

HOUSE COMMITTEE ON RULES AND PUBLIC AFFAIRS

January 28, 2003 Hearing Room E
1:00 PM Tapes .3 - 4

MEMBERS PRESENT: **Rep. Dan Doyle, Chair**
 Rep. Linda Flores, Vice-Chair
 Rep. Laurie Monnes Anderson, Vice Chair
 Rep. Vic Backlund
 Rep. Phil Barnhart
 Rep. Betsy L. Close
 Rep. Joanne Verger

STAFF PRESENT: **Cara Filsinger, Administrator**
 Annetta Mullins, Committee Assistant

MEASURE/ISSUES HEARD: **Public Hearing and Work Session**
 HB 2145
 Public Hearing
 HB 2044

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
Tape 3, A		
003	Chair Doyle	Calls meeting to order at 1:02 p.m. and opens a public hearing on HB 2145.
<u>PUBLIC HEARING – HB 2145</u>		
	John Lindback	Elections Division, Secretary of State. Explains HB 2145-2 amendments (EXHIBIT A). States their office will be working with Ways and Means to fill in the dollar figures.
040	Lynn Rosik	Department of Justice. Explains the necessity of the proposed HB 2145-2 amendments as required by the federal act on complaints.
063	Ross Day	Director of Legal Affairs, Oregonians in Action. States that the bill as originally drafted causes concern to their organization. Speaks in support of the changes in the HB 2145-2 amendments.
	Chair Doyle	Explains that the amendment is only an expenditure limitation; it does not specify where the money would go or how it would be spent. That would be part of the Ways and Means process.
105	Day	Comments on "supremacy clause" that says federal law supersedes state law. Comments on concern of using funds for other purposes.
130	Day	States that he will provide copies of a congressman's comments on the Floor of Congress when the Help American Vote Act of 2002 was debated.
	Rep. Close	Asks if Day is aware of the requirement to allow people to view the process at the county level.
	Day	Responds that the requirement raises concern. Comments on Multnomah County closing the counting and reopening the next morning without observers. Expresses concern about observation of signature verification and vote count observation.
189	Rep. Verger	Comments she thinks the legislative body can say how the money will

	Day	be spent and there should be accountability. Comments his understanding is that states must set up an administrative procedure to allow citizens who are concerned with the implementation at the state level file complaints with the Secretary of State. Agrees with Rosik that complaints could still be filed in Circuit Court.
223	Ted Reutlinger	Legislative Counsel. Explains the HB 2145-2 amendments. States that by putting in the expenditure limits, the legislature gains control about how much of the federal money the Secretary of State can spend in each biennium. Comments on the prohibition of an expenditure bill including provisions on anything else. States that the courts have said the legislature can include the purpose for which the money is being appropriated. Feels HB 2145 fits in those guidelines.
285	Rep. Backland	Comments that some of the language in the HB 2145-2 amendments seems to be limiting. Asks if the funds could be spent on anything other than the activities under the federal Help American Vote Act.
331	Reutlinger	Responds negatively. Calls attention to the language in lines 18 and 19 on page one of HB 2145, which says the money can only be spent for the purposes laid out in the federal law. The goal is to have the Secretary of State only spend the money for purposes described in the federal law.
315	Chair Doyle	Ask if there are subsequent bills that relate to the Help America Vote Act, would there would be a concern about this kind of limitation.
327	Reutlinger	States that if HB 2145 were to pass and authorize the Secretary of State to spend the federal money on any HAVA purpose, and legislation came along later that contained some provisions to bring the state law into compliance with HAVA, then he believes the Secretary of State could spend the money in the fund for that purpose, as long as it is one of the purposes the Act says the money can be spent on. If something is unrelated to the federal requirements, then there would be a serious question about whether they could use this fund for the other purpose.
348	Rep. Monnes Anderson	Asks if there are pieces of the Act that could be interpreted and give the Secretary of State more leeway, such as for education.
327	Reutlinger	States the bill does refer to voter education but believes it is somewhat specific about what the education is to encompass and there is specific information on how people can vote, get a replacement ballot, etc. Believes voter education will be directed to resolve conflicts and how to vote.
363	Rep. Close	Reads comments from Douglas W. Jones that the act could be a very expensive mandate.
	Reutlinger	Responds, commenting on mandates that will allow people with disabilities to vote wherever they are.
458	Rep. Backlund	Asks if Day's fears or concerns have been relieved.
428	Day	Comments he disagrees with Reutlinger; he does not believe the statute is so clear. Comments on 1995 federal act on mandates. States he is not sure his fears have been relieved.
TAPE 4, A		
040	Rep. Monnes Anderson	Asks if Day is aware that the fund must be established.
	Day	States he is aware that the fund must be established before receiving the federal funds. Expresses distrust in the process.
073	Rep. Close	Comments that the Congressional Research Service memorandum says

