

HOUSE COMMITTEE ON RULES AND REORGANIZATION

June 21, 1993 Hearing Room E 1:30 p.m. Tapes 93 - 94

MEMBERS PRESENT: Rep. John Watt, Chair Rep. Lonnie Roberts, Vice-Chair
Rep. Dave McTeague Rep. Cedric Hayden Rep. Michael Payne Rep. Eldon
Johnson Rep. Fred Girod Rep. Avel Gordly Rep. Delna Jones

STAFF PRESENT: Adrienne Sexton, Committee Administrator Bryan
Boehringer, Committee Clerk

MEASURES CONSIDERED: HCR 14 - In memoriam: Former
Representative Richard "Dick" Bonebrake. SB 150 - Relating to the State
Banking Board. SB 151 - Relating to small business development

centers. SB 290-A - Relating to motorist information;

appropriating money. HB 2262 - Relating to administrative procedure. HB
3437 - Relating to administrative rules.

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These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in
quotation marks report a speaker's exact words. For complete contents
of the proceedings, please refer to the tapes. [--- Unable To Translate
Graphic ---]

TAPE 93, SIDE A

005 CHAIR WATT: Calls the meeting to order at 1:37 p.m.

PUBLIC HEARING ON HCR14 Witnesses: Rep. Bill Fisher, District 45

009 REP. BILL FISHER, DISTRICT 45: Testifies in support of HCR14.

030 CHAIR WATT: Discusses concerns about the time constraints on
moving the bill through.

035 REP. FISHER: Explains that he has discussed the issue with the
Senate committees.

PUBLIC HEARING ON SB 150 Witnesses: Sharlyn Rayment

042 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR: SB 150 abolishes the
State Banking Board and transfers to Department of Insurance and Finance
all

effects, employees and appropriated moneys of the board.

064 REP. ROBERTS: Asks if the bill has a subsequent referral
to the Appropriations Committee.

065 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR: There is no referral,
this expenditure was anticipated in the Governor's budget.

068 SHARLYN RAYMENT, DEPARTMENT OF INSURANCE AND FINANCE:
Submits and reviews testimony in support of SB 150. (EXHIBIT A)

WORK SESSION ON SB 150

103 MOTION: REP. ROBERTS: Moves SB 150 to the Floor with a DO
PASS recommendation.

VOTE: 6-1 Motion passes AYE: Girod, Gordly, Johnson, Payne, Roberts,
Watt NO: McTeague EXCUSED: Hayden, Jones

REP. GIROD will lead discussion on the Floor.

PUBLIC HEARING ON SB 151

114 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR: SB 151 repeals
the statutorily established Small Business Development Advisory
Council

within the Economic Development Department (EDD)

PUBLIC HEARING ON SB 290 A Witnesses: Cheryl Gribskov, Travel
Information Council

136 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR: SB 290 A recreates
the 11-member Travel Information Council as a semi-independent
agency.

Retains Governor's appointments and Senate confirmation of council
members. Requires appointment of a director by the council for the
administrative control of the agency's functions. Discusses the
subsequent referral.

192 CHERYL GRIBSKOV, TRAVEL INFORMATION COUNCIL: Testifies in support
of SB 290 A. (EXHIBIT B)

211 REP. ROBERTS: Asks about the amendment that repeals HB 5071.

215 GRIBSKOV: Explains that HB 5071 was the projected budget for the
Travel Information Council.

222 REP. ROBERTS: Asks where the funding will come from.

225 GRIBSKOV: Explains that the money is available in the state
treasury. 233 REP. D. JONES: Asks about the amendments in the staff
packet.

239 GRIBSKOV: Explains that these are amendments provided by the
state treasurer. Explains the need for controlled accounting.

252 CHAIR WATT: Asks about clarification on the amendment.

256 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR: Explains the
similarities to another bill.

270 GRIBSKOV: Discusses the effective date of the bill.

278 CHAIR WATT: Asks about course of action.

280 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR: Explains the process and the amendments.

292 REP. D. JONES: Asks if the fiscal impact will change.

293 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR: Explains that the fiscal impact should not change.

