

House Committee on Legislative Rules & Reapportionment May 1, 1991 -
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proceedings, please refer to the tapes.

HOUSE COMMITTEE ON LEGISLATIVE RULES AND REAPPORTIONMENT

May 1, 1991 Hearing Room E 5:00 p.m. Tapes 32 - 34

MEMBERS PRESENT: Rep. Greg Walden, Chair Rep. Peter Courtney,
Vice-Chair Rep. Ray Baum Rep. Margaret Carter Rep. Ron Cease Rep.
Beverly Clarno Rep. Carl Hosticka Rep. Tom Mason Rep. Fred Parkinson

MEMBER EXCUSED: Rep. Randy Miller Rep. Bill Markham

VISITING MEMBER: Rep. Beverly Stein Rep. Bob Pickard Sen. Shirley
Gold

STAFF PRESENT: Greg Leo, Committee Administrator Mary Walling,
Committee Assistant

MEASURES CONSIDERED: HB 2826 - Limits Number of Measures
HB 2981 - Ten-day Organizational Session HB 2161 - Committee on Human
Investment SB 288 - Election Law Civil Penalty HB 2683 - Regarding
Campaign Contributions HB 2607 - Campaign Finance Reform HB 2401 -
Prohibits Smoking in Capitol

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statements made during this session. Only text enclosed in quotation
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proceedings, please refer to the tapes.

TAPE 32, SIDE A

010 CHAIR WALDEN: Calls the meeting to order at 5:15 p.m.

(Tape 32, Side A) HB 2981 - Ten-day Organizational Session, Public
Hearing

023 CHAIR WALDEN: Since Rep. Van Vliet was detained and as there was no
one else present to testify, another hearing will be held.

REP. HOSTICKA: Has some suggestions that he would be interested in presenting, such as committees be appointed and bills prepared and then entire legislative assembly come in later. Would not change alternate year legislature.

CHAIR WALDEN: Would be worth taking time to explore and would be happy to work with Rep. Hosticka.

(Tape 32, Side A) HB 2683 - Campaign Contributions, Public Hearing

092 CHAIR WALDEN: Since Rep. Miller was unable to be present and there was no one else present to testify, another public hearing will be scheduled at a later date.

(Tape 32, Side A) HB 2826 - Limits Number of Measures, Public Hearing
Witness: Rep. Beverly Clarno, House District 55 Randy Hilderbrand,
Assistant to Rep. Clarno

099 REP. BEVERLY CLARNO, HOUSE DISTRICT 55: Submits amendments (EXHIBIT A) in support of HB 2826.

>Amendments were drawn up to address the concern that bill was not clear whether it was the speaker of the house and senate president of the incoming session or the previous session who were entitled to request measures. Committee wanted it to be clear that bill referred to incoming session leadership.

122 >Realizes that it is almost impossible to limit the number of bills introduced, but hopes to eliminate the pandemonium or confusion that occurs. That is reason for unlimited requests prior to December 15th, and after that limit requests so Legislative Counsel can have a better quality process. The period of time from December 15th to 36 days after session begins is the period when Legislative Counsel is over burdened.

040 REP. MASON: What do other states do? Thinks Colorado has a limitation.

142 RANDY HILDERAND, ASSISTANT TO REP. CLARNO: Colorado does limit the number of bills introduced in a regular session to five bills per legislator.

>Under this bill, the number of measures a committee could introduce would be unlimited. There is no reference to this in the bill.

229 REP. CEASE: An important part of the process is for the committees to introduce bills and be very difficult to put a limit on the bills committees could introduce.

CHAIR WALDEN: Get around that because the bill allows the Rules Committee to make exceptions.

REP. CEASE: That pertains more to the end when the process is closed off and the Rules Committee would allow a few extra that have merit to be introduced.

>At the beginning of the session, the committees introduce bills on a fairly regular basis. Don't want to eliminate that.

252 REP. CLARNO: Intention is not to encumber the committee process. Legislative Counsel said the committees are not the problem, because the

members introduced about 3,000 bills and committees about 400 bills.

>Several concerns the committee expressed were: -Should bill include wording to exclude or limit bill introduction by committees. -If limitation added, what would be a reasonable number per committee. -If limitation added, should Judiciary Committee be allowed a larger number.

TAPE 33, SIDE A

080 CHAIR WALDEN: Delay work session till a later date and prepare new amendments that address these concerns.

(Tape 33, Side A) HB 2161 - Committee on Human Investment, Public Hearing Witnesses: Rep. Beverly Stein, House District 14

119 REP. BEVERLY STEIN, HOUSE DISTRICT 14: Testifies and presents amendments (EXHIBIT B) in support of HB 2161.

>Provides background information (EXHIBIT C).

>This is a proposal that addresses the future. Discusses the poverty level of American families, lack of skilled workers. The future is extremely scary.

