

SENATE COMMITTEE ON RULES AND REDISTRICTING

March 29, 2001 Hearing Room C
3:00 PM Tapes 43 - 44

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

MEMBER EXCUSED: Sen. Steve Harper, Chair

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

MEASURE/ISSUES HEARD: Public Hearing
Redistricting
LC 3765
Work Session
Introduction of Committee Measures
Introduction of Committee Legislative Counsel Draft Requests

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 43, A		
003	Vice-Chair Courtney	Calls meeting to order at 3:08 p.m. and opens a public hearing on redistricting.
<u>REDISTRICTING- PUBLIC HEARING</u>		
009	Bruce Anderson	Keizer resident. Testifies on redistricting (EXHIBIT A). Urges that all of Keizer be retained in the same house district.
046		
061	Craig Allen	Administrator. Enters into record documents relating to redistricting: Calendar of meetings scheduled (EXHIBIT B). Letter from City of Portland (EXHIBIT C). Latest letter to Oregonians requesting redistricting input. (EXHIBIT D).
076	Vice-Chair Courtney	Closes the public hearing on redistricting and opens a public hearing on SR 1
<u>SR 1 – PUBLIC HEARING</u>		
082	Craig Allen	Administrator. Explains that SR 1 memorializes Former Ambassador Alan (Punch) Green, Jr. who passed away last week.
080	Sen. Miller	Explains Mr. Green was an outstanding Oregonian and personal friend. States there is a memorial on the 3 rd of April and he would like to have this resolution on the floor then or prior to that

	Vice- Chair Courtney	time. Lists positions Mr. Green served in. Closes the public hearing and opens a work session on SR 1.
<u>SR 1 - WORK SESSION</u>		
100	Sen. Miller	MOTION: Moves SR 1 be sent to the floor with a BE ADOPTED recommendation.
192		VOTE: 4-0 EXCUSED: 3 - Atkinson, Brown, Harper
	Vice-Chair Courtney	Hearing no objection, declares the motion CARRIED. SEN. MILLER will lead discussion on the floor.
103	Vice-Chair Courtney	Closes the work session on SR 1 and opens a public hearing on LC 3765.
<u>LC 3765 – PUBLIC HEARING</u>		
100	Craig Allen	Explains that LC 3765 is a proposed constitutional amendment modifying term limits and advises members that Chair Harper would hope to fill in the date of the election on page 2 (EXHIBIT E) .
136	Marylin Shannon	Representing herself. Comments in support of LC 3765: <ul style="list-style-type: none"> • 1986 was the last time the voters had a chance to vote on this and it failed. • Believes in "truth in advertising"; disclosure of contributors to campaigns. • 501C(3) organizations do not have to disclose their contribution.
185		<ul style="list-style-type: none"> • Submits C & E report and official results of the election for Yes on Term Limits for Congress (EXHIBIT F). States that under the list of contributors "Cash Contributions Over \$50, the only money from Oregon is the \$397. States that Paul Farago was repaid a loan by the trusts. • It is important to know who is funding campaigns. • Supports LC 3765; refers issue to the people.
220		<ul style="list-style-type: none"> • Supporters of the measure put out a poll asking whether Oregonians wanted the legislature to change term limits to 12 years in the House and 12 years in the Senate. States that is not an honest question because that is not the kind of bill the legislature wanted to send to the people.
222	Lynn Lundquist	States he is speaking on his behalf and for the general principle of whether we should maintain term limits or whether there should be some sort of revision. Has seen process outside the legislative process and experienced what it was like to work the process and found it to be different than today. Comments that: <ul style="list-style-type: none"> • Issue is the ability to make good public policy. Gives example of the creation of the Oregon Youth Authority and no member of the current house committee was in the legislature at that time. Explains that a program of that kind needs to have review and it cannot be done with the rate of turnover of members in the House.
291		<ul style="list-style-type: none"> • Leadership positions have difficult time with term limits. Was the last Speaker of the House to have the advantage of people who had years of service.

- Average length of service in the House is about four years because of the revolving process of members moving from the House to the Senate.
- Applauds the chairman and the rest of the committee and hope they will support this concept. It is time to look at it from the public standpoint. OBA is taking a position on this on Wednesday--he is speaking as an individual.
- The Oregon Business Association is having a board meeting on Wednesday and will take a position on term limits.

