

SENATE COMMITTEE ON RULES AND REDISTRICTING

April 10, 2001 Hearing Room C
3:00 PM Tapes 56 - 57

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: **Public Hearing**
 SB 960
 SB 692
 Work Session
 SJR 40

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 56, A		
003	Chair Harper	Calls meeting to order at 3:09 p.m. and opens a public hearing on SB 960.
<u>SB 960 – PUBLIC HEARING</u>		
012	Bruce Bishop	Harrang/Long/Gary/Rudnick and Chair of Legislative Committee of The Capitol Club. Testifies in support of SB 960 (EXHIBIT A).
060	Bishop	Continues presentation of statement.
106		Issues discussed: <ul style="list-style-type: none">• Whether lobbyist have to report how much debt they have, ownership of real property, where 20 percent of their income is from, and employers who also employ public officials.• Whether Bishop's integrity has been impugned falsely as a result of filing the forms.
140	Sen. Atkinson	Comments that the forms and reporting procedures are not being streamlined for legislators while the lobbyists are streamlining them for themselves.
185		Issues discussed:
209	Patrick Hearn	<ul style="list-style-type: none">• Thresholds of 24 hours and \$100 in a calendar quarter. Executive Director, Oregon Government Standards and Practices Commission. States that many of the things Bishop has stated about SB 960 are true and accurate, especially the removal of

archaic language and replacing it with more contemporary words. Believes there are some editorial clean-up kinds of things that can be done and thinks they can reach an agreement in many areas.

- 236 Hearn Paraphrases prepared statement (**EXHIBIT B**).
Issues discussed:
- 260
- Whether proposed language “executive official” would include executive branch officials who are not currently covered for purposes of lobbying.
- 285
- Whether assumption is that lobbying is done at the legislature as opposed to a relationship that a registered lobbyist might have with executive department officials outside the legislature.
 - Language in Section 1 (8) of the bill refers only to “lobbying of”, not “lobbying by”.
- 299 Hearn Continues presentation on point 2, the definition of “Person” (**EXHIBIT B, page 1**).
Issues discussed:
- 335
- Proposed change to registration form to indicate whether the registered lobbyist is a member of The Capitol Club.
- 353 Hearn Continues presentation on point 3 (**EXHIBIT B, page 2**).
- 385 Hearn Comments that he has also submitted copies of their forms (**EXHIBIT B, pages 3-5**).
Issues discussed:
- 391
- Registration and fees.
 - Capitol Club position on expiration of registrations.
- 451
- Whether registration renewal mailings should be automatically sent to previously registered lobbyists.
- TAPE 57, A**
- 020
- 052 Chair Harper Asks that Bishop and Hearn work together to resolve their differences.
- 053 Chair Harper Closes the public hearing on SB 960 and opens a public hearing on SB 692.

SB 692 – PUBLIC HEARING

- 055 Sen. Gary George District 2. Submits copies of web pages of video technology and testifies in support of SB 692 (**EXHIBIT C**):
- High technology will ensure that the processes are accurate.
 - Adds to integrity of the process to have everything on tape.
 - Need for security in counting of the ballots to ensure integrity of the system.
- Issues discussed:
- 101
- What is meant by “tallying” of the ballots.
 - Whether the intent is to videotape the entire facility where ballots are being counted.
- 151
- Remedy if county clerks were to not videotape ballot tallying.
- 159
- Meaning of “secure receptacle”.
- 166
- Whether Sen. George supports creating a statewide voter registration database as well as getting rid of punch card ballots.
- 188 Charles Stern Yamhill County Clerk. Comments they do not mind being

videotaped, but wonder who will pay the price. States he does not know if the cameras referred to by Sen. George will produce tapes of a quality sufficient for the courts. Uncertain whether the videotape would be running continuously, including after hours, or whether it would be just during counting of the ballots.

