

Senate Redistricting May 7, 1991 Page 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.

SENATE COMMITTEE ON REDISTRICTING

May 7, 1991Hearing Room "B" 3:00 p.m. Tapes 43 - 44

MEMBERS PRESENT:Sen. Glenn Otto, Chair Sen. Dick Springer, Vice-Chair Sen. John Brenneman Sen. Jim Bunn Sen. Scott Duff Sen. Mae Yih

MEMBERS EXCUSED:Sen. Bill Bradbury

STAFF PRESENT: Gail Ryder, Senior Committee Administrator Jayne Hamilton, Committee Assistant

MEASURES CONSIDERED: HB 2984 - Relating to taxation, WS
SB 1150 - Relating to elections, WS SB 279 - Relating to elections expenses, WS SB 359 - Relating to elections, WS

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TAPE 43, SIDE A

009 CHAIR OTTO: Called the meeting to order at 3:10 p.m.

(TAPE 43, SIDE A)

WORK SESSION

HB 2984 RELATING TO TAXATION

011 RYDER: This bill was referred to Senate Redistricting in error. The Senate President's office has notified us that this bill belongs in the Revenue Committee and they would like us to send it to the desk for re-referral.

014 MOTION: SEN. DUFF MOVED HB 2984 BACK TO THE SENATE DESK FOR RE-REFERRAL.

017 VOTE: MOTION CARRIED: 4-0. EXCUSED, SEN. BRADBURY, SEN. BUNN AND SEN YIH.

(TAPE 43, SIDE A)

WORK SESSION

SB 1150 RELATING TO ELECTIONS

022 RYDER: Distributed the -1 amendments to SB 1150, dated 05/03/91, Exhibit A. These amendments address tax credits.

027 OTTO: Requests that Sen. Kerans be called.

(TAPE 43, SIDE A)

WORK SESSION

SB 359 RELATING TO ELECTIONS

Witnesses:Vicki Ervin, Multnomah County, Director of Elections Ron Grensky, Oregon State Senator, District 25

047 RYDER: Distributed the -1 amendments to SB 359, dated 05/03/91, Exhibit B.

051 VICKI ERVIN, MULTNOMAH COUNTY, DIRECTOR OF ELECTIONS: Reviewed the proposed amendments, Exhibit B, for the Committee.

071 OTTO: Would they vote at a different booth?

073 ERVIN: This does not have mechanical things in it. I am sure that would be the case. You would not want a simulated election to interfere with an actual election that was taking place. This addresses a number of situations and there is a lot of flexibility designed into it.

084 YIH: I don't see any special benefit in involving people younger than 17 in a learning situation at a polling place. That can be done in the classroom. Is there a way that a soon to be 18 year old could be at a separate booth with a real machine and let them cast a simulated

ballot?

091 ERVIN: This is designed with a great deal of flexibility. We recognize the needs will differ from school to school. There is a special emphasis needed for students that are about to become of legal voting age, but programs throughout the country that deal with education of children and the voting process have proven to be very successful.

111 YIH: Is there a fiscal impact on this bill?

112 RYDER: Yes, distributes fiscal impact statement, Exhibit C.

118 ERVIN: The fiscal impact is indeterminate because this is permissive and it is up to the county and school district to design a program.

125 YIH: Training the close to 18 year old should be a high priority with this program.

130 DUFF: This eliminates the limit between 15 and 18, correct?

131 ERVIN: Yes it does. The original bill was limited to the 15 to 18 age groups. This provides more flexibility.

135 SPRINGER: If the clerks decide to do this, would more real ballots be printed, would there be a facsimile ballot or would that be left to the clerk to decide?

137 ERVIN: It would be the clerk's decision as to what the best approach would be.

144 SPRINGER: Would the issues be the same or would there be mock issues on the ballot? Would the results of the election be released?

149 ERVIN: Absolutely. It has maximum flexibility. Older students would benefit from a more complex simulated election with real issues than younger children.

158 RON GRENSKY, OREGON STATE SENATOR, DISTRICT #25: I have seen the amendments, Exhibit B, and I am in support of them. My bill, as originally drafted, was intended as a statement that we needed to involve people in this process as early as possible. The amendments are well thought out, more flexible and doable and probably will cost less; while embodying my intention to involve young people at a earlier age.

174 MOTION: SEN. SPRINGER MOVED TO ADOPT THE -1 AMENDMENTS TO SB 359 , DATED 05/03/91, EXHIBIT B. MOTION CARRIED BY ACCLAMATION.

