

HOUSE COMMITTEE ON RULES, ELECTIONS, AND PUBLIC AFFAIRS

April 22, 1999 Hearing Room D

3:30 P.M. Tapes 45 - 46

MEMBERS PRESENT: Rep. Mark Simmons, Chair

Rep. Richard Devlin, Vice-Chair

Rep. Bruce Starr, Vice-Chair

Rep. Jason Atkinson

Rep. Chris Beck

Rep. Roger Beyer

Rep. Randall Edwards

Rep. Dan Gardner

Rep. Kevin Mannix

Rep. Jim Welsh

Rep. Max Williams

MEMBER EXCUSED: Rep. Kitty Piercy

STAFF PRESENT: Cletus B. Moore, Jr., Administrator

Kevin E. Wells, Administrative Support

MEASURE/ISSUES HEARD: HJR 42 Public Hearing

HJR 67 Public Hearing

HJR 81 Public Hearing and Work Session

HJR 42 Public Hearing

HJR 67 Public Hearing

HB 3023 Public Hearing

HB 3516 Public Hearing

HB 3579 Public Hearing and Work Session**HJR 68 Public Hearing**

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 45, A		
003	Chair Simmons	Calls meeting to order at 3:30 p.m. Opens Public Hearing HJR 42. Asks for staff summary.
<u>HJR 42 PUBLIC HEARING</u>		
008	Cletus Moore	Administrator. Explains HJR 42 allows the Legislature to disapprove of administrative rules.
013	Rep. Ron Sunseri	District 22. Testifies in support of HJR 42. Notes that amendments are forthcoming. Explains HJR 42 allows the Legislature access to the review of administrative rules.
027	Chair Simmons	Recess Public Hearing HJR 42. Open Public Hearing HJR 67. Asks for staff summary.
<u>HJR 67 PUBLIC HEARING</u>		
033	Moore	Explains HJR 67 modifies the process of electing and appointing certain judges.
037	Rep. Sunseri	District 22. Testifies in support of HJR 67. Notes that an amendment is forthcoming. Explains that it is very difficult to get background information on judges. States HJR 67 gives voters more options.
048	Chair Simmons	Recess Public Hearing HJR 67. Opens Public Hearing HJR 81. Asks for staff summary.
<u>HJR 81 PUBLIC HEARING</u>		
051	Moore	Explains HJR 81. Reviews the history of East Timor.
057	Rep. Jeff Merkley	District 16. Testifies in support of HJR 81. Explains that the resolution supports democracy and self-determination. Outlines the history and oppression of East

		Timor. Explains that there is now an opportunity for East Timor to finally achieve self-determination.
110	Rep. Merkley	Urges passage of HJR 81.
121	Chair Simmons	Asks what the fiscal impact will be.
123	Rep. Merkley	Explains that there is no direct fiscal impact as HJR 81 uses funds that are already appropriated for discretionary use by the Governor.
131	Chair Simmons	Asks if the use of "shall" requires the Governor to send the delegation.
132	Rep. Merkley	Explains that the language of resolutions use "shall," but it remains only an encouragement.
136	Chair Simmons	Asks how many people will be sent to Washington, D.C. and the United Nations.
139	Rep. Merkley	Replies one or two people, chosen by the Governor, would be sent.
144	Chair Simmons	Asks if HJR 81 is contingent on the Governor acting on it.
155	Rep. Merkley	States that is correct.
162	Diane Mechling	East Timor Action Network. Supports HJR 81 (EXHIBIT A). Explains that Indonesia invaded and occupied East Timor. Stresses that HJR 81 encourages the world to acknowledge the problems facing the East Timorese. States that a vote for HJR 81 is a vote for peace.
192	William Seaman	Coordinator, East Timor Action Network. Supports HJR 81 (EXHIBIT B). Reviews the mission and activities of the East Timor Action Network. Discusses the political situation in East Timor. States that passage of HJR 81 will encourage action to resolve the problems of East Timor.
250	Rep. Mannix	Asks if it would be acceptable to send a proclamation rather than sending a delegation.
260	Seaman	Agrees that a proclamation would be helpful, but not as powerful as someone lobbying in person.
270	Michael Carrigan	Director, Oregon Peace Works. Supports HJR 81 (EXHIBIT C). States that Oregon has a long tradition of supporting human rights; HJR 81 is a statement of support for human rights.

