

HOUSE COMMITTEE ON STATE AND FEDERAL AFFAIRS

April 19, 1991                      Hearing Room E 8:00 a.m.                      Tapes 106 - 108  
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.  
Mike Burton, District 17 Rep. Liz VanLeeuwen, District 37 STAFF  
PRESENT: Randall Jones, Committee Administrator Carolyn Cobb,  
Committee Assistant Ted Reitlinger, Legislative Counsel MEASURES  
CONSIDERED:                      HB 2685 - Limits Off-Race Course Mutuel Wagering on Races  
Conducted at Race Courses Outside This State, WS HB 2728 - Prohibits  
Candidate or Political Committee From Making Payments Contingent on  
Result of Election, PH HB 2974 - Repeals Certain Exemptions to Public  
Records Law, Effective January 1, 1994, PH HB 3291 - Increases Penalty  
to Maximum One Year Imprisonment or \$2,500 Fine, or Both, For Obtaining  
Signatures By Person Not an Elector, PH

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 106, STDE A

003 CHAIR MARKHAM: Calls meeting to order at 8:14 a.m.

HB 2728 - PROHIBITS CANDIDATE OR POLITICAL COMMITTEE FROM MAKING  
PAYMENTS CONTINGENT ON RESULT OF ELECTION - PUBLIC HEARING Witnesses:  
Liz VanLeeuwen, State Representative, District 37 Nina Johnson, Office  
of Secretary of State House Committee on State and Federal Affairs April  
19, 1991- Page 2

Ted Reitlinger, Legislative Counsel

018 RANDALL JONES, COMMITTEE ADMINISTRATOR: Submits and explains  
purpose of proposed dash two LC amendments dated 4/18/91 (EXHIBIT A) and  
hand-engrossed HB 27282 dated 4/18/91 (EXHIBIT B).

035 LIZ VAN LEEUWEN, STATE REPRESENTATIVE, DISTRICT 37: The proposed  
amendments would allow us to have our regularly employed people paid,  
but not under some agreement that specifies payment if we win, but  
otherwise not.

054 REP. NOVICK: Ninety five percent of the people who hire a campaign  
coordinator or manager end up doing it on an independent contractor  
basis. If anybody is hired as strictly an employee, I would be  
surprised. There are people who write grants for a living, who are often  
paid a percentage based on whether they are successful in getting the  
grant. Attorneys frequently take cases on a contingency fee basis. What  
do you see as the difference between those and campaign managers?

074 REP. VAN LEEUWEN: We are dealing with a much greater public  
interest issue here. There you are dealing with individual cases, here  
we are dealing with an issue that says how greatly can I fool the  
public. This is a considerably different issue.

085 REP. NOVICK: In some cases you may be right, but to say anyone who  
worked for a candidate is doing it only to see how much they could fool

the public, rather than advancing the candidate, is using a rather broad brush against campaign workers.

099 VICE CHAIR SOWA: Does the language here prevent any person from hiring a firm to work on a campaign, and instead of promising a bonus at the end, writing a contract that says if the candidate does not win they do not have to pay the full amount of the contract?

108 TED REITLINGER, LEGISLATIVE COUNSEL: That would be prohibited because the language on line 6 says they cannot pay anything contingent upon the results. I would argue if you get a greater amount if the candidate wins, that is clearly contingent on the result.

117 VICE CHAIR SOWA: If a person has somebody working for them on the campaign, the only difference as to whether they are an independent contractor or an employee would be some kind of a written agreement?

125 REITLINGER: When I wrote this, I tried to decide whether we should attempt to define "employee" as well as "independent contractor". It seemed to me it is pretty clear to most people what the difference is. If you feel the need, we could specifically define those terms. Leaving it this way, and hearing the intent of the committee in this meeting, it seems pretty clear most people are going to know the difference between a person who is employed by a candidate or political committee on the staff of the candidate, as opposed to an independent contractor who is in the business of providing goods or services related to an election.

