

## SENATE COMMITTEE ON RULES AND ELECTIONS

January 28, 1999 Hearing Room B

4:30 p.m. Tapes 5 - 6

**MEMBERS PRESENT:** Sen. Charles Starr, Chair

Sen. Randy Miller, Vice-Chair

Sen. Lee Beyer

Sen. Kate Brown

Sen. Neil Bryant

**MEMBER EXCUSED:**

**STAFF PRESENT:** Brian E. Smith, Administrator

Rachel E. Halupowski, Administrative Support

**MEASURE/ISSUES HEARD:** SB 349 Public Hearing and Work Session

SB 369 Public Hearing and Work Session

Executive Appointments

Director of the Department of Agriculture

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 5, A		
000	Chair Starr	Opens meeting at 4:35 p.m. and opens public hearing on SB 349.
<u>SB 349 PUBLIC HEARING</u>		
004	Brian E. Smith	Committee Administrator. Explains SB 349 removes the requirement of Senate confirmation for members of the Board on Public Safety Standards and Training who serve by virtue of the offices they hold. States SB 349 allows such members to appoint designees to vote on their behalf in subcommittee and advisory group

		meetings only.
012	Dianne Middle	Director of the Department of Public Safety Standards and Training (DPSST) <b>(EXHIBIT A)</b> . States SB 349 would allow DPSST to operate efficiently. States DPSST is responsible for the training and certification of law enforcement, corrections, parole, probation, telecommunications, emergency medical dispatchers, and private security and fire service professionals. States the board has representatives from those divisions as well as citizen representatives. States the board used to manage DPSST, however, last legislative session it became a full department with the director of the board functioning in an advisory capacity. States the board meets quarterly. Supports SB 349.
058	Russ Spencer	Oregon State Sheriffs Association. States his position on SB 349 is neutral, but has issues with the concept of having members serve by virtue of their offices. Believes the board would be more effective if members are chosen to serve because they are interested in serving, and they are willing to make themselves available for meetings. States the board has expanded due to adding the fire services. The Oregon State Sheriffs Association questions the need for the Special Agent in charge of the Federal Bureau Investigation to be a member of the Oregon Board of Public Safety Standards and Training. Believes the citizens will benefit more by having a working police professional from the State of Oregon serving on the board. Prefers to have the board composed of willing participants who bring with them professional experience and education.
084	Vice-Chair Miller	Asks if he is concerned because the board members are not fully participating in the meetings.
088	Spencer	Comments that some of the appointments allude to the Oregon State Sheriffs Association. States they do not understand why the Chief of Police of Portland serves as a statutory member by virtue of his office, even though sheriffs from Clackamas, Multnomah, and Washington counties do not serve. Believes this is not a sheriff/chief issue. States statutory appointments do not make sense to his association.
098	Vice-Chair Miller	Asks if the board is better served by designees showing up for the meetings, or if it would be best for no one to show up for the meetings.
104	Spencer	States there is great value in having designees show up for subcommittee meetings. States his association prefers someone who desires to actively participate on the board.
118	Vice-Chair Miller	Asks Spencer to reexamine the constitution of the board and submit additional legislation if he cares to change the make-up of the board.
127	Spencer	Comments that his intention was not to come here today to suggest altering the board. States the sheriffs asked him to share their concerns with the committee.
132	Chair Starr	Closes the public hearing and opens work session.

**SB 349 WORK SESSION**

137	Vice-Chair Miller	Asks to move SB 349 to the floor with a due pass recommendation.
139	Sen. Brown	States the Oregon Revised Statute 181.620 was last amended in 1995.
146	Vice-Chair Miller	<b>MOTION: Moves SB 349 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 4-0</b> <b>EXCUSED: 1 ñ Beyer</b>
Chair Starr		<b>Hearing no objection, declares the motion CARRIED.</b>  <b>SEN. MILLER will lead discussion on the floor.</b>

**SB 369 PUBLIC HEARING**

154	Smith	States SB 369 sets \$2,000 as the amount of political contributions or expenditures that must be received or made by a candidate or political committee before detailed contribution and expenditure statements must be filed with the appropriate filing officer. States SB 369 raises the reporting requirement threshold from \$500 to \$2,000.
164	Sen. Bryant	States he has introduced this bill in the last two sessions, and the bill has passed in the Senate both times. Asks Sealock to explain what has happened to this bill in the House.
166	Colleen Sealock	Elections Director, State of Oregon. Presents <b>(EXHIBIT B)</b> . Explains in the 1997 Session the House was worried because of issues predating Measure 9. Supports SB 369. States the expenditure of \$500 was set in 1975. Believes this is the only bill that deals with campaign finances that has not changed in 24 years.
187	Charles Stern	Yamhill County Clerk. States the Oregon Association of County Clerks supports SB 369. Discusses the impact of the bill is relatively small on Clackamas, Deschutes, Lane, Marion, Washington, and Yamhill counties. Explains how SB 369 would impact candidates or committees in each county over a two year period. States that elections that are not contested work well with a \$500 expenditure, but contested races are more costly.
221	Sen. Brown	Concerned about "...letting less light in, in terms of folks filing CNEs

