

SENATE COMMITTEE ON RULES AND REDISTRICTING

May 17, 2001 Hearing Room C
3:00 PM Tapes 89 - 90

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: Redistricting
Public Hearing and Work Session
HB 3107
SB 969
HB 3586 A
HB 2656 A
HB 3376
Public Hearing
HB 3323 A
Work Session
SB 747
HCR 6
HCR 8 A
HCR 12
HJM 34

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 89, A 003	Chair Harper	Calls meeting to order at 3:09 p.m. and announces that the committee will not consider SJR 31, SB 970, and SB 965. Opens public hearing on redistricting.
<u>REDISTRICTING - PUBLIC HEARING</u> 015	Chair Harper	Notes that no one has signed up to testify. Enters correspondence received by the committee: Letter from Tim Josi, (EXHIBIT A) . Letter from Helen Berg (EXHIBIT B) . Letter from Justin Geddes, (EXHIBIT C) . Letter from Robert Horenstein (EXHIBIT D) . Memo from Corvallis Business Advocacy Committee (EXHIBIT E) .

018 Chair Harper Letter from Dell Squire (**EXHIBIT F**).
E-mail from Mara Stein (**EXHIBIT G**).
E-mail from Laura Pryor (**EXHIBIT H**).
E-mail from Judy Sugnet (**EXHIBIT I**).
Closes the public hearing on redistricting and opens a public hearing on HB 3107.

HB 3107 - PUBLIC HEARING
030 Rep. Kropf Testifies in support of HB 3107:

- HB 3107 is the volunteer firefighter relative bill.
- Concern was raised that the proposed change in the statute might be construed to cause problems in regard to legislators being subject to penalty for receiving gift food and beverage.
- Believes the HB 3107-1 amendments clarify the language (**EXHIBIT J**).

047 Chair Harper Closes the public hearing on HB 3107 and opens a work session on HB 3107.

HB 3107 - WORK SESSION
046 Sen. Courtney **MOTION: Moves to ADOPT HB 3107-1 amendments dated 5/16/01.**

048 **VOTE: 6-0**
EXCUSED: 1 - Minnis

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

048 Sen. Courtney **MOTION: Moves HB 3107 to the floor with a DO PASS AS AMENDED recommendation.**

050 **VOTE: 6-0**
EXCUSED: 1 - Minnis

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

SEN. ATKINSON will lead discussion on the floor.

058 Chair Harper Opens a public hearing on HB 3323 A.
HB 3323 A - PUBLIC HEARING

070 Rep. Chris Beck House District 12. Testifies in support of HB 3323-A:

- Has been working with Rep. Knopp on amendments. This would put a "C" after constitutional amendments so voters will know which ballot measures will amend the state Constitution.
- Has tried to structure the bill so constitutional measures will be grouped and statutory measures will be grouped.
- The A2 amendments (**EXHIBIT K**) stipulate that statutory amendments would be first, then the constitutional amendments with a "C" after them.

089 Ed Dennis Issues discussed:

- Fiscal impact at county level.
- Whether measures currently say, "Amending Constitution." Secretary of State's Office (SOS). Comments that their office looks at HB 3323 clarifying the renumbering bill that has already passed. Supports concept of grouping measures as one more way to delineate which measures are constitutional and which are

		statutory changes. Submits graph (EXHIBIT L) and states that the yellow line shows there is no voter fatigue on ballot measures. Supports the bill.
157	Chair Harper	Comments that the HB 3323–A4 amendments (EXHIBIT M) are his, the HB 3323-A2 amendments (EXHIBIT K) are Rep. Beck's.
	Dennis	Comments the SOS supports the HB 3323–2 amendments.
177	Chair Harper	Explains that the HB 3323-A3 amendments (EXHIBIT N) are conflict amendments that the committee would need to adopt if either the HB 3323-A2 or HB 3323-A4 amendments are adopted to take care of the conflict with SB 825.
182	Chair Harper	Advises members that he will discuss the amendments with Rep. Beck and closes the public hearing on HB 3323 A.
187	Chair Harper	Opens a public hearing on SB 969.
	<u>SB 969 - PUBLIC HEARING</u>	
189	Gabe Winslow	Legislative Assistant to Sen. Starr. Testifies in support of SB 969: <ul style="list-style-type: none"> • Bill would address statements made in the Voters' Pamphlet. • Bill would make it so if one files a statement in the "For" section that is actually in opposition to the measure, the person is subject to civil cause of action by a private party. • Purpose of the bill is to cause a deterrent for filing opinions under sections in the Voters' Pamphlet contrary to the statement.
204		<ul style="list-style-type: none"> • Proposes SB 969-1 amendments (EXHIBIT O) because the original bill did not call for a civil cause of action. Issues discussed: <ul style="list-style-type: none"> • Free speech issues.
	Winslow	Comments that the idea behind bill was not to burden the SOS but add deterrent to advertisements.
261	Ed Dennis	Secretary of State's Office (SOS). Comments their office supports the bill with the SB 969-1 amendments. Explains that they met with Mr. Mabon early on in the session. Comments that during the last election several arguments on Measure 9 were in favor of the measure that one would argue were not favorable. Hopes the Voters' Pamphlet is seen as reliable and useful and very much supports the effort, if it stands up to challenge, to deter folks from putting in arguments or advertisements where they do not belong. This represents a bill that a constituent requested and the SOS supports.
281	Sen. Brown	Asks that Ted Reutlinger summarize his letter for the committee (EXHIBIT P).
259	Ted Reutlinger	Legislative Counsel's Office. States that with the original bill and this amendment he just wanted to let people know that it seems the concept raises free expression issues under the Oregon Constitution. Cannot say whether the bill is unconstitutional, however, a concern arises that at some point a court will have to make a determination based on the subject to a private cause of action for filing a false affidavit. In order to determine whether the affidavit was false, the court would have to look at the content of the speech. Under the methodology the Oregon Supreme Court has adopted for free expression, laws directed specifically at the content of speech are in serious trouble.

