

HOUSE COMMITTEE ON STATE AND FEDERAL AFFAIRS

February 6, 1991 Hearing Room E 8:30 a.m. Tapes 25 - 28
MEMBERS PRESENT: Rep. Bill Markham, Chair Rep. Larry Sowa, Vice-Chair
Rep. Marie Bell Rep. Mary Alice Ford Rep. Tom Novick Rep. Carolyn Oakley
Rep. Lonnie Roberts MEMBER EXCUSED: None VISITING MEMBER: Rep.
William Dwyer, District 42 Rep. Randy Miller, District 24 Rep. Sam
Dominy, District 44 Rep. Delna Jones, District C Sen. Peg Jolin,
District 22 Rep. Carl Hosticka, District 40 Rep. Robert Pickard,
District 54 STAFF PRESENT: Randall Jones, Committee Administrator
Carolyn Cobb, Committee Assistant MEASURES CONSIDERED: HB 2517 -
Increases Number of Members of Land Conservation and Development
Commission, PH, WS HB 2525 - Requires Voters' Pamphlet Be Mailed No
Later Than 25 Days Before Election, PH, WS HB 2490 - Requires Candidates
and Political Committees to File Additional Statement of Contributions
and Expenditures, PH, WS HB 2491 - Defines "Occupation" For Purposes of
Candidate Statements in Voters' Pamphlet, PH, WS HB 2462 - Requires
Payment of Per Diem and Travel Expenses to Non Legislative Members of
Explanatory Statement Committees, WS

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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 25, SIDE A House Committee on State and Federal Affairs February C,
1991 - Page 2

003 CHAIR MARKHAM: Calls the meeting to order at 8:41 a.m.
009 MOTION: REP. FORD moved LC 1512 (EXHIBIT A), LC 2175 (EXHIBIT B),
and LC 2874 (EXHIBIT C) be introduced as committee bills. 012 CHAIR
MARKHAM: Hearing no objections, it is so ordered. 016 MOTION: REP.
BELL moved the rules be suspended in order to reconsider the vote by
which HB 2462 was sent to the floor. 018 CHAIR MARKHAM: Are there any
objections? 020 REP. SOWA: Yes, why are we doing this? 022 RANDALL
JONES, COMMITTEE ADMINISTRATOR: This bill was originally to be referred
to the Committee on Ways and Means. The committee voted to rescind that
vote. The clerk's office sent the bill back, requesting our committee
send the bill to Ways and Means. 026 SOWA: Then I will continue to
object, because I think we made the right motion. 027 VOTE: In a roll
call vote, the motion carried, with Rep. Bell, Rep. Ford, Rep. Roberts,
and Chair Markham voting AYE. Rep. Novick, Rep. Oakley and Rep. Sowa
voting NAY. 056 MOTION: REP. BELL moved to reconsider the vote by
which HB 2462 was passed out of committee on January 25, 1991.
059 REP. FORD: It takes a two-thirds vote to suspend the rules.
062 CHAIR MARKHAM: We will defer the matter until later.

HB 2517 - INCREASES NUMBER OF MEMBERS OF LAND CONSERVATION AND
DEVELOPMENT COMMISSION - PUBLIC HEARING Witnesses: Sam Dominy, State
Representative, District 44 William Dwyer, State Representative,
District 42 Peg Jolin, State Senator, District 22 William Moshofsky,
Volunteer Legal Counsel, Oregonians in Action Robert Pickard, State
Representative, District 54

071 SAM DOMINY, STATE REPRESENTATIVE, DISTRICT 44: One of the things I
hear in my district is that maybe the Land Conservation and Development
Commission is not representative of the people of this state. -Reflects
more urban than rural interests. -Election by congressional district
would give a better prospective of the state.

096 CHAIR MARKHAM: What is the makeup of the commission today?

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097 DOMINY: Describes the current commission and the requirements for geographical occupational representation. -By requiring two members from Multnomah County, the tone is already set that the commission is to be more urban than rural. -Has concerns about secondary lands . - Wants commission to be more representative of the state as a whole.

