

HOUSE COMMITTEE ON STATE AND FEDERAL AFFAIRS

May 15, 1991 Hearing Room E 8:00 a.m. Tapes 137 - 140
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. Ron
Sunseri, District 22 Rep. Greg Walden, District 56 Rep. Jim Whitty,
District 47 STAFF PRESENT: Randall Jones, Committee Administrator
Carolyn Cobb, Conunittee Assistant MEASURES CONSIDERED: HB 2769 -
Specifies procedures For Runoff Election if Candidate for Election to
Office of Governor, Secretary of State, State Treasurer, Superintendent
of Public Instruction, State Senator or State Representative Does Not
Receive Majority of Votes Cast, WS HB 3155 - Prohibits Service of
Summons by Person Other Than Sheriff Unless Person Files \$100,000
Certificate of Errors and Omissions Insurance, WS HB 3238 - Transfers
Authority of Bureau of Labor and Industries to Regulate Farm-Worker
Camps to Department of Insurance and Finance, WS HB 3506 - Requires
County Clerk to Automatically Remove Names of All Police Officers,
Corrections Officers and Fre Service Personnel From List of Electors
Distributed to Political Parties and Other Persons, WS HJR 38 - Changes
Number of Votes Needed to be Elected to Legislative Office and Certain
Statewide Offices From Plurality to Majonty, WS HJR 41 - Requires
State Initiative Petitions to Contain Percentage of Signatures From Each
Coagressional District That is Equal to Percentage of State Population
Located in Each Congressional District, WS HJR 48 - Requires
Legislative Approval Before Administrative rules Take Effect, WS House
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statements made during this session. Only text enclosed in guotation
marks report a speaker's exact words. For complete contents of the
proceedings, please refer to the tapes.

TAPE 137, SIDE A

003 CHAIR MARKHAM: Cdl's meeting to order at 8:17 a.m.

HJR 41 - REQUIRES STATE INITIATIVE PETITIONS TO CONTAIN PERCENTAGE OF
SIGNATURES FROM EACH CONGRESSIONAL MSTRICHT - WORK SESSION 006 JIM
WHITTY, STATE REPRESENTATIVE, DISTRICT 47: Submits and summarizes
written testimony (EXHIBIT A) in support of HJR 41 because it makes
Oregon's initiative process more equitably reflect the concerns of its
statewide voters.

100 REP. BELL: What made you use congressional districts rather than
counties?

103 REP. WHITTY: I figured it would be more difficult in Oregon because
of the rural nature of a part of the state where the counties are
sparsely populated. 115 REP. BELL: I was thinking in terms of the
elections divisions bang county oriented, and the problem we have in not
knowing where the congressional district lines will be.

117 REP. WHITTY: I met with the Secretary of State twice and he did not
thinlc it would be any problem in the computer age to run those
precincts by congressional district.

125 CHAIR MARKHAM: If there is a split county in the congressional redistricting, it would be up to the county clerk to separate out the signatures? 127 REP. WHITTY: That is right.

129 VICE CHAIR SOWA: Do you have a companion measure that would be implementing legislation? 130 REP. WHITTY: No compamon measure. 132 VICE CHAIR SOWA: We now verify signatures on initiative petitions by the sampling method. Under this every signature would have to be verified to determine if the proper number of signatures had been obtained in each district. 139 REP. WHITTY: You have information that I do not have. The Secretary of State did not bring that up.

142 SUE PROFFITT, ELECTIONS DIVISION: I believe we can do a sample. Multnomah House Committee on State and Federal Attaire May 15, 1991 - Page 3

County would not have a problem, and that is the county I would expect to have the greater problem. 159 REP. NOVICK: If we adopt this, rather than hurting those people using paid petitioners because they have the money to do so, we would end up hurting some of the grass-roots groups. 177 REP. WHITTY: In Oregon we only require six percent of the voters in the last governor's election, in other states it goes up to nine and fifteen percent. That six percent does not seem to be that great an amount. If the subject of the petition is from a rural area, it should get more support there and should not be that difficult. 196 CHAIR MARKHAM: On the scenic rivers issue, the rural areas were run over by environmentalists in the metropolitan area.

