

House Committee on Rules
May 27, 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
RULES

May 27, 1991Hearing Room 454
12:00 p.m. Tape 17 - 18
Salem, Oregon

MEMBERS PRESENT:Sen. Frank Roberts, Chair
Sen. Bill Bradbury, Vice-Chair
Sen. John Brenneman
Sen. Jane Cease
Sen. Joyce Cohen
Sen. Joan Dukes
Sen. Lenn Hannon

STAFF PRESENT: Jose Mata, Committee Administrator
Bernadette Williams, Committee Assistant

MEASURES

CONSIDERED:Executive Appointments:

Oregon Board of Optometry, Joan P. Miller
Oregon Board of Optometry, Douglas G. Smith
State Scholarship Commission, Nancy L. Wakefield

SJM23 - Memorializes Congress to reject force and funding reductions proposed for Army National Guard and to adopt measures to enhance the National Guard forces and their mission, PAW

SB 1219 - Suspends, during calendar year 1991, renewal requirements for obtaining restricted entry ocean troll salmon permits, PAW

HCR7 - Commemorates life and career of retired Lane County Sheriff David Burks, PAW

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TAPE 17, SIDE A

006 CHAIR ROBERTS: Calls the meeting to order at 12:05 p.m..

Submits and summarizes request for approval of late drafting and late introduction of measure.
(EXHIBIT A)

Senator Cease has suggested that this include other Oregonians connected with the armed forces who participated in Desert Storm/Shield.

012 MOTION: SEN. ROBERTS asked if there was objection to approval of late drafting and introduction of the measure (Exhibit A) relating to honoring the members of Oregon National Guard who participated or assisted with Operations Desert Storm/Shield.

VOTE: There being no objection, the motion was approved. Senator Dukes was absent.

017 ROBERTS: Submits and summarizes the Executive Appointment of Douglas G. Smith to the Oregon Board of Optometry. (EXHIBIT B)

Asks Mr. Smith what he thinks will be involved for him as a member of the Oregon Board of Optometry.

028 DOUGLAS G. SMITH, OREGON BOARD OF OPTOMETRY APPOINTEE:
Have come off the third term on the Oregon Commission for the Blind and is familiar with the responsibility of consumer protection involved with vision care. This would be an expansion of that responsibility in reviewing of professional conduct and assuring that standards of practice are met through licensing and review.

036 ROBERTS: Asks what Mr. Smith sees as issues before the Board of Optometry at present; the legislative issue of prescription rights.

041 SMITH: The profession is changing in many ways as far as the delivery of services and open access of vision care to individuals. There are elements in the profession that are following a more commercial route and not providing the pro bono reduced fee work through welfare that is being established. Would like to see work done where access is guaranteed through the welfare system in the state. This wouldn't be done through the board, but they can take positions and let it be known to the profession.

053 MOTION: SEN. BRENNEMAN asked if there was objection to sending the Executive Appointment of Douglas G. Smith to the State Board of Optometry to the floor with a recommendation of confirmation.

057 HANNON: Mr. Smith is a neighbor and a good friend of Medford and

Ashland; highly
recommends his confirmation. Will carry this on the senate floor.

063 VOTE: There being no objection, the motion was unanimously approved.

073 MOTION: SEN. ROBERTS asked if there is objection to postponing action
on the confirmation
of Joan Miller to the Oregon Board of Optometry.

077 VOTE: There being no objection, the motion was unanimously approved.

078 ROBERTS: Submits and summarizes the Executive Appointment of Nancy L.
Wakefield to the
State Scholarship Commission. (EXHIBIT C) Asks Ms. Wakefield to explain
what she thinks
are the functions of the State Scholarship Commission.

090 NANCY L. WAKEFIELD, STATE SCHOLARSHIP COMMISSION EXECUTIVE
APPOINTEE:

The two stated purposes have to do with approving scholarship, grant and
loan applicants to state
sponsored scholarship programs and evaluating the effectiveness of all
scholarship, grant and
financial aid programs of the state. There is also collection and
defaulted loan issues.

103 ROBERTS: To what extent do you feel that you would be a strong advocate
for any kind of
changes in scholarship policies? For example, emphasis upon the loan
program and grants.
Also, the distinction between grants for need and grants for merit.

