ringo. On adoption of memorial, the vote was: Ayes, 28; excused, 2 – Nelson, Winters. Memorial adopted. Bates, Carter, Devlin, Gordly, Johnson, Morse, Schrader, Westlund, attending legislative business when roll called, granted unanimous consent to vote aye.

HJM 16 -- Under rules suspension, read final time. Carried by Atkinson. On adoption of memorial, the vote was: Ayes, 28; excused, 2 – Nelson, Winters. Memorial adopted. Bates, Carter, Gordly, attending legislative business when roll called, granted unanimous consent to vote aye.

HJM 18 A-Eng. -- Under rules suspension, read final time. Carried by Shields. On adoption of memorial, the vote was: Ayes, 26; excused, 2 – Nelson, Winters; attending legislative business w, 2 – Carter, Gordly. Memorial adopted.

HJM 25 A-Eng. -- Under rules suspension, read final time. Carried by Ferrioli. On adoption of memorial, the vote was: Ayes, 28; excused, 2 – Nelson, Winters. Memorial adopted.

Senate reverted to the order of Third Reading of House Measures by unanimous consent at the request of the Chair.

HB 2706 -- Read third time. Carried by Monnes Anderson. On passage of bill the vote was: Ayes, 28; excused, 2 – Nelson, Winters. Bill passed.

HB 2776 B-Eng. -- Read third time. Carried by George. On passage of bill the vote was: Ayes, 28; excused, 2 – Nelson, Winters. Bill passed.

HB 2833 A-Eng. -- Read third time. Carried by Westlund. On passage of bill the vote was: Ayes, 28; excused, 2 – Nelson, Winters. Bill passed.

HB 2933 C-Eng. -- Read third time. Carried by Deckert. On passage of bill the vote was: Ayes, 28; excused, 2 – Nelson, Winters. Bill passed. (Carter in Chair)

HB 3075 A-Eng. -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 25; nays, 1 – Kruse; excused, 2 – Nelson, Winters; attending legislative business, 2 – Schrader, President Courtney. Bill passed.

HB 3092 -- Read third time. Rereferred to Committee on Rules by unanimous consent on motion of Brown.

HB 3174 B-Eng. -- Read third time. Carried by Morrisette. On passage of bill the vote was: Ayes, 24; nays, 2 – Carter, Gordly; excused, 2 – Nelson, Winters; attending legislative business, 2 – Schrader, President Courtney. Bill passed. Gordly granted unanimous consent to change from aye to nay.

HB 3179 A-Eng. -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 23; nays, 3 – Beyer, George, Kruse; excused, 2 – Nelson, Winters; attending legislative business, 2 – Schrader, President Courtney. Bill passed.

HB 3350 -- Bill read. Taken from today's third reading calendar and placed on July 5 calendar by unanimous consent on motion of Brown.

HB 3352 -- Bill read. Taken from today's third reading calendar and placed on July 5 calendar by unanimous consent on motion of Ringo.

HB 3443 B-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 23; nays, 3 – Beyer, Kruse, Verger; excused, 3 – Atkinson, Nelson, Winters; attending legislative business, 1 – President Courtney. Bill passed.

HB 3479 A-Eng. -- Read third time. Carried by Ferrioli. On passage of bill the vote was: Ayes, 26; excused, 3 – Atkinson, Nelson, Winters; attending legislative business, 1 – President Courtney. Bill passed.

HB 2480 -- Read third time. Carried by Bates. On passage of bill the vote was: Ayes, 27; nays, 1 – Schrader; excused, 2 – Nelson, Winters. Bill passed.

Senate reverted to the order of Third Reading of Senate Measures by unanimous consent at the request of the Chair.

SB 5544 A-Eng. -- Under rules suspension, read third time. Carried by Johnson. Call of the Senate demanded by Johnson joined by Brown and Starr, C. All present except Nelson, Winters, excused. On passage of bill the vote was: Ayes, 20; nays, 8 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C., Whitsett; excused, 2 – Nelson, Winters. Bill passed.

SB 5612 -- Under rules suspension, read third time. Carried by Bates. Rereferred to Special Committee on Budget by voice vote on motion of Bates.

SB 5614 A-Eng. -- Under rules suspension, read third time. Carried by Gordly. On passage of bill the

vote was: Ayes, 27; nays, 1 – George; excused, 2 – Nelson, Winters. Bill passed.

SB 5620 A-Eng. -- Under rules suspension, read third time. Carried by Johnson. Call of the Senate demanded by Johnson joined by Brown and Bates. All present except Nelson, Winters, excused. On passage of bill the vote was: Ayes, 21; nays, 7 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C.; excused, 2 – Nelson, Winters. Bill passed.

SB 5622 A-Eng. -- Under rules suspension, read third time. Carried by Morse. On passage of bill the vote was: Ayes, 20; nays, 7 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C.; absent, 1 – Deckert; excused, 2 – Nelson, Winters. Bill passed.

SB 173 -- Under rules suspension, read third time. Carried by Morse. On passage of bill the vote was: Ayes, 27; absent, 1 – Deckert; excused, 2 – Nelson, Winters. Bill passed.

SB 765 A-Eng. -- Under rules suspension, read third time. Carried by Walker. On passage of bill the vote was: Ayes, 24; nays, 3 – Ferrioli, George, Whitsett; absent, 1 – Deckert; excused, 2 – Nelson, Winters. Bill passed. Starr, B., absent when roll called, granted unanimous consent to be recorded as voting aye.

SB 1084 -- Under rules suspension, read third time. Carried by Courtney. On passage of bill the vote was: Ayes, 26; nays, 1 – George; absent, 1 – Deckert; excused, 2 – Nelson, Winters. Bill passed.

Senate reverted to the order of Third Reading of House Measures by unanimous consent at the request of the Chair.

HB 5109 A-Eng. -- Under rules suspension, read third time. Carried by Verger. On passage of bill the vote was: Ayes, 27; absent, 1 – Deckert; excused, 2 – Nelson, Winters. Bill passed.

HB 2136 A-Eng. -- Under rules suspension, read third time. Carried by Ferrioli. On passage of bill the vote was: Ayes, 27; absent, 1 – Deckert; excused, 2 – Nelson, Winters. Bill passed.

HB 2167 B-Eng. -- Under rules suspension, read third time. Carried by Brown. Call of the Senate demanded by Brown joined by Devlin and Monnes Anderson. All present except Deckert, absent; Nelson, Winters, excused. On passage of bill the vote was: Ayes, 23; nays, 4 – Beyer, Ferrioli, George, Kruse; absent, 1 – Deckert; excused, 2 – Nelson, Winters. Bill passed. (President Courtney in Chair)

HB 2681 A-Eng. -- Under rules suspension, read third time. Carried by Brown. On passage of bill the vote was: Ayes, 27; absent, 1 – Deckert; excused, 2 – Nelson, Winters. Bill passed.

HB 2862 A-Eng. -- Under rules suspension, read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 27; absent, 1 – Deckert; excused, 2 – Nelson, Winters. Bill passed.

HB 2878 -- Under rules suspension, read third time. Carried by Atkinson. Taken from today's third reading calendar and placed on July 5 calendar by unanimous consent on motion of Atkinson.

The following measures were referred to committee on July 1 and recorded on Committee Referral List No. 50 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 1091 Rules; Revenue  
 HB 5081 Budget  
 HB 5082 Budget  
 HB 5137 Budget  
 HB 5142 Budget  
 HB 5143 Budget  
 HB 5153 Budget  
 HB 5156 Budget  
 HB 5158 Budget  
 HB 5159 Budget  
 HB 5161 Budget  
 HB 2052 Budget  
 HB 2056 Rules; Budget  
 HB 2103 Rules  
 HB 2107 Budget  
 HB 2122 Rules  
 HB 2130 Rules  
 HB 2238 Rules  
 HB 2265 Rules  
 HB 2327 Rules  
 HB 2450 Rules; Revenue  
 HB 2510 Rules  
 HB 2539 Rules  
 HB 2561 Rules  
 HB 2693 Rules  
 HB 2930 Rules  
 HB 3021 Rules  
 HB 3124 Budget  
 HB 3238 Rules  
 HB 3481 Revenue  
 HB 3486 Rules; Budget  
 HB 3491 Rules  
 HB 3492 Rules  
 HB 3495 Rules

SB 89, 118, 198, 568, 693, 855, 962 -- President Courtney signed on July 1.

Senate adjourned until 10:00 a.m. Tuesday by unanimous consent at the request of the Chair.

### **Tuesday, July 5, 2005 -- Morning Session**

Senate convened at 10:00 a.m. President Pro Tempore Carter in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, President Courtney, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; attending legislative business -- Schrader. (President Courtney in Chair) Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Frank Shields, Portland.

SB 44, 45, 91, 424, 699, 785, 955, 1047; HB 5085, 5126, 5128, 5139, 5145, 5147, 5148, 5149, 5151, 5155, 5160, 5164, 5165, 5166, 5167, 5168, 5169, 5170, 5171,

5172, 5173; 2058, 2062, 2065, 2112, 2154, 2180, 2278, 2527, 2655, 2656, 3303, 3472, 3497 -- Message from the House announcing passage.

SB 920 -- Message from the House announcing passage as amended by the House.

HB 5125, 2322 -- Message from the House announcing concurrence in Senate amendments and repassage.

SB 1012; HJM 35; HB 2202, 2315, 2335, 2729, 2831, 2976, 3029, 3050, 3197, 3223, 3252, 3257, 3272, 3301, 3318 -- Message from the House announcing the Speaker signed on July 1.

Committee Report Summary No. 119 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 2069 -- Report by Conference Committee signed by Senators Gordly, Metsger, Morse and Representatives Brown, Kitts, Schaufler recommending that the House concur in Senate amendments dated June 3 and that the B-engrossed bill be further amended and repassed.

HCR 6 -- Report by Committee on Rules recommending adoption.

HB 3083 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

Committee Report Summary No. 120 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 1037 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

HB 2932 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

HB 3143 -- Report by Committee on Revenue recommending passage with amendments to the B-Engrossed bill.

HB 3151 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 3260 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill to resolve conflicts.

HB 3262 -- Report by Committee on Rules recommending passage with amendments.

SB 62 A-Eng. -- Burdick moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 29; attending legislative business, 1 -- Schrader. Bill repassed.

SB 128 A-Eng. -- Burdick moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 29; attending legislative business, 1 -- Schrader. Bill repassed.

SB 181 B-Eng. -- Burdick moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 29; attending legislative business, 1 – Schrader. Bill repassed.

SB 243 B-Eng. -- Burdick moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 30. Bill repassed.

SB 392 A-Eng. -- Burdick moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 30. Bill repassed.

SB 781 -- Senate refused to concur in House amendments by voice vote on motion of Morrisette. Conferees to be appointed.

SB 782 -- Senate refused to concur in House amendments by voice vote on motion of Morrisette. Conferees to be appointed.

SB 863 -- Senate refused to concur in House amendments by voice vote on motion of Ringo. Conferees to be appointed.

SB 965 B-Eng. -- Burdick moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 30. Bill repassed.

SB 323 A-Eng.\* -- Conference Committee report adopted and bill repassed on motion of Walker. The vote was: Ayes, 30. Bill repassed.

SB 1092 -- Introduced, read first time and referred to President's desk.

SB 1057 -- Read second time and passed to third reading.

HB 5085, 5126, 5128, 5139, 5145, 5147, 5148, 5149, 5151, 5155, 5160, 5164, 5165, 5166, 5167, 5168, 5169, 5170, 5171, 5172, 5173; 2058, 2062, 2065, 2112, 2154, 2180, 2278, 2527, 2655, 2656, 3303, 3472, 3497 -- Read first time and referred to President's desk.

HCR 6; HB 2113, 2247, 2340, 3044, 3083, 3145, 3151, 3374 -- Read second time and passed to third reading.

HB 2089 A-Eng. -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 2233 B-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 29; nays, 1 – Schrader. Bill passed.

HB 2878 -- Bill read. Carried by Brown. Rereferred to Committee on Rules by voice vote on motion of Brown.

HB 3329 B-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 28; nays, 2 – Beyer, Kruse. Bill passed.

HB 3350 -- Bill read. Carried by Brown. Taken from today's third reading calendar and placed on July 6 calendar by voice vote on motion of Brown.

HB 3352 -- Bill read. Carried by Brown. Taken from today's third reading calendar and placed on July 6 calendar by voice vote on motion of Brown.

SB 781 -- Morrisette, Kruse, Monnes Anderson appointed Senate conferees.

SB 782 -- Morrisette, Kruse, Monnes Anderson appointed Senate conferees.

SB 863 -- Ringo, Prozanski, Starr, C. appointed Senate conferees.

HB 3458 -- Brown, Burdick, Kruse appointed Senate conferees.

SB 913; HJM 35; HB 2202, 2315, 2335, 2729, 2831, 2976, 3029, 3050, 3197, 3223, 3252, 3257, 3272, 3301, 3318 -- President Courtney signed on July 5.

Senate adjourned until 10:00 a.m. Wednesday by unanimous consent at the request of the Chair.

### Wednesday, July 6, 2005 -- Morning Session

Senate convened at 10:00 a.m. President Pro Tempore Carter in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, President Courtney, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, C., Verger, Walker, Westlund, Whitsett, Winters; absent -- Starr, B. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Frank Carpenter, Capitol Ministries, Hillsboro.

The following messages from the Governor were read and referred to the President's desk:

July 5, 2005

#### TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 417.730 provides that the Governor shall appoint the members of the State Commission on Children and Families, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Rich Brown of Portland as a member of the State Commission on Children and Families for an unexpired four-year term beginning August 1, 2005, and ending September 30, 2005, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

July 5, 2005

#### TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 417.730 provides that the Governor shall appoint the members of the State Commission on Children and Families, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Rich Brown of Portland as a member of the State Commission on Children and Families for a four-year term beginning October 1, 2005, and ending September 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

July 5, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 417.730 provides that the Governor shall appoint the members of the State Commission on Children and Families, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Rebecca Hernandez of Portland as a member of the State Commission on Children and Families for an unexpired four-year term beginning August 1, 2005, and ending September 30, 2007, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

July 5, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 417.730 provides that the Governor shall appoint the members of the State Commission on Children and Families, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Jean Phelps of Eugene as a member of the State Commission on Children and Families for an unexpired four-year term beginning August 1, 2005, and ending September 30, 2007, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

July 5, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 657.685 provides that the Governor shall appoint the members of the Employment Appeals Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Sarah Owens of Salem as a member of the State Commission on Children and Families for a four-year term beginning July 5, 2005, and ending July 4, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

July 5, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 456.567 provides that the Governor shall appoint the members of the State Housing Council, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Jeana Woolley of Portland as a member of the State Housing Council for a four-year term beginning July 15, 2005, and ending June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

July 5, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 830.105 provides that the Governor shall appoint the members of the State Marine Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Richard Allen of Madras as a member of the State Marine Board for a four-year term beginning August 1, 2005, and ending June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

July 5, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 687.470 provides that the Governor shall appoint the members of the State Board of Direct Entry Midwifery, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Holly Scholles of Estacada as a member of the State Housing Council for a three-year term beginning July 1, 2005, and ending June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

HB 5152 -- Message from the House announcing passage.

HB 2104, 2117, 2776, 2933, 3174, 3179, 3443 -- Message from the House announcing concurrence in Senate amendments and repassage.

SB 1039 -- Message from the House announcing adoption of conference committee report and repassage.

SB 781 -- Message from the House announcing Boone, Boquist, Dalto appointed House conferees.

SB 896 -- Message from the House announcing Ackerman, Brown, Jenson appointed House conferees.

HB 2306 -- Message from the House announcing Ackerman, Krieger, Thatcher appointed House conferees.

HB 5162 -- Message from the House announcing the Speaker signed on July 6.

Committee Report Summary No. 121 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SJR 24 -- Report by Committee on Rules recommending adoption with amendments.

SB 815 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

HB 3073 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

HB 3093 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

HB 3319 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

Senate recessed until 10:40 a.m. by unanimous consent on motion of Brown.

Senate reconvened at 10:40 a.m. President Pro Tempore Carter in Chair. All present except Starr, B., absent.

Senate, having recessed under the order of Reports from Standing Committees, resumed under the general order of business by unanimous consent at the request of the Chair.

SB 1037 -- Read second time and passed to third reading.

SB 1057 -- Moved to the foot of today's third reading calendar by unanimous consent at the request of the Chair.

HB 5152 -- Read first time and referred to President's desk.

HB 2932, 3143, 3260, 3262 -- Read second time and passed to third reading.

HCR 6 -- Read final time. Carried by Brown. Taken from today's third reading calendar and placed on July 13 calendar by unanimous consent on motion of Brown.

HB 2113 B-Eng. -- Bill read. Carried by Brown. On passage of bill the vote was: Ayes, 29; absent, 1 – Starr, B. Bill passed.

HB 2247 B-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 29; absent, 1 – Starr, B. Bill passed.

HB 2340 A-Eng. -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 23; nays, 6 – Beyer, George, Kruse, Morse, Starr, C., Whitsett; absent, 1 – Starr, B. Bill passed.

HB 3044 A-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 25; nays, 4 – Beyer, Kruse, Nelson, Whitsett; absent, 1 – Starr, B. Bill passed.

HB 3083 A-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 19; nays, 10 – Beyer, George, Gordly, Kruse, Morse, Schrader, Starr, C., Verger, Whitsett, Winters; absent, 1 – Starr, B. Bill passed.

HB 3145 B-Eng. -- Read third time. Carried by Ferrioli. On passage of bill the vote was: Ayes, 27; nays, 2 – Schrader, Westlund; absent, 1 – Starr, B. Bill passed.

HB 3151 -- Read third time. Carried by Brown. Rereferred to Committee on Rules by unanimous consent on motion of Brown.

HB 3350 B-Eng. -- Bill read. Carried by Deckert. On passage of bill the vote was: Ayes, 29; absent, 1 – Starr, B. Bill passed.

HB 3352 -- Bill read. Carried by Ringo. Taken from today's third reading calendar and placed on July 7 calendar by unanimous consent on motion of Ringo.

HB 3374 B-Eng. -- Read third time. Carried by Walker. Potential conflict of interest declared by Morse. On passage of bill the vote was: Ayes, 22; nays, 7 – Beyer, George, Kruse, Monnes Anderson, Morse, Schrader, Starr, C.; absent, 1 – Starr, B. Bill passed.

SB 1057 -- Bill read. Taken from today's third reading calendar and placed on July 7 calendar by voice vote on motion of Brown.

The following measures were referred to committee on July 5 and recorded on Committee Referral List No. 51 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 1092 Budget  
HB 5085 Budget  
HB 5126 Budget  
HB 5128 Budget  
HB 5139 Budget  
HB 5145 Budget  
HB 5147 Budget  
HB 5148 Budget  
HB 5149 Budget  
HB 5151 Budget  
HB 5155 Budget  
HB 5160 Budget  
HB 5164 Budget  
HB 5165 Budget  
HB 5166 Budget  
HB 5167 Budget  
HB 5168 Budget  
HB 5169 Budget  
HB 5170 Budget  
HB 5171 Budget  
HB 5172 Budget  
HB 5173 Budget  
HB 2058 Budget

HB 2062 Rules  
HB 2065 Budget  
HB 2112 Budget  
HB 2154 Rules  
HB 2180 Rules  
HB 2278 Budget  
HB 2527 Rules  
HB 2655 Rules  
HB 2656 Rules  
HB 3303 Rules  
HB 3472 Rules  
HB 3497 Rules

SCR 9; SB 5534, 5535; 199, 577, 786, 978; HB 5162 -- President Courtney signed on July 6.

Senate adjourned until 10:00 a.m. Thursday by unanimous consent at the request of the Chair.

#### Thursday, July 7, 2005 -- Morning Session

Senate convened at 10:00 a.m. President Pro Tempore Carter in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, President Courtney, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Joanne Verger, Coos Bay.

HB 2671 -- Message from the House announcing passage.

HJM 37 -- Message from the House announcing adoption.

HB 2233, 3479 -- Message from the House announcing concurrence in Senate amendments and repassage.

HB 2167 -- Message from the House announcing refusal to concur in Senate amendments. House conferees to be appointed.

SB 323; HB 2069 -- Message from the House announcing Conference Committee Report adopted and bill repassed.

SB 89, 118, 198, 568, 693, 855, 913, 962 -- Message from the House announcing the Speaker signed on July 6.

Committee Report Summary No. 122 listing the following reports was distributed to members July 6. Summary list recorded in Journal and Status Report by order of the President.

SB 5600 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5604 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5611 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5615 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5616 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5617 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5618 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5621 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5623 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5624 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5626 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5627 -- Report by Special Committee on Budget recommending passage with amendments.

SB 446 -- Report by Committee on Rules recommending passage with amendments.

HB 5114 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

HB 5122 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

HB 5130 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

Committee Report Summary No. 123 listing the following reports was distributed to members July 6. Summary list recorded in Journal and Status Report by order of the President.

SB 1000 -- Report by Committee on Rules recommending passage with amendments.

HB 2050 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill to resolve conflicts.

HB 2408 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

Committee Report Summary No. 124 listing the following reports was distributed to members July 6. Summary list recorded in Journal and Status Report by order of the President.

SB 228 -- Report by Special Committee on Budget recommending passage with amendments.

SB 358 -- Report by Special Committee on Budget recommending passage with amendments.

SB 850 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

SB 870 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.



SB 954 -- Report by Special Committee on Budget recommending passage with amendments.

SB 1016 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

HB 2429 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

HB 2717 -- Report by Special Committee on Budget recommending passage with amendments to the B-Engrossed bill.

Committee Report Summary No. 125 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 247 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 5127 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 2123 -- Report by Special Committee on Budget recommending passage.

HB 2186 -- Report by Special Committee on Budget recommending passage.

HB 2593 -- Report by Special Committee on Budget recommending passage.

HB 3491 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 3495 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

Committee Report Summary No. 126 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 1072 -- Report by Committee on Rules recommending passage with amendments. Referred to Special Committee on Budget by order of the President.

HB 2103 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill to resolve conflicts.

HB 2159 -- Report by Special Committee on Budget recommending passage.

HB 2238 -- Report by Committee on Rules recommending passage. Referred to Special Committee on Budget by order of the President.

Senate recessed until 10:30 a.m. by unanimous consent on motion of Brown.

Senate reconvened at 10:30 a.m. President Pro Tempore Carter in Chair. All present.

Senate, having recessed following the order of Propositions and Motions, resumed under the general order of business by unanimous consent at the request of the Chair.

SB 920 B-Eng. -- Burdick moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 28; nays, 2 -- George, Schrader. Bill repassed.

SB 1093 -- Introduced, read first time and referred to President's desk.

SJR 24; SB 5600, 5604, 5611, 5615, 5616, 5617, 5618, 5621, 5623, 5624, 5626, 5627; 228, 247, 358, 446, 815, 850, 870, 954, 1000, 1016 -- Read second time and passed to third reading.

SB 1037 B-Eng. -- Bill read. Carried by Ringo. Potential conflict of interest declared by Beyer, Kruse, Nelson, Starr, C. Call of the Senate demanded by Ringo joined by Devlin and Brown. All present. On passage of bill the vote was: Ayes, 20; nays, 10 -- Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C., Verger, Whitsett, Winters. Bill passed.

SB 1057 -- Bill read. Carried by Brown. Taken from today's third reading calendar and placed on July 11 calendar on motion of Brown. The vote was: Ayes, 18; nays, 12 -- Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Starr, B., Starr, C., Westlund, Whitsett, Winters. Motion carried.

HJM 37; HB 2671 -- Read first time and referred to President's desk.

HB 5114, 5122, 5127, 5130; 2050, 2123, 2159, 2186, 2408, 2429, 2593, 2717, 3073, 3093, 3319, 3491, 3495 -- Read second time and passed to third reading.

HB 2932 B-Eng. -- Read third time. Carried by Westlund. On passage of bill the vote was: Ayes, 28; nays, 2 -- Burdick, Schrader. Bill passed.

HB 3143 C-Eng. -- Read third time. Carried by Deckert. Call of the Senate demanded by Deckert joined by Brown and George. All present. On passage of bill the vote was: Ayes, 20; nays, 10 -- Beyer, Burdick, Gordly, Kruse, Nelson, Ringo, Schrader, Shields, Verger, Walker. Bill passed.

HB 3260 B-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 3262 A-Eng. -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 23; nays, 6 -- Atkinson, Beyer, George, Kruse, Schrader, Verger; attending legislative business, 1 -- Ferrioli. Bill passed.

HB 3352 -- Bill read. Carried by Ringo. Taken from today's third reading calendar and placed on July 8 calendar by voice vote on motion of Ringo.

The following measures were referred to committee on July 6 and recorded on Committee Referral List No. 52 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

HB 5152 Budget

**State Commission on Children and Families (ORS 417.730)**

|                    |       |
|--------------------|-------|
| Rich Brown (a & r) | Rules |
| Rebecca Hernandez  | Rules |
| Jean Phelps        | Rules |

**State Board of Direct Entry Midwifery (ORS 687.470)**

|                    |       |
|--------------------|-------|
| Holly Scholles (r) | Rules |
|--------------------|-------|

**Employment Appeals Board (ORS 657.685)**

|             |       |
|-------------|-------|
| Sarah Owens | Rules |
|-------------|-------|

**State Housing Council (ORS 456.567)**

|               |       |
|---------------|-------|
| Jeana Woolley | Rules |
|---------------|-------|

**State Marine Board (ORS 830.105)**

|               |       |
|---------------|-------|
| Richard Allen | Rules |
|---------------|-------|

Senate recessed until 3:00 p.m. by unanimous consent at the request of the Chair.

**Thursday, July 7, 2005 -- Afternoon Session**

Senate reconvened at 3:00 p.m. President Pro Tempore Carter in Chair. All present.

Senate, having recessed under the order of Announcements, reverted to the order of Reports from Standing Committees by unanimous consent at the request of the Chair.

Committee Report Summary No. 127 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 1068 -- Report by Committee on Rules recommending passage with amendments.

SB 1074 -- Report by Committee on Rules recommending passage with amendments.

HB 2180 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 2527 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 2656 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

Senate reverted to the order of Second Reading of House Measures by unanimous consent at the request of the Chair.

HB 2180, 2527, 2656 -- Read second time and passed to third reading.

Senate reverted to the order of Propositions and Motions by unanimous consent at the request of the Chair.

SB 5600, 5604, 5611, 5615, 5616, 5617, 5618, 5621, 5623, 5624, 5626, 5627; 228, 247, 446, 850, 870, 954, 1016; HB 5114, 5122, 5127, 5130; 2123, 2159,

2186, 2593, 2717 -- Rules suspended by unanimous consent in order that the Senate may take final action on Supplemental Agenda No. 1 on motion of Brown.

