

Senate Committee on Rules  
June 24, 1991 - Page

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.

SENATE COMMITTEE ON  
RULES

June 24, 1991Hearing Room B  
8:00 a.m. Tape 27  
Salem, Oregon

MEMBERS PRESENT:Sen. Frank Roberts, Chair  
Sen. John Brenneman  
Sen. Jane Cease  
Sen. Joan Dukes  
Sen. Lenn Hannon

MEMBERS ABSENT:Sen. Bill Bradbury, Vice-Chair  
Sen. Joyce Cohen

STAFF PRESENT: Jose Mata, Committee Administrator  
Bernadette Williams, Committee Assistant

MEASURES

CONSIDERED:Executive Appointment:

Land Conservation and Development Commission, Arthur C.  
Johnson

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TAPE 27, SIDE A

002 CHAIR ROBERTS: Calls the meeting to order at 8:10 a.m..

Submits and summarizes the Executive Appointment of Arthur C. Johnson to the Land Conservation and Development Commission. (EXHIBIT A)

Asks Mr. Johnson what his feelings are about his appointment.

013 ARTHUR C. JOHNSON, LAND CONSERVATION AND DEVELOPMENT COMMISSION  
EXECUTIVE APPOINTEE:

The LCDC is one of the more important Commissions of Oregon. Brief history

of personal and professional background. Views the LCDC as a policy making Commission and thinks his general background and experience will help him to perform well on the Commission.

033 MOTION: SEN. ROBERTS asked if there was objection to sending the Executive Appointment of Arthur C. Johnson to the Land Conservation and Development Commission to the floor with a recommendation of confirmation.

VOTE: There being no objection, the motion was approved. Senators Bradbury and Cohen were absent.

038 ROBERTS: Adjourns the meeting at 12:35 p.m..

Submitted by:      Reviewed by:

Bernadette Williams      Jose Mata  
Assistant                      Administrator

EXHIBIT LOG:

A            -            Executive Appointment - Governor Roberts - 27 pages

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SENATE COMMITTEE ON  
RULES

June 24, 1991Hearing Room 454  
12:00 p.m. Tape 28  
Salem, Oregon

MEMBERS PRESENT:Sen. Frank Roberts, Chair  
Sen. Bill Bradbury, Vice-Chair  
Sen. John Brenneman  
Sen. Jane Cease  
Sen. Joan Dukes (Arrived 12:37 p.m.)  
Sen. Lenn Hannon

MEMBERS ABSENT:Sen. Joyce Cohen

STAFF PRESENT: Jose Mata, Committee Administrator  
Bernadette Williams, Committee Assistant

MEASURES

CONSIDERED:HB 3283-B - Amends law prohibiting political payments in a false name to include all contributions, not just payments of money, PAW

HB 3134-B - Revises law requiring certain refundable deposits to be deposited in low income housing accounts, PAW

SB 1225 - Corrects erroneous material in Oregon Law, PAW

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 28, SIDE A

004 CHAIR ROBERTS: Calls the meeting to order at 12:30 p.m..

(Tape 28, Side A)  
HB 3283-B - PUBLIC HEARING  
Witnesses:Jose Mata, Senate Rules Committee Administrator  
Jack Graham, Secretary of State's Office

Opens public hearing on HB 3283-B. The question has been raised with reference to the new

language on page 2, Section 15 of HB 3283-B. The original bill provided that you couldn't make contributions during the biennial session. I presume this is intended to allow contributions up to 21 days after a general election.

015 BRADBURY: The B-Engrossed version of the bill would provide that campaign contributions could be accepted up to 21 days after the general election on years of biennial legislative session. You would have a period where you are not allowed to accept campaign contributions that would extend from about November 23 to the end of the legislative session.

023 ROBERTS: Would you prefer that this prohibition be just until December 31?

024 BRADBURY: Yes. I would move that we change the dates such that the period that one is prohibited from receiving campaign contributions is December 31 of the year preceding a biennial session to the end of the session.

030 JOSE MATA, SENATE RULES COMMITTEE ADMINISTRATOR: What about a contribution that arrived on December 31?

032 BRADBURY: Changes that to "after" December 31.

034 ROBERTS: Will ask Legislative Counsel to draft an amendment which provides that the prohibition is against contributing after December 31 of the year preceding a regular legislative session or during a special session.

038 HANNON: Do we want the December 31 deadline to apply to caucuses as well?

043 ROBERTS: One of the purposes of HB 3283-B is to prohibit the last minute fund raising drive by the caucuses in the night before the legislative session.

045 HANNON: This only deals with the individual; it doesn't specifically address the caucuses.

048 CEASE: Isn't this addressed on page 3, Section 9 of HB 3283-B.

049 BRADBURY: Yes.

050 CEASE: We could change it to make it consistent in all three places to Section 9.

052 MATA: There are parallel sections; some sections deal with soliciting and other sections deal with receiving.

054 ROBERTS: Asks Mr. Mata if this relates to fund raising by political committees.

057 MATA: Reads from page 2, line 39 of HB 3283-B. It doesn't specifically stop the political committee from going out there and soliciting contributions.