202 REP. WHITTY: A more democratic process is what we are after. 206 REP. OAKLEY: Are the Secretary of State's and county clerks' offices basically in agreement that this is something that could be implemented with a minimal amount of extra effort? 214 REP. WHITTY: As far as implementing it is concerned, I did not find any problem when I talked with the Secretary of State. 225 RUSS FARRELL, STATE CHAIR, COALITION FOR PETITION RIGHTS: Countries have - fought for one man, one vote, this bill would destroy that. -You are trying to sectionalize the process in such a way that any one area can have a veto. -Multnomah County is the metropolis of the state. The residents there are not all of one mind. -Multnomah County is where most of the legislation originates. -Working people have no chance if they have to depend on carrying something in eastern Oregon.

304 CHAIR MARKHAM: We have working people, the retired and the infirm also, it isn't just localized in the tri-county area. -You have three congressional districts in the metropolitan area, so you would not be shut out.

319 FARRELL: If we carry three districts, either one of the other two could kill us totally. In some of these areas there are people who are not documented who are not even voting. The voting in some of these rural areas would radically change if the documentation was changed and these people had a right to vote. 339 REP. BELL: You seem to say all legislation should start in the metropolitan areas. I find that as offensive as saying all legislation should start with males. The rural areas have very different concerns. I feel their presence very heavily in this session saying it is our turn, we need to have an equal voice in this state. I do not think this bill is asking to give them any added benefit, just an equal benefit. If metropolitan Oregon runs Oregon, there are going to be a lot of angry Oregonians. 362 FARRELL: I am an old farm boy, and a former logger. I am well aware of what takes place

in the rural areas. The only point I am making is it is easier for people to get together in a metropolitan area than in a rural area. When you say the small counties should have the same

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proportional share, you forget 50,000 people in the rural counties may be stopping what a million people in the metropolitan areas want. 393 REP. NOVICK: The idea that it is somehow simple to go out and collect signatures on an initiative is wrong. People who have the money can hire signature gatherers in the five congressional districts. It hurts the people like Russ who do not get paid. I understand the idea of trying to get the overall representation. TAPE 138, SIDE A 018 LLOYD MARBET, DON'T WASTE OREGON COMMITTEE: HJR 41 does not make the initiative process more equitable. It makes it more difficult to obtain signatures if you are dealing with localized issues that can only be regulated by state law. -Gives example of the Trojan Power Plant petition. -We have been going into the rural areas and attempting to bring them into city issues. -Gives example of the lack of interest in Portland in the field burning issue. -This bill is going to promote paid signature gatherers in the rural areas. -We have had to run expensive court cases trying to get the right to gather signatures in shopping malls. -I do not believe this bill promotes democracy. 074 DENISE MC PHAIL, PORTLAND GENERAL ELECTRIC: Gives example of the Trojan Nuclear Power Plant closure petition where most of the signatures came from Multnomah County. -Cites statistics on percentage of Trojan closure initiative signatures gathered in different geographical areas of the state. 105 REP. NOVICK: Do you think it is easy to get something on the ballot? 106 MCPHAIL: No, I do not think it is easy nor do I suppose it should be easy. Every other year my company has to spend \$2.5 to \$3 million to get the word out that closing Trojan is not in the best interest of Oregonians. It brings an issue before Oregonians that they clearly do not agree with and it is imposing costs on us. 116 REP. NOVICK: Fifty to sixty initiatives are filed every two years, but only five to six make it to the ballot. I am troubled when people suggest you sit in a shopping mall in Portland and quickly get your 100,000 signatures. 123 MC PHAIL: I do not believe I suggested that. 126 REP. BELL: I do not know that easier initiatives make better government or better legislation. I think it is much harder to fight an initiative than to get one on the ballot. It costs lots of money and lots of effort. There has to be a balance. 143 REP. NOVICK: If you look at how many of those passed once they make the ballot, the percentage is very small. So it is easier to fight one than to promote one. 148 REP. BELL: There may have been something about the assessment of our attitudes that was

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faulty.

Work session on HJR 41 re-opens on page 13.

