

HOUSE COMMITTEE ON ELECTION AND RULES

April 19, 2005 Hearing Room E

1:00 P.M. Tapes 43 - 45

MEMBERS PRESENT: Rep. Derrick Kitts, Chair

Rep. Paul Holvey, Vice-Chair

Rep. Kim Thatcher, Vice-Chair

Rep. Billy Dalto

Rep. Debi Farr

Rep. Mitch Greenlick

Rep. Steve March

STAFF PRESENT: Cletus Moore, Committee Administrator

Annetta Mullins, Committee Assistant

MEASURES/ISSUES HEARD:

HJR 36 – Public Hearing

HB 3090 – Public Hearing and Work Session

HB 3238 – Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
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TAPE 43, A

003 Chair Kitts Calls the meeting to order at 1:10 p.m. and opens a public hearing on HJR 36.

HJR 36 – PUBLIC HEARING

014 Cletus Moore Committee Administrator. Reads summary of HJR 36.

020 Don McIntyre Taxpayer Association of Oregon. States he is a long time proponent of reasonable control over state spending. Language in HJR 36, which is an appropriation limit, was submitted by the sponsor, Rep. Lim, as not an appropriation limit, but a spending limit. States they would like to see the original language inserted back into the measure as replacement for the language that is in the measure now. States that the language that went into Legislative Counsel was in a long time and when it came out it was past the deadline for filing anything else. They changed the original language considerably—to the extent they made an appropriation limit out of it rather than a spending limit. Explains that if the committee were to amend HJR 36, this would be a sample of the language **(EXHIBIT A)**.

056 McIntire Explains that HJR 36 is to a standard established in Colorado by the voters in 1992. The Colorado measure limits not only state government but every jurisdiction in the state; this measure only limits the growth of spending to the state government. One standard is the same. It says spending biennium to biennium will not increase at a rate greater than growth of the state's population and inflation in the two years leading up to the biennium. There is a list of spending that could be done by the state that would not be considered spending for the purpose of this measure: 1) disbursement of money from federal government, 2) no limitation on amount refunded to taxpayers, and 3) exception from spending is the first on the list (a). Any money set aside for a rainy day fund would not be considered spending. It would not mandate a rainy day fund but if there is \$2 billion extra it would float into an emergency or rainy day fund if the legislature wanted it to. A rainy day fund could not be spent if you are bumping into the limit. It would be a continual safety net. The legislature could wind up giving a tax reduction. This would say you have a reserve but you cannot spend it unless you are under the limit.

120 McIntire Explains that the charts were prepared by Legislative Fiscal and are only estimations **(EXHIBIT A, pages 3 and 4)**. Explains the charts.

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| 131 | McIntire | States he has heard discussion in political circles that the Colorado spending is said to not be working very well. Thinks it is working pretty well. States he has pulled the ratings out of the 2005 rating book by the Oregon Progress Board. Colorado ranked 8th and Oregon ranked 29th in per capita income for 2003. People are better off in Colorado. If a spending limit is in place, the government does not get some of the earnings of its citizens. The money stays in the private side and makes jobs. |
| 156 | McIntyre | Comments on assumptions of people when they think of spending. States if the committee likes the idea, they should amend HJR 36 with this language (EXHIBIT A) . |
| 176 | Chair Kitts | Comments this is Rep. Lim's bill and he is out of the country and that the committee will discuss the measure later. |
| 222 | Chair Kitts | Closes the public hearing on HJR 36 and ask the committee to stand at ease at 1:27 p.m. |
| 222 | Chair Kitts | Reconvenes the meeting at 1:28 p.m. and opens a public hearing on HB 3090. |

HB 3090 – PUBLIC HEARING.

