

# SENATE COMMITTEE ON RULES AND REDISTRICTING

March 20, 2001 Hearing Room C  
3:00 P.M. Tapes 35 - 36

**MEMBERS PRESENT:** Sen. Steve Harper, Chair  
Sen. Peter Courtney, Vice-Chair  
Sen. Jason Atkinson  
Sen. Lee Beyer  
Sen. Kate Brown  
Sen. Randy Miller  
Sen. John Minnis

**STAFF PRESENT:** Craig Allen, Committee Administrator  
Annetta Mullins, Committee Assistant

**MEASURE/ISSUES HEARD:** Executive Appointments  
State Apprenticeship and Training Council  
Commission on Asian Affairs  
Oregon Disabilities Commission  
State Board of Education  
Oregon Liquor Control Commission  
Oregon State Lottery Commission  
Board of Medical Examiners  
State Parks and Recreation Commission  
Physical Therapist Licensing Board  
Public Employees Benefit Board  
Oregon Student Assistance Commission  
Oregon State Veterinary Examining Board  
Workers' Compensation Management-Labor Advisory Committee  
Public Hearing and Work Session  
HB 2580  
SB 777  
Public Hearing  
SB 752  
SB 747  
Work Session  
Introduction of Committee Legislative Counsel Draft Requests

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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
TAPE 35, A 004	Chair Harper	Calls meeting to order at 3:01 p.m. and opens executive appointment session.
<b><u>EXECUTIVE APPOINTMENTS</u></b> <b><u>STATE APPRENTICESHIP AND TRAINING COUNCIL - CHET CARUTHERS (EXHIBIT A)</u></b> 006	Sen. Brown	<b>MOTION:</b> Moves to waive the appearance of and the

**REAPPOINTMENT of Chet Caruthers to the State  
Apprenticeship and Training Council to the floor  
with the recommendation that the reappointment  
BE CONFIRMED.**

**010**

**VOTE: 5-0**

**EXCUSED: 2 - L. Beyer, Miller**

**Chair Harper**

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

**SEN. HARPER will lead discussion on the floor.**

**STATE APPRENTICESHIP AND TRAINING COUNCIL - LARRY JONES (EXHIBIT A)**

**011 Sen. Courtney**

**MOTION: Moves to waive the appearance of and the  
APPOINTMENT of Larry Jones to the State  
Apprenticeship and Training Council to the floor  
with the recommendation that the appointment  
BE CONFIRMED.**

**015**

**VOTE: 5-0**

**EXCUSED: 2 - L. Beyer, Miller**

**Chair Harper**

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

**SEN. HARPER will lead discussion on the floor.**

**COMMISSION ON ASIAN AFFAIRS - BERMEL PAZ (EXHIBIT B)**

**017 Sen. Courtney**

**MOTION: Moves to waive the appearance of and the  
APPOINTMENT of Bermel Paz to the  
Commission on Asian Affairs to the floor with the  
recommendation that the appointment BE  
CONFIRMED.**

**018**

**VOTE: 5-0**

**EXCUSED: 2 - L. Beyer, Miller**

**Chair Harper**

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

**SEN. HARPER will lead discussion on the floor.**

**OREGON DISABILITIES COMMISSION - BRIAN BICE (EXHIBIT C)**

**020 Sen. Courtney**

**MOTION: Moves to waive the appearance of and the  
APPOINTMENT of Brian Bice to the Oregon  
Disabilities Commission to the floor with the  
recommendation that the appointment BE  
CONFIRMED.**

**022**

**VOTE: 5-0**

**EXCUSED: 2 - L. Beyer, Miller**

**Chair Harper**

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

**SEN. HARPER will lead discussion on the floor.**

**STATE BOARD OF EDUCATION - RALPH BREITENSTEIN, MD (EXHIBIT D)**

**025 Sen. Courtney**

**MOTION: Moves to waive the appearance of and the  
APPOINTMENT of Ralph Breitenstein, MD to**

the State Board of Education to the floor with the recommendation that the appointment BE CONFIRMED.

025

VOTE: 5-0

EXCUSED: 2 - L. Beyer, Miller

Chair Harper

Hearing no objection, declares the motion CARRIED.

SEN. HARPER will lead discussion on the floor.

**OREGON LIQUOR CONTROL COMMISSION (EXHIBIT E)**

025

Sen. Courtney

MOTION: Moves to waive the appearance of and the APPOINTMENT of Linda Tolbert to the Oregon Liquor Control Commission to the floor with the recommendation that the appointment BE CONFIRMED.

