

**SENATE COMMITTEE ON RULES AND ELECTIONS**

**June 25, 1997 Hearing Room E**

**1:30 PM Tapes 119 - 120**

**MEMBERS PRESENT:**

**Sen. Randy Miller, Chair**

**Sen. Gene Derfler, Vice-Chair**

**Sen. Neil Bryant**

**Sen. Randy Leonard**

**Sen. Cliff Trow**

**MEMBER EXCUSED:**

**STAFF PRESENT: Jan McComb, Policy Analyst**

**Jan Nordlund, Administrator**

**Jim Stembridge, Policy Analyst**

**Julie Havel, Administrative Support**

**MEASURES HEARD: HB 2143 Work Session**

**HB 3080 Reconsideration and Work Session**

**HJR 90 Reconsideration**

**SB 1138 Public Hearing**

**HB 2201 Work Session**

**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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 119, A</b>		
005	Chair Bryant	Calls meeting to order at 1:52 pm, opens work session on HB 2143.
<b><u>HB 2143 -</u></b>		

<b><u>WORK SESSION</u></b>		
011	John Powell	Nucor Corporation, explains provisions of -A15 amendments <b>(EXHIBITS A &amp; B).</b>
042	Chair Miller	Notes arrival of Sen. Derfler, recesses work session on HB 2143.
<b>050</b>	<b>Sen. Miller</b>	<b>MOTION: Moves to RECONSIDER the vote by which "HB 3080 moved to the floor with a do pass as amended recommendation".</b>
		<b>EXCUSED: 1 - Trow</b>
	<b>Chair Miller</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>052</b>	<b>Sen. Miller</b>	<b>MOTION: Moves to RECONSIDER the vote by which "HJR 90 moved to the floor with a do adopt as amended recommendation".</b>
055	Chair Miller	Re-caps provisions of HJR 90.
		<b>EXCUSED: 1 - Trow</b>
	<b>Chair Miller</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
057	Chair Miller	Reopens work session on HB 2143.
<b><u>HB 2143 - WORK SESSION</u></b>		
059	Sen. Leonard	Asks about the 150% of average wages, receives verification that Coos Bay is the primary site that Nucor is looking at.
062	Powell	States this bill would apply to any non-urban enterprise zone with chronic unemployment that meets definition in bill.
065	Sen. Leonard	Asks what the 150 % wage would be.
068	Powell	States he is not sure.
069	Jim Whitty	Oregon Economic Development Department (OEDD), estimates it is in the \$25,000 range.
083	Rep. Jackie Taylor	District 1, states she is here to remind them about the -A7 amendments regarding the expansion of the enterprise zone to the Clatsop County line <b>(EXHIBIT C).</b>
089	Sen. Joan Dukes	District 1, states the two pieces they are asking for in this bill are the -A7 amendments and language contained in the -A15 amendments.
099	Sen. Leonard	Asks for and receives clarification that it is 130 %.
<b>110</b>	<b>Sen. Bryant</b>	<b>MOTION: Moves to ADOPT HB 2143-A7 amendments dated 5/23/97.</b>
		<b>EXCUSED: 2 - Derfler, Trow</b>

	Chair Miller	Hearing no objection, declares the motion CARRIED.
113	Sen. Bryant	MOTION: Moves to ADOPT HB 2143-A15 amendments dated 6/24/97.
		EXCUSED: 2 - Derfler, Trow
	Chair Miller	Hearing no objection, declares the motion CARRIED.
114	Sen. Bryant	MOTION: Moves HB 2143 to the floor with a DO PASS AS AMENDED recommendation.
		EXCUSED: 2 - Derfler, Trow
	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. Tarno will lead discussion on the floor.
130	Chair Miller	Closes work session on HB 2143, opens work session on HB 3080.
<b><u>HB 3080 - WORK SESSION</u></b>		
132	Jan McComb	Policy Analyst, explains provisions of proposed -B9 conflict amendments to HB 3080, which resolve conflicts with SB 494 (EXHIBIT D).
144	Chair Miller	Asks for and receives clarification that the -B9's reflect the action the committee made last week.
148	Sen. Miller	MOTION: Moves to ADOPT HB 3080-B9 amendments dated 6/24/97.
		EXCUSED: 2 - Derfler, Trow
	Chair Miller	Hearing no objection, declares the motion CARRIED.
149	Sen. Miller	MOTION: Moves HB 3080B to the floor with a DO PASS AS AMENDED recommendation.
		EXCUSED: 2 - Derfler, Trow
	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. HARTUNG will lead discussion on the floor.
153	Chair Miller	Closes work session on HB 3080, opens public hearing on SB 1138.
<b><u>SB 1138 - PUBLIC HEARING</u></b>		
160	Chair Miller	Explains this bill is in response to SJR 34, which creates annual sessions, provides details.
181	Sen. Bryant	Asks what changes the House made besides the organizational session.

