

SENATE COMMITTEE ON RULES

March 15, 2005
8:30 A.M.

Hearing Room 343
Tapes 28 - 29

MEMBERS PRESENT: **Sen. Kate Brown, Chair**
 Sen. Ted Ferrioli, Vice-Chair
 Sen. Jason Atkinson
 Sen. Frank Shields

MEMBER EXCUSED: **Sen. Charlie Ringo**

STAFF PRESENT: **Tiffany Harris, Committee Administrator**
 Patricia Nielsen, Committee Assistant

MEASURE/ISSUES HEARD:
 SJR 7 – Public Hearing
 SB 606 – Public Hearing
 SCR 3 – 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 28, A		
005	Chair Brown	Calls the meeting to order at 8:30 a. m. Opens a public hearing on SJR 7.
<u>SJR 7 – PUBLIC HEARING</u>		
010	Tiffany Harris	Committee Administrator. Presents overview of SJR 7.
020	Sen. Frank Morse	Senate District 8. Testifies in support of SJR 7. Submits a political cartoon describing increase in spending (EXHIBIT A) and a written analysis of Oregon Fiscal Policy (EXHIBIT B). Discusses advantages of increased voter awareness. Describes increased burdens on the General Fund since 1990. Discusses benchmarks of Oregon compared to western states.
100	Chair Brown	Asks who produced the cartoons.
105	Sen. Morse	Explains he had the cartoon drawn to visualize the increased burden on the General Fund.
115	Sen. Betsy Johnson	Senate District 16. Testifies in support of SJR 7. Concurs with Sen. Morse's remarks.
125	Sen. Ferrioli	Asks whether a legislative advisory or a legislative analysis would have changed the outcome of any initiatives.
130	Sen. Morse	Responds it would be impossible to answer but voter information is good. Continues that as it now exists the information is in the control of special interests and how they choose to characterize it. Suggests passing initiatives through the public hearing process, and the voters would know what the legislature recommends. Points out that the only negative is the process might be slowed down. Explains the process.
160	Sen. Johnson	Adds that a forum for discussion would be provided outside the media venue. Adds that legislative history would be created to

		assist in judicial interpretation.
180	Chair Brown	Suggests that perhaps there would have been a better outcome on Ballot Measure 37 if there had been a conversation to discuss the intent of the crafters.
185	Sen. Johnson	Agrees. Continues that it is important to create a neutral forum.
195	Sen. Ferrioli	Asks again if SJR 7 would have made any difference in the passage of any initiatives.
200	Sen. Morse	Responds it is possible. Believes that better informed people make better decisions.
210	Sen. Ferrioli	States that the initiative process is a right of the people. Believes that citizens' level of trust in the legislature is not persuasive. Suggests SJR 7 is an impingement on the citizens' right to pursue the initiative process. Advises there are already ways for legislators to participate in the current process.
255	Chair Brown	Inquires about a similar process in Washington State.
260	Sen. Morse	Has not researched that process. Responds that SJR 7 does not change the initiative process, but only slows it down. Continues that any initiative would be highly scrutinized. Believes that an unfettered initiative process undermines representative government.
315	Chair Brown	Asks if by having legislature-discussed proposals citizens would be able to participate and possibly change the course of the debate which isn't allowed in the initiative process.
330	Sen. Morse	Answers that the right to hold public hearings would be reserved.
340	Chair Brown	Comments the legislature could be more proactive.
342	Sen. Morse	Confirms.
350	Sen. Johnson	Refers to other changes to the process which actually improved citizen access. Asks for clarification on Sen. Ferrioli's objection to having a wider forum for discussions.
360	Sen. Ferrioli	Discusses an initiative he sponsored to elect judges by districts, which was aimed at increasing access to the bench by eastern Oregon citizens. Suggests it would not have survived the proposed process. Expresses concern that initiatives would be sidetracked and asks whether the voters would approve of this measure.
400	Sen. Morse	Has not done any polling, but believes voters would be receptive to creating a more thoughtful process.
410	Chair Brown	Discusses some examples of measures that have taken into consideration the needs of rural communities in the election process.
430	Sen. Ferrioli	Sees the initiative process as co-equal and can't support imposing a prior restraint on it.
 TAPE 29, A		
010	Sen. Morse	Suggests populist budgeting does not work and the cumulative effect of all of the initiatives has prevented the legislature from being responsive to change. Continues that initiatives with indeterminate fiscal consequences must be reviewed, but this does not denigrate the role of citizens to present initiatives.
030	Sen. Shields	Discusses his experience since 1992. Suggests the voters did not really understand how the initiatives that were passed would affect the budgets for education or social services. Asks about