SB 5600 A-Eng. -- Under rules suspension, read third time. Carried by Westlund. Potential conflict of interest declared by Westlund. Call of the Senate demanded by Brown joined by Bates and Westlund. All present. On passage of bill the vote was: Ayes, 19; nays, 11 -- Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Starr, B., Starr, C., Whitsett, Winters. Bill passed.

SB 5604 -- Under rules suspension, read third time. Carried by Devlin. Taken from today's third reading calendar and placed on July 8 calendar by voice vote on motion of Devlin.

SB 5611 A-Eng. -- Under rules suspension, read third time. Carried by Schrader. On passage of bill the vote was: Ayes, 21; nays, 7 -- Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C.; excused, 1 -- Morrisette; attending legislative business, 1 -- Morse. Bill passed.

SB 5615 A-Eng. -- Under rules suspension, read third time. Carried by Verger. On passage of bill the vote was: Ayes, 20; nays, 8 -- Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C., Whitsett; excused, 1 -- Morrisette; attending legislative business, 1 -- Morse. Bill passed.

SB 5616 A-Eng. -- Under rules suspension, read third time. Carried by Bates. Call of the Senate demanded by Devlin joined by Brown and Johnson. All present except Morrisette, excused; Morse, attending legislative business. Pending arrival of member subject to the Call, Senate at ease. All present except Morrisette, excused. Senate reassembled. On passage of bill the vote was: Ayes, 19; nays, 10 -- Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Starr, B., Starr, C., Whitsett; excused, 1 -- Morrisette. Bill passed.

SB 5617 A-Eng. -- Under rules suspension, read third time. Carried by Devlin. Call of the Senate demanded by Devlin joined by Monnes Anderson and Starr, C. All present except Morrisette, excused. On passage of bill the vote was: Ayes, 17; nays, 12 -- Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Starr, B., Starr, C., Westlund, Whitsett, Winters; excused, 1 -- Morrisette. Bill passed.

SB 5618 A-Eng. -- Under rules suspension, read third time. Carried by Gordly. On passage of bill the vote was: Ayes, 21; nays, 8 -- Atkinson, Beyer, Ferrioli, George, Kruse, Nelson, Starr, B., Winters; excused, 1 -- Morrisette. Bill passed.

SB 5621 A-Eng. -- Under rules suspension, read third time. Carried by Morse. On passage of bill the vote was: Ayes, 24; nays, 5 -- Atkinson, Beyer, Kruse, Starr, B., Whitsett; excused, 1 -- Morrisette. Bill passed.

SB 5623 A-Eng. -- Under rules suspension, read third time. Carried by Bates. On passage of bill the vote was: Ayes, 22; nays, 7 -- Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C.; excused, 1 -- Morrisette. Bill passed.

SB 5624 A-Eng. -- Under rules suspension, read third time. Carried by Bates. On passage of bill the vote was: Ayes, 22; nays, 7 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Whitsett; excused, 1 – Morrisette. Bill passed.

SB 5626 A-Eng. -- Under rules suspension, read third time. Carried by Devlin. On passage of bill the vote was: Ayes, 23; nays, 6 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B.; excused, 1 – Morrisette. Bill passed.

SB 5627 A-Eng. -- Under rules suspension, read third time. Carried by Gordly. On passage of bill the vote was: Ayes, 21; nays, 8 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C., Verger; excused, 1 – Morrisette. Bill passed.

SB 228 A-Eng. -- Under rules suspension, read third time. Carried by Devlin, President Courtney. On passage of bill the vote was: Ayes, 25; nays, 4 – Beyer, Ferrioli, Kruse, Starr, B.; excused, 1 – Morrisette. Bill passed.

Senate at ease. Senate reassembled. (President Courtney in Chair)

SB 247 A-Eng. -- Under rules suspension, read third time. Carried by Gordly. On passage of bill the vote was: Ayes, 27; nays, 1 – Beyer; excused, 2 – Morrisette, Winters. Bill passed.

SB 446 A-Eng. -- Under rules suspension, read third time. Carried by Shields. On passage of bill the vote was: Ayes, 20; nays, 8 – Atkinson, Beyer, Ferrioli, George, Kruse, Nelson, Starr, B., Whitsett; excused, 2 – Morrisette, Winters. Bill passed.

SB 850 B-Eng. -- Under rules suspension, read third time. Carried by Devlin. On passage of bill the vote was: Ayes, 28; excused, 2 – Morrisette, Winters. Bill passed.

SB 870 -- Under rules suspension, read third time. Taken from today's third reading calendar and placed on July 8 calendar by unanimous consent on motion of Brown.

SB 954 -- Under rules suspension, read third time. Taken from today's third reading calendar and placed on July 8 calendar by voice vote on motion of Devlin.

SB 1016 B-Eng. -- Under rules suspension, read third time. Carried by Monnes Anderson. On passage of bill the vote was: Ayes, 28; excused, 2 – Morrisette, Winters. Bill passed.

Senate reverted to the order of Third Reading of House Measures by unanimous consent at the request of the Chair.

HB 5114 B-Eng. -- Under rules suspension, read third time. Carried by Johnson. On passage of bill the vote was: Ayes, 24; nays, 4 – Atkinson, Beyer, George, Kruse; excused, 2 – Morrisette, Winters. Bill passed.

HB 5122 B-Eng. -- Under rules suspension, read third time. Carried by Westlund. On passage of bill the vote was: Ayes, 26; nays, 2 – Atkinson, Starr, B.; excused, 2 – Morrisette, Winters. Bill passed.

HB 5127 A-Eng. -- Under rules suspension, read third time. Carried by Morse. On passage of bill the vote was: Ayes, 26; nays, 2 – Atkinson, Whitsett; excused, 2 – Morrisette, Winters. Bill passed.

HB 5130 B-Eng. -- Under rules suspension, read third time. Carried by Morse. On passage of bill the vote was: Ayes, 27; nays, 1 – Atkinson; excused, 2 – Morrisette, Winters. Bill passed.

HB 2123 -- Under rules suspension, read third time. Carried by Shields. On passage of bill the vote was: Ayes, 28; excused, 2 – Morrisette, Winters. Bill passed.

HB 2159 -- Under rules suspension, read third time. Carried by Nelson. On passage of bill the vote was: Ayes, 28; excused, 2 – Morrisette, Winters. Bill passed.

HB 2186 -- Under rules suspension, read third time. Carried by Shields. On passage of bill the vote was: Ayes, 25; nays, 3 – Johnson, Walker, Whitsett; excused, 2 – Morrisette, Winters. Bill passed.

HB 2593 -- Under rules suspension, read third time. Carried by Bates. On passage of bill the vote was: Ayes, 27; nays, 1 – Whitsett; excused, 2 – Morrisette, Winters. Bill passed.

HB 2717 C-Eng. -- Under rules suspension, read third time. Carried by Verger. On passage of bill the vote was: Ayes, 28; excused, 2 – Morrisette, Winters. Bill passed.

Senate reverted to the order of Reports from Standing Committees by unanimous consent at the request of the Chair.

Committee Report Summary No. 128 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 5115 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 5126 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 5137 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 5140 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 5146 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 5157 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 5166 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

Committee Report Summary No. 129 listing the following reports was distributed to members today.

Summary list recorded in Journal and Status Report by order of the President.

HB 5170 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 5172 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 5173 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 3472 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

Committee Report Summary No. 130 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 5538 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5581 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5586 -- Report by Special Committee on Budget recommending passage with amendments.

SB 420 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

HB 2120 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill to resolve conflicts.

HB 3230 -- Report by Special Committee on Budget recommending passage with amendments to the B-Engrossed bill.

Senate reverted to the order of Second Reading of House Measures by unanimous consent at the request of the Chair.

HB 5115, 5126, 5137, 5140, 5146, 5157, 5166, 5170, 5172, 5173; 3472 -- Read second time and passed to third reading.

Senate adjourned until 9:30 a.m. Friday by unanimous consent at the request of the Chair.

#### **Friday, July 8, 2005 -- Morning Session**

Senate convened at 9:30 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- Nelson. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Margaret Carter, Portland.

SB 20, 23, 52, 55, 57, 61, 63, 229, 230, 231, 236, 240, 258, 262, 273, 284, 287, 368, 383, 386, 460, 528, 573, 585, 618, 641, 691, 692, 847, 880, 881, 914, 919,

973, 996, 1026, 1045 -- Message from the Governor announcing he signed on July 7.

Committee Report Summary No. 131 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 1085 -- Report by Committee on Rules recommending passage with amendments. Referred to Special Committee on Budget by prior reference.

HB 2537 -- Report by Committee on Rules recommending passage with amendments. Referred to Special Committee on Budget by order of the President.

HB 2599 -- Report by Committee on Rules recommending passage with amendments to the B-Engrossed bill.

Senate proceeded to the order of First Reading of Senate Measures by unanimous consent at the request of the Chair.

SB 1100 -- Introduced, read first time and referred to President's desk.

Senate proceeded to the order of Second Reading of Senate Measures by unanimous consent at the request of the Chair.

SB 5538, 5581, 5586; 420, 1068, 1074 -- Read second time and passed to third reading.

Senate proceeded to the order of Second Reading of House Measures by unanimous consent at the request of the Chair.

HB 2103, 2120, 3230 -- Read second time and passed to third reading.

Senate resumed under the general order of business by unanimous consent at the request of the Chair.

SB 1000 -- Made a Special Order of Business immediately under final consideration by unanimous consent on motion of Brown.

SB 1000 A-Eng. -- Read third time. Carried by Bates, Brown, Morse, Westlund.

SB 1000 -- Parliamentary inquiry by Beyer asking why another bill containing the same provisions as this bill was sent to the Budget Committee and this bill was sent to the floor. President Courtney responded that the fiscal impact on the first bill was indeterminate so was sent to the Budget Committee for evaluation. When SB 1000 was reported out of committee, there was more information on the fiscal impact and it was determined that it should come to the floor without a subsequent referral to the Budget Committee.

SB 1000 -- Debate resumed. Call of the Senate demanded by Brown joined by Verger and Devlin. All present except Nelson, excused. On passage of bill the vote was: Ayes, 19; nays, 10 -- Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C., Verger, Whitsett, Winters; excused, 1 -- Nelson. Bill passed.

SB 1000 -- Verger requested the following explanation of vote be entered into the journal:

"Today I voted out of my experience as a Senator who listens to her voters.

"As amended, the language in SB 1000 was too close to Ballot Measure 36, which now means the bill will not move forward. This could have been avoided. This should have been avoided.

"50% of my Senate District where I am well known voted two to one for Ballot Measure 36. On the other hand, the new part of my District where I am not as well known, passed Ballot Measure 36 but there was a significant No vote. I recognized that and I have listened seriously to their views.

"So, why did we not clearly and concisely separate the two issues, knowing the goal of equal rights and benefits was attainable for homosexual partners and not just allow a political debate going nowhere on a bill of this historic significance?

"I do not vote to make "feel good" political statements. I represent good, kind people in all of District 5 who expect good public policy to be written clearly and concisely to reflect the outcomes that are supported and can bring about the compassionate concerns of all of Oregon's citizens.

"I welcome that discussion."

SB 1000 -- Prozanski requested the following explanation of vote be entered into the journal:

"As a legislator, I took an oath to uphold the Oregon Constitution. Article I, Section 20 provides,

"No law shall be passed granting to any citizen or class of citizens privileges, or immunities, which, upon the same terms, shall not equally belong to all citizens."

"In 1947, Oregon's first Civil Rights Act ("Act") was passed to ensure that all Oregonians were protected from employment discrimination based on race, color, religion, sex, union membership, national origin or ancestry. Even though the Act was passed based on the history of bias and institutionalized racism directed against African Americans, Asian Americans, Latinos and others, the law prohibits racial discrimination against anyone based on their race, color, national origin, or other aforementioned characteristics.

"The Act also prohibited discrimination based on religion and union membership. Both of these are not an immutable characteristic like race, color, or national origin. Using religion as an example, individuals can change their religion at any time and history has shown us that some individuals have been discriminated against based on their religion. This was wrong. This basis of discrimination has occurred even though the state's constitution protects every Oregonian's freedom of religion. (Oregon Constitution; Article I, Section 2.)

"Since the passage of the original Act, the legislature has expanded the list of protected classes to include marital status. It was determined that divorced women were being discriminated against in the workplace, but it applies to all individuals whether they are single, married, or divorced.

"Today, the legislature is faced with the question of whether to add sexual orientation to the list of protected classes. This will not give anyone "special" rights. Instead

it would ensure that all individuals, no matter what their sexual orientation may be, will be afforded the same protections as their fellow citizens.

"As a prosecutor and as a legislator, I have worked with individuals who have been discriminated against solely based on their sexual orientation. I believe this type of discrimination is wrong and that the legislature has a duty to prohibit such conduct. In fact, I believe Article I, Section 20 requires the legislature to pass this legislation.

"Turning to the issue of civil unions between same sex partners, I also believe that Article I, Section 20 of the Oregon Constitution mandates that civil unions be recognized in the state. Every citizen of this great state should be treated equally. If two consenting adults, no matter what their sexual orientation may be, want to commit themselves to each other, they should be able to do so without losing privileges or immunities that their fellow Oregonians enjoy solely based on their sexual orientation.

"I refuse to allow religious principles to be used in this debate or decision. The writers of the Oregon Constitution made it perfectly clear that every Oregonian has the right to freedom of worship and religious opinion. (Oregon Constitution; Article I, Sections 2 and 3.) If we fail to maintain the distinctions between church and state, all Oregonians' rights to religious freedom will be put at risk.

"As an Oregon legislator, I will not compromise these fundamental principles guaranteed to all Oregonians."

Senate recessed until 2:00 p.m. by unanimous consent at the request of the Chair.

#### **Friday, July 8, 2005 -- Afternoon Session**

Senate reconvened at 2:00 p.m. President Courtney in Chair. All present.

President Courtney gave an additional response to Beyer's parliamentary inquiry from the morning session:

"As a point of clarification, Senate Rule 8.40 gives the President the authority to refer bills to appropriate committees adding on subsequent referrals following the first reading of the bill. In addition, this rule allows the President to refer a bill before or after it has been referred to and reported out of any other committee. At any point, he can rescind a subsequent referral."

Senate, having recessed under the order of Propositions and Motions, reverted to the order of Reports from Standing Committees by unanimous consent at the request of the Chair.

Committee Report Summary No. 132 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 2078 -- Report by Committee on Rules recommending passage with amendments.

HB 3092 -- Report by Committee on Rules recommending passage with amendments to the B-Engrossed bill to resolve conflicts.

HB 3168 -- Report by Committee on Rules recommending passage with amendments.

Report by Committee on Rules recommending that the Governor's appointment of Sara Fraser to the Appraiser Certification and Licensure Board be confirmed.

Report by Committee on Rules recommending that the Governor's appointments of Donald Dartt (r) (appearance waived) and Joyce Green to the Commission for the Blind be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's appointment of Dennis Schad (r) (appearance waived) to the Construction Contractors Board be confirmed.

Report by Committee on Rules recommending that the Governor's reappointment of Michele Bouche (appearance waived) to the State Board of Direct Entry Midwifery be confirmed.

Report by Committee on Rules recommending that the Governor's appointment of Sue Burkholder to the Trustees of the State Library be confirmed.

Report by Committee on Rules recommending that the Governor's reappointments of Robert Cooley (appearance waived) and Peter Green (appearance waived) to the Outdoor Youth Program Advisory Board be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's reappointments of Judith Hibbard (appearance waived), Bruce Johnson (appearance waived) and George Miller (appearance waived) to the Oregon Patient Safety Commission Board of Directors be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's reappointments of Harold Burke-Sivers (appearance waived), Robert King (appearance waived) and Robert Tardiff (appearance waived) to the Board on Public Safety Standards and Training be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's appointment of Larry Goff to the Board on Public Safety Standards and Training be confirmed.

Report by Committee on Rules recommending that the Governor's appointment of Wanda Sorenson to the Board on Public Safety Standards and Training be confirmed.

Report by Committee on Rules recommending that the Governor's appointment of Trey Senn to the Sustainability Board be confirmed.

Report by Committee on Rules recommending that the Governor's appointment of Jeffery Jobe to the Oregon Tourism Commission be confirmed.

Report by Committee on Rules recommending that the Governor's reappointment of Randall Papé (appearance waived) to the Oregon Transportation Commission be confirmed.

Report by Committee on Rules recommending that the Governor's appointments of Bobby Brunoe (r) (appearance waived), Jim Nakano, Helen Westbrook and Patricia Smith to the Oregon Watershed Enhancement Board be confirmed.

Report by Committee on Rules recommending that the Governor's appointment of Ellie McPeak to the Commission for Women be confirmed.

Senate resumed under the order of Propositions and Motions by unanimous consent at the request of the Chair.

HB 2069 -- Consideration of Conference Committee report moved to the foot of today's third reading calendar by unanimous consent at the request of the Chair.

SJR 24 A-Eng. -- Read final time. Carried by Brown, Metsger, Starr, B. On adoption of resolution, the vote was: Ayes, 29; excused, 1 – Nelson. Resolution adopted.

Senate recessed until 2:50 p.m. by unanimous consent at the request of the Chair.

Senate reconvened at 2:50 p.m. President Courtney in Chair. All present except Ringo, attending legislative business; Nelson, excused.

The Senate, having recessed under the order of Third Reading of Senate Measures, resumed under the general order of business by unanimous consent at the request of the Chair.

SB 5604 A-Eng. -- Bill read. Carried by Devlin. Potential conflict of interest declared by Burdick. Call of the Senate demanded by Devlin joined by Bates and Burdick. All present except Nelson, excused. On passage of bill the vote was: Ayes, 16; nays, 13 – Atkinson, Beyer, Burdick, Deckert, Ferrioli, George, Kruse, Morse, Starr, B., Starr, C., Westlund, Whitsett, Winters; excused, 1 – Nelson. Bill passed.

SB 358 A-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 28; absent, 1 – Johnson; excused, 1 – Nelson. Bill passed.

SB 815 B-Eng. -- Read third time. Carried by George. On passage of bill the vote was: Ayes, 28; excused, 1 – Nelson; attending legislative business, 1 – Monnes Anderson. Bill passed.

SB 870 B-Eng. -- Bill read. Carried by Carter. On passage of bill the vote was: Ayes, 29; excused, 1 – Nelson. Bill passed.

SB 954 -- Bill read. Carried by Devlin. Taken from today's third reading calendar and placed on July 11 calendar by voice vote on motion of Devlin.

HB 5115 A-Eng. -- Read third time. Carried by Gordly. On passage of bill the vote was: Ayes, 28; nays, 1 – Atkinson; excused, 1 – Nelson. Bill passed.

HB 5126 A-Eng. -- Read third time. Carried by Johnson. On passage of bill the vote was: Ayes, 22; nays, 7 – Atkinson, Beyer, George, Kruse, Starr, B., Starr, C., Whitsett; excused, 1 – Nelson. Bill passed.

HB 5137 A-Eng. -- Read third time. Carried by Johnson. On passage of bill the vote was: Ayes, 26; nays, 3 – Atkinson, Ringo, Starr, B.; excused, 1 – Nelson. Bill passed.

HB 5140 A-Eng. -- Read third time. Carried by Gordly. On passage of bill the vote was: Ayes, 25;

nays, 4 – Atkinson, Beyer, Kruse, Ringo; excused, 1 – Nelson. Bill passed.

HB 5146 A-Eng. -- Read third time. Carried by Gordly. On passage of bill the vote was: Ayes, 27; nays, 2 – Atkinson, Ringo; excused, 1 – Nelson. Bill passed.

HB 5157 A-Eng. -- Read third time. Carried by Gordly. On passage of bill the vote was: Ayes, 27; nays, 2 – Atkinson, Ringo; excused, 1 – Nelson. Bill passed.

HB 5166 A-Eng. -- Read third time. Carried by Johnson. On passage of bill the vote was: Ayes, 24; nays, 5 – Atkinson, Beyer, George, Kruse, Ringo; excused, 1 – Nelson. Bill passed.

HB 5170 A-Eng. -- Read third time. Carried by Devlin. On passage of bill the vote was: Ayes, 27; nays, 2 – Atkinson, Ringo; excused, 1 – Nelson. Bill passed.

HB 5172 A-Eng. -- Read third time. Carried by Bates. On passage of bill the vote was: Ayes, 24; nays, 5 – Atkinson, Beyer, George, Kruse, Ringo; excused, 1 – Nelson. Bill passed.

HB 5173 A-Eng. -- Read third time. Carried by Bates. On passage of bill the vote was: Ayes, 22; nays, 7 – Atkinson, Beyer, Ferrioli, George, Kruse, Ringo, Whitsett; excused, 1 – Nelson. Bill passed.

HB 2050, 2180, 2408, 2429, 2527, 2656, 3073, 3093, 3319, 3352, 3472, 3491, 3495 -- Carried over to July 11 calendar by unanimous consent at the request of the Chair.

SB 44, 45, 62, 91, 128, 181, 243, 392, 424, 699, 965, 1039, 1047 -- President Courtney signed on July 8.

Senate adjourned until 10:00 a.m. Monday by unanimous consent at the request of the Chair.

#### **Monday, July 11, 2005 -- Morning Session**

Senate convened at 10:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; attending legislative business -- Carter, Schrader. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Avel Gordly, Portland.

SB 65, 671, 1032 -- Message from the House announcing passage.

SJR 34 -- Message from the House announcing adoption.

SB 27, 31, 489 -- Message from the House announcing passage as amended by the House.

HB 2113, 2247, 2340, 3329 -- Message from the House announcing concurrence in Senate amendments and repassage.

HB 3044, 3145, 3374 -- Message from the House announcing House refusal to concur in Senate amendments. Conferees to be appointed.

SB 81 -- Metsger moved that the rules be suspended to allow reconsideration of the vote whereby the Senate refused to concur in the House amendments on June 9. Motion carried by unanimous consent.

SB 81 -- Under rules suspension, Metsger moved that the vote whereby the Senate refused to concur in the House amendments be reconsidered. Motion carried by voice vote. Vote reconsidered.

SB 81 -- Under rules suspension, Metsger moved that the Senate concur in House amendments and repass bill.

Senate at ease. Senate reassembled.

SB 81 A-Eng. -- Debate resumed. Potential conflict of interest declared by Whitsett. On concurrence and repassage the vote was: Ayes, 22; nays, 6--Burdick, Deckert, Gordly, Prozanski, Ringo, Walker; attending legislative business, 2--Carter, Schrader. Bill repassed.

HB 2069 B-Eng.\* -- Conference Committee report adopted and bill repassed on motion of Starr, B. The vote was: Ayes, 28; attending legislative business, 2 – Carter, Schrader. Bill repassed. (Metsger in Chair)

Rules suspended by unanimous consent in order that the Senate may take en bloc action on the confirmation of the following appointments on motion of Ringo.

#### **Appraiser Certification and Licensure Board**

Sara Fraser

#### **Commission for the Blind**

Donald Dartt (r)

Joyce Green

#### **Construction Contractors Board**

Dennis Schad (r)

#### **State Board of Direct Entry Midwifery**

Michele Bouche (r)

#### **Trustees of the State Library**

Sue Burkholder

#### **Outdoor Youth Program Advisory Board**

Robert Cooley (r)

Peter Green (r)

#### **Oregon Patient Safety Commission Board of Directors**

Judith Hibbard (r)

Bruce Johnson (r)

George Miller (r)

**Board on Public Safety Standards and Training**

Harold Burke-Sivers (r)  
 Larry Goff  
 Robert King (r)  
 Wanda Sorenson  
 Robert Tardiff (r)

**Sustainability Board**

Trey Senn

**Oregon Tourism Commission**

Jeffery Jobe

**Oregon Transportation Commission**

Randall Pape (r)

**Oregon Watershed Enhancement Board**

Bobby Brunoe (r)  
 Jim Nakano  
 Patricia Smith  
 Helen Westbrook

**Commission for Women**

Ellie McPeak

Under rules suspension, Ringo moved that the Senate confirm en bloc the Governor's appointments as listed in the motion to suspend the rules. On confirmation the vote was: Ayes, 28; attending legislative business, 2 – Carter, Schrader. Confirmed en bloc.

SB 1094 -- Introduced, read first time and referred to President's desk.

SB 5538 A-Eng. -- Read third time. Carried by Gordly. On passage of bill the vote was: Ayes, 20; nays, 8 – Atkinson, Beyer, Ferrioli, George, Kruse, Ringo, Starr, C., Whitsett; attending legislative business, 2 – Carter, Schrader. Bill passed.

SB 5581 A-Eng. -- Read third time. Carried by Bates. On passage of bill the vote was: Ayes, 17; nays, 9 – Atkinson, Beyer, Ferrioli, George, Kruse, Ringo, Starr, B., Starr, C., Whitsett; attending legislative business, 4 – Brown, Carter, Schrader, President Courtney. Bill passed.

SB 5586 -- Moved to the foot of today's third reading calendar by unanimous consent on motion of Bates.

SB 420 B-Eng. -- Read third time. Carried by Morse. On passage of bill the vote was: Ayes, 23; nays, 3 – Beyer, Kruse, Nelson; attending legislative business, 4 – Brown, Carter, Schrader, President Courtney. Bill passed.

SB 954 -- Bill read. Carried by Devlin. Rereferred to Special Committee on Budget by voice vote on motion of Devlin.

SB 1057 -- Moved to the foot of today's third reading calendar by unanimous consent at the request of the Chair.

SB 1068 A-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 26; attending legislative business, 4 – Brown, Carter, Schrader, President Courtney. Bill passed.

SB 1074 A-Eng. -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 21; nays, 9 – Burdick, Carter, Johnson, Monnes Anderson, Morrisette, Schrader, Shields, Starr, C., Walker. Bill passed.

HB 2078, 2599, 3092, 3168 -- Read second time and passed to third reading.

HB 2050 B-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 2180 A-Eng. -- Read third time. Carried by Ferrioli. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 2408 B-Eng. -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 2429 B-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 2527 A-Eng. -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 30. Bill passed.

SB 5586; 1057; HB 2103, 2120, 2656, 3073, 3093, 3230, 3319, 3352, 3472, 3491, 3495 -- Carried over to July 12 calendar by unanimous consent at the request of the Chair.

The following measures were referred to committee on July 8 and recorded on Committee Referral List No. 53 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 1093 Rules; Budget  
 SB 1100 Budget  
 HJM 37 Rules  
 HB 2671 Rules

SB 323, 785, 920, 955; HB 5157 -- President Courtney signed on July 11.