122 PEG JOLIN, STATE SENATOR, DISTRICT 22: Gives brief history of the Land Conservation and Development Commission. -The Land Conservation and Development Commission is no longer a responsive body. -Needs to be made accountable to all regions of the state, both urban and rural. -Board should be made elective to assure it is more representative.

169 CHAIR MARKHAM: Have you considered that if elective, special interests might buy the election?

177 REP. DOMINY: I am not sure any one special interest group would dominate the elections. -LCDC was set up initially to be a pilot project, not to be here forever. It may be the time to make it more permanent with an elective body.

200 CHAIR MARKHAM: At previous sessions, I introduced bills to require three for four board members to live at least thirty miles from any city with population of 50,000 or more. -Promises that local groups would make decisions were not kept. 230 SEN. JOLIN: This bill is a priority for the state. -The economic development goal of LCDC has been largely ignored throughout the history of land use control.

260 REP. FORD: Do you want to put in ten members, or leave it blank so it grows with future congressional districting?

275 REP. DOMINY: The intent was to have equal representation from around the state. Another idea is to keep the same size board, elect five from the congressional districts, and elect on a statewide ballot one from a rural area and one from an urban area.

291 REP. FORD: In section 3, subsection 2a, is it necessary to have this section about the Secretary of State? 301 REP. DOMINY: Legislative counsel said this is language they always use. 309 REP. FORD: What is compensation of members?

313 CHAIR MARKHAM: Just a per diem.

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329 SEN. JOLIN: The meeting requirements are such that they are few, so the time commitment is not there.

344 REP. FORD: You might have only candidates who have the funds to get themselves well known throughout a congressional district.

351 SEN. JOLIN: That is the chance you take. If you are wealthy, there are some advantages over those less well off.

357 REP. DOMINY: Under the current appointment system, name familiarity has a lot to do with it.

368 REP. SOWA: Each commissioner would run one time, with no primary race?

382 REP. DOMINY: That is correct, the races would be non-partisan.

385 REP. SOWA: To set up the first elective commission, all would have to run a statewide race?

392 REP. DOMINY: That was not the intent, it was that they all run in the same election day.

400 REP. SOWA: Is Multnomah County mandated to have two commissioners?

404 REP. DOMINY: No, that is the way it is now under the current statute.

TAPE 26, SIDE A

009 SEN. JOLIN: Not hung up with numbers, what I'm interested in is equal representation of both people and places in the state.

018 REP. BELL: I am worried about having these individuals elected. Good people would not submit themselves to election. Should we not consider a system by which local county commissioners come up with names?

039 REP. DOMINY: The main concern is that we don't currently have a representative board.

051 SEN. JOLIN: Your idea is intriguing. The board is not currently responsive to the legislature or the people.

074 REP. NOVICK: There was no legislative support for making the Public Utility Commission elective. It seems every time someone does not agree with a particular board or commission, there is a movement to make it elective.

092 REP. DOMINY: This bill is focused on one area. Next to taxation, land use planning is what is on the public's minds.

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109 SEN. JOLIN: I am concerned about the rest of the state when Portland is the most prosperous area. We must advocate a board that is more responsive in terms of where it has been historically.

131 REP. ROBERTS: Under the elective process, could I hold my office in the house and still run for an LCDC position?

141 SEN. JOLIN: I believe you can run for an office as long as there is not technically a salary.

151 REP. BELL: The closer you get to home, the more accountability and accessibility there is.

162 REP. DOMINY: The bottom line is we want to have more credibility put into the process.

172 WILLIAM DWYER, STATE REPRESENTATIVE, DISTRICT 42: I am not speaking for or against the bill. These same questions come up with regard to the Game Commission. These commissions are supposed to be balanced enough to take in everyone's view. Well organized groups could control elections. This bill is fraught with dangers. There is no easy answer.

Public Hearing on HB 2517 re-opens on page 6.

