

Senate Government Operations May 17, 1991 Page 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.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

May 17, 1991Hearing Room "B" 3:00 p.m. Tapes 93 - 94

MEMBERS PRESENT:Sen. Glenn Otto, Chair Sen. Jane Cease, Vice-Chair
Sen. Ron Grensky Sen. Tricia Smith Sen. Dick Springer

MEMBERS EXCUSED:Sen. Jim Bunn Sen. John Kitzhaber

STAFF PRESENT: Gail Ryder, Senior Committee Administrator Julie
Muñiz, Committee Assistant

MEASURES CONSIDERED: HB 2890 - Relating to state agency
reports; declaring an emergency, PH HB 2974 - Relating to public
records, PH

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.

TAPE 93, SIDE A

005 CHAIR OTTO: Called the meeting to order at 3:15 p.m. as a subcommittee

(TAPE 93, SIDE A)

PUBLIC HEARING

HB 2974 RELATING TO PUBLIC RECORDS

Witnesses:Jim Edmunson, Oregon State Representative, District 39 Nina Johnson, Executive Assistant to the Secretary of State Roy Turnbaugh, State Archivist

013 JIM EDMUNSON, OREGON STATE REPRESENTATIVE, DISTRICT 39: Gives overview of bill. HB 2974 steps back and looks at public records. There are two categories of confidential records under Oregon law. The commission was instructed to study them all. The House committee determined the sunset clause went too far and should be removed. Therefore this bill repeals nothing. The House committee decided there should be a representative of state and of local government, as well as one member representing a financial institution. This amendment bothers me because I don't think financial institutions should be singled out. The bill also sets up the Advisory Council. There is a concern that per diem should not be paid. The archivist suggested amendments. Begins to review amendments, Exhibits A, B, C.

154 CEASE: Are you satisfied or dissatisfied with the bill as it came through the House?

156 EDMUNSON: I would like to see these three amendments added to the bill. They restore my original purpose to the bill.

157 CEASE: The original bill established a Public Records Advisory Council. You have an amendment that would delete that and have a standing committee.

164 EDMUNSON: That was an issue that came up during House discussion. It makes it a better bill by making it a standing committee.

172 (CEASE: I didn't mean to interrupt.)

174 EDMUNSON: Reviews -All amendments, Exhibit C. They would establish it as a joint standing committee.

185 OTTO: Let's label those amendment #1.

187 EDMUNSON: Reviews -A10 amendments, Exhibit B.

193 OTTO: Let's label that amendment #2.

202 EDMUNSON: Reviews -A9 amendments, Exhibit C. These restore the sunset.

203 OTTO: Label them #3.

204 EDMUNSON: Continues to review -A9 amendments and the sunset clause. A sunset will ensure the committee will do their work. Without a sunset, there is no reason for a group to come forward.

224 SMITH: Your -A11 amendments, Exhibit C, replaces the committee with a joint standing committee of the legislature?

230 EDMUNSON: Yes. That would substantially change the bill as proposed.

234 SMITH: Do you envision this committee as one that would meet now and then?

237 EDMUNSON: Yes, probably. I'm not wedded to that idea, but if the Committee chose to go that far, it's fine with me.

255 NINA JOHNSON, EXECUTIVE ASSISTANT TO THE SECRETARY OF STATE: Reads written testimony, Exhibit D.

314 OTTO: You support only the -A13 amendments?

216 JOHNSON: I don't have a copy of those. I support the ones that would reinstate the repealed provisions as in the original bill.

319 RYDER: Those would be the #1, 2, 3 that Rep. Edmunson...

320 JOHNSON: We would happily take on this task. If the Assembly chooses to do it another way, that's your discretion. However that's accomplished is up to you.

337 ROY TURNBAUGH, STATE ARCHIVIST: Reads written testimony, Exhibit E. Would you like me to review the amendments, Exhibit F?

340 OTTO: We can read them.

(TAPE 93, SIDE A)

PUBLIC HEARING

HB 2890 RELATING TO STATE AGENCY REPORTS; DECLARING AN EMERGENCY

Witnesses: Beverly Clarno, Oregon State Representative, District 55 Patty Greenfield, Administrative Assistant, Senate President's Office

353 REP. BEVERLY CLARNO, OREGON STATE REPRESENTATIVE, DISTRICT 55: Reads written testimony, Exhibit H. I'm not alone in my efforts to do something about this waste.

TAPE 94, SIDE A

026 PATTY GREENFIELD, ADMINISTRATIVE ASSISTANT, SENATE PRESIDENT'S OFFICE: This bill is a good step. We often get reports without knowing why we get them or who's interested in them. I understand that Legislative Council is going to try to put who those reports are going to. We're not where we want to be, but we're heading in the right direction.