184	Chair Miller	Explains they moved the date up to January on the second session.
187		Discussion continues on proposed dates for annual sessions.
197	Chair Miller	States he would probably recommend that they do not concur with SJR 34, and then discuss the issue.
200	Jan Nordlund	Committee Administrator, states Tom Clifford from Legislative Counsel drafted the SB 1138 amendments to reflect the B-engrossed version of SJR 34, and could easily draft SB 1138 to reflect the A- engrossed version as well.
207	Sen. Leonard	States he prefers the earlier date of January for the second session and the later date for the first one.
214	Chair Miller	Closes public hearing on SB 1138, opens work session on HB 2201.
<b><u>HB 2201 - WORK SESSION</u></b>		
220	Chair Miller	States his intent is to review and consider some of the proposed amendments, but he does not plan to move this bill out at this time.
225	Colleen Sealock	Director of Elections, directs committee's attention to summary of proposed -A6 amendments ( <b>EXHIBIT E</b> ). States there is a series of amendments that range from the -A4's through the -A13's. States they want to withdraw the -A4's in favor of the -A12's, and explains position ( <b>EXHIBITS F &amp; G</b> ).
283	Sealock	Clarifies position on the -A12's, stating they favor them over the -A4's because they are require a disclaimer in certain cases and stay within the constitutional parameters handed down by the U.S. Supreme Court in McIntyre v. Ohio.
300	Lynn Rosik	Assistant Attorney General, Department of Justice, explains provisions of McIntyre v. Ohio.
350	Rosik	Continues testimony.
397	Dave Fidanque	Executive Director, American Civil Liberties Union of Oregon (ACLU), explains position on issue of campaign advertising, reporting, and spending regulations.
<b>TAPE 120, A</b>		
004	Chair Miller	Asks about language in section one, subsection two, and definition of "public political advertising."
015	Rosik	Explains subsection two only applies to independent expenditures which advocate election or defeat of a candidate.
034		Discussion continues on issue of "free speech."
047	Chair Miller	Asks if she has "reasonable confidence" that this would be upheld.
050	Rosik	States she believes they can defend the -A12's with respect to the candidates.

057		Discussion continues.
073	Chair Miller	Asks for details of proposed -A7 amendments <b>(EXHIBIT H)</b> .
076	Sealock	Explains they would provide for a study to help link the different counties together to centralize voter registration records and for the hiring of a computer analyst to accomplish this. Provides details.
104	Chair Miller	Asks for clarification on provisions of proposed -A8 amendments <b>(EXHIBIT I)</b> .
113	Sealock	Responds, and states they have some concerns about these amendments.
131	Sen. Leonard	Asks how they would address this issue with the new double majority requirement.
133	Chair Miller	Asks if there was a period of time in which if someone did not respond, they were purged from the rolls.
143	Vicki Ervin	Director of Elections, Multnomah County, explains.
155	Sen. Leonard	Re-phrases question and asks about new federal voter registration law.
157	Ervin	Clarifies they cannot cancel someone for not voting.
159	Sen. Leonard	Asks how many ballots have gone to homes where the person no longer lives there, so the current resident throws it away.
162	Ervin	States they have no way of knowing that.
169		Discussion continues on whether this is bad public policy, and possible alternatives.
234	Chair Miller	States -A13's <b>(EXHIBIT J)</b> deal with SB 853, passed earlier dealing with the filing date being moved to July 1, receives clarification that the House has not yet voted on it, but states it has passed out of committee. Highlights provisions, and states they likely will not concur with it.
255	Sen. Trow	Asks if HB 2201 is still "alive and well."
257	Chair Miller	Asks about the current projection on the fiscal impact regarding reporting periods.
268	Sen. Trow	Asks for and receives verification that the Secretary of State's Office was able to present its amendments.
270	Sealock	Re-caps provisions of her proposed amendments.
284	Dan Meek	Portland Attorney, states he submitted testimony on June 18 against the -A4 amendments by Secretary of State <b>(EXHIBIT K)</b> . States he also opposes -A12 amendments. States they have made the wrong distinction in McIntyre. Explains position.
334	Meek	Continues testimony.
373	Chair Miller	Asks how they should decide at what point to charge someone who is speaking their mind on an issue.
		States the court felt an individual distributing handbills in her community on her own time and at her own expense fell on one side of the line, and

385	Meek	they can only speculate what falls on the other side of that line or where that line would be drawn altogether. Uses example of purchasing a full-page ad in The Oregonian.
411	Miller	Closes work session on HB 2201, adjourns meeting at 2:50 pm.

Submitted By, Reviewed By,

Julie Havel, Jan Nordlund,

Administrative Support Administrator

**EXHIBIT SUMMARY**

- A - HB 2143, proposed -A15 amendments, John Powell, 7 pp.**
  - B - HB 2143, synopsis of proposed -A15 amendments, Susan Browning, 6 pp.**
  - C - HB 2143, proposed -A7 amendments, Rep. Jackie Taylor, 1 p.**
  - D - HB 3080, proposed -B9 amendments, staff, 1 p.**
  - E - HB 2201, summary of proposed -A6 amendments, Colleen Sealock, 14 pp.**
  - F - HB 2201, proposed -A4 amendments, Colleen Sealock, 2 pp.**
  - G - HB 2201, proposed -A12 amendments, staff, 5 pp.**
  - H - HB 2201, proposed -A7 amendments, staff, 2 pp.**
  - I - HB 2201, proposed -A8 amendments, staff, 4 pp.**
  - J - HB 2201, proposed -A13 amendments, staff, 1 p.**
  - K - HB 2201, written testimony, Dan Meek, 7 pp.**
-