

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

**June 28, 1999 Hearing Room D**

**2:00 P.M. Tapes 122 - 123**

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

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

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

**Rep. Roger Beyer**

**Rep. Randall Edwards**

**Rep. Dan Gardner**

**Rep. Kevin Mannix**

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

**Janet Adkins, Policy Analyst**

**Keith Putman, Policy Analyst**

**Pat Zwick, Policy Analyst**

**Brad Daniels, Administrative Support**

**MEASURES HEARD: HM 1 Public Hearing and Work Session**

**SJR 23 Work Session**

**SB 1282A 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
TAPE 122, A		
004	Rep. Starr	Opens the meeting at 3:45 p.m. Opens the public hearing on HM 1.

**HM 1 PUBLIC HEARING**

007	Rep. Tim Knopp	House District 54. Explains HM 1 and the intent to denounce a study that sought a value-neutral definition of consensual sex between an adult and a child. Denounces the publication of the study and its conclusions. Stresses that legislators should react as policymakers to this type of publication and reject its conclusions. Notes that other states are working to pass similar measures.
067	Rep. Knopp	Introduces an analysis of the Rind study which identifies its fallacies. Urges passage of HM 1 ( <b>EXHIBIT A</b> ).
079	Rep. Starr	States that he joined with Rep. Knopp to refute the conclusions of the study. Quotes the conclusion of an analysis of the study in question ( <b>EXHIBIT A</b> ). Supports HM 1.
103	Lou Barris	Christian Coalition. Supports HM 1. Stresses that society needs to protect its children.
116	Rep. Starr	Closes the public hearing on HM 1.
133	Chair Simmons	Opens the work session on SJR 23.

**SJR 23 WORK SESSION**

138	Janet Adkins	Policy Analyst. Explains SJR 23, which proposes a 12-year lifetime term limit, but removes specific limitations on service in the House or the Senate. Describes the ñ3 amendments.
159	Chair Simmons	Asks about the ñ2 amendments.
161	Janet Adkiins	Expresses uncertainty. Explains the ñ4 amendments, which affect appointees. States that the ñ1 amendments would establish a 12-year consecutive, rather than lifetime, limit ( <b>EXHIBIT B</b> ).
174	Rep. Edwards	Cites line 23 of the bill. Asks if this new language affects all statewide offices.
181	Adkins	Replies that lines 22-23 are the same as the deleted lines 11-12.
186	Rep. Edwards	Asks if some statewide offices are not subject to term limits.
190	Rep. Bill Witt	District 7. Opposes SJR 23. Reviews the history of term limits. Notes the extreme difficulty of defeating incumbents. Stresses that the resolution looks self-serving and will lead to voter cynicism, indicating that polls support his conclusions. Emphasizes the beneficial effects of term limits.

254	Rep. Edwards	Asks about the argument that term limits are not being repealed, simply adjusted.
264	Rep. Witt	Replies that the legislature is changing the will of the people by changing the term limit law. Notes that term limits allow others to run by eliminating the obstacle of an incumbent.
288	Rep. Edwards	States that a discussion on term limits is appropriate now. Asks if an amendment that excludes all current legislators would alleviate the concerns about the legislators being self-serving.
310	Rep. Witt	Replies yes, it does alleviate the self-serving argument. States that he still would not support the resolution, but would have much more respect for the proponents.
324	Rep. Starr	Asks if the law should allow House members to serve four terms, effectively allowing them to serve one term in the Senate.
329	Rep. Witt	Replies that the present law works and serves the people well.
338	Rep. Starr	Asks if Rep. Witt is familiar with the rate of turnover prior to term limits.
341	Rep. Witt	Replies yes. Concedes that there was turnover in the past, but in many cases legislators served for a large number of consecutive terms. Stresses that incumbents are difficult to beat.
359	Rep. Starr	Asks if Rep. Witt signed the U.S. term limits pledge when he ran for Congress.
362	Rep. Witt	Replies yes.
364	Chair Simmons	Acknowledges that removing the limits will allow legislators to gain experience without creating dynasties. Adds that Oregonians support the ability to retain their sitting legislator.
392	Rep. Witt	Concedes that new representatives do need to learn the process. Notes that people tend to support their existing legislator, old or new. Cites an example of an unbeatable incumbent.
421	Rep. Devlin	States that he opposes the bill, but would provide a courtesy vote. Indicates that there are thousands of people who would be good legislators. Asks about the impact of annual sessions relative to term limits.
<b>TAPE 123, A</b>		
016	Rep. Witt	Replies that he would prefer annual sessions.

