

HOUSE COMMITTEE ON RULES AND ELECTIONS

April 4, 1997 Hearing Room E

3:00 P.M. Tapes 33-35

MEMBERS PRESENT:

Rep. Lynn Snodgrass, Chair

Rep. Peter Courtney, Vice-Chair

Rep. Lee Beyer

Rep. Bill Markham

Rep. Ken Messerle

Rep. Bob Montgomery

Rep. Kitty Piercy

STAFF PRESENT:

Rosemary Wood, Administrator

Valerie Luhr, Administrative Support

Kellie Shoemaker, Committee Clerk

MEASURE/ISSUES HEARD:

HJR 54 Public Hearing

HJR 55 Public Hearing

HJR 28 Public Hearing

HJR 8 Public Hearing

HJR 21 Public Hearing

HJR 75 Public Hearing

HJR 47 Public Hearing

SJR 7 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, 33 A		
004	Vice-Chair Courtney	Opens the meeting at 3:06 p.m. Opens the public hearing on HJR 54 and HJR 55.
<u>HJR 54 AND HJR 55 AND HJR 28 PUBLIC HEARING</u>		
012	Rep. Carolyn Oakley	State Representative, House District 36, testifies in support of HJR 54.
039	Vice-Chair Courtney	Asks Rep. Oakley if she spoke to both bills.
040	Rep. Oakley	Clarifies that only spoke to HJR 54
041	Vice-Chair Courtney	Comments that Rep. Markham believes HJR 54 is identical to HJR 28. HJR 28 is also scheduled for a public hearing. Opens the public hearing to include HJR 28.
046	Rep. Bill Markham	State Representative, Josephine, Douglas, Jackson Counties, House District 46, testifies in support of HJR 28.
058	Rep. Oakley	States that Rep. Markham is also a sponsor on HJR 54.
059	Vice-Chair Courtney	Asks Rep. Oakley to begin testimony on HJR 55
063	Rep. Carolyn Oakley	State Representative, House District 36, testifies in support of HJR 55.
098	Rep. Montgomery	Asks staff if the committee did not recently hear a similar bill.
100	Rosemary Wood	There are similar bills.
118	Anne Hill	Oregon Public Employees Union, testifies in support of HJR 55. Is more in support of the amendments.
140	Randy Tucker	OSPIRG, testifies in support of HJR 55. Would generally support Rep. Oakley's amendments, but does not want the figure to go to 12 percent.
181	Rep. Piercy	Asks Tucker what spread would be workable and why.
184	Tucker	We have not made any policy decision on what the change should be. We are not agitating for any change. Suggests that if we are going to change the signature requirement the goal be to increase the spread so that it encourages people to go the statutory route; and we not increase the constitutional requirement more than we decrease the statutory requirement.
	Vice-Chair	

198	Courtney	Calls Mary Botkin forward on HJR 54.
200	Mary Botkin	American Federation of State, County and Municipal Employees (AFSCME), makes blanket statement, we believe in initiative reform. We think it is important. We think it is critical. There are people in eastern Oregon and rural Oregon who are concerned.
250	Vice-Chair Courtney	Closes public hearing on HJR 54, 55 and 28.
257	Randy Tucker	Speaks to issue of proportional signature gathering.
261	Vice-Chair Courtney	Reopens public hearing on HJR 54, 55 and 28.
264	Randy Tucker	Sees two issues--percentage of signatures required and distribution of signatures. Testifies in opposition to proportional signature gathering.
284	Vice-Chair Courtney	Closes public hearing on HJR 54, 55 and 28.
289	Chair Snodgrass	Opens public hearing on HJR 8, HJR 21, and HJR 26.
		Discussion on which bills have been heard.
		Clarifies and opens the public hearing on HJR 21 and HJR 8.
<u>HJR 8 AND HJR 21 - PUBLIC HEARING</u>		
308	Rosemary Wood	Committee Administrator, reviews the provisions of HJR 8.
315	Rep. Markham	State Representative, House District 46, testifies in support of HJR 8. Introduces written information provided by the Secretary of State [EXHIBIT A]. Comments on the omission of the word "Governor" on line 19 in HJR 8. Statewide office that are partisan should have a majority. The public is entitled.
356	Chair Snodgrass	Asks Jim Seagraves to come forward.
367	Jim Seagraves	Oregon City, testifies in support of majority rule and on the efficacy of doing this by legislation rather than amendment.
386	Rep. Markham	Was under impression it was constitutional.
393	Colleen Sealock	Director, Elections Division, does not recall making it a legislative change, will go back and review. People in this state are elected by plurality. What they worked on did not get a vote in the Senate.
405	Seagraves	Refers to section 16, last sentence, of HJR 8. Notes that states it may be required by law the person elected shall be final choice of a majority of electors voting for candidates of that office. Using this