043 SMITH: Does this also include things like commodities commissions and other governmental commissions we establish?

047 CLARNO: We're hoping to stop establishing those. We've looked at advisory boards, and I hope that commissions and boards will be included.

052 SMITH: That would be good.

055 GREENFIELD: We're trying to set a tone that people will think about.

058 CLARNO: On May 9, we received a form from John Radford, Exhibit G. You can send it in, if you wish to receive a copy of this report.

(TAPE 94, SIDE A)

PUBLIC HEARING

HB 2974 RELATING TO PUBLIC RECORDS

Witnesses: John Gervais, Oregon Newspaper Publishers Association Les Zaitz, Keizer Times Bill Florence, Editor, Statesman Journal Beth Bridges, City of Eugene David Buchanen, Executive Director of Oregon Common Cause Jim Craven, Oregon Council of the American Electronics Association Alan Willis, Port of Portland

069 JOHN GERVAIS, OREGON NEWSPAPER PUBLISHERS ASSOCIATION (ONPA): Submits amendments, Exhibit I.

078 BILL FLORENCE, EDITOR, STATESMAN JOURNAL: The more government grows, the

more the tendency to close public records. Today, there are so many exception statutes, it's very difficult to find them all. This bill presents an opportunity to locate and review all the confidentiality statutes, thus reinstating the open spirit of the original law.

101 LES ZAITZ, KEIZER TIMES: Discusses previous amendments and submits ONPA amendments, Exhibit I. We support amendments -A9 and -A10, Exhibits A-B. Reviews amendments -A12, Exhibit I.

148 SMITH: Refers to the -A12 amendments. What if someone comes to the council and the council's action is to deny the request?

163 ZAITZ: I don't think this prohibits those sorts of considerations.

164 SMITH: How do you draft legislation that recommends the request be denied?

168 GERVAIS: "It would be that the positive action would be forwarded to the Legislature in regard to a needed exemption from records."

171 SMITH: If I come to the council and want records made confidential, and they disagree with my request, what's my next step?

174 GERVAIS: Any individual would have the same avenue to follow. They could file a request through their Senator or Representative or whatever.

180 SMITH: I understand the intent, I'm just not sure about the process.

180 GERVAIS: It's not our intent to wipe out. . .

182 SMITH: If a person wants to make records confidential, does this bill require they have to come to the council?

184 GERVAIS: No.

185 SMITH: What would keep people from bypassing the council altogether?

186 GERVAIS: It's our hope that the Council would be the first choice step. It's not the only step. I think it would create its own legitimacy by its processes.

200 SMITH: That answers my intent question. Do you have a position on the -All amendments?

203 ZAITZ: We would be in support of that amendment.

206 SMITH: You like that idea of a standing committee rather than an appointed council.

207 ZAITZ: Yes. That way you have a group that has experience with the policy questions in place.

211 GERVAIS: In the A-Engrossed version, ln. 18, the Council has a sunset clause. If the standing legislative committee ended, at least the Council would be ongoing.

226 BETH BRIDGES, CITY OF EUGENE: We are in favor of this bill. It's time to revue public records. We support the overall look at privacy rights and the Archivists -A13 amendments. Submits testimony from Jeff Miller, Mayor, City of Eugene, Exhibit J.

248 RYDER: I have a fiscal impact statement, Exhibit L. This bill has a referral to Ways and Means. I also have a set of hand-engrossed amendments from the Oregon Association of County Clerks, Exhibit K, and written testimony by Thomas Stave, Documents Interest Group of Oregon, Exhibit M.

260 DAVID BUCHANAN, EXECUTIVE DIRECTOR OF OREGON COMMON CAUSE: We support this bill and adding universal sunseting. The impact would be greater on the work of the commission if the ultimate result would be the repeal of the exceptions. It's workable to have the commission do the initial major work, and to have a Legislature operate from then on in the ongoing process.

291 JIM CRAVEN, OREGON COUNCIL OF THE AMERICAN ELECTRONICS ASSOCIATION: Some of the amendments presented today restore the bill back to the original form. There's been testimony that all these laws make public records secret. If you accepted the automatic sunset repeal, some of these laws affect the people I represent. To repeal the whole trade secret provision upsets several additional back references to it. This Commission will have a difficult task hearing each exception and the legislative history behind it, and then making a judgement on it.

373 ALAN WILLIS, PORT OF PORTLAND: The Port's prepared to work under the provisions of HB 1974-A. However, we cannot support the amendments including the blanket sunset because of the Port's responsibilities requiring us to work in all our operations. We are constantly receiving confidential information. The sunset clause would endanger our position and clients.

