

HOUSE COMMITTEE ON RULES AND ELECTIONS

May 7, 1997 Hearing Room E

4 P.M. Tapes 58-59

MEMBERS PRESENT:

Rep. Lynn Snodgrass, Chair

Rep. Peter Courtney, Vice-Chair

Rep. Lee Beyer

Rep. Ken Messerle

Rep. Bob Montgomery

Rep. Kitty Piercy

MEMBER EXCUSED: Rep. Bill Markham

STAFF PRESENT:

Rosemary Wood, Administrator

Valerie Luhr, Administrative Support

Kellie Shoemaker, Committee Clerk

MEASURE/ISSUES HEARD:

HB 2799 Public Hearing and Work Session

HB 3152 Public Hearing and Work Session

HB 3602 Public Hearing and 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 58, A		
004	Chair Snodgrass	Calls the meeting to order at 4:08 p.m. Opens public hearing on HB 2799.
<u>HB 2799 - PUBLIC</u>		

HEARING		
007	Rosemary Wood	Administrator, reviews the provisions of HB 2799.
029	Patricia O'Sullivan	Department of Administrative Services, provides working group status report on bills that would amend the Administrative Procedures Act (APA), submits and provides -2 proposed amendments [EXHIBIT A] .
040	Chair Snodgrass	Explains that the -1 amendments were amended to include the word "unique" on page 1, line 7, of the bill [EXHIBIT B] .
045	O'Sullivan	Continues with working group status report, issues discussed: <ul style="list-style-type: none"> * state policy in rulemaking activities * federal waivers for programs * federal equivalent programs
079	Rep. Montgomery	Refers to the proposed amendments; asks what the bill does that is not being done currently.
084	O'Sullivan	Responds that agencies would be required to adhere to policy when considering adoption of federal equivalent rules.
097	Rep. Montgomery	Comments on passing a law that requires employees to obey the law.
098	O'Sullivan	Continues with status report on notices to interested parties.
123	Chair Snodgrass	Refers to line 16 of the proposed amendments; asks to define the word "notice."
129	O'Sullivan	Explains that a notice is a term used in the APA that requires certain items to be documented by an agency.
146	O'Sullivan	Continues with status report on Legislative Counsel's rule review process.
158	Rep. Montgomery	Asks for clarification that rules, adopted by the Executive Branch, will be reviewed by the Legislative Counsel.
162	O'Sullivan	Responds that it is a process already in place.
168	Rep. Montgomery	Asks if the current process will continue.
172	O'Sullivan	Responds that Legislative Counsel has agreed to the amendments, which will not have budget impact.
207	Chair Snodgrass	Asks if the adoption of a rule and a review process of a rule could occur simultaneously.
215	O'Sullivan	Explains how some steps of the rule making process can occur simultaneously.
234	Chair Snodgrass	Asks Rep. Beyer if some of the concerns brought up in the last legislative session were being addressed.

241	Rep. Beyer	Agrees that most of the issues were being addressed except for the right to suspend rules.
255	Chair Snodgrass	Asks if agencies supported DAS' efforts in the rule making process.
260	O'Sullivan	Responds that she has sent correspondence to 110 agencies; that the agencies and the attorney general's office have signed off their approval.
263	Rep. Montgomery	Asks for clarification that there are 110 rule-making agencies.
265	O'Sullivan	Agrees.
269	Rep. Beyer	Comments that the purpose of the APA was to ensure that an agency could not put in place a procedure, or take an action, that affects a citizen of this state without putting it into administrative rule.
322	Gerald O. George	Lobbyist, Oregon State Grange, submits testimony in support of HB 2799 [EXHIBIT C]. Comments that he was unaware of the proposed amendments and requests an opportunity to review the amendments before testifying on the bill.
340	Chair Snodgrass	Comments that a work session would not be held because the fiscal analysis was not submitted; invites Mr. George to return at a later date to provide further testimony.
336	Chair Snodgrass	Closes public hearing on HB 2799; opens public hearing on HB 3152.
<u>HB 3152 - PUBLIC HEARING</u>		
352	Rosemary Wood	Administrator, reviews the provisions of HB 3152.
374	Jim Scherzinger	Legislative Revenue Office, comments that the intent of the bill is to have the revenue office perform dynamic forecasting or dynamic revenue analysis on the effect of legislation that deals with taxes.
410	Scherzinger	Continues with testimony, issues discussed: * behavioral effects * effects of dynamic forecasting * dynamic forecasting work group report
<u>TAPE 59, A</u>		
020	Scherzinger	Continues with testimony on the costs of dynamic forecasting.
048	Gwenn A. Baldwin	Representing Oregon Metals Industry Council, submits and presents testimony in support of HB 3152 [EXHIBIT D].

