

SENATE COMMITTEE ON RULES AND ELECTIONS

May 25, 1999 Hearing Room B

8:00 a.m. Tapes 61 ñ 62

MEMBERS PRESENT: Sen. Charles Starr, Chair

Sen. Randy Miller, Vice-Chair

Sen. Lee Beyer

Sen. Kate Brown

Sen. Neil Bryant

MEMBER EXCUSED:

STAFF PRESENT: Brian E. Smith, Administrator

Rachel E. Halupowski, Administrative Support

MEASURE/ISSUES HEARD: HB 2619 Public Hearing and Work Session

HB 3174 Public Hearing and Work Session

HB 2373A Public Hearing and Work Session

Executive Appointments

Energy Facility Siting Council

State Board of Psychologist Examiners

Employment Relations Board

State Board of Chiropractic Examiners

HB 3168A Public Hearing and Work Session

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

TAPE/#	Speaker	Comments

TAPE 61, A

000	Chair Starr	Opens meeting at 8:00 a.m. and opens public hearing on HB 2619.
<u>HB 2619 PUBLIC HEARING</u>		
002	Rep. Bruce Starr	House District 3. Supports HB 2619. Discusses changes made to substitute teacher salaries last Legislative Session and how HB 2619 improves on those changes.
027	Sen. Bryant	Asks for a fiscal statement.
029	Rep. Starr	States that HB 2619 will only be in effect in three districts. States the fiscal impact is a few hundred dollars.
040	Sen. Bryant	States that there was a substantial impact on school districts when the substitute teachers' wages were raised in the last session.
046	Chair Starr	Closes public hearing and opens work session on HB 2619.
<u>HB 2619 WORK SESSION</u>		
050	Sen. Brown	MOTION: Moves HB 2619 to the floor with a DO PASS recommendation.
		VOTE: 3-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Beyer, Miller
	Chair Starr	The motion CARRIES. SEN. STARR will lead discussion on the floor.
055	Chair Starr	Closes work session and opens public hearing on HB 3174.
<u>HB 3174 PUBLIC HEARING</u>		
060	Rep. Randall	House District 15. States that HB 3174 would prohibit state agencies from

	Edwards	directly filing pre-session legislation. States that agencies would either need to work with a legislator during the interim, or go directly through the Governor's office to get a concept drafted and introduced prior to session. Explains there were nearly 400 bills pre-session filed by state agencies for this Legislative Session. States the ñ1 amendments define that statewide elected officials could pre-session file.
110	Rep. Edwards	Urges the committee to adopt HB 3174 with the ñ1 amendments.
113	Sen. Brown	Asks if HB 3174 adds another layer of bureaucracy. States that agencies can currently go through Legislative Counsel instead of the Governor's office or a legislator.
119	Rep. Edwards	Believes not. Believes most legislators have been asked by an agency to pre-session file.
133	Rep. Starr	Urges the adoption of the ñ1 amendments.
145	Susan Klosterman	Assistant Director, Department of Administrative Services (DAS). Presents (EXHIBIT A) . States pre-session filing is coordinated through the Director's office of DAS, and the process includes all executive branch state agencies except for the statewide elected officials. States the process includes a thorough review by the Director of DAS, the Budget and Management Division, and the Governor's Policy Advisor. States the review process is done twice, once when an idea is submitted for drafting and again once the draft is submitted from Legislative Counsel. States DAS takes a neutral position on HB 3174.
192	Rollie Wisbrock	Chief of Staff, Oregon Treasury. Supports the ñ1 amendments.
228	Sen. Brown	Asks if the intent is to take away power from the agencies, and if so, would it make more sense to do this when a bill is requested as opposed to when a bill is filed.
245	Sen. Beyer	Asks if there is a need for this legislation.
251	Wisbrock	States the system works well for the Treasury office because they do not file many bills.
262	Klosterman	States the process works.
271	Greg Chaimov	Legislative Counsel (LC). States his office is not in a position to comment. States that should HB 3174 become law, those bills the Governor would file would be labeled "Governor". States this will be the only change in LC procedures in regards to passage of HB 3174.
300	Chair Starr	Closes public hearing and opens public hearing on HB 2373A.

