

HOUSE COMMITTEE ON GENERAL GOVERNMENT Subcommittee on Government

February 16, 1993 Hearing Room 357 8:40 a.m. Tapes 15 - 18

MEMBERS PRESENT: Rep. Del Parks, Chair Rep. Patti Milne Rep. Sharon Wylie Rep. Cedric Hayden

MEMBERS EXCUSED: Rep. Jim Edmunson

STAFF PRESENT: Janet Adkins, Committee Administrator Julie Dow, Committee Assistant

MEASURES CONSIDERED: HB 2275 HB 2612 HB 2271 HB 2558

WITNESSES PRESENT: Nina Johnson, Secretary of State's Office Tami Dettwyler, Secretary of State's Office Colleen Sealock, Secretary of State's Office Steve Lanning, Oregon AFL-CIO Senator Bill Dwyer, District 21 Lloyd Marbet, Don't Waste Oregon Lynn Rosik, Attorney General's Office

[--- 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 15, SIDE A

003 CHAIR PARKS: Calls meeting to order at 8:40 a.m.

HB 2275 - WORK SESSION

015 NINA JOHNSON, SECRETARY OF STATE'S OFFICE: Discusses proposed amendments from (EXHIBIT A).

079 JANET ADKINS, COMMITTEE ADMINISTRATOR: Refers to section 74. What is the purpose of the changes that are going to be made?

081 JOHNSON: One, to make sure that we get a timely statement of organization from the chief petitioners and secondly, to clarify the

report that needs to be filed 15 days after the due date for the initiative, which includes their contributions and expenditures dating back to the first contribution that they received or the expenditure that they made for their petition.

101 REP. CEDRIC HAYDEN: Refers to page 22, lines 24 and 25. If we come to the point where we are serious about campaign limits we will have to

address the issue of personal services. To be equitable, they should be declared as a benefit in a campaign.

124 JOHNSON: This has been discussed extensively and it is hard to know where to draw the line. Continues reading from (EXHIBIT A).

172 ADKINS: If a \$50.00 or more campaign contribution is made, does it have to be reported by the individual or the person who the contribution is

being made to?

177 JOHNSON: If you give your check to a campaign, they are bound, by law, to report that contribution.

206 REP. HAYDEN: It is easier to comply than to not.

215 JOHNSON: The liable person is the candidate and not the individual.

218 TAMI DETTWYLER, SECRETARY OF STATE'S OFFICE: When you send a check to a candidate, they are bound to report that contribution under O.R.S.

260.083.

238 JOHNSON: Suggests that the language be changed to "For persons of this section, an expenditure shall not include a contribution to a candidate or political committee that reports", changing "reports" to "is required to report".

243 REP. HAYDEN: The wording could read, "that is required, by law, to report."

249 JOHNSON: Continues to testify from (EXHIBIT A).

255 REP. HAYDEN: Refers to page 26, lines 12 and 13. Wants to know when the law requiring candidates to keep their records from four years to

two years would go into effect?

264 COLLEEN SEALOCK, SECRETARY OF STATE'S OFFICE: Currently it is written two years after the date of the election. Are you suggesting that we

start at the end of a reporting period?

272 REP. HAYDEN: Should that not start at the beginning of a reporting period rather than in the middle of a period?

295 CHAIR PARKS: For all future elections, it will be two years from the date of the election and that would be any election that is held ninety days after the bill is signed by the governor, is that correct?

309 SEALOCK: Yes, that is currently correct. However, it would be easy to insert a September, 1993 start date, just in that clause. That would

include the contributions and expenditures that individuals would now be making for the next primary election in 1994.