Issues discussed:

338

- Whether the reason for this proposal is self-preservation by legislators.

395

- Going back to 1937, 80 percent of House members turned over every 10 years and 73 percent of the Senate was turning over every 10 years.

403

- Lundquist's position on term limits: prefers to go to the 12-year option. Believes repeal is politically not acceptable.

412

Jeannie Burt

Private citizen. Testifies in support of repeal of term limits:

- Does not recall how she voted on term limits in 1992.
- Information for issue in 1992 was misleading if not untrue.
- Oregonians do not have the power to set limits on Congress and Oregonians are living with the result of the term limits on our legislators.
- Is frustrated and angry that Oregonians have lost our vote and letting outside interests do it to us.
- Urges committee to send out a measure repealing term limits.

TAPE 44, A

028

Rep. Chris Beck

District 12. Testifies in support of terms limits:

- Term limits issue is his top priority this session.
- Term limits is the single most important issue facing this legislature and are the biggest problem affecting daily business.
- Term limits give more power to lobby and special interest.
- More influence has been placed in the Executive Branch, including the Governor's office and bureaucracy staff who have no term limits.
- Prior to term limits, legislators knew the issues better and could scrutinize many of the issues more effectively.
- Biggest problem with term limits is it reduces members' ability to form relationships with fellow legislators.
- Believes the Senate has not been affected by term limits but will be next session.
- Feels any measure that goes to the voters should be written to explicitly state that no sitting legislator will benefit from the law. Suggests keeping the 12 years and make change to the LC draft (**EXHIBIT E**) that makes it so no sitting legislator will be able to continue under the new rules.
- Alternative might be sending two or three proposals to the voters. One with 12-year limit, one to repeal term limits

093

117 outright.

- Would have preferred the referral be on the ballot this spring because it would have gotten a better hearing while the legislature is in session.
- Another choice may be to wait and put it on the ballot during next session so it can be voted on while the legislature is in session and when voters are focused on the legislature.
- Will support anything that goes on the ballot this fall or next year.

133 Issues discussed:

- Whether a first-term house member could only run with the current limitations under the suggestion by Rep. Beck.

155

- Whether polling has been done on suggestion for amendment that would say no sitting legislator would benefit from the law.

201

- Whether equal protection right could be asserted by current first-term legislator.

207

- Whether to lift the lifetime ban.

283 Kate Grosswiler Testifies in support of LC 3765 (**EXHIBIT G**).

355 Issues discussed:

- Whether the 12-year limitation is enough.

416 Mark Nelson Public Affairs Council. States he will present a synopsis of the Executive Summary of a statewide research project undertaken on behalf of many parties. Explains that in addition to some of his clients who participated in purchasing this service, there are about 12 to 14 of his closest friends in the industry who also participated in the project. States that as such, he is presenting the Executive Summary and asks that he be allowed to take the reports back when he has completed his testimony. Explains that he has not had the opportunity to talk to all those who participated in the project to get their approval to distribute it. Adds that as soon as he gets the approval, he will bring the reports back, probably in a couple of days.

TAPE 43, B

003 Nelson States that the final report will be well over 200 pages long. Will review the key items in the survey. It is a statewide sample of 500 taken between March 9 and March 19. The margin of error is 4.38 percent.

Explains they attempted to craft a questionnaire that looks at a lot of the issues talked about today from a variety of different angles, cross-checking themselves with different types of formats so they can get at the issues.

To say Oregonians have a deep understanding of term limits and their impacts and the various issues and how term limits could be constructed is not the case. There is a very "thumb-nail" understanding of the term limits issue. A portion of them respond favorably to the term "term limits" but they are willing to go in a lot of different, sometimes contradictory, directions as it relates to term limits.

021 Reviews questions asked in poll:

- What are the most serious problems facing the State of Oregon: education, environment and growth issues were the

top issues (Pages 2 and 3).