313	David Bowman	Portland. Supports HJR 81. States that it is unfortunate that the public of Oregon does not know what is happening in East Timor. Expresses a desire for a peaceful solution in East Timor
337	Chair Simmons	Asks if the media is being suppressed.
340	Bowman	Responds that journalists are being killed for what they report.
345	Rep. Mannix	Asks how to determine on which situations the Legislature should speak out and which it should not.
376	Carrigan	Suggests that something be done for all oppressed countries.
386	Bowman	Expresses desire to speak out against all tragedies. States the need to support these resolutions as each emerges.
394	Rep. Mannix	Agrees that these responses are legitimate.
410	Chair Simmons	Points out the written testimony from James Wrigley (EXHIBIT D).
420	Peg Kehrer	Supports HJR 81. Discusses the social situation in East Timor.
TAPE 46, A		
005	Kehrer	Discusses the political situation of East Timor.
017	Vice-Chair Devlin	Asks if the proposal is asking for the Governor, using his discretionary funds, to send two or three people, for a week, to communicate this message in Washington, D.C. and at the United Nations in New York.
022	Rep. Merkley	Replies that the proposal is for the Governor to send 2 or 3 people for 2 nights. Addresses the concern when the legislature should act on behalf of an oppressed county. Notes that there is now an opportunity in East Timor to influence the socio-political situation.
047	Chair Simmons	Closes Public Hearing HJR 81. Opens Work Session HJR 81.
<u>HJR 81 WORK SESSION</u>		
048	Rep. MANNIX:	MOTION: Moves HJR 81 be sent to the floor with a BE ADOPTED recommendation.

		<p>VOTE: 7-0</p> <p>AYE: In a roll call vote, all members present vote Aye.</p> <p>EXCUSED: 5 - Atkinson, Beyer, Edwards, Piercy, Williams</p>
	Chair Simmons	<p>The motion CARRIES.</p> <p>REP. MERKLEY will lead discussion on the floor.</p>
050	Chair Simmons	Reopens Public Hearing HJR 42.
<u>HJR 42 PUBLIC HEARING</u>		
060	Randy Tucker	1000 Friends of Oregon. Opposes HJR 42 in its original form. States that it resembles Measure 27 (1996) and Measure 65 (1998), which were defeated by voters. Explains that voters consistently oppose changes to allow the Legislature to disapprove of administrative rules, because it is unnecessary. Explains the process of reviewing administrative rules and how people can register their disapproval.
110	David Fidanque	ACLU of Oregon. Opposes HJR 42. States that the separation of powers between the branches of government is fundamental to preserving liberty. Explains that HJR 42 infringes on the separation of powers. Comments on the structure of government. Suggests that HJR 42 revises the Constitution, which requires 2/3 majority approval.
150	Liz Frenkel	League of Women's Voters. Opposes HJR 42. Reviews past opposition to similar measures. Explains that there are means of dealing with improper rules.
180	Chair Simmons	Closes Public Hearing HJR 42. Reopen Public Hearing HJR 67.
<u>HJR 67 PUBLIC HEARING</u>		
189	Judge Darryl Larson	Circuit Judges Association. Opposes HJR 67 (EXHIBIT E). States that judges uphold the legal system. Stresses that judges must be able to operate free from political pressure. Outlines potential problems created by HJR 67.
240	Judge Larson	Continues to discuss potential problems created by HJR 67. Stresses that the voting option of "None of the Above" complicates campaigns.
261	Rep. Edwards	Asks if politics exists in the judicial branch.

