

HOUSE COMMITTEE ON STATE AND FEDERAL AFFAIRS

April 12, 1991 Hearing Room E 8:30 a.m. Tapes 99 -101
MEMBERS PRESENT:Rep. Bill Markham, Chair Rep. Larry Sowa, Vice-Chair
Rep. Marie Bell Rep. Mary Alice Ford Rep. Tom Novick Rep. Lonnie Roberts
MEMBER EXCUSED: Rep. Carolyn Oakley VISITING MEMBER: None STAFF
PRESENT:Randall Jones, Committee Administrator Carolyn Cobb,
Committee Assistant MEASURES CONSIDERED:HB 2848 - Specifies Contents
of Governor's Biennial Budget If Funding Is Inadequate For Governor's
Proposed Program, PH, WS HB 3000 - Allows Person Seeking To Renew
Certain Licenses Issued By Oregon Liquor Control Commission to Forgo
Alcohol Server Education Program, PH, WS HB 3069 - Requires Disclosures
by Representatives of Charitable Organizations Soliciting Funds or
Initiative Petition Signatures at Residences of Individuals, PH HJM17-
Urges Congress to Pass Legislation Contained in Community Stability Act
of 1991, WS

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.

TAPE 99, SIDE A

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

HJM17 - URGES CONGRESS TO PASS LEGISLATION CONTAINED IN COMMUNITY
STABILITY ACT OF 1991 - WORK SESSION

017 CHAIR MARKHAM: Submits dash one LC amendments dated 3/15/91
(EXHIBIT A). House Committee on State and Federal Affairs April 12, 1991
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020 MOTION: REP. ROBERTS moved to adopt the dash one LC amendments
dated 3/15/91 to HJM17 (EXHIBIT A). 027 CHAIR MARKHAM: Hearing no
objection, it is so ordered. 033VICE CHAIR SOWA: Submits and
explains the provisions of the proposed dash two LC amendments dated
4/9/91 to HJM17 (EXHIBIT B). 056MOTION: VICE CHAIR SOWA moved to
adopt the dash two LC amendments dated 4/9/91 to HJM17 (EXHIBIT B). .
062 REP. NOVICK: Explains amendments were an attempt to come up with
something we could all agree on. 074 REP. FORD: I understand the
reasons for the amendments, I feel the amendments make the memorial
nothing as well as confusing. I would not support the memorial at all
with the amendments.

076 VOTE: In a roll call vote, the motion failed, with Rep.
Novick, Rep. Roberts, and Rep. Sowa voting AYE. Rep. Bell, Rep. Pord and
Rep. Markham voting NAY. Rep. Oakley was excused. 089 MOTION: REP.
FORD moved to amend HJM17 by on page 1, line 8, deleting the blank after
the words "accounts for" and inserting the words "a significant
percentage". 096 CHAIR MARKHAM: Hearing no objection, it is so ordered.
097 MOTION: REP. ROBERTS moved HJM17 as amended to the floor with
a "do pass" recommendation. VOTE: In a roll call vote, the motion
carried, with Rep. Bell, Rep. Ford, Rep. Roberts and Chair Markham
voting AYE. Rep. Novick and Rep. Sowa voting NAY. Rep. Oakley was
excused.

HB 2848 - SPECIFIES CONTENTS OF GOVERNOR'S BIENNIAL BUDGET IF FUNDING IS
INADEQUATE FOR GOVERNOR'S PROPOSE D PROGRAM - PUBLIC HEARING Witnesses:

none

116 CHAIR MARKHAM: Reviews the bill provisions and submits proposed dash one LC amendments dated 4/2/91 (EXHIBIT C).

HB 2848 - SPECIFIES CONTENTS OF GOVERNOR'S BIENNIAL BUDGET IF FUNDING IS INADEQUATE FOR GOVERNOR'S PROPOSED PROGRAM - WORK SESSION

170 REP. ROBERTS: You did not believe the other language was necessary?

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171 CHAIR MARKHAM: That is right, that is where the wriggle room was.

174 MOTION: REP. FORD moved to adopt the dash one LC amendments dated 4/2/91 to HB 2848 (EXHIBIT C). 182 CHAIR MARKHAM: Hearing no

objections, it is so ordered. 190 MOTION: REP. ROBERTS moved HB 2848 as amended to the floor with a "do pass" recommendation. 199 VICE

CHAIR SOWA: I will be voting against the bill. Even as amended the bill doesn't give any different language than the law does now. The governor still has the option of preparing the budget and then preparing an "add-on" budget. It is no different from what we are getting right now. It is nothing but a guideline. 217 CHAIR MARKHAM: I realize the

governor's budget is nothing but an outline for the legislature to work under. What I do not like is the misconceptions that come out when the media picks up on it. 222 REP. NOVICK: I am going to vote for it, but

when the Executive Department was here they said they could continue what they are doing. 225 CHAIR MARKHAM: That was before we adopted

this amendment. 236 REP. FORD: It might help us get that replaced revenue. 244 VOTE: In a roll call vote, the motion carried, with Rep.

