

HOUSE COMMITTEE ON RULES, ELECTIONS, AND PUBLIC AFFAIRS

Tuesday, April 06, 1999 Hearing Room D

3:30 P.M. Tapes 30 - 32

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. Kitty Piercy

Rep. Jim Welsh

Rep. Max Williams

MEMBER EXCUSED:

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

Kevin E. Wells, Administrative Support

MEASURE/ISSUES HEARD: HCR 3 Public Hearing and Work Session

HCR 6 Public Hearing and Work Session

HJR 3 Public Hearing

HJR 41 Public Hearing

HJR 47 Public Hearing

HJR 21 Public Hearing

HB 2930 Public Hearing**HB 3053 Public Hearing****HB 3314 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 30, Tape, A		
004	Chair Simmons	Calls meeting to order at 3:30 p.m. Opens Public Hearing HCR 3.
<u>PUBLIC HEARING HCR 3</u>		
022	John Gervais	Supports HCR 3. Relates that Robert Stults was a great man and an exemplar of a public service.
038	Rep. Jeff Kruse	District 45. Testifies in support of HCR 3. Discusses the life and career of Robert Stults.
<u>PUBLIC HEARING HCR 6</u>		
062	Rep. Karen Minnis	District 20. Testifies in support of HCR 6. Comments on the importance of Robert Elliott. Defers to John Gervais.
075	Gervais	Supports HCR 6. Reviews the life history of Robert Elliott. Expresses that he was an exemplary leader and public figure.
125	Gervais	Relates personal stories about Elliott. Notes that he was a pioneer of civil rights in Oregon.
155	Chair Simmons	Notes that a letter urging support for HCR 6 and Robert Elliott has been sent to the committee from the AFL-CIO (EXHIBIT A).
160	Don Hull	Supports HCR 6. Discusses the multiple talents of and services rendered by Robert Elliott (EXHIBIT B). Asks that an amendment be added to reflect Robert Elliott's service to his church.
170	Teena Ainslie	Supports HCR 6. Relates personal experiences with the Elliott family.

225	Chair Simmons	Closes Public Hearing HCR 6. Opens Work Session HCR 6.
<u>WORK SESSION HCR 6</u>		
231	Vice-Chair Devlin	Proposes a conceptual amendment.
238	Chair Simmons	Explains that the proposed amendments will be sent to LC.
241	Rep. Welsh	Proposes an alternative conceptual amendment.
252	Chair Simmons	Suggests that the amendment be sent to LC to draft the amendment unless there is no opposition to voting on the proposed amendment.
263	Rep. Simmons	MOTION: Moves to SUSPEND the rules for the purpose of Conceptually Amending HCR 6.
		VOTE: 10-0 EXCUSED: 2 - Beck, Mannix
	Chair Simmons	Hearing no objection, declares the motion CARRIED .
266	Vice-Chair Devlin	MOTION: Moves to AMEND on page 1, in line 19, after "; and," insert "Whereas Robert A. Elliott faithfully served Grace Memorial Episcopal Church in Portland, and the Church community; and".
		VOTE: 10-0 EXCUSED: 2 - Beck, Mannix
	Chair Simmons	Hearing no objection, declares the motion CARRIED .
270	Vice-Chair Devlin	MOTION: Moves HCR 6 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.
		VOTE: 10-0 EXCUSED: 2 - Beck, Mannix

	Chair Simmons	<p>Hearing no objection, declares the motion CARRIED.</p> <p>REP. MINNIS will lead discussion on the floor.</p>
274	Chair Simmons	Closes Work Session HCR 6. Opens Work Session HCR 3.
<u>WORK SESSION HCR 3</u>		
280	Rep. DEVLIN:	MOTION: Moves HCR 3 be sent to the floor with a BE ADOPTED recommendation.
		<p>VOTE: 9-0</p> <p>EXCUSED: 3 - Atkinson, Beck, Mannix</p>
	Chair Simmons	<p>Hearing no objection, declares the motion CARRIED.</p> <p>REP. KRUSE will lead discussion on the floor.</p>
285	Chair Simmons	Closes Work Session HCR 3. Opens concurrent Public Hearings HJR 3, HJR 41 and HJR 47.
<u>PUBLIC HEARING HJR 3, HJR 41, & HJR 47</u>		
315	Moore	Reviews the history of the initiative process. Explains HJR 3, HJR 41, and HJR 47.
350	Rep. Randall Edwards	District 15. Testifies in support of HJR 47. Discusses history of the legislation. Reviews history of the initiative process. States the initiative process is part of the checks and balances of government. Discusses some problems in the initiative process.
400	Rep. Edwards	Discusses the relationship between statutes and the Constitution. Explains the process for amending the U.S. Constitution. States that it should be difficult to amend the Oregon Constitution. Explains that HJR 47 promotes stability in government.
TAPE 31, A		
010	Rep. Edwards	States a 3/5 majority of votes requirement for constitutional amendments protects