150 REP. VAN LEEUWEN: Rep. Novick says he has looked at many of the campaign finance reports, and finds that most candidates did not hire a person as a staff person, but used people who were listed as independent contractors.

line" minutes contain material which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report the speaker's exact words. For complete contents of the proceedings, please refer to the tapes. House Committee on State and Federal Affairs April 19, 1991 - Page 3

155 REP. NOVICK: At least under the current definition of the word. The vast majority of campaign coordinators are hired on a monthly retainer as independent contractors.

172 REP. FORD: Is this language going to deny a candidate the right to hire a temporary campaign coordinator and call him an independent contractor?

178 REITLINGER: Yes, I think it would deny them the right to pay them a bonus contingent on the results of an election. It is not going to deny them the right to hire that individual and pay them any amount they wish, they just could not pay them contingent on the results of the election.

183 REP. FORD: The answer is really no?

187 REITLINGER: Correct.

188 REP. NOVICK: In the first hearing the concern was raised whether or not you could pay an individual a bonus.

193 VICE CHAIR SOWA: My concern is not protecting the firms that do

it as a policy. My concern is we have candidates who are trying to get their elections over with, and keep from having to go to court after the election to prove they did not violate this law. -Gives example of situation where workers are paid after the election. 217 REITLINGER: This bill would cover those people if there was an agreement between the candidate and that person that they are going to be paid depending on the election outcome. If they are just getting paid after the election some amount of money that has nothing to do with who won, they would not be covered. The way it is written now, violation would be a civil penalty imposed by the Secretary of State. Unless there was an obvious violation of this statute, or they received a complaint, then it is doubtful any enforcement action will be taken. 232 VICE CHAIR SOWA: How is the Secretary of State going to know since most of these contracts are made verbally, and often you run across someone on the street and offer to pay them to put up lawn signs. 245 REITLINGER: That case would not be a violation of this statute. But in this case, as with any other violation of election law, the Secretary of State's office would have to make a factual determination whether or not a violation has occurred. It is a question of fact and would not always be an easy call, especially in the case of an oral agreement. 274 CHAIR MARKHAM: Suggests the committee administrator and legislative counsel work together on some amendments to clarify the measure.

HB 3291- INCREASES PENALTY TO MAXIMUM ONE YEAR IMPRISONMENT OR \$2.500 FINE, OR BOTH. FOR OBTAINING SIGNATURES BY PERSON NOT AN ELECTOR - PUBUC HEARING Witnesses: Mike Burton, State Representative, District 17 Mary Botkin, AFSCME - These minutes contain materials which paraphrase and/or summarize statements made during this session Only text enclosed in quotation marks repeat speaker's words For complete contents of the proceedings, please refer to the tapes Howe Committee on State and Federal Affairs April 19, 1991 - Page 4

Russ Farrell, Coalition for Petition Rights Jim Gardner, Attorney Cherie Holenstein, Coalition for Petition Rights Nina Johnson, Administrative Assistant, Office of Secretary of State Greg Kafoury, Co-director, Trojan Campaign Amy Klare, Research and Education Director, Oregon AFL-CIO Lois Stranahan, Coalition for Petition Rights

281 MIKE BURTON, STATE REPRESENTATIVE, DISTRICT 17: Describes problems involved in the use of paid signature gatherers on an initiative petition.

308 REP. ROBERTS: When the bill says "elector", does that mean a registered voter? 312 REP. BURTON: Yes. To gather signatures, the person must be an elector, a registered voter. Several individuals have subcontracted to 13, 14, and 15 year olds who are asked to go out and gather signatures. When they came back with the signatures, then the elector tried to sign off on the sheets, verifying the signatures.

330 REP. ROBERTS: My problem is, say you have an eighteen year old who is an elector, who does not understand the rules? Who gets fined?

340 REP. BURTON: Reviews the provisions of the bill.

398 REP. ROBERTS: If you hire someone and pay them minimum wage, are you going to get into the same problem of payroll taxes and workers' compensation?