031	Mike McArthur	Judge, Sherman County. Notes that people were only offered one option concerning term limits, and SJR 23 only modifies the term limits law. Supports allowing people to vote on modifications of the term limit law.
066	Lou Barris	Christian Coalition. States that SJR 23 will increase an already prevalent cynicism among the public. Commends the freshman legislators in the legislature. Supports annual sessions over term limits. Opines that a change in the term limit law appears self-serving.
112	Barris	Refers to survey results, which point to overwhelming support for term limits. Acknowledges the power of incumbents. Suggests that legislators gather their own signatures for an initiative to change the law.
145	Rep. Starr	Asks if Barris is aware that, from 1987-1997, there was 87% turnover in the Oregon House.
147	Barris	Replies that this was not the case in the past.
150	Rep. Starr	Asks if Barris is philosophically in favor of term limits or if he is simply urging the legislature to follow the will of the voters.
152	Barris	Replies that it is too early to adjust the law.
154	Rep. Devlin	States that the poll indicates how the language of a question can influence results.
166	Rep. Beyer	Opposes term limits. Asks if Barris is aware that, of the seven members of the committee, three defeated incumbents.
172	Barris	Replies yes.
184	Chair Simmons	Recesses the work session on SJR 23. Opens the work session on SB 1282A.
<b><u>SB 1282A WORK SESSION</u></b>		
202	Rep. Mannix	<b>MOTION: Moves to ADOPT SB 1282A-A9 amendments dated 06/28/99.</b>
204	Rep. Mannix	Explains the A9 amendments, which formulate a sliding scale for payments of contractors' disputed claims ( <b>EXHIBIT C</b> ).
224	Rep. Edwards	Asks if 2% is received for an award over \$1 million.

229	Rep. Mannix	Replies that if it is over \$1 million, the party will receive 2.5%.
237	Adkins	Questions if the percentage should be 2% or 2.5%
238	Rep. Mannix	States that he prefers the 2.5%.
239	Rep. Gardner	Asks about the fiscal impact of the ñA9 amendments.
240	Adkins	States that fiscal impact statements are available for the earlier amendments, but the Oregon Department of Transportation (ODOT) is prepared to testify concerning the fiscal impact of the ñA9 amendments.
243	Doug Tindall	Maintenance Engineer, ODOT. States that the fiscal impact will be about \$35,000.
258	Rep. Edwards	Asks if most contracts are over \$1 million.
259	Tindall	Replies that a \$1 million contract claim would be very rare.
267	Rep. Mannix	Explains that the amendments implement a system that can be adjusted by future legislatures.
279		<b>VOTE: 7-0</b>
	Chair Simmons	<b>Hearing no objection, declares the motion CARRIED.</b>
282	Rep. Mannix	<b>MOTION: Moves SB 1282A to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 7-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>
		<b>Chair Simmons</b>  <b>The motion CARRIES.</b>  <b>REP. MANNIX will lead discussion on the floor.</b>