112 WAKEFIELD: I can only answer in general terms. I would want to look at
helping to focus
the energy of the Commission in diversifying, as widely as possible, the
availability of financial
aid in any number of packages. I have the opportunity to represent the
entire state outside the
Portland to Eugene I-5 corridor. I would like to look at diversifying and
representing as much
as possible for portions of the population that may be geographically
under-represented.

137 ROBERTS: Has known and is a friend of Ms. Wakefield and supports her
appointment to the
board.

177 MOTION: SEN. ROBERTS asked if there was objection to sending the
Executive Appointment
of Nancy L. Wakefield to the State Scholarship Commission to the floor with
a recommendation
of confirmation.

VOTE: Hearing no objection, the motion was unanimously approved.

178 ROBERTS: Submits and summarizes the Executive Appointment of Joan P.
Miller to the Oregon
Board of Optometry. (EXHIBIT B)

Asks Ms. Miller why she is willing to serve on this board.

194 JOAN P. MILLER, OREGON BOARD OF OPTOMETRY EXECUTIVE APPOINTEE:
Has been in private practice for 12 years and people are an interest area
of hers. The Board of
Optometry serves in a position to enforce the laws of Oregon to see that
optometrists properly
serve their patients.

She has served as a liaison to the Board when she was President of the
Portland Metropolitan
Optometric Society and have observed the functions of the Board. The Board
serves as a vehicle
for patient compliance.

239 MOTION: SEN. BRENNEMAN asked if there was objection to sending the
Executive
Appointment of Joan P. Miller to the Oregon Board of Optometry to the floor
with a
recommendation of confirmation.

VOTE: Hearing no objection, the motion was unanimously approved.

264 MOTION: SEN. ROBERTS asked if there was objection to waiving the
appearance of Chief
Edwin S. Taber and Sheriff Darrell Davidson, Oregon Board of Police
Standard and Training
reappointees, before the Senate Committee on Rules.

VOTE: Hearing no objection, the Committee members agreed to a waiver of
the appearance in
accordance with SR9.20.

271 ROBERTS: Opens a public hearing on SJM23.

279 GENERAL RAYMOND F. REES, OREGON NATIONAL GUARD:
There is an army and militia clause in the Constitution that states that
the preponderance of the
military will normally be in the militia. The drafters were afraid of the
economic and political
impact within a democracy of a large standing military that had a vested
interest in itself. The
potential harm that may come to our democracy from a continued freedom to
engage in ill-
advised military adventures if there were not an appropriate checks and
balances in the military
structure.

Up until the start of WWII, that was the case. Post WWII saw the
continuation of a very large,
active military because of the Cold War. The Cold War is over and has been
won. The
Department of Defense and the Congress are struggling with how to realign
the military. The
Department of Defense has chosen to reduce everything equally. The Guard
would go down to
the size it was prior to WWII, but the active military army would be
roughly twice as large as
it was prior to the start of WWII.

This would be a 30 percent reduction nationwide of the National Guard

(about 145,000 people).

The cost is small compared to the total defense budget. Typically, a guard unit would be 20 percent the cost of an active unit (according to active military figures); this figure is probably lower. In Oregon, it would translate a loss of revenue of over 18 million dollars per year. We would lose 2,520 military positions out of the 8,400 currently authorized and 260 full time jobs.

Urges passage of SJM23 because it is the best interest of the nation and the state to return to the vision endorsed by the framers of the Constitution; a sound defense supported by the people and economically responsible.

339 MOTION: SEN. ROBERTS asked if there was objection to sending SJM23 to floor, effectively moving it to the floor with a "do pass" recommendation.

VOTE: Hearing no objection, the motion unanimously approved.

345 ROBERTS: Opens a public hearing on SB 1219.

349 BRADBURY: Briefly explains the background of SB 1219.

Under current law, an individual who is involved in the Salmon industry has to purchase both a limited entry permit and a boat license in 1991 in order to be able to purchase the same permit again and participate in the fishery again in 1992.

SB 1219 would suspend the requirement to purchase the license and permit this year to be able to qualify next year. The reason is that the seasons are dramatically restricted and a number of fisherpersons will make a decision not to fish. We would like to keep those people in the fleet and not lose their license in the limited entry system by just not fishing for one year.