Senate adjourned until 10:00 a.m. Tuesday by unanimous consent at the request of the Chair.

**Tuesday, July 12, 2005 -- Morning Session**

Senate convened at 10:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; attending legislative business -- Shields. Colors were posted and the



Senate pledged allegiance to the flag. Invocation by Senator Bruce Starr, Hillsboro.

SB 5555, 5565, 5573, 5576, 5593, 5594, 5608, 5613, 5622; 119, 364, 853, 1050; HB 2181, 2461, 2797, 3049, 3502 -- Message from the House announcing passage.

SB 117, 123, 342, 479, 1025, 1034 -- Message from the House announcing passage as amended by the House.

HB 5114, 5122, 5130; 2717, 2932, 3260 -- Message from the House announcing concurrence in Senate amendments and repassage.

HB 3143 -- Message from the House announcing refusal to concur in Senate amendments. House conferees to be appointed.

SB 782 -- Message from the House announcing Boone, Butler, Dalto appointed House conferees.

HB 2167 -- Message from the House announcing Ackerman, Kitts, Smith, G. appointed House conferees.

HB 3143 -- Message from the House announcing Lim, Schaufler, Smith, G. appointed House conferees.

HB 3145 -- Message from the House announcing Dallum, Krummel, Wirth appointed House conferees.

HCR 17; HB 5157; 2136, 2322, 2480, 2507, 2681, 2706, 2754, 2776, 2833, 2862, 2933, 2945, 3075, 3174, 3179, 3443 -- Message from the House announcing the Speaker signed on July 11.

Committee Report Summary No. 133 listing the following reports was distributed to members June 11. Summary list recorded in Journal and Status Report by order of the President.

SB 1083 -- Report by Committee on Revenue recommending passage with amendments.

HB 2561 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

HB 3379 -- Report by Committee on Rules recommending passage with amendments.

Committee Report Summary No. 134 listing the following reports was distributed to members June 11. Summary list recorded in Journal and Status Report by order of the President.

SB 5546 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5548 -- Report by Special Committee on Budget recommending passage with amendments.

SB 5584 -- Report by Special Committee on Budget recommending passage with amendments.

SB 82 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

HB 5171 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

Committee Report Summary No. 135 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 2458 -- Report by Conference Committee signed by Senators Nelson, Ringo, Shields and Representatives Garrard, Jenson, Ackerman recommending that the House concur in Senate amendments dated June 13 and that the A-engrossed bill be further amended and repassed.

SB 5612 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

SB 1088 -- Report by Special Committee on Budget recommending passage.

SB 1092 -- Report by Special Committee on Budget recommending passage.

HB 5080 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 5085 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 5118 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 5121 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 5149 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 2052 -- Report by Special Committee on Budget recommending passage.

HB 2107 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

Committee Report Summary No. 136 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 2339 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

SM 3 -- Introduced, read first time and referred to President's desk.

SB 5546, 5548, 5584, 5612; 82, 1083, 1088, 1092 -- Read second time and passed to third reading.

SB 5586 A-Eng. -- Read third time. Carried by Bates. Call of the Senate demanded by Bates joined by Brown and Gordly. All present except Shields, attending legislative business. Pending arrival of member subject to the Call, Senate at ease. All present. Senate reassembled. On passage of bill the vote was: Ayes, 18; nays, 12 -- Atkinson, Beyer,

Ferrioli, George, Kruse, Morse, Ringo, Starr, B., Starr, C., Westlund, Whitsett, Winters. Bill passed.

SB 1057 -- Bill read. Carried by Brown. Taken from today's third reading calendar and rereferred to Committee on Rules on motion of Brown. The vote was: Ayes, 16; nays, 13 -- Atkinson, Beyer, Ferrioli, George, Kruse, Metsger, Monnes Anderson, Prozanski, Starr, B., Starr, C., Westlund, Whitsett, Winters; attending legislative business, 1 -- Shields. Motion carried.

HB 2181, 2461, 2797, 3049, 3502 -- Read first time and referred to President's desk.

HB 5080, 5085, 5118, 5121, 5149, 5171; 2052, 2107, 2339, 2561, 3379 -- Read second time and passed to third reading.

HB 2656 A-Eng. -- Read third time. Carried by Ferrioli. Potential conflict of interest declared by Beyer. On passage of bill the vote was: Ayes, 25; nays, 4 -- Brown, Carter, Nelson, Westlund; attending legislative business, 1 -- Shields. Bill passed. Westlund, granted unanimous consent to change from aye to nay.

HB 3073 B-Eng. -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 29; attending legislative business, 1 -- Shields. Bill passed.

HB 3093 B-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 28; attending legislative business, 2 -- Nelson, Shields. Bill passed.

HB 3319 B-Eng. -- Read third time. Carried by Ferrioli. On passage of bill the vote was: Ayes, 28; attending legislative business, 2 -- Nelson, Shields. Bill passed.

HB 3352 -- Bill read. Carried by Ringo. Taken from today's third reading calendar and placed on July 18 calendar by voice vote on motion of Ringo.

HB 3472 A-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 28; attending legislative business, 2 -- Nelson, Shields. Bill passed.

HB 3491 A-Eng. -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 28; excused, 1 -- Gordly; attending legislative business, 1 -- Shields. Bill passed.

HB 3495 A-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 27; nays, 1 -- Schrader; excused, 1 -- Gordly; attending legislative business, 1 -- Shields. Bill passed.

HB 2103 B-Eng. -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 25; nays, 4 -- George, Schrader, Starr, B., Starr, C.; attending legislative business, 1 -- Shields. Bill passed.

HB 2120 B-Eng. -- Read third time. Carried by Nelson. Potential conflict of interest declared by Morse. On passage of bill the vote was: Ayes, 28; nays, 1 -- Schrader; attending legislative business, 1 -- Shields. Bill passed.

HB 3230 C-Eng. -- Read third time. Carried by Carter. On passage of bill the vote was: Ayes, 29; attending legislative business, 1 -- Shields. Bill passed.

HB 2078 A-Eng. -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 27; nays, 1 -- Schrader; absent, 1 -- Metsger; attending legislative business, 1 -- Shields. Bill passed.

HB 2599 C-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 3092 C-Eng. -- Bill read. Carried by Ferrioli. On passage of bill the vote was: Ayes, 27; nays, 3 -- Beyer, Kruse, Schrader. Bill passed.

HB 3168 A-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 2167 -- Atkinson, Brown, Ringo appointed Senate conferees.

HB 3143 -- Johnson, Metsger, Westlund appointed Senate conferees.

HB 3145 -- Metsger, Nelson, Shields appointed Senate conferees.

HCR 9, 17; HJM 13, 15, 16, 18, 25; HB 2136, 2322, 2480, 2507, 2681, 2706, 2754, 2776, 2833, 2862, 2933, 2945, 3075, 3174, 3179, 3443 -- President Courtney signed on July 12.

Senate adjourned until 10:00 a.m. Wednesday by unanimous consent at the request of the Chair.

### Wednesday, July 13, 2005 -- Morning Session

Senate convened at 10:00 a.m. President Pro Tempore Carter in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, President Courtney, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; attending legislative business -- Prozanski; excused -- Burdick. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Laurie Monnes Anderson, Gresham.

Senate recessed until 10:45 a.m. by unanimous consent on motion of Brown.

Senate reconvened at 10:45 a.m. President Pro Tempore Carter in Chair. All present except Burdick, excused.

Senate, having recessed following the order of Remonstrances, resumed under the general order of business by unanimous consent at the request of the Chair.

SCR 9; SB 5534, 5535; 44, 45, 62, 91, 128, 181, 199, 243, 323, 392, 424, 577, 699, 785, 786, 920, 955, 965, 978, 1039, 1047; HCR 9, 13, 17; HJM 7, 13, 15, 16, 18, 25; HJR 25; HB 5084, 5109, 5125, 5138, 5141; 2077, 2144, 2191, 2210, 2212, 2221, 2224, 2230, 2269, 2282, 2299, 2359, 2404, 2596, 2614, 2772, 2811, 2840,

3127, 3358, 3419, 3468, 3482 -- Message from the House announcing the Speaker signed on July 12.

Committee Report Summary No. 137 listing the following reports was distributed to members July 12. Summary list recorded in Journal and Status Report by order of the President.

HB 2800 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

HB 3481 -- Report by Committee on Revenue recommending passage with amendments to the B-Engrossed bill.

Committee Report Summary No. 138 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HJM 37 -- Report by Committee on Rules recommending adoption.

HB 2154 -- Report by Committee on Rules recommending passage.

HB 2539 -- Report by Committee on Rules without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

HB 2566 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 2581 -- Report by Committee on Rules recommending passage.

HB 2591 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 3494 -- Report by Committee on Rules recommending passage with amendments.

SB 27 B-Eng. -- Brown moved that the Senate concur in House amendments and repass bill. Call of the Senate demanded by Brown joined by Courtney and Monnes Anderson. All present except Burdick, excused. Further proceedings under the Call terminated by unanimous consent at the request of the Chair. All present except Burdick, excused. On concurrence and repassage the vote was: Ayes, 27; nays, 2 -- George, Schrader; excused, 1 -- Burdick. Bill repassed.

SB 27 -- Schrader requested the following explanation of vote be entered into the journal:

"I voted no on SB 27 because the Legislative Fiscal Office should be on the initiative price tag team. They are the office, the only office, which understands and writes fiscal statements. It is ridiculous to have a fiscal impact team, not one member of which including the Legislative Revenue Office, that has any experience in writing a fiscal impact statement.

"I support the policy of making Oregonians aware of the cost of initiatives. However, those making the decision must have some fiscal expertise."

SB 31 A-Eng. -- Senate refused to concur in House amendments on motion of Deckert. The vote was: Ayes, 17; nays, 12 -- Atkinson, Beyer, Ferrioli,

George, Kruse, Morse, Nelson, Starr, B., Starr, C., Westlund, Whitsett, Winters; excused, 1 -- Burdick. Motion carried.

SB 117 A-Eng. -- Metsger moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 27; nays, 2 -- Beyer, George; excused, 1 -- Burdick. Bill repassed.

SB 123 A-Eng. -- Metsger moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 28; nays, 1 -- Beyer; excused, 1 -- Burdick. Bill repassed.

SB 342 B-Eng. -- Schrader moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 29; excused, 1 -- Burdick. Bill repassed.

SB 479 C-Eng. -- Metsger moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 29; excused, 1 -- Burdick. Bill repassed.

HCR 6 -- Taken from today's third reading calendar and placed on July 20 calendar by voice vote on motion of Brown.

SB 1095 -- Introduced, read first time and referred to President's desk.

SB 5546 A-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 22; nays, 7 -- Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C.; excused, 1 -- Burdick. Bill passed.

SB 5548 A-Eng. -- Read third time. Carried by Westlund. On passage of bill the vote was: Ayes, 22; nays, 7 -- Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C.; excused, 1 -- Burdick. Bill passed.

SB 5584 A-Eng. -- Read third time. Carried by Devlin. Potential conflict of interest declared by Whitsett. On passage of bill the vote was: Ayes, 24; nays, 5 -- Atkinson, Beyer, Ferrioli, George, Kruse; excused, 1 -- Burdick. Bill passed.

SB 5612 A-Eng. -- Bill read. Carried by Bates. On passage of bill the vote was: Ayes, 20; nays, 9 -- Atkinson, Beyer, Ferrioli, George, Kruse, Ringo, Starr, B., Starr, C., Whitsett; excused, 1 -- Burdick. Bill passed.

SB 5612 -- Prozanski requested the following explanation of vote be entered into the journal:

"I disagree with the legislature when it adds budget notes in an agency's budget that micromanage the operations of that agency. I voted yes on SB 5612 to move the bill to a conference committee. Hopefully, the committee will either remove the current budget note or will re-work it to ensure that the legislature is not micromanaging the daily operations of the agency.

"I also supported the bill to allow Oregon to participate in the federal Forest Legacy Program. It was surprising to learn that Oregon was the only state that refused federal funding last session. If a private landowner wants to participate in this program, why should the legislature prohibit that individual from doing so?"

SB 82 B-Eng. -- Read third time. Carried by Bates. On passage of bill the vote was: Ayes, 21; nays, 8 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C., Whitsett; excused, 1 – Burdick. Bill passed.

SB 1083 A-Eng. -- Read third time. Carried by Schrader. Potential conflict of interest declared by Beyer, George, Kruse, Schrader. On passage of bill the vote was: Ayes, 25; nays, 4 – Morrisette, Ringo, Shields, Walker; excused, 1 – Burdick. Bill passed.

SB 1088 -- Read third time. Carried by Bates. On passage of bill the vote was: Ayes, 29; excused, 1 – Burdick. Bill passed.

SB 1092 -- Read third time. Carried by Johnson. On passage of bill the vote was: Ayes, 26; nays, 3 – Atkinson, Beyer, Kruse; excused, 1 – Burdick. Bill passed.

HJM 37; HB 2154, 2566, 2581, 2591, 2800, 3481 -- Read second time and passed to third reading.

HB 5080, 5085, 5118, 5121, 5149, 5171; 2052, 2107, 2339, 2561, 3379 -- Carried over to July 14 calendar by unanimous consent at the request of the Chair.

The following measures were referred to committee on July 12 and recorded on Committee Referral List No. 54 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SM 3 Rules  
SB 1094 Rules  
HB 2181 Rules  
HB 2461 Rules  
HB 2797 Budget  
HB 3049 Budget  
HB 3502 Budget

HB 2306 -- Beyer, Burdick, Monnes Anderson appointed Senate conferees.

Senate adjourned until 10:00 a.m. Thursday by unanimous consent at the request of the Chair.

#### Thursday, July 14, 2005 -- Morning Session

Senate convened at 10:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Westlund, Whitsett, Winters; absent -- Walker. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Gary George, McMinnville.

SB 89, 118, 198, 568, 693, 855, 913, 962, 1012 -- Message from the Governor announcing he signed on July 14.

The following messages from the Governor were read and referred to the President's desk:

July 13, 2005

#### TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 469.450 provides that the Governor shall appoint the members of the Energy Facility Siting Council, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Martha Dibblee of Portland to the Energy Facility Siting Council for a four-year term beginning July 1, 2005, and ending June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

July 13, 2005

#### TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 342.930 provides that the Governor shall appoint the members of the Fair Dismissal Appeals Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Carolyn Ramey of Seaside to the Fair Dismissal Appeals Board for a four-year term beginning July 1, 2005, and ending June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

July 13, 2005

#### TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 342.930 provides that the Governor shall appoint the members of the Fair Dismissal Appeals Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Bob Weil of Portland to the Fair Dismissal Appeals Board for a four-year term beginning July 1, 2005, and ending June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

July 13, 2005

#### TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 410.602 provides that the Governor shall appoint the members of the Home Care Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Scott Lay of Portland to the Home Care Commission for an unexpired three-year term beginning

August 1, 2005, and ending April 30, 2007, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

July 13, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 181.620 provides that the Governor shall appoint the members of the Board on Public Safety Standards and Training, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Mark Prince of Independence to the Board on Public Safety Standards and Training for a three-year term beginning August 1, 2005, and ending June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

July 13, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 462.210 provides that the Governor shall appoint the members of the Oregon Racing Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Todd Thorne of Pendleton to the Oregon Racing Commission for a four-year term beginning June 1, 2005, and ending May 31, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

July 13, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 184.612 provides that the Governor shall appoint the members of the Oregon Transportation Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Stuart Foster of Medford to the Oregon Transportation Commission for a four-year term beginning July 1, 2005, and ending June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

July 13, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 458.555 provides that the Governor shall appoint the members of the Oregon Commission for Voluntary Action and Service, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Matthew Fisher of Portland to the Oregon Commission for Voluntary Action and Service for a three-year term beginning August 1, 2005, and ending July 31, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

July 13, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 458.555 provides that the Governor shall appoint the members of the Oregon Commission for Voluntary Action and Service, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Jack Lorts of Fossil to the Oregon Commission for Voluntary Action and Service for an unexpired three-year term beginning August 1, 2005, and ending September 30, 2005, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

July 13, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 458.555 provides that the Governor shall appoint the members of the Oregon Commission for Voluntary Action and Service, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Jack Lorts of Fossil to the Oregon Commission for Voluntary Action and Service for a three-year term beginning October 1, 2005, and ending September 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

July 13, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 458.555 provides that the Governor shall appoint the members of the Oregon Commission for Voluntary Action and Service, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Ted Wheeler of Portland to the Oregon Commission for Voluntary Action and Service for a three-

year term beginning August 1, 2005, and ending July 31, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Theodore R. Kulongoski  
Governor

Committee Report Summary No. 139 listing the following reports was distributed to members July 13. Summary list recorded in Journal and Status Report by order of the President.

Report by Committee on Rules recommending that the Governor's appointments of Rich Brown (a) and (r), Rebecca Hernandez and Jean Phelps to the State Commission on Children and Families be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's reappointments of Betty Griffith (appearance waived) and Holly Scholles (appearance waived) to the State Board of Direct Entry Midwifery be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's reappointments of Pamela Hulse Andrews (appearance waived), Carl Talton (appearance waived) and Walter Van Valkenburg (appearance waived) to the Oregon Economic and Community Development Commission be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's appointment of Sarah Owens to the Employment Appeals Board be confirmed.

Report by Committee on Rules recommending that the Governor's reappointments of Bridget Burns (appearance waived), Howard Sohn (appearance waived) and Tony Van Vliet (appearance waived) to the State Board of Higher Education be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's appointment of Jeana Woolley to the State Housing Council be confirmed.

Report by Committee on Rules recommending that the Governor's reappointment of Yvonne Williams (appearance waived) to the Trustees of the State Library be confirmed.

Report by Committee on Rules recommending that the Governor's appointment of Richard Allen to the State Marine Board be confirmed.

Report by Committee on Rules recommending that the Governor's reappointment of Cathryn Lew (appearance waived) to the State Board of Pharmacy be confirmed.

Report by Committee on Rules recommending that the Governor's reappointments of Steve Corey (appearance waived), Judith Johansen (appearance waived) and Junki Yoshida (appearance waived) to the Board of Commissioners of the Port of Portland be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's reappointments of Erik Kvarsten

(appearance waived), Eric Meyer (appearance waived) and Eric Swanson (appearance waived) to the Board on Public Safety Standards and Training be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's reappointment of Sara Vickerman (appearance waived) to the Sustainability Board be confirmed.

Report by Committee on Rules recommending that the Governor's reappointments of Katy Coba (appearance waived) and Joe D'Alessandro (appearance waived) to the Oregon Tourism Commission be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's reappointments of George Richardson (appearance waived) and Tiffany Sweitzer (appearance waived) to the Tri-Met Board be confirmed en bloc.

Committee Report Summary No. 140 listing the following reports was distributed to members July 13. Summary list recorded in Journal and Status Report by order of the President.

SB 106 -- Report by Conference Committee, signed by Senators Burdick, Beyer, Prozanski and Representatives Krieger, Barker, Olson, recommending the House concur in Senate amendments dated June 14 and that the bill be further amended and repassed.

HB 2056 -- Report by Committee on Rules without recommendation as to passage. Referred to Special Committee on Budget by prior reference.

HB 2234 -- Report by Committee on Revenue recommending passage with amendments to the C-Engrossed bill.

HB 2542 -- Report by Committee on Revenue recommending passage with amendments to the A-Engrossed bill. Minority Report, signed by Starr, C., George, recommending passage with different amendments to the A-Engrossed bill.

HB 3486 -- Report by Committee on Rules recommending passage. Referred to Special Committee on Budget by prior reference.

Report by Committee on Rules recommending that the Governor's reappointment of Adriana Mendoza (appearance waived) to the State Board of Higher Education be confirmed.

Committee Report Summary No. 141 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 1089 -- Report by Committee on Rules recommending passage.

HB 3090 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

SB 489 B-Eng. -- Brown moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 22;

absent, 4 – Burdick, Deckert, Starr, C., Walker; excused, 2 – Carter, Devlin; attending legislative business, 2 – Gordly, Prozanski. Bill repassed.

Rules suspended by unanimous consent in order that the Senate may take en bloc action on the confirmation of the following appointments on motion of Ferrioli.

#### **State Commission on Children and Families**

Rich Brown (a) and (r)  
Rebecca Hernandez  
Jean Phelps

#### **State Board of Direct Entry Midwifery**

Betty Griffith (r)  
Holly Scholles (r)

#### **Oregon Economic and Community Development Commission**

Pamela Hulse Andrews (r)  
Carl Talton (r)  
Walter Van Valkenburg (r)

#### **Employment Appeals Board**

Sarah Owens

#### **State Board of Higher Education**

Bridget Burns (r)  
Adriana Mendoza (r)  
Howard Sohn (r)  
Tony Van Vliet (r)

#### **State Housing Council**

Jeana Woolley

#### **Trustees of the State Library**

Yvonne Williams (r)

#### **State Marine Board**

Richard Allen

#### **State Board of Pharmacy**

Cathryn Lew (r)

#### **Board of Commissioners of the Port of Portland**

Steve Corey (r)  
Judith Johansen (r)  
Junki Yoshida (r)

#### **Board on Public Safety Standards and Training**

Erik Kvarsten (r)  
Eric Meyer (r)  
Eric Swanson (r)

#### **Sustainability Board**

Sara Vickerman (r)

#### **Oregon Tourism Commission**

Katy Coba (r)  
Joe D Alessandro (r)

#### **Tri-Met Board**

George Richardson (r)  
Tiffany Sweitzer (r)

Under rules suspension, Ferrioli moved that the Senate confirm en bloc the Governor's appointments as listed in the motion to suspend the rules. On confirmation the vote was: Ayes, 22; nays, 2 – Beyer, Kruse; absent, 2 – Starr, C., Walker; excused, 1 – Carter; attending legislative business, 3 – Gordly, Prozanski, President Courtney. Confirmed en bloc. Kruse granted unanimous consent to change vote to nay. (Metsger in Chair)

SB 1096 -- Introduced, read first time and referred to President's desk.

SB 1089 -- Read second time and passed to third reading.

HB 2234, 2542, 3494 -- Read second time and passed to third reading.

HB 5080 -- Moved to the foot of today's third reading calendar by unanimous consent at the request of the Chair.

HB 5085 A-Eng. -- Read third time. Carried by Morse. On passage of bill the vote was: Ayes, 23; nays, 1 – Atkinson; absent, 2 – Starr, C., Walker; excused, 1 – Carter; attending legislative business, 3 – Gordly, Prozanski, President Courtney. Bill passed.

HB 5118 A-Eng. -- Read third time. Carried by Devlin. On passage of bill the vote was: Ayes, 23; nays, 1 – Atkinson; absent, 2 – Starr, C., Walker; excused, 1 – Carter; attending legislative business, 3 – Gordly, Prozanski, President Courtney. Bill passed.

HB 5121 A-Eng. -- Read third time. Carried by Schrader. On passage of bill the vote was: Ayes, 24; nays, 1 – Atkinson; absent, 2 – Starr, C., Walker; excused, 1 – Carter; attending legislative business, 2 – Gordly, Prozanski. Bill passed.

Senate reverted to the order of Propositions and Motions by unanimous consent at the request of the Chair.

HB 3481 -- Taken from today's third reading calendar and rereferred to Committee on Revenue by voice vote on motion of Deckert.

Senate resumed under the general order of business by unanimous consent at the request of the Chair.

HB 5149 A-Eng. -- Read third time. Carried by Westlund. On passage of bill the vote was: Ayes, 20; nays, 6 – Atkinson, Beyer, George, Kruse, Starr, B., Starr, C.; absent, 1 – Walker; excused, 1 – Carter; attending legislative business, 2 – Gordly, Prozanski. Bill passed.

HB 5171 B-Eng. -- Read third time. Carried by Schrader. On passage of bill the vote was: Ayes, 21;

nays, 6 – Atkinson, Beyer, George, Kruse, Starr, B., Verger; absent, 1 – Walker; attending legislative business, 2 – Gordly, Prozanski. Bill passed.

HB 2052 -- Read third time. Carried by Morse. On passage of bill the vote was: Ayes, 23; nays, 4 – Beyer, Kruse, Starr, B., Whitsett; absent, 1 – Walker; attending legislative business, 2 – Gordly, Prozanski. Bill passed.

HB 2107 A-Eng. -- Read third time. Carried by Johnson. On passage of bill the vote was: Ayes, 24; nays, 2 – Beyer, Kruse; absent, 1 – Walker; attending legislative business, 3 – George, Gordly, Prozanski. Bill passed.

HB 2339 A-Eng. -- Read third time. Carried by Starr, B. On passage of bill the vote was: Ayes, 24; nays, 2 – Beyer, Kruse; absent, 1 – Walker; attending legislative business, 3 – George, Gordly, Prozanski. Bill passed.

HB 2561 B-Eng. -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 27; absent, 1 – Walker; attending legislative business, 2 – George, Prozanski. Bill passed.

HB 3379 A-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 24; nays, 1 – Whitsett; absent, 1 – Walker; attending legislative business, 4 – Carter, George, Prozanski, President Courtney. Bill passed.

Senate at ease. Senate reassembled.

HJM 37 -- Read final time. Carried by Ferrioli. On adoption of memorial, the vote was: Ayes, 26; nays, 1 – Schrader; absent, 1 – Walker; attending legislative business, 2 – George, Prozanski. Memorial adopted.

HB 2154 -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 28; absent, 1 – Walker; attending legislative business, 1 – Prozanski. Bill passed.

HB 2566 A-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 25; nays, 3 – Beyer, Schrader, Whitsett; absent, 1 – Walker; attending legislative business, 1 – Prozanski. Bill passed.

HB 2581 -- Read third time. Carried by Shields. Potential conflict of interest declared by George. On passage of bill the vote was: Ayes, 29; absent, 1 – Walker. Bill passed.

HB 2591 A-Eng. -- Read third time. Carried by Ferrioli. On passage of bill the vote was: Ayes, 29; absent, 1 – Walker. Bill passed.

HB 2800 B-Eng. -- Read third time. Carried by Shields. Potential conflict of interest declared by Metsger. On passage of bill the vote was: Ayes, 27; nays, 2 – Beyer, Kruse; absent, 1 – Walker. Bill passed.

HB 5080 A-Eng. -- Read third time. Carried by Gordly. On passage of bill the vote was: Ayes, 29; absent, 1 – Walker. Bill passed.

SJR 34; SB 5555, 5565, 5573, 5576, 5593, 5594, 5608, 5613, 5622; 65, 81, 119, 364, 671, 853, 1032, 1050; HCR 13; HJM 7; HJR 25; HB 5084, 5109, 5125, 5138, 5141; 2077, 2144, 2191, 2210, 2212, 2221, 2224, 2230, 2269, 2282, 2299, 2359, 2404, 2596, 2614, 2772, 2811, 2840, 3127, 3358, 3419, 3468, 3482 -- President Courtney signed on July 14.

