

# HOUSE COMMITTEE ON RULES, REDISTRICTING, AND PUBLIC AFFAIRS

March 26, 2001  
1:30 PM

Hearing Room D  
Tapes 50 - 51

**MEMBERS PRESENT:** Rep. Carl Wilson, Chair  
Rep. Richard Devlin, Vice-Chair  
Rep. Dan Doyle, Vice-Chair  
Rep. Dan Gardner  
Rep. Bill Garrard  
Rep. Steve March  
Rep. Bruce Starr  
Rep. Joanne Verger  
Rep. Cheryl Walker

**STAFF PRESENT:** Cara Filsinger, Committee Administrator  
Jennifer Goodman, Committee Assistant

**MEASURE/ISSUES HEARD:** HB 2096 – WORK SESSION  
HJR 23 – PUBLIC HEARING  
HB 3595 – PUBLIC HEARING

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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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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 50, A</b>		
004	Chair Wilson	Opens a work session on HB 2096.
<b><u>HB 2096 – WORK SESSION</u></b>		
013	Chair Wilson	Explains that there are –3 amendments.
020	Nick Armenakis	Department of Corrections. States he has worked with the committee, the media, and labor organizations to create the –3 amendments. Explains the amendments. <ul style="list-style-type: none"><li>• Allows the media to view executions.</li><li>• Allows viewers to watch the initial procedures prior to lethal injection by closed circuit cameras.</li></ul>
038	Chair Wilson	Asks about the wording “the superintendent may require”.
040	Armenakis	Explains that the word “may” ensures flexibility to the superintendent.
050	Ken Strobeck	Oregon Association of Broadcasters. Supports the –3 amendments. Believes it is important for the media to be present. Accepts the overhead camera option.
066	Brian DeLashmutt	Association of Oregon Corrections Employees. Supports the –3 amendments. Expresses that they still have ongoing concerns regarding safety for the employees.
077	Andrea Meyer	ACLU of Oregon. Expresses her approval of the –3 amendments. Appreciates that the amendments preserve the public’s right to witness executions.
080	Chair Wilson	Explains the bill and the effect it will have. Believes that the public needs to know what goes on behind the scenes. Explains that the public will not be viewing the execution live but that

there will be people present witnessing the entire process.  
**111 Rep. Gardner MOTION: Moves to ADOPT HB 2096-3 amendments dated 03/26/01.**  
 114 Rep. Devlin States that the work group has not met for awhile and congratulates the Chair.  
**119 VOTE: 8-0**  
**EXCUSED: 1 - Doyle**  
**Chair Wilson Hearing no objection, declares the motion CARRIED.**  
**120 Rep. Gardner MOTION: Moves HB 2096 to the floor with a DO PASS AS AMENDED recommendation.**  
**123 VOTE: 8-0**  
**AYE: In a roll call vote, all members present vote Aye.**  
**EXCUSED: 1 - Doyle**  
**Chair Wilson The motion CARRIES.**  
**Rep. WILSON will lead discussion on the floor.**  
 130 Chair Wilson Closes the work session on HB 2096 and opens a public hearing on HJR 23.

**HJR 23 – PUBLIC HEARING**

125 Representative Cliff Zauner District 38. Submits and testifies to HJR 23 (**EXHIBIT A**).  
 166 Rep. Garrard Asks why he excluded city and county officials.  
 170 Rep. Zauner Believes this is a local issue.  
 173 Rep. March Asks why it takes only a simple majority to impeach.  
 179 Rep. Zauner Responds that he had not considered it. States that Nicole Regatto has an answer to Representative Garrard’s previous question.  
 183 Nicole Regatto Explains that including city and county officials would infringe on the Home Charter Rule. Adds that they do not file with the Secretary of State and it is therefore a local issue.  
 183 Erin Thurber Resident of Brooks. Submits and testifies in support of HJR 23 from (**EXHIBIT B**). Explains that this bill supports the idea of accountability and responsibility from those who manage the affairs of state. Discusses travesty of justice cases. States that the process of impeachment in this bill is similar to the Federal process. Adds that the bill does not violate the Oregon Constitution. Wants to amend the bill to include all judges.  
 287 Rep. Gardner Refers to Section 8, A. Asks if felons can serve on the legislature.  
 297 Chair Wilson Responds that he is unsure and will check.  
 298 Rep. Gardner States that the bill is not adding much.  
 303 Leslie Haber Resident of Gates. Explains that recalls are not the answer at local and state levels because they make citizens vulnerable to severe repercussions. States that this bill gives elected representatives the power to hold people accountable for their actions. Explains that citizens have no recourse to discovery except through circuit court.  
 385 Bertran Copp Advocate for Senior Abuse. Submits and testifies in support to HJR 23 from (**EXHIBIT C**). Believes that judges should be held accountable to complaints through the process of impeachment. Refers to section 5, wants to change “circuit court” to “state court.”  
 420 Chair Wilson Asks how the complaint be carried out.  
 421 Copp Explains that he would leave that open to the Speaker of the

