

HOUSE COMMITTEE ON RULES, ELECTIONS, AND PUBLIC AFFAIRS

April 20, 1999 Hearing Room D

3:30 P.M. Tapes 43 - 44

MEMBERS PRESENT: Rep. Mark Simmons, Chair

Rep. Richard Devlin, Vice-Chair

Rep. Bruce Starr, Vice-Chair

Rep. Jason Atkinson

Rep. Chris Beck

Rep. Roger Beyer

Rep. Randall Edwards

Rep. Dan Gardner

Rep. Kevin Mannix

Rep. Kitty Piercy

Rep. Jim Welsh

Rep. Max Williams

MEMBER EXCUSED:

STAFF PRESENT: Cletus B. Moore, Jr., Administrator

Kevin E. Wells, Administrative Support

MEASURE/ISSUES HEARD: HCR 7 Public Hearing and Work Session

HJM 12 Public Hearing and Work Session

HB 2415 Work Session

SB 368A Public Hearing

HB 3097 Public Hearing

HB 3165 Public Hearing

HB 2585 Public Hearing**HB 2415 Work Session****HB 3165 Public Hearing**

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 43, A		
003	Chair Simmons	Opens meeting at 3:45 p.m. Opens Public Hearing HCR 7. Asks for staff summary.
<u>HCR 7 PUBLIC HEARING</u>		
005	Cletus Moore	Administrator. Reviews HCR 7.
017	Antone Minthorn	Chairman, Board of Trustees, Confederated Tribes of the Umatilla Indian Reservation. Supports HCR 7. Explains why Chief Joseph and the Wallowa band should be honored. States that Chief Joseph was a strong spokesman for freedom.
070	Chair Simmons	Asks who should receive copies of the resolution.
075	Minthorn	Replies that copies of HCR 7 should be sent to the Confederated Tribes of Umatilla Indian Reservation, the Nez Perce Tribe of Idaho, the Colville Confederated Tribes, and the Confederated Tribes of Warm Springs Reservation. Notes that Chief Joseph's descendants are on each of these reservations.
084	Rep. Beck	Asks if county commissions involved should receive copies of HCR 7.
087	Minthorn	Agrees that it is appropriate to send Wallowa, Umatilla and Union counties copies of HCR 7.
091	Chair Simmons	Asks if Warm Springs is in Deschutes County.
092	Minthorn	States that Warm Springs is in Jefferson County.
095	Chair Simmons	Closes Public Hearing HCR 7. Opens Work Session HCR 7.

HCR 7 WORK SESSION

096	Rep. Devlin	MOTION: Moves to AMEND HCR 7 on on page 1, in line 27, after "to," insert "The Confederate Tribes of the Nex Perce, The Umatilla, The Colville, and the Warm Springs, and the Counties of Jefferson, Umatilla, Union and Wallowa.".
102	Rep. Beyer	Asks if they need to suspend the rules to conceptually amend HCR 7.
104	Chair Simmons	Explains that there is implied consent to suspend the rules.
		VOTE: 8-0 EXCUSED: 4 - Edwards, Mannix, Welsh, Williams
	Chair Simmons	Hearing no objection, declares the motion CARRIED.
105	Rep. Devlin	MOTION: Moves HCR 7 to the floor with a BE ADOPTED AS AMENDED recommendation.
		VOTE: 8-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 4 - Edwards, Mannix, Welsh, Williams
112	Chair Simmons	The motion CARRIES. REP. SIMMONS will lead discussion on the floor.
113	Chair Simmons	Closes Work Session HCR 7. Opens Public Hearing HJM 12. Asks for staff summary.
<u>HJM 12 PUBLIC HEARING</u>		
125	Moore	Explains HJM 12 urges Congress to appropriate funds to restore Celio Village.
130	Minthorn	Supports HJM 12. Introduces Lana Jack. Discusses the history of Celio Village. Stresses that the Village infrastructure needs repair. Discusses the work that