		other scenarios.
060	Sen. Morse	Reiterates populist budgeting does not allow voters to make informed choices about unfunded mandates. Continues that the legislative process requires a balanced approach. Refers to changes in spending due to ballot measures with unfunded mandates.
095	Chair Brown	Asks what percentage of the increased per capita spending since 1990 is due to ballot measures.
100	Sen. Morse	Responds 100 percent. Suggests leadership is needed to create a more informed populist vote.
110	Sen. Shields	Inquires who is most opposed to this concept.
112	Sen. Morse	Replies, those with special interests as they would not be in favor of slowing the process down.
125	Sen. Shields	Asks if this had been in place when Ballot Measure 5 was proposed, could it have been amended to consider a funding source, or an alternative measure proposed.
150	Sen. Morse	Answers the legislature should not have a right to change an initiative, but if it is important enough, the citizens have a right to ask the legislature to respond to a current issue. Discusses Ballot Measure 37.
175	Chair Brown	Asks about making statutory changes to respond to the issues without a ballot measure.
180	Sen. Morse	Answers they would give that a chance.
185	Sen. Johnson	Adds that in her constituency voters tend to be unaware of fiscal consequences of ballot measures, so if SJR 7 does only that much it would be worth it.
195	Sen. Ferrioli	Suggests not all participants in the initiative process are special interests. Comments that SJR 7 is meant to change outcomes, which is not appropriate. Believes analysis is already possible by Legislative Fiscal and Legislative Revenue Offices and be presented in the voters' pamphlet. Reiterates objection to placing a prior restraint to slow the process down.
225	Sen. Johnson	Disagrees changed outcomes are the goal.
235	Chair Brown	Comments on spending increases due to initiatives not legislative spending.
245	Sen. Morse	Discusses the budget process and the complexity of funding sources. Explains in the 1990s the cost of the initiatives was masked by the booming economy, but now there is insufficient revenue to support the costs of those mandates. States voters need to be accountable for the choices they make.
285	Chair Brown	Closes the public hearing on SJR 7 and opens a public hearing on SB 606.
<u>SB 606 – PUBLIC HEARING</u>		
295	Tiffany Harris	Committee Administrator. Presents overview of SB 606.
305	Sen. Jeff Kruse	Senate District 1. Testifies in support of SB 606. Discusses the importance of public access to information about political campaign activities. Explains there is software available to input data on the internet, which would provide analysis and compilation of the raw data input by candidates. Discusses potential costs.
380	Sen. Kruse	Continues that instant reporting is campaign finance reform. Offers to work with the Secretary of State on the details of the reporting system.
405	Chair Brown	Introduces and welcomes visiting students from Oregon

415	Chair Brown	Episcopal School. Asks about the need to provide public information on a weekly basis.
420	Sen. Kruse	Responds publishing the information would provide the public true information about who, or what special interest, might be influencing a campaign.
TAPE 28, B		
010	Chair Brown	Asks if there would be difficulties reporting on a weekly basis.
015	Sen. Kruse	Explains his own recording service is doing it now. Continues it would require more diligence on the part of candidates.
025	Chair Brown	Inquires if the goal is to regain public trust and since this method is not difficult, why not make it mandatory.
030	Sen. Kruse	Assumes there is an initial cost to participate and did not want to place any financial barrier on candidates.
045	Sen. Ferrioli	Suggests the cost of software might not be an additional burden.
060	Sen. Kruse	Comments this would not cover local elections because they do not report to the Secretary of State. Describes the differences between the current electronic filing system and the proposed system.
085	Andi Miller	Director, Common Cause Oregon. Testifies and submits written testimony in opposition to SB 606 (EXHIBIT C). Indicates approval of the weekly electronic filing but disagrees with deleting the occupation or employer of contributors.
100	Sen. Ferrioli	Asks if they have discussed their concerns with the proponents of SB 606. Inquires if amendments have been requested.
105	Miller	Explains their strong support of SB 160 which is better.
115	Chair Brown	Closes public hearing on SB 606. Reopens the public hearing on SJR 7.

