

SENATE COMMITTEE ON RULES AND REDISTRICTING

April 26, 2001 Hearing Room C
3:00 PM Tape 71

MEMBERS PRESENT: Sen. Steve Harper, Chair
Sen. Jason Atkinson
Sen. Lee Beyer
Sen. Kate Brown
Sen. John Minnis

MEMBERS EXCUSED: Sen. Peter Courtney, Vice Chair
Sen. Randy Miller

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

MEASURE/ISSUES HEARD: Redistricting
Public Hearing and Work Session
HB 2674 A
HB 2594
Introduction of Committee Measures

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 71, A		
004	Chair Harper	Calls meeting to order at 3:31 p.m. and opens a public hearing on redistricting.
<u>REDISTRICTING - PUBLIC HEARING</u>		
012	Robert Boyer	Reads statement and explains map of suggestions for redistricting in Multnomah County (EXHIBIT A).
046	Sen. Brown	Asks who currently represents House Districts 15 and 21. Notes that Rep. Randy Leonard represents House District 21 and Rep. Steve March represents House District 15.
065	Boyer	Points out areas on the map that are included in their plan (EXHIBIT A, page 4). States they are here to recommend lines for House Districts 17, 18, and 19.
071	Boyer	States their plan has been developed using the criteria that the neighborhoods need to be contiguous, be of equal population, utilize geographical and political boundaries, no divided communities of common interests, and be connected by transportation links. States that District 18 stops at Freemont Street. Notes that District 18 is short of population. Suggest that instead of going east and taking the recommendations of Senator Frank Shields, they went to the south. If the population is enough, they are suggesting encompassing the area just north of I-84. The Interstate would be the west boundary, going over to 42 nd on the

		east, Lombard to the north, and the freeway to the south. States that is a natural boundary. Also, Irvington, Grant Park, Alameda, and Sullivan Gulch are members of the Northeast Coalition of Neighborhoods. That is the natural interest in expanding District 18 to the south.
097	Sen. Minnis Boyer	Asks who does not like this plan. Responds he has not met anyone who does not like the plan. Explains they attempted to have a broad base of people involved in the suggestions.
108	Sen. Brown	Comments that her district (Senate District 7) abuts this district; it goes up to the Banfield. Asks if Boyer would have objection to drawing the line for her district to pick the other northeast neighborhood that feels like everyone's stepchild.
118	Boyer	Responds he has no objection. States they are only trying to make sure people are satisfied and to keep neighborhoods of common interests.
124	Chair Harper	Notes that the committee has received several items relating to redistricting to enter into the record: <ul style="list-style-type: none"> • E-mail from Bryce Simmons (EXHIBIT B). • Two e-mails from Lylla Gaebel (EXHIBIT C). • E-mail from Judy Edwards (EXHIBIT D). • Letter from Sen. Avel Gordly (EXHIBIT E). • Black Leadership Roundtable Redistricting Plan (EXHIBIT F). • Letter from Rex Burkholder (EXHIBIT G). • Letter from Parkrose Public Schools (EXHIBIT H). • Letter from Richard Chasm (EXHIBIT I). • Letter from Oregon Graduate Institute of Science and Technology (EXHIBIT J). • Letter from Netarts Water District (EXHIBIT K).
128	Chair Harper	Closes the public hearing on redistricting and opens a work session on HB 2674-A
<u>HB 2674-A – WORK SESSION</u>		
131	Rep. Ben Westlund	Testifies in support of HB 2674-A: <ul style="list-style-type: none"> • HB 2674-A creates a process that expedites the inevitable, litigation to determine the constitutionality of Oregon's 1992 term limits law. • The House of Representatives may have as few as nine returning third-year members. • HB 2674-A may allow a fair resolution as to the constitutionality of the law prior to the filing deadline in March 2002.
174	Sen. L. Beyer Rep. Westlund	Comments HB 2674-A only moves the date when someone may file for office. Responds that the bill is simply moving forward that date for someone to file. It makes no presumption as to the constitutionality or statements as to Oregonians' ability to pass term limits laws and does not impact Oregonian's ability to have term limits laws, but it does expedite the process that would allow a court proceeding to go forward to determine whether the 1992 law was constitutional or not.
188	Sen. L. Beyer	States that it is his perception that the law will be challenged. It

