

SENATE COMMITTEE ON RULES

June 14, 2005
8:30 A.M.

Hearing Room B
Tapes 104 – 105

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**
 James Goulding, Committee Assistant

MEASURE/ISSUES HEARD:
 HB 2104 – Public Hearing
 SB 499 – Public Hearing
 HB 2614 – Public Hearing
 HB 2060 – Public Hearing
 HB 2167 – Public Hearing

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 104, A		
003	Chair Brown	Calls the committee to order at 8:34 a.m. Opens a public hearing on HB 2104.
<u>HB 2104 – PUBLIC HEARING</u>		
023	Tiffany Harris	Committee Administrator. Explains the provisions of the measure.
030	Lisa Zavala	Office of Government Relations, Oregon University System (OUS). Submits written testimony in favor of HB 2104 (EXHIBIT A). Mentions the proposed -A3 amendments (EXHIBIT B).
060	Denise Yunker	Administrator, Human Resources Department, OUS. Discusses the changes proposed the by the -A3 amendments. Details the subsections of the legislation.
096	Bill Linden	Association of Oregon Faculties (AOF). Testifies in support of HB 2104. Makes additional comments on the retirement programs.
120	Chair Brown	Considers the public policy for community college faculty retirement.
123	Zavala	Replies.
140	Chair Brown	Further comments.
142	Linden	Offers that he has not worked with community college faculty in his association. Feels he does not have enough information to offer an opinion.
147	Chair Brown	Closes the public hearing on HB 2104. Opens a public hearing on SB 499.

SB 499 – PUBLIC HEARING

160	Tiffany Harris	Committee Administrator. Explains the provisions of the measure. Notes that they have a -1 amendment to the measure (EXHIBIT C).
177	Mary Botkin	American Federation of State, County and Municipal Employees (AFSCME), Council 75. Presents her written testimony in favor of SB 499 (EXHIBIT D).
205	Botkin	Observes the critical importance of having a 9-1-1 service. Talks about the extreme stress involved, and the difficulty working the position long enough to reach retirement.
243	Chair Brown	Talks about the potential financial impact.
247	Botkin	Replies. Continues discussing the statewide numbers in PERS. Discusses the additional tools needed to support employees.
272	Chair Brown	Asks Ms. Botkin if this will lead to other service groups requesting similar changes.
277	Botkin	Offers her thoughts on the changes to PERS. Observes the possibility of another solution.
312	Francie La Marsh	Shift Leader, Clackamas County 9-1-1. Testifies in favor of SB 499. Provides a 9-1-1 retirement information sheet (EXHIBIT E). Offers her thoughts on retirement benefits. Relays her experiences as a 9-1-1 dispatch operator.
350	La Marsh	Further discusses the traumatic calls she has received and the impact they have had on her life.
390	La Marsh	Continues to describe difficult emergency calls she has received and the stress involved.

TAPE 105, A

005	La Marsh	Reiterates the importance of an early retirement program for 9-1-1 workers.
010	Tim Sherman	9-1-1 Dispatcher, Bureau of Emergency Communications, Multnomah County. Testifies in favor of SB 499. Relays the difficulties and high stresses involved in the profession. Offers a description of the intense training involved.
060	Sherman	Offers testimony on the extreme situations he has faced and the impact it has had on his life. Notes this measure will offer some relief to those in the profession.
090	Sherman	Voices the difficulty of remaining in the position until retirement age.
110	Chair Brown	Closes public hearing on SB 499. Opens a public hearing on HB 2614.

HB 2614 – PUBLIC HEARING

113	Tiffany Harris	Committee Administrator. Explains the provisions of HB 2614.
127	Rep. Mary Nolan	Representing House District 36. Testifies in support of HB 2614.
150	Rep. Nolan	Explains the proposed -2 amendments to the measure (EXHIBIT F). Clarifies the legal adjustment needed from prior court cases.
175	Rep. Kitts	Representing House District 30. Testifies in support of HB 2614.
177	Chair Brown	Asks what the vote tally was on this measure in the House.
179	Rep. Nolan	Replies.
180	Sen. Ferrioli	Considers scenarios of voting in more than one primary.
183	Rep. Kitts	States they could only participate once.
185	Rep. Nolan	Explains the nomination process.
189	Sen. Ferrioli	Feels this measure is merely trying to keep people off the ballot.
195	Chair Brown	Replies that this is to keep the two major parties from participating in third party nominations.