Issues discussed:

- 224
217 Scott Tighe
- Whether observers bring in tape recorders during recounts. Operations Manager, Elections Division, Secretary of State's office. Comments that the directives require county clerks to allow citizens to view the entire voting process including certification of the vote tallying machines, receiving ballots, verifying signatures, opening ballots, removing the ballots, counting the ballots, and certifying the tally. Also wonder about the scope of the tallying of ballots provision of the bill. Asks if the bill would just require videotaping of the ballots as they run through the vote-tallying machine or whether it includes the entire process. Asks that the legislature identify what is meant by "tallying of ballots" because it could include the entire process or just videotaping the ballots coming out of the machine.
- 264
- On rule adoption, Section 2 does not allow rule-making authority to require county clerks to videotape any portion of the tally of the ballots. Section 3 does allow rule-making authority to set up security of the ballots. Based on their task force report, SOS intends to meet with the clerks to come up with new rules to address security of the ballots in storage, counting, and transporting.
- 281 Chair
- Closes public hearing on SB 692 and opens a work session on SJR 40.

SJR 40 – WORK SESSION

- 285 Chair Harper
- 297 Sen. L. Beyer
- Recesses meeting from 3:57 until 4:09 p.m.
- Comments that at the last meeting the committee talked about having two separate measures in one bill that would be a referral to the public to allow them to vote on a total repeal or just a restriction to 12 years. That is what the SJR 40-2 amendments do **(EXHIBIT D)**.
- The amendments direct the Secretary of State to put both measures on the ballot.
- 322 Ted Reutlinger
- Legislative Counsel. States that L. Beyer has given an accurate description of the SJR 40-2 amendments **(EXHIBIT D)**. The question goes back to the Armada case that says amendments to the Constitution must be voted on separately by the people. Explains that the Constitution does not say the legislature has to vote upon them separately. The SJR 40-2 amendments contain two separate amendments to the Constitution and direct the Secretary of State in the referral clause to separate them out and place them on the ballot separately and consecutively so they can be voted upon separately to comply with Article XVII of the Oregon Constitution.
- 345 Reutlinger
- Explains there is at least one precedent for doing this. HJR 7 (1999) contained the crime victims rights measures that were eventually split up and referred out independently.
- 358 Sen. Brown
- Asks how long it might take for someone to file a case and for the case to be challenged to the Supreme Court (under the House bill

	Reutlinger	that expedites the filing date and the Supreme Court review). Responds he does not know how long it will take the Circuit Court to proceed. Believes one could look at how long it took the Marion County Circuit Court to issue a decision in the case.
356 399	Greg Chaimov Chair Harper	Legislative Counsel. Offers to answer questions. Asks what the advantage is by proceeding with the -2 amendments (EXHIBIT D).
399	Sen. L. Beyer	Responds he believes that doing them separately would have the same result. Explains that his personal goal was to be very clear with the public in saying term limits have been in effect for 10 years and they have three choices on the issue: 1) leave it alone the way it is, 2) repeal the entire law, or 3) modify it to eliminate the internal limits on service in the houses and keep the total 12 years.
414 426	Sen. L. Beyer Sen. Brown	Explains that he thinks these are very separate choices. Comments that the committee talked last week about the likelihood or unlikelihood of the Oregon Supreme overturning term limits. Asks why the legislature would put something on the ballot in November 2001 when it would require a lot of money to win, and there is a legal challenge pending on the constitutionality of term limits.
441	Sen. Atkinson	Asks if a simple majority of voters is required to pass a ballot measure.
451 455	Reutlinger Sen. Atkinson	Responds that a simply majority is required. Asks if this would not be watering down the possibility of getting a simple majority by having two competing measures on the ballot.
470	Sen. L. Beyer	Responds that his opinion is that particularly in an election where people are not overly loaded with amendments, they can figure it out. Believes some of that is dependent on how much work the legislature chooses to do in writing the ballot titles and how the questions are stated. The legislature could choose to write the Voters' Pamphlet as well. States that people will vote on both of them; they are simple yes or no votes.
495	Reutlinger	Comments that Legislative Counsel cannot find anything in the Constitution that prohibits two referrals in one measure. Adds that it is not without risk because it has not been done before and people could come up with creative arguments to challenge it.
TAPE 56, B 037	Sen. Courtney	Comments he wants to see what the House does on bill on the expedited process.
082	Chair Harper	Adjourns meeting at 4:24 p.m.

Submitted By,

Reviewed By,

Annetta Mullins,
Committee Assistant

Craig Allen,
Committee Administrator

EXHIBIT SUMMARY

A - SB 960, prepared statement, Bruce Bishop, 2 pp

B - SB 960, prepared statement, Patrick Hearn, 6 pp
C - SB 692, web pages, Sen. George, 4 pp
D - SJR 40, SJR 40-2 amendments, Sen. L. Beyer, 2 pp