Senate adjourned until 10:00 a.m. Monday by unanimous consent at the request of the Chair.

### Monday, July 18, 2005 -- Morning Session

Senate convened at 10:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Frank Morse, Corvallis.

SB 5534, 5535; 44, 45, 62, 91, 128, 181, 199, 243, 323, 392, 424, 577, 699, 785, 786, 920, 955, 965, 978, 1039, 1047, 1064 -- Message from the Governor announcing he signed on July 15.

HB 2009 -- Message from the House announcing passage.

HB 5171; 2050, 2078, 2103, 2120, 2408, 2429, 2561, 2599, 2800, 3073, 3092, 3168, 3230, 3319 -- Message from the House announcing concurrence in Senate amendments and repassage.

HB 3093, 3262 -- Message from the House announcing House refusal to concur in Senate amendments. Conferees to be appointed.

SB 863 -- Message from the House announcing Ackerman, Garrard, Kitts appointed House conferees.

SJR 34; SB 5555, 5565, 5573, 5576, 5593, 5594, 5608, 5613, 5622; 65, 81, 119, 364, 671, 853, 1032, 1050; HB 5114, 5115, 5122, 5126, 5127, 5130, 5137, 5140, 5146, 5166, 5170, 5172, 5173; 2069, 2089, 2104, 2113, 2117, 2123, 2159, 2180, 2186, 2233, 2247, 2340, 2527, 2593, 2656, 2717, 2932, 3083, 3260, 3329, 3350, 3472, 3479, 3491, 3495 -- Message from the House announcing the Speaker signed on July 14.

Committee Report Summary No. 142 listing the following reports was distributed to members July 14. Summary list recorded in Journal and Status Report by order of the President.

SB 359 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

HB 5129 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

Committee Report Summary No. 143 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.



HB 5104 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 2062 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill to resolve conflicts.

HB 2525 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

Senate recessed until 10:40 a.m. by unanimous consent on motion of Brown.

Senate reconvened at 10:40 a.m. President Courtney in Chair. All present.

Senate, having recessed under the order of Reports from Standing Committees, resumed under the general order of business by unanimous consent at the request of the Chair.

SB 106 B-Eng.\* -- Conference Committee report adopted and bill repassed on motion of Burdick. The vote was: Ayes, 30. Bill repassed.

HB 2542 -- Committee report and minority report read. Deckert moved that the Senate adopt the committee report. Starr, C. moved that the minority report be substituted for the committee report. Call of the Senate demanded by Brown joined by George and Ringo. All present except Burdick, attending legislative business. Pending arrival of member subject to the Call, Senate at ease. All present. Senate reassembled.

HB 2542 -- Motion to substitute minority report failed. The vote was: Ayes, 12; nays, 18 -- Bates, Brown, Burdick, Carter, Deckert, Devlin, Gordly, Johnson, Metsger, Monnes Anderson, Morrisette, Prozanski, Ringo, Schrader, Shields, Verger, Walker, President Courtney. Motion failed.

HB 2542 A-Eng. -- Bill, as amended by committee report, read third time. Carried by Deckert. Call of the Senate demanded by Deckert joined by Brown and Bates. All present. On passage of bill the vote was: Ayes, 18; nays, 12 -- Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Starr, B., Starr, C., Westlund, Whitsett, Winters. Bill passed.

HB 3352 -- Taken from today's third reading calendar and rereferred to Committee on Rules by voice vote on motion of Brown.

SB 1097 -- Introduced, read first time and referred to President's desk.

SB 359 -- Read second time and passed to third reading.

SB 1089 -- Read third time. Carried by Carter, Gordly. On passage of bill the vote was: Ayes, 28; attending legislative business, 2 -- Morse, Schrader. Bill passed.

HB 2009 -- Read first time and referred to President's desk.

HB 5104, 5129; 3090 -- Read second time and passed to third reading.

HB 2234, 3494 -- Carried over to July 19 calendar by unanimous consent at the request of the Chair.

The following measures were referred to committee on July 14 and recorded on Committee Referral List No. 55 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 1095 Budget

SB 1096 Rules

#### **Energy Facility Siting Council (ORS 469.450)**

Martha Dibblee (r) Rules

#### **Fair Dismissal Appeals Board (ORS 342.930)**

Carolyn Ramey (r) Rules

Bob Weil (r) Rules

#### **Home Care Commission (ORS 410.602)**

Scott Lay Rules

#### **Board on Public Safety Standards and Training (ORS 181.620)**

Mark Prince Rules

#### **Oregon Racing Commission (ORS 462.210)**

Todd Thorne (r) Rules

#### **Oregon Transportation Commission (ORS 184.612)**

Stuart Foster (r) Rules

#### **Oregon Commission for Voluntary Action & Service (ORS 458.555)**

Matthew Fisher Rules

Jack Lorts (a) & (r) Rules

Ted Wheeler Rules

HB 3044 -- Atkinson, Devlin, Ringo appointed Senate conferees.

HB 3093 -- Ferrioli, Metsger, Ringo appointed Senate conferees.

HB 3262 -- Brown, Nelson, Walker appointed Senate conferees.

HB 3374 -- Ringo, Walker, Whitsett appointed Senate conferees.

SB 27, 117, 123, 342, 479; HB 5114, 5115, 5122, 5126, 5127, 5130, 5137, 5140, 5146, 5157, 5166, 5170, 5172, 5173; 2069, 2089, 2104, 2113, 2117, 2123, 2159, 2180, 2186, 2233, 2247, 2340, 2527, 2593, 2656, 2717, 2932, 3083, 3260, 3329, 3350, 3472, 3479, 3491, 3495 -- President Courtney signed on July 15.

SB 489 -- President Courtney signed on July 18.

Senate adjourned until 10:00 a.m. Tuesday by unanimous consent at the request of the Chair.

**Tuesday, July 19, 2005 -- Morning Session**

Senate convened at 10:00 a.m. President Pro Tempore Carter in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, President Courtney, Deckert, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; excused -- Devlin. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Pastor Stephen Lewis of Evergreen Presbyterian Church, Salem.

SB 5583, 5614; 300, 311, 1084; HB 2147, 2285, 2313, 2601 -- Message from the House announcing passage.

SB 283, 480, 806, 1008, 1059 -- Message from the House announcing passage as amended by the House.

HB 3379 -- Message from the House announcing concurrence in Senate amendments and repassage.

HB 2458 -- Message from the House announcing adoption of conference committee report and repassage.

Committee Report Summary No. 144 listing the following reports was distributed to members July 18. Summary list recorded in Journal and Status Report by order of the President.

SB 5630 -- Report by Special Committee on Budget recommending passage with amendments.

SB 190 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

SB 907 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

HB 2058 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill to resolve conflicts.

Committee Report Summary No. 145 listing the following reports was distributed to members July 18. Summary list recorded in Journal and Status Report by order of the President.

SB 781 -- Report by Conference Committee, signed by Senators Morrisette, Kruse, Monnes Anderson and Representatives Boone, Boquist, Dalto, recommending that the Senate concur in House amendments dated June 28 and that the B-Engrossed bill be further amended and repassed.

SB 782 -- Report by Conference Committee, signed by Senators Morrisette, Kruse, Monnes Anderson and Representatives Boone, Butler, Dalto, recommending that the Senate concur in House amendments dated June 27 and that the B-Engrossed bill be further amended and repassed.

SB 5631 -- Report by Special Committee on Budget recommending passage with amendments.

HB 2060 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

Committee Report Summary No. 146 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 3145 -- Report by Conference Committee, signed by Senators Shields, Metsger, Nelson and Representatives Dallum, Krummel, Wirth, recommending that the House concur in Senate amendments dated July 1 and that the B-Engrossed bill be further amended and repassed.

SB 1085 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 5139 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 2065 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 2112 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 2537 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 3124 -- Report by Special Committee on Budget recommending passage of the B-Engrossed bill.

HB 3481 -- Report by Committee on Revenue recommending passage with amendments to the C-Engrossed bill. Minority Report, signed by Starr, C., George, recommending passage with different amendments to the C-Engrossed bill.

HB 3497 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 3502 -- Report by Special Committee on Budget recommending passage of the B-Engrossed bill.

SB 1025 B-Eng. -- Burdick moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 27; nays, 2 -- Atkinson, George; excused, 1 -- Devlin. Bill repassed.

SB 1034 B-Eng. -- Burdick moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 26; nays, 3 -- Beyer, Kruse, Whitsett; excused, 1 -- Devlin. Bill repassed.

SB 5630, 5631; 190, 907, 1085 -- Read second time and passed to third reading.

SB 359 B-Eng. -- Read third time. Carried by Morrisette. On passage of bill the vote was: Ayes, 24; nays, 4 -- Atkinson, Beyer, Kruse, Whitsett; excused, 1 -- Devlin; attending legislative business, 1 -- Burdick. Bill passed.

HB 2147, 2285, 2313, 2601 -- Read first time and referred to President's desk.

HB 5139; 2058, 2060, 2062, 2065, 2112, 2525, 2537, 3124, 3497, 3502 -- Read second time and passed to third reading.

HB 2234 D-Eng. -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 26; nays, 2 – Schrader, Walker; excused, 1 – Devlin; attending legislative business, 1 – Burdick. Bill passed.

HB 3494 A-Eng. -- Read third time. Carried by Ringo, Westlund. Potential conflict of interest declared by Westlund. On passage of bill the vote was: Ayes, 27; nays, 1 – George; excused, 1 – Devlin; attending legislative business, 1 – Burdick. Bill passed.

HB 3494 -- Verger requested the following explanation of vote be entered into the journal:

"With the -10 Amendments to HB 3494, I will vote yes as I believe that good work has been made to validate the mitigation program which will help restore stream flows in the Deschutes River.

"As a result of a challenge by Water Watch to administrative rules written by the Water Resources Department, the Court of Appeals wrote an opinion inviting the legislature to clarify its policy intent regarding ground water mitigation.

"The amended HB 3494 does this. In addition, it sunsets the program after eight years.

"Note: The Water Resources Department must spend the next eight years in a continual evaluation of the program's management. This program will assure that in-stream rights are protected. The mitigation must be in place before any water use begins and for the life of the ground water permits."

HB 5104 A-Eng. -- Read third time. Carried by Westlund. On passage of bill the vote was: Ayes, 27; nays, 1 – Atkinson; excused, 1 – Devlin; attending legislative business, 1 – Burdick. Bill passed.

HB 5129 B-Eng. -- Read third time. Carried by Gordly. On passage of bill the vote was: Ayes, 27; nays, 1 – Atkinson; excused, 1 – Devlin; attending legislative business, 1 – Burdick. Bill passed.

HB 3090 B-Eng. -- Read third time. Carried by Ringo.

Senate at ease. Senate reassembled.

HB 3090 B-Eng. -- Debate resumed. Bill failed, the vote was: Ayes, 14; nays, 15 – Atkinson, Beyer, Ferrioli, George, Johnson, Kruse, Metsger, Morse, Nelson, Starr, B., Starr, C., Verger, Westlund, Whitsett, Winters; excused, 1 – Devlin. Bill failed.

HB 3090 -- Metsger, having voted on the prevailing side, served notice of possible reconsideration.

Senate adjourned until 10:00 a.m. Wednesday by unanimous consent at the request of the Chair.

### Wednesday, July 20, 2005 -- Morning Session

Senate convened at 10:00 a.m. Metsger in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, President Courtney, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Joanne Verger, Coos Bay.

SB 27, 117, 123, 342, 479, 489; HJM 37; HB 5080, 5085, 5118, 5121, 5149; 2052, 2107, 2154, 2339, 2566, 2581, 2591 -- Message from the House announcing the Speaker signed on July 18.

Senate recessed until 10:50 a.m. by unanimous consent on motion of Brown.

Senate reconvened at 10:50 a.m. Metsger in Chair. All present.

Senate, having recessed under the order of Propositions and Motions, proceeded to the order of Third Reading of House Measures by unanimous consent at the request of the Chair.

HCR 6 -- Resolution read. Carried by Brown. On adoption of resolution, the vote was: Ayes, 28; absent, 1 – Burdick; attending legislative business, 1 – President Courtney. Resolution adopted.

Senate reverted to the order of Propositions and Motions by unanimous consent at the request of the Chair.

SB 896 -- Starr, B. moved that the rules be suspended to allow reconsideration of the vote whereby the Senate refused to concur in the House amendments on June 23. Motion carried by voice vote.

SB 896 -- Under rules suspension, Starr, B. moved that the vote whereby the Senate refused to concur in the House amendments be reconsidered. Motion carried by voice vote. Vote reconsidered.

SB 896 B-Eng. -- Under rules suspension, Starr, B. moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 28; absent, 1 – Burdick; attending legislative business, 1 – President Courtney. Bill repassed.

SB 480 -- Senate refused to concur in House amendments by voice vote on motion of Deckert. Conferees to be appointed.

SB 781 B-Eng.\* -- Conference Committee report adopted and bill repassed on motion of Kruse. The vote was: Ayes, 26; nays, 2 – Beyer, Schrader; absent, 1 – Burdick; attending legislative business, 1 – President Courtney. Bill repassed.

SB 782 B-Eng.\* -- Conference Committee report adopted and bill repassed on motion of Morrisette. The vote was: Ayes, 26; nays, 3 – George, Schrader, Westlund; attending legislative business, 1 – Burdick. Bill repassed.

HB 2458 B-Eng.\* -- Conference Committee report adopted and bill repassed on motion of Ringo. The vote was: Ayes, 26; nays, 2 – Schrader, Shields; attending legislative business, 2 – Beyer, Burdick. Bill repassed.

HB 2458 -- Prozanski requested the following explanation of vote be entered into the journal:

"I supported HB 2458 with some reservations. I appreciate the need for allowing local governments to plan for the use of their industrial lands and the flexibility to determine the size of the structures built on those lands, but I question the need for legislation to address these issues.

"The executive director of LCDC offered an amendment that would have allowed the agency to work through its process in a 16 month period. Further, if they were not successful the current sunset clause would automatically expire. But for whatever reason, it was rejected by the conference committee. Why?

"I also must state that I will not support future legislation that would permit these rural industrial lands to be used for commercial/retail operations. (The original version of HB 2458 included that provision.) Such a provision would undercut Oregon's land use laws and the principles of compact urban growth."

SB 1008 B-Eng. -- Deckert moved that the Senate concur in House amendments and repass bill. Potential conflict of interest declared by Burdick. Call of the Senate demanded by Deckert joined by Westlund and Johnson. All present. On concurrence and repassage the vote was: Ayes, 22; nays, 8 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C., Whitsett. Bill repassed.

SB 1098 -- Introduced, read first time and referred to President's desk.

SB 1085 -- Moved to the head of today's third reading calendar by unanimous consent at the request of the Chair.

SB 1085 A-Eng. -- Read third time. Carried by Kruse, Morrisette. On passage of bill the vote was: Ayes, 30. Bill passed. Carter granted unanimous consent to change vote to aye.

SB 5630 A-Eng. -- Read third time. Carried by Gordly. On passage of bill the vote was: Ayes, 30. Bill passed.

SB 907 -- Moved to the head of today's third reading calendar by unanimous consent at the request of the Chair.

SB 907 B-Eng. -- Read third time. Carried by Beyer, Burdick. On passage of bill the vote was: Ayes, 30. Bill passed. (President Courtney in Chair)

SB 5631; 190 -- Carried over to July 21 calendar by unanimous consent at the request of the Chair.

HB 3481 -- Read second time and passed to third reading.

HB 5139; 2058, 2060, 2062, 2065, 2112, 2525, 2537, 3124, 3497, 3502 -- Carried over to July 21

calendar by unanimous consent at the request of the Chair.

HJM 37; HB 5080, 5085, 5118, 5121, 5149; 2052, 2107, 2154, 2339, 2566, 2581, 2591 -- President Courtney signed on July 20.

Senate adjourned until 9:00 a.m. Thursday by unanimous consent at the request of the Chair.

#### Thursday, July 21, 2005 -- Morning Session

Senate convened at 9:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Charles Starr, Hillsboro.

SB 5555, 5565, 5573, 5576, 5593, 5594, 5608, 5613, 5622; 65, 119, 364, 853, 1032, 1050 -- Message from the Governor announcing he signed on July 20.

SB 671 -- Message from the Governor announcing he vetoed on July 20:

July 20, 2005

The Honorable Peter Courtney  
President of the Senate  
Oregon State Senate  
900 Court Street NE, S-203  
Salem, OR 97301

Dear President Courtney:

I am returning Enrolled Senate Bill 671 unsigned and disapproved.

SB 671 was introduced to establish a financing plan for the mutualization of Portland General Electric (PGE). I cannot support SB 671 because it fails to address the basic principles I set forth in March 2005. As I said at that time, any plan should provide rate relief and access to safe and reliable power for PGE customers; maintain appropriate support for low income energy assistance, energy efficiency and investments in renewables; protect communities that rely on revenue from PGE as it exists today; and keep PGE local and whole.

While the mutual utility concept is in part motivated by a desire to bring PGE under local, consumer control, SB 671 itself does not provide any certainty around how a mutual utility would meet my core principles. The bill does not result in any sort of consensus about how a mutual utility ownership model would impact PGE customers; it does not specify how a mutual utility would be governed or operated; and it does not ensure the certainty and accountability that I believe PGE customers need from their utility. In the end, I am not willing to start down this path and risk another fierce debate before the Public Utility Commission without more certainty about how this proposal could affect customers and, through them, Oregon's economy.

As Governor, my focus remains on continuing to create family-wage jobs and an education enterprise that will ensure Oregonians are the best trained, best skilled, and

best-educated citizenry in the nation – and it is not clear how SB 671 helps move us forward toward the goals of economic prosperity and security for all Oregonians.

Sincerely,

Theodore R. Kulongoski,  
Governor

The following messages from the Governor were read and referred to the Committee on Rules.

July 20, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 351.020 provides that the Governor shall appoint the members of the State Board of Higher Education, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint John von Schlegell of Portland to the State Board of Higher Education for a four-year term, as provided by statute, beginning July 1, 2005 and ending on June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

July 20, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 1.410 provides that the Governor shall appoint the members of the Commission on Judicial Fitness and Disability, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Randy Gordon of LaPine to the Commission on Judicial Fitness and Disability for a four-year term, as provided by statute, beginning August 1, 2005 and ending on July 31, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

July 20, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 342.350 provides that the Governor shall appoint the members of the Teacher Standards and Practices Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Mario Alba of Milwaukie to the Teacher Standards and Practices Commission for an unexpired three-year term, as provided by statute, beginning August 1, 2005 and ending on December 31, 2005, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

July 20, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 342.350 provides that the Governor shall appoint the members of the Teacher Standards and Practices Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Mario Alba of Milwaukie to the Teacher Standards and Practices Commission for a three-year term, as provided by statute, beginning January 1, 2006 and ending on December 31, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

July 20, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 458.555 provides that the Governor shall appoint the members of the Oregon Commission for Voluntary Action and Service, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Beth Fox of Albany to the Oregon Commission for Voluntary Action and Service for an unexpired three-year term, as provided by statute, beginning August 1, 2005 and ending on June 30, 2007, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

July 20, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 660.321 provides that the Governor shall appoint the members of the State Workforce Investment Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Peggy Miller of Clackamas to the State Workforce Investment Board for a three-year term, as provided by statute, beginning August 1, 2005 and ending on July 31, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

SB 815; HB 5174; 2485 -- Message from the House announcing passage.

SB 510 -- Message from the House announcing passage as amended by the House.

SB 106; HB 3145 -- Message from the House announcing Conference Committee Report adopted and bill repassed.

HB 2542 -- Message from the House announcing House refusal to concur in Senate amendments. Conferees to be announced.

HB 5171; 2050, 2078, 2103, 2120, 2408, 2429, 2561, 2599, 2800, 3073, 3092, 3168, 3230, 3319 -- Message from the House announcing the Speaker signed on July 20.

Committee Report Summary No. 147 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 2130 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 2265 -- Report by Committee on Rules without recommendation as to passage and requesting referral to Special Committee on Budget. Referred to Special Committee on Budget by order of the President.

HB 3117 -- Report by Committee on Rules recommending passage.

Senate at ease. Senate reassembled.

SB 806 B-Eng. -- Burdick moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 30. Bill repassed.

SB 1059 B-Eng. -- Burdick moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 30. Bill repassed.

HB 3481 -- Committee report and minority report read. Deckert moved that the Senate adopt the committee report. Starr, C. moved that the minority report be substituted for the committee report. Call of the Senate demanded by Starr, C. joined by George and Bates. All present.

HB 3481 -- Motion to substitute minority report failed. The vote was: Ayes, 14; nays, 16 -- Bates, Brown, Burdick, Carter, Deckert, Devlin, Gordly, Metsger, Monnes Anderson, Morrisette, Prozanski, Ringo, Schrader, Shields, Walker, President Courtney. Motion failed.

HB 3481 D-Eng. -- Bill, as amended by committee report, read third time. Carried by Deckert. Call of the Senate demanded by Deckert joined by Walker and George. All present. On passage of bill the vote was: Ayes, 20; nays, 10 -- Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Starr, B., Starr, C., Whitsett, Winters. Bill passed.

SB 1099 -- Introduced, read first time and referred to President's desk.

SB 5631 A-Eng. -- Read third time. Carried by Schrader. On passage of bill the vote was: Ayes, 18; nays, 11 -- Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Starr, B., Starr, C., Walker, Whitsett; attending legislative business, 1 -- Ringo. Bill passed.

SB 190 B-Eng. -- Read third time. Carried by Winters. On passage of bill the vote was: Ayes, 27; nays, 2 -- Beyer, Kruse; absent, 1 -- Burdick. Bill passed.

HB 5174; 2485 -- Read first time and referred to President's desk.

HB 2130, 3117 -- Read second time and passed to third reading.

HB 5139 A-Eng. -- Read third time. Carried by Bates. On passage of bill the vote was: Ayes, 29; nays, 1 -- Burdick. Bill passed.

HB 2058 B-Eng. -- Read third time. Carried by Nelson. On passage of bill the vote was: Ayes, 29; excused, 1 -- Brown. Bill passed.

HB 2060 B-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 29; nays, 1 -- Schrader. Bill passed.

HB 2062 B-Eng. -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 2065 A-Eng. -- Read third time. Carried by Devlin. On passage of bill the vote was: Ayes, 27; nays, 3 -- Beyer, George, Kruse. Bill passed.

HB 2112 A-Eng. -- Read third time. Carried by Johnson. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 2525 B-Eng. -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 2537 A-Eng. -- Read third time. Carried by Verger. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 3124 B-Eng. -- Read third time. Carried by Winters. On passage of bill the vote was: Ayes, 29; nays, 1 -- George. Bill passed.

HB 3497 A-Eng. -- Read third time. Carried by Burdick. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 3502 B-Eng. -- Read third time. Carried by Bates. On passage of bill the vote was: Ayes, 21; nays, 8 -- Burdick, Deckert, Devlin, George, Prozanski, Ringo, Walker, Westlund; attending legislative business, 1 -- Schrader. Bill passed.

HB 3502 -- Prozanski requested the following explanation of vote be entered into the journal:

"I support the Oregon State Fair, but I do not support HB 3502-B because it would define the fairgrounds as a state park for the sole purpose of permitting Measure 66 revenue to be used to fund the Fair.

"When the voters of Oregon passed Measure 66, it was not contemplated that the state fairgrounds would be established as a state park for the purpose of using Measure 66 revenue for funding its operations. Measure 66 was presented to the voters as a means to provide funding for upgrading existing park lands, for buying new park lands, and for restoring salmon populations. These funds were not intended to be used to support other state facilities or obligations.

"Accordingly, I could not support HB 3502-B as presented to the full Senate. I believe that the state must use other public revenue to fully fund the Oregon State Fair."

The following measures were referred to committee on July 20 and recorded on Committee Referral List No. 56 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 1097 Rules  
 SB 1098 Rules  
 HB 2009 Rules  
 HB 2285 Rules  
 HB 2313 Rules; Budget  
 HB 2601 Budget

SB 5614, 5583; 300, 311, 1025, 1034, 1084; HB 5171; 2050, 2078, 2103, 2120, 2408, 2429, 2561, 2599, 2800, 3073, 3092, 3168, 3230, 3319 -- President Courtney signed on July 21.

Senate adjourned until 4:00 p.m. Monday by unanimous consent at the request of the Chair.

### **Monday, July 25, 2005 -- Afternoon Session**

Senate convened at 4:00 p.m. President Courtney in Chair. The following members were present: Atkinson, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; absent -- Bates, Shields. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Jackie Winters, Salem.

SB 81 -- Message from the Governor announcing he signed on July 21.

SB 27, 117, 123, 342, 479, 489 -- Message from the Governor announcing he signed on July 22.

SB 1008 -- Message from the Governor announcing he vetoed on July 22.

July 22, 2005

The Honorable Peter Courtney  
 President of the Senate  
 Oregon State Senate  
 900 Court Street NE, S-203  
 Salem, OR 97301

Dear President Courtney:

I am returning Enrolled Senate Bill 1008 unsigned and disapproved.

Enron Corporation has terminated its negotiations with the City of Portland for the acquisition of Portland General Electric (PGE) and will continue the process of stock distribution to its creditors. I believe returning PGE to its pre-Enron status is in the interests of PGE ratepayers and the employees of PGE.

I have been clear from the beginning of this process that I would not support the State of Oregon becoming financially entangled in the purchase of PGE. I have not changed my position on this issue and, therefore, have vetoed SB 1008.

My primary goal over the last several months has been to ensure that PGE, under any ownership model, continues to provide reliable and affordable power to its

customers and remains an economic asset for communities throughout the state, which can be achieved without creating the option for the state to acquire a private utility company.

As Governor, my focus must remain on growing the economy, creating an education enterprise from pre-school through graduate school, ensuring our citizens have their basic needs of food, shelter and health care met, and opening the doors of opportunity for all Oregonians. Creating the option for a state-owned utility company would only distract from -- not strengthen -- our ability to move forward toward accomplishing these goals, which is why I cannot support this legislation.

Sincerely,

Theodore R. Kulongoski,  
 Governor

SB 173; HB 2157 -- Message from the House announcing passage.

HB 5129; 2234, 3494 -- Message from the House announcing concurrence in Senate amendments and repassage.

HB 2542 -- Message from the House announcing Berger, Butler, Riley appointed House conferees.

HB 3093 -- Message from the House announcing Boone, Brown, Kitts appointed House conferees.

