

HOUSE COMMITTEE ON RULES AND PUBLIC AFFAIRS

February 13, 2003 Hearing Room E
1:00 PM Tapes 8 - 9

MEMBERS PRESENT: **Rep. Dan Doyle, Chair**
 Rep. Linda Flores, Vice-Chair
 Rep. Laurie Monnes Anderson, Vice Chair
 Rep. Vic Backlund
 Rep. Phil Barnhart
 Rep. Betsy L. Close
 Rep. Joanne Verger

STAFF PRESENT: **Cara Filsinger, Administrator**
 Annetta Mullins, Committee Assistant

MEASURE/ISSUES HEARD: **HJR 8 – Public Hearing**
 HJR 9 – Public Hearing
 HB 2378 – 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
Tape 8, A 004	Chair Doyle	Calls meeting to order at 1:04 p.m. and opens simultaneous public hearings on HJR 8 and HJR 9.
<u>HJR 8 AND HJR 9 – PUBLIC HEARINGS</u>		
<u>HJR 9 – PUBLIC HEARING</u>		
015	Rep. Lane Shetterly	District 23. Submits report from the National Conference of State Legislatures (NCSL) (EXHIBIT A). Comments on work with the NCSL Task Force and the report.
	Rep. Shetterly	Submits HJR 9-2 amendments (EXHIBIT B) and flow chart (EXHIBIT C). Explains the initiative and referendum study in other states.
100	Rep. Shetterly	Explains chart (EXHIBIT C) showing the process under HJR 9.
135	Rep. Monnes Anderson	Asks if the “Neither Yes nor No” in the chart would be based on 100 percent of the voters who voted for the particular measure, not those who turned out for the election.
	Rep. Shetterly	Responds affirmatively and continues to explain the process.
172	Rep. Shetterly	Continues explanation of the process (EXHIBIT C).
<u>HJR 8 – PUBLIC HEARING</u>		
197	Rep. Shetterly	District 23. Submits HJR 8-2 amendment (EXHIBIT D) and explains HJR 8.
229	Rep. Shetterly	Comments on measure passed in Florida mandating class size that has an estimated \$27 billion dollar impact.
268	Rep. Verger	Asks if this process would help screen some of the things that happened in Measure 11.
	Rep. Shetterly	Responds he thinks it will help. Adds that there will be complaints that the measure makes the process slower and more expensive to amend the Constitution, but believes that ease and speed is not the highest priority when dealing with the

		Constitution.
311	Rep. Verger	Comments that if the legislature could make the measure better, it would be okay.
	Rep. Shetterly	Responds that the legislature can refer an alternative version of the measure. Once the measure has gone to the legislature and the legislature has taken action on it, the chief petitioners can withdraw the initiative. States he hopes there would not be competing measures on the ballot.
333	Rep. Verger	Notes that the public has the opportunity to participate when the measure is in the legislature.
	Rep. Shetterly	Responds affirmatively.
347	Rep. Monnes Anderson	Asks if other states have something similar to HJR 8.
	Rep. Shetterly	Responds that some states do require votes by successive legislature to get a constitutional measure on the ballot. This measure accommodates the two methods.
397	Rep. Monnes	Asks if the vote requirement is different in other states.
	Rep. Shetterly	Responds he does not know.
	Rep. Monnes	Comments that it is inconsistent with the requirement that the legislature only needs 50 percent plus one to submit a measure to the voters.
	Rep. Shetterly	States the purpose of HJR 8 is to level the playing field; under HJR 9 there is the ability to adopt an initiative by a simple majority.
404	Rep. Close	Asks if this is a four-year process, or if it includes special sessions.
	Rep. Shetterly	Comments he would not be opposed to an amendment for special session.
	Rep. Close	Notes that Section 1A (2) of HJR 8 has a repealer date. Asks if that is because of the lead time.
	Rep. Shetterly	Responds affirmatively.
	Rep. Close	Asks if the sessions must be consecutive.
	Rep. Shetterly	Explains that other states require consecutive sessions.

TAPE 9, A

020	Rep. Barnhart	Poses hypothetical situation of the legislature calling itself back into special session to pass the same thing again by a simple majority.
	Rep. Shetterly	Responds that his comment that he would not be opposed to an amendment to HJR 9 would not apply to HJR 8 because he believes there should be consecutive votes in two regular sessions.
045	Chair Doyle	Closes simultaneous public hearings on HJR 8 and HJR 9 and opens a public hearing on HB 2378.

HB 2378 – PUBLIC HEARING

042	Rep. Lane Shetterly	District 23. Explains HB 2378.
	Chair Doyle	Closes the public hearing on HB 2378 and reopens simultaneous hearings on HJR 8 and HJR 9.