271	Judge Larson	Relates personal qualifications. States that judges are not indebted to people for their positions. Suggests that HJR 67 would end that.
321	Rep. Welsh	Explains that Judge Larson has worked with a number of Legislators over the years. Asks if there has always been a tension between judges and legislators because of the perception that judges make policy decisions, rather than simply ruling on law.
342	Judge Larson	Suggests that what is perceived as policy is often law. Suggests decisions on a law, which is not adequately enforced, are viewed as judicial activism or policy decisions.
371	Rep. Beyer	Asks if Judge Larson is an elected official. Asks how running against no one, the "None of the Above" option, corrupts the system.
379	Judge Larson	Comments on the work of legislators and judges. Explains the difference between legislative and judicial campaigns.
389	Rep. Beyer	Clarifies the question.
391	Judge Larson	Comments on the difference between running a campaign against someone and running a campaign against "None of the Above." States that it is unfair and not based on commonsense.
TAPE 45, B		
013	Rep. Beyer	Asks if judges could be appointed by the Governor and confirmed by the Senate.
015	Judge Larson	States that the current system works, so there needs to be caution in making any changes. Offers to submit written testimony at a later time.
030	Rep. Williams	Opposes HJR 67 for its negative consequences. States that the selection of judges is a political process and that it is appropriate that the legislature review the appointment process.
062	Vice-Chair Starr	Asks if it is good for judges to have contested elections.
067	Judge Larson	Replies that it is healthy to have contested elections.
080	Chair Simmons	Recesses Public Hearing HJR 67. Recesses the meeting. Reconvenes the meeting at 6:28 p.m. Reopens the public hearing on HJR 67. Offers the witnesses the opportunity to testify at another meeting when the full committee in attendance or to testify tonight.

125	Bob Coy	Coalition for Family Law Reform. Testifies in support of HJR 67. States the bill renews trust in the court system. Discusses concerns about the appointment of judges. States a change in the process is due.
160	Chair Simmons	Asks Kurt Jaeger if he wants to testify or wait for another hearing. Closes Public Hearing HJR 67. Opens Public Hearing HB 3023.
<u>HB 3023 PUBLIC HEARING</u>		
177	Chair Simmons	Closes Public Hearing HB 3023. Opens Public Hearing HB 3516.
<u>HB 3516 PUBLIC HEARING</u>		
178	Chair Simmons	Closes Public Hearing HB 3516. Opens Public Hearing HB 3579. Asks for staff summary.
<u>HB 3579 PUBLIC HEARING</u>		
185	Moore	Reviews provisions of HB 3579. Discusses "title shopping."
200	Chair Simmons	States HB 3579 is identical to HB 3314, which was heard previously.
205	Vice-Chair Starr	Asks if people have to get signatures to file a petition or can they just pay a fee.
210	Moore	Answers, currently, a petition must have 25 sponsor and their signatures. Notes HB 3579 raises constitutional issues, according to Legislative Counsel. Cites a statement from Legislative Counsel. The statement is submitted for the record (EXHIBIT F) .
240	Chair Simmons	Asks that the memo from LC be distributed to the committee.
245	Rep. Beck	Asks what the memo means.
247	Moore	Responds that LC says HB 3579 is acceptable, but raises issues.
250	Vice-Chair Devlin	Explains the memo is a precautionary note that states, that if HB 3579 is challenged, the public's interest would have to be demonstrated.
260	Rep. Mannix	Explains that legal action can be brought on anything. Adds that there is compelling state interest in modifying the initiative process, so HB 3579 is defensible. Stresses that filing multiple petitions is an abuse of the initiative process and must be addressed.

