

—

**SENATE COMMITTEE ON RULES AND ELECTIONS**

**April 24, 1997 Hearing Room 343**

**3:00 PM Tapes 48 - 49**

**MEMBERS PRESENT:**

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

**Sen. Neil Bryant**

**Sen. Randy Leonard**

**Sen. Cliff Trow**

**MEMBER EXCUSED:**

**Sen. Randy Miller, Chair**

**STAFF PRESENT:**

**Jan Nordlund, Administrator**

**Jennifer Peck, Administrative Support**

**MEASURE/ISSUES HEARD:**

**SB 847 Public Hearing and Work Session**

**SB 1117 Public Hearing and Work Session**

**Introduction of Committee Bills**

**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 48, A</b>                   |                    |   |
| 152                                 | Vice-Chair Derfler | Opens meeting at 3:10 p.m. and opens public hearing on SB 847.  |
| <b><u>SB 847 PUBLIC HEARING</u></b> |                    |   |
| 153                                 |                    | Staff presents hand engrossed and proposed -2 amendments to SB 847 ( <b>EXHIBIT A</b> ).  |
| 154                                 | Max Williams       | Presents and reads testimony in support of SB 847 ( <b>EXHIBIT B</b> ). Explains SB 847. Cites an example of voluntary notice to the Secretary of State's office of insufficiencies in filing and yet fines were imposed.                               |
| 202                                 | Williams           | Discusses late and insufficient filing. Refers to page 3 of the exhibit.  |
| 256                                 | Williams           | Refers to HB 3077. States SB 847 requires any mitigating circumstance to be considered by the Secretary of State.   |
| 282                                 | Sen. Trow          | Asks about the necessity of the Secretary of State considering all mitigating circumstances.  |
| 293                                 | Williams           | Explains what evidence the Secretary of State must consider.  |
| 318                                 | Sen. Trow          | Asks if the Secretary of State would have the ability to dismiss what would be considered frivolous mitigating circumstances.   |
| 334                                 | Vice-Chair Derfler | Asks about the discretion of the Secretary of State.  |
| 341                                 | Williams           | States discretion could be questioned but we should not sacrifice fairness for that concern.  |
| 373                                 | Vice-Chair Derfler | Asks about an appeal process after the decision of the Secretary of State.  |
| 377                                 | Williams           | States the appeal process would remain. Discusses multiple violations.  |
| 418                                 | Williams           | Discusses three primary public policy reasons to support SB 847. One would increase self-reporting of unintentional errors.   |
| <b>TAPE 49, A</b>                   |                    |   |
| 001                                 | Williams           | States the second reason would be fairness since intentional wrongdoers should be punished more harshly than the negligent people. The third would be the issue of recruiting people to be treasurers. Comments on the objections from the Secretary of |

|                   |                |  |
|-------------------|----------------|--|
|                   |                | State's office.  |
| 047               | Oren Floyd     | United Telephone Employees PAC, Hood River. Supports SB 847. Comments on volunteer treasurers. Cites an example where mitigating circumstances were important.   |
| 105               | Floyd          | Comments on the attitude differences between the Public Disclosure Commission in Washington State versus the Secretary of State's office in Oregon.  |
| 127               | Mary Botkin    | American Federation of State, County, and Municipal Employees. Supports SB 847. States the public has a right to know where political funding goes. Expresses her concern that the Secretary of State seemed to have little leeway in dealing with people who make mistakes. |
| 177               | Botkin         | States we need to provide for leniency in this law for honest mistakes. States the intention of SB 847 is good.  |
| 202               | John DiLorenzo | Attorney, Portland, Oregon. Presents testimony in support of SB 847 ( <b>EXHIBIT C</b> ). Refers to the petition in his exhibit.   |
| 250               | DiLorenzo      | Supports the -2 amendments because they give the Secretary of State some direction for considering mitigating circumstances.   |
| 271               | Phil Keisling  | Secretary of State. Opposes SB 847. States SB 847 is a profound policy choice for the legislature. Discusses the importance of disclosure and the timing of disclosure.  |
| 342               | Keisling       | Explains the Secretary of State's office has attempted to remedy the current procedure. Comments on the penalty matrix.  |
| 390               | Keisling       | Cites examples of explanations which have or could be considered mitigating circumstances.   |
| <b>TAPE 48, B</b> |                |  |
| 001               | Keisling       | Discusses personal responsibility. States if the overall policy were to dramatically shift it would become a more difficult system.  |
| 021               | Sen. Bryant    | Asks how many penalties were imposed in a two-year period.   |
| 023               | Keisling       | States there were about 400 violations, of which there were about 100 involved penalties. States SB 847 would push the Secretary of State's office into giving pardons for mistakes.   |
| 043               | Sen. Bryant    | Comments on assessments being done by Secretary of State's office.   |
| 059               | Keisling       | Discusses section 10. States the burden of proof for determining intentions would lie in the Secretary of State's office. Comments on page 2, line 44.   |
| 110               | Sen. Bryant    | States the committee will correct any wording errors.  |
| 119               | Keisling       | Finishes comments on page 2, line 44.  |
| 124               | Sen. Trow      | Asks how the workload will be affected and what will be done for reports which are late or contain errors.   |
|                   |                |  |