House to arrange. Adds that he would like to see a committee formed to review the complaint.

**TAPE 51, A**

- 016 Chair Wilson Asks what would happen if crooked politicians leaned on a judge who did not want to cooperate.
- 025 Copp Believes that the committee would have to decide the truth.
- 033 Rep. Garrard Asks how many people would have to complain before action would be taken.
- 038 Copp Explains that only one person need go to their representative who would refer it to the Speaker.
- 044 Chair Wilson States that they can check other states for information on this process.
- 048 Copp States that he would like to leave the procedures up to the House rather than have them in the Constitution.
- 057 Will Gaston A Voice for Children. Submits and testifies in support of HJR 23 from **(EXHIBIT D)**.
- 125 Sandra Bolton Submits and testifies from **(EXHIBIT E)**.
- 163 Chair Wilson Asks her to summarize her testimony.
- 170 Bolton Explains that she has no recourse for grievence.
- 174 Chair Wilson Asks her to summarize point 10 in **(EXHIBIT E)**.
- 175 Bolton Explains Black's Law Dictionary definition of "malfeasance". Adds that laws are not being enforced that prohibit the misuse of office.
- 197 Velma Hartwig Submits and testifies in support of HJR 23 from **(EXHIBIT F)**.
- 247 Bill Mayhar Resident of Marion County. Submits **(EXHIBIT G)**. Believes that citizens have no recourse for justice regarding judges. Adds that many judges are corrupt and there is nothing we can do about it. Recounts an incident regarding his own experience.
- 308 Tom Cropper Resident of Portland. Refers to lines 25 and 26 of the bill to which he takes exception. Suggests changing the number to 36 members. Expresses concern over who is to define "malfeasance". Believes that the people should have the final say as to who should serve in office. Adds that this bill is too strict regarding never holding office again. Believes that there is merit to this bill and would support the recall of prosecuting attorneys.
- 379 Roger Weidner Former prosecuting attorney. Submits **(EXHIBIT H)**. Testifies in support of the bill. Explains that due process of the law is a constitutional right. Recounts many of his own experiences regarding abuses in the courts.

**TAPE 50, B**

- 018 Weidner Recounts his abuses in the courts. Believes that the courts are unconstitutional because the judges are not neutral. Suggests putting cameras in the courtroom.
- 062 Edward Johnston Recounts many of abuses he has experienced in court. States that these abuses happen daily. Believes that people are falsely accused of crimes and are then not allowed to defend themselves. Believes that he is harassed by the police. Submits **(EXHIBIT I)**.
- 192 Rep. Gardner Asks if judges and legislators are removed from office if convicted of a felony.
- 194 Greg Chaimov Legislative Counsel. Responds that Legislators are automatically removed. Adds that judges are not, they need to be removed by the Supreme Court.

197	Rep. Gardner	Asks how many states have recall by citizen petition.
200	Chaimov	Responds that he does not know. Adds that the ability of a citizen to recall an official is broader in Oregon than other states.
209	Rep. Gardner	Asks why this is this not already in the Constitution.
211	Chaimov	Responds that the people did not trust the legislature to remove officials. Adds that the legislature may suggest to the Governor the removal of members. Continues that it was necessary to go through the courts.
232	Rep. Devlin	Asks if the body can remove another member from office with cause.
234	Chaimov	Responds in the affirmative.
238	Chair Wilson	Closes the public hearing on HJR 23 and opens a public hearing on HB 3595.