		sentence to back up claim that may be done through legislation. In last session worked out SB 399-3 (1995) on this issue.
Tape 34, A		
002	Rep. Markham	In favor of being able to make change statutorily if can be done.
004	Seagraves	Proposes reexamining SB 399-3. Would glad to help work out details.
009	Rep. Piercy	Comments on a letter [EXHIBIT C] received from a constituent that says the state constitution already provides means of determining majority even when there are multiple candidates, Article II, Section 16.
020	Rep. Markham	Asks if means can literally do it by statute.
021	Rep. Piercy	Yes.
022	Sealock	Tells committee may want to ask legislative counsel to respond.
027	Seagraves	Refers to his letter dated February 21, 1997, to Rep. Strobeck, and his memo dated May 8, 1995, to the Senate Rules and Elections Committee [EXHIBIT B]. Reads from the letter to Rep. Strobeck.
052	Rep. Markham	Why is the governor excepted out.
053	Seagraves	It is not clear in constitution; refers to second paragraph in the letter [EXHIBIT B] to Rep. Strobeck.
066	Rep. Markham	Requests a review by Legal Counsel.
071	Seagraves	Refers to SB 399-3 (1995 session).
093	Chair Snodgrass	Asks Seagraves if he is suggesting that the changes from SB 399-3 be made to HJR 8.
096	Seagraves	Would like to discuss changes with Secretary of State, and ask Rep. Markham to sponsor a bill.
103	Chair Snodgrass	Asks if there are any other questions for Seagraves
105	Colleen Sealock	Director of Elections, gives information on the number of run-off elections that would have been be required by HJR 8 as is currently written and the costs. Gives information on timing of run-off elections. Not a statement in support or in opposition. Would be willing to re-look at SB 399 (1995 Session).
145	Rep. Montgomery	Asks if "v-b-m" means vote by mail.
147	Sealock	Yes.
147	Rep. Montgomery	What would a statewide election cost if it were not "v-b-m"?
149	Sealock	Responds with costs if were held in polling place.

153	Markham	Makes statement on five statewide races: 1984 Secretary of State race, 1992 State Treasurer race and that not a partisan issue.
170	Sealock	Gives information on run-off elections in other states. Comments on a 1992 run-off election in Georgia. Loser receives one million votes; in the run-off the apparent loser won. Advises to consider voter turnout.
171	Sealock	Other states have had interesting run-off elections; comments on an election in Georgia.
188	Chair Snodgrass	What method of voting was used.
189	Sealock	Polling place; Georgia does not have vote by mail.
199	Trey Smith	Socialist Party of Oregon and the Oregon Council of Independent Parties, submits and presents testimony [EXHIBIT D] in opposition to HJR 8.
286	Rep. Markham	Comments on Smith's testimony.
288	Chair Snodgrass	What did you mean when stated it is more democratic when "almost" all votes count?
293	Smith	Responds using examples from elections in Europe on proportional representation in which you vote for parties, but still must have a threshold.
302	Chair Snodgrass	Closes public hearing on HJR 8 and HJR 21. Opens public hearing on HJR 75. Closes HJR 75 and reopens HJR 21.
330	Rep. Markham	HJR 21, comments that all the bills on the administrative rules should be corralled. Would not object to combining. Generally in area of natural resources where the public comes unglued--water resources, DEC, LCDC, et al. Not representing the public. This legislation is more mild version than has been presented to public before and is an attempt to be very simple.
380	Rep. Markham	Continues testimony on HJR 21.
409	David Schuman	Deputy Attorney General, Department of Justice, has same reservations as voiced with HJR 65. Encourages the correlation of the various bills dealing with this issue and offers assistance.
425	Chair Snodgrass	Closes public hearing on HJR 21. Opens public hearing on HJR 75.
<u>HJR 75 - PUBLIC HEARING</u>		
433	Rosemary Wood	Reviews the provisions of HJR 75.
TAPE 35, A		
018	John C.	Oregon Initiative Committee, submits and presents testimony

	Beatty, Jr.	[EXHIBIT E] in support of HJR 75.
065	Beatty	Continues testimony.
110	Rep. Piercy	When a person qualifies a measure for a ballot, then the legislature drafts another version, what happens if another party offers another initiative on the same issue and brought it forward. Would that go in the voters' pamphlet with the other two? Would you then have a three-way vote?
122	Beatty	Doesn't think so. Explains what would happen if 2 different initiative proposals qualify for the ballot.
129	Rep. Piercy	Asks for clarification, and if potentially could have all three proposals.
130	Beatty	Clarifies that a specification would have to be made. Currently all initiative proposals go on the ballot.
136	Rep. Piercy	Continues questioning.
141	Beatty	Responds.
156	Randy Tucker	OSPIRG, Oregon State Public Interest Research Group, testifies in opposition to HJR 75. * disturbs balance between legislature and initiative process * does not give opportunity to review or amend proposals based on input may have received from legislative hearings * inordinate amount of delay the process would create * will of the people could be dramatically subverted
223	Lloyd K. Marbet	Coalition for Initiative Rights, submits written testimony for the record on measures heard earlier in the meeting. HJR 28, 54, 55, and SJR 2. [EXHIBIT F] .
232	Marbet	Begins testimony [EXHIBIT G] in opposition to HJR 75.
277	Marbet	Continues testimony.
326	Dan Meek	Agrees with testimony from Lloyd Marbet and Randy Tucker. Testifies in opposition to HJR 75. The amendment would alter the fundamental balance between the state's two agents of legislation--the people and the legislature. Imposes too much time to get a constitutional amendment measure on the ballot; gives too much power to chief petitioners; allows legislature to pursue and divide and conquer strategy against constitutional ballot measure.
383	Chair Snodgrass	Asks Meek, in reference to his testimony what prospective measures 22 and 23 are.
		Explains prospective petition 23: * would require any changes to initiative and referendum process be made only by initiative

