

SENATE COMMITTEE ON RULES AND REDISTRICTING

January 30, 2001 Hearing Room C
03:00 PM Tapes 11 - 12

MEMBERS PRESENT: Sen. Steve Harper, Chair
Sen. Peter Courtney, Vice-Chair
Sen. Jason Atkinson
Sen. Lee Beyer
Sen. Kate Brown
Sen. Randy Miller
Sen. John Minnis

STAFF PRESENT: Craig Allen, Committee Administrator
Annetta Mullins, Committee Assistant

MEASURE/ISSUES HEARD: Informational Hearing
Legislative Annual Sessions

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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<u>TAPE 11, A</u>		
<u>LEGISLATIVE ANNUAL SESSIONS - INFORMATIONAL HEARING</u>		
003	Chair Harper	Calls meeting to order at 3:04 p.m. and opens an informational hearing on annual legislative sessions. Explains purpose of meeting is to have a general discussion of some of the ideas concerning annual legislative sessions. Comments that the legislature is the board of directors of a \$6 billion dollar corporation and meets every other year for less than one-half a year to run that corporation. Adds that the committee may see ideas that can be included in legislation.
<u>ANNUAL LEGISLATIVE SESSIONS - INFORMATIONAL HEARING</u>		
022	Randall Edwards	State Treasurer. Submits prepared statement. Testifies in support of annual sessions of the legislature (EXHIBIT A).
073	Chair Harper	Asks what some of the issues are, including the campaign to sell the idea of annual sessions to the public.
080	Edwards	Responds that the case is that the world has gotten more complex, the budget is \$6 billion per year in just state dollars, most states have annual sessions, the legislature needs to be accurate and forthright with the voters, the complexity of the issues, lack of continuity between sessions, and that the legislature could be more precise by having annual sessions.
103	Sen. Courtney	Comments he opposed Sen. Miller's proposed measure in 1990 that lost by 5,000 votes. States he has changed his position because of the term limits issue and believes term limits has to be the number one compelling reason. Believes term limits change the discussion and would like to hear comments from Treasurer Edwards.

	Edwards	Responds he agrees it has changed the ability for the members to have continuity in knowledge passed from one session to the next. As long as there are terms limits the arguments become more compelling. Also believes it would help make the interim more productive.
130	Sen. Brown	Asks if Edwards thinks or recommends the legislature budget on an annual basis.
	Edwards	States that Washington state budgets biennially but they make modifications annually and he believes that would be the best way for Oregon to budget.
143	Sen. Atkinson	Comments that Idaho spends three months one year on the budget and four or five months in the next year to look at statutory changes and adjustments to their budget.
155	Sen. Miller	Explains that the intention in the previous bill and reflected in the current bill is the timelines, something that is absent our current setup. This bill says if you are going to an extension, the extension can be by a 2/3 vote by both chambers or a five day extension. Believes it would be extraordinary to have two five-day extension periods. Would hope that the legislature could deal with budget matters in both sessions.
186	Sen. L. Beyer	Comments he thinks there are only five or seven states that meet biennially. Those that have annual sessions have different lengths of sessions. Most meet between 90 and 120 days one year and 60 and 90 days the second year. The proposals here suggest between a 90- and 120-day session the first year and a 60-day session during the second year. The total of the two sessions is less than we meet all at once. Believes there can be a more productive interim time. In the off year the legislature could deal with a limited number of issues as well as a review of the budget in the second year. States that he has consistently advocated cutting off the per diem as a means of limiting the length of sessions.
228	Sen. Brown	Comments she expressed concern about Sen. Miller's resolution last time because of the per diem payment. Thinks the limit should be a five-day extension and then cut if off.
217	Edwards	Comments there would have to be some limits on the annual sessions so voters see that the legislature is not becoming the permanent body. Believes that part of the argument could be that it is not changing the nature of the citizen legislature, it would just be functioning differently.
227	Rep. Richard Devlin	Comments that his first introduction to annual sessions was on July 5 at about 4:00 a.m. in 1997 on the floor of the House. Explains that he supported a bill in 1999 in committee but it did not get to the House floor. States that he became an advocate for annual sessions and has joined with Sen. Miller to sponsor SJR 12 but they are not wed to every word in the measure. Acknowledges that Treasurer Edwards has discussed many of the issues. In some states that have two annual sessions their two sessions do not equal Oregon's one in terms of time. Thinks annual sessions would help in terms of planning. Presents reasons for annual session: <ul style="list-style-type: none"> • In states that have annual sessions, their two sessions do not equal Oregon's one in length.

