

HOUSE COMMITTEE ON GENERAL GOVERNMENT

February 25, 1993 Hearing Room 357 8:30 a.m. Tape 12 - 14

MEMBERS PRESENT: Rep. Cedric Hayden, Chair Rep. Jim Edmunson,
Vice-Chair Rep. Ken Baker Rep. Carl Hosticka Rep. Patti Milne Rep. Chuck
Norris Rep. Del Parks Rep. Lonnie Roberts Rep. Sharon Wylie

STAFF PRESENT: Janet Adkins, Committee Administrator Carolynn
Gillson, Committee Assistant

MEASURES CONSIDERED: HB 2334 - relating to motor vehicles HB
2674 - relating to county surveyors HB 2678 - relating to alcoholic
liquors HB 2180 - relating to alcoholic liquors HB 2558 - relating to
payment for election petition

signatures HB 2271 - relating to election expenses HB 2275 - relating to
elections

[--- Unable To Translate Graphic ---] 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. [--- Unable To Translate Graphic ---]

TAPE 12, SIDE A

008 CHAIR CEDRIC HAYDEN: Calls meeting to order 8:35 a.m.

Work Session on HB 2334

009 JANET ADKINS, Committee Administrator: Reviews that the bill
adds offense of unlawful display or sale of vehicle to offenses subject
to

civil penalty. > Refers to the -4 amendments from the Transportation
Subcommittee which brings dealers of special interest vehicles into
deal insurance

requirements amendments and provides a copy of the fiscal analysis on
the bill (EXHIBIT A).

MOTION: Rep. Parks moves HB 2334 as amended to the floor with a do
pass recommendation.

VOTE: In a roll call vote, the motion carries with all members
present voting AYE. Excused: Rep. Roberts Carrier: Rep. Barker

Work Session on HB 2674

048 ADKINS: The bill requested by the Association of County Surveyors
makes a number of housekeeping changes to statute including
authorization to

enter private property. > -1 amendment from the Transportation

Subcommittee removes center

quarter corners from the bill (EXHIBIT B).

078 REP. CHUCK NORRIS: Talks about the center quarter corners issue.

REP. DEL PARKS: Talks about other agencies with rights of access to private property.

MOTION: Rep. Hosticka moves HB 2674 as amended to the floor with a do pass recommendation.

VOTE: In a roll call vote, the motion carries with all members present voting AYE. Excused: Rep. Roberts Carrier: Rep. Hosticka

Work Session on HB 2678 Witnesses: Frank Conrad, Oregon Liquor Control Commission (OLCC) Merle Lindsey, OLCC Barbara Pelett, OLCC

112 ADKINS: This bill removes requirement of bond or other security for certain persons licensed by Oregon Liquor Control Commission if person

timely paid all fines, license fee and privilege taxes. > -1 amendment changes requirement to obtain exemption from five-year

period of consecutive license to a ten-year period. Fiscal analysis provided (EXHIBIT C).

MOTION: Rep. Parks moves HB 2678 as amended to the floor with a do pass recommendation.

REP. PARKS: Explains why he feels the additional staff person will be an unnecessary expense.

173 FRANK CONRAD, director of Fiscal Services, OLCC: Explains why two positions are being cut in their Privilege Tax Section.

215 REP. JIM EDMUNSON: I think your problem is not with this bill but with the budget. You would not be estimating a one FTE impact based upon

this bill unless there were proposed budget cuts. Agencies are going to have to learn to do less with less. Everything we do will have potential fiscal impact on state agencies.

CHAIR HAYDEN: How was the \$84,791 figure arrived at?

CONRAD: Thirty-eight percent of that amount are other payroll expenses and 62 percent is the actual salary.

249 REP. NORRIS: Maybe we should not take action on this bill until we find out about a proposal from the Field Agents Association that would take

the OLCC out of the owner/warehousing business and put them into the brokerage business which would drastically reduce staff.

275 REP. PATTI MILNE: Why does it take three years to audit 226 licensees? MERLE LINDSEY, assistant director of Taxation, OLCC: Explains the audit preparation process. We are looking for any missing purchases that were not reported to the OLCC.

REP. EDMUNSON: The testimony does not appear to support the fiscal impact and the fiscal impact assumes a budget reduction which has not been approved yet by Ways and Means.

VOTE: In a roll call vote, the motion carries with all members voting AYE. Carrier: Rep. Parks

380 REP. NORRIS: Requests unanimous consent for Rep. Roberts to be able to vote on HB 2334 and 2674. > There is no objection and Rep. Roberts votes AYE on both bills.

Work Session on HB 2180

384 ADKINS: HB 2180 would increase the number of licenses available for a Class C license which is issued to restaurants without a lounge area

that serve alcohol by the drink at the table incident to dinner. > A fiscal analysis is provided (EXHIBIT D).

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008 ADKINS: The Government subcommittee did not hear any negative testimony on the bill and OLCC did not testify about noncompliance.

REP. LONNIE ROBERTS: Explains he opposes the bill because of the type of entertainment establishments can have.

MOTION: Rep. Edmunson moves HB 2180 to the floor with a do pass recommendation.