- 035
 - What are the serious problems they would like to see the state legislature do something about: school funding, education and schools (page 4). Term limits is not mentioned as being a serious problem facing Oregon today.
 - Job rating of the legislature is on Page 5: 46 percent negative rating to 45 percent positive rating, and 9 percent were not sure. States this is an increase in the positive rating over the last five years.
 - Rating of local legislators is on Page 7. States the questions are important because they are talking about term limits. Forty-six percent rated their local state legislator positively, 30 percent gave a negative rating, and 24 percent were not sure. When we move to discussions of "your local legislator" we start to see some different types of numbers.
- 042
 - On page 8, they were given a generic statement about Oregon's term limits law and asked them if they favored or opposed term limits in Oregon: 60 percent said they favor it, 31 percent opposed, and 9 percent were not sure.
 - At the bottom page 8, they were given additional information, "Knowing Oregon's current term limits law limits state legislators to six years in the House, eight years in the Senate, a maximum of 12, do you favor or oppose". Fifty-five percent favored the current term limits, 39 percent opposed, and 6 percent were not sure. Notes that as the questions go from general to more specific, the support begins to decrease. On page 9, the reasons for favoring "Need change more often/new idea", "Twelve years is long enough", "Favor term limits". On the opposed side, "Should stay in as long as they are doing a good job", "Should stay in as long as they are elected", "Twelve years is too long". You can begin to see some shifts there.
- 057
 - When they are all done with the survey, they ask the question again, "Would they favor or oppose repeal of the current term limits law." They did a flip-flop. Thirty-two percent said they would oppose repeal, 55 percent said they would favor repeal. You see some twists and turns as we walk through the different formats.
- 063
 - (Page 11) We asked them how long they thought their state legislators should be able to serve. Twenty-nine percent said they should serve as long as they are elected, 22 percent when they were given closed-ended alternatives. Twenty-two percent felt six years was the right period, 22 percent said eight years, 11 percent said twelve years, and nine percent said 10 years. They are all over the map in terms of what their perception is.
 - On page 12, when the people were read a proposed ballot title, "A constitutional amendment has been proposed to change Oregon's term limit law. It would eliminate the current six-year limit on legislative service in the House and the eight-year limit in the Senate. The amendments would set a single limit of not more than 12 years serving in the Oregon Legislature in a person's lifetime no matter whether

the service was in the House or Senate or a combination of both. The amendment applies to years in office served before December 1992. If an election were held today, would you FAVOR or OPPOSE the proposed amendment that would set a single limit of no more than 12 years service in the Oregon legislature in a person's lifetime?" Forty-eight percent opposed the proposed term limits amendment, 45 percent favored, and seven percent were undecided. States that in both, what we have today and the proposal, we still have a 12-year lifetime term limit. Crafting this question is very difficult to try to distinguish between the internal caps we currently have and eliminating the internal caps. It is basically a toss up, slightly to the opposition side.

084

- At end of the survey, they ask the second "Who's Ahead" (Page 14). It remained basically unchanged, 45 percent opposed the proposal, 44 percent favored, 11 percent were not sure.

088

- When they were asked (trying to get at their level of knowledge), 40 percent understood that the proposed amendment allows legislators to serve the same amount of years, that is the difficulty of understanding the 12 and 12), 27 percent said legislators would serve more years under this proposal, 18 percent said they would serve less years, and 15 percent were not sure. Again you see it if you try to describe what the issue is.

094

- Then they were asked if it would make any difference if they preferred that the measure be referred by initiative, by the legislature, or would it make no difference at all. The actual questionnaire is in the back of the report. Fifty percent said it would make no difference at all how the proposed term limits was referred to the ballot. Twenty-three percent said they would prefer that the amendment be referred by initiative petition, and 21 percent said they would prefer a legislative referral, contrary to what everyone had thought. We do some agrees-disagrees at the end and get something a little bit different. But in the end, it makes no difference at all.

106

- Then we ask it another way on (Page 17)--knowing that the proposed term limits amendment was referred to the ballot because every major business, labor, agricultural, and environmental organization in the state asked the legislature to refer it, would it make any difference. Fifty-four percent said it would make no difference, 21 percent preferred initiative petition, and 18 percent would rather have it referred by the legislature. Having said that, believes if there were a large outcry to refer this to the legislature and it was a campaign carried by the press, thinks people would begin to get educated about term limits and believes there are things that people are concerned with as it relates to this issue. I don't want to say that the public coming in, which I think they are coming in asking for this, falls on deaf ears as it relates to the public.