187 175	Rep. Westlund Rep. Carl Wilson	<p>is just a matter of when. States he thinks Sen. L. Beyer's statement is accurate. Testifies in support of HB 2674-A:</p> <ul style="list-style-type: none"> • Explains that he came to this process trying to bring his business experience and to apply his business principles. • Has tried to run the family business with the idea of holding turnover down to a minimum because turnover is harmful to his business. If the family business were faced with the same level of turnover as the legislature, the business would not be successful and would never be able to do anything in a prospective fashion. • Gets concerned when tinkering with the will of the voters but sometimes that must be done to meet changing times and conditions. States he can say with a good conscience that he came with the intention of leaving the institution better than it was when he arrived. Cannot leave the process leaving the term limits scheme in place. • Will not run for reelection, no matter what happens, and therefore will not affect him in any sense.
223	Ted Reutlinger	<p>Legislative Counsel's Office. Explains that the A-3 amendments (EXHIBIT L) do a couple of things. The language was arrived at in conversation with outside counsel who may or may not be involved. The A-3 amendments change the word "constitutional" to "constitutionality" or "validity", which some thought was important since an Armatta challenge would be to the actual validity of the measure itself when it was being enacted in 1993. Therefore, it also references Sections 19, 20, and 21 of Article II of the Oregon Constitution, which comprise the total of the term limits measure that was on the ballot in 1993.</p> <p>The new language on lines 4 through 7 is designed to specify that the courts have jurisdiction to deal with this case. There was some concern that other provisions of Oregon law might get in the way. The goal is to simply provide by law that there is no question about jurisdiction.</p> <p>In line 6, the amendments add the language respectfully asking the courts to deal with a case expeditiously so that the primary election could be conducted under the court's decision.</p> <p>The amendments take out Section 3(6) of the original bill, which Legislative Counsel felt was unnecessary because it simply says if the measure was found to be unconstitutional or valid, then the plaintiffs could appeal to the Court of Appeals. That is the way it goes now. There was extra language in there but some did not think it was necessary and the language has been removed.</p> <p>If any part is declared unconstitutional or invalid, the case goes straight to the Supreme Court and bypasses the Court of Appeals.</p>
297	Craig Allen	<p>Administrator. Advises members that testimony from the Court of Appeals has been submitted to the committee (EXHIBIT M).</p>
302	Sen. Brown	<p>MOTION: Moves to ADOPT HB 2674-A3 amendments dated 4/24/01.</p>
303		<p>VOTE: 5-0 EXCUSED: 2 - Courtney, Miller</p>

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

312 Sen. Atkinson **MOTION: Moves HB 2674A to the floor with a DO PASS AS AMENDED recommendation.**

312 **VOTE: 4-1-2**
NO: Harper
EXCUSED: 2 - Courtney, Miller

Chair Harper **Voicing objection to the motion, declares the motion CARRIED.**

SEN. MINNIS will lead discussion on the floor.

328 Chair Harper Closes the work session on HB 2674-A and opens a public hearing on HB 2594.

HB 2594 - PUBLIC HEARING

340 Phil Donovan Representing the Heritage Cemetery Group. Presents prepared statement in support of HB 2594 (**EXHIBIT N**). Supports the HB 2594-1 amendments (**EXHIBIT O**).
Testimony provided to committee but not presented is hereby made a part of these minutes:

- Prepared statement, Maxine Daly (**EXHIBIT P**).
- Prepared statement, Charlotte Benz (**EXHIBIT Q**).
- Prepared statement, Larry and Karen Wells (**EXHIBIT R**).

377 Chair Harper Closes the public hearing and opens a work session on HB 2594.

HB 2594 - WORK SESSION

379 Sen. L. Beyer **MOTION: Moves to ADOPT HB 2594-1 amendments dated 4/23/01.**

381 **VOTE: 4-0**
EXCUSED: 3 - Brown, Courtney, Miller

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

383 Sen. L. Beyer **MOTION: Moves HB 2594 to the floor with a DO PASS AS AMENDED recommendation.**

387 **VOTE: 4-0**
EXCUSED: 3 - Brown, Courtney, Miller

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

SEN. L. BEYER will lead discussion on the floor.