H1R 38 - CHANGES NUMBER OF VOTES NEEDED TO BE ELECTED TO LEGISLATIVE OFFICE AND CERTAIN STATEWIDE OFFICES FROM PLURALITY TO MAJORITY - WORK

SESSION 159 RON SUNSERI, STATE REPRESENTATIVE, DISTRICT 22: We tried to deal with the implementation of this bill and we considered several different aspects. We considered moving this election back to the September election, but we found problems with that. We then tried to work with the total number of days. -Reviews hand-engrossed A-engrossed HB 2769 (EXHIBIT B) which changes the time-frame for a runoff election.

220 VICE CHAIR SOWA: We were earlier trying to go to a process by which we guaranteed absentee ballot voters forty days to get their ballots back. Is that forty days in this time-frame?

228 SUE PROFFITT, ELECTIONS DIVISION: No, I do not believe it is forty days. On the twentyeighth day before the election, the absentee ballots would go out.

Work session on HJR 38 re-opens on page 14.

HB 3155 - PROHIBITS SERVICE OF SUMMONS BY PERSON OTHER THAN SHERIFF UNLESS PERSON FILES \$100.000 CERTIFICATE OF ERRORS AND OMISSIONS INSURANCE - WORK SESSION

256 BOB KEYSER, OREGON ASSOCIATION OF PROCESS SERVERS: There have been some concerns expressed by the Oregon State Bar and some process servers. -One misconception is that the bill is meant to increase the membership of the Oregon Association of Process Servers. The insurance discount is available only to members of the National Association. We are not out recruiting members. -Second misconception is that we are trying to put process servers out of business. Anybody who is in business should have general liability insurance. The errors and omissions insurance is a rider on that type of insurance. -We have tried to create a means of policing the industry without regulating the industry. -We originally attempted to amend the Oregon Revised Civil Process. Attorney Fred Merrill objected to that, but he said after the hearing if you make this statutory rather than a revision to the ORCP, that would be acceptable. He also indicated they would like to have employees of attorneys exempt from this statute, which we have agreed to. -Submits proposed dash one LC amendments dated 5/3/91 (EXHIBIT C) and proposes amendment to them. -Discusses proposed amendments received from attorney Mary Ellen Page Farr. These will not work because it would be necessary to include civil penalties, which we do not want to do. -Some process servers in the state have said the bill will put them out of business because of the cost of the insurance. Any that serve writs of garnishment, which a lot of them do, are required

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to have the same insurance already.

TAPE 137, SIDE B

032 RON SMITH, OREGON ASSOCIATION OF PROCESS SERVERS: Believes the problems anticipated by some process servers are due to a lack of understanding of the requirements of the measure.

044 CHAIR MARKHAM: Do most process servers carry errors and omissions insurance with their general liability insurance?

046 SMITH: That is correct.

048 CHAIR MARKHAM: Does it cost another 15% to 20% to add errors and omissions coverage?

050 SMITH: We purchased our general liability and errors and omissions as a package. -For a one person operation it costs between \$700 and \$800 for \$100,000 general liability and errors and omissions coverage.

058 REP. NOVICK: In terms of the self-policing, it is then on the shoulders of the individual who is hiring a process server to make sure that individual is properly registered and so forth.

063 KEYSER: Right. I believe there are two ways a person could do that. One is to call the Secretary of State's office and ask if they have a certificate on file, and the other is ask the process server to provide a copy of the certificate of coverage.

068 REP. NOVICK: If someone chooses to pay their premiums quarterly over the course of the year and they get the certificate indicating they have errors and omissions insurance, then they fail to make the rest of their payments and are not covered, is that a potential problem?

073 SMITH: Normal procedure for paying insurance premiums is on a quarterly basis, the company will send notification to the state if coverage has been canceled.

077 REP. NOVICK: But if rather than calling the Secretary of State you rely on the certificate in their possession, what happens?

080 SMITH: The Lane County Court Administrator is the only one I know of that requires you file a copy with them. The firms we represent ask us to produce a copy of our insurance policy.

095 KEYSER: If someone had their insurance canceled prior to the normal expiration date, yes it is possible someone could operate for an additional six or eight months without the coverage.

102 REP. NOVICK: My only concern is if someone makes a good faith effort and is shown the certificate, but it turns out the process server no longer has the coverage, they are not held responsible. 106 REP. OAKLEY: Does this bill prevent small claims from continuing to be served through the mail?

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110 KEYSER: Nothing has been changed, small claims can still be served through the mail.