120

- Going to another key question (Page 18), respondents were asked, "If the proposed term limits amendment was voted on

and approved this year, many current legislators who are serving their last term under the existing term limits law could serve at least one more term. If the proposed term limits law was voted on next year at the November 2002 general election, no current legislator currently serving their last term under the existing term limits law could run for office again. Knowing this would you prefer to vote this year or next year." Fifty-three percent said they would prefer to vote this year, 26 percent say they would rather the proposal be next year, 3 percent said it should never be put to a vote, 3 percent said other options, and 10 percent were not sure. Framing it this way--this year or next year--and what the result of that is, brings this response.

135

- In question 35, we asked it a different way as a cross. Question 35 said, "If you had to choose, do you prefer to modify the term limits law to allow a maximum of 12 years of service in one's lifetime for NEW LEGISLATORS ONLY or do you prefer to modify the current term limits law for BOTH EXISTING AND NEW LEGISLATORS?" Under that different kind of look and angle, 75 percent said they prefer to modify the current term limits for both existing and new legislators, 10 percent said they prefer to modify the law for new legislators only, 8 percent said neither, 2 percent said other, and 5 percent were not sure. States they are not talking about the politics of the issue, they are just trying to frame it between what happens to existing and new legislators under the different types of proposals.

150

- (Page 20) We asked, "Do you FAVOR or OPPOSE the 12-year lifetime ban provision?" Forty-nine percent opposed limiting service to 12 years in a person's lifetime, 42 percent favored, 9 percent were undecided.

153

- (Page 22) We asked the question in a different way and describe the six and eight years and the 12 years and say, "These limits apply to an entire person's lifetime. Would you favor or oppose an alternative measure that would retain the current term limits but would remove the lifetime ban...". Forty-seven percent said they would favor an alternative measure, 45 percent opposed, 8 percent were unsure. Then they were given a "push series" where one piece of information is given, i.e. if you knew x, would you favor or oppose the proposed amendment. For the "Who's Ahead" question, the result was 45 to 48. Then they were given, "If you knew the League of Women Voters supported this proposed amendment to modify the term limits law, would you FAVOR or OPPOSE the proposed amendment?" There is a +4 movement in terms of the favor and a -11 movement on the opposition side. To put this in some perspective, if they are out on a sales tax benchmark, they will see virtually no movement. With a variety of different themes, you just don't see movement because people have made up their mind. If we are on new issues, a ban on packaging, an environmental issue or whatever, you may see movement in this type of series of 15 to 20 points each way depending on

the themes. "If you knew out of the 60 member of the Oregon House of Representatives, 59 have served four years or less in the House, would you FAVOR or OPPOSE the proposed 12-year term limits amendment?" There is a +4 on the positive side and -7. It jumps to 49. "If you knew one version of the proposed 12-year term limits amendment would allow current legislators who are serving their last term under the existing term limits law, to serve at least one more term, would you FAVOR or OPPOSE the amendment?" It is +4 again, from the highest argument down (about 20 some arguments) to the bottom.

176

- (Page 26) "If you knew another version of the proposed 12-year term limits amendment only applied to new legislators just elected and would not apply to current legislators who are serving their last term under the existing term limits law, would you FAVOR or OPPOSE the amendment?" we get a -12 percent on the opposition side. If you go to a different version, "If you knew another version of the proposed 12-year term limits amendment only applied to new legislators elected in 2002 and thereafter and would not apply to any legislators currently serving, would you FAVOR or OPPOSE the amendment?" it is -12 percent again. The opposition goes up.

203

- Quite contrary to what they thought going into this, many people held the position of Rep. Beck that it is self-serving. We are not finding that in this survey. Part of that is because they want to protect their own local legislator. That crosses over and tends to cause them to move.

208

- (Page 30) We do a "trust" results where they are asked to rate individuals or organizations in terms of whether they would trust them if they spoke out on this issue. A high trust rating combines the three and fours, and the low rating includes the ones and twos. Former U. S. Senator Mark Hatfield has the highest trust of 57 percent, followed by Governor John Kitzhaber at 56, League of Women Voters at 55 which reinforces the "push" question, Your Local State representative or state senator 53, Former Governor, Victor Atiyeh 46, Oregon Farm Bureau 45. At the bottom we have Bill Sizemore with a low trust of 72, U. S. Term Limits at 55 but a very high undecided, Portland City Club has little high trust but has 45 low trust but a very high 37 not sure. Oregon Common Cause has a very high undecided at 43.