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| 234 | Cletus Moore | Committee Administrator. Reads summary of HB 3090 and advises members they have been provided a copy of the hand-engrossed bill with the -2 amendments (EXHIBIT B) and the -2 amendments (EXHIBIT C) . |
| 247 | Rep. Jerry Krummel | HD 26. Comments that HB 3090 is about ballot integrity and making sure when people drop their ballots off the drop sites are secure. One of the primary goals of HB 3090 is to increase the integrity of the ballot drop sites. Cites story about a person standing outside the Oregon City library on Monday before the election when the library was closed. He had a cardboard box covered with a candidate's stickers and collecting ballots and telling voters he was just doing his civic duty. And, at Chemeketa Community College a group of young Republicans set up a table and a box gathering ballots but they refused to put up a sign that said it was not an official drop site. It was not an official drop site. Questions whether the ballots put in those boxes got to the county clerk for processing. States that in a sense, our vote-by-mail process has become a vote-by-drop box and we need to be very careful. States that more drop sites, especially in larger counties, would help cut down on the lines that form on election night. |

302	Rep. Thatcher	Explains her experience in voting since vote-by-mail was instituted. States she went to the drop site and was expecting to put her ballot into a locked box but instead handed it to the person who walked up to the counter at the Water Bureau. The person tossed her ballot into a recycle bin that was on top of a file cabinet. States she did not feel her ballot was secure. HB 3090 calls for increased security, eliminates the stray ballots in the recount process to help reduce chances of what is happening now in Washington state.
334	Rep. Krummel	Explains they have worked with the county clerks and he believes some county clerks will testify in favor of this bill today. Presents summary of Sections 1 and 2 of HB 3090 with the HB 3090-2 amendments (EXHIBIT D) .
350	Rep. Thatcher	Explains Sections 4 and 6 and penalties in Section 10 of HB 3090 with the -2 amendments (EXHIBIT D) .
400	Rep. Krummel	Under Section 6, if a county has over 35,000 electors, it must have one drop site for every 20,000 electors. If the county has fewer than 35,000 electors, it must have at least one drop site. The county clerks can set up as many drop sites as they want but they have to have at least one drop site. Explains penalty provisions in Section 6.
	Rep. Krummel	Explains Section 8, 9 and 10 (EXHIBIT D, page 2) .

TAPE 44, A

007	Chair Kitts	Asks if the ballot would be counted under the language on page 1 in lines 11 through 20 if a Democrat and Republican did not agree on the intent of the voter.
	Rep. Krummel	Responds it would not be enhanced and it would not be counted.
	Chair Kitts	Asks if a ballot would be disqualified if it is obvious what the vote was but the machine would not count it.
	Rep. Krummel	Responds he does not think so. Shows and explains how a ballot could be enhanced and explains when a ballot could not be counted. States if the intent is not clear who the person was voting for, the ballot should not be counted and they should not be able to come back

in later and decide to count it. Comments that the situation where Washington found some ballots under the water cooler is the reason for the section that deals with ballots that are not part of the original certified count; the ballots cannot be a part of the recount.

	Chair Kitts	Provides scenario of review process of questionable votes. States he believes the language opens up the review process and if one does not agree, whether it is rational or not, then the vote is counted.
060	Rep. Thatcher	Comments there are procedures in the process now; it is an election board and the board cannot all be members of the same party. Believes the county clerks can address how they would implement that.
076	Rep. Krummel	Comments that the other fail safe is in Section 9 that says “unless ordered by a court a ballot may not be counted in any recount conducted under this chapter...”. States the county clerk can take the recount to court if there is an obstinate election worker.
085	Rep. Greenlick	Reads the first sentence of Section 6(1) on page 2 of hand engrossed bill, (EXHIBIT B) and asks what it means.
	Rep. Krummel	Explains that it means that the only person who can establish an official ballot drop site is the county clerk. Anyone establishing an unofficial site would be in violation of the law.
	Rep. Greenlick	Asks if that means he could not take his wife’s ballot in.
	Rep. Krummel	State that would be fine. The language in Section 6(1) is saying a person other than the county clerk cannot establish an official drop site. If someone sets up an unofficial drop site, the person would be in violation because the bill does not allow people to set up unofficial drop sites.
122	Rep. Thatcher	Comments there was a lot of discussion with Legislative Counsel about that and she raised that issue. States she does not want to outlaw her husband dropping her ballot at the drop site or mailbox. They are trying to not have unofficial drop sites set up for the purpose of gathering ballots randomly from the public. States people have ballot or voting parties and the people go there for the purpose of celebrating and casting their ballot.
134	Rep. Greenlick	