114 REP. BELL: If two people were serving process in a small town, one was a long-time resident known for their integrity, and the other was a new person with errors and omissions coverage, which one would you go with? Isn't there something to be said for integrity and standing in the community, that we do not need to force this on people? 124 KEYSER: I can point to a lot of other professions and industries that require

licensing. There are undoubtedly people who are capable of practicing law, yet the statute says you must be a member of the State Bar Association.

134 REP. BELL: To change laws, we need to have a need to do it. Is there a real need on the consumers' part for the bill?

141 SMITH: At the first hearing, we did relate several horror stories. There is misuse and abuse prevalent in the industry. It happens throughout the state.

160 MARY ELLEN PAGE FARR, PROCEDURE AND PRACTICE COMMITTEE, OREGON STATE BAR ASSOCIATION: I exclusively process law suits and will have to comply with this bill if it becomes law. We are opposed to this bill. We are not opposed to servers having insurance to cover the mistakes they may make. -We do not feel there is a need for this bill. If there was a need, support would be coming from the Oregon State Bar because the people who will claim on this insurance will be attorneys. -Insurance does not do away with abuse. -ORCP 7 sets out the process by which I issue a summons and complaint, and how I get service on a defendant. Taking this bill out of the ORCP means I have to go somewhere else. -We absolutely object to the tying of any insurance for process servers with the validity of service. -This bill has no relationship to the defendant getting notice. -It ought to be in the ORCP. A lot of attorneys will not know this requirement is there. 233 CHAIR MARKHAM: Why do you think the bill is here? 235 FARR: To protect process servers. -This bill makes me a policer of process servers. -The bill does not actually say anywhere it invalidates service, which leaves it open for later litigation. -What if I have to serve an out-of-state defendant. Do I have to find a process server out-of-state who has a current certificate of errors and omission insurance? -What if you have insurance, but you have not filed the certificate, why should that invalidate service? -We are opposed to this bill. One of the reasons is that there are always a lot of changes going on in the procedure in Oregon. -The point of the ORCP was to consolidate procedural statutes and look at them as a whole. Now little changes are being made here and there. -Reviews her proposed amendments. 293 REP. NOVICK: Don't your amendments gut the bill?

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298 FARR: It does from my point of view. It makes the statute not of concern to me.

303 REP. NOVICK: When the legislature make changes affecting civil procedure, don't they incorporate those into ORCP?

309 FARR: The ORCP are contained in the statute as a unit. If this bill amends ORS 180.260, it will not appear in the ORCP. 319 REP. NOVICK: I understand it is much more convenient to have everything in one place, but it is my guess if the legislature passed something that was not in ORCP, the state bar would send out a lot of notices making attorneys aware of those changes. 321 FARR: I can say that does happen, and if this bill is passed, next year there will be a flurry of paper. Later on however, a person serving a summons would have to go find it. -It is not a step that furthers the client's interest, which is

why we object. 341 CHAIR MARKHAM: Does it serve the interest of the person being sewed? 346 FARR: If I did not properly serve, the defendant is already protected. 357 STUART CAMPBELL, INDEPENDENT PROCESS SERVER: Submits and summarizes written testimony (EXHIBIT D) in opposition to the bill because of the additional costs it imposes upon process sewers. TAPE 138, SIDE B

HB 3506 - REQUIRES COUNTY CLERK TO AUTOMATICALLY REMOVE NAMES OF ALL POLICE OFFICER, CORRECTIONS OFFICERS AND FIRE SERVICE PERSONNEL FROM LIST OF ELECTORS DISTRIBUTED TO POLITICAL PARTIES AND OTHER PERSONS - WORK SESSION

016 RANDALL JONES, COMMITTEE ADMINISTRATOR: Submits proposed dash three LC amendments dated 5/14/91 (EXHIBIT E).

018 AL DAVIDSON, OREGON ASSOCIATION OF COUNTY CLERKS: Reviews the proposed dash three LC amendments.

041 REP. ROBERTS: Who makes the determination if their claim that they are endangered is valid?

043 DAVIDSON: They would have to make that justification to the county clerk. It would be a judgement call on the part of the county clerk. -This does not make any voter registration file a confidential file, it just allows us to keep the residential address from public disclosure and substitute for it a mailing address.

