

HOUSE COMMITTEE ON STATE AND FEDERAL AFFAIRS

April 26, 1991 Hearing Room E 8:00 a.m. Tapes 113 - 116
MEMBERS PRESENT: Rep. Bill Markham, Chair Rep. Larry Sowa, Vice-Chair
Rep. Marie Bell Rep. Mary Alice Ford Rep. Tom Novick Rep. Carolyn Oakley
Rep. Lonnie Roberts MEMBER EXCUSED: None VISITING MEMBER: Rep.
Denny Jones, District 60 Rep. Mike Nelson, District 59 Rep. John Schoon,
District 34 STAFF PRESENT: Randall Jones, Committee Administrator
Carolyn Cobb, Committee Assistant MEASURES CONSIDERED: HB 3093 -
Provides for System of Certification of Search and Rescue Volunteers and
Search Animals, WS HB 3370 - Reorganizes Oregon Hanford Waste Board, WS
HJR 19 - Limits Terms of State Senators and State Representatives to
Twelve Consecutive Years, PH, WS HJR 32 - Requires Legislative Approval
Before Administrative Rules Take Effect, PH HJR 48 - Requires
Legislative Approval Before Administrative Rules Take Effect, PH HJR 53
- Authorizes Legislator to Challenge Certain Administrative Rules, PH

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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.

TAPE 113, SIDE A

003 CHAIR MARKHAM: Calls the meeting to order at 8:10 a.m. HJR 32 -
REQUIRES LEGISLATIVE APPROVAL BEFORE ADMINITSTRATIVE RULES TAKE House
Committee on State and Federal Affatrs April 26, 1991 - Page 2

EFFECT - PUBLIC HEARING

HJR 48 - REQUIRES LEGISLATIVE APPROVAL BEFORE ADMINISTRATIVE RULES TAKE
EFFECT - PUBLIC HEARING

HJR 53 - AUTHORIZES LEGISLATOR TO CHALLENGE CERTAIN ADMINISTRATIVE
RULES PUBLIC HEARING Witnesses: Denny Jones, State Representative,
District 60 Mike Nelson, State Representative, District 59 John Schoon,
State Representative, District 34 Janet Carlson, Executive Department
Bob Carpenter, Oregon Farm Bureau Federation, Wester S. Cooley,
President, Deschutes County Farm Bureau Dan Dority III, Farmer Dave
Frohnmayr, Attorney General, State of Oregon Tracey Liskey, Klamath
County Farm Bureau Ambrose W. McAuliffe, President, Water for Life, Fort
Klamath David C. Moon, Water for Life, Eugene Larry Trosi, Oregon Farm
Bureau Federation

009 RANDALL JONES, COMMITTEE ADMINISTRATOR: Gives brief review of the
provisions of the three resolutions.

038 DENNY JONES, STATE REPRESENTATIVE, DISTRICT 60: Supports HJR 48
and the idea of review of administrative rules. The administrative rule
process is sometimes abused. Would like to have more control of it.
059 JOHN SCHOON, STATE REPRESENTATIVE, DISTRICT 34: HJR 32 gives the
legislature the authority to review administrative rules prior to their
going into effect. -Measure allows rules to go into effect fairly
rapidly if they are satisfactory. -Describes process for approving
administrative rules under the measure. -Because of the volume of
administrative rules, it is not practical for the legislature to review
every one. However, if someone objects to a rule, this provides a forum
and a way of stopping it from going into effect. -The measure provides
oversight by the legislature of the rule making process. 094 VICE

CHAIR SOWA: I am not excited about appointing another committee and costing more dollars. Do you think we could utilize some legislative committee that is already in existence, rather than creating a new committee and incurring more cost? 102 REP. SCHOON: The Emergency Board is pretty busy already and is almost meeting full time. My preference would be to go with what may have been a function of the Sunset Committee or something like that. I would hope this would be something very limited in it's application and use, and would not be a full time job. 107 CHAIR MARKHAM: Would it be satisfactory to have the speaker assign it to the committee nearest that subject matter?

