

HOUSE COMMITTEE ON STATE AND FEDERAL AFFAIRS

May 13, 1991 Hearing Room E 8:00 a.m. Tapes 135 -136
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. Ron
Sunseri, District 22 STAFF PRESENT: Randall Jones, Committee
Administrator Carolyn Cobb, Co mmittee Assistant MEASURES
CONSIDERED: HCR6 - Recognizes and Honors Service of United States
Merchant Marine During World War II, WS HJR 38 - Changes Number of
Votes Needed to be Elected to Legislative Office and Certain Statewide
Offices From Plurality to Majority, WS SB 187 - Revises Election Laws,
PH, WS SB 665 - Provides That Hotel With Restaurant or Dispenser License
Issued by Oregon Liquor Control Commission May Provide for In-room
Supply of Alcoholic Beverages Under License, PH, 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 135, SIDE A

003 CHAIR MARKHAM: Calls the meeting to order at 8:08 a.m.

HCR6 - RECOGNIZES AND HONORS SERVICE OF UNITED STATES MERCHANT MARINE
DURING WORLD WAR II - WORK SESSION House Committee on SB tte and Federal
Affaire May 13, 1991 - Page 2

007 REP. ROBERTS: Gives background of the bill.

028 RANDALL JONES, COMMITTEE ADMINISTRATOR: The Merchant Marine
suffered the second highest percentage of casualties during World War
II, just behind the Marine Corps.

034 VICE CHAIR SOWA: Has Merchant Marine of the Korean and Vietnam eras
been adequately recognized?

036 REP. ROBERTS: I am not certain how extensively the Merchant Marine
was used during those wars.

040 JONES: After World War II a majority of the ships were either
moth-balled or scrapped. It was less of a convoy system during Korea and
Vietnam.

051 MOTION: REP. ROBERTS moved HCR6 to the floor with a "do pass"
recommendation. VOTE: In a roll call vote, the motion carried, with
Rep. Bell, Rep. Novick, Rep. Roberts, Rep. Sowa, and Chair Markham
voting AYE. Rep. Ford and Rep. Oakley were excused. Work session on HCR6
re-opens on page 7.

SB 187 - REVISES ELECTION LAWS - PUBLIC HEARING

067 SUE PROFFITT, ELECTIONS DIVISION: Submits and reviews proposed dash
thirteen LC amendments to SB 187 (EXHIBIT A). -Submits and summarizes
written testimony on the proposed dash thirteen LC amendments (EXHIBIT
B).

091 REP. NOVICK: Do we deal with the issue of whether someone gets something in response if they fax a report to you? 095 PROFFITT: We did discuss that briefly, but your fax machine, at least the ones in our office, give you a date and time of transmission. You have an acknowledgement on the machine that tells you if the transmission has been completed. 099 REP. NOVICK: When you transmit legal documents to the Secretary of State, if someone there misfiles or loses them, the person who sent them has no proof they got there. 107 PROFFITT: We have not taken care of that. 111REP. ROBERTS: I thought the same thing. There should be something in writing that says we have received your report of whatever date. I have to have it in hand. 124 CHAIR MARKHAM: Suspends the hearing on SB 187.

Public hearing on SB 187 re-opens on page 6.

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HJR 38 - CHANGES NUMBER OF VOTES NEEDED TO BE ELECTED TO LEGISLATIVE OFFICE AND CERTAIN STATEWIDE OFFICES FROM PLURALITY TO MAJORITY WORK SESSION

131 RON SUNSERI, STATE REPRESENTATIVE, DISTRICT 22: When multiple party candidates are vying for the same position, the person who wins the election may not be truly representative of a majority of the people. -The bill requires a runoff election between the final two candidates so the winner is elected by a majority of the voters. -An abuse of the system is striking bargains with other candidates not to run. -Not trying to limit the formation of new parties, only wants the ultimate winner of an election, elected by a majority of the voters.

174 REP. NOVICK: We have also been dealing with the issue of absentee ballots. We have been told it takes forty to forty-five days to get a ballot to troops overseas and returned. Why is the thirty-two days in the bill?

182 REP. SUNSERI: I am not tied to the thirty-two days. We called and asked the election people what is the minimum time required to do this. If we need to extend this to forty or forty-five days that would be fine.

