

**HOUSE COMMITTEE ON RULES, ELECTIONS, AND PUBLIC AFFAIRS**

**May 4, 1999 Hearing Room D**

**3:30 P.M. Tapes 53 - 55**

**MEMBERS PRESENT: Rep. Mark Simmons, Chair**

**Rep. Richard Devlin, Vice-Chair**

**Rep. Bruce Starr, Vice-Chair**

**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: Rep. Jason Atkinson**

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

**Kevin E. Wells, Administrative Support**

**MEASURE/ISSUES HEARD: SCR 2 Public Hearing and Work Session**

**SJM 10 Public Hearing and Work Session**

**SJM 12 Public Hearing and Work Session**

**HJR 21 Public Hearing and Work Session**

**HB 2776 Public Hearing**

**HB 3053 Public Hearing**

**SB 1178 Public Hearing and Work Session**

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
<b>TAPE 53, A</b>		
004	Vice-Chair Starr	Opens the meeting at 3:35 p.m. Opens Public Hearing SJM 10. Asks for staff summary.
<b><u>SJM 12 PUBLIC HEARING</u></b>		
007	Cletus Moore	Administrator. Explains SJM 10.
010	Rep. Bob Jenson	District 57. Testifies in support of SJM 10 ( <b>EXHIBIT A</b> ). Discusses the Umatilla Chemical Depot and incinerator. Relates the history of the incinerator, underlining the adverse economic and environmental impacts of the incinerator. Reviews the drastic financial and infrastructural impacts of the incinerator's construction.
060	Rep. Jenson	Continues to discuss the economic impacts of the incinerator. Notes that the contractor is exempt from corporate and property tax.
080	Vice-Chair Starr	Closes Public Hearing HJM 12. Opens Work Session HJM 12.
<b><u>SJM 12 WORK SESSION</u></b>		
085	Rep. BEYER:	<b>MOTION: Moves SJM 12 be sent to the floor with a BE ADOPTED recommendation.</b>
		<b>VOTE: 9-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 3 - Atkinson, Beck, Piercy</b>
	Vice-Chair Starr	<b>The motion CARRIES.</b>  <b>REP. JENSON will lead discussion on the floor.</b>

099	Vice-Chair Starr	Closes Work Session SJM 12. Opens Public Hearing SCR 2. Asks for staff summary.
<b><u>SCR 2 PUBLIC HEARING</u></b>		
100	Moore	Reviews SCR 2.
102	Phyllis Rand	Governor's Commission on Senior Services. Supports SCR 2 ( <b>EXHIBIT B</b> ). Describes the life of Reverend Walter McGettigan and his contributions to senior and disabled citizens.
162	Vice-Chair Starr	Closes Public Hearing SCR 2. Opens Work Session SCR 2.
<b><u>SCR 2 WORK SESSION</u></b>		
165	Vice-Chair Devlin	<b>MOTION: Moves SCR 2 be sent to the floor with a BE ADOPTED recommendation.</b>
		<b>VOTE: 7-0</b> <b>EXCUSED: 5 - Atkinson, Beck, Gardner, Mannix, Piercy</b>
	Vice-Chair Starr	<b>Hearing no objection, declares the motion CARRIED.</b>  <b>REP. DEVLIN will lead discussion on the floor.</b>
170	Vice-Chair Starr	Closes Work Session SCR 2. Opens Public Hearing HJR 21.
<b><u>HJR 21 PUBLIC HEARING</u></b>		
175	Rep. Lane Shetterly	District 34. Testifies in support of HJR 21. Reviews HJR 21.
190	Rep. Williams	States that previous discussion was good. Supports HJR 21.
201	Rep. Edwards	Asks about the numeric requirements for qualifying an initiative for the ballot, based on the last general election.
206	Rep. Williams	Reviews Secretary of State's testimony to explain the effects of HJR 21.

