

# SENATE COMMITTEE ON RULES AND REDISTRICTING

April 17, 2001 Hearing Room C  
3:00 PM Tapes 61 - 62

**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, Administrator  
Annetta Mullins, Committee Assistant

**MEASURE/ISSUES HEARD:** Work Session  
SJR 40  
Public Hearing and Work Session  
SJR 24  
Public Hearing  
HB 2674 A

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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 61, A</b>		
004	Chair Harper	Calls meeting to order at 3:09 p.m.
<b><u>SJR 40 - WORK SESSION</u></b>		
005	Chair Harper	Explains that SJR 40 is a modification and SJR 24 is a repeal of term limits. SJR 40 deletes the internal service provision and has this year's election date on it.
013	Rep. Bill Morrisette	Comments that he wants to call to the attention of the committee that this morning the House passed HJR 19 by a 46-14 vote and wants to let the committee know HJR 19 will be coming to the committee. Explains differences in the measures: <ul style="list-style-type: none"><li>• The date of the election in HJR 19 is the next general election (2002). This would be a "free" election; a special election would cost \$1 million or more. Some voters may feel that the cost is adding insult to injury.</li><li>• Legislative Counsel has said the penalty for serving less than one-half of an appointed term could be a second issue and recommended pulling the appointment part out. Believes Legislative Counsel is nervous because of the last ruling by the court.</li><li>• If the appointment issue is pulled out, would like to see it as a separate referral.</li><li>• SJR 40 allows a person to serve 12 years in either body and the language of the bill would allow people who have been turned out to come back.</li></ul>

- Preference would be that the committee work on HJR 19 and send it to a conference committee where the ultimate decision will be made.
- 051 Sen. L. Beyer Comments the committee has been talking about putting on the same ballot two or three measures so the voters could have a choice to say leave it the way it is, repeal term limits completely, or modify as Rep. Morrisette proposes. Asks if the House might be supportive of putting at least two of the choices on the ballot.
- Morrisette Responds affirmatively. States that those who objected felt term limits is a failed experiment and that they should consider sending it to the voters on the basis of good policy/bad policy. Others felt it would be self-serving for the legislature to send it out. Others felt those here now should not be the beneficiaries. Thinks the larger majority would support something on the ballot to repeal term limits entirely, but does not know if they would go for the single issue.
- 074 Sen. L. Beyer Explains that the committee has been trying to find a way to put both issues in one measure. Legislative Counsel had suggested the committee could probably put both in one bill that would refer separate measures, but there is some element of risk in doing it that way.
- 089 Sen. Brown Comments that HB 2674 exists and the likelihood of a court overturning term limits based on the Armatta case and to have a referral regarding term limits on the 2002 ballot would stave off the campaign by U. S. Term Limits. Asks if that was a factor in putting this on the 2002 ballot.
- Rep. Morrisette Responds no, and explains that the discussion of the Armatta case did not come up until the hearing in the House committee. States his original intent was to go with the 2002 date because it is a general election and there would be no cost and there would be time to garner support and raise money to pass it. He felt May of this year was almost impossible to do. A November election would cost \$1 million and would be difficult.
- 128 Chair Harper Asks if the House committee heard testimony about the polling information.
- Morrisette Responds there was no hard evidence to provide Rep. Witt in response to his question on the Floor.
- 141 Chair Harper Comments that the committee has before them the SJR 40-1 amendments (**EXHIBIT A**).
- 143 **Sen. Miller** **MOTION: Moves to ADOPT SJR 40-1 amendments dated 04/05/01.**
- 145 Sen. L. Beyer Asks if Chair Harper is inclined to have both issues go out.  
Chair Harper Responds that SJR 24 is the repeal and SJR 40 is the modification.
- 158 **Chair Harper** **VOTE: 7-0**  
**Hearing no objection, declares the motion CARRIED.**
- 168 Sen. Miller Asks for clarification of the provision relating to those appointed for a portion of a term in SJR 40 and HJR 19. Asks if the clock begins the day a person is in under SJR 40--it is not 12 years plus the special circumstance.
- 175 Sen. L. Beyer Notes that Legislative Counsel is nodding affirmatively.  
179 **Sen. Miller** **MOTION: Moves SJR 40 be sent to the floor with a BE**