079	Lindback	each state has to submit a plan (EXHIBIT B). Asks if Oregon has drawn up a plan, and whether the committee could see the plan.
089	Rep. Close	Explains they have a steering committee working on the state plan and they are hopeful they can have a plan to show to the legislature as early as March.
	Chair Doyle	Comments it would be good if the committee could see the draft plan to allay the fears of the committee on the education piece.
	Lindback	Comments the purpose of this bill is to establish the fund and establish the complaint procedure.
	Chair Doyle	Agrees. Explains the need to establish the fund to receive the moneys as early as 60 days from now. The money could be put into the Elections Fund and draw some interest. .
105	Lindback	Comments that the legislature can define voter education. Asks if there is a connection between those kinds of detail on a substantive policy verses HB 2145.
	Chair Doyle	Comments on providing information to the committee as they go through the process.
		Closes the public hearing and opens a work session on HB 2145.

WORK SESSION – HB 2145

149	Rep. Flores	MOTION: Moves to ADOPT HB 2145-1 amendments dated 1/20/03 and the HB 2145-2 amendments dated 1/17/03.
	Cara Filsinger	Administrator. Explains that Legislative Counsel will combine the HB 2145-1 amendments (SEE EXHIBIT D OF COMMITTEE MINUTES DATED JANUARY 21, 2003) and the HB 2145 -2 amendments (EXHIBIT A) if they are both adopted by the committee.
148	Chair Doyle	Notes the bill has a subsequent referral to Ways and Means and that the Senate would also like to hear the issue. Comments on discussions with the Ways and Means Co-Chairs. Advises that the best way to provide for the input in the Senate and in Ways and Means is to send HB 2145 to the Ways and Means Committee, which will send it to Senate Rules for substantive review and return it back to Ways and Means for the appropriation and expenditure limitation. Adds that the measure will not be on the floor of the House or Senate until it is through the Ways and Means process.
179	Chair Doyle	VOTE: 7-0-0
		Hearing no objection, declares the motion CARRIED.
180	Rep. Flores	MOTION: Moves HB 2145 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.
184	Chair Doyle	VOTE: 7-0-0
		AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
285	Chair Doyle	Closes the work session on HB 2145 and opens a public hearing on HB 2044.

PUBLIC HEARING – HB 2044

292	Chair Doyle	Comments on legislative committee structures and purposes and focuses.
	Cathy Pollino	Audits Division, Secretary of State. States they have no position on the bill, but will provide input for clarification.
	Chair Doyle	Asks Pollino to explain the functions of the Audits Division.
	Pollino	Explains purpose and functions of the Audits Division.

	Pollino	Suggests clarification in Section 2 (4) because she is not sure of the intent of who the recommendations would be made to.
318	Chair Doyle	Asks why the current statutory language allows work with the Budget and Management Division.
	Pollino	Explains the language was added in 1989 when the Budget and Management Division used to do management-type audits and they no longer serve that function.
	Rep. Monnes Anderson	Asks if the Legislative Audit Committee meets very often.
	Pollino	Responds they meet about every quarter.
	Chair Doyle	Explains Section 1(1) of HB 2044.
	Rep. Close	Questions the language in line 10 on page 1 of HB 2044.
	Chair Doyle	Responds that he believes it was to make sure members have had experience on Ways and Means since they are looking backwards on how money was spent.
396	Rep. Verger	Comments on Ms. Pollino saying she represents the taxpayers. Commends the Audits Division for their work.
	Chair Doyle	States that the committee will consider the amendments on Thursday.
424	Chair Doyle	Closes the public hearing on HB 2044 and adjourns the meeting at 1:56 p.m.

EXHIBIT SUMMARY

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- A – HB 2145, HB 2145-2 amendments, John Lindback, 1 p**
- B – HB 2145, Congressional Research Service memo, staff, 15 pp**