HB 2373A PUBLIC HEARING

305	Rep. Roger Beyer	House District 28. States HB 2373A would enable shell fish tags to be issued with fishing licenses at no additional charge, and would only be needed to harvest clams. States that in order for an Oregonian to harvest clams in Washington, one needs to obtain a clam harvesting tag which costs \$20 per day. Explains that in Oregon there is no requirement for a license or tag for harvesting clams.
355	Rep. Beyer	States that Washington residents can come to Oregon and harvest clams for free, but Oregonians must pay to harvest clams in Washington.
381	Sen. Beyer	Clarifies that Oregon is trying to get Washington residents to pay some of the costs.
387	Rep. Beyer	States yes, as well as Oregon residents.
390	Sen. Beyer	Reiterates that Oregonians will also pay since they must now have a fishing license to harvest clams.
392	Chair Starr	Asks if there are any numbers available of how many Oregonians harvest clams but do not fish.
395	Rep. Beyer	States he does not know how many.
404	Brian E. Smith	Committee Administrator. Explains that the fiscal statement shows that the Oregon Department of Fish and Wildlife estimate 35,000 to 50,000 residents harvest clams, and many hold annual fishing licenses. States there is no estimate as to how many residents harvest clams but do not hold annual licenses.
416	Joe Rohleder	Assistant to the Director, Oregon Department of Fish and Wildlife. Presents (EXHIBIT B) . States since 1983 there have been seven different bills requiring some form of shellfish tag or angling license for shellfish. States there is a lot of resistance from Oregonians who believe crabbing and clam digging are the only free activities for Oregon anglers. States most Oregonians asked were more concerned with losing their crabbing privileges. Supports HB 2373A.

TAPE 62, A

005	Chair Starr	Closes public hearing and opens work session on the Energy Facility Siting Council.
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EXECUTIVE APPOINTMENTS to ENERGY FACILITY SITING COUNCIL

006		Staff presents (EXHIBIT C) .
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015	David Ripma	Patent Lawyer. Gives reasons he would like to serve on the board and why he is qualified. States his background experience includes technical, legal, and local government.
030	Chair Starr	States there is not a quorum, therefore there will not be a vote on this appointment until 9:00 a.m. once Vice-Chair Miller is available.
049		Staff presents (EXHIBIT D) .
050	Chair Starr	Closes work session and opens work session on State Board of Psychologist Examiners.
<u>EXECUTIVE APPOINTMENTS n STATE BOARD OF PSYCHOLOGIST EXAMINERS</u>		
051		Staff presents (EXHIBIT E) .
052		Staff presents (EXHIBIT F) .
053		Staff presents (EXHIBIT G) .
055	Susan Mosely	Psychologist. Gives reasons she would like to serve on the board and why she is qualified. States she has served as an oral examiner for the board on a number of occasions.
065	Chair Starr	States the appointment will be acted on when there is a quorum. Closes work session and opens public hearing on HB 3168A.
<u>HB 3168A PUBLIC HEARING</u>		
120	Rep. Jason Atkinson	House District 51. Supports HB 3168A. States HB 3168A was voted out of the House 58-0. States HB 3168A allows Indian tribes to work with the Oregon Department of Fish and Wildlife regarding the Step Program and the raising of steelhead in tribal ponds.
155	Sen. Beyer	Asks if the department needs authority to implement the Step Program.
160	Rep. Atkinson	States the original intent of HB 3168A was to allow the tribes to work with the department to use tribal ponds. States HB 3168A is to help the department provide direction.
188	Sen. Beyer	Clarifies the department has the authority and HB 3168A will point them in the right direction.