>Business community and people who are interested in social services and education have a united interest. They have an interest in making sure that every child is able to complete high school, that every at risk child is able to get services, that every person is able to get the job training they need.

>No longer social service advocates going to business people saying please help take care of the needy. Have a united interest now.

>These issues transcend partisan politics. It is essential that we bind together and respond to a crises the community, the state, and the nation is facing.

>Goals of Human Investment Strategy are to make sure have the skilled workers, competent parents, active citizens and high performance businesses that will be able to address these trends.

>In order to implement a Human Investment Strategy have to change people's thinking about problems. One way is to understand fully that social and economic policy are two sides of the same coin. No longer can people afford to think that improving the economy, getting jobs into our state or developing businesses is somehow disconnected from the need to make sure children are able to learn, they are not abused, that they have family and community support to grow up in.

>Three basic principles: -Invest and not spend and focus on outcomes. -Focus on client centered service systems. -A public/private partnership.

>Human Investment Strategy that is proposed here has been adopted by the Oregon Progress Board as the method of implementing the exceptional people benchmarks. With the Human Investment Strategy as the vehicle and Partners for Human Investment as the mechanism and the benchmarks as the goals, can be sure resources are aimed in an effective and efficient manner to get outcomes desired.

259 >This legislation asks that a special joint committee be setup that meets once a month or once every two months with representatives from the housing committee, education committee, human services committee and the economic development committee and look at benchmarks for exceptional people.

275 >Amendments add housing agency to bill. Instead of chair persons of the standing committees, have asked that there be representatives of each of the committees.

295 REP. HOSTICKA: Doesn't this layer over the system with a bigger system? What about having the human investment committee and then abolish the committees on education, human resources, housing, and economic development and if anything make them subcommittees of the committee on human investment. Achieve a greater sense of coordination and articulation and oversight if done in that way.

318 REP. STEIN: Would be willing to explore that possibility. Don't want to run risk not being able to get this in place. Don't see it as another layer; see it as a linkage.

388 REP. STEIN: Has a vision of family support centers in every community.

TAPE 32, SIDE B

050 REP. CEASE: The measure has five members of house and senate. Want to be sure this is from both parties. Don't want to end up having a committee of ten members from the same party.

>If want this committee to have clout and really work, there is the danger if it is not put together well, there will be turf battles. Needs a little more fine tuning on the composition of the committee.

058 REP. STEIN: Will be glad to work with Rep. Cease to figure out what to do.

(Tape 32, Side B) SB 288 B - Election Law Civil Penalty, Public Hearing
Witnesses: Sen. Shirley Gold, Senate District 7 Nina Johnson, Secretary of State's Office

063 SEN. SHIRLEY GOLD, SENATE DISTRICT 7: Testifies in support of SB 288 B engrossed.

>Bill was drafted by interim committee on Government Operations.

>The concerns were in regard to the appeals process and the hearings process and the time lines connected with those in relation to election law violations and the potential of civil penalty.

103 NINA JOHNSON, EXECUTIVE ASSISTANT TO THE SECRETARY OF STATE:
Testifies in support of SB 288 B.

>The bill has two timing pieces to it. One is how soon a hearing must be held after someone requests it. It provides for 30 days unless the person against whom the fine has been assessed asks for an additional 15 days, which would make it 45 days.

>The final order must be issued not later than 120 days after the hearing. This was worked on with the Election Division staff and they are comfortable with the time limits.

113 SEN. GOLD: A shorter time line might be better, but this is a vast improvement over the way it is done now.

131 REP. COURTNEY: In your bill on page 3, line 4, it says "All hearings under this section shall be held not later than 30 days after the deadline for the person against whom the penalty may be assessed to request a hearing." What deadline are you referring to there?

SEN. GOLD: There is a 7 day period in which the person who is assessed the civil penalty can ask for the hearing. That means there is a maximum of 37 days.

REP. COURTNEY: The Secretary of State levies a fine. The person who has the fine levied against him has 7 days to decide if he wants to contest it. The hearing has to be held within 30 days of the end of the 7 days or can add 15 more days if person getting fined says he wants more time.

SEN. GOLD: The reason for that was if person wants to avail himself of attorney services.

161 JOHNSON: It is worded a little oddly because if look on page 1, line 22, the Secretary of State on his or her own motion can ask for a hearing. Have to have some triggered deadline that would kick in the time limit for the hearing because the person against whom the fine has been levied may not ask for the hearing.

178 >Reason for the 120 day provision on the final order is that Secretary of State's office contracts for the services of all their hearing officers. It is hard to schedule anything in much less time than that.

250 >Discussion regarding the 120 days as opposed to 60 or 90 days. Election Division feels that it is important to have that much time.

(Tape 32, Side B) SB 288 B - Election Law Civil Penalty, Work Session

285 MOTION: Rep. Courtney moves SB 288 B engrossed to the floor with a do pass recommendation.

MOTION: Rep. Courtney withdraws his motion.