		the Oregon Constitution. Urges support of HJR 47.
019	Rep. Floyd Prozanski	District 40. Testifies in support of HJR 47. Explains the importance to reform the initiative process so that it is more difficult to amend the Oregon Constitution. Discusses why the Constitution should be protected. Explains how they decided on the 3/5 majority for constitutional amendments.
070	Rep. Prozanski	Notes that legislative measures are scrutinized before they are enacted. Summarizes the importance of reforming the initiative process. Urges adoption of HJR 47.
085	Rep. Beck	Asks if HJR 47 requires a 3/5 majority to repeal past amendments.
094	Rep. Prozanski	Replies that is correct; any amendment would require a 3/5 majority.
097	Rep. Edwards	States that HJR 47 protects the Constitution as it is today.
101	Rep. Beck	Expresses concern that HJR 47 makes it difficult to undo past actions.
106	Rep. Piercy	Asks if there has been any polling of the public to see if they perceive this as a further obstacle to citizens' voices being heard.
117	Rep. Prozanski	States that he has received broad support for HJR 47. Stresses that a change is needed to maintain the integrity of the initiative process.
133	Rep. Edwards	Explains that there are good reasons to protect the Constitution.
140	Rep. Piercy	Asks what thresh-hold level for initiatives exists in other states.
142	Rep. Edwards	States that some states do not allow changes to the Constitution. Restates that the standard allows measures to pass, but protects the Constitution so that only the most important amendments are made.
150	Rep. Prozanski	States that of the 24 states with citizens initiatives, 3 states allow only constitutional changes (with one able to make changes related only to the structure of the legislature), 15 states can amend both statutes and the state constitution, and 6 states can only make statutory changes.
162	Rep. Williams	Refers to a Willamette Law Review article, which examines the City Club of Portland's proposal for a 3/5 majority to adopt initiatives.
179	Chair Simmons	Opens Public Hearing HJR 21.

PUBLIC HEARING HJR 3, HJR, 41, HJR 47, AND HJR 21

180	Secretary of State Phil Keisling	Opposes HJR 3, HJR 41, and HJR 47 (EXHIBIT C). Explains the phenomenon of "over-amending." States that phenomenon needs to be addressed. States that the super-majority compromises the basic tenet of democracy that the majority rules.
235	Sec. State Keisling	Comments on the perception that the legislature is making more difficult for citizens to amend the constitution, but not for legislators. States that legislative debate does not warrant a two tiered system. Emphasizes that super-majority provisions are too common.
271	Sec. State Keisling	Supports HJR 21 (EXHIBIT C). Explains that the resolution raises the standard for constitutional amendments, while lowering the standard for statutory changes. Explains the proposed changes improve the initiative process by protecting the Constitution and making statutory changes more accessible to citizens. Urges that over-amending of the Constitution be addressed.
313	Chair Simmons	Asks if it would be acceptable to raise the number of signatures needed for Constitutional amendments, but leave the standard for statutory changes as it is.
318	Sec. State Keisling	States that it would not be supported by Oregonians. Explains that the tradeoff is important in presenting the issue to voters.
340	Chair Simmons	Asks how many signatures are needed for statutory changes.
342	Sec. State Keisling	States that it takes 67,000 signatures for statutory changes and 89,000 signatures for Constitutional amendments to be placed on the ballot.
350	Chair Simmons	States that many citizens would like to see it more difficult to amend the Constitution.
357	Sec. State Keisling	Agrees there is support. Stresses it is important to make a trade-off.
367	Rep. Edwards	Explains that the U.S. Constitution is the model to use for protecting the Oregon Constitution. Asks if the super-majority requirement to change the U.S. Constitution is wrong.
390	Sec. State Keisling	Discusses the U.S. Constitution in comparison to state constitutions. States that few if any other states require a supermajority to amend statute or the state constitution.