405 REP. BURTON: Yes. That does not bother me in the least bit, but I am sure it will bother others. If the initiative petition is meant to give

access to the democratic process, then people ought to do this voluntarily.

TAPE 107, SIDE A

007 REP. ROBERTS: You want a totally volunteer force out there gathering signatures?

008 REP. BURTON: This bill still allows paid signature gatherers. But if you are going to pay them, do it as salary or do it under a contract.

011 REP. ROBERTS: Under a contract could you still go by so much per signature?

014 REP. BURTON: No, because this would prohibit it, you could do it in some other fashion such as time.

018 REP. FORD: Are you aware of HB 2465 that this committee spent a lot of time on? 021 REP. BURTON: Yes, and I support the concept and voted for HB 2465. This takes it a little farther, and requires them to wear some kind of badge. 022 REP. FORD: We went over that in dealing with HB 2465 and came up with what went out in . 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. \_ House Committee on SB te and Federal Affairs April 19,1991- Page 5

the bill.

023 REP. BURTON: I recognize the Secretary of State's office is going to testify that it is difficult to enforce. The main thing we are talking about is the aspect of pay.

041 JIM GARDNER, ATTORNEY: I represent Philip Morris USA and other companies that are regularly involved with the initiative petition process. During the non-legislative session my practice focuses on election and initiative law. The ban the bill contains on per signature compensation is modeled on the current ban in Oregon law on contingent fee lobbying. The rationale is that when a direct financial inducement is tied to the result of a political process, it creates a temptation to fraud. This bill would extend that model to the initiative process.

-Gives examples of fraud cases currently under investigation. -Secretary of State office is really not geared up to detect that kind of fraud.

073 REP. NOVICK: I am familiar with some of the problems that have occurred in California, but I did not realize there were many in Oregon. How many of these investigations are going on in Oregon? 079 GARDNER: I believe there are four criminal investigations under way. 084 REP.

NOVICK: What is to stop some group, who is not paying signature gatherers, from obtaining signatures fraudulently? 088 GARDNER: Nothing, that certainly could happen. This is not a complete answer, it is one measure that may help address the problem. 093 CHAIR MARKHAM:

Is there any concern about the signature verification process in the court houses? 099 GARDNER: It is geared to verifying the people are registered voters, not that the signatures are authentic. 100 REP.

NOVICK: I understand we have a prohibition on "bounty" lobbying, but they may pay Jim Gardner more because they think he is going to do a better job. If you have someone who is very good at gathering signatures, you might pay them more? 110 GARDNER: You are absolutely right. It will not prevent evaluation of the merits of a particular

signature gatherer and compensating him differently from another one.  
122 REP. OAKLEY: Were the four fraud cases you mentioned all out of  
the 1990 election? 123 GARDNER: Yes.

124 REP. OAKLEY: Were some of the same players involved in each of  
them?

125 GARDNER: It was the same signature gathering firm. That particular  
firm hired the signature gatherers and gave them a batch of a half dozen  
initiatives so they could collect them all at once.

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Federal Affairs April 19, 1991- Page 6

130 REP. ROBERTS: Was that done by the firm, or the people they hired?

132 GARDNER: I do not think it was the fault of the primary contractor.

134 REP. ROBERTS: You are going to totally kill off the process of  
hiring someone to go out and collect signatures. It is not having to pay  
minimum wage, it is the payroll taxes and all the other requirements.

139 GARDNER: The question under the workers' compensation law and the  
federal tax law as to whether someone is an employee or an independent  
contractor is independent from the issues of this bill. Nothing in this  
bill would prevent entering into a contract to pay a flat fee, not  
contingent on the number of signatures gathered, to do this task.

153 REP. ROBERTS: It actually boils down to a per signature payment  
because the law stipulates a certain number of signatures must be  
obtained.