030

VOTE: 5-0

EXCUSED: 2 - L. Beyer, Miller

Chair Harper

Hearing no objection, declares the motion CARRIED.

SEN. HARPER will lead discussion on the floor.

**OREGON STATE LOTTERY COMMISSION - PAMELA ROSKOWSKI (EXHIBIT F)**

032

Sen. Courtney

MOTION: Moves to waive the appearance of and the REAPPOINTMENT of Pamela Roskowski to the Oregon State Lottery Commission to the floor with the recommendation that the reappointment BE CONFIRMED.

034

VOTE: 5-0

EXCUSED: 2 - L. Beyer, Miller

Chair Harper

Hearing no objection, declares the motion CARRIED.

SEN. HARPER will lead discussion on the floor.

**BOARD OF MEDICAL EXAMINERS - MARCIA DARM, LISA DODSON, DAVID GRUBE, JUDITH RICE, JAMES SCOTT, JOSEPH THALER (EXHIBIT G)**

038

Sen. Courtney

MOTION: Moves to waive the appearances of Marcia Darm, Lisa Dodson, David Grube, Judith Rice, James Scott, and Joseph Thaler, and moves to confirm the REAPPOINTMENTS OF Marcia Darm, Lisa Dodson, Judith Rice, and James Scott and the APPOINTMENTS of David Grube and Joseph Thaler to the Board of Medical Examiners to the floor with the recommendation that the reappointments and appointments BE CONFIRMED EN BLOC.

040

VOTE: 5-0

EXCUSED: 2 - L. Beyer, Miller

Chair Harper

Hearing no objection, declares the motion CARRIED.

SEN. HARPER will lead discussion on the floor.

**STATE PARKS AND RECREATION COMMISSION - GEORGE BELL (EXHIBIT H)**

045 Sen. Courtney MOTION: Moves to waive the appearance of and the APPOINTMENT of George Bell to the State Parks and Recreation Commission to the floor with the recommendation that the appointment BE CONFIRMED.

047 VOTE: 5-0  
EXCUSED: 2 - L. Beyer, Miller

Chair Harper Hearing no objection, declares the motion CARRIED.

SEN. HARPER will lead discussion on the floor.

**PHYSICAL THERAPY LICENSING BOARD - THOMAS LORISH (EXHIBIT I)**

048 Sen. Courtney MOTION: Moves to waive the appearance of and the REAPPOINTMENT of Thomas Lorish to the Physical Therapist Licensing Board to the floor with the recommendation that the reappointment BE CONFIRMED.

050 VOTE: 5-0  
EXCUSED: 2 - L. Beyer, Miller

Chair Harper Hearing no objection, declares the motion CARRIED.

SEN. HARPER will lead discussion on the floor.

**PUBLIC EMPLOYEES' BENEFIT BOARD - ROCKY KING (EXHIBIT J)**

053 Sen. Courtney MOTION: Moves to waive the appearance of and the APPOINTMENT of Rocky King to the Public Employees' Benefit Board to the floor with the recommendation that the appointment BE CONFIRMED.

056 VOTE: 5-0  
EXCUSED: 2 - L. Beyer, Miller

Chair Harper Hearing no objection, declares the motion CARRIED.

SEN. HARPER will lead discussion on the floor.

**OREGON STUDENT ASSISTANCE COMMISSION - DEAN WENDLE (EXHIBIT K)**

059 Sen. Courtney MOTION: Moves to waive the appearance of and the APPOINTMENT of Dean Wendle to the Oregon Student Assistance Commission to the floor with the recommendation that the appointment BE CONFIRMED.

062 VOTE: 5-0  
EXCUSED: 2 - L. Beyer, Miller

Chair Harper Hearing no objection, declares the motion CARRIED.