216	Rep. Edwards	Asks if they have studied what measures would not have met the proposed signature requirements. Notes differences between constitutional changes and statutory changes. Asks if HJR 21 protects citizens from constitutional changes.
232	Rep. Shetterly	Replies that he does not know of particular initiatives that would have failed. Discusses statutory changes compared with constitutional changes. Relates examples, including the Death with Dignity Act, of changes that are better done through statute than constitutionally.
274	Rep. Williams	Agrees with Rep. Shetterly. Notes that since 1992, 28 of 49 initiatives have been constitutional amendments. States that the Constitution is being treated like a super-statute.
298	Rep. Edwards	Expresses opinion that legislators should take the initiative to change policies. Asks if raising the signature requirement for constitutional amendments just makes the initiative process more expensive.
328	Rep. Williams	Concedes that HJR 21 has been criticized as simply raising the cost, rather than increasing the deliberative value, of the initiative process.
350	Rep. Shetterly	Indicates that raised cost may have a market-wide effect of discouraging constitutional amendments. Stresses that it is still possible to make constitutional amendments.
385	Rep. Edwards	Supports the resolution despite his concern that it may not have its intended effects.
400	Vice-Chair Devlin	Asks if the intent is to impact the content of initiatives as regards to types of change sought, rather than the number of initiatives.
418	Rep. Williams	Agrees with Vice-Chair Devlin.
422	Rep. Shetterly	Explains that HJR 21 is not anti-initiative, but protects the historical integrity of the Constitution.
<b>TAPE 54, A</b>		
009	Chair Simmons	Recess Public Hearing HJR 21. Opens Public Hearing HB 2776.
<b><u>HB 2776 PUBLIC HEARING</u></b>		
016	Rep. Shetterly	Testifies in support of HB 2776. Explains that the bill provides for Legislative Counsel (LC) to assist chief petitioners of initiative petitions. Stresses that HB 2776 does not require petitioners to have LC review their petition. States it will lead to higher quality initiatives.

046	Chair Simmons	Recesses Public Hearing HB 2776. Opens Public Hearing SJM 10. Asks for staff summary.
<b><u>SJM 10 PUBLIC HEARING</u></b>		
052	Moore	Explains SJM 10 urges Congress to resolve the issue of soldiers still missing in action from the Korean War.
056	Senator John Lim	District 11. Testifies in support of SJM 10. Reviews the history of the Korean War and the need to resolve the issue of missing soldiers and pilots. Notes that, technically, North and South Korea are still at war.
093	John Mangis	Oregon Department of Veterans Affairs. Supports SJM 10. Reviews the number of Americans killed and missing in the Korean War. Relates an example of a missing pilot who was subsequently discovered as a prisoner of war. Urges resolution of the issue.
123	Ed Hughes	Coalition for Veteran Issues. Supports SJM 10. Agrees with Mangis.
127	Chair Simmons	Closes Public Hearing SJM 10. Opens Work Session SJM 10.
<b><u>SJM 10 WORK SESSION</u></b>		
130	Rep. WELSH:	<b>MOTION: Moves SJM 10 be sent to the floor with a BE ADOPTED recommendation.</b>
133	Rep. Mannix	Mentions that May 15 there will be an unveiling the Memorial to Oregon Volunteers. States that is the appropriate time to discuss a permanent memorial.
		<b>VOTE: 8-0</b> <b>EXCUSED: 4 - Atkinson, Gardner, Piercy, Starr</b>
Chair Simmons		<b>Hearing no objection, declares the motion CARRIED.</b>  <b>REP. WELSH will lead discussion on the floor.</b>
148	Chair Simmons	Closes Work Session SJM 10. Re-opens Public Hearing HJR 21.
<b><u>HJR 21PUBLIC HEARING</u></b>		