TAPE 30, B

010	Rep. Edwards	Asks if recent changes in the initiative industry make any change in the number
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		of signatures required a moot point; it would be more expensive, but no more difficult to get a measure on the ballot.
017	Sec. State Keisling	States that if the goal is to not raise the cost of initiative petitions then all of the standards should be lowered, but that is not the goal.
036	Vice-Chair Devlin	States that the Constitution protects the minority from the majority.
051	Sec. State Keisling	Points out that certain sections of the Oregon Constitution are not as substantive as other sections.
081	Rep. Lane Shetterly	District 34. Testifies in support of HJR 21. Explains the historical context of the Constitution as a document outlining the relationship between government and citizens. States that the Constitution should not be used to make changes that are statutory in nature.
120	Rep. Max Williams	District 9. Testifies in support of HJR 21. Discusses issues relating to amending the Oregon Constitution. States that HJR 21 is a reasonable solution to initiative process problems.
159	Rep. Piercy	Asks if Oregon should even allow constitutional amendments through the initiative process.
169	Rep. Williams	Stresses that the initiative process arose out of a distrust of the legislature to govern fairly. States that the safety valve is important.
186	Rep. Shetterly	Suggests that a healthy skepticism of the government is a good thing and that the initiative process encourages citizens to keep a watch of the government. States it encourages citizens to be involved in governance.
194	Chair Simmons	Asks if convening the legislature once a biennium limits the responsiveness of legislators.
201	Rep. Atkinson	Comments on provisions of the Constitution that probably should not be there. States the question is to decide what the Constitution should be and how to clean it up so that it reflects that vision.
240	Rep. Shetterly	Comments on efforts to clean up the Constitution.
266	Rep. Beck	Urges that the committee proceed carefully.
278	Chair Simmons	Opens Public Hearing HB 3314.
<u>PUBLIC HEARING HJR 3, HJR 21, HJR 41, HJR 47, & HB 3314</u>		

280	Lloyd Marbet	Coalition for Initiative Rights (CIR). Opposes HJR 3, HJR 21, and HJR 47 (EXHIBIT E) . Discusses the work and mission of CIR. States all the resolutions impose a super-majority requirement on initiative measures, but not legislative referendums, which is not democratic. Explains each resolution gives past citizens more political weight than current citizens. Discusses HJR 21 (EXHIBIT F) .
370	Marbet	States that HJR 3, HJR 21, and HJR 47 would make it difficult for citizens to pass law. States that increasing the standard to pass statutory or constitutional amendments sends the message that legislators are consolidating their power. Suggests that the legislature send all controversial legislation to the people for approval to increase confidence in the initiative process.
TAPE 31, B		
007	Marbet	States that power needs to reside with the people.
013	Chair Simmons	Asks if the fact that the legislature meets only once a biennium, and the ensuing problems, contributes to the eroding confidence the public has in the legislature by not allowing more opportunities to voice concerns.
020	Marbet	States that it is not a problem of how often the legislators meet, but rather it is a question of the quality of the legislature's work.
030	Chair Simmons	Explains that in the Oregon legislature the pace is accelerated because of the structure of the legislature. Adds that in Congress they do not move on legislation until it is done and ready, because they have more time. Explains that restructuring the legislative session would go a long way toward making legislators more responsive to citizens.
050	Marbet	States that the initiative process should not be controlled by strict regulation. Explains that his experience with the legislature has not been good, that is why the initiative process is important.
068	Chair Simmons	Agrees that the initiative process is important. Opens Public Hearing HB 2930 and HB 3053.
<u>PUBLIC HEARING HB 2930, HB 3053, HB 3314 HJR 3, HJR 21, HJR 41, & HJR 47</u>		
080	Marbet	Opposes HB 3314. Explains the bill (EXHIBIT G) . Explains that the bill would place a heavy burden on County Clerks. Expresses concern that it would increase the chance of errors. Suggests that HB 3314 sends the message that the legislature is erecting obstacles to the initiative process.
115	Marbet	Opposes HB 3053. Explains the bill (EXHIBIT H) . Explains concerns about the bill, including reporting requirements on contribution and expenditure (C&E) reports. Suggests an amendment.