HJR 8 AND HJR 9 – PUBLIC HEARINGS

HJR 9 – PUBLIC HEARING

	Kappy Eaton	League of Women Voters of Oregon. Submits prepared statement and testifies in support of HJR 9 (EXHIBIT E).
118	Chair Doyle	Comments on statement about the legislature taking piecemeal

		actions.
138	Eaton	Responds that they are suggesting that before the legislature makes any decisions, everything should be on the table.
145	Pamela Varndell	Comments on her efforts in the initiative process and the number of signatures required. Feels this is tightening the process and opposes HJR 9.
163	Dave Hunnicutt	Oregonians in Action. Speaks in opposition to HJR 9. States that he takes exceptions to comment by Rep. Shetterly that the bills and decisions are any more thoughtful than initiatives placed on the ballot by the people. The legislature has the ability currently to refer measures to the voters and does not think HJR 9 is necessary. The people ought to have the right to amend the Constitution if they wish to do so.
204	Rep. Verger	Asks if there is anything in the process that would deter the vote of the people.
	Hunnicutt	States there are a number of steps in the process before it is put on the ballot. Thinks the fiscal impact statement system is in need of reform. Thinks it would be appropriate to see if there is common ground before proceeding with these pieces of legislation.
237	Rep. Verger	Asks if Hunnicutt believes reform is necessary, but also believes this is redundant.
	Hunnicutt	Responds he does not believe HJR 9 is a proper method of reforming the initiative process. Would like to see some changes. One change is to eliminate the ability to raise a procedural challenge after the election; believes the challenges ought to be made before the people vote on the measure.
257	Rep. Verger	Comments she thinks that states with the referendum are very fortunate.
274	Don McIntire	Asks legislators to reflect in constitutional terms. Cites language of Article I, Section 1 and Article IV of the Oregon Constitution.
338	McIntire	States that when the process is changed, the change is always in favor of the government. States that reform has to be in a form that does not diminish the power of the people. Gives examples of previous legislation and talks about the process for Measure 5 and Measure 47
390	McIntire	Comments on courts and the initiative process.
446	McIntire	Speaks in opposition to changing the initiative process. Asks that the legislature not mess with the initiative process.
485	Eric Winters	Attorney, practicing in the initiative process. Speaks in opposition to HJR 9. Notes the controversial issues that have been addressed by the initiative process. Speaks in opposition to initiative reform.
TAPE 8, B		
024	Rep. Monnes Anderson McIntire	States she agrees that we need to involve the people. Asks why the legislation would diminish the power of the people. Comments on effect of public employee unions on his efforts.
045	McIntire	States that the legislature has the power to refer the repeal of Measure 5 out to the voters but it has not done it. Comments on reasons the citizens want to put items in the Constitution. Suggests that the citizens should have five years to have their initiative in effect. Then if it is a problem it could be-referred out by the legislature.

	Chair Doyle	Closes the simultaneous public hearings on HJR 8 and HJR 9 and opens a public hearing on HB 2378.
<u>HB 2378 – PUBLIC HEARING</u>		
089	Al Davidson	Oregon Association of County Clerks. Explains the intent of HB 2378 and testifies in support of it..
	Rep. Close	Asks if there is a limitation on the number of special elections.
	Davidson	Responds there is not.
104	Rep. Backlund	Asks how much the state paid to reimburse county clerks.
	Davidson	Reports that for the 2002 Special Election, the Secretary of State paid over \$1,169,000 to reimburse the counties. Comments that the cost of using county staff are not reimbursed; they can only charge the additional costs of conducting an election.
129	Chair Doyle	Asks if there are other costs to the counties.
	Davidson	Explains that the costs he has discussed are exclusive of the Voters' Pamphlet costs.
142	Paul Snider	Association of Oregon Counties (AOC). States AOC concurs with the testimony of Al Davidson and Rep. Shetterly in support of HB 2378.
164	Chair Doyle	Closes the public hearing on HB 2378.
	Chair Doyle	Comments on committee agendas for the future and adjourns meeting at 2:15 p.m.

EXHIBIT SUMMARY

A – HJR 9, NCSL report on initiative and referendum process, Rep. Shetterly, 8 pp

B – HJR 9, HJR 9-2 amendments, Rep. Shetterly, 2 pp

C – HJR 9, flow chart, Rep. Shetterly, 1 p

D – HJR 8, HJR 8-2 amendments, Rep. Shetterly, 1 p

E – HJR 9, prepared statement, Kappy Eaton, 1 p