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108 REP. SCHOON: Yes, that is a good idea.

110 VICE CHAIR SOWA: I am concerned we may write legislation and then some other committee would try to change the meanings those bills.

114 RFP. SCHOON: I do not think it should become a forum to rewrite legislation or subvert legislation. It should mean the rules clearly provide the subsequent regulation as a result of the legislation that is passed, and follows the intent.

121 REP. NOVICK: Suggests putting as much specific language in the bills as possible, rather than leaving broad rule making authority.

145 MIKE NELSON, STATE REPRESENTATIVE, DISTRICT 59: Expresses support for HJR 53. Administrative rules are needed. Ninety-nine percent of the rules are agreeable to us, but that one percent is a problem. -If a citizen complains about the rules, there is no recourse available now. -Suggests using the Emergency Board for hearing complaints. -Legislators do not have much influence with the agencies in regard to administrative rules. 201

VICE CHAIR SOWA: The language in your bill says a legislator can challenge an administrative rule, but it does not give any time line. Suggests a time line is needed. 205 REP. NELSON: Within a certain time, I agree with that. 211 REP. NOVICK: This would allow any single legislator to challenge a rule. Do you see the potential for someone who did not like the bill trying to hold up rules through this procedure? 218 REP. NELSON: That is always a possibility. That is why I tried to tie it back to a legislative body such as the Emergency Board where you could appeal to other elected officials. 228 REP. NOVICK: A lot of times when things are sent down to Ways and Means, we are concerned that the intent or the structure of the bill often comes out much different based on fiscal calculations. I would feel more comfortable if there was language that said they could either reject or accept the rules, but I do not know if I would want the Emergency Board modifying them. 237 REP. NELSON: It does not say that, but that was my intent. 243

VICE CHAIR SOWA: We have been talking about laws written by the legislature and a few months later, administrative rules are written to implement them. A lot of rules are the result of the agency doing it's work, the legislation may have passed years ago. Did you intend this to apply only during a certain period of time after the legislation is passed? 257 REP. NELSON: My experience has been with just this last interim. I still think if it affects the common good of the people of the state, it should be open to challenge. 283 VICE CHAIR SOWA: Gives examples of how the proposed review process could be misused.

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295 REP. NELSON: Appealing before a body of your peers is the democratic process, so I am not so sure that is all bad. We need to look at some modifications.

302 REP. NOVICK: Putting on a time limit becomes difficult because bills pass and go into effect ninety days after the end of the session, but the date for the rules to be made is farther out, so it is difficult to place a deadline for appeals.

314 REP. BELL: When the bill refers to the legislative committee established under Section 3, is that a presently described article in Oregon statute?

321 REP. NELSON: That is the Emergency Board. 322 REP. BELL: In HJR 32, lines 14 through 17, describes their idea of a legislative committee to carry out this responsibility. Which do you think would be better? 326 REP. NELSON: I have not looked at that, it is Rep. Schoon's bill which I have not seen. 334 DAVE FROHNMAYER, ATTORNEY GENERAL, STATE OF OREGON: States he is not present to propose or oppose the legislation, but to be a resource to the committee on issues of administrative and constitutional law. -Has distributed reference materials relating to the subject. -Familiar with the frustrations of citizens, particularly those in eastern Oregon, with administrative rules. -Revisiting the rule making process is always a useful function. -Explains why measures are introduced as proposed amendments to the Oregon Constitution.

TAPE 114, SIDE A

014 FROHNMAYER: -Discusses the pros and cons of rule making authority. -Refers to remedies that already exist for appeal of administrative rules. (Appendix C 3 of Attorney General's Administrative Law Manual).

072 REP. NOVICK: The language says the agency must invite public comment. So it is not discretionary?

076 FROHNMAYER: That is correct, although whether the public actually gets notice of when the agencies review the rules is another question. The committee may wish to explore whether existing mechanisms for the public to be aware of these opportunities are really adequate.

