

SENATE COMMITTEE ON BUDGET SOLUTIONS

September 17, 2002 Hearing Room 357

Time: 9:00 a.m. Tapes 8 - 9

MEMBERS PRESENT: Sen. Lenn Hannon, Chair
Sen. Peter Courtney
Sen. Joan Dukes
Sen. Steve Harper
Senate President Gene Derfler
Sen. Margaret Carter

MEMBERS ABSENT: Sen. Ken Messerle, Vice-Chair

STAFF PRESENT: Jennifer Simmons, Committee Assistant

MEASURE/ISSUES HEARD: HB 4079-B Work Session
HB 4079-C Public Hearing and Work Session
HB 4075-B Work Session
HB 4077 Work Session
HB 5100-B Work Session
HB 4074-C Work Session

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 8, A		
004	Chair Hannon	Calls the meeting to order at 9:05 a.m. Opens a work session on HB 4079-B.
-		
<u>HB 4079-B WORK SESSION</u>		
010	Sen. Dukes	MOTION: Moves to ADOPT HB 4079-B3 amendments dated 9/16/02.
016		VOTE: 5-0-1
	Chair Hannon	EXCUSED: 1 - Messerle Hearing no objection, declares the motion CARRIED.
018	Paul Warner	Legislative Revenue Officer. Provides an explanation of the -B3 amendments (EXHIBIT A), which change the temporary income tax increase from a three-year increase to a one-year increase. Estimates that the measure would raise an additional \$212 million in income taxes and \$12.1 million in corporate taxes during the 2001-03 biennium. Says the amendments also delete the reference to a special election, instead making the measure effective 90 days following sine die (EXHIBIT B).
037	Sen. Dukes	MOTION: Moves HB 4079-A to the floor with a DO PASS AS AMENDED recommendation.
041		VOTE: 5-0-1 EXCUSED: 1 - Messerle

Chair Hannon **Hearing no objection, declares the motion CARRIED.**

045 Chair Hannon **SEN. COURTNEY will lead discussion on the floor.**
Closes the work session on HB 4079-A and recesses the meeting.

*******RECESS*******

046 Chair Hannon Reconvenes the meeting at 3:30 p.m. Reopens the work session
on HB 4079-C.

-
HB 4079-C WORK SESSION

048 Warner Reviews the –C5 amendments (**EXHIBIT C**). States that the
major change from the B-engrossed version is in section 10, which
sets a special election for January 28, 2003. Adds that the three-
year rate increase is also restored. Says the rounding adjustment
is also changed to the nearest \$25, as opposed to the nearest \$50.

095 **Chair Hannon** **MOTION: Moves to ADOPT HB 4079-C5 amendments dated
9/17/02.**

100 **Chair Hannon** **VOTE: 5-0-1**
EXCUSED: 1 - Messerle
Hearing no objection, declares the motion CARRIED.

101 Chair Hannon Closes the work session and opens a public hearing on HB 4079-
C.

-
HB 4079-C PUBLIC HEARING

102 Chair Hannon Closes the public hearing and reopens the work session on HB
4079-C.

-
HB 4079-C WORK SESSION

105 Sen. Courtney **MOTION: Moves HB 4079-C to the floor with a DO PASS AS
AMENDED recommendation.**

108 **Chair Hannon** **VOTE: 5-0-1**
EXCUSED: 1 - Messerle
Hearing no objection, declares the motion CARRIED.

**SEN. HANNON AND SEN. COURTNEY will lead discussion
on the floor.**

115 Chair Hannon Closes the work session on HB 4079-C and opens a work session
on HB 4075-B.

HB 4075-B WORK SESSION

121 Adrienne Sexton Legislative Fiscal Office. Provides a brief review of the measure.

127 **Chair Hannon** **MOTION: Moves to ADOPT HB 4075-B8 amendments dated
9/17/02.**

225 Chair Hannon MOTION: Moves HB 5100-B to the floor with a DO PASS recommendation.

229 VOTE: 5-0-1
EXCUSED: 1 - Messerle
Chair Hannon Hearing no objection, declares the motion CARRIED.

SEN. HANNON will lead discussion on the floor.

