

HOUSE COMMITTEE ON GENERAL GOVERNMENT Subcommittee on Government

February 18, 1993 Hearing Room 357 9:00 a.m. Tapes 19 - 20

MEMBERS PRESENT: Rep. Del Parks, Chair Rep. Jim Edmunson Rep. Patti Milne Rep. Sharon Wylie Rep. Cedric Hayden, ex-officio

VISITING MEMBER: Rep. Ken Baker

STAFF PRESENT: Janet Adkins, Committee Administrator Kimberly Burt, Committee Assistant

MEASURES CONSIDERED: HB 2271 HB 2558 HB 2277

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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. [--- Unable To Translate Graphic ---]

TAPE 19, SIDE A

CHAIR PARKS: Calls meeting to order. (9:47 a.m.)

003 REP. MILNE: Introduces two students visiting from Woodburn High School.

WORK SESSION ON HB 2558 Witnesses: Colleen Sealock, Director, Elections Division, Secretary of State's Office

021 CHAIR PARKS: I had some amendments prepared, but won't be proposing them.

026 MOTION: REP. EDMUNSON MOVES HB 2558 TO THE FULL COMMITTEE WITH A DO PASS RECOMMENDATION.

REP. MILNE: It is important that there shouldn't be fraud in these kinds of activities and I am also concerned that citizens be able to be involved in the process on a volunteer basis.

CHAIR PARKS: That is what the bill seeks to do.

043 REP. WYLIE: I'm going to vote against moving the bill; I don't think discussion has occurred sufficiently.

_ What this would do is limit paid petitioners to a minimum wage situation with workers' compensation; the practice of our initiative process has been to pay and I believe there are citizen groups that have the right to put together initiative processes and that sometimes requires using paid petitioners. REP. PARKS: This strikes a balance in protecting the process and

maintaining it's integrity.

100 REP. EDMUNSON: I want to make it clear that the pay per signature is prohibited in this; I would also point out that as far as the Workers'

Compensation question goes, we worked carefully to draft an independent contractor law in this state which relieves persons who contract with truly independent workers from the obligation to have that insurance.

CHAIR PARKS: It needs to be specifically addressed and I will move that.

REP. EDMUNSON: Also, when we did the Workers' Compensation reform, we stated that if a person is truly independent, they are on their own, but if they are employed, the injuries they obtain on the job is the work places responsibility.

120 JANET ADKINS, COMMITTEE ADMINISTRATOR: The bill makes it clear that the gatherer can't be paid per signature; are you referring to paying the

person to sign?

REP. EDMUNSON: That should be very clear.

MOTION: REP. EDMUNSON MOVES THAT HB 2558 BE AMENDED TO PROHIBIT PAY OR ANYTHING OF VALUE BE GIVEN TO INDUCE A PERSON TO SIGN A PETITION.

150 REP. WYLIE: I think it's interesting that we make our rules follow the rules of business but aren't allowing pay for production.

ADKINS: The person paid is also in violation according to the bill; it says to pay or to receive and for the other person to accept.

188 VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

ADKINS: Clarifies amendment.

235 REP. HAYDEN: Reads ORS 67.60 regarding independent contractors.

_ It would be easy for a signature gatherer to meet the standards of independent contractor; the independent contract statute says they can be paid per so many signatures.

REP. EDMUNSON: A signature gatherer, with attention to that law, could qualify to the statute; the law doesn't state how the person is to be

paid; I think HB 2558 is specific to the type of work and would specifically govern over the general.

REP. HAYDEN: I don't have a problem with the bill, but feel it may be in conflict with the philosophy of the independent contract law.

REP. EDMUNSON: The independent contract law doesn't specify the means of payment and here we are getting specific in a narrow area. 378
CHAIR PARKS: There is no penalty on this bill?

ADKINS: It isn't specified; it is \$250 per violation in current election law.

393 COLLEEN SEALOCK, DIRECTOR, ELECTIONS DIVISION, SECRETARY OF STATE'S OFFICE: The statute isn't specific as to if it was in total or per

petition; we would attempt to see the intent of the signature gatherer.