158 GARDNER: You would not be able to make it contingent on the number  
of signatures turned in.

160 NINA JOHNSON, ADMINISTRATIVE ASSISTANT, OFFICE OF SECRETARY OF  
STATE: You could set as a goal that they are to collect a certain number  
of signatures, you just could not make the payment contingent on their  
gathering that many. If they failed to meet the goal, you would still  
have to pay them the agreed upon fee.

170 REP. ROBERTS: It still all boils down to numbers. We have so much  
money to gather so many signatures with so many people. You have to have  
a certain number of signatures to place it on the ballot.

183 JOHNSON: Submits and summarizes written testimony on behalf of the  
Secretary of State (EXHIBIT C).

199 CHAIR MARKHAM: You are recommending we drop the button requirement?

200 JOHNSON: Right.

201 CHAIR MARKHAM: You agree with Rep. Burton's amendment suggestion?

202 JOHNSON: That would be a major change for us. Right now it is very  
clear that if it is criminal it goes to the Attorney General, if it is  
not it stays with the Secretary of State. I think that would be a policy

change for us which we need to talk about internally and come back to the committee.

207 CHAIR MARKHAM: We would change it to give you the authority to go either way?

209 JOHNSON: Right, that would be the big change. We were suggesting just keeping it civil because it gives us more flexibility on enforcement.

213 JONES: Rep. Ford had some concern over the \$2,500 fine. Would your amendment eliminate

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that problem, or is it still there?

216 JOHNSON: Our testimony originally suggested do not make it a criminal penalty, leave it a civil violation as it is now. What Rep. Burton is saying is let's explore the possibility of making it either or.

238 AMY KLARE, RESEARCH AND EDUCATION DIRECTOR, OREGON AFL-CIO: Submits and summarizes written testimony (EXHIBIT D) in support of the measure. 272 VICE CHAIR SOWA: Do any of your affiliated groups hire anyone at a wage and require that they accomplish certain tasks per hour in order to maintain their job? 288 KLARE: If you are talking about collecting signatures for petitions, I am not aware of any union or labor council that requires that. 292 VICE CHAIR SOWA: I mean any job that a person might have. 296 KLARE: Most union contracts have negotiated wages per hour and maybe per job, but I think that is different than collecting signatures. 302 VICE CHAIR SOWA: I am just trying to find out if we pass a law that says you cannot pay per signature, could we then have a situation where they are paid by the hour, but if they do not come in with a specified number of signatures they do not get paid. 308 KLARE: I am not aware if you could do that. I could envisage paying an hourly wage at the minimum rate, with those who collect more signatures receiving a higher hourly rate. Paying them an hourly rate would be better than paying a piece rate. 318 MARY BOTKIN, AFSCME: What you are aiming at is the old piece work issue. Even the garment industry in Oregon has moved away from the piece work. 341 VICE CHAIR SOWA: If we pass a law saying you cannot pay per signature, are they going to get around it by paying an hourly rate, but you must gather a specified number of signatures to be paid. 348 BOTKIN: We have testified in favor of both of the bills that outlawed paying people to gather signatures on petitions. We need to be very clear about opposing paid petition carriers versus the petition process. Our concern is the initiative process in Oregon was a vehicle which allowed folks who were otherwise economically disenfranchised, to get issues on the ballot. I think over the years the legislature has become much more sensitive to the needs of those folks who do not have the economic ability to influence the process through paid media and other avenues. The petition process seemed to us to be the only process that was still clean. -Gives examples of present problems with the petition process.

TAPE 106, SIDE B

010 CHAIR MARKHAM: What are you saying about the bill, since it does allow payment by the hour? .

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012 BOTKIN: I do not want them to be even paid by the hour, but I hate per signature more.