HB 2525 - REQUIRES VOTERS' PAMPHLET BE MAILED TO EACH POST-OFFICE MAILING ADDRESS NO LATER THAN 25TH DAY BEFORE ELECTION - PUBLIC HEARING
Witnesses: Carl Hosticka, State Representative, District 40 Delna Jones, State Representative, District 6 Jack Graham, Director, Elections Division

281 CARL HOSTICKA, STATE REPRESENTATIVE, DISTRICT 40: The voters pamphlet under current law is required to be mailed on the 15th day before the election. -Many people are voting absentee ballots without ever seeing the voters pamphlet. -The bill asks the state printer to operate in a more expeditious manner. -Sponsored by both the House majority leader and minority leader and members of both parties.

316 REP. SOWA: Counties may have their own voters pamphlet, does the bill cover them?

323 REP. HOSTICKA: I'm not sure the bill is drafted to cover those, but I am sure the concept could be expanded.

326 CHAIR MARXHAM: Have you seen the fiscal impact statement?

340 REP. HOSTICKA: It appears the fiscal analyst is using this bill as a vehicle to

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accomplish other things that the Secretary of State wants to accomplish.

353 DELNA JONES, STATE REPRESENTATIVE, DISTRICT 6: Many of the voters pamphlets not being received by the voters prior to election day. -Many people are voting by absentee ballot without seeing the voters pamphlet. -The Post Office sometimes fails to deliver the voters pamphlets in a timely manner. -The voters pamphlet is the major piece of information used by voters. -Encourages committee to look favorably on this measure.

TAPE 25, SIDE B

014 CHAIR MARKHAM: I am concerned that this does not have a prior referral to Ways and Means.

021 REP. HOSTICKA: I would suggest asking the chief clerk for a parliamentary ruling. -Recommends getting the fiscal report reviewed.

036 REP. JONES: I would make the fiscal office support their report in testimony. Public hearing on HB 2525 re opens on page 7.

HB 2517 INCREASES NUMBER OF MEMBERS OF LAND CONSERVATION AND DEVELOPMENT COMMISSION - PUBLIC HEARING

063 WILLIAM MOSHOFSKY, VOLUNTEER LEGAL COUNSEL, OREGONIANS IN ACTION: There is a lot of dissatisfaction with the Land Conservation and Development Commission. -This commission has been delegated enormous power with very little guidance for what they are supposed to do. -We like the concept of two commissioners per congressional district. -Passage of this bill would not necessarily guarantee better members. -The cost of campaigns is a concern. -Other approaches may have a higher priority. -The secondary land issue needs to be resolved. -Under this system, every rural acre, other than developed acres, has been zoned either farm or forest. -Part of the difficulty can be ameliorated by limiting the functions of the Land Conservation and Development Commission -Major projects should be given proper attention, rather than worrying about small rural areas. -The Land Conservation and Development Commission should limit itself to matters of major statewide concern. -There needs to be more protection for private property. 240 REP. NOVICK: Do you support or oppose this bill? 247 MOSHOFSKY: If it is the only way of to help the system, we would support it. If

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supporting it would in any way interfere with other reform measures, I would oppose it. , 253 REP. BELL: Does this bill conflict with the other bill in any way?

254 MOSHOFSKY: No.

304 REP. SOWA: Would you prefer this bill to the abolishment of LCDC?

310 MOSHOFSKY: We are not proposing any elimination of the Land Conservation and Development Commission. We believe there is an important role for the state in just coordinating other state agencies' activities related to land use. Up until a year ago there had been very little communication with Oregon Department of Transportation. Department of Economic Development has rarely test)fied before the Land Conservation and Development Commission. A role for the Land Conservation and Development Commission is to look at items that affect more than a county.

P ublic hearing on HB 2517 rc opens on page 8

HB 2525 - REQUIRES VOTERS' PAMPHLET BE MAILED TO EACH POST-OFFICE MAILING ADDRESS NO LATER THAN 25TH DAY BEFORE ELECTION - PUBLIC HEARING

369 JACK GRAHAM, DIRECTOR, ELECTIONS DIVISION: Whether HB 2525 passes

or not, the Secretary of State is very supportive of the concept and he will explore ways to expedite the voters pamphlet. -Time limitations for the state printer inhibits our flexibility. -We would need some other changes in law to allow us to work in some other ways, other than the state printer. 408 CHAIR MARKHAM: Will it take some amendments to this bill to accomplish your goals. 410 GRAHAM: Yes, and we will work with the committee and the bill sponsors.

