

HOUSE COMMITTEE ON
RULES, ELECTIONS AND PUBLIC AFFAIRS

June 30, 1999 Hearing Room D

3:00 p.m. Tapes 126 - 127

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 Moore, Jr., Administrator

Janet Adkins, Policy Analyst

Keith Putman, Administrator

Annetta Mullins, Administrative Support

MEASURE/ISSUES HEARD: SJR 23 ñ Work Session

HB 2989-A ñ Work Session

SB 404-A ñ Reconsideration

HB 3537 ñ Public Hearing and Work Session

HJR 67 ñ 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 126, A		

004	Chair Simmons	Calls meeting to order at 3:45 p.m. and opens a work session on SJR 23.
<u>SJR 23 ñ WORK SESSION</u>		
007	Rep. Edwards	MOTION: Moves to ADOPT SJR 23-3 amendments dated 06/10/99 (EXHIBIT A).
007	Rep. Edwards	Explains that he believes if this has a chance to be passed by the voters, it needs to be as clean as possible. Believes it needs to be clear when the voters vote there is no argument about legislators being self-serving. This amendment takes out anybody who has served in the legislature under term limits.
018	Rep. Mannix	Comments he disagrees with ñ3 amendments. Explains that he does not see anything self-serving; the purpose is to give the people an opportunity to take a look at what definition of term limits they would like to have.
		Adds that he has received letters about issues on the ballot where provisions are being put into the Constitution and the people are confused by the language. In this case people will get confused about applicability. There should be no problem saying we are talking about 12 years, mix or match. Disagrees with the more complicated amendment.
		VOTE: 3-4-0 AYE: 3 - Edwards, Gardner, Starr NAY: 4 - Beyer, Devlin, Mannix, Simmons
	Chair Simmons	The motion FAILS.
047	Rep. Mannix	MOTION: Moves to ADOPT SJR 23-5 amendments dated 06/29/99 (EXHIBIT B).
050	Rep. Mannix	Reviews the ñ5 amendments and comments he thinks it is a good idea to get the issue out to the voters.
058	Rep. Gardner	Comments he has reservations about putting the issue on the 1999 ballot, believes the 2000 ballot would be more appropriate.
061	Rep. Edwards	Comments that this would be passing at a time that would benefit some people currently in the body.

067		VOTE: 4-3-0 AYE: 4 - Beyer, Mannix, Starr, Simmons NAY: 3 - Devlin, Edwards, Gardner
	Chair Simmons	The motion CARRIES.
074	Rep. MANNIX:	MOTION: Moves SJR 23 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.
076	Rep. Mannix	Comments he respects the differences of opinion about when the issue should be voted on and would encourage an aye vote to give the voters a chance to take a look at the issue and decide what they feel about it.
080	Rep. Devlin	Explains he will be voting no on the measure and will be joining Rep. Edwards in a possible minority report as a courtesy, and will be voting no on the minority and majority reports.
086	Rep. Gardner	Comments he believes this is a minor amendment to term limits but disagrees with putting it on the November 1999 ballot.
092	Rep. Starr	Comments he will be a courtesy yes vote to get the measure on the floor but may change his mind.
100	Rep. Beyer	Comments he will be an enthusiastic yes vote. Has opposed term limits and still opposes term limits. Suggests every election is a term limit. Believes Oregon voters should have a chance to vote on a term limit bill.
107	Rep. Mannix	Comments that voters have never had a chance to have a choice of term limits for Oregon legislators.
135	Chair Simmons	Comments he believes this measure will offer Oregon voters a choice on what kind of term limits they want for their elected officials.
		VOTE: 5-2-0 AYE: 5 - Beyer, Gardner, Mannix, Starr, Simmons NAY: 2 - Devlin, Edwards
	Chair Simmons	The motion CARRIES.