077 REP. NOVICK: When they do the periodic review, do they report back to this body, or do they just do the review?

078 FROHNMAYER: They would typically do the review, they can report back to this body. The Legislative Counsel Committee is required to report back to this body on what it does. -Discusses concerns about the existing language appearing in all the proposed resolutions. -Discusses procedural rules. Suggests agencies be encouraged to adopt as many procedural rules as possible. -Explains internal management directives, which would come under the proposed resolutions. - House Committee on State and Federal Affairs April 26, 1991 - Page 5

-Provision for hearings in affected communities is a cost/benefit issue.
-Suggests much of the abuse of rule making power is the result of the legislature's writing of the laws. -There is a need to recapture representative government. -Suggests requiring the legislature to specify the standards under which administrative rules are going to be adopted.

230 REP. BELL: If we were to take a position to offer an advisory role before the rules are written, would that be intrusive on the principal of separation of powers?

245 FROHNMAYER: It is not any intrusion at all. What you could not do is give a legislator a vote before the agency. Requiring the presence of a legislator to monitor the agency rule making power is an entirely constitutional method.

255 REP. BELL: Monitoring sounds a little threatening to me, but if the legislator was available to answer questions about intent, a lot of the rule making problems would be resolved.

263 FROHNMAYER: That is perfectly constitutional.

266 REP. NOVICK: This body often adopts specific federal standards by reference. It would seem a little clifficult to have a legislator or a committee determine whether those federal standards made sense.

275 FROHNMAYER: Do recognize there is another category of rules, which is federally mandated rules. Explains the effect of federally mandated rules.

301 REP. NOVICK: How do we determine that separation? If we decide we want rules that are more stringent than the federal, that should be a policy decision here.

315 FROHNMAYER: That is a policy decision for the legislature.

324 REP. FORD: Would you be willing to help put together some language to accomplish what you have suggested here?

330 FROHNMAYER: I would be happy to do anything you wish.

345 LARRY TROSI, OREGON FARM BUREAU: States support of his organization for HJR 48. Legislative intent is sometimes not followed by the agency making the rules. -Reviews the provisions of HJR 48.

392 VICE CHAIR SOWA: Are you aware of the part of the administrative rules the Attorney General quoted to us that already give the power of review to legislative counsel and the Legislative Counsel Committee?

405 TROSI: Yes, we were. In reviewing those, the Legislative Counsel Committee has the ability to do that, but there is no actual requirement that Committee can direct state agencies to act on those rules. When rules are reviewed, it has been basically the process of any state agency to rewrite them, but nothing mandates them to do that.

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TAPE 113, SIDE B

014 VICE CHAIR SOWA: Then if these resolutions went through and required a legislative oversight committee, could that be the Legislative Counsel Committee?

017 TROSI: As far as the process is concerned, I do not understand what you mean.

019 VICE CHAIR SOWA: Under the Administrative Procedures Act, the legislative counsel and the Legislative Counsel Committee "may" review, should it say "shall"? Do you want a whole new committee to do that?

026 TROSI: The way we have written the bill, we would request an interim committee to review those rules.

030 BOB CARPENTER, MEMBER, OREGON FARM BUREAU, HARNEY COUNTY:

-Discusses present situation where burden of doing research is on the legislature rather than the rule making agency. -Discusses the differences in the provisions of the proposed resolutions. -Explains how legislative oversight would be exercised under HLR 48. -Since there is no sunset provision on administrative rules, we need the legislature to be able to have the opportunity to challenge rules already in existence.

218 CHAIR MARKHAM: We have separation of powers under the constitution, and the Executive Department has the authority to suggest to their departments to pre-session file bills, and we cannot control that. 220 CARPENTER: Explains the reason the courts give more

deference to judgements of legislative bodies than to agencies.

-Comments on provisions of HJR 53. -Submits and summarizes written testimony (EXHIBIT A). 357 REP. ROBERTS: You must realize we go home and for eighteen months watch the bureaucrats make some very bad decisions about what we did here. 372 CARPENTER: That is why this bill was created. -Explains runaround received from the state agencies

392 CHAIR MARKHAM: The public has to be a little careful about blaming the legislature when many of us have voted against these things.