HB 5104; 3379 -- Message from the House announcing the Speaker signed on July 21.

SB 1008 -- Message from the House announcing the Speaker signed on July 22.

SB 5583, 5614; 106, 300, 311, 815, 896, 1025, 1034, 1084; HCR 6; HB 2234, 2458, 3494 -- Message from the House announcing the Speaker signed on July 25.

Committee Report Summary No. 148 listing the following reports was distributed to members July 21. Summary list recorded in Journal and Status Report by order of the President.

SB 863 -- Report by Conference Committee, signed by Senators Prozanski, Ringo, Starr, C. and Representatives Ackerman, Garrard, Kitts, recommending that the House recede from House amendments dated June 28 and bill be repassed.

SB 5632 -- Report by Special Committee on Budget recommending passage with amendments.

SB 301 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

SB 817 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

SB 819 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

Committee Report Summary No. 149 listing the following reports was distributed to members today.

Summary list recorded in Journal and Status Report by order of the President.

SM 3 -- Report by Committee on Rules recommending adoption with amendments.

SB 1072 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

SB 1098 -- Report by Committee on Rules recommending passage.

Committee Report Summary No. 150 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 2306 -- Report by Conference Committee, signed by Senators Beyer, Burdick, Monnes Anderson and Representatives Ackerman, Krieger, Thatcher, recommending that the House concur in Senate amendments dated June 23 and that the B-Engrossed bill be further amended and repassed.

HB 3143 -- Report by Conference Committee, signed by Senators Johnson, Metsger, Westlund and Representatives Lim, Schaufler, Smith, G., recommending that the House concur in Senate amendments dated July 5 and that the C-Engrossed bill be further amended and repassed.

HB 3145 -- Consideration of Conference Committee Report carried over to July 26 calendar by unanimous consent at the request of the Chair.

SB 5632; 301, 817, 819, 1072, 1098 -- Read second time and passed to third reading.

HB 2157 -- Read first time and referred to President's desk.

HB 2130, 3117 -- Carried over to July 26 calendar by unanimous consent at the request of the Chair.

The following measures were referred to committee on July 21 and recorded on Committee Referral List No. 57 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 1099 Rules  
HB 5174 Budget  
HB 2485 Rules

#### **State Board of Higher Education (ORS 351.020)**

John von Schlegell (r) Rules

#### **Commission on Judicial Fitness and Disability (ORS 1.410)**

Randy Gordon Rules

#### **Teacher Standards and Practices Commission (ORS 342.350)**

Mario Alba (a) and (r) Rules

#### **Oregon Commission for Voluntary Action & Service (ORS 458.555)**

Beth Fox Rules

#### **State Workforce Investment Board (ORS 660.321)**

Peggy Miller Rules

HB 3093 -- Metsger discharged as Senate conferee. Bates appointed as Senate conferee.

SB 106, 815, 896, 1008; HB 5104; 3379 -- President Courtney signed on July 22.

Senate adjourned until 10:00 a.m. Tuesday by unanimous consent at the request of the Chair.

#### **Tuesday, July 26, 2005 -- Morning Session**

Senate convened at 10:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Beyer, Brown, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters; absent -- Bates; attending legislative business -- Burdick. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Margaret Carter, Portland.

HB 3262 -- Message from the House announcing Brown, Macpherson, Richardson appointed House conferees.

Committee Report Summary No. 151 listing the following reports was distributed to members July 25. Summary list recorded in Journal and Status Report by order of the President.

SB 1096 -- Report by Committee on Rules recommending passage with amendments.

Senate recessed until 10:35 a.m. by unanimous consent on motion of Brown.

Senate reconvened at 10:35 a.m. President Courtney in Chair. All present except Bates, absent; Burdick, Starr, B., attending legislative business.

Senate, having recessed under the order of Propositions and Motions, resumed under the general order of business by unanimous consent at the request of the Chair.

SB 671, 1008 -- Brown moved that the vetoed bills, together with Governor's messages, be laid on the table en bloc. Motion carried. The vote was: Ayes, 24; nays, 3 -- Atkinson, Beyer, Kruse; absent, 1 -- Bates; attending legislative business, 2 -- Burdick, Starr, B. Laid on table.

SB 510 C-Eng. -- Monnes Anderson moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 27; nays, 1 -- George; absent, 1 -- Bates; attending legislative business, 1 -- Burdick. Bill repassed.



HB 3145 B-Eng.\* -- Conference Committee report adopted and bill repassed on motion of Metsger. The vote was: Ayes, 28; absent, 1 – Bates; attending legislative business, 1 – Burdick. Bill repassed. (Monnes Anderson in Chair)

SM 3; SB 1096 -- Read second time and passed to third reading.

SB 5632 A-Eng. -- Read third time. Carried by Morse. On passage of bill the vote was: Ayes, 28; absent, 1 – Bates; attending legislative business, 1 – Burdick. Bill passed.

SB 301 B-Eng. -- Read third time. Carried by Gordly. Call of the Senate demanded by Brown joined by Devlin and Carter. All present except Bates, absent. On passage of bill the vote was: Ayes, 21; nays, 8 – Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C., Whitsett; absent, 1 – Bates. Bill passed.

SB 817 B-Eng. -- Read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 29; absent, 1 – Bates. Bill passed.

SB 819 B-Eng. -- Read third time. Carried by Westlund. On passage of bill the vote was: Ayes, 27; nays, 2 – Beyer, George; absent, 1 – Bates. Bill passed.

SB 1072 A-Eng. -- Read third time. Carried by Nelson. On passage of bill the vote was: Ayes, 29; absent, 1 – Bates. Bill passed.

SB 1098 -- Read third time. Carried by Shields. On passage of bill the vote was: Ayes, 25; nays, 4 – Atkinson, Beyer, George, Kruse; absent, 1 – Bates. Bill passed.

HB 2130 A-Eng. -- Read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 27; nays, 2 – George, Schrader; absent, 1 – Bates. Bill passed.

HB 3117 -- Read third time. Carried by Courtney. On passage of bill the vote was: Ayes, 28; nays, 1 – Kruse; absent, 1 – Bates. Bill passed. (President Courtney in Chair)

The following measures were referred to committee on July 26 and recorded on Committee Referral List No. 58 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

HB 2147 Revenue  
HB 2157 Rules

SB 31 -- Deckert, Devlin, Westlund appointed Senate conferees.

SB 480 -- Deckert, George, Prozanski appointed Senate conferees.

HB 2542 -- Carter, Deckert, Westlund appointed Senate conferees.

SB 173, 806, 1059 -- President Courtney signed on July 25.

HCR 6; HB 2234, 2458, 3494 -- President Courtney signed on July 26.

Senate adjourned until 10:00 a.m. Wednesday by unanimous consent at the request of the Chair.

### Wednesday, July 27, 2005 -- Morning Session

Senate convened at 10:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Jason Atkinson, Central Point.

SB 5548; 153, 289, 467, 1018, 1080 -- Message from the House announcing passage.

HJR 18 -- Message from the House announcing adoption.

SB 501, 591 -- Message from the House announcing passage as amended by the House.

HB 2058, 2060, 2062, 2525 -- Message from the House announcing concurrence in Senate amendments and repassage.

HB 2537, 3481 -- Message from the House announcing House refusal to concur in Senate amendments. Conferees to be appointed.

SB 781, 782, 863; HB 2306, 3143 -- Message from the House announcing Conference Committee Report adopted and bills repassed.

Committee Report Summary No. 152 listing the following reports was distributed to members July 26. Summary list recorded in Journal and Status Report by order of the President.

HB 2181 -- Report by Committee on Rules recommending passage with amendments to the B-Engrossed bill to resolve conflicts.

HB 2510 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

Senate at ease. Senate reassembled.

SB 283 A-Eng. -- Deckert moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 29; nays, 1 – Schrader. Bill repassed.

HB 2306 B-Eng.\* -- Conference Committee report adopted and bill repassed on motion of Burdick. The vote was: Ayes, 30. Bill repassed.

HB 3143 C-Eng.\* -- Conference Committee report adopted and bill repassed on motion of Johnson. The vote was: Ayes, 29; nays, 1 – Schrader. Bill repassed.

SM 3 A-Eng. -- Read final time. Carried by Carter. On adoption of memorial, the vote was: Ayes, 30. Memorial adopted.

SB 1096 -- Read third time. Carried by Monnes Anderson. Taken from today's third reading calendar

and placed on July 28 calendar by voice vote on motion of Monnes Anderson.

HJR 18 -- Read first time and referred to President's desk.

HB 2181, 2510 -- Read second time and passed to third reading.

HB 3481 -- Deckert, Shields, Westlund appointed Senate conferees.

Senate adjourned until 10:00 a.m. Thursday by unanimous consent at the request of the Chair.

**Thursday, July 28, 2005 -- Morning Session**

Senate convened at 10:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, C., Verger, Walker, Westlund, Whitsett, Winters; attending legislative business -- Starr, B. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Bill Morrisette, Springfield.

The following messages from the Governor were read and referred to the President's desk:

July 27, 2005

**TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 185.610 provides that the Governor shall appoint the members of the Commission on Asian Affairs, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Massoud Saberian of Beaverton to the Commission on Asian Affairs for a three-year term, as provided by statute, beginning February 1, 2003 and ending on January 31, 2006, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

July 27, 2005

**TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 185.610 provides that the Governor shall appoint the members of the Commission on Asian Affairs, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Carol Suzuki of Salem to the Commission on Asian Affairs for a three-year term, as provided by statute, beginning April 16, 2003 and ending on April 15, 2006, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

July 27, 2005

**TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 468.010 provides that the Governor shall appoint the members of the Environmental Quality Commission, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Donalda Dodson of Salem to the Environmental Quality Commission for an unexpired four-year term, as provided by statute, beginning August 1, 2005 and ending on June 30, 2007, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

July 27, 2005

**TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY**

This is to notify you that our request sent to you July 20, 2005, to consider the appointment of Randy Gordon to the Commission on Judicial Fitness and Disability, is hereby withdrawn.

Sincerely,  
Ted Kulongoski  
Governor

July 27, 2005

**TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 441.137 provides that the Governor shall appoint the members of the Long Term Care Advisory Committee, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I reappoint Jean Williams of Tigard to the Long Term Care Advisory Committee for a four-year term, as provided by statute, beginning July 1, 2005 and ending on June 30, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

July 27, 2005

**TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 181.620 provides that the Governor shall appoint the members of the Board on Public Safety Standards and Training, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint David Schutt of Lakeview to the Board on Public Safety Standards and Training for a three-year term, as provided by statute, beginning August 10, 2005 and ending on June 30, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

July 27, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 660.321 provides that the Governor shall appoint the members of the State Workforce Investment Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Gilbert Hayes of The Dalles to the State Workforce Investment Board for an unexpired three-year term, as provided by statute, beginning August 1, 2005 and ending on December 9, 2006, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

July 27, 2005

TO THE HONORABLE PRESIDENT OF THE SENATE  
OF THE 73rd LEGISLATIVE ASSEMBLY

ORS 660.321 provides that the Governor shall appoint the members of the State Workforce Investment Board, subject to Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Cynthia Risan of Salem to the State Workforce Investment Board for a three-year term, as provided by statute, beginning August 1, 2005 and ending on July 31, 2008, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

SB 5547; 660, 907, 1068, 1088 -- Message from the House announcing passage.

SB 5544, 5546, 5587, 5602, 5612; 1076, 1092 -- Message from the House announcing passage as amended by the House.

SB 31 -- Message from the House announcing Boquist, Butler, Hass appointed House conferees.

SB 480 -- Message from the House announcing Butler, Komp, Scott appointed House conferees.

HB 2537 -- Message from the House announcing Barker, Garrard, Krieger appointed House conferees.

HB 3044 -- Message from the House announcing Kitts, Thatcher, Wirth appointed House conferees.

HB 3310 -- Message from the House announcing Ackerman, Garrard, Schaufler, Smith, G., Smith, P. appointed House conferees.

HB 3374 -- Message from the House announcing Beyer, Burley, Gilman appointed House conferees.

HB 3481 -- Message from the House announcing Anderson, Boquist, Schaufler appointed House conferees.

SB 173, 806, 1059; HB 5129, 5139; 2065, 2112, 3124, 3497, 3502 -- Message from the House announcing the Speaker signed on July 27.

Committee Report Summary No. 153 listing the following reports was distributed to members July 27. Summary list recorded in Journal and Status Report by order of the President.

SB 232 -- Report by Special Committee on Budget recommending passage with amendments.

HB 5083 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

HB 5112 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

HB 5134 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

HB 5135 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

HB 5156 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

Committee Report Summary No. 154 listing the following reports was distributed to members July 27. Summary list recorded in Journal and Status Report by order of the President.

HB 5165 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

HB 5167 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

Committee Report Summary No. 155 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 1097 -- Report by Committee on Rules recommending passage.

HB 5136 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 5168 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 2147 -- Report by Committee on Revenue recommending passage of the A-Engrossed bill.

HB 2278 -- Report by Special Committee on Budget recommending passage of the B-Engrossed bill.

HB 2539 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

Committee Report Summary No. 156 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

Report by Committee on Rules recommending that the Governor's reappointment of Martha Dibblee

(appearance waived) to the Energy Facility Siting Council be confirmed.

Report by Committee on Rules recommending that the Governor's reappointments of Carolyn Ramey (appearance waived) and Bob Weil (appearance waived) to the Fair Dismissal Appeals Board be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's reappointment of John von Schlegell (appearance waived) to the State Board of Higher Education be confirmed.

Report by Committee on Rules recommending that the Governor's appointment of Scott Lay to the Home Care Commission be confirmed.

Report by Committee on Rules recommending that the Governor's appointment of Pamela Fogg to the Oregon State Lottery Commission be confirmed.

Report by Committee on Rules recommending that the Governor's reappointment of Todd Thorne (appearance waived) to the Oregon Racing Commission be confirmed.

Report by Committee on Rules recommending that the Governor's appointment and reappointment of Mario Alba to the Teacher Standards and Practices Commission be confirmed.

Report by Committee on Rules recommending that the Governor's reappointment of Stuart Foster (appearance waived) to the Oregon Transportation Commission be confirmed.

Report by Committee on Rules recommending that the Governor's appointments of Matthew Fisher, Beth Fox, Jack Lorts, (a) & (r) and Ted Wheeler to the Oregon Commission for Voluntary Action and Service be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's appointment of Peggy Miller to the State Workforce Investment Board be confirmed.

Committee Report Summary No. 157 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 2461 -- Report by Committee on Rules recommending passage of the B-Engrossed bill.

HB 2668 -- Report by Committee on Rules recommending passage.

HB 3352 -- Report by Committee on Rules recommending passage of the B-Engrossed bill.

SB 501 B-Eng. -- Monnes Anderson moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 17; nays, 10 -- Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Schrader, Starr, C., Whitsett; absent, 2 -- Ringo, Winters; attending legislative business, 1 -- Starr, B. Bill repassed.

SB 232, 1097 -- Read second time and passed to third reading.

SB 1096 A-Eng. -- Bill read. Carried by Monnes Anderson.

Senate at ease. Senate reassembled.

SB 1096 A-Eng. -- Debate resumed. Call of the Senate demanded by Monnes Anderson joined by Devlin and Gordly. All present except Metsger, Starr, B., attending legislative business. On passage of bill the vote was: Ayes, 16; nays, 12 -- Burdick, Devlin, George, Gordly, Johnson, Morse, Prozanski, Schrader, Starr, C., Verger, Walker, Winters; attending legislative business, 2 -- Metsger, Starr, B. Bill passed.

HB 5083, 5112, 5134, 5135, 5136, 5156, 5165, 5167, 5168; 2147, 2278, 2461, 2539, 2668, 3352 -- Read second time and passed to third reading.

HB 2181 C-Eng. -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 28; attending legislative business, 2 -- Metsger, Starr, B. Bill passed.

HB 2510 B-Eng. -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 28; attending legislative business, 2 -- Metsger, Starr, B. Bill passed.

Senate recessed until 3:00 p.m. by unanimous consent at the request of the Chair.

#### **Thursday, July 28, 2005 -- Afternoon Session**

Senate reconvened at 3:00 p.m. President Courtney in Chair. All present except Burdick, Nelson, absent; Starr, B., attending legislative business.

SB 5610, 5630; 82 -- Message from the House announcing passage.

SJR 24 -- Message from the House announcing adoption.

SB 5543, 5581, 5584, 5617; 290, 359, 496, 1067 -- Message from the House announcing passage as amended by the House.

Senate, having recessed under the order of Announcements, reverted to the order of Reports from Standing Committees by unanimous consent at the request of the Chair.

Committee Report Summary No. 158 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 5633 -- Report by Special Committee on Budget without recommendation as to passage and requesting referral to Committee on Ways and Means. Referred to Committee on Ways and Means by order of the President.

SB 5634 -- Report by Special Committee on Budget without recommendation as to passage and requesting referral to Committee on Ways and Means. Referred to Committee on Ways and Means by order of the President.

SB 5635 -- Report by Special Committee on Budget without recommendation as to passage and requesting referral to Committee on Ways and Means. Referred to Committee on Ways and Means by order of the President.

HB 5148 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

HB 5158 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

HB 5174 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 2389 -- Report by Committee on Rules recommending passage with amendments. Referred to Committee on Revenue by order of the President.

Committee Report Summary No. 159 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 3159 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

Committee Report Summary No. 160 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 2485 -- Report by Committee on Rules recommending passage with amendments to the B-Engrossed bill.

SB 5544, 5546, 5587, 5602; HB 5083, 5112, 5134, 5135, 5136, 5156, 5165, 5167, 5168 -- Rules suspended by unanimous consent in order that the Senate may take final action on Supplemental Agenda No. 1 on motion of Brown.

SB 5544 B-Eng. -- Under rules suspension, Schrader moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 22; nays, 5 – Atkinson, Beyer, George, Kruse, Whitsett; absent, 2 – Burdick, Nelson; attending legislative business, 1 – Starr, B. Bill repassed.

SB 5546 B-Eng. -- Under rules suspension, Schrader moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 22; nays, 5 – Atkinson, Beyer, Kruse, Starr, C., Whitsett; absent, 2 – Burdick, Nelson; attending legislative business, 1 – Starr, B. Bill repassed.

SB 5587 B-Eng. -- Under rules suspension, Schrader moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 24; nays, 6 – Atkinson, Beyer, George, Kruse, Starr, B., Whitsett. Bill repassed.

SB 5602 B-Eng. -- Under rules suspension, Schrader moved that the Senate concur in House amendments and repass bill. On concurrence and

repassage the vote was: Ayes, 25; nays, 5 – Atkinson, Beyer, George, Kruse, Prozanski. Bill repassed.

Senate reverted to the order of Third Reading of House Measures by unanimous consent at the request of the Chair.

HB 5083 B-Eng. -- Under rules suspension, read third time. Carried by Bates. On passage of bill the vote was: Ayes, 29; nays, 1 – Whitsett. Bill passed.

HB 5112 B-Eng. -- Under rules suspension, read third time. Carried by Bates. On passage of bill the vote was: Ayes, 29; absent, 1 – Burdick. Bill passed.

HB 5134 B-Eng. -- Under rules suspension, read third time. Carried by Devlin. On passage of bill the vote was: Ayes, 29; nays, 1 – Nelson. Bill passed.

HB 5135 B-Eng. -- Under rules suspension, read third time. Carried by Westlund. Call of the Senate demanded by Westlund joined by Devlin and Burdick. All present. On passage of bill the vote was: Ayes, 16; nays, 14 – Atkinson, Bates, Burdick, Deckert, Devlin, George, Kruse, Metsger, Monnes Anderson, Morrisette, Prozanski, Ringo, Shields, Walker. Bill passed.

HB 5136 A-Eng. -- Under rules suspension, read third time. Carried by Gordly. On passage of bill the vote was: Ayes, 29; nays, 1 – Kruse. Bill passed.

HB 5156 B-Eng. -- Under rules suspension, read third time. Carried by Gordly. On passage of bill the vote was: Ayes, 28; nays, 2 – Atkinson, Nelson. Bill passed.

HB 5165 B-Eng. -- Under rules suspension, read third time. Carried by Bates. On passage of bill the vote was: Ayes, 29; nays, 1 – Whitsett. Bill passed.

HB 5167 B-Eng. -- Under rules suspension, read third time. Carried by Gordly. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 5167 -- Prozanski requested the following explanation of vote be entered into the journal:

"I voted yes on HB 5167 based on the assurance that the twenty state troopers scheduled to be reassigned to detective positions will not impact the number of troopers patrolling our highway system. I also understand that the state police will request additional funding at the first emergency board meeting after this session ends. Further, that these funds will be used to ensure that the current level of highway patrol positions will be maintained during the 2005-07 biennium."

HB 5168 A-Eng. -- Under rules suspension, read third time. Carried by Gordly. On passage of bill the vote was: Ayes, 29; nays, 1 – George. Bill passed.

SB 5548; 153, 283, 289, 467, 510, 781, 782, 863, 1018, 1080; HB 5129, 5139; 2065, 2112, 3124, 3497 -- President Courtney signed on July 28.

Senate adjourned until 10:00 a.m. Friday by unanimous consent at the request of the Chair.

### **Friday, July 29, 2005 -- Morning Session**

Senate convened at 10:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator David Nelson, Pendleton.

SB 1076 -- Brown moved that the Senate refuse to concur in House amendments.

Senate at ease. Senate reassembled.

SB 1076 -- Debate resumed. Call of the Senate demanded by Brown joined by Walker and Devlin. All present. Motion carried; the vote was: Ayes, 18; nays, 12 -- Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Starr, B., Starr, C., Westlund, Whitsett, Winters. Senate refused to concur in House amendments.

SB 1092 A-Eng. -- Schrader moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 25; nays, 5 -- Atkinson, Beyer, Ferrioli, George, Kruse. Bill repassed.

Rules suspended by unanimous consent in order that the Senate may take en bloc action on the confirmation of the following appointments on motion of Shields.

### **Energy Facility Siting Council**

Martha Dibblee (r)

### **Fair Dismissal Appeals Board**

Carolyn Ramey (r)

Bob Weil (r)

### **State Board of Higher Education**

John von Schlegell (r)

### **Home Care Commission**

Scott Lay

### **Oregon Racing Commission**

Todd Thorne (r)

### **Teacher Standards and Practices Commission**

Mario Alba (a) and (r)

### **Oregon Transportation Commission**

Stuart Foster (r)

### **Oregon Commission for Voluntary Action & Service**

Matthew Fisher

Beth Fox

Jack Lorts (a) and (r)

Ted Wheeler

### **State Workforce Investment Board**

Peggy Miller

Under rules suspension, Shields moved that the Senate confirm en bloc the Governor's appointments as listed in the motion to suspend the rules. On confirmation the vote was: Ayes, 27; nays, 3 -- Beyer, Kruse, Whitsett. Confirmed en bloc.

Brown moved that the Governor's appointment of Pamela Fogg to the Oregon State Lottery Commission be confirmed. On confirmation the vote was: Ayes, 29; nays, 1 -- Walker. Confirmed.

Senate reverted to the order of Propositions and Motions by unanimous consent at the request of the Chair.

SB 591 A-Eng. -- Burdick moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 29; nays, 1 -- Schrader. Bill repassed.

Senate recessed until 11:05 a.m. by unanimous consent at the request of the Chair.

Senate reconvened at 11:05 a.m. President Courtney in Chair. All present.

Senate, having recessed under the order of Propositions and Motions, resumed under the general order of business by unanimous consent at the request of the Chair.

SB 232 A-Eng. -- Read third time. Carried by Winters. On passage of bill the vote was: Ayes, 29; attending legislative business, 1 -- Nelson. Bill passed. (Carter in Chair)

SB 1097 -- Read third time. Carried by Courtney. On passage of bill the vote was: Ayes, 28; attending legislative business, 2 -- Monnes Anderson, Nelson. Bill passed.

HB 5148, 5158; 2485, 3159 -- Read second time and passed to third reading.

HB 5174 A-Eng. -- Read third time. Carried by Winters. On passage of bill the vote was: Ayes, 28; attending legislative business, 2 -- Monnes Anderson, Nelson. Bill passed.

HB 2147 A-Eng. -- Read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 28; attending legislative business, 2 -- Monnes Anderson, Nelson. Bill passed.

HB 2278 B-Eng. -- Read third time. Carried by Johnson. On passage of bill the vote was: Ayes, 28; attending legislative business, 2 -- Monnes Anderson, Nelson. Bill passed.

HB 2461 B-Eng. -- Read third time. Carried by Ferrioli. Call of the Senate demanded by Brown joined by Gordly and Starr, C. All present except Monnes Anderson, Nelson, attending legislative business. All members attending legislative business arrived. On passage of bill the vote was: Ayes, 19; nays, 11 – Atkinson, Beyer, George, Kruse, Metsger, Morrisette, Nelson, Prozanski, Ringo, Schrader, Walker. Bill passed.

HB 2539 A-Eng. -- Read third time. Carried by Bates. On passage of bill the vote was: Ayes, 29; attending legislative business, 1 – Monnes Anderson. Bill passed.

HB 2668 -- Read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 29; attending legislative business, 1 – Monnes Anderson. Bill passed. (President Courtney in Chair)

HB 5148, 5158 -- Moved to the head of today's third reading calendar by unanimous consent at the request of the Chair.

HB 5148, 5158 -- Rules suspended by unanimous consent in order that the Senate may take final action on motion of Brown.

HB 5148 B-Eng. -- Under rules suspension, read third time. Carried by Carter. Potential conflict of interest declared by Westlund. Call of the Senate demanded by Carter joined by Gordly and Brown. All present except Beyer, absent; Monnes Anderson, attending legislative business. Pending arrival of members subject to the Call, Senate at ease. All present. Senate reassembled. On passage of bill the vote was: Ayes, 23; nays, 7 – Atkinson, Beyer, George, Kruse, Nelson, Starr, B., Starr, C. Bill passed.

HB 5158 B-Eng. -- Under rules suspension, read third time. Carried by Bates. On passage of bill the vote was: Ayes, 28; absent, 1 – Morrisette; excused, 1 – Winters. Bill passed.

HB 3352 B-Eng. -- Bill read. Carried by Ringo. On passage of bill the vote was: Ayes, 29; excused, 1 – Winters. Bill passed.

SB 5632 -- President Courtney signed on July 29.

President Courtney announced the following committee assignment effective July 29.

#### **JOINT COMMITTEE ON WAYS AND MEANS SUBCOMMITTEES**

##### **Subcommittee on Capitol Construction and Bonding**

Senator Kurt Schrader, Co-Chair  
Senator Margaret Carter  
Senator Jackie Winters

Senate adjourned until 1:00 p.m. Saturday by unanimous consent at the request of the Chair.