098	Baldwin	Continues with testimony on modeling software.
118	Rep. Beyer	Comments on discussions held with Mr. Jim Craven, who represents the American Electronics Association; who indicated that while they supported the bill, they were dissatisfied with the implementation process.
124	Baldwin	Comments that California was the first state to implement dynamic forecasting, which would be a benefit to Oregon and would allow Oregon to make improvements.
139	Rep. Beyer	Asks if the State of Utah has ever done something similar.
145	Baldwin	Responds that California is the only state that has ever done a fully developed model.
155	Rep. Piercy	Comments that he would be uncomfortable passing the bill without seeing a model demonstration.
161	Baldwin	Responds that California's State Department of Finance has the entire model on the Internet.
168	Chair Snodgrass	Asks about the amount of time it takes to receive information and whether the model would slow the process.
171	Baldwin	Responds that the turnaround would probably remain the same because of the dynamics issues but does not know how long it would take to physically run the numbers.
177	Chair Snodgrass	Closes public hearing on HB 3152. Opens public hearing on HB 3602.
<u>HB 3602 - PUBLIC HEARING</u>		
177	Rosemary Wood	Administrator, reviews the provisions of HB 3602.
186	John Beatty	Representing Oregon Initiative Committee, provides testimony in support of HB 3602, issues discussed: * voter's pamphlet information * fiscal estimates in summary statements
236	Rep. Montgomery	Asks about the accuracy of the summary statements provided in the voter's pamphlet.
241	Beatty	Responds that with respect to some measures it is difficult to make careful calculations.
262	Rep. Montgomery	Suggests that the presenter of the petition should be held legally and morally responsible to ensure that numbers are correct instead of placing the burden on state employees.
274	Rep. Beyer	Comments on projections in continuing service level budgets.
281	Beatty	Responds that you have to make certain assumptions in this process; that it is better to make assumptions than not to make assumptions.

301	Chair Snodgrass	Asks if assumptions could be made on the current budget.
303	Beatty	Responds that officials charged with the responsibility would need some flexibility.
304	Chair Snodgrass	Comments on the residual affects of Ballot Measures 47 and 50; asks whether this would hold up the process for some of the initiatives to be on the ballot.
342	Beatty	Responds that by the time the financial estimates are made, budgetary changes will be in effect.
345	Rep. Beyer	Comments that the Secretary of State already estimate the fiscal burden; that the bill would allow the financial impact to be expressed as a percentage of the general fund.
355	Beatty	Responds that the bill's primary purpose is to create an understanding of what will be the overall impact on governmental operations.
359	Chair Snodgrass	Comments on agreement with the percentage numbers.
376	Dan Meek	Representing Coalition for Initiative Rights, provides opposition to a portion of HB 3152 which allows the Secretary of State to prepare a summary statement on financial impacts in the voters' pamphlet.
410	Meek	Continues with testimony on the use of percentages on the financial impact of measures.
TAPE 58, B		
004	Rep. Beyer	Asks for clarification that Mr. Meek is not oppose having a summary table that lists the measures with their individual impacts, but that he would be opposed to the Secretary of State's totaling the sum of financial impacts.
006	Meek	Confirms.
009	Chair Snodgrass	Closes public hearing on HB 3602; opens work session on HB 2202.
<u>HB 2202 - WORK SESSION</u>		
015	Rosemary Wood	Administrator, reviews provisions of HB 2202.
028	Wood	Reviews the -1 amendments which clarifies that the Secretary of State, by rule, may prescribe the method of distribution for a special congressional election voter's pamphlet.
031	Rep. Montgomery	Asks if the amendments are friendly amendments.
033	Chair Snodgrass	Responds that speaking on behalf of the Secretary of the State, the -1, -2, -4, and the -5 are all friendly amendments [EXHIBIT E] .

