

## SENATE COMMITTEE ON RULES

May 23, 2005  
3:00 P.M.

Hearing Room B  
Tapes 79 - 80

Corrected 10/27/05

**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  
Dawn Tusio, Committee Assistant

**MEASURE/ISSUES HEARD:**  
SJR 32 – Public Hearing  
SJR 33 – Public Hearing  
Approval of Drafting Request - Work Session

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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.

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TAPE/#	Speaker	Comments
<b>TAPE 79, A</b>		
003	Chair Brown	Calls meeting to order at 3:05 p.m.
010	Tiffany Harris	Committee Administrator. Gives overview of SJR 32 and SJR 33.
018	Chair Brown	Calls Thomas Mann on the conference phone.
030	Thomas Mann	Brookings Institution. Introduces himself and offers background information.
038	Chair Brown	Asks Mr. Mann if he has a copy of SJR 32 and SJR 33.
039	Mann	Replies yes.
040	Chair Brown	Opens public hearing on SJR 32 and SJR 33.
<b><u>SJR 32 &amp; SJR 33 – PUBLIC HEARING</u></b>		
041	Chair Brown	Asks Mr. Mann to talk about redistricting trends across the country.
042	Mann	Discusses trends in redistricting across the country.
111	Chair Brown	Clarifies what Mr. Mann means by saying “constrain the process”.
113	Mann	Replies yes and further explains what he means by saying “constrain the process”.
132	Chair Brown	Asks for more information regarding Iowa’s process.
134	Mann	Discusses the process in Iowa.
179	Sen. Ringo	Asks Mr. Mann to comment on his opinion regarding appointing judges as special masters.
189	Mann	Comments on appointing judges as special masters.
240	Sen. Ringo	Asks if there are twenty-four special masters or if there are three special masters.
244	Mann	Replies that the initial pool consists of twenty-four special masters and that three special masters are selected from that pool.
246	Sen. Ringo	Asks if the priorities are given literal interpretation.
256	Mann	Explains.
280	Sen. Ringo	Asks for Mr. Mann’s recommendation regarding whether or not to provide information to the decision makers.

286	Mann	Offers opinion.
307	Sen. Ringo	Asks question regarding comment about New Jersey.
310	Mann	Explains.
325	Chair Brown	Asks what kind of redistricting process Nebraska has.
327	Mann	Replies that he is not sure. Offers information regarding Nebraska's legislature.
348	Curtis Gans	Director, Committee of the Study of the American Electorate. Introduces himself and offers background information. Discusses redistricting.
 <b>TAPE 80, A</b>		
001	Gans	Continues discussion on redistricting.
035	Chair Brown	Asks why he feels parties are important and why parties do not contribute to partisanship.
038	Gans	Replies that parties do contribute to partisanship.
050	Chair Brown	Asks about comment that the way districts are drawn and the voter turn out has increased polarization.
052	Gans	Responds.
063	Chair Brown	Asks if there are specific principles that should be used in establishing criteria for redistricting plans.
067	Gans	Replies.
074	Sen. Ringo	Asks about self political segregation.
090	Gans	Responds to comment.
105	Sen. Ringo	Comments on the red blue map.
106	Gans	Comments that he does not believe the red blue map. Talks about the rekindling of politics of shared values rather than of divided values.
128	Sen. Ferrioli	Talks about major population centers and comments that there is an urban rural divide.
155	Gans	Responds to comments.
173	Chair Brown	Clarifies Sen. Ferrioli's comment.
178	Gans	Asks if they are talking about a statewide level or a statewide level of the legislature.
180	Sen. Ferrioli	Clarifies that the question of interest is in regards to a concentrated political power in a population base in certain states across America.
184	Chair Brown	Disputes Sen. Ferrioli's comment.
187	Gans	Asks if they are talking about a statewide election because it is the character of the candidates that has been determinative.
189	Chair Brown	Asks is he really believes that.
190	Gans	Replies absolutely.
195	Chair Brown	Asks if it is true in Washington as well.
196	Gans	Replies that it is less true in Washington than it is in Oregon or California.
202	Chair Brown	Asks if he would agree with the two criteria, fairness and competitiveness.
205	Gans	Replies yes, in addition to compact and contiguous.
206	Chair Brown	Asks what the benefits are of compactness and contiguousness.
207	Gans	Discusses the benefits.
211	Chair Brown	Asks how to make sure that minorities are represented in the legislature.
216	Gans	Responds.
238	Chair Brown	Calls John Giese on the conference phone.
254	Giese	Senior Vice-President, Rockey Hill and Knowlton. Introduces