387	Dan Meek	Explains prospective petition 22: * includes all of 23 plus establishes system of controlling campaign contributions and expenditures on ballot measures * establishes several layers of control
408	Chair Snodgrass	Asks what is a natural person
411	Meek	Defines as being close to definition of people who are eligible to vote.
413	Chair Snodgrass	Asks how close.
414	Meek	Natural person attempts to distinguish between people and artificial entities, such as corporations.
420	Meek	Continues to explain the layers of control in prospective measure 22.
Tape 34, B		
000	Chair Snodgrass	Asks if he has requested drafts of these bills from either a representative or a senator.
002	Lloyd Marbet	States that Randy Tucker has submitted both of them for Legislative Counsel.
006	Chair Snodgrass	Asks if have gone through the legislative process with both measures.
008	Meek	Our drafting process ended about two weeks ago and we submitted them to Secretary of State.
009	Chair Snodgrass	Explains the processes and proposes that legislators are here to serve so they don't need to go through initiative process
016	Marbet	Proposals say the legislature should not be involved in restricting the initiative process or changing it
021	Snodgrass	Have you asked any of us to draft a bill.
023	Marbet	States that it has been submitted to some legislators for review.
024	Meek	Inherent contradiction in suggesting that the legislature should enact the prospective petitions 22 and 23 since the basic ideas of the measures is that any change to initiative process should be made through initiative process.
037	Chair Snodgrass	If you were a state representative and also a member of your organization, would you take advantage of your position as a legislator.
044	Meek	Expressing a personal opinion, yes; but cannot speak for other members of the organization.
054	Marbet	Believes they would not pursue this through the legislature--there should be a separation of powers as relates to initiative process only.
		Our constitutional form of government recognizes there is a

060	Vice-Chair Courtney	legislative branch and not a fire wall between the legislative branch and initiative process. Is not an unusual situation for the legislature to pass laws on something accomplished through initiative process. Same goal could be obtained through the referral process in sending an issue to the public for a vote.
087	Marbet	There should not be a fire wall between legislative and initiative process regarding any other issue than the initiative process itself. Legislature in past has hindered initiative process.
106	Vice-Chair Courtney	Legislature is being placed in light on this situation as if there is a sacred area known as the initiative process.
131	Chair Snodgrass	Wants to see copies of Marbet's information. Closes public hearing on HJR 75. Opens public hearing on HJR 47.
<u>HJR 47 - PUBLIC HEARING</u>		
138	Rosemary Wood	Committee Administrator, reviews the provisions of HJR 47.
149	Chair Snodgrass	Closes public hearing on HJR 47. Opens public hearing on SJR 7.
<u>SJR 7 - PUBLIC HEARING</u>		
155	Rosemary Wood	Committee Administrator, Reviews the provisions of SJR 7.
159	Matthew Lowe	Legislative Assistant to Senator Hartung, submits and presents testimony [EXHIBIT H] in support of SJR 7.
168	Rep. Piercy	Offers suggestion for amendments to SJR 7.
177	Lowe	Says he does not think anyone will object.
185	Rep. Piercy	Had conversation earlier today with Rep. Taylor and she was going to meet with the Native American Commission. Did leave a message with Senator. Trow but has not heard back.
187	Lowe	Believes it would only improve the bill.
206	Myron Roberts	Deputy Director for Administration, Oregon Historical society, says they would embrace the change.
214	Chair Snodgrass	Asks Roberts if the change was a surprise.
218	Roberts	Responds new phraseology but would not object to concept.
222	Chair Snodgrass	Is not uncomfortable with the amendments but should check with the sponsors. Closes public hearing on SJR 7. Declares the meeting adjourned at 4:46 p.m.
		[EXHIBIT I] written information submitted by Lloyd K. Marbet becomes part of the record.

Submitted by, Reviewed by,

Valerie H. Luhr Rosemary Wood

Administrative Support Specialist Administrator

EXHIBIT SUMMARY

A - HJR 8, written information, Bill Markham, 3 pp.

B - HJR 8, written information, Jim Seagraves, 3 pp.

C - HJR 8, written information, Kitty Piercy, 2 pp.

D - HJR 8, written testimony, Trey Smith, 2 pp.

E - HJR 75, written testimony, John C. Beatty, Jr., 3 pp.

F - HJR 28, HJR 54, SJR 2 and HJR 54, written testimony, Lloyd K. Marbet, 5 pp.

G - HJR 75, written testimony, Lloyd K. Marbet, 3 pp.

H - SJR 7, written testimony, Matthew Lowe, 1 p.

I - HJR 75, written information, Lloyd K. Marbet, 4 pp.