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SJR 7 – PUBLIC HEARING

120	Kappy Eaton	League of Women Voters of Oregon. Testifies and submits written testimony in support of SJR 7 (EXHIBIT D). Discusses the need for better public information in the initiative process and alternatives available to improve the process. Offers to participate in further discussions.
170	Sen. Ferrioli	Asks for a copy of the League's study on direct democracy.
175	Eaton	Replies that they did a study on the initiative process and will provide that information.
180	Sen. Ferrioli	Comments that access and simplicity are key in trying to increase participation in direct democracy. Worries that there is a move to make the initiative process less accessible, more complex and difficult.
200	Eaton	Responds the focus of their study was to see if the initiative process could be improved.
215	Sen. Ferrioli	Urges awareness that some want to "raise the bar" on qualifying initiatives and in the participation of direct democracy.
225	Chair Brown	Closes the public hearing on SJR 7. Invites visiting students forward. Opens a public hearing on SCR 3.

SCR 3 – PUBLIC HEARING

240	Tiffany Harris	Committee Administrator. Describes SCR 3.
255	Sen. Jason Atkinson	Senate District 2. Testifies in support of SCR 3. Discusses current events in Iraq and his interest in establishing a relationship with Kurdistan. Describes the development of a new

345	Sergio Zenisek	government in Kurdistan. Oregon Episcopal School. Asks how many sister state relationships can exist simultaneously.
350	Sen. Atkinson	Responds it is unlimited. Discusses relationships with Peoples Republic of China and Republic of China (Taiwan).
374	Chair Brown	Interjects that some sister state relationships are established for economic reasons and others for general purposes. Comments on the City of Portland sister cities.
380	Meital Singer	Oregon Episcopal School. Asks about other benefits to sister state relationships.
385	Sen. Atkinson	Discusses possible benefits of cultural and business interactions.
415	Chris Myers	Teacher, Oregon Episcopal School. Inquires if there is a cost and, if so, where the revenue comes from. Inquires about the process to create a concurrent resolution.
425	Sen. Atkinson	Responds there is no fiscal impact on SCR 3. Describes the process of passage of bills, memorials and resolutions.

TAPE 29, B

010	Paul Choi	Oregon Episcopal School. Asks whether people with prejudice against Iraqi people would object to this relationship.
020	Sen. Atkinson	Answers that is one reason to develop the relationships.
035	Sen. Ferrioli	Discusses how prejudices have changed over the past 50 years. Adds that prejudice is related to fear and anger. Comments that all politics are personal expression of beliefs. Believes that sister relationships dissipate fear and build trust and are the best reasons to do them.
055	Singer	Asks how it is decided to have a sister relationship.
060	Sen. Atkinson	Responds with a variety of ways. Explains how this one came through an overseas connection.
070	Chair Brown	Discusses how students in Tillamook, Oregon, got the legislature to declare milk the official state beverage.
075	Jacob Reisberg	Oregon Episcopal School. Inquires if Kurdistan has to pass a similar bill.
080	Sen. Atkinson	Answers no but some official action would help.
085	Reisberg	Asks if there other sister relationships in that area and, if not, whether others would object.
090	Sen. Atkinson	Is aware of no other relationships at present and does not think there would be objections.
093	Chair Brown	Closes the public hearing and opens a work session on SCR 3.

SCR 3 – WORK SESSION

095	Sen. Atkinson	MOTION: Moves SCR 3 be sent to the floor with a BE ADOPTED recommendation.
100		VOTE: 3-0-2 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Ringo, Shields The motion CARRIES. SEN. ATKINSON will lead discussion on the floor.
104	Chair Brown	
105	Chair Brown	Closes the work session on SCR 3. Adjourns the meeting at 10:05 a.m.

EXHIBIT SUMMARY

A. SJR 7, cartoons, Sen. Frank Morse, 2 pp

- B. SJR 7, Oregon fiscal policy benchmarks, Sen. Frank Morse, 1 p**
- C. SB 606, written testimony, Andi Miller, 1 p**
- D. SJR 7, written testimony, Kappy Eaton, 1 p**