

HOUSE COMMITTEE ON
LEGISLATIVE RULES

Hearing Room
Tapes - 31

MEMBERS PRESENT:

Rep. Ray Baum, Chair
Rep. Lee Beyer, Vice-Chair
Rep. Tony Corcoran
Rep. Peter Courtney
Rep. Lynn Lundquist
Rep. Bill Markham
Rep. Patti Milne
Rep. Lonnie Roberts
Rep. John Watt

MEMBER EXCUSED:

STAFF PRESENT:

Cathryn Epley, Committee Administrator
Cynthia Charrey, Committee Assistant

MEASURES HEARD:

HB 3387 - Public Hearing and Work Session

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.

TAPE , Side A

003 CHAIR BAUM: Calls meeting to order at 4:00 p.m.

OPENS PUBLIC HEARING ON HB 3387

Witnesses: Rep. Bob Tiernan, District 24
Judge Mike McArthur, Association of Oregon Counties
Bill Sizemore, Oregon Taxpayers United
Rollie Smith, Governor's Commission on Senior Services
Colleen Seelock, Director of Elections
David Greenfield, Deputy Secretary of State
Mary Botkin, AFSCME
John Danielson, OEA

005 CATHRYN EPLEY, COMMITTEE ADMINISTRATOR: Gives overview of -1 amendments to HB 3387. (Exhibit A)

020 REP. ROBERTS: What is the definition of communicating about an issue or candidate

030 REP. TIERNAN, DISTRICT 24: Testifies in support of HB 3387

051 REP. ROBERTS If someone was taking work time and getting involved, is that the same as using public money to contribute to campaign?

058 REP. TIERNAN: I would agree with that.

063 REP. BEYER If the issue is public funds, isn't that already covered?

070 REP. TIERNAN: What I'm talking about is using dollars to put out literature, explain bond issues or school issues.. anything which would promote a candidate or issue.

081 REP. BEYER: Would your bill preclude discussion on whether or not something is needed?

085 REP. TIERNAN: There is nothing in the bill which prohibits that.

091 REP. BEYER: What if there is no voter's pamphlet?

093 REP. TIERNAN People would use information available with or without pamphlet.

108 REP. BEYER Would this preclude a mayor from speaking his or her mind at a luncheon or public function?

109 REP. TIERNAN: No it would not.

133 REP. CORCORAN Would this affect legislators?

135 REP. TIERNAN: No.

140 REP. CORCORAN: What was the origin of bill?

145 REP. TIERNAN: Oregon Tax Payers United asked me to introduce this bill.

166 REP. ROBERTS: Asks if Rep. Tiernan is attempting to redefine campaigning?

198 REP. TIERNAN: Continues to testify on HB 3387.

200 REP. WATT: What is the significance of 60 days?

204 REP. TIERNAN: Responds with why this window of time was chosen.

225 REP. BEYER: Would it be all right under this proposal for a city, for example, to mass produce pamphlets promoting an issue up to the day of election?

230 REP. TIERNAN: No. I don't think that is the intent of the bill.

276 REP. CORCORAN: When was this bill filed?

278 REP. TIERNAN: I believe we received it on the day of the deadline.

280 REP. CORCORAN: Are there any -1 amendments on this bill? We have only a -2 version.

285 REP. TIERNAN: I would refer that to the Committee Administrator.

300 CATHRYN EPLEY: These are the only amendments given to me.

350 REP. TIERNAN: Continues to testify on HB 3218.

Tape 30, Side A

004 JUDGE MIKE MCARTHUR, ASSOCIATION OF OREGON COUNTIES:
Testifies against HB 3387.

015 REP. MILNE: You say no one would be able to comment on candidate or
issue. Would you explain?

018 JUDGE MCARTHUR: Responds to Rep. Milne's question.

047 BILL SIZEMORE, OREGON TAXPAYERS UNITED: Testifies in support of HB
3387.

100 BILL SIZEMORE: Continues to testify in support of HB 3387.

161 BILL SIZEMORE: Testimony continues.

234 REP. BEYER: Does this bill preclude some public official from answering
my questions

239 BILL SIZEMORE: No, it does not. We're talking about the bulk or mass
distribution of communication at public expense.