049 BARBARA PELETT, OLCC: The businesses who apply for a Class C license are family type restaurants and they do not have nude entertainment.

064 REP. SHARON WYLIE: My understanding is that a liquor license expands regulatory controls on a business. It would also increase the

likelihood for police to respond if there is a problem.

VOTE: In a roll call vote, the motion carries with all members voting AYE. Carrier: Rep. Milne.

Work Session on HB 2558

096 ADKINS: This measure would limit the method of payment of petition circulators.

REP. ROBERTS: Can they be hired by the hour but not by the signature?

ADKINS: If there were independently contracted for, the contract could not be based on the number of signatures. > The -2 amendment prohibits paying someone to sign or not sign a

petition or receiving anything of value (EXHIBIT E). Both the payee and payor would be violators.

REP. KEN BAKER: Isn't it already in law a person cannot be paid to sign a petition?

ADKINS: Nothing was found in the statutes to prohibit it now. > Reviews background information on the issue.

150 Committee members discussed the following issues: > Creating a whole new cottage industry of gathering names on petitions. > Most likely be used by special interest fringe groups or rich people. > Petition signature gathers could qualify as independent contractors

and would have to provide worker's compensation insurance for their employees. > Bill reduces the financial incentive and increases the political

aspect of the initiative. > Narrowing scope of what people can do within an initiative referendum is wrong. > What valuable consideration includes. > Need way to address the petition fraud that has been going on.

370 MOTION: Rep. Parks moves to send HB 2258 as amended with the -2 amendment to the floor with a do pass recommendation.

CHAIR HAYDEN: If you go to a convention for the purposes of deliberating an issue you are not obligated to sign or vote in a certain way because food and beverage are consumed.

REP. EDMUNSON: Points out the difference of receiving something for free after signing a petition and attending a meeting where signatures are gathered but signing a petition is not required in order to attend.

VOTE: In a roll call vote, the motion carries with Reps. Roberts and Wylie voting NAY. Carrier: Rep. Hosticka

440 REP. ROBERTS: Serves notice of possible minority report.

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Work Session on HB 2271 Witnesses: Colleen Sealock, Office of Secretary of State

018 ADKINS: This bill would require the Secretary of State to reimburse counties for the cost of elections other than primary or general

elections. Refers to the fiscal analysis (EXHIBIT F).

Committee members discuss the costs of elections and who should pay for them.

REP. ROBERTS: If a U.S. Senate seat opened up, how long would we have to fill the vacancy?

111 COLLEEN SEALOCK, director, Elections Division: The governor determines the date of the special election. If the Governor picks a day before 79 days is up, no primary election is held. If it is a date after the 79th day, both a primary and special election would have to be held. The

Governor would look at what elections are coming up. There are five election dates available.

REP. ROBERTS: How will you budget for this?

SEALOCK: We would not budget for this. We recognize there is this possibility and would use the Emergency Board as a resource. Last time we paid for a local election it was in 1989 and the cost was \$4,000. The cost for a statewide election would be around \$600,000 to \$700,000.

205 MOTION: Rep. Baker moves HB 2271 to the floor with a do pass recommendation.

VOTE: In a roll call vote, the motion carries with all members present voting AYE. Carrier: Rep. Roberts

230 The committee takes a 10 minute break at 9:50 a.m.

Work Session on HB 2275 Nina Johnson, Office of Secretary of State
Colleen Sealock, Office of Secretary of State Vicky Ervin, Multnomah County

238 ADKINS: This is the elections omnibus bill requested by the Secretary of State and County Clerks Association. > Changes in the law are outlined in the preliminary staff measure

summary. Refers to the -4 amendments and a fiscal analysis (EXHIBIT G).

290 ADKINS: Reviews what Sections 1, 2, 3, 4 and 42 do.

342 NINA JOHNSON, executive assistant to Secretary of State:
Explains the requirement that the ballot state that the electors are being elected

for naming presidential candidates.

ADKINS: Reviews changes in Sections 5, 7, 8, 9, 11 and 12.

392 REP. NORRIS: In regards to Section 12, would that mean somebody could end up with an opponent? So a majority win in the primary does not

assure them of the office.

ADKINS: Yes. Another alternative discussed by the Government Subcommittee was for an unopposed sheriff candidate no run in the primary and just run at the general election.

426 ADKINS: Reviews Sections 13 through 18.

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025 ADKINS: Moves on to Sections 20, 21, 26 and 28 (see EXHIBIT G).

048 REP. ROBERTS: Why is there a requirement for a notarized statement of endorsement in Section 26? REP. NORRIS: Explains why a notarized statement must be obtained.

REP. ROBERTS: Can Secretary of State design a form for people to sign so if someone forges their name they can face a fine?.

SEALOCK: We have not researched that. If you take the notarization out, you would have to amend the statute to cover the penalty. Notarized was put into the law so the penalties currently available under a notary are available. We can review with legal counsel whether a sworn oath would be sufficient.