411 MOTION: REP. EDMUNSON MOVES THAT HB 2558, AS AMENDED, BE SENT TO THE FULL COMMITTEE WITH A DO PASS RECOMMENDATION.

418 VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES, MEMBERS VOTING NO: REP. WYLIE

PUBLIC HEARING ON HB 2271 Witnesses: Colleen Sealock, Director, Elections Division, Secretary of State's Office

460 COLLEEN SEALOCK, DIRECTOR, ELECTIONS DIVISION, SECRETARY OF STATE'S OFFICE: HB 2271 would allow for the filling of vacancy of the US

Senate, the cost to be handled consistently with the US Representatives statutes.

TAPE 20, SIDE A

030 SEALOCK: In either the special election to fill the vacancy for US Senate or in the recall elections that are also covered, if an election could be scheduled for a current election date, clearly the cost would

be greatly reduced.

_ In statute we couldn't find authority to pay for re-call elections; this recognizes the fairness by which these elections should be paid.

_ With respect to the Metropolitan Service District and who would pay, the district itself would pay and that would relate back to "if this is a state election that is a recall, the state should pay".

WORK SESSION ON HB 2271

062 MOTION: REP. EDMUNSON MOVES HB 2271 TO THE FULL COMMITTEE

WITH A DO PASS RECOMMENDATION.

CHAIR PARKS: Rep. Milne is excused and will be allowed to vote on the bill when she returns.

070 VOTE: IN A ROLL CALL VOTE THE MOTION CARRIES. MEMBERS EXCUSED: REP. MILNE

PUBLIC HEARING ON HB 2277 Witnesses: Vicki Ervin, Director of Elections, Multnomah County

077 VICKI ERVIN, DIRECTOR OF ELECTIONS, MULTNOMAH COUNTY: Testifies in support, submits written testimony and informative material, (EXHIBIT

A).

124 REP. EDMUNSON: How does the emergency election procedure work?

ERVIN: That provision for special districts for cities and counties is still there; this requires that the jurisdiction go through a process whereby they declare the emergency.

REP. EDMUNSON: Do districts pay more for special elections?

ERVIN: The election doesn't cost more, but they can't share the costs with other districts that may have held an election on the same date.

WORK SESSION ON HB 2271

REP. EDMUNSON: REP. MILNE, how do you vote?

REP. MILNE: Aye.

PUBLIC HEARING ON HB 2277 Witnesses: Walter Crews, Legislative Representative, Non Commissioned Officers Association of The US of America Nina Johnson, Executive Assistant, Secretary of State's Office Val Paulson, League of Oregon Cities Mark Seagel, Department of Finance, City of Salem Vicki Ervin, Director of Elections, Multnomah County

167 WALTER CREWS, LEGISLATIVE REPRESENTATIVE, NON COMMISSIONED OFFICERS ASSOCIATION OF THE US OF AMERICA, (NCOA): Submits written testimony,

(EXHIBIT B).

219 CREWS: NCOA will accept and support HB 2277 if the change identified in HB 2583, section six, page four, line two, is incorporated; it is a date change.

255 NINA JOHNSON, EXECUTIVE ASSISTANT, SECRETARY OF STATE'S OFFICE: We have been in communication with Mr. Crews; we do support the change.

CREWS: HB 2277 recommends deleting the June election and our bill recommends moving that election back to July.

290 VAL PAULSON, LEAGUE OF OREGON CITIES: Testifies in opposition of HB 2277, submits written testimony, (EXHIBIT C).

340 REP. HAYDEN: Isn't that a problem, having back to back elections?

PAULSON: If an election fails, June provides an opportunity for citizens to vote on specific finance measures that will allow the continuation of either general operations or of specific services.

_ Our concern about the emergency election is that the provision is designed to be used when there is an unexpected catastrophic situation that has to be addressed; we are told by some of our cities that waiting until the September election is simply not prudent.

415 CHAIR EDMUNSON: Section three deals with cities; special elections for a city may be held upon extraordinary hardship for the community and

your testimony is talking about catastrophe and in section four, it refers to property damage by fire, vandalism or disaster; it sounds like cities have more latitude to look to the hardship of the community.