189 REP. NOVICK: This does not specify the method of election. Are we talking about a mail election or going to the polls?

191 REP. SUNSERI: A mail election. 193 JONES: I just passed out some information on HB 2769 which is the implementation language for HJR 38. 200VICE CHAIR SOWA: Can you give me an example of a deal being made to discourage candidates from running? 207 REP. SUNSERI: There certainly is an election law against that, but that does not mean it is not being done. 215 VICE CHAIR SOWA: Do you know who would be the person who would be in violation of that law if such a deal were made? 220 REP. SUNSERI: Not without some investigation of the election law. 222 REP. ROBERTS: I do not think it is against the law to go to someone and ask them in a non-threatening way if they really want to run. 240REP. SUNSERI: The primary purpose of the bill is to uphold the principles of the republic, which is the most voters elect the

people that represent us. 246 REP. ROBERTS: If you have a conservation with another potential candidate indicating it

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would not be advantageous for both of you to run, that would not be violating the law.

251 PROFFITT: Just discussing it I don't believe is a violation.

252 REP. ROBERTS: If you offered the other potential candidate something of value not to run, isn't that a violation?

254 PROFFITT: I would take that as a more serious situation.

260 VICE CHAIR SOWA: The thing that really bothers me about this is, I know it is impossible for a transition team to get ready to take office and get a budget prepared in the time this bill allows. Are you prepared to make some amendments to this bill that would say in the event of a runoff election, the opening day of the legislative session would be delayed?

275 REP. SUNSERI: I am not sure that is absolutely essential. If you have a runoff election thirty two to forty days after the general election, it is still before the Christmas holidays and the session does not start until the fourteenth or fifteenth of January. The budget does not have to be done when the session opens. Not every election will require a runoff. 288 VICE CHAIR SOWA: I would assume that if people found they could get into runoff election if they tried hard enough, there would be a lot more third party candidates filing. 301 CHAIR MARKHAM: I am inclined to think if you have a friendly changing of the guard you can get the job done no matter how short the time. 31

1 REP. BELL: If there were a third party that did well enough to be in the top two, they would probably deserve to be in a runoff. I think it would discourage third parties that were just in the election to do damage. 333 REP. SUNSERI: I am not trying to discourage other parties' involvement, I am just trying to support the sound governmental principle of the republic, representation should be by the majority.

345 REP. ROBERTS: I do want to discourage those who get in the race just to be spoilers. 376 SUE PROFFITT, ELECTIONS DIVISION: Our calculations, based on the general election of 1990, indicate the window of election time would be between December 31 and January 11, when a runoff election would be held. 384 CHAIR MARKHAM: What would have happened if we had opened the legislature on the eighth day of January? You would not have known who was governor? 386 PROFFITT: That is correct. 387 CHAIR MARKHAM: Can you speed that up? 390 PROFFITT: One element that has not been discussed is the possibility of a recount. That process has to be included in here. Without a request or an automatic recount, the earliest date

390 PROFFITT: One element that has not been discussed is the possibility of a recount. That process has to be included in here. Without a request or an automatic recount, the earliest date

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would be December 31, based on the 1990 election. If there is a recount, it could go as late as January 11.

402 REP. ROBERTS: On the recount, very rarely would they recount every precinct. Even if that happened, it is not going to stop the legislature from opening.

TAPE 136, SIDE A

007 REP. NOVICK: If there had been a runoff in this last election, any idea what the potential cost might have been?

008 PROFFITT: I have a fiscal analysis of this proposed legislation which shows \$551,803. 014 CHAIR MARKHAM: If we added forty-five days to the date of the last election it would be December 21.

017 PROFFITT: The demand for a recount has to be filed not later than the twenty-second day.

021 REP. SUNSERI: I do not see any necessity in a runoff election, to have another voters' pamphlet published. That is about a quarter of a million dollars of that cost. 027 REP. FORD: This fiscal analysis does not include a voters' pamphlet, the \$551,000 is strictly the election. 045 PROFFITT: One thing that has been overlooked is the certification period of the ballot. There is a twenty day certification period by law before any of the additional processes can start. -Discusses the time line contained in the implementation bill.

062 VICE CHAIR SOWA: Are you willing to include language to delay the opening of the legislative session? 063 REP. SUNSERI: I would.

