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SENATE COMMITTEE ON RULES AND ELECTIONS

April 3, 1997 Hearing Room 343

3:00 PM Tapes 33 - 36

MEMBERS PRESENT:

Sen. Randy Miller, Chair

Sen. Gene Derfler, Vice-Chair

Sen. Neil Bryant

Sen. Randy Leonard

Sen. Cliff Trow

MEMBER EXCUSED:

STAFF PRESENT:

Jan Nordlund, Administrator

Jennifer Peck, Administrative Support

MEASURE/ISSUES HEARD:

SJR 27 Public Hearing and Work Session

SB 680 Work Session

SB 577 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		
003	Chair Miller	Opens meeting at 3:25 p.m. and opens public hearing on SJR 27.
<u>SJR 27</u> <u>PUBLIC</u> <u>HEARING</u>		
024	Ron Naso	Superintendent, North Clackamas School District, Clackamas County. Presents (EXHIBIT A) in support of SJR 27. Explains problems with non-votes being counted as "no" votes. Comments on the double majority requirement. Explains wish that SJR 27 will be retroactive.
082	Don Loving	Public Affairs Director, Oregon American Federation of State, County and Municipal Employees, and Chairman of the Board, Chehalem Park and Recreation District, Newberg, Oregon. Presents (EXHIBIT B) in support of SJR 27. States a person's vote should not count unless they cast a ballot. Explains that it can take a couple of years for the elections system to realize a person is dead, and their vote should not be counted.
140	Sen. Derfler	Comments on criticisms for adjusting ballot measures.
146	Loving	States he understands that viewpoint, but this is a huge exception to the rule.
159	Stan Kenyon	City manager for City of Monmouth, Oregon. Presents and reads (EXHIBIT C) in support of SJR 27. States a 50% attendance requirement could encourage citizens not to vote.
190	Barbara Christensen	Elected City recorder and City Elections Officer, Ashland, Oregon. Presents and reads (EXHIBIT D) in support of SJR 27. Cites an example of an election affected by Measure 47.
230	Christensen	Comments on Ashland's needs for elections which do not require a 50% "yes" vote, because the community's citizens relocate or are difficult to trace. Continues to read testimony.
267	Chair Miller	Comments that he intends to have SJR 27 on November 1997 ballot.
272	Dave Schmidt	County Commissioner, Linn County. Supports SJR 27. States that name changes account for some individuals who receive two ballots and that the records of the dead citizens are not always quickly updated.
330	Sen. Trow	Comments that SJR 27 is a positive change which should be made. States he would like an amendment which would make it effective as

		soon as possible.
345	Vicki Ervin	Director of Elections, Multnomah County. Presents and reads (EXHIBIT E) in neutrality to SJR 27.
390	Ervin	Continues to read her testimony.
TAPE 34, A		
001	Ervin	Continues to read her testimony.
025	Sen. Trow	Asks about the need to find the obsolete voters.
030	Ervin	Explains there are good tools available for updating information.
037		Discussion of possible ways to update data.
045	Laurie Wimmer	Government Relations Consultant, Oregon Education Association and Oregon Association of Classified Employees. Presents (EXHIBIT F) in support of SJR 27. States few voters understood the 50% vote issue since they were looking at the property tax issues on Measure 47.
075	Ann Hill	Oregon Public Employees Union. Supports SJR 27. States this issue is one of the reasons her organization opposed Measure 47.
090		Staff presents a public letter submitted prior to the meeting (EXHIBIT G) .
091	Chair Miller	Closes public hearing on SJR 27 and opens work session on SJR 27.
<u>SJR 27</u> <u>WORK</u> <u>SESSION</u>		
092	Chair Miller	Discusses potential conceptual amendments.
104	Sen. Derfler	Comments that sometimes the plan is to circumvent the intent of voting.
119	Sen. Miller	MOTION: Moves to conceptually AMEND SJR 27 to change the date to refer to the people to the November 1997 ballot instead of the May 1998 ballot.
	Chair Miller	Hearing no objection, declares the motion CARRIED.
124	Sen. Trow	Asks if those in opposition to SJR 27 had enough notice it would be heard today.
137	Chair Miller	States input was received on both sides, but the opposition still has time to be heard by the house committee to which this would be referred. States this is also a measure which is a referral to the people in November.
120	Sen. MILLER:	MOTION: Moves SJR 27 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.
	Chair Miller	Hearing no objection, declares the motion CARRIED. SEN. MILLER will lead discussion on the floor.
154	Chair Miller	Closes work session on SJR 27 and opens work session on SB 680.