405 REP. NOVICK: Legislation filed by state agencies does not go anywhere unless the legislature approves it, so that safeguard is there.

416 CARPENTER: I do not object to the agencies proposing legislation. It is preferable to their promulgating rules the legislature never sees.

432 REP. NOVICK: How many administrative rules are adopted in a single year? My concern is if we say every single administrative rule must be reviewed by the legislature, we would be

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creating a full time legislature.

TAPE 14, SIDE B

016 CARPENTER: The effectiveness of the legislature is being diminished by the fact it is turning over it's authority to these agencies. -If this bill were to go through, there would be two powerful committees in this legislature, the oversight committee created by HJR 48, and the Ways and Means Committee.

030 REP. NOVICK: I do not think we need to have a floor vote on all these matters. We may be going too broad.

036 CARPENTER: I would not object to procedural and intra-department decisions being not subject to this review. Our intent is rules that make requirements, and place restrictions upon the public.

041 REP. NOVICK: If we have to make each one of those decisions, that is too broad.

045 CARPENTER: Much of this would go through fast. There is no requirement upon an agency to take into consideration the desires or comments of the public at this point. Resumes written testimony. -The present system is a blank check process for the agencies. Resumes written testimony.

104 JANET CARLSON, EXECUTIVE DEPARTMENT: Identifies staff from other state agencies in attendance whom she is representing. Submits and summarizes written testimony (EXHIBIT B) in opposition to the proposed resolutions.

142 REP. ROBERTS: Would you feel better if the administrative rules had to be reviewed by the governor's office?

146 CARLSON: Last year there were 7,000 administrative rules. I do not think anyone could review them all. 148 REP. ROBERTS: Are 7,000 rules necessary? 151 CARLSON: There are a number of different kinds of administrative rules. Some of them are procedural. 155 REP. ROBERTS: Most of the problems brought to me are from Children's Services Division. Parents complain they are not allowed to speak up in a hearing when their children are being taken away. Thinks the legislature has the responsibility to protect the citizens. 171 CARLSON: We would propose we identify the specific problem areas rather than adopt a blanket solution that would work a hardship on some agencies, and perhaps not reach the problem areas. -Resumes written testimony on page 4.

216 REP. ROBERTS: Is this the first time state government has gone into this? House Committee on Stab and Federal Affairs' April 26, 1991-Page 8 - 219 CARLSON: I cannot give you the historical background. There is an administrative rule advisory committee that the Secretary of State has set up. They will bring some legislation next session. It is our recommendation to try to coordinate our efforts with the group that is already working on this, rather than set up another commission or task force.

235 CHAIR MARKHAM: Who are the public members on that committee and how were they selected?

241 CARLSON: I do not know. Resumes ISSUES section of written testimony. -Discusses problems in having rules reviewed by the Attorney General or Legislative Counsel. 264 REP. ROBERTS: You are saying you want us to create some more rules. But when we go home, we have no guarantee the people are going to follow them. 269 CARLSON: I am saying we recognize there are problems. Creating a legislative committee to review all the administrative rules would require reviewing 614 rules a month. -Resumes written testimony outlining recommendations. -Discusses pre-session filed bills at the request of state agencies.

330 REP. BELL: The people need a direct contact that they can go to when a problem arises. Where do the legislators fall into your scheme of things to be answerable to their constituents? 353 TRACEY LISKEY, KLAMATH FALLS FARM BUREAU: A lot of these rules are not what you

intended. We farmers have to live with these 7,000 rules a year. You say you do not have the time to go over them, but we must have the time to live with them. Remarks on the difficulty of having to live with all the rules. -There is public comment taken on some of the rules, but it is generally ignored. -Supports HJR 48.