294 CHAIR WATT: Asks if Legislative Counsel has reviewed the language.

296 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR: Explains that Legislative Counsel hasn't reviewed the amendments.

300 REP. ROBERTS: Asks why these problems weren't taken care of on the Senate side.

302 GRIBSKOV: Explains that the amendments were not ready at that point.

316 REP. D. JONES: Asks for clarification in the language.

318 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR: Explains that Legislative Council has not prepared any of the amendments.

324 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR: Explains that the committee could adopt the amendments in concept form.

WORK SESSION ON SB 290 A

347 MOTION: REP. ROBERTS: Moves to ADOPT the EXECUTIVE DEPARTMENT'S CONCEPTUAL amendments.

355 REP. D. JONES: Asks about the need to repeal the bill that was previously passed.

360 CHAIR WATT: Explains that repealing HB 5071 eliminates the need to send SB 290 to the Appropriations Committee.

VOTE: CHAIR WATT: Hearing no objection, the amendments are ADOPTED.

All members are present.

373 MOTION: REP. ROBERTS: Moves SB 290 A, AS AMENDED CONCEPTUALLY, to the Floor with a DO PASS recommendation.

VOTE: 9-0 Motion passes AYE: Girod, Gordly, Hayden, Johnson, Jones, McTeague, Payne,

Roberts, Watt NO: None

REP. ROBERTS will lead discussion on the Floor.

PUBLIC HEARING ON HB 2262 Witnesses:

402 REP. GIROD: HB 2262 modifies process and establishes new procedures for agency rulemaking. Discusses the testimony.

459 ROY TURNBAUGH, SECRETARY OF STATE'S OFFICE: Testifies in support of HB 2262. Discusses amendments.

TAPE 94, SIDE A

034 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR: Explains the staff packets.

066 REP. ROBERTS: Asks about the Secretary of State's opinion on the bills amendments.

067 TURNBAUGH: Explains that the Secretary of State is only supporting the three amendments that he had made a reference to.

075 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR: Discusses the amendments submitted by the Secretary of State.

080 REP. ROBERTS: Asks if page seven is all from the Secretary of State.

082 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR: Yes, and there are more amendments to be passed out.

086 TURNBAUGH: Explains the amendments.

096 REP. ROBERTS: Asks about the amendment that was provided by the Oregon Forests and Industries Council.

101 TURNBAUGH: Discusses the amendment proposed by the Secretary of the State. Discusses the intent of the amendment. Discusses the cost

effectiveness.

123 CHAIR WATT: Asks about the origin of the language.

126 TURNBAUGH: Discusses efficiency of communications. Discusses the copyright section. 155 CHAIR WATT: Asks about the -1 amendments and the relating to clause problem.

161 TURNBAUGH: Explains that it is his understanding that Legislative Council has taken care of the problem.

171 LIZ FRANKLE, OREGON CHAPTER OF THE SIERRA CLUB: Testifies in support of HB 2262. Discusses the amendments.

WORK SESSION ON HB 2262

202 MOTION: REP. D. JONES: Moves to ADOPT the SECRETARY OF STATE'S CONCEPTUAL amendments. (EXHIBIT C)

VOTE: 5-3 Motion passes AYES: Gordly, Jones, McTeague, Roberts, Watt
NO: Girod, Hayden, Payne EXCUSED: Johnson

250 REP. ROBERTS: Discusses Oregon Student Lobby amendments. (-4, -5, -6)

256 JANE LESSER, OREGON STUDENT LOBBY: Explains the intent behind the -5 amendments.

275 REP. MCTEAGUE: Asks about the intent.

277 REP. ROBERTS: Discusses funding. Asks if this amendment will increase the costs.

285 REP. HAYDEN: Asks about the current operating basis for Legislative Council.

299 TURNBAUGH: Explains the rulemaking format.

311 CHAIR WATT: Asks if the procedure is being followed now.

313 TURNBAUGH: Explains that he doesn't know if agencies follow the rule.

325 DAVE HEYNDERICKX, LEGISLATIVE COUNSEL: Explains the current procedure.

333 REP. HAYDEN: Asks why the procedure is not done in regards to administrative rules.

356 REP. ROBERTS: Asks about the fiscal impact.

359 TURNBAUGH: Explains that there would be a negligible fiscal impact.

378 REP. HAYDEN: Asks for clarification on the printing of the rule.

387 HEYNDERICKX: Explains the process of printing the rule.

399 TURNBAUGH: Explains the need for the amendment.

413 REP. HAYDEN: Discusses notification versus printing the rule.

429 REP. D. JONES: Suggests printing only the relevant sections of the rule.

438 CHAIR WATT: Reads through the changes in the amendment.

444 REP. GIROD: Suggests an amendment. Explains that his option would give the administration preference in printing the rules.

