

HOUSE COMMITTEE ON RULES AND ELECTIONS

March 31, 1997 Hearing Room E

4:00 PM Tapes 29 - 30

MEMBERS PRESENT:

Rep. Lynn Snodgrass, Chair

Rep. Peter Courtney, Vice-Chair

Rep. Lee Beyer

Rep. Bill Markham

Rep. Ken Messerle

Rep. Bob Montgomery

Rep. Kitty Piercy

STAFF PRESENT:

Rosemary Wood, Administrator

Valerie Luhr, Administrative Support

Kellie Shoemaker, Committee Clerk

MEASURE/ISSUES HEARD:

HB 3135 Public Hearing

HJR 65 Public Hearing

HB 3167 Public Hearing

SB 219 Public Hearing

SB 224 Public Hearing

HJR 4 Public Hearing

HB 2012 Public Hearing

HB 2203 Public Hearing

HB 3229 Public Hearing

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, 29A		
004	Chair Snodgrass	Calls the meeting to order at 4:08 p.m. Opens the public hearing on HB 3135.
<u>HB 3135 - PUBLIC HEARING</u>		
008	Rosemary Wood	Committee Administrator, reviews the provisions of HB 3135.
015	Scott Tighe	Elections Division Manager, submits and presents testimony (EXHIBIT A) on HB 3135 * signature required for vote by mail * voters' disability
034	Rep. Montgomery	Asks how someone can have a signature stamp when they can't sign their name.
035	Tighe	Explains procedures * sign paper using mouth like a hand
040	Rep. Montgomery	Says he is not opposed to the bill, but it is just the semantics.
043	Chair Snodgrass	Asks if signatures are needed for absentee ballots.
045	Tighe	Responds that one is needed on the return envelope.
047	Rep. Markham	Asks for clarification of "attestation."
049	Tighe	Responds that a person requesting use of signature stamp would submit a document swearing to being disabled.
057	Rep. Markham	Asks if the Secretary of State is proposing a uniform card.
059	Tighe	The legislation provides that Secretary of State by rule would design an attestation form.
062	Chair Snodgrass	Asks how other states do it.
062	Tighe	Has not checked.
064	Vicki Ervin	Multnomah County Elections Director, representing Oregon County Clerks. We support this legislation, but it is not a unanimous decision among county clerks. There is a need and concern. This is a way to address the problem. Attestation addresses it adequately. Needs to be

		amendment in section 2, line 6, drop "ballot" or add words "return envelope."
081	Rep. Markham	What is your preference?
083	Ervin	Either way would be just fine. Insert "return envelope" after "ballot."
087	Chair Snodgrass	Clarifies that it would not be a comma.
098	Rep. Tony Corcoran	District 44, says the legislation was introduced on behalf of Mr. Dressler. Reads a comment prepared by Mr. Dressler (EXHIBIT B) in favor of HB 3135. Further comments on Mr. Dressler's situation * ballot returned as invalid * independence as a voter
127	Chair Snodgrass	Asks Mr. Dressler who told him his thumbprint would not count.
135	Dressler	Responds the Elections Division.
138	Chair Snodgrass	Asks Mr. Dressler if he is able to note which holes are being poked on the ballot.
145	Dressler	Uses vote by mail.
148	Chair Snodgrass	Asks if he goes to voting booth, how do they deal with your mark.
151	Dressler	Responds that his dad holds his hand.
152	Chair Snodgrass	Hopes that the committee feels it is a good bill.
156	Rep. Piercy	Asks if he has talked about this with organizations that represent disabled community.
160	Dressler	No.
175	Eugene Organ	Executive Director, Oregon Disabled Commission, submits and presents testimony (EXHIBIT C) in support of HB 3135 * access to voting denied because of inability to sign name * less than 1000 people impacted
199	Rep. Montgomery	Asks what a signature stamp is.
200	Organ	Explains.
202	Montgomery	Asks how can you use it.
203	Organ	Someone else can affix the stamp.
207	Rep. Montgomery	Clarifies Mr. Dressler's testimony that he would trust someone who affixes the stamp.
209	Organ	Responds that he has not talked with Mr. Dressler about this.