150	Ray Phelps	American Federation of States, County and Municipal Employees (AFSCME). Supports HJR 21.
156	Rep. Beck	Asks if the Senate has passed a similar measure this session.
157	Chair Simmons	Answers that the Senate has not passed a similar measure.
160	Kappy Eaton	Government Chair, Oregon League of Women Voters. Supports HJR 21 <b>(EXHIBIT C)</b> .
172	Chair Simmons	Close Public Hearing HJR 21. Opens Work Session HJR 21.
<b><u>HJR 21 WORK SESSION</u></b>		
174	Rep. Edwards	Asks if there amendments to HJR 21.
175	Chair Simmons	States there are no amendments to HJR 21.
<b>180</b>	<b>Rep. EDWARDS:</b>	<b>MOTION: Moves HJR 21 be sent to the floor with a BE ADOPTED recommendation.</b>
185	Rep. Mannix	Notes that HJR 21 is a compromise to protect both the initiative process and the Constitution. Underlines that it is a cautious approach to provide balance in the initiative process.
202	Rep. Welsh	Supports the resolution, noting that it provides constitutional protection. States HJR 21 is not anti-initiative or an affront to the initiative process.
212	Rep. Beck	Shares Rep. Edwards's concerns about increased expense. States that the Constitution does need changes. States that citizens should be allowed to make changes. Supports HJR 21 with reluctance.
235	Rep. Edwards	Reiterates that the bill is a first step to protecting the Constitution and fulfills the intent of encouraging statutory over constitutional change.
248	Rep. Beyer	Opposes HJR 21. Agrees that the requirement to make constitutional changes needs to be raised, but opposes lowering the standard to make statutory changes.
254	Chair Simmons	Indicates that HJR 21 reduces legislative disasters, such as Measure 50 and 47, where legislators refer measures back to the electorate.
<b>271</b>		<b>VOTE: 8-1</b>

		<p><b>AYE: 8 - Beck, Devlin, Edwards, Mannix, Starr, Welsh, Williams, Simmons</b></p> <p><b>NAY: 1 - Beyer</b></p> <p><b>EXCUSED: 3 - Atkinson, Gardner, Piercy</b></p>
	<b>Chair Simmons</b>	<p><b>The motion CARRIES.</b></p> <p><b>REP. WILLIAMS will lead discussion on the floor.</b></p>
284	Chair Simmons	Closes Work Session HJR 21. Re-opens Public Hearing HB 2776.
<b><u>HB 2776 PUBLIC HEARING</u></b>		
296	Greg Chaimov	Legislative Counsel. Neutral on HB 2776.
302	Chair Simmons	Asks how HB 2776 effects the operations of LC.
304	Chaimov	States that the measure would require substantial additional resources for LC to review initiatives. Comments on the need for extra resources during a legislative session.
323	Rep. Williams	Asks if LC has prepared a fiscal analysis.
325	Chaimov	Answer yes.
332	Chair Simmons	Notes another measure that would reduce the number of initiatives that will be filed, which will reduce the impact on LC.
342	Chaimov	Replies that HB 2776 addresses a separate issue, which would require helping draft initiatives before gathering sponsors' signatures.
350	Rep. Mannix	Disagrees with Chaimov, noting that the assistance would be required when the prospective petition would be filed. Asks if HB 2776 would effect before or after submitting sponsors' signatures.
372	Chaimov	Replies that the 1% requirement has to be satisfied for LC to provide its services. States HB 2776, conversely, requires every bill to be filed with LC, reviewed and reported back to the petitioner.
387	Rep. Mannix	Asks if the 1% requirement already provides petitioners with LC's services.

394	Chaimov	Replies that LC is allowed to work with petitioners, once a certain number of signatures are gathered. States the majority of petitions are not prepared by their office. States HB 2776 increases the workload for LC. Adds that LC is willing to take on the task. Stresses that HB 2776 requires substantial additional resources.
<b>TAPE 53, B</b>		
013	Vice-Chair Starr	Asks if a legislator can request that LC work with a petitioner.
015	Chaimov	Replies yes.
017	Rep. Williams	Asks how often does LC work with petitioners.
018	Chaimov	Replies twice a year.
020	Rep. Williams	Asks if the number would increase to 150 a year under HB 2776.
023	Chaimov	Replies yes.
024	Rep. Williams	States that HB 2776 is good policy. Notes it solves potential problems early in the process and is a small price to pay for better measures. Recognizes the challenge it presents to LC as well as its fiscal impact.
048	Vice-Chair Starr	Asks how much of the work would be done during the legislative session.
052	Chaimov	Replies that the Secretary of State's office has received 40-50 prospective petitions during the current session.
056	Vice-Chair Starr	Asks if there is a timeline, in HB 2776, for providing services.
058	Chaimov	Replies that LC has 20 days to provide comments; proponents then have five days to file a correct petition (drafted by LC).
064	Rep. Mannix	Indicates HB 2776 will not go into effect until the next legislative session. Expresses concern about a workload increase for LC, that cannot be absorbed during session. Suggests HB 2776 be sent to Ways and Means.
083	Rep. Edwards	Adds that another choice would be to wait on taking any action until people have a better understanding of the issues.
091	Chair Simmons	Asks if the fiscal impact covers the last six months of the current biennium.