153	Rep. Edwards	Serves notice of possible minority report.
<u>SB 404-A n RECONSIDERATION</u>		
168	Chair Simmons	Explains that SB 404 has not been dropped at the desk and asks for a suspension of the rules for purposes of reconsidering the vote by which SB 404-A was passed.
172	Rep. Starr	MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote by which SB 404-A was passed.
		VOTE: 7-0-0
	Chair Simmons	Hearing no objection, declares the motion CARRIED.
175	Rep. Starr	MOTION: Moves to RECONSIDER the vote by which SB 404-A was passed.
177		VOTE: 7-0
	Chair Simmons	Hearing no objection, declares the motion CARRIED.
180	Chair Simmons	Explains that amendments to SB 404-A are not ready today and the bill will be rescheduled to deal with Section 4 and an added section changing the Class B misdemeanor to a Class A to be consistent with other wildlife laws.
186	Chair Simmons	Opens a work session on HB 2989-A.
<u>HB 2989-A n WORK SESSION</u>		
199	Keith Putman	Administrator. Advises members they have received the HB 2989-3 amendments (EXHIBIT C), the HB 2989-A4 amendments (EXHIBIT D), the HB 2989-A5 amendments (EXHIBIT E) and a list explaining what the amendments do (EXHIBIT F). Adds that the statement of what the amendments do does not change as the amendment number changes.

211	Putman	Explains the HB 2989-5 amendments (EXHIBIT E).
237	Rep. Beyer	MOTION: Moves to ADOPT HB 2989-A5 amendments dated 06/30/99.
249	Rep. Gardner	Asks if there is a "work first" philosophy in the bill on all workforce participants or whether it is consistent with the federal act.
256	Putman	Thinks correct answer is that it is consistent with the federal act.
257	Rep. Gardner	Asks if the reference to the newly created state board would prevent the governor from retaining current members of the Workforce Advisory Committee.
265	Putman	Responds there is no provision to get rid of any members by name, position or organization. Understanding is that the governor could use the current board.
269	Rep. Beyer	Comments the governor could use the current members but they would have to be appointed to the new board and confirmed by the Senate..
261	Rep. Gardner	Asks if the definition of public assistance includes unemployment insurance (UI) participants.
283	Putman	States he does not believe the definition includes UI participants. States that elsewhere in the statutes is a definition of public assistance and it has never included UI participants.
284	Rep. Gardner	Asks if the definition is consistent with the federal act.
286	Putman	Responds it is his belief it is.
286	Rep. Gardner	Asks if it goes beyond that point.
287	Putman	Responds it does not to his knowledge.
288	Rep. Gardner	Comments he assumes nothing in the bill is intended to change the priorities of federal law relating to public assistance or low income individuals receiving training services.
291	Putman	Responds that Rep. Gardner is correct. Adds that throughout the bill there are references to the federal act.
305	Rep. Gardner	Asks if there is anything in the bill that would change current law or rule that UI claimants need only actively look for suitable work to maintain benefit

		eligibility.
307	Putman	Responds it does not matter if they are subsidized or unsubsidized, and it must be consistent with statute or rule. Believes the intent was to allow the non-referral of work-attached persons.
327	Rep. Gardner	Asks if anything in the bill makes subsidized employment a core service.
337	Cam Preuss-Braly	Governor's Office of Education and Workforce Policy. Responds that her reading is that it does not make it a core service.
340	Rep. Gardner	Asks if anything in the bill sets up another funding stream for UI claimants under the Jobs Plus Program.
343	Putman	Responds he does not believe there is a reference to the Job Plus Program in the bill.
353	Rep. Gardner	Comments he assumes there is nothing in the bill that precludes the governor from naming another agency as an interim lead if he, in consultation with the board, decides it is appropriate.
355	Putman	Responds that Rep. Gardner's assumption is correct.
369	Rep. Beyer	Notes that representatives from the counties are in the audience and suggests they may offer their opinions.
371	Chair Simmons	Acknowledges affirmative nods by representatives of the counties.
373	Rep. Starr	Asks why we need this bill.
378	Rep. Beyer	Explains that the bill is needed to set up the state workforce board and give them guidelines as to what the legislature would like them to do. Adds that the current board does not meet the federal act requirements.
395	Chair Simmons	Reminds members there is a motion before the committee to adopt the HB 2989-5 amendments.
395		VOTE: 7-0-2 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Reps. Devlin, Edwards
	Chair Simmons	The motion CARRIES.