065 REP. BELL: Would that mean a person could not come down and go through all the cards to find addresses for electors in their district or precinct?

069 DAVIDSON: The administrative processes are not outlined here, but in my county I would place

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a substitute card in the file which contained the mailing address rather than the residence address. 073 REP. BELL: What happens to walking papers? 074 DAVIDSON: On a walking list the residence address of the person would not appear. 077 REP. BELL: Does it appear as a non-registered resident? 078 DAVIDSON: No, it would appear with a mailing address.

079 REP. BELL: But if it is in a sequence of addresses, it could be figured out. 077 DAVIDSON: Depending on the computer program, you will probably find it at the beginning or the end of the list. 081 REP. BELL: So you would know they are in the precinct somewhere, but not which house. 082 DAVIDSON: That is correct. 083 JONES: The walking list might have a business address? 085 DAVIDSON: It probably would have just the mailing address, most likely a post office box.

091 VICE CHAIR SOWA: How is that different now, I see these lists come out with a post office box? Do you offer this service now?

097 DAVIDSON: Currently if you as a candidate request a list of voters and their residential addresses, that is what you will get in most counties. We do not have the authority to withhold the residence address. 102 VICE CHAIR SOWA: I have seen it when we have asked the

county clerk for a list of people who have applied for absentee ballots.
106 DAVIDSON: I think the reason for that is we assume you want the
address at which we are reaching them. 108 VICE CHAIR SOWA: This
would be no different than what you do now except if a person makes a
special request, you do not publish the residential address.
112 DAVIDSON: Just the mailing address would be all that would be
available. This is not a bill to allow people avoid getting political
literature. It has to be a case where they have demonstrated a concern
over their personal safety or the safety of their family. 117 REP.
NOVICK: What if someone wants to protect their residential address but
they do not necessarily have an alternative address? 124 DAVIDSON:
The bill only requires that they provide us an alternative address for
mailing purposes and that they become an absentee voter for the period
during which we hold their

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residential address confidential. It could be a relative's address or a
business address.

130 REP. BELL: The reason you are bringing this amendment is because
there have been many requests to do this?

134 DAVIDSON: I cannot say there have been many requests, but the
requests we are getting are very personal to the people involved and
they are in danger. We have no way of helping them at the present time.
I talk with an average of two persons a month who ask for this kind of
protection.

147 VICE CHAIR SOWA: Is this going to be fairly tightly driven, so
county clerks do not have the leeway to get into the habit of granting
this to everyone who comes in? 153 DAVIDSON: I think you will find
county clerks are going to be very hesitant to offer many of these kinds
of exemptions. We feel very strongly about protection of public records
and the voter file. 161 VICE CHAIR SOWA: Did you bring this up at
your Association's annual meeting?

164 DAVIDSON: This is a position of the Association. There were only a
couple of county clerks who did not fully support it.

175 VIETTA HELMLE, LEGISLATIVE CHAIR, OREGON COALITION AGAINST
DOMESTIC AND SEXUAL VIOLENCE: Submits written testimony (EXHIBIT F) in
support of the measure. 177 MOTION: REP. ROBERTS: moved to adopt the
dash three LC amendments dated 5/14/91 to HB 3506 (EXHIBIT E).
179 CHAIR MARKHAM: Hearing no objection, it is so ordered.

180 MOTION: REP. ROBERTS moved HB 3506 as amended to the floor
with a "do pass" recommendation. VOTE: In a roll call vote, the
motion carried, with Rep. Ford, Rep. Novick, Rep. Roberts, Rep. Sowa,
and Chair Markham voting AYE. Rep. Ford and Rep. Oakley were excused.
Work session on HB 3506 re-opens on page 14.

HJR 48 - REQUIRES LEGISLATIVE APPROVAL BEFORE ADMINISTRATIVE RULES TAKE
EFFECT - WORK SESSION

202 JONES: Submits proposed dash two LC amendments dated 5/14/91

(EXHIBIT G).

