

HOUSE COMMITTEE ON GENERAL GOVERNMENT Subcommittee on Government

March 2, 1993      Hearing Room 357 8:30 a.m.      Tapes 25 - 26

MEMBERS PRESENT:    Rep. Del Parks, Chair Rep. Jim Edmunson Rep. Patti  
Milne Rep. Sharon Wylie Rep. Cedric Hayden, ex-officio

VISITING MEMBER:    Rep. Ken Baker

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

MEASURES CONSIDERED:            HB 2060 HJR 9 HB 2277 HB 2276 HB 2754

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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 25, SIDE A

CHAIR PARKS: CALLS TO ORDER AT 8:35 AND OPENS WORK SESSION ON 2060

WORK SESSION - HB 2060

EXHIBITS A & B PRESENTED

06      JANET ADKINS, COMMITTEE ADMINISTRATOR: REVIEWS (-1) AMENDMENTS.

21      MOTION: REP. EDMUNSON MOVES HB 2060 WITH -1 AMENDMENTS WITH NO OBJECTIONS.

015     MOTION: REP. EDMUNSON MOVES 2060 AS AMENDED TO THE FULL COMMITTEE WITH A DO PASS RECOMMENDATION,

VOTE: IN A ROLL CALL VOTE HB 2060 IS MOVED TO FULL COMMITTEE WITH A UNANIMOUS DO PASS RECOMMENDATION.

PUBLIC HEARING & WORK SESSION - HB 2277

039      CHAIR PARKS OPENS PUBLIC HEARING AND WORK SESSION

REP. COURTNEY ARRIVES.

PUBLIC HEARING & WORK SESSION - HJR 9

EXHIBIT C PRESENTED

046 CHAIR PARKS OPENS PUBLIC HEARING AND WORK SESSION ON HJR 9  
(CECIL EDWARDS BUILDING)

056 REP. PETER COURTNEY, DISTRICT 33: PRESENTS TESTIMONY IN FAVOR OF HJR 9.

194 REP. BAKER: WHAT IS THE PRECEDENT FOR NAMING BUILDINGS OR MONUMENTS AFTER INDIVIDUALS?

211 REP. COURTNEY: THERE IS A TRADITION OF ONLY NAMING BUILDINGS AFTER THOSE WHO ARE DECEASED OR IN REFERENCE TO THEIR FUNCTIONS. DISCUSSION OF

HATFIELD MARINE CENTER, BOWERMAN ATHLETIC BLDG.

232 REP. EDMUNSON: SUGGESTS THAT WITH TERM LIMITATIONS, HE URGES PASSAGE BECAUSE HE WANTS TO BE ABLE TO VOTE ON THIS ONE, ADDING THAT CECIL IS

ONLY 86.

245 REP. WYLIE: SUGGESTS THAT IF CECIL HAS NO OBJECTIONS THIS WOULD BE A WONDERFUL TRIBUTE AND WOULD HELP RAISE THE IMAGE OF THE ARCHIVES

BUILDING.

275 DISCUSSION CONTINUES ON LACK OF CLEAR POLICY ON NAMING OF STATE BUILDINGS AFTER INDIVIDUALS.

319 CHAIR PARKS: HE WOULD LIKE TO MOVE THE BILL. HAVE REP. COURTNEY CHECK BEFORE THE FULL COMMITTEE MOVES ON IT. IF VIOLATION OF POLICY, MAYBE

SHOULD CHANGE POLICY. "THIS BUILDING IS MADE FOR THIS MAN."

MOTION: REP. EDMUNSON MOVES HJR 9 TO FULL COMM WITH DO PASS.

360 VOTE: IN A ROLL CALL VOTE HJR 9 PASSES TO FULL COMMITTEE WITH A DO PASS RECOMMENDATION, ALL MEMBERS VOTING AYE.

PUBLIC HEARING & WORK SESSION - HB 2276

EXHIBIT D PRESENTED

384 NINA JOHNSON, EXECUTIVE ASSISTANT/SECRETARY OF STATE: TESTIFIES FOR HB 2276.

TAPE 26, SIDE A

NINA JOHNSON: TESTIFIES ON HB 2276, CALLING IT OREGON'S LITTLE HATCH

ACT. ATTENTION TO EXHIBIT D FISCAL ANALYSIS OF PROP 2276. COMPLAINTS HAVE BEEN USE OF COPY MACHINES AFTER HOURS TO COPY CAMPAIGN

FLYERS. ALSO SHERIFFS' CARS USED TO DELIVER CAMPAIGN LITERATURE.