065 REP. FORD: What would be wrong with having a date set for a runoff at the twenty-eighth or thirtieth day after an election if it were necessary? Say if there will be a runoff, this is the date it will be.

074 REP. ROBERTS: You are not starting from scratch on the campaign.

077 PROFFITT: You are not allowing any time for absentee ballots. Are you going to preclude them from voting in a runoff election? -You are not giving the county clerks any time to prepare ballots to mail out to absentees.

084 REP. ROBERTS: I would like to see any runoff election be a mail-in election because it is very quick.

090 REP. SUNSERI: I am still not convinced we would have to delay the opening of the legislature to accomplish this.

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094 VICE CHAIR SOWA: If the governor is not prepared with a budget at the opening of the session, you are in limbo for the first month and a half or two months of the session.

109 REP. SUNSERI: I am not opposed to it if that is essential. My purpose is to preserve the principle of the majority.

105 CHAIR MARKHAM: Would you sit down and try to work out the problems out of the bill.

SB 187 - REVISES ELECTION LAWS - PUBLIC HEARING

123 SUE PROFFITT, ELECTIONS DIVISION: The problem we have with an immediate response on facsimile reporting is you are tying up the one machine we have for other reports we have coming in. We would have to have a time period to allow us to respond. 134 REP. ROBERTS: I like the idea of the fax. I want someone to tell me it has been received. 147 REP. NOVICK: I would like to have a copy of the cover sheet stamped by your office, saying received. 159 PROFFITT: Our concern is plugging up the system. Our constraints are time and manpower and technical ability. 166 REP. BELL: It seems like it would be a hang-up if they waited until the last day and faxed in the reports. Maybe there should be a rule that reports received by fax after a certain date cannot be guaranteed. 182 PROFFITT: Reviews faxing requirements under the bill. 190 REP. BELL: Can you live with the possibility of irate people who could not get through on the fax? 192 PROFFITT: We have been living with that. If you want to fax instead of mailing, you take the risk of getting into a clogged system. -Resumes review of the proposed dash thirteen LC amendments at page 1, line 17.

SB 187 - REVISES ELECTION LAWS - WORK SESSION

TAPE 135, SIDE B

004 PROFFITT: Resumes review of the proposed dash thirteen LC amendments at page 2, line 4.

206 REP. OAKLEY: Would you explain the replacement ballot for absentee voters a little more.

208 PROFFITT: If an absentee ballot has been sent out, but was never received, a replacement is necessary. This puts the process in place for requesting the replacement ballot and getting it out to the voter. ~ . Those 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 May 13, 1991- Page 7

214 REP. OAKLEY: Is there any possibility both ballots could be counted? 215 PROFFITT: This puts the process into place that identifies the conditions under which the second ballot would go out, how it would be marked for identification and how you would count returning ballots. If both came back, you would only count the second one. -Resumes review at page 26, line 10, Section 52. 261 REP. OAKLEY: Does Section 53 still allow the option that if your treasurer is out of town and the candidate does the report himself, that is still legal? 264 PROFFITT: Yes. 268 PROFFITT: -Resumes review at page 27, line 28, Section 54.

TAPE 136, SIDE B

006 MOTION: REP. BELL moved to amend the dash 13 LC amendments dated 5/10/91 to SB 187 by on page 2, deleting lines 1, 2. and 3. VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Ford, Rep. Novick and Rep. Sowa voting AYE. Rep. Oakley, Rep. Roberts and Rep. Markham voting NAY. 021 MOTION: REP. BELL moved to adopt

the dash 13 LC amendments dated 5/10/91 to SB 187 as amended.

023 CHAIR MARKHAM: Hearing no objection, it is so ordered.

025 MOTION: REP. BELL moved SB 187 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. Novick, Rep. Oakley, Rep. Roberts, Rep. Sowa, and Chair Markham voting AYE.

HCR6 - RECOGNIZES AND HONORS SERVICE OF UNITED STATES MERCHANT MARINE DURING WORLD WAR II - WORK SESSION

042 REP. FORD: Requests unanimous consent that the rules be suspended to allow her to be recorded as voting AYE on the motion to move HCR6 to the floor with a "do pass" recommendation.