(TAPE 94, SIDE A)

PUBLIC HEARING

HB 2890 RELATING TO STATE AGENCY REPORTS; DECLARING AN EMERGENCY

Witnesses: Carol Mitchell, Oregon Department of Transportation Kay Bryant, Oregon Department of Economic Development Chuck Dimond, Oregon Department of Human Resources Julie Clark, Department of Revenue Bill Drew, Legislative Assistant to Sen. Jeannette Hamby Cindy Becker, Printing Division, Department of General Services

403 CHUCK DIMOND, OREGON DEPARTMENT OF HUMAN RESOURCES: There are too many publications being put out to the public and members of government. We have some concerns we want to bring to your attention.

TAPE 93, SIDE B

011 CAROL MITCHELL, OREGON DEPARTMENT OF TRANSPORTATION: We produce a wide range of publications. The Department of Transportation has become more sensitive to the amount of these publication and their costs. We have tried to produce more quality, timely and cost effective publications. The better way is to use SB 802 with some slight modifications. HB 2890 requires quite an additional amount of counter productive verbiage. Refers to map, Exhibit N. We have quite a bit of information provided in this; every square inch of the document is filled. This is one of the documents we would like to see exempt. HB 2890 does not demand the use of appropriate media. In some places print is more appropriate. We would like the leeway to continue to print documents where it is appropriate. We support the concept of this bill.

070 KAY BRYANT, OREGON DEPARTMENT OF ECONOMIC DEVELOPMENT: We agree with the intent of this bill but want to call to your attention two things. One is the area of advertising. Many of our publications are directed towards outside target markets. The Oregon Travel Guide and Events Calendar are two such documents. We are also concerned about the area of publications we charge for. The Directory of Oregon Manufacturers is a listing we print once a biennium. This bill wouldn't allow us to consider the two years of labor that goes into this publication. We feel that with these amendments our needs would be met and the intent of the bill preserved.

103 JULIE CLARK, DEPARTMENT OF REVENUE: We need a clarification of the definition of public information. We have about 700 forms we use to gather information, not disseminate it. We need to make sure these forms are not included under this legislation.

109 DIAMOND: We are not objecting to the notion of indicating what the total cost is. That would be present in SB 802, but we have problems with HB 2890.

116 CEASE: What is a "report" suppose to include?

135 CINDY BECKER, PRINTING DIVISION, DEPARTMENT OF GENERAL SERVICES: The original impetus of this bill was the annual report that agencies were doing. We looked through the statutes, and everywhere "reports" appeared it was deleted. The definition of report was then widened to include other publications -- everything except what the agencies use to conduct their business.

151 CEASE: Refers to map, Exhibit O. What is this? This is part of the everything?

153 BECKER: Correct.

154 CEASE: Is this contracted out?

156 MITCHELL: That's produced in-house with our own graphics people. The printing is done commercially because of the size of the job.

160 CEASE: Somebody in the private sector might lose some business if you hadn't (unintelligible).

166 BILL DREW, LEGISLATIVE ASSISTANT TO SEN. JEANNETTE HAMBY: Distributes written testimony of Sen. Jeannette Hamby, Exhibit Q. SB 802 was raised in past testimony. I would like to bring some alternatives to the language in HB 2890. I have some amendments to HB 2890, Exhibit P, that have been hand-engrossed into the bill, Exhibit R. Sen. Hamby disagrees with limiting the distribution of reports.

238 CEASE: Why are we still talking about "reports" instead of publications?

240 DREW: Legislative Council drafted that language. They chose to call it a "report".

246 CEASE: Seems like we're talking about publications not reports.

249 DREW: I would agree.

253 BECKER: We don't have a problem with the concept of printing costs. However, an agency doesn't know the final printing costs until after it's printed, they know the estimate. If you want the total cost you need to include the word "estimate".

Meeting adjourned at 4:32 p.m.

Submitted
By:

Reviewed By:

Julie Muñiz
Green
Assistant
istant

Joan

Ass

EXHIBIT LOG

A - HB 2974-A9 amendments, Rep. Edmunson, 1 pg. B - HB 2974-A10 amendments, Rep. Edmunson, 1 pg. C - HB 2974-All amendments, Rep. Edmunson, 1 pg. D - Written testimony, Nina Johnson, 2 pgs. E - Written testimony, Roy Turnbaugh, 2 pgs. F - HB 2974-A13, State Archivist, 1 pg. G - Memorandum, Rep. Clarno, 2 pgs. H - Written Testimony, Rep. Clarno, 4 pgs. I - HB 2974-A12 amendments, ONPA, 1 pg. J - Written testimony, City of Eugene, 1 pg. K - Engrossed amendments, OACC, 1 pg. L - Fiscal impact statement, Staff, 1 pg. M - Written testimony, Thomas Stave, 5 pgs. N - Pamphlet, Chuck Dimond, 1 pg. O - Oregon highway map, Chuck Dimond, 2 pgs. P - HB 2890-A12 amendments, Sen. Hamby, 2 ps. Q - Written testimony, Sen. Hamby, 3 pgs. R - Hand engrossed HB 2890-A, Sen. Hamby, 3 pgs.