403	Rep. Beyer	MOTION: Moves HB 2989A to the floor with a DO PASS AS AMENDED recommendation.
408		VOTE: 7-0-2 EXCUSED: 2 - Rep. Devlin, Edwards
	Chair Simmons	Hearing no objection, declares the motion CARRIED. REP. BEYER will lead discussion on the floor.
410	Chair Simmons	Closes work session on HB 2989.
416	Chair Simmons	Recesses meeting at 4:11 p.m. awaiting time lapse to continue public hearings scheduled at 4:15 p.m.
TAPE 127, A		
001	Chair Simmons	Reconvenes the meeting at 4:15 p.m. and opens a public hearing on HB 3537.
<u>HB 3537 n PUBLIC HEARING</u>		
002	Janet Adkins	Policy Analyst. Explains the HB 3537-1 amendments (EXHIBIT G). Advises members they have the option of saying that ORS 250.085 does not apply to the ballot title.
014	Chair Simmons	Comments that the committee has the option of deleting Section 2 of the HB 3535-1 amendments if they choose.
015	Adkins	Advises that if the committee chooses to delete Section 2, they may want to add a section that says ORS 250.085 shall not apply to this ballot title.
017	Rep. Mannix	Comments that as he understands the amendment as presented, there would not be a draft ballot title prepared by the attorney general because this would be the ballot title. Adds that the secretary of state would establish a rule for a deadline for people to file a petition with the supreme court. There could still be a petition for supreme court review, but there would be no involvement by the attorney general in drafting a ballot title.

025	Rep. Mannix	Comments on other approaches and the Governor's position on the elimination of the supreme court review of a ballot title. Believes the HB 3537-1 approach is the best.
054	Rep. Beyer	Questions the wording in line 15 of the HB 3537-1 amendments.
053	Chair Simmons	Explains the wording is included because the time limit is different for the Senate and House members.
070	Chair Simmons	Closes the public hearing and opens a work session on HB 3537
<u>HB 3537 n WORK SESSION</u>		
073	Rep. Beyer	MOTION: Moves to ADOPT HB 3537-1 amendments dated 06/30/99.
076	Rep. Mannix	Comments that Rep. Edwards will be offering a minority report on the ballot measure and should that minority report be adopted by the House, the Senate would necessarily amend the ballot title to conform to the minority report. Therefore, it is not necessary to also file a minority report on the ballot title.
088	Chair Simmons	Reviews the previous discussion by the committee on supreme court review of the ballot title. Adds that the committee could provide for a ballot title that could not be reviewed or could allow for review.
092	Rep. Mannix	Notes that the language in the n1 amendments does allow for supreme court review. Repeats comments on Governor's position on supreme court review.
103	Chair Simmons	Asks that the committee stand at ease from 4:24 until 4:25 p.m. awaiting the arrival of Reps. Devlin and Gardner.
105	Chair Simmons	Explains that HB 3537 is a gut and stuff and is a ballot title for SJR 23.
117		VOTE: 7-0-0
	Chair Simmons	Hearing no objection, declares the motion CARRIED.
120	Rep. Beyer	MOTION: Moves HB 3537 to the floor with a DO PASS AS AMENDED recommendation.

122	Rep. Mannix	Comments that if there is a minority report to SJR 23, then the ballot title bill would be amended in the Senate and therefore, there is no need for a minority report on the ballot title bill.
130	Rep. Devlin	Comments he will be voting no and serving notice of a minority report. Explains that Rep. Gardner will carry the minority report. They are not interested in the ballot title date. They are interested in the relating clause.
		VOTE: 5-2-0 AYE: 5 - Beyer, Edwards, Mannix, Starr, Simmons NAY: 2 - Devlin, Gardner
Chair Simmons		The motion CARRIES.
155	Rep. Gardner	Serves notice of a possible minority report.
		REP. SIMMONS will lead discussion on the floor.
161	Chair Simmons	Closes the work session on HB 3537 and opens a public hearing on HJR 67.
<u>HJR 67 ñ PUBLIC HEARING</u>		
168	Adkins	Explains that the HJR 67-1 amendments (EXHIBIT H) replace the original bill. Gives history of provisions contained in the ñ1 amendments.
193	Adkins	Explains the ñ1 amendments.
207	Adkins	Reviews 2001 Redistricting Deadlines chart (EXHIBIT I) while explaining the ñ1 amendments. If the legislature fails to adopt plan, changes occur in right hand column of chart.
246	Adkins	Continues explanation of the ñ1 amendments (EXHIBIT H, page 2).
258	Rep. Gardner	Asks if the Secretary of State has been consulted.
261	Chair Simmons	Responds that this is the first discussion of the issue and that the committee can determine if they want to proceed. Adds that it could come up for public hearing again and at that time it would be appropriate to invite the Secretary of State to