Bell, Rep. Ford, Rep. Novick, Rep. Roberts, and Chair Markham voting AYE. Rep. Sowa voting NAY. Rep. Oakley was excused.

HB 3069 - REQUIRES DISCLOSURES BY REPRESENTATIVES OF CHARITABLE ORGANIZATIONS SOLICITING FUNDS OR INITIATIVE PETITION SIGNATURES - PUBLIC HEARING Witnesses: Joel Ario, Director, Oregon Student Public Interest Research Group Tom Donaca, Associated Oregon Industries Rod Garinger, Don't Waste Oregon Committee

271 TOM DONACA, ASSOCIATED OREGON INDUSTRIES: Submits and summarizes written testimony (EXHIBIT D) in support of HB 3069.

365 VICE CHAIR SOWA: When you say "calling at residences", do you mean phone calls or actually coming to the door of the residence?

369 DONACA: This is actually coming to the door, but not phone calls.

371 REP. BELL: Is this bill dealing with political as well as charitable solicitations?

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374 DONACA: It does not deal with political contributions as such, it

deals with contributions which could be political in nature. But if it is a political party, I think they are 501 (c) 6 organizations, not charitable.

387 REP. BELL: What about the organizations mentioned here, Oregon Fair Share and OSPIRG?

391 DONACA: They are organized either under 501 (c) 3 or 501 (c) 4, depending upon the political activity in which they engage. -Resumes written testimony.

TAPE 100, SIDE A

024 VICE CHAIR SOWA: These signatures that are being gathered, are they on initiative petitions generally?

028 DONACA: Yes, we did not cover the referendum, only the initiative.

030 VICE CHAIR SOWA: We passed a bill that required disclosure on the front of the initiative to say whether they are paid or unpaid. Would you consider that notification, or would it have to be verbally?

034 DONACA: That bill does not address contributions. The issue that occurs when someone calls at my home is different from what happens when I am accosted on the street corner to get my signature. Normally when they come to your home you engage in a lot more conversation. Before you make a contribution it would be helpful to know if the person is paid or not. This bill is trying to address a more precise piece of the issue. Resumes written testimony.

070 REP. ROBERTS: What is the difference between a public benefit corporation and a charitable organization?

074 DONACA: Last session they passed a new non-profit corporation statute. That established three different kinds of non-profit organizations. Religious, which is not touched by this legislation, mutual benefit, which is like Associated Oregon Industries, and public benefit such as the Red Cross. -Resumes written testimony.

110 VICE CHAIR SOWA: If you are soliciting for United Way, then you must list all the member organizations that receive funds from them?

114 DONACA: I do not think United Way would fall into this category. I was really thinking about where one organization is working for the benefit of one other organization.

126 VICE CHAIR SOWA: Then if the Oregon League of Conservation Voters was soliciting door to door, and they were soliciting to bring money into their campaign fund from which distributions would be made at a later date, would they come under this? 131 DONACA: I do not think so. In addition, I think they have only used their own members to do the solicitations, so there would be no problem.

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-Resumes written testimony. 159 REP. NOVICK: You made a distinction

between someone who solicits you on the street or comes to your door. The courts have said free speech is free speech, regardless of where it occurs. My reading of this bill gives me some concerns about free speech rights. 185 DONACA: In my testimony we did recognize that there is that potential problem. We did suggest an amendment which hopefully would meet the constitutional test. That may still be a problem, but we have attempted to address it. 201 REP. NOVICK: This bill sets up different standards for paid petitioners. If the Oregon Retail Council decides to put an initiative on the ballot and pay petitioners to collect signatures, all they have to do is check a little box. But if you work for a charitable organization and knock on someone's door, you have an additional burden to say if you are being paid. 215 DONACA: My guess that if the Oregon Retail Council were to pursue that, they would use a professional fund raising organization rather than hiring people as employees. 236 REP. NOVICK: The National Federation of Independent Businesses solicits memberships by sending people to go from business to business. Will they come under the requirements of this bill? 246 DONACA: This bill only applies to calling at a residence. If you are going to pay people to collect signatures, you must so state in your filing with the Secretary of State. 263 REP. BELL: Unless a person's intent is to deceive, they could still say anything they want. 278 REP. NOVICK: If you look at the Supreme Court cases, they have been very clear on this. My point is we are trying to enact something in statute that flies in the face of those. 283 REP. BELL: Were they in regard to disclosure? 284 REP. NOVICK: There have been a whole series of cases on the free speech