223 LARRY TROSI, OREGON FARM BUREAU: Reviews the proposed dash two LC amendments dated 5/14/91 to HJR 48 (EXHIBIT G). - These tminutes contain tnatetiah which pataphtase and/or sun~marize natennent' tnadc dur~ this session. Only text enclosed in quotation norks report s speaker's exact words. For complete contents of the ptoceedings, please refer to the tapes. House Committee on State and Federal Aff8il-5 May 15,1991- P - e 11

276 CAROL IRWIN, PUBLIC RECORDS ADMINISTRATOR, SECRETARY OF STATE'S OFFICE: I have not had the opportunity to review the proposed amendments. -Currently the law requires state agencies send notice to interested persons on their mailing lists, and any person may request to be placed on an agency's mailing list for that notice. -When ten or more persons request a public hearing, the agency is required to hold a public hearing, open to public comment. -When a particular area of the state is most involved, the hearing will be held in that part of the state. 318 CHAIR MARKHAM: How do you view the hearings requirements in the bill? 320IRWIN: We are interested in an expanded notice process. 329 CHAIR MARKHAM: Where do we set up this joint committee called for in Section 5, subsection (b)? 335 REP. NOVICK: This does not prescribe what the membership is, so separate from this bill we would have to do implementation. 359 IRWIN: I believe current statutes provide a review that meets what is set out in this bill except for the validation process. Legislative Counsel could be the validator in this process. They currently review for legislative intent and statutory authority. But they have no power to invalidate administrative rules. 376 ANDY ANDERSON, OREGON FARM BUREAU: Several states have given some body the authority to stop a rule or say it is not legislative intent. In every case that I am aware of where they have not done this constitutionally, the courts have held it is a violation of the separation of powers. What we are trying to do here is to return that oversight ability to the legislature and give them the authority to come in and say if those rules agreed with their legislative intent or not. 409REP. BELL: In regard to the first portion, I think we have a real problem here if we need the enabling legislation to go along with it. 420 TROSI: I believe the enabling legislation upon passage would not happen until 1993.

426 ANDERSON: This being a constitutional amendment, if the voters pass it, then you do the enabling legislation, if they do not, you do not have to worry about it.

TAPE 39, SIDE A

018 VICE CHAIR SOWA: You are telling me these amendments are less broad than the original bill and the other amendments we saw. How did that happen or did this go back to the original concept?

020 ANDERSON: Reads definition of administrative rule contained in the dash one amendments. 023 REP. BELL: I think that definition is pretty vital to the bill. It limits the scope of the bill to

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those administrative rules that are directed to the public and exempts in-house administrative rules.

036 VICE CHAIR SOWA: This then would affect any administrative rule change that is made including those, for example, that set the hunting and fishing regulations. This bill would affect any policy or administrative rule change. The only way Fish and Wildlife could follow through on this is to put paid advertisements in the newspapers. Have these things been considered and is that what you intended to do?

059 TROSI: The intent in having three hearings around the state and notice being given, is all of the affected people have the opportunity to participate in the process.

063 VICE CHAIR SOWA: Do you want to include every little administrative rule that an agency makes, or do you only want to include administrative rules implementing new legislation?

070 ANDERSON: It was our intention on implementing new legislation, and that is what the dash one amendments were to have entailed. It was supposed to exclude internal or interpretive type rulings.

076 JONES: Reviews the proposed dash one LC amendments.

087 VICE CHAIR SOWA: It looks to me like it covers everything that substantially affects the interests of the public, it means any minor rule revision.

089 TROSI: In a situation like that, the Fish and Wildlife Commission has the statutory authority to set seasons through administrative rule. The general framework of existing legislation would not be subject to this bill.

098 VICE CHAIR SOWA: I think we probably agree upon your intent, but I am not sure the words do that.

103 REP. BELL: It was my understanding from the overwhelming testimony when we first heard this bill, the public wants this to apply to more than just new legislation. We should be able to word it in a way to exempt office administration and that sort of thing.

112 CHAIR MARKHAM: Suggests inserting the words "a new administrative rule" on line 7.

117 IRWIN: A new administrative rule may be relative to previously adopted administrative rules. Quite often your procedural administrative rules do affect how administrative rules operate, but they are not through any new legislative intent. What I heard at the previous hearing was the agencies were not following legislative intent and the public is not receiving adequate notice for having their comments adequately considered by state agencies. I do not believe this resolution is going to help that situation. I believe the interested parties should work together to produce legislation for the next session that they all agree upon.

146 REP. ROBERTS: My concern is we are talking about 7,000 rules a year. What prompts them to establish an administrative rule?