		Asks if he can set out a sign inviting people to a gathering at his house to collect ballots.
	Rep. Thatcher	States she supposes it would be okay.
	Rep. Greenlick	Asks what a “gathering” is.
	Rep. Thatcher	Responds she guesses it would be where someone is inviting people to come to their house or an event or place specifically for that purpose.
	Rep. Greenlick	Asks if there is a definition of gathering in the statute.
	Rep. Thatcher	Responds they can talk to Legislative Counsel about defining gathering.
144	Rep. Krummel	States that Section 6 (1) says a person may not set up a place of deposit for ballots cast in the election and it says this subsection does not prohibit the collection of ballots at a gathering at which a place of deposit for ballots is not otherwise provided. Comments on reports of people having a ballot party at a bar during the last election. Feels if someone is stupid enough to go to a bar and drop their ballot into a box, they get what they deserve. This section would not prohibit a bunch of friends from getting together and dumping their ballots into a box and somebody taking it to the county clerk’s office or an official ballot drop site.
	Rep. Greenlick	Asks if it would prohibit the gathering at the bar.
	Rep. Krummel	Responds no.
180	Rep. Holvey	References Section 6, lines 17 through 20 of the hand-engrossed bill and asks if we have a good description of what a drop box is.
	Rep. Krummel	Gives example of Wilsonville library, an official drop site set up by the Clackamas County clerk’s office. The language is saying that drop site is staffed, there is somebody there who has been trained by the clerk’s office to watch the site. The site is open during the library hours. The county clerks can set up permanent receptacles that do not have to be staffed; reads requirements in Section 6(3).
233	Rep. Holvey	Asks if there are rules or regulations for temporary receptacles.

	Rep. Krummel	Responds the question would be better addressed by the county clerks.
253	Rep. Greenlick	Comments for the record that he thinks we ought to make clear on the record what we have in mind with Section 9; a ballot can be counted only if it was counted in the original count. States that he is not sure the sponsors really intended to take out the possibility that in a recount we might find a significant number of ballots that were legitimately cast. States he hopes the sponsors were not intending to specifically exclude those from a possible recount.
269	Annette Newingham	Association of County Clerks. Testifies in support of HB 3090. Comments on problems with unofficial drop sites and integrity of the election process. States they do support eliminating unofficial drop locations. One discussion was about enhancing ballots and the two observers. States that the county clerks have manual that outlines circumstances and tells them what they are supposed to do. If there is an issue where the intent is not clear, and the ballot is not enhanced or duplicated, the ballot is counted. The contest will reflect whatever the voter did or did not do. It is only when the intent is clear that the whole ballot would be duplicated or the contest enhanced to reflect the intent of the voter. In all cases the ballots are counted. They would not reject an entire ballot because there was a problem on one contest.
	Newingham	References Section 6(4) and states that if they have less than a countywide election (and gives example of an election in the City of Coburg), she would assume they would then fall into the guideline of the 35,000 because that seems logical but if there is something contrary to that, they need to know that.
406	Newingham	The reason the clerks supports not counting ballots in recount that were not counted in original count is because they and others have the right for a contest of election and the judge makes the decision.
425	Rep. Greenlick	Asks if the contest of election can happen under the current statute.
	Newingham	Responds affirmatively and states she does not find that this bill would change that.
	Rep. March	Asks if Newingham would like to see the language on the population be changed to say "...in each election with 35,000 or more electors in the jurisdiction the county clerk shall maintain....".