INTRODUCTION OF COMMITTEE MEASURES

393 Sen. L. Beyer **MOTION: Moves LC: 4265, 4238, AND 4202 BE INTRODUCED as committee bills.**

402 **VOTE: 4-0**
EXCUSED: 3 - Brown, Courtney, Miller

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

NOTE: LC 4265 INTRODUCED AS SM2, 4238 INTRODUCED AS SB 967, AND LC 4202 INTRODUCED

AS SB 968.

403

Chair Harper

Adjourns meeting at 3:55 p.m.

Submitted By,

Reviewed By,

Annetta Mullins,
Committee Assistant

Craig Allen,
Committee Administrator

EXHIBIT SUMMARY

- A - Redistricting, prepared statement and maps, Robert Boyer, 4 pp**
- B - Redistricting, e-mail, Bryce Simmons, 1 p**
- C - Redistricting, e-mails, Lylla Gaebel, 2 pp**
- D - Redistricting, 3-mail, Judy Edwards, 1 p**
- E - Redistricting, memo, Sen. Gordly, 1 p**
- F - Redistricting, letter and redistricting, plan, Robert Phillips, 3 pp**
- G - Redistricting, letter, Rex Burkholder, 1 p**
- H - Redistricting, letter, Parkrose Public Schools, Michael Taylor, 1 p**
- I - Redistricting, letter, Richard Chasm, 1 p**
- J - Redistricting, letter, Oregon Graduate Institute of Science and Technology, 2 pp**
- K - Redistricting, letter, Netarts Water District, 1 p**
- L - HB 2674, HB 2674-A3 amendments, Rep. Westlund, 1 p**
- M - HB 2674, prepared statement, James Nass, 2 pp**
- N - HB 2594, prepared statement, Phil Donovan, 2 pp**
- O - HB 2594, HB 2594-1 amendments, Sen. Harper, 1 p**
- P - HB 2594, prepared statement, Maxine Daly, 1 p**
- Q - HB 2594, prepared statement, Charlotte Benz, 1 p**
- R - HB 2594, prepared statement, Larry and Karen Wells, 5 pp**

SENATE COMMITTEE ON RULES AND REDISTRICTING

April 26, 2001 Hearing Room ASTORIA
6:00 P.M. Tapes 73 - 74

MEMBERS PRESENT: Sen. Peter Courtney, Vice-Chair

MEMBER EXCUSED: Sen. Steve Harper, Chair
Sen. Jason Atkinson
Sen. Lee Beyer
Sen. Kate Brown
Sen. Randy Miller
Sen. John Minnis

VISITING MEMBERS: Sen. Joan Dukes
Rep. Elaine Hopson
Rep. Besty Johnson

STAFF PRESENT: Marjorie Taylor, Redistricting Coordinator

MEASURE/ISSUES HEARD: Redistricting

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 73, A		
004	Vice-Chair Courtney	Calls meeting to order at 6:05 p.m.
	Vice-Chair Courtney	Opens public hearing on redistricting.
	Staff	Distributes handout (EXHIBIT A).
010	Members	Introduce themselves.
021	Vice-Chair Courtney	Explains redistricting process.
037	Vice-Chair Courtney	Reviews population requirements for legislative districts on handout (EXHIBIT A). Explains that the committee also wants to hear recommendations on the congressional seats in Oregon.
060	Vice-Chair Courtney	Continues explaining redistricting process.
102	Jim Santee	Resident of Knappa (Clatsop County) and representing Sunset Empire Transportation District. Explains that Sunset Empire Transportation District is the transit system for Clatsop County. They are engaged in a major project for a master transportation plan for Clatsop County for bus services. It will require that they look for connectivity into the Portland metropolitan area by Highway 30 and 26 into or through Columbia, Washington, and Multnomah counties. It is important they have representation common to the metropolitan areas and must work with the representatives in those areas so they understand what is going on. Having urban, cross-urban, and rural representation brings considerable benefits to their community.

