

HOUSE COMMITTEE ON GENERAL GOVERNMENT

January 27, 2005 Hearing Room B

8:30 A.M. Tapes 8 - 9

MEMBERS PRESENT: Rep. Vicki Berger, Chair

Rep. Peter Buckley, Vice-Chair

Rep. Mac Sumner, Vice-Chair

Rep. Sal Esquivel

Rep. Larry Galizio

STAFF PRESENT: Caralyn Fischer, Committee Administrator

Linda K. Gatto, Committee Assistant

MEASURES/ISSUES HEARD:

HB 2188 – Public Hearing

HB 2204 – Public Hearing

HB 2206 – 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 8, A

004	Chair Berger	
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Calls the meeting to order at 8:31 a.m. and opens the public hearing on HB 2188.

HB 2188 - PUBLIC HEARING

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| 009 | Caralyn Fischer | Committee Administrator. Explains what HB 2188 does. |
| 019 | Patrick Allen | Manager, Office of Regulatory Streamlining, Department of Consumer and Business Services. Submits a prepared overview of HB 2188 (EXHIBIT A). Provides a background on the Advisory Committee on Agency Rule Streamlining and the administrative rule process. |
| 077 | Allen | Begins a section by section review. Describes and states the intent of Section 1 and Section 2. |
| 120 | Allen | Describes and states the intent of Section 4. Illustrates the complications in writing planning codes. States neutrality on Section 6 and notes support on the changes to the administrative rule process. |
| 168 | Tom Gallagher | Introduces Stephanie Hallock and Louise Solliday noting that all three of them were on the workgroup. Refers to the workbook on administrative procedures. Refers to <i>Factors Agencies Should Weigh When Evaluating Need For New/Expanded Regulation</i> (see Exhibit D January 20, 2005). Refers to the outline of ORS Chapter 183 (EXHIBIT B). |
| 200 | Gallagher | Refers to page two and explains what they were trying to accomplish. |
| 252 | Gallagher | Comments that the agency has to respond to interested parties. |
| 311 | Gallagher | Expresses support of HB 2188. |
| 317 | Stephanie Hallock | Director, Department of Environmental Quality (DEQ). Testifies in support of HB 2188. Refers to the manual and states DEQ was one of the agencies that participated in the rule factors. Explains the rule process at DEQ and the use of advisory committees. States the focus on the fiscal impacts will be a good addition to the process. |
| 372 | Louise Solliday | Representing herself as a volunteer on the advisory committee. Comments on waivers and unintended consequences. States the |

waiver provision is narrowly crafted and can only be used in certain circumstances.

TAPE 9, A

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| 006 | Chair Berger | Asks if this bill were to pass would the Office of Regulatory Streamlining monitor these efforts. |
| 012 | Gallagher | Responds that the quality of program when staffed by only one person is dependent on the quality of that person. States there was a lot of discussion on training and sharing and this office will be a tool for managers. |
| 049 | Rep. Buckley | Inquires about the make-up of the committee and has any thought been given to reconvening the Advisory Committee after two or three years to see how the rules are working for the stakeholders. |
| 048 | Hallock | Refers to Section 1 and explains. |
| 070 | Gallagher | States that the more that is resolved with public input the fewer consequences down the road. The regulatory community has to take more responsibility to help make the rule work. |
| 084 | Rep. Buckley | Suggests a check-in with the advisory group. |
| 089 | Gallagher | Refers to Section 335(d) on outcomes. States they are trying to avoid putting things in statute that are necessary during exceptions but become the responsibility all the time. |
| 112 | Glen Stonebrink | Oregon Cattlemen's Association. Expresses concern in regard to who is appointed to the advisory committees, where are community meetings held so that the people most directly affected are included, and how does this get undone noting that there is no sunset clause. |
| 168 | Chair Berger | Closes the public hearing on HB 2188 and opens the public hearing on HB 2204. |

HB 2204 - PUBLIC HEARING

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| 180 | Caralyn Fischer | Committee Administrator. Explains what HB 2204 does. |
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190	Phil Schradle	Special Counsel to the Attorney General. States that HB 2004 and HB 2006 align closely with the Office of Regulatory Streamlining. States that the goal is to allow electronic notice of rule making proceedings. Submits prepared testimony in support of HB 2204 (EXHIBIT C).
211	Chair Berger	Asks who else was consulted.
228	Schradle	Responds there was not a tremendous outreach done in part because it does not compel anything. The idea is to be able to provide notice through an electronic mailing address if a person desires.
238	Chair Berger	Clarifies that this is not saying those without electronic addresses would be excluded from information.
225	Rep. Sumner	Asks are there any groups that would not be authorized to receive electronic mail.
244	Schradle	Responds he is unaware of any.
257	Rep. Sumner	Asks if a felon with ane-mail address is qualified to receive the notice.
258	Schradle	Responds affirmatively. Adds that currently that person would be qualified to receive notice by mail, upon request.
263	Chair Berger	Closes the public hearing on HB 2204 and opens the public hearing on HB 2206.

HB 2206 - PUBLIC HEARING

252	Caralyn Fischer	Committee Administrator. Explains what HB 2206. Adds that this is a move toward the 21st Century so software matches how law dictates changes are noted.
261	Phil Schradle	Special Counsel to the Attorney General. Explains that currently there are two notice requirements. HB 2206 would eliminate confusion and clarify what is new language and omitted language. Submits prepared testimony (EXHIBIT D).
294	Chair Berger	Asks why this has to be statutory and not accepted practice.

362	Schradle	Responds that under current statute Legislative Counsel can accept in any form it is comfortable with. Notice for the public in current statute requires the bracketing and bold face type.
319	Chair Berger	Closes the public hearing on HB 2206. Adjourns the meeting at 9:23 a.m.

EXHIBIT SUMMARY

- A. **HB 2188 prepared overview, Patrick Allen, 4 pp**
- B. **HB 2188 outline of ORS Chapter 183, Tom Gallagher, 3 pp**
- C. **HB 2204, prepared testimony, Phil Schradle, 1 p**
- D. **HB 2206, prepared testimony, Phil Schradle, 1 p**