471 REP. HAYDEN: Asks about printing the surrounding section.

483 TURNBAUGH: Discusses the size of the abstracts.

495 CHAIR WATT: Asks about the two options before the committee.

TAPE 93, SIDE B

044 CHAIR WATT: Continues with question.

051 HEYNDERICKX: Discusses the problem.

075 LESSER: Discusses the relevance of the amendment.

083 TURNBAUGH: Explains that his preference would be option 1. (-5 amendments)

092 MOTION: REP. D. JONES: Moves to ADOPT the CONCEPTUALLY AMENDED OREGON STUDENT LOBBY amendments.

104 REP. HAYDEN: Discusses concerns with OSL proposal.

VOTE: CHAIR WATT: Hearing no objection, the amendment is ADOPTED.

120 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR: Clarifies the conceptual amendment process.

135 REP. GIROD: Explains the intent.

157 REP. ROBERTS: Asks about the rational basis.

169 HEYNDERICKX: Explains the rational basis for adopting the rule.

184 REP. ROBERTS: Asks if a court of law would determine rationality.

185 HEYNDERICKX: Explains the determination of rationality.

191 REP. D. JONES: Questions this process of allowing rules to be determined by the courts.

202 CHAIR WATT: Explains the possible adoption of the amendment.

219 HEYNDERICKX: Explains the adoption of the rule.

235 REP. MCTEAGUE: Explains that this exists on two additional grounds, and asks for an explanation.

241 HEYNDERICKX: Discusses the standard for review.

285 CHAIR WATT: Discusses page 7.

290 MOTION: REP. ROBERTS: Moves to ADOPT the CONCEPTUALLY AMENDED SECRETARY OF STATE amendments.

VOTE: CHAIR WATT: Hearing no objection, the amendment is ADOPTED.

303 REP. GIROD: Explains that this amendment falls outside of the scope of the bill.

314 CHAIR WATT: Asks about the amendment from HB 2263.

319 HEYNDERICKX: Discusses the amendment. (EXHIBIT D) Explains that the inclusion of the amendment would probably be o.k.

338 TURNBAUGH: Explains that they want to add the amendment.

346 REP. MCTEAGUE: Asks about a successful challenge to the one subject rule.

349 HEYNDERICKX: Explains that there has been a successful challenge, but that it is not very likely.

368 REP. PAYNE: Asks where the amendment would fit.

380 HEYNDERICKX: Explains that the amendment would have to be added in a new section.

395 MOTION: REP. ROBERTS: Moves to ADOPT the conceptual LC
349 -1 3-26-93 amendments.

407 REP. D. JONES: Asks about the need for a copyright.

414 TURNBAUGH: Explains the need for the copyright.

437 REP. D. JONES: Asks about the rationale.

450 TURNBAUGH: Discusses the accuracy issue.

463 REP. D. JONES: Objects to this type of unneeded protection.

468 REP. ROBERTS: Discusses the complaints in the office.

481 TURNBAUGH: Discusses the income from the copyright agreements.

491 CHAIR WATT: Asks about the cost of copyright.

494 TURNBAUGH: Explains that there will be no costs.

TAPE 94, SIDE B

034 REP. D. JONES: Asks if there is anything prohibiting them
from currently copy writing rules.

035 TURNBAUGH: Explains that the advice of the Attorney General
prevents them from currently copy writing the rules.

038 REP. D. JONES: Asks about incidents in the past.

039 TURNBAUGH: Explains the rationale for increasing the accuracy
in the rules.

053 MIKE GREENFIELD, SECRETARY OF STATE'S OFFICE: Explains the
rationale for copyrighting the material.

080 REP. PAYNE: Explains that this is public information, and it
should not be copy written to prevent public use.

087 CHAIR WATT: Asks about inadvertent inaccuracies.

092 REP. D. JONES: Asks about a contract with an exclusive vendor.

107 GREENFIELD: Explains that the statutes are copyrighted.

VOTE: 7-1 Motion Fails AYE: Roberts NO: Girod, Gordly, Hayden,
Jones, McTeague, Payne, Watt EXCUSED: Johnson