	Newingham	Responds that she recommends giving clarity.
456	Rep. Holvey	Asks if the requirement that the drop sites be staffed at all hours would have an impact fiscally to the counties.
	Newingham	Responds she does not believe there will be a fiscal impact. Comments on deputizing staff in order for staff to handle the ballots. The clerks may not pay the people but would provide adequate training and make sure they follow the proper rules.
TAPE 43, B		
020	Gweneth Van Frank-Carlson	Lane Independent Living Alliance. States she represents people with all kinds of challenges from going blind and not knowing it and marking their ballots incorrectly, cognitive impairments can cause that kind of error to happen. Appreciates the efforts that have gone into this bill so that those kinds of errors can be corrected and the votes can be counted.
040	Chair Kitts	Notes the time and asks that those with written testimony, submit their testimony for the record so that adequate hearing time can be allowed for the next bill on the agenda. Advises that the committee probably will not act on HB 3090 and will get clarification on the issues that have been raised.
053	Kappy Eaton	Governance Chair, League of Women Voters of Oregon. Comments they are pleased with the amendments. Comments that Section 9 (3) of the original bill talks to the authorization of people to watch and review the election procedures, and the fact that the county clerks will provide training for those persons. Asks if those people who are authorized observers will agree to be trained. States there is nothing in the section that says those people will agree, as part of the authorization, to receive the training. They suggest wording be added, "Authorized observers shall agree to be trained in order to participate."
	Rep. Thatcher	Responds that would be the intention.
	Chair Kitts	Requests that Eaton submit her suggested wording to the sponsors of HB 3090.
073	John Kauffman	Multnomah County Elections Director. Comments that with regard to Section 9(3) it is always his desire to have people present to observe

their process. Thinks the system is well served by having people present. Believes issues are raised because people have not seen what goes on. States he does not mind providing training to persons. Believes Eaton's suggestion on wording that people agree to be trained is good. States, in regard to Section 1 on enhancing or duplicating, he has not seen inspection teams doing other than their best to make sure that the voters' intent is read by the computer. States he can give examples in Multnomah County where sometimes people will write notes saying they didn't mean to do something. Or they will scribble across the entire ballot and their scribbling without intent runs through an oval and would be picked up as a count on an issue.

- 111 Rick Bennett AARP Oregon. States they would have been opposed to HB 3090 as introduced, specifically to Section 1(3)(a) relating to a ballot being rejected by a vote tally system. They feel it could have a disproportionate affect related to older voters who might press too hard or not hard enough or in some other way mark their ballot that may cause it to be rejected and not counted. States they agree with the amendments and they are in support of the bill as it would be amended.
- 114 Joe Hobson Keizer resident. Submits a prepared statement (**EXHIBIT E**). States he originally was very strongly opposed to HB 3090 because of its ramifications on the very successful vote by mail. States that the amendments improve the bill tremendously.
- 134 Diana Evans Salem. Testifies in support of HB 3090. Comments on working on elections and states she had some concerns about the security of ballots. Believes the improvements made to HB 3090 are very helpful.

The following statement is submitted for the record without public testimony:

- Steve Lanning Political Director, Oregon AFL-CIO. Submits prepared statement in opposition to the HB 3090-1 amendments amending Section 6 of HB 3090 (**EXHIBIT F**).
- 161 Chair Kitts Closes the public hearing and opens a work session on HB3090.

HB 3090 WORK SESSION

- 162 Rep. Thatcher **MOTION: Moves to ADOPT HB 3090-2 amendments dated 4/19/05.**

AYE: In a roll call vote, all members present vote Aye.

Chair Kitts

The motion CARRIES.

- 174 Rep. Greenlick Comments he hopes there will be amendments on “gathering.” Comments that the committee heard from a county clerk that a contest of election could be taken to court. States he is not convinced that is the case. States in reading ORS 258.211 his impression is that if (3) goes into .211, it will define for the courts that ballots are not to be counted. States he is not sure what basis the court would have to make a statement that they ought to be counted. Thinks it would be important for the committee to understand the context of Section 9 (3) and 258.211 and make sure this is what it is intended to be.
- 199 Chair Kitts Closes the public hearing on HB 3090 and opens a public hearing on HB 3238.