160	Don Loving	American Federation of State, County & Municipal Employees. Supports HJR 3, HJR 41, and HJR 47. States that any of the resolutions need to pass by a 60% majority to become law. Supports HJR 21 and grassroots efforts in the initiative process.
195	Ray Phelps	Oregonians to Maintain Community Standards. Supports all of the measures on the agenda. Explains HJR 3, HJR 41, and HJR 47 address the problem of over-amending of the Constitution. Explains HJR 21 promotes only the most serious initiatives making it to the ballot by increasing the number of required signatures for constitutional amendments. States HB 3314 makes the initiative process more of a legislative process. Explains that increasing the number of sponsors needed to generate a ballot title gets more people involved and makes the initiative process more of a grassroots effort.
247	Loving	States that they have a presentation to make at a later date.
256	David Buchanan	Executive Director, Oregon Common Cause. States that changes need to be made to the initiative process: <ul style="list-style-type: none"> • Judicially ordered changes • Process clarification changes • Policy changes. Urges that policy changes be made from a holistic perspective.
310	Buchanan	Suggests that the Attorney General and Supreme Court be more involved in the initiative process. States the related issues of time line and operation need to be addressed. Urges that issues with broad consensus be passed to improve the whole process.
350	Buchanan	States that policy changes concerning (C&E) reports for initiative campaigns need to be dealt with in the broader policy context of all campaigns, so as to not slow down reform of the initiative process.
390	Tim Nesbitt	Executive Director, Oregon State Council of Service Employees International Union. Supports HB 3314 (EXHIBIT I). Describes experiences with the initiative process. Highlights problems encountered. States the low signature requirement for generating ballot titles encourages abuse of the system. Explains the process of generating and certifying a ballot title for initiative petitions.
TAPE 32, A		
010	Tim Nesbitt	Discusses the issue of ballot title shopping to get a favorable title. Comments on the cost of initiatives to taxpayers. States HB 3314 resolves several problems with the initiative process.
070	Kappy Eaton	League of Women Voters. Supports HJR 21. Explains the need to make it more difficult to amend the Constitution. Supports HB 3314 as it is important to require initiative sponsors to be serious about their proposals. Opposes HB 3053, in particular Section 2, as it degrades C&E disclosure statements (EXHIBIT J).

120	Vice-Chair Devlin	States that it is not important to know every detail of everyone who contributes to a campaign. Adds that it is a very time consuming task to track contributors occupations.
144	Eaton	Stresses that there should be no lessening of the C&E disclosure requirements or the public's right to know.
152	Staff	Distributes EXHIBIT K .
153	Chair Simmons	Closes Public Hearings HB 2930, HB 3053, HB 3314 HJR 3, HJR 21, HJR 41, and HJR 47. Adjourns meeting at 5:44 p.m.

Submitted By, Reviewed By,

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

EXHIBIT SUMMARY

A ñ HCR 6, written testimony, John Gervais, 1 p.

B ñ HCR 6, written testimony, Don Hull, 1 p.

C ñ HJR 3, HJR 21, HJR 41, & HJR 47, written testimony, Sec. State Phil Keisling, 4 pp.

D ñ HJR 3, HJR 21, HJR 41, & HJR 47, letter, Lloyd Marbet, 1 p.

E ñ HJR 3, HJR 21, HJR 41, & HJR 47, written testimony, Lloyd Marbet, 1 p.

F ñ HJR 21, written testimony, Lloyd Marbet, 2 pp.

G ñ HB 3314, written testimony, Lloyd Marbet, 1 p.

H ñ HB 3053, written testimony, Lloyd marbet, 1 p.

I ñ HB 3314, written testimony, Tim Nesbitt, 3 pp.

J ñ HB 3053, written testimony, Kappy Eaton, 1 p.

K ñ HJR 3, HJR 21, HJR 41, HJR 47, & HB 3314, written testimony, Mike Balanesi, 2 pp.