PAULSON: My understanding is that there is a short time between the May election and when the resolution has to be adopted for the June election; I believe that is a matter of days; to meet those requirements would take extraordinary effort, I'm not saying that it is impossible.

TAPE 19, SIDE B

035 PAULSON: I have attached to my testimony two letters, from the cities of Tualatin and Gresham, detailing and outlining their concerns with the

proposed bill and the Association of Oregon Counties has asked me to express their position, that the cost savings to counties don't offset the value of having this additional fiscal management tool available.

045 MARK SEAGEL, DEPARTMENT OF FINANCE, CITY OF SALEM: Testifies in opposition to HB 2277.

096 CHAIR EDMUNSON: Why is the special election only available in September?

SEAGEL: You have an election date in June and the next is in September.

REP. EDMUNSON: If we restrict your regular elections we expect you to have great deal of discretion for emergency elections.

REP. HAYDEN: If your May election fails, you have money to July, then are you out, or are there funds you can use?

SEAGEL: The option is to tap into other reserves.

135 REP. HAYDEN: If a city is funded to July and then attempts to operate until september, if they weren't successful in September, is there a

continuation appropriation you can use?

SEAGEL: The option is to tap into reserves.

156 REP. HAYDEN: Would it be an enormous hardship to amortize, over two years, the expenditures for two months?

SEAGEL: It becomes difficult not knowing if one can go back to a tax base every two years; cities are on an annual budgeting basis.

PAULSON: The letter from the City of Tualitan deals with that.

175 CHAIR EDMUNSON: To get ready for the May election you have to have the budget done in February? SEAGEL: There has to be a decision there, Yes.

233 JOHNSON: This bill is part of our joint package with the county clerks; the bill offers the opportunity for uniformity.

_ The amount of money saved varies because it depends on how many and the nature of the measures on the ballot; we estimated it could be up to \$827 thousand per biennium for all local taxing districts; that is a maximum savings.

285 CHAIR EDMUNSON: Did the local government task force include cities?

JOHNSON: The elections subcommittee didn't have a city designated representative; Ms. Ervin was a member of that subcommittee.

CHAIR EDMUNSON: Cities are able to have emergency elections, and districts are allowed to have special elections; do you see the emergency elections to include financial hardship and why don't we have the same standards for elections?

JOHNSON: I would think a plain reading of it would encompass that; as to the latter I'll defer to Ms. Ervin.

320 VICKI ERVIN, DIRECTOR OF ELECTIONS, MULTNOMAH COUNTY: Schools aren't limited to the natural disaster scenario.

CHAIR EDMUNSON: Would extraordinary hardship to a community justifying an emergency election include financial hardship caused by the failure of a levy or bond?

ERVIN: There is no definition; it is the discretion of the governing body to declare an emergency.

343 CHAIR EDMUNSON: Does this bill amend the May date filing?

ERVIN: No, this accommodates all elections with the same filing deadline.

370 ERVIN: It is the decision making process; they need to be looking at whether or not to be coming back with a tax base which is mandated on

either a primary or general or whether they could go for a levy or bond; it is all part of the deliberations.

407 ADKINS: What are some things that drive the sixty one days in the May primary? ERVIN: The biggest thing is the absentee ballots.

428 CHAIR EDMUNSON: Absentee ballots are impractical, not impossible?

ERVIN: Absentee ballots for the June election are required to be in the mail by twenty eight days before the election.

440 CHAIR EDMUNSON: Session convenes in seven minutes so we will have a work session for this bill on a later date.

_ No further business coming before this committee, we are adjourned.

(11:10 a.m.)

Submitted by, Reviewed by,

Kimberly Burt Janet Adkins Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - HB 2277: Written testimony and informative material submitted by Ervin, pp 2 B - HB 2277: Written testimony submitted by Crews, pp 3 C - HB 2277: Written testimony submitted by Paulson, pp 5 D - HB 2558: Written testimony submitted for the record by Lanning, pp 2