TAPE 115, SIDE A

031 AMBROSE MC AULIFFE, PRESIDENT, WATER FOR LIFE, FORT KLAMATH: Expresses support for HJR 48. Not trying to infringe on the prerogatives of the state agencies. 090 WESTER S. COOLEY, PRESIDENT, DESCHUTES COUNTY FARM BUREAU: Submits and summarizes written testimony (EXHIBIT C) in support of HJR 48. -State agencies do not want to be controlled. -Understands why legislature does not want to take on the responsibility of reviewing these rules. -Expresses displeasure with the way appointments to legislative committees are made. -If the problem is not addressed by the legislature, there will likely be a referendum. Would be better for legislature to correct the problem. -Much of the public feels the agencies have gotten completely out of line. -We must have a workable review process. 165 REP. ROBERTS: When you have a problem you have to wait seventeen months before we can start looking at it.

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170 REP. NOVICK: Several witnesses have mentioned the appointments to the various commissions. A lot of the appointments are approved by the senate, so your elected representatives do have some say on those. -Expresses concern about volume of rules the legislature would have to approve.

185 COOLEY: Expresses sympathy for the number of bills the legislature must review. Thinks there would be less laws introduced if the legislature had to review the rules.

216 REP. NOVICK: Sometimes ideas that you might think are foolish eventually become law. Gives example of bill to require drivers to turn on headlights when they run the windshield wipers. The entire country of Canada is required to do that, and thirteen states already require it.

227 COOLEY: When I look at the tremendous amount of responsibility that you have now to solve serious problems, some bills seem less important. -This bill reflects true desire of the people of the State of Oregon.

Hearing on HJR 32, HJR 48 and HJR 53 re-opens on page 9.

HJR 19 - LIMITS TERMS OF STATE SENATORS AND STATE REPRESENTATIVES TO 12 CONSECUTIVE YEARS - WORK SESSION

253 MOTION: REP. ROBERTS moved HJR 19 to the floor with a "do pass" recommendation. VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Novick, Rep. Oakley, Rep. Roberts, and Chair Markham voting AYE. Rep. Ford and Rep. Sowa were excused. Work Session on HJR 19 re-opens on page 9.

HJR 32 - REQUIRES LEGISLATIVE APPROVAL BEFORE ADMINISTRATIVE RULES TAKE

EFFECT - PUBLIC HEARING

HJR 48 - REQUIRES LEGISLATIVE APPROVAL BEFORE ADMINISTRATIVE RULES TAKE EFFECT - PUBLIC HEARING

HJR 53 - AUTHORIZES LEGISLATOR TO CHALLENGE CERTAIN ADMINISTRATIVE RULES PUBLIC HEARING

292 DAVID C. MOON, WATER FOR LIFE, EUGENE: Supports HJR 48. -The impact of the administrative rules is often greater than the impact of the law that is passed. -If you do not have some kind of oversight, those who make the rules win.

Hearing on HJR 32, HJR 48 and HJR 53 re-opens on page 10.

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HJR 19 - LIMITS TERMS OF STATE SENATORS AND STATE REPRESENTATIVES TO 12 CONSECUTIVE YEARS - WORK SESSION

318 MOTION: REP. ROBERTS moved for unanimous consent to suspend the rules to allow Rep. Ford's vote on the motion to move HJR 19 to the floor with a "do pass" recommendation be recorded.

325 CHAIR MARKHAM: Hearing no objection, the rules are suspended. Rep. Ford, how do you vote?

326 REP. FORD: AYE.

Work Session on HJR 19 re-opens on page 11.

H.1R 32 - REQUIRES LEGISLATIVE APPROVAL BEFORE ADMINISTRATIVE RULES TAKE EFFECT PUBLIC HEARING

HJR 48 - REQUIRES LEGISLATIVE APPROVAL BEFORE ADMINISTRATIVE RULES TAKE EFFECT PUBLIC HEARING

HJR 53 - AUTHORIZES LEGISLATOR TO CHALLENGE CERTAIN ADMINISTRATIVE RULES - PUBLIC HEARING

334 DAN DORITY III, FARMER: Likes all the proposed resolutions, but would prefer HJR 48. -Gives example of problems with administrative rules, involving Department of Environmental Quality.