231

- The Agree/Disagree format is a crosscheck on the various closed-ended questions (Page 32). It is crosschecked with "If you knew" questions. If an individual knows something to be true, they would push their vote one way, but it may be very difficult to convince them that that one piece of information given in the series was true. So it is crosschecked by giving a similar statement and asking if it is true or not, do you agree or disagree. The Push Question, "If you knew out of the 60 members of the Oregon House of Representatives, 59 have served four years or less in the House, would you FAVOR or OPPOSE the proposed 12-year

term limits amendment?, 49 percent favored and 41 percent opposed. On page 33, the Agree/Disagree reads, "I don't like the fact that there are 59 state representatives out of 60 that have less than four years experience. We need experienced legislators, and we need to modify our state's current term limits law. I'll vote for the proposed amendment.", 47 percent agree. This series looks at comparing the "Push" questions to the "Agree/Disagrees". In general, there are good correspondents. In some cases, the Agree/Disagree actually outscores the Push question, which means it is not a tough issue to sell.

256

- Page 38 lists all the Agree/Disagree statements in descending order of agreement. "Any change to Oregon's current term limits law should apply to both existing and new legislators.", 81 percent agreed. "I oppose all term limits and believe we should let democracy take its course. If the voters don't like a legislator, vote them out.", 56 percent agree with that statement to 37 against. You begin to see there are certain kinds of wordings and ways of approaching the public as to their responsibilities in this process that plays very well with the public. "It makes no sense to kick people out of office when they have just started to learn their jobs.", 54 percent agreed and 40 percent disagree. "We need to modify our state's current term limits law. It is too restrictive.", 51 to 40 agree. "Putting a cap on legislative service of 12-years in a person's lifetime is too restrictive. I think we need to reform the current term limits law by removing the lifetime ban so a person could run again for the legislature in the future.", 51 to 41. We start to see a lot of these different concepts modified as we look different types of formats. "I like the proposed amendment that would amend the current term limits law, allowing my local state representative to serve 12 years instead of six. I favor this amendment.", 49 agree.

281

- (Page 39) "We need to keep our tough term limits law. Throw the rascals out regularly!", 39 percent agree and 53 percent disagree. "This proposed term limits amendment is brought to us by self serving legislators who want to save their own hides. I'm voting no.", 38 percent agree and 49 percent disagree.

304

- (Page 39) "Term limits force out the good and the bad politicians and that's the way it should be. I like Oregon's current system and will vote no on the proposed term limits amendment.", 37 agree, 51 disagree. "This proposed term limits amendment, gives politicians more power by allowing them to stay in office longer. I'm against giving them more power and I'm voting no on the amendment.", 37 percent agree, 52 percent disagree. "I believe we should leave term limits as they are. I like our current system of six years for House members and eight years for members of the Senate.", 34 percent agree, 57 percent disagree.

316

- (Page 40) "Incumbent legislators have too much power. We need new legislators. Don't change the current term limits