093	Chaimov	Replies no, it covers the entire biennium.
095	Rep. Williams	Expresses willingness to wait on taking any action on HB 2776 to maintain control of the bill. Offers to work with Ways and Means and LC to work out the details.
103	Rep. Mannix	Notes that the fiscal impact may not be able to be reduced below \$50,000. Comments on the fiscal cycle.
110	Vice-Chair Devlin	States that the committee needs to retain control of HB 2776 and keep it clean. Discusses the ñ1 amendment ( <b>EXHIBIT D</b> ).
137	Chair Simmons	States the ñ1 amendment provides that estimated fiscal impacts of an initiative be printed on the signature sheets.
142	Rep. Mannix	States that the estimated fiscal impact is the most objectionable part of the initiative process. Opposes the proposal.
155	Rep. Williams	Indicates that he did not author the ñ1 amendments.
159	Vice-Chair Devlin	Offers to correct the ñ1 amendments. Notes that if the ñ1 amendments are not adopted then there will be greater support for HB 2776.
170	Rep. Williams	Expresses preference for keeping control of HB 2776.
174	Ray Phelps	Supports HB 2776. Notes that the 1% threshold applies to HB 2776. Adds that the threshold will reduce the total number of petitions. States that the fiscal impact statement is already required. Stresses that citizens need to be aware of the fiscal impact. Supports the ñ1 amendments.
229	Rep. Mannix	Asks about possible constitutional problems.
238	Phelps	Expresses belief that the free speech will not be impeded.
245	Rep. Mannix	Asks if the next step is that signature gatherers will have to carry a statement of opposition prepared by the initiative's opponents.
254	Eaton	Supports HB 2776. Stresses that a review of initiative petitions is needed. States 35 petitions were filed before session and 15 during the session. Urges legislative involvement in the initiative process.
320	Dan Meek	Coalition for Initiative Rights. Opposes HB 2776. Renews opposition in light of the ñ1 amendments due to the lack of judicial review of the fiscal impact statement. Notes that initiative sheets do not constitute forced speech. Discusses

		the lack of the involvement of the courts.
370	Chair Simmons	States that the ñ1 amendments are not moving today.
377	Meek	Reiterates problems with court involvement and additional delays. Explains that the Supreme Court has added additional requirements after passage of measures (e.g. Measure 40).
402	Rep. Mannix	Notes that it is not uncommon for the Supreme Court to discern new doctrine.
405	Meek	Suggests that Measure 40 would still have been invalidated due to new judicial doctrine regardless of LCis involvement. Suggests that ñ1 amendment should be limited to only bills that change taxation.
<b>TAPE 54, B</b>		
003	Rep. Mannix	Asks about circulation of petitions with a disputed ballot title.
020	Meek	Replies that he supports allowing the circulation of petitions with a disputed ballot title.
025	Chair Simmons	Closes Public Hearing HB 2776. Opens Public Hearing HB 3053. Asks for staff summary.
<b><u>HB 3053 PUBLIC HEARING</u></b>		
027	Moore	Explains HB 3053.
036	Rep. Mannix	Discusses the ñ1 amendments ( <b>EXHIBIT E</b> ); the statistical method for determining signature duplication and contributors' information.
053	Phelps	Withdraws previous support for HB 3053 because, as amended, sampling will still result in petitions without the required number of signatures being placed on the ballot.
086	Rep. Mannix	States that the language of the ñ1 amendments is too vague. Asks Phelps to comment on the other provisions.
095	Phelps	Supports the other provisions. Explains that he was responding to the amendment to sampling procedures proposed in HB 3053.
103	Rep. Mannix	Asks the committee about the occupancy and employment requirements.