#### **Saturday, July 30, 2005 -- Afternoon Session**

Senate convened at 1:00 p.m. President Courtney in Chair. The following members were present:

Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Frank Shields, Portland.

SB 5583, 5614, 5632; 106, 300, 311, 815, 896, 1025, 1034, 1084 -- Message from the Governor announcing he signed on July 29.

SB 5631, 5632; HB 5163; 2795, 3108, 3370, 3504 -- Message from the House announcing passage.

SB 870, 899 -- Message from the House announcing passage as amended by the House.

HB 5083, 5134, 5135, 5156, 5165, 5167; 2181, 2510 -- Message from the House announcing concurrence in Senate amendments and repassage.

HB 3093 -- Message from the House announcing refusal to concur in Senate amendments.

HB 3093 -- Message from the House announcing Brown, Boone, Richardson appointed House conferees No. 2.

SB 5548; 153, 283, 289, 467, 510, 781, 782, 863, 1018, 1080; HB 2058, 2060, 2062, 2130, 2525, 3117, 3145 -- Message from the House announcing the Speaker signed on July 29.

Committee Report Summary No. 161 listing the following reports was distributed to members July 29. Summary list recorded in Journal and Status Report by order of the President.

HB 3093 -- Report by Conference Committee signed by Senators Bates, Ferrioli, Ringo and Representatives Brown, Boone, Kitts recommending that the House concur in Senate amendments dated July 6 and that the B-Engrossed bill be further amended and repassed.

SB 470 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

HB 3121 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill to resolve conflicts.

HB 3238 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

Committee Report Summary No. 162 listing the following reports was distributed to members July 29. Summary list recorded in Journal and Status Report by order of the President.

SB 5629 -- Report by Special Committee on Budget recommending passage with amendments.

SB 2 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

SB 4 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

SB 5 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

SB 557 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

SB 570 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

SB 998 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

SB 1100 -- Report by Special Committee on Budget recommending passage with amendments.

HB 5155 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

Committee Report Summary No. 163 listing the following reports was distributed to members July 29. Summary list recorded in Journal and Status Report by order of the President.

HB 3037 -- Report by Committee on Rules recommending passage with amendments.

HB 3129 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

Committee Report Summary No. 164 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 3262 -- Report by Conference Committee, signed by Senators Brown, Nelson, Walker and Representatives Brown, Macpherson, Richardson, recommending that the House concur in Senate amendments dated July 5 and that the A-Engrossed bill be further amended and repassed.

SB 3 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

SB 680 -- Report by Committee on Rules recommending passage of the A-Engrossed bill.

HB 2122 -- Report by Committee on Rules recommending passage. Referred to Committee on Ways and Means by order of the President.

Committee Report Summary No. 165 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 640 -- Report by Committee on Rules recommending passage with amendments. Subsequent referral to Committee on Ways and Means rescinded by order of the President.

SB 1041 -- Report by Committee on Rules recommending passage with amendments.

Senate proceeded to the order of First Reading of House Measures by unanimous consent at the request of the Chair.

HB 5163; 2795, 3108, 3370, 3504 -- Read first time and referred to President's desk.

Senate proceeded to the order of Third Reading of House Measures by unanimous consent at the request of the Chair.

HB 2485 C-Eng. -- Read third time. Carried by Beyer, Burdick. Call of the Senate demanded by Brown joined by Devlin and Atkinson. All present. On passage of bill the vote was: Ayes, 25; nays, 5 -- Carter, Deckert, Nelson, Walker, Westlund. Bill passed.

HB 2485 -- Carter requested the following explanation of vote be entered into the journal:

"I am voting no on this bill. Not because I am blind to the seriousness of this issue.

"Nor because I do not believe that we as a State need to do something immediately about the many families that are suffering from the effects of this deadly use of methamphetamines and certainly the social and dysfunctional impacts on individuals and communities. Aspects that are reeking havoc on our classrooms in our schools along with the increase of cost to human services.

"Rather, I do so because our health care system is already reeling from the increase of costs associated within the present system and we are adding more cost as a result of this action today.

"Along with this issue, there comes a social system cost on our programs on alcohol and drug treatment that did not receive actual dollars for prevention and treatment.

"We only have so many dollars.

"I am voting no at the request of my constituents. We need to fund all forms of treatment for abuse and misuse of substances and alcohol. The issues are not separate. Drug, alcohol abuse and meth are intertwined to addiction profiles. And needs.

"I feel that we should use sanctions to deal with this issue but we should be committing true and full resources to prevention and treatment."

Senate resumed under the general order of business by unanimous consent at the request of the Chair.

SB 5543 B-Eng. -- Schrader moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 30. Bill repassed.

SB 5581 B-Eng. -- Schrader moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 24; nays, 6 -- Atkinson, Beyer, George, Kruse, Starr, B., Whitsett. Bill repassed.

SB 5584 B-Eng. -- Schrader moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 29; attending legislative business, 1 -- Ringo. Bill repassed.

SB 5617 B-Eng. -- Schrader moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 29;



attending legislative business, 1 – Ringo. Bill repassed.

SB 359 C-Eng. -- Schrader moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 25; nays, 4 – Beyer, George, Kruse, Whitsett; attending legislative business, 1 – Ringo. Bill repassed.

SB 1067 A-Eng. -- Brown moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 25; nays, 4 – Burdick, Metsger, Shields, Verger; attending legislative business, 1 – Ringo. Bill repassed.

SB 5629; 2, 3, 4, 5, 470, 557, 570, 680, 998, 1100 -- Read second time and passed to third reading.

HB 5155; 3037, 3121, 3129, 3238 -- Read second time and passed to third reading.

HB 3159 B-Eng. -- Read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 30. Bill passed.

Senate recessed until 3:20 p.m. by unanimous consent on motion of Ferrioli.

Senate reconvened at 3:20 p.m. President Courtney in Chair. All present except Atkinson, Bates, Beyer, Burdick, Carter, Deckert, Devlin, Gordly, Kruse, Metsger, Monnes Anderson, Morrisette, Prozanski, Ringo, Schrader, Shields, Westlund, absent.

Call of the Senate demanded by Brown joined by Morse and George. All present except Atkinson, Bates, Burdick, Carter, Deckert, Devlin, Gordly, Metsger, Prozanski, Ringo, Schrader, Shields, Westlund, absent. Pending arrival of members subject to the Call, Senate at ease. All present. Senate reassembled.

Senate, having recessed following the order of Third Reading of House Measures, resumed under the general order of business by unanimous consent at the request of the Chair.

SB 1076 -- Brown, Devlin, Starr, C. appointed Senate conferees.

HB 2537 -- Kruse, Johnson, Verger appointed Senate conferees.

HB 3093 -- Bates, Ferrioli, Ringo appointed Senate conferees No. 2.

Senate reverted to the order of Propositions and Motions by unanimous consent at the request of the Chair.

SB 5629; 2, 3, 4, 5, 470, 557, 570, 680, 998, 1100; HB 5155; 3121, 3129, 3238, -- Rules suspended by unanimous consent in order that the Senate may take final action on Supplemental Agenda No. 1 on motion of Brown.

Senate reverted to the order of Third Reading of Senate Measures by unanimous consent at the request of the Chair.

SB 290, 496 -- Moved to the foot of today's third reading calendar by unanimous consent at the request of the Chair.

SB 5629 A-Eng. -- Under rules suspension, read third time. Carried by Johnson. On passage of bill the vote was: Ayes, 28; absent, 1 – Gordly; attending legislative business, 1 – Prozanski. Bill passed.

SB 2 B-Eng. -- Under rules suspension, read third time. Carried by Bates. On passage of bill the vote was: Ayes, 26; nays, 2 – Beyer, Kruse; absent, 1 – Gordly; attending legislative business, 1 – Prozanski. Bill passed.

Senate reverted to the order of Propositions and Motions by unanimous consent at the request of the Chair.

SB 290 B-Eng. -- Ringo moved that the Senate concur in House amendments and repass bill. Call of the Senate demanded by Brown joined by Ringo and Metsger. All present except Gordly, attending legislative business. Pending arrival of member subject to the Call, Senate at ease. Further proceedings under the Call terminated by unanimous consent at the request of the Chair. Member arrived. Senate reassembled. On concurrence and repassage the vote was: Ayes, 29; nays, 1 – George. Bill repassed.

SB 496 A-Eng. -- Ringo moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 26; nays, 4 – Beyer, George, Kruse, Starr, C. Bill repassed.

SB 3 A-Eng. -- Under rules suspension, read third time. Carried by Bates. On passage of bill the vote was: Ayes, 25; nays, 4 – Beyer, Ferrioli, Kruse, Whitsett; attending legislative business, 1 – Gordly. Bill passed.

SB 4 B-Eng. -- Under rules suspension, read third time. Carried by Bates. On passage of bill the vote was: Ayes, 25; nays, 4 – Beyer, Ferrioli, Kruse, Whitsett; attending legislative business, 1 – Gordly. Bill passed.

SB 5 B-Eng. -- Under rules suspension, read third time. Carried by Bates. On passage of bill the vote was: Ayes, 25; nays, 4 – Beyer, Ferrioli, Kruse, Whitsett; attending legislative business, 1 – Gordly. Bill passed.

SB 470 B-Eng. -- Under rules suspension, read third time. Carried by Schrader, Morse. Call of the Senate demanded by Schrader joined by Brown and Winters. All present except Gordly, attending legislative business. Pending arrival of member subject to the Call, Senate at ease. All present. Senate reassembled. On passage of bill the vote was: Ayes, 24; nays, 6 – Burdick, Devlin, Prozanski, Ringo, Shields, Walker. Bill passed.

SB 557 B-Eng. -- Under rules suspension, read third time. Carried by Bates. On passage of bill the vote was: Ayes, 26; nays, 1 – Beyer; attending legislative business, 3 – Gordly, Metsger, Walker. Bill passed.

SB 570 B-Eng. -- Under rules suspension, read third time. Carried by Shields. Potential conflict of interest declared by Kruse, Nelson. Call of the Senate demanded by Brown joined by George and Walker. All present except Gordly, attending legislative business. Pending arrival of member subject to the Call, Senate at ease. All present. Senate reassembled. On passage of bill the vote was: Ayes, 17; nays, 13 – Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Schrader, Starr, B., Starr, C., Westlund, Whitsett, Winters. Bill passed.

SB 680 A-Eng. -- Under rules suspension, bill read. Carried by Johnson. Potential conflict of interest declared by Johnson. On passage of bill the vote was: Ayes, 28; attending legislative business, 2 – Metsger, Walker. Bill passed. Deckert, absent when roll called, granted unanimous consent to vote aye.

SB 998 B-Eng. -- Under rules suspension, read third time. Carried by Johnson. Potential conflict of interest declared by Verger. On passage of bill the vote was: Ayes, 27; nays, 1 – Monnes Anderson; attending legislative business, 2 – Metsger, Walker. Bill passed. Deckert, absent when roll called, granted unanimous consent to vote aye.

SB 1100 A-Eng. -- Under rules suspension, read third time. Carried by Johnson. On passage of bill the vote was: Ayes, 28; attending legislative business, 2 – Metsger, Walker. Bill passed.

Senate reverted to the order of Third Reading of House Measures by unanimous consent at the request of the Chair.

HB 5155 B-Eng. -- Under rules suspension, read third time. Carried by Schrader. On passage of bill the vote was: Ayes, 24; nays, 3 – Atkinson, Beyer, Kruse; attending legislative business, 3 – Burdick, Metsger, Walker. Bill passed.

HB 3121 B-Eng. -- Under rules suspension, read third time. Carried by Prozanski. On passage of bill the vote was: Ayes, 27; attending legislative business, 3 – Burdick, Metsger, Walker. Bill passed.

HB 3129 B-Eng. -- Under rules suspension, read third time. Carried by Brown. On passage of bill the vote was: Ayes, 22; nays, 2 – Beyer, Nelson; attending legislative business, 6 – Bates, Burdick, Ferrioli, Metsger, Ringo, Walker. Bill passed.

HB 3238 B-Eng. -- Under rules suspension, read third time. Carried by Shields. On passage of bill the vote was: Ayes, 25; nays, 2 – Beyer, Kruse; attending legislative business, 3 – Burdick, Metsger, Walker. Bill passed.

The following measures were referred to committee on July 29 and recorded on Committee Referral List No. 59 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

HJR 18 Rules

#### **Commission on Asian Affairs (ORS 185.610)**

Massoud Saberian (r) Rules  
Carol Suzuki (r) Rules

#### **Environmental Quality Commission (ORS 468.010)**

Donalda Dodson Rules

#### **Long Term Care Advisory Committee (ORS 441.137)**

Jean Williams (r) Rules

#### **Board on Public Safety Standards and Training (ORS 181.620)**

David Schutt Rules

#### **State Workforce Investment Board (ORS 660.321)**

Gilbert Hayes Rules

Cynthia Risan Rules

The following measures were referred to committee on July 30 and recorded on Committee Referral List No. 60 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

HB 5163 Budget

HB 2795 Budget

HB 3108 Rules

HB 3370 Rules

HB 3504 Budget

SB 5632 -- President Courtney signed on July 29.

SB 5547, 5631; 660, 907, 1088; HB 2058, 2060, 2062, 2130, 2525, 3117, 3145, 3502 -- President Courtney signed on July 30.

Senate adjourned until 1:00 p.m. Monday by unanimous consent at the request of the Chair.

#### **Monday, August 1, 2005 -- Afternoon Session**

Senate convened at 1:00 p.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Frank Morse, Corvallis.

SB 5631 -- Message from the Governor announcing he signed on July 30.

The following message from the Governor was read and referred to the President's desk:

August 1, 2005

#### **TO THE HONORABLE PRESIDENT OF THE SENATE OF THE 73rd LEGISLATIVE ASSEMBLY**

ORS 656.712 provides that the Governor shall appoint the members of the Workers' Compensation Board, subject to

Senate confirmation, in the manner provided by ORS 171.562 and ORS 171.565.

I appoint Abigail Herman of Oregon City as a member of the Workers' Compensation Board for a four-year term beginning August 8, 2005, and ending August 7, 2009, effective upon Senate confirmation.

This appointment is submitted for your consideration.

Sincerely,  
Ted Kulongoski  
Governor

SB 1, 1083; HB 3507 -- Message from the House announcing passage.

SB 408 -- Message from the House announcing passage as amended by the House.

HB 5112, 5148, 5158; 3352 -- Message from the House announcing concurrence in Senate amendments and repassage.

HB 3262 -- Message from the House announcing adoption of conference committee report and repassage.

SB 5547, 5631; 660, 907, 1088 -- Message from the House announcing the Speaker signed on July 30.

Committee Report Summary No. 166 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 2312 -- Report by Conference Committee, signed by Senators Burdick, Gordly, Whitsett and Representatives Barker, Krieger, Olson, recommending that the House concur in Senate amendments dated June 27 and that the B-Engrossed bill be further amended and repassed.

HB 3093 -- Report by Conference Committee, signed by Senators Ferrioli, Ringo, Metsger and Representatives Brown, Boone, Kitts, recommending that the House concur in Senate amendments dated July 6 and that the bill be repassed. ( No Senate action required )

HB 3310 -- Report by Conference Committee, signed by Senators Beyer, Burdick, Ringo and Representatives Ackerman, Garrard, Schaufler, Smith, G., Smith, P., recommending that the House concur in Senate amendments dated June 16 and that the B-Engrossed bill be further amended and repassed.

HB 2169 -- Report by Committee on Rules recommending passage.

Committee Report Summary No. 167 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 5153 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill. (Amendments distributed August 1)

HB 5163 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 2795 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 3504 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

Committee Report Summary No. 168 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 2070 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill. (Amendments distributed August 1)

HB 2490 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill. (Amendments distributed August 1)

Committee Report Summary No. 169 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 887 -- Report by Conference Committee, signed by Senators Ringo, Devlin, Starr, B. and Representatives Ackerman, Garrard, Smith, P., recommending that the Senate concur in House amendments dated June 8 and that the B-Engrossed bill be further amended and repassed.

HB 2327 -- Report by Committee on Rules recommending passage with amendments to the B-Engrossed bill. (Amendments distributed August 1)

HB 3184 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill. (Amendments distributed August 1)

HB 3262 -- Parliamentary inquiry by Beyer. Senator Beyer asked if the Conference Committee Report is in violation of SR 11.10 (1) in that the amendments deal with an entirely new issue that was not discussed in either Senate or House committees. President Courtney deferred action on the ruling.

HB 3037 -- Ferrioli moved to rerefer to Committee on Rules. Call of the Senate demanded by Brown joined by Metsger and Devlin. All present except Westlund, absent. Further proceedings under the Call terminated at the request of Brown. The vote was: Ayes, 12; nays, 17--Bates, Brown, Carter, Deckert, Devlin, Gordly, Johnson, Metsger, Monnes Anderson, Morrisette, Prozanski, Ringo, Schrader, Shields, Verger, Walker, President Courtney; absent, 1--Burdick. Motion failed.

SB 638 -- Deckert moved that the rules be suspended to allow reconsideration of the vote whereby the Senate refused to concur in the House amendments on June 21. Motion carried by unanimous consent.

SB 638 -- Under rules suspension, Deckert moved that the vote whereby the Senate refused to concur in the House amendments be reconsidered. Motion carried by voice vote. Vote reconsidered.

SB 638 A-Eng. -- Under rules suspension, Deckert moved that the Senate concur in House

amendments and repass bill. On concurrence and repassage the vote was: Ayes, 30. Bill repassed.

SB 5612 -- Schrader moved that the Senate concur in House amendments and repass bill.

Senate recessed until 1:50 p.m. by unanimous consent at the request of Brown.

Senate reconvened at 1:50 p.m. President Courtney in Chair. All present.

Senate, having recessed under the order of Propositions and Motions, resumed under the general order of business by unanimous consent at the request of the Chair.

SB 5612 B-Eng. -- Debate resumed. Call of the Senate demanded by Brown joined by Whitsett and George. All present except Prozanski, attending legislative business. Pending arrival of member subject to the Call, Senate at ease. All present. Senate reassembled. On concurrence and repassage the vote was: Ayes, 23; nays, 7 – Atkinson, Burdick, Deckert, Devlin, Metsger, Ringo, Walker. Bill repassed. Deckert granted unanimous consent to change vote from aye to nay.

SB 870 C-Eng. -- Schrader moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 30. Bill repassed.

SB 640, 1041 -- Read second time and passed to third reading.

SB 640, 1041 -- Rules suspended by unanimous consent in order to consider bills under third reading immediately on motion of Brown.

SB 640 A-Eng. -- Under rules suspension, read third time. Carried by Winters. Call of the Senate demanded by Starr, C. joined by Ferrioli and Winters. All present except Starr, B., attending legislative business. Pending arrival of member subject to call, Senate at ease. All present. Senate reassembled. On passage of bill the vote was: Ayes, 28; nays, 2 – George, Shields. Bill passed.

SB 1041 A-Eng. -- Under rules suspension, read third time. Carried by Gordly. On passage of bill the vote was: Ayes, 26; nays, 3 – Beyer, Kruse, Whitsett; attending legislative business, 1 – Prozanski. Bill passed.

HB 3507 -- Read first time and referred to President's desk.

HB 5153, 5163; 2169, 2795, 3504 -- Read second time and passed to third reading.

HB 3037 A-Eng. -- Read third time. Carried by Brown. Call of the Senate demanded by Brown joined by Winters and Ferrioli. All present except Deckert, absent. Pending arrival of member subject to the Call, Senate at ease. All present. Senate reassembled. On passage of bill the vote was: Ayes, 19; nays, 11 – Atkinson, Beyer, Burdick, Carter, Deckert, Kruse, Morrisette, Ringo, Shields, Walker, Westlund. Bill passed.

Senate reverted to the order of Propositions and Motions by unanimous consent at the request of the Chair.

SB 408; HB 5153, 5163; 2169, 2795, 3504 -- Rules suspended by unanimous consent in order that the Senate may take final action on Supplemental Agenda No. 1 on motion of Brown.

SB 408 C-Eng. -- Under rules suspension, Metsger moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 30. Bill repassed.

SB 899 B-Eng. -- Starr, B. moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 30. Bill repassed.

HB 3262 -- In response to Beyer's parliamentary inquiry, President Courtney ruled that the process for the conference committee was conducted fairly and in accordance with custom of the Senate. It has been the custom that the conference committee on Senate bills follow Senate Rules and the conference committee on House bills follow House Rules. The House Rules state that a conference committee may report substantive amendments. "Substantive amendments" is defined as "any amendment that does more than reconcile the differences between the House and Senate versions." The conference committee on HB 3262 voted unanimously to adopt this report. In accordance with our custom (Senate Rule 2.01), the committee report is properly before the Senate.

HB 3262 A-Eng.\* -- Conference Committee report adopted and bill repassed on motion of Brown. The vote was: Ayes, 21; nays, 9 – Atkinson, Beyer, Carter, George, Kruse, Schrader, Starr, C., Verger, Whitsett. Bill repassed.

Senate reverted to the order of Third Reading of House Measures by unanimous consent at the request of the Chair.

HB 5153 B-Eng. -- Under rules suspension, read third time. Carried by Devlin. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 5163 A-Eng. -- Under rules suspension, read third time. Carried by Johnson. On passage of bill the vote was: Ayes, 29; attending legislative business, 1 – Brown. Bill passed.

HB 2169 -- Under rules suspension, read third time. Carried by Ferrioli. On passage of bill the vote was: Ayes, 29; attending legislative business, 1 – Brown. Bill passed.

HB 2795 A-Eng. -- Under rules suspension, read third time. Carried by Johnson. On passage of bill the vote was: Ayes, 29; attending legislative business, 1 – Brown. Bill passed.

HB 3504 A-Eng. -- Under rules suspension, read third time. Carried by Johnson. On passage of bill the vote was: Ayes, 29; attending legislative business, 1 – Brown. Bill passed.

Senate recessed until 5:30 p.m. by unanimous consent at the request of the Chair.

**Monday, August 1, 2005 -- Evening Session**

Senate reconvened at 5:30 p.m. President Courtney in Chair. All present except Bates, Burdick, Westlund, absent.

Senate, having recessed under the order of Announcements, reverted to the order of Messages by unanimous consent at the request of the Chair.

SB 17, 838, 995, 1097; HB 3505 -- Message from the House announcing passage.

SB 247, 303, 421, 1072 -- Message from the House announcing passage as amended by the House.

HB 5155; 2485, 3121, 3238 -- Message from the House announcing concurrence in Senate amendments and repassage.

HB 3093 -- Message from the House announcing adoption of conference committee report No. 2 and repassage.

HB 2312, 3310 -- Message from the House announcing adoption of conference committee report and repassage.

HB 3129 -- Message from the House announcing refusal to concur in Senate amendments. House conferees to be appointed.

Senate reverted to the order of Reports from Standing Committees by unanimous consent at the request of the Chair.

Committee Report Summary No. 170 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 2316 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill. (Amendments distributed August 1)

Senate reverted to the order of First Reading of House Measures by unanimous consent at the request of the Chair.

HB 3505 -- Read first time and referred to President's desk.

Senate reverted to the order of Second Reading of House Measures by unanimous consent at the request of the Chair.

HB 2070, 2316, 2327, 2490, 3184 -- Read second time and passed to third reading.

Senate reverted to the order of Propositions and Motions by unanimous consent at the request of the Chair.

SB 247, 303, 887, 1072; HB 2070, 2312, 2316, 2327, 2490, 3184, 3310 -- Rules suspended by unanimous consent in order that the Senate may take final action on Supplemental Agenda No. 2 on motion of Brown.

SB 247 B-Eng. -- Under rules suspension, Schrader moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 24; nays, 3 -- Beyer,

Kruse, Whitsett; absent, 3 -- Bates, Burdick, Westlund. Bill repassed.

SB 303 A-Eng. -- Under rules suspension, Morrisette moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 24; nays, 4 -- Beyer, Ferrioli, Morse, Whitsett; absent, 2 -- Bates, Westlund. Bill repassed.

SB 1072 B-Eng. -- Under rules suspension, Brown moved that the Senate refuse to concur in House amendments. Call of the Senate demanded by Brown joined by Devlin and Burdick. All present. The vote was: Ayes, 18; nays, 12 -- Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Starr, B., Starr, C., Westlund, Whitsett, Winters. Motion carried.

SB 1072 -- Brown, Nelson, Shields appointed Senate conferees.

SB 887 B-Eng.\* -- Under rules suspension, Devlin moved that the report be adopted and the bill repassed. Call of the Senate demanded by Brown joined by George and Devlin. All present. The vote was: Ayes, 17; nays, 13 -- Bates, Beyer, Burdick, Gordly, Kruse, Metsger, Monnes Anderson, Morrisette, Prozanski, Ringo, Schrader, Shields, Verger. Bill repassed.

HB 2312 B-Eng.\* -- Under rules suspension, Conference Committee report adopted and bill repassed on motion of Burdick. The vote was: Ayes, 28; nays, 2 -- Beyer, Kruse. Bill repassed.

HB 3310 B-Eng.\* -- Under rules suspension, Conference Committee report adopted and bill repassed on motion of Beyer. The vote was: Ayes, 29; absent, 1 -- Metsger. Bill repassed.

Senate reverted to the order of Third Reading of House Measures by unanimous consent at the request of the Chair.

HB 2070 -- Under rules suspension, read third time. Carried by Carter.

Senate at ease. Senate reassembled.

HB 2070 B-Eng. -- Debate resumed. Call of the Senate demanded by Brown joined by Ringo and Devlin. All present. On passage of bill the vote was: Ayes, 16; nays, 14 -- Atkinson, Beyer, Ferrioli, George, Kruse, Metsger, Monnes Anderson, Prozanski, Schrader, Starr, B., Starr, C., Westlund, Whitsett, Winters. Bill passed.

HB 2316 -- Under rules suspension, read third time. Carried by Atkinson. Bill failed, the vote was: Ayes, 13; nays, 17 -- Bates, Beyer, Burdick, Carter, George, Gordly, Johnson, Metsger, Monnes Anderson, Morse, Prozanski, Ringo, Shields, Verger, Walker, Westlund, Whitsett. Bill failed. Beyer, having voted on the prevailing side, served notice of possible reconsideration.

HB 2327 C-Eng. -- Under rules suspension, read third time. Carried by Ferrioli. Potential conflict of interest declared by Beyer. Call of the Senate demanded by Ferrioli joined by Brown and

George. All present. On passage of bill the vote was: Ayes, 28; nays, 2 – Burdick, Ringo. Bill passed.