		himself and offers background information.
275	Chair Brown	Asks if he has had a continuing position on the commission.
276	Giese	Replies no. Discusses redistricting efforts.
296	Chair Brown	Clarifies that it is a temporary service.
298	Giese	Replies yes.
301	Chair Brown	Asks what prompted Washington to move toward nonpartisan redistricting commissions two decades earlier than the rest of the country.
307	Giese	Explains.
333	Chair Brown	Asks if Washington has two members of each party and an independent member.
337	Giese	Explains. Comments that the chair of the committee is a non voting member.
349	Chair Brown	Asks about the practicalities of staffing. Asks if the legislative staff primarily staffs the commission.
352	Giese	Replies yes, but not solely and explains.
366	Chair Brown	Asks what criteria the commission is required to use.
368	Giese	Explains the two sets of criteria used by the commission.
403	Chair Brown	Asks about decreasing polarization in the legislative process.
		Asks for Washington to be used as an example.
<b>TAPE 79, B</b>		
001	Giese	Offers observations.
016	Chair Brown	Asks if he means polarization.
022	Giese	Replies yes.
026	Chair Brown	Asks if the structure of two members from each party and one non voting Chair in effect has the impact of protecting incumbents.
029	Giese	Responds.
063	Chair Brown	Clarifies that he is saying that it is truly a partisan process so lets make it a fair one.
065	Giese	Replies yes.
078	Sen. Ferrioli	Expresses appreciation for testimony. Comments on the idea that redistricting redistributes political power.
100	Giese	Stresses having a process that is transparent to the public.
109	Chair Brown	Thanks Giese for his testimony.
126	Andi Miller	Executive Director, Common Cause Oregon. Testifies in support of SJR 32 and SJR 33. Submits written testimony ( <b>EXHIBIT A</b> ) and submits Common Cause redistricting guidelines ( <b>EXHIBIT B</b> ).
150	David Buchanan	Common Cause. Testifies on SJR 32 and SJR 33.
172	Norman Turrill	State Board Member, Common Cause. Testifies on SJR 32 and SJR 33.
218	Chair Brown	Makes comment.
226	Turrill	Comments that they have term limits in Washington state.
231	Buchanan	Comments on another factor in Washington state.
239	Chair Brown	Asks if he agrees with the analysis that the districts are at least competitive.
242	Buchanan	Replies yes.
244	Turrill	Agrees and offers comment.
268	Chair Brown	Explains reason for questioning term limits in Washington.
274	Buchanan	Comments that Oregon had a short experience in multimember districts in the 1960's.
290	Chair Brown	Asks how nonpartisan redistricting will help women and people of color get elected to legislatures and diversify us.

298	Buchanan	Replies that he does not think it will help.
307	Sen. Ferrioli	Comments that it seems that Washington has realized that partisanship cannot be taken out of politics. Says that it makes more sense to acknowledge the reality of partisanship in politics and figure out a way to make the process more fair.
320	Turrill	Responds to comments.
350	Sen. Ferrioli	Comments that there are two versions.
355	Buchanan	Makes comment.
365	Sen. Ferrioli	Asks question regarding comment that the commission should be incumbent blind.
373	Turrill	Responds to question. Replies that districts can be tailored through the use of technology.
406	Chair Brown	Asks if one-third is a good portion for competitive seats in the Oregon Senate.
411	Buchanan	Comments on competitiveness.
<b>TAPE 80, B</b>		
006	Sen. Ferrioli	Comments that there is a complication in the equation discussed.
008	Miller	Responds to question and comments on the issue discussed.
017	Sen. Ferrioli	Asks how to convince someone that redistricting someone out of their district was not intentional.
026	Buchanan	Comments that the blindness is a troubling issue.
040	Turrill	Responds to Sen. Ferrioli's question.
046	Buchanan	Comments on another factor regarding incumbents.
057	Sen. Ferrioli	Asks about communities of interest.
062	Buchanan	Comments that it is a vague and virtually meaningless concept.
068	Chair Brown	Offers example of a community of interest.
076	Buchanan	Responds that the community of interest is caught up in the order that districts are drawn.
082	Sen. Ferrioli	Comments on a community of interest.
085	Turrill	Discusses hierarchy of criteria that should be applied when looking at communities of interest.
095	Chair Brown	Comments on diverse populations that live near one another.
099	Turrill	Says that neighborhoods in Portland are divided by freeways.
103	Miller	Thanks the members for allowing them to testify.
107	Chair Brown	Says that she has counted twelve or thirteen very competitive Senate districts.
110	Miller	Comments on motivation for redistricting.
125	Bruce Miller	Assistant Staff Counsel, Office of State Court Administrator. Testifies on SJR 32 and SJR 33.
147	Chair Brown	Asks if judges knowing that they will be tied up in redistricting will have an impact on their opinions or ability to settle cases.
151	B. Miller	Responds that it would only apply to retired judges.
154	Chair Brown	Asks about retired judges who are still working.
157	B. Miller	Replies yes.
162	Chair Brown	Comments on using retired judges and whether or not it is fair to them.
167	Sen. Ringo	Points out that some retired judges make good money by doing arbitration, etc. and that being committed to redistricting could potentially take away from good financial opportunities.
170	Sen. Ringo	Asks whether there should be a requirement for geographical distribution in the pool of judges.
175	B. Miller	Responds to comment.
179	Chair Brown	Closes public hearing on SJR 32 and SJR 33. Committee stands at ease at 4:44 p.m. Calls committee back to order at 4:45 p.m.

Opens work session for consideration of request for drafting and introduction.

**APPROVAL OF DRAFTING REQUEST – WORK SESSION**

182 Chair Brown

Reviews request for drafting (**EXHIBIT C**).

185 Chair Brown

**MOTION: Moves one drafting request be approved for drafting by Legislative Counsel and BE INTRODUCED as a committee bill.**

**VOTE: 3-0-2**

**EXCUSED: 2 - Sen. Atkinson, Sen. Shields**

**Hearing no objection, declares the motion CARRIED.**

Chair Brown

189 Chair Brown

Closes work session and adjourns meeting at 4:46 p.m.

**EXHIBIT SUMMARY**

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**A. SJR 32 & SJR 33, written testimony, Andi Miller, 4 pp**

**B. SJR 32 & SJR 33, guidelines, Andi Miller, 2 pp**

**C. Approval of drafting and introduction requests, memorandum, Sen. Kate Brown, 1 p**