**SEN. HARPER will lead discussion on the floor.**

**OREGON STATE VETERINARY MEDICAL EXAMINING BOARD - JoANN DEWEY (EXHIBIT**

**L)**

**064**                    **Sen. Courtney**                    **MOTION: Moves to waive the appearance of and the REAPPOINTMENT of JoAnn Dewey to the Oregon State Veterinary Medical Examining Board to the floor with the recommendation that the reappointment BE CONFIRMED.**

**067**                    **VOTE: 5-0**  
**EXCUSED: 2 - L. Beyer, Miller**

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

**SEN. HARPER will lead discussion on the floor.**

**WORKERS COMPENSATION MANAGEMENT-LABOR ADVISORY COMMITTEE - C. DIANE JANZEN (EXHIBIT M)**

**068**                    **Sen. Courtney**                    **MOTION: Moves to waive the appearance of and the APPOINTMENT of C. Diane Janzen to the Workers Compensation Management-Labor Advisory Committee to the floor with the recommendation that the appointment BE CONFIRMED.**

**070**                    **VOTE: 5-0**  
**EXCUSED: 2 - L. Beyer, Miller**

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

**SEN. HARPER will lead discussion on the floor.**

**075**                    **Chair Harper**                    **Closes the session on executive appointments and opens a public hearing on SB 752.**

**SB 752 – PUBLIC HEARING**

**137**                    **Sen. Jason Atkinson**

**District 25. Testifies in support of SB 752:**

- **SB 752 is intended to open a general discussion about the timing of the primary and general elections.**
  - **Became interested in this from a campaign finance reform standpoint.**
  - **Believes the current system costs too much and is disconnected between what happens in the spring and fall.**
  - **This same topic is being discussed today in the U. S. Senate.**
  - **Campaigns are nothing but giant going out of business sales.**
  - **Campaigns stop in June, July, and August.**
  - **Suggest moving primary to the first Tuesday in September to save money.**
  - **Vote by mail drives the price of a campaign up by 25-30 percent.**
  - **Concern is the turnaround time between printing of the Voters' Pamphlet for the general election and mailing of the ballots for the general election in mid-October.**
- 106**

- The SB752–1 amendments (**EXHIBIT N**) do not accomplish naming the dates in August and September, but that is what his interests are.

Issues discussed:

165

- Whether timeframe would allow for recounts of primary ballots.

205

- Whether one idea was to have a single Voters' Pamphlet.
- Washington election process.
- Other positive reasons for the bill.
- Negative aspects of the bill.

261

297

350

Sen. Minnis

Comments he believes the Voters' Pamphlet statements could be posted on the internet. Adds that he thinks the bill is a good idea and suggests the details should be worked out.

382

Vicki Ervin

Director of Elections in Multnomah County. Testifies in opposition to SB 752 as drafted:

- People are very concerned about recounts; this would require a recount before the first count is complete.
- Would be cutting almost a week off for military mailing of ballots.
- SOS would have to declare winner before there is a chance to finish counting, auditing, and certifying the primary election.
- Voters do not want to be confused; there would be confusion because there are overlapping campaign periods.
- The bill would erode confidence of voters.
- Objections are concerns about the bill—some provisions in the bill are humanly impossible to accomplish.
- If purpose is to move primary closer to general, it can be done but there are tradeoffs and consequences.
- Hopes the committee will move slowly and carefully and that they can have input to help identify the issues.

**TAPE 36, A**

007

019

Issues discussed:

- Whether Ervin is familiar with Washington's system.
- Whether the Constitution should be changed to move all ballot measures to November.
- Purpose of SB 752.
- Whether candidates in Washington spend less money.
- Whether Washington has term limits.
- Spending limits in Washington.

045

057

Fred Neal

Manager, Elections Division, Secretary of State. States they have no position on SB 752 except to point out there are technical and logistical problems with the bill as written. The amendments (**EXHIBIT N**) give two more weeks to the span between elections, but it does not address some of the issues in the initiative process; the deadline is in the Constitution.

Washington's referendum process is far different. States their office is willing to work with legislators and staff.

166

Sen. L. Beyer

Comments he believes there are two good reasons for doing this. This is probably the best shot to reduce costs. States he heard from elderly people last election that they do not understand why