**HB 3595 – PUBLIC HEARING**

257	Jane Lokan	Submits <b>(EXHIBIT J)</b> and testifies in support of HB 3595. Discusses the early results of election results from the East. Adds that in 1980 many Western citizens did not go to the polls because Reagan was already declared to be the winner. Believes that non-voting affects the outcome of the election.
371	Rep. Gardner	Expresses concern over closing the polls at 5:00 PM and how this will affect working voters.
382	Lokan	Responds that she is not concerned because we have vote by mail.
397	Linda Flores	Submits <b>(EXHIBIT K)</b> and testifies in support of the bill. Submits also testimony from Representative Jan Lee <b>(EXHIBIT L)</b> .

**TAPE 51, B**

044	Rep. March	Asks if they checked with county clerk to see how many ballots were received between 5:00 PM – 8:00 PM.
047	Flores	Responds that she does not have those specific numbers but does know that most ballots are dropped on the last two days of an election.
051	Rep. Gardner	Suggests that working people would find it difficult to vote on election day if the polls closed early.
055	Flores	Responds that we have 2 weeks to vote by mail.
061	Rep. Gardner	Concerned that a lot of people are procrastinators.
066	Sarah Seale	Begins testifying on HJM 21.
069	Chair Wilson	Explains that we only have a public hearing open on HB 3595.
080	Vicki Ervin	Director of Elections speaking only for herself. States that the 8pm polling closure is no longer necessary since we have vote by mail. Explains that the polling staff are usually older and the day is already very long. States that the media would benefit from an earlier closing time because they would have all the information for the early paper. States that if a citizen is in line at closing time they can still submit their ballot. Suggests that perhaps 6 p.m. could be a compromise. Explains that there will need to be a reeducation of the public. Requests an emergency clause amendment that would start the process on September 1 <sup>st</sup> of this year.
150	Rep. Gardner	Asks how long the poll closure has been 8 p.m.
151	Ervin	Responds that it is long standing.
158	Rep. Gardner	Asks how many people voted between 5-8 p.m..
162	Ervin	Responds that she does not know the numbers but adds that

171	Rep. March	people respond to a deadline. States that the media and pollsters seem to support the idea. Asks for whom we are conducting these elections.
176	Ervin	Responds that there is a balance of three things: <ul style="list-style-type: none"> <li>• Campaigns</li> <li>• Voters</li> <li>• Administration</li> </ul>
159	Ed Dennis	Secretary of State's Office. Testifies in opposition of the bill. Supports HJM 21 on a federal level. Explains that vote by mail has not changed everyone's voting habits. Describes a scene of cars backed up for 1 mile on last election evening.
226	Rep. Verger	States that Coos Bay was swamped with voters on the last day.
241	Rep. March	Asks if people wait for as much information as possible before voting.
250	Dennis	Responds in the affirmative.
268	Steve Lanning	Oregon AFL-CIO. Testifies in opposition to HB 3595. Believes it will limit voter participation because voter habits are hard to change. Describes that cars were line up for at least a mile on the last election day.
298	Chair Wilson	Closes the public hearing on HB 3595 and adjourns the meeting at 3:51 p.m.

Submitted By,

Reviewed By,

Jennifer Goodman,  
Committee Assistant

Cara Filsinger,  
Committee Administrator

### **EXHIBIT SUMMARY**

- A – HJR 23, Written testimony, Representative Cliff Zauner, 1 p.**
- B – HJR 23, written testimony, Erin Thurber, 13 pp.**
- C – HJR 23, written testimony, Bertran Copp, 1 p.**
- D – HJR 23, written testimony, Will Gaston, 1 p.**
- E – HJR 23, written testimony, Sandra Bolton, 9 pp.**
- F – HJR 23, written testimony, Velma Hartwig, 1 p.**
- G – HJR 23, written testimony, Bill Mayhar, 1 p.**
- H – HJR 23, Oregon Observer, Roger Weidner, 20 pp.**
- I – HJR 23, written testimony, Edward Johnston, 31 pp.**
- J – HB 3595, written testimony, Jane Lokan, 1 p.**
- K – HB 3595, written testimony, Linda Flores, 2 pp.**
- L – HB 3595, written testimony, Representative Jan Lee, 1 p.**