issue. Have you checked with the Attorney General's office on the volume of complaints on these types of solicitations? 300 DONACA: It may not be a big problem, but it is an issue we think should be addressed. 319 REP. NOVICK: Occasionally on an initiative, advertising firms are hired. How about an amendment which requires that a person that gets up to speak on an initiative must disclose if they are being paid, how much, and who is paying? 349 DONACA: It is an interesting concept. 354 REP. BELL: I am looking at the relating clause, would it allow that kind of amendment? 360 REP. NOVICK: Part of this bill amends statutes that deal with the initiative process.

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366 DONACA: The bill was drafted and the relating clause was put on by Legislative Counsel. If as he described it, the person was actually at a meeting doing this, it would not be at a residence and would not come under the bill.

TAPE 99, SIDE B

013 REP. NOVICK: I am concerned we are setting up a double standard here, where somebody could be paid by a for-profit corporation to collect signatures on the streets and all they have to do is check the box on the initiative. But if someone else, under the same constitutional guarantee of free speech, knocks on your door, they have an additional burden. . 031 REP. FORD: We could probably solve the problem and make this consistent with what they do on the street by requiring a form they show immediately at the door which says if they are being paid or not.

038 VICE CHAIR SOWA: I think I asked that question earlier and he said no, that was not enough, they have to say it.

045 DONACA: I do not know where on the petition those check boxes are going to be located. If they are at the top and the petition is carried on a clipboard, they may not be seen.

057 VICE CHAIR SOWA: Maybe we need to amend the bill to say you have to state verbally rather than in writing.

058 DONACA: This bill says only verbal disclosure at the residence.

071 REP. ROBERTS: Possibly we should just send this back to Legislative Counsel with the suggested amendments, and ask the question about United Way. 080 REP. BELL: That is just another piece of printed matter the charitable organization is going to have print which adds to their expenses. 088 DONACA: There is increasing concern about paid solicitations. 093 VICE CHAIR SOWA: This bill covers people that are unpaid who have to make the same disclosure. It would be a violation of statute if you did not present it, therefore in order to make sure that the volunteer or a paid person does not get socked with a fine for a violation, they are going to want to present something in writing. 105 DONACA: At the outset I would say I am a unpaid volunteer for XX. That kind of people tend to do that now. 116 REP. NOVICK: I am not sure what the sanction is for a violation of this law. What if my neighbor goes door to door as an unpaid volunteer collecting, and seeing their neighbor or forgets to make the disclosure? 125 DONACA: This is undoubtedly going to be enforced by complaints to the Attorney General's office. Enforcement could be a cease and desist order against the organization.

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137 REP. NOVICK: Why did we leave out religious organizations that may have paid volunteers?

139 DONACA: Another constitutional issue.

182 ROD GARINGER, DON'T WASTE OREGON COMMITTEE: We believe this bill has tremendous weakness. Why is it necessary that charitable organizations while soliciting must announce if and what they are getting paid. Why must charitable organizations must identify themselves while soliciting, while corporations doing the exact same thing are exempt from this? We need to discuss the important issue, that issues are the issue, not whether I am asking you to donate your money or your signature.

220 REP. BELL: Have you ever had one of your neighbor or kids come to your door to sell cookies? I try to reward the motive. Emotionally there is a difference if the solicitor is working hard because they believe in the cause, or if they are just doing another job.

246 VICE CHAIR SOWA: If you go to the door and say you are being paid, people might assume you are getting a living wage. I know on a lot of initiatives, people are being paid a very nominal amount.

252 GARINGER: The importance is not whether I am being paid or not, it is what I believe in.

258 REP. NOVICK: The most of these people are paid barely above minimum wage.

274 JOEL ARIO, DIRECTOR, OREGON STUDENT PUBLIC INTEREST RESEARCH GROUP: There is a problem with this bill in its focus on one type of activity. What the courts have ruled is, the kind of work we do door to door is equivalent to political speech. The fund raising aspect of it cannot be singled out for special treatment because that amounts to a distinction between those groups that have other ways of raising money and the small organizations. The courts have said you cannot distinguish between those who engage in political speech without a fund raising component and those who do. The result of this bill would be to discriminate against one type of speech.

340 CHAIR MARKHAM: Recesses meeting at 9:58 a.m.

-Resumes meeting at 10:10 a.m.