231 Chair Hannon Closes the work session on HB 5100-B. Declares the meeting to be in recess.

*****RECESS*****

232 Chair Hannon Reconvenes the meeting and opens a work session on HB 4074-C.

-
HB 4074-C WORK SESSION

233 Rick Olsen Legislative Fiscal Office. Indicates that the measure helps resolve the budget crisis.

239 Sen. Courtney MOTION: Moves HB 4074-C to the floor with a DO PASS recommendation.

240 VOTE: 5-0-1
EXCUSED: 1 - Messerle
Chair Hannon Hearing no objection, declares the motion CARRIED.

SEN. HANNON will lead discussion on the floor.

241 Chair Hannon Closes the work session on HB 4074-C and recesses the meeting.

*****RECESS*****

242 Chair Hannon Reconvenes meeting at 4:29 p.m.

243 Chair Hannon MOTION: Moves to RECONSIDER the vote by which HB 5100-B was sent to the floor with a DO PASS recommendation.

245 VOTE: 5-0-1
EXCUSED: 1 - Messerle
Chair Hannon Hearing no objection, declares the motion CARRIED.

(Rules are suspended by implied consent.)

246 Chair Hannon Reopens the work session on HB 5100-B

-
HB 5100-B WORK SESSION

248 Sen. Carter MOTION: Moves to ADOPT HB 5100-B16 amendments dated 9/17/02.

251 VOTE: 5-0-1

313 Chaimov Replies he was not present at that time and therefore could not say.

315 Sen. Carter Inquires whether the Legislative Counsel Office informs legislators or other requesters when there is indication that the language contained therein is believed to be unconstitutional.

313 Chaimov Replies that his office typically does so, though he cannot comment on whether such information was given in this case.

321 Sen. Carter Asks what the negative effect would be of the use of the words “from” and “dedicates” in the ballot title.

324 Chaimov Responds that stating that the measure does not dedicate funds to anything, but rather repeals cuts that would otherwise be made by HB 5100.

335 Chair Hannon Requests elaboration on what language would be preferable.

340 Chaimov Recommends replacing the term “dedicates from” with the word “repeals”.

349 Sen. Carter Refers to lines 8-9 and reads the proposed language.

356 Chaimov Corrects himself by saying that the term to be deleted is “dedicates funds to avoid”. Recommends further deleting the phrase “allows funds to be dedicated to restore” on line 20 and replacing it with “restores”. Rereads the language of the measure as amended by the conceptual language.

405 Sen. Courtney Asks whether it would be appropriate to amend the measure conceptually according to Counsel Chaimov’s recommendation.

TAPE 9, A

002 Chair Hannon Asks whether legislative draft requests are submitted verbatim, or if language is cleaned up for clarity or to better reflect the intent of the request. Inquires whether such advice was given in this particular case.

020 Chaimov Responds that he can answer the question only in the general sense and says that generally Legislative Counsel does its best to make changes that best accomplish the requester’s purpose. Concedes that occasionally the requester insists that the draft reflect the specific language against the recommendation of counsel.

033 Dexter Johnson Legislative Counsel Office. Replies that he did not draft the –B8 amendments.

045 Ted Reutlinger Legislative Counsel Office. Indicates he was the staff who drafted the –B8 amendments. States that he cannot answer any questions about conversations between himself and the requester of the amendments due to confidentiality requirements.

060 Sen. Carter Asks whether a requested amendment, particularly a ballot title, can include any language the requester desires.

066 Chaimov Answers affirmatively, subject to the caveat that in most instances the Supreme Court has the authority to correct inaccuracies upon the challenge of a dissatisfied elector.

070 Sen. Carter Wonders what the potential negative effect would be in the event that the current language was to be placed on the ballot and ratified by voters.

096 Chaimov Replies that there would be no legal ramifications, despite the fact that the language inaccurately portrays the proposed ballot measure. Reiterates that the legislature is free to refer a factually inaccurate statement does a better job explaining a measure to the general public.

118 Sen. Courtney **MOTION: Moves to AMEND HB 5100-B10 AMENDMENTS on line 9, delete “dictates” and insert “repeals”, and on line 10, delete “funds to avoid”, and on line 20, delete “allows funds to be dedicated to restore” and insert “restores”.**

133 Chaimov Elaborates that the legislature could factually use the phrase “repeals cuts.” Explains that HB 4079 does not repeal anything, but HB 5100 repeals the cuts therein if HB 4079’s provisions become law.