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155 IRWIN: There are a number of ways administrative rules take root.
The legislative process sets a responsibility for the agency. It is the
agency's responsibility to interpret the law in such a fashion the
public can understand it. An interested member of the public may
petition the agency to consider an administrative rule. 164 REP.
ROBERTS: When the agency does it, it touches the lives of our
constituents, and we get phone calls.

174 IRWIN: We do not disagree that a review process is necessary. We
just believe there is a more structured way of going about it.

180 REP. NOVICK: I share some of the same concerns about the language
which says any rule which affects the public because almost all would
affect the public.

208 REP. FORD: I have a real problem with any kind of joint committee.
I have no problem with it coming back to the appropriate substantive
committee during the interim.

227 CHAIR MARKHAM: You have two days to come back to our committee with
something that is acceptable to everyone.

259 CHAIR MARKHAM: Recesses the meeting at 10:28 a.m.

-Resumes meeting at 10:37 a.m.

HB 3238 - TRANSFERS AUTHORITY OF BUREAU OF LABOR AND INDUSTRIES TO
REGULATE FARMWORKER CAMPS TO DEPARTMENT OF INSURANCE AND FINANCE - WORK
SESSION

261 GREG WALDEN, STATE REPRESENTATIVE, DISTRICT 56: Submits and reviews
handengrossed HB 3238 dated 5/15/91 (EXHIBIT H).

Work session on HB 3238 re opens on page 15.

HJR 41 - REQUIRES STATE INITIATIVE PETITIONS TO CONTAIN PERCENTAGE OF
SIGNATURES FROM EACH CONGRESSIONAL DISTRICT - WORK SESSION

280 CHAIR MARKHAM: Reopens the work session on HJR 41.

285 MOTION: REP. OAKLEY moved HJR 41 to the floor with a "do pass"
recommendation.

291 REP. NOVICK: I will be voting no because this will end up aiding
those organizations that use paid petitioners and I do not think it is
needed.

300 VICE CHAIR SOWA: This puts undue restrictions on people who want to
gather signatures

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and probably will not accomplish what the supporters intend.

326 VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Ford, Rep. Oakley, Rep. Roberts, and Chair Markham voting AYE. Rep. Novick and Rep. Sowa voting NAY.

336 VICE CHAIR SOWA: Gives notice of a possible minority report on HJR 41.

HB 3506 - REQUIRES COUNTY CLERK TO AUTOMATICALLY REMOVE NAMES OF ALL POLICE OFFICERS. CORRECTIONS OFFICERS AND FIRE SERVICE PERSONNEL FROM LIST OF ELECTORS DISTRIBUTED TO POLITICAL PARTIES AND OTHER PERSONS - WORK SESSION

364 REP. ROBERTS: Requests unanimous consent that the rules be suspended to allow Rep. Ford and Rep. Oakley to have their votes recorded on the motion to move HB 3506 to the floor with a "do pass" recommendation.

369 CHAIR MARKHAM: Hearing no objection, it is so ordered.

375 REP. OAKLEY: Votes AYE.

376 REP. FORD: Votes NAY.

HJR 38 - CHANGES NUMBER OF VOTES NEEDED TO BE ELECTED TO LEGISLATIVE OFFICE AND CERTAIN STATEWIDE OFFICES FROM PLURALITY TO MAJORITY - WORK SESSION

384 CHAIR MARKHAM: Reopens the work session on HJR 38.

385 JONES: The committee will need to also vote on HB 2769 which is the implementing legislation. 393 MOTION: REP. ROBERTS moved HJR 38 to the floor with a "do pass" recommendation. 398 VICE CHAIR SOWA: I will be opposing both of these measures because we worked hard early in the session to allow time for absentee voters, especially members of the military overseas, to cast absentee ballots. This makes it impossible for most of those folks to vote. 417 REP. ROBERTS: I understand the concerns, but I think once we have this in place, there will be fewer of these situations occurring.

TAPE 140, SIDE A

009 REP. NOVICK: I will be voting against the resolution for the reason Rep. Sowa outlined, and I think that in a time when we are trying to streamline government, adding to the cost of elections - these minutes coresin 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 taper. House Committee on State and Federal Affairs May 15, 1991- Page 15

is not something I am interested in doing.

