

## SENATE COMMITTEE ON RULES

March 31, 2005  
8:30 A.M.

Hearing Room 343  
Tapes 37 - 38

Corrected 11/04/05

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

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

**MEASURE/ISSUES HEARD:**  
SB 933 – Public Hearing  
Executive Appointment – Public Hearing  
Quality Education Commission  
Yvonne Curtis  
SB 858 – Work Session  
Approval of drafting requests – Work Session  
Introduction of Committee Measures – 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
<b>TAPE 37, A</b>		
005	Chair Brown	Calls the meeting to order 8:37 a.m. Opens a public hearing on SB 933.
<b><u>SB 933 – PUBLIC HEARING</u></b>		
010	Tiffany Harris	Committee Administrator. Presents overview of SB 933.
015	Sen. Ginny Burdick	Senate District 18. Testifies in support of SB 933. Discusses need to cut down on the practice of ballot title shopping by requiring meaningful citizen support for a measure.
055	Philip Schradle	Special Counsel to the Attorney General, Department of Justice. Testifies in support of SB 933. Explains that SB 933 does many of the same things as SB 201. States that SB 933 focuses court resources and interested parties on measures that have a chance to get on the ballot.
065	Sen. Ferrioli	Asks how many signatures is ten percent.
070	Schradle	Responds approximately 10,000. Gives specific requirements of various types of measures.
075	Sen. Ferrioli	Inquires how the wording of ballot titles affects the prospects for passage.
080	Sen. Burdick	Responds it is the single most important item to persuade voters.
085	Sen. Ferrioli	Inquires why is it necessary to shop for a ballot title.
090	Sen. Burdick	Responds that it is not necessary. Explains process for getting a ballot title. States that ballot title is what voters look at.
100	Sen. Ferrioli	Expresses his belief that ballot shopping is necessary, as proposed titles are not always fair.
105	Chair Brown	Submits that if ballot shopping is necessary, the taxpayers should

110	Sen. Ferrioli	not have to subsidize the proponents shopping for the titles. Acknowledges that taxpayers should not have to pay. Emphasizes that the process should be more open and fair to petitioners.
115	Sen. Burdick	Comments on issue of fair and honest brokerage of ballot titles. Comments that she did not get the ballot title that she wanted, but it was an accurate reflection of the measure. Describes the purpose of ballot title to give voters an objective sense of what the measure does, not to please the petitioner.
130	Sen. Ferrioli	Asks if Sen. Burdick's original ballot title was flawed. Inquires what gives her confidence that ballot titles will not be flawed for those who reach the higher bar of 10,000 signatures.
135	Sen. Burdick	Responds affirmatively. Explains that there is a successful process to challenge ballot title as inadequate.
140	Sen. Ferrioli	Suggests that flawed ballot titles routinely emerge from the [Attorney General's] office. Comments that requiring a group to go to the Supreme Court or collect 10,000 signatures is a prior restraint issue. Recommends streamlining the process to allow proponents to write their own ballot titles.
165	Sen. Brown	States that she is open to solutions to this issue.
170	Schradle	Comments that the Attorney General's office fulfills the purpose of writing ballot titles to accurately reflect what the measure does, but proponents do not necessarily want that.
185	Sen. Ferrioli	Inquires how 10,000 signatures make it more easier or more fair.
190	Schradle	Explains that many measures submitted do not get the requisite signatures to get on the ballot, and SB 933 would focus resources on those that have reasonable support.
195	Sen. Ferrioli	Asks if it is possible to submit 10,000 signatures on a working ballot title and have a completely different title emerge that is completely different from the working ballot title.
200	Schradle	Explains that the proposal would require the first 10,000 signatures to be gathered with a copy of the proposed measure itself, without a generated description produced by the Attorney General's office.
205	Sen. Ferrioli	Asks what happens if the proponent does not like the title.
210	Chair Brown	Clarifies that the ballot title is required to be fair and impartial, not meet the petitioner's concerns.
230	Dave Hunnicutt	Oregonians in Action (OIA). Testifies in opposition to SB 933. Agrees ballot title is crucial, and the Attorney General is capable of drafting bad titles. Relates that the Supreme Court does not re-draft the ballot title. Agrees impartiality is in eyes of beholder.
285	Hunnicutt	States that SB 933 will inhibit grass roots groups from getting ballot titles. Comments that the public pays for bills to be drafted every legislative session that will never be passed. Suggests that SB 933 has constitutional problems.
335	Dan Meek	Represented various public interest groups. Asserts that SB 933 would make the initiative process unworkable for grass roots organizations, but would not affect large organizations that pay for signatures. Suggests that some measures are very complicated, and without a ballot title on the signature sheet, 10,000 signatures would be much harder.
385	Chair Brown	Clarifies whether his point is that people would not take time to read the actual measure language, so the burden is high on petitioners.
390	Meek	Responds that he would need to staple a complete copy of the