211	Rep. Piercy	Every X looks different if you have a different person help you each time. The stamp gives uniformity.
217	Organ	Use of signature stamps by blind people, but not for voting.
237	Chair Snodgrass	Closes the public hearing on HB 3135. Opens the public hearing on HJR 65.
<u>HJR 65 - PUBLIC HEARING</u>		
244	Rosemary Wood	Committee Administrator, reviews the provisions of HJR 65.
265	Rep Markham	Asks if this bill is this different than what people turned down in the last May's election.
277	Chair Snodgrass	Responds that about 15-16 administrative rules bills being drafted.
281	Rep. Markham	Asks who in Legislative Counsel drafts the bills.
283	Wood	Responds that she does not know but will find out.
286	Bill Perry	Small Business Coalition, testifies in support of HJR 65. In response to Rep. Markham's concerns, all rules passed by Joint Resolution burden the rule. It is good public policy and does not affect citizens' pocketbooks.
339	Vice-Chair Courtney	Asks Mr. Perry if the legislation would be needed if we had annual sessions.
342	Perry	Responds that it would depend on the length and type of session.
359	Rep. Beyer	This legislation is more restrictive than what was defeated by the public last time. Asks why the public would vote for this when they did not last time.
370	Perry	Responds that it depends upon what is on the ballot. If voters do not understand a measure, they will vote against it.
386	Rep. Beyer	People forget the reasons for administrative rules. Asks if the Legislature should do away with the Administrative Practices Act (APA).
398	Perry	Responds that he is not prepared to comment on that. Laws are getting fewer and fewer while the rules more and more.
415	David Schuman	* Deputy Attorney General, submits and presents testimony (EXHIBIT D) in opposition to HJR 65.
<u>TAPE 30, A</u>		
001	Schuman	Continues testimony in opposition to HJR 65 * "alphabet soup" in government * administrative agencies are creatures of legislation

		<ul style="list-style-type: none"> * delegated authority to pass regulations * passive legislative veto * would violate Oregon's Constitution if it were a state law
050	Schuman	<p>Continues testimony</p> <ul style="list-style-type: none"> * concentration of power in one branch * substantive rules of regulatory agencies * alters distribution of power
088	Rep. Markham	Must go to the people because of the separation of the three branches. Once a bill is signed, we cannot do anything because it is in the Executive Branch.
097	Schuman	Responds that things can be done, but they are not quick or convenient. There are methods of oversight, but none are as efficient as HJR 65. We have a separation of powers to make government slow and inefficient. The evil addressed by separation of powers is the concentration of powers.
114	Rep. Piercy	Asks if legislation passed in other states is similar.
117	Schuman	Explains that some states have an affirmative legislative veto.
125	Chair Snodgrass	Clarifies why Mr. Schuman referred to this as fourth branch of government.
130	Schuman	Explains that is within the Executive Branch but acts like a fourth one.
136	Rep. Messerle	Asks if Mr. Schuman has any amendments
140	Schuman	Responds that they would urge an amendment limiting this to regulatory agencies and legislative instead of interpretative rule.
152	Rep. Beyer	Asks if this happens now. Administrative Counsel reviews all the rules and makes suggestions to agencies. Administrative counsel committee reviews those counsel believe are an issue.
158	Schuman	Does not know how they work or what their precise function is. He knows they do not have authority to nullify rules promulgated by agencies.
163	Rep. Beyer	States that it is more of a job-owning. Does not know how effective that has been.
165	Schuman	States that an earlier witness pointed out that there is less legislation and more regulation.
171	Chair Snodgrass	Gives a hypothetical situation. Asks what can we do to make agencies implement as the hearings process and testimony directed.
189	Schuman	Responds that the foolproof method is through judicial review.
197	Chair	Asks if the legislature needs to take it to the Judicial Branch.