031 JOHNSON: AS LAW IS CURRENTLY WRITTEN THEY CAN'T ACT ON COMPLAINTS.

040 CHAIR PARKS: ASKS QUESTION ABOUT USING HIS OFFICE AND TYPEWRITER WHILE WORKING ON SCHOOL DISTRICT CAMPAIGN. ALSO LET PEOPLE USE HIS

OFFICE IN

OPPOSITION TO MEASURE 9... WOULDN'T ALL OF THESE USES VIOLATE THIS?

056 JOHNSON: A REALLY GOOD QUESTION. DISCUSSION CONTINUES.

CHAIR PARKS: WOULD I HAVE TO KEEP SOME KIND OF ACCOUNTING SYSTEM?

COLLEEN SEALOCK, ELECTIONS DIRECTOR, SEC OF STATE'S OFFICE: THIS POINTS OUT THE DIFFICULTY THEY'VE HAD IN TRYING TO NARROW THIS BILL. I THINK

WE ALL AGREE THAT PUBLIC OFFICIALS, BOTH ELECTED AND NON-ELECTED, SHOULD NOT BE USING PROPERTY OWNED BY A PUBLIC ENTITY...IT DOESN'T COVER THE

INCIDENTAL USE OF THE OFFICE.

096 REP. WYLIE: HOW BIG A PROBLEM ARE WE TRYING TO SOLVE?

SEALOCK: IT IS HARD TO GAUGE, BUT IT PRIMARILY HAPPENS IN SCHOOL DISTRICTS, ALTHOUGH LOCAL SHERIFF'S RACES ARE INVOLVED SOMETIMES.

REP. WYLIE: WHAT IS THE PENALTY AND WHAT WOULD BE THE PROCESS OF

FOLLOWING UP ON A COMPLAINT AND RESOLVING IT?

SEALOCK: MAXIMUM PENALTY IS \$250 PER INCIDENT, ALTHOUGH WE RARELY CHARGE IT FOR A FIRST TIME INCIDENT. SAYS INVESTIGATION WOULD PROBABLY RESULT

IN WARNING FOR FIRST INCIDENT.

REP. WYLIE: IF THIS WAS A SCHOOL, WOULD THE FINE BE LEVIED AGAINST THE

CAMPAIGN TO PASS THE BOND MEASURE OR THE SCHOOL BOARD FOR ALLOWING THE

BUILDING TO BE USED?

SEALOCK: WE WOULD HAVE TO INVESTIGATE WHO WE BELIEVED TO BE RESPONSIBLE. ANY IMPOSED FINE RETURNS TO THEM.

REP. WYLIE: DO YOU HAVE THE STAFF TO INVESTIGATE ALL OF THESE PROBLEMS

PARTICULARLY SINCE YOU DON'T GET THE FINE TO SUBSIDIZE THE

INVESTIGATION?

SEALOCK: WE ARE NEVER THE RECIPIENT OF FINE MONEY;IT GOES INTO A GENERAL FUND.

45 REP. BAKER: THIS REALLY GOES BEYOND THE USE OF FACILITIES, IT GOES TO THE USE OF INFORMATION..INAPPROPRIATELY.. AS IN SCHOOLS GIVING LISTS OF PARENTS FOR MAILING LISTS.

155 REP. MILNE: SHE RECEIVED A LETTER FROM SCHOOL DISTRICT URGING VOTE ON BUDGET. HOW DO WE SEPARATE THOSE?

168 SEALOCK: IF THE LETTER WAS PAID FOR BY A PAC, THAT WOULD BE OK,... THE PROBLEM WOULD BE IF THE PAPER WAS PROCLUDED USING SCHOOL FACILITES.

WHERE WAS IT PRINTED?

190 JOHNSON: WANTS TO MAKE IT CLEAR THAT THIS IS NOT AN ANTI-SCHOOL BILL. TALKS ABOUT THE CHALLENGE OF MORE NARROWLY GETTING AT WHAT WE'RE TRYING TO DO HERE..APPROPRIATE USE OF TAX MONEY RELATED TO CAMPAIGNS AS WELL AS MEASURES. QUITE CHALLENGED BY IT.

REP. BAKER: ACCESS TO DELIVERY SYSTEM WOULD GIVE A LOPSIDED ADVANTAGE OVER ANOTHER.

207 CHAIR PARKS: CONCERN THAT THERE ARE ALREADY TOO MANY INCENTIVES FOR OFFICIALS NOT TO TAKE A STAND ON THINGS. THINKS THAT THE BILL HAS A

REAL "CHILLING EFFECT." WOULD YOU LIKE TO HAVE THE BILL IF YOU ONLY HAD SUB 1?