410	Chair Brown	measure to each petition. Comments on readiness of the Secretary of State to throw out signatures as invalid.
420	Meek	Inquires if there is a problem with ballot title shopping. Responds negatively. Explains why ballot title shopping under the current system cannot occur. Comments on ballot titles that are too favorable to measures. Describes the logistical problem with volunteers collecting signature sheets, and not knowing when required number of signatures have been collected.
<b>TAPE 38, A</b>		
035	Meek	Continues and describes difficulty in the proposed process for volunteer organizations. Compares to professional signature gathering organization.
050	Chair Brown	Inquires if Mr. Meek testified on this issue in the 2003 session.
052	Meek	Responds affirmatively, that he testified before the House committee.
060	Sen. Ferrioli	Asks about three ballot initiatives he has been involved in.
065	Meek	Recaps the initiatives: Measures in 1984 on radioactive waste disposal, 1986 on the same, 1986,1990, 1992 on Trojan Nuclear Plant, and 2002 campaign finance reform.
070	Sen. Ferrioli	Inquires whether they were volunteer initiatives. Expresses interest in conclusions that SB 933 would make grassroots petitioning impossible.
075	Meek	Responds that most were volunteer. States that SB 933 would make it very difficult for grassroots organizations, if not impossible. Suggests alternative changes to the ballot title process: <ul style="list-style-type: none"> <li>• Anyone can submit, and retired judges pick one in arbitration process</li> <li>• Eliminate judicial review of ballot titles drafted by the Attorney General</li> </ul>
125	Chair Brown	Closes public hearing on SB 933. Opens as a subcommittee. Opens public hearing on the Executive Appointment of Yvonne Curtis to the Quality Education Commission (QEC).

#### **EXECUTIVE APPOINTMENT – PUBLIC HEARING**

##### **QUALITY EDUCATION COMMISSION – APPOINTMENT OF YVONNE CURTIS (EXHIBIT A)**

165	Yvonne Curtis	Appears by telephone conference. Discusses her background, interest and qualifications for the appointment.
190	Chair Brown	Asks her opinion of the role of the QEC.
195	Curtis	Discusses her belief that the QEC's role is to educate people about stable funding and what a quality education is. Emphasizes the responsibility to communicate with the community.
215	Chair Brown	Inquires if the QEC should be a tool for the legislature to solve the school funding crisis.
220	Curtis	Responds affirmatively.
225	Chair Brown	Closes public hearing on the executive appointment to QEC. Opens a work session on SB 858.

##### **SB 858 – WORK SESSION**

235	Tiffany Harris	Committee Administrator. Presents overview of SB 858. Discusses the -4 amendments ( <b>EXHIBIT B</b> ).
250	Chair Brown	Discusses amendments.

260	Fred Neal	Voters' Pamphlet Supervisor, Secretary of State's office.
		Explains further the -4 amendments.
270	Teddy Keizer	Sen. Verger's office. Testifies in support of SB 858. Submits -3 amendments and asks for them instead of the -4 ( <b>EXHIBIT C</b> ).
290	Sen. Shields	Asks about increased spacing in the pamphlet.
295	Neal	Responds that white space will be reduced wherever possible.
300	Sen. Shields	Asks about specific ways to reduce white space.
310	Neal	Confirms there are several alternatives.
325	<b>Chair Brown</b>	<b>MOTION: Moves to ADOPT SB 858-3 amendments dated 03/22/05.</b>
327		<b>VOTE: 3-0-2</b>
		<b>EXCUSED: 2 - Atkinson, Ferrioli</b>
	<b>Chair Brown</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
330	<b>Chair Brown</b>	<b>MOTION: Moves SB 858 to the floor with a DO PASS AS AMENDED recommendation.</b>
333		<b>VOTE: 3-0-2</b>
		<b>EXCUSED: 2 - Atkinson, Ferrioli</b>
	<b>Chair Brown</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
		<b>SEN. VERGER will lead discussion on the floor.</b>
335	Chair Brown	Closes work session on SB 858. Opens work session on approval of drafting requests and introduction of committee measures.

**APPROVAL OF DRAFTING REQUESTS AND INTRODUCTION OF COMMITTEE MEASURES – WORK SESSION**

340	Sen. Ringo	Presents overview of the drafting request relating to annexation ( <b>EXHIBIT D</b> ).
350	<b>Sen. Ringo</b>	<b>MOTION: Moves drafting request be approved for drafting by Legislative Counsel and BE INTRODUCED as a committee bill.</b>
360	Sen. Shields	Confirms he supports the drafting to include amendments.
365		<b>VOTE: 3-0-2</b>
		<b>EXCUSED: 2 - Atkinson, Ferrioli</b>
	<b>Chair Brown</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
395	Chair Brown	Recesses the committee at 9:33 a.m.
400	Chair Brown	Reconvenes the committee at 9:37 a.m.
405	<b>Chair Brown</b>	<b>MOTION: Moves LC 3533 BE INTRODUCED as a committee bill.</b>
410		<b>VOTE: 3-0-2</b>
		<b>EXCUSED: 2 - Atkinson, Ferrioli</b>
	<b>Chair Brown</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
		<b>Note: LC 3533 printed as SCR 10.</b>
410	Chair Brown	Closes work session. Adjourns the meeting at 9:38 a.m.

**EXHIBIT SUMMARY**

- 
- A. Quality Education Commission, staff and Governor's office, 8 pp**
- B. SB 858, -4 amendments (3-30-05), staff, 3 pp**
- C. SB 858, -3 amendments (3-22-05), Sen. Joanne Verger, 2 pp**
- D. Drafting and introduction request, request letter, Sen. Charlie Ringo, 1 p**
- E. Introductions, LC 3533, staff, 2 pp**