300	David Buchanan	Executive Director, Oregon Common Cause. Neutral on HB 3579. States a \$15 fee is currently charged to receive the Secretary of State's mailings may increase to \$100. Believes those who file petitions should pay the fees, not those interested in the process.
357	Ray Phelps	Oregonians to Maintain Community Standards. Supports HB 3579. States that HB 3579 makes filing a petition similar to filing to run for a legislative office. Believes there are frivolous filings of initiative petitions. Explains that it is expensive for taxpayers to fund initiatives. Notes that HB 3579 does not waste the chief sponsor's time or efforts.
TAPE 46, B		
002	Vice-Chair Starr	Asks Phelps to comment on allowing initiative sponsors to pay a fee rather than gathering signatures of sponsors.
007	Phelps	Explains that some people would not be able to afford to pay a fee. Adds that the issue is the willingness of sponsors and worthiness of the initiative.
021	Vice-Chair Starr	Asks Phelps what he thinks about charging initiative sponsors a nominal amount to defray the cost of the Secretary of State's mailings.
030	Phelps	States that it would cause its own problems. Explains it would be expensive. Explains that when dealing with elections, civil rights and equity is a major concern so accommodations would be needed.
045	Vice-Chair Devlin	Asks about the issue of sponsors gathering several hundred signatures getting a feel for the public's opinion on their issue.
050	Mannix	Asks the chair if he is going to move the bill tonight.
051	Chair Simmons	Indicates that is his intention.
052	Rep. Mannix	Explains it would be handy to have an emergency clause on HB 3579 States it would be helpful for the bill to be effective this year.
066	Phelps	Agrees the sooner the bill is in place, the sooner the system is improved. Discusses the timeline for the deadline for filing petitions.
073	Vice-Chair Starr	Asks about section 7, paragraph 1. States that it appears that the HB 3579 cannot take effect during this election cycle.
080	Rep. Mannix	State it would still be handy to have HB 3579 in effect right away.

085	Phelps	States he does not know the genesis of this language. Suggests they ask legislative counsel why the statement is now in all election measures. Explains it may be unnecessary.
092	Vice-Chair Starr	Asks if HB 3579 will be referred to the people.
094	Vice-Chair Devlin	States no.
095	Chair Simmons	Reviews the language of HB 3579. Explains that it applies to petitions sent to the ballot after 2000.
100	Phelps	Explains why the language does not work as it should.
106	Vice-Chair Devlin	States the difference between section 1 and section 2 is that section 1 does not include effective date of the act, and section 2 does.
122	Rep. Mannix	Agrees with Vice-Chair Devlin. Reviews language in sections 1 and 2. Explains HB 3579 starts with a clean break for the 2002 election cycle.
140	Vice-Chair Starr	Notes it will be necessary to rewrite documents and revise systems.
142	Rep. Mannix	Explains it is difficult to justify an emergency clause if it does not apply to the 2000 election.
148	Buchanan	Explains the genesis of the new language in election bills.
164	Phelps	Notes the legislature changes the law every two years.
180	Rep. Mannix	States he is comfortable with a work session.
187	Chair Simmons	Closes public hearing on HB 3579. Opens a work session on HB 3579.
<u>HB 3579 WORK SESSION</u>		
195	Rep. Starr	MOTION: Moves HB 3579 to the floor with a DO PASS recommendation.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 5 - Atkinson, Beck, Edwards, Welsh, Williams

	Chair Simmons	The motion CARRIES. REP. DEVLIN will lead discussion on the floor.
200	Chair Simmons	Opens Public Hearing HJR 68.
<u>HJR 68 PUBLIC HEARING</u>		
201	Chair Simmons	Closes Public Hearing HJR 68. Adjourns the meeting at 7:05 p.m.

Submitted By, Reviewed By,

Kevin E. Wells, Cletus B. Moore, Jr.,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ HJR 81, written testimony, Dianne Mechling, 1 p.

B ñ HJR 81, written testimony, William Seaman, 2 pp.

C ñ HJR 81, written testimony, Michael Carrigan, 1 p.

D ñ HJR 81, written testimony, James Wrigley, 1 p.

E ñ HJR 67, written testimony, Darryl Larson, 4 pp.

F ñ HB 3579, memo, staff, 1 p.