134		With help from Congressman Wu they were able to get a significant amount of money for their transportation center in Astoria and they are the lead agency for passenger rail.
144		Feels it is important that Clatsop County, or at least a good portion of it, have common representation with the major population areas of Oregon.
138	Don McDaniel	Resident of Astoria area. Is active in the community and has gotten involved in economic aspects of the community. Agrees that the congressional district has worked quite well from the transportation point of view. Came here to talk about the Oregon house and senate districts. It is Unwieldy to have a district that is long and narrow as District 1 is. Wishes it was more compact and thinks they need an area that has more common economic interests. Feels Astoria has more in common with the coastal communities than with the river communities. For that reason, feels Astoria should be put into House District 2. Suggests House District 1 would have to go further south and maybe east, but from an economic point of view it would work better for the residents of the different areas who have different economic interests.
186	Janet Stevenson	Warrenton resident. Comments she lived in the area when Clatsop County was divided in the last redistricting. It has not worked well for either half. Cannot see how one can make a contiguous district with what everybody needs to get from somebody else. Clatsop County has a long history of being a fairly closely-knit community. Thinks it would be good for everybody if the district were the same as it was before.
210	Kathleen Wysong	Seaside resident. Comments that when they were divided 10 years ago a lot of the residents felt it was not going to be good because they were used to being tied with north county, but it has worked very well. Clatsop County is entirely in one senate district and they have had three excellent people taking their concerns to Salem. Feels that whatever changes must be made to get to the 57,000, long-term it will be better for them to not go through another major change. Suggests that possibly the outside boundaries can be tweaked and the district be kept close to where it is now. Rather than feeling they are divided, they now feel they have two voices in Salem and believe that has been helpful to Clatsop County.
268	John Westerholm	Brownsmead resident. Comments he is representing the fishing industry. States they have been happy with the districts the way they are currently. The house district along the Columbia River was probably set up that way to include the fishery along the river. Would not be in favor of changing the house district very drastically from the way it is. The senate district has also worked well. Suggests the senate district be kept as close to the way it is as possible.
298	Sen. Dukes	Asks the audience which way they would want the districts to go to add population, Washington County or Tillamook County.
288	Rep. Johnson	Comments that House District 1 could pick up 4000 people, roughly, in Warrenton, or the Vernonia aarea. Explains that the senate and house districts have different boundaries.
300	Sen. Dukes	Explains that members want to hear the preferences of the

303	Jackie Taylor	<p>audience.</p> <p>Comments she has not moved in 23 years but has represented House Districts 1 and 2. Believes this corner of the state changed more dramatically in the last redistricting than any other part of the state. Explains that after the last redistricting she was living in one district, working in another, and representing people in another. Explains that they went to court with the argument that the interests had been divided and lost. Comments further on the court challenge.</p>
384		<p>Believes Clatsop County has made the most out of the changes made. They have taken the best view and consider they have two representatives and that has served them well.</p> <p>States that most voters do not know redistricting is happening or how it affects them. Voters do not adjust to dramatic changes. Asks that the district not be changed too dramatically. Old House District 2 was a gerrymandered district; she was representing the people in Banks and Gaston and they did not want a coastal representative because they did not feel they had anything in common with the rest of the district. Thinks communities of interests must be considered when reaching out. If a district is rural and more rural area can be added, that would serve everyone better.</p>
394	Vice-Chair Courtney	<p>Comments on having served in the House of Representatives with Former State Representative Jackie Taylor.</p>
TAPE 74, A 003	Greg Panichello	<p>Resident of Astoria and works at Clatsop Community College in the Small Business Development Center. States he is speaking for himself. Concerns are from a business point of view. Sees more commonality between Warrenton and Astoria than between Warrenton and further south. Looking south, it is a heavy tourist area and is much poorer. There is more commonality between Warrenton and Senate District 1. Cannot see how one can draw in part of Washington County and expect it to be reasonably represented. It seems House District 2 should go further south but does not know what that would do to the other districts.</p>
022	Rina Taylor	<p>A teacher residing in Astoria. Believes that Warrenton and Astoria are closely connected in activities, sports, schools, parents, and children, as a community but it is sometimes difficult to understand the division between the communities. Suggests their district be moved south. Thinks that somewhere near Clatskanie the communication breaks down and is not sure that going east into Washington County would serve any kind of connective purpose.</p>
035	John McKesson	<p>Brownsmead resident. Comments that 10 years ago he was a big promoter of the river district. However, they thought it would be Clatsop County and down the river. It did not turn out that way but is delighted the way it turned out. Believes they have been well served by all senators and representatives. The current lines reflect the communities of interest. Many issues begin in the river and end up in the water. They have five coastal representatives. Channel deepening is a coastal issue that parallels Highway 30. Thinks there is a linear community of interest that parallels the major transportation districts.</p>
090		<p>Comments that moving Warrenton into the first district would be</p>