SB 680 WORK SESSION		
162		Staff submits the proposed -1 amendments for SB 680 (EXHIBIT H).
163	Chair Miller	Explains the previous action on SB 680 and refers to the proposed -1 amendments.
188	Sen. Bryant	Explains the intention of the amendments.
180	Sen. Bryant	MOTION: Moves to ADOPT SB 680 amendments dated 4/1/97.
181	Sen. Derfler	Asks about the amendments.
186	Sen. Bryant	Quotes, "no school district shall prohibit access."
193	Chair Miller	Hearing no objection, declares the motion CARRIED.
194		Staff submits public letter received prior to the meeting (EXHIBIT Y).
195	Sen. Miller	MOTION: Moves SB 680 to the floor with a DO PASS AS AMENDED recommendation.
199	Sen. Trow	States the decisions should be local.
		VOTE: 3-1 AYE: 3 - Bryant, Derfler, Miller NAY: 1 - Trow EXCUSED: 1 - Leonard
	Chair Miller	The motion CARRIES. SEN. MILLER will lead discussion on the floor.
208	Chair Miller	Closes work session on SB 680 and opens public hearing on SB 577.
SB 577 PUBLIC HEARING		
230	Chair Miller	Requests the audience keep order in the room and be succinct in their testimony.
235	Sen. Marilyn Shannon	Senate District 15. Supports SB 577. Comments on a court ruling in Hawaii. Comments on the federal Defense of Marriage Act (DOMA) which defines a legal marriage as a legal union between a man and a woman. States SB 577 is not against any particular group of people.
288	Sen. Shannon	States this does not prevent homosexuals from having private marriage ceremonies. States SB 577 does not affect partner laws in Oregon.
312	Sen. Bob Kintigh	Senate District 22. Presents and reads (EXHIBIT I) in support of SB 577.
331	Sen. Shannon	Comments that in Denmark marriages are considered to be between

		man and woman.
339	Sen. Trow	Asks for the purpose of SB 577.
341	Sen. Shannon	Responds that every state has a right to set policies on same-sex marriages.
366	Sen. Trow	Asks why Oregon should recognize certain marriages.
380		Discussion of same-sex marriages.
393	Rep. Ron Sunseri	House District 22. Supports SB 577. States it is necessary to clarify Oregon's stance on the definition of marriage. Comments on the prohibited states of marriage currently in Oregon, such as polygamy.
TAPE 33, B		
001	Rep. Sunseri	States SB 577 will protect marriage as being between a man and woman.
021	Rep. Charles Starr	House District 3. Presents and reads some of (EXHIBIT J) in support of SB 577.
043	Rep. Chuck Carpenter	House District 7. Opposes SB 577. States there are many other more important issues which should be dealt with by the legislature. States the threat of the state of marriage is not caused by gays and lesbians. States SB 577 is mean and vindictive.
081	Rep. George Eighmey	House District 14. Presents proposed amendments and data (EXHIBIT K) in opposition to SB 577. Notes that inter-racial marriages were prohibited in Oregon's past.
130	Rep. Eighmey	Explains the state of marriage. Lists churches in history which have performed same-sex marriages. Comments on the privileges of legal marriages, such as social security benefits, adoption benefits and medical decision benefits.
182	Rep. Eighmey	Reads (EXHIBIT K).
212	Sen. Avel Gordly	Senate District 10. Opposes SB 577 and states it fosters ill-will and bigotry. Comments this would legislate morality.
243	Sen. Bryant	Asks what rights would be received by recognition of a Hawaiian marriage certificate.
252	Sen. Carpenter	States some of the legal privileges of legally married people.
269	Sen. Bryant	Asks for a list of these privileges.
270	Sen. Carpenter	States he will provide the list.
272	Sen. Susan Castillo	Senate District 20. Presents and reads (EXHIBIT L) in opposition to SB 577. States it urges citizens to attack a specific group within the state.
291	Sen. Ginny Burdick	Senate District 6. Opposes SB 577. Explains this singles out a group in society and denies them equal consideration. Comments that good marriages are not made better because they are denied to homosexuals.
333	Sen. Kate	Senate District 7. Opposes SB 577. Cites examples of married gay and