044 CHAIR MARKHAM: Hearing no objection, it is so ordered.

046 REP. OAKLEY: Requests unanimous consent that the rules be suspended to allow her to be recorded as voting AYE on the motion to move HCR6 to the floor with a "do pass" - recommendation.

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048 CHAIR MARKHAM: Hearing no objection, it is so ordered.

SB 665 - PROVIDES THAT HOTEL WITH RESTAURANT OR DISPENSER LICENSE ISSUED BY OREGON LIQUOR CONTROL COMMISSION MAY PROVIDE FOR IN-ROOM SUPPLY OF ALCOHOLIC BEVERAGES AUTHORIZED UNDER LICENSE - PUBLIC HEARING Witnesses: Mike McCallum, Director of Government Affairs, Oregon Restaurant Association

058 MIKE MC CALLUM, DIRECTOR OF GOVERNMENT AFFAIRS, OREGON RESTAURANT ASSOCIATION: Submits and summarizes written testimony (EXHIBIT C) in support of the measure because it makes it clear there is adequate statutory authority to allow hotels to offer in-room supplies of alcoholic beverages. 064CHAIR MARKEIAM: Is the Oregon Liquor Control Commission (OLCC) allowing it today?

065 MC CALLUM: Yes, they are.

066 CHAIR MARKHAM: The hotel has to have an OLCC license?

067 MC CALLUM: That is correct.

070 REP. NOVICK: Why are we putting it in the statute? They can do it by rule or they are currently doing it by rule?

072 MC CALLUM: In 1986 an Attorney General's decision says they can do it, however it does not point to any statutory authority. It is a sizeable investment to put these things in, and without clear statutory authority, some hotel are hesitant to install them. As commissioners and administrators change, the OLCC rules could change. 088 VICE CHAIR SOWA: Does this make it mandatory that the Commission has to step aside

and allow these bars to be put in at the owners' discretion? 091MC
CALLUM: The Commission would probably still have the authority to make
sure the establishments are going to operate them under the policy
guidelines that the Commission has set. If an establishment would meet
the OLCC policy requirements, the Commission would probably have to
statutorily grant that privilege. 104 VICE CHAIR SOWA: If these bars
have problems with alcohol consumption, would the OLCC be prevented from
banning them? 110 MC CALLUM: I think they would have to come back
before the legislature to make the case for elimination. 113 REP.
FORD: Do you anticipate any cases of motels that do not have restaurants
connected to them, wanting to have OLCC licenses in order to do just
this provision? 116 MC CALLUM: There may be cases where they would
want to do that, however the licensing criteria is really strict by
OLCC, and it simply would not be allowed.

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SB 665 - PROVIDES THAT HOTEL WITH RESTAURANT OR DISPENSER LICENSE ISSUED
BY OREGON LIQUOR CONTROL COMMISSION MAY PROVIDE FOR IN-ROOM SUPPLY OF
ALCOHOLIC BEVERAGES AUTHORIZED UNDER LICENSE - WORIC SESSION

120 REP. BELL: All the times I have ever seen this type of facility in
a hotel room, I have never seen the prices posted. 131 MC CALLUM: I
think it would precedent setting to mandate the prices must be posted.
As far as the snacks go, I think in many cases there will be a price
list put inside the mini-bar. The rule-making authority through the
Commission might deal with something like that. 144 REP. BELL: Why
are the prices so exorbitant for the service? 148 MC CALLUM: I am not
aware they are all that more expensive. 163 REP. NOVICK: One of the
reason I like this bill is that it allows the small wineries and others
in the State of Oregon to promote their products. 173 VICE CHAIR
SOWA: My concern about this concept is, do you have any studies which
show what the increased consumption of alcohol might be with these
facilities? 183 MC CALLUM: Other states that have more of a
proliferation of these have much more data than we do. We are not aware
that any of the current control states that allow mini-bars have
experienced any increased problems as a result. 188 MOTION: REP.
ROBERTS moved SB 665 to the floor with a "do pass. recommendation.
VOTE: In a roll call vote, the motion carried, with Rep. Ford, Rep.
Noviclc, 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 - Amendments to SB 187 - Sue Proffitt - 30 pages B - Testimony on SB
187 - Sue Proffitt - 4 pages C - Testimony on SB 665 - Michael McCallum
- 8 pages

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