179 MOTION: SEN. SPRINGER MOVED SB 359, AS AMENDED, TO THE FLOOR WITH A DO PASS RECOMMENDATION.

183 VOTE: MOTION CARRIED, 6-0. EXCUSED, SEN. BRADBURY. SEN. GRENSKY WILL LEAD THE FLOOR DISCUSSION.

(TAPE 43, SIDE A)

WORK SESSION

SB 1150 RELATING TO ELECTIONS

Witnesses:Grattan Kerans, Oregon State Senator, District 20

197 GRATTAN KERANS, OREGON STATE SENATOR, DISTRICT 20: Reviews the -1 amendments to SB 1150, dated 05/03/91, Exhibit A. Responds to Sen. Bunn's question from an earlier hearing about someone filing in the primary to get matching funds by having people make contributions under my program. It would be the same thing that they would do under your bill, in the general. The opportunity for mischief exists in either SB 1150 or SB 700, if people decide that they are going to engage in a less than serious campaign and take advantage of some matching funds.

232 BUNN: Under the -1 amendments, Exhibit A, what would be the status of an individual who has contributed to a candidate who accepts the limits, believing that they are going to get a tax credit, and then the candidate violates the limits?

240 KERANS: That tax credit would be good, based upon the contribution at the time the exchange took place.

251 BUNN: Is there any notification that would be required to go with the solicitation, as to whether or not someone had accepted the voluntary limit?

253 KERANS: That would be a prerequisite in order to get the contribution as a tax credit.

262 BUNN: Is all of that in the original bill?

262 KERANS: That is all in the bill, as presently written.

273 BRENNEMAN: Why should an ordinary citizen be punished by limiting their ability to have the tax credit because they decide to back a candidate that did not want to voluntarily restrict their campaign

appropriations?

282 KERANS: They would not be punished. We are rewarding some behavior and other behavior we are taking no notice of.

299 BRENNEMAN: My reference on punishment is about the tax credit . . . The choice is to reward the person who supports the right candidate?

304 KERANS: No, it is not to support the right candidate. If this became law it would be the stated objective of Oregon to limit campaign spending. In furtherance of that goal, people who support that goal would be rewarded with a tax credit.

318 BUNN: What happens if there are not enough dollars in the fund to meet the demand?

322 KERANS: The amount not received through donations to the Oregon Campaign Integrity Fund would be back-filled from the state general fund.

327 BUNN: Do you have a legislative fiscal on that?

328 KERANS: It's indeterminate. It begins in the 1994 campaign cycle.

337 BUNN: If there is a shortfall in the 1994 election cycle would that be funded by the Emergency Board from an appropriation during the 1993 session?

342 KERANS: No, it is continuously appropriated.

347 BUNN: If there is \$2 million in the fund and expenses are \$4 million, that extra \$2 million . .

349 KERANS: Comes from the general fund.

350 BUNN: . . . but is it appropriated? It is just a blank check appropriated by the Legislature, as needed?

352 KERANS: No not a blank check, it is an indeterminate amount. An absolute maximum can be arrived at by adding up all of the maximum obligations that would come under the bill, estimate how much would come in and how much would be needed to fill the difference.

363 BUNN: Could you tell me what the maximum . . . ?

364 KERANS: I don't have the math in front of me. Explains formula used.

384 BUNN: Does this have a subsequent referral to Ways and Means?

385 RYDER: To the Revenue Committee, but not to Ways and Means.

401 BUNN: I was interested if SB 700 has the same fiscal? They both require changes to the tax booklet, and therefore about \$112,000 expenditure, that seems difficult to justify.

407 KERANS: That is what this has as far as Department of Revenue. I can't tell you why it doesn't.

430 MOTION: SEN. SPRINGER MOVED TO ADOPT THE -1 AMENDMENTS TO SB 115 0, DATED 05/03/91, EXHIBIT A.

436 VOTE: MOTION CARRIED, 4-2. EXCUSED: SEN. BRADBURY. (VOTING NO: SEN. BRENNEMAN, SEN. BUNN).

445 MOTION: SEN. SPRINGER MOVED SB 1150 TO THE REVENUE COMMITTEE BY SUBSEQUENT REFERRAL WITH A DO PASS AS AMENDED RECOMMENDATION.

456 BRENNEMAN: I don't like the amendment, and taking away a tax credit from a person wishing to participate in the process. I can address it in Revenue.

466 BUNN: I am concerned with some of the provisions, especially the fiscal impact. Opening it to the primary, which would be great, may not be practical. Action is needed, although I think it might be best to deal with the general first and then address the primary. I will vote for the bill because campaign finance is a critical situation that needs to be addressed.