		needs to be done and how much it will cost. Mentions that the Lewis and Clark bi-centennial is approaching, so it is fitting to restore Celio Village.
194	Lana Jack	Celio Village. Supports HJM 12. Discusses the living conditions in the village. Comments on the history of Celio Village and the Three Confederated Tribes.
240	Jack	Discusses attempts to improve the living conditions of Celio Village and the lives of its residents.
290	Jack	States that Celio Village and the people there are neglected.
306	Rep. Beck	Notes the great number of pictures of Celio Falls in the State Capitol. Relates personal importance of Celio Falls. Supports HJM 12.
349	Jack	Thanks the Confederated Umatilla Tribes for bringing the struggle to improve the lives of people on the reservations this far. Comments on how difficult it is to improve the conditions of their lives.
385	Chair Simmons	Closes Public Hearing HJM 12. Opens Work Session HJM 12.
<u>HJM 12 WORK SESSION</u>		
388	Rep. DEVLIN:	MOTION: Moves HJM 12 be sent to the floor with a BE ADOPTED recommendation.
		VOTE: 8-1 AYE: 8 - Atkinson, Beck, Devlin, Edwards, Gardner, Piercy, Starr, Simmons NAY: 1 - Beyer EXCUSED: 3 - Mannix, Welsh, Williams
	Chair Simmons	The motion CARRIES. REP. SIMMONS will lead discussion on the floor.
410	Chair Simmons	Closes Work Session HJM 12. Opens Work Session HB 2415 (EXHIBIT A).
<u>HB 2415 WORK SESSION</u>		

TAPE 44, A		
005	Rep. Beyer	MOTION: Moves to ADOPT HB 2415-4 amendments dated 3/23/99.
		VOTE: 8-0 EXCUSED: 4 - Edwards, Mannix, Welsh, Williams
	Chair Simmons	Hearing no objection, declares the motion CARRIED.
008	Rep. Beyer	MOTION: Moves HB 2415 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 8-0 EXCUSED: 4 - Edwards, Mannix, Welsh, Williams
	Chair Simmons	Hearing no objection, declares the motion CARRIED. REP. DEVLIN will lead discussion on the floor.
013	Chair Simmons	Closes Work Session HB 2415. Opens Public Hearing SB 368. Asks for staff summary.
<u>SB 368 PUBLIC HEARING</u>		
019	Moore	Explains SB 368 makes technical changes to election laws.
026	Colleen Sealock	Director, Elections Division. Supports SB 368A (EXHIBITS B & C). Explains the provisions of SB 368A are technical changes to election law, brought forward by the County Clerks around the state.
050	Sealock	Continues to explain the provisions of SB 368A. Explains changes to Votersí Pamphlet. Notes that SB 368A raises fee to file an argument in the Votersí Pamphlet.
100	Sealock	Points out other technical changes. Explains that there are no new proposals in SB 368A.

123	Vice-Chair Devlin	Asks if HB 2001 differs from SB 368A.
130	Sealock	Points out one provision in both HB 2001 and SB 368A.
133	Al Davidson	Marion County Clerk. Supports SB 368A.
140	Sealock	Explains that there is a fiscal impact of a \$700,000 reduction in costs and a revenue impact of an additional \$150,000. States Oregon will profit by approximately \$850,000.
149	Chair Simmons	Asks where the \$700,000 in savings comes from in the budget.
151	Sealock	States the savings come from modifications to the Votersí Pamphletís publishing process.
156	Chair Simmons	Asks if SB 368A will result in smaller pictures in the Votersí Pamphlet.
158	Sealock	Answers yes. Notes that in some races some people used to get full-page pictures, but when that was reduced to the size of a column there were no complaints.
169	Chair Simmons	Asks what would happen if SB 368A does not pass.
175	Sealock	States that increased fees would be lost and fiscal savings would not be realized if SB 368A does not pass. Adds that technical changes would not take effect.
182	Chair Simmons	Asks what it costs to publish a two volume Votersí Pamphlet. Asks if the 1998 Votersí Pamphlet was the largest one published to date.
187	Sealock	States that 1996 was larger because there were more measures on the ballot. Adds that 1998ís Votersí Pamphlet was large and expensive. States it cost about \$1.6 million.
191	Vice-Chair Starr	Asks what the full cost is per page. Asks if they can charge full cost.
194	Sealock	Explains that fees cover about 10% of costs, so it would require increasing everyoneís fees 10 times to make the Votersí Pamphlet self-sufficient.
204	Vice-Chair Starr	Asks if a per page cost can be figured and charge for specific entries.
207	Sealock	Explains the difficulties of calculating the per page cost for the Votersí Pamphlet as there are 26 versions of the publication with intersecting candidates and campaigns.