293	Chair Simmons	Recesses the meeting. Reconvenes the meeting. Opens the work session on HM 1.
<b><u>HM 1 WORK SESSION</u></b>		
298	Rep. Starr	<b>MOTION: Moves HM 1 be sent to the floor with a BE ADOPTED recommendation.</b>
		<b>VOTE: 7-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>
	Chair Simmons	<b>The motion CARRIES.</b>  <b>REP. KNOPP will lead discussion on the floor.</b>
311	Chair Simmons	Recesses the meeting. Reconvenes the meeting. Opens the work session on SJR 23.
<b><u>SJR 23 WORK SESSION</u></b>		
319	Rep. Mannix	Supports the original version of the bill with one modification: allow people to vote on the resolution this November. Opposes term limits. States that the original term limits issue arose as a response to Congress, not the state legislature. Comments that the proposed formula in SJR 23 is simpler. Opposes the amendments and the idea that the resolution should not apply to current legislators.
374	Rep. Mannix	Questions arguments against term limits. Notes that people feel too much pressure to get instant results with term limits. Relates a story about how incremental change is possible and the importance of allowing ideas to develop over time. Stresses that the pressure for immediate change is harmful to the process.
<b>TAPE 122, B</b>		
008	Rep. Beyer	Asks if, under subsection 3 of the bill, the time served or the entire term count toward an appointee's term limit

018	Rep. Mannix	Explains how the appointment period, even if it was a matter of months, would affect a returning legislator and bar that person from seeking an additional term in the Senate or an additional two terms in the House.
035	Chair Simmons	Provides a hypothetical example to illustrate Rep. Mannix's analysis.
038	Rep. Gardner	Asks about the treatment of appointments under current law and the bill.
042	Rep. Mannix	Replies that the effect would be to bar someone from an entire term in the Senate, but would allow one term in the House.
046	Rep. Beyer	Relates that this provision could be construed as a loophole created in the interest of self-preservation. Notes that it would make people think more about accepting an appointment.
067	Rep. Mannix	Indicates that the voters will probably not pay attention to this point, but will focus on the 12-year total requirement. Stresses that referring a measure to the voters empowers them by offering them more options.
084	Rep. Gardner	Opposes term limits. Expresses concern about the self-serving aspect of the bill.
090	Rep. Beyer	Asks for an explanation of the amendments.
093	Adkins	Discusses the 3 amendments.
103	Chair Simmons	States that the new term limits would only apply to people who are elected in November 2000.
105	Rep. Edwards	Indicates that the intent was to bind people who were elected when term limits were in place and only to reach legislators who are newly elected.
122	Adkins	Explains the 1 amendments.
124	Rep. Beyer	Asks about the 4 amendments.
126	Adkins	Explains that the 4 amendments would not allow appointments to vacancies to count toward a person's term limit. Adds that the amendment would be retroactive.
143	Rep. Mannix	Supports the original version of the bill.
149	Rep. Edwards	Notes that the amendments would only affect those who are elected in the future.

158	Rep. Mannix	Opposes the ñ4 amendments and ignoring appointed service. States that appointed service during the interim should count. Encourages simplicity, but does not oppose some modification to the bill.
194	Rep. Beyer	Asks if the bill or any amendments move the vote to the 1999 election.
198	Chair Simmons	Replies no. Adds that a conceptual amendment could be offered.
207	Rep. Mannix	Suggests that the resolution be on the special election to be held in November 1999.
209	Chair Simmons	Responds that it could be put off to allow the next legislature to look at the issue again.
215	Rep. Mannix	Notes that, if Governor vetoes the bill allowing a special election, those resolutions will be held over until the next primary election.
227	Chair Simmons	Adjourns the meeting at 5:58 p.m.

Submitted By, Reviewed By,

Brad Daniels, Cletus B. Moore, Jr.,  
Administrative Support Administrator

Reviewed By,

Janet Adkins  
Policy Analyst

# **EXHIBIT SUMMARY**



**A ñHM 1, written testimony, Rep. Knopp, 13 pp.**

**B ñSJR 23, -4 amendments, staff, 1 p.**

**C ñSB 1282A, -A9 amendments, staff, 2 pp.**