- Would help planning.
- Interim periods between the sessions would become more meaningful because there would be some connection between the two sessions.
- The length of the session would be more predictable.
- Citizens' issues would be more timely addressed.
- Budget process could be improved.
- Legislators could develop expertise.

309 Gives examples of current committee with members who have no experience. Thinks the House is experiencing something the Senate will not experience. The complexity of the issues requires some background in the subjects.

334 States he thinks the annual sessions bill is needed. It was narrowly defeated by the voters earlier and thinks the public would be receptive but does not believe the voters would want the legislature to become a full time legislature.

381 Sen. Harper Asks how the legislature could sell the concept to the general public.

Rep. Devlin Thinks it could be made clear to the public including the limit on the number of days and a cut off of the per diem. Believes the provision for allowing one or maybe two extensions should be retained. Does not think this measure would generate a lot of organized opposition.

414 Sen. Brown Asks if this measure would be on the same ballot as term limits.
Rep. Devlin Responds negatively.

416 Rep. Bruce Starr Comments he cannot disagree with Rep. Devlin and that Rep. Devlin covered most everything. The one key is constitutionally limiting the sessions. States the legislature can sell it on the limited aspect of the measure. Washington may be right in how they organized their legislative sessions.

423 Sen. Minnis Asks what the purpose is of the legislature meeting. It seems it is for the legislators to express the viewpoints of their constituency. States that if sessions were limited in length, it would limit the constituency in their ability to speak to their government.

Rep. Starr Responds that if there were more interim committees and work, it would expand the opportunity for citizens to have redress. Gives example of receiving a call from a constituent the day after sine die and having to wait approximately 18 months to address the issue. Thinks it would expand opportunity to citizens to participate.

493 Sen. Minnis Thinks Rep. Starr has hit on the strongest reasons to do the interim work, that is, giving the citizens the ability to speak to their government.

TAPE 12, A

025 Kevin Mannix

Attorney in private practice, Salem. Suggests the committee consider a test on the notion of annual sessions that would not require a constitutional referral but would allow special interim work. The idea would be for the legislature, before sine die, to have a pre-signed resolution or statement by legislators calling the legislature back into special session, perhaps in October or November. It would be an experiment in which there would be a

regular adjournment of the legislature but certain interim committees would be given stronger staffing and a challenge to come back with legislation on a limited number of issues, perhaps eight or 10 and a resolution the legislature could consider during special session which would call for annual sessions of the legislature. The legislature could come back for one month and address a limited number of issues successfully and at the same time pass out a resolution to propose to the voters a constitutional amendment to be voted on next year in the primary or general election. The legislature could then go to the voters. The campaign could say the concept has been tested and demonstrated successfully that the legislature could make good use of some interim work and have a finite amount of time for a limited number of issues. The biggest challenge would be to have a worthwhile useful interim.

077 Sen. Brown

Comments that one of the reasons in the past that she has opposed annual sessions is because it is important to encourage diversity of people in the legislature and annual sessions can be very difficult on families.

086 Mannix

Here the issue is how to support legislators with diverse background and that relates to pay and per diem. The legislature can and should be more supportive of its members. If it is a good idea to have annual sessions I would not let staffing or income needs of the legislators stand in the way. Would look at annual sessions as whether the institution is better able to serve the public.

131 Kappy Eaton

League of Women Voters. Presents prepared statement and states the League's position is in agreement with points already made (**EXHIBIT B**).