304	Reutlinger	Adds that if one can construe the Voters' Pamphlet as state communication, instead of communication by the person who is filing the argument and you can get to the point where you can argue this state has some control over the Voter's Pamphlet about what is printed in it and what is not, then you might be able to regulate the content of the things in the Voters' Pamphlet more than other political speech.
312	Reutlinger	The other issue with private cause of action is that the language is based on the false statement statute. If someone makes a false statement in a campaign, a person must use a private lawsuit. This language is taken from that statute. Thinks an issue arises when someone files a false affidavit and is now subject to a lawsuit by a member of the public or political committee. If a statement is in the wrong section of the Voters' Pamphlet, he is not sure how the court would determine the damages or whether the court could determine someone was actually aggrieved or damaged by the conduct.
344	Sen. Minnis Reutlinger	Asks how this would interact to striking other suits. Comments that SB 969 would not apply to falsity of anything in the Voters' Pamphlet. The SB 969-1 amendments attempt to punish those who say they intend to support a measure when in fact they are not.
374	Sen. Minnis Reutlinger	Asks if that is not also free speech. Responds affirmatively.
365	Winslow	Comments the intent was not to regulate someone's free speech. The idea was to not limit other free speech. People do look at the Voters' Pamphlet and it is the only thing some people get to see. Compares to limitations placed on license plates. It is an attempt to make sure all the statements are true in a state document.
430	Sen. Minnis	Believes there is a difference between a license plate that is state property and something in a political forum. Issues discussed: <ul style="list-style-type: none"> • Statements filed in Voters' Pamphlet on Ballot Measure 9. • Whether SOS feels this is an issue that needs to be addressed.
480	Chair Harper	Closes the public hearing and opens a work session on SB 969.
483	Sen. Courtney	MOTION: Moves to ADOPT SB 969-1 amendments dated 5/17/01.
490	Chair Harper	Closes the work session on SB 969.
018	Chair Harper	Opens a work session on SB 747.
021	Richard Burke	Comments that this is a good bill and amendments (EXHIBIT Q) have been drafted to meet some of the concerns. The bill eliminates the ability of a minor party to win major party status by winning 15 percent of the vote in a single statewide election. The original bill also made major party qualification law parallel to minor party qualification law whereby a minor would be able to, through voter registration, achieve major party status.
034	Chair Harper	Closes the public hearing and opens a work session SB 747.
039	Sen. Courtney	MOTION: Moves to ADOPT SB 747-2 amendments dated

041 05/02/01.
VOTE: 7-0

Chair Harper Hearing no objection, declares the motion CARRIED.

043 Sen. Courtney MOTION: Moves SB 747 to the floor with a DO PASS AS AMENDED recommendation.
SEN. SHIELDS will lead floor discussion.

047 Chair Harper Closes the work session on SB 747 and opens a public hearing on HB 3586 A.

HB 3586 A – PUBLIC HEARING

055 Duane Bales Speaker’s Office. States that HB 3586 passed out of the House and the Senate without any opposition. As it was headed to the Governor’s desk they heard from the Attorney General's office that there was a problem with the bill. They felt one line in four sections was duplicating what was already in statute. Offers the HB 3586-A5 amendments (EXHIBIT R).

066 Chair Harper Closes the public hearing and opens a work session on HB 3586 A.

HB 3586 A - WORK SESSION

066 Sen. Courtney MOTION: Moves to ADOPT HB 3586A-5 amendments dated 05/24/01.

068 VOTE: 7-0

Chair Harper Hearing no objection, declares the motion CARRIED.

Sen. Courtney MOTION: Moves HB 3586A to the floor with a DO PASS AS AMENDED recommendation.
VOTE: 7-0

Chair Harper Hearing no objection, declares the motion CARRIED.
SEN. ATKINSON will lead discussion on the floor.

