

# HOUSE JUDICIARY COMMITTEE ON CIVIL LAW

January 18, 1999 Hearing Room 357

1:00 p.m. Tapes 1-2

**MEMBERS PRESENT:** Rep. Lane Shetterly, Chair

Rep. Judy Uherbelau, Vice-Chair

Rep. Max Williams, Vice-Chair

Rep. Vic Backlund

Rep. Randall Edwards

Rep. Kathy Lowe

Rep. Vicki Walker

Rep. Larry Wells

Rep. Bill Witt

**STAFF PRESENT:** Aaron Felton, Counsel

Nancy Richards, Administrative Support

**MEASURE/ISSUES HEARD:** HB 2379

HB 2318

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

TAPE/#	Speaker	Comments
TAPE 1, A		
006	Chair Shetterly	Calls meeting to order at 1:06 p.m. Introduces staff and discusses committee schedule.

044	Rep. Witt	Is it our normal plan to meet from 1-3 p.m. Monday through Friday?
045	Chair Shetterly	We will not meet on Fridays unless we have a real driving interest on meeting then.
075	Chair Shetterly	<p style="text-align: center;"><b>MOTION: Moves to ADOPT the proposed Committee Rules dated 01/18/99.</b></p> <p style="text-align: center;"><b>Vote: 9-0.</b></p>
<b><u>HB 2379 Public Hearing</u></b>		
095	Counsel Felton	HB 2379 would delete the requirement that the Legislative Counsel Committee submit a full report of the administrative rules that it reviews as per statute to the full Legislative Assembly.
104	Greg Chaimov	<p><b>Legislative Counsel</b></p> <p>Testifies and submits testimony in support of HB 2379 (<b>EXHIBIT A</b>).</p>
137	Rep. Wells	Asks what part the Legislative Counsel office plays in the administrative rule review?
144	Chaimov	Reviews the process of the Administrative Rule Review from the start of the rule submissions to the final bound report.
188	Rep. Uherbelau	Questions the need for a report from the counsel. What percent of the agencies have been found to be outside of the scope of the authority or unconstitutional and what has been the outcome of those agencies?
210	Chaimov	Discusses that the information is available in the office if requested. Legislative Counsel Committee saw itself as the watchdog for the legislative body. Most of what is in the report are copies of communications back and forth between our office, the Attorney General's office, and the agencies. The small percentage of rules that are in dispute, are the ones that generate the greatest amount of paper in the report.
228	Rep. Uherbelau	Discusses the fact that the legislature already has some idea of the report because the public contacts them with information. Report should be a simple summary; otherwise it would be overwhelming.
242	Chaimov	Limiting the reports and providing a narrative would take time away from the Legislative Counsel's main purposes, which is to draft bills.
249	Rep. Witt	Can you estimate how much time would be saved if we repealed this law?

260	Chaimov	Adopting HB 2379 would not save us any money because we haven't done the report for twenty years. The procedure this statute calls for are reports from agencies that are bound together in a 3-ring binder; we would provide you with a document that would be 3 or 4 times that size and would not be useful for your purposes.
279	Rep. Edwards	Since the reports haven't been used for twenty years, something should change. There is an issue about administrative rules and how many people are going to hang onto what is going on with the agencies, particularly with rules. We should come up with something much more abbreviated so that when we come back in session, we know what worked and what didn't.
299	Rep. Lowe	Could this be available on the net?
295	Chaimov	We could put onto the web whatever you want.
311	Rep. Lowe	Would the summary give people a place to track proposed administrative rules that you had denied?
318	Chaimov	Certainly.
319	Rep. Witt	Does this report provide value or not? We should comply with the law and produce the report, especially if we are talking about no additional cost.
337	Chaimov	According to the Legislative Counsel Committee the report was found not to be of use. We can produce it if you want it.
349	Rep. Williams	What is the role of the Legislative Counsel Committee and who serves on the committee? Are minutes distributed to all members of the legislature?
355	Chaimov	Discusses the composite and duties of the Legislative Counsel Committee.
386	Rep. Williams	Who are the actual members who serve on this committee?
374	Chaimov	Currently, there is no Legislative Counsel Committee. The Speaker and President have 30 days from the start of session to appoint the committee, which is why I am here instead of the chair of the committee.
400	Rep. Uherbelau	Should we change the report, get rid of it, or modify it?
427	Rep. Edwards	We will have the information for the public, but will you formally bind it and give it to members?
443	Chair Shetterly	The thicker the report, the less likely it will be read by the members. The

Legislative Counsel Committee considered some kind of streamline summary report and this would be something to consider.

**Tape 2,Side A**

**HB 2318 Public Hearing**

021	Counsel Felton	HB 2318 would add to the statute, which exempts IRAs from judgment execution of the legal process and would add the Roth IRA to that statute.
029	Rep. Prozanski	Speaks in support of the bill.
045	Rep. Wells	Questions why the bill amends Chapter 746 of Oregon Laws?
057	Chair Shetterly	Discusses that Chapter 746 is similar to other statutes, but shows an editoris note that Chapter 746 of 1997 was enacted; this chapter does not take effect until 2001. Suggests to amending both the existing statute and that chapter of Oregonis law 1997 that will replace it when it becomes effective in 2000.
069	Rep. Walker	Agrees that this is appropriate.
074	<b>Ray Benner</b>	<b>Attorney, Multnomah County</b> Testifies in support of HB 2318. Explains how Roth IRAs change into regular IRAs.
091	Rep. Wells	Asks Mr. Benner to explain a Roth IRA
095	Benner	Explains the differences between a Roth IRA and a regular IRA. This bill changes the taxation on both IRAs.
101	Rep. Wells	What is the advantage of this?
102	Benner	Tax deferred growth produces a very large amount of money. This is a huge tax saving.
109	Rep. Wells	Asks about the changes in increasing the amount you can invest.
112	Benner	States that the change in the amount probably wonit happen.
118	Rep. Wells	Comments on Social Security reform.

122	Benner	Unable to comment on this subject.
<b><u>HB 2318 WORK SESSION</u></b>		
134	Rep. Wells	<b>MOTION: Moves HB 2318 to the floor with a DO PASS recommendation.</b> <b>VOTE: 9-0. Carrier: Rep. Walker.</b>
155	Chair Shetterly	Closes meeting at 1:45 p.m.

Submitted By, Reviewed By,

Nancy Richards, Aaron Felton,  
Administrative Support Counsel

**EXHIBIT SUMMARY**

**A - HB 2379, Written testimony, Greg Chaimov, p. 1**