201	Rep. Nolan	Voices further clarification that a party member could choose to participate in one nomination process, but not two.
218	Rep. Kitts	Comments that the bill would prevent one voter from voting for multiple candidates in the various primary elections.
220	Sen. Ferrioli	Points a scenario where a voter votes in a primary and then wishes to vote for a candidate who emerges later in the process.
231	Rep. Kitts	Observes that this allows a voter to vote or participate in any process they choose, but that they can only do it once.
239	Sen. Ferrioli	Offers that there are no restrictions placed on candidates switching parties whenever they choose. Asks why they would prohibit voters from fully participating in the nomination process.
243	Rep. Kitts	Reiterates that this does not exclude anyone from the process, it only limits a voter from participating multiple times.
246	Chair Brown	Considers that under Sen. Ferrioli's scenario, voters could vote for multiple candidates. Feels it should be only one vote for one person.
248	Sen. Ferrioli	Clarifies that he is referring to the nomination process, which differs from the general election.
250	Chair Brown	Notes they will return to this measure. Closes public hearing on HB 2614. Opens the public hearing on SB 499.

SB 499 – PUBLIC HEARING

277	Larry Hatch	Co-Chair, Oregon APCO/NENA. Presents written testimony (EXHIBIT G) in support of SB 499.
308	Christy Monson	Legal Counsel, League of Oregon Cities. Testifies in opposition to SB 499. Observes the changes in specific definitions and the complications involved. Notes she is speaking to the measure as drafted.
336	Chair Brown	Remarks that they take the time to review the -1 amendments. Offers that they can return to this measure.
370	Maria Keltner	Association of Oregon Counties. Appreciates having time to look over the amendments.
375	Chair Brown	Closes public hearing on SB 499. Opens the hearing on HB 2614.

HB 2614 – PUBLIC HEARING

377	Kappy Eaton	League of Women Voters of Oregon. Testifies in support of HB 2614. Remarks on the -2 amendment. Feels the nomination process is a party process. Emphasizes the importance of "one person, one vote".
400	Eaton	
TAPE 104, B		
010	Blair Bobier	Legislative Director, Pacific Green Party of Oregon. Presents written testimony in opposition to the measure (EXHIBIT H).
040	Bobier	Talks about flaws he observes in the proposed legislation. Appreciates the efforts involved in drafting the -2 amendments, but feels they do not solve the problem. Reiterates his opposition to the measure.
073	Richard Winger	Editor, Ballot Access News. Presents written testimony in opposition to the measure (EXHIBIT I). Provides historical background on third party candidates. Observes the problems with the measure. References an elections chart (EXHIBIT J).
120	Winger	Points out the problems with the presidential primary process. Feels this measure does not correct the problems it proposes to fix.
135	Winger	Relates the election laws of other states, and how Oregon is one of the most restrictive states.

163	Chair Brown	Asks if Mr. Bobier would be opposed to Democrats and Republicans using third parties to shift votes from their opponents.
170	Bobier	Desires only to allow greater participation in the nomination process.
174	Chair Brown	Considers if he would support Republicans voting in Democratic primaries.
177	Bobier	Observes that one is a closed party process and the other is a mechanism for getting new candidates on the ballot.
182	Chair Brown	Asks if this measure would be the only barrier for getting alternative candidates on the ballot.
186	Bobier	Explains the numerous barriers to the nomination process for voters, including incumbency and campaign finance laws.
200	Sen. Ringo	Requests Mr. Winger's opinion on the -2 amendments.
215	Winger	Replies he will examine the amendments. Further discusses a related court case.
227	Sen. Ringo	Notes further written testimony would be helpful.
230	Winger	Offers he will provide that information and testimony on the amendments.
234	Eaton	Offers that there are several measures in the process that address these problems.
245	Sen. Ferrioli	Considers elections at the municipal level.
253	Sen. Ringo	Comments on the current election process.
255	Sen. Ferrioli	Explains the possibility for rendering petitions invalid.
277	Dan Meek	Portland, Oregon Attorney. Testifies in opposition to the HB 2614 and the proposed -2 amendments. Offers written testimony (EXHIBIT K). Feels this would be unconstitutional if passed.
330	Meek	Observes the difficulty in trying to implement this measure.
370	Meek	Reiterates his view that this measure would be ruled unconstitutional.
375	Sen. Ringo	Asks if legislative counsel has an opinion on the constitutionality of the measure.
379	Chair Brown	Replies she has not heard any opinions from counsel.
The following material is submitted for the record without public testimony:		
	David Ellis	Committee for a Unified Independent Party (CUIP). Submits written testimony in opposition to HB 2614 (EXHIBIT L).
	Linda Curtis	Submits a letter of voters who oppose HB 2614 (EXHIBIT M). Independent Texans. Submits written testimony opposing HB 2614 (EXHIBIT N).
388	Chair Brown	Closes public hearing on HB 2614. Opens a public hearing on HB 2060.

HB 2060 – PUBLIC HEARING

397	Tiffany Harris	Committee Administrator. Explains the provisions of HB 2060.
405	Lori Sattenspiel	Oregon Community College Association (OCCA). Presents written testimony in favor of HB 2060 (EXHIBIT O).