480 VOTE: MOTION CARRIED: 5-1. EXCUSED: SEN. BRADBURY. (VOTING NO: SEN. BRENNEMAN).

TAPE 44, SIDE A

WORK SESSION

SB 279 RELATING TO ELECTION EXPENSES

Witnesses: Al Davidson, Marion County Clerk and Oregon Association of County Clerks, President

031 RYDER: A motion to remove this bill from the table is needed so

additional amendments can be considered.

033 MOTION: SEN. BUNN MOVED TO REMOVE SB 279 FROM THE TABLE FOR RECONSIDERATION.

036 VOTE: MOTION CARRIED, 6-0. EXCUSED, SEN. BRADBURY.

041 RYDER: Distributes the -1 amendments to SB 279, dated 05/03/91, Exhibit D.

042 AL DAVIDSON, MARION COUNTY CLERK AND OREGON ASSOCIATION OF COUNTY CLERKS, PRESIDENT: Discusses the -1 amendments to SB 279, Exhibit D,

which would replace the original language of the bill. The amendments clarify that election board clerks are exempted from the overtime provision in the Oregon Labor Law. If overtime were applied to election board workers the cost per worker for a 16 hour day would go from \$76 to \$95, an increase of 25%. This would represent a substantial increase in election costs for primary and general elections that the counties and districts would need to pick up. Commissioner Roberts agrees that it was not the intent of the law to include election board clerks with those who must be paid overtime, given the uniqueness of their employment.

076 SPRINGER: Would you object to sending this to the Labor Committee, if we adopted the amendments?

079 DAVIDSON: I have no problem with that.

081 DUFF: If these people are considered county employees, they don't qualify for Public Employees Retirement System (PERS) . . . ?

083 DAVIDSON: I hope not. I don't think they put in enough time to be qualified. The problem with this is a special section in the labor law for local government employees that says eight hours in a day, regardless of whether it is a 40 hour week or not.

088 BRENNEMAN: I don't know why it could not be sent to the floor rather than adding another trip this late in the session.

091 SPRINGER: I can't support it unless it goes to Labor, they deal with this subject.

096 RYDER: This bill does have a subsequent referral to the Ways and Means Committee that you might want to consider rescinding.

098 SPRINGER: That would be part of my motion.

099 MOTION: SEN. SPRINGER MOVED THE -1 AMENDMENTS TO SB 279, DATED 05/03/91. MOTION CARRIED BY ACCLAMATION.

104 MOTION: SEN. SPRINGER MOVED SB 279 TO BE RE-REFERRED TO THE LABOR COMMITTEE WITH A DO PASS AS AMENDED RECOMMENDATION AND THAT THE RECOMMENDATION BE MADE TO THE SEN. PRESIDENT TO RESCIND THE REFERRAL TO THE WAYS AND MEANS COMMITTEE.

111 SPRINGER: Do the amendment and the relating clause agree?

112 RYDER: Yes, this went through Legislative Counsel. It relates to county election expenses.

115 SPRINGER: They would have advised us if there were a problem.

116 BUNN: I think it is a simple bill and it would be a disservice to send it to another committee. I would rather deal with it directly on the floor. I will vote against it for that reason.

123 MOTION: SEN. DUFF MOVED TO AMEND THE MOTION TO STRIKE THE REFERRAL TO THE LABOR COMMITTEE AND SEND THE BILL DIRECTLY TO THE FLOOR WITH A DO PASS AS AMENDED RECOMMENDATION AND A REQUEST TO RESCIND THE WAYS AND MEANS REFERRAL.

129 SPRINGER: We can go through this motion on the floor too, Sen. Duff.

130 DUFF: Why, I don't understand why?

131 SPRINGER: Because it relates to the wage and hour provisions, which is traditionally a subject under the jurisdiction of the Labor Committee.

132 DUFF: Is there a technical reason why we should be extra careful in this particular case?

133 SPRINGER: It is my personal preference that any exemptions go to the committee that has the expertise to deal with that area. Since the proponent stated no objection to that it seems reasonable to me.

141 OTTO: Restates Sen. Duff's motion.

142 VOTE: MOTION FAILED, 3-3. EXCUSED: SEN. BRADBURY. (VOTING NO: SEN. SPRINGER, SEN. YIH, CHAIR OTTO).

147 OTTO: Restates the original motion by Sen. Springer.

151 VOTE: MOTION CARRIED, 6-0. EXCUSED: SEN. BRADBURY.

158 Meeting adjourned at 3:55 p.m.

Transcribed

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EXHIBIT LOG

A - SB 1150-1 amendments, Staff 1 pg. B - SB 359-1 amendments, Staff, 2
pgs. C - Fiscal impact statement SB 359, Staff, 1 pg. D - SB 279-1
amendments, Staff, 1 pg.