		<p>okay. Would like to see House District 1 pick up the rest of Tillamook County. It would also be fine if Warrenton stays in House District 2 and they picked up more of Vernonia and Columbia County and House District 2 picked some of the rural parts of Washington County.</p> <p>For the congressional districts, very much likes having Congressman Wu and a hug-like approach for Congressional Districts 1, 3, and 5. Can see downtown Portland going all the way to the coast and picking up from the south what is needed for Congressional District 1. Congressional District 5 would be from Clackamas County down through Salem, maybe into Benton County, and picking up Tillamook County. Congressional District 3 would be out of Portland heading east and picking up the suburbs until the required population is reached.</p>
100		
104	Myrna Patrick	<p>Knappa resident. States her main concern is to not divide communities of common interests. States that Knappa and Swenson are very small rural communities and they are split between House Districts 1 and 2. It is something that should never have happened and is a primary change that is in order. Agrees with previous statements that all of Clatsop County should be in one house district.</p>
129	Dave Ambrose	<p>Resident of Astoria. Explains that when the split was made a number of years ago he was horrified to think how Clatsop County would be represented. He thought they would lose voter clout but as it turned out they have gained more influence in the Oregon House of Representatives because they have two representatives who are not from Clatsop County but who are representing them very well. Is not in favor of having Clatsop County being entirely in one house district. Believes the county gains more by having two representatives.</p>
168	Rep. Johnson	Comments on receiving grant for affordable housing.
175	Peter Garring	<p>Resident of Warrenton. Comments that it would make sense to add Warrenton to District 1. People live in Warrenton and work in Astoria and people live in Astoria and work in Warrenton. People shop back and forth. There is also commonality along the river and it makes logical sense to include Warrenton in the same district.</p>
187	Jim Clogland	<p>Resident in House District 2 south of Astoria. Comments he is not frightened to call any of the three representatives. Feels well represented. Realizes numbers must be shifted but does not see a need to make major changes. It is true that Warrenton and Astoria have a lot in common. The fact that Warrenton has a population of about 4,000 makes it a handy number to add. Wants to maintain the representation he currently has in Salem.</p>
216	Diane Heintz	<p>Warrenton resident. Comments on their complaints about the division of Clatsop County during the last redistricting and asks to be allow to withdraw their complaints. Comments on the lawsuit about separation of communities of interest following the last redistricting process. They now agree the right thing was done and that the districts should be more or less as they currently are. Agrees that Warrenton and Astoria share a more common community than those areas south on the coast. Believes Warrenton considers itself part of the river district.</p>

244	Juanita Price	Resident of Astoria since 1964. States that when the districts were most recently set up, there was to be a river district. The river goes past Warrenton and has a port. Hammond also has a port. To have a true river district, one would need to include the area beyond the bay, Warrenton, and Hammond. They are contiguous and are communities of common interests.
282	Vice-Chair Courtney	Explains that the committee will continue to accept comments. Notes contact information on handout (EXHIBIT A) and announces that every Thursday the Senate Rules and Redistricting Committee is scheduled to receive testimony for the first one-half hour.
325	Richard Olson	Comments he is an employee at the facility and thanks members for coming to their community.
343	Rep. Johnson	Comments she recognizes that the population in the state continues to grow, the districts are changing, and that driving is a part of the job.
330	Rep. Hopson	Comments the legislature is agonizing about the changes to make and the audience has provided good input. Thanks the audience for coming to the meeting.
334	Sen. Dukes	Thanks the citizens for coming to the meeting. Comments that the Knappa-Swenson point of view was one she heard about previously and hopefully is one that will be fixed this time. Asks that the audience let her know if they have other thoughts because the legislature needs all the help and advice they can get.
383	Vice-Chair Courtney	Thanks the audience for their participation and for the use of the Columbia River Maritime Museum as the meeting place.
405	Vice-Chair Courtney	Adjourns meeting at 6:57 p.m.

Submitted By,

Reviewed By,

Annetta Mullins,
Committee Assistant

Marjorie Taylor,
Redistricting Coordinator

EXHIBIT SUMMARY

A - Redistricting, handout, staff, 4 pp