HB 3238 – PUBLIC HEARING

- 218 Cletus Moore Committee Administrator. Reads summary of HB 3238.
- 226 Rep. Thatcher Comments that administrative rules carry the full effect of law. However, many times they are implemented without sufficient public input. Oregon prides itself on its open public meetings laws, however, most of the regulations that affect our daily lives were enacted behind closed doors by bureaucrats that are neither elected nor appointed to represent citizens. Each session nearly 3,500 bills are introduced in the legislative process. Questions how many legislators completely understand the implications of each of the bills that make it to the floor. The Secretary of State’s office doesn’t know how many administrative rules are in effect but has said there are at least 10,000 pages of administrative rules in 7.9 point font. HB 3238, if it is amended with the -3 amendments (**EXHIBIT G**), would add a common sense process to the process by which agencies promulgate rules, require agencies to provide a simple 15-word caption for each rule similar to the ballot title process and a plain English summary that would put the pieces of the puzzle together as to which ORS statute they are implementing along with the proposal. The amendments would also require agencies to consider the cost of compliance: the time and effort and financial resources that could be expended by the public in conforming with the rule, somewhat similar to the federal Paperwork Reduction Act. The goal is to provide public access to the rule making process and bring more transparency to our

governance. States it was not difficult to find people who have been impacted negatively by rules. States small businesses may or may not be represented well. Comments on small businesses being driven out of business by administrative rules. Believes there should be a vehicle in place to engage the public and that is what the -3 amendments would do.

- 292 Rep. March Comments that a similar bill is introduced virtually every session and members start looking at the 10,000 pages of Oregon Administrative Rules (OARs) and what it would take to review those. Notes the language on page 7 of the -3 amendments in lines 3 through 8 about the mailing lists. States if the State Board of Higher Education were to decide to change the graduate requirements for someone going to a school in the OUS system, they would have a large number of people who might be affected. States he understands what Rep. Thatcher is trying to do. States it will place a tremendous burden on a lot of agencies.
- 327 Rep. Thatcher Responds that it would be consistent with existing statute that says that the Legislative Assembly encourages agencies to seek public input to the maximum extent possible. States she is just trying to clarify that language.
- 340 Rep. March States if Rep. Thatcher is trying to get to the businesses that are negatively affected by this, he would be happy to discuss it further with Rep. Thatcher.
- 364 Robert Kerivan Bridgeview Vineyards. Presents a prepared statement explaining impact of Division of State Land administrative rules and in support of HB 3238 (**EXHIBIT H**).

TAPE 44, B

- 020 Rep. Thatcher Comments that she understands that Kerivan did win in court but it cost him a lot money.
- Kerivan States it is not the money that is costing him. The problem is the little guy cannot fight city hall and all of a sudden they run up against someone with some bucks. States if they made a felon out of him, he would lose his federal license to make alcohol. State he had no alternative but to fight.
- 043 Rep. March Asks if Kerivan has had more recent dealings with the Division of State Lands under their new management.