	Brown	lesbian couples who work hard at making their marriages work.
375	Sen. Bryant	Asks about the comments on "attack."
385	Sen. Brown	Restates that in the past there were discriminatory marriage laws.
394	Chair Miller	Asks if Sen. Brown has heard the opinions of Congress.
399	Sen. Brown	Explains she has not discussed the issue with her Congressional representatives.
420	Chair Miller	Explains Senators and Representatives are allowed to testify first so they may get back to their meetings.
445	Suzanne Cook	Washington County. Presents and reads (EXHIBIT M) in support of SB 577. Explains her life experiences as a daughter of a gay man.
TAPE 34, B		
001	Cook	States the problems she encountered as a daughter of a gay couple.
050	Cook	States her father was not a good father, though he did try. States her father agreed that homosexuality is not healthy for children.
074	Jason Thompson	Supports SB 577. Comments on his decisions as a gay man not to have a child.
120	Thompson	States he is now not a homosexual. States homosexuality is a changeable condition.
128	Kevin Howden	Executive Director, Oregon Center for Family Policy, Salem, Oregon. Presents and reads (EXHIBIT N) in support of SB 577.
172	Howden	Continues to read testimony. Discusses marriages which are not defined. States the definition is critical. Cites studies which concern children influenced by their parents.
230	Howden	Continues to read testimony. States this issue is not about bigotry or hate. Comments that all statutes and laws legislate morality.
287	Sen. Trow	Comments that the hearing should end since there are only two Senators present.
303	Chair Miller	States the committee will continue to listen to the witnesses who are present to speak.
308	Chair Miller	Recesses for one minute.
310	Candace Steele	Ashland, Oregon. Presents (EXHIBIT O) in opposition to SB 577. Explains one of her daughters is a lesbian and lists reasons why that daughter should be allowed to have a marriage such as their other daughters are allowed. States there are about 700 legal benefits for legally married couples.
363	Steele	Continues explaining the privileges of legal marriages.
410	Steele	Explains the legal differences in marriages between homosexuals compared to those between heterosexuals are unconstitutional.
TAPE 35, A		
001	Steele	States there should not be a breakdown of the separation between church and state. States her granddaughter with the lesbian parents is

		treated very well. States lesbian couples deserve the same treatment in marriages as heterosexual couples.
055	Charles Steele	Supports SB 577. Comments on the monogamous and healthy lesbian and gay relationships he has witnessed. States that he and his wife have not been adversely affected by having a lesbian daughter. (Submits EXHIBIT Z after the meeting.)
089	Dave Fidanque	Executive Director, American Civil Liberties Union of Oregon. Opposes SB 577. States SB 577 singles out homosexuals. Comments on couples with children being mandated by the definition of marriage.
153	Barry Pack	Executive Director, Right to Pride. Presents (EXHIBIT P) in opposition to SB 577. Comments on the hospital privileges which are available only to married couples. States SB 577 would not give marriage privileges to homosexuals but instead would simply not prohibit the marriages themselves.
194	John Weston	Professor of English and Religious Studies, Oregon Freedom to Marry Coalition, Lake Oswego, Oregon. Presents and reads (EXHIBIT Q) in opposition to SB 577. Comments on freedom of personal choices.
247	Weston	Continues to read testimony.
254	Arthur J. Saffir	Lake Oswego, Oregon. Presents and reads (EXHIBIT R) in opposition to SB 577. Comments on impeding love.
333	Donna Saffir	Member, Parents, Families and Friends of Lesbians and Gays (PFLAG), Portland, Oregon. Presents and reads (EXHIBIT S) in opposition to SB 577. States her family is attacked by this legislation since one of her sons is gay. States this is a civil rights issue.
384	Gary Smith	Presents and reads (EXHIBIT T) in opposition to SB 577. Describes his relationship with his partner.
TAPE 36, A		
010	Cary Renfro	Marion County. Presents (EXHIBIT U) in opposition to SB 577. Discusses religious versus state acceptance of marriages.
024	Lauren H. Gevurtz	Multnomah County. Opposes SB 577. States she has a lesbian partner to whom she is married and that they wish it could be acknowledged by the state. States her committed relationship was exemplified during her stay in a hospital as her partner stayed with her.
078	Theresa A. Gevurtz	Multnomah County. Opposes SB 577. States she is married to Lauren Gevurtz. States everyone in the state is affected by this legislation. States SB 577 is a personal issue concerning her marriage.
120	Gevurtz	Explains that racist biases can be linked to the types of biases which SB 577 would impose on homosexuals.
149	Arlene Collins	Opposes SB 577. States she has a gay son of whom she is proud as she witnesses him as a partner in a relationship and as a parent.
168	Ed Dennis	Oregon Student Association. Opposes SB 577. States he has been in a committed relationship for 27 years. Discusses the problems with legal finances as a homosexual. Comments that had he and his partner been able to adopt a child they would have. States there are 1,049 laws