038	Rep. Beyer	Asks if the -5 incorporate all the previous changes.
043	Chair Snodgrass	Confirms and clarifies that the -2 amendments were submitted by Marge Hughes and that the -2 amendments are not friendly.
045	Rep. Montgomery	MOTION: Moves to ADOPT HB 2202-1 amendments dated 3/6/97.
047	Chair Snodgrass	Hearing no objection, declares the motion CARRIED.
052	Chair Snodgrass	Asks Mr. Davidson to explain why the amendments are not friendly.
056	Al Davidson	Representing Oregon Association of County Clerks, shares concerns on information that would be required on voter registration cards, issues discussed: * telephone number requirement * disclosure of all elections in which an elector has voted
078	Rep. Montgomery	Asks if the information is only required by Marion County.
080	Davidson	Responds that each county has different requirements.
084	Rep. Beyer	Asks if information can be obtained electronically from all 36 counties.
089	Davidson	Responds that most counties would be able to transfer information electronically.
102	Rep. Beyer	Asks if the information would be electronically available upon request.
105	Colleen Sealock	Elections Director, Secretary of State, responds that in some rural counties, voter activity is maintained manually.
114	Chair Snodgrass	Comments that oftentimes election records are not accurate and that telephone numbers could help streamline the process and eliminate duplication.
124	Davidson	Responds that most of the voters object to their telephone numbers being listed.
130	Chair Snodgrass	Observes that amendment language only asks that a telephone number be included; that it is not a requirement.
134	Sealock	Comments that most counties currently do not include telephone numbers in their data base.
140	Chair Snodgrass	Asks about the number of counties that do not have a computer system that would allow telephone numbers to be entered.
148	Sealock	Offers to conduct a county-wide survey that would show the number of counties that do not have a computer system.
155	Chair Snodgrass	Refers to the -4 amendments; asks the Administrator to review the provisions of the amendments.

157	Wood	Reviews that the proposed amendments restores, by statute, names of persons or organizations excluded from voter's pamphlet arguments.
170	Rep. Montgomery	MOTION: Moves to ADOPT HB 2202-4 amendments dated 4/15/97.
172	Chair Snodgrass	Hearing no objection, declares the motion CARRIED.
175	Wood	Reviews the -5 proposed amendments which authorizes county election officials to delete voter registration cards submitted in error.
180	Rep. Montgomery	MOTION: Moves to ADOPT HB 2202-5 amendments dated 4/16/97.
182	Chair Snodgrass	Hearing no objection, declares the motion CARRIED.
185	Rep. Montgomery	MOTION: Moves HB 2202 to the floor with a DO PASS AS AMENDED recommendation.
187	Chair Snodgrass	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES. REP. MARKHAM will lead discussion on the floor.
210	Chair Snodgrass	Declares the meeting adjourned at 5:15 p.m.

Submitted by, Reviewed by,

Valerie Luhr, Janet Adkins

Administrative Support Specialist Policy Analyst

Transcribed by,

Nora Carlson,

Administrative Support Specialist

EXHIBIT SUMMARY

A - HB 2799, proposed amendments, Pat O'Sullivan, 10 pp

B - HB 2799, proposed amendments, Committee staff, 10 pp

C - HB 2799, written testimony, Gerald George, 1 p

D - HB 3152, written testimony, Gwenn Baldwin, 6 pp

E - HB 2202, proposed amendments, Committee staff, 10 pp