225 JOHNSON: SHE WOULD LIKE TO HAVE THE BILL IF BOTH SUBSECTIONS, THE NEW LANGUAGE IN SUB 1 & 2.

SEALOCK: RE: SECTIONS 1 & 2. THIS IS THE SUBSECTION THAT CORRELATES WITH HB 2065.

250 PAUL SNYDER, ASSOC. OF OREGON COUNTIES: TESTIFIES IN OPPOSITION TO BILL. BIGGEST CONCERN IS SUBSECTION 3. SNYDER SAYS THAT FOR COMMISSIONERS TO DISCUSS WHETHER TO TAKE A POSTION ON A BALLOT MEASURE WOULD PERHAPS BE A VIOLATION

ACCORDING TO SUB THREE. "THIS WOULD BE A VERY DANGEROUS PRECEDENT." 282 CHAIR PARKS: HE THINKS THAT IS PRETTY SOUND LOGIC. DISCUSSION FOLLOWS. PARKS SAYS HE THINKS THE PEOPLE HAVE A RIGHT TO HAVE THEIR COMMISSIONERS ON THE RECORD.

REP. BAKER: WE NEED A CLEAR POLICY STATEMENT.

329 REP. WYLIE: QUITE COMFORTABLE WITH SEC 1 AND 2. PROBLEM WITH SEC 3.

344 CHAIR PARKS: WILL PASS OVER 2276 AND RETURN TO IT AS TIME PERMITS.

PUBLIC HEARING AND WORK SESSION - HB 2754

FIVE MINUTE RECESS

EXHIBIT E PRESENTED

388 CHAIR PARKS: CALL BACK TO ORDER AT 9:50. RETURNS TO PH AND POS WS ON HB 2754. CALLS REP. VANLEEUEWEN TO STAND.

TAPE 25, SIDE B

005 REP. VANLEEUEWEN: CALLS ATTENTION TO EXHIBIT E, MEMO FROM LC COMPARING CURRENT LAW AND WHAT THE BILL WOULD DO.

038 TED REUTLINGER, LEGISLATIVE COUNSEL: TALKS ABOUT VETO OF THE BILL LAST SESSION BECAUSE IT PROHIBITED FORMATION OF MINOR PARTY

AFTER.....SUGGESTS THAT THERE MIGHT BE A CONSITUTIONAL PROBLEM IF THE EXEMPTION IN SUBSECTION 5 IS REMOVED. DOES PROVIDE A LOOPHOLE FOR THE

FORMATION OF MINOR PARTY CANDIDATE.

067 REP. BAKER: WHY DO WE HAVE 180 DAYS BEFORE THE PRIMARY? WHY NOT ONE DAY?

075 REUTLINGER: NOT SURE WHY LEGISLATURE HAS CHOSEN THAT. REASONS GENERALLY ARE TO REQUIRE SOME PROOF THAT YOU ADHERE TO THE BELIEFS OF THAT PARTY.

092 REP. EDMUNSON: RIGHT OF ASSEMBLY---PROBLEM AFTER THE 250TH DAY?

128 REUTLINGER: CLARIFIES THAT THE WAY THE BILL IS WRITTEN NOW IT WOULD NOT DISALLOW THE RUNNING OF MINOR PARTY CANDIDATE AFTER THE 250 DAYS.

REP. VANLEEUWEN: IS THE ONLY PERSON AFFECTED A DISGRUNTLED PERSON WHO HAD BEEN A CANDIDATE IN THE PRIMARY? IT WOULD RESTRICT THE FREEDOM OF SOMEONE WHO HAD RUN UNSUCCESSFULLY UNDER ANOTHER BANNER.

156 REUTLINGER: PARAPHRASES THE VETO MESSAGE: BASICALLY THERE IS NOTHING WRONG WITH THE CURRENT PROCESS. GOV THOUGHT WE SHOULDN'T MAKE IT MORE

DIFFICULT FOR PEOPLE TO RUN IN ELECTIONS.

173 REP. BAKER: SUGGEST THAT YOU SHOULD JUST COLLAPSE THE WHOLE REQUIREMENT FOR ALL CANDIDATES. WOULDN'T THAT SOLVE THE PROBLEMS?

184 REP.. VANLEEUWEN: IT MIGHT CREATE A FEW MORE...FORCING MINOR PARTY CANDIDATES TO MEET STRICTER REQUIREMENTS MIGHT STIFLE THEIR ATTEMPTS TO BE A PART OF THE OREGON POLITICAL PROCESS.