TAPE 26, SIDE B

007 REP. FORD: Do you have any knowledge of how the fiscal impact was arrive at?

010 GRAHAM: That estimate was prepared by my office and given to legislative fiscal. We need to get away from having to take the voters pamphlet through the state printer. The state printer can do the job at a lower cost, but it takes a lot more time. Some things could be done in our office with some automation, and some things could be subcontracted out to some specialists who could do it better and faster. -Some of the automation would contribute in several ways.

053 REP. SOWA: What was the cost of voters pamphlet and how much was the overrun? .~

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055 GRAHAM: The cost of the voters pamphlets combined for the 1990 primary and general elections ran just over \$ 1.4 million total. The overrun was about \$333,000. 061 REP. OAKLEY: Can you explain why there is the same fiscal impact in the 1993/95 biennium? 065 GRAHAM: The major element is the sub-contracting we would do rather than going through the state printer. 071 REP. OAKLEY: What would happen if we passed this bill without any dollars attached? 074 GRAHAM: If we had no funding, we would have to have an amendment to go outside the state printer. We simply could not sub-contract. 081 REP. OAKLEY: If we change the window, would you need the voters pamphlet material submitted two weeks earlier? 083 GRAHAM: If we were to distribute two weeks sooner, we would need to have the deadline two weeks earlier. 099 REP. FORD: How would this affect the conventions held by minor political parties? 104 GRAHAM: We would have to take that into account. 117 CHAIR MARKHAM: Are you going to bring us some amendments? 119 GRAHAM: We would like to look at some amendments and work with the bill sponsor. 124 CHAIR MARKHAM: recesses the meeting at 10:15 a.m.

-resumes the meeting at 10:27 a.m.

HB 2517 - INCREASES NUMBER OF MEMBERS OF LAND CONSERVATION AND DEVELOPMENT COMMISSION - PUBLIC HEARING

126 ROBERT PICKARD, STATE REPRESENTATIVE, DISTRICT 54: This bill frightens me because it guts the concept of Oregon's boards and commissions. -What kinds of people would be attracted to these positions, only the wealthy or those supported by special interests -If this is passed, similar proposals will be made for other commissions and boards. -I would like to see HB 2517 tabled. 162 REP. ROBERTS: Rural

areas are not getting the representation they deserve, what do you think of using this measure to make the governor place a reasonable amount of rural representation on the board? 170 REP. PICKARD: It is reasonable to look at some sort of a geographical definition that

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a member would have to be chosen from.

176 REP. FORD: Asks staff to get a list of the last few year's members of the Land Conservation and Development Commission.

HB 2490 REQUIRES CANDIDATES AND POLITICAL COMMITTEES TO FILE ADDITIONAL STATEMENT OF CONTRIBUTIONS AND EXPENDITURES - PUBLIC HEARING Witnesses: Randy Miller, State Representative, District 24 Jack Graham, Director, Elections Division

217 RANDY MILLER, STATE REPRESENTATIVE, DISTRICT 24: HB 2490 adds a reporting period for contributions and expenditures. -We should enhance disclosure, so that if the public is interested, this will give them more information.

244 REP. ROBERTS: Is it really necessary, the only ones who look at this are the press and your opponent.

258 REP. MILLER: This would add one more pre-election report. Describes reporting requirements contained in the bill. -Some enhanced degree of disclosure is desirable, while not creating a mountain of paperwork. -We are trying to achieve a balance between the current system and so many additional reporting periods.

349 REP. NOVICK: Explain that portion of the bill that prohibits contributions from candidate to candidate and committee to committee.

356 REP. MILLER: We have statutes that prohibit laundering. We want the voters to know who is contributing to whom. Supporters should give the money directly.

TAPE 27, SIDE A

008 REP. FORD: Did you not want to deal with a candidate using campaign funds to contribute to a committee supporting or opposing a ballot measure?

011 REP. MILLER: My preference would be just to cause contributions to be direct to the candidate or direct to the committee.

029 REP. SOWA: Do you want to require disclosure or prevent this from happening? Passthroughs were permitted by law but carried a disclosure requirement.