316 REP. HAYDEN: That would include them for legislative candidates. What about county clerks in local elections?

320 CHAIR PARKS: What date would that be?

321 DETTWYLER: September 1, 1993.

326 JOHNSON: Will need to discuss the starting date with Legislative Counsel.

379 CHAIR PARKS: Discusses HB 2275 from (EXHIBIT B).

TAPE 16, SIDE A IS THE SAME AS TAPE 15, SIDE A, REFER TO TAPE 15, SIDE B FOR CONTINUOUS TESTIMONY

TAPE 15, SIDE B

001 CHAIR PARKS: Continues discussion on HB 2275.

MOTION: CHAIR PARKS: Moves a conceptual amendment, in section 25,

that any citizen of Oregon be able to file a Supreme Court challenge on the issue of explanatory statements as opposed to being restricted to person's who offer a suggestion at the Secretary of State's

hearing.

DISCUSSION TO THE MOTION

075 CHAIR PARKS: The petition process belongs to the people and because they do not entirely know the process, they should not have their right forfeited.

087 SEALOCK: Would rather have all of the information go out in the voter's pamphlet than have the process bogged down with individuals who are

unfamiliar with the process.

098 REP. PATTI MILNE: Agrees with CHAIR PARKS.

VOTE: In a roll call, REPS. MILNE, PARKS and CHAIR HAYDEN vote AYE.

REP. WYLIE votes NO. REP. EDMUNSON is excused.

CHAIR PARKS: The motion CARRIES.

141 CHAIR PARKS: Continues to discuss issues on HB 2275.

180 CHAIR PARKS: Closes work session on HB 2275.

HB 2612 - WORK SESSION

208 ADKINS: Reviews bill and discusses HB 2612-2 amendments dated

2/9/93 from (EXHIBIT C).

MOTION: REP. WYLIE: Moves that HB 2612, AS AMENDED, be sent to the full committee with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. REP.

EDMUNSON and CHAIR PARKS are excused.

HB 2271 - PUBLIC HEARING

287 ADKINS: Reviews bill.

309 COLLEEN SEALOCK, SECRETARY OF STATE'S OFFICE: Testifies in support of HB 2271.

370 REP. HAYDEN: What is the fiscal impact?

371 SEALOCK: The fiscal impact is a little difficult to estimate. Does not know how many election recalls will be held. Believes that the impact

would be minimal.

395 REP. HAYDEN: You currently have legal authority to reimburse United States Representatives. Who can you not legally reimburse?

402 SEALOCK: United States Senators. Continues testimony.

434 REP. HAYDEN: If a recall election were to be held today and if the law were challenged, the counties would have to pay these costs.

TAPE 16, SIDE B

001 SEALOCK: That is correct.

003 REP. KEN BAKER: What are individuals who belong to a multi-county body? If they are not state officials, what are they?

007 SEALOCK: They would have a special district position and the costs for that type of an election would be shared between the counties who

participate.

013 ADKINS: Did you say that the change made in a United States Senate vacancy was made in 1985?

015 SEALOCK: The 1985 Legislature referred the issue to the voters in 1986 and it overwhelmingly passed.

020 REP. HAYDEN: Closes public hearing on HB 2271.

HB 2558 - PUBLIC HEARING

034 ADKINS: Reviews bill.

054 STEVE LANNING, OREGON AFL-CIO: Reads written testimony in support of HB 2558 from (EXHIBIT D).

071 REP. HAYDEN: In your opinion, what ways could people be paid to provide this service?

073 LANNING: Believes that individuals gathering signatures would fall under the State's minimum wage law and could be paid, at least, minimum wage.

076 VICE-CHAIR HAYDEN: Are you suggesting an hourly wage or a monthly salary?

077 LANNING: Yes.

088 NINA JOHNSON, SECRETARY OF STATE'S OFFICE: Testifies in support of HB 2558.

117 REP. MILNE: Would like examples of other valuable considerations.

128 VICE-CHAIR HAYDEN and JOHNSON: Give examples.

140 SENATOR BILL DWYER, DISTRICT 21: Testifies in support of HB 2558.

174 REP. SHARON WYLIE: Hears two problems from discussions; the issue of social security and employment requirements for the individuals

gathering petitions. Would this law prevent organizations from doing what some businesses do, offering a minimum wage salary with possible commission?