		they are inundated in the spring and in the fall by elections and the mood. People are ready to seriously start thinking about election after Labor Day.
168	Neal	Comments they are not here to kill the bill or suggest it is not possible to amend it to make it work, but things will look different.
205	Jim Naas	Legal Counsel, Appellate courts. States that on page 31, Section 70 proposes a means of contesting elections and lines 21 and 22 provide that the petition to contest an election can be filed either in the Circuit Court or Supreme Court. The last sentence of the section says the decision of the court shall be the first and final of decisions. A seven-member Supreme Court is ill suited to entertain a very fact-intensive trial. Asks that the seven words at lines 21 and 22 be deleted. Adds that if the committee wants to have some means of expedited Supreme Court review of a Circuit Court decision, which they have done in other bills, they are willing to talk about which form it should take.
240	Joe Gilliam	Oregon Grocery Industry Association. Believes that bringing the elections closer together and reducing the need for higher dollars makes more sense. Also under the current vote by mail system, the campaigns must sustain a 20-day run and the costs go up. Issues discussed:
274		<ul style="list-style-type: none"> <li>• Whether there would be an advantage or disadvantage to either side of a campaign.</li> </ul>
284		<ul style="list-style-type: none"> <li>• Timing and separation of elections for initiatives and candidates.</li> </ul>
331	Chair Harper	Appoints a work group on SB 752 to be chaired by Sen. Atkinson and Sen. L. Beyer as vice-chair with direction to report back to this committee in two weeks.
356	Chair Harper	Closes the public hearing on SB 752 and opens a public hearing on HB 2580.
<b><u>HB 2580 – PUBLIC HEARING</u></b>		
378	Charles Stern	Yamhill County Clerk and Chair, Oregon Association of County Clerks Legislative Committee. Explains that HB 2580 was introduced at the request of the county clerks to improve the focus of the public on the director elections for special districts in the odd numbered years.
	Stern	Explains current law on candidate filings for special district offices.
423		HB 2580 does not remove March as an election date for measures, it does not change the term of district directors, which start in the July of the odd year, and it does not move the director election into competition with any other special elections.
434	Stern	Submits calendar for various activities showing overlapping activity between general election and elections in which districts are to respond to the clerks for the March election and when the candidates must file ( <b>EXHIBIT O</b> ).
466	Chair Harper	Advises that HB 2580 passed the House by a vote of 48-0.
<b>TAPE 35, B</b> 018	Scott Tighe	Operations Manager, Elections Division, Secretary of State. Supports Stern's testimony. The intent of the bill is to move the election of district board candidates to the May election. Explains that their office receives calls from prospective

040	John Marshall	<p>candidates who missed the filing deadline because it is lost in the hype and excitement of the November election and the holidays. Moving the election of candidates would allow greater opportunity for people to file for office. A March election would allow for districts to continue to place measures on the ballot. Oregon School Boards Association. States as the organization that represents the boards of 198 school districts, 21 education service districts, and 17 community colleges, they are appearing in support of HB 2580 for reasons previously stated.</p>
053	Hasina Squires	<p>Special Districts Association of Oregon and Oregon Fire District Directors Association. Testifies in opposition to HB 2580. States they did a survey of 33 of the 36 counties for this election cycle. Of the positions that were available for special district board members to file for, 85 percent were filled. Forty percent of the 85 percent were contested races with some positions having three or four candidates. States that the proposed new date would be during spring break and people will file if they want to run for office despite the holidays. States it will not save special districts any money and will not save time or effort for the county clerks. Issues discussed:</p> <ul style="list-style-type: none"> <li>• Whether there are adverse effects of HB 2580</li> <li>• Voter participation rates</li> <li>• Whether special districts members were surveyed</li> <li>• March versus May election turnouts</li> </ul>
076		
112		
130		
142	Chair Harper	Closes the public hearing on HB 2580 and opens a work session on HB 2580.

**HB 2580 - WORK SESSION**

144	Sen. Brown	<b>MOTION: Moves HB 2580 to the floor with a DO PASS recommendation.</b>
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145		<b>VOTE: 5-0</b> <b>EXCUSED: 2 - Atkinson, Courtney</b>
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Chair Harper	<b>Hearing no objection, declares the motion CARRIED.</b>
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**SEN. BROWN will lead discussion on the floor.**

149	Chair Harper	Opens a public hearing on SB 777.
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**SB 777 PUBLIC HEARING**

158	Richard Burke	Member, State Committee of the Libertarian Party. Testifies in support of SB 777 ( <b>EXHIBIT P</b> ).
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240	Chair Harper	Closes the public hearing on SB 777 and opens a work session on SB 777.
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**SB 777 - WORK SESSION**

242	Sen. Beyer	<b>MOTION: Moves SB 777 to the floor with a DO PASS recommendation.</b>
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253		<b>VOTE: 4-1-2</b> <b>OBJECTION: 1 - Minnis</b> <b>EXCUSED: 2 - Atkinson, Courtney</b>
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Chair Harper	<b>Hearing no objection, declares the motion CARRIED.</b>
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**SEN. GEORGE will lead discussion on the floor.**