HB 2490 B-Eng. -- Under rules suspension, read third time. Carried by Shields. On passage of bill the vote was: Ayes, 27; nays, 2 – Ferrioli, Westlund; absent, 1 – Deckert. Bill passed.

The following measures were referred to committee on August 1 and recorded on Committee Referral List No. 61 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

#### **Workers' Compensation Board (ORS 656.712)**

Abigail Herman

Rules

HB 3129 -- Brown, Starr, C., Walker appointed Senate conferees.

SJR 24; SB 5544, 5546, 5587, 5602, 5610, 5630; 82, 501, 591, 1068, 1092 -- President Courtney signed on August 1.

Senate adjourned until 2:00 p.m. Tuesday by unanimous consent at the request of the Chair.

#### **Tuesday, August 2, 2005 -- Afternoon Session**

Senate convened at 2:00 p.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters. Colors were posted by Boy Scout Troop #17 and the Senate pledged allegiance to the flag. Invocation by Senator Avel Gordly, Portland. (Carter in Chair)

Senate recessed until 2:55 p.m. by unanimous consent on motion of Brown.

Senate reconvened at 2:55 p.m. President Pro Tempore Carter in Chair. All present except Ringo, absent.

Senate, having recessed under the order of Remonstrances, resumed under the general order of business by unanimous consent at the request of the Chair.

Committee Report Summary No. 171 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 787 -- Report by Committee on Rules recommending passage with amendments. (Amendments distributed August 2)

HB 2157 -- Report by Rules recommending passage with amendments to the C-Engrossed bill to resolve conflicts. (Amendments distributed August 2)

HB 3469 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill. (Amendments distributed August 2)

Committee Report Summary No. 172 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 3463 -- Report by Committee on Rules recommending passage.

Report by Committee on Rules recommending that the Governor's reappointments of Carol Suzuki (appearance waived) and Massoud Saberian (appearance waived) to the Commission on Asian Affairs be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's appointment of Donald Dodson to the Environmental Quality Commission be confirmed.

Report by Committee on Rules recommending that the Governor's reappointment of Jean Williams (appearance waived) to the Long Term Care Advisory Committee be confirmed.

Report by Committee on Rules recommending that the Governor's appointments of Mark Prince and David Schutt to the Board on Public Safety Standards and Training be confirmed en bloc.

Report by Committee on Rules recommending that the Governor's appointment of Abigail Herman to the Workers' Compensation Board be confirmed.

Report by Committee on Rules recommending that the Governor's appointments of Gilbert Hayes and Cynthia Risan to the State Workforce Investment Board be confirmed en bloc.

HB 2316 -- Pursuant to notice given August 1, Beyer moved that the vote whereby bill failed to pass the Senate be reconsidered.

Senate at ease. Senate reassembled.

HB 2316 B-Eng. -- Motion to reconsider vote carried. The vote was: Ayes, 22; nays, 7 – Burdick, Deckert, Gordly, Morrisette, Prozanski, Shields, Walker; absent, 1 – Ringo. Vote reconsidered.

HB 2316 -- Taken from today's calendar and placed on August 3 calendar by voice vote on motion of Brown.

HB 3184 -- Taken from today's third reading calendar and rereferred to Committee on Rules by voice vote on motion of Brown.

SB 1101, 1102 -- Introduced, read first time and referred to President's desk.

SB 787 -- Read second time and passed to third reading.

HB 2157, 2588, 3463, 3469 -- Read second time and passed to third reading.

Senate reverted to the order of Propositions and Motions by unanimous consent at the request of the Chair.

SB 787; HB 2157 -- Rules suspended by unanimous consent in order that the Senate may take final action on Supplemental Agenda No. 1 on motion of Brown.

Senate reverted to the order of Third Reading of Senate Measures by unanimous consent at the request of the Chair.

SB 787 A-Eng. -- Under rules suspension, read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 24; nays, 4 – Burdick, Carter, Johnson, Schrader; absent, 1 – Ringo; excused, 1 – Monnes Anderson. Bill passed.

Senate reverted to the order of Third Reading of House Measures by unanimous consent at the request of the Chair.

HB 2157 D-Eng. -- Under rules suspension, read third time. Carried by Brown. On passage of bill the vote was: Ayes, 28; nays, 1 – Schrader; absent, 1 – Ringo. Bill passed.

SB 1072 -- Brown discharged as Senate conferee. Bates appointed as Senate conferee.

SB 5543, 5581, 5584, 5617; 1, 290, 359, 496, 1067, 1083 -- President Courtney signed August 2.

Senate adjourned until 1:00 p.m. Wednesday by unanimous consent at the request of the Chair.

### **Wednesday, August 3, 2005 -- Afternoon Session**

Senate convened at 1:00 p.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation by Senator Bruce Starr, Hillsboro.

SB 173, 806, 1059 -- Message from the Governor announcing he signed on August 2.

SB 5548; 153, 283, 289, 467, 510, 781, 782, 863, 1018, 1080 -- Message from the Governor announcing he signed on August 3.

SB 5629; 152, 557, 680, 1041; HB 5019, 5176; 2101, 2792 -- Message from the House announcing passage.

SB 71, 548, 844, 1037, 1085, 1089, 1100 -- Message from the House announcing passage as amended by the House.

HB 5153; 2157, 2327, 2490, 3159 -- Message from the House announcing concurrence in Senate amendments and repassage.

SB 887 -- Message from the House announcing adoption of conference committee report and repassage.

HB 3129 -- Message from the House announcing adoption of conference committee report and repassage.

HB 3037 -- Message from the House announcing refusal to concur in Senate amendments. House conferees to be appointed.

SB 1072 -- Message from the House announcing Boquist, Hanna, Schaufler appointed House conferees.

SB 1076 -- Message from the House announcing Dalto, Flores, Schaufler appointed House conferees.

HB 3129 -- Message from the House announcing Boone, Dallum, Flores appointed House conferees.

SJR 24; SB 5544, 5546, 5587, 5602, 5610, 5630; 82, 501, 591, 1068, 1092; HB 5083, 5134, 5135, 5136, 5156, 5165, 5167, 5168, 5174; 2147, 2181, 2278, 2306, 2461, 2510, 2539, 2668, 3143 -- Message from the House announcing the Speaker signed on August 2.

Committee Report Summary No. 173 listing the following reports was distributed to members August 2. Summary list recorded in Journal and Status Report by order of the President.

SB 5504 -- Report by Committee on Ways and Means recommending passage with amendments.

SB 1094 -- Report by Committee on Rules recommending passage with amendments.

HB 5164 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill.

HB 2588 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

Committee Report Summary No. 174 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SCR 11 -- Report by Committee on Rules recommending adoption.

Committee Report Summary No. 175 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 3129 -- Report by Conference Committee, signed by Senators Brown, Starr, C., Walker and Representatives Boone, Dallum, Flores, recommending that the House concur in Senate amendments dated July 29 and that the B-Engrossed bill be further amended and repassed.

Senate recessed until 1:55 p.m. by unanimous consent on motion of Brown.

Senate reconvened at 1:55 p.m. President Courtney in Chair. All present.

Senate, having recessed under the order of Propositions and Motions, resumed under the general order of business by unanimous consent at the request of the Chair.

Senate at ease. Senate reassembled.

HB 5019, 5176; 2101, 2792 -- Read first time and referred to President's desk.

Consideration of Executive Appointments moved to the foot on today's calendar at the request of the Chair.

SB 1103 -- Introduced, read first time and referred to President's desk.

SCR 11; SB 5504; 1094 -- Read second time and passed to third reading.

SB 5504; 1094 -- Rules suspended by unanimous consent in order that the Senate may take final action immediately on motion of Brown.

SB 5504 A-Eng. -- Under rules suspension, read third time. Carried by Winters. On passage of bill the vote was: Ayes, 29; attending legislative business, 1 – Deckert. Bill passed.

SB 1094 A-Eng. -- Under rules suspension, read third time. Carried by Nelson. On passage of bill the vote was: Ayes, 28; nays, 1 – Schrader; attending legislative business, 1 – Deckert. Bill passed.

HB 5164 -- Read second time and passed to third reading.

HB 2316 B-Eng. -- Bill read. Carried by Brown. Call of the Senate demanded by Brown joined by Devlin and Ferrioli. All present except Deckert, absent. Pending arrival of member subject to the Call, Senate at ease. All present. Senate reassembled. On passage of bill the vote was: Ayes, 17; nays, 13 – Bates, Burdick, George, Gordly, Metsger, Monnes Anderson, Morrisette, Prozanski, Ringo, Schrader, Shields, Verger, Walker. Bill passed.

HB 2588 A-Eng. -- Read third time. Carried by Bates. Call of the Senate demanded by Brown joined by Bates and Gordly. All present except Deckert, absent. Pending arrival of member subject to the Call, Senate at ease. All present. Senate reassembled. On passage of bill the vote was: Ayes, 16; nays, 14 – Atkinson, Beyer, Burdick, Carter, Ferrioli, Johnson, Kruse, Metsger, Morse, Nelson, Starr, B., Starr, C., Westlund, Winters. Bill passed.

HB 3463 -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 29; nays, 1 – Prozanski. Bill passed.

HB 3469 B-Eng. -- Read third time. Carried by Brown. On passage of bill the vote was: Ayes, 30. Bill passed.

Senate reverted to the order of Propositions and Motions by unanimous consent at the request of the Chair.

SB 71, 1037, 1085, 1089, 1100 -- Rules suspended by unanimous consent in order that the Senate may take final action on Supplemental Agenda No. 1 on motion of Brown.

SB 421 C-Eng. -- Schrader moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 30. Bill repassed.

SB 71 C-Eng. -- Under rules suspension, Schrader moved that the Senate concur in House amendments and repass bill. Call of the Senate demanded by Brown joined by Ringo and Johnson. All present. On concurrence and repassage the vote was: Ayes, 30. Bill repassed.

SB 1037 -- Under rules suspension, Senate refused to concur in House amendments. Call of the Senate demanded by Brown joined by Devlin and Prozanski. All present. The vote was: Ayes, 18; nays, 12 – Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Starr, B., Starr, C., Westlund, Whitsett, Winters. Motion carried.

SB 1085 -- Under rules suspension, Senate refused to concur in House amendments. Call of the Senate demanded by Brown joined by Devlin and Prozanski. All present. The vote was: Ayes, 19; nays, 11 – Atkinson, Beyer, Ferrioli, Kruse, Morse, Nelson, Starr, B., Starr, C., Westlund, Whitsett, Winters. Motion carried.

SB 1089 A-Eng. -- Under rules suspension, Carter moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 30. Bill repassed.

SB 1089 -- Carter requested the following explanation of vote be entered into the journal:

"As the Chief Sponsor, I explain my support of SB 1089A, and I thank my colleagues for their support of this fundamental Human Rights legislation.

"The Senate was key.

"You made this happen.

"You awoke the house to act.

"Genocide will have no feather bed from Oregon.

"I support this bill because SB 1089A adheres to the fundamental principles of all divestiture legislation that I have ever introduced: fiduciary responsibility and moral integrity and institutional integrity. See: House Bill 2001 [1987].

"SB 1089A upholds the fundamental integrity of the Senate, and Legislative Assembly, in those noble words, upon every bill to arise from this august Chamber:

*"Be It Enacted by the People of the State of Oregon."*

"That this action is by the people of this state, not the Oregon Investment Council or an officer of an administrative department. Movement on apartheid and genocide did not arise from administrators or the Oregon Investment Council.

"That the powers and duties of the treasurer of state shall be such as may be prescribed by law [Article IV Section 4 of the Oregon Constitution] -- arising from this Assembly.

"Genocide is to have no bed in our house. No sanctuary in our treasury.

"In the work session in the House August 2, 2005, the Treasurer of State Randall Edwards, disclosed that, yes, he and the Oregon Investment Council, have investments in PetroChina, the communist government-controlled firm operating in the genocidal Sudan and the Dafur.

"This company, PetroChina, from communist China has been assisting the regime in the Sudan with millions of dollars in oil revenues.



"Greed and oil are the underpinning motivations for the displacement and the genocide taking place in the Dafur.

"In supporting SB 1089A, on the enactment and by prescription of this law, I ask that the first actions of the State Treasurer and the Oregon Investment Council include withdrawal from PetroChina.

"That we join other great institutions that say "no more".

"With this statement, I recommend and support Senate concurrence. Thank you."

SB 1100 B-Eng. -- Under rules suspension, Schrader moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 30. Bill repassed.

Senate reverted to the order of Third Reading of House Measures by unanimous consent at the request of the Chair.

SB 5164 -- Rules suspended by unanimous consent in order that the Senate may take final action immediately on motion of Brown.

HB 5164 B-Eng. -- Under rules suspension, read third time. Carried by Johnson. On passage of bill the vote was: Ayes, 27; nays, 3 -- Beyer, Kruse, Ringo. Bill passed.

Senate reverted to the order of Action on Executive Appointments by unanimous consent at the request of the Chair.

Rules suspended by unanimous consent in order that the Senate may take en bloc action on the confirmation of the following appointments on motion of Shields.

#### **Commission on Asian Affairs**

Massoud Saberian (r)

Carol Suzuki (r)

#### **Environmental Quality Commission**

Donalda Dodson

#### **Long Term Care Advisory Committee**

Jean Williams (r)

#### **Board on Public Safety Standards and Training**

Mark Prince

David Schutt

#### **Workers' Compensation Board**

Abigail Herman

#### **State Workforce Investment Board**

Gilbert Hayes

Cynthia Risan

Under rules suspension, Shields moved that the Senate confirm en bloc the Governor's appointments as listed in the motion to suspend the rules. On confirmation the vote was: Ayes, 29; absent, 1 -- Ringo. Confirmed en bloc.

Senate resumed under the order of Other Business of the Senate by unanimous consent at the request of the Chair.

The following measures were referred to committee on August 3 and recorded on Committee Referral List No. 62 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

SB 1101                Ways and Means

SB 1102                Ways and Means

Senate adjourned until 9:00 a.m. Thursday by unanimous consent at the request of the Chair.

#### **Thursday, August 4, 2005 -- Morning Session**

Senate convened at 9:00 a.m. President Courtney in Chair. The following members were present: Atkinson, Bates, Beyer, Brown, Burdick, Carter, Deckert, Devlin, Ferrioli, George, Gordly, Johnson, Kruse, Metsger, Monnes Anderson, Morrisette, Morse, Nelson, Prozanski, Ringo, Schrader, Shields, Starr, B., Starr, C., Verger, Walker, Westlund, Whitsett, Winters. Colors were posted and the Senate pledged allegiance to the flag. Invocation was observed with a moment of silence.

SB 5504; 640, 787, 850 -- Message from the House announcing passage.

HB 2070 3037 -- Message from the House announcing House refusal to concur in Senate amendments. Conferees to be announced.

HB 2070 -- Message from the House announcing Boone, Butler, Morgan appointed House conferees.

HB 3037 -- Message from the House announcing Ackerman, Krieger, Olson appointed House conferees.

HB 5164; 3469 -- Message from the House announcing concurrence in Senate amendments and repassage.

SB 232, 818, 998, 1098 -- Message from the House announcing passage as amended by the House.

SB 5543, 5581, 5584, 5617; 1, 290, 359, 496, 1067; HB 5112, 5148, 5158; 3352 -- Message from the House announcing the Speaker signed on August 3.

Committee Report Summary No. 176 listing the following reports was distributed to members August 3. Summary list recorded in Journal and Status Report by order of the President.

HB 3474 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill.

Committee Report Summary No. 177 listing the following reports was distributed to members August 3. Summary list recorded in Journal and Status Report by order of the President.

HB 2450 -- Report by Committee on Rules recommending passage with amendments and requesting subsequent referral to Committee on Revenue be rescinded. Subsequent referral rescinded by order of the President. (Amendments distributed August 3)

Committee Report Summary No. 178 listing the following reports was distributed to members August 3. Summary list recorded in Journal and Status Report by order of the President.

SB 5514 -- Report by Committee on Ways and Means recommending passage with amendments. (Amendments distributed August 3)

HB 2122 -- Report by Committee on Ways and Means recommending passage with amendments to the B-Engrossed bill. (Amendments distributed August 3)

Committee Report Summary No. 179 listing the following reports was distributed to members August 3. Summary list recorded in Journal and Status Report by order of the President.

HB 2285 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill. (Amendments distributed August 3)

Committee Report Summary No. 180 listing the following reports was distributed to members August 3. Summary list recorded in Journal and Status Report by order of the President.

SB 1072 B-Eng -- Report by Conference Committee, signed by Senators Bates, Nelson, Shields and Representatives Boquist, Hanna, Schaufler, recommending that the Senate concur in House amendments dated July 29 and that the B-Engrossed bill be further amended and repassed.

Committee Report Summary No. 181 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 5019 -- Report by Committee on Ways and Means recommending passage of the A-Engrossed bill.

HB 5176 -- Report by Committee on Ways and Means recommending passage of the A-Engrossed bill.

Committee Report Summary No. 182 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 2167 B-Eng. -- Report by Conference Committee, signed by Senators Atkinson, Brown, Ringo and Representatives Ackerman, Kitts, Smith G., recommending the House concur in Senate amendments dated June 22 and that the bill be repassed.

HB 3453 -- Report by Committee on Revenue recommending passage with amendments to resolve conflicts. (Amendments distributed August 4)

SB 1065 -- Brown moved that the rules be suspended to allow reconsideration of the vote whereby the Senate refused to concur in the House amendments on July 29. Motion carried by unanimous consent.

SB 1076 -- Under rules suspension, Brown moved that the vote whereby the Senate refused to concur in the House amendments be reconsidered by voice vote. Vote reconsidered.

SB 1076 B-Eng. -- Under rules suspension, Brown moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 26; absent, 4 – Bates, Burdick, Carter, Deckert. Bill repassed.

SB 548 -- Starr, C. moved to concur in the House amendments and repass the bill.

SB 548 -- Brown moved to substitute the motion to concur and repass for the motion to refuse to concur. Motion withdrawn by implied consent.

Senate at ease. Senate reassembled.

SB 548 -- Parliamentary inquiry by Ferrioli ruling on the appropriateness of the procedure. President Courtney ruled it within the rules and procedures of the Senate.

SB 548 -- Ferrioli appealed the ruling of the chair. Brown demanded a Call of the Senate joined by Devlin and Ferrioli. All members subject to the Call present. The vote was: Ayes, 18; nays, 12– Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Starr, B., Starr, C., Westlund, Whitsett, Winters. Ruling of the Chair sustained.

Senate at ease. Senate reassembled.

SB 548 -- Parliamentary inquiry by Beyer regarding the withdrawal of a motion. President Courtney responded that the procedure was proper and within the rules and procedures of the Senate. Beyer appealed the ruling of the chair. Brown demanded a Call of the Senate joined by Devlin and Bates. All members subject to the Call present. The vote was: Ayes, 18; nays, 12– Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Starr, B., Starr, C., Westlund, Whitsett, Winters. Ruling of the Chair sustained.

SB 548 -- Brown moved to substitute the motion to refuse to concur for the motion to concur in the House amendments and repass the bill. Call of the Senate demanded by Brown, joined by Gordly and Devlin. The vote was: Ayes, 17; nays, 13 – Atkinson, Beyer, Ferrioli, George, , Kruse, Morrisette, Morse, Nelson, Starr, B., Starr, C., Westlund, Whitsett, Winters. Motion carried.

SB 844 B-Eng. -- Burdick moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 25; nays, 5 – Atkinson, Beyer, Ferrioli, Kruse, Whitsett. Bill repassed.

SB 1072 -- Conference Committee report adopted and bill repassed on motion of Nelson. The vote was: Ayes, 30. Bill repassed.

Senate at ease. Senate reassembled.

HB 3129 -- Conference Committee report adopted and bill repassed on motion of Walker. The vote was: Ayes, 25; nays, 2 -- Beyer, Ferrioli; attending legislative business, 3 -- Carter, Gordly, Schrader. Bill repassed.

SB 1104 -- Introduced, read first time and referred to President's desk.

SB 5514 -- Read second time and passed to third reading.

SCR 11 -- Moved to the foot of today's third reading calendar by unanimous consent at the request of the Chair.

SB 5514 -- Brown moved that the rules be suspended in order to take final action immediately.

SB 5514 A-Eng. -- Under rules suspension, read third time. Carried by Carter. On passage of bill the vote was: Ayes, 29; attending legislative business, 1 -- Schrader. Bill passed.

HB 5019, 5176; 2122, 2285, 2450, 3474 -- Read second time and passed to third reading.

HB 2122, 2285, 2450, 3474 -- Brown moved that the rules be suspended in order that the Senate may take final action immediately.

HB 2122 C-Eng. -- Under rules suspension, read third time. Carried by Carter. On passage of bill the vote was: Ayes, 29; attending legislative business, 1 -- Schrader. Bill passed. Atkinson, granted unanimous consent to change vote to aye.

HB 2285 B-Eng. -- Under rules suspension, read third time. Carried by Brown. On passage of bill the vote was: Ayes, 27; nays, 2 -- Beyer, -- Whitsett, absent, 1 -- Carter. Bill passed.

HB 2450 C-Eng. -- Under rules suspension, read third time. Carried by Deckert. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 3474 B-Eng. -- Under rules suspension, read third time. Carried by Ferrioli. On passage of bill the vote was: Ayes, 29; attending legislative business, 1 -- Schrader. Bill passed.

Senate recessed until 1:00 p.m. by unanimous consent at the request of the Chair.

#### **Thursday, August 4, 2005 -- Afternoon Session**

Senate reconvened at 1:00 p.m. President Courtney in Chair. All present except Beyer, Deckert, George, Gordly, Nelson, Prozanski, Starr, B., Starr, C., absent.

HB 2070 -- Brown, Carter, Nelson appointed Senate conferees.

HB 2316 -- Message from the House announcing concurrence in Senate amendments and repassage.

HB 2167 -- Message from the House announcing adoption of conference committee report and repassage.

Senate, having recessed under the order of Third Reading of House Measures, reverted to the order of Propositions and Motions by unanimous consent at the request of the Chair.

SB 232, 818, 998, 1098; HB 5019, 5176; 2101 2792, 3108 -- Brown moved that the rules be suspended in order that the Senate may take final action on Supplemental Agenda No. 1.

SB 232 B-Eng. -- Under rules suspension, Brown moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 22; nays, 1 -- Westlund; attending legislative business, 7 -- Deckert, George, Gordly, Metsger, Monnes Anderson, Prozanski, Starr, C. Bill repassed.

SB 818 D-Eng. -- Under rules suspension, Brown moved that the Senate refuse to concur in House amendments. Call of the Senate demanded by Brown joined by Devlin and Schrader. All present. The vote was: Ayes, 18; nays, 12 -- Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Nelson, Starr, B., Starr, C., Westlund, Whitsett, Winters. Motion carried.

SB 998 C-Eng. -- Under rules suspension, Schrader moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 29; attending legislative business, 1 -- Devlin. Bill repassed.

SB 1098 A-Eng. -- Under rules suspension, Brown moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 29; attending legislative business, 1 -- Devlin. Bill repassed.

Senate reverted to the order of Second Reading of House Measures by unanimous consent at the request of the Chair.

HB 2101, 2792, 3108 -- Read second time and passed to third reading.

Senate reverted to the order of Third Reading of House Measures by unanimous consent at the request of the Chair.

HB 5019 A-Eng. -- Under rules suspension, read third time. Carried by Carter. On passage of bill the vote was: Ayes, 29; attending legislative business, 1 -- Devlin. Bill passed.

HB 5176 A-Eng. -- Under rules suspension, read third time. Carried by Carter. On passage of bill the vote was: Ayes, 28; nays, 1 -- Atkinson; attending legislative business, 1 -- Devlin. Bill passed.

HB 2101 B-Eng. -- Under rules suspension, read third time. Carried by Metsger. On passage of bill the vote was: Ayes, 29; attending legislative business, 1 -- Devlin. Bill passed.

HB 2792 B-Eng. -- Under rules suspension, read third time. Carried by Ringo. On passage of bill the vote was: Ayes, 28; nays, 1 -- Schrader; attending legislative business, 1 -- Devlin. Bill passed.

HB 3108 -- Moved to the foot of today's third reading calendar by unanimous consent at the request of the Chair.

Senate reverted to the order of Propositions and Motions by unanimous consent at the request of the Chair.

SB 749; HB 2046, 2056, 2389, 2797, 3453, 3466, 3486 -- Brown moved that the rules be suspended in order that the Senate may take final action on Supplemental Agenda No. 2.

Senate reverted to the order of Second Reading of Senate Measures by unanimous consent at the request of the Chair.

SB 749 -- Read second time and passed to third reading.

Senate reverted to the order of Third Reading of Senate Measures by unanimous consent at the request of the Chair.

SB 749 B-Eng. -- Under rules suspension, read third time. Carried by Walker. On passage of bill the vote was: Ayes, 24; nays, 2 -- Beyer, Kruse; attending legislative business, 4 -- Devlin, George, Starr, C., Winters. Bill passed.

Senate reverted to the order of Second Reading of House Measures by unanimous consent at the request of the Chair.

HB 2046, 2056, 2389, 2797, 3453, 3466, 3486 -- Read second time and passed to third reading.

Senate reverted to the order of Third Reading of House Measures by unanimous consent at the request of the Chair.

HB 2046 -- Read third time. Carried by George.

Senate recessed until 3:30 p.m. by unanimous consent at the request of the Chair.

Senate reconvened at 3:30 p.m. President Courtney in Chair. All present.

HB 2122, 2285, 2450 -- Message from the House announcing concurrence in Senate amendments and repassage.

SB 1072; HB 3458 -- Message from the House announcing adoption of conference committee report and repassage.

HB 3474 -- Message from the House announcing refusal to concur in Senate amendments. House conferees to be appointed.

Senate, having recessed under the order of Third Reading of House Measures, resumed under that order by unanimous consent at the request of the Chair.

HB 2046 -- Moved to the foot of today's third reading calendar by unanimous consent at the request of the Chair.

HB 2056 A-Eng. -- Under rules suspension, read third time. Carried by Schrader. Call of the Senate demanded by Ferrioli joined by Kruse and Beyer. All present. On passage of bill the vote was: Ayes, 18; nays, 12 -- Bates, Brown, Burdick, Carter, Gordly, Monnes Anderson, Morrisette, Nelson, Ringo, Shields, Verger, Walker. Bill passed.

HB 2389 C-Eng. -- Under rules suspension, read third time. Carried by Starr, C. On passage of bill the vote was: Ayes, 29; absent, 1 -- Deckert. Bill passed.