Thinks there are a number of reasons why the public would support annual sessions, particularly when they are time limited. Reasons are:

- Would indicate to the public that the legislature is efficient.
- Would indicate the legislature is mindful of the budget constraints for annual sessions in limiting the length of time.
- Good data about the population growth of the state.
- Good data about the fiscal responsibilities that have been growing, the real problems of projecting for 24 months what is going to happen with the state's budget, revenue, and expenditures could be better dealt with in a shorter period of time with budget considerations every year,
- Would give the citizens a better opportunity to speak to decision-makers

States that the League of Women Voters supports the committee looking at the concept and believes SJR 12 is a good place to start the discussions.

160 Chair Harper

Comments Sen. Duncan has a proposal where there would be a forum on the first Monday to organize and then a regular session later. It would allow organization to take place and the interim committees to start.

190 Sen. Brown

Comments that Ramona Kenady had a plan similar to Sen. Duncan's in the 1993 session.

182 Sen. L. Beyer

Comments that at least two interim committees have studied this

		measure in depth. Also, Legislative Counsel provided a memo from 1992 that talked about organizational sessions. The idea is to get organized quickly and start the business.
192	Chair Harper	Asks what organizational structure should be considered.
214	Sen. Atkinson	States he is generally supportive of annual sessions. Thinks the key is the day when it stops. Is uncomfortable having a session so short that it is a sprint race on bills.
212	Sen. Minnis	Comments the discussion began in 1985. Thinks a campaign would be unusually expensive and very difficult to sell to the people.
231	Sen. Brown	Comments term limits did not exist in 1990. Would ask that the measure on annual sessions not be put on the same ballot as term limits.
238	Ken Strobeck	Former State Representative and private citizen. Comments he would still vote no on Rep. L. Beyer's bill. Shares perspective on efficiency but does not believe the people see the problem annual sessions is designed to fix. Believes many people recognize term limits is creating a lack of historical memory and continuity and it is something that needs to be looked at. Also agrees with re-timing of the session. States he worked on a committee in the House in 1997 that came up with the same proposal to have an organizational meeting, then the interim, and then have the session in September the way the original Oregon Constitution described it. It would go from September to the end of the year. Feels if this were sent to the people saying we would just like to have annual sessions because it feels better, regardless of the limit on the length of the session, they would perceive this would mean more government. Believes the biennial budget works. We have a proposal this session for counties to go to biennial budgeting. Believes people see the value in having a little bit of a forecast threshold to go to in the future. Would encourage the committee to take it from a different perspective on the term limits and the re-timing issue rather than just saying everybody else is going to annual sessions so why don't we do it too.
277	Sen. Courtney	Comments that one of the problems is the size of the ballot. States that some of the issues that would appear as measures on the ballot could be taken care of here in the legislature. Believes there is a problem with the initiative process and the crowded ballot.
309	Sen. L. Beyer	Comments he thinks the timing is right and has thought it was right for the last 10 years. Believes if the question were taken to the public today saying we want to restrict the number of days the legislature would be in session, they would think we are restricting things. The reality is that most people in the state choose to vote for whomever they choose to vote for and forget about the legislature except for complaining about something they read in the paper. People think the legislature meets all the time and that legislators are paid the same as the federal legislators are. The administrative structure is problematic and dates back to how to do printing 150 years ago. Thinks changing to annual sessions, if the committee structure is kept, would allow the assembly to study difficult issues and bring forth better proposals. Currently, once the session sine dies, the interim committees are a waste of

time because for the most part the members are not on the committees the next session.

Adds that he is also interested in reaction to administrative rules, whether the bureaucracy is responsive. To have a better responding executive branch, you need the legislative branch here more frequently with restricted time. It would just make it better. Should go out in the communities. It could be restricted. Would predict fewer days would be spent than in one biennial session. Acknowledges it is hard to leave a small business. Also thinks an argument can be made if a member has two terms and the member spends the time studying the issues, they have the opportunity to identify issues in the first term, realize their complexity and take them out to the communities during the interim and get better responsiveness and understanding as well as better ideas to bring back and craft better legislation.

In order to make it work it must be restricted. Thinks he and Sen. Miller are pretty close on the timing, whether it is 120 or 90 days and 50 or 60. Predicts the legislature would spend fewer days in the capitol in two annual sessions.