166 Sen. Carter Asks if Counsel Chaimov is suggestion deviation from the language in Sen. Courtney’s motion.

173 Chaimov Replies that his comments should not be taken to mean that the language in Sen. Courtney’s motion is inaccurate or needs to be replaced.

177 Sen. Carter Comments that Counsel Chaimov’s comments would seem to make some of the language in the motion redundant.

184 Chaimov Clarifies his comments regarding the language in the measure and in Sen. Courtney’s motion.

188 Chair Hannon Asks how long it would take to draft new language according to Counsel Chaimov’s specifications.

204 Chaimov Replies that the language could be drawn up within 15 minutes.

207 Sen. David Nelson Remarks that the agreement on HB 4075 is tenuous at best and that the proposed language could reduce support for the measure.

228 Chair Hannon Closes the work session on HB 4075-B and recesses the meeting.

*******RECESS*******

235 Chair Hannon Reconvenes the meeting at 5:50 p.m.

238 Chair Hannon **MOTION: Moves to RECONSIDER the vote by which HB 4075-B was sent to the floor with a DO PASS AS AMENDED recommendation.**

240 **VOTE: 3-0-3**
EXCUSED: 3 - Derfler, Harper, Messerle
Chair Hannon
(Rules are suspended by implied consent.)
Hearing no objection, declares the motion CARRIED.

242 Chair Hannon Reopens the work session on HB 4075-B.

-
HB 4075-B WORK SESSION

255 Sen. Courtney Indicates that he would like to remove the –B8 amendments that were adopted previously by the committee.

260 Ted Reutlinger Legislative Counsel Office. Notes that the committee made a minor amendment to HB 4079 that altered the fiscal impact statement contained in HB 4075, which was conceptually amended yesterday. States that if the committee withdraws the –B8 amendments it will need to adopt the –B12 amendments **(EXHIBIT F)** to revise the numbers within the measure.

272 **Chair Hannon** **MOTION: Moves to ADOPT HB 4075-B12 amendments dated 9/17/02.**

273 Chair Hannon Reads the specific language contained within the –B12 amendments.

276 **Chair Hannon** **VOTE: 3-0-3**
EXCUSED: 3 - Derfler, Harper, Messerle
Hearing no objection, declares the motion CARRIED.

280 Sen. Courtney Requests confirmation that the language amended previously into the measure by the inclusion of the –B8 amendments has been removed.

285 Chair Hannon Asks staff how to revert the measure back to its previous form, prior to the inclusion of a ballot statement or explanation.

290 Reutlinger Recommends withdrawing the –B10 amendments that were adopted in conceptual form earlier today by amending and adopting the –B8 amendments. Says the change will conform HB 4075 to HB 4079.

300 **Sen. Courtney** **MOTION: Moves to RESCIND HB 4075-B10 amendments.**

303 **Chair Hannon** **VOTE: 3-0-3**
EXCUSED: 3 - Derfler, Harper, Messerle
Hearing no objection, declares the motion CARRIED.

309 Adrienne Sexton Indicates that the –B8 amendments were adopted and conceptually amended previously in the meeting, yielding the –B10 amendments, which have now been rescinded.

314 Chair Hannon Requests confirmation that the measure is now in the same state as it was when it was sent out by the committee yesterday.

316 Adrienne Answers affirmatively.

322 **Sen. Courtney** **MOTION: Moves HB 4075 to the floor with a DO PASS AS AMENDED recommendation.**

325 **Chair Hannon** **VOTE: 3-0**
EXCUSED: 3 - Derfler, Harper, Messerle
Hearing no objection, declares the motion CARRIED.

327 Chair Hannon **SEN. COURTNEY will lead discussion on the floor.**
Recesses the committee at 5:55 p.m.
(Meeting is adjourned by implied consent.)

Submitted By,

Reviewed By,

Patrick Brennan,
Committee Assistant

Marjorie Taylor,
Committee Administrator

EXHIBIT SUMMARY

A – HB 4079, -B3 amendments, staff, 1 p.

B – HB 4079, revenue impact statement for the –B3 amendments, staff, 1 p.

C – HB 4079, -C5 amendments, staff, 3 pp.

D – HB 4075, -B8 amendments, staff, 1 p.

E – HB 5100, -B16 amendments, staff, 1 p.

F – HB 4075, -B12 amendments, staff, 1 p.