PUBLIC HEARING ON HB 3437 Witnesses: Jeanne Stoller, National
Federation of Independent Business

129 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR: HB 3437 amends
the requirement for information to be included with an agency's notice
of

intended rulemaking.

148 CHAIR WATT: Asks if there is a fiscal impact on the bill.

149 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR: Explains that there is not one currently available, but that there could eventually be a fiscal

impact.

153 JEANNE STOLLER, NATIONAL FEDERATION OF INDEPENDENT BUSINESS: Submits and reviews testimony in support of HB 3437. (EXHIBIT E)

180 CHAIR WATT: Asks about assurance that they will follow through with the legislation.

182 STOLLER: Explains that their intent is to clarify the language.

189 CHAIR WATT: Asks if NFIB has an idea about the amount of the fiscal impact.

191 STOLLER: Explains that they do not know what the fiscal impact will be.

196 REP. GIROD: Asks about the connection with HJR 22.

205 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR: Discusses the options available if HJR 22 passes into law.

217 REP. GIROD: Discusses the lack of implementing statutes.

221 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR: Explains the implementing statutes.

WORK SESSION ON HB 3437

237 CHAIR WATT: Explains that the bill can not be passed out without a fiscal impact. Explains that the amendments need to be approved to

discuss a fiscal impact.

238 MOTION: REP. ROBERTS: Moves to ADOPT the HB 3437-3 amendments.

VOTE: 7-0 Motion passes AYES: Girod, Gordly, Hayden, Jones, Payne, Roberts, Watt NO: None EXCUSED: Johnson, McTeague

PUBLIC HEARING ON SB 151 Witnesses: Mike Schanbull, Oregon Economic Development

257 MIKE SCHANBULL, OREGON ECONOMIC DEVELOPMENT: Testifies in support of SB 151.

264 REP. D. JONES: Asks about the intention of the advisory committee.

267 SCHANBULL: Explains the Governor's desire to eliminate unnecessary committees.

278 CHAIR WATT: Asks where the council will exist.

279 SCAHNBULL: Explains that the council will exist in the same department, just under a different authority.

288 REP. D. JONES: Asks about the need for this bill.

298 CHAIR WATT: Discusses the passage of the other bill.

302 ADRIENNE SEXTON, COMMITTEE ADMINISTRATOR: Discusses HB 3658.
Discusses the elimination of advisory elements.

316 CHAIR WATT: Asks about the guarantees to small businesses from
EDD.

325 SCHANBULL: Discusses the small business strategy.

345 REP. D. JONES: Discusses concerns with this bill.

352 REP. PAYNE: Agrees with Rep. Jones. Asks what the
legislation is accomplishing.

360 REP. GIROD: Discusses elimination of the board.

366 CHAIR WATT: Discusses concerns with the small business interest.

378 THERESA MC HUGH, GOVERNOR'S OFFICE: Explains the rationale
behind the bill.

402 CHAIR WATT: Discusses the need for accurate advocacy.

415 REP. GIROD: Explains that in light of the new testimony he would
vote no on the bill.

420 CHAIR WATT: Adjourns the meeting at 3:32 p.m.

Submitted by:

Reviewed by:

Bryan Boehringer
Committee Administrator

Adrienne Sexton Committee Clerk

EXHIBIT LOG:

A - Testimony on SB 150 - Sharlyn Rayment - 1 page B - Testimony on SB
290 - Cheryl Gribskov - 12 pages C - Amendments to HB 2262 - Secretary
of State - 1 page D - Amendments to HB 2262 - Roy Turnbaugh - 1 page E
- Testimony on HB 3437 - Jeanne Stoller - 1 page F - Testimony on HB
2262 - Staff - 1 page