MOTION: Rep. Cease moves to amend SB 288 B engrossed on page 2, line 2, delete "120 days" and insert "90 days" and on page 3, line 11, delete "120 days" and insert "90 days".

VOTE: On hearing no objection, motion carried.

MOTION: Rep. Courtney moves SB 288 B engrossed as amended to the floor with a do pass recommendation.

VOTE: Motion carried with all members present voting aye. Rep. Baum, Carter, Markham, and Miller excused. Rep. Mason will carry the bill.

(Tape 32, Side B) HB 2607 - Campaign Finance Reform, Public Hearing
Witnesses: Joel Ario, OSPIRG Nina Johnson, Secretary of State's Office

Additional testimony to be entered in the record from Rep. Mike Burton (EXHIBIT D) and from Rep. Jim Edmunson (EXHIBIT E).

371 JOEL ARIIO, OSPIRG: Testifies in support of HB 2607.

>OSPIRG believes this is a comprehensive approach to the campaign finance problems the state faces and would be a vehicle to move forward with a comprehensive solution.

>Divide the issues into three parts: contribution, spending, and series of housekeeping matters.

>Compared HB 2607 with HB 2400, HB 1150, and HB 2754 which also deal with campaign finance reform.

TAPE 33, SIDE B

>The committee has a number of bills on campaign finance reform. All of them have some good provisions. OSPIRG hopes that the committee would come back with a comprehensive package. In general, HB 2607 represents the framework for a comprehensive solution to the problem.

053 >Discussion by committee regarding in kind contributions and cash contributions.

088 NINA JOHNSON, EXECUTIVE ASSISTANT TO THE SECRETARY OF STATE: Submits testimony (EXHIBIT F) and testifies in support of HB 2607.

>In response to discussion re in kind contributions and expenditures, in kind is considered expenditure.

126 REP. HOSTICKA: On the independent expenditure category who bears the burden of proof as to whether an expenditure is independent or not. The person alleging it is not independent or the person defending.

>Asks staff to look into that on all the bills. If there isn't anything in there, maybe something should be put in.

(Tape 33, Side B) HB 2401 - Prohibits Smoking in Capitol, Public Hearing Witnesses:Rep. Bob Pickard, House District 54 Gerardine Odisio, American Lung Association of Oregon Laurel Whitehurst

156 REP. BOB PICKARD, HOUSE DISTRICT 54: Testifies in support of HB 2401.

>Feels that a state office building should not be a place that allows people to smoke. It is very offensive to the nonsmokers.

>The Capitol Building is constructed in two sections and there is an insufficient ventilation system.

228 REP. CEASE: The Legislative Administration Committee is the landlord of this building and they could establish a no smoking policy.

245 GERARDINE ODISIO, AMERICAN LUNG ASSOCIATION OF OREGON: Testifies in support of HB 2401.

>Presents factual information regarding the hazards of second hand smoke

>Second hand smoke is one of the primary mechanisms of physical harm to smokers themselves.

>Second hand smoke is a cause of disease, including lung cancer and heart disease. Children of smoking parents have respiratory damage.

>Believe that at least 50,000 Americans die every year as a result of exposure to second hand smoke.

>Separating smokers and nonsmokers in a building can reduce, but does not eliminate, exposure to second hand smoke.

375 REP. COURTNEY: In some buildings there is a problem when smoking is banned, because there is no outside area that is protected from elements. Capitol Building has three areas with an overhang on the south side of building that smokers could use.

425 REP. CARTER: Has severe allergic reaction to smoke. On third floor it is so severe breathing is affected.

>Feels it would be cheaper for the leadership to take a position on this rather than go through bill form. Could go through an administrative rule on this.

TAPE 34, SIDE A

020 >Discussion regarding areas in the Capitol Building that are open to smokers.

046 LAUREL WHITEHURST, EMPLOYEE OF LEGISLATIVE ASSEMBLY: Testifies in support of HB 2401.

>Was amazed when first came into the Capitol Building and learned smoking was not banned.

>Presents the committee with a list of state office buildings and their smoking policy. (EXHIBIT G)

>The Governor in the State of Washington declared all state buildings smoke free.

128 CHAIR WALDEN: Adjourns the meeting at 7:20 p.m.

Submitted by: Reviewed by:

Mary WallingGreg Leo Assistant Committee Administrator

EXHIBIT LOG

A - Amendments to HB 2826 - Rep. Clarno - 2 pages B - Amendments to HB 2161 - Rep. Stein - 1 page C - Testimony to HB 2161 - Rep. Stein - 8 pages D - Testimony on HB 2607 - Rep. Burton - 1 page E - Testimony on HB 2607 - Rep. Edmunson - 2 pages F - Testimony on HB 2607 - Phil Keisling - 3 pages G - Testimony on HB 2401 - L. Whitehurst - 1 page