088 Chair Harper Opens a work session on HCR 6.

HCR 6 – WORK SESSION

091 Lannie Power Private Fraternal Organizations. States they represent approximately 300,000 members statewide.

094 Sen. Courtney MOTION: Moves HCR 6 be sent to the floor with a BE ADOPTED recommendation.

095 VOTE: 7-0
Chair Harper Hearing no objection, declares the motion CARRIED.
SEN. L. BEYER will lead discussion on the floor.

108 Chair Harper Opens a public hearing on HB 2656 A.

HB 2656 A - PUBLIC HEARING

107 Rep. Jeff Kruse District 45. Comments the problem they are trying to fix is to get accountability in government. The legislature has seen agencies leave positions unfilled sometimes for legitimate reasons and some the legislature does not know about, then they find money

and shift it into other things. This bill says if an agency is going to make a shift in funding or FTE that is significantly different from what was legislatively approved, they have to come and tell the legislature about it. It is something they should do but don't always do.

134 Supports the HB 2656 A2 amendments (**EXHIBIT S**). Did not want to include the Treasury or Secretary of State's office (**EXHIBIT T**).

139 Chair Harper Closes the public hearing and opens a work session on HB 2656 A.

HB 2656 A - WORK SESSION

139 Sen. Courtney **MOTION: Moves to ADOPT HB 2656A-2 amendments dated 05/15/01.**

141 **VOTE: 7-0**

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

142 Sen. Courtney **MOTION: Moves HB 2656A to the floor with a DO PASS AS AMENDED recommendation.**

SEN. MILLER will lead floor discussion.

160 Chair Harper Opens a work session on HCR 8A.

HCR 8 A - WORK SESSION

160 Sen. Courtney **MOTION: Moves HCR 8A be sent to the floor with a BE ADOPTED recommendation.**

162 **VOTE: 7-0**

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

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

172 Chair Harper Opens a public hearing on HB 3376.

HB 3376 A - PUBLIC HEARING

177 Sen. Brown Asks if HB 3376 A requires that any members of the task force be women and requests that Speaker Minnis make sure that those appointing members to the task force appoint a representative share of women.

181 Speaker Minnis Responds she thinks that would be the appropriate thing to do.

183 Chair Harper Closes the public hearing and opens a work session on HB 3376 A.

HB 3376 A - WORK SESSION

184 Sen. Courtney **MOTION: Moves HB 3376 A to the floor with a DO PASS recommendation.**

186 **VOTE: 7-0**

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

SEN. BROWN will lead discussion on the floor.

197 Chair Harper Opens a work session on HCR 12.

HCR 12 - WORK SESSION

197 Sen. Courtney **MOTION: Moves HCR 12 be sent to the floor with a BE ADOPTED recommendation.**

200 **VOTE: 7-0**

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

SEN. ATKINSON will lead discussion on the floor.

205 Chair Harper Opens a work session on HJM 34.
HJM 34 - WORK SESSION
205 Sen. Courtney **MOTION: Moves HJM 34 be sent to the floor with a BE
ADOPTED recommendation.**
210 Chair Harper **VOTE: 7-0**
Hearing no objection, declares the motion CARRIED.
SEN. HARPER will lead discussion on the floor.
212 Chair Harper Adjourns meeting at 3:50 p.m.

Submitted By, Reviewed By,

Annetta Mullins, Craig Allen,
Committee Assistant Committee Administrator

EXHIBIT SUMMARY

A - Redistricting, letter, Tim Josi, 1 p
B - Redistricting, letter, Helen Berg, 1 p
C - Redistricting, letter, Justin Geddes, 2 pp
D - Redistricting, letter, Robert Horenstein, 1 p
E - Redistricting, memo, Corvallis Business Advocacy Committee, 1 p
F - Redistricting, letter, Dell Squire, 2 pp
G - Redistricting, e-mail, Mara Stein, 1 p
H - Redistricting, e-mail, Laura Pryor, 1 p
I - Redistricting, e-mail, Judy Sugnet, 1 p
J - HB 3107, HB 3107-1 amendments, Rep. Kropf, 1 p
K - HB 3323, HB 3323-A2 amendments, Rep. Beck, 1 p
L - HB 3323, graph, Ed Dennis, 1 p
M - HB 3323, HB 3323-A4 amendments, Sen. Harper, 1 p
N - HB 3323, HB 3323-A3 amendments, staff, 2 pp
O - SB 969, SB 969-1 amendments, Sen. Starr, 2 pp
P - SB 969, letter, Ted Reutlinger, 3 pp
Q - SB 747, SB 747-2 amendments, Richard Burke, 1 p
R - HB 3586, HB 3586-A5 amendments, Duane Bales, 1 p
S - HB 2656, HB 2656-A2 amendments, Rep. Kruse, 1 p
T - HB 2656, memo, Rep. Kruse, 1 p