019 CHATR MARKHAM: Are you in agreement on the other amendments?

021 BOTKIN: Yes. - 025 GREG KAFOURY, CO-DIRECTOR, TROJAN CAMPAIGN: This bill has three things wrong with it. It is over-broad, it punishes more than it is aiming at, it is under-effective, and it has unintended consequences which are exactly counterproductive according to what it's sponsors say they are trying to do. -Lists prohibitions in the bill which are already illegal. -All the problems mentioned came from one company. It is under criminal investigation. -Only the small people at the bottom are going to be put on the defensive because they are getting a little money. -Paid lobbyists do not wear buttons. -Is this going to get rid of the evil of uninformed people passing petitions? Absolutely not. -Describes his group's operations. -We are the kind of people who would be hurt by this. Little people, but serious people. -Yes we would be happier if politics did not become a business. This bill would make it more of a business, rather than less. -The bill is over-broad and under-effective.

130 CHERIE HOLENSTEIN, COALITION FOR PETITION RIGHTS: Makes statement in opposition of the measure. The proposals, if passed, will be helpful to the monied interests in the state. It takes time to explain a ballot title, please do not add more things that must be explained. Suggests working to reduce the number of signatures required.

179 RUSS FARRELL, COALITION FOR PLYITION RIGHTS: There are those who would like to get rid of the petition process. When the legislature does not respond to our needs, we have a place to go. All these bills are coming, and it seems there may be someone behind the scenes. -In the end you have to count by the number of signatures you get.

269 LOIS STRANAHAN, COALITION FOR PETITION RIGHTS: Opposes the requirement to wear a button.

275 CHAIR MARKHAM: Recesses the meeting at 9:36 a.m.

-Resumes meeting at 9:45 a.m.

HB 2974 - REPEALS CERTAIN EXEMPTIONS TO PUBLIC RECORDS LAW EFFECTIVE JANUARY 1. 1994 - PUBLIC HEARING Witnesses: Joel Ario, Oregon Student Public Interest Research Group Frank Brawner, Oregon Bankers Association Beth Bridges, City of Eugene John Gervais, Oregon Newspaper Publishers Association Karen Hafner, Oregon School Boards Association Ed Hughes, Pharmacy Steering Council

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Jim Long, Washington County Resident Rick Reedal, Pharmacy Steering Council Roy Turnbaugh, Archives Division, Office of Secretary of State  
298 JONES: Gives background of work done on the bill. -Submits and reviews proposed dash two LC amendments dated 4/2/91 (EXHIBIT E) containing changes requested by the State Archivist. -Submits and review proposed dash three LC amendments dated 4/3/91 (EXHIBIT F) containing changes requested by the City of Eugene. -Submits and reviews proposed dash four LC amendments dated 4/11/91 (EXHIBIT G) containing changes requested by the financial institutions.

343 ED HUGHES, PHARMACY STEERING COUNCIL: Makes statement in support of HB 297 4.

375 RICHARD J. REEDAL, PHARMACY STEERING COUNCIL: Submits and summarizes written statement (EXHIBIT H) in support of the measure.

TAPE 107, SIDE B

020 HUGHES: Relates comment from Oregon Health Sciences University staff member, to the effect they do not care about cost of goods and services purchased.

026 REP. FORD: Did he tell you what they do care about?

028 REEDAL: He said the issue was quality of care. Resumes written testimony.

052 REP. NOVICK: If you look at the packet, it is clear that several members of the legislature were not able to get this information either. Do you support the sunset clause in the original bill?

061 REEDAL: I support that concept.

067 HUGHES: Maybe some public records should not be open to the public, but should a legislator being a representative of the public, be able to obtain those records and review them. It is unclear in the current statute what authority legislators have in that matter.

081 REP. FORD: Would the committee think it might be advisable to request or subpoena some of these records from the Oregon Health Sciences University Requests for Proposals?

086 REP. ROBERTS: I do not think people believe we would do it.

088 CHAIR MARKHAM: Asks the committee administrator to follow up on the suggestion. . 097 REEDAL: Explains "Example 4" included with written testimony.

102 REP. ROBERTS: Do you have any problems with the amendments that have been submitted?

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104 REEDAL: No.

109 FRANK BRAUNER, OREGON BANKERS ASSOCIATION: Reviews the dash four LC amendments dated 4/11/91 (EXHIBIT G). Notes omissions from the proposed amendments in that lines 5, 6, 8 and 9 are not deleted from the bill.