190 SEN. DWYER: That is a possibility. Does not want pay to be based on whether or not a drive was successful. Continues testimony.

269 REP. HAYDEN: Would it ever be possible for individuals to operate as independent contractors or would they always be defined as salaried

employees under this bill?

274 SEN. DWYER: The definition of independent contractor was not designed for these types of things.

301 REP. HAYDEN: Does not know how this law could stop an independent contractor from signing a contract.

316 SEN. DWYER: The bill is designed to regulate individuals who are providing this type of service.

357 CHAIR PARKS: Are you the sponsor of the bill?

360 SEN. DWYER: Yes.

361 CHAIR PARKS: Would you be offended if the bill was amended to prohibit individuals to pay someone to sign a petition?

368 SEN. DWYER: Feels that this would be redundant because it is

already in law.

382 CHAIR PARKS: Would this bill provide someone from being paid by the hour?

383 SEN. DWYER: No.

418 LLOYD MARBET, DON'T WASTE OREGON: Testifies in opposition to HB 255 8.

TAPE 17, SIDE A

009 MARBET: Continues testimony.

030 REP. PARKS: Have you used paid, political signature gatherers in campaigns?

031 MARBET: Yes.

032 CHAIR PARKS and MARBET discuss independent contractors working in the capacity of political signature gatherers.

095 CHAIR PARKS and MARBET: Continues discussion.

145 MARBET: Gives suggestions on how the flow of money could be monitored in regards to signature gatherers: >When individuals file an initiative petition for the ballot, they

should be required to form a political action committee. >Lower the signature gathering requirements. >More regulations are needed for the initiative process.

193 CHAIR PARKS: This bill provides a disincentive for contingent fees, would you favor prohibiting candidates from having contingent fees also?

203 MARBET: Yes.

218 CHAIR PARKS: Closes public hearing.

HB 2275 - WORK SESSION

220 CHAIR PARKS: Reopens work session.

241 CHAIR PARKS: Refers to (EXHIBIT B). Discusses issue of elections complaints.

254 LYNN ROSIK, ATTORNEY GENERAL'S OFFICE: O.R.S. Chapter 260, the chapter of the expenditure reporting and election laws and violation

enforcement, has two separate enforcement mechanisms.

306 CHAIR PARKS: Why are rules enforced and not statutes in relation to elections violations?

323 ROSIK: Feels that rules are fairer and gives individuals more notice as to what they can and cannot do.

333 REP. HAYDEN: How many violations can you assess for an

infraction?

343 ROSIK: Believes that would be up to the discretion of the Secretary of State.

370 REP. HAYDEN: Would like to know if wording could be incorporated into the bill that would ensure review of the administrative rules under

section 85, line 29 by a Legislative committee?

399 CHAIR PARKS: That is already being done through Legislative Counsel which is the appointed committee.

TAPE 18, SIDE A

MOTION: REP. HAYDEN: Moves HB 2275, AS AMENDED, be sent to the full committee with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. REP.

EDMUNSON is excused.

CHAIR PARKS: The motion CARRIES.

HB 2271 - WORK SESSION

077 CHAIR PARKS and REP. HAYDEN discuss fiscal impact of bill.

102 NINA JOHNSON, SECRETARY OF STATE'S OFFICE: This would be an unbudgeted expenditure.

116 REP. WYLIE: Understands that the state has always paid the expense in the past. If it is transferred to the counties, we would be

transferring a potentially unfunded mandate and understands that is against state policy.

134 CHAIR PARKS: Will continue with the work session for clarification.

143 CHAIR PARKS: Adjourns at 10:45 a.m.

Submitted by:

Reviewed by:

Julie Dow
Administrator

Janet Adkins Assistant

EXHIBIT LOG:

A - Amendments to HB 2275 - Nina Johnson - 6 pages B - Amendments to
HB 2275 - Nina Johnson - 1 page C - Amendments to HB 2612 - Staff - 1
page D - Testimony on HB 2558 - Steve Lanning - 2 pages