189	Rep. Atkinson	States yes.
190	Chair Starr	Asks if by making HB 3168A permissive, is there a fiscal impact.
192	Rep. Atkinson	States no.
217	Chair Starr	Closes public hearing and recesses the meeting at 8:55 a.m.
218	Chair Starr	Reopens meeting at 9:30 a.m. and opens work session on Executive Appointments.
<u>EXECUTIVE APPOINTMENTS</u>		
234	Sen. Beyer	MOTION: Moves the appointment of David Ripma and the reappointment of Roslyn Elms-Sutherland to the Energy Facility Siting Council, the appointment of Susan Mosely to the State Board of Psychologist Examiners, the reappointment of David Stiteler to the Employment Relations Board, and the reappointment of Charles Simpson to the State Board of Chiropractic Examiners to the floor with the recommendation that the appointments be confirmed en bloc.
		VOTE: 3-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Brown, Bryant
	Chair Starr	The motion CARRIES.
276	Chair Starr	Closes work session and opens work session on HB 3174.
<u>HB 3174 WORK SESSION</u>		
290	Sen. Beyer	Asks if there is need for this legislation.
294	Vice-Chair Miller	States this legislation was suggested by Legislative Counsel to slow down the flow and dominance of agency introductions that tend to overwhelm the process.
304	Chair Starr	States the ñ1 amendments would permit the statewide elected officials to pre-session file.

313	Sen. Beyer	Asks if denying access to legislature will not be a difficult issue. Asks if everything should go through the Governor with the exception of the state elected office holders. States the DAS staff are neutral on HB 3174 because it does not change their process.
333	Vice-Chair Miller	States that Legislative Counsel is a part of the Legislature and not counsel to all the agencies in which LC assists in enacting legislation. States there are workload and responsibility issues.
343	Sen. Beyer	States the normal process for an agency is to go through their assistant attorney general to have their bills drafted. States that HB 3174 does not change the current process.
378	Vice-Chair Miller	MOTION: Moves to ADOPT HB 3174-1 amendments dated 5/7/99.
		VOTE: 3-0 EXCUSED: 2 - Brown, Bryant
	Chair Starr	Hearing no objection, declares the motion CARRIED.
380	Vice-Chair Miller	MOTION: Moves HB 3174 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 3-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Brown, Bryant
	Chair Starr	The motion CARRIES. SEN. MILLER will lead discussion on the floor.
391	Chair Starr	Closes work session and opens work session on HB 2373A
<u>HB 2373A WORK SESSION</u>		
397	Sen. Beyer	MOTION: Moves HB 2373A to the floor with a DO PASS recommendation.

		<p>VOTE: 3-0</p> <p>AYE: In a roll call vote, all members present vote Aye.</p> <p>EXCUSED: 2 - Brown, Bryant</p>
	Chair Starr	<p>The motion CARRIES.</p> <p>SEN. STARR will lead discussion on the floor.</p>
403	Chair Starr	Closes work session and opens work session on HB 3168A.
<u>HB 3168A WORK SESSION</u>		
409	Vice-Chair Miller	MOTION: Moves HB 3168A to the floor with a DO PASS recommendation.
		<p>VOTE: 3-0</p> <p>AYE: In a roll call vote, all members present vote Aye.</p> <p>EXCUSED: 2 - Brown, Bryant</p>
	Chair Starr	<p>The motion CARRIES.</p> <p>SEN. BEYER will lead discussion on the floor.</p>
470		Staff presents (EXHIBIT H) .
471	Chair Starr	Closes work session and adjourns meeting at 9:40 a.m.

Submitted By, Reviewed By,

Rachel E. Halupowski, Brian E. Smith,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ HB 3174, written testimony, Susan Klosterman, 2 pp

B ñ HB 2373A, written testimony, Joe Rohleder, 1 p

C ñ Executive Appointments, interest forms, staff, 11 pp

D ñ Executive Appointments, interest forms, staff, 8 pp

E ñ Executive Appointments, interest forms, staff, 4 pp

F ñ Executive Appointments, interest forms, staff, 9 pp

G ñ Executive Appointments, interest forms, staff, 6 pp

H ñ HB 2619, written testimony, staff, 1 p