426

Adds that it is difficult to leave a small business for six or seven months. Believes that people would look at it fundamentally different if the sessions were not going to last longer than four months. Preference would be to go to a 90- and a 60-day session if it were well prepared before hand supplemented by some interim work by legislators coming in once every month or every month for a Friday and Saturday. That would allow all members to continue doing their private business and allow Oregon to continue to have a lay legislature

459

Sen. Miller

Thinks there is particular value in interim work. It would be an opportunity to develop legislation that would be enacted without having to be repetitive in the next session. Thinks the 60-day provision is plenty. His proposal is 50 days. One reason to have 50 days as opposed to 60 was consideration for people who come here from out of town so that maybe they only need two months rent. States the comments on the administrative agencies is true. The agencies are delighted when the legislature leaves because they are not going to see the legislature for a long time. Also, Sen. Courtney's comments on initiatives are true. Perhaps the ideas would be just as active but they could be examined in a hearing setting with all kinds of people participating.

There were a lot of doomsayers 11 years ago who said the measure would not have a chance and that there would be a full time legislature. Without any advertising that he can recall on the pro side, the measure came within 5,000 of passage.

TAPE 11, B

051

Sen. Courtney

Comments that a lot of ballot measures on anti-government, anti-legislative campaigns have passed. Believes it is time to try it again. No other state relies on a single source of revenue. Thinks it is crazy to budget the way we do. States that when people only have to relate to each other every two years, the kind of relationship we all say we need and want cannot be developed. If the legislature and governor know they have to deal with each other every year, they might find a way to work together better than they have.

		Compares legislature to local government bodies that meet continuously. Thinks the legislature should meet at least every year, but does not like just the budget session. Thinks both sessions should be general sessions.
107	Chair Harper	Believes it is time to put the issue out to the voters and explain why it is in the best interest of Oregonians and why the legislature believes it makes for good government.
108	Sen. Minnis	States he is comfortable pressing ahead and understand the problems that Sen. Minnis and Ken Strobeck brought up.
126		States he agrees with everything that has been said in terms of the merits and value in doing it, but thinks the legislature's capacity to actually sell it to the public without looking somewhat disingenuous with the usual characterization that the legislators are lining their pockets, that they make \$140,000 a year, and fly to Washington, D. C.
137	Chair Harper	Adds that the issues the legislature deals with today are far more complex than 15 years ago. Agrees with Sen. Courtney that the legislature has become second class or an unequal branch of government because we have failed to budget for research staff and adequate staff for interim committees. Believes the legislature has made a mistake in doing that but the legislature does need to recognize there is a substantial need to have good quality professional people around here who can back up individual legislators who come in to try to deal with the complex issues that legislators do not deal with on a day-to-day basis. Also disagrees that the interim is not productive.
138	Sen. Miller	Comments his comfort level is fairly high that the committee has something to work with.
161	Sen. L. Beyer	Comments that one of the advantages of the proposed system is that during the interim there can be time to study the complex issues rather than hopping from one hearing to another hoping to get the last bit of input on a complex issue. Explains that the proposals he has seen would cause the legislature to be in session fewer days than the legislature has been averaging.
179	Chair Harper	Comments he thinks it is worth considering putting an alternative on the ballot, such as doing something legislatively first. Believes it would encourage people to consider the possibility of recessing until a date certain versus adjourning. Notes there are some problems in doing that. There are two ways to come back into session. One is Article V, Section 12. The governor can call the legislature into session at any time and that could be worked out in advance. Recalls that in 1973 the people, through a referral from the legislature, gave the legislature the authority to call itself back into session under emergency situations, but there is no definition of what an emergency situation is. Adjourns meeting at 4:13 p.m.

Submitted By,

Reviewed By,

Annetta Mullins,

Craig Allen,

Committee Assistant

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EXHIBIT SUMMARY

A - Annual Sessions, Legislative, prepared statement, Randall Edwards, 2 pp

B - Annual Sessions, Legislative, prepared statement, Kappy Eaton, 1 p