372 HANNON: On line 7, it says "in subsequent years", why is that language in there if it is only for one year?

377 BRADBURY: You won't need to purchase a permit this year in order to renew your permit in 1992 and years subsequent to that. This only allows a one year grace period where you don't have to purchase a permit or license in 1991. But in 1992 and subsequent years you can still qualify for the permit.

391 HANNON: Is it just a one year hiatus from paying the fees? Is there nothing to prevent someone getting out of the fishing business and then get back in for the purposes of being relicensed to sell their boat? Is this like a franchise?

400 BRADBURY: We essentially have a limited entry system for Salmon troll

permits in Oregon.

You would have to land a fish from year to year to carry the permit forward; this allows someone to not fish for one year and still come back in next year and qualify for a limited entry permit.

415 ROBERTS: Under SB 1219, one does not have to renew the vessel permit or license in 1991 in order to resume a license in 1992. Under this provision, could you resume a license not in 1992 but in 1993?

425 BRADBURY: That was not the intent.

427 ROBERTS: Then why "and subsequent years"?

428 BRENNEMAN: If you didn't have "and subsequent years", it would mean that if you opted out in 1991 and went to 1993 and beyond you would fall into the provisions of not having a license or landed a fish and wouldn't be able to renew at that point; even though you did in 1992.

437 ROBERTS: It is clear that you would have to do it in 1992 for this to be effective. Asks Sen. Bradbury to address the matter of the fiscal impact.

447 BRADBURY: Submits and summarizes the fiscal impact analysis for SB 121 9. (EXHIBIT D) The fiscal impact is essentially indeterminate because it is not clear how many fisherpersons will not purchase their licenses and troll permits this year. The "worst case" scenario would be that nobody else would buy a permit; that would have a fairly substantial fiscal impact of \$229,000 out of ODFW's budget. It is highly unlikely.

TAPE 18, SIDE A

027 HANNON: Could a person not buy a license and still be able to fish?

029 BRADBURY: No.

029 HANNON: If a person is going to fish and participate, they have to buy a license. If a person is going to dry dock their boat this year and not fish, they don't have to buy the license. But they will still be allowed to renew next year?

033 BRADBURY: Yes.

Proposes amendments relating to the limited entry system. In the limited entry system, if the number of permits falls below 2,400 permits ODFW is required to conduct a lottery to bring the number back up to 2,400. This language would say that a lottery would not be conducted until the 1991 and 1992 seasons are finished. This year would give an unreal picture of the number of permits that are out there this year if people don't buy them.

The language says, "Notwithstanding the provision of ORS 508.819, ODFW shall not implement a lottery system for the issuance of Salmon troll vessel permits during calendar years 1991 or 1992."

MOTION: SEN. ROBERTS asked if there was objection to adopt the amendments presented by Senator Bradbury to SB 1219, subject to review by Legislative Counsel.

VOTE: Hearing no objections, the motion was unanimously approved.

MOTION: SEN. ROBERTS asked if there was objection to sending SB 1219 to the floor as amended, effectively moving SB 1219 to the floor with a "do pass" recommendation.

VOTE: Hearing no objections, the motion was unanimously approved.

065 ROBERTS: Opens public hearing on HCR7.

MOTION: SEN. HANNON asked if there was objection to sending HCR7 to the floor, effectively moving HCR7 to the floor with a "do pass" recommendation.

068 ROBERTS: Asks the witnesses if there is any objection to sending HCR7 out.

069 BRADBURY: I worked in Lane County with Sheriff Burks and he was a good sheriff and man.

VOTE: Hearing no objection, the motion was unanimously approved.

074 ROBERTS: Senator Brenneman will carry HCR7. Adjourns the meeting at 1:00 p.m..

Submitted by: Reviewed by:

Bernadette Williams Jose Mata
Assistant Administrator

EXHIBIT LOG:

A - Late Measure Request - Sen. Frank Roberts - 2 pages
B - Executive Appointment - Governor Roberts - 17 pages
C - Executive Appointment - Governor Roberts - 16 pages
D-Fiscal Analysis Statement for SB 1219 - Staff - 1 page