		testify.
264	Adkins	Advises members that the Secretary of State is aware of the resolution and the changed timelines.
270	Adkins	Continues explanation of the ñ1 amendments and timelines for the Secretary of State.
320	Adkins	Reviews page 4 of the ñ1 amendments.
355	Rep. Starr	Asks if there is a chance that a citizen could not have a senator representing him/her.
364	Adkins	Responds that she does not believe the change would make a difference. There could be a problem from holdover senators. There could be individuals who do not get to vote for a senator when they would have under the old district lines. Adds that the Republican party did challenge the plan in 1991 on that basis but the challenge was not successful.
388	Adkins	Continues explanation of the ñ1 amendments and filling of vacancies and number of signatures required for a recall position for a holdover senator following reapportionment and the dividing of counties.
TAPE 126, B		
010	Rep. Edwards	Asks if redistricting applies to congressional districts.
	Janet	Explains that the Constitution speaks only to legislative redistricting and creates deadlines for legislative redistricting.
033	Rep. Beyer	Explains that the fall back position at the federal level is through the federal courts.
053	Chair Simmons	Advises members that the bill can be brought back and will ask the Secretary of State to testify if someone wants.
061	Ray Phelps	Lake Oswego resident. Comments he did the reapportionment in the Secretary of State's office in 1981 because of default and in 1991 as a member of the speaker's staff. Advises that the committee does not want to get the federal congressional and state legislative entangled. Advises that in legislative districts there is a lot more latitude to have a difference in population because of historical significance. Adds there can be a deviation of as much as 10 or 15 percent between the highest and lowest populated districts.
086	Phelps	Comments that the federal district court has jurisdiction in congressional

		districts. Suggests if it does go into the federal district court, the body of information that leads to the impasse or disparity goes too. Believes it would be much more important for the legislature's historical and public process to be that body of information. Adds that reapportionment is an art, not a science. There is no right answer. It is just whatever the courts accept or nobody challenges.
105	Chair Simmons	States that the HJR changes process should the legislature fail to enact a plan. Asks if Phelps has comments on the HJR 67-1 amendments.
109	Phelps	Responds the amendments will work mechanically. The current process works and the amendments reflect the current process. Until 1971 Oregon did not have single member districts. Representatives will never be assigned. It is the senators at midterm and more specifically the senators at the end of their terms that can be assigned. Explains situation where a senator from Jackson County was assigned to represent western Washington County. The inhabitation requirement of the Constitution begins and ends at the election. Once a person is elected there is no habitation requirement.
151	Chair Simmons	Closes the public hearing on HJR 67 and adjourns meeting at 4:56 p.m.

Submitted By, Reviewed By, Reviewed By, Reviewed By

Annetta Mullins, Janet Adkins Cletus Moore Keith Putman

Administrative Support Policy Analyst Administrator Administrator

EXHIBIT SUMMARY

A ñ SJR 23, SJR 23-3 amendments, Rep. Edwards, 2 pp

B ñ SJR 23, SJR 23-5 amendments, Rep. Mannix, 1 p

C ñ HB 2989, HB 2989-A3 amendments, Rep. Beyer for Governor's Office, 4 pp

D ñ HB 2989, HB 2989-A4 amendments, Rep. Beyer for Governor's Office, 4 pp

E ñ HB 2989, HB 2989-A5 amendments, Rep. Beyer for Governor's Office, 5 pp

F ñ HB 2989, explanation of amendments, staff, 1 p

G ñ HB 3537, HB 3537-1 amendments, Rep. Simmons, 2 pp

H ñ HJR 67, HJR 67-1 amendments, Staff, 5 pp

I ñ HJR 67, 2001 Redistricting Deadlines chart, staff, 1 p