260	Chair Harper	Opens a public hearing on SB 747.
<b><u>SB 747 – PUBLIC HEARING</u></b>		
263	Richard Burke	Member, State Committee of the Libertarian Party. Testifies in support of SB 747 ( <b>EXHIBIT Q</b> ).
	Sen. David Nelson	Submits statement in support of SB 747 and SB 777 ( <b>EXHIBIT R</b> ).
338	Chair Harper	Closes the public hearing on SB 747.
<b><u>REDISTRICTING ROAD TRIPS</u></b>		
3456	Chair Harper	Asks members to review and responds to questionnaires about future road trips for redistricting hearings.
<b><u>INTRODUCTION OF COMMITTEE LEGISLATIVE COUNSEL DRAFT REQUESTS</u></b>		
355	Sen. Brown	Requests that the committee introduce a bill ( <b>EXHIBIT S</b> ).
369	Sen. Brown	<b>MOTION: Moves TO MAKE A LEGISLATIVE COUNSEL DRAFT REQUEST OUTLINED IN SEN. BROWN'S MEMO (EXHIBIT S) BE INTRODUCED AS A SENATE RULES AND REDISTRICTING COMMITTEE LC DRAFT REQUEST.</b>
377		<b>VOTE: 5-0</b> <b>EXCUSED: 2 - Atkinson, Miller</b>
	<b>Chair Harper</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
381	Chair Harper	States that Sen. Corcoran requests that the committee request a legislative counsel draft ( <b>EXHIBIT T</b> ).
383	Sen. Harper	<b>MOTION: Moves TO MAKE A LC LEGISLATIVE COUNSEL DRAFT REQUEST OUTLINED IN MEMO (EXHIBIT T) BE INTRODUCED AS A SENATE RULES AND REDISTRICTING COMMITTEE LC DRAFT REQUEST.</b>
		<b>VOTE: 5-0</b> <b>EXCUSED: 2 - Atkinson, Miller</b>
383	Chair Harper	<b>Hearing no objection, declares the motion CARRIED.</b>
388	Sen. Harper	<b>MOTION: Moves TO MAKE A LEGISLATIVE COUNSEL DRAFT REQUEST AS SHOWN IN THE DIAGRAM B (EXHIBIT U) BE INTRODUCED AS A SENATE RULES AND REDISTRICTING COMMITTEE LC DRAFT REQUEST.</b>
389		<b>VOTE: 5-0</b> <b>EXCUSED: 2 - Atkinson, Miller</b>
	<b>Chair Harper</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
399	Chair Harper	Adjourns meeting at 4:23 p.m.

Submitted By,

Reviewed By,

Annetta Mullins,  
Committee Assistant

Craig Allen,  
Committee Administrator

## **EXHIBIT SUMMARY**

- A - State Apprenticeship and Training Council, staff and Governor's office, 8 pp**
- B - Commission on Asian Affairs, staff and Governor's office, 6 pp**
- C - Oregon Disabilities Commission, staff and Governor's office, 9 pp**
- D - State Board of Education, staff and Governor's office, 8 pp**
- E - Oregon Liquor Control Commission, staff and Governor's office, 6 pp**
- F - Oregon State Lottery Commission, staff and Governor's office, 10 pp**
- G - Board of Medical Examiners, staff and Governor's office, 31 pp**
- H - State Parks and Recreation Commission, staff and Governor's office, 8 pp**
- I - Physical Therapist Licensing Board, staff and Governor's office, 9 pp**
- J - Public Employees Benefit Board, staff and Governor's office, 6 pp**
- K - Oregon Student Assistance Commission, staff and Governor's office, 5 pp**
- L - Oregon State Veterinary Medical Examining Board, staff and Governor's office, 5 pp**
- M - Workers' Compensation Management-Labor Advisory Committee, staff and Governor's office, 5 pp**
- N - SB 752, SB 752-1 amendments, Sen. Atkinson, 5 pp**
- O - HB 2580, calendar of election dates, Charles Stern, 7 pp**
- P - SB 777, prepared statement, Richard Burke, 1 p**
- Q - SB 747, prepared statement, Richard Burke, 1 p**
- R - SB 747, SB 777, memo, Sen. David Nelson, 1 p**
- S - Introduction of Committee Legislative Counsel Draft Request, Sen. Brown, 1 p**
- T - Introduction of Committee Legislative Counsel Draft Request, staff, 1 p**
- U - Introduction of Committee Legislative Counsel Draft Request, Sen. Harper, 1 p**