394 CHAIR MARKHAM rules going beyond what the federal regulations require?

395 DORITY: Yes, they do. -Continues with description of the problem with Oregon DEQ.

TAPE 116, SIDE A

006 CHAIR MARKHAM: We would like a report on this from the Executive Department. Is DEQ going beyond the federal requirements?

008 DORITY: The question that should be asked of these agencies is "do

you have a right to set these rules?"

010 REP. NOVICK: We have given them that right.

011 DORITY: That is something HJR 48 allows you to review. -HJR 48 brings a measure of democracy to the administrative rule making decision.

032 REP. BELL: What kind of crops would you be growing on the kinds of lands you describe?

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036 DORITY: You could have any kind of crop on there. 039 REP. BELL: Did you say the rules would take that land out of production, or would it only be land not in production?

040 DORITY: It would allow them to take that land out of production. -Discusses misapplication of the rules. -Describes federal qualifications for wet lands.

H1R 19 - LIMITS TERMS OF STATE SENATORS AND STATE REPRESENTATIVES TO TWELVE CONSECUTIVE YEARS - WORK SESSION 066 MOTION: REP. FORD moved the rules be suspended for the purpose of reconsidering the vote on HJR 19. 067 CHAIR MARKHAM: Are there objections? 069 VICE CHAIR SOWA: Suggests the rules do not need to be suspended. 073 MOTION: REP. FORD moved to reconsider the vote by which HJR 19 was sent to the floor with a "do pass" recommendation. 076 CHAIR MARKHAM: Hearing no objection, it is so ordered. 079 MOTION: REP. ROBERTS moved to bring HJR 19 back before the committee. 081 CHAIR MARKHAM: Are there any objections? 099 REP. FORD: I like the way the bill went out, so I will object. 096 REP. ROBERTS: This changes it from twelve and twelve, to twelve total.

098 CHAIR MARKHAM: That is correct. 145 REP. ROBERTS: I do not believe in the limitation at all. There is an initiative in circulation that provides for six years in the house and eight years in the senate, and that is it. This at least will give the individual twelve years in either house, and if you sit out two years and decide to run again, you have the opportunity to serve another twelve years. 151 JONES: Submits and reviews the proposed dash two LC amendments dated 4/23/91 (EXHIBIT D). 160 REP. OAKLEY: We are hearing from the public that they want term limitation and by passing this bill, we are telling them that we are very willing to limit the terms ourselves. 184 MOTION: REP. ROBERTS moved to adopt the dash two LC amendments to HJR 19 dated 4/23/91 (EXHIBIT D).

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VOTE: In a roll call vote, the motion carried, with Rep. Oalcley, Rep. Roberts, Rep. Sowa, and Chair Markham voting AYE. Rep. Bell, Rep.

Ford, and Rep. Novick voting NAY. 201 MOTION: REP. ROBERTS moved HJR 19 as amended to the floor with a "do pass" recommendation. VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Ford, Rep. Novick, Rep. Oakley, Rep. Roberts, and Chair Markham voting AYE. Rep. Sowa voting NAY.

HB 3093 - PROVIDES FOR SYSTEM OF CERTIFICATION OF SEARCH AND RESCUE VOLUNTEERS AND SEARCH ANIMALS - WORK SESSION

217 REP. FORD: Describes meetings with interested agencies to discuss the issues involved in the bill. Submits and reviews proposed dash three LC amendments dated 4/26/91 (EXHIBIT E).

244 CHAIR MARKHAM: Does everybody agree on these amendments?

245 REP. FORD: No, not everybody, but fairly close. The search teams are in agreement, the division is in agreement, and some of the sheriffs are in agreement. I would imagine some of them still are not.

251 JONES: Explains the amendments make a completely new bill after line 4 of page 1.

261 REP. FORD: Reviews the proposed dash three LC amendments to the bill.

277 MYRA THOMPSON LEE, ADMINISTRATOR, DIVISION OF EMERGENCY MANAGEMENT: All of the words "missions" have been changed to the words "incidents" to make the bill consistent with language in the rest of the statute and present practice. 284 REP. FORD: Resumes review of the proposed amendments 291 LEE: The "incident command structure" is a concept that has been in development over the last few years. It specifically identifies the command structure that will be used for handling any types of emergencies or disasters. It clearly indicates who is in charge and what various people will do. 301 REP. NOVICK: It is something we have been doing also in the area of toxic emergencies.