		related to married people.
222	Gary M. Klein	Marion County. Opposes SB 577. States he had asked every co-sponsor of DOMA in Washington D.C. what the bill was defending and he did not receive any answers. Explains actions he has taken to get reasons for DOMA.
274	Klein	States he has neighbors who are gay and a benefit to their neighborhood. States he is a twin and yet is denied the privilege of a marriage certificate. States SB 577 prohibits who can be married. Comments on the divorce rate in the United States.
339	Mell Brooks	Washington County. Opposes SB 577. States DOMA is a farce. Comments on a quote on the side of the Capitol Building concerning equal benefits to all Oregon citizens. (Submits EXHIBIT X after the meeting).
384	Nelson Fitzsimmons	Opposes SB 577. States he is a 23 year old gay man and he would like the benefits of marriage, such as visitation rights in the hospital. States he should be allowed to raise children if he so chooses.
TAPE 35, B		
001	Fitzsimmons	Comments that other people younger than himself are legally allowed to marry and he should also be acknowledged as a married partner.
017	Bill Hayden	Chair, PFLAG. Opposes SB 577. States he has two children, yet only his son could be legally married because his daughter is lesbian. States SB 577 is opposed to the rights of homosexuals. States this is really a civil rights issue. (Submits EXHIBIT W after the meeting.)
060	Hayden	States his work with gay youths and comments on the hate they receive. States his daughter is in a committed relationship with a Japanese woman and in the past race would have been the issue, but now it is gender.
081		Staff presents proposed -1 amendments for SB 577 offered by Sen. Shannon (EXHIBIT V).
082	Chair Miller	Closes public hearing on SB 577 and adjourns meeting at 6:29 p.m.

Submitted By, Reviewed By,

Jennifer Peck, Jan Nordlund,

Administrative Support Administrator

EXHIBIT SUMMARY

- A - SJR 27, written testimony, Ron Naso, 2 pp**
- B - SJR 27, written testimony, Don Loving, 1 p**
- C - SJR 27, written testimony, Stan Kenyon, 2 pp**
- D - SJR 27, written testimony, Barbara Christensen, 3 pp**
- E - SJR 27, written testimony, Vicki Ervin, 6 pp**
- F - SJR 27, charts, data and news articles, Laurie Wimmer, 6 pp**
- G - SJR 27, submitted public letter, staff, 1 p**
- H - SB 680, proposed -1 amendments, staff, 1 p**
- I - SB 577, written testimony, Sen. Bob Kintigh, 1 p**
- J - SB 577, written testimony, Rep. Charles Starr, 2 pp**
- K - SB 577, proposed amendments and data, Rep. George Eighmey, 2 pp**
- L - SB 577, written testimony, Sen. Susan Castillo, 1 p**
- M - SB 577, written testimony, Suzanne Cook, 3 pp**
- N - SB 577, written testimony, Michael Howden, 6 pp**
- O - SB 577, written testimony, Candace Steele, 3 pp**
- P - SB 577, written testimony, Barry Pack, 2 pp**
- Q - SB 577, written testimony, John Weston, 3 pp**
- R - SB 577, written testimony, Arthur Saffir, 1 p**
- S - SB 577, written testimony, Donna Saffir, 2 pp**
- T - SB 577, written testimony, Gary Smith, 1 p**
- U - SB 577, pamphlet and reading, Cary Renfro, 3 pp**
- V - SB 577, proposed -1 amendments, Sen. Shannon, 2 pp**
- W - SB 577, written testimony, Bill Hayden, 2 pp**

X - SB 577, written testimony, Mell Brooks, 1 p

Y - SB 680, submitted letter, staff, 2 pp

Z - SB 577, written testimony, Charles Steele, 2 pp