	Snodgrass	
201	Schuman	Responds that someone would have to bring a lawsuit.
203	Chair Snodgrass	Asks if they would have to bring a lawsuit in every county.
206	Schuman	Responds the lawsuits are challenged in Marion County.
208	Vice-Chair Courtney	Asks if there could be an injunction.
210	Schuman	Responds there could be one.
217	Terry Witt	Oregonians for Food and Shelter, submits and presents testimony (EXHIBIT E) in support of HJR 65 * power of agencies have more authority * framework set by legislature * rule making by agencies
257	Witt	Continues testimony * closer working relationship with HJR 65 * delete section 1 * return power to people
277	Rep. Montgomery	Clarifies whether to delete section 5 or section 1.
279	Terry Witt	Responds correct, delete section 5.
282	Rep. Piercy	Asks if there is no guarantee the committee reviewing it would go back to original intent.
291	Witt	There will always be human judgment involved. It would be a better system than letting the regulating agency having total control.
308	Rep. Piercy	Would you support legislation written if it does not remain true to original intent.
315	Witt	Responds that he does not understand.
316	Rep. Piercy	Asks that if the intention is to see that the agencies cannot make rules that are not in accordance with the legislative intent the rules are about, would you be okay if the committee finds it does meet legislative intent.
332	Witt	Responds that the way he understands the legislation, not all rules would have to be reviewed. Only those where there is disagreement in whether or not the rule is consistent with intent. Also there would be a need to look at the record upon which the agency made its decision.
354	Rep. Beyer	Asks if problems of regulating agencies would be as great if the Legislature had annual sessions.

359	Witt	Responds that he does not know what impact annual sessions would have on regulation.
377	Kristina McNitt	Oregon Farm Bureau, submits testimony (EXHIBIT F) in support of HJR 65 and urges the committee's support of the bill.
392	Patricia O'Sullivan	Department of Administrative Services, states there are 13 bills which amend the APA. * look at all bills and help clear up situation * refers to Chair Snodgrass' hypothetical situation
TAPE 29, B		
001	Patricia O'Sullivan	Continues response to Chair Snodgrass' hypothetical situation * refers to actions taken by Rep. Lokan's committee * make sure sponsoring Legislators see rules at time of proposal
024	Rep. Markham	Most problems have come up in natural resources areas.
036	O'Sullivan	Responds to Rep. Markham's comments. Gives an example of adopting rules.
058	Chair Snodgrass	Closes the public hearing on HJR 65. Opens the public hearing on HB 3167.
<u>HB 3167 - PUBLIC HEARING</u>		
070	Rosemary Wood	Reviews the provisions of HB 3167.
076	Rep. Liz VanLeeuwen	District 37, testifies in support of HB 3167 * false statements made on behalf of candidates * regulating truth in campaigning * apathy of voters increasing * candidate should be responsible for statements
123	Rep. VanLeeuwen	Continues testimony * Truth in Campaigning Commission * refers to section 3, line 21 * punishment is exposure by the news media
169	Rep.	Asks if Truth in Campaign commission would have an executive

	Montgomery	director.
174	Rep. VanLeeuwen	Asks if it would need one.
175	Rep. Montgomery	Responds that we would be setting up a new state agency.
184	Rep. Messerle	Is concerned how "false statement" would be defined. Also concerned about time frame.
196	Rep. VanLeeuwen	Responds that nothing is perfect in the campaign laws.
214	Rep. Beyer	Asks if some parts of the bill would be unconstitutional.
222	Rep. VanLeeuwen	Responds Legislative Counsel said that some might be unconstitutional but not anymore.
224	Rep. Beyer	States that candidates have no control over what political parties do.
235	Rep. VanLeeuwen	Responds she had to be responsible for anything put out on her behalf.
263	Chair Snodgrass	Closes the public hearing on HB 3167. Opens the public hearing on SB 219.
<u>SB 219 - PUBLIC HEARING</u>		
273	Rosemary Wood	Committee Administrator, reviews the provisions of SB 219.
289	Rick Hanson	Secretary of State's Office, submits testimony (EXHIBIT G) from Secretary of State Phil Keisling in support of SB 219 * increase in proposing Constitutional amendments * acknowledge seriousness of Constitution * designation of amending the Constitution
339	Rep. Beyer	Asks if having the "C" would be better than starting with "Amends Constitution."
343	Hanson	The "C" is in addition to "Amends Constitution . . ."
350	Rep. Montgomery	Asks if they would actually appear in the pamphlet.
353	Hanson	Responds that it is a sample.
360	Rep. Beyer	Comments that the print size should be increased.
366	Hanson	This was proposed to get people to think of simpler changes.
376	Vice-Chair Courtney	How much thought went into this.
381	Hanson	Many months.
		Closes the public hearing on SB 219. Opens the public hearing on SB