- 322 law.", 56 percent disagree with the statement. "I am opposed to this proposed amendment because it allows legislators to stay longer in office.", 60 percent disagree with that.
- On a side issue they asked about annual sessions (Page 40). Sixty four percent said they would favor a measure to establish annual sessions, 23 percent opposed, and 13 percent were not sure based on the information given them. Fifty-five percent said it would make no difference at all on how they would vote on the proposed term limits amendment if a proposal for annual sessions were on the ballot at the same time. Eighty-five percent said it would make no difference, 7 percent were opposed and five percent were not sure. States they are saying all that without a campaign and the issues that might cross over between the two issues.
- 337 Nelson States they have a whole set of conclusions that he will not go through. Thinks the level of knowledge about the intricacies of term limits is very, very narrow. With the various options that have been proposed, people clearly are willing to look at changes in the term limits law. Having put a campaign ad on and having done a lot of ballot measures, with a funded opposition, it is a tough campaign. There have been discussions about taking a look at the 12-year, maybe with or without a lifetime limit. There can also be the option of putting out two measures, and also putting out a measure that outright repeals it.
- 356 This survey says there are a lot of issues that as the public becomes aware as they did in this survey, lifetime bans, issue of experience, that do move the public. The surprising question was at the end when they asked, "Would you favor outright repeal?". Fifty-five percent favored repeal. This says if you address the public and talk about it in terms of their responsibility in this process, you get a very, very positive reaction. Notes there are a lot of conclusions here and he will get this back to the committee when he gets agreement by all the players so the committee members will have their own copy. Believes there is a very good chance of taking this to the public and being successful but believes it will be a tough campaign.
- 375 Sen. Beyer Asks if there could be a ballot title constructed to let the voters have a choice.
- Nelson Responds that some are opposed to term limits. Some are so in favor of term limits they would vote against repeal and modification. From campaign point of view, would like to have them separate.
- 448 Lee Hazelwood States the United Seniors of Oregon and Oregon State Council of Senior Citizens have reaffirmed their positions in opposition to term limits for Oregon legislators.
- Personally opposed to outfit from Virginia coming in to tell people how to vote on term limits.
 - Not opposed to 18-year olds coming into the legislature, members should not be penalized by not being allowed to come back to serve again.
- TAPE 44, B**
- Hazelwood
- The voters have a box and can choose not to vote for a person or write in a name.

- Believes the press could handle headlines better.
- Is concerned about where the money for campaigns comes from when out-of-state organizations come into the state.
- 12-year limit should not be included because it might confuse the voters.

090 Vice-Chair Courtney

States the term limits proposal includes 1) the limit, 2) the lifetime ban, 3) filing of vacancies, and 4) the judicial office component all in the same ballot measure.

096 Ted Reutlinger

Legislative Counsel's Office. Responds that he presumes the question Vice-Chair Courtney is asking is, if Ballot Measure 3 from 1992 were proposed today, whether it would be constitutional under the Oregon Supreme Court's decision in the Armatta case as well as the other cases that have followed behind it. States that the test the court set out in the Armatta case is a three part test: 1) does the measure have two or more changes to the Constitution, 2) are they substantive in nature, 3) are they closely related. The Court of Appeals has gone on to describe what "closely related" means. They have decided it means that two separate amendments to the Constitution are closely related if a vote in favor of one change necessarily implies a vote in favor of the other one.

If that test is applied to Ballot Measure 3, believes one comes to some inescapable conclusions. 1. You can say that it does make two or more changes to the constitution because as it was proposed it established term limits both for legislative offices and statewide offices, which are separate components of the Constitution. 2. It covered congressional offices, at least it attempted to, as well as state offices.

The second question, are they substantive? Believes they are. They are not speculative. They clearly alter the Constitution in a substantial way.

Are they closely related? Believes that could be argued both ways. Thinks the more persuasive position is probably that they are not closely related because believes you can argue that people could choose to impose term limits on members of the legislature and to not impose them on the executive branch of government. One might feel there is no reason to have a term limit applicable to the Attorney General or the Superintendent of Public Instruction. When this measure was adopted there were some limits in the Constitution applicable to the Governor, Secretary of State, and the Treasurer. They can serve eight years in any 12-year period. This measure changed that. If you accept the notion that you could argue that people might want to vote for the legislative ban term limits but not for statewide offices. Those changes are not closely related.

The second part, you could argue that people would choose to impose limits on statewide officials and legislators, but not on members of Congress.

Believes in those cases one could make a pretty good argument that the measure contains two or more changes that were not closely related to each other under the way the Supreme Court and Court of Appeals has been interpreting the separate vote requirement. That requirement comes from Article XVII of the

Oregon Constitution.

The interesting legal question is really this: All of the Armatta cases have dealt with measures before they went into effect.

The question is, does the Armatta rationale adopted by the court go back in time and apply to something that has been in effect for almost 10 years. States that is a question he does not know the answer to. If that is true then perhaps other things in the Constitution are suspect under the Armatta case. Has no idea how a court would accept and respond to an Armatta challenge that was adopted as long ago as this one was. That would clearly be an issue that the people defending Section XIVX, Article 2 of the Constitution would probably make.