244	Rep. Beyer	Asks if the costs include printing and mailing the Votersí Pamphlet.
248	Sealock	Explains the printing and mailing are included in calculating costs.
250	Rep. Beyer	Asks for a break down for printing costs.
252	Sealock	States that the information will be provided.
254	Rep. Beyer	States that they can significantly lower publishing costs.
260	Sealock	Agrees that it may be possible.
265	Paul Snyder	Association of Oregon Counties. Opposes SB 368A. Expresses concern about a provision that removes local candidates from the Votersí Pamphlet. Explains that for counties that do not publish similar material, the SB 368A is very expensive and inconvenient. Suggests deletion of sections 10 and 8 of SB 368A.
290	Rep. Beyer	Asks if the counties that did not publish a votersí guide in 1998 published one in previous years.
293	Snyder	States he is unsure.
297	Sealock	States that four of the counties in question published in 1994, but not in 1998.
303	Rep. Beyer	Asks if the other 16 counties traditionally have not published votersí pamphlets.
306	Snyder	Explains that SB 368A would eliminate choices on how to provide information about county candidates and campaigns. Suggests that such information may not be published.
316	Rep. Beyer	Asks if counties have ever not published information on local campaigns.
318	Snyder	States that in 1994 and 1996 some counties did not publish such information.
319	Rep. Beyer	Asks if counties had to publish their own votersí pamphlets prior to 1994.
321	Snyder	Explains that before 1994 counties could be included in the stateís Votersí Pamphlet and since 1996 they can be included as well. States that it was only in two election cycles, 1994 and 1996, that counties were excluded from the stateís Votersí Pamphlet.
327	Chair Simmons	Asks why that provision was not renewed in 1997.

329	Vice-Chair Devlin	Recalls that it died in a late night committee meeting.
333	Chair Simmons	Asks what is the cost to counties to publish their own votersí pamphlets.
335	Snyder	Responds that he does not know.
340	Davidson	States that in Marion County it costs \$20,000 to publish local voter pamphlet information, about a 50 to 60 page document.
353	Chair Simmons	Asks if Marion County publishes a votersí pamphlet regardless of the stateís policies.
356	Davidson	Responds that they publish their own out of local pride.
361	Vice-Chair Devlin	Asks if SB 368A precludes a county paying for inclusion in the states Votersí Pamphlet.
368	Sealock	States it precludes candidates directly filing with the state. Explains that counties can work with Elections Division to produce a local issues guide mailed as part of the Votersi Pamphlet.
382	Vice-Chair Starr	Asks if those counties who do not print their own votersí pamphlet have that opportunity.
386	Sealock	Replies that those counties do not have that option mailing as part of the stateís Votersí Pamphlet. Explains how the state works with counties.
TAPE 43, B		
012	Rep. Beyer	Asks about the decision to publish one or two volumes of the Votersí Pamphlet.
017	Sealock	States that due to limitations of their publishing technology only 248 pages can be included in the Votersí Pamphlet. Discusses factors that increase the length of the Votersí Pamphlet.
033	Rep. Beyer	Asks if there would have one volume in 1998 if the provisions of SB 368A were in effect.
034	Sealock	Replies "yes."
038	Chair Simmons	Asks if there was an exception for smaller counties in the 1997 legislation.

040	Sealock	Replies that she does not recall such an exception. Recalls a discussion about estimating where candidates file.
054	Chair Simmons	Asks Snyder for his comments.
055	Snyder	Explains that a few larger counties do not publish their own votersí pamphlet, so this is a statewide issue.
068	Vice-Chair Devlin	Points out that there is a little bit of time to consider the issues; SB 368A does not need to pass out of committee today.
082	Chair Simmons	Closes Public Hearing SB 368A. States it will be scheduled for next Tuesday.
088	Rep. Beck	Asks if SB 368A has a subsequent referral to Ways and Means.
104	Chair Simmons	States that there is no subsequent referral. Opens Public Hearing HB 3097.
<u>HB 3097 PUBLIC HEARING</u>		
105	Chair Simmons	Closes Public Hearing HB 3097. Opens Public Hearing HB 3165.
<u>HB 3165 PUBLIC HEARING</u>		
121	Rep. Williams	District 9. Testifies in support of HB 3165. Explains what the bill does and why it is needed to modify how the Secretary of State handles imposition of civil penalties for errors on Contribution and Expenditure Reports (C&E reports).
160	Rep. Williams	Continues to discuss the civil penalties that the Secretary of State can impose for discrepancies on C&E reports. Discusses the history of the legislation, past legislation and efforts to change administrative rules.
220	Rep. Beyer	Asks why the governor vetoed past legislation.
225	Rep. Williams	States the governor vetoed SB 847 (1997) due to retroactive features of the bill. Explains that the Secretary of State and Elections Division do not want to define "intent" for purposes of imposing civil fines.
265	Rep. Piercy	Thanks Rep. Williams for bringing the issue back before the Legislature. States mitigating circumstances need to be considered when imposing civil penalties.
271	Rep. Williams	Offers to let Rep. Piercy co-sponsor HB 3165.