130 REP. ROBERTS: Did you look up the ORS references?

134 BRAUNER: The intent of the amendments is to remove the sunset completely. Left in the bill would be the creation of the Public Records Advisory Council. . 143 REP. NOVICK: Why wouldn't we want to add someone from the electronics industry or others concerned, to the Advisory Council? Why do we want to single out financial institutions?

151 BRAUNER: I do not know of any other industry that is regulated to the extent we are, that deals with the trust of our customers, that handles the confidential information that we handle on behalf of our customers, even to the extent of proprietary secrets of a company. We would hope to have input to the Council, whether or not we have a member. We come from the standpoint the public ought to be told about the condition of banks, and we are doing that today.

171 REP. NOVICK: I could see the school employee association saying there are some vitally important personal records that they are concerned about. So I could see that argument coming from other folks as well.

178 BRAUNER: Points out that this leaves the Council at eight members, so you should find a ninth person anyway.

185 CHAIR MARKHAM: Probably the banking industry is more far reaching than any other.

187 VICE CHAIR SOWA: We have taken a fairly extensive bill and reduced it to one page, which is good, but tell me what we have done.

193 BRAUNER: The Council the legislation creates is going to be responsible. Perhaps there should be a permanent overview of the public records law. Things change. You are creating an overview of public records that will be very responsible.

204 VICE CHAIR SOWA: All we are doing is to form this council which will operate until 2050 to get what we wanted in four years.

207 BRAUNER: You are mandating that they come back to the next legislative session with recommendations. 210 REP. ROBERTS: If you are looking at someone's industrial secrets, bankers can be as concerned as the individual because they are probably financing the business. I would ask the committee to drop one member or add one member to the Council so it will have an odd number of members. 220 BRAUNER: If the representative of private business on the Council became a banker, what - House Committee on State and Federal Affairs April 19, 1991- Page 11

about the rest of business?

225 REP. NOVICK: I like the gun to the head concept. Some states like Florida put an automatic sunset as each exemption as it is adopted. Would you support that concept?

234 BRAUNER: If this Council is formed and acts responsibly, yes.

243 ROY TURNBAUGH, ARCHIVES DIVISION, OFFICE OF SECRETARY OF STATE: Submits and summarizes written testimony (EXHIBIT I) in support of the measure. Reviews proposed dash two LC amendments dated 4/2/91 (EXHIBIT E). 251 JONES: Discusses fiscal impact statement. The statement will be redrafted to reflect the Archives Division taking over some of the responsibility. 313 TURNBAUGH: Resumes review of proposed dash two LC amendments. 379 BETH BRIDGES, CITY OF EUGENE: Reviews the proposed dash three LC amendments dated 4/3/91 (EXHIBIT F). Submits letter supporting HB 2974 from Jeff Miller, Mayor of the City of Eugene (EXHIBIT J).

TAPE 108, SIDE A

004 CHAIR MARKHAM: You suggest the word "consider". Does that give you the right then to just say "no" to requests for records.

005 BRIDGES: No, not at all. We are asking the Council consider that when they are looking at the public records and how they are exempted, not that we are giving more power to local governments. -Expresses support for the proposed dash two LC amendments. We would like clarification of what is meant by "periodic reports". -On page 4, line 20 of the dash two amendments, suggests wording be changed to say "the State Archivist shall provide rules to state agencies and guidelines to local governments".

024 REP. NOVICK: Does the Archivist have any comments on the proposed changes?

028 TURNBAUGH: I do not have any problem with the changes.

034 JOHN GERVAIS, OREGON NEWSPAPER PUBLISHERS ASSOCIATION: Passage of HB 297 4 is the top legislative priority of the Association. -We will grudgingly support the bill with the removal of the sunset. -Suggests change in the member terms on the Council to two years, and make it an on-going commission.

056 PEP. FORD: If they do their job right, and recommend the removal of a lot of these exemptions, why would they need to continue?