037 REP. MILLER: The enhanced disclosure of the reporting period is beneficial, as would be requiring making contributions direct to the intended source.

Public Hearing on HB 2490 reopens on page 10.

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HB 2491 - DEFINES "OCCUPATION" FOR PURPOSES OF CANDIDATE STATEMENTS IN VOTERS' PAMPHLET - PUBLIC HEARING Witnesses: Randy Miller, State Representative, District 24

127 RANDY MILLER, STATE REPRESENTATIVE, DISTRICT 24: -The level of truthfulness required is elevated in the background section of the voters pamphlet. -Occupation has no relationship to income, which misleads the voters. -Many candidates have called themselves consultants, but they have no clients. -The public relates the occupation listed to income producing activity. -The background portion of the pamphlet should accurately reflect what the candidate does for a living. 164 REP. FORD: What do you do about a professional who is retired and consults part time. 173 REP. MILLER: We should reveal what we do for a living. There is ample space in the "puff" section to reveal what you did before retirement. 183 REP. FORD: What would a retired person receiving only investment income disclose? 187 REP. MILLER: They could state retired, retirement income. -Many candidates are reluctant to admit the legislature is their principal occupation. -Would not oppose language that would not require disclosure of embarrassing information such as receiving alimony or something of that nature. 218 REP. BELL: As a homemaker my income might be higher, but it might be more appropriate to list legislator. 229 REP. MILLER: Perhaps there should be some descending order as far as income is concerned. 318 REP. BELL: Since the required information also includes educational and occupational background, there would be an opportunity there to broaden the information. 326 REP. MILLER: Yes, that takes care of the retirees' situation also. -Something might be in the definition section, perhaps allowing you to state in no particular order, the pursuits you have. -The disclosure should be linked with something income related.

TAPE 28, SIDE A

HB 2490 - REQUIRES CANDIDATES AND POLITICAL COMMITTEES TO FILE ADDITIONAL STATEMENT OF CONTRIBUTIONS AND EXPENDITURES - PUBLIC HEARING

025 JACK GRAHAM, DIRECTOR, ELECTIONS DIVISION: Reports the Secretary of State is basically in agreement with the concept of HB 2490.

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034 RANDALL JONES, COMMITTEE ADMINISTRATOR: Describes process of filing contributions and expenditures reports.

052 REP. FORD: Does the Secretary of State's office have any comment on the candidate to candidate pass-through portion of this bill? 055 GRAHAM: There is some concern about that issue and we would like to think a little more about it. We do have a significant concern about a constitutional question of the state's ability to constrain

contributions in any way.

' LC 2924, LC 29241, LC 29242

083 DAVE NELSON, RACING DIVISION OF THE OREGON QUARTERHORSE ASSOCIATION: The issue addressed in LC 2924 (EXHIBITS D, E, & F) is to allow the racing commission to establish tolerances for medicines that are given to racing animals that under current testing procedures have very long tails on them that can be identified long after they have any medicinal affect that would influence the performance of the animal. -Discusses the effect of the current statute. -The bill is supported by both the Racing Division of the Quarterhorse Racing Association and the Thoroughbred Horsemen's Benevolent and Protective Association.

127 MOTION: REP. ROBERTS moved LC 2924 (EXHIBIT D), LC 2924-1 (EXHIBIT E), LC 2924-2 (EXHIBIT F) be introduced as committee bills. VOTE: In a roll call vote, the motion carried, with Rep. Ford, Rep. Novick, Rep. Oakley, Rep. Roberts, Rep. Sowa, and Chair Markham voting AYE. Rep. Bell voting NAY. Submitted by: Reviewed by: Carolyn Cobb Randall Jones Assistant Administrator

EXHIBIT LOG:

A - Draft LC 1512 - Rep. Ford - 2 pages B - Draft LC 2175 - Rep. Ford - 1 page C - Draft LC 2874 - Rep. Ford - 2 pages D - Draft LC 2924 - Dave Nelson - 2 pages E - Draft LC 2924-1 - Dave Nelson - 3 pages F - Draft LC 2924-2 - Dave Nelson - 2 pages

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