|                                   |                    |   |
|-----------------------------------|--------------------|---|
| 135                               | Keisling           | States his concern is not with the money. States that within the current system each report is fully checked, as opposed to random checking.  |
| 157                               | Colleen Sealock    | Elections Director, Secretary of State. States the office staff tries to help people file accurate reports. Explains that if the system moves toward more disclosure, the entire system's timing would be affected. |
| 193                               | Sen. Trow          | Comments on filing problems related to money.   |
| 207                               | Keisling           | States certain mitigating circumstances will absolve someone of a violation, which does not affect fees, but negates the violation. Explains the discussion of the ideas in SB 847 is very important.               |
| 235                               | Claudia Burton     | Marion County. Supports SB 847. Comments on an example of an unintentional violation.   |
| 266                               | Sen. Trow          | Asks if there was an appeals process.   |
| 267                               | Burton             | States there was a hearing. Explains there was no intent argument within the statute and the rule limits the statute.   |
| 288                               | Sen. Trow          | Asks if the Secretary of State has the discretion to go around the rule.  |
| 290                               | Burton             | States they do not.   |
| 295                               | Linda Lindholm     | Executive Director, Manufactured Housing Communities of Oregon. Supports SB 847. Explains her experiences in a situation where there was a mitigating circumstance of stolen mail resulting in fines being imposed. |
| 345                               | Vice-Chair Derfler | Closes public hearing on SB 847 and opens work session on SB 847.   |
| <b><u>SB 847 WORK SESSION</u></b> |                    |   |
| 348                               | Sen. Bryant        | Asks if this could be referred to Ways and Means.   |
| 353                               | Vice-Chair Derfler | Discusses options for SB 847.   |
| 355                               | Sen. Bryant        | <b>MOTION: Moves to ADOPT SB 847-2 amendments dated 4/24/97.</b>  |
|                                   | Vice-Chair Derfler | <b>Hearing no objection, declares the motion CARRIED.</b>   |
| 062                               | Sen. Bryant        | <b>MOTION: Moves SB 847 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.</b>   |
| 368                               | Sen. Trow          | States that this ought to be studied further and will oppose SB 847.  |
| 379                               | Sen. Leonard       | Explains his reasons for supporting SB 847.   |
|                                   |                    |   |

|                                      |                       |   |
|--------------------------------------|-----------------------|---|
| 390                                  |                       | <p><b>VOTE: 3-1</b></p> <p><b>AYE: 3 - Bryant, Derfler, Leonard</b></p> <p><b>NAY: 1 - Trow</b></p> <p><b>EXCUSED: 1 - Miller</b></p>   |
|                                      | Vice-Chair<br>Derfler | <b>The motion CARRIES.</b>  |
| 403                                  | Vice-Chair<br>Derfler | Closes work session on SB 847 and opens public hearing on SB 1117.  |
| <b><u>SB 1117 PUBLIC HEARING</u></b> |                       |   |
| 420                                  |                       | Staff presents a public letter submitted prior to the meeting ( <b>EXHIBIT D</b> ).   |
| 421                                  | Pamela<br>Ruona       | President, Capital Chapter, Oregon Women's Political Caucus. Presents and reads testimony in support of SB 1117 ( <b>EXHIBIT E</b> ). Comments on current boards and commissions. |
| 001                                  | Ruona                 | Continues to read testimony.  |
| 020                                  | Barbara<br>Alberty    | American Association of University Women (AAUW). Presents and reads a letter from Margaret Drummond, AAUW President, in support of SB 1117 ( <b>EXHIBIT F</b> ).                  |
| 052                                  | Vice-Chair<br>Derfler | Comments on the Governor's difficulty in finding qualified people.  |
| 053                                  | Alberty               | Comments on people serving on different boards.   |
| 054                                  | Jessica<br>Harris     | Legislative Assistant, speaks for Sen. Jeanette Hamby, Senate District 5. Presents testimony in support of SB 1117 ( <b>EXHIBIT G</b> ).  |
| 068                                  | Sen. Bryant           | Asks if they would oppose an amendment with the wording, "the most qualified person to serve."  |
| 069                                  | Harris                | States support for such a phrase.   |
| 071                                  | Sen. Bryant           | Comments on demographic differences among regions.  |
| 086                                  | Harris                | Agrees that is a consideration.   |
| 087                                  | Ruona                 | Suggests ways to choose people fairly in the various regions.   |
| 101                                  | Sen. Bryant           | States concern for areas where the demographics would vary from the rest of the state.  |
| 114                                  | Jan<br>Nordlund       | Committee Administrator. Notes <b>EXHIBIT D</b> .   |
| 116                                  | Vice-Chair<br>Derfler | Closes public hearing on SB 1117 and opens work session on SB 1117.   |
| <b><u>SB 1117 WORK SESSION</u></b>   |                       |   |