282 BILL SIZEMORE: Testimony continues.

300 REP. ROBERTS: Where do you draw the line?

308 BILL SIZEMORE: If the line has to be drawn so that the law is black and
white and we allow no communication whatsoever in mass just prior to the
election, then that's what we have to do.

319 REP. CORCORAN: What about misinformation during the 60 day window?
Does your bill handcuff the ability of public employees to repudiate lies
during that 60 day period?

348 BILL SIZEMORE: There is nothing in this bill to prohibit straightening
out specific lie. They must do so on their own time, not public time.

370 REP. CORCORAN: So your answer is no.

395 BILL SIZEMORE: That is not what I said.

400 REP. CORCORAN: Have you brought evidence to this committee?

401 BILL SIZEMORE: No.

399 REP. CORCORAN: Would it affect legislators?

418 BILL SIZEMORE: Yes, as drafted, it would.

Tape 29, Side B.

005 REP. WATT: Essentially what you are trying to get at here is public funds
should not be used to influence election. Is that right?

013 BILL SIZEMORE: That is exactly correct.

026 ROLLIE SMITH, GOVERNOR'S COMMISSION ON SENIOR SERVICES: Testifies against HB 3387 (exhibit B).

088 ROLLIE SMITH: Continues to testify against passage of HB 3387

127 COLLEEN SEELOCK, DIRECTOR OF ELECTIONS, SECRETARY OF STATE: Testifies on HB 3387.

134 REP. BEYER: Is there already a statute which states public funds cannot be used either way to promote a ballot measure?

130 COLLEEN SEELOCK: Identifies the Little Hatch Act, for Rep. Beyer.

160 COLLEEN SEELOCK: Testimony on HB 3387 continues.

192 REP. BEYER: In the interpretation of this gray issue has your office found it difficult to make this type of call.

220 COLLEEN SEALOOCK: We do have difficulty making this type of call.

235 REP. BEYER: Have you some Attorney General's opinions that interpret those together

248 LYN ROSIK, ATTORNEY GENERAL'S OFFICE: The concern is for the work time of the employee.

280 REP. BEYER: Is that twenty-five dollar fine a real figure?

283 COLLEEN SEELOCK: Yes.

307 REP. BEYER: Is this a big problem?

310 COLLEEN SEELOCK: For some people it is a big problem.

354 REP. CORCORAN: How many cases of abuse are there? Is this a problem, not in number of complaints or a problem of the Secretary Of State's office not taking action on complaints?

363 COLLEEN SEELOCK: We do get a volume of complaints. Number found in violation is very small.

380 REP. CORCORAN: Could the volume of complaints be stimulated by anti government folks?

396 DAVID GREENFIELD, DEPUTY SECRETARY OF STATE: Would be happy to work with committee

400 DAVID FIDANQUE, EXECUTIVE DIRECTOR, OREGON ACLU : Testifies against passage of HB 3387.

Tape 30, Side B

003 DAVID FIDANQUE: Continues to testify against HB 3387.

084 MARY BOTKIN, AMERICAN FEDERATION OF STATE AND COUNTY MUNICIPAL EMPLOYEES: Testifies against HB 3387.

139 MARY BOTKIN: Testimony continues.

200 MARY BOTKIN: Testimony continues.

250 JOHN DANIELSON, OREGON EDUCATION ASSOCIATION: Testifies against HB
3387.

315 JOHN DANIELSON: Testimony continues.

397 ELLEN C. LOWE, ASSOCIATE DIRECTOR, ECUMENICAL MINISTRIES OF OREGON:
Testifies against HB 3387.

Tape 31, Side A

003 ELLEN C. LOWE: Testimony continues against HB 3387.