REP. MILNE: Use of a name can go undetected for an undetermined amount of time. It requires somebody bringing it to the individual's attention that their name has been used without authorization. Notarization of the name makes more sense. > Discussion of the issue with Rep. Roberts and Rep. Baker continues.

141 ADKINS: The change is only being made in the deadline for the local voter's pamphlet.

SEALOCK: Talks about the procedure the Elections Division follows concerning statements of endorsement.

ADKINS: Continues on with Sections 29 and 31 (see EXHIBIT G).

REP. ROBERTS: Section 31 is confusing.

187 VICKY ERVIN, director of elections, Multnomah County: Explains what long-term absent voters includes.

ADKINS: Reviews Sections 32-34 and 39-40.

201 REP. NORRIS: Talks about the amount of space available in the voter's pamphlet. > Suggests giving examples of statements from people who use the whole

page and those that use only on column.

ADKINS: Reviews Sections 42, 44-46 and 48-51.

267 REP. ROBERTS: What are we paying for the primary and general election voter pamphlets?

SEALOCK: Last biennium we were budgeted at \$1.8 million and we spent \$1.7 for both.

ADKINS: Reviews Sections 52-55.

REP. ROBERTS: In Sections 54 and 55, what triggers an automatic recount?

SEALOCK: It is one-fifth of one-percent or less.

301 ADKINS: Reviews Section 56 and 59.

REP. ROBERTS: In Section 59, what is meant by an amended statement of organization?

SEALOCK: Explains how the form is used for that purpose.

343 ADKINS: Distributes an additional amendment for Section 60 (EXHIBIT H). > Sections 60 and 61 clarify when a statement must be filed regarding

independent expenditures.

JOHNSON: Explains the changes included in the hand-engrossed technical amendment for Section 60. > We want to avoid forcing individuals who hold a party at their home

and collect contributions for a candidate to file a report as a political committee.

426 ADKINS: Clarifies the language on page 2 of the additional amendment concerning who is required to report. > Goes on to Section 63.

REP. EDMUNSON: Explains his amendment in Section 63 lengthening the time candidates are required to keep their accounts.

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039 ADKINS: Continues with Sections 64-70.

SEALOCK: Explains accounts are the records that support C&E reports.

ADKINS: Continues with Section 72 and so on. > Bolded language on lines 38 and 39 on page 35 should have been

deleted.

CHAIR HAYDEN: That will be a technical amendment we will get back to.

ADKINS: Reviews Section 74, 81 and 87.

REP. NORRIS: On page 35, lines 40-41, I thought we were trying to eliminate the pass through contributions? Was that under consideration?

JOHNSON: It would be in the Rules Committee and conflict amendments would deal with it.

079 ADKINS: Reviews Sections 82, 85-86, 90 and 91

REP. ROBERTS: Why would an elected individual have to be certified by the Board of Public Safety Standards and Training (BPST)?

SEALOCK: The BPST standards are in the statutes.

137 REP. EDMUNSON: Does the Oregon Constitution provide for sheriffs?

SEALOCK: It provides for the election date. > Refers to Article 6, Section 8 of the Oregon Constitution.

ADKINS: Reviews Sections 92, and 93-99.

169 CHAIR HAYDEN: Should we deal with this bill now or set it aside.

REP. ROBERTS: Only problem I have with the bill is in Section 91. What makes it necessary to go through BPST?

REP. BAKER: We are looking for a minimum level of competency in any profession.

228 ADKINS: Reviews the additional amendments requested: hand-engrossed version of Section 60, and 61 and a correction on page 35

MOTION: Rep. Edmunson moves to adopt the additional amendment to the -4 amendment for lines 38 and 39 on page 35. There is no objection

to that motion.

MOTION: Rep. Edmunson moves to adopt the additional amendments from the Secretary of State's office for Sections 60 and 61. There is no objection to that motion.

256 REP. ROBERTS: Will HB 2612 go out today?

CHAIR HAYDEN: I don't believe so.

MOTION: Rep. Edmunson moves HB 2275 with the -4 amendments as amended to the floor with a do pass recommendation.

MOTION AMENDED: Rep. Hosticka moves the bill be made a special order of business before roll call on the day it is scheduled to be heard.

VOTE: In a roll call motion, the motion carries with all members voting AYE.

300 CHAIR HAYDEN: Adjourns the meeting at 11:03 a.m.

Submitted by: Reviewed by:

Carolynn Gillson

Janet Adkins Assistant Administrator

EXHIBIT LOG:

A - HB 2334-4 amendment and fiscal statement - committee staff - 5 pages
B - Preliminary SMS and HB 2674-1 amendment - Transportation Subcommittee - 2 pages
C - Preliminary SMS, HB 2678-1 amendment and fiscal statement - committee staff - 4 pages
D - Preliminary SMS and fiscal statement on HB 2180 - committee staff - 2 pages
E - HB 2558-2 amendment - Government Subcommittee - 1 page
F - Preliminary SMS and fiscal analysis on HB 2271 - Government Subcommittee - 2 pages
G - Preliminary SMS, HB 2275-4 amendments and fiscal statement - committee staff - 77 pages
H - Proposed amendment to HB 2275 - committee staff - 2 pages