		(contributions and expenditures) that we would not know who is spending what out there."
230	Sealock	States that by raising the threshold from \$500 to \$2,000 would have let an additional 59 state filers simply file certificates. States that changing the threshold does not destroy the ability for disclosure.
244	Stern	States the example of a Lake Oswego school board race where the candidates had to file the long reports showing one spent \$978 while the other spent \$1,900. Comments that both would be able to file certificates in lieu of the long forms.
261	Vice-Chair Miller	Asks if \$2,000 would be a successful amount.
271	Stern	Believes the figure came from the Senate the last time he had presented a bill asking for \$1,000.
275	Vice-Chair Miller	Asks if, in the case of the Lake Oswego example, the candidate could disclose every contribution, if they felt it was to their advantage.
280	Sealock	Comments full disclosure is always an option. States in her office several people qualified to file the certificate but chose to file detailed reports.
285	Vice-Chair Miller	States concern with independent expenditures. Believes there may be a host of independent committees that will spend \$1,999 if SB 369 raises the threshold to \$2,000.
297	Sealock	Explains her office looked at the figure to be sure \$2,000 was realistic. States the potential of spending \$1,999 is possible.
300	Chair Starr	Asks how many campaigns spending between \$500 and \$2,000 were self-financed.
311	Stern	States he did not ask the other counties how many campaigns were self-financed. States in his own county one candidate spent more than \$500 to support school bonds.
320	Sen. Brown	States under current law one could file a spending limit form, and if \$500 is exceeded, he/she could file a form the next reporting period. Asks if the \$2,000 limit could be used to hide the first \$2,000 spent.
329	Sealock	Responds the system would stay the same. States that once the \$2,000 is exceeded, the next report filed would be a full detailed report covering the original expenditures.
333	Chair Starr	Closes public hearing and opens work session.

**SB 369 WORK SESSION**

335	Sen. Bryant	<b>MOTION: Moves SB 369 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 5-0</b>
Chair Starr		<b>Hearing no objection, declares the motion CARRIED.</b>  <b>SEN. BRYANT will lead discussion on the floor.</b>
350	Chair Starr	Closes work session. Calls the meeting to recess at 5:00 p.m. until the committee is joined by the Senate Agriculture and Natural Resources Committee.
352	Chair Starr	Reconvenes meeting at 5:10 p.m.
<b><u>EXECUTIVE APPOINTMENTS to DIRECTOR OF AGRICULTURE</u></b>		
388		Staff presents <b>(EXHIBIT C)</b> .
389	Chair Starr	Opens Executive Appointments. Explains the new Senate Rules state appointments by the Governor may be assigned to committees for consideration. Calls Phil Ward to testify.
<b>TAPE 6, A</b>		
001	Phil Ward	Oregon Farm Bureau. Explains reasons he is qualified and wants to work as the Director of the Oregon Department of Agriculture. Presents <b>(EXHIBIT D)</b> .
075	Sen. Fisher	Asks that if he were appointed to the position, would he treat the poultry farmers and cattle ranchers with equal justice.
078	Ward	Comments on a cattle meeting in Douglas County years ago where he left the meeting and had chicken dinner at a Denny's Restaurant.
086	Sen. Fisher	Asks if Ward is willing to go on the road for speaking engagements while paying his own administrative expenses.
090	Ward	Believes the honorariums will no longer be a part of his speaking program.

095	Vice-Chair Miller	Asks if Oregon should be taxing pesticides.
098	Ward	States there are currently taxes on pesticides. Notes there is a registration fee to fund the Department of Agriculture's Pesticide Inspection and Enforcement Program.
103	Vice-Chair Miller	Asks what his position is on increasing the pesticide fee.
107	Ward	States he has not seen the latest addition to the pesticide right-to-know proposals. States he cannot authoritatively comment on the proposals at this time. States to evaluate a proposal one needs to ask: what do we get out of it, what is the impact on the regulated community, and is the proposal balanced and justified.
122	Vice-Chair Miller	Asks for first impression of the proposals.
125	Ward	States proposals of this nature potentially provide too much paperwork for a limited benefit. Asks if there are other ways to generate the kind of information, rather than require specific reporting from every farmer and rancher. Believes that if Oregon requires this paperwork of the agriculture community, then the same paperwork should be required from the urban and professional communities. States concerns about the general public being exposed to harmful chemicals. States he has some trepidation about providing that type of information on a regular reporting basis.
149	Sen. Wilde	Explains that the State Fire Marshal has a database of pesticides and what quantities are sold on the wholesale level. Asks if, in conjunction with his department, he is willing to work with the State Fire Marshal and their database to find the information available about specific applications of pesticides, particularly the impact on watersheds. States that many departments do not work together, and wants to know if he is willing to get that information from the State Fire Marshal.
155	Ward	Believes the Department of Agriculture will be willing to work with other departments to generate the information the committee believes needs to be generated. States there is extensive training for restricted use chemicals. States he wants to be a good environmental steward.
211	Sen. Ferrioli	Asks what he did to increase the credibility and capacity of the Farm Bureau during his tenure. States the public trusts the Department of Agriculture. Asks what Ward will do to protect the Department's trust and credibility with the growers.
227	Ward	Believes there is a wonderful relationship between the public and the Department of Agriculture. Believes the area of regulation has developed the trust from the public. States the department needs to work with the people through education and regulation. Believes "...you don't lead with a hammer, you lead with a handshake." Comments on ORS 561.020, which states, "...the department shall encourage and work toward long range planning to develop and promote the agriculture resources of Oregon, that they may contribute as greatly as possible to the future economy of the state." States the Department of Agriculture has a