410	Chair	224. Explains why she is taking the bills out of order.
TAPE 30, B		
<u>SB 224 - PUBLIC HEARING</u>		
001	Rosemary Wood	Committee Administrator, reviews the provisions of SB 224.
008	Colleen Sealock	Director, Elections Division, submits testimony (EXHIBIT H) and testifies in support of SB 224.
025	Rep. Beyer	Concerned about the amount of money for local elections.
031	Sealock	Responds that local campaigns lose candidates due to large amounts of paperwork. People can still run without so much paperwork.
043	Chair Snodgrass	Wouldn't it be easier to make the paperwork easier?
044	Sealock	There will be a large amount of paperwork to track contributions, loans, and expenditures.
058	Rep. Piercy	You feel this still has merit even with court decision on Ballot Measure 9?
061	Sealock	Yes. Ballot Measure 9 has no impact on this.
065	Chair Snodgrass	Closes the public hearing on SB 224. Opens the public hearing on HR 4.
<u>HR 4 - PUBLIC HEARING</u>		
075	Rosemary Wood	Committee Administrator, reviews the provisions of HR 4.
079	Chair Snodgrass	Says she is a sponsor. Closes the public hearing on HR 4. Opens the public hearing on HB 2012.
<u>HB 2012 - PUBLIC HEARING</u>		
087	Rosemary Wood	Committee Administrator, reviews provisions of HB 2012.
095	Scott Corwin	Speaker of the House Office, comments in support of HB 2012 * in conjunction with HJR 35
116	Chair Snodgrass	Closes the public hearing on HB 2012. Opens the public hearing on HB 2203.
<u>HB 2203 - PUBLIC HEARING</u>		
121	Rosemary	Committee Administrator, reviews the provisions of HB 2203.

	Wood	
135	Colleen Sealock	Director, Elections Division, introduces herself.
137	Scott Tighe	Secretary of State's Office, Elections Division Manager, anticipates amendments to HB 2203.
142	Sealock	There was confusion about the numbers in the bill.
148	Rosemary Wood	Reviews the -1 amendments to HB 2203 * page 2, line 17, it restores .05% * line 18, deletes ".1% of the"
174	Chair	Asks if parties interested in this come to some conclusions.
178	Tighe	Responds that he spoke to the Collective Minor Parties and Blair Bobier. They collectively discussed changing it from .1% to .05%.
187	Chair Snodgrass	Closes public hearing on HB 2203. Opens public hearing on HB 3229.
<u>HB 3229 - PUBLIC HEARING</u>		
197	Wood	Reviews the provisions of HB 3229.
205	Chair Snodgrass	Closes the public hearing on HB 3229. Declares the meeting adjourned at 5:47 p.m.

Submitted by, Reviewed by,

Valerie H. Luhr Rosemary Wood

Administrative Support Specialist Administrator

Transcribed by,

Gina Cross

Committee Clerk

EXHIBIT SUMMARY

A - HB 3135, written testimony, Scott Tighe, 1 p.

B - HB 3135, written testimony, Keith Dressler, 1 p.

C - HB 3135, written testimony, Eugene Organ, 3 pp.

D - HJR 65, written testimony, David Schuman, 2 pp.

E - HJR 65, written testimony, Terry Witt, 1 p.

F - HJR 65, written testimony, Kristina McNitt, 1 p.

G - SB 219, written testimony, Rick Hanson, 6 pp.

H - SB 224, written testimony, Colleen Sealock, 1 p.