306 REP. FORD: Resumes review of the proposed amendments.

319 CHAIR MARKHAM: You can participate in a search as a volunteer, even if you are not certified? 323 LEE: The sheriff of the county determines who is going to participate. They generally do not accept uncertified volunteers, but it is possible. ~- .

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328 REP. FORD: Even these dash three amendments were not technically correct when done by Legislative Counsel. Reviews hand-engrossed amendments to the dash three LC amendments dated 4/26/91.

374 REP. NOVICK: Is it possible a handler could handle two dogs?

375 REP. FORD: Not at the same time. Resumes review of the hand-engrossed amendments.

398 REP. ROBERTS: I have a note saying leave fire and police out of the certification.

402 REP. FORD: They are not in the bill as amended. Resumes review of the hand-engrossed amendments.

TAPE 115, SIDE B

015 LEE: The Emergency Services Act provides for reimbursement to people who are injured, if they bring their case to the state. Those do have to go to the Emergency Board for approval, however. They also must have attempted to get their private insurance, to cover it or the agency that was sponsoring the search.

023 VICE CHAIR SOWA: There was some discussion about including some of the animals used in the search. Do they fall under this?

026 REP. FORD: No, I do not believe they would. There is no money for any of these kinds of payments right now because of Measure 5. -The new sections of the bill are Sections 8 through 10. -Discusses why there is no fiscal impact.

054 VICE CHAIR SOWA: We identified certain groups who are authorized to do training. This does not prohibit that from continuing or did you decide to let other groups do the training?

062 REP. FORD: It does not speak to who does the training, just the certification standards. Resumes review of hand-engrossed amendments.

072 VICE CHAIR SOWA: If a handler has a dog and decides to retire him, he cannot substitute another dog without going through a new certification process?

075 REP. FORD: I do not think that is true, I think they could even borrow another trained dog. We are not setting a standard for the dogs.

082 VICE CHAIR SOWA: Then we are allowing a handler to take a dog that has been trained, but not allowing him to take a dog that is untrained?

083 REP. FORD: Yes, certification is for the handler. -Submits letter from private pilots in Madras and Prineville (EXHIBIT F), which prompted inclusion in the bill of requirements that they will review the training and procedural requirements for air search and rescue operations also. \

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-Resumes review of the hand-engrossed amendments.

152 WAYNE STINSON, DOUGLAS COUNTY SHERIFFS OFFICE, SEARCH AND RESCUE ADVISORY COUNCIL CHAIRMAN, OREGON STATE SHERIFFS' ASSOCIATION: The Advisory Council and the Sheriffs' Association feel this bill is not needed because most of the items covered in it are already in current law under ORS 401, or are already in guidelines established by the sheriffs a number of years ago. -Describes procedures already in place in current law and guidelines. 172 REP. ROBERTS: Why are we getting these horror stories then? You are telling us this does not make a change or do anything to advance search and rescue. 183 STINSON:

Basically the guidelines you are talking about are in existence today. They are not in law, but they are in guidelines that all the sheriffs normally follow for search and rescue. There is a certification process.

187 REP. ROBERTS: Did you take classes or training for this?

189 STINSON: There are a number of schools conducted in these areas.

195 REP. ROBERTS: Are these only for police officers, or could I take one of these? 198 STINSON: You could go through it, but it is a nomination process. 201 VICE CHAIR SOWA: I understand there recently was a child missing in your county. Did you find that child?

203 STINSON: No, we did not. 213 KENT BROMLEY, CO-CHAIR, MOUNT HOOD SEARCH AND RESCUE COUNCIL: Section 8 on page 5 of the hand-engrossed amendments addresses workers and dog handlers. We prefer to look at dogs as a resource or a tool. There are national and international recognized standards for the use of tools. Suggests amendments to include systems and other tools that are used. 246REP.