HB 3000 - ALLOWS PERSON SEEKING TO RENEW CERTAIN LICENSES ISSUED BY OREGON LIQUOR CONTROL COMMISSION TO FORGO ALCOHOL SERVER EDUCATION PROGRAM AND EXAMINATION - PUBLIC HEARING Witnesses: Mike McCallum, Director of Government Relations, Oregon Restaurant Association Mike Reed, Oregon Liquor Control Commission John D. Ross, Oregon Restaurant Association

345 MIKE MCCALLUM, DIRECTOR OF GOVERNMENT RELATIONS, OREGON RESTAURANT ASSOCIATION: Submits and summarizes written testimony (EXHIBIT E) in support of the bill.

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381 CHAIR MARKHAM: How long can a person work in an establishment before he has to get that license?

385 MCCALLUM: It was forty five days, but I think there was a rule change recently and now it is ninety days.

387 CHAIR MARKHAM: Who administers that, the Oregon Liquor Control Commission?

391 MCCALLUM: Correct. The server education courses are offered in about 28 different locations by private providers and community colleges. Resumes written testimony.

TAPE 100, SIDE B

011 REP. ROBERTS: I am assuming you are talking about better ways of dealing with the public.

016 MCCALLUM: The current course stresses server intervention techniques and hits on a lot of good methods for responsible service. We think licensees would benefit more from a course that would focus on

updated rules, a review of the law changes and other items. A lot of licensees think a question and answer period with officials of OLCC would be beneficial.

034 REP. ROBERTS: What you are talking about is (inaudible) programs. You are not saying change the beginner course. If they are taking a second class for renewal, you want to see a change in the curriculum.

040 MCCALLUM: That is exactly right. -Resumes written testimony.

050 REP. ROBERTS: You could have a three or four hour course for those who are renewing?

053 MCCALLUM: We have not gotten to the specifics of the course, we are more than willing to work with the Advisory CommiKee to find out what that program should look like.

055 CHAIR MARKHAM: Aren't those things you have to work out with the OLCC people, they are not really pertinent to the bill, are they?

057 REP. ROBERTS: We need to understand what the OLCC has involved in this.

061 REP. BELL: I am not sure I understand who has the ability to authorize an advanced course. Does the legislature need to authorize an advanced course, and if so, maybe that should be an amendment to this bill. If we just give permission not to take the course as is, then its two years before we can say lets have something advanced.

068 MCCALLUM: Yes, the legislature would have to authorize a new course for renewing licenses. We are not prepared to tell you at this point exactly how that course should look. We think the two year extension will give us ample time to work with the OLCC Sewer Training Committee and structure something that is progressive.

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073 REP. BELL: I was thinking of an amendment just to authorize them to begin developing one. 079 VICE CHAIR SOWA: Who is covered under this bill? Is a bartender covered under this bill?

083 MCCALLUM: No, unless that bartender was the owner of the establishment. We think that in fact, the vast majority of servers who took this course five years ago probably have moved on to different professions. I do not think there will be a tremendous amount of retraining at the server level.

092 VICE CHAIR SOWA: You said that anyone between the time this act takes effect and 1993 would not have to take the course until five years later. 100 MCCALLUM: Yes, it does in regard to the licensees, not to the service permit holders, just to the people who own the establishments. 105 VICE CHAIR SOWA: Veterinarians have a yearly requirement they have to take. You are saying this group does not have to take any continuing education for another five years.

113 MCCALLUM: Our intent was to put off for two years the requirement for the initial licensees to retake the course. We really only meant to

put it off for two years, not five. 115 VICE CHAIR SOWA: That is not what the bill says. 116 MCCALLUM: There may be a technical correction that we need to make. 122 CHAIR MARKHAM: Is this only for the owners of the establishments? 123 MCCALLUM: That is correct. 133 REP. NOVICK: If we give that two year window, are we in danger of not getting regulatory information out to them during that two year period? 144 MCCALLUM: I think we need to restructure the program to make sure what you describe actually happens. The current programs that are provided do not actually provide a rules update. The people we are referring to here get notice from OLCC every time a law or rule is changed. 167 JOHN ROSS, OREGON RESTAURANT ASSOCIATION: Once the bill was passed, we worked for two years before the bill went into effect, developing a training program. It is hard to put new items in the course. The course lasts four and a half hours which does not leave much room to add new items. It is a very good course and covers what it is supposed to. We would like to develop a continuing education course instead of a repeat. We are asking for this time extension to develop a continuing education program. The licensees are very well advised of changes as they go along. We would like to have the time to make it a more viable program. This has been the first mandatory program in the United States. Other states are now copying this program. We suggested in the OLCC Advisory Committee that we expand a newsletter they send to licensees showing updates. Most licensees have attorneys to advise them. The Oregon Restaurant Association has agreed that through their chapters they will expand the pace of information. There has been a lot of good press compared to a lot of bad press a few years ago.