050	Kerivan	Explains that the court held a hearing on his property and the judge said one would have to be blind to not see the damage and he was given an injunction. Then Hanus put out a derogatory news release saying that he tricked the Division of State Lands so they could not appeal.
070	Chane Griggs	Department of Administrative Services. States she will share their agency's concerns with the original HB 3238 and they are aware of the -3 amendments but does not feel comfortable addressing those because she received them mid-morning. States there are several policy and process issues raised with the original bill and some constitutional separation roles questions. The original bill does not seem to include the opportunity for public participation in rule making, avenues of recourses that are available to affected parties if they feel the rules have compromised their original intent of the bill, the separate roles of the legislative and executive branches are not maintained, the proposed process presents somewhat of an awkward situation from passage of the bill and the presentation of a rule by an agency and it would not be until after the next session convenes that they would either amend or approve the administrative rules.
098	Julie Yamaka	Manager, Administrative Rules Unit, Archives Division, Secretary of State's office. Presents a prepared statement in opposition to HB 3238 (EXHIBIT I) .
135	Phillip Schradle	Special Counsel to Attorney General. States they are quite concerned with the original bill because it established that bills would only be effective after passage of a concurrent resolution by the Legislative Assembly; their concern is a binding statement of law cannot be done through a concurrent resolution but would need to be done through a bill. In the -3 amendments there is still a provision about the concurrent resolution that it is to provide direction to the agencies. Believes there should be further conversations about whether that is intended to be a direction of binding effect or a direction that is more encouraging. The big concern about the -3 amendments is the mailing list requirement. Gives example of the Department of Motor Vehicles wishing to change administration rules about the license renewal application process. Believes under the bill it would require a mailing to every licensed driver in Oregon. States that HB 3120 that was passed last session established the Advisory Committee on Agency Rule Streamlining. Director Cory Streisinger, Department of Business and Consumer Services authorized him to make statements about the advisory committee. Explains he participated in the process. The goal was following up on the Governor's executive order about agency rule streamlining. Explains makeup of the advisory committee. The outcome of the advisory committee is HB 2188. Believes the Speaker has introduced HB 2003 which also gets

at some of these issues. Suggests there be a coordinated approach and on-going discussion.

- 178 Chair Kitts Comments that because of the concerns and varying parties, they will probably establish some kind of work group with a time frame.
- 195 Jean Schauerman Speaking on behalf of Sandra Bishop, representative for the Fair Competition Alliance. Submits copies of administrative rules governing products of disabled individuals statute and reads a prepared statement in support of concept behind HB 3238 (**EXHIBIT J**).
- 228 Anne Rystrom Co-Owner, Clear Creek Rainbow Ranch, Inc. and Treasurer, Oregon Aquaculture Association. Submits copies of annual propagation license requirements and summarizes a prepared statement asking for an appeal process (**EXHIBIT K**).
- Chair Kitts Asks if Rystrom would be interested in serving on the work group.
- Rystrom Responds affirmatively.
- 266 Richard Burke Executive Director, Libertarian Party of Oregon. Speaks in support of HB 3238 because they believe it is good for business. Whether it is deserved or not, Oregon has a reputation throughout the nation as being a state hostile to business. The administrative rule process is one reason why. States a lot of their members own small businesses and they constantly hear how administrative rules are making their lives miserable. States there are two legislative branches in Oregon and that is not right. States he is sympathetic that the legislature will have a lot of work to do if this bill passes. Comments on experience relating to incidental fees while in student government at the University of Nebraska. States that passing this bill will solve a lot of problems, will be good for business and our democratic process, good for the legislature and good for the state.
- 314 Darrell Fuller Oregon Auto Dealers Association and the Oregon Small Business Coalition. Explains that it was impossible for the dealers to manage all the administrative rules that were impacting them so they had to hire a full-time lobbyist, instead of a contract lobbyist and he is therefore employed today because of administrative rules. States that administrative rules can be good and bad depending on how they are done. The legislature is responsible for a lot of the administrative rules because of the permissive authority that is given to state agencies. Gives example of Unfair Trade Practices Act. Reads portion of ORS 646.608 and comments that the legislature provides

language that permits rules to be written. States there are times when the lobby requests that the legislature provide that authority so they can work with the agency in creating the rules. States that there are some cases where the agency does it on their own and does not invite participation by the affected industry. To the degree that the agencies solicit input, the administrative rules go a long way but thinks it is important that as the legislature provides administrative agencies the authority to write rules that there ought to be some sort of trigger that will allow affected industries to go to the citizens' representatives for an appeal.