184 Sen. Brown

Asks if a termed out legislator would have to file to run for office and be rejected in order to have standing to challenge the constitutionality under the Armatta decision.

190 Reutlinger

Thinks a member who would be term limited would have to attempt to file and be rejected by the Secretary of State in order to have standing to challenge in circuit court.

200 Sen. Brown

Asks if a constituent of a legislator who wanted to have the opportunity to vote for that legislator also would have standing.

Reutlinger

Responds he is not an expert on standing, but would suspect the answer would be no. It would be difficult for that person to show any particular injury other than an injury to the greater public interest, perhaps.

208 Sen. Brown

Asks, in the event a court would agree to look at this issue, if they were take the Armatta decision and the subsequent cases and go backwards to look at a 1992 measure under the same rationale, would it question the legality of several other measures that have passed this decade, and would we end up in a quagmire of other ballot measures.

220 Reutlinger

Responds that is one view that one could take.

221 Vice-Chair Courtney

Asks if a former legislator who could not run after 1997 would have standing as opposed to a current member.

232 Reutlinger

Responds he believes they could. The earliest day a person can file for office is the 250th day before the primary. Believes a person would have to take an affirmative action to file and actually have the Secretary of State deny it in order to get into court.

254

Closes the public hearing on LC 3765 and opens a work session on introduction of committee measures.

INTRODUCTION OF COMMITTEE MEASURES

258 Sen. Miller

MOTION: Moves LC 3765 BE INTRODUCED as a committee bill.

262 Sen. L. Beyer

Asks why Section 19 (4) would not be eliminated (**EXHIBIT E**). States it would seem to have no place with the 12 years.

277 Vice-Chair Courtney

Suggests LC 3765 be introduced as a committee bill and have amendments drafted later.

286 Craig Allen

Administrator. Asks if the committee wishes to fill in the election date on page 2.

289 Sen. Miller

Responds that he would suggest November 2001.

293 Vice-Chair Miller

Advises that the date can be left open and filled in later.

296

VOTE: 5-0

EXCUSED: 2 - Atkinson, Harper

Vice-Chair
Courtney Hearing no objection, declares the motion CARRIED.

(NOTE: LC 3765 IS INTRODUCED AS SJR 40)

300 Allen Explains that Chair Harper requests that the committee introduce LC 4136 as a committee bill.

305 Sen. L. Beyer MOTION: Moves LC 4136 BE INTRODUCED as a committee bill.

306 VOTE: 5-0

EXCUSED: 2 - Atkinson, Harper

Vice Chair
Courtney Hearing no objection, declares the motion CARRIED.

INTRODUCTION OF COMMITTEE LEGISLATIVE COUNSEL REQUESTS

308 Allen Advises members that the committee has received a request from Rep. Morgan and the Oregon Farm Bureau to make a Legislative Counsel Draft Request for a Senate Joint Memorial urging Congress to direct the U. S. Postal Service to issue a first class stamp honoring women in agriculture (EXHIBIT H).

315 Sen. Brown MOTION: Moves TO MAKE A LC DRAFT REQUEST (EXHIBIT H) AS A SENATE RULES AND REDISTRICTING COMMITTEE LC DRAFT REQUEST.

315 VOTE: 5-0

EXCUSED: 2 - Atkinson, Harper

Vice-Chair
Courtney Hearing no objection, declares the motion CARRIED.

317 Vice-Chair
Courtney Adjourns meeting at 4:53 p.m.

Submitted By,

Reviewed By,

Annetta Mullins,
Committee Assistant

Craig Allen,
Committee Administrator

EXHIBIT SUMMARY

A - Redistricting, prepared statement, Bruce Anderson, 2 pp

B - Redistricting, calendar of scheduled meetings, staff, 2 pp

C - Redistricting, letter, City of Portland, staff, 2 pp

D - Redistricting, letter to public, staff, 15 pp

E - LC 3765, LC 3765, Sen. Harper, 2 pp

F - LC 3765, contribution lists and election results, Marilyn Shannon, 2 pp

G - LC 3765, prepared statement, Kate Grosswiler, 1 p

H - Committee Legislative Counsel Draft Request, proposed SJM, Rep. Morgan, 1 p