TAPE 105, B

019	Jim Middleton	Central Oregon Community College. Expresses support for HB 2060.
052	Chair Brown	Notes the committee is now working as a sub committee. Comments on the letter submitted from the governor's office (EXHIBIT P).
058	Middleton	Talks about the -2 amendment currently being drafted. Hopes it will address the concerns.
069	Rob Wagner	American Federation of Teachers of Oregon. Testifies in regards

095	Wagner	to the concerns he has with the measure in the other chamber. Discusses a possible service credit for community college teachers.
103	Chair Brown	Closes public hearing on HB 2060. Opens a public hearing on HB 2167.
<u>HB 2167 – PUBLIC HEARING</u>		
120	John Lindback	Director, Secretary of State, Election Division. Comments on HB 2167 as amended by the proposed –A4 amendments (EXHIBIT Q). Presents a written summary detailing the sections of the measure as amended (EXHIBIT R).
175	Fred Neal	Campaign Finance Director, Secretary of State, Election Division. Further explains the modifications the measure would make.
187	Chair Brown	Observes they are codifying court rulings in law.
189	Neal	Agrees. Details the next section of the measure.
235	Lindback	Describes additional sections of the measure as amended by the –A4 amendments. Talks about removing the prohibition from a candidate for a non partisan office revealing their party affiliation.
267	Sen. Ringo	Asks if any candidates have challenged that law.
270	Lindback	Replies it hasn't been challenged.
273	Sen. Ringo	Wonders how long that has been law.
277	Lindback	Notes it has been in law for a while.
280	Sen. Ringo	Considers the information provided in the voters pamphlet.
283	Lindback	States the candidate would still be listed unaffiliated when running for a non-partisan office.
286	Chair Brown	Clarifies they could declare their affiliation in their voter statement if they wanted to. Comments how this relates to the prior discussion of a non partisan legislature.
293	Lindback	Mentions other corrections made to drafting errors.
312	Kathy Eaton	League of Women Voters of Oregon. Expresses support for the measure before the committee.
340	Sarah Wetherson	Money and Politics Research Action Project. Offers support for the measure.
350	Chair Brown	Closes public hearing on HB 2167. Opens the public hearing on SB 499.
<u>SB 499 – PUBLIC HEARING</u>		
357	Christy Monson	Legal Counsel, League of Oregon Cities. Testifies in opposition to SB 499 and the -1 amendments. Feels it is unfair as more would be given to 9-1-1 operators than to the police and firefighters who deal with emergencies on scene.
374	Chair Brown	Observes that 9-1-1 operators are not in the same police and fire pension fund. Notes her assessment that police and firefighters still have substantially better benefits.
382	Monson	Understands the benefits are different.
385	Maria Keltner	Association of Oregon Counties. Expresses opposition for SB 499 and the -1 amendments. Discusses concerns with the measure.
395	Chair Brown	Hopes a compromise can be drafted.
410	Mary Botkin	Voices where the interested parties are on this measure. Notes her recommendations for creating a compromise. Feels there is little else they would be willing to change.
430	Monson	Asks that there is an opportunity to address these issues at a later date.

The following material is submitted for the record without public testimony:

	Anita Beckwith	Dispatcher, Clackamas County 9-1-1. Presents written testimony in support of SB 499 (EXHIBIT S).
450	Chair Brown	Closes the public hearing on SB 499. Adjourns the committee at 10:33 a.m.

EXHIBIT SUMMARY

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- A. HB 2104, Written testimony, Lisa Zavala, 2 pp**
- B. HB 2104, -A3 amendments, staff, 1 p**
- C. SB 499, -1 amendments, staff, 2 pp**
- D. SB 499, Written testimony, Mary Botkin, 2 pp**
- E. SB 499, 9-1-1 Retirement Information, Francie La Marsh, 1 p**
- F. HB 2614, -2 amendments, staff, 2 pp**
- G. SB 499, Written testimony, Larry Hatch, 1 p**
- H. HB 2614, Written testimony, Blair Bobier, 1 p**
- I. HB 2614, Written testimony, Richard Winger, 2 pp**
- J. HB 2614, Election Chart, Richard Winger, 2 pp**
- K. HB 2614, Written testimony, Dan Meek, 1 p**
- L. HB 2614, Written testimony, David Ellis, 1 p**
- M. HB 2614, Letter of Voter Opposition, David Ellis, 5 pp**
- N. HB 2614, Written testimony, Linda Curtis, 2 pp**
- O. HB 2060, Written testimony, Lori Sattenspiel, 2 pp**
- P. HB 2060, Letter of Opposition, Tom Chamberlain, 2 pp**
- Q. HB 2167, -A4 amendments, staff, 49 pp**
- R. HB 2167, Section-by-Section Summary, John Lindback, 14 pp**
- S. SB 499, Written testimony, Anita Beckwith, 4 pp**