PUBLIC HEARING AND WORK SESSION - HB 2277

EXHIBIT F PRESENTED

204 CHAIR PARKS MOVES TO 2277 , FURTHER PH AND POS WS.

219 CHAIR PARKS: INVITES COLLEEN SEALOCK AND TED REUTLINGER TO STAND.

231 CHAIR PARKS: ASKS FOR CLARIFICATION OF AMEND FROM REUTLINGER CONCERNING EMERGENCY ELECTION.

256 WALTER CREWS, NCO ASSOC.: WANTS 45-DAY TURNAROUND FOR THE BALLOTS TO BE SENT, RECEIVED, MARKED AND SENT BACK IN TIME FOR THE ELECTION. SAYS HE

PREFERS 2277 ... SAVES MONEY.

275 REP. WYLIE: IF A CITY NEEDS TO HAVE A JUNE ELECTION, ALL THEY NEED TO DO IS DECLARE AN EMERGENCY? AN EMERGENCY WOULD LEAVE THE NCO'S OVERSEAS

OUT OF THE PROCESS?

296 ADKINS RE: SECTION 3.... NEED TO GIVE 47 DAYS NOTICE TO COUNTY.

302 VICKI ERVIN, CLERK FROM THE ELECTIONS DIVISION, MULTNOMAH COUNTY: CLARIFIES THE EMERGENCY STIPULATION.

DISCUSSION CONTINUES ON THE EMERGENCY PROVISION.

362 VALERIE PAULSON, LEAGUE OF OREGON CITIES: TESTIFIES AGAINST HB 227 7. CONCERN ABOUT COST OF AN EMERGENCY ELECTION...CONCERN THAT SEPTEMBER

ELECTION WOULD NOT WORK.

423 STEVE RHODES, CITY MANAGER, TUALATIN: TESTIFIES AGAINST HB 2277. SAYS IT WOULD BE COSTLY TO HAVE A DELAY IN GETTING RESULTS.

TAPE 26, SIDE B

010 PAUL SNYDER, ASSOC OF OREGON COUNTIES: TESTIFIES AGAINST HB 2277.

041 CHAIR PARKS OPENS WORK SESSION ON HB 2277. DISCUSSION OF PROPOSED AMENDMENTS--ONE REDUCED TO WRITING, OTHER IS 45 DAY ORIGINALLY

INCORPORATED IN HB 2583.

050 MOTION: REP. EDMUNSON MOVES THE -1 AMENDS AND CONCEPTUAL AMENDMENTS ON HB 2277, TO EXTEND THE PERIOD TO 45 DAYS FOR PRINTING OF ABSENTEE

BALLOTS.

NO OBJECTIONS. AMENDMENTS ADOPTED.

060 MOTION: EDMUNSON MOVES 2277 TO FULL COMMITTEE AS AMENDED WITH DO PASS RECOMMENDATION.

066 EDMUNSON: COSTS OF JUNE ELECTION IS ALMOST ALWAYS BORNE BY THE JURISDICTION REQUESTING THE ELECTION. CONCERN THAT THE JUNE ELECTION

DISENFRANCHISEES ABSENTEE VOTERS. COSTS WOULD BE THE SAME. HAS TAKEN

CONCERNS OF CITIES AND COUNTIES TO HEART, NO HOOPLA FOR EMERGENCY TO BE DECLARED.

REP. MILNE: AGREES WITH EDMUNSON.

REP. WYLIE: NOT QUITE PERSUADED.

108 VOTE: IN A ROLL CALL VOTE, HB 2277 AS AMENDED MOVES TO FULL COMMITTEE WITH DO PASS RECOMMENDATION. WYLIE NO; REST AYE. PARKS ADJOURNS AT 10:25 AM.

Submitted by

Reviewed by

Laurie Baird

Janet Adkins Clerk  
Committee Administrator

WITNESSES:

REP. PETER COURTNEY, DISTRICT 33 NINA JOHNSON, EXECUTIVE  
ASSISTANT/SECRETARY OF STATE COLLEEN SEALOCK, ELECTIONS DIRECTOR, SEC OF  
STATE'S OFFICE PAUL SNYDER, ASSOC. OF OREGON COUNTIES TED REUTLINGER,  
LEGISLATIVE COUNSEL

EXHIBIT LOG:

A - HB 2060: (-1) amendments and electronically engrossed copy  
submitted by staff, pp 1 B - HB 2060 Hand engrossed copy of bill, pp  
1 C - HJR 9 Written testimony submitted by Courtney, pp 3 D -  
2276 Preliminary staff measure summary and fiscal impact statement  
submitted by staff, pp 1 E - 2754 Written testimony submitted by  
VanLeeuwen, pp 2 F - 2277 (-1) amendments and electronically  
engrossed copy submitted by staff, pp 1