015 VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Oakley, Rep. Roberts, and Chair Markham voting AYE. Rep. Ford, Rep. Novick and Rep. Sowa voting NAY. 036 VICE CHAIR SOWA: We passed HJR 38 with time-lines different from what they will be in HB 2769.

051 MOTION: REP. ROBERTS moved the rules be suspended for the purpose

of reconsidering the vote on HJR 38. 054 CHAIR MARKHAM: Hearing no objection, it is so ordered. 056MOTION: REP. ROBERTS moved to reconsider the vote by which HJR 38 was moved 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.

HB 3238 - TRANSFERS AUTHORITY OF BUREAU OF LABOR AND INDUSTRIES TO REGULATE FARM-WORKER CAMPS TO DEPARTMENT OF INSURANCE AND FINANCE - WORK SESSION

072 JOHN MC CULLEY, TREE FRUIT GROWERS: Reviews hand-engrossed HB 3238 dated 5/15/91 (EXHIBIT H). 120 VICE CHAIR SOWA: Lines 17 through 30 would remain language in ORS 658 .755, but also be duplicated in another unknown statute? 124 MC CULLEY: They would be deleted from ORS 658.755 and put into ORS 654 which is the Oregon OSHA statutes. -Resumes review of hand-engrossed HB 3238. 203 REP. FORD: I find it really strange in this day and age with the budget review going on, that an agency could take on a whole new program and doesn't need any staff. 208 MC CULLEY: The agency is already involved in this area through their inspection of farm labor housing. It is their belief that within their existing resources they can assume these duties. 212 REP. WALDEN: What I hear from my constituents is that part of this is a duplication now. 222 REP. FORD: I think the bill is in good enough shape even with the conceptual amendments, to vote on. 229 MC CULLEY: We would ask an effective date of January 1, 1992.

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233 REP. WALDEN: The other request would be that the subsequent referral to the Ways and Means Committee be removed.

236 VICE CHAIR SOWA: I do not feel comfortable in voting on this now because we are doing some major changes in law here without running it by legislative counsel.

242 MOTION: REP. OAKLEY moved to suspend the rules to allow adoption of conceptual amendments to HB 3238. VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Ford, Rep. Oakley, Rep. Roberts, and Chair Markham voting AYE. Rep. Novick and Rep. Sowa voting NAY. 262MOTION: REP. OAKLEY moved to adopt the conceptual amendments to the Hand engrossed HB 3238 dated 5/15/91 (EXHIBIT H). 272 REP. FORD: The three conceptual amendments are: The reinstatement of lines 17 through 30 on page 3, the inclusion of an effective date, and the removal of the subsequent referral to the Ways and Means Committee.

301 VICE CHAIR SOWA: You have to realize conceptually that on page 1 of the hand-engrossed bill they will have to change lines 2 through 6 also. 306 REP. OAKLEY: That was part of my motion.

313 VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Ford, Rep. Oakley, Rep. Roberts, and Chair Markham voting AYE. Rep. Novick and Rep. Sowa voting NAY. 323 MOTION: REP. OAKLEY moved HB 3238 as amended to the floor with a "do pass" recommendation. 329 REP. NOVICK: I am going to vote against this bill because of the lack of time

to review the amended bill. I understand the concerns of Rep. Walden's constituents, but I see this as basically a turf fight between two agencies and I rather see an opportunity for the program to work.

345 VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Ford, Rep. Oakley, Rep. Roberts, and Chair Markham voting AYE. Rep. Novick and Rep. Sowa voting NAY. Submitted by: Reviewed by:
Carolyn Cobb Randall Jones Assistant Administrator

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EXHIBIT LOG:

A - Testimony on HJR 41 - Rep. Jim Whitty - 3 pages B - Hand-engrossed HB 2769-A - Rep. Ron Sunseri - 2 pages C - Amendments to HB 3155 - Bob Keyser - 2 pages D - Testimony on HB 3155 - Stuart Campbell - 1 page E - Amendments to HB 3506 - Randall Jones - 9 pages F - Testimony on HB 3506 - Vietta Helmle - 1 page G - Amendments to HJR 48 - Randall Jones - 2 pages H - Hand-engrossed HB 3238 - Rep. Greg Walden - 18 pages

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