333	Mark Karson	Owner of the oldest liquor store in Oregon. Comments on the Oregon Liquor Control Commission violating his contract almost six years ago and he filed a lawsuit. States he won 75 percent of the case and the other 25 percent went to the Court of Appeals which decided they were a unique and separate class of people created by the legislature and the court did not have authority to rule on the case. States that is why he is before the committee; he is looking for some understanding by the legislature. Gives history of regulation of liquor stores. States by 1979 liquor stores were selling related items, and liquor stores had been doing so since 1934. There was a challenge that stores should be able to sell hard liquor if the liquor stores could sell related items. The administrative rule was created to restrict what liquor stores could sell.
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TAPE 45, A

015	Karson	Comments on process and questions in the development of the original administrative rule. States this committee is the perfect place to address administrative rules and his livelihood. States the reason he brings these issues up is the state has again started the store-within-a-store system. They are putting liquor stores inside a big grocery store. Asks why, if liquor stores can have liquor, he can't have related items—beer and wine.
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043	Peter Graepel	Liquor store owner in Eugene. Submits copies of Oregon Administrative Rule 845-015-0143 (EXHIBIT L). States in the 1980s, it had become obvious to the budget committee that agents needed more money because their expenses had gone up but there was no more money for compensation so Sen. Thorne suggested they allow agents to sell more related items and earn their own money instead of relying on the budget. Because of the administrative rule that was in place that limited the rights of agents to sell more items, OLCC saw fit not to make any changes but at the same time issued 500 licenses to sell beer and wine to gas stations thus promoting drinking and driving. Asks that the committee look at putting some
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overview and periodic reviews on administrative rules because they are out of hand.

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| 069 | J. L. Wilson | National Federation of Independent Business (NFIB). States that compliance with regulations is one of the top three issues of their 12,000 membership, along with taxes and the cost of health insurance. Supports HB 3238 with the amendments because it is simply an issue or recourse for a small business owner when there is a disconnect between legislative intent and what is actually promulgated as a rule by the agency. If something goes awry and costs the business time and money, he should have some avenue of recourse. That is why they support the -3 amendments. States he hopes the legislature can force some accountability for following legislative intent in the rule making process. States that as a participant of the HB 3120 work group he feels there has been an earnest effort made in the executive branch to help deal with these issues. |
| 102 | Robert Hesla | Liquor agent. States the OLCC will rule at their next commission meeting next month whether they want to open up the related item issue. Three agents and 99 citizens have asked that they allow liquor store to sell beer and wine. States he expects the commission to turn them down. States that the commission members are political appointments and only one of the five members has any practical business experience and their decision will be based on political concerns. |
| 150 | Don Schellenberg | Oregon Farm Bureau. States they are in support of HB 3238 with the -3 amendments. States there is a separation of powers that must be maintained. States when there are people in the agencies that may have an agenda that they keep pushing no matter what the legislation was, that can work their way around it. |

The following is submitted for the record without public testimony:

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| | Ross Day | Oregonians in Action. Submits a prepared statement in support of HB 3238 |
| 146 | Chair Kitts | Closes the public hearing on HB 3238 and adjourns meeting at 3:21 p.m. |

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EXHIBIT SUMMARY

- A. HJR 36, proposed amendments to HJR 36, Don McIntire, 3 pp
- B. HB 3090, hand-engrossed HB 3090 with the -2 amendments, staff, 5 pp
- C. HB 3090, -2 amendments, Rep. Krummel, 4 pp
- D. HB 3090, explanation of HB 3090 including -2 amendments, Rep. Krummel and Rep. Thatcher, 2 pp
- E. HB 3090, prepared statement, Joe Hobson, 2 pp
- F. HB 3090, prepared statement, Steve Lanning, 1 p
- G. HB 3238, -3 amendments, Rep. Thatcher, 14 pp
- H. HB 3238, prepared statement, Robert Kerivan, 2 pp
 - I. HB 3238, prepared statement, Julie Yamaka, 2 pp
 - J. HB 3238, prepared statement for Sandra Bishop and administrative rules, Jeanie Schauerman, 32 pp
- K. HB 3238, prepared statement and propagation license information, Anne Rystrom, 7 pp
- L. HB 3238, related-items administrative rule, Peter Graepel, 1 p
- M. HB 3238, prepared statement, Ross Day, 4 pp