HB 2797 A-Eng. -- Under rules suspension, read third time. Carried by Schrader. On passage of bill the vote was: Ayes, 29; absent, 1 -- Deckert. Bill passed.

HB 3453 -- Moved to the foot of today's third reading calendar by unanimous consent at the request of the Chair.

HB 3466 B-Eng. -- Under rules suspension, read third time. Carried by Devlin. On passage of bill the vote was: Ayes, 27; nays, 3 -- Carter, Morrisette, Ringo. Bill passed. Atkinson, granted unanimous consent to change his vote to aye.

HB 3486 A-Eng. -- Under rules suspension, read third time. Carried by Devlin. On passage of bill the vote was: Ayes, 30. Bill passed.

HB 3453 A-Eng. -- Under rules suspension, read third time. Carried by Deckert. On passage of bill the vote was: Ayes, 19; nays, 11 -- Burdick, Ferrioli, Gordly, Johnson, Kruse, Morrisette, Morse, Nelson, Schrader, Verger, Whitsett. Bill passed.

Senate reverted to the order of Reports from Standing Committees by unanimous consent at the request of the Chair.

Committee Report Summary No. 183 listing the following reports was distributed to members August 4. Summary list recorded in Journal and Status Report by order of the President.

HB 2101 -- Report by Committee on Rules recommending passage of the B-Engrossed bill.

HB 2792 -- Report by Committee on Rules recommending passage of the B-Engrossed bill.

HB 3108 -- Report by Committee on Rules recommending passage of the B-Engrossed bill.

Committee Report Summary No. 184 listing the following reports was distributed to members August 4. Summary list recorded in Journal and Status Report by order of the President.

HB 3458 B-Eng -- Report by Conference Committee, signed by Senators Brown, Burdick, Kruse and Representatives Kitts, Smith G., Wirth, recommending the House concur in Senate amendments dated June 22 and that the bill be further amended and repassed. (Amendments distributed August 4)

SB 749 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill. (Amendments distributed August 4)

HB 2046 -- Report by Committee on Revenue recommending passage of the A-Engrossed bill. (Amendments distributed August 4)

HB 2056 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 2389 -- Report by Committee on Revenue recommending passage with amendments to the B-Engrossed bill. (Amendments distributed August 4)

HB 2797 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

HB 3466 -- Report by Special Committee on Budget recommending passage with amendments to the A-Engrossed bill. (Amendments distributed August 4)

HB 3486 -- Report by Special Committee on Budget recommending passage of the A-Engrossed bill.

Committee Report Summary No. 185 listing the following reports was distributed to members August 4. Summary list recorded in Journal and Status Report by order of the President.

HB 2828 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill. (Amendments distributed August 4)

Committee Report Summary No. 186 listing the following reports was distributed to members August 4. Summary list recorded in Journal and Status Report by order of the President.

SB 5503 -- Report by Committee on Ways and Means recommending passage with amendments. (Amendments distributed August 4)

SB 5532 -- Report by Committee on Ways and Means recommending passage with amendments. (Amendments distributed August 4)

HB 3184 -- Report by Committee on Rules recommending passage with amendments to the B-Engrossed bill. (Amendments distributed August 4)

Senate reverted to the order of Propositions and Motions by unanimous consent at the request of the Chair.

SB 5503, 5532; HB 3458, 2828, 3184 -- Rules suspended by unanimous consent in order that the Senate may take final action on Supplemental Agenda No. 3 on motion of Brown.

HB 3458 B-Eng.\* -- Under rules suspension, Conference Committee report adopted and bill repassed on motion of Brown, Kruse. The vote was: Ayes, 28; nays, 2 -- Atkinson, Beyer. Bill repassed.

Senate reverted to the order of Second Reading of Senate Measures by unanimous consent at the request of the Chair.

SB 5503, 5532 -- Read second time and passed to third reading.

Senate reverted to the order of Third Reading of Senate Measures by unanimous consent at the request of the Chair.

SB 5503 A-Eng. -- Under rules suspension, read third time. Carried by Carter. On passage of bill the vote was: Ayes, 30. Bill passed.

SB 5532 A-Eng. -- Under rules suspension, read third time. Carried by Winters. On passage of bill

the vote was: Ayes, 27; nays, -- 3 Beyer, George, Kruse. Bill passed. Beyer, Kruse, granted unanimous consent to change their votes to nay.

Senate reverted to the order of Second Reading of House Measures by unanimous consent at the request of the Chair.

HB 2828, 3184 -- Read second time and passed to third reading.

HB 2828 B-Eng. -- Under rules suspension, read third time. Carried by Atkinson. On passage of bill the vote was: Ayes, 29; nays, 1 -- Carter. Bill passed.

HB 3184 C-Eng. -- Under rules suspension, read third time. Carried by Kruse, Walker. On passage of bill the vote was: Ayes, 26; nays, 4 -- Nelson, Prozanski, Verger, Whitsett. Bill passed.

SB 5514; 1094; HB 2097 -- Message from the House announcing passage.

SB 548 -- Message from the House announcing Ackerman, Flores, Kreieger House conferees.

SB 1037 -- Message from the House announcing Ackerman, Garrard, Smith, P. House conferees.

SB 1085 -- Message from the House announcing Flores, Macpherson, Olson House conferees.

HB 3474 -- Message from the House announcing Ackerman, Garrard, Smith, P. House conferees.

SB 1085 -- Prozanski, Morrisette, Atkinson appointed Senate conferees.

Senate reverted to the order of First Reading of House Measures by unanimous consent at the request of the Chair.

HB 2097 -- Read first time and referred to President's desk.

The following measures were referred to committee on August 3 and recorded on Committee Referral List No. 63 which was distributed to members. Referral list recorded in the Journal and Status Report by order of the President.

HB 5019 Ways and Means

HB 5176 Ways and Means

HB 2101 Rules

HB 2792 Rules

Senate recessed until 5:00 p.m. by unanimous consent at the request of the Chair.

Senate reconvened at 5:00 p.m. President Courtney in Chair. All present.

SB 5612; 17, 247, 303, 638, 838, 899, 995, 1097 -- Message from the House announcing the Speaker signed on August 4.

Senate, having recessed following the order of Third Reading of House Measures, resumed under that order by unanimous consent at the request of the Chair.

HB 3108 B-Eng. -- Under rules suspension, read third time. Carried by Bates, Westlund. Call of the Senate demanded by Bates joined by Brown and Devlin. All present. On passage of bill the vote was: Ayes, 16; nays, 14 – Atkinson, Beyer, Ferrioli, George, Gordly, Kruse, Morrisette, Morse, Nelson, Starr, B., Starr, C., Verger, Whitsett, Winters. Bill passed.

Senate recessed until 7:30 p.m. by unanimous consent at the request of the Chair.

Recess extended until 8:00 p.m. by unanimous consent at the request of the Chair.

Senate reconvened at 8:00 p.m. President Courtney in Chair. All present except Atkinson, Burdick, Morrisette, Prozanski, Schrader, Winters absent.

HB 2389, 3466 -- Message from the House announcing concurrence in Senate amendments and repassage.

HB 3184 -- Message from the House announcing refusal to concur in Senate amendments. House conferees to be appointed.

Senate, having recessed following the order of Third Reading of House Measures, reverted to the order of Reports from Standing Committees by unanimous consent at the request of the Chair.

Committee Report Summary No. 187 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

HB 3457 -- Report by Committee on Rules recommending passage with amendments to the A-Engrossed bill. (Amendments distributed August 4)

Committee Report Summary No. 188 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 449 -- Report by Committee on Revenue recommending passage with amendments.

Senate reverted to the order of Propositions and Motions by unanimous consent at the request of the Chair.

HB 3457 -- Rules suspended by unanimous consent in order that the Senate may take final action on Supplemental Agenda No. 4 immediately on motion of Brown.

Senate reverted to the order of Second Reading of House Measures by unanimous consent at the request of the Chair.

HB 3457 -- Read second time and passed to third reading.

Senate reverted to the order of Third Reading of House Measures by unanimous consent at the request of the Chair.

HB 3457 B-Eng. -- Under rules suspension, read third time. Carried by Prozanski. Call of the Senate demanded by Brown joined by Ringo and

Prozanski. All present, except Walker attending legislative business. Pending arrival of members subject to the Call, Senate at ease. All present except Walker, attending legislative business. Senate reassembled. On passage of bill the vote was: Ayes, 29; attending legislative business, 1 – Walker. Bill passed.

Senate recessed until 8:50 p.m. by unanimous consent at the request of Brown.

Recess extended to 9:15 p.m. by implied consent at the request of the Chair.

Senate reconvened at 9:15 p.m. President Courtney in Chair. All present except Atkinson, Beyer, Deckert, Devlin, Monnes Anderson, Prozanski, Shields, Starr, B., Walker, absent.

Senate, having recessed following the order of Third Reading of House Measures reverted to the order of Propositions and Motions by unanimous consent at the request of the Chair.

SB 1085 -- Rules suspended by unanimous consent in order that the Senate may take final action on Supplemental Agenda No. 5 immediately on motion of Brown.

SB 1085 B-Eng.\* -- Under rules suspension, Conference Committee report adopted and bill repassed on motion of Prozanski. The vote was: Ayes, 26; absent, 1 – Whitsett; attending legislative business, 3 – Deckert, Devlin, Westlund. Bill repassed.

Senate recessed until 10:15 p.m. by unanimous consent at the request of the Chair.

Recess extended to 10:45 p.m. by unanimous consent at the request of the Chair.

Recess extended to 11:30 p.m. by unanimous consent at the request of the President Pro Tempore Carter.

Senate reconvened at 11:30 p.m. President Courtney in Chair. All present except Atkinson, Bates, Brown, Burdick, Carter, Deckert, Ferrioli, George, Johnson, Kruse, absent.

HB 3184, 3457 -- Message from the House announcing concurrence in Senate amendments and repassage.

Senate recessed until 12:00 a.m. by unanimous consent at the request of Ferrioli.

Recess extended until 12:15 a.m. by unanimous consent at the request of the Chair.

Recess extended until 1:30 a.m. by unanimous consent at the request of the Chair.

Recess extended until 2:00 a.m. by unanimous consent at the request of the Chair.

Recess extended until 2:45 a.m. by unanimous consent at the request of the Chair.

Senate reconvened at 2:45 a.m. President Courtney in Chair. All present except Brown, Burdick, Ferrioli, George, Kruse, Monnes Anderson, Morrisette, Nelson, Ringo, absent.

Senate, reverted to the order of Reports From Standing Committees by unanimous consent at the request of the Chair.

Committee Report Summary No. 189 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 1085 B-Eng.\* -- Report by Conference Committee signed by Senators Atkinson, Morrisette, Prozanski and Representatives Flores, Macpherson, Olson recommending that the Senate concur in House amendments dated July 30 and that the B-Engrossed bill be further amended and repassed. (Amendments distributed August 4)

Committee Report Summary No. 190 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 31 A-Eng\* -- Report by Conference Committee, signed by Senators Deckert, Devlin, Westlund and Representatives Boquist, Butler, Hass, recommending that the Senate concur in House amendments dated July 7 and that the A-Engrossed bill be further amended and repassed. (Amendments distributed August 4)

Committee Report Summary No. 191 listing the following reports was distributed to members today. Summary list recorded in Journal and Status Report by order of the President.

SB 5510 -- Report by Committee on Ways and Means recommending passage with amendments. (Amendments distributed August 4)

SB 5520 -- Report by Committee on Ways and Means recommending passage with amendments. (Amendments distributed August 4)

SB 1101 -- Report by Committee on Ways and Means recommending passage with amendments. (Amendments distributed August 4)

SB 1102 -- Report by Committee on Ways and Means recommending passage.

Senate, reverted to the order of Second Reading of Senate Measures by unanimous consent at the request of the Chair.

SB 5510, 5520, 1101, 1102 -- Read second time and passed to third reading.

Senate, reverted to the order of Third Reading of Senate Measures by unanimous consent at the request of the Chair.

Senate at ease. Senate reassembled.

Senate, reverted to the order of Propositions and Motions by unanimous consent at the request of the Chair.

SB 31 -- Rules suspended by unanimous consent in order that the Senate may take final action on Supplemental Agenda No. 7 on motion of Brown.

SB 31 A-Eng.\* -- Under rules suspension, Conference Committee report adopted and bill

repassed on motion of Deckert. The vote was: Ayes, 29; nays, 1 -- Ferrioli. Bill repassed.

SB 1071 -- Rules suspended by unanimous consent in order that the Senate may take final action on Supplemental Agenda No. 6 on motion of Brown.

SB 1071 C-Eng. -- Under rules suspension, Schrader moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 20; nays, 10 -- Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Starr, B., Starr, C., Westlund, Whitsett. Bill repassed. Burdick, attending legislative business when roll called, granted unanimous consent to vote aye.

SB 5510, 5520; 1101, 1102 -- Rules suspended by unanimous consent in order that the Senate may take final action on Supplemental Agenda No. 8 on motion of Brown.

Senate, reverted to the order of Third Reading of Senate Measures by unanimous consent at the request of the Chair.

SB 5510 A-Eng. -- Under rules suspension, read third time. Carried by Schrader. On passage of bill the vote was: Ayes, 19; nays, 11 -- Atkinson, Beyer, Burdick, Ferrioli, George, Kruse, Prozanski, Starr, B., Starr, C., Walker, Whitsett. Bill passed. Burdick, attending legislative business when roll called, granted unanimous consent to vote nay.

SB 5510 -- Prozanski requested the following explanation of vote be entered into the journal:

"I voted against SB 5510 for the same reasons that I voted against SB 5549. It is time to invest more state funding in our K-12 schools. Since the late 1990's, severe budget cuts to K-12 have forced a reduction in the number of school days, increased classroom sizes, the loss of valuable educational programs such as art, music, and sports, and even the dismissal of teachers and other staff. Oregon's class sizes are now the second highest in the nation. Given the two most recent revenue forecasts, I believe we have the resources to invest \$5.4 Billion in K-12 education without cutting other vital programs and services. This is an investment which our kids deserve and one that would pay dividends to all Oregonians.

"The last two revenue forecasts provided an extra \$400 million in revenue and it is expected that the September revenue forecast will also be up. I believe that our state would be best served by investing this revenue in our children, providing a reserve fund to provide stability, and ensuring that we protect vital services to protect the public and our most vulnerable citizens. All of these priorities are possible with a K-12 expenditure of \$5.4 Billion.

"Studies continue to show that investing in education is good for the entire state. For every dollar spent on education, the state saves between \$7-14 dollars on future public safety costs, and health and human services costs. Investing more in schools today will save us millions of dollars in the future.

"A \$5.4 Billion K-12 school budget does not require the state to cut other vital programs and services. We have sufficient revenue to fully fund Oregon Project Independence, in-home foster care and long term care for

seniors and the disabled. We also have sufficient revenue to increase investments in four-year colleges and community colleges. Finally, our tumultuous budget history should teach us the importance of dedicating funds to a reserve fund.

"For these reasons, I drew a line on the chalkboard and voted against SB 5510 and SB 5549. Education should be our top priority."

SB 5520 -- Moved to the foot of today's third reading calendar by unanimous consent at the request of the Chair.

SB 1101 A-Eng. -- Under rules suspension, read third time. Carried by Schrader. On passage of bill the vote was: Ayes, 21; nays, 9 -- Atkinson, Beyer, Ferrioli, George, Kruse, Morse, Starr, B., Starr, C., Whitsett. Bill passed.

SB 1102 -- Under rules suspension, read third time. Carried by Schrader. On passage of bill the vote was: Ayes, 16; nays, 14 -- Atkinson, Beyer, Ferrioli, George, Kruse, Metsger, Morse, Prozanski, Starr, B., Starr, C., Verger, Walker, Whitsett, Winters. Bill passed.

SB 1102 -- Prozanski requested the following explanation of vote be entered into the journal:

"I voted against SB 1102 because I do not believe that we need to create a legislative task force to develop recommendations regarding establishing, funding, and operating a reserve fund. We just need to do it, not study it!"

SB 5520 A-Eng. -- Under rules suspension, read third time. Carried by Schrader. On passage of bill the vote was: Ayes, 21; nays, 9 -- Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C., Whitsett, Winters. Bill passed.

SB 5532; 1096 -- Message from the House announcing passage as amended by the House.

SB 31 -- Message from the House announcing adoption of conference committee report and repassage.

SB 5510, 5520; 1101, 1102 -- Message from the House announcing passage.

SB 1096 -- Rules suspended by unanimous consent in order that the Senate may take final action on Supplemental Agenda No. 9 on motion of Brown.

SB 1096 B-Eng. -- Under Rules Suspension, Monnes Anderson moved that the Senate concur in House amendments and repass bill.

Senate at ease. Senate reassembled.

SB 1096 -- Debate resumed. Call of the Senate demanded by Brown joined by Devlin and Carter. All present. On concurrence and repassage the vote was: Ayes, 16; nays, 14 -- Atkinson, Beyer, Burdick, Ferrioli, George, Kruse, Morse, Nelson, Prozanski, Starr, B., Starr, C., Walker, Whitsett, Winters. Bill repassed.

SB 2,3,4,5; HB 5023, 5177 -- Message from the House announcing passage.

Senate, reverted to the order of First Reading of House Measures by unanimous consent at the request of the Chair.

HB 5023, 5177 -- Read first time and referred to Joint Committee on Ways and Means.

SB 5532 -- Brown moved that the rules be suspended in order to take final action immediately.

SB 5532 B-Eng. -- Schrader moved that the Senate concur in House amendments and repass bill. On concurrence and repassage the vote was: Ayes, 21; nays, 8 -- Atkinson, Beyer, Ferrioli, George, Kruse, Starr, B., Starr, C., Whitsett; excused, 1 -- Winters. Bill repassed.

Senate reverted to the order of Standing Committees by unanimous consent at the request of the Chair.

The following reports were read:

HB 5023 -- Report by Committee on Ways and Means recommending passage of the A-Engrossed bill.

HB 5177 -- Report by Committee on Ways and Means recommending passage of the A-Engrossed bill.

Senate reverted to the order of Propositions and Motions by unanimous consent at the request of the Chair.

SB 5021, 5177 -- Brown moved that the rules be suspended in order to take final action immediately.

Senate reverted to the order of Second Reading of House Measures by unanimous consent at the request of the Chair.

HB 5023, 5177 -- Under rules suspension, read second time and passed to third reading.

Senate reverted to the order of Third Reading of House Measures by unanimous consent at the request of the Chair.

HB 5023 A-Eng. -- Under rules suspension, read third time. Carried by Schrader. On passage of bill the vote was: Ayes, 25; nays, 3 -- Beyer, George, Kruse; absent, 1 -- Atkinson; excused, 1 -- Winters. Bill passed.

HB 5177 A-Eng. -- Under rules suspension, read third time. Carried by Schrader. On passage of bill the vote was: Ayes, 20; nays, 9 -- Atkinson, Bates, Beyer, Burdick, Deckert, George, Kruse, Metsger, Prozanski; excused, 1 -- Winters. Bill passed.

Senate at ease. Senate reassembled.

Senate reverted to the order of Other Business of the Senate by unanimous consent at the request of the Chair.

In accordance with the provisions of ORS 291.330, President Courtney announced the following appointments to the Emergency Board:



**EMERGENCY BOARD**

Senator Peter Courtney, Co-Chair  
 Senator Kurt Schrader  
 Senator Margaret Carter  
 Senator Richard Devlin  
 Senator Avel Gordly  
 Senator Frank Morse  
 Senator Ben Westlund  
 Senator Jackie Winters

Senate reverted to the order of Propositions and Motions by unanimous consent at the request of the Chair.

Brown moved that the Senate confirm en bloc the President's appointments to the Emergency Board. Motion carried; the vote was: Ayes, 29; excused, 1 – Winters. Appointments confirmed.

HCR 18 -- Message from the House announcing adoption.

Senate reverted to the order of First Reading of House Measures by unanimous consent at the request of the Chair.

HCR 18 -- Read first time.

Senate reverted to the order of Third Reading of House Measures by unanimous consent at the request of the Chair.

HCR 18 -- Rules suspended by unanimous consent on motion of Brown in order that the Senate may take final action.

HCR 18 -- Under rules suspension, read in its entirety and placed on final adoption. Carried by Brown. On adoption of resolution, the vote was: Ayes, 28; absent, 1 – George; excused, 1 – Winters. Resolution adopted.

Senate adjourned sine die at 6:21 a.m., August 5, 2005.

SB 5612, 5629; 17, 152, 247, 303, 408, 557, 638, 680, 838, 870, 899, 995, 1097; HB 5083, 5112, 5134, 5136, 5148, 5156, 5158, 5165, 5167, 5168, 5174; 2147, 2181, 2278, 2306, 2461, 2510, 2539, 2668, 3143, 3352 - President Courtney signed on August 4.

HB 5135 -- President Courtney signed on August 5.

SB 82 -- Message from the Governor announcing he signed on August 9.

SB 5504, 5514; 71, 232, 421, 640, 787, 844, 850, 887, 998, 1041, 1072, 1076, 1085, 1089, 1094, 1098, 1100; HB 5153, 5155, 5163; 2157, 2169, 2312, 2327, 2485, 2490, 2795, 3093, 3121, 3159, 3238, 3262, 3504 - President Courtney signed on August 9.

SB 1 -- Message from the Governor announcing he signed on August 15.

SB 5630; 907 -- Message from the Governor announcing he signed on August 16.

SB 5544, 5547 5581, 5587, 5602, 5610, 17, 290, 303, 496, 591, 660, 838, 870, 899, 995, 1067, 1068,

1088, 1092 -- Message from the Governor announcing he signed on August 17.

SB 5503, 5504, 5546; 2, 501, 638, 640, 736, 787, 998, 1072, 1076, 1089, 1096 -- Message from the Governor announcing he signed on August 23.

HCR 18 --President Courtney signed on August 22.

HB 5019, 5023, 5164, 5176, 5177; 2056, 2101, 2122, 2167, 2254, 2258, 2285, 2316, 2389, 2450, 2588, 2792, 2797, 3108, 3129, 3184, 3310, 3453, 3457, 3458, 3463, 3466, 3469, 3486 --President Courtney signed on August 23.

SCR 3 -- President Courtney signed August 23.

SB 5510, 5514, 5520, 5532, 5543, 5584, 5612, 5617, 5629; 3, 4, 5, 71, 247, 359, 557, 680, 850, 1085, 1097 -- Message from the Governor announcing he signed on August 29. SB 1083 -- Message from the Governor announcing he vetoed on September 2.

September 2, 2005

The Honorable Bill Bradbury Secretary  
 State 900 Court Street NE Room 136  
 Salem, OR 97301

Dear Secretary Bradbury:

I am returning Enrolled Senate Bill 1083 unsigned and disapproved.

The purpose behind SB 1083 when it was originally introduced was to provide a new targeted tax credit to economically help a limited number of Oregon farmers. The new tax credit was intended to equal fifty percent of the annual, incremental increase in the minimum wage paid during each tax year to workers earning the minimum wage. I supported this concept.

However after SB 1083 passed the Senate and was sent to the House, the Legislative Revenue Office and Legislative Counsel reexamined the language of the bill and determined that the legislation as passed, was considerably broader than originally intended. It was now interpreted to include the cumulative effects of wage increases for all workers-not just workers earning the minimum wage. Furthermore, the language could be interpreted to include the cumulative effects of wage increases over time rather than just the increase made in each individual tax year. With this broader interpretation of the bill, the estimated revenue impact of SB 1083 to the state amounted to \$244.2 million-a twenty fold increase over the original estimate that was considered by the Senate.

I recognize the burden that annual minimum wage increases place on some Oregon farmers, which is why I would have signed SB 1083 if the House of Representatives had amended the bill to reflect the original intent of the sponsor. On July 29, 2005, I sent a letter to all members of the House requesting that SB 1083 be returned to the House committee so that it could be amended to reflect the original intent of the bill when it was introduced. A majority of the House of Representatives ignored my request and chose to approve a bill that they knew I would veto.

As Governor, I am committed to upholding my pledge to restore fiscal responsibility and accountability in state

government and allowing SB 1083 to go into law would not only be inconsistent with that commitment, but it would not be in the best interest of all Oregonians. While I am unable to sign SB 1083 as sent to me, I recognize the key role the agricultural industry plays in Oregon's economy and I will work with the Department of Agriculture and the legislature to develop a targeted safety net for the current biennium, as well as fair, responsible, and sustainable plan for 2007-09 and beyond.

Sincerely,

Theodore R. Kulongoski Governor

SB 408 -- Message from the Governor announcing he signed with the following explanation on September 2.

September 2, 2005

The Honorable Bill Bradbury  
Secretary of State  
900 Court Street NE Room 136  
Salem, OR 97301

Dear Secretary Bradbury:

I have signed Senate bill 408. I understand the frustration voiced by Oregonians when they learned that investor owned utilities were collecting monies for payment of taxes, but not paying those monies to government. SB 408 aligns the amount of income taxes collected from Oregon ratepayers with those actually received by government from investor owned utilities and their affiliated companies. I signed the bill because, as to that issue, it is the right public policy.

At the same time, I am disappointed that the parties were unable to achieve a reasonable compromise of all issues involved in SB 408. Notwithstanding the considerable work that was done on this issue, much of it capably coordinated by Representative Tom Butler with assistance from Representatives Brian Boquist and Greg Macpherson, the legislation does not address many of the concerns raised by various stakeholders during numerous public hearings, work sessions and other meetings on this subject. In fact, much of that hard work was ignored and the final version of the bill defers many of the difficult questions about the impact and implementation of SB 408 for the Oregon Public Utility Commission (OPUC). Further, the assembly rejected changes that would have preserved the consumer and taxpayer protection elements of the bill, while at the same time ensuring that it could be successfully defended against a legal challenge on constitutional grounds.

While I have great faith in the OPUC's ability to manage and interpret SB 408, I believe the public would have been better served had the legislature taken it upon itself to develop a clearer and perhaps more balanced approach to resolving problems associated with taxes collected in utility rates. In the end, we need to do all we can to ensure the lowest possible rates for consumers in Oregon, while also creating a stable and investment worthy environment for utilities, preferably an environment that encourages Oregon as the headquarters for businesses, including utilities. I am not sure that this legislation moves us with certainty in that direction, and any unintended consequences could actually undercut that goal. A more direct prediction is that the legislature will end up addressing these issues in a future session, either because

the courts have raised concerns or because the results do not materialize.

Sincerely,

Theodore R. Kulongoski  
Governor

SB 31, 232, 408, 421, 844, 887, 1041, 1071, 1094, 1098, 1100, 1101, 1102 -- Message from the Governor announcing he signed on September 2.