180	Sen. Brown	<b>ADOPTED AS AMENDED recommendation.</b> Comments she still thinks it is a mistake to put this on the November 2001 ballot unless they have raised the \$1 million to do the campaign.
184	Sen. L. Beyer	Questions whether the committee should pass this measure instead of passing one that has already passed the House.
192		<b>VOTE: 6-1-0</b> <b>NO: 1 - Sen. Brown</b>
	<b>Chair Harper</b>	<b>Noting objection by Sen. Brown, declares the motion CARRIED.</b>
		<b>SEN. MILLER will lead discussion on the floor.</b>
197	Chair Harper	Closes the work session on SJR 40 and opens a public hearing on SJR 24.
	<b><u>SJ4 24 – PUBLIC HEARING</u></b>	
203	Sen. Cliff Trow	Testifies in support of SJR 24. <ul style="list-style-type: none"> <li>• SJR 24 repeals term limits, submits issue to the voters, and calls for an election at the next general election.</li> <li>• Many believe it was a mistake to have voted in term limits.</li> <li>• The history of the Oregon Legislature shows there has been plenty of turnover and often turnover was the problem even before term limits.</li> </ul>
260		<ul style="list-style-type: none"> <li>• The result of term limits is an experience deficit especially on the House side and will see the same in the Senate the next time.</li> <li>• A deficit of experienced members means that staff and the lobby have a lot more influence on what goes on.</li> <li>• Believes a lot of people agree with the repeal of term limits.</li> <li>• This is a good response to a bad public policy. It gives the voters a chance to reconsider.</li> </ul>
264	Sen. L. Beyer	Asks if Sen. Trow would object to changing the date so both issues can be on the same ballot.
	Sen. Trow	Responds that he would not object.
	Chair Harper	Asks if Sen. Trow objects to the SJR 24-1 amendments <b>(EXHIBIT B)</b> .
	Sen. Trow	Responds that he does not object.
	Sen. Miller	Comments that since Sen. Trow is up against the limits and a vote on this in November 2001 would make it possible for the citizens of Corvallis to send him back.
314	Sen. Trow	Responds that he has no intention to be a candidate even if this passes.
328	Ted Reutlinger	Legislative Counsel's office. Explains that the SJR 24-1 amendments accomplish the same thing as the original resolution and does it in a much simpler way. It simply repeals everything related to legislative term limits.
323	Lee Hazelwood	Senior Advocate. Comments that the SJR 24 1 amendments are getting closer to what he has been working actively for. Comments that the SJR 24-1 amendments will cost about \$1 million if held in the 2001 election. Would personally prefer 2001, but there are two sides to the coin. The out-of-state opposition will have time to rally their troops and might use

Oregon as an example to stop it.  
 Closes the public hearing and opens a work session on SJR 24.

414 Chair Harper  
SJR 24 - WORK SESSION

416 Sen. Courtney **MOTION: Moves to ADOPT SJR 24-1 amendments dated 4/17/01.**

419 **VOTE: 5-0-2**  
**EXCUSED: 2 - L. Beyer, Brown**

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

435 Sen. Courtney **MOTION: Moves SJR 24 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.**

**VOTE: 4-2-1**  
**AYE: 4 - Beyer L, Miller, Minnis, Harper**  
**NAY: 2 - Atkinson, Courtney**  
**EXCUSED: 1 - Brown**

**NOTE: Under suspension of rules, Sen. Brown votes NO (See page 5 and Tape 62, A at 110).**

459 Chair Harper **The motion CARRIES.**

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

461 Chair Harper Closes the work session on SJR 24 and opens a public hearing on HB 2674.

HB 2674 – PUBLIC HEARING

010 James W. Nass Appellate Legal Counsel. Explains the HB 2674-A2 amendments (**EXHIBIT C**). The HB 2674-A2 amendments are hereby made a part of these minutes (**EXHIBIT D**).

050 Craig Allen Administrator. Calls to the attention of members an e-mail received from Ted Piccolo in opposition to HB 2674 (**EXHIBIT D**).

054 Chair Harper Closes the public hearing on HB 2674 and opens a work session on Introduction of Committee Legislative Counsel Draft Request.

INTRODUCTION OF COMMITTEE LEGISLATIVE COUNSEL DRAFT REQUEST

058 Sen. Miller Explains the request is from the Ways and Means Committee and that he would like to have the draft introduced as a committee bill (**EXHIBIT F**). The request was generated out of the Public Safety Subcommittee. Explains that in order to send funding through the Oregon Youth Authority instead of the Criminal Justice Commission, this bill is needed.

072 Greg Chaimov Comments the request is to have the committee authorize drafting of a LC that could be introduced as a committee bill.

085 Sen. Miller **MOTION: Moves TO MAKE A LC DRAFT REQUEST (EXHIBIT F) TO BE INTRODUCED AS A COMMITTEE LC DRAFT REQUEST.**

086 **VOTE: 7-0**

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

**SJR 24 - WORK SESSION**

108

**Sen. Beyer**

**MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. BROWN to BE RECORDED as voting AYE on the passage of SJR 24 as amended.**

**VOTE: 7-0**

110

**Vice-Chair  
Courtney**

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

**SEN. BROWN VOTES NO ON PASSAGE OF SJR 24 AS AMENDED.**

110

Vice Chair Courtney

Adjourns meeting at 3:46

Submitted By,

Reviewed By,

Annetta Mullins,  
Committee Assistant

Craig Allen,  
Administrator

**EXHIBIT SUMMARY**

**A - SJR 40, SJR 40-1 amendments, Sen. Harper, 1 p**

**B - SJR 24, SJR 24-1 amendments, Sen. Harper, 2 pp**

**C - HB 2674, prepared statement, James Nass, 1 p**

**D - HB 2674, HB 2674-A2 amendments, Sen. Harper, 1 p**

**E - HB 2674, e-mail, Ted Piccolo, 1 p**

**F - Introduction of Committee Legislative Counsel Draft Request, Sen. Miller, 37 pp**