|  |                    |   |
|--|--------------------|---|
| 121                                    | Sen. Bryant        | Suggests conceptual amendments.   |
| 135                                    | Sen. Trow          | Comments on problems with the "qualification" wording.  |
| 147                                    | Sen. Leonard       | Requests dividing the conceptual amendments into two separate amendments.   |
| 157                                    | Sen. Bryant        | States the appointments would be subjective, but many factors should be considered when nominating the appointees.  |
| 165                                    | Sen. Trow          | Reiterates this wording could diminish the effect of SB 1117.   |
| 167                                    |                    | Discussion of specific wording for the amendments.  |
| 190                                    | Sen. Bryant        | <b>MOTION: Moves to AMEND SB 1117 on page 1, in line 7, after "include," insert "but not be limited to, "</b>   |
|  | Vice-Chair Derfler | <b>Hearing no objection, declares the motion CARRIED.</b>   |
| 202                                    | Sen. Bryant        | <b>MOTION: Moves to AMEND SB 1117 on page 1, in line 10, after "state" insert "or the region of appointment".</b>   |
|  | Vice-Chair Derfler | <b>Hearing no objection, declares the motion CARRIED.</b>   |
| 210                                    | Vice-Chair Derfler | Closes work session on SB 1117 and opens work session to introduce possible committee measures.   |
| <b>INTRODUCTION OF COMMITTEE BILLS</b> |                    |   |
| 211                                    | Sen. Trow          | Comments that a lot of good bills which have already been introduced are not being heard by the committee.  |
| 216                                    | Nordlund           | Lists the draft requests and LCs for possible introduction.   |
| 230                                    |                    | Discussion of the approval of measures in this committee.   |
| 240                                    | Nordlund           | Continues listing the draft and introduction requests.  |
| 273                                    | Vice-Chair Derfler | <b>MOTION: Moves LC's: 4345 dated 4/22/97 and 4322 dated 4/21/97 BE INTRODUCED as committee bills and LC 4288 dated 4/22/97 BE INTRODUCED, and drafting and introduction requests from Sen. Lim and two drafting and introduction requests from Sen. Stull be approved.</b> |
|  | Vice-Chair Derfler | <b>Hearing no objection, declares the motion CARRIED.</b><br><br><b>LC 4345 is introduced as SB 2 and LC 4322 is introduced as SB 1.</b>  |
| 277                                    | Vice-Chair Derfler | Closes work session and adjourns meeting at 4:48 p.m.   |

Submitted By, Reviewed By,

**Jennifer Peck, Jan Nordlund,**

**Administrative Support Administrator**

-

**EXHIBIT SUMMARY**

**A - SB 847, hand engrossed and proposed -2 amendments, staff, 6 pp**

**B - SB 847, written testimony, Max Williams, 9 pp**

**C - SB 847, letter and petition, John DiLorenzo, 4 pp**

**D - SB 1117, public testimony submitted prior to the meeting, staff, 2 pp**

**E - SB 1117, written testimony, Pamela Ruona, 2 pp**

**F - SB 1117, written testimony, Barbara Alberty, 1 p**

**G - SB 1117, letter, Jessica Harris for Sen. Jeannette Hamby, 1 p**

---