114	Vice-Chair Devlin	Asks for clarification of what was required pre-Measure 9.
117	Rep. Mannix	Replies that reporting aggregate amounts was required.
119	Rep. Welsh	Supports the elimination of the personal information in contribution and expenditure reports (C&E reports).
127	Vice-Chair Devlin	Suggest that a proposal for no aggregate and no occupation information reporting will not have wide spread support.
145	Jennie Berg-Rempel	Service Employees International Union. Supports the statistical sampling portion of HB 3053. Opposes changes to aggregate and occupation reporting in section 2. Notes that this information has analytical value.
179	Rep. Mannix	Discusses the difference by between aggregate totals and cumulative totals. Notes that the aggregate should be included, while the cumulative totals are subject to errors and misleading.
197	Berg-Rempel	Replies that the cumulative is not as important as the occupation or aggregate total.
207	Vice-Chair Devlin	Notes that the name and other information is not required for contributions below \$50.01. Questions the purpose of gathering the occupational information.
227	Berg-Rempel	Acknowledges that gathering the information is difficult, but reiterates its value.
238	Meek	Makes three points: <ul style="list-style-type: none"> <li>• Agrees with Phelps on the duplication issue</li> <li>• Opposes the provision for the deletion of requirement of disclosing the occupation of contributors</li> <li>• Agrees with the deletion of the cumulative total as long as C&amp;E reporting is done in electronic form</li> </ul>
294	Vice-Chair Devlin	Indicates that individual contributions may be made without regard to the particular group with which they are involved.
315	Meek	States that occupation information is very important in initiative campaigns.
320	Rep. Mannix	Acknowledges that everyone wants information about their opponents, but expresses desire to protect everyone's privacy.
332	Chair Simmons	Closes Public Hearing HB 3053. Opens Public Hearing SB 1178. Asks for staff

		summary.
<b><u>SB 1178 PUBLIC HEARING</u></b>		
335	Moore	Reviews SB 1178. Explains it revises election law.
340	Vicki Ervin	Multnomah County Clerk. Supports SB 1178 ( <b>EXHIBIT F</b> ). Explains provisions of SB 1178, which reflect recent statutory changes.
382	Vice-Chair Devlin	Asks if there is a conflict between HB 2001 and SB 1178.
390	Ervin	Replies that there is a slight difference concerning the number of voting booths.
404	Vice-Chair Devlin	Clarifies that HB 2001 has passed out of committee. Asks if there are conflicts.
<b>TAPE 55, A</b>		
005	Ervin	Replies that there are no conflicts.
007	Rep. Mannix	Asks if any county clerks are opposed to the mechanics of SB 1178.
016	Ervin	Replies that she has not heard of any opposition among county clerks.
021	Rep. Williams	Notes that he has received no indication of opposition to SB 1178. Supports the bill.
035	Rep. Mannix	Thanks the Oregon Association of County Clerks for their meticulous work on all of their proposed legislation.
039	Chair Simmons	Closes Public Hearing SB 1178. Opens Work Session SB 1178.
<b><u>SB 1178 WORK SESSION</u></b>		
041	Rep. Devlin	<b>MOTION: Moves SB 1178 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 9-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 3 - Atkinson, Edwards, Starr</b>

	<b>Chair Simmons</b>	<p><b>The motion CARRIES.</b></p> <p><b>REP. DEVLIN will lead discussion on the floor.</b></p>
066	Chair Simmons	Closes Work Session SB 1178. Adjourns the meeting at 5:45 p.m.

Submitted By, Reviewed By,

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

#### **EXHIBIT SUMMARY**

**A ñ SJM 12, written testimony, Rep. Bob Jenson, 2 pp.**

**B ñ SCR 2, written testimony, Phyllis Rand, 4 pp.**

**C ñ HJR 21, written testimony, Kappy Eaton, 1 p.**

**D ñ HB 2776, LC ñ1 amendment (5/4/99), staff, 4 pp.**

**E ñ HB 3053, LC ñ1 amendment (5/4/99), staff, 2 pp.**

**F ñ SB 1178, written testimony, Vicki Ervin, 10 pp.**