068 ROBERTS: Can a caucus conceivably raise money without it being an official asking for the money?

070 JACK GRAHAM, SECRETARY OF STATE'S OFFICE:  
I think it can.

072 MATA: Suggests a trade-off to make it after December 31, then add in caucuses.

073 BRADBURY: Or even political groups.

077 ROBERTS: The next question is whether we want it to apply to political committees?

079 BRADBURY: There are a lot of different political committees that aren't legislators. Are they prohibited from raising money during the legislative session (e.g. The Political Action Committee for PGE)?

084 GRAHAM: No.

085 BRADBURY: The problem was probably defining the political committees they are trying to limit. Supportive of caucus political committees not being allowed to raise money, but it is hard to define that.

089 ROBERTS: Suggests applying it to a political committee which is authorized by any legislators or group of legislators; that would apply to the caucuses.

095 HANNON: Asks Mr. Graham if that would preclude a Republican function (e.g. they are not a caucus or political committee). We should make this equal for everyone.

102 GRAHAM: If the language is framed in a way that indicates that the committee is a principal campaign committee or related to a political party, then you would not get the other types of committees. You would want to broaden the language if you want to include the other types of committees.

108 ROBERTS: How would we classify such committees? A committee authorized by a political party?

110 GRAHAM: Created by or authorized or for the benefit of a political party.

115 ROBERTS: Suggests that language is drafted relating to this issue. The intent of the amendment would be to assure that fund raising and campaign committees that were authorized by legislators or by political parties would come under this ban.

(Tape 28, Side A)  
HB 3134-B - PUBLIC HEARING

132 ROBERTS: Opens public hearing on HB 3134-B.

136 HANNON: The Ways and Means Public Safety Subcommittee heard HB 3134-B and I would urge the adoption of it.

146 MOTION: SEN. ROBERTS asked if there was objection to moving HB 3134-B to the floor, there by effectively sending HB 3134-B to the floor with a "do pass" recommendation.

VOTE: Hearing no objection, the motion was unanimously approved. Senator Cohen was absent.

(Tape 28, Side A)  
SB 1225 - PUBLIC HEARING  
Witnesses: Kathleen Beaufait, Legislative Counsel

151 ROBERTS: Opens public hearing on SB 1225. Are there any items that affect the legislative intent?

162 KATHLEEN BEAUFIT, LEGISLATIVE COUNSEL:  
No. These are intended to tidy up some loose ends so that the bill is consistent with legislative intent.

167 ROBERTS: How did you establish legislative intent? Asks for an example.

168 BEAUFIT: One example would be the section which sets up the Work Force Quality Council. That was drafted to include a legislator member. But this would put a legislator in a position of violating their constitutional oath of office by being asked to vote in an executive branch agency; this would violate the separation of powers. The Attorney General asked the federal government why they put a legislator on the committee; they replied that it was not a problem because the function of the legislator is purely advisory.

We then proposed to change it to make that clear.

We also changed the Work Management Plan to JTPA; a change in the name of the statute. By doing so, moribund statutes were resurrected that don't fit the JTPA program.

195 ROBERTS: Were any of these based upon Legislative Counsel's judgement that a particular item was unconstitutional, so far as the state constitution?

197 BEAUFIT: The only one would be the concern about the legislator member appearing to be in a position where the oath of office would become a question.

Submits and summaries amendments to SB 1225. (EXHIBIT A)

236 ROBERTS: The Oregon Jobs Training Coordinating Council is not subject to the separation of church and state?

238 BEAUFAIT: The function of the JTPA Council under the particular federal statutory citations there is advisory. They want the legislator to be able to vote on the advisory conduct.

244 ROBERTS: This is not a decision making group, just advisory.

245 MOTION: SEN. ROBERTS asked if there was objection to adopting Legislative Counsel amendments dated 6/24/91.

VOTE: There being no objection, the motion was unanimously approved. Senator Cohen was absent.

249 MOTION: SEN. ROBERTS asked if there was objection to moving SB 1225, as amended, to the floor, thereby effectively sending SB 1225 to the floor with a "do pass" recommendation.

VOTE: There being no objection, the motion was unanimously approved. Senator Cohen was absent.

250 HANNON: Volunteers to carry SB 1225 on the floor.

254 ROBERTS: Adjourns the meeting at 12:50 p.m..

Submitted by:      Reviewed by:

Bernadette Williams      Jose Mata  
Assistant                      Administrator

EXHIBIT LOG:

A            -            Amendments to SB 1225 - Kathleen Beaufait, Legislative Counsel - 1 page