276	Vice-Chair Devlin	Asks if it would be acceptable to make the Secretary of State consider mitigating circumstances only on fines above a certain level.
283	Rep. Williams	States it would be acceptable to have graduated fines and mitigating circumstances considered only above specified levels. Stresses that many people are not accountants and C&E reports are not easy.
316	Vice-Chair Devlin	Suggests that graduated levels of fines and mitigating circumstances may alleviate the Secretary of State's concerns.
337	Laurie Wimmer	Oregon Education Association ñ Oregon Association of Classified Employees. Supports HB 3165 (EXHIBIT D). Emphasizes that HB 3165 addresses the issue of fairness in C&E reports. Suggests that the current system stifles citizen involvement. States the current system works as a disincentive to honest practices.
358	Chair Simmons	Asks how Wimmer characterizes the election system in Oregon.
362	Wimmer	States that Oregon's election system is clean and honest. Underscores that Oregon has very rigorous laws concerning elections.
371	Rep. Williams	Agrees that current law has disincentives to report mistakes. Stresses the need to encourage disclosure and honesty in C&E reports.
393	Wimmer	Notes that the fine is based on a multiplier of the size of error not the egregiousness of the crime.
414	Chair Simmons	Asks Rep. Williams to draft amendments for HB 3165.
415	Rep. Williams	Agrees to work on the amendments with the Secretary of State and other interested parties.
TAPE 44, B		
004	Chair Simmons	Closes Public Hearing HB 3165. Opens HB 2585.
<u>HB 2585 PUBLIC HEARING</u>		
013	Rep. Atkinson	Asks to suspend rules to allow Rep. Welsh and Rep. Williams to vote on HB 2415.
017	Chair Simmons	Recesses Public Hearing HB 2585. Re-opens Work Session HB 2415.

HB 2415 WORK SESSION

020	Rep. Devlin	MOTION: Moves to RECONSIDER the vote by which Rep. Beyer "Moves HB 2415 to the floor with a DO PASS AS AMENDED recommendation".
		VOTE: 11-0 EXCUSED: 1 - Mannix
	Chair Simmons	Hearing no objection, declares the motion CARRIED.
021	Rep. Devlin	MOTION: Moves HB 2415 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 11-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Mannix
	Chair Simmons	The motion CARRIES. REP. DEVLIN will lead discussion on the floor.
025	Chair Simmons	Closes Work Session HB 2415. Re-opens Public Hearing HB 2585.
<u>HB 2585 PUBIC HEARING</u>		
026	Chair Simmons	Calls Mike Collmeyer to testify on HB 2585.
028	Mike Collmeyer	1000 Friends of Oregon. Opposes HB 2585. States that full disclosure inspires public confidence in elected officials. Explains that HB 2585 reduces the required level of disclosure of a conflict of interest.
045	Chair Simmons	Closes 2585. Re opens 3165. Explains that amendments will be drafted for HB 3165.
<u>HB 3165 PUBLIC HEARING</u>		

051	Secretary of State Phil Keisling	Opposes HB 3165 (EXHIBIT E). Explains the importance of C&E reports. Stresses that the issue at hand is "intent." Discusses past cases where civil penalties were imposed. States that \$10,000 fine is the maximum penalty that can be imposed. Points out that HB 3165 reduces the level of penalties imposed. Explains HB 3165 reduces checks on campaign finance abuses.
100	Sec. State Keisling	Discusses current practices as regards imposing penalties on C&E reports. Cautions against requiring proof of intent for imposing civil penalties. Suggests that specific mitigating circumstances be added to statute rather than passing HB 3165.
124	Rep. Williams	Asks if it is possible for fines to exceed \$10,000 if there are multiple errors.
137	Sec. State Keisling	Responds that it may be correct, but he needs to check.
146	Rep. Williams	Notes that the Secretary of State's office tries to not reproduce fines when there are ripple effects throughout a C&E report.
151	Sec. State Keisling	Comments on the ripple effect in C&E reports.
153	Rep. Williams	Asks how to deal with the issue of people voluntarily reporting errors that they discover; asks if the current system works as a disincentive.
164	Sec. State Keisling	States that is the best question to ask when considering this issue. Explains that it is difficult to establish intent, so self-reporting opens the door to manipulation of the C&E system.
199	Vice-Chair Devlin	Close Public Hearing HB 3165. Adjourns meeting at 5:19 p.m.

Submitted By, Reviewed By,

Kevin E. Wells, Cletus B. Moore, Jr.,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ HB 2415, LC amendment ñ4 (3/23/99), staff, 40 pp.

B ñ SB 368A, written testimony, Colleen Sealock, 4 pp.

C ñ SB 368A, written testimony, Colleen Sealock, 7 pp.

D ñ HB 3165, written testimony, Laurie Wimmer, 1 p.

E ñ HB 3165, written testimony, Sec. State Phil Keisling, 2 pp.