FORD: I think that is what the task force of the Emergency Management Division is going to be putting together. 252 BROMLEY: It is not mandated under this law. 266 REP. FORD: On line 14, page 5 of the

dash three amendments, insert after the words "rescue personnel," the words "equipment and systems,". 282 BROMLEY: On page 6, Section 9, add on line 20 insert the words "on request" after the word "available".

290 REP. FORD: I am not going to accept that as an amendment. People are not going to know they have the right to ask for the list. - Thesea minutea contain materiala which paraphreae and/or aummarize statement. m de during thia aeuion. Only text enclosed in quotation marh report . apealcer'a exact worda. For complete contenta of the procoodinga, plesac refer to the hpea. House Commiltee on State and Federal Affairs April 26,1991- Page 15

300 BROMLEY: Rep. Ford indicated the purpose of this is not to provide the list until after the search ended. I just want to make sure this section does not in any case cause problems during the on-going search functions. 315 HARRY OAKES, MOUNTAIN WILDERNESS SEARCH AND RESCUE DOGS:

Likes the amendments. 325 NEIL JAMES, LIEUTENANT, CLACKAMAS COUNTY SHERIFF'S OFFICE: These rules can have a fiscal impact on the sheriffs' departments. We do two certification courses right now. We also

incorporate into our classes, volunteers from a number of other counties. This is going to cause a tremendous fiscal impact on the counties. 347 MOTION: REP. FORD moved to adopt the hand-engrossed amendments to the dash three LC amendments dated 4/26/91 to HB 3093 (EXHIBIT E). 356 CHAIR MARKHAM: Hearing no objections, it is so

ordered. 359 MOTION: REP. FORD moved to adopt the hand-engrossed dash three LC amendments dated 4/26/91 to HB 3093 (EXHIBIT E) as amended. 364

CHAIR MARKHAM: Hearing no objection, it is so ordered. 366 MOTION: REP. FORD moved HB 3093 as amended to the floor with a "do pass" recommendation. 372

VICE CHAIR SOWA: I am only trying to unify in state law as much as possible, the ways search and rescue operations take place. There are searches that fail, and we, as a legislature, want to make sure we do everything we can to assure that as many as possible succeed. 390

REP. FORD: Expresses appreciation to the sheriffs and their representatives for their cooperation and support in drafting the amendments. 395 VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Ford, Rep. Novick, Rep. Oakley, Rep. Roberts, Rep. Sowa, and Chair Markham voting AYE.

HB 3370 - REORGANIZES OREGON HANFORD WASTE BOARD - WORK SESSION 410

JONES: Submits and reviews the proposed dash two LC amendments dated 4/23/91 to HB 3370 (EXHIBIT G). TAPE 116, SIDE B 004 MOTION: REP.

ROBERTS moved to adopt the dash two LC amendments to HB 337 0 dated 4/23/91 (EXHIBIT G). 009 CHAIR MARKHAM: Hearing no objection, it is so

ordered.

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. House Committee on State and Federal Affairs April 26, 1991- Page 16

011 MOTION: REP. ROBERTS moved HB 3370 as amended to the floor with a "do pass" recommendation. VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Ford, Rep. Novick, Rep. Oakley, Rep. Roberts, Rep. Sowa, and Chair Markham voting AYE. Submitted by:
Reviewed by: Carolyn Cobb Randall Jones Assistant
Administrator

EXHIBIT LOG: A - Testimony on HJR 48 - Bob Carpenter - 20 pages B - Testimony on HJR 32, HJR 48 - Janet Carlson - 9 pages C - Testimony on HJR 48 - Wester S. Cooley - 1 page D - Amendments to HJR 19 - Randall Jones - 1 page E - Amendments to HB 3093- Rep. Mary Alice Ford - 6 pages F - Testimony on HB 3093 - Rep. Mary Alice Ford - 3 pages G - Amendments to HB 3370- Randall Jones - 5 pages

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