058 GERVAIS: One of the things we see as the most important aspect of this commission is that we have a body for the future to look at requests that come in for exemptions. -The 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, House Committee on State and Federal Affairs April V, 1991 - Page 12

067 REP. FORD: Without any costs?

068 GERVAIS: Without costs forever, as far as I can see. I think the Archivist has offered their services, and the amount of work required would be very limited. -The third point in regard to the Council is we see it as a review process, and we think all future sunsets ought to encompass a sunset of some sort on them. -Suggests requiring the codification of all records closures in all the statutes, and pull them all back into ORS 192 where they belong.

095 JOEL ARIO, OREGON STUDENT PUBLIC INTEREST RESEARCH GROUP: Submits and summarizes written testimony dated April 1, 1991 (EXHIBIT K) in

support of the measure.

147 KAREN HAFNER, OREGON SCHOOL BOARDS ASSOCIATION: We are not taking a position as to whether the public records law needs to be reviewed. We support the proposed dash four LC amendments or any amendment that would remove the sunset provision. If you are looking for a ninth member of the Council, recommends a school representative.

165 VICE CHAIR SOWA: Under the concept presented earlier, having one person represent state government and another person representing local government, do you consider school boards being local government?

168 HAFNER: I would certainly support having state and local government represented separately. 170 VICE CHAIR SOWA: Mr. Ario, did you give us the wording you want for a new section?

176 ARIO: Yes, it would be "the Public Records Advisory Council shall make recommendations on how to insure on-going review of exemptions to the Public Records Law". Leave it open as to whether it is the sunset approach.

183 REP. NOVICK: I presume that in 99 cases out of 100 the exemptions extended to the education system would be advocated as making sense. Why are you opposed to (inaudible) the exemptions that are currently there?

191 HAFNER: My concern is that we are granting a body that has not yet been elected, the ability to decide whether or not these exemptions will be re-enacted. I am concerned that the study should happen before an automatic repeal of them. 199REP. NOVICK: Under the current language the study does happen first, they are not repealed until 1994.

202 HAFNER: Better the danger we know, than the one that is unknown.

207 JIM LONG, WASHINGTON COUNTY RESIDENT: Supports HB 2974. The principals surrounding public records and individual privacy are intriguing. About six or eight months ago the state finished a report on paper work reduction, this bill can address paper use reduction. -Likes the proposed dash one LC amendments and dash three LC amendments. -Would like to see privacy included in the bill. -This bill causes a lot of work that may not be accomplished in two years.

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-No penalties for public officials disclosing exempt information is included.

HB 2685 - LIMITS OFF-RACE COURSE MUTUEL WAGERING ON RACES CONDUCTED AT RACE COURSES OUTSIDE THIS STATE - WORK SESSION 273 MOTION: REP. ROBERTS moves HB 2685 to the floor with a "do pass" recommendation and subsequent referral to the Ways and Means Committee. VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Ford, Rep. Oakley, Rep. Roberts, Rep. Sowa, and Chair Markham voting AYE. Rep. Novick was excused.

Submitted by:  
Randall Jones Assistant

Reviewed by: Carolyn Cobb  
Administrator

EXHIBIT LOG: A - Amendments to HB 2728 - Randall Jones - 1 page B - Hand-engrossed HB 2728 - Randall Jones - 1 page C - Testimony on HB 3291 - Nina Johnson - 1 page D - Testimony on HB 3291 - Amy Klare - 2 pages E - Amendments to HB 2974 - Randall Jones - 5 pages F - Amendments to HB 2974 - Randall Jones - 1 page G - Amendments to HB 2974 - Randall Jones - 1 page H - Testimony on HB 2974 - Richard J. Reedal - 13 pages I - Testimony on HB 2974 - Roy Turnbaugh - 1 page J - Testimony on HB 2974 - Beth Bridges - 1 page K - Testimony on HB 2974 - Joel Ario - 4 pages

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.