		statutory mandate to help agriculture remain strong and viable in the State of Oregon.
281	Sen. Ferrioli	Explains his own fears about the Department of Agriculture with comments about the Department of Veterans Affairs. Explains the housing agency for the Department of Veterans Affairs was lending money at a low percentage, returning millions of dollars into the general fund every year, and was supporting the veterans better than any housing agency in the country. Believes that due to outside pressure and political changes they borrowed funds at high percentages while lending money at low percentages, and within seven years ended up foreclosing houses. Explains why the trust and service became a burden for the veterans. States even the best agencies can be turned into a deficit to Oregon's economy. States he would like to see an agenda for the Department of Agriculture.
333	Ward	Discusses his year and a half at the Oregon Farm Bureau and how he increased the credibility and trust of that agency. States budget issues, member issues, and other plans have been executed to pay great dividends in the years ahead. Believes he needs to do what is possible to protect the agriculture industry of Oregon.
385	Sen. George	States that the agriculture industry needs an advocate. Comments there are loopholes in the chemical usage reporting. Comments there is a need to work with the State Fire Marshal to establish a database. Asks if he is willing to tell the public the truth when his people are making mistakes.
<b>TAPE 5, B</b>		
020	Ward	States the Director of the Department of Agriculture needs to identify the positive things happening in the industry, and needs to make that information available to the community. States he has seen the industry support the department.
026	Sen. Lim	States that trade is an important part of Oregon's economy. Asks if he has background on trade issues, and if he has been to foreign countries on trade missions. Asks how he plans to increase trade on agriculture products.
044	Ward	States that trade is a key issue for agriculture. States that 80% of what is produced in Oregon is marketed outside of Oregon, and 40% of that is marketed internationally. States he has been overseas twice (Japan, the Russian Far East) on trade missions. Believes he needs to be involved in the international arena.
063	Sen. Lim	Hopes Oregon will be successful in the international markets.
070	Sen. Fisher	Asks if he considers the present laws in the state adequate to maintain control and the necessary judgement for the proper use of chemicals for farm pesticides.
077	Ward	States that agriculture is a regulated industry. Explains that in the area of chemical use, the state requires enforcement of the labeling and conditions of

		chemical use. States there is significant and adequate authority to enforce how chemicals are used in Oregon.
094	Chair Starr	Thanks the Agriculture and Natural Resources Committee for their input and questions. Thanks Ward for his testimony. Asks if anyone in the audience believes this appointment should not go forward. Calls Mike Dewey and Dave Nelson to testify.
113	Dave Nelson	Oregon Seed Council/Oregon Dairy Farmers Association. Presents <b>(EXHIBIT E)</b> in support of Ward's appointment.
115	Sen. Brown	States that written testimony is adequate, and asks that the committee move forward without verbal testimony.
125	Chair Starr	Closes public hearing and opens work session.
127	Vice-Chair Miller	<b>MOTION: Moves the appointment of Phil Ward to the Director of Agriculture to the floor with the recommendation that the appointment be confirmed.</b>
		<b>VOTE: 4-0</b> <b>EXCUSED: 1 ñ Bryant</b>
	Chair Starr	<b>Hearing no objection, declares the motion CARRIED.</b>  <b>SEN. BROWN will lead discussion on the floor.</b>
142	Chair Starr	Closes work session and closes meeting at 5:45 p.m.

Submitted By, Reviewed By,

Rachel E. Halupowski, Brian E. Smith,  
Administrative Support Administrator

#### **EXHIBIT SUMMARY**



**A ñ SB 349, written testimony, Dianne L. Middle, 2 pp**

**B ñ SB 369, written testimony, Colleen Sealock, 2 pp**

**C ñ Executive Appointments, application forms, staff, 10 pp**

**D ñ Executive Appointments, written testimony, Phil Ward, 2 pp**

**E ñ Executive Appointments, written testimony, Dave Nelson, 1 p**