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240 REP. BELL: In the original course is there a discussion about pregnant women?

244 ROSS: No, there is not.

248 REP. BELL: If they could have the scientific background about the need for it, they would not be so resistant to the sign idea.

276 MIKE REED, ASSISTANT ADMINISTRATOR, OREGON LIQUOR CONTROL COMMISSION: Submits and summarizes written testimony (EXHIBIT E). Explains the commission has not taken a position on the bill.

299 CHAIR MARKHAM: Can the licensee be two or three people?

300 REED: If two people (co-owners) are licensed, they are licensees and they are permitted to serve alcohol without obtaining a service permit. If a corporation is licensed, then each person in the corporation who wants to serve alcohol must obtain a server's permit. -The law directs us to charge business owners \$2.60 per year to help cover the administrative costs of this program. 316 REP. ROBERTS: \$2.60 per employee? 320 REED: For alcohol servers who have a service permit, it is a one time fee of \$13. Licensees renew annually, so we divided the \$13 into \$2.60 per year. -Resumes written testimony on page 2, first paragraph. 347 CHAIR MARKHAM: The licensee will have a different test than what the permittees take? 351 REED: We are not necessarily talking about two different examinations, that is something we will have to work out. 360 REP. BELL: How do you feel most comfortable in regard to the additional program, in an advisory role or

should you have more involvement than that? 368 REED: We have not really thought about that. I think we would be comfortable in an advisory role. 374 REP. BELL: We would not need to do anything to the bill to allow you to do that. What are the chances of getting into the current program, some education on fetal alcohol syndrome? 387 LEE COLEMAN, OREGON LIQUOR CONTROL COMMISSION: Currently we have revised our curriculum to include information about fetal alcohol syndrome. 390 REP. ROBERTS: You do want to have a least some kind of suggestive ability when they try to create this curriculum? 392 REED: Yes.

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413 CHATR MARKHAM: Is there anything here that says they have to bring it back to the legislature?

418 REED: I believe as long as the follow-up course covers the statutorily mandated curriculum at some level, we would not need to come back to the legislature to approve a shortened course.

TAPE 101, SIDE A

011 REP. ROBERTS: Then through administrative rule you may not to even go the two years?

013 REED: Since the bill does exempt licensees for the two year period, we could not require them to take a course prior to June 1993.

018 REP. FORD: By putting in an effective date of June 30, 1993, you are depending on the legislature and the governor to do something before that date. If they do not, you would have to take the old test.

028 REED: If working together we can come up with a modified program for those who have already taken the basic course, we could implement that and there would be no need to come back to the legislature. If we fail to come up with some program, then it would require the legislature to act and have an emergency clause that puts it into effect.

034 VICE CHAIR SOWA: It sounds as if we are getting at the crux of the problem and how to solve it. Couldn't we just send a letter to the Commission from the committee saying "get to work on this"? 037 REP. ROBERTS: The legislature has to act on this, it cannot be changed by administrative rule. 046 CHATR MARKHAM: Do the people who brought the bill feel comfortable if the committee writes a letter, or do you want to pursue the bill? 048 MCCALLUM: We wish to pursue the bill. We think it is a substantial change from the existing statutory requirements and statutory authority would be appropriate.

HB 3000 - ALLOWS PERSON SEEKING TO RENEW CERTAIN LICENSES ISSUED BY OREGON LIQUOR CONTROL COMMISSION TO FORGO ALCOHOL SERVER EDUCATION PROGRAM AND EXAMINATION - WORK SESSION

053 MOTTON: REP. ROBERTS moved HB 3000 to the floor with a "do pass" recommendation. 055 VICE CHAIR SOWA: I will be voting against it. I think we can do it through a process without exempting these groups from that test for two years. 059 VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Ford, Rep. Novick, Rep. Roberts, and Chair Markham voting AYE. Rep. Sowa voting NAY. Rep. Oakley was excused.

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Submitted by: Reviewed by: Carolyn Cobb Randall Jones
Assistant Administrator

EXHIBIT LOG:

A - Amendments to HJM17 - Rep. Bill Markham - 1 page B - Amendments to HJM17 - Rep. Larry Sowa - 2 pages C - Testimony on HB 3069 - Tom Donaca - 19 pages D - Testimony on HB 3000 - Mike McCallum - 4 pages E - Testimony on HB 3000 - Mike Reed - 2 pages

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